



Interoffice Memorandum

APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: October 4, 2016

REAL ESTATE MANAGEMENT ITEM 4

DATE: September 16, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Russell L. Corriveau, Senior Acquisition Agent *RLC*
Real Estate Management Division

**CONTACT
PERSON:** Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7072

**ACTION
REQUESTED:** APPROVAL OF DONATION AGREEMENT AND ROADWAY
EASEMENT BETWEEN E.C. PARKWAY DEVELOPMENTS, LLC
AND ORANGE COUNTY AND AUTHORIZATION TO DISBURSE
FUNDS TO PAY ALL RECORDING FEES AND RECORD
INSTRUMENT

PROJECT: Palm Parkway at Lake Street Intersection Improvements
(Destination Parkway to Sand Lake Road)

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of traffic
equipment for intersection improvements.

ITEMS: Donation Agreement (Parcel 8001)

Roadway Easement (Instrument 8001.1)
Cost: Donation
Size: 930 square feet

BUDGET: Account No.: 1004-072-2720-6110

FUNDS: \$44.70 Payable to Orange County Comptroller
(all recording fees)

APPROVALS: Real Estate Management Division
Public Works Department
Risk Management Division

REMARKS: The Roadway Easement is needed to install traffic equipment at the southwest corner of Palm Parkway and Lake Street. The owner has agreed to donate this easement needed for the Palm Parkway intersection improvements.

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.

REQUEST FOR FUNDS FOR LAND ACQUISITION

☒ Under BCC Approval

☐ Under Ordinance Approval

Date: September 12, 2016 Project: Palm Parkway at Lake Street Intersection Improvements Parcel: 8001

Total Amount: \$44.70

Charge to Account # 1004-072-2720-6110

Engineering Approval _____ Date _____

Fiscal Approval _____ Date _____

TYPE TRANSACTION (Check appropriate block{s})
☐ Pre-Condensation ☐ Post-Condensation ☒ Not Applicable District # 1

☐ Acquisition at Approved Appraisal
☐ Acquisition at Below Approved Appraisal
☐ Acquisition at Above Approved Appraisal
☐ Advance Payment Requested

Orange County Comptroller
 \$44.70 (All recording fees)

DOCUMENTATION ATTACHED (Check appropriate block{s})

☒ Donation Agreement
☒ Copy of Executed Instruments
☐ Certificate of Value
☒ Settlement Analysis

Payable to Orange County Comptroller (All recording fees)

 CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)

Recommended by Russell L. Corriveau
 Russell L. Corriveau, Senior Acquisition Agent, Real Estate Mgmt.

9/12/16
 Date

Payment Approved Ann Caswell
 Ann Caswell, Manager, Real Estate Management Division

9-16-16
 Date

Certified Lakela Christian
 Approved by BCC for Deputy Clerk to the Board

10-4-16
 Date

Examined/Approved _____
 Comptroller/Government Grants

CHECK No. / Date

REMARKS: The parcel will close on or before October 13, 2016. Please Contact Acquisition Agent @6-7074 if there are any questions.

APPROVED
 BY ORANGE COUNTY BOARD
 OF COUNTY COMMISSIONERS
OCT 04 2016

REQUEST FOR FUNDS FOR LAND ACQUISITION

☒ Under BCC Approval

☐ Under Ordinance Approval

Date: September 12, 2016 Project: Palm Parkway at Lake Street Intersection Improvements Parcel: 8001

Total Amount: \$44.70

Charge to Account # 1004-072-2720-6520

(See attached Email)

6110 9/19/16 DEC

Engineering Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block(s))

☐ Pre-Condemnation ☐ Post-Condemnation

☒ Not Applicable District # 1

- ☐ Acquisition at Approved Appraisal
- ☐ Acquisition at Below Approved Appraisal
- ☐ Acquisition at Above Approved Appraisal
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Orange County Comptroller
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Date

Payment Approved Ann Caswell
Ann Caswell, Manager, Real Estate Management Division

Date

Certified
Approved by BCC Deputy Clerk to the Board

Date

Examined/Approved Comptroller/Government Grants

CHECK No. / Date

REMARKS: The parcel will close on or before October 13, 2016. Please Contact Acquisition Agent @6-7074 if there are any questions.

