



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Legislation Text

File #: 25-1506, **Version:** 1

Interoffice Memorandum

DATE: November 7, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: Luciana Mino, Assistant Manager

FROM: Anmber Ayub, Program Manager

CONTACT: Faye Lee, Administrative Assistant

PHONE: 407-836-7097

DIVISION: Real Estate Management Division

ACTION REQUESTED:

Approval and execution of Amended and Restated Drainage Easement by and between Orange County and D.R. Horton, Inc. and Second Amendment to Drainage Easement by and between D.R. Horton and Orange County and authorization to record the instrument for Sagewood (PR-24-07-018) FKA Votaw Road. District 2. **(Real Estate Management Division)**

PROJECT: Sagewood (PR-24-07-018) FKA Votaw Road

PURPOSE: To amend certain Drainage Easements as required pursuant to conditions precedent to construction plan approval.

ITEM:

Amended and Restated Drainage Easement

Cost: Donation

Size: 13,314 square feet

Second Amendment to Drainage Easement

Cost: Donation

Size: N/A

BUDGET: N/A

REVENUE: N/A

FUNDS: N/A

APPROVALS:

Real Estate Management Division
County Attorney's Office
Public Works Department

REMARKS: On July 25, 2023, the Board approved the Wekiva Reserve Preliminary Subdivision Plan (Case# PSP-22-04-143) subject to several conditions of approval as recommended by the Development Review Committee ("DRC").

Pursuant to DRC conditions of approval, a Private Drainage Easement conveyed by Warranty Deed recorded in Official Records Book 697, Page 176, and a Public Drainage Easement recorded in Official Records Book 703, Page 150 (collectively, "the Easements") are required to be terminated and/or modified prior to construction plan approval.

This action amends the Easements to terminate upon recordation of the subdivision plat.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
DEC 02 2025

INSTRUMENT PREPARED BY:

Jarrett D. Bingemann, Esq.
Akerman LLP
420 South Orange Avenue, Suite 1200
Orlando, Florida 32801

AFTER RECORDING RETURN TO:

Real Estate Management Division
of Orange County, Florida
P.O. Box 1393
Orlando, Florida 32802-1393

Property Appraiser's Parcel Identification Number:

02-21-28-0000-00-023
02-21-28-0000-00-024

Project: PR-24-07-018 Sagewood FKA Votaw Reserve

AMENDED AND RESTATED
DRAINAGE EASEMENT

THIS AMENDED AND RESTATED DRAINAGE EASEMENT ("Amendment") is made effective as of the date last executed below (the "**Effective Date**") by and between **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393 (the "**County**"), and **D.R. HORTON, INC.**, a Delaware corporation ("**Horton**"), whose mailing address is 10192 Dowden Rd, Orlando, Florida 32832.

WITNESSETH:

WHEREAS, C.P. Etty ("**Etty**"), pursuant to that Indenture recorded in Official Records Book 697, Page 176 of the Public Records of Orange County, Florida ("**1960 Drainage Easement**") granted unto Amantha Musselwhite ("**Musselwhite**"), that certain drainage easement as more particularly described therein ("**Original Drainage Easement Area**");

WHEREAS, Etty and Musselwhite subsequently conveyed to the County pursuant to that certain Agreement recorded in Official Records Book 703, Page 148 of the Public Records of Orange County, Florida ("**1960 Drainage Easement Agreement**") all rights concerning the 1960 Drainage Easement and rights to drain into the Original Drainage Easement Area;

WHEREAS, as of the Effective Date, Horton is the sole owner of in fee simple of the Original Drainage Easement Area and certain real property upon which it is located more particularly described in **Exhibit "A"** attached hereto and incorporated herein ("**Horton Property**"), and the County is the sole holder of the right to drain into the Original Drainage Easement Area pursuant to the 1960 Drainage Easement and 1960 Drainage Easement Agreement (collectively, the "**1960 Drainage Easement Documents**");

WHEREAS, the County has agreed that the Original Drainage Easement may be relocated on an alternate portion of the Horton Property; and

WHEREAS, in connection with the platting of the Horton Property, Horton and the County desire to amend and restate in their entirety the terms and provisions of the 1960 Drainage Easement Documents pursuant to the terms and conditions of this Amendment.

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree as follows:

1. Recitals. The foregoing recitals are acknowledged to be true and correct and by this reference are hereby incorporated into this Amendment as if fully set forth herein.

2. Amendment and Restatement. From and after the date of execution of this Amendment, the 1960 Drainage Easement Documents shall be deemed amended, restated and superseded in their entirety by this Amendment.

3. Drainage Easement. Horton does hereby create, grant, and establish in favor of the County, a perpetual, nonexclusive easement (the “**Drainage Easement**”) under and through those portions of the Horton Property more particularly described on **Exhibit “B”** attached hereto and incorporated herein (the “**Drainage Easement Area**”), for the purpose of conveying outfall drainage from adjacent County roads and related improvements. Upon the recordation of any plat of the Horton Property and dedication of the Drainage Easement Area to the County and/or any applicable operation and maintenance entity approved by County on such plat, this Amendment and the 1960 Drainage Easement Documents shall be deemed automatically terminated, of no further force and effect, and shall no longer encumber title to the Horton Property.

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IN WITNESS WHEREOF, the County and Horton have executed this Amendment as of the Effective Date.



“COUNTY”

ORANGE COUNTY, FLORIDA,

By: Board of County Commissioners

BY: *Jerry L. Demings*

Jerry L. Demings

Orange County Mayor

DATE: 2 December 2025

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

BY: *Jennifer Lam-Kimtz*
Deputy Clerk

Jennifer Lam-Kimtz
Printed Name

"HORTON"

D.R. HORTON, INC., a Delaware corporation

Matthew Sale
Print Name: Matthew Sale
Address: 10142 Dowden Rd
Orlando, FL 32832

Gregory Hines
Print Name: Gregory Hines
Address: 10192 Dowden Rd
Orlando FL 32832

By: [Signature]
Name: John Valantasis
Title: Asst - SEC

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5 day of November, 2025, by John Valantasis, as Asst Sec **D.R. HORTON, INC.**, a Delaware corporation, on behalf of the corporation. Said person (check one) ☒ is personally known to me or ☐ produced _____ as identification.

(Notary Stamp / Seal)




Sydney D. Kendrick
Print Name: Sydney D. Kendrick
Notary Public, State of Florida
Commission No.: HH 638206
My Commission Expires: 2/9/29

