



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS


BCC Mtg. Date: May 10, 2016

REAL ESTATE MANAGEMENT ITEM 2

DATE: April 22, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Ruby Fortson, Senior Acquisition Agent 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF AGREEMENT AND UTILITY EASEMENT
BETWEEN KIMZAY OF FLORIDA, INC. AND ORANGE COUNTY
AND AUTHORIZATION TO DISBURSE FUNDS TO PAY ALL
RECORDING FEES AND RECORD INSTRUMENT

PROJECT: Pump Station No. 3201 (Old Cheney Hwy)

District 5

PURPOSE: To provide for access, construction, operation and maintenance of utility
facilities.

ITEMS: Agreement (Parcel 802)

Utility Easement (Instrument 802.1)
Cost: Donation
Size: 36,729 square feet

BUDGET: Account No.: 4420-038-1500-19-6340

FUNDS: \$44.70 Payable to Orange County Comptroller
(all recording fees)

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

REMARKS: This easement provides for the construction of utility improvements to upgrade County utility lines through the owner's shopping center.

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.

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

Under Ordinance Approval

Date: April 6, 2016

Total Amount: \$ 44.70

Project: Pump Station No. 3201 (Old Cheney Hwy)

Parcel No: 802

Charge to: Account # 4420-038-1500-19-8340

[Signature]
Controlling Agency Approval

4/6/16
Date

[Signature]
Fiscal Approval

4/6/16
Date

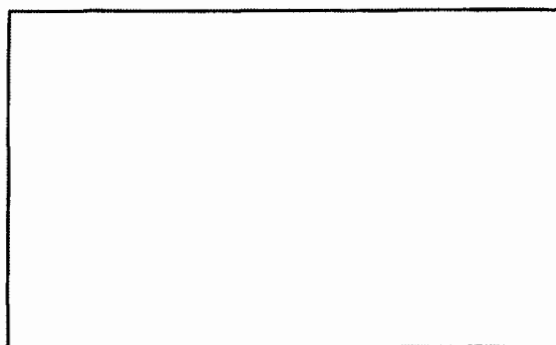
TYPE TRANSACTION (Check appropriate block(s))
 Pre-Condemnation _____ Post-Condemnation

District 5

- Acquisition at Approved Appraisal
- Acquisition at Below Approved Appraisal
- Acquisition at Above Approved Appraisal
- Donation
- Recording Fees

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Copy of Agreement
- Copy of Utility Easement
- Certificate of Value
- Settlement Analysis



Payable to: Orange County Comptroller (recording fees) \$ 44.70

 CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)

Recommended by [Signature: Ruby Fortson]
 Ruby Fortson, Sr. Acquisition Agent

April 6, 2016
 Date

Payment Approved [Signature: Ann Caswell]
 Manager, Real Estate Management Division

4-6-16
 Date

Under Ordinance Approved by _____
 Manager, Real Estate Management Division

 Date

Certified [Signature: Craig A. Stopyna]
 Approved by BCC for Deputy Clerk to the Board

MAY 10 2016
 Date

Examined/Approved _____
 Comptroller/Government Grants

 Check No. / Date

REMARKS:

Please contact Acquisition Agent @ 6-7094 if there are any questions.

APPROVED
 BY ORANGE COUNTY BOARD
 OF COUNTY COMMISSIONERS
MAY 10 2016

Project: Pump Station No. 3201 (Old Cheney Hwy)
Parcel: 802

MAY 10 2016

AGREEMENT

**COUNTY OF ORANGE
STATE OF FLORIDA**

THIS AGREEMENT made between Kimzay of Florida, Inc., a corporation organized and existing under the laws of the state of Florida, hereinafter referred to as OWNER, and ORANGE COUNTY, a charter county and a political subdivision of the state of Florida, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, the COUNTY requires the use of land described on **Schedule "A"** attached hereto for access, construction and maintenance of the above referenced project and said OWNER agrees to furnish use of said land for such purpose.

**Property Appraiser's Parcel Identification Numbers:
a portion of**

22-22-30-0000-00-048

In consideration of the sum of One (\$1.00) Dollar, each to the other paid, the parties hereto agree as follows:

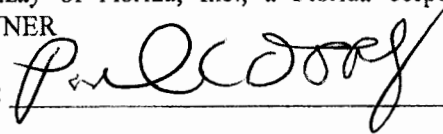
1. OWNER agrees to donate and execute a Utility Easement, known as Instrument 802.1, conveying said Easement unto COUNTY free of all liens and encumbrances that would prohibit COUNTY'S use of said easement.
2. This transaction shall be closed and other closing papers delivered on or before Sixty (60) days from the effective date of this AGREEMENT. Closing shall take place at the office of the Orange County Real Estate Management Division, 400 E. South Street, Fifth Floor, Orlando, Florida 32801, or at such place as shall be mutually agreed upon by COUNTY and OWNER.
3. Effective Date: This agreement shall become effective on the date upon which it has been fully executed by the parties and approved by the Orange County Board of County Commissioners and/or the Manager/Assistant Manager of the Orange County Real Estate Management Division, as may be appropriate.
4. COUNTY shall pay all recording fees.

Project: Semoran Blvd. Utility Easement
Parcel: 802

THIS AGREEMENT supersedes all previous agreements or representations, either verbal or written, heretofore in effect between OWNER and COUNTY, made with respect to the matters herein contained, and when duly executed constitutes the AGREEMENT between OWNER and COUNTY. No additions, alterations, or variations to the terms of this AGREEMENT shall be valid, nor can provisions of this AGREEMENT be waived by either party unless expressly set forth in writing and duly signed.

The parties hereto have executed this AGREEMENT on the date(s) written below.

Kimzay of Florida, Inc., a Florida corporation,
OWNER

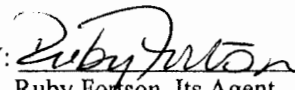
BY: 

Paul C. Dooley
Printed Name

VP
Title

DATE: 3/17/16

ORANGE COUNTY, FLORIDA, COUNTY

BY: 
Ruby Fortson, Its Agent

DATE: 3/25/16

This instrument prepared by:
Ruby Fortson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 802
ESTATE: Permanent Easement
PURPOSE: Utility

DESCRIPTION:

A part of those lands described in Official Records Book 1871 at Pages 0524, 0528, 0548 and 0583 as recorded in the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the west quarter corner of Section 22, Township 22 South, Range 30 East; thence run South 89°53' 10" East along the north line of the Northwest quarter of the Southwest quarter of said Section 22, a distance of 53.00 feet to the east Right-of-Way line of State Road 436 (Semoran Boulevard) per FDOT Right-of-Way Map, Section 75003-2530 for the Point of Beginning; thence continue South 89°53' 10" East along said north line a distance of 408.02 feet to the west line of the east 100.00 feet of the west 561.00 feet of the Northwest quarter of said Section 22; thence run North 00°26'52" West along said west line a distance of 265.33 feet to the southerly Right-of-Way line of Old Cheney Highway; thence run North 84°34'39" East along said southerly line a distance of 30.11 feet; thence run South 00°26'52" East along a line 30.00' east and parallel with, as measured at right angles, said west line, a distance of 225.15 feet, more or less, to the face of an existing building; thence run South 89°33'08" West, along said building face, 9.00 feet more or less; thence run South 00°26'52" East, along said building face, being a line 21.00' east and parallel with, as measured at right angles, said west line, a distance of 67.00 feet more or less; thence North 89°53' 10" West, along said building face, being a line 24.00' south and parallel with, as measured at right angles, said north line a distance of 278.96 feet more or less; thence run South 00°34'30" East, along said building face, a distance of 41.00 feet more or less; thence North 89°53'10" West along a line 65.00' south and parallel with, as measured at right angles, said north line a distance of 120.01 feet; thence run South 00°34'30" East along a line 30.00' east and parallel with, as measured at right angles, said east Right-of-Way line of said State Road 436, a distance of 82.60 feet, more or less, to the face of an existing building; thence run South 89°25'30" West, along said building face, a distance of 4.00 feet; thence run South 00°34'30" East, along said building face, being a line 26.00' east and parallel with, as measured at right angles, said east line, a distance of 96.00 feet more or less; thence run North 89°25'30" East, along said building face, a distance of 4.00 feet; thence run South 00°34'30" East along a line 30.00' east and parallel with, as measured at right angles, said east line, a distance of 256.43 feet more or less to the south line of the south 100.00 feet of the north 500.00 feet of the Northwest quarter of the Southwest quarter of said Section 22; thence run North 89°53'10" West along said south line a distance of 30.00 feet to the East Right-of-Way line of said State Road 436; thence run North 00°34'30" West along said East Right-of-Way line a distance of 500.04 feet to the Point of Beginning.

Containing 36,729 square feet or 0.843 acres more or less.

THIS IS NOT A SURVEY

PROJECT TITLE: Legal Description and Sketch PS #3201 Offsite Improvements in Section 22, Township 22 South, Range 30 East Wastewater System Improvements	08/30/2014	PEW	PER COUNTY COMMENTS
	DATE	BY	DESCRIPTION
 AMEC Environment & Infrastructure, Inc. 75 East Amelia Street, Suite 200 Orlando, FL 32801 USA Phone: (407) 522-7570 Fax: (407) 522-7576	DRAWN BY:	P.E.W.	CHKD. BY:
	DATE:	March/27/2014	DATE:
	JOB No.	6374.14.071B	SCALE:
		SHT. OF	1 3

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 802
ESTATE: Permanent Easement
PURPOSE: Utility

Surveyor's Notes / Report:

- 1) This sketch of description is NOT a boundary survey and is not valid without the signature and the original raised seal of the signing Florida licensed Surveyor and Mapper.
- 2) The intent of this Sketch of Description is to describe an easement boundary that is 30' wide, less area of existing buildings, along the west and a portion of the north boundary of the parent parcel. Through photo interpretation, where the existing building and major attached improvements extended into the 30' width, the description was modified to exclude the building.
- 3) The lands described herein were not abstracted for ownership, easements, right-of-way or other title matters by this firm. Instruments of record depicted hereon are as denoted on First American Title Insurance Company TITLE SEARCH REPORT, FATIC file number 2037-2840353/12.00037, dated October 30, 2012, updated February 12, 2013.
- 4) Above ground fixed improvements and underground fixed improvements, if any, were not located.
- 5) Bearings and coordinates shown hereon are relative to the Florida State Plane Coordinate System, East Zone (0901), North American Datum of 1983/2007 Adjustment, with West line of the NW 1/4 of Section 22, Township 22 South, Range 30 East as being N 00°26'52" W.
- 6) I have reviewed the First American Title Insurance Company TITLE SEARCH REPORT, FATIC file number 2037-2840353/12.00037, dated October 30, 2012, updated February 12, 2013 and all encumbrances, except liens, that affect the lands have been shown or noted on the sketch.

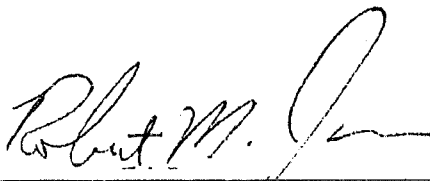
Note: Numbers listed below match encumbrances numbers listed in the report. All referenced documents are filed in the Public Records of Orange County, Florida.

Encumbrances:

Type of Instrument:	Book	Page	Dated	Filed	
1. Easement in O.R.	0457	0461	11-24-58	11-28-58	as shown hereon
2. Easement in O.R.	0457	0462	11-24-58	11-28-58	as shown hereon
3. Agreement in O.R.	1890	0169	10-22-69	11-10-69	may affect lands described, not plotable
4. Easement in O.R.	1967	0881	07-20-70	07-24-70	as shown hereon
5. Utilities Agreement in O.R.	1971	0025	07-20-70	08-05-70	affect lands described, not plotable
6. Easement in O.R.	2030	0768	11-17-70	02-08-71	as shown hereon
7. Right of Way Easement in O.R.	2146	0083	11-08-71	11-23-71	as shown hereon
8. Short Form Lease in O.R.	2254	0380	06-20-72	07-24-72	may affect lands described, not plotable
9. Underground Easement in O.R.	2470	0779	06-13-73	11-09-73	as shown hereon
10. Easement in O.R.	2534	0556	05-17-74	05-30-74	does not affect lands described

Legend

- FDOT = Florida Department of Transportation
- ± = more or less
- (C) = Calculated
- ↖ = Line Not To Scale
- (M) = Measured
- (P) = Plat
- PID = Parcel Identification Number
- R xx E = Range xx East
- SF = Square Feet
- T xx S = Township xx South
- (E1) = Title Search Report (encumbrances) number



ROBERT M. JONES
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE No. LS 4201

THIS IS NOT A SURVEY

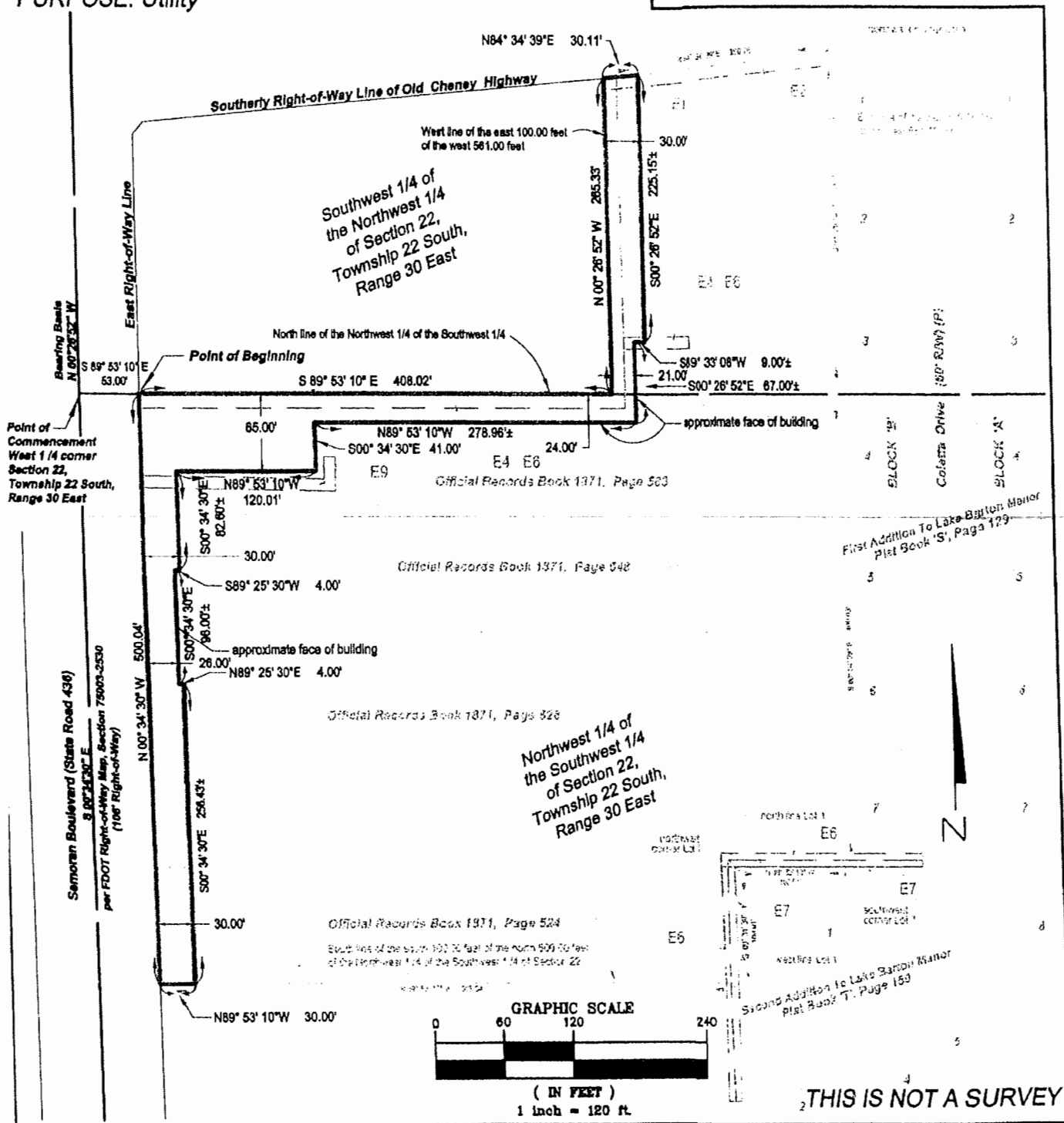
PROJECT TITLE: **Legal Description and Sketch**
PS #3201 Offsite Improvements
in Section 22, Township 22 South, Range 30 East
Wastewater System Improvements

DATE	BY	DESCRIPTION
06/30/2014	PEW	PER COUNTY COMMENTS
REVISION		
DRAWN BY: P.E.W.	CHKD. BY: R.M.J.	
DATE: March 27/2014	DATE: March 27/2014	
JOB No. 6374.14.0716	SCALE: N/A	SHT. 2 OF 3



AMEC Environment & Infrastructure, Inc.
 75 East Amelia Street, Suite 200
 Orlando, FL 32801 USA
 Phone: (407) 522-7570
 Fax: (407) 522-7576

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 802
ESTATE: Permanent Easement
PURPOSE: Utility



PROJECT TITLE: **Legal Description and Sketch
 PS #3201 Offsite Improvements
 In Section 22, Township 22 South, Range 30 East
 Wastewater System Improvements**

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DATE	BY	REVISION	DESCRIPTION
06/30/2014	PEW	PER COUNTY COMMENTS	
DRAWN BY:	P.E.W.	CHKD. BY:	R.M.J.
DATE:	March/27/2014	DATE:	March/27/2014
JOB No.	SCALE:	SHT. 3	
6374.14.0716	1" = 120'	OF 3	

DRAWING NAME: 07160011 DS 3201.dwg

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAY 10 2016

Instrument: 802.1
Project: Pump Station No. 3201 (Old Cheney Hwy)

UTILITY EASEMENT

THIS INDENTURE, Made this 17th day of March, A.D. 2016, between Kimzey of Florida, Inc., a Florida corporation, having its principal place of business in the city of New Hyde Park, county of Queens, whose address is 3333 New Hyde Park, Suite 100, N.Y. 11043, GRANTOR, and ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, GRANTEE.

WITNESSETH, That the GRANTOR, in consideration of the sum of \$ 10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns, a right-of-way and easement for utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, water lines, wastewater lines, reclaimed water lines, and any other utility facilities over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of 22-22-30-0000-00-048

TO HAVE AND TO HOLD said right-of-way and easement unto said GRANTEE and its assigns forever.

THE 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 utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted right-of-way, and the GRANTOR, its successors and assigns, agrees not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted right-of-way that may interfere with the normal operation or maintenance of the utility facilities installed thereon. GRANTEE's contractor shall coordinate construction work times and activities with the shopping center owners to ensure access and deliveries are not hindered during business hours.

GRANTEE'S obligation to restore landscaping shall be limited to an obligation to restore to Orange County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

GRANTEE may at any time increase its use of the easement, change the location of pipelines or other facilities within the boundaries of the easement right-of-way, or modify the size of existing pipelines or other improvements as it may determine in its sole discretion from time to time without paying any additional compensation to GRANTOR or GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

Instrument: 802.1
Project: Pump Station No. 3201 (Old Cheney Hwy)

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed and delivered
in the presence of:

Kimzay of Florida, Inc., a Florida corporation

Christopher D. Lewis
Witness

BY: Paul C. Dooley

Christopher D. Lewis
Printed Name

Paul C. Dooley
Printed Name

[Signature]
Witness

VP
Title

Glenn Brettschneider
Printed Name

(Corporate Seal)

(Signature of TWO witnesses required by Florida law)

STATE OF New York
COUNTY OF Nassau

The foregoing instrument was acknowledged before this day by
Paul C. Dooley, as Vice President of Kimzay of Florida, Inc., a
Florida corporation, on behalf of the corporation. He/She is personally known to me or has produced
as identification.

Witness my hand and official seal this 17th day of March, 2016.

(Notary Seal)

Tamara Ottenwalder
Notary Signature

Tamara Ottenwalder
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

This instrument prepared by:
E. Price Jackson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

TAMARA OTTENWALDER
Notary Public, State of New York
No. 010T6293750
Qualified in Queens County
Commission Expires Dec. 16, 2017

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 802
ESTATE: Permanent Easement
PURPOSE: Utility

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 in Section 22, Township 22 South, Range 30 East
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08/30/2014	PEW	PER COUNTY COMMENTS
DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: P.E.W.	CHKD. BY: R.M.J.	
DATE: March 27/2014	DATE: March 27/2014	
JOB No. 6374.14.0718	SCALE: N/A	SHT. 1 OF 3
DRAWING NAME: 0718OCU PS 3201.dwg		



AMEC Environment & Infrastructure, Inc.
 75 East Amelia Street, Suite 200
 Orlando, FL 32801 USA
 Phone: (407) 522-7570
 Fax: (407) 522-7576

Certificate of Authorization Number LB-0007932

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 802
ESTATE: Permanent Easement
PURPOSE: Utility

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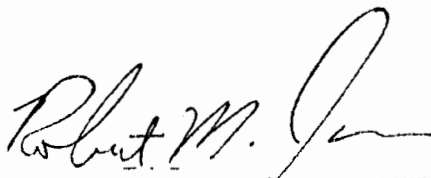
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- PID = Parcel Identification Number
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- (E) = Title Search Report (encumbrances) number



ROBERT M. JONES
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE No. LS 4201

THIS IS NOT A SURVEY

PROJECT TITLE: **Legal Description and Sketch**
PS #3201 Offsite Improvements
In Section 22, Township 22 South, Range 30 East
Wastewater System Improvements

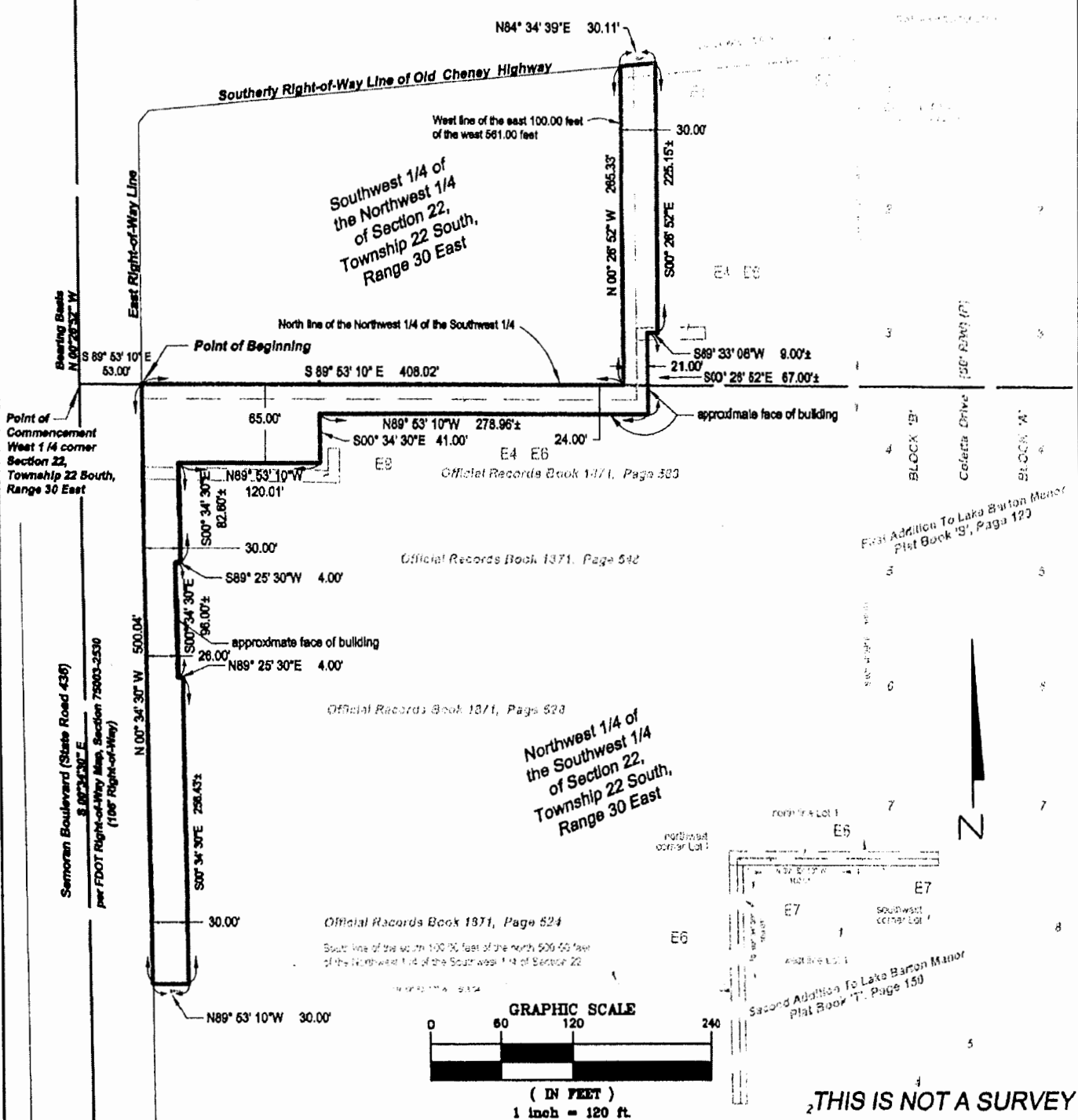
DATE	BY	DESCRIPTION
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DRAWN BY: P.E.W.	CHKD. BY: R.M.J.	
DATE: March/27/2014	DATE: March/27/2014	
JOB No. 6374.14.0716	SCALE: N/A	BHT. 2 OF 3
DRAWING NAME: 0716OCU PS 3201.dwg		



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Certificate of Authorization Number LB-0007932

SCHEDULE "A"
 SKETCH OF DESCRIPTION
 PARCEL: 802
 ESTATE: Permanent Easement
 PURPOSE: Utility



PROJECT TITLE: **Legal Description and Sketch**
PS #3201 Offsite Improvements
In Section 22, Township 22 South, Range 30 East
Wastewater System Improvements



AMEC Environment & Infrastructure, Inc.
 75 East Amelia Street, Suite 200
 Orlando, FL 32801 USA
 Phone: (407) 522-7570
 Fax: (407) 522-7576

Certificate of Authorization Number LB-0007932

DATE	BY	REVISION	DESCRIPTION
06/30/2014	PEW		PER COUNTY COMMENTS
DATE: March 27/2014	BY: P.E.W.	CHKD. BY: R.M.J.	DATE: March 27/2014
JOB No. 6374.14.0716	SCALE: 1" = 120'	SHT. 3 OF 3	

DRAWING NAME: 0716OCU PS 3201.dwg

SETTLEMENT ANALYSIS

(BCC Approval)

Project: Pump Station No. 3201 (Old Cheney Hwy)

Parcel: 802 Utility Easement

The 7.98 acre community shopping center is owned by Kimzay of Florida, Inc. and is located at 937 N. Semoran Blvd., Orlando.

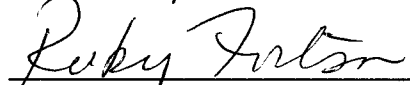
The County's Utilities Engineering Division requires a 36,729 square foot Utility Easement for access, construction and maintenance of utility facilities to upgrade the utility lines through the shopping center.

Kimzay of Florida, Inc. has agreed to donate the easement.

The County's contractor shall coordinate construction work times and activities with the shopping center owners to ensure access and deliveries are not hindered during business hours. The County's obligation to restore landscaping is limited to Orange County standards for right-of-way. The County may at any time may increase its use of the easement, change the location of pipelines or other facilities within the boundaries of the easement right-of-way, or modify the size of the existing pipeline or other improvements as it may determine in its sole discretion from time to time without paying any additional compensation to Kimzay.

The Utilities Engineering Division has agreed to pay all recording fees.

Submitted by:



Ruby Fortson, Acquisition Agent

Date: 4/6/16

Approved for
Submittal to the
Board of County
Commissioners by



Ann Caswell, Manager, Real Estate Management Division

Date: 4-6-16