CONSENT AGENDA ITEM
#15
MEMORANDUM

TO: CFX Board Members

FROM: Joseph I. Passiatore, General Counsel

DATE: January 3, 2017

SUBJECT: Acceptance of Special Warranty Deed from Emerson Point Assoc., LLLP and Emerson Point Phase II, LLC to CFX
Project: Marden Road Interchange - S.R. 414 / Project 414-314

Background and History

In October 2015, Central Florida Expressway Authority, Emerson Point Assoc., LLLP and Emerson Point Phase II, LLC entered into the Marden Road Interchange Agreement which provides for the construction of a half diamond interchange (to and from the east) on S.R. 414 at Marden Road. The terms of the Agreement require the Developer to prepare the plans for CFX approval, donate to CFX the land for the ramp on the north side, and pay for construction. The ramp on the south side will be constructed on existing CFX property.

In August of 2016 the City of Apopka requested that round-a-bouts be constructed along Marden Road at each ramp. This necessitated both Emerson and CFX conveying small parcels of right-of-way to the City. The Right of Way Committee recommended to the Board that CFX convey the required right of way to the City and to accept the right of way necessary for the west bound exit ramp. This action was subsequently approved by the Board, deeds executed, exchanged and recorded.

Current

Subsequent to the above action, the developer has acquired additional land adjacent to S.R. 414 and would like to donate a portion to CFX. Adding this additional parcel to S.R. 414 will allow the developer to eliminate the construction of a wall and replace it with embankment, resulting in a cost savings to the developer. An Exhibit depicting the property proposed to be conveyed, as well as the parcels previously conveyed, is attached for your review, along with the proposed deed and legal.

CFX engineering has approved the concept, subject to final approval of the construction plans.
Recommendation

We recommend that the Board accept this conveyance of property. The CFX Right of Way Committee approved the acceptance of the attached Deed at its December 1, 2016 meeting.

JLP/ml
Attachments: Exhibit, Proposed Deed
SPECIAL WARRANTY DEED

THIS INDENTURE, made this 1st day of November, 2016, by Emerson Point Phase II, LLC, a Florida limited liability company, whose address is 1350 Orange Avenue, Suite 250, Winter Park, FL 32789 ("Grantor"), in favor of Central Florida Expressway Authority, an expressway authority established under the laws of the State of Florida, whose address is 4947 Orlando Tower Road, Orlando, Florida 32807 ("Grantee").

Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of partnerships and corporations, wherever the context so permits or requires.

WITNESSETH:

GRANTOR, for and in consideration of the sum of TEN DOLLARS ($10.00) to it in hand paid by Grantee and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, assigns, remises, releases, conveys and confirms unto the Grantee, all of that certain land situate and lying in Orange County, Florida, to-wit:

See Composite Exhibit "A" attached hereto and made a part hereof by this reference (the "Property").

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND, Grantor hereby warrants with the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good, right and lawful authority to sell and convey the Property; that the Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by through or under the Grantor but against none other; and that the property is free and clear of all liens and encumbrances, subject to taxes accruing subsequent to December 31, 2015, and any and all covenants, conditions, restrictions, and matters of public record the reference to which shall not serve to reimpose the same.
IN WITNESS WHEREOF, Grantor has caused these presents to be executed in the name by its lawful representative hereunto duly authorized, on the date first written above.

Signed, sealed and delivered in the presence of:

Print Name: Charles Boelter
Signature: [Signature]

Print Name: Madelyn Boelter
Signature: [Signature]

Print Name: Betty Cape
Signature: [Signature]

Print Name: Martha Sturgis
Signature: [Signature]

By:

Print Name: Michael E. Wright
Title: Manager
Date: November 1, 2016

Print Name: Mary L. Demetree
Title: Manager
Date: November 1, 2016

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1st day of NOV., 2016, by Michael E. Wright, as Manager for EMERSON POINT PHASE II, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced as identification.

Signature of Notary Public: Madelyn Boelter
Typed name of Notary Public: Madelyn Boelter

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1st day of NOV., 2016, by Mary L. Demetree, as Manager for EMERSON POINT PHASE II, LLC, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced as identification.

Signature of Notary Public: Madelyn Boelter
Typed name of Notary Public: Madelyn Boelter

[Affix Notary Seal]
LEGAL DESCRIPTION:

A PORTION OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND RAILROAD SPIKE WITH X-CUT MARKING THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THEN RUN SOUTH 88°57'32" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, FOR A DISTANCE OF 30.00 FEET, TO A POINT ON THE EXISTING EAST RIGHT-OF-WAY LINE OF MARIC ROAD, AS DESCRIBED IN DEED BOOK 543, PAGE 3 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THEN RUN SOUTH 00°15'46" WEST, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARION ROAD, FOR A DISTANCE OF 469.29 FEET, TO A POINT AT THE INTERSECTION OF THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARION ROAD WITH THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 414, AS SHOWN ON THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT-OF-WAY MAP, PROJECT 429-200, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST; THEN RUN SOUTHEASTERLY ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 4,360.00 FEET, A CENTRAL ANGLE OF 6°30'12", AN ARC LENGTH OF 494.89 FEET, A CHORD LENGTH OF 494.82 FEET AND A CHORD BARING OF SOUTH 81°10'06" EAST; THEN RUN SOUTH 79°08'59" EAST, ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414, FOR A DISTANCE OF 586.24 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THEN RUN SOUTHEASTERLY ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 4,320.00 FEET, A CENTRAL ANGLE OF 3°40'16", AN ARC LENGTH OF 276.78 FEET, A CHORD LENGTH OF 276.74 FEET AND A CHORD BARING OF SOUTH 68°18'51" EAST, TO A POINT AT THE INTERSECTION OF THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THEN CONTINUE SOUTHEASTERLY ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 4,320.00 FEET, A CENTRAL ANGLE OF 1°30'22", AN ARC LENGTH OF 983.19 FEET, A CHORD LENGTH OF 981.07 FEET AND A CHORD BARING OF SOUTH 59°57'31" EAST TO THE POINT OF BEGINNING, SAID POINT ALSO BEING AT THE INTERSECTION OF THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THEN CONTINUE SOUTHEASTERLY ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 4,320.00 FEET, A CENTRAL ANGLE OF 6°47'18", AN ARC LENGTH OF 511.83 FEET, A CHORD LENGTH OF 511.54 FEET AND A CHORD BARING OF SOUTH 50°52'40" EAST; THEN RUN NORTH 40°26'43" WEST, FOR A DISTANCE OF 279.12 FEET; THEN RUN NORTH 44°32'33" WEST, FOR A DISTANCE OF 162.32 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THEN CONTINUE NORTH 44°52'33" WEST, FOR A DISTANCE OF 48.81 FEET; THEN RUN NORTH 46°52'34" WEST, FOR A DISTANCE OF 91.44 FEET; THEN RUN SOUTH 02°46'48" EAST, FOR A DISTANCE OF 96.15 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW TO, FROM OR ACROSS ANY OF THE ABOVE DESCRIBED RIGHT-OF-WAY PROPERTY WHICH MAY OTHERWISE ACCRUE TO ANY PROPERTY ADJOINING SAID RIGHT-OF-WAY.

CONTAINING 19,520 SQUARE FEET OR 0.45 ACRES, MORE OR LESS.

SURVEY CERTIFICATION:

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT THE INFORMATION WAS GATHERED AND PREPARED UNDER MY DIRECT SUPERVISION, AND THAT ALL INFORMATION CONFORMS TO THE STANDARDS OF PRACTICE AS SET FORTH IN RULE 5J-17, ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTE 472 AS APPLICABLE.

Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

Date Corey A. Hopkins, LS 6743

SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY.

2. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 28 EAST, THAT BEARING BEING $ 00°15'46" W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, HAD 83/90.

3. NOT VALID WITHOUT ALL SHEETS.
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
STATE ROAD 414 – PROJECT NO. 414-314
LIMITED ACCESS RIGHT OF WAY
ESTATE: FEE SIMPLE

NOT PLATTED

CENTRAL FLORIDA EXPRESSWAY AUTHORITY
LIMITED ACCESS RIGHT-OF-WAY

N 67°47'09" W 477.29'

N 71°44'48" W 91.73'

R=4320.00'
D=13°02'24"
L=983.19'
CB=S 59°57'31" E
CH=981.07'

SR-414
PER DODA R/W MAPS
PROJECT NO. 429-100

Sketch of Description

On the Mark Surveying, LLC
LB 7931
142 Miraloe Boulevard
Saint Petersburg, Florida 33711
Phone: (727) 822-4324
Email: OTMSurveying@gmail.com

Job Number: 559-07
Sheet 5 of 7

Scale: 1" = 100'
This instrument prepared by
AND SHOULD BE RETURNED TO:

Ted. B. Edwards, Esq.
Law Office of Ted B. Edwards, P.A.
1350 Orange Avenue
Suite 260
Winter Park, FL 32789

Purchase Price: Donation
Documentary Stamps Due: $0.70

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 1st day of November, 2016, by EMERSON POINT PHASE II, LLC, a Florida limited liability company, whose address is 1350 Orange Avenue, Suite 250, Winter Park, FL 32789 ("Grantor"), in favor of CENTRAL FLORIDA EXPRESSWAY AUTHORITY, an expressway authority established under the laws of the State of Florida, whose address is 4947 Orlando Tower Road, Orlando, Florida 32807 ("Grantee").

Wherever used herein, the terms “Grantor” and “Grantee” shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of partnerships and corporations, wherever the context so permits or requires.

WITNESSETH:

GRANTOR, for and in consideration of the sum of TEN DOLLARS ($10.00) to it in hand paid by Grantee and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all of that certain land situate and lying in Orange County, Florida, to-wit:

See Composite Exhibit “A” attached hereto and made a part hereof by this reference (the “Property”).

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AND, Grantor hereby warrants with the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good, right and lawful authority to sell and convey the Property; that the Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by through or under the Grantor but against none other; and that the property is free and clear of all liens and encumbrances, subject to taxes accruing subsequent to December 31, 2015, and any and all covenants, conditions, restrictions, and matters of public record the reference to which shall not serve to re impose the same.
IN WITNESS WHEREOF, Grantor has caused these presents to be executed in the name by its lawful representative hereunto duly authorized, on the date first written above.

Signed, sealed and delivered in the presence of:

Print Name: [Signature] 
[Print Name]

Print Name: [Signature] 
[Print Name]

Print Name: [Signature] 
[Print Name]

Print Name: [Signature] 
[Print Name]

EMERSON POINT PHASE II, LLC, a Florida limited liability company:

By: 
Print Name: Michael E. Wright 
Title: Manager 
Date: 

By: 
Print Name: Mary L. Demetree 
Title: Manager 
Date: 

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 15th day of NOV., 2016, by Michael E. Wright, as Manager for EMERSON POINT PHASE II, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or has produced as identification.

Signature of Notary Public 
[Signature] 
[Typed name of Notary Public]

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 15th day of NOV., 2016, by Mary L. Demetree, as Manager for EMERSON POINT PHASE II, LLC, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced as identification.

Signature of Notary Public 
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[Typed name of Notary Public]
LEGAL DESCRIPTION:

A PORTION OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Date: Corey A. Hopkins, LS 6743

SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY.

2. BEARINGS SHOWN HEREBIN ARE BASED ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 28 EAST, THAT BEARING BEING S 00°15'46" W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST Zone, NAD 83/90.

3. NOT VALID WITHOUT ALL SHEETS.
### Sketch of Description

**Central Florida Expressway Authority**  
**State Road 414 - Project No. 414-314**  
**Limited Access Right of Way**  
**Estate: Fee Simple**

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**Graphic Scale**

1 inch = 100 feet

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**Not Platted**

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**SR-414**  
**Per Osca R/R Maps**  
**Project No. 429-200**

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**On the Mark Surveying, LLC**  
**LB 7531**  
143 Meadow Boulevard  
Scottsdale, Florida 32771  
Phone: 321-626-4378  
Email: OTMSurveying@gmail.com

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**Job Number:**

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CENTRAL FLORIDA EXPRESSWAY AUTHORITY
STATE ROAD 414 - PROJECT NO. 414-314
LIMITED ACCESS RIGHT OF WAY
ESTATE: FEE SIMPLE

NOT PLATTED

CENTRAL FLORIDA EXPRESSWAY AUTHORITY
LIMITED ACCESS
RIGHT-OF-WAY

N 71°44'48" W  91.73'

R=4320.00'
D=13°02'24"
L=983.19'
CB=S 59°57'31" E
CH=981.07'

SR-414
PER DOCS R/W MAPS
PROJECT NO. 420-300

SEE SHEET 4
SEE SHEET 6

GRAPHIC SCALE

(IN FEET)
1 inch = 100'

On the Mark Surveying, LLC
143 Waterside Boulevard
Seminole, Florida 33777
Phone: (813)264-6876
Email: OnTheMarkSurveying@gmail.com

SKETCH OF DESCRIPTION

First Date: N/A
Scale: 1" = 100'
Checked by: CAH
Job Number: 921-3001
Sheet 5 of 7
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**Legend:**
- CB - Chord Bearing
- CCR - Certified Corner Record Number
- CFX - Central Florida Expressway Authority
- CH - Chord Length
- CM - Concrete Monument
- D - Central Angle
- DB - Deed Book
- FN - Found
- ID - Identification
- IP - Iron Pipe
- L - Arc Length
- LA - Limited Access
- LS - Professional Surveyor and Mapper License Number
- N/A - Not Applicable
- NAD - North American Datum
- NO. - Number
- NT - Non Tangent
- OCEA - Orlando-Orange County Expressway Authority
- ORB - Official Records Book
- PB - Plat Book
- PC - Point of Curvature
- PCC - Point of Compound Curvature
- PG - Page
- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- PRC - Point of Reverse Curvature
- PT - Point of Tangency
- R - Radius
- R/W - Right-Of-Way
- SR - State Road
- XX-XX-XX - Section XX - Township XX South - Range XX East