





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

DATE: December 28, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Theresa A. Avery, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

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

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN DINESH KALIDAS, AS TRUSTEE OF THE KALI LAND TRUST U/A/D FEBRUARY 15, 2013 AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM FIFTH THIRD BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Homewood Suites Hotel Sitework NC
Permit: B14903816 OCU File #: 79745

District 1

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

ITEMS: Utility Easement
Cost: Donation
Total size: 11,261.08 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.

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.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JAN 24 2017

THIS IS A DONATION

Project: Homewood Suites Hotel Sitework NC
Permit: B14903816 OCU File #: 79745

UTILITY EASEMENT

THIS INDENTURE, Made this 9 day of DECEMBER, A.D. 2016, between Dinesh Kalidas, as Trustee of the Kali Land Trust u/a/d February 15, 2013, whose address is 6940 Westwood Blvd., Orlando, FL 32821, 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, docs hereby give and grant to the GRANTEE and its assigns, a right-of-way and 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

11-24-28-3829-00-024

TO HAVE AND TO HOLD said right-of-way and 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 right-of-way, 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 right-of-way 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 right-of-way, 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.

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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:

Jim
Witness

Joy S. Smith
Printed Name

[Signature]
Witness

Luciana Martins
Printed Name

[Signature]
Dinesh Kalidas, as Trustee
of the Kali Land Trust u/a/d February 15, 2013

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 9th of December,
20 16, by Dinesh Kalidas, as Trustee of the Kali Land Trust u/a/d February 15, 2013. He/She ☐ is
personally known to me or ☒ has produced Florida Driver's License as identification.

(Notary Seal)



Ramrattie J. Singh
State of Florida
My Commission Expires 03/25/2018
Commission No. FF 106298

[Signature]
Notary Signature
RAMRATTIE J. SINGH
Printed Notary Name

This instrument prepared by:
Theresa Avery, 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:

SKETCH OF DESCRIPTION WATER UTILITY EASEMENT

LEGAL DESCRIPTION

A portion of Lot 2, I L H INTERCHANGE CENTER, according to the plat thereof, as recorded in Plat Book 27, Pages 96 through 98, Public Records of Orange County, Florida, lying in Section 12, Township 24 South, Range 28 East, being more particularly described as follows:

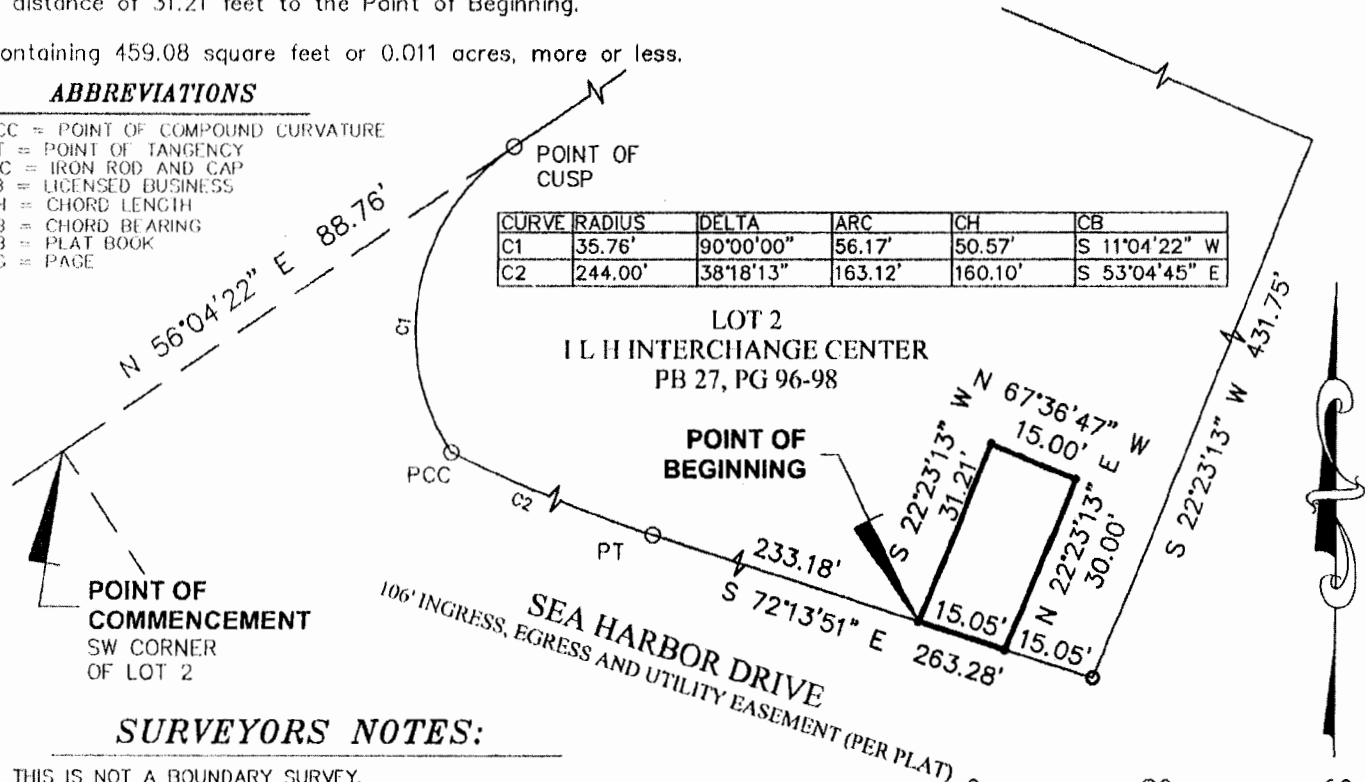
Commence at the Southwest corner of said Lot 2: thence run N 56°04'22" E, a distance of 88.76 feet to a point of cusp on the Northerly right-of-way line of Sea Harbor Drive; said point being a point on a nontangent curve, concave Easterly; having a radius of 35.76 feet and a chord bearing and distance of S 11°04'22" W and 50.57 feet; thence run Southwesterly, along the arc of said curve through a central angle of 90°00'00" for a distance of 56.17 feet to a point of compound curvature of a curve, concave Northeasterly, having a radius of 244.00 feet and a chord bearing and distance of S 53°04'45" E 160.10 feet; thence run Southeasterly, along the arc of said curve, through a central angle of 38°18'13" for an arc distance of 163.12 feet to the point of tangency; thence run S 72°13'51" E a distance of 233.18 feet to the Point of Beginning; thence continue S 72°13'51" E, a distance of 15.05 feet; thence run N 22°23'13" E, a distance of 30.00 feet; thence run N 67°36'47" W, a distance of 15.00 feet; thence run S 22°23'13" W, a distance of 31.21 feet to the Point of Beginning.

Containing 459.08 square feet or 0.011 acres, more or less.

ABBREVIATIONS

PCC = POINT OF COMPOUND CURVATURE
PT = POINT OF TANGENCY
IRC = IRON ROD AND CAP
LB = LICENSED BUSINESS
CH = CHORD LENGTH
CB = CHORD BEARING
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CURVE	RADIUS	DELTA	ARC	CH	CB
C1	35.76'	90°00'00"	56.17'	50.57'	S 11°04'22" W
C2	244.00'	38°18'13"	163.12'	160.10'	S 53°04'45" E



SURVEYORS NOTES:

- THIS IS NOT A BOUNDARY SURVEY.
- THIS IS A SKETCH OF DESCRIPTION ONLY. NO CONERS WERE SET AND NIETO-WHITTAKER SURVEYING ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.
- THE INTENDED SCALE FOR THE MAP/DRAWING SHOWN HEREON IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=30' ON A 8.5"x11" PAGE. ANY REPRODUCTIONS, SCANNED OR COPIED IMAGES MAY AND WILL ALTER THE SCALE OF THE DRAWING.
- THE LEGAL DESCRIPTION HEREON WAS PREPARED BY THE SURVEYOR.



Nieto-Whittaker Surveying LLC
562 W. Springtree Way, Lake Mary, FL 32746
Ph: (407) 484-0103 Fax: (407) 302-6776
LB No. 7744

I hereby affirm that this sketch of description represented hereon is true and correct to the best of my knowledge and belief. It has been prepared in accordance with the Standards of Practice set forth in Chapter 5J-17, F.A.C., pursuant to Chapters 177 and 472, Florida Statutes and unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.

Ralph A. Nieto
RALPH A. NIETO P.S.M. 6025

11/11/16
PRINT DATE:

REVISED 11/11/16 - Description updated per comments

PREPARED FOR: Owner: Kali Land Trust
Project Name: Homewood Suites Project
Address: Sea Harbor Drive, Orlando, Florida
Orange County Permit Number: B14903816



Nieto-Whittaker Surveying LLC
562 W. Springtree Way, Lake Mary, FL 32746
Ph: (407) 484-0103 Fax: (407) 302-6776
LB No. 7744

FIELD BY: DW	FIELD DATE: 5/31/16
DRAWN BY: AC	ORDER NO: NW15-329
SCALE: 1"=30	SHEET 1 OF 1

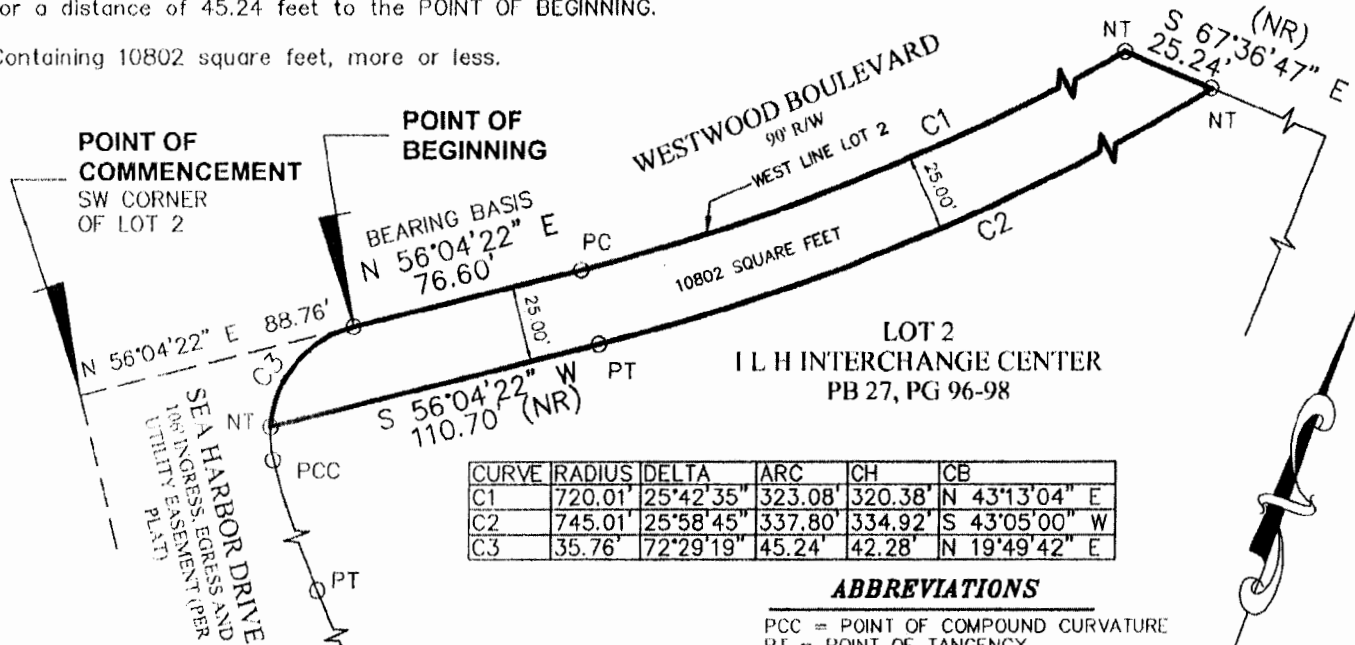
SKETCH OF DESCRIPTION UTILITY EASEMENT

LEGAL DESCRIPTION:

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Commence at the Southwest corner of said Lot 2, I L H INTERCHANGE CENTER: thence run N 56°04'22" E along the Westerly line of said Lot 2, a distance of 88.76 feet to the POINT OF BEGINNING; thence continue N 56°04'22" E along said Westerly line of Lot 2, a distance of 76.60 feet to a point of curvature of a curve concave Northwesterly, having a radius of 720.01 and a chord bearing and distance of N 43°13'04" E 320.38 feet; thence run Northeasterly along the arc of said curve through a central angle of 25°42'35" for an arc distance of 323.08 feet to a point of non-tangency; thence departing said Westerly line of Lot 2, run S 67°36'47" E a distance of 25.24 feet to a point on a non-tangent curve concave Northwesterly, having a radius of 745.01 feet, a chord bearing and distance of S 43°05'00" W 334.92 feet, thence run Southwesterly along the arc of said curve through a central angle of 25°58'45" for a distance of 337.80 feet to the point of tangency; thence run S 56°04'22" W, a distance of 110.70 feet to a point on a non-tangent curve concave Southeasterly having a radius of 35.76 feet and a chord bearing and distance of N 19°49'42" E 42.28 feet, thence run Northeasterly along the arc of said curve through a central angle of 72°29'19" for a distance of 45.24 feet to the POINT OF BEGINNING.

Containing 10802 square feet, more or less.



SURVEYORS' NOTES:

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- BEARINGS BASED ON THE WEST LINE OF LOT 2, I L H INTERCHANGE. CENTER AS BEING N 56°04'22" E (AN ASSUMED DATUM PER PLAT THEREOF).

REVISED 10/24/16 --Revised Title per Engineering Dept comment
REVISED 10/19/16 --Central angle and square footage
REVISED 11/11/16 --Description updated per comments

ABBREVIATIONS

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RALPH A. NIETO P.S.M. 6025

PRINT DATE:

PREPARED FOR: Owner: Kali Land Trust
Project Name: Homewood Suites Project
Address: Sea Harbor Drive, Orlando, Florida
Orange County Permit Number: B14903816



Nieto-Whittaker Surveying LLC
562 W. Springtree Way, Lake Mary, FL 32746
Ph: (407) 484-0103 Fax: (407) 302-6776
LB No. 7744

FIELD BY: DW	FIELD DATE: 9/26/16
DRAWN BY: AC	ORDER NO.: NW15-329.2
SCALE: 1"=60	SHEET 1 OF 1

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JAN 24 2017

Project: Homewood Suites Hotel Sitework NC
Permit: B14903816 OCU File #: 79745

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 utility easement in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Construction Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents; Assignment of Leases and Rents, and UCC Financing Statement 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:

Fifth Third Bank

FROM: Dinesh Kalidas, as Trustee of the Kali Land Trust under agreement dated February 15, 2013 and Mila Kalidas Lodging, Inc.

Construction Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents filed June 17, 2015

Recorded in Official Records Book 10936, Page 8530

Assignment of Leases and Rents filed June 17, 2015

Recorded in Official Records Book 10936, Page 8559

UCC Financing Statement filed June 17, 2015

Recorded in Official Records Book 10936, Page 8571

All in the 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

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County, in its use of the land specifically above described for utility easement 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 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 9th day of December, A.D. 2016.

Signed, sealed, and delivered
in the presence of:

Witness

Nimit Kapoor

Printed Name

Witness

Steve D. Horton
Printed Name

Fifth Third Bank,
an Ohio banking corporation

BY:

William C. Lee Jr

Printed Name

Senior Vice President
Title

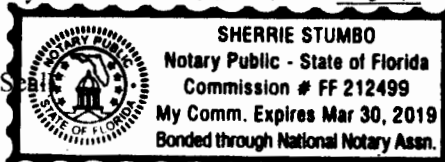
(Corporate Seal)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 9th of December, 2016, by William Lee, as SVP of Fifth Third Bank, an Ohio banking corporation, on behalf of the corporation. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 9th day of December, 2016.

(Notary Seal)



Notary Signature

Sherrie Stumbo
Printed Notary Name

This instrument prepared by:
Theresa Avery, 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: 3/30/19

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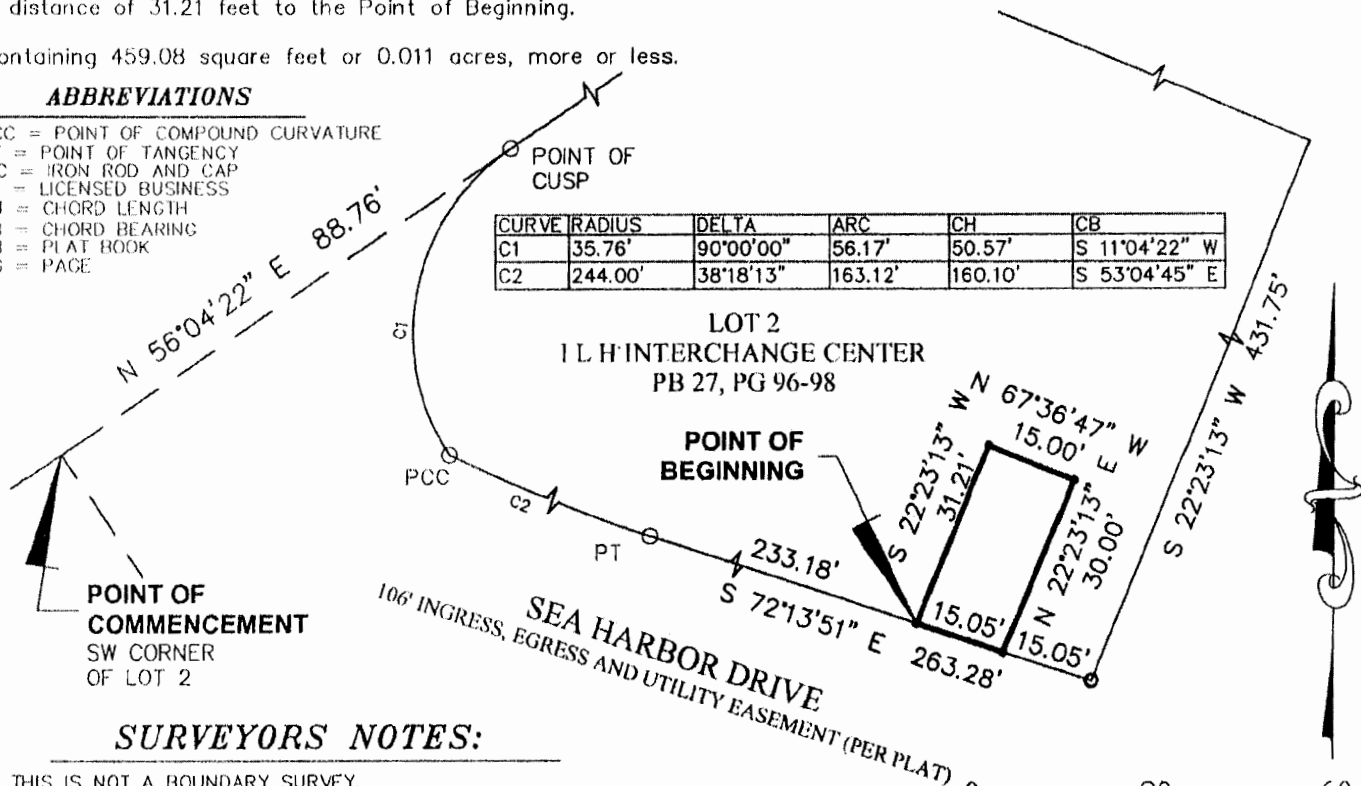
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RALPH A. NIETO P.S.M. 6025

11/11/16
PRINT DATE:

REVISED 11/11/16 - Description updated per comments

PREPARED FOR:

Owner: Kali Land Trust

Project Name: Homewood Suites Project

Address: Sea Harbor Drive, Orlando, Florida

Orange County Permit Number: B14903816



Nieto-Whittaker Surveying LLC

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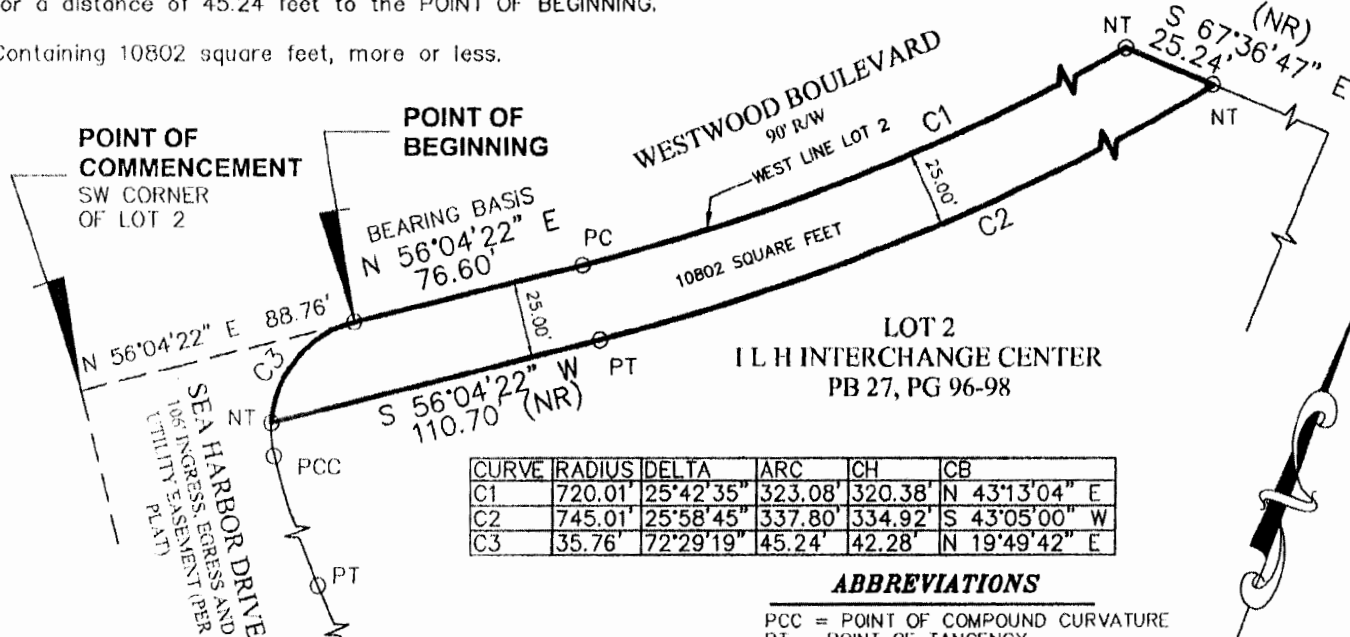
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Ralph A. Nieto
RALPH A. NIETO P.S.M. 6025

11/11/16
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Address: Sea Harbor Drive, Orlando, Florida
Orange County Permit Number: B14903816



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