



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: June 13, 2019

TO: Mayor Jerry L. Demings
and the
Board of County Commissioners

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

FROM: Elena Hutchinson, Senior Title Examiner *EH*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval of Utility Easement from Ladybird Florida Properties LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Synovus Bank d/b/a Florida Community Bank, N.A. and authorization to record instruments

PROJECT: Ladybird Academy – 7324 Bentonshire Avenue Permit Number B17904861 OCU File #95287

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.

JUL 02 2019

THIS IS A DONATION

Project: Ladybird Academy - 7324 Bentonshire Avenue Permit Number B17904861 OCU File #95287

UTILITY EASEMENT

THIS INDENTURE, Made this 02 day of March, 2019, between Ladybird Florida Properties LLC, a Florida Limited Liability Company, whose address is 1515 International Parkway, Suite 3001, Lake Mary, Florida 32746, 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

25-23-27-9148-00-003

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.

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:

Patrick G. II
Witness

Patrick G. II
Printed Name

Angela Bennett
Witness

ANGELA BENNETT
Printed Name

Ladybird Florida Properties LLC

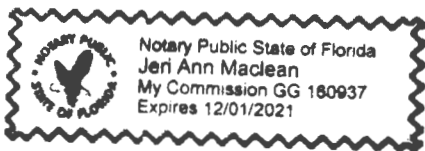
BY: Carl T. Hansla
Carl T. Hansla, Managing Member

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Seville

The foregoing instrument was acknowledged before me this 09 of March, 2021 by Carl T. Hansla, as Managing Member of Ladybird Florida Properties LLC, a Florida Limited Liability Company, on behalf of the limited liability company. He is personally known to me or has produced _____ as identification.

(Notary Seal)



