



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

**DATE:** March 26, 2021

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

**THROUGH:** Mindy T. Cummings, Manager  
Real Estate Management Division *MTC*

**FROM:** Elizabeth Price Jackson, Senior Title Examiner *EPJ/MTC*  
Real Estate Management Division

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

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

**ACTION REQUESTED:** Approval and execution of First Amendment to Temporary Construction Easement between Orange County and Amsdell Storage Ventures 69, LLC, delegation of authority to the Manager of the Real Estate Management Division to execute a Terminate of Easement, and authorization to record instruments

**PROJECT:** Little River Elementary School Access (Poseidon/Wal-Mart)  
  
District 3

**PURPOSE:** To amend the terms and conditions of an existing temporary construction easement and provide for provisions for formal termination of the easement by County, when appropriate, as a requirement of development

**ITEM:** First Amendment to Temporary Construction Easement  
Cost: None  
Size: 16,979 square feet

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Public Works Department

**REMARKS:**

On May 18, 2004, the Board approved a Temporary Construction Easement (Easement) from Poseidon VIII Investments, Inc. Subsequent to the recording of the Easement, a portion of the encumbered lands was conveyed to Amsdell Storage Ventures 69, LLC (Amsdell).

Amsdell has requested to amend the Easement in connection with its development. This First Amendment to Temporary Construction Easement grants Amsdell a non-exclusive license to construct within the Easement area, subject to approval by County of plans and specifications, and obtaining all necessary permits. Additionally, Amsdell will contemporaneously construct that portion of the Neighborhood Market Road (Road) along the length of and adjacent to the Amsdell property in the Easement area.

County agrees to execute a Termination of Easement in recordable form for that portion of the Easement lying within the Amsdell property upon successful completion of construction of that portion of the Road adjacent to the Amsdell property and issuance by County of a certificate of completion evidencing that the construction of that portion of the Road has met the requirements for a public right of way. This action delegates authority to execute such termination to the Manager of the Real Estate Management Division. The Public Works Department has reviewed and approved Amsdell's request.

Amsdell to pay recording fees.

APR 13 2021

This instrument was prepared by  
and after recording return to:  
George R. Moraitis, Jr.  
Moraitis Cofar Karney Moraitis & Quailey  
915 Middle River Drive Suite 506  
Fort Lauderdale, FL 33304

**FIRST AMENDMENT TO TEMPORARY CONSTRUCTION EASEMENT**  
**(Book 7450, Page 4796)**

**THIS FIRST AMENDMENT TO TEMPORARY CONSTRUCTION EASEMENT**  
(this "Amendment") is made as of APR 13 2021, 2021, by **ORANGE COUNTY**,  
a charter county and political subdivision of the State of Florida (the "County"), whose address is  
P.O. Box 1393, Orlando, Florida 32802-1393 ("Orange County"); and **AMSDELL STORAGE**  
**VENTURES 69, LLC**, a Delaware limited liability company, whose address is 20445 Emerald  
Parkway Drive – Suite 220, Cleveland, Ohio 44134 ("Amsdell").

**RECITALS:**

A. Amsdell is the owner of the land located in Orange County, Florida known as 203  
Neighborhood Market Road, Orlando, Florida 32825, Tax Folio 25-22-30-4749-01-000 and more  
particularly described on **Exhibit "A"** attached hereto and incorporated herein by reference (the  
"Amsdell Property").

B. Pursuant to that certain Right-of-Way Agreement between County and Poseidon  
VIII Investments, Inc. recorded at Official Records Book 7377, Page 745, as amended by that  
certain First Amendment to Right-of-Way Agreement (Little River Access Road) recorded at  
Official Records Book 9305, Page 0806, County holds the rights to a Temporary Construction  
Easement (the "Easement") by virtue of that instrument recorded in Official Records Book 7450,  
Page 4796, all of which are of the Public Records of Orange County, Florida.

C. A portion of the Easement encumbers the Amsdell Property.

D. A portion of the Easement has already been terminated on the Amsdell Property  
pursuant to the termination as indicated on the Plat for Lake Underhill Center recorded at Plat  
Book 71, Page 37 (surveyor's note 5). The portion of the Easement that remains (the "Easement  
Area") is more particularly described on **Exhibit "B"**, attached hereto and incorporated herein  
by reference.

E. Amsdell intends to develop the Amsdell Property as a Self Storage Facility  
(including ancillary retail sales, and rental of moving vehicles), comprised of one three-story  
climate-controlled building and three one-story non-climate-controlled buildings (the "Self  
Storage Facility") and a portion of the buildings will be constructed within the Easement area.

F. Contemporaneous with the construction of the Self Storage Facility, Amsdell will  
construct only that portion of the Neighborhood Market Road along the length of and adjacent to  
the Amsdell Property (the "Road").

G. Amsdell has requested and County has agreed to amend the Easement and grant a non-exclusive license for Amsdell to construct the Self Storage Facility while the Road is being built. Upon successful completion of the Road adjacent to the Amsdell Property and issuance by County of a certificate of completion evidencing that the construction of that portion of the Road has met the requirements for a public right of way, County will execute a termination of the Easement within the Amsdell Property.

H. Other than as amended pursuant to the terms of this Amendment, the Easement is hereby ratified and confirmed in all respects and the terms thereof incorporated herein by this reference.

**NOW, THEREFORE**, for and in consideration of the agreements set forth herein, the sufficiency of which consideration is hereby acknowledged, the parties agree as follows:

1. **Recitals.**

The recitals above are true and correct and are incorporated herein by this reference.

2. **License.**

The County hereby grants Amsdell a non-exclusive license to construct the Self Storage Facility on the Property within the Easement Area, subject to Amsdell obtaining prior written approval by County of plans and specifications and obtaining all necessary permits, including without limitation a right-of-way utilization permit, with the understanding that Amsdell will contemporaneously construct the Road along the length of and adjacent to the Amsdell Property in the Easement area.

3. **Agreement to Execute Termination upon Completion of Construction of Road.**

County agrees to execute a termination, in recordable form, for that portion of the Easement lying within the Amsdell Property upon completion of construction of that portion of the Road along the length of and adjacent to the Amsdell Property and issuance by County of a certificate of completion evidencing that the construction of that portion of the Road has met all requirements for a public right-of-way. The Board of County Commissioners hereby delegates authority to execute such termination to the Manager of the Real Estate Management Division.

4. **Running Benefits and Burdens.**

The provisions of the aforementioned Easement, as amended by this First Amendment, shall run with the title to the Amsdell Property to the extent that the Easement affects the Property. The parties acknowledge that Amsdell, its successors, and assigns shall not be responsible for the construction of the Road beyond that portion which is adjacent to the Amsdell Property.

5. **Notices.**

All notices, requests, consents, and other communications hereunder shall be in writing and shall be delivered, mailed by First Class Mail, postage prepaid, or overnight delivery service (e.g., Federal Express or UPS), to the other party, at the address set forth in the first paragraph of this Agreement, or such other address as the parties may specify by notice to the other party from time-to-time.

6. **Controlling Law.**

This Amendment shall be construed, interpreted, and controlled according to the laws of the State of Florida.

7. **Severability.**

The invalidity or unenforceability of any one or more provisions of this Amendment shall not affect the validity or enforceability of the remaining portions of this Amendment, or any part of this Amendment not held to be invalid or unenforceable.

**[The rest of this page is intentionally left blank]**

IN WITNESS WHEREOF, County and Amsdell have executed this Agreement as of the day and year first above written.

COUNTY

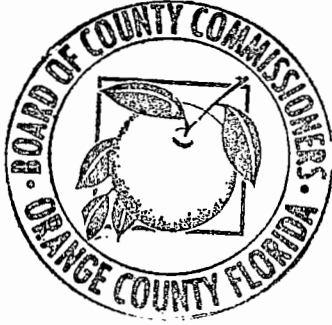
ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*

*JL* Jerry L. Demings  
Orange County Mayor

Date: *13 April 2021*



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

By: *Noelia Perez*  
*for* Deputy Clerk

Print name: *Noelia Perez*

Signed sealed and delivered  
in the presence of:

Michael W. McIntire  
Print Name: MICHAEL MCINTIRE

Dana Perry  
Print Name: Dana Perry

**AMSDELL STORAGE VENTURES 69,**  
a Delaware limited liability company

By: Amsdell Construction, Inc., an Ohio  
corporation, its Manager

By: Todd C. Amsdell  
Todd C. Amsdell, President

STATE OF OHIO

COUNTY OF Cuyahoga

The foregoing instrument was acknowledged before me  in person or  via online notarization  
this 24<sup>th</sup> day of March, 2021, by Todd C. Amsdell, as President of Amsdell Construction,  
Inc., an Ohio corporation, as the Manager of **AMSDELL STORAGE VENTURES 69**, a  
Delaware limited liability company, on behalf of the company.



Kristin Rettberg  
Print Name: Kristin Rettberg

NOTARY PUBLIC

State of Ohio at Large

Commission # \_\_\_\_\_

My Commission Expires: August 21, 2024

Personally Known  or

Produced ID

Type of Identification Produced:  
\_\_\_\_\_

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

A PORTION OF LOT 1, "LAKE UNDERHILL CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 71 PAGES 37 AND 38 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY CORNER OF SAID LOT 1; THENCE SOUTH  $30^{\circ}26'30''$  EAST, 28.90 FEET; THENCE SOUTH  $57^{\circ}05'47''$  EAST, 191.48 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE (RADIAL LINE THRU SAID POINT BEARS SOUTH  $52^{\circ}53'57''$  EAST); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 145.00 FEET, A DELTA OF  $24^{\circ}22'56''$ , AN ARC DISTANCE OF 61.70 FEET, THENCE TANGENT TO SAID CURVE, SOUTH  $12^{\circ}43'05''$  WEST, 498.97 FEET; THENCE NORTH  $77^{\circ}17'24''$  WEST, 197.66 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID PLAT; THENCE NORTH  $05^{\circ}19'50''$  EAST, ALONG SAID BOUNDARY, 571.44 FEET TO A POINT ON THE SOUTHWESTERLY BOUNDARY OF "TRACT B" OF SAID PLAT; THENCE SOUTH  $30^{\circ}26'30''$  EAST, 100.00 FEET; THENCE NORTH  $59^{\circ}33'30''$  EAST, 100.00 FEET; THENCE NORTH  $30^{\circ}26'30''$  WEST, 100.00 FEET, THE LAST 3 COURSES DESCRIBED BEING COINCIDENT WITH THE BOUNDARY OF SAID "TRACT B"; THENCE NORTH  $59^{\circ}33'30''$  EAST, 15.95 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN ORANGE COUNTY, FLORIDA.



