



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: October 4, 2016

REAL ESTATE MANAGEMENT ITEM 1

**DATE:** September 6, 2016

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

**THROUGH:** Ann Caswell, Manager   
Real Estate Management Division

**FROM:** Virginia G. Williams, Senior Title Examiner   
Real Estate Management Division

**CONTACT PERSON:** Ann Caswell, Manager

**DIVISION:** Real Estate Management  
Phone: (407) 836-7082

**ACTION REQUESTED:** APPROVAL AND EXECUTION OF CORRECTIVE SPECIAL WARRANTY DEED AND DISCLAIMER FROM SOUTH ORANGE PROPERTIES, INC. TO ORANGE COUNTY AND AUTHORIZATION TO RECORD INSTRUMENT

**PROJECT:** Wetherbee Road – Phase II  
(Landstar Blvd to Harness Track Property)  
  
District 4

**PURPOSE:** To provide for access, construction, operation, and maintenance of road widening improvements as a requirement of right-of-way dedication agreement.

**ITEM:** Corrective Special Warranty Deed and Disclaimer  
Cost: Donation  
Size: 7.37 acres

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Public Works Department

**REMARKS:** On January 28, 2003, the Board of County Commissioners (County) approved the Wetherbee Road – Phase II Right-of-Way Dedication Agreement and on February 13, 2007, approved and accepted the Special Warranty Deed (Deed) for the required land from South Orange Properties, Inc. It has been determined that the legal description contained in the Deed was incorrect and thereby creating doubt as to what land was intended to be conveyed. The County is executing the Corrective Special Warranty Deed and Disclaimer to acknowledge and accept the corrected description and to disclaim any interest in the lands previously conveyed.

Grantor to pay recording fees.

**A file labeled “BCC Agenda Backup” containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson’s office.**

OCT 04 2016

This instrument prepared by and  
after recording return to:

Peter J. Fides, II, Esquire  
Greenberg Traurig, P.A.  
450 South Orange Avenue, Sixth Floor  
Orlando, Florida 32801

Tax Parcel Number: 18-24-30-7268-01-191

Cross reference: This is a Corrective Special Warranty Deed and Disclaimer given for the purpose of correcting the legal description attached as Exhibit "A" to the Special Warranty Deed recorded in O.R. Book 9121, Page 1064, Instrument Number 20070109913, of the Public Records of Orange County, Florida.

Note to Department of Revenue: This deed has been executed and delivered under threat of condemnation and/or in settlement of condemnation proceedings affecting the property described herein and is not subject to documentary stamp tax. See Department of Revenue Rules 12b-4.013(4) and 12b-4.014(13), F.A.C.; and see Florida Department of Revenue v. Orange County, 620 So.2d 991 (Fla. 1993).

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(Space above reserved for Recording Clerk's use)

### **CORRECTIVE SPECIAL WARRANTY DEED AND DISCLAIMER**

**THIS CORRECTIVE SPECIAL WARRANTY DEED AND DISCLAIMER** (collectively, this "Corrective Deed"), made and entered into effective as of the 20<sup>th</sup> day of February, 2007, by and between **SOUTH ORANGE PROPERTIES, INC.**, a Florida corporation, (hereinafter called the "Grantor"), whose address is 2281 Lee Road, Suite 204, Winter Park, Florida 32789, and **ORANGE COUNTY**, a charter county and a political subdivision of the state of Florida (hereinafter called the "Grantee"), whose address is P.O. Box 1393, Orlando, Florida 32802-1393,

### **WITNESSETH:**

**THAT**, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid, the Wetherbee Road-Phase II Right-of-Way Dedication Agreement between Orange County, Florida and SunTrust Bank, as Trustee ("SunTrust") executed by SunTrust on January 14, 2003, and by the Grantee on January 28, 2003, and recorded in Official Records Book 6810, Page 1756, of the Public Records of Orange County, Florida, as assigned by SunTrust to Grantor as to a portion of the Property (defined below) pursuant to that certain unrecorded Partial Assignment and Assumption of Existing Agreements between SunTrust and Grantor dated May 6, 2004, (collectively, the "Dedication Agreement"), and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Grantor hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Orange County, Florida and more particularly described on **Exhibit "A"** attached

hereto and incorporated herein by this reference, together with any improvements located thereon (collectively, the "Property").

**TOGETHER WITH** all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**THIS CONVEYANCE** is made in accordance with, and subject to, the terms and conditions of the Dedication Agreement.

**AND** the Grantor hereby covenants with the Grantee that, except for those matters listed on **Exhibit "B"** attached hereto and by this reference made a part hereof (collectively, the "Permitted Encumbrances"), the Property is free from all encumbrances made, suffered or incurred by the Grantor and that, except for the Permitted Encumbrances, the Grantor will warrant and defend the Property against the lawful claims of all persons claiming by, through or under the Grantor, but against none other. References to the Permitted Encumbrances shall not serve to reimpose them.

**AND** the Grantor hereby terminates solely as to the Property conveyed by this Special Warranty Deed all of the covenants and restrictions imposed on any portion of the Property by virtue of the General Warranty Deed from SunTrust to The School Board of Orange County, Florida filed October 10, 2001 in Official Records Book 6366, Page 5675, Public Records of Orange County, Florida.

**THIS IS A CORRECTIVE DEED** given for the purpose of correcting the Special Warranty Deed dated September 7, 2006, and recorded on February 20, 2007, in Official Records Book 9121, Page 1064, Instrument Number 20070109913, of the Public Records of Orange County, Florida (the "Prior Deed"). By means of the Prior Deed, the Grantor intended to convey to the Grantee the Property described in Exhibit "A" attached hereto as and for right-of-way for Wetherbee Road. However, the legal description attached as Exhibit "A" to the Prior Deed (the "Prior Description") was incorrect and left doubt as to what land was intended to be conveyed by the Prior Deed. This Corrective Deed is given to convey the Property as correctly described in Exhibit "A" attached hereto and to evidence the fact that the Prior Deed was intended to convey the Property as correctly described in Exhibit "A" attached hereto, but not any other land.

**THE GRANTEE** hereby accepts this Corrective Deed and hereby disclaims, exonerates, releases and quitclaims to and in favor of the current owner in fee simple of each parcel of land that abuts the north line of the Prior Description (each, an "Adjacent Parcel") any and all land abutting such Adjacent Parcel that may appear to have been conveyed to the Grantee by the Prior Deed but which lies outside the boundaries of the Property described in Exhibit "A" attached hereto; provided, however, that the Grantee does not disclaim or quitclaim any interest in any land that may be owned or claimed by the Grantee other than under or by virtue of the Prior Deed.

WHEREVER used herein, the terms "Grantor" and "Grantee" include the parties so named in this instrument and their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantor and the Grantee have executed this Corrective Deed on the dates set forth below, with the intention that this Corrective Deed shall be effective as of February 20, 2007.

WITNESSES:

SOUTH ORANGE PROPERTIES, INC.,  
a Florida corporation

Neco Downey  
Witness #1 Signature  
Print Name: Neco Downey

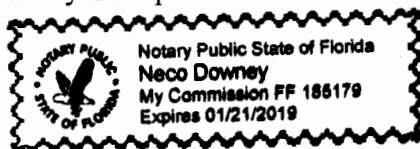
By: Dell Avery  
Name: Dell Avery  
Title: President  
Date: 8/26, 2016

Jackie Thompson  
Witness #2 Signature  
Print Name: JACKIE THOMPSON

STATE OF FLORIDA                     )  
  )  
COUNTY OF ORANGE                )       ss:

The foregoing instrument was acknowledged before me this 26 day of August, 2016, by Dell Avery, as the President of SOUTH ORANGE PROPERTIES, INC., a Florida corporation, on behalf of said corporation. He ☒ is personally known to me or ☐ produced \_\_\_\_\_ as identification.

