



Interoffice Memorandum

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

JUN 02 2015 CSBS

REAL ESTATE MANAGEMENT ITEM 2

**DATE:** May 11, 2015

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

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

**FROM:** Monica L. Hand, Senior Title Examiner *MLH*  
Real Estate Management Division

**CONTACT PERSON:** Ann Caswell, Manager

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

**ACTION REQUESTED:** APPROVAL AND EXECUTION OF FIRST AMENDMENT TO DRAINAGE EASEMENT BETWEEN KB HOME ORLANDO, LLC AND ORANGE COUNTY AND AUTHORIZATION TO RECORD INSTRUMENT

**PROJECT:** Village F (Seidel Road) RAC  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of the modified and reconfigured drainage facilities in connection with a road network agreement.

**ITEM:** First Amendment to Drainage Easement  
Cost: Donation  
Size of released easement area: 2.796 acres  
Size of replacement easement area: 3.439 acres

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

**REMARKS:**

On June 18, 2013, the Board of County Commissioners approved the Village F Horizon West (Seidel Road) Road Network Agreement (Agreement). On November 11, 2014, the Board of County Commissioners approved the Drainage Easement (Original Easement) from KB Home Orlando, LLC (Owner) in accordance with the Agreement. The Original Easement reserves the right of the Owner, at its sole cost, to redefine the description of the easement area and relocate, reconfigure, or replace the drainage facilities in connection with Owner's design and construction of a permanent drainage system, and to record an amendment to the drainage easement in order to redefine the description of the easement area. Orange County is executing this First Amendment to Drainage Easement to release the original easement area and accept the new modified easement area. All other matters described in the Original Easement are unaffected by and remain unchanged by this amendment.

Owner 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.**

JUN 02 2015 CS/BS

This instrument prepared by  
and after recording return to:

SHUTTS & BOWEN LLP  
Attn: Paul Bryan Sladek, Esq.  
300 S. Orange Ave.  
Suite 1000  
Orlando, FL 32801

Project: Village F (Seidel Road) RAC

Property Appraiser's Parcel Identification Number(s):

34-23-27-4450-04-001

### FIRST AMENDMENT TO DRAINAGE EASEMENT

THIS FIRST AMENDMENT TO DRAINAGE EASEMENT (this "**First Amendment**") is dated \_\_\_\_\_, by and between KB Home Orlando LLC, a Delaware limited liability company, whose address is 9102 Southpark Center Loop, Suite 100, Orlando, Florida, 32819 ("**Grantor**"), and Orange County, a charter county and political subdivision of the state of Florida, whose address is Post Office Box 1393, Orlando, Florida 32802-1393 ("**Grantee**").

### WITNESSETH

WHEREAS, Grantor previously granted to Grantee that certain "Drainage Easement" approved by Grantee on November 11, 2014, and recorded on December 5, 2014, in Official Records Book 10844, Page 4671, of the Public Records of Orange County, Florida (the "**Drainage Easement**"); and

WHEREAS, Grantor remains the sole owner in fee simple of the Easement Area, said Easement Area being the entirety of the lands encumbered by the Drainage Easement; and

WHEREAS, Grantor and Grantee have agreed to modify the Easement Area (as defined in the Drainage Easement).

NOW THEREFORE, for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, Grantor and Grantee hereby agree as follows:

1. *Recitals; Defined Terms.* The above recitals are true and correct and are incorporated herein by this reference. Defined terms used herein, but not defined herein, shall have the meaning given to such terms by the Drainage Easement.
2. *Easement Area.* Exhibit "A" to the Drainage Easement is hereby deleted in its

entirety and replaced with Exhibit "A" to this First Amendment.

3. *Ratification.* Except as modified by this First Amendment, all other terms and provisions of the Drainage Easement are hereby ratified and confirmed and shall remain in full force and effect.

**SIGNATURES ON FOLLOWING PAGES**

IN WITNESS WHEREOF, Grantee has executed this First Amendment to Drainage Easement on the day and year first written above.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners



By: *Teresa Jacobs*

*TJ*  
Teresa Jacobs,  
Orange County Mayor

Date: 6.2.15

ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*  
Deputy Clerk

IN WITNESS WHEREOF, Grantor has executed this First Amendment to Drainage Easement on the day and year first written above.

