




Interoffice Memorandum


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

REAL ESTATE MANAGEMENT ITEM 8

DATE: July 30, 2014

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Acting Manager 
Real Estate Management Division

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

CONTACT PERSON: Ann Caswell, Acting Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT AND ACCESS AND UTILITY EASEMENT BETWEEN D. R. HORTON, INC. AND ORANGE COUNTY AND CITY OF ORLANDO AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Waterleigh PD Ph 1 OCU File #:74249 (Conserv II)

District 1

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

ITEMS: Utility Easement
Cost: Donation
Size: 1,202 square feet

Access and Utility Easement
Cost: Donation
Size: 1,477 square feet

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: The County and City are each receiving an undivided 50% interest in the easements.

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.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 19 2014 NPKH

Project: Waterleigh PD Ph 1 OCU File #:74249 (Conserv II)

UTILITY EASEMENT

THIS INDENTURE, Made this 11th day of July, A.D. 20 14, between D.R. Horton, Inc., a Delaware corporation, having its principal place of business in the City of Orlando, County of Orange, whose address is 5850 T. G. Lee Blvd., Suite 600, Orlando, Florida 32822, 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, as to an undivided 50% interest and CITY OF ORLANDO, a municipal corporation, whose address is 400 South Orange Avenue, Orlando, Florida 32801, as to an undivided 50% interest, collectively, the 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 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:

**a portion of
05-24-27-0000-00-003**

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

Project: Waterleigh PD Ph 1 OCU File #:74249 (Conserv II)

or other improvements as it may determine in its sole discretion from time to time without paying any 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:

D.R. Horton, Inc., a Delaware corporation

[Signature]
Witness

BY: Wallace G. Inghram

Chandria Rosario
Printed Name

Wallace G. Inghram
Printed Name

[Signature]
Witness

Asst. Sec.
Title

Becel Althafca
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 Wallace G. Inghram, as Asst. Sec. of D.R. Horton, Inc., a Delaware corporation, 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 17th day of July, 2014.

(Notary Seal) 

Valerie L. Husson
Notary Signature
Valerie L. Husson
Printed Notary Name

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

Notary Public in and for
the county and state aforesaid.

My commission expires:

LEGAL DESCRIPTION
THIS IS NOT A SURVEY

CONSERV II, RECLAIM WATER

A TRACT OF LAND LYING IN SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8515, PAGE 465 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 00°05'56" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 1321.26 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE RUN NORTH 89°48'02" EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 1184.68 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 00°11'58" EAST, 202.08 FEET POINT OF BEGINNING; THENCE RUN NORTH 83°15'48" EAST, 30.00 FEET TO A ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY, ALONG SAID CURVE, HAVING A RADIUS OF 2757.79 FEET, A CENTRAL ANGLE OF 00°49'52", AN ARC LENGTH OF 40.00 FEET, A CHORD LENGTH OF 40.00 FEET AND A CHORD BEARING OF SOUTH 06°50'13" EAST; THENCE RUN SOUTH 83°15'48" WEST, NON-TANGENT TO SAID CURVE, 30.00 FEET; THENCE RUN NORTH 06°50'13" WEST, 40.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 0.028 ACRES 1,202 SQUARE FEET MORE OR LESS.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
SKETCH OF DESCRIPTION

Drawing name: L:\Data\20120227\sketches\RECLAIM WA TERMIN CONSERVE.dwg SHEET 1



16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING SOUTH 00°05'56" WEST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20120227
 DATE: 10-16-13
 SCALE: 1" = 30 FEET
 FIELD BY: N/A

CALCULATED BY: SEJ
 DRAWN BY: SEJ
 CHECKED BY: EGT

FOR THE LICENSED BUSINESS # 6723 BY:

 JAMES L. RICKMAN P.S.M. # 5633

LEGAL DESCRIPTION THIS IS NOT A SURVEY

P.O.C.
NORTHWEST CORNER OF
OF SECTION 5-24-27

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD	CHORD BEARING
C1	2757.79'	0°49'52"	40.00'	40.00'	S 06°50'13" E

NOT PLATTED
ORB. 8515, PG. 465

NORTHWEST 1/4 OF
THE NORTHWEST 1/4
OF SECTION 5-24-27

SOUTHWEST CORNER OF THE
NORTHWEST 1/4 OF
THE NORTHWEST 1/4
OF SECTION 5-24-27

S. LINE OF THE NW. 1/4 OF THE
NW.1/4 OF SECTION 5-24-27

500°05'56"W 1321.26'
WEST LINE OF THE NORTHWEST 1/4
OF SECTION 5-24-27

N89°48'02"E 1184.68'

N. LINE OF THE SW 1/4 OF THE
NW.1/4 OF SECTION 5-24-27

NOT PLATTED
ORB. 8515, PG. 465

SOUTHWEST 1/4 OF
THE NORTHWEST 1/4
OF SECTION 5-24-27

P.O.B.

