

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Purchase and Construction Agreement with Oaklawn Park Cemetery
and Funeral Home, Inc., in conjunction with the CR-46A Project

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY: W. Gary Johnson **CONTACT:** JR Ball, P.E. **EXT.** 5669
W. Gary Johnson, P.E., Director Jerry McCollum, P.E., County Engineer

Agenda Date 06-24-03 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

Approve and authorize the Chairman to execute "Purchase and Construction Agreement" between the County and Oaklawn Park Cemetery and Funeral Home, Inc., conveying fee simple property to the County in exchange for miscellaneous access and drainage improvements where these properties connect to the County's newly improved CR-46A.

BACKGROUND:

The County has prepared construction plans for the extension of a new 8-foot wide roadside walk, starting at the existing end of 5-foot wide sidewalk at The Hills of Lake Mary subdivision, on the south side of CR-46A, extending west along the Bentley Park Apartment property and the Oaklawn Park Cemetery property, connecting to the Cross Seminole Trail at the intersection of Rinehart Road and CR-46A.

This 2400 LF roadside walk extension requires the acquisition of additional rights-of-way to accommodate construction. Accordingly, discussion with the two land owners affected by this project (Oaklawn Park Cemetery & Bentley Hills Apartments) has yielded a willingness to participate in this project by the exchange of fee-simple rights-of-way for miscellaneous access and drainage improvements to their respective properties where connected to the County's newly improved CR-46A right-of-way.

This agreement addresses only the Oaklawn Park Cemetery property. The Bentley Park Apartments agreement will follow shortly.

District 5 - Commissioner McLain
Attachment: Agreement

Reviewed by:
Co Atty:
DFS:
Other:
DCM:
CM:
File No. CPWE02

PURCHASE AND CONSTRUCTION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, by and between OAKLAWN PARK CEMETERY AND FUNERAL HOME, INC., whose business address is 5000 County Road 46A, Sanford, Florida 32771, hereinafter referred to as "OWNER," and SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as "COUNTY."

WITNESSETH:

WHEREAS, for a project to construct a walkway (hereinafter: the "Project") the COUNTY needs certain land in Seminole County, Florida, along the south side of the eastbound fork of County Road 46A between Rinehart Road and the eastern extent of the OWNER's property at approximately Station 80+28± (RT), and certain other temporary construction easements and rights of entry onto OWNER's land;

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained and other good and valuable consideration, OWNER agrees to sell and COUNTY agrees to buy the following property (the "premises"), also designated in the COUNTY's Construction Plans for said project, and the following temporary construction easements or rights of entry (the "Property Rights"), upon the following terms and conditions:

LEGAL DESCRIPTION and DEEDS

(a) The premises shall be conveyed by OWNER to COUNTY by duly executing two instruments: a Quit Claim Deed in substantially the form attached as Exhibit 1, with its attached exhibits A-1 through A-4; and a deed of Drainage Easement in substantially the form attached as Exhibit 2, with its attached exhibits A-1 through A-4; both instruments involving land that is part of the following tax parcels:

Parcel I.D. Nos.: 05-20-30-510-0000-00U0, 05-20-30-300-0050-0000.

(b) OWNER, by this Purchase Agreement rather than by separate conveyance, conveys unto COUNTY the Temporary Construction Easements having the location, boundaries and dimensions shown in the COUNTY's Construction Plans, entitled "CR-46A II – ROADSIDE WALK RINEHART ROAD TO LAKE MARY WOODS SUBDIVISION," dated 3-14-03, Job File #1407-1-2002 (hereinafter: the "Construction Plans"), which are not attached but are incorporated herein by this reference. Nevertheless, OWNER shall, by separate instrument if and when COUNTY so demands, forthwith convey to COUNTY such Temporary Construction Easements and grant to COUNTY any Rights of Entry that may be requested by COUNTY to evidence the permission given by OWNER herein to do the

specified work on its lands and accomplish the purposes of this Project or Purchase Agreement.

II. PURCHASE CONSIDERATION

(a) OWNER agrees to sell and convey unto the COUNTY the premises described as above in exchange for construction by the COUNTY of the driveway aprons and other improvements for OWNER's property, and the connections between such driveway aprons and COUNTY's right-of-way, as shown in the Construction Plans and summarized as follows:

A 28.5 foot wide paved driveway to the OWNER's grave site, connecting to the existing driveway located at Station 69+75± (RT).

A 26 foot wide paved driveway apron to the OWNER's administrative offices for the Oaklawn Park Cemetery, located along the west-bound side of bifurcated C.R. 46-A, just east of Cherry Laurel Drive.

A 14 foot wide wide concrete driveway and apron to the OWNER's said administrative offices, located at Station 69+50± (LT).

Remove the existing paved driveway to the OWNER's grave site, located at Station 70+40± (RT).

Relocate the existing grated inlet to the south side of the proposed roadside walk and extend the storm pipe to accommodate the inlet.

Roadside swale adjacent to the south side of the roadside walk from Station 72+15± (RT) to Station 74+20± (RT).

A 24 foot wide concrete driveway and apron to the OWNER's property, located at Station 75+50± (LT).

A 13 foot wide concrete driveway and apron to the OWNER's property located at Station 75+75± (RT).

Restoration of all disturbed areas as described on the referenced construction plans.

(b) COUNTY shall be responsible for the following closing costs: recording fees for the Quit Claim Deed and deeds of easements provided above, and Title Insurance Policy issued to the COUNTY by a title insurance company of the COUNTY's choice.

(c) OWNER shall be responsible for its own attorney's fees, closing costs to prepare and record instruments, all other expenses necessary to provide title unto COUNTY free and clear of all liens and encumbrances, and real property taxes outstanding up to and including the date of closing. The said closing costs and real property taxes shall be withheld by the COUNTY's closing agent from the proceeds of this sale and be paid to the proper authority on behalf of the OWNER.

(d) OWNER covenants that there are no real estate commissions due any licensed real estate broker and further agrees to defend against and pay any valid claims made in regard to this purchase relating to covenants made herein by the OWNER.

(e) The COUNTY's and OWNER's obligations under this Purchase Agreement shall survive closing.

III CONDITIONS

(a) COUNTY shall be obligated to the OWNER for the above-stated construction work only upon the proper execution and delivery by OWNER to the COUNTY of all the instruments required to complete the above purchase and sale. The OWNER agrees to close within seven (7) days of notice by the COUNTY or the COUNTY's closing agent that a closing is ready to occur.

(b) OWNER agrees to vacate and surrender possession of the premises and Property Rights upon the date of delivery of the instruments and closing of this Agreement. During the period before the closing, OWNER agrees to exercise diligent care in protecting the premises from waste, theft and vandalism.

(c) Any and all encroachments existing upon the premises, other than those improvements included in the purchase, are to be removed by the OWNER at the expense of the OWNER prior to closing.

(d) The OWNER warrants and covenants that there are no hazardous wastes or other forms of environmental contamination located in, on or upon the property being acquired by the COUNTY.

(e) The OWNER warrants and covenants that the "grave limit" line shown in the Construction Plans is accurate and that there are no graves or buried human remains of any description within the boundaries of the premises or Property Rights. If in the course of construction of the Project any graves or human remains are found, OWNER shall bear the full cost and responsibility for promptly relocating them outside of the premises and Property Rights, including consequential delay damages and change orders incurred by the COUNTY or its contractors. If graves or human remains are ever found within the premises, OWNER shall bear the full cost and responsibility for relocating them outside of the premises. OWNER shall indemnify, defend and hold harmless the COUNTY, its commissioners, officials, managers, employees, contractors or agents from and against any and all claims, suits, proceedings, and causes of action related to the presence of graves or human remains within the boundaries of the premises or the Property Rights,

whether possessed, asserted, brought or made by any third party, the OWNER, or the commissioners, officers, managers, employees, contractors or agents of the COUNTY or OWNER.

(f) The OWNER shall fully comply with Section 286.23, Florida Statutes, to the extent that said statute is applicable.

(g) The OWNER states that the OWNER has not engaged in any action that would create a conflict of interest in the performance of OWNER's obligations under this Agreement with the COUNTY which would violate or cause others to violate the provisions of Part III, Chapter 112, Florida Statutes, relating to ethics in government.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their respective names on the date first above written.

WITNESSES:

OAKLAWN PARK CEMETERY AND FUNERAL HOME, INC.

JR Ball
Print name:

By: Jack Yent Jack Yent
Print name:
as its President

Aimee Deryk
Print name:

Date: June 5, 2003

(CORPORATE SEAL)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
DARYL G. McLAIN, Chairman

Date: _____

For the use and reliance of
Seminole County only. Ap-
proved as to form and legal
sufficiency.

As authorized for execution by the Board
of County Commissioners at its
_____, 2003, regular meeting.

[Signature] 9 JUN 03
County Attorney

05/08/03

ICAHZ01VAGREEMTSIOAKLAWNROADSIDEWALK0030508PURCHAGT.doc

Document Prepared By:
Warren Lewis, Senior Coordinator
Right-of-Way Section
Seminole County Engineering Division
520 W. Lake Mary Blvd., Suite 200
Sanford, Florida 32773

Legal Description Approved By:
Steve L. Wessels, P.L.S.
County Surveyor
Seminole County Engineering Division
520 W. Lake Mary Blvd., Suite 200
Sanford, Florida 32773

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made this _____ day of _____, 2003 between OAKLAWN PARK CEMETERY AND FUNERAL HOME, INC., A Florida Corporation, formerly CMI-LAKE MARY, INC., whose address is 5000 C.R. 46A, Sanford, Florida, 32771, hereinafter called the GRANTOR, and SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida, 32771, hereinafter called the GRANTEE.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) and other valuable considerations, to GRANTEE in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the GRANTEE forever, all the right, title, interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situated, lying and being in the County of Seminole, State of Florida, to-wit:

See Sketch of Descriptions and Legal Description attached hereto as Exhibits "A-1", "A-2" "A-3" & "A-4"

Property Appraiser's Parent Parcel Identification No's:
05-20-30-510-0000-00U0 & 05-20-30-300-0050-0000

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 whatsoever of the GRANTOR, either in law or equity, to the proper use, benefit and behoof of the GRANTEE forever.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

Signed, Sealed & Delivered
In the presence of:

**OAKLAWN PARK CEMETERY &
FUNERAL HOME, INC., A Florida
Corporation**

(Sign): _____
Print Name: _____

By: Keenan L. Knopke, President

(Sign): _____
Print Name: _____

Date: _____

Attested by: _____
Print Name: _____

(CORPORATE SEAL)

