



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

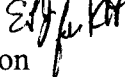
BCC Mtg. Date: Jun. 28, 2016

REAL ESTATE MANAGEMENT ITEM 10

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 INNOVATING MINDS, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM ATLANTIC COAST BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Creative World Schools OCU Permit: B14903772
OCU File #: 79568

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: 300 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division
Agenda Item 10
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: Creative World Schools OCU Permit: B14903772 OCU File #: 79568

UTILITY EASEMENT

THIS INDENTURE, Made this 26 day of May, A.D. 2016, between Innovating Minds, LLC, a Florida limited liability company, having its principal place of business in the city of ORLANDO, county of ORANGE, whose address is 1725 S. DEAN RD, ORLANDO FL 32709, 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

05-23-31-1900-04-000

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.

Project: Creative World Schools OCU Permit: B14903772 OCU File #: 79568

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:

Innovating Minds, LLC,
a Florida limited liability company

Robert T. Navidonskis
Witness

BY: E. Rusnak

ROBERT T. NAVIDONSKIS
Printed Name

E. RUSNAK
Printed Name

Tom Todd
Witness

Managing Member
Title

Tom Todd
Printed Name

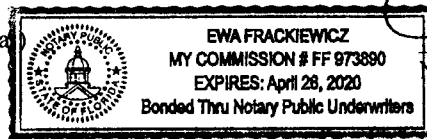
(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 25 day of may, 2016 by Elyzaveta Rusnak as Managing Member of Innovating Minds, LLC, a Florida limited liability company, on behalf of said limited liability company. He/she is personally known to me or has produced ID as identification.

(Notary Seal)



EWA FRACKIEWICZ
Notary Signature

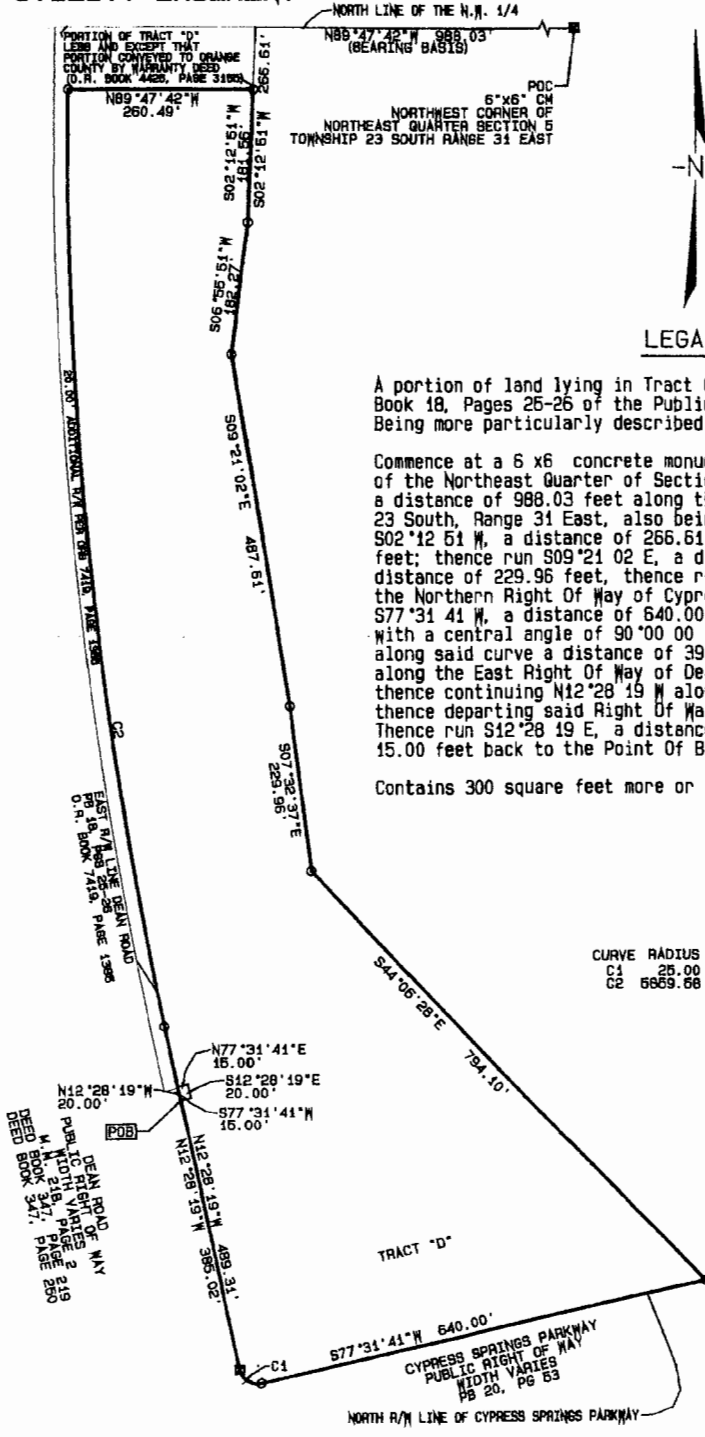
Printed Notary Name

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
the County and State aforesaid

My commission expires:

**SKETCH OF DESCRIPTION
CREATIVE WORLD SCHOOL
PERMIT #B14903772
UTILITY EASEMENT**

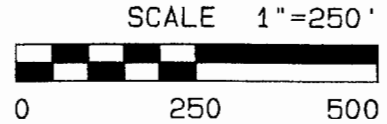


LEGAL DESCRIPTION

A portion of land lying in Tract O of Cypress Springs Unit One, as recorded in Plat Book 18, Pages 25-26 of the Public Records of Orange County, Florida Being more particularly described as follows:

Commence at a 6 x 6 concrete monument, marking the Northwest corner of the Northeast Quarter of Section 5, Township 23 South, Range 31 East, Run N89°47'42" W a distance of 988.03 feet along the north line of the Northwest Quarter of Section 5, Township 23 South, Range 31 East, also being a basis of bearings; Thence departing said line run S02°12'51" W, a distance of 266.61 feet; thence run S06°55'51" W, a distance of 182.27 feet; thence run S09°21'02" E, a distance of 487.61 feet; Thence run S07°32'37" E, a distance of 229.96 feet, thence run S44°06'28" E, a distance of 794.10 feet to a point on the Northern Right Of Way of Cypress Springs Parkway, Run along said Right Of Way line S77°31'41" W, a distance of 640.00 feet to a point of curvature, concave to the Northwest with a central angle of 90°00'00" and a chord bearing of N67°28'19" W, following along said curve a distance of 39.27 feet to a point of tangency; thence run N12°28'19" W along the East Right Of Way of Dean Road, a distance of 385.02 feet to the Point Of Beginning, thence continuing N12°28'19" W along said Right Of Way, a distance of 20.00 feet; thence departing said Right Of Way line run N77°31'41" E, a distance of 15.00 feet; Thence run S12°28'19" E, a distance of 20.00 feet; thence run S77°31'41" W, a distance of 15.00 feet back to the Point Of Beginning.

Contains 300 square feet more or less



CURVE TABLE

CURVE RADIUS	CEN. ANGLE	CH. BEARING	CH. LENGTH	ARC LENGTH
C1 25.00	90°00'00"	N67°28'19" W	35.36'	39.27'
C2 6869.68	13°06'58"	N06°55'24" W	1290.92'	1293.73'

LEGEND:

- IRC IRON ROD & CAP
- LB LICENSED BUSINESS
- CM CONCRETE MONUMENT
- NGD NAIL AND DISC
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- POT POINT OF TERMINUS
- R/W RIGHT OF WAY
- PB PLAT BOOK
- PG PAGE
- PC POINT OF CURVATURE
- MB MAP BOOK
- MM MEETING MINUTES

NOTES:

- THIS IS NOT A BOUNDARY SURVEY
- UNLESS STONE AND EMBOSSED WITH SURVEYORS SEAL, THIS SKETCH IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
- ADDITIONS OR DELETIONS TO THIS SKETCH & DESCRIPTION BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
- THIS SURVEY IS BASED ON INFORMATION PROVIDED BY CLIENT AND CONSTRUCTION LOCATION OF UNDERGROUND UTILITIES.

NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR

James K. Ekean 04/21/16
 JAMES K. EKEAN P.S.M. #5899 DATE:

PROJECT# 2014.0237
 SHEET 1 OF 1
 DATE: 2/18/16
 SCALE: 1"=250'
 DRAWN BY: SCK CHECKED BY: JKE

CERTIFY TO:
 REVISION:
 REVISED PER COMMENTS 4/4/16 REVISED PER COMMENTS 4/19/16
 REVISED PER COMMENTS 4/12/16

KOVACS CONSTRUCTION SERVICES, INC.
 6845 MARCOSSSEE ROAD PHONE: 321-863-7131
 UNIT #52
 ORLANDO, FLORIDA 32822
 CERTIFICATE OF AUTHORIZATION LB# 7823

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 28 2016

Project: Creative World Schools OCU Permit: B14903772 OCU File #: 79568

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 Corrective Mortgages, Corrective Assignments of Leases and Rents, and Financing Statements 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:

Atlantic Coast Bank

FROM: Innovating Minds, LLC

Corrective Mortgage filed December 15, 2015

Recorded in Official Records Book 11027, Page 5890

Corrective Assignment of Leases and Rents filed December 15, 2015

Recorded in Official Records Book 11027, Page 5911

Financing Statement filed December 15, 2015

Recorded in Official Records Book 11027, Page 5918

Project: Creative World Schools OCU Permit: B14903772 OCU File #: 79568

Encumbrances (continued):

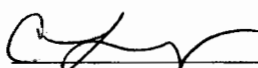
Corrective Mortgage filed December 15, 2015
Recorded in Official Records Book 11027, Page 5921
Corrective Assignment of Leases and Rents filed December 15, 2015
Recorded in Official Records Book 11027, Page 5942
Financing Statement filed December 15, 2015
Recorded in Official Records Book 11027, Page 5949
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 25 day of May, A.D. 2016.

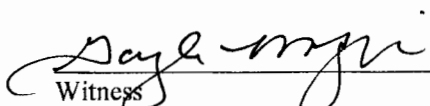
Atlantic Coast Bank

Signed, sealed, and delivered
in the presence of:




Witness

Christine Lombardozzi
Printed Name



Witness

Gayle Magin
Printed Name

BY: 

Robin Deen
Printed Name

AVP
Title

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 25 of MAY,
20 16, by ROBIN DEEN, as A.V.P. of
Atlantic Coast Bank, on behalf of the bank. ~~He~~/She is personally known to me or has produced
_____ as identification.

Witness my hand and official seal this 25 day of MAY, 20 16.

(Notary Seal)



Judy Callahan
Notary Signature

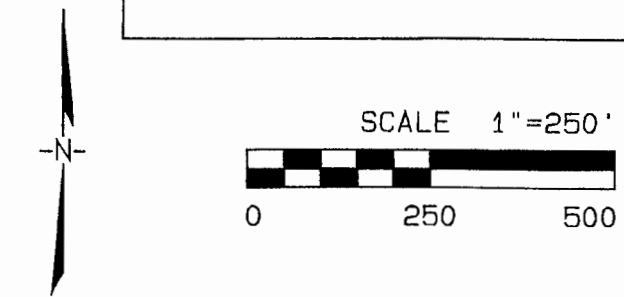
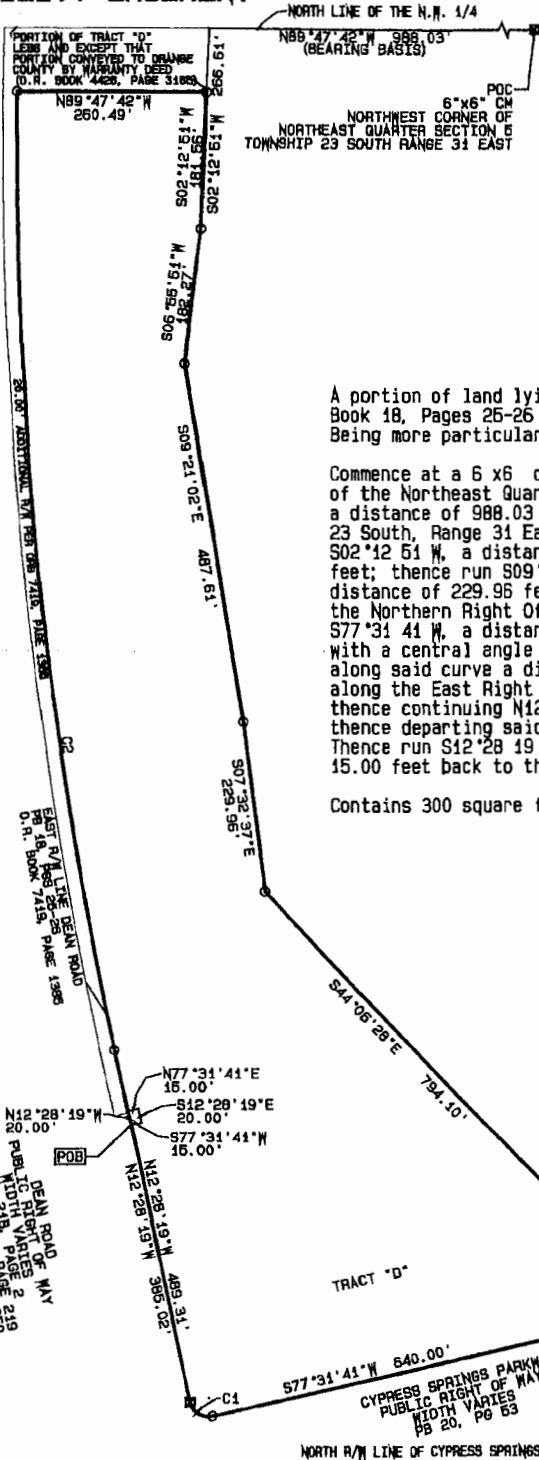
JUDY K CALLAHAN
Printed Notary Name

Notary Public in and for
the county and state aforesaid

My commission expires July 28, 2018

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 OF DESCRIPTION
CREATIVE WORLD SCHOOL
PERMIT #B14903772
UTILITY EASEMENT



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PROJECT# 2014.0237	CERTIFY TO:
SHEET 1 OF 1	REVISION:
DATE: 2/18/16	REVISED PER COMMENTS 4/4/16 REVISED PER COMMENTS 4/19/16
SCALE: 1"=250'	REVISED PER COMMENTS 4/12/16
DRAWN BY: SCK	CHECKED BY: JKE

KOVACS CONSTRUCTION SERVICES, INC.
 6845 MARCOSSSEE ROAD PHONE: 321-863-7131
 UNIT #52
 ORLANDO, FLORIDA 32822
 CERTIFICATE OF AUTHORIZATION LB# 7823

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James K. Eker 04/21/16
 JAMES K. EKERN P.S.M. #8899 DATE: