



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 8

DATE: July 19, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager
Real Estate Management Division *Pls for mgr.*

FROM: Peter Stanley, Title Examiner *PS*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT FROM AVALON PARK SCHOOL INITIATIVE II JV, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM SCHOOL DEVELOPMENT HC FINANCE LLC AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Avalon Park K-5 School Site Work Permit #B17900160
OCU File#: 83466

District 4

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

ITEMS: Utility Easement
Cost: Donation
Size: 261.92 square feet

Subordination of Encumbrance 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 07 2018

THIS IS A DONATION

Project: Avalon Park K-5 School Site Work Permit #B17900160 OCU File #83466

UTILITY EASEMENT

THIS INDENTURE, Made this 2nd day of July, A.D. 2018, between Avalon Park School Initiative II JV, LLC, a Florida limited liability company, whose address is 3680 Avalon Park East Blvd Suite 300, Orlando FL 32828, 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

07-23-32-1024-01-000

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.

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:

Annette M. Iraola
Witness

Annette M. Iraola
Printed Name

[Signature]
Witness

twinky R. Perez
Printed Name

Avalon Park School Initiative II JV, LLC,
a Florida limited liability company

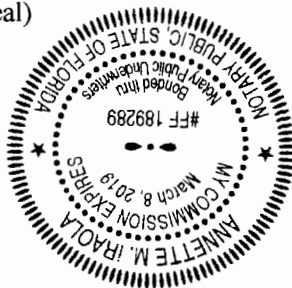
BY: Rosanne Wright
Rosanne Wright, Manager

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 2 of July, 2018, by Rosanne Wright, as Manager of Avalon Park School Initiative II JV, LLC, a Florida limited liability company, on behalf of the limited liability company. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

(Notary Seal)



Annette M. Iraola
Notary Signature

Annette M. Iraola
Printed Notary Name

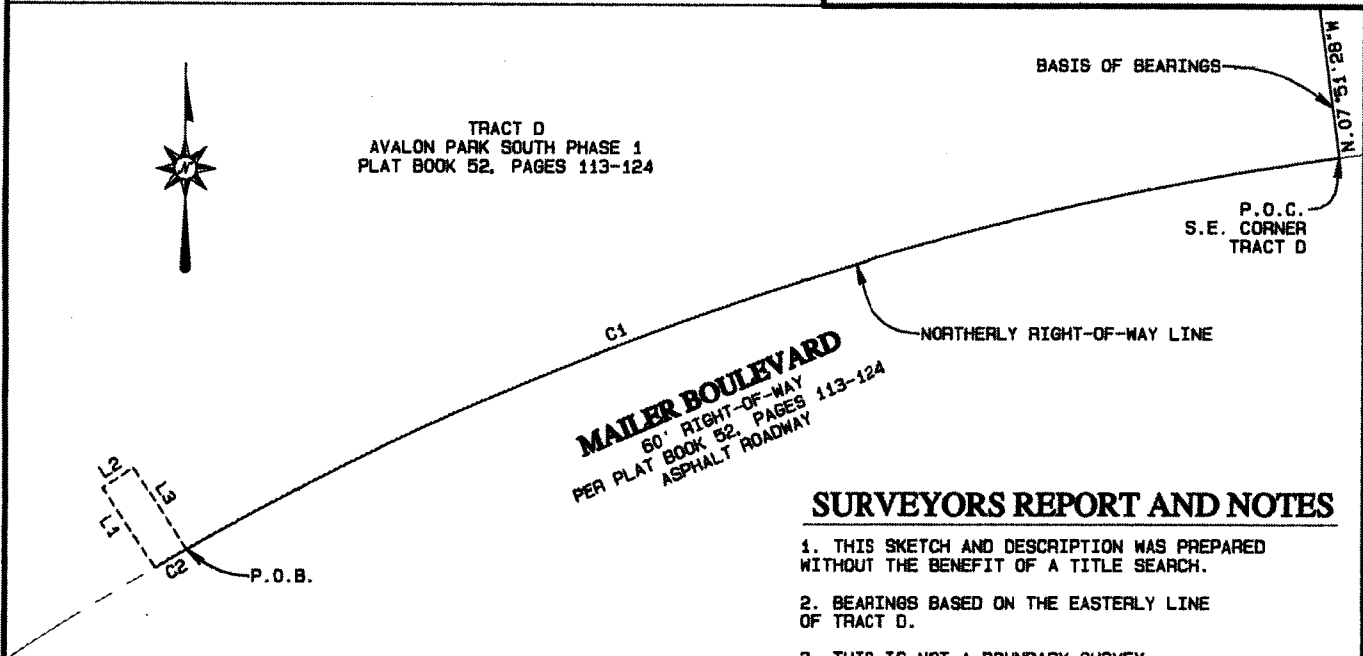
Notary Public in and for
the county and state aforesaid.
My commission expires:

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

SKETCH AND DESCRIPTION OF UTILITY EASEMENT

PROJECT NAME: AVALON PARK K-5 SCHOOL SITE WORK
BUILDING DEPARTMENT PERMIT NUMBER B17900160

EXHIBIT A



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 7, TOWNSHIP 23 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF TRACT D, AVALON PARK SOUTH, PHASE 1, AS RECORDED IN PLAT BOOK 52, PAGES 113 THROUGH 124 OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MAILER BOULEVARD; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND A CURVE TO THE LEFT, (SAID CURVE HAVING A RADIUS OF 905.00 FEET, CENTRAL ANGLE OF 21°20'17" AND A CHORD BEARING AND DISTANCE S71°28'22"W 335.10 FEET) SOUTHWESTERLY A DISTANCE OF 337.04 FEET TO A POINT OF COMPOUND CURVATURE AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 905.00 FEET, A CENTRAL ANGLE OF 0°38'24" AND A CHORD BEARING AND DISTANCE S60°29'02"W 10.11 FEET) SOUTHWESTERLY A DISTANCE OF 10.11 FEET ALONG THE ARC OF SAID CURVE; THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE N33°59'50"W, A DISTANCE OF 25.72 FEET; THENCE N56°07'44"E, A DISTANCE OF 10.00 FEET; THENCE S34°10'04"E, A DISTANCE OF 26.48 FEET TO THE POINT OF BEGINNING

CONTAINING 261.92 SQUARE FEET MORE OR LESS.

HARD COPY PRINTS:
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.

DIGITAL COPIES:
THIS SURVEY IS NOT VALID WITHOUT A VALID DIGITAL SEAL BY A LICENSED SURVEYOR AND MAPPER.

SURVEYORS REPORT AND NOTES

1. THIS SKETCH AND DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.
2. BEARINGS BASED ON THE EASTERLY LINE OF TRACT D.
3. THIS IS NOT A BOUNDARY SURVEY.

LEGEND

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

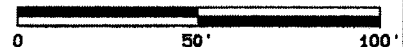
LINE TABLE

LINE	BEARING	DISTANCE
L1	N33°59'50"W	25.72'
L2	N56°07'44"E	10.00'
L3	S34°10'04"E	26.48'

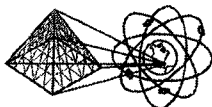
CURVE TABLE

LINE	ARC	CHORD BEARING	RADIUS	CENTRAL ANGLE	CHORD
C1	337.04'	S71°28'22"W	905.00'	21°20'17"	335.10'
C2	10.11'	S60°29'02"W	905.00'	0°38'24"	10.11'

GRAPHIC SCALE 1"=50'



UNITED POSITIONING & DIGITAL MODELING, INC.



427 GASTON FOSTER ROAD STE E.
ORLANDO, FL. 32807
OFFICE: 407-281-0101
FAX: 407-810-3161
EMAIL: cstelly@unitedpdm.com
FLORIDA LICENSED BUSINESS NO. 7879

SKETCH AND DESCRIPTION FOR MELICH-BLENDE ENGINEERING, INC.

I, THE UNDERSIGNED, FLORIDA LICENSED SURVEYOR AND MAPPER DO HERBY CERTIFY THAT I HAVE COMPLETED THIS SURVEY IN COMPLIANCE WITH FLORIDA STANDARDS OF PRACTICE AS DEFINED IN FLORIDA ADMINISTRATIVE CODE 5J-17-052

Christopher J. Stelly 5/22/18
CHRISTOPHER J. STELLY L96445

DATE OF DRAWING: 05-11-18

MANAGER: CJS CADD: MA

PROJECT NUMBER: 555-17-008

FIELD BOOK NUMBER: NA

LAST FIELD WORK: NA

CREW CHIEF(S): NA

COMPUTER FILE: 555008BASE2.pro

SCALE: 1" = 50' SHEET 1 OF 1

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 07 2018

Project: Avalon Park K-5 School Site Work Permit #B17900160 OCU File #83466

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 utility 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:

School Development HC Finance LLC, a Florida limited liability company
FROM: Avalon Park School Initiative II JV, LLC, a Florida limited liability company
Mortgage and Security Agreement filed December 4, 2017
Recorded in Official Records Document No. 20170658164
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 utility 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 utility purposes that in such event the subordination of said encumbrance 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 encumbrance has duly executed this instrument this 2nd day of July, A.D. 2018.

Signed, sealed, and delivered
in the presence of:

School Development HC Finance LLC,
a Florida limited liability company

Witness

BY:

Ignacio G. Zulueta

Annette M. Iraola

Annette M. Iraola

Printed Name

Twinky R. Pene

Witness

Twinky R. Pene

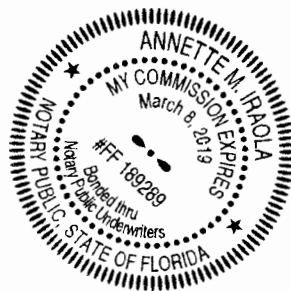
Printed Name

(Two witnesses are required by Florida law)

STATE OF Florida
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 2 of July, 2018, by Ignacio G. Zulueta, as Manager of School Development HC Finance LLC, a Florida limited liability company, on behalf of the limited liability company. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

(Notary Seal)



Notary Signature

Annette M. Iraola

Annette M. Iraola

Printed Notary Name

Notary Public in and for
the County and State aforesaid

My Commission Expires:

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

SKETCH AND DESCRIPTION

EXHIBIT A

OF

UTILITY EASEMENT

PROJECT NAME: AVALON PARK K-5 SCHOOL SITE WORK
BUILDING DEPARTMENT PERMIT NUMBER B17900160



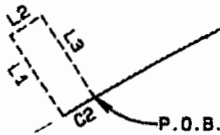
TRACT D
AVALON PARK SOUTH PHASE 1
PLAT BOOK 52, PAGES 113-124

BASIS OF BEARINGS

P.O.C.
S.E. CORNER
TRACT D

MAILER BOULEVARD
60' RIGHT-OF-WAY
PER PLAT BOOK 52, PAGES 113-124
ASPHALT ROADWAY

NORTHERLY RIGHT-OF-WAY LINE



SURVEYORS REPORT AND NOTES

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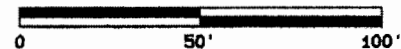
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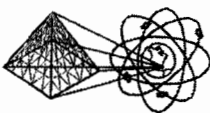
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GRAPHIC SCALE 1"=50'



UNITED POSITIONING & DIGITAL MODELING, INC.



427 GASTON FOSTER ROAD STE E.
ORLANDO, FL. 32807
OFFICE: 407-281-0101
FAX: 407-810-3161
EMAIL: cstelly@unitedpdm.com
FLORIDA LICENSED BUSINESS NO. 7879

SKETCH AND DESCRIPTION

FOR

MELICH-BLENDE ENGINEERING, INC.

I, THE UNDERSIGNED FLORIDA LICENSED SURVEYOR AND MAPPER DO HERBY CERTIFY THAT I HAVE COMPLETED THIS SURVEY IN COMPLIANCE WITH FLORIDA STANDARDS OF PRACTICE AS DEFINED IN FLORIDA ADMINISTRATIVE CODE 6J-17-062

Christopher J. Stelly 5/22/18
CHRISTOPHER J. STELLY LS6445

DATE OF DRAWING: 05-11-18

MANAGER: CJS CADD: MA

PROJECT NUMBER: 555-17-008

FIELD BOOK NUMBER: NA

LAST FIELD WORK: NA

CREW CHIEF(S): NA

COMPUTER FILE: 555008BASE2.pro

SCALE: 1" = 50' SHEET 1 OF 1