



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

**DATE:** March 5, 2020

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

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

**FROM:** Mary Tiffault, Senior Title Examiner *MT*  
Real Estate Management Division

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

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

**ACTION REQUESTED:** Approval and execution of First Amendment to Temporary Drainage and Slope and Fill Easement between Hanover Hickory Nut, LLC and Orange County and authorization to record the instrument

**PROJECT:** Village H (Avalon Road – CR 545) RAC  
District 1

**PURPOSE:** To reconfigure, modify, and replace the easement area of an existing temporary drainage and slope and fill easement as a requirement of development.

**ITEM:** First Amendment to Temporary Drainage and Slope and Fill Easement  
Cost: None  
Amended size: 15,373 square feet

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

**REMARKS:**

On December 18, 2018, the Board approved a Temporary Drainage and Slope and Fill Easement (Easement) from Hanover Hickory Nut, LLC (Hanover) which was filed as Official Records Document Number 20180740382. Hanover remains the current fee simple owner of the underlying lands.

Hanover has requested to reconfigure the Easement in connection with its development. The First Amendment to Temporary Drainage and Slope and Fill Easement relocates the easement area of the Easement. The Public Works Department has reviewed and approved Hanover's request.

Hanover to pay all recording fees.

6.9.20

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
MAR 24 2020

THIS INSTRUMENT PREPARED BY  
AND AFTER RECORDING RETURN TO:

ORANGE COUNTY REAL ESTATE MGMT. DIV.  
ATTN: PAUL BRYAN SLADEK, ESQ.  
400 E. SOUTH ST.  
5TH FLOOR  
ORLANDO, FL 32801

Property Appraisers Parcel Identification Number(s):

08-24-27-0000-00-002 (partial)

Project: Village H (Avalon Road – CR 545) RAC  
Parcel: 7015

SPACE ABOVE THIS LINE FOR RECORDING DATA

**FIRST AMENDMENT TO  
TEMPORARY DRAINAGE AND SLOPE AND FILL EASEMENT**

THIS FIRST AMENDMENT TO TEMPORARY DRAINAGE AND SLOPE AND FILL EASEMENT (this “**First Amendment**”) is made effective as of the date last executed below (the “**First Amendment Effective Date**”) by and between HANOVER HICKORY NUT, LLC, a Florida limited liability company, (“**Hanover**”) whose address is 370 CenterPointe Circle, Suite 1136, Altamonte Springs, Florida, 32701, and ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida, (“**County**”) whose address is c/o Real Estate Management Division, 400 East South Street, Fifth Floor, Orlando, Florida, 32801.

RECITALS

- A. Hanover granted County that certain “Temporary Drainage and Slope and Fill Easement” approved by the Orange County Board of County Commissioners on December 18, 2018; and recorded on December 21, 2018, as Document No. 20180740382 of the Public Records of Orange County, Florida (the “**Original Easement**”).
- B. As of the First Amendment Effective Date, Hanover remains the sole owner in fee simple of the lands encumbered by the Original Easement (the “**Easement Area**”).
- C. As of the First Amendment Effective Date, County remains the sole owner and holder of the rights, privileges, easements, and interests granted to County by the Original Easement.
- D. Hanover has requested, and County has agreed, to modify and reconfigure the Easement Area.
- E. Hanover and County (collectively, the “**Parties**”) desire to enter into this First Amendment for the purpose of setting forth the terms and conditions of such modification of the

Easement Area and such other amendments to the Original Easement as set forth herein.

NOW, THEREFORE, for and in consideration of the mutual premises and covenants contained herein, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Recitals; Definitions. The recitals set forth above are true and correct and are incorporated herein by this reference. Defined (capitalized) terms used herein, but not defined herein, shall have the meanings given to such terms by the Original Easement.

2. Easement Area. Exhibit "A" to the Original Easement is hereby stricken in its entirety and replaced with Exhibit "A" to this First Amendment.

3. Effect; Conflicts. Except as modified herein, all other terms and provisions of the Original Easement are hereby ratified and confirmed and shall remain in full force and effect. In the event of any conflict between the provisions of this First Amendment and the provisions of the Original Easement, the provisions of this First Amendment shall control.

*[signature pages and exhibit follow]*

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed effective as of the First Amendment Effective Date.

“HANOVER”

Signed, sealed, and delivered  
in the presence of:

**HANOVER HICKORY NUT, LLC,**  
**a Florida limited liability company**

Theresa Wulff

Print Name: Theresa Wulff

Meredith Gibson Zornek

Print Name: Meredith Gibson Zornek

By: L. B. Pitt

Print Name: **Lawrence B. Pitt**

Title: **Vice President and General Counsel**

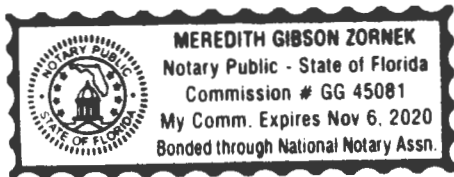
Date: December 4, 2019

STATE OF FLORIDA

COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of December, 2019, by Lawrence B. Pitt, as Vice President and General Counsel of HANOVER HICKORY NUT, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me OR        has produced        as identification and did not take an oath.

[AFFIX NOTARY SEAL]



Meredith Gibson Zornek

Notary Public

Meredith Gibson Zornek

Print Name

My Commission Expires: 11-6-2020

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed effective as of the First Amendment Effective Date.

“COUNTY”

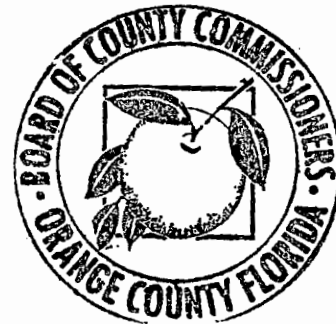
ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

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

DATE: MAR 24 2020

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

BY: *Katie Smith*  
Deputy Clerk  
**Katie Smith**  
Printed Name



Project: Village H (Avalon Road – CR 545) RAC

**JOINDER AND CONSENT TO FIRST AMENDMENT TO TEMPORARY DRAINAGE AND SLOPE AND  
FILL EASEMENT**

The undersigned hereby certifies that it is the holder of the following instruments (the “**Instruments**”): Mortgage of Real Estate and Security Agreement, filed November 26, 2019, recorded as Document No. 20190744803, Assignment of Leases, Rents and Profits, filed November 26, 2019, recorded as Document No. 20190744804, and Financing Statement, filed on November 26, 2019, recorded as Document No. 20190745196, all in the Public Records of Orange County, Florida:

Upon certain lands presently owned by Hanover, a portion of which are included in the description of the modified easement area that is attached as Exhibit “A” to the First Amendment.

The undersigned hereby joins in, and consents to, the recording of the “First Amendment to Temporary Drainage and Slope and Fill Easement” (the **First Amendment**) to which this “Joinder and Consent to First Amendment to Temporary Drainage and Slope and Fill Easement” ( this “**Joinder**”) is attached, and agrees that its above-referenced Instruments, as they may be modified, amended, and assigned from time to time, shall be subordinated to the Original Easement, as amended by the First Amendment, as said Original Easement, as amended by the First Amendment, may be modified, amended, and assigned from time to time.

Defined (Capitalized) terms used in this Joinder, but not defined herein, shall have the meanings given to such terms by the First Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Joinder in manner and form sufficient to bind it.

Witnesses:

Penelope Garlington  
Print Name: Penelope Garlington  
Yolanda Wilson  
Print Name: Yolanda Wilson

TRUIST BANK, a North Carolina banking corporation,  
formerly known as Branch Banking and Trust Company

By: Jennifer Preston  
Jennifer Preston  
Vice President

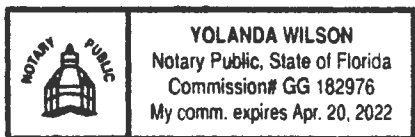
STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 13<sup>th</sup> day of February, 2020 by Jennifer Preston as Vice President of Branch Banking and Trust Company, on behalf of the bank. He/she  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)

Yolanda Wilson  
Notary Signature

Printed Notary Name  
Notary Public in and for  
the County and State aforesaid.  
My commission expires:



Project: Village H (Avalon Road – CR 545) RAC  
Parcel: 7015

EXHIBIT “A”

Easement Area (as modified)

*(see attached one (1) legal and sketch of description totaling two (2) pages)*



SCHEDULE "A"  
 VILLAGE H (AVALON ROAD - C.R. 545) RAC  
 TEMPORARY SLOPE, FILL & DRAINAGE EASEMENT NUMBER: 7015  
 LEGAL DESCRIPTION

PARCEL "A"

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:

Commence at the South quarter corner of said Section 5; thence run, South 88° 57' 35" West along the South line of the southwest quarter of said Section 5 a distance of 1314.30 feet; thence leaving said South line run, North 05° 08' 43" East, 26.43 feet to the POINT OF BEGINNING; thence continue North 05° 08' 43" East, 257.36 feet to the southerly line of the lands described within document number 20180026396, Public Records Orange County, Florida; thence along said southerly line, South 84° 51' 17" East, 25.00 feet to the existing westerly right of way line of County Road 545 (Avalon Road), as shown on the Right of Way Identification Map produced by Donald W. McIntosh, Associates, Inc., Project Number 12167.001, dated 12/22/2014; thence leaving said southerly line, run along said westerly right of way line, South 05° 08' 43" West, 257.36 feet; thence leaving said existing westerly right of way line, run North 84° 51' 17" West, 25.00 feet to the POINT OF BEGINNING.

Said parcel "A" contains 6,434 square feet, more or less.

TOGETHER WITH:

PARCEL "B"

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:

Commence at the South quarter corner of said Section 5; thence run, South 88° 57' 35" West along the South line of the southwest quarter of said Section 5 a distance of 1289.15 feet to the existing westerly right of way line of County Road 545 (Avalon Road), as shown on the Right of Way Identification Map produced by Donald W. McIntosh, Associates, Inc., Project Number 12167.001, dated 12/22/2014; thence leaving said South line, run northerly along said right of way, North 05° 08' 43" East, 319.08 feet to the POINT OF BEGINNING, also being a point on the northerly line of the lands described within document number 20180026396, Public Records Orange County, Florida; thence leaving said westerly right of way line, run along said northerly line, North 84° 51' 17" West, 25.00 feet; thence leaving said northerly line, run North 05° 08' 43" East, 282.02 feet to the point of curvature of a curve to the left, having a radius of 2905.66 feet, a delta angle of 001° 27' 56", a chord bearing of North 04° 24' 45" East and a chord distance of 74.32 feet; thence along the arc of said curve a distance of 74.33 feet to a point on the southerly line of WATERLEIGH PHASE 1A, Plat Book 83, Page 51, Public Records of Orange County, Florida; thence along said southerly line, North 89° 38' 38" East, 25.06 feet to a point on the aforementioned westerly right of way line, said point being a point on a non-tangent curve concave westerly, having a radius of 2930.66 feet, a delta angle of 001° 30' 00", a chord bearing of South 04° 23' 43" West and a chord distance of 76.73 feet; thence southerly along the arc of said curve 76.73 feet to the point of tangency; thence run, South 05° 08' 43" West, 282.02 feet to the POINT OF BEGINNING.

Said parcel "B" contains 8,939 square feet, more or less.

NOTES

1. THIS SKETCH OF DESCRIPTION IS NOT A SURVEY.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER LISTED BELOW.
3. THE LAND DESCRIPTION HEREON WAS WRITTEN BY THIS SURVEYOR AT THE DIRECTION OF THE CLIENT.
4. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA, BEING SOUTH 88°57'35" WEST.
5. THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED FROM INFORMATION CONTAINED WITHIN THE RIGHT OF WAY IDENTIFICATION MAP FOR COUNTY ROAD 545 (AVALON ROAD), AS PRODUCED BY DONALD W. MCINTOSH ASSOCIATES, INC., PROJECT No. 12167.001, DATED 12/22/2014.

CERTIFICATION

I HEREBY STATE THAT THIS SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR FLORIDA SURVEYORS AND MAPPERS, AS SET FORTH IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

**Eli Donaldson**

Digitally signed by Eli Donaldson  
 Date: 2019.10.14 15:25:20 -04'00'

ELI DONALDSON  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA LICENSE NO. 6984

DATE

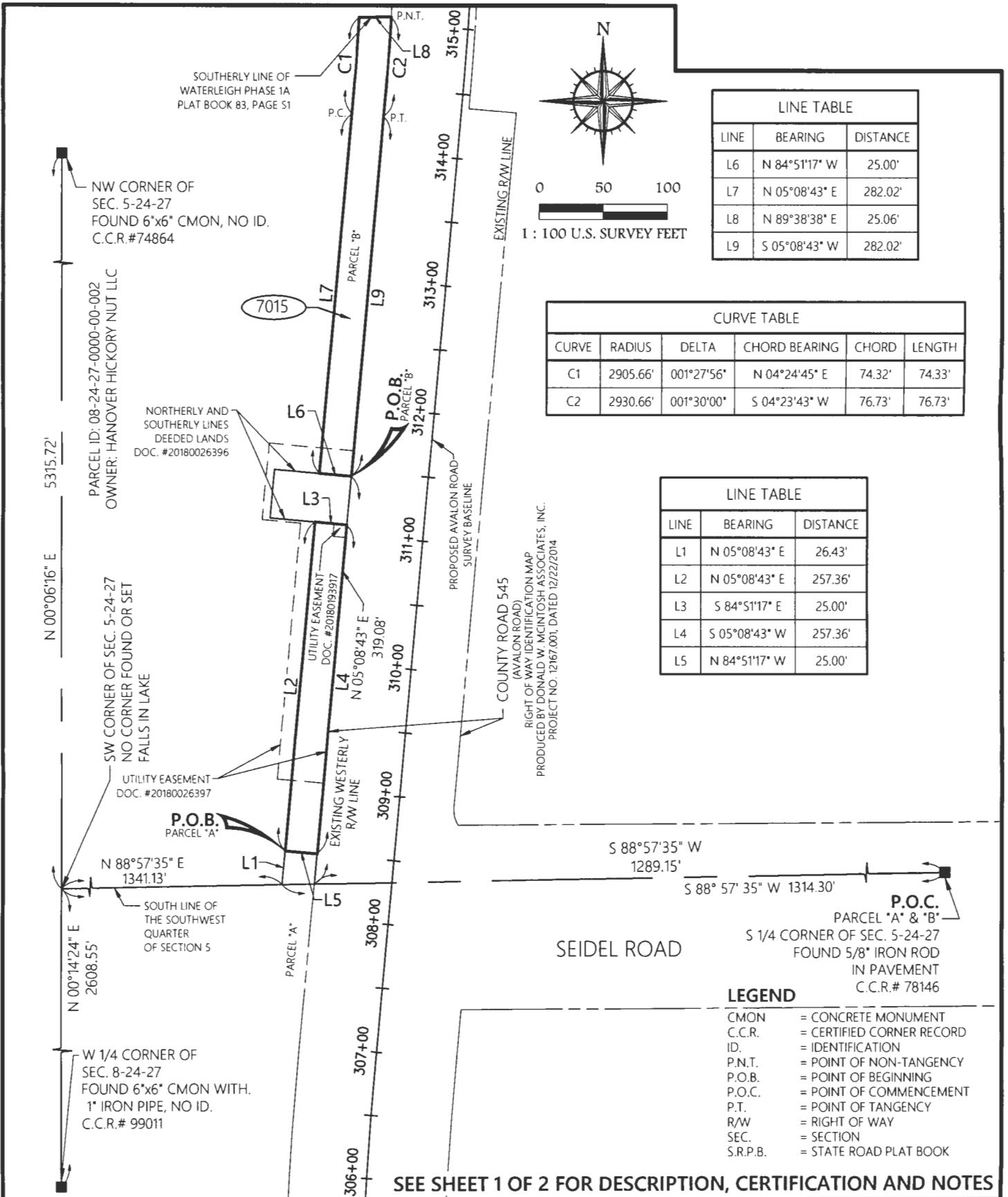
SECTION 5 & 8, TOWNSHIP 24 SOUTH, RANGE 27 EAST - ORANGE COUNTY, FLORIDA



Landmark Center Two  
 225 E. Robinson St., Suite 300  
 Orlando, FL 32801  
 407.839.4006 / FAX 407.839.4008  
 Licensed Business # 7153

DRAWN BY: C.A.P.	CHECKED: E.J.D.
PROJECT # 61992.00	
DRAWING: 7015 TSFDE PARCEL-Revised	
10-4-19.DWG	
DRAWING DATE: 10/14/2019	
SHEET 1 OF 2	

<b>SKETCH &amp; DESCRIPTION</b>
TEMPORARY SLOPE, FILL & DRAINAGE EASEMENT 7015
ISSUED FOR:
<b>HANOVER HICKORY NUT, LLC.</b>



LINE TABLE		
LINE	BEARING	DISTANCE
L6	N 84°51'17" W	25.00'
L7	N 05°08'43" E	282.02'
L8	N 89°38'38" E	25.06'
L9	S 05°08'43" W	282.02'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	2905.66'	001°27'56"	N 04°24'45" E	74.32'	74.33'
C2	2930.66'	001°30'00"	S 04°23'43" W	76.73'	76.73'


LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 05°08'43" E	26.43'
L2	N 05°08'43" E	257.36'
L3	S 84°51'17" E	25.00'
L4	S 05°08'43" W	257.36'
L5	N 84°51'17" W	25.00'

**LEGEND**

- CMON = CONCRETE MONUMENT
- C.C.R. = CERTIFIED CORNER RECORD
- ID. = IDENTIFICATION
- P.N.T. = POINT OF NON-TANGENCY
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.T. = POINT OF TANGENCY
- R/W = RIGHT OF WAY
- SEC. = SECTION
- S.R.P.B. = STATE ROAD PLAT BOOK

**SEE SHEET 1 OF 2 FOR DESCRIPTION, CERTIFICATION AND NOTES**

SECTION 5 & 8 TOWNSHIP 24 SOUTH, RANGE 27 EAST - ORANGE COUNTY, FLORIDA

 <p><b>Vanasse Hangen Brustlin, Inc.</b></p>	<p>Landmark Center Two 225 E. Robinson St., Suite 300 Orlando, FL 32801 407.839.4006 / FAX 407.839.4008 Licensed Business # 7153</p>	<p>DRAWN BY: C.A.P.      CHECKED: E.J.D. PROJECT # 61992.00 DRAWING: 7015 TSFDE PARCEL-Revised 10-4-19.DWG DRAWING DATE: 10/14/2019 SCALE: 1" = 100'      SHEET 2 OF 2</p>	<p><b>SKETCH &amp; DESCRIPTION</b> TEMPORARY SLOPE, FILL &amp; DRAINAGE EASEMENT 7015 ISSUED FOR: <b>HANOVER HICKORY NUT, LLC.</b></p>
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