



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 10

DATE: July 3, 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 Alta Headwaters, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Branch Banking and Trust Company and authorization to record instruments

PROJECT: Grande Lakes III Site Work Only Permit B18905401 OCU File #97334
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: 390 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
AUG 06 2019

THIS IS A DONATION

Project: Grande Lakes III Site Work Only Permit B18905401 OCU File #97334

UTILITY EASEMENT

THIS INDENTURE, Made this 24th day of June, A.D. 2019, between Alta Headwaters, LLC, a Delaware limited liability company, whose address is 3715 Northside Parkway NW, Suite 4-600, Atlanta, GA 30327 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

08-24-29-3049-04-000

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:

Christine Grandin
Witness

Christine Grandin
Printed Name

Tracy Duff
Witness

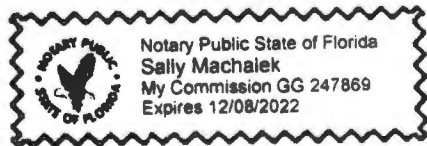
Tracy Duff
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 24 day of June, 2019 by Bryan F. Borland, as Vice President of WP Florida/Washington, LLC, a Delaware limited liability company, as manager of WS Headwaters, LLC, a Delaware limited liability company, as managing member of Alta Headwaters Venture, LLC, a Delaware limited liability company, as manager of Alta Headwaters, LLC, a Delaware limited liability company, on behalf of the limited liability company. He/she is personally known to me or has produced _____ as identification.

(Notary Seal)



Alta Headwaters, LLC,
a Delaware limited liability company

BY: Alta Headwaters Venture, LLC,
a Delaware limited liability company
Its Manager

BY: WS Headwaters, LLC,
a Delaware limited liability company
Its Managing Member

BY: WP Florida/Washington, LLC,
a Delaware limited liability company
Its Manager

BY: [Signature]
Bryan F. Borland
As Vice President

Sally Machalek
Notary Signature

Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

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

EXHIBIT "A"

SKETCH OF DESCRIPTION

DESCRIPTION

A portion of Lot 4, Grande Lakes NW Quadrant, according to the plat thereof, as recorded in Plat Book 63, Pages 43 through 50 of the Public Records of Orange County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of Lot 4, Grande Lakes NW Quadrant, according to the plat thereof, as recorded in Plat Book 63, Pages 43 through 50 of the Public Records of Orange County, Florida; thence South 89 degrees 51 minutes 40 seconds East 205.94 feet along the Southerly boundary of said Lot 4 to the POINT OF BEGINNING; thence North 00 degrees 08 minutes 20 seconds East 13.00; thence South 89 degrees 51 minutes 40 seconds East 30.00 feet; thence South 00 degrees 08 minutes 20 seconds West 13.00 feet; thence North 89 degrees 51 minutes 40 seconds West 30.00 feet to the POINT OF BEGINNING.

Containing: 0.009 Acres (390 square feet), more or less.

NOTES

1. THIS IS NOT A SURVEY.
2. This Plat represents a sketch of the Description prepared by JONES, WOOD and GENTRY, INC. per client's instruction and does not indicate ownership.
3. Bearings shown hereon are based on the South boundary of Lot 4, Grande Lakes NW Quadrant, as recorded in Plat Book 63, Pages 43 through 50 of the Public Records of Orange County, Florida, having a platted bearing of South 89 degrees 51 minutes 40 seconds East.

PROJECT NAME: GRANDE LAKES III SITE WORK ONLY
BUILDING DEPARTMENT BUILDING PERMIT NUMBER: B 18905401

29184 EASEMENT.DWG

IT IS CERTIFIED THAT THE SKETCH REPRESENTED HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 53.17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 FLORIDA STATUTES, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS DRAWING, SKETCH, PLAT OR MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

FOR: KELLY, COLLINS & GENTRY, INC.

DATE: 01 29 19

DRAWN BY: D. GENTRY

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DANIEL E. GENTRY JR., Florida Registration Number 5047

JONES, WOOD & GENTRY, INC.

PROFESSIONAL SURVEYORS AND MAPPERS LTD.

2600 EAST ROBINSON STREET
ORLANDO, FLORIDA, 32803
407-898-7780

SKETCH OF DESCRIPTION

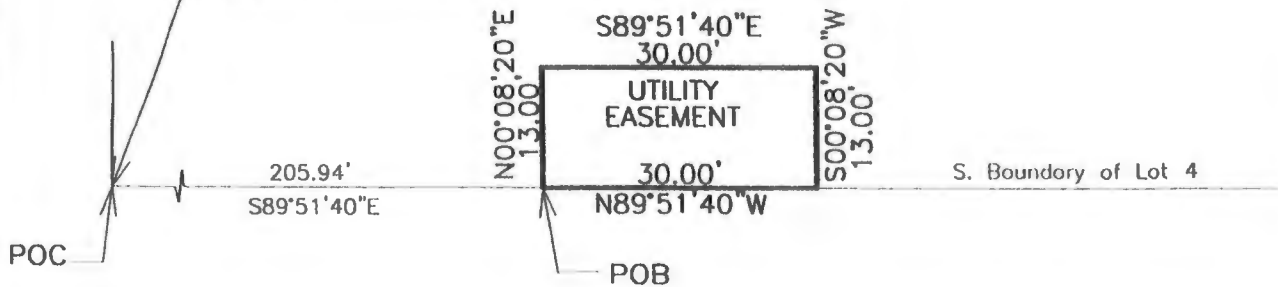
SEE SHEET 1 FOR DESCRIPTION



SCALE" 1"=20'

LOT 4
GRANDE LAKES NW QUADRANT
(PLAT BOOK 63, PAGES 43-50)

SW. CORNER OF LOT 4
GRANDE LAKES NW QUADRANT
(PLAT BOOK 63, PAGES 43-50)



NOT PLATTED

LEGEND

POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
⊕ = CENTER LINE

CENTRAL FLORIDA PARKWAY

PUBLIC RIGHT OF WAY VARIES
(O.R.B. 6097, PAGE 50)
(O.R.B. 3546, PAGE 148)

PROJECT NAME: GRANDE LAKES III SITE WORK ONLY
BUILDING DEPARTMENT BUILDING PERMIT NUMBER: B--18905401

FOR: KELLY, COLLINS & GENTRY, INC.

DATE: 01-29-19 DRAWN BY: DG3

29184-EASEMENT.DWG

JONES, WOOD & GENTRY, INC.
PROFESSIONAL SURVEYORS AND MAPPERS - LB1
2600 EAST ROBINSON STREET
ORLANDO, FLORIDA, 32803
407-898-7780

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

AUG 06 2019

Project: Grande Lakes III Site Work Only Permit B18905401 OCU File #97334

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:

Branch Banking and Trust Company:

FROM: Alta Headwaters, LLC

Mortgage, Security Agreement and Fixture Financing Statement filed February 1, 2019

Recorded as Document No. 20190068292

Absolute Assignment of Leases and Rents filed February 1, 2019

Recorded as Document No. 20190068833

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 6th day of May, A.D. 20 19.

Signed, sealed, and delivered in the presence of:

Branch Banking and Trust Company
a North Carolina banking corporation

Deanna Deavers
Witness

BY: Neal Pickens

Deanna Deavers
Printed Name

Neal Pickens
Print Name

Robert Mave
Witness

SVP
Title

ROBERT MAVE
Printed Name

STATE OF Georgia
COUNTY OF Fulton

The foregoing instrument was acknowledged before me this 6 of May, 20 19, by Neal Pickens, as SVP of Branch Banking and Trust Company, a North Carolina banking corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

Donna Deavers
Notary Signature

Donna Deavers
Printed Notary Name

Notary Public in and for
the County and State aforesaid

My Commission Expires: 7/13/21

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

DONNA DEAVERS
NOTARY PUBLIC
Paulding County
State of Georgia
My Comm. Expires July 13, 2021

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FOR: KELLY, COLLINS & GENTRY, INC.	
DATE: 01-29-19	DRAWN BY: DCA/1/19
NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
	
DANIEL I. GENTRY JR., Florida Registration Number: 5047	

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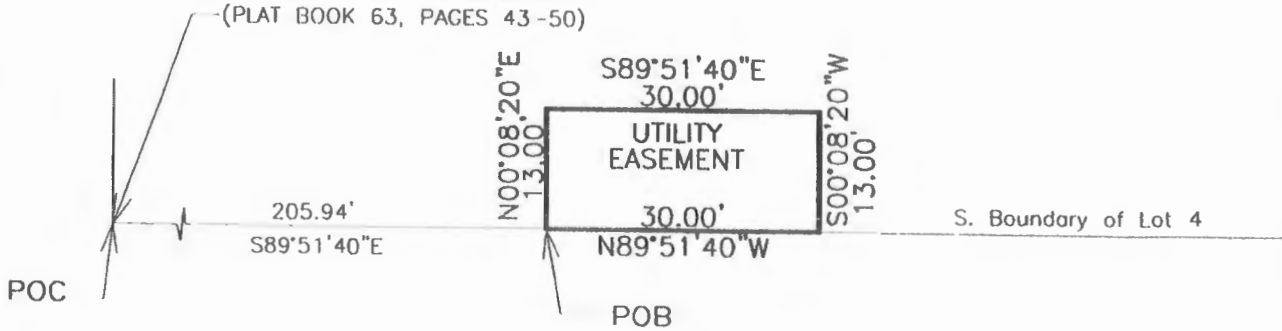
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