



**Interoffice Memorandum**

**REAL ESTATE MANAGEMENT ITEM 2**

**DATE:** March 9, 2022

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

**THROUGH:** Mindy T. Cummings, Manager *MTC*  
Real Estate Management Division

**FROM:** Tamara Pelc, Senior Title Examiner *TP/MTC*  
Real Estate Management Division

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

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

**ACTION REQUESTED:** Approval and execution of Temporary Construction Easement from the City of Orlando, Florida to Orange County.

**PROJECT:** Hamlin Water Reclamation Facility – Malcom Road Extension Right of Entry  
  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of road widening improvements.

**Interoffice Memorandum**  
**Real Estate Management Division**  
**Agenda Item 2**  
**March 9, 2022**  
**Page 2 of 2**

**ITEMS:** Temporary Construction Easement  
Cost: Donation  
Size: 2.17 acres  
Term:

**BUDGET:** Account No.: 4420-038-1507-16-6310

**FUNDS:** \$44 Payable to Orange County Comptroller  
(for recording fees)

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Utilities Department  
Risk Management Division

**REMARKS:** A Temporary Construction Easement is necessary so that the contractor for the Utilities Department can construct a roadway and associated drainage structures to access the Hamlin Water Reclamation Facility.

MAR 22 2022

Project: Hamlin WRF – Malcom Road Extension Right of Entry

This document constitutes a conveyance from a state agency or instrumentality to an agency of the state and is not subject to documentary stamp tax. Department of Revenue Rule 12B-4.014(10), F.A.C.

### **TEMPORARY CONSTRUCTION EASEMENT**

For and in consideration of \$10.00 and other valuable considerations, the City of Orlando, Florida, a municipal corporation organized and existing under the laws of the state of Florida, whose address is 400 South Orange Avenue, Orlando, Florida, 32801, GRANTOR, as to its 50% interest, does hereby give, grant, bargain, and release to 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, a temporary easement to enter upon the portion of the lands of the owner, for the purposes described herein, such lands being described as follows:

#### **SEE ATTACHED EXHIBIT "A"**

#### **Property Appraisers Parcel Identification Numbers:**

**portions of 09-23-27-0000-00-006**

THIS EASEMENT is granted for construction purposes only, including the right to enter upon said lands for the purposes of sloping, grading, clearing, grubbing, storage of materials and equipment, excavation, and restoration during GRANTEE'S construction of utility improvements, as GRANTEE deems necessary or prudent. Should GRANTEE perform any such construction activities in the easement area, GRANTEE shall, at its sole cost and expense, restore such lands to the condition existing prior to such construction activities, including the repair or replacement of any paving, curbing, sidewalks, or landscaping.

GRANTEE shall be responsible for any damage or liability arising from the activities of its officials and employees acting within the scope of their employment. GRANTEE shall require its contractors to indemnify the GRANTOR for all damage and liability arising from their activities associated with this EASEMENT and will require any contractors conducting work under this EASEMENT to obtain a general liability policy consistent with GRANTEE'S standard construction procurement regulations. In addition, GRANTEE will require that the GRANTOR is added as an additional insured/obligee on any such liability policies.

THIS EASEMENT is granted upon the condition that the sloping and/or grading upon the above land shall not extend beyond the limits outlined, and that all grading or sloping shall conform to all existing structural improvements within the limits designated, and all work will be performed in such a manner that existing structural improvements will not be damaged.

THIS EASEMENT shall expire at 11:59 P.M. on the one-year anniversary of the completion of

the construction of the project or upon conveyance of the City's 50% interest in the subject property to County.

**WITNESSES:**

[Signature]

Print Name: Tonie McNealy

[Signature]

Print Name: Laura Carroll

**"GRANTOR"**

City of Orlando, Florida a municipal corporation, as to its 50% interest

By: [Signature]

Name: Laurie Botts, Real Estate Manager

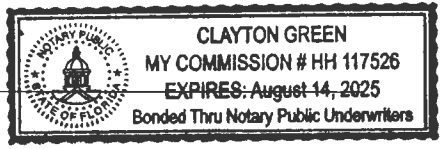
**STATE OF** FLORIDA  
**COUNTY OF** ORANGE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 9th of February, 2022, by Laurie Botts, Real Estate Manager, City of Orlando, Florida a municipal corporation. She  is personally known to me or  has produced Personally known as identification.

