



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

**DATE:** May 14, 2019

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

**THROUGH:** Paul Sladek, Manager *RCC for PBS*  
Real Estate Management Division

**FROM:** David L. Brown, Senior Title Examiner *DLB*  
Real Estate Management Division

**CONTACT PERSON:** **Paul Sladek, Manager**

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

**ACTION REQUESTED:** Approval of Subordination of Encumbrances to Property Rights to Orange County from Centennial Bank and authorization to record instrument

**PROJECT:** Child Day Care at Hunters Creek Permit B18906703 OCU File #97307  
District 4

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

**ITEM:** Subordination of Encumbrances to Property Rights to Orange County

**APPROVALS:** Real Estate Management Division  
Utilities Department

**REMARKS:** Grantor to pay recording fees.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**JUN 04 2019**

Project: Child Day Care at Hunters Creek Permit B18906703 OCU File #97307

**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:**

CENTENNIAL BANK, an Arkansas banking corporation  
FROM: HUNTER KA LLC a Florida limited liability company

- (1) A Mortgage and Security Agreement recorded on April 11, 2019 as Document No. 20190220859;  
and
  - (2) Assignment of Leases, Rents and Contract Rights executed by Hunter KA LLC a Florida limited liability company recorded April 11, 2019 as Document No. 20190220860; and
  - (3) Financing Statement recorded April 11, 2019 as Document No. 20190220861
- All of 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

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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 23<sup>rd</sup> day of April, A.D. 2019

Signed, sealed, and delivered  
in the presence of:

CENTENNIAL BANK, an Arkansas banking  
corporation

[Signature]  
Witness

By: [Signature]

Shirley Y Garrett  
Printed Name

Lorrie Jackson  
Printed Name

Carissa Ruess  
Witness

Vice President  
Title

Carissa Lighter  
Printed Name

STATE OF Florida

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> of April, 2019 by Lorrie Jackson, as Vice President of CENTENNIAL BANK, an Arkansas banking corporation, on behalf of the bank. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)

[Signature]  
Notary Signature



Shirley Y Garrett  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid  
My Commission Expires: \_\_\_\_\_

**This instrument prepared by:**  
David L. Brown, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

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**EXHIBIT "A"**

**SEE THE ATTACHED SKETCH**

**OF DESCRIPTION**

**( 2 PAGES )**

## Utility Easement

Being a Utility Easement upon a portion of Lot 3, MLC Wawa Center, according to the map or plat thereof as recorded in Plat Book 78, Page 51, Public Records of Orange County, Florida, being more particularly described as follows.

Commence at the Southeast corner of said Lot 3, MLC Wawa Center; Thence from said Point of Commencement N22°48'49"E, along the Southeast line of said Lot 3, a distance of 154.59 feet to a point on the Southeast line of Lot 3, said point also being on the Northwesternly right-of-way line of Southmeadow Drive and the Point of Beginning of the herein described Utility Easement; Thence, from said Point of Beginning and departing said right-of-way line N67°11'11"W a distance of 10.00 feet; Thence N22°48'49"E a distance of 15.00 feet; Thence S67°11'11"E a distance of 10.00 feet to a point on said Northwesternly right-of-way line; Thence S22°48'49"W a distance of 15.00 feet to the Point of Beginning.


Containing 150 square feet more or less.

### Notes:

1. The purpose of the sketch is to delineate the description attached hereto. This does not represent a boundary survey.
2. The bearings shown hereon are based on the Northwesternly right-of-way line of Southmeadow Drive, being N22°48'49"E, according to Plat Book 78, Page 51, Public Records of Orange County, Florida
4. Unless it bears the signature and seal of this Florida Licensed Surveyor and Mapper, this sketch is for informational purposes only.
5. This sketch may have been reduced in size by reproduction. This must be considered when obtaining scaled data.

PROJECT: Child Day Care at Hunter's Creek  
TITLE: Utility Easement  
Building Department Permit Number: B18906703  
JOB# 180811-B  
DATE: February 1, 2019

