

EXHIBIT "E"

Release of Deed Restrictions

**THIS INSTRUMENT PREPARED BY
AND RETURN TO:**

Stacey Adams, Esq.
Assistant City Attorney
City of Orlando
Office of Legal Affairs
400 S. Orange Avenue, 3rd Floor
Orlando, Florida 32801

STATE OF FLORIDA)
)
COUNTY OF ORANGE)

“RELEASE OF DEED RESTRICTIONS”

Portion of FAA Parcel, Herndon Annex

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the **UNITED STATES OF AMERICA**, acting by and through the Department of the Navy (the “Grantor”) conveyed to the **CITY OF ORLANDO, FLORIDA** (the “City”), a portion of the property that comprised the Naval Training Center, Orlando (“NTC Orlando”), as further described in Exhibit “A,” attached hereto and made a part hereof (“Property”), via quitclaim deed entitled “Quitclaim Deed for FAA Herndon Annex Parcel ” recorded in Official Records Book 6107, Page 3155, et seq. of the Public Records of Orange County, Florida and “Deed for Early Transfer Portion of Herndon Annex, Study Area 2, FAA Parcel”, recorded in Official Records Book 9140, Page 3036, et seq. of the Public Records of Orange County, Florida (the “Deed”); and

WHEREAS, Sections IV through VI of the Deed contain certain terms, restrictions, reservations, covenants, and conditions restricting the use of the Property to public airport purposes (“FAA Restrictions”); and

WHEREAS, the Grantor and the City entered into a Memorandum of Agreement dated December 9, 1997 for the conveyance of property on the Main Base and McCoy Annex Areas of the Naval Training Center Orlando, as amended (the “Agreement”); and

WHEREAS, pursuant to the Agreement, the Grantor conveyed property on the Naval Training Center Orlando known as the Deed for Parcel 23 to the City at a closing on October 27, 1999, recorded in Official Records Book 5869, Page 1709, et seq. of the Public Records of Orange County, Florida; and

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[SIGNATURE PAGE FOLLOWS]

RELEASE OF DEED RESTRICTIONS FROM PORTION OF FAA PARCEL
Page 3.

IN WITNESS WHEREOF, the Grantor has executed this Release of Deed Restrictions in manner and form sufficient to bind it as of the _____ day of _____, 2015.

THE UNITED STATES OF AMERICA

Signed, sealed and delivered
in the presence of:

By: _____

Name: _____

By: _____

Name: _____

By: _____

Name: Gregory C. Preston
Title: Contracting Officer

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, as _____ on behalf of the United States of America, who is personally known to me.

Notary Public Signature

(NOTARY SEAL)

Typed or Printed Notary Name

Notary Public-State of _____

Commission No.: _____

My Commission Expires: _____

RELEASE OF DEED RESTRICTIONS FROM PORTION OF FAA PARCEL
Page 4.

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EXHIBIT A

DESCRIPTION OF PROPERTY

RELEASE OF DEED RESTRICTIONS FROM PORTION OF FAA PARCEL
Page 5.

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EXHIBIT B

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FAA AND AVIATION AUTHORITY CORRESPONDENCE

GOAA LETTERHEAD

April 14, 2015

Bart Vernace
Federal Aviation Administration
Orlando Airports District Office
5950 Hazeltine National Drive, Suite 400
Orlando, FL 32822

RE: Orlando International Airport/Orlando Executive Airport
Request for Concurrence: Exchange of McCoy Annex Property and Herndon
Annex Property Between the City of Orlando ("City") and the Greater
Orlando Aviation Authority ("Aviation Authority")

Dear Mr. Vernace:

The Aviation Authority and the City of Orlando ("City") are requesting your approval for an exchange of properties at Orlando International Airport and Orlando Executive Airport. The exchange of properties will facilitate (1) the City's redevelopment of the Aviation Authority property transferred to the City along with other adjacent City-owned property and (2) Aviation Authority's future development of the City's property transferred to Aviation Authority. The Aviation Authority property was acquired from the Department of the Navy in 1999.