# SKETCH AND DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT  
TO BE VACATED

SHEET 1 OF 2

### DESCRIPTION:


PART OF THAT CERTAIN TEMPORARY CONSTRUCTION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 7450, PAGE 4796, ALSO BEING A PORTION OF LOT 1, LAKE UNDERHILL CENTER, AS RECORDED IN PLAT BOOK 71, PAGES 37 AND 38, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHERLY MOST CORNER OF SAID LOT 1; THENCE S.59°33'30"W., ALONG THE NORTHERLY LINE OF SAID LOT 1 A DISTANCE OF 15.95 FEET; THENCE S.30°26'30"E., A DISTANCE OF 28.90 FEET; THENCE S.57°05'47"E., A DISTANCE OF 161.41 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 175.00 FEET, A CHORD BEARING OF S.24°32'56"W., AND A CHORD OF 71.76 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°39'42" FOR AN ARC DISTANCE OF 72.27 FEET TO THE POINT OF TANGENCY; THENCE S.12°43'05"W., A DISTANCE OF 498.97 FEET; THENCE S.77°17'24"E., A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NEIGHBORHOOD MARKET ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 7450; PAGE 4782, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N.12°43'05"E., A DISTANCE OF 498.97 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 145.00 FEET, A CHORD BEARING OF N.24°54'33"E, AND A CHORD OF 61.24 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°22'55", FOR AN ARC DISTANCE OF 61.70 FEET TO THE END OF SAID CURVE; THENCE N.57°05'47"W., A DISTANCE OF 30.07 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 16,979 SQUARE FEET OR 0.390 ACRES, MORE OR LESS.

ENCLOSURE

CERTIFIED TO:  
ORANGE COUNTY

I HEREBY CERTIFY:  
THAT THIS SKETCH MEETS THE  
STANDARDS OF PRACTICE  
SET FORTH BY THE FLORIDA  
BOARD OF LAND SURVEYORS IN  
CHAPTER 5j-17, FLORIDA  
ADMINISTRATIVE CODE.

  
THOMAS J. MCMAHON  
FL REG LAND SURVEYOR #4887

DATE: 3/2/21  
SCALE: 1" = 100'  
JOB NO. CHICKEASE 6

MCMAHON SURVEYING  
AND GEOMATICS, INC.  
119 WEST PLYMOUTH AVENUE  
DELAND, FLORIDA, 32720  
PHONE 407-328-7201

FL REG LAND SURVEYOR #4887 CERTIFICATE OF AUTHORIZATION LB8285

RH 3/26/2021

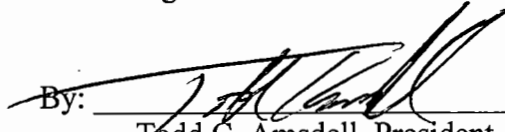




**FURTHER AFFIANT SAYETH NAUGHT.**

Amsdell Storage Ventures 69, LLC

By: Amsdell Construction, Inc.  
Its: Manager

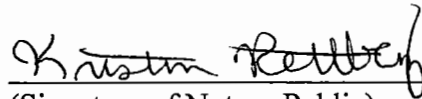
By:   
\_\_\_\_\_  
Todd C. Amsdell, President

STATE OF OHIO

COUNTY OF CUYAHOGA

Sworn to and subscribed before me by means of  physical presence or  online notarization, this 24<sup>th</sup> day of March, 2021, by Todd C. Amsdell, President of Amsdell Construction, Inc., Manager of Amsdell Storage Ventures 69, LLC who is  personally known or who  produced \_\_\_\_\_ as identification.



  
\_\_\_\_\_  
(Signature of Notary Public)  
Print Name: Kristin Rettberg  
Notary Public, State of Ohio  
Commission No.: \_\_\_\_\_  
My Commission Expires: August 21, 2024

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# *State of Florida*

## *Department of State*

I certify from the records of this office that AMSDELL STORAGE VENTURES 69, LLC is a Delaware limited liability company authorized to transact business in the State of Florida, qualified on November 24, 2020.

The document number of this limited liability company is M20000010776.

I further certify that said limited liability company has paid all fees due this office through December 31, 2020 and that its status is active.

I further certify that said limited liability company has not filed a Certificate of Withdrawal.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Twenty-third day of March,  
2021*



*Randy R. Lee*  
**Secretary of State**

Tracking Number: 3446877892CU

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

[https://services.sunbiz.org/Filings/CertificateOfStatus/Certificate.Authentication](https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication)