

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

AUTHORIZATION TO CONVEY CERTAIN COUNTY PROPERTY INTERESTS TO THE TOWN OF OAKLAND

Resolution No. 2019-M- 31

WHEREAS, Orange County (the "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, or any corporation or not for profit entity organized for the purpose of promoting community interest and welfare; and

WHEREAS, an easement was granted to the County by that certain Drainage Easement recorded on September 28, 1978, in Official Records Book 2936, Page 833, and re-recorded on October 4, 1978, in Official Records Book 2938, Page 1199, both of the Official Records of Orange County, Florida, a copy of which is attached hereto as **Exhibit "A"** (the "Easement"); and

WHEREAS, the County has determined that the Easement is not needed for County purposes; and

WHEREAS, the Town of Oakland has annexed the lands encumbered by the Easement; and

WHEREAS, as a result, the lands encumbered by the Easement are now located within the jurisdictional limits of the Town of Oakland; and

WHEREAS, the Town of Oakland has indicated a willingness to accept assignment of and to assume the Easement; and

WHEREAS, the County has determined that in accordance with Section 125.38 of the Florida Statutes, the Easement should be assigned to the Town of Oakland 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 the Easement is not needed for County purposes, that it is in the best interests of Orange County that the Easement be assigned to the Town of Oakland for nominal consideration for drainage and retention pond purposes, and that the requirements of Section 125.38, Florida Statutes, have been met.

3. Pursuant to Section 125.38, Florida Statutes, the Board directs that all of the County’s rights, title, and interests in and to the Easement be assigned to the Town of Oakland and, as consideration, the Town of Oakland will assume all of the County’s duties and obligations under the Easement.

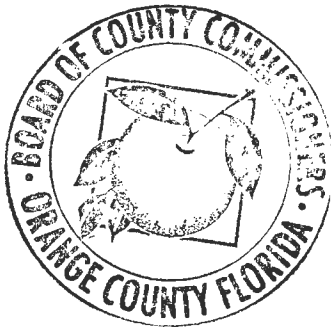
4. The Board directs the Orange County Mayor to execute and deliver an

Assignment of Easement 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 Clerk of the Town of Oakland.

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

ADOPTED this AUG 06 2019.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Brynn W. Brooks*
JL 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

Katie Smith
Printed Name

Exhibit "A"

SEP 23 1978
1296599 ORANGE CO., FL
OCT 4 4 46 AM '78
OAKLAND PAVING AND DRAINAGE IMPROVEMENTS CD #77-13 NO. 16
DRAINAGE EASEMENT c.s. 2938 p. 1199
THIS INDENTURE, made the 20 day of September, 1978 between James P. Speer II and Blanche Speer, Trustees

of the County of Forsyth and State of North Carolina, GRANTOR, and the COUNTY OF ORANGE, in the State of Florida, GRANTEE.

WITNESSETH, That the Grantor, in consideration of the sum of \$ 8985.00 paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby give and grant to the Grantee and its assigns a right-of-way and easement for drainage purposes, with full authority to enter upon, construct and maintain, as the Grantee and its assigns may deem necessary, a drainage ditch, pipe or facility over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

2906
9/20

A retention pond right of way being a portion of the NE 1/4 of the SW 1/4 of SECTION 20, TOWNSHIP 22 SOUTH, RANGE 27 and being more particularly described as Beginning at a Point on the Wly boundary of the TOWN OF OAKLAND, Plat Book B, pages 99 & 100 and on the centerline of the Seaboard Coastline Railroad; thence run South along the West boundary of the aforesaid TOWN OF OAKLAND, a distance of 357.23 feet; thence West along a line perpendicular to said West boundary of Town of Oakland to the centerline of the Seaboard Coastline Railroad; thence run NELY along said centerline to the Point of Beginning; Less railroad right of way and Less East 50.0 feet for road right of way.

ORANGE COUNTY 018581
STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
SEP 28 '78
PB 10529
27.00

ORANGE COUNTY 016061
FLORIDA
DOCUMENTARY SUR TAX
DEPT. OF REVENUE
SEP 28 '78
PB 10633
09.90

NOTE: This instrument is being re-recorded to correct error in description.
RECORDED & RECORD VERIFIED

County Comptroller, Orange Co., Fla.

