



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS


BCC Mtg. Date: Jun. 14, 2016

REAL ESTATE MANAGEMENT ITEM 4

DATE: May 26, 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: 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN ORLANDO EQUITY PARTNERS, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CB & T, A DIVISION OF SYNOVUS BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Universal Blvd PD Lot 5 Infrastructure (Top Golf)

District 6

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

ITEMS: Utility Easement
Cost: Donation
Size: 403.8 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
County Attorney's Office
Utilities Department
Risk Management Division

REMARKS:

This easement contains the following special conditions: Grantor reserves and retains for itself, its successors and assigns, the right to curb, pave (except vehicle parking spaces), stripe, fence, and landscape (except trees) the granted right-of-way, or otherwise utilize in a manner not inconsistent with the rights of Grantor. The County agrees to indemnify the Grantor within the limits provided in Section 768.28, Florida Statutes and without otherwise waiving County's sovereign immunity.

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 14 2016

THIS IS A DONATION

Project: Universal Blvd PD Lot 5 Infrastructure (Top Golf)

UTILITY EASEMENT

THIS INDENTURE, Made this 6th day of May, A.D. 2016, between Orlando Equity Partners, LLC, a Georgia limited liability company, having its principal place of business in the city of Atlanta, Georgia, county of Cobb, whose address is 2255 Cumberland Parkway, Building 1700, 2nd Floor, Atlanta, Georgia 30339, 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 36-23-28-6120-01-000

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 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. GRANTOR hereby reserves and retains for itself, its successors and assigns, the right to curb, pave (except vehicle parking spaces), stripe, fence, and landscape (except trees) the herein granted right-of-way, or otherwise utilize in a manner not inconsistent with the rights herein granted.

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.

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

Project: Universal Blvd PD Lot 5 Infrastructure (Top Golf)

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.

WITHIN THE LIMITS provided in Section 768.28, Florida Statutes and without otherwise waiving GRANTEE'S sovereign immunity, GRANTEE shall indemnify and hold GRANTOR harmless against any third party claim of liability or loss arising in tort from personal injury or property damage to the extent caused by or resulting from the negligent acts or omissions of GRANTEE, its officials or employees working within the scope of their employment for the GRANTEE or in conjunction with the use and occupancy of the property described in Exhibit "A".

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

Signed, sealed, and delivered in the presence of:

Orlando Equity Partners, LLC, a Georgia limited liability company

[Signature]
Witness

BY: Tall Pine Properties, LLC, a Georgia limited liability company, as Manager

David C. Gunderson
Printed Name

By: [Signature]
John H. Irby
Manager

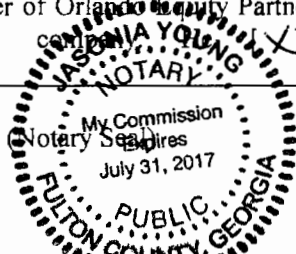
Jasonia Young
Witness

Jasonia Young
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Georgia
COUNTY OF Cobb

The foregoing instrument was acknowledged before me this 6th day of May, 2016 by John H. Irby, as Manager of Tall Pine Properties, LLC, a Georgia limited liability company, as Manager of Orlando Equity Partners, LLC, a Georgia limited liability company, on behalf of said limited liability company is personally known to me or [] has produced _____ as identification.



Jasonia Young
Notary Signature
Jasonia Young
Printed Notary Name

This instrument was prepared by: E. Price Jackson, 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: 7-31-17

LEGAL DESCRIPTION

LOT 5 INFRASTRUCTURE
ORANGE COUNTY UTILITIES RECLAIMED WATER METER EASEMENT
ORANGE COUNTY PERMIT 15-E-066

LEGAL DESCRIPTION

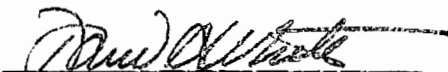
A PARCEL OF LAND, BEING THE SOUTHERLY 20.00 FEET OF THE WESTERLY 20.00 FEET OF LOT 1, OEP WEST PARCEL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGES 76 AND 77, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, OF SAID PLAT OF OEP WEST PARCEL FOR A POINT OF BEGINNING; THENCE RUN NORTH 53°03'28" EAST, ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 20.17 FEET TO A POINT LYING ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY; THENCE DEPARTING SAID WESTERLY LINE, RUN SOUTHEASTERLY, ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 1380.00 FEET, A CENTRAL ANGLE OF 00°50'18", AN ARC LENGTH OF 20.19 FEET, A CHORD LENGTH OF 20.19 FEET AND A CHORD BEARING OF SOUTH 44°52'39" EAST; THENCE RUN SOUTH 53°03'28" WEST, NON-RADIAL TO SAID CURVE, 20.21 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF UNIVERSAL BOULEVARD, AS RECORDED IN PLAT BOOK 46, PAGES 13 THROUGH 16 OF SAID PUBLIC RECORDS; SAID POINT ALSO LIES ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID NON-TANGENT CURVE, HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 00°49'34", AN ARC LENGTH OF 20.19 FEET, A CHORD LENGTH OF 20.19 FEET AND A CHORD BEARING OF NORTH 44°45'49" WEST TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 403.8 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

- (1) THIS LEGAL DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IDENTIFIED BELOW.
- (2) NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
- (3) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WESTERLY LINE OF LOT 1, OEP WEST PARCEL, AS RECORDED IN PLAT BOOK 87, PAGES 76 AND 77, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING NORTH 53°03'28" EAST.
- (4) THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
- (5) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
- (6) THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.



DAVID A. WHITE, P.S.M.
FLORIDA REGISTRATION NO. 4044
PEC - SURVEYING AND MAPPING, LLC.
CERTIFICATE OF AUTHORIZATION L.B. #7808
DATE OF SIGNATURE: 03-24-2016

(THIS IS NOT A SURVEY)

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.

SHEET 1 OF 2

PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION 1, TOWNSHIP 24 SOUTH, RANGE 28 EAST

DATE: JANUARY 18, 2016

PREP BY: J.L.M.

DRAWN BY: J.L.M.

JOB #: 15-129

O:\15-129 OEP West Base Mapping\15-129 20 X 20 UTILITY ESMT.dwg Mar 24, 2016 - 3:15pm

LEGAL DESCRIPTION

LOT 5 INFRASTRUCTURE
 ORANGE COUNTY UTILITIES RECLAIMED WATER METER EASEMENT
 ORANGE COUNTY PERMIT 15-E-066

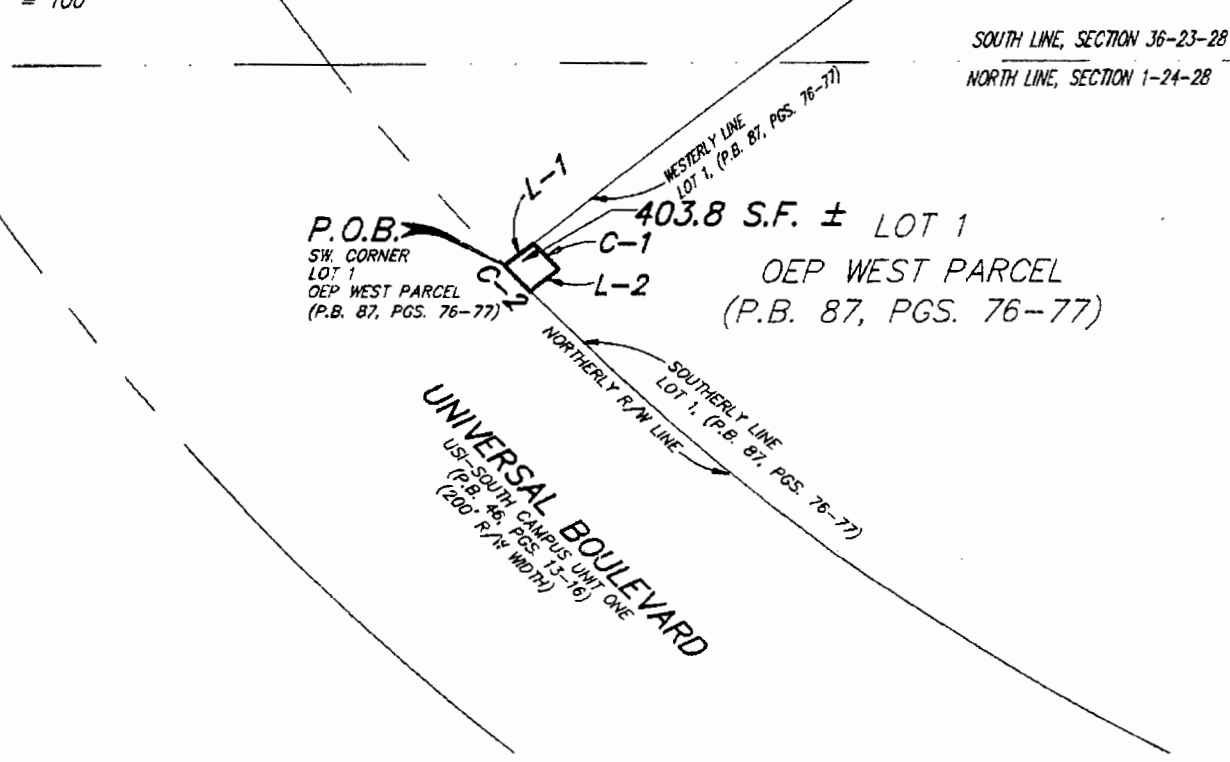
LEGEND

- P.O.B.....POINT OF BEGINNING
- R/W.....RIGHT-OF-WAY
- P.B.....PLAT BOOK
- PG.....PAGE
- ORB.....OFFICIAL RECORDS BOOK
- S.F.....SQUARE FEET

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CH. BEARING
C-1	1380.00'	0°50'18"	20.19'	20.19'	S44°52'39"E
C-2	1400.00'	0°49'34"	20.19'	20.19'	N44°45'49"W

LINE TABLE		
LINE	BEARING	LENGTH
L-1	N53°03'28"E	20.17'
L-2	S53°03'28"W	20.21'

SCALE
 1" = 100'



(THIS IS NOT A SURVEY)
 SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION AND SURVEYOR'S NOTES

SHEET 2 OF 2

PEC | **SURVEYING AND MAPPING, LLC**
 CERTIFICATE OF AUTHORIZATION NUMBER LB 7808
 2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967
 WWW.PECONLINE.COM

SECTION 1, TOWNSHIP 24 SOUTH, RANGE 28 EAST

DATE: JANUARY 18, 2016 PREP BY: J.L.M. DRAWN BY: J.L.M. JOB #: 15-129

O: 15-129 OEP West Base Mapping 15-129 20 X 20 UTILITY ESMT.dwg Mar 24, 2016 - 3:15pm

Project: Universal Blvd PD Lot 5 Infrastructure (Top Golf)

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 Leases and Rents; Financing Statements Form UCC -1; Modification Agreements; and Quitclaim Deed and Partial Release; 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:

CB & T, a Division of Synovus Bank
FROM: Orlando Equity Partners, LLC
Mortgage and Security Agreement filed October 2, 2012
Recorded in Official Records Book 10450, Page 8753
Assignment of Leases and Rents filed October 2, 2012
Recorded in Official Records Book 10450, Page 8817
Financing Statement form UCC -1 filed October 2, 2012
Recorded in Official Records Book 10450, Page 8852
Financing Statement form UCC -1 filed October 2, 2012
Recorded in Official Records Book 10450, Page 8886
Modification Agreement filed January 10, 2014
Recorded in Official Records Book 10688, Page 395
Modification Agreement filed October 21, 2014
Recorded in Official Records Book 10822, Page 9120
All in the Public Records of Orange County, Florida

Project: Universal Blvd PD Lot 5 Infrastructure (Top Golf)

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 5th day of May, A.D. 2016.

Signed, sealed, and delivered in the presence of:

CB & T, a Division of Synovus Bank, a Georgia banking company

Jacob W. Wood
Witness

BY: [Signature]

Jacob W. Wood
Printed Name

Matthew Pricelozny
Printed Name

[Signature]
Witness

VP
Title

John Evans
Printed Name

(Corporate Seal)

STATE OF Georgia
COUNTY OF Muscogee

The foregoing instrument was acknowledged before me this 5th day of May, 2016, by Matthew Pricelozny, the VP of CB & T, a Division of Synovus Bank, a Georgia banking corporation, on behalf of said corporation. He/she is personally known to me, or [] has produced _____ as identification.

(Notary Seal)



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

Jade Nicole Tamaski
Notary Signature

Jade Nicole Tamaski
Printed Notary Name
Notary Public in and for the County and State aforesaid
My Commission Expires: 6-2-17

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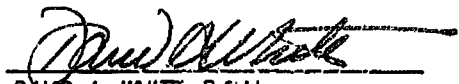
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FLORIDA REGISTRATION NO. 4044
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CERTIFICATE OF AUTHORIZATION L.B. #7808
DATE OF SIGNATURE: 03-24-2016

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SHEET 1 OF 2

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SECTION 1, TOWNSHIP 24 SOUTH, RANGE 28 EAST

DATE: JANUARY 18, 2016	PREP BY: J.L.M.	DRAWN BY: J.L.M.	JOB #: 15-129
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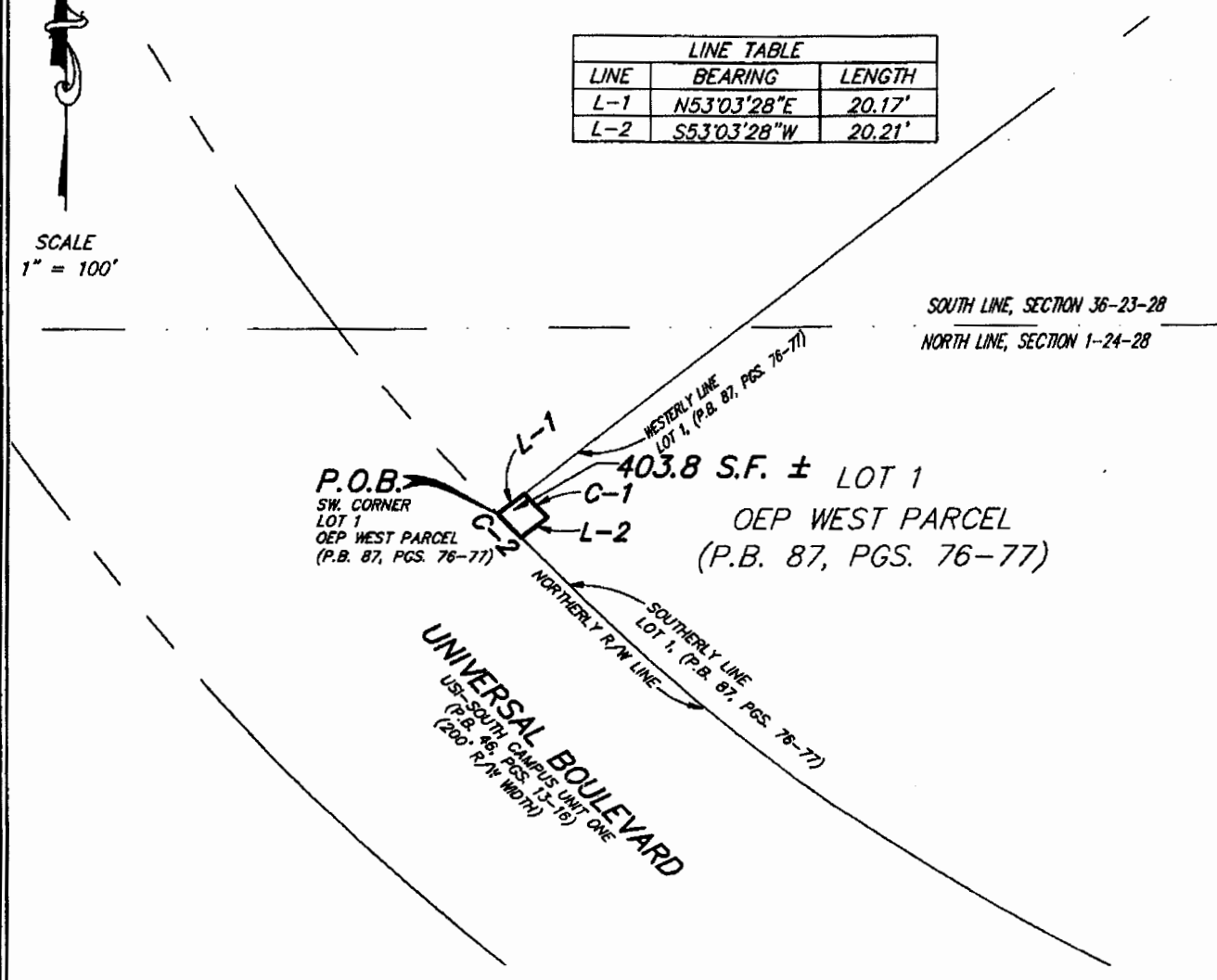
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SOUTH LINE, SECTION 36-23-28
 NORTH LINE, SECTION 1-24-28

P.O.B. SW CORNER LOT 1 OEP WEST PARCEL (P.B. 87, PGS. 76-77)
 403.8 S.F. ± LOT 1
 OEP WEST PARCEL (P.B. 87, PGS. 76-77)

UNIVERSAL BOULEVARD
 U.S. SOUTH CAMPUS UNIT ONE (P.B. 86, PGS. 13-16) (200' R/W WIDTH)

(THIS IS NOT A SURVEY)
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SHEET 2 OF 2

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