Notary Stamp:



Neco Downey  
NOTARY PUBLIC  
Print Name: Neco Downey

[The remainder of this page is blank. This instrument continues on the next page.]

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners



By:

Teresa Jacobs  
Teresa Jacobs, County Mayor

Date:

October 4, 2016

ATTEST:

Martha O. Haynie, Orange County  
Comptroller, as Clerk to the Board

By:

Katie Smith

Printed Name: Katie Smith

Title: Deputy Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE PROPERTY**

See Sketch of Description Job Number 0313.8A prepared by Ganung – Belton Associates, Inc. attached hereto and incorporated herein by this reference.

# EXHIBIT "A"

## Legal Description

A portion of Sections 17 and 18, Township 24 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

BEGIN at the southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 18; thence run N 00°13'59" E, along the west line thereof, a distance of 28.07 feet; thence, departing said west line, run N 86°51'25" E, a distance of 2295.24 feet to a point of curvature of a curve, concave southerly, having a radius of 11,509.00 feet and a central angle of 02°15'07"; thence run easterly, along the arc of said curve, a distance of 452.37 feet to the point of tangency thereof; thence run N 89°06'32" E, a distance of 1655.73 feet to a point of curvature of a curve, concave northerly, having a radius of 11,409.00 feet and a central angle of 02°14'03"; thence run easterly, along the arc of said curve, a distance of 444.86 feet to the point of reverse curvature of a curve, concave southerly, having a radius of 11,509.00 feet and a central angle of 02°19'02"; thence run easterly, along the arc of said curve, a distance of 465.45 feet to a point on the east line of the West 1/4 of said Section 17; thence run S 00°10'13" W, along the east line of the West 1/4 of said Section 17, a distance of 99.80 feet to a point on the south line of said Section 17; thence run S 89°25'29" W, along the south line of said Section 17, a distance of 1320.71 feet to the southeast corner of the Southeast 1/4 of said Section 18; thence run S 89°06'36" W, along the south line of the Southeast 1/4 of said Section 18, a distance of 2664.07 feet to the southeast corner of the Southwest 1/4 of said Section 18; thence run S 86°51'29" W, along the south line of the Southwest 1/4 of said Section 18, a distance of 1326.48 feet to the POINT OF BEGINNING.

Containing 7.37 acres, more or less.

## Surveyor's Notes:

Lands shown hereon were not abstracted for easements, rights of way, ownership or other matters by this firm.

The legal description shown hereon was prepared by the Surveyor to correct a scrivener's error in the legal description of that special warranty deed recorded in Official Records Book 9121, Page 1064, of the Public Records of Orange County, Florida.

For the purpose of this correction, the adjoining parcels were not updated in this revised sketch.

Lines shown hereon are radial unless noted NR (non-radial).

O.R.B. - Official Records Book

NOT A BOUNDARY SURVEY

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

## Sketch of Description of a Right-of-Way Taking lying in

Sections 17 and 18,  
Township 24 South, Range 30 East  
Orange County, Florida

PREPARED FOR: **South Orange Properties, Inc.**



**GANUNG - BELTON ASSOCIATES, INC.**

professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

JOB NO.	0313.8A
SHEET	1 of 3
DATE	8/05/03
REV.	8/01/16
SCALE	As Noted

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

GBA/LB No. 7134

R. CLAYTON GANUNG

REG. P.L.S. NO.

