

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
APR 23 2019

**RESOLUTION**  
*of the*  
**ORANGE COUNTY BOARD OF COUNTY  
COMMISSIONERS**  
*regarding*  
**RATIFICATION OF INTEREST IN THAT CERTAIN  
TEMPORARY RIGHT OF WAY AND APPURTENANCES  
EASEMENT RECORDED ON  
November 8, 2018 AS DOCUMENT # 20180654798  
IN THE PUBLIC RECORDS OF  
ORANGE COUNTY, FLORIDA**

**RESOLUTION NO. 2019-M-17**

**WHEREAS**, through Resolution No. 86-M-44, Orange County has adopted a procedure for accepting conveyances of real property to the County whereby no conveyance of real property shall be deemed accepted by the County unless formally accepted in writing by the Board of County Commissioners of Orange County (the "Board"); and

**WHEREAS**, on November 8, 2018, D.R. Horton, Inc., a Delaware corporation (the "Grantor") recorded a Temporary Right of Way and Appurtenances Easement in favor of Orange County as Document # 20180654798 in the Official Records of Orange County, Florida, more particularly described on the attached and incorporated Exhibit "A" (the "Easement"); and

**WHEREAS**, the Easement was recorded without approval by the Board as required by Resolution No. 86-M-44; and

**WHEREAS**, the Board has reviewed the Easement and desires to accept the instrument by this Resolution in fulfillment of Resolution No. 86-M-44.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF ORANGE COUNTY:**

**Section 1.** The foregoing premises are true and correct and incorporated herein by reference.

**Section 2.** Although the Easement was not previously accepted by the Board as required by Resolution No. 86-M-44, the Board now hereby ratifies such conveyance and accepts the Easement conveyed to the County.

**Section 3.** The manager of the Orange County Real Estate Management Division, or a designee, shall record this Resolution in the Official Records of Orange County, Florida.

ADOPTED THIS \_\_\_\_\_ DAY OF APR 23 2019, 2019.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Bruno B. Brooks*  
*for* Jerry L. Demings  
Orange County Mayor

Date: *23 April 2019*

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

By: *Katie Smith*  
Deputy Clerk

Print name: Katie Smith

*Prepared By and Return To:*

Robert M. Poppell, Esq.  
Akerman LLP  
420 S. Orange Avenue, Suite 1200  
Orlando, Florida 32801

## EXHIBIT "A"

Project: Petition to Vacate #16 11 028  
(10000 Avalon Road)

\_\_\_\_\_  
*SPACE ABOVE RESERVED FOR RECORDER'S USE*

### TEMPORARY RIGHT OF WAY AND APPURTENANCES EASEMENT

**THIS TEMPORARY RIGHT OF WAY AND APPURTENANCES EASEMENT**, made this 29 day of Oct., 2018, between **D.R. HORTON, INC.**, a Delaware corporation, whose mailing address is 301 Commerce Street, Suite 500, Fort Worth, Texas, 76102 ("**D.R. Horton**") and **WATERLEIGH MASTER COMMUNITY ASSOCIATION, INC.**, a Florida not-for-profit corporation, c/o Access Management, whose address is 215 Celebration Place, Suite 115, Celebration, Florida 34747 ("**Waterleigh Master Association**" and together with D.R. Horton collectively referred to herein as the "**Grantors**" and each individually a "**Grantor**") and **ORANGE COUNTY**, a charter county and political subdivision of the state of Florida, whose mailing address is P.O. Box 1393, Orlando, Florida 32802-1393 ("**Grantee**").

**WITNESSETH**, that the Grantors, in consideration of the sum of \$1.00 and other valuable consideration, paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby give and grant to the Grantee and its assigns, a temporary non-exclusive easement for road right-of-way purposes, with full authority to enter upon, construct and maintain, as the Grantee and its assigns may deem necessary ("**Easement**"), a public road right-of-way and appurtenances over, under, and upon the following described lands situate in Orange County, aforesaid to wit ("**Easement Area**"):

**SEE ATTACHED EXHIBIT "A"**

**Property Appraiser's Parcel Identification Number:** being a portion of 08-24-27-0000-00-021 and 07-24-27-0000-00-0003.

**TO HAVE AND TO HOLD** said Easement unto said Grantee and its successors and assigns, subject to the terms and conditions set forth hereinbelow.

**GRANTEE** herein and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the road right-of-way and/or appurtenances, out of and away from the herein granted Easement, and, except as specifically permitted below, the Grantors, and their respective heirs, successors, and assigns agree not to build, construct, or create, nor permit others to build, construct, or create

any buildings or other structures in the Easement Area that may interfere with the normal operation or maintenance of the road right-of-way and/or appurtenances. All utilities placed in the Easement Area will be underground.

Notwithstanding anything in the foregoing to the contrary, or seemingly to the contrary, Grantors hereby reserve unto themselves and their respective successors and assigns the right to build, install, construct and maintain within the Easement Area decorative entrance signs, entrance walls, and entrance features, with related landscaping and irrigation facilities associated therewith, as generally depicted in Exhibit "B" attached hereto and made a part hereof (collectively, "**Entrance Features**"); provided that each Grantor has first executed and delivered to Grantee a separate use agreement pertaining to the Entrance Features, on Grantee's standard form therefor.

This Easement is non-exclusive. The Grantors shall have the authority to use and authorize others to use the Easement Area in any manner consistent with the Grantee's use and rights.

To the extent permitted by law, and without waiving the Grantee's sovereign immunity under Florida Statutes §768.28, the Grantee covenants and agrees to indemnify, protect, defend, and hold harmless the Grantors from and against any and all claims, actions, cause of action, loss, damage, injury, liability, cost or expense, including without limitation attorneys' fees (whether incurred before, during, or after trial, or upon any appellate level, or in arbitration, mediation, or in any proceeding in bankruptcy or insolvency), arising from the Grantee's negligent use of the Easement Area.

This Easement, and the rights granted herein, shall terminate and be of no further force and effect as to the Easement Area (or portion thereof, as the case may be) at such time as that certain public right-of-way known as County Road 545 – Avalon Road (lying east of the Easement Area) has been reconstructed from its existing two lane configuration to a four lane configuration and the reconstructed road has been accepted by the Grantee and opened to the public.

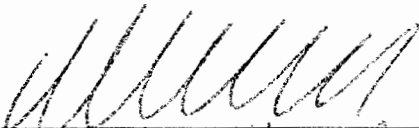
[THIS PAGE INTENTIONALLY LEFT BLANK]

*[Signature on the following page]*

IN WITNESS WHEREOF, the Grantors have caused this Indenture to be made and executed as of the day and date first above written.

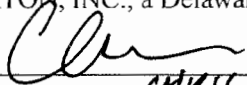
WITNESSES:

"GRANTOR"

  
Print Name: Dallas Austin

  
Print Name: Karla P. Cuevas

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

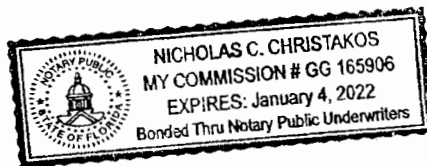
By:   
Name: CHRIS WRENN  
Title: ASSISTANT SECRETARY


STATE OF FLORIDA

COUNTY OF Orange

BEFORE ME, the undersigned authority, personally appeared Chris Wrenn, well known to me and known to me to be the CHRIS WRENN of **D.R. HORTON, INC.**, a Delaware Corporation and acknowledged before me that he executed the foregoing instrument on behalf of the corporation as its true act and deed, and that he was duly authorized so to do. \_\_\_\_\_ is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal this 29 day of October 2018.



  
Print Name: Nicholas C. Christakos  
Notary Public, State of Florida  
Commission No.: GG 165906  
My Commission Expires: 1-4-22

WITNESSES:

"GRANTOR"

[Signature]  
Print Name: Mike Hendricks

[Signature]  
Print Name: Nicole Drenzo

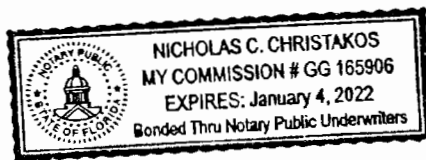
**WATERLEIGH MASTER COMMUNITY ASSOCIATION, INC.**, a Florida not-for-profit corporation

By: [Signature]  
Name: Melissa Dotson  
Title: President

**STATE OF FLORIDA**  
**COUNTY OF** Orange

**BEFORE ME**, the undersigned authority, personally appeared Melissa Dotson, well known to me and known to me to be the President of **WATERLEIGH MASTER COMMUNITY ASSOCIATION, INC.**, a Florida not-for-profit corporation and acknowledged before me that he executed the foregoing instrument on behalf of the corporation as its true act and deed, and that he was duly authorized so to do. Melissa Dotson is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal this 29<sup>th</sup> day of October 2018.



[Signature]  
Print Name: Nicholas C. Christakos  
Notary Public, State of Florida  
Commission No.: GG 165906  
My Commission Expires: 1/4/22

## EXHIBIT A

## Easement Area

## LEGAL DESCRIPTION

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

## EXHIBIT "A"

LEGAL DESCRIPTION

A 30.00 FEET WIDE STRIP OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE N89°53'49"E ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 1293.21 FEET TO A POINT ON A LINE 30.00 FEET WEST OF, WHEN MEASURED PERPENDICULARLY TO THE EAST RIGHT-OF-WAY LINE PER DEED BOOK 402, PAGE 310 AS RECORDED IN THE PUBLIC RECORDS OF SAID COUNTY, SAID EAST RIGHT-OF-WAY LINE ALSO BEING THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION AND THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE OF THE NORTHWEST 1/4 RUN N00°20'18"E ALONG SAID PARALLEL LINE A DISTANCE OF 661.40 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF AFORESAID SECTION 8; THENCE N89°49'48"E ALONG SAID SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 30.00 FEET TO AFORESAID EAST RIGHT-OF-WAY LINE PER DEED BOOK 402, PAGE 310, ALSO BEING THE AFORESAID EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE S00°20'18"W ALONG SAID EAST RIGHT-OF-WAY LINE PER DEED BOOK 402, PAGE 310, AND SAID EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 661.43 FEET TO THE AFORESAID SOUTH LINE OF THE NORTHWEST 1/4; THENCE S89°53'49"W ALONG SAID SOUTH LINE OF THE NORTHWEST 1/4, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 19,842.40 SQUARE FEET (0.46 ACRES), MORE OR LESS.

*[Signature]*  
3/23/2017



16 East Plant Street  
Water Garden, Florida 34702 • (407) 854-5363

## SURVEYOR'S NOTES:

k:\data\20140340\sketches\20140340-end-row 500-ROWN (1)

THIS IS NOT A SURVEY.

THE DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S REQUEST.

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

THIS LEGAL DESCRIPTION AND SKETCH HAS BEEN PREPARED WITHOUT THE BENEFIT OF TITLE.

BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8-24-27 ORANGE COUNTY, FLORIDA, BEING N89°53'49"E.

JOB NO. 20140340

DATE: 5-19-16

SCALE: N/A

FIELD BY: N/A

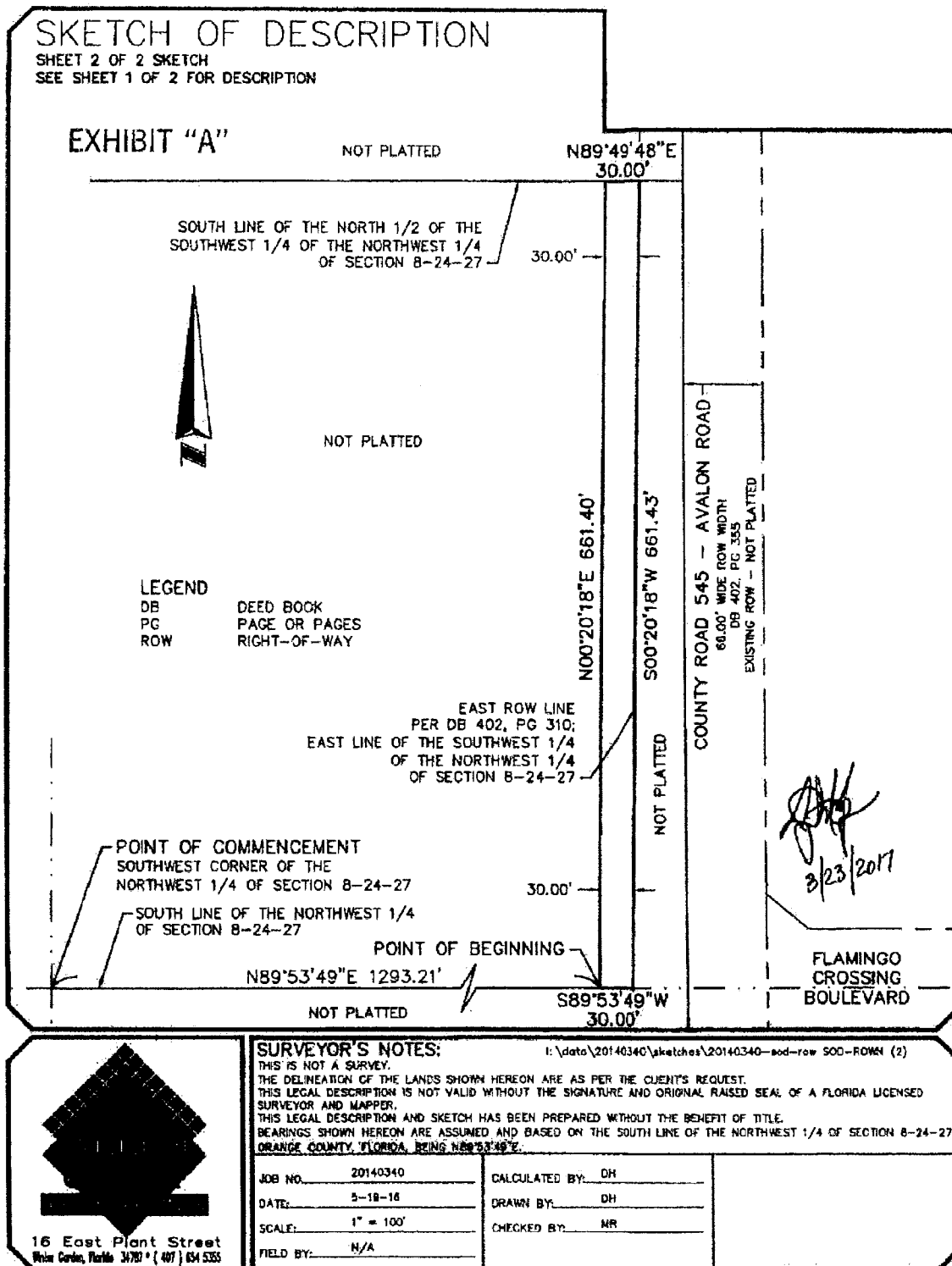
CALCULATED BY: CH

DRAWN BY: CH

CHECKED BY: MR

FOR THE LICENSED BUSINESS # 6723 BY:

*[Signature]*  
JAMES L. RICKMAN P.S.M. # 5633





**LEGAL DESCRIPTION**

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

**EXHIBIT "A"**

A 33.00 FEET WIDE STRIP OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AND ALSO THE NORTHWEST 1/4 OF SAID SECTION 8, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA ALSO BEING THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE N89°53'49"E ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 ALSO BEING THE SOUTH LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 1323.21 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE PER DEED BOOK 443, PAGE 310 AS RECORDED IN THE PUBLIC RECORDS OF SAID COUNTY, AND THE WEST RIGHT-OF-WAY LINE PER DEED BOOK 400, PAGE 317 AS RECORDED IN SAID PUBLIC RECORDS, ALSO BEING THE EAST LINE OF SAID SOUTHWEST 1/4 OF SAID NORTHWEST 1/4, AND ALSO BEING THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID NORTHWEST 1/4, AND THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH AND SOUTH LINES RUN N00°20'18"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 30.09 FEET TO THE NORTH RIGHT-OF-WAY LINE PER DEED BOOK 443, PAGE 310; THENCE N89°54'02"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, PARALLEL AND 30.00 FEET NORTH OF, WHEN MEASURED PERPENDICULAR TO, THE AFORESAID SOUTH LINE OF THE NORTHWEST 1/4, A DISTANCE OF 33.00 FEET; THENCE S00°20'18"W ALONG SAID EAST RIGHT-OF-WAY LINE, PARALLEL AND 33.00 FEET EAST OF, WHEN MEASURED PERPENDICULAR TO, SAID WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 30.40 FEET TO THE EAST RIGHT-OF-WAY LINE PER DEED BOOK 400, PAGE 317; THENCE S00°32'30"W ALONG SAID EAST RIGHT-OF-WAY LINE, PARALLEL AND 33.00 FEET EAST OF, WHEN MEASURED PERPENDICULAR TO, THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 8, A DISTANCE OF 194.45 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN N47°21'04"W A DISTANCE OF 44.48 FEET TO AFORESAID WEST RIGHT-OF-WAY LINE PER DEED BOOK 400, PAGE 317, AND SAID EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE N00°32'30"E ALONG SAID WEST RIGHT-OF-WAY LINE AND SAID EAST LINE, A DISTANCE OF 164.57 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 6,921.90 SQUARE FEET (0.16 ACRES), MORE OR LESS.

*[Signature]*  
3/23/2017



16 East Plant Street  
Winter Garden, Florida 34787 • (407) 854-5335

**SURVEYOR'S NOTES:**

F:\data\20140340\sketches\20140340-roweb 500-ROWS2B (1)

THIS IS NOT A SURVEY.

THIS DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S REQUEST.

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

THIS LEGAL DESCRIPTION AND SKETCH HAS BEEN PREPARED WITHOUT THE BENEFIT OF TITLE.

BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 8-24-27 ORANGE COUNTY, FLORIDA BEING N89°53'49"E.

JOB NO. 20140340

CALCULATED BY: DJ

FOR THE LICENSED BUSINESS # 5723 BY:

DATE: 5-18-16

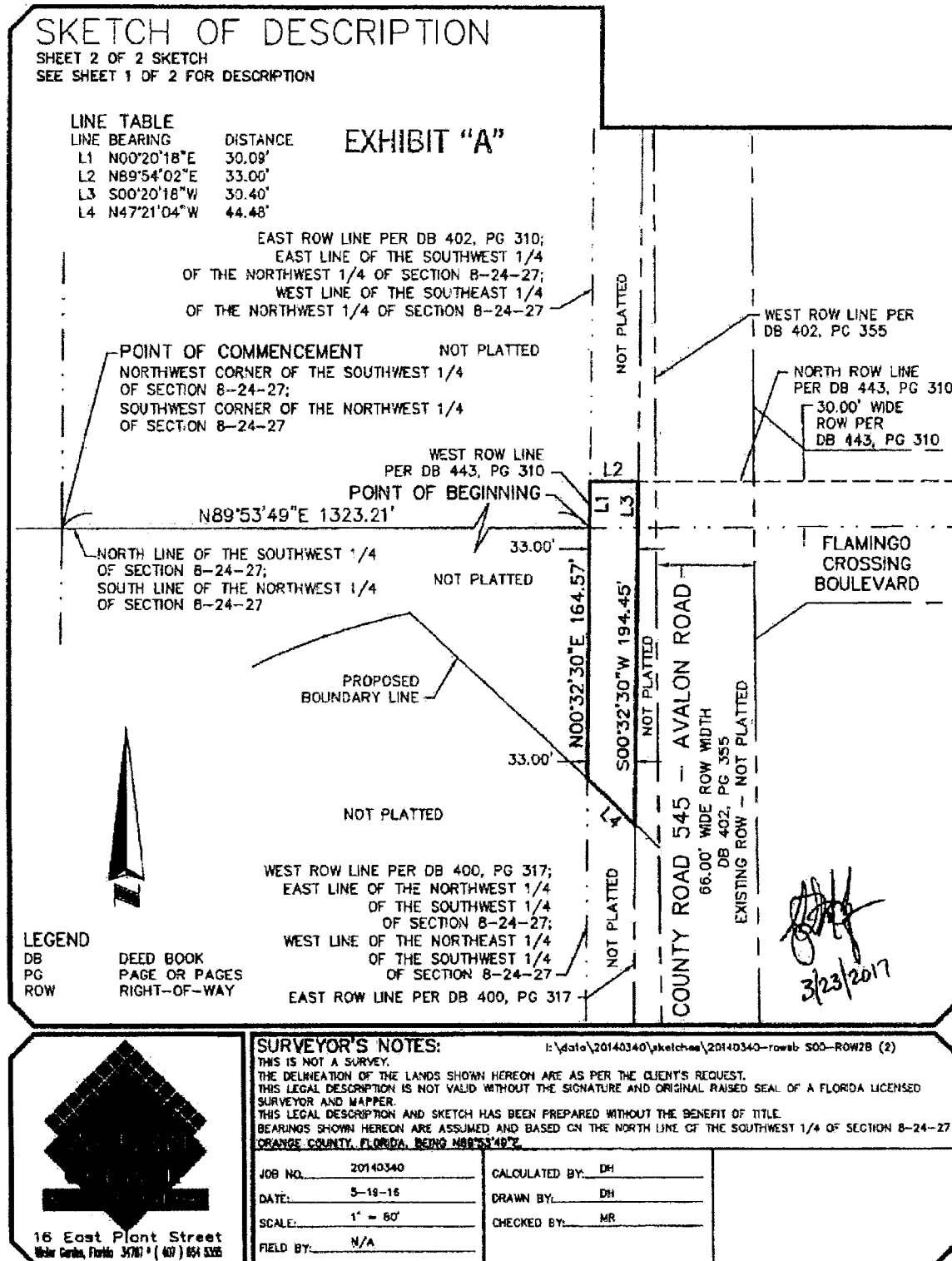
DRAWN BY: DJ

SCALE: N/A

CHECKED BY: MR

FIELD BY: N/A

JAMES E. RICKMAN P.S.M. # 5623



## EXHIBIT B Entrance Feature Plans

