



COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, *County Attorney*

201 South Rosalind Avenue ■ 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 ■ Fax 407-836-5888
www.ocfl.net

AGENDA ITEM

MEMORANDUM

TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Scott R. McHenry, Assistant County Attorney *SRM*
Contact: (407) 836-7320

DATE: May 6, 2019

SUBJECT: Consent Agenda Item for May 21, 2019
Eminent Domain Settlement Authorization
Orange County v. Worship and Praise Center, Inc., et al.
Case No. 2018-CA-008539-O
Parcels: 1008 and 7008
Project: Boggy Creek Road South (Osceola County line to
600 feet north of Central Florida Greenway SR 417)

This Consent Agenda item requests settlement authorization by the Board of County Commissioners for the *Orange County v. Worship and Praise Center, Inc., et al.* eminent domain case brought by Orange County on behalf of Public Works for the Boggy Creek Road South project.

A confidential memorandum, Mediated Settlement Agreement, Settlement Analysis, and Stipulated Final Judgment have been provided to the Board under a separate cover memorandum. These documents will become public records at the conclusion of the litigation pursuant to Section 119.071(1)(d), Florida Statutes.

ACTION REQUESTED: Approval of the Mediated Settlement Agreement in the case of *Orange County v. Worship and Praise Center, Inc., et al.*, Case No. 2018-CA-008539-O, Parcels 1008 and 7008, Boggy Creek Road South Project (Osceola County line to SR 417), and authorization for the County Attorney's Office to agree to the entry of the proposed Stipulated Final Judgment as to Parcels 1008 and 7008 on behalf of Orange County.

SRM/gs

Copy: Byron W. Brooks, AICP, County Administrator
Paul Sladek, Manager, Real Estate Management Division
Russ Corriveau, Assistant Manager, Real Estate Management Division
Damian Czapka, P.E., Chief Engineer, Public Works Engineering Division
Anne Kulikowski, Director, Administrative Services Department

Deputy County Attorney
Joel D. Prinsell

Senior Assistant County Attorneys
Elaine M. Asad
Lila McHenry

Assistant County Attorneys
Roberta Alfonso
Cristina T. Berrios
Whitney E. Evers
Erin E. Hartigan
Georgiana Holmes
Aleas Koos
Katherine W. Latorre
Scott McHenry

Sawsan Mohiuddin
Dylan Schott
Scott Shevenell
Adolphus Thompson
William Turner

Legal Administrative Supervisor
Anna M. Caban

Senior Paralegal
Kimberly Cundiff

Paralegals
Melessia Lofgren
Maria Vargas, ACP
Gail Stanford



COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, *County Attorney*

201 South Rosalind Avenue ■ 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 ■ Fax 407-836-5888
www.ocfl.net

05/24/2019 10:07 AM

MEMORANDUM

Deputy County Attorney

Joel D. Prinsell

Senior Assistant County Attorneys

Elaine M. Asad

Lila McHenry

Assistant County Attorneys

Roberta Alfonso

Cristina T. Berrios

Whitney E. Evers

Erin E. Hartigan

Georgiana Holmes

Aleas Koos

Katherine W. Latorre

Scott McHenry

Sawsan Mohiuddin

Dylan Schott

Scott Shevenell

Adolphus Thompson

William Turner

Legal Administrative Supervisor

Anna M. Caban

Senior Paralegal

Kimberly Cundiff

Paralegals

Melessia Lofgren

Maria Vargas, ACP

Gail Stanford

TO: Katie Smith, Deputy Clerk
Comptroller Clerk of BCC

FROM: Scott R. McHenry, Assistant County Attorney **SRM**

DATE: May 24, 2019

SUBJECT: May 21, 2019, County Attorney's Office Consent Agenda Item 02
Orange County v. Worship and Praise Center, Inc., et al.
Case No. 2018-CA-008539-O
Parcels: 1008 and 7008
Project: Boggy Creek Road South (Osceola County line to
600 feet north of Central Florida Greenway SR 417)
Document: Stipulated Final Judgment
Date of BCC Approval: May 21, 2019

Enclosed is a fully executed copy of the Stipulated Final Judgment entered by Judge Luis F. Calderon on May 22, 2019. The Clerk of Court will have the final judgment recorded.

Also enclosed is a copy of the Confidential Memorandum with attachments (which include the Mediated Settlement Agreement, Settlement Analysis and proposed Stipulated Final Judgment) to Mayor Jerry L. Demings and County Commissioners, dated May 6, 2019, for the consent agenda item that was approved by the Board on May 21, 2019.

Please be advised that litigation in this matter is concluded and the attached documents may be made part of the public record, notwithstanding the notation on the document stating that it was exempt under Section 119.07, Florida Statutes.

Should you need additional information, please do not hesitate to contact my office.

SRM/gs
Enclosures

BCC Mtg. Date: May 21, 2019

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO. 2018-CA-008539-O
Division 34

ORANGE COUNTY, FLORIDA
a political subdivision of the
State of Florida,

Petitioner,

v.

Parcels 1008/7008

WORSHIP AND PRAISE CENTER, INC.
CENTRO DE ADORACION Y ALABANZA,
etc. et al.

Respondents
_____ /

MEDIATED SETTLEMENT AGREEMENT

Pursuant to the Mediation Conference held on April 25, 2019, at the Orange County Attorney's Office, 201 S. Rosalind Avenue, Third Floor, Orlando, Florida 32801, the parties agree as follows:

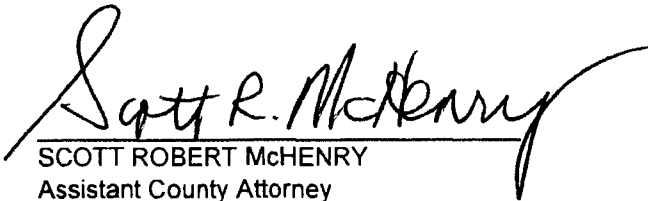
1. County shall pay to the Respondent the sum of \$525,000., less any sums heretofore paid, as total compensation for the taking of Parcels 1008 and 7008.

2. County shall pay Respondent's attorneys a statutory benefit fee of \$81,774.

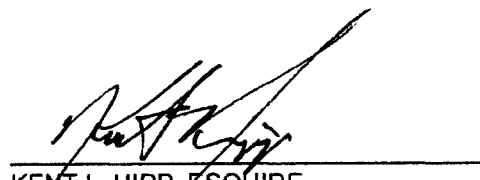
3. County shall pay a total of \$55,000. for all of Respondent's expert witness fees and taxable costs!

4. Except as otherwise set forth herein, each party hereby releases the other from any and all claims, demands, causes of action, past, present and future with respect to the taking of Parcels 1008 and 7008 herein.

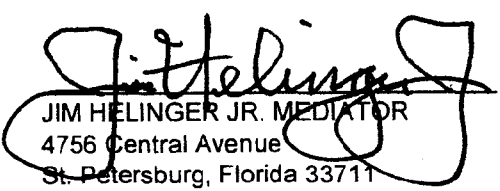
THIS STIPULATION BECOMES BINDING UPON THE PARTIES BY THEIR EXECUTION AND THAT OF THEIR COUNSEL AND APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS.



SCOTT ROBERT McHENRY
Assistant County Attorney
Orange County Attorney's Office
Orange County Administration Center
201 S. Rosalind Avenue, Third Floor
P.O. Box 1393
Orlando, Florida 32802-1393
Phone: 407-836-7320
E-mail Scott.McHenry@ocfl.net

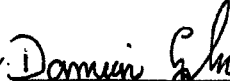


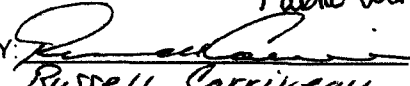
KENT L. HIPPI, ESQUIRE
GrayRobinson
301 East Pine Street, Suite 140
Orlando, Florida 32801
Phone: 407-843-8880
E-mail: khipp@gray-robinson.com
Attorney for Defendant, Worship and Praise
Center, Inc. Centro De Adoracion Y, Albanza



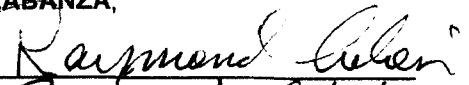
JIM HELINGER JR. MEDIATOR
4756 Central Avenue
St. Petersburg, Florida 33711
Clearwater, Florida 33756
727-328-7100
FBN: 0145200
CERTIFICATION NO. 12262 R
E-MAIL: jim@eminentdomainfla.com

ORANGE COUNTY, FLORIDA

BY: 
Damian Czopka, Chief Engineer
Public Work, ROW Sec
Sectia
PRINT NAME

BY: 
Russell Corriveau
Orange County (REM)
PRINT NAME

WORSHIP AND PRAISE CENTER INC.
CENTRO DE ADORACION
Y ALABANZA,

BY: 
Raymond Colon
PRINT NAME

BY: _____
PRINT NAME

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO.: 2018-CA-008539-O
DIVISION: 34

ORANGE COUNTY, FLORIDA,
a political subdivision of the
State of Florida,

Parcels: 1008/7008

Petitioner,

v.

**WORSHIP AND PRAISE CENTER, INC./
CENTRO DE ADORACION Y ALABANZA,**
et al.,

Respondents.

STIPULATED FINAL JUDGMENT AS TO PARCELS 1008 AND 7008
(Directing Disbursement)

THIS CAUSE having come before the Court on the Joint Motion for Entry of Stipulated Final Judgment by the Petitioner, ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida ("Petitioner" or sometimes "Orange County"), and the Respondent, WORSHIP AND PRAISE CENTER, INC./ CENTRO DE ADORACION Y ALABANZA ("WP"), and it appearing to the Court that such parties were authorized to enter into such Motion, and the Court finding that the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned, and the Court being fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED as follows:

1. WP does have and recover of and from the Petitioner the total sum of **FIVE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$525,000.00)**, subject to any apportionment claims, subject to credit to Petitioner for its Stipulated Order of Taking

deposit of \$305,700.00 previously paid, pursuant to the Stipulated Order of Taking entered herein on October 30, 2018; and in full payment for the property taken (designated Parcels 1008 and 7008 herein); for damages resulting to the remainder if less than the entire property was taken; for all other damages of any nature or kind including, but not limited to, for any improvements, severance damages, cost of cures, business damages, if any for the taking of Parcels 1008 and 7008; and attorney's fees based upon any claim for non-monetary benefits.

2. Within thirty (30) days the Petitioner shall pay the sum of **TWO HUNDRED NINETEEN THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$219,300.00)** into the Registry of the Court, that amount being the difference between the full payment required by this Stipulated Final Judgment pursuant to Paragraph 1 and the amount of \$305,700.00 deposited pursuant to the Stipulated Order of Taking.

3. The Court awards WP the sum of **EIGHTY-ONE THOUSAND SEVEN HUNDRED SEVENTY-FOUR AND NO/100 DOLLARS (\$81,774.00)** in full and complete satisfaction of all attorneys' fees (including any attorney's fees based upon non-monetary benefits), pursuant to Section 73.092, Florida Statutes.

4. The Court awards WP the sum of **FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$55,000.00)** in full and complete satisfaction of all of WP's expert fees and costs, pursuant to Section 73.091, Florida Statutes, including, but not limited to, for Calhoun, Dreggors, and Associates, McCree General Contractors & Architects, and Tipton Associates, Inc.

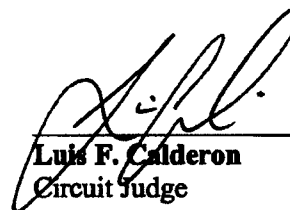
5. Within thirty (30) days from the entry of this Stipulated Final Judgment, the Petitioner shall pay to the Trust Account of GrayRobinson, P.A., 301 East Pine Street, Suite 1400, Orlando, Florida 32801, as attorneys for WP, the sum of **ONE HUNDRED THIRTY-SIX THOUSAND SEVEN HUNDRED SEVENTY-FOUR AND NO/100 DOLLARS**

(\$136,774.00) that amount representing the total of attorneys' fees, pursuant to Paragraph 3 above, and the experts' fees and costs, pursuant to Paragraph 4 above.

6. The title to Parcels 1008 and 7008, as more fully described on Exhibit "A" attached hereto, which vested in the Petitioner pursuant to the Stipulated Order of Taking, dated October 30, 2018, and deposit of money previously made, is approved, ratified and confirmed.

7. Immediately after payment by Petitioner of the amount set forth in Paragraph 2 into the Registry of the Court, the Clerk of Court shall disburse the sum of **TWO HUNDRED NINETEEN THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$219,300.00)** to the Trust Account of GrayRobinson, P.A., 301 East Pine Street, Suite 1400, Orlando, Florida 32801.

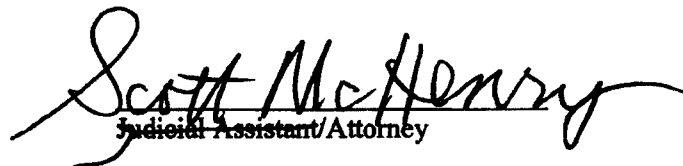
DONE AND ORDERED in Chambers at Orlando, Orange County, Florida this 22 day of May, 2019.



Luis F. Calderon
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 5/22, 2019, a true and correct copy of the foregoing document has been furnished to the following: **Scott R. McHenry**, Assistant County Attorney, Orange County Attorney's Office, 201 S. Rosalind Avenue, Third Floor, Orlando, Florida 32801, scott.mchenry@ocfl.net, judith.catt@ocfl.net and gail.stanford@ocfl.net; **Kent L. Hipp, Esq.**, GrayRobinson, P.A., 301 East Pine Street, Suite 1400, Orlando, Florida 32801, khipp@gray-robinson.com, and debbie.townsend@gray-robinson.com.



Judicial Assistant/Attorney

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO.: 2018-CA-008539-O
DIVISION: 34

ORANGE COUNTY, FLORIDA,

Parcels: 1008/7008

Petitioner,

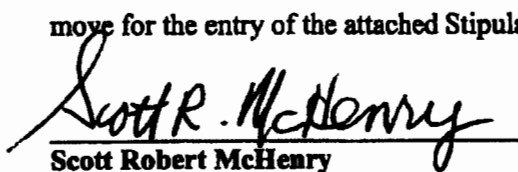
v.

WORSHIP AND PRAISE CENTER, INC./
CENTRO DE ADORACION Y ALABANZA,
et al.,

Respondents.

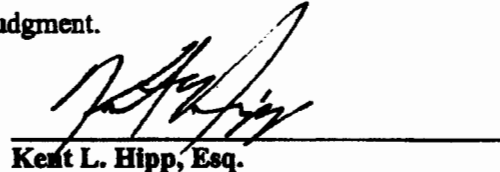
**JOINT MOTION FOR ENTRY OF STIPULATED FINAL JUDGMENT
AS TO PARCELS 1008 AND 7008**

Petitioner, ORANGE COUNTY, FLORIDA, ("Petitioner"), a political subdivision of the State of Florida, and Respondent, WORSHIP AND PRAISE CENTER, INC./ CENTRO DE ADORACION Y ALABANZA ("WP"), by and through their undersigned attorneys, respectfully move for the entry of the attached Stipulated Final Judgment.



Scott Robert McHenry
Florida Bar No. 501182
Orange County Attorney's Office
201 S. Rosalind Avenue, Third Floor
P. O. Box 1393
Orlando, Florida 32802-1393
Telephone: 407-836-7320
Scott.McHenry@ocfl.net
Attorney for Petitioner,
Orange County, Florida

Date: 5/21/19



Kent L. Hipp, Esq.
Florida Bar No. 879630
GrayRobinson, P.A.
301 East Pine Street, Suite 1400
P.O. Box 3068
Orlando, Florida 32802-3068
Telephone: 407-843-8880
khipp@gray-robinson.com
Attorney for Respondent
Worship and Praise Center, Inc./
Centro De Adoracion y Alabanza

Date: 5/1/19

SCHEDULE "A"

Parcel 1008

A portion of the Northeast 1/4 of Section 33, Township 24 South, Range 30 East, Orange County, Florida being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of Section 33, Township 24 South, Range 30 East; thence run South 00 degrees 58' 20" East along the East line of the Northeast 1/4 of said Section 33 a distance of 806.14 feet; thence leaving said East line run North 89 degrees 42' 53" West a distance of 30.01 feet to the West right of way line of Boggy Creek Road as described in Deed Book 402, Page 397 of the Public Records of Orange County, Florida and the POINT OF BEGINNING; thence run South 00 degrees 58' 20" East along said West right of way line a distance of 182.03 feet to the intersection with the South line of the North 988.20 feet of the North 1/2 of the Northeast 1/4 of said Section 33; thence run North 89 degrees 42' 49" West along said South line a distance of 80.01 feet; thence leaving said South line run North 00 degrees 58' 20" West a distance of 182.03 feet to the intersection with the North line of the South 182 feet of the North 988.20 feet of the East 1808 feet of said Section 33; thence run South 89 degrees 42' 53" East along said North line a distance of 80.01 feet to the POINT OF BEGINNING.

Containing 10,922 square feet (0.2507 acres); more or less.

THIS IS NOT A SURVEY


BEARINGS BASED ON THE EAST LINE OF THE N.E. 1/4 OF SEC. 33, TWP. 24 S., RGE. 30 E BEING S00°58'20"E PER THE BOGGY CREEK RIGHT OF WAY MAP.

REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

Daniel A. Groves

DANIEL A. GROVES, FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 4825
METRIC ENGINEERING, INC. L.B. NO. 2254

COUNTY PROJECT NO. 5085
ROAD NAME: BOGGY CREEK ROAD

 **METRIC ENGINEERING, INC.**
ENGINEERS - PLANNERS - SURVEYORS
815 CRESCENT EXECUTIVE CT. SUITE 524,
LAKE MARY, FLORIDA 32746
PHONE (407) 644-1898 FAX (407) 644-1921

SECTION 33
TOWNSHIP 24 SOUTH
RANGE 30 EAST

DRAWN BY: D.GROVES
DRAWING
DATE: MAY. 22, 2009

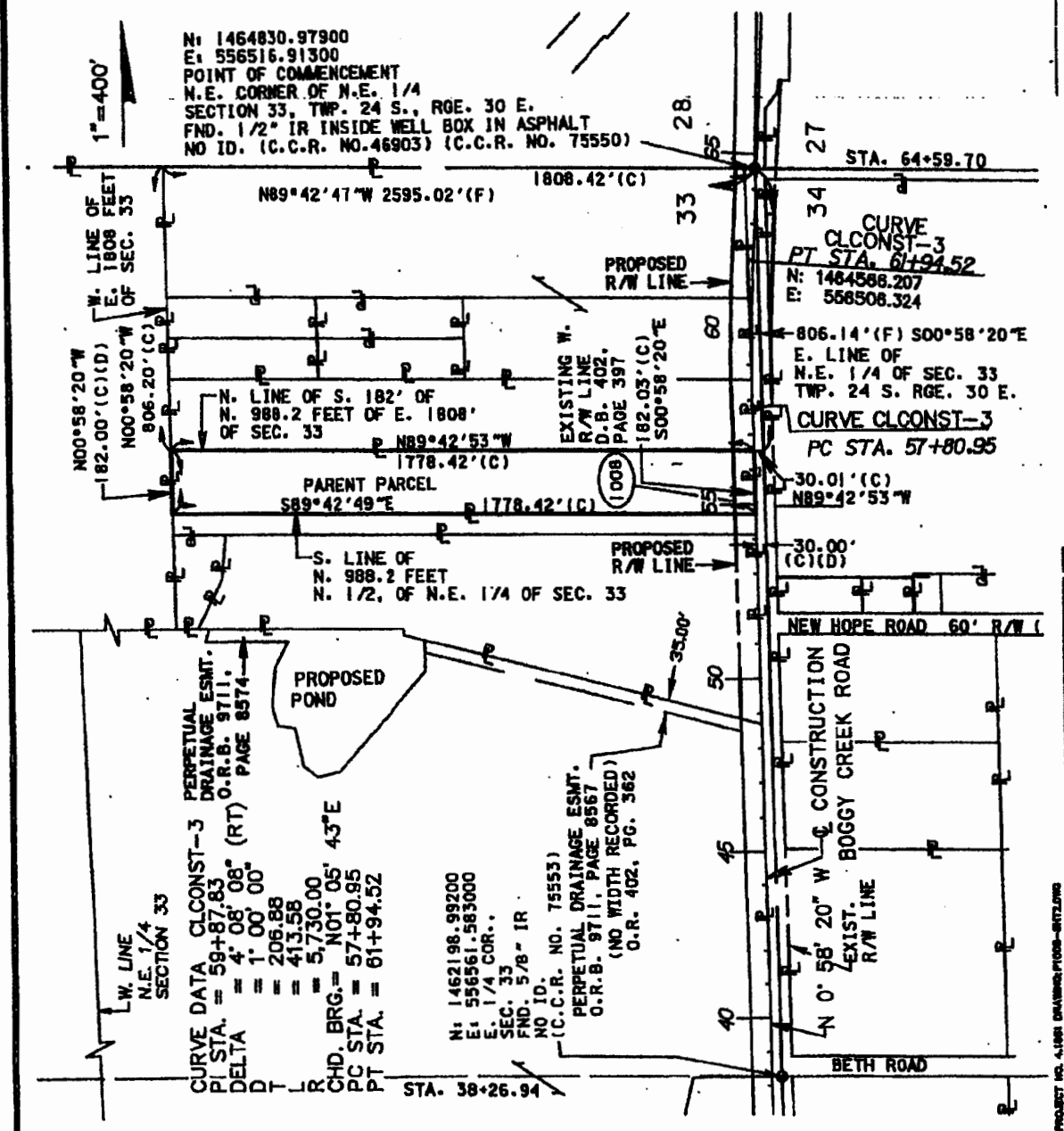
CHECKED BY: D.GROVES
DATE: SEPT. 23, 2009

