

MAY 18 2021

# RESOLUTION

of the  
**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
regarding  
**DECLARING COUNTY PROPERTY SURPLUS AND  
AUTHORIZING PRIVATE SALE OF SUCH PROPERTY IN  
ACCORDANCE WITH  
SECTION 125.35(2), FLORIDA STATUTES**

Resolution No. 2021-M-15

**WHEREAS**, Orange County, a charter county and political subdivision of the State of Florida (the "County"), pursuant to its home rule power and Section 125.35, Florida Statutes, has the authority to determine that certain real property is not needed for County purposes and to convey such property to third parties;

**WHEREAS**, the County acquired a permanent drainage easement interest in a certain parcel of land comprising approximately 11,710 square feet, as more particularly described in **Exhibit "A"** attached hereto and made a part hereof by this reference (the "Easement"), by virtue of a certain Second Amended Final Judgment recorded on August 1, 1997, in Official Records Book 5301, Page 4554, of the Public Records of Orange County, Florida;

**WHEREAS**, due to acquisition of road rights-of-way, only 5,710 square feet of the Easement, as more particularly described in **Exhibit "B"** attached hereto and made a part hereof by this reference (the "Parcel"), remains within private ownership;

**WHEREAS**, the Orange County Board of County Commissioners (the "Board") finds that the Parcel is no longer needed for County purposes;

**WHEREAS**, pursuant to Section 125.35(2), Florida Statutes, the Board may effect a private sale of County real property when the Board finds that such real property is "*of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners*";

**WHEREAS**, the Board has determined that the Parcel is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the Parcel;

**WHEREAS**, the Board has also determined that due to the size, shape, location, and value of the Parcel, the Parcel is of use only to one or more adjacent property owners;

**WHEREAS**, therefore, the Board has determined that the requirements of Section 125.35(2), Florida Statutes, for a private sale of the Parcel have been met; and

**WHEREAS**, the Board has determined that a private sale of the Parcel is in the best interest of the County and of the public.

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

**Section 1.** The above recitals are hereby incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

**Section 2.** The Board hereby declares the Parcel as surplus real property.

**Section 3.** The Board hereby authorizes and directs the Real Estate Management Division (the "Division") to offer the Parcel for sale to owners of adjacent property pursuant to a private sale, and to do all things necessary and proper to arrange the conveyance of the Parcel, consistent with the provisions of Section 125.35(2), Florida Statutes.

**Section 4.** The Board hereby authorizes and directs the Division to mail notice via certified mail to all adjacent property owners of the Board's intention to sell and convey the Parcel at a private sale.

**Section 5.** If within ten (10) working days after receiving such mailed notice, a single owner of adjacent property notifies the Division of its desire to purchase the Parcel,

the Division shall negotiate with such owner to effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice.

**Section 6.** If within ten (10) working days after receiving such mailed notice, two or more owners of adjacent property notify the Division of their desire to purchase the Parcel, the Division shall then accept sealed bids for the Parcel from such property owners to effect a sale and conveyance of the parcel at private sale without publishing notice.

**Section 7.** The Board hereby authorizes and directs the Division to solicit a minimum offer or minimum bid, equal to, or greater than the Parcel's appraised value of Nineteen Thousand Five Hundred and No/100 U.S. Dollars (\$19,500.00).

**Section 8.** The Board hereby authorizes and directs the Division to gather and present the highest offer or the highest responsive bid received to the Board for consideration, along with all documents necessary for the conveyance of the Parcel pursuant to this Resolution, including a Release, Termination, and Extinguishment of Easement. No offer or bid shall be deemed accepted by the County until approved by the Board, and the County Mayor has executed all documents necessary for the conveyance of the Parcel pursuant to this Resolution. The Board may reject all offers in its sole discretion.

**Section 9.** If no timely responses are received as described in Section 5 and Section 6 herein, or if all offers have been rejected by the Board, the Division may, at a later date, within one year from the adopted date of this Resolution, offer the Parcel for

sale to owners of adjacent property pursuant to private sale under the terms of this Resolution.

