



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

**DATE:** March 3, 2017

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

**THROUGH:** Ann Caswell, Manager  
Real Estate Management Division *DBS to AC*

**FROM:** Virginia G. Williams, Senior Title Examiner  
Real Estate Management Division *VGW*

**CONTACT PERSON:** Ann Caswell, Manager

**DIVISION:** Real Estate Management  
Phone: 836-7082

**ACTION REQUESTED:** APPROVAL OF WARRANTY DEED AND NON-EXCLUSIVE DRAINAGE EASEMENT FROM CORE REAL ESTATE LIMITED LLC TO ORANGE COUNTY AND AUTHORIZATION TO PERFORM ALL ACTIONS NECESSARY AND INCIDENTAL TO CLOSING

**PROJECT:** Core Academy PD/UNP/LUP  
  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of road widening improvements as a requirement of adequate public facilities agreement.

**ITEMS:** Warranty Deed  
Cost: \$36,450 (Impact Fee Credits)  
Size: 1.62 acres  
  
Non-Exclusive Drainage Easement  
Cost: \$28,980 (Impact Fee Credits)  
Size: 1.61 acres

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

**REMARKS:** On March 15, 2016, the Board of County Commissioners approved the acceptance of a deed and easement pursuant to the "Right-of-Way (R.O.W.) Conveyance and Adequate Public Facilities Agreement Core Academy PD/UNP/LUP" (Agreement). However, due to a dispute of the members of the Grantor the closing of the conveyances did not occur.

The previous deed and easement are being voided and replaced by approval of this new Warranty Deed and Non-Exclusive Drainage Easement (replacement documents) which will allow the closing to move forward pursuant to the terms of the Agreement. This action is contingent upon the approval of the First Amendment to the Agreement appearing on the consent agenda under Community, Environmental & Development Services Department.

Grantor to pay all closing costs and prorated taxes.

**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.**

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 21 2017

**This Instrument prepared by  
and when recorded, return to:**

Juli Simas James, Esq.  
Shutts & Bowen LLP  
300 S. Orange Avenue, Suite 1000  
Orlando, FL 32801  
(407) 423-3200

Project: Core Academy PD/UNP/LUP

**WARRANTY DEED**  
(APF Land Conveyance)

THIS WARRANTY DEED, made and executed the 14<sup>th</sup> day of February, A.D. 2017, by **AVALON REAL ESTATE LIMITED LLC**, a limited liability company organized and existing under the laws of the State of Delaware, f/k/a **CORE REAL ESTATE LIMITED LLC**, a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 11661 San Vicente Boulevard, Suite 220, Los Angeles, California 90049, 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, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the GRANTEE, all that certain land situate in Orange County, Florida:

See Exhibit "A" attached hereto and incorporated herein by this reference.

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

**a portion of 32-23-27-0000-00-007**

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the GRANTOR hereby covenants with said GRANTEE that GRANTOR is lawfully seized of said land in fee simple; that GRANTOR has good right and lawful authority to sell and convey said land; that GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except for ad valorem real property taxes and assessments for the year 2017 and thereafter, and easements and restrictions of record, if any, the reference to which shall not operate to reimpose the same.

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

Signed, sealed, and delivered  
in the presence of:

**AVALON REAL ESTATE LIMITED  
LLC**, a Delaware limited liability company,  
f/k/a CORE REAL ESTATE LIMITED LLC,  
a Delaware limited liability company

By: European Investment Management  
Services, Inc., a Delaware corporation,  
its Manager

By: Robert S. Mautner  
Print Name: Robert S. Mautner  
Title: Vice President

Witness

Landon Jensen  
Printed Name

Witness

DIEGO RUIZ  
Printed Name

(Signature of **TWO** witnesses required by Florida law)

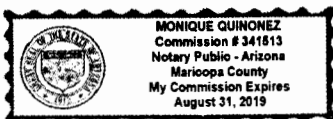
STATE OF ARIZONA

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ACKNOWLEDGEMENT

COUNTY OF MARICOPA

The foregoing instrument was acknowledged before me on this 14 day of February, 2017, by Robert S. Mautner as Vice President of European Investment Management Services, Inc., a Delaware corporation, the Manager of **AVALON REAL ESTATE LIMITED LLC**, a Delaware limited liability company, f/k/a Core Real Estate Limited LLC, a Delaware limited liability company, on behalf of the company. He is [ ] personally known to me or [X] has produced Az drivers license as identification.