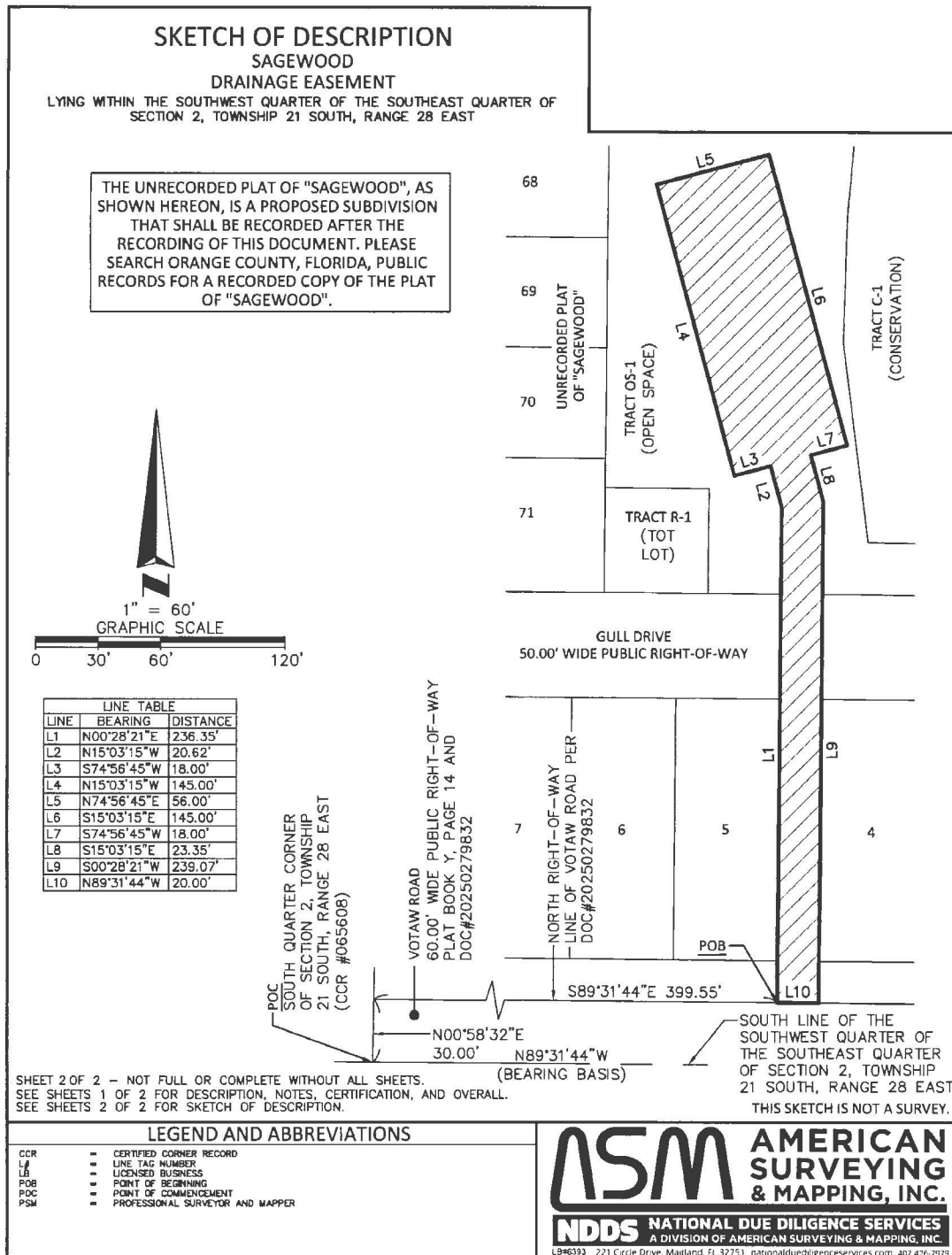
EXHIBIT "A"
HORTON PROPERTY

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST, APOPKA, ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER CORNER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST RECORDED AS CCR #065608; THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST RUN NORTH 00°58'32" EAST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON THE AFORESAID WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 2 RUN NORTH 00°58'32" EAST A DISTANCE OF 1300.94 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST RUN SOUTH 89°46'25" EAST A DISTANCE OF 997.84 FEET; THENCE RUN SOUTH 00°52'02" WEST A DISTANCE OF 1005.18 FEET; THENCE RUN NORTH 89°31'39" WEST A DISTANCE OF 210.00 FEET; THENCE RUN SOUTH 00°52'02" WEST A DISTANCE OF 300.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VOTAW ROAD, AS RECORDED IN PLAT BOOK Y, PAGE 14; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE RUN NORTH 89°31'44" WEST A DISTANCE OF 790.26 FEET RETURNING TO THE POINT OF BEGINNING.

EXHIBIT "B"
DRAINAGE EASEMENT AREA

SKETCH OF DESCRIPTION SAGEWOOD DRAINAGE EASEMENT LYING WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST																																							
DESCRIPTION <p>A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST; THENCE RUN NORTH 00°58'32" EAST A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF VOTAW ROAD PER ORANGE COUNTY DOCUMENT #20250279832, RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE RUN SOUTH 89°31'44" EAST A DISTANCE OF 399.55 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE RUN NORTH 00°28'21" EAST A DISTANCE OF 236.35 FEET; THENCE RUN NORTH 15°03'15" WEST A DISTANCE OF 20.62 FEET; THENCE RUN SOUTH 74°56'45" WEST A DISTANCE OF 18.00 FEET; THENCE RUN NORTH 15°03'15" WEST A DISTANCE OF 145.00 FEET; THENCE RUN NORTH 74°56'45" EAST A DISTANCE OF 56.00 FEET; THENCE RUN SOUTH 15°03'15" EAST A DISTANCE OF 145.00 FEET; THENCE RUN SOUTH 74°56'45" WEST A DISTANCE OF 18.00 FEET; THENCE RUN SOUTH 15°03'15" EAST A DISTANCE OF 23.35 FEET; THENCE RUN SOUTH 00°28'21" WEST A DISTANCE OF 239.07 FEET; THENCE RUN NORTH 89°31'44" WEST A DISTANCE OF 20.00 FEET RETURNING TO THE POINT OF BEGINNING.</p> <p>CONTAINING 13,314 SQUARE FEET OR 0.306 ACRES, MORE OR LESS.</p>			<small>AREA ABOVE RESERVED FOR RECORDING INFORMATION</small>																																				
<div style="border: 1px solid black; padding: 10px; margin: 0 auto; width: 80%;">THE UNRECORDED PLAT OF "SAGEWOOD", AS SHOWN HEREON, IS A PROPOSED SUBDIVISION THAT SHALL BE RECORDED AFTER THE RECORDING OF THIS DOCUMENT. PLEASE SEARCH ORANGE COUNTY, FLORIDA, PUBLIC RECORDS FOR A RECORDED COPY OF THE PLAT OF "SAGEWOOD".</div>																																							
SURVEYOR'S NOTES <ol style="list-style-type: none">1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.2. NO IMPROVEMENTS HAVE BEEN LOCATED.3. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.S. 472.025 OR THE CERTIFIED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.A.C. 5J-17.082(2) AND 5J17.082(3).4. THIS DOCUMENT CONSISTS OF 2 PAGES AND IS NOT FULL OR COMPLETE WITHOUT BOTH BEING PRESENT.5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST, WHICH BEARS NORTH 89°31'44" WEST, AS MEASURED, PER STATE PLANE COORDINATES SYSTEM DATUM OF NAD83(1990).6. THIS IS NOT A BOUNDARY SURVEY, BUT A GRAPHICAL REPRESENTATION OF THE LEGAL DESCRIPTION INCLUDED HEREIN. <p><small>SHEET 1 OF 2 - NOT FULL OR COMPLETE WITHOUT ALL SHEETS. SEE SHEET 1 OF 2 FOR DESCRIPTION, NOTES, CERTIFICATION, AND OVERALL. SEE SHEETS 2 OF 2 FOR SKETCH OF DESCRIPTION.</small></p>																																							
SKETCH OF DESCRIPTION SAGEWOOD DRAINAGE EASEMENT LYING WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 28 EAST ORANGE COUNTY, FLORIDA		<div style="font-size: 2em; font-weight: bold; margin: 0;">ASM</div> <div style="font-weight: bold; margin: 0;">AMERICAN SURVEYING & MAPPING, INC.</div> <div style="font-weight: bold; margin: 0;">NDDS NATIONAL DUE DILIGENCE SERVICES</div> <div style="font-size: 0.8em; margin: 0;">A DIVISION OF AMERICAN SURVEYING & MAPPING, INC.</div> <div style="font-size: 0.7em; margin: 0;">221 Circle Drive, Maitland, FL 32751 Phone: 407-426-7879 LB#6393 nationalduediligenceservices.com</div>																																					
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 20%;">JOB NO.:</th><th style="width: 20%;">DATE</th><th style="width: 20%;">REVISIONS</th><th style="width: 40%;">TECH</th></tr></thead><tbody><tr><td>231021</td><td>7/21/25</td><td>REV. PER CC</td><td>CF</td></tr><tr><td>SCALE: 1" = 60'</td><td></td><td></td><td></td></tr><tr><td>FIELD DATE: N/A</td><td></td><td></td><td></td></tr><tr><td>FIELD BY: N/A</td><td></td><td></td><td></td></tr><tr><td>DRAWN BY: MK</td><td></td><td></td><td></td></tr><tr><td>APPROVED BY: EGT</td><td></td><td></td><td></td></tr><tr><td>DRAWING FILE #</td><td></td><td></td><td></td></tr><tr><td>33103 SAGEWOOD DRAINAGE EASEMENT 900.000</td><td></td><td></td><td></td></tr></tbody></table>		JOB NO.:	DATE	REVISIONS	TECH	231021	7/21/25	REV. PER CC	CF	SCALE: 1" = 60'				FIELD DATE: N/A				FIELD BY: N/A				DRAWN BY: MK				APPROVED BY: EGT				DRAWING FILE #				33103 SAGEWOOD DRAINAGE EASEMENT 900.000				<p>I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.</p> <div style="display: flex; align-items: center;"><div style="flex: 1;"></div><div style="flex: 1; font-size: 0.8em;"><p>Digitally signed by E. Glenn Turner DN: cn=E. Glenn Turner, o=American Surveying & Mapping, ou=Professional Land Surveyors, email=glturner@asmcorporate.com, c=US Date: 2025.07.21 11:16:18 -0400 Adobe Acrobat version 2020.005.30774</p></div></div> <p>E. GLENN TURNER, PSM #5643</p>	
JOB NO.:	DATE	REVISIONS	TECH																																				
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DEC 02 2025

INSTRUMENT PREPARED BY:

Jarrett D. Bingemann, Esq.
Akerman LLP
420 South Orange Avenue, Suite 1200
Orlando, Florida 32801

AFTER RECORDING RETURN TO:

Real Estate Management Division
of Orange County, Florida
P.O. Box 1393
Orlando, Florida 32802-1393

Property Appraiser's Parcel Identification Number:

02-21-28-0000-00-023
02-21-28-0000-00-024

Project: PR-24-07-018 Sagewood FKA Votaw Reserve

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SECOND AMENDMENT TO DRAINAGE EASEMENT

