



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 08 2014 *nc/kt*

REAL ESTATE MANAGEMENT ITEM 1

DATE: June 13, 2014

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Acting Manager *ac*
Real Estate Management Division

FROM: Elizabeth Price Jackson, Senior Title Examiner *epj*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Acting Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF BOAT DOCK RESTRICTION AGREEMENT (FOR WATERFORD LANDING CONDOMINIUM ASSOCIATION COMMON AREA) BETWEEN WATERFORD LANDING CONDOMINIUM ASSOCIATION, INC. AND ORANGE COUNTY AND AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: Boat Dock Restriction Agreement
Waterford Landing Condominium Association Common Area

District 5

PURPOSE: To meet requirements of County Boat Dock Permit No. BD-14-01-003.

ITEM: Boat Dock Restriction Agreement (for Waterford Landing Condominium Association Common Area)

APPROVALS: Real Estate Management Division
County Attorney's Office
Environmental Protection Division

REMARKS:

County Boat Dock Permit No. BD-14-01-003 (Permit) issued by Orange County Environmental Protection Division requires this Boat Dock Restriction Agreement (Agreement). The Agreement states that the Permit allows construction of a semi-private boat dock and cites County Code Section 15-344 which requires the Association to restrict the construction of additional boat docks on the Subject Property that would exceed the maximum allowed for private docks under Article IX, Chapter 15 thereof.

Waterford Landing Condominium Association, Inc. to pay recording fees.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.

Boat Dock Restriction Agreement
Waterford Landing Condominium Association Common Area

Prepared by:

Grant A. Beardsley, Esq.
Beardsley & Galvin, PL
390 N. Orange Avenue, Suite
2300 Orlando, Florida 32801
Phone: 321-445-9933

Email: gab@beardsleygalvin.com

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 08 2014 NP/KH

Return to:

Orange County Real Estate Management Division
400 East South Street, 5th floor
Orlando, Florida 32801

Orange County Parcel 1D# 15-22-31-9110-00-001
Permit # BD-14-01-003

BOAT DOCK RESTRICTION AGREEMENT
(for Waterford Landing Condominium Association Common Area)

This BOAT DOCK RESTRICTION AGREEMENT is given by **Waterford Landing Condominium Association, Inc.**, a Florida corporation (Florida Corporations Division Document II N06000005285) (the "Association") (which has a mailing address at 2180 West State Road 434; Longwood, Florida 32779), in favor of **Orange County**, a charter county and political subdivision of the State of Florida (which has a mailing address at Post Office Box 1393; Orlando, Florida 32802-1393) (the "County"), (collectively, the "Parties").

Recitals

1. The Association is the fee simple owner of certain real property located in Orange County, Florida, viz:

Begin at the West 1/4 corner of Section 15, Township 22 South, Range 31 East, Orange County, Florida; thence run North 00°16'19" East along the West line of the Northwest 1/4 of said Section 15 a distance of 30.02 feet to a point on the Westerly projection of the North right-of-way line of Plymouth Street, said right-of-way having been vacated according to Deed Book 513, Page 203 of the Public Records of Orange County, Florida; thence departing said West line of the Northwest 1/4 of Section 15 run North 87°37'55" East a distance of 1283.24 feet to the West right-of-way line of Alafaya Trail, as it currently exists, said point lying on a curve concave Easterly, which chord bears South 01°51'41" East, and having for its principle elements 4 radius of 15271.12 feet and a central angle of 00°06'39"; thence run Southerly along the arc of said curve, and Westerly right-of-way line, a distance of 29.54 feet to the point of tangency thereof; thence run South 01°55'00" East a distance of 328.48 feet to a point on the South line of Lot 2, Block "E" of said vacated portion of Morningside Subdivision; thence run South 88°07'40" West along the South line of said Lot 2 a distance of 249.20 feet: thence run South

Boat Dock Restriction Agreement
Waterford Landing Condominium Association Common Area