Jeri Ann Maclean
Notary Signature

Jeri Ann Maclean
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

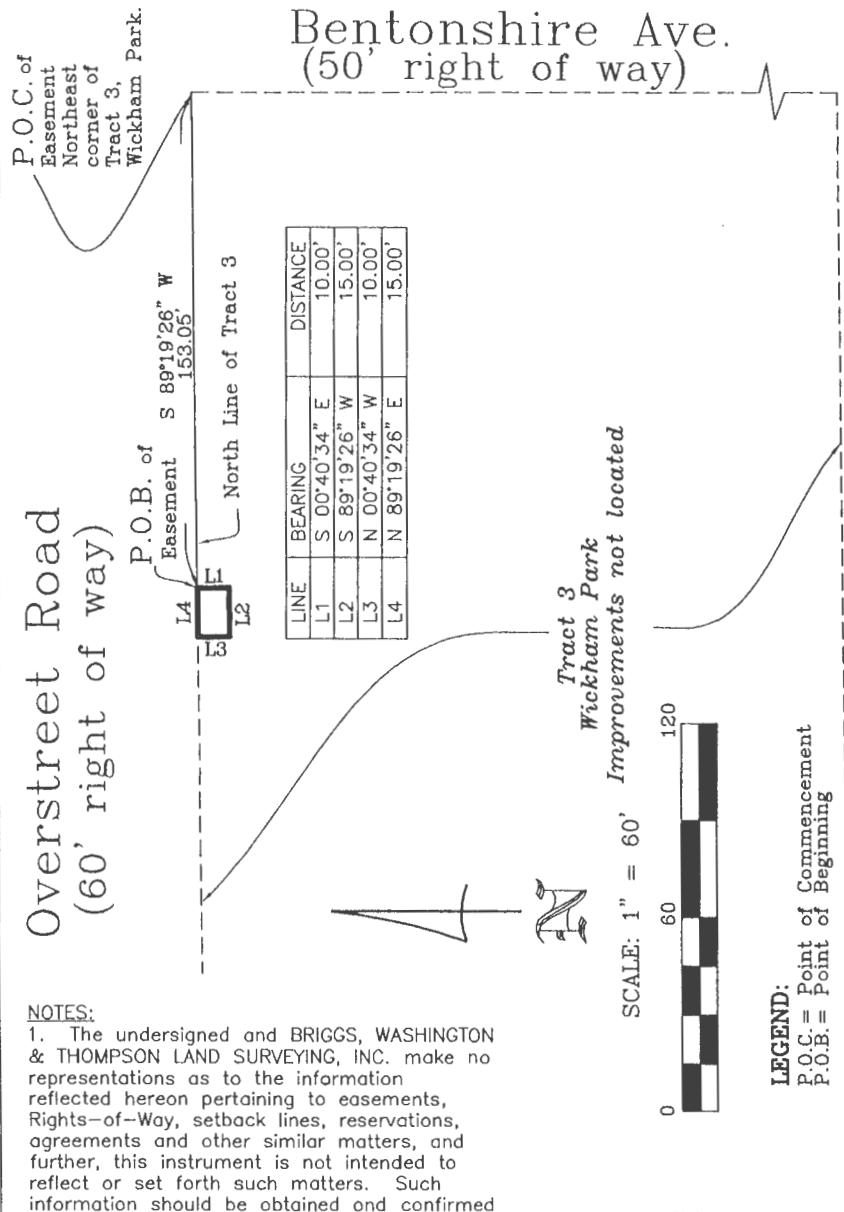
My commission expires: 12/1/2021

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

EXHIBIT A

SKETCH of DESCRIPTION

Project Name: Ladybird-7324 Bentonshire Avenue
 Building Department Permit Number: B17904861



Description: Utility Easement.

A 10' by 15' Utility Easement being a portion of Tract 3 of Wickham Park located in Section 25, Township 23 South, Range 27 East, recorded in Plat Book 66, Page 28-38 of the public records of Orange County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of said Tract 3; thence S 89°19'26" W along the north line of said Tract 3 a distance of 153.05 feet to the POINT OF BEGINNING of the following described easement: thence leaving said north line, S 00°40'34" E a distance of 10.00 feet; thence S 89°19'26" W a distance of 15.00 feet; thence N 00°40'34" W a distance of 10.00 feet to the north line of said tract 3; thence N 89°19'26" E along said north line a distance of 15.00 feet to the POINT OF BEGINNING.

Containing 150 square feet, more or less.

Said land situate, lying and being in Orange County, Florida.

CERTIFICATION:

Certify to:

I hereby certify to the above that this sketch of legal description was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

David A. Briggs
 Date: April 13, 2018

DAVID A. BRIGGS
 Professional Surveyor and Mapper No. 5890
 State of Florida
 Not valid unless sealed with embossed Surveyor's Seal. (See Note 3)
 Date of Map or Plat: April 13, 2018

NOTES:

1. The undersigned and BRIGGS, WASHINGTON & THOMPSON LAND SURVEYING, INC. make no representations as to the information reflected hereon pertaining to easements, Rights-of-Way, setback lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth such matters. Such information should be obtained and confirmed by others through appropriate title verification.
2. Lands shown hereon were not abstracted for Right-of-Way and/or easements of record.
3. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.
4. This drawing is a sketch of legal description only, not a survey.
5. The bearings shown hereon are based on the Southerly Right of Way line of Overstreet Road as being S 89°19'26" W per plat.
6. The original drawing from which this copy was made is at the scale shown hereon, however in the process of reproduction, this scale may be slightly reduced, enlarged, or otherwise distorted from its original scale.



BRIGGS, WASHINGTON & THOMPSON LAND SURVEYING, INC.
 406 SW Rutledge Street P.O. Box 263
 Madison, FL 32340
 850-973-6186 Fax: 850-973-6931

LB No. 7536	DWG file: 18-040-1	Calc File:
FB pg	Sec. 25 Twp. 23 S. Rg. 27 E. Drawn by: DAB	Job Order No: 18-040
Revision Date: August 16, 2018		
Revision: Revised per comments.		

JUL 02 2019

Project: Ladybird Academy - 7324 Bentonshire Avenue Permit Number B17904861 OCU File #95287

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 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"

Encumbrances:

Synovus Bank d/b/a Florida Community Bank, N.A.
FROM: Ladybird Florida Properties LLC

- (1) Mortgage and Security Agreement, recorded February 4, 2019, recorded as Document No. 20190071412
- (2) Assignment of Leases and Rentals, recorded February 4, 2019, recorded as Document No. 20190071413
- (3) Financing Statement, recorded February 4, 2019, recorded as Document No. 20190071414
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.

Project: Ladybird Academy - 7324 Bentonshire Avenue Permit Number B17904861 OCU File #95287

IN WITNESS WHEREOF, the said holder of said encumbrances has duly executed this instrument this 29th day of March, A.D. 2019.

Signed, sealed, and delivered in the presence of:

Synovus Bank d/b/a Florida Community Bank, N.A.

