



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Legislation Text

File #: 25-057, **Version:** 1

Interoffice Memorandum

DATE: December 16, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: Mindy T. Cummings, Manager

FROM: Elizabeth Price Jackson, Senior Title Examiner

CONTACT: Mindy T. Cummings, Manager

PHONE: 407-836-7090

DIVISION: Real Estate Management Division

ACTION REQUESTED:

Approval and execution of First Amendment to Non-Exclusive Permanent Utility Easement Agreement by and between Flamingo Crossings, LLC and Orange County and authorization to record instrument. District 1. **(Real Estate Management Division)**

PROJECT:

Flamingo Crossings LLC, RCID - Speedway OCU File 98030

PURPOSE: To amend the size of the area within an existing recorded Utility Easement.

ITEM:

First Amendment to Non-Exclusive Permanent Utility Easement Agreement

Cost: Donation

Size: 3,027 square feet

BUDGET: N/A

REVENUE: N/A

FUNDS: N/A

APPROVALS:

Real Estate Management Division

Utilities Department

REMARKS: On October 12, 2021, the Board approved the Non-Exclusive Permanent Utility Easement Agreement (UE) between Flamingo Crossings, LLC (Owner) and County. Owner has requested to increase the size of the Reuse Water Easement Area described in Exhibit A-2 of the UE. This action adds additional land to the area already encumbered by the UE. Owner to pay recording fees

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JAN 07 2025

Prepared by/Record and Return to:
John McGowan
Vista Title Insurance Agency, Inc.
PO Box 10000
Lake Buena Vista, Florida 32830

[Cross Ref: Document No. 20210644861]

**FIRST AMENDMENT TO NON-EXCLUSIVE PERMANENT UTILITY EASEMENT
AGREEMENT**

THIS FIRST AMENDMENT TO NON-EXCLUSIVE PERMANENT UTILITY EASEMENT AGREEMENT (this "**First Amendment**"), is made and entered into as of the date of last execution below (the "**Effective Date**"), by and between **FLAMINGO CROSSINGS, LLC**, a Florida limited liability company, whose mailing address is 1375 Buena Vista Drive, Lake Buena Vista, Florida 32830 ("**Grantor**") and **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida, whose address is 201 South Rosalind Avenue, Orlando, Florida 32801 ("**Grantee**").

WITNESSETH:

WHEREAS, by Non-Exclusive Permanent Utility Easement Agreement dated October 12, 2021 and recorded on October 21, 2021 at Document No. 20210644861 in the Public Records of Orange County, Florida (the "**Easement Agreement**"), Grantor granted a non-exclusive easement to Grantee over certain portions of the Property, as more particularly described as the Reuse Water Easement Area in the Easement Agreement, for the purpose of inspecting, replacing (in the same location), operating, maintaining, and repairing Grantee's existing reuse water lines and related underground facilities; and

WHEREAS, Grantor and Grantee desire to modify the Easement Agreement to amend and increase the size of the Reuse Water Easement Area more particularly described on Exhibit A-2 of the Easement Agreement.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual agreement of the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Recitals and Capitalized Terms.** The above recitals are incorporated herein by reference, and all capitalized terms used in this First Amendment, and not otherwise defined herein, shall have the same meaning ascribed thereto in the Easement Agreement.
2. **Easement Area.** The description of the Reuse Water Easement Area set forth in Exhibit A-2 to the Easement Agreement is hereby amended to add the description set forth in Exhibit A-2(A) attached hereto and made a part of the Easement Agreement.
3. **Ratification.** The Easement Agreement, as amended pursuant to this First Amendment, is hereby ratified and confirmed and shall continue to be in full force and effect and shall continue to be binding upon and enforceable against the parties hereto under the Easement Agreement. In the event of a conflict between the provisions of this First Amendment and the provisions of the Easement Agreement, the provisions of this First Amendment shall control and supersede those of the Easement Agreement.



ORANGE COUNTY
By: Board of County Commissioners

By: Bryan Brooks
for Jerry L. Demings
Orange County Mayor

Date: 7 January 2025

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

By: Jennifer Lara-Klimetz
for Deputy Clerk

Jennifer Lara-Klimetz
Printed Name

EXHIBIT A-2(A)
REUSE WATER EASEMENT AREA

PROJECT NAME: FLAMINGO CROSSINGS LLC, CFTOD,
 SPEEDWAY Non-Exclusive Utility Easement
 O.C. PERMIT #: #98030,

SKETCH OF DESCRIPTION "THIS IS NOT A BOUNDARY SURVEY" DESCRIPTION

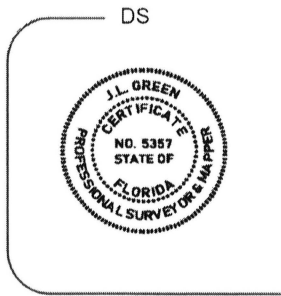
12" RECLAIM WATER MAIN EASEMENT

A portion of Lot 1, Flamingo Crossings East, according to the Plat thereof, as recorded in Plat Book 97, Page 94 of the Public Records of Orange County, Florida and Sections 21 and 28, Township 24 South, Range 27 East, Orange County, Florida, and being more particularly described as follows:

Commence at the South Quarter corner of said Section 21, run along the South line of the Southeast 1/4 of said Section 21, N 89°59'05" E, 125.94 feet, to a point on the Easterly right of way line of Hartzog Road as described in Official Records Book 9657, Page 2398, Book 9782, Page 7172, Book 9836, Page 4845, Book 9782, Page 7172, Book 10170, Page 4303, Book 10173, Page 8868 and Book 10815, Page 4619 and as shown on Flamingo Crossings East, according to the Plat thereof, as recorded in Plat Book 97, Page 94 of the Public Records of Orange County Florida, and the Point of Beginning; also being a point on a non-tangent curve concave Westerly having a radius of 1010.00 feet, and a central angle of 02°53'33"; thence from a tangent bearing of N 03°30'34" W run Northerly along the arc of said curve run along said right of way line, 50.99 feet; thence leaving said right of way line on a radial bearing run, N 83°35'53" E, 34.33 feet; thence S 03°34'59" E, 78.28 feet; thence S 41°20'07" W, 22.08 feet; thence S 89°43'29" W, 20.47 feet to a point on the aforesaid right of way line; thence run along said right of way line, N 00°38'29" E, 40.19 feet to the Point of Beginning. Containing 3027 square feet, more or less.

The parcel is subject to the following encumbrances not shown on the sketch of description.

- Restrictive Covenant recorded in Book 10275, Page 7120 and amended in Instrument No. 20180708685 and Instrument No. 20190557573.
- Restrictive Agreement recorded in Book 10275, Page 7460.
- Interlocal Agreement recorded in Instrument No. 20180102977.
- School Mitigation Agreement recorded in Instrument No. 20180123626 and amended in Instrument No. 20180461626 and Assigned in Instrument No. 20180708688
- School Impact Fee Agreement recorded in Instrument No. 20180595721 and Assigned in Instrument No. 20180708689.
- Transportation Impact Fee recorded in Instrument No. 20180595757 and Assigned in Instrument No. 20180708690.
- Matter shown on the Plat of Flamingo Crossings East recorded in Plat Book 97, Pages 94 and 95.
- Restrictions recited in Memorandum of Lease recorded in Instrument No. 20190541032
- Interlocal Agreement recorded in Instrument No. 20200162982.




DocuSigned by:
Jeff Green
 F97A464D3A7549E...
 2/20/2024

This document has been electronically signed using a digital signature in compliance with F.A.C. 5J-17.602(3). Printed copies of this document are not considered signed and the e-signature must be verified on any electronic copies. The seal appearing on this document was authorized by Jeff L. Green P.S.M. 5357 on Reedy Creek Energy Services, LB 7714 5300 Center Drive, Bay Lake, Florida 32830-1000

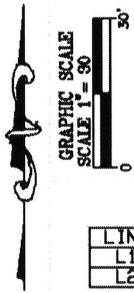
REVISED: 2/19/23
 REVISED: 8/28/23
 REVISED: 8/16/2023
 REVISED: 5/9/2023

NOT VALID WITHOUT SHEET 2

	FILING AREA FLAMINGO CROSSINGS	DATE: 7/20/2020
	PROJECT NAME Parcel: F7, 12" Reclaim water main easement	SCALE
	SURVEY TYPE SKETCH OF DESCRIPTION SHEET 1 OF 2	DRAWN BY: JLG
	COMMENTS FEE OWNER: FLAMINGO CROSSINGS, LLC	FILENAME: 10JG20044R1

PROJECT NAME: FLAMINGO CROSSINGS LLC, CFTOD,
 SPEEDWAY Non-Exclusive Utility Easement
 O.C. PERMIT #: #98030,

SKETCH OF DESCRIPTION
 "THIS IS NOT A BOUNDARY SURVEY"



HARTZOG ROAD
 CFTOD PUBLIC RIGHT OF WAY
 R/W VARIES IN WIDTH
 O.R. BOOK 9657/2398
 O.R. BOOK 9782/7172
 O.R. BOOK 9836/4845
 PID 21-24-27-0000-00-28

TANGENT TABLE

LINE#	BEARING	DIST.
L1	S 41°20'07" W	22.08
L2	S 89°43'29" W	20.47

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	TANG. BRG.
C1	1010.00	02°59'33"	50.99	N 03°30'34" W

FLAMINGO CROSSINGS, LLC
 O.R. BOOK 10274/4901
 PID 21-24-27-0000-00-005

CFTOD GATE VALVE
 OCU-CFTOD CONNECTION
 POINT IS ON THE SOUTH
 SIDE OF VALVE

N. LINE OF PLAT
 FLAMINGO CROSSINGS EAST
 PLAT BOOK 97, PAGE 94

FLAMINGO CROSSINGS, LLC
 O.R. BOOK 10274/4901
 PID 28-24-27-2500-01-001

OCU GATE VALVE
 OCU-ACC OP DCP, LLC.
 CONNECTION POINT IS ON
 SOUTH SIDE OF VALVE

ACC OP DCP, LLC.
 RECLAIM EASEMENT
 DOC. 20220476926

ABBREVIATIONS
 CCR=CERTIFIED CORNER RECORD
 CFTOD=CENTRAL FLORIDA OVERSIGHT
 TOURISM DISTRICT
 DOC=DOCUMENT
 OCU=ORANGE COUNTY UTILITIES
 O.R.=OFFICIAL RECORDS
 PID=PARCEL IDENTIFICATION NUMBER
 PGS=PEOPLES GAS SYSTEM
 RNG=RANGE
 R/W=RIGHT OF WAY
 SEC=SECTION
 TWN=TOWNSHIP
 POB=POINT OF BEGINNING POC=POINT OF
 COMMENCEMENT
 POT=POINT OF TERMINATION

REVISED: 2/19/24
 REVISED: 8/28/23
 REVISED: 8/16/2023
 REVISED: 5/9/2023

P.O.C.
 SOUTH QUARTER CORNER,
 SEC 21, TWN 24 S, RNG 27 E
 CCR #103939
 S. line, SE 1/4, Sec. 21-24-27
 N. line, NE 1/4, Sec. 28-24-27

P.O.B.
 3027 square feet

HARTZOG ROAD
 CFTOD PUBLIC RIGHT OF WAY
 R/W VARIES IN WIDTH
 O.R. BOOK 9782/7172
 O.R. BOOK 10170/4303
 O.R. BOOK 10173/8868
 O.R. BOOK 10815/4619
 PID 21-24-27-0000-00-028
 PID 28-24-27-0000-00-017
 PID 28-24-27-0000-00-018
 PID 28-24-27-0000-00-019
 PID 28-24-27-0000-00-020

DUKE ENERGY EASEMENT
 O.R. BOOK 10859/93

PGS UTILITY EASEMENT
 O.R. BOOK 10931/6045

BEARINGS ARE BASED ON THE
 S. LINE, SE 1/4, SEC. 21-24S-27E
 AS BEING N 89°59'05" E

NOT VALID WITHOUT SHEET 1



P.O.B. 10000
 LAKE BUENA VISTA
 FL 32830-1000
 PHONE 407-824-5855

FILING AREA FLAMINGO CROSSINGS	DATE: 7/20/2020
PROJECT NAME Parcel: F7, 12" Reclaim water main easement	SCALE 1" = 30'
SURVEY TYPE SKETCH OF DESCRIPTION SHEET 2 OF 2	DRAWN BY: JLG
COMMENTS FEE OWNER: FLAMINGO CROSSINGS, LLC	FILENAME: 10JG20044R1