STATE OF FLORIDA

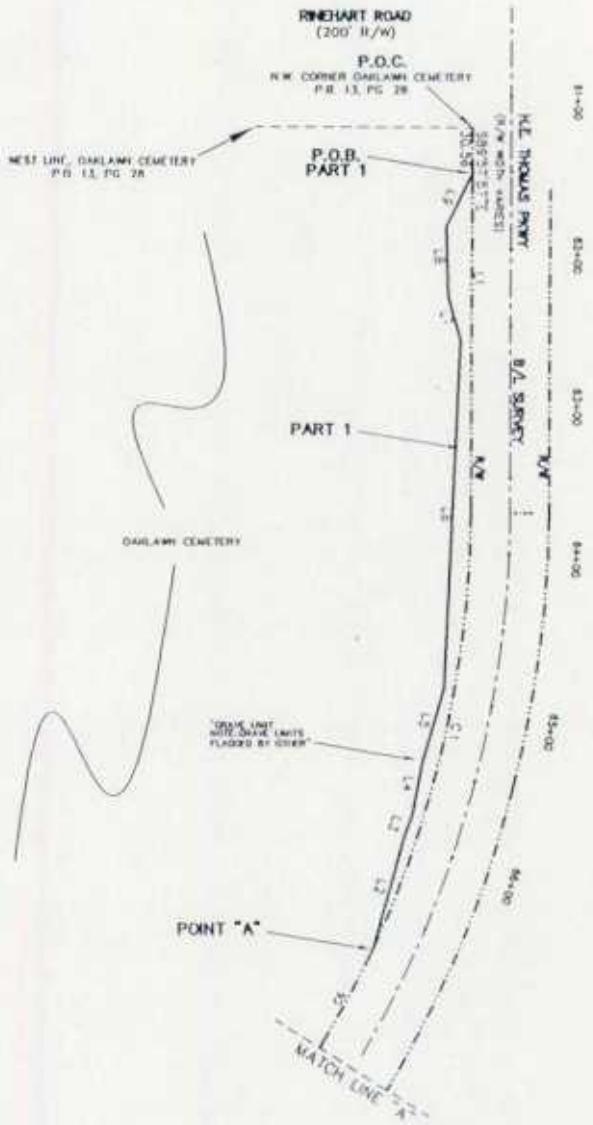
) SS

COUNTY OF SEMINOLE

I HEREBY CERTIFY, that on this ____ day of _____, 2003, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Keenan L. Knopke, President of Oaklawn Park Cemetery and Funeral Home, Inc., A Florida Corporation, on behalf of the corporation who is personally known to me or who has produced _____ as identification and did/did not take an oath.

Print Name: _____
Notary Public in and for the County
and State Aforementioned
My commission expires:

SKETCH OF DESCRIPTION



LINE TABLE		
LINE	LENGTH	BEARING
L1	221.55	S89°57'57"E
L2	76.77	S74°18'45"E
L3	12.79	S68°28'27"E
L4	36.15	S79°38'32"E
L5	48.22	S73°30'07"E
L6	229.67	S87°31'45"E
L7	29.03	N73°51'54"E
L8	46.25	N88°07'25"E
L9	37.52	S63°36'09"E
L10	74.84	S53°09'59"E
L11	480.51	N72°21'04"E
L12	12.07	S00°04'19"E
L13	496.05	N72°28'34"E
L14	95.84	N78°34'48"W
L15	81.58	S67°17'54"E
L16	86.63	S58°43'25"E
L17	60.88	S49°40'29"E
L18	72.37	S62°43'23"E
L19	46.64	S48°38'11"E
L20	35.92	S44°27'06"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARING	DELTA
C1	292.32	674.54	N77°33'11"W	24°49'46"
C2	69.10	674.54	S56°06'11"E	5°52'10"
C3	678.42	713.45	S80°24'32"E	54°28'57"
C4	335.49	709.24	S87°17'32"W	27°06'10"
C6	71.82	674.54	S62°05'17"E	6°06'02"

SHEET 1 OF 4

SEMINOLE COUNTY
 ENGINEERING DEPARTMENT
 SURVEY SECTION
 520 W. LAKE MARY BLVD.
 SANFORD, FLORIDA 32773
 (407)665-5647

LEGEND

- Δ CENTRAL ANGLE (DELTA)
- R - RADIUS
- CB - CHORD BEARING
- L - ARC LENGTH
- C - CHORD
- O SET IRON PIN OR PIPE
- ⊕ FOUND IRON PIN OR PIPE
- SET CONCRETE MONUMENT
- FOUND CONCRETE MONUMENT
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.O.T. - POINT OF TERMINATION
- R/W - RIGHT OF WAY
- ± DEED
- C/L - CENTERLINE
- UTL - UTILITY
- PB - PLAT BOOK
- PG - PAGE (S)
- ORB - OFFICIAL RECORDS BOOK
- SEC - SECTION - TOWNSHIP - RANGE
- PCL - PARCEL
- PC - POINT OF CURVATURE
- PT - POINT OF TANGENCY
- PI - POINT OF INTERSECTION
- PCC - POINT OF COMPOUND CURVE
- PRC - POINT OF REVERSE CURVE
- M - MEASURED
- P - PLAT
- F - FIELD
- C - CALCULATED
- P/L - PROPERTY LINE
- ESMT - EASEMENT

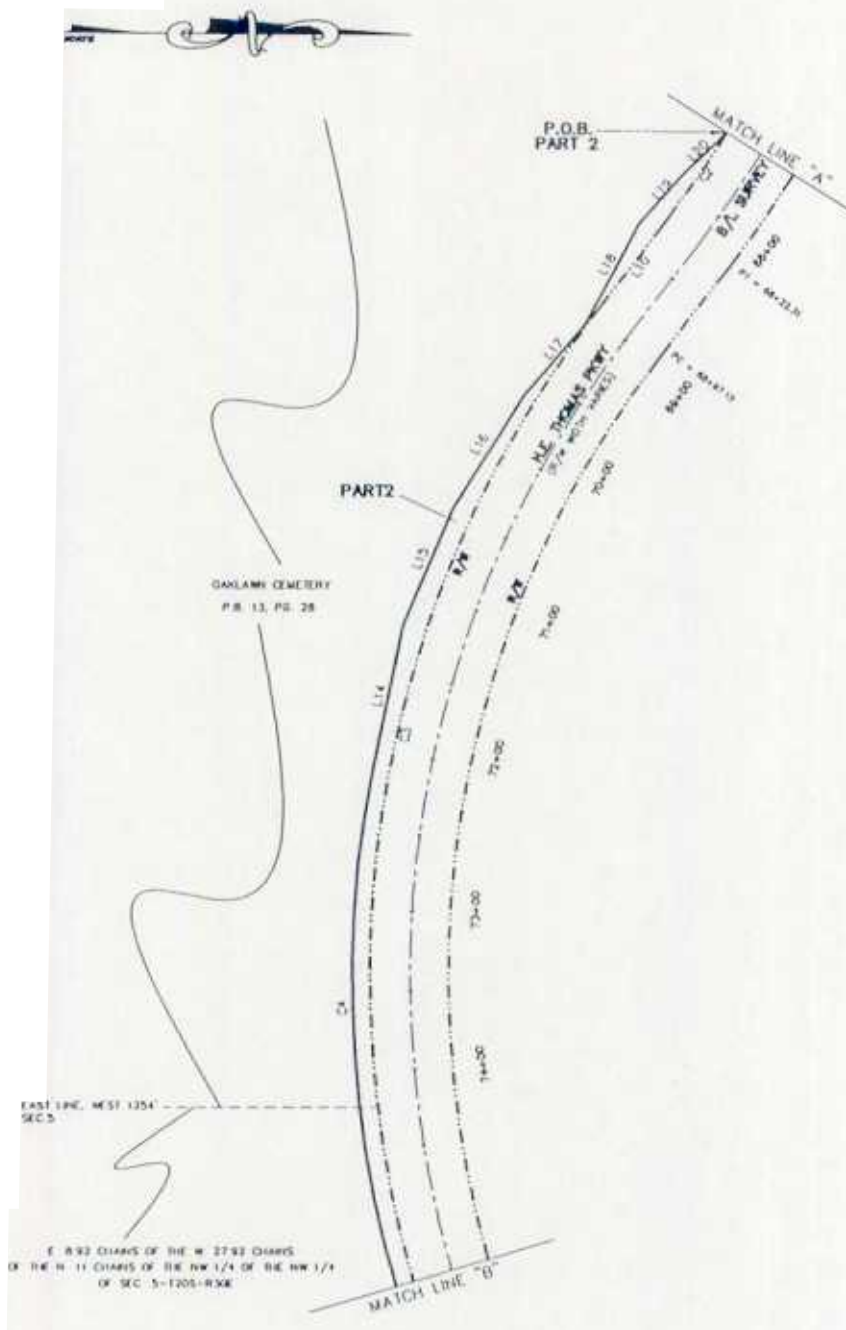
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

GARY A. LEISE P.L.S. FLA. CERT. 4723

FIELD DATE: N/A
 DATE: 01-16-03

SCALE: 1"=100'
 DRAWN BY: L.W.

SKETCH OF DESCRIPTION



SHEET 2 OF 4

SEMINOLE COUNTY
 ENGINEERING DEPARTMENT
 SURVEY SECTION
 520 W. LAKE MARY BLVD.
 SANFORD, FLORIDA 32773
 (407)665-5647

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY: _____
 GARY A. LEISE P.L.S. FLA. CERT # 4723

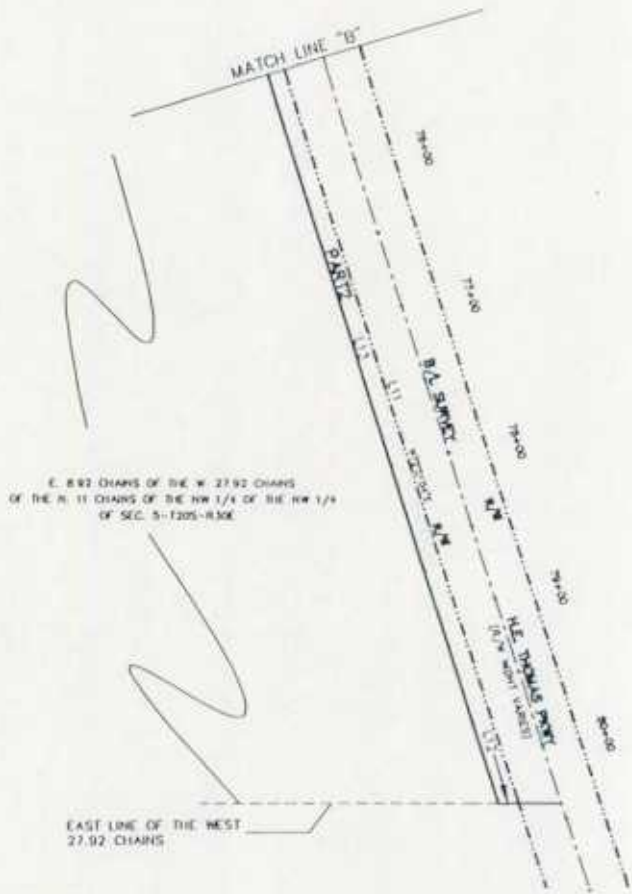
LEGEND

- | | |
|---|---|
| <ul style="list-style-type: none"> △ CENTRAL ANGLE (DELTA) R - RADIUS CB - CHORD BEARING L - ARC LENGTH C - CHORD ○ SET IRON PIN OR PIPE ◦ FOUND IRON PIN OR PIPE □ SET CONCRETE MONUMENT ■ FOUND CONCRETE MONUMENT P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.O.T. - POINT OF TERMINATION R/W - RIGHT OF WAY D - DEED C/L - CENTERLINE UTL - UTILITY | <ul style="list-style-type: none"> PB - PLAT BOOK PG - PAGE (S) ORB - OFFICIAL RECORDS BOOK SEC - SECTION - TOWNSHIP - RANGE PCL - PARCEL PC - POINT OF CURVATURE PT - POINT OF TANGENCY PI - POINT OF INTERSECTION PCC - POINT OF COMPOUND CURVE PRC - POINT OF REVERSE CURVE M - MEASURED P - PLAT F - FIELD C - CALCULATED P/L - PROPERTY LINE ESMT - EASEMENT |
|---|---|

FIELD DATE: N/A
 DATE: 01-16-03
 JOB NAME: 07-022

SCALE: 1"=100'
 DRAWN BY: L.W.
 CHECKED BY: _____

SKETCH OF DESCRIPTION



E. 892 CHAINS OF THE W. 27.92 CHAINS
OF THE N. 11 CHAINS OF THE NW 1/4 OF THE NW 1/4
OF SEC. 5-1205-R30E

EAST LINE OF THE WEST
27.92 CHAINS

BENTLEY PARK APTS.
O.R. BOOK 3595, PG. 1721

SHEET 3 OF 4

SEMINOLE COUNTY
ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)665-5647

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SM: _____
GARY A. LEISE P.L.S. FLA. CERT. # 4723

LEGEND

- | | |
|---|---|
| <ul style="list-style-type: none"> △ CENTRAL ANGLE (DELTA) R - RADIUS CB - CHORD BEARING L - ARC LENGTH C - CHORD ○ SET IRON PIN OR PIPE + FOUND IRON PIN OR PIPE □ SET CONCRETE MONUMENT ■ FOUND CONCRETE MONUMENT P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.O.T. - POINT OF TERMINATION R/W - RIGHT OF WAY D - DEED C/L - CENTERLINE UTL - UTILITY | <ul style="list-style-type: none"> PB - PLAT BOOK PG - PAGE (S) ORB - OFFICIAL RECORDS BOOK SEC - SECTION - TOWNSHIP - RANGE PCL - PARCEL PC - POINT OF CURVATURE PT - POINT OF TANGENCY PI - POINT OF INTERSECTION PCC - POINT OF COMPOUND CURVE PRC - POINT OF REVERSE CURVE M - MEASURED P - PLAT F - FIELD C - CALCULATED P/L - PROPERTY LINE ESMT - EASEMENT |
|---|---|

FIELD DATE: N/A
DATE: 01-16-03
JOB NAME: 02-022

SCALE: 1"=100'
DRAWN BY: L.W.
CHECKED BY:

LEGAL DESCRIPTION

Legal Description
46A Phase II - Trail (Cemetery Property)

That portion of: The plot of Oaklawn Cemetery as recorded in Plat Book 13, page 28 of the public records, Seminole County, Florida and the East 8.92 chains of the West 27.92 chains of the North 11 chains of the Northwest ¼ of the Northwest ¼ of Section 5, Township 20 South, Range 30 East, Seminole County, Florida. (LESS ROADS).

Being more particularly described as follows:

Part 1

Commence at the Northwest corner of said plot of Oaklawn Cemetery, said point lying 33.00 feet South and 25.00 feet East of the Northwest corner of said Section 5 and on the South right-of-way line of County Road 46A (Sanford-Paola road); Thence run S89°57'57"E along said South right-of-way line a distance of 30.56 feet to the Point of Beginning of Part 1; Thence continue along said south right-of-way line the following two courses, S89°57'57"E a distance of 221.55 feet to a point of curvature of a curve concave to the South, having a radius of 674.54 feet; Thence from a chord bearing of S77°33'11"E run Easterly along the arc of said curve through a central angle of 24°49'46" a distance of 292.32 feet to a point designated as Point A; Thence leaving said South right-of-way line, curve and said Point A, run N74°18'45"W a distance of 76.77 feet; Thence run N68°28'27"W a distance of 12.79 feet; Thence run N79°38'32"W a distance of 36.15 feet; Thence run N73°30'07"W a distance of 48.22 feet; Thence run N87°31'45"W a distance of 229.67 feet; Thence run S73°51'54"W a distance of 29.03 feet; Thence run S88°07'35"W a distance of 46.25 feet; Thence run N63°36'09"W a distance of 37.52 feet to the Point of Beginning.

Containing 4,888 square feet more or less.

And

Part 2

Commence at said Point A, said point lying on a curve, concave to the South, having a radius of 674.54 feet; Thence from a chord bearing of S62°05'17"E run Easterly along said South right-of-way line and the arc of said curve through a central angle of 6°06'02" a distance of 71.82 feet to the Point of Beginning of Part 2; Thence from a chord bearing of S56°06'11"E continue Southeasterly along said south right-of-way line and the arc of said curve through a central angle of 5°52'10" a distance of 69.10 feet; Thence run the following three courses along said right-of-way line, S53°09'59"E a distance of 74.84 feet to a point on a curve concave to the North, having a radius of 713.45 feet; thence from a chord bearing of S80°24'32"E run Easterly along the arc of said curve through a central angle 54°28'57" a distance of 678.42 feet; Thence run N72°21'04"E a distance of 480.51 feet; Thence leaving said South right-of-way line run S00°04'19"E a distance of 12.87 feet; Thence run S72°28'34"W a distance of 496.05 feet to a point on a curve, concave to the North, having a radius of 709.24 feet; Thence from a chord bearing of S87°17'32"W run Westerly along the arc of said curve through a central of 27°06'10" a distance of 335.49 feet; Thence run N78°34'40"W a distance of 95.84 feet; Thence run N67°17'54"W a distance of 81.58 feet; Thence run N58°43'25"W a distance of 86.63 feet; Thence run N49°40'29"W a distance of 60.88 feet; Thence run N62°43'23"W a distance of 72.37 feet; Thence run N48°38'11"W a distance of 46.64 feet; Thence run N44°27'06"W a distance of 35.92 feet to the Point of Beginning.

Containing 13,974 square feet more or less.

46all cemetery.doc

SHEET 4 OF 4

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)665-5647

LEGEND

BEARINGS BASED ON : NORTH LINE OF THE NW 1/4 SECTION 5, TOWNSHIP 20 SOUTH
RANGE 30 EAST, AS BEING N89°29'28"E

SURVEYOR'S NOTES

1. THIS IS NOT A SURVEY.
2. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS NOT LOCATED.
3. SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

REVISIONS		BY
DATE	DESCRIPTION	
1		
2		
3		
4		
5		

FIELD DATE: N/A
DATE: 01-16-03
JOB NAME: 02-022

SCALE: 1"=100'
DRAWN BY: L.W.
CHECKED BY:

EXHIBIT "A-4"

Document prepared by:
Warren Lewis, Senior Coordinator
Right-of-Way Section
Seminole County Engineering Division
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

Legal Description Approved by:
Steve L. Wessels, P.L.S.
County Surveyor
Seminole County Engineering Division
520 W. Lake Mary Blvd., Suite 200
Sanford, Florida 32773

DRAINAGE EASEMENT

THIS DRAINAGE EASEMENT is made and entered this ___ day of _____, 2003, by OAKLAWN PARK CEMETERY AND FUNERAL HOME, INC., A Florida Corporation, formerly CMI-LAKE MARY, INC., whose address is 5000 C.R. 46A, Sanford, Florida, 32771, hereinafter referred to as the GRANTOR and SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as the GRANTEE;

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the GRANTOR does hereby grant and convey to the GRANTEE and its assigns, an exclusive, perpetual, permanent easement and right-of-way for drainage purposes with full authority to enter upon, desiltrate, sump, excavate, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage system consisting of pipes, ditches, detention, percolation or disposal areas or combination thereof, together with appurtenant drainage structures, over, under, upon and through the following described lands situate in the County of Seminole, State of Florida, to-wit:

See Sketch of Descriptions and Legal Description attached hereto as Exhibits "A-1", "A-2", "A-3" & "A-4"

Property Appraiser's Parent Parcel Identification No's:
05-20-30-510-0000-00U0 & 05-20-30-300-0050-0000

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

THE GRANTOR further gives and grants unto the GRANTEE and it's assigns, the right to use such other area of land adjoining the above described easement and right-of-way as may be necessary and proper for the use of the equipment necessary to be utilized in digging and/or excavating the drainage area.

THE GRANTEE herein and its assigns shall have the right to clear, keep clear, remove from said easement all trees, undergrowth and other obstructions that may interfere with location,

excavation, operation or maintenance of the drainage or any structures installed thereon by the GRANTEE and its assigns, and the GRANTOR, its successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said easement that may interfere with the location, excavation, operation or maintenance of the drainage or any structures installed thereon.

GRANTOR does hereby covenant with the GRANTEE, that it is lawfully seized and possessed of the real estate above described, that it has a good and lawful right to convey the said easement and that it is free from all encumbrances.

IN WITNESS WHEREOF, the GRANTOR has hereunto set their hand and seal, the day and year first above written.

WITNESSES:

OAKLAWN PARK CEMETERY &
FUNERAL HOME, INC., A FLORIDA
CORPORATION

(Sign) _____
Print Name

By _____
Keenan L. Knopke, President

(Sign) _____
Print Name

Attested by: _____
Print Name:

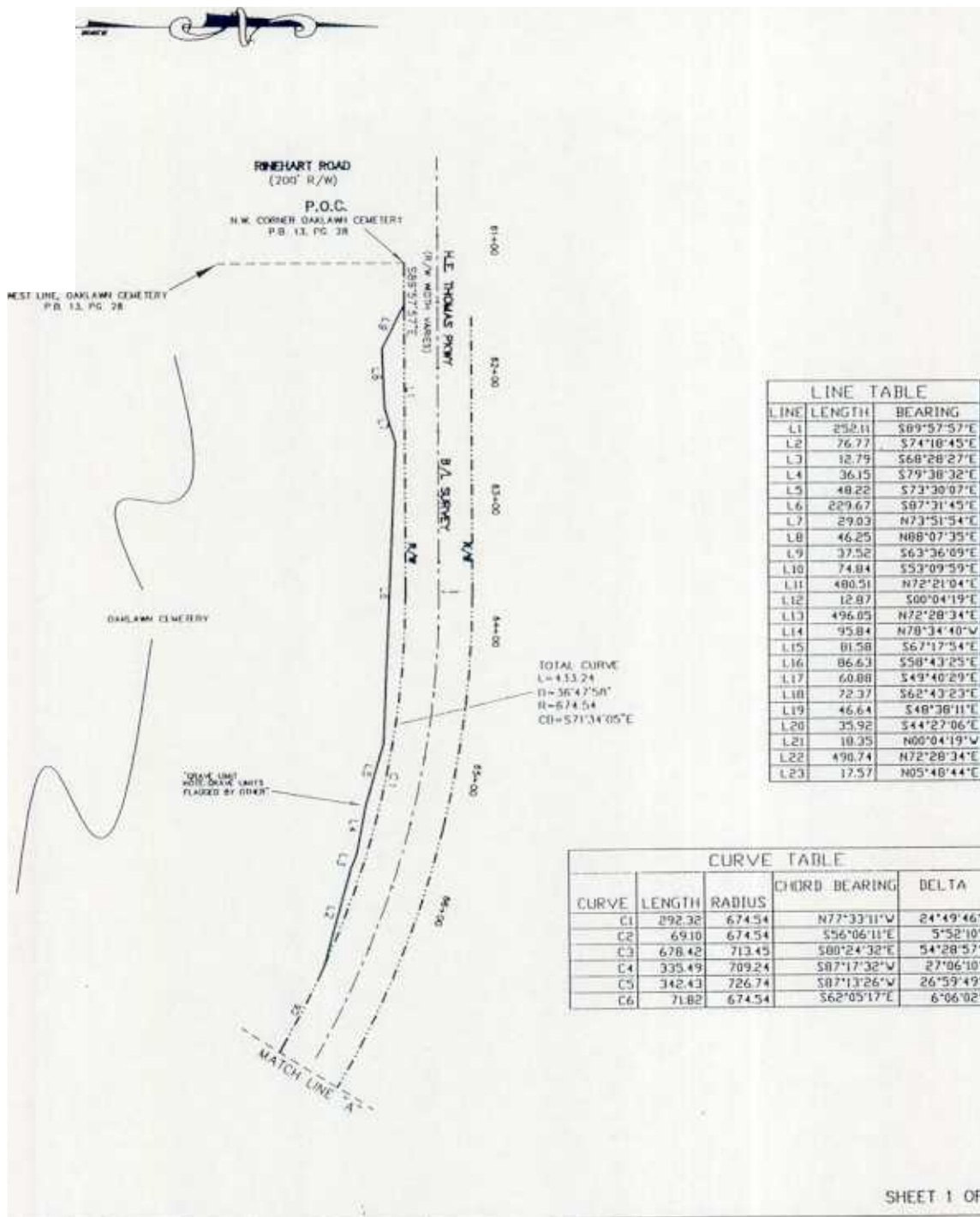
(CORPORATE SEAL)

STATE OF FLORIDA)
) SS
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2003, by Keenan L. Knopke, of Oaklawn Park Cemetery & Funeral Home, Inc., A Florida Corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification and did/did not take an oath

Print Name : _____
Notary Public in and for the County and State
Aforementioned
My commission expires:

SKETCH OF DESCRIPTION



SHEET 1 OF 4

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
 SURVEY SECTION
 520 W. LAKE MARY BLVD.
 SANFORD, FLORIDA 32773
 (407)665-5647

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY:

Gary A. Leise
 GARY A. LEISE P.L.S. FLA. DEPT. # 47231

LEGEND

- △ CENTRAL ANGLE (DELTA)
- R - RADIUS
- CB - CHORD BEARING
- L - ARC LENGTH
- C - CHORD
- SET IRON PIN OR PIPE
- FOUND IRON PIN OR PIPE
- SET CONCRETE MONUMENT
- FOUND CONCRETE MONUMENT
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.O.T. - POINT OF TERMINATION
- R/W - RIGHT OF WAY
- D - DEED
- C/L - CENTERLINE
- UTIL - UTILITY
- PB - PLAT BOOK
- PG - PAGE (S)
- ORB - OFFICIAL RECORDS BOOK
- SEC - SECTION - TOWNSHIP - RANGE
- PCL - PARCEL
- PC - POINT OF CURVATURE
- PT - POINT OF TANGENCY
- PI - POINT OF INTERSECTION
- PCC - POINT OF COMPOUND CURVE
- PRC - POINT OF REVERSE CURVE
- M - MEASURED
- P - PLAT
- F - FIELD
- C - CALCULATED
- P/L - PROPERTY LINE
- ESMT - EASEMENT

FIELD DATE: N/A

DATE: 01-15-03

JOB NAME: 02-022

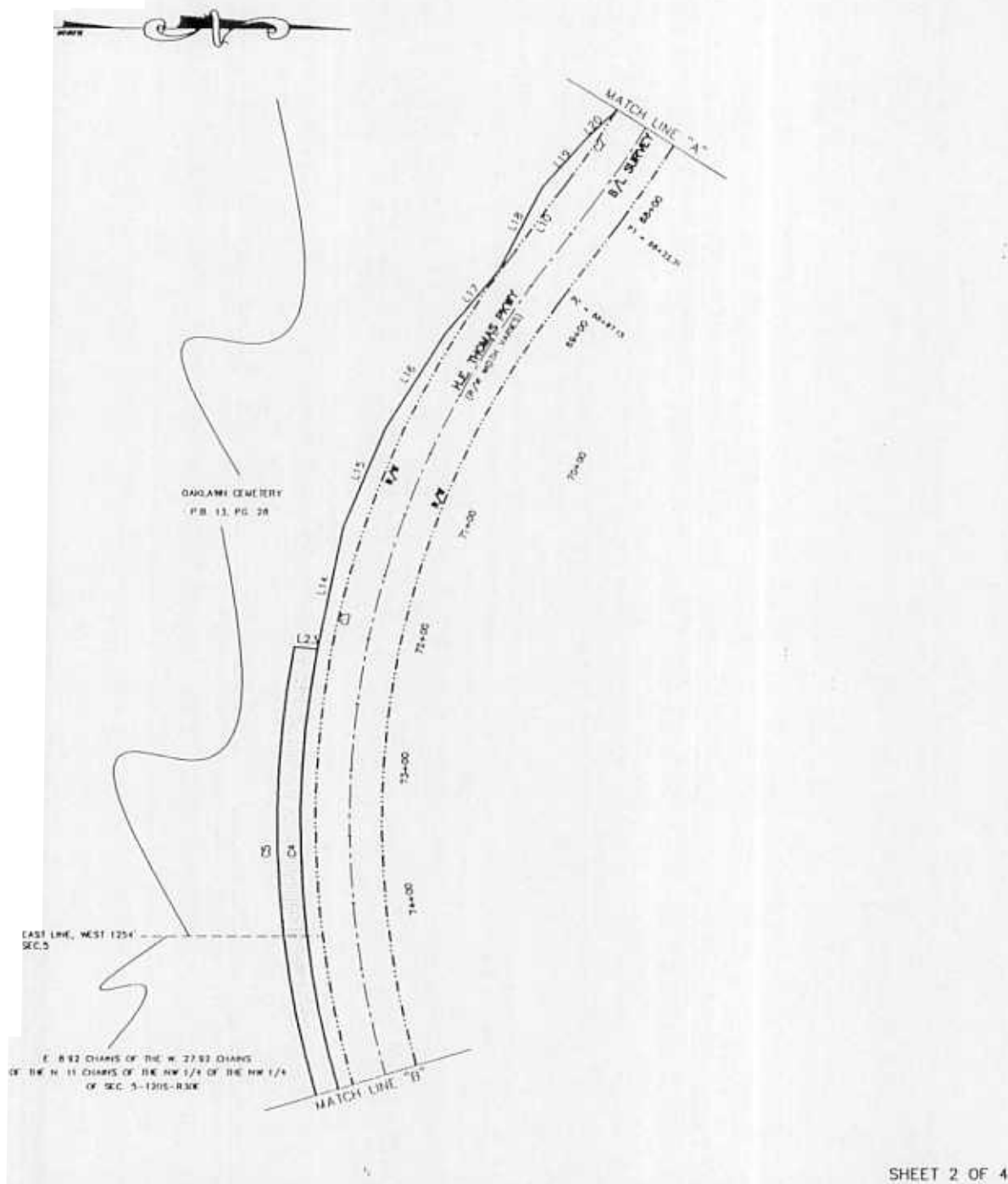
SCALE: 1"=100'

DRAWN BY: L.W.

CHECKED BY:

EXHIBIT "A"

SKETCH OF DESCRIPTION



SHEET 2 OF 4

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)665-5647

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY:

GARY A. LEISE P.L.S. FLA. CERT. # 4723

LEGEND

- | | |
|--------------------------------|----------------------------------|
| △ CENTRAL ANGLE (DELTA) | PB - PLAT BOOK |
| R - RADIUS | PG - PAGE (S) |
| CB - CHORD BEARING | ORB - OFFICIAL RECORDS BOOK |
| L - ARC LENGTH | SEC - SECTION - TOWNSHIP - RANGE |
| C - CHORD | PCL - PARCEL |
| ○ SET IRON PIN OR PIPE | PC - POINT OF CURVATURE |
| ◊ FOUND IRON PIN OR PIPE | PT - POINT OF TANGENCY |
| □ SET CONCRETE MONUMENT | PI - POINT OF INTERSECTION |
| ■ FOUND CONCRETE MONUMENT | PCC - POINT OF COMPOUND CURVE |
| P.O.B. - POINT OF BEGINNING | PRC - POINT OF REVERSE CURVE |
| P.O.C. - POINT OF COMMENCEMENT | M - MEASURED |
| P.O.T. - POINT OF TERMINATION | P - PLAT |
| R/W - RIGHT OF WAY | F - FIELD |
| D - DEED | C - CALCULATED |
| C/L - CENTERLINE | P/L - PROPERTY LINE |
| UTL - UTILITY | ESMT - EASEMENT |

FIELD DATE: N/A

DATE: 01-15-03

JOB NAME: 07-072

SCALE: 1"=100'

DRAWN BY: L.W.

CHECKED BY:

EXHIBIT "A-2"

LEGAL DESCRIPTION

Legal Description
46A Phase II - Trail (Cemetery Property)

That portion of: The plot of Oaklawn Cemetery as recorded in Plat Book 13, page 28 of the public records, Seminole County, Florida and the East 8.92 chains of the West 27.92 chains of the North 11 chains of the Northwest 1/4 of the Northwest 1/4 of Section 5, Township 20 South, Range 30 East, Seminole County, Florida. (LESS ROADS).

Being more particularly described as follows:

(Drainage Easement)

Commence at the Northwest corner of the plot of Oaklawn Cemetery, as recorded in Plat Book 13, page 28 of the public records, Seminole County, Florida; said point lying 33.00 feet South and 25.00 feet East of the Northwest corner of said Section 5 and on the South right-of-way line of County Road 46A (Sanford-Poola road); Thence run S89°57'57"E along said South right-of-way line a distance of 252.11 feet to a point on a curve, concave to the South, having a radius of 674.54 feet; Thence from a chord bearing of S71°34'05"E continue Easterly along said South right-of-way line and the arc of said curve through a central angle of 36°47'58" a distance of 433.24 feet to a point of tangency; Thence continue S53°09'59"E along said right-of-way line a distance of 74.84 feet to a point of curvature of a curve concave to the North, having a radius of 713.45 feet; Thence from a chord bearing of S80°24'32"E continue along said south right-of-way line and the arc of said curve through a central angle of 54°28'57" a distance of 678.42 feet to a point of tangency; Thence continue N72°21'04"E along said South right-of-way line a distance of 480.51 feet; Thence leaving said South right-of-way line run S00°04'19"E a distance of 12.87 feet to the Point of Beginning; Thence run S00°04'19"E a distance of 18.35 feet; Thence run S72°28'34"W a distance of 490.74 feet to a point on a curve concave to the North, having a radius of 726.74 feet; Thence from a chord bearing of S87°13'26"W run Westerly along the arc of said curve through a central angle of 26°59'49" a distance of 342.43 feet; Thence run N05°48'44"E a distance of 17.57 feet to a point on a curve, concave to the North, having a radius of 709.24 feet; Thence from a chord bearing of N87°17'32"E run Easterly along the arc of said curve through a central angle of 27°06'10" a distance of 335.49 feet; Thence run N72°28'34"E a distance of 496.05 feet to the Point of Beginning.

Containing 14,566 square feet more or less.

SHEET 4 OF 4

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
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REVISIONS

NO. DESCRIPTION

BY

LEGEND

BEARINGS BASED ON NORTH LINE OF THE NW 1/4 SECTION 5, TOWNSHIP 20 SOUTH
RANGE 30 EAST, AS BEING N89°29'28"E

SURVEYOR'S NOTES

1. THIS IS NOT A SURVEY.
2. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS NOT LOCATED.
3. SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON. THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

FIELD DATE: N/A
DATE: 01-15-03
JOB NAME: 02-022

SCALE: 1"=100'
DRAWN BY: L.W.
CHECKED BY: