



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: March 30, 2020

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

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

FROM: Erica L. Guidroz, Acquisition Agent *ELG*
Real Estate Management Division *W/PS*

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval and execution of Temporary Construction Easement between 6790 Hanging Moss Road LLC and Orange County, approval of Purchase Agreement between 6790 Hanging Moss Road LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Iberiabank, successor-by-merger to Sabadell United Bank, N.A, and Subordination of Encumbrance to Property Rights to Orange County from Flowers Baking Co. of Bradenton, LLC, and authorization to disburse funds to pay purchase price and recording fees and record instruments

PROJECT: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway
District 5

PURPOSE: To provide for access and construction of road widening improvements.

ITEMS: Purchase Agreement (Parcel 7005)
Temporary Construction Easement (Instrument 7005.1)
Cost: \$47,500
Size: 2,265 square feet
Term: 7 years, or until completion of construction

Subordination of Encumbrance to Property Rights to Orange County
(Instrument 7005.2)

Subordination of Encumbrance to Property Rights to Orange County
(Instrument 7005.3)

BUDGET: Account No.: 1032-072-2752-6110

FUNDS: \$47,500 Payable to 6790 Hanging Moss Road LLC
(purchase price)

\$88 Payable to Orange County Comptroller
(recording fees)

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department
Risk Management Division

REMARKS: This Temporary Construction Easement is being acquired at the request of the Public Works Department as Parcel 7005 of the East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway road widening project.

6790 Hanging Moss Road LLC to pay documentary stamp tax.

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

Under Ordinance Approval

Date: 3-20-2020

Amount: \$47,588.00

Project: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway

Parcels: 7005

Charge to Account # 1032-072-2752-6110 = \$47,588.000

Controlling Agency Approval Signature Date

Shulam Qadie 04/03/20
4/8/20

Printed Name:

Fiscal Approval Signature Date

Pat Davis 4-10-20
Pat Davis

Printed Name

TYPE TRANSACTION (Check appropriate block(s))
 Pre-Condemnation Post-Condemnation

N/A District # 5

- Acquisition at Approved Appraisal
- Acquisition at Below Approved Appraisal
- Acquisition at Above Approved Appraisal
- Advance Payment Requested

6790 Hanging Moss Road LLC
 8297 ChampionsGate Blvd. Suite 337
 ChampionsGate, Florida 33896
 Purchase Price \$47,500.00

Orange County Comptroller
 Recording Fee \$88.00

Total \$47,588.00

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Contract
- Copy of Executed Instruments
- Certificate of Value
- Settlement Analysis

Payable to: 6790 Hanging Moss Road LLC (\$47,500.00)

Payable to: Orange County Comptroller (\$88.00)

 CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)

Recommended by Erica Guidroz Date 3-20-2020
 Erica Guidroz, Acquisition Agent, Real Estate Management Div.

Payment Approved Paul Sladek Date 3/27/2020
 Paul Sladek, Manager, Real Estate Management Division

Certified Neelva R... Date MAY 11 2020
 Approved by BCC Deputy Clerk to the Board

Examined/Approved _____ Date _____
 Comptroller/Government Grants Check No. / Date

REMARKS:
 Anticipated Closing Date: As soon as checks are available.

APPROVED
 BY ORANGE COUNTY BOARD
 OF COUNTY COMMISSIONERS
 MAY 05 2020

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAY 05 2020

Instrument: 7005.1

Project: East-West Road (SR 436 to Dean Rd) n/k/a Richard Crotty Parkway

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made and executed the 9th day of March, A.D. 2020, by 6790 Hanging Moss Road LLC, a Florida limited liability company, whose address is c/o MSW Management, LLC, 8297 Champions Gate Boulevard, #337, Champions Gate, Florida, 33896, 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, its successors and assigns, a Temporary Construction Easement more particularly defined in Schedule "B" attached over and upon the following described lands of the GRANTOR situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:

a portion of

15-22-30-3932-00-100

THE GRANTOR covenants with the GRANTEE that the GRANTOR is lawfully seized of said lands in fee simple; that the GRANTOR has good right and lawful authority to grant this easement and shall take no action to interfere with the GRANTEE'S lawful use of said easement; that the GRANTOR hereby fully warrants the easement being granted and will defend the same against the lawful claims of all persons whomsoever.

