



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

**DATE:** February 17, 2020

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

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

**FROM:** Theresa A. Avery, Senior Acquisition Agent   
Real Estate Management Division

**CONTACT PERSON:** **Paul Sladek, Manager**

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

**ACTION REQUESTED:** Approval of Signalization and Sidewalk Easement from South Orange Industrial Properties, LLC to Orange County with Joinder and Consent to Signalization and Sidewalk Easement from The Carter-Southmeadow Land Trust, dated February 27, 2001 and authorization to disburse funds to pay all recording fees and record instrument

**PROJECT:** Town Center Blvd and Southmeadow Dr  
  
District 4

**PURPOSE:** To provide for access, construction, operation, and maintenance of signalization and sidewalk facilities.

**ITEM:** Signalization and Sidewalk Easement (Instrument 803.1)  
Cost: Donation  
Size: 450 square feet

**BUDGET:** Account No.: 1002-072-2711-6110

**FUNDS:** \$53.20 Payable to Orange County Comptroller  
(all recording fees)

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

**REMARKS:** This easement is being acquired at the request of the Orange County  
Public Works Department as Parcel 803 of the Town Center Blvd and  
Southmeadow Dr project.

County to pay all recording fees.

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

Under Ordinance Approval

Date: February 19, 2020

Total Amount: \$53.20

Project: Town Center Blvd and Southmeadow Dr

Parcel: 803

Charge to Account # 1002-072-2711-6110

Controlling Agency Approval Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

Fiscal Approval Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

TYPE TRANSACTION (Check appropriate block(s))  
 Pre-Condemnation  Post-Condemnation  N/A District # 4

Acquisition at Approved Appraisal  
 Acquisition at Below Approved Appraisal  
 Acquisition at Above Approved Appraisal  
 Advance Payment Requested

Orange County Comptroller \$53.20  
(All Recording Fees)

DOCUMENTATION ATTACHED (Check appropriate block(s))

Contract/ Agreement  
 Copy of Executed Instrument  
 Certificate of Value (Donation)  
 Settlement Analysis

Payable to: Orange County Comptroller \$53.20

\*\*\*\*\*  
**IMPORTANT: CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)**  
\*\*\*\*\*

Recommended by Theresa A. Avery  
Theresa A. Avery, Sr. Acquisition Agent, Real Estate Mgt. Div

2/17/20  
Date

Payment Approved Paul Sladek  
Paul Sladek, Manager, Real Estate Management Division

2/20/2020  
Date

Certified Craig A. Stopyra  
Approved by BCC for Deputy Clerk to the Board

MAR 24 2020  
Date

Examined/Approved \_\_\_\_\_  
Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: This is a Donation, per BoCC approval 03/24/20

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 24 2020

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

Under Ordinance Approval

Date: February 19, 2020

Total Amount: \$53.20

Project: Town Center Blvd and Southmeadow Dr

Charge to Account # 1002-072-2711-6110

Parcel: 803

[Signature] 2/24/20  
Controlling Agency Approval Signature Date  
Frank Yonice

Printed Name:  
[Signature] 2/24/20  
Fiscal Approval Signature Pat Davis Date  
Printed Name

TYPE TRANSACTION (Check appropriate block{s})  
 Pre-Condemnation  Post-Condemnation

N/A District # 4

- Acquisition at Approved Appraisal
- Acquisition at Below Approved Appraisal
- Acquisition at Above Approved Appraisal
- Advance Payment Requested

Orange County Comptroller (All Recording Fees)	\$53.20
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DOCUMENTATION ATTACHED (Check appropriate block{s})

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Payable to: Orange County Comptroller \$53.20

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**IMPORTANT: CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)**  
\*\*\*\*\*

Recommended by [Signature] Theresa A. Avery, Sr. Acquisition Agent, Real Estate Mgt. Div Date 2/17/20

Payment Approved [Signature] Paul Sladek, Manager, Real Estate Management Division Date 2/20/2020

Certified \_\_\_\_\_ Approved by BCC Deputy Clerk to the Board Date \_\_\_\_\_

Examined/Approved \_\_\_\_\_ Comptroller/Government Grants Check No. / Date \_\_\_\_\_

