



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

**DATE:** December 26, 2017

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

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

**CONTACT  
PERSON:** Paul Sladek, Manager

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

**ACTION  
REQUESTED:** APPROVAL AND EXECUTION OF AMENDMENT NO. 2 AND  
PARTIAL TERMINATION AND RELEASE OF LEASE AGREEMENT  
NEIGHBORHOOD LAKES PROPERTY ORANGE AND LAKE  
COUNTIES, FLORIDA BETWEEN ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT, ORANGE COUNTY, CENTRAL  
FLORIDA EXPRESSWAY AUTHORITY, AND STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION  
OF RECREATION AND PARKS

**PROJECT:** Neighborhood Lakes Property  
Lease File #5059

District 2

**PURPOSE:** To remove lands owned by Central Florida Expressway Authority and  
required for the Wekiva Parkway from scope of existing lease agreement  
with State of Florida Department of Environmental Protection, Division of  
Recreation and Parks

**ITEM:** Amendment No. 2 and Partial Termination and Release of Lease Agreement Neighborhood Lakes Property Orange and Lake Counties, Florida  
Revenue: None  
Released Area: 158.4 acres

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Risk Management Division

**REMARKS:** On February 3, 2009, the Board of County Commissioners approved a "Lease Agreement Neighborhood Lakes Property Orange and Lake Counties, Florida" (the "Lease") between St. Johns River Water Management District ("SJRWMD"), Orange County ("County"), Orlando-Orange County Expressway Authority (now Central Florida Expressway Authority) ("Authority"), and State of Florida Department of Environmental Protection, Division of Recreation and Parks ("FDEP") that provided for SJRWMD, County, and Authority to lease approximately 838 acres to FDEP for FDEP's use and management as part of Wekiva Springs State Park.

Pursuant to that certain "Amendment No. 1 and Partial Termination and Release of Lease Agreement Neighborhood Lakes Property Orange and Lake Counties, Florida" dated March 25, 2009, (the "First Amendment") the Lease was amended to remove from the scope of the Lease certain lands that had been owned by Authority but had been conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("TIITF").

Pursuant to this "Amendment No. 2 and Partial Termination and Release of Lease Agreement Neighborhood Lakes Property Orange and Lake Counties, Florida" (this "Second Amendment") any lands owned by Authority that were subject to the Lease, but which were not released by the First Amendment, will be removed from the scope of the lands leased by FDEP inasmuch as such lands are needed for right-of-way for the Wekiva Parkway. Upon full execution of this Second Amendment, no lands of Authority will be subject to the Lease and Authority will no longer be a party to the Lease.

This Second Amendment impacts neither County's lands subject to the Lease, nor County's rights or obligations pursuant to the Lease.

JAN 23 2018

AMENDMENT No. 2 AND  
PARTIAL TERMINATION AND RELEASE OF LEASE AGREEMENT  
NEIGHBORHOOD LAKES PROPERTY  
ORANGE AND LAKE COUNTIES, FLORIDA

THIS AMENDMENT NUMBER TWO AND PARTIAL TERMINATION AND RELEASE OF LEASE AGREEMENT ("Amendment") is made as of the last date executed below, by and between the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a public body existing under Chapter 373 of the Florida Statutes, whose mailing address is P.O. Box 1429, Palatka, Florida, 32178-1429 ("the District"), ORANGE COUNTY, a charter county and political subdivision of the State of Florida, whose mailing address is P. O. Box 1393, Orlando, Florida 32802 ("Orange County"), the CENTRAL FLORIDA EXPRESSWAY AUTHORITY ("CFX"), as successor in interest to the Orlando-Orange County Expressway Authority, whose address is 4974 ORL Tower Road, Orlando, Florida 32807, and the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF RECREATION AND PARKS, a public body of the State of Florida, whose mailing address is 3900 Commonwealth Blvd., Mail Station 525, Tallahassee, Florida, 323993000 ("DRP") (collectively the "Parties").

WITNESSETH

WHEREAS, the Parties entered into a lease agreement ("Agreement") dated March 13, 2009, providing various rights and responsibilities for the Parties in relation to various parcels of land known collectively as the Neighborhood Lakes Property.

WHEREAS, in the Agreement, lands owned by the Orlando-Orange County Expressway Authority ("OOCEA") n/k/a CFX located in Orange and Lake Counties and identified in the Agreement as Parcel 4 were leased to DRP.

WHEREAS, the Agreement provided that DRP's leasehold interest in a portion of Parcel 4 that would not be needed for the right-of-way of Wekiva Parkway would terminate upon conveyance of that portion of Parcel 4 to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

WHEREAS, on March 25, 2009, the above-referenced conveyance took place and the Agreement was amended to release that portion of Parcel 4 from the Agreement.

WHEREAS, the Agreement further provided that DRP's leasehold interest in the remaining portion of Parcel 4 that would be needed for the right-of-way of Wekiva Parkway would terminate upon commencement of construction of Wekiva Parkway.

WHEREAS, the Agreement further provided that upon commencement of construction of Wekiva Parkway the Agreement would be amended to reflect that OOCEA was no longer a party to the Agreement and that DRP no longer retained any leasehold interest in the remaining portion of Parcel 4.

WHEREAS, construction on the Wekiva Parkway has begun.

WHEREAS, CFX is the successor-in-interest to the OOCEA and has assumed all of OOCEA's rights and liabilities under any contracts executed by OOCEA.

NOW THEREFORE, the Parties hereby agree as follows:

1. DRP's leasehold interest in the property described in Exhibit "A" is terminated and the property described in Exhibit "A" is hereby released from the Agreement.
2. As of the date of execution by all Parties below, CFX shall no longer be a party to the Agreement and no longer be bound by its terms and conditions.
3. Except as modified, the terms and conditions of the Agreement shall remain unmodified and in full force and effect.

[Remainder of page is intentionally left blank. Signature pages follow.]

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment on the day and year first above written.

Witnesses:

Debra Stratton  
Signature

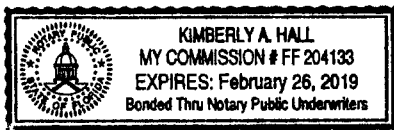
Debra Stratton  
Printed Name

Cindy S. Hair  
Signature

Cindy S. Hair  
Printed Name

STATE OF FLORIDA  
COUNTY OF Putnam

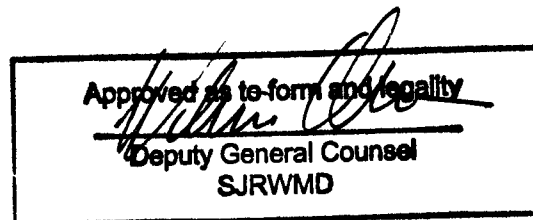
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of September 2017, by Ann B. Shortelle, Ph.D., as Executive Director of the St. Johns River Water Management District, on behalf of the water management district. She is personally known to me.



ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

By: [Signature]  
Ann B. Shortelle, Ph.D., Executive Director

Date: Sept 6, 2017



[Signature]  
Notary Public, State of Florida

Kimberly A Hall  
Printed/Typed/Stamped Name

Commission Number: FF 204133  
Commission Expires: 02/26/19

Witnesses:

Regla Lamante  
Signature

Regla Lamante  
Printed Name

Shen Gibson-Taylor  
Signature

Shen Gibson-Taylor  
Printed Name

CENTRAL FLORIDA EXPRESSWAY  
AUTHORITY, successor in interest to Orlando-  
Orange County Expressway Authority

By: [Signature]  
Laura Kelley, Executive Director

Date: Nov. 27, 2017

FOR RELIANCE BY CENTRAL FLORIDA  
EXPRESSWAY AUTHORITY ONLY,  
APPROVED AS TO FORM BY:

[Signature]  
Joseph J. Lassiter

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of November,  
2017, by Laura Kelley, as Executive Director of the Central Florida Expressway  
Authority, on behalf of the expressway authority. She is personally known to me.



REGLA LAMANTE  
MY COMMISSION # FF 897031  
EXPIRES: November 6, 2019  
Bonded Thru Budget Notary Services

Regla Lamante  
Notary Public, State of Florida

Regla Lamante  
Printed/Typed/Stamped Name

Commission Number: FF 897031

Commission Expires: 11/6/2019

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: *Teresa Jacobs*  
Teresa Jacobs  
Orange County Mayor

DATE: 1.23.18

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

BY: *Katie Smith*  
Deputy Clerk

**Katie Smith**  
Printed Name

Witnesses:

*Diane Martin*  
Signature

DIANE MARTIN  
Printed Name

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,  
DIVISION OF RECREATION AND PARKS

By: *Steven A. Cutshaw*  
Steven A. Cutshaw  
Environmental Administrator  
Office of Park Planning

*Gemechu Debbu*  
Signature

GEMECHU DEBBU  
Printed Name

Date: 9.25.17

STATE OF FLORIDA

## EXHIBIT "A"

### WEKIVA PARKWAY/OCEA RIGHT OF WAY

A portion of that certain parcel of land described in Official Records Book 9147, Page 1851, Public Records of Orange County, Florida, being portions of Sections 27, 28, and 33, Township 19 South, Range 28 East, Lake County, Florida, and Sections 4 and 5, Township 20 South, Range 28 East, Orange County, Florida, and a portion of Lot 19, J. B. BABCOCK'S SUBDIVISION as recorded in Plat Book B, Page 27 of said Public Records, being more particularly described as follows:

Commence at a 4" by 4" concrete monument stamped "ORANGE COUNTY" 4, 5, 32, 33 at the Southwest corner of Section 33, Township 19 South, Range 28 East; thence N.89°57 59 E. along the South line of the Southwest 1/4 of said Section 33 for 1888.47 feet to the POINT OF BEGINNING; thence N.17°53 21 E. for 3869.49 feet; thence N.17°30 00 E. for 1890.00 feet to the point of curvature of a curve concave Southeasterly; thence Northeasterly along the arc of said curve, having a radius of 9600.00 feet, through a central angle of 21°00 00 , for 3518.58 feet to the point of tangency; thence N.38°30 00 E. for 288.67 feet to the point of curvature of a curve concave Westerly; thence Northerly along the arc of said curve, having a radius of 227.85 feet, through a central angle of 89°26 12 , for 355.67 feet to the point of compound curvature of a curve concave Southerly; thence Westerly along the arc of said curve, having a radius of 1750.00 feet, through a central angle of 39°00 00 , for 1191.19 feet to the point of tangency; thence N.89°56 05 W. for 311.74 feet to the East line of that certain parcel conveyed to the Florida Society for Crippled Children and Adults, Inc.; thence N.00°10 13 E. along said East line, for 131.00 feet to the South right-of-way line of State Road 46; thence S.89°56 05 E. along said South right-of-way line for 3183.07 feet to a point on that certain line Per Mutual Boundary Agreement and Quit Claim Deed, Official Records Book 1051, Page 1475, Public Records of Lake County, Florida; thence along said line S.00°07 08 W. for 350.11 feet to a point on non-tangent curve concave Southeasterly; Thence Southwesterly along the arc of said curve, having a radius of 4436.00 feet and a chord bearing of S.50°14 29 W., through a central angle of 07°54 11 , for 611.87 feet to the point of tangency; thence S.46°17 24 W. for 69.64 feet to a point on aforementioned line Per Mutual Boundary Agreement and Quit Claim Deed, Official Records Book 1051, Page 1475, Public Records of Lake County, Florida; thence along said line N.88°51 10 W. for 20.43 feet; thence along said line S.00°05 59 W. for 19.96 feet; thence departing said line S.46°17 24 W. for 253.77 feet; thence S.53°00 35 W. for 913.85 feet to the point of curvature of a curve concave Southeasterly; thence Southwesterly along the arc of said curve, having a radius of 4460.00 feet, through a central angle of 11°18 45 , for 880.58 feet; thence S.48°18 46 E. for 350.00 feet to a point on a non-tangent curve concave Southeasterly; thence Southwesterly along the arc of said curve, having a radius of 6330.51 feet and a chord bearing of S.37°36 12 W., through a central angle of 06°51 39 , for 758.03 feet to a point on a non-tangent curve concave Southeasterly; thence Southwesterly along the arc of said curve, having a radius of 6345.49 feet and a chord bearing of S.26°09 15 W., through a central angle of 07°18 21 , for 809.10 feet; thence N.67°29 55 W. for 350.00 feet to a point on a non-tangent curve concave Southeasterly; thence Southwesterly along the arc of said curve, having a radius of 6695.49 feet and a chord bearing of S.20°11 43 W., through a central angle of 04°36 44 , for 538.99 feet to the point of tangency; thence



S.17°53 21 W., for 897.86 feet; thence S.72°06 39 E., for 20.00 feet; thence S.17°53 21 W., for 869.96 feet; thence S.72°06 39 E., for 500.00 feet; thence S.17°53 21 W., for 1200.00 feet; thence N.72°06 39 W., for 500.00 feet; thence S.17°53 21 W., for 350.00 feet; thence N.72°06 39 W., for 50.00 feet; thence S.17°53 21 W., for 860.00 feet; thence S.72°06 39 E., for 680.00 feet; thence S.17°53 21 W., for 550.00 feet; thence N.72°06 39 W., for 650.00 feet; thence S.17°53 21 W., for 2257.95 feet to the point of curvature of a curve concave Northwesterly; thence Southwesterly along the arc of said curve, having a radius of 3999.72 feet, through a central angle of 41°19 58 , for 2885.37 feet to a point on the Easterly right-of-way line of County Road No. 435 (formerly known as State Road 435), said point also being on a non-tangent curve concave Westerly; thence Northerly along said line and along arc of said curve, having a radius of 1499.16 feet and a chord bearing of N.15°47 57 W., through a central angle of 14°53 20 , for 389.57 feet to the point of tangency; thence N.23°14 37 W. along said line for 338.13 feet; thence N.22°54 25 W. along said line for 328.34 feet to a point on a non-tangent curve concave Northwesterly; thence departing said Easterly right-of-way line Northeasterly along the arc of said curve, having a radius of 3669.72 feet and a chord bearing of N.42°58 12 E., through a central angle of 50°09 42 , for 3212.79 feet to the point of tangency; thence N.17°53 21 E. for 15.33 feet to the POINT OF BEGINNING.

