

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Oviedo Crossing – Phase 3, Termination of Temporary Easement Agreement

**DEPARTMENT:** Environmental Services **DIVISION:** Planning, Engineering & Inspections

**AUTHORIZED BY:** *Robert G. Adolphe* **CONTACT:** *Michael R. Harber* **EXT.** 2118

Robert G. Adolphe, P.E., Director

Michael R. Harber, Sr. Engineer

**Agenda Date** 3-25-03 **Regular** ☐ **Consent** ☒ **Work Session** ☐ **Briefing** ☐  
**Public Hearing – 1:30** ☐ **Public Hearing – 7:00** ☐

**MOTION/RECOMMENDATION:**

Approve and authorize Chairman to execute the Termination of Temporary Easement Agreement with The Viera Company and Seminole County. District 2.

**BACKGROUND:**

During the construction of the Oviedo Marketplace mall, The Viera Company (TVC) granted temporary easements to Seminole County for construction and maintenance of utilities and drainage facilities. The temporary easements were necessary to accommodate variable field conditions during the construction period. A permanent easement has since been established for utilities and drainage facilities and granted to the County. The permanent easement was created and established under and by virtue of the plat of Oviedo Crossing – Phase 3, recorded in Plat Book 53, pages 29 and 30, Public Records of Seminole County, Florida. Therefore, the temporary easement agreement is no longer necessary and it is recommended that the Temporary Easement Agreement recorded October 11, 1996 in Official Records Book 3142, page 1600, Public Records of Seminole County, Florida between TVC and the County be terminated.

Reviewed by:	<i>D. Dietrich</i> 03-12-03
Co Atty:	<i>D. Dietrich</i>
DFS:	
Other:	
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
File No.	<u>CESP01</u>

This Instrument Prepared By  
And To Be Returned To:  
R. Mason Blake, Esquire  
DEAN, MEAD  
8240 Devereux Drive, Suite 100  
Viera, Florida 32940  
(321) 259-8900

TERMINATION OF  
TEMPORARY EASEMENT AGREEMENT

THIS TERMINATION OF TEMPORARY EASEMENT AGREEMENT is made the \_\_\_\_ day of \_\_\_\_\_, 2003 by THE VIERA COMPANY, a Florida corporation, whose address is 7380 Murrell Road, Suite 201, Viera, Florida 32940 (hereinafter referred to as "TVC"), and SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Service Building, 1101 East First Street, Sanford, Florida 32771 (hereinafter referred to as the "County").

RECITALS:

A. On the 23<sup>rd</sup> day of September, 1996, TVC, as "Grantor", granted to the County, as Grantee, a temporary easement for constructing and maintaining utility and drainage facilities over that certain real property described in Exhibit "A", attached hereto and made a part hereof, under and by virtue of that certain Temporary Easement Agreement recorded October 11, 1996 in Official Records Book 3142, page 1600, Public Records of Seminole County, Florida (hereinafter referred to as the "Temporary Easement Agreement").

B. The Temporary Easement Agreement provided, among other things, that the easement granted thereunder "shall expire upon the recordation of permanent easements for the purposes set forth herein".

C. TVC has now granted to the County permanent easements for the purposes set forth in the Temporary Easement Agreement, which permanent easements have been created and established under and by virtue of the plat of OVIEDO CROSSING - PHASE 3, recorded in Plat Book 53, pages 29 and 30, Public Records of Seminole County, Florida. Accordingly, the temporary easement created under the Temporary Easement Agreement has, under its terms, expired.

D. TVC and the County desire to provide record notice of the expiration of the easement granted under the Temporary Easement Agreement and to terminate the Temporary Easement Agreement of record.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Recitals. The recitals set forth hereinabove are true and correct in all respect and are incorporated herein by reference as fully as if set forth herein verbatim.
2. Expiration of Easement. TVC and the County acknowledge and agree that the easement granted under the Temporary Easement Agreement has expired and is now hereby terminated.
3. Termination of Temporary Easement Agreement. TVC and the County hereby agree that the Temporary Easement Agreement is hereby terminated and is null, void and of no further force or effect.
4. Property. TVC and the County hereby agree that the easement property has been returned to TVC in as good a condition as it was at the time of the original conveyance.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the day and year first above written.

Signed, sealed and delivered  
in the presence of

THE VIERA COMPANY, a Florida  
corporation

Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Name: Stephen L. Johnson

Title: Vice President

Print Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by Stephen L. Johnson, as Vice President of THE VIERA COMPANY, a Florida corporation, on behalf of the corporation. Said person did not take an oath and is personally known to me.

Print Name: \_\_\_\_\_

Notary Public, State of Florida

BOARD OF COUNTY COMMISSIONERS,  
SEMINOLE COUNTY, FLORIDA

Attest:

By: \_\_\_\_\_  
Daryl McLain, Chairman

\_\_\_\_\_  
Maryanne Morse, Clerk to the Board  
of County Commissioners of Seminole  
County, Florida

Date: \_\_\_\_\_  
As authorized for execution by the Board of County  
Commissioners at their \_\_\_\_\_, 2003  
regular meeting

For the use and reliance of  
Seminole County only. Approved  
as to form and legal sufficiency.

\_\_\_\_\_  
County Attorney

Exhibit "A" - Easement legal description

V5242.DOC;2

EXHIBIT "A"

Easement Legal Description

V0005242v2

# EXHIBIT "A"

That certain real property described in Exhibit "A" of the Temporary Easement Agreement recorded in Official Records Book 3142, page 1600, Public Records of Seminole County, Florida, which is reproduced as follows:

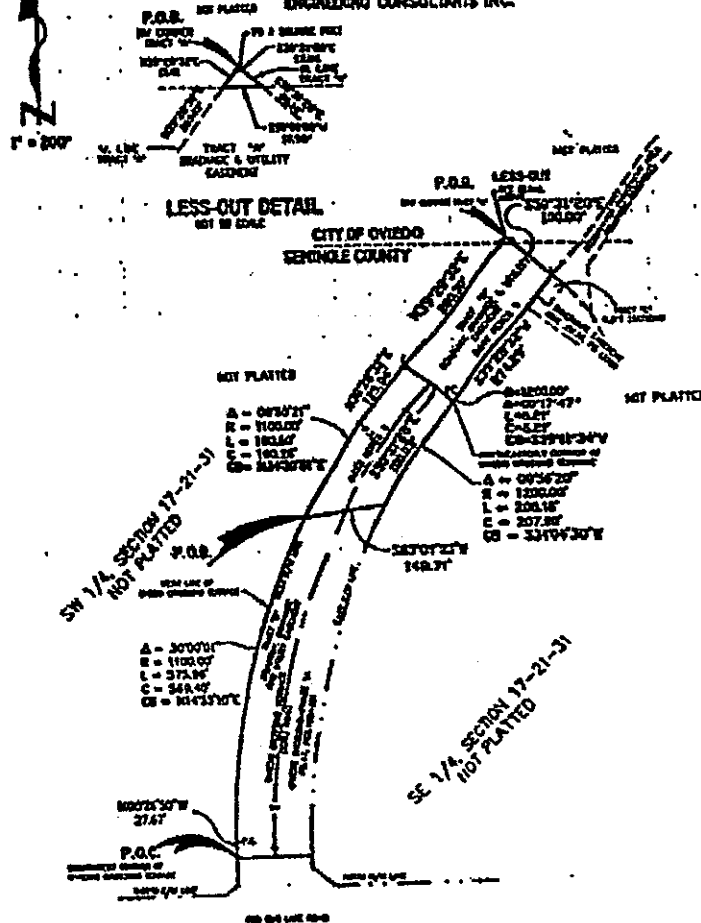
<p><b>LEGAL DESCRIPTION</b>  <b>(THIS IS NOT A SURVEY)</b>          PREPARED BY PROFESSIONAL          ENGINEERING CONSULTANTS INC.  <b>LEGAL DESCRIPTION</b></p>	<p>EXHIBIT "A"          page 1 of 4</p>
<p>A TRACT OF LAND LYING IN SECTION 17, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF OVIEDO CROSSING - PHASE 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 47, PAGES 100 AND 101 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:</p>	
<p>COMMENCE AT THE SOUTHWEST CORNER OF OVIEDO CROSSING TERRACE AS SHOWN ON SAID PLAT FOR A POINT OF REFERENCE; THENCE RUN NORTH 00°28'30" WEST, ALONG THE WEST LINE OF SAID OVIEDO CROSSING TERRACE, 27.67 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; THENCE RUN NORTHERLY ALONG SAID CURVE HAVING A RADIUS LENGTH OF 1100.00 FEET, A CENTRAL ANGLE OF 30°00'01", AN ARC LENGTH OF 575.96 FEET, A CHORD LENGTH OF 569.40 FEET, AND A CHORD BEARING OF NORTH 14°33'10" EAST TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE CONTINUE NORTHERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 1100.00 FEET, A CENTRAL ANGLE OF 09°55'21", AN ARC LENGTH OF 190.50 FEET, A CHORD LENGTH OF 190.28 FEET, AND A CHORD BEARING OF NORTH 34°30'51" EAST TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, CONTINUING ALONG THE WEST LINE OF SAID OVIEDO CROSSING TERRACE, NORTH 39°28'32" EAST, A DISTANCE OF 125.84 FEET; THENCE RUN SOUTH 50°31'28" EAST, 100.03 FEET TO THE NORTHEASTERLY CORNER OF SAID OVIEDO CROSSING TERRACE, SAID CORNER BEING ON A CURVE CONCAVE SOUTHEASTERLY; THENCE RUN SOUTHERLY ALONG SAID CURVE, BEING THE EASTERLY LINE OF SAID OVIEDO CROSSING TERRACE, HAVING A RADIUS LENGTH OF 1200.00 FEET, A CENTRAL ANGLE OF 09°56'20", AN ARC LENGTH OF 208.16 FEET, A CHORD LENGTH OF 207.90 FEET, AND A CHORD BEARING OF SOUTH 34°04'30" WEST; THENCE RUN SOUTH 83°01'23" WEST, 149.71 FEET TO THE POINT OF BEGINNING.</p>	
<p>THE ABOVE DESCRIBED TRACT OF LAND LIES IN SEMINOLE COUNTY, FLORIDA AND CONTAINS 0.653 ACRES, MORE OR LESS.</p>	
<p>TOGETHER WITH:</p>	
<p>TRACT "A", OVIEDO CROSSING - PHASE 1A, ACCORDING TO A PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGES 100 - 101, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA;</p>	
<p>LESS AND EXCEPT THE FOLLOWING:</p>	
<p>COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "A" FOR A POINT OF BEGINNING; THENCE RUN SOUTH 50°31'28" EAST, ALONG THE NORTH LINE OF SAID TRACT "A", A DISTANCE OF 13.86 FEET; THENCE RUN SOUTH 90°00'00" WEST, 17.95 FEET TO A POINT LYING ON THE WEST LINE OF SAID TRACT "A"; THENCE RUN NORTH 39°28'32" EAST, ALONG SAID WEST LINE, 11.41 FEET TO THE POINT OF BEGINNING.</p>	
<p>THE ABOVE DESCRIBED TRACT OF LAND LIES IN SEMINOLE COUNTY, FLORIDA AND CONTAINS 0.642 ACRES, MORE OR LESS.</p>	
<p><b>SURVEYOR'S NOTES:</b></p> <ol style="list-style-type: none"> <li>(1) NO ABSTRACT OF THE PROPERTY FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.</li> <li>(2) BEARINGS SHOWN HEREON ARE RELATIVE TO SOUTHERLY LINE OF TRACT "A" ACCORDING TO THE PLAT OF OVIEDO CROSSING - PHASE 1A AS RECORDED IN PLAT BOOK 47 PAGE 100 AND 101 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY FLORIDA, BEING NORTH 50°31'28" WEST, AN ASSUMED DATUM.</li> <li>(3) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.</li> </ol>	
<p>DAVID A. WHITE, P.S.M.          FLORIDA REGISTRATION NO. 4044          PROFESSIONAL ENGINEERING CONSULTANTS, INC.          CERTIFICATE OF AUTHORIZATION NUMBER LB 3536</p>	
<p><b>SHEET 1 OF 2</b></p>	
<p><b>PEC</b> / PROFESSIONAL ENGINEERING CONSULTANTS, INC.          engineers planners surveyors</p>	
<p>STATE 1540 EOLA PARK CENTRE 200 EAST ROBINSON STREET ORLANDO, FLORIDA 32801 407/423-8062</p>	
<p><b>SECTION 17, TOWNSHIP 21 SOUTH, RANGE 31 EAST</b></p>	
DATE: AUGUST 6, 1996	PREP BY: S.E.J.
DRAWN BY: T.W.B.	JOB NO: DS-004-01000

3142 1603  
 SEMINOLE CO. FL  
 OFFICIAL RECORDS

# LEGAL DESCRIPTION (THIS IS NOT A SURVEY)

EXHIBIT "A"  
page 2 of 4

PREPARED BY PROFESSIONAL  
ENGINEERING CONSULTANTS, INC.



OFFICIAL RECORDS  
3142 1604  
SEMINOLE CO. FL

Legibility Unsatisfactory  
For Microfilming

## LEGEND

- Δ = CORNER ANGLE
- R = RADIUS
- L = ARC LENGTH
- S = CHORD LENGTH
- CB = CHORD BEARING
- POB = POINT OF BEGINNING
- Q.B. = ORIGINAL RECORD BOOK
- PL = PLAT
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY

SHEET 2 OF 2

REVISED ACTS 9-22-94  
FILED TRACT AREA

**PEC**

PROFESSIONAL ENGINEERING CONSULTANTS, INC.  
engineers planners surveyors

SUITE 1500 EOLA PARK CENTRE 200 EAST ROBINSON STREET ORLANDO, FLORIDA 32801 407/422-0962

SECTION 17, TOWNSHIP 21 SOUTH, RANGE 31 EAST

DATE: AUGUST 6, 1990

PREP BY: S.E.J.

DRAWN BY: S.G.R.

JOB NO: DS-004.01.000

**LEGAL DESCRIPTION**  
**(THIS IS NOT A SURVEY)**

PREPARED BY PROFESSIONAL  
ENGINEERING CONSULTANTS, INC.

EXHIBIT "A"  
page 3 of 4

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF TRACT "F", OVIEDO CROSSING - PHASE 1A  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGES 100 AND 101  
PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "F" FOR A POINT  
OF BEGINNING; THENCE RUN NORTH 39°28'32" EAST, ALONG THE WEST LINE  
OF SAID TRACT "F", 70.85 FEET; THENCE RUN NORTH 90°00'00" EAST,  
42.75 FEET TO A POINT LYING ON THE EAST LINE OF SAID TRACT "F";  
THENCE RUN SOUTH 39°28'32" WEST, 48.88 FEET; THENCE RUN SOUTH  
02°34'21" EAST, ALONG SAID EAST LINE, 84.72 FEET TO A POINT LYING  
ON THE SOUTH LINE OF THE AFORESAID TRACT "F"; THENCE RUN NORTH  
37°28'08" WEST, ALONG SAID SOUTH LINE, 64.83 FEET; THENCE RUN  
NORTH 50°31'28" WEST, ALONG SAID SOUTH LINE, 28.58 FEET TO THE  
POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN SEMINOLE COUNTY, FLORIDA  
AND CONTAINS 4200 SQUARE FEET, MORE OR LESS.

OFFICIAL RECORDS  
BOOK 3142 PAGE 1605  
SEMINOLE CO. FL.

**SURVEYOR'S NOTES:**

- (1) NO ABSTRACT OF THE PROPERTY FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR  
OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
- (2) BEARINGS SHOWN HEREON ARE RELATIVE TO MOST NORTHERLY LINE OF TRACT "F" ACCORDING TO THE  
PLAT OF OVIEDO CROSSING - PHASE 1A AS RECORDED IN PLAT BOOK 47 PAGES 100 AND 101  
OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING NORTH 90°00'00" EAST, AN  
ASSUMED DATUM.
- (3) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.

DAVID A. WHITE, P.S.M.  
FLORIDA REGISTRATION NO. 4044  
PROFESSIONAL ENGINEERING CONSULTANTS, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 3556

SHEET 1 OF 2

**PEC**

PROFESSIONAL ENGINEERING CONSULTANTS, INC.  
engineers planners surveyors

SUITE 1500 ERLA PARK CENTER 200 EAST RAILROAD STREET ORLANDO, FLORIDA 32801 407/422-8002

SECTION 17, TOWNSHIP 21 SOUTH, RANGE 31 EAST

DATE: AUGUST 6, 1996

PREP BY: S.E.J.

DRAWN BY: T.W.B.

JOB NO: DS-004.01.000