88°11'42" West along the South line of Lot 4, Block "E" of said vacated plat of Morningside Subdivision and a Westerly extension thereof a distance of 326.39 feet to the center line of Andalusia Avenue said right-of-way having been vacated by Deed Book 513, Page 203 of the Public Records of Orange County, Florida; thence run South 15°04'18" East along said center line a distance of 258:82 feet to a point on an Easterly projection of the South line of the North 1/4 of Lot 17, Block "I" of said vacated portion of Morningside Subdivision: thence run South 57°14'53" West along said projection and the South line of the North 1/2 of said Lot 17 a distance of 266 feet more or less to the edge of the water of Lake Rouse; thence run Northwesterly along said edge of water a distance of 674 feet, more or less, to a point on the West line of the Southwest 1/4 of said Section 15; thence run North 02°12'59" West along said West line a distance of 334 feet, more or less, to the Point of Beginning.

Also identified by Orange County Florida Property Appraiser's Parcel Identification # 15-22-31-9110-00-001 (the "Subject Property").

2. The Association became owner of the Subject Property by submission thereof to condominium evidenced in the Waterford Landing Condominium Declaration recorded in Orange County Official Records Book **8684**, at Page **2101** (the "Waterford Landing Declaration").

3. The Association desires to construct a semi-private boat dock on a portion of the Subject Property in accordance with County Boat Dock Permit No. BD-14-01-003 (the "Permit").

4. Orange County Code Section 15-344 requires the Association to restrict the construction of additional boat docks on the Subject Property that would exceed the maximum" allowed for private docks under Article IX, Chapter 15 thereof.

5. The Waterford Landing Declaration restricts owners within the development from making improvements on the common area property, including the Subject Property without written approval of the Waterford Landing board of directors.

2. In order to comply with Section 15-344 of the Orange County Code, this restriction agreement is given in favor of the County and, at the request of the County, will be recorded in Orange County, Florida Official Records.

3. The effective date of this Agreement (the "Effective Date") shall be the date when the last one of the Parties has properly executed this Agreement as determined by the date set forth immediately below the respective signatures of the Association and the County

Agreement

ACCORDINGLY, in consideration of the above recitals, agreements, mutual

Boat Dock Restriction Agreement
Waterford Landing Condominium Association Common Area

covenants, terms, conditions and restriction contained herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the Parties, the Parties agree as follows.

I. No boat dock other than the semi-private boat dock associated with the Permit shall be constructed, approved or allowed on the Subject Property.

2. The covenants, terms, conditions and restrictions set forth in this agreement shall be binding upon and inure to the benefit of the Parties and their respective personal representatives, heirs, successors and assigns, and shall continue as a servitude running in perpetuity with the Subject Property.

3. No amendment may be made to this agreement without the prior written approval of the County.

IN WITNESS WHEREOF, the Parties have executed this Boat Dock Restriction Agreement as of the dates set forth below.

Waterford Landing Condominium Association, Inc.,
a Florida corporation

By: *Hamid Amirzadeh*
Hamid Amirzadeh, Director & Secretary

Date: 6-6-14

STATE OF FLORIDA
COUNTY OF Seminole

On this date, this instrument was acknowledged before me by the aforesaid Hamid Amirzadeh, as Director and Secretary of Waterford Landing Condominium Association, Inc., a Florida corporation, who is personally known to me or produced [redacted] as identification.

Witness my hand and official seal this 6 day of June, 2014.

(Notary Seal)

Marcia A Taylor
Notary Signature

MARCIA A-TAYLOR
Printed Notary Name

My Commission Expires: 11-19-16



Boat Dock Restriction Agreement
Waterford Landing Condominium Association Common Area

(Official Seal)



Orange County, Florida
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs,
Orange County Mayor
Date: *7.8.14*

Attest: Martha O. Haynie,
Orange County Comptroller
as Clerk of the Board of County Commissioners

By: *Jessica Moore*
for Deputy Clerk

Jessica Moore
Printed Name