



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 20 2015 *JK/BS*

REAL ESTATE MANAGEMENT ITEM 8

DATE: October 2, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *AC*
Real Estate Management Division

FROM: Kim Heim, Title Examiner *KH*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN BLUE WATER EXPRESS WASH 5, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CENTENNIAL BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Blue Water Express OCU Permit #B14902203 OCU File #:78187
District 4

PURPOSE: To provide for access, construction, operation, and maintenance of utility facilities as a requirement of development.

ITEMS: Utility Easement
Cost: Donation
Size: 150 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all recording fees.

A file labeled “BCC Agenda Backup” containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson’s office.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 20 2015 *JK/B*

Project: Blue Water Express OCU Permit #B14902203 OCU File #:78187

UTILITY EASEMENT

THIS INDENTURE, Made this 4th day of June, A.D. 2015, between Blue Water Express Wash 5, LLC, a Florida limited liability company, having its principal place of business in the city of Orlando, county of Orange, whose address is 14540 E. Colonial Dr. Orlando FL 32826, GRANTOR, and ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, GRANTEE.

WITNESSETH, That the GRANTOR, in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns, a right-of-way and easement for utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, water lines, wastewater lines, reclaimed water lines, and any other utility facilities over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:

a portion of

24-22-31-8971-05-000

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

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth and other obstructions that may interfere with normal operation or maintenance of the utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted right-of-way, and the GRANTOR, its successors and assigns, agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted right-of-way that may interfere with the normal operation or maintenance of the utility facilities installed thereon.

GRANTEE may at any time increase its use of the easement, change the location of pipelines or other facilities within the boundaries of the easement right-of-way, or modify the size of existing pipelines or other improvements as it may determine in its sole discretion from time to time without paying any additional compensation to GRANTOR or GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

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GRANTEE'S obligation to restore landscaping shall be limited to an obligation to restore to Orange County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed and delivered
in the presence of:

[Signature]

Witness

Earl May

Printed Name

[Signature]

Witness

Kara Justice

Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Levy

The foregoing instrument was acknowledged before me this 4 day of June, 2015, by Kenneth I Tyrell, of Blue Wash Express 5, LLC, a Florida limited liability company, on behalf of said company. He/she is personally known to me, or has produced _____ as identification.

(Notary Seal)

[Signature]
Notary Signature
[Signature]
Printed Notary Name

This instrument prepared by:
Kim Heim, a staff employee
in the course of duty with the
Real Estate Management Division
Of Orange County, Florida

