





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

DATE: August 24, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager 
Real Estate Management Division

FROM: Elizabeth Price Jackson, 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 MODIFICATION OF EASEMENTS BETWEEN D.R. HORTON, INC. AND ORANGE COUNTY, APPROVAL OF TEMPORARY ACCESS EASEMENT FROM D.R. HORTON, INC. TO ORANGE COUNTY AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Conserv II - Waterleigh

District 1

PURPOSE: To reconfigure, modify, and replace the easement areas of existing drainage and utility easements and to provide temporary access as a requirement of development.

ITEMS: Modification of Easements (Instrument 801.1)
Cost: None
Amended size: 3.334 acres

Temporary Access Easement (Instrument 701.1)
Cost: Donation
Size: 30.94 acres
Term: Until replaced by a permanent platted easement

APPROVALS: Real Estate Management Division
Public Works Department
Utilities Department

REMARKS: On July 22, 1985, Orange County took title by Order of Taking to permanent utility, permanent drainage, and temporary construction easements from Austin Groves, Inc. ("Austin") which was filed in Official Records Book 3666, Page 931 (the "Easements"). D.R. Horton, Inc. ("DRH") is the successor in title to the lands previously owned by Austin.

DRH has requested to modify the Easements in connection with its development. This Modification of Easements releases the permanent utility easement, confirms that the temporary easements have expired, and modifies the permanent drainage easements. The Utilities Department and the Public Works Department have both reviewed and approved DRH's request.

DRH to pay all recording fees.

Instrument: 801.1
Project: Waterleigh - Conserv II

Property Appraiser's Parcel Identification Number: a
portion of 07-24-27-0000-00-003

MODIFICATION OF EASEMENTS

THIS MODIFICATION OF EASEMENTS is made and entered into as of the last date signed below by and between D.R. HORTON, INC., a Delaware corporation ("DRH") and ORANGE COUNTY, a charter county and political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, the County obtained certain easement interests from Austin Groves, Inc., by virtue of that certain Order of Taking ("OT") dated as of July 19, 1985 and recorded July 22, 1985 in Official Records Book 3666, Page 931, and as confirmed by that certain Stipulated Final Judgment ("Judgment") dated as of September 5, 1985 and recorded September 5, 1985 in Official Records Book 3685, Page 2123 of the Public Records of Orange County, Florida (the "Easements"); and

WHEREAS, DRH is the fee simple owner and successor in interest of the area encumbered by the easement interests referenced above; and

WHEREAS, DRH has requested and the County has agreed to relocate the easement areas legally described on Schedule "A" of both the OT and the Judgment ("Easement Areas") in connection with DRH's development of the lands encumbered by the easement interests; and

WHEREAS, DRH and COUNTY wish to modify the Easements for the purposes of relocating the Easement Areas as set forth herein;

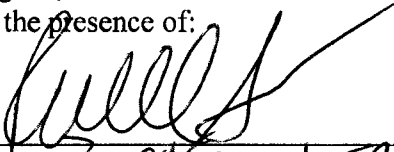
NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

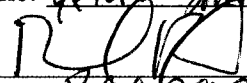
1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.
2. Reconfiguration of Easement Areas. The Schedule "A" attached to both the OT and the Judgment are hereby deleted in their entirety and replaced with Schedule "A" to this Modification of Easements.
3. Ratification. Except as otherwise explicitly set forth herein, all other terms and conditions of the Easements as provided in the Judgment shall remain in full force and effect.

Instrument: 801.1
Project: Waterleigh - Conserv II

IN WITNESS WHEREOF, the parties have caused this Modification of Easements to be executed in manner and form sufficient to be bound as of the date set forth above.


Signed, sealed and delivered
in the presence of:


Name: Rachael Smith, Jr


Name: Rachael Brabham

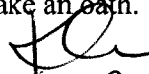
"DRH"

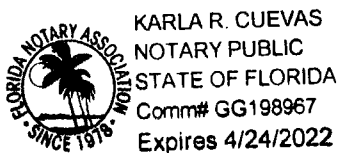
D.R. HORTON, INC., a Delaware corporation

By: 
Name: CHRIS WRENN
Title: ASSISTANT SECRETARY

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 26 day of July, 2018 by Christopher Wrenn as Assistant Secretary of D.R. Horton, Inc., a Delaware corporation, on behalf of the corporation, who is personally known to me or produced as identification and did/did not take an oath.

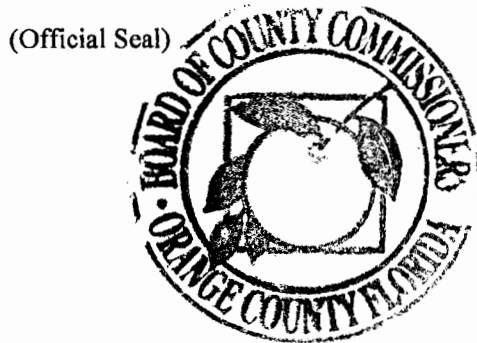

Printed Name: Karla R. Cuevas
Notary Public - State of Florida
Commission No.: 96198967
My Commission Expires: 4.24.2022



Instrument: 801.1
Project: Waterleigh - Conserv II

IN WITNESS WHEREOF, the said COUNTY has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year as written below.

"COUNTY"



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor
DATE: 9.11.18

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

BY: *Lakela Louis*
for Deputy Clerk
Lakela Louis
Printed Name

This instrument prepared by:
E. Price Jackson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

Instrument: 801.1

Project: Waterleigh - Conserv II

Schedule "A"

Permanent Drainage Easement over the area legally described on attached Exhibit "A" for the purposes of a drainage ditch, pipe, or facility over, under, and upon the following described lands.

The County 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 DRH, its 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.

Exhibit "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A tract of land lying in Section 7, Township 24 South, Range 27 East, Orange County, Florida.

Commence at the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of Section 7, Township 24 South, Range 27 East, Orange County, Florida; thence run North 00°35'43" East along the West line of the Northeast 1/4 of the Southeast 1/4 of said section 7 for a distance of 725.15 feet to the POINT OF BEGINNING; thence continue along said West line North 00°35'43" East for a distance of 260.06 feet; thence run North 21°41'17" East departing said West line for a distance of 6.01 feet to a point on a non tangent curve concave Northeasterly having a radius of 90.00 feet with a chord bearing of South 80°31'18" East and a chord distance of 31.63 feet; thence run Southeasterly along the arc of said curve through a central angle of 20°14'30" for a distance of 31.80 feet to a point of tangency; thence run North 89°21'27" East for a distance of 522.22 feet; thence run South 00°38'33" East for a distance of 260.00 feet; thence run South 89°21'27" West for a distance of 561.25 feet to the POINT OF BEGINNING.

CONTAINING 3.33 ACRES MORE OR LESS

[Signature] 5/2/2018



16 EAST PLANT STREET
Winter Garden, Florida 32787 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 7-24-27 AS BEING N00°35'43"E.
4. THIS LEGAL DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF TITLE
5. DELINEATION OF THE LANDS SHOWN HEREON ARE ACCORDING TO THE CLIENT'S INSTRUCTIONS

sk 7

PAGE 1 OF 2

JOB NO. 20140340
DATE: 11/14/2017
SCALE: 1"=100'
FIELD BY: N/A

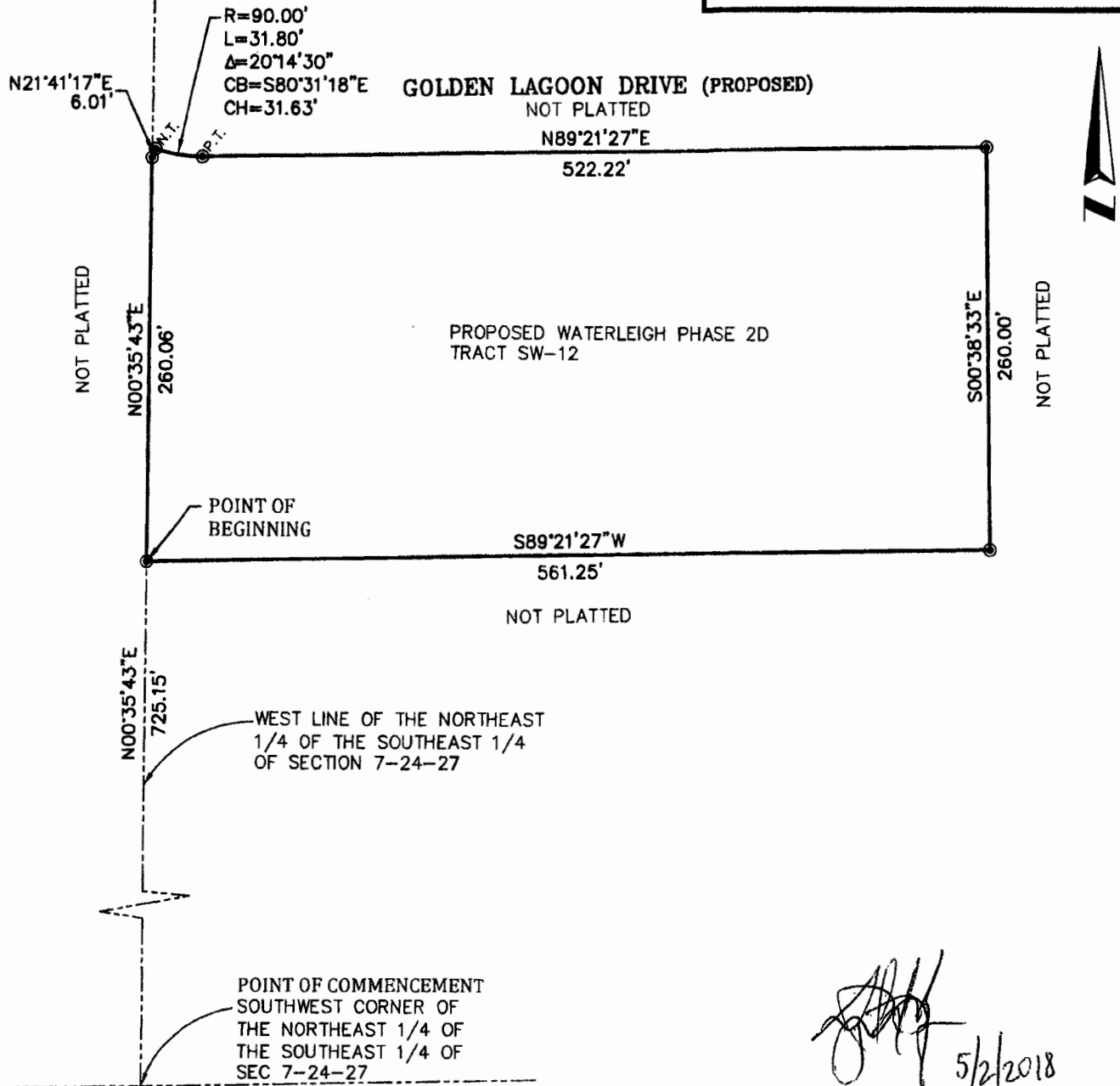
CALCULATED BY: BRH
DRAWN BY: BRH
CHECKED BY: MR

FOR THE LICENSED BUSINESS # 6723 BY:

JAMES L. RICKMAN P.S.M. # 5633

Exhibit "A"

SKETCH OF DESCRIPTION



16 EAST PLANT STREET
Winter Garden, Florida 32787 • (407) 654-5355

LEGEND:

- ⊙ Denotes change in direction
- R Denotes radius
- L Denotes curve length
- Δ Denotes delta angle

- CB Denotes chord bearing
- CH Denotes chord
- N.T. Denotes non tangent
- P.T. Denotes point of tangency

PAGE 2 OF 2

JOB NO. 20140340

CALCULATED BY: JLR

DATE: 11/14/2017

DRAWN BY: BRH

SCALE: 1"=100'

CHECKED BY: MR

FIELD BY: N/A

LEGAL DESCRIPTION

THIS IS NOT A SURVEY

LEGAL DESCRIPTION

A STRIP OF LAND LYING IN SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST; THENCE RUN SOUTH 00°44'55" WEST, ALONG THE EAST LINE OF SAID SECTION 7, FOR A DISTANCE OF 363.04 FEET; THENCE RUN SOUTH 89°15'09" EAST, DEPARTING SAID EAST LINE, FOR A DISTANCE OF 405.50 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN PIPELINE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3548, PAGE 511 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE RUN SOUTH 00°49'48" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 89°15'06" WEST DEPARTING SAID WEST LINE FOR A DISTANCE OF 18.29 FEET; THENCE RUN NORTH 00°44'54" EAST FOR A DISTANCE OF 8.41 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF NORTH 02°34'15" EAST AND A CHORD DISTANCE OF 1.59 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°38'40" FOR A DISTANCE OF 1.59 FEET TO A NON-TANGENT POINT; THENCE RUN SOUTH 89°15'06" EAST FOR A DISTANCE OF 18.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 183 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

[Signature] 5/2/2018

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
SKETCH OF DESCRIPTION AND LEGEND

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING SOUTH 00°44'55" WEST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20140340

DATE: 3-21-18

SCALE: N/A

FIELD BY: N/A

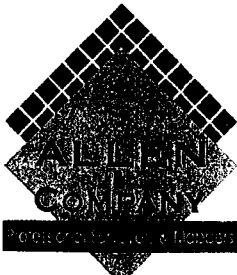
CALCULATED BY: MR

DRAWN BY: BH

CHECKED BY: MR

FOR THE LICENSED BUSINESS # 6723 BY:

[Signature]
JAMES L. RICHMAN P.S.M. # 5633



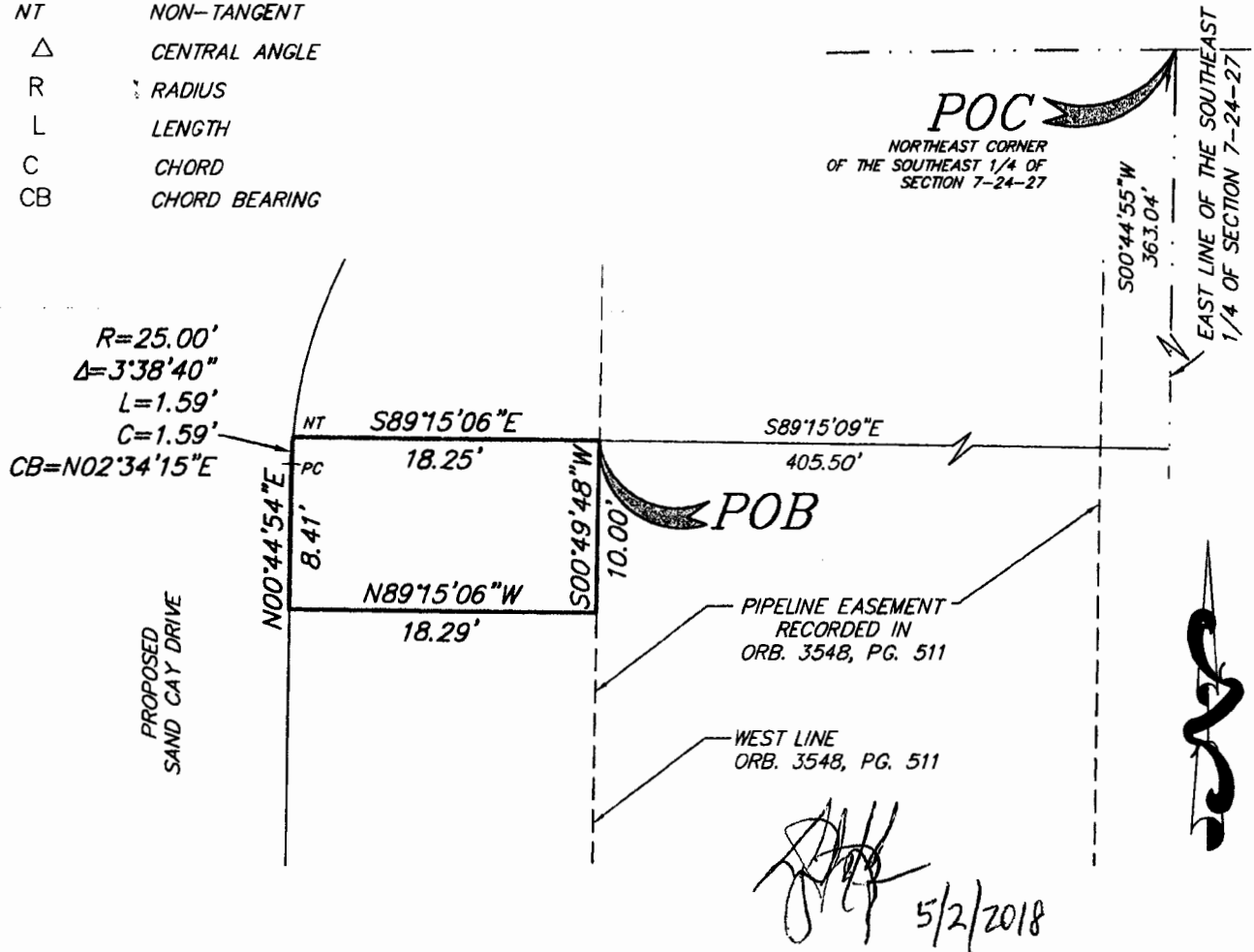
16 East Plant Street
Winter Garden, Florida 34787 * (407) 654-5355

Exhibit "A"

SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

LEGEND:

ORB. OFFICIAL RECORDS BOOK
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
PG(S) PAGE(S)
PC POINT OF CURVATURE
NT NON-TANGENT
Δ CENTRAL ANGLE
R RADIUS
L LENGTH
C CHORD
CB CHORD BEARING



SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING SOUTH 00°44'55" WEST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20140340

DATE: 11-13-17

SCALE: 1" = 10 FEET

FIELD BY: N/A

CALCULATED BY: MR

DRAWN BY: BH

CHECKED BY: MR

SHEET 2 OF 2

SEE SHEET 1 OF 2
FOR LEGAL DESCRIPTION



16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 11 2018

Instrument: 701.1
Project: Waterleigh - Conserv II

TEMPORARY ACCESS EASEMENT

THIS INDENTURE, Made this 26th day of July A.D., 2018, between **D.R. HORTON, INC.**, a Delaware corporation, having its principal place of business in the city of Orlando, county of Orange, state of Florida, whose address is 6200 Lee Vista Boulevard, Suite 400, Orlando, Florida 32822, 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, for and in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE, the receipt of which is hereby acknowledged, does hereby give and grant to GRANTEE and its successors a right of way for access road purposes and full authority to enter upon, construct, and operate a road over and upon the following described lands situate in Orange County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:

a portion of 07-24-27-0000-00-003

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever; provided, however, the easement hereby granted shall automatically terminate, without the necessity of the GRANTOR undertaking vacation proceedings or obtaining any release from the GRANTEE, at such time as GRANTOR or its successors or assigns shall cause the property over which the easement passes to be included in a subdivision plat recorded among the Public Records of Orange County, Florida.

Instrument: 701.1

Project: Waterleigh - Conserv II

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be signed in its name.

Signed, sealed, and delivered
in the presence of:

Witness

Printed Name

Witness

Printed Name

(Signature of TWO Witnesses
required by Florida Law)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 26 day of July, 2018 by CHRISTOPHER WREN as Assistant Secretary of D.R. Horton, Inc., a Delaware corporation, on behalf of the corporation, who is personally known to me or produced _____ as identification and did/did not take an oath.

(Notary Seal)

This instrument prepared by:
E. Price Jackson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

D.R. Horton, Inc.,
a Delaware corporation

BY: _____

CHRIS WREN

Printed Name

ASSISTANT SECRETARY

Title

(Corporate Seal)

Notary Signature

Printed Notary Name

Notary Public in and for
the County and State aforesaid
My commission expires:

U:\PROJECT FOLDERS\Waterleigh - Conserv I\Temp AE.doc 7/3/18bj



KARLA R. CUEVAS
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG198967
Expires 4/24/2022

Exhibit "A"

Proposed plat of *Waterleigh Phase 2D*, being further described as:

A PARCEL OF LAND COMPRISING A PORTION OF SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 24 SOUTH, AND RANGE 27 EAST; THENCE NORTH 89°21'27" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7 FOR A DISTANCE OF 105.17 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE, RUN NORTH 00°38'33" WEST FOR A DISTANCE OF 93.00 FEET; THENCE NORTH 89°21'27" EAST FOR A DISTANCE OF 255.05 FEET; THENCE NORTH 00°38'33" WEST FOR A DISTANCE OF 258.00 FEET; THENCE NORTH 89°21'27" EAST FOR A DISTANCE OF 241.10 FEET; THENCE NORTH 01°28'18" WEST FOR A DISTANCE OF 55.12 FEET TO THE SOUTHWEST CORNER OF TRACT SW-1 OF WATERLEIGH PHASE 2A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGES 6 THROUGH 16 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING COURSES ALONG THE SOUTHERLY LINE OF SAID WATERLEIGH PHASE 2A: SOUTH 71°39'19" EAST FOR A DISTANCE OF 105.49 FEET; THENCE NORTH 86°46'39" EAST FOR A DISTANCE OF 381.25 FEET; THENCE SOUTH 00°27'30" EAST FOR A DISTANCE OF 295.96 FEET; THENCE NORTH 89°21'27" EAST FOR A DISTANCE OF 644.95 FEET; THENCE SOUTH 00°38'33" EAST FOR A DISTANCE OF 73.00 FEET; THENCE NORTH 89°21'27" EAST FOR A DISTANCE OF 531.03 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF SOUTH 56°16'16" EAST AND A CHORD DISTANCE OF 28.23 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68°44'34" FOR A DISTANCE OF 29.99 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS 93.00 FEET, A CHORD BEARING OF SOUTH 37°57'10" EAST AND A CHORD DISTANCE OF 51.43 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°06'22" FOR A DISTANCE OF 52.11 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF SOUTH 29°46'07" EAST AND A CHORD DISTANCE OF 20.53 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48°28'28" FOR A DISTANCE OF 21.15 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 547.50 FEET, A CHORD BEARING OF SOUTH 20°06'09" EAST AND A CHORD DISTANCE OF 275.48 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°08'32" FOR A DISTANCE OF 278.47 FEET TO THE CUSP OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF NORTH 75°49'53" WEST AND A CHORD DISTANCE OF 32.91 FEET; THENCE DEPARTING SAID SOUTHERLY LINE OF WATERLEIGH PHASE 2A, RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82°18'56" FOR A DISTANCE OF 35.92 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 230.00 FEET, A CHORD BEARING OF SOUTH 76°11'03" WEST AND A CHORD DISTANCE OF 104.83 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°20'48" FOR A DISTANCE OF 105.76 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 89°21'27" WEST, 44.91 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF SOUTH 45°03'11" WEST AND A CHORD DISTANCE OF 34.92 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 88°36'33" FOR A DISTANCE OF 38.66 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°44'54" WEST FOR A DISTANCE OF 295.69 FEET; THENCE SOUTH 89°21'27" WEST FOR A DISTANCE OF 228.10 FEET; THENCE NORTH 00°38'33" WEST FOR A DISTANCE OF 60.00 FEET; THENCE SOUTH 89°21'27" WEST FOR A DISTANCE OF 665.52 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE NORTH 00°35'43" EAST, ALONG SAID EAST LINE FOR A DISTANCE OF 260.06 FEET; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°21'27" WEST FOR A DISTANCE OF 1208.28 FEET; THENCE NORTH 00°38'33" WEST FOR A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 30.94 ACRES, MORE OR LESS.