



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

**DATE:** July 19, 2018

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

*Rec for mgr.*

**FROM:** Peter Stanley, Title Examiner *PS*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM EAST COLONIAL CAPITAL ORLANDO LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM JERNIGAN CAPITAL OPERATING COMPANY, LLC AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Storage Facility – Site Work Only Permit #B17900131  
OCU File# 93390

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: 300 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 07 2018

THIS IS A DONATION

Project: Storage Facility Site Work Only Permit #B17900131 OCU File #93390

**UTILITY EASEMENT**

THIS INDENTURE, Made this 27<sup>TH</sup> day of JUNE, A.D. 2018, between East Colonial Capital Orlando LLC, a Delaware limited liability company, whose address is 3700 34<sup>th</sup> Street, Suite 2200, Orlando, Florida 32805, 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 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**

**23-22-31-0000-00-006**

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, agree 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

East Colonial Capital Orlando LLC  
a Delaware limited liability company

Jennifer Perez  
Witness

BY: Jay Adams  
Jay Adams, Manager

JENNIFER PEREZ  
Printed Name

CHARISSA CASTRO  
Witness

CHARISSA CASTRO  
Printed Name

(Signature of **TWO** witnesses required by Florida law)

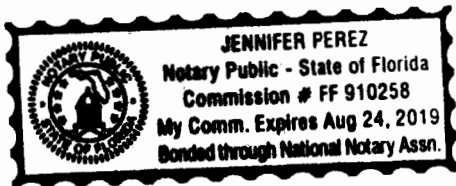
STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 21 of JUNE, 2018, by Jay Adams, as Manager of East Colonial Capital LLC, a Delaware limited liability company, on behalf of the limited liability company. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(Notary Seal)

Jennifer Perez  
Notary Signature

JENNIFER PEREZ  
Printed Notary Name



Notary Public in and for  
the county and state aforesaid.  
My commission expires: 8-24-19

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

# EXHIBIT A

## SKETCH AND DESCRIPTION

PROJECT NAME: STORAGE FACILITY-SITE WORK ONLY  
BUILDING DEPARTMENT PERMIT NUMBER: B17900131

### DESCRIPTION: UTILITY EASEMENT

A PORTION OF THE EAST 100 FEET OF THE WEST 400 FEET OF THE NORTHEAST 1/4 OF NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 31 EAST ORANGE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 31 EAST; THENCE S 88°03'35" E ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23 A DISTANCE OF 300.22 FEET; THENCE N 00°15'19" W, DEPARTING SAID SOUTH LINE, 92.02 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 50 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 75060, F.P. NO. 239203 4; THENCE N 89°55'14" E, ALONG SAID NORTH RIGHT OF WAY LINE, 48.73 FEET FOR THE POINT OF BEGINNING; THENCE N 00°33'48" W, DEPARTING SAID NORTH RIGHT OF WAY LINE, 15.00 FEET; THENCE N 89°55'14" E, 20.00 FEET; THENCE S 00°33'48" E, 15.00 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 50; THENCE S 89°55'14" W, ALONG SAID NORTH RIGHT OF WAY LINE, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 300 SQUARE FEET, MORE OR LESS.

### LEGEND:

LS LICENSED SURVEYOR NUMBER  
LB LICENSED SURVEYING BUSINESS NUMBER  
PSM PROFESSIONAL SURVEYOR AND MAPPER

### SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS ARE BASED ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 50. ASSUMED AS SHOWN.

*Michael D. Cummins, Jr.*  
SURVEYOR & MAPPER IN RESPONSIBLE CHARGE #LS 5592  
MICHAEL D. CUMMINS, JR. STATE OF FLORIDA

6-13-18 REVISED PER ORANGE COUNTY UTILITIES  
5-25-18 REVISED PER ORANGE COUNTY UTILITIES

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

PREPARED FOR: **HARBCO CONSTRUCTION**

**CUMMINS SURVEYING  
AND MAPPING, INC.**

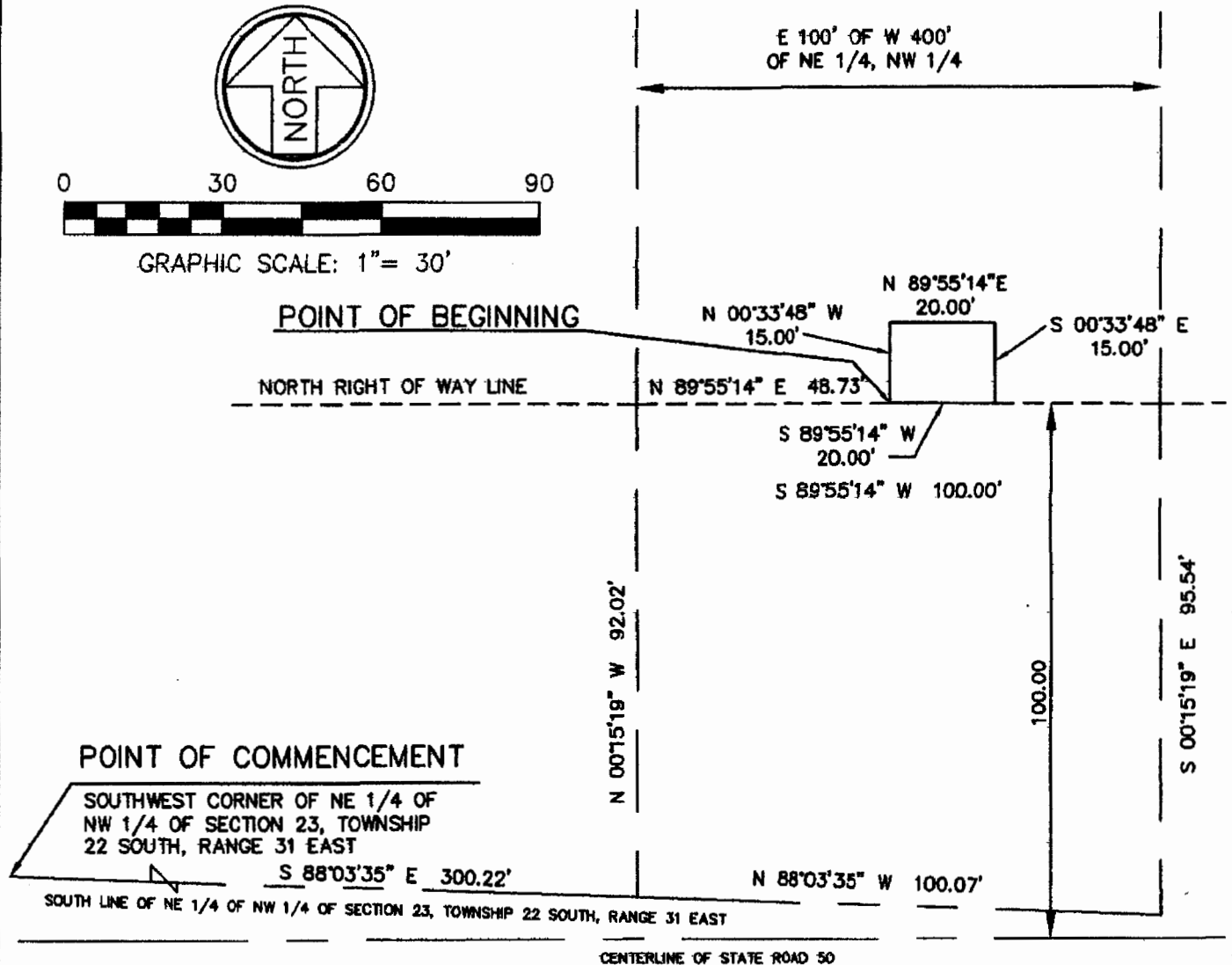
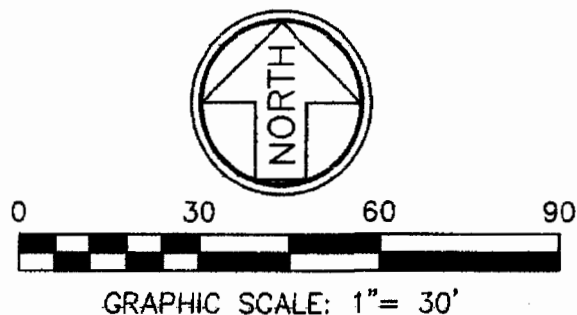
2758 Susanday Drive  
Orlando, Florida 32812  
321-377-0564

e-mail: mc5592@bellsouth.net  
Certificate of Authorization LB 6983

	TECHNICIAN: MDC
ISSUE DATE: 5-16-18	PROJECT NO. 16-26
	SHEET No. 1 OF 2

# SKETCH AND DESCRIPTION

PROJECT NAME: STORAGE FACILITY-SITE WORK ONLY  
BUILDING DEPARTMENT PERMIT NUMBER: B17900131



## STATE ROAD NO. 50

200' RIGHT OF WAY PER: FLORIDA DEPARTMENT OF  
TRANSPORTATION RIGHT OF WAY MAP SECTION 75060, F.P. NO.  
239203 4

PREPARED FOR:

**HARBCO CONSTRUCTION**

**CUMMINS SURVEYING  
AND MAPPING, INC.**

2758 Susanday Drive  
Orlando, Florida 32812  
321-377-0564

e-mail: mc5592@bellsouth.net  
Certificate of Authorization LB 6983

SCALE: 1" = 30'

ISSUE DATE: 5-16-18

TECHNICIAN: MDC

PROJECT NO. 16-26

SHEET No. 2 OF 2

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

AUG 07 2018

Project: Storage Facility Site Work Only Permit #B17900131 OCU File #93390

### **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 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:

Jernigan Capital Operating Company, LLC, a Delaware limited liability company  
FROM: East Colonial Capital Orlando LLC a Delaware limited liability company  
Right of First Refusal to Purchase, filed March 7, 2017  
Recorded in Official Record Document No. 20170119669  
Public Records of Orange County, Florida

Jernigan Capital Operating Company, LLC, a Delaware limited liability company  
FROM: East Colonial Capital Orlando LLC a Delaware limited liability company  
Mortgage, Security Agreement and Fixture Filing, filed March 7, 2017  
Recorded in Official Record Document No. 20170119670  
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 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 27<sup>th</sup> day of June, A.D. 2018.

Signed, sealed and delivered in the presence of:

Jernigan Capital Operating Company, LLC,  
a Delaware limited liability company

Amy K. Hugan  
Signature of Witness

BY: Jernigan Capital, Inc., a Maryland  
corporation, Managing Member

Amy K. Hugan  
Printed Name

BY: [Signature]  
John Good, President

Caitlin Shelton  
Signature of Witness

Caitlin Shelton  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Tennessee  
COUNTY OF Shelby

The foregoing instrument was acknowledged before me this 27<sup>th</sup> of June, 2018, by John Good, President of Jernigan Capital, Inc. a Maryland corporation, as Managing Member of Jernigan Capital Operating Company, LLC, a Delaware 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

Deborah Heng  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

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

My Commission Expires: 11/2/2019

# EXHIBIT A

## SKETCH AND DESCRIPTION

PROJECT NAME: STORAGE FACILITY-SITE WORK ONLY  
BUILDING DEPARTMENT PERMIT NUMBER: B17900131

### DESCRIPTION: UTILITY EASEMENT

A PORTION OF THE EAST 100 FEET OF THE WEST 400 FEET OF THE NORTHEAST 1/4 OF NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 31 EAST ORANGE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 31 EAST; THENCE S 88°03'35" E ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23 A DISTANCE OF 300.22 FEET; THENCE N 00°15'19" W, DEPARTING SAID SOUTH LINE, 92.02 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 50 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 75060, F.P. NO. 239203 4; THENCE N 89°55'14" E, ALONG SAID NORTH RIGHT OF WAY LINE, 48.73 FEET FOR THE POINT OF BEGINNING; THENCE N 00°33'48" W, DEPARTING SAID NORTH RIGHT OF WAY LINE, 15.00 FEET; THENCE N 89°55'14" E, 20.00 FEET; THENCE S 00°33'48" E, 15.00 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 50; THENCE S 89°55'14" W, ALONG SAID NORTH RIGHT OF WAY LINE, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 300 SQUARE FEET, MORE OR LESS.

### LEGEND:

LS LICENSED SURVEYOR NUMBER  
LB LICENSED SURVEYING BUSINESS NUMBER  
PSM PROFESSIONAL SURVEYOR AND MAPPER

### SURVEYOR'S NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS ARE BASED ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 50. ASSUMED AS SHOWN.

*Michael D. Cummins, Jr.*  
SURVEYOR & MAPPER IN RESPONSIBLE CHARGE #LS 5592  
MICHAEL D. CUMMINS, JR. 07/17 RECEIVED

6-13-18 REVISED PER ORANGE COUNTY UTILITIES  
5-25-18 REVISED PER ORANGE COUNTY UTILITIES

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

PREPARED FOR: **HARBCO CONSTRUCTION**

**CUMMINS SURVEYING  
AND MAPPING, INC.**

2758 Susanday Drive  
Orlando, Florida 32812  
321-377-0564

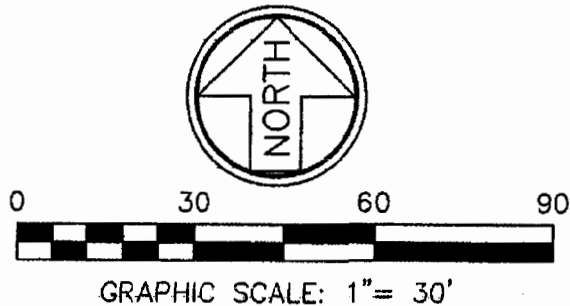
e-mail: mc5592@bellsouth.net  
Certificate of Authorization LB 6983

	TECHNICIAN: MDC
ISSUE DATE: 5-16-18	PROJECT NO. 16-26
	SHEET No. 1 OF 2



# SKETCH AND DESCRIPTION

PROJECT NAME: STORAGE FACILITY-SITE WORK ONLY  
BUILDING DEPARTMENT PERMIT NUMBER: B17900131



POINT OF BEGINNING

NORTH RIGHT OF WAY LINE

POINT OF COMMENCEMENT

SOUTHWEST CORNER OF NE 1/4 OF  
NW 1/4 OF SECTION 23, TOWNSHIP  
22 SOUTH, RANGE 31 EAST

S 88°03'35" E 300.22'  
SOUTH LINE OF NE 1/4 OF NW 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 31 EAST

CENTERLINE OF STATE ROAD 50

STATE ROAD NO. 50

200' RIGHT OF WAY PER: FLORIDA DEPARTMENT OF  
TRANSPORTATION RIGHT OF WAY MAP SECTION 75060, F.P. NO.  
239203 4

PREPARED FOR: **HARBCO CONSTRUCTION**

**CUMMINS SURVEYING  
AND MAPPING, INC.**

2758 Susanday Drive  
Orlando, Florida 32812  
321-377-0564

e-mail: mc5592@bellsouth.net  
Certificate of Authorization LB 6983

SCALE: 1"= 30'

ISSUE DATE: 5-16-18

TECHNICIAN: MDC

PROJECT NO. 16-26

SHEET No. 2 OF 2