



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 11

DATE: May 16, 2018

TO: Mayor Teresa Jacobs
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 CRYSTAL CREEK HOSPITAL PROPERTIES, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CAPITALSOURCE AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Crystal Creek Animal Hospital (B16904930) 89606

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: 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
JUN 05 2018

THIS IS A DONATION

Project: Crystal Creek Animal Hospital (B16904930) 89606

UTILITY EASEMENT

THIS INDENTURE, Made this 9 day of MAY, A.D. 2018, between Crystal Creek Hospital Properties, LLC, a Florida limited liability company, whose address is 12110 CRYSTAL COMMERCE WAY ORLANDO FL 32837, 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

20-24-29-1810-01-004

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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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:

Crystal Creek Hospital Properties, LLC,
a Florida limited liability company

Amber Crawford
Witness

BY: [Signature]
Giovanni Vergel, Manager

Amber Crawford
Printed Name

[Signature]
Witness

[Signature]
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 9th of May, 2019, by Giovanni Vergel, as manager of Crystal Creek Hospital Properties, LLC, a Florida limited liability company, on behalf of the limited liability company. He ☐ is personally known to me or ☒ has produced Florida driver license as identification.

(Notary Seal)



ANGIE L. AVILES
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF126392
Expires 5/26/2018

[Signature]
Notary Signature

Angie Aviles
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires: 05/26/2019

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

LEGAL DESCRIPTION

(O.C.U. UTILITY EASEMENT)

PROJECT NAME: NEW CRYSTAL CREEK ANIMAL HOSPITAL
BUILDING DEPARTMENT PERMIT # B-16904930

EXHIBIT "A"

LEGAL DESCRIPTION

A STRIP OF LAND LYING IN SECTION 20, TOWNSHIP 24 SOUTH, RANGE 29 EAST, BEING A PORTION OF TRACT "A", CRYSTAL CREEK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 36, PAGES 149 AND 150, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT "A" FOR A POINT OF REFERENCE; THENCE RUN NORTH 00°04'25" WEST, ALONG THE WEST LINE OF SAID TRACT "A", 395.33 FEET; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89°55'35" EAST, 262.78 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°55'35" EAST, 15.00 FEET TO A POINT LYING IN THE WEST LINE OF THE LANDS, DESCRIBED IN THAT CERTAIN ACCESS, UTILITY AND DRAINAGE EASEMENT AGREEMENT (P.O.A.), AS RECORDED IN OFFICIAL RECORDS BOOK 9444, PAGE 962 AND ACCESS AND UTILITY EASEMENT (O.C.U.) RECORDED IN OFFICIAL RECORDS BOOK 9491, PAGE 1352 AND OFFICIAL RECORDS BOOK 9491, PAGE 1359 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 00°02'41" EAST, ALONG THE WEST LINE OF SAID ACCESS, UTILITY AND DRAINAGE EASEMENT AGREEMENT, 10.00 FEET; THENCE RUN SOUTH 89°55'35" WEST, 15.00 FEET; THENCE RUN NORTH 00°02'41" WEST, 10.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 150.0 SQUARE FEET, MORE OR LESS

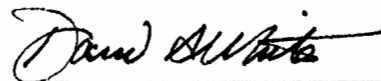
SURVEYOR'S NOTES:

- (1) THIS LEGAL DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IDENTIFIED BELOW.
- (2) NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
- (3) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST LINE OF TRACT "A", CRYSTAL CREEK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 36, PAGES 149 & 150, PUBLIC RECORDS OF ORANGE, FLORIDA BEING NORTH 00°04'25" WEST.
- (4) THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
- (5) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
- (6) THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.

04-12-18 REVISED EASEMENT NAME

(THIS IS NOT A SURVEY)

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.



DAVID A. WHITE, P.S.M.
FLORIDA REGISTRATION NO. 4044
PEC - SURVEYING AND MAPPING, LLC.
CERTIFICATE OF AUTHORIZATION L.B. #7808
DATE OF SIGNATURE: 04-12-2018

SHEET 1 OF 2

PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION 20, TOWNSHIP 24 SOUTH, RANGE 29 EAST

DATE: MAY 31, 2017

PREP BY: J.L.M.

DRAWN BY: J.L.M.

JOB #: 16-083

O:\16-083 Greater Crystal Lot 5 and 6\16-083 OCU ESMT.dwg Apr 12, 2018 - 8:34am

LEGAL DESCRIPTION

(O.C.U. UTILITY EASEMENT)

PROJECT NAME: NEW CRYSTAL CREEK ANIMAL HOSPITAL
BUILDING DEPARTMENT PERMIT # B-16904930

LEGEND

P.O.C.....POINT OF COMMENCEMENT
P.O.B.....POINT OF BEGINNING
P.B.....PLAT BOOK
PG.....PAGE
O.R.B.....OFFICIAL RECORDS BOOK
P.O.A.....PROPERTY OWNERS ASSOCIATION
O.C.U.....ORANGE COUNTY UTILITIES

N89°55'35"E 262.78'

SCALE
1" = 40'

N89°55'35"E
15.00'

P.O.B.
150.0 ± SQUARE FEET

N00°02'41"W
10.00'

S89°55'35"W
15.00'

10.00'
S00°02'41"E

N/E CORNER
O.R.B. 10540, PG. 5584

W. LINE O.R.E. 10540, PG. 5584

ACCESS, UTILITY AND DRAINAGE AGREEMENT
O.R.B. 9444, PG. 962

ACCESS, UTILITY AND DRAINAGE AGREEMENT
O.R.B. 9491, PG. 1352 & O.R.B. 9491, PG. 1359

PORTION OF TRACT "A", FUTURE DEVELOPMENT
CRYSTAL CREEK
(P.B. 36, PGS. 149-150)

WEST LINE, ACCESS, UTILITY AND DRAINAGE EASEMENT (P.O.A.)
O.R.B. 9444, PG. 962
ACCESS, UTILITY AND DRAINAGE AGREEMENT
O.R.B. 9491, PG. 1352 & O.R.B. 9491, PG. 1359

N00°04'25"W 395.33'
WEST LINE, TRACT "A"
(P.B. 36, PGS. 149-150)

P.O.C.
SW CORNER TRACT "A"
(P.B. 36, PGS. 149-150)

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SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION AND SURVEYOR'S NOTES

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APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 05 2018

Project: Crystal Creek Animal Hospital (B16904930) 89606

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:

CapitalSource
FROM: Crystal Creek Hospital Properties, LLC, and
Crystal Creek Animal Hospital, P.L.
Mortgage filed February 23, 2017
Recorded as Document No. 20170102190
General Assignment of Leases and Rents filed February 23, 2017
Recorded as Document No. 20170102191
Financing Statement filed February 17, 2017
Recorded as Document No. 20170087150
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 3rd day of May, A.D. 20 18.

Signed, sealed, and delivered
in the presence of:

Rhonda Brown
Witness

Rhonda Brown
Printed Name

Sandy Coyle
Witness

Sandy Coyle
Printed Name

STATE OF Colorado
COUNTY OF Denver

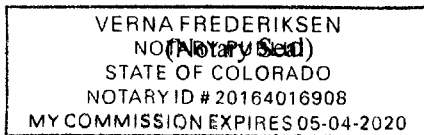
CapitalSource
a division of Pacific Western Bank

BY: Dawn M Beall

Dawn M Beall
Printed Name

VP, Closing Manager
Title

The foregoing instrument was acknowledged before me this 3rd of May, 20 18, by Dawn Beall, as VP, Closing Manager, of CapitalSource, a division of Pacific Western Bank, on behalf of the bank. He/She ☒ is personally known to me or ☐ has produced _____ as identification.



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

Verna Frederiksen
Notary Signature

Verna Frederiksen
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires: 5-4-20

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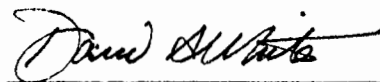
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