



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: February 18, 2019

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

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

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

CONTACT PERSON: **Paul Sladek, Manager**

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

ACTION REQUESTED: Approval and execution of Modification of Utility Easement between AIEM Industrial Properties, LLC and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from First Colony Bank of Florida and authorization to record instruments

PROJECT: Dogipot Warehouse Permit: B17903273 OCU File#: 94048

District 4

PURPOSE: To reconfigure, modify, and replace the easement area of an existing utility easement as a requirement of development.

ITEMS: Modification of Utility Easement
Cost: None
Amended size: 225 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS:

On April 24, 2018, the Board approved that certain Utility Easement from AIEM Industrial Properties, LLC (AIEM) which was filed as Official Records Document Number 20180251160 (Easement). AIEM remains the current fee simple owner of the underlying lands.

AIEM has requested to modify the Easement in connection with its development. This Modification of Utility Easement relocates the easement area of the Easement. The Utilities Department has reviewed and approved AIEM's request.

AIEM to pay all recording fees.

The backup documentation for this item has been delivered under separate cover. It may also be accessed online as part of the e-Agenda by **[clicking here](#)**.

FEB 26 2019

This instrument prepared by
and after recording return to:
Kim Heim, Senior Title Examiner
Orange County Real Estate Management Division
400 East South Street, 5th Floor
Orlando, FL 32801

Project: Dogipot Warehouse Permit: B17903273 OCU File#: 94048

Parcel Identification No: 17-23-31-0000-00-006

MODIFICATION OF UTILITY EASEMENT

THIS MODIFICATION OF UTILITY EASEMENT (this "Modification") is made effective as of the date last executed below between AIEM Industrial Properties, LLC, a Florida limited liability company, whose address is 14545 Tanja King Blvd., Orlando, FL 32828, ("AIEM"), 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, ("County").

WITNESSETH:

WHEREAS, AIEM previously granted to County that certain Utility Easement recorded April 27, 2018 as Official Records Document No. 20180251160 in the public records of Orange County, Florida ("Easement"); and

WHEREAS, AIEM remains the current fee simple owner of the easement area of the easement;
and

WHEREAS, AIEM has requested and County has agreed to modify the legal description of the easement area of the Easement.

NOW THEREFORE, AIEM and County modify the Utility Easement as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein by this reference.
2. **Modification of Easement Area.** Exhibit "A" to the Easement is hereby deleted in its entirety and replaced with Exhibit "A" to this Modification.
3. **Ratification.** Except as otherwise explicitly set forth herein, all other terms and conditions of the Easement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereby have executed and delivered this Modification of Utility Easement and have intended the same to be and become effective on the day and year last executed below.

Signed, sealed and delivered
in the presence of:

AIEM Industrial Properties, LLC,
a Florida limited liability company

Michael E. Lewis
Witness

BY: David B. Canning
David B. Canning, Manager

Michael Lewis
Printed Name

[Signature]
Witness

Juan Vodniza
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF FLA.
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 18 of DECEMBER, 2018 by David B. Canning, as manager of AIEM Industrial Properties, LLC, a Florida limited liability company, on behalf of the limited liability company. He She is personally known to me or has produced _____ as identification.

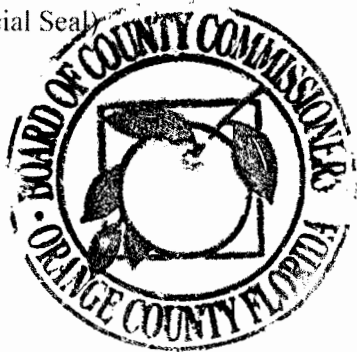


[Signature]
Notary Signature

BERT KARPINSKI
Printed Notary Name

Notary Public in and for
the county and state aforesaid.
My commission expires:

(Official Seal)



ORANGE COUNTY, FLORIDA
By Board of County Commissioners

BY: *Jerry L. Demings*
for Jerry L. Demings,
Orange County Mayor

DATE: *26 February 2019*

ATTEST: Phil Diamond, CPA, Comptroller
as Clerk to the Board of County Commissioners

BY: *Katie Smith*
Deputy Clerk

Katie Smith

Printed Name

EXHIBIT "A"

SKETCH AND DESCRIPTION

(THIS IS NOT A SURVEY)

15.00' x 15.00' UTILITY EASEMENT

LEGAL DESCRIPTION:

A PORTION OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 89°52'24" W ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SOUTHEAST 1/4 OF SAID SECTION 17 A DISTANCE OF 1334.86 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SOUTHEAST 1/4 OF SAID SECTION 17; THENCE RUN S 00°11'35" W ALONG SAID WEST LINE A DISTANCE OF 590.76 FEET TO THE NORTH LINE OF THE SOUTHERLY 405.20 FEET OF THE NORTHERLY 995.96 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE RUN N 89°52'24" E ALONG SAID NORTH LINE OF THE SOUTHERLY 405.20 FEET OF THE NORTHERLY 995.96 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17 A DISTANCE OF 482.67 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF YOUNG PINE ROAD; THENCE RUN S 18°15'02" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 169.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 18°15'02" E, A DISTANCE OF 15.00 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, RUN S 71°44'58" W, A DISTANCE OF 15.00 FEET; THENCE RUN N 18°15'02" W, A DISTANCE OF 15.00 FEET; THENCE RUN N 71°44'58" E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 225 SQUARE FEET, MORE OR LESS.

SURVEYOR'S REPORT/NOTES:

- 1) SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2) DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 3) BEARINGS BASED ON THE WEST RIGHT OF WAY LINE OF YOUNG PINE ROAD HAVING AND ASSUMED BEARING OF S 18°15'02" E.

PROJECT NAME: DOGIPOT WAREHOUSE
PERMIT NUMBER: B17903273
REVISION DATE: 11/8/18

SEE SHEET 2 FOR SKETCH

10/03/2018
SHEET 1 OF 2

PROJECT: 18015

PREPARED BY:

I CERTIFY THAT THIS MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472, FLORIDA STATUTES.

DAVID M. McDERMOTT

FLORIDA REGISTERED SURVEYOR AND MAPPER CERTIFICATE No. 4779

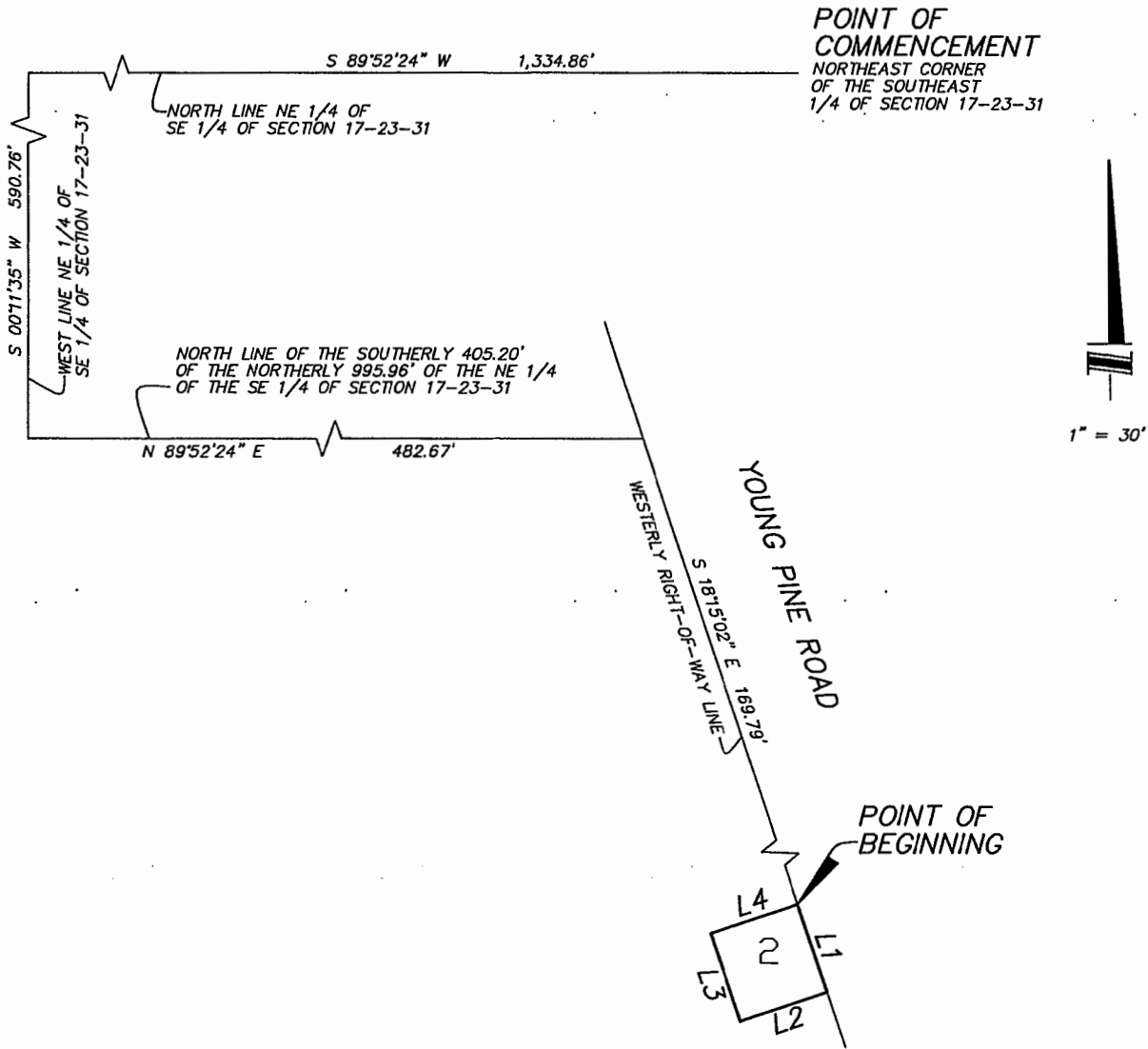
Associated Land Surveying & Mapping, Inc.

1681 POWELL STREET, LONGWOOD, FLORIDA 32750
PH (407) 869-5002, FAX (407) 869-8393
CERTIFICATE OF AUTHORIZATION # LB 6767

SKETCH AND DESCRIPTION

(THIS IS NOT A SURVEY)

15.00' x 15.00' UTILITY EASEMENT



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 18°15'02" E	15.00'
L2	S 71°44'58" W	15.00'
L3	N 18°15'02" W	15.00'
L4	N 71°44'58" E	15.00'

PROJECT NAME: DOGIPOT WAREHOUSE
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SEE SHEET 1 FOR LEGAL
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 SHEET 2 OF 2

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Project: Dogipot Warehouse Permit: B17903273 OCU File#: 94048

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:

First Colony Bank of Florida
FROM: AIEM Industrial Properties, LLC
Mortgage and Security Agreement filed February 16, 2018
Recorded as Document No. 20180096499
Collateral Assignment of Leases, Rents and Profits filed February 16, 2018
Recorded as Document No. 20180096500
Financing Statement filed February 16, 2018
Recorded as Document No. 20180096501
Mortgage and Security Agreement filed February 16, 2018
Recorded as Document No. 20180096502
Collateral Assignment of Leases, Rents and Profits filed February 16, 2018
Recorded as Document No. 20180096503
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 11th day of January, A.D. 2019.

Signed, sealed, and delivered in the presence of:

First Colony Bank of Florida, a Florida banking corporation

Beth Green
Witness

BY: Christopher M Cochran

BETH GREEN
Printed Name

Christopher M. Cochran
Printed Name

William H Bishop
Witness

Executive Vice President
Title

William H. Bishop
Printed Name

(Corporate Seal)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 11 of January, 2019, by Christopher M. Cochran as Executive Vice President of First Colony Bank of Florida, a Florida banking corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.



Elizabeth P Green
Notary Signature

This instrument prepared by:
Virginia G. Williams, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

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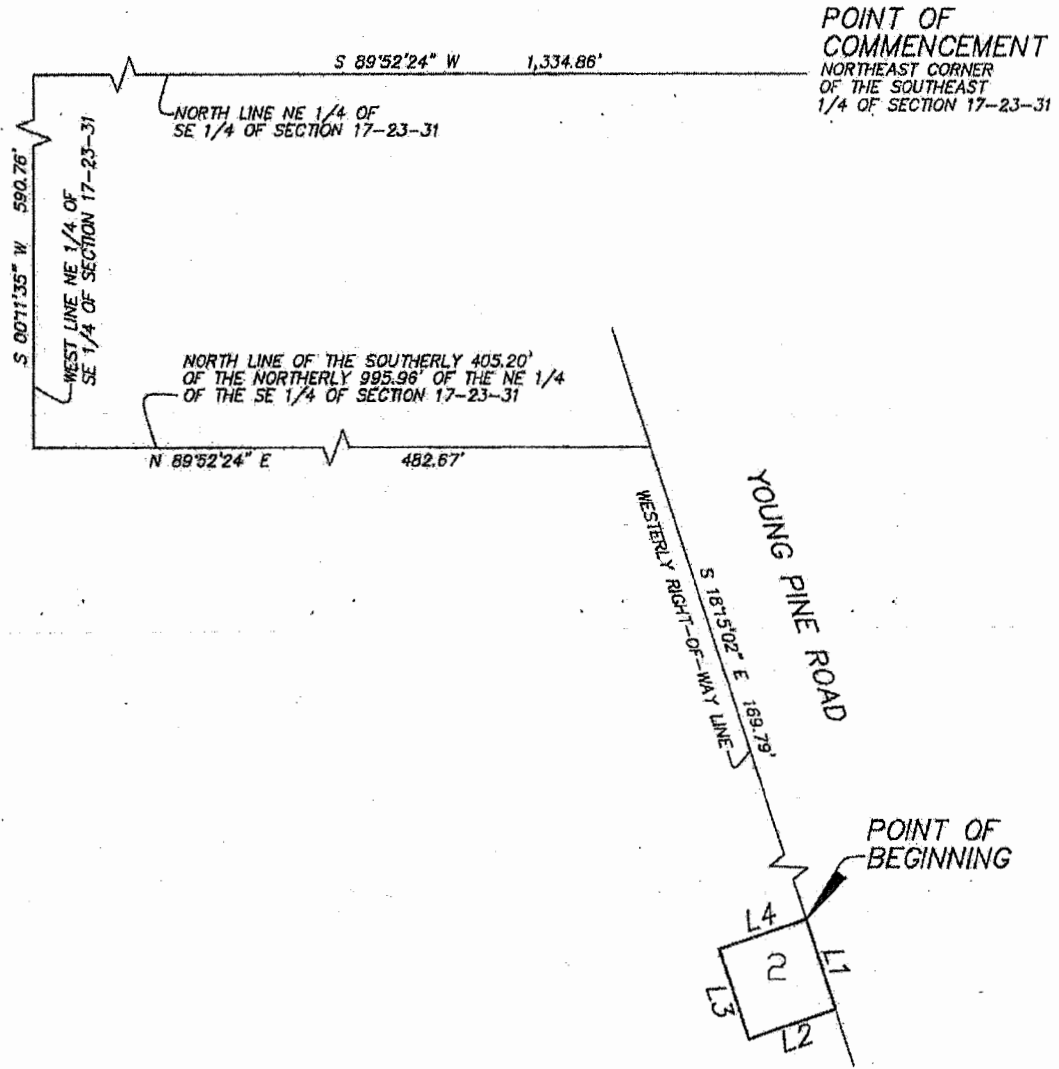
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