



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

**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:** 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 Utility Easement from Yolo Ocoee, LLC to Orange County, Utility Easement from Jimmie C. Watson and Jeanette G. Watson to Orange County, and Subordination of Encumbrances to Property Rights to Orange County from TD Bank, N.A. and authorization to record instruments

**PROJECT:** Ladybird Academy – 2060 West Road Permit Number 18-E-029 OCU  
File #97116  
  
District 2

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

**ITEMS:** Utility Easements (2)  
Cost: Donation  
Total size: 1,540 square feet  
  
Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division

Agenda Item 7

May 31, 2019

Page 2

**APPROVALS:** Real Estate Management Division  
Utilities Department

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

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**JUN 18 2019**

THIS IS A DONATION

Project: Ladybird Academy - 2060 West Road Permit Number 18-E-029 OCU File #97116

### UTILITY EASEMENT

THIS INDENTURE, Made this *1st* day of *May*, 2019, between YOLO OCOEE, LLC, a Florida Limited Liability Company, whose address is 118 Osprey Hammock Trail, Sanford, Florida 32771, 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 \$10.00 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 that portion of the lands owned by GRANTOR of the following described lands situate in Orange County aforesaid, to-wit:

### SEE ATTACHED EXHIBIT "A"

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

a portion of

**06-22-28-0000-00-085**

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:

[Signature]  
Witness

Chanell Izzard  
Printed Name

Migdalina Camacho  
Witness  
Migdalina Camacho  
Printed Name

YOLO OCOEE, LLC, a Florida Limited  
Liability Company

By: [Signature]

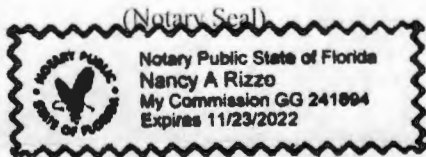
Derek Sakala  
Printed Name

Managing Member  
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 1st of May,  
2019, Derek Sakala, as Managing Member of YOLO OCOEE, LLC, a  
Florida Limited Liability Company, on behalf of the limited liability company. He/She  is personally  
known to me or  has produced \_\_\_\_\_ as identification.



[Signature]  
Notary Signature

Nancy Rizzo  
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

EXHIBIT "A"

SKETCH OF DESCRIPTION  
UTILITY EASEMENT

PROJECT NAME: LADYBIRD ACADEMY - 2060 WEST ROAD  
OC PERMIT NUMBER 18-E-029

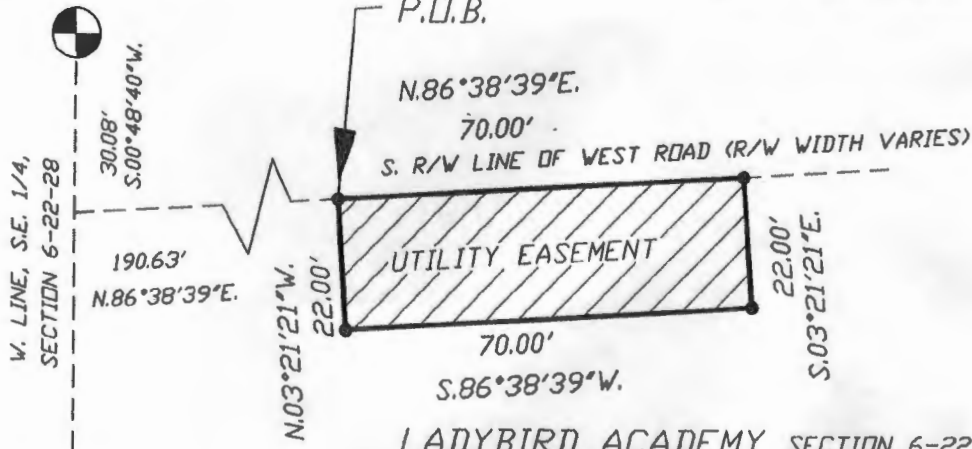
DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, THENCE S.00°48'40"W., ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 30.08 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST ROAD; THENCE N.86°38'39"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 190.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.86°38'39"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 70.00 FEET; THENCE S.03°21'21"E., A DISTANCE OF 22.00 FEET; THENCE S.86°38'39"W., A DISTANCE OF 70.00 FEET; THENCE N.03°21'21"W., A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1540 SQUARE FEET

P.O.C.

