



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 12

DATE: August 3, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

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 MWAD PHASE II, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM MAITLAND WEST LLLP AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Maitland West Apartments Phase 1 Permit #16-E-083 OCU File#: 87766
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: 224 square feet

Subordination of Encumbrance 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 21 2018

THIS IS A DONATION

Project: Maitland West Apartments Phase 1 Permit #16-E-083 OCU File #: 87766

UTILITY EASEMENT

THIS INDENTURE, Made this 19th day of June, A.D. 2018, between MWAD Phase II, LLC, a Florida limited liability company, whose address is 151 Southhall Lane, Suite 150, 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, 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

28-21-29-5499-02-000

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, 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
in the presence of

[Signature]
Witness

IAN McCook
Printed Name

[Signature]
Witness

R.P. Mick
Printed Name

MWAD Phase II, LLC
a Florida limited liability company

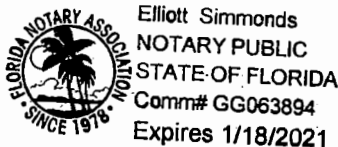
BY: [Signature]
Michael Niederst, Manager

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 19th of June, 20 18, by Michael Niederst as Manager of MWAD Phase II, 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

Elliott Simmonds
Printed Notary Name

Notary Public in and for
the county and state aforesaid.
My commission expires: 1/18/2021

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

UTILITY EASEMENT MAITLAND WEST APARTMENTS

LEGAL DESCRIPTION:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST WEST CORNER OF LOT 2, MAITLAND WEST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 92, PAGES 77 THROUGH 79, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT BEING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF HERBISON DRIVE AND THE EAST RIGHT OF WAY LINE OF ALBEMARLE ROAD;

THENCE RUN NORTH 89°18'28" EAST, ALONG THE SOUTH LINE OF SAID LOT 2 AND THE NORTH RIGHT OF WAY LINE OF HERBISON DRIVE, FOR A DISTANCE OF 45.00 FEET, TO THE POINT OF BEGINNING;

THENCE RUN NORTH 00°00'00" EAST, FOR A DISTANCE OF 15.00 FEET;

THENCE RUN NORTH 90°00'00" EAST, FOR A DISTANCE OF 15.00 FEET;

THENCE RUN SOUTH 00°00'00" EAST, FOR A DISTANCE OF 14.82 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 2 AND THE NORTH RIGHT OF WAY LINE OF HERBISON DRIVE;

THENCE RUN SOUTH 89°18'28" WEST, ALONG THE SOUTH LINE OF SAID LOT 2 AND THE NORTH RIGHT OF WAY LINE OF HERBISON DRIVE, FOR A DISTANCE OF 15.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 224 SQUARE FEET, MORE OR LESS.

LEGEND:

CB - CONDOMINIUM BOOK
LB - PROFESSIONAL SURVEYOR AND MAPPER BUSINESS LICENSE NUMBER
LS - PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER
N/A - NOT APPLICABLE
OCU - ORANGE COUNTY UTILITIES
PB - PLAT BOOK
PG - PAGE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
ROW - RIGHT OF WAY
SEC XX-XX-XX - SECTION XX - TOWNSHIP XX SOUTH - RANGE XX EAST

PROJECT NAME: MAITLAND WEST APARTMENTS

OCU NUMBER: 16-E-083

SURVEY CERTIFICATION:

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT THE INFORMATION WAS GATHERED AND PREPARED UNDER MY DIRECT SUPERVISION, AND THAT ALL INFORMATION CONFORMS TO THE STANDARDS OF PRACTICE AS SET FORTH IN RULE 5J-17, ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTE 472 AS APPLICABLE.


Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

11/10/17
Date
Corey A. Hopkins, LS 8748

SURVEYORS NOTES:

1. THIS SKETCH IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 2, MAITLAND WEST, AS RECORDED IN PLAT BOOK 92, PAGES 77 THROUGH 79, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING AN ASSUMED BEARING OF SOUTH 89°18'28" WEST.
3. NOT VALID WITHOUT ALL SHEETS.

No.	Revisions	Date
1	Sketch of Description	10/04/17
2	OCU Number	11/10/17
3		
4		
5		

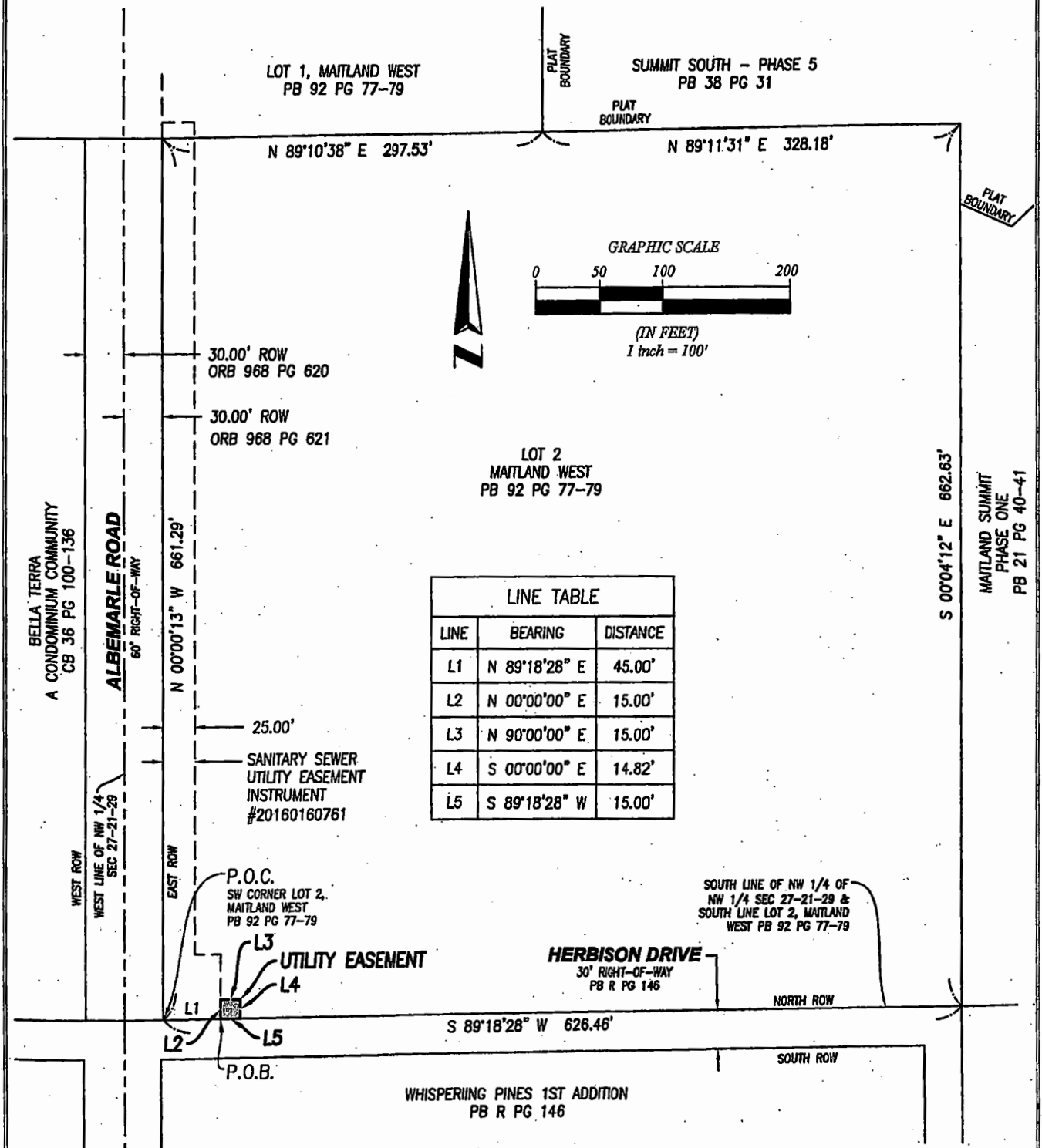


On the Mark Surveying, LLC
LB 7931
143 Meadow Boulevard
Sanford, Florida 32771
Phone: (321) 626-6376
Email: OTMSurveying@gmail.com

SKETCH OF DESCRIPTION

Field Date:	Drawn by:
N/A	CAH
Scale:	Checked by:
N/A	CAH
Sheet 1 of 2	Job Number:
	MAITLAND WEST

UTILITY EASEMENT MAITLAND WEST APARTMENTS



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Scale: 1"=100'	Checked by: CAH
Sheet 2 of 2	Job Number: MAITLAND WEST

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 21 2018

Project: Maitland West Apartments Phase 1 Permit #16-E-083 OCU File #: 87766

SUBORDINATION OF ENCUMBRANCE 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 encumbrance held by the undersigned; and,

WHEREAS, On behalf of ORANGE COUNTY, a request has been made for the undersigned to subordinate said encumbrance 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 encumbrance 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"

Maitland West LLLP, a Florida limited liability limited partnership
FROM: MWAD Phase II, a Florida limited liability company
Purchase Money Mortgage and Security Agreement filed September 25, 2015
Recorded in Official Records Book 10988, Page 3937
Public Records of Orange County, Florida

PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance 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 encumbrance 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 encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been made.

18th IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this day of June, A.D. 20 18.

Signed, sealed, and delivered
in the presence of:

Maitland West LLLP, a Florida limited liability
limited partnership

Susan M. Miller
Witness

BY: Michael E. Wright, General Partner

Susan M. Miller
Printed Name

Thomas A. Cicerano
Witness

Thomas Cicerano
Printed Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 18th of June, 20 18, by Michael E. Wright as General Partner of Maitland West LLLP, a Florida limited liability limited partnership, on behalf of the limited liability limited partnership. He ☒ is personally known to me or has produced _____ as identification.

(Notary Seal)

Susan M. Miller
Notary Signature

Susan M. Miller
Printed Notary Name
Notary Public in and for
the County and State aforesaid

My Commission Expires



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

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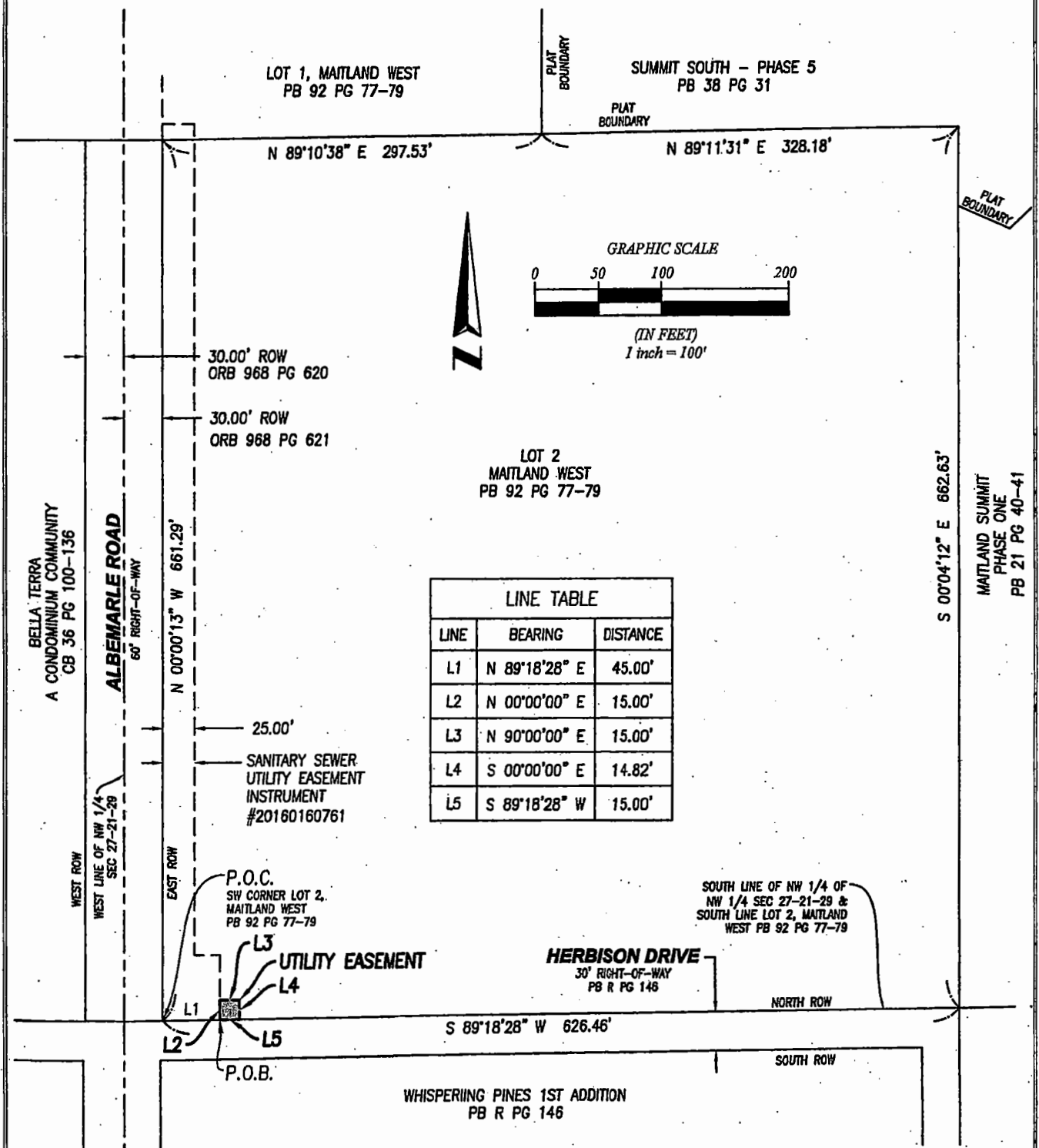
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