



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

DATE: September 3, 2019

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

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

FROM: Kim Heim, Senior Title Examiner *KH*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval and execution of Amendment to Slope Easement between Hamlin Retail Partners West, LLC and Orange County and authorization to record instrument

PROJECT: New Independence Parkway 4-Laning

District 1

PURPOSE: To reconfigure, modify, and replace a portion of the easement area of an existing slope easement as a requirement of a roadway agreement.

ITEM: Amendment to Slope Easement
Cost: None
Amended size: 1.75 acres (no change in size)

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department
Transportation Planning Division

REMARKS:

On June 4, 2019, the Board approved that certain Slope Easement from Hamlin Retail Partners West, LLC (Hamlin) which was filed as Official Records Document Number 20190352877 (Easement). That conveyance was a requirement of the Hamlin West Road Network Agreement approved by the Board on June 28, 2016, as amended.

Subsequent to the recording of the Easement, one of the legal descriptions attached to the Easement was discovered to have several scrivener's errors. This Amendment to Slope Easement corrects those errors. Hamlin remains the current fee simple owner of the underlying lands.

Hamlin to pay all recording fees.

SEP 24 2019

**This Instrument was prepared by,
and upon recording please return to:**

Kim Heim, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

Parcel ID No.: Portions of 20-23-27-0000-00-007

Project: New Independence Parkway 4-Laning

AMENDMENT TO SLOPE EASEMENT

THIS AMENDMENT TO SLOPE EASEMENT AGREEMENT (this “**Amendment**”) is made and entered by and between **HAMLIN RETAIL PARTNERS WEST, LLC**, a Florida limited liability company, whose address is 14422 Shoreside Way, Suite 130, Winter Garden, Florida 34787 (“**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**”). This Amendment is effective as of the date of execution by the last of the parties to this Amendment (“**Effective Date**”).

BACKGROUND

A. Grantor and Grantee are parties to that certain Slope Easement recorded June 7, 2019 in Official Records Document No. 20190352877, of the Public Records of Orange County, Florida (“**Original Easement**”).

B. Grantor and Grantee have discovered several scrivener’s errors in the legal description and sketch of the South Slope Easement Area set forth in Exhibit “B” of the Original Easement.

C. Grantor and Grantee wish to amend the legal description and sketch of the South Slope Easement Area.

In consideration of the promises contained in the Original Easement and other good and valuable consideration, Grantor and Grantee agree as follows:

TERMS OF AMENDMENT

1. Recitals; Capitalized Terms. The above recitals are true and correct, form a material part of this Amendment and are incorporated in this Amendment by reference. Capitalized terms used in this Amendment without definition have the meanings ascribed to said terms in the Original Easement.

2. South Slope Easement Area. Exhibit “B” of the Original Easement is hereby deleted. The term “**South Slope Easement Area**” is hereby amended to mean the real property described in Exhibit “A” attached to this Amendment.

3. Representations and Warranties. Grantor represents and warrants to Grantee that Grantor is the fee simple owner of the South Slope Easement Area (as defined in this Amendment) and the North Slope Easement Area.

4. Exhibits. The exhibits attached to this Amendment are an inherent part of it.

5. Counterparts. This Amendment may be signed in counterparts, each one of which is considered an original, but all of which constitute a single instrument.

6. Ratification. Except as set forth in this Amendment, all other terms and conditions of the Original Easement remain in full force and effect.

[Signatures Begin on Next Page]

The signatory warrants that he is signing on behalf of Grantor and that he has full authority to bind Grantor.

“GRANTOR”

HAMLIN RETAIL PARTNERS WEST, LLC, a Florida limited liability company

By: BK Hamlin Retail Partners West, LLC, a Florida limited liability company, its Manager

By: [Signature]
Scott T. Boyd, Manager

Date: 7/31/19

Signed, sealed and delivered in the presence of:

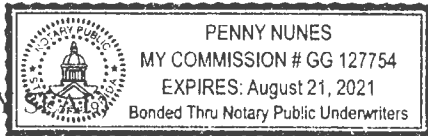
[Signature]
(Witness 1 Signature)
Witness 1 Print Name: Heather Easterling

[Signature]
(Witness 2 Signature)
Witness 2 Print Name: Haren Romig

STATE OF FLORIDA _____
COUNTY OF Orange;

The foregoing instrument was acknowledged before me this 31st day of July, 2019, by Scott T. Boyd, Manager of BK Hamlin Retail Partners West, LLC, Manager of **HAMLIN RETAIL PARTNERS WEST, LLC**, a Florida limited liability company, on behalf of said company. He is personally known to me or has produced _____ as identification.

(NOTARY)

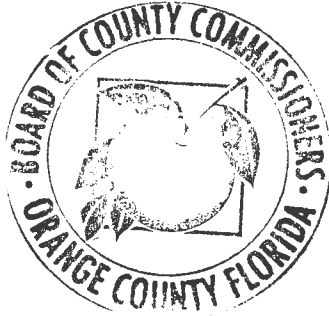


[Signature]
(Signature of Notary Public)
Print Name: Penny Nunes
Notary Public – State of Florida
Commission No. _____
My Commission Expires: _____

Project: New Independence Parkway 4-Laning

Grantee has caused this Amendment to be executed in its name by its Board of County Commissioners, acting by the County Mayor, on the date written below.

(Official Seal)



“GRANTEE”

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
As Jerry L. Demings
Orange County Mayor

Date: 24 Sep 19

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

BY: *Katie Smith*
Deputy Clerk

Katie Smith

Printed Name

LEGAL DESCRIPTION

EXHIBIT "A"

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 27 EAST, LYING IN ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE RUN NORTH 00°05'51" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 162.94 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF AVALON ROAD/COUNTY ROAD 545 AS RECORDED IN DEED BOOK 402, PAGE 314 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND A POINT ON A NON TANGENT CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1433.00 FEET AND A CENTRAL ANGLE OF 02°31'43" WITH A CHORD BEARING OF NORTH 10°58'05" EAST, AND A CHORD DISTANCE OF 63.24 FEET; THENCE RUN NORTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE AND THE ARC OF SAID CURVE FOR A DISTANCE OF 63.24 FEET TO THE POINT OF BEGINNING, BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1433.00 FEET AND A CENTRAL ANGLE OF 00°48'37" WITH A CHORD BEARING OF NORTH 09°17'55" EAST, AND A CHORD DISTANCE OF 20.27 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND THE EAST RIGHT OF WAY LINE OF SAID AVALON ROAD FOR A DISTANCE OF 20.27 FEET TO A POINT ON A NON TANGENT LINE AND THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE AND THE SOUTH RIGHT OF WAY LINE OF NEW INDEPENDENCE PARKWAY AS RECORDED IN INSTRUMENT # 20160501632 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN THE FOLLOWING COURSES ALONG SAID SOUTH RIGHT OF WAY LINE: NORTH 90°00'00" EAST FOR A DISTANCE OF 88.75 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1291.23 FEET AND A CENTRAL ANGLE OF 43°47'32" WITH A CHORD BEARING OF NORTH 68°06'14" EAST, AND A CHORD DISTANCE OF 963.06 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 986.91 FEET TO A POINT ON A NON TANGENT LINE; THENCE RUN NORTH 37°40'37" EAST FOR A DISTANCE OF 101.12 FEET; THENCE RUN NORTH 46°12'28" EAST FOR A DISTANCE OF 387.26 FEET TO A POINT ON A NON TANGENT CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1123.25 FEET AND A CENTRAL ANGLE OF 33°41'26" WITH A CHORD BEARING OF NORTH 64°37'47" EAST, AND A CHORD DISTANCE OF 651.01 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 660.48 FEET TO A POINT ON A NON TANGENT LINE; THENCE DEPARTING AFORESAID SOUTH RIGHT OF WAY LINE RUN SOUTH 08°31'28" EAST FOR A DISTANCE OF 20.00 FEET TO THE POINT ON A NON TANGENT CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1103.25 FEET AND A CENTRAL ANGLE OF 33°40'35" WITH A CHORD BEARING OF SOUTH 64°38'12" WEST, AND A CHORD DISTANCE OF 639.15 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 648.45 FEET TO A POINT ON A NON TANGENT LINE; THENCE RUN SOUTH 46°12'28" WEST FOR A DISTANCE OF 385.49 FEET; THENCE RUN SOUTH 37°40'37" WEST FOR A DISTANCE OF 101.11 FEET TO A POINT ON A NON TANGENT CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1311.23 FEET AND A CENTRAL ANGLE OF 43°51'28" WITH A CHORD BEARING OF SOUTH 68°04'16" WEST, AND A CHORD DISTANCE OF 979.37 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 1003.69 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 90°00'00" WEST FOR A DISTANCE OF 92.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 44,552 SQUARE FEET, 1.02 ACRES MORE OR LESS.

SHEET 1 OF 2
SEE SHEET 2 FOR SKETCH



16 EAST PLANT STREET
Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES: I:\Data\20150021_2017\Sketches\sketch--2 south slope easement_rev 2--12--19

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NW 1/4 OF SECTION 20--23--27 AS BEING N00°05'51"W (ASSUMED FOR ANGULAR DESIGNATION ONLY)
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20150021
DATE: 1/9/2019
SCALE: 1" = 250'
REVISED: 2/12/2019

CALCULATED BY: DY
DRAWN BY: DY
CHECKED BY: MR

FOR THE LICENSED BUSINESS #6723 BY:

JAMES L. ROKMAN, P.S.M. #5633

SKETCH OF DESCRIPTION

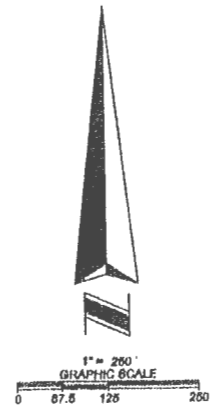
NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 20-23-27

WEST LINE OF THE NORTHWEST 1/4 OF SECTION 20-23-27

LINE	BEARING	LENGTH
L1	N00°05'51"W	162.94'
L2	N90°00'00"E	88.75'
L3	N37°40'37"E	101.12'
L4	N46°12'28"E	387.26'
L5	S08°31'28"E	20.00'
L6	S46°12'28"W	385.49'
L7	S37°40'37"W	101.11'
L8	N90°00'00"W	92.02'

SOUTH RIGHT-OF-WAY LINE OF NEW INDEPENDENCE PARKWAY PER INSTRUMENT #20160501632

NEW INDEPENDENCE PARKWAY
RIGHT OF WAY WIDTH VARIES
PROJECT NO. 75320-6460-653



CURVE	RADIUS	BEARING	CHORD	DELTA	LENGTH
C1	1433.00'	N10°58'05"E	63.24'	2°31'43"	63.24'
C2	1433.00'	N09°17'55"E	20.27'	0°48'37"	20.27'
C3	1291.23'	N68°06'14"E	963.06'	43°47'32"	986.91'
C4	1123.25'	N64°37'47"E	651.01'	33°41'26"	660.48'
C5	1103.25'	S64°38'12"W	639.15'	33°40'35"	648.45'
C6	1311.23'	S68°04'16"W	979.37'	43°51'28"	1003.69'

EAST RIGHT-OF-WAY LINE AVALON ROAD/C.R. 545 PER D.B. 402, PG. 314

SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 20-23-27

POINT OF COMMENCEMENT
SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 20-23-27

NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20-23-27

SHEET 2 OF 2
SEE SHEET 1 FOR DESCRIPTION



16 EAST PLANT STREET
Winter Garden, Florida 34787 * (407) 654-5355

LEGEND

- CHANGE IN DIRECTION
- D.B. DEED BOOK
- PG. PAGE
- C.R. COUNTY ROAD
- N.T. NON TANGENT
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY

L:\Data\20150021_2017\Sketches\sketch-2 south slope easement.rev 2-12-19

JOB NO. 20150021

DATE: 1/9/2019

SCALE: 1" = 250'

DRAWN BY: DY

REVISED: 2/12/2019