



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 10

DATE: October 9, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Monica Hand, Senior Title Examiner *PS*
Real Estate Management Division *for mth*

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL AND EXECUTION OF FIRST AMENDMENT TO CONSERVATION EASEMENT BETWEEN BISHOP LANDING HOMEOWNERS ASSOCIATION, INC. AND ORANGE COUNTY WITH JOINDER AND CONSENT TO FIRST AMENDMENT TO CONSERVATION EASEMENT FROM D.R. HORTON, INC. AND AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: Creekstone Reserve (aka Bishop Property)

District 4

PURPOSE: To reconfigure, modify, and replace the easement area of an existing conservation easement.

ITEM: First Amendment to Conservation Easement
Revenue: None
Amended size: 10.569 acres

APPROVALS: Real Estate Management Division
County Attorney's Office
Environmental Protection Division

REMARKS:

On January 26, 2016, the Board of County Commissioners approved a Conservation Easement (the "Easement") from D.R. Horton, Inc. ("D.R. Horton") to Orange County ("County") as a requirement of Conservation Area Impact Permit # CAI-15-08-028 (the "Permit") issued by the Orange County Environmental Protection Division ("OCEPD"). Bishop Landing Homeowners Association, Inc. ("Association") is D.R. Horton's successor in title to the lands encumbered by the Easement.

Association and D.R. Horton have requested to modify the Easement to release portions of the existing easement area that are not required by the Permit (as modified) to be encumbered by the Easement. OCEPD has confirmed that such modification is in accordance with the Permit (as modified).

County is executing the First Amendment to Conservation Easement to accept the redefined easement area.

D.R. Horton to pay all recording fees.

OCT 30 2018

Project: Creekstone Reserve (aka Bishop Property)

Property Appraiser's Parcel Identification Number:
A portion of 33-24-30-0345-00-005

FIRST AMENDMENT TO CONSERVATION EASEMENT

THIS FIRST AMENDMENT TO CONSERVATION EASEMENT (this "**First Amendment**") made as of the date last signed below, by and between Bishop Landing Homeowners Association, Inc., a Florida not for profit corporation, whose address is 882 Jackson Avenue, Winter Park, Florida 32789 ("**Grantor**"), and Orange County, a charter county and political subdivision of the state of Florida, whose address is Post Office Box 1393, Orlando, Florida 32802-1393 ("**Grantee**").

WITNESSETH

WHEREAS, Grantor is the successor in interest to D.R. Horton, Inc., a Delaware corporation, who previously granted to Grantee that certain "Conservation Easement" approved by Grantee on January 26, 2016, and recorded on February 2, 2016, as Document No. 20160056653, of the Public Records of Orange County, Florida (the "**Conservation Easement**"); and

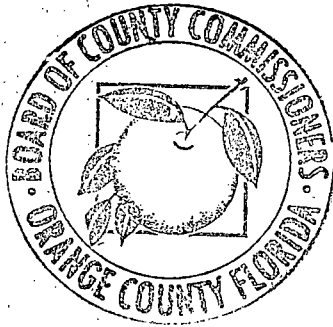
WHEREAS, Grantor remains the sole owner in fee simple of the Property, the Property being the entirety of the lands encumbered by the Conservation Easement; and

WHEREAS, Grantor and Grantee have agreed to modify the Property (as defined in the Conservation Easement).

NOW THEREFORE, for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, Grantor and Grantee hereby agree as follows:

1. *Recitals; Defined Terms.* The above recitals are true and correct and are incorporated in this First Amendment by this reference. Defined terms used in this First Amendment, but not defined herein, shall have the meaning given to such terms by the Conservation Easement.
2. *Easement Area.* Exhibit "A" to the Conservation Easement is deleted in its entirety and replaced with Exhibit "A" to this First Amendment.
3. *Ratification.* Except as modified by this First Amendment, all other terms and provisions of the Conservation Easement are hereby ratified and confirmed and will remain in full force and effect.

IN WITNESS WHEREOF, Grantee has executed this First Amendment to Conservation Easement as of the date written below.



Orange County, Florida
By: Board of County Commissioners

By: B. J. Dalchanda

TJ Teresa Jacobs,
Orange County Mayor

Date: 10.30.18

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

By: Katie Smith
Deputy Clerk

Katie Smith

Printed Name

MORE SIGNATURES ON FOLLOWING PAGES

00EPD 53762018P4-422

IN WITNESS WHEREOF, Grantor has executed this First Amendment to Conservation Easement as of the date written below.

Signed, sealed, and delivered
in the presence of:

Nicole Divenzo
Witness

Nicole Divenzo
Printed Name

[Signature]
Witness

Leroy Sanchez
Printed Name

Bishop Landing Homeowners Association,
Inc., a Florida not for profit corporation

By: [Signature]

Name: Ralph Smith, Jr.

Title: Vice President

Date: 09/05/2018

(Corporate Seal)

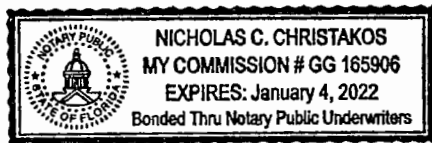
(Signature of TWO Witnesses required by Florida Law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 5th of September, 2018, by Ralph Smith Jr., as Vice President of Bishop Landing Homeowners Association, Inc., a Florida not for profit corporation, on behalf of the corporation. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature
Nicholas C. Christakos
Printed Notary Name

This instrument prepared by:
Monica Hand, 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: 1/4/22

**JOINDER AND CONSENT TO FIRST AMENDMENT TO CONSERVATION
EASEMENT**

D.R. Horton, Inc., a Delaware Corporation, being granted certain rights by virtue of (i) that certain Declaration of Covenants, Conditions and Restrictions of Bishop Landing, recorded October 21, 2016, as Official Records Document No. 20160566988, and (ii) First Amendment to Declaration of Covenants, Conditions and Restrictions of Bishop Landing recorded November 13, 2017 as Official Records Document No. 20170621750, all of the Public Records of Orange County, Florida, as they may be amended from time to time, hereby joins in and consents to the execution and recording of the foregoing First Amendment to Conservation Easement.

Witnesses:

Print Name: Larry Sanchez

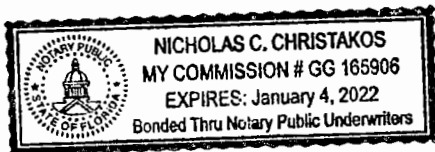
Print Name: Nicole Divenzo

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 5th day of September, 2018, by Christopher Wrenn, as Assistant Secretary of D.R. Horton, Inc., a Delaware corporation, on behalf of said corporation. He ☒ is personally known to me or ☐ has produced _____ as identification.

(Notary Seal)



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

By: Christopher Wrenn
Assistant Secretary

Notary Public

Print Name: Nicholas C. Christakos
My Commission Expires: 1-4-22

Exhibit "A" to
First Amendment to Conservation Easement

*[see attached legal description and sketch of description
totaling 3 pages]*

NORTH LINE OF THE N.W. 1/4
OF THE S.W. 1/4

SKETCH OF LEGAL DESCRIPTION CONSERVATION EASEMENT

P.O.C.
N.W. CORNER OF THE N.W.
1/4 OF THE S.W. 1/4 OF
SECTION 33-24-30

Line Table		
Line #	Length	Direction
L122	26.16'	N56° 49' 19"W
L123	54.14'	N29° 52' 42"W
L124	37.97'	S71° 16' 03"E
L125	22.13'	S36° 04' 01"E
L126	77.93'	N18° 51' 17"W
L128	27.05'	N49° 47' 18"W

TRACT "F"
BISHOP LANDING PHASE 1
(P.B. 90, PAGES 90-93)

P.O.B.

S89°52'50"E
246.99'

CREEKSTONE
(P.B. 88, PAGES 63-67)

S89°52'50"E
746.29'

TRACT "E"
BISHOP LANDING PHASE 1
(P.B. 90, PAGES 90-93)

PARCEL F

ORANGE COUNTY CONSERVATION
EASEMENT DOC. # 20160056653

Line Table		
Line #	Length	Direction
L74	56.18'	S89° 52' 50"E
L75	28.47'	S32° 51' 21"E
L76	55.27'	S50° 17' 34"E
L77	17.74'	S06° 01' 46"W
L78	32.78'	S49° 06' 49"W
L79	30.82'	S26° 45' 15"E
L80	31.08'	S75° 27' 03"E
L81	39.72'	S61° 18' 48"E
L82	56.79'	S72° 09' 14"E
L83	22.77'	N85° 41' 44"E
L84	50.71'	N80° 21' 22"E
L85	12.06'	N39° 33' 19"E
L86	34.58'	N16° 03' 02"E
L87	56.52'	N01° 26' 19"W
L88	80.43'	N15° 28' 44"W
L127	54.01'	S08° 00' 00"E
L90	57.52'	S01° 04' 15"E
L91	77.75'	S00° 16' 29"W

Line Table		
Line #	Length	Direction
L92	88.03'	S01° 46' 47"W
L94	103.29'	S02° 06' 04"W
L95	90.95'	S01° 59' 30"W
L96	97.33'	S01° 59' 27"W
L97	46.39'	S00° 02' 58"E
L98	47.48'	S22° 50' 33"W
L99	15.77'	S53° 51' 38"W
L100	77.79'	S33° 36' 37"W
L112	120.18'	N66° 23' 37"W
L113	108.87'	N48° 09' 37"W
L114	148.85'	N82° 54' 51"W
L115	118.84'	N51° 33' 01"W

Line Table		
Line #	Length	Direction
L116	114.73'	N61° 35' 37"W
L117	148.83'	N46° 03' 06"W
L118	98.83'	N56° 22' 17"W
L119	64.78'	N87° 43' 04"W
L120	108.85'	N51° 46' 41"W
L121	82.83'	N52° 02' 30"W

EXHIBIT "A"

SHEET OF 1 OF 2

THIS IS NOT A BOUNDARY SURVEY

BLDG. = BUILDING
C.B.S. = CONCRETE BLOCK STRUCTURE
C.B. = CHORD BEARING
CC = CREW CHIEF
CH = CHORD
C.M. = CONCRETE MONUMENT
C.P. = CONCRETE PIPE
COR. = CORNER
CONC. = CONCRETE
E.O.P. = EDGE OF PAVEMENT
EL. = ELEVATION
ESMT = EASEMENT
F.B. = FIELD BOOK

FND. = FOUND
HWA = HANSON, WALTER & ASSOCIATES
I.D. = IDENTIFICATION
I.P. = IRON PIPE
I.R. = 5/8" IRON ROD
L. = LENGTH OF CURVE
LL = LOOSE LEAF
L.B. = LICENSED SURVEYING BUSINESS
N&D = NAIL AND DISC
N.R. = NON-RADIAL
N.T.S. = NOT TO SCALE
O/S = OFFSET
O.R. = OFFICIAL RECORD
P.B. = PLAT BOOK

P.C. = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVE
PCP = PERMANENT CONTROL POINT
P.I. = POINT OF INTERSECTION
P.L.S. = PROFESSIONAL LAND SURVEYOR
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
PRC = POINT OF REVERSE CURVE
PRM = PERMANENT REFERENCE MONUMENT
P.T. = POINT OF TANGENCY
PQ. = PAGE
R = RADIUS
R.P. = RADIUS POINT
RNG = RANGE

RLS = REGISTERED LAND SURVEYOR
R/W = RIGHT OF WAY
SEC = SECTION
SQ.FT. = SQUARE FEET
T = TANGENT LENGTH OF CURVE
TWP. = TOWNSHIP
Δ = DELTA (CENTRAL ANGLE)
(C) = CALCULATED DATA
(D) = DEED DATA
(L) = LEGAL DESCRIPTION DATA
(M) = MEASURED DATA
(P) = PLAT DATA
C = CENTERLINE

House Model	BLDG. Permit No.
Scale 1"=100'	Sec. 33 Twp. 24 S. Rng. 30 E.
Boundary	Date By
Site Plan	
Sketch of Legal Description	5-29-14 R.H.
Foundation	
Boundary/Final	

Project Address	Revisions	F.B./PG.	C.C.	DATE
	REVISE DESCRIPTION			10-20-15
	REVISE DESCRIPTION			04-04-18



Hanson, Walter & Associates, Inc.
Engineering, Surveying and Planning

400 W. EMMETT STREET KISSIMMEE, FL 34741-5481 (407)847-9433

SURVEYING CERTIFICATE OF AUTHORIZATION #3270
ENGINEERING CERTIFICATE OF AUTHORIZATION #3265

HWA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Randy Hanson, P.L.S. # 4629
Carol Gableberry, P.L.S. # 4226
John M. Hughes, P.L.S. # 6387
Date Signed 1-19-18

SKETCH OF LEGAL DESCRIPTION CONSERVATION EASEMENT

EXHIBIT "A"

DESCRIPTION PARCEL F

A portion of Section 33, Township 24 South, Range 30 East, Orange County, Florida and being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of said Section 33; thence run S01°15'40"W, along the west line of said Southwest 1/4, a distance of 827.23 feet; thence run S89°52'50"E, a distance of 246.99 feet to the POINT OF BEGINNING; thence continue S89°52'50"E, a distance of 56.18 feet; thence run S32°51'21"E, a distance of 28.47 feet; thence run S50°17'34"E, a distance of 55.27 feet; thence run S06°01'46"W, a distance of 17.74 feet; thence run S49°06'49"W, a distance of 32.78 feet; thence run S26°45'15"E, a distance of 30.62 feet; thence run S75°27'03"E, a distance of 31.08 feet; thence run S61°16'48"E, a distance of 39.72 feet; thence run S72°09'14"E, a distance of 56.79 feet; thence run N55°41'44"E, a distance of 22.77 feet; thence run N80°21'22"E, a distance of 50.71 feet; thence run N35°33'19"E, a distance of 12.06 feet; thence run N16°03'02"E, a distance of 34.58 feet; thence run N01°26'19"W, a distance of 56.52 feet; thence run N15°28'44"W, a distance of 50.43 feet; thence run S89°52'50"E, a distance of 746.29 feet; thence run S06°00'00"E, a distance of 54.01 feet; thence run S01°04'15"E, a distance of 57.52 feet; thence run S00°16'29"W, a distance of 77.75 feet; thence run S01°46'47"W, a distance of 88.03 feet; thence run S02°06'04"W, a distance of 103.29 feet; thence run S01°59'30"W, a distance of 90.95 feet; thence run S01°59'27"W, a distance of 97.33 feet; thence run S00°02'58"E, a distance of 46.39 feet; thence run S22°50'33"W, a distance of 47.48 feet; thence run S53°51'38"W, a distance of 15.77 feet; thence run S33°38'37"W, a distance of 77.79 feet; thence run N 66°23'37"W, a distance of 120.16 feet; thence run N48°09'37"W, a distance of 108.87 feet; thence run N 62°54'51" W, a distance of 145.55 feet; thence run N51°33'01" W, a distance of 116.94 feet; thence run N 61°35'37"W, a distance of 114.73 feet; thence run N 46°03'06"W, a distance of 146.63 feet; thence run N 56°22'17"W, a distance of 98.83 feet; thence run N 67°43'04" W, a distance of 64.78 feet; thence run N51°49'41"W, a distance of 106.85 feet; thence run N 52°02'30"W, a distance of 82.83 feet; thence run N 56°49'19"W, a distance of 26.16 feet; thence run N29°52'42"W, a distance of 54.14 feet; thence run S71°16'03"E, a distance of 37.97 feet; thence run S 36°04'01"E, a distance of 22.13 feet; thence run N 18°51'17"W, a distance of 77.93 feet; thence run N 49°47'19"W, a distance of 27.05 feet to the POINT OF BEGINNING.

Containing 9.853 Acres, more or less.

SHEET OF 2 OF 2 (SEE SHEET OF 1 OF 2 FOR SKETCH)

THIS IS NOT A BOUNDARY SURVEY

BLDG. = BUILDING	FND. = FOUND	P.C. = POINT OF CURVATURE	R/L = REGISTERED LAND SURVEYOR
C.B.S. = CONCRETE BLOCK STRUCTURE	HWA = HANSON, WALTER & ASSOCIATES	PCC = POINT OF COMPOUND CURVE	R/W = RIGHT OF WAY
C.B. = CHORD BEARING	I.D. = IDENTIFICATION	PCP = PERMANENT CONTROL POINT	SEC = SECTION
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COR = CORNER	LL = LOOSE LEAF	P.O.C. = POINT OF COMMENCEMENT	Δ = DELTA (CENTRAL ANGLE)
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E.O.P. = EDGE OF PAVEMENT	N&D = NAIL AND DISC	PRM = PERMANENT REFERENCE MONUMENT	(D) = DEED DATA
EL. = ELEVATION	N.R. = NON-RADIAL	P.T. = POINT OF TANGENCY	(L) = LEGAL DESCRIPTION DATA
ESMT = EASEMENT	N.T.S. = NOT TO SCALE	PG. = PAGE	(M) = MEASURED DATA
F.B. = FIELD BOOK	O/S = OFFSET	R = RADIUS	(P) = PLAT DATA
	O.R. = OFFICIAL RECORD	R.P. = RADIUS POINT	CL = CENTERLINE
	P.B. = PLAT BOOK	RNG = RANGE	

House Model	BLDG. Permit No.	Project Address
Scale 1"=100'	Sec. 33 Twp. 24 S. Rng. 30 E.	Revisions
	Date By	F.B./PG. C.C. DATE
Boundary		REVISE DESCRIPTION 10-20-15
Site Plan		REVISE DESCRIPTION 04-04-18
Sketch of Legal Description	5-29-14 R.H.	
Foundation		
Boundary/Final		



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Carol Cortieberg, P.L.S. # 4226
John M. Hughes, P.L.S. # 8387
Date Signed 4-19-18

DOEPD APP232018PM2:15

DOEPD JUL172018PM1:21

P.O.C.
N.W. CORNER OF THE S.W.
1/4 OF SECTION 33-24-30

NORTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4

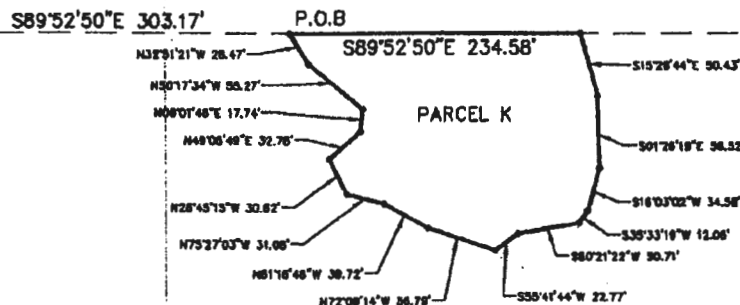
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Containing 0.716 Acres, more or less.

S01°15'40"W 827.23'

MEASUREMENTS ARE BASED ON AN ASSUMED MERIDIAN: THE WEST



SHEET OF 1 OF 1

THIS IS NOT A BOUNDARY SURVEY

[illegible]