## **Interoffice Memorandum**

### REAL ESTATE MANAGEMENT ITEM 7

December 29, 2021 DATE:

TO: Mayor Jerry L. Demings

-AND-

**County Commissioners** 

THROUGH:

Erica L. Guidroz, Acquisition Agent G Mindy T FROM:

**CONTACT** 

Mindy T. Cummings, Manager **PERSON:** 

**Real Estate Management Division DIVISION:** 

Phone: (407) 836-7090

**ACTION** 

Approval of Sidewalk Easement between YP Outdoor Storage, LLC and **REQUESTED:** Orange County and Subordination of Encumbrance to Property Rights to

Orange County from Sunrise Bank and authorization to disburse funds to pay all recording fees and perform all actions necessary and incidental to

closing.

**PROJECT:** Young Pine Road Sidewalk Easement

> District 4

To provide for access and maintenance of the paved sidewalk and **PURPOSE:** 

easement.

Interoffice Memorandum Real Estate Management Division Agenda Item 7 December 29, 2021 Page 2 of 2

ITEMS: Sidewalk Easement

(Instrument 801.1)
Cost: Donation

Size: 6,618 square feet

Subordination of Encumbrance to Property Rights to Orange County

(Instrument 801.2)

**BUDGET:** Account No.: 1002-072-2908-6110

**FUNDS:** \$63.20 Payable to Orange County Comptroller

(for recording fees)

**APPROVALS:** Real Estate Management Division

Public Works Department

**REMARKS:** Public Works requested that the developer donate this Sidewalk

Easement in conjunction with other right of way dedications associated

with the road improvements for Young Pine Road.

Instrument prepared by and recorded original returned to: Real Estate Management Division Orange County, Florida 400 East South Street, 5th Floor Orlando, Florida 32801

Instrument: 801.1

Project: Young Pine Road Sidewalk Easement

#### SIDEWALK EASEMENT

THIS GRANT OF EASEMENT, made this 4 day of November, 20 21, between YP Outdoor Storage, LLC, a Florida limited liability company, whose address is 921 North Pennsylvania Avenue, Winter Park, Florida 32789, 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, hereinafter called the 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 sidewalk purposes with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a paved sidewalk upon the following described lands situate in Orange County aforesaid, to-wit:

## SEE ATTACHED SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of

# 17-23-31-1768-01-000

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 and other obstructions that may interfere with normal usage or maintenance of the paved sidewalk and easement. The GRANTOR, successors and assigns, agree not to build, construct, or create, nor permit others to build, construct, or create any fence, wall, or other structure on the herein granted easement.

Instrument: 801.1

in the course of duty with the

of Orange County, Florida.

Real Estate Management Division

Project: Young Pine Road Sidewalk Easement

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

	YP Outdoor Storage, LLC, a
Signed, sealed and delivered in	Florida limited liability company
the presence of:	1 (/ 1/1
Janus Parita	BY: Dewenth
Witness	
U-Tarana Diri	Herdene Man Man
Junis lainter	forman cenous
Printed Name	Frinted Name
Kathy Manness	Title
KATHY YANNESSA	
Printed Name	
(Signature of <b>TWO</b> witnesses required by Florida Law)	
STATE OF FLORIDA COUNTY OF DRANGE	
The foregoing instrument was acknowledged to online notarization, this Haday of Novembour of YP Outdoor Storage, a Flocompany of entity]. He/she is personall as identification.	orida limited liability company, on behalf of the
(Notary Seal)  Notary Public State of Florida Kathy Yannessa My Commission GG 185695 Expires 02/14/2022	Notary Signature  KATHY YANNESSA  Printed Notary Name
This instrument prepared by:	Notary Public in and for the
Mary Tiffault, a staff employee	County and State aforesaid

