



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUN 16 2015 *NPS*

REAL ESTATE MANAGEMENT ITEM 10

DATE: May 18, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

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

CONTACT PERSON: Ann Caswell, Manager

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

ACTION REQUESTED: APPROVAL OF TEMPORARY ACCESS AND UTILITY EASEMENT,
TEMPORARY UTILITY EASEMENT BETWEEN BEAZER HOMES
CORP. AND ORANGE COUNTY AND AUTHORIZATION TO
RECORD INSTRUMENTS

PROJECT: Yates PD Parcel 1 Phase 1D-1 OCU File #76468

District 4

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

ITEMS: Temporary Access and Utility Easement
Cost: Donation
Size: 35,238 square feet
Term: Until replaced by a permanent platted easement

Temporary Utility Easement
Cost: Donation
Size: 1,518 square feet
Term: Until replaced by a permanent platted easement

Real Estate Management Division
Agenda Item 10
May 18, 2015
Page 2

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
JUN 16 2015 NP/BS

Project: Yates PD Parcel 1 Phase 1D-1 OCU File #76468

TEMPORARY ACCESS AND UTILITY EASEMENT

THIS INDENTURE, Made this 5th day of September, A.D. 2014, between Beazer Homes Corp., a Tennessee corporation, having its principal place of business in the city of Atlanta county of Fulton, whose address is 1000 Abernathy Rd., Suite 260, Atlanta, GA 30328, 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 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 Number:

a portion of

20-24-30-0000-00-011

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever; provided, however, the easement hereby granted shall automatically terminate, without the necessity of the GRANTOR undertaking vacation proceedings or obtaining any release from the GRANTEE, at such time as GRANTOR or its successors or assigns shall cause the property over which the easement passes to be included in a subdivision plat recorded among the public records of Orange County, Florida.

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 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: Yates PD Parcel 1 Phase 1D-1 OCU File #76468

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:

[Signature]
Witness

Dallas Austin
Printed Name

[Signature]
Witness

Nora J. Schuster
Printed Name

(Signature of TWO witnesses required by Florida law)

Beazer Homes Corp.
a Tennessee corporation

BY: [Signature]
Printed Name

Director, Land Development
Title


(Corporate Seal)

STATE OF Florida
COUNTY OF Orange

I HEREBY CERTIFY, that on this day, before me, personally appeared Jeremy Camp, as Dir, Land Devel. of Beazer Homes Corp., a Tennessee 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 5 day of Sept, 2014.

(Notary Seal)

 **NORA J. SCHUSTER**
MY COMMISSION # FF 047093
EXPIRES: September 4, 2017
This is a notary seal for a notary public.
Jeffrey L. Sponenburg, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

[Signature]
Notary Signature
Nora J. Schuster
Printed Notary Name

Notary Public in and for
the County and State aforesaid

My commission expires:
9/4/2017

EXHIBIT "A"

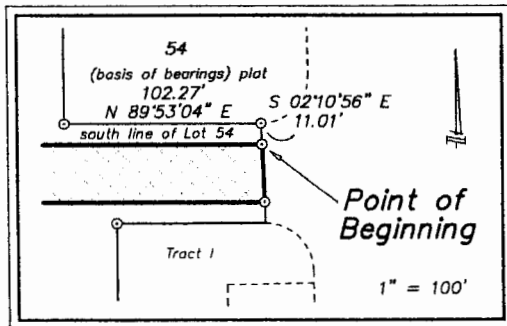
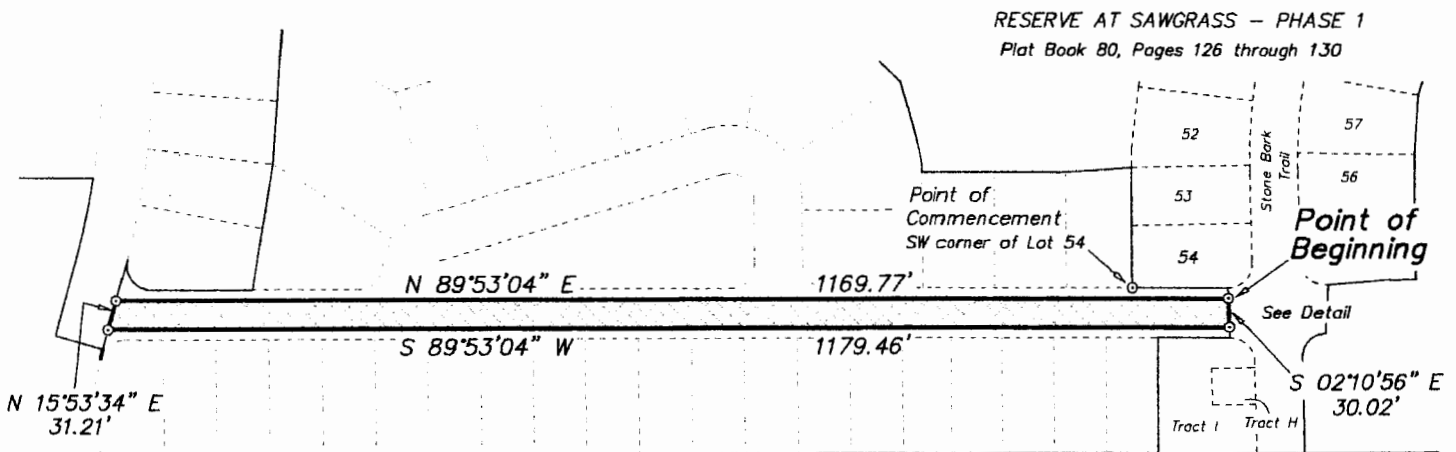
OCU FILE # 76468
 PROJECT NAME: Yates PD Parcel 1, Phase 1D-1
 PURPOSE: Utility Easement
 Estate - Temporary

