



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 9

**DATE:** August 6, 2019

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

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

**FROM:** Elena Hutchinson, Senior Title Examiner *EH*  
Real Estate Management Division

**CONTACT PERSON:** **Paul Sladek, Manager**

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

**ACTION REQUESTED:** Approval of Temporary Utility Easements (2) from KHOV Winding Bay II, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Valley National Bank and authorization to record instruments

**PROJECT:** Horizon West Village I Spring Grove NE PD Pcl 27 Ph 1A Permit 17-S-001 File #90026  
  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of utility facilities as a requirement of development.

**ITEMS:** Temporary Utility Easement  
Cost: Donation  
Size: 4,960 square feet  
  
Temporary Utility Easement  
Cost: Donation  
Size: 3,109 square feet  
  
Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division  
Agenda Item 9  
August 6, 2019  
Page 2

**APPROVALS:** Real Estate Management Division  
Utilities Department

**REMARKS:** Grantor to pay all recording fees.

THIS IS A DONATION

Project: Horizon West Village I Spring Grove NE PD Pel 27 Ph 1A Permit 17-S-001 File #90026

**TEMPORARY UTILITY EASEMENT**

THIS INDENTURE, Made this 16<sup>th</sup> day of July, A.D. 2019, between KHOV Winding Bay II, LLC, a Florida limited liability company, whose address is 90 Matawan Road, 5<sup>th</sup> Floor, Matawan, NJ, 07747, 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 utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, water lines, wastewater lines, reclaimed water lines, and any other utility facilities over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

**SEE ATTACHED EXHIBIT "A"**

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

**a portion of**

**17-24-27-0000-00-003**

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever; provided, however, the easement hereby granted shall automatically terminate, without the necessity of the GRANTOR undertaking vacation proceedings or obtaining any release from the GRANTEE, as to (but only as to) any portion of the easement area that is hereafter either: (i) conveyed to GRANTEE in fee simple; or (ii) included in a subdivision plat recorded among the public records of Orange County, Florida.

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 utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted easement, and the GRANTOR, its successors and assigns, agrees 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 utility facilities installed thereon.

GRANTEE may at any time increase its use of the easement, change the location of pipelines or other facilities within the boundaries of the easement, or modify the size of existing pipelines 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.

GRANTEE'S obligation to restore landscaping shall be limited to an obligation to restore to Orange County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

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

Signed, sealed and delivered  
in the presence of:

KHOV Winding Bay II, LLC,  
a Florida limited liability company

Cay Trussell  
Witness

BY: JAA

Guy Trussell  
Printed Name

Justin Allen  
Printed Name

Serenata Burke  
Witness

Vice president  
Title

Serenata Burke  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 16<sup>th</sup> of July,  
20 19, by Justin Allen, as Vice President  
of KHOV Winding Bay II, LLC, a Florida limited liability company, on behalf of the company.  She   
is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)



Cynthia Leigh Linden  
Notary Signature

Cynthia Leigh Linden  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: April 26, 2023

**This instrument prepared by:**  
Elena Hutchinson, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

OC PROJECT NUMBER: 17-S-001  
 PROJECT NAME: HORIZON WEST VILLAGE I  
 SPRING GROVE NORTHEAST PD PARCEL 27  
 PHASE 1A

OFF-SITE UTILITIES  
 PURPOSE: UTILITY EASEMENT  
 ESTATE: TEMPORARY

## EXHIBIT A

### Legal Description

A portion of Section 17, Township 24 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the northeast corner of the Southeast 1/4 of the Southwest 1/4 of said Section 17; thence run S 00°15'05" W, along the east line the Southwest 1/4 of said Section 17, a distance of 259.67 feet; thence, departing said east line, run N 89°44'55" W, a distance of 710.95 feet; thence run S 27°03'05" W, a distance of 22.75 feet; thence run S 62°00'28" W, a distance of 102.20 feet for the POINT OF BEGINNING; said point being a point of curvature of a non-tangent curve, concave westerly, having a radius of 215.00 feet; thence, on a chord bearing of S 12°13'29" E and a chord distance of 116.85 feet, run southerly along the arc of said curve, a distance of 118.33 feet, through a central angle of 31°32'07" to a point of compound curvature of a curve, having a radius of 11.00 feet and a central angle of 75°04'10"; thence run southwesterly along the arc of said curve, a distance of 14.41 feet to the point of tangency thereof; thence run S 78°36'45" W, a distance of 532.39 feet to a point on the easterly right-of-way line of Avalon Road (County Road 545), a 66.00 foot wide right-of-way as now laid out and used; thence run N 11°23'15" W, along said easterly right-of-way line, a distance of 7.00 feet; thence, departing said easterly right-of-way line, run N 78°36'45" E, a distance of 532.32 feet to a point of curvature of a non-tangent curve, concave westerly, having a radius of 205.00 feet; thence, on a chord bearing of N 11°40'55" W and a chord distance of 115.14 feet, run northerly along the arc of said curve, a distance of 116.71 feet, through a central angle of 32°37'14" to the end of said curve; thence run N 62°00'28" E, a distance of 10.00 feet to the POINT OF BEGINNING.

