



Interoffice Memorandum  
APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JAN 13 2015 CS/BS

REAL ESTATE MANAGEMENT ITEM 4

**DATE:** December 18, 2014

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

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

**CONTACT PERSON:** Ann Caswell, Manager

**DIVISION:** Real Estate Management  
Phone: 836-7082

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT BETWEEN MERITAGE HOMES OF FLORIDA, INC. AND ORANGE COUNTY AND AUTHORIZATION TO RECORD INSTRUMENT

**PROJECT:** Windermere Trails Parcel 3 OCU File #: 13-S-087  
District 1

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

**ITEM:** Utility Easement  
Cost: Donation  
Size: 450 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.**

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JAN 13 2015 CS/BS

Project: Windermere Trails Parcel 3 OCU File #: 13-S-087

### UTILITY EASEMENT

THIS INDENTURE, Made this 4th day of December, A.D. 20 14, between Meritage Homes of Florida, Inc., a Florida corporation, having its principal place of business in the city of Orlando, county of Orange, whose address is 5337 Millenia Lakes Blvd, Ste 40 Orlando, FL 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:**

**a portion of 36-23-27-0000-00-043**

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 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.

Project: Windermere Trails Parcel 3 OCU File #: 13-S-087

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

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness

Jennifer Hamilton  
Printed Name

[Signature]  
Witness

Sean Ellis  
Printed Name

Meritage Homes of Florida, Inc.,  
a Florida corporation

BY: [Signature]

Brian Kittle  
Printed Name

Division Vice President  
Title

(Corporate Seal)

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of December,  
2014 by Brian Kittle, as Division VP of Meritage Homes of Florida,  
Inc., a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced  
as identification.

Witness my hand and official seal this 4<sup>th</sup> day of December, 2014.

(Notary Seal)

[Signature]  
Notary Signature  
Jennifer Hamilton  
Printed Notary Name



Notary Public in and for  
the county and state aforesaid.

My commission expires: 4/16/2018

**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

# LEGAL DESCRIPTION

OCU FILE NO. 13-S-087  
 PROJECT NAME: WINDERMERE TRAILS PARCEL 3  
 PURPOSE: UTILITY EASEMENT  
 ESTATE: PERMANENT

**LEGAL DESCRIPTION:**

A portion of Section 36, Township 23 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Tract ZZ, Windermere Trails Phase 1, as recorded in Plat Book 76, Pages 76 through 89 of the Public Records of Orange County, Florida; thence run North 90°00'00" West along the North line of said Tract ZZ, for a distance of 328.44 feet; thence departing said North line run North 00°00'00" East, for a distance of 50.00 feet; thence run South 90°00'00" East, for a distance of 81.50 feet to the Point of Beginning; thence run North 00°00'00" East, for a distance of 15.00 feet; thence run South 90°00'00" East, for a distance of 30.00 feet; thence run South 00°00'00" West, for a distance of 15.00 feet; thence run North 90°00'00" West, for a distance of 30.00 feet to aforesaid Point of Beginning.

Contains 450.00 square feet more or less

SHEET 1 OF 2



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

**SURVEYOR'S NOTES:**

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY LINE OF TRACT ZZ, WINDERMERE TRAILS PHASE 1, AS HAVING AN ASSUMED BEARING OF SOUTH 00°00'00" WEST.
4. THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT BENEFIT OF TITLE

JOB NO. 20130052  
 DATE: October 8, 2014  
 SCALE: 1 INCH = 30 FEET  
 FIELD BY: N/A

CALCULATED BY: EGT  
 DRAWN BY: EGT  
 CHECKED BY: J.R.

