

REAL ESTATE MANAGEMENT ITEM 9

DATE:	April 14, 2022
TO:	Mayor Jerry L. Demings -AND- County Commissioners
THROUGH:	Mindy T. Cummings, Manager Real Estate Management Division
FROM:	Theresa A. Avery, Senior Acquisition Agent $\langle A M^{C}$ 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 a Donation Agreement between Foundation Academy of Winter Garden, Inc. and Orange County, approval of Sidewalk and Drainage Easement from Foundation Academy of Winter Garden, Inc. to Orange County, and authorization to disburse funds to pay all recording fees and perform all actions necessary and incidental to closing.
PROJECT:	Tilden Road & Tiny Road Intersection Improvements Parcel 8002D
	District 1
PURPOSE:	To provide for access, construction, operation and maintenance of road widening improvements.

Interoffice Memorandum Real Estate Management Division Agenda Item 9 April 14, 2022 Page 2 of 2

ITEMS:	Donation Agreement (Parcel 8002D)
	Sidewalk and Drainage Easement (Instrument 8002D.1)
	Cost: Donation Size: 4,744.94
BUDGET:	Account No.: 1003-072-2722-6110
	\$53.20 Payable to The Orange County Comptroller (all recording fees)
APPROVALS:	Real Estate Management Division Public Works Department
REMARKS:	The easement to be acquired is for the improvements at the intersection of Tiny Road and Tilden Road. Foundation Academy of Winter Garden, Inc. has agreed to donate this easement to Orange County.

Project: Tiny Rd & Tilden Rod Parcel: 8002D

APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

APR 2 6 2022

DONATION AGREEMENT

COUNTY OF ORANGE STATE OF FLORIDA

THIS AGREEMENT made between Foundation Academy of Winter Garden, Inc., a Florida not for profit corporation, hereinafter referred to as OWNER, and Orange County, a charter county and political subdivision of the state of Florida, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, the COUNTY seeks to acquire the land described on Schedule "A" attached hereto for the above referenced project and said OWNER agrees to donate said land for such purpose.

Property Appraiser's Parcel Identification Number(s) [a portion of] 09-23-27-0000-00-009

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), each to the other paid, the parties hereto agree as follows:

- OWNER agrees to execute a permanent Sidewalk and Drainage Easement on Parcel 8002D, [as more particularly described on the attached Schedule "B"] conveying said Easement unto COUNTY free of all liens and encumbrances.
- 2. This transaction shall be closed and the Sidewalk and Drainage Easement and other closing papers delivered on or before 90 days from the effective date of this AGREEMENT. Closing shall take place at the office of the Orange County Real Estate Management Division, 400 E. South Street, Fifth Floor, Orlando, Florida 32801, or at such place as shall be mutually agreed upon by COUNTY and OWNER.
- 3. OWNER agrees to remove any personal items from said Parcel 8002D prior to closing. It is mutually agreed that any personal items not removed before this date shall be deemed abandoned and COUNTY, or its contractors, may remove and dispose of said personalty. The property owner will have no further claim or interest in said personalty after this date without a written agreement between the parties.
- 4. Effective Date: This AGREEMENT shall become effective on the date upon which it has been fully executed by the parties and approved by the Orange County Board of County Commissioners.

THIS AGREEMENT supersedes all previous agreements or representations, either verbal or written, heretofore in effect between OWNER and COUNTY, made with respect to the matters herein contained, and when duly executed constitutes the AGREEMENT between OWNER and COUNTY. No additions,

Project: Tiny Rd & Tilden Rod Parcel: 8002D

alterations, or variations to the terms of this AGREEMENT shall be valid, nor can provisions of this AGREEMENT be waived by either party unless expressly set forth in writing and duly signed.

The parties hereto have executed this AGREEMENT on the date(s) written below.

