



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: October 18, 2016

REAL ESTATE MANAGEMENT ITEM 2

**DATE:** September 28, 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 RESOLUTION AND  
ASSIGNMENT OF EASEMENT BETWEEN ORANGE COUNTY AND  
CITY OF WINTER GARDEN AND AUTHORIZATION TO DISBURSE  
FUNDS TO PAY RECORDING FEES AND RECORD INSTRUMENT

**PROJECT:** City of Winter Garden Assignment of Sidewalk Easement from Orange  
County  
  
District 1

**PURPOSE:** To assign sidewalk easement to the City of Winter Garden to provide for  
access, construction, operation, and maintenance, due to annexation.

**ITEMS:** Resolution  
  
Assignment of Easement  
Revenue: None  
Size: 10,750 square feet

**BUDGET:** Account No.: 1002-072-2906-6110

**FUNDS:** \$27.00 Payable to Orange County Comptroller  
(recording fees)

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

**REMARKS:** Orange County obtained a Sidewalk Easement on July 9, 1995. By virtue of annexation on March 24, 2016, the easement is now located within the jurisdictional limits of the City of Winter Garden. The easement is no longer needed for County purposes and it is in the best interest of Orange County that its interest in the easement be assigned to the City of Winter Garden. The City of Winter Garden executed the Assignment of Easement on July 11, 2016, to assume all of the County's rights, duties, and obligations that exist under the terms and conditions of the easement.

**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 18 2016**

**This instrument prepared by:**

Joel D. Prinsell, Deputy County Attorney  
Orange County Attorney's Office  
201 S. Rosalind Avenue  
Orlando, Florida 32801

Project: City of Winter Garden Assignment  
of Sidewalk Easement from Orange County

**ASSIGNMENT of EASEMENT**

THIS ASSIGNMENT of EASEMENT, (hereinafter referred to as the "Assignment") is made by **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 referred to as the "**Assignor**"), to and in favor of **CITY OF WINTER GARDEN**, a municipality duly enacted under the laws of the State of Florida, whose address is 300 West Plant Street, Winter Garden, Florida 34787, (hereinafter referred to as the "**Assignee**").

WHEREAS, Assignor is the owner of a Sidewalk Easement, filed July 9, 1985 and recorded in Official Records Book 3661, Page 2099, Public Records of Orange County, Florida; and

WHEREAS, by virtue of annexation, as outlined in Ordinance 16-22 and adopted on March 24, 2016, the easement is now located within the jurisdictional limits of the City of Winter Garden; and

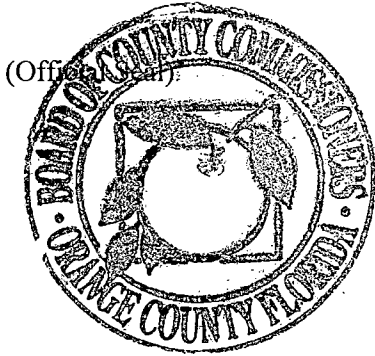
WHEREAS, subject to the provisions herein, Assignor desires to assign, and Assignee desires to assume, all of Assignor's right, title, duties, obligations, and interest in the easement.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Assignment. Assignor hereby assigns and transfers to Assignee, all of the Assignor's right, title, duties, obligations, and interest in the easement.
3. Assumption. Assignee hereby assumes from Assignor, all of Assignor's rights, duties, and obligations under the terms and conditions of the easement, including the maintenance of existing easement area and Assignee further agrees that, as a condition of this Assignment, Assignee shall assume and abide by all terms and conditions of the easement.

Project: City of Winter Garden Assignment  
of Sidewalk Easement from Orange County

IN WITNESS WHEREOF, Assignor has executed this Assignment of Easement, and Assignee has assumed this Assignment of Easement, as of the dates respectively written below.



ASSIGNOR - ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By:

Teresa Jacobs

Orange County Mayor

Date: October 18, 2016

ATTEST: Martha O. Haynie, County  
Comptroller, Clerk to the Board

BY:

Katie Smith  
Deputy Clerk

**Katie Smith**

Printed Name

Project: City of Winter Garden Assignment  
of Sidewalk Easement from Orange County

Signed, sealed, and delivered  
in the presence of:

ASSIGNEE - CITY OF WINTER GARDEN

Witnesses:

[Signature]

AMY J MARTELL

Printed Name

[Signature]

Stephen Park

Printed Name

By: [Signature]  
Mike Bolhofer, City Manager

Date: JULY 11, 2016

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of July, A.D. 2016, by Mike Bolhofer, City Manager, of the City of Winter Garden, a Florida municipal corporation. They are personally known to me or have produced \_\_\_\_\_ and \_\_\_\_\_ as identification.

Witness my hand and official seal this 11<sup>th</sup> day of July, 2016.

(Notary Seal)



KATHLEEN RATHEL  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF079118  
Expires 12/25/2017

[Signature]  
Notary Signature  
Kathleen Rathel  
Printed Notary Name

Notary Public in and for the  
County and State aforesaid

My commission expires:  
12/25/2017

# REQUEST FOR FUNDS FOR LAND ACQUISITION

XX Under BCC Approval

Under Ordinance Approval

Date: September 13, 2016

Amount: \$27.00

Project: City of Winter Garden Assignment of Sidewalk Easement

Parcels: N/A

Charge to Account: <sup>1002 072 2906 6110</sup>  
~~1004 072 3010 6110~~

Controlling Agency Approval: \_\_\_\_\_

Fiscal Approval: \_\_\_\_\_

TYPE TRANSACTION (Check appropriate block{s})

Pre-Condemnation

Post-Condemnation

XX N/A

District # 1

- ☐ Acquisition at Approved Appraisal  
☐ Acquisition at Below Approved Appraisal  
☐ Acquisition at Above Approved Appraisal  
☒ Advance Payment Requested (recording fees)

Name: Orange County Comptroller

DOCUMENTATION ATTACHED (Check appropriate block{s})

- ☐ Contract/Agreement  
☒ Copy of Instrument  
☐ Certificate of Value  
☐ Settlement Analysis

Payable to: Orange County Comptroller (Recording fees)

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

Recommended by Virginia G. Williams  
Virginia G. Williams, Senior Title Examiner

September 13, 2016  
Date

Payment Approved Ann Caswell  
Ann Caswell, Manager

9-13-16  
Date

Under Ordinance  
Approved by Assistant Manager, Real Estate Management Division

Date

Certified Craig J. Stopyra  
Approved by BCC <sup>for</sup> Deputy Clerk to the Board

OCT 18 2016  
Date

Examined/Approved  
Comptroller/Government Grants

Check No. / Date

REMARKS: Please hold check for pickup by Real Estate Management Division staff

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
OCT 18 2016

**REQUEST FOR FUNDS FOR LAND ACQUISITION**

XX Under BCC Approval

Under Ordinance Approval

Date: September 13, 2016

Amount: \$27.00

Project: City of Winter Garden Assignment of Sidewalk Easement

Parcels: N/A

Charge to Account: 1002 012 2906 3216 6110  
1004 072 3010 8110

*9/15/16*

*George Shupp*  
*9/14/16*

Controlling Agency Approval: \_\_\_\_\_

Fiscal Approval: *[Signature]*  
1002-012-2906-6110

TYPE TRANSACTION (Check appropriate block(s))

Pre-Condernation Post-Condernation XX N/A District # 1

- Acquisition at Approved Appraisal
- Acquisition at Below Approved Appraisal
- Acquisition at Above Approved Appraisal
- XX Advance Payment Requested (recording fees)

Name: Orange County Comptroller

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Contract/Agreement
- XX Copy of Instrument
- Certificate of Value
- Settlement Analysis

Payable to: Orange County Comptroller (Recording fees)

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

Recommended by *[Signature]*  
Virginia G. Williams, Senior Title Examiner

September 13, 2016  
Date

Payment Approved *[Signature]*  
Ann Caswell, Manager

9-13-16  
Date

Under Ordinance  
Approved by Assistant 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: Please hold check for pickup by Real Estate Management Division staff