Containing 4,960 square feet, more or less.

Not a Boundary Survey.

The legal description was prepared by the Surveyor.

See Sheet 2 for sketch.

Lines are radial unless noted otherwise (NR).

#### SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

### Sketch of Description of a Utility Easement

situated in

Section 17, Township 24 South, Range 27 East  
 Orange County, Florida

PREPARED FOR:

Spring Grove, LLC

JOB NO.

1703.20K

SHEET

1 of 2

DATE

10/01/18

REV.

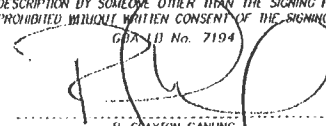
4/29/19

SCALE

As Noted

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

GDALD No. 7194



R. CLAYTON GANUNG

REG. P.E.'S. NO. 4236



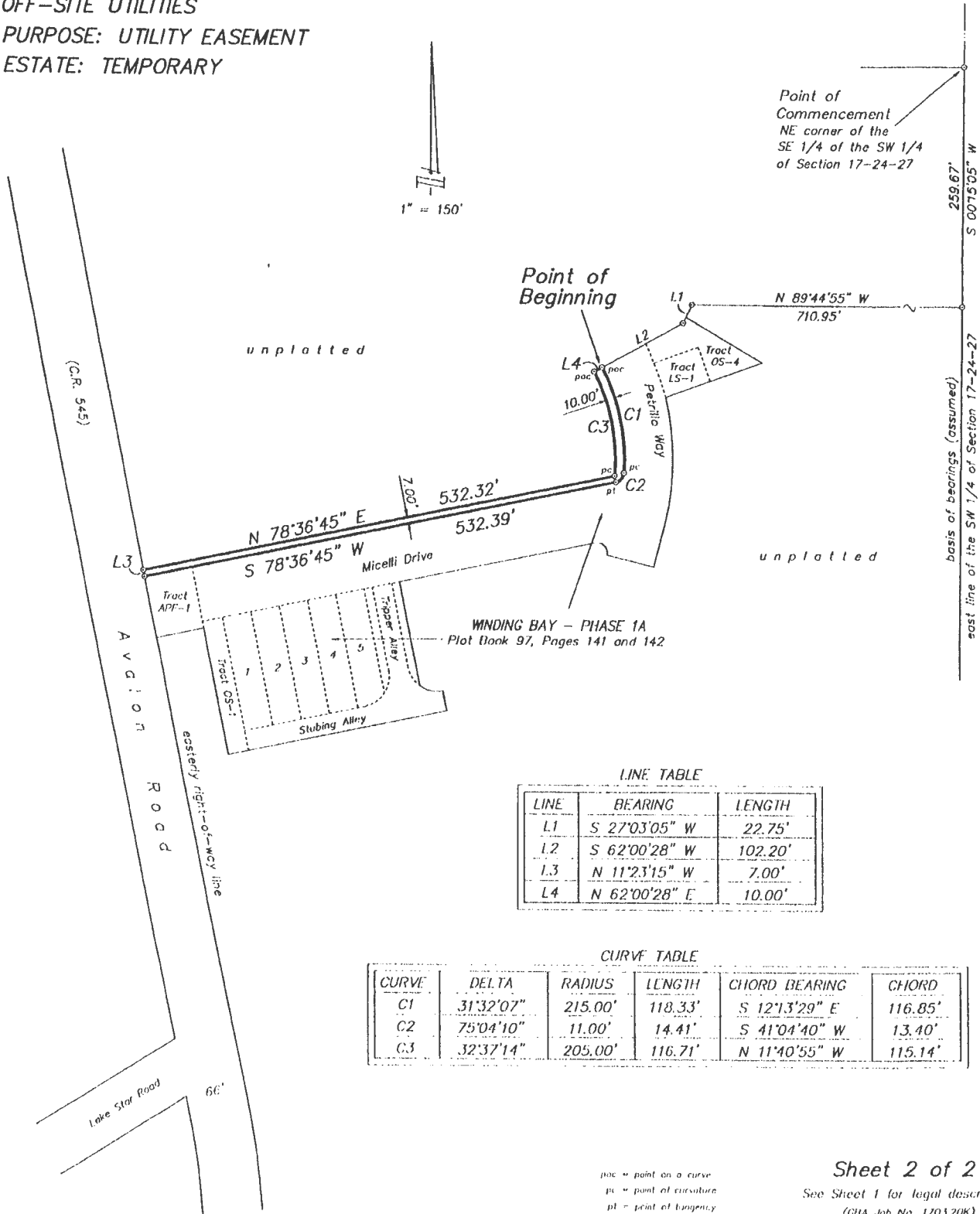
**GANUNG - BELTON ASSOCIATES, INC.**

professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

OC PROJECT NUMBER: 17-S-001  
 PROJECT NAME: HORIZON WEST VILLAGE I  
 SPRING GROVE NORTHEAST PD PARCEL 27  
 PHASE 1A

OFF-SITE UTILITIES  
 PURPOSE: UTILITY EASEMENT  
 ESTATE: TEMPORARY



LINE TABLE

LINE	BEARING	LENGTH
L1	S 27°03'05" W	22.75'
L2	S 62°00'28" W	102.20'
L3	N 11°23'15" W	7.00'
L4	N 62°00'28" E	10.00'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	31°32'07"	215.00'	118.33'	S 12°13'29" E	116.85'
C2	75°04'10"	11.00'	14.41'	S 41°04'40" W	13.40'
C3	32°37'14"	205.00'	116.71'	N 11°40'55" W	115.14'

pac = point on a curve  
 pc = point of curvature  
 pl = point of tangency

Sheet 2 of 2  
 See Sheet 1 for legal description.  
 (CHA Job No. 1703.20K)

THIS IS A DONATION

Project: Horizon West Village I Spring Grove NE PD Pcl 27 Ph 1A Permit 17-S-001 File #90026

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**a portion of**

**17-24-27-0000-00-003**

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

Signed, sealed and delivered  
in the presence of:

KHOV Winding Bay II, LLC,  
a Florida limited liability company

Guy Trussell  
Witness

BY: JAPA

Guy Trussell  
Printed Name

Justin Allen  
Printed Name

Seren Talle  
Witness

Vice president  
Title

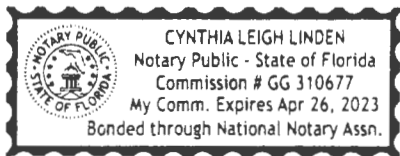
[Signature]  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 16<sup>th</sup> of July,  
20 19, by Justin Allen, as Vice President  
of KHOV Winding Bay II, LLC, a Florida limited liability company, on behalf of the company. (H)e/She  
 is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)



[Signature]  
Notary Signature

Cynthia Leigh Linden  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

**This instrument prepared by:**  
Elena Hutchinson, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

My commission expires: April 24 2023



OC PROJECT NUMBER: 17--S--001  
 PROJECT NAME: HORIZON WEST VILLAGE I  
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Containing 3,109 square feet, more or less.

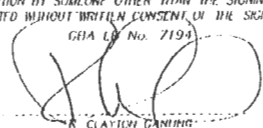

Not a Boundary Survey.  
 The legal description was prepared by the Surveyor.  
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Sketch of Description  
 of a  
**Utility Easement**  
 situated in

Section 17, Township 24 South, Range 27 East  
 Orange County, Florida

**SKETCH OF DESCRIPTION ONLY - NOT A SURVEY**

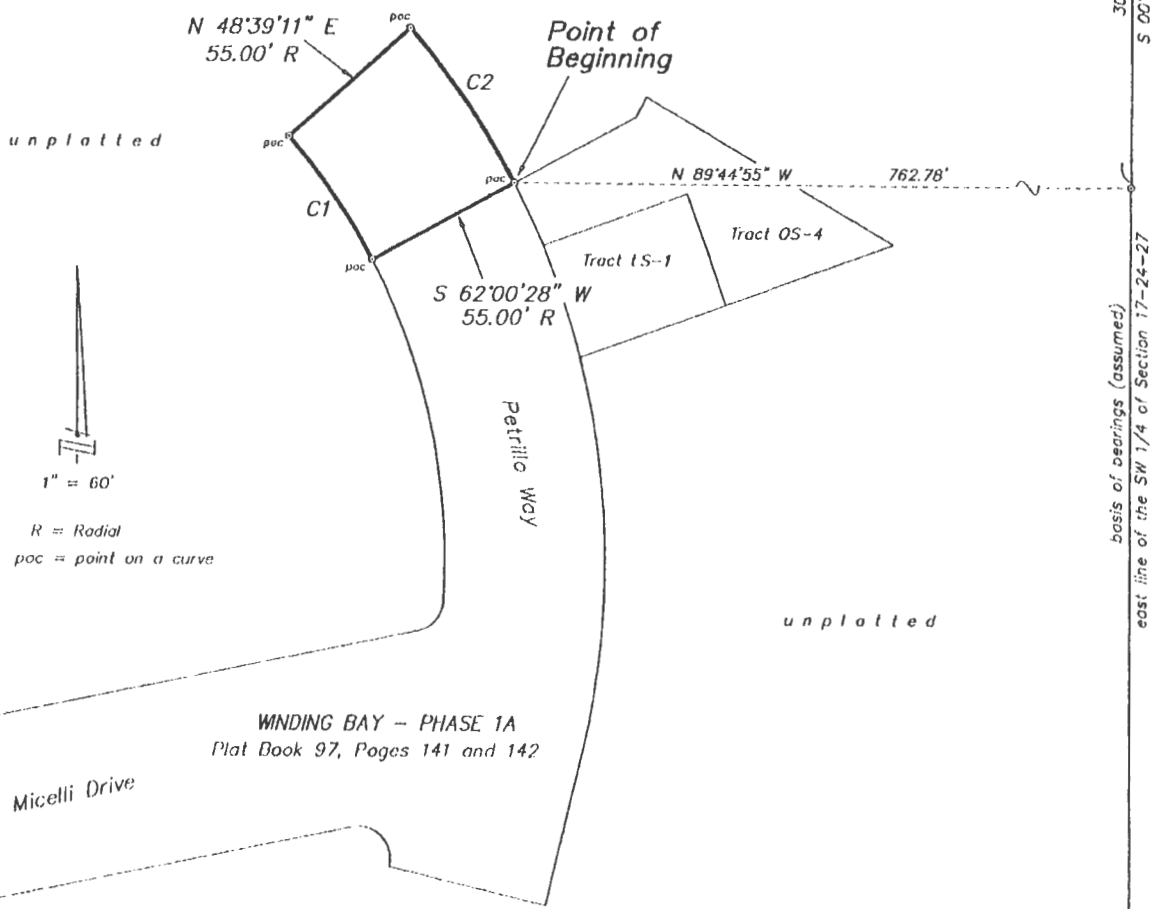
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PREPARED FOR: <span style="font-size: 1.2em; font-weight: bold;">Spring Grove, LLC</span>	JOB NO. 1703.201	<small>SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.</small> GIA Lic. No. 7193  <small>CLAYTON DANVERS</small> <small>REV. PLS. SEE 4216</small>
 <b>GANUNG-BELTON ASSOCIATES, INC.</b> <small>professional surveyors and mappers</small>	SHEET 1 of 2	
<small>1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656</small>	DATE 10/01/18 REV. 4/29/19 SCALE As Noted	

OC PROJECT NUMBER: 17-S-001  
 PROJECT NAME: HORIZON WEST VILLAGE I  
 SPRING GROVE NORTHEAST PD PARCEL 27  
 PHASE 1A

OFF-SITE UTILITIES  
 PURPOSE: UTILITY EASEMENT  
 ESTATE: TEMPORARY

Point of  
 Commencement  
 NE corner of the  
 SE 1/4 of the SW 1/4  
 of Section 17-24-27



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	13°21'17"	215.00'	50.11'	N 34°40'11" W	50.00'
C2	13°21'17"	270.00'	62.93'	S 34°40'11" E	62.79'