OWNER

Foundation Academy of Winter Garden, Inc., a Florida not for profit corporation

David Buckles, President

11/30/21 DATE:

COUNTY

Orange County, Florida BY: heresa A. Avery, Its Agent DATE: ___

initials of preparer/date prepared 11.30.21kh

SCHEDULE "A"

TILDEN ROAD PARCEL 8002D SHEET 1 OF 3

LEGAL DESCRIPTION:

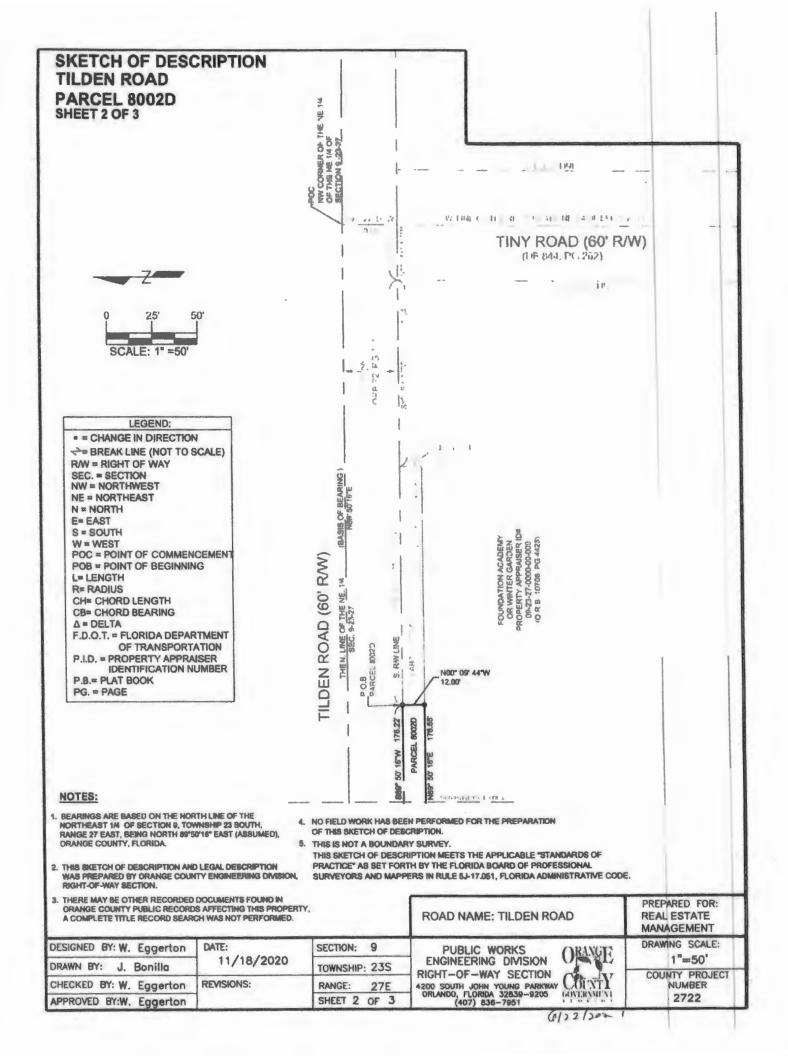
A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10708, PAGE 4423, OF PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AND LYING IN THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

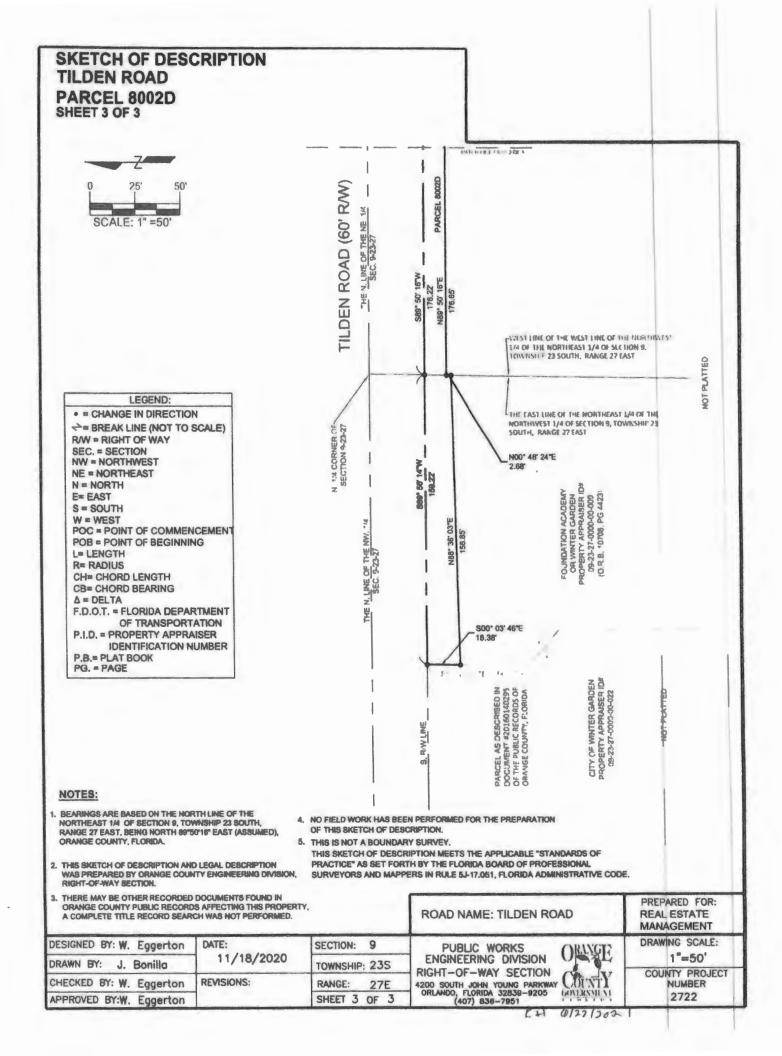
COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF **SAID** SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE RUN SOUTH 00°22'56" WEST, A DISTANCE OF 30.00 FEET, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°50'16" WEST, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF TINY ROAD AND THE SOUTH RIGHT OF WAY LINE OF TILDEN ROAD, AS DESCRIBED IN DEED BOOK 844, PAGE 262 AND OFFICIAL RECORDS BOOK 72, PAGE 131, OF PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RESPECTIVELY; THENCE RUN SOUTH 89°50'16" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1,118.48 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE SOUTH 89°50'16" WEST, A DISTANCE OF 176.22 FEET TO THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE DEPARTING SAID WEST LINE AND CONTINUING ALONG THE SOUTH RIGHT OF WAY LINE OF TILDEN ROAD, RUN SOUTH 89°56'14" WEST, A DISTANCE OF 159.22 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED ACCORDING TO DOCUMENT NUMBER 20160140295 IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE OF TILDEN ROAD AND ALONG THE EAST LINE OF SAID DOCUMENT NUMBER 20160140295, RUN SOUTH 00°03'46" EAST, A DISTANCE 18.38 FEET; THENCE DEPARTING SAID EAST LINE, RUN NORTH 88°36'03" EAST, A DISTANCE OF 158.85 FEET, TO THE SAID WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE ALONG SAID WEST LINE, RUN NORTH 00°48'24" EAST, A DISTANCE OF 2.68 FEET; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89°50'16" EAST, A DISTANCE OF 176.65 FEET; THENCE RUN NORTH 00°09'44" WEST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.11 ACRES OR 4,744.94 SQUARE FEET, MORE OR LESS. Water H. Eggerton Jr. PROFESSIONAL SURVEYOR AND MAPPER STATE OF FLORIDA LICENSE NO. 5674 NOT VALID WITHOUT SHEETS 1, 2, 3 AND THE PREPARED FOR: ORIGINAL SIGNATURE AND BEAL OF A FLORIDA ROAD NAME: TILDEN ROAD REAL ESTATE LICENSED SURVEYOR AND MAPPER. MANAGEMENT DRAWING SCALE: DESIGNED BY: W. Eggerton DATE: SECTION: 9 PUBLIC WORKS ORINGE 11/18/2020 ENGINEERING DIVISION N/A DRAWN BY: J. Bonillo TOWNSHIP: 23S RIGHT-OF-WAY SECTION COUNTY PROJECT YOUNTY COUNT CHECKED BY: W. Eggerton **REVISIONS:** 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7951 RANGE: NUMBER 27E 2722 APPROVED BY:W. Eggerton SHEET 1 OF 3

CH 6/22 12021





SCHEDULE "B"

2722 TILDEN RD & TINY RD PARCEL 8002D

SIDEWALK AND DRAINAGE EASEMENT

Parcel 8002D is being acquired as a permanent non-exclusive easement for sidewalk purposes with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a paved sidewalk and appurtenant facilities on the following lands as described in Schedule "A".

The parcel is also being acquired as a permanent non-exclusive easement for drainage purposes, with full authority to enter upon, construct, operate and maintain, as the GRANTEE and its assigns may deem necessary, a stormwater drainage ditch and appurtenant facilities over, under, and upon the following lands as described in Schedule "A".

THE GRANTEE and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the sidewalk, stormwater drainage ditch and appurtenant facilities out of and away from the granted easement, and the GRANTORS and their heirs, successors and assigns shall not build, construct, or create, nor permit others to build, construct, or create any building, utilities, or other structures on the granted easement that may interfere with the normal operation or maintenance of the sidewalk, stormwater drainage ditch and appurtenant facilities.

THE GRANTOR may use the granted easement for any use not inconsistent with the GRANTEE'S intended use of the granted easement including, but not limited to, open space, setback area, or any activity that will not adversely affect the operation, maintenance and integrity of the sidewalk and stormwater drainage ditch facilities.

This easement is for the purposes noted herein and does not obligate the GRANTEE to perform any right-of-way maintenance or other duties.

APR 26 2022

THIS IS A DONATION

Instrument: 8002D.1 Project: Tiny Rd & Tilden Rd

SIDEWALK AND DRAINAGE EASEMENT

THIS GRANT OF EASEMENT, made as of the date signed below, between Foundation Academy of Winter Garden, Inc., a Florida corporation, whose address is 15304 Tilden Rd., Winter Garden, FL 34787, GRANTOR, and ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, hereinafter called the GRANTEE.

WITNESSETH, That the GRANTOR, in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its successors and assigns a nonexclusive sidewalk and drainage easement, more particularly defined in Schedule "B" attached, for a paved sidewalk and drainage facility, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a paved sidewalk and a drainage ditch, pipe, or facility over, under, across and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of 09-23-27-0000-00-009

TO HAVE AND TO HOLD said easement unto said GRANTEE and its successors and assigns forever.

THE GRANTOR covenants with the GRANTEE that the GRANTOR is lawfully seized of said lands in fee simple; that the GRANTOR has good right and lawful authority to grant this sidewalk and drainage easement and that the GRANTOR hereby fully warrants the easement being granted and will defend the same against the lawful claims of all persons whomsoever.

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees and other obstructions that may interfere with normal usage or maintenance of the sidewalk and drainage easement. The GRANTOR, successors and assigns, agree not to build, construct, or create, nor permit others to build, construct, or create any fence, wall, or other structure on the herein granted easement.

Instrument: 8002D.1 Project: Tiny Rd & Tilden Rd

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be signed in its name.

Signed, sealed, and delivered in the presence of:

Witness

Printed Name

Foundation Academy of Winter Garden, Inc.,

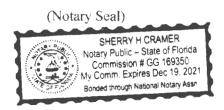
a Florida not for profit corporation, R١

Hope Laun Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF FLA . COUNTY OF SRANGE

The foregoing instrument was acknowledged before me by means of \times physical presence or online notarization. this 3 day of NCFMER 2021, by DAV=DBVCKESas PRE=DEN + ... of Foundation Academy of Winter Garden, Inc., a Florida not for profit corporation, on behalf of the corporation. He/She \square is personally known to me or \square has produced as identification.



This instrument prepared by: Kim Heim, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

Printed Notary Name

Notary Public in and for the county and state aforesaid

My commission expires:

SOREM Projects/Tiny Rd & Tilden Rd/Tiny RD & Tilden Rd Parcel 1002/8002D S&DE 11.30.20kh

SCHEDULE "A"

TILDEN ROAD PARCEL 8002D SHEET 1 OF 3

LEGAL DESCRIPTION:

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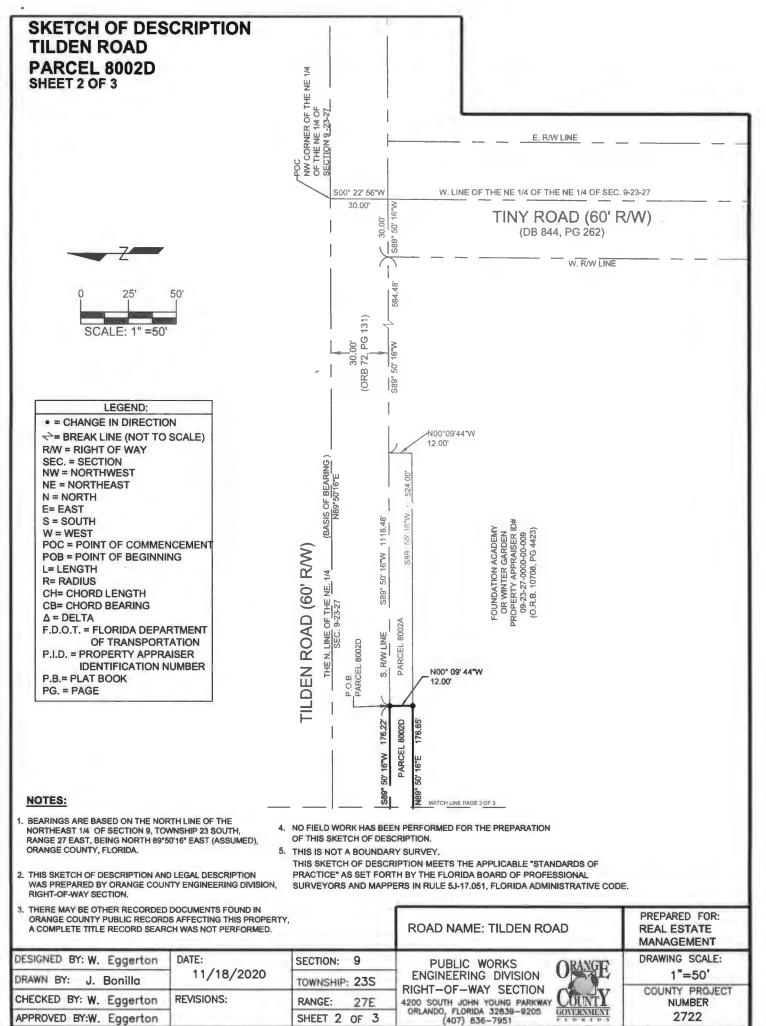
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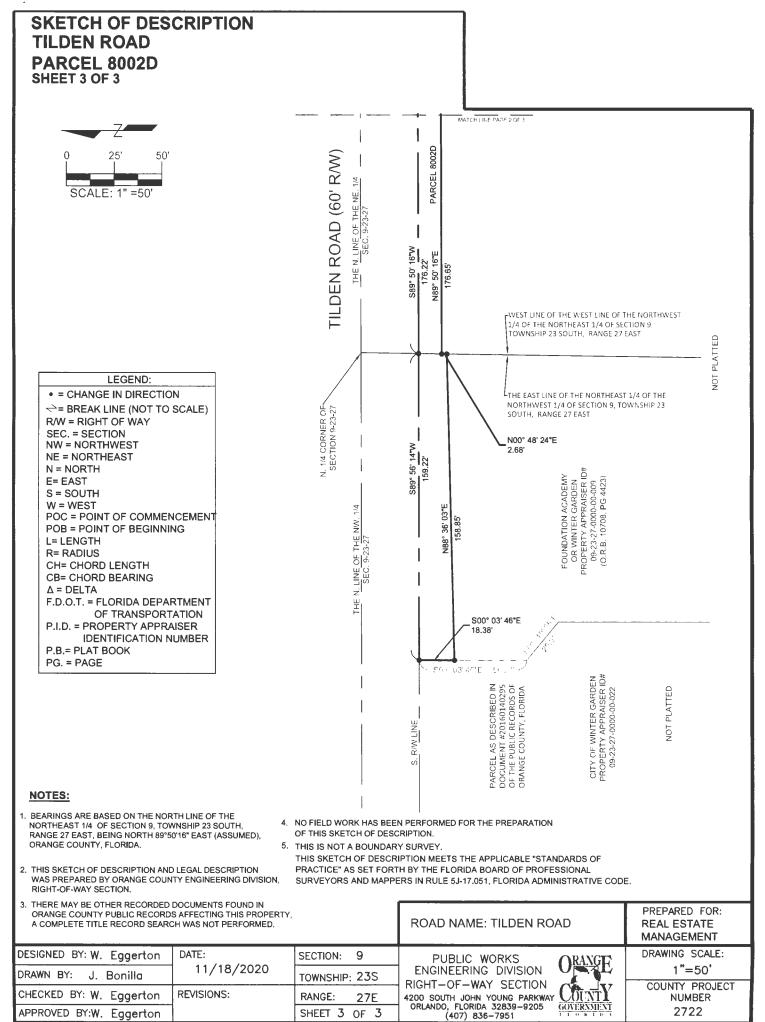
Walter H. Eggerton Jr. PROFESSIONAL SURVEYOR AND MAPPER STATE OF FLORIDA LIGENSE NO. 5674

