APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

BCC Mtg. Date: Aug. 1, 2017

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

AUTHORIZATION TO CONVEY CERTAIN COUNTY PROPERTY TO FISHER PLANTATION HOMEOWNERS ASSOCIATION, INC.

Resolution No. 2017-M- 25

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, upon such an application, that 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, any political subdivision or agency thereof, or any municipality of 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; and

WHEREAS, Tract "A" of the Fisher Plantation Subdivision ("Tract 'A"") is a drainage and retention tract that was conveyed to the County in fee simple by dedication on the subdivision plat, which plat was recorded on October 6, 2006, in Plat Book 67,

Pages 29-31, of the Official Records of Orange County, Florida, a copy of which is attached hereto as **Exhibit "A**" ("Plat"); and

WHEREAS, the County has determined that Tract "A" is not needed for County purposes, as the County's Public Works Department has confirmed that Tract "A" serves only the subdivision represented on the Plat, and does not provide drainage for any adjacent County-maintained roads or facilities; and

WHEREAS, on February 15, 2017, the Apopka City Council adopted Ordinance 2547, which provided for the annexation of the Fisher Plantation subdivision, contingent upon a majority vote for annexation within the referendum area, and established an effective date of April 21, 2017, for Ordinance 2547; and

WHEREAS, on April 11, 2017, the City of Apopka ("City") conducted a referendum of the registered electors within the Fisher Plantation subdivision, which resulted in an affirmative majority vote for annexation of the subdivision; and

WHEREAS, as a result, the lands described by the Plat, along with Tract "A", are now located within the jurisdictional limits of the City; and

WHEREAS, the Fisher Plantation Homeowners Association, Inc. ("HOA") is a Florida not-for-profit corporation, originally organized for the purpose of maintenance and preservation of the subdivision's lots and common areas and promotion of the residents' health, safety and welfare, and as such is qualified to accept title to County property pursuant to Section 125.38, Florida Statutes; and

WHEREAS, the HOA has indicated willingness to accept title to Tract "A"; and

WHEREAS, the County has determined that in accordance with Section 125.38 of the Florida Statutes, Tract "A" should be conveyed to the HOA in the form attached

hereto as Exhibit "B," and such conveyance is in the public interest;

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

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

2. The Board hereby determines that Tract "A" is not needed for County purposes, that it is in the best interests of Orange County that Tract "A" be conveyed to the HOA for nominal consideration, and that the requirements of Section 125.38, Florida Statutes, for a private sale of property have been met.

3. The Board directs that all of the County's right, title, and interest in Tract "A" be conveyed to the HOA and, as consideration, the HOA will assume all of the County's rights, duties, and obligations as to Tract "A."

4. The Board directs the Orange County Mayor to execute and deliver a County Deed in the form attached hereto as **Exhibit "B"** to effectuate such conveyance, and that staff do all things necessary and appropriate to conclude this transaction.

5. The Board hereby directs that a certified copy of this Resolution shall be forwarded forthwith to the President of the HOA.

6. This Resolution shall become effective upon its adoption by the Board.

ADOPTED this _____ day of _____ AUG 0 1 2017, 2017.

{Signature Page Follows}

Resolution No. 2017-M-Authorization to Convey Tract "A" of Fisher Plantation Subdivision to City of Apopka Following Annexation of Subdivision by Referendum



ORANGE COUNTY, FLORIDA Board of County Commissioners By:

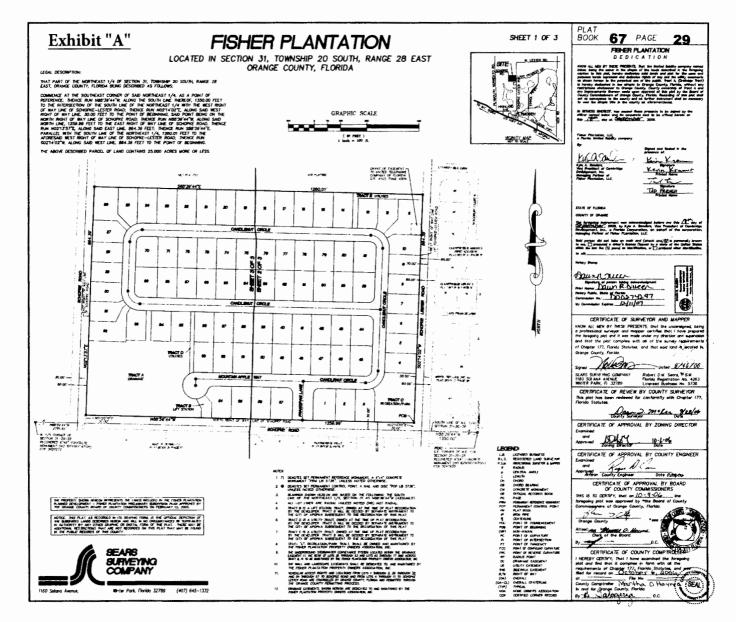
Teresa Jacobs Orange County Mayor By:

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

Katu brut Deputy Gerk By:

