



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

**DATE:** June 13, 2019

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

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

**FROM:** Elena Hutchinson, Senior Title Examiner *EH*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** Approval of Drainage Easement from New Cheney 1, LLC to Orange County and Subordination of Encumbrance to Property Rights to Orange County from Bright House Networks, LLC and authorization to record instruments

**PROJECT:** Old Cheney Apartments/Condos Site, Permit #B18901395  
  
District 5

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

**ITEMS:** Drainage Easement  
Cost: Donation  
Size: 600 square feet  
  
Subordination of Encumbrance to Property Rights to Orange County

**APPROVALS:** Real Estate Management Division  
Development Engineering Division

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

JUL 02 2019

THIS IS A DONATION

Project: Old Cheney Apartments/Condos Site, Permit #B18901395

**DRAINAGE EASEMENT**

THIS INDENTURE, made the 20 day of February, 2019, between New Cheney 1, LLC, a Florida limited liability company, whose address is 55 West Church Street, Suite 2201, Orlando, Florida 32801-4921, GRANTORS 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 GRANTORS, in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, do hereby give and grant to the GRANTEE and its assigns an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid, to-wit:

**SEE ATTACHED APPENDIX "A"**

**Property Appraiser's Parcel Identification Number:**

**a portion of**

**21-22-30-4312-01-021**

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 drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the Grantors, their heirs, successors, and assigns agree 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 drainage ditch, pipe, or facility.

Project: Old Cheney Apartments/Condos Site, Permit #B18901395

IN WITNESS WHEREOF, the said Grantor has hereto set his/her hand the day and year first above written.

Signed, sealed and delivered in the presence of:

New Cheney 1, LLC, a Florida Limited Liability Company

[Signature]  
Witness

By: [Signature]

Carissa Dickson  
Printed Name

Nicholas Jones  
Printed Name

[Signature]  
Witness

Managing Member  
Title

Henley Ridore  
Printed Name

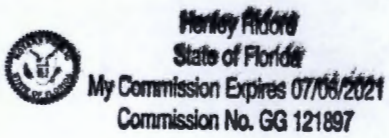
(Signature of TWO Witnesses required by Florida Law)

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February, 2019 by Nicholas Jones, as Managing Member of New Cheney 1, LLC, a Florida Limited Liability Company, on behalf of the limited liability company. He/she is personally known to me or has produced Florida Drivers License as identification. Witness my hand and official seal this 20<sup>th</sup> day of February, 2019.

(Notary Seal)

[Signature]  
Notary Signature  
Henley Ridore  
Printed Notary Name



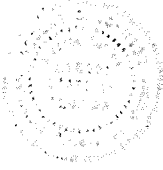
Notary Public in and for the County and State aforesaid  
My commission expires: 07-06-2021

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

## Appendix

“A”

Project Name: Old Cheney Townhomes  
 Purpose: Orange County Drainage Easement  
 Permit Number: B18901395



## SKETCH OF DESCRIPTION

(PAGE 1 OF 2)

### LEGAL DESCRIPTION:

30' x 20' ORANGE COUNTY DRAINAGE EASEMENT

A PORTION OF LOT 6 AND LOT 7, BLOCK A, LAKE BARTON PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK M, PAGE 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 7, BLOCK A, OF SAID LAKE BARTON PARK; THENCE RUN N84°26'27"E, ALONG THE SOUTH RIGHT OF WAY LINE OF OLD CHENEY HIGHWAY, A DISTANCE OF 27.64 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, RUN N84°26'27"E, A DISTANCE OF 30.00 FEET; THENCE, LEAVING SAID SOUTH RIGHT OF WAY LINE, RUN S05°33'33"E PERPENDICULAR TO SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE RUN S84°26'27"W, PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET; THENCE RUN N05°33'33"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 600 SQUARE FEET OR 0.0138 ACRES, MORE OR LESS.

JOB: 902057  
 CF#OCM16-SOD-30X10DE  
 DATE: 05-24-2018  
 SCALE: 1" = 20'  
 DRAWN BY: PJT

PREPARED FOR:

Orange County

### LEGEND

CL - CENTERLINE  
 CM - CONCRETE MONUMENT  
 CONC - CONCRETE  
 COVD - COVERED  
 CP - CONCRETE PAD  
 CW - CONCRETE WALKWAY  
 Δ - CENTRAL ANGLE  
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 TYP - TYPICAL  
 UE - UTILITY EASEMENT  
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### REVISIONS

### GENERAL NOTES:

1. Rearing structure based on: South right of way line of Old Cheney Highway: Being N84°26'27"E (assumed).
2. This surveyor has not made a search of the public records for any dedications, limitations, restrictions or easements other than shown hereon.
3. This Sketch of Description has been made for the exclusive use of the entities prepared for, hereon and does not extend to any unnamed parties.
4. This Sketch of Description is not a Survey.
5. This Sketch is "Not Valid" without the signature and the original raised seal of this Florida licensed Surveyor and Mapper, unless provided with electronic signature with the ability to validate. (See: [www.altamaxsurveying.com](http://www.altamaxsurveying.com) for instructions on signature validation). The seal appearing on this document was authorized by Robert C. Johnson on the Date of the electronic signature.

## Altamax Surveying

910 Belle Avenue, Suite 1140  
 Casselberry, FL 32708  
 Phone: 407-227-7677  
 Licensed Business No. 7833  
[www.altamaxsurveying.com](http://www.altamaxsurveying.com)

Digitally signed by  
 Robert C. Johnson  
 Date: 2018.05.29  
 10:14:20 -04'00'

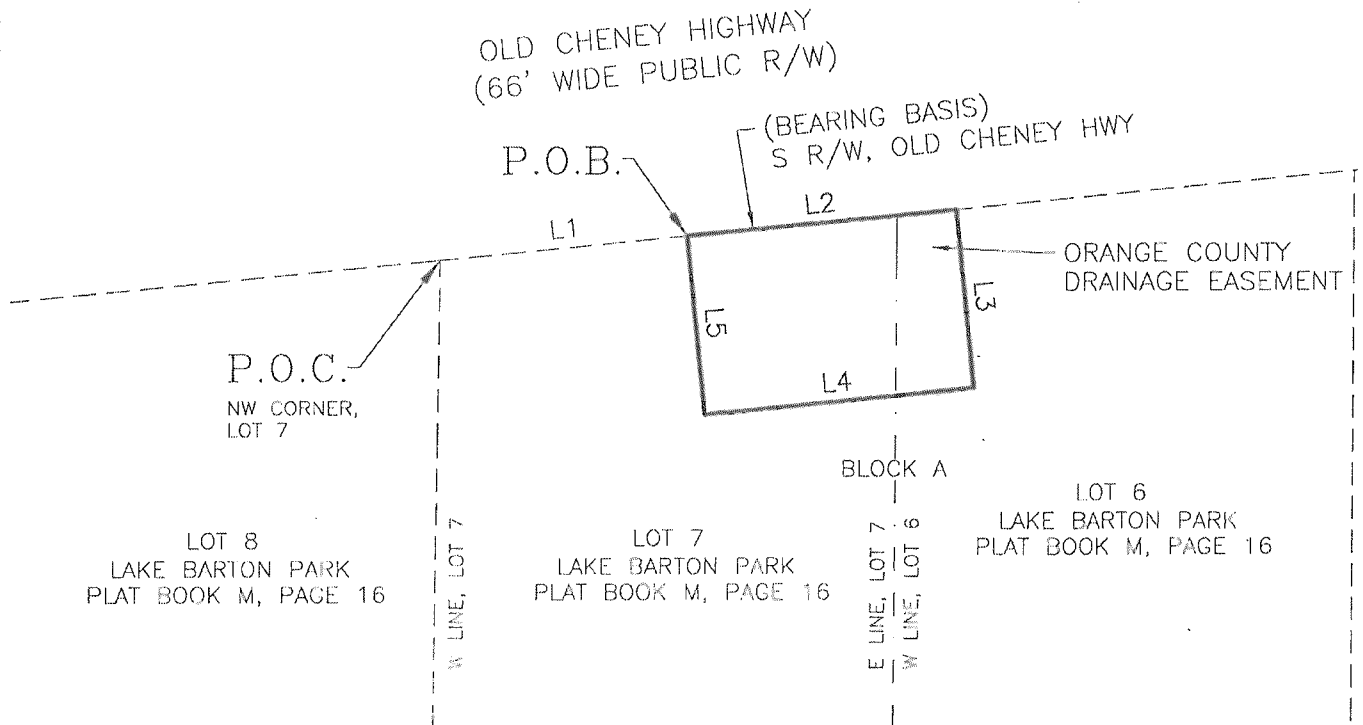
Robert C. Johnson PSM 5551

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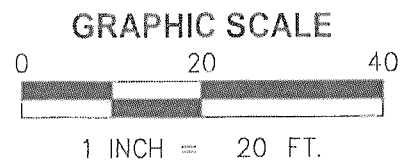
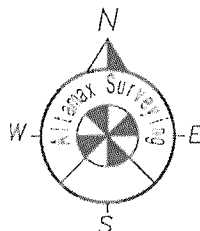
## SKETCH OF DESCRIPTION

(PAGE 2 OF 2)

LINE	BEARING	DISTANCE
L1	N84°26'27"E	27.64'
L2	N84°26'27"E	30.00'
L3	S05°33'33"E	20.00'
L4	S84°26'27"W	30.00'
L5	N05°33'33"W	20.00'



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Project: Old Cheney Apartments/Condos Site, Permit #B18901395

**SUBORDINATION OF ENCUMBRANCE 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 drainage project in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to the below ENCUMBRANCE held by the undersigned; and,

WHEREAS, On behalf of Orange County, a request has been made for the undersigned to subordinate said ENCUMBRANCE 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 ENCUMBRANCE 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 APPENDIX "A"**

**ENCUMBRANCE:**

FROM: Bright House Networks, LLC, a Delaware Foreign Limited Liability Company  
Easement and Right of Entry filed June 27, 2016  
Recorded in Official Records Book Document #20160330574  
All in the Public Records of Orange County, Florida

PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said ENCUMBRANCE insofar as same affects the rights and privileges of Orange County, in its use of the land specifically above described for drainage purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said ENCUMBRANCE 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 drainage purposes that in such event the subordination of said ENCUMBRANCE 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 ENCUMBRANCE has duly executed this instrument this 8<sup>th</sup> day of MARCH, A.D. 2019.

Signed, sealed, and delivered in the presence of:

Bright House Networks, LLC, a Delaware Foreign Limited Liability Company

[Signature]  
Witness

BY: [Signature]

John A. Vitale  
Printed Name

Michel L. Champagne  
Printed Name

[Signature]  
Witness

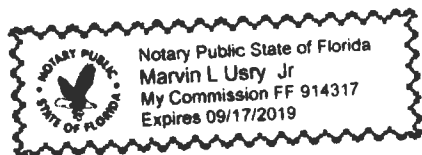
Area Vice President  
Title

EDWARD B. WILLIAMS  
Printed Name

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 8<sup>th</sup> of MARCH, 2019, by MICHEL CHAMPAGNE, as AREA V.P. of Bright House Networks, LLC, a Delaware Foreign Limited Liability Company on behalf of the limited liability company. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)



[Signature]  
Notary Signature

MARVIN L. USRY, JR.  
Printed Notary Name

Notary Public in and for the County and State aforesaid

My Commission Expires:

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



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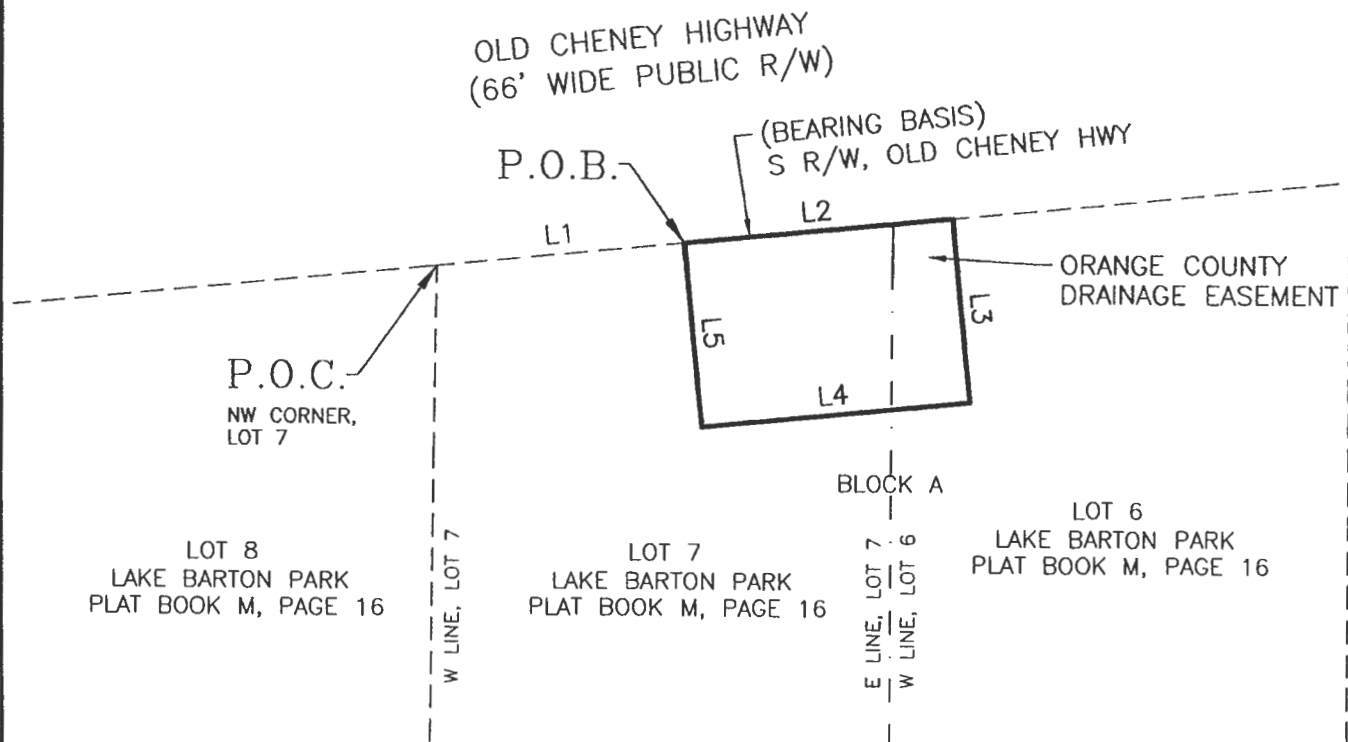
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