My commission expires: 2 (14/22

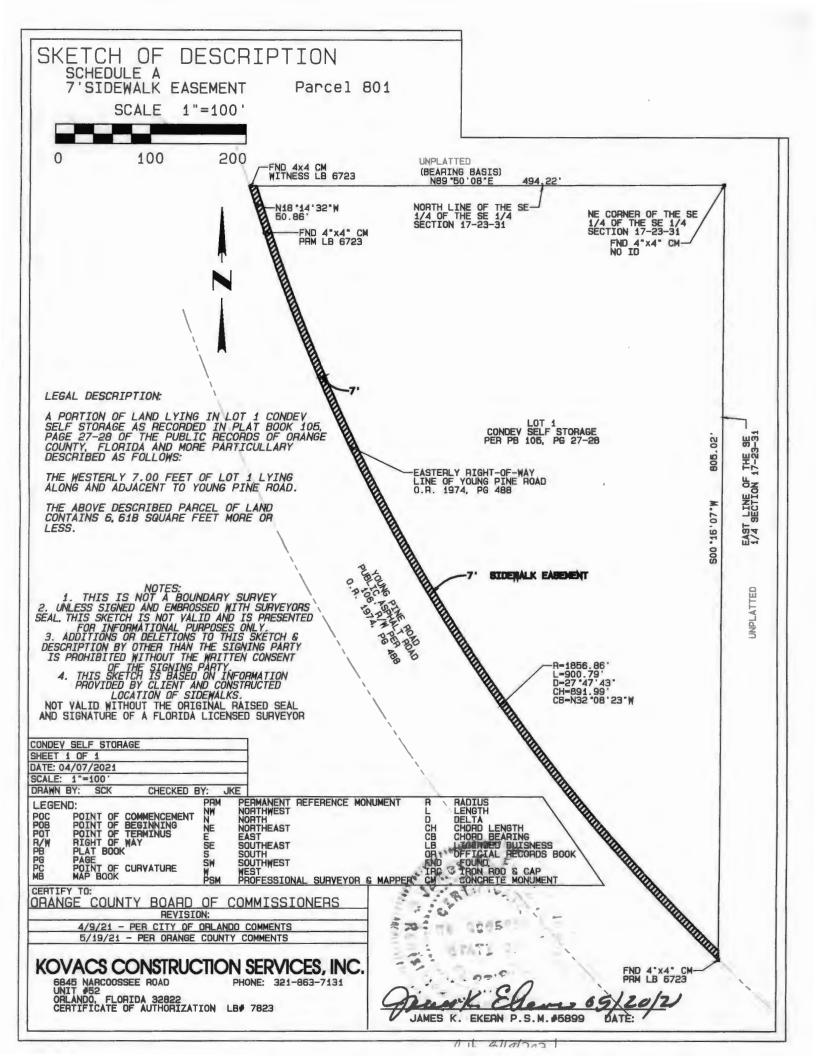
Instrument: 801.1

Project: Young Pine Road Sidewalk Easement

# JOINDER AND CONSENT TO SIDEWALK EASEMENT

Beltway Commons Owners Association, Inc., a Florida not for profit corporation (the "Association"), being granted certain easement rights by virtue of that certain Declaration of Covenants, Conditions, Easement and Restrictions for Beltway Commons, recorded February 11. 2008, as Official Records Book 9595, Page 393, together with any amendments thereto; ("Declaration"), of the Public Records of Orange County, Florida, hereby joins in and consents to the execution and recording of the foregoing Sidewalk Easement and agrees that such sidewalk easement shall constitute a valid and lasting encumbrance on the easement area described herein notwithstanding anything in the Declaration to the contrary.

Witnesses:	Beltway Commons Owners Association, Inc.,
Cosla Bull	a Florida not for profit corporation
Print Name: Aduley Borton	Print Name: Jef K. McFadden
Melin Br	Title: President
Print Name: Melissa Brown	riue.
STATE OF Florida ) COUNTY OF Orange )	
The foregoing instrument was acknowledged by online notarization, this 4th day of Normal Leff K. McEadden	pefore me by means of physical presence or   , 2021 by  of Relatives Commons Owners Association
Inc., a Florida not for profit corporation. He/sh as identi	of Beltway Commons Owners Association, pe so personally known to me or □ has produced fication.
(Notary Seal)	Melin Br
MELISSA BURTON MY COMMISSION # GG 929971	Notary Public
EXPIRES: March 6, 2024 Bonded Thru Notary Public Underwriters	Print Name: Mclissa Burton
	My Commission Expires: 3 - 6-24



Instrument prepared by and recorded original returned to: Real Estate Management Division Orange County, Florida 400 East South Street, 5th Floor Orlando, Florida 32801

Instrument: 801.2

Project: Young Pine Road Sidewalk Easement

### 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 sidewalk easement 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 SCHEDULE "A"

# Encumbrance:

Sunrise Bank, a Florida corporation

FROM: YP Outdoor Storage, LLC, a Florida limited liability company

Mortgage and Security Agreement filed August 25, 2020

Recorded as Document No. 20200447990

Assignment of Rents, Leases and Profits

filed August 25, 2020

Recorded as Document No. 20200447991

Financing Statement filed August 25, 2020

Recorded as Document No. 20200447992

Public Records of Orange County, Florida

Instrument: 801.2

Project: Young Pine Road Sidewalk Easement

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 a sidewalk easement 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 sidewalk easement 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.

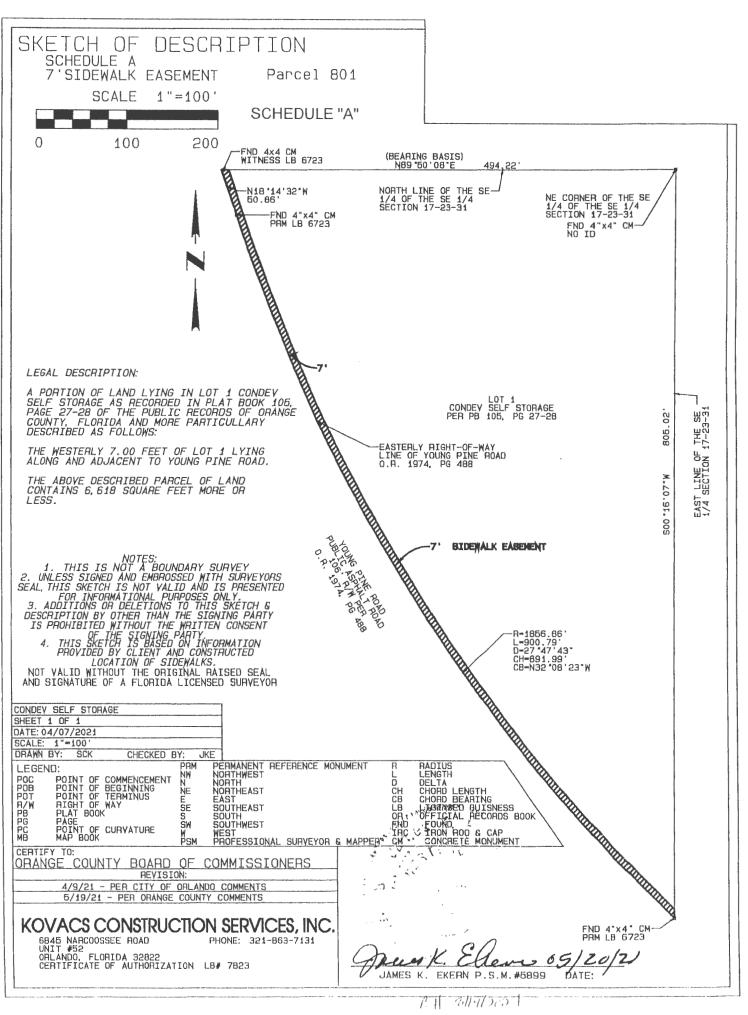
IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument as of the date written below.

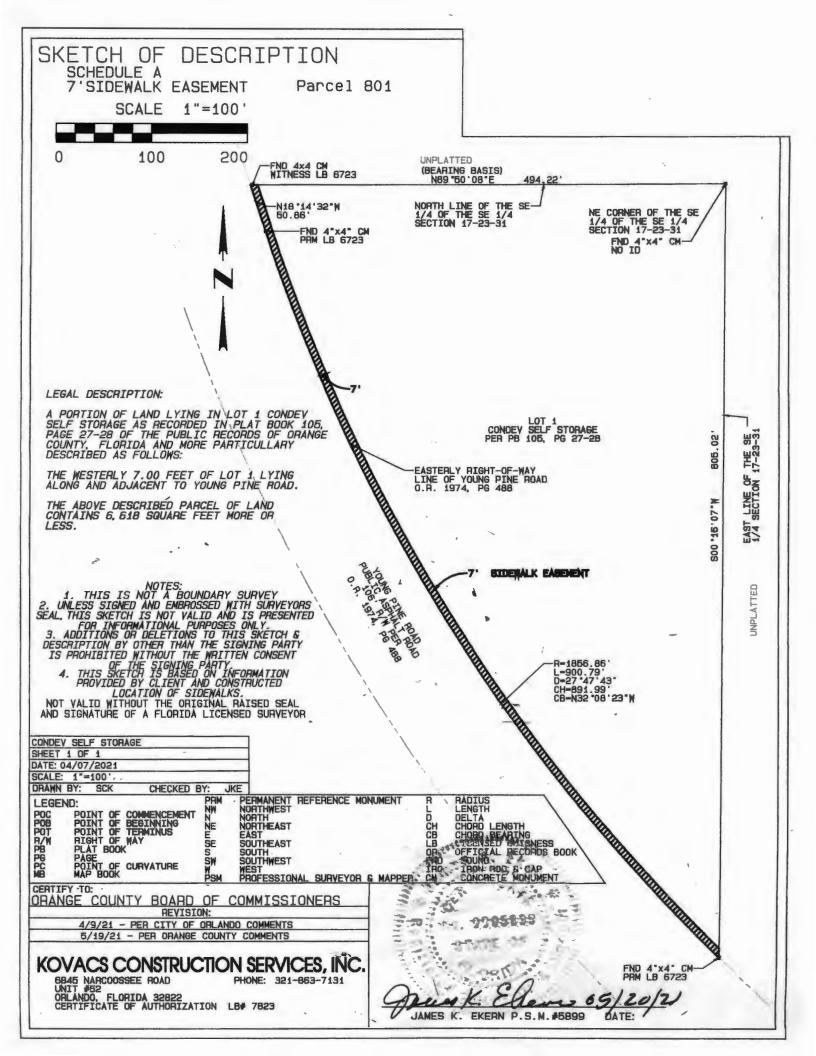
Signed, sealed, and delivered	Sunrise Bank, a Florida corporation
in the presence of:	BY: Notes
Alyson Pass	Watt Ravenscroft
Printed Name	Printed Name  EVP  Title
Witness	
Schoutha Stevart Printed Name	
STATE OF Horida COUNTY OF Orange	
The foregoing instrument was acknown as well as corporation, on behalf of the corporation. He as identification	of Sunrise Bank, a Florida e/She ☐ is personally known to me or ☐ has produced
(Notary Seal)	Misen Fass
ALYSON BASS Notary Public – State of Florida Commission # GG 175529 My Comm. Expires Jan 16, 2022	Notary Signature AUS M Bass
Bonded through National Notary Assn.	Printed Notary Name Notary Public in and for
- <del></del>	the County and State aforesaid

