



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JAN 05 2016 *JLK/LC*

REAL ESTATE MANAGEMENT ITEM 7

DATE: December 4, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *[Signature]*
Real Estate Management Division

FROM: Kim Heim, Title Examiner *[Signature]*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN STATEWIDE PROPERTIES OF CENTRAL FLORIDA, INC. AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM LADYBIRD FLORIDA PROPERTIES, LLC AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Lady Bird Academy @ Hunters Creek/Renovate/Site Work Parking
OCU Permit: B1490067 OCU File #: 76845

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: 150 square feet

Subordination of Encumbrance to Property Rights to Orange County

Real Estate Management Division
Agenda Item 7
December 4, 2015
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.

JAN 05 2016 JLK/LC

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UTILITY EASEMENT

THIS INDENTURE, Made this 16 day of September, A.D. 2015, between Statewide Properties of Central Florida, Inc., a Florida corporation, having its principal place of business in the city of Kissimmee, county of Osceola, whose address is 911 N Main St Ste 3 Kissimmee 34744 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

33-24-29-3729-00-010

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, agrees 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.

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

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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:

Statewide Properties of Central Florida, Inc.
a Florida corporation

[Signature]

BY: [Signature]

Witness

ARUN SHARMA
Printed Name

SANJAY SHARMA
Printed Name

[Signature]
Witness

PRESIDENT
Title

KULBUSHAN SHARMA
Printed Name

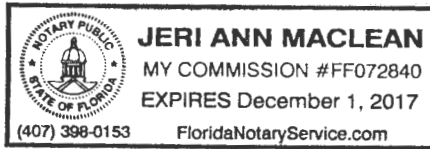
(Corporate Seal)

(Signature of TWO witnesses required by Florida law)

STATE OF FL
COUNTY OF Osceola

The foregoing instrument was acknowledged before me this 16 day of September, 2015, by Sanjay Sharma as President of Statewide Properties of Central Florida, a Florida corporation, on behalf of said corporation. He/she is personally known to me, or [] has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature
Jeri Ann Maclean
Printed Notary Name

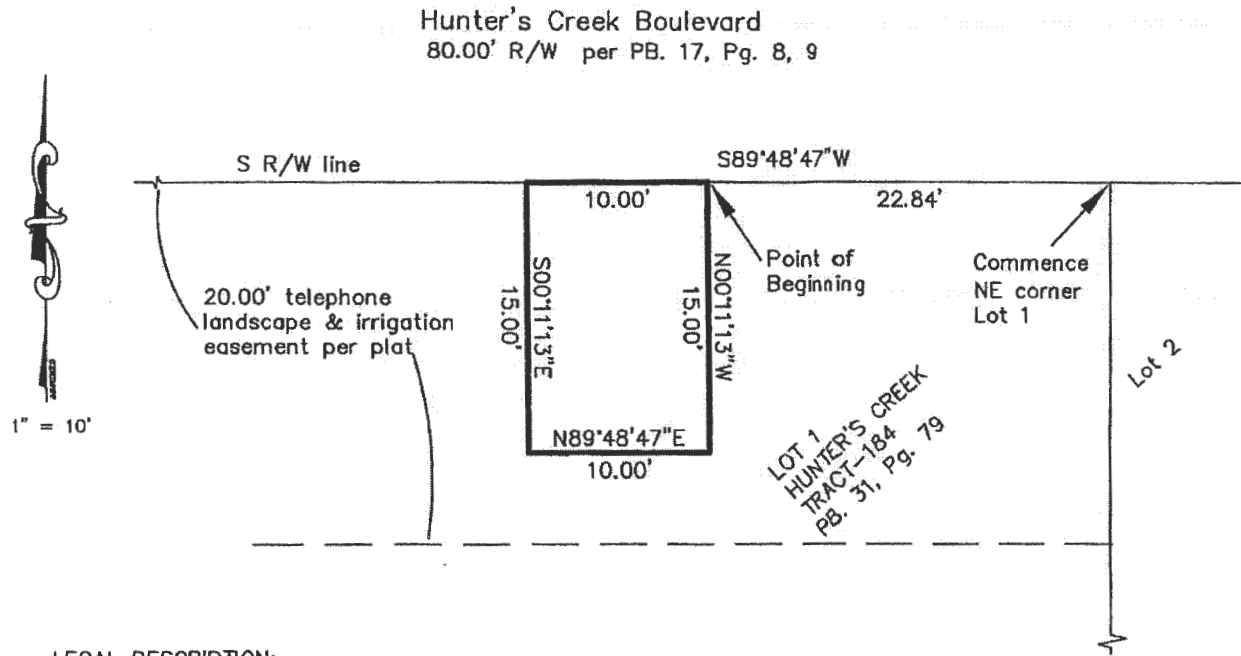
This instrument prepared by:
Kim Heim, a staff employee
in the course of duty with the
Real Estate Management Division
Of Orange County, Florida

Notary Public in and for
the County and State aforesaid

My Commission Expires: 12/1/17

EXHIBIT "A"

MAP SHOWING SKETCH OF:
UTILITY EASEMENT IN A PART OF
SECTION 33, TOWNSHIP 24 SOUTH, RANGE 29 EAST,
ORANGE COUNTY, FLORIDA



LEGAL DESCRIPTION;

A portion of Lot 1 HUNTER'S CREEK TRACT-184, according to the plat thereof, as recorded in Plat Book 31, Page 70, of the Public Records of Orange County, Florida, more particularly described as follows.

Commence at the northeast corner of said Lot 1; thence run S 89°48'47" W along the south right of way line of Hunter's Creek Boulevard as shown on said plat, 22.84 feet to the Point of Beginning; thence continue along said south right of way line S 89°48'47" W, 10.00 feet; thence S 00°11'13" E, 15.00 feet; thence N 89°48'47" E, 10.00 feet; thence N 00°11'13" W, 15.00 feet to the Point of Beginning.

Said lands lying in Orange County, Florida containing 150 square feet more or less.

NOTE:

1. BEARINGS BASED ON ASSUMED S89°48'47"W ALONG S. RIGHT OF WAY LINE OF HUNTER'S CREEK BOULEVARD.
2. NOT ABSTRACTED FOR EASEMENTS OR RIGHT OF WAYS OF RECORD.
3. THIS IS NOT A SURVEY

CERTIFICATION: WE DO HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION IS IN COMPLIANCE WITH APPLICABLE MINIMUM TECHNICAL STANDARDS SET FORTH BY FLORIDA ADMINISTRATIVE CODE 5 J 17.

Legend:
R/W = Right of Way
PB. = Plat Book
Pg. = Page

BY: 07/21/15

SCALE

DRAWN BY

REVISIONS

Gary A. Burden
4020 Saxon Drive
New Smyrna Beach, FL 32169
TEL (407) 694-2461
garyburden@yahoo.com

SCALE	JOB NUMBER
DRAWN BY	14032
REVISIONS	

JAN 05 2016 JLK/LC

Project: Lady Bird Academy @ Hunters Creek/Renovate/Site Work Parking
OCU Permit: B1490067 OCU File #: 76845

SUBORDINATION OF ENCUMBRANCE 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 an Unrecorded Lease held by the undersigned; and,

WHEREAS, On behalf of ORANGE COUNTY, a request has been made for the undersigned to subordinate said encumbrance 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 encumbrance as it has 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"

Encumbrance:

Ladybird Florida Properties, LLC
Lessor: Statewide Properties of Central Florida, Inc., a Florida corporation
Unrecorded Lease

PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance 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 encumbrance 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 utility easement purposes that in such event the subordination of said encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been made.

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IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 13 day of November, A.D. 2015.

Signed, sealed, and delivered
in the presence of:

Ladybird Florida Properties, LLC,
a Florida limited liability company

[Signature]
Witness

BY: [Signature]

Claire Sullivan
Printed Name

Carl Hansch
Printed Name

Patrick Gill
Witness

Title Manager
Title

Patrick Gill
Printed Name

STATE OF FL
COUNTY OF Sevier

The foregoing instrument was acknowledged before me this 13 day of November, 2015, by Carl Hansch, as Title Manager of Ladybird Florida Properties, 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
Jeri Ann Maclean
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

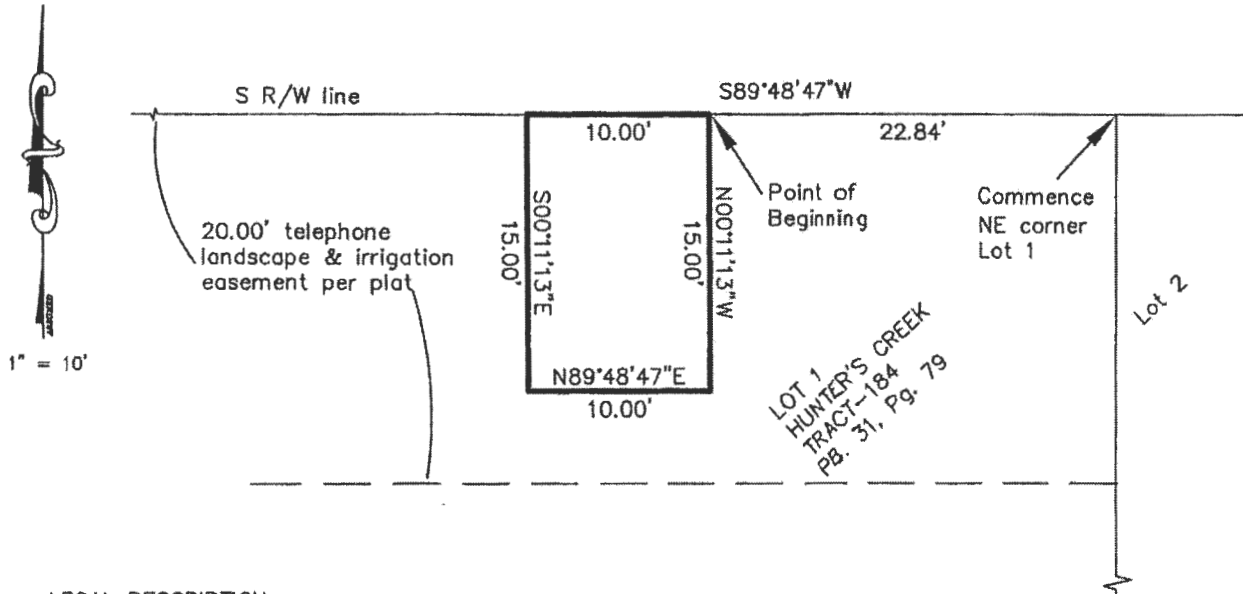
Notary Public in and for
the County and State aforesaid Sevier State

My Commission Expires: 12/1/17

EXHIBIT "A"

MAP SHOWING SKETCH OF:
UTILITY EASEMENT IN A PART OF
SECTION 33, TOWNSHIP 24 SOUTH, RANGE 29 EAST,
ORANGE COUNTY, FLORIDA

Hunter's Creek Boulevard
80.00' R/W per PB. 17, Pg. 8, 9



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BY: 07/21/15

Gary A. Burden 4020 Saxon Drive New Smyrna Beach, FL 32169 TEL (407) 894-2461 garyburden@yahoo.com	SCALE	JOB NUMBER
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