



Interoffice Memorandum

April 4, 2017

TO: Mayor Teresa Jacobs  
and Board of County Commissioners

FROM: Mark V. Massaro, P. E., Director, Public Works Department

CONTACT PERSON: John Klimovitch, P.E., County Traffic Engineer  
Traffic Engineering Division

PHONE NUMBER: (407) 836-7803

SUBJ: Braemar/Gotha Homeowner's Association, Inc., Agreement for Traffic Control Devices

Submitted for approval and execution is an agreement by Braemar/Gotha Homeowner's Associations, Inc., (the Association) in favor of Orange County. This Hold Harmless Agreement was initiated by the Association.

The Association will install decorative street name and traffic control signposts in lieu of the standard street name and traffic control signposts that would normally be provided by the County. The Association is capable of assuming the responsibility, liability, and maintenance of the decorative street name and traffic control signposts as defined in the agreement.

Staff recommends approval and execution of the agreement between the Association and Orange County to maintain decorative street name and traffic control signposts. This agreement has been approved as to form by the County Attorney's Office and the Risk Management Division.

**Action Requested: Approval and execution of First Amendment to the Homeowner's Association Agreement for Braemar/Gotha Subdivision Traffic Control Devices by Braemar/Gotha Homeowner's Association, Inc., and Orange County, Florida that provides for the Association to maintain decorative street name and traffic control signposts. District 1.**

MVM/JK/LC/nad

Attachments

BCC Mtg. Date: April 25, 2017

Prepared by and return to:  
Traffic Engineering Division  
4200 S. John Young Parkway  
Orlando, Florida 32839

**FIRST AMENDMENT TO THE  
HOMEOWNER'S ASSOCIATION AGREEMENT FOR  
BRAEMAR/GOTHA SUBDIVISION  
TRAFFIC CONTROL DEVICES**

This is the First Amendment to an August 14, 2007 Agreement entered into by **Braemar/Gotha Homeowner's Association, Inc.**, a Florida not-for-profit corporation (hereafter the "Association"), and **Orange County, Florida**, a charter county and political subdivision of the State of Florida (hereinafter the "County"),

**RECITALS**

**WHEREAS**, on August 14, 2007 the Association and the County entered into an Agreement concerning traffic control devices, which is recorded at Official Records Book 09420, Pages 0395, *et seq.*;

**WHEREAS**, the Association is the duly created property owner's association for the Braemar/Gotha subdivision plats described at **Exhibit "A"** to the August 14, 2007 Agreement, and made a part thereof (the "Property");

**WHEREAS**, the Association and the County entered into the August 14, 2007 Agreement after the Association informed the County that it desired to install decorative street name and traffic control signposts in lieu of the standard street name and traffic control signposts that would normally be provided by the County (the "Improvements");

**WHEREAS**, when the Association and the County entered into the August 14, 2007

Agreement, the parties recognized that the Improvements might encroach on certain public and private rights of way as shown on the Braemar/Gotha plat recorded at Plat Book 67, Pages 21 through 22, attached as **Exhibit "A"** to the August 14, 2007, Agreement;

**WHEREAS**, when the Association and the County entered into the August 14, 2007 Agreement, the parties also recognized that the Association freely desired to and was capable of assuming the responsibility and liability for installing and maintaining the Improvements;

**WHEREAS**, the Association now desires to amend the August 14, 2007 Agreement, by enlarging the "Property" described in **Exhibit "A"** to the August 14, 2007 Agreement by adding the Braemar/Gotha subdivision plats described at **Exhibit "A"** to this First Amendment; and

**WHEREAS**, the Association is the duly created property owner's association for the Braemar/Gotha subdivision plats described at **Exhibit "A"** to this First Amendment.

**NOW, THEREFORE**, in consideration of the terms and conditions of the August 14, 2007 Agreement and this First Amendment, the parties declare as follows:

1. **RECITALS.** The foregoing recitals are true and correct and form a material part of this First Amendment.

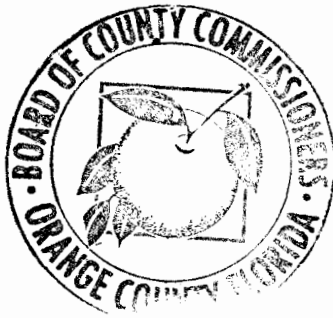
2. **FIRST AMENDMENT.** The Property that is subject to the terms and conditions of the August 14, 2007 Agreement shall henceforth be described as the Braemar/Gotha subdivision plats described at both **Exhibit "A"** to the August 14, 2007 Agreement and **Exhibit "A"** to this First Amendment. Accordingly, the Association may install Improvements on certain public and private rights of way as shown on the plats listed in not only **Exhibit "A"** to the August 14, 2007 Agreement but also **Exhibit "A"** to this First Amendment. Except as expressly amended by this First Amendment, all the terms and conditions of the August 14, 2007

Agreement shall continue to remain in full force and effect.

3. **RECORDING.** This First Amendment shall be recorded at the Association's expense in the Official Records of Orange County, Florida within 30 days of the Effective Date. This First Amendment shall run with the Property described at both **Exhibit "A"** to the August 14, 2007 Agreement and **Exhibit "A"** to this First Amendment, and shall be enforceable against the parties, the grantees of any or all of the Property, or their successors and assigns in interest.

4. **EFFECTIVE DATE.** This First Amendment shall become effective upon the date of execution by the County or upon the date of execution by the Association, whichever occurs later.

*[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]*



**ORANGE COUNTY, FLORIDA**

By: Board of County Commissioners

By: *Teresa Jacobs*  
Teresa Jacobs, County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Phil Diamond*  
Deputy Clerk

**BRAEMAR/GOTHA HOMEOWNERS  
ASSOCIATION, INC.**

WITNESSES:

*Julie R. Lalan*  
Signature

Julie R. Lalan  
Print Name

*Dawn K. Kimler*  
Signature

Dawn K. Kimler  
Print Name

By: *David S. Carus*

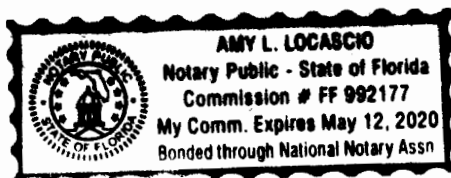
Print Name: David S. Carus

Title: President

Date: March 30, 2017

**STATE OF FLORIDA  
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of March, 2017,  
by David S. Carus, as President, of  
Braemar/Gotha Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of  
said corporation. He/She is personally known to me.



By: *Amy L. Locascio*  
Print Name: Amy L. Locascio  
Notary Public Commission Stamp

My Commission Expires: 5/12/2020

## Exhibit "A"

Braemar/Gotha – Plat Book 80, Pages 122 through 124 and Plat Book 82, Pages 95 through 96.

All in the Public Records of Orange County, Florida