N.W. CORNER, S.E. 1/4,  
SECTION 6-22-28



LADYBIRD ACADEMY SECTION 6-22-28  
PERMIT #18-E-029

NOTES

1. BEARINGS BASED ON THE W. LINE OF THE S.W. 1/4 OF SECTION 6-22-28 AS BEING S.00°48'40"W., (ASSUMED).
2. THIS IS NOT A SURVEY.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. REVISED ON 12/18/2018.

LEGEND

- R/W = RIGHT OF WAY
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- LB = LICENSED BUSINESS
- REG = REGISTERED

CERTIFIED TO:

DEREK SAKALA

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

DATE: 11/27/18

SCALE: 1" = 30'

JOB NO. 18-LADYEASE

MCMAHON SURVEYING AND MAPPING, LLC  
245 SAN MARCOS AVENUE  
SANFORD, FLORIDA, 32771  
PHONE 407-328-7201

FL REG LAND SURVEYOR #4887 CERTIFICATE OF AUTHORIZATION LB7434  
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JUN 18 2019

THIS IS A DONATION

Project: Ladybird Academy 2060 West Road Permit Number 18-E-029 OCU File #97116

**UTILITY EASEMENT**

THIS INDENTURE, Made this 18 day of May, 2019 between JIMMIE C. WATSON, a married man and JEANETTE G. WATSON, a single woman, 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 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 that portion of the lands owned by GRANTORS of the following described lands situate in Orange County aforesaid, to-wit:

**SEE ATTACHED EXHIBIT "A"**

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

a portion of

**06-22-28-0000-00-008**

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever.

THIS IS NOT NOW, nor has it ever been, the homestead property of either of the GRANTORS herein.

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 GRANTORS, their 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 GRANTORS or GRANTORS' 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 said GRANTOR has hereto set his hand the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Cross Figueroa  
Witness

Cross Figueroa  
Printed Name

Angel Lozada  
Witness

Angel Lozada  
Printed Name

Jimmie C. Watson  
Jimmie C. Watson

3718 N. Applea Vineland Rd  
Post Office Address

Orlando, FL 32818

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 18 of May,  
2019, by Jimmie C. Watson, a married man. He  is personally known to me or  has produced  
FL Drivers License as identification.

(Notary Seal)



Angel Lozada  
Notary Signature

Angel Lozada  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: 09/26/2022

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

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness

JOHN HOLZEL  
Printed Name

[Signature]  
Witness

Jason Watson  
Printed Name

Jeanette G. Watson  
Jeanette G. Watson

6754 Osceola Dr.  
Post Office Address

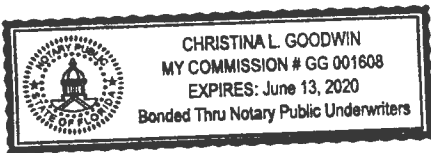
Mt. Dora, FL 32757

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 7<sup>th</sup> of May, 2019, by Jeanette G. Watson, a single woman. She  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)



Christina L Goodwin  
Notary Signature

Christina L Goodwin  
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



# SKETCH OF DESCRIPTION UTILITY EASEMENT

PROJECT NAME: LADYBIRD ACADEMY -- 2060 WEST ROAD  
OC PERMIT NUMBER 18-E-029

## DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 22 SOUTH, RANGE 20 EAST, ORANGE COUNTY, FLORIDA, THENCE S.00°48'40"W., ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST ROAD; THENCE N.86°38'39"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 190.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.06°38'39"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 70.00 FEET; THENCE S.03°21'21"E., A DISTANCE OF 22.00 FEET; THENCE S.06°38'39"W., A DISTANCE OF 70.00 FEET; THENCE N.03°21'21"W., A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1540 SQUARE FEET

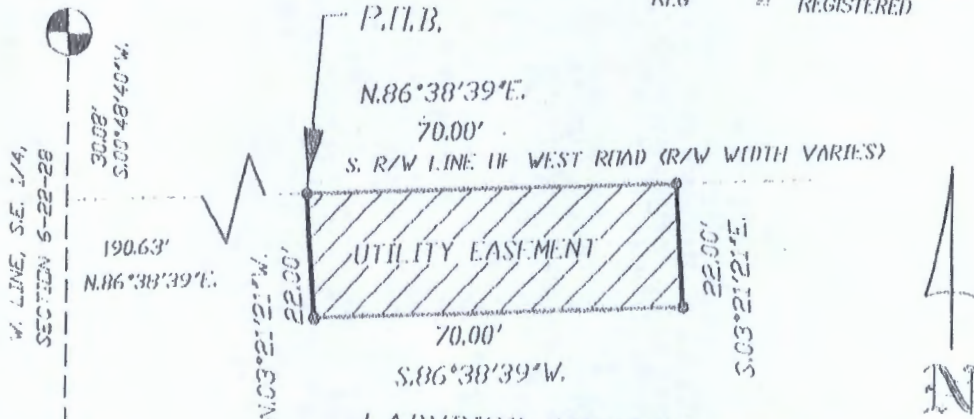
## NOTES

1. BEARINGS BASED ON THE W. LINE OF THE S.W. 1/4 OF SECTION 6-22-28 AS BEING 5,00'48'40"W., (ASSUMED).
2. THIS IS NOT A SURVEY.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. REVISED ON 12/18/2018.

## LEGEND

- R/W == RIGHT OF WAY
- P.O.C. == POINT OF COMMENCEMENT
- P.O.B. == POINT OF BEGINNING
- LB == LICENSED BUSINESS
- REG == REGISTERED

P.I.C.  
N.W. CORNER, S.E. 1/4,  
SECTION 6-22-28



LADYBIRD ACADEMY SECTION 6 22 28  
PERMIT 18 E 029

CERTIFIED TO:

DEREK SAKIA

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.

*[Signature]*  
THOMAS J. MCMAHON

DATE: 11/21/18

SCALE: 1" = 30'

JOB NO. 18 LADYASE

MCMAHON SURVEYING  
AND MAPPING, LLC  
245 SAN MARCOS AVENUE  
SANFORD, FLORIDA, 32771  
PHONE 407 328 1201

IT REG LAND SURVEYOR #4887 CERTIFICATE OF AUTHORIZATION 11/7/14  
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
JUN 18 2019

Project: Ladybird Academy – 2060 West Road Permit Number 18-E-029 OCU File #97116

### **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 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 a portion of the following described lands, being a portion of the encumbered premises in Orange County, Florida, to-wit:

#### **SEE ATTACHED EXHIBIT "A"**

**ENCUMBRANCES:**

TD Bank, N.A.

FROM: YOLO, OCOEE, LLC

Mortgage filed August 16, 2018

Recorded as Document Number 20180492473

Assignment of Rents, Leases and Profits filed August 16, 2018

Recorded as Document Number 20180492474

Second Mortgage filed August 16, 2018

Recorded as Document Number 20180492475

Assignment of Rents, Leases and Profits filed August 16, 2018

Recorded as Document Number 20180492476

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 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 1 day of May, A.D. 20 19.

Signed, sealed, and delivered in the presence of:

TD Bank, N.A.

[Signature]  
Witness

BY: [Signature]

Byron E. Schaff  
Printed Name

Erich Maschhoff  
Printed Name

Ida Leach  
Witness

Vice President  
Title

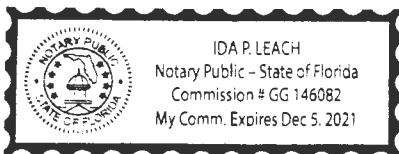
Ida Leach  
Printed Name

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 1<sup>st</sup> of May, 20 19, by ERICH MASCHHOFF as Vice President of TD Bank, N.A., on behalf of the bank. He/She  is personally known to me or  has produced \_\_\_\_\_ as identification.

(Notary Seal)

Ida Leach  
Notary Signature



Ida Leach  
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

# SKETCH OF DESCRIPTION UTILITY EASEMENT

PROJECT NAME: LADYBIRD ACADEMY - 2060 WEST ROAD  
OC PERMIT NUMBER 18-E-029

## DESCRIPTION:

CUMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, THENCE S.00°48'40"W., ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 30.08 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST ROAD; THENCE N.86°38'39"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 190.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.86°38'39"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 70.00 FEET; THENCE S.03°21'21"E., A DISTANCE OF 22.00 FEET; THENCE S.86°38'39"W., A DISTANCE OF 70.00 FEET; THENCE N.03°21'21"W., A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1540 SQUARE FEET

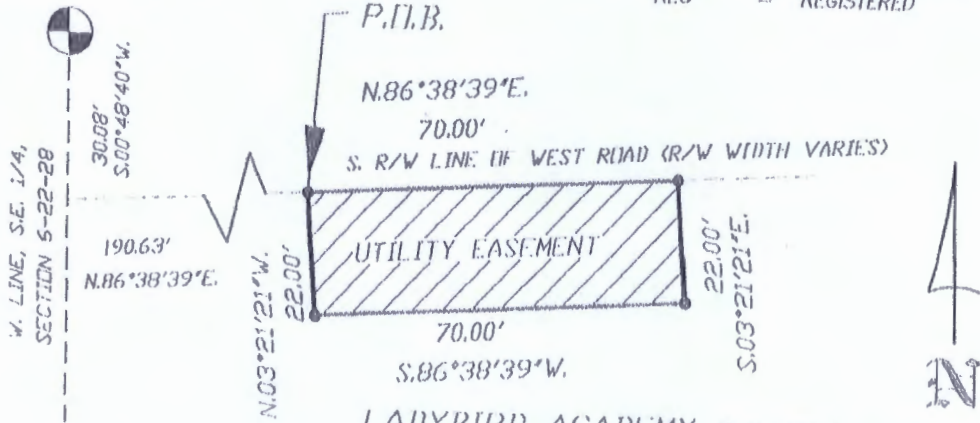
## NOTES

1. BEARINGS BASED ON THE W. LINE OF THE S.W. 1/4 OF SECTION 6--22--28 AS BEING S.00°48'40"W., (ASSUMED).
2. THIS IS NOT A SURVEY.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. REVISED ON 12/18/2018.

## LEGEND

R/W = RIGHT OF WAY  
P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
L.B. = LICENSED BUSINESS  
REG = REGISTERED

P.O.C.  
N.W. CORNER, S.E. 1/4,  
SECTION 6--22--28



LADYBIRD ACADEMY SECTION 6 22 28  
PERMIT 18 E 029

CERTIFIED TO:

DEREK SAKALA

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.

*[Signature]*  
THOMAS J. MCMAHON

DATE: 11/27/18

SCALE: 1" = 50'

JOB NO. 18 LADYASE

MCMAHON SURVEYING  
AND MAPPING, LLC  
245 SAN MARCOS AVENUE  
SANFORD, FLORIDA, 32771  
PHONE 407-328-1201

IT REG LAND SURVEYOR #4887 CERTIFICATE OF AUTHORIZATION 11174.54  
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER