





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

**DATE:** January 25, 2019

**TO:** Mayor Jerry L. Demings  
and the  
Board of County Commissioners

**THROUGH:** Paul Sladek, Manager   
Real Estate Management Division

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

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** Approval of Utility Easement from Town Center SS Associates, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Wintrust Bank and authorization to record instruments

**PROJECT:** Towne Center Storage Permit #B18900825 OCU File #: 96327  
District 4

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

**ITEMS:** Utility Easement  
Cost: Donation  
Size: 625 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.

FEB 12 2019

THIS IS A DONATION

Project: Towne Center Storage Permit #B18900825 OCU File #: 96327

**UTILITY EASEMENT**

THIS INDENTURE, Made this 7<sup>th</sup> day of January, A.D. 2019, between Town Center SS Associates, LLC, a Delaware limited liability company, whose address is 1190 Business Center Drive, Suite 2000, Lake Mary, Florida, 32746, 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**

**26-24-29-5340-02-000**

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, 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, agree 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.

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

Witnesses:

[Signature]

Witness

Jacqueline Murray  
Print Name

Carla Womaski  
Witness

CARLA WOMASKI  
Print Name

Town Center SS Associates, LLC, a Delaware limited liability company

By: Flagship BV Self Storage JV, LLC,  
a Delaware limited liability company,  
Its Sole Member

By: Flagship Storage Associates, LLC,  
a Florida limited liability company,  
its Operating Member

By: [Signature]  
Theodore A Boin  
Print Name

Manager  
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 7<sup>th</sup> of January 2019,  
by Theodore A. Boin, as manager, of Flagship Storage Associates, LLC, a  
Florida limited liability company, as Operating Member of Flagship BV Self Storage JV, LLC, a Delaware  
limited liability company, as Sole Member of Town Center SS Associates, LLC, a Delaware limited  
liability company, on behalf of the limited liability company, on behalf of the limited liability company.  
He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)



[Signature]  
Notary Signature

Carly S. Ervin  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires:

October 17, 2022

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

# EXHIBIT "A"

## Sketch & Description

NOT VALID WITHOUT SHEETS 1 - 2  
 Project Name: Towne Center Storage  
 Building Department Permitt Number: B18900825

### UTILITY EASEMENT

#### Legal Description:

A PORTION OF LOT 2, MLC WAWA CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 78, PAGE 51, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 2, MLC WAWA CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 78, PAGE 51, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 29°02'43" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 16.52 FEET, TO THE POINT OF BEGINNING; THENCE, LEAVING SAID WEST LINE, RUN SOUTH 60°57'17" EAST, A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 29°02'43" EAST, PARALLEL WITH AND 25.00 FEET EAST OF WHEN MEASURED PERPENDICULAR WITH THE SAID WEST LOT LINE OF LOT 2, DISTANCE OF 25.00 FEET; THENCE RUN NORTH 60°57'17" WEST, A DISTANCE OF 25.00 FEET; THENCE RUN SOUTH 29°02'43" WEST, A DISTANCE OF 25.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING 625 ± SQUARE FEET.

#### A B B R E V I A T I O N      L E G E N D :

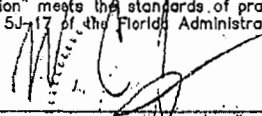
P.R.M. - PERMANENT REFERENCE MONUMENT P.O.C. - POINT OF COMMENCEMENT P.C. - POINT OF CURVATURE P.R.C. - POINT OF REVERSE CURVATURE P.O.B. - POINT OF BEGINNING P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION P.C.P. - PERMANENT CONTROL POINT P.O.L. - POINT ON LINE C.B. - CHORD BEARING T.B. - TANGENT BEARING	C.M. - CONCRETE MONUMENT P.B. - PLAT BOOK P.g. - PAGE N.R. - NON-RADIAL RAD. - RADIAL R. - RADIUS L. - ARC LENGTH Δ - DELTA R.P. - RADIUS POINT R/W - RIGHT-OF-WAY C - CENTER LINE	EL. - ELEVATION A/C - AIR CONDITIONER TYP. - TYPICAL U.E. - UTILITY EASEMENT D.E. - DRAINAGE EASEMENT F.F. - FINISHED FLOOR B.S. - BUILDING SETBACK C.B.S. - CONCRETE BLOCK STRUCTURE (P) - PLAT (M) - MEASURED (C) - CALCULATED	CONG. - CONCRETE C.L.F. - CHAIN LINK FENCE W.F. - WOOD FENCE C & G - CURB & GUTTER CATV - CABLE TELEVISION RISER TELE - TELEPHONE RISER TRANS - TRANSFORMER PAD L.P. - LIGHT POLE P.P. - POWER POLE EM - ELECTRIC METER R/W - RIGHT OF WAY	W.M. - WATER METER F.H. - FIRE HYDRANT N & D - NAIL AND DISC B.M. - BENCH MARK PAVT. - PAVEMENT F.B. - FIELD BOOK M.H. - MANHOLE (A) - ACTUAL I.D. - IDENTIFICATION FND - FOUND EOP - EDGE OF PAVEMENT
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#### Survey Notes:

1. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER".
2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE WEST LINE OF LOT 2 AS BEING NORTH 29°02'43" EAST AS SHOWN PER PLAT.
3. THE "LEGAL DESCRIPTION" HEREON WAS WRITTEN BY THE SURVEYOR PER THE CLIENT.
4. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
5. THIS IS NOT BOUNDARY SURVEY AND DOES NOT DEFINE OWNERSHIP.
6. ALL BOUNDARY INFORMATION SHOWN HEREON WAS PROVIDED BY THE SURVEY PREPARED BY ACCURIGHT DATED 5/19/2017.

#### Surveyor's Certification:

I hereby certify that the attached "Sketch & Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief, as done under my direction in the field on June 14, 2018. I further certify that this "Sketch & Description" meets the standards of practice as set forth in chapter 5J-17 of the Florida Administrative Code.

  
 Revised Date: 06/14/18

W. C. Elliott, P.S.M.  
 Professional Surveyor and Mapper  
 Florida Registration No. 5599

Project No. 586-FCG-001  
 Dwg file: 586-FCG-001

DRAWN: WCE	<b>Sketch &amp; Description</b> FLAGSHIP COMPANIES GROUP, LLC SOUTH ORANGE AVENUE SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORLANDO, ORANGE COUNTY, FLORIDA	 <b>KLE Surveying &amp; Mapping, Inc.</b> 239 Washington Avenue Lake Mary, FL 32746 (407) 402-2331 License Business # 7899	SHEET <div style="font-size: 2em; font-weight: bold;">1</div> OF 2
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**Sketch & Description**

NOT VALID WITHOUT SHEETS 1 - 2  
 Project Name: Towne Center Storage  
 Building Department Permit Number: B18900825

**GLOWING PEACE LANE**

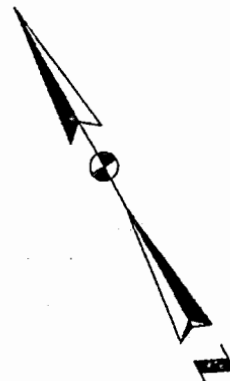
(PRIVATE RIGHT-OF-WAY VARIES PER PLAT)  
 PAVED ROAD

S 58°20'06" E 271.50'

LINE TABLE		
LINE	LENGTH	BEARING
L1	16.52'	N29°02'43"E
L2	25.00'	S60°57'17"E
L3	25.00'	N29°02'43"E
L4	25.00'	N60°57'17"W
L5	25.00'	S29°02'43"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	RADIUS	CHORD	CHORD BEARING
C1	124.44'	2724.79'	2°37'00"	124.43'	S30°21'12"W

**SOUTH ORANGE AVENUE**  
**(COUNTY ROAD NO. 527)**  
 (PUBLIC RIGHT-OF-WAY VARIES PER PLAT)  
 PAVED ROAD



P.C.

N 29°02'43" E 231.85'  
 WEST LINE OF LOT 2 190.33'

336.28'

N 29°03'00" E

NOT PLATTED

LOT 2  
 MCL WAWA CENTER  
 P.B. 78 PAGES 51

P.O.B.

P.O.C.

SW. CORNER  
 OF LOT 2

S 60°57'17" E 204.84'

69.60'  
 S 67°11'11" E

LOT 1  
 MCL WAWA CENTER  
 P.B. 78 PAGES 51

LOT 3  
 MCL WAWA  
 CENTER  
 P.B. 78  
 PAGES 51

Project No. 566-FCG-001  
 Dwg file: 566-FCG-001

DRAWN: WCE  
 APPROVED: WCE  
 DATE: 06/14/18  
 SCALE: 1" = 60'

**Sketch & Description**  
**FLAGSHIP COMPANIES GROUP, LLC**

SOUTH ORANGE AVENUE  
 SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST,  
 ORLANDO, ORANGE COUNTY, FLORIDA



**KLE Surveying  
 & Mapping, Inc.**

239 Washington Avenue  
 Lake Mary, FL 32746 (407) 402-2331  
 License Business # 7899

SHEET

**2**

OF 2

FEB 12 2019

Project: Towne Center Storage Permit #B18900825 OCU File #: 96327

**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:**

Wintrust Bank

FROM: Town Center SS Associates, LLC

Construction Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents filed May 7, 2018

Recorded as Document No. 20180258992

Assignment of Leases and Rents filed May 7, 2018

Recorded as Document No. 20180258993

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 17th day of December, A.D. 2018.

Signed, sealed, and delivered in the presence of:

Wintrust Bank  
an Illinois state-chartered bank

[Signature]  
Witness

BY: [Signature]

BRIAN CULLEN  
Printed Name

Nick Koricanac  
Printed Name

Kim Curschman  
Witness

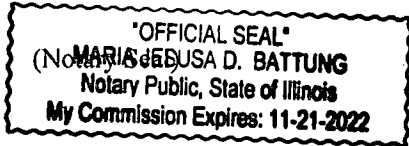
Vice President  
Title

Kim Curschman  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF IL  
COUNTY OF COOK

The foregoing instrument was acknowledged before me this 17th of December, 2018, by Nikola Koricanac, as Vice President, of Wintrust Bank, an Illinois state-chartered bank, on behalf of the bank. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.



[Signature]  
Notary Signature  
Maria Jesusa D. Battung  
Printed Notary Name

This instrument prepared by:  
Kimberly 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: 11/21/2022

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 Building Department Permit Number: B18900825

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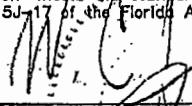
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#### Surveyor's Certification:


I hereby certify that the attached "Sketch & Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief, as done under my direction in the field on June 14, 2018. I further certify that this "Sketch & Description" meets the standards of practice as set forth in chapter 5J-17 of the Florida Administrative Code.



Revised Date: 06/14/18

W. C. Elliott, P.S.M.  
 Professional Surveyor and Mapper  
 Florida Registration No. 5599

Project No. 566-FCG-001  
 Dwg file: 566-FCG-001

DRAWN: WCE	<b>Sketch &amp; Description</b>		<b>KLE Surveying &amp; Mapping, Inc.</b>	SHEET
APPROVED: WCE	<b>FLAGSHIP COMPANIES GROUP, LLC</b>	239 Washington Avenue Lake Mary, FL 32746 (407) 402-2331 License Business # 7899		<b>1</b>
DATE: 06/14/18	SOUTH ORANGE AVENUE SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORLANDO, ORANGE COUNTY, FLORIDA			OF 2
SCALE: N/A				



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 Building Department Permit Number: B18900825

**GLOWING PEACE LANE**

(PRIVATE RIGHT-OF-WAY VARIES PER PLAT)  
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 (COUNTY ROAD NO. 527)**  
 (PUBLIC RIGHT-OF-WAY VARIES PER PLAT)  
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NOT PLATTED

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 P.B. 78 PAGES 51

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 MCL WAWA CENTER  
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LOT 3  
 MCL WAWA CENTER  
 P.B. 78 PAGES 51

P.O.B.

P.O.C.

SW. CORNER OF LOT 2

Project No. 566-FCG-001  
 Dwg file: 566-FCG-001

DRAWN:	WCE
APPROVED:	WCE
DATE:	06/14/18
SCALE:	1" = 60'

**Sketch & Description**  
**FLAGSHIP COMPANIES GROUP, LLC**  
 SOUTH ORANGE AVENUE  
 SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST,  
 ORLANDO, ORANGE COUNTY, FLORIDA



**KLE Surveying  
 & Mapping, Inc.**  
 239 Washington Avenue  
 Lake Mary, FL 32746 (407) 402-2331  
 License Business # 7899

SHEET  
**2**  
 OF 2