Legal Description

A portion of Section 19, Township 24 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Commence at the southwest corner of Lot 54, RESERVE AT SAWGRASS - PHASE 1, according to the plat thereof, as recorded in Plat Book 80, Pages 126 through 130, Public Records of Orange County Florida; thence run N 89°53'04" E, along the south line of said Lot 54, a distance of 102.27 feet; thence, departing said south line, run S 02°10'56" E, a distance of 11.01 feet for the POINT OF BEGINNING; thence continue S 02°10'56" E, a distance of 30.02 feet; thence run S 89°53'04" W, a distance of 1179.46 feet; thence run N 15°53'34" E, a distance of 31.21 feet; thence run N 89°53'04" E, a distance of 1169.77 feet to the POINT OF BEGINNING.

Containing 0.81 acres (35,238 square feet), more or less.



Sketch of Description
 of a
**Temporary Access and
 Utility Easement**
 situated in

Section 19, Township 24 South, Range 30 East
 Orange County, Florida

Not a Boundary Survey.

Legal description was prepared by the Surveyor.

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: Ryland Homes	JOB NO. 0313.187A	SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY. GBA LB NO. 7194 2336 R. CLAYTON GANUNG SURVEYOR REG. PLS. NO. 3235
GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers	SHEET 1 of 1	
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656	DATE 4/14/14	
	SCALE As Noted	

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 16 2015 NPLB

Project: Yates PD Parcel 1 Phase 1D-1 OCU File #76468

TEMPORARY UTILITY EASEMENT

THIS INDENTURE, Made this 2nd day of October, A.D. 2014, between Beazer Homes Corp., a corporation organized and existing under the laws of the state of Tennessee, having its principal place of business in the city of Atlanta, county of Fulton, whose address is 1000 Abernathy Rd., Suite 260, Atlanta, GA 30328, GRANTOR, and ORANGE COUNTY, FLORIDA, 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 \$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(s):

a portion of

20-24-30-0000-00-011

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever; provided, however, the easement hereby granted shall automatically terminate, without the necessity of the GRANTOR undertaking vacation proceedings or obtaining any release from the GRANTEE, at such time as GRANTOR or its successors or assigns shall cause the property over which the easement passes to be included in a subdivision plat recorded among the public records of Orange County, Florida.

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 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: Yates PD Parcel 1 Phase 1D-1 OCU File #76468

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 said GRANTOR has caused these presents to be executed in its name.

Signed, sealed and delivered in the presence of

[Signature]

Witness

Dallas Austin
Printed Name

[Signature]
Witness

Nora J. Schuster
Printed Name

Beazer Homes Corp.,
a Tennessee corporation

BY: [Signature]

Jeremy Camp
Printed Name

Director of Land Development
Title

(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 Jeremy Camp, as Dir of Land devel of Beazer Homes Corp., a corporation under the laws of the state of Tennessee 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 2 day of October, 2014

(Notary Seal)



NORA J. SCHUSTER
MY COMMISSION # FF 047083
EXPIRES: September 4, 2017
Bonded Thru Budget Notary Services

[Signature]
Notary Signature

Nora J. Schuster
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:

OCU FILE # 76468
 PROJECT NAME: Yates PD Parcel 1, Phase 1D-1
 PURPOSE: Utility Easement
 Estate - Temporary

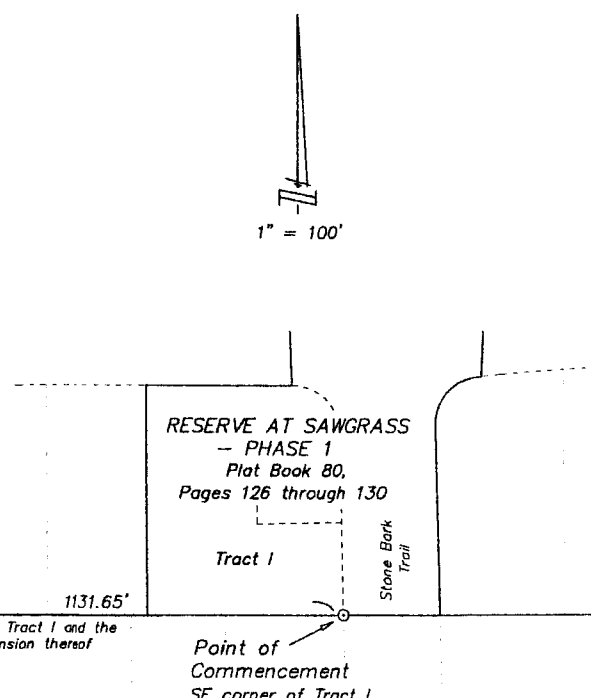
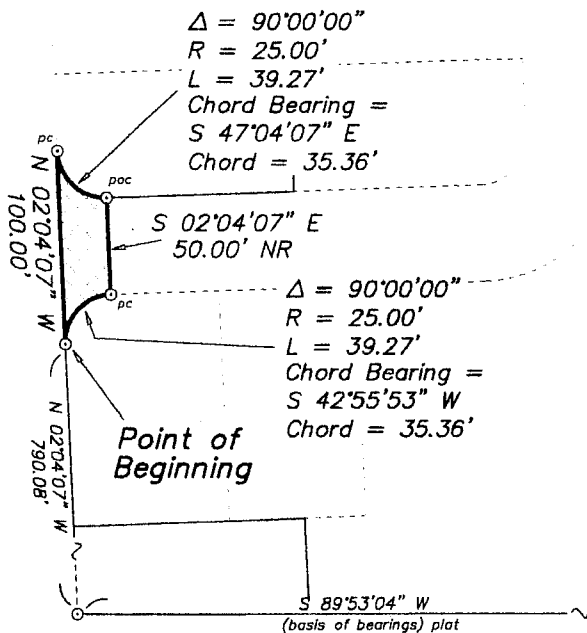
EXHIBIT "A"

Legal Description

A portion of Section 19, Township 24 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Commence at the southeast corner of Tract I, RESERVE AT SAWGRASS - PHASE 1, according to the plat thereof, as recorded in Plat Book 80, Pages 126 through 130, Public Records of Orange County Florida; thence run S 89°53'04" W, along the south line of Tract I and the westerly extension thereof, a distance of 1131.65 feet; thence, departing the westerly extension of the south line of said Tract I, run N 02°04'07" W, a distance of 790.08 feet for the POINT OF BEGINNING; thence continue N 02°04'07" W, a distance of 100.00 feet to a point on a non-tangent curve, concave northeasterly, having a radius of 25.00 feet; thence, on a chord bearing of S 47°04'07" E and a chord distance of 35.36 feet, run southeasterly along the arc of said curve, a distance of 39.27 feet, through a central angle of 90°00'00"; thence run S 02°04'07" E, a distance of 50.00 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 25.00 feet; thence, on a chord bearing of S 42°55'53" W and a chord distance of 35.36 feet, run southwesterly along the arc of said curve, a distance of 39.27 feet, through a central angle of 90°00'00" to the POINT OF BEGINNING.

Containing 0.03 acres (1,518 square feet), more or less.



pc = point of curvature
 poc = point on curve

Not a Boundary Survey.
 Legal description was prepared by the Surveyor.
 Lines shown hereon are radial unless noted NR (non-radial).

Sketch of Description
 of a
Temporary Utility Easement

situated in
Section 19, Township 24 South, Range 30 East
Orange County, Florida

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: Ryland Homes	JOB NO. 0313.187D	SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPED ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE CONSENT OF THE SIGNING PARTY. GBA/LB NO. 2794 4238 R. CLAYTON GANUNG 11/16/14
	SHEET 1 of 1	
DATE 4/14/14		
SCALE As Noted		
GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers 1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656		