



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: April 12, 2019

TO: Mayor Jerry L. Demings
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager *PS*
Real Estate Management Division

FROM: Monica Hand, Senior Title Examiner *J3 for MH*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval and execution of Release, Termination, and Extinguishment of Easement by Orange County and authorization to record instrument

PROJECT: Water Conserv II Utility Easement
Parcel 852 (Clonts Groves)

Lake County, Florida

PURPOSE: To terminate an easement that is no longer needed for access, construction, operation, and maintenance of utility facilities.

ITEM: Release, Termination, and Extinguishment of Easement
Revenue: \$21,500.00
Size: 25,743.96 square feet

REVENUE: Account No.: 4420-038-1300-6450

APPROVALS: Real Estate Management Division
County Attorney's Office
Utilities Department

REMARKS:

In 1985, as part of the Water Conserv II project, the County obtained a certain utility easement in Lake County over certain lands known as Parcel 852 by an Order of Taking and a Stipulated Final Judgment (Easement).

The current owner of the property encumbered by the Easement (Owner) has requested that the County release the Easement, as the rights granted therein are no longer necessary. The Release, Termination, and Extinguishment of Easement being presented to the Board as part of this action requested would terminate the Easement. The Utilities Department and the City of Orlando (City), as the parties with interests in Water Conserv II, have reviewed and approved Owner's request, subject to Owner paying Water Conserv II fair market value for the release of the Easement (FMV). Note, the Easement is not eligible to be vacated under Chapter 21, Article III, of the Orange County Code as the County paid "more than a nominal amount for the ... easement".

The Real Estate Management Division (REM) has reviewed and accepted an appraisal obtained by Owner determining FMV to be \$21,500, and Owner has delivered to REM a check for such amount which is being held pending action by the Board. If this action requested is approved, the check will be cashed and one half of such sum will be sent to City in accordance with the agreements governing Water Conserv II.

Owner to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAY 08 2019

Project: Water Conserv II Utility Easement
Parcel 852 (Clonts Groves)

RELEASE, TERMINATION, AND EXTINGUISHMENT OF EASEMENT

THIS RELEASE, TERMINATION, AND EXTINGUISHMENT OF EASEMENT is made and executed as of the date indicated below by ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida, whose mailing address is P. O. Box 1393, Orlando, Florida 32802-1393 (the "County").

RECITALS:

WHEREAS, the County is the present grantee and beneficiary of certain rights and privileges set forth in that certain Order of Taking recorded in Official Records Book 845, page 552, and Stipulated Final Judgment recorded in Official Records Book 900, page 804, all in the Public Records of Lake County, Florida (the "Easements"); and

WHEREAS, Clonts Groves, Inc., a Florida corporation is the current fee simple owner of the land upon which the Easement was originally created; and

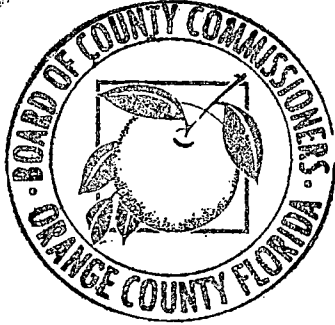
WHEREAS, at the request of the property owner, the County has determined to release, abandon, and terminate its interests in the Easements; and

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the County does hereby covenant and agree as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference and made a part hereof.
2. The County hereby abandons, releases, and terminates any and all interest it may presently have in the Easements and declares all of the rights and privileges contained therein are of no further force and effect as to only that area of the Easements described as Parcel 852 (Permanent Utility Easement) on Exhibit "A" attached hereto and made a part hereof, and declares that its rights and privileges with respect only to such portion described in such Exhibit "A" are of no further force and effect.

Project: Water Conserv II Utility Easement
Parcel 852 (Clonts Groves)

IN WITNESS WHEREOF, this Release, Termination, and Extinguishment of Easement has been executed by the Orange County Mayor following approval by the Board of County Commissioners as of the date indicated below.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

Date: 7 May 2019

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

By: *Jessica Vaupel*
for Deputy Clerk
Jessica Vaupel
Printed Name

This instrument prepared by:

Monica L. Hand, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

S:\Forms & Master Docs\Project Document Files\1_Misc. Documents\W\Water Conserv II Utility Easement Parcel 852 Clonts Groves- Partial Termination of Ease.doc 12-26-18 mh rev 3-14-19 gh

Exhibit "A"

Parcel 852 (Permanent Utility Easement)

Description:

All that portion of the Northeast 1/4 of Section 28, Township 23 South, Range 26 East, in the County of Lake, State of Florida, included within a strip of land 60.00 feet of even width, the Southerly line of said 60.00 foot wide strip of land being described as follows:

Beginning at a point on the Easterly line of said Section 28, distant thereon South 00 Deg. 01' 46" East 1212.08 feet from the Northeast corner of said Section; thence South 86 Deg. 37' 24" West 855.03 feet.

The Northerly line of said 60.00 foot wide strip of land shall be shortened or prolonged as necessary so as to terminate on the West in a line which bears North from the Westerly terminus of the above described Southerly line.

EXCEPTING therefrom, that portion thereof lying within the Easterly 33.00 feet of said Section 28, and ALSO EXCEPTING therefrom, that portion included within a 30.00 foot wide strip of land, the Southerly line of said 30.00 foot wide strip of land being described as follows:

Beginning at a point on the Easterly line of said Section 28, distant thereon South 00 Deg. 01' 46" East 1212.08 feet from the Northeast corner of said Section; thence South 86 Deg. 37' 24" West 817.37 feet.