



June 28, 2018

TO: Mayor Teresa Jacobs and Board of County Commissioners

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

CONTACT PERSON: **Mark V. Massaro, P.E., Director**
Public Works Department

PHONE NUMBER: **(407) 836-7970**

SUBJECT: **Assignment of Easement from Orange County, Florida to the City of Winter Park, Florida.**

Pursuant to the request from the City of Winter Park (City), Orange County (County) has prepared an Assignment of Easements for the transfer of a portion of the St. Andrews Canal easements to the City.

In accordance with Florida Statutes, an Assignment of Easements has been prepared which transfer to the City all interest, authority and responsibility over the portion of the drainage easements. Approval of this assignment also transfers responsibility for maintaining the drainage easements.

The Attorney's Office and Risk Management Division have reviewed the Assignment and found it acceptable.

Action Requested: Approval and execution of Assignment of Easements between Orange County and City of Winter Park. District 5.

MVM/WV/GS

Attachments

BCC Mtg. Date: July 10, 2018

This instrument prepared by:

Joel Prinsell, Deputy County Attorney
Orange County Attorney's Office
201 S. Rosalind Avenue
Orlando, Florida 32801

Project: St. Andrews Canal Easements

ASSIGNMENT of EASEMENTS

THIS ASSIGNMENT of EASEMENTS, (hereinafter referred to as the "Assignment") is made 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, (hereinafter referred to as the "**Assignor**"), to and in favor of **CITY OF WINTER PARK**, a Florida municipal corporation, whose address is 401 South Park Avenue, Winter Park, Florida 32789, (hereinafter referred to as the "**Assignee**").

WHEREAS, Assignor is the holder of certain right-of-way and easement interests pursuant to that certain Right-of-Way Agreement and Drainage Easement filed July 2, 1969, and recorded in Official Records Book 1849, Page 152, Public Records of Orange County, Florida (the "**Easement One**"); and

WHEREAS, Assignor is the holder of certain right-of-way and easement interests pursuant to that certain Right-of-Way Agreement and Drainage Easement filed July 2, 1969, and recorded in Official Records Book 1849, Page 155, Public Records of Orange County, Florida (the "**Easement Two**"); and

WHEREAS, Assignor is the holder of certain easement interests pursuant to that certain Drainage Easement filed January 14, 1965, and recorded in Official Records Book 1409, Page 453, Public Records of Orange County, Florida (the "**Easement Three**"); and

WHEREAS, by virtue of annexation, as outlined in Ordinance #1961 and adopted on December 11, 1991, by Assignee all of the lands subject to Easement One, all of the lands subject to Easement Two, and a portion of the lands subject to Easement Three are now located within the jurisdictional limits of the City of Winter Park; and

WHEREAS, all of the lands subject to Easement One, all of the lands subject to Easement Two, and the portion of the lands subject to Easement Three collectively described in the attached Exhibit "A-1" and Exhibit "A-2" are now located within the jurisdictional limits of the City of Winter Park; and hereinafter referred to as the "**Annexed Lands**"; and

WHEREAS, subject to the provisions herein, Assignor desires to assign, and Assignee desires to assume, all of Assignor's right, title, duties, obligations, and interest in Easement One, in Easement Two, and in the portion of Easement Three applicable to the Annexed Lands.

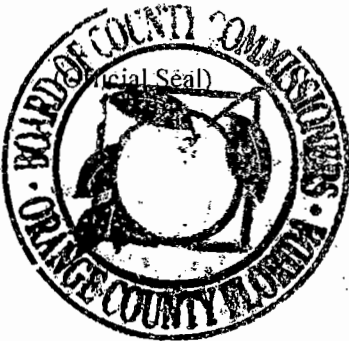
NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Assignment. Assignor hereby assigns and transfers to Assignee, to the extent assignable, all of the Assignor's right, title, duties, obligations, and interest in Easement One, in Easement Two, and in the portion of Easement Three applicable to the Annexed Lands.

Project: St. Andrews Canal Easements

3. Assumption. Assignee hereby assumes from Assignor all of Assignor's rights, duties, and obligations under the terms and conditions of Easement One, of Easement Two, and of Easement Three as applicable to the Annexed Lands, including the maintenance of existing easement areas, and Assignee further agrees that, as a condition of this Assignment, Assignee shall assume and abide by all terms and conditions of Easement One, Easement Two, and Easement Three.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment of Easements, as of the dates respectively written below.



ASSIGNOR

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

Date: 7.10.18

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

BY: *Katie Smith*
Deputy Clerk
Katie Smith
Printed Name

Signed, sealed, and delivered
in the presence of:

Witnesses:

Michelle Bernstein


Michelle Bernstein
Printed Name


Deborah Wilkerson

Deborah Wilkerson
Printed Name

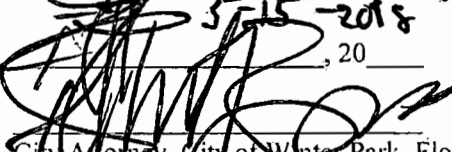
ASSIGNEE

CITY OF WINTER PARK, FLORIDA

By:  Steve Leary Mayor

ATTEST: 
Cynthia Bonham City Clerk

APPROVED AS TO FORM AND
LEGALITY for the use and reliance
of the City of Winter Park, Florida only.

 3-15-2018
_____, 20____
City Attorney, City of Winter Park, Florida

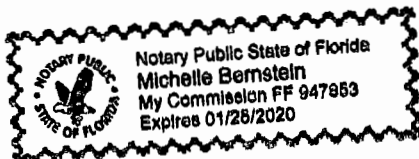
Kurt Ardaman
Printed Name

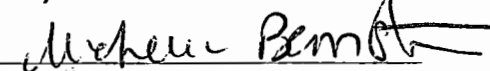
STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 30 day of April, A.D. 2018, by Steve Leary, Mayor, and Cynthia Bonham, City Clerk, of the City of Winter Park, a Florida municipal corporation. They are personally known to me or have produced _____ and _____ as identification.

Witness my hand and official seal this 30 day of April, 2018.

(Notary Seal)




Notary Signature

Printed Notary Name

Notary Public in and for the
County and State aforesaid

My commission expires:

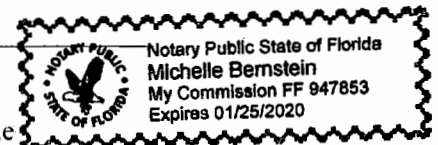


EXHIBIT "A-1"**SKETCH OF DESCRIPTION****Estate: Perpetual Easement****Purpose: Road Right-of-way and Drainage****LEGAL DESCRIPTION**

Being a drainage easement as described in Official Record Book 1409, page 453, and right-of-way and drainage easements in Official Record Book 1849, Pages 152 - 154 and Official Record Book 1849, Pages 155 - 157, all of the Public Records of Orange County, Florida being further described as follows:

Begin at the Southeastern corner of FOUR SEASON CONDOMINIUM as recorded in Condominium Book 6, Pages 55-65 Public Records of Orange County, Florida also being a point lying on the Northerly line of the vacated former Seaboard Coast Line Railroad Right-of-Way as recorded in Official Record Book 2527, Pages 862-866 and Official Record Book 3835, Pages 724-727; thence run South 66 Degrees 35 Minutes 01 Seconds West along the Southern boundary line of said FOUR SEASON CONDOMINIUM and the Northerly line of the vacated former Seaboard Coastline Railroad Right-of-Way a distance of 1024.50 feet to the Southwest corner of said FOUR SEASON CONDOMINIUM; thence run North 22 Degrees 30 Minutes 26 Seconds West along the West boundary line of said FOUR SEASON CONDOMINIUM a distance of 711.99 feet; thence run South 53 Degrees 56 Minutes 59 Seconds West along the Northeasterly extension of the centerline of the vacated Loch Lomond Drive as recorded in ALOMA, SECTION 1, Plat Book O, Page 51, Public Records of Orange County, Florida a distance of 56.91 feet; thence run North 21 Degrees 36 Minutes 00 Seconds West along the centerline of St. Andrews Boulevard a distance of 424.49 feet to a point; thence run North 14 Degrees 50 Minutes 00 Seconds West along the centerline of St. Andrews Boulevard a distance of 767.07 feet to a point said point lying on the North line of the Southeast quarter of the Southwest quarter of Section 4 Township 22 South, Range 30 East; thence run South 89 Degrees 53 Minutes 24 Seconds East along the aforementioned Section line a distance of 82.81 feet to a point, said point lying on the South line of the parcel as recorded in Official Record Book 9934, page 4979, Public Records of Orange County, Florida, and on a line 80.00 feet Easterly of and parallel with the centerline of St. Andrews Boulevard; thence along said parallel line run South 14 Degrees 50 Minutes 00 Seconds East a distance of 740.98 feet to a point; thence along said parallel line run South 21 Degrees 36 Minutes 00 Seconds East a distance of 399.15 feet to the Northeasterly extension of the centerline of the vacated Loch Lomond Drive as recorded in ALOMA, Section 1, Plat Book O, Page 51; thence along a line run South 22 Degrees 30 Minutes 26 Seconds East 25.00 feet Easterly of and parallel with the Westerly boundary line of FOUR SEASON CONDOMINIUM as recorded in Condominium Book 6, Pages 55-65, a distance of 663.61 feet; thence along a line run North 66 Degrees 35 Minutes 01 Seconds East 54 feet Northerly of and parallel with the Southerly boundary line of the


PREPARED FOR: Roads & Drainage		ORANGE COUNTY PUBLIC WORKS ENGINEERING DIVISION	
DRAWN BY: A. GILEV	DATE: 11/02/17	SECTION: 4,9	 SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7940
CHECKED BY: Daynes	JOB No: 8062	TOWNSHIP: 22	
APPROVED BY: Daynes	DRAWING FILE:	RANGE: 30	
REVISION DATE:	8062 Four Seasons	SHEET 1 OF 6	
			DRAWING SCALE: NTS
			PROJECT NUMBER 8062

EXHIBIT "A-1"**SKETCH OF DESCRIPTION****Estate: Perpetual Easement****Purpose: Road Right-of-way and Drainage**

aforementioned FOUR SEASON CONDOMINIUM, as measured perpendicularly to said Southerly boundary line a distance of 1006.83 feet to a point, said point lying on the Easterly line of aforementioned FOUR SEASON CONDOMINIUM; thence South 14 Degrees 47 Minutes 47 Seconds East along said Easterly line a distance of 54.62 feet to the point of beginning.

Containing 92441.39 square feet, or 2.12 acres, more or less.

PREPARED FOR:
Roads & Drainage


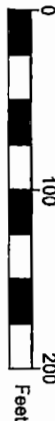
DRAWN BY: A. GILEV	DATE: 11/02/17	SECTION: 4,9	<div>PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7940</div> <div>ORANGE COUNTY GOVERNMENT FLORIDA</div>	DRAWING SCALE:
CHECKED BY: Daynes	JOB No: 8062	TOWNSHIP: 22		PROJECT NUMBER
APPROVED BY: Daynes	DRAWING FILE:	RANGE: 30		8062
REVISION DATE:	8062 Four Seasons	SHEET 2 OF 6		

EXHIBIT "A-1" **SKETCH OF DESCRIPTION** **Estate: Perpetual Easement** **Purpose: Road Right-of-way and Drainage**

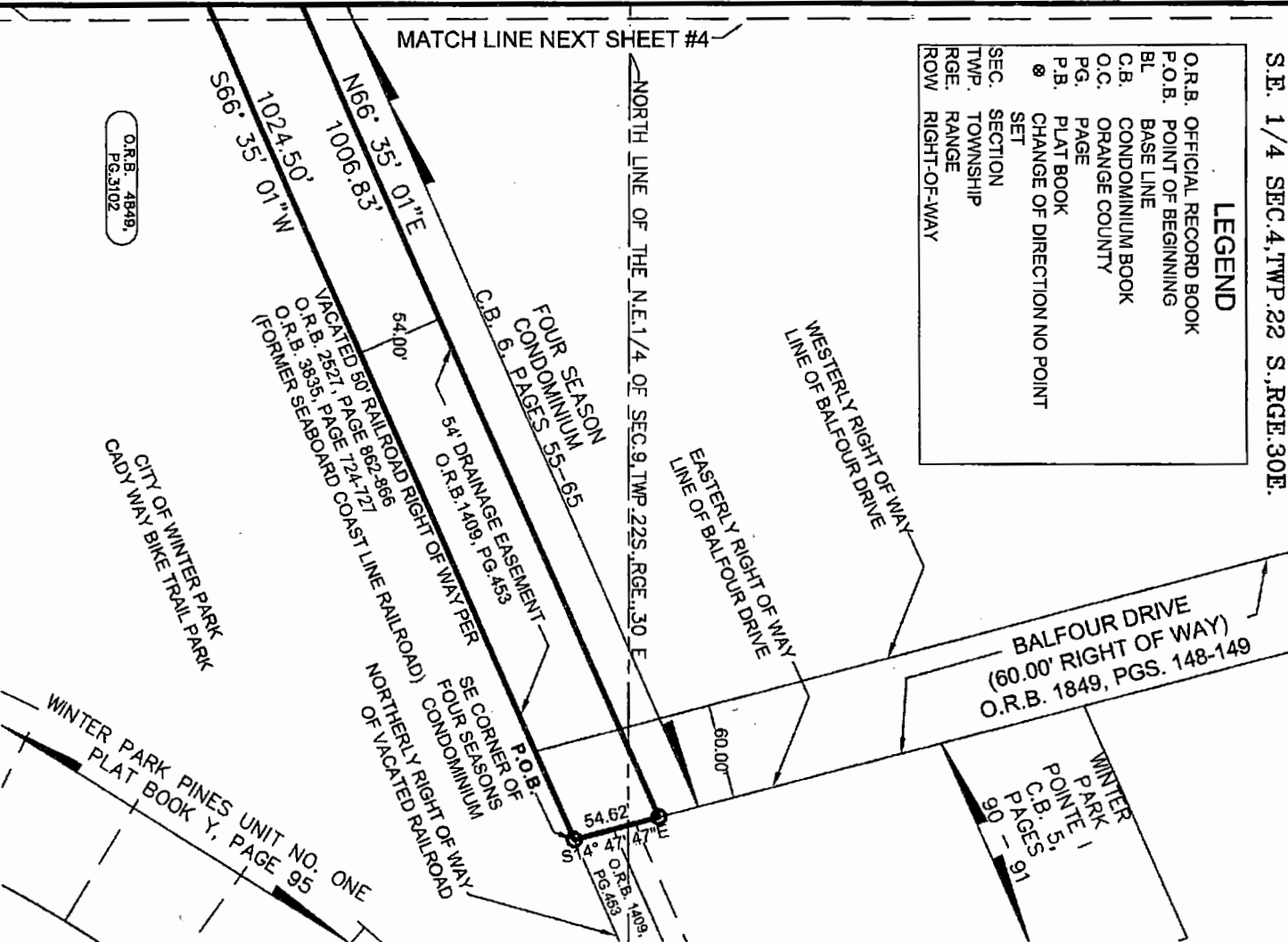
S.E. 1/4 SEC. 4, TWP. 22 S., RGE. 30 E.

LEGEND

O.R.B. OFFICIAL RECORD BOOK
P.O.B. POINT OF BEGINNING
BL. BASE LINE
C.B. CONDOMINIUM BOOK
O.C. ORANGE COUNTY
PG. PAGE
P.B. PLAT BOOK
* CHANGE OF DIRECTION NO POINT SET
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
ROW. RIGHT-OF-WAY



O.R.B. 4848,
PG. 3102



NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF THE N.W. 1/4 OF SECTION 9, T. 22S R30E SOUTH 89°57'47" WEST. IT WAS CALCULATED BASED ON THE COORDINATES AS DESCRIBED IN CCR#071684 AND CCR#071685
2. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION WAS PREPARED BY ORANGE COUNTY ENGINEERING DIVISION, SURVEY SECTION.
3. THERE MAY BE OTHER RECORDS DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY, A COMPLETE TITLE RECORD SEARCH WAS NOT PERFORMED.
4. NO IMPROVEMENTS ABOVE OR BELOW GROUND, OTHER THAN THOSE SHOWN, WERE LOCATED.
5. SKETCH WAS DONE WITHOUT THE BENEFIT OF TITLE WORK OR ABSTRACT.

SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING.

I HEREBY AFFIRM THAT THIS SKETCH OF DESCRIPTION REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN CHAPTER 5J-17, F.A.C., PURSUANT TO CHAPTER 117 AND 412 OF THE FLORIDA STATUTES AND UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR OR MAPPER, THIS DRAWING, SKETCH, PLAT, OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

5/23/18
DATE: Mark A. Daynes
REGISTERED LAND SURVEYOR
AND MAPPER
STATE OF FLORIDA LICENSE NO. 5478

PREPARED FOR:
Roads & Drainage

DRAWING SCALE:
1" = 100'

PROJECT NUMBER
8062

DRAWN BY: AGLEY DATE: 11/02/17 SECTION: 4,9
CHECKED BY: Daynes JOB No: 8062 TOWNSHIP: 22S
APPROVED BY: Daynes DRAWING FILE: RANGE: 30E
REVISION DATE: 8062 Four Seasons SHEET 3 OF 6

PUBLIC WORKS
ENGINEERING DIVISION
SURVEY SECTION
4200 SOUTH JOHN YOUNG PARKWAY
ORLANDO, FLORIDA 32839-9205
(407) 836-7940

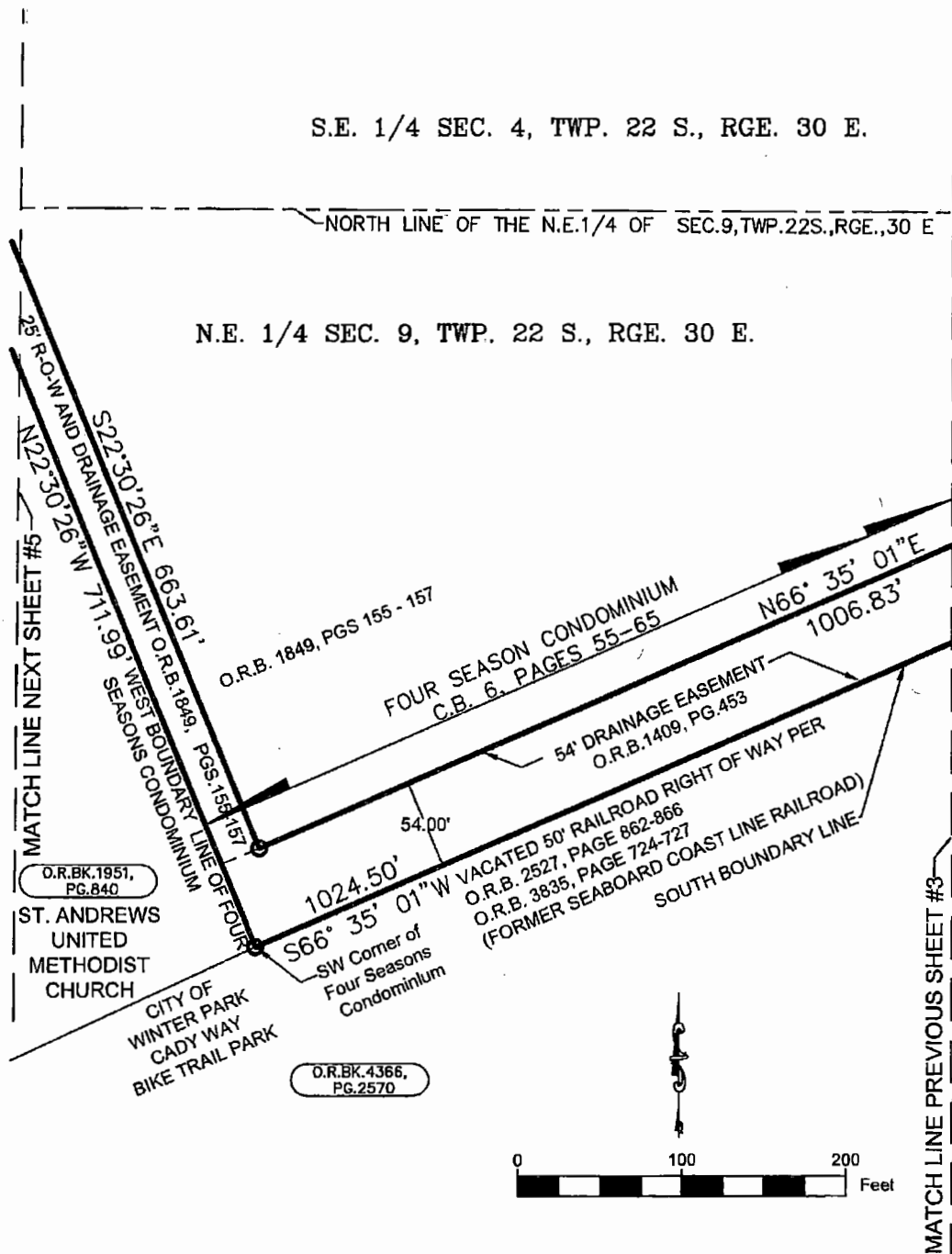


EXHIBIT "A-1"

SKETCH OF DESCRIPTION

Estate: Perpetual Easement

Purpose: Road Right-of-way and Drainage



PREPARED FOR:
Roads & Drainage

DRAWING SCALE:
1"=100'

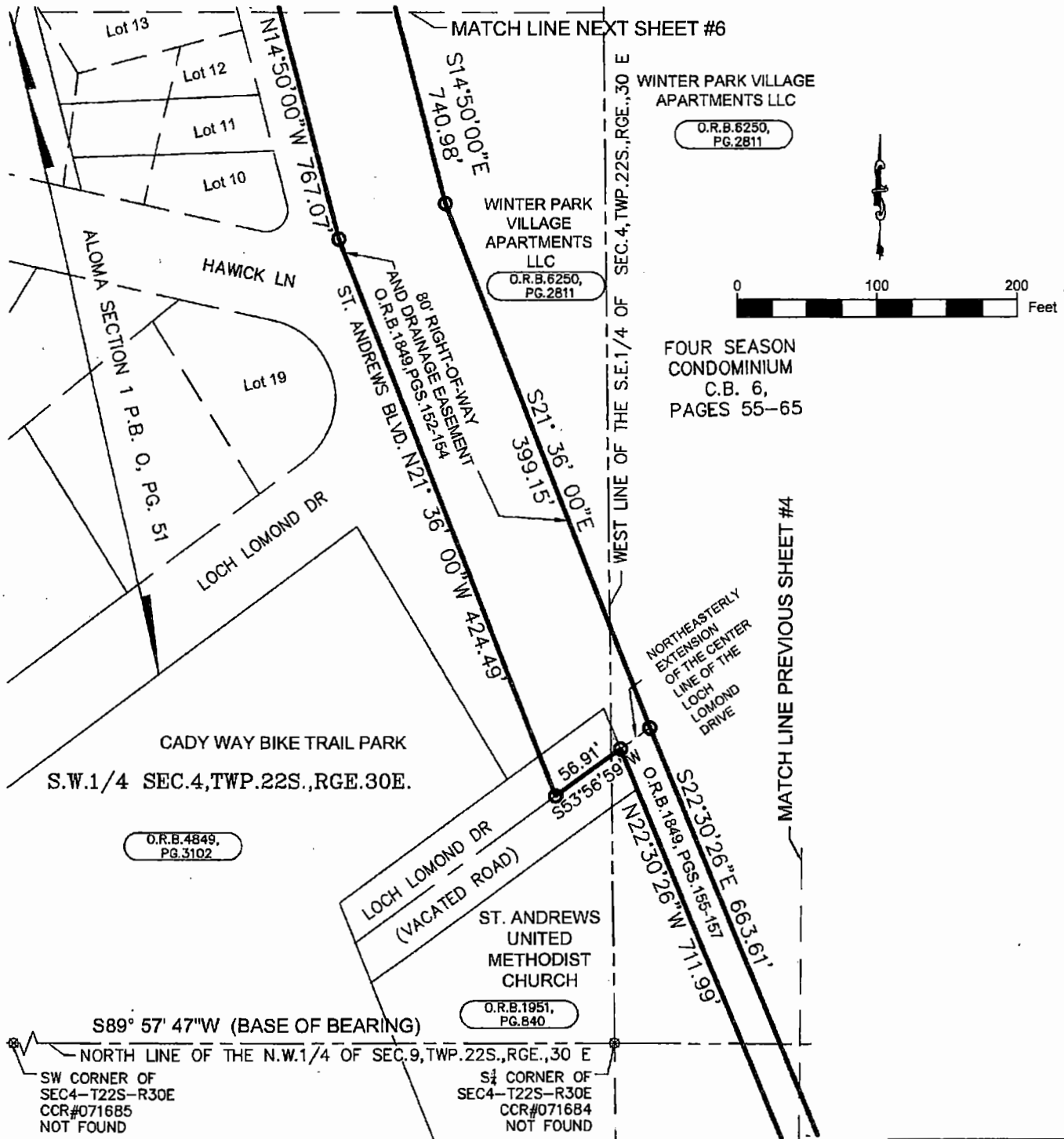
PROJECT NUMBER
8062

DRAWN BY: A. GILEV	DATE: 11/02/17	SECTION: 4,9
CHECKED BY: Daynes	JOB No: 8062	TOWNSHIP: 22S
APPROVED BY: Daynes	DRAWING FILE: 8062 Four Seasons	RANGE: 30E
REVISION DATE:		SHEET 4 OF 6

PUBLIC WORKS
ENGINEERING DIVISION
SURVEY SECTION
4200 SOUTH JOHN YOUNG PARKWAY
ORLANDO, FLORIDA 32839-9205
(407) 836-7940



EXHIBIT "A-1"
SKETCH OF DESCRIPTION
Estate: Perpetual Easement
Purpose: Road Right-of-way and Drainage




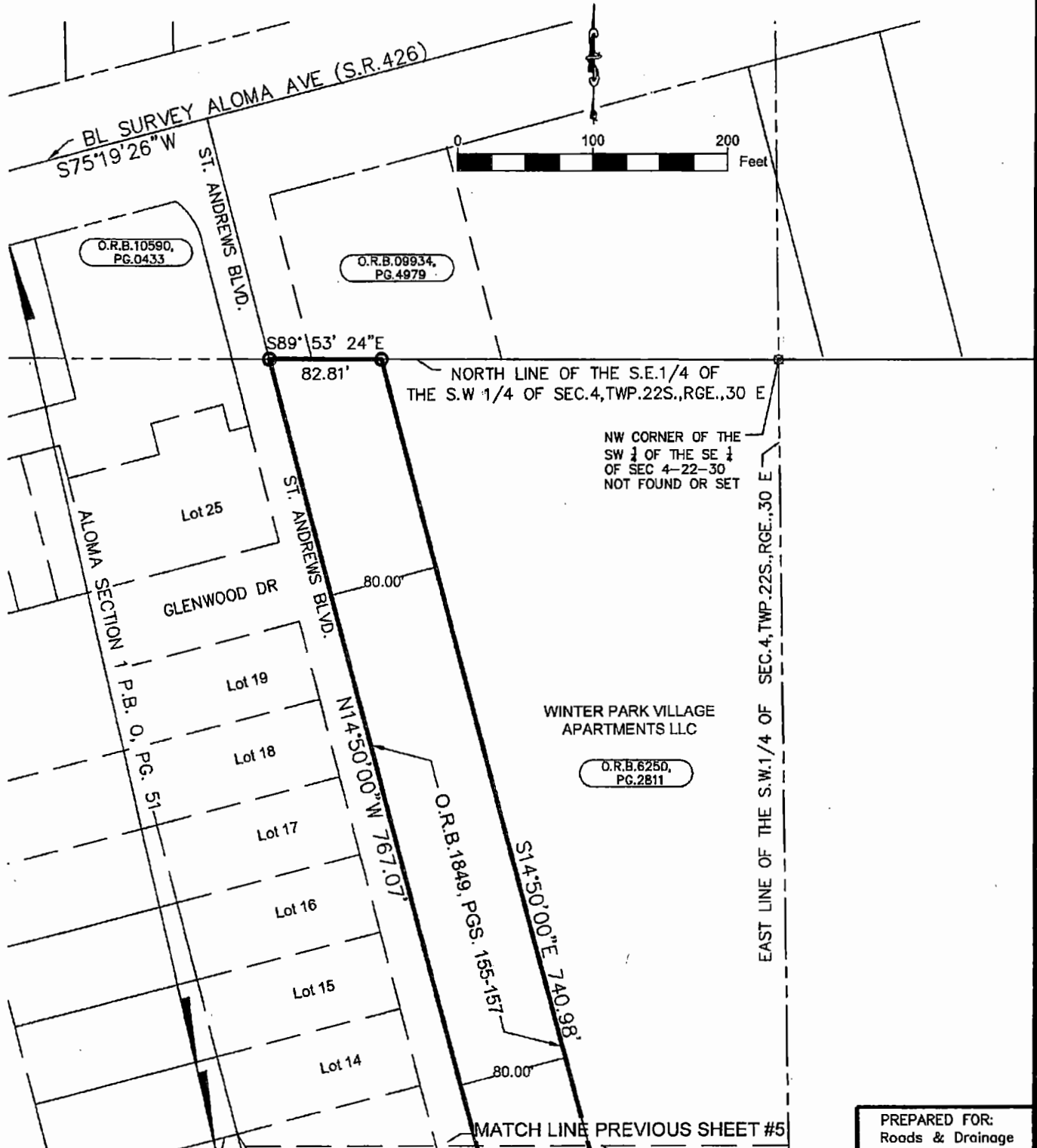
DRAWN BY: A.GILEV	DATE: 11/02/17	SECTION: 4,9	PUBLIC WORKS ENGINEERING DIVISION SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7940		PREPARED FOR: Roads & Drainage
CHECKED BY: Daynes	JOB No: 8062	TOWNSHIP: 22S			DRAWING SCALE: 1"=100'
APPROVED BY: Daynes	DRAWING FILE: 8062 Four Seasons	RANGE: 30E			PROJECT NUMBER 8062
REVISION DATE:		SHEET 5 OF 6			

EXHIBIT "A-1"
SKETCH OF DESCRIPTION
Estate: Perpetual Easement
Purpose: Road Right-of-way and Drainage



PREPARED FOR:
Roads & Drainage

DRAWING SCALE:
1"=100'
PROJECT NUMBER
8062

DRAWN BY: A.GILEV	DATE: 11/02/17	SECTION: 4,9
CHECKED BY: Daynes	JOB No: 8062	TOWNSHIP: 22S
APPROVED BY: Daynes	DRAWING FILE: 8062 Four Seasons	RANGE: 30E
REVISION DATE:		SHEET 6 OF 6

PUBLIC WORKS
ENGINEERING DIVISION
SURVEY SECTION
4200 SOUTH JOHN YOUNG PARKWAY
ORLANDO, FLORIDA 32839-9205
(407) 836-7840



EXHIBIT "A-2"**LEGAL DESCRIPTION****Estate: Perpetual Easement****Purpose: Drainage****LEGAL DESCRIPTION**

A portion of a drainage easement 25 feet wide as described in Official Records Book 1409, Page 453 of the Public Records of Orange County, Florida, being particularly described as follows:

Begin at the Southwest corner of Lot 1, Block "E" of Winter Park Pines - Merry Oaks Section - Unit Number Three, as recorded in Plat Book I, Page 76, Public Records of Orange County, Florida, said point being on the North line of the former Seaboard Coast Line Railroad right of way; thence run South 66°35'00" West a distance of 178.35 feet along the aforesaid line to intersect with the Southerly extension of the East right of way line of Balfour Drive, as recorded in Official Records Book 1849, Pages 148 -149, Public Records of Orange County, Florida; thence North 14°48'00" West along said Southerly extension of the East right of way line of Balfour Drive a distance of 25.29 feet; thence run North 66°35'00" East a distance of 174.96 feet along a line 25.00 feet North of the right of way line of the former Seaboard Coast Line Railroad to a point on the Westerly boundary of Lot 1, Block "E", Winter Park Pines - Merrie Oaks Section - Unit Number Three, as recorded in Plat Book I, Page 76, Public Records of Orange County, Florida; thence run South 22°30'34" East along the Westerly boundary of said Lot 1, Block "E" of said plat, also being the Easterly boundary of Winter Park Point I, Condominium Book 5, Pages 90 - 91, Public Records of Orange County, Florida, a distance of 25.00 feet to the Point of Beginning.

Containing 4,417.22 square feet, or 0.10 acres, more or less.


PREPARED FOR: Roads & Drainage		ORANGE COUNTY PUBLIC WORKS ENGINEERING DIVISION		
DRAWN BY: Alvarez	DATE: 11/08/17	SECTION: 4,9	SURVEY SECTION 4200 SOUTH JOHN YOUNG PARKWAY ORLANDO, FLORIDA 32839-9205 (407) 836-7940 	DRAWING SCALE: NTS
CHECKED BY: Daynes	JOB No: 8020	TOWNSHIP: 22		PROJECT NUMBER
APPROVED BY: Daynes	DRAWING FILE:	RANGE: 30		8020
REVISION DATE:	8020 Four Seasons	SHEET 1 OF 2		

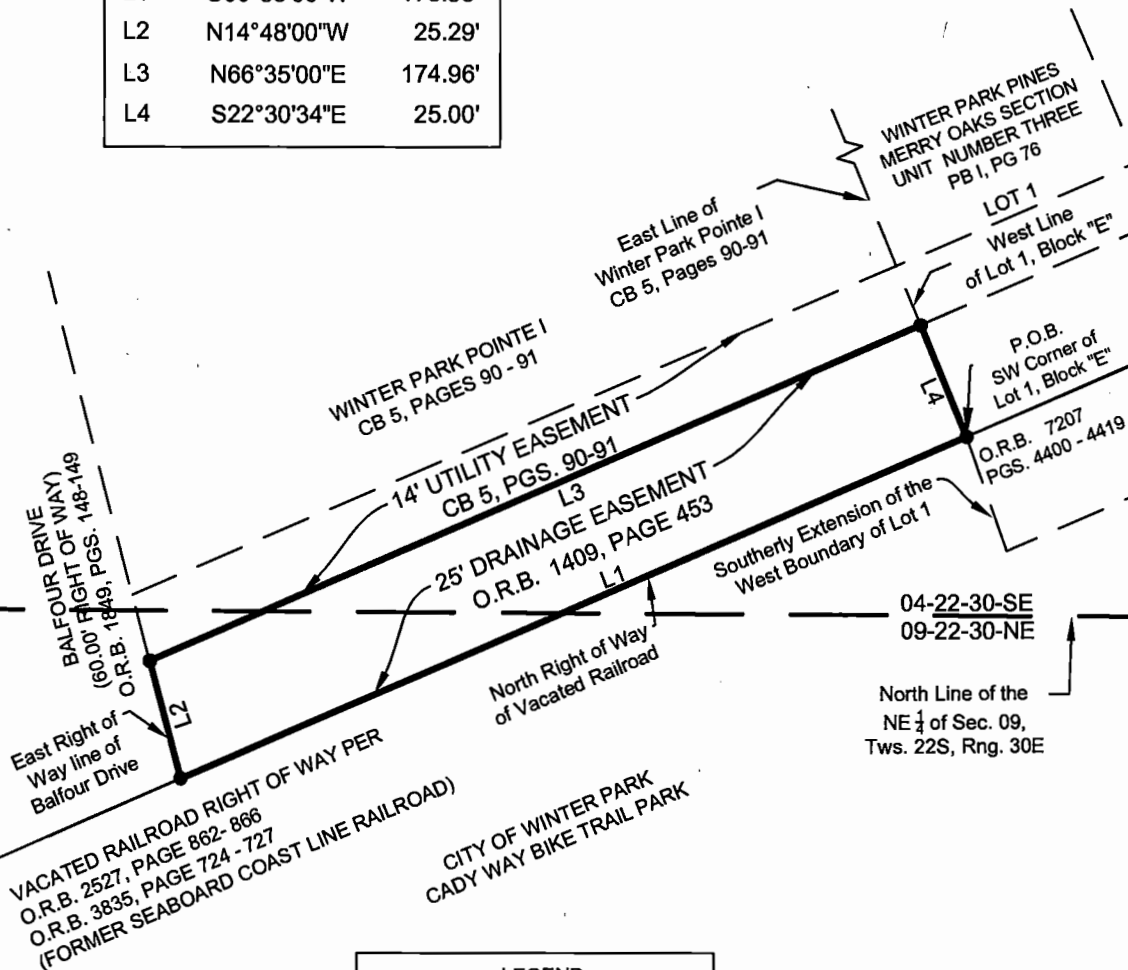
EXHIBIT "A-2"

SKETCH OF DESCRIPTION

Estate: Perpetual Easement

Purpose: Drainage

Line Data		
Line	Bearing	Distance
L1	S66°35'00"W	178.35'
L2	N14°48'00"W	25.29'
L3	N66°35'00"E	174.96'
L4	S22°30'34"E	25.00'



LEGEND	
O.R.B.	Official Record Book
P.O.B.	Point of Beginning
BCC	Board of County Commissioners
CB	Condominium Book
O.C.	Orange County
P.G.	Page
P.B.	Book
●	Change of direction No point set

I HEREBY AFFIRM THAT THIS SKETCH OF DESCRIPTION REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN CHAPTER 51-17, F.A.C., PURSUANT TO CHAPTERS 177 AND 472, OF THE FLORIDA STATUTES, AND UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAN, OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

Mark A. Daynes
REGISTERED LAND SURVEYOR
AND MAPPER
STATE OF FLORIDA LICENSE NO. 9479

5/23/13
DATE:

SKETCH AND DESCRIPTION
THIS IS NOT A SURVEY. NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 51-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING.

- NOTES:**
1. BEARINGS ARE BASED ON THE NORTH RIGHT OF WAY LINE OF THE VACATED SEABOARD COAST LINE RAILROAD BEING SOUTH 68°35'00" WEST.
 2. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION WAS PREPARED BY ORANGE COUNTY ENGINEERING DIVISION, SURVEY SECTION.
 3. THERE MAY BE OTHER RECORDS DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY, A COMPLETE TITLE RECORD SEARCH WAS NOT PERFORMED.
 4. NO IMPROVEMENTS ABOVE OR BELOW GROUND, OTHER THAN THOSE SHOWN, WERE LOCATED.
 5. SKETCH WAS DONE WITHOUT THE BENEFIT OF TITLE WORK OR ABSTRACT.

PREPARED FOR:
Roads & Drainage

DRAWN BY: Alvarez	DATE: 11/08/17	SECTION: 4,9
CHECKED BY: Daynes	JOB No: 8020	TOWNSHIP: 22
APPROVED BY: Daynes	DRAWING FILE: 8020 Four Seasons	RANGE: 30
REVISION DATE:		SHEET 2 OF 2

PUBLIC WORKS
ENGINEERING DIVISION
SURVEY SECTION
4200 SOUTH JOHN YOUNG PARKWAY
ORLANDO, FLORIDA 32839-9205
(407) 836-7940



DRAWING SCALE:
1"=40'
PROJECT NUMBER
8020

