



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 12

DATE: July 16, 2019

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

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

FROM: David L. Brown, Senior Title Examiner *DLB*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval of Utility Easement from P8/Dalfen Hoffner, LP to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Inwood National Bank and authorization to record instruments

PROJECT: Hoffner Industrial Park - NC - Site Work Only Permit B18901741 File #96798

District 3

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

ITEMS: Utility Easement
Cost: Donation
Size: 500 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
AUG 06 2019

THIS IS A DONATION

Project: Hoffner Industrial Park – NC – Site Work Only Permit B18901741 File #96798

UTILITY EASEMENT

THIS INDENTURE, Made this 11 day of JUNE, A.D. 2019, between P8/DALFEN HOFFNER, LP, a Delaware limited partnership, whose address is 2 SEAPORT LANE, C/O AEW, 15TH FLOOR, BOSTON, MA 02210, GRANTOR, and ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P.O. BOX 1393, ORLANDO, FL 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**

14-23-30-5240-03-031

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:

P8/DALFEN HOFFNER, LP, a Delaware limited
partnership

Witness

By: P8/DALFEN HOFFNER GP, LLC, a
Delaware limited liability company, as general
partner

Printed Name

By:

Witness

Printed Name

Printed Name

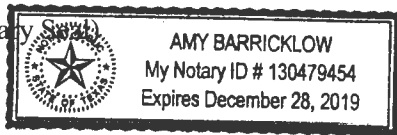
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Texas
COUNTY OF Dallas

The foregoing instrument was acknowledged before me this 11th of June,
20 19, by Sean Wood, as Vice President
of P8/DALFEN HOFFNER GP, LLC, a Delaware limited liability company, as general partner of
P8/DALFEN HOFFNER, LP, a Delaware limited partnership, on behalf of the limited partnership.
He/She is personally known to me or has produced Drivers License as identification.

(Notary Seal)



Notary Signature

Printed Notary Name

Notary Public in and for

the county and state aforesaid.

My commission expires: 12/28/19

This instrument prepared by:
David L. Brown, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

EXHIBIT “A”

SEE THE ATTACHED SKETCH

OF DESCRIPTION

(1 PAGES)

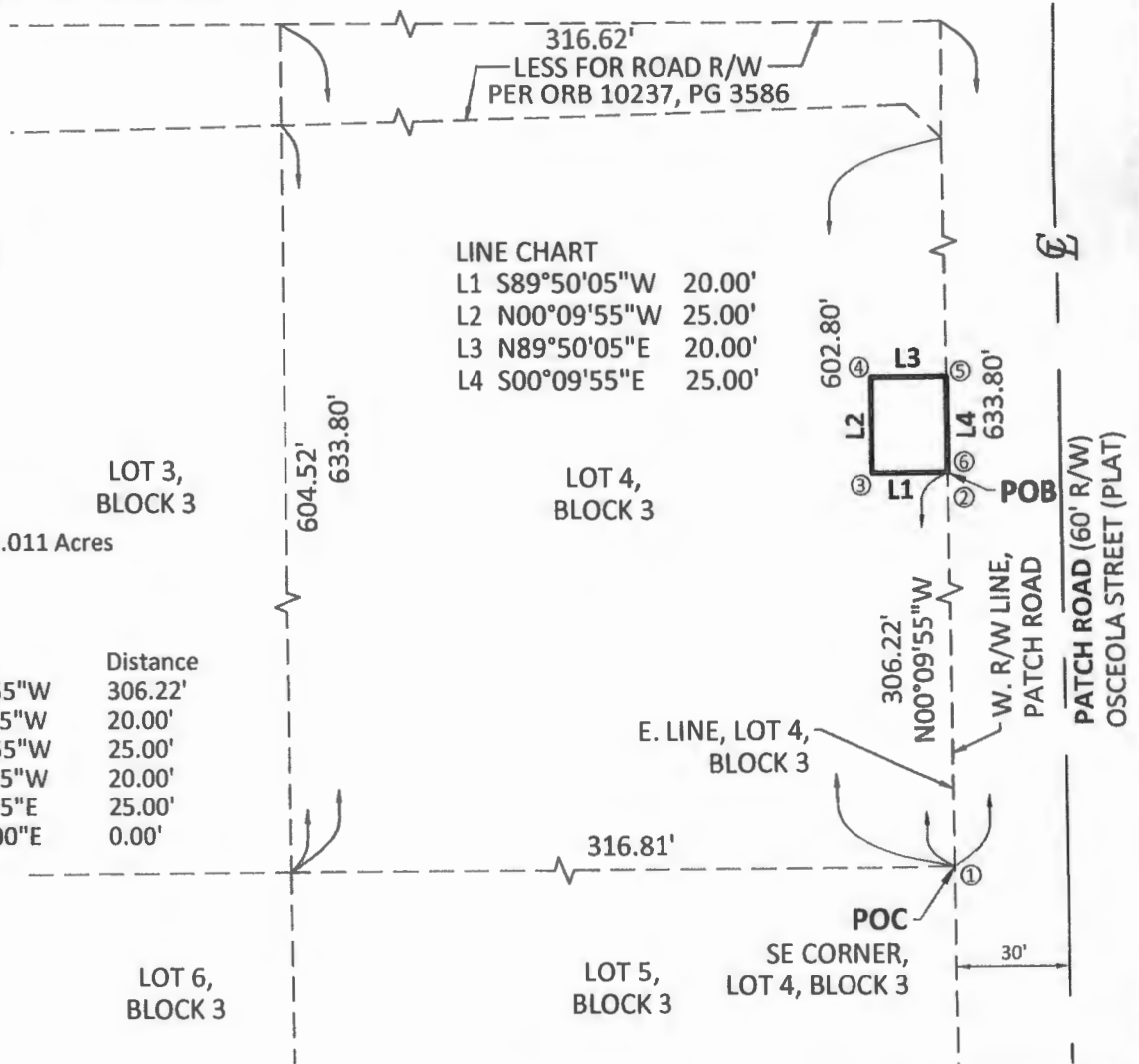
CLOSURE REPORT

PROJECT NAME: HOFFNER INDUSTRIAL PARK NC-SITE WORK ONLY
 BUILDING DEPARTMENT PERMIT NUMBER: B18901741

DESCRIPTION: UTILITY EASEMENT

COMMENCE AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 3, LOS TERRANOS, AS RECORDED IN PLAT BOOK "P", PAGE 87, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N00°09'55"W ALONG THE WEST RIGHT-OF-WAY LINE OF PATCH ROAD AND THE EAST LINE OF SAID LOT 4 A DISTANCE OF 306.22 FEET FOR A POINT OF BEGINNING; THENCE S89°50'05"W A DISTANCE OF 20.00 FEET; THENCE N00°09'55"W A DISTANCE OF 25.00 FEET; THENCE N89°50'05"E A DISTANCE OF 20.00 FEET TO SAID WEST RIGHT-OF-WAY LINE AND SAID EAST LINE OF LOT 4; THENCE S00°09'55"E ALONG SAID WEST RIGHT-OF-WAY LINE AND SAID EAST LINE OF LOT 4 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 500 SQUARE FEET, MORE OR LESS.



Summary Report:

Area = 500 Square Feet or 0.011 Acres
 Perimeter = 90.000'
 Misclosure = 0.00
 Precision = N/A

Point #	Bearing	Distance
① POC	N00°09'55"W	306.22'
② POB	S89°50'05"W	20.00'
③	N00°09'55"W	25.00'
④	S89°50'05"W	20.00'
⑤	S00°09'55"E	25.00'
⑥	N90°00'00"E	0.00'
② Return to POB		

THIS SKETCH IS NOT A BOUNDARY SURVEY.

SHEET 1 OF 1

JOB #49796
 CF# OCP-87 LOT 4 Closure
 DATE: 10/18/2018
 SCALE: 1" = 50.00'
 DRAWN BY: AAD

PREPARED FOR: FLORIDA ENGINEERING GROUP

BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED WEST RIGHT-OF-WAY LINE OF PATCH ROAD BEING: S00°09'55"E.

REVISIONS:
 10/29/2018 COUNTY COMMENTS AAD

THIS SKETCH MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY CHAPTER 54-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 475.027, OF THE FLORIDA STATUTES.

RONALD K. SMITH PSM 5797
 "NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER," OR THE DIGITAL SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RONALD K. SMITH, PSM 5797.



ACCURIGHT SURVEYS
 OF ORLANDO INC., LB 4475
 2012 E. Robinson Street Orlando, Florida 32803
 www.AccurightSurveys.net
 Admin@AccurightSurveys.net
 PHONE: (407) 894-6314

LEGEND			
CL	- CENTERLINE	IR	- IRON ROD
CALC	- CALCULATED	L	- ARC LENGTH
CBW	- CONCRETE BLOCK WALL	MEAS	- MEASURED
CLF	- CHAIN LINK FENCE	MS	- METAL SHED
CM	- CONCRETE MONUMENT	N&D	- NAIL & DISK
CP	- CONCRETE PAD	ORB	- OFFICIAL RECORDS BOOK
CONC	- CONCRETE	P&M	- PLAT & MEASURED
COVD	- COVERED	PB	- PLAT BOOK
CW	- CONCRETE WALKWAY	PC	- POINT OF CURVATURE
D	- CENTRAL ANGLE	PG	- PAGE
DB	- DEED BOOK	POB	- POINT OF BEGINNING
DE	- DRAINAGE EASEMENT	POC	- POINT OF COMMENCEMENT
DW	- DRIVEWAY	R/W	- RIGHT OF WAY
EP	- EDGE OF PAVEMENT	R	- RADIUS
ESMT	- EASEMENT	TYP	- TYPICAL
FFE	- FINISHED FLOOR ELEVATION	UB	- UTILITY BOX
FND	- FOUND	UE	- UTILITY EASEMENT
IP	- IRON PIPE	WF	- WOOD FENCE

Project: Hoffner Industrial Park – NC – Site Work Only Permit B18901741 File #96798

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:

INWOOD NATIONAL BANK, a national banking association
FROM: P8/DALFEN HOFFNER, LP, a Delaware limited partnership

- (1) Mortgage and Security Agreement, recorded on November 08, 2018 as Document No. 20180653939; and
- (2) Financing Statement recorded November 08, 2018 as Document No. 20180653940; and
- (3) Conditional Assignment of Leases and Rents executed by P8/Dalfen Hoffner, LP, a Delaware limited partnership recorded December 19, 2018 as Document No. 20180733345.

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 11th day of June, A.D. 2019.

Signed, sealed, and delivered in the presence of:

INWOOD NATIONAL BANK, a national banking association

[Signature]
Witness

By: [Signature]

Robin Britton
Printed Name

Robert Draughn
Printed Name

[Signature]
Witness

Relationship Manager
Title

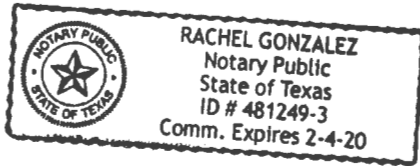
LINDA BOYD
Printed Name

STATE OF Texas

COUNTY OF Dallas

The foregoing instrument was acknowledged before me this 11th of June, 2019 by Robert Draughn, as Relationship Manager of INWOOD NATIONAL BANK, a national banking association, on behalf of the bank. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature

Rachel Gonzalez
Printed Notary Name

Notary Public in and for the County and State aforesaid
My Commission Expires: 2/4/20

This instrument prepared by:
David L. Brown, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

EXHIBIT “A”

SEE THE ATTACHED SKETCH

OF DESCRIPTION

(1 PAGES)

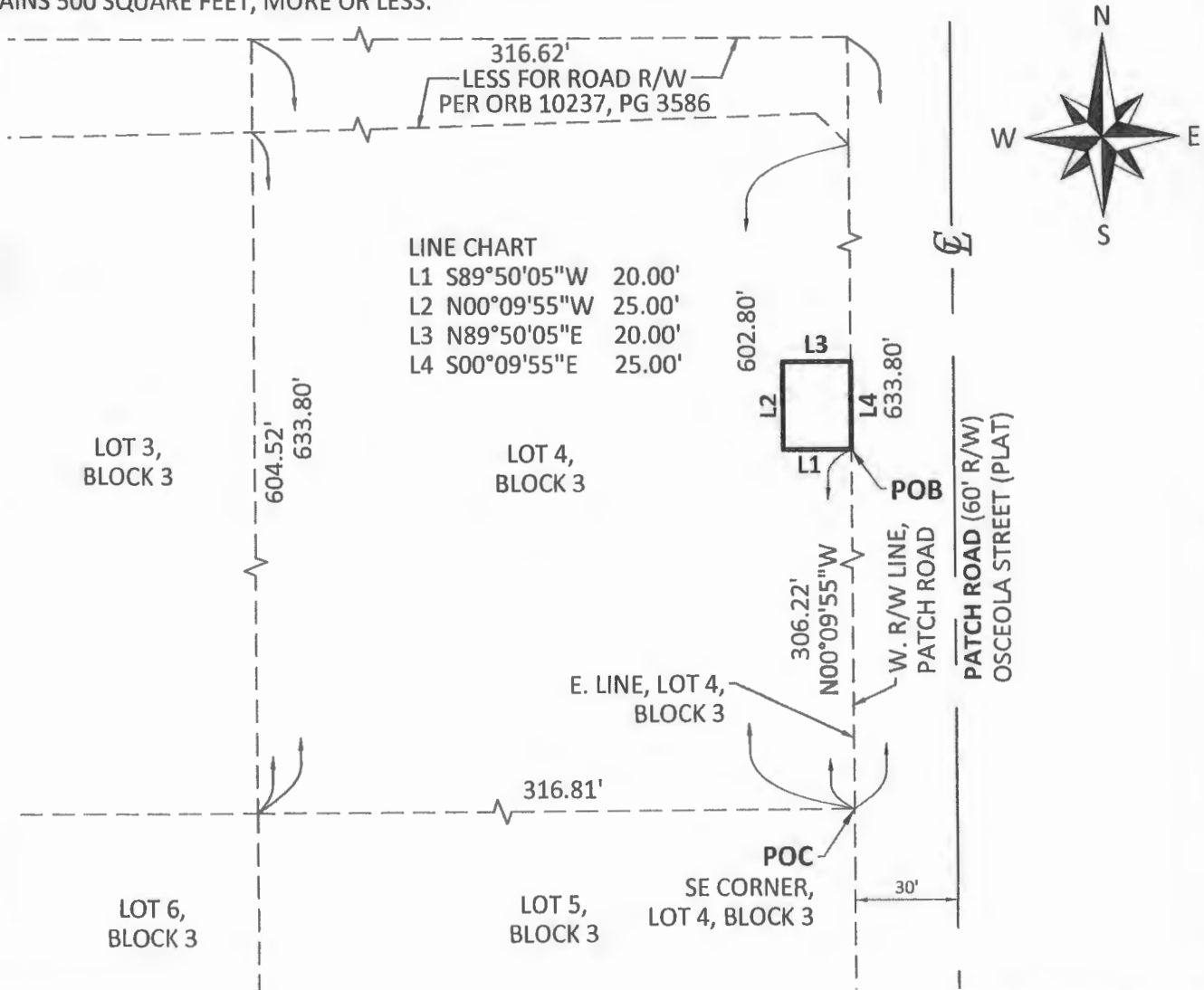
SKETCH OF DESCRIPTION

PROJECT NAME: HOFFNER INDUSTRIAL PARK NC-SITE WORK ONLY
 BUILDING DEPARTMENT PERMIT NUMBER: B18901741

DESCRIPTION: UTILITY EASEMENT

COMMENCE AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 3, LOS TERRANOS, AS RECORDED IN PLAT BOOK "P", PAGE 87, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N00°09'55"W ALONG THE WEST RIGHT-OF-WAY LINE OF PATCH ROAD AND THE EAST LINE OF SAID LOT 4 A DISTANCE OF 306.22 FEET FOR A POINT OF BEGINNING; THENCE S89°50'05"W A DISTANCE OF 20.00 FEET; THENCE N00°09'55"W A DISTANCE OF 25.00 FEET; THENCE N89°50'05"E A DISTANCE OF 20.00 FEET TO SAID WEST RIGHT-OF-WAY LINE AND SAID EAST LINE OF LOT 4; THENCE S00°09'55"E ALONG SAID WEST RIGHT-OF-WAY LINE AND SAID EAST LINE OF LOT 4 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 500 SQUARE FEET, MORE OR LESS.



LINE CHART

L1	S89°50'05"W	20.00'
L2	N00°09'55"W	25.00'
L3	N89°50'05"E	20.00'
L4	S00°09'55"E	25.00'

THIS SKETCH IS NOT A BOUNDARY SURVEY.

SHEET 1 OF 1

JOB #49796
 CF# OCP-87 LOT 4 SOB
 DATE: 8/30/2018
 SCALE: 1" = 50'
 DRAWN BY: AAD

PREPARED FOR: FLORIDA ENGINEERING GROUP
 BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED WEST RIGHT-OF-WAY LINE OF PATCH ROAD BEING: S00°09'55"E.

REVISIONS:
 10/29/2018 COUNTY COMMENTS AAD

THIS SKETCH MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 872.027 OF THE FLORIDA STATUTES.



ACCURIGHT SURVEYS
 OF ORLANDO INC., LB 4475
 2012 E. Robinson Street Orlando, Florida 32803
 www.AccurightSurveys.net
 Admin@AccurightSurveys.net
 PHONE: (407) 894-6314

LEGEND

CL	- CENTERLINE	IR	- IRON ROD
CALC	- CALCULATED	L	- ARC LENGTH
CBW	- CONCRETE BLOCK WALL	MEAS	- MEASURED
CLF	- CHAIN LINK FENCE	MS	- METAL SHED
CM	- CONCRETE MONUMENT	N&D	- NAIL & DISK
CP	- CONCRETE PAD	ORB	- OFFICIAL RECORDS BOOK
CONC	- CONCRETE	P&M	- PLAT & MEASURED
COVD	- COVERED	PB	- PLAT BOOK
CW	- CONCRETE WALKWAY	PC	- POINT OF CURVATURE
D	- CENTRAL ANGLE	PG	- PAGE
DB	- DEED BOOK	POB	- POINT OF BEGINNING
DE	- DRAINAGE EASEMENT	POC	- POINT OF COMMENCEMENT
DW	- DRIVEWAY	R/W	- RIGHT OF WAY
EP	- EDGE OF PAVEMENT	R	- RADIUS
ESMT	- EASEMENT	TYP	- TYPICAL
FEE	- FINISHED FLOOR ELEVATION	UB	- UTILITY BOX
FND	- FOUND	UE	- UTILITY EASEMENT
IP	- IRON PIPE	WF	- WOOD FENCE

RONALD K. SMITH, PSM 5797
 "NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER." OR THE DIGITAL SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RONALD K. SMITH, PSM 5797.