REMARKS:  
Anticipated Closing Date: This is a Donation, per BoCC approval 03/24/20

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 24 2020

THIS IS A DONATION

Instrument: 803.1

Project: Town Center Blvd and Southmeadow Dr

### SIGNALIZATION AND SIDEWALK EASEMENT

THIS INDENTURE, made and executed the 13<sup>th</sup> day of February, A.D. 2020 by South Orange Industrial Properties, LLC, a South Carolina limited liability company, whose address is 100 Dumbar St., Suite 400, Spartanburg, SC 29306, GRANTOR, and ORANGE COUNTY, a charter county and a 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, its successors and assigns, a non-exclusive Signalization and Sidewalk Easement more particularly defined in Schedule "B" over and upon the following described lands of the GRANTOR situate in Orange County aforesaid, to-wit:

**SEE ATTACHED SCHEDULE "A"**

(the "Easement Area")

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

**a portion of**

**26-24-29-0000-00-007**

TO HAVE AND TO HOLD said easement unto said GRANTEE and its successors and assigns forever.

THE GRANTOR covenants with the GRANTEE that the GRANTOR is lawfully seized of said lands in fee simple; that the GRANTOR has good right and lawful authority to grant this easement and shall take no action to interfere with the GRANTEE'S lawful use of said easement; that the GRANTOR hereby fully warrants the easement being granted and will defend the same against the lawful claims of all persons. GRANTOR reserves for itself, and its successors, and, its assigns, the right to utilize the Easement Area in any manner that is consistent with the rights granted herein.

Subject to and without waiving the provisions of Section 768.28, Florida Statutes, GRANTEE agrees to indemnify GRANTOR against any damage to GRANTOR'S property which results solely from GRANTEE'S and the public'S use of the Easement Area. GRANTEE agrees, upon completion of the construction project, to restore the Easement Area to substantially its original condition, excluding normal wear and tear. Likewise, GRANTEE agrees, on behalf of itself, its agents, employees and contractors, that GRANTOR shall not be liable and shall be held harmless for any claim, loss, damage, cost, charge or expense resulting from the GRANTEE'S and the public'S use and enjoyment of the Easement Area, except where the loss or damage results directly from the negligence or willful misconduct of GRANTOR.

Instrument: 803.1  
Project: Town Center Blvd and Southmeadow Dr

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

J. Clay Kirby  
Printed Name

[Signature]  
Witness

Josha B. Jones  
Printed Name

South Orange Industrial Properties, LLC,  
a South Carolina limited liability company

BY: Johnson Development Associates, Inc.,  
a South Carolina corporation, as Manager

BY: [Signature]

Jason C. Lynch  
Print Name

Vice President  
Title

(Signature of TWO witnesses required by Florida law)

STATE OF South Carolina

COUNTY OF Spartanburg

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, of this 13 day of February, 2020 by Jason C. Lynch as Vice President of Johnson Development Associates, Inc., a South Carolina corporation, as manager of South Orange Industrial Properties, LLC, a South Carolina limited liability company on behalf of the limited liability company. He/She [ is personally known to me, or [ has produced \_\_\_\_\_ as identification.

(Notary Seal)



[Signature]  
Notary Signature

Dawn Turner Kunak  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My commission expires: 4-5-2022

