



# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Legislation Text

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**File #:** 25-447, **Version:** 1

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### Interoffice Memorandum

**DATE:** March 4, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** Mindy T. Cummings, Manager

**FROM:** Mary Tiffault, Senior Title Examiner

**CONTACT:** Mindy T. Cummings, Manager

**PHONE:** 407-836-7090

**DIVISION:** Real Estate Management Division

**ACTION REQUESTED:**

Approval and execution of First Amendment to Utility Easement by and between The BKYD Inc. and Orange County, and authorization to record instrument for The Backyard Permit 23-U-111 OCU File 101111. District 2. **(Real Estate Management Division)**

**PROJECT:** The Backyard Permit 23-U-111 OCU File 101111

**PURPOSE:** To amend the size of an existing Utility Easement from 150 square feet to 195 square feet.

**ITEM:**

First Amendment to Utility Easement

Cost: Donation

Size: 195 square feet

**BUDGET:** N/A

**REVENUE:** N/A

**FUNDS:** N/A

**APPROVALS:**

Real Estate Management Division

Utilities Department

**REMARKS:** Due to field conditions, it was determined by Utilities that the actual area needed for the easement area is larger than was originally requested. This First Amendment increases the size of the easement area conveyed by that certain Utility Easement recorded September 12, 2024, in Official Records Document No. 20240530932, from 150 square feet to 195 square feet. Grantor to pay recording fees.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

**MAR 25 2025**

**THIS INSTRUMENT PREPARED BY AND  
AFTER RECORDING RETURN TO:**

Mary Tiffault, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida  
P.O. Box 1393  
Orlando, Florida 32802-1393

**Property Appraiser's Parcel Identification Number:**  
a portion of 06-22-28-0000-00-035

**Project:** The Backyard Permit 23-U-111 OCU File #101111

**THIS IS A DONATION**

**FIRST AMENDMENT TO UTILITY EASEMENT**

**THIS FIRST AMENDMENT TO UTILITY EASEMENT** ("First Amendment") is made effective as of the date last executed below (the "**First Amendment Effective Date**") by and between **The BKYD Inc., a Florida corporation** ("**Owner**") whose address is 8501 French Oak Drive, Orlando, Florida 32835, and **ORANGE COUNTY**, a charter county and political subdivision of the state of Florida, ("**County**") whose address is P. O. Box 1393, Orlando, Florida, 32802-1393.

**RECITALS**

- 1. WHEREAS**, Owner granted to County that certain utility easement recorded September 12, 2024, in Official Records Document No. 20240530932, of the Public Records of Orange County, Florida, (the "**Utility Easement**"); and
- 2. WHEREAS**, Owner remains the sole fee simple owner of the real property encumbered by the Utility Easement, which real property is described in Exhibit A of the Utility Easement (the "**Easement Area**"); and
- 3. WHEREAS**, County has requested and Owner has agreed to amend the Easement Area to add an additional 45 square feet to the Easement Area and encumber the real property described in **Exhibit 1** of this First Amendment as additional easement area under the Utility Easement.

**NOW, THEREFORE**, in consideration of the promises stated in this First Amendment and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and County agree to amend the Utility Easement as follows:

1. **Recitals; Definitions.** The foregoing recitals are true and correct and are incorporated herein by reference.

2. **Exhibit A.** Exhibit A of the Utility Easement is hereby superseded and replaced with the new Exhibit A attached hereto as **Exhibit 1** and incorporated herein by reference to include an additional 45 square feet within the Easement Area encumbered by the Utility Easement.

3. **Ratification.** Nothing contained in this First Amendment changes or diminishes the rights, purpose, effect, encumbrance or provisions of the Utility Easement with respect to the Easement Area except as modified by this First Amendment, all other terms and provisions of the Utility Easement are hereby ratified and confirmed and shall remain in full force and effect.

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*{signatures on following pages}*

Project: The Backyard Permit 23-U-111 OCU File #101111

IN WITNESS WHEREOF, the said Owner and County have caused these presents to be signed in their names.

Signature of TWO witnesses and their mailing addresses are required by Florida law, F.S. 695.26

WITNESS #1

Jason McGraw  
Signature

Jason McGraw  
Print Name

Mailing Address: 12386 State Rd 535

City: Orlando State: FL

Zip Code: 32826

Osvaldo Alvarez  
Signature

OSVALDO ALVAREZ  
Print Name

Mailing Address: 12386 STATE RD 535

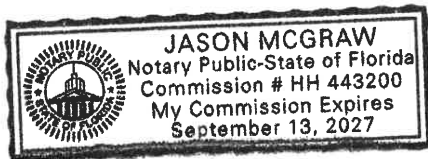
City: ORLANDO State: FL

Zip Code: 32836

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13 day of Feb., 2025, by Joshua Halperin, as Director, of The BKVD Inc., a Florida corporation on behalf of the corporation. The individual ☐ is personally known to me or ☒ has produced FLDL as identification.

(Notary Stamp)



OWNER

The BKVD Inc.,  
a Florida corporation

By: Joshua Halperin  
Signature

JOSHUA HALPERIN  
Print Name

DIRECTOR  
Title

Jason McGraw  
Notary Signature

Jason McGraw  
Print Notary Name

Notary Public of: Florida

My Commission Expires: 09/13/2027

Project: The Backyard Permit 23-U-111 OCU File #101111



**"COUNTY"**

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: Bryan W. Brooks  
Jerry L. Demings

*for* Orange County Mayor

Date: 25 March 2025

**ATTEST:**

Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County  
Commissioners

By: Jennifer Lara-Klimetz  
*for* Deputy Clerk

Jennifer Lara-Klimetz  
Printed Name

**JOINDER AND CONSENT TO FIRST AMENDMENT TO UTILITY EASEMENT**

The undersigned hereby certifies that it is the holder of the following mortgage, lien, or other encumbrance upon the above described : (i) that certain Mortgage, Assignment of Leases and Rents and Security Agreement executed by The BKYD Inc., a Florida corporation, in favor of Citizens Bank, a Tennessee banking corporation recorded July 16, 2024, as Official Records Document No. 20240411705; (ii) that certain Assignment of Leases and Rents executed by Mortgagor The BKYD, Inc, a Florida corporation, in favor of Citizens Bank, a Tennessee banking corporation, recorded July 16, 2024, as Official Records Document No. 20240411706; and (iii) that certain Financing Statement executed by the BKYD, Inc., a Florida corporation, in favor of Citizens Bank, a Tennessee banking, recorded July 16, 2024 as Official Records Document No.20240411707, all of the Public Records of Orange County, Florida and that the undersigned hereby joins in and consents to the execution and recording of the foregoing First Amendment to Utility Easement, and agrees that its mortgage, lien, or other encumbrance, as they have been, and as they may be, modified, amended, and/or assigned from time to time, shall be subordinated to the amended utility easement, as said easement may be modified, amended, and/or assigned from time to time.

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*{Signature on following page}*

Project: The Backyard Permit 23-U-111 OCU File #101111

Signature of TWO witnesses and their mailing addresses are required by Florida law, F.S. 695.26

WITNESS #1  
Melanie Magno  
Signature  
Melanie Magno  
Print Name  
Mailing Address: PO Box 1900  
City: Elizabethton State: TN  
Zip Code: 37644

WITNESS #2  
Kameron Elsea  
Signature  
Kameron Elsea  
Print Name  
Mailing Address: PO Box 1900  
City: Elizabethton State: TN  
Zip Code: 37644

STATE OF TENNESSEE  
COUNTY OF CARTER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 14th day of February, 2025, by Scott Hammerbacher, as Senior Vice President, of Citizens Bank, a Tennessee banking corporation, on behalf of the corporation. The individual ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(Notary Stamp)



Citizens Bank,  
a Tennessee banking corporation  
By: Scott Hammerbacher  
Signature  
Scott Hammerbacher  
Print Name  
Senior Vice President  
Title  
Mailing Address: PO Box 1900  
City: Elizabethton State: TN  
Zip Code: 37644

Anette W. LeVeau  
Notary Signature  
Anette W LeVeau  
Print Notary Name  
Notary Public of: State of Tennessee  
My Commission Expires: 12/8/2025



**EXHIBIT 1**

