



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 11

DATE: August 3, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Peter Stanley, Title Examiner *PS*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL OF SIDEWALK EASEMENT FROM AVALON BUSINESS CENTRE, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM AXIOM BANK, NATIONAL ASSOCIATION AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Avalon Business Center Permit #B17905032

District 4

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

ITEMS: Sidewalk Easement
Cost: Donation
Size: 217 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 21 2018

THIS IS A DONATION

Project: Avalon Business Center Permit #B17905032

SIDEWALK EASEMENT

THIS INDENTURE, made this 5th day of July, 2018, between Avalon Business Centre, LLC, a Florida limited liability company, whose address is 3680 Avalon Park East Boulevard, Suite 300, Orlando, FL 32828, 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 sidewalk purposes with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a paved sidewalk upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBITE "A"

Property Appraiser's Parcel Identification Number:

a portion of

06-23-32-1027-02-001

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 and other obstructions that may interfere with normal usage or maintenance of the paved sidewalk and easement. The GRANTOR, successors and assigns, agree not to build, construct, or create, nor permit others to build, construct, or create any fence, wall, or other structure on the herein granted right of way.

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

Signed, sealed and delivered in the presence of:

Avalon Business Centre, LLC, a
Florida limited liability company

[Signature]
Signature of Witness
Jan De Maris
Printed Name

BY: Marybel D-fillo
~~Beat Kahli, Manager~~
Marybel Dcfillo
Vice-President

[Signature]
Signature of Witness
JS Sofarelli
Printed Name

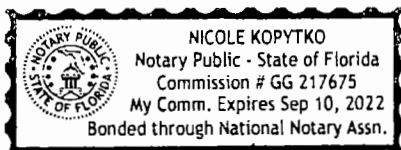
(Signature of TWO witnesses required by Florida
law)

STATE OF Florida
COUNTY OF orange

Marybel
Dcfillo

The foregoing instrument was acknowledged before me this 5th of July, 2018,
by ~~Beat Kahli~~, as ~~Manager~~ of Avalon Business Centre, LLC, a Florida limited liability company, on behalf
of the limited liability company. She/He ☒ is personally known to me or ☐ has produced _____
as identification.

(Notary Seal)



Nicole Kopytko
Notary Signature

Nicole Kopytko
Printed Notary Name

Notary Public in and for
the County and State aforesaid

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

My Commission Expires: 9/10/22

EXHIBIT A

SKETCH OF DESCRIPTION

SIDEWALK EASEMENT, TRACT 2, PARCEL ONE,
AVALON TOWN CENTER

A PORTION OF SECTION 7, TOWNSHIP 23 SOUTH, RANGE 32 EAST

AREA ABOVE RESERVED FOR RECORDING INFORMATION

DESCRIPTION

BEING A PORTION OF TRACT 2 (FUTURE DEVELOPMENT), PARCEL ONE, AVALON TOWN CENTER, AS RECORDED IN PLAT BOOK 69, PAGES 28 THROUGH 33, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH CORNER OF SAID TRACT 2, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF AVALON LAKE DRIVE (VARIABLE WIDTH RIGHT-OF-WAY); THENCE RUN N51°02'25"E ALONG THE SOUTHEASTERLY LINE OF SAID TRACT 2, A DISTANCE OF 13.02 FEET, FOR A POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHEAST LINE, N41°45'16"W A DISTANCE OF 248.12 FEET; THENCE N48°14'44"E A DISTANCE OF 0.26 FEET; THENCE S42°04'38"E A DISTANCE OF 116.82 FEET; THENCE S41°47'09"E A DISTANCE OF 107.36 FEET; THENCE S46°13'35"E A DISTANCE OF 19.84 FEET; THENCE S41°51'41"E A DISTANCE OF 4.28 FEET TO A POINT ON THE AFORESAID SOUTHEASTERLY LINE OF TRACT 2; THENCE S51°02'25"W ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 2.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 217 SQUARE FEET OR 0.005 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 THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS DOCUMENT CONSISTS OF 2 PAGES NOT FULL OR COMPLETE WITHOUT BOTH.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHEAST RIGHT-OF-WAY LINE OF AVALON LAKE DRIVE, WHICH BEARS N41°45'16"W, PER PLAT BOOK 69, PAGES 28 THROUGH 33.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR SKETCH

THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

SIDEWALK EASEMENT,
TRACT 2, PARCEL ONE, AVALON TOWN CENTER
A PORTION OF
SECTION 7, TOWNSHIP 23 SOUTH, RANGE 32 EAST

ORANGE COUNTY, FLORIDA

JOB NO.: 5061802	DATE	REVISIONS	TECH
SCALE: 1" = 30'			
FIELD DATE: N/A			
FIELD BY: N/A			
DRAWN BY: JLS			
APPROVED BY:			
DRAWING FILE #			
5061802 AVALON			
TRACT 2-UF-SOD.DWG			

ASM

AMERICAN
SURVEYING
& MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#5393
3191 MAGUIRE BOULEVARD, SUITE 200
ORLANDO, FLORIDA 32803
(407) 428-7878
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.

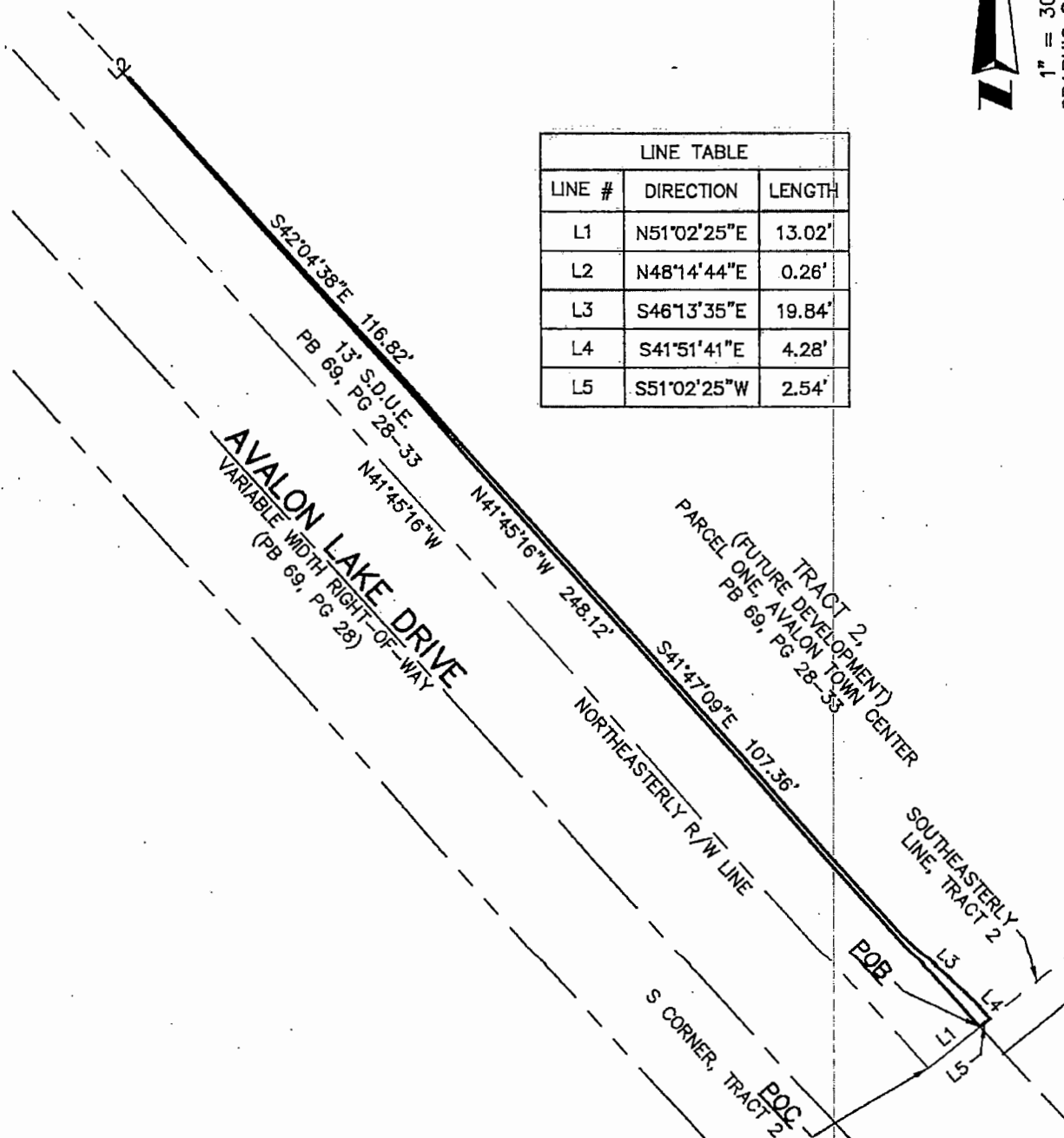
JAMES D. FLICK, PSM #6088

STATE OF
DATE: 5/16/18

SKETCH OF DESCRIPTION
SIDEWALK EASEMENT, TRACT 2, PARCEL ONE,
AVALON TOWN CENTER
 A PORTION OF SECTION 7, TOWNSHIP 23 SOUTH, RANGE 32 EAST



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N51°02'25"E	13.02'
L2	N48°14'44"E	0.26'
L3	S46°13'35"E	19.84'
L4	S41°51'41"E	4.28'
L5	S51°02'25"W	2.54'



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

LEGEND AND ABBREVIATIONS

POB POINT OF BEGINNING R/W RIGHT-OF-WAY
 POC POINT OF COMMENCEMENT



**AMERICAN
 SURVEYING
 & MAPPING INC.**
 CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
 3191 MAGUIRE BOULEVARD, SUITE 200
 ORLANDO, FLORIDA 32803
 (407) 426-7979
 WWW.AMERICANSURVEYINGANDMAPPING.COM

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 21 2018

Project: Avalon Business Center Permit #B17905032

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 sidewalk 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:

Axiom Bank, National Association f/k/a Axiom Bank
FROM: Avalon Associates of Delaware Limited Partnership, a Florida limited partnership
Mortgage and Security Agreement, filed January 4, 2016
Recorded as Document No. 20160000133;
Assignment of Leases and Rents, filed January 4, 2016
Recorded as Document No. 20160000134; and

State of Florida Uniform Commercial Code Financing Statement
Recorded as Document No. 20160000135
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 sidewalk 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 sidewalk 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 10th day of July, A.D. 2018.

Signed, sealed and delivered in the presence of:

Axiom Bank, National Association

Denise E. Lea

BY: [Signature]

Witness

Denise E. Lea

Tom Coletta

Printed Name

Printed Name

[Signature]

SVP

Witness

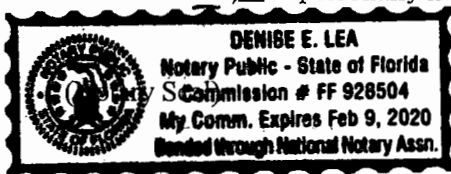
Title

Allen Tice

Printed Name

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 10th of July, 2018, by Tom Coletta, as SVP of Axiom Bank, National Association on behalf of the bank. She/He ☒ is personally known to me or ☐ has produced _____ as identification.



Denise E. Lea
Notary Signature

Denise E. Lea
Printed Notary Name

This instrument prepared by:
Peter Stanley, 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:

EXHIBIT A

SKETCH OF DESCRIPTION

SIDEWALK EASEMENT, TRACT 2, PARCEL ONE,
AVALON TOWN CENTER
A PORTION OF SECTION 7, TOWNSHIP 23 SOUTH, RANGE 32 EAST

AREA ABOVE RESERVED FOR RECORDING INFORMATION

DESCRIPTION

BEING A PORTION OF TRACT 2 (FUTURE DEVELOPMENT), PARCEL ONE, AVALON TOWN CENTER, AS RECORDED IN PLAT BOOK 69, PAGES 28 THROUGH 33, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH CORNER OF SAID TRACT 2, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF AVALON LAKE DRIVE (VARIABLE WIDTH RIGHT-OF-WAY); THENCE RUN N51°02'25"E ALONG THE SOUTHEASTERLY LINE OF SAID TRACT 2, A DISTANCE OF 13.02 FEET, FOR A POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHEAST LINE, N41°45'16"W A DISTANCE OF 248.12 FEET; THENCE N48°14'44"E A DISTANCE OF 0.26 FEET; THENCE S42°04'38"E A DISTANCE OF 116.82 FEET; THENCE S41°47'09"E A DISTANCE OF 107.36 FEET; THENCE S46°13'35"E A DISTANCE OF 19.84 FEET; THENCE S41°51'41"E A DISTANCE OF 4.28 FEET TO A POINT ON THE AFORESAID SOUTHEASTERLY LINE OF TRACT 2; THENCE S51°02'25"W ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 2.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 217 SQUARE FEET OR 0.005 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 THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS DOCUMENT CONSISTS OF 2 PAGES NOT FULL OR COMPLETE WITHOUT BOTH.
5. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHEAST RIGHT-OF-WAY LINE OF AVALON LAKE DRIVE, WHICH BEARS N41°45'16"W, PER PLAT BOOK 69, PAGES 28 THROUGH 33.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR SKETCH

THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

SIDEWALK EASEMENT,
TRACT 2, PARCEL ONE, AVALON TOWN CENTER
A PORTION OF
SECTION 7, TOWNSHIP 23 SOUTH, RANGE 32 EAST

ORANGE COUNTY, FLORIDA

JOB NO.	DATE	REVISIONS	TECH
5061802			
SCALE: 1" = 30'			
FIELD DATE: N/A			
FIELD BY: N/A			
DRAWN BY: JLS			
APPROVED BY:			
DRAWING FILE #			
5061802 AVALON			
TRACT 2 UE SOD.DWG			

ASM

AMERICAN
SURVEYING
& MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
3191 MAGUIRE BOULEVARD, SUITE 200
ORLANDO, FLORIDA 32803
(407) 428-7979
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.

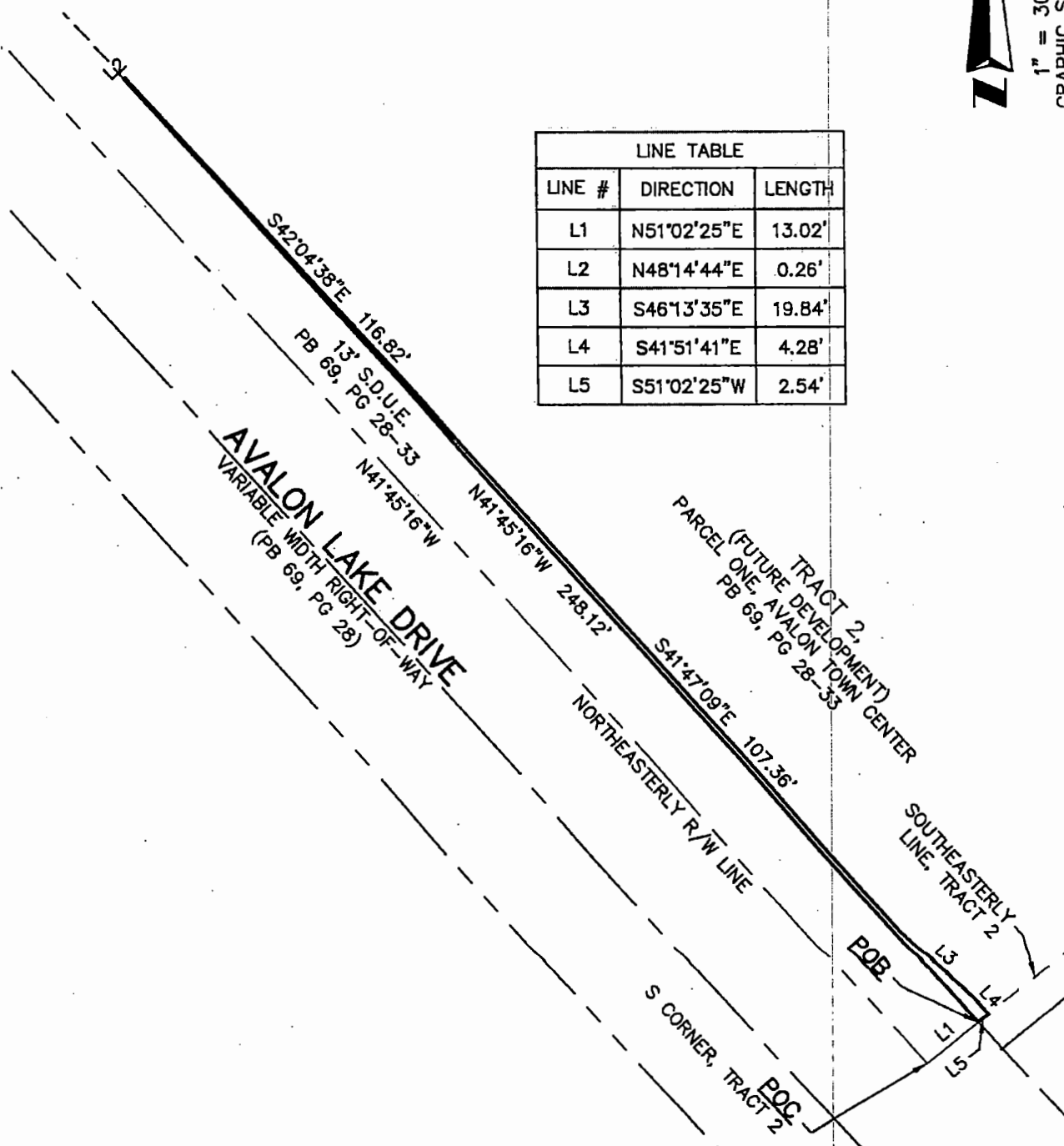
JAMES D. FLICK, PSM #6688

STATE OF FLORIDA

DATE: 5/16/18

Surveyor & Mapper

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N51°02'25"E	13.02'
L2	N48°14'44"E	0.26'
L3	S46°13'35"E	19.84'
L4	S41°51'41"E	4.28'
L5	S51°02'25"W	2.54'



LEGEND AND ABBREVIATIONS

POB	POINT OF BEGINNING	R/W	RIGHT-OF-WAY
POC	POINT OF COMMENCEMENT		

ASM

AMERICAN
SURVEYING
& MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
3191 MAGUIRE BOULEVARD, SUITE 200
ORLANDO, FLORIDA 32803...

(407) 426-7879
WWW.AMERICANSURVEYINGANDMAPPING.COM