The attached "Exhibit A" illustrates the two parcels of land that are affected in this proposed property exchange. They are listed as:

- City Parcel - 22.27 Acres (owned by the City); and
- Aviation Authority Parcel - 20.05 Acres (owned by Aviation Authority).

The attached "Exhibit B" is a balance sheet that represents the value of property transferred from the Aviation Authority to the City to be equal to the value of property transferred from the City to Aviation Authority. The property values included in this balance sheet were provided in a property appraisal.

You may call me at 407-825-3139 with any questions. Upon completion of your review and consideration, please confirm your concurrence with signature and date below to proceed with these property transfers.

Sincerely,

Brad Friel, AAE
Director of Planning

CONCUR: _____ DATE: _____

Bart Vernace

Subject to issuance of an FAA Deed of Release as to Grant Assurances

Enclosure

EXHIBIT “F”

Deed of Release

Recording:

**THIS INSTRUMENT PREPARED BY
AND RETURN TO:**

Christopher J. Wilson, Esq.
Marchena and Graham, P.A.
976 Lake Baldwin Lane, Suite 101
Orlando, Florida 32814

DEED OF RELEASE

[AVIATION AUTHORITY FAA PARCEL AT ORLANDO EXECUTIVE AIRPORT]

This instrument, a Deed of Release, made by the United States of America, Acting by and through the Administrator of the Federal Aviation Administration ("FAA"), Department of Transportation, under and pursuant to the powers and authority contained in the provisions of 49 U.S.C. § 47153, to the Greater Orlando Aviation Authority (the "Aviation Authority"), a public and governmental body existing under and by virtue of the laws of the State of Florida, and The City of Orlando (the "City"), a Florida Municipal Corporation existing under the laws of the State of Florida (the Aviation Authority and the City hereinafter at some times below collectively referred to as the "Airport Owners").

WITNESSETH:

WHEREAS, the **UNITED STATES OF AMERICA**, acting by and through the Department of the Navy (the "Grantor") conveyed to the **CITY OF ORLANDO, FLORIDA** (the "City"), a portion of the property that comprised the Naval Training Center, Orlando ("NTC Orlando"), as further described in Exhibit "A," attached hereto and made a part hereof ("Property"), via quitclaim deed entitled "Quitclaim Deed for FAA Herndon Annex Parcel " recorded in Official Records Book 6107, Page 3155, et seq. of the Public Records of Orange County, Florida and "Deed for Early Transfer Portion of Herndon Annex, Study Area 2, FAA Parcel", recorded in Official Records Book 9140, Page 3036, et seq. of the Public Records of Orange County, Florida (the "Deed"); and

WHEREAS, Sections IV through VI of the Deed contain certain terms, restrictions, reservations, covenants, and conditions restricting the use of the Property to public airport purposes which are being released by the grantor, the Department of the Navy in a separate release ("FAA Restrictions"); and

WHEREAS, the Property has been included in the Orlando Executive Airport Exhibit "A" Map and Airport Layout Plan and is therefore dedicated to aviation use and encumbered with the FAA Grant Assurances ("FAA Obligations"); and

WHEREAS, the City is fee owner of certain real property located in Orange County, Florida, and incorporated herein by this reference, and which land is to be more particularly described as provided hereinbelow (the "Property"), and aviation Authority occupies and operates the Property as part of Orlando Executive Airport (the "Airport") pursuant to that certain Operation and Use Agreement dated September 27, 1976, as amended (the "Operating Agreement"), with the City; and

WHEREAS, the Aviation Authority, in accordance with the Operating Agreement, has requested the United States of America to release the hereinafter described Property from the Grant Obligations; and

WHEREAS, by virtue of delegation of authority, the Manager, Bart Vernace, Orlando Airports District Office, Airports Division, Southern Region, FAA, under and pursuant to the powers and authority contained in 49 U.S.C. § 47153, is authorized to make determinations on requests for Deed of Release and to execute said Deeds of Release to convey, quitclaim, or release any right or interest reserved to the United States of America by an instrument of disposal; and

WHEREAS, the Manager, Bart Vernace, Orlando Airports District Office, Airports Division, Southern Region, FAA, has determined that the release of such real property as is hereinafter described, from all of the said terms, conditions, reservations and restrictions the FAA Obligations subject to such terms, conditions, reservations, and restrictions, and is necessary to protect or advance the interests of the United States of America in civil aviation, as set forth in the letter from the FAA, attached hereto as **Exhibit "A"**.

NOW THEREFORE, for and in consideration of the above expressed recitals and of the benefits to accrue to the United States and to civil aviation, the United States of America, the FAA Obligations are released and terminated with the following restrictions being imposed on the Property:

(1) The City shall reserves unto itself, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the real property herein described, together with the right to cause in said airspace such noise as may be inherent in the operations of aircraft, now known or hereafter used, for navigation of, or in the said airspace, for use of said airspace for landing on, or taking off from, or operating on Orlando Executive Airport.

(2) The City expressly agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural growth and other obstructions on the herein described real property to such a height so as to comply with the FAA Regulations, Part 77.

(3) The City expressly agrees for itself, its successors and assigns, to prevent any use of the herein described real property which would interfere with the landing or takeoff of aircraft at Orlando Executive Airport, or interfere with the air navigation, and

WITNESSES:

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION**

Print Name: _____

Print Name: _____

By: _____
Bart Vernace, Manager
Orlando Airports District Office
Airports Division, Southern Region
Federal Aviation Administration

STATE of FLORIDA)
COUNTY of ORANGE)

On this ___ day of _____, 2015, before me a Notary Public in and for the County of Orange, State of Florida, personally appeared _____, as Airport District Office Manager, known to me to be the Manager, _____ Airports District Office, Airports Division, Southern Region, Federal Aviation Administration, and known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same on behalf of the Administrator of the Federal Aviation Administration and the United States of America.

Witness my hand and official seal.

Print Name: _____
Notary Public in and for said County
and State

(SEAL)

My commission expires: _____

EXHIBIT "A"

Letter from FAA
[see attached Exhibit "A"]

DRAFT

GOAA LETTERHEAD

April 14, 2015

Bart Vernace
Federal Aviation Administration
Orlando Airports District Office
5950 Hazeltine National Drive, Suite 400
Orlando, FL 32822

RE: Orlando International Airport/Orlando Executive Airport
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Sincerely,

Brad Friel, AAE
Director of Planning

CONCUR: _____ DATE: _____

Bart Vernace

Subject to issuance of an FAA Deed of Release as to Grant Assurances

Enclosure

COMPOSITE EXHIBIT "B"

Deed of Release Property

DRAFT

Map of Boundary Survey
of
Orlando Executive Airport (OEA) Exchange Parcel
Located in
Section 28, Township 22 South, Range 30 East
Orange County, Florida

OVERALL LEGAL DESCRIPTION (prepared By Surveyor):

[illegible]

Containing 20 0.50 acres, more or less.

Parent 1 (As Coached Mother) 10.621 hours /

Parcel 2 (1% Explored Parcel): 9,429 acres. 1

Survivor's Notes:

- [illegible]

¹ *Matters Shown on or imposed by the plot of Hastings Subdivision, recorded May 22, 1911 in Plat*

- [illegible]

19 The centerline of the 117' wide gas line easement and the centerline of the 20' wide reclaimed water line easement shown hereon are approximate and based on previous information shown on map prepared by this

.....CHAEI
 dated January 28, 2010

2

[Signature]

STATE OF
ED

UNITED STATES PATENT AND TRADEMARK OFFICE

