



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

DATE: November 10, 2019

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

FROM: Paul Sladek, Manager
Real Estate Management Division *RLC for PDS*

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval and execution of Right of Entry between Orange County, Florida, City of Orlando, and Orange County Library District

PROJECT: Horizon West Library Site
District 1

PURPOSE: To allow the Orange County Library District to conduct due diligence investigations on certain Water Conserv II lands.

ITEM: Right of Entry
Revenue: None/Donation
Total size: 25.67 acres
Term: Until March 31, 2020

APPROVALS: Real Estate Management Division
County Attorney's Office
Utilities Department
Risk Management Division

REMARKS:

Orange County Library District (OCLS) has expressed an interest in acquiring certain Water Conserv II lands, jointly owned by County and the City of Orlando, to locate a new library branch in the Horizon West area.

In particular, OCLS has requested this Right of Entry (ROE) to allow OCLS to enter upon two Water Conserv II sites for the purpose of conducting due diligence investigations and evaluating said Water Conserv II lands for subsequent acquisition and development.

One site to be evaluated consists of approximately 17.77 acres and is located in the southwest corner of Hamlin Groves Trail and Tiny Road, directly east of and abutting the planned Horizon West Regional Park. A second, approximately 7.90 acre, site is located on the west side of Hamlin Groves Trail, west of and across Hamlin Groves Trail from the planned Horizon West Regional Park.

In the event that OCLS requests to move forward with the acquisition of all or any portion of either site, a purchase agreement will be subsequently presented to the Board for consideration.

The ROE expires March 31, 2020.

RIGHT OF ENTRY

For and in consideration of \$1.00, and other valuable considerations and benefits, ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida (“County”), whose principal place of business is 201 South Rosalind Avenue, Orlando, Florida, 32801, jointly and together with the CITY OF ORLANDO, a municipal corporation organized and existing under the laws of the State of Florida (“City”), whose principal place of business is 400 South Orange Avenue, Orlando, Florida, 32801, do hereby give, grant, and bargain, subject to terms provided herein, to ORANGE COUNTY LIBRARY DISTRICT, a Special Independent Taxing District of the State of Florida (“OCLS”), whose principal place of business is 101 East Central Boulevard, Orlando, Florida, 32801, this certain right of entry to enter upon the lands described as follows:

Orange County Property Appraiser’s Parcel Identification Numbers:

**17-23-27-0000-00-018;
16-23-27-0000-00-032;
16-23-27-0000-00-009;
16-23-27-0000-00-021; and
a portion of 16-23-27-0000-00-031**

as more particularly depicted on Exhibit “A” attached hereto (collectively, the “Property”)

for the purpose of conducting due diligence investigations on the Property by OCLS and/or its agents. OCLS will coordinate access to the site with County and City and will obtain written approval from County and City prior to any subsurface investigations, invasive testing, the installation of wells, or any other such excavation.

To the extent permitted by law and consistent with subsection 768.28(19) of the Florida Statutes, OCLS hereby agrees to release, indemnify, and hold County and City harmless from and against any liability, damages, or claims, for any property damage or for death or personal injury occurring on the above referenced Property or any surrounding property arising in connection with the due diligence investigations performed by, or other entry upon or use of the Property by, OCLS or its employees, agents, independent contractors, guests, invitees, or licensees. Nothing herein operates as a waiver of OCLS’s, County’s or City’s sovereign immunity. OCLS agrees to require any contractors conducting activities on the site under terms of this Right of Entry to add County and City as additional insureds on its liability policy and to provide proof of same to County and City upon the request for same by either County or City.

Prior to expiration of this Right of Entry, OCLS agrees to provide to County and City copies of any and all reports, studies, surveys, documents, and other similar due diligence information containing the results of OCLS’ investigations.

OCLS has represented and hereby agrees to complete the due diligence prior to March 31, 2020. This Right of Entry shall expire on March 31, 2020.

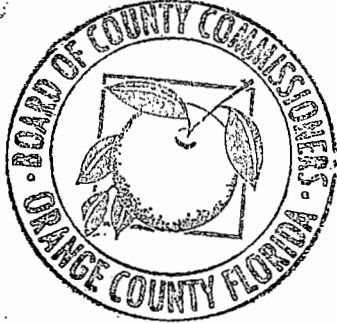
By use of this Right of Entry, OCLS accepts the obligations herein.

(signature pages and exhibit follow)

IN WITNESS WHEREOF, the parties have caused this Right of Entry to be duly executed by their respective duly authorized representatives on the dates set forth below.

“COUNTY”

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners



BY: Jerry L. Demings
for Jerry L. Demings
Orange County Mayor

DATE: 3 Dec 19

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

BY: Noelia Perez
for Deputy Clerk

Noelia Perez
Printed Name

“CITY”

CITY OF ORLANDO

By: Laurie Botts
Laurie J. Botts, Real Estate Manager

Date: 12/10/19

“OCLS”

Signed, sealed, and delivered
in the presence of:

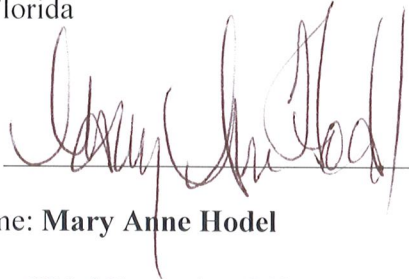
ORANGE COUNTY LIBRARY DISTRICT, a
Special Independent Taxing District of the State
of Florida



Print Name: Kris Shoemaker

Rachel M. Boevers

Print Name: Rachel M. Boevers

By: 

Name: **Mary Anne Hodel**

Title: **Chief Executive Officer**

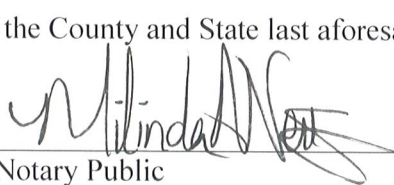
Date: 12-10-19

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by Mary Anne Hodel, as Chief Executive Officer of ORANGE COUNTY LIBRARY DISTRICT, a Special Independent Taxing District of the State of Florida, who is known by me to be the person described herein and who executed the foregoing, this 10th day of December, 2019. She is [] personally known to me or [] has produced _____ as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 10th day of December, 2019.



Notary Public

Print Name: _____

My Commission Expires: _____

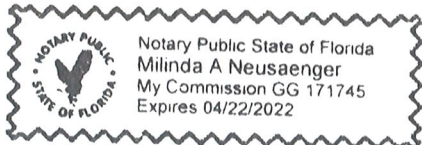


EXHIBIT A

Depiction of the Property



Conserv II Surplus Properties Potentially for OC Library