

# AGENDA

## APOPKA CITY COUNCIL SPECIAL MEETING

August 23, 2016 Approximately 3:30PM-4:00pm

**[Integrated during the Budget Workshop]**

APOPKA CITY HALL COUNCIL CHAMBERS

### CALL TO ORDER

### SPECIAL REPORTS AND PUBLIC HEARINGS

1. Conditionally accept the donations of rights-of-way along Marden Road by acceptance of the following three (3) resolutions:
  - a. Resolution No. 2016-21: Centex Deed
  - b. Resolution No. 2016-22: Emerson Point Phase II Deed
  - c. Resolution No. 2016-23: Emerson Point Association Deed

[Marden Ridge Road proposed roundabouts letter.](#)

### ADJOURNMENT

\*\*\*\*\*

All interested parties may appear and be heard with respect to this agenda. Please be advised that, under state law, if you decide to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes a testimony and evidence upon which the appeal is to be based. The City of Apopka does not provide a verbatim record.

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka, FL 32703, telephone (407) 703-1704, not later than five (5) days prior to the proceeding.

**Backup material for agenda item:**

1. Conditionally accept donations of rights-of-ways along Marden Road.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: August 23, 2016  
 FROM: Administration  
 EXHIBITS: Resolutions

**SUBJECT: DEDICATION OF CERTAIN RIGHTS-OF-WAY ALONG MARDEN ROAD FOR THE PURPOSE OF CONSTRUCTING TWO TRAFFIC CIRCLES (ROUNDBABOUTS)**

**REQUEST: CONDITIONALLY ACCEPT THE DONATIONS OF RIGHTS-OF-WAY ALONG MARDEN ROAD BY ACCEPTANCE OF THE FOLLOWING THREE (3) RESOLUTIONS**

**SUMMARY:**

MMI Development has approached the city about the possibility of constructing two (2) traffic circles (roundabouts) on Marden Road. One will be situated south of the S.R. 414 overpass and the second will be constructed just north of the S.R. 414 overpass. Both will connect the half interchange to be constructed by MMI to Marden Road. The one to the south of the S.R. 414 overpass will also connect the Harmon Road extension from Ocoee Apopka Road.

The following resolutions are intended to dedicate lands necessary to establish needed rights-of-way along Marden Road. Resolution 2016-21 is used to accept land from Centex Homes, Resolution 2016-22 will accept land from Emerson Point Phase II, LLC, Resolution 2016-23 will be used to accept land from Emerson Point Assoc.

**FUNDING SOURCE:**

No funding is necessary for the city to accept the dedication of land from the three sources discussed above. While MMI is offering to construct the roundabouts, they are requesting that the Synthetic Tax Incremental Financing Agreement be reopened to allow for possible recapture of the increased cost of the interchange by the addition of the roundabouts. Negotiations toward this end have not begun.

**RECOMMENDATION ACTION:**

Discussion on donations and vote to accept them by resolutions.

**DISTRIBUTION**

- |                                |                  |                          |
|--------------------------------|------------------|--------------------------|
| Mayor Kilsheimer               | Finance Director | Public Services Director |
| Commissioners                  | HR Director      | Recreation Director      |
| City Administrator             | IT Director      | City Clerk               |
| Community Development Director | Police Chief     | Fire Chief               |

**Backup material for agenda item:**

2. Resolution No. 2016-21: Centex Deed

**RESOLUTION NO. 2016-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FROM CENTEX HOMES FOR REAL PROPERTY; DIRECTING THE CITY CLERK OR DESIGNEE TO RECORD THE EXECUTED DEED IN THE PUBLIC RECORDS OF ORANGE COUNTY, AND PAY ALL FEES NECESSARY TO EFFECTUATE SUCH RECORDATION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka has determined it is in the best interests of the City and its citizens to accept a Special Warranty Deed from Centex Homes for real property; and

**WHEREAS**, the City Council intends that the donated property will be used for the benefit of the public to construct a roundabout on Marden Ridge Road.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA AS FOLLOWS:**

**Section 1. Acceptance and Recordation of Deed.** The City Council hereby accepts the Special Warranty Deed attached hereto as Exhibit "A" and directs the City Clerk or designee to record the fully executed Special Warranty Deed in the Public Records of Orange County and to pay all costs of recording the Deed.

**Section 2. Severability.** If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way shall affect the remaining portions of this resolution.

**Section 3. Effective Date.** This resolution shall take effect immediately upon its adoption.

PASSED AND RESOLVED this 23rd day of August, 2016, by the City Council of the City of Apopka, Florida.

ATTEST;

APPROVED:

\_\_\_\_\_  
Linda F. Goff, City Clerk

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

**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   8   day of   August  , 2016, by **CENTEX HOMES**, a Nevada general partnership, whose place of business is 4901 Vineland Rd, Suite 500, Orlando, Florida 32811 ("**Grantor**"), in favor of **THE CITY OF APOPKA, FLORIDA**, a Florida municipal corporation ("**Grantee**"), whose address is 120 East Main Street, Orlando, Florida 32703 ("**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 **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.

**AND**, Grantor hereby reserves a perpetual, non-exclusive right of entry and access easement over, across, under, through, and upon the Property for the benefit of Grantor, its successors and assigns.

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 our presence:

Jew  
Print Name: Wm W. TEW

[Signature]  
Print Name: JENNIFER JERMAN

**CENTEX HOMES**, a Nevada general partnership

By: **CENTEX REAL ESTATE CORPORATION**, a Nevada corporation, its managing general partner

[Signature]  
By: **CLINT BALL**,  
Vice President – Land Development and Acquisition (North Florida)

STATE OF FLORIDA )  
COUNTY OF ORANGE )

The foregoing instrument was acknowledged before me this 8 day of AUGUST, 2016, by CLINT BALL, Vice President of **CENTEX REAL ESTATE CORPORATION**, a Nevada corporation, the Managing General Partner of **CENTEX HOMES**, a Nevada general partnership, on behalf of said partnership and corporation. He  is personally known to me, or  produced \_\_\_\_\_ as identification.

[Signature]

Print Name: JENNIFER JERMAN  
Notary Public-State of Florida at Large  
Commission No.: FF164691  
My Commission Expires: 10/24/18



[Affix Notary Seal]

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF PROPERTY**

**A PORTION OF SECTION 20, 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 NORTHEAST CORNER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89°56'42" WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 50.00 FEET, TO A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF MARDEN ROAD, AS DESCRIBED IN PLAT BOOK 87, PAGE 66 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'46" WEST, ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 448.80 FEET, TO A POINT AT THE INTERSECTION OF THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN 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; THENCE RUN SOUTH 79°21'15" EAST, ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414, FOR A DISTANCE OF 20.33 FEET; THENCE RUN SOUTH 00°15'46" WEST, ALONG A LINE PARALLEL TO AND 30.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 400.30 FEET, TO THE POINT OF BEGINNING, SAID POINT BEING AT THE INTERSECTION OF THE EXISTING WEST RIGHT-OF-WAY LINE OF MARDEN ROAD, PER OFFICIAL RECORDS BOOK 543, PAGE 3 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, WITH THE EXISTING SOUTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE TO THE SOUTH; THENCE RUN WESTERLY ALONG THE EXISTING SOUTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414 AND ALONG SAID CURVE, HAVING A RADIUS OF 1,223.14 FEET, A CENTRAL ANGLE OF 0°02'47", AN ARC LENGTH OF 0.99 FEET, A CHORD LENGTH OF 0.99 FEET AND A CHORD BEARING OF SOUTH 88°44'21" WEST; THENCE RUN SOUTH 03°56'47" WEST, FOR A DISTANCE OF 42.30 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 31°51'55", AN ARC LENGTH OF 33.37 FEET, A CHORD LENGTH OF 32.94 FEET AND A CHORD BEARING OF SOUTH 19°52'45" WEST, TO A POINT OF TANGENCY; THENCE RUN SOUTH 35°48'43" WEST, FOR A DISTANCE OF 30.76 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 77.00 FEET, A CENTRAL ANGLE OF 65°36'26", AN ARC LENGTH OF 88.17 FEET, A CHORD LENGTH OF 83.43 FEET AND A CHORD BEARING OF SOUTH 03°00'30" WEST, TO A POINT OF TANGENCY; THENCE RUN SOUTH 29°47'43" EAST, FOR A DISTANCE OF 36.62 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 12°09'01", AN ARC LENGTH OF 13.78 FEET, A CHORD LENGTH OF 13.76 FEET AND A CHORD BEARING OF SOUTH 23°43'12" EAST, TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 285.00 FEET, A CENTRAL ANGLE OF 12°52'36", AN ARC LENGTH OF 64.05 FEET, A CHORD LENGTH OF 63.92 FEET AND A CHORD BEARING OF SOUTH 11°12'24" EAST, TO A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD; THENCE RUN NORTH 00°15'46" EAST, ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 288.54 FEET TO THE POINT OF BEGINNING.**

**Backup material for agenda item:**

3. Resolution No. 2016-22: Emerson Point Phase II Deed

**RESOLUTION NO. 2016-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, CONDITIONALLY ACCEPTING A SPECIAL WARRANTY DEED FROM EMERSON POINT PHASE II, LLC, FOR REAL PROPERTY; DIRECTING THE CITY CLERK OR DESIGNEE TO RECORD THE EXECUTED DEED IN THE PUBLIC RECORDS OF ORANGE COUNTY ONCE ALL CONDITIONS ARE SATISFIED, AND PAY ALL FEES NECESSARY TO EFFECTUATE SUCH RECORDATION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka has determined it is in the best interests of the City and its citizens to conditionally accept a Special Warranty Deed from Emerson Point Phase II, LLC for real property; and

**WHEREAS**, the City Council intends that the donated property will be used for the benefit of the public to construct a roundabout on Marden Ridge Road.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA AS FOLLOWS:**

**Section 1. Conditional Acceptance and Recordation of Deed.** The City Council hereby conditionally accepts the Special Warranty Deed attached hereto as Exhibit "A," subject to the prior recordation of the Partial Release of Mortgage attached hereto as Exhibit "B." The City Clerk or designee is hereby directed to record the fully executed Special Warranty Deed in the Public Records of Orange County and to pay all costs of recording the Deed at such time that the City is supplied with sufficient proof that the Partial Release of Mortgage has been duly recorded.

**Section 2. Severability.** If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way shall affect the remaining portions of this resolution.

**Section 3. Effective Date.** This resolution shall take effect immediately upon its adoption.

PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2016, by the City Council of the City of Apopka, Florida.

ATTEST:

APPROVED:

\_\_\_\_\_  
Linda F. Goff, City Clerk

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

**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 9<sup>th</sup> day of August, 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 **THE CITY OF APOPKA, FLORIDA**, a Florida municipal corporation ("**Grantee**"), whose address is 120 East Main Street, Apopka, Florida 32703 ("**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 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 to be used solely for public right of way purposes.

**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.

**THIS CONVEYANCE** is expressly made subject to that certain restriction to all rights of ingress, egress, light, air and view as granted in Special Warranty Deed recorded October 13, 2006 in Official Records Book 8914, Page 4223, Public Records of Orange County, Florida and any future limited access rights conveyed to the Central Florida Expressway Authority by virtue of the Special Warranty Deed from Emerson Point Phase II, LLC to the Central Florida Expressway Authority dated August 9, 2016.

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:

[Signature]  
Print Name: Roberto Maximo

[Signature]  
Print Name: Thomas C. Cerano

[Signature]  
Print Name: Milly

[Signature]  
Print Name: Olivier Grossen

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

By: [Signature]  
Print Name: Michael E. Wright  
Title: Manager

Date: August 12 2016

By: [Signature]  
Print Name: Mary L. Demetree  
Title: Manager

Date: 8/9/16

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August, 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.

