





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: August 16, 2017

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager 
Real Estate Management Division

FROM: Monica Hand, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL AND EXECUTION OF AMENDMENT TO
INGRESS/EGRESS AGREEMENT BETWEEN PRINCIPAL ONE, LLC
AND ORANGE COUNTY AND AUTHORIZATION TO DISBURSE
FUNDS TO PAY ALL RECORDING FEES AND RECORD
INSTRUMENT

PROJECT: Fairvilla Park Outfall

District 5

PURPOSE: To amend the terms of an existing easement agreement to accommodate
planned stormwater improvements.

ITEM: Amendment to Ingress/Egress Agreement
Cost/Revenue: None
Released Area: 4,375 square feet

BUDGET: Account No.: 1023-072-2753-6110

FUNDS: \$36.20 Payable to Orange County Comptroller
(all recording fees)

APPROVALS: Real Estate Management Division
County Attorney's Office
Stormwater Management Division

REMARKS: On March 12, 2015, the County purchased a site at 2720 Taft Avenue (the "Site") to construct a pond for water quality and flood reduction. After purchase of the Site and during design, it was determined that some of the terms of an existing Ingress/Egress Agreement (the "Existing Agreement"), including the joint use driveway and maintenance obligations of the Existing Agreement, would need to be amended to accommodate construction and maintenance of the planned stormwater improvements. This Amendment to Ingress/Egress Agreement amends the Existing Agreement as required by the County.

REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 07/27/17

Amount: \$36.20

Project: Fairvilla Park Outfall

Charge to Account # 1023-072-2753-6110

Controlling Agency Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block{s})

Pre-Condemnation

Post-Condemnation

X N/A

District #5

Acquisition at Approved Appraisal

Acquisition at Below Approved Appraisal

Acquisition at Above Approved Appraisal

X Advance Payment Requested (recording fees)

Name:

DOCUMENTATION ATTACHED (Check appropriate block{s})

Contract/Agreement

X Copy of Executed Instruments

Certificate of Value

Settlement Analysis

Payable to: Orange County Comptroller

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

Recommended by

Monica Hand, Sr. Title Examiner

Date

Payment Approved

Paul Sladek, Manager

Date

Under Ordinance

Approved by

Assistant Manager, Real Estate Management Division

Date

Certified

Approved by BCC for Deputy Clerk to the Board

Date

Examined/Approved

Comptroller/Government Grants

Check No. / Date

REMARKS:

To be recorded as soon as possible after BCC approval.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 29 2017

REQUEST FOR FUNDS FOR LAND ACQUISITION

☒ Under BCC Approval

☐ Under Ordinance Approval

Date: 07/27/17

Amount: \$36.20

Project: Fairvilla Park Outfall

Charge to Account # 1023-072-2753-6110

Richard J. [Signature]
Controlling Agency Approval

7/27/17
Date

[Signature]
Fiscal Approval

7/27/17
Date

TYPE TRANSACTION (Check appropriate block(s))

☐ Pre-Condemnation ☐ Post-Condemnation ☒ N/A

District #5

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

Name:

DOCUMENTATION ATTACHED (Check appropriate block(s))

- ☐ Contract/Agreement
☒ Copy of Executed Instruments
☐ Certificate of Value
☐ Settlement Analysis

Payable to: Orange County Comptroller

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

Recommended by *Monica Hand*
 Monica Hand, Sr. Title Examiner

7/26/17
Date

Payment Approved *Paul Sladek*
 Paul Sladek, Manager

7/26/17
Date

Under Ordinance
 Approved by Assistant Manager, Real Estate Management Division

 Date

Certified
 Approved by BCC Deputy Clerk to the Board

 Date

Examined/Approved
 Comptroller/Government Grants

 Check No. / Date

REMARKS:

To be recorded as soon as possible after BCC approval.

AMENDMENT TO INGRESS/EGRESS AGREEMENT

This is an Amendment made this 21 day of June, 2017, between **Principal One, LLC**, and **Orange County, Florida**, a charter county and political subdivision of the **State of Florida ("County")**, to the Ingress/Egress Agreement made May 24, 2000, between Rene Fernandez and Maria R. Fernandez, his wife ("Fernandezes") and Wallace C. Beitzl, Sr., and Margaret M. Beitzl, his wife (Beitzls"), recorded at O.R. Book 6017, Pages 569-571:

Whereas, on May 24, 2000, the Fernandezes owned and had title to the real estate located in Orange County, Florida, described as follows:

Lot 13, Block J, Fairvilla Park, according to the Plat thereof as recorded in Plat Book L, Page 115, Public Records of Orange County, Florida;

Whereas, Principal One, LLC is the Fernandezes' successor in title to the above referenced Lot 13;

Whereas, on May 24, 2000, the Beitzls owned and had title to the real estate located in Orange County, Florida, described as follows:

Lot 14, Block J, Fairvilla Park, according to the Plat thereof as recorded in Plat Book L, Page 115, Public Records of Orange County, Florida;

Whereas, the County is the Beitzls' successor in title to the above referenced Lot 14;

Whereas, those Lots 13 and 14 are adjacent to each other so that the south lot line of Lot 13 is the same as the north lot line of Lot 14;

Whereas, in the May 24, 2000, Ingress/Egress Agreement, the Fernandezes and the Beittls agreed to grant each other reciprocal easements or right of way along such adjoining lot line;

Whereas, due to changed circumstances, Principal One, LLC, and the County desire to amend the May 24, 2000 Ingress/Egress Agreement.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) paid by each party to the other, receipt of which is hereby acknowledged, the mutual covenants, conditions, and stipulations contained herein, and other good and valuable consideration, the parties hereto agree to amend the May 24, 2000 Ingress/Egress Agreement to read as follows:

1. Paragraph 1 of the Ingress/Egress Agreement is revised to provide that the County's Easement and Right-of-Way across the southern thirty-five feet (35') of Lot 13 is no longer needed by the County and is therefore hereby extinguished and terminated.

2. Paragraph 2 is revised to provide that Principal One, LLC, will maintain and keep the Easement and Right-of-Way across the northern twenty-five feet (25') of Lot 14, and will maintain the fence (and repair and replace it, as necessary) that extends northwest to southeast across the driveway. The County will remove the existing fence located 8.1 feet south of the 25 foot southern easement line of the northern 25 feet of Lot 14 and replace it on the southern easement line. Parking will be permitted on Principal One, LLC's easement.

3. Paragraph 3 is deleted.

4. Paragraph 4 is revised to provide that Principal One, LLC's easement is to be held by Principal One, LLC, and its heirs and assigns as appurtenant to the land owned by them.

5. Paragraph 5 is revised to provide that Principal One, LLC, will be solely responsible for maintaining the driveway, approach and sidewalk on the southern thirty-five feet

(35') of Lot 13.

6. This Amendment has been executed in duplicates by the parties and each executed copy thereof shall be considered an original.

7. This Amendment shall be recorded in the Official Records at the County's expense.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

WITNESSES:

Anavega
Print name

Raquel Alburan
Print name

PRINCIPAL ONE, LLC

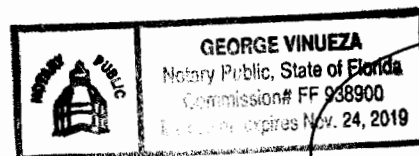
By: [Signature]
Rene Fernandez
Title: Manager

[Signature]
Maria R. Fernandez
Title: Manager

STATE OF FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the County and State aforesaid to take acknowledgments, personally appeared RENE FERNANDEZ and MARIA R. FERNANDEZ, known to me to be the persons described in and who executed the foregoing instrument for PRINCIPAL ONE, LLC,, and acknowledged before me that they executed the same for the uses and purposes therein expressed, under oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 21 day of June, 2017.



[Signature]
NOTARY PUBLIC (Signature)

George Vinuesa
Printed Name of Notary Public



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor
Tu

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

By: *Katie Smith*
Deputy Clerk

Print name: Katie Smith