



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 9

DATE: July 16, 2019

TO: Mayor Jerry L. Demings
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 Access, Drainage, and Utility Easement from SLF IV / Boyd Horizon West JV, LLC to Orange County with Joinders and Consents to Access, Drainage, and Utility Easement from IberiaBank, as successor by merger to New Traditions Bank, f/k/a NT Interim Bank, successor by merger to New Traditions National Bank and Taylor Morrison of Florida, Inc. and authorization to record instrument

PROJECT: Enclave at Hamlin
(Hamlin PD/UNP/Hamlin North PSP/DP Case #PSP-16-02-067)

District 1

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

ITEM: Access, Drainage, and Utility Easement
Cost: Donation
Size: 16,462 square feet

APPROVALS: Real Estate Management Division
Public Works Department
Utilities Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

AUG 06 2019

Project: Enclave at Hamlin
(Hamlin PD/UNP/Hamlin North PSP/DP Case #PSP-16-02-067)

ACCESS, DRAINAGE, AND UTILITY EASEMENT

THIS INDENTURE, Made this 27th day of June, A.D. 2019, between SLF IV / BOYD HORIZON WEST JV, LLC, a Delaware limited liability company, whose address is 14422 Shoreside Way, Suite 130, Winter Garden, Florida, 34787, GRANTOR, and ORANGE COUNTY, FLORIDA, 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, a right-of-way and easement for access, drainage, and utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, drainage ditch, pipe, water lines, wastewater lines, reclaimed water lines, lift station driveway, and any other drainage and utility facilities over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBIT "A" (the "Easement Area")

Property Appraiser's Parcel Identification Number:

a portion of 17-23-27-2714-02-003

TO HAVE AND TO HOLD said right-of-way and easement unto said GRANTEE and its assigns forever.

THE RIGHTS granted herein include an easement for vehicular and pedestrian ingress, egress, and access, without limitation, by large, heavy vehicles and equipment, with full authority to enter upon, construct, operate, and maintain a road over and upon the Easement Area.

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 right-of-way, 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 right-of-way 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 right-of-way, 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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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.

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

Signed, sealed, and delivered
in the presence of:

**SLF IV / BOYD HORIZON WEST JV, LLC, a
Delaware limited liability company**

By: Boyd Horizon West, LLC,
a Florida limited liability company,
its Managing Member

T.J. Schwab

Print Name: T.J. Schwab

By: *[Signature]*

Print Name: Scott T. Boyd

Title: **Manager**

[Signature]

Print Name: Heather Easterling

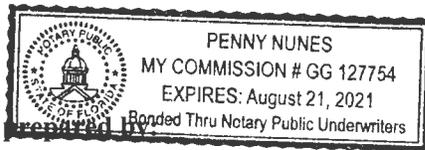
Date: 6/27/19

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 27th day of June, 2019, by Scott T. Boyd, as Manager of Boyd Horizon West, LLC, a Florida limited liability company, as Managing Member of SLF IV / BOYD HORIZON WEST JV, LLC, a Delaware limited liability company, on behalf of the company. He is personally known to me OR has produced — as identification and did not take an oath.

(Notary Seal)



This instrument prepared by

[Signature]
Notary Signature
Penny Nunes
Printed Notary Name

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: 8/21/21

Project: Enclave at Hamlin
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**JOINDER AND CONSENT TO
ACCESS, DRAINAGE, AND UTILITY EASEMENT**

The undersigned hereby certifies that it is the holder of the following instruments (the “**Instruments**”), all in the Public Records of Orange County, Florida:

- Mortgage, Assignment of Rents, Security Agreement and Fixture Filing filed October 29, 2012, recorded in Official Records Book 10465, Page 1918;
- Financing Statement filed October 29, 2012, recorded in Official Records Book 10465, Page 1960;
- Assignment of Orange County Roadway Reimbursement filed October 29, 2012, recorded in Official Records Book 10465, Page 1974;
- Mortgage Modification Agreement and Notice of Future Advance filed November 1, 2013, recorded in Official Records Book 10658, Page 5692;
- Mortgage Spreader Agreement filed October 16, 2014, recorded in Official Records Book 10821, Page 1936;
- Second Mortgage Modification Agreement and Notice of Future Advance filed April 1, 2015, recorded in Official Records Book 10897, Page 7919;
- Third Mortgage Modification Agreement and Notice of Future Advance and Spreader Agreement filed May 4, 2016, recorded as Document No. 20160113371;
- Fourth Mortgage Modification Agreement and Notice of Future Advance and Spreader Agreement filed July 8, 2016, recorded as Document No. 20160348609;
- Financing Statement filed July 8, 2016, recorded as Document No. 20160348610;
- Fifth Mortgage Modification Agreement and Notice of Future Advance filed December 27, 2016, recorded as Document No. 20160666821;
- Sixth Mortgage Modification Agreement and Spreader Agreement filed May 24, 2017, recorded as Document No. 20170288721; and
- Seventh Mortgage Modification Agreement and Spreader Agreement filed July 17, 2018, recorded as Document No. 20180421330;

and that the undersigned hereby joins in and consents to the execution and recording of the foregoing Access, Drainage, and Utility Easement and agrees that the Instruments, as they have been, and as they may hereafter be, modified, amended, and/or assigned from time to time, shall be subordinated to the Access, Drainage, and Utility Easement as said easement may be modified, amended, and/or assigned from time to time.

[signature page to joinder follows]

Project: Enclave at Hamlin
(Hamlin PD/UNP/Hamlin North PSP/DP Case #PSP-16-02-067)

IN WITNESS WHEREOF, the undersigned has executed this Joinder in manner and form sufficient to bind it.

Signed, sealed, and delivered
in the presence of:

**IBERIABANK, a Louisiana state charter bank,
as successor by merger to New Traditions Bank,
a Florida banking corporation, f/k/a NT Interim
Bank, a Florida banking corporation, successor
by merger to New Traditions National Bank, a
national banking association**

[Signature]
Print Name: Sherla Spess

By: [Signature]
Print Name: Brian Carlson

[Signature]

Title: Senior VICE President

Print Name: Thanh-Huong Trinh Date: 7/3/19

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 3rd day of July, 2019, by Brian Carlson, as Sr. V.P. of IBERIABANK, a Louisiana state charter bank, as successor by merger to New Traditions Bank, a Florida banking corporation, f/k/a NT Interim Bank, a Florida banking corporation, successor by merger to New Traditions National Bank, a national banking association, on behalf of the bank. S/He is personally known to me OR has produced _____ as identification and did not take an oath.

(Notary Seal)



[Signature]
Notary Public _____

Print Name _____

My Commission Expires: _____

Project: Enclave at Hamlin
(Hamlin PD/UNP/Hamlin North PSP/DP Case #PSP-16-02-067)

**JOINDER AND CONSENT TO
ACCESS, DRAINAGE, AND UTILITY EASEMENT**

TAYLOR MORRISON OF FLORIDA, INC., a Florida corporation, being granted certain easement rights by virtue of that certain Greenspace Easement Agreement, recorded April 5, 2018, as Official Records Document No. 20180203637, of the Public Records of Orange County, Florida, hereby joins in and consents to the execution and recording of the foregoing Access, Drainage, and Utility Easement and agrees that the Greenspace Easement Agreement shall be subordinated to the Access, Drainage, and Utility Easement which shall constitute a valid and lasting encumbrance on the easement area described herein.

Witnesses:

Julia A. Aragona

Print Name: JULIA A. Aragona

Shelley Kaercher

Print Name: Shelley Kaercher

TAYLOR MORRISON OF FLORIDA, INC., a Florida corporation

By: [Signature]

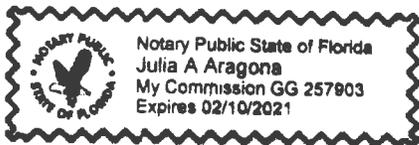
Print Name: Brian Brunhofer

Title: Division President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 5th day of July, 2019, by Brian Brunhofer, as Division President of TAYLOR MORRISON OF FLORIDA, INC., a Florida corporation, on behalf of said corporation. He/she is personally known to me, or has produced _____ as identification.

(Notary Seal)



Julia A. Aragona

Notary Public

Print Name: JULIA A. Aragona

My Commission Expires: Feb 10, 2021

Project: Enclave at Hamlin
(Hamlin PD/UNP/Hamlin North PSP/DP Case #PSP-16-02-067)

Exhibit "A"

SKETCH OF DESCRIPTION

SHEET 1 OF 2

LEGAL DESCRIPTION

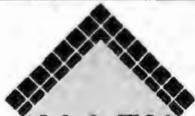
A parcel of land comprising a portion of Lot 2, HAMLIN NORTH, as recorded in Plat Book 85, Pages 61 through 63 of the Public Records of Orange County, Florida.

Being more particularly described as follows:

COMMENCE at the Northeast corner of Hamlin Groves Trail Northern Extension as recorded in Document Number 20180136703 of said Public Records; thence run the following three (3) courses along the East right-of-way line according to said Document; South 00' 00' 00" West for a distance of 20.66 feet; thence run South 02' 44' 36" East for a distance of 120.14 feet; thence run South 00' 00' 00" East for a distance of 617.06 feet to the POINT OF BEGINNING; thence departing said East right-of-way line run South 22' 40' 04" East for a distance of 322.91 feet; thence run North 74' 58' 44" West for a distance of 128.85 feet to a point on aforesaid East right-of-way line; thence run North 00' 00' 00" West along said East right-of-way line for a distance of 264.57 feet to the POINT OF BEGINNING.

Contains 16,462 square feet, 0.38 acres more or less.

OK
WR



**ALLEN
&
COMPANY**
Professional Surveyors & Mappers

16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

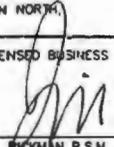
SURVEYOR'S NOTES:

THIS IS NOT A SURVEY.
THE DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENTS REQUEST.
THIS LEGAL DESCRIPTION AND SKETCH WERE PREPARED WITHOUT THE BENEFIT OF TITLE.
THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF LOT 1, HAMLIN NORTH, P.B. 85, PGS. 61-63 BEING N89°50'22"E FOR ANGULAR DESIGNATION ONLY.

JOB NO.	20170524	CALCULATED BY:	JLR
DATE:	4-18-2019	DRAWN BY:	PJR/ER
SCALE:	1" = 100 FEET	CHECKED BY:	WR
FIELD BY:	N/A		

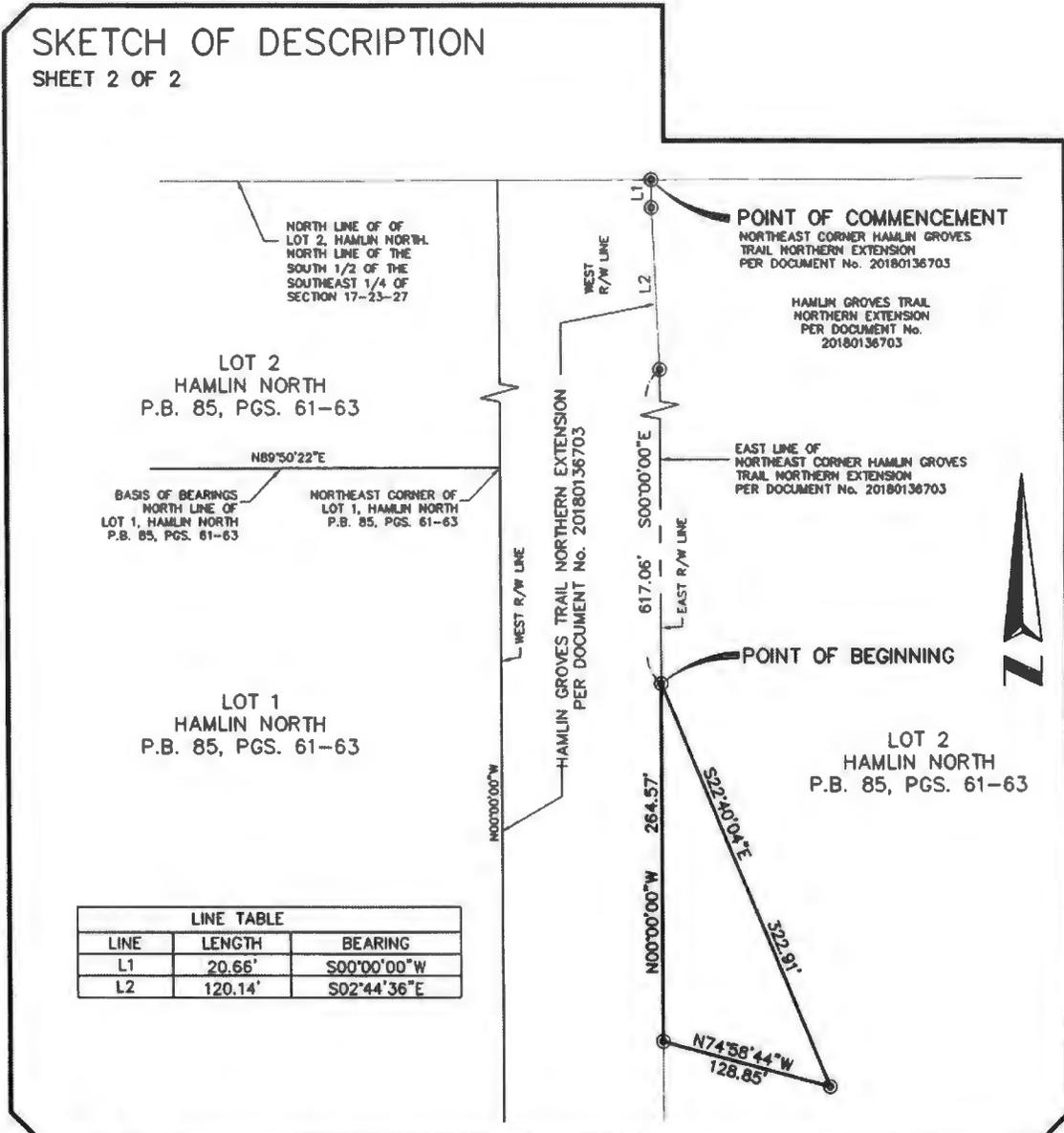
SK1

FOR THE LICENSED BUSINESS # 6723 BY:



JAMES L. BECKMAN P.S.M. # 5633

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ALLEN & COMPANY

16 East Plant Street
 Winter Garden, Florida 34787 • (407) 654-5355

THIS IS NOT A SURVEY:

SK1

- CHANGE IN DIRECTION
- R/W OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- PG(S) PAGE(S)

JOB NO. 20170824	CALCULATED BY: JLR
DATE: 4-18-2018	DRAWN BY: PJR/ER
SCALE: 1" = 100 FEET	CHECKED BY: MR
FIELD BY: N/A	