

## DONATION AGREEMENT

### COUNTY OF ORANGE STATE OF FLORIDA

THIS DONATION AGREEMENT ("Agreement") made between **The School Board of Orange County, Florida**, a public corporate body organized and existing under the constitution and laws of the State of Florida, hereinafter referred to as "School Board", and **Orange County**, a charter county and political subdivision of the state of Florida, hereinafter referred to as "County".

#### WITNESSETH:

WHEREAS, School Board is the owner of the land identified by the Orange County Property Appraiser as Parcel Identification Number (PID) 34-21-28-0000-00-067 and currently known as the campus of Former Clarcona Elementary School (ES) ("School Board Property"); and

WHEREAS, County is the owner of the land identified by the Orange County Property Appraiser as PID 27-21-28-0000-00-011 and currently known as Clarcona Horse Park ("Horse Park"); and

WHEREAS, the County's Capital Projects Division and Parks & Recreation Department are working on installation of a Lift Station and Electric Upgrades at the Horse Park. The County intends to locate a new force main running from the Horse Park south to McCormick Road to connect to the County's sewer system underneath the West Orange Trail. The trail runs along the eastern edge of the School Board Property and exists by virtue of that certain Easement Agreement recorded April 4, 1996, in Official Records Book 5037, Page 794, of the Public Records of Orange County, Florida, between the School Board and County; and

WHEREAS, the provisions of the existing easement did not allow for the County's installation of utility facilities; and

WHEREAS, the County prepared a First Amendment to the easement agreement to update some of the terms to allow the County to use the existing West Orange Trail easement area (50-foot easement along the east property line) or 0.6311 Acres for installation of utilities; and

WHEREAS, Orange County Public Schools (OCPS) Staff reviewed the request and recommended the area needed be donated fee simple rather than in easement; and

WHEREAS, a small portion of Damon Road, the northbound road used to reach the Horse Park, encroaches on the School Board Property; and

WHEREAS, the County and OCPS have agreed to bundle the two donations, the 0.6311 Acre portion on the east property line and 0.0274 Acres located at the northwest portion, as more particularly described in Exhibits "A" and "B" of the Agreement, into one transfer ("Donation Properties"); and

WHEREAS, School Board has determined that the Donation Properties were unnecessary or unsuitable for educational purposes; and

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), each to the other paid, the parties hereto agree as follows:

1. School Board agrees to convey the Donation Properties by Special Warranty Deed to the County free of all liens and encumbrances, except those acceptable to County, if any. Notwithstanding the foregoing, School Board has no obligation to cure any liens or encumbrances affecting title to the Donation Properties.
2. **As-Is Disclaimer.** COUNTY ACKNOWLEDGES, UNDERSTANDS AND AGREES THAT, EXCEPT AS SPECIFICALLY SET FORTH IN THIS AGREEMENT TO THE CONTRARY, THE PROPERTIES DESCRIBED ON EXHIBIT "A" AND "B" ARE BEING DONATED BY SCHOOL BOARD IN ITS PRESENT PHYSICAL CONDITION, "AS-IS", AND THAT, SCHOOL BOARD MAKES ABSOLUTELY NO REPRESENTATIONS OR WARRANTIES WHATSOEVER WITH RESPECT TO THE PHYSICAL CONDITION OF THE PROPERTIES. COUNTY AGREES THAT UPON THE CLOSING, COUNTY SHALL BE DEEMED TO HAVE ACCEPTED THE DONATION PROPERTIES DESCRIBED ON EXHIBIT "A" AND "B", INCLUDING ANY FAULTS AND/OR PROBLEMS THAT WERE, OR COULD HAVE BEEN, DISCOVERABLE BY COUNTY PRIOR TO ENTERING INTO THIS AGREEMENT. THE PROVISIONS OF THIS SECTION 2 SHALL SURVIVE THE CLOSING.
3. This transaction constitutes a conveyance from a state agency or instrumentality to an agency of the state and is not subject to documentary stamp tax.
4. The Donation Properties are exempt from ad valorem property taxes.
5. This transaction shall be closed, and the Special Warranty Deed and other closing papers delivered on or before sixty (60) days from the Effective Date (hereinafter defined) of this Agreement. Closing shall take place at the office of the Orange County Real Estate Management Division, 400 E. South Street, Fifth Floor, Orlando, Florida 32801, or at such place as shall be mutually agreed upon by COUNTY
6. The COUNTY shall be responsible for payment of any and all real property transfer and transaction taxes and levies relating to the Donation Parcels as well as any title insurance premiums, otherwise, each party shall pay its own costs associated with the closing of the transaction contemplated here.
7. County shall, at its sole cost and expense, obtain and deliver to School Board a sketch of description of the Donation Properties. The survey shall be certified to School Board, County, and Title Company and prepared in accordance with the minimum technical requirements and standards promulgated by the Florida Board of Professional Surveyor and Mappers, Chapter 5J-17, of the Florida Administrative Code, Section 472.027, Florida Statutes, and ALTA/NSPS Land Title Survey Standards. Upon School Board's approval of the Survey, the same shall be and constitute the "Survey" for purposes of this agreement and the legal description set forth on the Survey shall be utilized in the documents of conveyance.
8. Effective Date: This agreement shall become effective on the date upon which it has been fully executed by the parties.

THIS AGREEMENT supersedes all previous agreements or representations, either verbal or written, heretofore in effect between School Board and County made with respect to the matters herein contained, and when duly executed constitutes the AGREEMENT between School Board and County. No additions, alterations, or variations to the terms of this AGREEMENT shall be valid, nor can the provisions of this AGREEMENT be waived by either party unless expressly set forth in writing and duly signed.

Project: Clarcona Park Lift Station and Electric Upgrades  
(former Clarcona ES)

The parties hereto have executed this AGREEMENT on the date(s) written below.

[SIGNATURES ON FOLLOWING PAGES]



Project: Clarcona Park Lift Station and Electric Upgrades  
(former Clarcona ES)

Signed, sealed and delivered in the  
presence of:

**"SCHOOL BOARD"**

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

Cynthia Gomez  
Print Name: Cynthia Gomez  
445 West Amelia  
Orlando, Florida 32801

By: Teresa Jacobs  
Teresa Jacobs, as Chair

Date: 2/25/25

Nancy L. Conover  
Print Name: Nancy L. Conover  
445 West Amelia  
Orlando, Florida 32801

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 25 day of Feb., 2025, by Teresa Jacobs, as Chair of The School Board of Orange County, Florida, a public corporate body and political subdivision of the State of Florida, on behalf of The School Board. She is personally known to me or has produced \_\_\_\_\_ (type of identification as identification and has acknowledgement that he/she signed the instrument voluntarily for the purpose expressed in it.



Rebeca Hernandez  
Notary Public  
Printed Name: Rebeca Hernandez  
Commission No.: HH113736  
My Commission Expires: 5/13/25

[ADDITIONAL SIGNATURE PAGE TO FOLLOW]



Project: Clarcona Park Lift Station and Electric Upgrades  
(former Clarcona ES)

**WITNESSES:**

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

Cynthia Gonzalez  
Print Name: Cynthia Gonzalez  
445 West Amelia  
Orlando, Florida 32801

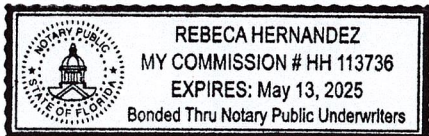
By: Maria F. Vazquez  
Maria F. Vazquez, Ed.D., as its Superintendent

Nancy L. Conover  
Print Name: Nancy L. Conover  
445 West Amelia  
Orlando, Florida 32801

Date: Feb 18, 2025

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 26 day of Feb., 2025, by Maria F. Vazquez, Ed.D., as Superintendent of The School Board of Orange County, Florida, a public corporate body and political subdivision of the State of Florida, on behalf of The School Board. She is personally known to me or has produced \_\_\_\_\_ (type of identification as identification and has acknowledgement that he/she signed the instrument voluntarily for the purpose expressed in it.



