



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

**DATE:** July 12, 2017

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

**THROUGH:** Paul Sladek, Manager *PS*  
Real Estate Management Division

**FROM:** Jeffrey L. Sponenburg, Senior Title Examiner *JLS*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

**DIVISION:** Real Estate Management  
Phone: (407) 836-7090

**ACTION REQUESTED:** APPROVAL OF AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN ORANGE COUNTY PUBLIC WORKS DEPARTMENT AND ORANGE COUNTY UTILITIES DEPARTMENT, APPROVAL AND EXECUTION OF CORRECTIVE NOTICE OF RESERVATION AND AUTHORIZATION TO TRANSFER FUNDS FROM PUBLIC WORKS DEPARTMENT TO UTILITIES DEPARTMENT AND DISBURSE FUNDS TO PAY RECORDING FEES AND RECORD INSTRUMENT

**PROJECT:** Alafaya Trail (West of Broadhaven Boulevard and East of Northampton Avenue)  
  
District 4

**PURPOSE:** To provide for access, construction, operation, and maintenance of road improvements.

**ITEMS:** Amendment to Memorandum of Understanding  
Cost/Revenue: \$3,600.00  
Size: 28,000 square feet

Corrective Notice of Reservation  
Size: 28,000 square feet

**BUDGET:** Account No.: 1023-072-5062-6110

**REVENUE:** Account No.: 4420-038-1300-6410

**FUNDS:** \$18.50 Payable to Orange County Comptroller  
(recording fees)

\$3,600.00 Transfer from Public Works Department to Utilities  
Department

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Public Works Department  
Utilities Department

**REMARKS:** On December 3, 2010, Orange County Public Works Department ("OCPW") and Orange County Utilities Department ("OCU") entered into a Memorandum of Understanding ("MOU") providing for the transfer of property from OCU to OCPW for use as road right-of-way. The MOU required OCPW to compensate OCU for the value of property that was transferred ("Property"), which was determined to be \$50,000 based on a fee appraisal. A Notice of Reservation ("Notice") was approved by the Board of County Commissioners on May 10, 2011, and recorded to reflect this transfer of interest.

It was recently discovered that the MOU and the Notice contained an error in the legal description of the Property and only contained 26,118 square feet. The correct size of the property is 28,000 square feet, which is 1,882 square feet larger than was described ("Additional Area"). The Amendment to MOU requires OCPW to compensate OCU an additional \$3,600 for the Additional Area being transferred. The Corrective Notice of Reservation will be recorded to reflect the correct transfer of interest.

# REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: June 7, 2017

Amount: \$18.50

Project: Alafaya Trail (West of Broadhaven Boulevard  
and East of Northampton Avenue)

Parcels: N/A

Charge to Account: 1023-072-5062-6110

6/15/17

Controlling Agency Approval:

Fiscal Approval:

TYPE TRANSACTION (Check appropriate block(s))

Pre-Condernation

Post-Condernation

XX N/A

District # 4

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

Name:  
\$18.50 - Orange County Comptroller

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Contract/Agreement
- X Copy of Instrument
- Certificate of Value
- Settlement Analysis

Payable to: \$18.50 Orange County Comptroller

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

Recommended by Jeffrey L. Spollenburg, Senior Title Examiner

June 7, 2017

Date

Payment Approved Paul Sladek, Assistant Manager

6/8/17

Date

Under Ordinance Approved by Assistant Manager, Real Estate Management Division

Date

Certified Approved by BCC Deputy Clerk to the Board

JUL 18 2017

Date

Examined/Approved Comptroller/Government Grants

Check No. / Date

REMARKS:

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

JUL 18 2017

JUL 18 2017

**AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING FOR REAL ESTATE  
TRANSACTIONS RELATED TO THE ACCESS IMPROVEMENTS TO ALAFAYA  
TRAIL IN VICINITY OF BROADHAVEN BOULEVARD BETWEEN ORANGE COUNTY  
PUBLIC WORKS DEPARTMENT AND ORANGE COUNTY UTILITIES DEPARTMENT**

This is the first Amendment to the Memorandum of Understanding ("Amendment") entered into between Orange County Public Works Department ("OCPW") and Orange County Utilities Department ("OCU"), collectively the "Parties".

**RECITALS:**

WHEREAS, on December 3<sup>rd</sup> 2010, OCPW and OCU entered into a memorandum of understanding ("MOU") concerning real estate transactions related to the access improvements to Alafaya Trail in the vicinity of Broadhaven Boulevard; and

WHEREAS, as a result of the MOU, Orange County recorded a notice of reservation ("Notice") on May 20, 2011, reserving a transportation corridor ("Property") in perpetuity; and

WHEREAS, the MOU required OCPW to compensate OCU for the value of the Property in accordance with the Bond Resolution and the Property was determined to be valued at \$50,0000.00 based on a fee appraisal; and

WHEREAS, it was recently discovered that there is an error in the legal description of the original Notice; and

WHEREAS, the correct size of the Property is 1,882 square feet larger than described in the original Notice; and

WHEREAS, the Parties desire to amend the original MOU to include the correct legal description for the Property; and

WHEREAS, a Corrective Notice of Reservation will be submitted to the Board of County Commissioners for approval; and

WHEREAS, the Parties agree that OCU will be compensated for the additional area reserved in the Corrective Notice of Reservation.

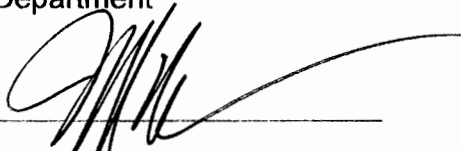
NOW, THEREFORE in consideration of the mutual terms and conditions, promises, covenants hereinafter set forth, the Parties agree to amend the MOU subject to the terms and conditions recited below.

Section 1: The Parties agree to replace Exhibit A to the MOU with the legal description contained in Schedule A, attached hereto.

Section 2: OCPW agrees to compensate OCU an additional \$3,600.00 for the additional area reserved in the Corrective Notice of Reservation.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment on the respective dates under each signature.

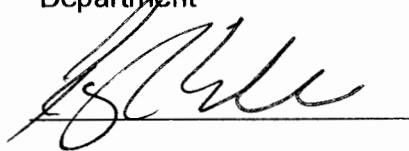
Orange County Public Works  
Department



Mark V. Massaro, PE  
Director

5/17/17  
Date

Orange County Utilities  
Department



Raymond E. Hanson  
Director

5-31-17  
Date

# Sketch of Description

## Morgan/OCU Land Purchase

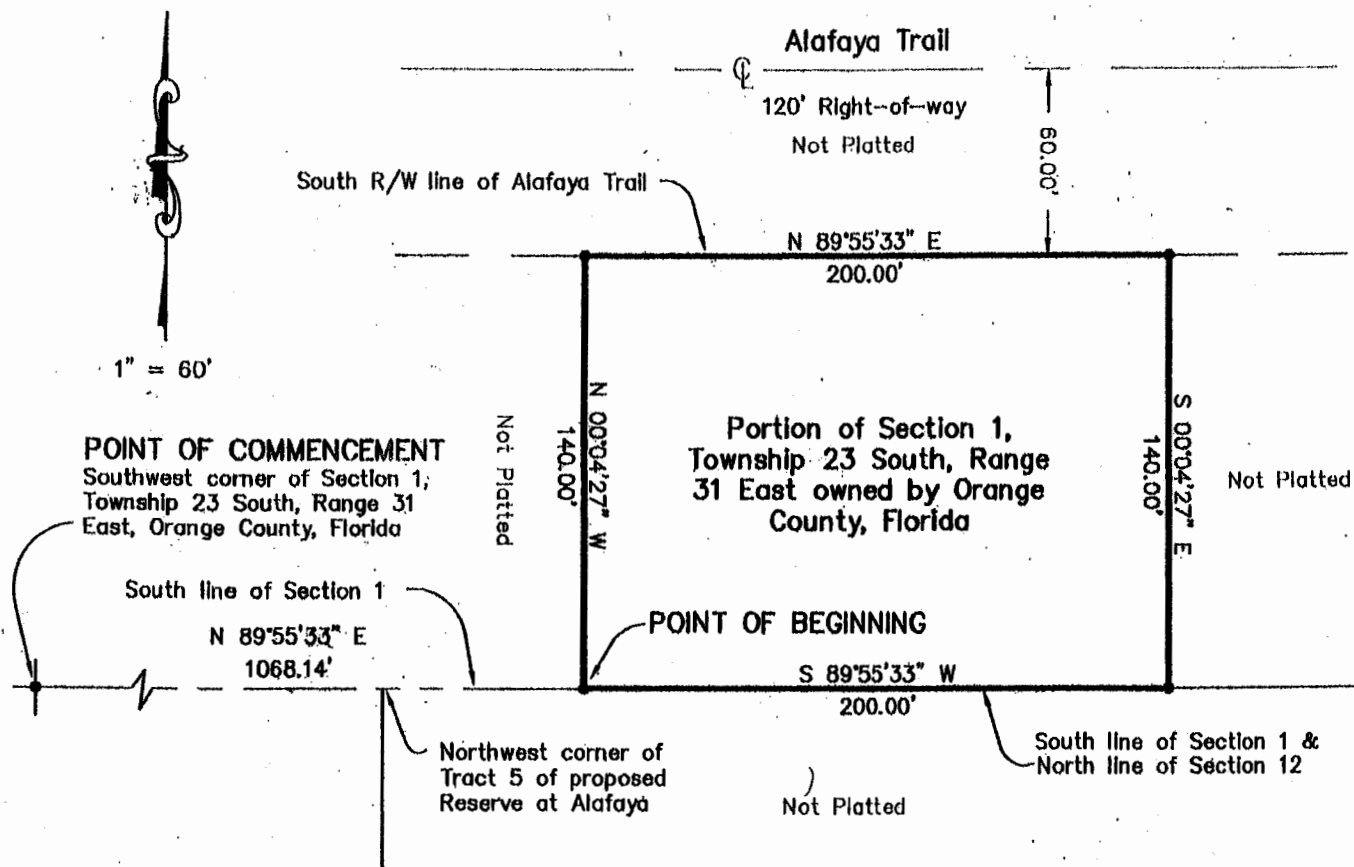
### Property Description

### Schedule "A"

A portion of land lying in Section 1, Township 23 South, Range 31 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 1, then North 89°55'33" East, along the South line of said Section 1, a distance of 1068.14 feet to the POINT OF BEGINNING; thence North 00°04'27" West a distance of 140.00 feet to the South right-of-way line of Alafaya Trail; thence North 89°55'33" East, along said South right-of-way line, a distance of 200.00 feet; thence South 00°04'27" East a distance of 140.00 feet to the South line of said Section 1; thence South 89°55'33" West, along the South line of said Section 1, a distance of 200.00 feet to the POINT OF BEGINNING.

Contains 28,000 square feet or 0.643 acres, more or less.



### Surveyor's Report

1. THIS IS NOT A SURVEY. The legal description and dimensions are based on information provided by the client.
2. Bearings shown hereon are based on the South line of Section 1, Township 23 South, Range 31 East being assumed as North 89°55'33" East.
3. This sketch is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
4. • - denotes change of direction



**Benchmark Surveying & Mapping, LLC**  
Certificate of Authorization Number - LB 7874

Post Office Box 771065, Winter Garden, Florida 34777-1065  
3110 Red Fox Run, Kissimmee, Florida 34746  
(407) 654-6183 [www.benchmarksurveyingandmapping.com](http://www.benchmarksurveyingandmapping.com)

76101 access

Project #

8/10/16

Date

Prepared by: Billy Joe Jenkins, Jr. and  
Orange County, Florida

Prepared by: *Billy Joe Jenkins, Jr.*  
Billy Joe Jenkins, Jr., F.S.M. # 5205

JUL 18 2017

Project: Alafaya Trail (West of Broadhaven Boulevard  
and East of Northampton Avenue)

Property Appraiser's Parcel Identification Numbers:  
01-23-31-0000-00-025 and a portion of  
01-23-31-0000-00-026

**CORRECTIVE NOTICE OF RESERVATION**

**WHEREAS**, ORANGE COUNTY, a charter county and political subdivision of the State of Florida, caused to be recorded that certain Notice of Reservation reserving a transportation corridor in perpetuity, which was approved by the Board of County Commissioners on May 10, 2011, recorded on May 20, 2011, in Official Records Book 10216, Page 7984, Public Records of Orange County, Florida (referred to herein as the "Notice"); and

**WHEREAS**, ORANGE COUNTY wishes to correct that Notice due to a scrivener's error in Schedule "A" attached thereto.

**NOW THEREFORE**, ORANGE COUNTY hereby corrects the legal description in Schedule "A" of the aforementioned Notice by replacing such Schedule "A" of the Notice with the Schedule "A" attached hereto and incorporated herein.

ORANGE COUNTY shall retain its right of way and appurtenant interests despite any transfer of fee title.

Dated at Orlando, Florida this \_\_\_\_\_ day of JUL 18 2017, 20\_\_\_\_.

