



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: April 2, 2020

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

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

FROM: Tamara L. Pelc, Senior Title Examiner *B for TP*
Real Estate Management Division

CONTACT PERSON: **Paul Sladek, Manager**

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

ACTION REQUESTED: Approval of Utility Easement from Heaven IV, LLC to Orange County and authorization to record instrument

PROJECT: Presidents Drive (Sand Lake Road to PS #3177) Wastewater System Improvements – Additional UE

District 6

PURPOSE: To provide for access, construction, operation, and maintenance of utility facilities.

ITEM: Utility Easement
Cost: Donation
Size: 250 square feet

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: County acquired a utility easement from Heaven IV, LLC in 2016 for the Presidents Drive (Sand Lake Road to PS #3177) Wastewater System Improvements project being undertaken by the Orange County Utilities Department. During construction, County's contractor accidentally constructed the improvements outside of the original easement area.

In order to avoid the time and expense of relocating the utility improvements, County's contractor negotiated with Heaven IV, LLC to obtain a donation to County of additional easement area pursuant to this Utility Easement and to allow the utility improvements to remain where constructed.

Contractor to pay all recording fees.

APR 21 2020

Project: Presidents Drive (Sand Lake Road to PS #3177) Wastewater System Improvements –
Additional UE

UTILITY EASEMENT

THIS INDENTURE, Made this 8th day of January, A.D. 2020, between HEAVEN IV, LLC, a Florida limited liability company, whose address is 8240 Exchange Drive, Suite Cloud 9, Orlando, Florida 32809, 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 \$ 6,762.50 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 SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of 28-23-29-7255-03-000

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever.

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, agree 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'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.

Instrument: 801.1

Project: Presidents Drive (Sand Lake Road to PS #3177) Wastewater System Improvements

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.

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

Signed, sealed, and delivered
in the presence of:

[Signature]
Witness

Eunice Pierre
Printed Name

[Signature]
Witness

Philippe GARAND
Printed Name

HEAVEN IV, LLC,
a Florida limited liability company

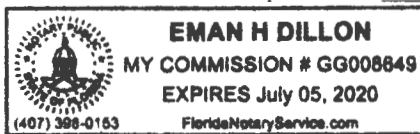
BY: [Signature]
Brett M. Kingston, Manager

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 28th day of Jan, 2020, by Brett M. Kingston, as Manager of HEAVEN IV, LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me or has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature

Eman Dillon
Printed Notary Name

This instrument prepared by:
Jeffrey L. Sponenburg, a staff employee
in the course of duty with the
Real Estate Management Division
Of Orange County, Florida

Notary Public in and for
the County and State aforesaid

My Commission Expires:
July 5, 2020

SKETCH AND DESCRIPTION

OF

AN ADDITIONAL UTILITY EASEMENT

LYING IN

SECTION 28, TOWNSHIP 23 SOUTH, RANGE 29 EAST,
ORANGE COUNTY, FLORIDA

DESCRIPTION OF AN ADDITIONAL UTILITY EASEMENT:

COMMENCING AT A POINT OF INTERSECTION 100.00' NORTH OF, WHEN MEASURED AT RIGHT ANGLES TO, THE SOUTH BOUNDARY OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 23 SOUTH, RANGE 29 EAST, AND BEING THE WESTERLY RIGHT OF WAY LINE OF PRESIDENTS DRIVE. THENCE RUN SOUTH 89°49'23" WEST PARALLEL TO THE SOUTH BOUNDARY OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 23 SOUTH, RANGE 29 EAST A DISTANCE OF 20.00'; BEING THE WEST LINE OF AN EXISTING SANITARY SEWER EASEMENT AS FOUND IN ORANGE COUNTY PUBLIC RECORDS ORB 2482, PGS 1024-1030, NORTH 00°01'20" EAST A DISTANCE OF 409.51' TO THE SOUTHEAST CORNER OF AN ORANGE COUNTY OBTAINED 25'X55' UTILITY EASEMENT RECORDED AS DOCUMENT #20160221912 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT. FROM THE POINT OF BEGINNING RUN PERPENDICULAR TO THE WESTERLY RIGHT OF WAY LINE OF PRESIDENTS DRIVE SOUTH 89°48'17" WEST A DISTANCE OF 25.00'; THENCE SOUTH 51°27'02" EAST A DISTANCE OF 31.96' TO A POINT 20.00' WEST OF WESTERLY RIGHT OF WAY OF PRESIDENTS DRIVE AND ON THE WESTERLY LINE OF AN EXISTING SANITARY SEWER EASEMENT AS FOUND IN ORANGE COUNTY PUBLIC RECORDS ORB 2482, PGS 1024-1030; THENCE RUN NORTH 00°01'20" EAST PARALLEL TO THE WESTERLY RIGHT OF WAY LINE OF PRESIDENTS DRIVE A DISTANCE OF 20.00' TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 250.00 SQUARE FEET MORE OR LESS.

NOTES:
THIS IS NOT A SURVEY

THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE (FAC)
5J-17.062(3)

THIS DOCUMENT IS NOT CONSIDERED FULL AND COMPLETE WITHOUT BOTH THE DESCRIPTION AND ACCOMPANYING SKETCH.

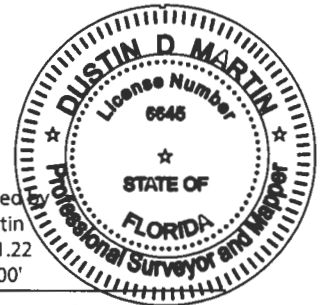
BEARINGS SHOWN HEREON ARE BASED ON THE CONSTRUCTION PLANS FOR PRESIDENTS DRIVE (PS 3177 TO SAND LAKE ROAD, SPECIFICALLY THE WEST RIGHT OF WAY LINE OF PRESIDENTS DRIVE HAVING A BEARING OF NORTH 00°01'20" EAST .

DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

CERTIFIED TO: METRO EQUIPMENT SERVICES, ORANGE COUNTY.

REVISED 01-13-2020 TO ADDRESS COMMENTS FROM OCU.
REVISED 01-17-2020 TO ADDRESS COMMENTS FROM OCU.
REVISED 01-22-2020 TO ADDRESS COMMENTS FROM OCU AND REM.




Dustin D
Martin

Digitally signed
Dustin D Martin
Date: 2020.01.22
14:47:34 -05'00'

DUSTIN D. MARTIN, P.S.M., LS6645
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA.

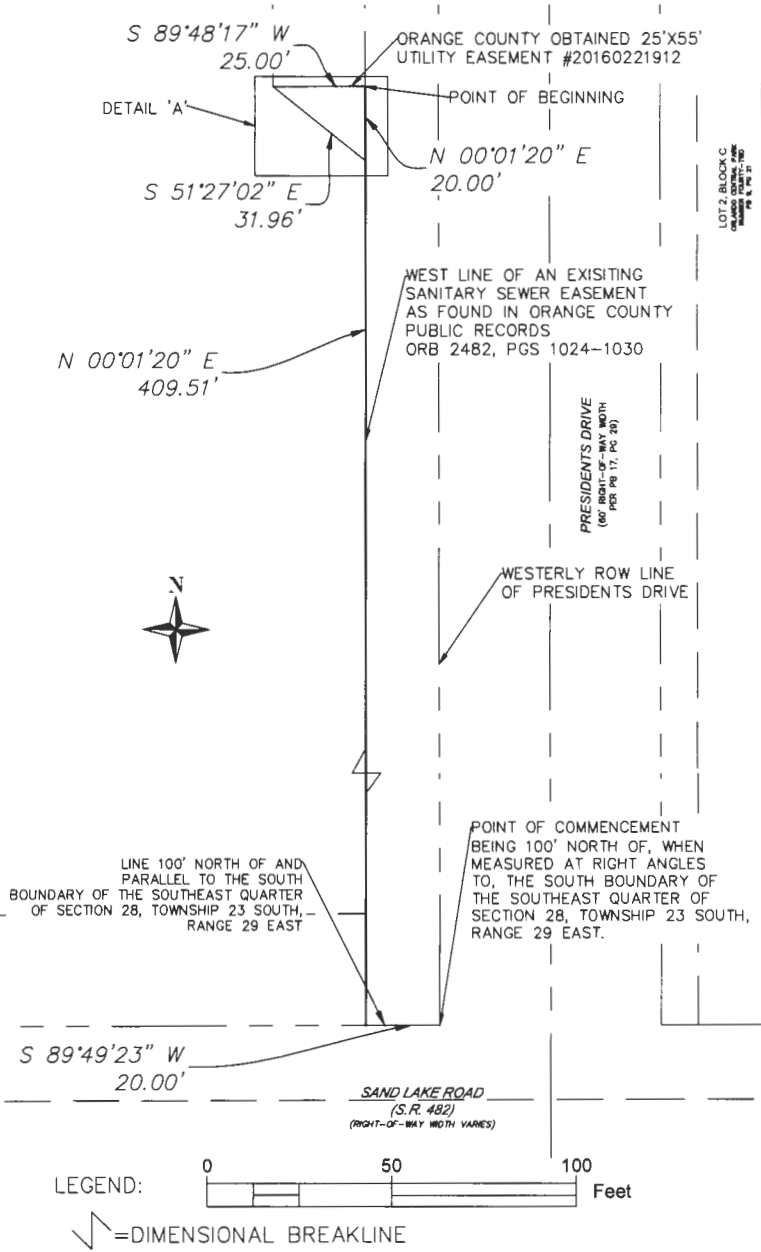
The seal appearing on this document was authorized by Dustin D Martin PSM 6645, on 01-13-2020 PER FAC 5J-17.062(2)

 ANGLERIGHT.NET	12506 Twin Branch Acres Rd. Tampa, FL 33526 239-898-7001 Main 813-920-4649 Fax www.angleright.net LB #7738	Project Number: 18-0458	Project Description: Presidents Drive (Sand Lake Rd. to PS #3177) Wastewater improvements-Additional UE	
	SHEET 1 OF 2	Drawn By: DDM	Client Name: Metro Equipment Services	
	Date: 01-06-2020	File Name: EASEMENT.dwg	Last Date of Field Work: N/A	

SKETCH AND DESCRIPTION

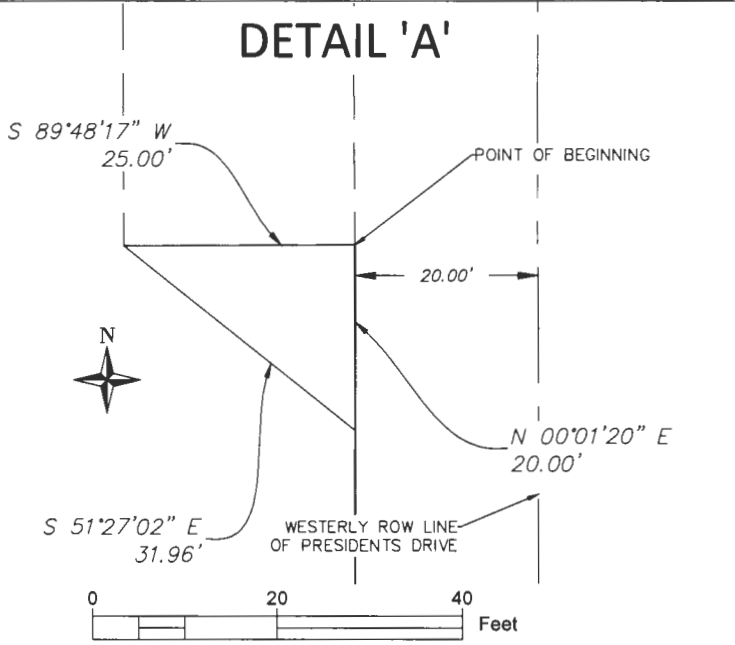
OF
AN ADDITIONAL UTILITY EASEMENT
LYING IN

SECTION 28, TOWNSHIP 23 SOUTH, RANGE 29 EAST,
ORANGE COUNTY, FLORIDA



LOT 2, BLOCK C
ORANGE COUNTY, FLORIDA
PLAT # 11, PG 20


DETAIL 'A'



SEE SHEET 1

DUSTIN D. MARTIN, P.S.M., LS6645
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA.

The seal appearing on this document was authorized by Dustin D Martin, PSM on 01-13-2020 PER FAC 5J-17.062(2)

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