



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: May 13, 2020

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

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

FROM: Elizabeth Price Jackson, Senior Title Examiner *EB for BJ*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval and execution of Right of Entry between The School Board of Orange County, Florida and Orange County, Florida

PROJECT: Dr. P. Phillips – OCPS Middle School Ballfield Park – Invest
District 1

PURPOSE: To provide access for due diligence activities.

ITEM: Right of Entry
Cost: None
Size: 25.01 acres
Term: Until December 31, 2020, or approval of a Joint Use Agreement

APPROVALS: Real Estate Management Division
Capital Projects Division
Parks and Recreation Division

REMARKS:

Kerina Village, LLC (Kerina), the School Board of Orange County, Florida (OCPS), and County are presently in negotiations related to a possible new park site proposed to be located partially upon certain lands to be donated to County by Kerina and partially upon abutting lands owned by OCPS, all lying east of South Apopka Vineland Road and just north of the recently vacated Fenton Road corridor. Such negotiations are expected to result in a Donation Agreement between County and Kerina and a Joint Use Agreement between County and OCPS being brought to the Board for approval later this year.

However, in order to advance the project, OCPS has agreed that County may have access to the OCPS lands to continue County's due diligence activities while negotiations of the Joint Use Agreement are ongoing. This Right of Entry provides the terms and conditions upon which County may enter upon the OCPS lands and conduct its due diligence activities.

This Right of Entry will not be recorded.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 0 2 2020

RIGHT OF ENTRY

For and in consideration of \$1.00, other valuable considerations and benefits, THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, a public corporate body organized and existing under the laws of the State of Florida (“School Board”), does hereby give, grant and bargain subject to terms provided herein, to ORANGE COUNTY, FLORIDA, a charter county and a political subdivision of the State of Florida, (the “County”), this certain right of entry to enter upon the portion of lands described as follows:

SEE ATTACHED EXHIBIT “A” (“Property”)

**Orange County Property Appraiser’s Parcel Identification Number:
Parcel ID No. 10-24-28-0000-00-047**

for the purpose of conducting due diligence investigations on the Property by the County and/or its assigns.

To the extent provided by Section 768.28, Florida Statutes, and without otherwise waiving sovereign immunity, the County hereby indemnifies the School Board for liability for any property damage or for death or personal injury occurring on the above referenced property or any surrounding property in connection with due diligence investigations provided by the County or its employees, agents, independent contractors, guests, invitee or licensees use of the property.

The County has represented and hereby agrees to complete all of the work on or prior to December 31, 2020. This Right of Entry shall expire on the earlier of December 31, 2020, or approval of a Joint Use Agreement between the School Board and County for access, construction, operation, and maintenance of ballfields on the School Board property.

By use of this Right of Entry, the County accepts the obligations herein.

[SIGNATURE PAGE TO FOLLOW]

“SCHOOL BOARD”

Signed, sealed and delivered in the presence of:

Maribeliz Pagan
Printed Name: Maribeliz Pagan

Martin Gutierrez
Printed Name: Martin Gutierrez

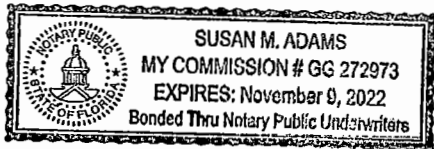
THE SCHOOL BOARD OF ORANGE COUNTY FLORIDA, a corporate body organized and existing under the constitution and laws of the State of Florida

By: [Signature]
Barbara M. Jenkins, Ed. D.,
as its Superintendent

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 26th day of March, 2020, by Barbara M. Jenkins, Ed. D., as Superintendent of The School Board of Orange County, Florida, who produced _____ as identification or is personally known to me and who acknowledged that she signed the instrument voluntarily for the purpose expressed in it.

(NOTARY SEAL)



[Signature]
Notary Public
Printed Name: Susan M. Adams
My Commission Expires: _____

Approved as to form and legality by Legal Counsel for The School Board of Orange County, Florida this 18th day of March 2020, for its exclusive use and reliance.

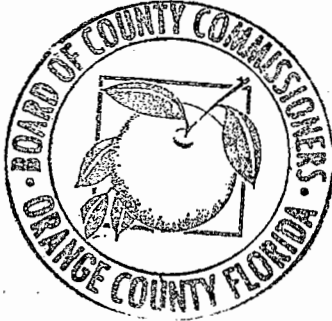
By: [Signature]
Christopher J. Wilson, Esq.

Reviewed and approved by Orange County Public Schools Chief Facilities Officer this 20th day of MARCH, 2020.

By: [Signature]
John T. Morris, Chief Facilities Officer

ORANGE COUNTY, FLORIDA

By: Orange County Board of County Commissioners



By: Byron W. Brooks

for Jerry L. Demings
Orange County Mayor

Date: 5 June 2020

ATTEST:

Phil Diamond, CPA, Orange County Comptroller
As Clerk of the Board of County Commissioners

By: Neelva Perez
for Deputy Clerk

Neelva Perez
Printed Name

Date: JUN 02 2020

EXHIBIT "A"
Legal Description

Orange County Property Appraiser's Parcel Identification No: 10-24-28-0000-00-047

Property Description

THAT PART OF SECTION 10, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERNMOST CORNER OF BUENAVISTA WOODS BOULEVARD OF DIAMOND COVE UNIT 2 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGES 14 THROUGH 18, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N75°31'57"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BUENAVISTA WOODS BOULEVARD, 60.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1130.00 FEET AND A CHORD BEARING OF S07°02'08"E, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°51'51" FOR A DISTANCE OF 293.15 FEET TO THE POINT OF TANGENCY; THENCE S00°23'48"W, 100.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 855.00 FEET AND A CHORD BEARING OF S46°56'01"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 93°04'26" FOR A DISTANCE OF 1388.90 FEET TO THE POINT OF TANGENCY; THENCE N86°31'46"W, 368.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1215.00 FEET AND A CHORD BEARING OF S86°55'38"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°05'11" FOR A DISTANCE OF 277.50 FEET TO A NON-TANGENT LINE; THENCE S62°36'11"W, 218.29 FEET; THENCE S70°05'55"W, 122.84 FEET TO THE POINT OF CUSP WITH A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING OF S70°40'12"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 78°27'47" FOR A DISTANCE OF 34.24 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°32'13" FOR A DISTANCE OF 5.03 FEET TO THE POINT OF TANGENCY; THENCE S19°54'05"E, 124.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 300.00 FEET AND A CHORD BEARING OF S9°58'31"E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°51'09" FOR A DISTANCE OF 103.95 FEET TO THE POINT OF TANGENCY; THENCE S00°02'57"E, 763.28 FEET; THENCE S89°57'03"W, 1214.99 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF APOPKA VINELAND ROAD; THENCE N00°03'17"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 875.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING OF N05°42'49"E; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°32'13" FOR A DISTANCE OF 5.03 FEET TO A NON-TANGENT LINE; THENCE N89°57'03"E, 639.49 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1238.00 FEET AND A CHORD BEARING OF N80°01'29"E; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°51'09" FOR A DISTANCE OF 428.95 FEET TO THE POINT OF TANGENCY; THENCE N70°05'55"E, 98.17 FEET TO THE POINT OF BEGINNING.