TO HAVE AND TO HOLD said right-of-way and easement unto said Grantee and its assigns forever.

THE Grantee herein and its assigns shall have the right to clear and keep clear all trees, undergrowth and other obstructions that may interfere with the normal operation or maintenance of the drainage ditch, pipe or facility, out of and away from the herein granted right-of-way, and the Grantor, his heirs, successors and assigns, agrees not to build, construct or create, nor permit others to build, construct or create any buildings or other structures on the herein granted right-of-way that may interfere with the normal operation or maintenance of the drainage ditch, pipe or facility.

IN WITNESS WHEREOF, we have hereto set our hands and seal the day and year above written.

Signed, sealed and delivered in presence of:
James P. Speer II
Blanche Speer

James P. Speer II (Seal)
Blanche Speer (Seal)
THIS INSTRUMENT WAS PREPARED BY F. JANE (Seal)

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

AT THE DIRECTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, ORANGE COUNTY, COURTHOUSE, ORLANDO, FLORIDA.

I hereby certify that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared James P. Speer II and Blanche Speer, Trustees to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the county and state last aforesaid, this 20 day of Sept 1978

Eleanor M. Miller
Notary Public.

My Commission expires: 8-28-80
12-82

1293861 ORANGE CO., FLA. SEP 28 11 10 AM '78
c.s. 2936 p. 833

Exhibit "B"

Project: Retention Pond Transfer - Oakland

ASSIGNMENT of EASEMENT

THIS ASSIGNMENT of EASEMENT (this "**Assignment**") is made and entered into by and between **ORANGE COUNTY**, a charter county and political subdivision of the state of Florida, whose address is P. O. Box 1393, Orlando, Florida 32802-1393, ("**Assignor**") and **TOWN OF OAKLAND**, a Florida municipal corporation, whose address is P. O. Box 98, Oakland, Florida, 34760 ("**Assignee**").

WHEREAS, Assignor is the grantee and current holder of that certain Drainage Easement recorded on September 28, 1978, in Official Records Book 2936, Page 833, and re-recorded on October 4, 1978, in Official Records Book 2938, Page 1199, both of the Public Records of Orange County, Florida (the "**Easement**"); and

WHEREAS, by virtue of annexation, the lands encumbered by the Easement are now located within the jurisdictional limits of the Town of Oakland; and

WHEREAS, subject to the provisions herein, Assignor desires to assign, and Assignee desires to assume, all of Assignor's rights, titles, duties, obligations, and interests in, to, and under the Easement.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Assignment. Assignor hereby assigns and transfers to Assignee, all of the Assignor's rights, titles, duties, obligations, and interests in, to, and under the Easement.
3. Assumption. Assignee hereby assumes from Assignor, all of Assignor's duties and obligations under the Easement, including the maintenance of any existing drainage facilities located within the easement area, and Assignee further agrees that, as a condition of this Assignment, Assignee shall assume and abide by all terms and conditions of the Easement.

[SIGNATURES ON FOLLOWING PAGES]

Project: Retention Pond Transfer - Oakland

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment of Easement as of the date last written below.

(Official Seal)

Assignor:

ORANGE COUNTY, FLORIDA
By Board of County Commissioners

BY: _____
Jerry L. Demings
Orange County Mayor

DATE: _____

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

BY: _____
Deputy Clerk

Printed Name

Project: Retention Pond Transfer - Oakland

Signed, sealed, and delivered
in the presence of:

Witnesses:

Printed Name

Printed Name

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 20____, by Kathy Stark, Mayor, and Kimberly M. Gay, Town Clerk, who are personally known to me or have produced _____ and _____ as identification and acknowledge executing the same freely and voluntarily under the authority vested in them by the Town of Oakland.

(Notary Seal)

This instrument prepared by:
E. Price Jackson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

Assignee:

TOWN OF OAKLAND

By: _____
Kathy Stark, Mayor

Date: _____

ATTEST: _____
Kimberly M. Gay, Town Clerk

Date: _____

Approved as to form and legality for use and
reliance by the Town of Oakland, Florida

Town Attorney

Printed Name

Notary Signature

Printed Notary Name

Notary Public in and for
the county and state aforesaid

My commission expires: