



Interoffice Memorandum

June 21, 2017

TO: Mayor Teresa Jacobs  
and Board of County Commissioners

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

CONTACT PERSON: Christine N. Lofye, P.E., Acting Manager  
Traffic Engineering Division

PHONE NUMBER: (407) 836-7894

SUBJ: **Third Amendment to the Homeowner's Association Agreement for Orchard Hills Subdivision Traffic Control Devices**

Submitted for approval and execution is a third amendment to an agreement by Orchard Hills Homeowners Association, Inc. (the Association) in favor of Orange County. This Hold Harmless Agreement was initiated by the Association.

The Association has installed 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 Third Amendment to the Homeowner's Association Agreement for Orchard Hills Subdivision Traffic Control Devices by Orchard Hills Homeowners' Association, Inc. and Orange County, Florida that provides for the Association to maintain decorative street name and traffic control signposts. District 1.**

MVM/CNL/LC/nad

Attachments

BCC Mtg. Date: Aug. 1, 2017

Prepared by and return to:  
Traffic Engineering Division  
4200 John Young Parkway  
3<sup>rd</sup> Floor  
Orlando, Florida 32839

**THIRD AMENDMENT TO THE  
HOMEOWNER'S ASSOCIATION AGREEMENT FOR  
ORCHARD HILLS SUBDIVISION  
TRAFFIC CONTROL DEVICES**

This is the Third Amendment to an April 8, 2014 Agreement entered into by **Orchard Hills Homeowners' 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**, the Association is the duly created property owner's association for the Orchard Hills subdivision, which is being developed in multiple phases and is generally located east of Tiny Road and south of State Road 429; and

**WHEREAS**, on April 8, 2014, the Association and the County entered into an agreement concerning traffic control devices in Phase 1 of the subdivision (hereinafter, the "Agreement"), which Agreement is recorded at Orange County Official Records Book 10737, Pages 4970, *et seq.*; and

**WHEREAS**, the Association and the County entered into the Agreement in order to allow the Association to install decorative street name and traffic control signposts in lieu of standard street name and traffic control signposts (hereinafter, the "Improvements"), and to provide that the Association would assume the responsibility and liability for installing and

maintaining the Improvements at all times; and

**WHEREAS**, the Agreement was amended on June 30, 2015 (“First Amendment”) in order to bring Phase 2 of the Orchard Hills subdivision within the scope of the Agreement, with the First Amendment being recorded at Orange County Official Records Book 10977, Page 867, *et seq.*; and

**WHEREAS**, the Agreement was amended on April 5, 2016 (“Second Amendment”) in order to bring Phase 3 of the Orchard Hills subdivision within the scope of the Agreement, with the Second Amendment being recorded in Orange County Official Records as Document Number 20160274659; and

**WHEREAS**, the Association now desires to enter into a third amendment to the Agreement in order to bring Phase 4 of the Orchard Hills subdivision within the scope of the Agreement (hereinafter, “Third Amendment”); and

**WHEREAS**, the Association is the duly created property owner’s association for the Orchard Hills Phase 4 subdivision plat described in **Exhibit “A”** to this Third Amendment.

**NOW, THEREFORE**, in consideration of the foregoing and of the terms and conditions set forth herein, the parties agree as follows:

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

2. **THIRD AMENDMENT.** The parties hereby agree that the subdivision plat described in **Exhibit “A”**, attached hereto and incorporated herein, shall be subject to the terms and conditions of the Agreement, and the real property that is subject to the terms and conditions

of the Agreement shall henceforth be described as the Orchard Hills Phases 1 through 4 subdivision plats described at **Exhibit "A"** to the Agreement, First Amendment, Second Amendment and this Third Amendment. Accordingly, the Association may install Improvements on certain public and private rights of way within the Orchard Hills Phases 1 through 4 subdivision plats. Except as expressly amended by the First Amendment, Second Amendment, and this Third Amendment, all the terms and conditions of the Agreement shall continue to remain in full force and effect.

**3. RECORDING.** This Third 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 Third Amendment shall run with the Property described at **Exhibit "A"** to the Agreement, as amended, 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 Third 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.]*

Third Amendment to the Agreement Between Orchard Hills Homeowners Association, Inc. and Orange County for Subdivision Traffic Control Devices



**ORANGE COUNTY, FLORIDA**

By: Board of County Commissioners

By: *Teresa Jacobs*  
Teresa Jacobs  
Orange County Mayor

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


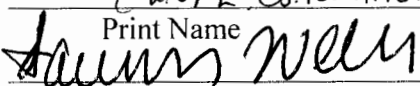
By: *Katie Smith*  
Deputy Clerk


Print Name: Katie Smith

Third Amendment to the Agreement Between Orchard Hills Homeowners Association, Inc. and Orange County for Subdivision Traffic Control Devices

ORCHARD HILLS HOMEOWNERS'  
ASSOCIATION, INC.

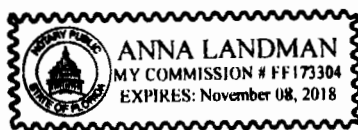
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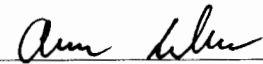
  
Signature  
Carol L. Concannon  
Print Name  
  
Signature  
Savannah Webb  
Print Name

By:   
Print Name: John L Webb  
Title: V.P.  
Date: 6/14/17, 2017

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14 day of June, 2017, by John L. Webb, as V. P., of Orchard Hills Homeowners' Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation. He/She is personally known to me.



By:   
Print Name: Anna Landman  
Notary Public Commission Stamp  
My Commission Expires: 11/8/18

## **Exhibit “A”**

Orchard Hills Phase 4 Subdivision recorded in Plat Book 91, Pages 129-133, Official Records of Orange County, Florida