

October 14, 2014
This instrument prepared
Under the direction of
TIMOTHY A. DIX, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 831.1
SECTION 75280
F.P. NO. 242484 3
STATE ROAD 400 (I-4)
COUNTY ORANGE

PERPETUAL DRAINAGE EASEMENT

THIS EASEMENT, made this _____ day of _____, 2014, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION ("FDOT"), to ORLANDO OUTLET OWNER LLC ("Orlando Outlet"), a limited liability company organized under the laws of Delaware, and qualified to do business in the State of Florida, whose address is c/o Simon Property Group, 225 W. Washington Street, Indianapolis, IN 46204.

WITNESSETH: That the FDOT does hereby grant Orlando Outlet a perpetual drainage easement for the purpose of draining into FDOT's drainage system through outfall pipes and drains designed, constructed and maintained by the FDOT, in, over, under, upon and through, that certain land situate in Orange County, Florida, viz:

(SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF)

SUBJECT to all Utilities in place and in use to the maintenance thereof.

FDOT shall be obligated to design, permit, construct and to maintain the stormwater drainage pipes within the easement area described in Exhibit "A" with said facilities being designed, permitted, and constructed to convey drainage from Orlando Outlet's property at a maximum amount of 3.65 acre feet of area at a maximum discharge rate of 13.2 cubic feet per second into FDOT's pond in order to provide the equivalent storage capacity of Orlando Outlet's pond acquired by FDOT through condemnation.

UPON COMPLETION of construction of the drainage system (drainage pipes and stormwater retention area) Orlando Outlet's drainage easement rights shall commence and FDOT shall be permanently and perpetually responsible for the maintenance, repair, replacement and reconstruction, as may be necessary from time to time of the drainage facilities. FDOT shall not close the existing retention facility on Orlando Outlet's property until the new retention facility on the property described in Exhibit "A" is constructed and connected to FDOT's drainage system.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Five and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ATTEST:_____

By:_____

(Type/print name)
Executive Secretary

Noranne B. Downs, P.E.
District Five Secretary

(Affix Department Seal)

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, District Secretary for District Five, who is personally known to me, or who has produced _____ as identification.

(Affix Notary Seal)

(Type/print name)
Notary Public in and for the
County and State last aforesaid.
My Commission Expires:_____

CONSENT TO EASEMENT

The City of Orlando hereby joins in and consents to the foregoing Easement to the extent that said Easement is located within City of Orlando right of way. The City's consent herein does not operate to impose any additional or new obligation or liability upon the City whatsoever except as provided in this Consent to Easement or as may have been imposed by prior agreement.

IN WITNESS WHEREOF, the City of Orlando has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

ATTEST:

CITY OF ORLANDO, FLORIDA, a municipal corporation, organized and existing under the laws of the State of Florida

By: _____
Alana Brenner, City Clerk

By: _____
Mayor / Mayor Pro Tem

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing was acknowledged before me this ____ day of _____, 2014 by _____ Mayor Pro Tem and _____, City Clerk, who is personally known to me who did (did not) take an oath.

Name
Notary Public
Serial Number: _____
My Commission Expires: _____

EXHIBIT A

PARCEL NO. 831

**SECTION 75280
F.P. NO. 242484-3**

THAT PART OF:

Oak Ridge Road, lying in the West 1/2 of the West 1/2 of Section 19, Township 23 South, Range 29 East, Orange County, Florida

DESCRIBED AS FOLLOWS:

Commencing at the West 1/4 corner of Section 19, Township 23 South, Range 29 East, Orange County, Florida, being a found 5/8" iron rod and cap stamped "Greiner LB 2" and lying on the Centerline of Survey of State Road 435 at station 89+57.98 as shown on the Florida Department of Transportation Right of Way Map for State Road 400, F.P. No. 242484 3 on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, Deland, Florida; Thence departing said Centerline of Survey, run South 89° 58' 56" East along the South line of the Northwest 1/4 of said Section 19, a distance of 301.51 feet to the intersection with the Centerline of Survey of State Road 400 at station 955+03.93 as shown on said Right of Way Map; Thence continue South 89° 58' 56" East along said South line of the Northwest 1/4 of Section 19, a distance of 890.02 feet for the POINT OF BEGINNING; Thence departing said South line of the Northwest 1/4 of Section 19, run North 12° 22' 01" East, a distance of 51.18 feet, to a point on the South line of Lot 1, of Florida Center-Oak Ridge Road-International Drive Development Area Plat No. 2, according to the Plat thereof, as recorded in Plat Book 10, Page 122 of the Public Records of Orange County, Florida; Thence South 89° 58' 56" East along said South line of Lot 1, a distance of 25.59 feet to a point; thence departing said South line of Lot 1, run South 12° 22' 01" West, a distance of 112.87 feet to a point on the North line of Lot 1, Shoppers World according to the Plat thereof, as recorded in Plat Book 14, Page 140 of the Public Records of Orange County, Florida; Thence North 89° 54' 35" West along said North line of Lot 1, a distance of 25.59 feet to a point; Thence departing said North line of Lot 1, run North 12° 22' 01" East, a distance of 61.66 feet to the POINT OF BEGINNING.

CONTAINING: 2821 square feet, more or less.

This legal description prepared under the direction of:
Russell D. Kessler, P.L.S. No. 5115
Florida Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720

August 29, 2014