This SECOND AMENDMENT TO DRAINAGE EASEMENT (this "**Second Amendment**") is made effective as of the date last executed below (the "**Effective Date**") by and between D.R. HORTON, INC., a Delaware corporation, whose mailing address is 10192 Dowden Rd, Orlando, Florida 32832 ("**Owner**"), and ORANGE COUNTY, a charter county and political subdivision of the State of Florida, whose address whose address is P.O. Box 1393, Orlando, Florida 32802-1393 ("**County**"). Owner and County may collectively referred to as the "**Parties.**"

RECITALS

A. County and HENGREIS, LLC, a Florida limited liability company ("**Prior Owner**") previously amended that certain Drainage Easement recorded March 9, 1960, in Official Records Book 703, Page 150 of the Public Records of Orange County, Florida, pursuant to that certain First Amendment to Drainage Easement recorded on November 21, 2023, as Document Number 20230671804 of the Public Records of Orange County, Florida (collectively, the "**703-150 Drainage Easement**");

B. Prior Owner subsequently conveyed the Property to Owner pursuant to that certain Special Warranty Deed recorded on July 8, 2024, as Document Number 20240390439 of the Public Records of Orange County, Florida;

C. The Parties determined that there are certain overlapping County drainage rights set forth in that certain Indenture recorded in Official Records Book 697, Page 176 of the Public Records of Orange County, Florida ("**697-176 Drainage Easement**"), as affected by that certain Agreement recorded in Official Records Book 703, Page 148 of the Public Records of Orange County, Florida ("**1960 Drainage Easement Agreement**") (the 697-176 Drainage Easement and

1960 Drainage Easement Agreement collectively that “**697-176 Drainage Easement Documents**”).

D. The Parties have elected to amend and restate the 697-176 Drainage Easement Documents pursuant to the terms and conditions of that certain Amended and Restated Easement Agreement being recorded concurrently herewith (“**A&R Drainage Easement**”) to update the respective Drainage Easement Area (as defined therein) to be consistent with the current drainage plan for the Property, and terminate of record upon dedication of same to the County at platting consistent with the 703-150 Drainage Easement.

E. The Parties desire to enter into this Second Amendment for the purpose of clarifying of record the distinction between the 703-150 Drainage Easement and 697-176 Drainage Easement Documents, corresponding timing for termination of same.

NOW, THEREFORE, for and in consideration of the mutual premises and covenants contained herein, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Recitals: Definitions. The recitals set forth above are true and correct and are incorporated herein by this reference. Defined (capitalized) terms used herein, but not defined herein, shall have the meanings given to such terms by the Original Easement.

2. Separate Drainage Documents. The Parties hereby acknowledge and agree that the 697-176 Drainage Easement Documents, are separate and apart from the 703-150 Drainage Easement. Notwithstanding the foregoing, upon the recordation of any plat of the Property and dedication of the respective drainage easement areas contained therein to the County, the 697-176 Drainage Easement Documents (as affected by the A&R Drainage Easement) and 703-150 Drainage Easement shall both be deemed automatically terminated and of no further force and effect.

3. Effect; Conflicts. Except as modified herein, all other terms and provisions of the Original Easement are hereby ratified and confirmed and shall remain in full force and effect. In the event of any conflict between the provisions of this Second Amendment and the provisions of the Original Easement, the provisions of this Second Amendment shall control.

[signature pages follow]

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to be executed as of the Effective Date.



"COUNTY"

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

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

DATE: 2 December 2025

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

By: Jennifer Lara-Klimetz
Deputy Clerk
Jennifer Lara-Klimetz
Printed Name

Signed, sealed, and delivered
in the presence of:

[Signature]
Witness

Matthew Stoltz
Printed Name

Address: 10192 Darden Rd
Orlando, FL 32832

D.R. HORTON, INC., a Delaware
corporation

BY: [Signature]

John Valantasis
Printed Name

ASST. SEC
Title

[Signature]
Witness

Gregory Hines
Printed Name

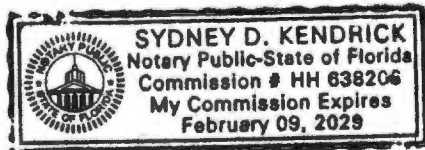
Address: 10192 DOWSON RD.
ORLANDO FL 32832
(Signature of TWO Witnesses
required by Florida Law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 5 day of November, 2025, by
John Valantasis, as Asst. Sec., of D.R. HORTON, INC., a
Delaware corporation, on behalf of the corporation. The individual ☒ is personally known to me
or ☐ has produced _____ as identification.

[Signature]
Notary Signature

Sydney D. Kendrick
Printed Notary Name



Notary Public in and for
the County and State aforesaid

My Commission Expires: 2/9/29