



Interoffice Memorandum

June 9, 2022

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

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department *Joseph C. Kunkel*

CONTACT PERSON: Eduardo Avellaneda, P.E., Manager *EA*
Roads & Drainage Division

PHONE NUMBER: (407) 836-7871

SUBJ: **Assignment of Drainage Easement from Orange County to City of Winter Garden.**

The City of Winter Garden (City) has requested the County assign the drainage easement between Klondike Street and Plant Street from the County to the City.

In accordance with Florida Statutes, a County Resolution has been prepared which authorizes the transfer of all interest, authority, and responsibility the drainage easement between Klondike Street and Plant Street. Approval of this Assignment transfers responsibility for maintaining the drainage easement between Klondike Street and Plant Street to the City.

The County Attorney's Office has reviewed the Resolution and Assignment and found them acceptable as to form.

Action Requested: Approval and execution of (1) Resolution of the Orange County Board of County Commissioners regarding authorization to convey certain County property interest to the City of Winter Garden, Florida and (2) Assignment of Drainage Easements from Orange County to City of Winter Garden. District 1.

EA/GS/ap

Attachment(s)

ASSIGNMENT OF DRAINAGE EASEMENTS

THIS ASSIGNMENT OF DRAINAGE EASEMENTS (“Assignment”) is made and entered into by **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida, whose mailing address is P.O. Box 1393, Orlando, FL 32802-1393 (“Assignor”), and the **CITY OF WINTER GARDEN**, a Florida municipal corporation; whose address is 300 West Plant Street, Winter Garden, Florida 34787 (“Assignee”).

WHEREAS, the Assignor is the holder of the following easement interests (“Easements”):

- (1) the Drainage Easement recorded in Official Records Book 1770, Page 688, Public Records of Orange County, Florida;
- (2) the Drainage Easement recorded in Official Records Book 1770, Page 689, Public Records of Orange County, Florida;
- (3) the Drainage Easement recorded in Official Records Book 1773, Page 105, Public Records of Orange County, Florida;
- (4) the Drainage Easement recorded in Official Records Book 1784, Page 977, Public Records of Orange County, Florida; and
- (5) the Drainage Easement recorded in Official Records Book 2695, Page 898, Public Records of Orange County, Florida;

WHEREAS, the lands lying within the Easement are located within the jurisdictional limits of the Assignee (generally speaking, between Klondike St. and Plant St.); and

WHEREAS, pursuant to a Resolution adopted by the Orange County Board of County Commissioners under Section 125.38, Florida Statutes, subject to the provisions herein, the Assignor desires to assign, and the Assignee desires to assume, all of the Assignor’s rights, title, duties, obligations, and interest in the Easements.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by reference.

2. **Assignment.** The Assignor hereby assigns and transfers to the Assignee, to the extent assignable, all of the Assignor's rights, title, duties, obligations, and interests in the Easements.

3. **Assumption.** The Assignee hereby assumes from the Assignor all of the Assignor's rights, duties, and obligations under the terms and conditions of the Easements, including the maintenance of the easement areas, and the Assignee further agrees that, as a condition of this Assignment, the Assignee shall assume and abide by all terms and conditions of the Easements.

4. **Recording.** The Assignee shall record a certified copy of this Assignment of Drainage Easement in the Official Public Records of Orange County, Florida, within five business days of its Effective Date.

5. **Effective Date.** This Assignment of Drainage Easements shall become effective upon the date of execution by the Assignor or the date of execution by the Assignee, whichever date is later.

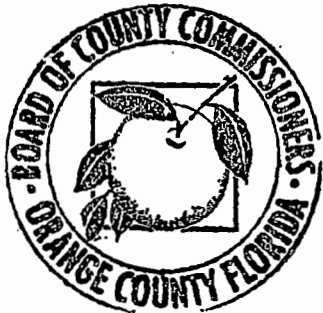
IN WITNESS WHEREOF, the Assignor and the Assignee have executed this Assignment of Easement as of the dates respectively written below.

ASSIGNOR:

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

Date: June 21, 2022



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

By: *Katie Smith*
Deputy Clerk

Print Name: Katie Smith

ASSIGNEE:

CITY OF WINTER GARDEN, FLORIDA

Signed, sealed, and delivered
In the presence of:

By: *John Rees*
John Rees, Mayor

Witnesses:

[Signature]

Stephen Park
Printed Name

[Signature]
JAMES P. MONAHAN
Printed Name

ATTEST: *Angela Grimage*
Angela Grimage, City Clerk

APPROVED AS TO FORM AND
LEGALITY for the use and reliance
of the City of Winter Garden, Florida only.

Date: May 12, 2022
[Signature]
City Attorney, City of Winter Garden, Florida
ALBERT ARDAMAN
Printed Name

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me, a Notary Public, by means of physical presence, or online notarization, this 12th day of May, 2022, by John Rees, who, is personally known to me, or has produced _____ as identification.

Witness my hand and official seal this 12th day of May, 2022.

[Signature]
Notary Public, State of Florida
Vanica Alexander
Name typed, printed or stamped
My Commission Expires: 8-8-2022

