



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 14

DATE: June 27, 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 Beltway TLJ Development LP to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Citizens Bank, National Association and authorization to record instruments

PROJECT: Beltway Commerce Center Phase II Permit 18-U-081 OCU File # 96873
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: 696 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
JUL 16 2019

THIS IS A DONATION

Project: Beltway Commerce Center Phase II Permit 18-U-081 OCU File # 96873

UTILITY EASEMENT

THIS INDENTURE, Made this 12th day of June, A.D. 20 19, between BELTWAY TLJ DEVELOPMENT LP, a Florida limited partnership, whose address is 610 N. WYMORE ROAD, SUITE 200, MAITLAND, FL 32751, 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**

20-23-31-1762-01-000

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:

BELTWAY TLJ DEVELOPMENT LP, a Florida
limited partnership

Keleigh A. Brower
Witness

By: BELTWAY TLJ GP, LLC, a Florida limited
liability company, as General Partner

Keleigh A. Brower
Printed Name

By: Linda G. Kassaf

Melissa Burton
Witness

LINDA G. KASSAF
Printed Name

Melissa Burton
Printed Name

MANAGER
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF orange

The foregoing instrument was acknowledged before me this 13th of June,
20 19, by Linda G. Kassaf, as Manager
of BELTWAY TLJ GP, LLC, a Florida limited liability company as general partner of BELTWAY TLJ
DEVELOPMENT LP, a Florida limited partnership, on behalf of the limited partnership. He/She is
personally known to me or has produced _____ as identification.

(Notary Seal)

Melissa Burton
Notary Signature



Melissa Burton
Printed Notary Name
Notary Public in and for
the county and state aforesaid.
My commission expires: 3-6-20

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

Beltway Commerce Center Phase II Permit 18-U-081 OCU File # 96873

EXHIBIT "A"

SEE THE ATTACHED SKETCH

OF DESCRIPTION

(2 PAGES)

SKETCH OF DESCRIPTION

EXHIBIT A UTILITY EASEMENT

LEGAL DESCRIPTION

A PORTION OF LAND LYING IN LOT 1, BELTWAY COMMERCE CENTER, AS RECORDED IN PLAT BOOK 97, PAGES 76 THROUGH 77 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED:

COMMENCE AT A 6x6 CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THE NORTH HALF OF SECTION 20, TOWNSHIP 23, RANGE 31 EAST, ORANGE COUNTY, FLORIDA; THENCE HEAD SOUTH 89°46'33" WEST ALONG THE SOUTH LINE OF SAID SECTION 20-23-31 A DISTANCE OF 2033.78 FEET TO THE SOUTH EAST CORNER OF TRACT A, BELTWAY COMMERCE CENTER; THENCE RUN NORTH 17°43'66" EAST, A DISTANCE OF 721.62 FEET; THENCE RUN NORTH 33°33'43" WEST, A DISTANCE OF 499.49 FEET; THENCE RUN NORTH 08°57'17" WEST, A DISTANCE OF 186.73 FEET, TO A POINT ON AN ARC CONCAVE NORTH WESTERLY WITH A RADIUS OF 526.00 FEET, A CENTRAL ANGLE OF 14°10'11", ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF LEE VISTA BOULEVARD; THENCE ALONG ARC OF SAID CURVE RUN A DISTANCE OF 129.84 FEET; THENCE CONTINUE ALONG THE SOUTH RIGHT-OF-WAY OF LEE VISTA BOULEVARD NORTH 84°47'06" WEST, A DISTANCE OF 4.43 FEET; REACHING A CURVE CONCAVE NORTH WESTERLY WITH A RADIUS OF 10060.00 FEET, A CENTRAL ANGLE OF 0°14'46", ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF LEE VISTA BOULEVARD, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 43.16 FEET; THENCE DEPARTING AFORE SAID RIGHT-OF-WAY RUN SOUTH 45°53'18" EAST, A DISTANCE OF 11.60 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 0°53'18" EAST A DISTANCE OF 40.00 FEET; THENCE RUN NORTH 89°06'42" EAST A DISTANCE OF 15.00 FEET, THENCE RUN NORTH 0°53'18" WEST A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 45°53'18" WEST, A DISTANCE OF 21.21 FEET BACK TO THE POINT OF BEGINNING.

AREA CONTAINS 490 SQUARE FEET MORE OR LESS.

O.C. PROJECT # 18-U-081	
BELTWAY COMMERCE CENTER PHASE II	
SHEET 1 OF 2	
DATE: 04/15/19	
SCALE: 1"=100'	
DRAWN BY: SCK	CHECKED BY: JKE
LEGEND:	
EX	EXISTING
R	RADIUS
Δ	DELTA
CB	CHORD BEARING
CL	CHORD LENGTH
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
POT	POINT OF TERMINUS
ROW	RIGHT OF WAY
PB	PLAT BOOK
PG	PAGE
PC	POINT OF CURVEATURE
MB	MAP BOOK

CERTIFY TO:	
REVISION:	
4/26/19	
6/26/19	
KOVACS CONSTRUCTION SERVICES, INC.	
6845 NARCOOSSEE ROAD	PHONE: 321-863-7131
UNIT #52	
ORLANDO, FLORIDA 32822	
CERTIFICATE OF AUTHORIZATION	LB# 7829

NOTES:
 1. THIS IS NOT A BOUNDARY SURVEY
 2. UNLESS SIGNED AND EMBROSSED WITH SURVEYORS SEAL, THIS SKETCH IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.
 3. ADDITIONS OR DELETIONS TO THIS SKETCH & DESCRIPTION BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
 4. THIS SURVEY IS BASED ON INFORMATION PROVIDED BY CLIENT AND PROPOSED LOCATION OF UNDERGROUND UTILITY.
 NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR.
 NOT VALID WITHOUT SHEET # OF 2



SKETCH OF DESCRIPTION

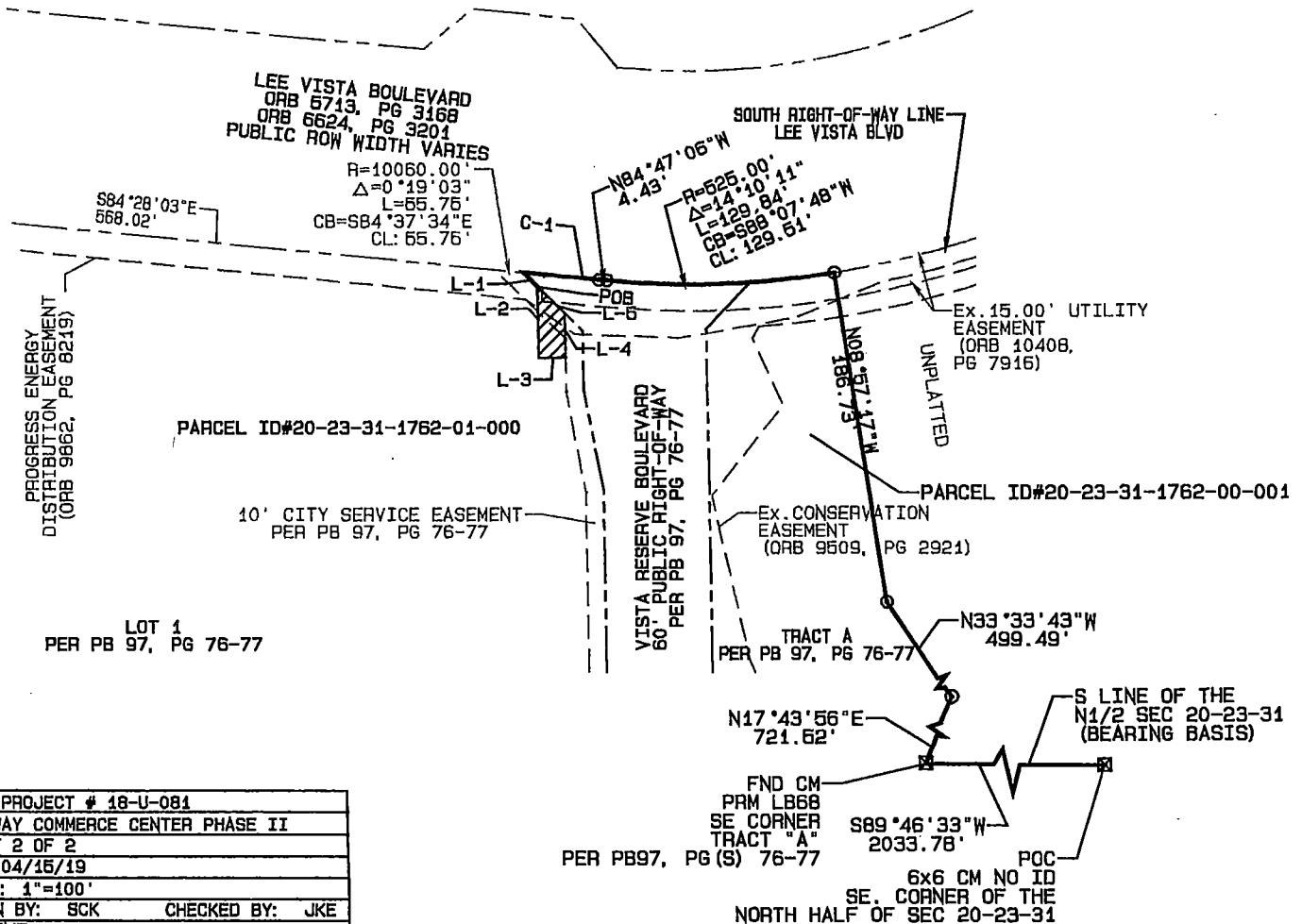
EXHIBIT A UTILITY EASEMENT

LINE TABLE

LINE	BEARING	DISTANCE
L-1	S45°53'18"E	11.60'
L-2	S0°53'18"E	40.00'
L-3	N89°06'42"E	15.00'
L-4	N0°53'18"W	25.00'
L-6	N45°53'18"W	21.21'

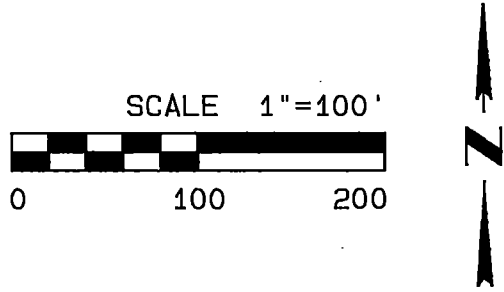
CURVE TABLE

C-1	R=10060.00'
	Δ=0°14'45"
	L=43.16'
	CB=N84°39'44"W
	CL: 43.16'



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ORLANDO, FLORIDA 32822	
CERTIFICATE OF AUTHORIZATION	LB# 7823



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AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR
NOT VALID WITHOUT SHEET 1 OF 2

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 16 2019

Project: Beltway Commerce Center Phase II Permit 18-U-081 OCU File # 96873

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:

CITIZENS BANK, NATIONAL ASSOCIATION, a national banking association
FROM: BELTWAY TLJ DEVELOPMENT, LLC, a Florida limited partnership

- (1) A Mortgage, Assignment of Leases and Rents and Security Agreement recorded on October 2, 2018 as Document No. 20180578586 and
- (2) Assignment of Leases and Rents recorded October 2, 2018 as Document No. 20180578587

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

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 12th day of June, A.D. 2019.

Signed, sealed, and delivered
in the presence of:

CITIZENS BANK, NATIONAL ASSOCIATION, a
national banking association

[Signature]
Witness

By: [Signature]

Rebecca Britten Lear
Printed Name

Christopher F. Robie
Printed Name

[Signature]
Witness

Senior Vice President
Title

Damalis medrano
Printed Name

STATE OF NH
COUNTY OF Rockingham

The foregoing instrument was acknowledged before me this 12 of JUNE, 2019, by Christopher F. Robie, as SR. VICE PRES. of CITIZENS BANK, NATIONAL ASSOCIATION, a national banking association, on behalf of the bank. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

Paula A. Abbene
Notary Signature

PAULA A ABBENE
Printed Notary Name

Notary Public in and for
the County and State aforesaid
My Commission Expires: 12/3/2019

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

Paula A. Abbene
Notary Public, State of New Hampshire
My Commission Expires Dec. 03, 2019

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REVISION:
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6/26/19

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6845 NARCOOSSEE ROAD PHONE: 321-863-7131
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 NOT VALID WITHOUT SHEET 2 OF 2

James K. Egan
 JAMES K. EGAN, P.E. No. 0005899
 STATE OF FLORIDA
 6-26-19
 DATE: 6/26/19

SKETCH OF DESCRIPTION

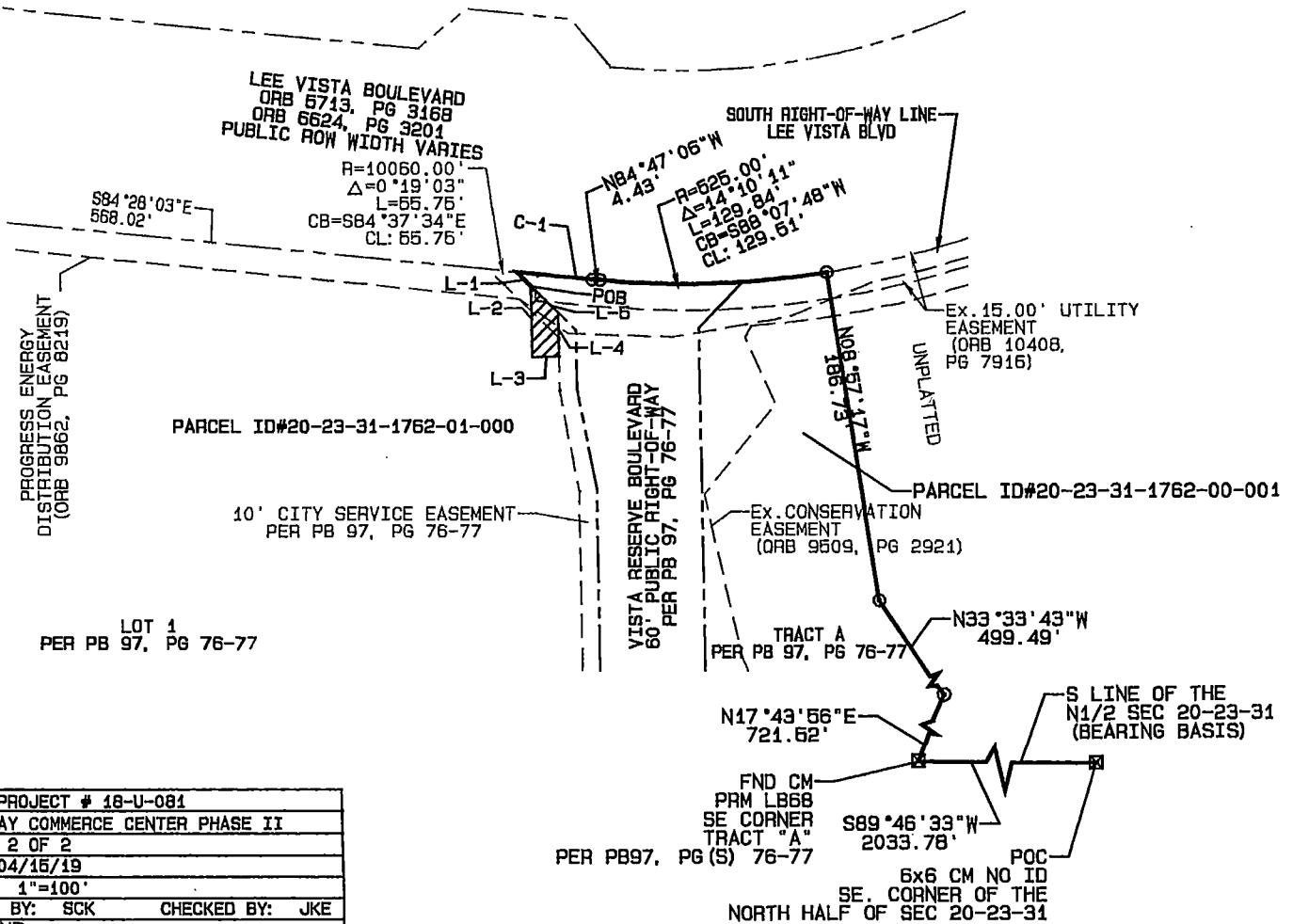
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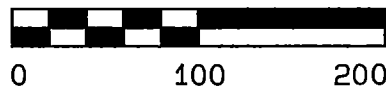
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KOVACS CONSTRUCTION SERVICES, INC.

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UNIT #52
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CERTIFICATE OF AUTHORIZATION LB# 7823

SCALE 1"=100'



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AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR
NOT VALID WITHOUT SHEET 1 OF 2