



Interoffice Memorandum

July 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: **First Amendment to the Lakeshore Preserve Community Homeowners Association, Inc. Agreement for Traffic Control Devices**

Submitted for approval and execution is a first amendment to an agreement by Lakeshore Preserve Community 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 First Amendment to the Homeowner's Association Agreement for Lakeshore Preserve Subdivision Traffic Control Devices by Lakeshore Preserve Community 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/nad

Attachments

BCC Mtg. Date: August 22, 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
LAKESHORE PRESERVE SUBDIVISION
TRAFFIC CONTROL DEVICES**

This is the First Amendment to a January 5, 2016 Agreement entered into by **Lakeshore Preserve Community Homeowners Association, Inc.**, a Florida not-for-profit corporation (hereinafter the "Association"), and **Orange County, Florida**, a charter county and political subdivision of the State of Florida (hereinafter the "County").

RECITALS

WHEREAS, on January 5, 2016, the Association and the County entered into an Agreement concerning traffic control devices, which is recorded in the Official Records of Orange County, Florida as Document #20160053161 (hereinafter, "January 5, 2016 Agreement");

WHEREAS, the Association is the duly created property owner's association for the Lakeshore Preserve Phase 1 subdivision plat described at **Exhibit "A"** to the January 5, 2016 Agreement, and made a part thereof (the "Property");

WHEREAS, the Association and the County entered into the January 5, 2016 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 January 5, 2016 Agreement, the parties recognized that the Improvements might encroach on certain public rights of way as shown on the Lakeshore Preserve Phase 1 plat, recorded at Plat Book 87, Pages 46 through 55, and attached as **Exhibit "A"** to the January 5, 2016 Agreement;

WHEREAS, when the Association and the County entered into the January 5, 2016 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 January 5, 2016 Agreement, by enlarging the "Property" described in **Exhibit "A"** to the January 5, 2016 Agreement by adding the Lakeshore Preserve Phase 2 subdivision plat property described at **Exhibit "A"** to this First Amendment; and

WHEREAS, the Association is the duly created property owner's association for the Lakeshore Preserve Phase 2 subdivision plat described at **Exhibit "A"** to this First Amendment.

NOW, THEREFORE, in consideration of the terms and conditions of the January 5, 2016 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 January 5, 2016 Agreement shall henceforth be described as the Lakeshore Preserve Phase 1 and Lakeshore Preserve Phase 2 subdivision plats described at both **Exhibit "A"** to the January 5, 2016 Agreement **and Exhibit "A"** to this First Amendment, respectively. Accordingly, the Association may install Improvements on certain public rights of way as shown on

the plats listed in not only **Exhibit "A"** to the January 5, 2016 Agreement but also **Exhibit "A"** to this First Amendment. Except as expressly amended by this First Amendment, all the terms and conditions of the January 5, 2016 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 January 5, 2016 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: Katie Smart
Deputy Clerk



LAKESHORE PRESERVE
COMMUNITY HOMEOWNERS'
ASSOCIATION, INC.

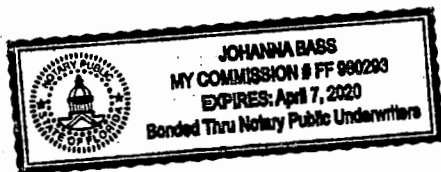
WITNESSES:

Mark McIntosh
Signature
Mark McIntosh
Print Name
Johanna Bass
Signature
Johanna Bass
Print Name

By: Brian O'Hara
Print Name: Brian O'Hara
Title: President
Date: June 13, 2017

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 13 day of June, 2017, by Brian O'Hara, as President, of Lakeshore Preserve Community Homeowners' Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation. He/She is personally known to me.



By: Johanna Bass
Print Name: Johanna Bass
Notary Public Commission Stamp

My Commission Expires: April 7th 2020

Exhibit "A"

Lakeshore Preserve Phase 2 recorded in Plat Book 89 Pages 50-55.

The Public Records of Orange County, Florida