



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

BCC Mtg. Date: Jun. 28, 2016

REAL ESTATE MANAGEMENT ITEM 8

**DATE:** June 10, 2016

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

**FROM:** Kim Heim, 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 WDF-3 WOOD EASTMAR OWNER, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM BRANCH BANKING AND TRUST COMPANY AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Alta Eastmar Commons Sitework OCU Permit: B14903846  
OCU File #: 80146

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: 155 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division  
Agenda Item 8  
June 10, 2016  
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.**

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

JUN 28 2016

THIS IS A DONATION

Project: Alta Eastmar Commons Sitework OCU Permit: B14903846 OCU File #: 80146

UTILITY EASEMENT

THIS INDENTURE, Made this 3 day of May, A.D. 2016, between WDF-3 Wood Eastmar Owner, LLC, a Delaware limited liability company, having its principal place of business in the city of Atlanta, county of Fulton, whose address is 3715 Northside Pkwy Suite 4-600 Atlanta, GA 30327, 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 29-22-31-2368-01-000**

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

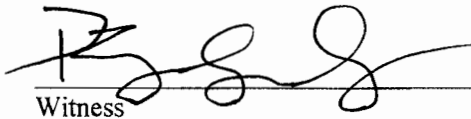
Project: Alta Eastmar Commons Sitework OCU Permit: B14903846 OCU File #: 80146

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.

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

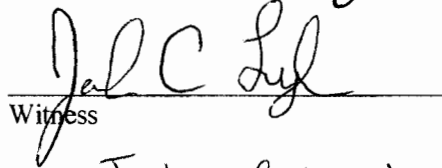
Signed, sealed, and delivered  
in the presence of:



Witness

Patricia Fray

Printed Name



Witness

Joshua A. Lynch

Printed Name


WDF-3 Wood Eastmar Owner, LLC,  
a Delaware limited liability company

BY: WDF-3 Wood Eastmar Manager, LLC,  
a Delaware limited liability company  
its Manager

BY: Wood Eastmar, LLC,  
a Delaware limited liability company  
its Manager

BY: WP South Development Enterprises, L.L.C.,  
a Delaware limited liability company  
its Authorized Representative

BY: Wood Real Estate Investors, L.L.C.,  
a Delaware limited liability company  
its Manager

BY:   
Bryan Bofland, Vice President

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 3 day of May, 2016, by Bryan Borland, Vice President of Wood Real Estate Investors, L.L.C., a Delaware limited liability company as Manager of WP South Development Enterprises, L.L.C., a Delaware limited liability company as Authorized Representative of Wood Eastmar, LLC, a Delaware limited liability company as Manager of WDF-3 Wood Eastmar Manager, LLC, a Delaware limited liability company as Manager of WDF-3 Wood Eastmar Owner, LLC, a Delaware limited liability company, on behalf of the limited liability company. She [ ] is personally known to me, or [ ] has produced \_\_\_\_\_ as identification.

(Notary Seal)



SALLY MACHALEK  
MY COMMISSION # FF 149667  
EXPIRES: December 8, 2018  
Bonded Thru Budget Notary Services

Sally Machalek  
Notary Signature

\_\_\_\_\_  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

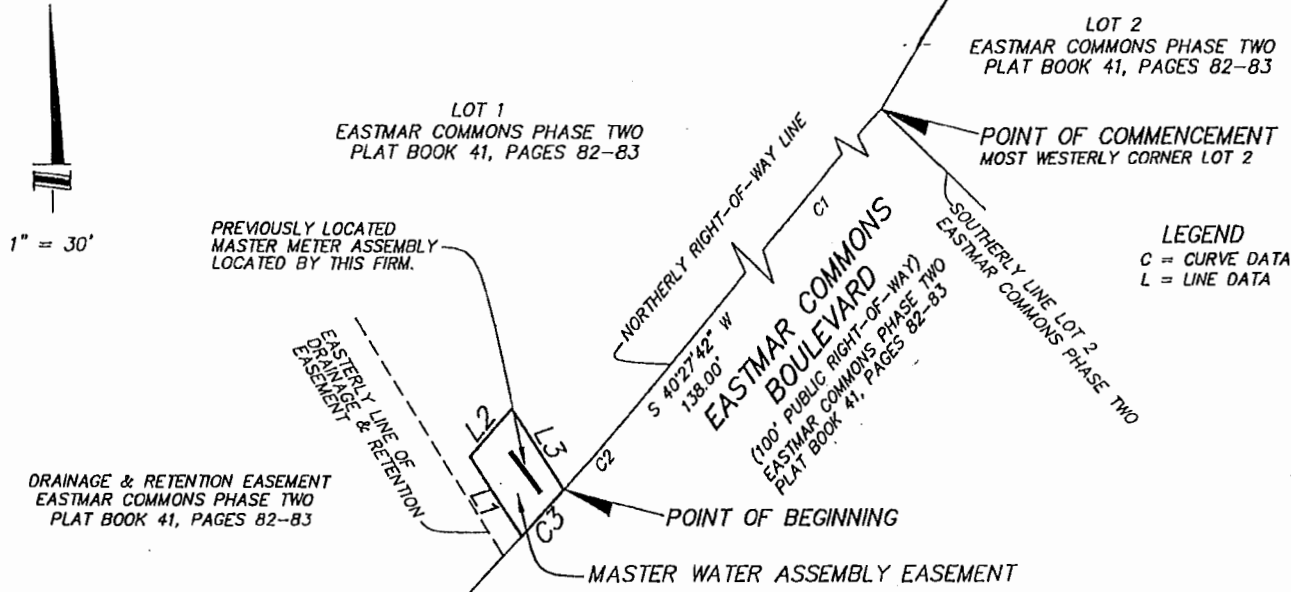
My commission expires:

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

# SKETCH AND DESCRIPTION

(THIS IS NOT A SURVEY)

## MASTER METER ASSEMBLY EASEMENT ALTA EASTMAR COMMONS



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 33°30'17" W	15.39
L2	N 42°37'48" E	10.30
L3	S 33°30'17" E	15.48

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	30.99	600.00	2°57'35"	S41°56'29"W	30.99
C2	15.67	450.00	1°59'42"	S41°27'33"W	15.67
C3	10.28	450.00	1°18'32"	S43°06'04"W	10.28

### LEGAL DESCRIPTION:

A PORTION OF LOT 1, EASTMAR COMMONS PHASE TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 41, PAGES 82 AND 83, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST WESTERLY CORNER OF LOT 2, EASTMAR COMMONS PHASE TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 41, PAGES 82 AND 83, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF EASTMAR COMMONS BOULEVARD AND BEING A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 600.00 FEET, AN INCLUDED ANGLE OF 02°57'35" AND A CHORD BEARING OF S 41°56'29" W, THENCE RUN ALONG SAID NORTHERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE OF DISTANCE OF 30.99 FEET TO THE POINT OF TANGENCY THEREOF; THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, RUN S 40°27'42" W, A DISTANCE OF 138.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 450.00 FEET, AN INCLUDED ANGLE OF 01°59'42" AND A CHORD BEARING OF S 41°27'33" W, THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE A DISTANCE OF 15.67 FEET FOR THE POINT OF BEGINNING; SAID POINT BEING ON A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 450.00 FEET, AN INCLUDED ANGLE OF 01°18'32" AND A CHORD BEARING OF S 43°06'04" W, THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, RUN 10.28 FEET TO A POINT; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, RUN N 33°30'17" W, A DISTANCE OF 15.39 FEET; THENCE RUN N 42°37'48" E, A DISTANCE OF 10.30 FEET; THENCE RUN S 33°30'17" E, A DISTANCE OF 15.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 155 SQUARE FEET, MORE OR LESS.

### SURVEYORS NOTES:

- 1) SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF EASTMAR COMMONS BOULEVARD, BEING S 40°27'42" W PER RECORD PLAT.
- 3) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, OWNERSHIP OR OTHER MATTERS OF RECORD.

PROJECT: 15050

REVISED: 03/22/2016

03/01/2016  
SHEET 1 OF 1

I CERTIFY THAT THIS MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472, FLORIDA STATUTES.

*David M. McDermott*  
DAVID M. McDERMOTT

FLORIDA REGISTERED SURVEYOR AND MAPPER CERTIFICATE No. 4779

## Associated Land Surveying & Mapping, Inc.

101 WYMORE ROAD, SUITE 111, ALTAMONTE SPRINGS, FLORIDA 32714  
PH (407) 869-5002, FAX (407) 869-8393  
CERTIFICATE OF AUTHORIZATION # LB 6767

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JUN 28 2016

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Project: Alta Eastmar Commons Sitework OCU Permit: B14903846 OCU File #: 80146

### 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, Security Agreement and Fixture Finance Statement, and Absolute Assignment of Leases and Rents, 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:

Branch Banking and Trust Company  
FROM: WDF-3 Wood Eastmar Owner, LLC  
Mortgage, Security Agreement and Fixture Finance Statement filed April 1, 2015  
Recorded in Official Records Book 10897, Page 7089  
Absolute Assignment of Leases and Rents filed April 1, 2015  
Recorded in Official Records Book 10897, Page 7137  
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 16 day of May, A.D. 2016.

Signed, sealed, and delivered  
in the presence of:

Tera Neal  
Witness

Tera Neal  
Printed Name

Kath Beiser  
Witness

KATH BEISER  
Printed Name

Branch Banking and Trust Company,  
a North Carolina banking corporation

BY: Neal Pickens

Neal Pickens  
Printed Name

Senior Vice President  
Title

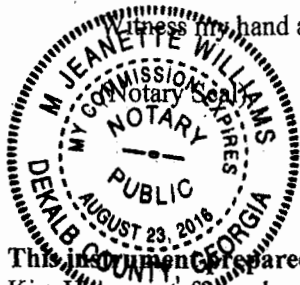
(Corporate Seal)



STATE OF GEORGIA

COUNTY OF DEKALB

The foregoing instrument was acknowledged before me this 16<sup>th</sup> of MAY, 2016, by Neal Pickers, as SVP of Branch Banking and Trust Company, a North Carolina banking corporation, on behalf of the corporation. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.



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

Witness my hand and official seal this 16<sup>th</sup> day of May, 2016  
M. Jeannette Williams  
Notary Signature  
M. Jeannette Williams  
Printed Notary Name

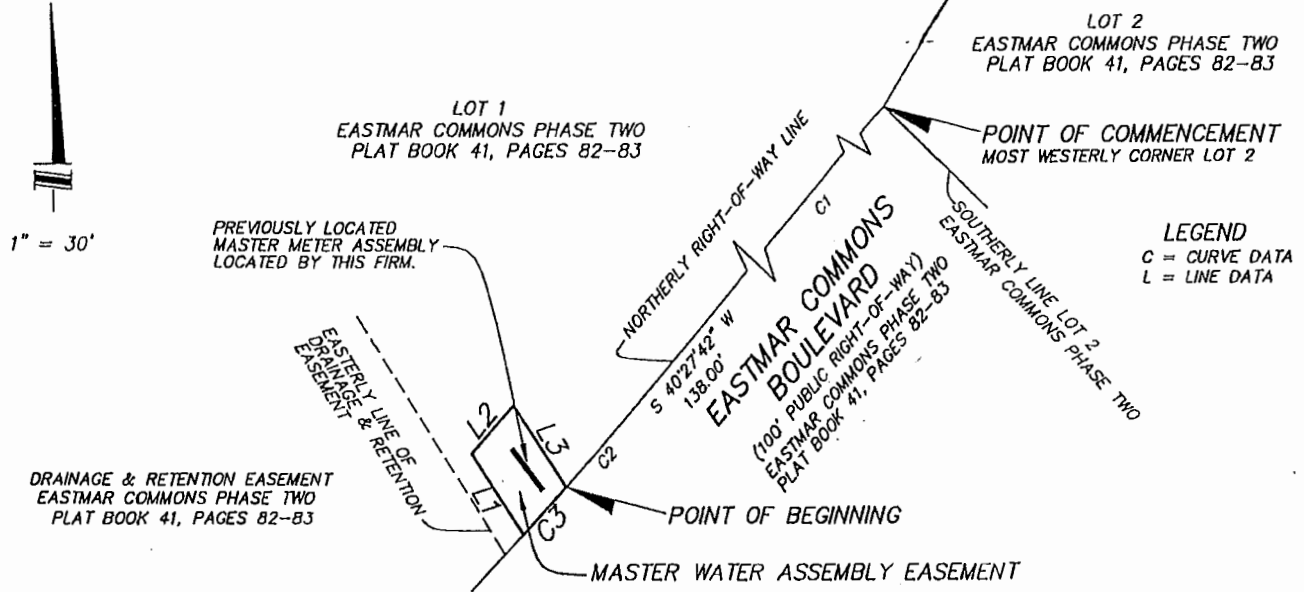
Notary Public in and for  
the county and state aforesaid

My commission expires:

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PROJECT: 15050

REVISED: 03/22/2016

03/01/2016  
SHEET 1 OF 1

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*David M. McDermott*  
DAVID M. McDERMOTT

FLORIDA REGISTERED SURVEYOR AND MAPPER CERTIFICATE No. 4779

## Associated Land Surveying & Mapping, Inc.

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PH (407) 869-5002, FAX (407) 869-8393  
CERTIFICATE OF AUTHORIZATION # LB 6767