



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: September 13, 2016

REAL ESTATE MANAGEMENT ITEM 5

**DATE:** August 18, 2016

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

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

**FROM:** Elizabeth Price Jackson, Senior Title Examiner   
Real Estate Management Division

**CONTACT PERSON:** **Ann Caswell, Manager**

**DIVISION:** **Real Estate Management**  
**Phone: (407) 836-7082**

**ACTION REQUESTED:** APPROVAL OF TRANSIT EASEMENT BETWEEN CRP/FP AXIS WEST OWNER, L.L.C. AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM BRANCH BANKING AND TRUST COMPANY AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** I-Drive Transit Easement (ILH Interchange – The Axis)  
  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of road infrastructure improvements as a requirement of development.

**ITEMS:** Transit Easement (Instrument 8002.1)  
Cost: Donation  
Size: 4,338 square feet  
  
Subordination of Encumbrances to Property Rights to Orange County (Instrument 8002.2)

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Public Works Department  
Transportation Planning Division

**REMARKS:**

This easement is being donated as a condition of development approval in connection with the International Drive Activity Center Element, Goals, Objectives and Policies of the Orange County Comprehensive Plan-Destination 2030.

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  
SEP 13 2016

THIS IS A DONATION

Instrument: 8002.1  
Project: I-Drive Transit Easement  
(ILH Interchange – The Axis)

**TRANSIT EASEMENT**

THIS INDENTURE, Made this 9 day of JUNE AD, 2016, between CRP/FP Axis West Owner, L.L.C., a Delaware limited liability company, whose address is 233 12TH STREET, SUITE 900, COLUMBUS, GA 31901, 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 an easement for transit purposes more particularly described in SCHEDULE "B", over, under, and upon the following described lands situate in Orange County aforesaid, to-wit:

**SEE ATTACHED SCHEDULE "A"**

**Property Appraiser's Parcel Identification Number:**

**a portion of**

**11-24-28-3829-00-010**

TO HAVE AND TO HOLD said 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 easement and the GRANTOR, its heirs, successors, and assigns agree not to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the granted easement. Notwithstanding the foregoing, Grantor shall be reasonably permitted to construct and maintain within the easement area driveways, curbs, and gutters and to grant such drainage and utility easements as are necessary to serve Grantor's property to the extent such easements are consistent with Grantee's use of the property.

Instrument: 8002.1  
Project: I-Drive Transit Easement  
(ILH Interchange – The Axis)

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be signed in its name by John F. Flournoy, Jr., its duly authorized agent.

Signed, sealed and delivered  
in the presence of:

Walter W. Pinckney  
Witness

MARY MINCHEN  
Printed Name

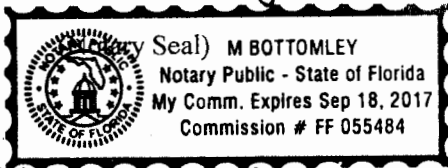
Anna Flournoy  
Witness

Anna Flournoy  
Printed Name

(Signature of two witnesses required  
by Florida law)

STATE OF Florida  
COUNTY OF St Johns

The foregoing instrument was acknowledged before me this 9 day of June, 2016, by John F. Flournoy, Jr., as President of Flournoy Partners, LLC, a Delaware limited liability company, acting in its capacity as Managing Member of FP Axis West Venture, L.L.C., a Delaware limited liability company, acting as Administrative Member of CRP/FP Axis West Venture, L.L.C., a Delaware limited liability company, acting as sole member of CRP/FP Axis West Owner, L.L.C., a Delaware limited liability company, on behalf of the company. He  is personally known to me or  has produced Georgia d.l. as identification.



This instrument prepared by:  
E. Price Jackson, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

S:\Forms & Master Docs\Project Document Files\I-Drive Transit Easement\8002.1 TRE.doc 1/12/16bj 2/17/16bj

CRP/FP Axis West Owner, L.L.C.,  
a Delaware limited liability company

BY: CRP/FP Axis West Venture, L.L.C.,  
a Delaware limited liability company,  
its sole Member

BY: FP Axis West Venture, LLC,  
a Delaware limited liability company  
its Administrative Member

BY: Flournoy Partners, LLC  
a Delaware limited liability company,  
its Managing Member

BY: John F. Flournoy, Jr.  
John F. Flournoy, Jr.  
President

M. Bottomley  
Notary Signature  
M. BOTTOMLEY  
Printed Notary Name  
Notary Public in and for  
the county and state aforesaid