Project: Palm Parkway at Lake Street Intersection Improvements
Parcel: 8001

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 04 2016

DONATION AGREEMENT

COUNTY OF ORANGE STATE OF FLORIDA

THIS AGREEMENT made between E.C. Parkway Developments, LLC, a Florida limited liability company, 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 requires the use of land described on Schedule "A" attached hereto for the purpose described in the attached Schedule "B" and said OWNER agrees to furnish use of said land for such purpose.

Property Appraiser's Parcel Identification Number: a portion of

22-24-28-8915-00-070

In consideration of the sum of Ten (\$10.00) Dollars, each to the other paid, the parties hereto agree as follows:

1. OWNER agrees to donate and execute a Roadway Easement, Instrument 8001.1, unto COUNTY free and clear of all liens and encumbrances except easements of record acceptable to COUNTY.
2. This transaction shall be closed and other closing papers delivered on or before sixty (60) 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. 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 and/or the Manager/Assistant Manager of the Orange County Real Estate Management Division, as may be appropriate.
4. COUNTY shall pay all recording fees.
5. COUNTY agrees to defend, indemnify and hold harmless the OWNER, its officials and employees from all claims, actions, losses, suits, judgments, fines, liabilities, costs and expenses (including attorney's fees) attributable to the COUNTY negligent acts or omissions, or those of its officials and employees acting within the scope of their employment. Nothing contained herein shall constitute a waiver by the COUNTY of sovereign immunity or the provisions of Section 768.28, Florida Statutes. The foregoing shall not constitute an agreement by the COUNTY to assume any liability for the acts, omissions and/or negligence of the OWNER or any third party.

Project: Palm Parkway at Lake Street Intersection Improvements
Parcel: 8001

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, 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.

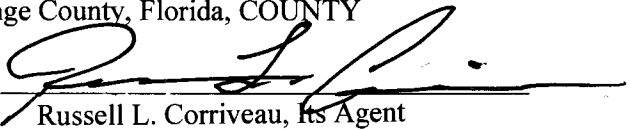
The parties hereto have executed this AGREEMENT on the date(s) written below.

E.C. Parkway Developments, LLC, a Florida
limited liability company, OWNER

BY: 
Elie Chater, Managing Member

DATE: August 16 / 2016

Orange County, Florida, COUNTY

BY: 
Russell L. Corriveau, Its Agent

DATE: 8/19/16

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

LEGAL DESCRIPTION

SCHEDULE "A"

PARCEL: 8001

PROJECT: PALM PARKWAY

A PORTION OF LOT 7, VISTA CENTRE REPLAT AS RECORDED IN PLAT BOOK 18, PAGES 117-121 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LOCATED IN SECTION 22, TOWNSHIP 24 SOUTH, RANGE 28 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE NORTHEAST CORNER OF LOT 7, VISTA CENTRE REPLAT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGES 117-121 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN $500^{\circ}04'45''$ E ALONG THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF PALM PARKWAY ACCORDING TO SAID PLAT OF VISTA CENTRE REPLAT, A DISTANCE OF 30.00 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY RUN $589^{\circ}55'15''$ W A DISTANCE OF 31.00 FEET TO A POINT ON THE WESTERLY PLATTED 31.00 FOOT LANDSCAPE EASEMENT AS SHOWN ON VISTA CENTRE REPLAT; THENCE RUN $00^{\circ}04'45''$ W ALONG SAID LANDSCAPE EASEMENT LINE A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF EAST SAND LAKE ROAD (ALSO KNOWN AS LAKE STREET); THENCE RUN $N89^{\circ}55'15''$ E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 31.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 930 SQUARE FEET MORE OR LESS.

THIS IS NOT A BOUNDARY SURVEY, NOR HAS ANY FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING

10/10/14

WILLIAM R. MUSCATELLO, JR.
REGISTERED LAND SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 4928

PREPARED FOR: Real Estate Management Division

ORANGE COUNTY PUBLIC WORKS ENGINEERING DIVISION

DESIGNED BY: WRM

DATE: 6/15/14

DRAWN BY: JAA

PALM PARKWAY

APPROVED BY: WRM

PARCEL: 8001

RIGHT-OF-WAY SECTION
4200 SOUTH JOHN YOUNG PARKWAY
ORLANDO, FL 32839-9205
(407) 836-7929

REVISIONS:

10/10/14

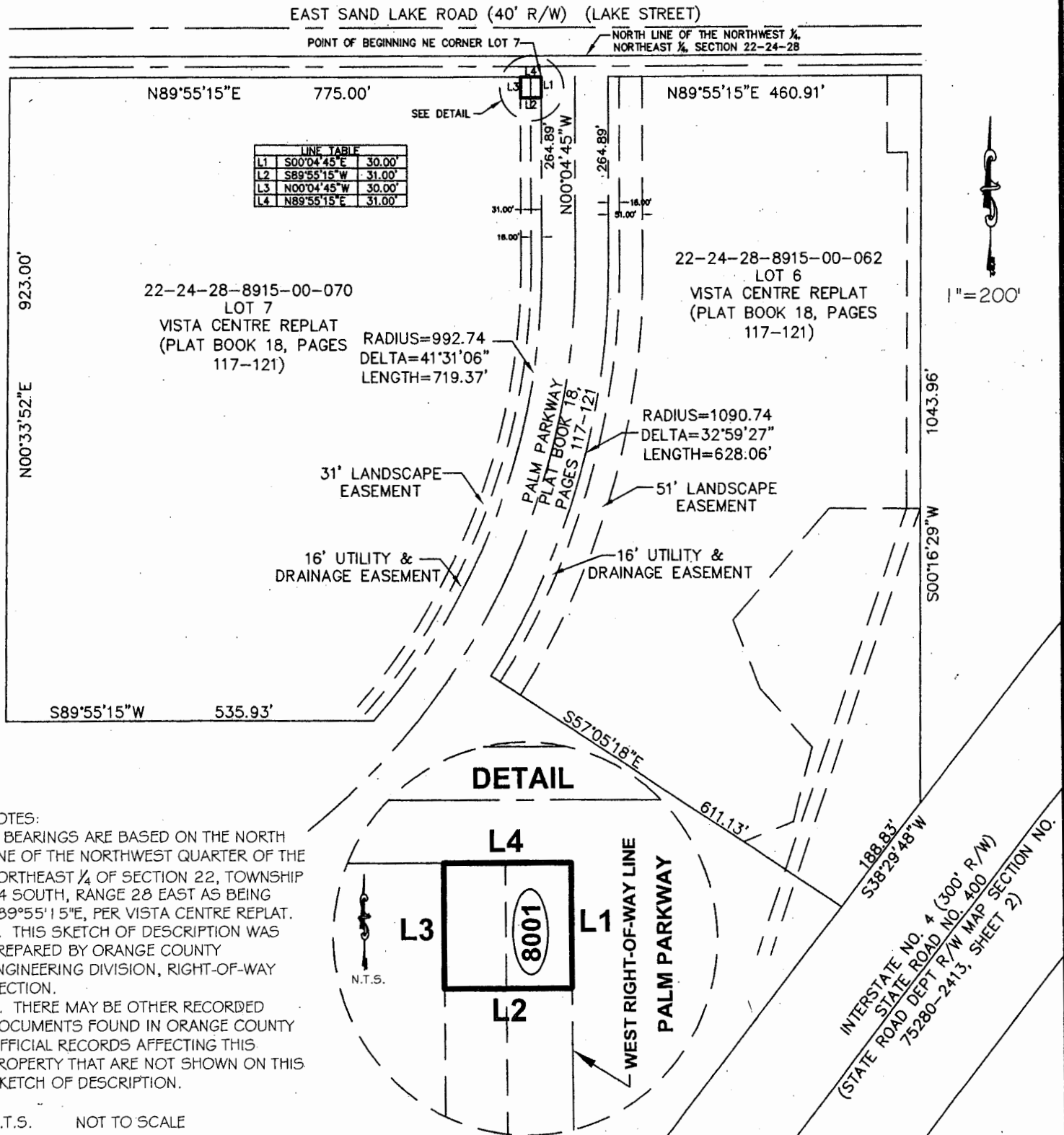
SHEET: 1 OF 2

SKETCH OF DESCRIPTION

SCHEDULE "A"

PARCEL: 8001

PROJECT: PALM PARKWAY



NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 24 SOUTH, RANGE 28 EAST AS BEING N89°55'15"E, PER VISTA CENTRE REPLAT.
2. THIS SKETCH OF DESCRIPTION WAS PREPARED BY ORANGE COUNTY ENGINEERING DIVISION, RIGHT-OF-WAY SECTION.
3. THERE MAY BE OTHER RECORDED DOCUMENTS FOUND IN ORANGE COUNTY OFFICIAL RECORDS AFFECTING THIS PROPERTY THAT ARE NOT SHOWN ON THIS SKETCH OF DESCRIPTION.

N.T.S. NOT TO SCALE

PREPARED FOR: Real Estate Management Division

ORANGE COUNTY PUBLIC WORKS ENGINEERING DIVISION

DESIGNED BY: WRM

DATE: 6/15/14

DRAWN BY: JAA

PALM PARKWAY

APPROVED BY: WRM

PARCEL: 8001

RIGHT-OF-WAY SECTION
4200 SOUTH JOHN YOUNG PARKWAY
ORLANDO, FL 32839-9205
(407) 836-7929

REVISIONS:

SHEET: 2 OF 2

SCHEDULE "B"

PALM PARKWAY AND LAKE STREET PARCEL 8001

ROADWAY EASEMENT

Parcel 8001 is being acquired as a perpetual, exclusive easement for public right-of-way, drainage, sidewalk, traffic signals, traffic signs, and utility purposes, with full authority to enter upon, construct, operate, and maintain, as the GRANTEE and its assigns may deem necessary, roadway, drainage, sidewalk, traffic signals, traffic signs, utility 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 roadway, drainage, sidewalk, traffic signals, traffic signs, utility 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 roadway, drainage, sidewalk, utility, traffic signals, traffic signs, 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 that will not adversely affect the operation, maintenance and integrity of the roadway, drainage, sidewalk, traffic signals, traffic signs, utility and appurtenant facilities.

This easement is for the purposes noted herein and will be maintained by the GRANTEE.

Instrument: 8001.1

Project: Palm Parkway at Lake Street Intersection Improvements

ROADWAY EASEMENT

THIS INDENTURE, made and executed the 16th day of AUGUST, A.D. 2016, by E.C. Parkway Developments, LLC, a Florida limited liability company, whose address is 65 Strathaven Close, Bedford, Nova Scotia, NS B4A 4-L9 CA, 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, 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, its successors and assigns, a roadway easement more particularly defined in Schedule "B" over and upon the following described lands of the GRANTOR situate in Orange County aforesaid, to-wit:

SEE ATTACHED SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of

22-24-28-8915-00-070

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 easement and shall take no action to interfere with the GRANTEE'S lawful use of said easement; that the GRANTOR hereby fully warrants the easement being granted and will defend the same against the lawful claims of all persons whomsoever.

Instrument: 8001.1

Project: Palm Parkway at Lake Street Intersection Improvements

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name by Elie Chater, its managing member.

Signed, sealed and delivered
in the presence of:

Witness

Sarah Irving

Printed Name

Sarah Irving

Witness

MICHAEL MADDALENA

Printed Name

(Signature of TWO witnesses required by Florida law)

Province
STATE OF NOVA SCOTIA
COUNTY OF HALIFAX

The foregoing instrument was acknowledged before me this 16th day of AUGUST, 2016 by Elie Chater as Managing Member of E.C. Parkway Developments, LLC, a Florida limited liability company, on behalf of the limited liability company. He/~~she~~ is personally known to me ~~or~~ and has produced his drivers licence as identification.

(Notary Seal)



This instrument prepared by:
Jeffrey L. Sponenburg, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

Michael Maddalena

Notary Signature

MICHAEL MADDALENA

Printed Notary Name

Notary Public in and for
the County and ~~State~~ Province aforesaid

My commission expires: on death

LEGAL DESCRIPTION

SCHEDULE "A"

PARCEL: 8001


PROJECT: PALM PARKWAY

A PORTION OF LOT 7, VISTA CENTRE REPLAT AS RECORDED IN PLAT BOOK 18, PAGES 117-121 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LOCATED IN SECTION 22, TOWNSHIP 24 SOUTH, RANGE 28 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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WILLIAM R. MUSCATELLO, JR.
REGISTERED LAND SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 4928

PREPARED FOR: Real Estate Management Division

ORANGE COUNTY PUBLIC WORKS ENGINEERING DIVISION

DESIGNED BY: WRM

DATE: 6/15/14

RIGHT-OF-WAY SECTION

REVISIONS:

DRAWN BY: JAA

PALM PARKWAY

4200 SOUTH JOHN YOUNG PARKWAY
ORLANDO, FL 32839-9205
(407) 836-7929

10/10/14

APPROVED BY: WRM

PARCEL: 8001

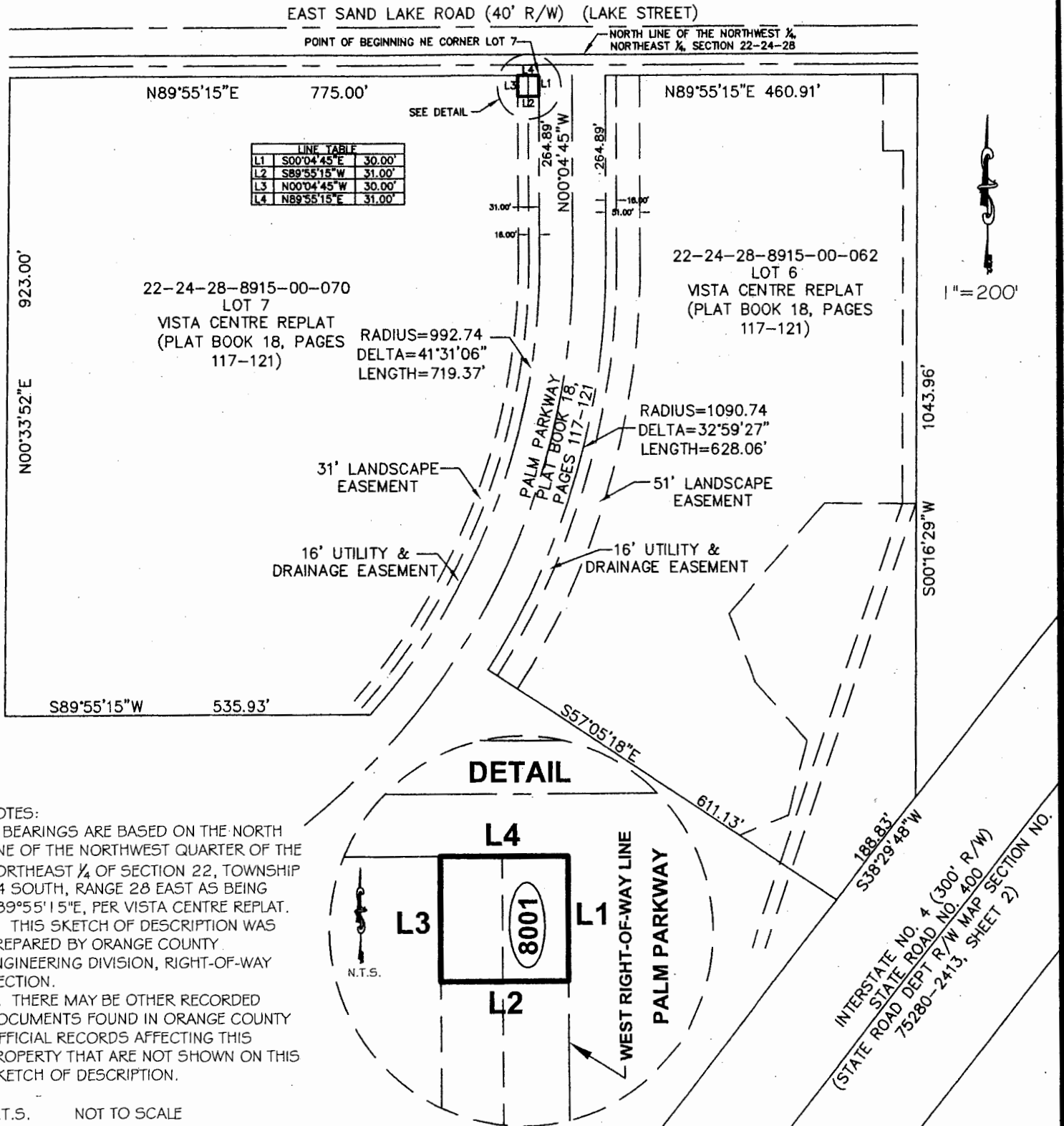
SHEET: 1 OF 2

SKETCH OF DESCRIPTION

SCHEDULE "A"

PARCEL: 8001

PROJECT: PALM PARKWAY



NOTES:

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N.T.S. NOT TO SCALE

PREPARED FOR: Real Estate Management Division

ORANGE COUNTY PUBLIC WORKS ENGINEERING DIVISION

DESIGNED BY: WRM

DATE: 6/15/14

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REVISIONS:

DRAWN BY: JAA

PALM PARKWAY

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ORLANDO, FL 32839-9205
(407) 836-7929

APPROVED BY: WRM

PARCEL: 8001

SHEET: 2 OF 2

SCHEDULE "B"

PALM PARKWAY AND LAKE STREET PARCEL 8001

ROADWAY EASEMENT

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THE GRANTOR may use the granted easement for any use not inconsistent with the GRANTEE'S intended use of the granted easement that will not adversely affect the operation, maintenance and integrity of the roadway, drainage, sidewalk, traffic signals, traffic signs, utility and appurtenant facilities.

This easement is for the purposes noted herein and will be maintained by the GRANTEE.

Project: Palm Parkway at Lake Street Intersection Improvements
Parcel: 801

n/a_ Pre-Condemnation
n/a_ Post-Condemnation

SETTLEMENT ANALYSIS


This is a Donation

Land: 930 S.F.

\$-0-

EXPLANATION OF RECOMMENDED SETTLEMENT

This Parcel is for a 930 square foot Roadway Easement to provide for the installation of traffic control equipment at the southwest corner of Palm Parkway at Lake Street. The easement is being donated by the owner. The only cost associated with this donation is for the recording fees. I recommend and request approval of this donation.

Recommended by  Date 9/12/16
Russell L. Corriveau, Acquisition Agent, Real Estate Management Division

Approved by  Date 9-16-16
Mary Keller, Assistant Manager, Real Estate Management Division

Approved by  Date 9-16-16
Ann Caswell, Manager, Real Estate Management Division