



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Legislation Text

File #: 24-1225, **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 and execution of Resolution of the Orange County Board of County Commissioners regarding repudiation of any interest in that certain Easement recorded as Document Number 20220705394 of the Public Records of Orange County, Florida, approval of Sidewalk Easement between Vaishnav Sangh of USA Inc. and Orange County, and Subordination of Encumbrance to Property Rights to Orange County, and authorization to record instruments for Vaishnav Sangh Academy Permit B22905721. District 5. **(Real Estate Management Division)**

PROJECT: Vaishnav Sangh Academy Permit B22905721

PURPOSE: To deny, repudiate, and disclaim any County interest in the property purportedly conveyed by Document Number 20220705394 of the Public Records of Orange County, Florida and correct a previously recorded Easement.

ITEM:

Resolution

Sidewalk Easement

Cost: Donation

Size: 637 square feet

Subordination of Encumbrance

BUDGET: NA

REVENUE: NA

FUNDS: NA

APPROVALS:

Real Estate Management Division
Development Engineering Division

REMARKS: Vaishnav Sangh of USA, Inc. (Grantor) submitted an application for a commercial permit to the County. As a condition of approval for their construction plans, the Grantor is required to grant a Sidewalk Easement to the County.

To satisfy the condition, on November 22, 2022, without presentation to the Board, the Grantor recorded an Easement, which contained an incorrect legal description, in favor of Orange County, recorded as document number 20220705394 (Easement). As a result, the Easement was never legally accepted by the Board.

As required by County regulation, the Board denies, repudiates, and disclaims any interest purportedly conveyed to the County by the Easement.

To satisfy the Grantor's condition of approval, an acceptable Sidewalk Easement with correct legal description is being submitted concurrently for Board approval.

Grantor to pay all 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:
a portion of 05-22-31-0000-00-031

Project: Vaishnav Sangh Academy Permit B22905721

THIS IS A DONATION

SIDEWALK 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, 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 a permanent non-exclusive easement for sidewalk purposes with full authority to enter upon, inspect, construct, repair, replace, operate, maintain, and service, as the GRANTEE and its assigns may deem necessary, a paved sidewalk and appurtenant facilities ("Said Facilities") on the following lands as described in Exhibit "A" ("Easement Area").

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

THE GRANTEE, its successors, and its assigns shall have the right to clear and keep clear all trees, undergrowth, buildings, utilities, structures, obstructions, obstacles, driveways, crops, landscaping other than sod or similar type of ground cover, and other impediments, which, in the opinion of GRANTEE, may endanger or interfere with the safe and efficient inspection, construction, repair, replacement, operation, maintenance, or service of Said Facilities within the Easement Area.

No buildings, utilities, structures, obstructions, obstacles, driveways, crops, landscaping other than sod or similar type of ground cover, or impediments shall be located, constructed, excavated, or created within the Easement Area by GRANTOR, their heirs, successors, and assigns.

This easement is for the purposes noted herein and does not obligate the GRANTEE to perform any right-of-way maintenance or other duties.

Project: Vaishnav Sangh Academy Permit B22905721

IN WITNESS WHEREOF, the said holder of said encumbrance 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]
Signature

HARISH SHAH
Print Name

Mailing Address: 7732 CLEGGHURST STAPT 02

City: ORLANDO State: FL

Zip Code: 32819

By: [Signature]
Signature

Amit Shah
Print Name

President
Title

WITNESS #2

[Signature]
Signature

BHUPENDRA SHAH
Print Name

Mailing Address: 603 TRIMBLE DR

City: SEFFNER State: FL

Zip Code: 33584

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 8th day of July, 2024, by Amit Shah, as President, of Central Bank, a Florida banking corporation, on behalf of the corporation. The individual is personally known to me or has produced Virginia ID as identification.

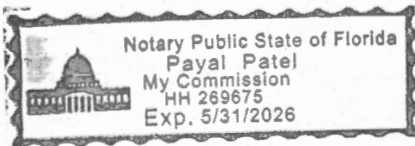
(Notary Stamp)

[Signature]
Notary Signature

Douglas Patel
Print Notary Name

Notary Public of: Florida

My Commission Expires: 05/31/2026



SKETCH OF DESCRIPTION

"EXHIBIT A" SIDEWALK 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 AS RECORDED IN PLAT BOOK 18, PAGE 46, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S31°47'04"E ALONG SAID RIGHT-OF-WAY A DISTANCE 58.86 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID DEAN ROAD; THENCE RUN N89°56'05"W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 5.32 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY RUN N89°56'05"W A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DEAN ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 397, PAGE 77, OF SAID PUBLIC RECORDS; THENCE RUN S31°47'04"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 50.00 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY RUN N04°55'51"E A DISTANCE OF 42.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 637 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 SHEETS 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 SHEETS CONTAINED IN THIS DOCUMENT.



Digitally signed by
Ryan Donoghue
Date: 2024.05.20
08:30:24 -04'00'

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

LEGEND

C/L CENTERLINE
DOC DOCUMENT
LB LICENSED BUSINESS
LS LICENSED SURVEYOR
PG PAGE
PB PLAT BOOK
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
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 05/17/2024

PROJECT NO. 22-1716

DATE 11/22/2023

PARTY CHIEF SAH

DRAWN BY SAD

CHECKED BY NPS/RRD

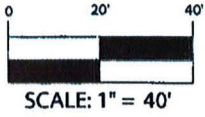
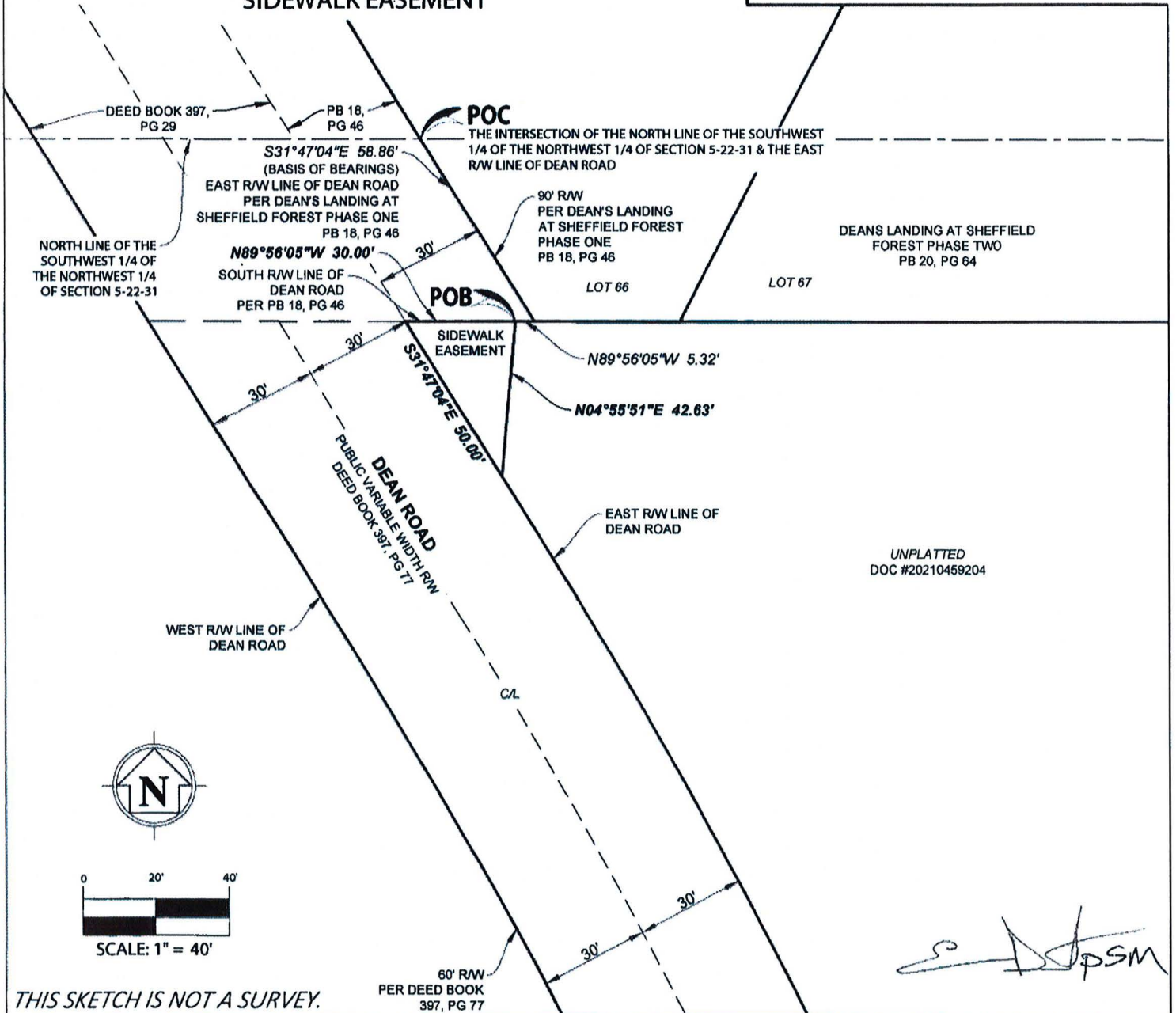
NOT VALID WITHOUT SHEET 2 OF 2

SHEET 1 OF 2

SKETCH OF DESCRIPTION

"EXHIBIT A"

SIDEWALK EASEMENT



THIS SKETCH IS NOT A SURVEY.

[Handwritten Signature]

LEGEND

C/L	CENTERLINE
DOC	DOCUMENT
LB	LICENSED BUSINESS
LS	LICENSED SURVEYOR
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**DONOGHUE
CONSTRUCTION
LAYOUT**

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PREPARED FOR
VAISHNAV SANGH ACADEMY

REVISED	05/17/2024
PROJECT NO.	22-1716
DATE	11/22/2023
PARTY CHIEF	SAH
DRAWN BY	SAD
CHECKED BY	NPS/RRD
NOT VALID WITHOUT SHEET 1 OF 2	
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

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 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"

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
Receipt for Future Advance filed April 5, 2024
Recorded as Document No. 20240198906
All of the Public Records of Orange County, Florida

Project: Vaishnav Sangh Academy Permit B22905721

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 sidewalk 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 road right-of-way 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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

{signature on following page}

Project: Vaishnav Sangh Academy Permit B22905721

IN WITNESS WHEREOF, the said holder of said encumbrance 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
Anthony Brooks
Print Name

Mailing Address: 20701 Bruce B. Downs
City: TAMPA State: FL
Zip Code: 33647

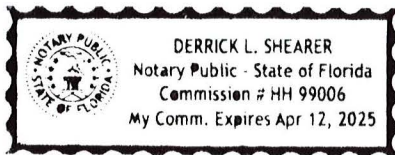
WITNESS #2
Signature
SCOTT KOHLER
Print Name

Mailing Address: 20701 BRUCE B DOWNS BLVD
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 July, 2024, by Jon Morrell, as SVP 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)



Central Bank
20701 Bruce B. Downs Blvd.
Tampa, FL 33647
By: Jon Morrell
Signature
Jon M. Morrell
Print Name
Senior Vice President
Title

Notary Signature
Derrick L. Shearer
Print Notary Name
Notary Public of: Florida
My Commission Expires: 4/12/2025

SKETCH OF DESCRIPTION

"EXHIBIT A" SIDEWALK EASEMENT

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SURVEYOR CERTIFICATION

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Digitally signed by
 Ryan Donoghue
 Date: 2024.05.20
 08:30:24 -04'00'

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

LEGEND

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Certificate of Authorization: LB7910

PREPARED FOR

VAISHNAV SANGH ACADEMY

REVISED	05/17/2024
PROJECT NO.	22-1716
DATE	11/22/2023
PARTY CHIEF	SAH
DRAWN BY	SAD
CHECKED BY	NPS/RRD

NOT VALID WITHOUT SHEET 2 OF 2

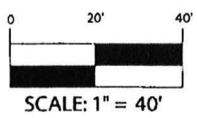
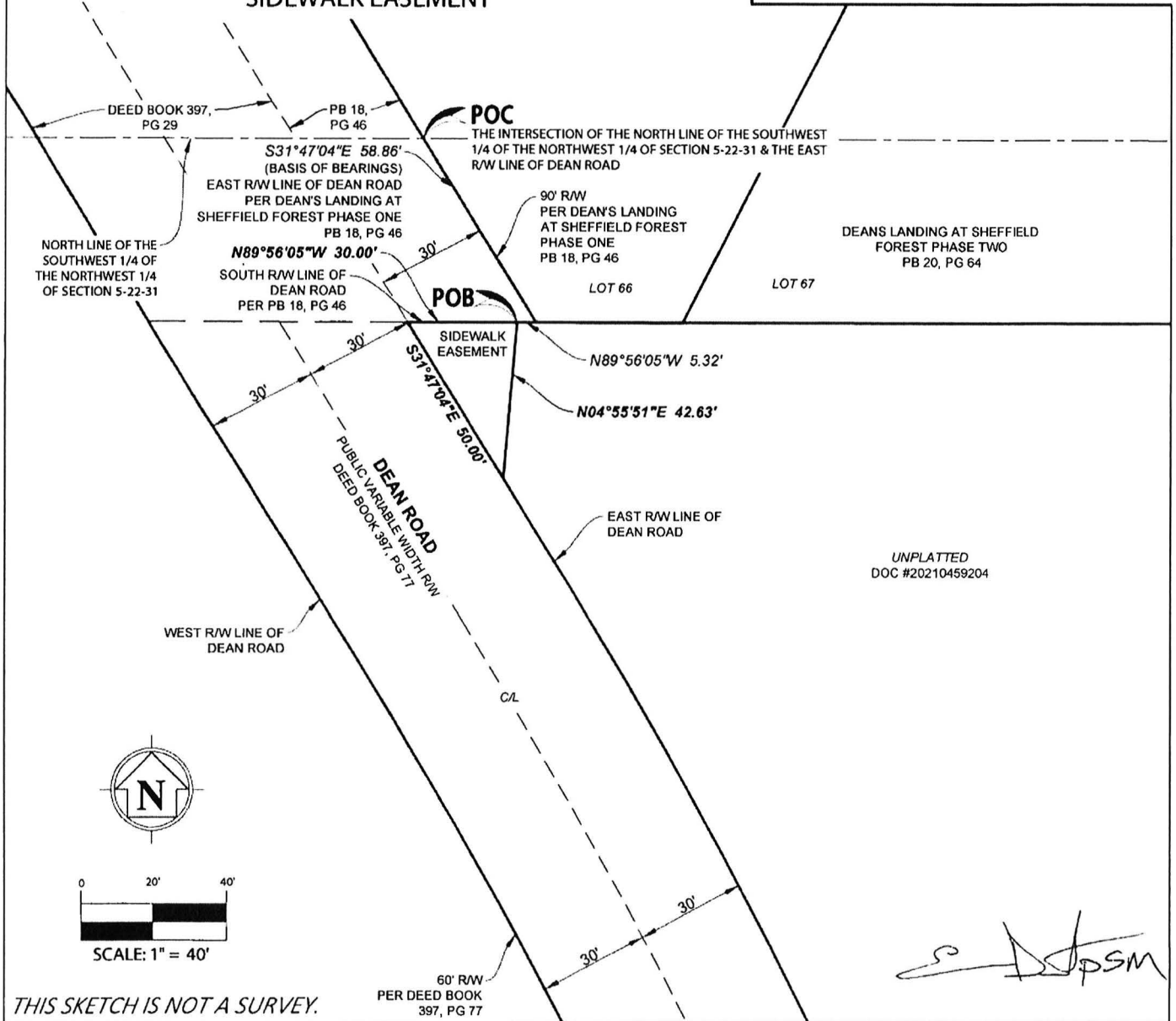
SHEET 1 OF 2

PROJECT NAME: VAISHNAV SANGH ACADEMY
 BUILDING DEPARTMENT PERMIT # B22905721

SKETCH OF DESCRIPTION

"EXHIBIT A"

SIDEWALK EASEMENT



THIS SKETCH IS NOT A SURVEY.

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PREPARED FOR
VAISHNAV SANGH ACADEMY

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SHEET 2 OF 2