



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 15

**DATE:** June 27, 2019

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

**THROUGH:** Paul Sladek, Manager *PS*  
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 Utility Easement from 3D Ayers Street, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Renasant Bank and authorization to record instruments

**PROJECT:** Family Dollar – NC-Site Work Only Permit B:18902955 OCU File #96872  
  
District 6

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

**ITEMS:** Utility Easement  
Cost: Donation  
Size: 225 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  
JUL 16 2019

THIS IS A DONATION

Project: Family Dollar – NC-Site Work Only Permit B:18902955 OCU File #96872

**UTILITY EASEMENT**

THIS INDENTURE, Made this 4<sup>th</sup> day of June, A.D. 20 19, between 3D AYERS STREET, LLC, a ~~Florida~~ <sup>Texas</sup> limited liability company, whose address is 4900 WOODWAY DRIVE, #1125, HOUSTON, TX 77056 GRANTOR, and ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P.O. BOX 1393, ORLANDO, FL 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**

**30-22-29-2744-15-010**

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:

3D AYERS STREET, LLC, a ~~Florida~~ <sup>Texas</sup> limited  
liability company

Denise Palma

Witness

Denise Palma

Printed Name

C. Michael Todd

Witness

C. Michael Todd

Printed Name

By: Frank M. Durst II

Frank M. Durst II

Printed Name

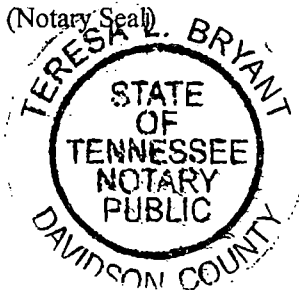
Authorized Agent

Title

(Signature of TWO witnesses required by Florida law)

STATE OF Tennessee  
COUNTY OF Davidson

The foregoing instrument was acknowledged before me this 4<sup>th</sup> of June,  
20 19, by Frank Durst, as Authorized Agent  
of 3D AYERS STREET, LLC, a Florida limited liability company, on behalf of the limited liability  
company. He/She  is personally known to me or  has produced \_\_\_\_\_ as  
identification.



Teresa Bryant  
Notary Signature

Teresa Bryant

Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: 1-4-21

**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

**EXHIBIT "A"**

**SEE THE ATTACHED SKETCH**

**OF DESCRIPTION**

**(1 PAGE)**

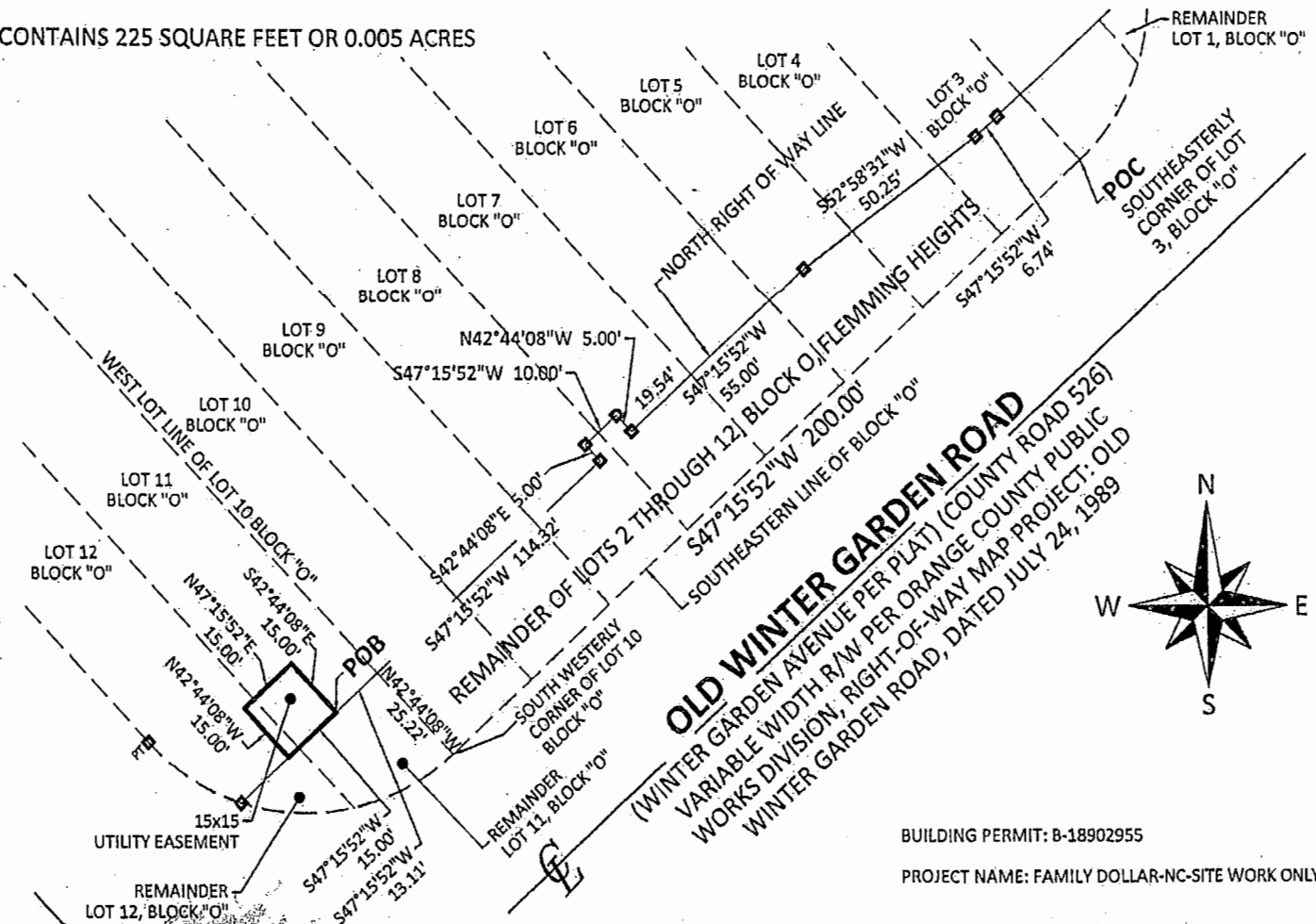
# SKETCH OF DESCRIPTION

## DESCRIPTION: UTILITY EASEMENT

THAT PART OF LOTS 11 AND 12, BLOCK "O" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "O", PAGE 74, FLEMING HEIGHTS PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 3, BLOCK "O", FLEMING HEIGHTS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "O", PAGE 74 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE S47°15'52"W ALONG THE SOUTHEASTERN LINE OF SAID BLOCK "O", A DISTANCE OF 200.00 FEET TO SOUTHWESTERLY CORNER OF LOT 10, SAID BLOCK "O", RUN THENCE N42°44'08"W ALONG THE WEST LOT LINE OF LOT 10, SAID BLOCK "O" A DISTANCE OF 25.22 FEET, TO A POINT ON THE NORTH R/W LINE OF OLD WINTER GARDEN ROAD AS SHOWN ON ORANGE COUNTY PUBLIC WORKS DIVISION RIGHT-OF-WAY MAP PROJECT: OLD WINTER GARDEN ROAD, DATED JULY 24, 1989; RUN THENCE S47°15'52"W ALONG SAID NORTH R/W OF A DISTANCE OF 13.11 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S47°15'52"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 15.00 FEET; THENCE RUN N42°44'08"W A DISTANCE OF 15.00 FEET; THENCE N47°15'52"E A DISTANCE OF 15.00 FEET; S42°44'08"E A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING

CONTAINS 225 SQUARE FEET OR 0.005 ACRES



**OLD WINTER GARDEN ROAD**  
 (WINTER GARDEN AVENUE PER PLAT) (COUNTY ROAD 526)  
 VARIABLE WIDTH R/W PER ORANGE COUNTY PUBLIC  
 WORKS DIVISION, RIGHT-OF-WAY MAP PROJECT: OLD  
 WINTER GARDEN ROAD, DATED JULY 24, 1989

BUILDING PERMIT: B-18902955

PROJECT NAME: FAMILY DOLLAR-NC-SITE WORK ONLY

THIS SKETCH IS NOT A BOUNDARY SURVEY.

SHEET 1 OF 1

JOB # 50321	CF# OCO-74 LOTS 1-20	DATE: 12/17/18	SCALE: 1" = 40'	DRAWN BY: JPH	PREPARED FOR: 3D DEVELOPMENT	BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED NORTH LINE OF BLOCK "O" BEING: N89°18'24"E.	REVISIONS: 1/16/18 REVISED COMMENTS JPH
-------------	----------------------	----------------	-----------------	---------------	------------------------------	------------------------------------------------------------------------------------------------------	--------------------------------------------

THIS SKETCH MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 517, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.02(1) OF THE FLORIDA STATUTES.

**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	IR	IRON ROD
CALC	CALCULATED	L	ARC LENGTH
CBW	CONCRETE BLOCK WALL	MEAS	MEASURED
CLF	CHAIN LINK FENCE	MS	METAL SHED
CM	CONCRETE MONUMENT	NAD	NAIL & DISK
CP	CONCRETE PAD	ORB	OFFICIAL RECORDS BOOK
CONC	CONCRETE	P&M	PLAT & MEASURED
COVD	COVERED	PB	PLAT BOOK
CW	CONCRETE WALKWAY	PC	POINT OF CURVATURE
D	CENTRAL ANGLE	PG	PAGE
DB	DEED BOOK	POB	POINT OF BEGINNING
DE	DRAINAGE EASEMENT	POC	POINT OF COMMENCEMENT
DW	DRIVEWAY	R/W	RIGHT OF WAY
EP	EDGE OF PAVEMENT	R	RADIUS
ESMT	EASEMENT	TYP	TYPICAL
FFE	FINISHED FLOOR ELEVATION	UB	UTILITY BOX
FND	FOUND	UE	UTILITY EASEMENT
IP	IRON PIPE	WF	WOOD FENCE

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**JUL 16 2019**

---

Project: Family Dollar – NC-Site Work Only Permit B:18902955 OCU File #96872

### **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:

Renasant Bank

FROM: 3D Ayers Street, LLC, a Florida limited liability company

- (1) A Mortgage, Assignment of Rents and Security Agreement recorded on March 5, 2019 as Document No.: 20190130410; and
- (2) A UCC Financing Statement recorded on March 05, 2019 as Document No.: 20190130411; and
- (3) A Subordination, Non-Disturbance and Attornment Agreement executed recorded March 5, 2019 as Document No.: 20190130412.

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 3<sup>rd</sup> day of June, A.D. 2019.

Signed, sealed, and delivered in the presence of:

RENASANT BANK

Katice Lane  
Witness

By: [Signature]

Katice Lane  
Printed Name

Jason McClimans  
Printed Name

[Signature]  
Witness

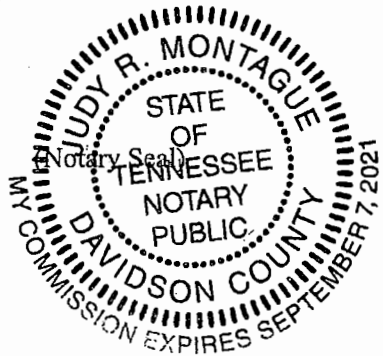
EVP  
Title

Cindy Bell  
Printed Name

STATE OF TENNESSEE

COUNTY OF DAVIDSON

The foregoing instrument was acknowledged before me this 3RD of JUNE, 2019, by JASON McCLIMANS, as EXECUTIVE VICE PRES. of RENASANT BANK, on behalf of the bank. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.



Judy R. Montague  
Notary Signature

JUDY R. MONTAGUE  
Printed Notary Name

Notary Public in and for the County and State aforesaid  
My Commission Expires: 9-7-2021

**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

**EXHIBIT "A"**

**SEE THE ATTACHED SKETCH**

**OF DESCRIPTION**

**( 1 PAGE )**



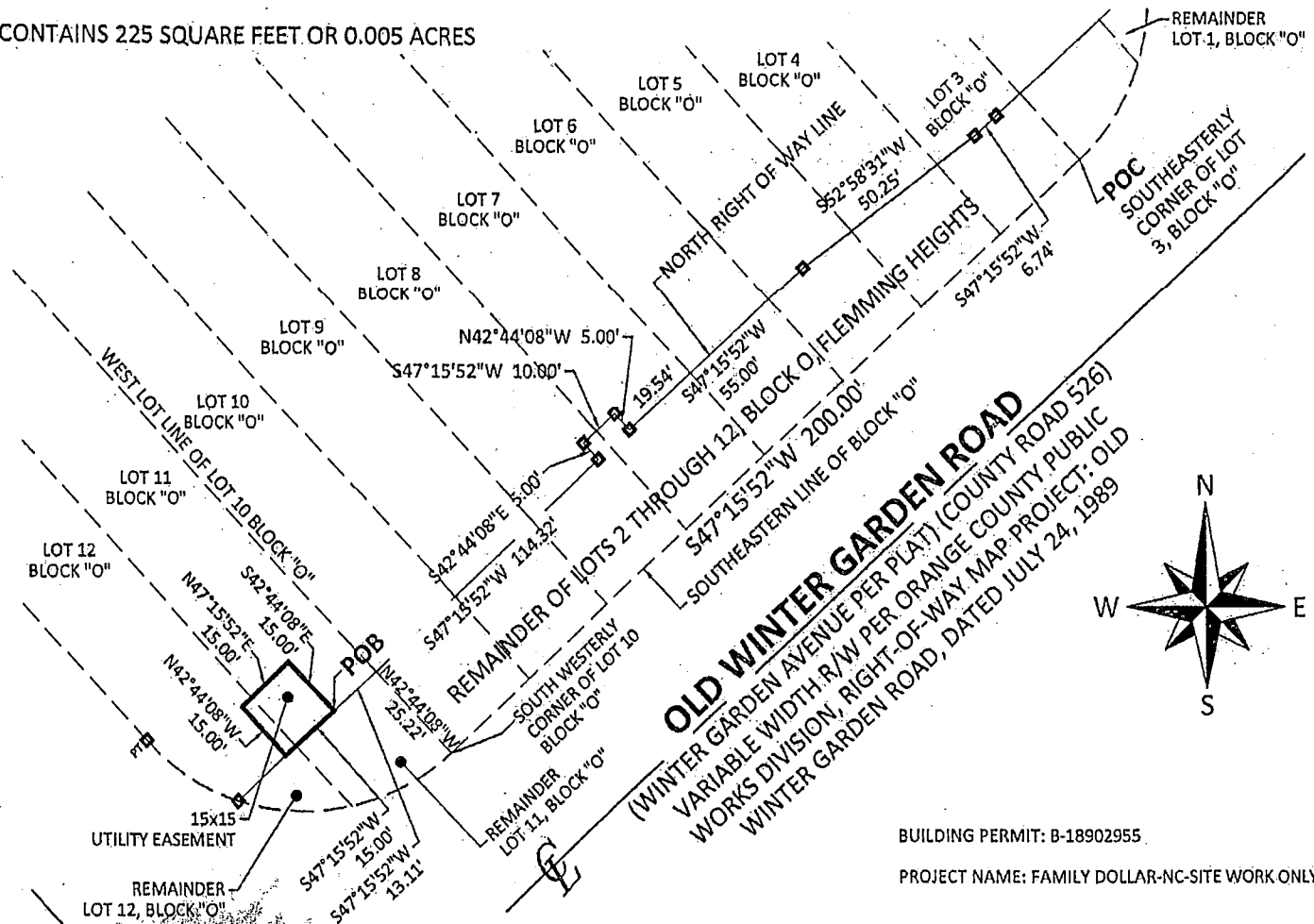
# SKETCH OF DESCRIPTION

## DESCRIPTION: UTILITY EASEMENT

THAT PART OF LOTS 11 AND 12, BLOCK "O" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "O", PAGE 74, FLEMING HEIGHTS PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 3, BLOCK "O", FLEMING HEIGHTS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "O", PAGE 74 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE S47°15'52"W ALONG THE SOUTHEASTERN LINE OF SAID BLOCK "O", A DISTANCE OF 200.00 FEET TO SOUTHWESTERLY CORNER OF LOT 10, SAID BLOCK "O", RUN THENCE N42°44'08"W ALONG THE WEST LOT LINE OF LOT 10, SAID BLOCK "O" A DISTANCE OF 25.22 FEET, TO A POINT ON THE NORTH R/W LINE OF OLD WINTER GARDEN ROAD AS SHOWN ON ORANGE COUNTY PUBLIC WORKS DIVISION RIGHT-OF-WAY MAP PROJECT: OLD WINTER GARDEN ROAD, DATED JULY 24, 1989; RUN THENCE S47°15'52"W ALONG SAID NORTH R/W OF A DISTANCE OF 13.11 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S47°15'52"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 15.00 FEET; THENCE RUN N42°44'08"W A DISTANCE OF 15.00 FEET; THENCE N47°15'52"E A DISTANCE OF 15.00 FEET; S42°44'08"E A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING

CONTAINS 225 SQUARE FEET OR 0.005 ACRES



**OLD WINTER GARDEN ROAD**  
 (WINTER GARDEN AVENUE PER PLAT) (COUNTY ROAD 526)  
 VARIABLE WIDTH R/W PER ORANGE COUNTY PUBLIC  
 WORKS DIVISION, RIGHT-OF-WAY MAP PROJECT: OLD  
 WINTER GARDEN ROAD, DATED JULY 24, 1989

BUILDING PERMIT: B-18902955

PROJECT NAME: FAMILY DOLLAR-NC-SITE WORK ONLY

THIS SKETCH IS NOT A BOUNDARY SURVEY.

SHEET 1 OF 1

JOB # 50321  
 CF#OCO-74 LOTS 1-20  
 DATE: 12/17/18  
 SCALE: 1" = 40'  
 DRAWN BY: JPH

PREPARED FOR: 3D DEVELOPMENT  
 BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED NORTH  
 LINE OF BLOCK "O" BEING: N89°18'24"E

REVISIONS:	
1/16/18	REVISED COMMENTS JPH

THIS SKETCH MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5117, FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.07(1) OF THE FLORIDA STATUTES.

**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			
CLC	- CENTERLINE	IR	- IRON ROD
CALC	- CALCULATED	L	- ARC LENGTH
CBW	- CONCRETE BLOCK WALL	MEAS	- MEASURED
CLF	- CHAIN LINK FENCE	M9	- METAL SHED
CM	- CONCRETE MONUMENT	N&D	- NAIL & DISK
CP	- CONCRETE PAD	ORB	- OFFICIAL RECORDS BOOK
CONC	- CONCRETE	P&M	- PLAT & MEASURED
COVD	- COVERED	PB	- PLAT BOOK
CW	- CONCRETE WALKWAY	PC	- POINT OF CURVATURE
D	- CENTRAL ANGLE	PG	- PAGE
DB	- DEED BOOK	POB	- POINT OF BEGINNING
DE	- DRAINAGE EASEMENT	POC	- POINT OF COMMENCEMENT
DW	- DRIVEWAY	R/W	- RIGHT OF WAY
EP	- EDGE OF PAVEMENT	R	- RADIUS
ESMT	- EASEMENT	TYP	- TYPICAL
FFE	- FINISHED FLOOR ELEVATION	UB	- UTILITY BOX
FND	- FOUND	UE	- UTILITY EASEMENT
IP	- IRON PIPE	WF	- WOOD FENCE