




Interoffice Memorandum


APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 19 2014 NP/KH

REAL ESTATE MANAGEMENT ITEM 7

DATE: July 30, 2014

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Acting Manager 
Real Estate Management Division

FROM: Jeffrey L. Sponenburg, Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Acting Manager

DIVISION/ SECTION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN THE HOMEOWNERS ASSOCIATION OF EAGLE CREEK, INC. AND ORANGE COUNTY AND AUTHORIZATION TO RECORD INSTRUMENT .

PROJECT: Eagle Creek Village L Phase 2 OCU File #73645

District 4

PURPOSE: To provide for access, construction, operation, and maintenance of utility facilities as a requirement of development.

ITEM: Utility Easement
Cost: Donation
Size: 4,234 square feet

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all 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.

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Project: Eagle Creek Village L Phase 2 OCU File #73645

UTILITY EASEMENT

THIS INDENTURE, Made this 8th day of July, A.D. 2014, between The Homeowners Association of Eagle Creek, Inc., a not-for-profit corporation organized and existing under the laws of the state of Florida, having its principal place of business in the city of Altamonte Springs, county of Seminole, whose address is 370 Centerpointe Circle Suite 1136 Altamonte Springs, Florida 32701, GRANTOR, and ORANGE COUNTY, a charter county and 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 \$10.00 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 right-of-way and easement for utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, water lines, wastewater lines, reclaimed water lines, and any other utility facilities over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number(s):

a portion of

29-24-31-2295-18-003

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 normal operation or maintenance of the utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted right-of-way, and the GRANTOR, its 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 utility facilities installed thereon.

GRANTEE'S obligation to restore landscaping shall be limited to an obligation to restore to Orange County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

GRANTEE may at any time increase its use of the easement, change the location of pipelines or other facilities within the boundaries of the easement right-of-way, or modify the size of existing pipelines or other improvements as it may determine in its sole discretion from time to time without paying any

Project: Eagle Creek Village L Phase 2 OCU File #73645

additional compensation to GRANTOR or GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed and delivered in the presence of:

The Homeowners Association of Eagle Creek, Inc., a Florida not-for-profit corporation

[Signature]
Witness

BY: [Signature]

[Signature]
Printed Name

Nicholas Gluckman
Printed Name

[Signature]
Witness

President
Title

Tania Mohun
Printed Name

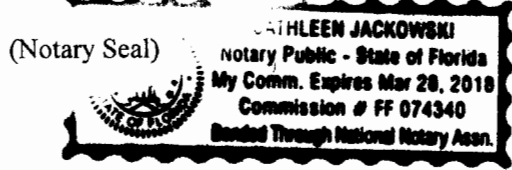
(Corporate Seal)

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, personally appeared Nicholas Gluckman, as President of The Homeowners Association of Eagle Creek, Inc., a not-for-profit corporation organized and existing under the laws of the state of Florida, to me known to be, or who has produced _____ as identification, and did (did not) take an oath, the individual and officer described in and who executed the foregoing conveyance and acknowledged the execution thereof to be his/her 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 8th day of July, 2014.



[Signature]
Notary Signature
Kathleen Jackowski
Printed Notary Name

This instrument prepared by:
Jeffrey L. Sponenburg, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

Notary Public in and for the county and state aforesaid.
My commission expires: 3/28/2018

OCU #73645
 Eagle Creek Village L Phase 2
 Permanent Utility Easement
 Parcel 274 (Reclaimed Water)

EXHIBIT "A"

Description:

A portion of Tract RC, Eagle Creek Recreation Center according to the Plat thereof as recorded in Plat Book 78, Pages 5 and 6 of the Public Records of Orange County, Florida. Lying Sections 32 and 29 Township 24 South, Range 31 East, Orange County, Florida. Said parcel being more particularly described as follows:

Commence at the Northwest corner of Tract RC, Eagle Creek Recreation Center according to the Plat thereof as recorded in Plat Book 78, Pages 5 and 6 of the Public Records of Orange County, Florida; thence South 00° 00' 00" East, 174.93 feet along the Westerly line of said Tract RC to the Point of Beginning; thence North 90° 00' 00" East, 15.00 feet to a line 15.00' East and parallel to the Westerly line of said Tract RC; thence South 00° 00' 00" East, 282.24 feet along said parallel line to a point on said Westerly line; thence North 90° 00' 00" West, 15.00 feet along said Westerly line; thence North 00° 00' 00" West, 282.24 feet along said Westerly line to the Point of Beginning.

Said parcel contains 4,234 square feet, more or less.