**This instrument prepared by:**  
Theresa A. Avery, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

Instrument: 803.1  
Project: Town Center Blvd and Southmeadow Dr

**JOINDER AND CONSENT TO SIDEWALK EASEMENT**

The Carter-Southmeadow Land Trust, dated February 27, 2001, being granted certain rights by virtue of that certain Master Declaration of Covenants, Conditions and Restrictions for Southchase-East, recorded November 27, 1989, in Official Records Book 4135, Page 1915, and that certain Development Agreement, recorded November 27, 1989, in Official Records Book 4135, Page 1953, and that certain Amendment to Development Agreement, recorded September 27, 2000, in Official Records Book 6096, Page 1838, and that certain Amendment to Master Declaration of Covenants, Conditions and Restrictions for Southchase-East, recorded September 29, 2000, in Official Records Book 6097, Page 2934, and that certain Assignment of Development Rights, recorded February 28, 2001, in Official Records Book 6203, Page 6590, and that certain Agreement Regarding Allocation of Entitlements and Transportation Mitigation Obligations – Southchase DRI/PD, recorded April 25, 2006, in Official Records Book 8607, Page 3183, and that certain Eleventh Amended Development Order for Southchase Development of Region Impact, recorded June 2, 2010, in Official Records Book 10053, Page 5402, and that certain Twelfth Amended Development Order for Southchase Development of Region Impact, recorded July 31, 2019, in Official Records document Number 20190472355 (collectively the “Encumbrances”), all of the Public Records of Orange County, Florida, hereby joins in and consents to the execution and recording of the foregoing Sidewalk Easement and agrees that such Sidewalk Easement shall constitute a valid and lasting encumbrance on the easement area described herein notwithstanding anything in the Encumbrances to the contrary.

Witnesses:

*Joan M Fisher*  
Print Name: Joan M Fisher  
*Emily Brown*  
Print Name: Emily Brown

The Carter-Southmeadow Land Trust, dated February 27, 2001

By: M. L. Carter Services, Inc., as successor Trustee

*Daryl M. Carter*  
By: \_\_\_\_\_  
Daryl M. Carter, President/Director

STATE OF FLORIDA )  
COUNTY OF ORANGE )

The foregoing instrument was acknowledged before me this 12th of November, 2019, by Daryl M. Carter, as President/Director of the M. L. Carter Services, Inc., as successor Trustee of The Carter-Southmeadow Land Trust, dated February 27, 2001, dated, on behalf of the trust. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)



JOAN M. FISHER  
Commission # GG 113991  
Expires July 16, 2021  
Bonded Thru Budget Notary Services

*Joan M Fisher*  
Notary Public

Print Name: Joan M Fisher

My Commission Expires: \_\_\_\_\_

**SCHEDULE "A"  
LEGAL DESCRIPTION**

Parcel: 803  
Estate: Perpetual Easement  
Purpose: Signalization and Sidewalk Easement

A tract of land lying in Section 26, Township 24 South, Range 29 East, Orange County, Florida being more particularly described as follows:

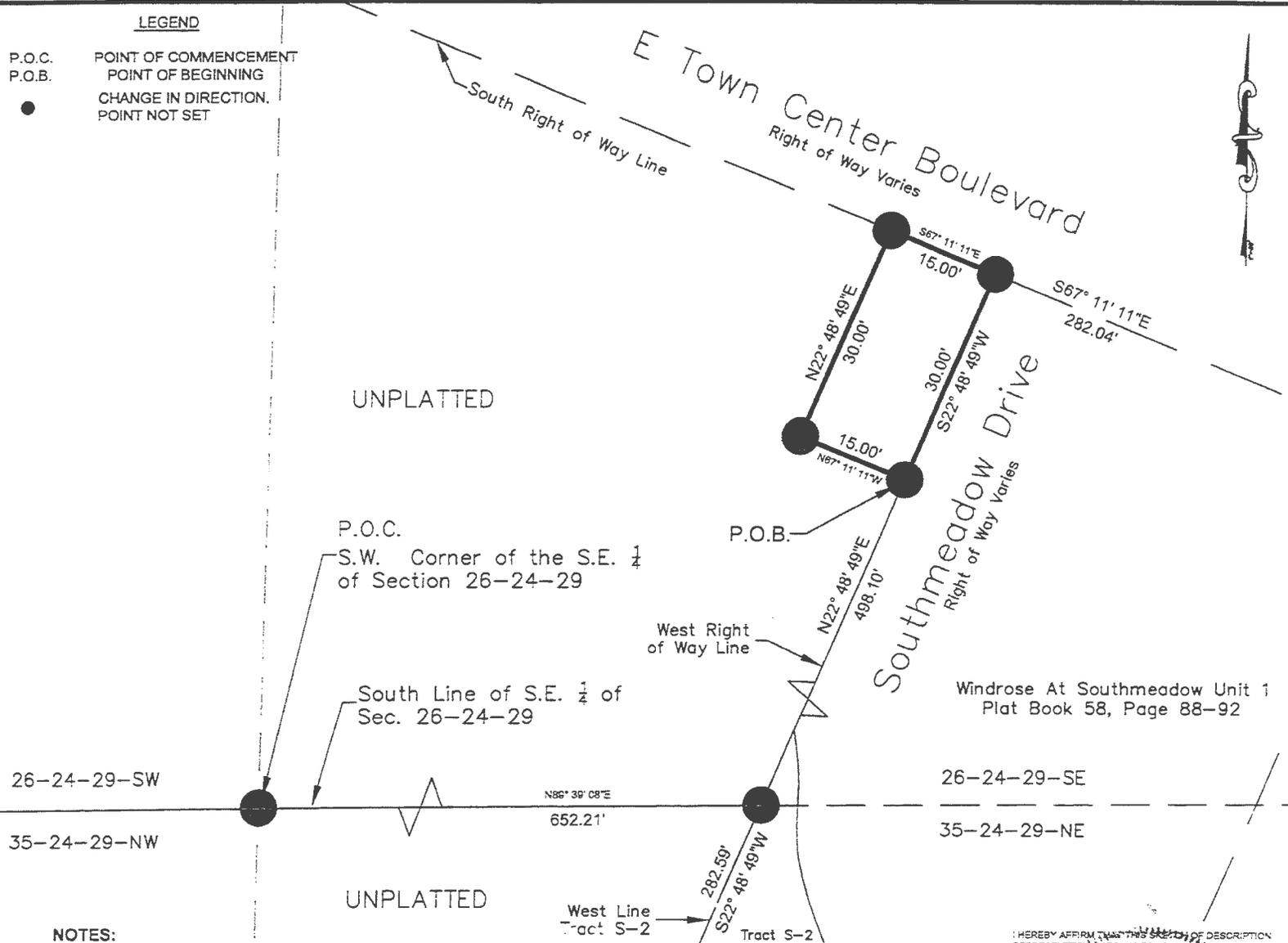
Commence at the Southwest corner of the Southeast quarter of said Section 26; thence run North 89 degrees 39 minutes 08 seconds East along the South line of said Southeast quarter a distance of 652.21 feet to a point lying on the West line of Tract S-2, WINDROSE AT SOUTHMEADOW UNIT 1 as recorded in Plat Book 58, Pages 88 through 92, Public Records of Orange County, Florida; thence run North 22 degrees 48 minutes 49 seconds East along said West line of Tract S-2 of said plat and the West right of way line of Southmeadow Drive a distance of 498.10 feet to the POINT OF BEGINNING; thence departing said West right of way line run North 67 degrees 11 minutes 11 seconds West a distance of 15.00 feet; thence run North 22 degrees 48 minutes 49 seconds East a distance of 30.00 feet to a point lying on the South right of way line of East Town Center Boulevard; thence run South 67 degrees 11 minutes 11 seconds East along said South right of way line a distance of 15.00 feet to a point lying on the said West right of way line of Southmeadow Drive; thence run South 22 degrees 48 minutes 49 seconds West along the said West right of way line a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 450.00 Square Feet, More or Less.

PREPARED FOR: Traffic Engineering		ORANGE COUNTY PUBLIC WORKS ENGINEERING DIVISION			
DRAWN BY: Pickles	DATE: 08/09/2019	SECTION: 26		DRAWING SCALE: 1" = 20'	
CHECKED BY: Daynes	JOB No: 8457	TOWNSHIP: 24		PROJECT NUMBER	
APPROVED BY: Daynes	DRAWING FILE:	RANGE: 29		8457	
REVISION DATE: 8/21/19	8457 Southmeadow Drive	SHEET 1 OF 2		SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7940	

**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**

Parcel: 803  
 Estate: Perpetual Easement  
 Purpose: Signalization and Sidewalk Easement



- NOTES:**
1. BEARINGS ARE BASED ON THE SOUTH LINE OF THE S.E. 1/4 OF SEC. 26-24-29 AS BEING AN ASSUMED BEARING OF S89°39'08"E
  2. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION WAS PREPARED BY ORANGE COUNTY ENGINEERING DIVISION, SURVEY SECTION.
  3. THERE MAY BE OTHER RECORDS DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY. A COMPLETE TITLE RECORD SEARCH WAS NOT PERFORMED.
  4. NO IMPROVEMENTS ABOVE OR BELOW GROUND, OTHER THAN THOSE SHOWN, WERE LOCATED.

