




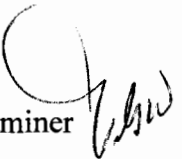
Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

**DATE:** January 6, 2017

**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 OF DEED OF EASEMENT BETWEEN CSX TRANSPORTATION, INC. AND ORANGE COUNTY AND AUTHORIZATION TO DISBURSE FUNDS TO PAY ALL RECORDING FEES AND RECORD INSTRUMENT

**PROJECT:** Sunrail Project – 4<sup>th</sup> Street Easement  
  
District 4

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

**ITEM:** Deed of Easement  
Cost: Donation  
Size: 1494.56 square feet

**BUDGET:** Account No.: 1023-072-5142-6110

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

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

**REMARKS:** The easement from CSX Transportation, Inc. (CSX) is non-exclusive and CSX reserves the right to occupy, possess, and use the land for any and all railroad purposes to include placement, repair, relocation and removal of fiber optic cable and the right to construct, reconstruct, relocate, operate, maintain, repair, renew, replace and remove tracks and other facilities as may now exist or which may exist in the future. The easement is also subject to any public or private utilities, granted or reserved over, under, or across the easement area. If the County ceases to use the easement for sidewalk purposes, the easement rights shall terminate and the County, its successors and assigns shall execute such instrument as may be required to clear title.

**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: December 22, 2016

Amount: \$44.70

Project: Sun Rail Project – 4<sup>th</sup> Street Easement

Parcel: N/A

Charge to Account#: 1023-072-5142-6110

Approvals:

Controlling Agency Approval

Fiscal Approval

TYPE TRANSACTION (Check appropriate block{s})

Pre-Condemnation

Post-Condemnation

XX N/A

District # 4

Acquisition at Approved Appraisal

Acquisition at Below Approved Appraisal

Acquisition at Above Approved Appraisal

XX Advance Payment Requested (recording fees)

Name:

Orange County Comptroller - \$44.70

DOCUMENTATION ATTACHED (Check appropriate block{s})

Contract/Agreement

XX Copy of (Executed) 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

December 22, 2016  
Date

Payment Approved Ann Caswell  
Ann Caswell, Manager

12-22-16  
Date

Under Ordinance  
Approved by Manager, Real Estate Management Division

Date  
JAN 24 2017

Certified Karl Smith  
Approved by BCC Deputy Clerk to the Board

Date

Examined/Approved Comptroller/Government Grants

Check No. / Date

REMARKS: Wire transfer to be arranged prior to closing date

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

JAN 24 2017

# REQUEST FOR FUNDS FOR LAND ACQUISITION

XX Under BCC Approval

Under Ordinance Approval

Date: December 22, 2016

Amount: \$44.70

Project: Sun Rail Project - 4<sup>th</sup> Street Easement

Parcel: N/A

Charge to Account#: 1023-072-5142-6110

Approvals:

William Smith 12/29/16  
Controlling Agency Approval

[Signature] 12-29-16  
Fiscal Approval

TYPE TRANSACTION (Check appropriate block(s))

Pre-Condemnation

Post-Condemnation

XX N/A

District # 4

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

Name:

Orange County Comptroller - \$44.70

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Contract/Agreement
- XX Copy of (Executed) 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

December 22, 2016  
Date

Payment Approved Ann Caswell  
Ann Caswell, Manager

12-22-16  
Date

Under Ordinance  
Approved by Manager, Real Estate Management Division

                      
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Certified  
Approved by BCC Deputy Clerk to the Board

                      
Date

Examined/Approved Comptroller/Government Grants

                      
Check No. / Date

REMARKS: Wire transfer to be arranged prior to closing date

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**JAN 24 2017**

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This instrument prepared by  
or under the direction of:

Kim R. Bongiovanni  
Assistant General Counsel  
Law Department  
500 Water Street  
Jacksonville, Florida 32202

#### DEED OF EASEMENT

THIS EASEMENT DEED, made as of 1<sup>st</sup> day of November, 2016,  
by and between CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing  
address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Grantor," whose  
Tax Identification Number is 54-60000720, and ORANGE COUNTY, a charter county and  
political Subdivision of the State of Florida, whose mailing address is Post Office Box 1393,  
Orlando, Florida 32802-1393, hereinafter called "Grantee"; WITNESSETH:

(Wherever used herein, the terms "Grantor" and "Grantee" may be  
construed in the singular or plural as the context may require or admit, and for  
purposes of exceptions, reservations and/or covenants, shall include the heirs,  
legal representatives and assigns of individuals or the successors and assigns of  
corporations.)

THAT, for and in consideration of payment of the sum of ONE AND NO/100  
DOLLARS (\$1.00), which is the full monetary consideration for this conveyance, and other  
valuable consideration, the receipt whereof is hereby acknowledged, Grantor does hereby  
GRANT and CONVEY unto Grantee, Grantee's successors and assigns, WITHOUT  
WARRANTY and only to the extent that Grantor's title permits, and FURTHER SUBJECT TO  
the terms, conditions, exceptions and reservations herein made, a non-exclusive easement, on,  
over or across Grantor's property at Orlando, County of Orange, State of Florida, hereinafter  
designated "the Easement", which Easement is more particularly described in Exhibit A,  
attached hereto and incorporated herein, for the purpose of constructing and maintaining a  
sidewalk.

Tax Parcel Identification Number: Not Assigned

EXCEPTING and RESERVING unto Grantor, its successors and assigns, the right to continue to occupy, possess and use the land upon which the Easement is imposed for any and all railroad purposes consistent with Grantor's operations and needs, including but not limited to the placement, repair, relocation and removal of fiber optic cable, and the right to construct, reconstruct, relocate, operate, maintain, repair, renew, replace and remove Grantor's tracks and other facilities as now exist or which may in the future be located in, upon, over, under or across the Easement.

TO HAVE AND TO HOLD the Easement and rights herein granted, solely for the purpose herein contained; SUBJECT, however, to any public or private utilities, cables, wires, pipes and other facilities located in, on, over, under or across the Easement, and all agreements, easements and rights granted or reserved therefor, whether the instruments granting or reserving the same be recorded or unrecorded; ALSO SUBJECT TO the following terms, conditions, exceptions and reservations:

If, at any time, the Easement herein granted, or any part thereof, shall no longer be used or required by Grantee, its successors or assigns, for the purposes for which granted, the same shall terminate, and Grantee, its successors or assigns, shall execute such instrument as provided or as hereafter may be required by law to clear title to the aforesaid property.

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, CSX TRANSPORTATION, INC., pursuant to due corporate authority, has caused its name to be signed hereto by its officers hereunto duly authorized and its corporate seal, duly attested, to be hereunto affixed.

Signed, sealed and delivered  
in the presence of:

Mary Kathleen Preston

CSX TRANSPORTATION, INC.:

By: Richard M. Hood

Print Name: Richard M. Hood

Print Title: President, CSX Real Property, Inc.,  
signing on behalf of CSX  
Transportation, Inc.

Steve Armbrust

Attest Steve Armbrust (SEAL)

Assistant Secretary

Print Name: Steve Armbrust

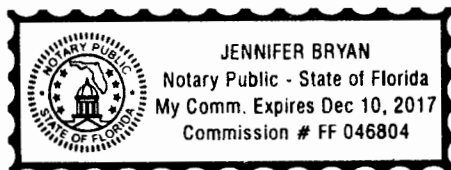
STATE OF FLORIDA       )  
                                      ) SS.  
COUNTY OF DUVAL       )

I, Jennifer Bryan, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County came Richard M. Hood (X) to me known, and/or ( ) proven by satisfactory current evidence to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did make oath, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is President-CSX Real Property, Inc., signing on behalf of CSX Transportation, Inc., the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to Board authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 1 day of November, 2016.

Jennifer Bryan (SEAL)  
Notary Public

Print Name: Jennifer Bryan  
My commission expires on: 12/10/2017





## **EXHIBIT A**

Description of Easement at: Orlando, Orange County, Florida  
To: Orange County  
CSXT Deed File No.: 2016-2107

### **LEGAL DESCRIPTION**

A portion of land lying within Section 1, Township 24 South, Range 29 East, Orange County, Florida and being more particularly described as follows:

Begin at the Southeast corner of Block 5, Tier 3, Subdivision of the Town of Taft, according to the Plat thereof as recorded in Plat Book E, Pages 4 and 5, of the Public Records of Orange County, Florida; Thence run North  $89^{\circ}41'35''$  East on the Easterly prolongation of the South boundary of the aforesaid Block 5, Tier 3 a distance of 77.53 feet to a point, said point lying on the East line of the West 75.00 feet of the CSX Transportation Inc. Railroad right of way lying East of and adjacent to said Block 5, Tier 3 of aforementioned plat; Thence run South  $15^{\circ}19'28''$  West along said East line a distance of 20.77 feet to a point; Thence run South  $89^{\circ}41'35''$  West a distance of 71.93 feet to a point; Thence run North  $00^{\circ}18'25''$  West a distance of 20.00 feet to the Point of Beginning.

Containing: 1494.559 Square Feet or 0.034 acres, More or Less.