Signed, sealed, and delivered in the presence of:

KB HOME ORLANDO LLC, a Delaware limited liability company,

[Signature]  
Witness

By: [Signature]

David J. Russo  
Printed Name

Name: Dan Edwards

[Signature]  
Witness

Title: Director Land Acquisition

Courtney Dean  
Printed Name

(Corporate Seal)

STATE OF FLORIDA

COUNTY OF Orange

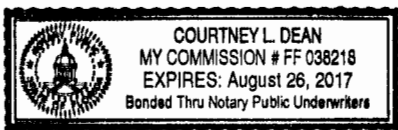
I HEREBY CERTIFY that on this day, before me, personally appeared Dan Edwards, as Director Land of KB Home Orlando LLC, a Delaware limited liability company, ~~to me known to be~~, or who has produced \_\_\_\_\_ as identification, and did (did not) take an oath, the individual and officer described in 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 the said conveyance is the act and deed of said company.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of April, 2015.

[Signature]  
Notary Public

Print Name: Courtney

My Commission Expires: August 26, 2017



**Exhibit "A" to  
First Amendment to Drainage Easement**

*[see attached one (1) legal and sketch of description totaling three (3) pages]*

# SKETCH OF DESCRIPTION

SHEET 1 OF 3

EXHIBIT "A"

LEGAL DESCRIPTION ( Tract D-1 ):

Tract D-1, Lake Hancock Preserve, Plat Book 84, Pages 54 through 57 as recorded in the public records of Orange County, Florida, being more particularly described as follows:

**COMMENCE** at the Southeast corner of the Northeast 1/4 of the Southwest 1/4 of Section 34, Township 23 South, Range 27 East; thence run North 00°21'59" East along the North/South centerline of said Section 34 for a distance of 910.31 feet; thence departing said North/South centerline run North 89°38'01" West a distance of 225.70 feet to the **POINT OF BEGINNING**; thence along the boundary of Tract D-1, Lake Hancock Preserve, Plat Book 84, Pages 54 through 57 as recorded in the Public Records of Orange County, Florida, the following twenty-one (21) courses and distances: run South 74°17'06" West for a distance of 118.01 feet to the point curvature of a curve concave Southeasterly; thence run Southwesterly along curve, having a radius of 200.00 feet, a central angle of 22°34'54", an arc length of 78.82 feet, a chord length of 78.32 feet and a chord bearing of South 62°59'39" West to the point of tangency; thence run South 51°42'12" West for a distance of 52.50 feet to the point curvature of a curve concave Northwesterly; thence run Southwesterly along curve, having a radius of 200.00 feet, a central angle of 25°27'02", an arc length of 88.84 feet, a chord length of 88.11 feet and a chord bearing of South 64°25'43" West to the point of tangency; thence run South 77°09'14" West for a distance of 20.37 feet to the point curvature of a curve concave Southeasterly; thence run Southwesterly along curve, having a radius of 200.00 feet, a central angle of 13°20'22", an arc length of 46.56 feet, a chord length of 46.46 feet and a chord bearing of South 70°29'03" West to the point of tangency; thence run South 63°48'52" West for a distance of 36.33 feet to the point curvature of a curve concave Northwesterly; thence run Southwesterly along curve, having a radius of 200.00 feet, a central angle of 10°17'24", an arc length of 35.92 feet, a chord length of 35.87 feet and a chord bearing of South 68°57'34" West to the point of tangency; thence run South 74°06'16" West for a distance of 89.31 feet to the point curvature of a curve concave Northerly; thence run Westerly along curve, having a radius of 25.00 feet, a central angle of 44°38'26", an arc length of 19.48 feet, a chord length of 18.99 feet and a chord bearing of North 83°34'31" West to the point of tangency; thence run North 61°15'18" West for a distance of 65.36 feet to the point curvature of a curve concave Easterly; thence run Northerly along curve, having a radius of 25.00 feet, a central angle of 88°21'24", an arc length of 38.55 feet, a chord length of 34.84 feet and a chord bearing of North 17°04'36" West to the point of reverse curvature of a curve concave Northwesterly; thence run Northeasterly, parallel to and 20.00 feet Easterly of, when measured perpendicularly to, the Easterly Right of Way line of Seidel Road as recorded in Official Records Book 10844, Pages 4664 of said Public Records, along said curve, having a radius of 2670.00 feet, a central angle of 06°44'13", an arc length of 313.94 feet, a chord length of 313.76 feet and a chord bearing of North 23°43'59" East to the point of reverse curvature of a curve concave Southeasterly; thence run Northeasterly along curve, having a radius of 50.00 feet, a central angle of 86°53'19", an arc length of 75.82 feet, a chord length of 68.76 feet and a chord bearing of North 63°48'32" East to the point of reverse curvature of a curve concave Northeasterly; thence run Southeasterly, parallel to and 10.00 feet Southerly of, when measured perpendicularly to, the Southerly Right of Way line of Windsor Hall Way as recorded in aforesaid Plat Book and along said curve, having a radius of 487.99 feet, a central angle of 02°15'20", an arc length of 19.21 feet, a chord length of 19.21 feet and a chord bearing of South 73°52'29" East; thence run North 14°59'51" East for a distance of 10.00 feet to said Southerly Right of Way line of Windsor Hall Way and a point on a curve concave Northeasterly; thence run Southeasterly along said right-of-way line and said curve, having a radius of 477.99 feet, a central angle of 02°23'53", an arc length of 20.01 feet, a chord length of 20.00 feet and a chord bearing of South 76°12'05" East; thence departing said Southerly Right of Way line of Windsor Hall Way run South 14°59'51" West for a distance of 10.01 feet to a point on a curve concave Northeasterly; thence run Southeasterly, parallel to and 10.00 feet South of, when measured perpendicularly to the aforesaid Southerly Right of Way line of Windsor Hall Way, and along said curve, having a radius of 487.99 feet, a central angle of 09°45'10", an arc length of 83.07 feet, a chord length of 82.97 feet and a chord bearing of South 82°13'40" East to the point of tangency; thence run South 87°06'15" East for a distance of 282.96 feet to a point of curvature of a curve concave Westerly; thence run Southerly along curve, having a radius of 70.00 feet, a central angle of 161°23'21", an arc length of 197.17 feet, a chord length of 138.16 feet and a chord bearing of South 06°24'35" East to aforesaid **POINT OF BEGINNING**.  
Contains 3.439 acres more or less.

## 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 NORTH/SOUTH LINE CENTER OF SECTION LINE, SECTION 34-23-27, BEING NORTH 00°21'59" EAST.
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. 20130084  
 DATE: 4-13-2014  
 SCALE: N/A  
 FIELD BY: N/A

CALCULATED BY: JLR  
 DRAWN BY: DH  
 CHECKED BY: EGT

D-1

FOR THE LICENSED BUSINESS # 5723 BY:  
 JAMES W. RICKMAN P.S.M. # 5633

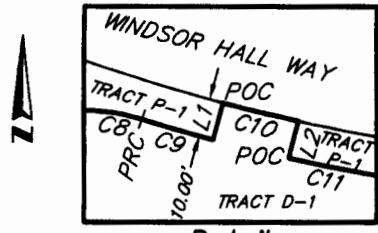


16 East Plant Street  
 Winter Garden, Florida 34787 \* (407) 654 5355

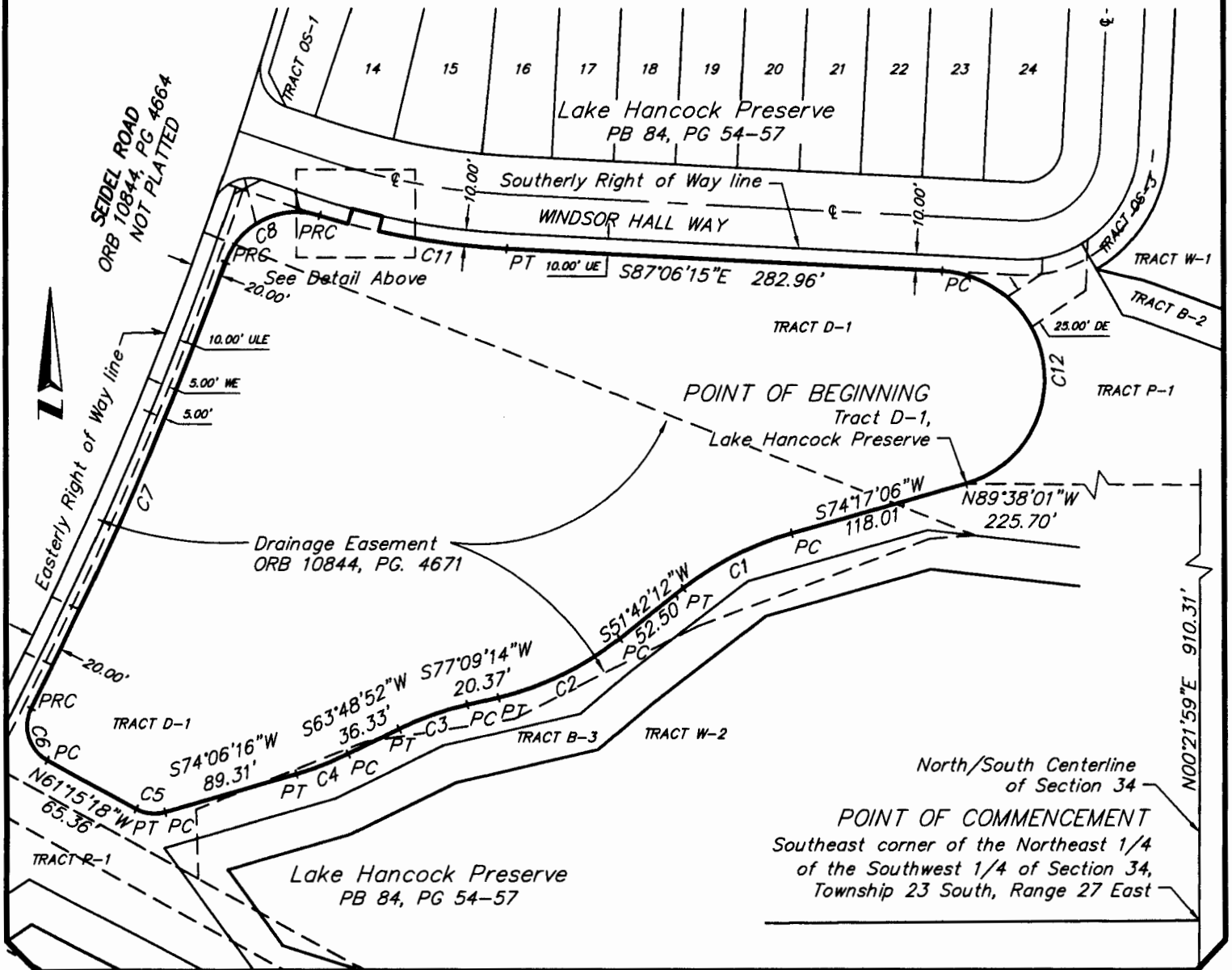


# SKETCH OF DESCRIPTION

SHEET 2 OF 2



## EXHIBIT "A"



### SURVEYOR'S NOTES:

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DATE: 4-13-2014

SCALE: 1" = 100'

FIELD BY: N/A

CALCULATED BY: JLR

DRAWN BY: DH

CHECKED BY: EGT

SHEET 2 OF 3  
SEE SHEET 1 OF 3  
FOR LEGAL DESCRIPTION  
SEE SHEET 3 OF 3  
FOR LINE/CURVE TABLE

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

# SKETCH OF DESCRIPTION

SHEET 2 OF 2

## EXHIBIT "A"

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	200.00'	22°34'54"	78.82'	78.32'	S62°59'39"W
C2	200.00'	25°27'02"	88.84'	88.11'	S64°25'43"W