PARCEL NO.
1008

9-23-11 FINAL 024
DATE REVISIONS BY

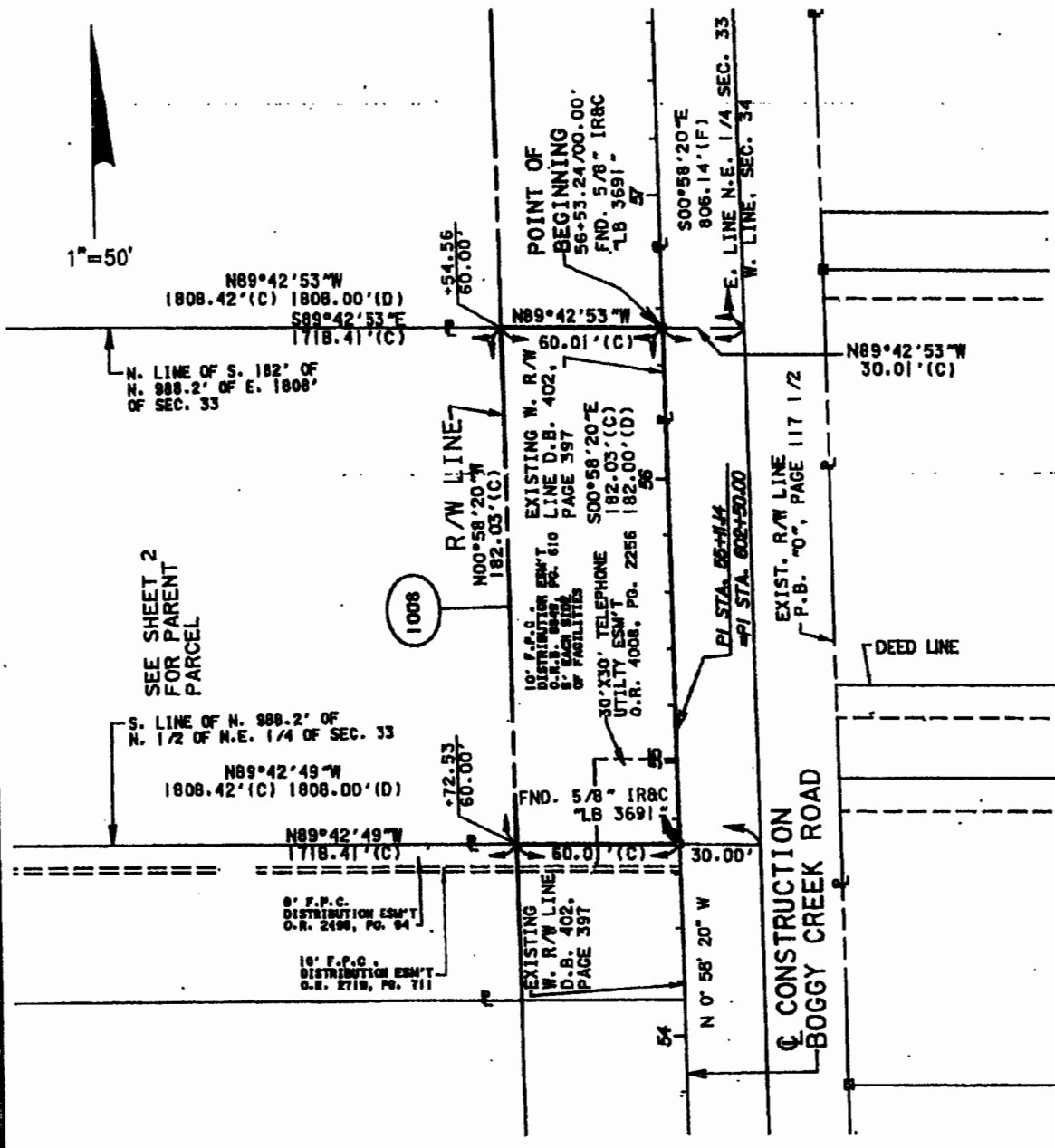
SCALE 1" = NA
SHEET 1 OF 3

**PARCEL 1008
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY**



LEGEND		(D)	DEED	(C)	POINT OF CURVATURE	RT	RIGHT
AC.	ACRE	FND.	FOUND	P.I.	POINT OF INTERSECTION	R/W	RIGHT OF WAY
B	BASELINE	(F)	FIELD MEASURE	P.T.	POINT OF TANGENCY	S.F.	SQUARE FEET
C	CENTERLINE	L	ARC LENGTH	P	PROPERTY LINE	T	TANGENT LENGTH
(C)	CALCULATED	LT	LEFT	R	RADIUS	TWP.	TOWNSHIP
CH.	CHORD DISTANCE	O.R.B.	OFFICIAL RECORDS BOOK	RGE.	RANGE		
Δ	DELTA/CENTRAL ANGLE	P.B.	PLAT BOOK				

**PARCEL 1008
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY**



LEGEND

AC.	ACRE	Δ	CENTRAL ANGLE	P.B.	PLAT BOOK	RT	RIGHT
B	BASELINE	(D)	DEED	P.C.	POINT OF CURVATURE	R/W	RIGHT OF WAY
C	CENTERLINE	FND.	FOUND	P.I.	POINT OF INTERSECTION	STA.	STATION
CH. BRG.	CHORD BEARING	(F)	FIELD MEASURE	P.T.	POINT OF TANGENCY	S.F.	SQUARE FEET
CH.	CHORD DISTANCE	L	ARC LENGTH	E	PROPERTY LINE	T	TANGENT LENGTH
(C)	CALCULATED	LT	LEFT	R	RADIUS	TWP.	TOWNSHIP
		O.R.B.	OFFICIAL RECORDS BOOK	RGE.	RANGE		

SCHEDULE "B"

BOGGY CREEK ROAD PARCEL 1008

FEE SIMPLE

Parcel 1008: the interest being acquired is fee simple.

1/28/2016

Page 1 of 1

EXHIBIT A
4 of 8

SCHEDULE "A"

Parcel 7008

