



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 13

DATE: June 20, 2019

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

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

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

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval of Utility Easement from Dakota Property Investments, LLC to Orange County, Subordination of Encumbrances to Property Rights to Orange County from Bank of America, N.A., and Subordination of Encumbrances to Property Rights to Orange County from U.S. Small Business Administration and authorization to record instruments

PROJECT: Stanley Steemer Permit B15901563 OCU File #89966

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: 300 square feet

Subordination of Encumbrances to Property Rights to Orange County (2)

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 16 2019

THIS IS A DONATION

Project: Stanley Steemer Permit B15901563 OCU File #89966

UTILITY EASEMENT

THIS INDENTURE, Made this 11th day of June, 2019, between Dakota Property Investments, L.L.C., a Florida limited liability company, whose address is 1757 Benbow Court, Apopka, Florida 32703, 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 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 that portion of the lands owned by GRANTOR of the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:

a portion of

24-21-28-5986-00-032

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:

Dakota Property Investments, LLC,
a Florida limited liability company

Ashley Munchey
Witness

BY: [Signature]
Mark A. Gellner, Manager

Ashley Munchey
Printed Name

Mark Gellner
Printed Name

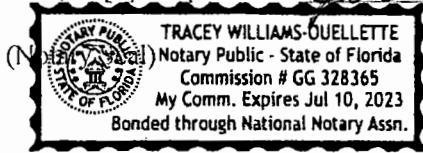
Trish Wieland
Witness

Trish Wieland
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 11 day of June, 20 19, by Mark A. Gellner as Manager of Dakota Property Investments, LLC, a Florida limited liability company, on behalf of the limited liability company. He/she [] is personally known to me, or [] has produced personally known as identification.



[Signature]
Notary Signature

Printed Notary Name

This instrument prepared by:
Elena Hutchinson, 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

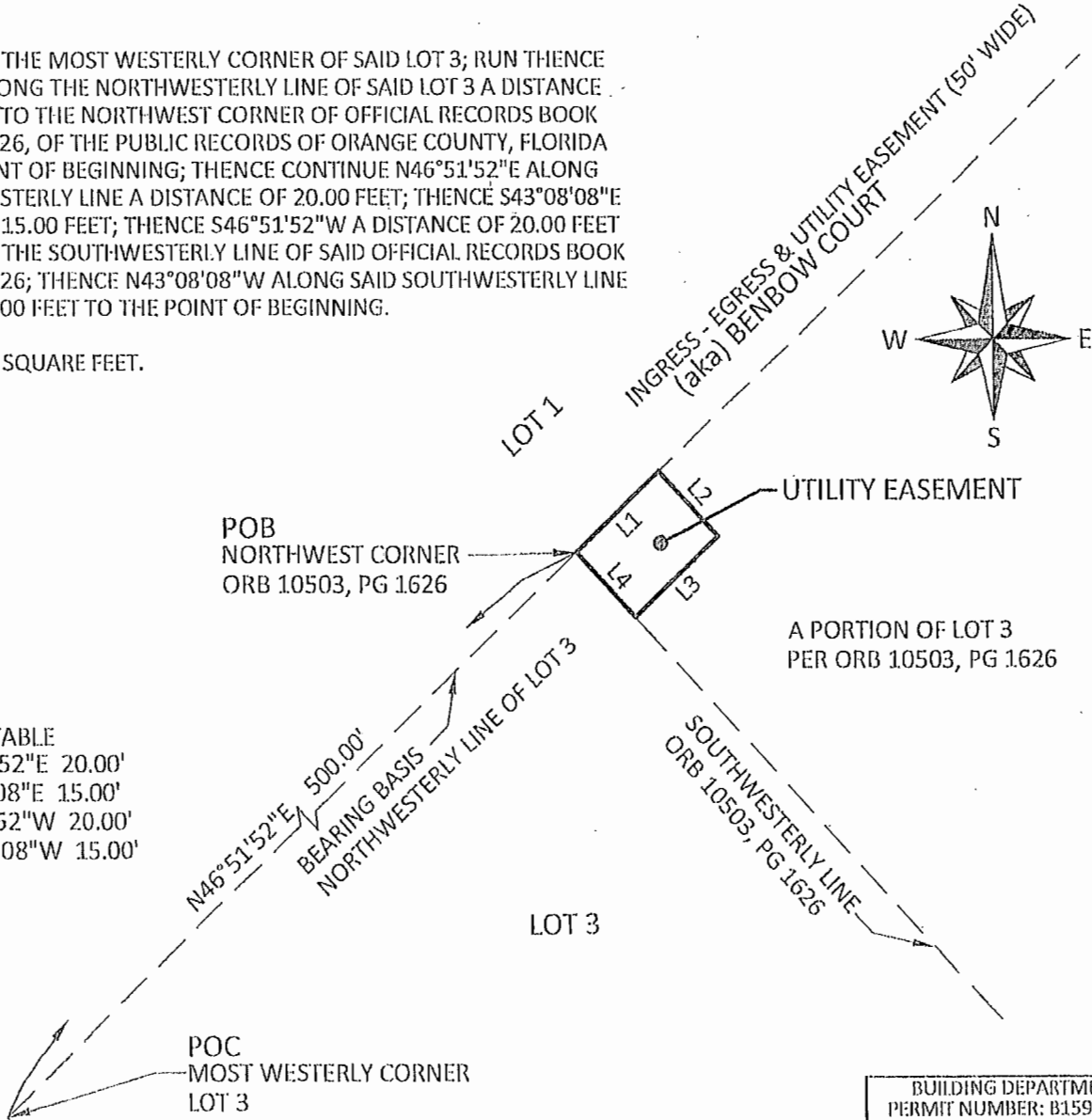
EXHIBIT A

15' BY 20' UTILITY EASEMENT:

A PORTION OF LOT 3, NORTH 441 INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 61, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST WESTERLY CORNER OF SAID LOT 3; RUN THENCE N46°51'52"E ALONG THE NORTHWESTERLY LINE OF SAID LOT 3 A DISTANCE OF 500.00 FEET TO THE NORTHWEST CORNER OF OFFICIAL RECORDS BOOK 10503, PAGE 1626, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND FOR A POINT OF BEGINNING; THENCE CONTINUE N46°51'52"E ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 20.00 FEET; THENCE S43°08'08"E A DISTANCE OF 15.00 FEET; THENCE S46°51'52"W A DISTANCE OF 20.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID OFFICIAL RECORDS BOOK 10503, PAGE 1626; THENCE N43°08'08"W ALONG SAID SOUTHWESTERLY LINE A DISTANCE 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 300 SQUARE FEET.



LINE TABLE

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L4	N43°08'08"W	15.00'

THIS SKETCH IS NOT A BOUNDARY SURVEY.

JOB #50599
 C/F# OC10-61-PARCEL32-SOD
 DATE: 2-15-19
 SCALE: 1" = 30'
 DRAWN BY: GLT

PREPARED FOR: FLORIDA ENGINEERING GROUP
 BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED NORTHWESTERLY LINE OF LOT 3, BEING: N46°51'52"E (PLAT).

BUILDING DEPARTMENT PERMIT NUMBER: B15901563
PROJECT NAME: STANLEY STEAMER
REVISIONS:
ADDED COMMENTS 2-21-19 (GLT)

THIS SKETCH MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY CHAPTER 55-17 FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

Ronald K. Smith
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	PG	- PAGE
CALC	- CALCULATED	POB	- POINT OF BEGINNING
A	- CENTRAL ANGLE	POC	- POINT OF COMMENCEMENT
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DOC #	- DOCUMENT #	R/W	- RIGHT OF WAY
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APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 16 2019

Project: Stanley Steemer Permit B15901563 OCU File #89966

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:

Bank of America, N.A.

From: Dakota Property Investments, LLC

Mortgage filed January 9, 2013

Recorded in Official Records Book 10503, Page 1628

Third Party Lender Agreement filed February 1, 2013

Recorded in Official Records Book 10515, Page 4815

Notice Limiting Future Advances filed February 1, 2013

Recorded in Official Records Book 10515, Page 4823

Financing Statement filed January 9, 2013

Recorded in Official Records Book 10503, Page 1676

Financing Statement Amendment filed July 19, 2017

Recorded as Document Number 20170401825

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 17 day of May, A.D. 2019.

