

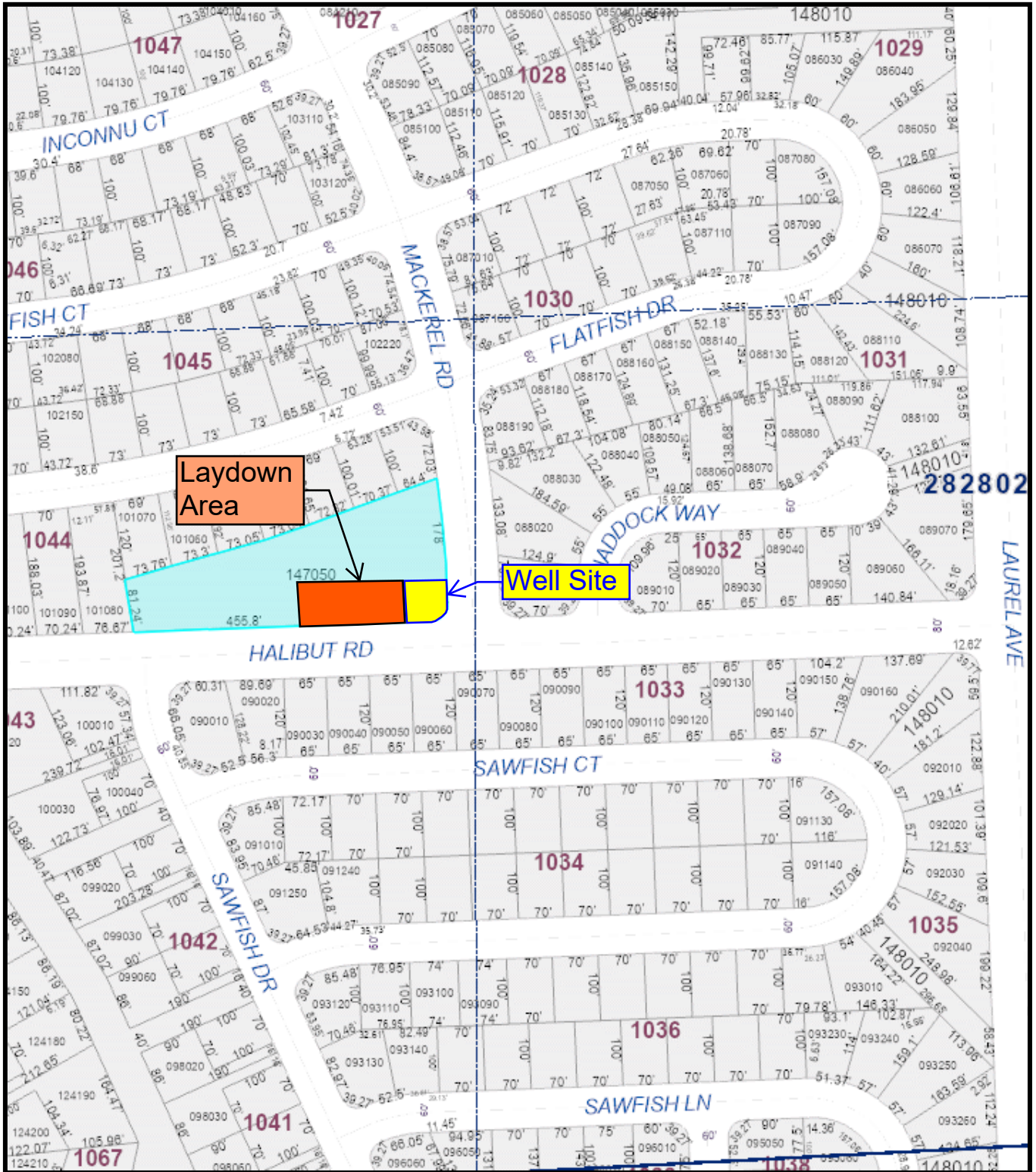
North

Subject Area

Section 2,  
Township 28 South,  
Range 28 East



# SECTION 02, TOWNSHIP 28 SOUTH, RANGE 28 EAST





*Board of County Commissioners*

Parent Parcel ID No.: 282802-934710-147050

## AGREEMENT

### STATE OF FLORIDA COUNTY OF POLK

THIS AGREEMENT is made and entered into this 25<sup>th</sup> day of NOVEMBER, 2024, by and between the **TOHOPEKALIGA WATER AUTHORITY**, an independent special district, established and created pursuant to Chapter 189, Florida Statutes, by special act of the Florida Legislature, whose address is 951 Martin Luther King Blvd., Kissimmee, Florida 34741 (“Toho”), and **POLK COUNTY**, a political subdivision of the state of Florida, whose mailing address is P.O. Box 9005, Drawer RE-01, Bartow, Florida 33831-9005, (the “County”).

### WITNESSETH

**WHEREAS**, Toho has a project to construct a production water well within, and to serve, its service area in the Poinciana area (the “Project”). In order to construct the Project, Toho has requested the conveyance, as well as the temporary use of, portions of a parcel owned by the County, identified as Parcel ID Number 282802-934710-147050, located at the northwest corner of Halibut Road and Mackerel Road; and

**WHEREAS**, Toho has requested the conveyance of a nearly square-shaped portion of the County-owned parcel measuring approximately 65-foot square, containing approximately 4,100 square feet, as more particularly described and depicted as Well Site 5-6 Parcel on the attached Exhibit “A”, for the construction, operation, and future maintenance of the well site (the “Well Site”); and

**WHEREAS**, Toho has requested the temporary use of a rectangular shaped portion of the County’s parcel measuring approximately 65-feet by 165-feet, containing approximately 10,725 square feet, as more particularly described and depicted as Laydown Area Parcel on the attached Exhibit “A”, for equipment and material storage and staging during the construction of the Well Site (the “Laydown Area”).

**NOW, THEREFORE**, in consideration of the premises and the sum of One Dollar each to the other paid, it is agreed as follows:

- (a) The County agrees to convey, at no cost to Toho, the Well Site by County Deed unto Toho for the Project. Toho agrees to secure the Well Site and provide separation from the County’s remainder parcel, as part of its Project.

- (b) The County by this Agreement hereby grants Toho a right of entry over the Laydown Area for the purpose of equipment and material storage and staging until such time as the Project is complete or December 31, 2025, whichever occurs first.
- (c) Toho agrees to construct a concrete driveway as shown on the plan sheet attached hereto as Exhibit "B" which will serve the County's remainder property once the Project is complete. Toho further agrees to clear the Laydown Area of trees and brush and, once construction of its Project is complete, agrees to sod the Laydown Area.

**THIS AGREEMENT IS SUBJECT TO FINAL APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA.**

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

**COUNTY:**  
**POLK COUNTY**, a political subdivision of the State of Florida

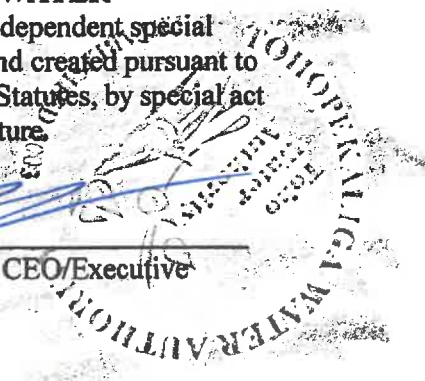
By:   
R. Wade Allen, Director  
Real Estate Services  
Its Agent

Approved by the County Board:

\_\_\_\_\_  
Date

**TOHO:**  
**TOHOPEKALIGA WATER AUTHORITY**, an independent special district, established and created pursuant to Chapter 189, Florida Statutes, by special act of the Florida Legislature.

By:   
Todd P. Swingle, CEO/Executive Director



NOVEMBER 19, 2024  
Date

Attest:   
Alison T. Smith  
Executive Assistant

Exhibit "A"

**LEGAL DESCRIPTIONS  
(AS PREPARED BY SURVEYOR)**

**LAYDOWN AREA PARCEL**

A PORTION OF TRACT "E", POINCIANA, NEIGHBORHOOD 4, VILLAGE 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, AT PAGES 4-18 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "E", THENCE ALONG THE NORTH RIGHT OF WAY LINE OF HALIBUT ROAD, NORTH 88°15'46" EAST, A DISTANCE OF 250.62 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG THE NORTH RIGHT OF WAY LINE OF HALIBUT ROAD, NORTH 88°15'46" EAST, A DISTANCE OF 165.00 FEET; THENCE, LEAVING THE NORTH RIGHT OF WAY LINE OF HALIBUT ROAD, NORTH 01°44'14" WEST, A DISTANCE OF 65.00 FEET; THENCE SOUTH 88°15'46" WEST, A DISTANCE OF 165.00 FEET; THENCE SOUTH 01°44'14" EAST, A DISTANCE OF 65.00 FEET TO THE NORTH RIGHT OF WAY OF HALIBUT ROAD AND THE POINT OF BEGINNING.

CONTAINING 10725 SQUARE FEET / 0.2462 ACRES, MORE OF LESS.

**WELL SITE 5-6 PARCEL**

A PORTION OF TRACT "E", POINCIANA, NEIGHBORHOOD 4, VILLAGE 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, AT PAGES 4-18 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "E", THENCE ALONG THE NORTH RIGHT OF WAY LINE OF HALIBUT ROAD, NORTH 88°15'46" EAST, A DISTANCE OF 415.62 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG THE NORTH RIGHT OF WAY LINE OF HALIBUT ROAD, NORTH 88°15'46" EAST, A DISTANCE OF 40.18 FEET TO A POINT ON A CURVE; THENCE, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING SOUTH 43°15'46" WEST, A CHORD LENGTH OF 35.36 FEET, THROUGH AN ARC LENGTH OF 39.27 FEET; THENCE, ALONG THE WESTERLY RIGHT OF WAY OF MACKEREL ROAD, NORTH 01°44'14" WEST, A DISTANCE OF 13.94 FEET TO A POINT ON A CURVE; THENCE, CONTINUING ALONG THE WESTERLY RIGHT OF WAY OF MACKEREL ROAD, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1860 FEET, A CHORD BEARING OF NORTH 02°08'19" WEST, A CHORD LENGTH OF 26.06 FEET, THROUGH AN ARC LENGTH OF 26.06 FEET; THENCE, LEAVING THE WESTERLY RIGHT OF WAY OF MACKEREL ROAD, SOUTH 88°15'46" WEST, A DISTANCE OF 65.00 FEET; THENCE SOUTH 01°44'14" EAST, A DISTANCE OF 65.00 FEET TO THE NORTH RIGHT OF WAY LINE OF HALIBUT ROAD, AND THE POINT OF BEGINNING.

CONTAINING 4101 SQUARE FEET / 0.0941 ACRES, MORE OF LESS.



Exhibit “A” (continued)

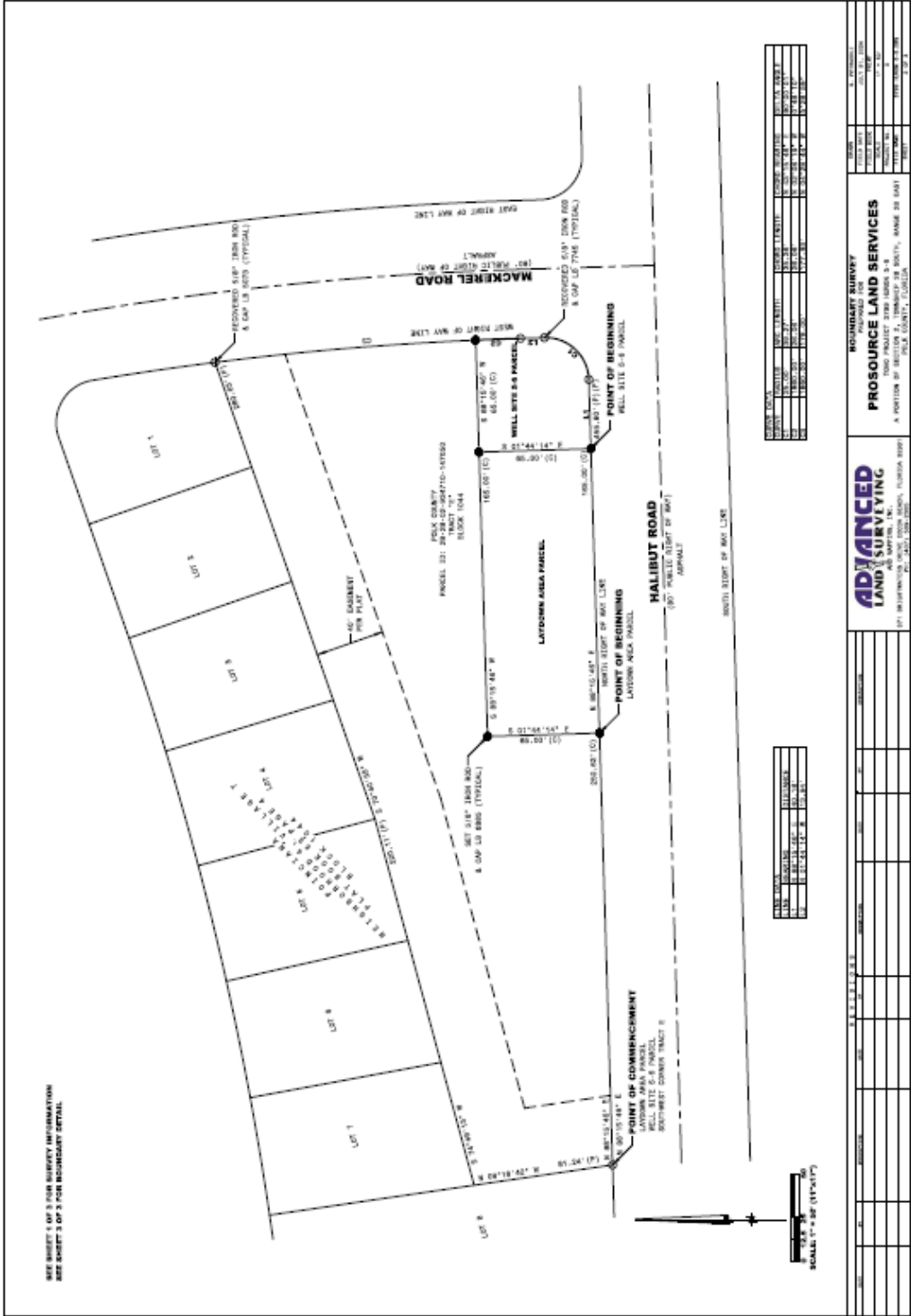
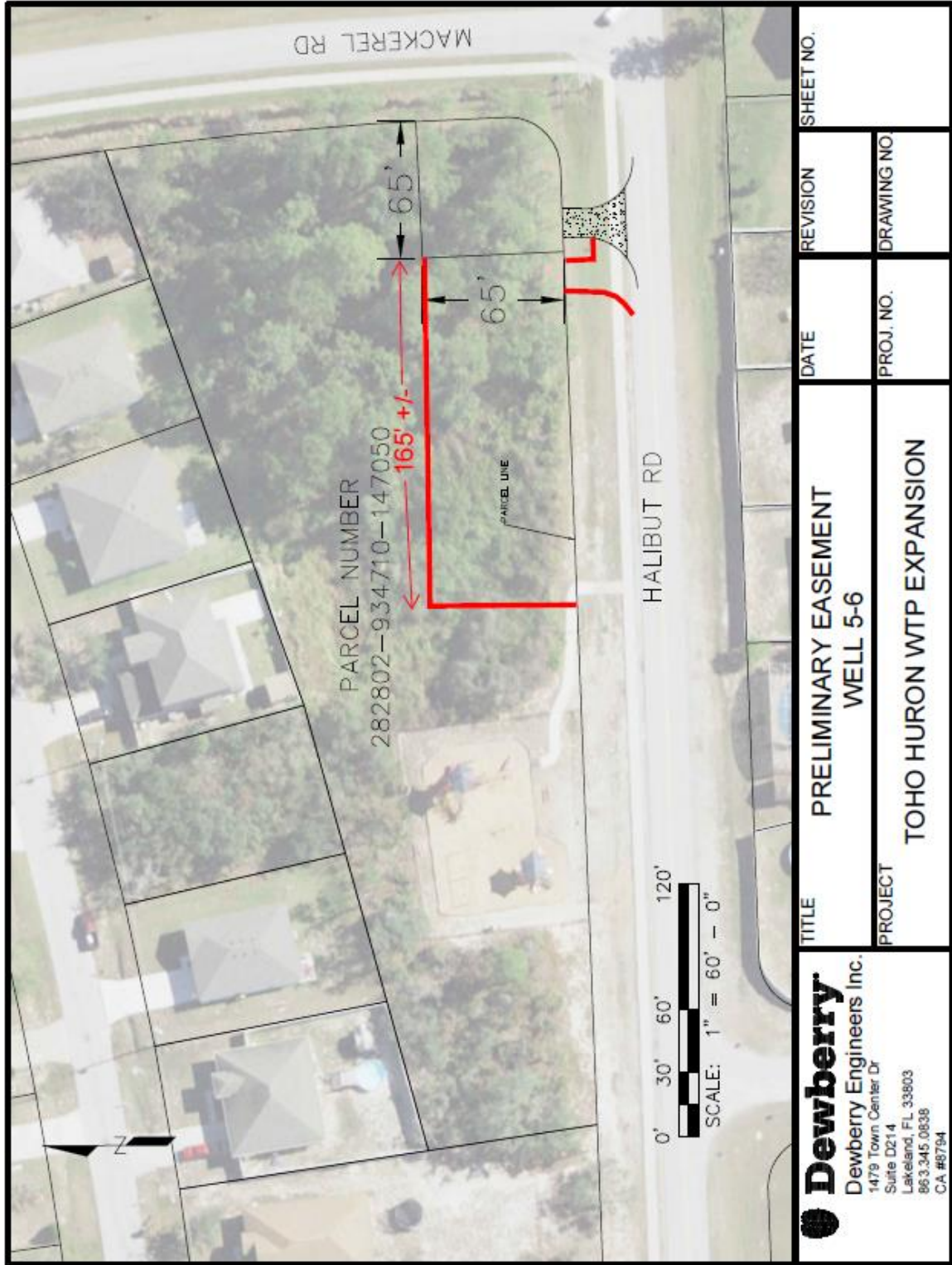






Exhibit "B"



<b>Dewberry</b> Dewberry Engineers Inc. 1479 Town Center Dr Suite D214 Lakeland, FL 33803 863.345.0838 CA #8794	TITLE	PRELIMINARY EASEMENT		DATE	REVISION	SHEET NO.
	PROJECT	WELL 5-6		PROJ. NO.	DRAWING NO.	
TOHO HURON WTP EXPANSION						

This instrument prepared under the direction of:  
R. Wade Allen, Director  
Polk County Real Estate Services  
P. O. Box 9005, Drawer RE 01  
Bartow, Florida 33831-9005  
By: Scott C. Lowery

Parent Parcel ID No.: 282802-934710-147050

**COUNTY DEED**

**THIS DEED**, made this 17th day of December, 2024, by **POLK COUNTY**, a political subdivision of the State of Florida, Grantor, to **TOHOPEKALIGA WATER AUTHORITY**, an independent special district, established and created pursuant to Chapter 189, Florida Statutes, by special act of the Florida Legislature, whose address is 951 Martin Luther King Boulevard, Kissimmee, Florida 34741, Grantee.

**WITNESSETH:** That the Grantor, for and in consideration of the sum of \$1.00, to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, its successors and assigns forever, all the right, title, interest, including interests, if any, in rights which may have been reserved by operation of Section 270.11 Florida Statutes, claim, and demand, which the Grantor has in and to the following described land lying, and being in Polk County, Florida, to wit:

**SEE EXHIBIT "A"**

Being a portion of the same property described in that certain Special Warranty Deed recorded in Official Records Book 8230 at Pages 1751 and 1752, Public Records of Polk County, Florida.

**IN WITNESS WHEREOF**, said Grantor has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chair or Vice-Chair of said board, the day and year aforesaid.

**ATTEST:**  
**Stacy M. Butterfield**  
**Clerk to the Board**

**GRANTOR:**  
**Polk County, a political subdivision**  
**of the State of Florida**

By: \_\_\_\_\_  
**Deputy Clerk**  
(Seal)

By: \_\_\_\_\_  
**T.R. Wilson, Chairman**  
**Board of County Commissioners**

## Exhibit "A"

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