

RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**AUTHORIZATION TO CONVEY CERTAIN
COUNTY PROPERTY INTEREST TO THE
CITY OF WINTER GARDEN, FLORIDA**

Resolution No. 2022-M-34

WHEREAS, Orange County ("County"), a charter county and political subdivision of the State of Florida, pursuant to its home rule power and Section 125.38, Florida Statutes, upon an application by the United States, the State of Florida, any political subdivision or agency thereof, any municipality of the State of Florida, or any corporation or not for profit entity organized for the purpose of promoting community interest and welfare, has authority to determine that, upon such an application, certain County property is not needed for County purposes and to convey such property, for nominal price or otherwise, to the State of Florida, any political subdivision or agency thereof, or any municipality of the State of Florida, or any corporation or not for profit entity organized for the purpose of promoting community interest and welfare;

WHEREAS, the County obtained an easement interest in certain property by virtue of an Outfall Ditch Easement recorded on June 14, 1972, in Official Records Book 2236, Page 941, of the Public Records of Orange County, Florida ("**Easement**");

WHEREAS, by virtue of one or more annexation ordinances adopted by the City Commission of the City of Winter Garden, the lands lying within the Easement are now located within the jurisdictional limits of the City of Winter Garden;

WHEREAS, the City of Winter Garden has applied to the County to be assigned the County's interests in the Easement (the "**Assigned Interest**") for the public interest or welfare;

WHEREAS, the County has determined that, pursuant to the City of Winter Garden's application, the Assigned Interest should be assigned to the City of Winter Garden, and such assignment is in the public interest; and

WHEREAS, the City of Winter Garden is qualified, as a municipality under the laws of the State of Florida, to be assigned the Assigned Interest, pursuant to Section 125.38, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

1. The Board hereby determines that the Assigned Interest is not needed for County purposes and that it is in the best interests of Orange County and the City of Winter Garden that the Assigned Interest be assigned to the City of Winter Garden.

2. The Board directs that all of the County's right, title, and interest in the Assigned Interest, to the extent assignable, be assigned to the City of Winter Garden and, as consideration, the City of Winter Garden will assume all of the County's rights, duties, and obligations that exist under the terms and conditions of the Easement.

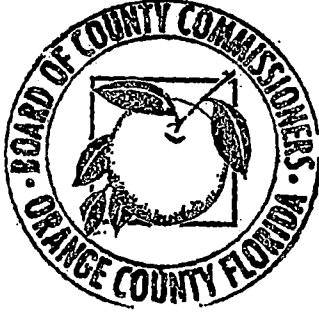
3. The Board directs that the Orange County Mayor execute and deliver an Assignment of Easement to effectuate such assignment, and that the County staff do all things necessary and appropriate to consummate this transaction.

4. The Board also directs that the Clerk of the Board forward a certified copy of this Resolution forthwith to the Mayor of the City of Winter Garden.

5. This Resolution shall become effective upon the date of its adoption by the Board.

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ADOPTED this 21 day of June, 2022.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Ronald B. Bowers*
for Jerry L. Demings
Orange County Mayor

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

By: *Katie Smith*
Deputy Clerk