



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

**DATE:** October 25, 2019

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

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

**FROM:** Kim Heim, Senior Title Examiner *KH*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** Approval and execution of Corrective Utility Easement between Monsters of Midway Properties, LLC and Orange County and authorization to disburse funds to pay all recording fees and record instrument

**PROJECT:** Lakeview Pointe at Horizon West Phase 1  
OCU Permit 14-S-026 OCU File #:76847  
  
District 1

**PURPOSE:** To reconfigure, modify, and replace the easement area of an existing utility easement as a requirement of development.

**ITEM:** Corrective Utility Easement  
Cost: None  
Amended size: 1,911 square feet (no change in size)

**BUDGET:** Account No.: 4420-038-1302-3167

**FUNDS:** \$61.70 Payable to Orange County Comptroller  
(all recording fees)

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

**REMARKS:**

On August 4, 2015, the Board approved that certain Utility Easement from Windy Lakes, LLC (Windy) which was recorded in Official Records Book 10964, Page 2119 (Easement). That conveyance was a requirement of development.

Subsequent to the recording of the Easement, the legal description attached to the Easement was discovered to have a scrivener's error. This Corrective Utility Easement corrects that error. Monsters of Midway Properties, LLC is the successor-in-interest to Windy, and the current fee simple owner of the lands to be encumbered by the Easement. Lakeview Pointe At Horizon West Homeowners Association, Inc., as the current fee simple owner of lands previously incorrectly encumbered by the Easement, has also executed the Corrective Utility Easement.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

NOV 12 2019

Project: Lakeview Pointe at Horizon West Phase 1  
OCU Permit 14-S-026 OCU File #:76847

### CORRECTIVE UTILITY EASEMENT

THIS INDENTURE, Made this 22<sup>nd</sup> day of August, A.D. 2019, between Monsters of Midway Properties, LLC, a Florida limited liability company, whose address is 13352 Bellaria Circle, Windermere, FL 34786. 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.

WHEREAS, Windy Lakes, LLC, a Florida limited liability company, gave and granted to GRANTEE, a Utility Easement, approved by the Orange County Board of County Commissioners on August 4, 2015, and recorded on August 7, 2015 in Official Records Book 10964, Page 2119, of the Public Records of Orange County, Florida ("Original Utility Easement"); and

WHEREAS, the legal description and sketch of description attached as Exhibit "A" to the Original Utility Easement contained a scrivener's error: and

WHEREAS, GRANTOR is successor in interest to Windy Lakes, LLC, a Florida limited liability company; and

WHEREAS, Lakeview Pointe At Horizon West Homeowners Association, Inc., a Florida not-for-profit corporation (HOA), is fee simple owner of the lands possibly unintentionally encumbered by the Original Utility Easement and the scrivener's error: therein

WITNESSETH, NOW THEREFORE 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 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:

#### SEE ATTACHED EXHIBIT "A"

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

**a portion of**

**34-23-27-0000-00-004**

TO HAVE AND TO HOLD said right-of-way and easement unto said GRANTEE and its assigns forever.

Project: Lakeview Pointe at Horizon West Phase 1  
OCU Permit 14-S-026 OCU File #:76847

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, agree 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'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.

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.

County is executing this Corrective Utility Easement to release its interest, if any, in the lands of HOA possibly unintentionally encumbered by the Original Utility Easement and HOA is executing this Corrective Utility Easement to acknowledge such release.


[INTENTIONALLY LEFT BLANK]

Project: Lakeview Pointe at Horizon West Phase I  
OCU Permit 14-5-026 OCU File #:76847

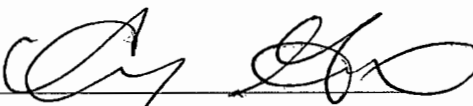
IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed, and delivered  
in the presence of:

Monsters of Midway Properties, LLC,  
a Florida limited liability company

  
\_\_\_\_\_  
Witness

Alexandra Amaro  
Printed Name

BY:   
\_\_\_\_\_

Corey Graham  
Printed Name

  
\_\_\_\_\_  
Witness

Yousef JSSA  
Printed Name

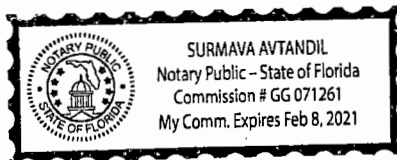
Managing Member   
Title


(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of September, 2019, by Corey Graham, as managing member of Monsters of Midway Properties, LLC, a Florida limited liability company, on behalf of said company. He/she [ ] is personally known to me, or [ ] has produced FL DL as identification

(Notary Seal)



  
\_\_\_\_\_  
Notary Signature

Ato Surmava  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My Commission Expires: 2/8/21

Project: Lakeview Pointe at Horizon West Phase 1  
OCU Permit 14-S-026 OCU File #:76847

Signed, sealed, and delivered  
in the presence of:

Lakeview Pointe At Horizon West Homeowners  
Association, Inc., a Florida not-for-profit  
corporation

[Signature]  
Witness

BY: [Signature]

James Slohm  
Printed Name

George J. Mitchell  
Printed Name

[Signature]  
Witness

President, Lakeview Pointe HOA  
Title

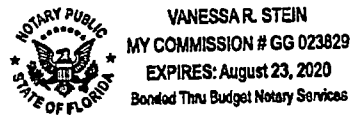
Claudette Maldonado  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of August, 2019, by  
George J. Mitchell, as President of Lakeview Pointe  
At Horizon West Homeowners, 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)



[Signature]  
Notary Signature

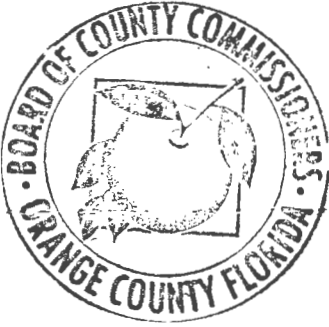
Vanessa R. Stein  
Printed Notary Name  
Notary Public in and for  
the County and State aforesaid

My commission expires: 8/23/20

Project: Lakeview Pointe at Horizon West Phase 1  
OCU Permit 14-S-026 OCU File #:76847

IN WITNESS WHEREOF, the said GRANTEE 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.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

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

DATE: 12 Nov 19

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

BY: *Jennifer Klimetz*  
for Deputy Clerk  
Jennifer Klimetz  
Printed Name

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

# LEGAL DESCRIPTION

## THIS IS NOT A SURVEY

OC PERMIT No.: 14-S-026  
 PROJECT NAME: LAKEVIEW POINTE AT HORIZON WEST PHASE 1  
 PURPOSE: UTILITY  
 ESTATE: PERMANENT

A TRACT OF LAND LYING IN SECTION 34, TOWNSHIP 23 SOUTH, RANGE 27 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN EXHIBIT "A" (GROVES PROPERTY), JOINT DEVELOPMENT AGREEMENT AND GRANT OF EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK 10697, PAGE 4641 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN NORTH 89°38'45" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 601.49 FEET; THENCE RUN SOUTH 00°21'15" EAST, DEPARTING SAID NORTH LINE, FOR A DISTANCE OF 1565.94 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED SAYBROOK LAKE BOULEVARD, ALSO BEING THE NORTHERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10697, PAGE 4641; THENCE RUN SOUTH 68°15'12" EAST, ALONG SAID PROPOSED SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 141.40 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY, CONTINUING ALONG SAID PROPOSED SOUTHERLY RIGHT-OF-WAY LINE AND SAID NORTHERLY LINE, AND ALONG SAID TANGENT CURVE, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 44°24'55", AN ARC LENGTH OF 27.13 FEET, A CHORD LENGTH OF 26.46 FEET AND A CHORD BEARING OF SOUTH 46°02'45" EAST; THENCE RUN NORTH 68°15'12" WEST, DEPARTING SAID PROPOSED SOUTHERLY RIGHT-OF-WAY LINE AND SAID NORTHERLY LINE, FOR A DISTANCE OF 142.20 FEET; THENCE RUN SOUTH 21°44'48" WEST, FOR A DISTANCE OF 9.46 FEET; THENCE RUN NORTH 68°15'12" WEST, FOR A DISTANCE OF 19.92 FEET; THENCE RUN NORTH 21°44'48" EAST, FOR A DISTANCE OF 9.46 FEET; THENCE RUN NORTH 68°15'12" WEST, FOR A DISTANCE OF 23.77 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, SAID POINT LYING ON THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10697, PAGE 4641; THENCE RUN NORTHEASTERLY ALONG SAID WESTERLY LINE AND ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 53°07'48", AN ARC LENGTH OF 23.18 FEET, A CHORD LENGTH OF 22.36 FEET AND A CHORD BEARING OF NORTH 85°10'53" EAST TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 1,911 SQUARE FEET OR 0.044 ACRES MORE OR LESS.

Drawing name: L:\Data\20130144\sketches\SK 1 OFFSITE UTILITY EASEMENT.dwg DESCRIPTION

REV 3/31/2015  
 REV 5/20/2015  
 REV 6/13/2017

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

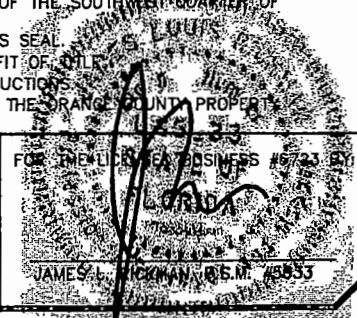


**SURVEYOR'S NOTES:**

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34-23-27, BEING NORTH 89°38'45" EAST.
2. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. THIS LEGAL DESCRIPTION AND SKETCH WERE PREPARED WITHOUT THE BENEFIT OF TITLE.
4. THE DELINEATION OF THE LANDS SHOWN HEREON IS AS THE CLIENT'S INSTRUCTIONS.
5. OWNER AND RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PROPERTY APPRAISER'S PUBLIC ACCESS SYSTEM.

JOB NO. 20130144  
 DATE: 03-13-15  
 SCALE: 1" = 50 FEET  
 FIELD BY: N/A

CALCULATED BY: MR  
 DRAWN BY: MR  
 CHECKED BY: SEJ





# SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

OC PERMIT No.: 14-S-026  
PROJECT NAME: LAKEVIEW POINTE AT HORIZON WEST PHASE 1  
PURPOSE: UTILITY  
ESTATE: PERMANENT

N. LINE SW. 1/4  
SEC. 34 TWP. 23S. RNG. 27E.

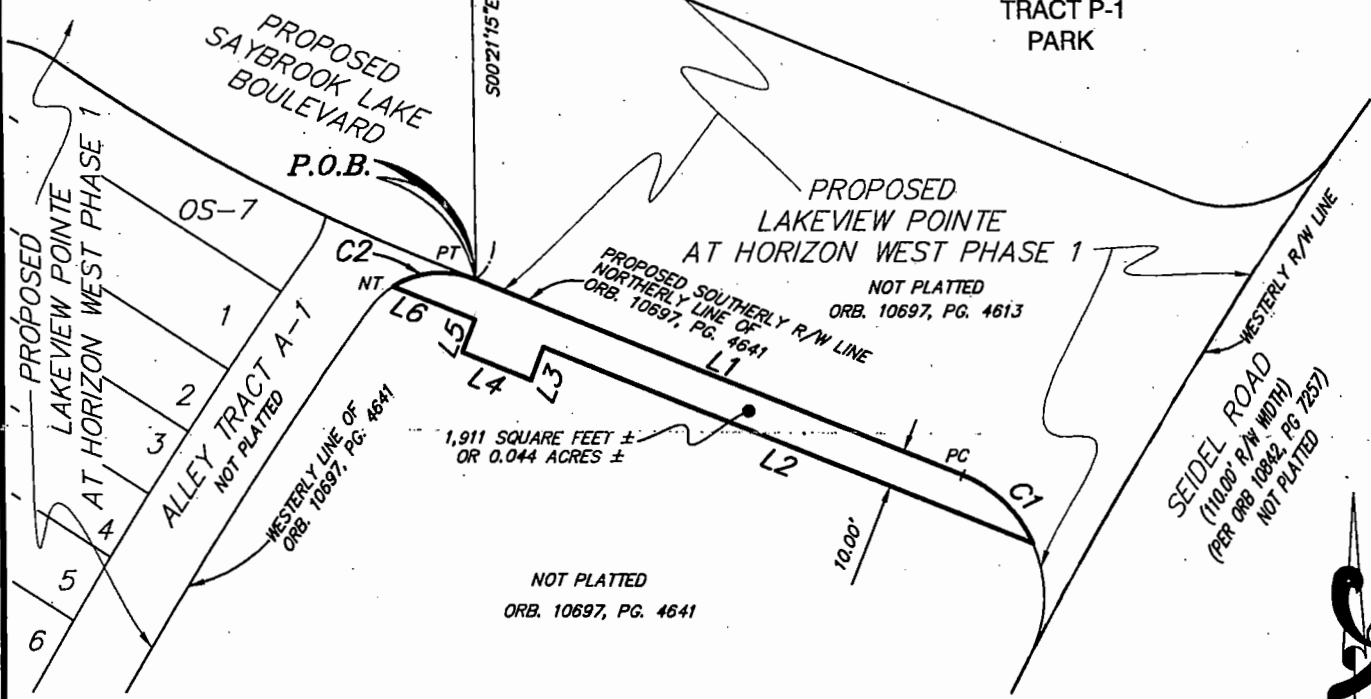
N89°38'45"E  
601.49'