**Section 10.** The Board hereby directs the Clerk of the Board of County Commissioners to forward forthwith a certified copy of this Resolution to the Division.

**Section 11.** This Resolution shall become effective upon its adoption by the Board.

ADOPTED this \_\_\_\_ day of MAY 18 2021, 2021.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

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

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

BY: *Craig Stopyska*  
Deputy Clerk  
for



**EXHIBIT "A"**  
(the "Easement")

PARCEL: 101 - Permanent Drainage Easement

Project: Boggy Creek Road and S. R. 530

Description 1:

Commence at the Southeast corner of Section 33, Township 24 South, Range 30 East; thence run North 00 Deg. 34' 06" West along the East line of said Section 33 and also being the centerline of Boggy Creek Road, for 228.31 feet; thence run South 89 Deg. 25' 54" West for 30.00 feet to the Westerly right of way line of said Boggy Creek Road and the POINT OF BEGINNING of the herein described parcel; thence continue South 89 Deg. 25' 54" West for 125.91 feet; thence run South 37 Deg. 57' 24" West for 224.54 feet to the Northerly right of way line of S. R. 530; thence run East, along said Northerly right of way line, for 46.34 feet to the Westerly limits of that Outfall Ditch Easement as described in Deed Book 832, page 127, Public Records of Orange County, Florida; thence run along the Westerly and Northerly limits of said easement for the following two courses; run North 38 Deg. 31' 00" East for 199.20 feet; thence run South 87 Deg. 58' 00" East for 93.96 feet to the aforementioned Westerly right of way line of Boggy Creek Road; thence run North 00 Deg. 34' 06" West along said Westerly right of way line, for 25.75 feet to the POINT OF BEGINNING.

Containing 10,489 square feet (0.24 acres), more or less.

Description 2:

Commence at the Southeast corner of Section 33, Township 24 South, Range 30 East; thence run North 00 Deg. 34' 06" West along the East line of said Section 33 and along the centerline of Boggy Creek Road for 162.56 feet; thence run South 89 Deg. 25' 54" West for 30.00 feet to the Westerly right of way line of said Boggy Creek Road and the POINT OF BEGINNING of the herein described parcel; thence run along the Southerly and Easterly limits of that Outfall Ditch Easement as described in Deed Book 832, page 127, Public Records of Orange County, Florida for the following two courses; run South 87 Deg. 58' 00" East for 75.58 feet; thence run South 38 Deg. 31' 00" West for 16.64 feet; thence run South 87 Deg. 58' 00" East for 87.34 feet to the aforementioned Westerly right of way line of Boggy Creek Road; thence run North 00 Deg. 34' 06" West, along said Westerly right of way line, for 15.00 feet to the POINT OF BEGINNING.

Containing 1,221 square feet (0.03 acres), more or less.

**EXHIBIT "B"**  
(the "Parcel")

*See the attached Legal Description (Sheet 1 of 2) and Sketch of Description (Sheet 2 of 2)*

# SKETCH OF DESCRIPTION PARCEL

## LEGAL DESCRIPTION:

That portion of an Orange County Drainage Easement as described in Official Records Book 5301, Page 4554 of the Public Records of Orange County, Florida lying in the South 1/2 of the Southeast 1/4 of Section 33, Township 24 South, Range 29 East, North of Simpson Road and West of Boggy Creek Road, more particularly described as follows:

Commence at the Southeast corner of the Southeast 1/4 of Section 33, Township 24 South, Range 29 East, Orange County, Florida; thence run S89°57'55"W, along the South line of said Southeast 1/4, a distance of 197.48 feet; thence run N00°02'05"W, a distance of 115.26 feet to a point on the North Right of Way line of Simpson Road and the POINT OF BEGINNING; thence along the East boundary of an Orange County Drainage Easement as described in Official Records Book 5301, Page 4554 of the Public Records of Orange County, Florida for the following two (2) courses: run N38°05'18"E, a distance of 113.69 feet; thence run S88°23'42"E, a distance of 25.09 feet to a point on the West Right of Way line of Boggy Creek Road, said point being on a Non-Tangent curve, concave to the West, having a Radius of 101.00 feet and a Central Angle of 07°01'44"; thence run Northerly along the arc of said curve, a distance of 12.39 feet (Chord Bearing = N03°21'41"E, Chord = 12.38 feet); thence run N00°08'56"W, a distance of 10.30 feet; thence leaving said West Right of Way line, run along the West boundary of the aforesaid easement the following two (2) courses: S89°00'12"W, a distance of 58.23 feet; thence run S37°31'42"W, a distance of 139.42 feet to a point on the aforesaid North Right of Way line of Simpson Road; thence along said North Right of Way line the following two (2) courses: run N89°59'08"E, a distance of 42.20 feet to the Point of Curvature of a curve concave to the North, having a Radius of 101.00 feet and a Central Angle of 02°51'14"; thence run Easterly along the arc of said curve, a distance of 5.03 feet (Chord Bearing = N88°33'31"E, Chord = 5.03 feet) to the POINT OF BEGINNING.

Containing 5,710 square feet or 0.13 acres, more or less.

### LEGEND

L.B.	LICENSED BUSINESS
SEC.	SECTION
TWP.	TOWNSHIP
RNG.	RANGE
O.R.B.	OFFICIAL RECORDS BOOK
PG.	PAGE
R/W	RIGHT OF WAY
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
DOC #	DOCUMENT NUMBER
TEL.	TELEPHONE
NO.	NUMBER
#	NUMBER
P.S.M.	PROFESSIONAL SURVEYOR AND MAPPER
R.L.S.	REGISTERED LAND SURVEYOR
C1	CURVE NUMBER
L1	LINE NUMBER

### NOTES

BEARINGS AS SHOWN HEREON ARE ASSUMED BASED ON THE SOUTH LINE OF SECTION 33, TOWNSHIP 24 SOUTH, RANGE 29 EAST BEING S89°57'55"W.

THIS SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS. THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY NO CORNERS WERE SET AS A PART OF THIS SKETCH.

REQUESTED BY: WATKIN REAL ESTATE GROUP

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION

DATE OF SKETCH	4/20/2021	REVISIONS	<div style="text-align: center;"> <h2 style="margin: 0;">JOHNSTON'S</h2> <h3 style="margin: 0;">SURVEYING INC.</h3> <p style="font-size: small; margin: 0;">900 Cross Prairie Parkway, Kissimmee, Florida 34744 Tel. (407) 847-2179 Fax (407) 847-6140 L.B. #966</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: right;"> <p style="font-size: x-large; margin: 0;">4/20/21</p> </div> </div> <p style="margin: 5px 0;"><b>RICHARD D. BROWN, P.S.M. #5700</b> (DATE)</p> <p style="font-size: x-small; margin: 0;">NOTE: NOT VALID WITHOUT RAISED SURVEYOR'S SEAL.</p> </div>
SCALE	1" = 60'		
F.B.	PAGE		
SECTION	33		
TWP.	24 S., RNG. 29 E.		
JOB NO.	13-038C	SHEET 1 OF 2	

# SKETCH OF DESCRIPTION PARCEL

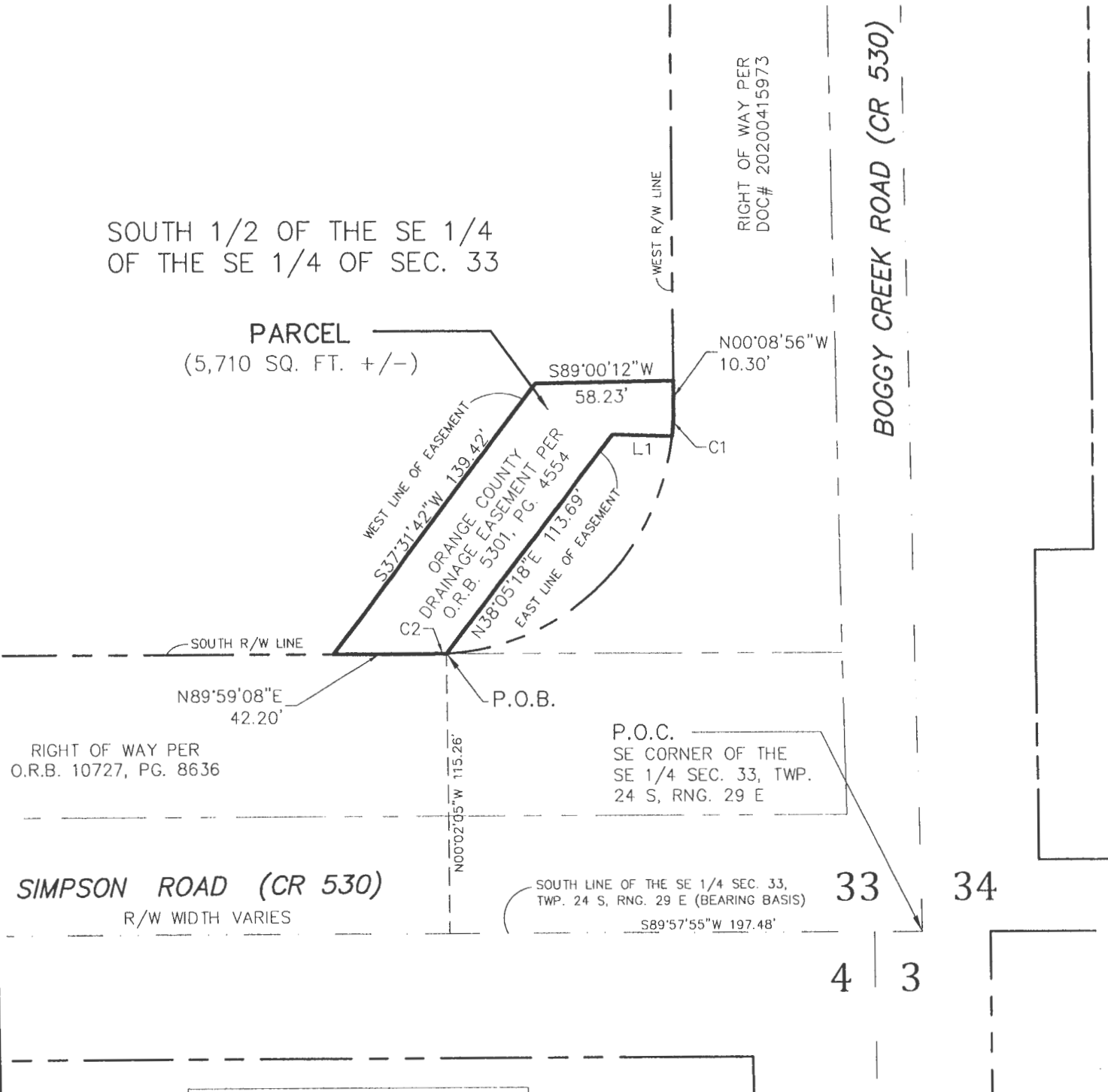


SCALE 1"=60'

CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHD. BEARING	CHORD LENGTH
C1	101.00	7°01'44"	12.39	N03°21'41"E	12.38
C2	101.00	2°51'14"	5.03	N88°33'31"E	5.03

SOUTH 1/2 OF THE SE 1/4  
OF THE SE 1/4 OF SEC. 33

**PARCEL**  
(5,710 SQ. FT. +/-)



### LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S88°23'42"E	25.09'

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION

**JOHNSTON'S**  
SURVEYING INC.  
900 Cross Prairie Parkway, Kissimmee, Florida 34744  
Tel. (407) 847-2179 Fax (407) 847-6140  
L.B. #966

SHEET 2 OF 2