



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

**DATE:** November 9, 2017

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

**FROM:** Kenneth Woods, Acquisition Agent *KW*  
Real Estate Management Division

**CONTACT  
PERSON:** Paul Sladek, Manager

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

**ACTION  
REQUESTED:** APPROVAL OF DONATION AGREEMENT AND UTILITY  
EASEMENT BETWEEN AVALON PARK PROPERTY OWNERS  
ASSOCIATION, INC. AND ORANGE COUNTY AND  
AUTHORIZATION TO DISBURSE FUNDS TO PAY ALL  
RECORDING FEES AND RECORD INSTRUMENT

**PROJECT:** FM R/R East Area Package 3 (Lake Live Oak Dr)  
  
District 4

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

**ITEMS:** Donation Agreement  
  
Utility Easement (Instrument 801.1)  
Cost: Donation  
Size: 26,529 square feet

**BUDGET:** Account No.: 4420-038-1539-33-6110

**FUNDS:** \$19.20 Payable to Orange County Comptroller  
(all recording fees)

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

**REMARKS:** The Utility Easement will provide additional area for operation and maintenance of the force main along Lake Live Oak Drive.

# REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 10/31/2017

Amount: \$19.20

Project: FM R/R East Area Package 3 (Lake Live Oak Drive)

Parcel: 801

Charge to Account # 4420-038-1539-33-6110

Controlling Agency Approval

Date

Fiscal Approval

Date

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

X N/A

District # 4

       Acquisition at Approved Appraisal  
       Acquisition at Below Approved Appraisal  
       Acquisition at Above Approved Appraisal  
X Advance Payment Requested (all recording fees)

DOCUMENTATION ATTACHED (Check appropriate block{s})

X Agreement  
X Executed Instrument  
       Certificate of Value  
X Settlement Analysis

Orange County Comptroller  
 All Recording Fees \$19.20

**Total \$19.20**

Payable to: Orange County Comptroller (\$19.20)

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

Recommended by Kenneth T. Woods  
 Kenneth T. Woods, Acquisition Agent

11/7/17  
 Date

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

11/7/17  
 Date

Certified Lahela Lavis  
 Approved by BCC Deputy Clerk to the Board

NOV 28 2017  
 Date

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

Check No. / Date

## REMARKS:

Schedule Closing Date: As soon as check is available

Anticipated Closing Date: TBD

Please Contact Acquisition Agent @ 67076 if you have any questions.

APPROVED  
 BY ORANGE COUNTY BOARD  
 OF COUNTY COMMISSIONERS  
NOV 28 2017

# REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 10/31/2017

Amount \$19.20

Project: FM R/R East Area Package 3 (Lake Live Oak Drive)

Parcel: 801

Charge to Account # 4420-038-1539-33-6110

Controlling Agency Approval

11/9/2017

Date

Fiscal Approval

11/9/17

Date

TYPE TRANSACTION (Check appropriate block(s))

       Pre-Condemnation        Post-Condemnation

X N/A

District # 4

- Acquisition at Approved Appraisal
- Acquisition at Below Approved Appraisal
- Acquisition at Above Approved Appraisal
- X Advance Payment Requested (all recording fees)

DOCUMENTATION ATTACHED (Check appropriate block(s))

- X Agreement
- X Executed Instrument
- Certificate of Value
- X Settlement Analysis

Orange County Comptroller  
All Recording Fees \$19.20

Total \$19.20

Payable to: Orange County Comptroller (\$19.20)

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

Recommended by

Kenneth T. Woods  
Kenneth T. Woods, Acquisition Agent

Date

11/4/17

Payment Approved

Paul Sladek  
Paul Sladek, Manager, Real Estate Management Division

Date

11/7/17

Certified

Approved by BCC Deputy Clerk to the Board

Date

Examined/Approved

Comptroller/Government Grants

Check No. / Date

## REMARKS:

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Anticipated Closing Date: TBD

Please Contact Acquisition Agent @ 67076 if you have any questions.

Project: FM R/R East Area Package 3 (Lake Live Oak Dr)  
Parcel: 801

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**NOV 28 2017**

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### **DONATION AGREEMENT**

**COUNTY OF ORANGE  
STATE OF FLORIDA**

THIS AGREEMENT made between Avalon Park Property Owners Association, Inc., a Florida not-for-profit corporation, hereinafter referred to as OWNER, and Orange County, a charter county and political subdivision of the state of Florida, hereinafter referred to as COUNTY.

#### **WITNESSETH:**

WHEREAS, the COUNTY seeks to acquire the land described on Exhibit "A" attached hereto for construction and maintenance of the above referenced project and said OWNER agrees to furnish said land for such purpose.

