

ORDINANCE 2019-____

AN ORDINANCE PERTAINING TO DEDICATIONS AND
CONVEYANCES OF REAL PROPERTY TO THE
COUNTY; AMENDING CHAPTER 2, ARTICLE VII OF
THE ORANGE COUNTY CODE BY THE ADDITION OF
DIVISION 2 REGARDING ROUTINE DEDICATIONS AND
CONVEYANCES; PROVIDING FOR CONFLICTS; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law recognizes that there can be no dedication of property to a governing authority for a public use without the essential elements of offer and acceptance; and

WHEREAS, as described in Resolution No. 86-M-44 adopted by the Board of County Commissioners of Orange County, Florida, (the "Board") on October 20, 1986, ("Resolution 86-M-44") Orange County (the "County") is aware that, in some circumstances, instruments offering to dedicate or convey property to the County are recorded in the Public Records of Orange County, Florida, despite the fact that such instruments have not been accepted by the County, and, in some circumstances, where the County has no desire to accept such dedication or conveyance; and

WHEREAS, in response to such situation, by Resolution 86-M-44, the Board declared that "in order for the offer [to dedicate property to the County] to be accepted, the instrument of conveyance must be formally approved and accepted by the Board of County Commissioners in writing"; and

WHEREAS, in recognition of the need for a streamlined property acquisition process in those situations where the County is acquiring property under the threat of eminent domain, the effect of Resolution 86-M-44 was amended by Ordinance No. 92-29 enacted by the Board on October 6, 1992, currently codified at Article VII, Chapter 2 of the Orange County Code, to set parameters for those acquisitions which could be consummated at the administrative staff level; and

WHEREAS, the authority granted to the Real Estate Management Division by Ordinance No. 92-29 included the authority to accept and approve instruments of conveyance and other related documents to the County for all real property acquired by the County pursuant to the terms of Ordinance No. 92-29; and

WHEREAS, certain routine development-related dedications and conveyances to the County do not present questions requiring a policy determination by the Board; and

WHEREAS, Resolution 86-M-44 presently requires such routine development-related dedications and conveyances to be approved and accepted by the Board; and

WHEREAS, the Board has determined that the delay caused by requiring such routine

42 development-related dedications and conveyances to be approved and accepted by the Board is
unnecessary, is detrimental to economic development, and is not in the best interest of the
County or of the public; and

44 **WHEREAS**, in order to expedite the processing of certain development-related
dedications and conveyances, the Board desires to set parameters for those development-related
46 dedications and conveyances that may be accepted and approved at the administrative staff level.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
48 **ORANGE COUNTY, FLORIDA:**

Section 1. Enactment of Routine Dedications and Conveyances Ordinance. Article
50 VII of Chapter 2 of the Orange County Code is hereby entitled “Real Estate Management” and
Section 2-251 through Section 2-257 are designated as “Division 1. Real Estate Acquisition and
52 Settlement”. A new Routine Dedications and Conveyances Ordinance, to be codified at Division
2, Article VII of Chapter 2 of the Orange County Code, Section 2-258 through Section 2-263 is
54 enacted to read as follows:

Division 2. Routine Dedications and Conveyances

56 *Section 2-258. Purpose and Intent.*

58 The purpose and intent of this authorization is to promote
economic development and avoid unnecessary delay by expediting
60 the processing of certain routine development-related dedications
and conveyances of real property to the County by persons and
entities other than the County.

