



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

DATE: June 2, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Mindy T. Cummings, Manager *MTC*
Real Estate Management Division

FROM: Kim Heim, Senior Title Examiner *MTC/KH*
Real Estate Management Division

CONTACT PERSON: Mindy T. Cummings, Manager

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

ACTION REQUESTED: Approval of Utility Easement from Pitibru Hotels, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Touchmark National Bank and authorization to record instruments

PROJECT: Lake Buena Vista Hotel Site Work Only Permit B19903455 OCU File #97621
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: 611 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

JUN 22 2021

THIS IS A DONATION

Project: Lake Buena Vista Hotel Site Work Only Permit B19903455 OCU File #97621

UTILITY EASEMENT

THIS INDENTURE, Made this 21 day of March A.D., 2021, between Pitibru Hotels, LLC, a Florida limited liability company, whose address is 5632 Craindale Drive, Orlando, FL 32819, 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, a right-of-way and easement for utility purposes, with full authority to enter upon, construct and maintain, as the GRANTEE and its assigns may deem necessary, water pipes, sewer pipes, gas pipes and mains, 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

15-24-28-1081-05-000

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, agrees 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.

Project: Lake Buena Vista Hotel Site Work Only Permit B19903455 OCU File #97621

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 successors or assigns, provided GRANTEE does not expand its use of the easement beyond the easement 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:

Frances R. Fredrick
Witness

Frances R. Fredrick

Printed Name

[Signature]
Witness

Witness

Michael Cordiofi

Printed Name

Pitibru Hotels, LLC,
a Florida limited liability company

BY:

[Signature]
Zopito Verratti, as Manager

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 18th day of March, 2021, by Zopito Verratti, as Manager of Pitibru Hotels, 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)



FRANCES R FREDRICK
Commission # GG 114539
Expires August 26, 2021
Bonded Thru Budget Notary Services

Frances R. Fredrick
Notary Signature
Frances R. Fredrick

Printed Notary Name

This instrument prepared by:
Kim Heim, 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

(UTILITY EASEMENT)

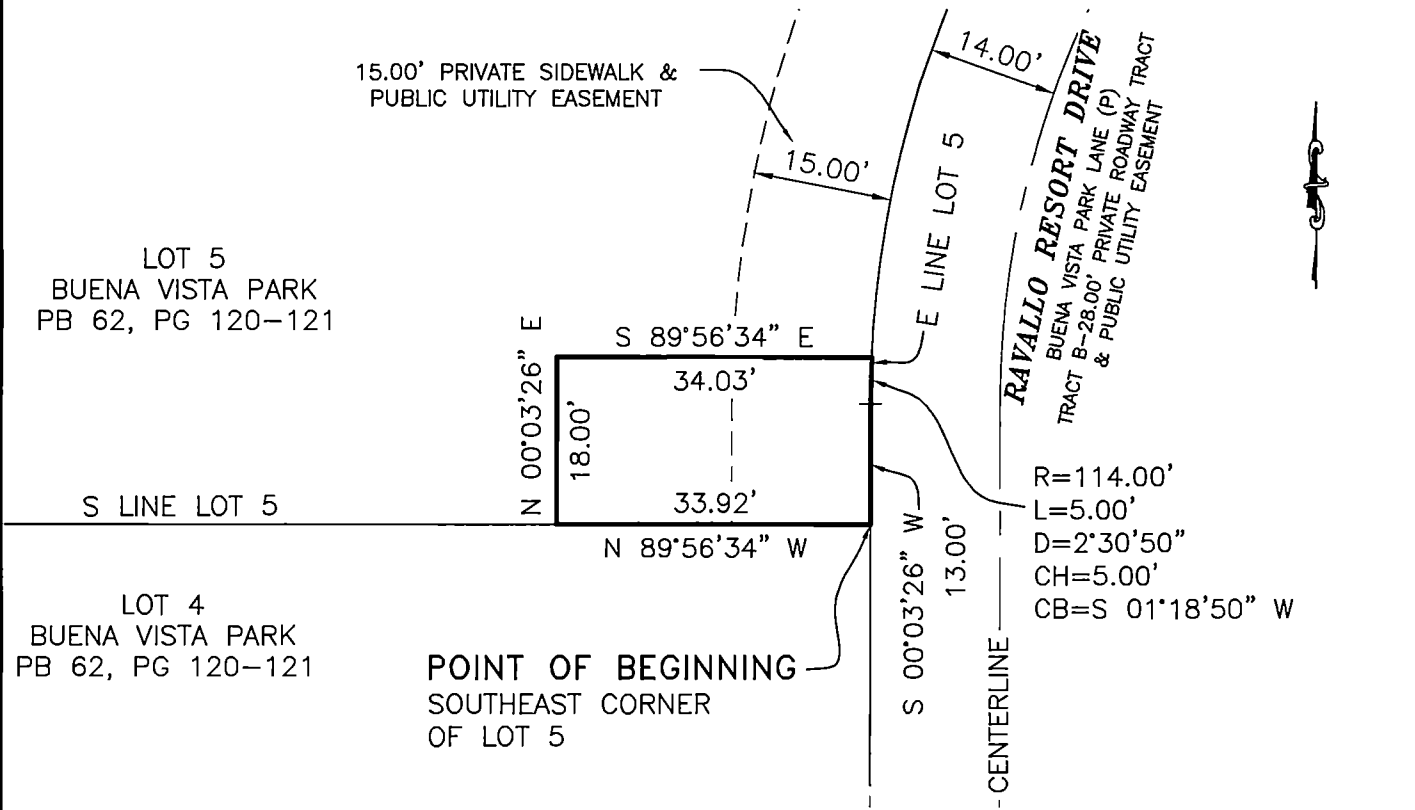
PROJECT NAME: LAKE BUENA VISTA HOTEL SITE WORK ONLY
 BUILDING DEPARTMENT PERMIT NUMBER: B19903455

Description:

That part of Lot 5, BUENA VISTA PARK, according to the Plat thereof, as recorded in Plat Book 62, Pages 120 and 121, Public Records of Orange County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of said Lot 5, thence run along the South line of said Lot 5 North 89°56'34" West, 33.92 feet; thence departing said South line run North 00°03'26" East, 18.00 feet; thence run South 89°56'34" East, 34.03 feet to the East line of said Lot 5, said point lying on a curve concave Easterly having a radius of 114.00 feet, a chord bearing of South 01°18'50" West, a chord length of 5.00 feet; thence run along the arc of said curve and along said East line of Lot 5 through a central angle of 02°30'50" an arc length of 5.00 feet to a point of tangency; thence continue along said East line of Lot 5 South 00°03'26" West, 13.00 feet to the POINT OF BEGINNING;

CONTAINING 611 square feet (0.014 acres), More or Less.



SURVEYOR'S NOTES:

1. THE SURVEYOR DID NOT PERFORM AN ABSTRACT OF TITLE, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
2. THIS IS NOT A SURVEY.
3. THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH F.A.C. 5J-17.602(3).
4. BEARINGS SHOWN HEREON ARE BASED ON THE S LINE OF LOT 5 AS BEING N89°56'34"W (ASSUMED)
5. DELINEATION OF LANDS SHOWN HEREON IS ACCORDING TO THE CLIENT'S INSTRUCTIONS.

Digitally signed by
STEVEN BLANKENSHIP
 Date: 2020.11.04
 05:22:46 -05'00'

DATE: 1-15-20	SCALE: 1" = 20'	CAL. BY: SEB	DRAWN BY: SEB	JOB NO. 118045
Date	Revisions	<p>ATLANTIC SURVEYING 308 S. DILLARD STREET WINTER GARDEN, FLORIDA 34787 (407) 656-4993/FAX (407) 656-4437 LICENSED BUSINESS #8060</p>		
11-4-20	ADDED PROJECT NAME			
11-4-20	ADDED PERMIT NUMBER			
I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR THE PROFESSION OF SURVEYING AND MAPPING AS SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.		<p style="font-size: small;">STEVEN E. BLANKENSHIP P.S.M. #5361 STATE OF FLORIDA</p>		

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 22 2021

Project: Lake Buena Vista Hotel Site Work Only Permit B19903455 OCU File #97621

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 easement; 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 SCHEDULE "A"/EXHIBIT "A"

Encumbrances:

Touchmark National Bank
FROM: Pitibru Hotels, LLC
Mortgage and Security Agreement filed January 12, 2021
Recorded as Document No. 20210020460
Assignment of Leases and Rents filed January 12, 2021
Recorded as Document No. 20210020461
UCC filed January 12, 2021
Recorded as Document No. 20210020462
Mortgage and Security Agreement filed January 12, 2021
Recorded as Document No. 20210020463
Assignment of Leases and Rents filed January 12, 2021
Recorded as Document No. 20210020464
UCC filed January 12, 2021
Recorded as Document No. 20210020465
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 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 12 day of March, A.D. 2021.

Signed, sealed, and delivered in the presence of:

TOUCHMARK NATIONAL BANK

[Signature]
Witness

BY: [Signature]

KUMAR BHATT
Printed Name

Billy White
Print name

[Signature]
Witness

EVP
Title

Edder Morales
Printed Name

STATE OF Georgia
COUNTY OF Fulton

The foregoing instrument was acknowledged before me this 12 of March, 2021, by Billy White, as EVP of TOUCHMARK NATIONAL BANK, a (state) National Bank, on behalf of the national bank. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

Ivan Giron

Notary Signature

Printed Notary Name

Notary Public in and for the County and State aforesaid
My Commission Expires: 06/11/2023



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

SKETCH OF DESCRIPTION

(UTILITY EASEMENT)

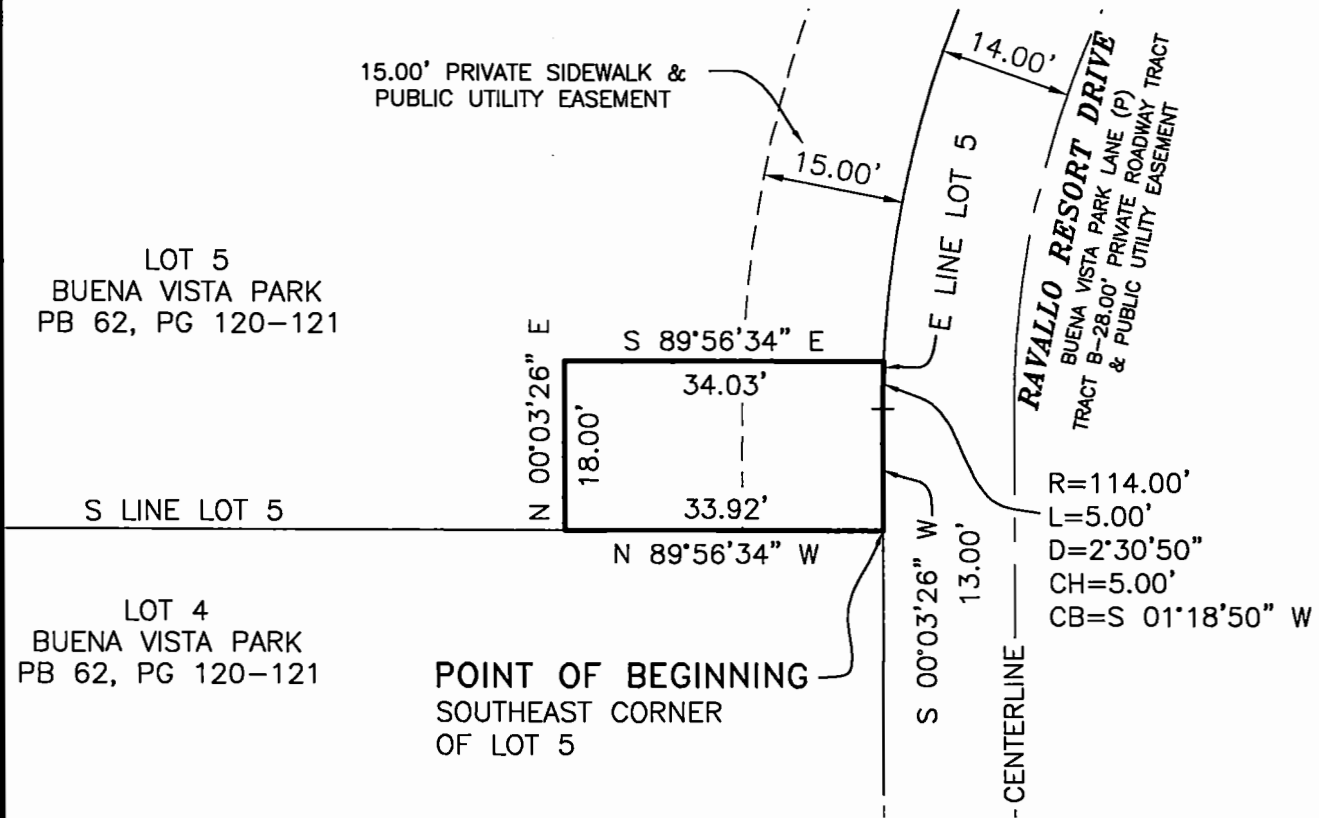
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