




Interoffice Memorandum

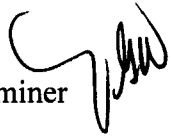
APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 29 2014 KH/CS

REAL ESTATE MANAGEMENT ITEM 7

DATE: July 8, 2014

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Acting Manager 
Real Estate Management Division

FROM: Virginia G. Williams, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Acting Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF ROAD RIGHT-OF-WAY AND APPURTENANCES EASEMENT BETWEEN THE DR. P. PHILLIPS FOUNDATION AND ORANGE COUNTY AND AUTHORIZATION AND AUTHORIZATION TO PERFORM ALL ACTIONS NECESSARY AND INCIDENTAL TO CLOSING

PROJECT: Wallace Road – YMCA Dr. Phillips (RAC)

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of road widening improvements, as a requirement of a transportation impact fee agreement.

ITEM: Road Right-of-Way and Appurtenances Easement
Cost: \$252,000 (Impact Fee Credits)
Size: 1.12 acres

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department
Risk Management Division
Transportation Planning Division

REMARKS: On April 8, 2014, the Board of County Commissioners approved the Transportation Impact Fee Agreement Dr. P Phillips YMCA Expansion Wallace Road (Agreement). The Agreement provides for the owner to dedicate right-of-way for Wallace Road.

Owner to pay all closing costs.

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.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 29 2014 KHBS

Project: Wallace Road – YMCA Dr. Phillips (RAC)

ROAD RIGHT-OF-WAY AND APPURTENANCES EASEMENT

THIS INDENTURE, Made this 13th day of June, A.D. 2014, between THE DR. P. PHILLIPS FOUNDATION, a Florida not-for-profit corporation, having its principal place of business in the county of Orange, whose address is 7400 Dr. Phillips Blvd., Orlando, Florida 32819-5146, GRANTOR, and ORANGE COUNTY, a charter county and a political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, GRANTEE.

WITNESSETH, That the GRANTOR, in consideration of the sum of \$1.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns, a non-exclusive easement for road right-of-way purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a public road right-of-way and appurtenances over, under, upon, and through the following described lands situate in Orange County aforesaid to-wit ("Easement Area"):

SEE ATTACHED SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of

27-23-28-0000-00-025

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever, subject to the terms and conditions set forth hereinbelow.

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 normal operation or maintenance of the road right-of-way and/or appurtenances, out of and away from the herein granted easement, and the GRANTOR, its heirs, successors, and assigns agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures in the Easement Area that may interfere with the normal operation or maintenance of the road right-of-way and/or appurtenances. All utilities placed in the Easement Area will be underground. The GRANTEE, at the GRANTEE's cost and expense, shall be responsible for the relocation of any existing utility facilities in the Easement Area and the construction of any roadway improvements in the Easement Area.

This easement is non-exclusive. The GRANTOR shall have the authority to use and to authorize others to use the Easement Area in any manner consistent with Grantee's use and rights. The GRANTOR reserves the right, but is not obligated, to cultivate and care for the grass, trees and shrubbery within said Easement Area, at any time the GRANTEE has failed to do so.

Project: Wallace Road – YMCA Dr. Phillips (RAC)

To the extent permitted by law, and without waiving the GRANTEE's sovereign immunity and Florida Statutes §768.28, the GRANTEE covenants and agrees to indemnify, protect, defend, and hold harmless the GRANTOR from and against any and all claims, actions, causes of action, loss, damage, injury, liability, cost or expense, including without limitation attorneys' fees (whether incurred before, during or after trial, or upon any appellate level, or in arbitration, mediation, or in any proceeding in bankruptcy or insolvency), arising from the GRANTEE's negligent use of the Easement Area.

SIGNATURE PAGE AND SCHEDULE "A" FOLLOW

Project: Wallace Road – YMCA Dr. Phillips (RAC)

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed in its name by Kenneth D. Robinson, its President.

