



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 12

**DATE:** November 30, 2018

**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 TEMPORARY ACCESS AND DRAINAGE EASEMENT FROM KHOV WINDING BAY II, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM VALLEY NATIONAL BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Winding Bay Phase 1A (Temp. Access & DE)  
  
District 1

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

**ITEMS:** Temporary Access and Drainage Easement  
Cost: Donation  
Size: 4.888 acres  
  
Subordination of Encumbrance 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  
DEC 18 2018

THIS IS A DONATION

Project: Winding Bay Phase 1A (Temp. Access & DE)

**TEMPORARY ACCESS AND DRAINAGE EASEMENT**

THIS INDENTURE Made this 5 day of September A. D., 20 18, between KHOV Winding Bay II, LLC, a Florida limited liability company, whose address is K. Hovnanian® Homes, 2301 Lucien Way, Suite 260, Maitland, FL 32751, GRANTORS, 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 GRANTORS for and in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE the receipt of which is hereby acknowledged, do hereby give and grant to the GRANTEE and its assigns, an easement for drainage and access purposes, with full authority to enter upon, construct, maintain, and operate a access and drainage facility, as the GRANTEE and its assigns may deem necessary, 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**

**17-24-27-0000-00-012**

TO HAVE AND TO HOLD the said access and drainage easement unto the GRANTEE and its assigns forever; provided, however, the easement hereby granted shall automatically terminate, without the necessity of the GRANTOR undertaking vacation proceedings or obtaining any release from the GRANTEE, at such time as GRANTOR or its successors or assigns identifies a replacement easement area and grants a permanent drainage and access easement to GRANTEE in such replacement 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 access and drainage, out of and away from the herein granted easement, and the GRANTORS, their heirs, 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 access and drainage.

Project: Winding Bay Phase 1A (Temp. Access & DE)

IN WITNESS WHEREOF, the GRANTORS have caused these presents to be duly executed the day and year above written.

Signed, sealed and delivered in the presence of:

KHOV Winding Bay II, LLC  
a Florida limited liability company

[Signature]  
Witness

BY: [Signature]

JOHN E. KASSIK  
Printed Name

Justin Allen  
Printed Name

[Signature]  
Witness

Vice President  
Title

Guy Trussell  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 5 of September, 2018, by Justin Allen, as Vice President of KHOV Winding Bay II, LLC, a Florida limited liability company, on behalf of the company. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)

[Signature]  
Notary Signature  
Cynthia Leigh Linden  
Printed Notary Name



Notary Public in and for the county and state aforesaid.

My commission expires: April 26 2019

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

# EXHIBIT "A"

**Legal Description**

A portion of Section 17, Township 24 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the southwest corner of the Southwest 1/4 of said Section 17; thence run N 89°48'59" E, along the south line of the Southwest 1/4 of said Section 17, a distance of 1433.65 feet; thence, departing said south line, run N 00°11'01" W, a distance of 580.80 feet for the POINT OF BEGINNING; thence run S 78°36'45" W, a distance of 54.00 feet to a point on the easterly right-of-way line of Avalon Road; thence run N 11°22'36" W, along said easterly right-of-way line, a distance of 22.00 feet; thence, departing said easterly right-of-way line, run N 78°36'45" E, a distance of 71.00 feet; thence run S 11°22'36" E, a distance of 171.02 feet; thence run S 48°23'03" E, a distance of 20.14 feet; thence run N 78°36'45" E, a distance of 238.72 feet; thence run N 27°19'22" E, a distance of 51.26 feet; thence run N 78°36'45" E, a distance of 122.37 feet to a point of curvature of a non-tangent curve, concave easterly, having a radius of 1,200.00 feet; thence, on a chord bearing of N 11°05'01" W and a chord distance of 136.79 feet, run northerly along the arc of said curve, a distance of 136.86 feet, through a central angle of 06°32'05" to a point of compound curvature of a curve, having a radius of 335.00 feet and a central angle of 21°14'17"; thence northerly along the arc of said curve, a distance of 124.18 feet to a point on said curve; thence run S 76°34'06" E, a distance of 55.00 feet to a point of curvature of a non-tangent curve, concave easterly, having a radius of 280.00 feet; thence, on a chord bearing of S 11°56'35" W and a chord distance of 14.43 feet, run southerly along the arc of said curve, a distance of 14.44 feet, through a central angle of 02°57'14" to a point on said curve; thence run S 83°38'08" E, a distance of 133.68 feet; thence run S 11°49'24" W, a distance of 10.23 feet; thence run S 08°03'34" E, a distance of 10.13 feet; thence run N 83°38'08" W, a distance of 135.95 feet to a point of curvature of a non-tangent curve, concave easterly, having a radius of 280.00 feet; thence, on a chord bearing of S 00°43'23" E and a chord distance of 69.15 feet, run southerly along the arc of said curve, a distance of 69.33 feet, through a central angle of 14°11'10" to a point of compound curvature of a curve, having a radius of 1,145.00 feet and a central angle of 08°41'03"; thence southerly along the arc, a distance of 173.54 feet to a point on said curve; thence run S 78°36'45" W, a distance of 181.62 feet; thence run S 27°19'22" W, a distance of 14.57 feet to a point of curvature of a non-tangent curve, concave northeasterly, having a radius of 1,336.00 feet; thence, on a chord bearing of S 24°06'09" E and a chord distance of 364.74 feet, run southeasterly along the arc of said curve, a distance of 365.88 feet, through a central angle of 15°41'29" to the point of tangency thereof; thence run S 31°56'54" E, a distance of 97.02 feet to a point of curvature of a curve, concave northeasterly, having a radius of 1,341.00 feet and a central angle of 03°02'38"; thence run southeasterly, along the arc of said curve, a distance of 71.24 feet to the point of tangency thereof; thence run S 10°25'09" W, a distance of 62.68 feet; thence run S 89°59'50" W, a distance of 126.00 feet; thence run N 88°36'45" W, a distance of 47.39 feet; thence run N 80°04'07" W, a distance of 46.30 feet; thence run N 76°40'48" W, a distance of 265.76 feet to a point of curvature of a non-tangent curve, concave westerly, having a radius of 1,220.00 feet; thence, on a chord bearing of N 02°35'26" W and a chord distance of 372.70 feet, run northerly along the arc of said curve, a distance of 374.17 feet, through a central angle of 17°34'20" to the point of tangency thereof; thence run N 11°22'36" W, a distance of 36.06 feet; thence run N 48°23'03" W, a distance of 16.70 feet; thence run N 11°22'36" W, a distance of 166.34 feet to the POINT OF BEGINNING.

Containing 4.888 acres, more or less.

Sketch of Description  
of a  
**Temporary  
Access & Drainage Easement**

OK  
MD

Not a Boundary Survey.

The legal description was prepared by the Surveyor.

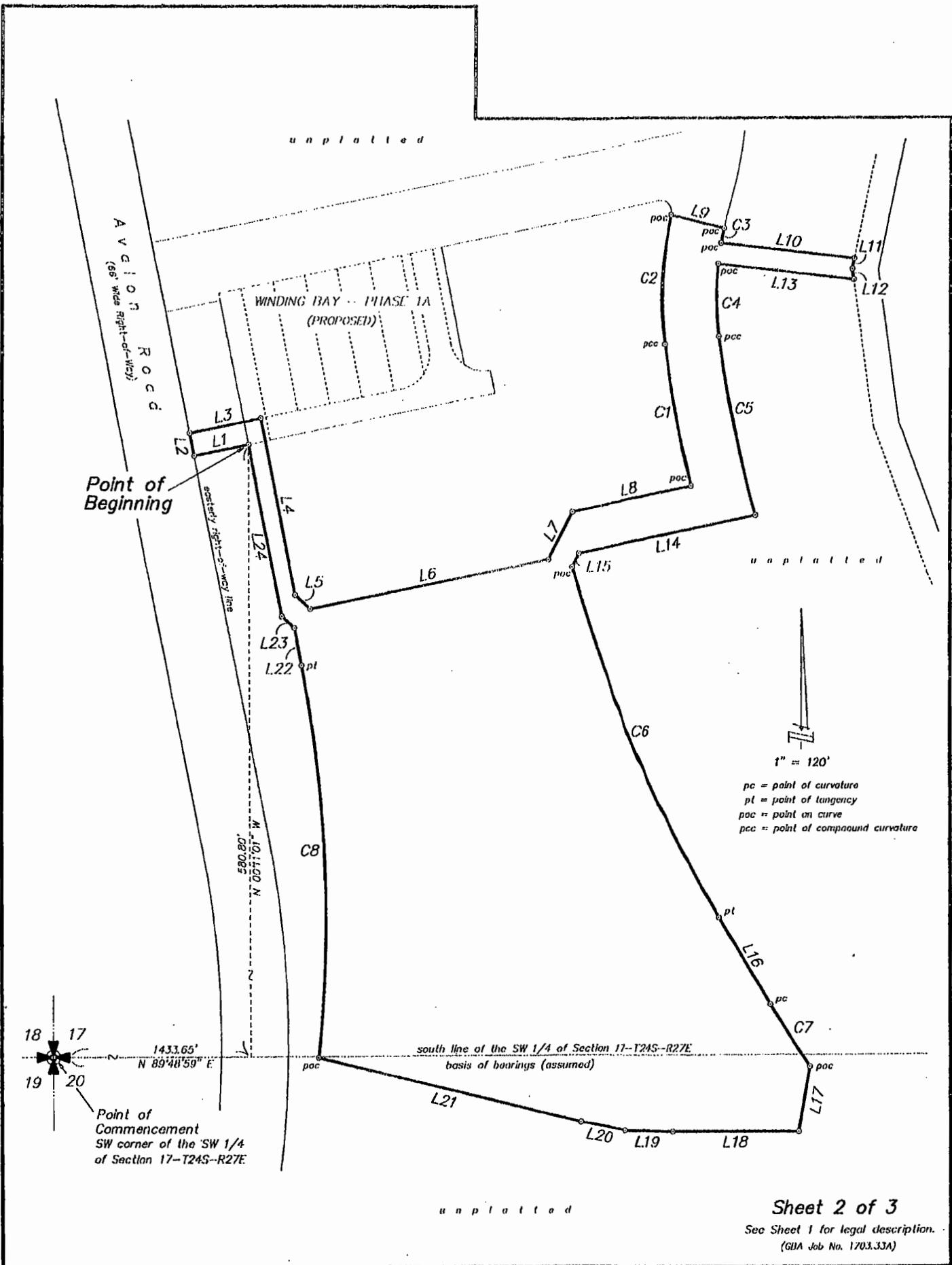
See Sheet 2 for sketch.

**SKETCH OF DESCRIPTION ONLY -- NOT A SURVEY**

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

situated in  
**Section 17, Township 24 South, Range 27 East  
Orange County, Florida**

PREPARED FOR: <span style="font-size: 1.2em; font-weight: bold;">Spring Grove, LLC</span>	JOB NO. 1703.33A	SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.  GBA LD No. 7184
<p style="font-weight: bold; margin: 0;">GANUNG - BELTON ASSOCIATES, INC.</p> <p style="font-size: 0.8em; margin: 0;">professional surveyors and mappers</p> <p style="font-size: 0.8em; margin: 0;">1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656</p>	SHEET 1 of 3	<p style="font-size: 0.8em; margin: 0;">R. CLAYTON GANUNG REG. P.L.S. No. 4236</p>
	DATE 7/26/18	
	SCALE As Noted	



unplatted

AVIGLION ROAD  
(66' wide right-of-way)

WINDING BAY - PHASE 1A  
(PROPOSED)

Point of Beginning

existing right-of-way line

unplatted

1" = 120'

- pc = point of curvature
- pt = point of tangency
- poc = point on curve
- pcc = point of compound curvature

18  
17  
19  
20

Point of Commencement  
SW corner of the SW 1/4  
of Section 17-T24S-R27E

1433.65'  
N 89°48'59" E

south line of the SW 1/4 of Section 11-T24S-R27E  
basis of bearings (assumed)

unplatted

Sheet 2 of 3

See Sheet 1 for legal description.  
(GWA Job No. 1703.33A)