[Signature]
Witness
Jody Seigfried
Printed Name

BY: [Signature]
Matthew Beck
Printed Name
Vice-President
Title

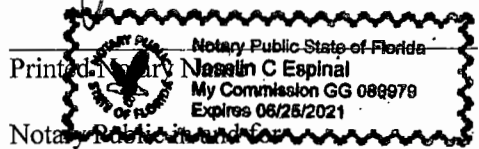
[Signature]
Witness
Lisa Sassone
Printed Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 29th of March, 2019, by Matthew Beck, as VP of Synovus Bank d/b/a Florida Community Bank, N.A., on behalf of the bank. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

[Signature]
Notary Signature



Notary Public in and for the County and State aforesaid

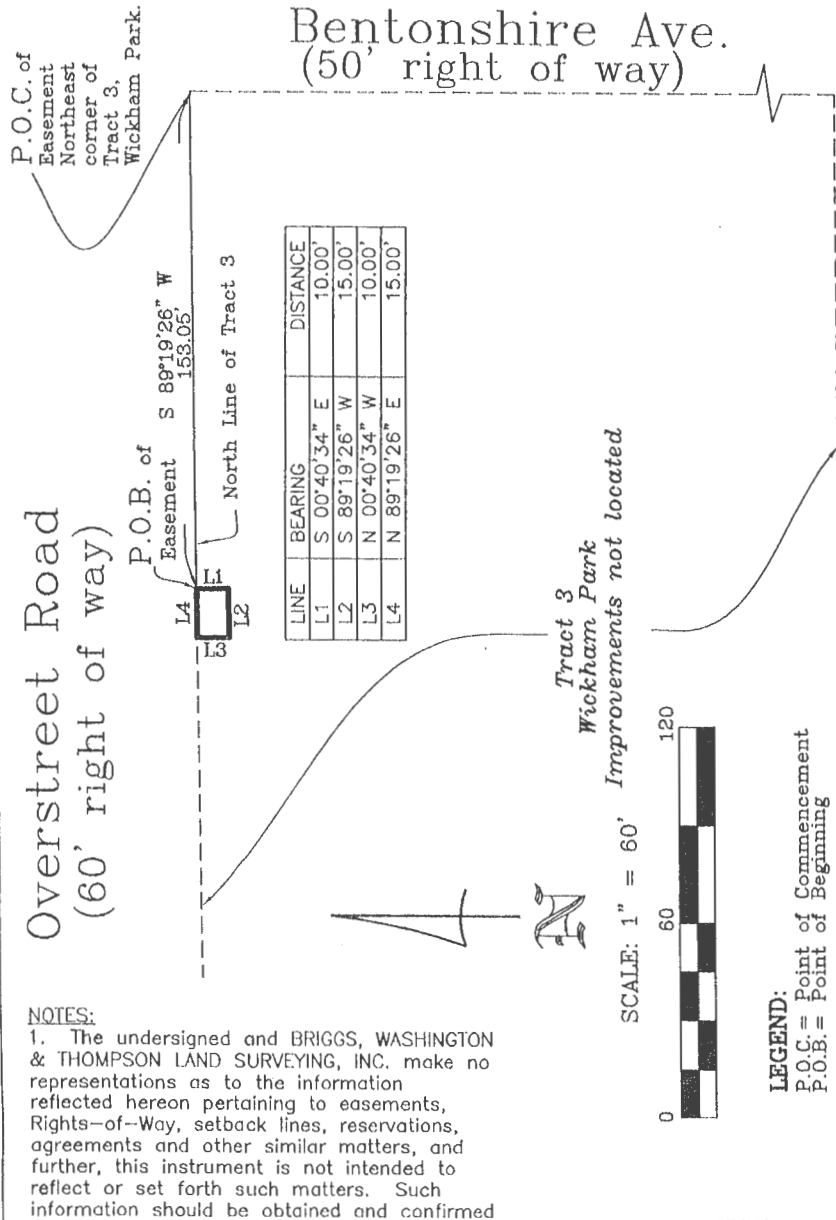
My Commission Expires:

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

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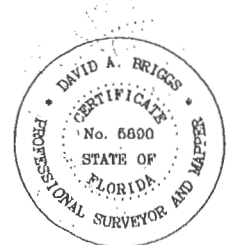
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[Signature] Date: April 13, 2018
 DAVID A. BRIGGS
 Professional Surveyor and Mapper No. 5890
 State of Florida
 Not valid unless sealed with embossed Surveyor's Seal. (See Note 3)
 Date of Map or Plat: April 13, 2018



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**BRIGGS, WASHINGTON &
 THOMPSON LAND SURVEYING, INC.**

406 SW Rutledge Street P.O. Box 263
 Madison, FL 32340
 850-973-6186 Fax: 850-973-6931

LB No. 7536	FB pg	DWG file: 18-040-1	Calc File:
Sec. 25 Twp. 23 S. Rg. 27 E.	Drawn by: DAB	Job Order No: 18-040	
Revision Date: August 16, 2018			
Revision: Revised per comments.			