[SEAL]

Monique Quinonez  
Notary Public, State of Arizona

Print Name: Monique Quinonez

Commission No.: 341513

My commission expires: 8/31/2019

## EXHIBIT "A"

### LEGAL DESCRIPTION

#### SCHEDULE "A"

AVALON ROAD (C.R. 545)  
PARCEL No.: 1040

#### LEGAL DESCRIPTION

DESCRIPTION (prepared by Donald W. McIntosh Associates, Inc.):

That part of Section 32, Township 23 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the Northwest corner of the Southwest 1/4 of said Section 32; thence N89°34'21"E along the North line of the Southwest 1/4 of said Section 32, a distance of 1188.74 feet to the POINT OF BEGINNING; thence continue N89°34'21"E along said North line, a distance of 54.76 feet to the West right-of-way line of Avalon Road (County Road No. 545) per Orange County Bond Project No. 7A and Florida Department of Transportation Right-of-Way Map of State Road 545 Section 75110; thence departing said North line run S09°09'08"W along said West right-of-way line, a distance of 1312.08 feet to the North right-of-way line of Old YMCA Road, a 60.00 foot wide right-of-way recorded in Deed Book 460, Page 241, and Deed Book 460, Page 243, of the Public Records of Orange County, Florida; thence run S89°43'52"W along said North right-of-way line, a distance of 54.74 feet; thence departing said North right-of-way line run N08°08'08"E, a distance of 1311.92 feet to the POINT OF BEGINNING.

Containing 1.626 acres more or less, and being subject to any rights-of-way, restrictions and easements of record.

#### SURVEYOR'S NOTES:

1. This is not a Survey.
2. Bearings are based on the North line of the South 1/2 of Section 32, Township 23 South, and Range 27 East, being N89°34'21"E, an assumed meridian.
3. This sketch does not reflect or determine ownership.
4. Legal Description shown herein was prepared by Donald W. McIntosh Associates, Inc. based on information provided by client.
5. A Title Search Report prepared by Fidelity National Title Insurance Company, Agent File No. 0027233/154835, dated September 10, 2013 was reviewed by the Surveyor. Exceptions listed therein (if any) which can be delineated or noted, are shown herein.

#### LEGEND

SEC 32-23-27	SECTION 32, TOWNSHIP 23 SOUTH, RANGE 27 EAST
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
DB	DEED BOOK
ORW	OFFICIAL RECORDS BOOK
SMPB	STATE ROAD PLAT BOOK
S.R.	STATE ROAD
PG(S)	PAGE(S)
PC	POINT OF CURVATURE
PCC	POINT OF COMPOUND CURVATURE
PRC	POINT OF REVERSE CURVATURE
P1	POINT OF TANGENCY
NT	NON-TANGENT
PL	PLAT BOOK
PSS	PAGES
R/W	RIGHT-OF-WAY
No	NUMBER
N/A	NOT APPLICABLE

PREPARED FOR:  
**D.R. Horton, Inc.**  
PARCEL 1040

PROJECT NUMBER

DATE

BY

DESCRIPTION

REVISIONS



**DONALD W. MCINTOSH ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS  
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
CERTIFICATE OF AUTHORIZATION NO. 1866

DONALD W. MCINTOSH ASSOCIATES, INC.  
CERTIFICATE OF AUTHORIZATION NO. 1866

Reedy L. G. [Signature]  
Florida Registered Surveyor and Mapper  
Certificate No. 4255  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DRAWN BY: JP  
DATE: 9/24/14