POINT "A"

N83°15'48"E
30.00' NR.

0.028 ±
ACRES

S83°15'48"W
30.00' NR

202.00'
3.85°11'00"S
500°11'00"S

PROPOSED W. R/W LINE

EXISTING W. R/W LINE

20.00'

PROPOSED 20.00'
ACCESS EASEMENT

AVALON ROAD (C.R. 545)
 COUNTY ROAD PROJECT NO. 75A
 FDOT R/W MAP SECTION 751110
 66.00' R/W WIDTH
 PROJECT NO. 75320-6460-653
 R/W WIDTH VARIES

LEGEND:

- P.O.C.....POINT OF COMMENCEMENT
- P.O.B.....POINT OF BEGINNING
- ORB.....OFFICIAL RECORDS BOOK
- PG.....PAGE
- R/W.....RIGHT-OF-WAY
- C.R.....COUNTY ROAD
- N.R.....NON-RADIAL

SHEET 2 OF 2

SURVEYOR'S NOTES:

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3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20120227	CALCULATED BY: SEJ	SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION
DATE: 10-16-13	DRAWN BY: SEJ	
SCALE: 1" = 30 FEET	CHECKED BY: EGT	
FIELD BY: N/A		



16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

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

Project: Waterleigh PD Ph 1 OCU File #:74249 (Conserv II)

ACCESS AND UTILITY EASEMENT

THIS INDENTURE Made this 11th day of July, A. D. 2014, between D.R. Horton, Inc., a Delaware corporation, having its principal place of business in the City of Orlando, County of Orange, whose address is 5850 T. G. Lee Blvd., Suite 600, Orlando, FL 32822, 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, as to an undivided 50% interest and CITY OF ORLANDO, a municipal corporation, whose address is 400 South Orange Avenue, Orlando, Florida 32801, as to an undivided 50% interest, collectively, the 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 right-of-way and easement for access and 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 Numbers:

a portion of

05-24-27-0000-00-003

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, agree 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.

Project: Waterleigh PD Ph 1 OCU File #:74249 (Conserv II)

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 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.

D.R. Horton, Inc., a Delaware corporation

Signed, sealed and delivered in the presence of:

[Signature]
Witness

Chandria Rosario
Printed Name

[Signature]
Witness

BROCK ALTHAFER
Printed Name

(Signature of TWO witnesses required by Florida Law)

BY: [Signature]

WALLACE G. INGRAM
Printed Name

Asst. Sec.
Title

(corporate seal)

STATE OF Florida
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, personally appeared Wallace G. Ingram as Asst. Sec. of D.R. Horton, Inc., a Delaware corporation, 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 their free act and deed as such officer thereunto duly authorized, and the said conveyance is the act and deed of said corporation.

WITNESS my hand and official seal this 11th day of July, 2014.

(Notary Seal)



[Signature]
Notary Signature
Valerie L. Husson
Printed Notary Name

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.

Notary Public in and for the
County and State aforesaid

My commission expires:

LEGAL DESCRIPTION
THIS IS NOT A SURVEY

CONSERV II, RECLAIM WATER ACCESS

A TRACT OF LAND LYING IN SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8515, PAGE 465 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 00°05'56" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 1321.26 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE RUN NORTH 89°48'02" EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 1216.87 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 00°11'58" EAST, 218.52 FEET POINT OF BEGINNING; THENCE RUN NORTH 84°51'28" EAST, 73.89 FEET TO A POINT LYING ON THE EXISTING WEST RIGHT-OF-WAY LINE OF AVALON ROAD, COUNTY ROAD 545, ACCORDING TO COUNTY ROAD PROJECT NO. 75A AND FLORIDA DEPARTMENT OF TRANSPORTATION MAP, SECTION 75110, PROJECT NUMBER 75320-6460-653, SAID POINT LYING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY, ALONG SAID WEST RIGHT-OF-WAY LINE AND SAID CURVE, HAVING A RADIUS OF 2927.27 FEET, A CENTRAL ANGLE OF 00°23'30"; AN ARC LENGTH OF 20.01 FEET, A CHORD LENGTH OF 20.01 FEET AND A CHORD BEARING OF SOUTH 06°30'51" EAST; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, RUN SOUTH 84°51'28" WEST, 73.85 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY, ALONG SAID CURVE, HAVING A RADIUS OF 2757.79 FEET, A CENTRAL ANGLE OF 00°24'56", AN ARC LENGTH OF 20.01 FEET, A CHORD LENGTH OF 20.01 FEET AND A CHORD BEARING OF NORTH 06°37'45" WEST TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 0.034 ACRES 1,477 SQUARE FEET MORE OR LESS.

SHEET 1 OF 2
 SEE SHEET 2 OF 2 FOR
 SKETCH OF DESCRIPTION

REVISED 8-20-13

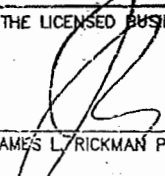
Drawing name: L:\Data\20120227\sketches\RECLAIM WA-TERMAIN ACCESS.dwg SHEET 1



16 East Plant Street
 Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING SOUTH 00°05'56" WEST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20120227	CALCULATED BY: SEJ	FOR THE LICENSED BUSINESS # 6723 BY:  JAMES L. RICKMAN P.S.M. # 5633
DATE: 10-16-13	DRAWN BY: DCG	
SCALE: 1" = 30 FEET	CHECKED BY: EGT	
FIELD BY: N/A		

LEGAL DESCRIPTION

THIS IS NOT A SURVEY

P.O.C.
NORTHWEST CORNER OF
OF SECTION 5-24-27

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD	CHORD BEARING
C1	2927.27'	00°23'30"	20.01'	20.01'	S 06°30'51" E
C2	2757.79'	00°24'56"	20.01'	20.01'	N 06°37'45" W

NOT PLATTED
ORB. 8515, PG. 465

NORTHWEST 1/4 OF
THE NORTHWEST 1/4
OF SECTION 5-24-27

SOUTHWEST CORNER OF THE
NORTHWEST 1/4 OF
THE NORTHWEST 1/4
OF SECTION 5-24-27

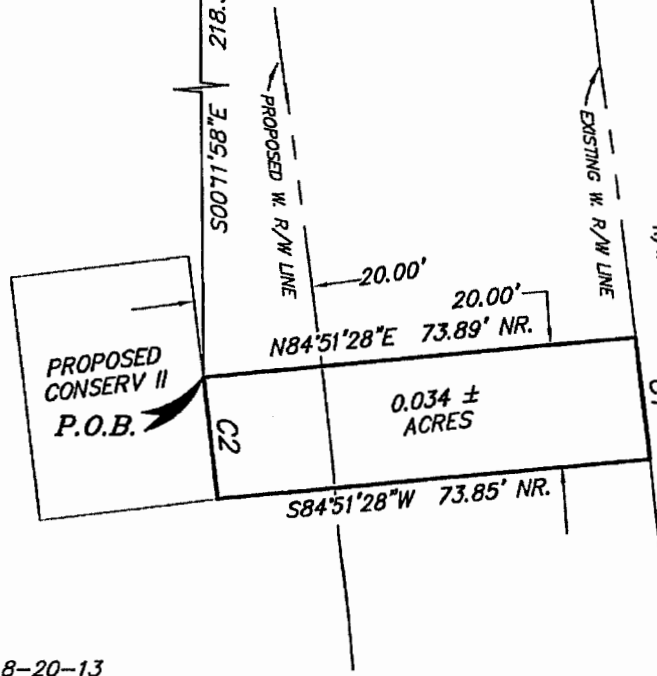
S. LINE OF THE NW. 1/4 OF THE
NW.1/4 OF SECTION 5-24-27

N89°48'02"E 1216.87'

N. LINE OF THE SW 1/4 OF THE
NW.1/4 OF SECTION 5-24-27

NOT PLATTED
ORB. 8515, PG. 465

SOUTHWEST 1/4 OF
THE NORTHWEST 1/4
OF SECTION 5-24-27



AVALON ROAD (C.R. 545)
 COUNTY ROAD PROJECT NO. 75A
 FOOT R/W MAP SECTION 751110
 66.00' R/W WIDTH
 PROJECT NO. 75320-6460-653
 R/W WIDTH VARIES
 C1

- LEGEND:**
- P.O.C.....POINT OF COMMENCEMENT
 - P.O.B.....POINT OF BEGINNING
 - ORB.....OFFICIAL RECORDS BOOK
 - PG.....PAGE
 - R/W.....RIGHT-OF-WAY
 - C.R.....COUNTY ROAD
 - N.R.....NON-RADIAL

REVISED 8-20-13

SHEET 2 OF 2



16 East Plant Street
 Winter Garden, Florida 34787 * (407) 654-5355

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JOB NO. 20120227

CALCULATED BY: SEJ

DATE: 10-16-13

DRAWN BY: SEJ

SCALE: 1" = 30 FEET

CHECKED BY: EGT

FIELD BY: N/A

SEE SHEET 1 OF 2 FOR
 LEGAL DESCRIPTION

Drawing name: L:\Data\20120227\sketches\RECLAIM WATERMAIN ACCESS.dwg SHEET 2