62 *Section 2-259. Conveyances Required by Development.*

64 The Real Estate Management Division (“Division”), acting
through its Manager or such Manager’s designee, is hereby granted
the authority to accept and approve of a dedication or conveyance
66 to the County of an interest in real property (a “Conveyance”)
where all of the following four conditions are met as to such
68 dedication or conveyance:

- 70 (a) such Conveyance: (i) relates, directly or indirectly,
to the development, redevelopment, and/or improvement of real
property by a legal person or legal entity other than the County; (ii)
72 occurs pursuant to a petition to vacate that has been approved by

74 the Board; or (iii) occurs pursuant to an agreement that has been
75 approved by the Board, including but not limited to agreements
76 within the purview of the County's Roadway Agreement
Committee, the County's Development Review Committee, or
another committee or board of the County; and

78 (b) such Conveyance is required by, provided for by, or
79 is being made in satisfaction of at least one of the following: (i) a
80 contract, agreement, ordinance, resolution, or any other action that
81 has been approved by the Board (a "Board Action"); (ii) a permit,
82 approval, plat, or "development order" (as defined in Section
83 163.3164, Florida Statutes (2018)) issued, approved, and/or made
84 by a department, division, committee, or board of the County,
85 other than the Division, pursuant to the lawful authority of such
86 other department, division, committee, or board; or (iii) a condition
87 or provision of the County's comprehensive plan (as defined in
88 Section 163.3164, Florida Statutes (2018)), any zoning approval,
89 any preliminary subdivision plan, development plan, or equivalent,
90 or development order (as defined above); and

92 (c) such Conveyance is being made to the County
93 either: (i) solely as a donation, without consideration on the part of
94 the County; or (ii) solely in consideration of an award or grant of
impact fee credits and/or adequate public facilities (APF) credits,
which award or grant has been approved by a Board Action; and

96 (d) the deed, easement, or other instrument of
97 dedication or conveyance to be recorded does not require
98 execution by the County.

100 ***Section 2-260. Authorization to Accept and Approve
Instruments.***

102 The Division, acting through its Manager or such
103 Manager's designee, is hereby authorized to accept and approve
104 instruments of dedication or conveyance to the County, and other
105 related documents, for all interests in real property acquired by the
106 County pursuant to the terms of this Article (collectively,
107 "Conveyance Instruments"). The acceptance and approval of any
108 such Conveyance Instrument shall be evidenced by the Manager of
109 the Division (or such Manager's designee): (i) stamping such
110 Conveyance Instrument as "Accepted and approved by the Real
111 Estate Management Division, on behalf of Orange County, Florida,
112 pursuant to Division 2, Article VII of Chapter 2 of the Orange
County Code"; and (ii) affixing his or her signature to such
Conveyance Instrument within such stamp.

114 **Section 2-261. Authorization to Record Instruments.**

116 The Division and the Official Records Department of the
118 Orange County Comptroller's Office are hereby authorized to
record Conveyance Instruments accepted and approved by the
Division pursuant to the terms of this Article.

Section 2-262. Authorization to Disburse Funds.

120 The Division and the Finance and Accounting Department
122 of the Orange County Comptroller's Office are hereby authorized
to make disbursements for any Conveyances accepted and
124 approved by the Division pursuant to the terms of this Article –
including recording fees, title searches, title insurance premiums,
126 closing costs, and other similar costs and expenses, as well as any
disbursements that may be required or provided for by any Board
128 Action governing or relating to such Conveyance – subject to the
receipt of such documentation as may be reasonably necessary to
verify compliance with the terms of this Article.

130 **Section 2-263. Optional Procedure.**

132 For avoidance of doubt, this Article provides an optional
procedure for the acceptance and approval of certain Conveyances,
134 as described herein. Notwithstanding anything in this Article to the
contrary, the Division may, where it deems it appropriate, decline
136 to exercise any authority granted to the Division herein and instead
submit such matter to the Board for its consideration.

Sections 2-264 -280 Reserved.

138 **Section 2. Conflicts.** All previous ordinances or resolutions of the County which
conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict,
140 except as provided herein.

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Section 3. Effective Date. This ordinance shall take effect pursuant to general law.

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ADOPTED THIS ____ DAY OF _____ 2019.

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ORANGE COUNTY, FLORIDA

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By: Board of County Commissioners

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By: _____

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Jerry L. Demings

Orange County Mayor

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ATTEST: Phil Diamond, CPA, County Comptroller

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As Clerk of the Board of County Commissioners

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By: _____

Deputy Clerk

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