



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

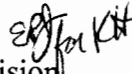
BCC Mtg. Date: Jun. 28, 2016

REAL ESTATE MANAGEMENT ITEM 11

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 JUDITH S. ARNOLD AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM WAWA FLORIDA, LLC AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: WAWA (PEP) – OBT & Pepper Mill/Site OCU Permit: B13903151
OCU File #: 75427

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: 150 square feet

Subordination of Encumbrance 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.

THIS IS A DONATION

Project: WAWA (PEP) - OBT & Pepper Mill/Site
OCU Permit: B13903151 OCU File #: 75427

UTILITY EASEMENT

THIS INDENTURE, Made this 5th day of May A.D., 2016, between Judith S. Arnold, a single woman, of the county of Osceola, and state of Florida, 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
22-24-29-0000-00-013**

THIS IS NOT NOW, nor has it ever been, the homestead property of the GRANTOR herein.

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, her 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 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.

Project: WAWA (PEP) - OBT & Pepper Mill/Site
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IN WITNESS WHEREOF, the GRANTOR has caused these presents to be duly executed the day and year above written.

Signed, sealed and delivered
in the presence of:

Melissa Chapman
Witness

Melissa Chapman
Printed Name

Bernard F.
Witness

Bernard Fayne
Printed Name

Judith S. Arnold
Judith S. Arnold

205 Kern Rock Rd
Address

Lake Lure, NC 28746

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Osceola

I HEREBY CERTIFY that on this 5th day of May 2016, A.D.,
2016, before me, an officer duly authorized in the state and county aforesaid to take acknowledgements,
personally appeared Judith S. Arnold, a single woman. She is personally known to
me, or [] has produced _____ as identification.

Witness my hand and official seal this 5th day of May, 2016.

(Notary Seal)



Melissa Zimish
Notary Signature

Melissa Zimish
Printed Notary Name

Notary Public in and for the
county and state aforesaid

My commission expires:
7/13/2019

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 22, TOWNSHIP 24 SOUTH, RANGE 29 EAST

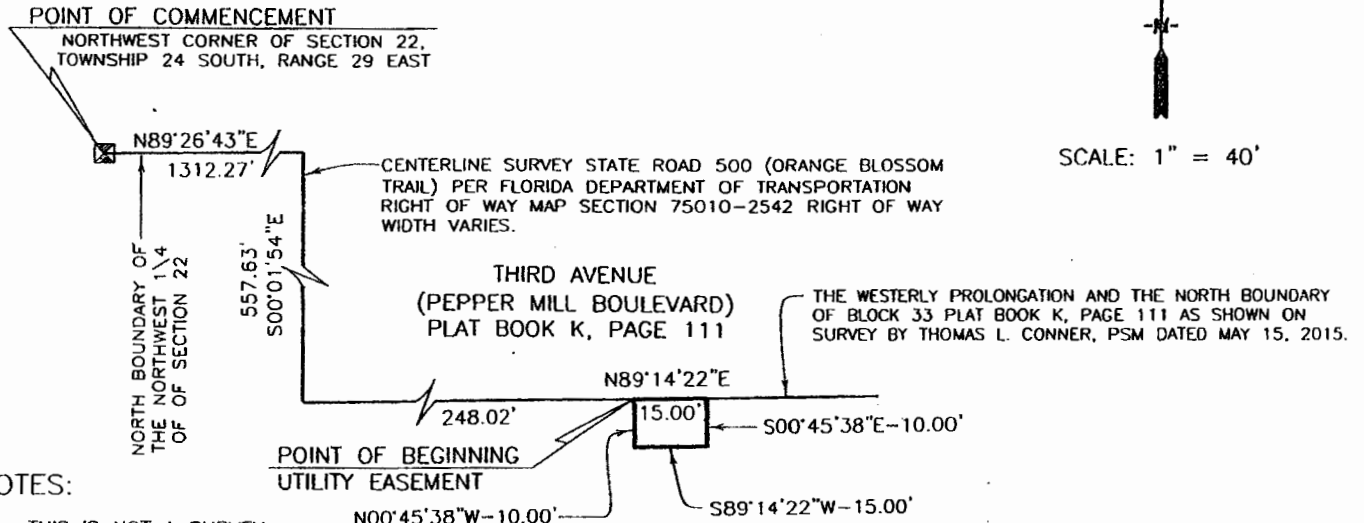
ORANGE COUNTY, FLORIDA

UTILITY EASEMENT DESCRIPTION

That part of Block 33, FLAMINGO, according to the plat thereof as recorded in Plat Book K, Page 111, Public Records of Orange County, Florida being more particularly described as follow:

COMMENCE at the Northwest corner of Section 22, Township 24 South, Range 29 East Orange County, Florida thence North 89 degrees 26 minutes 43 seconds East 1312.27 feet along the North boundary of the Northwest 1/4 of said Section 22 to a point on the Centerline of Survey of State Road 500 per Florida Department of Transportation Right of Way Map for Section 75010-2542; thence South 00 degrees 01 minutes 54 seconds East 557.63 feet along said centerline to a point on the Westerly prolongation of the North boundary of BLOCK 33, PLAT OF FLAMINGO as described and recorded in Plat Book K, Page 111 of the Public Records of Orange County, Florida as shown on the survey prepared by Thomas L. Conner, PSM dated May 15, 2015; thence North 89 degrees 14 minutes 22 seconds East 248.02 feet along said Westerly prolongation and said North boundary to the POINT OF BEGINNING; thence continue along said line North 89 degrees 14 minutes 22 seconds East 15.00 feet; thence South 00 degrees 45 minutes 38 seconds East 10.00 feet; thence South 89 degrees 14 minutes 22 seconds West 15.00 feet; thence North 00 degrees 45 minutes 38 seconds West 10.00 feet to the Point of Beginning;

CONTAINING: 150 square feet, more or less.



