



Interoffice Memorandum

APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: October 18, 2016

REAL ESTATE MANAGEMENT ITEM 4

DATE: September 28, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *AC*
Real Estate Management Division

FROM: Monica Hand, Senior Title Examiner *MHS*
Real Estate Management Division

**CONTACT
PERSON:** Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

**ACTION
REQUESTED:** APPROVAL OF UTILITY EASEMENT BETWEEN AWH ORLANDO
PROPERTY, LLC AND ORANGE COUNTY, SUBORDINATION OF
ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY
FROM ORLANDO HOTEL FUNDING LLC AND AUTHORIZATION
TO RECORD INSTRUMENTS

PROJECT: Double Tree Ballroom Expansion
OCU Permit: B16900703 OCU File #: 84506

District 1

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

ITEMS: Utility Easement
Cost: Donation
Size: 17,589 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
County Attorney's Office
Utilities Department
Risk Management Division

REMARKS: These documents were previously recorded by the Grantor without the Board of County Commissioners (BCC) approval. They will be re-recorded to show proper approval and acceptance by the BCC.

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.

OCT 18 2016

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

DOC# 20160438209
08/22/2016 02:35:36 PM Page 1 of 4
Rec Fee: \$35.50
Deed Doc Tax: \$0.70
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: BAKER AND HOSTETLER



THIS IS A DONATION

Project: Double Tree Ballroom Expansion OCU Permit: B16900703 OCU File #: 84506

UTILITY EASEMENT

THIS UTILITY EASEMENT is made as of this 11th day of August, A.D. 20 16, between AWH Orlando Property, LLC, a Delaware limited liability company, whose address is 1040 Avenue of the Americas, 9th Floor, New York, NY 10018, ("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, an easement for wastewater utility purposes, (the "Easement"), with full authority and responsibility to enter upon, excavate, and maintain, as the GRANTEE and its assigns may deem necessary, underground wastewater lines, and piping, under the following described lands situate in Orange County aforesaid, to-wit (the "Easement Area"):

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:
a portion of

12-24-28-6652-00-010

TO HAVE AND TO HOLD said Easement unto said GRANTEE and its assigns forever.

GRANTEE and its assigns shall have the right to clear and keep clear, at GRANTEE'S sole cost and expense, all trees, undergrowth and other obstructions that may interfere with normal operation or maintenance of the utilities and any facilities placed thereon by GRANTEE and its assigns, in the Easement; however, as a condition precedent to such clearing, GRANTEE shall first provide notice to GRANTOR of GRANTEE'S intent, and allow GRANTOR reasonable time to either clear the tree, undergrowth or obstruction or provide GRANTEE with an alternative portion of land that GRANTOR has a right to provide for the purpose required. GRANTOR may utilize the Easement Area and all areas above the Easement Area for pavement and other paved surfaces, curbs, landscaping, private utilities, covered pedestrian walkway, vertical supports, sidewalk, and all other uses not materially inconsistent with GRANTEE'S permitted use of the Easement Area, but GRANTOR, its successors and assigns, agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other permanent structures on the herein granted Easement that may materially interfere with the normal operation or maintenance of the utility facilities installed thereon.

In exercising its rights hereunder, GRANTEE shall, to the extent practicable under the circumstances, minimize disruption of and interference with GRANTOR'S property. Without limiting the

This document is being re-recorded to show proper approval and acceptance by the Orange County Board of County Commissioners.

foregoing, GRANTEE shall provide reasonable prior written notice to GRANTOR of all maintenance and repair activities and, except for the case of emergencies or other causes beyond GRANTEE'S control, shall coordinate its activities with GRANTOR. To the extent permitted by law, GRANTEE shall indemnify and hold GRANTOR harmless from any loss, damage, expense, claim, cost or liability (including reasonable attorneys' fees) arising as a result of the GRANTEE'S use of the Easement, presence of activities of GRANTEE upon GRANTOR'S property. Nothing contained herein shall constitute a waiver by the GRANTEE of its sovereign immunity protections afforded under law including but not limited to Section 768.28, Florida Statutes. GRANTEE shall not be held liable for the acts or omissions of the GRANTOR or any third-party not acting as an agent or contractor of GRANTEE.

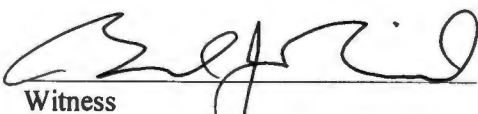
GRANTEE shall promptly restore all vegetation and improvements damaged by its maintenance and repair activities to a condition comparable to that which existed prior to GRANTEE'S activities.

GRANTOR hereby reserves the right to relocate the Easement granted herein. Prior to any relocation, GRANTOR shall provide GRANTEE with plans that demonstrate that the relocated easement will not diminish the functionality of GRANTEE'S then-existing Easement; reasonably coordinate the logistics and timing of the relocation; and prepare the required instruments necessary to establish the new easement and extinguish the then-existing Easement in a form satisfactory to the GRANTEE, with approval of same not being unreasonably or arbitrarily withheld by GRANTEE. GRANTOR shall pay for all reasonable expenses of GRANTEE associated with the relocation.

GRANTEE may at any time increase its use of the Easement consistent with the purpose of the Easement, change the location of pipelines or other facilities within the boundaries of the Easement Area, or modify the size of existing pipelines or other improvements within the Easement Area as it may determine in its sole discretion from time to time without paying any additional compensation therefor to GRANTOR or GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the Easement beyond the Easement Area boundaries described above.

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

Signed, sealed, and delivered
in the presence of:


Witness

Bernard J. Michael
Printed Name


Witness

LAURA BARLOWE
Printed Name

AWH Orlando Property, LLC,
a Delaware limited liability company

BY: 

Russell Fisher
Printed Name

AUTHORIZED SIGNATORY
Title


(Signature of TWO witnesses required by Florida law)

STATE OF New York

COUNTY OF New York

The foregoing instrument was acknowledged before me this 14 day of August, 2016 by Russell Flicker as Authorized Signatory of AWH Orlando Property, LLC, a Delaware limited liability company, on behalf of the limited liability company. He/she is personally known to me or has produced Driver's license as identification.

(Notary Seal)
JOSEPH BORDONARO
NOTARY PUBLIC-STATE OF NEW YORK
No. 02BO6296243
Qualified in New York County
My Commission Expires January 27, 2018


Notary Signature
Charles Bordonaro
Printed Notary Name

This instrument prepared by:
Monica Hand, 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: January 27, 2018

SKETCH OF DESCRIPTION

20 FOOT UTILITY EASEMENT

PROJECT NAME: DOUBLETREE HOTEL
 PERMIT NUMBER: B16900703
 EASEMENT PURPOSE: EXISTING PUBLIC SEWER LINE
 THROUGH PROJECT SITE

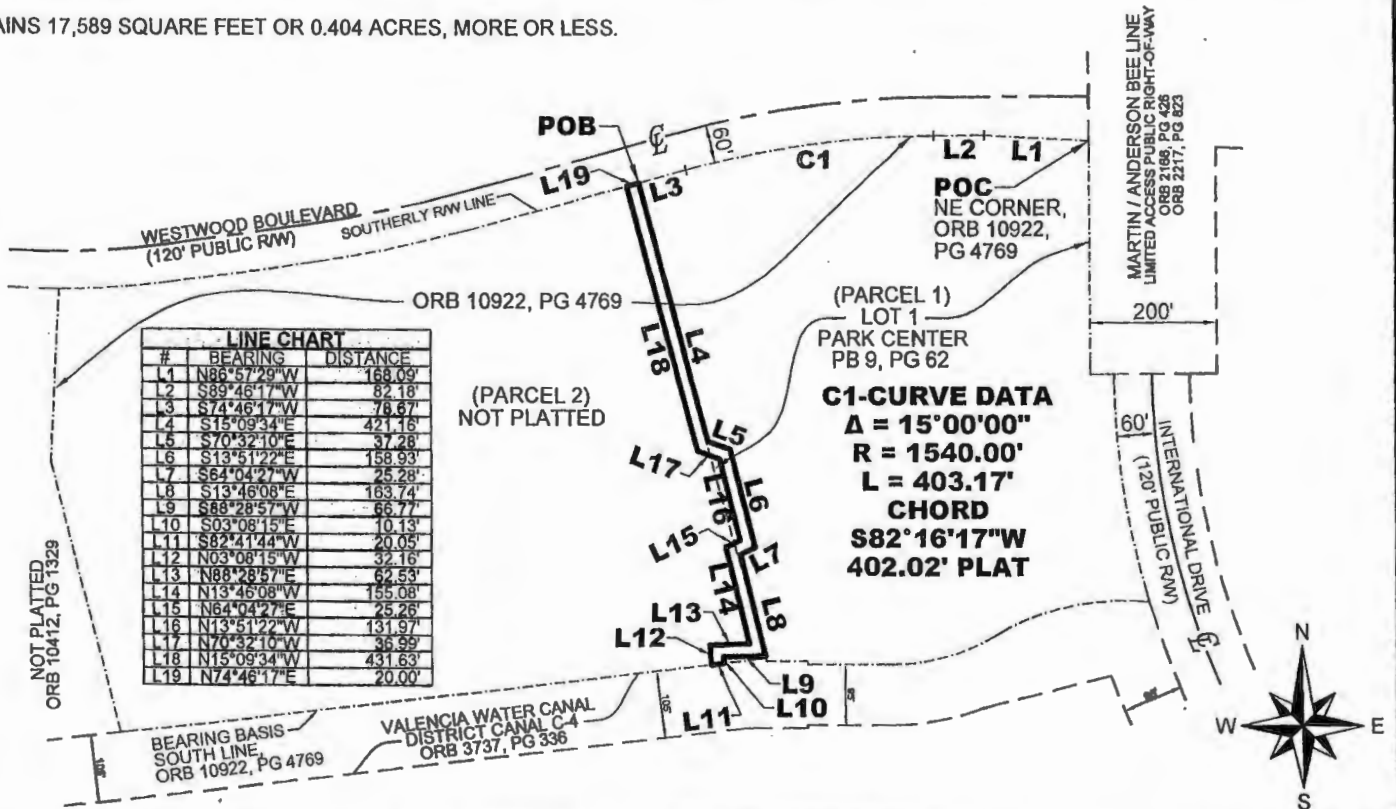
LEGAL DESCRIPTION

A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10922, PAGE 4769, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1, OF PARK CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 62, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WESTWOOD BOULEVARD: 1) N86°57'29"W A DISTANCE OF 168.09 FEET; 2) S89°46'17"W A DISTANCE OF 82.18 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1540.00 FEET, A CHORD BEARING OF S82°16'17"W, A CHORD DISTANCE OF 402.02 FEET; 3) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°00'00", A DISTANCE OF 403.17 FEET; 4) S74°46'17"W A DISTANCE OF 78.67 FEET FOR A POINT OF BEGINNING; THENCE S15°09'34"E A DISTANCE OF 421.16 FEET; THENCE S70°32'10"E A DISTANCE OF 37.28 FEET; THENCE S13°51'22"E A DISTANCE OF 158.93 FEET; THENCE S64°04'27"W A DISTANCE OF 25.28 FEET; THENCE S13°46'08"E A DISTANCE OF 163.74 FEET; THENCE S88°28'57"W A DISTANCE OF 66.77 FEET; THENCE S03°08'15"E A DISTANCE OF 10.13 FEET TO THE SOUTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10922, PAGE 4769, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S82°41'44"W, ALONG SAID SOUTH LINE, A DISTANCE OF 20.05 FEET; THENCE N03°08'15"W A DISTANCE OF 32.16 FEET; THENCE N88°28'57"E A DISTANCE OF 62.53 FEET; THENCE N13°46'08"W A DISTANCE OF 155.08 FEET; THENCE N64°04'27"E A DISTANCE OF 25.26 FEET; THENCE N13°51'22"W A DISTANCE OF 131.97 FEET; THENCE N70°32'10"W A DISTANCE OF 36.99 FEET; THENCE N15°09'34"W A DISTANCE OF 431.63 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF WESTWOOD BOULEVARD; THENCE N74°46'17"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 17,589 SQUARE FEET OR 0.404 ACRES, MORE OR LESS.

EXHIBIT "A"



JOB #44780	THIS SKETCH IS NOT A BOUNDARY SURVEY.	REVISIONS:
CF#OC9-62 PART LOT 1 (20' UE SOD)	PREPARED FOR: Z DEVELOPMENT SERVICES	
DATE: 4/18/2016	BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED SOUTH LINE OF ORB 10922, PAGE 4769, BEING: S82°41'44"W (PER DESCRIPTION).	
SCALE: 1" = 300'		
DRAWN BY: YEB		

THIS SKETCH MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

JAMES D. BRAY PSM 6507
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.



ACCURIGHT SURVEYS
 OF ORLANDO INC., LB 4475
 2012 E. Robinson Street Orlando, Florida 32803
 www.AccurightSurveys.net
 Admin@AccurightSurveys.net
 PHONE: (407) 894-6314

LEGEND	
CLC - CENTERLINE	IR - IRON ROD
CLG - CALCULATED	LR - ARC LENGTH
CBW - CONCRETE BLOCK WALL	MEAS - MEASURED
CLF - CHAIN LINK FENCE	MS - METAL SHED
CM - CONCRETE MONUMENT	N&D - NAIL & DISK
CP - CONCRETE PAD	ORB - OFFICIAL RECORDS BOOK
CONC - CONCRETE	P&M - PLAT & MEASURED
COVD - COVERED	PB - PLAT BOOK
CW - CONCRETE WALKWAY	PC - POINT OF CURVATURE
D - CENTRAL ANGLE	PG - PAGE
DB - DEED BOOK	POB - POINT OF BEGINNING
DE - DRAINAGE EASEMENT	POC - POINT OF COMMENCEMENT
DW - DRIVEWAY	RAW - RIGHT OF WAY
E/P - EDGE OF PAVEMENT	R - RADIUS
ESMT - EASEMENT	TYP - TYPICAL
FFE - FINISHED FLOOR ELEVATION	UB - UTILITY BOX
FND - FOUND	UE - UTILITY EASEMENT
IP - IRON PIPE	WF - WOOD FENCE

OCT 18 2016

DOC# 20160438210
08/22/2016 02:35:36 PM Page 1 of 3
Rec Fee: \$27.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: BAKER AND HOSTETLER

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



Project: Double Tree Ballroom Expansion OCU Permit: B16900703 OCU File #: 84506

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 an easement; in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to the following held by the undersigned and described in greater detail below: (i) Second Amended and Restated Mortgage, Assignment of Leases and Rents and Security Agreement, (ii) Assignment of Leases and Rents, and (iii) Financing Statement; 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 described in the Utility Easement attached hereto as **Exhibit "A"** (the "Utility Easement").

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 established in the Utility Easement:

Encumbrances:

Second Amended and Restated Mortgage, Assignment of Leases and Rents and Security Agreement by and between AWH Orlando Property, LLC, a Delaware limited liability company, and Orlando Hotel Funding LLC, a Delaware limited liability company, filed May 21, 2015 and recorded as Document Number 20150256374 in Official Records Book 10922, Page 4784, Public Records of Orange County, Florida.

Assignment of Leases and Rents by and between AWH Orlando Property, LLC, a Delaware limited liability company and Orlando Hotel Funding LLC, a Delaware limited liability company, filed May 21, 2015 and recorded as Document Number 20150256375 in Official Records Book 10922, Page 4881, Public Records of Orange County, Florida.

Financing Statement by and between AWH Orlando Property, LLC, a Delaware limited liability company and Orlando Hotel Funding LLC, a Delaware limited liability company, filed May 21, 2015 and recorded as Document Number 201500256376 in Official Records Book 10922, Page 4893, Public Records of Orange County, Florida.

This document is being re-recorded to show proper approval and acceptance by the Orange County Board of County Commissioners.

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 described in the Utility Easement for the specific purposes set forth in such Utility Easement, 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 11th day of August, A.D. 2016.

Signed, sealed, and delivered
in the presence of:

Daniel Goldberg
Witness

Daniel Goldberg
Printed Name

Alexander Harlan
Witness

Alexander Harlan
Printed Name

STATE OF New York
COUNTY OF New York

The foregoing instrument was acknowledged before me this 11th of August, 2016, by Richard Meth, as President of Orlando Hotel Funding LLC, a Delaware limited liability company, on behalf of the company. He/She ☐ is personally known to me or ☒ has produced NYSDL as identification.

Witness my hand and official seal this 11th day of August, 2016.

(Notary Seal)

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

Orlando Hotel Funding LLC,
a Delaware limited liability company

BY: Richard Meth

Richard Meth
Printed Name

President
Title

Lera Meek
Notary Signature

Lera Meek
Printed Notary Name

Notary Public in and for
the county and state aforesaid



SKETCH OF DESCRIPTION

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PERMIT NUMBER: B16900703
EASEMENT PURPOSE: EXISTING PUBLIC SEWER LINE
THROUGH PROJECT SITE

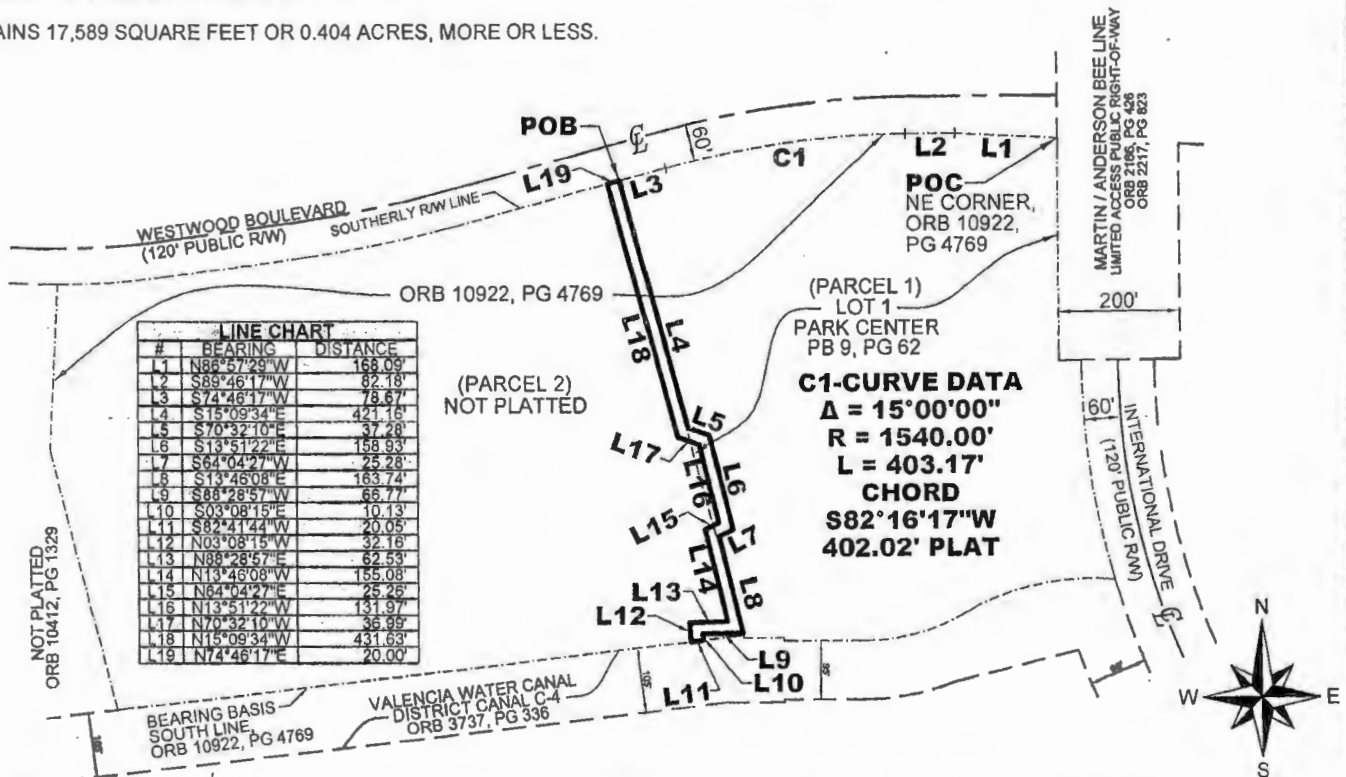
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DATE: 4/18/2016

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DRAWN BY: YEB

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PREPARED FOR: Z DEVELOPMENT SERVICES

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REVISIONS:

THIS SKETCH MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.022 OF THE FLORIDA STATUTES.

[Signature]
JAMES D. BRAY PSM 6507

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

ACCURIGHT

ACCURIGHT SURVEYS
OF ORLANDO INC., LB 4475
2012 E. Robinson Street Orlando, Florida 32803
www.AccurightSurveys.net
Admin@AccurightSurveys.net
PHONE: (407) 894-6314

LEGEND

CL	CENTERLINE	IR	IRON ROD
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