



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: November 29, 2016

REAL ESTATE MANAGEMENT ITEM 1

DATE: November 11, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

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

**CONTACT
PERSON:** Ann Caswell, Manager

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

**ACTIONS
REQUESTED:** APPROVAL AND EXECUTION OF UTILITY EASEMENT
AGREEMENT BETWEEN LAKE HART PARTNERS II, LTD, BY
LAKE HART PARTNERS, INC., AS AUTHORIZED AGENT AND
ORANGE COUNTY AND AUTHORIZATION TO DISBURSE FUNDS
TO PAY ALL RECORDING FEES AND RECORD INSTRUMENT

PROJECT: Innovation Place Project (a.k.a. Storey Park Utilities)

District 4

PURPOSE: To provide for access, construction, operation, and maintenance of utility
facilities.

ITEM: Utility Easement Agreement (Instrument 802.1)
Cost: Donation
Size: 900 square feet

BUDGET: Account No.: 4420-038-1450-58-6110 50%
4420-038-1483-19-6110 50%

FUNDS: \$53.20 Payable to Orange County Comptroller
(all recording fees)

APPROVALS: Real Estate Management Division
County Attorney's Office
Utilities Department
Risk Management Division

REMARKS: This easement is needed to provide the water, wastewater and reclaimed water utilities infrastructure for the Innovation Place (a.k.a. Storey Park) development. This easement is a component of the Orange County Utilities Eastern Service Area and will provide a part of the transmission system for potable water, waste water and reclaimed water to serve future development.

The County is executing this easement to show acceptance of the terms and conditions which includes County indemnification and hold harmless to Grantor.

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

XX Under BCC Approval

Under Ordinance Approval

Date: November 1, 2016

Amount: \$53.20

Project: Innovation Place Project (aka Storey Park Utilities)

Parcel #: 802

Charge to Account # 4420-038-1450-58-6110 (50%) & 4420-038-1483-19-6110 (50%) Total \$53.20

Next page

Controlling Agency Approval

Date

Next page

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block{s})

Pre-Condemnation Post-Condemnation X N/A

District # 4

X Donation

Advance Payment Requested

Orange County Comptroller: \$53.20
(All Recording Fees)

DOCUMENTATION ATTACHED (Check appropriate block{s})

X Utility Easement Agreement

X Copy of Executed Instrument

Certificate of Value

X Settlement Analysis

Payable to: Orange County Comptroller

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.

11/1/16
Date

Payment Approved

Ann Caswell
Ann Caswell, Manager, Real Estate Management Division

11-11-16
Date

Certified

Approved by BCC *Katie Smith*
Deputy Clerk to the Board

NOV 29 2016
Date

Examined/Approved

Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: As soon as Check is available for recording. Please contact Real Estate Management Division Agent if there is any questions @6-7074.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
NOV 29 2016

REQUEST FOR FUNDS FOR LAND ACQUISITION

XX Under BCC Approval

Under Ordinance Approval

Date: November 1, 2016

Amount: \$53.20

Project: Innovation Place Project (aka Storey Park Utilities)

Parcel#: 802

Charge to Account # 4420-038-1450-58-6110 (50%) & 4420-038-1483-19-6110 (50%) Total \$53.20

[Signature] 11/14/16
 Controlling Agency Approval Date
[Signature] 11/14/16
 Fiscal Approval Date

TYPE TRANSACTION (Check appropriate block(s))

 Pre-Condernnation

 Post-Condernnation

 X N/A

District # 4

 X Donation

 Advance Payment Requested

Orange County Comptroller: \$53.20
 (All Recording Fees)

DOCUMENTATION ATTACHED (Check appropriate block(s))

 X Utility Easement Agreement

 X Copy of Executed Instrument

 Certificate of Value

 X Settlement Analysis

Payable to: Orange County Comptroller

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

Recommended by

[Signature]
 Russell L. Corriveau, Senior Acquisition Agent, Real Estate Mgmt.

11/1/16
 Date

Payment Approved

[Signature]
 Ann Caswell, Manager, Real Estate Management Division

11-11-16
 Date

Certified

Approved by BCC Deputy Clerk to the Board

Date

Examined/Approved

Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: As soon as Check is available for recording. Please contact Real Estate Management Division Agent if there is any questions @6-7074.

NOV 29 2016

This instrument prepared by:

Ahmad S. El-Gendi
Lowndes Drosdick Doster
Kantor & Reed
450 S. Orange Ave.
Orlando, FL 32801

Note To Recorder: This Easement constitutes a conveyance of unencumbered real property by gift and is absent any consideration. Pursuant to Florida Administrative Code Rule 12B-4.014(2), only minimal Florida documentary stamp tax is due on this deed.

Instrument: 802.1

Project: Innovation Place Project (a.k.a. Storey Park Utilities)

UTILITY EASEMENT AGREEMENT

THIS UTILITY EASEMENT AGREEMENT granted this 27th day of July, 2016 (the "**Agreement**"), by Lake Hart Partners II, Ltd., a dissolved Florida limited partnership, having its principal place of business in the city of Orlando, Orange County, whose address is 450 S. Orange Ave., Orlando, FL 32801 (the "**GRANTOR**"), in favor of Orange County, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393 (the "**GRANTEE**").

WITNESSETH, that the GRANTOR, in consideration of the sum of \$1.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns, a right-of-way and easement for utility purposes, with full authority to enter upon, excavate, construct, and maintain, as the GRANTEE and its assigns may deem necessary, water lines, wastewater lines, reclaimed water lines, and any other utility facilities over, under and upon the following described lands situated in Orange County aforesaid, to-wit:

SEE ATTACHED SCHEDULE "A"

**Property Appraiser's Parcel Identification Number:
a portion of 01-24-31-0000-00-007**

TO HAVE AND TO HOLD said right-of-way and easement unto said GRANTEE and its assigns forever.

GRANTEE herein and its assigns shall have the right, at no cost to GRANTOR, to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the utilities and any facilities placed thereon by GRANTEE and its assigns, out of and away from the herein granted right-of-way, and GRANTOR, its successors and assigns, agree not to build, construct, or create, nor permit others to build, construct, or create, any buildings or other structures on the herein granted right-of-way that may interfere with GRANTEE's use of the right-of-way and easement or with the normal operation or maintenance of the utility facilities installed thereon.

GRANTEE may at any time increase its use of the easement, change the location of pipelines or other facilities within the boundaries of the easement right-of-way, and/or modify the size of existing pipelines and other improvements as it may determine in its sole discretion from time to time without paying any additional compensation to GRANTOR or GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

GRANTEE shall have an obligation to restore landscaping that is affected as a result of any of its activities pertaining to this Agreement, whether directly or indirectly, but such obligation shall be limited to an obligation to restore to Orange County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

AS AND TO THE EXTENT provided by Section 768.28, *Florida Statutes*, Grantee agrees to indemnify, save, and hold Grantor harmless from and against any and all claim, loss, damage or expense, including reasonable attorneys' fees and costs incurred as a result of or arising from the activities of the Grantee, and/or its employees acting within the scope of their employment on the Easement Area. Grantee shall cause its contractors, agents, and assigns performing work within the Easement Area to indemnify Grantor to the extent permitted by law and in furtherance of such shall include a provision in any attendant contract with its contractors, agents, and assigns ("**Grantee Contracts**"), permitting the assignment of any Grantee Contract to Grantor, subject to any statutory or contractual restrictions. Grantee shall provide Grantor with a copy of any such Grantee Contract for work within the Easement Area once it has been duly and fully executed by all parties thereto. Nothing herein shall be deemed to constitute a waiver of, or limitation on, any sovereign immunity defense which may be available to the Grantee or of the provisions of Section 768.28, *Florida Statutes*.

THIS AGREEMENT is being executed as part of the winding up of GRANTOR's activities under Section 620.1803 of the Florida Revised Limited Partnership Act (hereinafter referred to as the "**Act**"), and the entity executing this deed on behalf of Grantor is the authorized agent of the Grantor for such purpose in accordance with Section 620.1803(3) of the Act.

[Remainder of Page Intentionally Left Blank]

Instrument: 802.1

Project: Innovation Place Project (a.k.a. Storey Park Utilities)

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

Signed, sealed and delivered
in the presence of:

Amy J Patterson
Witness

Amy J Patterson
Printed Name

Eileen Soto
Witness

Eileen Soto
Printed Name

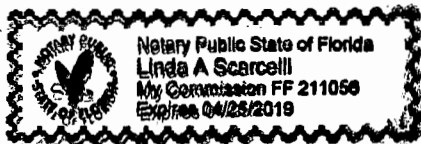
(Signature of TWO witnesses required by
Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 27th day of July, 2016 by Tracy G. Schmidt as Treasurer of Lake Hart Partners, Inc., a Florida corporation, the Authorized Agent of Lake Hart Partners II, Ltd., a dissolved Florida limited partnership, on behalf of the limited partnership. He/~~She~~ is personally known to me or has produced _____ as identification.

Notary Seal

Linda A. Scarcelli
Notary Signature



Printed Notary Name

Notary Public in and for
the County and State aforesaid

My commission expires:

Instrument: 802.1

Project: Innovation Place Project (a.k.a. Storey Park Utilities)



Orange County, Florida

By: Board of County Commissioners

By: *Teresa Jacobs*

Name: Teresa Jacobs

Title: Orange County Mayor

Date: *11.29.16*

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

BY: *Katie Smith*

Deputy Clerk

Katie Smith

Printed Name

Instrument: 802.1

Project: Innovation Place Project (a.k.a. Storey Park Utilities)

SCHEDULE "A"
DESCRIPTION
PARCEL: 802
ESTATE: PERPETUAL EASEMENT
PURPOSE: UTILITY


Parcel of land lying in the Northeast 1/4 of Section 10, Township 24 South, Range 31 East, Orange County, Florida, being a portion of those lands described in Official Records Book 4424 at Page 1874 and Official Records Book 7835 at Page 2306 of the Public Records of Orange County, Florida, more particularly described as follows:

Commence at the Northeast Corner of said Section 10, thence run South 89°57'12" West, along the north line of the said Section 10, a distance of 139.32 feet for the Point of Beginning; thence departing said north line, run South 01°31'15" East, a distance of 30.01 feet to the south line of the north 30.00 feet of said Section 10 and the northerly right-of-way line of lands described in Official Records Book 3491, Page 539, of said Public Records; thence South 89°57'08" West, along said south line and northerly right-of-way line, a distance of 30.01 feet; thence departing said northerly right-of-way line, run North 01°31'15" West, a distance of 30.01 feet to the north line of said Section 10; thence run North 89°57'12" East, along said north line, a distance of 30.01 feet to the Point of Beginning.

Containing 900 square feet or .021 acres, more or less.

Surveyor's Notes / Report:

- 1) This sketch and description is not valid without the signature and the original raised seal of the signing Florida licensed Surveyor and Mapper.
- 2) The lands described herein were not abstracted for ownership, easements, rights-of-way or other title matters by this firm. Record documents referenced hereon were provided by the client.
- 3) This is not a Boundary Survey
- 4) This sketch and description does not address the identification or location of jurisdictional wetlands or sovereign lands, if any, that may lie within or adjacent to the lands surveyed.
- 5) Bearings shown herein are relative to the Florida State Plane Coordinate System, East Zone (0901), North American Datum of 1983/2007 Adjustment, with North line of the NE 1/4 of Section 10, Township 24 South, Range 31 East as being S 89°57'12" W.
- 6) The lands described herein were prepared by the surveyor based on the configuration and location provided by the client.
- 7) Certified to Orange County Utilities Department.


CHARLES B. GARDINER
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NO. LS 5046

THIS IS NOT A SURVEY

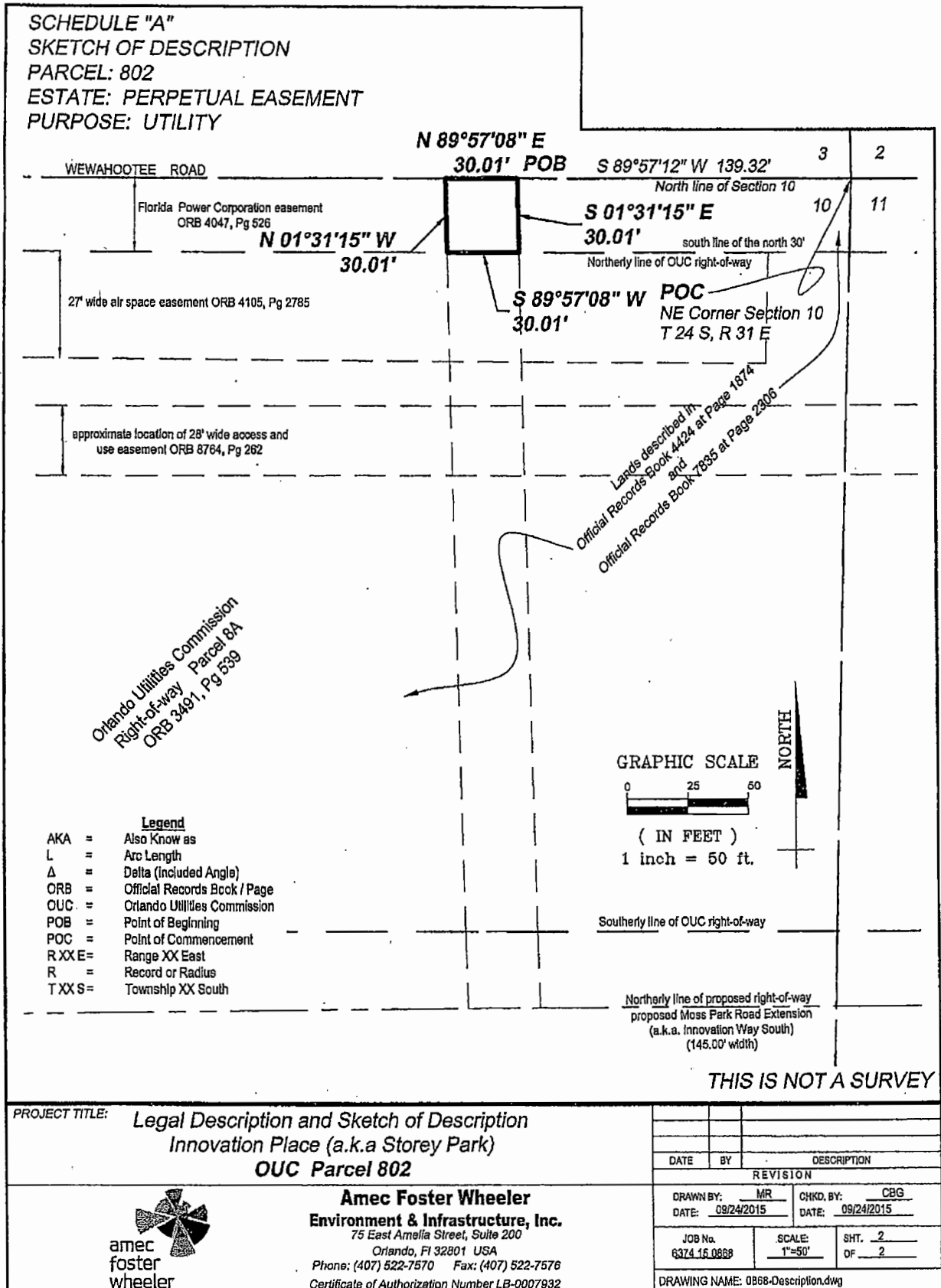
PROJECT TITLE: Legal Description and Sketch of Description
Innovation Place (a.k.a Storey Park)
OC Parcel 802



Amec Foster Wheeler
Environment & Infrastructure, Inc.
75 East Amelia Street, Suite 200
Orlando, FL 32801 USA
Phone: (407) 522-7570 Fax: (407) 522-7576
Certificate of Authorization Number LB-0007932

DRAWN BY: MR		CHKD. BY: CBG
DATE: 09/24/2015		DATE: 09/24/2015
JOB No. 6374.15.0868	SCALE: N/A	SHT. 1 OF 2
DRAWING NAME: 0868-Description.dwg		

*The bold borders in the depiction below serve as boundaries for the Utility Easement granted herein.



Project: Innovation Place Project (aka Storey Park Utilities)
Parcel: 802

N/A Pre-Condemnation
N/A Post-Condemnation

SETTLEMENT ANALYSIS

This is a Donation

County's Appraised Value

Utility Easement: 900 S.F. (802) \$ 700

Total Appraisal Value \$ 700

Owner's Requested Amount Donation

EXPLANATION OF RECOMMENDED SETTLEMENT

Parcel 802 is a Utility Easement that contains 900 square feet and is located along the south side of Wewahootee Road. The purpose of the easement is to provide water, wastewater and reclaimed water utilities infrastructure for the Innovation Place (a.k.a. Storey Park) development. The infrastructure is also a component of the Orange County Utilities Eastern Service Area and provides a transmission system for potable water, wastewater and reclaimed water for future development. The owner is donating the easement because they are a dissolved limited partnership and County has agreed to provide them indemnification for work done in the easement area.

Recommended by  Date 11/11/16
Russell L. Corriveau, Senior Acquisition Agent, Real Estate Management Division

Approved by  Date 11-11-16
Ann Caswell, Manager, Real Estate Management Division