Signed, sealed, and delivered in the presence of:

Bank of America, N.A.

[Signature]
Witness

BY: [Signature]

Elisa Scarsone
Printed Name

Victor R. Rivera
Printed Name

[Signature]
Witness

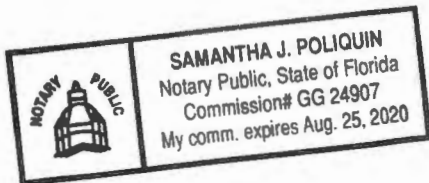
Senior Vice President
Title

Kristina Rivera
Printed Name

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 17th of May, 2019, by Victor Rivera, as Senior VP of Bank of America, N.A., on behalf of the bank. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature

Samantha J. Poliquin
Printed Notary Name
Notary Public in and for the County and State aforesaid

My Commission Expires: 8/25/20

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

SKETCH OF DESCRIPTION

DESCRIPTION

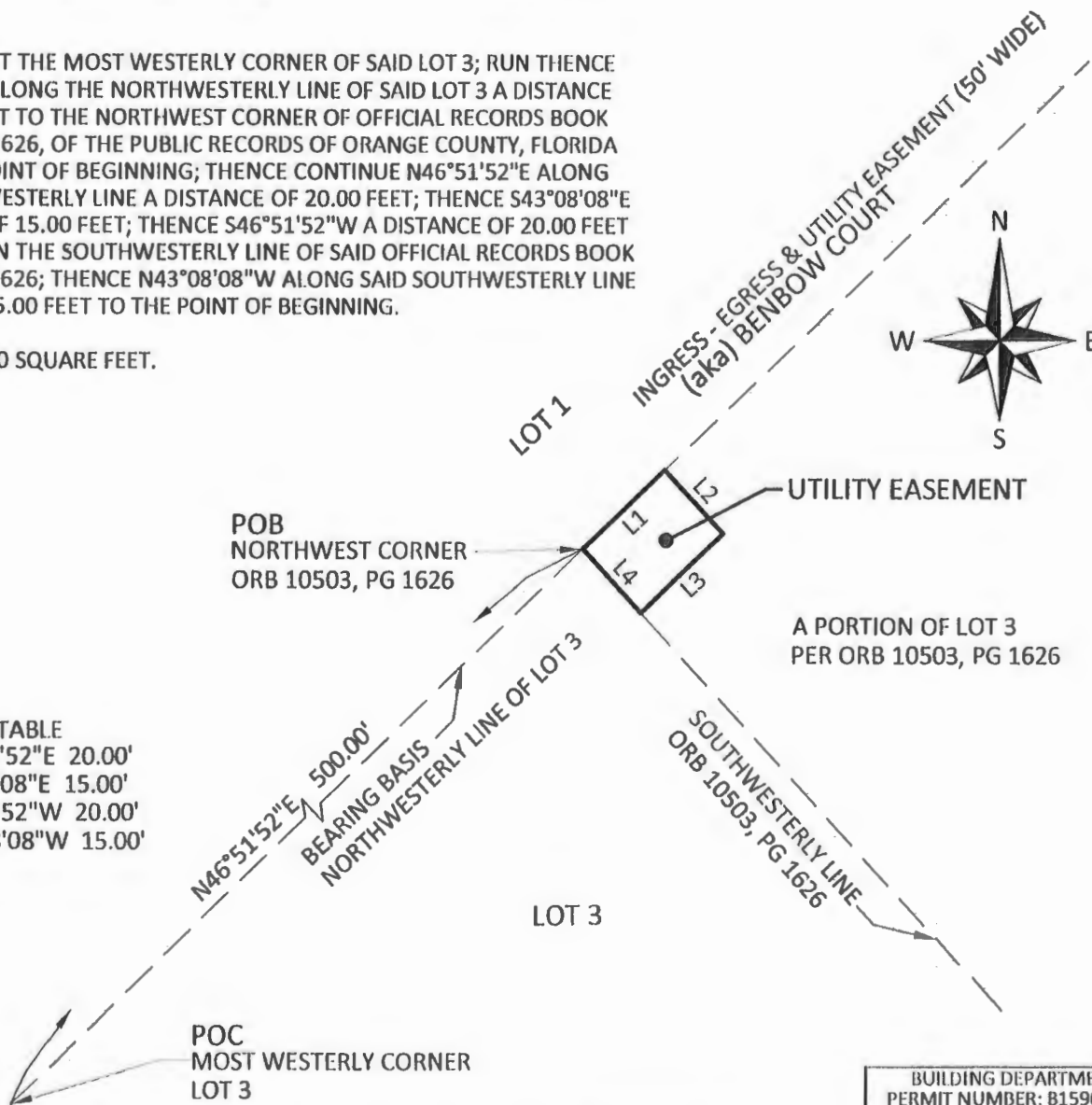
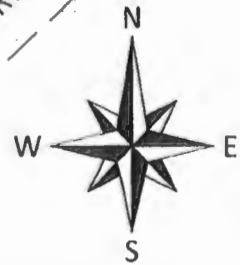
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PREPARED FOR: FLORIDA ENGINEERING GROUP
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BUILDING DEPARTMENT PERMIT NUMBER: B15901563
PROJECT NAME: STANLEY STEAMER
REVISIONS:
ADDED COMMENTS 2-21-19 (GLT)

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.

Ronald K. Smith
RONALD K. SMITH, PSM 5797
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APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 16 2019

Project: Stanley Steemer Permit B15901563 OCU File #89966

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SEE ATTACHED EXHIBIT "A"

ENCUMBRANCES:

U.S. Small Business Administration

To: Bank of America, N.A.

Assigned to: Florida First Capital Finance Corporation, Inc.

Assigned to: U.S. Small Business Administration

Mortgage filed January 9, 2013

Recorded in Official Records Book 10503, Page 1649

Third Party Lender Agreement filed February 1, 2013

Recorded in Official Records Book 10515, Page 4815

Assignment of Note and Mortgage and Modification Agreement filed May 16, 2013

Recorded in Official Records Book 10570, Page 6408

Assignment of Leases and Rents filed May 16, 2013

Recorded in Official Records Book 10570, Page 6421

Collateral Assignment of Lease filed May 16, 2013

Recorded in Official Records Book 10570, Page 6427

Assignment of Mortgage filed May 16, 2013

Recorded in Official Records Book 10570, Page 8160

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

Project: Stanley Steemer Permit B15901563 OCU File #89966


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 4 day of June, A.D. 2019.

Signed, sealed, and delivered in the presence of:

U.S. Small Business Administration

Estella Aguilar
Witness


John L. Gossett
Assistant Center Director
Printed Name

Estella Aguilar
Printed Name

Loan Servicing Assistant
Title

[Signature]
Witness

Robert Krum
Printed Name

STATE OF _____
COUNTY OF _____

See Attached

The foregoing instrument was acknowledged before me this _____ of _____, 20____, by _____, as _____ of U.S. Small Business Administration, on behalf of U.S. Small Business Administration. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

Notary Signature

Printed Notary Name
Notary Public in and for
the County and State aforesaid

My Commission Expires:

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

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Fresno)

On **JUN 04 2019** before me, **Sylvia Garcia**, a Notary Public, personally appeared John L. Gossett, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Sylvia Garcia*



SKETCH OF DESCRIPTION

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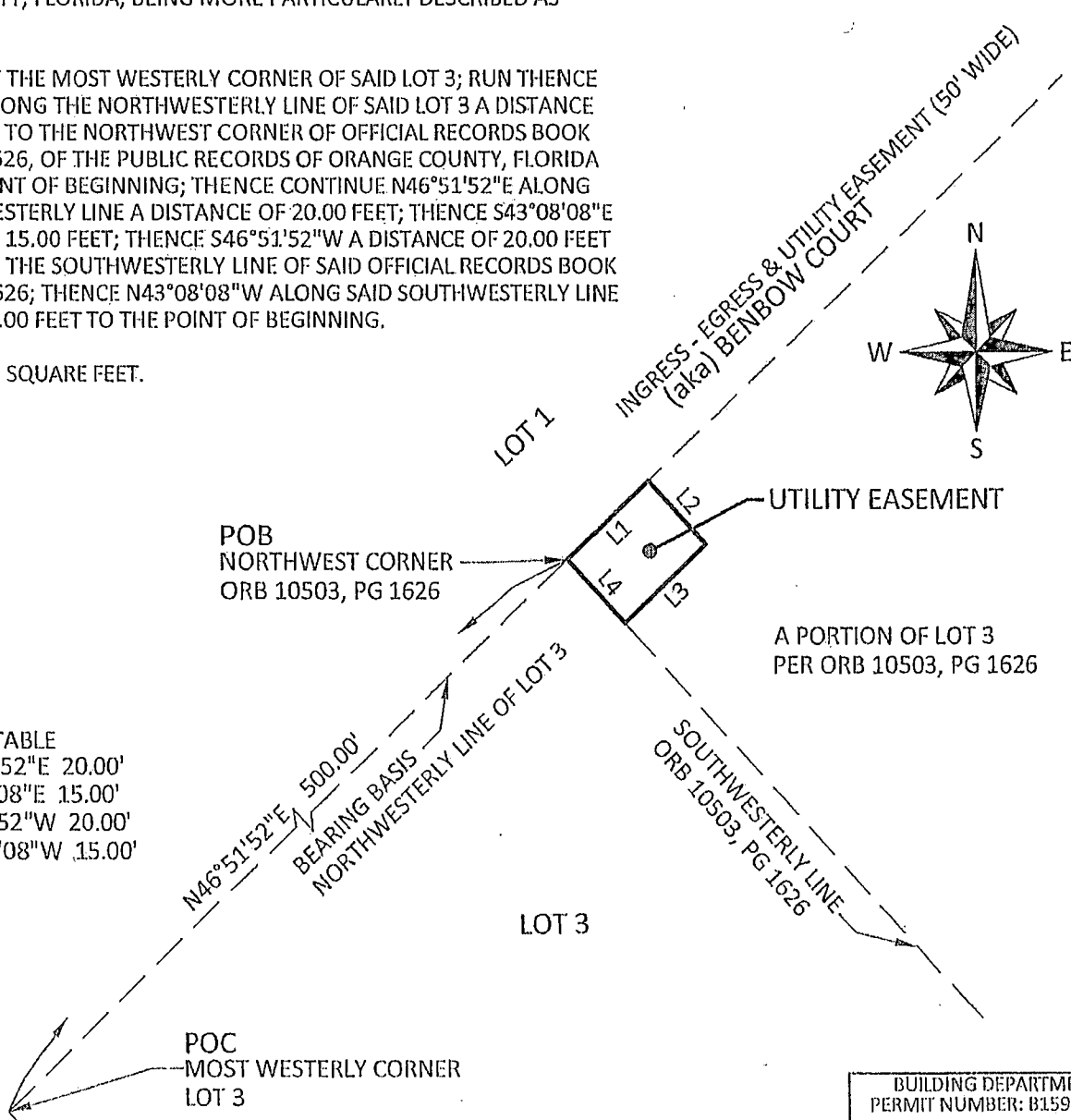
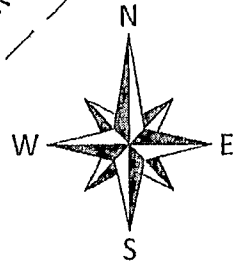
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POB
NORTHWEST CORNER
ORB 10503, PG 1626

UTILITY EASEMENT

A PORTION OF LOT 3
PER ORB 10503, PG 1626

POC
MOST WESTERLY CORNER
LOT 3

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BUILDING DEPARTMENT PERMIT NUMBER: B15901563
PROJECT NAME: STANLEY STEAMER
REVISIONS:
ADDED COMMENTS 2-21-19 (GLT)

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Ronald K. Smith
RONALD K. SMITH, PSM 5797

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