



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

**DATE:** January 11, 2019

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

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

**FROM:** Veronica M. Garcia, Senior Acquisition Agent, *VG*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** Approval of Donation Agreement and Utility Easement between Bay Point of Bay Hill Property Owners' Association, Inc. and Orange County and authorization to disburse funds to pay recording fees and record instrument

**PROJECT:** Pump Station 3212 (Bay Pointe)  
  
District 1

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

**ITEMS:** Donation Agreement (Parcel 801)  
  
Utility Easement (Instrument 801.1)  
Cost: Donation  
Size: 541 square feet

**BUDGET:** Account No.: 4420-038-1559-23-6110

**FUNDS:** \$36.20 Payable to Orange County Comptroller  
(all recording fees)

Real Estate Management Division

Agenda Item 5

January 11, 2019

Page 2

**APPROVALS:** Real Estate Management Division  
Utilities Department

**REMARKS:** County to pay all recording fees.

REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 1/11/2019  
Project: Pump Station 3212 (Bay Pointe)

Amount: \$36.20  
Parcel(s): 801

Charge to Account # 4420-038-1559-23-6110

Controlling Agency Approval \_\_\_\_\_ Date \_\_\_\_\_  
Fiscal Approval \_\_\_\_\_ Date \_\_\_\_\_

TYPE TRANSACTION (Check appropriate block{s})  
\_\_\_\_\_ Pre-Condemnation \_\_\_\_\_ Post-Condemnation

X N/A District # 1

- \_\_\_\_\_ Acquisition at Approved Appraisal
- \_\_\_\_\_ Acquisition at Below Approved Appraisal
- \_\_\_\_\_ Acquisition at Above Approved Appraisal
- X Advance Payment Requested

**Orange County Comptroller: \$36.20**  
(All Recording Fees)

DOCUMENTATION ATTACHED (Check appropriate block{s})

- X Contract
- X Copy of Executed Instruments
- \_\_\_\_\_ Certificate of Value
- X Settlement Analysis

Payable to: Orange County Comptroller (\$36.20)

\*\*\*\*\*  
CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)  
\*\*\*\*\*

Recommended by *Veronica M. Garcia* \_\_\_\_\_ Date 1/11/19  
Veronica M. Garcia, Sr. Acquisition Agent, Real Estate Mgmt. Div.

Payment Approved *Paul Sladek* \_\_\_\_\_ Date 1/11/19  
Paul Sladek, Manager, Real Estate Management Division

or  
Payment Approved \_\_\_\_\_ Date \_\_\_\_\_  
Russell Corriveau, Asst. Mgr. Real Estate Management Div.

Certified *Veronica M. Garcia* \_\_\_\_\_ Date JAN 29 2019  
Approved by BCC for Deputy Clerk to the Board

Examined/Approved \_\_\_\_\_ Date \_\_\_\_\_  
Comptroller/Government Grants Check No. / Date

REMARKS:  
Anticipated Closing Date: As soon as checks are available.

Anticipated Closing Date: TBD

Please Contact Acquisition Agent @ 67071 if there are any questions.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JAN 29 2019

REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

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Controlling Agency Approval AGM Co Date 1/11/19  
Fiscal Approval \_\_\_\_\_ Date \_\_\_\_\_

TYPE TRANSACTION (Check appropriate block{s})  
\_\_\_\_ Pre-Condernation \_\_\_\_\_ Post-Condernation

X N/A District # 1

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Recommended by [Signature] 1/11/19  
Veronica M. Garcia, Sr. Acquisition Agent, Real Estate Mgmt. Div. Date

Payment Approved [Signature] 1/11/19  
Paul Sladek, Manager, Real Estate Management Division Date

or  
Payment Approved \_\_\_\_\_  
Russell Corriveau, Asst. Mgr. Real Estate Management Div. Date

Certified \_\_\_\_\_  
Approved by BCC Deputy Clerk to the Board Date

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Please Contact Acquisition Agent @ 67071 if there are any questions.

Project: Pump Station 3212 (Bay Pointe)  
Parcel: 801

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

JAN 29 2019

### DONATION AGREEMENT

COUNTY OF ORANGE  
STATE OF FLORIDA

THIS AGREEMENT made between Bay Point of Bay Hill Property Owners' Association, Inc., a Florida corporation, hereinafter referred to as OWNER, and Orange County, a charter county and political subdivision of the state of Florida, hereinafter referred to as COUNTY.

#### WITNESSETH:

WHEREAS, the COUNTY seeks to acquire the land described on Exhibit "A" attached hereto for construction and maintenance of the above referenced project and said OWNER agrees to donate said land for such purpose.

**Property Appraiser's Parcel Identification Number:  
a portion of 28-23-28-0600-00-090**

In consideration of the sum of One (\$1.00) Dollar, each to the other paid, the parties hereto agree as follows:

1. OWNER agrees to execute a permanent Utility Easement on Parcel 801, conveying said Easement unto County free and clear of all liens and encumbrances for the sum of \$ 0.
2. This transaction shall be closed and the easement and other closing papers delivered on or before 90 days from the effective date of this AGREEMENT. Closing shall take place at the office of the Orange County Real Estate Management Division, 400 E. South Street, Fifth Floor, Orlando, Florida 32801, or at such place as shall be mutually agreed upon by COUNTY and OWNER.
3. Ad valorem taxes shall be prorated as of the date of transfer of title and said prorated amount shall be paid by OWNER to COUNTY, in escrow, pursuant to Section 196.295, Florida Statutes, unless the conveyance occurs between November 1 and December 31 of the year of conveyance, in which case ad valorem taxes shall be paid in full by OWNER for the year of conveyance, if applicable.
4. OWNER agrees to remove any personal items from said Parcel 801 prior to closing. It is mutually agreed that any personal items not removed before this date shall be deemed abandoned and COUNTY, or its contractors, may remove and dispose of said personalty after this date without a written agreement between the parties, if applicable.
5. Effective Date: This AGREEMENT shall become effective on the date upon which it has been fully executed by the parties and approved by the Orange County Board of County Commissioners.

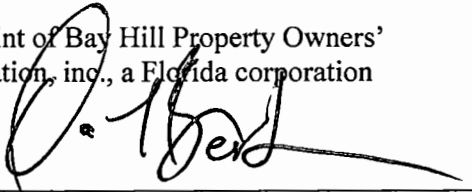
Project: Pump Station 3212 (Bay Pointe)  
Parcel: 801

THIS AGREEMENT supersedes all previous agreements or representations, either verbal or written, heretofore in effect between OWNER and COUNTY, made with respect to the matters herein contained, and when duly executed constitutes the AGREEMENT between OWNER and COUNTY. No additions, alterations, or variations to the terms of this AGREEMENT shall be valid, nor can provisions of this AGREEMENT be waived by either party unless expressly set forth in writing and duly signed.

The parties hereto have executed this AGREEMENT on the date(s) written below.

SELLER:

Bay Point of Bay Hill Property Owners'  
Association, inc., a Florida corporation

By:   
Dan Becker, President

Date: 12/18/18

COUNTY:

ORANGE COUNTY, FLORIDA

By:   
Veronica Garcia, Its Agent

Date: 12/18/18

This instrument prepared by:  
Mary Tiffault, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

S:\Forms & Master Docs\Master Legal DOCS\Master Legal Documents\Agreements\Donation Agmt (OLD).doc/Pump Station 3212 (Bay Pointe)/mat 12/6/2018

**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: EASEMENT**  
**PURPOSE: UTILITY**

**Description**

A portion of Lot 9, BAY POINT, as recorded in Plat Book 7, Page 49, Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the South corner of said Lot 9, thence run Northerly along a curve concave southwesterly, along the easterly right of way line of BAY POINT DRIVE, having a radius of 1030.00 feet, a central angle of 00° 33'23", an arc distance of 10.00 feet where the chord bears North 32° 25' 26" West a distance of 10.00 feet to the southwest corner of a 10.00 foot wide drainage and utility easement as noted on said plat for the POINT OF BEGINNING; thence continue along said curve and easterly right of way line, having a radius of 1030.00 feet, a central angle of 00° 56'44", an arc distance of 17.00 feet where the chord bears North 33° 10' 30" West a distance of 17.00 feet; thence departing said easterly right of way line, run North 57° 51' 15" East, a distance of 32.00 feet; thence run South 32° 08' 45" East, a distance of 17.00 feet to the northerly line of said drainage and utility easement; thence run South 57° 51' 15" West, along said northerly line, a distance of 31.69 feet to the POINT OF BEGINNING.

Containing 541 square feet or 0.012 acres, more or less


**Surveyor's Notes:**

- 1) This sketch and description is not valid without the original signature and seal of the signing licensed Florida surveyor and mapper.
- 2) The purpose of this sketch and description is to describe and depict the location of a proposed utility easement. This is not a boundary survey.
- 3) The configuration and location of the lands described and depicted hereon is based on instructions provided by the client.
- 4) Bearings shown hereon are relative to an assumed datum based on the southerly line of Lot 9, BAY POINT as recorded in Plat Book 7, Page 49 of the Public Records of Orange County, Florida as being North 57° 51' 15" East as depicted on said plat.
- 5) Lands shown hereon were not abstracted for ownership, easements, rights-of-way or other title matters by this firm.
- 6) Additions or deletions to this sketch and description are prohibited without the written consent of the signing Florida licensed surveyor and mapper.
- 7) This sketch and description is certified for the exclusive use of Orange County.

*Robert M. Jones* 10/25/18

Robert M. Jones  
 Florida Professional Surveyor and Mapper No.4201

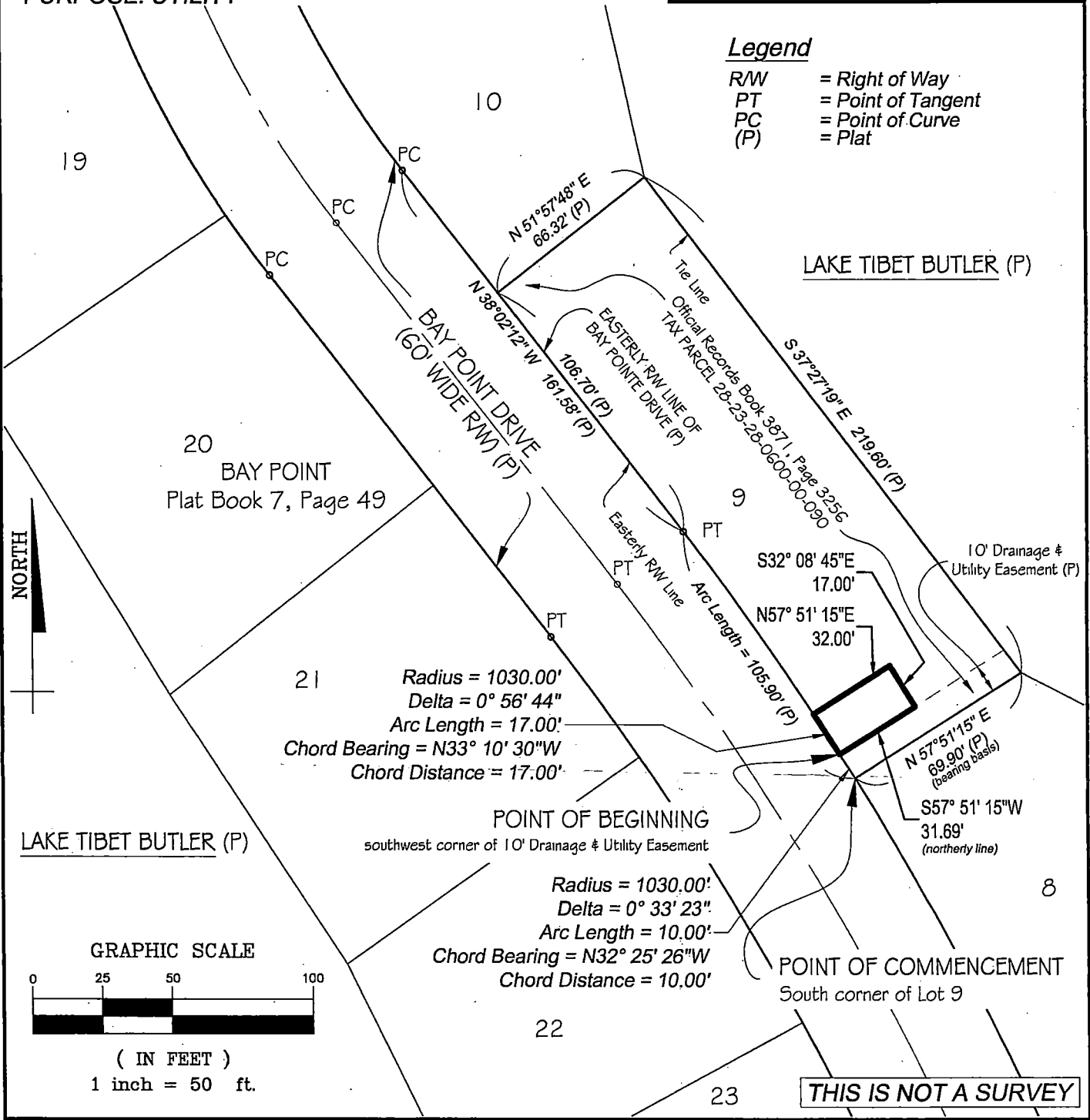
**THIS IS NOT A SURVEY**

PROJECT/TITLE <b>Orange County Utilities Department          Legal Description and Sketch          Pump Station #3212 (Bay Point)</b>	DATE	BY	DESCRIPTION
	REVISION		
 <b>Wood Environment &amp; Infrastructure Solutions, Inc.</b> 550 Northlake Blvd., Suite 1000 Altamonte Springs, FL 32701 USA Phone: (407) 522-7570 Certificate of Authorization Number LB-0007932	DRAWN BY: <u>J.S.P.</u> DATE: <u>09/18/2018</u>	CHKD. BY: <u>R.M.J.</u> DATE: <u>09/18/2018</u>	JOB No. <u>6374.18.1118</u>
	SCALE: <u>N/A</u>	SHT. <u>1</u> OF <u>2</u>	
	DRAWING NAME: 1118 PS #3212 (Bay Pointe).dwg		

**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: EASEMENT**  
**PURPOSE: UTILITY**

**Legend**

- R/W = Right of Way
- PT = Point of Tangent
- PC = Point of Curve
- (P) = Plat



PROJECT TITLE: **Orange County Utilities Department  
 Legal Description and Sketch  
 Pump Station #3212 (Bay Point)**

**wood.**  
**Wood Environment & Infrastructure Solutions, Inc.**  
 550 Northlake Blvd., Suite 1000  
 Altamonte Springs, FL 32701 USA  
 Phone: (407) 522-7570  
 Certificate of Authorization Number LB-0007932

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY:	J.S.P.	CHKD. BY: R.M.J.
DATE:	09/18/2018	DATE: 09/18/2018
JOB No.	SCALE:	SHT. 2
6374.18.1118	N/A	OF 2
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APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JAN 29 2019

THIS IS A DONATION

Project: Pump Station 3212 (Bay Pointe)  
Parcel: 801.1

**UTILITY EASEMENT**

THIS INDENTURE, Made this 17<sup>th</sup> day of December, A.D. 20 18, between Bay Point of Bay Hill Property Owners' Association, Inc., a Florida not-for-profit corporation, whose address is 9167 Bay Point Drive, Orlando, Florida, 32819, 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 \$1.00 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**

**28-23-28-0600-00-090**

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, agrees 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 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.

Project: Pump Station 3212 (Bay Pointe)  
Parcel: 801.1

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.

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

Signed, sealed and delivered  
in the presence of:

Bay Point of Bay Hill Property Owners'  
Association, Inc., a Florida not-for-profit  
corporation

Robert W Page  
Witness

BY: [Signature]  
Dan Becker, President

Robert W Page  
Printed Name

[Signature]  
Witness

Say Greenwell  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 17<sup>th</sup> of December, 2018, by Dan Becker, as President of Bay Point of Bay Hill Property Owners' Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He  is personally known to me or  has produced State of FL Drivers License as identification.

(Notary Seal)



Leigh Mace Huckaby  
Notary Signature

Leigh Mace Huckaby  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: 12/05/2022

**This instrument prepared by:**  
Mary Tiffault, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

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*Robert M. Jones* 10/25/18

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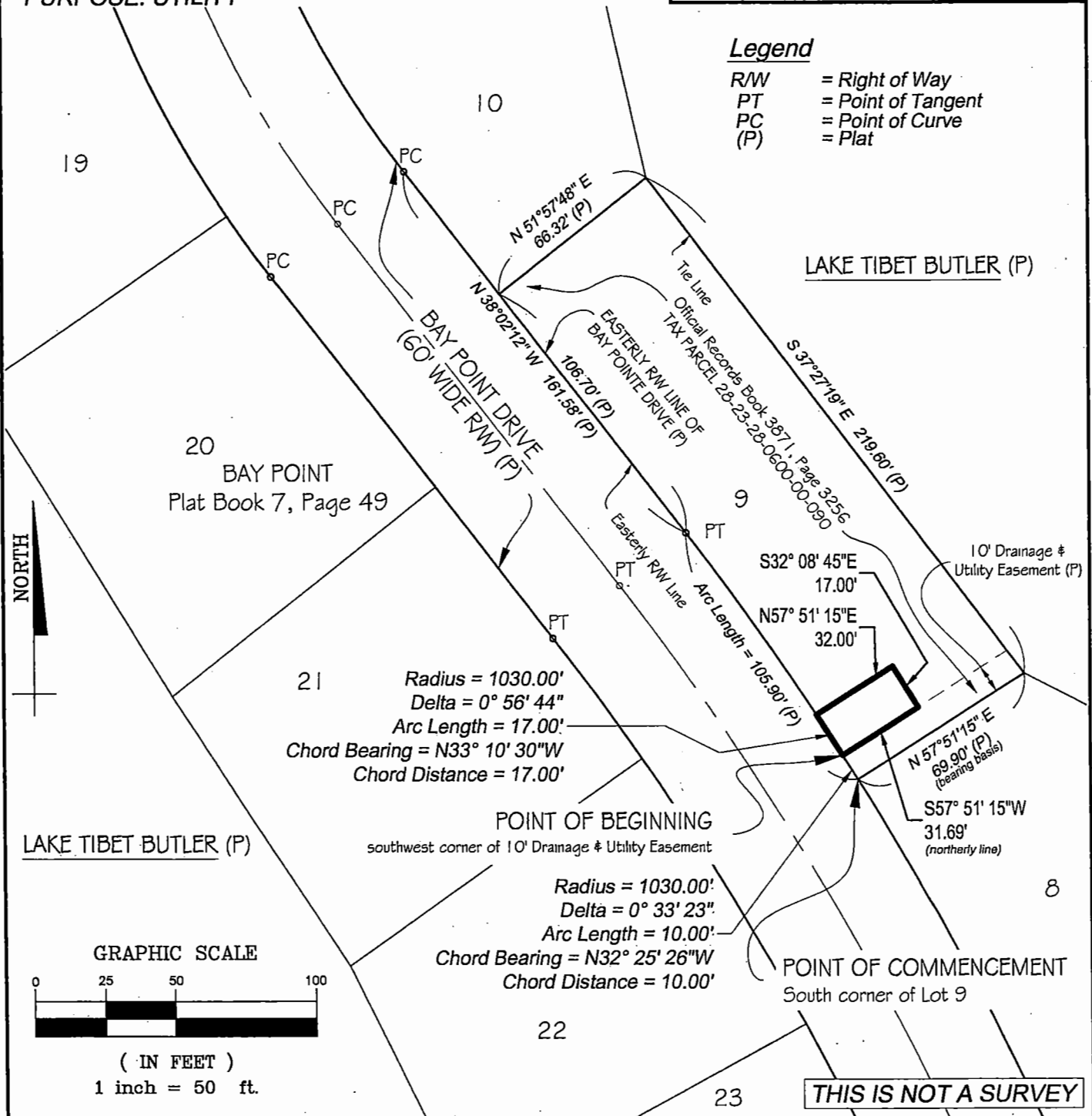
**THIS IS NOT A SURVEY**

PROJECT TITLE: Orange County Utilities Department Legal Description and Sketch Pump Station #3212 (Bay Point)			
		<b>Wood Environment &amp; Infrastructure Solutions, Inc.</b> 550 Northlake Blvd., Suite 1000 Altamonte Springs, FL 32701 USA Phone: (407) 522-7570 Certificate of Authorization Number LB-0007932	
DATE	BY	DESCRIPTION	
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DATE:	09/18/2018	DATE:	09/18/2018
JOB No.	SCALE:	SHT. 1	
6374.18.1118	N/A	OF 2	
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LAKE TIBET BUTLER (P)

20  
 BAY POINT  
 Plat Book 7, Page 49

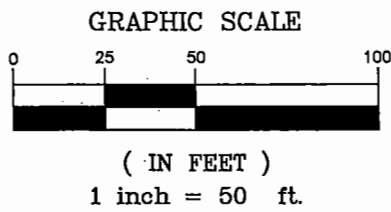
21  
 Radius = 1030.00'  
 Delta = 0° 56' 44"  
 Arc Length = 17.00'  
 Chord Bearing = N33° 10' 30"W  
 Chord Distance = 17.00'

POINT OF BEGINNING  
 southwest corner of 10' Drainage & Utility Easement

Radius = 1030.00'  
 Delta = 0° 33' 23"  
 Arc Length = 10.00'  
 Chord Bearing = N32° 25' 26"W  
 Chord Distance = 10.00'

POINT OF COMMENCEMENT  
 South corner of Lot 9

**THIS IS NOT A SURVEY**



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DRAWN BY:		J.S.P.	
DATE:		09/18/2018	
CHKD. BY:		R.M.J.	
DATE:		09/18/2018	
JOB No.		SCALE:	
6374.18.1118		N/A	
SHT. 2		OF 2	
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**Wood Environment & Infrastructure Solutions, Inc.**

550 Northlake Blvd., Suite 1000  
 Altamonte Springs, FL 32701 USA  
 Phone: (407) 522-7570

Certificate of Authorization Number LB-0007932


Project: Pump Station 3212 (Bay Pointe)  
Parcel No: 801  
Name of Owner: Bay Point of Bay Hill Property Owners' Association, Inc.

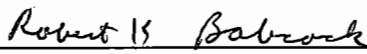
**SETTLEMENT ANALYSIS**

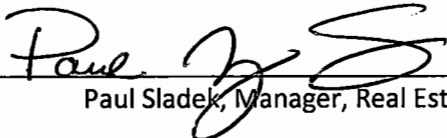
**EXPLANATION OF RECOMMENDED SETTLEMENT**

(Memorandum to File pursuant to Section 4 of Ordinance 92-29)

The subject tract is a portion of Lot 9, BAY POINT, as recorded in Plat Book 7, Page 49, Public Records of Orange County, Florida. The easement area of 541 S.F. is required for Pump Station 3212. The site improvements within the area of the acquisition include paved driveway. The easement area is necessary for the renovation and expansion of existing Pump Station 3212. I request approval of donation of property.

Recommended by:  Date: 1/11/19  
Veronica M. Garcia, Sr. Acquisition Agent, Real Estate Mgmt. Division

Recommended by:  Date: 1/11/19  
Robert K. Babcock, Acquisition Supervisor, Real Estate Mgmt. Division

Approved by:  Date: 1/11/19  
Paul Sladek, Manager, Real Estate Mgmt. Division

or  
Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Russell Corriveau, Asst. Manager, Real Estate Mgmt. Division