



COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, *County Attorney*

201 South Rosalind Avenue ■ 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 ■ Fax 407-836-5888
www.ocfl.net

AGENDA ITEM

MEMORANDUM

Deputy County Attorney
Joel D. Prinsell

Senior Assistant County Attorneys

Elaine M. Asad
Lila McHenry

Assistant County Attorneys

Roberta Alfonso
Cristina T. Berrios
Linda Brehmer-Lanosa
Whitney E. Evers
Erin E. Hartigan
Georgiana Holmes
Aieas Koos
Katherine W. Latorre
Scott McHenry
Sawsan Mohiuddin
Dylan Schott
Scott Shevenell
Stephanie Stone
Adolphus Thompson

Legal Administrative Supervisor

Anna M. Caban

Senior Paralegal
Melessia Lofgren

Paralegals
Maria Vargas, ACP
Gail Stanford

TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney
Scott R. McHenry, Assistant County Attorney
Contact: (407) 836-7320 SRM

DATE: April 6, 2020

SUBJECT: Consent Agenda Item for April 21, 2020
Eminent Domain Settlement Authorization
Orange County v. Affordable/Citrus Glen, Ltd. et al.
Case No. 2018-CA-001169-O
Parcels 1024, 7024A, and 7024B
Project: Texas Avenue (Oak Ridge Road to Holden Avenue)

This Consent Agenda item requests settlement authorization from the Board of County Commissioners for the *Orange County v. Affordable Citrus/Glen, Ltd., et al.* eminent domain case brought by Orange County on behalf of Public Works for the improvement of Texas Avenue.

A confidential memorandum, Mediated Settlement, Settlement Analysis, and Stipulated Final Judgment have been provided to the Board under a separate cover memorandum. These documents will become public records at the conclusion of the litigation pursuant to Section 119.071(1)(d), Florida Statutes.

ACTION REQUESTED: Approval of the settlement of the case of *Orange County v. Affordable/Citrus Glen, Ltd, et al.*, Case No. 2018-CA-001169-O, Parcels 1024, 7024A and 7024B, Texas Avenue (Oak Ridge Road to Holden Avenue), and authorization for the County Attorney's Office to execute the Joint Motion for Entry of Stipulated Final Judgment agreeing to the entry of the proposed Stipulated Final Judgment on behalf of Orange County.

SRM/gs

Copy: Byron W. Brooks, AICP, County Administrator
Paul Sladek, Manager, Real Estate Management Division
Damian Czapka, P.E., Chief Engineer, Public Works Engineering
Anne Kulikowski, Director, Administrative Services Department



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copying or distribution.**

MEMORANDUM

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TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Scott R. McHenry, Assistant County Attorney *SRM*
Contact: (407) 836-7320

DATE: March 30, 2020

SUBJECT: Consent Agenda Item for April 21, 2020
Eminent Domain Settlement Authorization
Orange County v. Affordable/Citrus Glen, Ltd. et al.
Case No. 2018-CA-001169-O
Parcels 1024, 7024A, and 7024B
Project: Texas Avenue (Oak Ridge Road to Holden Avenue)

This item requests settlement authorization from the Board of County Commissioners ("BCC") for the eminent domain case of *Orange County v. Affordable/Citrus Glen, Ltd., et al.* brought by Orange County on behalf of Public Works for the Texas Avenue road project. The County staff recommends settlement of the case in the amount of \$1,600,000, plus statutory attorneys' fees in the amount of \$228,700, and expert fees and costs in the amount of \$150,000 for a total settlement of \$1,978,700.

I. The Project

Texas Avenue is an urban collector roadway that extends north and south connecting Holden Avenue to Oak Ridge Road in south Orange County. Texas Avenue is a two-lane roadway with limited sidewalk facilities. Portions of Texas Avenue are improved with curb and gutter drainage systems, while other segments are improved with roadway swale drainage. The proposed road project will widen Texas Avenue to a four-lane roadway with a grassed center median, pedestrian sidewalks, dedicated bike lanes and a closed drainage system.

The respondent/property owner, Affordable/Citrus Glen, Ltd. ("ACG") owns a low income housing tax credit apartment complex consisting of a total of 272 dwelling units.

II. The Lawsuit

Orange County initially attempted, albeit unsuccessfully, to negotiate a voluntary acquisition of Parcels 1024 (fee taking), 7024A (temporary construction easement), and 7024B (temporary construction easement) prior to filing the eminent domain action. Orange County filed its Petition in Eminent Domain on February 5, 2018. ACG retained Raymer Maguire of the law firm of Maguire Lassman Silbernagel, P.A. to represent its interests. ACG retained Richard Dreggors of Calhoun, Dreggors & Associates, Inc. as its appraiser. The County's appraiser was Robert Simmons with The Spivey Group, Inc. The fee take (Parcel 1024) is an irregular "strip take" in a continuous "L" shape along the northern (Americana Boulevard) and eastern (Texas Avenue) property lines which severed the perimeter berm, mature trees, hedges, signs and secondary roof drainage infrastructure. However, the primary building improvements, including the apartment buildings themselves, were unaffected. Importantly, the acquisition also impacted OUC electrical poles along Texas Avenue adjacent to the apartment complex.

The primary issues in the lawsuit related to: (1) the relocation of the OUC electrical poles; and (2) the effects of the reduced setback and loss of landscape buffer, especially along Texas Avenue; and the cost to cure and severance damages related to both of the foregoing items.

III. The Settlement

The parties attended mediation on March 11, 2020, and agreed to a proposed settlement. As a result, the County was able to avoid the additional cost and expense associated with a trial. Prior to the start of negotiations, the County's total proposed compensation per its appraisal was \$923,900 (without attorney's fees and costs) and ACG's requested compensation (without attorney's fees and costs) was \$3,052,700, or \$2,128,800 higher than the County. The County was able to significantly reduce that difference by showing that the OUC poles were to be relocated to the other side of Texas Avenue and by obtaining a waiver for setback/landscape buffer from Orange County Zoning Division pursuant to Orange County Code, Chapter 30, Article XIII, Eminent Domain Waiver, Exceptions and Variances.

The proposed global settlement (including attorney's fees and costs) is for a total of \$1,978,700 consisting of: (i) \$1,600,000 for compensation for the land, improvements taken, net cost to cure and severance damages; (ii) \$150,000 in expert fees and costs; and (iii) \$228,700 in attorney's fees and costs. The Mediated Settlement Agreement is attached hereto as **Exhibit "A."** As stated in the Agreement, the Agreement is subject to BCC approval.

Mayor Jerry L. Demings
and County Commissioners
March 30, 2020
Page 3 of 3

IV. Staff Recommendation

The County's staff included Scott McHenry, Assistant County Attorney; Damian Czapka, Chief Engineer, Public Works Right of Way Section; and Paul Sladek, Manager, Real Estate Management Division. County staff recommends that the BCC approve the settlement.

Attached as **Exhibit "B,"** is a copy of the Settlement Analysis. The proposed Stipulated Final Judgment is attached as **Exhibit "C."**

ACTION REQUESTED: Approval of the settlement of the case of *Orange County v. Affordable/Citrus Glen, Ltd, et al.*, Case No. 2018-CA-001169-O, Parcels 1024, 7024A and 7024B, Texas Avenue (Oak Ridge Road to Holden Avenue), and authorization for the County Attorney's Office to execute the Joint Motion for Entry of Stipulated Final Judgment agreeing to the entry of the proposed Stipulated Final Judgment on behalf of Orange County.

SRM/gs
Attachments

Copy: Byron W. Brooks, AICP, County Administrator
Paul Sladek, Manager, Real Estate Management Division
Damian Czapka, P.E., Chief Engineer, Public Works Engineering
Anne Kulikowski, Director, Administrative Services Department

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO. 2018-CA-001169-O
Division 33

ORANGE COUNTY, FLORIDA
a political subdivision of the
State of Florida,

Petitioner,

v.

Parcels 1024/7024A/7024B

AFFORDABLE/CITRUS GLEN, LTD., a
Florida Limited Partnership, et al.

Respondents.

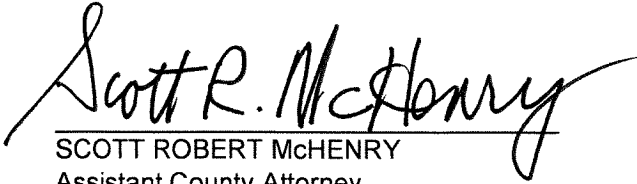
MEDIATED SETTLEMENT AGREEMENT

Pursuant to the Mediation Conference held on March 11, 2020, at the Orange County Attorney's Office, 201 S. Rosalind Avenue, Third Floor, Orlando, Florida 32801, the parties agree as follows:

1. County shall pay to the Respondent, the sum of \$1,600,000, as total compensation for the taking of Parcels 1024/7024A+B, less any sums heretofore paid.
2. County shall pay the additional sum of \$376,700, for all of Respondent's attorneys' fees and expert witness fees and costs.
3. Except as otherwise set forth herein, each party hereby releases the other from any and all claims, demands and causes of action, past, present and future with respect to the taking of the above referenced parcels.
4. Upon approval by the BOCC, the parties shall enter into a Stipulated Final Judgment reflecting the terms of this Mediated Settlement Agreement. The Stipulated Final Judgment shall include the Wye River Farms provision previously used by the parties in other Mediations/Final Judgments.

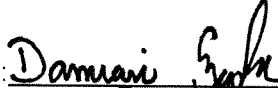
EXHIBIT "A"

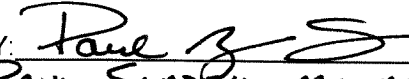
THIS STIPULATION BECOMES BINDING UPON THE PARTIES BY THEIR EXECUTION AND THAT OF THEIR COUNSEL AND APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS.



SCOTT ROBERT McHENRY
Assistant County Attorney
Orange County Attorney's Office
Orange County Administration Center
201 S. Rosalind Avenue, Third Floor
P.O Box 1393
Orlando, Florida 32802-1393
Phone: 407-836-7320
E-mail Scott.McHenry@ocfl.net

ORANGE COUNTY, FLORIDA


BY: 
Damian Czaplak Chief Engineer
PRINT NAME Public Works Road Section

BY: 
PAUL SCADER, MANAGER
PRINT NAME Real Estate MGMT. Div.



RAYMER F. MAGUIRE, III, ESQUIRE
MATTHEW R. SILBERNAGEL, ESQUIRE
Maguire Lassman, P.A.
605 East Robinson Street
Suite 140
Orlando, Florida 32801
Phone: 407-228-9522
E-mail: raymer@maguire-eminentdomain.com
Email matthew@maguire-eminentdomain.com

AFFORDABLE/CITRUS GLEN, LTD.

BY: 
KEN DIXON, President of GP
PRINT NAME

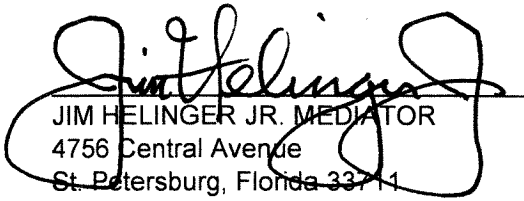
PRINT NAME

BY: _____

PRINT NAME

BY: _____

PRINT NAME



JIM HELINGER JR. MEDIATOR
4756 Central Avenue
St. Petersburg, Florida 33711
Clearwater, Florida 33756
727-328-7100
FBN: 0145200
CERTIFICATION NO. 12262 R
E-MAIL: jim@eminentdomainfla.com

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Project: Texas Avenue
 Limits: Oak Ridge Road to Holden Avenue
 Parcels: 1024, 7024A and 7024B
 Case Name: *Orange County v. Affordable/Citrus Glen, Ltd., et al.*
 Case No. 2018-CA-001169-O

SETTLEMENT ANALYSIS

Land Size

Parent Tract: 18.292 acres
 Remainder Tract: 17.917 acres
 Parcel 1024: 0.375 acre
 Parcel 7024A: 0.193 acre
 Parcel 7024B: 0.074 acre

PARTIES' INITIAL COMPENSATION VALUES		
	County	Affordable/Citrus Glen
Cost per acre	\$ 358,800	\$ 349,918
Cost per unit	\$ 76,000	\$ 84,559
Value of Parent Tract	\$ 20,672,000	\$23,000,000
Value of Remainder	\$ 20,420,800 (as part of the whole)	\$ 20,000,000
Value of Land Taken Parcel 1024	\$ 134,600	\$ 133,000
Value of TCE Parcels 7024A/7024B	\$ 87,300	\$ 52,700
Improvements Taken	\$ 116,600	\$ 782,800
Severance Damage	\$ 403,200	\$1,323,200
Net Cost to Cure	\$ 182,200	\$ 761,000
Total	\$923,900	\$3,052,700

EXHIBIT "B"

POTENTIAL COSTS SAVED BY SETTLEMENT	
Owner – Appraiser Fees	\$ 20,000
– Engineer Fees	15,000
– Land Planner Fees	10,000
County – Appraiser Fees	15,000
– Engineer Fees	10,000
– Land Planner Fees	10,000
Total	\$ 80,000

RECOMMENDED SETTLEMENT	
Compensation	\$ 1,600,000
Expert Fees	150,000
Attorney Fees & Costs	228,700
Total	\$ 1,978,700

With respect to the Affordable/Citrus Glen (“ACG”) property, the Parent Tract is approximately 18.292 acres located on the southwest corner of Texas Avenue and Americana Boulevard. The Parent Tract is improved with a multi-family apartment complex that includes 34 clusters of two-story multi-unit buildings, consisting of 272 apartment units (3 bedroom/2 bath and 2 bedroom/2 bath), and common area buildings. The land taken, Parcel 1024, is an “L” shaped strip, which is approximately 7 feet in depth along American Boulevard and 11.5 feet in depth along Texas Avenue. Improvements within the fee take (Parcel 1024) include an asphalt driveway, subdivision sign, 46 oak trees, other ornamental landscaping and irrigation. Temporary Construction Easement (“TCE”), Parcel 7024A, is along Texas Avenue, and TCE Parcel 7024B is along Americana Boulevard.

With respect to the value of the land acquired, both appraisers reconciled to the “comparable sales” approach. ACG’s land value was at \$349,918 per acre or \$84,559 per unit, while the County’s land value was at \$358,800 per acre or \$76,000 per unit. The appraisers differed significantly in the value of the improvements taken, the net cost to cure and severance damages.

The parties settled their differences, as follows:

Settlement Analysis

Orange County v. Affordable/Citrus Glen, Ltd., et al.

Page 3

1. Compensation: \$1,600,000 (including land, improvements taken, net cost to cure, and severance damages).
2. Attorney's fees are governed by Chapter 73, Florida Statutes. They are determined based upon a percentage of the "benefit" (final compensation minus initial offer) achieved by the property owner's attorney. In this case, statutory attorney's fees are \$228,700.
3. Orange County, as condemnor, is required to pay all reasonable expert fees and costs of the eminent domain proceeding. In this case, total expert fees and costs of \$150,000 is reasonable.

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO.: 2018-CA-001169-O
DIVISION: 33

ORANGE COUNTY, FLORIDA,
a political subdivision of the State of Florida,

Petitioner,

v.

PARCELS: 1024/7024A/7024B

AFFORDABLE/CITRUS GLEN, LTD., a Florida limited partnership; **FLORIDA HOUSING FINANCE CORPORATION,** a public corporation and a public body corporate and politic duly created and existing under the laws of the state of Florida, a successor to the Florida Housing Finance agency; **XTERRA MORTGAGE, INC.,** a Florida corporation; **CITY OF ORLANDO,** a municipal corporation; **ORLANDO UTILITIES COMMISSION,** a statutory commission; **BELLSOUTH TELECOMMUNICATIONS, LLC,** a Georgia limited liability company, successor by conversion of BellSouth Telecommunications, Inc.; **AFFORDABLE/ CITRUS GLEN II, LTD.,** a Florida limited partnership; and **SCOTT RANDOLPH,** Orange County Tax Collector,

Respondents.

STIPULATED FINAL JUDGMENT

THIS CAUSE having come before the Court on the Joint Motion for Entry of Stipulated Final Judgment by the Petitioner, ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida (“Petitioner” or sometimes “Orange County”), and the Respondents, AFFORDABLE/CITRUS GLEN, LTD. and AFFORDABLE/CITRUS GLEN II, LTD. (collectively hereinafter “ACG”), and it appearing to the Court that such parties were authorized

to enter into such Motion, and the Court finding that the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned, and the Court being fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED as follows:

1. ACG does have and recover of and from the Petitioner the total sum of **ONE MILLION SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,600,000.00)**, subject to any apportionment claims, subject to credit to Petitioner for its Order of Taking deposit of \$811,100.00 previously paid, and subject to payment to the Tax Collector from said total sum for taxes calculated from January 1 to the date of deposit on May 3, 2018, pursuant to the Order of Taking; and in full payment for the property taken (designated herein as Parcels 1024, 7024A and 7024B); for damages resulting to the remainder if less than the entire property was taken; for all other damages of any nature or kind including, but not limited to, for any improvements, severance damages, cost of cures, business damages, if any; and attorney's fees based upon any claim for non-monetary benefits.

2. Within thirty (30) days the Petitioner shall pay the sum of **SEVEN HUNDRED EIGHTY-EIGHT THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$788,900.00)** into the Registry of the Court, that amount being the difference between the full payment required by this Stipulated Final Judgment pursuant to Paragraph 1 and the amount of \$811,100.00 deposited pursuant to the Order of Taking.

3. That immediately upon deposit of the amount listed in paragraph 2 herein above, the Clerk of Court without further order of this Court shall issue forthwith the sum of **SEVEN HUNDRED EIGHTY-EIGHT THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$788,900.00)** to Zimmerman Kiser Sutcliffe Trust Account, c/o Kevin P. Robinson, 315 East

Robinson Street, Suite 600, Orlando, FL 32801. **SEVEN HUNDRED EIGHTY-ONE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$781,400)** shall be disbursed to Xterra Mortgage, Inc. and Zimmerman Kiser Sutcliffe shall be entitled to retain **SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00)** for its own fees and costs incurred in this matter.

4. The Court awards ACG the sum of **TWO HUNDRED TWENTY-EIGHT THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$228,700.00)** in full and complete satisfaction of all attorneys' fees (including any attorney's fees based upon non-monetary benefits), pursuant to Section 73.092, Florida Statutes.

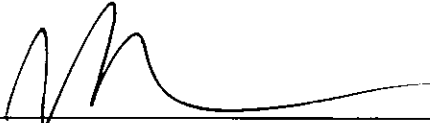
5. The Court awards ACG the sum of **ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00)** in full and complete satisfaction of all of ACG's expert fees and Maguire Lassman Silbernagel, P.A.'s costs, pursuant to Section 73.091, Florida Statutes, including, but not limited to, for MEI Civil, LLC, Libra Design Group, Ovation Construction, Inc. and Williams Development Services, Inc.

6. Within thirty (30) days from the entry of this Stipulated Final Judgment, the Petitioner shall pay to the Trust Account of Maguire Lassman Silbernagel, P.A., 605 E. Robinson Street, Suite 140, Orlando, Florida 32801-2041, as attorneys for ACG, the sum of **THREE HUNDRED SEVENTY-EIGHT THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$378,700.00)** that amount representing the total of attorneys' fees, costs and expenses, pursuant to Paragraph 4 above, and experts' fees and costs, pursuant to Paragraph 5 above.

7. The Court's Stipulated Order of Taking entered on April 25, 2018, attached hereto as **Exhibit "A,"** and made a part hereof, which vested title to Parcels 1024, 7024A and 7024B in

the Petitioner, is hereby approved, ratified and confirmed, including, but not limited to paragraph 10 referring to the *Wye River Farms* case, and is adopted and incorporated by reference herein as if set forth verbatim in the Final Judgment.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida this 20
day of April, 2020.



Kevin B. Weiss
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 2020, a copy of the foregoing Stipulated Final Judgment has been furnished by electronic mail or by U.S. Mail to the following:

Scott R. McHenry, Assistant County Attorney, 201 S. Rosalind Avenue, Third Floor, Orlando, Florida 32801, scott.mchenry@ocfl.net; judith.catt@ocfl.net; kimberly.cundiff@ocfl.net

Raymer F. Maguire, III, Esq., Maguire Lassman Silbernagel, P.A., 605 East Robinson Street, Suite 140, Orlando, Florida 32801-2041, raymer@maguire-eminentdomain.com, matthew@maguire-eminentdomain.com and krystal@maguire-eminentdomain.com

Jan Albanese Carpenter, Esq., and **Patricia R. McConnell, Esq.**, Latham, Shuker, Eden & Beaudine, LLP, 111 North Magnolia Avenue-Suite 1400, Orlando, Florida 32801, jcarpenter@lseblaw.com, smarshall@lseblaw.com, pmcconnell@lseblaw.com, and sharrisoncarera@lseblaw.com

Kevin P. Robinson, Esq. and **Julia M. Moffett, Esq.**, Zimmerman, Kiser & Sutcliffe, P.A., 315 E. Robinson Street, Suite 600, P.O. Box 3000, Orlando, Florida 32802, krobinson@zkslawfirm.com, jmoffett@zkslawfirm.com, jwenhold@zkslawfirm.com, service@zkslawfirm.com



Judicial Assistant/Attorney

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO.: 2018-CA-001169-O
DIVISION: 33

ORANGE COUNTY, FLORIDA,
a political subdivision of the
State of Florida,

Petitioner,

v.

PARCELS: 1024/7024A/7024B

AFFORDABLE/CITRUS GLEN, LTD., a
Florida limited partnership; **FLORIDA
HOUSING FINANCE CORPORATION,** a
public corporation and a public body corporate
and politic duly created and existing under the
laws of the state of Florida, a successor to the
Florida Housing Finance agency; **XTERRA
MORTGAGE, INC.,** a Florida corporation;
CITY OF ORLANDO, a municipal corporation;
ORLANDO UTILITIES COMMISSION, a
statutory commission; **BELLSOUTH
TELECOMMUNICATIONS, LLC,** a Georgia
limited liability company, successor by
conversion of BellSouth Telecommunications,
Inc.; **AFFORDABLE/ CITRUS GLEN II,
LTD.,** a Florida limited partnership; and
SCOTT RANDOLPH, Orange County Tax
Collector,

Respondents.

STIPULATED ORDER OF TAKING

THIS CAUSE coming before the Court on the joint motion of Petitioner, ORANGE COUNTY, FLORIDA, (“Petitioner”), and Respondents, AFFORDABLE/CITRUS GLEN, LTD., a Florida limited partnership, and AFFORDABLE/CITRUS GLEN II, LTD., a Florida limited

Stipulated Order of Taking; Case No. 2018-CA-001169-O; Page 1 of 6

partnership, (collectively, "Respondents"), and it appearing that proper notice was first given to all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, and it appearing to the Court that the parties were authorized to enter into such motion, and that the Petitioner would apply to this Court for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is, therefore,

ADJUDGED:

1. That the Court has jurisdiction of this action, of the subject matter and of the parties to this cause.
2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
3. That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
4. That upon payment of the deposit of the money hereinafter specified into the Registry of this Court, the right, title or interest specified in the Petition as described herein shall vest in the Petitioner.
5. That the deposit of monies will secure the persons lawfully entitled to the compensation which will be ultimately determined by final judgment of this Court. The determination of full compensation is reserved and shall be determined later by negotiation, mediation, or jury trial.
6. That the total sum of money to be deposited into the Registry of the Court within twenty (20) days of the entry of this Order shall be in the amount of **EIGHT HUNDRED ELEVEN THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$811,100.00)**, and shall be allocated to each parcel as follows:

<u>PARCEL</u>	<u>AMOUNT</u>
1024	\$ 725,900
7024A	66,200
7024B	19,000
TOTAL	\$811,100

7. That the disbursement of the funds in the total amount of \$811,100 deposited into the Registry of the Court is subject to any apportionment claims by, including, but not limited to, Florida Housing Finance Corporation, Xterra Mortgage, Inc., City of Orlando, Orlando Utilities Commission, BellSouth Telecommunications, LLC, and Scott Randolph, Orange County Tax Collector, or any other persons or entities claiming an apportionment, and will be subsequently determined by this Court at a hearing to be set upon proper motion by any such person or entity claiming an apportionment. Petitioner shall not be responsible for the separate payment of any such apportionment claims.

8. That on deposit of the monies set forth above, and without further notice or Order of this Court, the Petitioner shall be entitled to possession of the property described in the Petition.

9. That legal title to the following described property, to-wit:

SEE EXHIBIT "A"

<u>PARCEL</u>	<u>INTEREST</u>	<u>PAGES</u>
1024	Fee simple	Pages 1-7
7024A	TCE	Pages 8-13
7024B	TCE	Pages 14-18

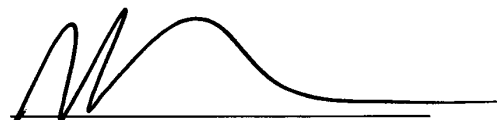
shall vest in Petitioner, ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida, upon deposit of the aforesaid sums into the Registry of the Court.

10. That this Order of Taking is based on Petitioner's commitments that it intends to construct the project as shown in the right of way maps and construction plans which have been filed by Petitioner in this action. In the event Petitioner fails to construct the project substantially in conformance with these right of way maps and construction plans, Respondents retain all rights and remedies pursuant to *Central and Southern Florida Control District v. Wye River Farms, Inc.*, 297 So.2d 323 (Fla. 4th DCA 1974) cert. denied 310 So. 2d 745 (Fla. 1975). By agreement of the parties there is no basis for the computation of attorney's fees for non-monetary benefits to the Respondents arising out of Petitioner's commitments in this paragraph.

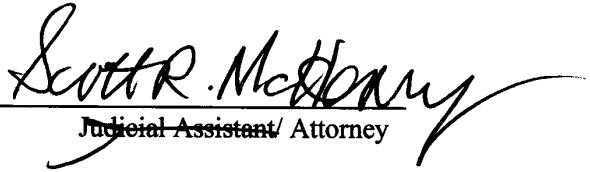
11. That any party subject to the public disclosure requirements of Section 286.23, Florida Statutes, is notified that it is required to make a public disclosure in writing, under oath and subject to the penalties prescribed for perjury. Such person or entity making the disclosure shall state his name and address and the name and address of every person having a beneficial interest in the real property, however small or minimal. The written disclosure shall be made to Orange County Attorney's Office, 201 S. Rosalind Avenue, Third Floor, P.O. Box 1393, Orlando, FL 32802-1393, Attention: Scott McHenry, Assistant County Attorney.

12. That upon entry of this Order of Taking, Respondents shall notice the case for trial, and Petitioner and Respondents shall enter into a proposed Stipulated Case Management Order using an agreed upon form.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida this 25th day of April, 2018.


Kevin B. Weiss
Circuit Judge

Copies furnished to all parties on
the attached Mailing/Service List.


Judicial Assistant/ Attorney

SERVICE/MAILING LIST

Orange County v. Affordable/Citrus Glen, Ltd., et al.

Case No. 2018-CA-001169-O

Parcels 1024/7024A/7024B

Scott Robert McHenry, Esq.
Orange County Attorney's Office
201 S. Rosalind Avenue, Third Floor
P.O. Box 1393
Orlando, FL 32802-1393
*Counsel for Petitioner
Orange County, Florida*

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Maguire Lassman, P.A.
605 E Robinson Street, Suite 140
Orlando, FL 32801-2041
*Attorney for Respondents
Affordable/Citrus Glen, Ltd.
Affordable/Citrus Glen II, Ltd.*

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City of Orlando
400 South Orange Avenue
Orlando, FL 32802
*Attorney for Respondent
City of Orlando*

**Jan Albanese Carpenter, Esq. and
Patricia M. McConnell, Esq.**
Latham, Shuker, Eden & Beaudine, LLP
111 North Magnolia Avenue, Suite 1400
Orlando, FL 32801
*Attorney for Respondent
Florida Housing Finance Corporation*

Brian E. Smith, Esq.
Baker & Hostetler LLP
P.O. Box 112
Orlando, FL 32802-0112
*Attorney for Respondent
BellSouth Telecommunications, LLC*

**Kevin P. Robinson, Esq. and
Julia M. Moffett, Esq.**
Zimmerman, Kiser & Sutcliffe, P.A.
315 East Robinson Street, Suite 600
P.O. Box 3000
Orlando, FL 32802-3000
*Attorney for Respondent
Xterra Mortgage, Inc.*

Orlando Utilities Commission
Gregory D. Lee
100 West Anderson Street
Orlando, FL 32801

Scott Randolph
Orange County Tax Collector
200 South Orange Avenue, Suite 1600
Orlando, FL 32801

LEGAL DESCRIPTION

SCHEDULE "A"

PARCEL NUMBER: 1024

A PORTION OF A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, DESCRIBED IN OFFICIAL RECORDS BOOK 4676, PAGE 2693, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'05" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 16, A DISTANCE OF 76.00 FEET TO A POINT ON A LINE PROJECTED EASTERLY FROM THE EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD AS DEPICTED ON THE PLAT OF AMERICANA UNIT TWO, RECORDED IN PLAT BOOK 5, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, RUN SOUTH 89°36'36" WEST, ALONG SAID PROJECTED LINE, A DISTANCE OF 40.00 FEET TO A 4-INCH SQUARE CONCRETE MONUMENT, WITH NO IDENTIFICATION, MARKING THE POINT OF INTERSECTION OF SAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD AND THE EXISTING WEST RIGHT OF WAY LINE OF TEXAS AVENUE, AS DEPICTED ON SAID PLAT OF AMERICANA UNIT TWO, SAID POINT BEING THE POINT OF BEGINNING; THENCE, DEPARTING SAID PROJECTED LINE, RUN SOUTH 00°15'05" EAST, ALONG SAID EXISTING WEST RIGHT OF WAY LINE OF TEXAS AVENUE, A DISTANCE OF 1,188.25 FEET TO A POINT ON THE NORTH LINE OF LOT 375 AS DEPICTED ON THE PLAT OF SOUTH POINT UNIT 3, RECORDED IN PLAT BOOK 22, PAGE 50, OF SAID PUBLIC RECORDS; THENCE, DEPARTING SAID EXISTING WEST RIGHT OF WAY LINE OF TEXAS AVENUE, RUN SOUTH 89°44'55" WEST, ALONG SAID NORTH LINE OF LOT 375, A DISTANCE OF 11.50 FEET TO A POINT ON A LINE RUNNING PARALLEL WITH AND 51.50 FEET WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, THE AFORESAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE, DEPARTING SAID NORTH LINE OF LOT 375, RUN NORTH 00°15'05" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1,148.46 FEET; THENCE, DEPARTING SAID PARALLEL LINE, RUN THE FOLLOWING TEN (10) COURSES AND DISTANCES: NORTH 21°18'37" WEST, A DISTANCE OF 28.39 FEET; THENCE, NORTH 79°04'31" WEST, A DISTANCE OF 37.19 FEET; THENCE, SOUTH 89°35'23" WEST, A DISTANCE OF 59.02 FEET; THENCE SOUTH 89°29'19" WEST, A DISTANCE OF 29.17 FEET; THENCE, SOUTH 89°28'06" WEST, A DISTANCE OF 47.16 FEET; THENCE, SOUTH 89°30'54" WEST, A DISTANCE OF 45.00 FEET;

(CONTINUED ON SHEET 2 OF 6)

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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

WRITTEN BY: RRC	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
RAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc. 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	DRAWING SCALE: N/A
APPROVED BY:	REV.:	RANGE: 29E		SHEET 1 OF 6
	REV.:			C.I.P. - 5027

EXHIBIT A
Page 1 of 18

LEGAL DESCRIPTION

SCHEDULE "A"

PARCEL NUMBER: 1024

(CONTINUED FROM SHEET 1 OF 6)

THENCE, SOUTH 89°30'43" WEST, A DISTANCE OF 58.33 FEET; THENCE, SOUTH 89°41'14" WEST, A DISTANCE OF 56.94 FEET; THENCE, SOUTH 89°35'33" WEST, A DISTANCE OF 18.74 FEET; THENCE, NORTH 82°05'38" WEST, A DISTANCE OF 43.29 FEET TO A POINT ON THE AFOREMENTIONED EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD; THENCE RUN NORTH 89°36'36" EAST, ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 415.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,350 SQUARE FEET OR 0.375 ACRES, MORE OR LESS

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

W. E. Byrd 1/24/11
 WILLIAM E. BYRD DATE
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NUMBER 5442
 520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801

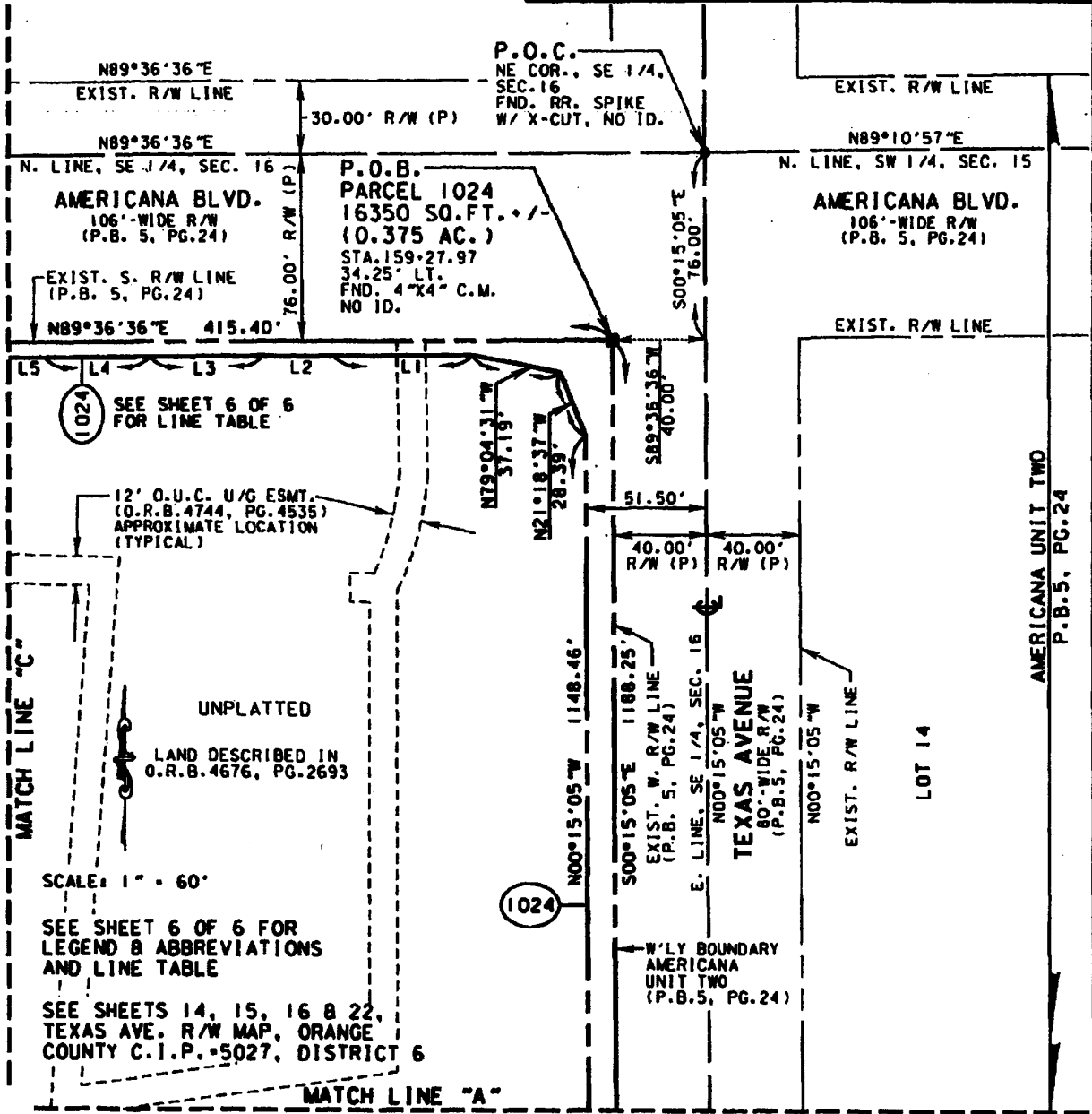
NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NUMBER LB 1221

WRITTEN BY: RRC	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc.	DRAWING SCALE: N/A
APPROVED BY:	REV.:	RANGE: 29E	520 SOUTH MAGNOLIA AVENUE	SHEET 2 OF 6
	REV.:		ORLANDO, FLORIDA 32801	C.I.P. • 5027
			TELEPHONE: 407-843-5120	

SKETCH OF DESCRIPTION
SCHEDULE "A"
PARCEL NUMBER: 1024



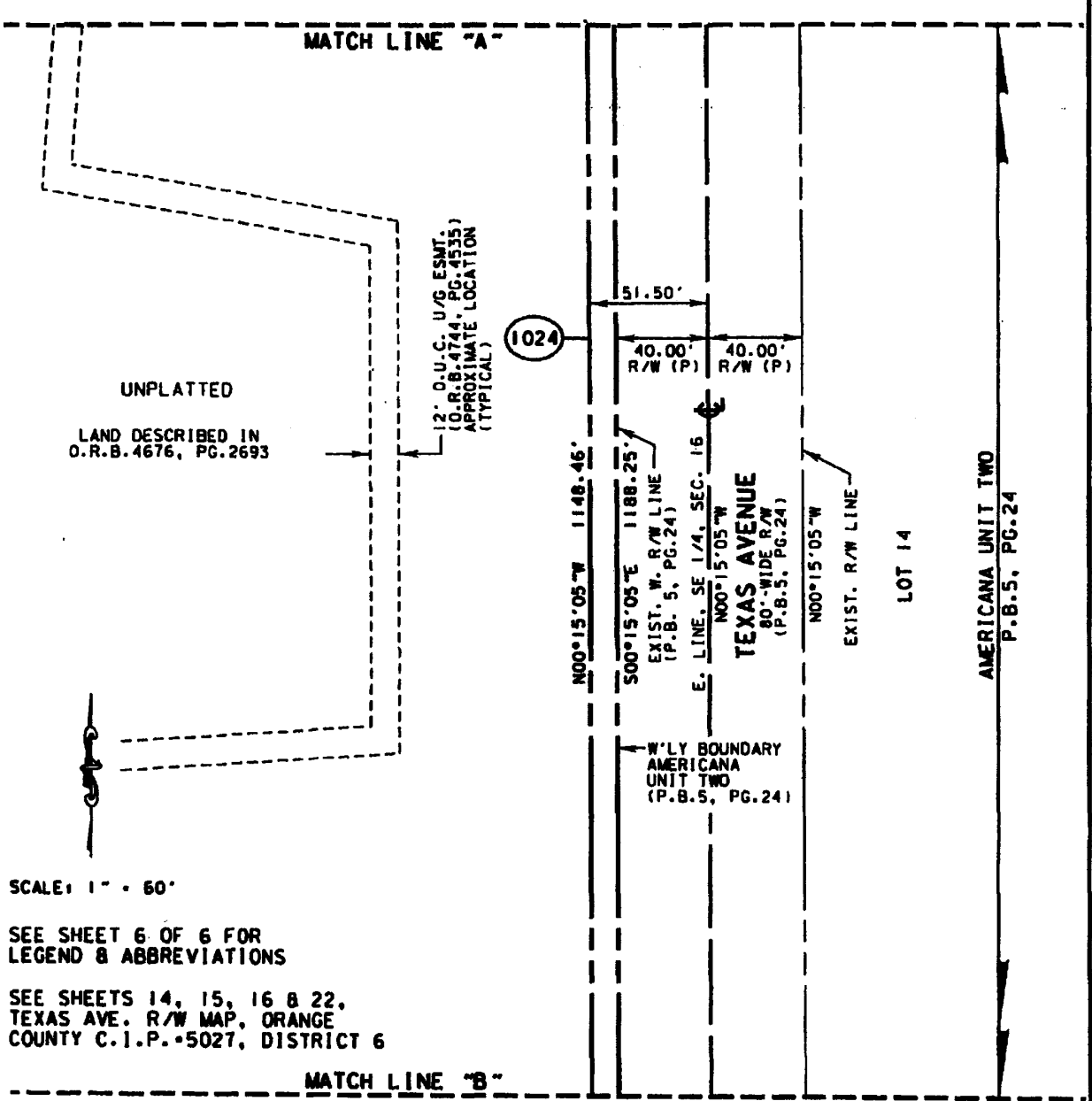
NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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

DESIGNED BY: INWOOD	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc.	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120
	REV.:			C.I.P. - 5027

EXHIBIT A
 Page 3 of 18

SKETCH OF DESCRIPTION
SCHEDULE "A"
PARCEL NUMBER: 1024



SCALE: 1" = 60'

SEE SHEET 6 OF 6 FOR LEGEND & ABBREVIATIONS

SEE SHEETS 14, 15, 16 & 22, TEXAS AVE. R/W MAP, ORANGE COUNTY C.I.P. 5027, DISTRICT 6

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA. BEARING NORTH 00°15'05" WEST, ASSUMED.

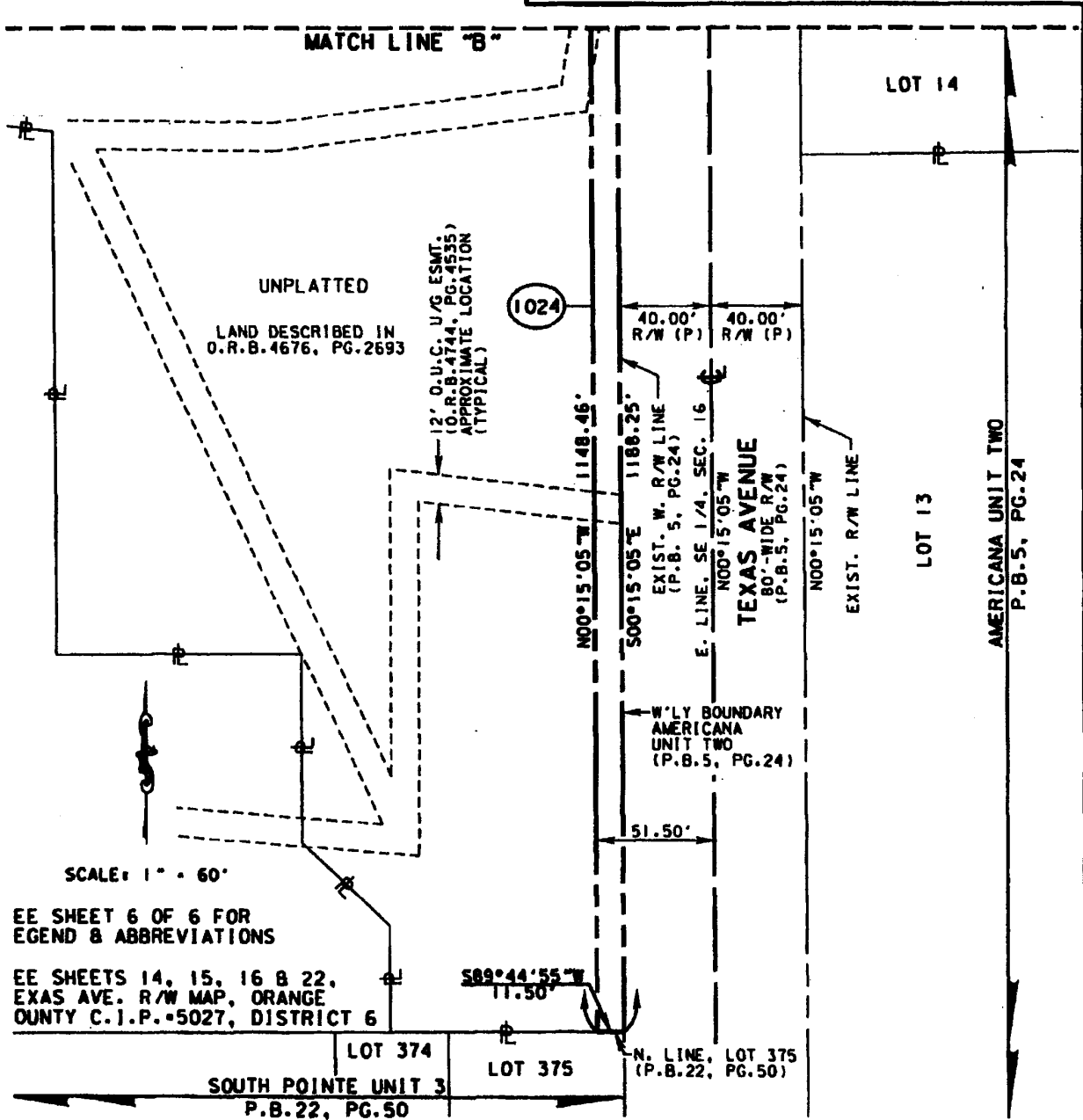
THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

DESIGNED BY: INWOOD	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc.	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		SHEET 4 OF 6
	REV.:		520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	C.I.P. 5027

EXHIBIT A
Page 4 of 18

SKETCH OF DESCRIPTION

SCHEDULE "A"
 PARCEL NUMBER: 1024



SCALE: 1" = 60'

SEE SHEET 6 OF 6 FOR
 LEGEND & ABBREVIATIONS

SEE SHEETS 14, 15, 16 & 22,
 TEXAS AVE. R/W MAP, ORANGE
 COUNTY C.I.P. #5027, DISTRICT 6

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF
 THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23
 NORTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA,
 BEING NORTH 00°15'05" WEST, ASSUMED.

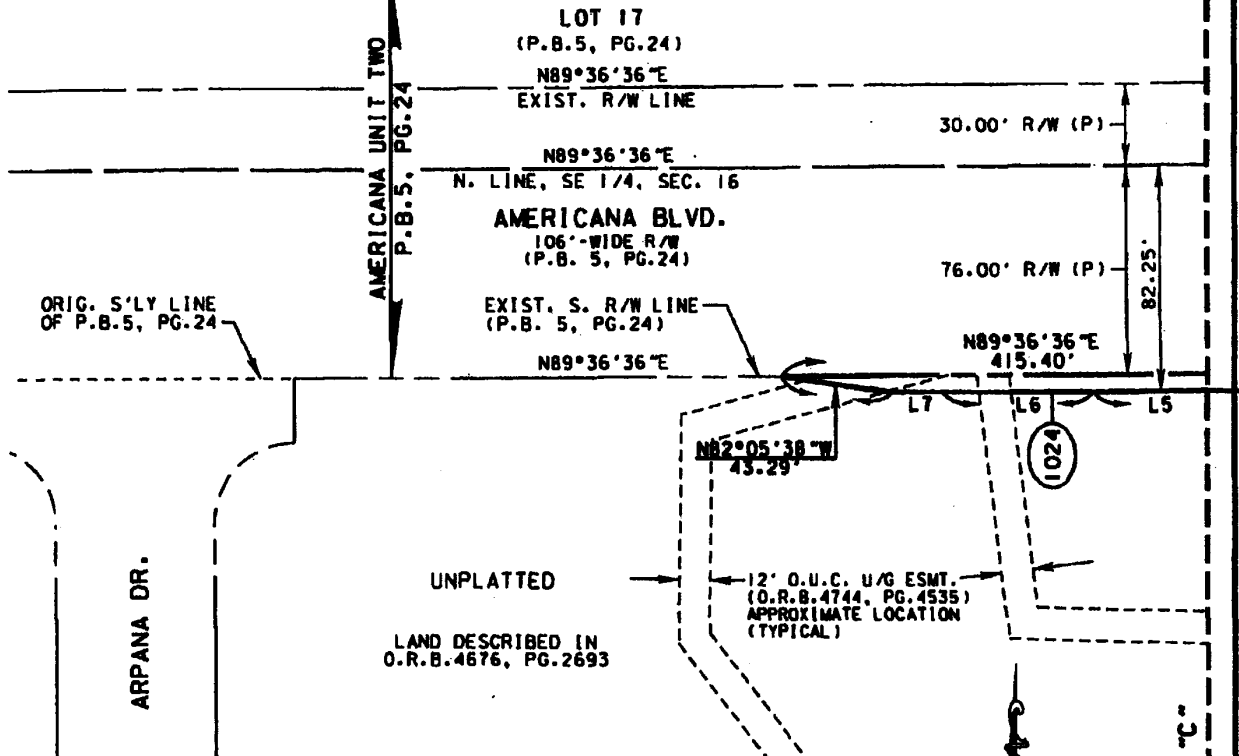
THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK
 BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA
 ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH
 OF DESCRIPTION.

DESIGNED BY: INWOOD	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc.	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120
	REV.:			C.I.P. # 5027

EXHIBIT A
 Page 5 of 18

SKETCH OF DESCRIPTION

SCHEDULE "A"
PARCEL NUMBER: 1024



LEGEND & ABBREVIATIONS

- | | |
|-----------------------------------|--------------------------------|
| AC. • ACRE(S) | P.C. • POINT OF CURVATURE |
| (C) • CALCULATED | P.T. • POINT OF TANGENCY |
| C.B. • CHORD BEARING | P.O.B. • POINT OF BEGINNING |
| C.D. • CHORD LENGTH | P.O.C. • POINT OF COMMENCEMENT |
| C.M. • CONCRETE MONUMENT | PG. • PAGE(S) |
| COR. • CORNER | R • RADIUS |
| (D) • DEED | R/W • RIGHT OF WAY |
| D.B. • DEED BOOK | RGE • RANGE |
| ESMT. • EASEMENT | R.R. • RAILROAD |
| EXIST. • EXISTING | RT. • RIGHT |
| FND. • FOUND | SEC. • SECTION |
| ID. • IDENTIFICATION | SO. FT. • SQUARE FEET |
| I.P. • IRON PIPE | STA. • STATION |
| I.R.C. • IRON ROD & CAP | TB • TANGENT BEARING |
| L • ARC LENGTH | TWP • TOWNSHIP |
| LT. • LEFT | U/G • UNDERGROUND |
| LB • CERTIFICATE OF AUTHORIZATION | N'LY • NORTHERLY |
| M.B. • MAP BOOK | S'LY • SOUTHERLY |
| N/A • NOT APPLICABLE | E'LY • EASTERLY |
| N.D. • NAIL & DISK | W'LY • WESTERLY |
| O.R.B. • OFFICIAL RECORDS BOOK | B • BASE LINE |
| ORIG. • ORIGINAL | C • CENTER LINE |
| (P) • PER PLAT | P.L. • PROPERTY LINE |
| P.B. • PLAT BOOK | Δ • DELTA (CENTRAL ANGLE) |
| | —• LINE BREAK |

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°35'23"W	59.02'
L2	S89°29'19"W	29.17'
L3	S89°28'06"W	47.16'
L4	S89°30'54"W	45.00'
L5	S89°30'43"W	58.33'
L6	S89°41'14"W	56.94'
L7	S89°35'33"W	18.74'

SEE SHEETS 14, 15, 16 & 22,
TEXAS AVE. R/W MAP, ORANGE
COUNTY C.I.P. 5027, DISTRICT 6

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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

DESIGNED BY: INWOOD	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc. 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		SHEET 6 OF 6
	REV.:			C.I.P. = 5027

SCHEDULE "B"

5027 TEXAS AVENUE PARCEL 1024

FEE SIMPLE

Parcel 1024: the interest being acquired is fee simple.

3/22/2016

Page 1 of 1

EXHIBIT A
Page 7 of 18

EXHIBIT A
13 of 24

LEGAL DESCRIPTION

SCHEDULE "A"

PARCEL NUMBER: 7024A

A PORTION OF A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, DESCRIBED IN OFFICIAL RECORDS BOOK 4676, PAGE 2693, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'05" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 16, A DISTANCE OF 76.00 FEET TO A POINT ON A LINE PROJECTED EASTERLY FROM THE EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD AS DEPICTED ON THE PLAT OF AMERICANA UNIT TWO, RECORDED IN PLAT BOOK 5, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, RUN SOUTH 89°36'36" WEST, ALONG SAID PROJECTED LINE, A DISTANCE OF 40.00 FEET TO A 4-INCH SQUARE CONCRETE MONUMENT, WITH NO IDENTIFICATION, MARKING THE POINT OF INTERSECTION OF SAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD AND THE EXISTING WEST RIGHT OF WAY LINE OF TEXAS AVENUE, AS DEPICTED ON SAID PLAT OF AMERICANA UNIT TWO; THENCE CONTINUE SOUTH 89°36'36" WEST, ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD, A DISTANCE OF 17.50 FEET TO A POINT ON A LINE RUNNING PARALLEL WITH AND 57.50 FEET WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE, DEPARTING SAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD, RUN SOUTH 00°15'05" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 24.17 FEET TO THE POINT OF BEGINNING; THENCE, DEPARTING SAID PARALLEL LINE, RUN SOUTH 21°18'37" EAST, A DISTANCE OF 16.70 FEET TO A POINT ON A LINE RUNNING PARALLEL WITH AND 51.50 FEET WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE RUN SOUTH 00°15'05" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1,148.46 FEET TO A POINT ON THE NORTH LINE OF LOT 375 AS

(CONTINUED ON SHEET 2 OF 5)

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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


WRITTEN BY: RRC	DATE: 01/21/11	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	 131 WEST KALEY AVENUE ORLANDO, FLORIDA 32806 TELEPHONE: 321-354-9826	DRAWING SCALE: N/A
APPROVED BY:	REV.:	RANGE: 29E		SHEET 1 OF 5
	REV.:			C.I.P. • 5027

EXHIBIT A
Page 8 of 18

LEGAL DESCRIPTION

SCHEDULE "A"

PARCEL NUMBER: 7024A

(CONTINUED FROM SHEET 1 OF 5)

DEPICTED ON THE PLAT OF SOUTH POINT UNIT 3, RECORDED IN PLAT BOOK 22, PAGE 50, OF SAID PUBLIC RECORDS; THENCE, DEPARTING SAID PARALLEL LINE, RUN SOUTH 89°44'55" WEST, ALONG SAID NORTH LINE OF LOT 375, A DISTANCE OF 6.00 FEET TO A POINT ON A LINE RUNNING PARALLEL WITH AND 57.50 FEET WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE, DEPARTING SAID NORTH LINE OF LOT 375, RUN NORTH 00°15'05" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 310.11 FEET; THENCE, DEPARTING SAID PARALLEL LINE, RUN THE FOLLOWING THREE COURSES AND DISTANCES; NORTH 54°18'03" WEST, A DISTANCE OF 26.41 FEET; THENCE, NORTH 00°02'27" WEST, A DISTANCE OF 53.60 FEET; THENCE, NORTH 56°49'08" EAST, A DISTANCE OF 25.24 FEET TO A POINT ON THE AFOREMENTIONED LINE RUNNING PARALLEL WITH AND 57.50 FEET WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE RUN NORTH 00°15'05" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 771.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,389 SQUARE FEET OR 0.193 ACRES, MORE OR LESS

THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 53-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

William D. Dewberry
 WILLIAM D. DEWBERRY
 FLORIDA PROFESSIONAL SURVEYOR
 LICENSE NUMBER 10000
 800 NORTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32806

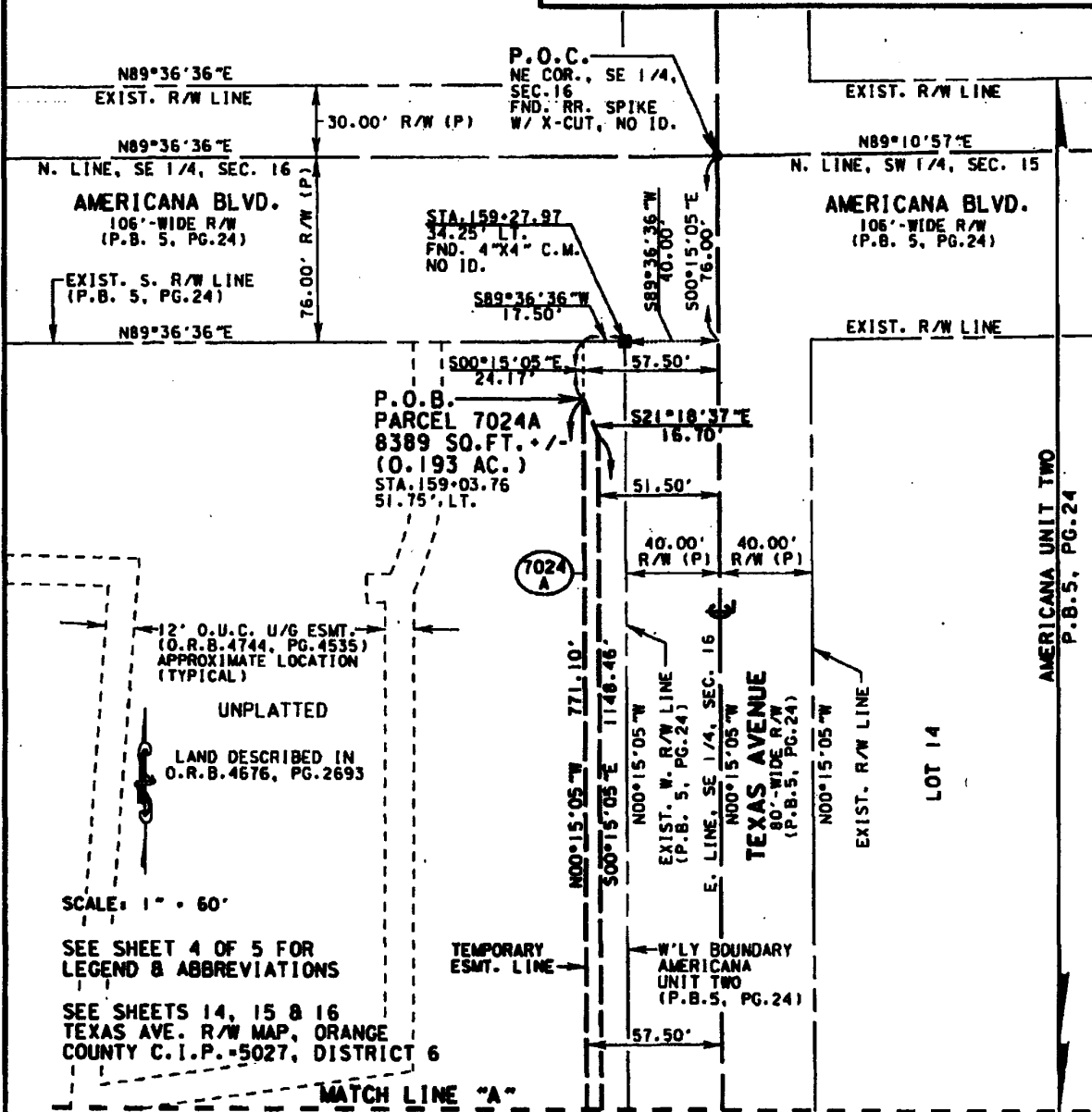
NOT VALID WITHOUT
 SEAL OF A FLORIDA SURVEYOR

CERTIFICATE OF ACCURACY

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

WRITTEN BY: RRC	DATE: 01/21/11	SECTION: 16	TEXAS AVENUE	FLORIDA
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Dewberry	DRAWING SCALE: N/A
APPROVED BY:	REV.:	RANGE: 29E	131 WEST KALEY AVENUE ORLANDO, FLORIDA 32806 TELEPHONE: 321-354-9826	SHEET 2 OF 5
	REV.:			C.I.P. = 5027

SKETCH OF DESCRIPTION
SCHEDULE "A"
PARCEL NUMBER: 7024A



SCALE: 1" = 60'

SEE SHEET 4 OF 5 FOR LEGEND & ABBREVIATIONS

SEE SHEETS 14, 15 & 16 TEXAS AVE. R/W MAP, ORANGE COUNTY C.I.P. 5027, DISTRICT 6

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

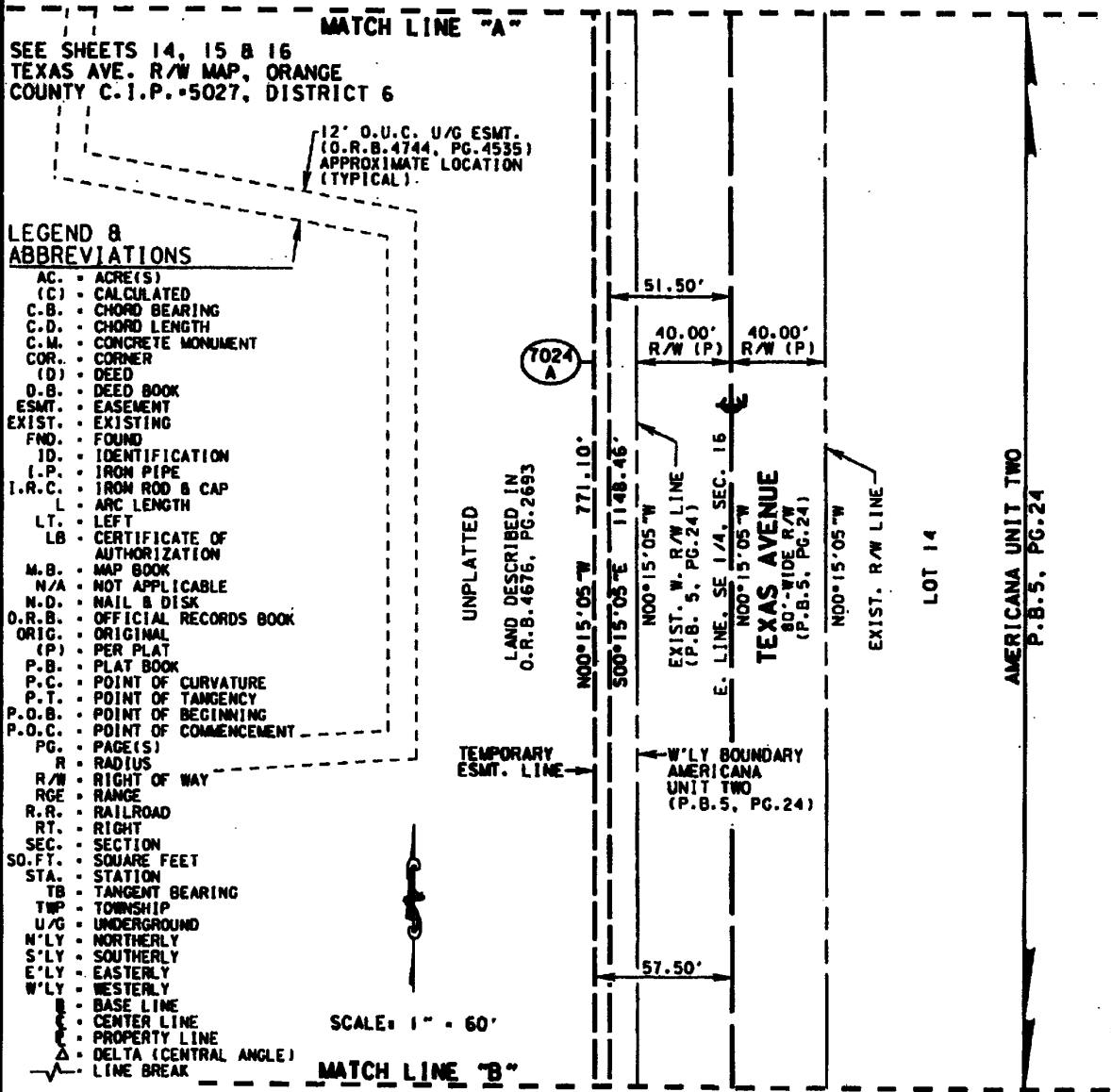
THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