THE DR. P. PHILLIPS FOUNDATION,
a Florida not-for-profit corporation

Signed, sealed, and delivered
in the presence of:

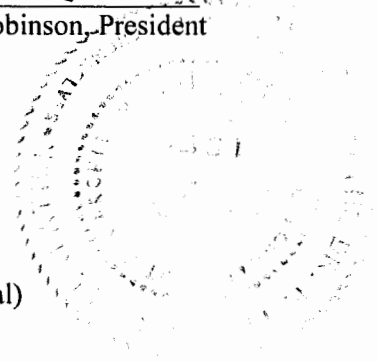
Troy W. Finnegan
Witness

Troy W. Finnegan
Printed Name

LuAnn McCollum
Witness

LuAnn McCollum
Printed Name

By: Kenneth D. Robinson
Kenneth D. Robinson, President



(Corporate Seal)

(Signature of TWO Witnesses required by Florida Law)

**STATE OF FLORIDA
COUNTY OF ORANGE**

I HEREBY CERTIFY, that on this 13th day of June, 2014, before me personally appeared Kenneth D. Robinson, as President of THE DR. P. PHILLIPS FOUNDATION, a Florida not-for-profit corporation, to me known to be, or who has produced _____ as identification, the individual and officer described in and who executed the foregoing conveyance and acknowledged the execution thereof to be his free act and deed as such officer thereunto duly authorized, and that the official seal of said corporation is duly affixed thereto, and the said conveyance is the act and deed of said corporation.

Witness my hand and official seal this 13th day of June, 2014.

(Notary Seal)



TROY W. FINNEGAN
MY COMMISSION # EE 178164
EXPIRES: July 6, 2016
Bonded Thru Budget Notary Services

Troy W. Finnegan
Notary Signature
Troy W. Finnegan
Printed Notary Name

This instrument prepared by:
Troy Finnegan, Esq.
General Counsel
Dr. Phillips Charities
7400 Dr. Phillips Blvd.
Orlando, FL 32819

Notary Public in and for
the county and state aforesaid

My commission expires: July 6, 2016

SCHEDULE "A"

Description :


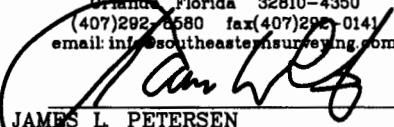
A portion of the SE 1/4 of the NE 1/4 of Section 27, Township 23 South, Range 28 East, Orange County, Florida being more particularly described as follows :

Commence at the Northeast corner of the SE 1/4 of the NE 1/4 of Section 27, Township 23 South, Range 28 East, Orange County, Florida; thence S 89°56'40" W a distance of 75.00 feet along the North line of said SE 1/4 of the NE 1/4 to the Point of Beginning; said point being on a Northerly projection of the West right of way line of Dr. Phillips Boulevard per Official Records Book 2490, Page 1235, Public Records of Orange County, Florida; thence S 00°06'25" W a distance of 67.12 feet along said Northerly projection and along the West right of way line of said Dr. Phillips Boulevard to a point; thence leaving said West right of way line N 44°53'35" W a distance of 24.14 feet to a point on a line that is 50.00 feet South of and parallel with the said North line; thence S 89°56'40" W a distance of 538.36 feet along said parallel line to a point; thence N 00°03'20" W a distance of 20.00 feet to a point on a line that is 30.00 feet South of and parallel with said North line; thence S 89°56'40" W a distance of 701.61 feet along said parallel line to a point on the West line of said SE 1/4 of the NE 1/4; thence N 00°01'10" E a distance of 30.00 feet along said West line to a point on the North line of said SE 1/4 of the NE 1/4; thence N 89°56'40" E a distance of 1257.15 feet along said North line to the Point of Beginning.

Containing 1.12 acres more or less.

