



Legislation Text

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**File #:** 24-1352, **Version:** 1

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**Interoffice Memorandum**

**DATE:** August 29, 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 two Notice of Reservation and authorization to disburse funds to pay recording fees and record instruments for Westhaven at Ovation Phase 3A (21-S-083). District 1.

**(Real Estate Management Division)**

**PROJECT:** Westhaven at Ovation Phase 3A (21-S-083)

**PURPOSE:** To provide for access, construction, operation, and maintenance of utility and drainage facilities across County-owned land.

**ITEM:**

Notice of Reservation (Utility)

Cost: Donation

Size: 4,122 square feet

Notice of Reservation (Drainage)

Cost: Donation

Size: 588 square feet

**BUDGET:** Account No: 1002-072-2705-6110

**REVENUE:** N/A

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**File #:** 24-1352, **Version:** 1

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**FUNDS:** \$62.50 payable to Orange County Comptroller (recording fees)

**APPROVALS:**

Real Estate Management Division

Parks and Recreation Division

Utilities Department

**REMARKS:** The plat of Westhaven at Ovation was recorded March 29, 2023, in Plat Book 111, Page 89 (Plat). Tracts APF-5A and APF-5B were conveyed to County in fee simple by the Plat.

Easements for utility and drainage purposes were inadvertently omitted from the final recorded version of the Plat.

This action reserves a 10-foot-wide Utility Easement and a 20-foot-wide Drainage Easement along the westerly boundary of Tract APF-5A.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**SEP 24 2024**

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**THIS INSTRUMENT PREPARED BY AND  
AFTER RECORDING RETURN TO:**

E. Price Jackson, 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

**Property Appraiser's Parcel Identification Number:**  
a portion of 29-24-27-7805-01-051

**Project:** Westhaven at Ovation Phase 3A (21-S-083)  
(Utility Easement Reservation)

**NOTICE OF RESERVATION**

ORANGE COUNTY, A CHARTER COUNTY AND POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, HEREBY reserves a utility easement in perpetuity on the following property:

**See Attached Exhibit "A" (the "Utility Easement Area")**

ORANGE COUNTY shall retain its utility easement interest despite any transfer of fee title.

**Orange County Parks and Recreation Division ("PARKS")** agrees as follows:

i) PARKS agrees that no vehicular traffic is permitted outside of the paved areas within the Utility Easement Area. PARKS may install sod or native grasses outside of the paved areas within the Utility Easement Area and PARKS agrees to maintain those areas.

ii) PARKS agrees not to install parallel utility or storm mains, hydrants, structures, or trees within the Utility Easement Area. For the avoidance of doubt PARKS may only pave (concrete or asphalt) or install sod or native grasses within the Utility Easement Area.

iii) PARKS agrees that utility and storm crossings to the Utility Easement Area will be installed perpendicular to the Utility Easement Area and encased across the Utility Easement Area.

iv) PARKS shall be responsible for restoration and repair of any damage caused by PARKS, its contractors, employees, and/or agents to the Orange County Utilities utility improvements within the Utility Easement Area ("**Improvements**").

**Orange County Utilities ("OCU")** agrees as follows:

i) OCU shall have the right to trim, remove, destroy, or otherwise control any trees and brush inside the boundaries of the Utility Easement Area (within reason) which may, in the opinion of OCU, interfere or threaten to interfere with or be hazardous to the construction, operation and maintenance of the Improvements after providing written notice to PARKS. PARKS agrees to maintain the vegetation outside



# SKETCH OF DESCRIPTION

EXHIBIT A

NOT A SURVEY

PROJECT: HORIZON WEST VILLAGE I – WITHERS PD  
10' UTILITY EASEMENT  
PERMIT NUMBER: 21-S-083

A STRIP OF LAND BEING A PORTION OF TRACT APF-5A OF WESTHAVEN AT OVATION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 111, PAGES 89 THROUGH 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT APF-5A; THENCE RUN NORTH 89°54'51" EAST ALONG THE NORTH LINE OF TRACT APF-5A FOR A DISTANCE OF 36.61 FEET TO A POINT ON A NON TANGENT CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 72.00 FEET, WITH A CHORD BEARING OF SOUTH 29°50'05" EAST, AND A CHORD DISTANCE OF 71.33 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59°23'07" FOR A DISTANCE OF 74.63 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 00°08'31" EAST FOR A DISTANCE OF 237.30 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 72.00 FEET, WITH A CHORD BEARING OF SOUTH 40°24'56" WEST, AND A CHORD DISTANCE OF 93.63 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°06'54" FOR A DISTANCE OF 101.93 FEET TO A POINT ON THE WEST LINE OF TRACT APF-5A AND TO A POINT ON A NON TANGENT LINE; THENCE RUN NORTH 00°08'29" WEST FOR A DISTANCE OF 3.19 FEET; THENCE RUN NORTH 09°26'14" WEST FOR A DISTANCE OF 6.85 FEET TO A POINT ON A NON TANGENT CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 62.00 FEET, WITH A CHORD BEARING OF NORTH 40°12'37" EAST, AND A CHORD DISTANCE OF 80.29 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 80°42'18" FOR A DISTANCE OF 87.33 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 00°08'31" WEST FOR A DISTANCE OF 237.30 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 62.00 FEET, WITH A CHORD BEARING OF NORTH 45°06'50" WEST, AND A CHORD DISTANCE OF 87.64 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°56'38" FOR A DISTANCE OF 97.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,122 SQUARE FEET, MORE OR LESS.

SHEET 1 OF 2  
SEE SHEET 2 FOR SKETCH OF DESCRIPTION



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www.allen-company.com  
16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
(407) 654-5355  
LB#6723

## SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER OR AN ELECTRONIC SIGNATURE THAT IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE 5J-17.062.
2. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF TRACT APF-5A, BEING N89°54'51"E (ASSUMED FOR ANGULAR DESIGNATION ONLY).
3. THIS LEGAL DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF TITLE.
4. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.
5. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS WEBSITE.

JOB #: 20190685

DATE: 8/14/23

SCALE: 1"=80'

CALC BY: MR

DRAWN BY: RT

CHECKED BY: HF

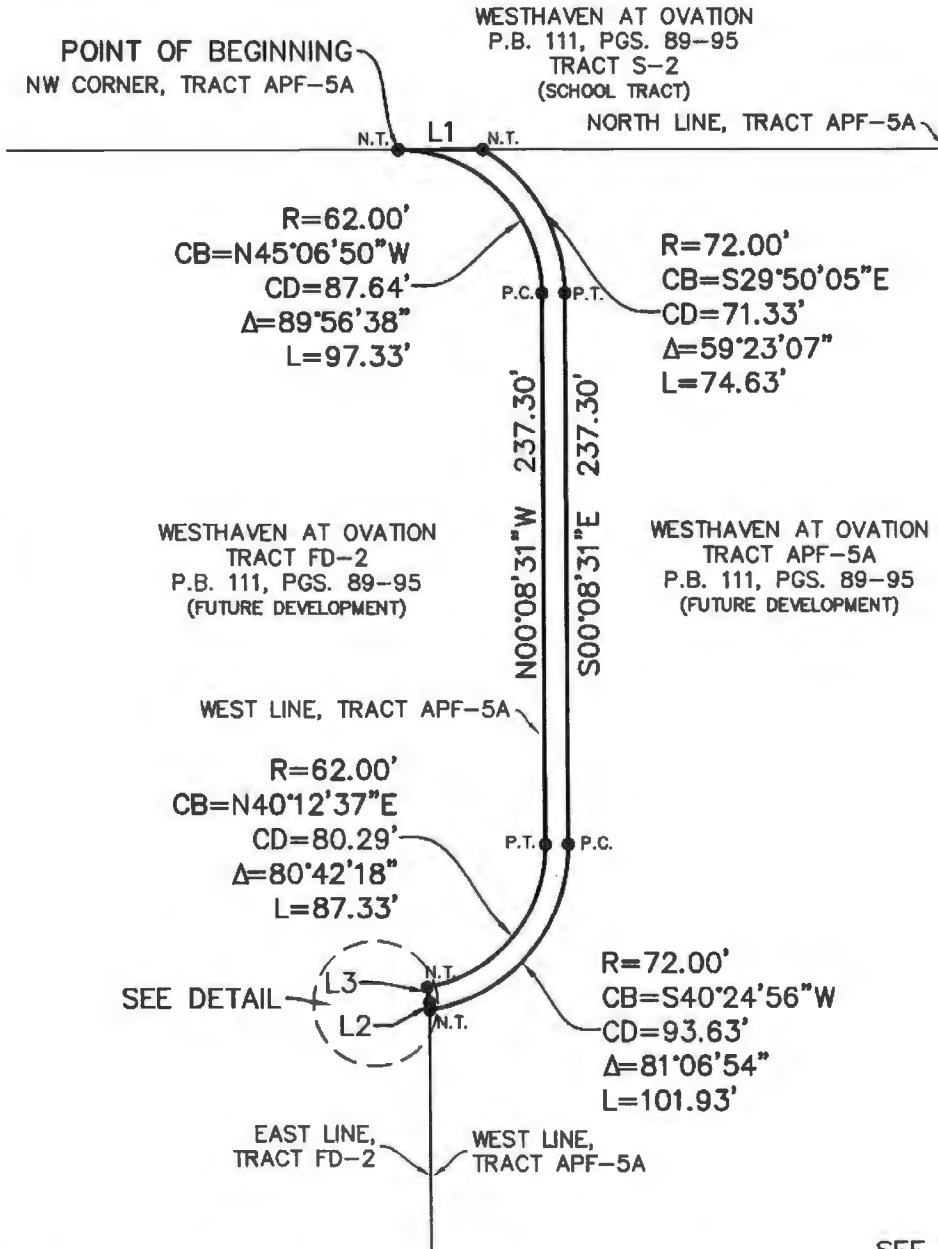
REVISED: 5/6/24

FOR THE LICENSED BUSINESS #6723 BY:  
Digitally signed by:  
James L Rickman  
Date: 2024.05.07 08:  
01:14 -04'00'  
JAMES L. RICKMAN, P.S.M. #5633

# SKETCH OF DESCRIPTION

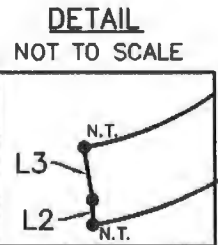
EXHIBIT A NOT A SURVEY

PROJECT: HORIZON WEST VILLAGE I - WITHERS PD  
 10' UTILITY EASEMENT  
 PERMIT NUMBER: 21-S-083



SCALE: 1"=80'  
 0 40' 80'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°54'51"E	36.61'
L2	N00°08'29"W	3.19'
L3	N09°26'14"W	6.85'



SHEET 1 OF 2  
 SEE SHEET 1 FOR LEGAL DESCRIPTION



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## SYMBOL AND ABBREVIATION LEGEND:

● CHANGE IN DIRECTION	CB CHORD BEARING	P.T. POINT OF TANGENCY
LB LICENSED BUSINESS	CD CHORD DISTANCE	N.T. NON TANGENT
P.B. PLAT BOOK	Δ CENTRAL ANGLE	
PGS. PAGES	L ARC LENGTH	
R RADIUS	P.C. POINT OF CURVATURE	

JOB #: 20190685  
 DATE: 8/14/23  
 SCALE: 1" = 80'

CALC BY: MR  
 DRAWN BY: RT  
 CHECKED BY: HF

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
SEP 24 2024

**THIS INSTRUMENT PREPARED BY AND  
AFTER RECORDING RETURN TO:**

E. Price Jackson, 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

**Property Appraiser's Parcel Identification Number:**  
a portion of 29-24-27-7805-01-051

**Project:** Westhaven at Ovation Phase 3A (21-S-083)  
(Drainage Easement Reservation)

**NOTICE OF RESERVATION**

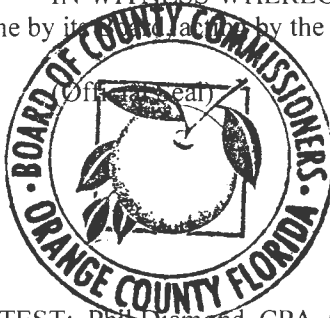
ORANGE COUNTY, A CHARTER COUNTY AND POLITICAL SUBDIVISION OF THE  
STATE OF FLORIDA, HEREBY reserves an easement for drainage purposes in perpetuity on the  
following property:

**See Attached Exhibit "A"**

ORANGE COUNTY shall retain its drainage easement interest despite any transfer of fee title.

Dated at Orlando, Florida this SEP 24 2024.

IN WITNESS WHEREOF, the said COUNTY has caused these presents to be executed in its  
name by its duly authorized officer, the County Mayor, the day and year aforesaid.



ORANGE COUNTY, FLORIDA  
By Board of County Commissioners

BY: Jerry L. Demings  
Jerry L. Demings  
Orange County Mayor

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

BY: David Rooney  
Deputy Clerk

DAVID ROONEY  
Printed Name

# SKETCH OF DESCRIPTION

NOT A SURVEY

PROJECT: HORIZON WEST VILLAGE I – WITHERS PD  
 20' DRAINAGE EASEMENT  
 PERMIT NUMBER: 21-S-083

A PARCEL OF LAND BEING A PORTION OF TRACT APF-5A OF WESTHAVEN AT OVATION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 111, PAGES 89 THROUGH 95, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT APF-5A, SAID CORNER ALSO BEING A POINT ON A NON TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 62.00 FEET, A CHORD BEARING OF SOUTH 59°20'44" EAST AND A CHORD DISTANCE OF 63.38 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE WEST LINE OF SAID TRACT APF-5A THROUGH A CENTRAL ANGLE OF 61°28'50" FOR A DISTANCE OF 66.53 FEET TO A POINT ON A NON TANGENT LINE AND THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89°54'44" EAST FOR A DISTANCE OF 33.43 FEET; THENCE RUN SOUTH 00°05'16" EAST FOR A DISTANCE OF 20.00 FEET; THENCE RUN SOUTH 89°54'44" WEST FOR A DISTANCE OF 26.66 FEET TO A POINT ON THE WEST LINE OF TRACT APF-5A, BEING A POINT ON A NON TANGENT CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 62.00 FEET, WITH A CHORD BEARING OF NORTH 18°48'02" WEST, AND A CHORD DISTANCE OF 21.12 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°36'35" FOR A DISTANCE OF 21.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 588 SQUARE FEET, MORE OR LESS.

