



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

DATE: February 19, 2019

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

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

FROM: Kim Heim, Senior 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 Hamlin Retail Partners East, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Valley National Bank and authorization to record instruments

PROJECT: Hamlin SEC Commercial Lot A – NC – Site Work Only
Permit #B18902698 OCU File #97056

District 1

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

ITEMS: Utility Easement
Cost: Donation
Size: 150 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAR 26 2019

THIS IS A DONATION

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Permit #B18902698 OCU File #97056

UTILITY EASEMENT

THIS INDENTURE, Made this 22nd day of February, A.D. 2019, between Hamlin Retail Partners East, LLC, a Florida limited liability company, whose address is 14422 Shoreside Way, Suite #130, Winter Garden, Florida, 34787, 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 the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:

a portion of

20-23-27-2713-01-000

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.

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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:

Hamlin Retail Partners East, LLC,
a Florida limited liability company

Harold Romig
Witness

BY: BK Hamlin Retail Partners East, LLC,
a Florida limited liability company
as Manager

Karen Romig
Printed Name

[Signature]
BY: Scott T. Boyd, as Manager

Heather Easterling
Witness

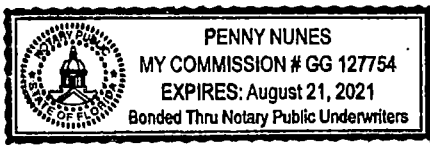
Heather Easterling
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 22nd of February, 2019, by Scott T. Boyd, as manager of BK Hamlin Retail Partners East, LLC, a Florida limited liability company, as manager, for Hamlin Retail Partners East, LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me or has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature

Penny Nunes
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires: 8/21/21

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

LEGAL DESCRIPTION
THIS IS NOT A SURVEY

PROJECT NAME: HAMLIN SEC COMMERCIAL LOT A- NC--SITE WORK ONLY
 BUILDING DEPARTMENT PERMIT NUMBER: B18902698

LEGAL DESCRIPTION: UTILITY EASEMENT

A PARCEL OF LAND COMPRISING A PORTION OF LOT 1 HAMLIN SEC COMMERCIAL AS RECORDED IN PLAT BOOK 94 PAGES 35 THROUGH 38 OF ORANGE COUNTY FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 HAMLIN SEC COMMERCIAL AS RECORDED IN PLAT BOOK 94 PAGES 35 THROUGH 38 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1087.91 FEET AND A CENTRAL ANGLE OF 02°39'04" WITH A CHORD BEARING OF NORTH 12°00'26" EAST AND A CHORD LENGTH OF 50.33 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AND THE EASTERLY RIGHT OF WAY LINE OF HAMLIN GROVES TRAIL AS RECORDED IN OFFICIAL RECORDS BOOK 10416 PAGE 5782 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, FOR A DISTANCE OF 50.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY THROUGH A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1087.91 AND A CENTRAL ANGLE OF 00°14'22" WITH A CHORD BEARING OF NORTH 10°33'44" EAST AND A CHORD LENGTH OF 4.55 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 4.55 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 990.36 FEET AND A CENTRAL ANGLE OF 00°36'17" WITH A CHORD BEARING OF NORTH 10°08'24" EAST AND A CHORD LENGTH OF 10.45 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 10.45 FEET TO A POINT ON A NON TANGENT LINE; THENCE RUN SOUTH 80°27'06" EAST A DISTANCE OF 10.00 FEET; THENCE RUN SOUTH 10°16'56" WEST FOR A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 80°27'07" WEST FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 150.00 SQUARE FEET MORE OR LESS.

SHEET 1 OF 2
 SHEET 1 DESCRIPTION
 SHEET 2 SKETCH OF DESCRIPTION

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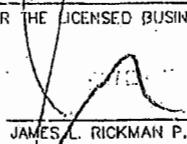
16 East Plant Street
 Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTHERLY LINE OF LOT 1 BEING SOUTH 75°51'55" EAST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20110078
 DATE: 10/22/18
 SCALE: 1"=20'
 FIELD BY: N/A

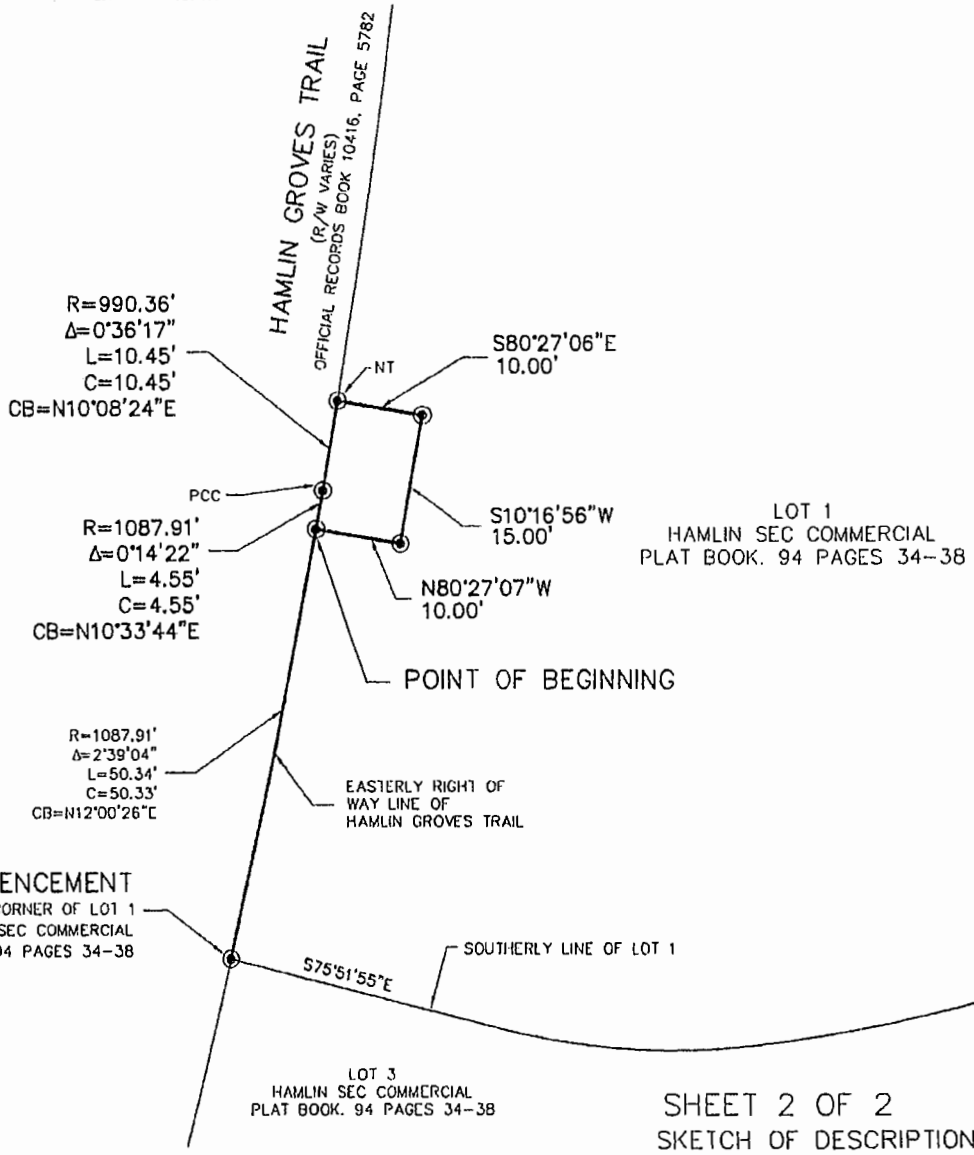
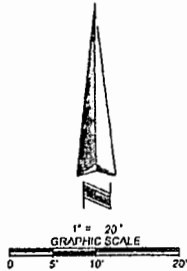
CALCULATED BY: N/A
 DRAWN BY: DR
 CHECKED BY: DY
 REVISED: 10/31/18 PER COUNTY COMMENT

FOR THE LICENSED BUSINESS # 6723 BY:

 JAMES L. RICKMAN P.S.M. # 5633

SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY

PROJECT NAME: HAMLIN SEC COMMERCIAL LOT A-NC-SITE WORK ONLY
 BUILDING DEPARTMENT PERMIT NUMBER: B18902698



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APPROVED
BY ORANGE COUNTY BOARD
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MAR 26 2019

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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 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:

Valley National Bank

FROM: Hamlin Retail Partners East, LLC

Mortgage and Security Agreement filed September 7, 2017

Recorded as Document No. 20170495946

Assignment of Leases, Rents, and Profits and Security Agreement
filed September 7, 2017

Recorded as Document No. 20170495947

Financing Statement filed September 7, 2017

Recorded as Document No. 20170495948

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

Project: Hamlin SEC Commercial Lot A – NC – Site Work Only
Permit #B18902698 OCU File #97056

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 7th day of February, A.D. 20 19.

Signed, sealed, and delivered
in the presence of:

[Signature]
Witness

Jennifer Hinkle
Printed Name

[Signature]
Witness

J. Pollock
Printed Name

Valley National Bank,
a national banking association

BY: [Signature]

Luis Garcia
Printed Name

1st V.P.
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 7th of February, 20 19, by Luis Garcia (Luis), as 1st Vice President, of Valley National Bank, on behalf of the bank. He/She is personally known to me or has produced _____ as identification.



[Signature]
Notary Signature

Sherla Spiess
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: 8/27/2022

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**ALLEN
&
COMPANY**

Professional Surveyors & Mappers

16 East Plant Street
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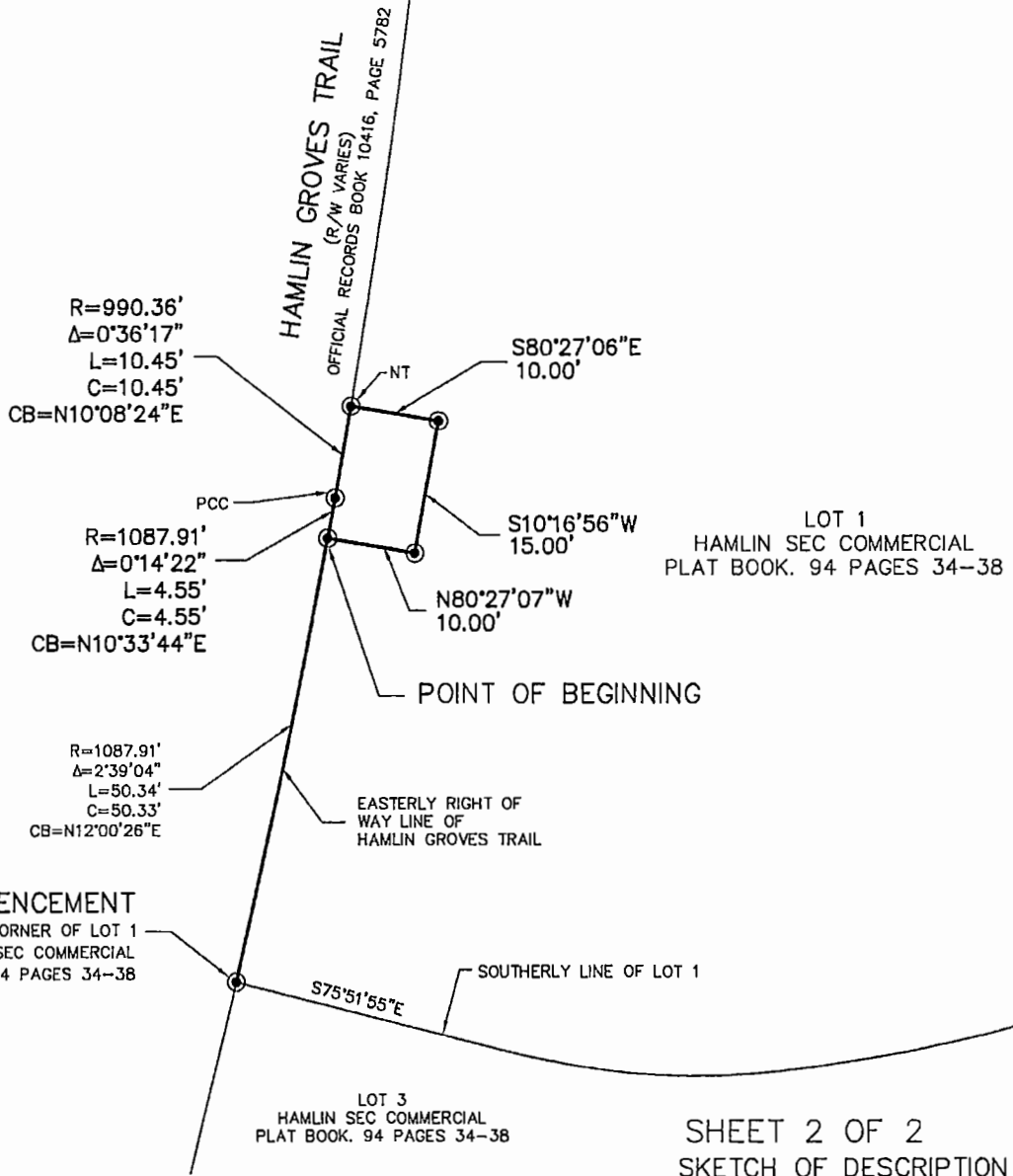
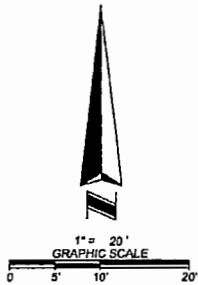
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LOT 1
 HAMLIN SEC COMMERCIAL
 PLAT BOOK. 94 PAGES 34-38

LOT 3
 HAMLIN SEC COMMERCIAL
 PLAT BOOK. 94 PAGES 34-38

SHEET 2 OF 2
 SKETCH OF DESCRIPTION

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