My Commission Expires:

This instrument prepared by:

Mary Tiffault, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida





XUnder BCC Approval	Under Ordinance Approval	
Date: 11/19/2021	Amount: \$ 63.20	
Project: Young Pine Road Sidewalk Easement	Parcel: 801	
	Controlling Agency Approval Signature Date  Printed Name:	
Charge to Account #1002-072-2908-6110	Fiscal Approval Signature  PAT  Date	
	Printed Name	
TYPE TRANSACTION (Check appropriate block(s)) Pre-Condemnation Post-Condemnation	X N/A District # 4_	
Acquisition at Approved Appraisal Acquisition at Below Approved Appraisal Acquisition at Above Approved Appraisal Advance Payment Requested	Orange County Comptroller: Recording Fee: \$ 63.20	
DOCUMENTATION ATTACHED (Check appropriate block(s))	Total \$ 63.20	
Contract  X Copy of Executed Instruments Certificate of Value X Settlement Analysis		
Orange County Comptroller \$ 63.20  CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MAN	NAGEMENT DIVISION (DO NOT MAIL)	***
Recommended by Erica Guidroz	Digitally aigned by Erica Guidroz Date: 2021.11.19 08:37:04 -05'00'	
Erica Guidroz, Acquisition Agent Payment Approved	Date /1/79/21	
Mindy Cummings, Manager, Real Estate M	Management Division Date  JAN 1 1 2022	
Approved by BCC Deputy Clerk to the Board	Date	
Examined/ApprovedComptroller/Government Grants	Check No. / Date	
REMARKS: Anticipated Closing Date: As soon as checks are available. Anticipated Closing Date: TBD Please Contact Acquisition Agent @ 67036 if there are any contact Acquisition Agent @ 67036.	APPROVED	

Project: Young Pine Sidewalk Easement

Parcel: 801

N/A\_Pre-Condemnation N/A\_Post-Condemnation

# SETTLEMENT ANALYSIS

\*This is a Donation

Land:

Sidewalk Easement: 6,618 S.F.

\$-0-

## EXPLANATION OF RECOMMENDED SETTLEMENT

The subject property is along Young Pine Road. The Sidewalk Easement consists of 6,618 square feet and will be used to maintain the sidewalk. The owner has agreed to this donation.

Recommended by

Erica Guidroz

Digitally signed by Erica Guidroz Date: 2021.11.11 12:14:38 -05'00'

Erica Guidroz, Senior Acquisition Agent, Real Estate Management Division

Recommended by

Robert K. Babcock Digitally signed by Robert K. Babcock Date: 2021.11.12 07:06:09 -05'00'

Bob Babcock, Program Manager, Real Estate Management Division

Approved by

Mindy T. Cummings Digitally signed by Mindy T. Cummings Date: 2021.11.16 09:54:25 -05'00'

Mindy T. Cummings, Manager, Real Estate Management Division