



**Interoffice Memorandum**

**REAL ESTATE MANAGEMENT ITEM 4**

**DATE:** November 1, 2023

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

**THROUGH:** Mindy T. Cummings, Manager *MTC*  
Real Estate Management Division

**FROM:** Mary Tiffault, Senior Title Examiner *MT/MTC*  
Real Estate Management Division

**CONTACT PERSON:** **Mindy T. Cummings, Manager**

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

**ACTION REQUESTED:** Approval of Memorandum of Understanding between Orange County Public Works Department, Roads and Drainage Division and Orange County Public Works Department, Stormwater Management Division for Real Estate Transactions related to Kilgore Road Right of Way Reservation, and approval and execution of Notice of Reservation between Orange County Public Works Department, Roads and Drainage Division, and Stormwater Management Division, and authorization to disburse funds and record instrument.

**PROJECT:** Kilgore Road Right-of-Way Reservation  
  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of a portion of the road right-of-way.

**Interoffice Memorandum**  
**Real Estate Management Division**  
**Agenda Item 4**  
**November 1, 2023**  
**Page 2 of 2**

**ITEM:** Notice of Reservation  
Size: 678 square feet

**BUDGET:** Account No.: 1002-072-2906-6110

**FUNDS:** \$35.50 Payable to Orange County Comptroller  
(recording fees)

**APPROVALS:** Real Estate Management Division  
Roads and Drainage Division  
Stormwater Management Division

**REMARKS:** Said land was conveyed to Orange County without restrictions to Orange County by plat dedication.

Stormwater Management Division is the controlling agency for the County's interest in the land that Roads and Drainage Division needs for right-of-way purposes. Notice of Reservation will be recorded to reflect the transfer of interest from the Stormwater Division to the Roads and Drainage Division.

Roads and Drainage Division to pay recording fees.

**NOV 14 2023**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN ORANGE COUNTY PUBLIC WORKS DEPARTMENT, ROADS AND  
DRAINAGE DIVISION AND ORANGE COUNTY PUBLIC WORKS DEPARTMENT,  
STORMWATER MANAGEMENT DIVISION FOR REAL ESTATE TRANSACTIONS  
RELATED TO KILGORE ROAD RIGHT OF WAY RESERVATION**

THIS MEMORANDUM OF UNDERSTANDING (this “**MOU**”), effective as of the latest date of execution, is made and entered into by and between ORANGE COUNTY PUBLIC WORKS DEPARTMENT, ROADS, AND DRAINAGE DIVISION (“**OC ROADS**”) and ORANGE COUNTY PUBLIC WORKS DEPARTMENT, STORMWATER MANAGEMENT DIVISION (“**OC STORMWATER**”).

**RECITALS**

A. Orange County, Florida, a charter county and political subdivision of the state of Florida (“**County**”), owns that certain parcel of real property bearing Orange County Property Appraiser’s Parcel Identification Number 03-24-28-0909-00-001 (the “**Property**”).

B. As of the date hereof, OC STORMWATER is the controlling agency for County’s interest in the Property.

C. OC ROADS is currently undertaking a project known as Kilgore Road Right of Way Reservation to acquire, for road right of way purposes, a portion of the Property, which is currently in the Kilgore Road right of way. (the “**Project**”) according to Right-of-Way-Declaration and Maintenance Map of Kilgore Road, recorded in Official Records as Document No. 2023357876, in the public records of Orange County, Florida.

D. In order to proceed with this Project, OC ROADS requires a portion of the Property, more particularly described on **Exhibit “A”** attached hereto and incorporated herein by this reference (“**Parcel**”).

E. Upon request from OC ROADS, and upon the terms and conditions set forth herein, OC STORMWATER has agreed to transfer the controlling rights of County’s interest in the Parcel to OCPERD.

F. OC ROADS and OC STORMWATER (the “**Parties**”) agree that the above-described real estate transaction transferring the controlling rights for County’s interest in the Parcel from OC STORMWATER to OC ROADS is necessary and appropriate to provide for access, construction, operation, and maintenance of the Project by OC ROADS and is in the best interest of the County and of the public.

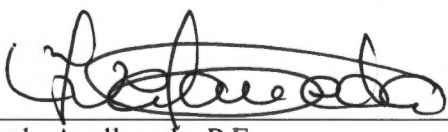
NOW, THEREFORE, in consideration of the foregoing recitals, the Parties hereby agree as follows:

1. Recitals. The recitals set forth above are true and correct and are incorporated herein by this reference.
2. Notices of Reservation.


a. The Parties acknowledge that a Notice of Reservation shall be executed by the Orange County Board of County Commissioners (the “**Board**”) and recorded by County in the Public Records of Orange County, Florida (the “**Public Records**”) to reflect and provide public notice of the transfer of control of the Parcel from OC STORMWATER to OC ROADS as described herein.

b. The Parties acknowledge that a Notice of Reservation shall be executed by the Board and recorded by County in the Public Records to reflect and provide public notice of the reservation of the Easement.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed and delivered on the dates set forth below.

BY   
Eduardo Avellaneda, P.E.,  
Manager of Roads and Drainage  
Division  
Orange County

Date: 10-11-2023

BY:   
Mike Drozeck,  
Manager of Stormwater Management  
Division  
Orange County

Date: 10/11/23

**This instrument prepared by:**  
Mary Tiffault, a staff employee  
in the course of duty with  
the Real Estate Management Division  
of Orange County, Florida  
P. O. Box 1393  
Orlando, Florida 32802-1393

# SKETCH DESCRIPTION

## PROJECT: KILGORE ROAD RIGHT-OF-WAY RESERVATION

### DESCRIPTION:

A portion of Tract "A", Replat of Brentwood Club Phase 2, as recorded in Plat Book 29, pages 31 and 32, of the Public Records of Orange County, Florida, lying in Section 3, Township 24 South, Range 28 East, Orange County Florida, being more particularly described as follows:

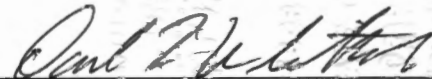
Commence at the Southwest corner of said Section 3 being a 6"x6" concrete monument with no identification; Thence run along the West line of the Southwest 1/4 of said Section 3 North 00° 17' 37" East, a distance of 83.12 feet to the POINT OF BEGINNING; said point also being the Southwest corner of said Tract "A", said point also lies on non-tangent curve, concave Northeasterly; Thence continue along said West line of said Tract "A" and East line of said Kilgore Road Maintenance Map per document number 20230357876 of said Public Records North 00° 17' 37" East, a distance of 31.06 feet to a point along a non-tangent curve; Thence run Southeasterly along said curve having a Radius of 567.31 feet, a Central Angle of 07° 41' 04", an Arc length of 76.09 feet, a Chord Length of 76.03 feet, and a Chord Bearing of South 33° 45' 41" East to a point on the North Right-of-Way line of Darlene Drive; Thence run Northwesterly along a non-tangent curve having a Radius of 155.65 feet, a Central Angle of 19° 41' 14", an Arc length of 53.48 feet, a Chord Length of 53.22 feet, and a Chord Bearing of North 52° 50' 11" West to the POINT OF BEGINNING.

Containing therein 0.016 acres (678 Square Feet) more or less.

### SURVEYOR'S NOTES:

- Linear measurements shown hereon are expressed in feet. Angular measurements shown hereon are expressed in degrees, minutes, and seconds.
- Additions or deletions to sketch of description by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- All mapped features shown hereon were observed under the direction of the signing surveyor of this sketch unless otherwise specified.
- This sketch 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.
- Bearing basis for this sketch is based on the West line of Southwest 1/4 of Section 3, Township 24 South, Range 28 East of Orange County, Florida. Bearing being North 00° 17' 37" East (Assumed).
- Public records indicated hereon are of Orange County, Florida, unless otherwise noted.
- This is not a Boundary Survey.

SPACE ABOVE RESERVED FOR RECORDING INFORMATION



**DANIEL WHITTAKER,**  
PROFESSIONAL SURVEYOR AND MAPPER  
STATE OF FLORIDA LICENSE NO. 5648  
DATE: 09/14/2023


I HEREBY AFFIRM THAT THIS SKETCH AND DESCRIPTION REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SKETCH 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.

### LEGEND

- = Change in direction, No Point Set
- = Found Concrete Monument
- = Set Concrete Monument
- ⊙ = Set Iron Road and Cap
- ▲ = Set Nail and Disc
- ASPH = Asphalt
- CB = Catch Basin
- CCR = Certified Corner Record
- CM = Concrete Monument
- D.B. = Deed Book
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- OHW = Overhead Wire
- (P) = Per Plat
- PG(S). = Page(s)
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- R/W = Right-of-Way
- SEC = Section

PREPARED FOR:  
REAL ESTATE MANAGEMENT

NOT VALID WITHOUT SHEET 2 OF 2

FIELD DATE: 01/19/2023	DATE: 06/28/2023	SECTION: 03	<b>PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION</b>  4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7891	DRAWING SCALE: N/A
DRAWN BY: JFM	REVISIONS: 09/14/2023	TOWNSHIP: 24S		COUNTY PROJECT NUMBER 9095
CHECKED BY: D. WHITTAKER		RANGE: 28E		
APPROVED BY: D. WHITTAKER		SHEET 1 OF 2		

MAT 9/26/23

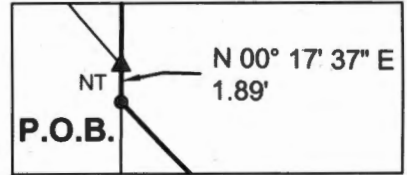
# SKETCH OF DESCRIPTION

SOUTHEAST  
CORNER OF THE  
NORTHEAST 1/4 OF  
SECTION 4-24-28  
FND 6X6 CM  
TOP BROKEN, LEANING  
PER CCR #0001617  
CCR PENDING

FND 4X4 CM  
RLS3505  
(NW CORNER,  
BRISTOL PARK  
PHASE 2)

SPACE ABOVE RESERVED FOR RECORDING INFORMATION

NOT TO SCALE



PROPERTY IDENTIFICATION:  
03-24-28-0909-00-001

$\Delta = 7^\circ 41' 04''$   
RADIUS = 567.31'  
ARC LENGTH = 76.09'  
CHORD LENGTH = 76.03'  
CHORD BEARING = S 33° 45' 41" E

**P.O.B.**  
SOUTHWEST CORNER OF  
TRACT "A"

$\Delta = 19^\circ 41' 14''$   
RADIUS = 155.65'  
ARC LENGTH = 53.48'  
CHORD LENGTH = 53.22'  
CHORD BEARING = N 52° 50' 11" W

TRACT "A"  
RETENTION POND  
REPLAT OF BRENTWOOD CLUB  
PHASE 2  
(PLAT BOOK 29, PAGES 31 & 32)

NORTHERLY RW LINE  
OF DARLENE DRIVE


**DARLENE DRIVE**  
66.00' R/W (PAVED)  
(D.B. 781, PGS 679 AND 694)

**P.O.C.**  
SOUTHWEST CORNER OF  
SECTION 3-24-28  
FND 6X6 CM, NO IDENTIFICATION  
CCR #0004842  
CCR PENDING



NOT VALID WITHOUT SHEET 1 OF 2

PREPARED FOR:  
REAL ESTATE MANAGEMENT

<b>FIELD DATE:</b> 01/19/2023	<b>DATE:</b> 06/28/2023	<b>SECTION:</b> 03	<b>PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION</b> 	<b>DRAWING SCALE:</b> 1"=30'
<b>DRAWN BY:</b> JFM		<b>TOWNSHIP:</b> 24S		4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7851
<b>CHECKED BY:</b> D.WHITTAKER	<b>REVISIONS:</b> 09/14/2023	<b>RANGE:</b> 28E		
<b>APPROVED BY:</b> D.WHITTAKER		<b>SHEET 2 OF 2</b>		

**APPROVED**  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**NOV 14 2023**

Project: Kilgore Road Right of Way Reservation

**NOTICE OF RESERVATION**

ORANGE COUNTY, A CHARTER COUNTY AND POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, HEREBY reserves an easement for drainage purposes in perpetuity on the following property:

**SEE ATTACHED SCHEDULE "A"**

**a portion of**

**Property Appraiser's Identification No.**

**03-24-28-0909-00-001**

THIS RESERVATION is being recorded to transfer the controlling interest in the land described on the attached Schedule "A" to the Orange County Roads and Drainage Division.

Said Lands were described as Tract "A" a detention – retention pond site dedicated in fee simple to Orange County without any restrictions whatsoever to Orange County. County ownership of this Tract and any improvements thereon vests upon approval of the plat entitled "REPLAT of BRENTWOOD CLUB PHASE 2 AS recorded in P. BK. 27, PGS. 1-2", in Plat Book 29, Page 31, recorded in the public records of Orange County, Florida.

Dated at Orlando, Florida this **NOV 14 2023**.

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



ORANGE COUNTY, FLORIDA  
By Board of County Commissioners

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

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

BY: *Jennifer Lara-Klimetz*  
for Deputy Clerk

Jennifer Lara-Klimetz  
Printed Name

**This instrument prepared by and return to:**  
Mary Tiffault, a staff employee  
in the course of duty with  
the Real Estate Management  
Division of Orange County, Florida  
P. O. Box 1393  
Orlando, Florida 32802-1393



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PROFESSIONAL SURVEYOR AND MAPPER  
STATE OF FLORIDA LICENSE NO. 5048  
DATE: 09/14/2023

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**PREPARED FOR:**  
REAL ESTATE MANAGEMENT

FIELD DATE: 01/19/2023  
DRAWN BY: JFM  
CHECKED BY: D. WHITTAKER  
APPROVED BY: D. WHITTAKER

DATE: 06/28/2023  
REVISIONS: 09/14/2023

SECTION: 03  
TOWNSHIP: 24S  
RANGE: 28E  
SHEET 1 OF 2

**PUBLIC WORKS  
ENGINEERING DIVISION  
SURVEY SECTION**  
4200 SOUTH JOHN YOUNG PARKWAY  
ORLANDO, FLORIDA 32839-0205  
(407) 836-7981



DRAWING SCALE: N/A  
COUNTY PROJECT NUMBER: 9095

MAR 9/26/23

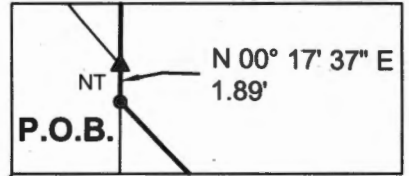
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 TOP BROKEN, LEANING  
 PER CCR #0001617  
 CCR PENDING

FND 4X4 CM  
 RLS3505  
 (NW CORNER, BRISTOL PARK PHASE 2)

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NORTHERLY R/W LINE OF DARLENE DRIVE

**DARLENE DRIVE**  
 66.00' R/W (PAVED)  
 (D.B. 781, PGS 679 AND 694)

**P.O.C.**  
 SOUTHWEST CORNER OF SECTION 3-24-28  
 FND 6X6 CM, NO IDENTIFICATION  
 CCR #0004842  
 CCR PENDING

FND 4x4 CM  
 LB68  
 (1.64' W,  
 0.13' S)



NOT VALID WITHOUT SHEET 1 OF 2

PREPARED FOR:  
 REAL ESTATE MANAGEMENT

FIELD DATE: 01/19/2023  
 DRAWN BY: JFM  
 CHECKED BY: D.WHITTAKER  
 APPROVED BY: D.WHITTAKER

DATE: 06/28/2023  
 REVISIONS:  
 09/14/2023

SECTION: 03  
 TOWNSHIP: 24S  
 RANGE: 28E  
 SHEET 2 OF 2

PUBLIC WORKS  
 ENGINEERING DIVISION  
 SURVEY SECTION  
 4200 SOUTH JOHN YOUNG PARKWAY  
 ORLANDO, FLORIDA 32839-9205  
 (407) 838-7981



DRAWING SCALE:  
 1"=30'  
 COUNTY PROJECT NUMBER  
 9095