Rebeca Hernandez  
Notary Public  
Printed Name: Rebeca Hernandez  
Commission No.: HH 113736  
My Commission Expires: 5/13/25

Approved as to form and legality by legal counsel to The School Board of Orange County, Florida this 12<sup>th</sup> day of February, 2025, for its exclusive use and reliance.

By: Jad Brewer  
Jad Brewer, Staff Attorney III  
Planning and Real Estate  
Management

Reviewed and approved by Orange County Public Schools Chief Facilities Officer this 17<sup>th</sup> day of February, 2025.

By: Rory A. Salimbene for  
Rory A. Salimbene, Chief Facilities Officer

Approved  
School Board Meeting: 1/28/2025  
Agenda Item: 15.03

Project: Clarcona Park Lift Station and Electric Upgrades  
(former Clarcona ES)

**“ORANGE COUNTY, FLORIDA,”** a political  
subdivision of the state of Florida

Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings, as Mayor

Date: \_\_\_\_\_

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

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Printed Name



**EXHIBIT "A"**

**Legal Description**

The East 50.00 feet of the Northerly 532.59 feet of the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Begin at the Northeast corner of the Northwest 1/4 of Section 34, Township 21 South, Range 28 East, Orange County, Florida; thence South 00°04'04" East, a distance of 532.59 feet along the East line of the Northwest 1/4 of said Section 34 to a point on the South line of the Northerly 532.59 feet of the said Northwest 1/4; thence departing said East line South 89°50'02" West, a distance of 50.00 feet along said South line, thence departing said South line North 00°04'04" West, a distance of 532.59 feet along a line parallel with said East line of the Northwest 1/4 to a point on the North line of the Northwest 1/4 of said Section 34; thence North 89°50'02" East, a distance of 50.00 feet along said North line to the POINT OF BEGINNING. Containing 26,630 square feet, more or less.

# SCHEDULE "A"

## DESCRIPTION:

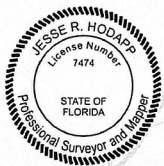
The East 50.00 feet of the Northerly 532.59 feet of the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 21 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Begin at the Northeast corner of the Northwest 1/4 of Section 34, Township 21 South, Range 28 East, Orange County, Florida; thence South 00°04'04" East, a distance of 532.59 feet along the East line of the Northwest 1/4 of said Section 34 to a point on the South line of the Northerly 532.59 feet of the said Northwest 1/4; thence departing said East line South 89°50'02" West, a distance of 50.00 feet along said South line, thence departing said South line North 00°04'04" West, a distance of 532.59 feet along a line parallel with said East line of the Northwest 1/4 to a point on the North line of the Northwest 1/4 of said Section 34; thence North 89°50'02" East, a distance of 50.00 feet along said North line to the POINT OF BEGINNING.

Containing 26,630 square feet, more or less.

## SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the East line of the Northwest 1/4 of Section 34, Township 21 South, Range 28 East, being South 00°04'04" East (assumed).
2. Survey map and report or the copies thereof are not valid without the original signature and seal or the electronic signature and seal of a Florida Licensed Surveyor and Mapper, and if shown hereon is in compliance with Florida Administrative Code 5J-17.062 and Florida Statute 472.025.
3. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administrative Code.



Digitally signed by Jesse R  
Hodapp  
DN: c=US, o=Florida,  
dnQualifier=A01410D0000018  
70F5C421200050305, cn=Jesse  
R Hodapp  
Date: 2023.11.09 08:36:46  
-05'00'

JESSE HODAPP, PSM  
Registered Land Surveyor Number 7474

## SKETCH OF DESCRIPTION

FOR  
ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONER

Date: JANUARY 18, 2023 AR

Job Number: J063434 Scale: 1" = 100'

Chapter 5J-17, Florida  
Administrative Code requires  
that a legal description drawing  
bear the notation that  
**THIS IS NOT A SURVEY.**

SHEET 1 OF 2  
SEE SHEET 2 FOR SKETCH

Certification Number LB2108

63434005



**SSMC™**  
SUE • SURVEY • GIS

SOUTHEASTERN SURVEYING  
AND MAPPING CORPORATION

6500 All American Boulevard  
Orlando, Florida 32810-4350

(407) 292-8580  
e-mail: info@southeasternsurveying.com



# SKETCH OF DESCRIPTION

PARCEL ID:  
27-21-28-0000-00-011  
NOT PLATTED

N89°50'02"E  
50.00'

EAST LINE OF SOUTHWEST  
1/4 OF SECTION 27

## POINT OF BEGINNING

NORTHEAST CORNER OF THE NORTHWEST 1/4 OF  
SECTION 34, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
(CCR #82072)

NORTH LINE OF  
NORTHWEST 1/4

NORTH LINE OF  
NORTHEAST 1/4



1" = 100'  
GRAPHIC SCALE  
0 100

PARCEL ID:  
34-21-28-0000-00-067  
NOT PLATTED  
CLARCONA ELEMENTARY

PARCEL ID:  
34-21-28-0000-00-004  
NOT PLATTED

### LEGEND & ABBREVIATIONS:

CCR = CERTIFIED CORNER RECORD  
(27) = SECTION NUMBER  
ID = IDENTIFICATION  
# = NUMBER  
LB = LICENSED BUSINESS  
SSMC = SOUTHEASTERN SURVEYING  
& MAPPING CORPORATION

PARALLEL WITH THE EAST  
LINE OF NORTHWEST 1/4 N00°04'04"W 532.59'

S00°04'04"E 532.59'  
(BEARING BASIS)

EAST LINE OF NORTHWEST 1/4

SOUTH LINE OF THE  
NORTHERLY 532.59'  
OF THE NORTHWEST 1/4

PARCEL ID:  
34-21-28-0000-00-012  
NOT PLATTED

PARCEL ID:  
34-21-28-0000-00-095  
NOT PLATTED

S89°50'02"W  
50.00'

SOUTH LINE OF  
SOUTHWEST 1/4

SOUTH 1/4 CORNER  
SECTION 34



**SSMC**  
SUE • SURVEY • GIS

SOUTHEASTERN SURVEYING  
AND MAPPING CORPORATION  
6500 All American Boulevard  
Orlando, Florida 32810-4350  
(407) 292-8580

Certification Number LB2108

e-mail: info@southeasternsurveying.com

Drawing No. 63434005  
Job No. J063434  
Date: JANUARY 18, 2023  
SHEET 2 OF 2  
See Sheet 1 for Description

THIS IS NOT A SURVEY.  
NOT VALID WITHOUT SHEET 1 THROUGH 2

**EXHIBIT "B"**

**Legal Description**

A tract of land situated in the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 21 South, Range 28 East, Orange County, Florida. The tract of land being more particularly described as follows:

Commence at the Northeast Corner of the Northwest 1/4 of said Section 34; Thence run S 89°50'02" W along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 34, a distance of 1,294.90 feet to the POINT OF BEGINNING; Thence departing said North line run S 06°04'47" W a distance of 96.22 feet; Thence run S 03°03'03" W a distance of 96.50 feet to a point on the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; Thence run along said West line N 00°05'51" E a distance of 191.99 feet to a point on the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; Thence run N 89°50'02" E along said North line, a distance of 15.00 feet to the POINT OF BEGINNING. Containing 1,195 Square Feet or 0.0274 Acres, MORE or LESS.



**LEGAL DESCRIPTION**  
**PROJECT: DAMON ROAD PARCEL TRANSFER**

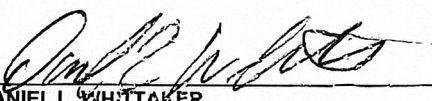
SPACE ABOVE RESERVED FOR RECORDING INFORMATION

**DESCRIPTION:**

A tract of land situated in the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 21 South, Range 28 East, Orange County, Florida. The tract of land being more particularly described as follows:

Commence at the Northeast Corner of the Northwest 1/4 of said Section 34; Thence run S 89° 50' 02" W along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 34, a distance of 1294.90 feet to the POINT OF BEGINNING; Thence departing said North line run S 06° 04' 47" W a distance of 96.22 feet; Thence run S 03° 03' 03" W a distance of 96.50 feet to a point on the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; Thence run along said West line N 00° 05' 51" E a distance of 191.99 feet to a point on the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; Thence run N 89° 50' 02" E along said North line, a distance of 15.00 feet to the POINT OF BEGINNING.

Containing 1195 Square Feet or 0.0274 Acres, MORE or LESS.

  
**DANIEL L. WHITTAKER,**  
REGISTERED LAND SURVEYOR AND MAPPER  
STATE OF FLORIDA LICENSE NO. 5648  
DATE: 04/26/2024


I HEREBY AFFIRM THAT THIS SKETCH AND DESCRIPTION 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.

**SURVEYOR'S NOTES:**

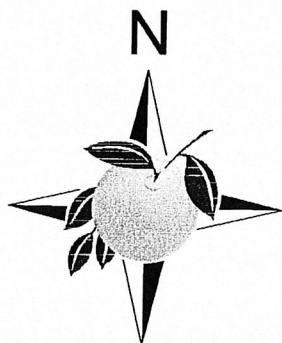
1. Linear measurements shown hereon are expressed in feet. Angular measurements shown hereon are expressed in degrees, minutes, and seconds.
2. Additions or deletions to sketch of description by other than the signing party or parties is prohibited without written consent of the signing party or parties.
3. All mapped features shown hereon were observed under the direction of the signing surveyor of this sketch unless otherwise specified.
4. 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.
5. Bearing basis for this sketch is based on the North line of the Northeast 1/4 of the Northwest 1/4 Section 34, Township 21 South, Range 28 East of Orange County, Florida. Bearing being South 89° 50' 02" West (Assumed).
6. Public records indicated hereon are of Orange County, Florida, unless otherwise noted.
7. This is not a Boundary Survey.

NOT COMPLETE WITHOUT SHEET 2 OF 2

**PREPARED FOR:**  
REAL ESTATE  
MANAGEMENT

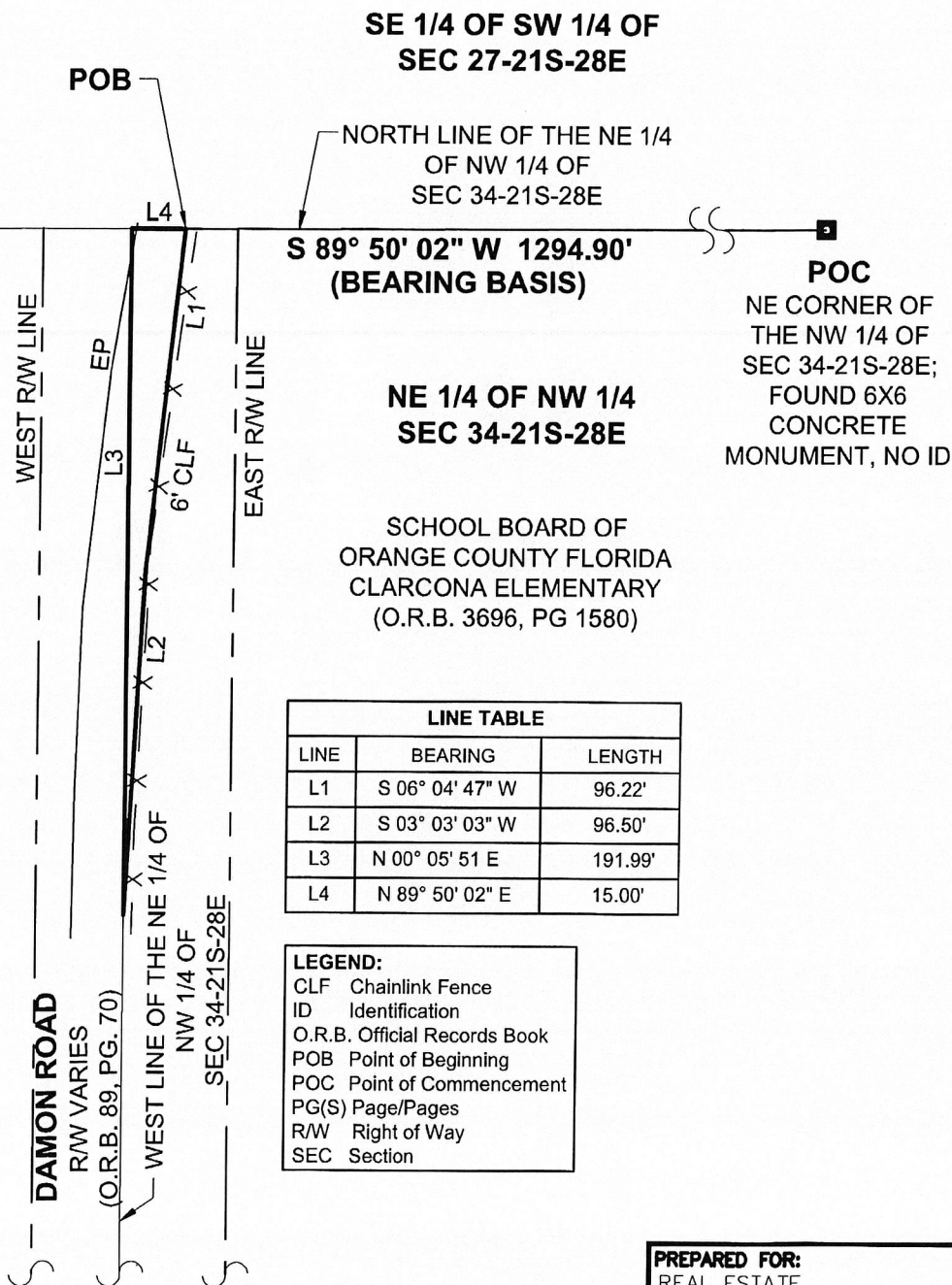
<b>FIELD DATE:</b> 03/12-13/2024	<b>DATE:</b> 04/26/2024	<b>SECTION:</b> 34	<b>PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION</b>  4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32836-9205 (407) 836-7881	<b>DRAWING SCALE:</b> N/A
<b>DRAWN BY:</b> JFM		<b>TOWNSHIP:</b> 21S		<b>COUNTY PROJECT NUMBER</b> 9241
<b>CHECKED BY:</b> D. WHITTAKER	<b>REVISIONS:</b>	<b>RANGE:</b> 28E		
<b>APPROVED BY:</b> D. WHITTAKER		<b>SHEET 1 OF 2</b>		

# SKETCH OF DESCRIPTION PROJECT: DAMON ROAD PARCEL TRANSFER



0 25' 50'  
SCALE: 1" = 50'

SPACE ABOVE RESERVED FOR RECORDING INFORMATION



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 06° 04' 47" W	96.22'
L2	S 03° 03' 03" W	96.50'
L3	N 00° 05' 51 E	191.99'
L4	N 89° 50' 02" E	15.00'

**LEGEND:**  
 CLF Chainlink Fence  
 ID Identification  
 O.R.B. Official Records Book  
 POB Point of Beginning  
 POC Point of Commencement  
 PG(S) Page/Pages  
 R/W Right of Way  
 SEC Section

NOT COMPLETE WITHOUT SHEET 1 OF 2

**PREPARED FOR:**  
 REAL ESTATE  
 MANAGEMENT

**FIELD DATE:** 03/12-13/2024  
**DRAWN BY:** JFM  
**CHECKED BY:** D. WHITTAKER  
**APPROVED BY:** D. WHITTAKER

**DATE:** 04/26/2024  
**REVISIONS:**

**SECTION:** 34  
**TOWNSHIP:** 21S  
**RANGE:** 28E  
**SHEET 2 OF 2**

**PUBLIC WORKS  
 ENGINEERING DIVISION  
 SURVEY SECTION**  
 4200 SOUTH JOHN YOUNG PARKWAY  
 ORLANDO, FLORIDA 32836-9205  
 (407) 636-7851



**DRAWING SCALE:**  
 1" = 50'  
**COUNTY PROJECT  
 NUMBER**  
 9241