



**Interoffice Memorandum**

**REAL ESTATE MANAGEMENT ITEM 4**

**DATE:** May 1, 2023

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

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

**FROM:** Elizabeth Price Jackson, Senior Title Examiner *EPS/MTC*  
Real Estate Management Division

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

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

**ACTION REQUESTED:** Approval of Drainage and Maintenance Easement between DRP FL 5, LLC and Orange County and authorization for the Real Estate Management Division to record instrument and perform all actions necessary and incidental to closing.

**PROJECT:** Hartzog Road Realignment (RAC)  
  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of road improvements, as a requirement of a road agreement.

**Interoffice Memorandum**  
**Real Estate Management Division**  
**Agenda Item 4**  
**May 1, 2023**  
**Page 2 of 2**

**ITEMS:** Drainage and Maintenance Easement  
Cost: Donation  
Size: 18,077.40 square feet

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Public Works Department  
Risk Management Division

**REMARKS:** This conveyance is a requirement of the Hartzog Road Right-of-Way Agreement approved by the Board on June 3, 2008, as amended, and supplemented.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
MAY 23 2023

**Prepared by and return to:**

Shutts & Bowen LLP  
Attn: Daniel T. O'Keefe, Esq.  
300 S. Orange Ave.  
Suite 1600  
Orlando, FL 32801

THIS IS A DONATION

Project: Hartzog Road Realignment (RAC)

**DRAINAGE AND MAINTENANCE EASEMENT**

THIS INDENTURE, made as of the date signed below, between DRP FL 5, LLC, a Delaware limited liability company, whose address is 590 Madison Avenue, 13th Floor, New York, New York 10022-2524, 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 GRANTOR, in consideration of the sum of \$10.00 and other valuable considerations, paid by GRANTEE, the receipt and sufficiency of which are hereby acknowledged, does hereby give and grant to GRANTEE and its assigns, over, under, on, upon, through, and across the following described lands situate in Orange County aforesaid to-wit:

**SEE ATTACHED EXHIBIT "A" (the "Easement Area")**

**Property Appraiser's Parcel Identification Numbers:**

**a portion of 29-24-27-0000-00-021**

**a portion of 29-24-27-0000-00-022**

a permanent non-exclusive easement for drainage purposes (the "**Drainage Easement**"), with full authority to enter upon, inspect, construct, install, repair, replace, operate, use, maintain, and service, as GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility, and appurtenant facilities (collectively, the "**Drainage Facilities**").

TO HAVE AND TO HOLD said Drainage Easement unto said GRANTEE and its successors and assigns forever; provided, however, that said Drainage Easement shall terminate, in whole or in part, without the necessity of GRANTOR undertaking vacation proceedings or obtaining any release from GRANTEE, as to all or any portion of the Easement Area that is hereafter conveyed to GRANTEE in fee simple or that is hereafter dedicated as right-of-way to the perpetual use of the public.

GRANTOR covenants with GRANTEE that GRANTOR is lawfully seized of the Easement Area in fee simple; that GRANTOR has good right and lawful authority to grant the

Drainage Easement and shall take no action to interfere with GRANTEE's lawful use of said Drainage Easement; and that GRANTOR hereby fully warrants the Drainage Easement being granted and will defend the same against the lawful claims of all persons whomsoever.

GRANTEE, its successors, and its assigns shall have the right to clear and keep clear, out of and away from the herein granted Easement Area, all trees, undergrowth, buildings, utilities, structures, obstructions, obstacles, driveways, crops, landscaping other than sod or similar type of ground cover, and other impediments, which, in the opinion of GRANTEE, may endanger or interfere with the safe and efficient inspection, construction, repair, replacement, operation, maintenance, or service of the Easement Area (and/or any Drainage Facilities therein), and/or GRANTEE's use of the herein granted Drainage Easement. No buildings, utilities, structures, obstructions, obstacles, driveways, crops, landscaping other than sod or similar type of ground cover, or impediments shall be located, constructed, excavated, or created within the Easement Area by GRANTOR, its heirs, successors, and assigns, which, in the opinion of GRANTEE, may endanger or interfere with the safe and efficient inspection, construction, repair, replacement, operation, maintenance, or service of the Easement Area (and/or any Drainage Facilities therein), and/or GRANTEE's use of the herein granted Drainage Easement.

GRANTEE may at any time increase its use of the Drainage Easement, change the location of all or any part of the Drainage Facilities within the Easement Area, and/or modify the size of existing Drainage Facilities 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 Drainage Easement beyond the Easement Area.

*[signature page and exhibit follow]*

Project: Hartzog Road Realignment (RAC)

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

“GRANTOR”

DRP FL 5, LLC,  
a Delaware limited liability company

By: *Houdin Honarvar*

Houdin Honarvar,  
Authorized Signatory

Date: APRIL 13, 2023

WITNESSES:

*Mila Janette Sunio*

Print Name: Mila Janette Sunio

*Joey D. Mackin*

Print Name: Joey D. Mackin

STATE OF ~~FLORIDA~~ NEW YORK  
COUNTY OF NEW YORK

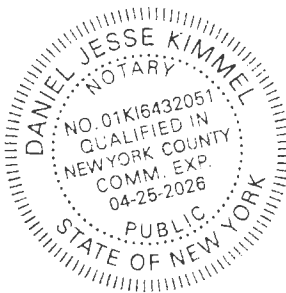
SWORN to and subscribed freely and voluntarily for the purposes therein expressed before me by physical presence () or online notarization () by Houdin Honarvar as Authorized Signatory of DRP FL 5, LLC, a Delaware limited liability company, who executed the foregoing, this 13 day of APRIL, 20 23. The individual () is personally known to me or () has produced \_\_\_\_\_ as identification and did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 13 day of APRIL, 20 23.

*[Signature]*  
NOTARY PUBLIC

Print Name: DANIEL JESSE KIMMEL

My Commission Expires: 09-25-2026



**EXHIBIT "A"**

*[see attached two (2) legals and sketches of description totaling four (4) pages]*

# SKETCH OF DESCRIPTION

DRP FL 5, LLC

## DESCRIPTION:

THAT PORTION OF SECTION 29, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE RUN S00°18'04"W ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 78.25 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HARTZOG ROAD (REALIGNMENT) BEING A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST FOR THE POINT OF BEGINNING; THENCE RUN NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 04°21'10", A RADIUS OF 2023.00 FEET, AN ARC LENGTH OF 153.68 FEET, A CHORD BEARING OF N84°46'15"W AND A CHORD DISTANCE OF 153.65 FEET; THENCE RUN S00°18'04"W NON-TANGENT TO LAST CURVE, 7.62 FEET; THENCE RUN S41°43'50"E, 10.42 FEET TO A LINE 15.00 FEET SOUTHERLY OF, WHEN MEASURED PERPENDICULAR TO AND PARALLEL WITH SAID SOUTHERLY RIGHT OF WAY LINE BEING A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 04°11'10", A RADIUS OF 2008.00 FEET, AN ARC LENGTH OF 146.71 FEET, A CHORD BEARING OF S84°38'03"E AND A CHORD DISTANCE OF 146.67 FEET TO THE AFORESAID EAST LINE OF THE SOUTHWEST 1/4; THENCE RUN N00°18'04"E ALONG SAID EAST LINE, 15.12 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.052 ACRES MORE OR LESS.

## SURVEYORS NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 24 SOUTH, RANGE 27 EAST, AS BEING S00°18'04"W (ASSUMED).
4. THE DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. THIS IS NOT A BOUNDARY SURVEY.

## LEGEND:

R	RADIUS
△	CENTRAL ANGLE
L	LENGTH
CH	CHORD
CB	CHORD BEARING
NT	NON-TANGENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
TYP.	TYPICAL
N.T.	NOT TANGENT
P.T.	POINT OF TANGENCY
P.C.	POINT OF CURVATURE
⊕	CENTERLINE

SHEET 1 OF 2

JOB NUMBER: 04041.104

SURVEY DATE:	11/10/2021
FIELD BY:	N/A
FIELD BOOK:	N/A
PAGES:	N/A
FIELD FILE:	N/A

DRAWING FILE: 04041-HICV.DWG



ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5668

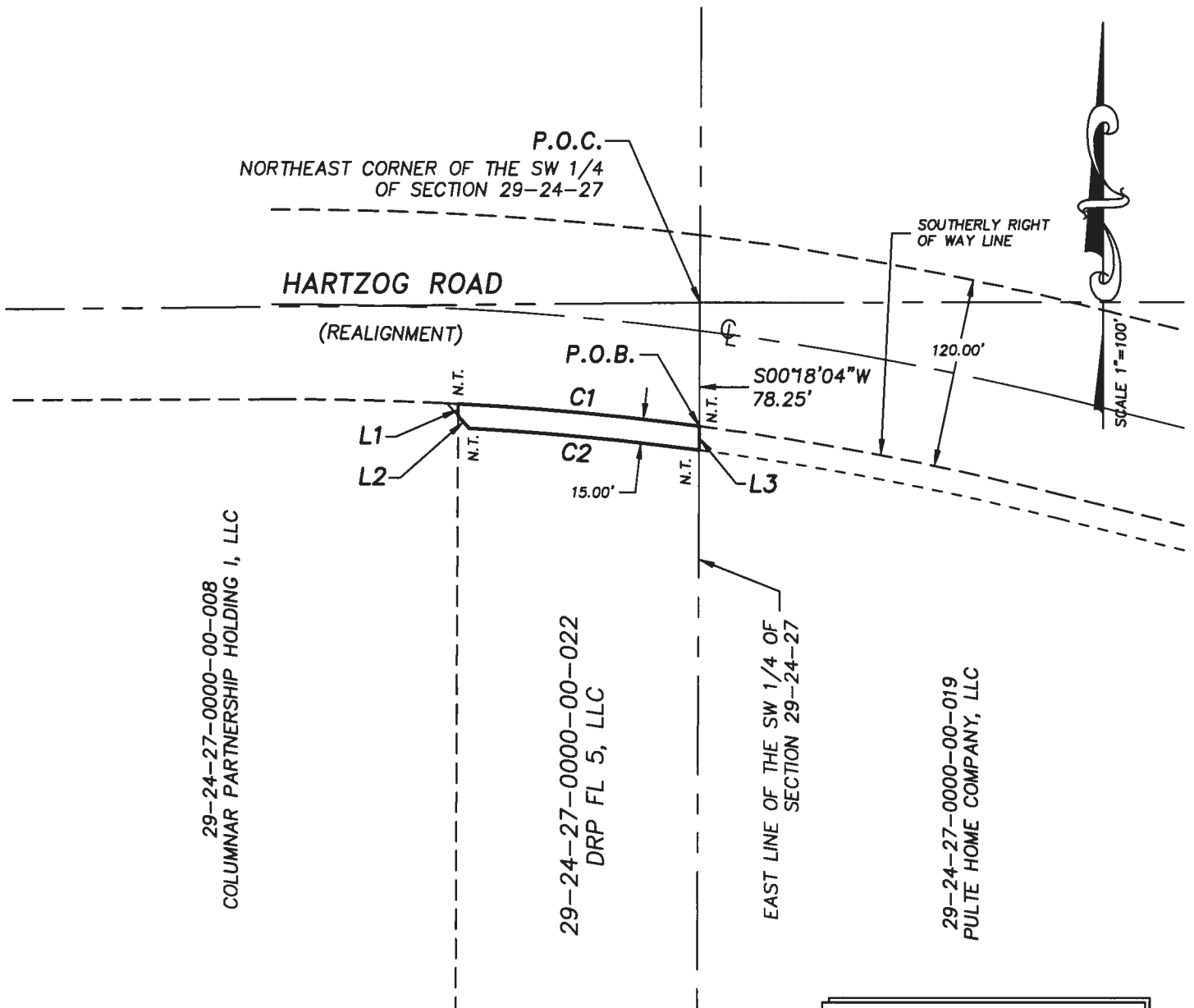


CERTIFICATE OF AUTHORIZATION LB 7274  
301 N. TUBB STREET, SUITE 106  
OAKLAND, FL 34760  
Phone No. 407.905.8877

# SKETCH OF DESCRIPTION

Line Table		
LINE #	DIRECTION	LENGTH
L1	S00°18'04"W	7.62'
L2	S41°43'50"E	10.42'
L3	N00°18'04"E	15.12'

Curve Table					
CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	04°21'10"	2023.00'	153.68'	N84°46'15"W	153.65'
C2	04°11'10"	2008.00'	146.71'	S84°38'03"E	146.67'



JOB NUMBER: 04041.104

SURVEY DATE: 11/10/2021  
DRAWING FILE: 04041-HICV.DWG

SHEET 2 OF 2



CERTIFICATE OF AUTHORIZATION LB 7274  
301 N. TUBB STREET, SUITE 106  
OAKLAND, FL 34760  
Phone No. 407.905.8877



# SKETCH OF DESCRIPTION

DRP FL 5, LLC

**DESCRIPTION:**

THAT PORTION OF SECTION 29, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE RUN S00°19'45"W ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 69.74 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HARTZOG ROAD (REALIGNMENT) FOR THE POINT OF BEGINNING; THENCE RUN N89°42'17"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 1062.25 FEET; THENCE RUN S44°42'17"W, 21.21 FEET TO A LINE 15.00 FEET SOUTHERLY OF, WHEN MEASURED PERPENDICULAR TO AND PARALLEL WITH SAID SOUTHERLY RIGHT OF WAY LINE; THENCE RUN S89°42'17"W PARALLEL WITH SAID SOUTHERLY RIGHT OF WAY LINE, 1047.41 FEET TO THE AFORESAID WEST LINE OF THE SOUTHWEST 1/4; THENCE RUN N00°19'45"E ALONG SAID WEST LINE, 15.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.363 ACRES MORE OR LESS.

**SURVEYORS NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 28, TOWNSHIP 24 SOUTH, RANGE 27 EAST, AS BEING N00°17'52"E (ASSUMED).
4. THE DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. THIS IS NOT A BOUNDARY SURVEY.

**LEGEND:**

- R RADIUS
- △ CENTRAL ANGLE
- L LENGTH
- CH CHORD
- CB CHORD BEARING
- NT NON-TANGENT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- O.R. OFFICIAL RECORDS BOOK
- PG. PAGE
- TYP. TYPICAL
- N.T. NOT TANGENT
- P.T. POINT OF TANGENCY
- P.C. POINT OF CURVATURE
- ℄ CENTERLINE

SHEET 1 OF 2

JOB NUMBER: 04041.104

SURVEY DATE:	03/17/2023
FIELD BY:	N/A
FIELD BOOK:	N/A
PAGES:	N/A
FIELD FILE:	N/A



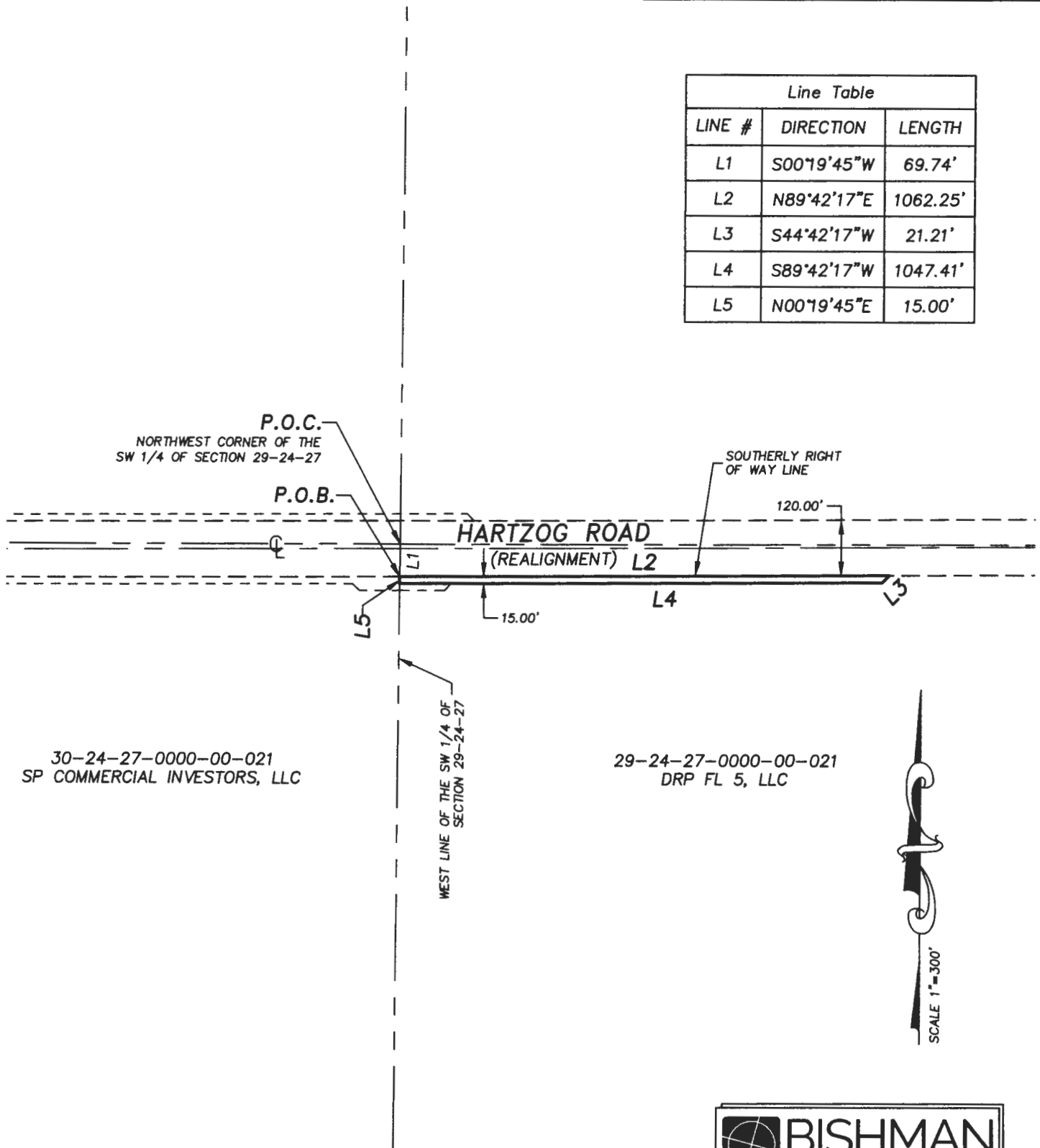
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Line Table		
LINE #	DIRECTION	LENGTH
L1	S00°19'45"W	69.74'
L2	N89°42'17"E	1062.25'
L3	S44°42'17"W	21.21'
L4	S89°42'17"W	1047.41'
L5	N00°19'45"E	15.00'



30-24-27-0000-00-021  
SP COMMERCIAL INVESTORS, LLC

29-24-27-0000-00-021  
DRP FL 5, LLC

WEST LINE OF THE SW 1/4 OF SECTION 29-24-27



JOB NUMBER: 04041.104

SURVEY DATE: 03/17/2023  
DRAWING FILE: 04041-HICV.DWG

## SHEET 2 OF 2



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