W/S 8/24/23

SHEET 1 OF 2  
 SEE SHEET 2 FOR SKETCH OF DESCRIPTION

**SURVEYOR'S NOTES:**

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JOB #: 20190685  
 DATE: 8/14/23  
 SCALE: 1"=20'

CALC BY: MR  
 DRAWN BY: RT  
 CHECKED BY: HF

FOR THE LICENSED BUSINESS #6723 BY:

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



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# SKETCH OF DESCRIPTION

NOT A SURVEY



SCALE: 1"=20'  
0 20'

POINT OF  
CEMMENCEMENT  
NORTHWEST CORNER,  
TRACT APF-5A

WESTHAVEN AT OVATION  
P.B. 111, PGS. 89-95  
TRACT S-2  
(SCHOOL TRACT)

(BEARING BASIS)  
N89°54'51"E

N.T.

NORTH LINE, TRACT APF-5A

R=62.00'  
CB=S59°20'44"E  
CD=63.38'  
Δ=61°28'50"  
L=66.53'

N.T. N89°54'44"E 33.43'

POINT OF  
BEGINNING

WESTHAVEN AT OVATION  
TRACT FD-2  
P.B. 111, PGS. 89-95  
(FUTURE DEVELOPMENT)

R=62.00'  
CB=N18°48'02"W  
CD=21.12'  
Δ=19°36'35"  
L=21.22'

N.T.

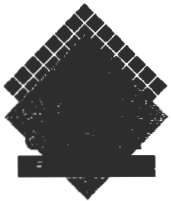
S89°54'44"W

20.00'  
S00°05'16"E

WESTHAVEN AT OVATION  
TRACT APF-5A  
P.B. 111, PGS. 89-95  
(FUTURE DEVELOPMENT)

WEST LINE,  
TRACT APF-5A

SHEET 2 OF 2  
SEE SHEET 1 FOR LEGAL DESCRIPTION



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## SYMBOL AND ABBREVIATION LEGEND:

● CHANGE IN DIRECTION	CB CHORD BEARING
LB LICENSED BUSINESS	CD CHORD DISTANCE
P.B. PLAT BOOK	Δ CENTRAL ANGLE
PGS. PAGES	L ARC LENGTH
R RADIUS	N.T. NON TANGENT

JOB #: 20190685  
DATE: 8/14/23  
SCALE: 1" = 20'

CALC BY: MR  
DRAWN BY: RT  
CHECKED BY: HF

# REAL ESTATE MANAGEMENT REQUEST FOR FUNDS (RFF)

Project Name: Westhaven at Ovation Phase 3A (21-S-083)

Date: August 12, 2024

Parcel #s: N/A

District #: 1

Approval: BCC

Type of Transaction: N/A

Other- See Special Instructions

Total Amount: \$ 62.50

## PAYABLE TO:

Charge to Account: 1002-072-2705-6110

Orange County Comptroller  
P.O. Box 38,  
Orlando, Florida 32802

Public Works Department

Recording Fees: \$62.50

### Controlling Agency's Approval Signature:

Dale V Mudrak, Manager  
Print Name and Title

Dale V Mudrak 8/13/24  
Signature (must be wet ink) Date

### Controlling Agency's Fiscal Approval Signature:

Pat J Davis  
Print Name and Title

Pat J Davis 8-15-24  
Signature (must be wet ink) Date

### SPECIAL INSTRUCTIONS

Hold check for REM to pick-up. DO NOT MAIL.

Recording fees to record two Notices of Reservation. Will be recorded as soon as check is available.

### Form Prepared by:

Elizabeth Price Jackson

407-836- 7099 Elizabeth.Jackson@ocfl.net

### REAL ESTATE MANAGEMENT APPROVAL

Mindy T. Cummings 8/26/24  
Mindy T. Cummings, Manager Date

### BCC APPROVAL

Malin Re 9/25/24  
for Deputy Clerk of the Board Signature Date

### ORDINANCE Stamp

### BCC Stamp

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
SEP 24 2024

### Real Estate Management Division Use Only Routing Checklist Approval Dates

Agency \_\_\_\_\_ REM Mgmt. 8-29-24 BCC \_\_\_\_\_ Finance \_\_\_\_\_