



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 11

DATE: July 16, 2019

TO: Mayor Jerry L. Demings
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager *PS*
Real Estate Management Division

FROM: David L. Brown, Senior Title Examiner *DLB*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7090

ACTION REQUESTED: Approval of Utility Easement from Colonial Pickett, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Private Financing Alternatives, LLC and authorization to record instruments

PROJECT: Lake Pickett Center Parcel 1 - Site Work Only Permit B18903763 OCU
File #97059

District 5

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

ITEMS: Utility Easement
Cost: Donation
Size: 602 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 06 2019

THIS IS A DONATION

Project: Lake Pickett Center Parcel 1 - Site Work Only Permit B18903763 OCU File #97059

UTILITY EASEMENT

THIS INDENTURE, Made this 11th day of JUNE, A.D. 20 20, between COLONIAL PICKETT, LLC, a Florida limited liability company, whose address is 2202 N. WEST SHORE BLVD, SUITE 200, TAMPA, FL 33607, GRANTOR, and ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P.O. BOX 1393, ORLANDO, FL 32802-1393, GRANTEE.

WITNESSETH, That the GRANTOR, in consideration of the sum of \$10.00 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, an 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**

23-22-31-0000-00-067

TO HAVE AND TO HOLD said 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 easement, and the GRANTOR, its successors and assigns, agrees not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement 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, 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.

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

Signed, sealed, and delivered
in the presence of:

COLONIAL PICKETT, LLC, a Florida limited
liability company

Holly Sliz
Witness

By: [Signature]
Bryan Schultz, Manager

Holly Sliz
Printed Name

Carmen E. DiGerlando
Witness

Carmen E. DiGerlando
Printed Name

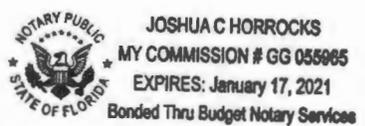
(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 11 of JUNE,
2019, by Bryan Schultz as Manager of COLONIAL PICKETT, LLC, a Florida limited liability
company, on behalf of the limited liability company. He is personally known to me or has produced
_____ as identification.

(Notary Seal)

[Signature]
Notary Signature



JOSHUA C. HORROCKS
Printed Notary Name
Notary Public in and for
the county and state aforesaid.
My commission expires: 1/17/2021

This instrument prepared by:
David L. Brown, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

Project: Lake Pickett Center Parcel 1 - Site Work Only Permit B18903763 OCU File #97059

EXHIBIT "A"

SEE THE ATTACHED SKETCH

OF DESCRIPTION

(1 PAGE)

SKETCH OF DESCRIPTION

DESCRIPTION: (Prepared by Donald W. McIntosh Associates, Inc.)

That part of Section 23, Township 22 South, Range 31 East, Orange County, Florida, described as follows:

Commence at the Southeast corner of lands described in Document Number 20170257376 as recorded in the Public Records of Orange County, Florida, thence run N89°58'30"E along the North Right-of-Way line of State Road No. 50 - East Colonial Drive (a 200' wide right-of-way) a distance of 127.16 feet to the POINT OF BEGINNING; thence continue N89°58'30"E along said North Right-of-Way line 22.57 feet; thence N00°01'30"W, a distance of 26.67 feet; thence S89°58'30"W, a distance of 22.57 feet; thence S00°01'30"E, a distance of 26.67 feet to the POINT OF BEGINNING.

Containing 0.014 acres (602 square feet) more or less and being subject to any rights-of-way, restrictions and easements of record.



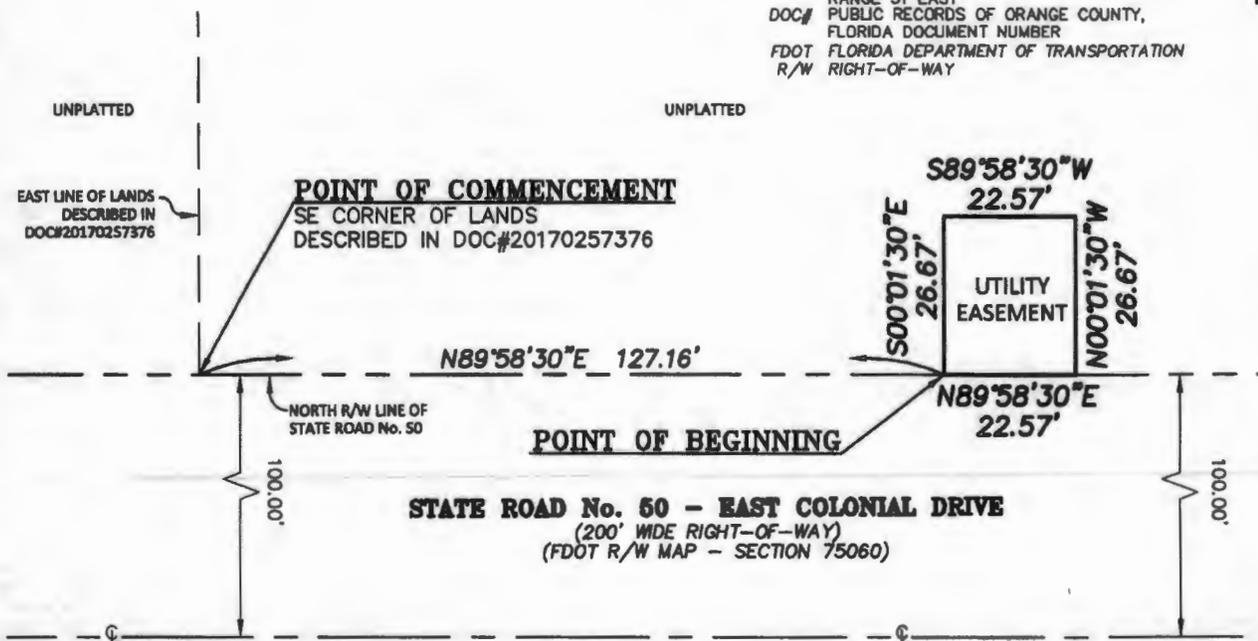
Scale: 1" = 30'

NOTES

1. This is not a survey.
2. Bearings shown hereon are based on are based on the North Right-of-way line of State Road No. 50 (East Colonial Drive) being N89°58'30"E (assumed meridian).
3. This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described hereon.

LEGEND

SEC 23-22-31 SECTION 23, TOWNSHIP 22 SOUTH,
RANGE 31 EAST
DOC# PUBLIC RECORDS OF ORANGE COUNTY,
FLORIDA DOCUMENT NUMBER
FDOT FLORIDA DEPARTMENT OF TRANSPORTATION
R/W RIGHT-OF-WAY



PREPARED FOR:					
Colonial Pickett, LLC LAKE PICKETT CENTER PARCEL 1 - SITE WORK ONLY PERMIT NO. B18903763 - UTILITY EASEMENT		12/13/2018	JPF	UPDATED PROJECT ID PER COUNTY COMMENTS	
		DATE	BY	DESCRIPTION	
		REVISIONS			
 DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068 CERTIFICATE OF AUTHORIZATION NO. LB68		DONALD W. MCINTOSH ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NO. LB68  Rocky L. Carson December 13, 2018 Florida Registered Surveyor and Mapper Certificate No. 4285 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.			
		DRAWN BY: <u>JPF</u> DATE: <u>11/2018</u>	CHECKED BY: <u>RLC</u>	JOB NO. <u>18147.003</u>	SCALE <u>1"=30'</u>

Project: Lake Pickett Center Parcel 1 - Site Work Only Permit B18903763 OCU File #97059

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 project in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to the below encumbrances 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 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"

Encumbrances:

PRIVATE FINANCING ALTERNATIVES, LLC, a Florida limited liability company, successor by assignment from Partners for Growth, LLC, a Florida limited liability company
FROM: COLONIAL PICKETT, LLC, a Florida limited liability company

- (1) A Purchase Money Mortgage, Security Agreement, and Assignment of Development Rights recorded on February 1, 2018 as Document No.: 20180064680; and
- (2) UCC-1 Financing Statement recorded on February 1, 2018 as Document No.:20180064681; and
- (3) Assignment of Note, Mortgage and Loan Documents in favor of Private Financing Alternatives, LLC recorded February 7, 2019 as Document #: 20190080455; and
- (4) UCC-3 Assignment in favor of Private Financing Alternatives, LLC recorded February 7, 2019 as Document #: 20190080456.

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 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

Project: Addison at Universal Blvd. Site Work Permit #: B16904162 OCU File #97059

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 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 10 day of JUNE, A.D. 2019

Signed, sealed, and delivered in the presence of:

PRIVATE FINANCING ALTERNATIVES, LLC, a Florida limited liability company

By: C & D United, LLC, a Florida limited liability company

[Signature]
Witness
DALIA CALVO

Printed Name
Holly Sly

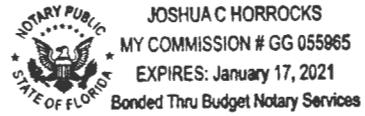
Witness
HOLLY SLIZ

Printed Name
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

By: [Signature]
Joseph Digerlando, Manager

The foregoing instrument was acknowledged before me this 10 of JUNE, 2019, by Joseph Digerlando, as Manager of C & D UNITED, LLC, a Florida limited liability company as manager of PRIVATE FINANCING ALTERNATIVES, LLC, a Florida limited liability company on behalf of the limited liability company. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature
JOSHUA C. HORROCKS
Printed Notary Name
Notary Public in and for
the County and State aforesaid
My Commission Expires: 1/17/2021

This instrument prepared by:
David L. Brown, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

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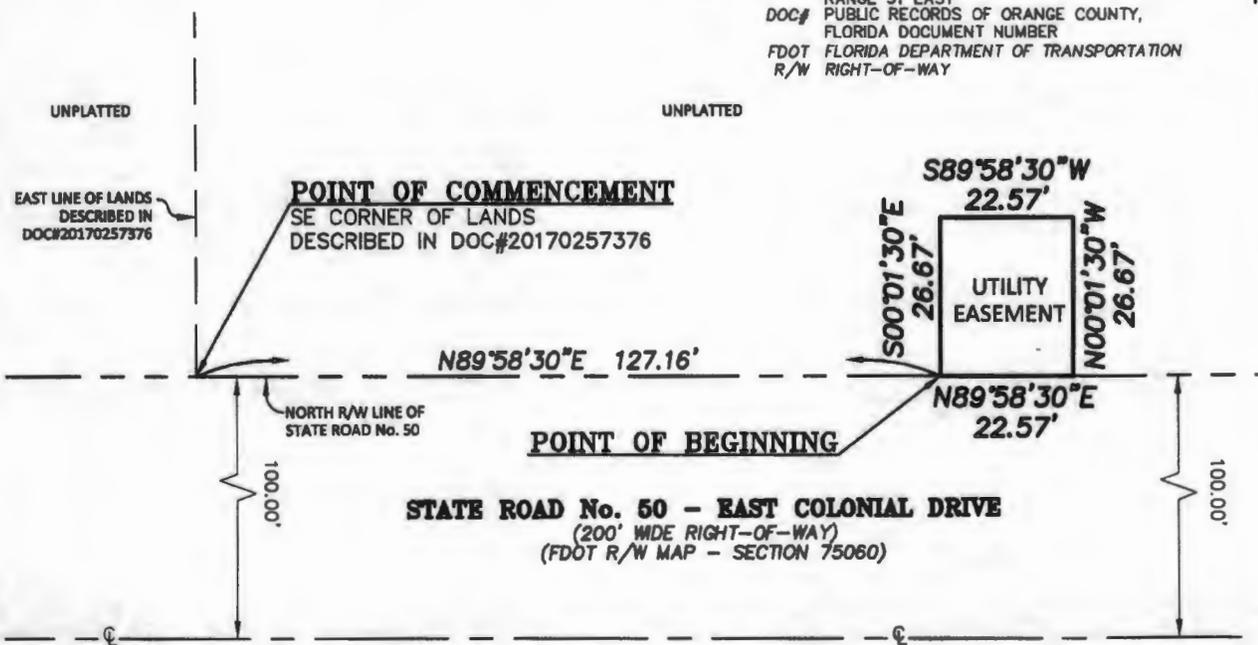
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 RANGE 31 EAST
 DOC# PUBLIC RECORDS OF ORANGE COUNTY,
 FLORIDA DOCUMENT NUMBER
 FDOT FLORIDA DEPARTMENT OF TRANSPORTATION
 R/W RIGHT-OF-WAY



PREPARED FOR:		
Colonial Pickett, LLC		
LAKE PICKETT CENTER PARCEL 1 - SITE WORK ONLY PERMIT NO. B18903763 - UTILITY EASEMENT		
12/13/2018	JPF	UPDATED PROJECT ID PER COUNTY COMMENTS
DATE	BY	DESCRIPTION

DONALD W. McINTOSH ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
 CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: JPF	CHECKED BY: RLC	JOB NO. 18147.003	SCALE 1"=30'	SHEET 1 OF 1
DATE: 11/2018				

REVISIONS

DONALD W. McINTOSH ASSOCIATES, INC.
 CERTIFICATE OF AUTHORIZATION NO. LB68

Rocky L. Corson December 13, 2018
 Florida Registered Surveyor and Mapper
 Certificate No. 4283

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