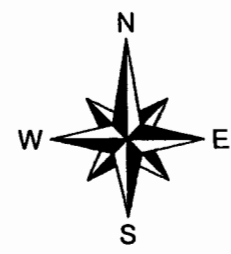
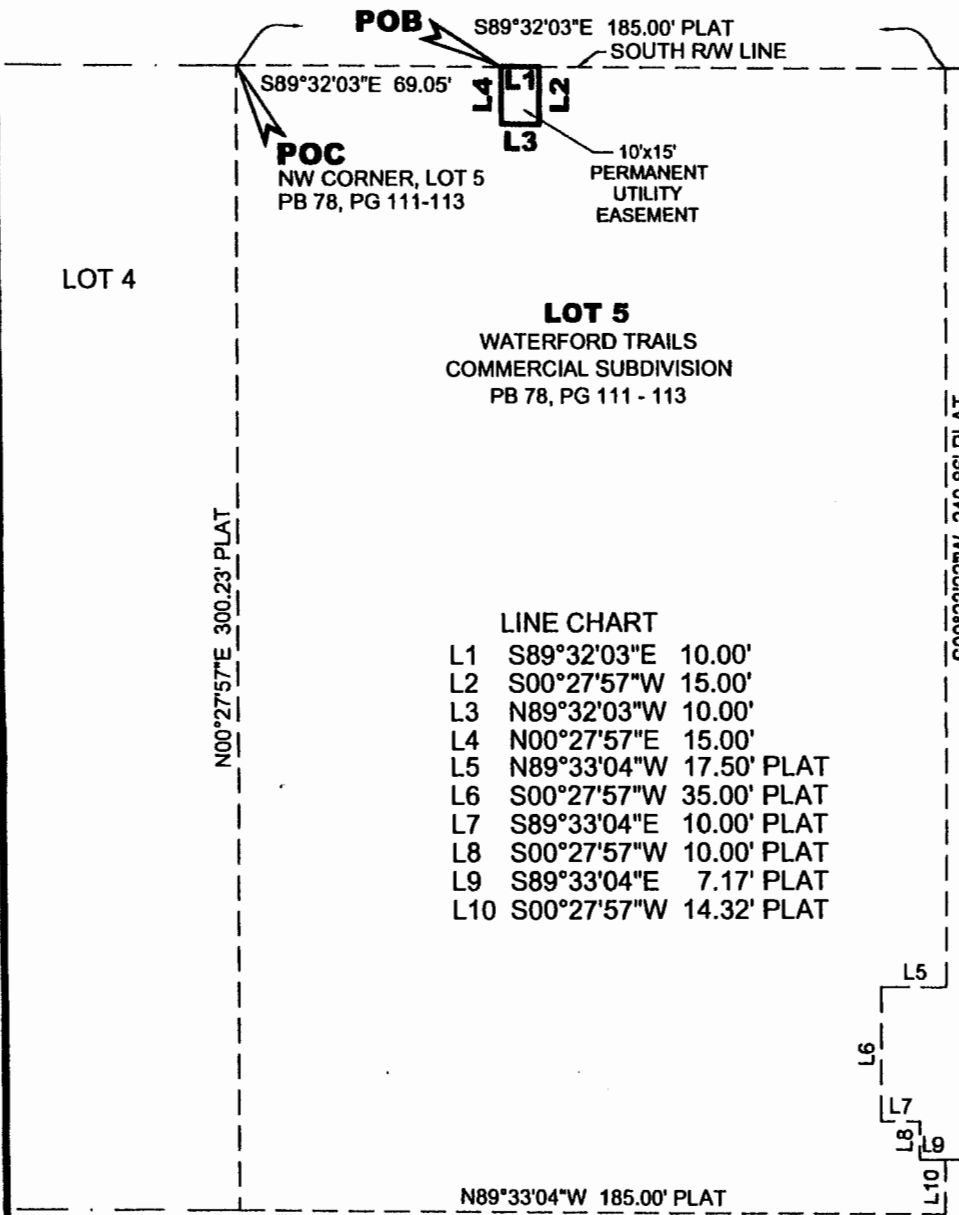


Notary Public in and for
Levy County and State aforesaid
My Commission Expires:

SKETCH OF DESCRIPTION

ORANGE COUNTY UTILITIES PROJECT #78187
 B14902203 BLUE WATER EXPRESS WASH PERMANENT UTILITY EASEMENT

STATE ROAD NO. 50 (200' R/W)
PER FDOT R/W MAP
 FLORIDA PROJECT #239203 4 (STATE PROJECT #75060)



DESCRIPTION

A PORTION OF LOT 5, WATERFORD TRAILS COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 78, PAGES 111 THROUGH 113, INCLUSIVE, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 5; RUN THENCE S89°32'03"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 50, A DISTANCE OF 69.05 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S89°32'03"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET; THENCE S00°27'57"W A DISTANCE OF 15.00 FEET; THENCE N89°32'03"W A DISTANCE OF 10.00 FEET; THENCE N00°27'57"E A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 150 SQUARE FEET MORE OR LESS.

LINE CHART

L1	S89°32'03"E	10.00'
L2	S00°27'57"W	15.00'
L3	N89°32'03"W	10.00'
L4	N00°27'57"E	15.00'
L5	N89°33'04"W	17.50' PLAT
L6	S00°27'57"W	35.00' PLAT
L7	S89°33'04"E	10.00' PLAT
L8	S00°27'57"W	10.00' PLAT
L9	S89°33'04"E	7.17' PLAT
L10	S00°27'57"W	14.32' PLAT

TRACT E

THIS SKETCH IS NOT A BOUNDARY SURVEY.

JOB #42252
 CF#QC78
 DATE: 5/1/15
 SCALE: AS SHOWN
 DRAWN BY: JAMES DEBRAY

PREPARED FOR: ELFRINK CUSTOM CONSTRUCTION

BEARING STRUCTURE IS BASED ON THE MONUMENTED SOUTH R/W LINE OF STATE ROAD NO. 50, BEING S89°32'03"E (PER PLAT).

REVISIONS:
 42252 REVISED PER COMMENTS 4-17-15 YEB
 42252 REVISED PER COMMENTS 4-13-15 YEB
 42304 RE-WRITE DESCRIPTION 3-30-15 AAD

LEGEND

C	- CENTERLINE	IR	- IRON ROD
CALC	- CALCULATED	L	- ARC LENGTH
CBW	- CONCRETE BLOCK WALL	MEAS	- MEASURED
CLF	- CHAIN LINK FENCE	MS	- METAL SHED
CM	- CONCRETE MONUMENT	N&D	- NAIL & DISK
CP	- CONCRETE PAD	ORB	- OFFICIAL RECORDS BOOK
CONC	- CONCRETE	P&M	- PLAT & MEASURED
COVD	- COVERED	PB	- PLAT BOOK
CW	- CONCRETE WALKWAY	PC	- POINT OF CURVATURE
D	- DEED	PG	- PAGE
DB	- DEED BOOK	POB	- POINT OF BEGINNING
DE	- DRAINAGE EASEMENT	POC	- POINT OF COMMENCEMENT
DW	- DRIVEWAY	R/W	- RIGHT OF WAY
E/P	- EDGE OF PAVEMENT	R	- RADIUS
ESMT	- EASEMENT	TYP	- TYPICAL
FFE	- FINISHED FLOOR ELEVATION	UB	- UTILITY BOX
FND	- FOUND	UE	- UTILITY EASEMENT
IP	- IRON PIPE	WF	- WOOD FENCE

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PREPARED FOR: ELFRINK CUSTOM CONSTRUCTION

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ACCURIGHT

ACCURIGHT SURVEYS
 OF ORLANDO INC., LB 4475
 2012 E. Robinson Street Orlando, Florida 32803
 www.AccurightSurveys.net
 Admin@AccurightSurveys.net
 PHONE: (407) 894-6314

JAMES DEBRAY PSM 6507
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 20 2015 JK/BS

Project: Blue Water Express OCU Permit #B14902203 OCU File #:78187

SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY

KNOW ALL MEN BY THESE PRESENTS: That Whereas, it is proposed by ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, to locate, construct, maintain, and/or improve a utility easement, in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Mortgage; Assignment of Rents and Leases; and Financing Statement held by the undersigned; and,

WHEREAS, On behalf of ORANGE COUNTY, a request has been made for the undersigned to subordinate said encumbrances to the property rights of ORANGE COUNTY in and to the portion of the premises hereinafter described.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the premises and One Dollar and other good and valuable considerations paid, receipt of which is hereby acknowledged, the undersigned subordinates said encumbrances as they have been or as may be modified and amended from time to time to the property rights of ORANGE COUNTY to locate, construct, maintain, and/or improve said project over, through, upon, and/or across the following described lands, being a portion of the encumbered premises in Orange County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

Encumbrances:

Centennial Bank, an Arkansas banking corporation
FROM: Blue Water Express Wash 5, LLC, a Florida limited liability company
Mortgage filed November 6, 2014
Recorded in Official Records Book 10831, Page 4772
Assignment of Rents and Leases filed November 6, 2014
Recorded in Official Records Book 10831, Page 4799
Financing Statement filed November 6, 2014
Recorded in Official Records Book 10831, Page 4804
All in the Public Records of Orange County, Florida

PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrances insofar as same affects the rights and privileges of ORANGE COUNTY, in its use of the land specifically above described for utility easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrances or the remedies at law or in equity for recovering thereon, or against the parties charged

Project: Blue Water Express OCU Permit #B14902203 OCU File #:78187

thereby, the full amount of all sums secured by and/or due under the same. It is further understood and agreed that in the event said above described premises are abandoned by ORANGE COUNTY and cease to be used for utility easement purposes that in such event the subordination of said encumbrances shall become of the same status with reference to such abandoned portion as if the subordination had never been made.

IN WITNESS WHEREOF, the said holder of said encumbrances has duly executed this instrument this 6th day of AUGUST, A.D. 2015.

Centennial Bank,
an Arkansas banking corporation

Signed, sealed, and delivered
in the presence of:

[Signature]
Witness

Kimberly Bailey
Printed Name

[Signature]
Witness

Angela MARINO
Printed Name

BY: [Signature]
Jim Haynes
Printed Name
Regional President
Title

(corporate seal)

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 6 day of AUGUST, 2015, by JIM HAYNES, the REGIONAL PRESIDENT of Centennial Bank, an Arkansas banking corporation. He/she [] is personally known to me, or [] has produced as identification.

ANGELA MARINO
Notary Public - State of Florida
Commission # FF176686
My Commission Exp. Nov. 16, 2018

[Signature]
Notary Signature

Angela MARINO
Printed Notary Name

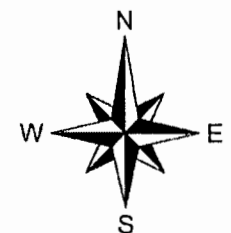
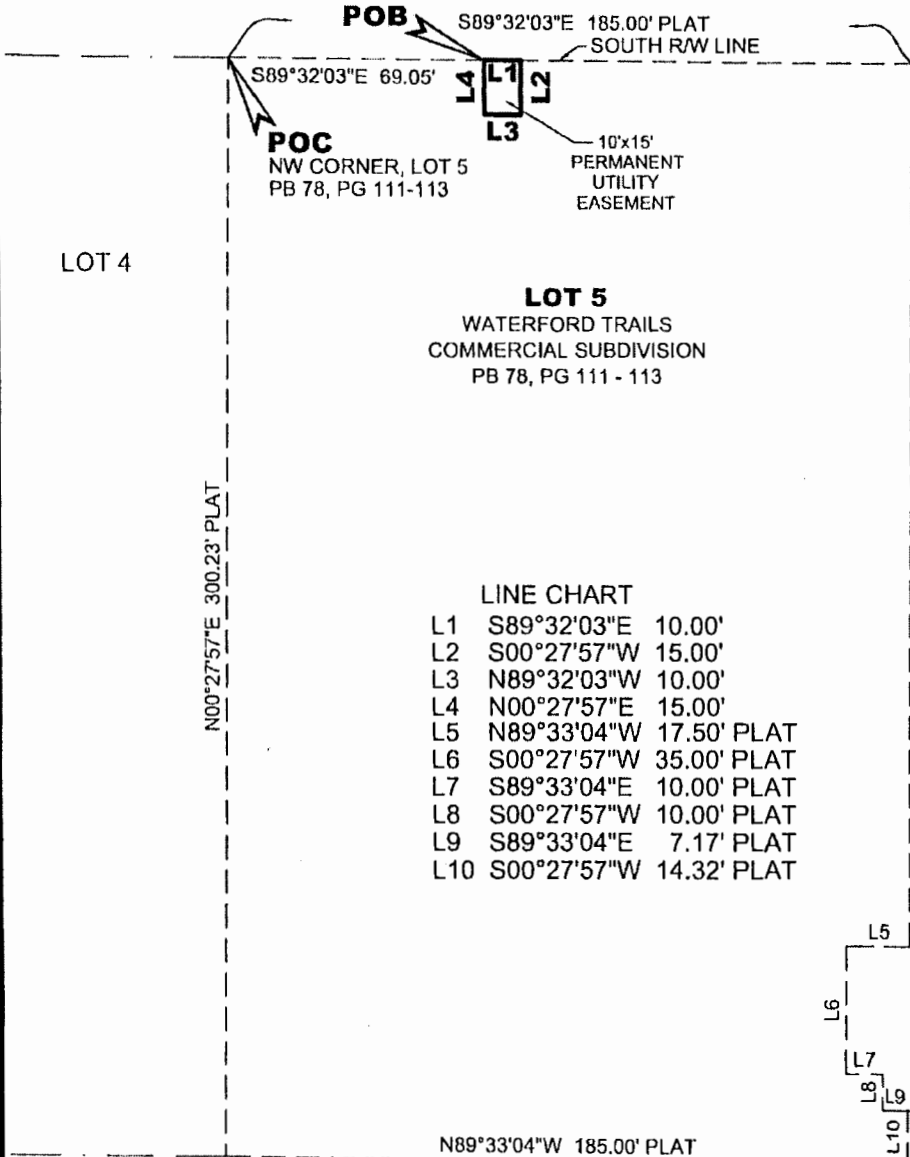
This instrument prepared by:
Kim Heim, a staff employee
in the course of duty with the
Real Estate Management Division
Of Orange County, Florida

Notary Public in and for
the County and State aforesaid
Leon, Florida
My Commission Expires: Nov. 16, 2018

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JOB #42252
 CF#QC78-111-111
 DATE: 7/17/15
 SCALE: 1"=40'
 DRAWN BY: JDB

PREPARED FOR: ELFRINK CUSTOM CONSTRUCTION
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THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 202 OF THE FLORIDA STATUTES.

JAMES D. BRAY PSM 6507
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

ACCURIGHT

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 OF ORLANDO INC., LB 4475
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