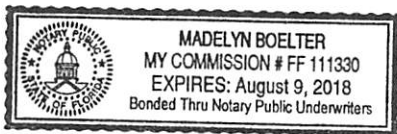


[Signature]  
Signature of Notary Public

Megan Hudson  
Typed name of Notary Public

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of August, 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]  
Signature of Notary Public

Madelyn Boelter  
Typed name of Notary Public

[Affix Notary Seal]

CITY OF APOPKA ROAD RIGHT OF WAY  
ESTATE: FEE SIMPLE

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; THENCE 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 MARDEN ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 543, PAGE 3 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'46" WEST, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 114.76 FEET, TO THE POINT OF BEGINNING; THENCE RUN SOUTH 03°52'56" EAST, FOR A DISTANCE OF 92.51 FEET; THENCE RUN SOUTH 03°43'15" EAST, FOR A DISTANCE OF 7.30 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 182.00 FEET, A CENTRAL ANGLE OF 13°35'47", AN ARC LENGTH OF 43.19 FEET, A CHORD LENGTH OF 43.09 FEET AND A CHORD BEARING OF SOUTH 10°31'08" EAST; THENCE RUN SOUTH 59°11'36" EAST, FOR A DISTANCE OF 71.64 FEET; THENCE RUN SOUTH 10°41'57" WEST, FOR A DISTANCE OF 82.86 FEET; THENCE RUN SOUTH 33°26'11" WEST, FOR A DISTANCE OF 113.21 FEET, TO A POINT AT THE INTERSECTION OF THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN 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; THENCE RUN NORTH 00°15'46" EAST, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 354.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,070.51 SQUARE FEET, 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 CONFIRMS 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 IS NOT A BOUNDARY 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 S 00°15'46" W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83/90.
3. NOT VALID WITHOUT ALL SHEETS.

No.	Revisions	Date
1	Sketch of Description	07/20/16
2	CFX Comments	07/28/16
3	Atkins Comments	08/05/16
4		
5		

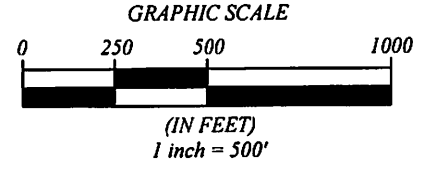
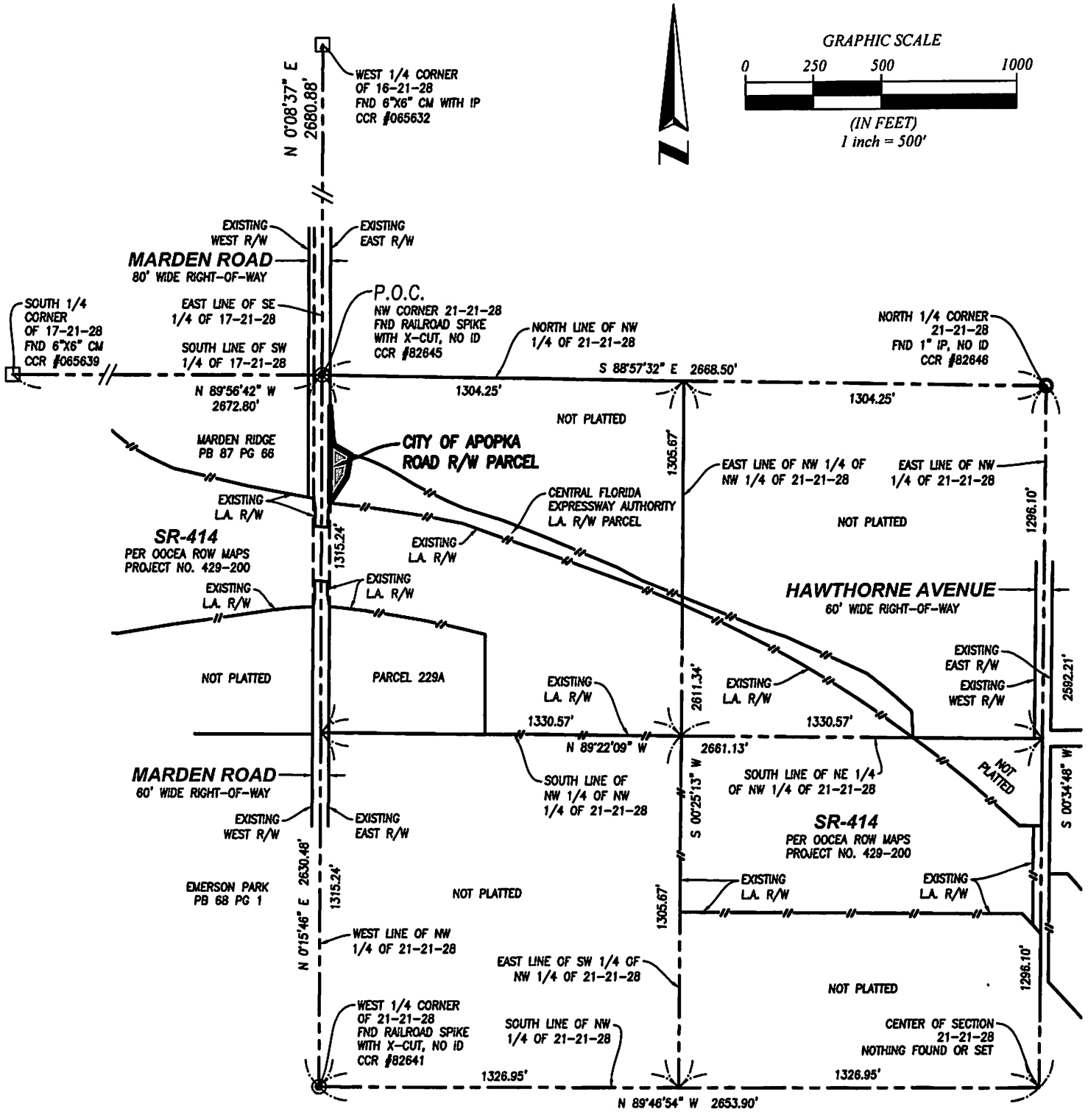

**On the Mark Surveying, LLC**  
 LB 7931  
 143 Meadow Boulevard  
 Sanford, Florida 32771  
 Ph: (321)626-6376  
 Email: OTMSurveying@gmail.com

**SKETCH OF  
DESCRIPTION**


Field Date:	N/A	Drawn by:	CAH
Scale:	N/A	by:	13
Sheet 1 of 4		number:	EMERSON

Exhibit "A"

CITY OF APOPKA ROAD RIGHT OF WAY  
ESTATE: FEE SIMPLE



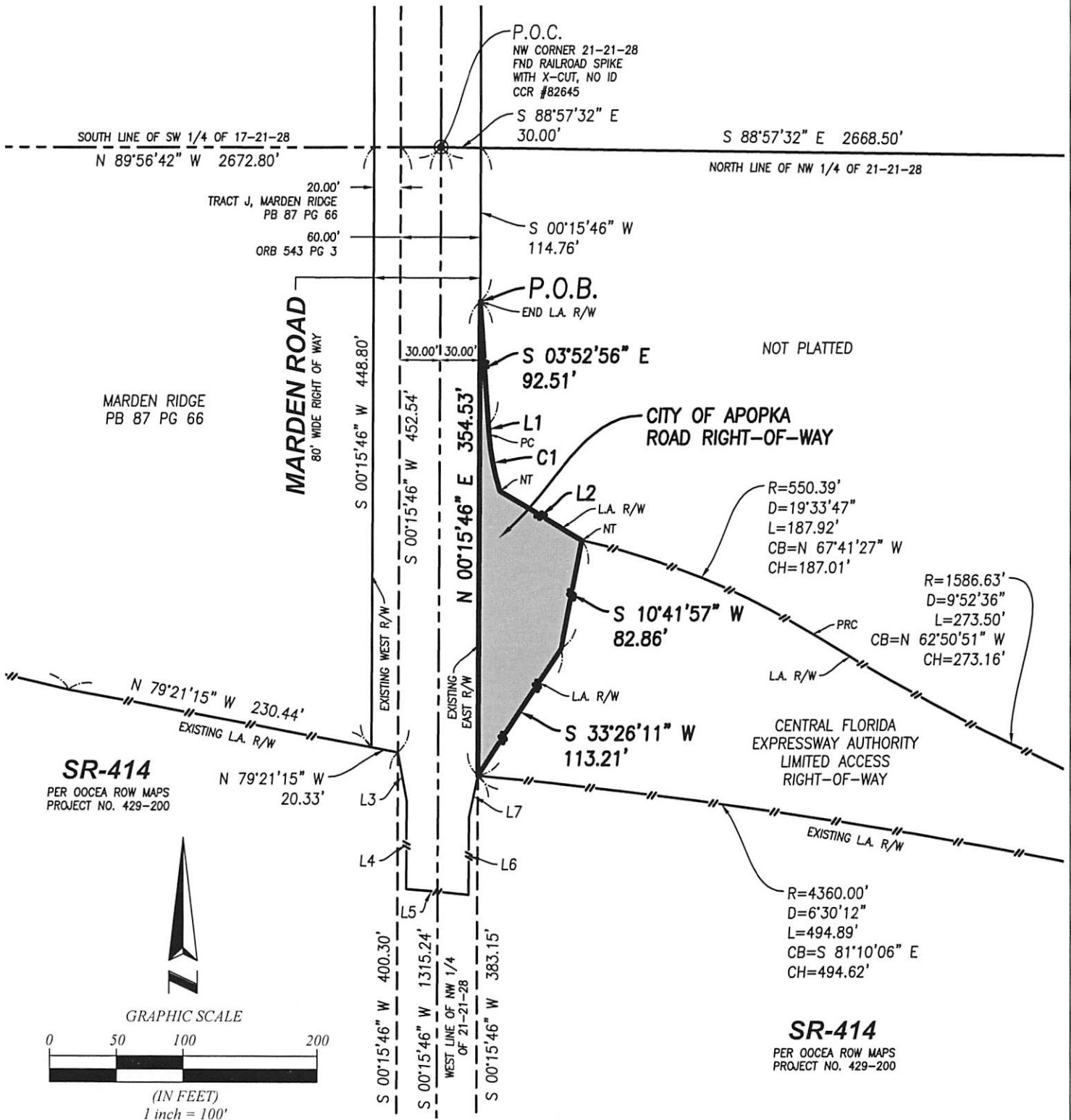
No.	Revisions	Date
1	Sketch of Description	07/20/16
2	CFX Comments	07/28/16
3	Atkins Comments	08/05/16
4		
5		


**On The Mark Surveying, LLC**  
 LB 7931  
 143 Meadow Boulevard  
 Sanford, Florida 32771  
 Ph: (321)626-6376  
 Email: OTMSurveying@gmail.com

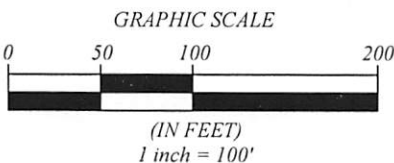
SKETCH OF DESCRIPTION

Field Date: N/A	Drawn by: CAH
Scale: 1" = 500'	Sheet 2 of 4
14	
EMERSON	

CITY OF APOPKA ROAD RIGHT OF WAY  
ESTATE: FEE SIMPLE



**SR-414**  
PER OOCEA ROW MAPS  
PROJECT NO. 429-200



**SR-414**  
PER OOCEA ROW MAPS  
PROJECT NO. 429-200

No.	Revisions	Date
1	Sketch of Description	07/20/16
2	CFX Comments	07/28/16
3	Atkins Comments	08/05/16
4		
5		

**On the Mark**  
Surveying, LLC

On the Mark Surveying, LLC  
LB 7931  
143 Meadow Boulevard  
Sanford, Florida 32771  
Ph: (321)626-6376  
Email: OTMSurveying@gmail.com

**SKETCH OF DESCRIPTION**

Field Date:	N/A	Drawn by:	CAH
Scale:	1" = 100'	Number:	15
Sheet 3 of 4		Member:	EMERSON

CITY OF APOPKA ROAD RIGHT OF WAY  
ESTATE: FEE SIMPLE


CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	182.00	13°35'47"	43.19	S 10°31'08" E	43.09

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 03°43'15" E	7.30
L2	S 59°11'36" E	71.64
L3	S 09°55'20" E	36.99
L4	S 00°15'48" W	66.10
L5	S 84°42'11" E	47.10
L6	N 00°15'48" E	58.38
L7	N 12°06'04" E	31.89

LEGEND:

- |         |  |            |  |
|---------|--|------------|--|
| CB -    | CHORD BEARING                              | ORB -      | OFFICIAL RECORDS BOOK                          |
| CCR# -  | CERTIFIED CORNER RECORD NUMBER             | PB -       | PLAT BOOK                                      |
| CFX -   | CENTRAL FLORIDA EXPRESSWAY AUTHORITY       | PC -       | POINT OF CURVATURE                             |
| CH -    | CHORD LENGTH                               | PCC -      | POINT OF COMPOUND CURVATURE                    |
| CM -    | CONCRETE MONUMENT                          | PG -       | PAGE   |
| D -     | CENTRAL ANGLE                              | P.O.B. -   | POINT OF BEGINNING                             |
| FND -   | FOUND                                      | P.O.C. -   | POINT OF COMMENCEMENT                          |
| IP -    | IRON PIPE                                  | PRC -      | POINT OF REVERSE CURVATURE                     |
| L -     | ARC LENGTH                                 | PT -       | POINT OF TANGENCY                              |
| L.A. -  | LIMITED ACCESS                             | R -        | RADIUS   |
| NO. -   | NUMBER                                     | R/W -      | RIGHT-OF-WAY                                   |
| NT -    | NOT TANGENT                                | SR -       | STATE ROAD                                     |
| OOCEA - | ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY | XX-XX-XX - | SECTION XX - TOWNSHIP XX SOUTH - RANGE XX EAST |

No.	Revisions	Date
1	Sketch of Description	07/20/16
2	CFX Comments	07/28/16
3	Atkins Comments	08/05/16
4		
5		



On the Mark Surveying, LLC  
LB 7931  
143 Meadow Boulevard  
Sanford, Florida 32771  
Ph: (321)626-6376  
Email: OTMSurveying@gmail.com

**SKETCH OF DESCRIPTION**

Field Date:	N/A	Drawn by:	CAH
Scale:	N/A	Number:	16
Sheet 4 of 4		EMERSON	

**THIS INSTRUMENT PREPARED BY  
AND SHOULD BE RETURNED TO:**

Ted B. Edwards, Esquire  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Ave, Suite 260  
Winter Park, Fl 32789  
(407) 730-8322

For Recording Purposes Only

**PARTIAL RELEASE OF MORTGAGE**

**KNOW ALL MEN BY THESE PRESENTS:** That **FIRST GREEN BANK**, a Florida Banking corporation (“Lender”), is the owner and holder of that certain Mortgage and Security Agreement, by and between **EMERSON POINT PHASE II, LLC**, a Florida limited liability company, and Lender, in the original principal amount of \$4,400,000.00, dated July 1, 2016 and recorded July 8, 2016, Document # 20160350119, Public Records of Orange County, Florida, and related Assignment of Rents and Leases and Rentals recorded July 8, 2016, Document # 20160350120, Public Records of Orange County, Florida, and related UCC Financing Statement recorded July 8, 2016, Document # 20160350121, Public Records of Orange County, Florida (collectively referred to as the “Loan Documents”).

Whereas, Borrower has requested Lender to release the premises described on Exhibit “A” attached hereto from the lien and operation of said Loan Documents, and Lender has agreed to do so.

**NOW THEREFORE**, the said Lender, in consideration of the premises and of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** to it in hand paid by, or on behalf of, the same Borrower at the time of the execution hereof, the receipt whereof is hereby acknowledged, does remise, release, quit-claim, exonerate and discharge from the lien and operation of said Loan Documents unto the said Mortgagor, its successors and assigns, that certain portion of the premises encumbered by said Loan Documents, more particularly described as follows:

See Exhibit “A” attached hereto and made a part hereof by reference (the “Released Premises”).

This Partial Release shall serve only to release the lien of the Loan Documents only as to the Released Premises. This Partial Release shall not otherwise impair, diminish or alter the provisions and rights held by Lender in the remainder of the property encumbered by the Loan Documents, all of which shall remain in full force and effect as security for the payment of all amounts secured by and the performance of all obligations required under the Loan Documents.

IN WITNESS WHEREOF, the Lender has executed this Partial Release of Loan Documents on the 15 day of August, 2016.

Signed, sealed and delivered  
in the presence of:

**FIRST GREEN BANK, a Florida Banking  
Corporation**

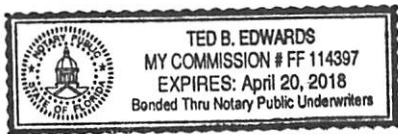
Bobby R Beagle  
(Signature of Witness)  
BOBBY R BEAGLES  
(Type/Print Name)

By: [Signature]  
Name: CHRIS VAN BUSKIRK  
Title: VICE PRESIDENT FIRST GREEN BANK

Ted B. Edwards  
(Signature of Witness)  
TED B. EDWARDS  
(Type/Print Name)

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

THIS IS TO CERTIFY that the foregoing instrument was acknowledged before me this 15<sup>th</sup> day of August, 2016 by Chris Van Buskirk, as Vice President of the **FIRST GREEN BANK, a Florida Banking Corporation**, who is personally known to me or produced \_\_\_\_\_ as identification.



(NOTARY SEAL)

[Signature]  
(Signature of person taking acknowledgement)

TED B. EDWARDS  
(Name of acknowledger typed, printed or stamped)

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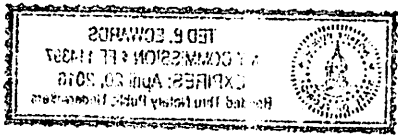


EXHIBIT "A"

NORTHEAST CENTRAL FLORIDA EXPRESSWAY AUTHORITY LIMITED ACCESS RIGHT-OF-WAY PARCEL

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; THENCE 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 MARDEN ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 543, PAGE 3 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'46" WEST, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 469.29 FEET, TO THE POINT OF BEGINNING, SAID POINT BEING AT THE INTERSECTION OF THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN 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; THENCE 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 494.62 FEET AND A CHORD BEARING OF SOUTH 81°10'06" EAST; THENCE RUN SOUTH 70°08'59" EAST, ALONG THE EXISTING NORTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD NUMBER 414, FOR A DISTANCE OF 589.24 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE 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 276.79 FEET, A CHORD LENGTH OF 276.74 FEET AND A CHORD BEARING 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; THENCE 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 13°02'24", AN ARC LENGTH OF 983.19 FEET, A CHORD LENGTH OF 981.07 FEET AND A CHORD BEARING OF SOUTH 59°57'31" 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 SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE RUN NORTH 02°46'48" WEST, FOR A DISTANCE OF 96.15 FEET, TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,731.02 FEET, A CENTRAL ANGLE OF 7°10'02", AN ARC LENGTH OF 216.54 FEET, A CHORD LENGTH OF 216.39 FEET AND A CHORD BEARING OF NORTH 50°10'07" WEST; THENCE RUN NORTH 65°20'36" WEST, FOR A DISTANCE OF 328.55 FEET; THENCE RUN NORTH 71°44'48" WEST, FOR A DISTANCE OF 91.73 FEET; THENCE RUN NORTH 67°47'09" WEST, FOR A DISTANCE OF 477.29 FEET; THENCE RUN NORTH 62°04'31" WEST, FOR A DISTANCE OF 100.50 FEET; THENCE RUN NORTH 67°00'49" WEST, FOR A DISTANCE OF 300.03 FEET; THENCE RUN NORTH 68°04'05" WEST, FOR A DISTANCE OF 162.90 FEET; THENCE RUN

NORTH 72°46'45" WEST, FOR A DISTANCE OF 147.68 FEET, TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,586.63 FEET, A CENTRAL ANGLE OF 9°52'36", AN ARC LENGTH OF 273.50 FEET, A CHORD LENGTH OF 273.16 FEET AND A CHORD BEARING OF NORTH 62°50'51" WEST, TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 550.39 FEET, A CENTRAL ANGLE OF 19°33'47", AN ARC LENGTH OF 187.92 FEET, A CHORD LENGTH OF 187.01 FEET AND A CHORD BEARING OF NORTH 67°41'27" WEST; THENCE RUN SOUTH 10°41'57" WEST, FOR A DISTANCE OF 82.86 FEET; THENCE RUN SOUTH 33°26'11" WEST, FOR A DISTANCE OF 113.21 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH:

NORTHEAST CITY OF APOPKA RIGHT-OF-WAY PARCEL  
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; THENCE 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 MARDEN ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 543, PAGE 3 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'46" WEST, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 114.76 FEET, TO THE POINT OF BEGINNING; THENCE RUN SOUTH 03°52'56" EAST, FOR A DISTANCE OF 92.51 FEET; THENCE RUN SOUTH 03°43'15" EAST, FOR A DISTANCE OF 7.30 FEET, TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 182.00 FEET, A CENTRAL ANGLE OF 13°35'47", AN ARC LENGTH OF 43.19 FEET, A CHORD LENGTH OF 43.09 FEET AND A CHORD BEARING OF SOUTH 10°31'08" EAST; THENCE RUN SOUTH 59°11'36" EAST, FOR A DISTANCE OF 71.64 FEET; THENCE RUN SOUTH 10°41'57" WEST, FOR A DISTANCE OF 82.86 FEET; THENCE RUN SOUTH 33°26'11" WEST, FOR A DISTANCE OF 113.21 FEET, TO A POINT AT THE INTERSECTION OF THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN 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; THENCE RUN NORTH 00°15'46" EAST, ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 354.53 FEET TO THE POINT OF BEGINNING.

**Backup material for agenda item:**

4. Resolution No. 2016-23: Emerson Point Association Deed

**RESOLUTION NO. 2016-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, CONDITIONALLY ACCEPTING A SPECIAL WARRANTY DEED FROM EMERSON POINT ASSOC., LLP, FOR REAL PROPERTY; DIRECTING THE CITY CLERK OR DESIGNEE TO RECORD THE EXECUTED DEED IN THE PUBLIC RECORDS OF ORANGE COUNTY ONCE ALL CONDITIONS ARE SATISFIED, AND PAY ALL FEES NECESSARY TO EFFECTUATE SUCH RECORDATION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka has determined it is in the best interests of the City and its citizens to conditionally accept a Special Warranty Deed from Emerson Point Assoc., LLP for real property; and

**WHEREAS**, the City Council intends that the donated property will be used for the benefit of the public to construct a roundabout on Marden Ridge Road.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA AS FOLLOWS:**

**Section 1. Conditional Acceptance and Recordation of Deed.** The City Council hereby conditionally accepts the Special Warranty Deed attached hereto as Exhibit “A,” subject to the prior recordation of the Partial Release of Mortgage attached hereto as Exhibit “B” and the First Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements attached hereto as Exhibit “C.” The City Clerk or designee is hereby directed to record the fully executed Special Warranty Deed in the Public Records of Orange County and to pay all costs of recording the Deed at such time that the City is supplied with sufficient proof that the Partial Release of Mortgage and Amendment to Declaration of Covenants, Conditions, Restrictions, and Easements have been duly recorded.

**Section 2. Severability.** If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way shall affect the remaining portions of this resolution.

**Section 3. Effective Date.** This resolution shall take effect immediately upon its adoption.

PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2016, by the City Council of the City of Apopka, Florida.

ATTEST;

APPROVED:

\_\_\_\_\_  
Linda F. Goff, City Clerk

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

**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 8<sup>th</sup> day of August, 2016, by **EMERSON POINT ASSOC., LLLP**, a Florida limited liability limited partnership, whose address is 1350 Orange Avenue, Suite 250, Winter Park, FL 32789 ("**Grantor**"), in favor of **THE CITY OF APOPKA, FLORIDA**, a Florida municipal corporation ("**Grantee**"), whose address is 120 East Main Street, Orlando, Florida 32703 ("**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 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 to be used solely for public right of way purposes.

**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.

**THIS CONVEYANCE** is expressly made subject to that certain taking of limited access right together with rights of ingress, egress, light, air and view to portions of the abutting Western Beltway (State Road 429) Pursuant to the Order of Taking, recorded March 26, 1998 in Official Records Book 5442, Page 3947, Public Records of Orange County, Florida.

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 our presence:

Raul Vargas  
Print Name: RAUL VARGAS

Roberto Maximo  
Print Name: Roberto Maximo

**EMERSON POINT ASSOC., LLLP**, a Florida limited liability limited partnership

By: [Signature]  
**Michael Wright**  
Title: General Partner

STATE OF FLORIDA )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of August, 2016, by Michael Wright, as General Partner of EMERSON POINT ASSOC., LLLP, a Florida limited liability limited partnership. He  is personally known to me, or  produced \_\_\_\_\_ as identification.



Raul Vargas  
Print Name: RAUL VARGAS  
Notary Public-State of Florida at Large  
Commission No.: GG002159  
My Commission Expires: 6/14/2020

[Affix Notary Seal]

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF PROPERTY**

A PORTION OF LOT 1, MARDEN RIDGE, AS RECORDED IN PLAT BOOK 87, PAGE 66, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND RAILROAD SPIKE WITH X-CUT MARKING THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89°56'42" WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 50.00 FEET, TO THE NORTHEAST CORNER OF LOT 1, MARDEN RIDGE, AS RECORDED IN PLAT BOOK 87, PAGE 66 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE EXISTING WEST RIGHT-OF-WAY LINE OF MARDEN ROAD, AS DESCRIBED IN PLAT BOOK 87, PAGE 66; THENCE RUN SOUTH 00°15'46" WEST, ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 278.37 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 77.00 FEET, A CENTRAL ANGLE OF 99°00'55", AN ARC LENGTH OF 133.07 FEET, A CHORD LENGTH OF 117.12 FEET AND A CHORD BEARING OF SOUTH 00°15'46" WEST, TO A POINT ON THE EAST LINE OF SAID LOT 1, ALSO BEING A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD; THENCE RUN NORTH 00°15'46" EAST, ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 117.12 FEET TO THE POINT OF BEGINNING.

**THIS INSTRUMENT PREPARED BY  
AND SHOULD BE RETURNED TO:**

Ted B. Edwards, Esquire  
Law Office of Ted B. Edwards, P.A.  
1350 Orange Ave, Suite 260  
Winter Park, Fl 32789  
(407) 730-8322

For Recording Purposes Only

**PARTIAL RELEASE OF MORTGAGE**

**KNOW ALL MEN BY THESE PRESENTS:** That **FIRST GREEN BANK**, a Florida Banking corporation (“Lender”), is the owner and holder of that certain Mortgage and Security Agreement, by and between **EMERSON POINT ASSOC., LLLP**, a Florida limited liability limited partnership, and Lender, in the original principal amount of \$240,000.00, dated April 30, 2014 and recorded May 6, 2014 in Official Records Book 10740, Page 4450, and re-recorded May 29, 2014 in Official Records Book 10750, Page 7795, Public Records of Orange County, Florida, and modified by that certain Notice of Future Advance and Modification of Note, Mortgage, and Loan Documents, dated January 14, 2015 and recorded January 23, 2015 in Official Records Book 10865, Page 7492, as modified by that certain Modification of Note, Mortgage and Loan Documents, dated October 13, 2015 and recorded October 29, 2015 in Official Records Book 11005, Page 7548, and related Assignment of Rents and Leases by Emerson Point Assoc., LLLP, a Florida limited liability limited partnership, in favor of First Green Bank, recorded May 6, 2014 in Official Records Book 10740, Page 4460 and re-recorded on May 29, 2014 in Official Records Book 10750, Page 7806, and related UCC Financing Statement from Emerson Point Assoc., LLLP (Debtor) in favor of First Green Bank (Secured Party) recorded May 6, 2014 in Official Records Book 10740, Page 4463 and as re-recorded May 29, 2014 in Official Records Book 10750, Page 7810, of the Public Records of Orange County, Florida (collectively referred to as the “Mortgage”).

Whereas, Borrower has requested Lender to release the premises described on Exhibit “A” attached hereto from the lien and operation of said Mortgage, and Lender has agreed to do so.

**NOW THEREFORE**, the said Lender, in consideration of the premises and of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** to it in hand paid by, or on behalf of, the same Borrower at the time of the execution hereof, the receipt whereof is hereby acknowledged, does remise, release, quit-claim, exonerate and discharge from the lien and operation of said Mortgage unto the said Mortgagor, its successors and assigns, that certain portion of the premises encumbered by said Mortgage, more particularly described as follows:

See Exhibit “A” attached hereto and made a part hereof by reference (the “Released Premises”).

This Partial Release shall serve only to release the lien of the Mortgage only as to the Released Premises. This Partial Release shall not otherwise impair, diminish or alter the provisions and rights held by Lender in the remainder of the property encumbered by the Mortgage, all of which shall remain in full force and effect as security for the payment of all amounts secured by and the performance of all obligations required under the Mortgage.

IN WITNESS WHEREOF, the Lender has executed this Partial Release of Mortgage on the 15<sup>th</sup> day of August, 2016.

Signed, sealed and delivered  
in the presence of:

Bobby R. Beagles  
(Signature of Witness)  
BOBBY R BEAGLES  
(Type/Print Name)

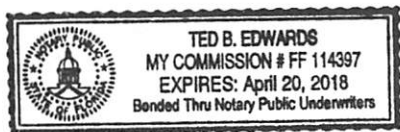
Ted B. Edwards  
(Signature of Witness)  
TED B. EDWARDS  
(Type/Print Name)

STATE OF FLORIDA  
COUNTY OF ORANGE

**FIRST GREEN BANK, a Florida Banking Corporation**

By: [Signature]  
Name: CHRIS VAN BUSKIRK  
Title: FIRST GREEN BANK VICE PRESIDENT

THIS IS TO CERTIFY that the foregoing instrument was acknowledged before me this 15<sup>th</sup> day of August, 2016 by Chris Van Buskirk, as Vice President of the **FIRST GREEN BANK, a Florida Banking Corporation**, who is personally known to me or produced [Signature] as identification.



(NOTARY SEAL)

[Signature]  
(Signature of person taking acknowledgement)  
TED B. EDWARDS  
(Name of acknowledger typed, printed or stamped)

21

*[Faint handwritten notes]*

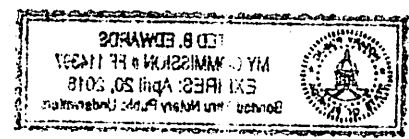
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*[Faint handwritten notes]*



**EXHIBIT "A"**

A PORTION OF LOT 1, MARDEN RIDGE, AS RECORDED IN PLAT BOOK 87, PAGE 66, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND RAILROAD SPIKE WITH X-CUT MARKING THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89°56'42" WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 50.00 FEET, TO THE NORTHEAST CORNER OF LOT 1, MARDEN RIDGE, AS RECORDED IN PLAT BOOK 87, PAGE 66 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE EXISTING WEST RIGHT-OF-WAY LINE OF MARDEN ROAD, AS DESCRIBED IN PLAT BOOK 87, PAGE 66; THENCE RUN SOUTH 00°15'46" WEST, ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 278.37 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 77.00 FEET, A CENTRAL ANGLE OF 99°00'55", AN ARC LENGTH OF 133.07 FEET, A CHORD LENGTH OF 117.12 FEET AND A CHORD BEARING OF SOUTH 00°15'46" WEST, TO A POINT ON THE EAST LINE OF SAID LOT 1, ALSO BEING A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD; THENCE RUN NORTH 00°15'46" EAST, ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 117.12 FEET TO THE POINT OF BEGINNING.

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS  
AND EASEMENTS**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS (the "Amendment") is made this 19<sup>th</sup> day of August, 2016, by **EMERSON POINT ASSOC., LLLP**, a Florida limited liability partnership ("Declarant").

WITNESSETH:

WHEREAS, Declarant established that certain Declaration of Covenants, Conditions, Restrictions and Easements dated December 23, 2015, and recorded December 28, 2015 in Official Records Book 11032, Page 6298, Public Records of Orange County, Florida (the "Declaration"); and

WHEREAS, the City of Apopka ("Apopka") has requested and Declarant desires to transfer certain land to Apopka for right of way purposes for a roundabout on Marden Ridge Road ("Marden Ridge Roundabout") immediately adjacent to Marden Ridge, which right of way is described on Exhibit "A" attached hereto, consisting of approximately 2,195.19 square feet, more or less (the "Right of Way"); and

WHEREAS, Apopka has requested for the Right of Way be released from the terms, condition, restrictions and easements of the Declaration, and Developer pursuant to Section 11.3 of the Declaration desires to so release the Right of Way.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, the Declarant does hereby amend the Declaration as set forth herein.

1. True Recitals. The above recitals are true and correct and are incorporated herein by reference.

2. Definitions. All capitalized terms used herein and not defined herein shall have the meaning ascribed to them in the Declaration.

3. Release of Right of Way. Pursuant to Section 11.3 of the Declaration, Declarant hereby modifies and amends the legal description of the Property set forth in Exhibit "A" to the Declaration to less and except the legal description of Right of Way therefrom. Declarant hereby releases, discharges and removes the Right of Way from the terms, condition, restrictions and easements of the Declaration. Declarant specifically has determined the Marden Ridge Roundabout carries out the purpose of Marden Ridge, enhances Marden Ridge, and facilitates vehicular access to Marden Ridge.

4. Effect of Amendment. All provisions of the Declaration, except as modified by this Amendment, remain in full force and effect and are reaffirmed.



**EXHIBIT "A" RIGHT OF WAY**

**NORTHWEST CITY OF APOPKA RIGHT-OF-WAY PARCEL  
LEGAL DESCRIPTION:**

A PORTION OF LOT 1, MARDEN RIDGE, AS RECORDED IN PLAT BOOK 87, PAGE 66, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND RAILROAD SPIKE WITH X-CUT MARKING THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89°56'42" WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 50.00 FEET, TO THE NORTHEAST CORNER OF LOT 1, MARDEN RIDGE, AS RECORDED IN PLAT BOOK 87, PAGE 66 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE EXISTING WEST RIGHT-OF-WAY LINE OF MARDEN ROAD, AS DESCRIBED IN PLAT BOOK 87, PAGE 66; THENCE RUN SOUTH 00°15'46" WEST, ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 278.37 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 77.00 FEET, A CENTRAL ANGLE OF 99°00'55", AN ARC LENGTH OF 133.07 FEET, A CHORD LENGTH OF 117.12 FEET AND A CHORD BEARING OF SOUTH 00°15'46" WEST, TO A POINT ON THE EAST LINE OF SAID LOT 1, ALSO BEING A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD; THENCE RUN NORTH 00°15'46" EAST, ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MARDEN ROAD, FOR A DISTANCE OF 117.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,195.19 SQUARE FEET, MORE OR LESS.

**Backup material for agenda item:**

5. Marden Ridge Road proposed roundabouts letter.

August 19, 2016

**VIA FEDERAL EXPRESS  
AND EMAIL**

Mr. Glenn A. Irby, MPA  
City Administrator  
City of Apopka, FL 32704-1229

Re: Marden Ridge Road

Dear Mr. Irby,

With reference to the proposed roundabouts for Marden Ridge Road, enclosed please find the following original deeds to the City of Apopka:

1. Special Warranty Deed from Emerson Point Assoc., LLP, to City of Apopka;
2. Special Warranty Deed from Emerson Point Phase II, LLC, to City of Apopka;
3. Special Warranty Deed from Centex Homes to City of Apopka.

I am also enclosing a copy of the Special Warranty Deed from Emerson Point Phase II, LLC, to the Central Florida Expressway Authority, which will be delivered thereto. Pursuant to the Marden Ridge Interchange Cost-Sharing Agreement, specifically Section 4, the project costs may include the value of the lands transferred by Owners to the Authority for the Interchange. The amount of the cost share is to be determined at the time of right-of-way dedication based upon either mutual agreement of the Owners and the City or the appraised value of the land dedicated for right-of-way. The Owners have budgeted \$225,000.00 in the Project Costs for the value of the right-of-way. The Owners hereby request the City to approve this amount as an agreed-upon value, which is much less than recent sales made by the Owners. Should you prefer to have appraisals performed, please advise the undersigned accordingly.

I look forward to hearing from you.

Very truly yours,

Mike Wright

TBE:lba  
Enclosures

cc: Andrew Hand, Esq. (via email)(w/enc.)