



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

DATE: September 5, 2019

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

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

FROM: Elena Hutchinson, Senior Title Examiner *EH*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval of Warranty Deed from Meritage Homes of Florida, Inc. to Orange County, approval and execution of Subordination of Utility Interests from Duke Energy Florida, LLC d/b/a Duke Energy and authorization to perform all actions necessary and incidental to closing

PROJECT: Village F Watermark APF Conveyances

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of road improvements as a requirement of an adequate public facilities agreement.

ITEMS: Warranty Deed
Cost: Donation
Total size: 5,352 square feet

Subordination of Utility Interests

APPROVALS: Real Estate Management Division
Roads and Drainage Division
Risk Management Division
Transportation and Planning Division

REMARKS: This conveyance is a requirement of the Village F Master PD Adequate Public Facilities and Impact Fee Credit Agreement (Compass Rose Corporation/Disney) approved by the Board on September 15, 2009, as amended.

The Subordination of Utility Interests will subordinate Duke Energy's interest in their existing easement encumbering a portion of the lands being conveyed by this action. If Orange County should require Duke Energy to alter, adjust, or relocate its facilities located within said lands in connection with this subordination, Orange County shall pay the reasonable cost of such alteration, adjustment, or relocation, including but not limited to the cost of acquiring appropriate easements.

Orange County is executing the Subordination of Utility Interests to show acceptance of the terms and conditions.

Grantor to pay all closing costs and prorated taxes.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

SEP 24 2019

Project: Village F Watermark APF Conveyances

WARRANTY DEED

THIS WARRANTY DEED, Made and executed the 22nd day of May, A.D. 2019, by Meritage Homes of Florida, Inc., a Florida corporation, having its principal place of business in the city of ORLANDO, county of ORANGE, whose mailing address is 8800 East Raintree Drive, Suite 300, Scottsdale, Arizona 85260, 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, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the GRANTEE, all that certain land situate in Orange County, Florida:

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:

04-24-27-0000-00-046

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the GRANTOR hereby covenants with said GRANTEE that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

Project: Village F Watermark APF Conveyances

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

Signed, sealed, and delivered in the presence of:

[Signature]
Witness

Alex Madison
Printed Name

[Signature]
Witness

Christine Ailes
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 22 day of 05, 2019, by Brian Kittle, as Division President, of Meritage Homes of Florida, Inc., a Florida corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.

Meritage Homes of Florida, Inc., a Florida corporation

BY: [Signature]

Brian Kittle
Printed Name

PRESIDENT
Title

(Corporate Seal)



[Signature]
Notary Signature
Jessica McCambridge
Printed Notary Name

This instrument prepared by:
Monica Hand, 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: 01/11/2022

LEGAL DESCRIPTION
THIS IS NOT A SURVEY

EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN SECTION 4, TOWNSHIP 24 SOUTH, RANGE 27 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE RUN NORTH 00°05'36" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SUMMERLAKE GROVES STREET, ACCORDING TO DEED BOOK 789, PAGE 242; THENCE DEPARTING SAID WEST SECTION LINE RUN SOUTH 89°56'55" WEST, A DISTANCE OF 50.08 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 06°21'57", A CHORD THAT BEARS NORTH 26°35'12" EAST WITH A DISTANCE OF 13.88 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 13.89 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 64°28'36", A CHORD THAT BEARS NORTH 02°28'08" WEST WITH A DISTANCE OF 26.67 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARCH OF SAID CURVE, A DISTANCE OF 28.13 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SUMMERLAKE GROVES STREET, ACCORDING TO OFFICIAL RECORDS BOOK 10933, PAGE 1230, HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 12°56'39", A CHORD THAT BEARS SOUTH 41°10'45" EAST WITH A DISTANCE OF 51.85 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 51.96 FEET TO A POINT OF NON-TANGENCY LYING ON THE AFORESAID NORTH RIGHT-OF-WAY LINE OF SUMMERLAKE GROVES STREET; THENCE DEPARTING THE SAID WEST RIGHT-OF-WAY LINE RUN ALONG THE SAID NORTH RIGHT-OF-WAY LINE SOUTH 89°56'55" WEST, A DISTANCE OF 39.20 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 557 SQUARE FEET MORE OR LESS.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
SKETCH OF DESCRIPTION

Drawing name: L:\Data\20120161\sketches\SK_3.dwg Layout1



16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 24 SOUTH, RANGE 27 EAST AS BEING AN ASSUMED BEARING OF NORTH 00°05'36" EAST FOR ANGULAR DESIGNATION ONLY.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20120161
DATE: 10/26/2018
SCALE: 1" = 40'
FIELD BY: N/A

CALCULATED BY: JLR
DRAWN BY: ER
CHECKED BY: MR

REV. 3/26/19

JAMES L. RICKMAN
SURVEYOR
STATE OF FLORIDA
Professional Seal

FOR THE LICENSED BUSINESS # 5723 BY:
JAMES L. RICKMAN P.S.M. # 5633

SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°56'55"W	39.20'

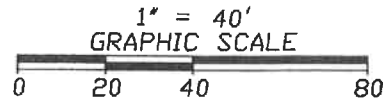
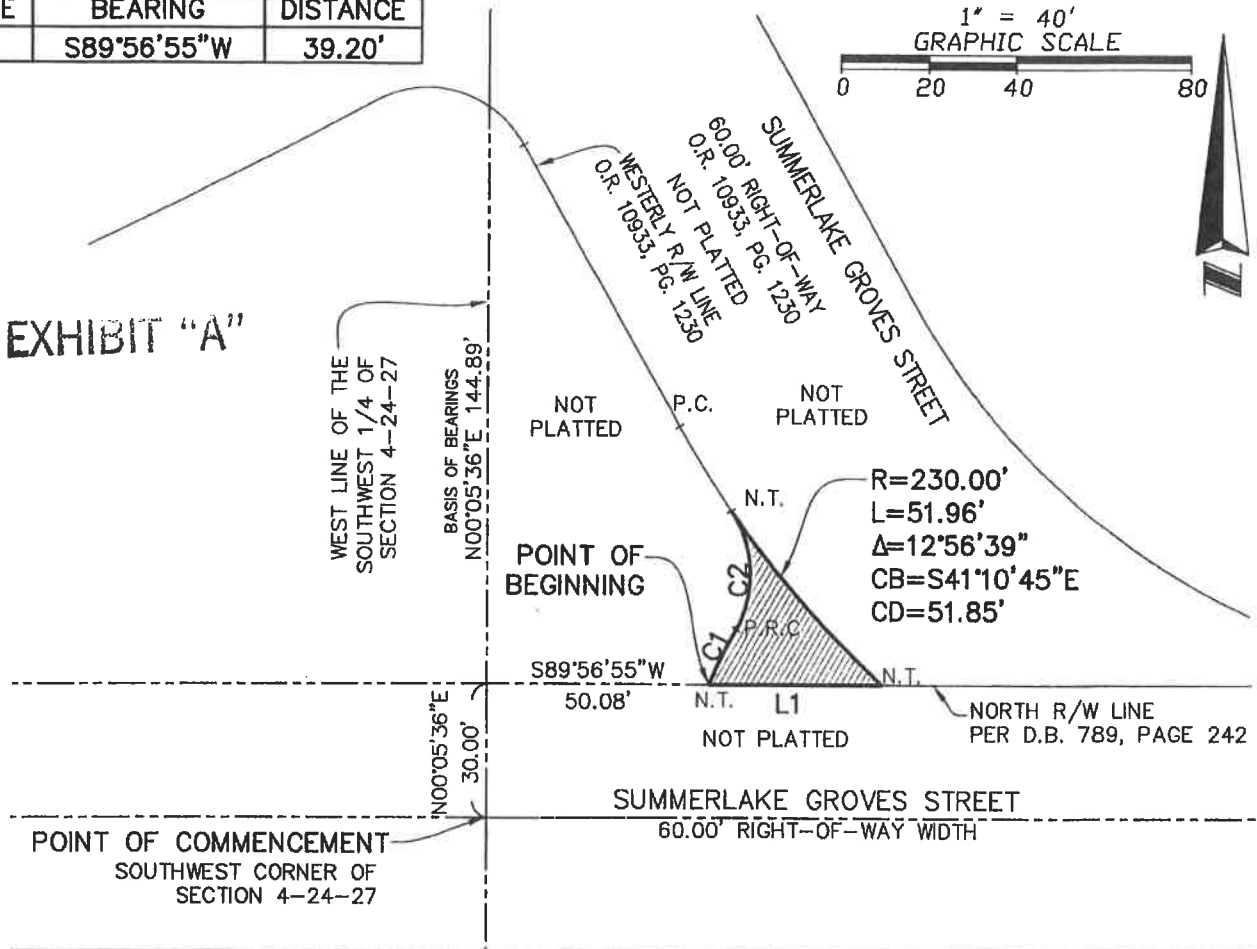


EXHIBIT "A"



LEGEND:

- O.R. OFFICIAL RECORDS BOOK
- R/W RIGHT-OF-WAY
- N.T. NON-TANGENT
- P.C. POINT OF CURVATURE
- P.R.C. POINT OF REVERSE CURVATURE
- PG. PAGE
- D.B. DEED BOOK

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	125.00'	13.89'	13.88'	N26°35'12"E	06°21'57"
C2	25.00'	28.13'	26.67'	N02°28'08"W	64°28'36"

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SEE SHEETS 1 OF 2
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SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
SKETCH OF DESCRIPTION

Drawing name: L:\Data\20120161\sketches\SK 1.dwg Layout1



16 East Plant Street
Winter Garden, Florida 34787 * (407) 654-5355

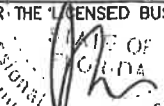
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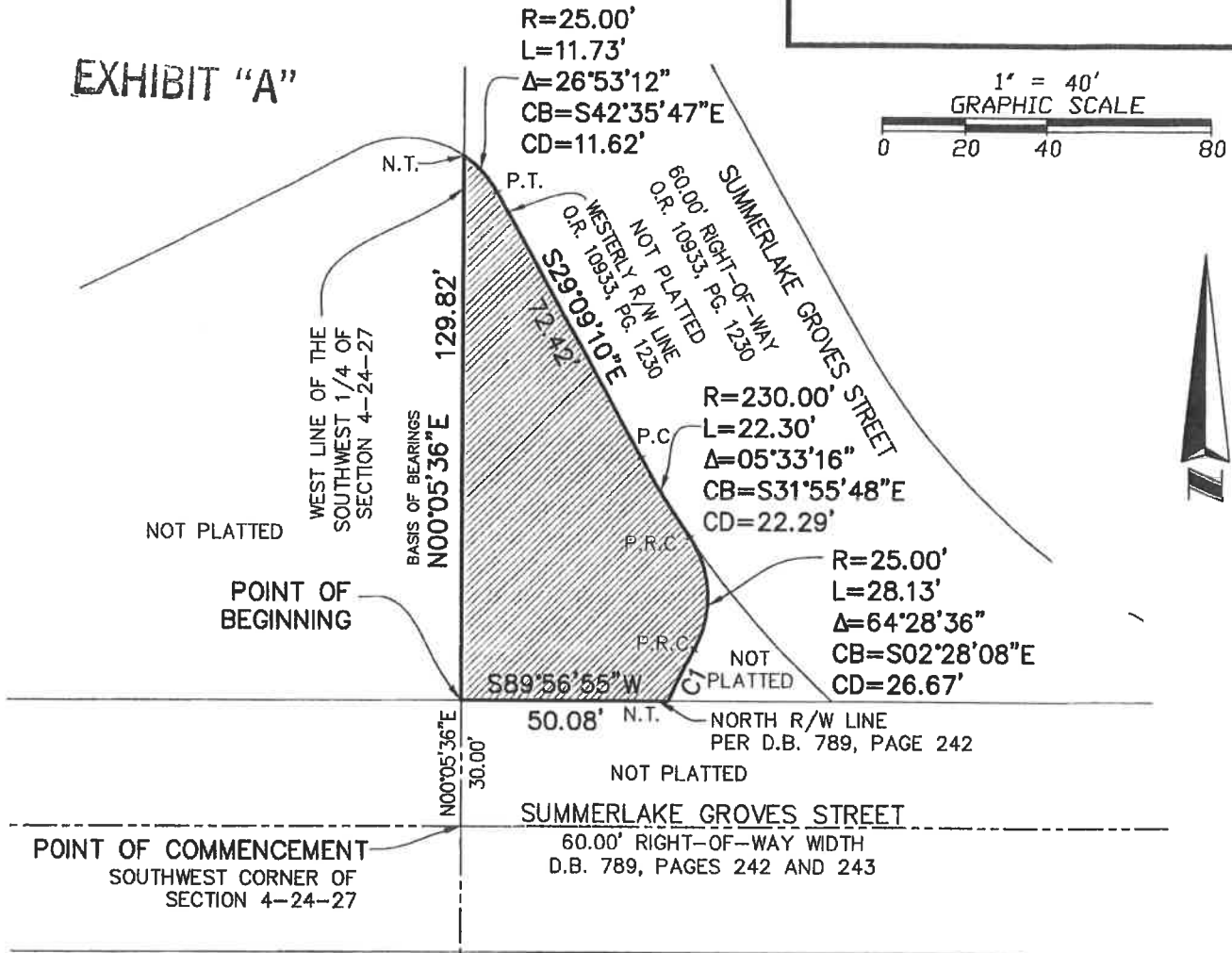
JOB NO. 20120161
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SCALE: 1" = 40'
FIELD BY: N/A

CALCULATED BY: JLR
DRAWN BY: ER
CHECKED BY: MR

FOR THE LICENSED BUSINESS # 5723 BY:

JAMES L. RICKMAN, P.S.M. # 5633

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EXHIBIT "A"



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SCALE: 1" = 40'	CHECKED BY: MR
FIELD BY: N/A	

*SHEET 2 OF 2
SEE SHEET 1 OF 2
FOR LEGAL DESCRIPTION*

Drawing name: L:\Data\20120161\sketches\SK 1.dwg Layout12



16 East Plant Street
Winter Garden, Florida 34787 * (407) 654-5355

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

SEP 24 2019

Project: Village F Watermark APF Conveyance

SUBORDINATION OF UTILITY INTERESTS

THIS SUBORDINATION, entered into by and between Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, hereinafter called Utility, and Orange County, a charter county and political subdivision of the State of Florida, hereinafter called County.

WITNESSETH:

WHEREAS, the Utility presently has an interest in certain lands that have been determined necessary for public road right-of-way purposes; and

WHEREAS, the proposed use of these lands for public road right-of-way purposes will require subordination of the interest claimed in such lands by Utility to County; and

WHEREAS, County is willing to pay to have the Utility's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and County agree as follows:

Utility hereby subordinates to the interest of County, its successors, or assigns, any and all of its interest in the lands as follows, viz:

SEE ATTACHED EXHIBIT "A"

Encumbrance(s):

Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy
FROM: Meritage Homes of Florida, Inc.
Easement filed July 3, 2018
Recorded as Document Number 20180394159
All in the Public Records of Orange County, Florida

Project: Village F Watermark APF Conveyance

PROVIDED that the Utility has the following rights:

1. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with County's current minimum standards for such facilities as required by Article VI, Chapter 21 of the Orange County Code, as it may be replaced, amended, or superseded from time to time. Any new construction or relocation of facilities within the lands will be subject to prior approval by County. Should County fail to approve any new construction or relocation of facilities by the Utility otherwise authorized under the aforementioned subordinated interest or require the Utility to alter, adjust, or relocate its facilities located within said lands in connection with this subordination, County shall pay the reasonable cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements (collectively "Reimbursement Costs").
2. Utility shall provide written notice to County's Director of Public Works (or equivalent in the event of reorganization) of the estimated costs and narrative scope of any alteration, adjustment, relocation, or removal of its facilities or of the acquisition of any additional easements at least 60 days prior to Utility incurring such costs.
3. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions herein, with the exception of the provision herein regarding Reimbursement Costs.
4. The Utility shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of County's facilities.
5. The Utility agrees to indemnify and hold County harmless for, from and against any and all losses, claims or damages incurred by County to the extent arising from Utility's or Utility's Contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of Utility's facilities located on the above described easement.

Project: Village F Watermark APF Conveyance
:

IN WITNESS WHEREOF, the Utility has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year below written.

Duke Energy Florida, LLC, a Florida limited liability company,
d/b/a Duke Energy

Signed, sealed and delivered in
the presence of:

By: Karen Adams
Karen Adams, Manager
Land Services – Florida Region

Date: 5/20/19

Catherine A Mori
SIGNATURE LINE
PRINT/TYPE NAME: Catherine A. Mori

Kristi Warren
SIGNATURE LINE
PRINT/TYPE NAME: Kristi Warren

(Two witnesses required by Florida law)

STATE OF Florida

COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 20th day of May, 2019, by Karen Adams, Manager of Land Services – Florida Region for Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, on behalf of the limited liability company, who is personally known to me or who has produced _____ as identification.

Catherine A Mori
PRINT/TYPE NAME: Catherine A. Mori

Notary Public in and for the
County and State last aforesaid.

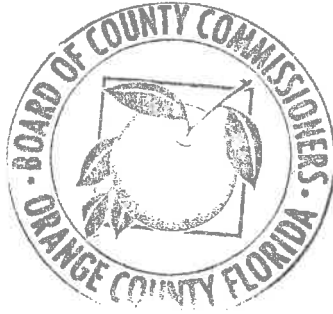
My Commission Expires: _____

Serial No., if any: _____



Project: Village F Watermark APF Conveyance

IN WITNESS WHEREOF, County has executed this Subordination on the day and year below written.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*
Jerry L. Demings,
Orange County Mayor

Date: 24 Sep 19

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

By: *Katie Smith*
Deputy Clerk

Katie Smith

Printed Name

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

S:\Forms & Master Docs\Project Document Files\1_Misc. Documents\V\Village F Watermark APF Coveyance\Duke Energy
Subordination.doc mh 5-14-19

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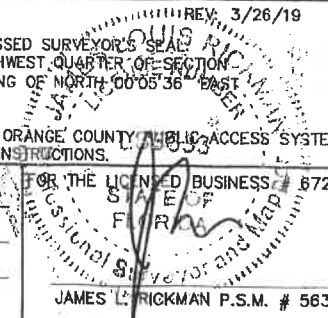
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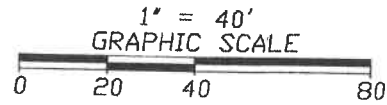
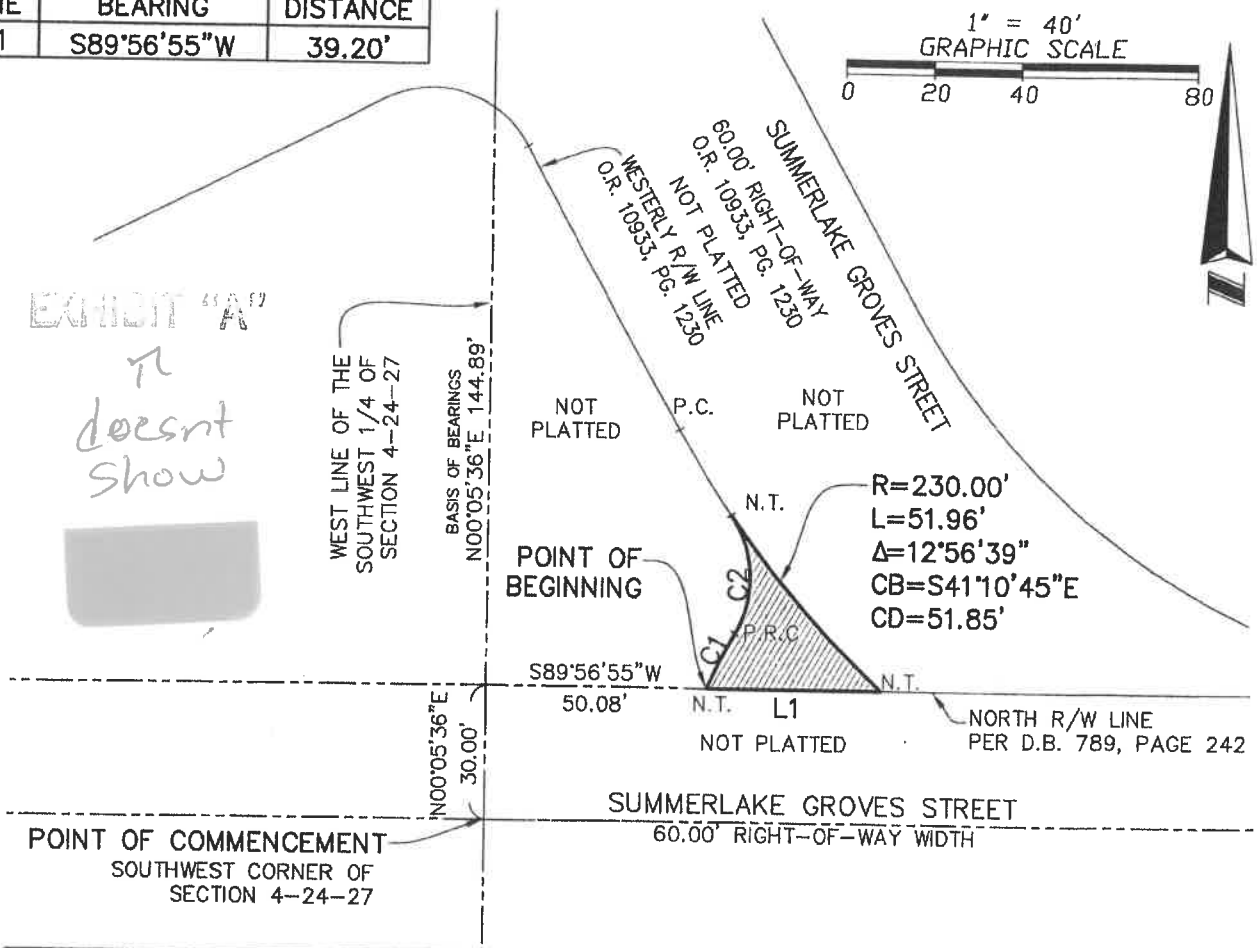


EXHIBIT "A"

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show



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C2	25.00'	28.13'	26.67'	N02°28'08"W	64°28'36"

SURVEYOR'S NOTES:

- THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 24 SOUTH, RANGE 27 EAST, PER PLAT BOOK 94, PAGES 116 THROUGH 126.
- THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
- THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
- DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20120161
DATE: 10/26/2018
SCALE: 1" = 40'
FIELD BY: N/A

CALCULATED BY: JLR
DRAWN BY: ER
CHECKED BY: MR

SHEET 2 OF 2
SEE SHEETS 1 OF 2
FOR LEGAL DESCRIPTION



16 East Plant Street
Winter Garden, Florida 34787 * (407) 654-5355

LEGAL DESCRIPTION

THIS IS NOT A SURVEY

LEGAL DESCRIPTION

EXHIBIT "A"

A TRACT OF LAND LYING IN SECTION 4, TOWNSHIP 24 SOUTH, RANGE 27 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE RUN NORTH 00°05'36" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SUMMERLAKE GROVES, ACCORDING TO DEED BOOK 789, PAGE 242 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°05'36" EAST CONTINUING ALONG SAID WEST LINE, FOR A DISTANCE OF 129.82 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SUMMERLAKE GROVE STREET, ACCORDING TO OFFICIAL RECORDS BOOK 10933, PAGE 1230, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 26°53'12", A CHORD THAT BEARS SOUTH 42°35'47" EAST WITH A DISTANCE OF 11.62 FEET; THENCE DEPARTING SAID WEST SECTION LINE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 11.73 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSES: SOUTH 29°09'10" EAST, A DISTANCE OF 72.42 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 05°33'16", A CHORD THAT BEARS SOUTH 31°55'48" EAST WITH A DISTANCE OF 22.29 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 22.30 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 64°28'36", A CHORD THAT BEARS SOUTH 02°28'08" EAST WITH A DISTANCE OF 26.67 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 28.13 FEET A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 06°21'57", A CHORD THAT BEARS SOUTH 26°35'12" WEST WITH A DISTANCE OF OF 13.88 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 13.89 FEET TO A POINT OF NON-TANGENCY LYING ON THE AFORESAID NORTH RIGHT-OF-WAY LINE OF SUMMERLAKE GROVE STREET, ACCORDING TO DEED BOOK 789, PAGE 242; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE RUN SOUTH 89°56'55" WEST, A DISTANCE OF 50.08 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 4,795 SQUARE FEET MORE OR LESS.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
SKETCH OF DESCRIPTION

Drawing name: L:\Data\20120161\sketches\SK 1.dwg Layout1



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SURVEYOR'S NOTES:

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2. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 24 SOUTH, RANGE 27 EAST AS BEING AN ASSUMED BEARING OF NORTH 00°05'36" EAST FOR ANGULAR DESIGNATION ONLY.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

REV: 3/26/19

JOB NO. 20120161
DATE: 10/24/2018
SCALE: 1" = 40'
FIELD BY: N/A

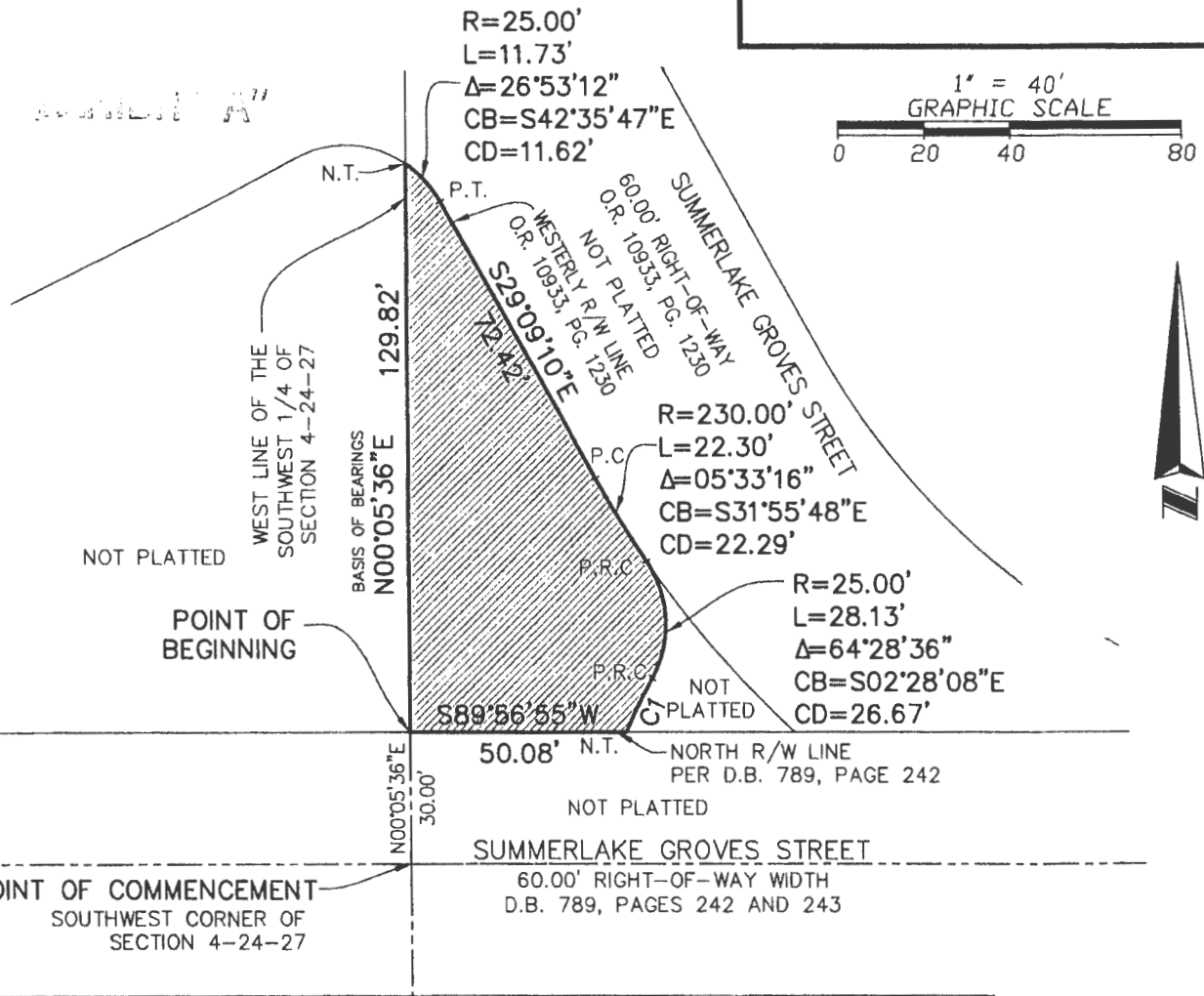
CALCULATED BY: JLR
DRAWN BY: ER
CHECKED BY: MR

FOR THE LICENSED BUSINESS # 5723 BY:

JAMES RICKMAN, P.S.M. # 5633

SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY



LEGEND:

- OR. OFFICIAL RECORDS BOOK
- R/W RIGHT-OF-WAY
- N.T. NON-TANGENT
- P.C. POINT OF CURVATURE
- P.R.C. POINT OF REVERSE CURVATURE
- PG. PAGE
- D.B. DEED BOOK
- P.T. POINT OF TANGENCY

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	125.00'	13.89'	13.88'	S26°35'12"W	06°21'57"

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JOB NO. 20120161 CALCULATED BY: JLR
 DATE: 10/24/2018 DRAWN BY: ER
 SCALE: 1" = 40' CHECKED BY: MR
 FIELD BY: N/A

SHEET 2 OF 2
SEE SHEET 1 OF 2
FOR LEGAL DESCRIPTION



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Drawing name: L:\Data\20120161\sketches\SK 1.dwg Layout2