



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: March 1, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Kim Heim, Senior Title Examiner *KH*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT FROM IP NUVO WATERFORD PROPERTIES, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM ACCESS BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: 342 Woodland Dr (Waterford Lake Plaza Personal Self Storage)
Permit: B17900791 OCU File #: 89006

District 4

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

ITEMS: Utility Easement
Cost: Donation
Total size: 337 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

MAR 20 2018

THIS IS A DONATION

Project: 342 Woodland Dr (Waterford Lake Plaza Personal Self Storage)
Permit: B17900791 OCU File #: 89006

UTILITY EASEMENT

THIS INDENTURE, Made this 3rd day of January, A.D. 2018, between IP Nuvo Waterford Properties, LLC, a Delaware limited liability company, whose address is 200 E. New England Ave., Suite 110, Winter Park, FL 32789, 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

27-22-31-8987-00-140

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, 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 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.

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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:

IP Nuvo Waterford Properties, LLC,
a Delaware limited liability company

[Signature]
Witness

BY: [Signature]

TONYA S. MELLON
Printed Name

Gary Cardamone
Printed Name

[Signature]
Witness

VP
Title

JASON J. ANIN
Printed Name

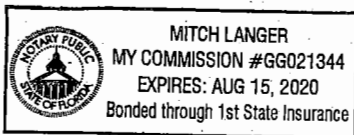
(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 3rd of January,
2018, by Gary Cardamone, as Vice President,
of IP Nuvo Waterford Properties, LLC, a Delaware 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



Mitch Langer
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires: 8/15/20

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

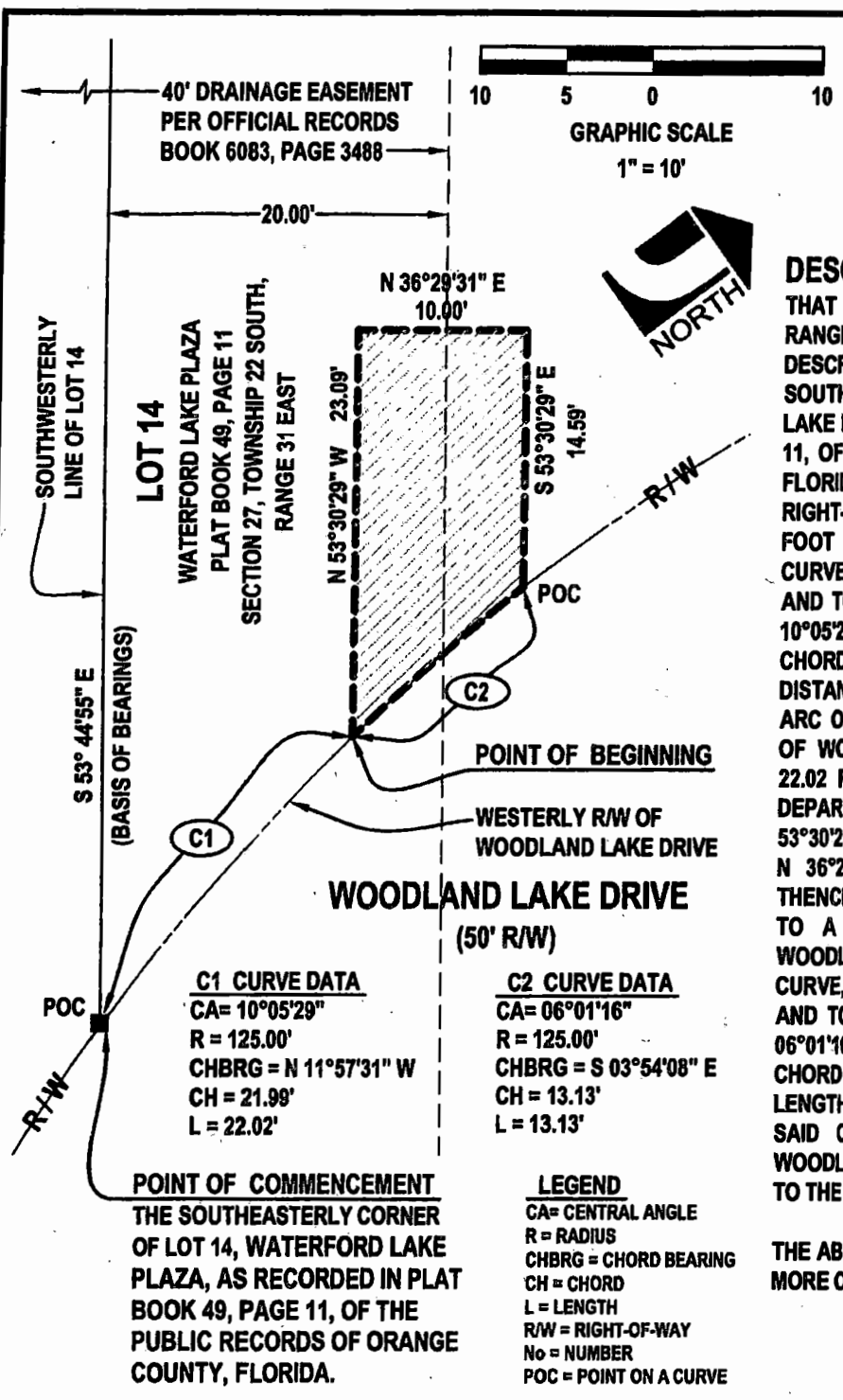


EXHIBIT "A"

DESCRIPTION:

THAT PART OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 14, WATERFORD LAKE PLAZA, AS RECORDED IN PLAT BOOK 49, PAGE 11, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY OF WOODLAND LAKE DRIVE, A 50 FOOT RIGHT-OF-WAY, ALSO BEING A POINT ON A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND TO THE RIGHT, HAVING A CENTRAL ANGLE OF 10°05'29" AND A RADIUS OF 125.00 FEET, HAVING A CHORD BEARING OF N 11°57'31" W AND A CHORD DISTANCE OF 21.99 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AND THE SAID RIGHT-OF-WAY OF WOODLAND LAKE DRIVE FOR A DISTANCE OF 22.02 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY AND CURVE, N 53°30'29" W FOR A DISTANCE OF 23.09 FEET; THENCE N 36°29'31" E FOR A DISTANCE OF 10.00 FEET; THENCE S 53°30'29" E FOR A DISTANCE OF 14.59 FEET TO A POINT ON THE SAID RIGHT-OF-WAY OF WOODLAND LAKE DRIVE, ALSO BEING A POINT ON A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND TO THE LEFT, HAVING A CENTRAL ANGLE OF 06°01'16" AND A RADIUS OF 125.00 FEET, HAVING A CHORD BEARING OF S 03°54'08" E AND A CHORD LENGTH OF 13.13 FEET; THENCE ALONG THE ARC OF SAID CURVE AND THE SAID RIGHT-OF-WAY OF WOODLAND LAKE DRIVE FOR A DISTANCE 13.13 FEET TO THE POINT OF BEGINNING.

THE ABOVE EASEMENT CONTAINS 187 SQUARE FEET MORE OR LESS.

SKETCH & DESCRIPTION

NOT A SURVEY

DOCUMENT TITLE: WATERFORD LAKE PLAZA SELF STORAGE (187 SQ. FT. EASEMENT)		BUILDING DEPARTMENT No: B17900791		WORK ORDER No: 150702	
PROJECT NAME: 342 WOODLAND LAKE DRIVE (WATERFORD LAKE PLAZA SELF STORAGE)			DATE: 11/10/2017	DRAWN BY: JMB	CHECKED BY: WSH

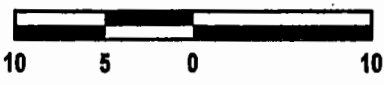
UPHAM
CIVIL ENGINEERING-SURVEYING-LANDSCAPE ARCHITECTURE
265 Kenilworth Avenue • Ormond Beach • Florida 32174
Voice: 386.672.9515 • Fax: 386.673.6554 • uphaminc.com
LB # 0003612 LC # 0000357

THE FOREGOING EASEMENT IS CERTIFIED TO MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS EFFECTIVE DATE JULY 1, 2014, AS PURSUANT TO SECTION 472, FLORIDA STATUTES.

William S Hart
11 / 10 / 2017

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. FLORIDA ADMINISTRATIVE CODE 5J-17.062 (2)

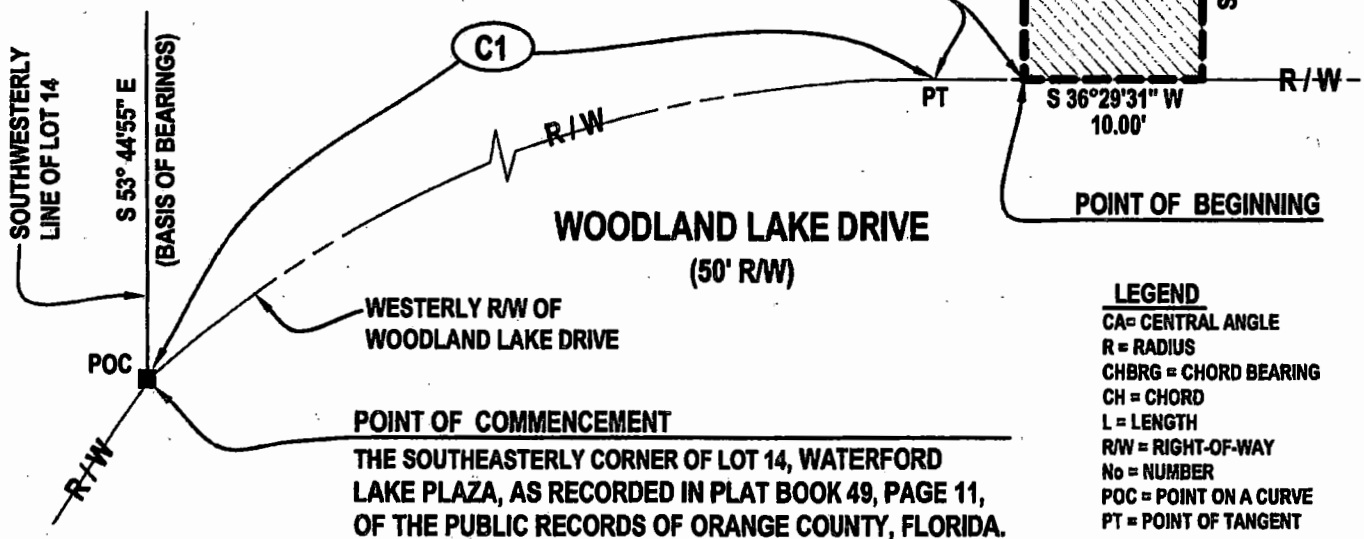
WILLIAM S HART
PSM #3905



C1 CURVE DATA
 CA= 53°29'47"
 R = 125.00'
 CHBRG = N 09°44'38" E
 CH = 112.52'
 L = 116.71'



LOT 14
 WATERFORD LAKE PLAZA
 PLAT BOOK 49, PAGE 11
 SECTION 27, TOWNSHIP 22 SOUTH,
 RANGE 31 EAST



LEGEND
 CA= CENTRAL ANGLE
 R = RADIUS
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THE ABOVE EASEMENT CONTAINS 150 SQUARE FEET MORE OR LESS.

SKETCH & DESCRIPTION

NOT A SURVEY

DOCUMENT TITLE: WATERFORD LAKE PLAZA SELF STORAGE (150 SQ. FT. EASEMENT)		BUILDING DEPARTMENT No: B17900791	WORK ORDER No: 150702
PROJECT NAME: 342 WOODLAND LAKE DRIVE (WATERFORD LAKE PLAZA SELF STORAGE)		DATE: 11/10/2017	DRAWN BY: JMB CHECKED BY: WSH

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William S Hart 11/10/2017

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. FLORIDA ADMINISTRATIVE CODE 5J-17.062 (2) WILLIAM S HART PSM #3905

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAR 20 2018

Project: 342 Woodland Dr. (Waterford Lake Plaza Personal Self Storage)
Permit: B17900791 OCU File #: 89006

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:

Access Bank

FROM: IP Nuvo Waterford Properties, LLC

Mortgage with Assignment of Leases and Rents, Security Agreement and Fixture Filing
filed January 23, 2017

Recorded as Document No. 20170040762

Financing Statement filed January 23, 2017

Recorded as Document No. 20170040763

Financing Statement filed October 31, 2017

Recorded as Document No. 20170595438

All in the Public Records of Orange County, Florida

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

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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 the intent that the rights and privileges of Orange County solely, pursuant to this document, shall be superior to the lien of the Encumbrance, but that the Encumbrance shall not be subordinate to any other encumbrance which may have been recorded subsequent to the Encumbrance. 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 9 day of FEBRUARY, A.D. 20 18

Signed, sealed, and delivered
in the presence of:

Access Bank

Robin Ritenour
Witness

By: Dan Ertz

Robin Ritenour
Printed Name

DAN ERTZ
Printed Name
Title: SENIOR VICE PRESIDENT

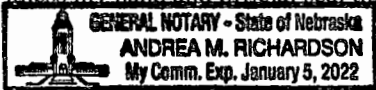
Christina Hure
Witness

Christina Hure
Printed Name

STATE OF Nebraska
COUNTY OF Douglas

The foregoing instrument was acknowledged before me this 9 of February 20 18, by Dan Ertz, as Senior Vice President, of Access Bank, on behalf of the bank. He/She is personally known to me or has produced _____ as identification.

Witness my hand and official seal this 9 day of February, 20 18



(Notary Seal)

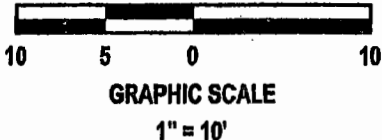
Andrea M. Richardson
Notary Signature

This instrument prepared by:

Andrea M. Richardson
Printed Notary Name

Theresa Avery, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

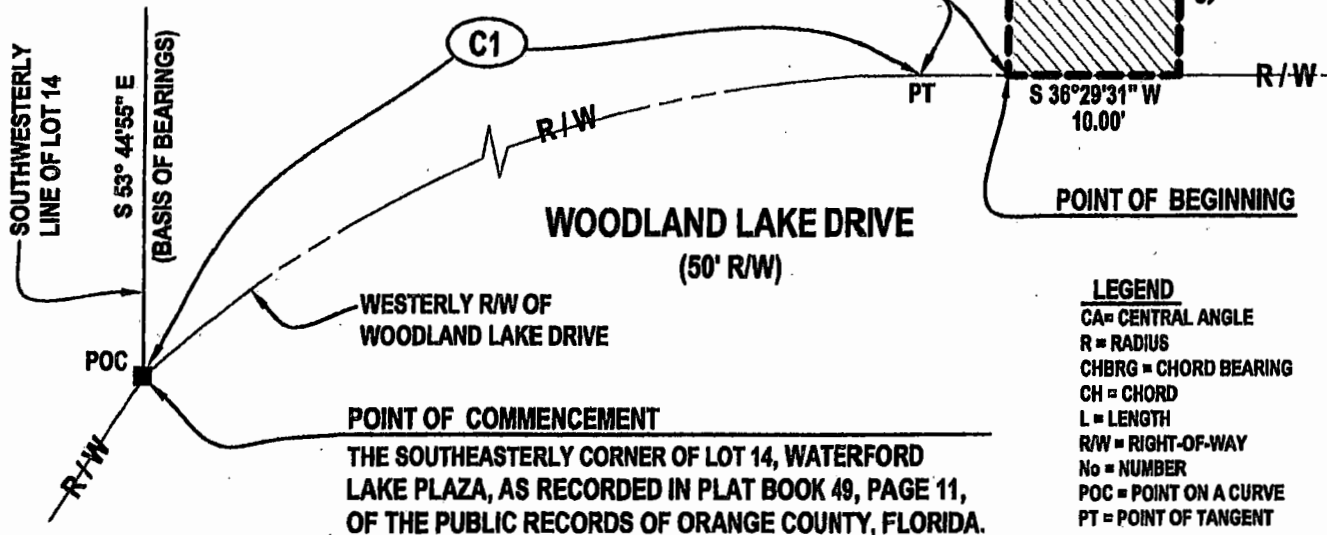
Notary Public in and for
the county and state aforesaid.
My commission expires: 1-5-22



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 CHBRG = N 09°44'38" E
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PROJECT NAME: 342 WOODLAND LAKE DRIVE (WATERFORD LAKE PLAZA SELF STORAGE)		DATE: 11/10/2017	DRAWN BY: JMB CHECKED BY: WSH

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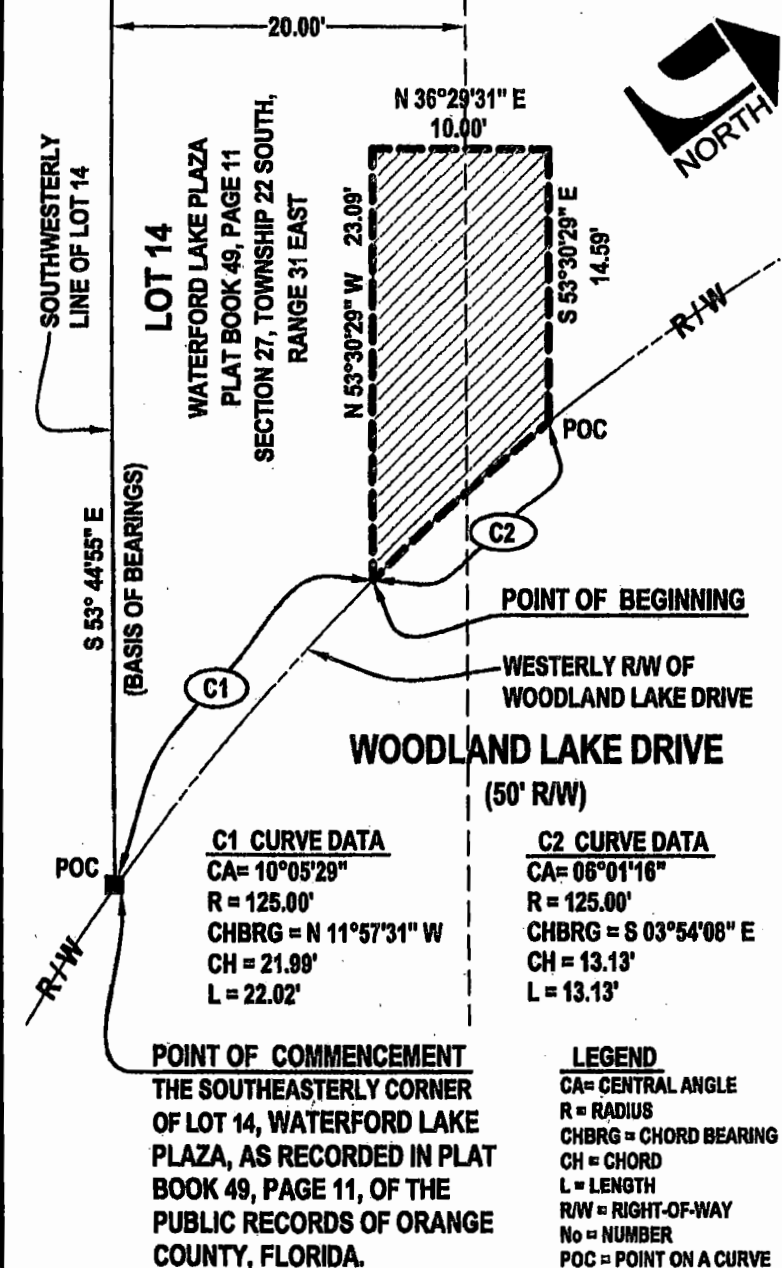
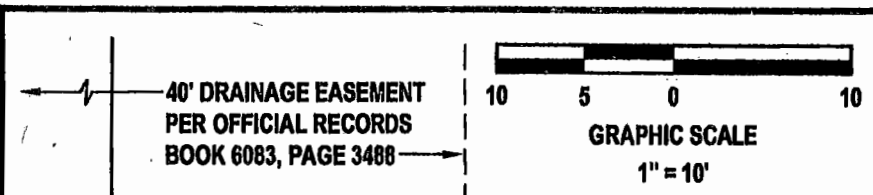
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WILLIAM S HART
 PSM #3905



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PSM #3905