





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 8

**DATE:** May 1, 2018

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

**FROM:** Elizabeth Price Jackson, Senior Title Examiner   
Real Estate Management Division

**CONTACT PERSON:** **Paul Sladek, Manager**

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

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM DB RETAIL STORES, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM BANKUNITED, N.A. AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Black Angus at Vista Centre  
NC Permit: B15903251 OCU File #: 82527  
  
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: 2,176.40 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 05 2018**

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Project: Black Angus at Vista Centre  
NC Permit: B15903251 OCU File #: 82527

### UTILITY EASEMENT

THIS INDENTURE, made and executed the 22 day of March, A.D. 20 18, by DB Retail Stores, LLC, a Florida limited liability company, whose address is 9502 Lavill Court, Windermere, Florida 34786, 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 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**

**22-24-28-0000-00-023**

**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, 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 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.

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

Signed, sealed and delivered  
in the presence of:

DB Retail Stores, LLC,  
a Florida limited liability company

Witness

Printed Name

Witness

Printed Name

BY:

Hamida F. Battla  
its Manager

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 22 day of March, 2018,  
by Hamida F. Battla, as Manager of DB Retail Stores, LLC, a Florida limited liability company, on behalf of  
said limited liability company. She ☒ is personally known to me or ☐ has produced  
as identification.

(Notary Seal) JOHN NEHMATALLAH  
MY COMMISSION # FF 236841  
EXPIRES: October 2, 2019  
Bonded Thru Budget Notary Services

Notary Signature

Printed Notary Name

This instrument prepared by:  
E. Price Jackson, 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: 10/02/2019

**SKETCH OF DESCRIPTION**

15.0' UTILITY EASEMENT  
 PERMIT #B15903251  
 "THIS IS NOT A SURVEY"

**LEGAL DESCRIPTION****WRITTEN BY SURVEYOR**

A PORTION OF SECTION 22, TOWNSHIP 24 SOUTH, RANGE 28 EAST,  
 ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS  
 FOLLOWS:

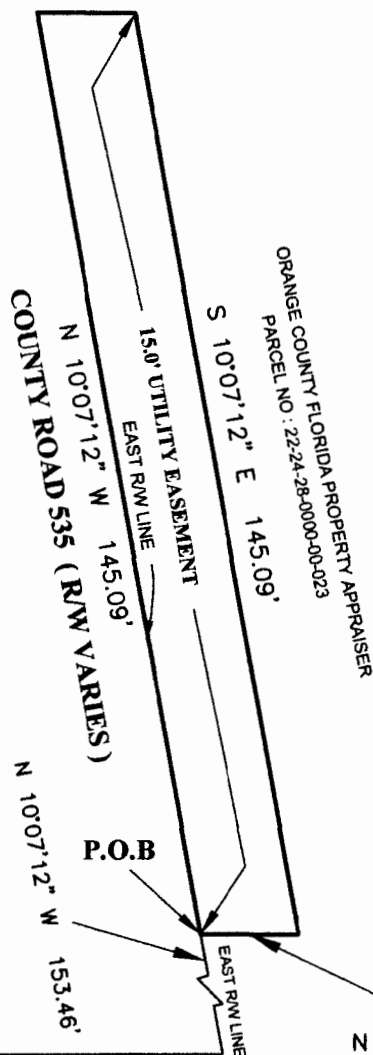
FOR A POINT OF REFERENCE, COMMENCE AT THE WEST 1/4 CORNER  
 OF SECTION 22, TOWNSHIP 24 SOUTH, RANGE 28 EAST AND THENCE  
 RUN ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION  
 22, TOWNSHIP 24 SOUTH, RANGE 28 EAST, N 89°50'45" E FOR A DISTANCE  
 OF 704.07 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 535,  
 RUN THENCE N 10°07'12" W ALONG THE SAID EAST RIGHT-OF-WAY LINE  
 A DISTANCE OF 153.46 FEET FOR A POINT OF BEGINNING, THENCE  
 CONTINUE N 10°07'12" W ALONG FORESAID RIGHT-OF-WAY LINE, FOR A  
 DISTANCE OF 145.09 FEET, THENCE RUN S 89°38'12" E FOR A DISTANCE  
 OF 15.25 FEET, THENCE S 10°07'12" E FOR A DISTANCE OF 145.09 FEET,  
 THENCE RUN N 89°38'12" W FOR A DISTANCE OF 15.25 FEET TO THE POINT  
 OF BEGINNING.

CONTAINING 2176.40 SQUARE FEET MORE OR LESS.

S 89°38'12" E 15.25'

WEST 1/4 CORNER OF  
 SECTION 22, TOWNSHIP  
 24 S, RANGE 28 E  
**P.O.C**

BASIS OF BEARING  
**SOUTH LINE OF THE NW 1/4 OF  
 SECTION 22, TOWNSHIP 24 S, RANGE 28 E**  
 N 89°50'45" E 704.07'



ORANGE COUNTY FLORIDA PROPERTY APPRAISER  
 PARCEL NO : 22-24-28-000-00-023

SCALE 1" = 30'

**LEGEND**

P.O.C POINT OF COMMENCEMENT  
 P.O.B POINT OF BEGINNING  
 R/W RIGHT-OF-WAY

**BASIS OF BEARING:**

Bearing shown hereon are based on the South  
 line of the Northwest 1/4 of Section 22,  
 Township 24 South, Range 28 East being  
 assumed as N 89°50'45" E.

**SURVEY NO : VS 1643-4**

**DATE : 12/05/17**

**SURVEYORS NOTES :**  
 1. THIS IS NOT A SURVEY  
 2. 15.0' UTILITY EASEMENT.

**SHEET : 1 OF 2**

**PROJECT : BLACK ANGUS STEAKHOUSE**

**V & S SURVEYING INC**

2412 ORSOTA CIRCLE, OCOEE, FL 34761  
 TEL : 407-342 1510  
 FAX : 407-656 8365  
 EMAIL : vssurveying@aol.com  
 LB 7772

Signature and raised seal

Certified by  
**HARRY H. SOBHAJ**  
 License Number **LS 5342**

Florida Professional Surveyor and Mapper

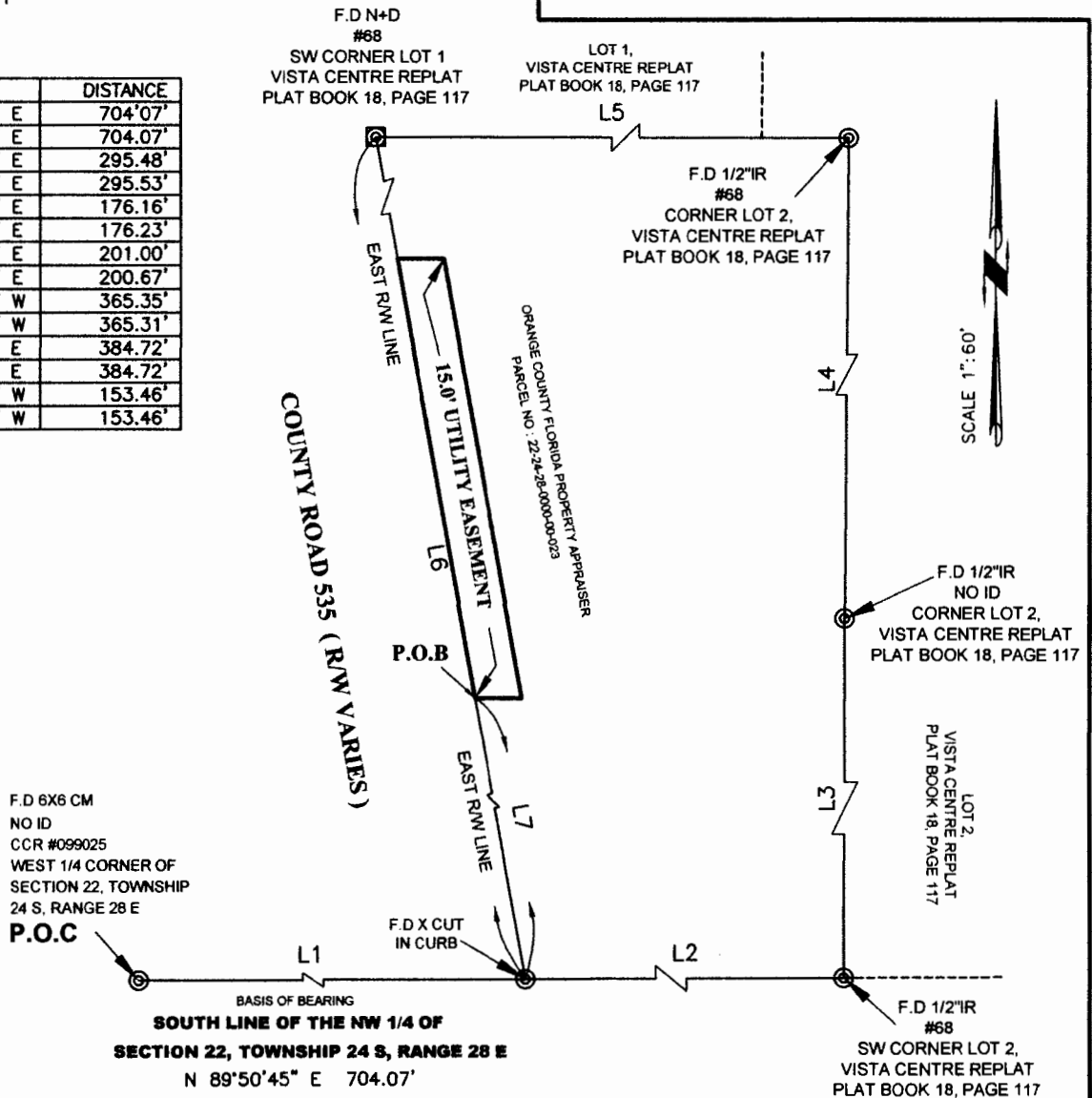
Date : 12/05/17

"Not valid without the signature and raised Seal of a Florida  
 Registered Professional Surveyor and Mapper."

**SKETCH OF DESCRIPTION**

15.0' UTILITY EASEMENT  
 PERMIT #B15903251  
 "THIS IS NOT A SURVEY"

LINE	BEARING	DISTANCE
L1(M)	N 89°50'45" E	704.07'
L1(D)	N 89°50'45" E	704.07'
L2(M)	N 89°50'45" E	295.48'
L2(D)	N 89°50'45" E	295.53'
L3(M)	N 00°15'02" E	176.16'
L3(P)	N 00°14'27" E	176.23'
L4(M)	N 00°25'42" E	201.00'
L4(P)	N 00°24'42" E	200.67'
L5(M)	N 89°52'38" W	365.35'
L5(P)	N 89°50'11" W	365.31'
L6(M)	S 10°07'11" E	384.72'
L6(D)	S 10°07'12" E	384.72'
L7(D)	N 10°07'12" W	153.46'
L7(C)	N 10°07'12" W	153.46'

**LEGEND**

P.O.C POINT OF COMMENCEMENT  
 P.O.B POINT OF BEGINNING  
 R/W RIGHT-OF-WAY  
 F.D FOUND  
 M MEASURED

CM CONCRETE MONUMENT  
 N+D NAIL & DISK  
 IR IRON ROD  
 NO NO IDENTIFICATION  
 D DEED  
 P PLAT

**BASIS OF BEARING:**

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PROJECT : BLACK ANGUS STEAKHOUSE

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HARRY H. SOBHAJ

License Number LS 5342

Florida Professional Surveyor and Mapper

Date : 12/05/17

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APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JUN 05 2018

Project: Black Angus at Vista Centre  
NC Permit: B15903251 OCU File #: 82527

### **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 easement, in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to Mortgage and Security Agreements, Assignments of Rents and Leases, Financing Statements, and a Note, Mortgage and Loan Agreement Modification 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:**

BankUnited, N.A.  
FROM: DB Retail Stores, LLC  
Mortgage and Security Agreement filed October 13, 2016  
Recorded as Document No. 20160535481  
Assignment of Rents and Leases filed October 13, 2016  
Recorded as Document No. 20160535482  
Financing Statement filed October 13, 2016  
Recorded as Document No. 20160535483

Project: Black Angus at Vista Centre  
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Mortgage and Security Agreement filed October 13, 2016  
Recorded as Document No. 20160535484  
Assignment of Rents and Leases filed October 13, 2016  
Recorded as Document No. 20160535485  
Financing Statement filed October 13, 2016  
Recorded as Document No. 20160535486  
Note, Mortgage and Loan Agreement Modification filed January 4, 2017  
Recorded as Document No. 20170002307  
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 12th day of February, A.D. 2018.

Signed, sealed, and delivered

BankUnited, N.A., a national banking  
association

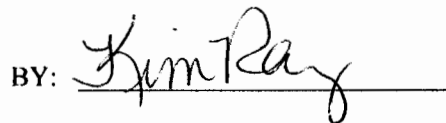
in the presence of:

  
Witness

Alex Ferguson  
Printed Name

  
Witness

Courtney Arena  
Printed Name

BY: 

Kim Ray  
Printed Name

VP/SBA Closing Counsel  
Title

Project: Black Angus at Vista Centre  
NC Permit: B15903251 OCU File #: 82527

STATE OF TN  
COUNTY OF Knox

The foregoing instrument was acknowledged before me this 12th of February, 2018, by Kim Ray, as VP/SPA Closing Counsel of BankUnited, N.A., a national banking association, on its behalf. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 12 day of February, 2018.

(Notary Seal)



Judith A. Harvey  
Notary Signature

Judith A. Harvey  
Printed Notary Name

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

**This instrument prepared by:**  
E. Price Jackson, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

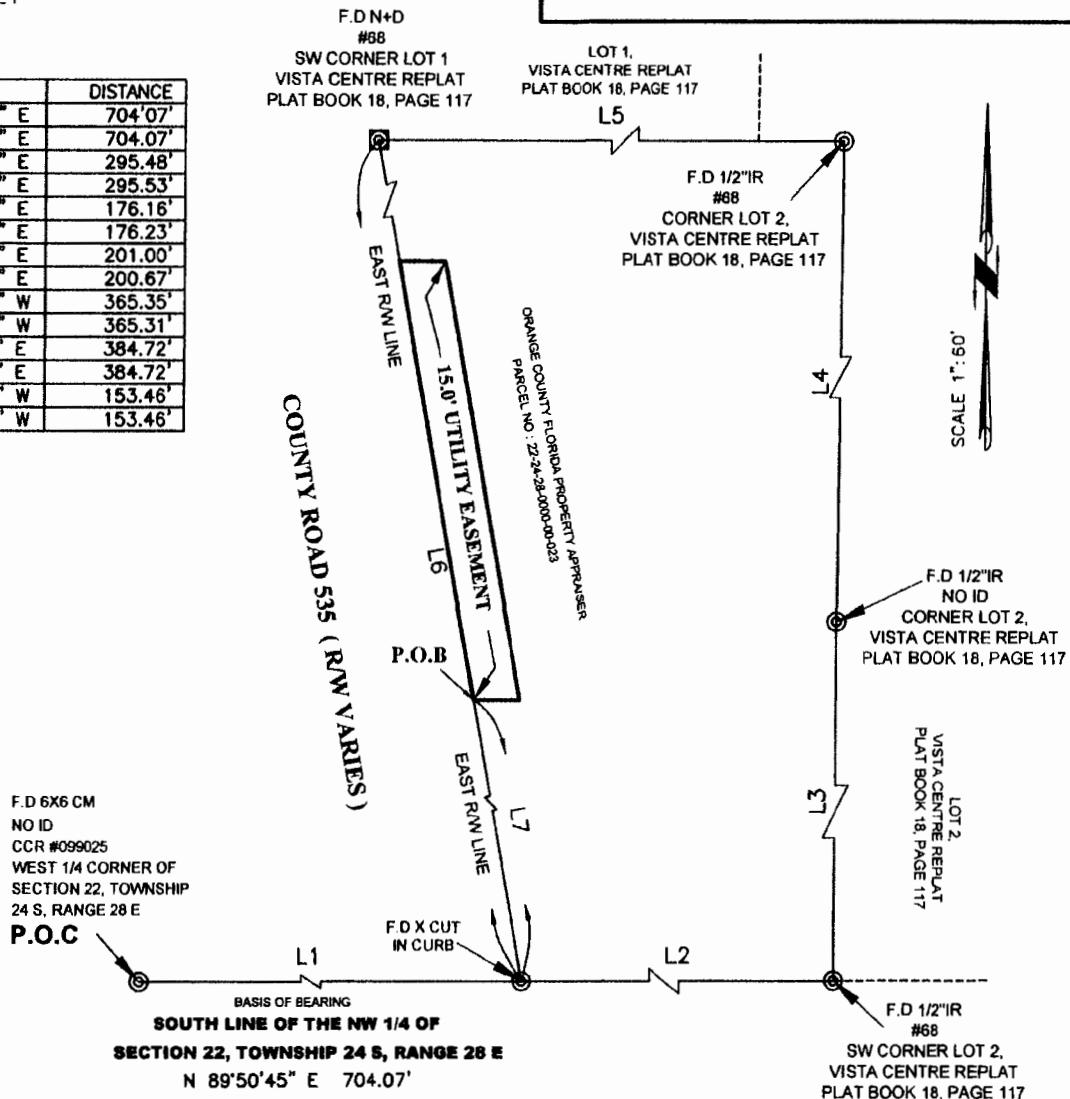


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## LEGEND

P.O.C	POINT OF COMMENCEMENT	CM	CONCRETE MONUMENT
P.O.B	POINT OF BEGINNING	N+D	NAIL & DISK
R/W	RIGHT-OF-WAY	IR	IRON ROD
F.D	FOUND	NO	NO IDENTIFICATION
M	MEASURED	D	DEED
		P	PLAT

## BASIS OF BEARING:

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SURVEY NO : VS 1643-4

DATE : 12/05/17

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SHEET : 2 OF 2

PROJECT : BLACK ANGUS STEAKHOUSE

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Signature and raised seal

Certified by:  
 HARRY H. SOBHRAJ  
 License Number LS 5342

Florida Professional Surveyor and Mapper  
 Date : 12/05/17

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