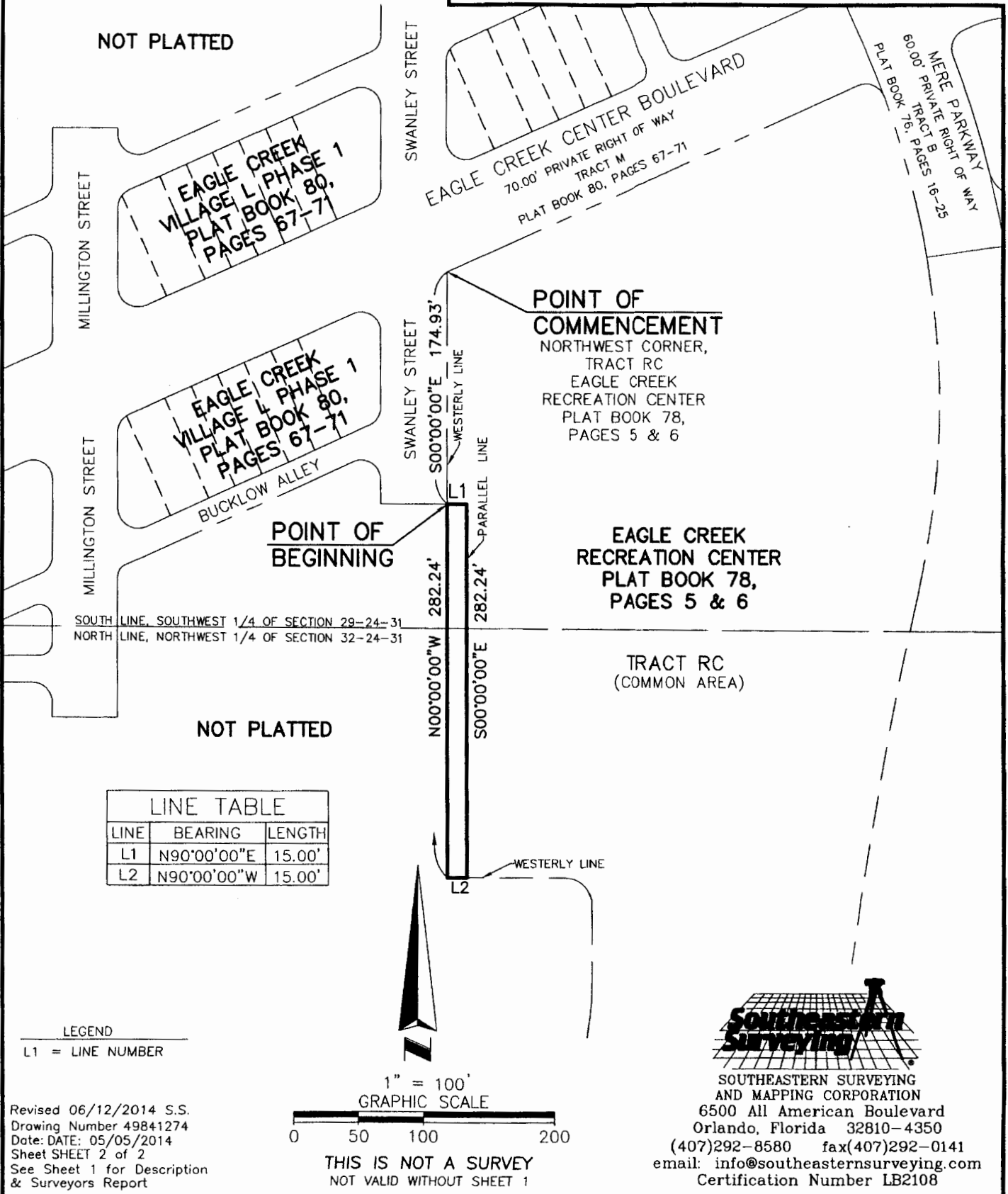
SURVEYORS NOTES

1. Bearings shown hereon are based on the North Boundary line, Eagle Creek Recreation Center Plat Book 78, Pages 5 and 6 of the Public Records of Orange County, Florida being N65°53'13"E.
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 CH. 5J-17.050-.052 requirements.

DESCRIPTION FOR Eagle Creek Development Corporation	Date: 05/05/2014 S.S.		Certification Number LB2108 49841274
	Job Number: 49841	Scale: 1" = 100'	
	Chapter 5J-17.050-.052, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY. NOT VALID WITHOUT SHEET 2		
SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		JAMES L. PETERSEN REGISTERED LAND SURVEYOR Number 4791	

SKETCH OF DESCRIPTION

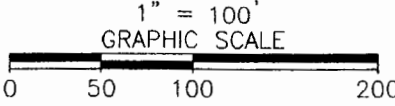
EXHIBIT "A"



LINE TABLE

LINE	BEARING	LENGTH
L1	N90°00'00"E	15.00'
L2	N90°00'00"W	15.00'

LEGEND
L1 = LINE NUMBER



THIS IS NOT A SURVEY
NOT VALID WITHOUT SHEET 1



SOUTHEASTERN SURVEYING AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
email: info@southeasternsurveying.com
Certification Number LB2108

Revised 06/12/2014 S.S.
Drawing Number 49841274
Date: DATE: 05/05/2014
Sheet SHEET 2 of 2
See Sheet 1 for Description & Surveyors Report