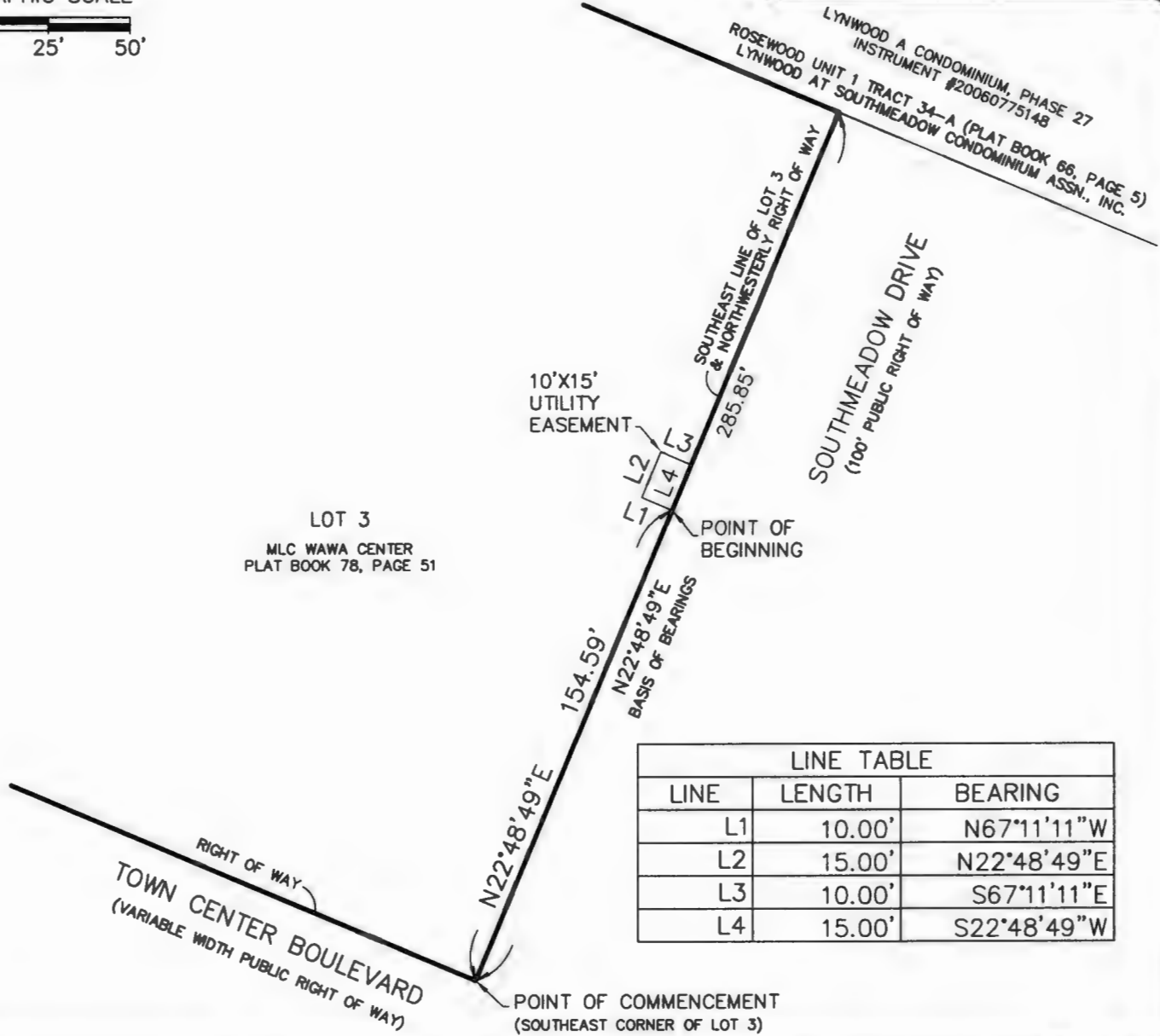
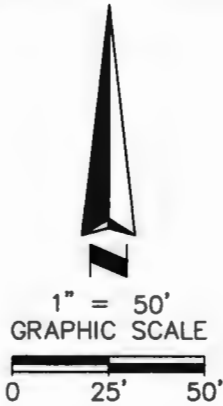
This sketch and description certified to:  
EG 3 Development LLC, A Florida Limited Liability  
Company



Benjamin S. Deviese, PSM  
for the firm of Altapro Surveyors  
Revised: 02/08/2019

# EXHIBIT B

## UTILITY EASEMENT



LYNWOOD A CONDOMINIUM, PHASE 27  
 ROSEWOOD UNIT 1 TRACT 34-A (PLAT BOOK 66, PAGE 5)  
 INSTRUMENT #20060775148  
 LYNWOOD AT SOUTHMEADOW CONDOMINIUM ASSN., INC.

LOT 3  
 MLC WAWA CENTER  
 PLAT BOOK 78, PAGE 51

TOWN CENTER BOULEVARD  
 (VARIABLE WIDTH PUBLIC RIGHT OF WAY)

SOUTHMEADOW DRIVE  
 (100' PUBLIC RIGHT OF WAY)

10'X15'  
 UTILITY  
 EASEMENT

SOUTHEAST LINE OF LOT 3  
 & NORTHWESTLY RIGHT OF WAY

POINT OF  
 BEGINNING

N22°48'49"E  
 BASIS OF BEARINGS

N22°48'49"E

POINT OF COMMENCEMENT  
 (SOUTHEAST CORNER OF LOT 3)

THIS IS NOT A BOUNDARY SURVEY.  
 THIS EXHIBIT IS FOR GRAPHIC  
 PURPOSES ONLY.  
 ANY ERRORS OR OMISSIONS ON  
 THIS EXHIBIT SHALL NOT AFFECT  
 THE DEED DESCRIPTION.  
 JOB #180811-B

PROJECT: CHILD DAY CARE AT  
 HUNTER'S CREEK  
 TITLE: UTILITY EASEMENT  
 BUILDING DEPARTMENT PERMIT  
 NUMBER: B18906703  
 DATE: 02/01/2019  
 SCALE: 1"=50'  
 APPROVED BY: BD  
 LEGAL DESCRIPTION AND SKETCH  
 CERTIFIED TO: EG 3 DEVELOPMENT  
 LLC, A FLORIDA LIMITED LIABILITY  
 COMPANY

**ALTAPRO  
 SURVEYORS**  
 1322 PINE SONG DRIVE  
 DELTONA, FLORIDA 32725  
 (386) 837-0244  
 E-MAIL: LS6807@HOTMAIL.COM  
 WEB: ALTAPROSURVEYORS.COM

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND  
 SKETCH ARE CORRECT TO THE BEST OF MY KNOWLEDGE  
 AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL  
 DESCRIPTION AND SKETCH MEETS THE STANDARDS OF  
 PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF  
 PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER  
 53-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO  
 CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO  
 NOTES AND NOTATIONS SHOWN HEREON.

*[Signature]* 02/01/2019  
 BENJAMIN S. DEWESE, PSM LS 6807  
 FOR THE FIRM OF LB 8216  
 ALTAPRO SURVEYORS  
 REVISED: 02/08/2019