**P.O.C.**  
NW. CORNER OF THE SW. 1/4  
SEC. 34, TWP. 23S, RNG. 27E

**LEGEND:**

- P.O.C.....POINT OF COMMENCEMENT
- P.O.B.....POINT OF BEGINNING
- ORB.....OFFICIAL RECORDS BOOK
- PG.....PAGE
- NT.....NON-TANGENT
- PC.....POINT OF CURVATURE
- PT.....POINT OF TANGENCY
- R/W.....RIGHT-OF-WAY

LINE TABLE		
LINE	LENGTH	BEARING
L1	141.40'	S68°15'12"E
L2	142.20'	N68°15'12"W
L3	9.46'	S21°44'48"W
L4	19.92'	N68°15'12"W
L5	9.46'	N21°44'48"E
L6	23.77'	N68°15'12"W



CURVE TABLE					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD	CHORD BEARING
C1	35.00'	44°24'55"	27.13'	26.46'	S46°02'45"E
C2	25.00'	53°07'48"	23.18'	22.36'	N85°10'53"E

REV 3/31/2015  
REV 5/20/2015  
REV 6/13/2017

**SURVEYOR'S NOTES:**

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2. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. THIS LEGAL DESCRIPTION AND SKETCH WERE PREPARED WITHOUT THE BENEFIT OF TITLE.
4. THE DELINEATION OF THE LANDS SHOWN HEREON IS AS THE CLIENT'S INSTRUCTIONS.
5. OWNER AND RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PROPERTY APPRAISER'S PUBLIC ACCESS SYSTEM

JOB NO. 20130144  
DATE: 03-13-15  
SCALE: 1" = 50 FEET  
FIELD BY: N/A

CALCULATED BY: MR  
DRAWN BY: MR  
CHECKED BY: SEJ

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



16 EAST PLANT STREET  
Winter Garden, Florida 34787 • (407) 654-5355

Drawing name: L:\Data\20130144\sketches\SK 1 OFFSITE UTILITY EASEMENT.dwg SKETCH

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

Under Ordinance Approval

Date: 02/22/2019

Total Amount: \$61.70

Project: Lakeview Pointe at Horizon West Phase 1  
OCU Permit 14-S-026 OCU File #: 76847

Parcels:

Charge to Account # 4420-038-1302-3167

*JSK*  
3/1/19

*[Signature]* 3/7/19  
Controlling Agency Approval Signature Date

Douglas Herrick, PE  
Printed Name

*[Signature]* 3/4/19  
Fiscal Approval Signature Date

Helaine Zarek  
Printed Name

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

N/A District # 1

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

Name:  
\$61.70 - Orange County Comptroller  
(recording fees)

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Contract/ Agreement
- Copy of Executed Instruments
- Certificate of Value
- Settlement Analysis

Payable to: \$61.70 Orange County Comptroller (recording fees)

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

Recommended by *[Signature]* 2/28/19  
Kim Heim, Senior Title Examiner, Real Estate Management Div. Date

Payment Approved *[Signature]* 3/1/19  
Paul Sladek, Manager, Real Estate Management Division Date

or  
Payment Approved \_\_\_\_\_  
Russell Corriveau, Asst Mgr. Real Estate Management Div. Date

Certified Approved by BCC *[Signature]* NOV 12 2019  
*for* Deputy Clerk to the Board Date

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

REMARKS:  
Anticipated Closing Date: As soon as checks are available.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
NOV 12 2019