My commission expires: Sept 18, 2017

# SKETCH OF DESCRIPTION

PROJECT: SEAWORLD  
PURPOSE: TRANSIT EASEMENT

THIS IS NOT A BOUNDARY SURVEY  
NOT VALID WITHOUT SHEET 2

## DESCRIPTION:

A PORTION OF LOT 1, I L H INTERCHANGE CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGES 96 THROUGH 98, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 1; SAID CORNER BEING A POINT ON THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE NO. 4; THENCE RUN S89°25'21"E. ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 1102.61 FEET TO THE POINT OF BEGINNING SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 705.00 FEET, THENCE FROM A RADIAL BEARING OF S63°17'54"E, RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°58'13", AN ARC DISTANCE OF 294.95 FEET, HAVING A CHORD BEARING OF N38°41'13"E AND A CHORD DISTANCE OF 292.80 FEET; THENCE RUN S47°22'43"E A DISTANCE OF 15.15 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF WESTWOOD BOULEVARD, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 690.00 FEET, THENCE FROM A RADIAL BEARING OF S39°09'06"E, RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°32'03", AN ARC DISTANCE OF 283.42 FEET, HAVING A CHORD BEARING OF S39°04'52"W AND A CHORD DISTANCE OF 281.43 FEET, THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN N89°25'21"W, ALONG THE AFORESAID SOUTH LINE OF LOT 1 A DISTANCE OF 16.75 FEET TO THE POINT OF BEGINNING.

CONTAINS ±4338 SQUARE FEET OR 0.100 ACRES

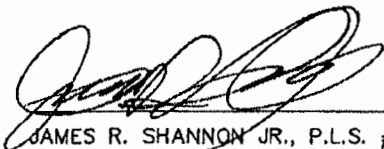
SHANNON SURVEYING, INC.  
499 NORTH S.R. 434 - SUITE 2155  
ALTAMONTE SPRINGS, FLORIDA, 32714  
(407) 774-8372 LB # 6898

DATE OF SURVEY: 08/29/2015

DRAWN BY: ZS SCALE: 1" = 200'

SEAWORLD TRANSIT EASEMENT

SHEET 1 OF 2

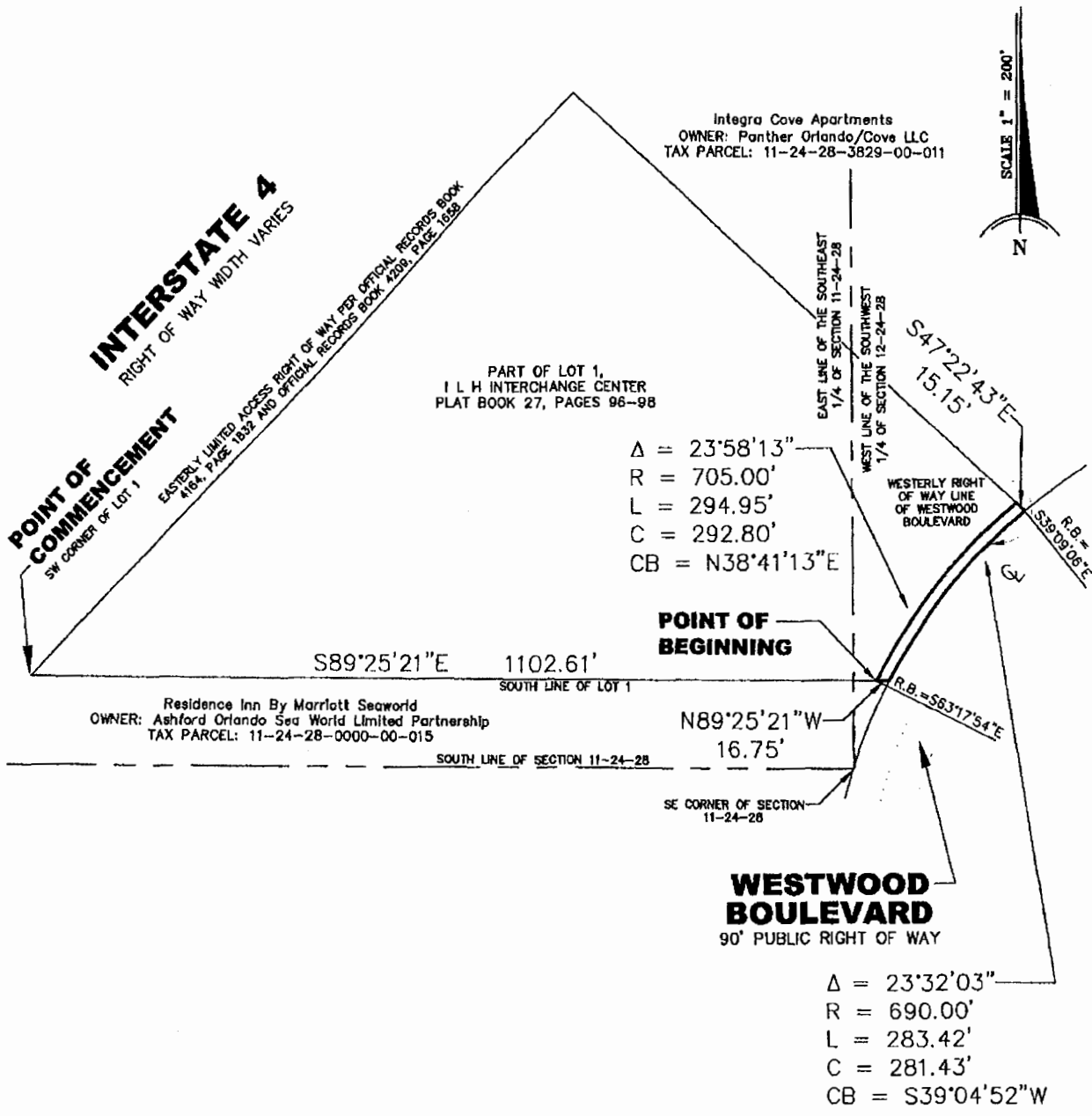


JAMES R. SHANNON JR., P.L.S. #4671  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

# SKETCH OF DESCRIPTION

PROJECT: SEAWORLD  
 PURPOSE: TRANSIT EASEMENT

THIS IS NOT A BOUNDARY SURVEY  
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SHANNON SURVEYING, INC.  
 499 NORTH S.R. 434 - SUITE 2155  
 ALTAMONTE SPRINGS, FLORIDA, 32714  
 (407) 774-8372 LB # 6898

DATE OF SURVEY: 08/20/2015  
 DRAWN BY: ZS SCALE: 1" = 200'  
 SEAWORLD TRANSIT EASEMENT  
 SHEET 2 OF 2

## **SCHEDULE "B"**

### **I-Drive Transit Easement Parcel 8002**

#### **TRANSIT EASEMENT**

Parcel 8002 is being acquired as a perpetual, non-exclusive easement for public right-of-way, drainage, traffic signals, traffic signs, and utility purposes, with full authority to enter upon, construct, operate, and maintain, as the GRANTEE and its assigns may deem necessary, roadway, sidewalk, drainage, traffic signals, traffic signs, utility and appurtenant facilities over, under, and upon the following lands as described in Schedule "A".

THE GRANTEE 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 roadway, sidewalk, drainage, traffic signals, traffic signs, utility and appurtenant facilities out of and away from the granted easement, and the GRANTORS and their heirs, successors and assigns shall not build, construct, or create, nor permit others to build, construct, or create any building, utilities, or other structures on the granted easement that may interfere with the normal operation or maintenance of the roadway, sidewalk, drainage, utility, traffic signals, traffic signs, and appurtenant facilities.

THE GRANTOR may use the granted easement for any use not inconsistent with the GRANTEE'S intended use of the granted easement that will not adversely affect the operation, maintenance and integrity of the roadway, sidewalk, drainage, traffic signals, traffic signs, utility and appurtenant facilities.

This easement is for the purposes noted herein and will be maintained by the GRANTEE.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
SEP 13 2016

Instrument: 8002.2  
Project: I-Drive Transit Easement  
(ILH Interchange – The Axis)

**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 transit easement, in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Mortgage and Security Agreement, Assignment of Leases and Rents, 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 SCHEDULE "A"**

Encumbrances:

Branch Banking and Trust Company  
FROM: CRP/FP Axis West Owner, L.L.C.  
Mortgage and Security Agreement filed November 12, 2015  
Recorded in Official Records Book 11011, Page 9447  
Assignment of Leases and Rents filed November 12, 2015  
Recorded in Official Records Book 11011, Page 9467  
Financing Statement filed November 12, 2015  
Recorded in Official Records Book 11011, Page 9476  
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 transit easement purposes only, and that



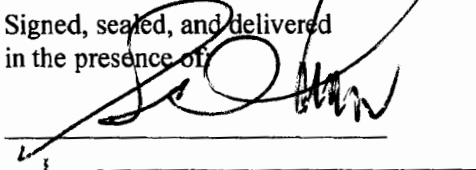
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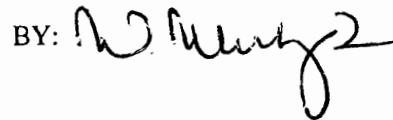
nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrances or the remedies at law or in equity for recovering thereon, or against the parties charged thereby, the full amount of all sums secured by and/or due under the same. It is further understood and agreed that in the event said above described premises are abandoned by ORANGE COUNTY and cease to be used for transit 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 12<sup>th</sup> day of May, A.D. 2014.

Signed, sealed, and delivered in the presence of

Branch Banking and Trust Company  
a North Carolina banking corporation



BY: 

Witness

W. Wesley Lee  
Printed Name

Arnell Rivers  
Printed Name

Senior Vice President  
Title

Steph F. Vickery  
Witness

(Corporate Seal)

Stephen F. Vickery  
Printed Name

(Signature of two witnesses required by Florida law)

STATE OF Alabama  
COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of May, 2014, by W. Wesley Lee, the SVP, of Branch Banking and Trust Company, a North Carolina banking corporation, on behalf of said corporation. He/she  is personally known to me, or  produced \_\_\_\_\_ as identification.

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

Renee Nelson Brown  
Notary Public  
Renee Nelson Brown  
Printed Name  
Notary Public in and for the county and state aforesaid  
My commission expires:

# SKETCH OF DESCRIPTION

PROJECT: SEAWORLD

PURPOSE: TRANSIT EASEMENT

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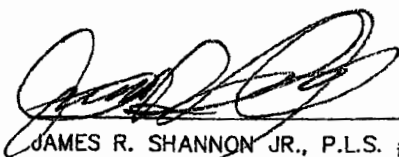
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SHEET 1 OF 2



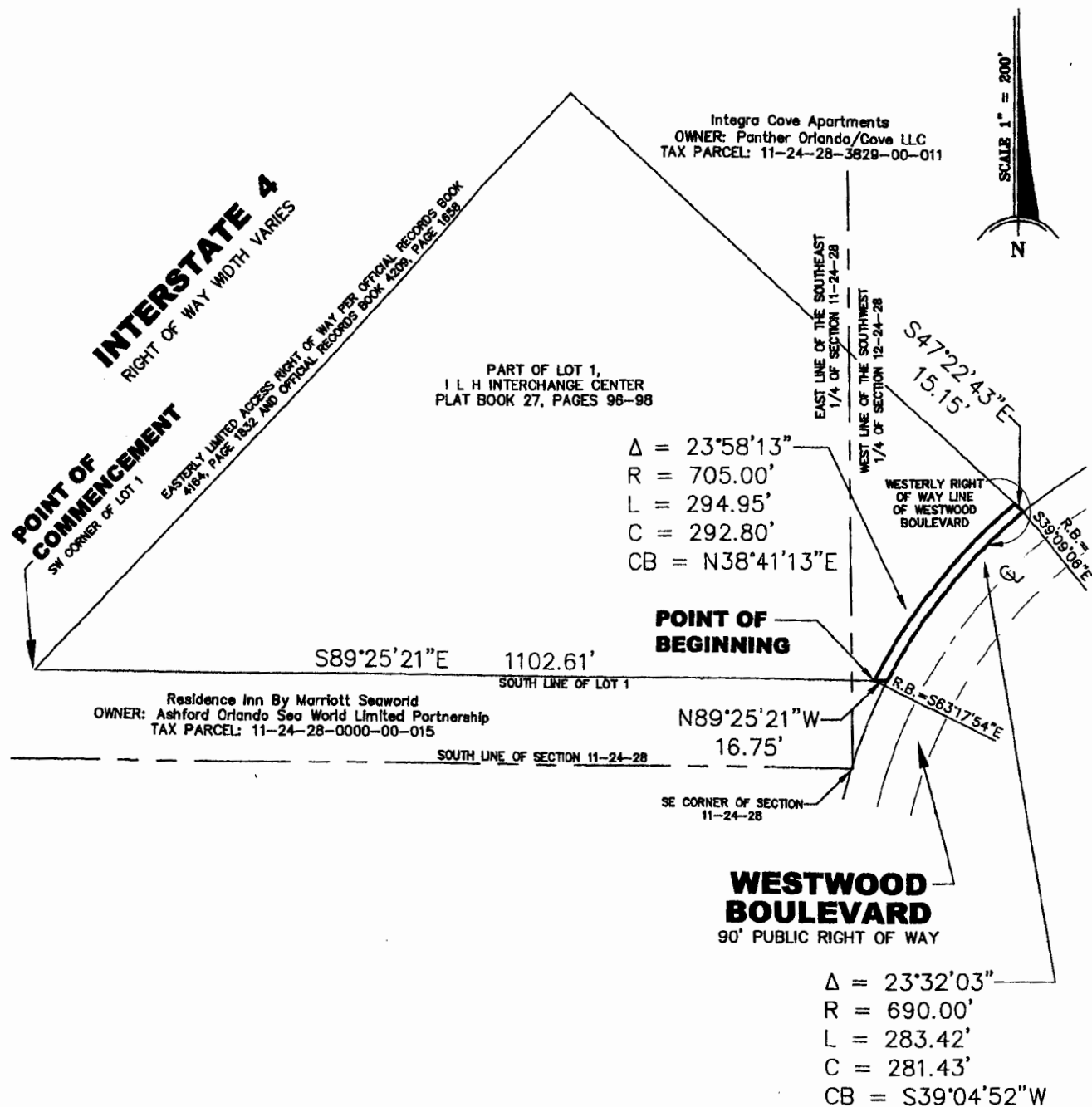
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Schedule "A"

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SHEET 2 OF 2