THIS INSTRUMENT PREPARED BY AND AFTER RECORDING RETURN TO:

Mary Tiffault, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida P.O. Box 1393 Orlando, Florida 32802-1393

Property Appraiser's Parcel Identification Number: a portion of 06-22-28-0000-00-035

Project: The Backyard Permit 23-U-111 OCU File #101111

THIS IS A DONATION

FIRST AMENDMENT TO UTILITY EASEMENT

THIS FIRST AMENDMENT TO UTILITY EASEMENT ("First Amendment") is made effective as of the date last executed below (the "First Amendment Effective Date") by and between The BKYD Inc., a Florida corporation ("Owner") whose address is 8501 French Oak Drive, Orlando, Florida 32835, and ORANGE COUNTY, a charter county and political subdivision of the state of Florida, ("County") whose address is P. O. Box 1393, Orlando, Florida, 32802-1393.

RECITALS

- 1. WHEREAS, Owner granted to County that certain utility easement recorded September 12, 2024, in Official Records Document No. 20240530932, of the Public Records of Orange County, Florida, (the "Utility Easement"); and
- 2. WHEREAS, Owner remains the sole fee simple owner of the real property encumbered by the Utility Easement, which real property is described in Exhibit A of the Utility Easement (the "Easement Area"); and
- **3. WHEREAS,** County has requested and Owner has agreed to amend the Easement Area to add an additional 45 square feet to the Easement Area and encumber the real property described in **Exhibit 1** of this First Amendment as additional easement area under the Utility Easement.

NOW, THEREFORE, in consideration of the promises stated in this First Amendment and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and County agree to amend the Utility Easement as follows:

- 1. <u>Recitals; Definitions</u>. The foregoing recitals are true and correct and are incorporated herein by reference.
- **2.** Exhibit A. Exhibit A of the Utility Easement is hereby superseded and replaced with the new Exhibit A attached hereto as Exhibit 1 and incorporated herein by reference to include an additional 45 square feet within the Easement Area encumbered by the Utility Easement.
- **3.** Ratification. Nothing contained in this First Amendment changes or diminishes the rights, purpose, effect, encumbrance or provisions of the Utility Easement with respect to the Easement Area except as modified by this First Amendment, all other terms and provisions of the Utility Easement are hereby ratified and confirmed and shall remain in full force and effect.

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{signatures on following pages}

Project:

The Backyard Permit 23-U-111 OCU File #101111

IN WITNESS WHEREOF, the said Owner and County have caused these presents to be signed in their names.

Signature of <u>TWO</u> witnesses and their mailing addresses are required by Florida law, F.S. 695.26	OWNER The BKYD Inc.,
WITNESS #1 YEAR Signature	By: Signature
Jason McGraw Print Name	JOSHUA HALPENCY Print Name
Mailing Address: 123810 State Rd 535	DERECTOR_ Title
City: Orlando State: FL Zip Code: 32836	
WITNESS#2	
Signature OSVALDO AZEVEDO Print Name	
Mailing Address: 12386 STATE Rd 539	
City: ORLANDO State: FL Zip Code: 32836	
STATE OF FLORIDA COUNTY OF ORANGE The foregoing instrument was acknowledged before me by this 13 day of Feb., 20 3	5, by Toshua Halperin , as Florida corporation on behalf of the corporation. The
(Notary Stamp) Notary	Signature Jason M'Graw
Notary Public-State of Florida Notary	otary Name Public of: Florida nmission Expires: 9/13/2627

Project:

The Backyard Permit 23-U-111 OCU File #101111

	"COUNTY" ORANGE COUNTY, FLORIDA By: Board of County Commissioners
	By: Jerry L. Demings Orange County Mayor
ATTEST: Phil Diamond, CPA, County Comptroller As Clerk of the Board of County Commissioners	Date:
By:	
Printed Name	

JOINDER AND CONSENT TO FIRST AMENDMENT TO UTILITY EASEMENT

The undersigned hereby certifies that it is the holder of the following mortgage, lien, or other encumbrance upon the above described: (i) that certain Mortgage, Assignment of Leases and Rents and Security Agreement executed by The BKYD Inc., a Florida corporation, in favor of Citizens Bank, a Tennessee banking corporation recorded July 16, 2024, as Official Records Document No. 20240411705; (ii) that certain Assignment of Leases and Rents executed by Mortgagor The BKYD, Inc, a Florida corporation, in favor of Citizens Bank, a Tennessee banking corporation, recorded July 16, 2024, as Official Records Document No. 20240411706; and (iii) that certain Financing Statement executed by the BKYD, Inc., a Florida corporation, in favor of Citizens Bank, a Tennessee banking, recorded July 16, 2024 as Official Records Document No.20240411707, all of the Public Records of Orange County, Florida and that the undersigned hereby joins in and consents to the execution and recording of the foregoing First Amendment to Utility Easement, and agrees that its mortgage, lien, or other encumbrance, as they have been, and as they may be, modified, amended, and/or assigned from time to time, shall be subordinated to the amended utility easement, as said easement may be modified, amended, and/or assigned from time to time.

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{Signature on following page}

Project:

The Backyard Permit 23-U-111 OCU File #101111

Signature of <u>TWO</u> witnesses and their mailing addresses are required by Florida law, F.S. 695.26	
WITNESS #1	Citizens Bank,
M dri M	a Tennessee banking corporation
Signature	By:
Melanie Magno	Signature
Print Name	Scott Hammerbacher
Mailing Address: PO Box 1900	Print Name
City: Elizabethton State: TN	Senior Vice President Title
Zip Code: 37644	Mailing Address: PO Box 1900
WITNESS #2	City: Elizabethton State: TN
	Zip Code: 37644
Signature	
Kameron Elsea	
Print Name	
Mailing Address: PO Box 1900	
City: Elizabethton State: TN	
Zip Code: 37644	
STATE OF TENNESSEE	
COUNTY OF CARTER	
	by means of ⊠ physical presence or □ online notarization Hammerbacher , as Senior Vice President
, of Citizens Bank, a Tennessee	banking corporation, on behalf of the corporation. The
individual ⊠ is personally known to me or ☐ has produce	
(Notary Stamp)	Ju- W. Locan
	y Signature e W LeVeau
Print N	Notary Name
STATE Print Print Notary	Public of: State of Tennessee
TENNESSEE My Co	ommission Expires: 12/8/2025
NOTARY A	
Print Notary Notary Public FR COMMITTEE STATE Print Notary Notary Notary Public	
THER COUNTY	
William Control of the Control of th	

EXHIBIT 1

Sheet 1 of 1 Sketch of Description for Utility Easement Area Exhibit A Project Name: The Backyard Permit #: 23-U-111 A parcel of land located in Section 6, Township 22 South, Range 28 East, Orange County, Florida and being a portion of the land described in that certain Warranty Deed recorded in Document Number 20210227848, Public Records of Orange County, Florida. Said parcel being more particularly described as follows: COMMENCE at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 6, Township 22 South, Range 28 East, Orange County, Florida, thence South 86'38'24" West, along the North line of the Northwest Quarter of the Southeast Quarter of said Section 6, a distance of 211.85 feet; thence South 03'21'36" East a distance of 40.42 feet to the South right of way line of West Road and POINT OF BEGINNING; thence South 00"03"11" West a distance of 15.00 feet; thence North 89"56"49" West a distance of 13.00 feet; thence North 00"03"11" East a distance of 15.00 feet to the said South right of way line of West Road; thence South 89"56"49" East, along said South right of way line, a distance of 13.00 feet to the POINT OF BEGINNING. Contains 195 square feet. Point of Commencement Northeast corner of the Northwest 1/4 of the Southeast North line of the Northwest 1/4 of the Southeast 1/4 of Section 6, Township 22 1/4 of Section 6, Township 22 South, Range 28 East South, Range 28 East S 86°38'24" W (Bearing Basis) 211.85 West Road Variable Width Public Right of Way per D.B. 750, Pg. 32 O.R. 6897, Pg. 2238 and O.R. 7215, Pg. 4565 03'21'36' Point of Beginning S 89'56'49" E 13.00 -South R/W line 24.35 10.00' X 15.00' Utility Easement per Document # 20240530932 N 00'03'11" E not platted 15.00 S 00'03'11" W N 89'56'49" W not platted 15.00 GRAPHIC SCALE 13.00 20 West line of the parcel of land described in that certain Warranty Deed recorded in Notes Document Number 20210227848 1. THIS IS NOT A BOUNDARY SURVEY. The purpose of this sketch of description is to depict and describe a Utility Easement. 1 inch = 20 feet Legend and Abbreviations 2. Bearings shown hereon are based on the North line of the Northwest LB - denotes licensed business 1/4 of the Southeast 1/4 of Section 6, Township 22 South, Range 28 East being assumed as South 86'38'24" West. R/W - denotes Right of Way D.B. - denotes Deed Book O.R. - denotes Official Records Book 3. This sketch meets the Standard of Practice set forth in Florida Pg. — denotes page

— denotes change of direction Administrative Code Rule 5J-17, pursuant to Florida Statute Chapter 472. 4. The seal appearing on this document was authorized by Billy Joe Jenkins, Jr. , PSM 5205 on October 23, 2024. The electronic signature hereon is in compliance with the Florida Administrative Code (FAC) Revision: 11/18/24 - per County review comment Revision: 10/23/24 - revise size of easement area Revision: 6/28/24 - per County review comments 5J-17-062. 6/13/24 - per County review comments Benchmark Surveying & Mapping, LLC 1168.01 UE SOD R1 Prepared For: The Bkyd Inc. Certificate of Authorization Number - LB 7874 Project # Digitally signed by

3110 Red Fox Run, Kissimmee, Florida 34746

Post Office Box 771065, Winter Garden, Florida 34777-1065

(407) 509-9674 - www.benchmarksurveyingandmapping.com

No. 5205

STATE OF FLORIDA

03/23/2024

Date

Billy Joe Jenkins

Date: 2024.11.18

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