



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: Aug. 02, 2016

REAL ESTATE MANAGEMENT ITEM 7

**DATE:** July 18, 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: (407) 836-7082

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT BETWEEN VILLAGE LAKE RETAIL LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM SUNTRUST BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Retail at Village Lake Road NC  
OCU Permit: B15903715 OCU File #: 83846

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: 268 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division  
Agenda Item 7  
July 18, 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

AUG 02 2016

THIS IS A DONATION

Project: Retail at Village Lake Road NC  
OCU Permit: B15903715 OCU File #: 83846

#### UTILITY EASEMENT

THIS INDENTURE, Made this 12 day of May, A.D. 2016, between Village Lake Retail LLC, a Florida limited liability company, having its principal place of business in the city of Orlando, county of Orange, whose address is 215 N. Eola Drive, Orlando, Florida 32801, 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  
36-23-27-5452-01-001**

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, 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 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.

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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:

Village Lake Retail LLC,  
a Florida limited liability company

BY: Tarberian, LLC,  
a Delaware limited liability company  
as Manager

BL  
Witness

BY: [Signature]

Blake Nucci  
Printed Name

Lorne Sperling  
Printed Name

[Signature]  
Witness  
Jessica Bourg  
Printed Name

Sole Member  
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Ny  
COUNTY OF Ny

The foregoing instrument was acknowledged before me this 12 day of May, 2016, by Lorne Sperling, the Sole member of Tarberian, LLC, a Delaware limited liability company as Manager of Village Lake Retail LLC, a Florida limited liability company, on behalf of the limited liability company. He/she [ ] is personally known to me, or [ ] has produced DRIVER LICENSE as identification.

Witness my hand and official seal this 12 day of May, 2016

(Notary Seal)

[Signature]  
Notary Signature  
Jessica Bourg  
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:

**Retail at Village Lake RD NC  
Permit No. B15903715  
Water Utility Easements  
for backflow preventer**

LEGAL DESCRIPTION - ORANGE COUNTY UTILITIES EASEMENT WITHIN LOT 1, LAKESIDE VILLAGE CENTER SOUTH

A PARCEL OF LAND LYING IN LOT 1, LAKESIDE VILLAGE CENTER SOUTH, AS RECORDED IN PLAT BOOK 87, PAGE 94, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SECTION 36, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERLYMOST CORNER OF TRACT "A" (DRAINAGE), LAKESIDE VILLAGE CENTER SOUTH, AS RECORDED IN PLAT BOOK 87, PAGE 94, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S36°47'59"E ALONG THE EASTERLY RIGHT OF WAY LINE OF VILLAGE LAKE ROAD AS SHOWN ON SAID PLAT OF LAKESIDE VILLAGE CENTER SOUTH A DISTANCE OF 106.55 FEET FOR A POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE RUN N53°12'01"E 13.14 FEET; THENCE S36°47'59"E 20.00 FEET; THENCE S53°12'01"W 13.14 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF VILLAGE LAKE ROAD; THENCE RUN N36°47'59"W ALONG SAID EASTERLY RIGHT OF WAY LINE 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINS THEREIN 268 SQUARE FEET, MORE OR LESS.

NOTES

1. THIS SKETCH AND DESCRIPTION WAS PREPARED BY THOMAS L. CONNER, 5424 SOUTH BRACKEN COURT, WINTER PARK, FLORIDA, FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NOT A BOUNDARY SURVEY, SKETCH OF DESCRIPTION ONLY. SEE RECORD PLAT FOR EASEMENTS AND OTHER MATTERS OF SURVEY.
3. NO UNDERGROUND FEATURES, INCLUDING UTILITIES AND FOOTERS HAVE BEEN SHOWN.
4. BEARINGS ARE BASED ON THE EASTERLY RIGHT OF WAY LINE OF VILLAGE LAKE ROAD ADJACENT TO THE PARENT TRACT OF THIS EASEMENT AS BEING S36°47'59"E AS SHOWN ON LAKESIDE VILLAGE CENTER SOUTH ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 87, PAGE 94, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
5. THIS SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH IN FLORIDA ADMINISTRATIVE CODE RULE 5J-17.05 PURSUANT TO FLORIDA STATUTE 472, FOR A SKETCH OF DESCRIPTION.
6. THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

*Thomas L. Conner* 3/8/2016

THOMAS L. CONNER  
FLORIDA LICENSED SURVEYOR AND MAPPER NUMBER LS4340

NOTE: SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.  
THIS DESCRIPTION IS NOT VALID WITHOUT SHEET 2 OF 2 ATTACHED.

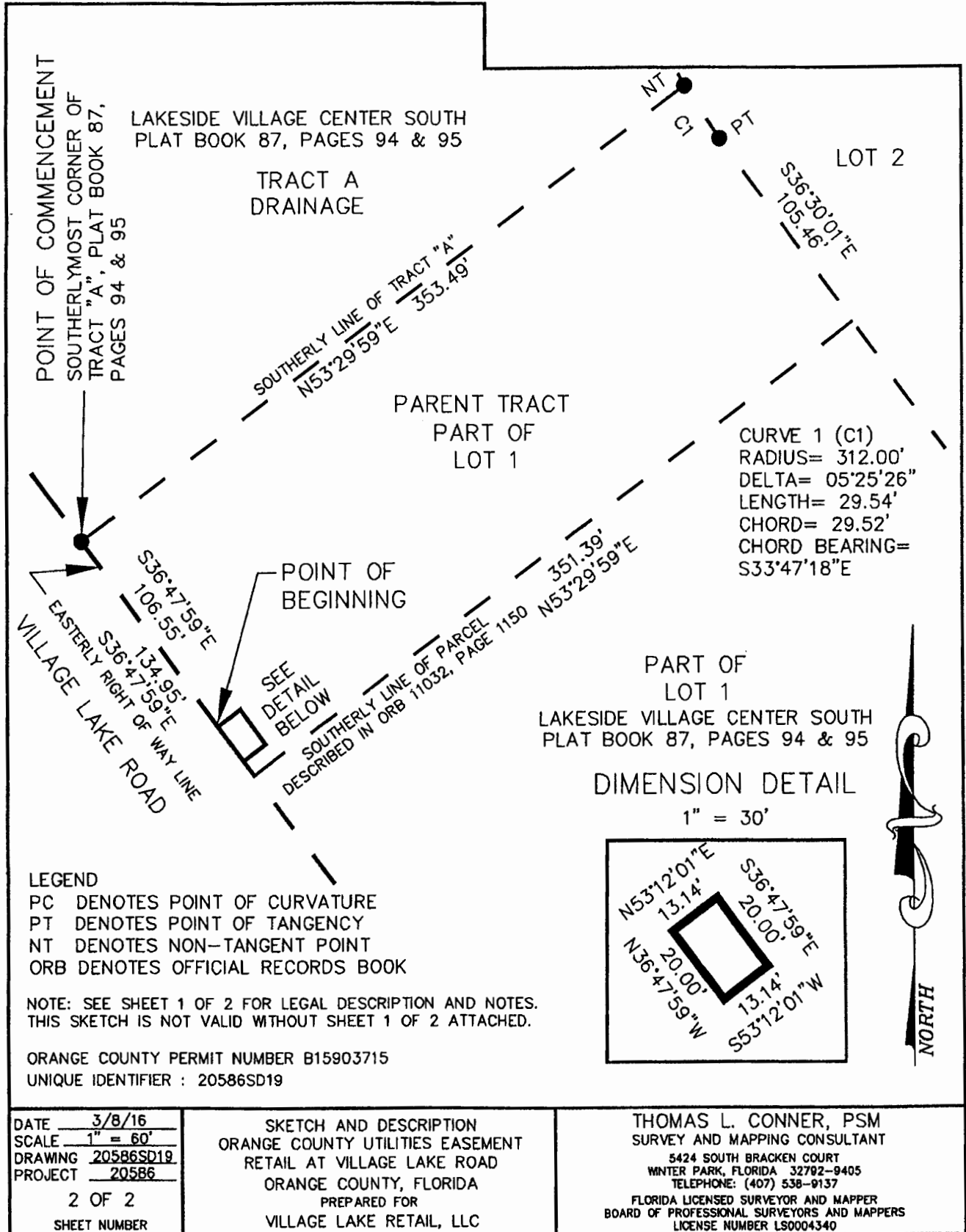
ORANGE COUNTY PERMIT NUMBER B15903715  
UNIQUE IDENTIFIER : 20586SD19



DATE 3/8/16  
SCALE NONE  
DRAWING 20586SD19  
PROJECT 20586  
1 OF 2  
SHEET NUMBER

SKETCH AND DESCRIPTION  
ORANGE COUNTY UTILITIES EASEMENT  
RETAIL AT VILLAGE LAKE ROAD  
ORANGE COUNTY, FLORIDA  
PREPARED FOR  
VILLAGE LAKE RETAIL, LLC

THOMAS L. CONNER, PSM  
SURVEY AND MAPPING CONSULTANT  
5424 SOUTH BRACKEN COURT  
WINTER PARK, FLORIDA 32782-8405  
TELEPHONE: (407) 538-9137  
FLORIDA LICENSED SURVEYOR AND MAPPER  
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS  
LICENSE NUMBER LS0004340



APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
AUG 02 2016

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Project: Retail at Village Lake Road NC  
OCU Permit: B15903715 OCU File #: 83846

### **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 Commercial Mortgage and Security Agreement; Assignment of Rents, Profits and Leases; and Financing Statement 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:

SunTrust Bank  
FROM: Village Lake Retail LLC  
Commercial Mortgage and Security Agreement filed December 23, 2015  
Recorded in Official Records Book 11032, Page 1155  
Assignment of Rents, Profits and Leases filed December 23, 2015  
Recorded in Official Records Book 11032, Page 1166  
Financing Statement filed December 23, 2015  
Recorded in Official Records Book 11032, Page 1171  
All in the Public Records of Orange County, Florida

Project: Retail at Village Lake Road NC  
OCU Permit: B15903715 OCU File #: 83846

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 17th day of May, A.D. 20 16.

Signed, sealed, and delivered  
in the presence of:

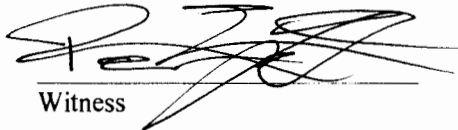
SunTrust Bank,  
a Georgia banking corporation

  
\_\_\_\_\_  
Witness

BY: 

Paula Kidd  
\_\_\_\_\_  
Printed Name

Michael Gregory  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Witness

Group Vice President  
\_\_\_\_\_  
Title

Roseanne Lipshetz  
\_\_\_\_\_  
Printed Name

(Corporate Seal)



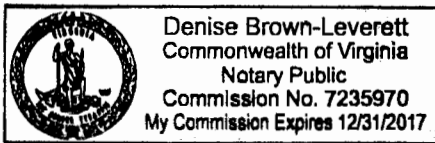
Project: Retail at Village Lake Road NC  
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STATE OF Virginia  
City  
COUNTY OF Richmond

The foregoing instrument was acknowledged before me this 17th of May,  
20 16, by [Signature] as Group Vice President of SunTrust Bank,  
a Georgia banking corporation, on behalf of the banking corporation. He/She  is personally known to  
me or  has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 17th day of May, 20 16.

(Notary Seal)



[Signature]  
Notary Signature

Denise Brown-Leverett  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid

My commission expires: 12/31/2017

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

**Retail at Village Lake RD NC  
Permit No. B15903715  
Water Utility Easements  
for backflow preventer**

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*Thomas L. Conner* 3/8/2016

THOMAS L. CONNER  
FLORIDA LICENSED SURVEYOR AND MAPPER NUMBER LS4340

NOTE: SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.  
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ORANGE COUNTY PERMIT NUMBER B15903715  
UNIQUE IDENTIFIER : 20586SD19



DATE	<u>3/8/16</u>
SCALE	<u>NONE</u>
DRAWING	<u>20586SD19</u>
PROJECT	<u>20586</u>
1 OF 2	
SHEET NUMBER	

SKETCH AND DESCRIPTION
ORANGE COUNTY UTILITIES EASEMENT
RETAIL AT VILLAGE LAKE ROAD
ORANGE COUNTY, FLORIDA
PREPARED FOR
VILLAGE LAKE RETAIL, LLC

THOMAS L. CONNER, PSM
SURVEY AND MAPPING CONSULTANT
5424 SOUTH BRACKEN COURT
WINTER PARK, FLORIDA 32782-9405
TELEPHONE: (407) 538-9137
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