Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

DATE: January 12, 2022

TO: Mayor Jerry L. Demings

-AND-

County Commissioners

Mindy T. Cummings, Manager THROUGH:

Elizabeth Price Jackson, Senior Title Examiner 45 / MC Real Estate Management Division FROM:

CONTACT

Mindy T. Cummings, Manager **PERSON:**

Real Estate Management Division DIVISION:

Phone: (407) 836-7090

ACTION

Approval of Memorandum of Understanding for Real Estate Transfer Related to Pump Station No. 3058 (Dimare Drive) Between Orange **REQUESTED:**

County Public Works Department and Orange County Utilities Department, approval and execution of Notices of Reservation and authorization to disburse funds to pay recording fees and record

instruments

PROJECT: Pump Station No. 3058 (Dimare Drive)

> 3 District

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

facilities.

Interoffice Memorandum
Real Estate Management Division
Agenda Item 5
January 12, 2022
Page 2 of 2

ITEMS: Memorandum of Understanding

Notice of Reservation (Instrument 101.1) Cost: None

Size: 1,526.69 square feet

Notice of Reservation (Instrument 801.1) Cost: None

Size: 2,461.75 square feet

BUDGET: Account No.: 4420-038-1503-52-6110

FUNDS: \$54 Payable to Orange County Comptroller

(recording fees)

APPROVALS: Real Estate Management Division

County Attorney's Office Public Works Department Utilities Department

REMARKS: The Orange County Utilities Department (OCU) is undertaking a project

to remove, relocate, update, and replace the current Pump Station No. 3058 (Dimare Drive) (the Project). The new areas needed for the pump station (Parcel 101) and a utility easement (Parcel 801) are on a tract of land controlled by Orange County Public Works (OCPW). OCPW has agreed to transfer the controlling interest in Parcel 101 and to grant a utility easement over Parcel 801 to OCU at no cost. The Notices of Reservation will be recorded in the public records to memorialize the

transfer of the interest in the two areas from OCPW to OCU.

APPROVED BY ORANGE COUNTY BOARD OF-COUNTY COMMISSIONERS

JAN 2 5 2022

Parcel: 101/801

Project: Pump Station No. 3058 (Dimare Drive)

MEMORANDUM OF UNDERSTANDING FOR REAL ESTATE TRANSFER RELATED TO PUMP STATION NO. 3058 (DIMARE DRIVE) BETWEEN ORANGE COUNTY PUBLIC WORKS DEPARTMENT AND ORANGE COUNTY UTILITIES DEPARTMENT

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of the date of last execution below, by and between ORANGE COUNTY PUBLIC WORKS DEPARTMENT ("OCPW") and ORANGE COUNTY UTILITIES DEPARTMENT ("OCU").

RECITALS

- A. Orange County, Florida owns in fee simple a parcel of property in Orange County identified as Tax ID No. 13-23-30-8094-00-003 and more particularly described in **Exhibit "A"**, attached hereto and by this reference made a part of this Agreement (the "**Property**").
- B. As of the date hereof, OCPW is the controlling agency for County's interest in the Property, which was acquired for and is currently used for County storm water purposes.
- C. OCU is currently undertaking a project known as Pump Station 3058 (Dimare Drive) to remove, relocate, update, and replace the current Pump Station at Dimare Drive and to provide necessary utility improvements needed for the new Pump Station (the "**Project**").
- D. In connection with the Project, OCU requires controlling interest in that certain portion of the Property more particularly described in **Schedule** "A" as Parcel 101 attached hereto and incorporated herein by this reference ("Parcel 101").
- E. In connection with the Project, OCU also requires a utility easement in that certain portion of the Property more particularly described in **Schedule** "A" as Parcel 801 attached hereto and incorporated herein by this reference ("Parcel 801").
- F. Upon request from OCU, and upon the terms and conditions set forth herein, OCPW has agreed to: (i) transfer the controlling rights of County's interest in Parcel 101 to OCU; and (ii) grant OCU the requested utility easement over County's interest in the Property as referenced as Parcel 801.
- G. OCPW and OCU have agreed that there will be no moneys exchanged for either the transfer of the controlling rights of County's interest in Parcel 101 or the granting of the requested utility easement over County's interest in the Property to OCU; and
- H. OCPW and OCU (the "Parties") agree that the above described real estate transactions including the transfer of the controlling rights for County's interest in Parcel 101

Project: Pump Station No. 3058 (Dimare Drive)

from OCPW to OCU and the granting of the above described easement are necessary and appropriate to provide for access, construction, operation, and maintenance of the Project by OCU and are in the best interest of the County and of the public.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

- 1. <u>Recitals.</u> The recitals set forth above are true and correct and are incorporated herein by this reference.
- 2. <u>Transfer of Controlling Agency and Grant of Easements</u>. OCPW, within 30 days of the execution date of this MOU hereby agrees to:
- a. the transfer of the controlling agency for County's interest in Parcel 101 from OCPW to OCU;
- b. the grant of the above described utility easement over Parcel 801 in favor of OCU; and

In the event that OCPW shall fail to complete the above transfers, then this MOU shall terminate, whereupon this MOU shall be deemed null and void and of no force and effect, and neither Party shall have any further rights, obligations, or liability hereunder.

3. Reservation of Easement. There is currently a Pump Station owned and operated by OCU in an easement area between two homes on Dimare Drive that will be removed and relocated (the "OCU Facilities"). OCU hereby reserves a utility easement, on the Property owned and operated by OCPW, to construct, operate, expand, use, maintain, repair, replace, and reconstruct the OCU Facilities in the Property. Additionally, OCU may (i) install additional utility lines within the easement area, subject to approval by OCPW, and (ii) replace the OCU Facilities within Parcel 101 with larger utility lines as necessary to serve its customers.

4. <u>Notices of Reservation</u>.

- a. The Parties acknowledge that a Notice of Reservation shall be executed by the Orange County Board of County Commissioners (the "Board") and recorded by County in the Public Records of Orange County, Florida, (the "Public Records") to reflect and provide public notice of the transfer of control of Parcel 101 from OCPW to OCU as described herein.
- b. The Parties acknowledge that a second Notice of Reservation shall be executed by the Board and recorded by County in the Public Records to reflect and provide public notice of the grant of the above described utility easement over Parcel 801 to and in favor of OCU.

Project: Pump Station No. 3058 (Dimare Drive)

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed and delivered on the day and year last executed below.

Dated: 12-10-01

Dated: /2/16/21

By: 294

Ву:____

Joseph C. Kunkel, P.E.

Director

Orange County Public Works Department

Ed Torres, M.S., P.E., LEED AP

Director

Orange County Utilities Department

This instrument prepared by:

E. Price Jackson, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida P. O. Box 1393 Orlando, FL 32802-1393

Project: Pump Station No. 3058 (Dimare Drive)

EXHIBIT A

DESCRIPTION OF THE PROPERTY

Tract "C", of SUN VISTA WOODS, according to the plat thereof, as recorded in Plat Book 34, Pages 83 and 84 of the Public Records of Orange County, Florida.

Project: Pump Station No. 3058 (Dimare Drive)

PARCEL 101 "SCHEDULE A"

SEE THE ATTACHED

SKETCH OF DESCRIPTION

(2 PAGES)

SKETCH OF DESCRIPTION

PARCEL: 101.1 ESTATE: FEE

PURPOSE: PUMP STATION

O.C.U. PROJECT NUMBER: 1503-52

Description

Being a portion of Tract "C", Sun Vista Woods, according to the plat thereof as recorded in Plat Book 34 Pages 83 through 84 of the Public Records of Orange County, Florida.

Being more particularly described as follows:

Commence at the southeast corner of Lot 445, East Orlando Section Four Replat, according to the plat thereof, as recorded in Plat Book Z, Page 58 of said Public Records; thence run North 00°00'00" East, along the east line of said East Orlando Section Four Replat, a distance of 364.73 feet to the POINT OF BEGINNING; thence continue North 00°00'00" East, along said east line, a distance of 31.19 feet; thence departing said east line, run North 90°00'00" East, a distance of 47.53 feet to the west line of Tract "A" of said Sun Vista Woods; thence run South 04°57'20" West, along said west line and the southwesterly extension of said west line, a distance of 35.18 feet; thence run North 85°02'40" West, a distance of 44.66 feet to the POINT OF BEGINNING.

Containing 1526.69 Square Feet or 0.035 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 Pump Station Property. 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 west line of Tract "C", Sun Vista Woods, as recorded in Plat Book 34, Pages 83 through 84 of the Public Records of Orange County, Florida as being North 00° 00′ 00″ 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.

- 10/29/19

Robert M. Jones

Florida Professional Surveyor and Mapper No.4201

THIS IS NOT A SURVEY

PROJECT TITLE:

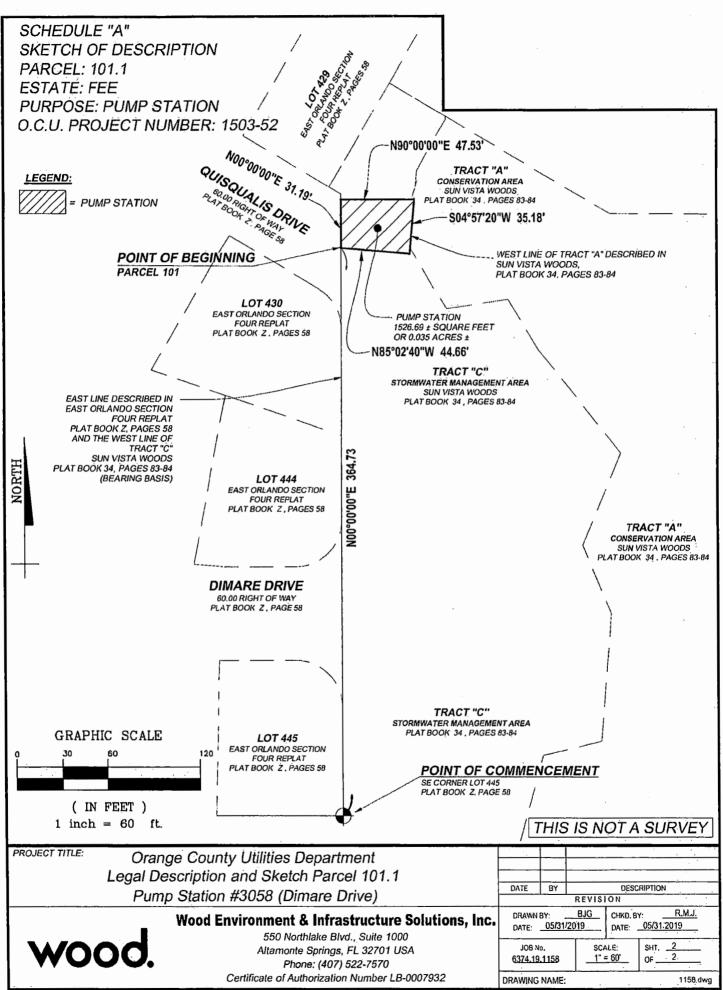
Orange County Utilities Department Legal Description and Sketch Parcel 101.1 Pump Station #3058 (Dimare Drive)

Wood Environment & Infrastructure Solutions, Inc.

wood.

550 Northlake Blvd., Suite 1000 Altamonte Springs, FL 32701 USA Phone: (407) 522-7570 Certificate of Authorization Number LB-0007932

10/21/2019	60	Separated careers out to 101		
DATE	BY	DESCRIPTION		
		REVISI	ON	, ,
DRAWN BY: <u>BJG</u> DATE: <u>05/31/2019</u>			CHKD, BY: R.M.J.: DATE: 05/31/2019	
JOB No. 6374.19.1158		SCALE: N/A		SHT. 1 OF 2
DRAWING	NAME:			1158.dwg



RH 7/27/2021

Project: Pump Station No. 3058 (Dimare Drive)

PARCEL 801 "SCHEDULE A"

SEE THE ATTACHED

SKETCH OF DESCRIPTION

(2 PAGES)

SKETCH OF DESCRIPTION

PARCEL: 801.1

ESTATE: PERMANENT EASEMENT

PURPOSE: UTILITY

O.C.U. PROJECT NUMBER: 1503-52

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Containing 2461.75 Square Feet or 0.057 acres, more or less.

Surveyor's Notes:

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Robert M. Jones

Florida Professional Surveyor and Mapper No.4201

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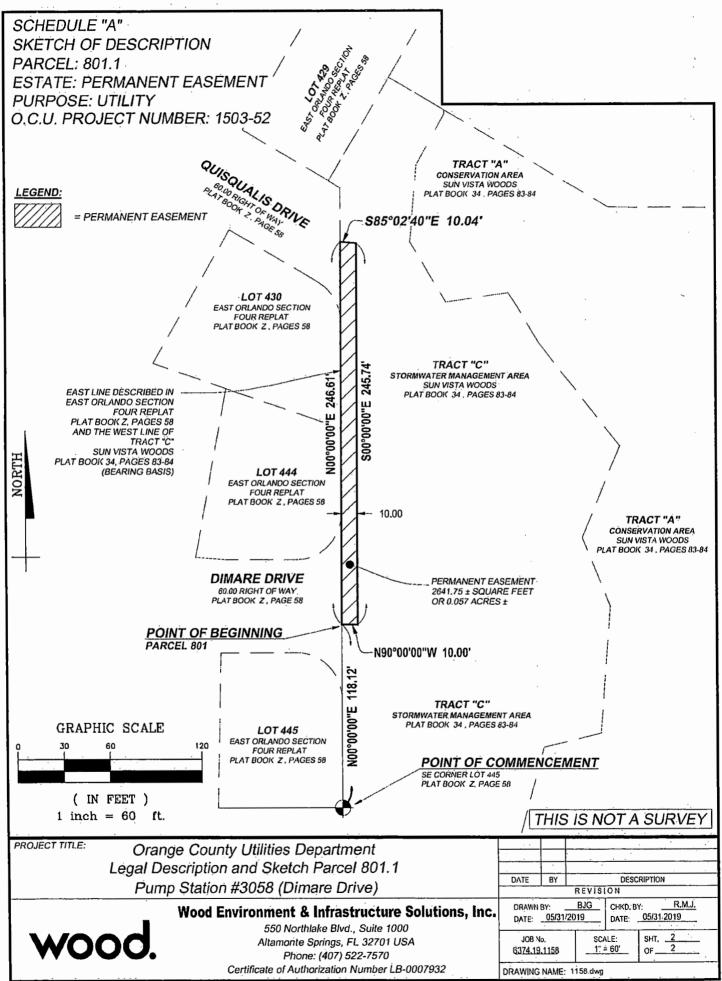
PROJECT TITLE:

Orange County Utilities Department Legal Description and Sketch Parcel 801.1 Pump Station #3058 (Dimare Drive)

Wood Environment & Infrastructure Solutions, Inc.

wood.

550 Northlake Blvd., Suite 1000 Altamonte Springs, FL 32701 USA Phone: (407) 522-7570 Certificate of Authorization Number LB-0007932 10/21/2019 BG



RH 7/27/2021

Instrument: 101.1

Project: Pump Station No. 3058 (Dimare Drive)

NOTICE OF RESERVATION

ORANGE COUNTY, A CHARTER COUNTY AND POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, HEREBY reserves a fee simple interest on the following property for a pump station site:

SEE ATTACHED SCHEDULE "A" a portion of

Property Appraiser's Identification No.: 13-23-30-8094-00-003

THIS RESERVATION is being recorded to transfer the controlling interest in the land described on the attached Schedule "A" from the Orange County Public Works Department to the Orange County Utilities Department.

JAN 2 5 2022 Dated at Orlando, Florida this

IN WITNESS WHEREOF, the said COUNTY has caused these presents to be executed in its Board acting by the County Mayor, the day and year aforesaid.

> ORANGE COUNTY, FLORIDA By Board of County Commissioners

ATTEST: Phil-Diamond, CPA, Orange County Comptroller as Clerk of the Board of County Commissioners

This instrument prepared by: E. Price Jackson, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida, P. O. Box 1393, Orlando, FL 32802-1393

SKETCH OF DESCRIPTION

PARCEL: 101.1 ESTATE: FEE

PURPOSE: PUMP STATION

O.C.U. PROJECT NUMBER: 1503-52

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Robert M. Jones

Florida Professional Surveyor and Mapper No.4201

THIS IS NOT A SURVEY

Separated Parcels 801 & 101

DESCRIPTION

PROJECT TITLE:

Orange County Utilities Department Legal Description and Sketch Parcel 101.1 Pump Station #3058 (Dimare Drive)

Wood Environment & Infrastructure Solutions, Inc.

wood.

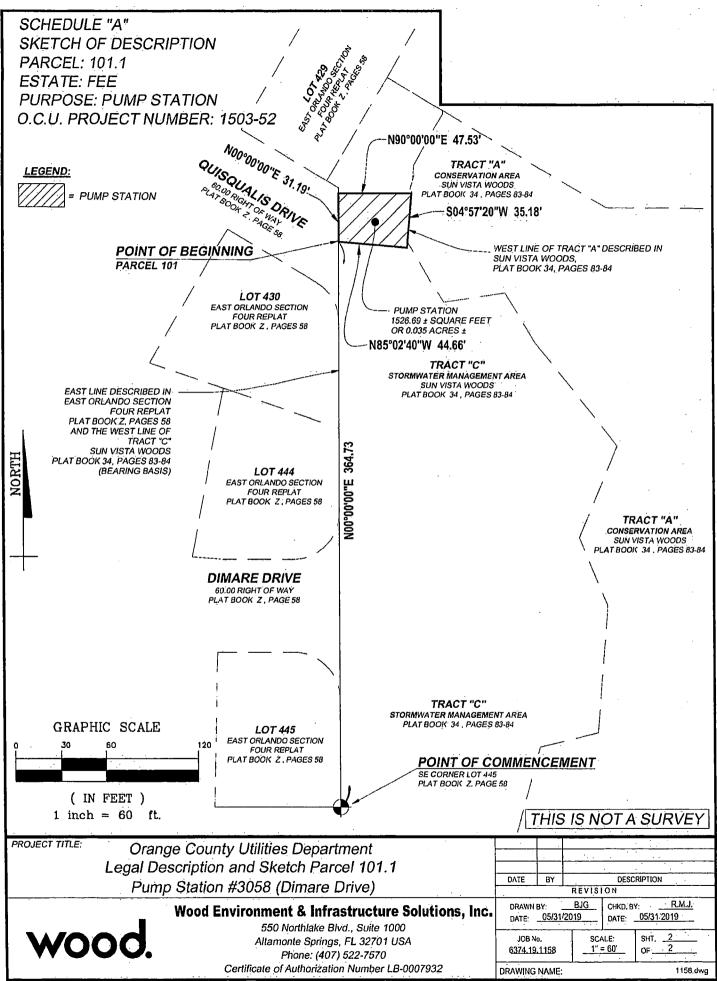
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KH 7/27/2021

10/21/2019

DATE

BG



Instrument: 801.1

Project: Pump Station No. 3058 (Dimare Drive)

NOTICE OF RESERVATION

ORANGE COUNTY, A CHARTER COUNTY AND POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, HEREBY reserves an easement for utility purposes in perpetuity on the following property:

SEE ATTACHED SCHEDULE "A"

a portion of Property Appraiser's Identification No. 13-23-30-8094-00-003

ORANGE COUNTY shall retain	n its easement interest de	espite any transfer of fee title.
Dated at Orlando, Florida this _	JÂN 2 5 2022	·

IN WITNESS WHEREOF, the said COUNTY has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

ORANGE COUNTY, FLORIDA By Board of County Commissioners

Jerry L. Demings

Orange County Mayor

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

6 Deputy Clerk

BY:

Printed Name

This instrument prepared by: E. Price Jackson, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida, P. O. Box 1393, Orlando, FL 32802-1393

SKETCH OF DESCRIPTION

PARCEL: 801.1

ESTATE: PERMANENT EASEMENT

PURPOSE: UTILITY

O.C.U. PROJECT NUMBER: 1503-52

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Robert M. Jones

Florida Professional Surveyor and Mapper No.4201

THIS IS NOT A SURVEY

Separated Parcels 801 & 101

PROJECT TITLE:

Orange County Utilities Department Legal Description and Sketch Parcel 801.1 Pump Station #3058 (Dimare Drive)

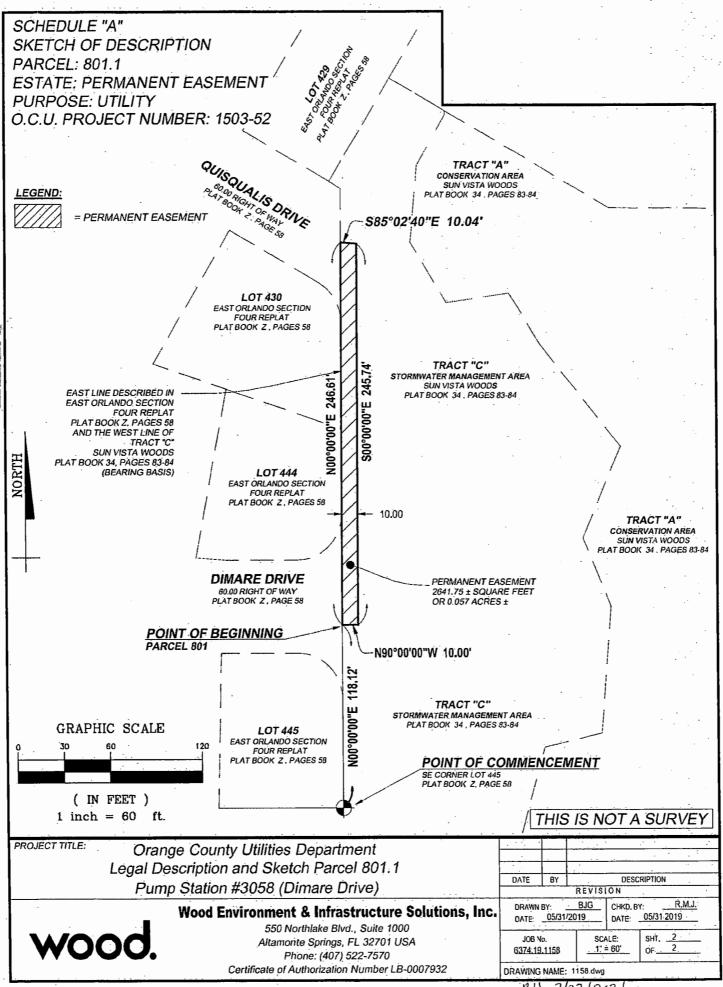
Wood Environment & Infrastructure Solutions, Inc.

Certificate of Authorization Number LB-0007932

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

DATE BY DESCRIPTION REVISION BJG R.M.J. CHKD, BY: DRAWN BY: DATE: 05/31/2019 05/31/2019 JOB No. SCALE: 6374.19.1158 OF. DRAWING NAME: 1158.dwg

10/21/2019 BG



REQUEST FOR FUNDS FOR LAND ACQUISITION

XUnder BCC Approval	Onder Ordinance Approval
Date: December 13, 2021	Total Amount: \$54.00
Project: Pump Station No. 3058 (Dimare Drive)	Parcels: 101/801
Observe to Asserve A // 4400 000 4500 50 0440	Charles S. Parker District Option (1) Charles 1. Pater Charles County Williams
Charge to Account # 4420-038-1503-52-6110	Controlling Agency Approval Signature Date
	Printe Name:
	\$ 9 M Con 12/16/21
	Fiscal Approval Signature Date
	WAYNE M COY
	Printed Name
TYPE TRANSACTION (Check appropriate block(s)) Pre-Condemnation Post-Condemnation	X N/A District # 3
Acquisition at Approved Appraisal	Name, Address, FEIN No.
Acquisition at Below Approved Appraisal Acquisition at Above Approved Appraisal	
X Advance Payment Requested (recording fees)	•
Donation	
DOCUMENTATION ATTACHED (Check appropriate block(s))	
Contract/ Agreement	
X Copy of Executed Instruments	
Certificate of Value Settlement Analysis	
	-
Payable to: Orange County Comptroller	
a, a, a a a a a a a a a a a a a a a a a	
IMPORTANT: CHECKS ARE TO BE PICKED UP BY THE REAL ES	· · · · · · · · · · · · · · · · · · ·
Recommended by Elizabet Price Jackson	12/21/21
Elizabeth Price Jackson, Sr. Title Examine Real Estate Management Division	er Date´
Real Estate Wallagement Division	1/2/2022
Payment Approved Mindy T. Cummings, Manager, Real Estat	to Management Div. Dist.
or	te Management Div. Date
Payment Approved	
$\mathcal{A} \cap \mathcal{A}$	Date JAN 2 5 2022
Certified / Leura / L	
Approved by BCQ Deputy Clerk to the Board	Date
Examined/Approved	·
Comptroller/Government Grants	Check No. / Date
REMARKS:	
Anticipated Closing Date: To be recorded as soon as check	APPROVED BY ORANGE COUNTY BOARD
	OF COUNTY COMMISSIONERS
	JAN 2 5 2022

Jackson, Elizabeth

From:

Parker, Tad

Sent:

Tuesday, December 21, 2021 4:12 PM

To:

Jackson, Elizabeth Pankey, Shawnette U

Cc: Subject:

RE: PS 3058 Dimare - Signed MOU

I, Charles S. Parker, approved payment of the attached request for funds dated 12/13/2021 payable to the Orange County Comptroller for payment of recording fees in the amount of \$54.00 in connection with Pump Station No. 3058 (Dimare Drive).

Charles "Tad" Parker, P.E.

Assistant Division Manager

Orange County Utilities

Engineering Division
9150 Curry Ford Road | Orlando, FL | 32825
O: 407-254-9729 | C: 321-229-2420
Email | Website | Social
Innovating for a Sustainable Tomorrow

From: Jackson, Elizabeth

Sent: Tuesday, December 21, 2021 3:55 PM

To: Parker, Tad

Cc: Pankey, Shawnette U

Subject: RE: PS 3058 Dimare - Signed MOU

Hi Tad,

I see that you signed the request for funds digitally. The comptroller has requested the following information in an email for each digital signature supplied on a request for funds:

I, Charles S. Parker, approved payment of the attached request for funds dated 12/13/2021 payable to the Orange County Comptroller for payment of recording fees in the amount of \$54.00 in connection with Pump Station No. 3058 (Dimare Drive).

Please cut and paste the bold sentence into an email and <u>send to me</u>. I'll print it and send it as an attachment to the request for funds with the agenda package. Thank you.

Thanks, **Beth Jackson,** Senior Title Examiner

Real Estate Management Division

(407) 836-7099
<u>Elizabeth.Jackson@ocfl.net</u>
400 E. South Street, 5th Floor, Orlando, Florida 32801
www.ocfl.net