



Interoffice Memorandum

AGENDA ITEM

September 22, 2022

TO: Mayor Jerry L. Demings  
—AND—  
County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development  
Services Department

**CONTACT PERSON: Mitchell Glasser, Manager  
Housing and Community Development Division  
407-836-5190**

SUBJECT: October 11, 2022 - Consent Item  
Release of Restrictive Covenant

On March 16, 2004, Orange County and the developer, NCBCP Limited Partnership, entered into a Multi-family Affordable Housing Developer's Agreement to provide for discounts of impact fees and wastewater capital charges. The developer constructed a 122 unit, affordable complex known as Covenant on the Lakes Senior Apartment Homes. The developer's agreement contained a 15-year affordability period that was secured by a Restrictive Covenant that expired on June 30, 2021. The project has fulfilled all the requirements of the Restrictive Covenant and the developer has requested the Restrictive Covenant to be released.

The Housing and Community Development Division recommends approval of the Release of Restrictive Covenant. The County Attorney's Office has reviewed the Release of Restrictive Covenant as to form.

**ACTION REQUESTED: Approval and execution of Release of Restrictive Covenant by Orange County, Florida to and for the benefit of NCBCP Limited Partnership for a Multi-family Affordable Housing Developer's Agreement. District 6**

JVW:MG  
Attachment

BCC Mtg. Date: October 11, 2022

Prepared by and return to:  
W. Terry Costolo, Esq.  
Nelson Mullins Riley & Scarborough LLP  
390 N. Orange Avenue, Suite 1400  
Orlando, Florida 32801

**RELEASE OF RESTRICTIVE COVENANT**

**THIS RELEASE OF RESTRICTIVE COVENANT** (the “Release”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2022 is executed by ORANGE COUNTY FLORIDA, a political subdivision of the State of Florida, whose address is 525 East South Street, Orlando, Florida 32801 (“County”) to and for the benefit of NCBCP LIMITED PARTNERSHIP, a Florida limited partnership, whose address is 247 N. Westmonte Drive, Altamonte Springs, Florida 32714 (“Developer”).

**WITNESSETH:**

**WHEREAS**, on March 16, 2004, the Developer and the County entered into that certain Multi-Family Affordable Housing Developer’s Agreement for Discounts of Impact Fees and Wastewater Capital Charges recorded in Book 7412, Page 3918 in the Public Records of Orange County, Florida.

**WHEREAS**, the fifteen (15) year period following issuance of the certificate of occupancy for the Project constructed by Developer as described in Section 7 of the Restrictive Covenant has expired and Developer has requested that the Restrictive Covenant be released.

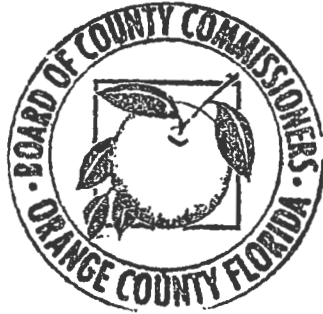
**NOW, THEREFORE**, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Orange County remises, releases, quit-claims, exonerates and forever discharges from the encumbrance of the Restrictive Covenant, all that certain land lying and being in the County of Orange, State of Florida, more particularly described as follows:

See EXHIBIT “A” attached hereto and incorporated herein by this reference.

1. The Restrictive Covenants are hereby released are no longer in force or effect.
2. This Release may be executed in counterparts and, when all counterpart documents are executed, the counterparts shall constitute a single binding instrument.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the County has executed this Release on the date first written above.



ORANGE COUNTY, FLORIDA, a political subdivision of The State of Florida

for By: Byron Brooks  
Name: Byron Brooks  
Title: County Administrator

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was sworn and subscribed before me by means of  physical presence or  online notarization, this 12 day of October, 2022, by Byron Brooks, as \_\_\_\_\_ of Orange County, Florida, a political subdivision of the The State of Florida, who  is personally known to me or  has produced \_\_\_\_\_ as identification.



CRAIG STOPYRA  
Commission # GG 985137  
Expires May 6, 2024  
Bonded Thru Budget Notary Services

Craig Stopyra  
Print Name: Craig Stopyra

NOTARY PUBLIC, State of Florida

My Commission Expires: May 6, 2024

EXHIBIT "A"

2210 SOUTH RIO GRANDE AVENUE ORLANDO, FLORIDA 32805

PARCEL "A"

BEGIN 1443 FEET SOUTH OF THE N.E. CORNER OF THE NW 1/4 OF SECTION 3, TOWNSHIP 25 SOUTH, RANGE 24 EAST, RUN SOUTH 330 FEET; THENCE WEST 1920 FEET; THENCE NORTH 330 FEET; THENCE EAST TO THE POINT OF BEGINNING (LESS ROAD ON EAST), AND BEGIN 330.25 FEET NORTH OF THE S.E. CORNER OF THE SW 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 25 SOUTH, RANGE 24 EAST; THENCE RUN WEST 150 FEET; THENCE NORTH 1073 FEET; THENCE EAST 150 FEET; THENCE SOUTH 1073 FEET TO THE POINT OF BEGINNING.

PARCEL "B"

BEGINNING 1613.75 FEET SOUTH OF THE N.E. CORNER OF THE NW 1/4 OF SECTION 3, TOWNSHIP 25 SOUTH, RANGE 24 EAST, ORANGE COUNTY, FLORIDA, RUN SOUTH 330 FEET, WEST TO WEST BOUNDARY OF THE EAST 1/2 OF THE NW 1/4, RUN NORTH 330 FEET TO A POINT DUE WEST OF THE POINT OF BEGINNING; THENCE EAST TO THE POINT OF BEGINNING, LESS: THE EAST 50 FEET THEREOF.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY:

FROM THE N.E. CORNER OF THE NW 1/4 OF SECTION 3, TOWNSHIP 25 SOUTH, RANGE 24 EAST, RUN SOUTH ALONG THE 1/4 SECTION LINE 1613.75 FEET; THENCE S. 84° 38' W. ALONG THE SOUTH BOUNDARY OF LAKEVIEW GARDENS AS RECORDED IN PLAT BOOK 5, PAGE 156, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 781.5 FEET TO THE POINT OF BEGINNING; THENCE S 0° 02' E, 170 FEET; THENCE S. 84° 38' W, 338.7 FEET, MORE OR LESS TO THE WEST LINE OF THE EAST 1/2 TO THE NW 1/4 OF SAID SECTION 3; THENCE NORTH 170 FEET ALONG SAID WEST LINE; THENCE N. 84° 38' E, 338.7 FEET, MORE OF LESS TO THE POINT OF BEGINNING.

ALSO LESS THE FOLLOWING DESCRIBED PROPERTY:

COMMENCE AT THE S.W. CORNER OF THE NE 1/4 SAID SECTION 3; THENCE N. 00° 15' 45" W, A DISTANCE OF 712.90 FEET; THENCE S. 84° 38' 21" W, A DISTANCE OF 30.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF RIO GRANDE AVENUE AND THE POINT OF BEGINNING; THENCE S. 84° 38' 21" W, A DISTANCE OF 25.00 FEET; THENCE N. 00° 15' 45" W, A DISTANCE OF 202.10 FEET; THENCE N. 02° 22' 14" E, A DISTANCE TO 128.07 FEET; THENCE N. 84° 44' 08" E, A DISTANCE OF 17.14 FEET TO THE WEST RIGHT-OF-WAY LINE OF RIO GRANDE AVENUE; THENCE S 00° 15' 45" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.