



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

DATE: May 31, 2019

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

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

FROM: Mary Tiffault, Senior Title Examiner *MT*
Real Estate Management Division

CONTACT PERSON: **Paul Sladek, Manager**

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

ACTION REQUESTED: Approval of Utility Easement from PCPT Hamlin, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from U.S. Bank National Association, as Master Trustee, under the Master Indenture, dated October 1, 2018 and authorization to record instruments

PROJECT: Hamlin East Proton Therapy Center Permit: B17904371 OCU File #: 94947

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: 300 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division

Agenda Item 6

May 31, 2019

Page 2

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUN 18 2019

THIS IS A DONATION

Project: Hamlin East Proton Therapy Center Permit: B17904371 OCU File #: 94947

UTILITY EASEMENT

THIS INDENTURE, Made this 22nd day of April, A.D. 2019, between PCPT Hamlin, LLC, a Florida limited liability company, whose address is 1400 Dowell Springs Blvd, Suite 350, Knoxville, TN 37909, 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 \$1.00 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

21-23-27-2719-02-001

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:

PCPT Hamlin, LLC,
a Florida limited liability company

Justine Eldridge

Witness

BY: Carl Koella III

Carl Koella III, President

[Signature]
Printed Name

Witness

Charles F. Aiken

Printed Name

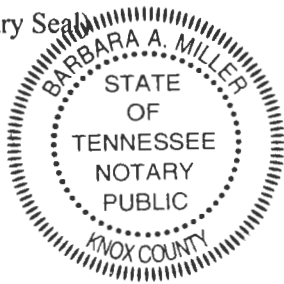
(Corporate Seal)

(Signature of TWO witnesses required by Florida law)

STATE OF Tennessee
COUNTY OF Knox

The foregoing instrument was acknowledged before me this 22nd of April,
20 19, by Carl Koella III, as President of PCPT Hamlin, LLC, a Florida limited liability company, on
behalf of the corporation. He is personally known to me or has produced
n/a as identification.

(Notary Seal)



[Signature]
Notary Signature

Barbara Miller
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires: 06.04.2022

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

LEGAL DESCRIPTION & SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY

EXHIBIT "A"

10'X30' UTILITY EASEMENT

BUILDING DEPARTMENT PERMIT NUMBER: B17904371

PROJECT NAME: HAMLIN EAST PROTON THERAPY CENTER

A TRACT OF LAND LYING IN SECTION 21, TOWNSHIP 23 SOUTH, RANGE 27 EAST, DESCRIBED AS FOLLOWS:

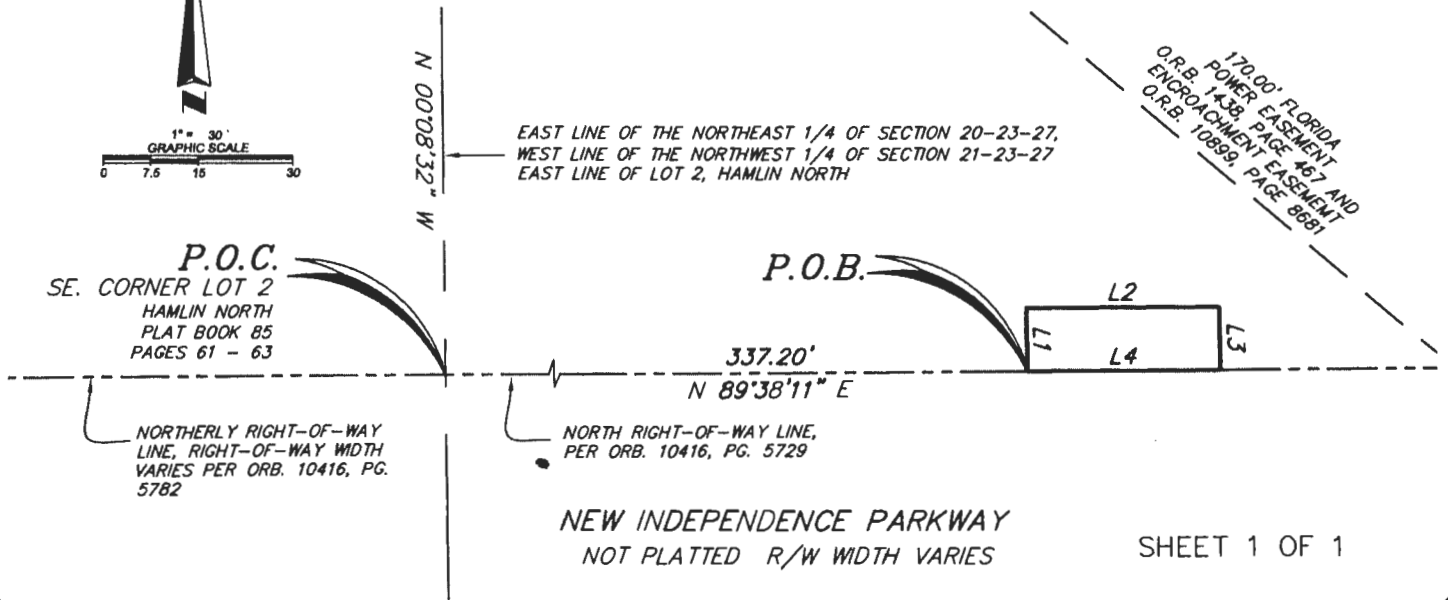
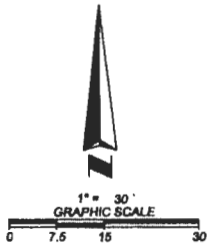
COMMENCE AT THE SOUTHEAST CORNER OF LOT 2, HAMLIN NORTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85, PAGES 61 THROUGH 63 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, FOR A POINT OF REFERENCE; THENCE RUN NORTH 89°38'11" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF NEW INDEPENDENCE PARKWAY, ACCORDING TO OFFICIAL RECORDS BOOK 10416, PAGE 5729 OF SAID PUBLIC RECORDS, 337.20 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN NORTH 00°21'49" WEST, 10.00 FEET; THENCE RUN NORTH 89°38'11" EAST, 30.00 FEET; THENCE RUN SOUTH 00°21'49" EAST, 10.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF NEW INDEPENDENCE PARKWAY; THENCE RUN SOUTH 89°38'11" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 30.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 300 SQUARE FEET, 0.007 ACRES MORE OR LESS.

LEGEND:

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ORB. OFFICIAL RECORDS BOOK
- PG(S). PAGE(S)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°21'49"W	10.00'
L2	N89°38'11"E	30.00'
L3	S00°21'49"E	10.00'
L4	S89°38'11"W	30.00'



SHEET 1 OF 1

SURVEYOR'S NOTES:

REVISED: 04/02/2018

1. THIS LEGAL DESCRIPTION IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON EAST LINE OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 27 EAST, BEING NORTH 00°08'32" WEST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT THE 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 ACCORDING TO THE CLIENT'S INSTRUCTIONS.

JOB NO. 20110078
 DATE: 2/13/2018
 SCALE: 1" = 30 FEET
 REVISION: 2/23/18-COUNTY COMMENTS

CALCULATED BY: DY
 DRAWN BY: DY
 CHECKED BY: SMO

FOR THE LICENSED BUSINESS #6723 BY:

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

16 EAST PLANT STREET
 Winter Garden, Florida 34787 * (407) 654-5355

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUN 18 2019

Project: Hamlin East Proton Therapy Center Permit: B17904371 OCU File #: 94947

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:

FROM: U.S. Bank National Association, as Master Trustee
Mortgage, Assignment of Leases and Rents, Fixture Filing and Security Agreement
filed November 7, 2018,
Recorded as Document No. 20180652830
Mortgage, Assignment of Leases and Rents, Fixture Filing and Security Agreement
filed November 7, 2018,
Recorded as Document No. 20180652831
Financing Statement, filed November 7, 2018, as
Recording Document No. 20180652832
All in the Public Records of Orange County, Florida

Project: Hamlin East Proton Therapy Center Permit: B17904371 OCU File #: 94947

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 10th day of May, A.D. 2019.