LINE TABLE

LINE	BEARING	LENGTH
L1	S 78°36'45" W	54.00'
L2	N 11°22'36" W	22.00'
L3	N 78°36'45" E	71.00'
L4	S 11°22'36" E	171.02'
L5	S 48°23'03" E	20.14'
L6	N 78°36'45" E	238.72'
L7	N 27°19'22" E	51.26'
L8	N 78°36'45" E	122.37'
L9	S 76°34'06" E	55.00'
L10	S 83°38'08" E	133.68'
L11	S 11°49'24" W	10.23'
L12	S 08°03'34" E	10.13'
L13	N 83°38'08" W	135.95'
L14	S 78°36'45" W	181.62'
L15	S 27°19'22" W	14.57'
L16	S 31°56'54" E	97.02'
L17	S 10°25'09" W	62.68'
L18	S 89°59'50" W	126.00'
L19	N 88°36'45" W	47.39'
L20	N 80°04'07" W	46.30'
L21	N 76°40'48" W	265.76'
L22	N 11°22'36" W	36.06'
L23	N 48°23'03" W	16.70'
L24	N 11°22'36" W	166.34'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	06°32'05"	1200.00'	136.86'	N 11°05'01" W	136.79'
C2	21°14'17"	335.00'	124.18'	N 02°48'10" E	123.47'
C3	02°57'14"	280.00'	14.44'	S 11°56'35" W	14.43'
C4	14°11'10"	280.00'	69.33'	S 00°43'23" E	69.15'
C5	08°41'03"	1145.00'	173.54'	S 12°09'30" E	173.38'
C6	15°41'29"	1336.00'	365.88'	S 24°06'09" E	364.74'
C7	03°02'38"	1341.00'	71.24'	S 33°28'13" E	71.23'
C8	17°34'20"	1220.00'	374.17'	N 02°35'26" W	372.70'

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
DEC 18 2018

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Project: Winding Bay Phase 1A (Temp. Access & DE)

**SUBORDINATION OF ENCUMBRANCE 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 drainage project in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to the below encumbrance held by the undersigned; and,

WHEREAS, On behalf of Orange County, a request has been made for the undersigned to subordinate said encumbrance 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 encumbrance as it has 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"**

**Encumbrance:**

Valley National Bank  
FROM: KHOV Winding Bay II, LLC  
Mortgage and Security Agreement filed June 26, 2018  
Recorded as Document No. 20180375630  
Absolute Assignment of Rents and Leases filed June 26, 2018  
Recorded as Document No. 20180375631  
Financing Statement filed June 26, 2018  
Recorded as Document No. 20180375634  
All in the Public Records of Orange County, Florida

PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance insofar as same affects the rights and privileges of Orange County, in its use of the land specifically above described for drainage purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrance 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 drainage purposes that in such event the subordination of said

Project: Winding Bay Phase 1A (Temp. Access & DE)

encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been made.

19<sup>th</sup> IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this day of October, A.D. 2018.

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness

JONATHAN FOSTER  
Printed Name

[Signature]  
Witness

Alfred Sorrentino

Printed Name

Valley National Bank

BY: [Signature]

Christopher J. Cooley  
Printed Name

F.S.V.P.  
Title

STATE OF New Jersey  
COUNTY OF Passaic

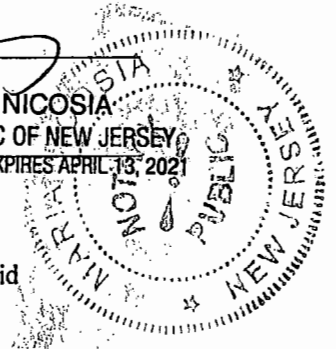
The foregoing instrument was acknowledged before me this 19<sup>th</sup> of October, 2018, by Christopher J. Cooley as Asst. S.V.P. of Valley National Bank, on behalf of the bank. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)

[Signature]  
Notary Signature

MARIA NICOSIA  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES APRIL 13, 2021  
Printed Notary Name

Notary Public in and for the County and State aforesaid  
My Commission Expires:



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



# EXHIBIT "A"

**Legal Description**

A portion of Section 17, Township 24 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the southwest corner of the Southwest 1/4 of said Section 17; thence run N 89°48'59" E, along the south line of the Southwest 1/4 of said Section 17, a distance of 1433.65 feet; thence, departing said south line, run N 00°11'01" W, a distance of 580.80 feet for the POINT OF BEGINNING; thence run S 78°36'45" W, a distance of 54.00 feet to a point on the easterly right-of-way line of Avalon Road; thence run N 11°22'36" W, along said easterly right-of-way line, a distance of 22.00 feet; thence, departing said easterly right-of-way line, run N 78°36'45" E, a distance of 71.00 feet; thence run S 11°22'36" E, a distance of 171.02 feet; thence run S 48°23'03" E, a distance of 20.14 feet; thence run N 78°36'45" E, a distance of 238.72 feet; thence run N 27°19'22" E, a distance of 51.26 feet; thence run N 78°36'45" E, a distance of 122.37 feet to a point of curvature of a non-tangent curve, concave easterly, having a radius of 1,200.00 feet; thence, on a chord bearing of N 11°05'01" W and a chord distance of 136.79 feet, run northerly along the arc of said curve, a distance of 136.86 feet, through a central angle of 06°32'05" to a point of compound curvature of a curve, having a radius of 335.00 feet and a central angle of 21°14'17"; thence northerly along the arc of said curve, a distance of 124.18 feet to a point on said curve; thence run S 76°34'06" E, a distance of 55.00 feet to a point of curvature of a non-tangent curve, concave easterly, having a radius of 280.00 feet; thence, on a chord bearing of S 11°56'35" W and a chord distance of 14.43 feet, run southerly along the arc of said curve, a distance of 14.44 feet, through a central angle of 02°57'14" to a point on said curve; thence run S 83°38'08" E, a distance of 133.68 feet; thence run S 11°49'24" W, a distance of 10.23 feet; thence run S 08°03'34" E, a distance of 10.13 feet; thence run N 83°38'08" W, a distance of 135.95 feet to a point of curvature of a non-tangent curve, concave easterly, having a radius of 280.00 feet; thence, on a chord bearing of S 00°43'23" E and a chord distance of 69.15 feet, run southerly along the arc of said curve, a distance of 69.15 feet, through a central angle of 14°11'10" to a point of compound curvature of a curve, having a radius of 1,145.00 feet and a central angle of 08°41'03"; thence southerly along the arc, a distance of 173.54 feet to a point on said curve; thence run S 78°36'45" W, a distance of 181.62 feet; thence run S 27°19'22" W, a distance of 14.57 feet to a point of curvature of a non-tangent curve, concave northeasterly, having a radius of 1,336.00 feet; thence, on a chord bearing of S 24°06'09" E and a chord distance of 364.74 feet, run southeasterly along the arc of said curve, a distance of 365.88 feet, through a central angle of 15°41'29" to the point of tangency thereof; thence run S 31°56'54" E, a distance of 97.02 feet to a point of curvature of a curve, concave northeasterly, having a radius of 1,341.00 feet and a central angle of 03°02'38"; thence run southeasterly, along the arc of said curve, a distance of 71.24 feet to the point of tangency thereof; thence run S 10°25'09" W, a distance of 62.68 feet; thence run S 89°59'50" W, a distance of 126.00 feet; thence run N 88°36'45" W, a distance of 47.39 feet; thence run N 80°04'07" W, a distance of 46.30 feet; thence run N 76°40'48" W, a distance of 265.76 feet to a point of curvature of a non-tangent curve, concave westerly, having a radius of 1,220.00 feet; thence, on a chord bearing of N 02°35'26" W and a chord distance of 372.70 feet, run northerly along the arc of said curve, a distance of 374.17 feet, through a central angle of 17°34'20" to the point of tangency thereof; thence run N 11°22'36" W, a distance of 36.06 feet; thence run N 48°23'03" W, a distance of 16.70 feet; thence run N 11°22'36" W, a distance of 166.34 feet to the POINT OF BEGINNING.

Containing 4.888 acres, more or less.

Not a Boundary Survey.

The legal description was prepared by the Surveyor.

See Sheet 2 for sketch.

**SKETCH OF DESCRIPTION ONLY -- NOT A SURVEY**

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

**Sketch of Description**

of a

**Temporary**

**Access & Drainage Easement**

situated in

**Section 17, Township 24 South, Range 27 East  
Orange County, Florida**

*OK  
MB*

PREPARED FOR:

**Spring Grove, LLC**



**GANUNG - BELTON ASSOCIATES, INC.**

professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

JOB NO.

