



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: September 10, 2021

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

THROUGH: Mindy T. Cummings, Manager
Real Estate Management Division *MTL*

FROM: Elizabeth Price Jackson, Senior Title Examiner *LM For ET*
Real Estate Management Division

CONTACT PERSON: **Mindy T. Cummings, Manager**

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

ACTION REQUESTED: Approval and execution of First Amendment to Shared Use Pond Easement Agreement between Adventist Health System/Sunbelt, Inc. and Orange County and authorization to perform all actions necessary and incidental to closing

PROJECT: Palm Parkway Connector (RIFCC)

District 1

PURPOSE: To reconfigure, modify, and replace the easement area of an existing shared use pond agreement as a requirement of a road agreement.

ITEM: Shared Use Pond Easement Agreement (Adventist Pond Parcel 806O)
Cost: Donation
Amended size: 1.703 acres

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department
Risk Management Division
Transportation Planning Division

REMARKS: On August 20, 2019, the Board approved a Shared Use Pond Easement Agreement between Adventist Health System/Sunbelt, Inc. (Adventist) and County. Adventist requested a relocation of the existing easement area to accommodate development of their site. Public Works has no objection to the relocation of the easement area.

Grantor to pay all closing costs.

This document prepared by:

Borron J. Owen, Jr., Esquire
GrayRobinson, P.A.
301 E. Pine Street, Suite 1400
Orlando, FL 32801
Phone: (407) 843-8880

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
1 SEP 28 2021

After recording return to:
Orange County Real Estate Management Division
400 E. South Street, 5th Floor
Orlando, FL 32801

Project: Palm Parkway Connector (RIFCC)
Parcel ID No. Portion of 15-24-28-7774-00-025

FIRST AMENDMENT TO
SHARED USE POND EASEMENT AGREEMENT
(Adventist Pond Parcel 8060)

This **FIRST AMENDMENT TO SHARED USE POND EASEMENT AGREEMENT** (the "**First Amendment**") is entered into as of the latest date of execution by and between **ADVENTIST HEALTH SYSTEM/SUNBELT, INC.**, a Florida not-for-profit corporation, whose address is 1919 N. Orange Avenue, Suite D, Orlando, Florida 32804 ("**Owner**"), 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 ("**County**") (Owner and County may hereinafter be referred to individually as a "**Party**" and collectively as the "**Parties**").

RECITALS

WHEREAS, Owner and County entered into that certain Shared Use Pond Easement Agreement having an Effective Date of August 20, 2019, and recorded as Document No. 20190526435 of the Public Records of Orange County, Florida (the "**Pond Agreement**") pursuant to which Owner granted to County a perpetual, non-exclusive easement for drainage purposes (the "**Drainage Easement**") over, under, upon, through, and across that certain real property described in Exhibit "C" attached to the Pond Agreement and also described in Exhibit "A" attached hereto and made a part hereof (the "**Original Drainage Easement Area**") for the purpose of drainage into the storm water retention pond (the "**Pond**") constructed or to be constructed on Owner's real property being described in Exhibit "B" attached to the Pond Agreement (the "**Owner's Property**"); and

WHEREAS, the Pond Agreement provides in Section 7 thereof that "Owner may modify, reconfigure, and/or relocate the Pond Improvements and/or Drainage Easement Area at any time, pursuant to County approved plans" and that "Any such modification, reconfiguration, and/or relocation shall be documented and memorialized by formal amendment to this Agreement executed and recorded with equal formality"; and

WHEREAS, in accordance with final engineering plans approved and permitted by County for the reconfiguration and construction of the Pond, Owner has reconfigured and constructed the Pond in order to accommodate Owner's development plans for Owner's Property; and

WHEREAS, Owner and County have agreed to amend the Pond Agreement as provided in Section 7 thereof in order to release the Original Drainage Easement Area from the Pond Agreement and to grant to County a perpetual, non-exclusive easement for drainage purposes over that portion of Owner's Property described in Replacement Exhibit "C" attached hereto as Exhibit "B" and made a part hereof (the "**Replacement Drainage Easement Area**"); and

WHEREAS, the Parties now desire to set forth in writing the terms and conditions of their agreements.

NOW, THEREFORE, for and in consideration of the premises, covenants, and undertakings of the parties set forth hereinafter, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Recitals**. The Recitals set forth hereinabove are true and correct and are incorporated herein by this reference.

2. **Release of Original Drainage Easement Area**. Owner and County agree that the Original Drainage Easement Area is hereby released and removed from the Drainage Easement, the Pond Agreement, and Exhibit "C" to the Pond Agreement.

3. **Replacement Drainage Easement**. Owner hereby grants to County a perpetual, non-exclusive easement for drainage purposes over, under, upon, through, and across the Replacement Drainage Easement Area, and the Replacement Drainage Easement Area shall be included and substituted in Exhibit "C" to the Pond Agreement. All references in the Pond Agreement to the Drainage Easement Area shall mean and refer to the Replacement Drainage Easement Area. All references in the Pond Agreement to the Pond Improvements shall refer to the reconfigured and constructed storm water retention pond and associated drainage facilities and outfall structures constructed within the Replacement Drainage Easement Area as approved and permitted by County. The Replacement Drainage Easement Area is and shall be subject to all applicable terms, conditions, and provisions of the Pond Agreement, all pursuant to and in accordance with the terms and provisions thereof.

5. **Ratification**. The Parties hereby ratify all terms and provisions of the Pond Agreement not herein modified, and acknowledge and agree that the same shall remain in full force and effect.

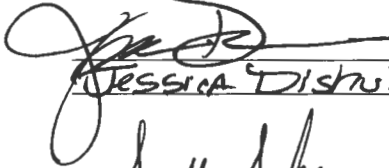
6. **Capitalized Terms**. Capitalized terms not otherwise defined herein shall have the meaning ascribed thereto in the in the Pond Agreement.

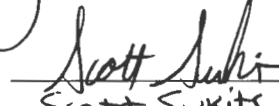
7. **Counterparts**. This First Amendment may be executed in up to two (2) counterparts, each of which shall be deemed an original instrument, but both of which shall together constitute one and the same instrument.

[Signatures on the following pages.]

IN WITNESS WHEREOF, the Parties have signed and sealed these presents effective as of the day and year written below each signature.


Signed, sealed and delivered
in the presence of:



Jessica Distrik (Print Name)


Scott Sukits (Print Name)

ADVENTIST HEALTH SYSTEM/ SUNBELT,
INC., a Florida not-for-profit corporation

By: 

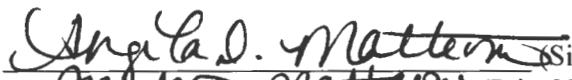
Name: Tim Burrill
Title: Senior Vice President-AdventHealth Orlando
Date: May 26, 2021

[CORPORATE SEAL]

STATE OF FLORIDA)
COUNTY OF ORANGE)

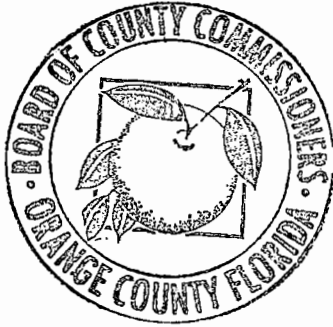
The foregoing instrument was acknowledged before me by means of ☒ physical presence or []
online notarization this 26 day of May, 2021, by Tim Burrill as Senior Vice
President – AdventHealth Orlando of ADVENTIST HEALTH SYSTEM/ SUNBELT, INC., a Florida
not -for-profit corporation, on behalf of the corporation. He is personally known to me or has produced ____
nla as identification.

Affix Notary Seal



Angela D. Matteoni (Print Name)
NOTARY PUBLIC – STATE OF FLORIDA
Commission Number 66112917
My Commission Expires: 10.4.2021





"COUNTY"

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Bernard B. Barks*
Jerry L. Demings
Orange County Mayor

Date: 29 September, 2021

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

By: *Noelia Perez*
Deputy Clerk

Print Name: Noelia Perez

Exhibit "A" to First Amendment
"ORIGINAL DRAINAGE EASEMENT AREA"
ORIGINAL EXHIBIT "C" TO POND AGREEMENT

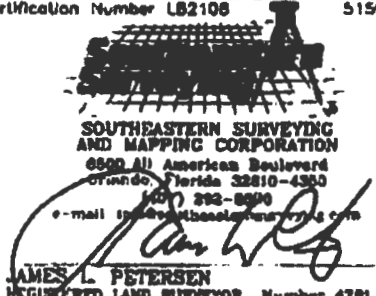
PALM PARKWAY TO
APOPKA-VINELAND CONNECTOR ROAD
PARCEL NUMBER: 8060
ESTATE: PERPETUAL EASEMENT
PURPOSE: DRAINAGE

DESCRIPTION:

A portion of Lot 2, Ruby Lake, according to the plat thereof, as recorded in Plat Book 67, Pages 42 through 48, inclusive, of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Southwest quarter of Section 14, Township 24 South, Range 28 East, Orange County, Florida; thence North 89°27'15" East, a distance of 49.75 feet, along the North line of the Southwest quarter of said Section 14; thence departing said North line, South 00°32'45" East, a distance of 199.45 feet to the POINT OF BEGINNING; thence South 50°57'01" East, a distance of 73.77 feet to a point of curvature of a curve concave West, having a radius of 45.00 feet and a central angle of 101°42'13"; thence Southerly along the arc of said curve a distance of 79.88 feet to a point of tangency; thence South 50°45'12" West, a distance of 9.13 feet to a point of curvature of a curve concave Southeasterly, having a radius of 55.00 feet and a central angle of 34°26'22"; thence Southwesterly along the arc of said curve a distance of 33.06 feet to a point of tangency; thence South 16°18'50" West, a distance of 14.71 feet to a point of curvature of a curve concave Northwesterly, having a radius of 45.00 feet and a central angle of 98°15'03"; thence Southwesterly along the arc of said curve a distance of 77.17 feet to a point of tangency; thence North 65°26'08" West, a distance of 47.82 feet to a point of curvature of a curve concave Southerly, having a radius of 230.00 feet and a central angle of 16°08'32"; thence Westerly along the arc of said curve a distance of 64.80 feet to a point of tangency; thence North 81°34'40" West, a distance of 55.51 feet to a point of curvature of a curve concave Easterly, having a radius of 65.08 feet and a central angle of 165°27'59"; thence Northerly along the arc of said curve a distance of 187.95 feet to a point of tangency; thence North 83°53'19" East, a distance of 38.53 feet to a point of curvature of a curve concave Northerly, having a radius of 230.00 feet and a central angle of 13°22'13"; thence Easterly along the arc of said curve a distance of 53.67 feet to a point of tangency; thence North 70°31'07" East, a distance of 35.47 feet to a point of curvature of a curve concave Southerly, having a radius of 70.00 feet and a central angle of 58°31'52"; thence Easterly along the arc of said curve a distance of 71.51 feet to the POINT OF BEGINNING

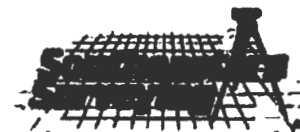
Containing 1.07 acres, more or less.

Sketch of Description FOR Maury L. Carter & Associates, Inc.	Date: February 27, 2019 EM		Certification Number LB2108 51599145
	Job Number: 51599145	Scale: 1" = 100'	 SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6600 All American Boulevard Orlando, Florida 32810-4350 (407) 592-8890 e-mail: info@seasmapping.com
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	REVISED: 03/14/19 AR		
	SHEET 1 OF 3 SEE SHEET 2 FOR SKETCH		JAMES L. PETERSEN REGISTERED LAND SURVEYOR Number 4781

**SKETCH OF DESCRIPTION
PROPOSED DRAINAGE EASEMENT
PALM PARKWAY TO APOPKA-VINELAND
CONNECTION ROAD
PARCEL NUMBER: 8060
ESTATE: PERPETUAL EASEMENT
PURPOSE: DRAINAGE**

SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the North line of the Southwest quarter of Section 14, Township 24 South, Range 28 East, Orange County, Florida, reference bearing being North 89°27'15" East
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
3. Sketch and report or the copies thereof are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
4. I have reviewed the Fidelity National Title Insurance Company title insurance commitment # 7493027, dated 02/28/2019 at 5:00 PM and all recorded survey related encumbrances, except liens, identified in Schedule B-II of the title insurance commitment have been shown or noted on the sketch. Title Commitment Schedule B-II Exceptions that are not a survey matter may require a legal opinion as to their affecting or not affecting the subject parcel therefore the surveyor is not qualified by law to render a conclusive legal opinion as to those non-survey matter exceptions.
5. Property is subject to utilities, public, maintenance and surface water blanket type easement as recorded in Official Records Book 8508, Page 680, Official Records Book 9059, Page 2312, Official Records Book 9825, Page 3709, Official Records Book 10877, Page 657, Official Records Book 11006, Page 5945, Official Records Book 11006, Page 6053, Official Recorded Instrument Number 20170294506, Official Recorded Instrument Number 20180759257, Official Recorded Instrument Number 20180486580, Official Recorded Instrument Number 20180486581.



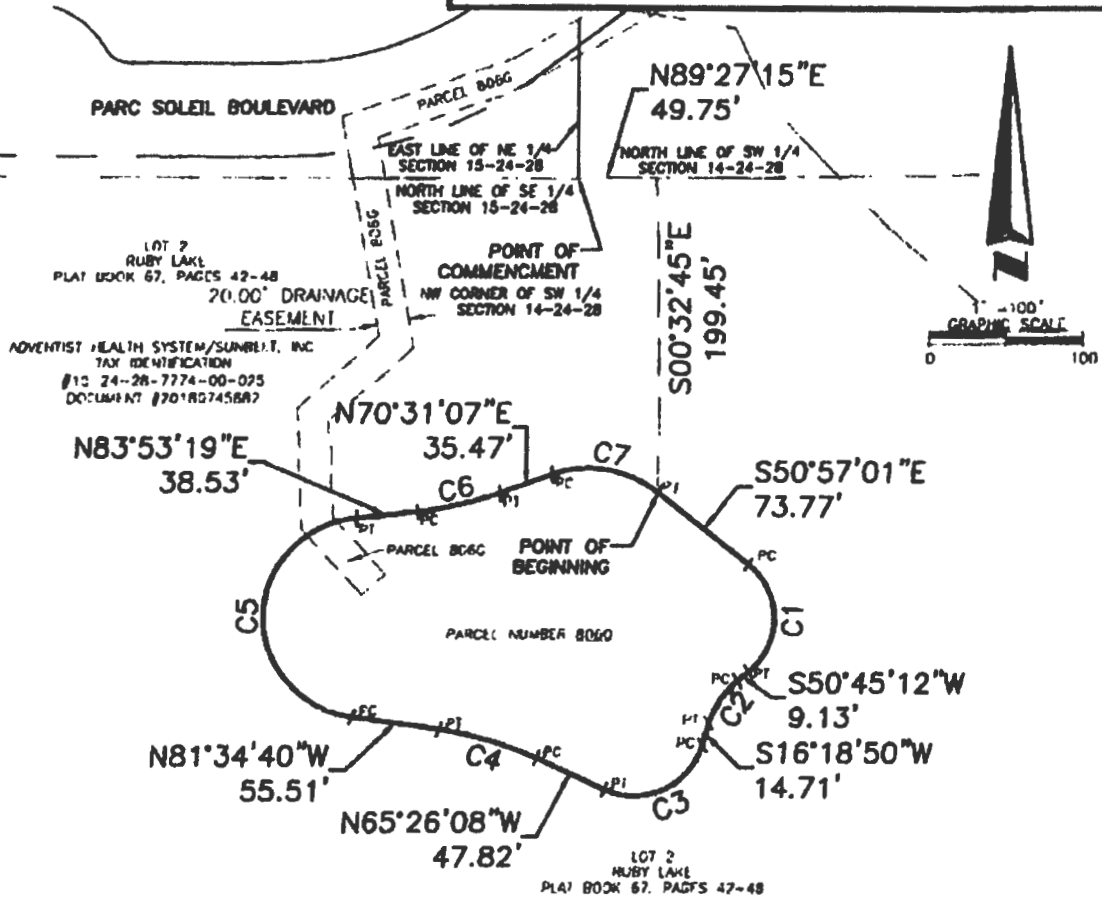
REVISED: 03/14/19
Drawing No. 51599145
Job No. 51599145
Date: FEBRUARY 27, 2019
SHEET 2 OF 3
See Sheet 1 for Description

THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEET 1 THROUGH 3

**SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION**
8500 All American Boulevard
Orlando, Florida 32810-4360
(407) 292-8560
Certification Number LB2108
e-mail: info@southeasternsurveying.com

**SKETCH OF DESCRIPTION
PROPOSED DRAINAGE EASEMENT**

PALM PARKWAY TO APOPKA VINELAND
CONNECTOR ROAD
PARCEL NUMBER 8060
ESTATE PERPETUAL EASEMENT
PURPOSE: DRAINAGE



CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	45.00'	101°42'13"	78.88'	S0°05'55"E	69.80'
C2	55.00'	14°26'22"	33.04'	S33°32'01"W	32.56'
C3	45.00'	88°15'03"	77.17'	S65°28'21"W	68.05'
C4	230.00'	18°08'32"	64.80'	N73°30'24"W	64.59'
C5	85.00'	165°27'39"	187.85'	N1°09'20"E	149.11'
C6	230.00'	1°22'15"	53.87'	N77°12'15"E	53.55'
C7	70.00'	58°31'32"	71.51'	S80°12'37"	68.44'

LEGEND & ABBREVIATIONS

PC = POINT OF CURVATURE
PT = POINT OF TANGENCY



**SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION**
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8680
Certification Number 102108

REVISED: 03/14/19
Drawing No. 51599145
Job No. 51599145
Date: FEBRUARY 27, 2019
SHEET 3 OF 3
See Sheet 1 for Description

THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEET 1 THROUGH 3

email: info@southeasternsurveying.com

Exhibit "B" to First Amendment
"REPLACEMENT DRAINAGE EASEMENT AREA"
REPLACEMENT EXHIBIT "C" TO POND AGREEMENT

Exhibit "B" to First Amendment
"REPLACEMENT DRAINAGE EASEMENT AREA"
REPLACEMENT EXHIBIT "C" TO POND AGREEMENT

SKETCH OF DESCRIPTION

-SEE SHEETS 2-4 FOR SKETCH

Description: (prepared by Donald W. McIntosh Associates, Inc.)

That part of Lot 2, RUBY LAKE, according to the plat thereof, as recorded in Plat Book 67, Pages 42 through 48, of the Public Records of Orange County, Florida, lying in Sections 14 and 15, Township 24 South, Range 28 East, Orange County, Florida, described as follows:

COMMENCE at the Northwest Corner of Maharaj Avenue as shown on OVERLOOK AT RUBY LAKE, according to the plat thereof, as recorded in Plat Book 95, Pages 56 through 58 of said Public Records; thence S85°58'00"E along the North Right-of-way line of said Maharaj Avenue, 2.34 feet to the POINT OF BEGINNING; thence departing said North Right-of-way line run N25°18'57"E, 24.62 feet; thence N60°05'33"W, 94.14 feet; thence N40°17'19"W, 113.41 feet; thence N03°59'39"E, 117.53 feet; thence N28°07'04"E, 94.79 feet; thence N81°34'40"W, 67.76 feet to the point of curvature of a curve concave Easterly having a radius of 61.00 feet and a chord bearing of N01°09'20"E; thence Northerly along the arc of said curve through a central angle of 165°27'59" for a distance of 176.16 feet to the point of tangency; thence N83°53'19"E, 22.05 feet; thence N31°05'25"E, 102.49 feet to the point of curvature of a curve concave Southerly having a radius of 49.00 feet and a chord bearing of N74°28'31"E; thence Easterly along the arc of said curve through a central angle of 86°46'12" for a distance of 74.21 feet to the point of tangency; thence S62°08'22"E, 215.28 feet to the point of curvature of a curve concave Westerly having a radius of 39.00 feet and a chord bearing of S16°02'32"E; thence Southerly along the arc of said curve through a central angle of 92°11'40" for a distance of 62.75 feet to the point of tangency; thence S30°03'18"W, 104.28 feet; thence S17°01'45"E, 37.38 feet; thence N61°32'58"W, 216.00 feet; thence S28°07'04"W, 155.66 feet; thence S03°59'39"W, 117.35 feet; thence S40°17'19"E, 101.78 feet; thence S60°05'33"E, 109.10 feet; thence S25°18'57"W, 42.63 feet to the aforesaid North Right-of-way line of Maharaj Avenue; thence N65°58'00"W along said North Right-of-way line, 20.01 feet to the POINT OF BEGINNING.

Containing 1.703 acres more or less and being subject to any rights-of-way, restrictions and easement of record.

NOTES:

1. This is not a survey.
2. Bearings shown hereon are based on the North Right-of-way line of Maharaj Avenue, OVERLOOK AT RUBY LAKE (Plat Book 95, Pages 56-58) being S85°58'00"E, per plat.
3. Unless otherwise shown, this Sketch of Description does not depict any easements of record that may be within or adjoining the lands described hereon.

LEGEND

N/A	NOT APPLICABLE
DOC#	OFFICIAL RECORDS DOCUMENT NUMBER OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA
ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PC	POINT OF CURVATURE
PG(S)	PAGE(S)
PT	POINT OF TANGENCY
SEC 14-24-28	SECTION 14, TOWNSHIP 24 SOUTH, RANGE 28 EAST

PREPARED FOR:

AdventHealth

MODIFICATION OF POND EASEMENT

3/24/21	DLL	REVISED SKETCH
3/12/21	JPF	ORANGE COUNTY REVIEW REVISIONS
DATE	BY	DESCRIPTION
REVISIONS		



DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. LB68

DONALD W. MCINTOSH ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. LB68
Donald L. Landert
March 24, 2021
Donald L. Landert
Florida Registered Surveyor and Mapper
Certificate No. 4285
NOT VALID WITHOUT THE SIGNATURE AND THE
ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

DRAWN BY: <u>JPF</u>	JOB NO. <u>19011.027</u>	SCALE <u>N/A</u>	SHEET <u>1</u>
DATE <u>08/24/2020</u>	CHECKED BY: <u>RJC</u>	OF <u>4</u>	

Printed: Wed 24-Mar-2021 - 02:05PM

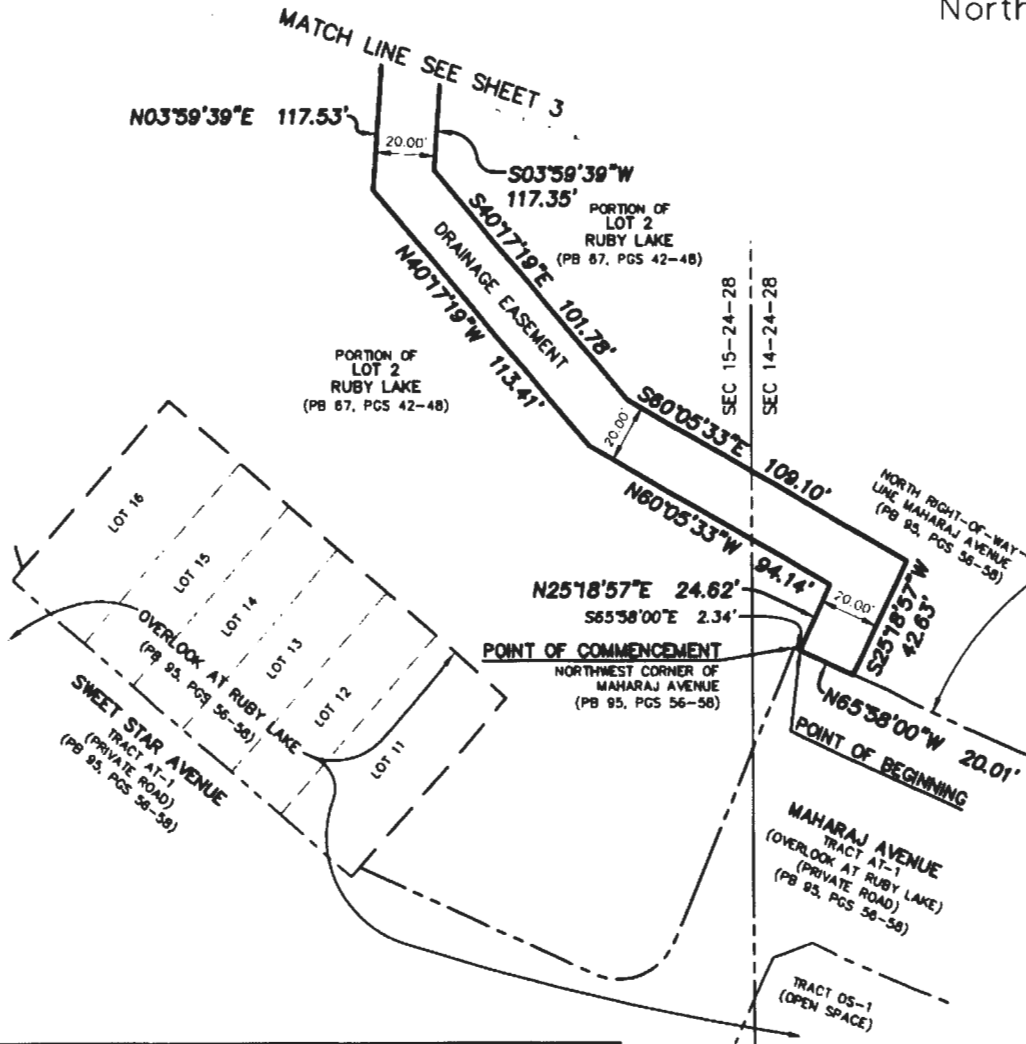
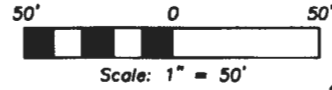
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RA 5/35/2021 CS# 19-107(D)

SKETCH OF DESCRIPTION

-SEE SHEET 1 FOR DESCRIPTION, NOTES AND LEGEND



PREPARED FOR:

AdventHealth

MODIFICATION OF POND EASEMENT



DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
 CERTIFICATE OF AUTHORIZATION NO. LB66

DRAWN BY: JPF	CHECKED BY: RLC	JOB NO: 19011.027	SCALE: 1"=50'	SHEET: 2 OF 4
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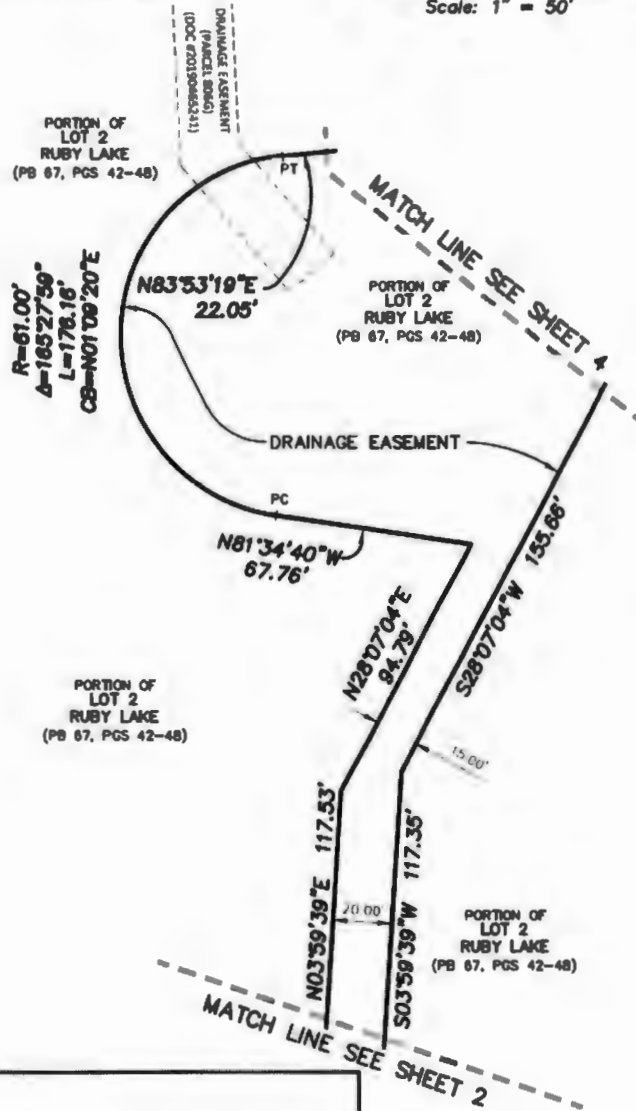
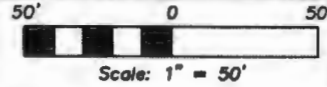
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P.H. 3/25/2021

CS# 19-107(D)

SKETCH OF DESCRIPTION

-SEE SHEET 1 FOR DESCRIPTION, NOTES AND LEGEND



PREPARED FOR:

AdventHealth

MODIFICATION OF POND EASEMENT



DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS

2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. 1888

DRAWN BY: <u>JE</u>	JOB NO. <u>18011.027</u>	SCALE <u>1"=80'</u>	SHEET <u>3</u>
DATE: <u>08/24/2020</u>	CHECKED BY: <u>RLC</u>		OF <u>4</u>

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P: \\Fu2018\18158\Sdwg\NAVD88\scd\AdventHealth Ruby Lake Drainage Easement Modification.dwg

08 5/25/2021

CS# 19-107(D)

SKETCH OF DESCRIPTION

-SEE SHEET 1 FOR DESCRIPTION, NOTES AND LEGEND

50' 0 50'

Scale: 1" = 50'



PREPARED FOR:

AdventHealth

MODIFICATION OF POND EASEMENT



DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS

2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068

CERTIFICATE OF AUTHORIZATION NO. 1968

DRAWN BY: <u>JP</u>	JOB NO. <u>19011.027</u>	SCALE <u>1"=50'</u>	SHEET <u>4</u>
DATE: <u>08/24/2020</u>	CHECKED BY: <u>RLC</u>		OF <u>4</u>

Printed: Wed 24-Mar-2021 - 11:20AM
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114 3/25/2021

CS# 19-107(D)