



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

OCT 20 2015 *JKBS*

REAL ESTATE MANAGEMENT ITEM 7

DATE: October 2, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Virginia G. Williams, Senior Title Examiner *VGW*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN BLUEROCK DEVELOPMENT, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CENTERSTATE BANK OF FLORIDA, N.A., SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CHUY'S OPCO, INC. AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Chuy's At Waterford Oaks NC OCU Permit: B15902038
OCU File # 81647

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: 450 square feet

Subordinations of Encumbrances to Property Rights to Orange County (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
OCT 20 2015 JHB

THIS IS A DONATION

Project: Chuy's At Waterford Oaks NC OCU Permit: B15902038 OCU File # 81647

UTILITY EASEMENT

THIS INDENTURE, Made this 31 day of August, A.D. 2015, between Bluerock Development, LLC, a Florida limited liability company, having its principal place of business in the city of Winter Park, county of Orange, whose address is 1150 S. Orlando Ave, suite B, Winter Park, 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 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

22-22-31-8496-00-050

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: Chuy's At Waterford Oaks NC OCU Permit: B15902038 OCU File # 81647

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:

Bluerock Development, LLC, a Florida
limited liability company

[Signature]
Witness

BY: [Signature]

KIM Shields
Printed Name

Joseph N Schumann
Printed Name

[Signature]
Witness

Managing Member
Title

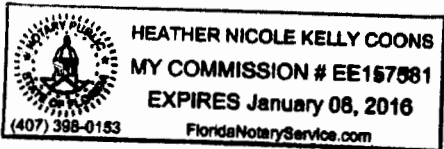
leigh A Williams
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 31 day of August, 2015, by Joseph Schumann, as Managing member of Bluerock Development, LLC, a Florida limited liability company, on behalf of said company. He/she is personally known to me, or [] has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature

This instrument prepared by:
Virginia G. Williams, a staff employee
in the course of duty with the
Real Estate Management Division
Of Orange County, Florida

Heather Nicole Kelly Coons
Printed Notary Name

Notary Public in and for
the County and State aforesaid

My Commission Expires:

SKETCH AND DESCRIPTION UTILITY EASEMENT

CHUY'S AT WATERFORD OAKS, NC. O.C.P.U. PROJECT #B15902038

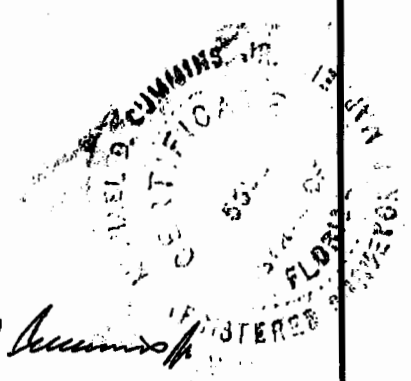
A PORTION OF LOT 5, SUNSET TERRACE, AS RECORDED IN PLAT BOOK X, PAGE 11 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 5, SUNSET TERRACE, AS RECORDED IN PLAT BOOK X, PAGE 11 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S89°39'23"W, ALONG THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 15.00 FEET; THENCE N01°27'45"W, DEPARTING SAID SOUTH LINE, 30.01 FEET; THENCE N89°39'23" E, 15.00 FEET TO THE EAST LINE OF SAID LOT 5, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF ALAFAYA TRAIL; THENCE S01°27'45"E, ALONG SAID EAST LINE AND SAID WEST RIGHT OF WAY LINE, 30.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 450 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 5, SUNSET TERRACE, ASSUMED AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.



Michael D. Cummins

MICHAEL D. CUMMINS JR.
FLORIDA REGISTRATION NUMBER LS5592
LICENSED SURVEYOR AND MAPPER IN
RESPONSIBLE CHARGE

PREPARED FOR: MITCH COLLINS, P.E. INC.

**CUMMINS SURVEYING
AND MAPPING, INC.**

2758 Susanday Drive
Orlando, Florida 32812
(407) 894-4254

e-mail: mc5592@bellsouth.net
Certificate of Authorization LB 6983

TECHNICIAN: MDC

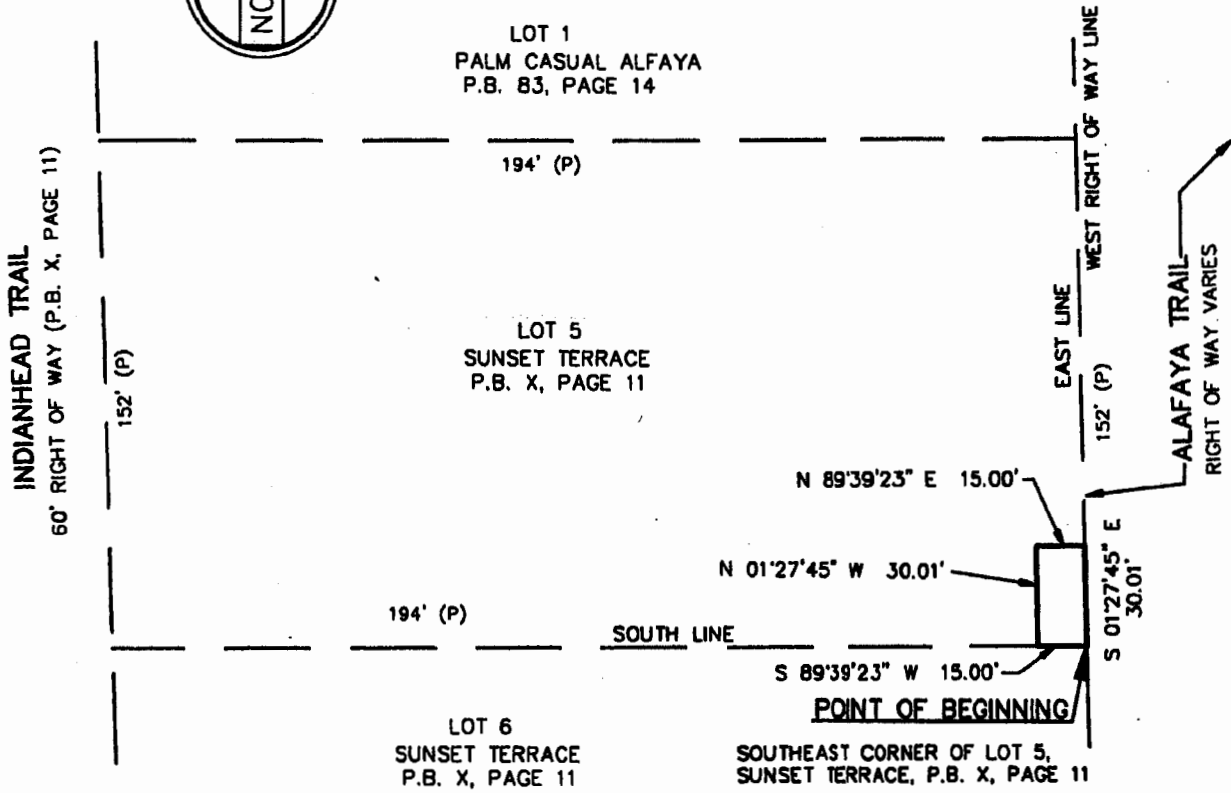
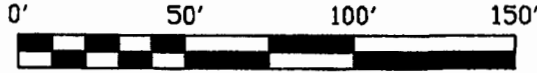
ISSUE DATE: 7-06-15

PROJECT NO. 08-17

SHEET No. 1 OF 2

SKETCH AND DESCRIPTION UTILITY EASEMENT

CHUY'S AT WATERFORD OAKS, NC. O.C.P.U. PROJECT #B15902038



LEGEND:

- (P) PLAT
- P.B. PLAT BOOK
- P.S.M. PROFESSIONAL SURVEYOR & MAPPER
- LB LICENSED SURVEYING BUSINESS

PREPARED FOR: **MITCH COLLINS, P.E. INC.**

**CUMMINS SURVEYING
AND MAPPING, INC.**

2758 Susanday Drive
Orlando, Florida 32812
(407) 894-4254

e-mail: mc5592@bellsouth.net
Certificate of Authorization LB 6983


SCALE: 1" = 50'

TECHNICIAN: MDC

ISSUE DATE: 7-06-15

PROJECT NO. 08-17

SHEET No. 2 OF 2

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 20 2015 

Project: Chuy's At Waterford Oaks NC OCU Permit: B15902038 OCU File # 81647

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 and Security Agreement; Assignment of Rents, Leases and Proceeds; UCC Financing Statement; Collateral Assignment of Development Rights, Licenses, Contracts, Permits and Warranties; Subordination, Non-Disturbance and Attornment Agreement; Modification of Mortgage and Spreader Agreement; and Modification of Mortgage and Notice of Future Advance 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:

Centerstate Bank of Florida, N.A.
FROM: Bluerock Development, LLC
Mortgage and Security Agreement filed April, 1 2015
Recorded in Official Records Book 10897, Page 7738
Assignment of Rents, Leases and Proceeds filed April 1, 2015
Recorded in Official Records Book 10897, Page 7768

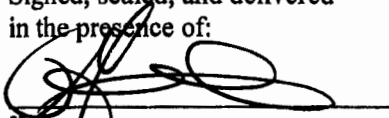
Project: Chuy's At Waterford Oaks NC OCU Permit: B15902038 OCU File # 81647

UCC Financing Statement filed April 1, 2015
Recorded in Official Records Book 10897, Page 7777
Collateral Assignment of Development Rights, Licenses, Contracts,
Permits and Warranties filed April 1, 2015
Recorded in Official Records Book 10897, Page 7783
Subordination, Non-Disturbance and Attornment Agreement filed April 1, 2015
Recorded in Official Records Book 10897, Page 7799
Modification of Mortgage and Spreader Agreement filed July 16, 2015
Recorded in Official Records Book 10951, Page 8881
Modification of Mortgage and Notice of Future Advance filed July 16, 2015
Recorded in Official Records Book 10951, Page 8886
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 27th day of August, A.D. 2015.

Signed, sealed, and delivered
in the presence of:

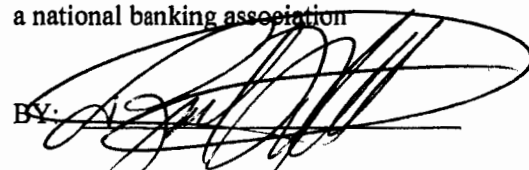

Witness
Paul Gerrard

Printed Name


Witness

RUBENA E. MCCORD
Printed Name

Centerstate Bank of Florida, N.A.,
a national banking association

BY: 

RUSSELL L. MOUTON, II

Printed Name

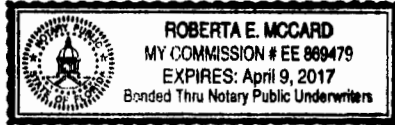
Senior Vice President
Title

Project: Chuy's At Waterford Oaks NC OCU Permit: B15902038 OCU File # 81647

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 27th day of August, 2015, by Russell L. Munkel, II, as Senior Vice President of Centerstate Bank of Florida, N.A., a national banking association. He/she [] is personally known to me, or [] has produced _____ as identification.

(Notary Seal)



Roberta E. McCard
Notary Signature

ROBERTA E. MCCARD
Printed Notary Name

This instrument prepared by:
Virginia G. Williams, 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 AND DESCRIPTION UTILITY EASEMENT

CHUY'S AT WATERFORD OAKS, NC. O.C.P.U. PROJECT #B15902038

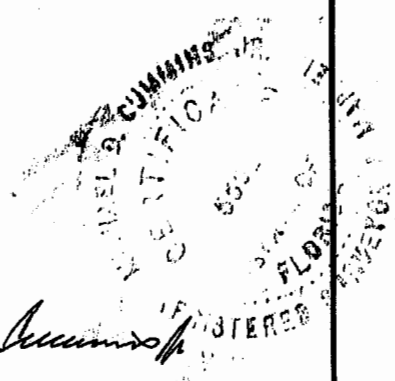
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3. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.



Michael D. Cummins Jr.

MICHAEL D. CUMMINS JR.
FLORIDA REGISTRATION NUMBER LS5592
LICENSED SURVEYOR AND MAPPER IN
RESPONSIBLE CHARGE

PREPARED FOR: MITCH COLLINS, P.E. INC.

**CUMMINS SURVEYING
AND MAPPING, INC.**

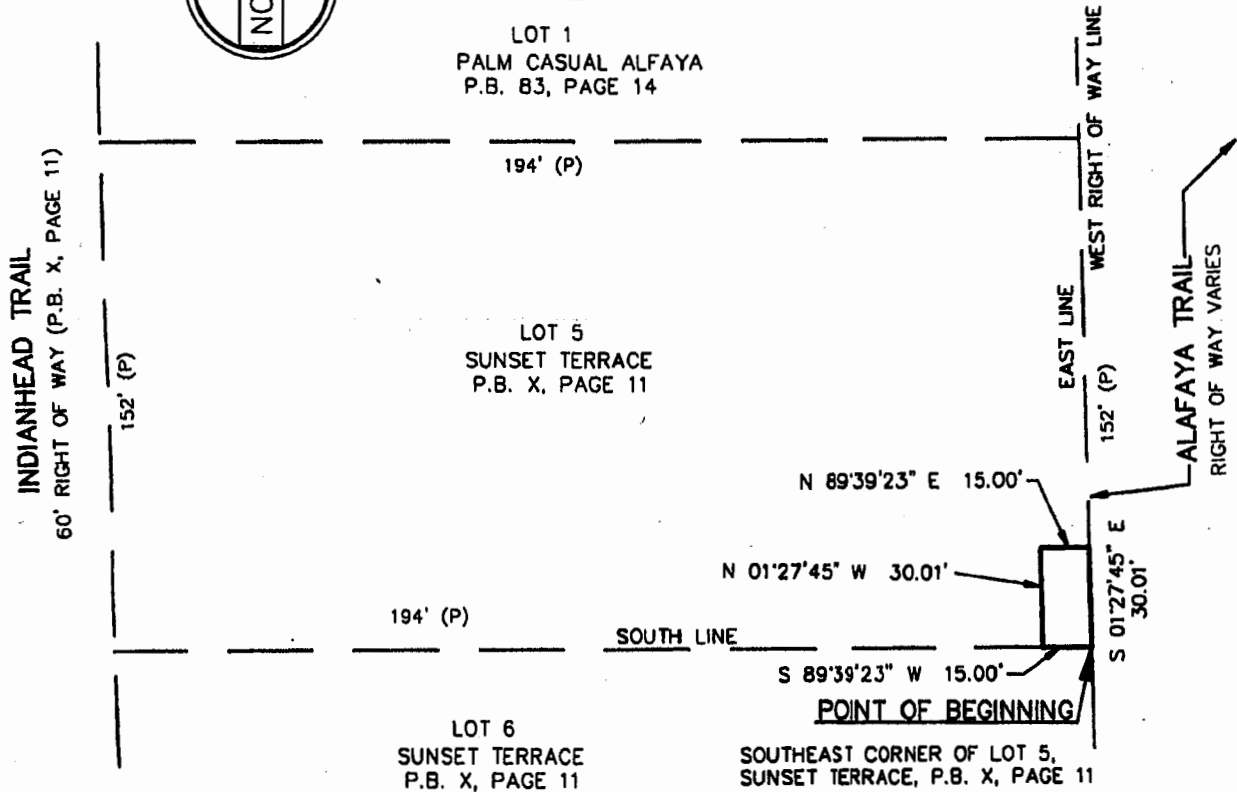
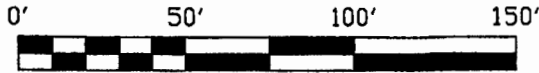
2758 Susanday Drive
Orlando, Florida 32812
(407) 894-4254

e-mail: mc5592@bellsouth.net
Certificate of Authorization LB 6983

	TECHNICIAN: MDC
ISSUE DATE: 7-06-15	PROJECT NO. 08-17
	SHEET No. 1 OF 2

SKETCH AND DESCRIPTION UTILITY EASEMENT

CHUY'S AT WATERFORD OAKS, NC. O.C.P.U. PROJECT #B15902038



LEGEND:

- (P) PLAT
- P.B. PLAT BOOK
- P.S.M. PROFESSIONAL SURVEYOR & MAPPER
- LB LICENSED SURVEYING BUSINESS

PREPARED FOR: **MITCH COLLINS, P.E. INC.**

**CUMMINS SURVEYING
AND MAPPING, INC.**

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APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

OCT 20 2015 SK/BS

Project: Chuy's At Waterford Oaks NC OCU Permit: B15902038 OCU File # 81647

SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY

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WHEREAS, A portion of the lands involved and necessary to said project is subject to a Memorandum of Lease held by the undersigned; and,

WHEREAS, On behalf of ORANGE COUNTY, a request has been made for the undersigned to subordinate said encumbrance 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 encumbrance as it has 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"

Encumbrance:

Chuy's OPCO, Inc.
FROM: Bluerock Development, LLC
Memorandum of Lease filed July 27, 2015
Recorded in Official Records Book 10957, Page 7097
Public Records of Orange County, Florida

PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance 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 encumbrance or the remedies at law or in equity

Project: Chuy's At Waterford Oaks NC OCU Permit: B15902038 OCU File # 81647

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 encumbrance 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 encumbrance has duly executed this instrument this 27th day of August, A.D. 2015.

Signed, sealed, and delivered in the presence of:

[Signature]
Witness

Scot Ambuchon
Printed Name

[Signature]
Witness

Lynne Dulaney
Printed Name

Chuy's OPCO, Inc., a Delaware corporation

BY: [Signature]

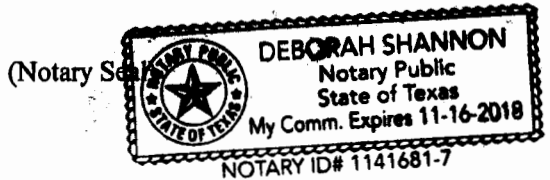
Jon Howie
Printed Name

Chief Financial Officer
Title

(Corporate Seal)

STATE OF Texas
COUNTY OF Travis

The foregoing instrument was acknowledged before me this 27th day of August, 2015, by Jon Howie, as C.F.O. of Chuy's OPCO, Inc., a Delaware corporation, on behalf of said corporation. He/she [X] is personally known to me, or [] has produced as identification.



This instrument prepared by: Virginia G. Williams, a staff employee in the course of duty with the Real Estate Management Division Of Orange County, Florida

[Signature]
Notary Signature

Deborah Shannon
Printed Notary Name

Notary Public in and for the County and State aforesaid

My Commission Expires:

SKETCH AND DESCRIPTION UTILITY EASEMENT

CHUY'S AT WATERFORD OAKS, NC. O.C.P.U. PROJECT #B15902038

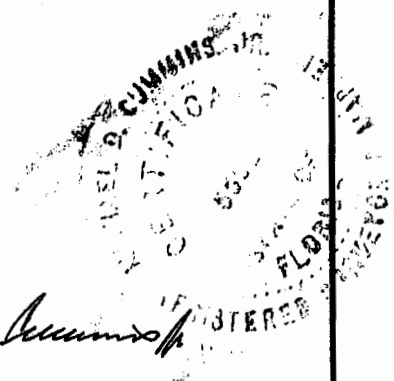
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Michael D. Cummins Jr.

MICHAEL D. CUMMINS JR.
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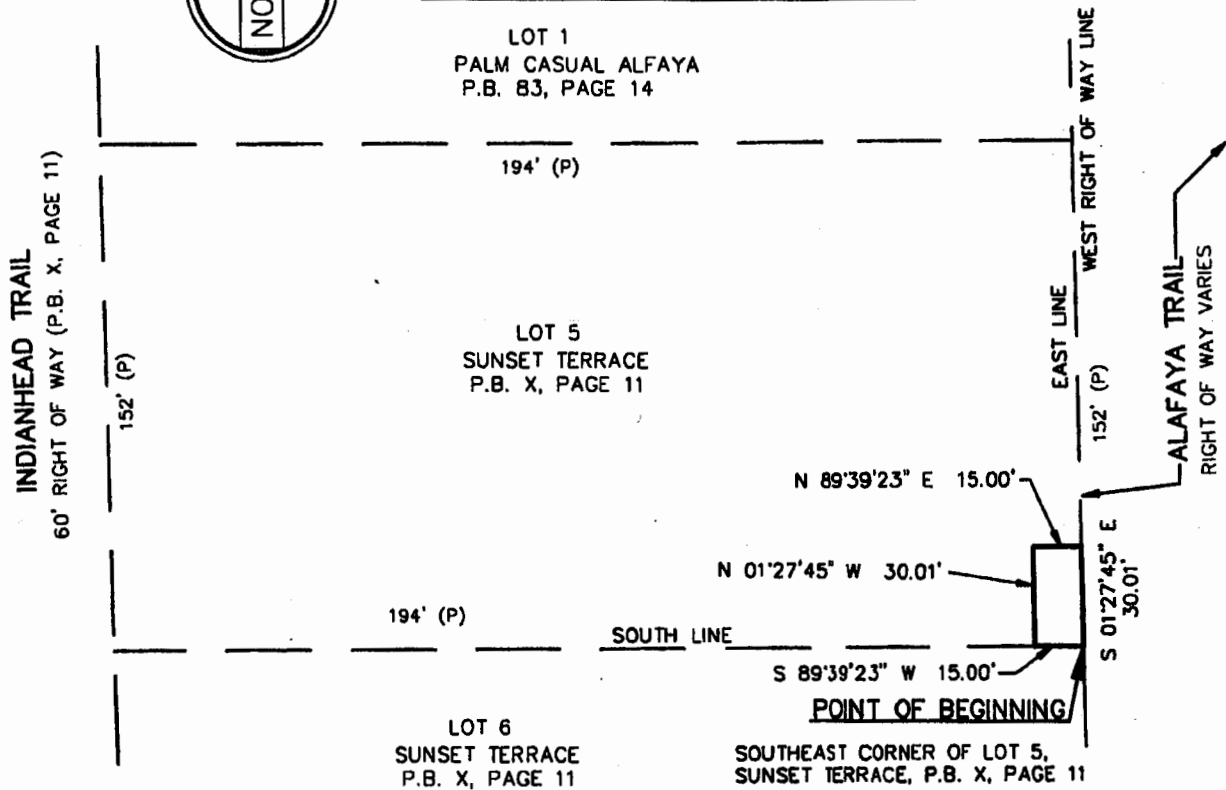
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LEGEND:

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LB LICENSED SURVEYING BUSINESS

PREPARED FOR: MITCH COLLINS, P.E. INC.

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