NOTES:

1. THIS IS NOT A SURVEY.
2. This Plat represents a Sketch of the Description prepared by JONES, WOOD and GENTRY, INC. per client's instruction and does not indicate ownership.
3. Bearings shown hereon are based on the North boundary of Block 33 as bearing N89°14'22"E, per survey prepared by Thomas L. Connor, PSM dated May15, 2015.

BLOCK 33
PLAT OF FLAMINGO
PLAT BOOK K, PAGE 111

REVISED 03-07-16
REVISED 03-03-16

BUILDING DEPARTMENT: # - B13903151
PROJECT NAME: WAWA-OBT & PEPPERMILL OCU EASEMENT

FOR: 389 ASSOCIATES	
DATE: 5-23-2014	DRAWN BY: DGJ
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 - LBI

2600 EAST ROBINSON STREET
ORLANDO, FLORIDA, 32803
407-898-7780

JOB NO. 29045 Sheet 1 of 1
29045-SOD.DWG

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 28 2016

Project: WAWA (PEP) - OBT & Pepper Mill/Site
OCU Permit: B13903151 OCU File #: 75427

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 an 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 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"

Encumbrance:

Wawa Florida, LLC
FROM: Judith S. Arnold
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

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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 27 day of May, A.D. 2016.

Signed, sealed, and delivered
in the presence of:

Wawa Florida, LLC,
a Delaware limited liability company

Maria Kalogredis
Witness

BY: [Signature]

Maria Kalogredis
Printed Name

Michael Eckhardt
Printed Name

Andrea Holmes
Witness

Vice President
Title

Andrea Holmes
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Pennsylvania
COUNTY OF Delaware

The foregoing instrument was acknowledged before me this 27th of May, 2016, by MICHAEL J. ECKHARDT, as Vice President of Wawa Florida, LLC, a Delaware limited liability company, on behalf of the limited liability company. He/She is personally known to me or has produced _____ as identification.

Witness my hand and official seal this 27th day of MAY, 2016.

(Notary Seal)

[Signature]
Notary Signature

KARON C. HARDY
Printed Notary Name

Notary Public in and for
the county and state aforesaid

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

My commission expires

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Karon C. Hardy, Notary Public
Chester Heights Boro, Delaware County
My Commission Expires Sept. 19, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

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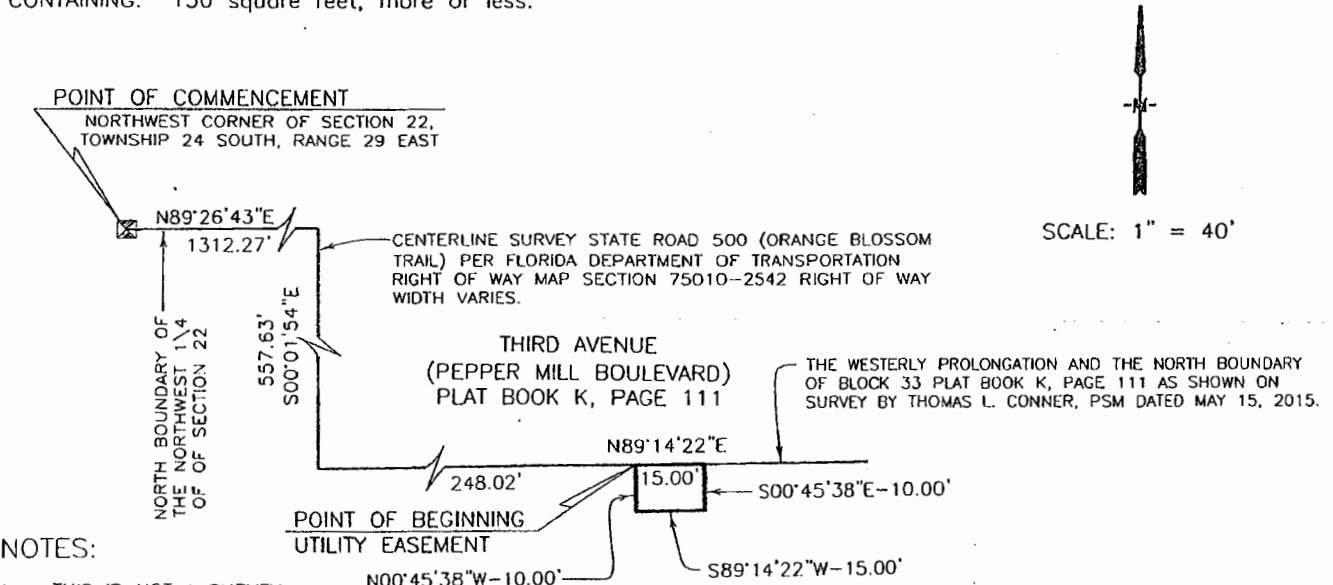
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JOB NO. 29045 Sheet 1 of 1
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