




Interoffice Memorandum


APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 22 2015 CAS/LC

REAL ESTATE MANAGEMENT ITEM 4

DATE: September 1, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Kim Heim, Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF CONSERVATION AND ACCESS EASEMENT
BETWEEN SIERRA CONSTRUCTION GROUP, LLC AND ORANGE
COUNTY AND AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: Ortega Street (CAIP #15-04-011)

District 5

PURPOSE: To provide for conservation of wetlands and uplands as a requirement of
development.

ITEM: Conservation and Access Easement
Cost: Donation
Size: 37,669 square feet

APPROVALS: Real Estate Management Division
County Attorney's Office
Environmental Protection Division

REMARKS:

Conservation Area Impact Permit No. CAIP #15-04-011 issued by Orange County Environmental Protection Division requires a Conservation Easement on a portion of the site being developed. This Conservation Easement will protect and preserve the property forever in its existing natural condition and prevent any use that will impair or interfere with the environmental value of the property. Those wetland and upland areas included in the Conservation Easement that are to be enhanced, restored, or created pursuant to the Permit shall be retained and maintained in the enhanced, restored, or created conditions required by the Permit.

The Grantor is providing access to the Conservation Easement through the parent tract site.

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.

SEP 22 2015 CAS/LC

**Instrument prepared by and
recorded original returned to:
Real Estate Management Division
Orange County, Florida
400 East South Street, 5th Floor
Orlando, Florida 32801**

Project: Ortega Street (CAIP #15-04-011)

Parcel Id. No.
a portion of: 14-23-32-7603-00-471

CONSERVATION AND ACCESS EASEMENT

This CONSERVATION AND ACCESS EASEMENT is made this 25th day of August, 2015 by Sierra Construction Group, LLC, a Florida limited liability company, whose address is 1800 Pembroke Dr., Ste 300, Orlando, Florida 32810 ("GRANTOR"), in favor of 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 solely owns in fee simple certain real property in Orange County, Florida, more particularly described in Exhibit "A" attached hereto and incorporated by this reference (the "PROPERTY"); and

WHEREAS, GRANTOR desires to construct 19701 Ortega Street (the "PROJECT") at a site in Orange County, more particularly described in Exhibit "B" attached hereto and incorporated by this reference (the "PROJECT SITE"), which is subject to the regulatory jurisdiction of Orange County; and

WHEREAS, Conservation Area Impact Permit No. 15-04-011 (the "PERMIT") authorizes certain activities that affect waters and wetlands of the County and the State of

included in the CONSERVATION EASEMENT that are to be enhanced, restored, or created pursuant to the PERMIT shall be retained and maintained in the enhanced, restored, or created conditions required by the PERMIT.

2. **Prohibited Uses.** Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, which are specifically authorized or required by the PERMIT, any activity on or use of the PROPERTY inconsistent with this CONSERVATION EASEMENT's purpose is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited in, under, or on the PROPERTY:

- (a) Constructing or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground.
- (b) Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.
- (c) Removing or destroying trees, shrubs, or other vegetation.
- (d) Excavating, dredging or removing loam, peat, gravel, soil, rock, or other material substances in such a manner as to affect the surface.
- (e) Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition.
- (f) Activities detrimental to drainage, flood controls, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- (g) Acts or uses detrimental to such retention of land or water areas.
- (h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or

restoration of areas or features of the PROPERTY that may be damaged by any activity inconsistent with this CONSERVATION AND ACCESS EASEMENT.

6. **GRANTEE's Discretion.** GRANTEE may enforce the terms of this CONSERVATION AND ACCESS EASEMENT at its discretion, but if GRANTOR breaches any term of this CONSERVATION AND ACCESS EASEMENT and GRANTEE does not exercise its rights under this CONSERVATION AND ACCESS EASEMENT, GRANTEE's forbearance shall not be construed to be a waiver by GRANTEE of such term, or of any subsequent breach of the same, or any other term of this CONSERVATION AND ACCESS EASEMENT, or of any of the GRANTEE's rights under this CONSERVATION AND ACCESS EASEMENT. No delay or omission by GRANTEE in the exercise of any right or remedy upon any breach by GRANTOR shall impair such right or remedy or be construed as a waiver. GRANTEE shall not be obligated to GRANTOR, or to any other person or entity, to enforce the provisions of this CONSERVATION AND ACCESS EASEMENT.

7. **GRANTEE's Liability.** GRANTOR will assume all liability for any injury or damage to the person or property of third parties that may occur on the PROPERTY and PROJECT SITE. Neither GRANTOR, nor any person or entity claiming by or through GRANTOR, shall hold GRANTEE liable for any damage or injury to person or personal property that may occur on the PROPERTY or PROJECT SITE.

8. **Acts Beyond GRANTOR's Control.** Nothing contained in this CONSERVATION AND ACCESS EASEMENT shall be construed to entitle GRANTEE to bring any action against GRANTOR for any injury to or change in the PROPERTY resulting from natural causes beyond GRANTOR's control, including, without limitation, fire, flood, storm and earth movement, or from any action taken by GRANTOR under emergency conditions to

prevent, abate or mitigate significant injury to the PROPERTY resulting from such causes.

9. **Recordation.** GRANTOR shall record this CONSERVATION AND ACCESS EASEMENT in timely fashion in the Official Records of Orange County, Florida, and shall rerecord it at any time GRANTEE may require to preserve its rights. GRANTOR shall pay all recording costs and taxes necessary to record this CONSERVATION AND ACCESS EASEMENT in the public records. GRANTOR will hold GRANTEE harmless from any recording costs or taxes necessary to record this CONSERVATION AND ACCESS EASEMENT in the public records.

10. **Successors.** The covenants, terms, conditions and restrictions of this CONSERVATION AND ACCESS EASEMENT shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the PROPERTY and PROJECT SITE.

11. **Assignment.** GRANTEE will hold the Conservation Easement exclusively for conservation purposes. GRANTEE will not assign its rights and obligations under this Conservation Easement except as permitted under Section 704.06, Florida Statutes.

[SIGNATURES ON FOLLOWING PAGE]

2015-04-16 10:53:18 AM CAIP #15-04-011

SKETCH OF DESCRIPTION

PROJECT: Estate: Perpetual Easement

PURPOSE: Conservation

THIS IS NOT A BOUNDARY SURVEY
NOT VALID WITHOUT SHEET 2

DESCRIPTION:

A PART OF THE WEST 150 FEET OF TRACT 47, ROCKET CITY UNIT 9A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Z, PAGES 86 THROUGH 88, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 47 OF SAID PLAT OF ROCKET CITY UNIT 9A; THENCE RUN N00°00'00"E ALONG THE WEST LINE OF SAID TRACT 47, A DISTANCE OF 600.00 FEET TO THE SOUTH LINE OF THE NORTH 30.00 FEET OF SAID TRACT 47; THENCE RUN S90°00'00"E ALONG SAID SOUTH LINE OF THE NORTH 30 FEET, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S90°00'00"E ALONG SAID SOUTH LINE OF THE NORTH 30 FEET A DISTANCE OF 144.00 FEET; THENCE RUN S00°00'00"W ALONG THE EAST LINE OF THE WEST 150.00 FEET OF SAID TRACT 47, A DISTANCE OF 260.17 FEET; THENCE RUN S88°52'16"W, A DISTANCE OF 144.03 FEET; THENCE RUN N00°00'00"E ALONG A LINE 6.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID TRACT 47, A DISTANCE OF 263.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 37,669 SQUARE FEET, OR 0.865 ACRES, MORE OR LESS.

SURVEYORS NOTES

1. Bearings based on the North right of way line of Ortega Street as being N90°00'00"W.
2. I hereby certify that the standard of practice 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 standards of practice for Land Surveying CH 5J-17 requirements.
3. Not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.



JAMES R. SHANNON, JR., P.L.S. #4671

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING, INC.
499 NORTH S.R. 434 - SUITE 2155
ALTAMONTE SPRINGS, FLORIDA, 32714
(407) 774-8372 LB # 6898

DATE OF SURVEY: 07/23/2015

DRAWN BY: BP SCALE: 1" = 100'

PBZ-PCB6-W150 TR47-CON SKETCH

SHEET 1 OF 2

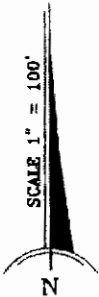
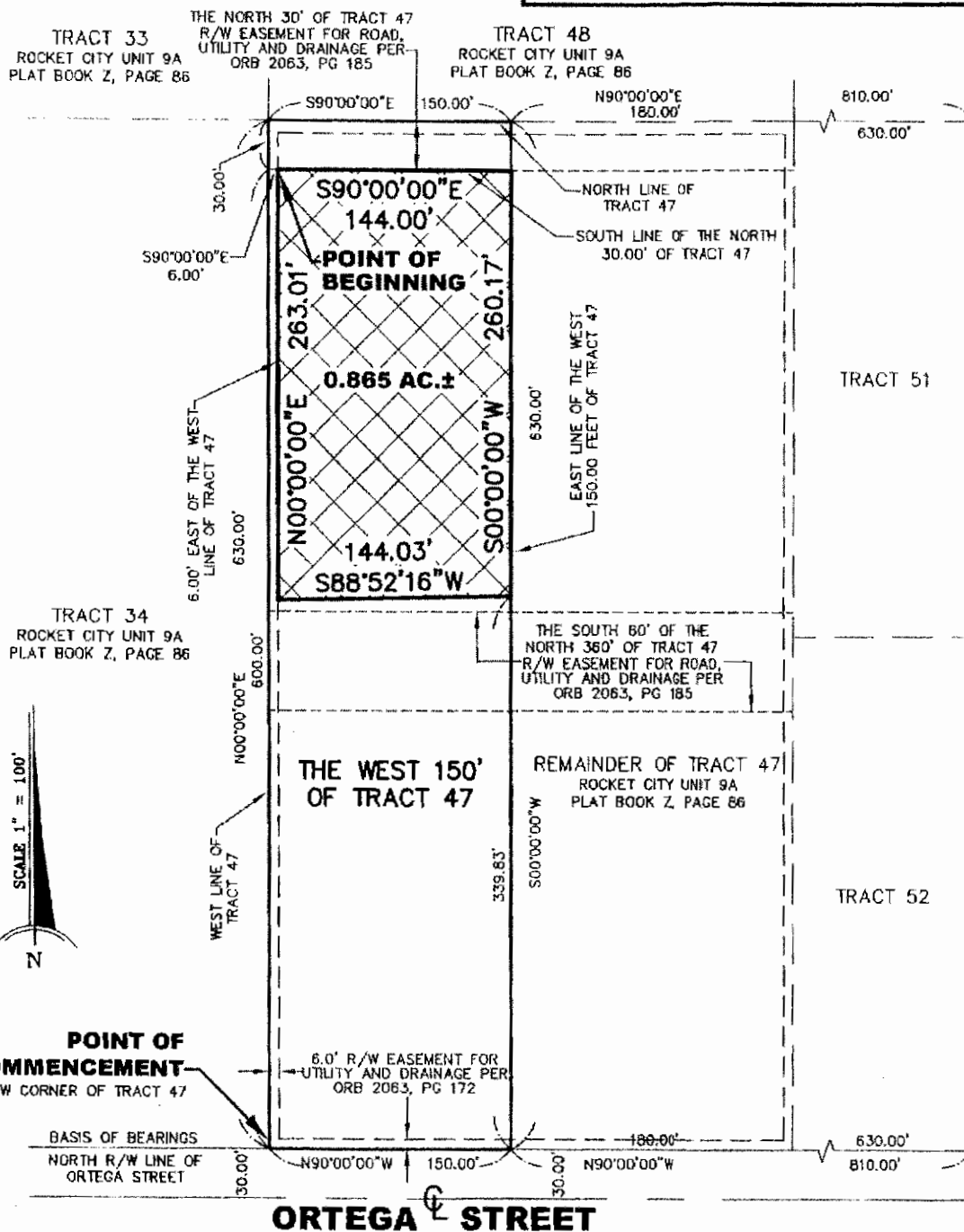
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SKETCH OF DESCRIPTION

PROJECT: Estate: Perpetual Easement
PURPOSE: Conservation

THIS IS NOT A BOUNDARY SURVEY
NOT VALID WITHOUT SHEET 1



POINT OF COMMENCEMENT
SW CORNER OF TRACT 47

BASIS OF BEARINGS
NORTH R/W LINE OF ORTEGA STREET

ORTEGA STREET

SHANNON SURVEYING, INC.
499 NORTH S.R. 434 - SUITE 2155
ALTAMONTE SPRINGS, FLORIDA, 32714
(407) 774-8372 LB # 6898

DATE OF SURVEY: 07/23/2015
DRAWN BY: BP SCALE: 1" = 100'
PBZ-PG86-W150 TR47-CON SKETCH
SHEET 2 OF 2

FILED 07/23/2015 12:14

07-08-0550015-8-40

Exhibit "B"

THE WEST 150 FEET OF TRACT 47, ROCKET CITY UNIT 9A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Z, PAGES 86, 87, AND 88, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO KNOW AS CAPE ORLANDO ESTATES UNIT 9A.

03/20/14 10:25:20 AM 8:40