



Legislation Text

File #: 24-1226, **Version:** 1

Interoffice Memorandum

DATE: August 6, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: Mindy T. Cummings, Manager

FROM: Elena Hutchinson, Senior Title Examiner

CONTACT: Mindy T. Cummings, Manager

PHONE: 407-836-7090

DIVISION: Real Estate Management Division

ACTION REQUESTED:

Approval of Utility Easement between Vaishnav Sangh of USA Inc. and Orange County, and Subordination of Encumbrances to Property Rights to Orange County, and authorization to record instruments for Vaishnav Sangh Academy Permit B22905721 OCU File 100345. District 5. **(Real Estate Management Division)**

PROJECT: Vaishnav Sangh Academy Permit B22905721 OCU File 100345

PURPOSE: To provide access for access, construction, and maintenance of utility facilities.

ITEM: NA

BUDGET: NA

REVENUE: NA

FUNDS: NA

APPROVALS:

Real Estate Management Division
Utilities Department

REMARKS: This action is to provide a permanent Utility Easement from Vaishnav Sangh of USA Inc.

(Grantor) to Orange County for utility purposes, with full authority to enter upon, excavate, construct, and maintain water lines, wastewater lines, and any other utility facilities on the described lands. Grantor to pay recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 27 2024

**THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

Elena Hutchinson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida
P.O. Box 1393
Orlando, Florida 32802-1393

Property Appraiser's Parcel Identification Number:
05-22-31-0000-00-031

Project: Vaishnav Sangh Academy Permit B22905721 OCU File #100345

THIS IS A DONATION

UTILITY EASEMENT

THIS INDENTURE, made as of the date signed below, between Vaishnav Sangh of USA Inc., a Florida not-for-profit corporation, whose address is 13014 Winter Willow Drive, Fairfax, Virginia 22030, 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 \$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 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 05-22-31-0000-00-031

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever.

Project: Vaishnav Sangh Academy Permit B22905721 OCU File #100345

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, agrees 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.

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{signature on following page}

Project: Vaishnav Sangh Academy Permit B22905721 OCU File #100345

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

Signature of TWO witnesses and their mailing addresses are required by Florida law, F.S. 695.26

WITNESS #1

Kamini Shah
Signature

Kamini shah
Print Name

Mailing Address: 13014 winter willow way
City: Fairfax State: VA
Zip Code: 22030

Vaishnav Sangh of USA Inc.,
a Florida not-for-profit corporation

By: Amit Shah
Signature

Amit shah
Print Name

President
Title

WITNESS #2

Satish Shah
Signature

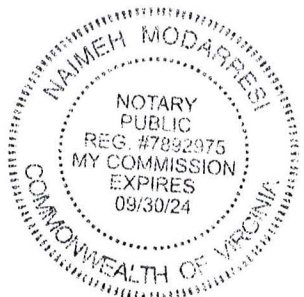
Satish shah
Print Name

Mailing Address: 13154 Pavilion Lane
City: Fairfax State: VA
Zip Code: 22033

STATE OF Virginia
COUNTY OF Fairfax

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 8th day of March, 2024, by Amit Shah, as President, of Vaishnav Sangh of USA Inc., a Florida not-for-profit corporation, on behalf of the corporation. The individual is personally known to me or has produced VA Driver License as identification.

(Notary Stamp)



Nameh Modarresi
Notary Signature

Nameh Modarresi
Print Notary Name

Notary Public of: Fairfax

My Commission Expires: 09/30/24

SKETCH OF DESCRIPTION

"EXHIBIT A" UTILITY EASEMENT

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 5, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA AND THE EAST RIGHT-OF-WAY LINE OF DEAN ROAD PER DEAN'S LANDING AT SHEFFIELD FOREST PHASE ONE AS RECORDED IN PB 18, PG 46-47; THENCE RUN S31°47'04"E ALONG SAID EAST RIGHT-OF-WAY A DISTANCE 58.86 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DEAN ROAD; THENCE RUN N89°56'05"W ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 5.89 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE N89°56'05"W ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 29.43 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DEAN ROAD PER DEED BOOK 397, PG 77; THENCE RUN S31°47'04"E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 76.64 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,530.58 FEET, A CENTRAL ANGLE OF 05°37'48", A CHORD BEARING OF S28°58'10"E, AND A CHORD LENGTH OF 150.33 FEET; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 150.40 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE RUN S89°58'44"E A DISTANCE OF 27.80 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,555.58 FEET, A CENTRAL ANGLE OF 06°04'56", A CHORD BEARING OF N28°44'38"W, AND A CHORD LENGTH OF 165.05 FEET; THENCE CONTINUE ALONG SAID CURVE A DISTANCE OF 165.13 FEET TO A POINT OF TANGENCY; THENCE RUN N31°47'04"W A DISTANCE OF 61.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,666 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THIS SKETCH IS NOT A SURVEY.
2. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
3. BEARINGS SHOWN HEREON ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF DEAN ROAD BEING S31°47'04"E PER PB 18, PG 46.
4. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD BY THIS FIRM.
5. NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY OR THOSE ADJOINING LAND OWNERS HAVE BEEN PROVIDED. IT IS POSSIBLE THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
6. THIS SKETCH OF DESCRIPTION DOES NOT DEPICT ALL EASEMENTS OF RECORD THAT MAY BE WITHIN OR ADJOINING THE LANDS DESCRIBED HEREON.

SURVEYOR 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 CHAPTERS 472 OF THE FLORIDA STATUTES AND 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, AS APPLICABLE.

THIS SURVEY MAP AND/OR REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THE BELOW ORIGINAL SIGNATURE AND SEAL APPLIES TO ALL AS-BUILT INFORMATION CONTAINED IN THIS DOCUMENT.

THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED, AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES. THE BELOW DIGITAL SIGNATURE AND SEAL APPLIES TO ALL AS-BUILT INFORMATION CONTAINED IN THIS DOCUMENT.

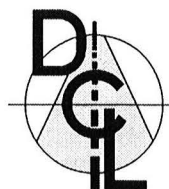


Digitally signed by
 Ryan Donoghue
 Date: 2023.11.03
 07:26:12 -04'00'

RYAN DONOGHUE, P. S. M. (LS6838)

LEGEND

L	ARC LENGTH
CB	CHORD BEARING
CH	CHORD LENGTH
CL	CENTERLINE
Δ	DELTA ANGLE
ESMT	EASEMENT
LB	LICENSED BUSINESS
LS	LICENSED SURVEYOR
ORB	OFFICIAL RECORD BOOK
NT	NON TANGENT
PG	PAGE
PB	PLAT BOOK
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
R	RADIUS
R/W	RIGHT-OF-WAY



**DONOGHUE
 CONSTRUCTION
 LAYOUT**

DONOGHUE CONSTRUCTION LAYOUT, LLC
 711 Turnbull Avenue, Altamonte Springs, FL 32701
 www.DCLayout.com Phone: (321) 248-7979
 info@DCLayout.com Fax: (321) 248-6526

Certificate of Authorization: LB7910

PREPARED FOR VAISHNAV SANGH ACADEMY

REVISED	11/02/2023
PROJECT NO.	23-1774
DATE	10/06/2023
PARTY CHIEF	SAH
DRAWN BY	SAD
CHECKED BY	NPS/RRD

NOT VALID WITHOUT SHEET 2 OF 2

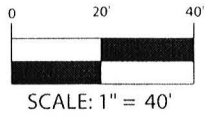
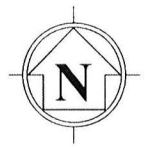
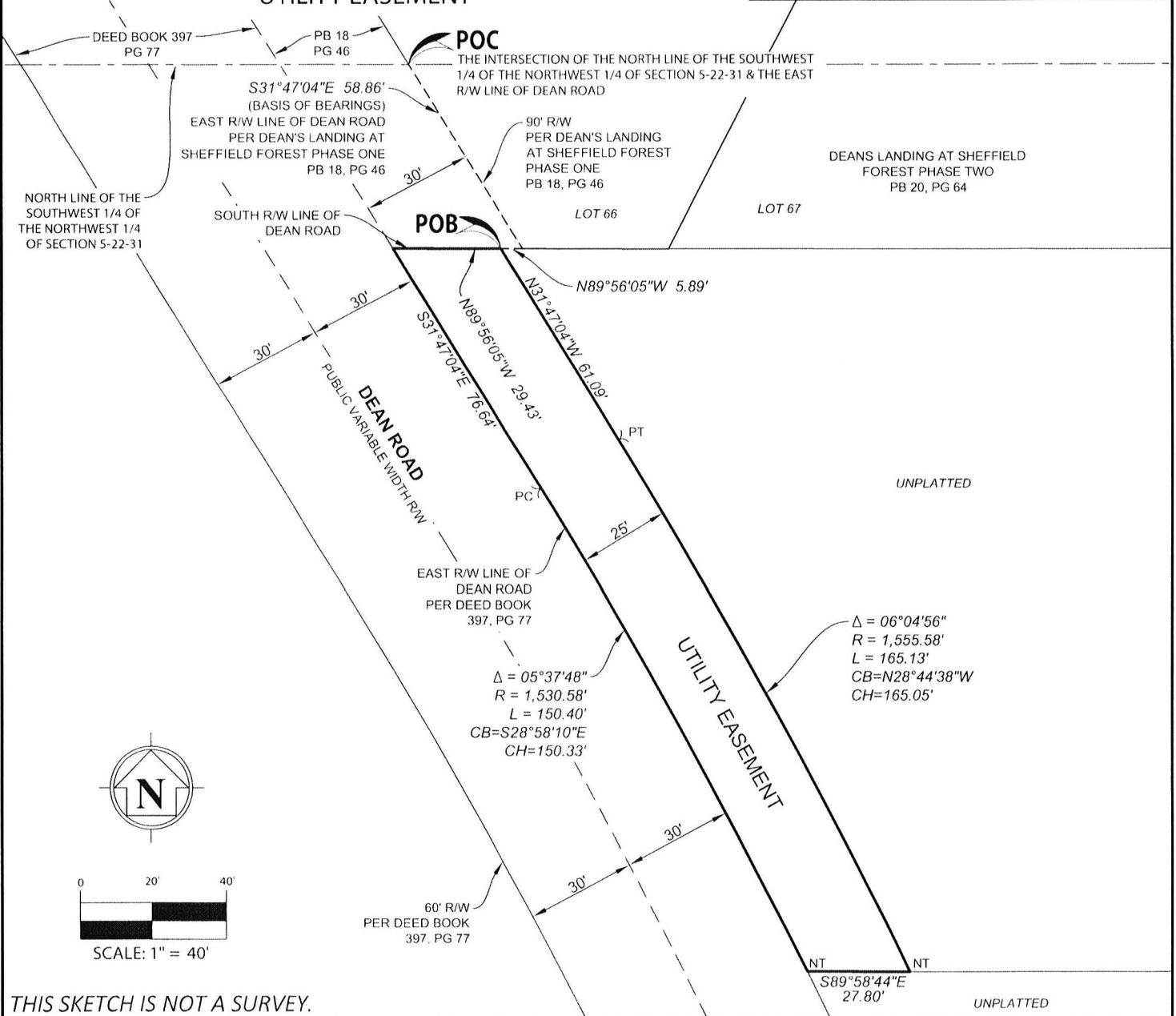
SHEET 1 OF 2

PROJECT NAME: VAISHNAV SANGH ACADEMY
 BUILDING DEPARTMENT PERMIT # B22905721

SKETCH OF DESCRIPTION

"EXHIBIT A"

UTILITY EASEMENT



THIS SKETCH IS NOT A SURVEY.

LEGEND	
L	ARC LENGTH
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SHEET 2 OF 2	

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 27 2024

**THIS INSTRUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:**

Elena Hutchinson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida
P.O. Box 1393
Orlando, Florida 32802-1393

Project: Vaishnav Sangh Academy Permit B22905721 OCU File #100345

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:

Central Bank
FROM: Vaishnav Sangh of USA Inc.
Mortgage, Security Agreement and Assignment of Leases, Rents and Profits filed April 18, 2023
Recorded as Document No. 20230217325
UCC-1 Financing Statement filed April 18, 2023
Recorded as Document No. 20230217326
Both of the Public Records of Orange County, Florida

Project: Vaishnav Sangh Academy Permit B22905721 OCU File #100345


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.

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{signature on following page}

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

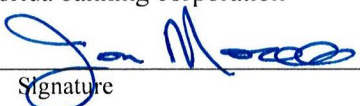
Signature of TWO witnesses and their mailing addresses are required by Florida law, F.S. 695.26


 WITNESS #1

 Signature

 Demick L. Shearer

 Print Name
 Mailing Address: 20701 Bruce B. Downs Blvd.
 City: Tampa State: FL
 Zip Code: 33647

Central Bank
 a Florida banking corporation
 By: 


 Signature

 Jon Morrell

 Print Name

 Senior Vice President

 Title

WITNESS #2


 Signature

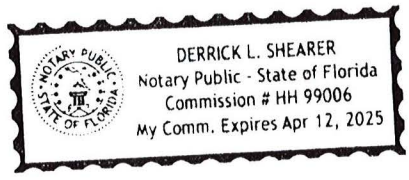
 Rob Montgomery

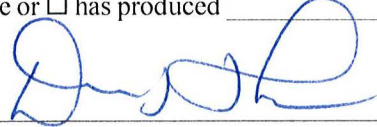
 Print Name
 Mailing Address: 10214 Cypress Links Dr
 City: Tampa State: FL
 Zip Code: 33647

STATE OF Florida
 COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 18th day of March, 2024, by Jon Morrell, as Senior Vice President, of Central Bank, a Florida banking corporation, on behalf of the corporation. The individual is personally known to me or has produced _____ as identification.

(Notary Stamp)





 Notary Signature

 Demick L. Shearer

 Print Notary Name
 Notary Public of: Florida
 My Commission Expires: 4/12/2025

SKETCH OF DESCRIPTION

"EXHIBIT A" UTILITY EASEMENT

LEGAL DESCRIPTION

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Digitally signed by
 Ryan Donoghue
 Date: 2023.11.03
 07:26:12 -04'00'

RYAN DONOGHUE, P.S.M. (LS6838)

LEGEND

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PREPARED FOR
 VAISHNAV SANGH ACADEMY

REVISED 11/02/2023

PROJECT NO. 23-1774

DATE 10/06/2023

PARTY CHIEF SAH

DRAWN BY SAD

CHECKED BY NPS/RRD

NOT VALID WITHOUT SHEET 2 OF 2

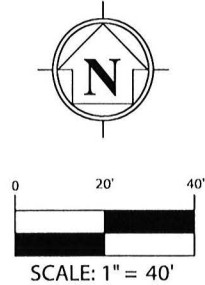
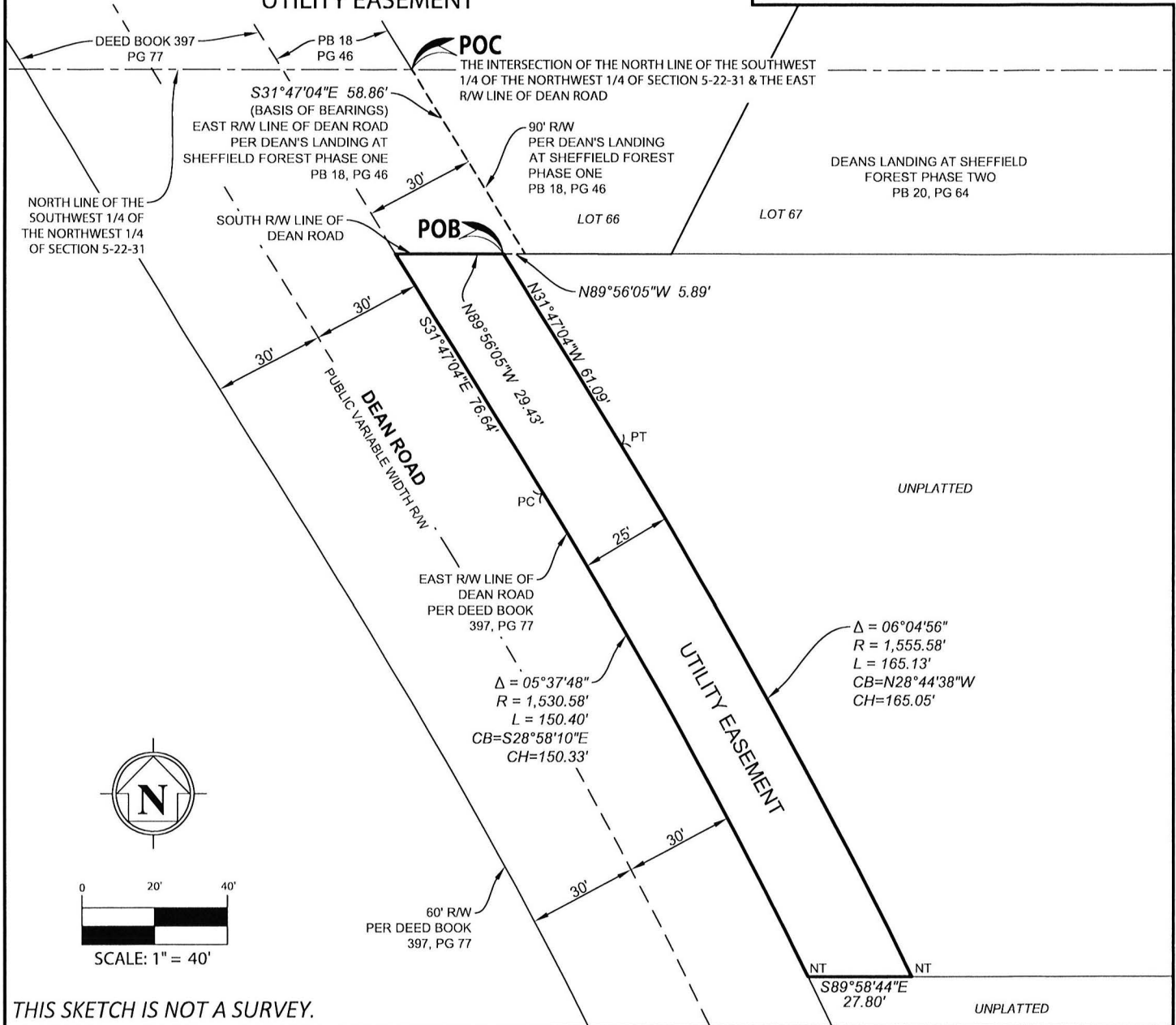
SHEET 1 OF 2

PROJECT NAME: VAISHNAV SANGH ACADEMY
 BUILDING DEPARTMENT PERMIT # B22905721

SKETCH OF DESCRIPTION

"EXHIBIT A"

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THIS SKETCH IS NOT A SURVEY.

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Certificate of Authorization: LB7910

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SHEET 2 OF 2	