



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

DATE: July 12, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Mary Tiffault, Title Examiner *MT*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT FROM CORE ORLANDO COLONIAL LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CADENCE BANK, N.A. AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: College Suites at Woodbury PD College Suites Permit #B16900810 OCU
File #76506

District 5

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

ITEMS: Utility Easement
Cost: Donation
Size: 1,470 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division
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APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all recording fees.

JUL 31 2018

THIS IS A DONATION

Project: College Suites at Woodbury PD College Suites Permit #B16900810 OCU File #76506

UTILITY EASEMENT

THIS INDENTURE, Made this 23rd day of May, A.D. 20 18, between Core Orlando Colonial LLC, a Delaware limited liability company, whose address is 540 W. Madison Street, Suite 2500, Chicago, IL 60661, 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, 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, above or below ground, (the "Facilities") over, under and upon the following described lands situate in Orange County aforesaid, to-wit (the "Easement Area"):

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:

a portion of

23-22-31-9460-01-000

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 unreasonably interfere with normal operation or maintenance of the placed on the Easement Area by the GRANTEE and its assigns, out of and away from the herein granted easement, 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 Facilities installed thereon. GRANTOR its successors and assigns, may use the surface of the Easement Area for a parking lot, landscaping, fencing and other miscellaneous uses ("Permitted Improvements") that do not unreasonably interfere with the normal operation or maintenance of the Facilities. Notwithstanding the foregoing, GRANTEE shall have no obligation to repair or restore any "Permitted Improvements" disturbed, removed, or impacted by GRANTEE'S

exercise of the rights granted herein with respect to the Facilities and Easement Area beyond restoring the affected surface area to grade and leaving the same in a clean and neat condition.

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.

[Remainder of page intentionally left blank, Signature page attached]

IN WITNESS WHEREOF, GRANTOR has caused this Utility Easement to be executed as of the date set forth above.

Core Orlando Colonial, LLC, a
Delaware limited liability company

By: Core Campus Manager, LLC, a
Delaware limited liability company
Its: Manager

By: [Signature]
Name: Marc Hibbin
Title: Manager

Witness:

By: [Signature]
Name: Adam Grant

Witness:

By: Emily A. Williams
Name: Emily A. Williams

By: Convexity Management, LLC, a
Delaware limited liability company
Its: Manager

By: [Signature]
Name: DAVID B. NEAR
Title: VP

Witness:

By: [Signature]
Name: Kimberly Eismann Feld

Witness:

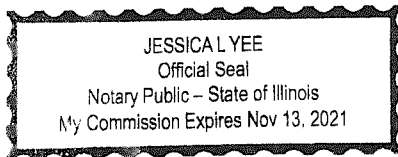
By: [Signature]
Name: Kaitlin Famarico

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

STATE OF Illinois)
)
COUNTY OF Cook)

I, Jessica L Yee, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that David R Nelson, of Convexity Management LLC, a Delaware limited liability company, as manager of Core Orlando Colonial LLC, a Delaware limited liability company, on behalf of the limited liability company. personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument, as Manager his free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 26 day of June, 2018

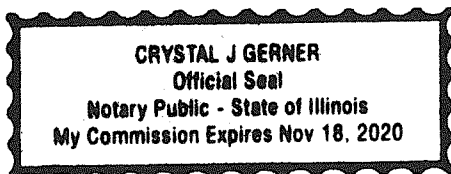


Printed Name: Jessica L Yee
Notary Public, [Signature], County Cook
My Commission Expires: Nov. 13, 2021
Acting in the County of Cook

STATE OF Illinois)
)
COUNTY OF Cook)

I, CRYSTAL GERNER, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that MARC LIFSHIN, of Core Campus Manager, LLC, a Delaware limited liability company, a manager of Core Orlando Colonial LLC, a Delaware limited liability company, on behalf of the limited liability company. personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument, as Manager his free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 23 day of MAY, 2018



Printed Name: CRYSTAL J. GERNER
Notary Public, [Signature], County COOK
My Commission Expires: 11.18.20
Acting in the County of COOK

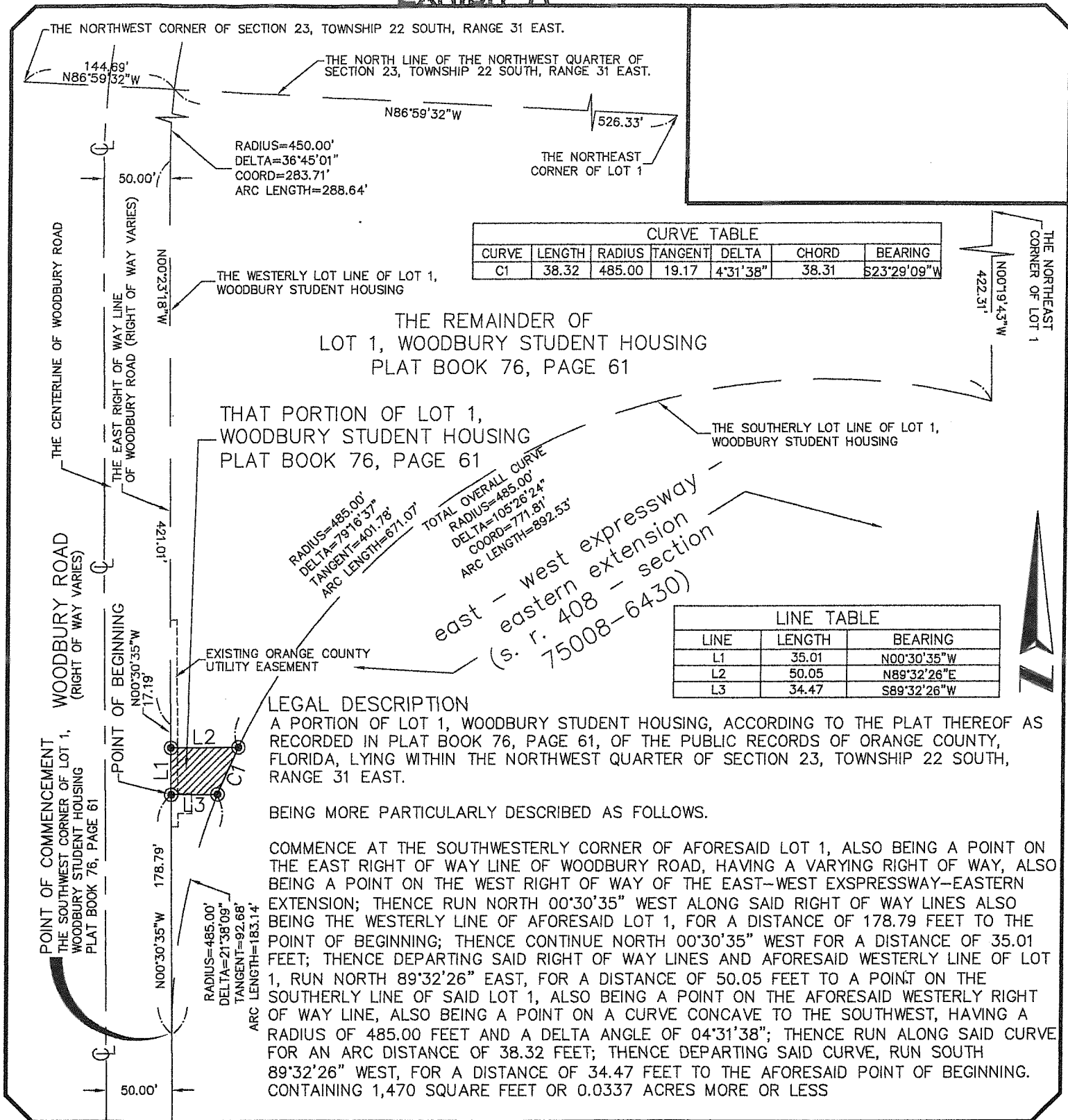
Project: College Suites at Woodbury PD College Suites Permit #B16900810 OCU File #76506

Exhibit "A"

Easement Area

(Attached)

EXHIBIT "A"



ABEL SURVEYING

1780 DOYLE ROAD, SUITE 6
DELTONA, FLORIDA 32725
(386) 860-1866

SKETCH OF DESCRIPTION

ORANGE COUNTY UTILITY EASEMENT

SURVEYORS NOTES:

- THIS IS NOT A BOUNDARY SURVEY
- BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT OF WOODBURY STUDENT HOUSING, PLAT BOOK 76, PAGE 61, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA
- REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROJECT NAME = COLLEGE SUITES AT WOODBURY PD COLLEGE SUITES
BUILDING DEPARTMENT PERMIT #B16900810

JOB NO. 2016-207
DATE: 6-21-2017
SCALE: 1" = 100 FEET
FIELD BY: N/A

CALCULATED BY: WHA
DRAWN BY: WHA
CHECKED BY: WHA

© DENOTES A CHANGE IN DIRECTION
REVISED SKETCH AND DESCRIPTION 8-6-2017
FOR THE LICENSED BUSINESS #7213

WILLIAM H. ABEL JR., PSM # 6165
SIGNATURE DATE: 3-30-2018

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 31 2018

Project: College Suites at Woodbury PD College Suites Permit #B16900810 OCU File #76506

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:

Cadence Bank, N.A.
FROM: Core Orlando Colonial LLC
Future Advance Mortgage filed March 3, 2017
Recorded as Document No. 20170115031
Absolute Assignment of Rents and Leases filed March 3, 2017
Recorded as Document No. 20170115032
Financing Statement filed March 3, 2017
Recorded as Document No. 20170115033
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 23rd day of May, A.D. 20 18.

Signed, sealed, and delivered
in the presence of:

[Signature]
Witness

Clinton H. Nelson
Printed Name

Melissa Moody
Witness

Melissa Moody
Printed Name

Cadence Bank, N.A.,
a national banking association

By: [Signature]

Leo Karpeles
Printed Name

Senior Vice President
Title

STATE OF Alabama
COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this 23 day of May, 20 18, by Leo Karpeles, as SVP of Cadence Bank, N.A., a national banking association, on behalf of the national banking association. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

(Notary Seal)

Jennifer Whlich Miller
Notary Signature

Jennifer Whlich Miller
Printed Notary Name

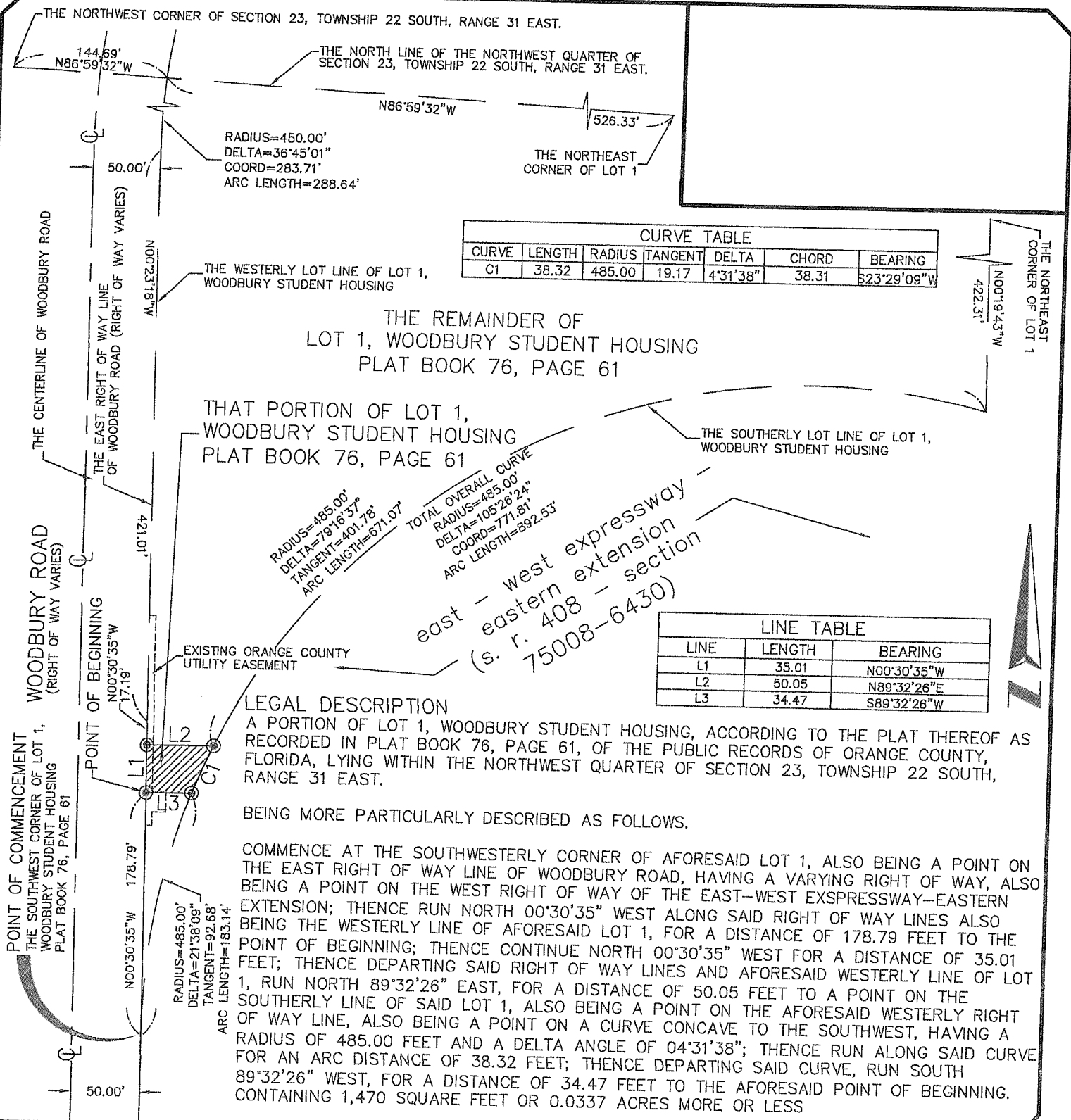
Notary Public in and for
the county and state aforesaid.

My commission expires:

MY COMMISSION EXPIRES
MAY 16, 2020

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

EXHIBIT "A"



SKETCH OF DESCRIPTION

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REVISED SKETCH AND DESCRIPTION 9-6-2017
FOR THE LICENSED BUSINESS #7213

WILLIAM H. ABEL JR., PSM # 6165
SIGNATURE DATE: 3-30-2018



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