




Interoffice Memorandum


APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 14 2015 NP/CAS

REAL ESTATE MANAGEMENT ITEM 6

DATE: June 24, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Jeffrey L. Sponenburg, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION/ SECTION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF ACCESS AND UTILITY EASEMENT BETWEEN MAGUIRE ROBERSON, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM KEYBANK NATIONAL ASSOCIATION AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Casa Mirella @ Belmere PH V OCU File #: 14-U-045

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of utility facilities as a requirement of development.

ITEMS: Access and Utility Easement
Cost: Donation
Size: 21,818 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.

JUL 14 2015 NP/CAS

Project: Casa Mirella @ Belmere Ph V OCU File #: 14-U-045

ACCESS AND UTILITY EASEMENT

THIS INDENTURE, Made this 2nd day of June, A.D. 2015, between Maguire Roberson, LLC, a Florida limited liability company, having its principal place of business in the city of Orlando, county of Orange, whose address is 7940 Via Dell'Angelo Way, Suite 200, Orlando, FL 32819 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 \$10.00 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 access and 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
31-22-28-1204-01-000 and 31-22-28-1204-03-000**

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.

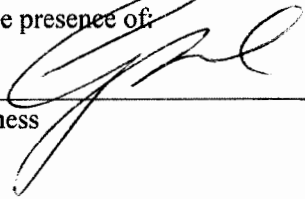
GRANTEE'S obligation to restore landscaping shall be limited to an obligation to restore to Orange County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

Project: Casa Mirella @ Belmere Ph V OCU File #: 14-U-045

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.

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

Signed, sealed, and delivered
in the presence of:



Witness

Amy Barnard

Printed Name



Witness

Nelly Soto

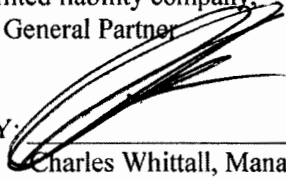
Printed Name

(Signature of TWO witnesses required by Florida law)

Maguire Roberson, LLC,
a Florida limited liability company

BY: CW Family LLLP, a Florida
limited liability limited partnership,
its Manager

BY: CW Family, LLC, a Florida
limited liability company,
as General Partner



BY: Charles Whittall, Manager

Project: Casa Mirella @ Belmere Ph V OCU File #: 14-U-045

STATE OF Florida
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, personally appeared Charles Whittall, as Manager of CW Family, LLC, a Florida limited liability company, as General Partner of CW Family LLLP, a Florida limited liability limited partnership, as Manager of Maguire Roberson, LLC, a Florida limited liability company, to me known to be, or who has produced _____ as identification, and did (did not) take an oath, the individual and officer described in and who executed the foregoing conveyance and acknowledged the execution thereof to be his/her free act and deed as such officer thereunto duly authorized, and the said conveyance is the act and deed of said limited liability company.

Witness my hand and official seal this 2nd day of June, 2015.

(Notary Seal)



Notary Signature

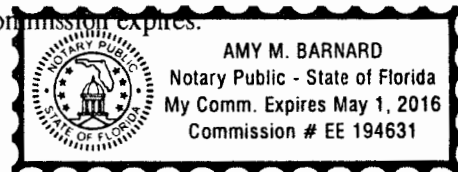
Printed Notary Name

This instrument prepared by:

Jeffrey Sponenburg, 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

(SEE SHEET 2 FOR SKETCH & LEGEND)

DESCRIPTION (prepared by Donald W. McIntosh Associates, Inc.):

That part of Lot 1 and Lot 3, CASA MIRELLA, according to the plat thereof, as recorded in Plat Book 72, Pages 124 through 126, of the Public Records of Orange County, Florida, described as follows:

Commence at the Northeast corner of said Lot 3; thence S00°15'51"E along the East line of said Lot 3, a distance of 389.38 feet to the POINT OF BEGINNING; thence continue along said East line, S00°15'51"E, a distance of 10.00 feet; thence departing said East line, run S89°44'09"W, 41.27 feet; thence N45°55'36"W, 17.91 feet; thence S89°46'12"W, 56.92 feet; thence S00°15'51"E, 83.17 feet to the point of curvature of a curve concave Northwesterly having a radius of 100.00 feet and a chord bearing of S37°24'03"W; thence Southwesterly along the arc of said curve through a central angle of 75°19'49" for a distance of 131.48 feet to the point of tangency; thence S75°03'58"W, 221.03 feet; thence N69°48'56"W, 144.55 feet; thence N63°18'59"W, 144.55 feet; thence N41°37'11"W, 211.08 feet; thence S65°17'00"W, a distance 44.13 feet to the Easterly line of an Orange County Utility Easement, as described and recorded in Official Records Book 10603, Page 9114, of the Public Records of Orange County, Florida; thence N11°05'16"W along said Easterly line, a distance of 0.94 feet; thence N16°14'16"W along said Easterly line, a distance of 19.30 feet; thence departing said Easterly line, run N65°17'00"E, 55.89 feet; thence S41°37'11"E, 222.07 feet; thence S63°18'59"E, 139.58 feet; thence S69°48'56"E, 137.08 feet; thence N75°03'58"E, 214.70 feet to the point of curvature of a curve concave Northwesterly having a radius of 80.00 feet and a chord bearing of N37°24'03"E; thence Northeasterly along the arc of said curve through a central angle of 75°19'49" for a distance of 105.18 feet to the point of tangency; thence N00°15'51"W, 103.18 feet; thence N89°46'12"E, 85.08 feet; thence S45°55'36"E, 32.21 feet; thence N89°44'09"E, 22.88 feet to the POINT OF BEGINNING.

Lying and being in Section 31, Township 22 South, Range 28 East, Orange County, Florida, containing 0.501 acres (21,818 square feet) more or less and being subject to any rights-of-way, restrictions and easements of record.

SURVEYORS NOTES

- This is not a survey.
- Bearings are based on the East line of Lot 3, CASA MIRELLA, according to the plat thereof recorded in Plat Book 72, Pages 124 through 126, Public Records, Orange County, Florida, being S00°15'51"E, per said plat.
- This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described hereon.

PREPARED FOR:

Maguire Roberson LLC

Casa Mirella ACLF - OCU Utility & Access Easement
SEC 31-22-28, ORANGE COUNTY, FL

OCU# 14-U-045

01/22/15	JP	REVISED LEGAL & SKETCH
11/20/14	KR	ADDED OCU #, REVISED DESCRIPTION
DATE	BY	DESCRIPTION

REVISIONS



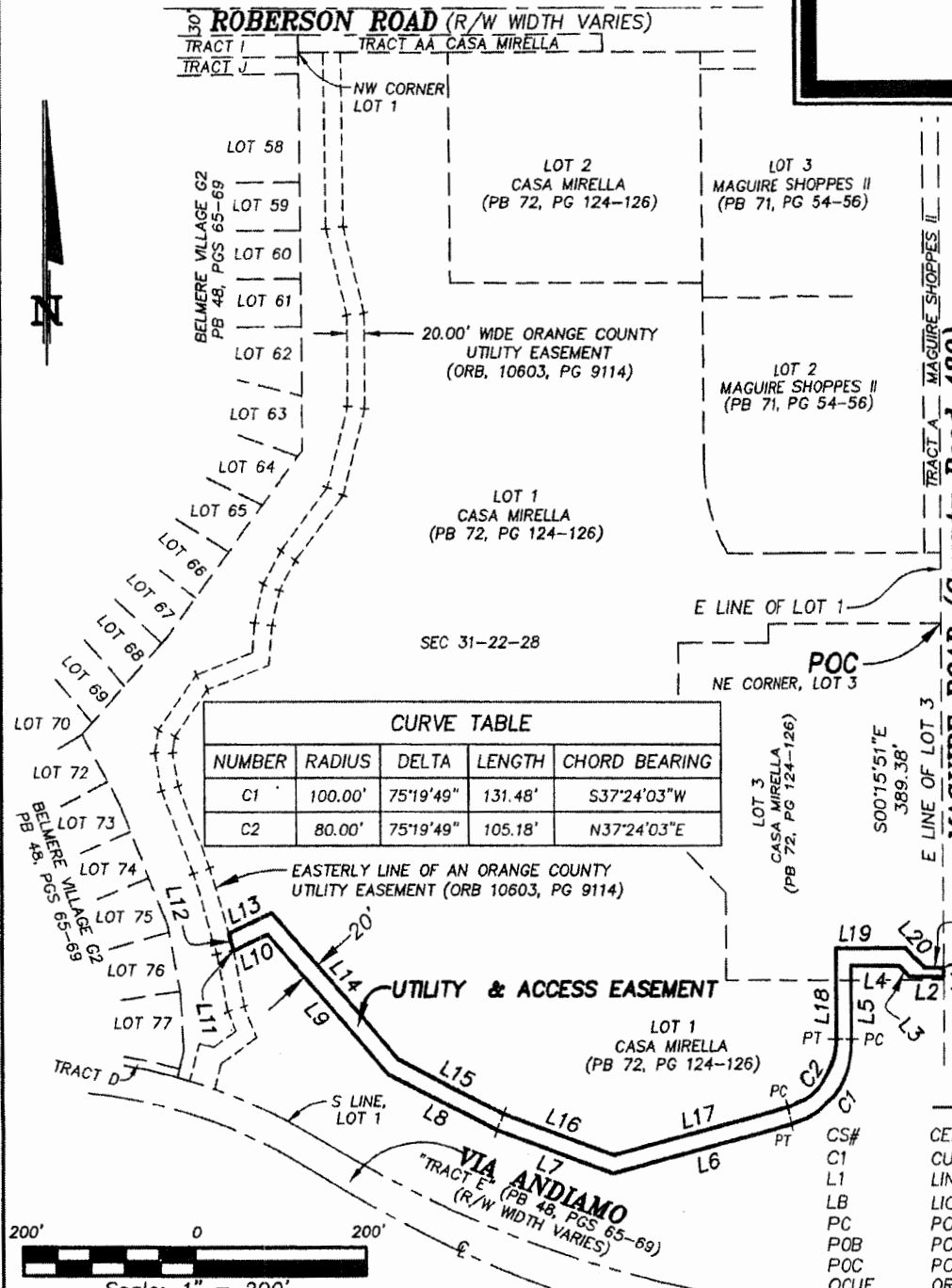
DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. LB68

DONALD W. McINTOSH ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION NO. LB68

Keith Ruddick
1-22-2015
Keith Ruddick
Florida Registered Surveyor and Mapper
Certificate No. 56174
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DRAWN BY: <u>JP</u>	CHECKED BY: <u>KR</u>	JOB NO. <u>13215.001</u>	SCALE <u>1"=200'</u>	SHEET <u>1</u>
DATE: <u>10/10/14</u>	DATE: <u>10/13/14</u>			OF <u>2</u>

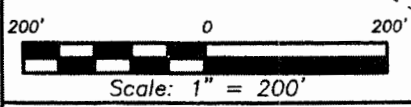
SKETCH OF DESCRIPTION



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S00°15'51"E	10.00'
L2	S89°44'09"W	41.27'
L3	N45°55'36"W	17.91'
L4	S89°46'12"W	56.92'
L5	S00°15'51"E	83.17'
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CURVE TABLE				
NUMBER	RADIUS	DELTA	LENGTH	CHORD BEARING
C1	100.00'	75°19'49"	131.48'	S37°24'03"W
C2	80.00'	75°19'49"	105.18'	N37°24'03"E

LEGEND	
CS#	CERTIFIED SURVEY DRAWING NUMBER
C1	CURVE TABLE NUMBER
L1	LINE TABLE NUMBER
LB	LICENSED BUSINESS
PC	POINT OF CURVATURE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
OCUE	ORANGE COUNTY UTILITY EASEMENT
ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG(S)	PAGE(S)
PT	POINT OF TANGENCY
R/W	RIGHT-OF-WAY
SEC 31-22-28	SECTION 31, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FL



PREPARED FOR:
Maguire Roberson LLC
 Casa Mirella ACLF - OCU Utility & Access Easement
 SEC 31-22-28, ORANGE COUNTY, FL OCU# 14-U-045

	DONALD W. McINTOSH ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068 CERTIFICATE OF AUTHORIZATION NO. LB68		
	DRAWN BY: <u>JP</u> DATE: <u>10/10/14</u>	CHECKED BY: <u>KR</u> DATE: <u>10/13/14</u>	JOB NO. <u>13215.001</u>

This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described herein.

(SEE SHEET 1 FOR LEGAL DESCRIPTION & NOTES)

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 14 2015 NP/CAS

Project: Casa Mirella @ Belmere PH V OCU File #: 14-U-045

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 an access and utility easement, in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to Mortgage, Assignment of Rents and Security Agreement; Financing Statement; Assignment of Note Mortgage and Loan Documents; Financing Statement Amendment; Amended and Restated Mortgage Assignment of Rents, Security Agreement and Fixture Filing; Assignment of Leases and Rents; Financing Statement Amendment 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"/EXHIBIT "A"

Encumbrances:

KeyBank National Association
FROM: Maguire Roberson, LLC
Mortgage, Assignment of Rents and Security Agreement filed November 06, 2012
Recorded in Official Records Book 10470, Page 0038
Financing Statement filed November 06, 2012
Recorded in Official Records Book 10470, Page 0056
Assignment of Note, Mortgage and Loan Documents filed September 05, 2014
Recorded in Official Records Book 10800, Page 2856
Financing Statement Amendment filed September 05, 2014

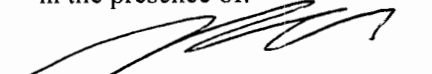
Recorded in Official Records Book 10800, Page 2862
Amended and Restated Mortgage Assignment of Rents, Security
Agreement and Fixture Filing filed September 05, 2014
Recorded in Official Records Book 10800, Page 2863
Assignment of Leases and Rents filed September 05, 2014
Recorded in Official Records Book 10800, Page 2887
Financing Statement Amendment filed September 05, 2014
Recorded in Official Records Book 10800, Page 2895
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 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 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 2 day of JUNE, A.D. 2015.


KeyBank National Association, a national
banking association

Signed, sealed, and delivered
in the presence of:



Witness

Uma Alexander
Printed Name



Witness
Jane Z. Harrison
Printed Name

BY: 

S.V.P.

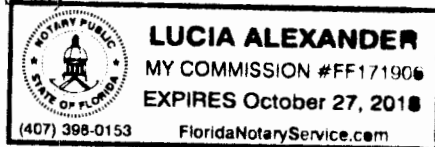
Michael C. Rose
Printed Name
S.V.P.
Title

STATE OF Florida
COUNTY OF Hillsborough

I HEREBY CERTIFY, that on this 2 day of June, A.D. 20 15, before me personally appeared Michael Rose, as SVP of KeyBank National Association, a national banking association, to me known to be, or who has produced Drivers License as identification, and did (did not) take an oath, the individual and officer described in and who executed the foregoing conveyance and acknowledged the execution thereof to be his/her free act and deed as such officer thereunto duly authorized, and the said conveyance is the act and deed of said national banking association.

Witness my hand and official seal this 2 day of June, 2015.

(Notary Seal)



[Signature]
Notary Signature

Lucia Alexander
Printed Notary Name

This instrument prepared by:
Jeffrey Sponenburg, 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: 10/27/18

SKETCH OF DESCRIPTION

(SEE SHEET 2 FOR SKETCH & LEGEND)

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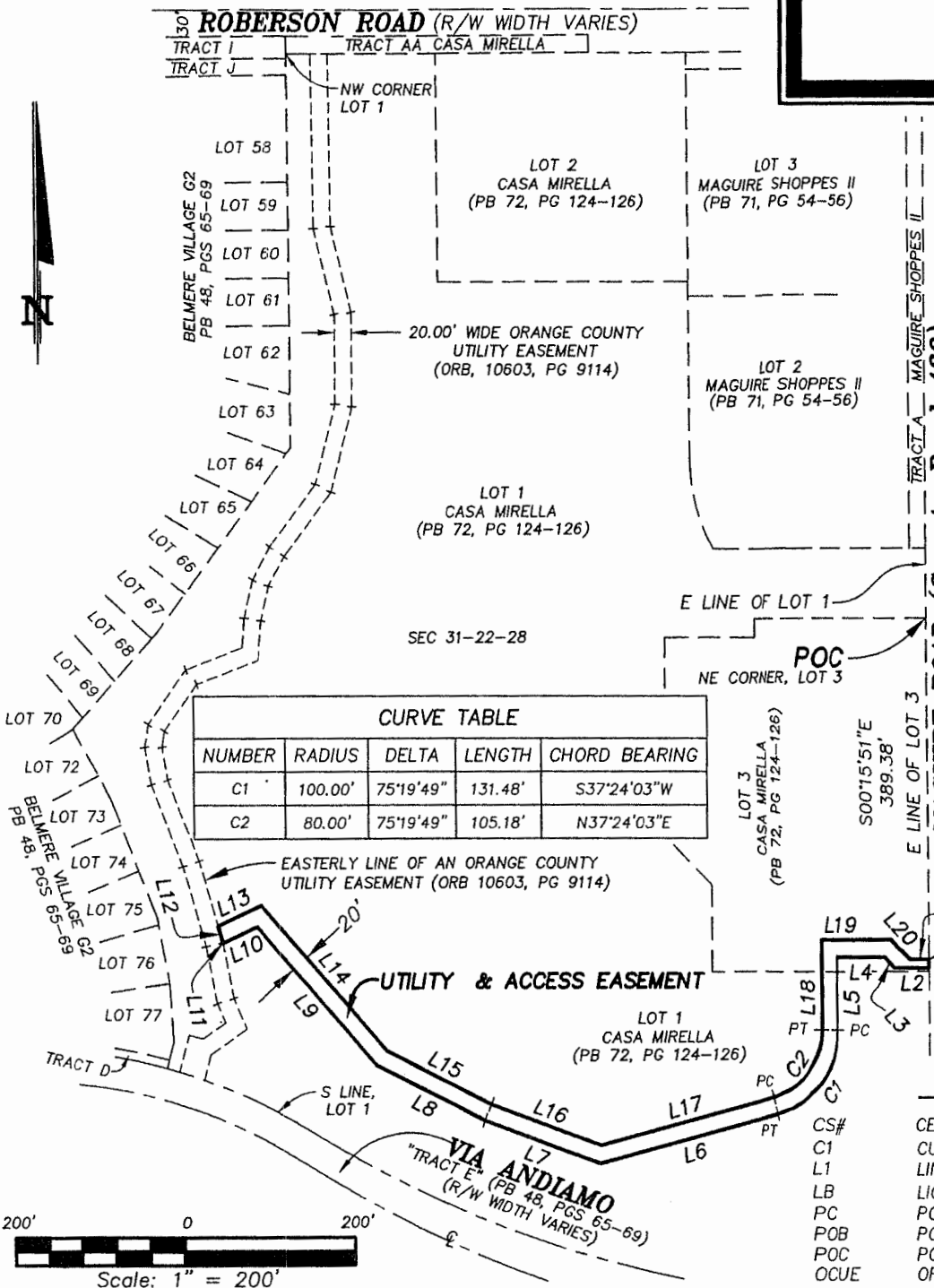
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PREPARED FOR:					
Maguire Roberson LLC		01/22/15	JP	REVISED LEGAL & SKETCH	
		11/20/14	KR	ADDED OCU #, REVISED DESCRIPTION	
Casa Mirella ACLF - OCU Utility & Access Easement SEC 31-22-28, ORANGE COUNTY, FL		DATE	BY	DESCRIPTION	
		OCU# 14-U-045		REVISIONS	
	DONALD W. McINTOSH ASSOCIATES, INC.			DONALD W. McINTOSH ASSOCIATES, INC.	
	ENGINEERS	PLANNERS	SURVEYORS	CERTIFICATE OF AUTHORIZATION NO. LB68	
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068					
CERTIFICATE OF AUTHORIZATION NO. LB68					
DRAWN BY: <u>JP</u>	CHECKED BY: <u>KR</u>	JOB NO. <u>13215.001</u>	SCALE <u>1"=200'</u>	SHEET <u>1</u>	 Keith Ruddick Florida Registered Surveyor and Mapper Certificate No. 46172 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
DATE: <u>10/10/14</u>	DATE: <u>10/13/14</u>			OF <u>2</u>	

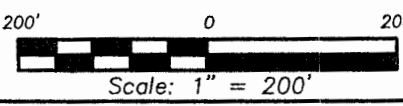
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LEGEND	
CERTIFIED SURVEY DRAWING NUMBER	
CURVE TABLE NUMBER	
LINE TABLE NUMBER	
LICENSED BUSINESS	
POINT OF CURVATURE	
POINT OF BEGINNING	
POINT OF COMMENCEMENT	
ORANGE COUNTY UTILITY EASEMENT	
OFFICIAL RECORDS BOOK	
PB	PLAT BOOK
PG(S)	PAGE(S)
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R/W	RIGHT-OF-WAY
SECTION 31, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FL	



PREPARED FOR:
Maguire Roberson LLC
 Casa Mirella ACLF - OCU Utility & Access Easement
 SEC 31-22-28, ORANGE COUNTY, FL
 OCU# 14-U-045 SEC 31-22-28

DONALD W. McINTOSH ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS
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 CERTIFICATE OF AUTHORIZATION NO. LB68

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DRAWN BY: JP	CHECKED BY: KR	JOB NO. 13215.001	SCALE 1"=200'	SHEET 2 OF 2
DATE: 10/10/14	DATE: 10/13/14			

(SEE SHEET 1 FOR LEGAL DESCRIPTION & NOTES)