Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

DATE:

June 22, 2023

TO:

Mayor Jerry L. Demings

-AND-

County Commissioners

THROUGH:

Mindy T. Cummings, Manager

FROM:

Juanita Thomas, Sr. Title Examiner 37/M1C.

Real Estate Management Division

CONTACT

PERSON:

Mindy T. Cummings, Manager

DIVISION:

Real Estate Management Division

Phone: (407) 836-7090

ACTION

REQUESTED:

Approval of Memorandum of Understanding between Orange County Fire Rescue Department and Orange County Utilities Regarding Flow Monitoring at Fire Rescue Training Center, approval and execution of

Notice of Reservation, and authorization to disburse funds to pay

recording fees and record instrument.

PROJECT:

Fire Rescue Training Center Permit B22904957 OCU File #100233

District 4

PURPOSE:

To provide for assessment of water charges, increased flows, and an

Easement for the Utilities Department.

Interoffice Memorandum Real Estate Management Division Agenda Item 3 June 22, 2022 Page 2 of 2

ITEMS: Memorandum of Understanding

Term: 10 years

Options: Successive five-year automatic renewals

Notice of Reservation

Size: 0.028 acres

BUDGET: Account No.: 1009-034-0672-6110

FUNDS: \$27.00 Payable to Orange County Comptroller

(recording fees)

APPROVALS: Real Estate Management Division

County Attorney's Office Fire Rescue Department Utilities Department

REMARKS: Pursuant to that certain Memorandum of Understanding approved by the

Board on July 12, 2022, between Orange County Utilities (OCU) and Orange County Fire Rescue Department (OCFRD), OCU transferred 38.08 acres (Property) to OCFRD for construction of its Fire Rescue Training Center (Center). OCFRD is in the process of permitting the construction of the Center, and as part of that permit process, OCFRD is required to dedicate a 62'x20' Utility Easement to OCU. The Notice of Reservation will be recorded to reflect the transfer of interest for the

Utility Easement.

In addition, OCU and OCFRD entered into a Memorandum of Understanding to memorialize the capital charge payments remaining with the property, current capacity flow; peak hourly water flow, metering, fees, compliance, and monitoring.

MEMORANDUM OF UNDERSTANDING BETWEEN ORANGE COUNTY FIRE RESCUE DEPARTMENT AND ORANGE COUNTY UTILITIES REGARDING FLOW MONITORING AT FIRE RESCUE TRAINING CENTER

THIS MEMORANDUM OF UNDERSTANDING BETWEEN ORANGE COUNTY FIRE RESCUE DEPARTMENT AND ORANGE COUNTY UTILITIES REGARDING FLOW MONITORING AT FIRE RESCUE TRAINING CENTER (the "MOU") is made and entered into as of the date of last execution below (the "Effective Date") by and between Orange County Fire Rescue Department, ("Fire Rescue"), whose address is PO Box 5879, Winter Park, Florida 32793, and Orange County Utilities, ("OCU"), whose address is 9150 Curry Ford Road, Orlando, Florida 32825. In this MOU, Fire Rescue and OCU may be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

WHEREAS, Section 37-5, Orange County Code (the "Code"), provides for the assessment of water capital charges for (a) new connections to the water system and for (b) increased flows from the water system due to altering the interior or use of a structure; and

WHEREAS, establishments that have water flows in addition to flows associated with standard Orange County Factors, as described in subsection 37-5(b)(4)b of the Code, must submit an estimate of water flow; and actual flow may be subject to monitoring to verify the accuracy of the flow estimate; and

WHEREAS, water capital charges for Fire Rescue's property described below have been determined based on flow estimate calculated pursuant to subsections 37-5(b)(4)b of the Code; and

WHEREAS, pursuant to Section 37-5(b)(1) of the Code, capital charges and the right to service related thereto, are valid only for the property specified in the application for service; and the rights related to the capital charges may not be transferred or sold for use on any other property; and

WHEREAS, Orange County, a charter county and political subdivision of the state of Florida (the "County") owns certain property located at 11104 Curry Ford Road, Orlando, Florida 32828, which is located within unincorporated Orange County, as such property is more particularly described in Exhibit "A" attached to and incorporated in this MOU by this reference (the "Property"); and

- WHEREAS, Fire Rescue is the controlling agency for the County's interest in the Property; and
- WHEREAS, the Property is located within OCU's water service territory and, therefore, OCU is the appropriate provider of water service; and
- WHEREAS, Fire Rescue is constructing a fire rescue training center (the "Training Center") on the Property, which is more particularly shown on Exhibit "B" attached to and incorporated in this MOU by this reference; and
- WHEREAS, OCU responded to Fire Rescue's request for hydraulic information with a Hydraulic Analysis letter dated July 14, 2022, stating the OCU has sufficient existing infrastructure to provide a maximum of 3,000 gallons per minute ("gpm") peak hourly flow ("Peak Hourly Water Flow"); and
- WHEREAS, Fire Rescue submitted to OCU an engineering study, signed and sealed by a professional engineer licensed in the State of Florida (the "Engineering Study"), estimating the operational water flows for the Training Center to be 51.235 Equivalent Residential Connections ("ERCs"), which is equivalent to 14,090 gallons per day ("gpd") (the "Current Capacity Flow"); and
- WHEREAS, Fire Rescue has (i) submitted to the County construction plans for approval (the "Construction Plans"), (ii) paid capital charges for the Current Capacity Flow, and (iii) obtained an Orange County Building Permit (the "Building Permit") for the Training Center.
- NOW, THEREFORE, for and in consideration of the reciprocal covenants contained herein, Fire Rescue and OCU hereby agree as follows:
- SECTION 1. Recitals. The above Recitals are true and correct, and are incorporated in and form a material part of this MOU.
- SECTION 2. Capital Charge Payments Remain with the Property. Pursuant to Section 37-5 of the Code, water capacity may only be purchased for the property specified in the application for service, and may not be transferred to another property. Accordingly, all water capacity purchased by Fire Rescue for the Training Center is purchased on behalf of the Property, runs with the Property, and may not be transferred to any other property.

SECTION 3. Current Capacity Flow; Peak Hourly Water Flow.

a. Based upon the Engineering Study, the flow associated with the Property is 14,090 gpd Current Capacity Flow on the day this MOU is executed. Thereafter, the Current Capacity Flow shall equal 14,090, gpd, plus the flow associated with any additional water capacity purchased for the Property after the execution of this MOU. The water demand of the Training Center must not exceed the Peak Hourly Water Flow.

SECTION 4. Metering, Fees and Compliance.

- a. Fire Rescue shall ensure that the fire line water meter remains unobstructed for OCU meter readings and inspections.
- b. A monthly monitoring fee, per the Board of County Commissioners' applicable rate resolutions, as amended from time to time, will be assessed and billed to Fire Rescue.
- c. No changes to the Property use, water plumbing, or utility mains that may increase the water flow for the Property from the Current Capacity Flow may be made by Fire Rescue without prior review, inspection, and written approval of OCU.
- d. OCU will monitor and measure the water flow to the Property by water meter readings.
- e. Fire Rescue must allow OCU access to the Property, at any time upon reasonable notice, to (a) inspect the water plumbing; and (b) conduct monitoring tests, including, but not limited to, tests of usage and flow.
- f. For the term of the MOU, monitoring for compliance with the Current Capacity Flow will be based on a six-month rolling average of water flow. For each billing period, OCU will calculate the Billing Period Water Flow based on the water meter readings. The "Billing Period Water Flow" is equal to the volume (in gallons) of water consumption for the billing period divided by the number of days in that billing period. OCU will calculate the volume for each billing period as the sum of the differences between the beginning and ending readings of all meters for the Property.
 - If any Billing Period Water Flow exceeds the corresponding Current Capacity Flow, OCU may issue a written warning to Fire Rescue notifying Fire Rescue of the exceedance.
 - ii. If, at any time, the six-month average Billing Period Water Flow exceeds the corresponding Current Capacity Flow, Fire Rescue shall purchase additional water capacity, in an amount calculated by the difference between the six-month average Billing Period Water Flow, and the corresponding Current Capacity Flow. The cost of water capacity (gpd) will be calculated using the then current OCU water capital

- charge rates (as of the Effective Date, \$1,970.00 per ERC based on 275 gpd per ERC).
- iii. If additional water capacity is purchased, as described in Section 4.f.ii above, and at a later date a six-month average Billing Period Water Flow, exceeds the cumulative corresponding Current Capacity Flow, Fire Rescue must purchase additional water capacity from OCU as described in Section 4.f.ii above.
- iv. Fire Rescue shall pay to OCU within thirty (30) days any additional water capital charges that may be due and owing for the Property.
- v. Fire Rescue's failure to provide monthly payment including, but not limited to, capital charges (if any), past due charges, related service charges, deposits, applicable utility or public service taxes, or current usage charges may result in the interruption of water services to the Property.
- **SECTION 5. Monitoring**. OCU may initiate monitoring on the Effective Date of this MOU and will continue in accordance with Section 6, below. Any breach of this MOU may result in the interruption of water and wastewater services to the Property.
- **SECTION 6.** Term of MOU. The initial term of this MOU is for ten (10) years from the Effective Date. This MOU shall automatically renew for successive five (5) year terms, unless terminated in accordance with the provisions set forth in Section 7 of this MOU.
- SECTION 7. Termination. Notwithstanding anything to the contrary, this MOU may be terminated upon written mutual consent of Fire Rescue and OCU for which notice shall be provided in accordance with Section 8 below. OCU may terminate this MOU and the provision of water service to the Property due to any breach of this MOU by Fire Rescue after providing written notice of the breach or anticipatory breach to Fire Rescue and providing Fire Rescue with thirty (30) days to cure the breach (the "Cure Period"). If Fire Rescue fails to cure the breach or anticipatory breach during the Cure Period, OCU may terminate this MOU effective as of the last day of the Cure Period or discontinue water and wastewater services to the Property.
- SECTION 8. Notice. Any notice required or allowed to be delivered hereunder must be in writing and be deemed to be delivered when (a) hand-delivered to the official designated in this Section 8; (b) delivered when such notice is sent by Federal Express or other nationally recognized overnight courier service; or (c) received when such notice is sent by the United States mail, postage prepaid, certified mail, return receipt requested, all to be addressed to a party at the address set forth opposite the party's name

below, or such other address as the party shall have specified by written notice to the other party delivered in accordance therewith.

If to OCU: Orange County Utilities Department

9150 Curry Ford Road Orlando, Florida 32825-7600

Attention: Manager, Utilities Customer Service

If to Fire Rescue: Orange County Fire Rescue Department

PO Box 5879

Winter Park, Florida 32793-5879

or

6590 Amory Court

Winter Park, Florida 32792-7426 Attention: Division Chief of Logistics

IN WITNESS WHEREOF, the Parties have executed this MOU on the dates set forth below.

Anthony Rios, Ph.D.

Deputy Fire Chief

Orange County Fire Rescue Department

y. __

Ed Torres, M.S., P.E., LEED AP

Director

Orange County Utilities Department

Dated: 04-17-2023

Dated: 4/11/23

SKETCH OF DESCRIPTION PARCEL: Fire Training Facility

PURPOSE: PURPOSE: Describe and depict location of proposed

Fire Training Facility within Orange County

Parcel ID 02-23-31-0000-00-002

Exhibit A Legal Description Page 1 of 2

Description:

A parcel of land lying in Section 3, Township 23 South, Range 31 East, being a portion of those lands described in Warranty Deed recorded in Book 3317, Page 876; Stipulated Final Judgment recorded in Book 3640, Page 1597; Motion to Amend Stipulated Final Judgment recorded in Book 3646, Page 1318; Order of Taking recorded in Book 3718, Page 300, Warranty Deed recorded in Book 6053, Page 700; and Corporate Warranty Deed recorded in Book 08770, Page 3884 of the Public records of Orange County, Florida, being more particularly described as follows:

BEGIN at the southwest corner of said Section 3; thence N00°01'40"W, along the west line of the southwest 1/4 of said Section 3, a distance of 758.70 feet to a point on a curve on the east right-of-way line of Curry Ford Road, lying on a non-tangent curve with a radius of 1834.28 feet, concave to the west; thence northeasterly along said curve to the left through a central angle of 31°33'23", a distance of 1010.25 feet where the chord bears N17°33'47"E a distance of 997.53 feet to the point of intersection with a non-tangent line; thence departing said right-of-way line run N89°55'42"E, a distance of 214.80 feet; thence N00°04'18"W, a distance of 250.77 feet; thence N65°10'44"E, a distance of 254.17 feet; thence S62°07'12"E, a distance of 464.82 feet; thence S12°47'17"W, a distance of 285.80 feet; thence S19°30'35"W, a distance of 629.91 feet; thence S08°58'17"E, a distance of 986.18 feet to the south line of the southwest 1/4 of Section 3; thence S89°48'16"W along said south line, a distance of 1036.85 feet; to said southwest corner of said Section 3 and the POINT OF BEGINNING.

Containing 1658650 square feet or 38.08 acres, more or less.

Surveyor's Notes:

- 1) This sketch of description is not valid without the original signature and the seal of the signing Florida licensed surveyor and mapper. The seal appearing on this document was authorized by Robert M. Jones, FL PSM No. 4201 on December 9, 2021. The electronic signature is in conformance with FAC 5J-17 .062(3).
- 2) This sketch of description is based on a previous boundary survey performed by this firm under project number 6374140758, dated September 20, 2014.
- 3) Bearings shown hereon are relative to the Florida State Plane Coordinate System, East Zone (901), North American datun of 1983/2011 realization with the south line of the southwest 1/4 of Section 3. Township 23 South, Range 31 East, as recovered in the field as being S 89°48'16" W.
- 4) Dimensions shown hereon contain horizontal grid distances and are based upon field measurements utilizing the United States Survey Foot, unless indicated otherwise.
- 5) Lands shown hereon were not abstracted by this firm for matters of record, such as easements, right of way, ownership or other instruments of record. Wood Environment & Infrastructure Solutions, Inc. and the undersigned make no representations or quarantees pertaining to easements, rights of way, setback lines, reservations, agreements and/or other matters pertaining to survey.

Digitally signed by Robert

Date: 2021.12.10 15:14:51

M Jones /G

ROBERT M. JONES

FLORIDA PROFESSIONAL SURVEYOR AND MAPPER LICENSE No. LS 4201

THIS IS NOT A SURVEY

ADDED PARCEL NAME & PURPOSE

DESCRIPTION

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PROJECT TITLE:

Orange County Capital Projects Division Fire Training Facility at ERWF

> DRAWN BY DATE: 08/10/2021

12/9/2021

DATE

JOB No.

6374201289

TW

BY

T.W. CHKD BY: DATE:

REVISION

08/10/2021 SCALE: SHT. __

OF

Wood Environment & Infrastructure Solutions, Inc. 550 Northlake Boulevard, Suite 1000 Altamonte Springs, FL 32701 USA

> www.woodplc.com Certificate of Authorization Number LB-0007932

Phone: (407) 522-7570

N/A DRAWING NAME: OCCP ERWF Fire Training Facility SOD.dwg

SKETCH OF DESCRIPTION Exhibit A PARCEL: Fire Training Facility Legal Description PURPOSE: PURPOSE: Describe and depict location of proposed Page 2 of 2 Fire Training Facility within Orange County Parcel ID 02-23-31-0000-00-002 \$ 62°07'12" E 464.82' N 65°10'44" E 254.17' N 00°04'18" W 250.77 Legend N 89°55'42" E 214.80' ORB = Official Records Book PG = page T23 = Township 23 R31 = Range 31 S 12°47'17" W 285.80' ERWF = Eastern Regional Water Facility Delta= 31°33'23" Radius= 1834.28' Length= 1010.25' Chord Bearing= N17°33'47"E Chord Distance= 997.53' Curry Ford Road (variable width right-of-way) Easterly right-of-way line **GRAPHIC SCALE** 38.08 Acres ± 150 300 (IN FEET) 1 inch = 300 ft 758.70 West line SW 1/4 Section 3 N 00°01'40" W Township 23 South, Range 31 East **POINT OF BEGINNING** SW comer (bearing basis) Section 3-T23-R31 S 89°48'16" W 1036.85' South line of SW 1/4 Section 3 Township 23 South, Range 31 East PROJECT TITLE: 12/9/2021 TW ADDED PARCEL NAME & PURPOSE Orange County Capital Projects Division Fire Training Facility at ERWF DATE DESCRIPTION REVISION T.W. DRAWN BY CHKD, BY: DATE: 08/10/2021 **Wood Environment & Infrastructure Solutions, Inc.** DATE: 08/10/2021 550 Northlake Boulevard, Suite 1000 Altamonte Springs, FL 32701 USA Phone: (407) 522-7570 JOR No. SCALE SHT. 6374201289 1" = 300" www.woodplc.com Certificate of Authorization Number LB-0007932 DRAWING NAME: OCCP ERWF Fire Training Facility SOD.dwg

Project: Fire Rescue Training Center Permit B22904957 OCU File #100233

NOTICE OF RESERVATION

ORANGE COUNTY, A CHARTER COUNTY AND POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, HEREBY reserves an easement for utility purposes in perpetuity on the following property:

SEE ATTACHED EXHIBIT "A"

a portion of 03-23-31-0000-00-002 Property Appraiser's Identification No.

ORANGE COUNTY shall retain	its easement interest des	pite any transfer of fee title.
Dated at Orlando, Florida this	JUL 1 1 2023	·
IN WITNESS WHEREOF, the sa	aid COUNTY has caused	these presents to be execute

in its name by its Board acting by the County Mayor, the day and year aforesaid.

ORANGE COUNTY, FLORIDA
By Board of County Commissioners
BY:

BY:

Jerry L. Demings
Orange County Mayor

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

BY: Clark a. Storyla

Printed Name

This instrument prepared by: Juanita A. Thomas, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida, P. O. Box 1393, Orlando, Florida 32802-1393

SKETCH OF DESCRIPTION

PARCEL:100 PURPOSE: UTILITY

PROJECT NAME: FIRE RESCUE TRAINING CENTER

PERMIT NO. B22904957

Description:

A parcel of land lying in Section 3, Township 23 South, Range 31 East, being a portion of those lands described in Warranty Deed recorded in Book 3317, Page 876; Stipulated Final Judgement recorded in Book 3640, Page 1597; Motion to Amend Stipulated Final Judgement recorded in Book 3646, Page 1318; Order of Taking recorded in Book 3718, Page 300; Warranty Deed recorded in Book 6053, Page 700; and Corporate Warranty Deed recorded in Book 08770, Page 3884 of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the southwest corner of said Section 3, thence N 00° 01' 40" W, along the west line of the southwest ¼ of said Section 3, a distance of 758.70 feet to a point on a curve on the easterly right-of-way line of Curry Ford Road, lying on a non-tangent curve with a radius of 1834.28 feet, concave to the west; thence northeasterly along said curve and right-of-way to the left through a central angle of 28° 01' 55", a distance of 897.42 feet where the chord bears N 19° 19' 31"E a distance of 888.50 feet to the POINT OF BEGINNING; thence continue northeasterly along said curve and right-of-way line to the left through a central angle of 00° 37′ 30″, a distance of 20.01 feet where the chord bears N 05 ° 03' 07" E, a distance of 20.01 feet; thence departing said curve and east right-of-way line, S 82 °56' 16" E, a distance of 62.05 feet; thence S 07 °03' 44"W, a distance of 20.00 feet; thence N 82 °56' 16" W, a distance of 61.35 feet to the POINT OF BEGINNING.

Containing 1233.6 square feet or 0.028 acres, more or less.

Surveyor's Notes:

- 1) This sketch of description is not valid without the original signature and the seal of the signing Florida licensed surveyor and mapper. The seal appearing on this document was authorized by Robert M. Jones, FL PSM No. 4201 on April 3,2023. The electronic signature is in conformance with FAC 5J-17.062(3)
- 2) This sketch of description is based on a previous boundary survey performed by this firm under project number 6374201289, dated July 20, 2022.
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- 5) Lands shown hereon were not abstracted by this firm for matters of record, such as easements, right-of-way, ownership, or other instruments of record. Wood Environment & Infrastructure Solutions, Inc and the undersigned make no

representations or guarantees pertaining to easements, rights-of-way, setback lines, reservations, agreements, and /or other matters pertaining to title and survey.

Robert

Digitally signed by Robert M. Jones M. Jones Date: 2023.04.17

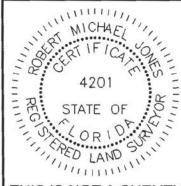
Exhibit A

ROBERT M. JONES

FLORIDA PROFESSIONAL SURVEYOR AND MAPPER LICENSE No. LS 4201

THIS IS NOT A SURVEY

01/23/2023 BJG



ADD DISTANCE TO NORTH BOUNDARY

PROJECT TITLE:

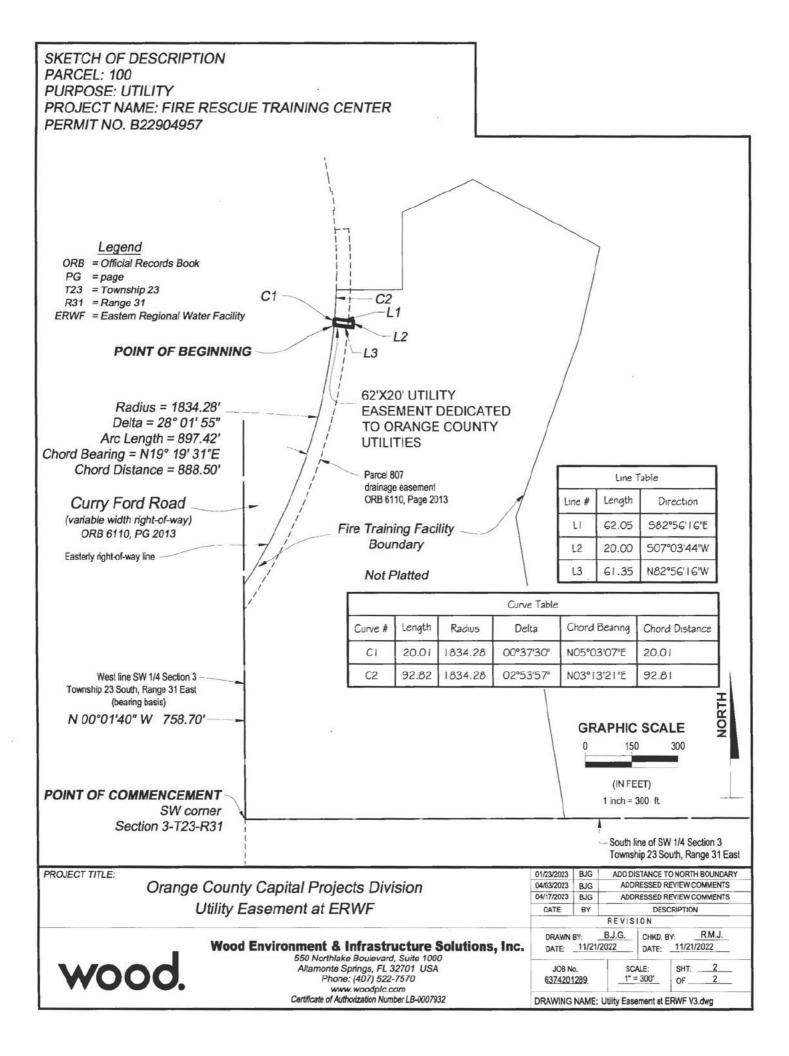
Orange County Capital Projects Division Utility Easement at ERWF

Wood Environment & Infrastructure Solutions, Inc.

550 Northlake Boulevard, Suite 1000 Altamonte Springs, FL 32701 USA Phone: (407) 522-7570 www.woodplc.com Certificate of Authorization Number LB-0007932

04/03/2023	BJG	ADDRESSED REVIEW COMMENTS			
04/17/2023	BJG	ADDRESSED REVIEW COMMENTS			
DATE	BY	DESCRIPTION			
		REVIS	ION		
DRAWN DATE:	BY: 11/21/	B.J.G. 2022	CHKD. DATE:	BY:	R.M.J. 2022
JOB N 6374201	77		ALE:	SHT.	1 2
DRAWING	NAME:	Utility Eas	ement at	ERWF V3	l.dwg





REQUEST FOR FUNDS / WIRE TRANSFER

X Under BCC Approval	Under Ordinance Approval
Date: June 15, 2023	Total Amount: \$27.00
Project: Orange County Fire Rescue Training Facility (PN 19238) Charge to Account #	Controlling Agency Approval Signature Printed Name: Fiscal Approval Signature ALCX Monales Printed Name Printed Name
TYPE TRANSACTION (Check appropriate block(s)) Pre-Condemnation Post-Condemnation	_X_N/A District # 4
Acquisition at Approved Appraisal Acquisition at Below Approved Appraisal Acquisition at Above Approved Appraisal X Advance Payment Requested Donation DOCUMENTATION ATTACHED (Check appropriate block{s}) Contract/ Agreement Copy of Executed Instruments X Copy of Unexecuted Instruments Certificate of Value Settlement Analysis Payable to: Orange County Comptroller \$27.00 SPECIAL NOTE: Payment of \$0.00 To be made by Wire Transfer	NAME, ADDRESS, FEIN (No Social Security No.) Orange County Comptroller \$27.00 Total \$27.00
Recommended by Synta d. Shornus Juanita Thomas, Sr. Title Examiner, Real Estate Ma	enagement Div. Date
Or Payment Approved Or Payment Approved Mindy T. Cummings, Manager, Real Estate MacCertified Approved by BCCFor Deputy Clerk to the Board	6/22/03.
Examined/Approved Comptroller/Government Grants	Check No. / Date
	APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS JUL 1 1 2023