



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 9

**DATE:** October 24, 2017

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

**FROM:** Kim Heim, 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 G&I VIII PIEDMONT PLAZA, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM BRANCH BANKING AND TRUST COMPANY AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Piedmont Plaza Permit: 16-U-055 OCU File #: 86866  
  
District 2

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

**ITEMS:** Utility Easement  
Cost: Donation  
Size: 928 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.

NOV 28 2017

THIS IS A DONATION

Project: Piedmont Plaza Permit: 16-U-055 OCU File #: 86866

**UTILITY EASEMENT**

THIS INDENTURE, Made this 25<sup>th</sup> day of October, A.D. 2017, between G&I VIII Piedmont Plaza, LLC, a Delaware limited liability company, having its principal place of business in the city of New York, county of New York, whose address is CO DRA Advisors LLC, 220 East 42<sup>ND</sup> Street, 27<sup>th</sup> Floor, New York, New York 10017, 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, a right-of-way and 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  
**12-21-28-0000-00-003**

TO HAVE AND TO HOLD said right-of-way and 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 right-of-way, 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 right-of-way 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 right-of-way, 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:

G&I VIII Piedmont Plaza, LLC,  
a Delaware limited liability company

Witness

BY: G&I VIII Investment Piedmont Plaza LLC,  
a Delaware limited liability company,  
as a Member

Printed Name

BY:

Witness

Printed Name

Printed Name

Title

(Signature of TWO witnesses required by Florida law)

STATE OF New York  
COUNTY OF New York

The foregoing instrument was acknowledged before me this 25 day of October, 2017, by DAVID GRAY, as Vice President, of G&I VIII Investment Piedmont Plaza LLC, a Delaware limited liability company, as a member for G&I VIII Piedmont Plaza LLC, a Delaware limited liability company, on behalf of the limited liability company. He/she  is personally known to me, or [ ] has produced \_\_\_\_\_ as identification.



Susan Fattorusso  
Notary Signature  
Susan Fattorusso  
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:

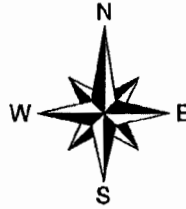
# SKETCH OF DESCRIPTION

## DESCRIPTION

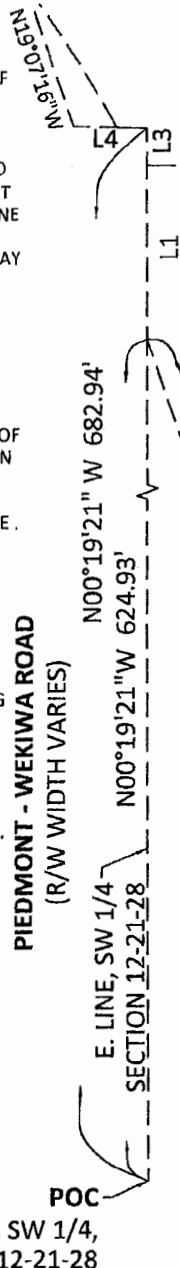
A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE N00°19'21"W ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 624.93 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF PIEDMONT - WEKIWA ROAD; THENCE S19°07'16"E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 49.80 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 824.00 FEET, A CHORD BEARING OF S16°28'50"E, A CHORD DISTANCE OF 75.91 FEET, RUN THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°16'50", A DISTANCE OF 75.94 FEET FOR A POINT OF BEGINNING; RUN THENCE S38°44'33"E A DISTANCE OF 19.95 FEET; THENCE S31°55'20"E A DISTANCE OF 21.49 FEET; THENCE S08°28'56"E A DISTANCE OF 40.00 FEET; THENCE S81°31'04"W A DISTANCE OF 15.00 FEET TO SAID EAST RIGHT-OF-WAY LINE, BEING A POINT OF CURVATURE ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 824.00 FEET, A CHORD BEARING OF N11°09'41"W, A CHORD DISTANCE OF 77.03 FEET, RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EAST RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 05°21'29", A DISTANCE OF 77.06 FEET TO THE POINT OF BEGINNING.

CONTAINS 928 SQUARE FEET MORE OR LESS.



