



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS


BCC Mtg. Date: Aug. 02, 2016

REAL ESTATE MANAGEMENT ITEM 6

DATE: July 18, 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: (407) 836-7082

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN JY-TV ASSOCIATES, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM WELLS FARGO BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Promenade Grande Lakes Parcel 8C OCU Permit: B14903551
OCU File #: 80606

District 4

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

ITEMS: Utility Easement
Cost: Donation
Total size: 4,648 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Utilities Department

Real Estate Management Division

Agenda Item 6

July 18, 2016

Page 2

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
AUG 02 2016

THIS IS A DONATION

Project: Promenade Grande Lakes Parcel 8C
OCU Permit: B14903551 OCU File #: 80606

UTILITY EASEMENT

THIS INDENTURE, Made this 20th day of JUNE, A.D. 2016, between JY-TV Associates, LLC, a Florida limited liability company, having its principal place of business in the city of Miami, county of Miami-Dade, whose address is 703 Waterford Way, Suite 800, Miami, FL 33126, 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 09-24-29-3051-03-000

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 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: Promenade Grande Lakes Parcel 8C
OCU Permit: B14903551 OCU File #: 80606

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

Signed, sealed, and delivered
in the presence of:

JY-TV Associates, LLC,
a Florida limited liability company

BY: Courtelis Promenade Associates, L.L.C.,
a Florida limited liability company
as managing member

BY: Newcaster Devcorp, Inc.,
a Florida corporation
its Manager

BY: [Signature]
Elias Vassilaros,
Executive Vice President

[Signature]
Witness

MARIAL Obregon
Printed Name

[Signature]
Witness

PATRICIA D. TRICHE
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF FL
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 20 day of June, 2016, by Elias Vassilaros as Executive Vice President of Newcaster Devcorp, Inc., a Florida corporation, as Manager of Courtelis Promenade Associates, L.L.C., a Florida limited liability company, as managing member of JY-TV Associates, LLC, a Florida limited liability company, on behalf of the limited liability company. He/she is personally known to me or has produced N/A as identification.

(Notary Seal)

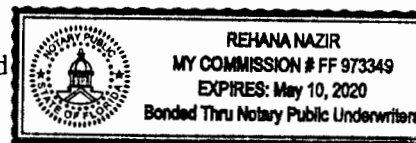
[Signature]
Notary Signature Rehana Nazir

Printed Notary Name

This instrument prepared by:
Kim Heim, 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:

UTILITY EASEMENT-1

DESCRIPTION:

Permit-B14903551
Promenade Grande Lakes
Purpose-- Permanent

A portion of Lot 3, GRANDE LAKES NE QUADRANT, as recorded in Plat Book 66, Pages 19 through 24, inclusive, of the Public Records of Orange County, Florida, in Section 9, Township 24 South, Range 29 East, more particularly described as follows:

Commence at the Southwest corner of Orangewood Pump Station as recorded in OR Book 4164, Page 1606, of the Public Records of Orange County, Florida; thence N89°52'44"E along the South line of said Pump Station 130.00'; thence leaving said line S 13°33'24" E, 30.94' to a point on the line of a easement recorded in OR Book 8791, Page 1564, of Public Records of Orange County, Florida, to the Point of Beginning. Thence run the following four courses; N 89°52'44" E, 10.00', thence S 00°07'16" E, 15.00', thence S 89°52'44" W, 10.00', thence N 00°17'16" W, 15.00' to the Point of Beginning.

150.00 SQUARE FEET

CERTIFICATION: WE DO HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION IS IN COMPLIANCE WITH APPLICABLE MINIMUM TECHNICAL STANDARDS SET FORTH BY FLORIDA ADMINISTRATIVE CODE 5 J 17

1507 S HIAWASSEE ROAD STE 211
ORLANDO, FLORIDA 32819 (407)894-2461

SHEET 1 OF 2

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

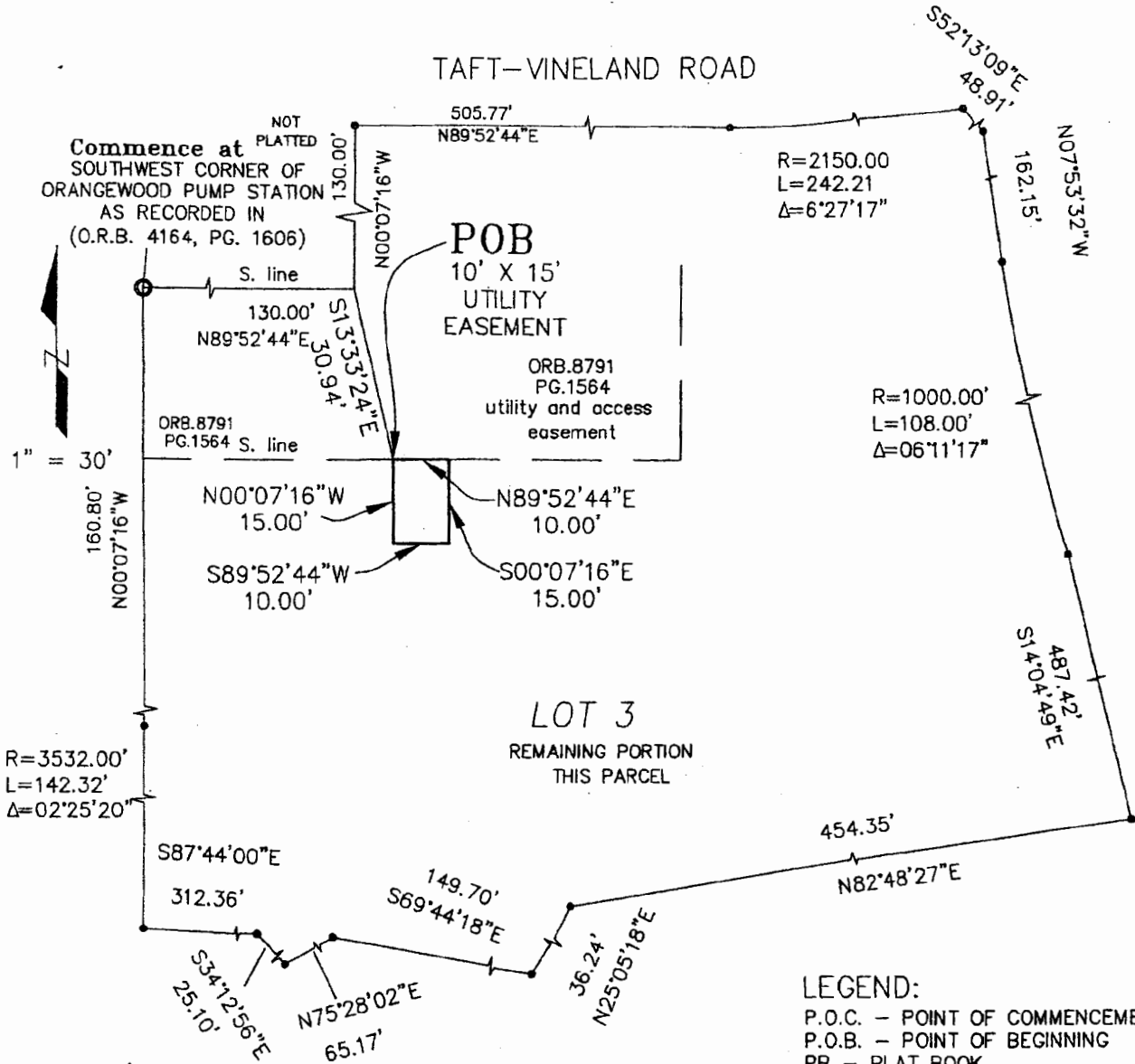


PROJECT NUMBER: _____
DRAWING No: EASEMENT
DATE: 11/16/2015
REVISED: 01/18/2016

SKETCH OF DESCRIPTION:

UTILITY EASEMENT -1

Permit-B14903551
 Promenade Grande Lakes
 Purpose- Permanent



SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF ORANGEWOOD PUMP STATION, BEING N89°52'44"E, AND IS ASSUMED.
3. SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
4. NOT VALID WITHOUT ALL SHEETS.

LEGEND:

- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- PB - PLAT BOOK
- ORB - OFFICIAL RECORDS BOOK
- PG - PAGE
- ROW - RIGHT-OF-WAY
- R - RADIUS
- L - LENGTH
- Δ - DELTA

SKETCH OF DESCRIPTION:

UTILITY EASEMENT-2

Permit-B14903551
Promenade Grande Lakes
Purpose- Permanent

DESCRIPTION:

A portion of Lot 3, GRANDE LAKES NE QUADRANT, as recorded in Plat Book 66, Pages 19 through 24, inclusive, of the Public Records of Orange County, Florida, in Section 9, Township 24 South, Range 29 East, more particularly described as follows:

Commence at the Southwest corner of Orangewood Pump Station as recorded in OR Book 4164, Page 1606, of the Public Records of Orange County, Florida; thence N89°52'44"E along the South line of said Pump Station 130.00'; thence leaving said line S 29°51'18" E, 34.66' to the Point of Beginning. Thence run the following four courses; N 89°52'44" E, 15.00', thence S 00°07'16" E, 25.00', thence N 89°52'44" W, 15.00', thence N 00°17'16" W, 25.00' to the Point of Beginning.

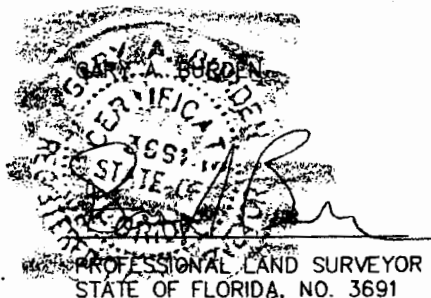
375 SQUARE. FEET

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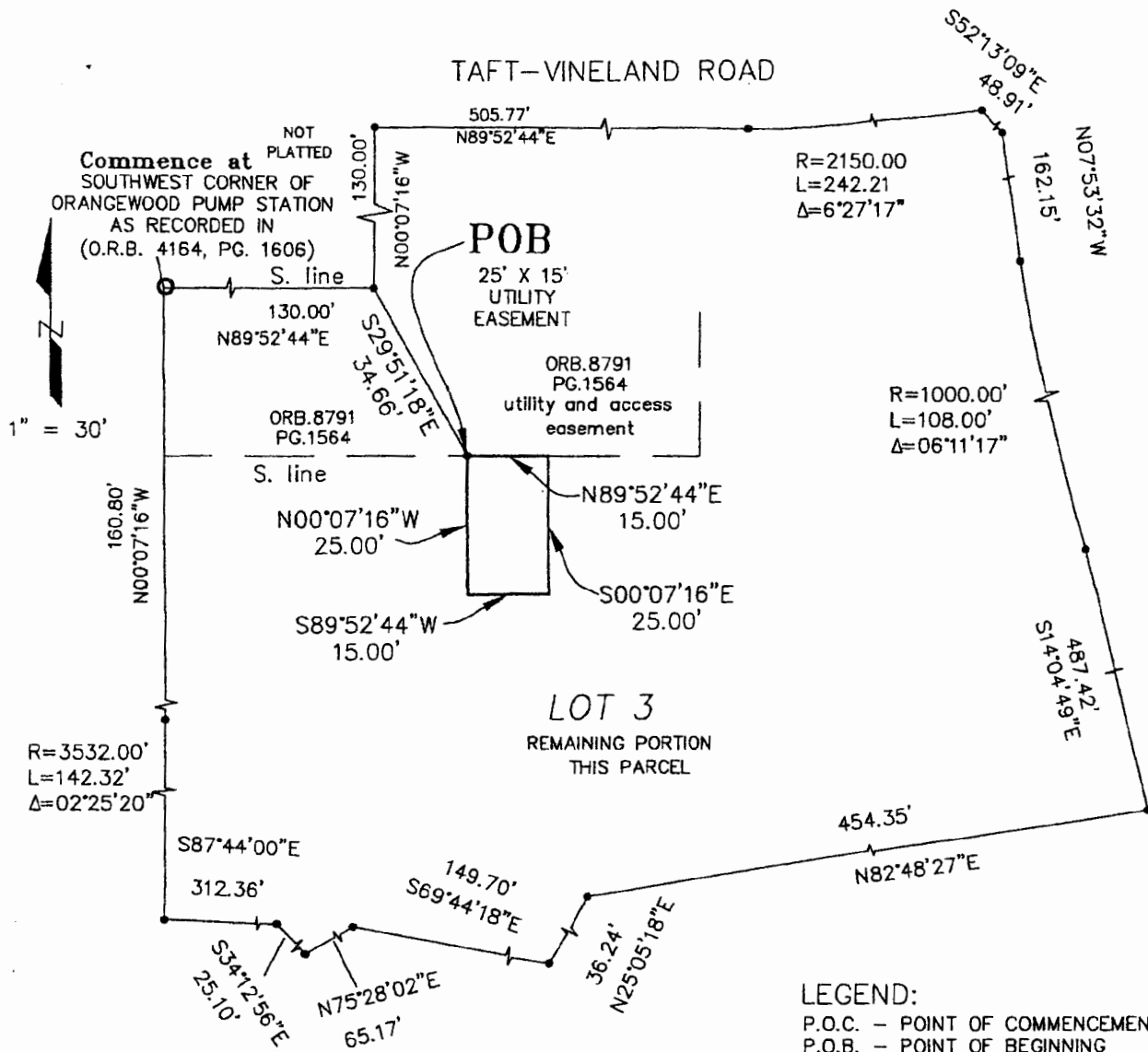


PROJECT NUMBER: _____
DRAWING No: EASEMENT
DATE: 11/16/2015
REVISED: 01/18/2016

SKETCH OF DESCRIPTION:

UTILITY EASEMENT-2

Permit-B14903551
 Promenade Grande Lakes
 Purpose- Permanent



SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF ORANGEWOOD PUMP STATION, BEING $N89^{\circ}52'44''E$, AND IS ASSUMED.
3. SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
4. NOT VALID WITHOUT ALL SHEETS.

- LEGEND:
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 - PG - PAGE
 - ROW - RIGHT-OF-WAY
 - R - RADIUS
 - L - LENGTH
 - Δ - DELTA

SKETCH OF DESCRIPTION:

UTILITY EASEMENT-3

Permit-B14903551
Promenade Grande Lakes
Purpose- Permanent

DESCRIPTION:

A portion of Lot 3, GRANDE LAKES NE QUADRANT, as recorded in Plat Book 66, Pages 19 through 24, inclusive, of the Public Records of Orange County, Florida, in Section 9, Township 24 South, Range 29 East, more particularly described as follows:

Begin at the northeast corner of Tract G, said GRANDE LAKES NE QUADRANT; thence run N14°04'49"W, along the west right of way line of Grande Lakes Boulevard, 142.20 feet to a point of curvature of a curve concave to the east; thence run northerly along the arc of said curve and west right of way line, having a radius of 1,000.00 feet, a delta of 06°11'17", a chord bearing of N10°59'11"W and arc distance of 108.00 feet to a point of tangency; thence continue along said west right of way line N07°53'32"W, 162.15 feet; thence S82°06'28"W, 10.00 feet; thence S07°53'32"E, 162.15 feet to a point of curvature of a curve concave to the east; thence run southerly along the arc of said curve, having a radius of 1,010.00 feet, a delta of 06°11'17", a chord bearing of S10°59'11"E and arc distance of 109.08 feet to a point of tangency; thence S14°04'49"E, 140.99 feet to said north line of Tract G; thence run N82°48'27"E along said north line, 10.07 feet to the Point of Beginning.

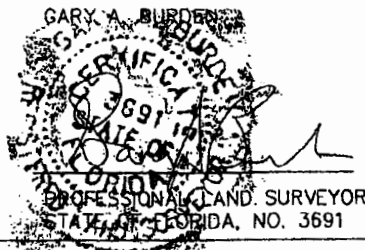
4,123 SQUARE.FT

CERTIFICATION: WE DO HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION IS IN COMPLIANCE WITH APPLICABLE MINIMUM TECHNICAL STANDARDS SET FORTH BY FLORIDA ADMINISTRATIVE CODE 5 J 17

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SHEET 1 OF 2

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LICENSED SURVEYOR AND MAPPER.



PROJECT NUMBER: _____

DRAWING No: EASEMENT

DATE: 11/16/2015

REVISED: 01/18/2016

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 02 2016

Project: Promenade Grande Lakes Parcel 8C OCU Permit: B14903551 OCU File #: 80606

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 Construction Mortgage with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing and a UCC 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:

Wells Fargo Bank
FROM: JY-TV Associates, LLC
Construction Mortgage with Absolute Assignment of Leases and Rents,
Security Agreement and Fixture Filing filed May 20, 2015
Recorded in Official Records Book 10922, Page 1244
UCC filed May 20, 2015
Recorded in Official Records Book 10922, Page 1263
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 28th day of March, A.D. 20 16.

Signed, sealed, and delivered in the presence of:

Wells Fargo Bank
a National Association

[Signature]
Witness

BY: [Signature]

Tyler Weiss
Printed Name

H. PAUL SORI
Printed Name

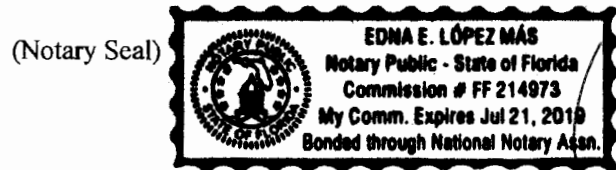
[Signature]
Witness

SENIOR VICE PRESIDENT
Title

Edna E. Lopez Más
Printed Name

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 28 of March, 2016, by H. Paul Sori as SVP of Wells Fargo Bank, a National Association. (He) She is personally known to me or has produced N/A as identification.



[Signature]
Notary Signature
Edna E. Lopez Más
Printed Notary Name

This instrument prepared by:
Kim Heim, 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:

UTILITY EASEMENT-1

DESCRIPTION:

Permit-B14903551
Promenade Grande Lakes
Purpose- Permanent

A portion of Lot 3, GRANDE LAKES NE QUADRANT, as recorded in Plat Book 66, Pages 19 through 24, inclusive, of the Public Records of Orange County, Florida, in Section 9, Township 24 South, Range 29 East, more particularly described as follows:

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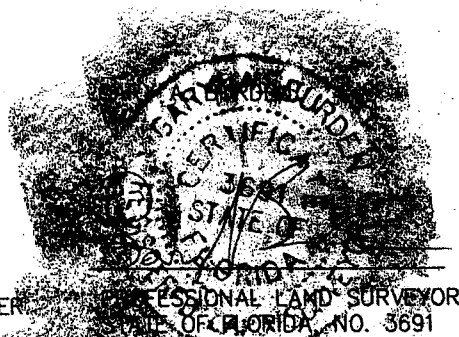
150.00 SQUARE FEET

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SHEET 1 OF 2

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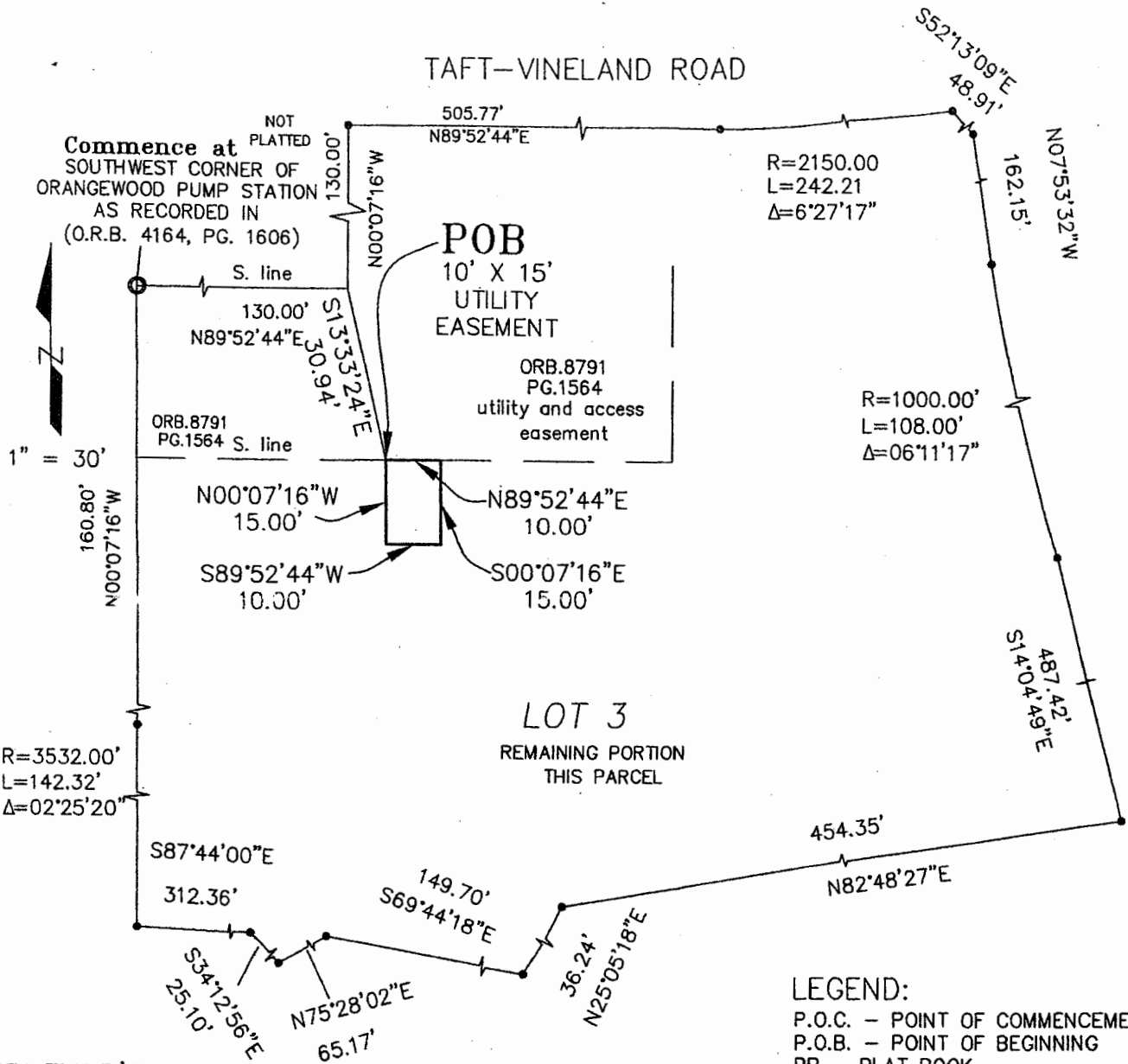


PROJECT NUMBER: _____
DRAWING No: EASEMENT
DATE: 11/16/2015
REVISED: 01/18/2016

SKETCH OF DESCRIPTION:

UTILITY EASEMENT -1

Permit-B14903551
 Promenade Grande Lakes
 Purpose- Permanent



SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF ORANGEWOOD PUMP STATION, BEING $N89^{\circ}52'44''E$, AND IS ASSUMED.
3. SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
4. NOT VALID WITHOUT ALL SHEETS.

LEGEND:

- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
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- PG - PAGE
- ROW - RIGHT-OF-WAY
- R - RADIUS
- L - LENGTH
- Δ - DELTA

SKETCH OF DESCRIPTION:

UTILITY EASEMENT-2

Permit-B14903551
Promenade Grande Lakes
Purpose- Permanent

DESCRIPTION:

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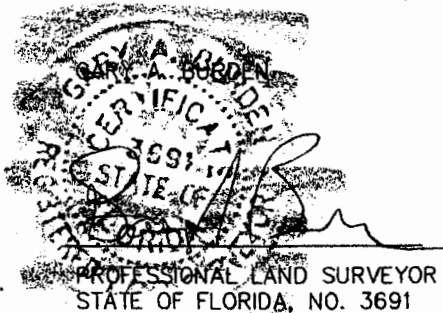
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SHEET 1 OF 2

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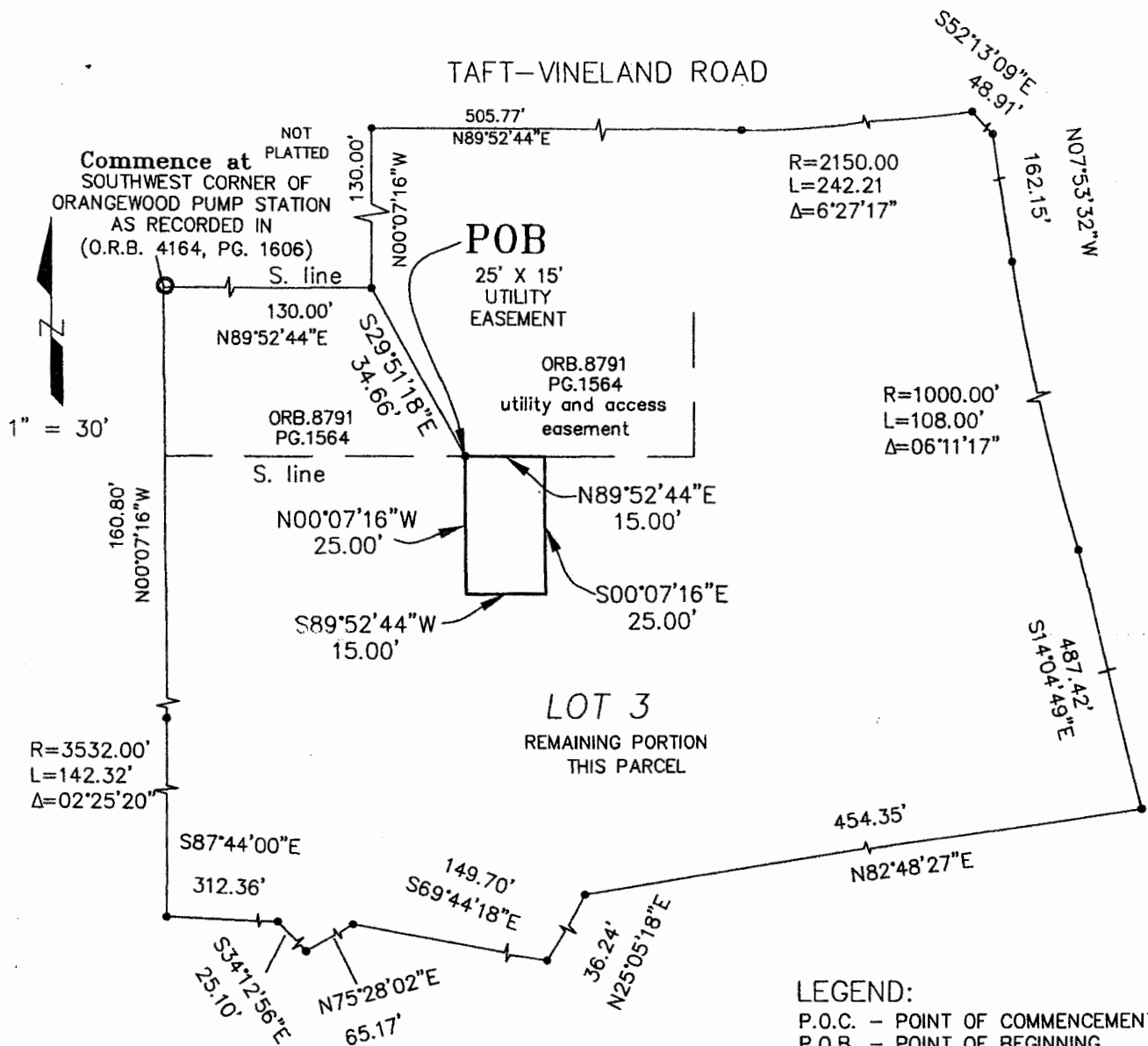


PROJECT NUMBER: _____
DRAWING No: EASEMENT
DATE: 11/16/2015
REVISED: 01/18/2016

SKETCH OF DESCRIPTION:

UTILITY EASEMENT-2

Permit-B14903551
 Promenade Grande Lakes
 Purpose- Permanent



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- ORB - OFFICIAL RECORDS BOOK
- PG - PAGE
- ROW - RIGHT-OF-WAY
- R - RADIUS
- L - LENGTH
- Δ - DELTA

SKETCH OF DESCRIPTION:

UTILITY EASEMENT-3

Permit-B14903551
Promenade Grande Lakes
Purpose- Permanent

DESCRIPTION:

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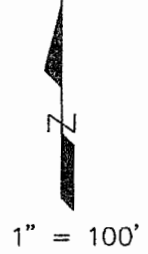
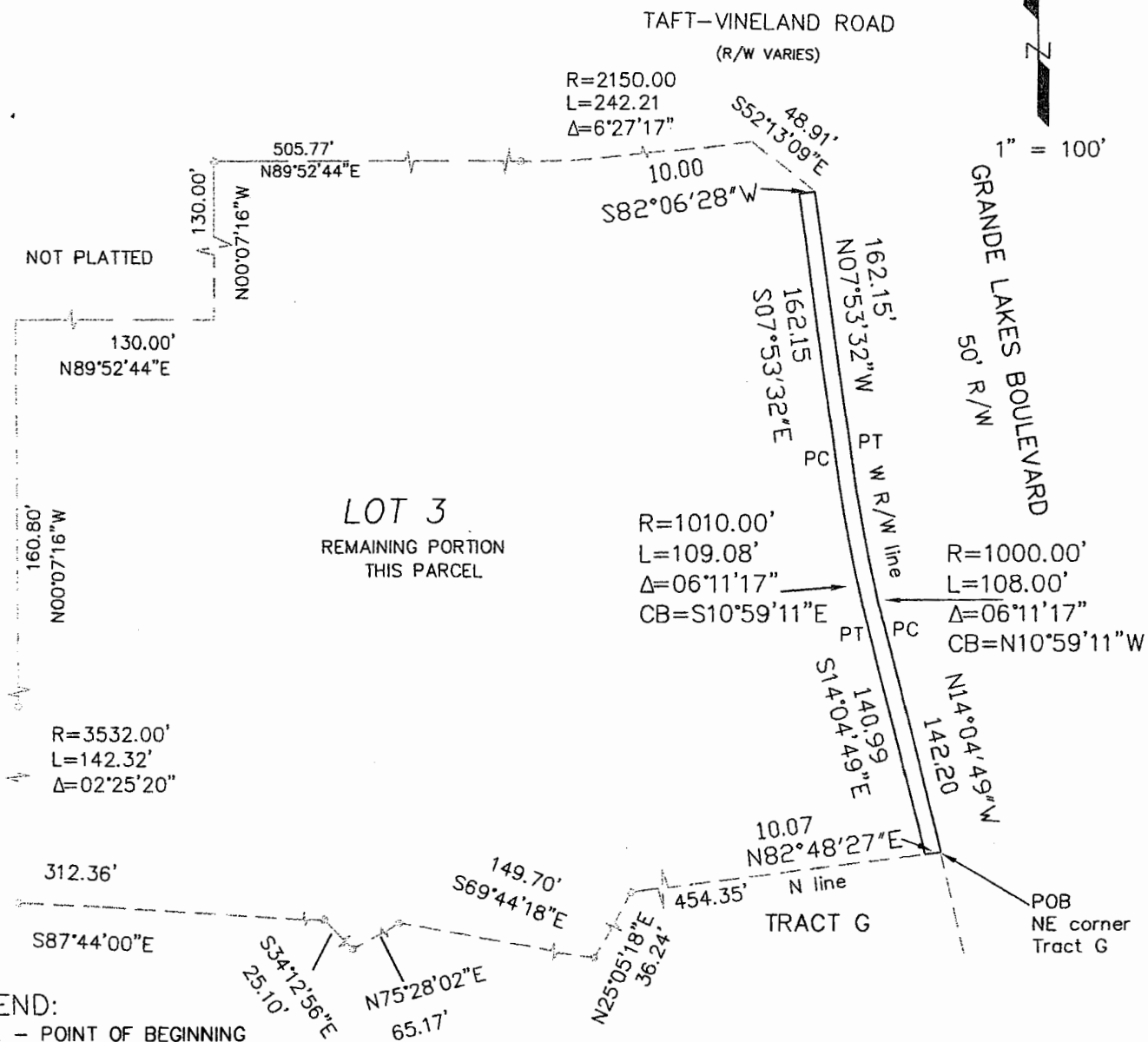
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LICENSED SURVEYOR AND MAPPER.



PROJECT NUMBER: _____
DRAWING No: EASEMENT
DATE: 11/16/2015
REVISED: 01/18/2016

SKETCH OF DESCRIPTION:
Utility Easement-3

Permit-B14903551
Promenade Grande Lakes
Purpose- Permanent



LEGEND:

- P.O.B. - POINT OF BEGINNING
- PB - PLAT BOOK
- ORB - OFFICIAL RECORDS BOOK
- PG - PAGE
- R/W - RIGHT-OF-WAY
- CB - CHORD BEARING
- R - RADIUS
- L - LENGTH
- Δ - DELTA
- PC- POINT OF CURVATURE
- PT- POINT OF TANGENCY

SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF TRACT G, BEING $N82^{\circ}48'27''E$, AND IS PLAT.
3. SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
4. NOT VALID WITHOUT ALL SHEETS.