



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
NOV 17 2015 *CS/lbs*

REAL ESTATE MANAGEMENT ITEM 2

DATE: October 26, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Theresa A. Avery, Title Examiner *TA*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION/SECTION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN I-DRIVE & CENTRAL FLORIDA PARKWAY, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM UNITED LEGACY BANK, A DIVISION OF NATIONAL BANK OF COMMERCE AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Dollar Tree @ Williamsburg Downs OCU Permit: B14901115 OCU
File #: 77346

District 1

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

ITEMS: Utility Easement
Cost: Donation
Size: 50 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division
Agenda Item 2
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Page 2

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.

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BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
NOV 17 2015 CSTBS

THIS IS A DONATION

Project: Dollar Tree @ Williamsburg Downs OCU Permit: B14901115 OCU File #: 77346

UTILITY EASEMENT

THIS INDENTURE, Made this 10th day of September, A.D. 2015, between I-Drive & Central Florida Parkway, LLC, a Florida limited liability company, having its principal place of business in the city of Orlando, county of Orange, whose address is 6965 Grand Plaza Ave, Ste 212, Orlando, FL, 32835, 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

07-24-29-9293-00-023

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'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.

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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.

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

Signed, sealed, and delivered
in the presence of:

I-Drive & Central Florida Parkway, LLC,
a Florida limited liability company

[Signature]
Witness

BY: DEVELOPMENT EQUITY
PARTNERS, LLC, a Florida limited
liability company, as its sole member

ASHLEY RUMBLE
Printed Name

By: [Signature]
Robert A. Kaplus
As its: Manager

[Signature]
Witness

Michael Deelying
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 7 day of OCTOBER, 2015, by Robert A. Kaplus, as Manager of DEVELOPMENT EQUITY PARTNERS, LLC, a Florida limited liability company, as Sole Member of I-Drive & Central Parkway, LLC, a Florida limited liability company, on behalf of said company. He/she [] is personally known to me, or [] has produced _____ as identification.



[Signature]
Notary Signature
MARY DEGUZMAN
Printed Notary Name

This instrument prepared by:
Theresa A. Avery, 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
My Commission Expires: 6/15/19

77346 B14901115
 DOLLAR TREE
 PERMANENT UTILITY EASEMENT

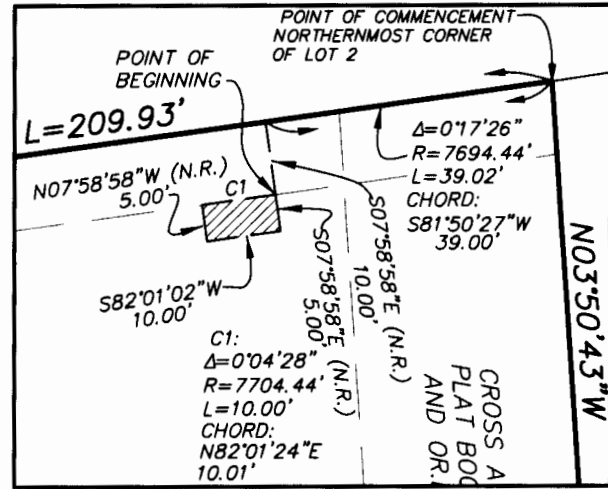
EXHIBIT "A"

LEGAL DESCRIPTION:

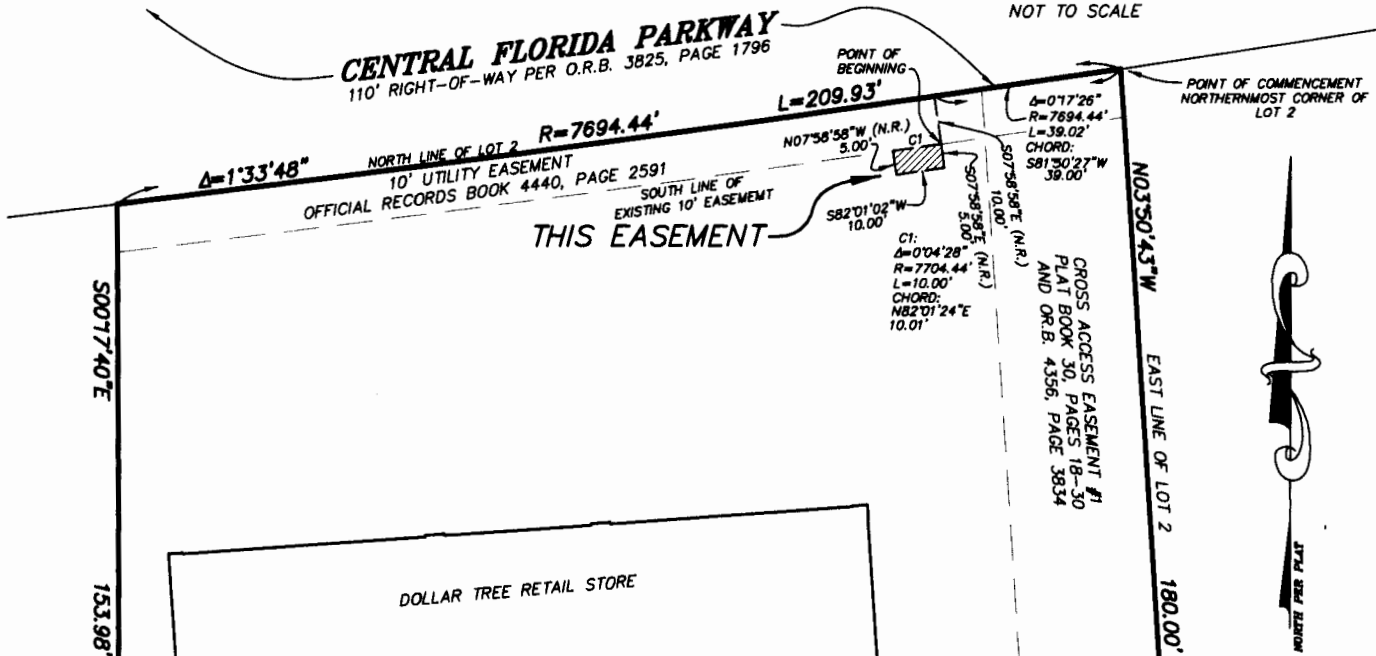
A tract of land lying in Section 7, Township 24 South, Range 29 East, Orange County, Florida, being a portion of Lot 2, Williamsburg Downs Shopping Center, according to the plat thereof recorded in Plat Book 30, pages 18,19, and 20, public records of Orange County, Florida, described as follows:

Commence at the Northernmost corner of said Lot 2, said point being on a curve concave Northerly having a Radius of 7,694.44 feet, a Central Angle of 00°17'25", a Chord Bearing and Distance of S81°50'27"W, 39.00 feet; thence Westerly along the arc of said curve and the North line of said Lot 2, a distance of 39.02 feet; Thence departing said North line of Lot 2, S07°58'58"E, a distance of 10.00 feet to the Point of Beginning, said point being on the South line of a 10 foot wide utility easement as recorded in Official Records Book 4440, Page 2591 of the public records of Orange County, Florida; Thence S07°58'58"E, a distance of 5.00 feet; Thence S82°01'02"W, a distance 10.00 feet; Thence N07°58'58"W, a distance of 5.00 feet to a point on the South line of a 10 foot wide Easement as recorded in Official Records Book 4440, Page 2591, of the Public Records of Orange County, Florida, said point being on a curve concave Northerly, having a Radius of 7704.44 feet, a Central Angle of 00°04'28", a Chord Bearing and Distance of N82°01'24"E, 10.01 feet; Thence Easterly along the arc of said curve a distance of 10.00 feet to the Point of Beginning. Containing 50 square feet.

ABOVE RESERVED FOR RECORDING INFORMATION



EASEMENT DETAIL
 NOT TO SCALE



SURVEYOR'S NOTE:

1. Bearings are based on the East line of the above referenced Lot 2 as being N03°50'43"W per Plat.

CERTIFICATION:

I hereby certify that the sketch represented on this map was made under my direction on the date shown based on the information furnished to me as noted and conforms to the STANDARDS FOR LAND SURVEYING AND MAPPING IN THE STATE OF FLORIDA in accordance with CH.5J-17, Florida Administrative Code.

SKETCH OF DESCRIPTION UTILITY EASEMENT FOR: CCS CONSTRUCTION	Date of Sketch 7-10-15 REVISED 7-16-15	REVISED 7-23-15 REVISED 7-27-15 REVISED 8-5-15	Drawn by: P.R.B.
	Job No.: 15040.4	Scale: 1" = 40'	Checked by: P.R.B.
LEGEND (P) = PER PLAT (C) = CALCULATED FROM PLAT GEOMETRY (M) = MEASURED Δ = CENTRAL ANGLE (DELTA) R = RADIUS L = LENGTH OF CURVE (ARC) (N.R.) = NOT RADIAL			Professional Surveyor & Mapper Florida Registration No. 4702 "Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper"
THIS IS NOT A SURVEY			 SURVEYING & MAPPING CORP. 350 S. Central Ave., Oviedo, FL 32765 P.O. Box 621892, Oviedo, FL 32762 Voice (407) 365-1036 Fax (407) 365-1838 Licensed Business No. 5777

15040.4

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
NOV 17 2015 cs/bs

Project: Dollar Tree @ Williamsburg Downs
OCU Permit: B14901115 OCU File #: 77346

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 MORTGAGE AND SECURITY AGREEMENT; COLLATERAL ASSIGNMENT OF LEASES AND RENTS; FINANCING STATEMENT UCC-1 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:

I-DRIVE & CENTRAL FLORIDA PARKWAY, LLC, a Florida limited liability company
FROM: UNITED LEGACY BANK, a division of NATIONAL BANK OF COMMERCE
Mortgage and Security Agreement filed June 11, 2015
Recorded in Official Records Book 10933, Page 1191
Collateral Assignment of Leases and Rents filed June 11, 2015
Recorded in Official Records Book 10933, Page 1204
Financing Statement UCC-1 filed June 11, 2015
Recorded in Official Records Book 10933, Page 1214
Financing Statement UCC-1 filed July 21, 2015
Re-Recorded in Official Records Book 10953, Page 7003
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 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 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 drainage purposes

Project: Dollar Tree @ Williamsburg Downs
OCU Permit: B14901115 OCU File #: 77346

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 18 day of September, A.D. 2015.

Signed, sealed, and delivered
in the presence of

[Signature]
Witness
Richard Macken
Printed Name

[Signature]
Witness
Lawrence R. Phillips
Printed Name

Printed Name

STATE OF FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY, that on this 18 day of September, A.D. 2015, before me personally appeared Tim Dunham, as Sr. Vice President of UNITED LEGACY BANK, a division of NATIONAL BANK OF COMMERCE, to me known to be, or who has produced _____ as identification, the individual and officer described in and who executed the foregoing conveyance and acknowledged the execution thereof to be his/her free act and deed as such officer thereunto duly authorized, and that the official seal of said corporation is duly affixed thereto, and the said conveyance is the act and deed of said corporation.

Witness my hand and official seal this 18 day of September, 2015.



[Signature]
Notary Signature
Jo Ann Spence
Printed Notary Name

This instrument prepared by:
Theresa A. Avery, 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

My commission expires:

77346 B14901115
 DOLLAR TREE
 PERMANENT UTILITY EASEMENT

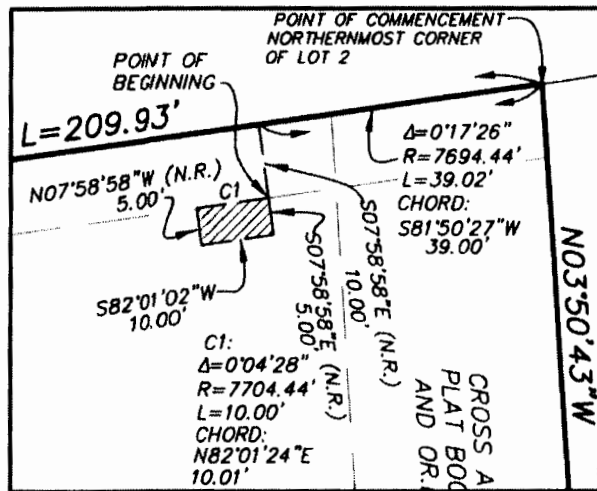
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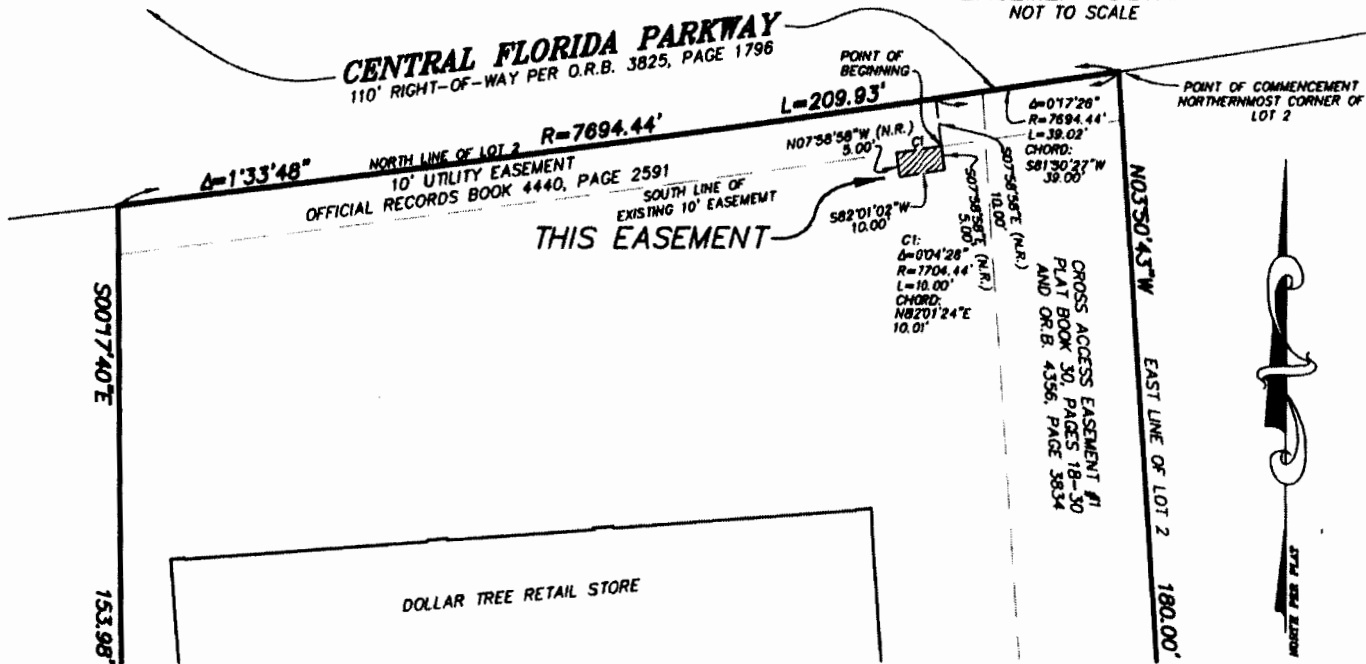
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