A portion of the Northeast 1/4 of Section 33, Township 24 South, Range 30 East, Orange County, Florida being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of Section 33, Township 24 South, Range 30 East; thence run South 00 degrees 58' 20" East along the East line of the Northeast 1/4 of said Section 33 a distance of 806.14 feet; thence leaving said East line run North 89 degrees 42' 53" West a distance of 30.01 feet to the West right of way line of Boggy Creek Road as described in Deed Book 402, Page 397 of the Public Records of Orange County, Florida; thence run South 00 degrees 58' 20" East along said West right of way line a distance of 182.03 feet to the intersection with the South line of the North 988.20 feet of the North 1/2 of the Northeast 1/4 of said Section 33; thence run North 89 degrees 42' 49" West along said South line a distance of 60.01 feet; thence leaving said South line run North 00 degrees 58' 20" West a distance of 58.79 feet to the POINT OF BEGINNING; thence run North 00 degrees 58' 20" West a distance of 34.06 feet; thence run South 75 degrees 05' 53" West a distance of 6.70 feet; thence run South 00 degrees 58' 20" East a distance of 30.77 feet; thence run South 76 degrees 28' 56" East a distance of 6.72 feet to the POINT OF BEGINNING.

Containing 211 square feet, more or less.


THIS IS NOT A SURVEY

BEARINGS BASED ON THE EAST LINE OF THE N.E. 1/4 OF SEC. 33, TWP. 24 S., RGE. 30 E BEING S00°58'20"E PER THE BOGGY CREEK RIGHT OF WAY MAP.

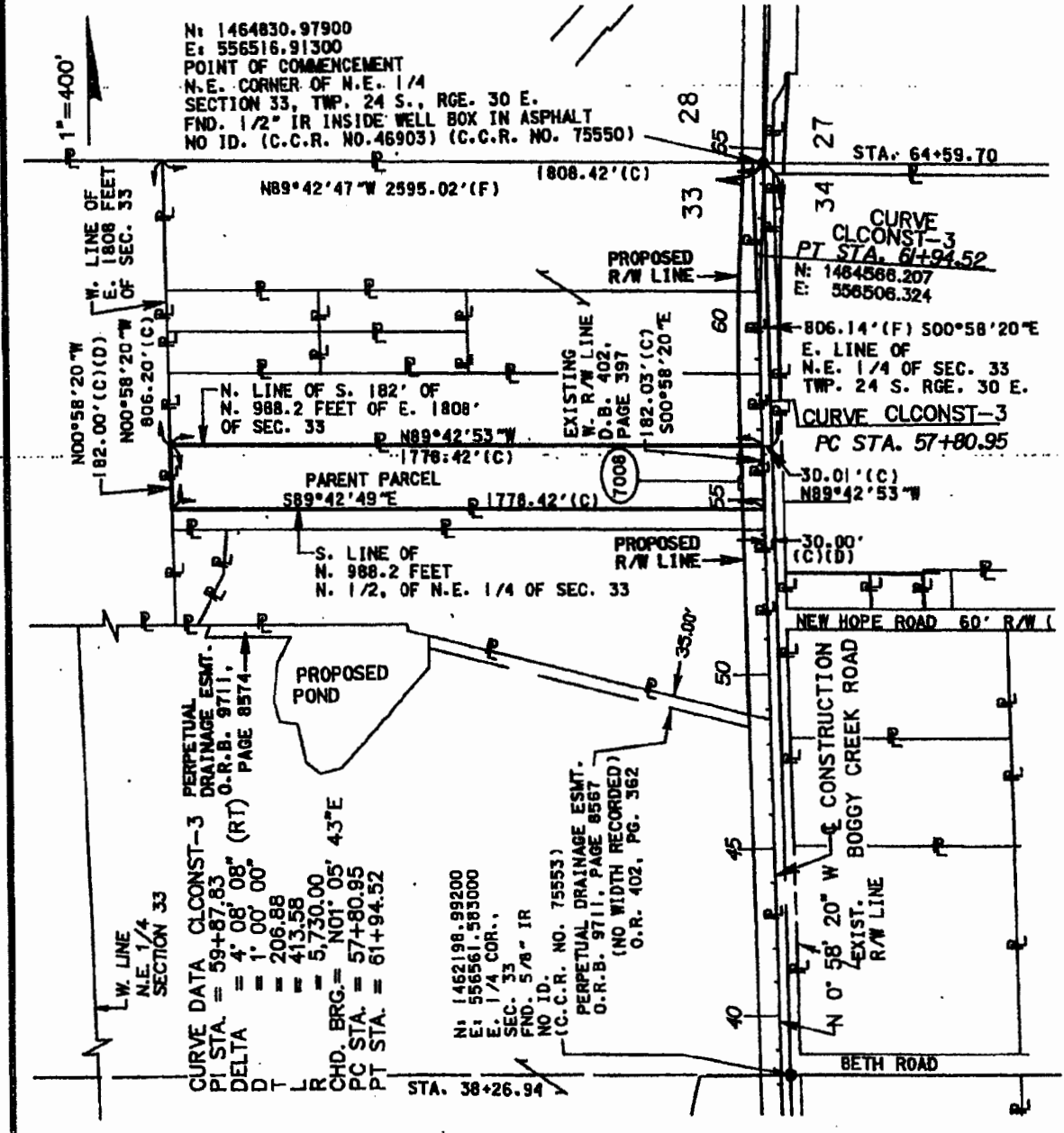
REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

Daniel A. Groves
 DANIEL A. GROVES, FLORIDA PROFESSIONAL SURVEYOR
 AND MAPPER NO. 4825
 METRIC ENGINEERING, INC. L.B. NO. 2284

COUNTY PROJECT NO. 5085
 ROAD NAME: BOGGY CREEK ROAD

 METRIC ENGINEERING, INC. ENGINEERS - PLANNERS - SURVEYORS 615 CRESCENT EXECUTIVE CT. SUITE 524, LAKE MARY, FLORIDA 32748 PHONE (407) 844-1888 FAX (407) 844-1821			SECTION 33 TOWNSHIP 24 SOUTH RANGE 30 EAST
	DRAWN BY: D.GROVES CHECKED BY: D.GROVES DATE: MAY. 26, 2009	PARCEL NO. 7008	9-28-11 <i>KLW/L DGH</i> DATE REVISIONS BY

**PARCEL 7008
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY**



N: 1464830.97900
E: 556516.91300
POINT OF COMMENCEMENT
N.E. CORNER OF N.E. 1/4
SECTION 33, TWP. 24 S., RGE. 30 E.
FND. 1/2" IR INSIDE WELL BOX IN ASPHALT
NO ID. (C.C.R. NO. 46903) (C.C.R. NO. 75550)

