



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: January 25, 2019

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

THROUGH: Paul Sladek, Manager *PS*
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 Subordination of Encumbrance to Property Rights to Orange County from Spring Groves, LLC, Withers, LLC, BB Groves, LLC, and Columnar Partners Holding I, LLC and authorization to record instrument

PROJECT: Winding Bay - Phase 1A Plat

District 1

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

ITEM: Subordination of Encumbrance to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: Grantor to pay recording fees.

FEB 12 2019

**This instrument prepared by
and after recording return to:**
Real Estate Management Division
400 E. South Street, Orlando, FL 32801
of Orange County, Florida

Project: Winding Bay – Phase 1A Plat

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 construct, maintain, and/or improve a road right-of-way and a utility facility (“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 may have been or as may be modified and amended from time to time to the property rights of Orange County to 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”

Encumbrance:

Declaration of Utility Easements filed April 3, 2018
Recorded as Document No. 20180197479
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 road right-of-way and 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 road right-of-way and utility 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

Project: Winding Bay – Phase 1A Plat

been made.

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 12 day of DECEMBER, A.D. 2018.

Signed, sealed, and delivered in the presence of:

Spring Grove, LLC,
a Delaware limited liability company

[Signature]
Witness

BY: [Signature]
Daniel A. Traylor, as Manager

Mirra Turner
Printed Name

Rosa Pacheco
Witness

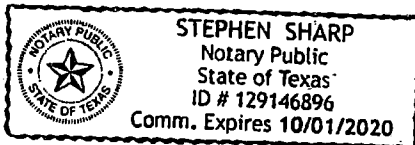
Rosa Pacheco
Printed Name

STATE OF Texas
COUNTY OF Dallas

The foregoing instrument was acknowledged before me this 12 of DECEMBER, 2018, by Daniel A. Traylor, as Manager of Spring Grove, LLC, a Delaware limited liability company, on behalf of the company. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

[Signature]
Notary Signature



Stephen Sharp
Printed Notary Name

Notary Public in and for the county and state aforesaid.

My commission expires:

Project: Winding Bay – Phase 1A Plat

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 12 day of DECEMBER, A.D. 2018.

Signed, sealed, and delivered in the presence of:

[Signature]
Witness

Miriam Turner
Printed Name

Rosa Pacheco
Witness

Rosa Pacheco
Printed Name

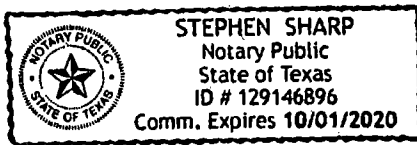
Withers, LLC,
a Delaware limited liability company
registered to do business in the State of
Florida as Withers Properties, LLC
a Delaware limited liability company

BY: [Signature]
Daniel A. Traylor, as Manager

STATE OF TEXAS
COUNTY OF DALLAS

The foregoing instrument was acknowledged before me this 12 of DECEMBER, 2018, by Daniel A. Traylor, as Manager of Withers, LLC, a Delaware limited liability company, doing business in the State of Florida as Withers Properties, LLC, a Delaware limited liability company, on behalf of the company. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature

Stephen Sharp
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

Project: Winding Bay – Phase 1A Plat

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 12 day of DECEMBER, A.D. 20 18

Signed, sealed, and delivered in the presence of:

[Signature]
Witness

Mirna Turner
Printed Name

Rosemary Pacheco
Witness

ROSA PACHECO
Printed Name

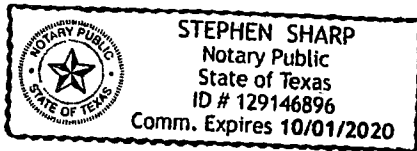
BB Groves, LLC,
a Delaware limited liability company
registered to do business in the State of
Florida as B Bank Groves, LLC, a Delaware
limited liability company

BY: [Signature]
Daniel A. Traylor, as Manager

STATE OF TEXAS
COUNTY OF DALLAS

The foregoing instrument was acknowledged before me this 12 of DECEMBER, 20 18, by Daniel A. Traylor, as Manager of BB Groves, LLC, a Delaware limited liability company, doing business in the State of Florida as B Bank Groves, LLC, a Delaware limited liability company, on behalf of the company. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature

Stephen Sharp
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

Project: Winding Bay – Phase 1A Plat

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 12 day of DECEMBER, A.D. 2018

Signed, sealed, and delivered in the presence of:

Columnar Partnership Holding I, LLC, an Indiana limited liability company

[Signature]
Witness

BY: [Signature]
Daniel A. Traylor, as Manager

Mirna Turner
Printed Name

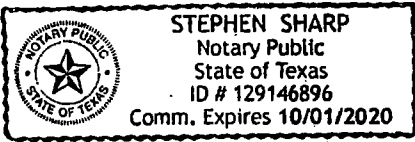
Rosa Pacheco
Witness

Rosa Pacheco
Printed Name

STATE OF TEXAS
COUNTY OF DALLAS

The foregoing instrument was acknowledged before me this 12 of DECEMBER, 2018, by Daniel A. Traylor, as Manager of Columnar Partnership Holding I, LLC, an Indiana limited liability company on behalf of the company. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)



[Signature]
Notary Signature

Stephen Sharp
Printed Notary Name

Notary Public in and for the county and state aforesaid.

My commission expires

Project: Winding Bay – Phase 1A Plat

Exhibit “A”

Tract APF-1, Tract LS – 1, and all platted streets, **Winding Bay – Phase 1A**, according to the Plat thereof, as recorded in Plat Book 91, Page 141, of the Public Records of Orange County, Florida.