



Interoffice Memorandum

APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

BCC Mtg. Date: October 18, 2016

REAL ESTATE MANAGEMENT ITEM 3

**DATE:** September 28, 2016

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

**THROUGH:** Ann Caswell, Manager   
Real Estate Management Division

**FROM:** Theresa A. Avery, Senior Title Examiner  
Real Estate Management Division 

**CONTACT  
PERSON:** Ann Caswell, Manager

**DIVISION:** Real Estate Management  
**Phone:** (407) 836-7082

**ACTION  
REQUESTED:** APPROVAL OF SIDEWALK EASEMENT BETWEEN MLD 4, LLC  
AND ORANGE COUNTY, WITH JOINDER AND CONSENT OF  
MORTGAGEE TO SIDEWALK EASEMENT FROM US  
EMPLOYMENT DEVELOPMENT LENDING CENTER, LLC,  
JOINDER AND CONSENT OF MORTGAGEE TO SIDEWALK  
EASEMENT FROM AILERON INVESTMENT MANAGMENT, LLC,  
JOINDER AND CONSENT OF ASSOCIATION TO SIDEWALK  
EASEMENT FROM INTERNATIONAL CENTER PROPERTY  
OWNERS' ASSOCIATION, JOINDER AND CONSENT OF  
MORTGAGEE TO SIDEWALK EASEMENT FROM LIVE OAK  
BANKING COMPANY, AND SUBORDINATION OF  
ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY  
FROM US EMPLOYMENT DEVELOPMENT LENDING CENTER,  
LLC, SUBORDINATION OF ENCUMBRANCES TO PROPERTY  
RIGHTS TO ORANGE COUNTY FROM AILERON INVESTMENT  
MANAGEMENT, LLC, SUBORDINATION OF ENCUMBRANCES TO  
PROPERTY RIGHTS TO ORANGE COUNTY FROM LIVE OAK  
BANKING COMPANY AND AUTHORIZATION TO RECORD  
INSTRUMENTS

**PROJECT:** ILH Interchange Center PD (Staybridge Suites)  
Staybridge Suites Hotel B14903783  
  
District 1

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

**ITEMS:** Sidewalk Easement with Joinders and Consents (Instrument 801.1)  
Cost: Donation  
Size: 28,749.60 square feet  
  
Subordinations of Encumbrances to Property Rights to Orange County (3)

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

**REMARKS:** This Sidewalk Easement is adjacent to Sea Harbor Drive.  
  
Grantor to pay all recording fees.  
  
**A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.**

**OCT 18 2016**

THIS INSTRUMENT PREPARED BY  
~~AND RETURN TO:~~

Karl M. Schmitz, III, Esq.  
KARL M. SCHMITZ, III, P.A.  
701 Enterprise Road E.  
Suite 502  
Safety Harbor, FL 34695  
727-450-0778

Instrument: 801.1

Project: ILH Interchange Center PD (Staybridge Suites)

**SIDEWALK EASEMENT**

THIS GRANT OF EASEMENT made on July 18, 2016, by and between MLD 4, LLC, a Florida limited liability company, having its principal place of business in the city of Orlando, County of Orange, whose address is: P.O. Box 691777, Orlando, Florida 32869, hereinafter "Grantor," and ORANGE COUNTY, a charter county and a political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, hereinafter "Grantee,"

WITNESSETH THAT:

WHEREAS 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 a right of way and easement for sidewalk purposes with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a paved sidewalk to be constructed by the GRANTOR upon the following described lands situate in Orange County aforesaid (the "Easement Area"), to-wit:

**SEE ATTACHED EXHIBIT "A", LEGAL DESCRIPTION**

**Property Appraisers Parcel Identification Number: 11-24-28-3829-00-020**

GRANTOR has, pursuant to a Mortgage dated as of June 12, 2015, and recorded in Official Records Book 10934, Page 6884 of the public records of Orange County, Florida (the "First Mortgage"), granted a security interest in the Grantor's Property to US Employment Development Lending Center, LLC, a California limited liability company; and

GRANTOR has, pursuant to a Mortgage dated as of June 12, 2015, and recorded in Official Records Book 10934, Page 6899 of the public records of Orange County, Florida (the "Second Mortgage"), granted a security interest in the Grantor's Property to Aileron Investment Management, LLC, a Florida limited liability company; and

Instrument: 801.1

Project: ILH Interchange Center PD (Staybridge Suites)

The Easement Area is currently encumbered by a Landscape Buffer and Utility Easement in favor of International Center Property Owners' Association (the "Association") by virtue of that certain Declaration of Covenants, Condition, Restrictions and Easements for International Center, as recorded in Official Records Book 4149, Page 4206 of the Public Records of Orange County, Florida, which Landscape Buffer and Utility Easement is more particularly depicted on Exhibit A-1, attached hereto.

GRANTOR grants said easement and right of way to GRANTEE, to HAVE AND TO HOLD said easement and right of way unto said GRANTEE and its assigns forever.

THE GRANTEE herein, and its assigns, shall have the right to clear and keep clear all trees and other obstructions that may interfere with normal usage or maintenance of the paved sidewalk and easement. The GRANTOR, successors and assigns, agree not to build, construct, create, nor permit others to build, construct, or create any fence, wall, or other structure on the herein granted right of way.

The GRANTOR retains all rights in and to the Easement Area that are consistent with the GRANTEE'S rights granted herein. Grantor may, subject to Grantee's reasonable approval, construct and maintain utility lines in the Easement Area, provided that Grantor must restore the Easement Area to its previous condition upon conclusion of any such work.

IN WITNESS WHEREOF, the GRANTOR has caused these present to be signed in its name by Runit Nana, as its Authorized Member, on the date first above written.

