



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

DATE: January 10, 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 of Utility Easement from Professional Resource Development, Inc. to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Aldi (Florida) L.L.C. and authorization to record instruments

PROJECT: Aldi #19 Permit #B17903864 OCU File #95186

District 4

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

ITEMS: Utility Easement
Cost: Donation
Size: 150 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

JAN 23 2019

THIS IS A DONATION

Project: Aldi #19 Permit #B17903864 OCU File #95186

UTILITY EASEMENT

THIS INDENTURE, Made this 12th day of November, A.D. 2018, between Professional Resource Development, Inc., an Illinois corporation, whose address is 1200 Network Centre Drive, Suite 2, Effingham, Illinois, 62401, 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

05-23-31-1791-01-000

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.

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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:

[Signature]
Witness

Aryel Phinney
Printed Name

[Signature]
Witness

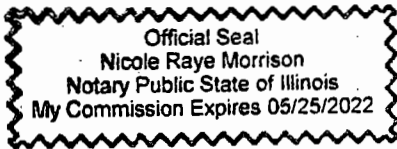
Ann Fearday
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF IL
COUNTY OF Effingham

The foregoing instrument was acknowledged before me this 12th of November, 2018, by Jonathan Brumleve, as President of Professional Resource Development, Inc., an Illinois corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)



Professional Resource Development, Inc., an Illinois corporation

BY: [Signature]

Jonathan Brumleve
Printed Name

President
Title

[Signature]
Notary Signature

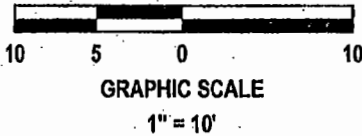
Nicole Raye Morrison
Printed Notary Name

Notary Public in and for Effingham County, IL the county and state aforesaid.

My commission expires: 5/25/22

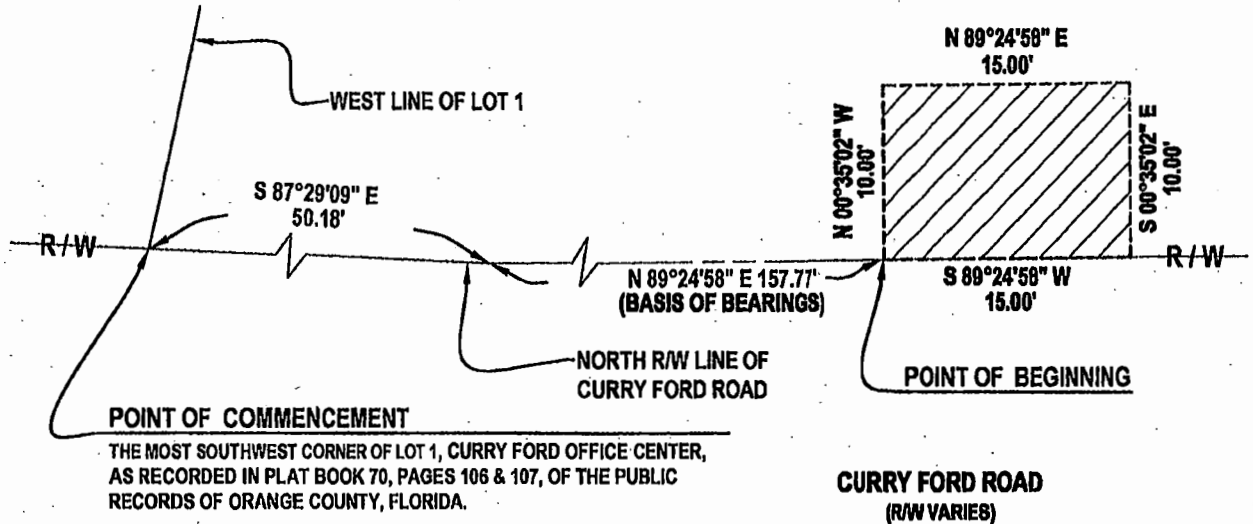
This instrument prepared by:
Kimberly Heim, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

EXHIBIT "A"



LOT 1
CURRY FORD OFFICE CENTER
PLAT BOOK 70, PAGES 106 & 107
SECTION 5, TOWNSHIP 23 SOUTH,
RANGE 31 EAST

LEGEND
 R/W = RIGHT-OF-WAY



DESCRIPTION:

THAT PART OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE MOST SOUTHWEST CORNER OF LOT 1, CURRY FORD OFFICE CENTER, AS RECORDED IN PLAT BOOK 70, PAGES 106 AND 107, OF PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CURRY FORD ROAD, A VARIABLE WIDTH RIGHT-OF-WAY; THENCE RUN S 87°29'09" E ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 50.18 FEET; THENCE N 89°24'58" E FOR A DISTANCE OF 157.77 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY, N 00°35'02" W FOR A DISTANCE OF 10.00 FEET; THENCE N 89°24'58" E FOR A DISTANCE OF 15.00 FEET; THENCE S 00°35'02" E FOR A DISTANCE OF 10.00 FEET TO A POINT ON THE AFORESAID RIGHT-OF-WAY; THENCE S 89°24'58" W ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE EASEMENT CONTAINS 150 SQUARE FEET MORE OR LESS.

GENERAL NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM EAST ZONE NORTH AMERICAN DATUM OF 1983 (NAD83) WITH 2011 ADJUSTMENT AS DERIVED FROM THE LENGEMANN NETWORK (A TOPNET GNSS NETWORK). AS A REFERENCE FOR THIS SURVEY, ALONG NORTH LINE OF THE CURRY FORD ROAD, RIGHT-OF-WAY HAVING A BEARING OF N 89°24'58" E
- ALL INSTRUMENTS OF RECORD WERE PER CHICAGO TITLE INSURANCE COMPANY, FL FILE No. AND POLICY No: 16-54360 EFFECTIVE DATE: OCTOBER 11, 2016

SKETCH OF DESCRIPTION

PROJECT NAME: ALDI FOOD MARKET	PERMIT No: B17903864	DATE: 10/26/2017	NOT A SURVEY
PROJECT LOCATION: 10401 CURRY FORD ROAD, ORANGE COUNTY, FLORIDA	PROJECT No: 170104	DRAWN BY: JAE	CHECKED BY: WSH
		<p>THE FOREGOING SKETCH OF DESCRIPTION IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS EFFECTIVE DATE JULY 1, 2018, AS PURSUANT TO SECTION 472, FLORIDA STATUTES.</p> <p><i>William S Hart</i> 08/14/2018</p> <p>NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. FLORIDA ADMINISTRATIVE CODE 5J-17.062 (2) WILLIAM S HART PSM #3905</p>	

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JAN 29 2019

Project: Aldi #19 Permit #B17903864 OCU File #95186

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:

Aldi (Florida) L.L.C.
FROM: Professional Resource Development, Inc.
Unrecorded lease
Memorandum of Lease filed April 4, 2018
Recorded as Document No. 20180200689
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 2nd day of December, A.D. 2018.

Signed, sealed and delivered in the presence of:

Aldi (Florida) L.L.C., a Florida limited liability company

Celia M. Vickery
Witness

BY: Aldi Inc. (Pennsylvania), a Pennsylvania corporation as Manager

Celia M. Vickery
Printed Name

BY: [Signature]

[Signature]
Witness

Matt Taon
Print Name

Jason Poulrick
Printed Name

Vice President
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 2nd of December, 2018, by MATT TAON, as VICE PRESIDENT, Aldi Inc. (Pennsylvania), a Pennsylvania corporation, as manager of Aldi (Florida) L.L.C., a Florida limited liability company, on behalf of the limited liability company. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

TERRI L. KAMANAROFF
Notary Signature



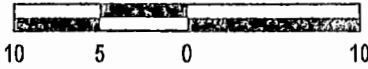
Printed Notary Name

This instrument prepared by: Kimberly Heim, 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: 10/2/2020

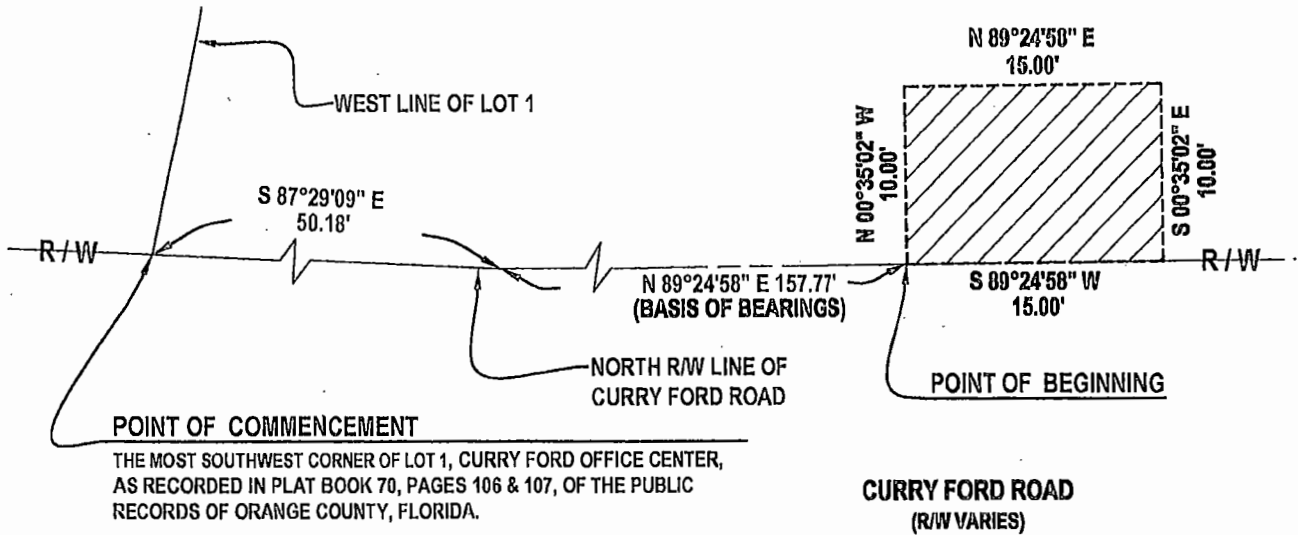


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CURRY FORD OFFICE CENTER
PLAT BOOK 70, PAGES 106 & 107
SECTION 5, TOWNSHIP 23 SOUTH,
RANGE 31 EAST

LEGEND
 R/W = RIGHT-OF-WAY



POINT OF COMMENCEMENT
 THE MOST SOUTHWEST CORNER OF LOT 1, CURRY FORD OFFICE CENTER,
 AS RECORDED IN PLAT BOOK 70, PAGES 106 & 107, OF THE PUBLIC
 RECORDS OF ORANGE COUNTY, FLORIDA.

CURRY FORD ROAD
 (R/W VARIES)

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