PARCEL: 12-21-28-0000-00-025  
INSTRUMENT #20160283426  
NOT PLATTED



LINE CHART

L1	N00°19'21"W	47.65'
L2	S19°07'16"E	49.80'
L3	N00°19'21"W	10.36'
L4	N89°17'39"W	19.87'

C1 CURVE DATA

$\Delta$	= 05°16'50"
R	= 824.00'
L	= 75.94'
CHORD	S16°28'50"E
	75.91'

PARCEL: 12-21-28-0000-00-003  
INSTRUMENT #20150438987  
NOT PLATTED

C2 CURVE DATA

$\Delta$	= 05°21'29"
R	= 824.00'
L	= 77.06'
CHORD	N11°09'41"W
	77.03'

C3 CURVE DATA

$\Delta$	= 08°09'35"
R	= 824.00'
L	= 117.35'
CHORD	N04°24'09"W
	117.25'

C4 CURVE DATA

$\Delta$	= 18°47'54"
R	= 824.00'
L	= 270.35'
CHORD	N09°43'18"W
	269.14'

POC  
SE CORNER, SW 1/4,  
SECTION 12-21-28

THIS SKETCH IS NOT A BOUNDARY SURVEY.

JOB #47035
CF# 12-21-28 UTILITY ESMT
DATE: 5/25/2017
SCALE: 1" = 50'
DRAWN BY: AAD

PREPARED FOR: G & I VIII PIEDMONT PLAZA LLC
PROJECT NAME: PIEDMONT PLAZA PERMIT #16-U-055
BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 12-21-28 BEING: N00°19'21"W.

REVISIONS:

7/18/17	COMMENTS JB
47035 7/7/2017	COMMENTS AAD
47035 6/1/2017	PROJECT NAME AAD

THIS SKETCH MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 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

**JAMES D. BRAY PSM 6507**  
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER."

LEGEND

CLC	- CENTERLINE	IR	- IRON ROD
CLF	- 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
E/P	- EDGE OF PAVEMENT	R	- RADIUS
ESMT	- EASEMENT	TPY	- TYPICAL
FEE	- FINISHED FLOOR ELEVATION	UB	- UTILITY BOX
FND	- FOUND	UE	- UTILITY EASEMENT
IP	- IRON PIPE	WF	- WOOD FENCE

Project: Piedmont Plaza Permit: 16-U-055 OCU File #: 86866

**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 a Mortgage and Security Agreement; Assignment of Rents, Leases and Deposits; Assignment of Agreements Affecting Real Estate; Financing Statement; Subordination, Non-Disturnance and Attornment Agreement; Subordination, Non-Disturnance and Attornment Agreement; Subordination, Non-Disturnance and Attornment Agreement; and Subordination, Non-Disturnance and Attornment Agreement 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:

Branch Banking and Trust Company

FROM: G&I VIII Piedmont Plaza LLC

Mortgage and Security Agreement filed October 24, 2016

Recorded as Document No. 20160553335

Assignment of Rents, Leases and Deposits filed October 24, 2016

Recorded as Document No. 20160553336

Assignment of Agreements Affecting Real Estate filed October 24, 2016

Recorded as Document No. 20160553337

Financing Statement filed October 24, 2016

Recorded as Document No. 20160553338

Encumbrances (continued):

Subordination, Non-Disturbance and Attornment Agreement filed October 28, 2016  
Recorded as Document No. 20160566498

Subordination, Non-Disturbance and Attornment Agreement filed October 28, 2016  
Recorded as Document No. 20160566499

Subordination, Non-Disturbance and Attornment Agreement filed October 28, 2016  
Recorded as Document No. 20160566500

Subordination, Non-Disturbance and Attornment Agreement filed October 28, 2016  
Recorded as Document No. 20160566501

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 12 day of October, A.D. 2017.

Signed, sealed, and delivered  
in the presence of:

Milena Savatic  
Witness

Milena Savatic  
Printed Name

Joel Cardenas  
Witness

Joel Cardenas  
Printed Name

Branch Banking and Trust Company,  
a North Carolina corporation

BY: [Signature]

Donny Duarte  
Printed Name

SVP  
Title

(CORPORATE SEAL)

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 12 of October,  
20 17, by Donny Duarte, as Senior Vice President of Branch Banking  
and Trust Company, a North Carolina corporation, on behalf of the corporation. He/She  is personally  
known to me or  has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 12 day of October, 20 17.

(Notary Seal)

Deborah Villalba  
Notary Signature

Deborah Villalba  
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:



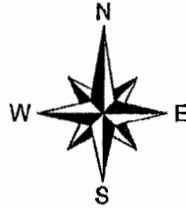
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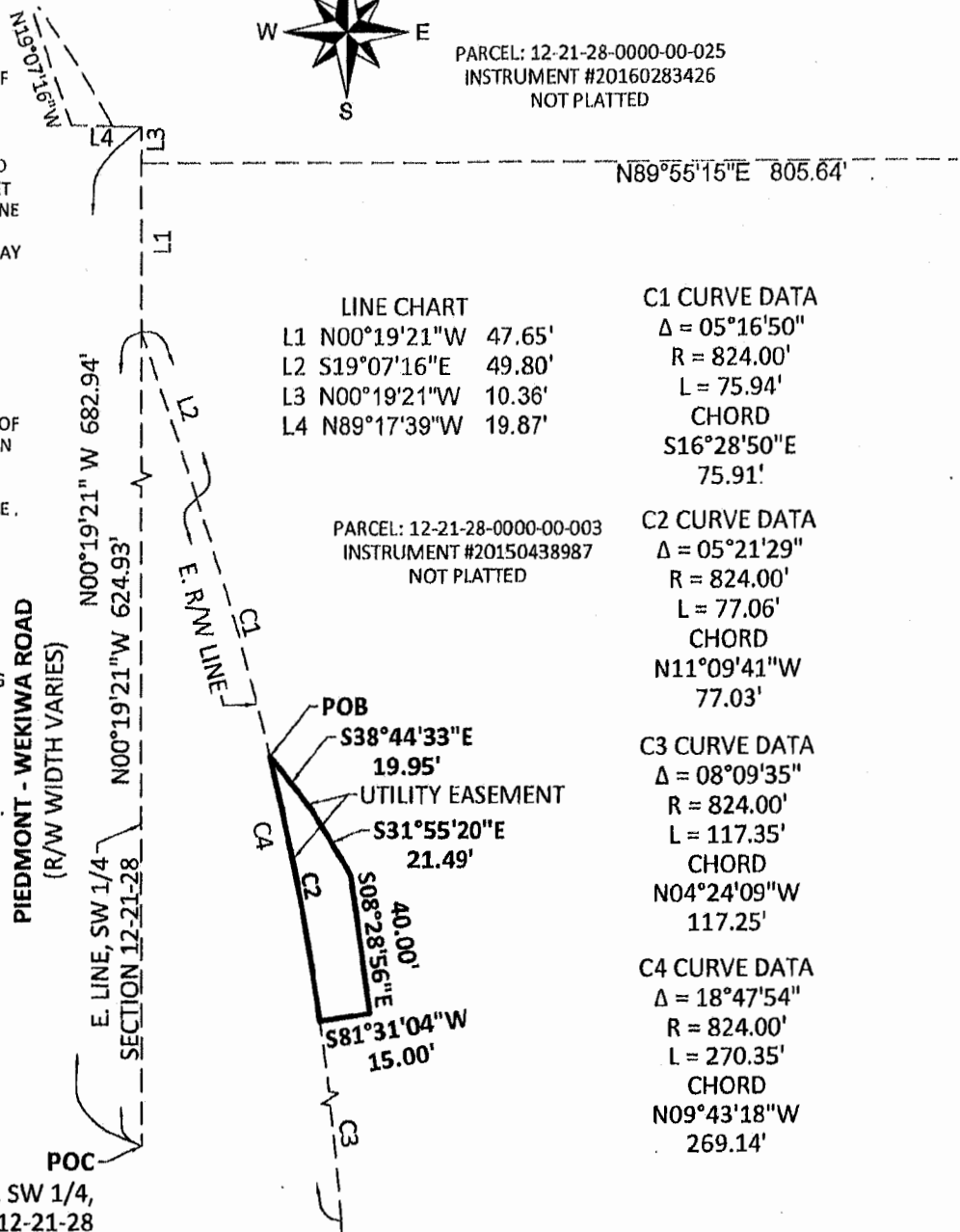
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CONTAINS 928 SQUARE FEET MORE OR LESS.



PARCEL: 12-21-28-0000-00-025  
INSTRUMENT #20160283426  
NOT PLATTED



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INSTRUMENT #20150438987  
NOT PLATTED

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SE CORNER, SW 1/4,  
SECTION 12-21-28

THIS SKETCH IS NOT A BOUNDARY SURVEY.

JOB #47035	PREPARED FOR: G & I VIII PIEDMONT PLAZA LLC	REVISIONS:
CF# 12-21-28 UTILITY ESMT	PROJECT NAME: PIEDMONT PLAZA PERMIT #16-U-055	7/18/17 COMMENTS JB
DATE: 5/25/2017	BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED EAST LINE OF	47035 7/7/2017 COMMENTS AAD
SCALE: 1" = 50'	THE SOUTHWEST 1/4 OF SECTION 12-21-28 BEING: N00°19'21"W.	47035 6/1/2017 PROJECT NAME AAD
DRAWN BY: AAD		

THIS SKETCH MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY CHAPTER 51-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.



ACCURIGHT SURVEYS  
OF ORLANDO INC., LB 4475  
2012 E. Robinson Street Orlando, Florida 32803  
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"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER."

LEGEND

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