



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

**DATE:** March 7, 2019

**TO:** Mayor Jerry L. Demings  
and the  
Board of County Commissioners

**THROUGH:** Paul Sladek, Manager *PS*  
Real Estate Management Division

**FROM:** Elena Hutchinson, Senior Title Examiner *EH*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

**DIVISION:** Real Estate Management  
Phone: (407) 836-7090

**ACTION REQUESTED:** Approval of Warranty Deed from D.R. Horton, Inc. to Orange County and Utility and Access Easement from Oak Trail Reserve Homeowner's Association, Inc. to Orange County with Joinder and Consent to Utility and Access Easement by D.R. Horton, Inc. and authorization to perform all actions necessary and incidental to closing

**PROJECT:** Oak Trail Reserve PUD Ph 1 & 2 Permit #16-U-013 OCU File #56225  
  
District 2

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

**ITEMS:** Warranty Deed  
Cost: Donation  
Size: 1,669 square feet  
  
Utility and Access Easement  
Cost: Donation  
Size: 4.71 acres

Real Estate Management Division

Agenda Item 7

March 7, 2019

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**APPROVALS:** Real Estate Management Division  
Utilities Department  
Risk Management Division

**REMARKS:** Grantor to pay all closing costs and prorated taxes, if applicable.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2019

THIS IS A DONATION

Project: Oak Trail Reserve PUD Ph 1 & 2 Permit #16-U-013 OCU File #56225

### WARRANTY DEED

THIS WARRANTY DEED, Made and executed the 13 day of December, A.D. 2018, by D.R. Horton, Inc., a Delaware corporation, whose address is 6200 Lee Vista Blvd., Suite 400, Orlando, Florida 32822-5149, 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, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the GRANTEE, all that certain land situate in Orange County, Florida:

**Tract S, Oak Trail Reserve, according to the plat thereof as recorded in Plat Book 95, pages 89 through 92 of the Public Records of Orange County, Florida.**

**Property Appraiser's Parcel Identification Number:**

**33-21-28-6070-19-000**

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the GRANTOR hereby covenants with said GRANTEE that GRANTOR is lawfully seized of said land in fee simple; that GRANTOR has good right and lawful authority to sell and convey said land; that GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

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

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness

Dallas Austin  
Printed Name

[Signature]  
Witness

Karla R. Cuevas  
Printed Name

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

BY: [Signature]

Donna Pope  
Printed Name

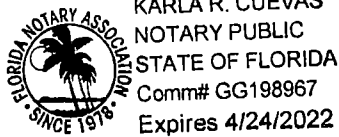
Vice President  
Title

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 13 day of December 20 18, by Donna Pope, as Vice President of D.R. Horton, Inc., a Delaware corporation. He/She is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Seal)



[Signature]  
Notary Signature

Karla R. Cuevas  
Printed Notary Name

**This instrument prepared by:**  
Elena Hutchinson, 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:

Project: Oak Trail Reserve PUD Ph 1 & 2 Permit #16-U-013 OCU File #56225

**UTILITY AND ACCESS EASEMENT**

THIS INDENTURE, Made this 18 day of December, A.D. 2018, between Oak Trail Reserve Homeowner's Association, Inc., a Florida not-for-profit corporation, whose address is 6200 Lee Vista Blvd., Ste. 400, Orlando, FL 32822-5149, 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 perpetual easement for utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, lift stations, 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:

**Tract T, Oak Trail Reserve, according to the plat thereof as recorded in Plat Book 95, pages 89 through 92 of the Public Records of Orange County, Florida.**

**Property Appraiser's Parcel Identification Number:**

**33-21-28-6070-20-000**

TO HAVE AND TO HOLD said 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 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 easement 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, 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.

GRANTOR does also hereby give and grant to the GRANTEE and its assigns, a perpetual easement for vehicular and pedestrian ingress, egress, access and passage, including without limitation, by large, heavy vehicles and equipment, over, on, upon, through and across the easement area.

In the event that all or any part of the easement area are now or hereafter gated or developed as a gated community, GRANTOR shall provide to GRANTEE the means by which GRANTEE at all times, and without need for any notice to or coordination with GRANTOR, may access the gated portions of the easement area in furtherance of the access easement granted herein; such means may include, but are not limited to: access codes, keys, keycards, radio transmitters or receivers, controls, and/or other information, tools, devices and/or equipment necessary for GRANTEE to access the easement area.

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.

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

Karla R. Cuevas  
Printed Name

Oak Trail Reserve Homeowner's Association,  
Inc., a Florida not-for-profit corporation

BY: [Signature]

Leroy Sanchez  
Printed Name

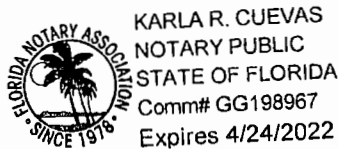
President  
Title

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 13 day of December, 2018,  
by Leroy Sanchez, the President of Oak Trail Reserve Homeowner's  
Association, Inc., a Florida not-for-profit corporation, on behalf of the not-for-profit corporation.  He/she  
 is personally known to me, or [ ] has produced \_\_\_\_\_ as identification.

(Notary Seal)



[Signature]  
Notary Signature

Karla R. Cuevas  
Printed Notary Name

**This instrument prepared by:**  
Elena Hutchinson, 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:

**JOINDER AND CONSENT TO UTILITY AND ACCESS EASEMENT**

D.R. Horton, Inc., a Delaware corporation (the "Developer"), being granted certain easement rights by virtue of that certain Declaration of Covenants, Conditions, and Restrictions for Oak Trail Reserve, recorded May 4, 2018 as Official Records Document No. 20180262964, Development Agreement, recorded December 8, 2004 in Official Records Book 7729, Page 3074, First Amendment to Development Agreement, recorded November 15, 2006 in Official Records Book 8972, Page 1801, and Second Amendment to Development Agreement, recorded January 28, 2016, Document No. 20160049389 ("Encumbrances"), of the Public Records of Orange County, Florida, hereby joins in and consents to the execution and recording of the foregoing Utility and Access Easement and agrees that such Utility and Access Easement shall constitute a valid and lasting encumbrance on the easement area described herein notwithstanding anything in the Encumbrances to the contrary.

Witnesses:

[Signature]  
Print Name: Dallas Austin  
[Signature]  
Print Name: Nicholas Christakos

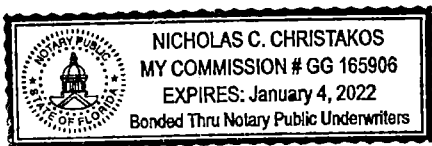
D.R. Horton, Inc., a Delaware corporation

By: [Signature]  
Print Name: John Valantasis  
Title: Assistant Secretary

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of December, 2018, by John Valantasis, as Assistant Secretary, of D.R. Horton, Inc., a Delaware corporation, on behalf of said corporation. He is personally known to me, or L has produced \_\_\_\_\_ as identification.

(Notary Seal)



[Signature]  
Notary Public

Print Name: Nicholas C. Christakos  
My Commission Expires: 1/4/22