



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS


BCC Mtg. Date: Mar. 1, 2016

REAL ESTATE MANAGEMENT ITEM 5

DATE: February 3, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Virginia G. Williams, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN BLUEROCK DEVELOPMENT, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CENTERSTATE BANK OF FLORIDA, N.A. AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Shoppes @ Waterford Oaks OCU Permit: B15902126 OCU File #: 81428
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: 225 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
MAR 01 2016

THIS IS A DONATION

Project: Shoppes @ Waterford Oaks OCU Permit: B15902126 OCU File #: 81428

UTILITY EASEMENT

THIS INDENTURE, Made this 5 day of Jan, A.D. 2016, between Bluerock Development, LLC, a Florida limited liability company, having its principal place of business in the city of Winter Park, county of Orange, whose address is 1150 S. Orlando Avenue, Winter Park, FL 32789 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 \$1.00 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 22-22-31-6527-01-001

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.

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.

Project: Shoppes @ Waterford Oaks OCU Permit: B15902126 OCU File #: 81428

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

Signed, sealed, and delivered
in the presence of:

Bluerock Development, LLC,
a Florida limited liability company

[Signature]

By: [Signature]

Witness

Joseph N. Schuemann,
Managing Member

Heather Coons

Printed Name

[Signature]

Witness

Guillermo Rodriguez

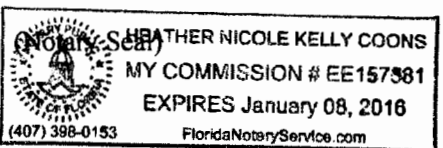
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 5th day of January, 20 16
by Joseph N. Schuemann as Managing Member of Bluerock Development, LLC, a Florida limited liability
company, on behalf of the limited liability company. He/she is personally known to me or has produced
personally known as identification.



[Signature]

Notary Signature
Heather Nicole Kelly Coons

Printed Notary Name

This instrument prepared by:
Virginia Williams, 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: January 08, 2016

SKETCH AND DESCRIPTION

SHOPPES AT WATERFORD OAKS (B15902126)
PERMANENT UTILITY EASEMENT

A PORTION OF LOT 1, PALM CASUAL ALAFAYA AS RECORDED IN PLAT BOOK 83, PAGE 14 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, PALM CASUAL ALAFAYA AS RECORDED IN PLAT BOOK 83, PAGE 14 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N00°00'00"W, ALONG THE EAST LINE OF SAID LOT 1 AND THE WEST RIGHT OF WAY LINE OF ALAFAYA TRAIL, 129.00 FEET FOR THE POINT OF BEGINNING; THENCE S90°00'00"W, DEPARTING SAID EAST LINE AND SAID WEST RIGHT OF WAY LINE, 15.00 FEET; THENCE N00°00'00"W, 15.00 FEET; THENCE S90°00'00"E, 15.00 FEET TO THE AFORESAID EAST LINE OF LOT 1 AND THE WEST RIGHT OF WAY LINE OF ALAFAYA TRAIL; THENCE S00°00'00"E, ALONG SAID EAST AND WEST LINES, 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 225 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS ARE BASED ON THE EAST LINE OF LOT 1, PALM CASUAL ALAFAYA, PLATTED AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Michael D. Cummins, Jr.

11-24-15

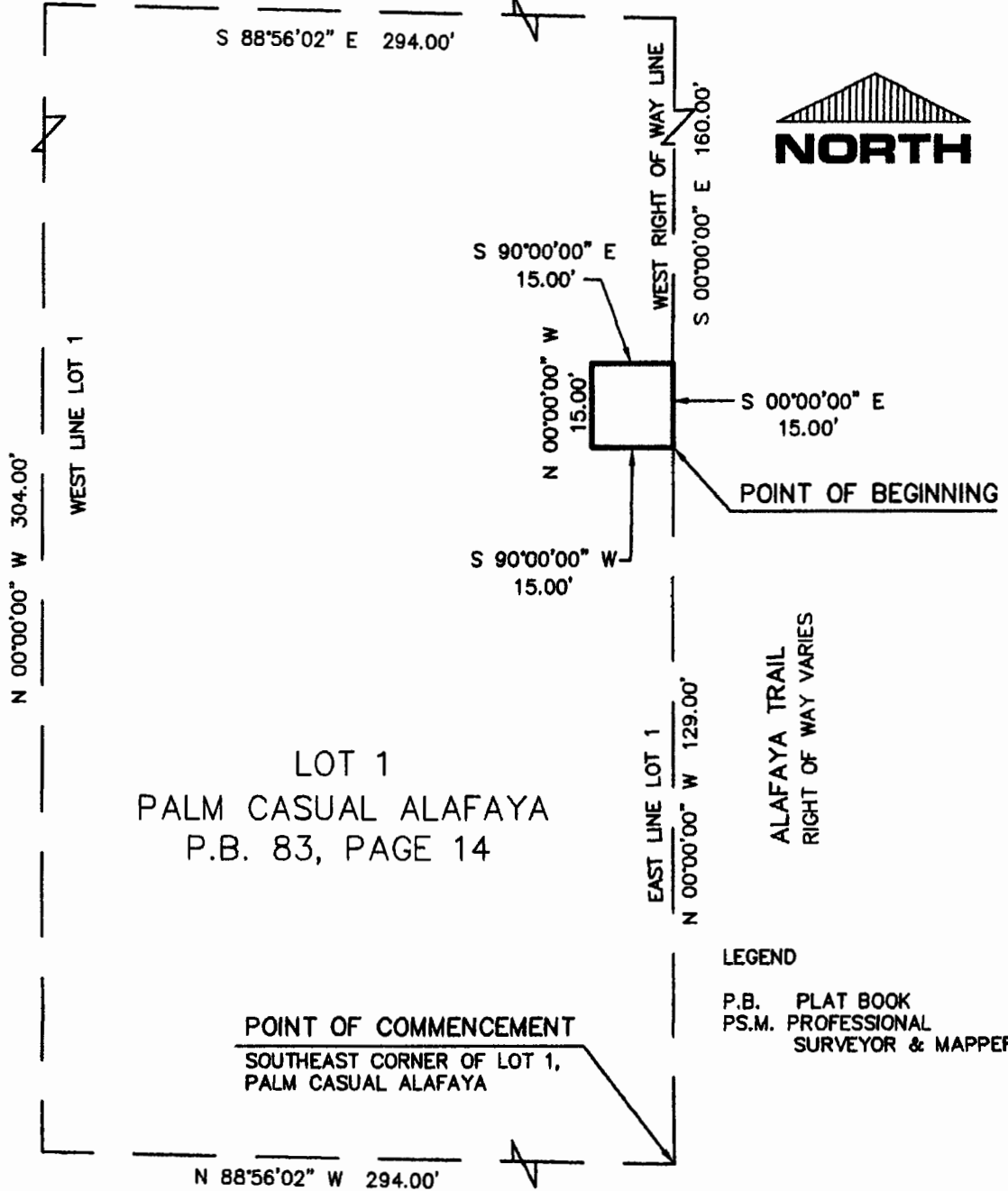
PREPARED FOR: **BLUEROCK DEVELOPMENT**
CUMMINS SURVEYING AND MAPPING, INC.
 2758 Susanday Drive
 Orlando, Florida 32812
 (407) 894-4254
 e-mail: mc5592@bellsouth.net
 Certificate of Authorization LB 6983

SURVEYOR & MAPPER IN RESPONSIBLE CHARGE #LS 5592
 MICHAEL D. CUMMINS, JR.

	TECHNICIAN: MDC
ISSUE DATE: 11-10-15	PROJECT NO. 08-17
	SHEET No. 1 OF 2

SKETCH AND DESCRIPTION

SHOPPES AT WATERFORD OAKS (B15902126)
PERMANENT UTILITY EASEMENT



LOT 1
PALM CASUAL ALAFAYA
P.B. 83, PAGE 14

LEGEND
P.B. PLAT BOOK
P.S.M. PROFESSIONAL SURVEYOR & MAPPER

PREPARED FOR: **BLUEROCK DEVELOPMENT**
CUMMINS SURVEYING AND MAPPING, INC.
2758 Susanday Drive
Orlando, Florida 32812
(407) 894-4254
e-mail: mc5592@bellsouth.net
Certificate of Authorization LB 6983

SCALE: 1" = 30'	TECHNICIAN: MDC
ISSUE DATE: 11-10-15	PROJECT NO. 08-17
	SHEET No. 2 OF 2

Project: Shoppes @ Waterford Oaks OCU Permit: B15902126 OCU File #: 81428

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, Assignment of Rents, Leases and Proceeds, Financing Statement, Collateral Assignment of Development Rights, Licenses, Contracts, and Modification of Mortgage and Notice of Future Advance, Second Modification of Mortgage and Notice of Future Advance and Spreader Agreement, and Subordinations of Non-Disturbance and Attornment Agreements 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:

Centerstate Bank of Florida, N.A.
FROM: Bluerock Development, LLC
Mortgage and Security Agreement filed April 1, 2015
Recorded in Official Records Book 10897, Page 7738
Assignment of Rents, Leases and Proceeds filed April 1, 2015
Recorded in Official Records Book 10897 Page 7768
Financing Statement filed April 1, 2015
Recorded in Official Records Book 10897, Page 7777
Collateral Assignment of Development Rights, Licenses, Contracts,
Permits and Warranties filed April 1, 2015
Recorded in Official Records Book 10897, Page 7783
Modification of Mortgage and Notice of Future Advance filed July 16, 2015
Recorded in Official Records Book 10951 Page 8886
Second Modification of Mortgage and Notice of Future Advance
And Spreader Agreement filed January 21, 2016
Recorded as Document No. 20160036452

Subordination, Non-Disturbance and Attornment Agreement filed January 21, 2016
Recorded as Document No. 20160036453
Subordination, Non-Disturbance and Attornment Agreement filed January 21, 2016
Recorded as Document No. 20160036454
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 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 3RD day of February, A. D. 2016.

Signed, sealed and delivered
in the presence of:

Centerstate Bank of Florida, N.A.

Chris Makieliski
Witness,
CHRIS MAKIELISKI
Printed Name

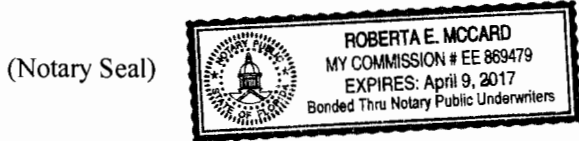
By: [Signature]
RUSSEL L. MOUTON, II
Printed Name

[Signature]
Witness
ROBERTA E. MCCARD
Printed Name

Senior Vice President
Title

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 3RD day of February, 2016 by Russel L. Mouton, II as SVP of Centerstate Bank of Florida N.A., on behalf of the national association. He/she is personally known to me or has produced as identification.



[Signature]
Notary Signature
ROBERTA E. MCCORD
Printed Notary Name

This instrument prepared by:
Virginia Williams, 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:

Exhibit "A"

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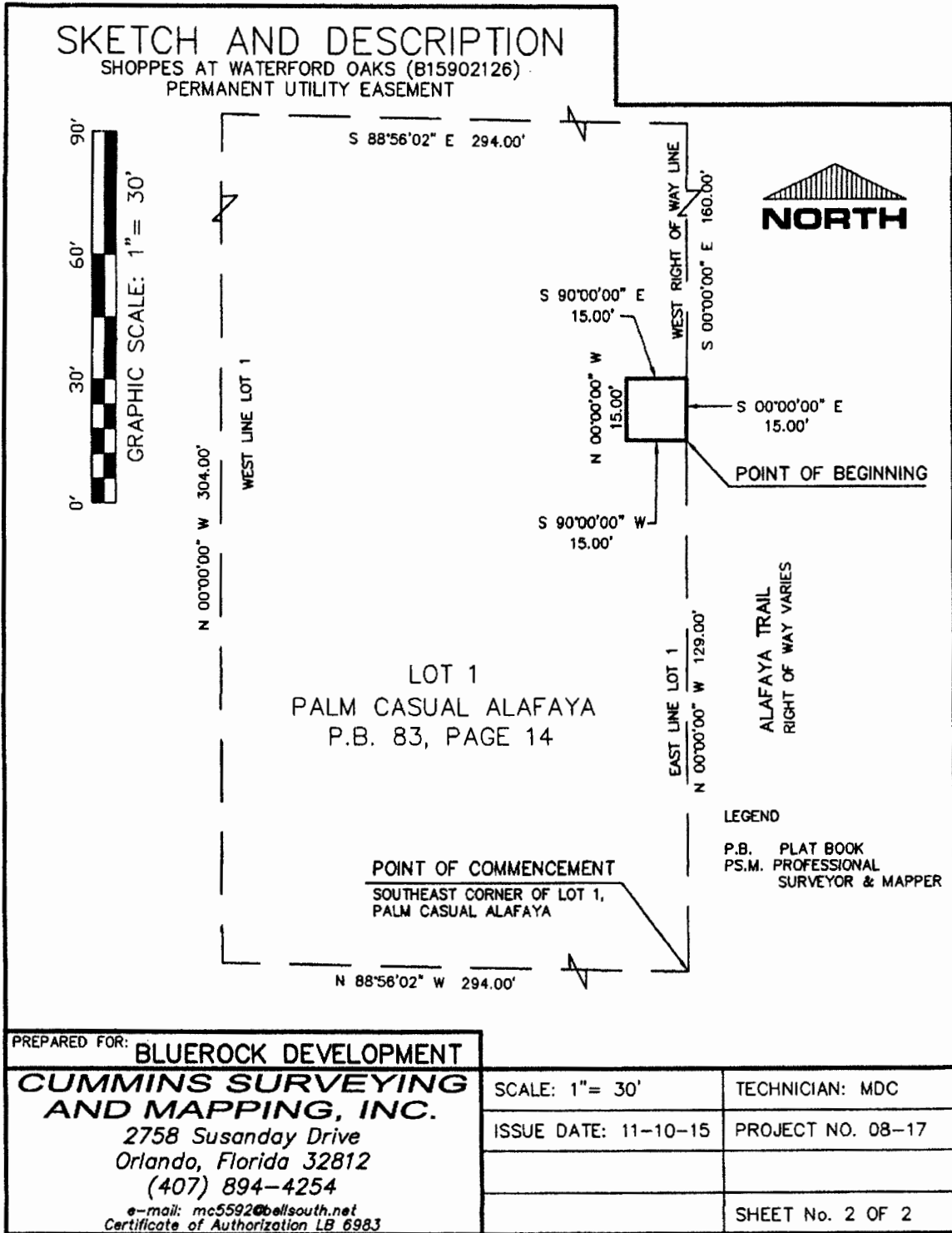
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