



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: September 22, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Mindy T. Cummings, Manager
Real Estate Management Division *MTC*

FROM: Juanita Thomas, Senior Title Examiner
Real Estate Management Division *JT/MTC*

CONTACT PERSON: **Mindy T. Cummings, Manager**

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

ACTION REQUESTED: Approval of Utility Easement between Orlando Self Storage LLC and Orange County, and authorization to record instrument.

PROJECT: 12611 International Drive Site Work (B19900103)

District 1

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

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Real Estate Management Division
Agenda Item 4
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ITEM: Utility Easement
Cost: Donation
Size: 150 square feet

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: In connection with Permit B19900103 (OCU File #97348), Utilities requires an easement across property owned by Orlando Self Storage LLC.

Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 10 2023

THIS IS A DONATION

Project: 12611 International Drive Site Work (B 19900103)

UTILITY EASEMENT

THIS INDENTURE, made as of the date signed below, between Orlando Self Storage LLC, a Florida limited liability company, whose address is P.O. Box 149, Smithtown, New York 11787, 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 23-24-28-6415-02-000

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, 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

Project: 12611 International Drive Site Work (B 19900103) #97348

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:

Orlando Self Storage LLC, a Florida limited liability company

[Signature]
Witness

BY: Dominic J. Garrambone

Carolyn Allen
Printed Name

Dominic J. Garrambone
Printed Name

[Signature]
Witness
James Decandia
Printed Name

Manager
Title

(Signature of TWO witnesses required by Florida law)

STATE OF NY
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 17 day of December, 2022 by Dominic J. Garrambone as Manager of Orlando Self Storage LLC, on behalf of the limited liability company. The individual is personally known to me or has produced NYS Drivers License as identification.

(Notary Seal)

[Signature]
Notary Signature
Maryellen Napoli
Printed Notary Name

MARYELLEN NAPOLI
Notary Public - State of New York
No. 01NA6387516
Qualified in Suffolk County
My Commission Expires Feb. 19, 2023

Notary Public in and for the County and State aforesaid. State: NY
County: Suffolk

My commission expires: Feb 19, 2023

This instrument prepared by:
Juanita A. Thomas, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida
P. O. Box 1393
Orlando, FL 32802-1393

JOINDER AND CONSENT TO UTILITY EASEMENT

The undersigned hereby certifies that it is the holder of the following mortgage, lien, or other encumbrance upon the above described Utility Easement: (i) that certain Mortgage executed by Orlando Self Storage LLC, a Florida limited liability company in favor of Live Oak Banking Company recorded July 5, 2019, as Official Records Document No. 20190411451; and (ii) that certain Assignment of Leases and Rents executed by Orlando Self Storage LLC, a Florida limited liability company in favor of Live Oak Banking Company, recorded July 5, 2019, as Official Records Document No. 20190411452; and (iii) that certain UCC-Financing Statement executed by Orlando Self Storage LLC, in favor of Live Oak Banking Company, recorded July 5, 2019, as Official Records Document No. 20190411453; and (iv) that certain Pari Passu Agreement executed by Orlando Self Storage LLC, a Florida limited liability company and Live Oak Banking Company, in favor of U.S. Small Business Administration recorded July 5, 2019, as Official Records Document No. 20190411457; and (v) that certain Mortgage executed by Orlando Self Storage LLC, a Florida limited liability company in favor of Live Oak Banking Company recorded July 5, 2019, as Official Records Document No. 20190411454; and (vi) that certain Assignment of Leases and Rents executed by Orlando Self Storage LLC, a Florida limited liability company in favor of Live Oak Banking Company, recorded July 5, 2019, as Official Records Document No. 20190411455; and (vii) that the foregoing Mortgage and Assignment of Leases and Rents was modified by a Modification to Mortgage and Security Agreement and Assignment of Leases and Rents executed by Orlando Self Storage LLC, its successors and assigns in favor of Live Oak Banking Company, its successors and assigns recorded June 10, 2021, as Official Records Document No. 20210347330; and (viii) that certain UCC-Financing Statement executed by Orlando Self Storage LLC, in favor of Live Oak Banking Company, recorded July 5, 2019, as Official Records Document No. 20190411456; all of the Public Records of Orange County, Florida and that the undersigned hereby joins in and consents to the execution and recording of the foregoing Utility Easement, and agrees that its mortgage, lien, or other encumbrance, as they have been, and as they may be, modified, amended, and/or assigned from time to time, shall be subordinated to the Utility Easement, as said easement may be modified, amended, and/or assigned from time to time.

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Signatures on next page*

Witnesses:

Trey Webb
Print Name: TREY WEBB

Mark Letchworth
Print Name: MARK LETCHWORTH

Live Oak Banking Company,
a North Carolina corporation

By: Scott Weiner

Print Name: Scott Weiner

Title: VP - Bioenergy

STATE OF North Carolina
COUNTY OF New Hanover)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 17 day of July, 2023 by Scott Weiner as VP - Bioenergy of Live Oak Banking Company, a North Carolina corporation on behalf of the corporation. He/she is personally known to me or has produced _____ as identification.

(Notary Seal)

Spencer Wright
Notary Public

Print Name: Spencer Wright

My Commission Expires 06/15/2027



JOINDER AND CONSENT TO UTILITY EASEMENT

Westwood Vista Corporation, a Florida profit corporation being granted certain rights by virtue of (i) that certain **Notice of Development Agreement and Development Agreement**, recorded December 30, 2019, as Official Records Document No. 20190809637, (the "Encumbrance"), all of the Public Records of Orange County, Florida, hereby joins in and consents to the execution and recording of the foregoing Utility Easement, such that, for all purposes of the Encumbrances, in the event the undersigned shall hereafter take title to all or any portion of the Utility Easement area, the rights and privileges of the parties thereto shall not be disturbed or impaired.

Witnesses:

Jennifer Mikels
Print Name: Jennifer Mikels

Elizabeth Baybusky
Print Name: ELIZABETH BAYBUSKY

Westwood Vista Corporation,
a Florida profit corporation

By: R. Trost
Print Name: Robert D. Trost
Title: President

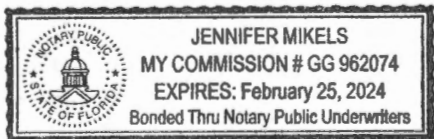
STATE OF Florida)
COUNTY OF Sumter)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 3rd day of August, 2023 by Robert Trost as President of Westwood Vista Corporation, a Florida profit corporation on behalf of the Florida profit corporation. He/she is personally known to me or has produced DLI as identification.

(Notary Seal)

Jennifer Mikels
Notary Public
Print Name: Jennifer Mikels

My Commission Expires: 2/25/24



SKETCH OF DESCRIPTION

ORLANDO STORAGE
UTILITY EASEMENT NO. 3

A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST

Exhibit A

AREA ABOVE RESERVED FOR RECORDING INFORMATION

DESCRIPTION

PART OF LOT 57, WILLIS J. MUNGER'S SUBDIVISION, SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "E", PAGE 22, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 2, LAKE EVE PHASE 1, ACCORDING TO THE MAP OF PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGES 21 AND 22, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERNATIONAL DRIVE (125' RIGHT-OF-WAY); THENCE SOUTH 72°09'56" WEST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 413.52 FEET; THENCE SOUTH 45°05'15" WEST, A DISTANCE OF 76.89 FEET; THENCE SOUTH 00°05'15" WEST, A DISTANCE OF 284.78 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89°54'45" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°05'15" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°54'45" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°05'15" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 150 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO IMPROVEMENTS HAVE BEEN LOCATED.
3. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.S. 472.025 OR THE CERTIFIED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER PER F.A.C. 5J-17.062(2) AND 5J17.062(3).
4. THIS DOCUMENT CONSISTS OF 2 PAGES NOT FULL OR COMPLETE WITHOUT BOTH.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERNATIONAL DRIVE, WHICH BEARS S72°09'56"W, PER ASSUMED DATUM.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR SKETCH

THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

ORLANDO STORAGE
12611 INTERNATIONAL DRIVE SITE WORK ONLY
UTILITY EASEMENT NO. 3
A PORTION OF
SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST
BUILDING DEPARTMENT PERMIT NUMBER: 19900103
ORANGE COUNTY, FLORIDA

ASAM

AMERICAN
SURVEYING
& MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#8393
3191 MAGUIRE BOULEVARD, SUITE 200
ORLANDO, FLORIDA 32803
(407) 426-7979
WWW.AMERICANSURVEYINGANDMAPPING.COM

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



Digitally signed by E Glenn Turner
DN: cn=US, st=Florida, ln=Orlando,
ou=American Surveying & Mapping Inc,
cn=E Glenn Turner,
email=egtturner@asmcorporate.com
Date: 2022.04.08 08:18:07 -04'00'

E. GLENN TURNER, PSM #5643

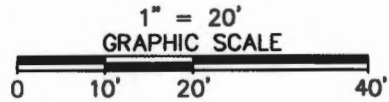
DATE: 4/08/22

JOB NO.:	DATE	REVISIONS	TECH
180527	7/9/19	CLIENT COMMENTS	CAH
SCALE: 1" = 20'			
DRAWN BY: JLS			
APPROVED BY:			
DRAWING FILE #			
180527 - ORLANDO			
STORAGE UTILITY			
EASEMENT 3.DWG			

**SKETCH OF DESCRIPTION
ORLANDO STORAGE
UTILITY EASEMENT NO. 3**

A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST

AREA ABOVE RESERVED FOR RECORDING INFORMATION

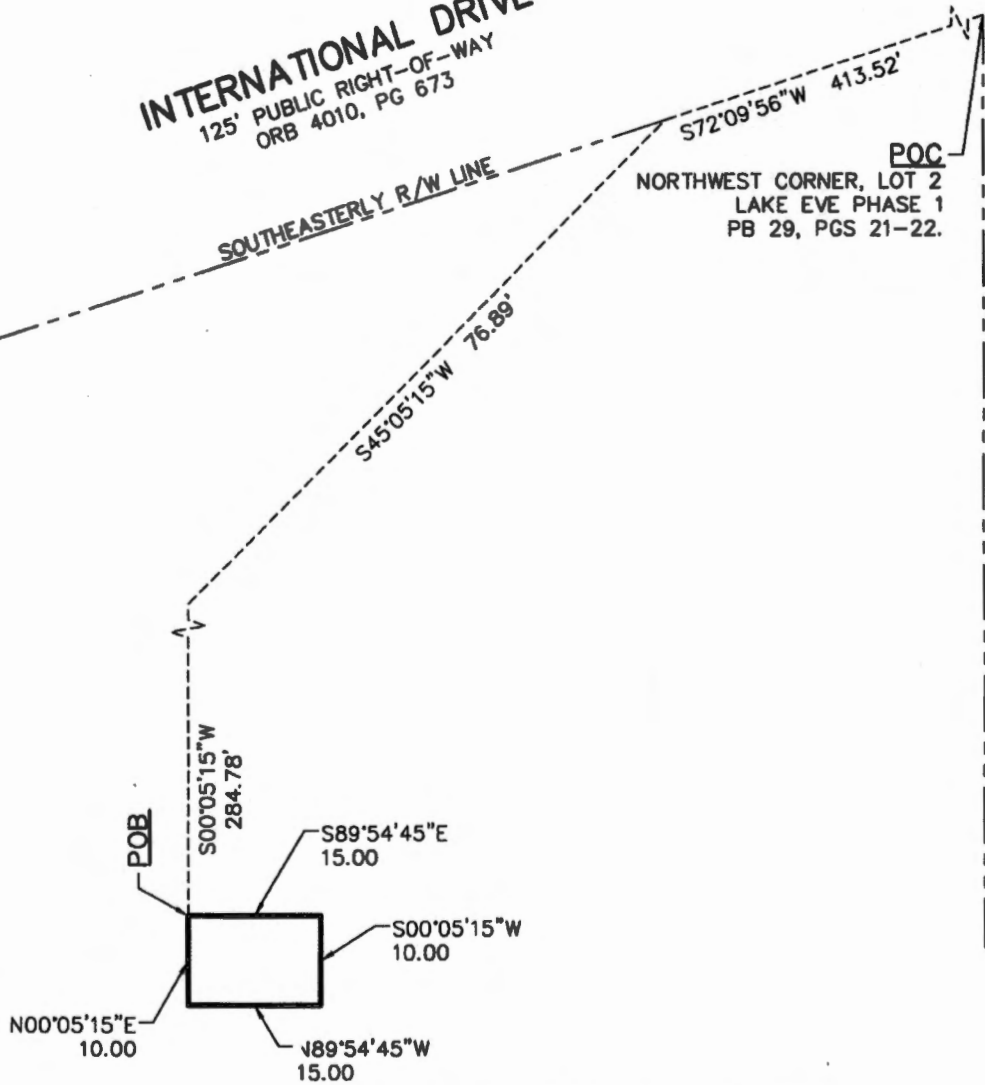


DARYL CARTER PARKWAY
NO RECORDING INFORMATION

INTERNATIONAL DRIVE
125' PUBLIC RIGHT-OF-WAY
ORB 4010, PG 673

SOUTHEASTERLY R/W LINE

POC
NORTHWEST CORNER, LOT 2
LAKE EVE PHASE 1
PB 29, PGS 21-22.



SHEET 2 OF 2 - NOT FULL OR COMPLETE WITHOUT ALL SHEETS.
SEE SHEET 1 OF 2 FOR DESCRIPTION, NOTES, AND CERTIFICATION.

LEGEND AND ABBREVIATIONS

LB	LICENSED BUSINESS	POC	POINT OF COMMENCEMENT
ORB	OFFICIAL RECORDS BOOK	PSM	PROFESSIONAL SURVEYOR AND MAPPER
PG	PAGE(S)	R/W	RIGHT-OF-WAY
POB	POINT OF BEGINNING		



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SURVEYING
& MAPPING INC.**

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