(Affix Notary Stamp)

[Signature]  
Notary Signature

Printed Notary Name  
Notary Public of:  
My Commission Expires: \_\_\_\_\_



**This instrument prepared by:**  
Tamara L. Pelc, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida  
P.O. Box 1393  
Orlando, Florida 32802-1393

**EXHIBIT "A"**

Temporary Construction Easement

Attached

# SKETCH & DESCRIPTION

## PROJECT: MALCOLM ROAD RIGHT OF ENTRY

### DESCRIPTION:

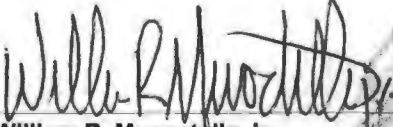
A parcel of land lying in Sections 16, Township 23 South, Range 27 East and containing portions of Malcolm Road (Vacated Right of Way) for a 60.00 foot Access, Utility and Drainage Easement per document number 20120634421 within "Lake Avalon Groves Replat" as recorded in Plat Book J, page 90 of the Public Records of Orange County, Florida; being more particularly described as follows:

Commence at the intersection of the Easterly Right of Way line of State Road 429 - Project Number 75320-6460-654 and the Southerly line of a Access, Utility and Drainage Easement per document number 20120634421, thence run along said Southerly line North 89°55'37" East, a distance of 172.59 feet to a point on the West line of said section 16; Thence run North 89°37'55" East, a distance of 592.13 feet along said Southerly line to the Point of Beginning; Thence departing said Southerly line run North 00°22'05" West, a distance of 93.68 feet; Thence run North 89°37'55" East, a distance of 683.00 feet; Thence run North 00°30'00" West, a distance of 21.90 feet, Thence run North 89°34'33" East, a distance of 60.00 feet; Thence run South 00°30'00" East, a distance of 142.00 feet; thence run South 89°34'33" West, a distance of 405.46 feet; Thence run South 61°10'08" West, a distance of 24.26 feet; Thence run South 89°37'55" West, a distance of 316.49 feet; Thence run North 00°22'05" West a distance of 38.32 feet to the Point of Beginning.

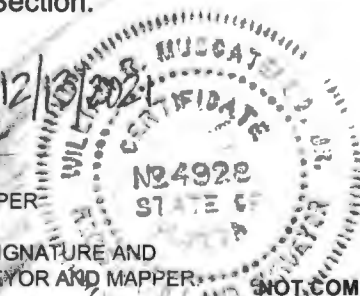
Containing 2.17 acres, more or less.

### SURVEYOR'S NOTES:

1. Linear measurements shown hereon are expressed in feet. Angular measurements shown hereon are expressed in degrees, minutes, and seconds.
2. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
3. All mapped features shown hereon were observed under the direction of the signing surveyor of this survey unless otherwise specified.
4. This sketch and description was prepared without the benefit of a title commitment, and is subject to any right-of-way, easements, or other matters that a title search might disclose.
5. This is not a boundary survey.
7. Public records indicated hereon are of Orange County, unless otherwise noted.
8. Bearings are based the east line of the Northeast Quarter of Section 17, Township 23 South, Range 27 East as being North 00°07'39" West, relative to the Western Beltway Right-of-Way Maps (State Road 429), Project Number 75320-6460-654.
9. This sketch of description and legal description was prepared by Orange County Engineering Division, Survey Section.




William R. Muscatello Jr.  
PROFESSIONAL SURVEYOR AND MAPPER  
STATE OF FLORIDA LICENSE NO. 4928  
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



PREPARED FOR:  
OC PUBLIC UTILITIES

NOT COMPLETE WITHOUT SHEET 2 OF 2

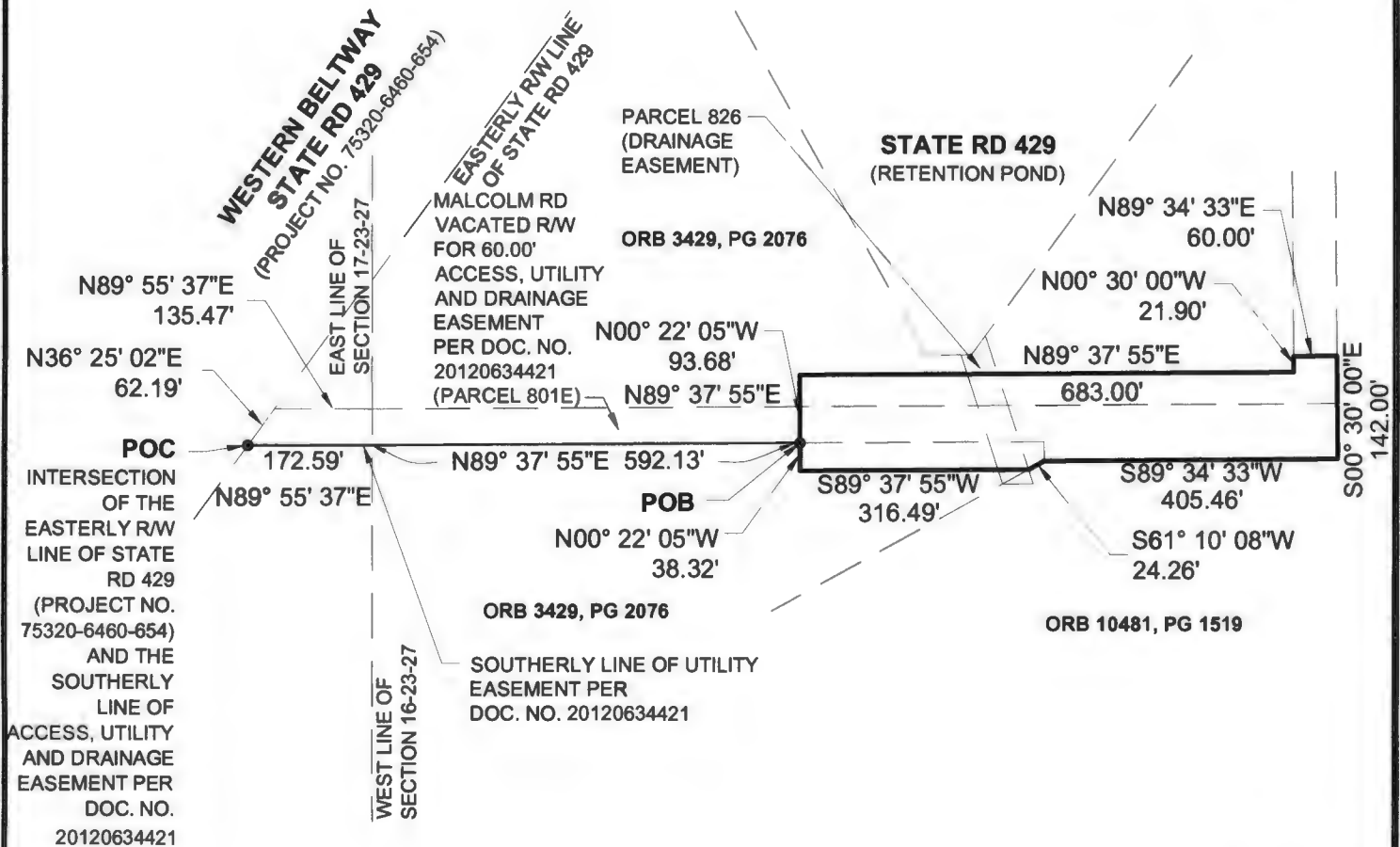
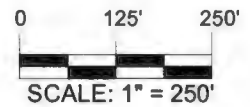
FIELD DATE: _____	DATE: 12/13/2021	SECTION: 16	PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-8208 (407) 836-7851		DRAWING SCALE: 1"=250'
DRAWN BY: JFM	REVISIONS:	TOWNSHIP: 23S			COUNTY PROJECT NUMBER 8876
CHECKED BY: WRM		RANGE: 27E			
APPROVED BY: WRM		SHEET 1 OF 2			

# SKETCH OF DESCRIPTION

## PROJECT: MALCOLM ROAD RIGHT OF ENTRY


### LEGEND

- = CHANGE IN DIRECTION, NO POINT SET
- DOC. = DOCUMENT
- NO. = NUMBER
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PG / PGS = PAGE / PAGES
- ORB = OFFICIAL RECORDS BOOK
- RD = ROAD
- R/W = RIGHT OF WAY



NOT COMPLETE WITHOUT SHEET 1 OF 2

PREPARED FOR:  
OC PUBLIC UTILITIES

FIELD DATE: _____	DATE: 12/13/2021	SECTION: 16	<b>PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION</b>  4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-8205 (407) 838-7851	DRAWING SCALE: 1"=250'
DRAWN BY: JFM	REVISIONS:	TOWNSHIP: 23S		COUNTY PROJECT NUMBER
CHECKED BY: WRM		RANGE: 37E		8876
APPROVED BY: WRM		SHEET 2 OF 2		

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

Under Ordinance Approval

Date: 2/28/22

Total Amount: \$44.00

Project: Hamlin WRF - Malcom Road Extension Right of Entry

Parcels: N/A

Charge to Account # 1507-16

*[Signature]* 3/1/2022

4420-038-1507-16-6310

Controlling Agency Approval Signature Date

Mark Ikeler, P.E., Chief Engineer

Printed Name:

*[Signature]* 3/2/22

Fiscal Approval Signature Date

WAYNE MCCOY

Printed Name

TYPE TRANSACTION (Check appropriate block(s))  
Pre-Condensation Post-Condensation

x N/A District #

- Acquisition at Approved Appraisal
Acquisition at Below Approved Appraisal
Acquisition at Above Approved Appraisal
[X] Advance Payment Requested (Recording Fees)
Donation

Name, Address, FEIN No.

DOCUMENTATION ATTACHED (Check appropriate block(s))

- x Contract/ Agreement
Copy of Executed Instruments
Certificate of Value
Settlement Analysis

Payable to: Orange County Comptroller

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

Recommended by Tamara L. Pelc, Real Estate Management Division

2/28/22 Date

Payment Approved Mindy T. Cummings, Manager, Real Estate Management Division

3/3/22 Date

or Payment Approved

Date

Certified Approved by BCC Deputy Clerk to the Board

*[Signature]*

MAR 2 2 2022 Date

Examined/Approved Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: As soon as checks are available.

APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS MAR 2 2 2022