**Property Appraiser's Parcel Identification Number:**  
**07-23-32-1225-00-006**

In consideration of the sum of One (\$1.00) Dollar, each to the other paid, the parties hereto agree as follows:

1. OWNER agrees to execute a permanent Utility Easement on Parcel 801 conveying said Easement unto COUNTY free of all liens and encumbrances.
2. This transaction shall be closed and the easement and other closing papers delivered on or before 90 days from the effective date of this AGREEMENT. Closing shall take place at the office of the Orange County Real Estate Management Division, 400 E. South Street, Fifth Floor, Orlando, Florida 32801, or at such place as shall be mutually agreed upon by COUNTY and OWNER.
3. Effective Date: This agreement shall become effective on the date upon which it has been fully executed by the parties and approved by the Orange County Board of County Commissioners and/or the Manager/Assistant Manager of the Orange County Real Estate Management Division as may be appropriate.

[Signatures on Following Page]

Project: FM R/R East Area Package 3 (Lake Live Oak Dr)  
Parcel: 801

THIS AGREEMENT supersedes all previous agreements or representations, either verbal or written, heretofore in effect between OWNER and COUNTY, made with respect to the matters herein contained, and when duly executed constitutes the AGREEMENT between OWNER and COUNTY. No additions, alterations, or variations to the terms of this AGREEMENT shall be valid, nor can provisions of this AGREEMENT be waived by either party unless expressly set forth in writing and duly signed.

The parties hereto have executed this AGREEMENT on the date(s) written below.

OWNER

Avalon Park Property Owners Association, Inc.,  
A Florida not-for-profit corporation

BY: Stephanie Leriet

STEPHANIE LERIE  
Printed Name

13401 TADJA King Blvd.  
Post Office Address

ORLANDO, FL 32828

DATE: \_\_\_\_\_

COUNTY

Orange County, Florida

By: Kenneth Woods  
Kenneth Woods, Its Agent

Date: 11/7/17

JLS/10.18.2017

## **EXHIBIT "A"**

**Tract F, Live Oak Village Phase 1A in Avalon Park, according to the Plat thereof  
as recorded in Plat Book 40, Pages 96-100, Public Records of Orange County, Florida.**

NOV 28 2017

THIS IS A DONATION

Project: FM R/R East Area Package 3 (Lake Live Oak Dr)  
Parcel: 801.1

**UTILITY EASEMENT**

THIS INDENTURE, Made this 27<sup>th</sup> day of October, A.D. 2017,  
between Avalon Park Property Owners Association, Inc., a Florida not-for-profit corporation, having its  
principal place of business in the city of ORLANDO, county of  
ORANGE, whose address is 13401 TANJA KING Blvd  
ORLANDO, FLORIDA 32828,  
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 \$1.00 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 right-of-way and easement for utility purposes, with full authority  
to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary,  
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:

**Property Appraiser's Parcel Identification Number:**  
**07-23-32-1225-00-006**

**Tract F, Live Oak Village Phase 1A in Avalon Park, according to the Plat thereof, as  
recorded in Plat Book 40, Pages 96-100, Public Records of Orange County, Florida.**

TO HAVE AND TO HOLD said right-of-way and 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 right-of-way, 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 right-of-way 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 right-of-way, 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.



Project: FM R/R East Area Package 3 (Lake Live Oak Dr)  
Parcel: 801.1

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:

Witness

SARA MONTAGUE  
Printed Name

Witness

BRIAN KNIPPENBERG  
Printed Name

Avalon Park Property Owners Association, Inc.,  
a Florida not-for-profit corporation

BY:

Stephanie Lerret  
Printed Name

Avalon Park POA Pres.  
Title

(Corporate Seal)

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 27 of OCTOBER, 2017, by Stephanie Lerret, as BOARD President of Avalon Park Property Owners Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(Notary Seal)



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

Notary Signature

CHRISTINA CALDWELL  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: March 19, 2018

Project: FM R/R East Area Package 3  
Parcel: 801

N/A Pre-Condernation  
N/A Post-Condernation

**SETTLEMENT ANALYSIS**

**\*This is a Donation**

Utility Easement:

\$-0-

**EXPLANATION OF RECOMMENDED SETTLEMENT**

The subject parcel is located in Live Oak Village Phase 1A in Avalon Park Subdivision. The Utility Easement will be used to provide for access, construction, operation, and maintenance of the forcemain along Lake Live Oak Drive. The property owners Association has agreed to donate the Utility Easement at no charge.

Recommended by  Date 11/7/17  
Kenneth T. Woods, Acquisition Agent, Real Estate Management Division

Recommended by  Date 11/7/17  
Robert K. Babcock, Acquisition Supervisor, Real Estate Management Division

Approved by  Date 11/7/17  
Paul Sladek, Manager, Real Estate Management Division