



Interoffice Memorandum

APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

September 26, 2016

BCC Mtg. Date: November 15, 2016

TO: Mayor Teresa Jacobs  
and Board of County Commissioners

FROM: Mark V. Massaro, P. E., Director, Public Works Department

CONTACT PERSON: Ruby Dempsey Rozier, Manager  
Traffic Engineering Division

PHONE NUMBER: (407) 836-7890

SUBJ: **Third Amendment (Phases 3B and 3C) to the Community Association Agreement for Summerlake Community Association, Inc., Traffic Control Devices**

Submitted for approval is an agreement by Summerlake Community Association, Inc., (the Association) in favor of Orange County. This Hold Harmless Agreement was initiated by the Association.

The Association has installed decorative street name and traffic control signposts in lieu of the standard street name and traffic control signposts that would normally be provided by the County. The Association is capable of assuming the responsibility, liability, and maintenance of the decorative street name and traffic control signposts as defined in the agreement.

Staff recommends approval of the agreement between the Association and Orange County to maintain decorative street name and traffic control signposts. This agreement has been approved as to form by the County Attorney's Office and the Risk Management Division.

**Action Requested: Approval and execution of Third Amendment to the Homeowner's Association Agreement for Summerlake Community Association, Inc. Traffic Control Devices by Summerlake Community Association, Inc. and Orange County, Florida that provides for the Association to maintain decorative street name and traffic control signposts. District 1.**

MVM/RDR/nad

Attachments

BCC Mtg. Date: November 15, 2016

Prepared by and return to:  
Traffic Engineering Division  
4200 John Young Parkway  
3<sup>rd</sup> Floor  
Orlando, Florida 32839

**THIRD AMENDMENT TO THE  
HOMEOWNER'S ASSOCIATION AGREEMENT FOR  
SUMMERLAKE COMMUNITY ASSOCIATION, INC.  
TRAFFIC CONTROL DEVICES**

This is the Third Amendment to an March 26, 2013 Agreement entered into by **Summerlake Community Association, Inc.**, a Florida not-for-profit corporation (hereafter the "Association"), and **Orange County, Florida**, a charter county and political subdivision of the State of Florida (hereinafter the "County"),

**RECITALS**

**WHEREAS**, on March 26, 2013 the Association and the County entered into an Agreement concerning traffic control devices, which is recorded at Official Records Book 10560, Pages 4517, *et seq.*;

**WHEREAS**, the Association is the duly created property owner's association for the Summerlake subdivision plat described at **Exhibit "A"** to the March 26, 2013 Agreement, and made a part thereof (the "Property");

**WHEREAS**, the Association and the County entered into the March 26, 2013 Agreement after the Association informed the County that it desired to install decorative street name and traffic control signposts in lieu of the standard street name and traffic control signposts that would normally be provided by the County (the "Improvements");

**WHEREAS**, when the Association and the County entered into the March 26, 2013

Agreement, the parties recognized that the Improvements might encroach on certain public and private rights of way as shown on the Summerlake PD Phase 1A plat recorded at Plat Book 74, Pages 16 through 38, attached as **Exhibit "A"** to the March 26, 2013 Agreement;

**WHEREAS**, when the Association and the County entered into the March 26, 2013 Agreement, the parties also recognized that the Association freely desired to and was capable of assuming the responsibility and liability for installing and maintaining the Improvements;

**WHEREAS**, the Association now desires to amend the March 26, 2013 Agreement, by enlarging the "Property" described in **Exhibit "A"** to the March 26, 2013 Agreement by adding the Summerlake subdivision plat property described at **Exhibit "A"** to this Third Amendment; and

**WHEREAS**, the Association is the duly created property owner's association for the Summerlake subdivision plats described at **Exhibit "A"** to this Third Amendment.

**NOW, THEREFORE**, in consideration of the terms and conditions of the March 26, 2013 Agreement and this Third Amendment, the parties declare as follows:

1. **RECITALS.** The foregoing recitals are true and correct and form a material part of this Third Amendment.

2. **THIRD AMENDMENT.** The Property that is subject to the terms and conditions of the March 26, 2013 Agreement shall henceforth be described as the Summerlake subdivision plats described at both **Exhibit "A"** to the March 26, 2013 Agreement and **Exhibit "A"** to this Third Amendment. Accordingly, the Association may install Improvements on certain public and private rights of way as shown on the plats listed in not only **Exhibit "A"** to the March 26, 2013

Agreement but also **Exhibit "A"** to this Third Amendment. Except as expressly amended by this Third Amendment, all the terms and conditions of the March 26, 2013 Agreement shall continue to remain in full force and effect.

3.     **RECORDING.** This Third Amendment shall be recorded at the Association's expense in the Official Records of Orange County, Florida within 30 days of the Effective Date. This Third Amendment shall run with the Property described at both **Exhibit "A"** to the March 26, 2013 Agreement and **Exhibit "A"** to this Third Amendment, and shall be enforceable against the parties, the grantees of any or all of the Property, or their successors and assigns in interest.

4.     **EFFECTIVE DATE.** This Third Amendment shall become effective upon the date of execution by the County or upon the date of execution by the Association, whichever occurs later.

*[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]*



ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By: Jessica Vaupel  
for Deputy Clerk

**ORANGE COUNTY, FLORIDA**

By: Board of County Commissioners

By: Teresa Jacobs  
Teresa Jacobs, County Mayor

**WITNESSES:**

Joe Cromell  
Signature  
JOE CROMELL  
Print Name  
Ann Landman  
Signature  
Anna Landman  
Print Name

**SUMMERLAKE COMMUNITY  
ASSOCIATION, INC.**

By: John L. Webb  
Print Name: John L. Webb  
Title: V.P.  
Date: 5/20/15, 2015

**STATE OF FLORIDA  
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of May, 2015,  
by John L. Webb, as V. P., of Summerlake  
Community Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation.  
He/She is personally known to me.



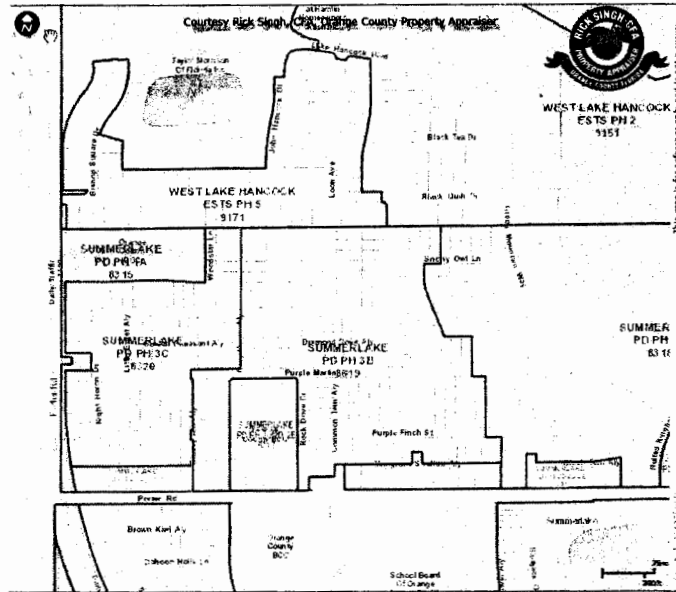
By: Ann Landman  
Print Name: Anna Landman  
Notary Public Commission Stamp

My Commission Expires: 11/8/18

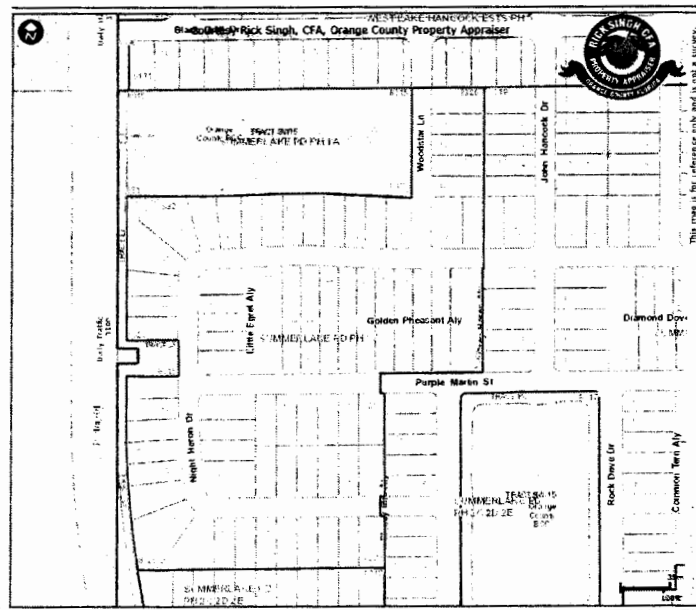
## Exhibit "A"

Summerlake PD Phases 3B and 3C, recorded in Plat Book 85, Pages 143 (3B) and Plat Book 86, Pages 88 (3C).

3B



3C



The Public Records of Orange County, Florida