Signed, sealed, and delivered

U.S. Bank National Association,
as Master Trustee, under the Master Indenture,
dated October 1, 2018

in the presence of:

Jane E. Pope
Witness

Jane E. Pope
Printed Name

Paula Starr
Witness

PAULA Starr
Printed Name

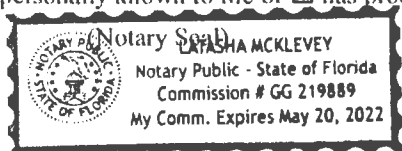
BY: Sheryl Lear

Sheryl Lear
Printed Name

Vice President
Title

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 10th of May, 2019, by Sheryl Lear, as Vice President of U S Bank National Association, Master Trustee under the Master Indenture, dated October 1, 2018, on behalf of said Trust. He/She is personally known to me or has produced _____ as identification.



Latasha McKlevey
Notary Signature

Latasha McKlevey
Printed Notary Name

This instrument prepared by:
Mary Tiffault, 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: May 20, 2022

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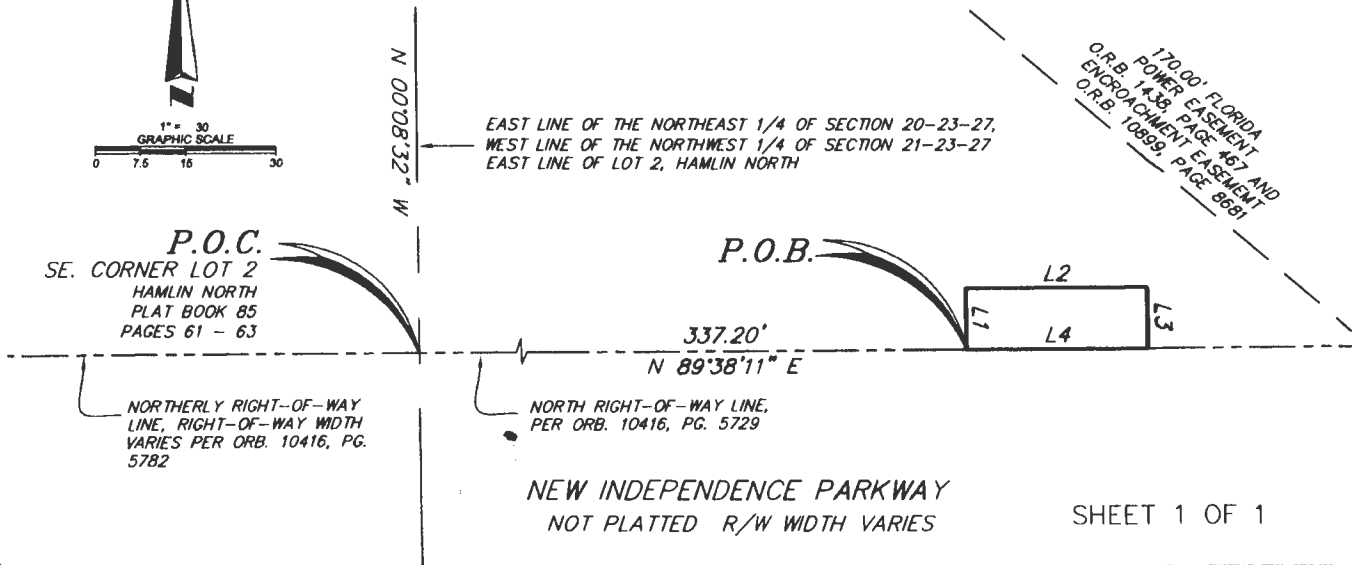
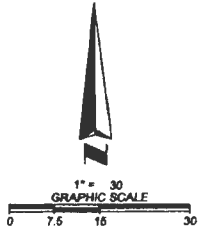
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170.00' FLORIDA POWER EASEMENT AND ENCRoACHMENT EASEMENT
O.R.B. 1436, PAGE 461 AND
O.R.B. 10859, PAGE 888

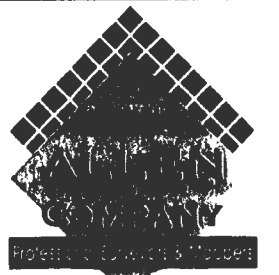
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