11 4 11 15 A

NOT VALID MITHOUT SHEETS ORIGINAL SIGNATURE AND SE LICENSED SURVEYOR AND M	EAL OF A FLORIDA		ROAD NAME: TILDEN ROAD	PREPARED FOR: REAL ESTATE MANAGEMENT
DESIGNED BY: W. Eggerton	DATE:	SECTION: 9	PUBLIC WORKS	DRAWING SCALE:
DRAWN BY: S. Bonilla	11/18/2020	TOWNSHIP: 23S		N/A
CHECKED BY: W. Eggerton	REVISIONS:	RANGE: 27E	4200 SOUTH JOHN YOUNG PARKWAY COUNTY	COUNTY PROJECT NUMBER
APPROVED BY:W. Eggerton		SHEET 1 OF 3	ORLANDO, FLORIDA 32839-9205 (407) 836-7951	2722



6122/202



CH 0/22/212121

SCHEDULE "B"

2722 TILDEN RD & TINY RD PARCEL 8002D

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Date: January 7, 2022	
Project: Tilden Road and Tiny Road	Total Amount: Parcel: 8002D
	APAMA: 1
ntersection Improvements	R 3/20/22
Charge to Account # 1003-072-2722-6110	Controlling Agency Approval Signature Date KAYNEND WITHAMS Printed Name:
	Printed Name:
	CDC4 3/30/22
	Fiscal Approval Signature (Date/
	Printed Name Belkys Jorge
TYPE TRANSACTION (Check appropriate block{s})	
Pre-Condemnation Post-Condemnation	X N/A District #1
Acquisition at Approved Appraisal	p
Acquisition at Approved Appraisal Acquisition at Below Approved Appraisal	Name, Address, FEIN No.
Acquisition at Above Approved Appraisal	Orange County Comptroller \$53.20
Advance Payment Requested X Donation	(recording fees and doc stamps)
DOCUMENTATION ATTACHED (Check appropriate block(s))	
X Contract/ Agreement	
X Copy of Executed Instruments	
Certificate of Value	
Settlement Analysis	· · · · · · · · · · · · · · · · · · ·
Payable to: Orange County Comptroller Total: \$53.20	nt Division Date
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