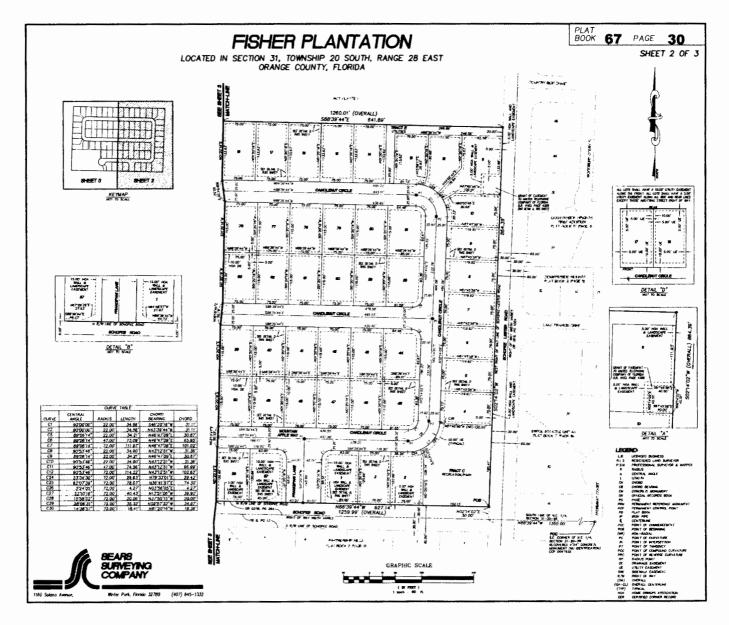
Katie Smith **Printed Name**

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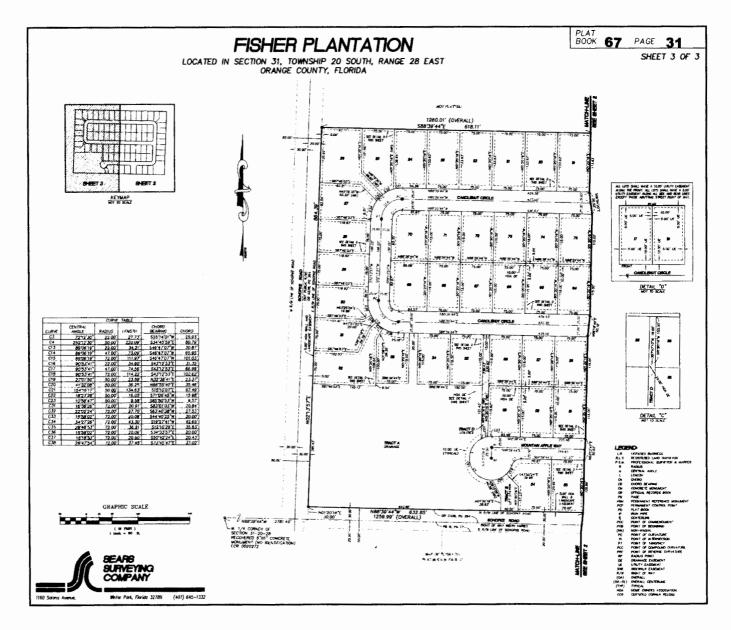


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Exhibit "B"

Project: City of Apopka – Fisher Plantation Annexation (ANX-AP-1719)

COUNTY DEED

THIS DEED, made as of the date signed below, by Orange County, a charter county and political subdivision of the state of Florida, whose address is P. O. Box 1393, Orlando, Florida, 32802-1393, GRANTOR, and Fisher Plantation Homeowners Association, Inc., a Florida not for profit corporation, whose address is 2180 West SR 434, Suite 5000, Longwood, Florida, 32799, GRANTEE.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$1.00 and other valuable considerations, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the said GRANTEE forever, all the right, title, interest, claim, and demand which the GRANTOR has in and to the following described lot, piece, or parcel of land, situate, lying and being in the county of Orange, state of Florida, to-wit:

Tract A, Fisher Plantation, according to the plat thereof, as recorded in Plat Book 67, pages 29 through 31, Public Records of Orange County, Florida.

Property Appraiser's Parcel Identification Number:

31-20-28-2833-00-001

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit, and behoove of the GRANTEE forever. Project: City of Apopka – Fisher Plantation Annexation (ANX-AP-1719)

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year as written below.

(Official Seal)

ORANGE COUNTY, FLORIDA By: Board of County Commissioners

BY:

Teresa Jacobs Orange County Mayor

DATE: _____

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

BY:

Deputy Clerk

Printed Name

This instrument prepared by: Paul Sladek, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

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APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

BCC Mtg. Date: Aug. 1, 2017

Project: City of Apopka – Fisher Plantation Annexation (ANX-AP-1719)

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Tract A, Fisher Plantation, according to the plat thereof, as recorded in Plat Book 67, pages 29 through 31, Public Records of Orange County, Florida.

Property Appraiser's Parcel Identification Number:

<u>31-20-28-2833-00-001</u>

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit, and behoove of the GRANTEE forever.

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year as written below.



ORANGE COUNTY, FLORIDA By: Board of County Commissioners

Hind Aaluanda. Teresa Jacobs Orange County Mayor E: B.1.17 BY:

DATE:

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

BY:

Katie Smith

Printed Name

This instrument prepared by: Paul Sladek, a staff employee in the course of duty with the **Real Estate Management Division** of Orange County, Florida

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