



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

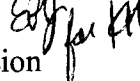
BCC Mtg. Date: Jun. 28, 2016

REAL ESTATE MANAGEMENT ITEM 9

**DATE:** June 10, 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: 836-7082

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT BETWEEN ISLA GOLDENROD, LLC, I.G. BONES, L.L.C., SWANN HOLDINGS, L.L.C. AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM USAMERIBANK, SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM DOLLAR TREE STORES, INC. AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Dollar Tree Goldenrod OCU Permit: B15901321  
OCU File #: 81906

District 3

**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)

Real Estate Management Division  
Agenda Item 9  
June 10, 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.**

THIS IS A DONATION

Project: Dollar Tree Goldenrod OCU Permit: B15901321 OCU File #: 81906

**UTILITY EASEMENT**

THIS INDENTURE, Made this 5 day of May, A.D. 2016, between Isla Goldenrod, LLC, a Florida limited liability company, as to an undivided 1/3 interest, having its principal place of business in the city of Tampa, county of Hillsborough, whose address is 611 W. Bay St. Suite B; I.G. Bones, L.L.C., a Florida limited liability company, as to an undivided 1/3 interest, having its principal place of business in the city of Tampa, county of Hillsborough, whose address is 23 S. Treasure Drive; and Swann Holdings, L.L.C., a Florida limited liability company, as to an undivided 1/3 interest, having its principal place of business in the city of Tampa, county of Hillsborough whose address is 8922 N Dale Mabry Hwy, Ste 200; 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 02-23-30-3028-01-121**

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 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: Dollar Tree Goldenrod OCU Permit: B15901321 OCU File #: 81906

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.

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:

*[Handwritten Signature]*

Witness

**Cory P. Hopkins**

Printed Name

Isla Goldenrod, LLC,  
a Florida limited liability company,  
as to an undivided 1/3 interest

BY: Isla Del Sol Associates, LTD,  
a Florida limited partnership,  
its Manager

BY: Bayway Management, Inc.,  
a Florida profit corporation  
its General Partner

*Paul M. Chisholm*  
Witness

*Paul M. Chisholm*  
Printed Name

BY: *[Handwritten Signature]*

*Mark E. Miller*  
Printed Name

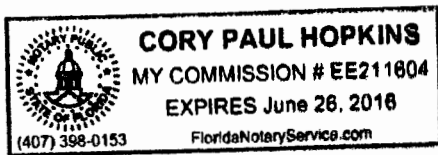
*Vice President*  
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 5 day of May, 2016, by Mark E. Miller, the Vice President of Bayway Management, Inc., a Florida profit corporation, as General Partner of Isla Del Sol Associates, LTD, a Florida limited partnership, as Manager of Isla Goldenrod, LLC, a Florida limited liability company, as to an undivided 1/3 interest, on behalf of the limited liability company. He/she [] is personally known to me, or [] has produced MI's as identification.

(Notary Seal)



*[Handwritten Signature]*  
Notary Signature

**Cory P. Hopkins**

Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My Commission Expires: June 26, 2016

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

Signed, sealed, and delivered  
in the presence of:

I.G. Bones, L.L.C.,  
a Florida limited liability company,  
as to an undivided 1/3 interest

*[Handwritten Signature]*

BY: *[Handwritten Signature]*

Witness

**Cory P. Hopkins**

*[Handwritten Signature]*

Printed Name

Printed Name

*[Handwritten Signature]*

*[Handwritten Signature]*

Witness

Title

*[Handwritten Signature]*

Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 5 day of May,  
2016 by Michael S. Leeds as VP of  
I.G. Bones, L.L.C., a Florida limited liability company, as to an undivided 1/3 interest, on behalf of the  
limited liability company. He/she [] is personally known to me, or [] has produced  
N/A as identification.

(Notary Seal)

*[Handwritten Signature]*

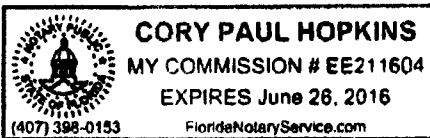
Notary Signature

**Cory P. Hopkins**

Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My commission expires: June 26, 2016



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

Signed, sealed, and delivered  
in the presence of:

Swann Holdings, L.L.C.,  
a Florida limited liability company,  
as to an undivided 1/3 interest

[Signature]  
Witness

Cory P. Hopkins  
Printed Name

[Signature]  
Witness

Paul M. Christler  
Printed Name

(Signature of TWO witnesses required by Florida law)

BY: [Signature]

Michael S. Leeds  
Printed Name

VP  
Title

STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 5 day of May,  
2016 by Michael S. Leeds as VP of  
Swann Holdings, L.L.C., a Florida limited liability company, as to an undivided 1/3 interest, on behalf of  
the limited liability company. He/she [ X ] is personally known to me, or [ ] has produced  
NA as identification.

(Notary Seal)

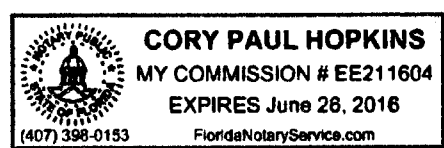
[Signature]  
Notary Signature

Cory P. Hopkins  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My commission expires: June 26, 2016

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

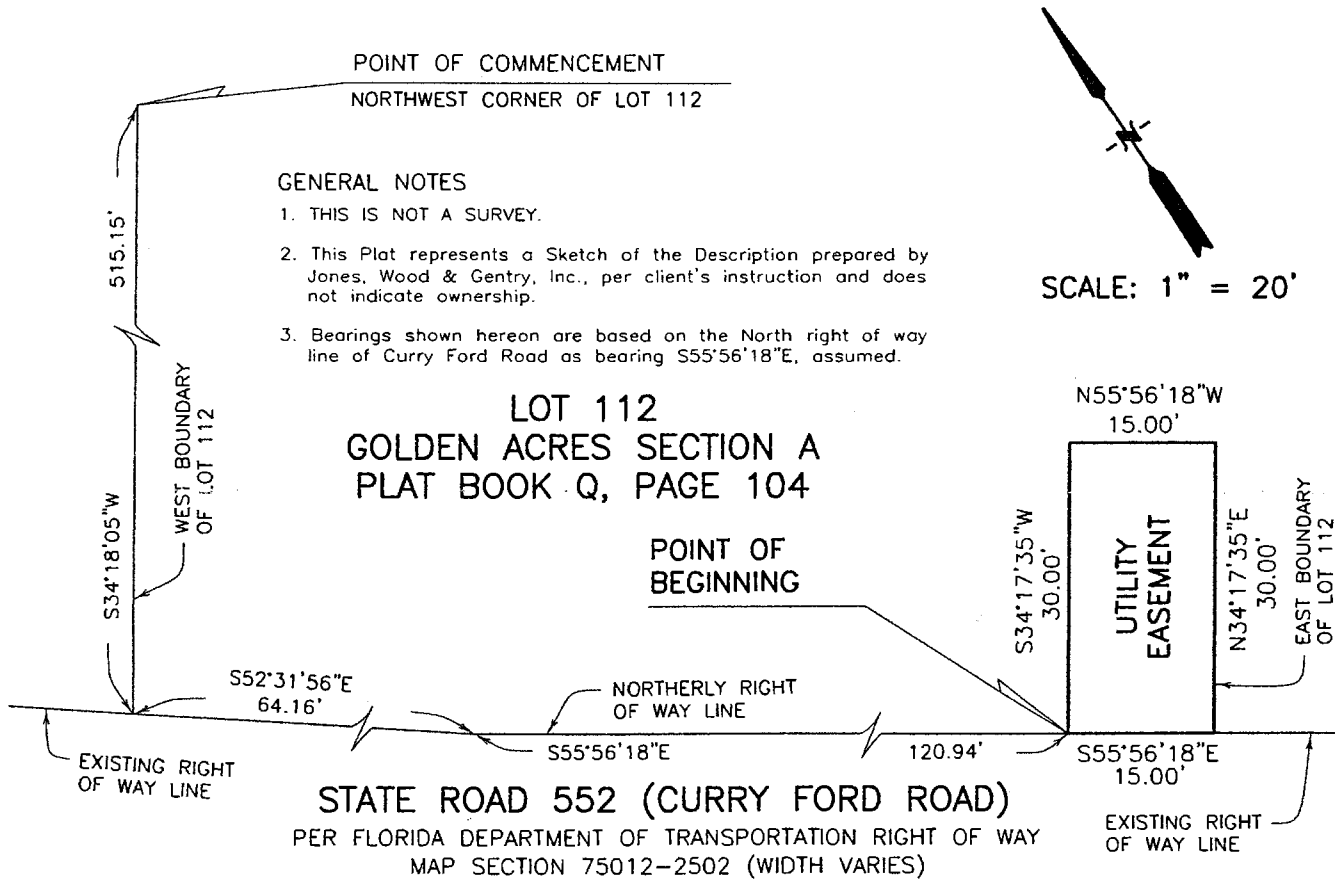


# SKETCH OF DESCRIPTION

## SECTION 2, TOWNSHIP 23 SOUTH, RANGE 30 EAST DESCRIPTION

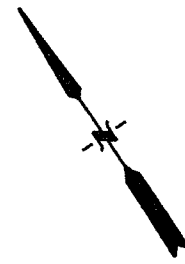
COMMENCE at the Northwest corner of LOT 112, GOLDEN ACRES SECTION A, as recorded in Plat Book Q, Page 104, Public Records of Orange County, Florida, thence South 34 degrees 18 minutes 05 seconds West 515.15 feet along the West boundary of said LOT 112 to a point on the Northerly right of way line of State Road 552 (Curry Ford Road) per Florida Department of Transportation Right of Way Map Section 75012-2502; thence South 52 degrees 31 minutes 56 seconds East 64.16 feet along said right of way line; thence South 55 degrees 56 minutes 18 seconds East 120.94 feet along said right of way line to the POINT OF BEGINNING; thence continue South 55 degrees 56 minutes 18 seconds East 15.00 feet along said right of way line to a point on the East boundary of said Lot 112; thence North 34 degrees 17 minutes 35 seconds East 30.00 feet along said East boundary; thence North 55 degrees 56 minutes 18 seconds West 15.00 feet; thence South 34 degrees 17 minutes 35 seconds West 30.00 feet to the Point of Beginning, all in Section 2, Township 23 South, Range 30 East, Orange County, Florida.

CONTAINING: 450 square feet, more or less.



**GENERAL NOTES**

1. THIS IS NOT A SURVEY.
2. This Plat represents a Sketch of the Description prepared by Jones, Wood & Gentry, Inc., per client's instruction and does not indicate ownership.
3. Bearings shown hereon are based on the North right of way line of Curry Ford Road as bearing S55°56'18"E, assumed.



SCALE: 1" = 20'

COUNTY PERMIT NUMBER  
IS B15901321

IT IS CERTIFIED THAT THE SKETCH REPRESENTED HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 FLORIDA STATUTES, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

FOR: **7311 CURRY FORD ROAD**

DATE: 03-08-2016 DRAWN BY: CAS

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

DANIEL E. GENTRY JR., Florida Registration Number 5047

**JONES, WOOD & GENTRY, INC.**  
PROFESSIONAL SURVEYORS AND MAPPERS - LB1  
2600 EAST ROBINSON STREET  
ORLANDO, FLORIDA, 32803  
407-898-7780

JOB NO. 29044-6 Sheet 1 of 1 Sheets  
29044-6-SOD.DWG

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JUN 28 2016

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Project: Dollar Tree Goldenrod OCU Permit: B15901321 OCU File #: 81906

**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 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:

USAmeriBank  
FROM: Isla Goldenrod, LLC, I.G. Bones, L.L.C., and Swann Holdings, L.L.C.  
Mortgage and Security Agreement filed August 12, 2015  
Recorded in Official Records Book 10966, Page 2658  
Assignment of Rents and Leases filed August 12, 2015  
Recorded in Official Records Book 10966 Page 2687



Encumbrances (continued):

Financing Statement filed August 12, 2015

Recorded in Official Records Book 10966, Page 2697

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 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 25 day of April, A.D. 2016

Signed, sealed, and delivered  
in the presence of:

Cari McGarr  
Witness

Cari McGarr  
Printed Name

[Signature]  
Witness

Mark Groves  
Printed Name

USAmeriBank,  
a Florida banking corporation

BY: [Signature]

Vincent Chillum  
Printed Name

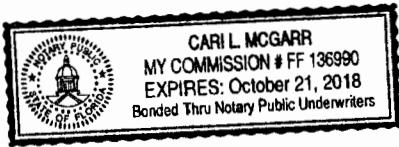
SR. VICE PRES  
Title

(Corporate Seal)

STATE OF Florida  
COUNTY OF Pillsborough

The foregoing instrument was acknowledged before me this 25 of April,  
2016 by VINCENT CHILURA, SVP of USAmeriBank, a Florida  
banking corporation, on behalf of the corporation. He/She  is personally known to me or  has  
produced \_\_\_\_\_ as identification.

(Notary Seal)



Cari L. McGarr  
Notary Signature  
Cari L McGarr  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid

My commission expires:

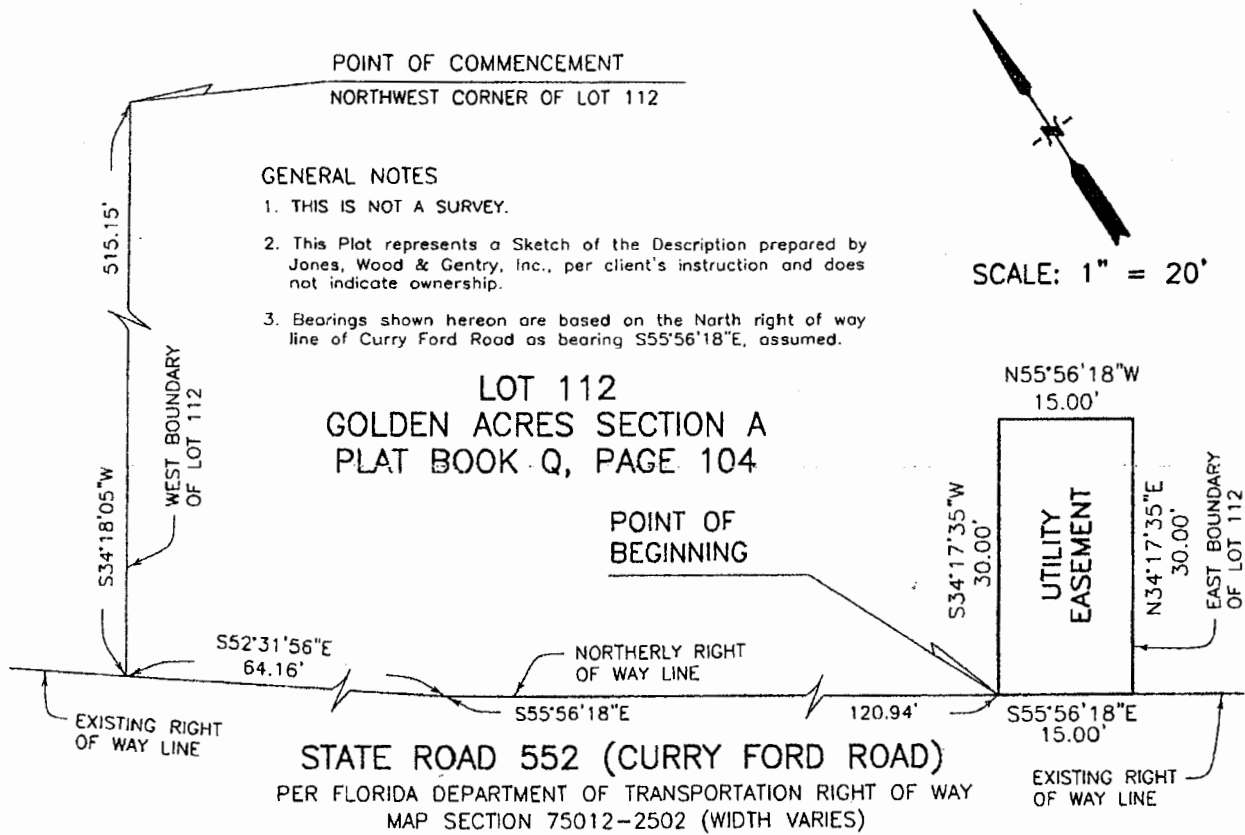
**This instrument prepared by:**  
Kim Heim, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

# SKETCH OF DESCRIPTION

## SECTION 2, TOWNSHIP 23 SOUTH, RANGE 30 EAST DESCRIPTION

COMMENCE at the Northwest corner of LOT 112, GOLDEN ACRES SECTION A, as recorded in Plat Book Q, Page 104, Public Records of Orange County, Florida, thence South 34 degrees 18 minutes 05 seconds West 515.15 feet along the West boundary of said LOT 112 to a point on the Northerly right of way line of State Road 552 (Curry Ford Road) per Florida Department of Transportation Right of Way Map Section 75012-2502; thence South 52 degrees 31 minutes 56 seconds East 64.16 feet along said right of way line; thence South 55 degrees 56 minutes 18 seconds East 120.94 feet along said right of way line to the POINT OF BEGINNING; thence continue South 55 degrees 56 minutes 18 seconds East 15.00 feet along said right of way line to a point on the East boundary of said Lot 112; thence North 34 degrees 17 minutes 35 seconds East 30.00 feet along said East boundary; thence North 55 degrees 56 minutes 18 seconds West 15.00 feet; thence South 34 degrees 17 minutes 35 seconds West 30.00 feet to the Point of Beginning, all in Section 2, Township 23 South, Range 30 East, Orange County, Florida.

CONTAINING: 450 square feet, more or less.



COUNTY PERMIT NUMBER  
IS B15901321

IT IS CERTIFIED THAT THE SKETCH REPRESENTED HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 FLORIDA STATUTES. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

FOR: **7311 CURRY FORD ROAD**

DATE: 03-08-2016 DRAWN BY: KGAS

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

STATE OF FLORIDA

DANIEL E. GENTRY JR., Florida Registration Number: 5047

**JONES, WOOD & GENTRY, INC.**  
PROFESSIONAL SURVEYORS AND MAPPERS - LBI  
2600 EAST ROBINSON STREET  
ORLANDO, FLORIDA, 32803  
407-898-7780

JOB NO. 29044-6 Sheet 1 of 1 Sheets  
29044-6-SOD.DWG

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JUN 28 2016

Project: Dollar Tree Goldenrod OCU Permit: B15901321 OCU File #: 81906

**SUBORDINATION OF ENCUMBRANCE 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 Unrecorded 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:

Dollar Tree Stores, Inc.

FROM: Isla Goldenrod, LLC, I.G. Bones, L.L.C., and Swann Holdings, L.L.C.

Unrecorded Lease

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 easement 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 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 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 5<sup>th</sup> day of May, A.D. 2016.

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness

Charles Gomez  
Printed Name

[Signature]  
Witness

Taylor Gouthroy  
Printed Name

Dollar Tree Stores, Inc.,  
a Virginia corporation

BY: [Signature]

Deborah E. Miller  
Vice President and Assistant  
Printed Name  
General Counsel/ Real Estate

\_\_\_\_\_  
Title

(Corporate Seal)

STATE OF Virginia  
COUNTY OF Chesapeake

The foregoing instrument was acknowledged before me this 5<sup>th</sup> of May, 2016, by Deborah E. Miller, as Vice President of Dollar Tree Stores, Inc., a Virginia corporation, on behalf of the corporation. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)



Loretta Beth Spinler  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7067251  
My Commission Expires  
October 31, 2020

[Signature]  
Notary Signature

Loretta Beth Spinler  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid

My commission expires 10/31/2020

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

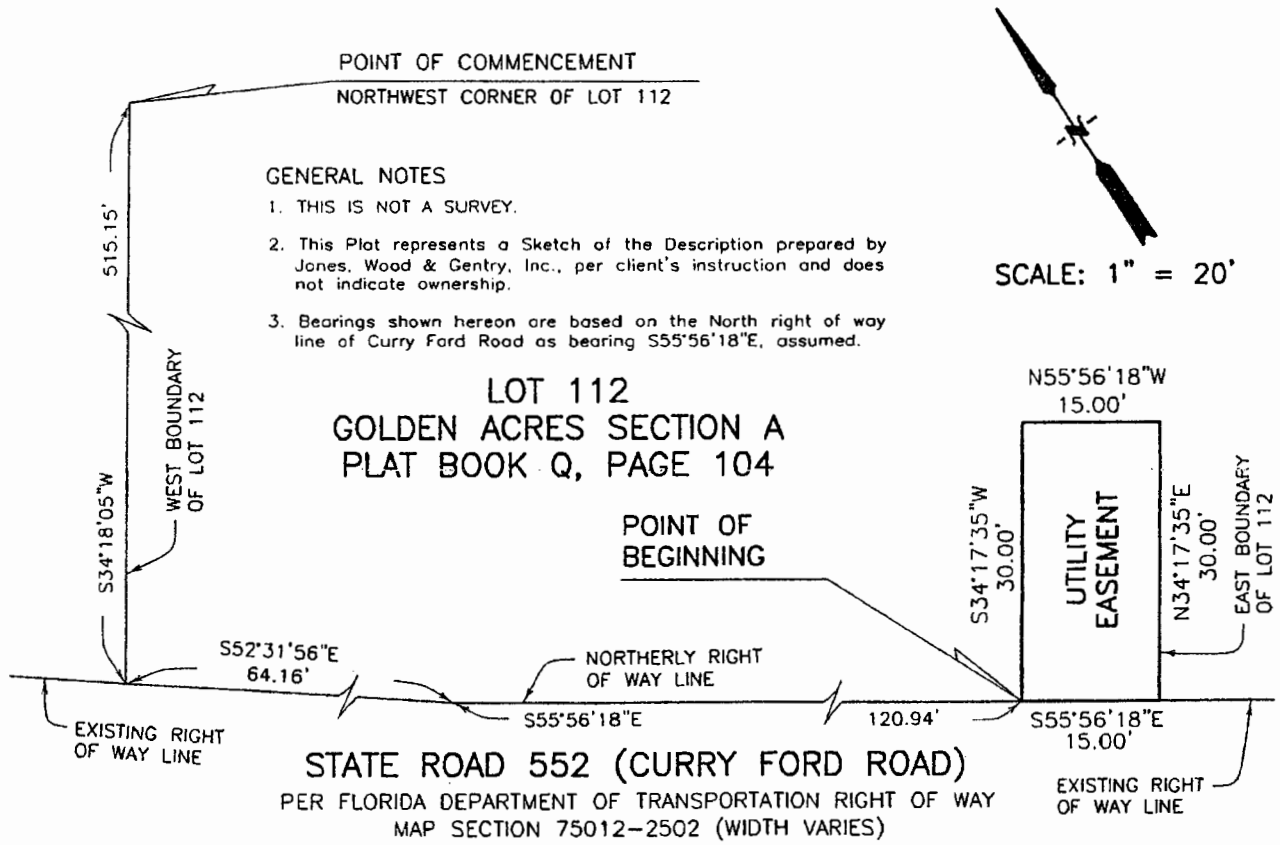
# SKETCH OF DESCRIPTION

## SECTION 2, TOWNSHIP 23 SOUTH, RANGE 30 EAST

### DESCRIPTION

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CONTAINING: 450 square feet, more or less.



**GENERAL NOTES**

1. THIS IS NOT A SURVEY.
2. This Plot represents a Sketch of the Description prepared by Jones, Wood & Gentry, Inc., per client's instruction and does not indicate ownership.
3. Bearings shown hereon are based on the North right of way line of Curry Ford Road as bearing S55°56'18"E, assumed.

**LOT 112**  
**GOLDEN ACRES SECTION A**  
**PLAT BOOK Q, PAGE 104**

**COUNTY PERMIT NUMBER**  
**IS B15901321**

IT IS CERTIFIED THAT THE SKETCH REPRESENTED HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 FLORIDA STATUTES, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

FOR: **7311 CURRY FORD ROAD**

DATE: **03-08-2016** DRAWN BY: **CAS**

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

DANIEL E. GENTRY JR., Florida Registration Number 5047

**JONES, WOOD & GENTRY, INC.**  
 PROFESSIONAL SURVEYORS AND MAPPERS - LBI  
 2600 EAST ROBINSON STREET  
 ORLANDO, FLORIDA, 32803  
 407-898-7780

JOB NO. 29044-6 Sheet 1 of 1 Sheets  
 29044-6-SOD.DWG