# MEMORANDUM OF UNDERSTANDING BETWEEN ORANGE COUNTY UTILITIES DEPARTMENT AND ORANGE COUNTY PUBLIC WORKS DEPARTMENT FOR CANAL ACCESS AND MAINTENANCE RELATED TO OASIS RESERVE

THIS MEMORANDUM OF UNDERSTANDING (this "MOU"), effective as of the latest date of execution, is made and entered into by and between ORANGE COUNTY UTILITIES DEPARTMENT ("OCU") and ORANGE COUNTY PUBLIC WORKS DEPARTMENT ("OCPW").

#### **RECITALS**

- A. OCU is the controlling agency of Orange County's ("County") fee simple interest in the Eastern Water Facility (the "OCU Facility"), which consists of approximately 131.267 acres and is identified as that certain parcel of real property bearing the County Property Appraiser's Parcel Identification Number 07-23-31-0000-00-004, more particularly depicted on the attached Exhibit A", attached hereto and incorporated herein by this reference ("Parcel").
- B. As of the date hereof, OCU is the controlling agency for County's interest in the Parcel.
- C. OCPW desires to access and maintain the canal ("Canal") and the drainage pipe ("Drainage Pipe") on the Parcel located at 9100 Curry Ford Road, Orlando, Florida 32825 that will provide stormwater drainage for the adjacent site ("Oasis Reserve").
- D. OCPW staff will require access to the Canal and Drainage Pipe on a regular basis to perform necessary operation and as needed maintenance; therefore, OCPW has requested permission from OCU for a) OCPW employees to enter the Parcel for parking and access to the Canal and Drainage Pipe (the "Right of Entry"), b) an easement for the location of the Canal on the portion of the Parcel depicted in Exhibit "B" attached hereto and by this reference made a part of this MOU (the "Canal Easement"), and c) an easement for the location of the Drainage Pipe on the portion of the Parcel depicted in Exhibit "C" attached hereto and by this reference made a part of this MOU ("Pipe Easement") (with the Canal Easement and Pipe Easement collectively referred to as the "Easement Area"). The Easement Area has a footprint of approximately 101,384 square feet and will be accessed either from the side gate adjacent to Oasis Reserve ("Side Gate") or through the front gate to the Parcel ("Front Gate"), both depicted on Exhibit "D," attached hereto and by this reference made a part of this MOU, for maintenance during normal business hours and will be accessed from only the Front Gate for maintenance during non-business hours.

- E. Upon request from OCPW, and upon the terms and conditions set herein, OCU has agreed to grant OCPW the requested Right of Entry, Canal Easement, and Pipe Easement.
- F. OCPW and OCU (the "Parties") have agreed that OCPW will not provide any monetary compensation to OCU for the Right of Entry, the Canal Easement, or Pipe Easement.
- G. The Parties agree that the above-described real estate transaction between OCPW and OCU and the grant of the above described Right of Entry, Canal Easement, and Pipe Easement are necessary and appropriate to provide for access, operation, and maintenance of the Canal and Drainage Pipe by OCPW and are in the best interest of the County and of the public.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

- 1. <u>Recitals.</u> The recitals set forth above are true and correct and are incorporated herein by this reference.
- 2. Right of Entry. OCU hereby grants OCPW the Right of Entry. The Right of Entry is specifically limited to parking and access to the Canal and Drainage Pipe for the purposes of performing maintenance activities, which may be performed by OCPW. Access may be through either the Side Gate or through the Front Gate. During regular business hours (Monday Friday, 8:00 a.m. 5:00 p.m.), OCPW must notify OCU at least one hour before OCPW employees need access to the Canal and Drainage Pipe. For Side Gate access, OCU will grant access by unlocking the Side Gate for OCPW employees; after OCPW has completed the work, OCPW shall notify OCU before leaving the Parcel, and OCU shall lock the Side Gate. For emergencies during non-business hours, OCPW may access the Canal and Drainage Pipe through the Front Gate and use OCU's parking designated on Exhibit "D". OCU will grant electronic gate access to OCPW through OCPW's County-issued badges. Entrance to the Parcel will be through the Side Gate or the Front Gate, as shown on Exhibit "D" during normal business hours. Entrance to the Parcel will be only through the Front Gate during non-business hours.
- 3. <u>Grant of Easement.</u> OCU hereby grants and establishes the Canal Easement and Pipe Easement on the portions of the Parcel depicted in **Exhibit "B"** and **Exhibit "C"** for the benefit of OCPW and for the purposes set forth in this MOU.
- 4. Conditions.
- a. Responsibilities of OCPW:
  - i. During maintenance activities, OCPW will make best efforts not to damage the Easement Area or surrounding area. Should such damage or interruption occur, OCPW will notify OCU immediately and make arrangements for OCPW to repair such damage or interruption. "Immediately" shall mean the same day if during a workday (Monday Friday, 8:00 a.m. 5:00 p.m.), or the first business day after the incident if not during a workday, excluding weekends and holidays.

- ii. Description of work: OCPW will have the right to access the Easement Area in accordance with the Regulatory Conservation Easement ("Conservation Easement") dated December 6, 1994, and recorded on December 9, 1994, in Official Record Book 4830, at Page 2473, of the official records of Orange County, Florida; Amendment to Regulatory Conservation Easement in Exchange for Substitute Mitigation ("Conservation Easement Amendment") recorded on April 30, 2025, Document #20250254221, of the Official Records of Orange County, Florida. OCPW will contact OCU to request access to this secure area. OCPW Operational Staff will be responsible for the maintenance as OCPW deems necessary.
- iii. OCPW shall comply with the Conservation Easement, including any amendments to the Conservation Easement. OCPW agrees that any violations of the Conservation Easement, within the Easement Area, shall be the responsibility of OCPW.
- iv. OCPW agrees to maintain, operate, and repair, as needed, the drainage pipe and associated stormwater features within the Pipe Easement to facilitate the management of stormwater and storage of surface waters in accordance with St. Johns River Water Management District ("District") Permit No. IND-095-185705-1. OCPW agrees that that the District has the right to enforce District Permit No. IND-095-185705-1 against OCPW, only with regard to the stormwater features located within the Pipe Easement owned by OCPW.
- v. Points of Contact for OCPW:
  - a. Primary: Jeff Charles, Operations Supervisor; 321-354-7331, jeff.charles@ocfl.net
  - b. Secondary: Jesse Bishop Jr., Public Works Coordinator; 689-248-7804, jesse.bishopjr@ocfl.net
- b. Responsibilities of OCU:
  - i. OCU will allow access to OCPW.
  - ii. Points of Contact for OCU:
    - a. Primary: Steve Bennett, Senior Utilities Maintenance Coordinator; 407-267-1867, Charles.Bennett@ocfl.net
    - b. Secondary: Carlos Torres, Utilities Section Manager; 407-254-9505, Carlos.Torres2@ocfl.net
    - c. Emergency Access Contact: SCADA (24-hour Operations Center); 407-254-9509
- 5. <u>Notice of Reservation.</u> The Parties acknowledge that two (2) Notices of Reservation, recorded April 30, 2025 as Document #20250254222 and Document #20250254223, in the Official Public Records of Orange County, Florida, reflect and provide public notice of the grant of the above-described Canal Easement and Pipe Easement over and on the Parcel in favor of OCPW.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed and delivered on the day and year last executed below.

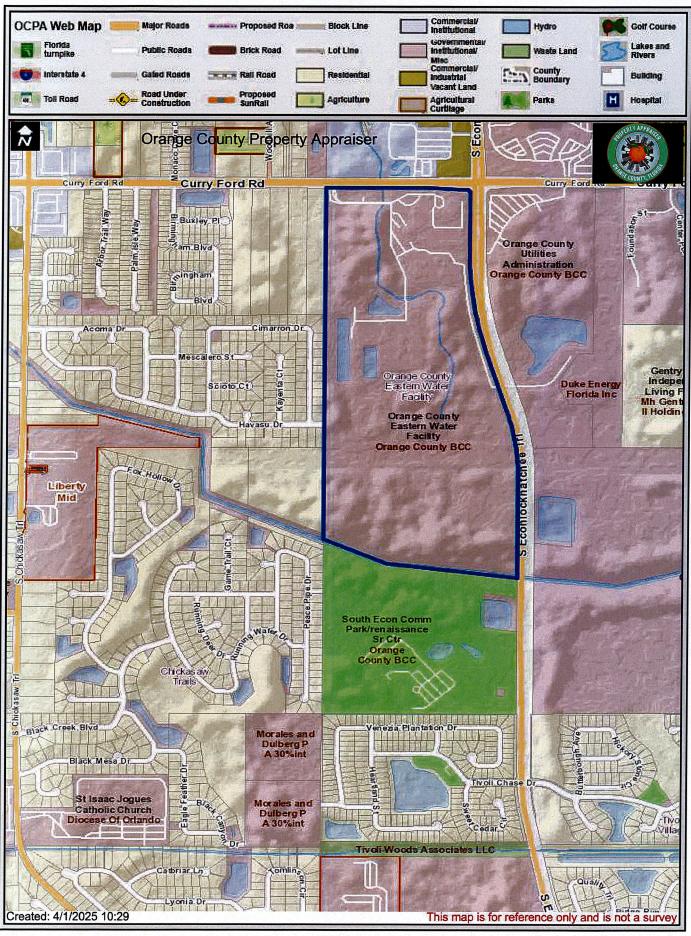
| Dated: | 9-12-25 | Dated: | 9/11/25 |  |
|--------|---------|--------|---------|--|
|        |         |        |         |  |

By: fent Cyll By:

Joseph C. Kunkel, P.E. Ed Torres, M.S., P.E., LEED AP
Director Director
Orange County Public Works Department
Orange County Utilities Department

**EXHIBIT "A"**The Parcel [see attached one (1) page exhibit]

## Exhibit A



# Exhibit "B"

Canal Easement [see attached four (4) page Sketch of Description]

#### SKETCH OF DESCRIPTION PROJECT: ORANGE COUNTY EASTERN WATER **FACILITY**

## Exhibit B

SPACE ABOVE RESERVED FOR RECORDING INFORMATION

#### **SURVEYORS NOTES:**

- THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, AND IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, OR OTHER MATTERS THAT A TITLE SEARCH MIGHT DISCLOSE.
- PUBLIC RECORDS INDICATED HEREON ARE OF ORANGE COUNTY, UNLESS OTHERWISE NOTED.
- NOT A BOUNDARY SURVEY.
- PARCEL IDENTIFICATION NUMBER 07-23-31-0000-00-004.
- THE PURPOSE OF THIS SKETCH AND DESCRIPTION IS A DRAINAGE AND MAINTENANCE EASEMENT.
- BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 7. TOWNSHIP 23 SOUTH, RANGE 31 EAST, BEARING BEING N89°45'44"E (ASSUMED).

#### LEGEND:

CB = Chord Bearing

CH= Chord Distance

CCR #= Certified Corner Record

DE = Drainage Easement

L = Arc Distance

ORB = Official Record Book

PC = Point of Curvature

PT = Point of Tangency

POC =Point of Commencement

POB =Point of Beginning

PB = Plat Book

PG(S) = Page/Pages

R = Radius

R/W = Right of Way

RGE = Range

TWP = Township

(NR) = Non Radial

NT = Non-Tangent

SEC = Section

△ = Delta Angle

= Change of Direction (no point set)

DANIEL L. WHITTAKER. ---

REGISTERED LAND SURVEYOR AND MARPE STATE OF FLORIDA LIGENSE NO. 5648. DATE: 07/10/2024 DATE: 07/10/2024

I HEREBY AFFIRM THAT THIS SKETCH REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN CHAPTER 5J-17, F.A.C., PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES. NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

> PREPARED FOR: ORANGE COUNTY

DEVELOPMENT ENGINEERING

#### **NOT VALID WITHOUT SHEETS 2 THROUGH 4 OF 4**

| FIELD DATE: 05/25/2023   | DATE:      | SECTION: 7    |
|--------------------------|------------|---------------|
| DRAWN BY: C.WHITE        | 07/24/2023 | TOWNSHIP: 23S |
| CHECKED BY: D.WHITTAKER  |            |               |
| APPROVED BY: D.WHITTAKER | 07/10/2024 | SHEET 1 OF 4  |

PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION
4200 SOUTH JOHN YOUNG PARKWAY
ORLANDO, FLORIDA 32239-9205
(407) 836-7951



DRAWING SCALE: N/A

> COUNTY PROJECT NUMBER 9089

#### SKETCH OF DESCRIPTION PROJECT: ORANGE COUNTY EASTERN WATER **FACILITY**

## Exhibit B

SPACE ABOVE RESERVED FOR RECORDING INFORMATION

#### **LEGAL DESCRIPTION:**

FIELD DATE:

DRAWN BY:

CHECKED BY:

05/25/2023

D.WHITTAKER

C.WHITE

APPROVED BY: D.WHITTAKER

DATE:

A PARCEL OF LAND LYING WITHIN THE NORTHWEST 1/4 SECTION 7, TOWNSHIP 23 SOUTH, RANGE 31 EAST. ORANGE COUNTY FLORIDA;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 SECTION 7; THENCE RUN S00°04'15"W ALONG THE WEST LINE OF SAID NORTHWEST 1/4, FOR A DISTANCE OF 70.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CURRY FORD ROAD, ACCORDING TO THE ORANGE COUNTY RIGHT OF WAY MAP FOR CURRY FORD ROAD, COUNTY PROJECT NUMBER Y2-810, PREPARED BY LOCHRANE ENGINEERING AND OFFICIAL RECORD BOOK 6091 PAGE 878, RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE DEPARTING SAID WEST LINE RUN ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: N89°45'44"E 403.01 FEET; THENCE S00°15'10"E 20.00 FEET; THENCE N89°45'44"E 28.62 FEET FOR A POINT OF BEGINNING: THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES: N89°45'44"E A DISTANCE OF 28.03 FEET; THENCE S38°36'22"E A DISTANCE OF 19.13 FEET; THENCE N89°45'44"E A DISTANCE OF 45.97 FEET; THENCE N00°14'16"W A DISTANCE OF 32.00 FEET; THENCE N89°45'44"E A DISTANCE OF 26.01 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN S00°06'43"E A DISTANCE OF 164.34 FEET; THENCE RUN S20°59'40"W A DISTANCE OF 299.85 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 500.00 FEET; THENCE FROM A CHORD BEARING OF S07°41'46"W AND A CHORD DISTANCE OF 230.02 FEET, RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°35'47", FOR AN ARC DISTANCE OF 232.10 FEET TO A POINT OF NON TANGENCY; THENCE RUN S05°40'54"E A DISTANCE OF 61.81 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 279.00 FEET; THENCE FROM A CHORD BEARING OF \$22°19'40"E AND A CHORD DISTANCE OF 159.93 FEET, RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°18'39", FOR AN ARC DISTANCE OF 162.21 FEET TO THE POINT OF TANGENCY; THENCE RUN \$38°58'59"E

#### **LEGAL DESCRIPTION CONTINUED:**

A DISTANCE OF 73.78 FEET; THENCE RUN S50°21'47"E A DISTANCE OF 183.24 FEET; THENCE RUN S88°12'17"E A DISTANCE OF 53.96 FEET; THENCE RUN S00°12'24"W A DISTANCE OF 85.54 FEET; THENCE RUN S89°43'20"W A DISTANCE OF 15.24 FEET; THENCE RUN N68°26'37"W A DISTANCE OF 81.36 FEET; THENCE RUN N50°21'47"W A DISTANCE OF 215.57 FEET; THENCE RUN N73°28'25"W A DISTANCE OF 15.28 FEET; THENCE RUN S85°41'11"W A DISTANCE OF 44.97 FEET; THENCE RUN N15°42'57"W A DISTANCE OF 35.85 FEET; THENCE RUN N63°40'55"E A DISTANCE OF 35.83 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 347.00 FEET; THENCE FROM A CHORD BEARING OF N22°19'40"W AND A CHORD DISTANCE OF 198.91 FEET, RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°18'39", FOR AN ARC DISTANCE OF 201.74 FEET TO A POINT OF NON TANGENCY; THENCE RUN N05°40'54"W A DISTANCE OF 61.89 FEET TO A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 568.00 FEET; THENCE FROM A CHORD BEARING OF N07°41'46"E AND A CHORD DISTANCE OF 261.30 FEET, RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°35'47", FOR AN ARC DISTANCE OF 263.66 FEET TO THE POINT OF TANGENCY: THENCE RUN N20°59'40"E A DISTANCE OF 248.08 FEET; THENCE RUN N00°06'43"W A DISTANCE OF 137.63 FEET; THENCE RUN N82°03'21"W A DISTANCE OF 10.48 FEET; THENCE RUN N34°58'37"W A DISTANCE OF 33.94 FEET; THENCE RUN N00°06'00"W A DISTANCE OF 3.95 FEET TO THE POINT OF BEGINNING:

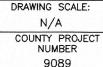
CONTAINING 2.102 ACRES (91,546 SQUARE FEET) MORE OR LESS.

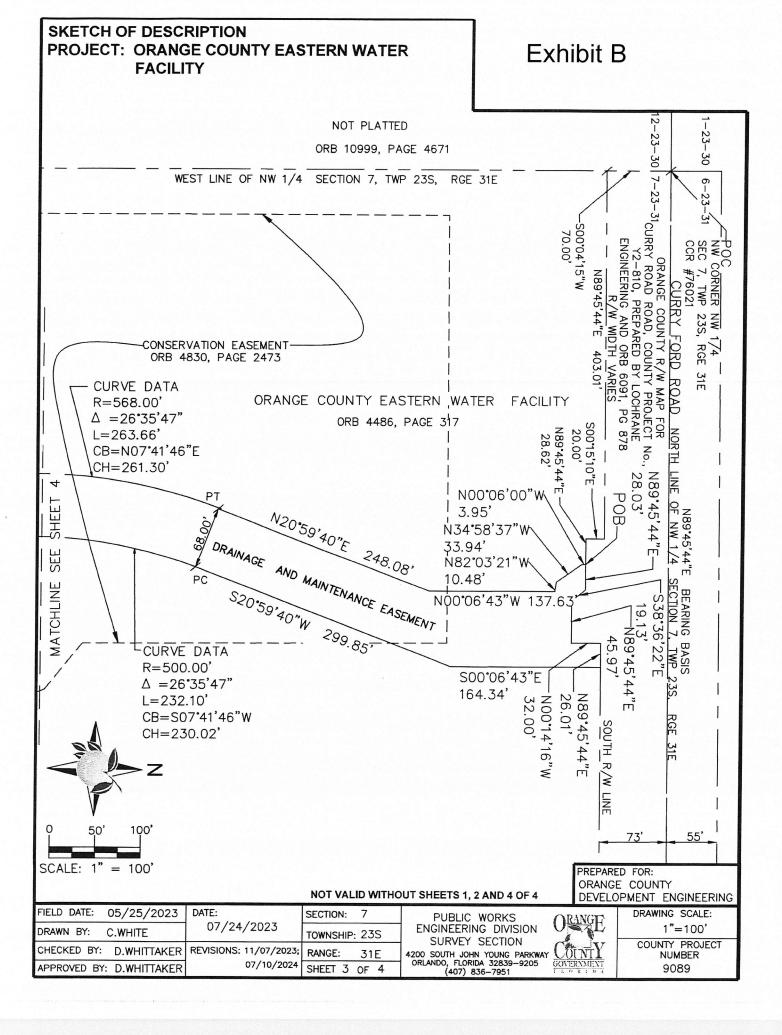
NOT VALID WITHOUT SHEETS 1, 3 AND 4 OF 4

SECTION: 7 PUBLIC WORKS 07/24/2023 ENGINEERING DIVISION TOWNSHIP: 23S SURVEY SECTION REVISIONS: 11/07/2023; 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7951 RANGE: 31E 07/10/2024

SHEET 2 OF 4

PREPARED FOR: ORANGE COUNTY DEVELOPMENT ENGINEERING





#### SKETCH OF DESCRIPTION PROJECT: ORANGE COUNTY EASTERN WATER Exhibit B **FACILITY** NOT PLATTED CHICKASAW WOODS FIRST ADDITION ORB 10999, PAGE 4671 PB 6, PAGE 17 WEST LINE OF NW 1/4 SECTION 7, TWP 23S, RGE 31E 100' 3 SHEET 100 SCALE: 1 CONSERVATION EASEMENT ORB 4830, PAGE 2473 SEE CURVE DATA ORANGE COUNTY EASTERN WATER **FACILITY** R = 568.00'CURVE DATA ORB 4486, PAGE 317 $\Delta = 26^{\circ}35'47''$ MATCHLINE R = 347.00L=263.66' $\Delta = 33^{\circ}18'39"$ CB=N07'41'46"E L=201.74' CH = 261.30'N63°40'55"E 35.83' (NR)-CB=N22°19'40"W N05'40'54"W CH=198.91' NT, 61.89' NT DRAINANGE AND MAINTENANCE EASEMENT N15'42'57"W 35.85 S85°41'11"W 44.97 NT 505'40'54"E N73°28'25"W 15.28 61.81 CURVE DATA R = 500.00' $\Delta = 26^{\circ}35'47''$ 13.18 L=232.10'CURVE DATA CB=S07'41'46"W R = 279.00'CH = 230.02' $\Delta = 33^{\circ}18'39"$ L=162.21' CB=S22"19'40"E CH=159.93 N68'26'37"W 81.36 \$88\*12\*17 53.96 S89'43'20"W 15.24' S0012'24"W-PREPARED FOR: ORANGE COUNTY 85.54 DEVELOPMENT ENGINEERING NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 4

| FIELD DATE: 05/25/2023   |   |
|--------------------------|---|
| DRAWN BY: C.WHITE        |   |
| CHECKED BY: D.WHITTAKER  | 1 |
| APPROVED BY: D.WHITTAKER |   |

07/24/2023 REVISIONS: 11/07/2023;

SECTION: TOWNSHIP: 23S RANGE: 31E 07/10/2024 SHEET 4 OF 4

PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION

4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7951



DRAWING SCALE: 1"=100" COUNTY PROJECT NUMBER 9089

Exhibit "C"

Pipe Easement [see attached two (2) page Sketch of Description]

PROJECT NAME: OASIS RESERVE ACCESS AND LICENSE AGREEMENT

PERMIT NO.: 22-S-097

# SKETCH OF DESCRIPTION

**NOT A SURVEY** 

EXHIBIT C PIPE EASEMENT

25.00' DRAINAGE EASEMENT

#### LEGAL DESCRIPTION:

A STRIP OF LAND LYING IN SECTION 7, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE RUN SOUTH 00°04'54" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7 FOR A DISTANCE OF 749.72 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN SOUTH 89°55'06" EAST FOR A DISTANCE OF 393.54 FEET; THENCE RUN SOUTH 00°04'54" WEST FOR A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 89°55'06" WEST FOR A DISTANCE OF 393.54 FEET TO A POINT ON AFORESAID WEST LINE; THENCE RUN NORTH 00°04'54" EAST ALONG SAID WEST LINE FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,838 SQUARE FEET OR 0.226 ACRES, MORE OR LESS.

EXHIBIT C- PIPE EASEMENT SHEET 1 OF 2

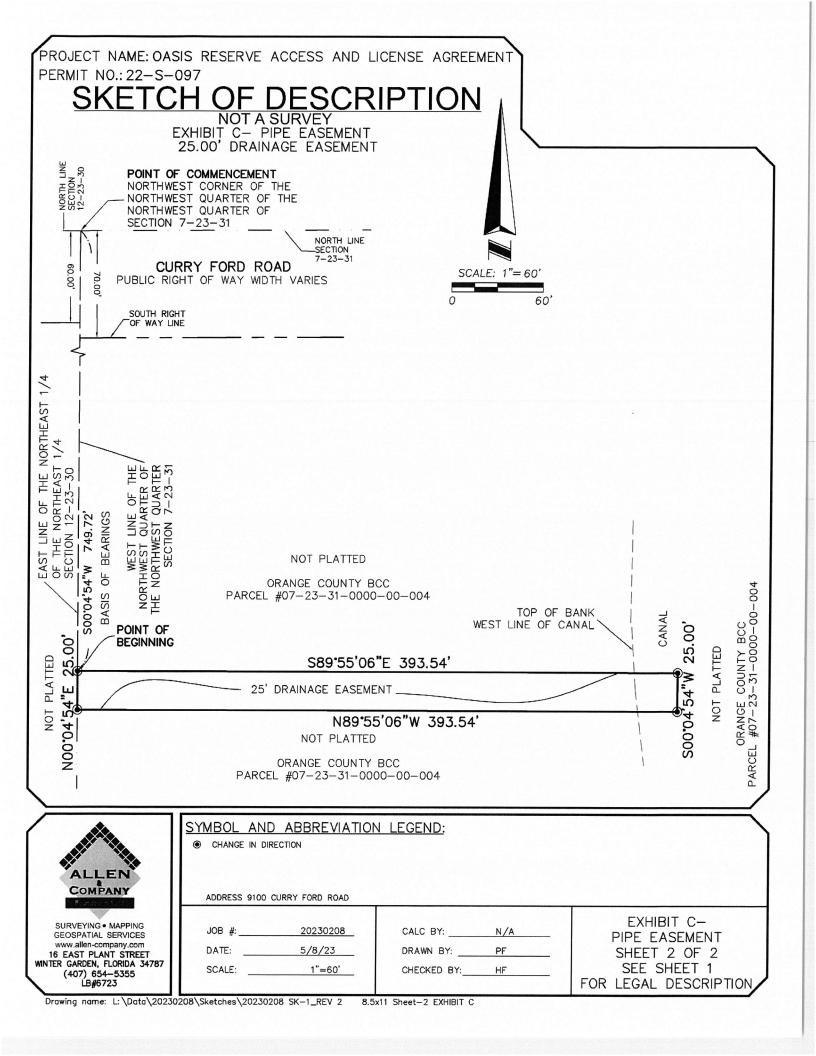
SEE SHEET 2 FOR SKETCH OF DESCRIPTION



LB#6723

| 1 | SU | RVEYOR'S     | NOTES:  |                        |                 | with the state of  |
|---|----|--------------|---|------------------------|-----------------|--|
| ١ | 1. | THIS SKETCH  | IS NOT VALID WITHOUT T                          | THE SIGNATURE AND OR   | IGINAL RAISED S | EAL OF A FLORIDA LIGHTED SURVEYOR AND DMINISTRATIVE CODE 17.602(3)   |
| I | 2. | BEARINGS SHO | OWN HEREON ARE BASED                            | ON THE WEST LINE OF    | THE NORTHWES    | ST 1/4 OF THE NORTHWEST 14 OF SECTION<br>D FOR ANGULAR DESIGN TON ONLY)  |
| ı | 3. | THIS DESCRIP | TION WAS PREPARED WITH<br>OF THE LANDS SHOWN HE | OUT THE BENEFIT OF THE | TLE.            | TOTIONS TO THE TOTION OF THE T |
| ı | 4. | DELINEA HON  | OF THE LANDS SHOWN HE                           | REUN ARE AS PER THE    | CLIENTS INSTRI  | T TE OF  |
| ı |    |              |   |                        |                 | FOR THE LICENS OF BURINESS WERZ CRY  |
| ١ |    | JOB #:       | 20230208  | CALC BY:               | N/A             | - O Visites  |
| ı |    | DATE:        | 5/8/23  | DRAWN BY:              | PF              | - Wayas and and  |
| I |    | SCALE:       | N/A   | CHECKED BY:            | HF              |  |
|   |    |              |   | REVISED: 10            | -19-23          | JAMES L FICKMAN, P.S.M. #5633  |

Drawing name: L:\Data\20230208\Sketches\20230208 SK-1\_REV 2 8.5x11 Sheet-1 EXHIBIT C



# Exhibit "D"

Parking and Site Access [see attached one (1) page exhibit]

