



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 11

DATE: February 18, 2019

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

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

CONTACT PERSON: **Paul Sladek, Manager**

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

ACTION REQUESTED: Approval of Utility Easement from Kerina Village, LLC and The School Board of Orange County, Florida and authorization to record instrument

PROJECT: Palm Parkway Connector (RIFCC)

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of utility facilities as a requirement of a petition to vacate and as a requirement of a road agreement.

ITEM: Utility Easement
Cost: Donation
Size: 1.204 acres

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department
Utilities Department
Transportation Planning Division

REMARKS:

The Palm Parkway to Apopka-Vineland Connector Road Agreement approved by the Board on December 6, 2005, as amended and supplemented, (Road Agreement) requires the County to process and take formal action on the petition to vacate which is being processed concurrently by the Public Works Department as Petition to Vacate No. 15-12-026 (PTV).

If the County approves the PTV, the Road Agreement requires this utility easement to be granted to the County over portions of Fenton Street and Granby Street vacated by the PTV.

Approval of this item is contingent upon approval of the PTV and upon approval of all other Palm Parkway Connector agenda items being processed concurrently by the Real Estate Management Division.

Grantors to pay all closing costs.

The backup documentation for this item has been delivered under separate cover. It may also be accessed online as part of the e-Agenda by **[clicking here](#)**.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
FEB 26 2019

This instrument was prepared by,
And upon recording please return to:

James G. Willard, Esq.
Shutts & Bowen LLP
300 South Orange Avenue, Suite 1600
Orlando, Florida 32801
Telephone: (407) 423-3200

Project: Palm Parkway Connector (RIFCC)

UTILITY EASEMENT

THIS UTILITY EASEMENT, is made and entered into as of the 17th day of December, 2018, by and between **KERINA VILLAGE, LLC, a Florida Limited Liability Company**, whose mailing address is 5401 S. Kirkman Rd, Suite 650, Orlando, Florida 32819 ("Kerina") and **THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA**, a public body corporate and political subdivision of the State of Florida, whose mailing address is 445 West Amelia Street, Orlando, Florida 32801-1129 ("School Board") (Kerina and School Board being herein collectively referred to as "**Grantor**"), and **ORANGE COUNTY**, a Charter County and a political subdivision of the State of Florida, whose post office address is Box 1393, Orlando, Florida 32802-1393 ("**Grantee**").

WITNESSETH

THAT GRANTOR, in consideration of the sum of \$10.00 and other valuable considerations, paid by the Grantee, the receipt where to is hereby acknowledged, does hereby give and grant to the Grantee and its assigns, a nonexclusive easement for utility purposes (the "**Utility Easement**"), with full authority to enter upon construct, and maintain as Grantee and its assigns may deem necessary, potable water lines, wastewater lines, reclaimed water lines and any other underground utility facilities under, through, and across the following described lands situate in Orange County, Florida, to-wit:

SEE ATTACHED EXHIBIT A (the "Easement Area")

Property Appraiser's Parcel Identification Number(s):

a portion of: 15-24-28-5844-00-050; 14-24-28-1242-78-001
14-24-28-1242-77-010; 10-24-28-0000-00-053

TO HAVE AND TO HOLD said easement unto Grantee and its assigns forever.

Grantee 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 underground utility lines and facilities placed therein by Grantee and its assigns, out of and away from the above-described right-of-way and easement, and Grantor, its heirs, 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 easement that may interfere with the normal operation or maintenance of the underground utility lines and facilities installed therein.

[SIGNATURE APPEARS ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has executed this Utility Easement as of the day and year first written above.

Signed, sealed and delivered in the presence of the following witnesses:

KERINA VILLAGE, LLC
a Florida limited liability company

Cristina Ruiz
Witness

By: Kathleen Keller

Cristina Ruiz
Printed Name

Kathleen Keller
Printed Name

KS
Witness

Title: managing member

Kathryn Smith
Printed Name

(Signature of **TWO** Witnesses required
By Florida Law)

State of Florida
County of Orange

The foregoing instrument was acknowledged before me this 11th day of December, 2018, by Kathleen Keller as MANAGING MEMBER of KERINA VILLAGE, LLC and on behalf of said limited liability company. He/she is personally known to me or has produced _____ as identification.

(Notary Stamp/Seal)

KS
Print Name
Notary Public in and for the County and State aforesaid
My Commission expires: _____



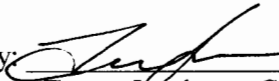
IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives on the dates set forth below each signature:


Signed and sealed in the presence of:

“SCHOOL BOARD”

THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, a body corporate and political subdivision of the State of Florida


Print Name: Nancy L. Condon

By: 
Teresa Jacobs, as Chair


Print Name: Martin Cuatrecasas

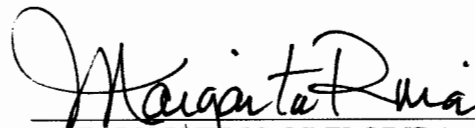
Date: 12-17-18

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 17th day of December, 2018, by Teresa Jacobs, Chair of The School Board of Orange County, Florida, a body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or had produced _____ (type of identification) as identification.



AFFIX NOTARY STAMP


NOTARY PUBLIC OF FLORIDA
Print Name: Margarita Rivera
Commission No.: _____
Expires: _____

[ADDITIONAL SIGNATURE PAGES TO FOLLOW]

EXHIBIT A

to Utility Easement

Legal Description of Easement Area

SKETCH OF DESCRIPTION

DESCRIPTION:

That part of Sections 10 and 15, Township 24 South, Range 28 East, Orange County, Florida, and the East 10.00 feet of Lots 5 and 28, MUNGER AND COMPANY SUBDIVISION, according to the plat thereof, as recorded in Plat Book E, Page 22, of the Public Records of Orange County, Florida, described as follows:

BEGIN at the Southeast corner of said Section 10; thence S00°00'38"W along the East line of Northeast 1/4 of said Section 15 for a distance of 10.00 feet; thence N88°51'13"W along a line 10.00 feet South of and parallel with the South line of the Southeast 1/4 of said Section 10 for a distance of 1307.87 feet; thence S00°10'28"W along a line 10.00 feet East of and parallel with the East line of said Lots 5 and 28 and the Northerly prolongation thereof, 1324.94 feet; thence N89°18'17"W along the South line of said Lot 28 and the Easterly prolongation thereof, 20.00 feet; thence N00°10'28"E along a line 10.00 feet West of and parallel with the East line of said Lots 5 and 28 and the Northerly prolongation thereof, 1345.08 feet; thence S88°51'13"E along a line 10.00 feet North of and parallel with the South line of the Southeast 1/4 of said Section 10 for a distance of 1267.58 feet; thence S00°11'06"E, 10.00 feet to the South line of said Southeast 1/4 of Section 10; thence S88°51'13"E along said South line 60.02 feet to the POINT OF BEGINNING.

Containing 1.204 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

2/10/11	JW	REVISED LEGAL DESCRIPTION
7/15/10	JW	REVISED LEGAL DESCRIPTION
DATE	BY	REVISIONS

PREPARED FOR: **KERINA, INC.**

PARKSIDE PD (FENTON AND GRANBY STREET 20 FOOT EASEMENT)

DONALD W. MCINTOSH ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS
 2300 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4066
 CERTIFICATE OF AUTHORIZATION NO. 1899

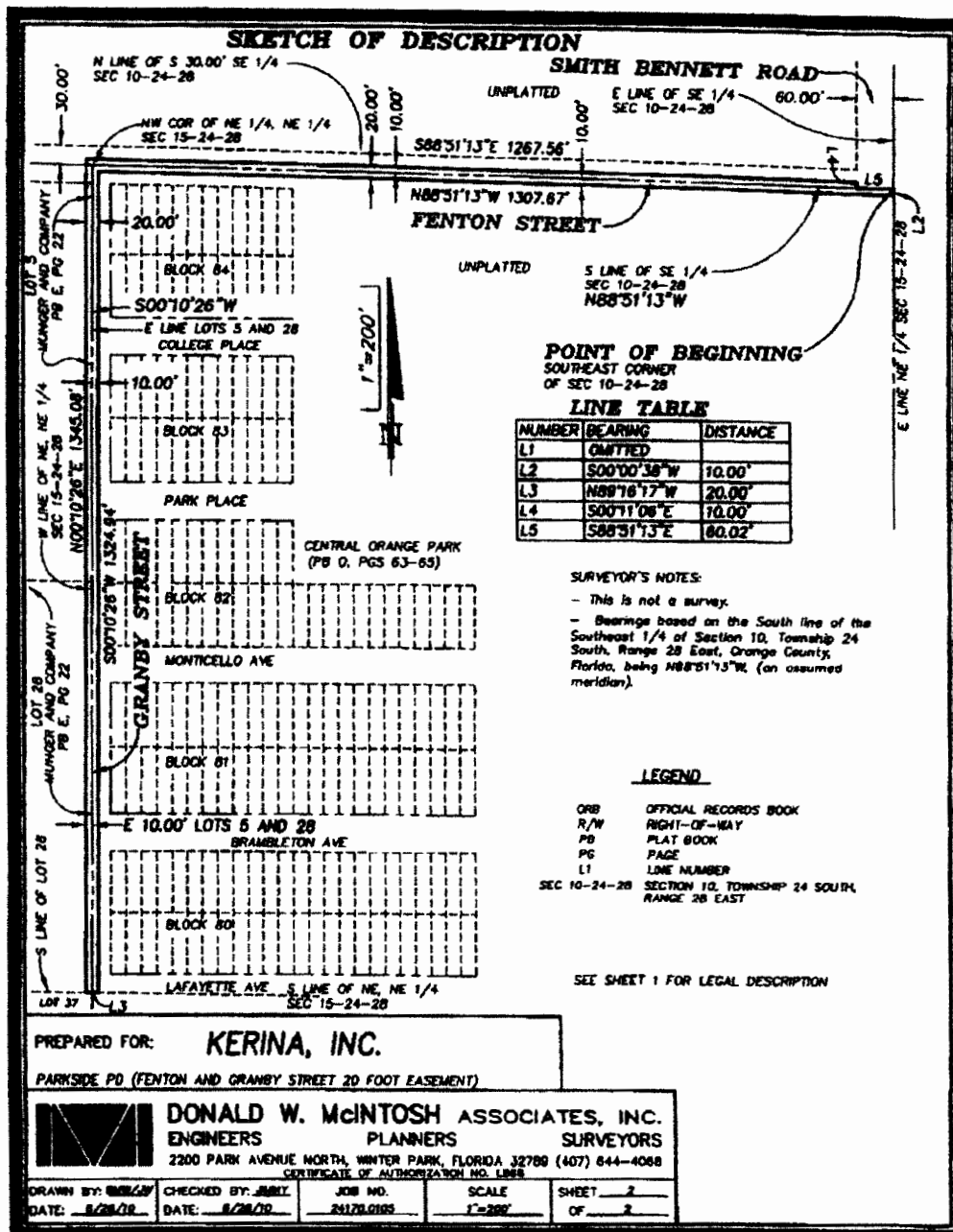
I hereby certify that this sketch, subject to the surveyor's public recorded errors, meets the minimum "Minimum Professional Standards" set forth by the Florida Board of Professional Surveyors and Engineers in Chapter 24-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statute.

DELORE W. McINTOSH (REGISTERED)
DeLoire W. McIntosh 2/10/11
 Florida Registered Surveyor and Planner
 Certificate No. 5289

DRAWN BY: BRISLOW	CHECKED BY: JBBT	JOB NO. 20170608	SCALE 1"=200'
DATE: 8/28/12	DATE: 8/28/12	SHEET 1	OF 2

SEE ALSO WITHIN THE BOUNDARY FOR THE PROPERTY, MAPS, DEEDS, OR A PLAT OF RECORD WHICH MAY APPLY.

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CS# 10-164