1703.33A

SHEET

1 of 3

DATE

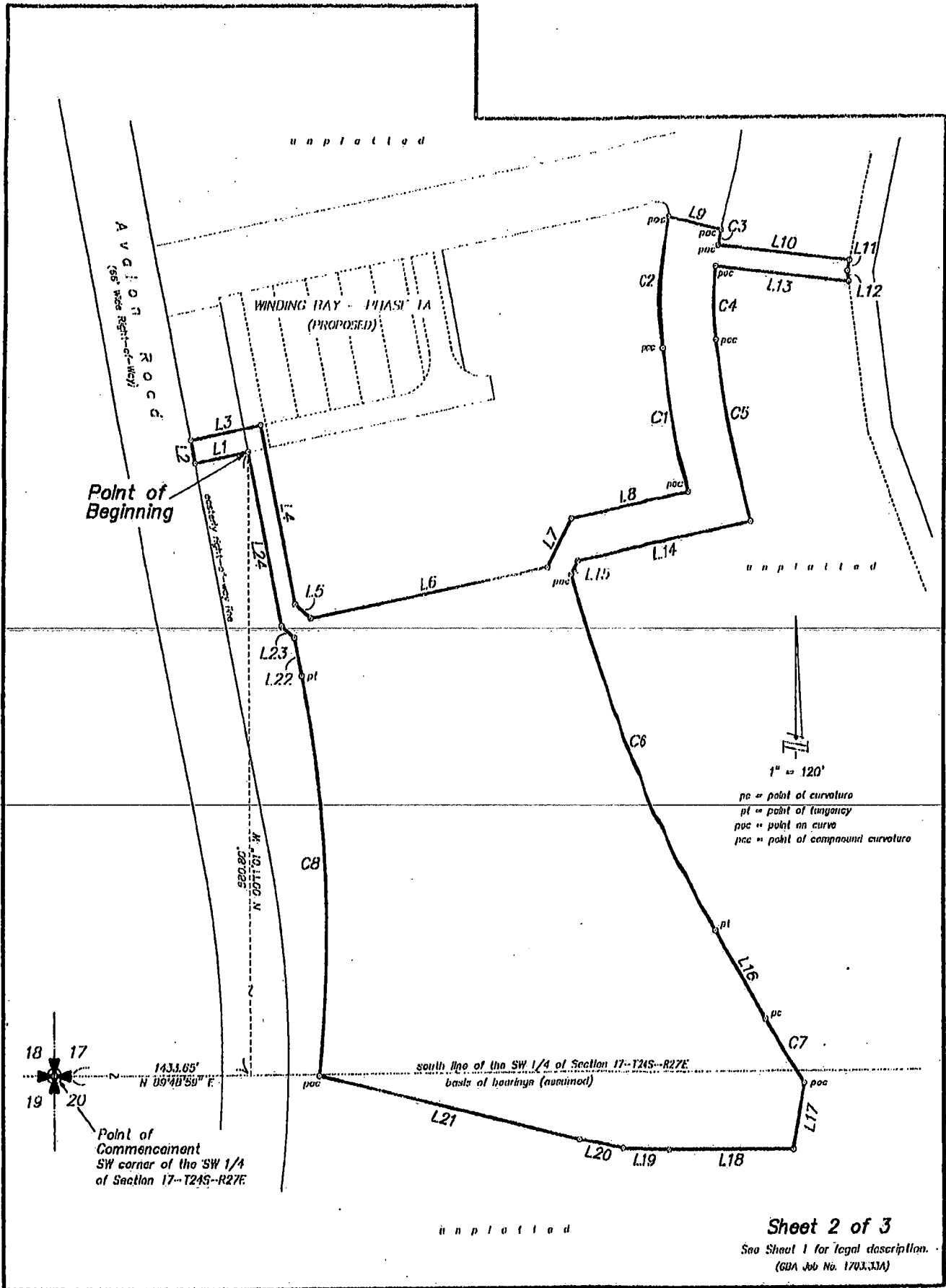
7/26/18

SCALE

As Noted

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

GANUNG B.L. No. 7104  
*[Signature]*  
RECEIVED GANUNG  
NO. 4266



unplotted

AVIGNON ROAD  
(66' Wide Right-of-Way)

WINDING RAY - PHASE 1A  
(PROPOSED)

Point of Beginning

existing right-of-way line

unplotted

1" = 120'

pc = point of curvature  
pt = point of tangency  
pcc = point on curve  
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18 17  
19 20  
1433.65'  
N 05°40'50" E

Point of Commencement  
SW corner of the SW 1/4  
of Section 17-T24S-R27E

south line of the SW 1/4 of Section 17-T24S-R27E  
basis of bearings (maintained)

unplotted

Sheet 2 of 3

See Sheet 1 for legal description.  
(GDA Job No. 1703.33A)

LINE TABLE

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L2	N 11°22'36" W	22.00'
L3	N 78°36'45" E	71.00'
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C6	15°41'29"	1336.00'	365.88'	S 24°06'09" E	364.74'
C7	03°02'38"	1341.00'	71.24'	S 33°28'13" E	71.23'
C8	17°34'20"	1220.00'	374.17'	N 02°35'26" W	372.70'