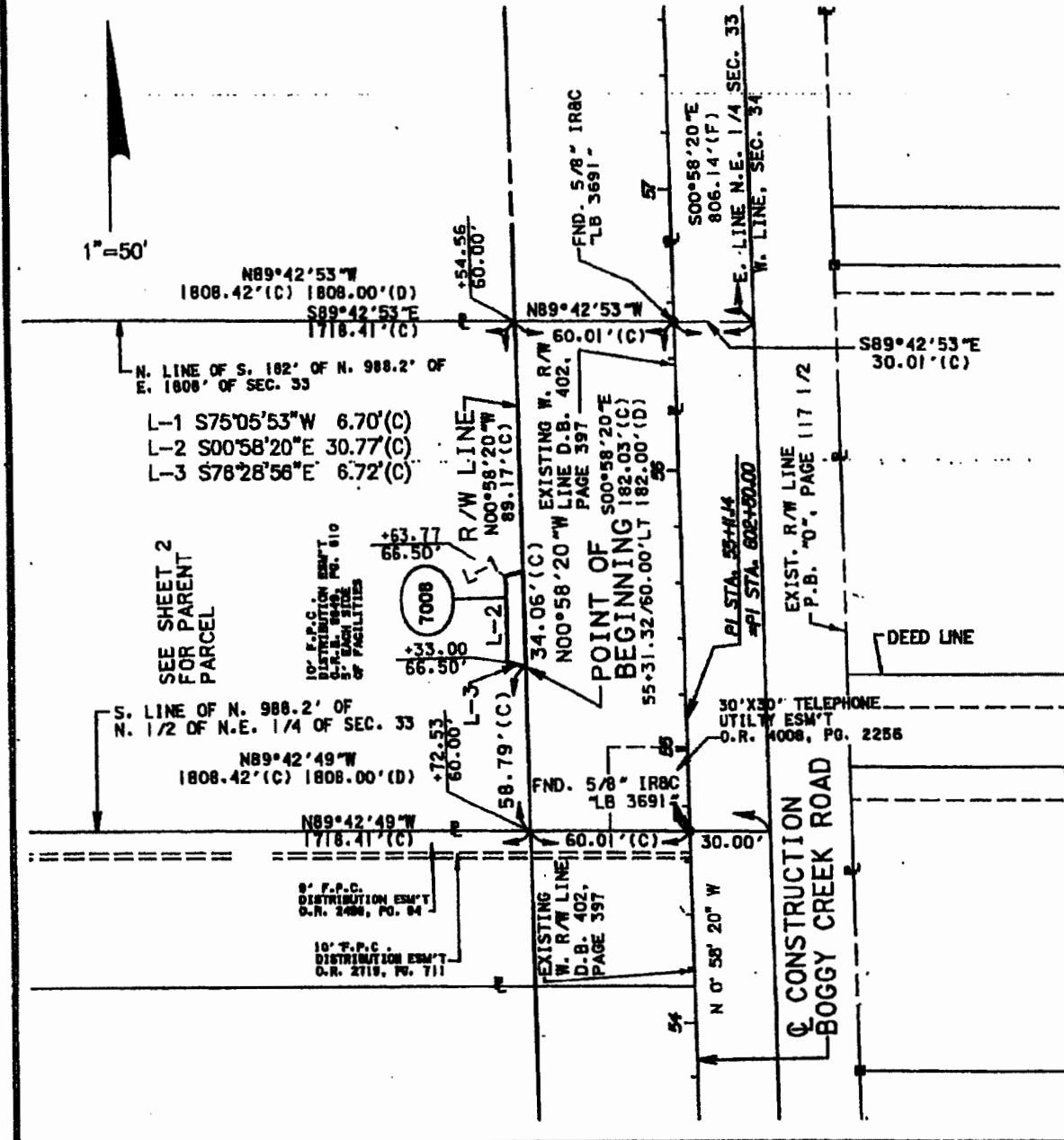
PERPETUAL DRAINAGE ESMT.
O.R.B. 9711, PAGE 8574
CURVE DATA CLCONST-3
PI STA. = 59+87.83
DELTA = 4° 08' 08" (RT)
D.L.R. = 1° 00' 00"
CHD. BRG. = 206.88
PC STA. = 57+80.95
PT STA. = 61+94.52

N: 1452198.99200
E: 556561.583000
SEC. 33
FND. 5/8" IR
NO ID. (C.C.R. NO. 75553)
PERPETUAL DRAINAGE ESMT.
O.R.B. 9711, PAGE 8567
(NO WIDTH RECORDED)
O.R. 402, PG. 362

LEGEND

AC. ACRE	(D) DEED	P.C. POINT OF CURVATURE	RT RIGHT
B BASELINE	FND. FOUND	P.I. POINT OF INTERSECTION	R/W RIGHT OF WAY
C CENTERLINE	(F) FIELD MEASURE	P.T. POINT OF TANGENCY	S.F. SQUARE FEET
(C) CALCULATED	L ARC LENGTH	R PROPERTY LINE	T TANGENT LENGTH
CH. CHORD DISTANCE	LT LEFT	R RADIUS	TWP. TOWNSHIP
Δ DELTA/CENTRAL ANGLE	O.R.B. OFFICIAL RECORDS BOOK	RGE. RANGE	
	P.B. PLAT BOOK		

PARCEL 7008
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY



LEGEND

AC. ACRE	Δ DELTA/CENTRAL ANGLE	P.B. PLAT BOOK	RT. RIGHT
B. BASELINE	(D) DEED	P.C. POINT OF CURVATURE	R/W RIGHT OF WAY
C. CENTERLINE	FND. FOUND	P.I. POINT OF INTERSECTION	STA. STATION
CH. BRG. CHORD BEARING	(F) FIELD MEASURE	P.T. POINT OF TANGENCY	S.F. SQUARE FEET
CH. CHORD DISTANCE	L. ARC LENGTH	R. PROPERTY LINE	T. TANGENT LENGTH
(C) CALCULATED	LT. LEFT	R. RADIUS	TWP. TOWNSHIP
	D.R.B. OFFICIAL RECORDS BOOK	RGE. RANGE	

SCHEDULE "B"

BOGGY CREEK ROAD PARCEL 7008

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7008 is being acquired as a temporary, non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of constructing, tying in and harmonizing the driveway with the adjacent roadway. At all times during construction the GRANTEE will maintain access to the GRANTOR'S remaining lands.

After the construction on the Parcel is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (7) years, whichever occurs first.