Interoffice Memorandum



REAL ESTATE MANAGEMENT ITEM 8

DATE:

January 4, 2018

TO:

Mayor Teresa Jacobs

and the

Board of County Commissioners

THROUGH:

Paul Sladek, Manager (6)

Real Estate Management Division

FROM:

Theresa A. Avery, Senior Title Examiner To For

Real Estate Management Division

CONTACT

PERSON:

Paul Sladek, Manager

DIVISION:

Real Estate Management

Phone: (407) 836-7090

ACTION

REQUESTED:

APPROVAL OF DRAINAGE EASEMENT FROM SONJA G. AHRENS TO ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM SUNTRUST BANK, AND DRAINAGE EASEMENT WITH CONSENT OF LIEN HOLDER BY WELLS FARGO BANK, N. A. FROM JOSEPH VICARI

AND ADRIANA VICARI TO ORANGE COUNTY, AND

AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT:

Petition to Vacate #15-05-014 (5528 Rockwood Ave)

District 3

PURPOSE:

To provide for access, construction, operation, and maintenance of

drainage facilities as a requirement of a petition to vacate.

ITEMS:

Drainage Easement

Cost: Donation

Size: 3,116 square feet

Subordination of Encumbrance to Property Rights to Orange County

Real Estate Management Division Agenda Item 8 January 4, 2018 Page 2

Drainage Easement with Consent of Lien Holder

Cost: Donation Size: 184 square feet

APPROVALS:

Real Estate Management Division

Public Works Department

REMARKS:

Petition to Vacate #15-05-014 (the "PTV") was approved by the Board of

County Commissioners on February 21, 2017. This action provides

drainage easements to Orange County over portions of Tot Circle vacated

by the PTV.

Grantors to pay all recording fees.

APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

JAN 2 3 2018

THIS IS A DONATION

Project: Petition to Vacate #15-05-014 (5528 Rockwood Ave)

DRAINAGE EASEMENT

THIS INDENTURE, made the 28 day of November, 2016, between Sonja G. Ahrens, of the county of 0r A ware and state of Floriol 4, GRANTOR, and Orange County, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, GRANTEE.

WITNESSETH, That the GRANTOR in consideration of the sum of \$1.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of

14-23-29-3980-03-190

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GRANTOR, her heirs, successors, and assigns agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the drainage ditch, pipe, or facility.

IN WITNESS WHEREOF, the said GRANTOR has hereto set her hand the day and year first above written.

Signed, sealed and delivered in		
the presence of:		
	The time	
Withess	Sonja G. Ahrens	
Michael Ponaldson Printed Name = 7	Post Office Address	Ave
Frintegovaine		
Jan	Orlando, FL 32839	
Witness // //		
Albert G. Lariel		
Printed Name		
(Signature of TWO Witnesses required by Florida Law)		
CTATE OF CLASS A	•	
STATE OF FLORIDA COUNTY OF PALM BEACL	•	
	· A	0
The foregoing instrument was acknowledged bet	fore me this 28 of Novem BET	۷,
20 16, by Sonja G. Ahrens. He/She □ is personally kr	nown to me or Khas produced	
DRIVER'S LICENSE	as identification.	
4		
Witness my hand and official seal this 28 day	y of November , 20 16	
a	Milal A Sleen	_
(Nothry Blotter		_
RICHARD A SHORES	Notary Signature	
MY COMMISSION #FF089414 EXPIRES Nevember 11, 2017	RICHARD A. SHONE	.2
(497) 399 4153 Flerida Netan Control	Drintad Natary Nama	

LARTY SPECIFIC FLORIDA FLORIDA SERVICE SOR This instrument prepared by:

Theresa A. Avery, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

Notary Public in and for the County and State aforesaid

My commission expires:

Printed Notary Name

S:\Forms & Master Does\Project Document Files\Petitions to Vacate Projects\Petition to Vacate #15-05-014 (5528 Rockwood Ave) Ahrens DE.doc 05/10/2016 \rh rev 11/18/16 /rh

DESCRIPTION:

Portions of Drive, also known as Tot Circle, and Kiddie Pool, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J, Page 78 of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Lot 6, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J. Page 78 of the Public Records of Orange County. Florida; thence South 00°35'39" East, a distance of 106.15 feet along the Easterly right of way line of an Unnamed Road, also known as Sandalwood Drive, per said plat; thence departing said Easterly right of way line, North 76°12'13" East, a distance of 98.37 feet to a point on the Westerly, Interior right of way line of Drive, also known as Tot Circle, per said plat, for a POINT OF BEGINNING; thence departing said Westerly, Interior right of way line, continue North 76°12'13" East, a distance of 121.38 feet; thence North 89°51'36" East, a distance of 12.85 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 90.00 feet, a central angle of 11°20'56" and a chord bearing of South 38°58'57" East; thence from a tangent bearing of South 44°39'25" East, Southeasterly 17.83 feet along the arc of said curve; thence departing said curve North 56°41'31" East, a distance of 15.00 feet to the Northwest corner of Lot 19, Block C of said Jessamine Beach, said point lying on a non-tangent curve concave Southwesterly, having a radius of 105.00 feet, a central angle of 08°55'58" and a chord bearing of South 28°50'30" East; thence from a tangent bearing of South 33°18'29" East, Southeasterly 16.37 feet along the arc of said curve and along the Westerly line of said Lot 19; thence departing said Westerly line, South 89°51'36" West, a distance of 42.03 feet; thence South 76°12'13" West, a distance of 131.46 feet to a point on the aforesaid Westerly, Interior right of way line of Drive, said point lying on a non-tangent curve concave Easterly, having a radius of 75.00 feet, a central angle of 18°04'57" and a chord bearing of North 18°09'27" East; thence from a tangent bearing of North 09°06'59" East, Northerly 23.67 feet along said Westerly, Interior right of way line and the arc of said curve to the POINT OF BEGINNING.

Containing 3,116 square feet, more or less.

SURVEYOR'S REPORT:

- 1. Bearings shown hereon are based on the East Right of Way of Sandalwood Drive, said bearing being South 00°35'39" East.
- 2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements.

NOT VALID WITHOUT SHEET 2 OF 2 REVISED 10-27-2016 Certification Number DESCRIPTION December 15, 2015 Job Number: FOR 1'' = 60'59450 Kevin Gordon Chapter 5J-17.050-.052, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY. SEE SHEET 2 FOR SKETCH SHEET 1 OF 2

SKETCH OF DESCRIPTION LOT 5 BLOCK C LOT 3 LOT 4 POINT OF LOT DRIVE TB=S44'39'25"E COMMENCEMENT -TB=S33'18'29"E NORTHWEST CORNER (TOT CIRCLE) OF LOT 6 NORTHWEST CORNER LOT 6 OF LOT 19 POINT OF **BEGINNING** L6 -WESTERLY LINE OF LOT 19 KIDDIE POOL LOT 19 BLOCK С TB=N09'06'59"E JESSAMINE **BEACH** PLAT BOOK J, PAGE 78 WESTERLY, INTERIOR RIGHT OF WAY LINE LOT 7 LESS THE SOUTH 40.00' 30.00' RIGHT SOUTH 40.00' OF LOT 7 LOT 18 OF WAY **50.00°** PER PLAT LOT 8 LOT 17 LOT 16 BLOCK C NON-TANGENT TB TANGENT BEARING L1 = LINE NUMBER C1 CURVE NUMBER LINE TARLE 1" = 60' GRAPHIC SCALE

	LINE IADLE	<u>.</u> .	
LINE #	BEARING	LENGTH	
L†	S00'35'39"E	106.15	
L2	N76'12'13"E	98.37'	
L3	N76'12'13"E	121.38'	
. L4	N89'51'36"E	12.85'	
L5	N56'41'31"E	15.00'	
L6	S89:51'36"W	42.03	
. L7	S76'12'13"W	131.46	
	L1 L2 L3 L4 L5	LINE # BEARING L1 \$00'35'39"E L2 \$N76'12'13"E L3 \$N76'12'13"E L4 \$N89'51'36"E L5 \$N56'41'31"E L6 \$89:51'36"W	

		CUR	VE TABLE	Ξ
CURVE: #	LENGTH	RADIUS	DELTA	
C1	17.83	90.00'	11'20'56"	s
C2	16.37	105.00	08*55'58"	s
C3	23.67	· 75.00'	18'04'57"	N

REVISED 03-20-2017 REVISED 10-27-2016 THIS IS NOT A SURVEY

Drawing Number 59450003 Job No. 59450 12/15/2015 EC SHEET 2 OF 2 See Sheet 1 for Description

	CURVE TABLE								
	CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE			
	C1	17.83	90.00'	11'20'56"	S38'58'57"E	17.80			
	C2	16.37	105.00	08'55'58"	S28'50'30"E	16.35			
	C3	23.67	· 75.00'	18'04'57"	N18'09'27"E	23.57'			
٠,									



NOT VALID WITHOUT SHEET 1 OF 2



AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350 (407) 292-8580 Certification Number LB2108 e-mail: info@southeasternsurveying.com

SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY

KNOW ALL MEN BY THESE PRESENTS: That Whereas, it is proposed by Orange County, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, to locate, construct, maintain, and/or improve a drainage easement; in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Mortgage held by the undersigned; and,

WHEREAS, On behalf of Orange County, a request has been made for the undersigned to subordinate said encumbrance to the property rights of Orange County in and to the portion of the premises hereinafter described.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the premises and One Dollar and other good and valuable considerations paid, receipt of which is hereby acknowledged, the undersigned subordinates said encumbrance as it has been or as may be modified and amended from time to time to the property rights of Orange County to locate, construct, maintain, and/or improve said project over, through, upon, and/or across the following described lands, being a portion of the encumbered premises in Orange County, Florida, to-wit:

SEE ATTACHED SCHEDULE "A"

Encumbrance:

SunTrust Bank FROM: Sonja G. Ahrens

Mortgage filed December 10, 2013

Recorded in Official Records Book 10674, Page 7755 All in the Public Records of Orange County, Florida

PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance insofar as same affects the rights and privileges of Orange County, in its use of the land specifically above described for drainage easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrance or the remedies at law or in equity for recovering thereon, or against the parties charged thereby, the full amount of all sums secured by and/or due under the same. It is further understood and agreed that in the event said above described premises are abandoned by Orange County and cease to be used for drainage easement purposes that in such event the subordination of said encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been

IN WITNESS WHEREOF, the said holder of this 23rd day of	of said encumbrance has duly executed this instrument, A.D. 20 //e
Signed, sealed and delivered in the presence of:	SunTrust Bank, a Georgia banking corporation
Witness	BY: Welln Stephi
Printed Name	Debyn Stephens Printed Name
Marsot Cook Witness	Printed Name Vice President Title
Printed Name	(Corporate Seal)
STATE OF Florida COUNTY OF Orange	The contract of the contract o
The foregoing instrument was acknowledged 20 // by Debra Stephens fice fresiden on behalf of the corporation. He/She dis personally as ide	, SunTrust Bank, a Georgia banking corporation,
Witness my hand and official seal this 23rd	day of May , 20 16
DANIEL VASQUEZ Notary Public - State of Florida My Comm. Expires Aug 30, 2016 Commission # EE 831289 Bonded Through National Notary Assn.	Notary Signature Sency Vasque 2 Printed Notary Name
This instrument prepared by: Theresa A Avery, a staff employee in the course of duty with the	Notary Public in and for the county and state aforesaid
Real Estate Management Division of Orange County, Florida	My commission expires:

DESCRIPTION:

Portions of Drive, also known as Tot Circle, and Kiddie Pool, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J, Page 78 of the Public Records of Orange County, Florida, being more particularly described as follows:

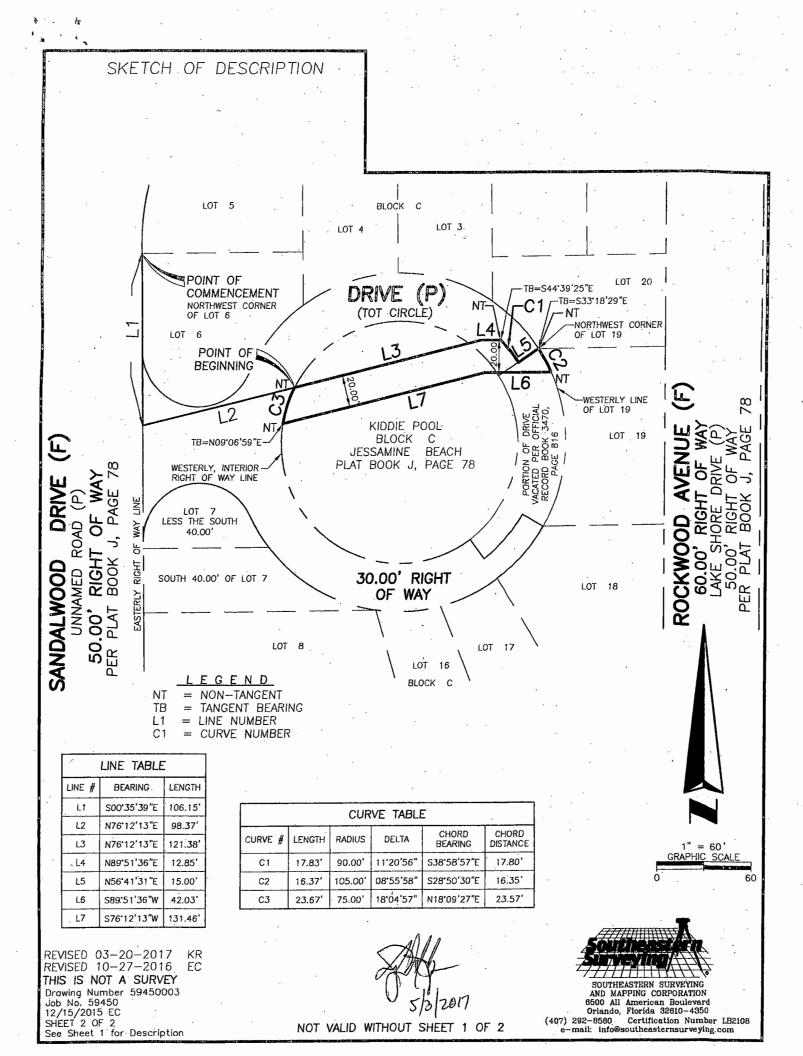
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- 2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements.

5/3/2017 REVISED 03-20-2017 NOT VALID WITHOUT SHEET 2 OF 2 DESCRIPTION December 15, 2015 EC Job Number: FOR 1" = 60'59450 Kevin Gordon Chapter 5J-17.050-.052, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY. SEE SHEET 2 FOR SKETCH SHEET 1 OF 2



THIS IS A DONATION

Project: Petition to Vacate #15-05-014 (5528 Rockwood Ave)

DRAINAGE EASEMENT

	THIS I	NDE	NTURE,	made th	ıc	5	_ day of	A	190	15F	, 2	20_17,	betwee	en
Joseph	Vicari	and	Adriana	Vicari,	his	wife,	of the	county	of	oran			state	
FIO	rida		, GRA1	NTOR, a	and O	range	County,	a charte	er co	unty and	political s	ubdivisi	on of tl	ne
state of	Florida	, who	se address	s is P.O.	Box	1393,	Orlando	, Florid	a 32	802-139	3, GRANT	ΈE.		

WITNESSETH, That the GRANTOR in consideration of the sum of \$1.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of

14-23-29-3980-03-010

TO HAVE AND TO HOLD said casement unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GRANTOR, her heirs, successors, and assigns agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the drainage ditch, pipe, or facility.

above written. Signed, sealed and delivered in the presence of 520 ROCKWOOD AVENUE ORL 32839 (Signature of TWO Witnesses required by Florida Law) STATE OF HORVAR COUNTY OF ORANGE The foregoing instrument was acknowledged before me this 2017, by Joseph Vicari and Adriana Vicari, his wife. They are personally known to me or have cach produced and H, D as identification each produced as identification. Witness my hand and official seal this 82 day of _ Lesly St. Leger otary Sea Notary Public State of Florida My Commission Expires 4/10/2020 Commission No. FF 980563 This instrument prepared by: Theresa A. Avery, a staff employee Notary Public in and for in the course of duty with the the County and State aforesaid Real Estate Management Division of Orange County, Florida My commission expires:

IN WITNESS WHEREOF, the said GRANTOR has hereto set their hand the day and year first

Consent of Lien Holder

Wells Fargo Bank, N.A., a successor in interest to Wachovia Bank, N.A. is the current Lien Holder and owner of a certain Mortgage dated 3/26/2004 made and subscribed by Joseph Vicari, husband and Adriana Vicari, wife and recorded in Official Records Book 7398, Page 683, of the Public Records of Orange County, State of Florida. Lien Holder hereby consents to the grant of the foregoing Drainage Easement by Joseph Vicari and Adriana Vicari to Orange County attached to this Consent and joins in the execution hereof solely as Lien Holder and hereby does agree that in the event of the foreclosure of said Mortgage, or other sale of said property described in said Mortgage under judicial or non-judicial proceedings, the same shall be sold subject to said Easement.

Wells Fargo Bank, N.A.

Dated: December 14, 2017

State of OREGON)
County of WASHINGTON)

On <u>Pecember 14, 2017</u>, Before me, the undersigned, a Notary Public in and for the State personally appeared <u>Valua M. For Margersonally known</u> to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of the which person(s) acted, executed the instrument.

Notary Public

My commission expires: 01



DESCRIPTION:

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Commence at the Northwest corner of Lot 6, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J. Page 78 of the Public Records of Orange County, Florida; thence South 00°35'39" East, a distance of 106.15 feet along the Easterly right of way line of an Unnamed Road, also known as Sandalwood Drive, per said plat; thence departing said Easterly right of way line, North 76°12'13" East, a distance of 219.75 feet; thence North 89°51'36" East, a distance of 12.85 feet to the POINT OF BEGINNING; thence continue North 89°51'36" East, a distance of 19.75 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 105.00 feet, a central angle of 03°46'14" and a chord bearing of South 35°11'36" East, said point being on the Westerly line of Lot 20 of said Block C; thence from a tangent bearing South 37°04'44" East, Southeasterly, a distance of 6.91 feet along the arc of said curve and along said Westerly line to the Southwest corner of said Lot 20; thence departing said Westerly line South 56°41'31" West, a distance of 15.00 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 90.00 feet, a central angle of 11°20'56" and a chord bearing of North 38°58'57" West; thence from a tangent bearing North 33°18'29" West, Northwesterly, a distance of 17.83 feet along the arc of said curve to the POINT OF BEGINNING.

Containing 184 square feet, more or less.

SURVEYOR'S REPORT:

- 1. Bearings shown hereon are based on the East Right of Way of Sandalwood Drive, said bearing being South 00°35′39" East.
- 2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J--17 requirements.

İ	0/3/2017	NOT VALID WITHOUT SHEET 2
DESCRIPTION	Date: 03/20/201/ KR	Certification Number LB2 108 59450004
FOR	Job Number: Scale: 59450 1" == 60"	Surving
Mr. Kevin Gordon	Chapter 5J17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.	SOUTHEASTERN SURVEYING AND MAPPING, CORPORATION 6500 All American, Bollevacch Orlando Morida, 32810, 4881, 100) 282-8540, c. mail: 1500coltheasternsurveying own
	SHEET 1 OF 10 SEE SHEET 2 FOR SKETCH	JAMES L. PETERSEN

SKETCH OF DESCRIPTION LINE TABLE LINE # **BEARING LENGTH** LEGEND : L1 N89°51'36"E 12.85 L1 = LINE NUMBER L2 N89°51'36"E 19.75 C1 = CURVE NUMBER NT = NON TANGENT 1.3 S56°41'31"W 15.00 TB = TANGENT BEARING (P) == PLAT (F) = FIELD1.0T 5 POINT OF Brock C COMMENCEMENT NORTHWEST CORNER LOT 3 LOT 4 OF LOT 6, BLOCK C WESTERLY LINE OF LOT 20 LOT 20 POINT OF TB=:S37'04'44"E LOT 6 BEGINNING C1 SOUTHWEST CORNER OF LOT 20 219.75 WESTERLY LINE 78 C2OF 1.01 19 TD~N33'18'29"W 1.01 19 KIDDIE POOL BLOCK С WESTERLY, INTERIOR RIGHT OF WAY LINE JESSAMINE BEACH PLAT BOOK J, PAGE 78 LOT 7 LESS THE SOUTH 10.00 SANDALWOOD 30.00' RIGHT SOUTH 40.00' OF LOT 7 I.OT 18 OF WAY .00. PLAT LOT 8 LOT 17 1" = 60'GRAPHIC SCALE LOT 16 BLOCK C 30, 60 120 CURVE TABLE **CHORD** CHORD CURVE # **RADIUS DELTA** LENGTH **BEARING** DISTANCE C1 03'46'14" 6.91' S35°11'36"E 6.91 105.00 C2 11'20'56" 90.00 17.83 N38'58'57"W 17.80 SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810--4350

Drawing No. 59450004 Job No. 59450 Date: 03/20/2017 SHEET 2 OF 2 See Sheet 1 for Description

THIS IS NOT A SURVEY.

(407) 292-8580

Certification Number LB2108 NOT VALID WITHOUT SHEET 1 THROUGH 2 mail: info@southeasternsurveying.com