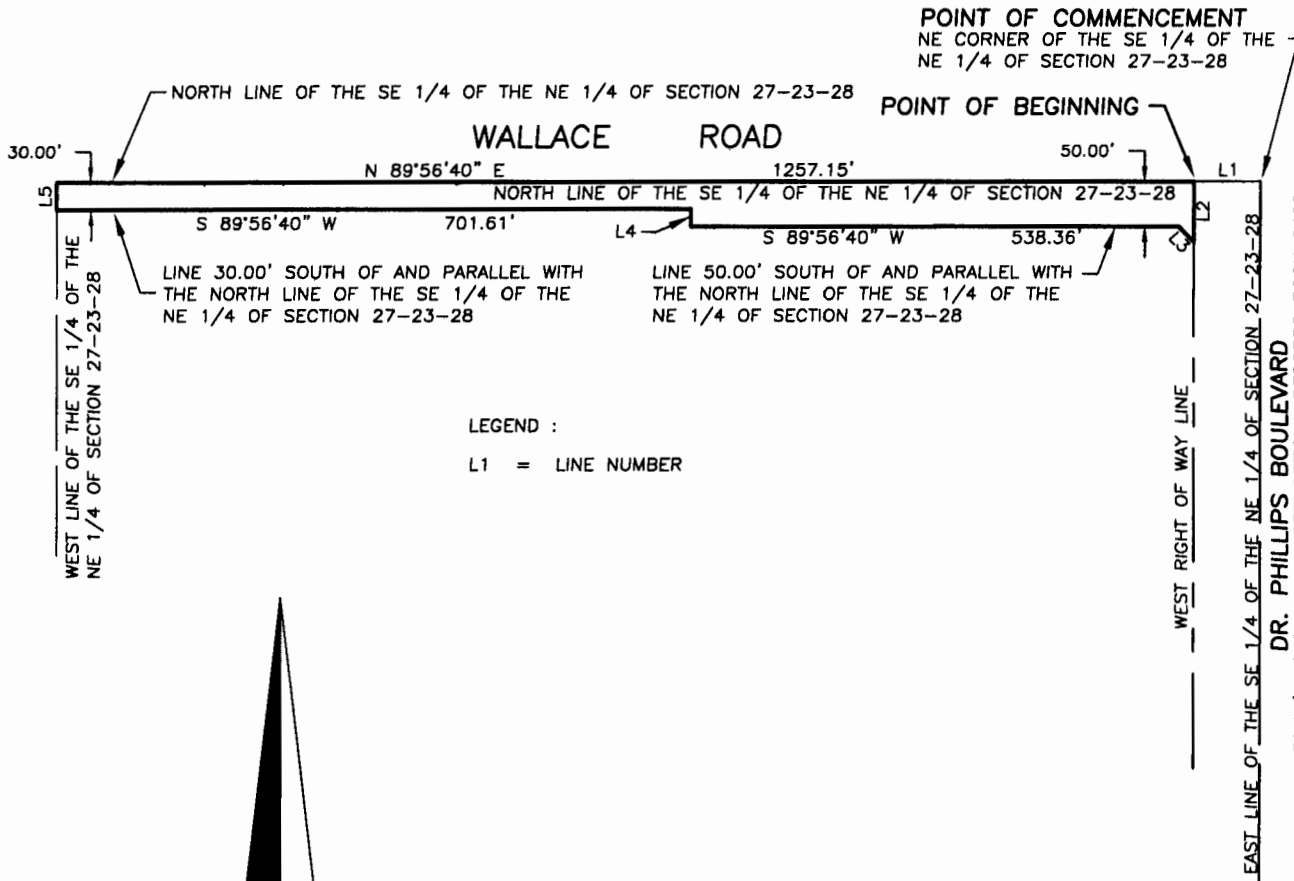
SURVEYORS REPORT

1. Bearings shown hereon are based on the North line of the SE 1/4 of the NE 1/4 of Section 27, Township 23 South, Range 28 East being N 89°56'40" E assumed.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying Chapter 5J-17.050-.052 requirements.

DESCRIPTION FOR CENTRAL FLORIDA YMCA	Date: 12/31/2013 KR		CERTIFICATION NUMBER LB2108 56925006  SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-6580 fax(407)292-0141 email: info@southeasternsurveying.com  JAMES L. PETERSEN REGISTERED LAND SURVEYOR NUMBER 4791
	Job No.: 56925	Scale: 1"=200'	
	REVISED: 1/10/14 BMD Chapter 5J-17.050-.052, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH			

SKETCH OF DESCRIPTION

LINE TABLE		
LINE	LENGTH	BEARING
L1	75.00'	S 89°56'40" W
L2	67.12'	S 00°06'25" W
L3	24.14'	N 44°53'35" W
L4	20.00'	N 00°03'20" W
L5	30.00'	N 00°01'10" E



LEGEND :
L1 = LINE NUMBER



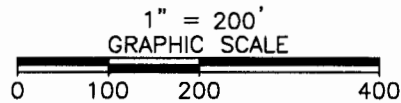
DR. PHILLIPS BOULEVARD
150.00' RIGHT OF WAY PER OFFICIAL RECORDS BOOK 2490,
PAGE 1235, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

NOTE :
NOT VALID WITHOUT SHEET 1.

REVISED: 1/10/14 BMD

Drawing No. 56925006
Job No. 56925
Date: 12/31/2013
SHEET 2 OF 2
See Sheet 1 for Description

THIS IS NOT A SURVEY



SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
Certification Number LB-2108
email: info@southeasternsurveying.com