"GRANTOR"

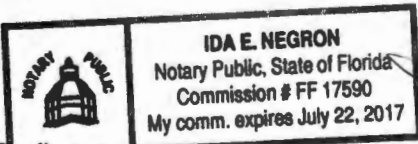
MLD 4, LLC, a Florida limited liability company

Printed Name: Runit Nana  
Its: Authorized Member

Aida Colon  
Witness Aida Colon  
Bryan Velez  
Witness Bryan Velez

STATE OF FLORIDA  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 19 day of July, 2016 by Runit Nana, as Authorized Member of MLD 4, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me or who produced ✓ as identification.

(Notary Seal) 

[Signature]  
Notary Public  
Notary Public in and for the County and  
State aforesaid

**JOINDER AND CONSENT OF MORTGAGEE**  
**TO**  
**SIDEWALK EASEMENT**

US EMPLOYMENT DEVELOPMENT LENDING CENTER, LLC, a California limited liability company, being the holder of that certain Mortgage, dated as of June 12, 2015 and recorded in Official Records Book 10934, Page 6884; that certain Assignment of Rents recorded in Official Records Book 10934, Page 6893, all in the public records of Orange County, Florida (the "First Mortgage"), hereby joins in and consents to the execution and filing of the foregoing Sidewalk Easement and agrees that its mortgage, lien or other encumbrance, as they have been, and as they may be, modified, amended, and assigned from time to time, shall be subordinated to the Sidewalk Easement, as said may be modified and amended from time to time.

IN WITNESS WHEREOF, US EMPLOYMENT DEVELOPMENT LENDING CENTER, LLC has caused these presents to be signed in its company name by its COO on this 20 day of April, 2016.

Witnesses:

Rand Soeger  
Print Name: Rand Soeger

Michael Allen  
Print Name: Michael Allen

US EMPLOYMENT DEVELOPMENT  
LENDING CENTER, LLC  
A California limited liability company

By: Stella Zhang  
Print Name: Stella Zhang  
Its: C.O.O.

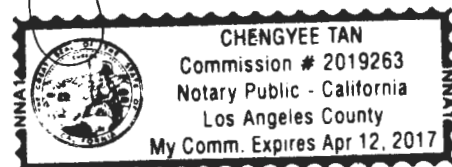
STATE OF California )  
 )ss.  
COUNTY OF Los Angeles )

I HEREBY CERTIFY that, on this 20<sup>th</sup> day of April, 2016, before me personally appeared Stella Zhang (name) the COO (title), of US EMPLOYMENT DEVELOPMENT LENDING CENTER, LLC, a California limited liability company, on behalf of the company, who is personally known to me or have produced CA driver License as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public - State of California  
My Commission Expires: April 12<sup>th</sup>, 2017

Chengyee Tan  
Print Name: CHENG YEE TAN



**JOINDER AND CONSENT OF MORTGAGEE**  
**TO**  
**SIDEWALK EASEMENT**

AILERON INVESTMENT MANAGMENT, LLC, a Florida limited liability company, being the holder of that certain Mortgage, dated as of June 12, 2015 and recorded in Official Records Book 10934, Page 6899; that certain Assignment of Rents recorded in Official Records Book 10934, Page 6908, all in the public records of Orange County, Florida (the "Second Mortgage"), hereby joins in and consents to the execution and filing of the foregoing Sidewalk Easement and agrees that its mortgage, lien or other encumbrance, as they have been, and as they may be, modified, amended, and assigned from time to time, shall be subordinated to the Sidewalk Easement, as said may be modified and amended from time to time.

IN WITNESS WHEREOF, AILERON INVESTMENT MANAGMENT, LLC has caused these presents to be signed in its company name by its MANAGER on this 21<sup>st</sup> day of APRIL, 2016.

Witnesses:

Reid Jaeger  
Print Name: Reid Jaeger

Michael Allen  
Print Name: Michael Allen

AILERON INVESTMENT  
MANAGMENT, LLC  
A Florida limited liability company

By: Robert K Beard

Print Name: Robert K Beard  
Its: Manager

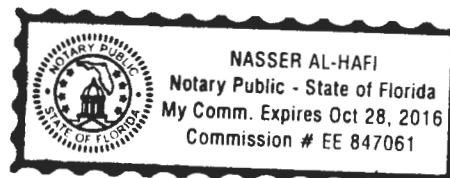
STATE OF FLORIDA )  
 )ss.  
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that, on this 21<sup>st</sup> day of APRIL, 2016, before me personally appeared ROBERT BEARD (name) the MANAGER (title), of AILERON INVESTMENT MANAGMENT, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me or have produced as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal

Nasser Al-Hafi  
Print Name: NASSER AL-HAFI

Notary Public - State of FLORIDA  
My Commission Expires: 10/28/2016



Instrument: 801.1

Project: ILH Interchange Center PD (Staybridge Suites)

**JOINDER AND CONSENT OF ASSOCIATION**  
**TO**  
**SIDEWALK EASEMENT**

INTERNATIONAL CENTER PROPERTY OWNERS' ASSOCIATION, a Florida corporation not-for-profit (the "Association"), being granted certain easements rights by virtue of that certain Declaration of Covenants, Condition, Restrictions and Easements for International Center (the "Declaration"), as recorded in Official Records Book 4149, Page 4206, together with Modifications recorded in O.R. Book 4790, page 1959; O.R. Book 6908, Page 811 and O.R. Book 9752, Page 1072, all of the Public Records of Orange County, Florida, hereby joins in and consents to the execution and filing of the foregoing Sidewalk Easement.

