



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

**DATE:** April 7, 2021

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

**THROUGH:** Mindy T. Cummings, Manager  
Real Estate Management Division *WTC*

**FROM:** Theresa A. Avery, Sr. Acquisition Agent *TA/MCC*  
Real Estate Management Division

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

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

**ACTION REQUESTED:** Approval of Drainage and Access Easement from SouthCenter Owners Association, Inc. to Orange County and authorization to disburse funds to pay recording fees and record the instrument

**PROJECT:** Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)  
  
District 4

**PURPOSE:** To provide Orange County with a drainage and access easement to Tract E, the drainage retention pond as shown on the SOUTHCENTER Plat.

**ITEM:** Drainage and Access Easement (Instrument 885.1)

**BUDGET:** Account No.: 1329-072-3037-6110

**FUNDS:** \$19.20 Payable to Orange County Comptroller  
(all recording fees)

**APPROVALS:** Real Estate Management Division  
Public Works Department

**REMARKS:**

This easement is a requirement of the Southcenter Road Impact Fee Agreement. The Developer S&B Partners, a Florida general partnership, was to convey the drainage easement to Orange County as part of the plat dedication. The Developer failed to convey the drainage easement by plat dedication and instead conveyed the drainage interest to the Southcenter Owners Association, Inc., a Florida non-profit corporation and subsequently it is conveying its interest in the Drainage and Access Easement to Orange County.

County to pay all recording fees.

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

Under Ordinance Approval

Date: March 11, 2021

Total Amount: \$19.20

Project: Taft-Vineland Road  
(Orange Blossom Trail to Orange Avenue)

Parcel: 885.1

*Dammann*  
03/31/2021

Charge to Account # 1329-072-3037-6110 *dep*

Controlling Agency Approval Signature / Date

*Harmoned A.W. Williams* 3/31/21  
Printed Name:

Fiscal Approval Signature / Date

Printed Name

TYPE TRANSACTION (Check appropriate block(s))  
 Pre-Condemnation  Post-Condemnation

N/A District # 4

- Acquisition at Approved Appraisal
- Acquisition at Below Approved Appraisal
- Acquisition at Above Approved Appraisal
- Advance Payment Requested

Orange County Comptroller (Recording Fees)	\$19.20
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DOCUMENTATION ATTACHED (Check appropriate block(s))

- N/A Contract/ Agreement
- Copy of Executed Instrument
- Certificate of Value
- Settlement Analysis

Payable to: Orange County Comptroller \$19.20.

\*\*\*\*\*  
**IMPORTANT: CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)**  
\*\*\*\*\*

Recommended by Theresa A. Avery Digitally signed by Theresa A. Avery  
Theresa A. Avery, Sr. Acquisition Agent, Real Estate Management Division Date: 2021.03.26 13:29:22 -04'00'

Date

Payment Approved Mindy T. Cummings, Manager, Real Estate Management Division

Date

or Payment Approved Alex Feinman Digitally signed by Alex Feinman  
Alex Feinman, Asst. Mgr. Real Estate Management Div. Date: 2021.03.26 14:26:59 -04'00'

Date

Certified Craig Stopyna  
Approved by BCC *for* Deputy Clerk to the Board

APR 27 2021

Date

Examined/Approved Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: As soon as checks are available.

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APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
APR 27 2021

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
APR 27 2021

THIS IS A DONATION

Project: Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)  
Parcel: 885.1

### DRAINAGE AND ACCESS EASEMENT

THIS INDENTURE, made this 5<sup>th</sup> day of March, A.D. 2021, SouthCenter Owners Association, Inc., a Florida non-profit corporation, whose address c/o Prologis, 1800 Wazee Street, Suite 500, Denver, CO 80202, GRANTOR, and Orange County, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, GRANTEE.

WITNESSETH, That the GRANTOR, in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns, an easement for drainage and access purposes, with full authority to enter upon, construct, maintain, and operate a access and drainage facility, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid to-wit:

**Property Appraiser's Parcel Identification Number:**  
**09-24-29-8130-00-005**

**TRACT E (Drainage), SOUTHCENTER, (a replat), according to the plat thereof, as recorded in Plat Book 46, Page 129, public records of Orange County, Florida.**

TO HAVE AND TO HOLD said drainage and access easement unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the access easement, drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GRANTOR, its heirs, successors, and assigns agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the access easement, drainage ditch, pipe, or facility.

GRANTEE may at any time increase its use of the easement, change the location of ditches, pipes, or other facilities within the boundaries of the easement, or modify the size of existing ditches, pipes, or other improvements as it may determine in its sole discretion from time to time without paying any additional compensation to GRANTOR or GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

Project: Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)  
Parcel: 801

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed and delivered

in the presence of:

[Signature]  
Witness

Ashley M. dence  
Printed Name

[Signature]  
Witness

KYLE M. STEINHORST  
Printed Name

SouthCenter Owners Association, Inc.,  
a Florida non-profit corporation

By [Signature]  
Sharad Mehta, President

Date: 03 05 2021

(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, before me this 5<sup>th</sup> of March, 2021, by Sharad Mehta, as President of SouthCenter Owners Association, Inc., a Florida non-profit corporation. He/She  is personally known to me or  has produced DL as identification.

(Notary Seal)

[Signature]  
Notary Signature

Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires:

This instrument prepared by:  
Theresa A. Avery, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida



**THERESA A. AVERY**  
Commission # GG 201177  
Expires March 27, 2022  
Bonded Thru Budget Notary Services

Project: Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)  
Parcel No.: Tract E, PB 46, Page 129  
Name of Owner(s): Southcenter Owners Association, Inc., a Florida non-profit corporation  
Page No.: Page 1 of 2

## SETTLEMENT ANALYSIS

	Pre-Condemnation
X	Not Under Threat

### EXPLANATION OF RECOMMENDED SETTLEMENT

(Memorandum to File pursuant to Section 4 of Ordinance 92-29)

On November 12, 2020, I contacted the Southcenter Owners Association, Inc., A Florida non-profit corporation ("SOA"). I spoke with their Vice President and discussed the Southcenter Road Impact Fee Agreement, recorded in Official Records Book 5995, Page 2648 ("Fee Agreement"). In that Fee Agreement, Section 2(c) *Drainage Overdesign*, the owner/developer was to convey an easement to Orange County ("County") by plat dedication for the drainage system depicted in Exhibit "C," which includes Tract E, of SOUTHCENTER, Plat Book 46, Page 129.

In the Plat, SOUTHCENTER, recorded in Plat Book 46, Page 129, the S&B Partners, a Florida general partnership ("Developer") failed to convey the access and drainage easement to County. The Developer conveyed the Tract E (Drainage), SOUTHCENTER, Plat Book 46, Page 129 to the SOA via a Quit Claim Deed, recorded in Official Records Book 7138, Page 1516.

Prologis LP-Re Tax ("Prologis") is not only the contact and mailing address per the Orange County Property Appraiser, but also SOA's management company. I contacted Prologis and explained the Title Search Report, Plat, and Fee Agreement and advised that the County seeks to acquire the access and drainage easement needed over the site, per the Fee Agreement.

On January 20, 2021, I had a conference call with Prologis and the SOA's board of directors to explain the title and the Fee Agreement for impact fees, which have already been paid. After the conference call, Prologis and the SOA's board of directors reviewed all the provided documentation regarding the conveyance.

On February 4, 2021, I had another conference call with Prologis and the SOA. The SOA agreed that the fees were noted and paid out to the Developer at the time and that the intent of the Fee Agreement was to convey the access and drainage easement for Tract E, Plat Book 46, Page 129 to the County. Therefore, the SOA informed me that they would discuss the matter with the SOA's board of directors regarding the governing documents. SOA then agreed to donate and execute the needed Drainage and Access Easement to County.

On March 5, 2021, I met with the SOA President of who executed the Drainage and Access Easement and provided proof of identity per his Driver's License.

Project: Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)  
Parcel No.: Tract E, PB 46, Page 129  
Name of Owner(s): Southcenter Owners Association, Inc., a Florida non-profit corporation  
Page No.: Page 2 of 2

I recommend and request approval of this settlement, which is a donation, inclusive of all fees and costs, with the exception of recording fees of \$19.20 paid by the Orange County Public Works Department.

Recommended by: **Theresa A. Avery** Digitally signed by Theresa A. Avery  
Date: 2021.03.26 13:25:22 -04'00' Date: \_\_\_\_\_  
Theresa A. Avery, Sr. Acquisition Agent, Real Estate Mgmt. Division

Recommended by: **Robert K. Babcock** Digitally signed by Robert K. Babcock  
Date: 2021.03.26 13:52:15 -04'00' Date: \_\_\_\_\_  
Robert K. Babcock, Acquisition Supervisor, Real Estate Mgmt. Division

Approved by: **Alex Feinman** Digitally signed by Alex Feinman  
Date: 2021.03.26 14:26:10 -04'00' Date: \_\_\_\_\_  
Alex Feinman, Assistant Manager, Real Estate Mgmt. Division

or  
Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Mindy T. Cummings, Manager, Real Estate Mgmt. Division