4236





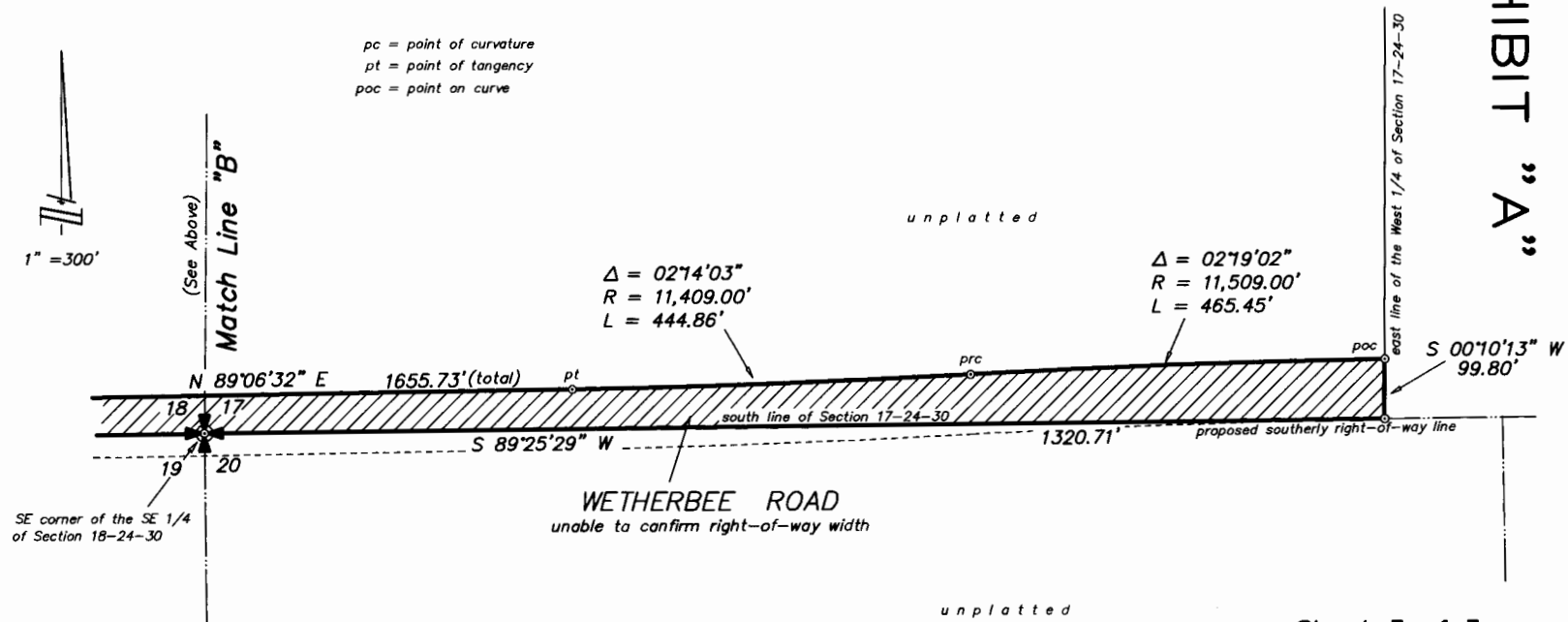
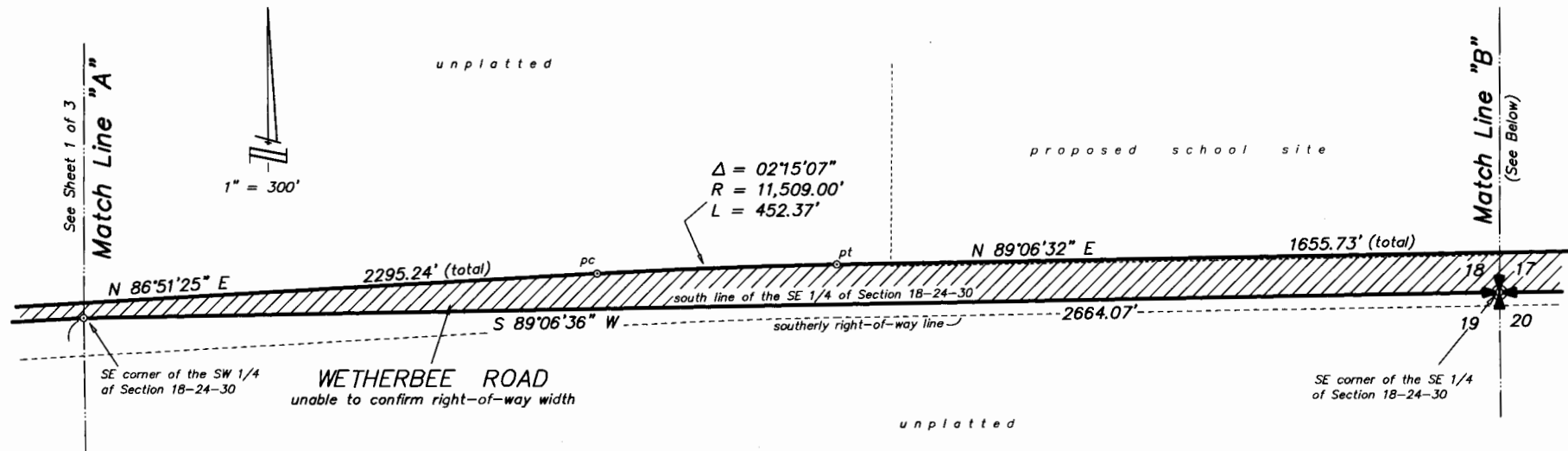


EXHIBIT "A"

Sheet 3 of 3

See Sheet 1 of 3 for legal description.  
 (GBA Job No. 0313.8A)

## **EXHIBIT "B"**

### **PERMITTED ENCUMBRANCES**

1. Requirements, if any, resulting from the Federal Aviation Administration FAR Part 150 Airport Noise Study for Orlando.
2. Easement set forth in Deed recorded in Deed Book 947, Page 607 of the Public Records of Orange County, Florida.
3. Wetherbee Road-Phase II Right-of-Way Dedication Agreement between Orange County, Florida and SunTrust Bank, as Trustee ("SunTrust") executed by SunTrust on January 14, 2003 and by the Grantee on January 28, 2003, and recorded in Official Records Book 6810, Page 1756, of the Public Records of Orange County, Florida, as assigned by SunTrust to Grantor as to the Property pursuant to that certain unrecorded Partial Assignment and Assumption of Existing Agreements dated May 6, 2004.
4. Easements as described in that certain Order of Taking recorded in Official Records Book 4147, Page 1295 and in that certain Final Judgment recorded in Official Records Book 4370, Page 2822, both of the Public Records of Orange County, Florida.
5. Unrecorded Development Order for Airport Industrial Park at Orlando, issued by Orange County on October 19, 1982, as amended by First Amendment to Development Order recorded on October 9, 2001 in Official Records Book 6365, Page 8049, and by Second Amendment to Development Order recorded on July 26, 2005 in Official Records Book 8089, Page 1668, all of the Public Records of Orange County, Florida.
6. Rights of the public in and to Wetherbee Road.
7. Notice and Memorandum of Cost Sharing Agreement for Wetherbee Road GOAA Related Expenses and Phase II Expenses and Notice of Lien Rights Thereunder recorded October 21, 2003 in Official Records Book 7160, Page 2425, Public Records of Orange County, Florida.
8. Drainage Easement recorded on July 16, 1967 in Official Records Book 1652, Page 74, Public Records of Orange County, Florida.
9. Taxes and assessments for the year **2006** and subsequent years which are not yet due and payable.
10. Capacity Enhancement Agreement by and between SOP and SBOC dated December 14, 2004.

**EXHIBIT "B" - CONTINUED**

11. Matters reflected upon the plat of Plan of Block U Prosper Colony, being Section 18, Township 24 South, Range 30 East according to the plat thereof as recorded in Plat Book D, Page 105; as modified by Amended Resolution recorded January 16, 1985 in Book 3597, Page 1676.
12. Unrecorded Right-of-Way Dedication Agreement by and between SunTrust Bank, as Trustee, Airport Industrial Investment Company, LLC and Yates dated April 30, 2003, as partially assigned to SOP, and as further fully assigned to and assumed by SOP by unrecorded Assignment dated May 6, 2004. (Item 12 of permitted exceptions in Special Warranty Deed recorded May 7, 2004 in Book 7421, Page 2116).
13. Environmental Resource Permit Notice recorded May 25, 2004 in Book 7454, Page 2178.