



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: September 20, 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 *MTT / MTC*
Real Estate Management Division

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

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

ACTION REQUESTED: Approval and execution of Amendment to Conservation and Access Easement by and between Elysian Luxury Living, LLC and Orange County and authorization to record instrument.

PROJECT: Elysian Luxury Living, LLC CAI-21-09-058

District 1

PURPOSE: To amend an existing Conservation and Access Easement.

ITEM: Amendment to Conservation and Access Easement
Cost: None
Size: 26,931 square feet

APPROVALS: Real Estate Management Division
County Attorney's Office
Risk Management Division
Environmental Protection Division

REMARKS: To amend that certain Conservation and Access Easement recorded March 24, 2023, as Document #20230165994, Public Records of Orange County, Florida to supersede the existing Exhibit B and replace it with the one incorporated in Amendment to Conservation and Access Easement.

Owner to pay recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 10 2023

Prepared by:
Amy Barnard
Unicorp National Developments, Inc.
7940 Via Dellagio Way, Suite 200
Orlando, FL 32819

Project: Elysian Luxury Living, LLC CAI-21-09-058

Parcel Identification Number:
a portion of 05-24-27-0000-00-010

AMENDMENT TO CONSERVATION AND ACCESS EASEMENT

THIS AMENDMENT TO CONSERVATION AND ACCESS EASEMENT (the “Amendment”), is entered into by and between **Elysian Luxury Living, LLC**, a Florida limited liability company (“Grantor”) whose address is 7940 Via Dellagio Way, Suite 200, Orlando, Florida 32819, and **Orange County**, a charter county and political subdivision of the State of Florida (“Grantee”) whose address is Post Office Box 1393, Orlando, Florida 32802-1393.

RECITALS

WHEREAS, Grantor and Grantee previously entered into that certain Conservation and Access Easement (the “Conservation Easement”) recorded March 24, 2023, with Document #20230165994, Public Records of Orange County, Florida;

WHEREAS, the description of the Project Site as more particularly described in **Exhibit “B”** to the Conservation Easement has been revised; and

WHEREAS, Grantor and Grantee desire to amend certain terms of the Conservation Easement.

NOW, THEREFORE, in consideration of the foregoing and of the terms and conditions set forth herein, the parties agree as follows:

1. **RECITALS**. The foregoing recitals are true and correct and form a material part of this Amendment.
2. **Exhibit "B"** to the Conservation Easement is hereby deleted in its entirety and replaced with the new **Exhibit "B"** attached hereto and incorporated herein by this reference.
3. **ORIGINAL TERMS**. Other than as noted above, all of the original terms and conditions of the Conservation Easement shall remain in place and in full force and effect.
4. **RECORDING**. This Amendment shall be recorded in the Public Records of Orange County, Florida within thirty (30) days of its execution. Promptly upon execution of this Amendment, Grantor shall pay to Grantee an amount equal to the applicable cost of recording this Amendment in the Public Records of Orange County, Florida.
5. **COVENANTS RUNNING WITH THE LAND**. The provisions of this Amendment shall constitute covenants running with the land or an equitable servitude upon the land, as the case may be, applicable to all of the Property, as that term is defined in the Conservation Easement, or any portion thereof. Furthermore, this Amendment shall be binding on all parties having any right, title, or interest in the Property or any portion thereof, and their heirs, personal representatives, successors, and assigns. Grantor declares that the Property, or any portion thereof,

shall be held, sold, and conveyed subject to the provisions of the Conservation Easement and of this Amendment. This Amendment shall inure to the benefit of and be enforceable by Grantee and its respective legal representatives, successors, and assigns.

6. **EFFECTIVE DATE.** This Amendment shall take effect upon being recorded in the Public Records of Orange County, Florida.

[Signatures on Following Pages]

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed by their respective duly authorized representatives on the dates set forth below.



GRANTEE:

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

Date: 10 October 2023

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

By: Jennifer Jana Klimetz
for Deputy Clerk

I hereby acknowledge receipt of this notice and further acknowledge that I have read and understand all of the provisions contained herein.

GRANTOR:

ELYSIAN LUXURY LIVING, LLC,
a Florida limited liability company

By: CW Family, LLLP, a Florida limited liability limited partnership, its Manager

By: CW Family, LLC, a Florida limited liability company, its General Partner

By: Charles Whittall, its Manager

Date: August 29, 2023

WITNESSES:

Amy M. Barnard
Print Name: Amy M. Barnard

Nolly Soto
Print Name: Nolly Soto

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me before me by means of physical presence or online notarization this 29th day of August, 2023, by Charles Whittall, as Manager of CW Family, LLC, a Florida limited liability company, in its capacity as General Partner of CW Family, LLLP, a Florida limited liability limited partnership, in its capacity as Manager of ELYSIAN LUXURY LIVING, LLC, a Florida limited liability company. Said person [] is personally known to me or [] has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of August, 2023.

Amy M. Barnard
Notary Public

Print Name: Amy M. Barnard

My Commission Expires: May 17, 2024

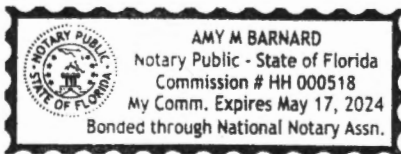


EXHIBIT "B"

[consists of a two (2) page Sketch of Description prepared by American Surveying & Mapping, Inc., signed by E. Glen Turner, PSM #5643 on August 28, 2023]

Record and Return to:

Real Estate Management Division
Attn: Mary Tiffault, Sr. Title Examiner
of Orange County, Florida
P. O. Box 1393
Orlando, Florida 32802-1393

SKETCH OF DESCRIPTION

ELYSIAN

CONSERVATION EASEMENT MODIFICATION

A PORTION OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST
ORANGE COUNTY, FLORIDA

AREA ABOVE RESERVED FOR RECORDING INFORMATION

DESCRIPTION

A PORTION OF LAND BEING IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF STATE ROAD 429 AND THE EASTERLY RIGHT OF WAY OF COUNTY ROAD 545, ALSO KNOWN AS AVALON ROAD, BOTH BEING VARIABLE IN WIDTH AND AS REFERENCED ON SHEET 6 OF 28 OF A FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP #75320-6460-653; THENCE, ALONG SAID WESTERLY RIGHT OF WAY OF STATE ROAD 429 RUN NORTH 83°34'05" EAST A DISTANCE OF 125.34 FEET; THENCE RUN SOUTH 54°07'45" EAST A DISTANCE OF 28.84 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE RUN SOUTH 22°53'25" EAST A DISTANCE OF 170.45 FEET; THENCE RUN SOUTH 78°41'59" WEST A DISTANCE OF 56.64 FEET; THENCE RUN SOUTH 75°29'32" WEST A DISTANCE OF 101.60 FEET; THENCE RUN NORTH 14°53'36" WEST A DISTANCE OF 8.17 FEET TO A POINT OF NON-TANGENCY WITH A CURVE TO THE RIGHT, CONCAVE EAST, HAVING A RADIUS OF 1,287.17 FEET, A CENTRAL ANGLE OF 04°43'44", AND A CHORD DISTANCE OF 106.21 FEET WHICH BEARS NORTH 12°50'06" WEST; THENCE ALONG THE ARC OF SAID CURVE RUN FOR A LENGTH OF 106.24 FEET TO A POINT OF NON-TANGENCY WITH A LINE; THENCE ALONG SAID NON-TANGENT LINE RUN NORTH 82°59'03" EAST A DISTANCE OF 28.84 FEET; THENCE RUN NORTH 06°44'18" WEST A DISTANCE OF 34.91 FEET; THENCE RUN SOUTH 83°23'53" WEST A DISTANCE OF 3.58 FEET; THENCE RUN NORTH 06°23'32" WEST A DISTANCE OF 6.67 FEET; THENCE RUN SOUTH 83°36'28" WEST A DISTANCE OF 50.00 FEET; THENCE RUN NORTH 06°23'32" WEST A DISTANCE OF 46.44 FEET RETURNING TO THE POINT OF BEGINNING.

CONTAINING 26,931 SQUARE FEET OR 0.618 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

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-17.062(2) AND 5J17.062(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 WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 429, WHICH BEARS NORTH 83°34'05" EAST, PER ORLANDO - ORANGE COUNTY RIGHT-OF-WAY MAPS, WESTERN BELTWAY, PROJECT NO.75320-6460-653, ORANGE COUNTY, FLORIDA, STATE ROAD 429.
6. THIS IS NOT A BOUNDARY SURVEY, BUT A GRAPHICAL REPRESENTATION OF THE LEGAL DESCRIPTION INCLUDED HEREIN.

SHEET 1 OF 2 - NOT FULL OR COMPLETE WITHOUT ALL SHEETS.
SEE SHEET 1 OF 2 FOR DESCRIPTION, NOTES, AND CERTIFICATION.
SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.

THIS SKETCH IS NOT A SURVEY.

SKETCH OF DESCRIPTION

ELYSIAN

CONSERVATION EASEMENT MODIFICATION

A PORTION OF

SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST

ORANGE COUNTY, FLORIDA

JOB NO.:	DATE	REVISIONS	TECH
190728	07/26/23	REV. BNDY	CF
SCALE: 1"=50'	08/18/23	REV. PER CC	CF
FIELD DATE: N/A	08/23/23	REMOVE SCALE	CF
DRAWN BY: N/A	08/23/23	ADD SCALE	CF
DRAWN BY: CF			
APPROVED BY: EGT			
DRAWING FILE #			
190728 MODIFICATION OF CONSERVATION EASEMENT			
08-23-23.DWG			

ASM

AMERICAN SURVEYING & MAPPING, INC.

NDDS NATIONAL DUE DILIGENCE SERVICES
A DIVISION OF AMERICAN SURVEYING & MAPPING, INC.

221 Circle Drive, Maitland, FL 32751
407-426-7979
americansurveyingandmapping.com

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.



Digitally signed by E Glenn Turner
DN: cn=E Glenn Turner, o=American Surveying & Mapping, ou=Professional Land Surveyor, email=gtturner@asmcorporate.com, c=US
Date: 2023.08.28 14:12:39 -0400
Adobe Acrobat version: 2020.005.30514

E. GLENN TURNER, PSM #5643

DATE:

MAT- 8/29/23

