



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

**DATE:** January 6, 2017

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

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

**FROM:** Roger A. Wright, Acquisition Agent  
Real Estate Management Division

**CONTACT  
PERSON:** Ann Caswell, Manager

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

**ACTION  
REQUESTED:** APPROVAL OF UTILITY EASEMENT BETWEEN CURRY FORD  
ROAD EAST HOMEOWNERS ASSOCIATION, INC. AND ORANGE  
COUNTY, SUBORDINATION OF ENCUMBRANCE TO PROPERTY  
RIGHTS TO ORANGE COUNTY FROM BELL SOUTH  
TELECOMMUNICATIONS, LLC, SUCCESSOR BY CONVERSION  
OF BELL SOUTH TELECOMMUNICATIONS, INC., D/B/A AT&T  
FLORIDA AND AUTHORIZATION TO DISBURSE FUNDS TO PAY  
ALL RECORDING FEES AND RECORD INSTRUMENTS

**PROJECT:** Pump Station No. 3759 (River Ridge)  
  
District 3

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

**ITEMS:** Utility Easement (Instrument 801.1)  
Cost: Donation  
Size: 272 square feet

Subordination of Encumbrance to Property Rights to Orange County  
(Instrument 801.2)

**BUDGET:** Account No.: 4420-038-1572-0018-6110

**FUNDS:** \$80.20 Payable to Orange County Comptroller  
(all recording fees)

**APPROVALS:** Real Estate Management Division  
Utilities Department

**REMARKS:** The easement is being donated to allow for the elimination of Pump Station F3033 by routing the flow into Pump Station 3759 (River Ridge).

**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: December 16, 2016 Project: Pump Station No. 3759 (River Ridge) Parcel: 801

Total Amount: \$80.20

Charge to Account # 4420-038-1572-0018-6110 Amount \$ 80.20

# \_\_\_\_\_ Amount \$ \_\_\_\_\_

Engineering Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block(s))

☐ Pre-Condernation ☐ Post-Condernation ☒ N/A Not Applicable District # 3

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

Orange County Comptroller  
Recording Fees \$80.20

DOCUMENTATION ATTACHED (Check appropriate block(s))

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

Payable to Orange County Comptroller

Payable to Orange County Comptroller (\$80.20)

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

Recommended by Roger A. Wright, Acquisition Agent

Date 12/29/16

Under Ordinance Ann Caswell  
Approved by Ann Caswell, Manager, Real Estate Management Division

Date 1-6-17

Certified Katie Smith  
Approved by BCC Deputy Clerk to the Board

Date JAN 24 2017

Examined/Approved \_\_\_\_\_  
Comptroller/Government Grants

CHECK No. / Date

## REMARKS:

Scheduled Closing Date: As soon as check is available

Anticipated Closing Date: TBD

Please Contact Acquisition Agent @ 67093 if there are any questions.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JAN 24 2017

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JAN 24 2017

THIS IS A DONATION

Instrument: 801.1

Project: Pump Station No. 3759 (River Ridge)

#### UTILITY EASEMENT

THIS INDENTURE, Made this 4<sup>th</sup> day of November, A.D. 2016, between Curry Ford Road East Homeowners Association, Inc., a Florida not-for-profit corporation, having its principal place of business in the city of Orlando, county of Orange, whose address is 2495 River Ridge DR. Orlando, FL 32825, 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 \$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 situate in Orange County aforesaid, to-wit:

#### SEE ATTACHED SCHEDULE "A"

**Property Appraiser's Parcel Identification Number:**

**a portion of**

**05-23-31-1916-00-002**

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

THE GRANTEE herein 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 utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted right-of-way, and the GRANTOR, its successors and assigns, agrees 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 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, or modify the size of existing pipelines or 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.

Instrument: 801.1

Project: Pump Station No. 3759 (River Ridge)

GRANTEE'S obligation to restore landscaping 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.

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

Signed, sealed and delivered  
in the presence of:

Curry Ford Road East Homeowners Association,  
Inc., a Florida not-for-profit corporation

[Signature]  
Witness

BY: [Signature]

Shea E Ruebusch  
Printed Name

[Signature]  
Printed Name

David Lloyd Blair  
Witness

President 11/4/16  
Title

David Lloyd Blair  
Printed Name

(Corporate Seal)

Curry Ford Road East  
Homeowners' Association  
P.O. Box 720428  
Orlando, FL  
32872-0428

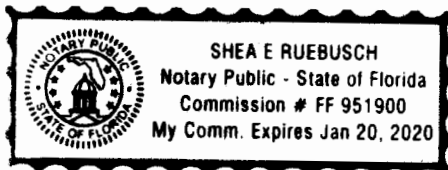
Secretary & Treasurer  
(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 4 of November, 2016, by Rafael Rio, as President of Curry Ford Road East Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He/She ☐ is personally known to me or ☒ has produced [Signature] as identification.

(Notary Seal)



[Signature]  
Notary Signature  
Shea E Ruebusch  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: Jan 20, 2020

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

**SCHEDULE "A"****SKETCH AND DESCRIPTION**

PARCEL: 801

ESTATE: PERPETUAL EASEMENT

PURPOSE: UTILITY EASEMENT

**Legal Description**

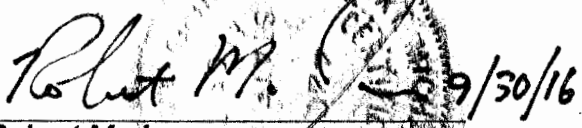
A parcel of land, being a portion of TRACT "B" (Recreation Area), CURRY FORD ROAD EAST PHASE 1, according to the plat thereof recorded in Plat Book 34 at Page 44 of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the southeast corner of said TRACT "B" and run North 00°13' 16" East, along the east line of said TRACT "B", a distance of 190.39 feet to the intersection with the easterly projection of the south line of an existing Utility Easement (U.E.) surrounding TRACT "C" ( Lift Station Site) as depicted on said plat, and the POINT OF BEGINNING; thence run North 89° 46' 44" West, along said easterly projection, a distance of 5.91 feet to the southeast corner of said Utility Easement; thence run North 00° 13' 16" East, along the east boundary of said Utility Easement, a distance of 46.00 feet to the northeast corner of said Utility Easement; thence run South 89° 46' 44" East, along the easterly projection of the north line of said Utility Easement, a distance of 5.91 feet to said east line; thence run South 00°13' 16" West, along said east line, a distance of 46.00 feet to the POINT OF BEGINNING.

Containing 272 square feet or 0.006 acres, more or less.

**Surveyor's Notes**

1. This Sketch of Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
2. Bearings shown hereon are relative to an assumed datum based on the east line of TRACT "B" as being North 00° 13'16" East as depicted on the plat of CURRY FORD ROAD EAST PHASE 1 as recorded in Plat Book 34 at Page 44 of the Public Records of Orange County, Florida.
3. This Sketch of Description does not address the identification or location of jurisdictional wetlands or sovereign lands, if any, that may or may not lie within or adjacent to the project area.
4. Lands making up the project area were not abstracted by this firm for matters of title, such as easements, rights-of-way, ownership or other matters of record, nor were any matters of title provided by the client.
5. The location and configuration of the Sketch of Description shown hereon was provided by the client.
6. Certified to and for the exclusive use of Orange County, a charter county and a political subdivision of the State of Florida.

  
Robert M. Jones  
Florida Professional Surveyor and Mapper No.4201

**THIS IS NOT A SURVEY**

PROJECT TITLE:

Orange County Utilities Department  
Pump Station #3759 Sketch and Description  
River Ridge Drive



**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

DATE BY DESCRIPTION

REVISION

DRAWN BY: PEW CHKD. BY: RMJ  
DATE: 09/14/2016 DATE: 09/14/2016

JOB No. SCALE: SHT. 1  
6374.16.0866 N/A OF 2

DRAWING NAME: 0866 Pump Station 3759 (River Ridge).dwg

**PURPOSE: UTILITY EASEMENT**

**CURRY FORD ROAD EAST  
PHASE 1  
Plat Book 34, Page 44**

Utility Easement (U.E.) (P)  
surrounding TRACT "C"

Tract "A" (P)  
Retention Area

**U.E. = Utility Easement**

( IN FEET )  
1 inch = 40 ft.



RIVER RIDGE DRIVE  
90' right-of-way (P)

Radius = 35.00' (P)  
Delta = 89° 49' 55" (P)  
Arc Length = 54.88' (P)  
Chord Bearing = S44°41'41"E (P)  
Chord Distance = 49.42' (P)

S 00°13'16" W 98.92' (P)

### Force Main Easement

Tract "B" (P) —  
N 00° 13' 16" E 190.39' (C)

3'16" W 368.90' (P)  
bearing basis)

— — — — —

Point  
So

THIS

BY
BY: 09/14/2009

east line of Tract "B"  
and plat boundary

northeast corner of U.E.

**S 89°46'44" E 5.91'**  
(easterly projection of  
north line of U.E.)

**N 00°13'16" E 46.00'**  
east boundary of U.E.

1/2 S 00°13'16" W 40

*[Faint handwritten notes at the bottom of the page]*

Tract "B"

Lift Station Site (P)

**Point of Beginning**  
intersection of east line  
and easterly projection  
of south line of U.E.

**-N 89°46'44" W 5.91'**  
(easterly projection of  
south line of U.E.)

CYPRESS BEND  
Plat Book 54,  
Page 102

20' U.E. and  
access easement (P)

Point of Commencement  
Southeast corner Tract "B"

**N 89°36'39" W 5.11'**

CURRY FORD ROAD

**THIS IS NOT A SURVEY**

**Orange County Utilities Department  
Pump Station #3759 Sketch and Description  
River Ridge Drive**



**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

DATE	BY	DESCRIPTION	
REVISION			
DRAWN BY: <u>PEW</u>		CHKD. BY: <u>RMJ</u>	
DATE: <u>09/14/2016</u>		DATE: <u>09/14/2016</u>	
JOB No. <u>6374.16.0966</u>	SCALE: <u>N/A</u>	SHT. <u>2</u> OF <u>2</u>	
DRAWING NAME: <u>0966 Pump Station 3759 (River Ridge).dwg</u>			

**JAN 24 2017**

Instrument: 801.2

Project: Pump Station No. 3759 (River Ridge)

**SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY**

KNOW ALL MEN BY THESE PRESENTS: That Whereas, it is proposed by ORANGE COUNTY, a charter county and a political subdivision of the State of Florida, whose address is P. O. Box 1393, Orlando, Florida 32802-1393, to locate, construct, maintain, and/or improve a utility easement, in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to an Easement held by the undersigned; and,

WHEREAS, On behalf of ORANGE COUNTY, a request has been made for the undersigned to subordinate said encumbrance to the property rights of ORANGE COUNTY in and to the portion of the premises hereinafter described.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the premises and One Dollar and other good and valuable considerations, paid, receipt of which is hereby acknowledged, the undersigned subordinates said encumbrance to the property rights of ORANGE COUNTY, to locate, construct, maintain, and/or improve said project over, through, upon, and/or across the following described lands, being a portion of the encumbered premises in Orange County, Florida, to-wit:

**SEE ATTACHED SCHEDULE "A"**

Encumbrance:

BellSouth Telecommunications, LLC, successor by conversion of  
BellSouth Telecommunications, Inc., d/b/a AT&T Florida  
FROM: Curry Ford Road East Homeowners Association, Inc.  
Easement filed February 9, 2009  
Recorded in Official Records Book 9826, Page 1936  
Public Records of Orange County, Florida



Instrument: 801.2

Project: Pump Station No. 3759 (River Ridge)

PROVIDED, ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance insofar as same affects the rights and privileges of ORANGE COUNTY, in its use of the land specifically above described for utility easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrance or the remedies at law or in equity for recovering thereon, or against the parties charged thereby, the full amount of all sums secured by and/or due under the same. It is further understood and agreed that in the event said above described premises are abandoned by ORANGE COUNTY and cease to be used for utility easement purposes that in such event the subordination of said encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been made. Should the County require the Utility to alter, adjust, or relocate its facilities located within said lands, the County hereby agrees to pay the cost of such alteration, adjustment, or relocation, including but not limited to, the cost of acquiring appropriate easements.

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 28 day of November, A.D. 2016.

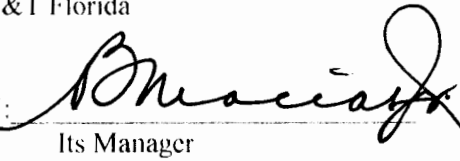
Signed, sealed, and delivered  
in the presence of:

BellSouth Telecommunications, LLC, a Georgia limited  
liability company, successor by conversion of BellSouth  
Telecommunications, Inc., a Georgia corporation, d/b/a  
AT&T Florida

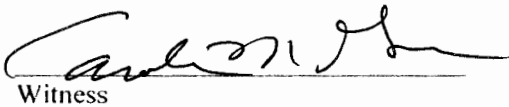
  
Witness

MARIA GIBSON  
Printed Name

BY:

  
Its Manager

B. MACIAS, JR  
Printed Name

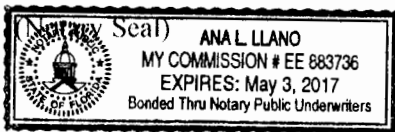
  
Witness

CAROLINE M. GREENE  
Printed Name

Instrument: 801.2  
Project: Pump Station No. 3759 (River Ridge)

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 28 day of NOVEMBER, 2016,  
by B. MACIAS JR, the Manager of BellSouth Telecommunications, LLC, a Georgia  
limited liability company, successor by conversion of BellSouth Telecommunication, Inc., a Georgia  
corporation, d/b/a AT&T Florida, authorized to do business in the state of Florida on behalf of the limited  
liability company. He/she [ ☒ ] is personally known to me, or [ ☐ ] has produced  
\_\_\_\_\_ as identification.



Ana L. Llano  
Notary Signature

ANA L. LLANO  
Printed Notary Name

Notary Public in and for the  
County and State aforesaid

My commission expires: 5/3/17

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

**SCHEDULE "A"****SKETCH AND DESCRIPTION**

PARCEL: 801

ESTATE: PERPETUAL EASEMENT

PURPOSE: UTILITY EASEMENT

**Legal Description**

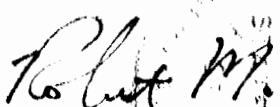
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4. Lands making up the project area were not abstracted by this firm for matters of title, such as easements, rights-of-way, ownership or other matters of record, nor were any matters of title provided by the client.
5. The location and configuration of the Sketch of Description shown hereon was provided by the client.
6. Certified to and for the exclusive use of Orange County, a charter county and a political subdivision of the State of Florida.

  
Robert M. Jones  
Florida Professional Surveyor and Mapper No.4201

**THIS IS NOT A SURVEY**

PROJECT TITLE:

Orange County Utilities Department  
Pump Station #3759 Sketch and Description  
River Ridge Drive



**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

DATE BY DESCRIPTION

REVISION	
DRAWN BY: PEW	CHKD. BY: RMJ
DATE: 09/14/2016	DATE: 09/14/2016

JOB No. 6374.16.0886	SCALE: N/A	SHT. 1 OF 2
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DRAWING NAME: 0886 Pump Station 3759 (River Ridge).dwg

**SCHEDULE "A"**  
**SKETCH AND DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: PERPETUAL EASEMENT**  
**PURPOSE: UTILITY EASEMENT**

**CURRY FORD ROAD EAST**  
**PHASE 1**  
**Plat Book 34, Page 44**

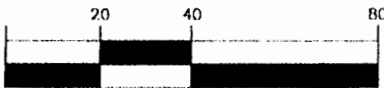
Utility Easement (U.E.) (P)  
 surrounding TRACT "C"

Tract "A" (P)  
 Retention Area

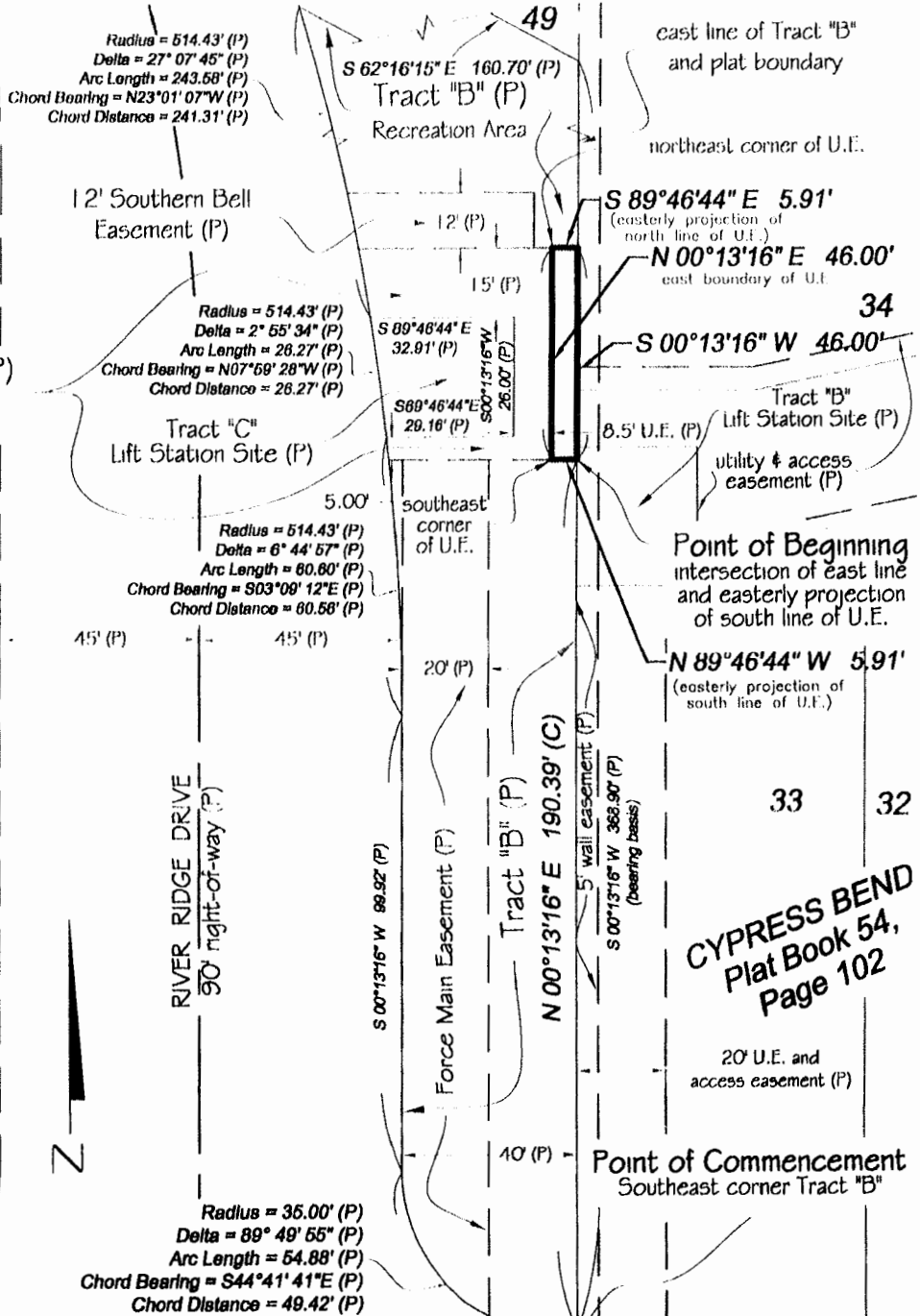
**LEGEND:**

(P) = Plat  
 (C) = Calculated  
 U.E. = Utility Easement

**GRAPHIC SCALE**



( IN FEET )  
 1 inch = 40 ft.



CURRY FORD ROAD

**THIS IS NOT A SURVEY**

**PROJECT TITLE:**

**Orange County Utilities Department**  
**Pump Station #3759 Sketch and Description**  
**River Ridge Drive**



**Amec Foster Wheeler**  
**Environment & Infrastructure, Inc.**  
 75 East Amelia Street, Suite 200  
 Orlando, FL 32801 USA  
 Phone: (407) 522-7570 Fax: (407) 522-7578  
 Certificate of Authorization Number LB-0007832

DATE BY DESCRIPTION  
 REVISION

DRAWN BY: PEW CHKD. BY: RMJ  
 DATE: 08/14/2018 DATE: 08/14/2018

JOB No. SCALE: SHIT. 2  
 6374.16.0886 N/A OF 2

DRAWING NAME: 0886 Pump Station 3759 (River Ridge).dwg

Project: Pump Station No. 3759 (River Ridge)  
Parcel: 801.1

N/A Pre-Condernnation  
N/A Post-Condernnation

### SETTLEMENT ANALYSIS

**\*This is a Donation**

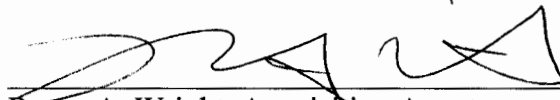
Utility Easement: 272 Square Feet

\$-0-

### EXPLANATION OF RECOMMENDED SETTLEMENT

The easement is being donated to acquire a perpetual utility easement over a portion of Tax Parcel No. 05-23-31-1916-00-002.

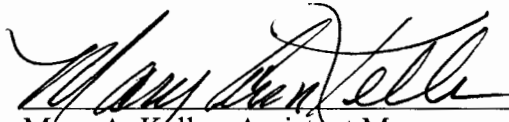
Recommended by



Date 12/13/16

Roger A. Wright, Acquisition Agent  
Real Estate Management Division

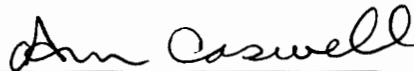
Approved by



Date 12-13-16

Mary A. Keller, Assistant Manager  
Real Estate Management Division

Approved by



Date 12-13-16

Ann Caswell, Manager  
Real Estate Management Division