

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS AT THEIR MEETING

~~JUL 30 1990~~ JUL 30 1990

RESOLUTION NO. 90-M-42

A RESOLUTION AUTHORIZING THE EXECUTION OF A COUNTY DEED TO CENTEX REAL ESTATE CORPORATION AND ACCEPTANCE OF A DRAINAGE EASEMENT TO CORRECT A MUTUAL MISTAKE IN A PLAT DEDICATION.

WHEREAS, Centex Real Estate Corporation made a certain dedication to Orange County, Florida, of fee simple title of Tracts "A" and "B", (hereinafter the "Property") by Plat recorded April 26, 1990, for stormwater management purposes, which Tracts are more particularly described as follows:

Tracts A & B of Countrywalk Unit III, Phase 1, according to the Plat thereof as recorded in Plat Book 25, Pages 132-133 of the Public Records of Orange County, Florida.

WHEREAS, the dedication of the Property to Orange County in fee simple was in error, and Centex Real Estate Corporation meant to convey fee simple title of the Property to R/C World Community Association, Inc. (a homeowner's association) and, Centex Real Estate Corporation further intended to grant a drainage easement on and/or under the Property to Orange County, Florida;

WHEREAS, R/C World Community Association, Inc. meant to receive fee simple title to the Property and Orange County, Florida, intended to receive a drainage easement on and/or under the Property; and

WHEREAS, both Orange County, Florida, by and through the Board of County Commissioners of Orange County, and Centex Real Estate Corporation by and through its President, Joel Sowers, desire to rectify the foregoing error as further set forth herein.

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

Section 1. Execution of Deed by Orange County. The Chairman of the Board of County Commissioners is hereby authorized to execute a deed in favor of Centex Real Estate Corporation conveying the Property to it from Orange County, Florida, an unexecuted copy of which deed is attached hereto

and incorporated herein by reference as Exhibit "A", (said deed to be recorded prior to recordation of the Drainage Easement); the purpose of such conveyance being to correct a mutual mistake as hereinabove recited.

Section 2. Acceptance of Drainage Easement by Orange County. Orange County hereby accepts from Centex Real Estate Corporation a drainage easement on and/or under the Property (hereinafter referred to as the "Drainage Easement"), an unexecuted copy of which is attached hereto as Exhibit "B" and made a part hereof by this reference; such Drainage Easement being a donation of a real estate interest to Orange County for stormwater management purposes.

Section 3. Reconveyance to R/C World Community Association, Inc. Centex Real Estate Corporation shall convey fee simple title to the Property to R/C World Community Association, Inc., so as to correct the mutual mistake as hereinabove recited; which deed of conveyance, an unexecuted copy of which is attached hereto as Exhibit "C" and incorporated herein by this reference, shall be recorded subsequent to recordation of the Drainage Easement and prior to recordation of the quit-claim deed by Orange County.

Section 4. Effective Date. This Resolution shall take effect upon its adoption.

ADOPTED THIS 30th DAY OF July, 1990.

ORANGE COUNTY, FLORIDA

BY: Hal Marston
Chairman, Board
of County Commissioners

DATE: JUL 30 1990

ATTEST: Martha O. Haynie, Comptroller
as Clerk to the Board
of County Commissioners

BY: Mary J. Garrison
Deputy Clerk

QUIT CLAIM DEED

THIS DEED, made this ___ day of _____, 1990, by the BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, party of the first part, and CENTEX REAL ESTATE CORPORATION, a Nevada corporation, whose Post Office/Address is 1417 North Semoran Blvd., Suite 207, Orlando, Florida 32807-3593, party of the second part;

WITNESSETH that the said party of the first part, for good and valuable consideration to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, its heirs and assigns forever, the following described land lying and being in Orange County, Florida:

Tracts A & B of Countrywalk Unit III, Phase 1, according to the Plat thereof as recorded in Plat Book 25, Pages 132-133 of the Public Records of Orange County, Florida.

This Quit Claim Deed is given to correct an error on the foregoing plat.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said board, the day and year aforesaid.

ORANGE COUNTY, FLORIDA

BY: _____
Chairman, Board
of County Commissioners

DATE: _____

ATTEST: Martha O. Haynie,
Comptroller, as Clerk to the
Board of County Commissioners

BY: _____
Deputy Clerk

This instrument prepared by:
Alison M. Yurko
Assistant County Attorney
Orange County Administrative
Center
201 S. Rosalind Avenue
Orlando, Florida 32802

FOR THE USE AND RELIANCE
FOR ORANGE COUNTY ONLY
APPROVED AS TO FORM

_____, 1990
ALISON M. YURKO
ASSISTANT COUNTY ATTORNEY

AMY133 07/16/90

DRAINAGE EASEMENT

This Drainage Easement ("Easement") made and given as of the ____ day of _____, 1990, by CENTEX REAL ESTATE CORPORATION, whose present address is 1417 North Semoran Blvd., Suite 207, Orlando, Florida 32807-3593 ("Grantor") to ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida ("Grantee").

W I T N E S S E T H :

WHEREAS, the Grantor is constructing a retention pond, pipes and/or facilities related thereto (the "Facilities") across certain lands for the benefit of the residential subdivision known as Countrywalk Unit III, Phase 1, the plat of which is recorded in Plat Book 25, Pages 132-133, Public Records of Orange County, Florida (the "Plat"); and

WHEREAS, by way of the Plat, Stormwater Management Areas were designated thereon as Tracts "A" and "B", and fee simple title to said Tracts "A" and "B" was inadvertently dedicated to Orange County, Florida; and

WHEREAS, the legal description of this proposed drainage easement is set forth as follows:

Tracts A & B of Countrywalk Unit III, Phase 1, according to the Plat thereof as recorded in Plat Book 25, Pages 132-133 of the Public Records of Orange County, Florida.

WHEREAS, Orange County has, by instrument recorded prior to the date of recordation of this Easement, quit-claimed to Grantor, whatever right title and interest it may have received by virtue of said dedication; and

WHEREAS, the Grantor is thus the holder of fee simple title to Tracts "A" and "B" and has the power and authority to lawfully create and convey a drainage easement to the Grantee for the reasons and purposes described in this instrument.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor agrees as follows:

1. Conveyance of Easement. In accordance with the provisions set forth herein, the Grantor hereby gives and grants unto the Grantee a non-exclusive easement for stormwater management purposes, with full authority to enter upon, construct, repair and maintain, as the Grantee may deem necessary, the Facilities and any related safety structure, located over, under, or upon the Easement Property. However, nothing herein shall be construed as obligating the Grantee to maintain the Easement Area, or maintain and repair any structure or facility located thereon, unless otherwise specified by separate agreement between Grantor and Grantee.

2. Reservation of Rights. The Grantor hereby reserves unto itself, and its successors and assigns, the right to use the Easement Property at any and all times for any and all purposes which do not, in the opinion of Grantee, unreasonably interfere with the construction, safe operation, maintenance and/or repair of the Facilities. The Grantee shall have the right, but not the obligation, to clear from the Easement Property, at the expense of Grantor, any obstructions and/or improvements that, in its opinion, unreasonably interfere with the construction, maintenance, repair or safe operation of the Facilities.

3. Successors and Assigns. The rights, privileges, duties and reservations herein provided shall inure to the benefits of and shall bind the Grantor's and Grantee's respective successors and assigns.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed as of the date and year first set forth above.

WITNESSES:

CENTEX REAL ESTATE CORPORATION

By: _____
Joel C. Sowers
President

(CORPORATE SEAL)

STATE OF FLORIDA

COUNTY OF ORANGE

SWORN to and subscribed freely and voluntarily for the purposes therein expressed before me by Joel C. Sowers, President of Centex Real Estate Corporation, known to me to be the person described in and who executed the foregoing, this ____ day of _____, 1990.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 1990.

Notary Public

My Commission Expires:

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This instrument Prepared by: Alison M. Yurko
Assistant County
Address: Attorney
Orange County Legal Department
P.O. Box 1393
Orlando, Florida 32802-1393

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit-Claim Deed, Executed this ___ day of July, A. D. 19 90, by

CENTEX REAL ESTATE CORPORATION,

first party, to R/C WORLD COMMUNITY ASSOCIATION, INC.

whose postoffice address is 1354 Stearman Court, Orlando, Florida 32825

second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$
in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, re-
lease and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which
the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being
in the County of Orange State of Florida, to-wit:

Tracts A & B of Countrywalk Unit III, Phase 1, according to the
Plat thereof as recorded in Plat Book 25, Pages 132-133 of the
Public Records of Orange County, Florida.

This Quit-Claim Deed is given to correct an error on the foregoing
plat, and is subject to that certain drainage easement in favor of
Orange County as recorded in the Public Records of Orange County,
Florida.

To Have and to Hold the same together with all and singular the appurtenances thereunto
belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim what-
soever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said
second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year
first above written.

Signed, sealed and delivered in presence of: CENTEX REAL ESTATE CORPORATION

By: L.S.

As its: L.S.

STATE OF FLORIDA,
COUNTY OF ORANGE }

I HEREBY CERTIFY that on this day, before me, an
officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared
Joel C. Sowers, as President of Centex Real Estate Corporation
to me known to be the person described in and who executed the foregoing instrument and he acknowledged
before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this ___ day of
A. D. 19 90.