IN WITNESS WHEREOF, INTERNATIONAL CENTER PROPERTY OWNERS' ASSOCIATION, has caused these presents to be signed this 21<sup>st</sup> day of JUNE, 2016 \$

Witnesses:

Holly Phelps  
Print Name: Holly Phelps

Jaclyn D. Thielman  
Print Name: Jaclyn D. Thielman

INTERNATIONAL CENTER PROPERTY OWNERS' ASSOCIATION  
A Florida not-for-profit corporation

By: [Signature]

Print Name: TIM SWAN

Its: PRESIDENT

STATE OF FLORIDA                    )  
  )ss.  
COUNTY OF Osceola            )

I HEREBY CERTIFY that, on this 21 day of June, 2016, before me personally appeared Tim Swan (name) the President (title), of INTERNATIONAL CENTER PROPERTY OWNERS' ASSOCIATION, a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me or have produced as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Robin L. McKnight  
Print Name: ROBIN L. MCKNIGHT

Notary Public - State of Florida  
My Commission Expires: 05/31/2018



ROBIN L. MCKNIGHT  
MY COMMISSION # FF 088475  
EXPIRES: May 31, 2018  
Bonded Thru Budget Notary Services

[Signature]

**JOINDER AND CONSENT OF MORTGAGEE**  
**TO**  
**SIDEWALK EASEMENT**

LIVE OAK BANKING COMPANY, a North Carolina banking company, being the holder of that certain Mortgage, dated as of June 12, 2015 and recorded in Official Records Book 10934, Page 6884, by way of that certain Partial Assignment of Construction Mortgage recorded June 2, 2016 as Clerk's Instrument No. 20160283437; and that certain Assignment of Rents recorded in Official Records Book 10934, Page 6893, by way of that certain Partial Assignment of Assignment of Rents recorded June 2, 2016 as Clerk's Instrument No. 20160283438, all in the public records of Orange County, Florida (the "Second Mortgage"), hereby joins in and consents to the execution and filing of the foregoing Sidewalk Easement and agrees that its mortgage, lien or other encumbrance, as they have been, and as they may be, modified, amended, and assigned from time to time, shall be subordinated to the Sidewalk Easement, as said may be modified and amended from time to time.

IN WITNESS WHEREOF, LIVE OAK BANKING COMPANY has caused these presents to be signed in its company name by its Loan Closing Manager on this 22<sup>nd</sup> day of August, 2016.

Witnesses:

Eric Leray

Print Name: Eric Leray

Naomi H. LeBlanc

Print Name: NAOMI H. LeBLANC

LIVE OAK BANKING COMPANY  
a North Carolina banking company

By: Lauren A. Sutton

Print Name: Lauren A. Sutton  
Its: Loan Closing Manager

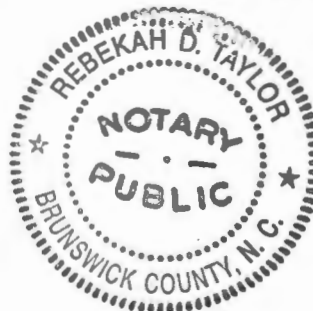
STATE OF North Carolina  
COUNTY OF Brunswick) ss.

I HEREBY CERTIFY that, on this 22 day of August, 2016, before me personally appeared Lauren A. Sutton (name) the Loan Closing Mgr. (title), of LIVE OAK BANKING COMPANY, a North Carolina banking company, on behalf of the company, who (☒) is personally known to me or who (☐) has produced \_\_\_\_\_ as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public - State of NC  
My Commission Expires: 7-15-18

Rebekah D. Taylor  
Print Name: Rebekah D. Taylor





Instrument: 801.1

Project: ILH Interchange Center PD (Staybridge Suites)

EXHIBIT "A"  
LEGAL DESCRIPTION

**EXHIBIT "A"**

DEVELOPMENT PLAN NO. DP-14-05-124

PROJECT NAME: ILH INTERCHANGE PD/LOT 2/  
STAYBRIDGE SUITES DP**Legal Description**

A portion of Lot 2, I L H INTERCHANGE CENTER, according to the plat thereof, as recorded in Plat Book 27, Pages 96 through 98, Public Records of Orange County, Florida, lying in Section 12, Township 24 South, Range 28 East, being more particularly described as follows:

Commence at the southwest corner of said Lot 2; thence run N 56°04'22" E, a distance of 88.76 feet to a point on the northerly right-of-way line of Sea Harbor Drive; said point being a point on a non-tangent curve, concave easterly, having a radius of 35.76 feet; thence run southeasterly, along the northerly right-of-way line of Sea Harbor Drive, the following courses and distances: on a chord bearing of S 11°04'29" W and a chord distance of 50.57 feet, run along the arc of said curve, through a central angle of 89°59'45", a distance of 56.17 feet to a point of compound curvature of a curve, concave northeasterly, having a radius of 244.00 feet and a central angle of 38°18'28"; thence run southeasterly, along the arc of said curve, a distance of 163.14 feet to the point of tangency thereof; thence run S 72°13'51" E, a distance of 492.69 feet for the POINT OF BEGINNING; thence, departing said northerly right-of-way line, run N 22°23'13" E, a distance of 35.11 feet to a point 35.00 feet northeasterly of (when measured perpendicular to) the northerly right-of-way line of said Sea Harbor Drive; thence northeasterly, parallel with said northerly right-of-way line, the following three (3) courses and distances: run S 72°13'51" E, a distance of 78.84 feet to a point of curvature of a curve, concave northwesterly, having a radius of 209.00 feet and a central angle of 82°16'06"; thence run northeasterly, along the arc of said curve, a distance of 300.09 feet to the point of tangency thereof; thence run N 25°30'03" E, a distance of 145.07 feet; thence run N 67°36'47" W, a distance of 278.33 feet; thence run N 22°23'13" E, a distance of 30.00 feet; thence run S 67°36'47" E, a distance of 315.01 feet to a point on the aforesaid northerly right-of-way line of Sea Harbor Drive; thence southwesterly, along said northerly right-of-way line, the following courses and distances: run S 25°30'03" W, a distance of 177.02 feet to a point of curvature of a curve, concave northwesterly, having a radius of 244.00 feet and a central angle of 82°16'06"; thence run southwesterly, along the arc of said curve, a distance of 350.35 feet to the point of tangency thereof; thence run N 72°13'51" W, a distance of 81.67 feet to the POINT OF BEGINNING.

Containing 0.66 acres, more or less.

Not a Boundary Survey.

The legal description was prepared by the Surveyor.

See Sheet 2 of 2 for sketch.

Lines shown hereon are radial unless noted NR (non-radial).

**SKETCH OF DESCRIPTION ONLY - NOT A SURVEY**

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

**Sketch of Description**

of a

**Sidewalk Easement**

situated in

Section 12, Township 24 South, Range 28 East  
Orange County, Florida

PREPARED FOR:

MLD 4, LLC

JOB NO.

0805.46

SHEET

1 of 2

DATE

1/25/18

SCALE

As Noted

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND AFTER ANY ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

GANUNG-BELTON ASSOCIATES, INC.  
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

20  
1/25/18  
1235



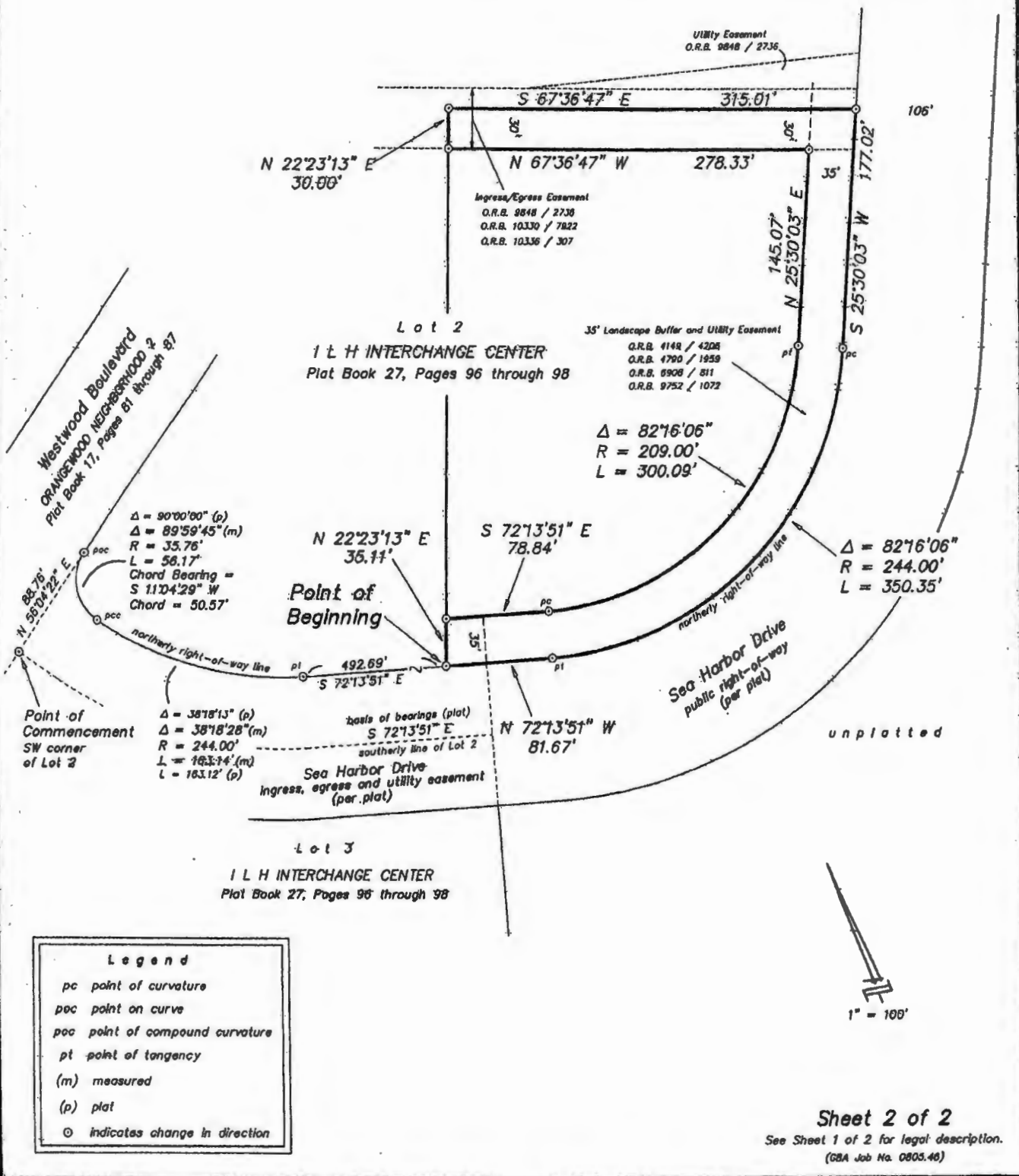
**GANUNG-BELTON ASSOCIATES, INC.**

professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

DEVELOPMENT PLAN NO. DP-14-05-124

PROJECT NAME: ILH INTERCHANGE PD/LOT 2/  
STAYBRIDGE SUITES DP



Sheet 2 of 2

See Sheet 1 of 2 for legal description.  
(CBA Job No. 0803.46)

Project: Staybridge Suites Hotel B14903783

**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 easement in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to Construction Mortgage and Assignment of Rents 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:**

US Employment Development Lending Center, LLC  
FROM: MLD 4, LLC  
Construction Mortgage filed June 15, 2015  
Recorded in Official Records Book 10934, Page 6884  
Assignment of Rents filed June 15, 2015  
Recorded in Official Records Book 10934, Page 6893  
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 easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said

Project: Staybridge Suites Hotel B14903783

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 easement 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 20 day of April, A.D. 2016.

Signed, sealed, and delivered  
in the presence of:

US Employment Development Lending Center, LLC,  
a California limited liability company

Reid Joeger  
Witness

Reid Joeger  
Printed Name

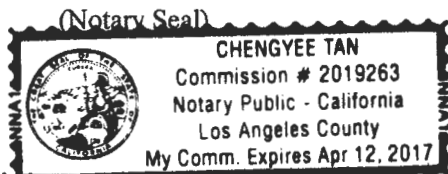
[Signature]  
Witness

MICHAEL ALLEN  
Printed Name

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

BY: [Signature]  
Stella Zhang  
Printed Name  
C.O.O.  
Title

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2016 by Stella Zhang as COO of US Employment Development Lending Center, LLC, a California limited liability company, on behalf of the limited liability company. He/She ☐ is personally known to me or ☐ has produced CA Driver License as identification.



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

[Signature]  
Notary Signature  
CHENGYEE TAN  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid

My commission expires: April 12<sup>th</sup>, 2017

**EXHIBIT "A"**

DEVELOPMENT PLAN NO. DP-14-05-124

PROJECT NAME: ILH INTERCHANGE PD/LOT 2/  
STAYBRIDGE SUITES DP**Legal Description**

A portion of Lot 2, ILH INTERCHANGE CENTER, according to the plat thereof, as recorded in Plat Book 27, Pages 96 through 98, Public Records of Orange County, Florida, lying in Section 12, Township 24 South, Range 28 East, being more particularly described as follows:

Commence at the southwest corner of said Lot 2; thence run N 56°04'22" E, a distance of 88.76 feet to a point on the northerly right-of-way line of Sea Harbor Drive; said point being a point on a non-tangent curve, concave easterly, having a radius of 35.76 feet; thence run southeasterly, along the northerly right-of-way line of Sea Harbor Drive, the following courses and distances: on a chord bearing of S 11°04'29" W and a chord distance of 50.57 feet, run along the arc of said curve, through a central angle of 89°59'45", a distance of 56.17 feet to a point of compound curvature of a curve, concave northeasterly, having a radius of 244.00 feet and a central angle of 38°18'28"; thence run southeasterly, along the arc of said curve, a distance of 163.14 feet to the point of tangency thereof; thence run S 72°13'51" E, a distance of 492.69 feet for the POINT OF BEGINNING; thence, departing said northerly right-of-way line, run N 22°23'13" E, a distance of 35.11 feet to a point 35.00 feet northeasterly of (when measured perpendicular to) the northerly right-of-way line of said Sea Harbor Drive; thence northeasterly, parallel with said northerly right-of-way line, the following three (3) courses and distances: run S 72°13'51" E, a distance of 78.84 feet to a point of curvature of a curve, concave northwesterly, having a radius of 209.00 feet and a central angle of 82°16'06"; thence run northeasterly, along the arc of said curve, a distance of 300.09 feet to the point of tangency thereof; thence run N 25°30'03" E, a distance of 145.07 feet; thence run N 67°36'47" W, a distance of 278.33 feet; thence run N 22°23'13" E, a distance of 30.00 feet; thence run S 67°36'47" E, a distance of 315.01 feet to a point on the aforesaid northerly right-of-way line of Sea Harbor Drive; thence southwesterly, along said northerly right-of-way line, the following courses and distances: run S 25°30'03" W, a distance of 177.02 feet to a point of curvature of a curve, concave northwesterly, having a radius of 244.00 feet and a central angle of 82°16'06"; thence run southwesterly, along the arc of said curve, a distance of 350.35 feet to the point of tangency thereof; thence run N 72°13'51" W, a distance of 81.67 feet to the POINT OF BEGINNING.

Containing 0.66 acres, more or less.

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See Sheet 2 of 2 for sketch.

Lines shown hereon are radial unless noted NR (non-radial).

**SKETCH OF DESCRIPTION ONLY - NOT A SURVEY**

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**Sketch of Description**

of a

**Sidewalk Easement**

situated in

Section 12, Township 24 South, Range 28 East  
Orange County, Florida

PREPARED FOR:

MLD 4, LLC



**GANUNG - BELTON ASSOCIATES, INC.**

professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

JOB NO.

0805.46

SHEET

1 of 2

DATE

1/25/16

SCALE

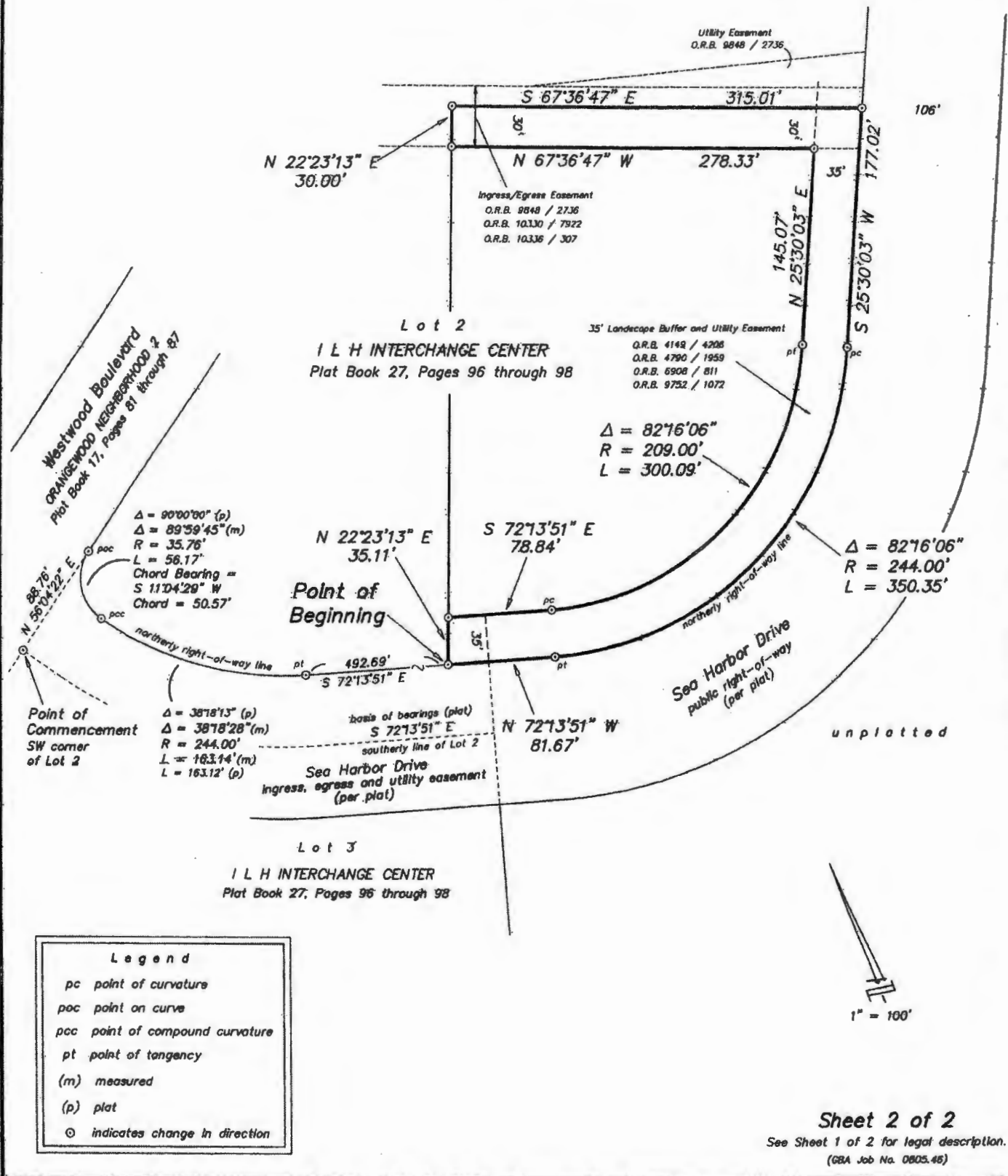
As Noted

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

FLORIDA  
SURVEYOR  
R. CLAYTON GANUNG  
4236

DEVELOPMENT PLAN NO. DP-14-05-124

PROJECT NAME: ILH INTERCHANGE PD/LOT 2/  
STAYBRIDGE SUITES DP



APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

**OCT 18 2016**

Project: Staybridge Suites Hotel B14903783

**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 easement in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to Construction Mortgage and Assignment of Rents 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:

Aileron Investment Management, LLC  
FROM: MLD 4, LLC  
Construction Mortgage filed June 15, 2015  
Recorded in Official Records Book 10934, Page 6899  
Assignment of Rents filed June 15, 2015  
Recorded in Official Records Book 10934, Page 6908  
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 easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said



Project: Staybridge Suites Hotel B14903783

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 easement 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 21<sup>st</sup> day of APRIL, A.D. 2016.

Signed, sealed, and delivered  
in the presence of:

Aileron Investment Management, LLC,  
a Florida limited liability company

Reid Jaeger  
Witness

BY: Robert K Beard

Reid Jaeger  
Printed Name

Robert K Beard  
Printed Name

[Signature]  
Witness

Manager  
Title

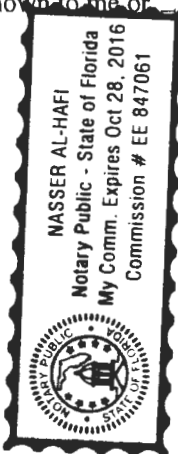
M. Anna Arvan  
Printed Name

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 21<sup>st</sup> of APRIL, 2016, by ROBERT BEARD as MANAGER of Aileron Investment Management, 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.

(Notary Seal)

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



[Signature]  
Notary Signature

NASSER AL-HAFI  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid

My commission expires: 10/28/2016

DEVELOPMENT PLAN NO. DP-14-05-124

PROJECT NAME: ILH INTERCHANGE PD LOT 2/  
STAYBRIDGE SUITES DP

## Legal Description

A portion of Lot 2, I L H INTERCHANGE CENTER, according to the plat thereof, as recorded in Plat Book 27, Pages 96 through 98, Public Records of Orange County, Florida, lying in Section 12, Township 24 South, Range 28 East, being more particularly described as follows:

Commence at the southwest corner of said Lot 2; thence run N 56°04'22" E, a distance of 88.76 feet to a point on the northerly right-of-way line of Sea Harbor Drive; said point being a point on a non-tangent curve, concave easterly, having a radius of 35.76 feet; thence run southeasterly, along the northerly right-of-way line of Sea Harbor Drive, the following courses and distances: on a chord bearing of S 11°04'29" W and a chord distance of 50.57 feet, run along the arc of said curve, through a central angle of 89°59'45", a distance of 56.17 feet to a point of compound curvature of a curve, concave northeasterly, having a radius of 244.00 feet and a central angle of 38°18'28"; thence run southeasterly, along the arc of said curve, a distance of 163.14 feet to the point of tangency thereof; thence run S 72°13'51" E, a distance of 492.69 feet for the POINT OF BEGINNING; thence, departing said northerly right-of-way line, run N 22°23'13" E, a distance of 35.11 feet to a point 35.00 feet northeasterly of (when measured perpendicular to) the northerly right-of-way line of said Sea Harbor Drive; thence northeasterly, parallel with said northerly right-of-way line, the following three (3) courses and distances: run S 72°13'51" E, a distance of 78.84 feet to a point of curvature of a curve, concave northwesterly, having a radius of 209.00 feet and a central angle of 82°16'06"; thence run northeasterly, along the arc of said curve, a distance of 300.09 feet to the point of tangency thereof; thence run N 25°30'03" E, a distance of 145.07 feet; thence run N 67°36'47" W, a distance of 278.33 feet; thence run N 22°23'13" E, a distance of 30.00 feet; thence run S 67°36'47" E, a distance of 315.01 feet to a point on the aforesaid northerly right-of-way line of Sea Harbor Drive; thence southwesterly, along said northerly right-of-way line, the following courses and distances: run S 25°30'03" W, a distance of 177.02 feet to a point of curvature of a curve, concave northwesterly, having a radius of 244.00 feet and a central angle of 82°16'06"; thence run southwesterly, along the arc of said curve, a distance of 350.35 feet to the point of tangency thereof; thence run N 72°13'51" W, a distance of 81.67 feet to the POINT OF BEGINNING.

Containing 0.66 acres, more or less.

Not a Boundary Survey.

The legal description was prepared by the Surveyor.

See Sheet 2 of 2 for sketch.

Lines shown hereon are radial unless noted NR (non-radial).

## SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

## Sketch of Description

of a

## Sidewalk Easement

situated in

Section 12, Township 24 South, Range 28 East  
Orange County, Florida

PREPARED FOR:

MLD 4, LLC

JOB NO.

0805.46

SHEET

1 of 2

DATE

1/25/16

SCALE

As Noted



**GANUNG - BELTON ASSOCIATES, INC.**

professional surveyors and mappers

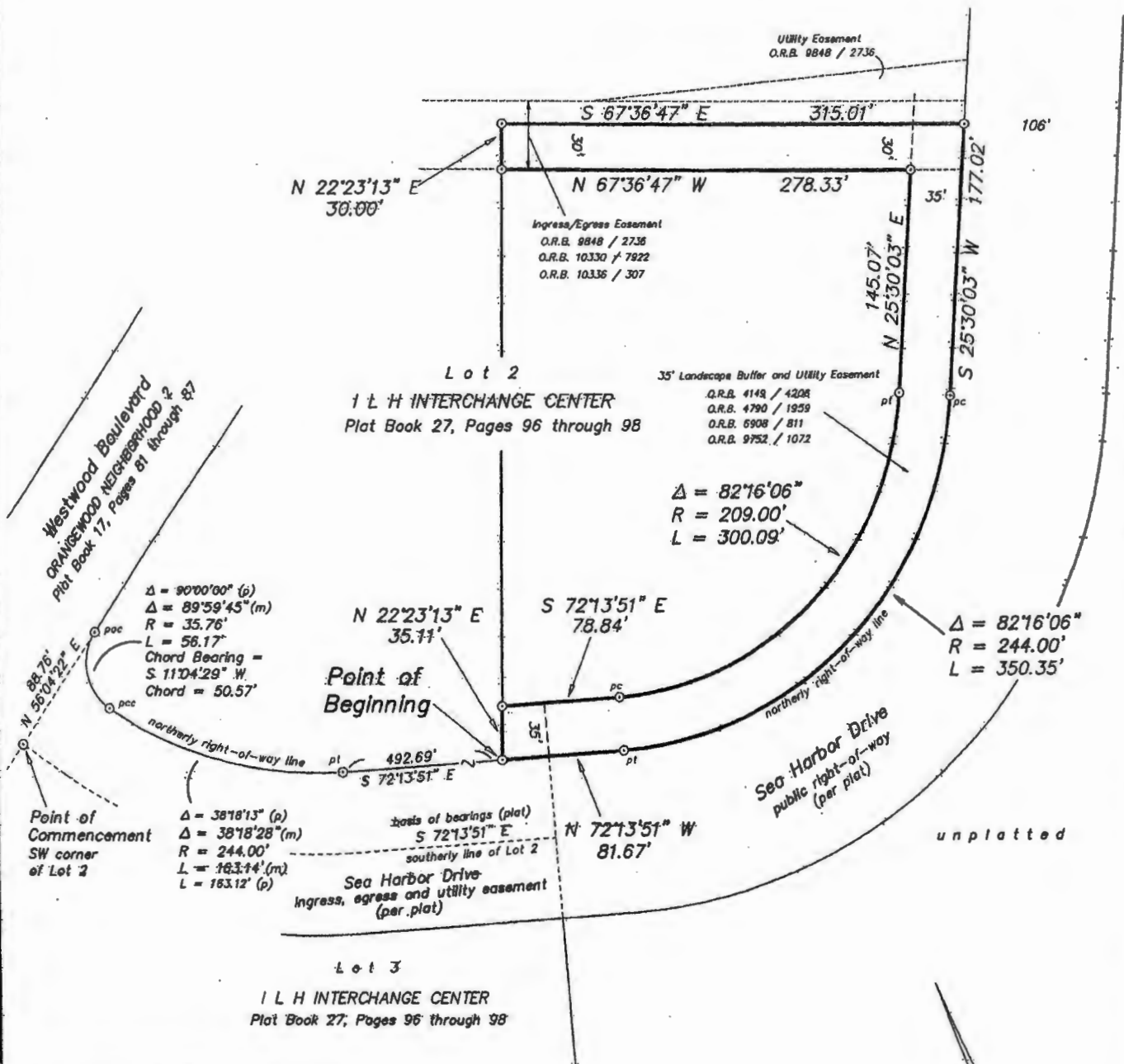
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY ANYONE OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

GANUNG-BELTON ASSOCIATES, INC.  
R. CLAYTON GANUNG  
1238  
SURVEYOR

DEVELOPMENT PLAN NO. DP-14-05-124

PROJECT NAME: ILH INTERCHANGE PD/LOT 2/  
STAYBRIDGE SUITES DP



Legend

- pc point of curvature
- poc point on curve
- pcc point of compound curvature
- pt point of tangency
- (m) measured
- (p) plat
- ⊙ indicates change in direction

1" = 100'

Sheet 2 of 2

See Sheet 1 of 2 for legal description.  
(GBA Job No. 0805.46)

Project: Staybridge Suites Hotel B14903783

**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 sidewalk easement in Orange County, Florida; and

WHEREAS, a portion of the lands involved and necessary to said project is subject to Construction Mortgage and Assignment of Rents 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:

Live Oak Banking Company  
FROM: MLD 4, LLC  
TO: Aileron Investment Management, LLC  
ASSIGNED TO: Live Oak Banking Company  
Construction Mortgage filed June 15, 2015  
Recorded in Official Records Book 10934, Page 6899  
Assignment of Rents filed June 15, 2015  
Recorded in Official Records Book 10934, Page 6908  
Partial Assignment of Construction Mortgage filed June 2, 2016  
Recorded as Clerk's Instrument No. 20160283437  
Partial Assignment of Assignment of Rents filed June 2, 2016  
Recorded as Clerk's Instrument No. 20160283438  
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 easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or dismiss 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 easement 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 19<sup>th</sup> day of August, 2016.

Signed, sealed and delivered  
in the presence of:

Eric LeRay  
Witness

Eric LeRay  
Printed name of witness

Tara Burrell  
Witness

Tara Burrell  
Printed name of witness

LIVE OAK BANKING COMPANY  
a North Carolina banking company

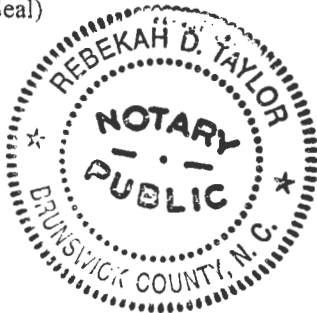
By Lauren A. Sutton

Print name: Lauren A. Sutton  
Title: Loan Closing Manager

STATE OF North Carolina  
COUNTY OF Brunswick

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of August, 2016,  
by Lauren A. Sutton as Loan Closing Manager of LIVE  
OAK BANKING COMPANY, a North Carolina banking company, on behalf of the company. He/She  
(☒) is personally known to me, or (☐) produced n/a as identification.

(Notary Seal)



Rebekah D. Taylor  
Notary Signature  
My comm. expires: 7/15/18

**EXHIBIT "A"**

DEVELOPMENT PLAN NO. DP-14-05-124

PROJECT NAME: ILH INTERCHANGE PD/LOT 2/  
STAYBRIDGE SUITES DP**Legal Description**

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**Sketch of Description**

of a

**Sidewalk Easement**

situated in

Section 12, Township 24 South, Range 28 East  
Orange County, Florida

PREPARED FOR:

MLD 4, LLC

JOB NO.

0805.46

SHEET

1 of 2

DATE

1/25/16

SCALE

As Noted

SKETCH OF DESCRIPTION NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A LICENSED SURVEYOR AND AFTER ANY ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION BY SOMEONE OTHER THAN THE SIGNING PARTY IS PREPARED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

GANUNG - BELTON ASSOCIATES, INC.  
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

CLAYTON GANUNG  
1238



**GANUNG - BELTON ASSOCIATES, INC.**

professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

DEVELOPMENT PLAN NO. DP-14-05-124

PROJECT NAME: ILH INTERCHANGE PD/LOT 2/  
STAYBRIDGE SUITES DP

Utility Easement  
O.R.B. 9848 / 2735

N 22°23'13" E 30.00'  
S 67°36'47" E 315.01'  
N 67°36'47" W 278.33'  
S 25°30'03" E 177.02'  
S 25°30'03" W 106'  
Ingress/Egress Easement  
O.R.B. 9848 / 2736  
O.R.B. 10330 / 7922  
O.R.B. 10336 / 307

Lot 2

1 L H INTERCHANGE CENTER  
Plat Book 27, Pages 96 through 98

35' Landscape Buffer and Utility Easement

O.R.B. 4142 / 4206  
O.R.B. 4750 / 1959  
O.R.B. 6908 / 811  
O.R.B. 9732 / 1072

$\Delta = 82^\circ 16' 06''$   
 $R = 209.00'$   
 $L = 300.09'$

$\Delta = 90^\circ 00' 00''$  (p)  
 $\Delta = 89^\circ 59' 45''$  (m)  
 $R = 35.76'$   
 $L = 56.17'$   
Chord Bearing =  
S 11°04'29" W  
Chord = 50.57'

Point of Beginning

N 22°23'13" E 35.11'  
S 72°13'51" E 78.84'  
S 72°13'51" E 492.69'

$\Delta = 82^\circ 16' 06''$   
 $R = 244.00'$   
 $L = 350.35'$

Point of Commencement  
SW corner  
of Lot 2

$\Delta = 38^\circ 18' 13''$  (p)  
 $\Delta = 38^\circ 18' 28''$  (m)  
 $R = 244.00'$   
 $L = 163.14'$  (m)  
 $L = 163.12'$  (p)

Sea Harbor Drive  
ingress, egress and utility easement  
(per plat)

Lot 3

1 L H INTERCHANGE CENTER  
Plat Book 27, Pages 96 through 98

basis of bearings (plat)  
S 72°13'51" E  
southerly line of Lot 2

N 72°13'51" W 81.67'

Sea Harbor Drive  
public right-of-way  
(per plat)

unplotted

# Legend

- pc point of curvature
- poc point on curve
- pcc point of compound curvature
- pt point of tangency
- (m) measured
- (p) plat
- ⊙ indicates change in direction

1" = 100'

Sheet 2 of 2

See Sheet 1 of 2 for legal description.

(GSA Job No. 0805.45)