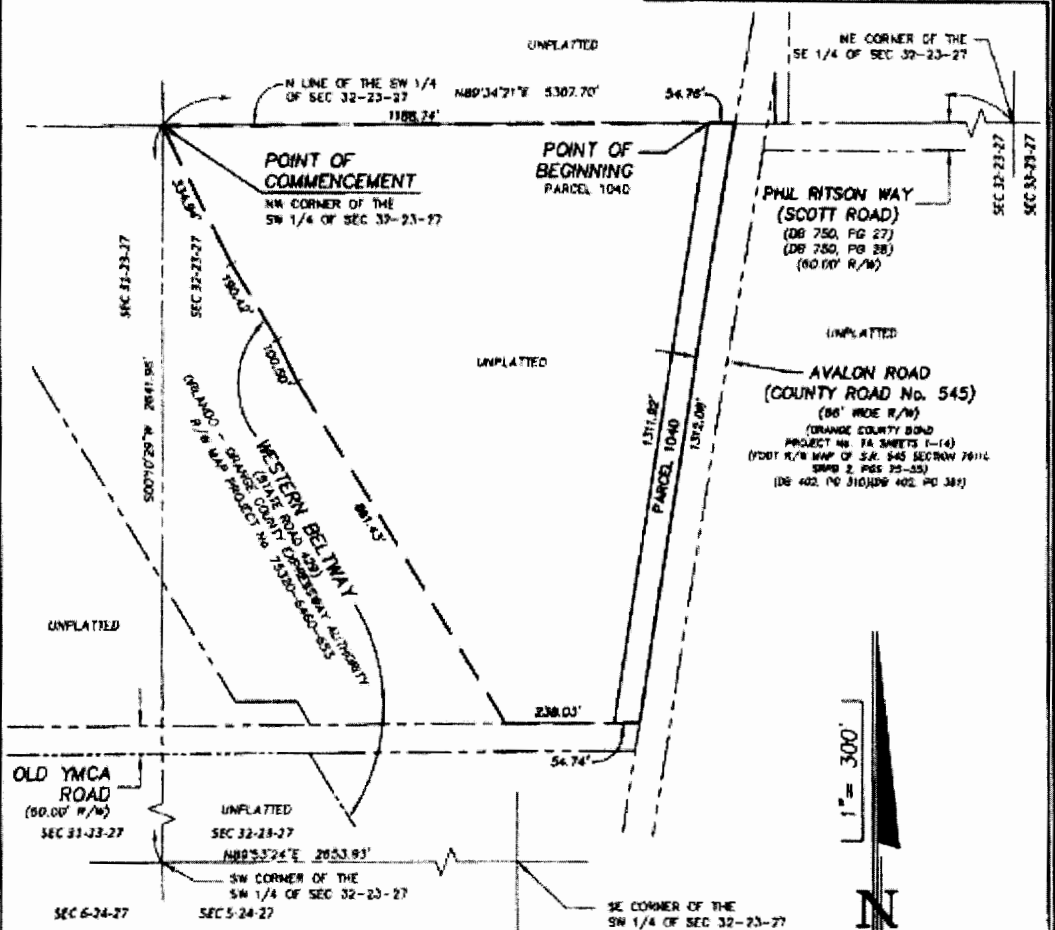
CHECKED BY: BLC

JOB NO.  
12167.002

SCALE  
N/A

SHEET 1  
OF 3

SCHEDULE "A"  
 AVALON ROAD (C.R. 545)  
 PARCEL No.: 1040  
 SKETCH OF DESCRIPTION



300' 0 300'  
 Scale: 1" = 300'

PREPARED FOR:  
 D.R. Horton, Inc.

PROJECT NUMBER

PARCEL 1040



**DONALD W. MCINTOSH ASSOCIATES, INC.**  
 ENGINEERS PLANNERS SURVEYORS  
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
 CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: JP  
 DATE: 8/24/14

CHECKED BY: BLC

JOB NO.  
 12187.002

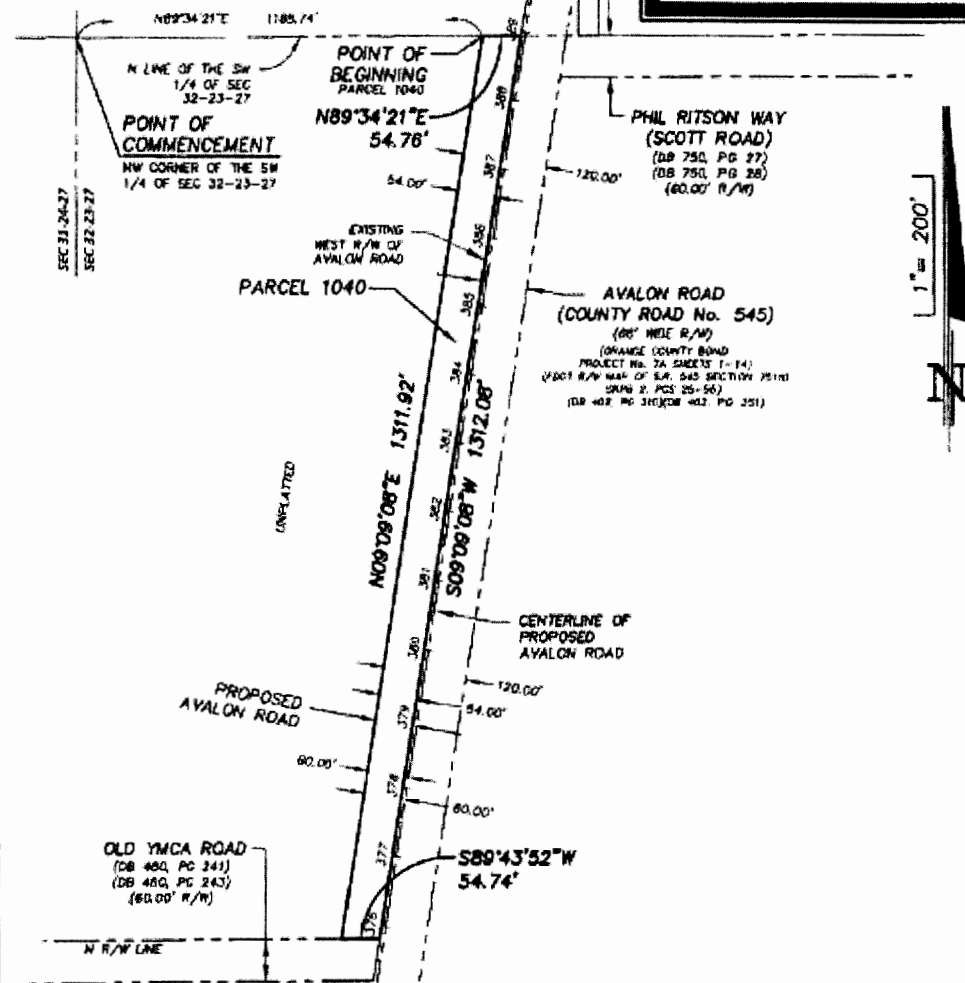
SCALE  
 1"=300'

SHEET  
 2  
 OF  
 3

Printed: Mon 29-Sep-2014 - 04:37PM  
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CS# 14-211(PARCEL 1040)

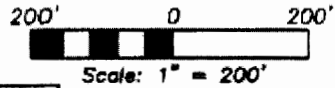
SCHEDULE "A"  
 AVALON ROAD (C.R. 545)  
 PARCEL No.: 1040  
 SKETCH OF DESCRIPTION - DETAIL



PREPARED FOR:  
**D.R. Horton, Inc.**

PROJECT NUMBER

PARCEL 1040



**DONALD W. MCINTOSH ASSOCIATES, INC.**  
 ENGINEERS PLANNERS SURVEYORS  
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32769 (407) 644-4068  
 CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: <u>JP</u>	JOB NO. <u>12167.002</u>	SCALE <u>1"=200'</u>	SHEET <u>3</u>
DATE: <u>9/24/14</u>	CHECKED BY: <u>RJC</u>		OF <u>3</u>

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CS# 14-211(PARCEL 1040)

This Instrument prepared by **MAR 21 2017**  
and when recorded, return to:

Juli Simas James, Esq.  
Shutts & Bowen LLP  
300 S. Orange Avenue, Suite 1000  
Orlando, FL 32801  
(407) 423-3200

Instrument: Drainage Easement  
Project: Core Academy PD/UNP/LUP  
Parcel I.D.: 32-23-27-0000-00-007

For Recording Purposes Only

**NON-EXCLUSIVE DRAINAGE EASEMENT**

14<sup>th</sup> **THIS NON-EXCLUSIVE DRAINAGE EASEMENT** (this "**Easement**"), is made this day of February, 2017, by **AVALON REAL ESTATE LIMITED LLC**, a Delaware limited liability company, f/k/a **CORE REAL ESTATE LIMITED LLC**, a Delaware limited liability company, whose mailing address is 11661 San Vicente Boulevard, Suite 220, Los Angeles, California 90049 (hereinafter referred to as 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 (hereinafter referred to as the "**GRANTEE**").

**WITNESSETH**, That **GRANTOR** in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, paid by **GRANTEE**, the receipt whereof is hereby acknowledged, does hereby give and grant to **GRANTEE** and its assigns, a perpetual, non-exclusive easement for drainage and retention purposes over, under and upon the following described lands (the "**Drainage Easement Area**") owned by **GRANTOR** and situated in Orange County, to-wit:

**SEE ATTACHED EXHIBIT "A"**

**Property Appraiser Parcel Identification Number:**

**a portion of**  
**32-23-27-0000-00-007**

**TO HAVE AND TO HOLD** said non-exclusive easement unto said **GRANTEE** and its assigns forever.

**GRANTEE**, its successor and/or assigns, shall maintain the retention ponds, drainage ditches, pipes or other drainage facilities (the "**Drainage Improvements**") located within the Drainage Easement Area for so long as the Drainage Easement Area is used for Avalon Road drainage/stormwater retention purposes. **GRANTOR** reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Drainage Easement Area and use thereof for



all purposes that are consistent with GRANTEE's of this Easement, and the Grantor shall have the right to use the Drainage Easement Area as an Emergency Inlet, as that term is defined in that certain Right-of-Way (R.O.W.) Conveyance and Adequate Public Facilities Agreement – Core Academy PD/UNP/LUP, R.O.W. Dedication for C.R. 545 (Avalon Road) Widening, recorded at O.R. Book 11022, Page 6904, in the Public Records of Orange County, Florida. The Drainage Easement Area and/or Drainage Improvements may be expanded, relocated, and/or reconfigured by GRANTOR, at no cost to GRANTEE, upon reasonable notice to GRANTEE and provided that GRANTEE'S drainage requirements are continually maintained to GRANTEE'S satisfaction during and after any such expansion, relocation, and/or reconfiguration of the Drainage Easement Area and/or the Drainage Improvements.

**GRANTEE** and its assigns shall have the right to enter upon the Drainage Easement Area for purposes of maintaining and/or replacing the Drainage Improvements and to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the Drainage Improvements out of and away from the Drainage Easement Area, and GRANTOR, its heirs, 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 Drainage Easement Area that may interfere with the normal operation or maintenance of the Drainage Improvements, however, GRANTOR, at GRANTOR's sole cost and expense, may relocate or expand the Drainage Easement Area so long as: (i) the relocated or expanded Drainage Easement Area provides adequate drainage capacity to replace the volume of drainage accommodated by the then existing Drainage Easement Area, and (ii) GRANTOR grants GRANTEE a replacement drainage easement substantially similar to the form of this Easement.

**GRANTEE** and GRANTOR hereby acknowledge and agree that the Drainage Easement Area and the Drainage Improvements are intended for use by GRANTEE for the benefit of the right-of-way of Avalon Road as contemplated by and in general accordance with that certain Avalon Road (C.R. 545)-Village H Preliminary Design Study dated July, 2015 and prepared by Vanasse Hangen Brustlin, Inc. under VHB Project #61701.02.

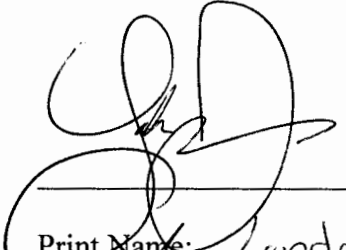
**GRANTEE** and GRANTOR agree that to the extent fill dirt removed to construct GRANTEE'S Drainage Improvements in the Drainage Easement Area is not needed by GRANTEE, GRANTEE shall, upon the request of GRANTOR, relocate such amount of the excess fill dirt as is desired by GRANTOR to a location on GRANTOR's property mutually agreeable to GRANTEE and GRANTOR and in accordance with a fill permit to be obtained by GRANTOR.

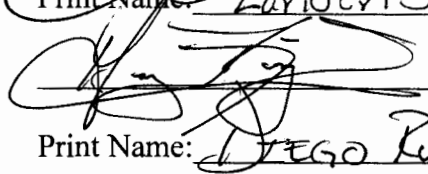
Construction of the Drainage Improvements shall be in accordance with all applicable local, state, and federal permit requirements ("**Permits**"). GRANTOR, at no cost or expense to Grantor, shall cooperate in good faith with GRANTEE in connection with GRANTEE'S efforts to obtain the Permits. GRANTEE shall provide GRANTOR with written notice of GRANTEE'S intention to commence or cause the commencement of construction of the Drainage Improvements at least thirty (30) days prior to the commencement of said construction.

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

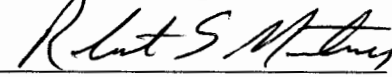
Signed, sealed and delivered in the presence  
of the following witnesses:

**AVALON REAL ESTATE LIMITED  
LLC**, a Delaware limited liability  
company, f/k/a CORE REAL ESTATE  
LIMITED LLC, a Delaware limited  
liability company

  
\_\_\_\_\_  
Print Name: Landon Jensen

  
\_\_\_\_\_  
Print Name: Diego Ruiz

By: European Investment Management  
Services, Inc., a Delaware  
corporation, its Manager

By:   
\_\_\_\_\_  
Print Name: Robert S. Mautner  
Title: Vice President

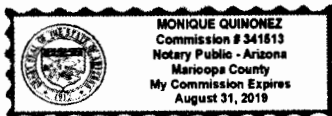
STATE OF ARIZONA

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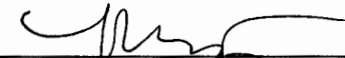
ACKNOWLEDGEMENT

COUNTY OF MARICOPA

The foregoing instrument was acknowledged before me on this 14 day of February, 2017, by Robert S. Mautner as Vice President of European Investment Management Services, Inc., a Delaware corporation, the Manager of **AVALON REAL ESTATE LIMITED LLC**, a Delaware limited liability company, f/k/a Core Real Estate Limited LLC, a Delaware limited liability company, on behalf of the company. He is [ ] personally known to me or ☒ has produced AZ drivers license identification.



[SEAL]

  
\_\_\_\_\_  
Notary Public, State of Arizona  
Print Name: Monique Quinonez  
Commission No.: 341513  
My commission expires: 8/31/2019

[Exhibits follow]

## EXHIBIT "A"

### Legal Description

#### SKETCH OF DESCRIPTION

SHEET 1 OF 2

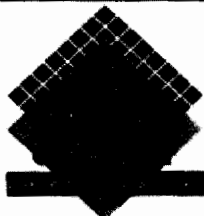
#### LEGAL DESCRIPTION ( Pond Tract ).

A parcel of land comprising a portion of Section 32, Township 23 South, Range 27 East, Orange County, Florida.

Being more particularly described as follows:

COMMENCE at the West 1/4 corner of aforesaid Section 32; thence run South 00°10'39" West along the West line of the Northwest 1/4 of the Southwest 1/4 of said Section 32 for a distance of 1320.94 feet to the Southwest corner of said Northwest 1/4 of the Southwest 1/4 of said Section 32; thence run North 89°43'31" East along the South line of said Northwest 1/4 of the Southwest 1/4 of Section 32 for a distance of 746.15 feet; thence departing said South line run North 00°16'29" West for a distance of 30.00 feet to a point on the Northerly right-of-way line of Old YMCA Road as recorded in Deed Book 460, Page 241 of the Public Records of Orange County, Florida, also being a point on the Easterly limited access right-of-way line of State Road 429 per Official Records Book 7300, Page 1028 as corrected by Official Records Book 7311, Page 462, all of the Public Records of Orange County, Florida; thence run North 31°29'30" West along said Easterly limited access right-of-way line for a distance of 254.63 feet; thence departing said Easterly limited access right-of-way line run North 89°43'31" East for a distance of 406.20 feet to a point on a line parallel with and 54.00 feet West of the Westerly right-of-way line of Avalon Road according to Florida Department of Transportation Right-of-Way Map Section 751110 and per Deed Book 402, Page 351 of aforesaid Public Records; thence run South 09°09'09" West for a distance of 220.74 feet to a point on aforesaid Northerly right-of-way line of Old YMCA Road; thence run South 89°43'31" West for a distance of 238.07 feet to the POINT OF BEGINNING.

Contains 1.61 acres more or less.



16 East Plant Street  
Orlando, Florida 32817 • (407) 854-3333

#### SURVEYOR'S NOTES:

THIS IS NOT A SURVEY.

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32-23-27 BEING AN ASSUMED BEARING OF 500°01'30"W FOR ANGULAR DESIGNATION ONLY.