Grantee acknowledges that it (i) had the opportunity to physically inspect the Easement Area; and (ii) accepts the Easement Area "as is" and "where is" with full knowledge of the condition thereof and subject to all the terms, conditions, restrictions, and limitations applicable thereto. To the extent provided by and without waiving its rights and protection pursuant to Section 768.28, Florida Statutes or any successor law, Grantee agrees to hold harmless Grantor from all liabilities, costs, and expenses, arising out of or resulting from use of this Temporary Construction Easement by Grantee or its employee, agents, contractor, or others acting on its behalf. Notwithstanding any term or provision of this Temporary Construction Easement seemingly to the contrary, Grantee shall not by virtue of entering into this Temporary Construction Easement nor by anything set forth in this Temporary Construction Easement, waive (or be deemed to have waived) its right to sovereign immunity or the sovereign immunity limits established by Florida law (including but not limited to the limits established by Section 768.28, Florida Statutes)

Instrument: 7005.1

Project: East-West Road (SR 436 to Dean Rd) n/k/a Richard Crotty Parkway

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed, and delivered
in the presence of:

6790 Hanging Moss Road LLC,
a Florida limited liability company

Rodney Thomas Jr.
Witness

BY: MSW Management, LLC,
a New York limited liability company,
its Authorized Member

Rodney Thomas Jr.
Printed Name

BY: Sebastian Mascaro
Sebastian Mascaro, its Manager

June L Ruscette
Witness

JUNE L RUSCETTE
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 9 day of MAR, 2020, by Sebastian Mascaro, Manager of MSW Management, LLC, a New York limited liability company, as Authorized Member of 6790 Hanging Moss Road LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me or has produced FL DRIVER LICENSE as identification.

(Notary Seal)

Norman Ruscette
Notary Signature

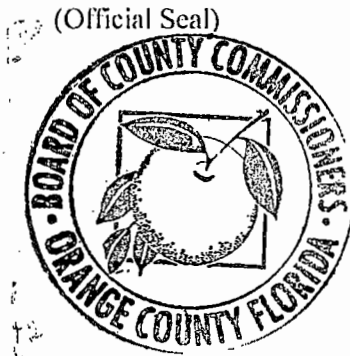
NORMAN RUSCETTE
Printed Notary Name



NORMAN RUSCETTE
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG933291
Expires 12/7/2023

Instrument: 7005.1

Project: East-West Road (SR 436 to Dean Rd) n/k/a Richard Crotty Parkway



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

BY:

Jerry L. Demings
for Jerry L. Demings
Orange County Mayor

DATE:

11 May 2020

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY:

Naelia Perez
for Naelia Perez
Deputy Clerk

Naelia Perez
Printed Name

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

DESCRIPTION
 PARCEL 7005
 TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

DESCRIPTION:

A portion of Lot 10, Ivey's Commerce Park, according to the Plat thereof as recorded in Plat Book 3, Page 141, Public Records of Orange County, Florida.

Begin at the Northwest Corner of Lot 10, Ivey's Commerce Park, according to the Plat thereof, as recorded in Plat Book 3, Page 141, Public Records of Orange County, Florida, said point being the POINT OF BEGINNING; thence along the North line of said Lot 10, also being the South right of way line of Hanging Moss Road as recorded in Official Records Book 3112, Page 390, Public Records of Orange County, Florida North 89°05'52" East, a distance of 90.49 feet; thence departing said North line and said South right of way line South 00°54'08" East, a distance of 25.00 feet; thence South 89°05'52" West, a distance of 90.69 feet; thence North 00°26'01" West, a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 2,265 square feet, more or less.

SURVEYOR'S REPORT:

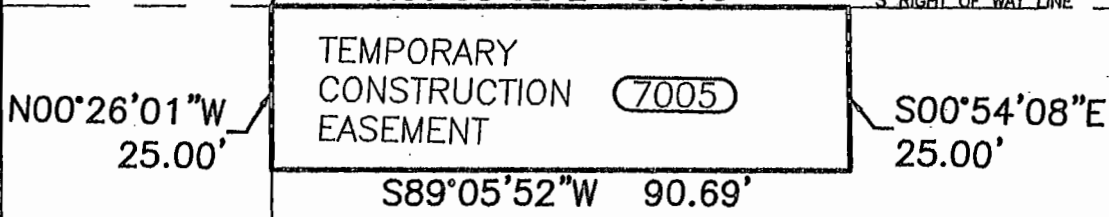
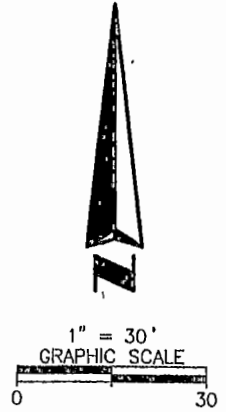
1. Bearings shown hereon are based on the South right of way line of Hanging Moss Road, being North 89°05'52" East.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.

Sketch of Description FOR Orange County Board of County Commissioners	Date: July 19, 2018 JRH		Certification Number: 45979207
	Job Number: 45979	Scale: 1" = 30'	
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		
			JAMES J. PETERSTIN REGISTERED LAND SURVEYOR Number 4791

SKETCH OF DESCRIPTION
PARCEL 7005
TEMPORARY CONSTRUCTION EASEMENT

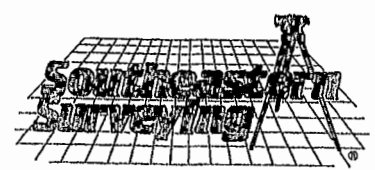
HANGING MOSS ROAD
120.00' RIGHT OF WAY
PER OFFICIAL RECORDS BOOK 3112, PAGE 390

POINT OF BEGINNING
NW CORNER LOT 10, IVEY'S COMMERCE
PARK PLAT BOOK 3, PAGE 141
N89°05'52"E 90.49'



NOT PLATTED

IVEY'S COMMERCE PARK
PLAT BOOK 3, PAGE 141
LOT 10



Drawing No. 45979207
Job No. 45979
Date: JULY 19, 2018
SHEET 2 OF 2
See Sheet 1 for Description

THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEET 1 THROUGH 2 e-mail: info@southeasternsurveying.com

SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580
Certification Number LB2108

SCHEDULE "B"

2752 EAST WEST ROAD PARCEL 7005

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7005 is being acquired as a temporary, non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of constructing, tying in and harmonizing the driveway with the adjacent roadway, and tying in and harmonizing the existing grade with the adjacent roadway. At all times during construction, the GRANTEE will maintain uninterrupted pedestrian and vehicular access to all driveways and side streets and will notify the property owners five days prior to starting construction.

After the construction on the Parcel is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (7) years from the approval of this easement by the Orange County Board County Commissioners, whichever occurs first.

Project: East-West Road (SR 436 to Dean Rd) n/k/a Richard Crotty Parkway
Parcel: 7005

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

MAY 05 2020

PURCHASE AGREEMENT

COUNTY OF ORANGE
STATE OF FLORIDA

THIS AGREEMENT made between 6790 Hanging Moss Road LLC, a Florida limited liability company, hereinafter referred to as SELLER, and Orange County, a charter county and political subdivision of the state of Florida, hereinafter referred to as BUYER.

WITNESSETH:

WHEREAS, BUYER requires the land described on Schedule "A" attached hereto for the above referenced project and said SELLER agrees to furnish said land for such purpose.

Property Appraiser's Parcel Identification Number
a portion of
15-22-30-3932-00-100

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), each to the other paid, the parties hereto agree as follows:

1. SELLER agrees to execute a Temporary Construction Easement for a period of 7 years on Parcel 7005, as more particularly described on the attached Schedule "B" for the sum of \$ 47,500.00.
2. This transaction shall be closed and the easement and other closing papers delivered on or before 90 days from the effective date of this AGREEMENT. Closing shall take place at the office of the Orange County Real Estate Management Division, 400 E. South Street, Fifth Floor, Orlando, Florida 32801, or at such place as shall be mutually agreed upon by BUYER and SELLER. SELLER shall receive payment, at the time of closing from the BUYER.
3. Effective Date: This agreement shall become effective on the date upon which it has been fully executed by the parties and approved by the Orange County Board of County Commissioners.
4. SELLER agrees to pay documentary stamp tax prior to receipt of proceeds, by separate check payable to the Orange County Comptroller.

5. SELLER shall comply with Section 286.23, Florida Statutes, pertaining to disclosure of beneficial ownership, if applicable.
6. Insurance
 - (i) Insurance of BUYER. BUYER represents and warrants to SELLER that BUYER is self-insured and as such, is a qualified self-insurer in the State of Florida.
 - (ii) Insurance of BUYER'S Contractors. Unless otherwise agreed to by SELLER and BUYER, BUYER'S contractors shall carry (at their own cost and expense), the following insurance:
 - a. Occurrence basis commercial general liability insurance (including broad form contractual coverage) and automobile liability insurance, each with minimum limits of One Million Dollars (\$1,000,000) combined single limit per occurrence and Two Million Dollars (\$2,000,000.00) general aggregate, protecting BUYER and SELLER from claims for bodily injury (including death) and property damage which may arise from or in connection with the use of the Easement Area pursuant to this Agreement, which insurance shall name SELLER as additional insured; and
 - b. Workers' compensation insurance as required by applicable law (and employer's liability insurance) with minimum limits of Five Hundred Thousand Dollars (\$500,000.00) per occurrence.
 - c. All such insurance required herein shall be with companies licensed to issue insurance in the State of Florida and which have a Best Guide rating of A- VII or better, shall include a waiver of subrogation, be primary and noncontributory, and shall provide that the coverage thereunder may not be reduced or canceled unless thirty (30) days prior written notice thereof is furnished to Seller. Prior to commencing any work in the Easement Area, Buyer shall cause its contractors to provide certificates of insurance, together with copies of the binding endorsements to Seller. In the event of any cancellation or reduction of coverage, Buyer's contractors shall obtain substitute coverage as required hereunder, without any lapse of coverage to Seller.
7. Orange County contractors will work around the following items during construction, and if damaged, Orange County Contractors will replace the following items in kind: Portion of Business sign Foundation (2) Lift Station, Valve Pit, & Piping (3) Straight Concrete Curb and (4) Concrete Light Pole & Lights & (5) Electrical Circuitry.
8. Orange County contractors will replace the following items, if damaged during construction, in kind: (1) grass/mulch with same quality, grass/mulch as damaged grass/mulch (2) Asphalt Pavement.

Project: East-West Road (SR 436 to Dean Rd) n/k/a Richard Crotty Parkway
Parcel: 7005

THIS AGREEMENT supersedes all previous agreements or representations, either verbal or written, heretofore in effect between SELLER and BUYER, made with respect to the matters herein contained, and when duly executed constitute the AGREEMENT between SELLER and BUYER. No additions, alterations, or variations to the terms of this AGREEMENT shall be valid, nor can provisions of this AGREEMENT be waived by either party unless expressly set forth in writing and duly signed.

The parties hereto have executed this AGREEMENT on the date(s) written below.

SELLER:
6790 Hanging Moss Road LLC,
a Florida limited liability company

BY: MSW Management, LLC,
a New York limited liability company,
Its Authorized Member



Sebastian Mascaro, Its Manager
8297 Champions Gate Boulevard, #337
Champions Gate, Florida 33896.

DATE: March 9, 2020

BUYER:
Orange County, Florida

BY: Erica Guidroz
Erica Guidroz, Its Agent

DATE: 4-1-2020

Mat07/16/2019|lg9/25/2019|lg12/27/2019

DESCRIPTION
 PARCEL 7005
 TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

DESCRIPTION:

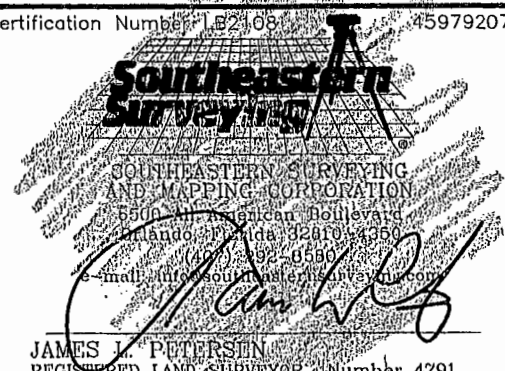
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Containing 2,265 square feet, more or less.

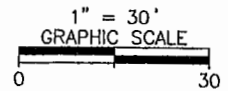
SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the South right of way line of Hanging Moss Road, being North 89°05'52" East.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.

Sketch of Description FOR Orange County Board of County Commissioners	Date: July 19, 2018 JRH		Certification Number: 182108 45979207
	Job Number: 45979	Scale: 1" = 30'	 <p>Southeastern Surveying and Mapping Corporation 5500 International Boulevard Orlando, Florida 32810-4350 (407) 492-0580 e-mail: info@southeasternsurveying.com</p> <p>JAMES L. PETERSEN REGISTERED LAND SURVEYOR Number 4791</p>
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		

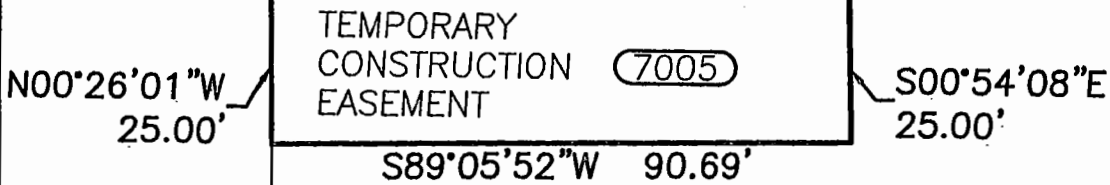
SKETCH OF DESCRIPTION
PARCEL 7005
TEMPORARY CONSTRUCTION EASEMENT

HANGING MOSS ROAD
120.00' RIGHT OF WAY
PER OFFICIAL RECORDS BOOK 3112, PAGE 390



POINT OF BEGINNING
NW CORNER LOT 10, IVEY'S COMMERCE
PARK PLAT BOOK 3, PAGE 141
N89°05'52"E 90.49'

S. RIGHT OF WAY LINE



NOT PLATTED

IVEY'S COMMERCE PARK
PLAT BOOK 3, PAGE 141
LOT 10



Drawing No. 45979207
Job No. 45979
Date: JULY 19, 2018
SHEET 2 OF 2
See Sheet 1 for Description

THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEET 1 THROUGH 2 e-mail: info@southeasternsurveying.com

SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580
Certification Number LB2108

SCHEDULE "B"

2752 EAST WEST ROAD PARCEL 7005

TEMPORARY CONSTRUCTION EASEMENT

Parcel 7005 is being acquired as a temporary, non-exclusive easement with full authority to enter upon the lands described in attached Schedule "A" for the purpose of constructing, tying in and harmonizing the driveway with the adjacent roadway, and tying in and harmonizing the existing grade with the adjacent roadway. At all times during construction, the GRANTEE will maintain uninterrupted pedestrian and vehicular access to all driveways and side streets and will notify the property owners five days prior to starting construction.

After the construction on the Parcel is completed the GRANTEE shall restore the Parcel to a condition as good as or better than the one existing before being disturbed by the GRANTEE.

This easement shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (7) years from the approval of this easement by the Orange County Board County Commissioners, whichever occurs first.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAY 05 2020

Instrument: 7005.2

Project: East-West Road (SR 436 to Dean Rd) n/k/a Richard Crotty Parkway

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 road right-of-way 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:

Iberiabank, successor-by-merger to Sabadell United Bank, N.A
FROM: 6790 Hanging Moss Road LLC
Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing
Filed December 8, 2016
Recorded as Document No. 20160636140
Assignment of Leases, Rents and Profits Filed December 8, 2016
Recorded as Document No. 20160636140
Financing Statement Filed December 8, 2016
Recorded as Document No. 20160636142
Subordination, Non-Disturbance and Attornment Agreement Filed December 8, 2016
Recorded as Document No. 20160637306
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

Instrument: 7005.2

Project: East-West Road (SR 436 to Dean Rd) n/k/a Richard Crotty Parkway

County, in its use of the land specifically above described for road right-of-way 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 road right-of-way 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 8th day of April, A.D. 2020.

Signed, sealed, and delivered in the presence of:

Iberiabank, successor-by-merger to Sabadell United Bank

Angelia Gallagher
Witness
Angelia Gallagher
Printed Name

BY: Carole A. Wright
Carole A. Wright, SVP, Private Banking Relationship Manager

Christopher Piombo
Witness
Christopher Piombo
Printed Name

STATE OF Florida
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 8 of April, 2020, by Carole A. Wright, as SVP, Private Banking Relationship Manager of Iberiabank successor-by-merger to Sabadell United Bank, N.A. She is personally known to me or has produced _____ as identification.

(Notary Seal)

Veronica Mena
Notary Signature
Veronica Mena
Printed Notary Name
Notary Public in and for the County and State aforesaid
My Commission Expires:



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

DESCRIPTION
 PARCEL 7005
 TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

DESCRIPTION:

A portion of Lot 10, Ivey's Commerce Park, according to the Plat thereof as recorded in Plat Book 3, Page 141, Public Records of Orange County, Florida.

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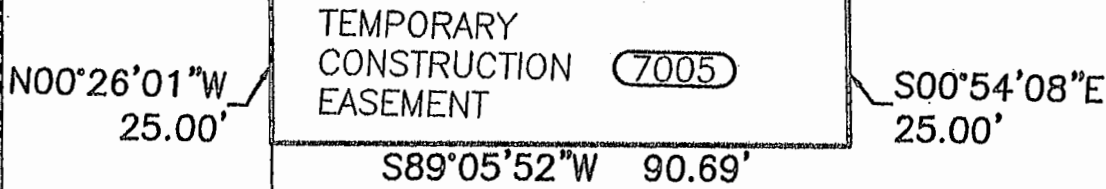
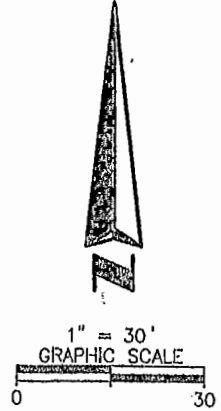
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	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		

SKETCH OF DESCRIPTION
PARCEL 7005
TEMPORARY CONSTRUCTION EASEMENT

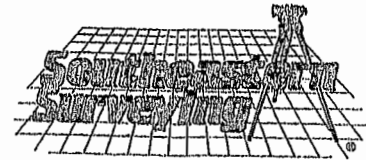
HANGING MOSS ROAD
120.00' RIGHT OF WAY
PER OFFICIAL RECORDS BOOK 3112, PAGE 390

POINT OF BEGINNING
NW CORNER LOT 10, IVEY'S COMMERCE
PARK PLAT BOOK 3, PAGE 141
N89°05'52"E 90.49'



NOT PLATTED

IVEY'S COMMERCE PARK
PLAT BOOK 3, PAGE 141
LOT 10



Drawing No. 45979207
Job No. 45979
Date: JULY 19, 2018
SHEET 2 OF 2
See Sheet 1 for Description

THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEET 1 THROUGH 2 e-mail: info@southeasternsurveying.com

SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580
Certification Number LB2108

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAY 05 2020

Instrument: 7005.3

Project: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway

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 road right-of-way 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 SCHEDULE "A"

Encumbrance:

Unrecorded Lease

FROM: 6790 Hanging Moss Road LLC

TO: Flowers Baking Co. of Bradenton, LLC

PROPERTY: 6790 Hanging Moss Rd

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 road right-of-way 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

Instrument: 7005.3

Project: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway

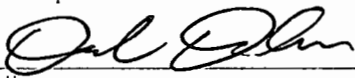
thereby, the full amount of all sums secured by and/or due under the same. It is further understood and agreed that in the event said above described premises are abandoned by ORANGE COUNTY and cease to be used for road right-of-way purposes that in such event the subordination of said encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been made.

At all times during construction ORANGE COUNTY will maintain uninterrupted pedestrian and vehicular access to all driveways and side streets and will notify the property owner five days prior to starting construction.

This subordination shall expire upon the completion of the construction on the project adjacent to the lands described in attached Schedule "A" or after seven (7) years from the approval of this subordination by the Orange County Board County Commissioners, whichever occurs first.

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 17th day of January, A.D. 2020.

Signed, sealed, and delivered
in the presence of:

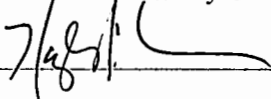

Witness

Darryl Davidson
Printed Name


Witness

Donnie R. Powell
Printed Name

Flowers Baking Co. of Bradenton, LLC
a Florida Limited Liability Company

BY: 

Karyl Lauder
Printed Name

President
Title
01/17/2020

Instrument: 7005.3

Project: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway

STATE OF Georgia
COUNTY OF Thomas

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 12th of January, 2020, by Karyl Lander, as President of Flowers Baking Co. of Bradenton, LLC, a Florida Limited Liability Company on behalf of the company. He/She is personally known to me or has produced _____ as identification.



Deanne D Turner
Notary Signature

Deanne D Turner
Printed Notary Name

Notary Public in and for
the County and State aforesaid

My Commission Expires: 8/15/22

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

DESCRIPTION
 PARCEL 7005
 TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

DESCRIPTION:

A portion of Lot 10, Ivey's Commerce Park, according to the Plat thereof as recorded in Plat Book 3, Page 141, Public Records of Orange County, Florida.

Begin at the Northwest Corner of Lot 10, Ivey's Commerce Park, according to the Plat thereof, as recorded in Plat Book 3, Page 141, Public Records of Orange County, Florida, said point being the POINT OF BEGINNING; thence along the North line of said Lot 10, also being the South right of way line of Hanging Moss Road as recorded in Official Records Book 3112, Page 390, Public Records of Orange County, Florida North 89°05'52" East, a distance of 90.49 feet; thence departing said North line and said South right of way line South 00°54'08" East, a distance of 25.00 feet; thence South 89°05'52" West, a distance of 90.69 feet; thence North 00°26'01" West, a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 2,265 square feet, more or less.

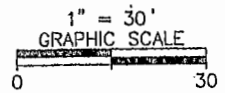
SURVEYOR'S REPORT:

- Bearings shown hereon are based on the South right of way line of Hanging Moss Road, being North 89°05'52" East.
- I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.

Sketch of Description FOR Orange County Board of County Commissioners	Date: July 19, 2018 JRH		Certification Number: 152108 15979207
	Job Number: 45979	Scale: 1" = 30'	
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		

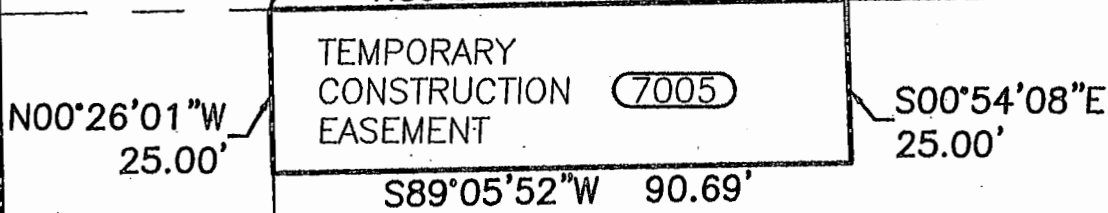
SKETCH OF DESCRIPTION
PARCEL 7005
TEMPORARY CONSTRUCTION EASEMENT

HANGING MOSS ROAD
120.00' RIGHT OF WAY
PER OFFICIAL RECORDS BOOK 3112, PAGE 390



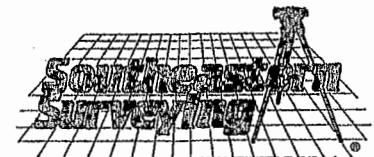
POINT OF BEGINNING
NW CORNER LOT 10, IVEY'S COMMERCE
PARK PLAT BOOK 3, PAGE 141
N89°05'52"E 90.49'

S RIGHT OF WAY LINE



NOT PLATTED

IVEY'S COMMERCE PARK
PLAT BOOK 3, PAGE 141
LOT 10



Drawing No. 45979207
Job No. 45979
Date: JULY 19, 2018
SHEET 2 OF 2
See Sheet 1 for Description

THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEET 1 THROUGH 2 e-mail: info@southeasternsurveying.com

SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580
Certification Number LB2108

CERTIFICATION OF VALUE

PROJECT: Richard Crotty Parkway - CIP 2752 INVEST

PARCEL: 7005

I hereby certify:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, unbiased, professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property or bias with respect to the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
4. I have performed one appraisal of this property within the past three years immediately preceding the acceptance of this assignment. This appraisal represents an update of the prior appraisal for the same client.
5. I have no bias with respect to the property that is the subject of this report or to the parties that are involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, or conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice, and the provisions of Chapter 475, Part II, Florida Statutes.
9. I have made a personal inspection of the property that is the subject of this report and I have afforded the property owner the opportunity to accompany me at the time of the inspection. I have also made a personal field inspection of the comparable sales relied upon in making this appraisal. The subject and the comparable sales relied upon in making this appraisal were as represented by the photographs contained in this appraisal.
10. No persons other than those named herein provided significant real property appraisal assistance to the person signing this certification. Those assisting are named on the following Certificate of Valuation Addendum.
11. That I have not revealed the results of such appraisal to any others than the proper officials of Orange County and will not do so until authorized by same or until required by due process of law, or until released from this obligation by having publicly testified as to such results.

Statements supplemental to this certification as required by membership in the Appraisal Institute are described on an addendum to this certificate and, by reference, are made a part hereof. My opinion of the market value of the property appraised as of the 2nd day of June, 2019, is \$ 47,500, based upon my independent appraisal and the exercise of my professional judgment.

The market value may be allocated as follows:

Land Area: 2,265 Square Feet (Temporary Construction Easement)

Land	\$ <u>12,500</u>
Improvements	\$ <u>7,900</u>
Damages and/or Cost-To-Cure	\$ <u>27,100</u>
TOTAL	\$ <u>47,500</u>



June 18, 2019

C. Lee Lobban, MAI
State-certified general real estate appraiser (RZ 1844)

Date

CERTIFICATE OF VALUATION ADDENDUM
(As Required by Membership in the Appraisal Institute)

I certify that, to the best of my knowledge and belief:

- that the competency provision requirements of the Uniform Standards of Professional Appraisal Practice have been met. The appraiser has over 30 years of experience, appraising all types of properties in Central Florida and has appraised enough parcels of this type, to fulfill the competency provision of the Uniform Standards of Professional Appraisal Practice.
- that my analysis, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics, the Standards of Professional Practice of the Appraisal Institute;
- that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
- that, as of the date of this report, I, C. Lee Lobban, MAI, have completed the requirements of the continuing education program of the Appraisal Institute;
- that I, C. Lee Lobban, am a State-Certified General Real Estate Appraiser RZ1844 by the State of Florida and have made a personal inspection of the property that is the subject of this report and that the following provided professional assistance to the person signing this report.

KCG, Inc.: Engineering/Land Planning sub-consultant firm who assisted in research the zoning and future land use elements for the subject property, analyzing the development potential of the parent tract and the impacts of the acquisition on the remainder property. KCG also provided the sketches of the parent tract, acquisition area and remainder property with the after condition shown. Hal Collins and Scott Stuart are the representatives of the firm responsible for the information provided.

W.D. Richardi: General contractor that provided replacement cost estimates for the items in the temporary easement and the cost to cure the deficiencies on the property created by the highway construction.

Project: East-West Road (SR 436 to Dean Road) a/k/a Richard Crotty Parkway
 Parcel No. 7005
 Name of Owner: 6790 Hanging Moss Road LLC
 Page No.: 1

SETTLEMENT ANALYSIS

Pre-Condemnation
 Not Under Threat

County's Appraised Value

Land: 2,2658	\$ 12,500.00
Improvements: Grass*, Sign Foundation*, Lift Station Valve*, Irrigation, Asphalt Pavement*, Straight Concrete Curb, Stop Sign, Stop Bar, Concrete Lights/Pole*, Electrical Circuitry*, Hedge, 6" Oak Tree (Items marked "*" are located within the acquisition, but are not to be disturbed by the construction activities and/or will be replaced by the contractor if disturbed and have not been included within the compensation for improvements within the acquisition)	\$ 7,900.00
Cost-to-Cure: Strip & Dispose of Grass, Remove Oak Tree & Grind Stump, Install New Oak Tree, New Stop Sign, New Stop Bar, Paint Pavement Gores, Add Median Stripes, Add Pavement Arrows, Add Right Turn Only Sign, Modify Irrigation , Re-establish Hedge Plants, Sod Disturbed Areas, Maintenance of Traffic (MOT), Engineering & Permits, General Conditions, 20% Contractors Fee, 5% Contingency, 15% Management	\$ 27,100.00
Other Damages:	\$ 0
Total Appraisal Value	<u>\$ 47,500.00</u>

Owner's Requested Amount—Initial

Owner's Counter Offer (Global):	\$ 47,500.00
Total Owner's Requested Amount—Initial:	<u>\$ 47,500.00</u>

Owner's Requested Amount—After Negotiations

Owner's Counter Offer (Global):	\$ 47,500.00
Total Owner's Requested Amount—After Negotiations:	<u>\$ 47,500.00</u>

Project: East-West Road (SR 436 to Dean Road) a/k/a Richard Crotty Parkway
Parcel No. 7005
Name of Owner: 6790 Hanging Moss Road LLC
Page No.: 2

EXPLANATION OF RECOMMENDED SETTLEMENT

(Memorandum to File pursuant to Section 4 of Ordinance 92-29)

Parcel 7005 of the East-West Road n/k/a Richard Crotty Parkway is not under threat. The subject tract contains 2,265 square feet and is on south side of Hanging Moss Road. The temporary construction easement is needed to harmonize the driveway for Parcel 7005 to Richard Crotty Parkway.

An original offer of \$47,500.00 was made at the appraised value for parcel 7005 including improvements and cost to cure. The property owner accepted the County's appraised value offer. I agree and request approval of purchase price in the amount of \$47,500.00.

Recommended by: Erica Guidroz Date: 10-21-19
Erica Guidroz, Acquisition Agent, Real Estate Mgmt. Division

Recommended by: Robert K Babcock Date: 10-21-19
Robert K. Babcock, Acquisition Supervisor, Real Estate Mgmt. Division

Approved by: Russell Corriveau Date: 10/21/19
Russell Corriveau, Assistant Manager, Real Estate Mgmt. Division

or
Approved by: _____ Date: _____
Paul Sladek, Manager, Real Estate Mgmt. Division

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <u>1790 Hanging Moss Rd LLC</u>	
	2 Business name/disregarded entity name, if different from above <u>1790 Hanging Moss Rd LLC</u>	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input checked="" type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions. <u>8297 Championsgate Blvd. Suite 337</u>	Requester's name and address (optional)
	6 City, state and ZIP code <u>Championsgate, FL 33896</u>	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
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or										
Employer identification number										
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Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶ <u>3/18/2020</u>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.