IN WITNESS WHEREOF, the said COUNTY has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)

ORANGE COUNTY, FLORIDA  
By Board of County Commissioners

BY:

*Teresa Jacobs*  
Teresa Jacobs

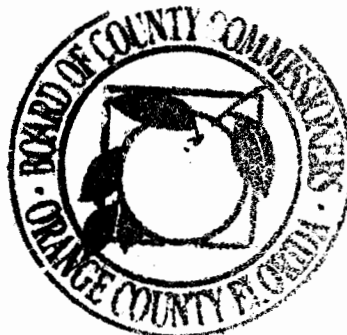
Orange County Mayor

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

BY:

*Craig A. Stopyta*  
for Deputy Clerk

*Craig A. Stopyta*  
Printed Name



**This instrument prepared by:**  
Jeffrey L. Sponenburg, a staff employee  
in the course of duty with the Real Estate  
Management Division of Orange County, Florida

# Sketch of Description

## Morgan/OCU Land Purchase

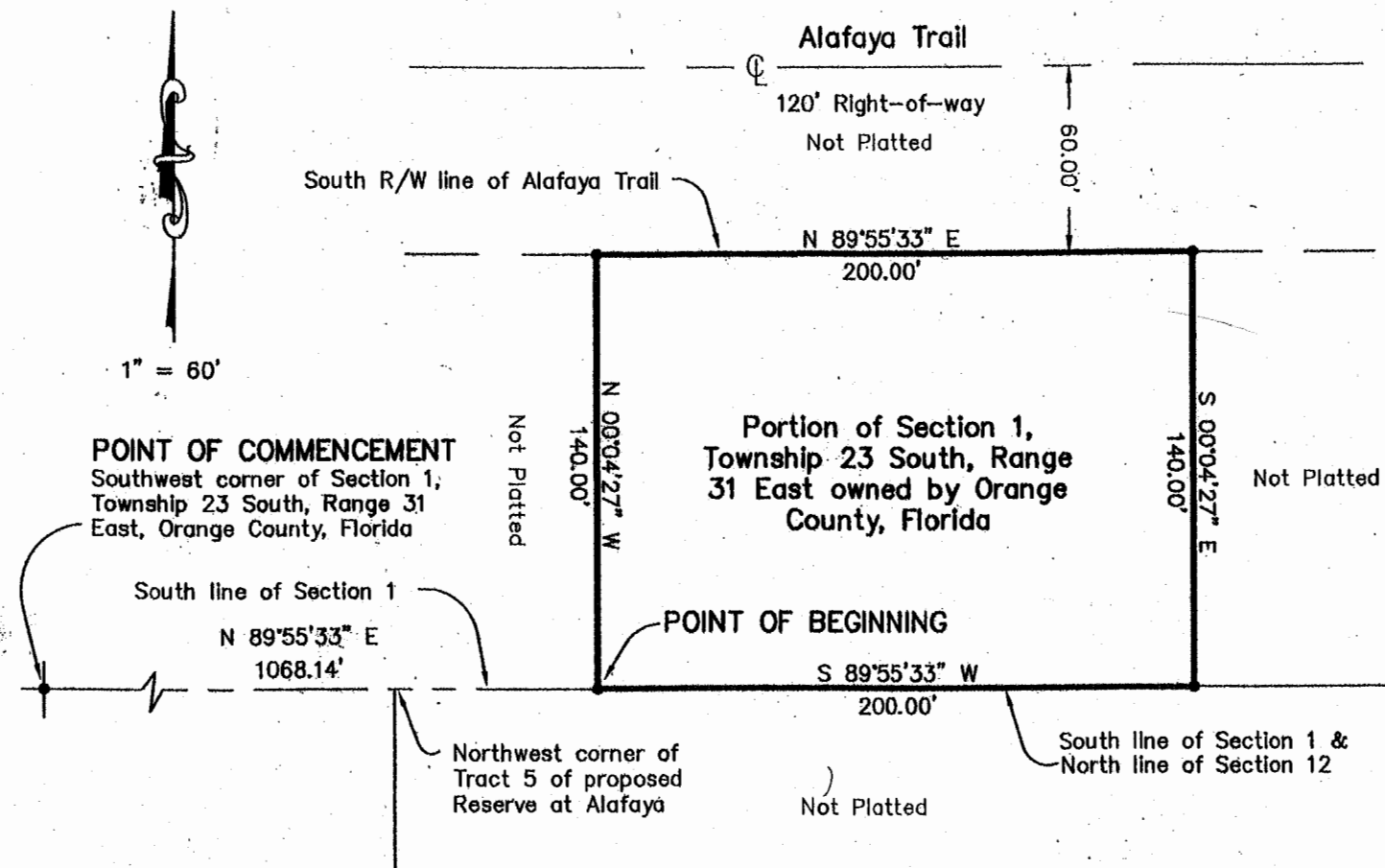
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Project #

8/10/16

Date

Prepared by Morgan Holdings, LLC and  
Orange County, Florida  
Prepared by  
Billy Joe Jenkins, Jr., PSM # 5205