JOB NO. 20140240

DATE: 6-1-2015

SCALE: 1" = 200 FEET

FIELD BY: N/A

CALCULATED BY: JLR

DRAWN BY: PJR

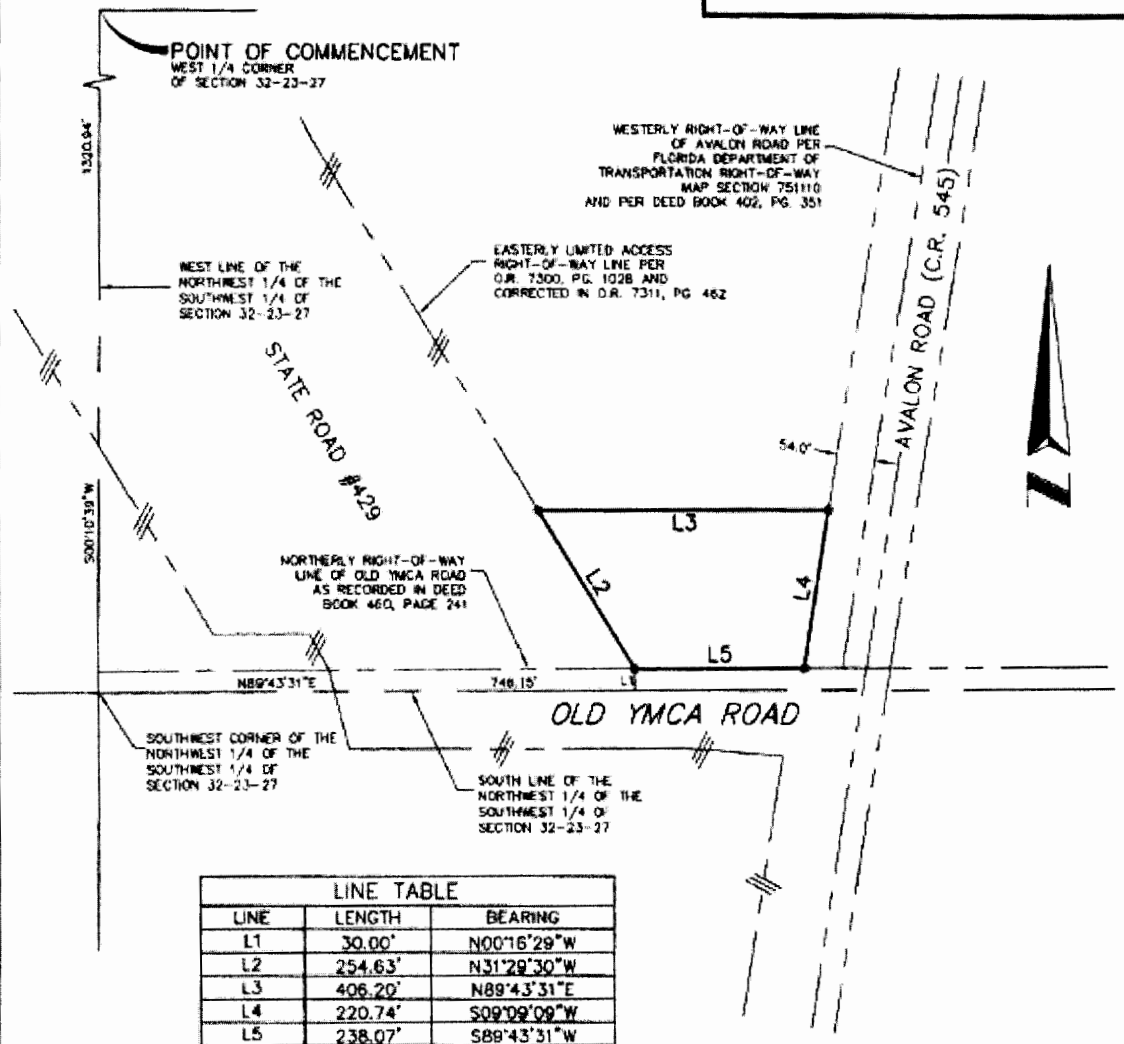
CHECKED BY: GT

FOR THE LICENSED BUSINESS: # 5723 BY:

JAMES E. MCCORMAN P.S.M. # 5633

# SKETCH OF DESCRIPTION

SHEET 2 OF 2  
POND TRACT



16 East Plant Street  
Tallahassee, Florida 32304-1000

THIS IS NOT A SURVEY:

• DENOTES CHANGE IN DIRECTION  
R/W DENOTES RIGHT-OF-WAY  
C DENOTES CENTERLINE  
P.C. DENOTES POINT OF CURVATURE  
P.T. DENOTES POINT OF TANGENCY  
P.R.C. DENOTES POINT OF REVERSE CURVATURE  
P.C.C. DENOTES POINT OF COMPOUND CURVATURE

JLR  
Rev 8/11/15

JOB NO. 20140240

DATE 6-1-2015

SCALE 1" = 200 FEET

FIELD BY: N/A

CALCULATED BY: JLR

DRAWN BY: PJR

CHECKED BY: GT