



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Legislation Text

File #: 25-897, **Version:** 1

Interoffice Memorandum

DATE: June 5, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Approval and execution of Termination and Release of Dedication of Development Rights for Lot 4 of Subdivision Plat for West Orange Plaza Planned Development. District 6. (Development Review Committee)

PROJECT: Termination and Release of Dedication of Development Rights for Lot 4 of Subdivision Plat for West Orange Plaza Planned Development (PD).

PURPOSE: The subject property for this request is Lot 4 of the Subdivision Plat for West Orange Plaza PD. The West Orange Plaza PD is located south of West Colonial Drive between Dorscher Road and Hiwassee Road.

Through this request, the Lot 4 owner is seeking approval of a Termination and Release of a Dedication of Development Rights. The Dedication was recorded on October 12, 1988 pursuant to a Condition of Approval for the "West Orange Plaza PD - Development Plan for Lots 3, 4, and 7 and Development Plan Amendment for Lot 3" to ensure that the PD met open space requirements under County Code.

After the recording of the Dedication, the West Orange Plaza PD was amended in 1993 to expand the size of the PD to include the large open space area to the south. This area expansion caused the Dedication to no longer be necessary for compliance with the County's open space requirements. In addition, the 1993 PD amendment repaved Lot 4 as a parking lot, which is how the lot exists today.

File #: 25-897, Version: 1

The Lot 4 owner has submitted an application, CDR-25-01-025, to construct a 510 square foot drive-thru coffee shop on the subject lot and has reached out to the County about removing the Dedication before proceeding with this development.

The County Attorney's Office has reviewed the document and finds it acceptable as to form. The Development Review Committee Office, Real Estate Management Division, and the Development Engineering Division have reviewed the document in conjunction with the County Attorney's Office. Staff recommends approval and execution of the document.

BUDGET: N/A

BCC Mtg. Date: July 15, 2025

Prepared by and after recording return to:

Kevin B. Reali, Esq.

Stearns Weaver Miller et al.

401 East Jackson Street, Suite 2100

Tampa, FL 33602

Parcel I.D. Nos. 26-22-28-9155-00-030;
26-22-28-9155-00-031; and 26-22-28-9155-00-040.

RESERVED FOR CLERK

TERMINATION AND RELEASE OF DEDICATION OF DEVELOPMENT RIGHTS

THIS TERMINATION AND RELEASE OF DEDICATION OF DEVELOPMENT RIGHTS (“Termination”), dated as of the 15 day of July, 2025 (“**Effective Date**”), entered into by ORANGE COUNTY, a charter county and political subdivision of the State of Florida (“**County**”).

WITNESSETH:

WHEREAS, on October 10, 1988, WEST ORANGE ASSOCIATES, LTD., a Florida limited partnership (“**Dedicator**”) entered into that certain Dedication of Development Rights recorded in Official Records Book 4022, at Page 2996, of the Public Records of Orange County, Florida (“**Dedication**”) in favor of the County; and

WHEREAS, the Dedication required Lot 4 of that certain Subdivision Plat for the West Orange Plaza PD, recorded in Plat Book 14, at Page 66, of the Plat Records of Orange County, Florida (“**Property**”), remain open space (“**Restriction**”); and

WHEREAS, the Restriction was based on the County-approved “West Orange Plaza PD – Development Plan for Lots 3, 4, and 7 and Development Plan Amendment for Lot 3,” (“**Development Plan**”); and

WHEREAS, the passage of time and changed conditions have caused Lot 4, which is approximately 0.55 acres in size, to no longer be suitable as open space; and

WHEREAS, the Development Plan, other West Orange Plaza PD approvals, and County Code currently exist such that the Restriction is no longer necessary or desired by the County; and

WHEREAS, TCB-WCO, LLC, a Delaware limited liability company licensed to do business in Florida (“**Owner**”), is the successor in interest to Dedicator and owner of the Property; and

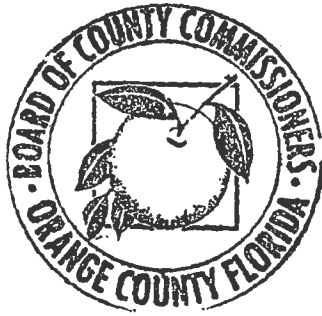
WHEREAS, Owner desires that the Dedication be terminated; and

WHEREAS, the County desires to terminate the Declaration and release any restrictions, limitations, or burdens on the Property related to the Declaration.

NOW, THEREFORE, in consideration of the mutual understandings between Owner and the County and of the covenants set forth hereunder, the County, intending to be legally bound, agrees as follows:

1. **Recitals**. The above recitals are true and correct and incorporated herein by reference.
2. **Termination of Declaration**. The Declaration is hereby terminated, effective as of the Effective Date, and no longer carries any force or effect.
3. **Release of Restriction**. Pursuant to termination of the Declaration, the Restriction is fully released.

IN WITNESS WHEREOF, the County has caused this Termination to be executed on the date hereinafter indicated.



COUNTY
ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

Dated: July 15, 2025

ATTEST:
Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *David Rooney*
Deputy Clerk

David Rooney
Printed Name