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COUNTY ATTORNEY'S OFFICE JEFFREY J. NEWTON, County Attorney
201 South Rosalind Avenue $\quad$ 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 • Fax 407-836-5888
http://www.ocfl.net

## AGENDA ITEM

## MEMORANDUM

TO: Mayor Teresa Jacobs<br>and<br>County Commissioners<br>FROM: Jeffrey J. Newton, County Attorney<br>Scott R. McHenry, Assistant County Attorney SRM<br>Contact: (407) 836-7320<br>DATE: $\quad$ October 15,2018<br>SUBJECT: Consent Agenda Item for October 30, 2018<br>Eminent Domain Settlement Authorization<br>Orange County v. Chancellor Holding, LLC, et al.<br>Case No. 2012-CA-012759-O<br>Parcels 1054/7054A/7054B/7054C<br>Project: Holden Avenue (from John Young Parkway to Orange Blossom Trail (US 441)) CIP 3045

This Consent Agenda item requests settlement authorization by the Board of County Commissioners for the Orange County v. Chancellor Holding, LLC, et al. eminent domain case brought on behalf of Public Works by Orange County for the improvement of Holden Avenue.

A Confidential Memorandum, Settlement Analysis, and Stipulated Final Judgment have been provided to the Board under a separate cover memorandum. These documents will become public records at the conclusion of the litigation pursuant to Section 119.071(1)(d), Florida Statutes.

ACTION REQUESTED: Approval of the settlement in the case of Orange County v. Chancellor Holding, LLC, et al., Case No. 2012-CA-012759-O, Parcels 1054, 7054A, 7054B, and 7054C, and authorization for the County Attorney's Office to execute the Joint Motion for Entry of Stipulated Final Judgment agreeing to the entry of the proposed Stipulated Final Judgment on behalf of Orange County.

SRM/gs
Copy: Ajit Lalchandani, County Administrator
Paul Sladek, Manager, Real Estate Management Division
Damian Czapka, P.E., Chief Engineer, Public Works Engineering
Anne Kulikowski, Director, Administrative Services Department

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## MEMORANDUM

TO: $\quad \begin{aligned} & \text { Katie Smith, Deputy Clerk } \\ & \text { Comptroller Clerk of BCC }\end{aligned}$
FROM Scott R. McHenry, Assistant County Attorney
DATE: $\quad$ November 13, 2018
SUBJECT: October 30, 2018, County Attorney Consent Agenda Item 1
Eminent Domain Settlement Authorization
Orange County v. Chancellor Holding, LLC, et al.
Case No. 2012-CA-012759-O
Parcels 1054/7054A/7054B/7054C
Project: Holden Avenue (from John Young Parkway to
Orange Blossom Trail (US 441)) CIP 3045
Document: Stipulated Final Judgment
Date of BCC Approval: October 30, 2018

Enclosed is a fully executed copy of the Stipulated Final Judgment entered by Judge Jose Rodriguez on November 13, 2018. The Clerk of Court will have the final judgment recorded.

Also enclosed is a copy of the Confidential Memorandum with attachments to Mayor Teresa Jacobs and County Commissioners, dated October 15, 2018, for the consent agenda item that was approved by the Board on October 30, 2018.

Please be advised that litigation in this case is concluded and the attached documents may be made part of the public record, notwithstanding the notation on the document stating that it was exempt under Section 119.07, Florida Statutes.

Should you need additional information, please do not hesitate to contact my office.

SRM/gs
Enclosures


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## COUNTY ATTORNEY'S OFFICE JEFFREY J. NEWTON, County Attorney

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Reply To: Post Office Box 1393
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407-836-7320 $\approx$ Fax 407-836-5888
This document is exempt under Florida Statutes
http://www.ocd.net Section 119.07, and is not for copying or distribution.

## MEMORANDUM

> TO: Mayor Teresa Jacobs and County Commissioners

FROM: $\quad$| Jeffrey J. Newton, County Attorney |
| :--- |
| Scott R. McHenry, Assistant County Attorney |
| Contact: (407) 836-7320 |

DATE: $\quad$ October 15,2018

SUBJECT: Consent Agenda Item for October 30, 2018<br>Eminent Domain Settlement Authorization<br>Orange County v. Chancellor Holding, LLC, et al.<br>Case No. 2012-CA-012759-O<br>Parcels 1054/7054A/7054B/7054C<br>Project: Holden Avenue (from John Young Parkway to Orange Blossom Trail (US 441)) CIP 3045

This item requests settlement authorization by the Board of County Commissioners ("BCC") for the eminent domain case of Orange County v. Chancellor Holding, LLC, et al. brought on behalf of Public Works by Orange County for the Holden Avenue road project. The County staff recommends settlement of the case in the amount of $\$ 505,000$, plus statutory attorneys' fees in the amount of $\$ 64,775$ and expert fees and costs in the amount of $\$ 65,500$ for a total settlement of $\$ 635,275$.

## I. The Project

Holden Avenue is an east-west, minor arterial facility extending from Texas Avenue to Orange Blossom Trail with a traffic signal at Orange Blossom Trail. Residential and commercial land uses are present along the corridor. The posted speed limit is 30 mph .

Orange County requires that minor arterials, such as Holden Avenue, maintain a level of service of "B" or better. If the existing Holden Avenue roadway is not improved, as traffic volumes increase, the unimproved facility will not adequately serve the projected traffic demands and the levels of service can be expected to degrade substantially by 2025 . In addition, the project will provide a continuous multi-lane minor arterial route, allowing a more direct link for motorists travelling east and west within central Orange County.

Mayor Teresa Jacobs<br>and County Commissioners<br>October 15, 2018<br>Page 2 of 3

The subject property is located at the northeast corner of Rio Grande Avenue and Holden Avenue west of Orange Blossom Trail. Site improvements include a multi-tenant commercial strip center anchored by a Chevron convenience store with gas sales, a detached car wash facility, parking, signage, stormwater management facilities, and landscaping. In addition to other site improvements that were impacted by the acquisitions, portions of six parking spaces were impacted. The proposed cure plan restores the affected parking by modifying the internal landscape islands and reconstructing a portion of the existing stormwater pond facility.

There is a Declaration of Covenants, Conditions, Restrictions and Easements recorded in the Official Records between Chancellor Holding, LLC ("Chancellor") and the declarant/adjacent property owner to the east, the Copelys ("Master Declaration"). The Master Declaration outlines the permitted uses that are allowed on the Chancellor property, addresses the surface water management system, provides the declarant/Copelys with a drainage easement over the Chancellor property, and provides that any modification requires the written permission of the Copelys.

## II. The Lawsuit

Orange County initially attempted, albeit unsuccessfully, to negotiate a voluntary acquisition of Parcels 1054, 7054A, 7054B, and 7054C prior to filing the eminent domain action. Orange County filed its Petition in Eminent Domain over six (6) years ago in 2012. In addition to Chancellor, the Respondents included Wauchula State Bank, A.R. Copely, Jr., Brenda J. Copely, S.K. Petroleum, Inc., City of Orlando, Orlando Utilities Commission, Southeast Petro Distributors, Inc., and Earl K. Wood Orange County Tax Collector. Chancellor retained Kurt Ardaman of the Fishback, Dominick, et al. law firm as their attorney, and Richard Dreggors, GAA with Calhoun, Dreggors \& Associates, Inc. as their appraiser. The County's appraiser was Ted Hastings, MAI/SRA, with the Spivey Group, Inc. The primary issues in the case were the value of the improvements taken and the alleged severance damages relating to parking spaces that were impacted. Chancellor asserted that the value of the improvements taken was $\$ 101,000$ and that there were incurable severance damages of $\$ 246,000$. The total compensation (not including attorney's fees and costs) sought by Chancellor was $\$ 666,900$. The County asserted that the value of the improvements taken was $\$ 43,700$ and that that there were no incurable severance damages. The County's position was that the total compensation (not including attorney's fees and costs) should be $\$ 347,600$.

## III. The Settlement

Ultimately, the parties were able to settle through a combination of in-person meetings, telephone conversations and written correspondence without the necessity and costs associated with a formal mediation. The total settlement was compensation of

Mayor Teresa Jacobs
and County Commissioners
October 15, 2018
Page 3 of 3
$\$ 505,000$; attorney's fees of $\$ 64,775$; and expert fees and costs of $\$ 65,500$ for the previously mentioned total of $\$ 635,275$. Contemporaneously, pursuant to the Master Declaration, the written permission of the Copelys was obtained for the cure plan, including the modifications to the stormwater management system.

## IV. Staff Recommendation

The County's staff included Scott McHenry, Assistant County Attorney, Damian Czapka, Chief Engineer, Public Works Right of Way Division, and Paul Sladek, Manager, Real Estate Management Division. County staff recommends that the BCC approve the settlement.

Attached as Exhibit "A," is a copy of the Settlement Analysis. The proposed Stipulated Final Judgment is attached as Exhibit "B."

ACTION REQUESTED: Approval of the settlement in the case of Orange County v. Chancellor Holding, LLC, et al, Case No. 2012-CA-012759-O, Parcels 1054, 7054A, 7054B, and 7054C, and authorization for the County Attorney's Office to execute the Joint Motion for Entry of Stipulated Final Judgment agreeing to the entry of the proposed Stipulated Final Judgment on behalf of Orange County.

## SRM/gs

Attachments

Copy: Ajit Lalchandani, County Administrator Paul Sladek, Manager, Real Estate Management Division Damian Czapka, P.E., Chief Engineer, Public Works Engineering Anne Kulikowski, Director, Administrative Services Department

This document is exempt under Florida Statutes Section 119.07, and is not for copying or distribution.

Project: Holden Avenue
Limits: $\quad$ From John Young Parkway to Orange Blossom Trail (US 441)
Parcels: $\quad 1054,7054 \mathrm{~A}, 7054 \mathrm{~B}, 7054 \mathrm{C}$
Case Name: Orange County v. Chancellor Holding, LLC, et al.
Case No. 2012-CA-012759-O

## SETTLEMENT ANALYSIS

## Land Size

Parent Tract: $\quad 1.751$ acres
Remainder Tract: 1.687 acres
Parcel 1054: $\quad$ 2,778 sf
Parcel 7054A: $\quad 169 \mathrm{sf}$
Parcel 7054B: $\quad 962$ sf
Parcel 7054C: $\quad 1,165$ sf

| COMPENSATION VALUES |  |  |
| :--- | ---: | ---: |
|  | County | Owner |
| Cost per sf | $\$ 500$ | $\$ 500$ |
| Value of Parent Tract | $\$ 3,864,500$ | $\$ 3,864,500$ |
| Value of Remainder (uncured) | $\$ 3,207,600$ | $\$ 3,224,200$ |
|  |  | $\$ 0$ |
| Damages | $\$ 50,100$ | $\$ 246,000$ |
| Value of Land Taken <br> Parcel 1054 | $\$ 44,300$ | $\$ 55,600$ |
| Improvements Acquired | $\$ 226,100$ | $\$ 101,000$ |
| Net Cost to Cure | $\$ 46,400$ | $\$ 237,700$ |
| TCE Parcels <br> $7054 A / 7054 B / 7054 C$ | $\$ 366,900$ | $\$ 26,600$ |
| Total |  | $\$ 666,900$ |

Settlement Analysis
Orange County v. Chancellor Holding, LLC, et al.
Page 2

| POTENTIAL COSTS SAVED BY SETTLEMENT |  |
| :---: | ---: |
| Owner - Appraiser Fees | $\$ 20,000$ |
| - Engineer Fees | 15,000 |
| - Land Planner Fees | 10,000 |
| County - Appraiser Fees | 15,000 |
| - Engineer Fees | 10,000 |
| - Land Planner Fees | 10,000 |
| Total | $\mathbf{\$ 8 0 , 0 0 0}$ |


| RECOMMENDED SETTLEMENT |  |
| :--- | ---: |
| Compensation |  |
| Expert Fees | $\$ 505,000$ |
| Attorney Fees \& Costs | 65,500 |
| Total | 64,775 |

The subject property is a 1.751 acre tract, which is irregular in shape and zoned C-1 commercial with a future land use of commercial. The parcel is improved with a one story retail/convenience store building, a detached gas pump island and canopy that includes (4) gas dispensers, (8) dispensing stations and a detached car wash building.

In terms of square footage, the entire strip shopping center is 7,729 square foot with a 3,600 square foot convenience store; 1,400 square foot cellular phone store and a $2,729 \pm$ square foot laundry facility. The detached car wash includes 1,019 square feet.

The parent tract has been reduced from 76,274 square feet before the taking to 73,496 square feet or $3.64 \%$ less land area after the taking. The remainder land will have similar site utility for a commercial use after the taking and the remainder will have similar effective frontage along Holden Avenue and Rio Grande Avenue. The main improvements are not within the area of taking; however, the taking consumes site improvements. The acquisition impacts six parking spaces, curbing, pavement markings, primary business sign, landscaping, irrigation and the private sewer line. The new roadway improvements will require site modifications to the remainder property in order to restore the function and utility of the existing use. The County's engineering and land planning expert, KCG, Inc., has recommended modification of the Holden Avenue driveway to better accommodate fuel delivery tankers. Orange County staff are in agreement with the proposed modification and have committed to provide a $32^{\prime}$ wide driveway

## Settlement Analysis

Orange County v. Chancellor Holding, LLC, et al. Page 3
connection. This change will be made in either future plan updates or as a construction commitment. The internal drives will not be altered by the proposed road project and no significant changes to on-site circulation patterns have been identified. On-site fuel delivery remains the same as in the before condition. The site requires 25 parking spaces and is improved with 36 spaces including the 8 fuel dispensing spaces. The cure plan restores the 6 impacted spaces to re-establish 36 spaces as in the before condition. There are no impacts to drainage patterns.

The parties settled their differences, as follows:

1. Total Compensation: $\$ \mathbf{5 0 5 , 0 0 0}$.
2. Attorney's fees are governed by Chapter 73, Florida Statutes. They are determined based upon a percentage of the "benefit" (final compensation minus initial offer) achieved by the property owner's attorney. In this case, statutory attorney's fees are $\$ 64,775$.
3. Orange County, as condemnor, is required to pay all reasonable expert fees and costs of the eminent domain proceeding. The County was able to negotiate a reduction of approximately $\$ 14,700$ in expert fees. In this case, total expert fees and costs are $\$ 65,500$.

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA
CASE NO.: 2012-CA-12759-O
DIVISION: 34 (Judge Rodriguez)
ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,
v.

PARCELS: 1054/7054A/7054B/7054C

> CHANCELLOR HOLDING, LLC, a Florida limited liability company; WAUCHULA STATE BANK; CHANCELLOR HOLDING, LLC, a Florida limited liability company, doing business as 7-Eleven \# 39171;
> A. R. COPELY, JR.; BRENDA J. COPELY;
> S. K. PETROLEUM, INC., a Florida
> corporation, doing business as Perfect
> Petroleum; CITY OF ORLANDO, a municipal corporation; ORLANDO UTILITIES
> COMMISSION, a statutory commission;
> SOUTHEAST PETRO DISTRIBUTORS,
> INC., a Florida corporation; and EARL K. WOOD, Orange County Tax Collector,

Respondents.

## STIPULATED FINAL JUDGMENT

THIS CAUSE having come before the Court on the Joint Motion for Entry of Stipulated Final Judgment by the Petitioner, ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida ("Petitioner" or sometimes "ORANGE COUNTY"), and the Respondent, CHANCELLOR HOLDING, LLC (hereinafter "CHANCELLOR"), and it appearing to the Court that such parties were authorized to enter into such Motion, and the Court finding that the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned,
and the Court being fully advised in the premises, it is hereby,
ORDERED AND ADJUDGED as follows:

1. CHANCELLOR does have and recover of and from the Petitioner the total sum of FIVE HUNDRED FIVE THOUSAND AND NO/100 DOLLARS $\mathbf{( \$ 5 0 5 , 0 0 0 . 0 0 )}$ subject to the following: (a) any and all apportionment claims; and (b) credit to Petitioner for its Order of Taking deposit of $\$ 366,900.00$ previously paid; and (c) payment to the Tax Collector from said total sum for taxes calculated from January 1 to the date of deposit on November 27, 2012, pursuant to the Order of Taking. The foregoing amount shall constitute payment in full for the property taken (designated as Parcels 1054, 7054A, 7054B and 7054C herein) and for damages resulting to the remainder if less than the entire property was taken and for all other damages of any kind or nature including, but not limited to, for any improvements, severance damages, cures, business damages, if any, and except as otherwise expressly provided herein, attorney's fees of any kind or nature, including, but not limited to, attorney's fees based upon any claim for non-monetary benefits. CHANCELLOR, and not Orange County, shall be solely responsible for any apportionment claims in this case.
2. Within thirty (30) days from the entry of this Stipulated Final Judgment, the Petitioner shall pay the sum of ONE HUNDRED THIRTY-EIGHT THOUSAND ONE HUNDRED AND NO/100 DOLLARS $(\$ 138,100.00)$ into the Registry of the Court, that amount being the difference between the full payment required by this Stipulated Final Judgment pursuant to Paragraph 1 and the amount of $\$ 366,900.00$ deposited pursuant to the Order of Taking.
3. The Court awards CHANCELLOR the sum of SIXTY FOUR THOUSAND SEVEN HUNDRED SEVENTY-FIVE DOLLARS AND NO/100 DOLLARS $(\$ 64,775.00)$ in
full and complete satisfaction of all attorneys' fees, costs, and expenses for all legal services in this case, pursuant to Section 73.092, Florida Statutes, including, but not limited to, for "betterment fees" under Section 73.092(1), Florida Statutes, and for apportionment or supplemental fees (if any) under to Section 73.092(2), Florida, Statutes.
4. The Court awards CHANCELLOR the sum of SIXTY FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS $(\$ 65,500.00)$ in full and complete satisfaction of all of CHANCELLOR's expert fees and costs, pursuant to Section 73. 091 Florida Statutes, including, but not limited to, for Calhoun, Dreggors \& Associates, Inc., and Mesimer and Associates, Inc.
5. Within thirty (30) days from the entry of this Stipulated Final Judgment, the Petitioner shall pay to the Trust Account of Fishback Dominick, 1947 Lee Road, Winter Park, Florida 32789, as attorneys for CHANCELLOR, the sum of ONE HUNDRED THIRTY THOUSAND TWO HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS ( $\mathbf{\$ 1 3 0 , 2 7 5 . 0 0 )}$ that amount representing the total of attorneys' fees, costs and expenses, pursuant to Paragraph 3 above, and experts' fees and costs, pursuant to Paragraph 4 above.
6. The title to Parcels 1054, 7054A, 7054B, and 7054C, as more fully described on Exhibit "A" attached hereto, which vested in the Petitioner pursuant to the Order of Taking dated November 13, 2012 and as amended by the Order of Taking dated April 1, 2013, (collectively, the "Order of Taking") and the deposit of money previously made, is approved, ratified and confirmed.
7. The Temporary Construction Easements (Parcels 7054A, 7054B, and 7054C) shall expire upon the sooner to occur of the following: (a) the completion of the construction of the project adjacent to the Temporary Construction Easements as more fully described on

Exhibit "A" attached hereto; or June 30, 2021.
8. On October 31, 2012, pursuant to Orange County Code, Article XIII, Section 30636 through $30-642$, Orange County department managers or their designee, granted the following waivers to county land development, sign and engineering codes and regulations to prevent any adverse impact upon the remainder of CHANCELLOR's property as a result of this condemnation process and to allow the continued use of their property in a manner similar to its pre-condemnation condition: (1) a waiver to the minimum landscape strip requirement of 7 ft , Section $24-4(\mathrm{a})(1)$, to allow a reduction to 4.7 ft at the southwest corner of the site (overall landscape strip will exceed 7 ft wide on average); and (2) a waiver to the minimum sign setback requirement of 10 ft , Section $31.5-68(\mathrm{f})$, to allow a setback of 5 ft to the primary pole sign in the southwest corner of the property.
9. Pursuant to the Agreement of Apportionment between Chancellor and Respondents, A.R. Copely, Jr., Brenda J. Copely and A.R. Copely, P.A. d/b/a Copely Eye Clinic and Eyestyles Optical (the "Copelys") dated August 22, 2018 ("Agreement of Apportionment"), CHANCELLOR will not pursue any apportionment claims or bring any other supplemental proceedings in the separate case of Orange County v. Andrew Richard Copely, et al., Case No. 2014-CA-003838-O; provided, however, if CHANCELLOR does, Orange County will not be responsible for any attorney's fees, costs, or expenses in connection with same. In addition, pursuant to the Agreement of Apportionment, the Copelys approve the cure plan in this case.
10. This Stipulated Final Judgment is based on Petitioner's commitments that it intends to construct the project as shown in the right of way maps and construction plans which have been filed by Petitioner in this action. In the event Petitioner fails to construct the project substantially in conformance with these right of way maps and construction plans received into
evidence at the April 1, 2013 Order of Taking hearing. CHANCELLOR retains all rights and remedies pursuant to Central and Southern Florida Control District v. Wye River Farms, Inc., 297 So.2d 323 (Fla. 4th DCA 1974) cert. denied 310 So. 2d 745 (Fla. 1975). By agreement of the parties there is no basis for the computation of attorney's fees for non-monetary benefits to CHANCELLOR arising out of Petitioner's commitments in this paragraph.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida this $\qquad$
day of $\qquad$ 2018.

## Jose R. Rodriguez <br> Circuit Judge

Copies to:
Scott R. McHenry, Assistant County Attorney, 201 S. Rosalind Avenue, Third Floor, Orlando, FL 32801, scott.mchenry@ocfl.net; Judith.catt@ocfl.net; gail.stanford@ocfl.net;

Kurt H. Garber, Esq. and A. Kurt Ardaman, Esq., Fishback, Dominick, Bennett, Ardaman, et al., 1947 Lee Road, Winter Park, FL 32789, kgarber@fishbacklaw.com, ardaman@fishbacklaw.com, michellel@fishbacklaw.com;

Thomas P. Callan, Esq., Callan Law Firm, P.A., 921 Bradshaw Terrace, Orlando, FL 328061209, tcallan@callanlaw.com, efilings.clfpa@gmail.com, and efilings@callanlaw.com; and

Roy K. Payne, Esq., City of Orlando, 400 S. Orange Avenue, Orlando, FL 32802, roy.payne@cityoforlando.net and tracy.barnes@cityoforlando.net.

Judicial Assistant/Attorney


## SCHEDULE "As

PARCEL No.: 1054
ESTATE: FEE SIMPLE
PURPOSE: ROAD RIGHT OF WAY
DESCRIPTION: (CONTINUED FROM SHEET I)
of 41.35 feot to the boglming of a non-tangent curve coricove Southerly having o rodius of 4633.74 feet and a chord beoring of North $85^{\circ} 53^{\circ} 46=$ Eobt; thence from a tongent bsoring of Narth 85'16'53" East run Easterly olang the orc of sold curve through a central angle of $01913^{\circ 47^{\circ}}$ a distance of 99.45 foot to the and of sold curves thence South $03-299^{\prime 2}$ East radlal to the aforasald curvo a alstance of 3.00 foet to the bogiming of o montanpent curve concave Southerly 1. ond cancentric with the aforsatold curve hoving a rodlus of 4630. 74 feet and a chord boarling of North 86 " 35 '19" Easti thence from o tonpent bearling of North 86.30'40" East run Easterly along the are of sald aurvo through a centrof angin of $00^{\circ} 09^{\circ} 19^{\circ} 0$ alstance of 12.55 faet to o polnt on the Ecostarly boundary of that certaln parcel of iand deseribed in Offlcial Recards Book 3764, poge 868 of the fuplla Rocorcts of orange County, fiorldo, thance daparting sold curve rum South O0"20"28"Eagt along sold Easterly baundary o distonce of 17.81 feat tha 0 polit on the afaresold exlsting North rlpht of way line of Holden Avarseat thence run South 89.22 '28" Wesit otang sold North rioht of way IIne a dlatones of 137.00 feety thence North $45^{\circ} 29$ '06" West and cantlnus along sold North rlaht of Hay Ilne a distonce of 14.11 feet to the Polnt of Beglming.

Contalning 2,778 square foot. more or less.

| HOLOEH AYENUE | ORAWN Br: C Lefrants | DATEs | m/7108 | FLTSED? | 5/7/09 | SCALE | H/A |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| ORANGE COUNTY PROUECT Mo. CPP 3045 | CHECRED BY, d. CAMPEELL | OATE, | R2/700 | LE1.499 Ho, | 087600 | SHEET | 2 | $a^{*}$ | 4 |



## SKETCH OF DESCRIPTION <br> PARCEL No.: 1054 <br> THIS IS NOT A BOUNDARY SURVEY

## GENERAL NOTES!

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS AS SHOHN HEREON ARE BASEO ON THE NORTH LINE OF THE N.E: $1 / 14$ OF SECTION I'G, TOMNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIOA, AS 日EING N. $89.35^{\circ} 29$ E., AS SHOHN ON RIGHT OF MAY MAPS FOR HOLDEN AVENUE, ORANGE COUNTY PRONECT NO. EJP 3045.
3. total area of the herein described parcel is 2.778 souare feet, mone or less.
4. SEE SHEETS / TMROUCH 2 FOR LEGAL DESCRIPTION, SEE SHEET 3 FOR PARCEL SKETCH.
5. SEE RJGHT OF may map Sheet 6 of 13 FOR This Parcel.

## LEGEND.

| E | CENTERL INE | P6 | POINT OF CURVATURE |
| :---: | :---: | :---: | :---: |
| $\Delta$ | OELTA (CENTRAL ANGEJ | PGIS ${ }^{\text {P }}$ | Pages ${ }^{\text {a }}$ |
| $c$ | CHORD DISTANCE | PI | POINT of INTERSECTION |
| 68 | CHORD GEARING | PT | POINT OF TANGENCY |
| C.M. | CONCRETE MONULENT | P.S.M. | PROFESSTONAL SURVEYOR AND MAPPER |
| CONDO ER. | COMDOWINIUN BOOK | $\boldsymbol{R}$ | radius |
| 0 | degree of curve | (R) | RADIAL |
| D.B. | OEED BOOK | RGE. | RANGE |
| EXIST. | ExISTINS | RT. | RICHT |
| FND. | FOUND | RAH | RIGHT OF Hay |
| 10. | JOENTIFICATION | SEC. | SECTION |
| 6 | LENGTH | STA. | STATION |
| LB | LICENSED EUSINESS | T | TANGENT |
| $4 T$. | LEFT | TB | TANGENT BEARIMG |
| O.R.b. | Offictal records gook | THP. | TOMNSHIP |

## SCHEDULE "B"

## HOLDEN AVENUE PARCEL 1054

FEE SIMPLE
Parcel 1054: the interest being acquired is fee simple.


## SKETCH OF DESCRIPTION PARCEL NO.: 7054A

THIS IS NOT A BOUNDARY SURVEY


SKETCH OF DESCRIPTION
PARCEL No.: 7054A
THIS IS NOT A BOUNDARY SURVEY

GENERAL NOTES:

1. this is not a boumdary survey.
2. GEARIAES AS SHOWN HEREON ARE BASED ON THE NOPTH LINE OF THE N.E. $1 / 4$ OF SECTION 16. TOMNSHIP 2Y SOUTH, RANGE 29 EAST, ORANGE COUNTY. FLORIOA. AS EEJNG N. $89.35^{\prime 2} 29^{\prime 2}$ E. AS SHOHN ON RIGHT OF WAY MMPS FOR HOLDEN AVEAUE, ORANGE COUNTY PROJECT NO. CIP 3045.
3. TOTAL AREA OF THE HEREIN DESGRIEED PARCEL 15169 50UARE FEET, MORE OR LESS.
4. SEE SHEET / FOR LEGAL DESCRIPTIONI SEE SHEET 2 FOR PARCEL SKETCH.
5. SEE RIGHT OF mAY MAP SHEET 6 OF 15 for this parcel.

LEGEND:

| 4 | CERTERL INE | PC | POINT OF CURVATURE |
| :---: | :---: | :---: | :---: |
| $\Delta$ | delta rcentral angle) | Pats). | PRGETS) |
| $c$ | CHORO OISTANGE | P! | POINT OF INTERSECTION |
| CB | CHORD EEARING | Pr | POINT OF TANGENCY |
|  | COHCRETE LONUMENT | P. S. 14. | PROFESSSONAL SURVEYOR AND.MAPPER |
| cando 8 K. | CONDOMINTULE B00K | R | RADIUS |
| 0 | DEGREE OF CURVE | (R) | radial |
| D.8. | DEED 800K | RGE. | RAAMSE |
| ExIST. | ExISTING | RT. | RICHT |
| FAD. | FOUND | Br* | RIGHT of may |
| 10. | IOENTIFICATION | SEC. | SECTION |
| $L$ | LENGTH | STA. | STATION |
| 48 | LICENSED BUSINESS | $T$ | TANGENT |
| $4 T$. | LEFT | TE | TANGENT GEARING |
| O.R.8. | OFFICIAL RECOADS 800K | \%\%*. | TOMNSHIP |


| HOLOEN AVEMUE | ORAWH Bra C. LETTAKS | OATEP | 10/108 | Pavastin |  | SCALE: |  | $1 /$ |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| ORAMEE COULTT Provect No, CPP 3045 | CHECRED EY, 1 CNMPRELL | parts | nerras | LEIPOS Ha, | 080760 | SHEET | 3 | of | 5 |

## SCHEDULE !B"

## HOLDEN AVENUE PARCEL 7054A

## TEAPORARY CONSTRUCTION EASEMENT

Parcel 7054A is being acquired es a femporary non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of constructing, tying in and harmonizing the driveway with the adjacent roadway. At all times during construction the GRANTEE will maintain accoss to the GRANTOR'S pemaining lands.

After the construction on the Parcal is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one exising before being disturbed by the GRANTEE.

This easement shall expire upon the complation of the construction on the project adjacent to the lands described in attached Schedule " $A$ " or afterseven (7) years, whichever occurs frat.

## SCHEDULE " $A$ "

PARCEL NO. 7054 B
ESTATE\& TEMPORARY EASEMENT PURPOSE: TEMPORARY CONSTRUCTION

## DESCRIPTION:

Thot port ofs
That portion of the Southwest $1 / 4$ of the Southeost $1 / 4$ of Section 10. Townshifp 23 South, Range 29 East, Orange County. Flarlda cosorlbed os followst

From the Southeost corner of sold Southwest $1 / 4$ of the Southeast $1 / 4$ run Sauth $89^{\circ 22}$ '00 West, 46.10 feet olang the South I Ine thersof to the Hest right of way IIne of S.R. No. 500 (US HIghway No. 441/f thence North $00{ }^{\circ} 16.06{ }^{\circ}$ Wist. 30.00 faet olong seld Hest RAll to the North rlaht of way IIne of Holdan Avenue os defined by Orange County Rood Profect No. 33, Saction D. run thence South $199^{\circ} 22^{\circ} 00^{-}$West, 755.22 foet alang sald North R 7 to a polnt 530.12 feet Easterly from the Hest ilne of the oforesald Southwest $1 / 4$ of the Southeost $1 / 1 /$ of Seatlon 10 , sold point belng described In a Rloht-af-Woy Aproament racondad in Offlclal. Records Book 3D19, Poge
 fast folliowlng sald RIV Agreament to the Polnt of Beglnninge run thance North $00.21 \cdot 14^{-}$Mest, 277.00 feets thence Narth $89.22^{-00-E a s t . ~} 182.64$ feet, thence North 00032-37- West, 108.00 feet, thence South $89^{\circ 22} 100^{\circ}$ Hest. 329.28 feetz thence South
 East. 137.00 feet to the Point of Beginning. -
rSald property belng the same lands as deserfbed officlar Records Boak 81G4. Page 868 of the Pubitc Records of Orange County, Florfdo.)
doscribed an followes:
Commence ot o P-k noll and diak stomped Tils 1304 m morking the southwest corner of the Southoost $1 / 4$ of Sactlan 10. Yownship 23 South. Range 29 East, Orange County, Florlda, sald polint belng on the centorilne of Survey of Holden Avenes as shown on Oronge County Rloht of Way Map, Gounty Profact CIP 3045, thente rum North $89^{\circ} 22^{\circ} 28^{\prime \prime}$ East afong the south ilme of sold Southeost $1 / 4$ and sold Centerlime of Survay of Holden Avanue o distonce of 40.00 fieet to Southerly proleotion of the East right of way Ilne af filo Graide Avenut os shawn on sold RIght of May Alops thance daperting sold South IJne and sald Centarl Ine of Survey run Narth $00^{\circ} 20^{\circ} 28^{*}$ Woat al ang sold Southorly projaction a alstance of 55.00 faet to a polnt on the Northerly rlaht of way Iline of sold Holden
 Eost rlabt of way 1 line o distance of 70:87 fast for a Polnt of Buginnings thence contlnus North $00-20.28^{\circ}$ mast olano sald East rloht of way $1 / 1 \mathrm{na}$ a distance of 51.47 feats thence daporting sold East right of way IItie run North $89.56^{\circ} 00^{\circ}$ East o distance of 18.67 faet,
 disitance of 18.72 foet to the polnt of Bagiming.

Contolnting 962 square feet, more or 1855.

THIS IS NOT A BOUNDARY SURVEY


LOCHRANE
Consulting Enginers - Surverors
201 South Bumbey Avarne, Orlanta Fiarida 32803 (4077) $896-3317$

| HOLDEN AVEMtE |  |  |  |
| :---: | :---: | :---: | :---: |
| ORAWN BY\% C. LEFTAKS | DATEs . NATAE | SCALEs | W/A |
| CHECKED Brt J. CAMPAELI | DATES 107108 | Lelvos Mo.t | 02076.00 |
| SEC, M, THP. 23 S., PGEE EP E. | REVISED: 2/9/09 | SHEET 1 | of 3 |



EXHIBIT A
Page 11 of 17

## SKETCH OF DESCRIPTION

PARCEL No.: 7054B
THIS IS NOT A BOUNDARY SURVEY

## genitral motest

1. THIS IS NOY A GOUNDARY SURVEY.
2. bearings as shorn hereon are based on the north l/ae of tite n.e. $1 / 4$ of SECTION.16, TOHNSHIP 2S SOUTH. RANGE 29 EAST. ORANGE COUNTY, FLORIDA. AS BEING N. $89 \cdot 35^{\circ} 29^{\prime 2}$ E. . AS SHOHN ON RIGHT OF WAY MEAPS FOR HOLDEN AVENUE, ORANGE COUNTY PROJECT NO. CIP 3045.
3. total area of the merein described parcel is 962 soulare feet. hore or less.
4. SEE SHEET I FOR LEGAL DESCRIPTJON, SEE SHEET 2 FOR PARCEL SKETCH.
5. sEE right of may meap sheet 6 of 13 for this parcel.

## LEGEND,

| $\underline{1}$ | CENTERLINE | $P C$ | POINT OF CURVATURE |
| :---: | :---: | :---: | :---: |
| $\Delta$ | delta fcentral angle) | PGiss. | PAGE(S) |
| $c$ | CHORD DISTANCE | PJ | POINT OF INTERSECTION |
| CB | CHORD EEARING | Pr | POINT OF TANGENCY |
| C. $\mathrm{H}_{\text {. }}$ | CONCRETE MONUMENT | P. S.M. | PROFESSIONAL SURVEYOR AND MAPPER |
| cando ax. | COMDOMINIUM BOOK | $R$ | Radius |
| 0 | OEGREE OF CURVE | (R) | RADIAL |
| O.B. | DEED BOOK | RGE. | RANGE |
| EXIST. | EXISTING | RT. | RIGHT |
| FND. | FOUND | 8AH | RIGHT OF Hay |
| 10. | IDENTIFICATION | SEC. | SECTION |
| $L$ | LENGTH | STA. | STATION |
| LB | LICENSED BUSINESS | T | TANGENT |
| LT. | LEFT | TB | tangent bearing |
| O.R.B. | Offictal records book | THP. | TORNSHIP |

[^0]| DIAIVN AY: C. LEFTAKIS | DATE, | 20/7108 | REUSED | 2/9009 | Scales |  | /A |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| CHECRED AY, S. CAMPAEL | DATE: | ATros | IEIJOB No.: | 02076.00 | SFEEET | 3 | Of | 3 |

## SCHEDULE "B"

## HOLDEN AVENUE PARCEL 7054B

## TEMPORARY CONSTRUCTION EASEMENT

Parcel 7054B is being acquired as a lemporary non-exclusive easement with full authority to enter upon the lands described in attached Schedule " $A$ ' for the purpose of constructing, tying in and harmonizing the driveways with the adjacent roadway. At all times during construction the GRANTEE will maintalin access to the GRANTOR'S remaining lands.

After the construction on the Parcel is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall explre upon the completion of the construction on the project adjacent to the lands described in attached Schedule " $A$ ' or after seven (7) years, whichever occurs first.



# SKETCH OF DESCRIPTION 

PARCEL No.: 7054 C
THIS IS NOT A BOUNDARY SURVEY

GENERAL NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS AS SHOHN hereon are based on the north line of the n.e. ila of SECTION 16, TOMNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA. AS 日EING N. $89.35 \cdot 29$ E.. AS SHOIN ON RIGHT OF WAY MAPS FOR MOLDEN AVENUE, ORANGE COUNTY PROJECT NO. CIP 3045.
3. rotal area of the herein oescriged parcel is i,igs souabe feet, hore or less.
A. SEE SHEET / FOR LEGAL DESCRIPTION: SEE SHEET 2 FOR PARCEL SKETCH.
4. see rioht of may hap sheet 6 of 13 for this parcel.

## LEGEND:

| c | CENTERL INE | PG | POINT OF CURVATURE |
| :---: | :---: | :---: | :---: |
| 4 | delta (central angle) | PGIS ${ }^{\text {P/ }}$ | Pagess) |
| $c$ | CHORD DISTANCE | PI | POINT OF INTERSECTION |
| CB | CHORD bearing | Pr | POINT OF TANGENGY |
| C. M | CONCRETE AONUMENT | P. S. M | PROFESSIONAL SURVEYOR AND MAPPER |
| CONDD BK. | CONDOMINIUM BOOK | $R$ | RADJUS |
| 0 | DEGREE OF CURVE | (R) | raolal |
| O.E. | DEED BOOK | RGE. | RANGE |
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| FND. | FOUND | RAH | RIGAT Of may |
| do. | JDENTIFICATION | SEC. | section |
| $L$ | LENGTH | 5TA. | STATION |
| LB | LICENSED BUSINESS | T | TANGENT |
| LT. | LEFT | 78 | tangent bearimg |
| O.f.b. | Official records book | THP. | TOMNSHIP |



## SCHEDULE "B"

holden avenue parcel $7064 C$

## TEMPORARY CONSTRUCTION EASEMENT

Parcel 7054C is being acquired as a temporary non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of construeting, tying in and harmonizing the driveways with the adjacent roadway. At all.times during constructlon the GRANTEE will maintain access to the GRANTOR'S remaining lands.

The GRANTEE at all times during construction will ensure the integrity of the existing chain link fence. within the proposed easement area.

After the construction on the Paircal Is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easemant shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (") years, whichever occurs first.

# IN THE CIRCUIT COURT OF THE 

NINTH JUDICLAL CIRCUIT, IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO.: 2012-CA-12759-O
DIVISION: 34 (Judge Rodriguez)

## ORANGE COUNTY, FLORIDA,

Petitioner,
v.

PARCELS: 1054/7054A/7054B/7054C

## CHANCELLOR HOLDING, LLC, et al.,

Respondents.

## JOINT MOTION FOR ENTRY OF STIPULATED FINAL JUDGMENT

Petitioner, ORANGE COUNTY, FLORDAA, ("Petitioner"), a political subdivision of the State of Florida, and Respondent, CHANCELLOR HOLDING, LLC, ("CHANCELLOR"), by and through their undersigned attorneys, respectfully move for the entry of the Stipulated Final Judgment attached hereto as Exhibit "A."

## Scott Robert McHenry

Florida Bar No. 501182
Orange County Attorney's Office
201 S. Rosalind Avenue, Third Floor
P. O. Box 1393

Orlando, Florida 32802-1393
Telephone: 407-836-7320
Scott.McHenry@locfl.net
Attorney for Petitioner,
Orange County, Florida
Date: $\qquad$

Kurt H. Garber, Esq.
Florida Bar No. 19496
A. Kurt Ardaman, Esq.

Florida Bar No. 434094
Fishback Dominick
1947 Lee Road
Winter Park, Florida 32789
Telephone: 407-262-8400
kgarber@fishbacklaw.com
ardaman@fishbacklaw.com
Attorneys for Respondent
Chancellor Holding, LLC
Date: $\qquad$

Joint Motion for Entry of Stipulated Final Judgment; Case No. 2012-CA-012759-O

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on $\qquad$ , 2018, the foregoing was electronically filed with the Clerk of the Court using the Florida Courts eFiling Portal, which will send notice of filing and a service copy of the foregoing to the following: A. Kurt Ardaman, Esq. and Kurt H. Garber, Esq., Fishback Dominick, 1947 Lee Road, Winter Park, FL 32789, ardaman@fishbacklaw.com, kgarber@fishbacklaw.com, michellel@fishbacklaw.com; Thomas P. Callan, Esq., Callan Law Firm, P.A., 921 Bradshaw Terrace, Orlando, FL 32806-1209, tcallan@callanlaw.com, efilings@callanlaw.com; and Roy Payne, Esq., 400 South Orange Avenue, Orlando, FL 32801, Roy.Payne@CityofOrlando.net, Tracy.Barnes@CityofOrlando.net.

SCOTT ROBERT MCHENRY<br>Assistant County Attorney<br>Florida Bar No. 501182<br>Primary Email: Scott.McHenry@ocfl.net<br>Secondary Email: Judith.Catt@ocfl.net<br>JEFFREY J. NEWTON<br>County Attorney<br>ORANGE COUNTY ATTORNEY'S OFFICE<br>Orange County Administration Center<br>201 S. Rosalind Avenue, Third Floor<br>P.O. Box 1393<br>Orlando, Florida 32802-1393<br>Telephone: (407) 836-7320<br>Counsel for Petitioner<br>Orange County, Florida

# IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY, FLORIDA 

CASE NO.: 2012-CA-12759-O
DIVISION: 34 (Judge Rodriguez)

## ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida, <br> Petitioner,

v.

PARCELS: 1054/7054A/7054B/7054C
CHANCELLOR HOLDING, LLC, a Florida limited liability company; WAUCHULA STATE BANK; CHANCELLOR HOLDING, LLC, a Florida limited liability company, doing business as 7-Eleven \# 39171;
A. R. COPELY, JR.; BRENDA J. COPELY;
S. K. PETROLEUM, INC., a Florida
corporation, doing business as Perfect
Petroleum; CITY OF ORLANDO, a municipal corporation; ORLANDO UTILITIES COMMISSION, a statutory commission; SOUTHEAST PETRO DISTRIBUTORS, INC., a Florida corporation; and EARL K. WOOD, Orange County Tax Collector,

Respondents.

## STIPULATED FINAL JUDGMENT

THIS CAUSE having come before the Court on the Joint Motion for Entry of Stipulated Final Judgment by the Petitioner, ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida ("Petitioner" or sometimes "ORANGE COUNTY"), and the Respondent, CHANCELLOR HOLDING, LLC (hereinafter "CHANCELLOR"), and it appearing to the Court that such parties were authorized to enter into such Motion, and the Court finding that the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned,
and the Court being fully advised in the premises, it is hereby,
ORDERED AND ADJUDGED as follows:

1. CHANCELLOR does have and recover of and from the Petitioner the total sum of FIVE HUNDRED FIVE THOUSAND AND NO/100 DOLLARS $\mathbf{( \$ 5 0 5 , 0 0 0 . 0 0 )}$ subject to the following: (a) any and all apportionment claims; and (b) credit to Petitioner for its Order of Taking deposit of $\$ 366,900.00$ previously paid; and (c) payment to the Tax Collector from said total sum for taxes calculated from January 1 to the date of deposit on November 27, 2012, pursuant to the Order of Taking. The foregoing amount shall constitute payment in full for the property taken (designated as Parcels 1054, 7054A, 7054B and 7054C herein) and for damages resulting to the remainder if less than the entire property was taken and for all other damages of any kind or nature including, but not limited to, for any improvements, severance damages, cures, business damages, if any, and except as otherwise expressly provided herein, attorney's fees of any kind or nature, including, but not limited to, attorney's fees based upon any claim for non-monetary benefits. CHANCELLOR, and not Orange County, shall be solely responsible for any apportionment claims in this case.
2. Within thirty (30) days from the entry of this Stipulated Final Judgment, the Petitioner shall pay the sum of ONE HUNDRED THIRTY-EIGHT THOUSAND ONE HUNDRED AND NO/100 DOLLARS $(\$ 138,100.00)$ into the Registry of the Court, that amount being the difference between the full payment required by this Stipulated Final Judgment pursuant to Paragraph 1 and the amount of $\$ 366,900.00$ deposited pursuant to the Order of Taking.
3. The Court awards CHANCELLOR the sum of SIXTY FOUR THOUSAND SEVEN HUNDRED SEVENTY-FIVE DOLLARS AND NO/100 DOLLARS $\mathbf{( \$ 6 4 , 7 7 5 . 0 0 )}$ in
full and complete satisfaction of all attorneys' fees, costs, and expenses for all legal services in this case, pursuant to Section 73.092 , Florida Statutes, including, but not limited to, for "betterment fees" under Section 73.092(1), Florida Statutes, and for apportionment or supplemental fees (if any) under to Section 73.092(2), Florida, Statutes.
4. The Court awards CHANCELLOR the sum of SIXTY FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS $\mathbf{( \$ 6 5 , 5 0 0 . 0 0 )}$ in full and complete satisfaction of all of CHANCELLOR's expert fees and costs, pursuant to Section 73. 091 Florida Statutes, including, but not limited to, for Calhoun, Dreggors \& Associates, Inc., and Mesimer and Associates, Inc.
5. Within thirty (30) days from the entry of this Stipulated Final Judgment, the Petitioner shall pay to the Trust Account of Fishback Dominick, 1947 Lee Road, Winter Park, Florida 32789, as attorneys for CHANCELLOR, the sum of ONE HUNDRED THIRTY THOUSAND TWO HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS $\mathbf{( \$ 1 3 0 , 2 7 5 . 0 0 )}$ that amount representing the total of attorneys' fees, costs and expenses, pursuant to Paragraph 3 above, and experts' fees and costs, pursuant to Paragraph 4 above.
6. The title to Parcels 1054, 7054A, 7054B, and 7054C, as more fully described on Exhibit "A" attached hereto, which vested in the Petitioner pursuant to the Order of Taking dated November 13, 2012 and as amended by the Order of Taking dated April 1, 2013, (collectively, the "Order of Taking") and the deposit of money previously made, is approved, ratified and confirmed.
7. The Temporary Construction Easements (Parcels 7054A, 7054B, and 7054C) shall expire upon the sooner to occur of the following: (a) the completion of the construction of the project adjacent to the Temporary Construction Easements as more fully described on

Exhibit "A" attached hereto; or June 30, 2021.
8. On October 31, 2012, pursuant to Orange County Code, Article XIII, Section 30636 through $30-642$, Orange County department managers or their designee, granted the following waivers to county land development, sign and engineering codes and regulations to prevent any adverse impact upon the remainder of CHANCELLOR's property as a result of this condemnation process and to allow the continued use of their property in a manner similar to its pre-condemnation condition: (1) a waiver to the minimum landscape strip requirement of 7 ft , Section 24-4(a)(1), to allow a reduction to 4.7 ft at the southwest corner of the site (overall landscape strip will exceed 7 ft wide on average); and (2) a waiver to the minimum sign setback requirement of 10 ft , Section 31.5-68(f), to allow a setback of 5 ft to the primary pole sign in the southwest corner of the property.
9. Pursuant to the Agreement of Apportionment between Chancellor and Respondents, A.R. Copely, Jr., Brenda J. Copely and A.R. Copely, P.A. d/b/a Copely Eye Clinic and Eyestyles Optical (the "Copelys") dated August 22, 2018 ("Agreement of Apportionment"), CHANCELLOR will not pursue any apportionment claims or bring any other supplemental proceedings in the separate case of Orange County v. Andrew Richard Copely, et al., Case No. 2014-CA-003838-O; provided, however, if CHANCELLOR does, Orange County will not be responsible for any attorney's fees, costs, or expenses in connection with same. In addition, pursuant to the Agreement of Apportionment, the Copelys approve the cure plan in this case.
10. This Stipulated Final Judgment is based on Petitioner's commitments that it intends to construct the project as shown in the right of way maps and construction plans which have been filed by Petitioner in this action. In the event Petitioner fails to construct the project substantially in conformance with these right of way maps and construction plans received into
evidence at the April 1, 2013 Order of Taking hearing. CHANCELLOR retains all rights and remedies pursuant to Central and Southern Florida Control District v. Wye River Farms, Inc., 297 So.2d 323 (Fla. 4th DCA 1974) cert. denied 310 So. 2d 745 (Fla. 1975). By agreement of the parties there is no basis for the computation of attorney's fees for non-monetary benefits to CHANCELLOR arising out of Petitioner's commitments in this paragraph.


Scott R. McHenry, Assistant County Attorney, 201 S. Rosalind Avenue, Third Floor, Orlando, FL 32801, scott.mchenry@ocfl.net; Judith.catt@ocfl.net; gail.stanford@ocfl.net;

Kurt H. Garber, Esq. and A. Kurt Ardaman, Esq., Fishback, Dominick, Bennett, Ardaman, et al., 1947 Lee Road, Winter Park, FL 32789, kgarber@fishbacklaw.com, ardaman@fishbacklaw.com, michellel@fishbacklaw.com;

Thomas P. Callan, Esq., Callan Law Firm, P.A., 921 Bradshaw Terrace, Orlando, FL 328061209, tcallan@callanlaw.com, efilings.clfpa@gmail.com, and efilings@callanlaw.com; and

Roy K. Payne, Esq., City of Orlando, 400 S. Orange Avenue, Orlando, FL 32802, roy.payne@cityoforlando.net and tracy.barnes@cityoforlando.net.


## SCHEDULE "A"

PARCEL No. : 1054
ESTATE: FEE SIMPLE
PURPOSE: ROAD RIGHT OF WAY

DESCRIPTION,
That port oft
Thot partlan of the Southwest $1 / 4$ of the Southeast $1 / 4$ of Section 10 , Township 25 South. Range 29 East, Oränge County, florldo dascribed os followst
From the Southaost corner of sold Southwest. 1/4 of the Southact $1 / 4$ run
South 89.22.00" West. 16.10 foet olong the South Iline thereof to the West
rlght of woy Ilne of S.R. No. 500 lUS Hlghway No. $141 \mathrm{l} / \mathrm{s}$ thance North
00.16.06" Wost, 30,00 feet olong sald Host RAf to the North rlaht of woy
IIne of Holden Avence os deflnad by Oronge County Road Prolect No. 33.
Sectlon D, run thence South 89"22'00- West, 755.22 foet along sala North
R/W to a polnt 530.12 feat Easterly from the Fest line of the oforesold
Southwast $1 / 4$ of the Southeast $1 / 4$ of Section 10, sold point balno
descrlbed in o RIont-of-way Agreament recorded In Offlclal Records Book
3019, Page 782, run thence North 00-48-03" Hest, 15.00 feet and South
$89.22^{\circ} 00^{-}$Hest, 343.00 fest followling sold ReFl Agraement to the Point of
Beginnings rum thence North $00.21 \cdot 14$ - West, 277.00 feet, thance North
$89.22^{\circ} 00^{*}$ Eost. 182.64 feot, thence North $00^{\circ} 32^{\prime 37}$ " Wost, 108.00 feot:
thence South 89022.00" Hest, 329.28 feot, thence South 00021'14"Eost,
375.00 feot, South $45^{\circ} 29^{\prime} 37^{\prime \prime}$ Eost, 14.11 foet and North $89^{\circ} 22^{\circ} 00^{*}$ East,
137.00 foet to the Polnt of Beglnining."
ISald property belng the same lands as deserlbed Offlelal Records Book
8764, Poge 868 of the Public Records of Oronge County, Florldo. I
deserlbad as follows:
Commence of a P-K noll and disk stamped TRLS 1304" morklng the Southwest corner of the Southeost $1 / 4$ of Section 10. Townshlp 23 South, Range 29 East, Oronge County, florldo, sald polint beling on the centerline of Survay of Holden Avenue as shown on Orange County Right of Way Mop, County Profect CIP 3045, thance run North 89-22'28" East along the South Ilme of sold Southeast l/4 and sola Canteriline of Survay of Holden Avenue a dlatance of $\mathbf{4 0 . 0 0}$ feet to Southariy proloctlon of the Eost rlaht of woy lline of RIO Orando Avonue as shown on sold Right of Way Mopi thence deporting sald South IIne and sald Centerline of Survey run North $00.200^{\circ} 28^{\prime \prime}$ Host along sold Southerly proloctlon a alstance of 55.00 feot to a polint on the Northerly right of way line of sold Holden Avenue os shown an sold Rlght of Woy Hop for a Polnt of Beglnalng; thence continue North $00 \cdot 20 \cdot 2 B^{*}$ Wost along sold Eost right of woy IIne a distonce of 26.23 feet, thence deporting sald East rloht of way llne run South $58^{\circ} 22^{\circ} 01$ "East a distonae
(LEGAL DESCRIPTION CONTINUED ON SHEET 21
THIS IS NOT A BOUNDARY SURVEY


|  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Consutiling Englneers - Survegors Bumby Avarue, Orianda Fiorida 32803 |  |  |  |  |  |
| PROECET HANE, HOLDEN AVENUE |  |  |  |  |  |
| ORAWH Bri C. LEFTAKTS | gatet | 10/7108 | SCALf: | A |  |
| CHECKED AY, J. CNUPBELL | DATE, | 107/108 | LEIMOB Na, | 0 | 2086.10 |
| SEC. D, THP. 23 S., AGE. 2 E E. | REMSED | 5/709 | SHEET | OF | 4 |

## SCHEDULE ' $A$ "

PARCEL No.: 1054
ESTATE: FEE SIMPLE
PURPOSE: ROAD RIGHT OF WAY

DESCRIPTION, (CONTINUED FROW SHEET I)
of $\$ 1.35$ feat to the beglaning of a non-tongent curve concove Southerly having 0 rodlus of 4633.74 faet and a chord beoring of North 85"53'46" Eastr thance from a tongent baarling of North 85.16.53-East run Easterly olang the ore of sold curve through a central angle of $01 \% 13^{\prime} 47^{\circ}$ a distance of 99.45 feet to the end of sold curvel thence South 03*29.20年East radial to the oforesald curve o distance of 3.00 feet to the beginning of a nontangent curve concove Southerly $\therefore$ and concentric with the oforesold curve hoving o rodlut of 4630.74 feet and a chord bearlng of North $66^{\circ} 35^{\circ} 19$ " East; thence from a tangent beorling of North 66"30'40" Eost run Easterly along the orc of sald arve through o centrol angla of $00.09 \% 19^{-}$o drstonce of 12.55 foet to o point on the Eastariy boundory of that cortain porcel of land described In Offlcial Racords Book 8764, page 868 of the Publle Records of Orange County, florldos thence departing sold curve run South 00.20'28~East along sold Eosterly baundary a alstance of 17.81 feet to a palnt on the oforesald exlstling Narth rlaht of way IIne of Holden Avanues thence run South $89.22^{\prime} 28^{-}$Hest alono sold North rloht of way line o dlatonce of 137.00 feot, thence North $45^{\circ 2} 9^{\circ} 06^{\prime \prime}$ Hest and contlmue ofong sold North rlatht of Hay Iline o distance of 14.11 feet to the Point of Beginning.

Contofning 2.776 square faet, more or tess.

| HOLOEN AVEMUE | ORAWH GY, C LEFTAKS | DATEt | $10 / 7108$ | REVISED: | 5/7/109 | SCALE, | H/A |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| ORUME COUNTY PROJECT Ho. CIP 3045 | CHECKEO BY, d. CAYPBELL | Dates | 20/7/08 | LFINOB Mo.t | 0807610 | SHEET | 2 of | 4 |



SKETCH OF DESCRIPTION
PARCEL No.: 1054
this is not a boundary survey

## GENERAL NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. bearinges as shown hereon are baseo on the north line or the n.e. $1 / 4$ of SECTION 1G, TOMNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIOA, AS BEING N. 89.35-29"E., AS SHOHN ON RIGHT OF WAY LAPS FOR HOLDEN AVENUE, ORANGE COUNTY PRONECT NO. CIP 3045.
3. TOTAL AREA OF THE HEREIN DESGRIbED PARCEL 15 2. 778 SOUARE FEET, MORE OR LESS.
4. SEE SHEETS / THRQUGH 2 FOR LEGAL OESCRIPTION, SEE SHEET I FOR PARCEL SKETCH.
5. SEE RJCHT OF WAY MAP SHEET 6 OF 13 FOR THIS PARCEL.

## LEGEND:

| E | CENTERL JNE | PC | POINT OF CURVATURE |
| :---: | :---: | :---: | :---: |
| $\Delta$ | OELTA (CENTRAL ANOLE) | PG( 5 ). | PAGE (S) |
| $c$ | CHORD DISTANCE | PI | POINT OF INTERSECTION |
| $C B$ | CHORO EEARING | Pr | POINT OF TANGENCY |
| C. M. | CONCRETE MONURENT | P.S.M. | PROFESSIONAL SURVEYOR AND MAPPER |
| CONDO BK. | CONDOWINIUN BOOK | $R$ | RADIUS |
| D | DEGREE OF CURVE | (R) | RADIAL |
| 0.8. | DEED BOOX | RGE. | RANGE |
| EXIST. | EXISTING | RT. | RIGHT |
| FND. | FOUND | A/F | RIGHT OF WAY |
| ID. | IDENTIFICATION | SEC. | SECTION |
| 1 | LENGTH | STA. | STATION |
| $L B$ | LICENSED BUSINESS | T | TANOENT |
| LT. | LEFT | 76 | TANGENT BEARING |
| O.R.B. | OFFICIAL RECORDS BOOK | .TWP. | TOMNSHIP |

## SCHEDULE "B"

HOLDEN AVENUE PARCEL 1054
FEE SIMPLE
Parcel 1054: the interest being acquired is fee simple.



## SKETCH OF DESCRIPTION

PARCEL No.: 7054A
THIS IS NOT A BOUNDARY SURVEY

GENERAL NOTES:

1. THIS IS NOT A bOUNDARY SURVEY.
2. bearinge as shonn hereon are based on the north line of the ne. $1 / 4$ of SECTION 16, TOMNSHIP 25 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIOA, AS GEING N. 69.35-29 E. . AS SHOHN ON RIGHT OF WAY hMPS FOR HOLDEN AVENUE, ORANGE COUNTY PROJECT NO. GIP 3045.
3. total area of the herein described parcel is 169 souare feet. more or less.
4. SEE SHEET / FOR LEGAL DESCRIPTION,

SEE SHEET 2 FOR PARCEL SKETCH.
5. SEE RIGHT OF WAY MAP SHEET 6 OF IJ FOR THIS PARCEL.

## LEGEND:

| c | CENTERLINE | PC | POINT OF CURVATURE |
| :---: | :---: | :---: | :---: |
| $\Delta$ | delta (CENTRAL angle) | PG(5). | Pagers) |
| $c$ | CHORD OISTANCE | PI | POINT OF INTEASECTION |
| CB | CHORD EEARING | PT | POINT OF TANGENCY |
| C. H | CONCRETE MONULENT | P. S.M. | PROFESSIONAL SURVEYOR AND.MAPPER |
| CONDO BK. | CONDOMINIUM BOOK | $R$ | raolus |
| 0 | DEGREE OF CURVE | (R) | Radial |
| D. 8. | DEED BOOK | RGE. | RANGE |
| EXIST. | ExISTING | RT. | RIGHT |
| FND. | FOUND | RAV | bight of may |
| 10. | IDENTIFICATION | SEC. | SECTION |
| $L$ | LENGTH | STA. | Starion |
| $L B$ | LICENSED AUSINESS | $\boldsymbol{T}$ | TANGENT |
| $L T$. | LEFT | T6 | tangent bearing |
| O.R.B. | OfFICIAL RECOROS BOOK | TMP. | TOWNSHIP |



## SCHEDULE "B"

## HOLDEN AVENUE PARCEL 7054A

## TEMPORARY CONSTRUCTION EASEMENT

Parcel 7054A is being acquired as a temporary non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of constructing, tying in and harmonizing the driveway with the adjacent roadway. At all times during construction the GRANTEE will maintain access to the GRANTOR'S remaining lands.

After the construction on the Parcel is completed the GRANTEE shall restore the Paicel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall explre upon the completion of the construction on the project adjacent to the lands described in attached Schedule " $A$ " or after seven (7) years, whichever occurs frat.

## SCHEDULE 'A"

PARCEL No.: 7054 B
ESTATE: TEMPORARY EASEMENT
PURPOSE: TEMPORARY CONSTRUCTION

## DESCRIPTION:

Thot port of,
That portion of the Southwest $1 / 4$ of the Southeost $1 / 4$ of Sect/on 10. Townshlp 23 South, Ronge 29 East, Oronge County, flerldo deserlbed os followst

From the Southoost corner of sold Southwest $1 / 4$ of the Southeost $1 / 4$ run South 89-22.00" West. 46.10 foet olong the South IIne thereof to the West right of way IIme of S.R. No. 500 (US Hlohway No. 441I) thence North $00^{\circ} 16^{\prime} 06^{\circ}$ Mest. 30.00 feet along sold West RAW to the North rlaht of way line of Holden Avenue as daflned by arange County Rood Project No. 33, Seetlon D. run thence South $89.22^{\circ} 00^{-}$Mest, 755.22 feet alang sald North R/W to a polnt 530.12 faet Easterly from the West IIne of the aforesold Southwest $1 / 4$ of the Southeost $1 / 4$ of Seotion 10 , sald polint beling deserlbed In o Right-of-Way Agreament recordsa In Officlol Records Book 3019, Page 782; run thence North 00-48-03~West, 15.00 feet and South $899^{\circ} 22^{\circ} 00^{\circ}$ Wast, 343.00 foet following sold R/W Agreament to the Polnt of Beginning, run thence North $00 \cdot 21 \cdot 14$ - Fest, 277.00 feet, thence North $89 \cdot 22 \cdot 00$ - East, 182.64 feet, thence North 00. 32 '37" West, 108.00 foet, thance South 89 "22.00" West, 329.28 feet, thence South
 East. 137.00 feot to the Polnt of Beglming. -
(Sald property balng the same lands os cescribed Offlclal Records Book 8764. Pape 868 of the Public Records of Orange County, florldo.

## described os follows:

Commence at a P-k noll and disk stomped RLS $1304^{*}$ morking the Southwest corner of the Southeast 1/4 of Sactlan 10. Township 23 South, Range 29 East, Orange County, Fiorlda. sold point being on the centerl Ine of Survay of Holden Averve os ahown on Orange County Rlght of Way Mop, County Profoct CIP 3045; thence run North $899^{\circ 22} 2^{\prime 2} 8^{\prime \prime}$ East alang the South IIne of sold Southeost $1 / 4$ ond sold Centerline of Survay of Holden Avenuse a allstance of 10.00 foet to Southerly projectlon of the East rloht of way IIne of Rlo Grande Avenus as shown on sold Right of Way Mapr thence deperting sald South IIne and sold Centerlline of Survay run North 00'20:28" West along sold Southerly projection a distance of 55.00 feet to a polnt on the Northerly rloft of way 11 ne of sold Holden Avenus os shown on sold Right of Woy Mopl thence contlinue North 00²0'28" West along sold East rlaht of way 11 me o dlstonce of 70.87 feat for a Polnt of Bealnningr thance cont lnue Narth $000^{\prime 2} 20^{\prime 2} 8^{\circ}$ Wost alono sold East rlght of way 1 Ine a alstance of 51.47 footi thence deperting sald East rlaht of way 11 ne run North $690^{\circ} 56^{\circ} 00^{\circ}$ East a distance of 18.67 feet, thence South $00.23 \cdot 25^{-E}$ East a distance of 51.47 feet, thence South 89.56 .00 " West a distonce of 18.72 feet to the Polnt of Beglnifing.

Containing 962 square feet, more or less.



# SKETCH OF DESCRIPTION PARCEL No.: 7054B 

THIS IS NOT A BOUNDARY SURVEY

## GENERAL NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. bearings as shonn hereon are baseo on the north lime of the n.e. $1 / 4$ of SECTION 16, TOMNSHIP 2J SOUTH, RANGE 29 EAST. ORANGE COUNTY, FLORIDA, AS BEING N. 89.35-29'E.. AS SHOMN ON RIGHT OF MAY MAPS FOR HOLDEN AVENUE. ORANGE COUNTY PROJECT NO. CJP 3045.
3. total area of the herejn descriged parcel is 962 souare feet, more or less.
4. SEE SheET I for legal description, SEE SHEET 2 FOR PARCEL SKETCH.
5. SEE right of may map sheet 6 of 13 for this parcel.

## LEGEND:

| C | CENTERLINE | PC | POINT OF CURVATURE |
| :---: | :---: | :---: | :---: |
| $\Delta$ | - oelta (CEntral angle) | pgiss. | PAGE(5) |
| $c$ | CHORD OJSTANCE | PI | POINT OF INTERSECTION |
| CB | CHORD EEARING | PT | POINT OF TANGENCY |
| C.M. | CONCRETE MONULENT | P.S.M. | PROFESSIONAL SURVEYOR AND LAPPER |
| covoo ex. | CONDOMINJUN BOOK | R | RADIUS |
| D | degree of curve | (R) | RADIAL |
| 0.8. | DEED BOOK | RGE. | RANGE |
| ExIST. | Existing | RT. | RICHT |
| FND. | found | R/W | RIGHt Of may |
| 10. | IOENTIFICATION | SEC. | SECTION |
| $L$ | LENGTH | 5TA. | StATION |
| LB | LICENSED business | $T$ | tangent |
| LT. | LEFT | re | TANGENT BEARING |
| O.R.B. | OFFICIAL RECORDS BOOK | TMP. | TOMNSHIP |



## SCHEDULE "B"

## HOLDEN AVENUE PARCEL 7054B

## TEMPORARY CONSTRUCTION EASEMENT

Parcel 70548 is being acquired as a temporary non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of constructing, tying in and harmonizing the driveways with the adjacent roadway. At all times during construction the GRANTEE will maintain access to the GRANTOR'S remaining fands.

After the construction on the Parcal is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (7) years, whichever occurs first.

## OESCRIPTION:

Thot port of:
Thot portlon of the Southwegt $1 / 4$ of the Southoost $1 / 4$ of Sectlon 10. Township 23 South, Renge 29 Eabt, Orange County, Florlda descrlbed as follows:

From the Southeost corner of sold Southwest $1 / 4$ of the Southeast $1 / 4$ run South 89"22'00" West, 46.10 feet alang the South Ilne thereof to the West right of way IIne of S.R. No. 500 rUS HIghway No. A4II, thence North 00. $16.06 *$ Hest, 30.00 feet along sald Hest RRNV to the North right of way line of Holden Avenve as deflnad by oronge County Riod Project No. 33, Section D, run thence South 89.22.00" West, 755.22 foet along sold North RAW to a polnt 530.12 feat Easterly from the West 11 ne of the aforesald Southwest $1 / 4$ of the Southeast $1 / 4$ of Section 10, sald polnt being described In o RIght-of-Koy Agreement recorded In Offlclal Records Book 3019, Poge 782s, run thance North 00048.05" West, 15.00 feet and South $899^{\circ 2} 22^{\circ} 00^{\circ} \mathrm{Hest}$. 343.00 feat following sold R/NA Agrabment to the Polnt of Beginning: run thence North $00^{\circ} 21^{\prime \prime} 14^{-}$Hest. 277.00 feets thence North $899^{\circ} 22^{\circ} 00^{-}$East. 182.64 feets thence North 00. 32'37* West, 108.00 feat, thance South 89.22'00" West, 329.28 feet, thance South
 East, 137.00 feet to the Polnt of Beglming. -
(Sald property belng the same lands os descrlbed Offlclal Records Book 8764. Poge 868 of the Public Records of Oronge County. florlidi.I

## described as followst

Commence of a P-K nall ond disk stamped ris 1304-morking the Southwest corner of the Southeost $1 / 4$ of Sectlon 10, Tomshlp 23 South. Range 29 East, Orange County, Florlda, sald point being on the centerline of Survay of Holden Avanue os shown on Orange County RIght of Woy Map; County Prolect CIP 3045; thence run North $89 \circ 22^{\circ} 28^{*}$ Eost along the Sauth Ifine of sold Southaget 114 and sald Centarlline of Survey of Holdan Avanue a alstance of 40.00 feet to Southerly projectlon of the Eost rloht of way line of RIO Grande Avenue os stown on sold RIght of Way Map; thence deporting sald South ilne and sold Centerline of Survay run North $00^{\prime \prime} 20^{\prime 2} 28^{\prime \prime}$ West olong sald Southerly prolaction a distance of 55.00 feet to a polnt on the Northarly iflatt of way iline of salod Holden Avenus os strown on sold Right of Hay Mapi thence contlinve North $00^{\circ} 20^{\circ} 28^{\circ}$ Nest along sold East right of way IIne a distance of 244.17 feet for a Polnt of Beginning, thance
 thance departing sold East right of way IIne run South $63^{\circ} 44^{\prime \prime} 12^{\prime \prime}$ Eost a dlstance of 22.48 feat, thence North 69*38'46"Eost o distance of 16.21 feat; thence South 29019.45" Mesto 0 distance of 52.55 feet, thence South $89.39 \cdot 52^{-}$West a distance of 10.29 feot to the Polnt of Baglnning.

Containing 1,165 square feat, more or less.
THIS IS NOT A BOUNDARY SURVEY


LOCHRANE
Consulting Engineers - Survejors
201 South Bumby Avenue, Orlando, Fiorldo 32803 (4071 $896.33 / 7$

| PROLECT NAWE: | HOLDEN AVENUE |  |  |
| :---: | :---: | :---: | :---: |
| ORAWN BY: C. lefranis | OATE, 10/700 | SCALE: | N/A |
| CHECXED BY, J. CMMPBEL | OATE: Na/108 | LEINOB NO, | 02076.0 |
|  | REVSED, 5/7109 | SHEET 1 | OF 3 |



## SKETCH OF DESCRIPTION

PARCEL No.: $7054 C$
THIS IS NOT A BOUNDARY SURVEY

GENERAL NOTES,

1. THIS IS NOT A bOUNDARY SURVEY.
2. bearinge as shom hereon afe based on the north line of the n.e. ida of SECTION 1G, TOMNSHIP 23 SOUTH, RANGE 29 EAST. ORANGE COUNTY, FLORIDA, AS BEING N. $89 \times 35 \cdot 29$ E. . AS SHOWN ON RIGHT OF WAY MAPS FOR HOLDEN AVENUE, ORANGE COUNTY PROJECT NO. CIP 3045.
3. total area of the herein oescriged parcel 15 1,ig5 souare feet. more or less.
A. SEE SHEET $/$ fOR LEGAL DESCRIPTIONs SEE SHEET 2 FOR PARCEL SKETCH.
4. SEE RIGHT OF HAY MAP SHEET 6 OF 13 fOR THIS PARCEL.

LEGEND,

| $\varepsilon$ | CENTERLINE | PC | POINT OF CURVATURE |
| :---: | :---: | :---: | :---: |
| $\Delta$ | del ta (CENTRAL ANGLE) | PGIS). | Page(s) |
| $c$ | CHORO DISTANCE | PI | POINT OF INTERSECTION |
| $C B$ | Chord bearing | PT | POINT OF TANGENCY |
| C. $\mathrm{N}_{\text {- }}$ | CONCRETE MONULIENT | P.S.M. | PROFESSIONAL SURVEYOR AND MAPPER |
| CONDO BK. | CONDOMINIUM BODK | R | RADIUS |
| 0 | OEGREE OF CURVE | (R) | RAOIAL |
| D.B. | OEED BOOK | RGE. | RANGE |
| EXIST. | ExISTING | RT. | RIGHT |
| FND. | FOUND | R ${ }^{\prime \prime}$ | RIGHT Of may |
| 10. | IOENTIFICATION | SEC. | SECTION |
| $L$ | LENGTH | STA. | STATION |
| 48 | LICENSED BUSINESS | $\boldsymbol{T}$ | TANGENT |
| $L T$. | LEFT | TB | tangent bearing |
| O.R.B. | OFFICIAL RECORDS GOOK | THP. | TOMNSHIP |

## SCHEDULE "B"

## HOLDEN AVENUE PARCEL $7054 C$

## TEMPORARY CONSTRUCTION EASEMENT

Parcel 7054C is being acquired as a temporary non-exclusive easement with full authority to enter upon the lands described in attached Schedule " $A$ " for the purpose of constructing, tying in and hamonlzing the driveways with the adjacent roadway. At all.times during construction the GRANTEE will maintaln access to the GRANTOR'S remaining lands.

The GRANTEE at all times during construction will ensure the integrity of the existing chain link fence within the proposed easement area.

Afler the construction on the Parcal is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule " $A$ " or after seven (7) years, whichever occurs first.


[^0]:    HTLDEN AVENUE
    ORAMGE COWUTY PRONECT NO CYP 5045

