



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: November 30, 2018

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 *EPJ*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL AND EXECUTION OF SECOND MODIFICATION OF EASEMENTS BY AND BETWEEN D.R. HORTON, INC. AND ORANGE COUNTY AND AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: Waterleigh – Conserv II

District 1

PURPOSE: To reconfigure, modify, and replace the easement areas of existing drainage and utility easements as a requirement of development.

ITEM: Second Modification of Easements (Instrument 801.1A)
Cost: None
Amended size: 3.334 acres

APPROVALS: Real Estate Management Division
Public Works Department
Utilities Department

REMARKS:

On September 11, 2018, the Board approved a Modification of Easements (First Modification) in connection with development of certain property by D.R. Horton, Inc. (DRH). Subsequent to the approval and recording of the First Modification, scrivener's errors were discovered in the legal description. This Second Modification of Easements replaces the legal description included on the First Modification.

DRH to pay recording fees.

Instrument: 801.1A
Project: Waterleigh - Conserv II

Property Appraiser's Parcel Identification Number:
a portion of 07-24-27-0000-00-003

SECOND MODIFICATION OF EASEMENTS

THIS SECOND MODIFICATION OF EASEMENTS is made and entered into as of the last date signed below by and between **D.R. HORTON, INC.**, a Delaware corporation ("DRH") and **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida ("COUNTY").

WITNESSETH:

WHEREAS, COUNTY obtained certain easement interests from Austin Groves, Inc., by virtue of that certain Order of Taking ("OT") dated as of July 19, 1985 and recorded July 22, 1985 in Official Records Book 3666, Page 931, and as confirmed by that certain Stipulated Final Judgment ("Judgment") dated as of September 5, 1985 and recorded September 5, 1985 in Official Records Book 3685, Page 2123 of the Public Records of Orange County, Florida (the "Easements"); and

WHEREAS, COUNTY and DRH agreed to modify the area of the Easements and filed that certain Modification of Easements (the "First Modification") dated as of September 11, 2018 and recorded September 14, 2018 as Document No. 20180546070, of the Public Records of Orange County, Florida; and

WHEREAS, DRH remains the fee simple owner and successor in interest of the area encumbered by the easement interests referenced above; and

WHEREAS, subsequent to the recording of the First Modification, an error was discovered in one of the Exhibit "A" sketches of description attached to said First Modification; and

WHEREAS, DRH and COUNTY wish to modify the First Modification for the purposes of correcting the sketches of description of the area of the Easements as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Correction of Easement Areas. Exhibit "A" to the First Modification is hereby deleted in its entirety and replaced with Exhibit "A" to this Second Modification of Easements.

Instrument: 801.1A
Project: Waterleigh - Conserv II

3. Ratification. Except as otherwise explicitly set forth herein, all other terms and conditions of the Easements as provided in the Judgment, as amended by the First Modification, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Second Modification of Easements to be executed in manner and form sufficient to be bound as of the date set forth above.

Signed, sealed and delivered
in the presence of:

"DRH"

D.R. HORTON, INC., a Delaware
corporation

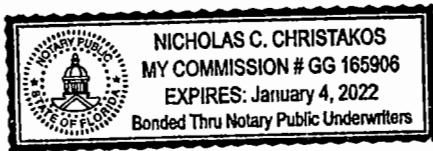
Nicole Divenzo
Name: Nicole Divenzo

Michael Gardner
Name: Michael Gardner

By: [Signature]
Name: CHRIS WREAN
Title: ASSISTANT SECRETARY

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 13th day of November, 2018 by Chris Wrean as Asst Sec. of D.R. Horton, Inc., a Delaware corporation, on behalf of the corporation, who is personally known to me or produced as identification and did/did not take an oath.



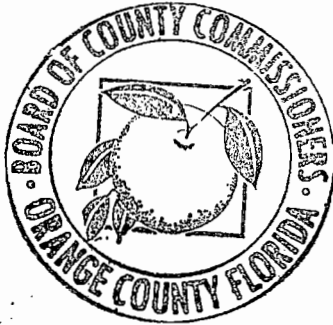
[Signature]
Printed Name: Nicholas C. Christakos
Notary Public - State of Florida
Commission No.: 66165906
My Commission Expires: 1-4-22

Instrument: 801.1A
Project: Waterleigh - Conserv II

IN WITNESS WHEREOF, the said COUNTY has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year as written below.

“COUNTY”

(Official Seal)



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: *Jerry L. Demings*
Jerry L. Demings
Orange County Mayor
DATE: 12.18.18

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

BY: *Katie Smith*
Deputy Clerk
Katie Smith
Printed Name

This instrument prepared by:
E. Price Jackson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A tract of land lying in Section 7, Township 24 South, Range 27 East, Orange County, Florida.

Commence at the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of Section 7, Township 24 South, Range 27 East, Orange County, Florida; thence run North 00°35'43" East along the West line of the Northeast 1/4 of the Southeast 1/4 of said section 7 for a distance of 725.15 feet to the POINT OF BEGINNING; thence continue along said West line North 00°35'43" East for a distance of 260.06 feet; thence run North 21°41'17" East departing said West line for a distance of 6.01 feet to a point on a non tangent curve concave Northeasterly having a radius of 90.00 feet with a chord bearing of South 80°31'18" East and a chord distance of 31.63 feet; thence run Southeasterly along the arc of said curve through a central angle of 20°14'30" for a distance of 31.80 feet to a point of tangency; thence run North 89°21'27" East for a distance of 522.22 feet; thence run South 00°38'33" East for a distance of 260.00 feet; thence run South 89°21'27" West for a distance of 561.25 feet to the POINT OF BEGINNING.

CONTAINING 3.33 ACRES MORE OR LESS

[Handwritten Signature]
5/2/2018



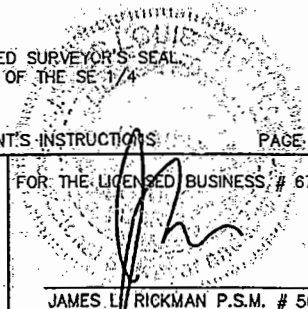
16 EAST PLANT STREET
Winter Garden, Florida 32787 * (407) 654-5355

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 7-24-27 AS BEING N00°35'43"E.
4. THIS LEGAL DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF TITLE
5. DELINEATION OF THE LANDS SHOWN HEREON ARE ACCORDING TO THE CLIENT'S INSTRUCTIONS

PAGE 1 OF 2

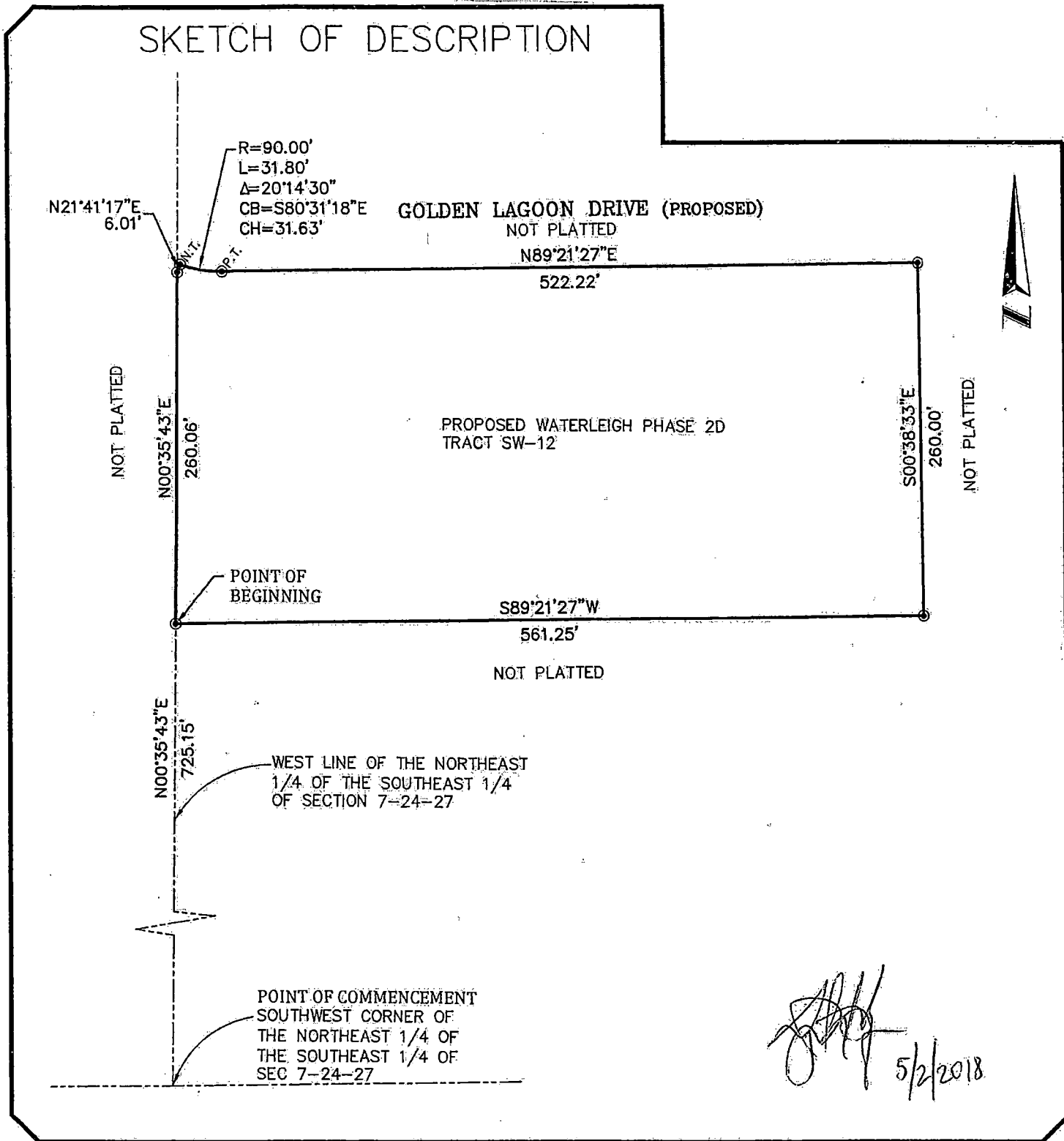
JOB NO. 20140340 CALCULATED BY: BRH
 DATE: 11/14/2017 DRAWN BY: BRH
 SCALE: 1"=100' CHECKED BY: MR
 FIELD BY: N/A



FOR THE LICENSED BUSINESS # 6723 BY:
 JAMES L. RICKMAN P.S.M. # 5633

sk 7

SKETCH OF DESCRIPTION



[Signature]
5/2/2018



16 EAST PLANT STREET
Winter Garden, Florida 32787 • (407) 654-5355

LEGEND:

- ⊙ Denotes change in direction
- R Denotes radius
- L Denotes curve length
- Δ Denotes delta angle
- CB Denotes chord bearing
- CH Denotes chord
- N.T. Denotes non tangent
- P.T. Denotes point of tangency

sk 7

JOB NO. 20140340	CALCULATED BY: JLR
DATE: 11/14/2017	DRAWN BY: BRH
SCALE: 1"=100'	CHECKED BY: MR
FIELD BY: N/A	

LEGAL DESCRIPTION

THIS IS NOT A SURVEY

LEGAL DESCRIPTION

A STRIP OF LAND LYING IN SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST; THENCE RUN SOUTH 00°44'55" WEST, ALONG THE EAST LINE OF SAID SECTION 7, FOR A DISTANCE OF 363.20 FEET; THENCE RUN NORTH 89°15'06" WEST, DEPARTING SAID EAST LINE, FOR A DISTANCE OF 405.50 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN PIPELINE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3548, PAGE 511 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE RUN SOUTH 00°49'48" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 89°15'06" WEST DEPARTING SAID WEST LINE FOR A DISTANCE OF 18.29 FEET; THENCE RUN NORTH 00°44'54" EAST FOR A DISTANCE OF 8.41 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF NORTH 02°34'15" EAST AND A CHORD DISTANCE OF 1.59 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°38'40" FOR A DISTANCE OF 1.59 FEET TO A NON-TANGENT POINT; THENCE RUN SOUTH 89°15'06" EAST FOR A DISTANCE OF 18.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 183 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

OK
MZ

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
SKETCH OF DESCRIPTION AND LEGEND

Drawing name: L:\Data\20140340\Sketches\SK14 conserv easement.dwg SHEET 1



16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING SOUTH 00°44'55" WEST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20140340	CALCULATED BY: MR
DATE: 3-21-18	DRAWN BY: BH
SCALE: N/A	CHECKED BY: MR
FIELD BY: N/A	REVISED: 10/17/18 & 11/12/18

FOR THE LICENSED BUSINESS # 6723 BY:

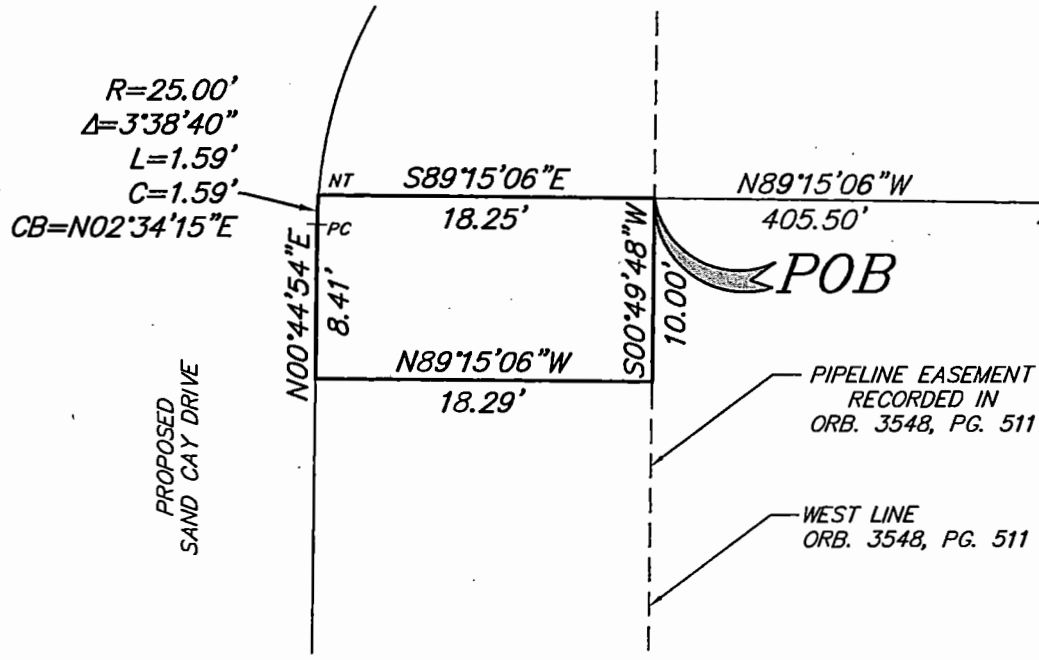
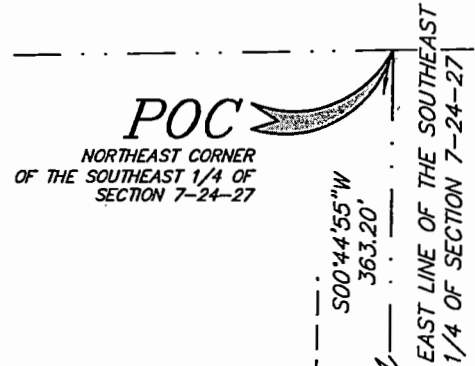
JAMES L. RICHMAN, R.S.M. # 5633

SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY

LEGEND:

- ORB. OFFICIAL RECORDS BOOK
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- PG(S) PAGE(S)
- PC POINT OF CURVATURE
- NT NON-TANGENT
- △ CENTRAL ANGLE
- R RADIUS
- L LENGTH
- C CHORD
- CB CHORD BEARING



Drawing name: L:\Data\20140340\Sketches\SK14 conserv easement.dwg SHEET 2



16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

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JOB NO. 20140340	CALCULATED BY: MR
DATE: 11-13-17	DRAWN BY: BH
SCALE: 1" = 10 FEET	CHECKED BY: MR
FIELD BY: N/A	REVISED: 10/17/18 & 11/12/18

SHEET 2 OF 2
SEE SHEET 1 OF 2
FOR LEGAL DESCRIPTION