DESIGNED BY: INWOOD	DATE: 01/21/11	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Dewberry	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		SHEET 3 OF 5
	REV.:			C.I.P. 5027

SKETCH OF DESCRIPTION

SCHEDULE "A"

PARCEL NUMBER: 7024A

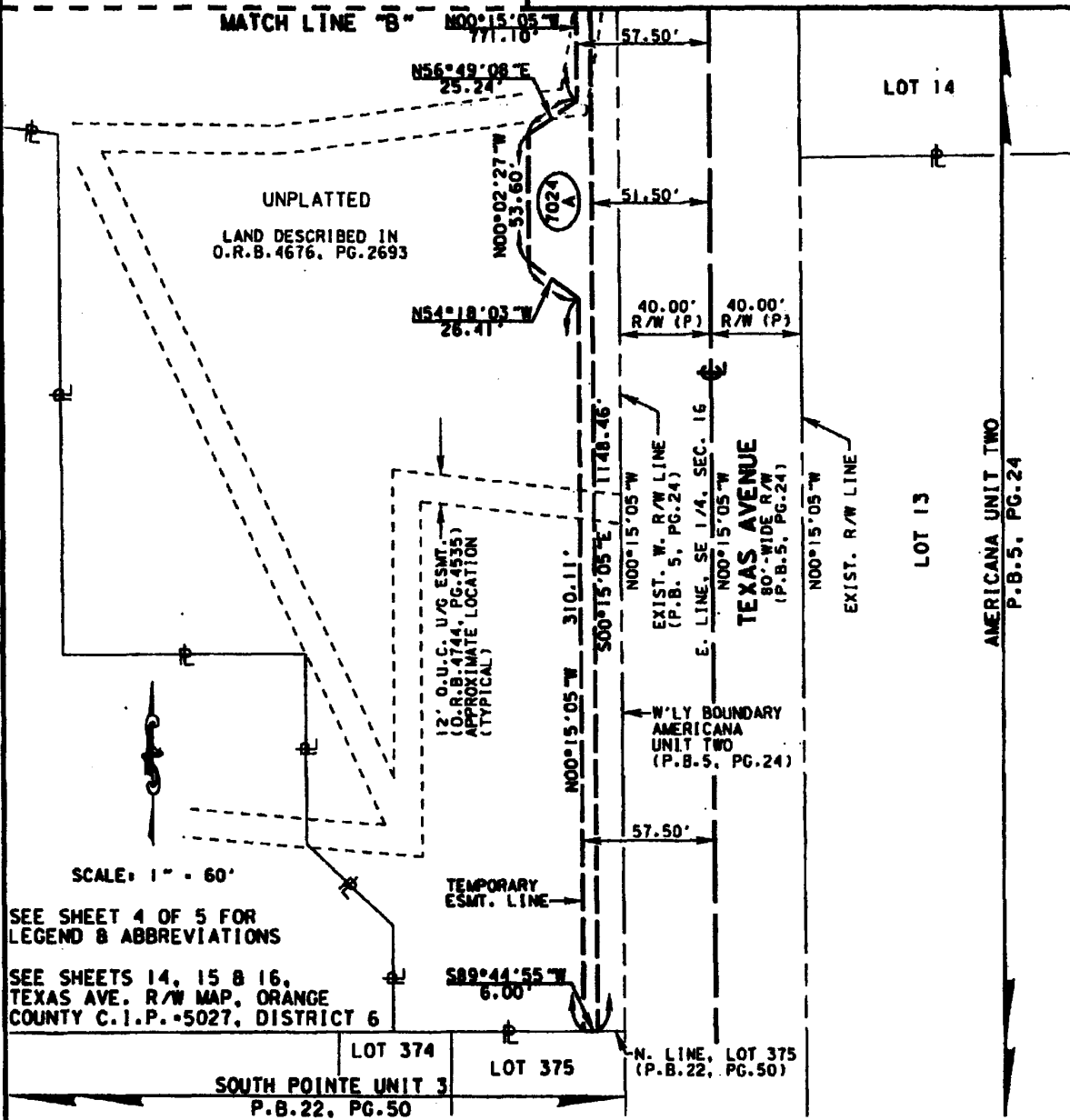


NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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

DESIGNED BY: INWOOD	DATE: 01/21/11	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	 131 WEST KALEY AVENUE ORLANDO, FLORIDA 32806 TELEPHONE: 321-354-9826	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		SHEET 4 OF 5
	REV.:			C.I.P. = 5027

SKETCH OF DESCRIPTION
SCHEDULE "A"
PARCEL NUMBER: 7024A



SCALE: 1" = 60'
 SEE SHEET 4 OF 5 FOR
 LEGEND & ABBREVIATIONS
 SEE SHEETS 14, 15 & 16,
 TEXAS AVE. R/W MAP, ORANGE
 COUNTY C.I.P. 5027, DISTRICT 6

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF
 THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23
 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA,
 BEING NORTH $00^{\circ}15'05''$ WEST, ASSUMED.

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

DESIGNED BY: INWOOD	DATE: 01/21/11	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	 131 WEST KALEY AVENUE ORLANDO, FLORIDA 32806 TELEPHONE: 321-354-9826	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		SHEET 5 OF 5
	REV.:			C.I.P. = 5027

SCHEDULE "B"

5027 TEXAS AVENUE PARCEL 7024A

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7024A is being acquired as a temporary, non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of constructing, tying in and harmonizing the driveway with the adjacent roadway, tying in and harmonizing the existing grade with the adjacent roadway, and constructing facilities that will be located within the adjacent right-of-way. At all times during construction the GRANTEE will maintain access to the GRANTOR'S remaining lands.

After the construction on the Parcel is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (7) years, whichever occurs first.

LEGAL DESCRIPTION

SCHEDULE "A"
PARCEL NUMBER: 7024B

A PORTION OF A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, DESCRIBED IN OFFICIAL RECORDS BOOK 4676, PAGE 2693, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'05" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 16, A DISTANCE OF 76.00 FEET TO A POINT ON A LINE PROJECTED EASTERLY FROM THE EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD AS DEPICTED ON THE PLAT OF AMERICANA UNIT TWO, RECORDED IN PLAT BOOK 5, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, RUN SOUTH 89°36'36" WEST, ALONG SAID PROJECTED LINE, A DISTANCE OF 40.00 FEET TO A 4-INCH SQUARE CONCRETE MONUMENT, WITH NO IDENTIFICATION, MARKING THE POINT OF INTERSECTION OF SAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD AND THE EXISTING WEST RIGHT OF WAY LINE OF TEXAS AVENUE, AS DEPICTED ON SAID PLAT OF AMERICANA UNIT TWO; THENCE CONTINUE SOUTH 89°36'36" WEST, ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD, A DISTANCE OF 415.40 FEET TO THE POINT OF BEGINNING; THENCE, DEPARTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD, RUN THE FOLLOWING EIGHTEEN (18) COURSES AND DISTANCES: SOUTH 82°05'38" EAST, A DISTANCE OF 43.29 FEET; THENCE, NORTH 89°35'33" EAST, A DISTANCE OF 18.74 FEET; THENCE, NORTH 89°41'14" EAST, A DISTANCE OF 56.94 FEET; THENCE, NORTH 89°30'43" EAST, A DISTANCE OF 58.33 FEET; THENCE, NORTH 89°30'54" EAST, A DISTANCE OF 45.00 FEET; THENCE, NORTH 89°28'06" EAST, A DISTANCE OF 47.16 FEET; THENCE, NORTH 89°29'19" EAST, A DISTANCE OF 29.17 FEET; THENCE, NORTH 89°35'23" EAST, A DISTANCE OF 59.02 FEET; THENCE, SOUTH 79°04'31" EAST, A DISTANCE OF 37.19 FEET; THENCE, SOUTH 21°18'37" EAST, A DISTANCE OF 0.74 FEET; THENCE, SOUTH 89°35'23" WEST, A DISTANCE OF 95.74 FEET; THENCE, SOUTH 89°29'19" WEST, A DISTANCE OF 29.16 FEET; THENCE, SOUTH 89°28'06" WEST, A DISTANCE OF 47.16 FEET; THENCE, SOUTH 89°30'54" WEST, A DISTANCE OF 45.01 FEET;

(CONTINUED ON SHEET 2 OF 4)

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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

WRITTEN BY: RRC	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer Singleton & Assoc., Inc. 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	DRAWING SCALE: N/A
APPROVED BY:	REV.:	RANGE: 29E		SHEET 1 OF 4
	REV.:			C.I.P. • 5027

EXHIBIT A
Page 14 of 18

LEGAL DESCRIPTION
SCHEDULE "A"
PARCEL NUMBER: 7024B

(CONTINUED FROM SHEET 1 OF 4)

THENCE, SOUTH 89°30'43" WEST, A DISTANCE OF 58.34 FEET; THENCE, SOUTH 89°41'14" WEST, A DISTANCE OF 56.95 FEET; THENCE, SOUTH 89°35'33" WEST, A DISTANCE OF 66.72 FEET; THENCE, NORTH 00°29'03" WEST, A DISTANCE OF 14.26 FEET TO A POINT ON THE AFORESAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD; THENCE RUN NORTH 89°36'36" EAST, ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD, A DISTANCE OF 5.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,224 SQUARE FEET OR 0.074 ACRES, MORE OR LESS

SKETCH OF DESCRIPTION LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N89°35'33"E	18.74'	L8	S89°35'23"W	95.74'
L2	N89°41'14"E	56.94'	L9	S89°29'19"W	29.16'
L3	N89°30'43"E	58.33'	L10	S89°28'06"W	47.16'
L4	N89°30'54"E	45.00'	L11	S89°30'54"W	45.01'
L5	N89°28'06"E	47.16'	L12	S89°30'43"W	58.34'
L6	N89°29'19"E	29.17'	L13	S89°41'14"W	56.95'
L7	N89°35'23"E	59.02'	L14	S89°35'33"W	66.72'

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

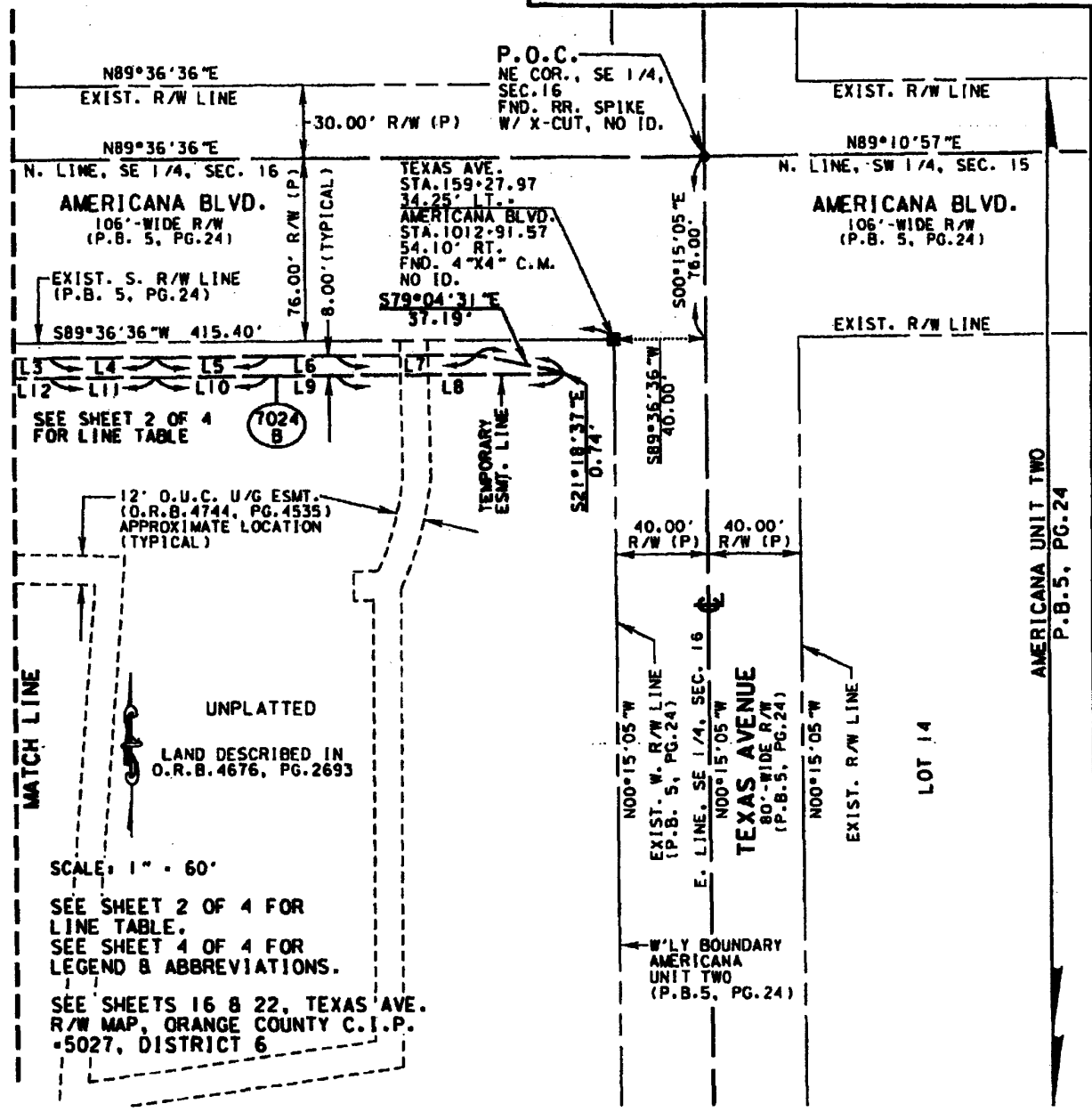
WILLIAM J. BOWYER, DATE 11/01/10
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NUMBER 1221
 520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

NOT VALID UNLESS SIGNED AND SEALED WITH ORIGINAL RAISED SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER
 CERTIFICATE NUMBER 1221

WRITTEN BY: RRC	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE - ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc. 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	DRAWING SCALE: N/A
APPROVED BY:	REV.:	RANGE: 29E		SHEET 2 OF 4
	REV.:			C.I.P. = 5027

SKETCH OF DESCRIPTION
SCHEDULE "A"
PARCEL NUMBER: 7024B



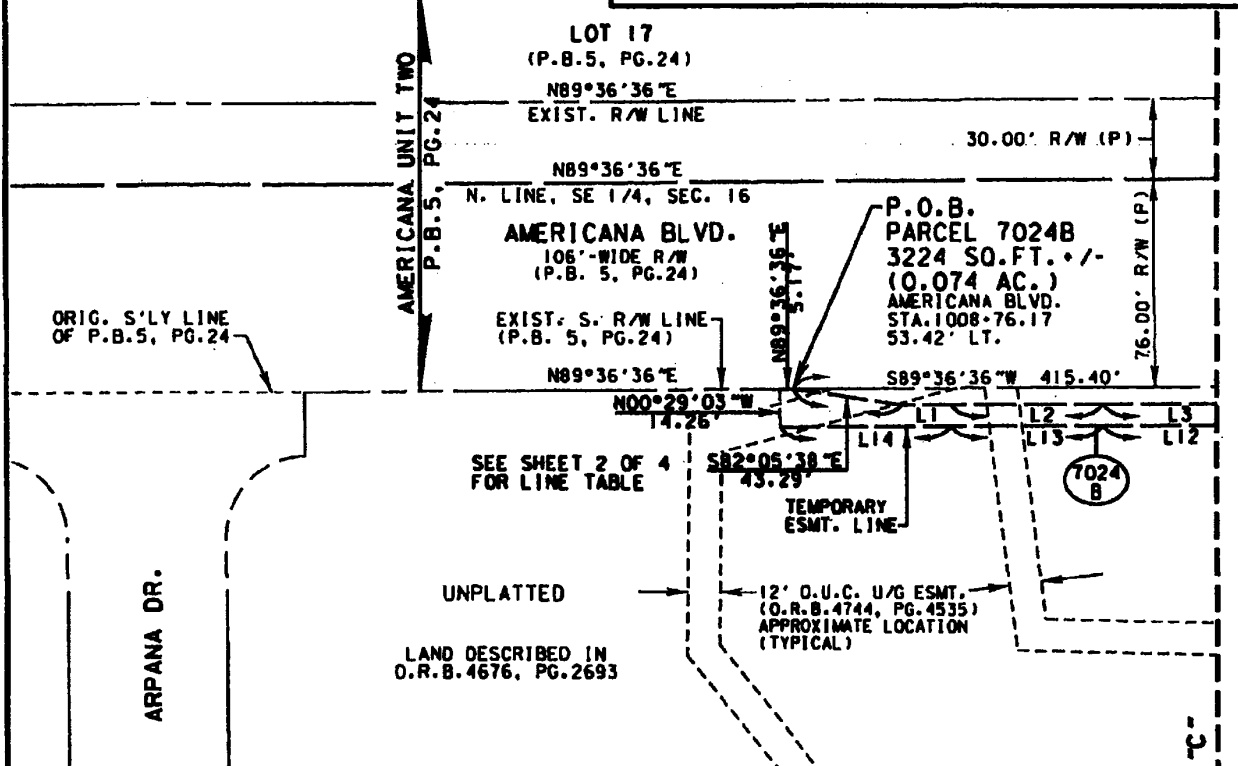
NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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

DESIGNED BY: INWOOD	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc.	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		SHEET 3 OF 4
	REV.:			C.I.P. = 5027
			520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	

SKETCH OF DESCRIPTION

SCHEDULE "A"
PARCEL NUMBER: 7024B



LEGEND & ABBREVIATIONS

AC. - ACRES)	P.C. - POINT OF CURVATURE
(C) - CALCULATED	P.T. - POINT OF TANGENCY
C.B. - CHORD BEARING	P.O.B. - POINT OF BEGINNING
C.D. - CHORD LENGTH	P.O.C. - POINT OF COMMENCEMENT
C.M. - CONCRETE MONUMENT	PG. - PAGE(S)
COR. - CORNER	R - RADIUS
(D) - DEED	R/W - RIGHT OF WAY
D.B. - DEED BOOK	RGE - RANGE
ESMT. - EASEMENT	R.R. - RAILROAD
EXIST. - EXISTING	RT. - RIGHT
FND. - FOUND	SEC. - SECTION
ID. - IDENTIFICATION	SO.FT. - SQUARE FEET
I.P. - IRON PIPE	STA. - STATION
I.R.C. - IRON ROD & CAP	TB - TANGENT BEARING
L - ARC LENGTH	TWP - TOWNSHIP
LT. - LEFT	U/G - UNDERGROUND
LB - CERTIFICATE OF AUTHORIZATION	N'LY - NORTHERLY
M.B. - MAP BOOK	S'LY - SOUTHERLY
N/A - NOT APPLICABLE	E'LY - EASTERLY
N.D. - NAIL & DISK	W'LY - WESTERLY
O.R.B. - OFFICIAL RECORDS BOOK	B - BASE LINE
ORIG. - ORIGINAL	CL - CENTER LINE
(P) - PER PLAT	PL - PROPERTY LINE
P.B. - PLAT BOOK	Δ - DELTA (CENTRAL ANGLE)
	--- LINE BREAK

NOTE: BEARING STRUCTURE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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

SEE SHEETS 16 & 22, TEXAS AVE.
R/W MAP, ORANGE COUNTY C.I.P.
#5027, DISTRICT 6

DESIGNED BY: INWOOD	DATE: 11/01/10	SECTION: 16	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc. 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	DRAWING SCALE: 1" = 60'
APPROVED BY:	REV.:	RANGE: 29E		SHEET 4 OF 4
	REV.:			C.I.P. # 5027

SCHEDULE "B"

5027 TEXAS AVENUE PARCEL 7024B

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7024B is being acquired as a temporary, non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of tying in and harmonizing the existing grade with the adjacent roadway. At all times during construction the GRANTEE will maintain access to the GRANTOR'S remaining lands.

After the construction on the Parcel is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (7) years, whichever occurs first.