



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

**DATE:** April 19, 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 and execution of Right of Entry between The School Board of Orange County, Florida and Orange County, Florida

**PROJECT:** Right of Entry (10-24-28-0000-00-047)  
  
District 1

**PURPOSE:** To provide access for due diligence activities.

**ITEM:** Right of Entry  
Cost: None  
Size: 25.01 acres  
Term: Until December 31, 2019

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Capital Projects Division  
Parks and Recreation Division

**REMARKS:**

Kerina Village, LLC (Kerina), the School Board of Orange County, Florida (OCPS), and County are presently in negotiations related to a possible new park site proposed to be located partially upon certain lands to be donated to County by Kerina and partially upon abutting lands owned by OCPS, all lying east of South Apopka Vineland Road and just north of the recently vacated Fenton Road corridor. Such negotiations are expected to result in a Donation Agreement between County and Kerina and a School Facility Joint Use Agreement between County and OCPS being brought to the Board for approval later this year.

However, in order to advance the project, OCPS has agreed that County may have access to the OCPS lands to commence County's due diligence activities while negotiations of the School Facility Joint Use Agreement are ongoing. This Right of Entry provides the terms and conditions upon which County may enter upon the OCPS lands and conduct its due diligence activities.

This Right of Entry will not be recorded.

**RIGHT OF ENTRY**

For and in consideration of \$1.00, other valuable considerations and benefits, THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, a public corporate body organized and existing under the laws of the State of Florida (“School Board”), does hereby give, grant and bargain subject to terms provided herein, to ORANGE COUNTY, FLORIDA, a charter county and a political subdivision of the State of Florida, (the “County”), this certain right of entry to enter upon the portion of lands described as follows:

**SEE ATTACHED EXHIBIT “A” (“Property”)**

**Orange County Property Appraiser’s Parcel Identification Number:  
Parcel ID No. 10-24-28-0000-00-047**

for the purpose of conducting due diligence investigations on the Property by the County and/or its assigns.

To the extent provided by Section 768.28, Florida Statutes, and without otherwise waiving sovereign immunity, the County hereby indemnifies the School Board for liability for any property damage or for death or personal injury occurring on the above referenced property or any surrounding property in connection with due diligence investigations provided by the County or its employees, agents, independent contractors, guests, invitee or licensees use of the property.

The County has represented and hereby agrees to complete all of the work on prior to December 31, 2019. This Right of Entry shall expire on December 31, 2019.

By use of this Right of Entry, the County accepts the obligations herein.

**[SIGNATURE PAGE TO FOLLOW]**

**"SCHOOL BOARD"**

Signed, sealed and delivered in the presence of:

**THE SCHOOL BOARD OF ORANGE COUNTY FLORIDA**, a corporate body organized and existing under the constitution and laws of the State of Florida

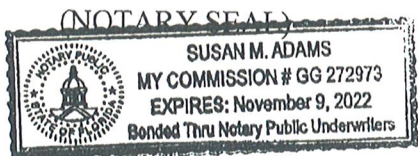
Marieliz Pagan  
Printed Name: Marieliz Pagan

By: Barbara M. Jenkins  
Barbara M. Jenkins, Ed. D.,  
as its Superintendent

Arabia Henley  
Printed Name: Arabia Henley

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

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April, 2019, by Barbara M. Jenkins, Ed. D., as Superintendent of The School Board of Orange County, Florida, who produced \_\_\_\_\_ as identification or is personally known to me and who acknowledged that she signed the instrument voluntarily for the purpose expressed in it.



Susan M. Adams  
Notary Public  
Printed Name: Susan M. Adams  
My Commission Expires: \_\_\_\_\_

Approved as to form and legality by the Office of the General Counsel for The School Board of Orange County, Florida this 18<sup>th</sup> day of April, 2019, for its exclusive use and reliance.

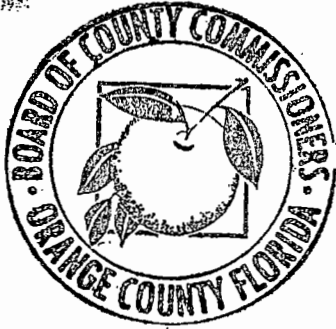
Reviewed and approved by Orange County Public Schools Chief Facilities Officer this 18<sup>th</sup> day of APRIL, 2019.

By: Laura L. Kelly  
Laura L. Kelly, Esq.

By: John T. Morris  
John T. Morris, Chief Facilities Officer

**ORANGE COUNTY, FLORIDA**

By: Orange County Board of County Commissioners



By: *Bryan W. Brooks*  
*for* Jerry L. Demings  
Orange County Mayor

Date: *7 May 2017*

ATTEST:

Phil Diamond, C.P.A., Orange County Comptroller  
As Clerk of the Board of County Commissioners

By: *Janica Karpel*  
*for* Deputy Clerk

Date: *5/7/17*

RE: BCC AGENDA 019  
Adsp-c-19

**EXHIBIT "A"**  
*Legal Description*

**Orange County Property Appraiser's Parcel Identification No: 10-24-28-0000-00-047**

**Property Description**

THAT PART OF SECTION 10, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERNMOST CORNER OF BUENAVISTA WOODS BOULEVARD OF DIAMOND COVE UNIT 2 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGES 14 THROUGH 18, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N75°31'57"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BUENAVISTA WOODS BOULEVARD, 60.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1130.00 FEET AND A CHORD BEARING OF S07°02'08"E, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°51'51" FOR A DISTANCE OF 293.15 FEET TO THE POINT OF TANGENCY; THENCE S00°23'48"W, 100.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 855.00 FEET AND A CHORD BEARING OF S46°56'01"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 93°04'26" FOR A DISTANCE OF 1388.90 FEET TO THE POINT OF TANGENCY; THENCE N86°31'46"W, 368.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 1215.00 FEET AND A CHORD BEARING OF S86°55'38"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°05'11" FOR A DISTANCE OF 277.50 FEET TO A NON-TANGENT LINE; THENCE S62°36'11"W, 218.29 FEET; THENCE S70°05'55"W, 122.84 FEET TO THE POINT OF CUSP WITH A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING OF S70°40'12"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 78°27'47" FOR A DISTANCE OF 34.24 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°32'13" FOR A DISTANCE OF 5.03 FEET TO THE POINT OF TANGENCY; THENCE S19°54'05"E, 124.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 300.00 FEET AND A CHORD BEARING OF S9°58'31"E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°51'09" FOR A DISTANCE OF 103.95 FEET TO THE POINT OF TANGENCY; THENCE S00°02'57"E, 763.28 FEET; THENCE S89°57'03"W, 1214.99 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF APOPKA VINELAND ROAD; THENCE N00°03'17"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 875.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING OF N05°42'49"E; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°32'13" FOR A DISTANCE OF 5.03 FEET TO A NON-TANGENT LINE; THENCE N89°57'03"E, 639.49 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1238.00 FEET AND A CHORD BEARING OF N80°01'29"E; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°51'09" FOR A DISTANCE OF 428.95 FEET TO THE POINT OF TANGENCY; THENCE N70°05'55"E, 98.17 FEET TO THE POINT OF BEGINNING.