**SKETCH AND DESCRIPTION**  
 THIS IS NOT A SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING.

I HEREBY AFFIRM THAT THIS SKETCH OF DESCRIPTION REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN CHAPTER 5J, F.S., PURSUANT TO CHAPTERS 77 AND 472 OF THE FLORIDA STATUTES, AND UNLESS I BEAR THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAN, OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

DATE: 10/25/19  
 Mark A. Daynes  
 REGISTERED LAND SURVEYOR AND MAPPER  
 STATE OF FLORIDA LICENSE NO. 5479

DRAWN BY: Pickles	DATE: 08/09/2019	SECTION: 26	PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7940	ORANGE COUNTY GOVERNMENT FLORIDA
CHECKED BY: Daynes	JOB No: 8457	TOWNSHIP: 24		
APPROVED BY: Daynes	DRAWING FILE: 8457 Southmeadow Drive	RANGE: 29		
REVISION DATE: 8/21/19		SHEET 2 OF 2		
DRAWING SCALE: 1" = 20'		PROJECT NUMBER: 8457		
PREPARED FOR: Traffic Engineering				

## **SCHEDULE "B"**

### **TOWN CENTER BOULEVARD AND SOUTHMEADOW DRIVE PARCEL 803**

#### **SIDEWALK EASEMENT**

Parcel 803 is being acquired as a permanent non-exclusive easement for sidewalk purposes with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a paved sidewalk, pedestrian signal and pedestal pole, and appurtenant facilities over, under, and upon the following lands as described in Schedule "A".

THE GRANTORS and their heirs, successors and assigns shall not build, construct, or create, or permit others to build, construct, or create any building, utilities or other structures that could adversely affect the structural integrity of the adjacent roadway facility on the granted easement without the prior written approval of the GRANTEE.

THE GRANTOR may use the granted easement for any use not inconsistent with the GRANTEE'S intended use of the granted easement including, but not limited to, open space, setback area, landscaping, and any activity that will not adversely affect the structural integrity of the adjacent roadway facility.

This easement is for the purposes noted herein and does not obligate the GRANTEE to perform any right-of-way maintenance or other duties.

Project: Town Center Blvd and Southmeadow Dr  
Parcels No.: 803  
Name of Owner(s): South Orange Industrial Properties, LLC, a South Carolina limited liability company  
Page No.: 1

**SETTLEMENT ANALYSIS**

\_\_\_\_ Pre-Condemnation  
X Not Under Threat

**EXPLANATION OF RECOMMENDED SETTLEMENT**

The Town Center Blvd and Southmeadow Dr Project is a Public Works Traffic Engineering Project whereas Public Works is seeking a donation for a mast arm pole and sidewalk for the intersection improvements at Town Center Blvd and Southmeadow Drive. The property is a 30 by 15 feet more or less parcel that is being donated to the County in the form of a Signalization and Sidewalk Easement with Joinder and Consent. The easement will clear title and give the County maintenance rights to the sidewalk and the mast arm pole being installed. The easement is located at the southwesterly corner of East Town Center Boulevard and Southmeadow Drive and owned by South Orange Industrial Properties, LLC, a South Carolina limited liability company. The Signalization and Sidewalk Easement with Joinder and Consent contains 450 square feet more or less located in Section 26, Township 24 South, Range 29 East. The property owner, South Orange Industrial Properties is donating the easement to the County, total fees being all recording fees in the amount of \$53.20.

I recommend and request approval of this settlement.

Recommended by: Theresa A. Avery Date: 2/27/20  
Theresa A. Avery, Senior Acquisition Agent, Real Estate Management Division

Recommended by: Robert K. Babcock Date: 2/27/2020  
Robert K. Babcock, Acquisition Supervisor, Real Estate Management Division

Approved by: Paul Sladek Date: 3/5/2020  
Paul Sladek, Manager, Real Estate Management Division

or  
Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Russell Corriveau, Assistant Manager, Real Estate Management Division