



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 9

DATE: May 31, 2019

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

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

FROM: Elena Hutchinson, Senior Title Examiner *EH*
Real Estate Management Division

CONTACT PERSON: **Paul Sladek, Manager**

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

ACTION REQUESTED: Approval of Utility Easement from Hamlin Retail Partners West, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Winter Park National Bank and authorization to record instruments

PROJECT: Wincey Groves/Hamlin West PD-Ph 1 Permit 18-S-043 OCU File #96837

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: 5,771 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 18 2019

THIS IS A DONATION

Project: Wincey Groves/Hamlin West PD-Ph 1 Permit 18-S-043 OCU File #96837

UTILITY EASEMENT

THIS INDENTURE, Made this 30th day of April, A.D. 2019, between Hamlin Retail Partners West, LLC, a Florida limited liability company, whose address is 14422 Shoreside Way, Suite 130, Winter Garden, Florida 34787, 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(s):

a portion of

19-23-27-0000-00-023

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, 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.

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

Signed, sealed and delivered
in the presence of:

[Signature]
Witness

T. J. Schwab
Printed Name

[Signature]
Witness

Heather Easterling
Printed Name

Hamlin Retail Partners West, LLC,
a Florida limited liability company

By: [Signature]
a Florida limited liability company, its Manager

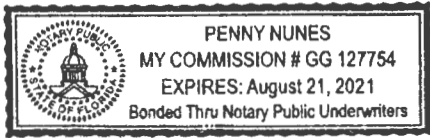
By: [Signature]
Scott T. Boyd, Manager

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 30th of April,
2019 by Scott T. Boyd, as Manager of BK Hamlin Retail Partners West, LLC, a Florida limited
liability company, Manager of Hamlin Retail Partners West, LLC, a Florida limited liability company on
behalf of the company. He is personally known to me or has produced _____
as identification.

(Notary Seal)



[Signature]
Notary Signature

Penny Nunes
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

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

SKETCH OF DESCRIPTION

SHEET 1 OF 2

Exhibit "A"

Project Name: Wincey Groves/Hamlin West PD-Phase 1

OC Project Number: 18-S-043

LEGAL DESCRIPTION (10.00' Orange County Utility Easement).

A strip of land comprising a portion of Section 19, Township 23 South, Range 27 East, Orange County, Florida.

Being more particularly described as follows:

COMMENCE at the Northeast corner of the Northeast 1/4 of aforesaid Section 19; thence run South 00°05'51" East along the East line of said Northeast 1/4 of Section 19 for a distance of 1330.40 feet to the Northeast corner of the South 1/2 of the Northeast 1/4 of said Section 19; thence run South 89°53'31" West along the North line of said South 1/2 of the Northeast 1/4 of Section 19 for a distance of 420.16 feet; thence departing said North line run South 00°05'51" East for a distance of 30.00 feet to a point on the South right-of-way line of McKinney Road according to Deed Book 721, Page 501 of the Public Records of Orange County, Florida; thence departing said South right-of-way line run South 00° 05' 51" East for a distance of 446.99 feet; thence run South 11° 10' 06" West for a distance of 391.89 feet to the POINT OF BEGINNING; thence run South 62° 50' 25" East for a distance of 15.60 feet; thence run South 11° 10' 06" West for a distance of 44.97 feet to a point on a non tangent curve, concave Southerly having a radius of 1092.50 feet, with a chord bearing of North 87° 50' 26" East, and a chord distance of 82.41 feet; thence run Easterly along the arc of said curve through a central angle of 04° 19' 23" for a distance of 82.43 feet to a point of tangency; thence run South 89° 59' 53" East for a distance of 237.42 feet to a point on the Westerly right-of-way line of Avalon Road (County Road 545) according to Document # 20160501632 of the Public Records of Orange County, Florida; thence run South 11° 10' 04" West along said Westerly right-of-way line for a distance of 15.29 feet; thence departing said Westerly right-of-way line run North 89° 59' 53" West for a distance of 234.45 feet to the point of curvature of a curve, concave Southerly having a radius of 1077.50 feet, with a chord bearing of South 87° 18' 53" West, and a chord distance of 101.03 feet; thence run Westerly along the arc of said curve through a central angle of 05° 22' 28" for a distance of 101.07 feet to a point on a non tangent line; thence run North 11° 10' 06" East a distance of 69.18 feet to the POINT OF BEGINNING.

Contains 5771 square feet, 0.13 acres more or less.

SK6

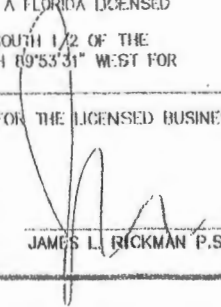
SURVEYOR'S NOTES:

THIS IS NOT A SURVEY.
 THE DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENTS REQUEST.
 THIS LEGAL DESCRIPTION AND SKETCH WERE PREPARED WITHOUT THE BENEFIT OF TITLE.
 THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 23 SOUTH, RANGE 27 EAST BEING SOUTH 89°53'31" WEST FOR ANGULAR DESIGNATION ONLY.

JOB NO. 20150350
 DATE: 2-6-2019
 SCALE: 1" = 100 FEET
 FIELD BY: N/A

CALCULATED BY: J.R.
 DRAWN BY: P.J.R.
 CHECKED BY: P.J.R.

FOR THE LICENSED BUSINESS # 6723 BY:


 JAMES L. RICKMAN P.S.M. # 5633



16 East Plant Street
 Winter Garden, Florida 34787 • (407) 654 5355

SKETCH OF DESCRIPTION

SHEET 2 OF 2

10.00' Orange County Utility Easement

Project Name: Wincey Groves/Hamlin West PD-Phase 1

OC Project Number: 18-S-043

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.60'	S62°50'25"E
L2	44.97'	S11°10'06"W
L3	15.29'	S11°10'04"W
L4	69.18'	N11°10'06"E

POINT OF COMMENCEMENT

NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 19-23-27

NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 19-23-27

EAST LINE OF THE NORTHEAST 1/4 OF SECTION 19-23-27

S89°53'31"W **MCKINNEY ROAD** 420.16'

PER DEED BOOK 721, PAGE 501

SOUTH RIGHT-OF-WAY LINE OF MCKINNEY ROAD PER DEED BOOK 721, PAGE 501

NORTHEAST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 19-23-27

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	DELTA
C1	1092.50'	82.43'	82.41'	N87°50'26"E 04°19'23"
C2	1077.50'	101.07'	101.03'	S87°18'53"W 05°22'28"

PROPOSED PLAT OF WINCEY GROVES SUBDIVISION PHASE 1



NOT PLATTED

POINT OF BEGINNING

PROPOSED PLAT OF WINCEY GROVES SUBDIVISION PHASE 1

S89°59'53"E 237.42'
N89°59'53"W 234.45'

WESTERLY RIGHT-OF-WAY LINE OF AVALON ROAD (COUNTY ROAD 545) PER DOCUMENT # 20160501632

AVALON ROAD (COUNTY ROAD 545)

WESTERLY RIGHT-OF-WAY LINE OF AVALON ROAD (COUNTY ROAD 545) PER DOC. # 20160501632

THIS IS NOT A SURVEY:

- ⊙ DENOTES CHANGE IN DIRECTION
- R/W DENOTES RIGHT-OF-WAY
- C DENOTES CENTERLINE
- P.C. DENOTES POINT OF CURVATURE
- P.T. DENOTES POINT OF TANGENCY
- P.R.C. DENOTES POINT OF REVERSE CURVATURE
- P.C.C. DENOTES POINT OF COMPOUND CURVATURE

SK6



16 East Plant Street
Winter Garden, Florida 34787 • (407) 854 5355

JOB NO. 20150350
DATE: 2-6-2019
SCALE: 1" = 100 FEET
FIELD BY: N/A

CALCULATED BY: JLR
DRAWN BY: PJR
CHECKED BY: PJR

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUN 18 2019

Project: Wincey Groves/Hamlin West PD-Ph I Permit 18-S-043 OCU File #96837

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 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:

Winter Park National Bank

FROM: Hamlin Retail Partners West, LLC, a Florida limited liability company

Amended and Restated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing filed January 23, 2019

Recorded as Document Number 20190044237

Notice of Future Advance and Mortgage Modification Agreement filed January 23, 2019

Recorded as Document Number 20190045073

Collateral Assignment of Leases and Rents filed January 23, 2019

Recorded as Document Number 20190045074

Financing Statement Amendment filed January 23, 2019

Recorded as Document Number 20190045075

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 6th day of May, A.D. 2019.

Signed, sealed, and delivered in the presence of:

[Signature]

Witness

Terry Winn

Printed Name

[Signature]

Witness

Kelly McFall

Printed Name

Winter Park National Bank

BY: [Signature]

DAVID R. DOTHEROW

Printed Name

PRESIDENT AND CEO

Title

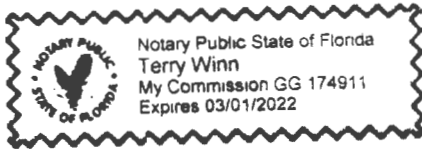
STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 6th of May, 2019, by David R. Dotherow as CEO & President of Winter Park National Bank, on behalf of the bank. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

[Signature]

Notary Signature



Printed Notary Name

Notary Public in and for the County and State aforesaid

My Commission Expires:

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

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SHEET 1 OF 2

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SK6

JOB NO. 20150350	CALCULATED BY: JLR	FOR THE LICENSED BUSINESS # 6723 DY: JAMES L. HICKMAN P.S.M. # 5633
DATE: 2-6-2019	DRAWN BY: PJR	
SCALE: 1" = 100 FEET	CHECKED BY: PJR	
FIELD BY: N/A		

SKETCH OF DESCRIPTION

SHEET 2 OF 2

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NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 19--23--27

-R/W-

S89°53'31"W **McKINNEY ROAD** 420.16'

S00°05'51"E 30.00'

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NOT PLATTED

POINT OF BEGINNING

PROPOSED PLAT OF WINCEY GROVES SUBDIVISION PHASE 1

TRACT LS-1 LIFT STATION

TRACT RW-1 RIGHT-OF-WAY

C1 S89°59'53"E 237.42'
C2 N89°59'53"W 234.45'

WESTERLY RIGHT-OF-WAY LINE OF AVALON ROAD (COUNTY ROAD 545) PER DOCUMENT # 20160501632

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