



Interoffice Memorandum

APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

BCC Mtg. Date: April 26, 2016

REAL ESTATE MANAGEMENT ITEM 1

**DATE:** April 6, 2016

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

**THROUGH:** Ann Caswell, Manager *ac*  
Real Estate Management Division

**FROM:** Robin Giove, Lease Program Manager *RG*  
Real Estate Management Division

**CONTACT  
PERSON:** Ann Caswell, Manager

**DIVISION:** Real Estate Management  
Phone: 836-7082

**ACTION  
REQUESTED:** APPROVAL AND EXECUTION OF LEASE AGREEMENT,  
AMENDMENT III BETWEEN CITY OF ORLANDO AND ORANGE  
COUNTY FOR GROUND SPACE

**PROJECT:** McLeod Road Transfer Station  
Lease File #4011  
5000 L B McLeod Road  
Orlando, Florida

District 6

**PURPOSE:** To provide additional ground space for the solid waste transfer station.

**ITEM:** Lease Agreement, Amendment III  
Total cost: \$3 per year  
Additional area: 23,914.44 square feet  
Total size: 7.54 acres  
Remaining term: 18 years

**BUDGET:** Account Number: 4410-038-1010-3167

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Utilities Department  
Risk Management Division

**REMARKS:** Orange County currently leases ground space from the City of Orlando for the transfer station under a Lease Agreement approved by the Board of County Commissioners September 20, 1984, as amended by Amendment I and Amendment II both approved June 30, 1986. The remaining term is approximately 18 years.

This action will provide additional space to improve the entrance and exit of the transfer station.

**A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.**

**CITY OF ORLANDO/ORANGE COUNTY  
LEASE AGREEMENT, AMENDMENT III  
MCLEOD ROAD TRANSFER STATION**

**THIS AMENDMENT III** is made and entered into this \_\_\_\_\_ day of APR 26 2016, 2016, by and between the City of Orlando, a municipal corporation existing under the laws of the State of Florida ("CITY"), and Orange County, a charter county and political subdivision of the State of Florida ("COUNTY").

**WHEREAS**, CITY and COUNTY have previously entered into a Lease Agreement dated September 20, 1984, for the McLeod Road Transfer Station (the "AGREEMENT") relating to the matters described below; and

**WHEREAS**, the AGREEMENT was authorized and approved by the MAYOR and CITY CLERK at the CITY COUNCIL meeting on 27 August 1984, and filed as Documentary #18787 in the CITY CLERK's office; and

**WHEREAS**, Amendment I and Amendment II to the AGREEMENT were entered into by CITY and COUNTY on June 30, 1986, and both amendments are on file as Documentary #18787 in the CITY CLERK's office; and

**WHEREAS**, CITY and COUNTY shall refer to the AGREEMENT herein, and desire to have the AGREEMENT, as amended by Amendment I and Amendment II, incorporated herein by reference; and

**WHEREAS**, COUNTY has requested that additional land be added to the demised premises in order to improve the entrance to and exit from the solid waste transfer station; and

**WHEREAS**, CITY and COUNTY desire to amend the AGREEMENT in order to add additional land to the demised premises; and

**WHEREAS**, the COUNTY has requested to amend paragraph 8(f) of the AGREEMENT; and

**NOW, THEREFORE**, in consideration for the mutual promises and covenants given one party to the other, the parties agree as follows:

**I. LEGAL DESCRIPTIONS**

The legal description of the additional land hereby added to the demised premises is attached hereto and incorporated herein, as DESCRIPTION I. The legal description of the demised premises, including the additional land, is attached hereto and incorporated herein, as DESCRIPTION II. Both legal descriptions are accepted as complete and accurate by CITY and COUNTY, and both parties shall now be bound by the

DESCRIPTION II specifications. As consideration and a rental price for this increase in land, COUNTY agrees to pay CITY an additional one dollar (\$1.00) per year, for a total of three dollars (\$3.00) per year for the lease of land as described in the AGREEMENT, Amendment II, and this Amendment III.

**II. REGULATORY AGENCY DECISIONS**

COUNTY agrees that, so long as it shall be the Lessee of the property described herein, it shall abide by and comply with all local, state, and federal regulatory agency decisions, rules, and guidelines that may affect the property's condition, status, utility, or function as a Transfer Station.

**III. INDEMNIFICATION**

Paragraph 8(f) of the AGREEMENT is amended to add the following provision thereto:

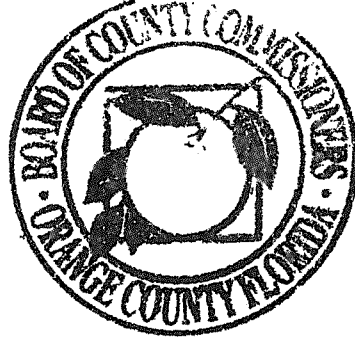
Nothing contained herein shall constitute a waiver of the Lessee's sovereign immunity or the provisions of Section 768.28, Florida Statutes. The foregoing shall not constitute an agreement by either party to assume any liability for the acts, omissions and/or negligence of the other party.

**IV. ENTIRE AGREEMENT**

This AMENDMENT III supersedes all previous agreements or representations, either verbal or written, heretofore in effect between COUNTY and CITY concerning the matters covered herein, except that this AMENDMENT III shall in no way supersede or amend the AGREEMENT, as amended by Amendment I and Amendment II, unless specifically provided herein. No additions, alterations, or variations to the terms of this AMENDMENT III shall be valid, nor can the provisions of this AMENDMENT III be waived by either party unless such additions, alterations, or waivers are expressly set forth and executed in a writing of import equal to this one.

[Signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT III on the day and year first above written.



ORANGE COUNTY, FLORIDA

By: Teresa Jacobs

Teresa Jacobs

TJ Orange County Mayor

Date: April 26, 2016.

ATTEST:

Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By: Martha O. Haynie  
Deputy Clerk

(SEAL)

STATE OF FLORIDA  
COUNTY OF ORANGE

SWORN to and subscribed freely and voluntarily for the purposes therein expressed before me by Teresa Jacobs, Orange County Mayor, known to me to be the person described in and who executed the foregoing, this 26 day of April, 2016.



CRAIG A. STOPYRA  
MY COMMISSION # FF 199641  
EXPIRES: February 15, 2019  
Bonded Thru Budget Notary Services

Craig A. Stopyra  
Notary Public  
My Commission Expires: Feb. 15, 2019

CITY OF ORLANDO, FLORIDA

By: *Buddy Dyer*  
Buddy Dyer  
Mayor

Date: 3.15.16

ATTEST:

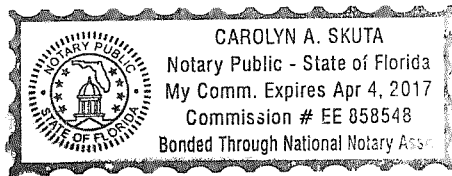
By: *Amy T. Iennaco*  
Amy T. Iennaco  
Interim City Clerk

APPROVED AS TO FORM AND  
LEGALITY for the use and reliance  
of the City of Orlando, Florida, only.  
March 15, 2016

*W. Cary C. Powell*  
Assistant City Attorney

STATE OF FLORIDA  
COUNTY OF ORANGE

SWORN to and subscribed freely and voluntarily for the purposes therein expressed  
before me by Buddy Dyer, Mayor, City of Orlando, known to me to be the person described in  
and who executed the foregoing, this 15 day of March, 2016.



*Carolyn Skuta*  
Notary Public  
My Commission Expires:

LEGAL DESCRIPTION  
ESTATE: LEASE  
PURPOSE: UTILITY

LEGAL DESCRIPTION:

A strip of land lying in the southwest quarter of the northeast quarter of Section 7, Township 23 South, Range 29 East described as follows:

Commence at the northwest corner of Lot 1, 33rd Street Industrial Park, Unit Three, according to the plat thereof, as recorded in Plat Book 5, page 147 of the Public Records of Orange County, Florida for a point of reference, said point lying on the south right of way line of L. B. McLeod Road and being on a curve concave northerly; thence run westerly along said south right of way line and said curve having a radius of 1270.39 feet, a central angle of 0° 51' 33", an arc length of 19.05 feet, a chord length of 19.05 feet and a chord bearing of South 89° 51' 17" West to the point of tangency; thence run North 89° 42' 57" West, along said south right of way line, a distance of 81.95 feet to the northwest corner of those lands described in a Lease Agreement recorded in Orlando City Council Book 62, page 300 for the Point of Beginning; thence, departing said south right of way line, run South 00° 54' 20" West, along the west line of said Lease Agreement, a distance of 455.10 feet; thence, along said west line, run South 47° 15' 43" West, a distance of 69.09 feet; thence, departing said west line, run North 00° 54' 20" East, a distance of 502.24 feet to a point on the aforesaid south right of way line of L. B. McLeod Road; thence, along said south right of way line, run South 89° 42' 57" East, a distance of 50.00 feet to the Point of Beginning.

The above described strip of land lies in the City of Orlando, Orange County, Florida and contains 0.549 acres (23,933 square feet), more or less.

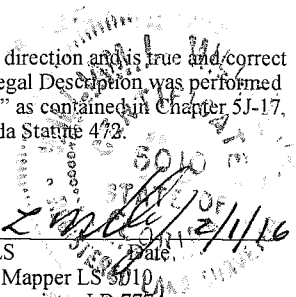
SURVEYOR'S NOTES

1. This Legal Description is not valid unless signed and embossed with the raised seal of a Florida licensed Surveyor and Mapper.
2. A title commitment was not reviewed for this Legal Description.
3. Lands shown hereon were not researched by this firm for matters such as ownership, easements, right of way or other matters in the public records that may affect these lands.
4. Bearings shown hereon are assumed, based on the west line of those lands as described in Orlando City Council Minute Book 62 page 300 as being South 00° 54' 20" West.
5. Lands within this Legal Description were delineated by the client.
6. The Legal Description, shown hereon, was prepared by the surveyor at the client's request.
7. This Legal Description is certified true and correct to: Orange County Utilities.

SURVEYOR CERTIFICATION

This Legal Description was prepared under my direction and is true and correct to the best of my knowledge and belief. This Legal Description was performed in conformance with the "Standards of Practice" as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Florida Statute 472.

*William L. Miller*  
William L. Miller, PLS  
Florida Surveyor and Mapper LS 5010  
Barnes Ferland and Associates LB 7774



SEE SHEET 2 FOR A  
SKETCH OF DESCRIPTION

\*THIS IS NOT A BOUNDARY SURVEY\*

Plot Date: Jan 29, 2016 2:55pm File name: C:\Users\camith\appdata\local\temp\AcPublish\_5940\_2013-40\_1.dwg Tech: camith

**BFA Environmental Consultants**  
 Barnes, Ferland and Associates, Inc.  
 1230 E. Hillcrest Street, Orlando, FL 32803  
 PH: (407) 895-8800 FAX: (407) 895-1888  
 CERTIFICATE OF AUTHORIZATION: LB7774

LEGAL DESCRIPTION  
 LB MCLEOD ROAD TRANSFER STATION  
 LEGAL DESCRIPTION FOR ORANGE COUNTY UTILITIES

SHEET  
 1 OF 2

SKETCH OF LEGAL DESCRIPTION  
ESTATE: LEASE  
PURPOSE: UTILITY

L.B. MCLEOD ROAD

POINT OF BEGINNING  
NORTHWEST CORNER LANDS DESCRIBED  
IN ORLANDO CITY COUNCIL MINUTE  
BOOK 62, PAGE 300

POINT OF TANGENCY  
N89° 42' 57"W  
81.95'

R = 1270.39  
Δ = 00°51'33"  
L = 19.05'  
C = 19.05'  
CB = S89° 51' 17"W

S89° 42' 57"E  
50.00'

SOUTHERLY  
R/W LINE

POINT OF COMMENCEMENT  
NORTHWEST CORNER OF LOT 1,  
33RD STREET INDUSTRIAL PARK,  
UNIT THREE  
PLAT BOOK 5, PAGE 147

NOT PLATTED

N00° 54' 20"E 502.24'

PORTION OF SOUTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION 7,  
TOWNSHIP 23 SOUTH, RANGE 29 EAST

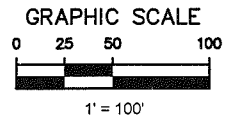
S00° 54' 20"W 455.10'

WESTERLY LINE OF LEASE AGREEMENT  
ORLANDO CITY COUNCIL MINUTE BOOK 62, PAGE 300

LOT 1, 33RD STREET INDUSTRIAL PARK, UNIT 3  
PLAT BOOK 5, PAGE 147

S47° 13' 43"W  
69.09'

LEASE AGREEMENT  
ORLANDO CITY COUNCIL  
MINUTE BOOK 62, PAGE 300



SEE SHEET 1 FOR  
LEGAL DESCRIPTION

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Plot Date: Jan 29, 2016 2:55pm File Name: C:\Users\camrith\appdata\local\temp\AcPublish\_5940\_2013-40.1.dwg

**BFA Environmental Consultants**  
 Barnes, Farland and Associates, Inc.  
 1230 E. Hillcrest Street, Orlando, FL, 32803  
 PH: (407) 854-8808 FAX: (407) 854-1818  
 CERTIFICATE OF AUTHORIZATION: LB7774

LEGAL DESCRIPTION  
 LB MCLEOD ROAD TRANSFER STATION  
 LEGAL DESCRIPTION FOR ORANGE COUNTY UTILITIES

SHEET  
 2 OF 2



LEGAL DESCRIPTION  
ESTATE: LEASE  
PURPOSE: UTILITY

LEGAL DESCRIPTION:

A parcel of land lying in the northeast quarter of Section 7, Township 23 South, Range 29 East described as follows:

Begin at the northwest corner of Lot 1, 33rd Street Industrial Park, Unit Three, Section 7, Township 23 South, Range 29 East, Orlando, Orange County, Florida, as recorded in Plat Book 5, Page 147 of the Public Records of Orange County, Florida; thence run S00° 54' 20"W, a distance of 1136.80 feet along west line of said Lot 1 to the North line of a Drainage & Utility Easement, as recorded in Official Records Book 2239, Pages 773-778 of the Public Records of Orange County, Florida; thence run N89° 48' 58"W, a distance of 477.00 feet along the North line of said Drainage & Utility Easement; thence departing said Drainage & Utility Easement, run N00° 54' 20"E, a distance of 327.88 feet; thence run N47° 15' 43"E, a distance of 450.57 feet; thence run N00° 54' 20"E, a distance of 502.24 feet to the south right of way line of L. B. McLeod Road; thence run S89° 42' 57"E, a distance of 131.95 feet to the point of curvature of a curve concave to the North having a radius length of 1270.39 feet; thence easterly along the arc thereof through a central angle of 0° 51' 33", a distance of 19.05 feet, a chord length of 19.05 feet and a chord bearing of N89° 51' 17"E to the Point of Beginning.

The above described parcel of land lies in the City of Orlando, Orange County, Florida and contains 7.542 acres more or less.

SURVEYOR'S NOTES

1. This Legal Description is not valid unless signed and embossed with the raised seal of a Florida licensed Surveyor and Mapper.
2. This Legal Description was prepared by the surveyor at the client's request and is based on the legal description contained in Orlando City Council Minute Book 62 page 300.
3. The legal description hereon is subject to revision based upon an actual field survey of the lands.
4. A title commitment was not reviewed for this Legal Description.
5. Lands shown hereon were not researched by this firm for matters such as ownership, easements, right of way or other matters in the public records that may affect these lands.
6. Bearings shown hereon are assumed, based on the west line of those lands as described in Orlando City Council Minute Book 62 page 300 as being South 00° 54' 20" West.
7. Lands within this Legal Description were delineated by the client.
8. The Legal Description, shown hereon, was prepared by the surveyor at the client's request.
9. This Legal Description is certified true and correct to: Orange County Utilities; City of Orlando.

SURVEYOR CERTIFICATION

This Legal Description was prepared under my direction and is true and correct to the best of my knowledge and belief. This Legal Description was performed in conformance with the "Standards of Practice" as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Florida Statute 472.

*William L. Miller* 2/9/14  
 William L. Miller, PLS Date  
 Florida Surveyor and Mapper LS 5010  
 Barnes Ferland and Associates LB 7774

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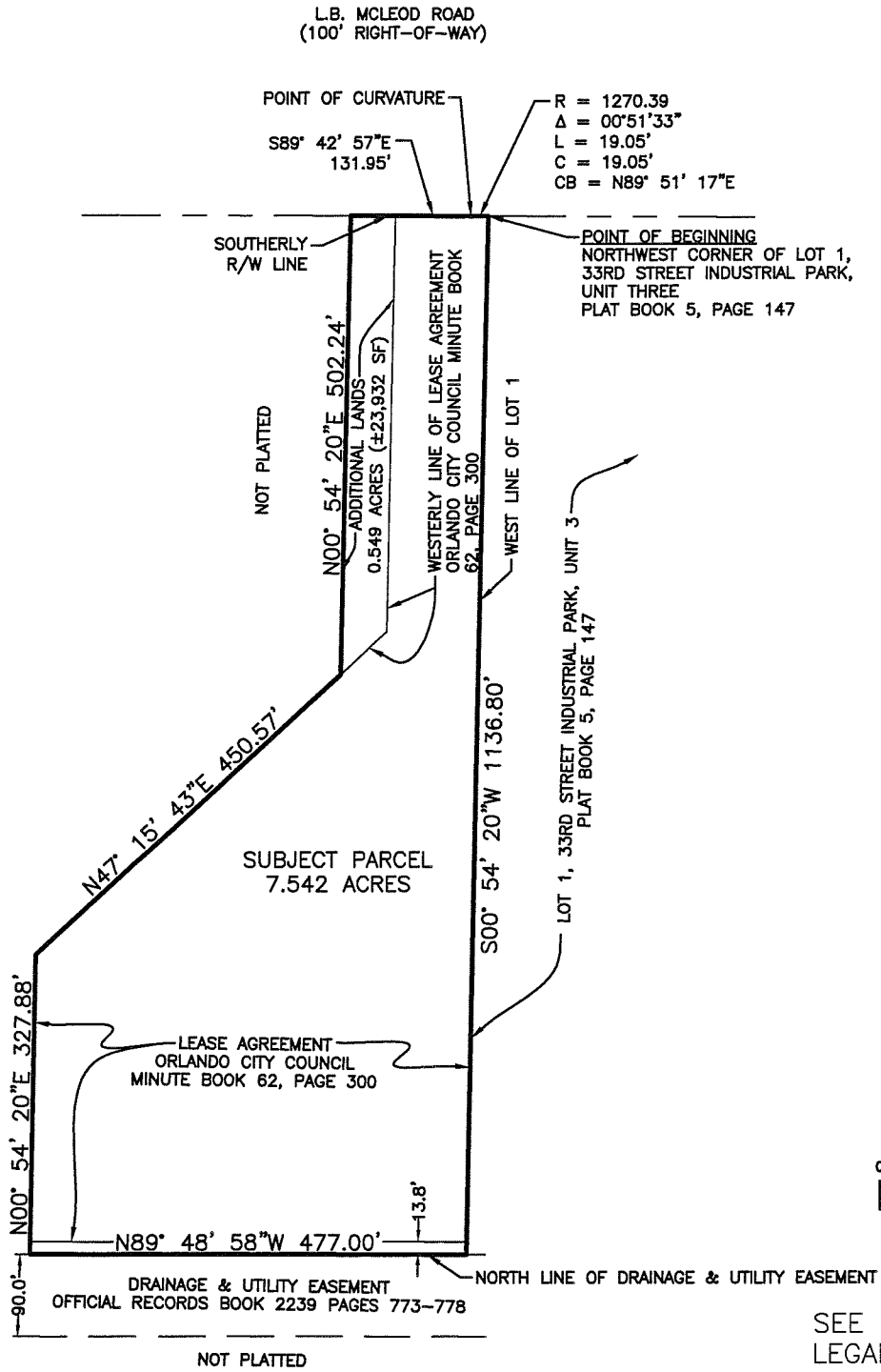
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 LEGAL DESCRIPTION FOR ORANGE COUNTY UTILITIES

SHEET  
 1 OF 2

SKETCH OF LEGAL DESCRIPTION  
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SHEET  
 2 OF 2