C3	200.00'	13°20'22"	46.56'	46.46'	S70°29'03"W
C4	200.00'	10°17'24"	35.92'	35.87'	S68°57'34"W
C5	25.00'	44°38'26"	19.48'	18.99'	N83°34'31"W
C6	25.00'	88°21'24"	38.55'	34.84'	N17°04'36"W
C7	2670.00'	06°44'13"	313.94'	313.76'	N23°43'59"E
C8	50.00'	86°53'19"	75.82'	68.76'	N63°48'32"E
C9	487.99'	02°15'20"	19.21'	19.21'	S73°52'29"E
C10	477.99'	02°23'53"	20.01'	20.00'	S76°12'05"E
C11	487.99'	09°45'10"	83.07'	82.97'	S82°13'40"E
C12	70.00'	161°23'21"	197.17'	138.16'	S06°24'35"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00'	N14°59'51"E
L2	10.01'	S14°59'51"W

### LEGEND AND ABBREVIATIONS

- C# CURVE NUMBER
- CL CENTERLINE
- L# LINE NUMBER
- ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PC POINT OF CURVATURE
- PG PAGE OR PAGES
- PT POINT OF TANGENCY
- POC POINT ON A CURVE
- PRC POINT OF REVERSE CURVATURE
- UE UTILITY EASEMENT
- ULE UTILITY/LANDSCAPE EASEMENT
- WE WALL EASEMENT

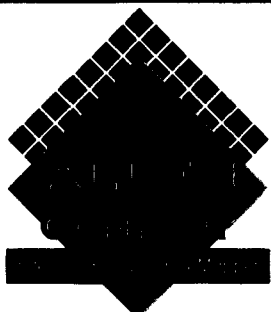
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SHEET 3 OF 3  
 SEE SHEET 1 OF 3  
 FOR LEGAL DESCRIPTION



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D-1