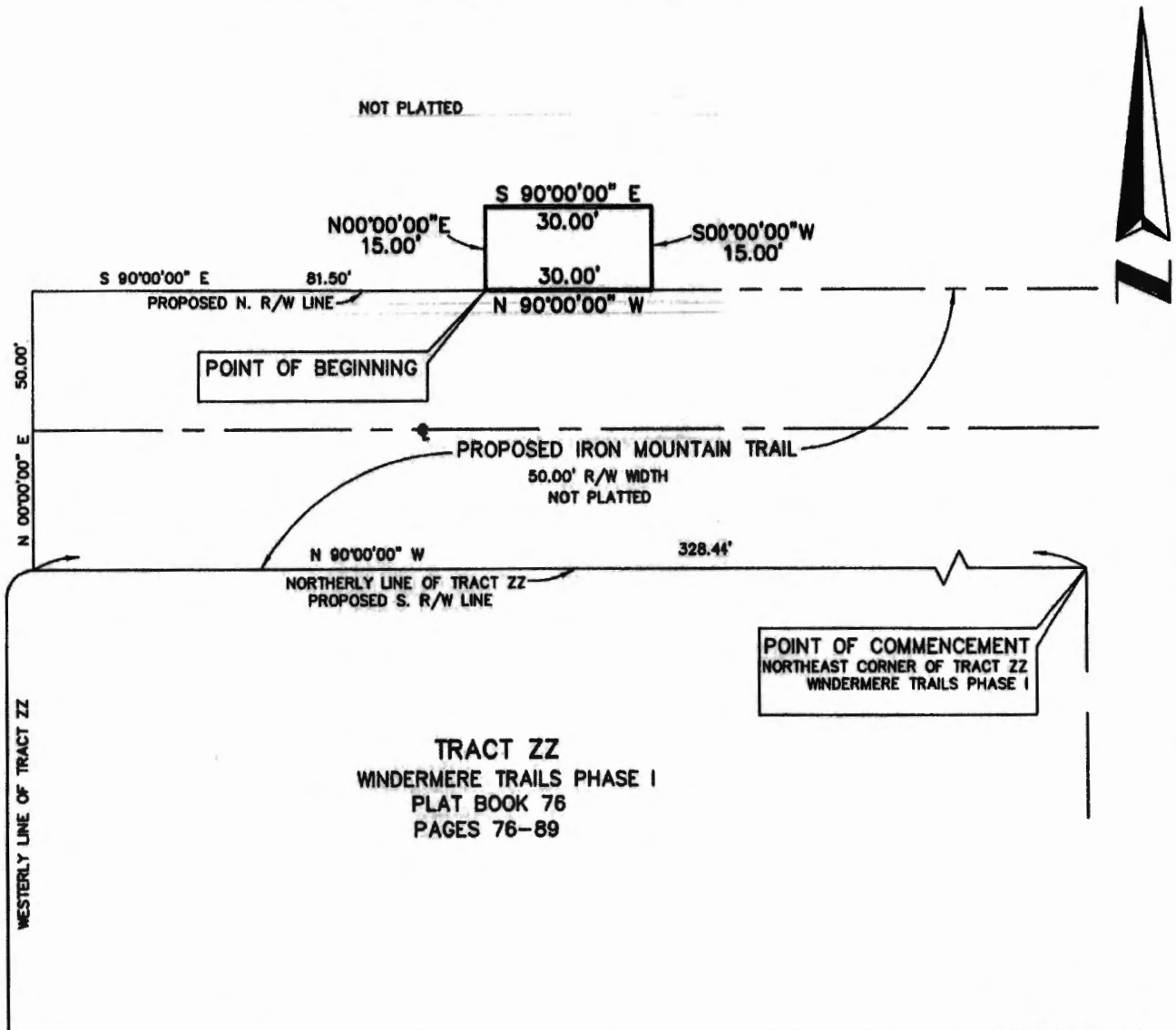
FOR THE LICENSED BUSINESS #6723 BY:

  
 JAMES L. RICKMAN, PSM #5633

# SKETCH OF DESCRIPTION

OCU FILE NO. 13-S-087  
 PROJECT NAME: WINDERMERE TRAILS PARCEL 3  
 PURPOSE: UTILITY EASEMENT  
 ESTATE: PERMANENT

NORTH LINE OF THE NORTHWEST 1/4 SECTION 36-23-27



**LEGEND:**

- P.O.B. DENOTES POINT OF BEGINNING
- P.O.C. DENOTES POINT OF COMMENCEMENT
- R/W DENOTES RIGHT-OF-WAY
- P.B. DENOTES PLAT BOOK
- PGS. DENOTES PAGES

JOB NO. _____	20130062	CALCULATED BY: _____	EGT
DATE: _____	October 8, 2014	DRAWN BY: _____	EGT
SCALE: _____	1 INCH = 30 FEET	CHECKED BY: _____	J.R.
FIELD BY: _____	N/A		



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