



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS


BCC Mtg. Date: October 18, 2016

REAL ESTATE MANAGEMENT ITEM 5

DATE: September 28, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Kim Heim, Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

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

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT BETWEEN ANCORA INTERNATIONAL, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM WELLS FARGO BANK, NATIONAL ASSOCIATION AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Ancora Apartments NC OCU Permit: B15902294 OCU File #: 81769

District 1

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

ITEMS: Utility Easement
Cost: Donation
Size: 500 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.

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.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 18 2016

THIS IS A DONATION

Project: Ancora Apartments NC OCU Permit: B15902294 OCU File#: 81769

UTILITY EASEMENT

THIS INDENTURE, Made this 15th day of August, A.D. 2016, between Ancora International, LLC, a Florida limited liability company, having its principal place of business in the city of Altamonte Springs, county of Seminole, whose address is 650 S. Northlake Blvd., Suite 450, Altamonte Springs, FL 32701, 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, a right-of-way and 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
13-24-28-6283-00-156

TO HAVE AND TO HOLD said right-of-way and 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 right-of-way, 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 right-of-way 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 right-of-way, 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:

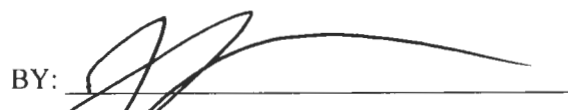
Ancora International, LLC,
a Florida limited liability company


Witness

Matthew Gourlay
Printed Name


Witness

Thomas J. Hoyer
Printed Name

BY: 

John Flynn
Printed Name

Vice President
Title

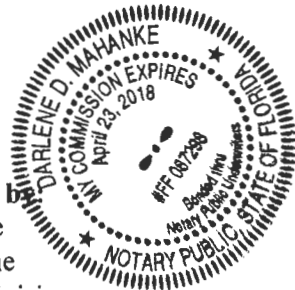
(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA

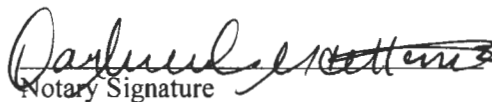
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 15th day of August,
2016 by John Flynn as Vice President of
Ancora International, LLC, a Florida limited liability company, on behalf of the company. He/she is
personally known to me or has produced identification. as

(Notary Seal)



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


Notary Signature

Darlene D. Mahanke
Printed Notary Name

Notary Public in and for
the County and State aforesaid

My commission expires: 04/23/2018

PUBLIC UTILITY EASEMENT

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 28 EAST

Additions or deletions by other than the Professional Land Surveyor in responsible charge is prohibited.
Land Description is invalid without signature and/or embossed seal of the Professional Land Surveyor

PERMIT - B15902294

ANCORA APARTMENTS

PURPOSE: UTILITY; ESTATE: PERMANENT EASEMENT

PROPERTY DESCRIPTION

(20' X 25' PUBLIC UTILITY EASEMENT)

A PORTION OF PARCEL LAKE 2-A, ORANGEWOOD NEIGHBORHOOD 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 17, PAGES 81 THROUGH 87, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL 15 ON SAID PLAT, THENCE ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF INTERNATIONAL DRIVE THE FOLLOWING FOUR (4) COURSES:

(1) THENCE, NORTH 41°47'03" EAST, A DISTANCE OF 1372.02 FEET

(2) TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1969.86 FEET, A CENTRAL ANGLE OF 12°00'28", A CHORD DISTANCE OF 412.08 FEET WHICH BEARS NORTH 35°46'57" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 412.84 FEET;

(3) THENCE, NORTH 29°46'38" EAST, A DISTANCE OF 504.29 FEET

(4) TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 14°26'23", A CHORD DISTANCE OF 464.97 FEET WHICH BEARS NORTH 36°59'49" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 466.20 FEET TO THE POINT OF BEGINNING.

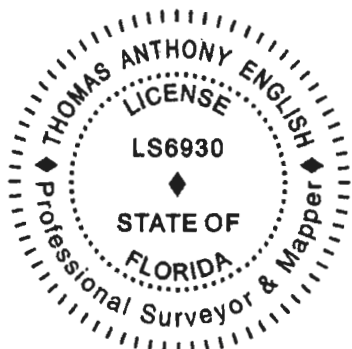
THENCE ALONG SAID SOUTHEAST RIGHT-OF-WAY LINE, FOLLOWING A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 00°37'21", A CHORD DISTANCE OF 20.10 FEET WHICH BEARS N 44°31'41" E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 20.10 FEET;

THENCE, DEPARTING SAID SOUTHEAST RIGHT-OF-WAY LINE, S 39°51'17" E, A DISTANCE OF 25.00 FEET;

THENCE, S 44°31'41" W, A DISTANCE OF 20.10 FEET;

THENCE, N 39°51'17" W, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 500 SQUARE FEET MORE OR LESS



Thom
as A.
Englis
h, PSM

Digitally
signed by
Thomas A.
English, PSM

Date:
2016.05.24
16:18:36
-04'00'

NOTES:

1. THIS PROPERTY DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
2. THIS PROPERTY DESCRIPTION IS NOT VALID WITHOUT THE SKETCH ON SHEET 3 OF 3.

SHEET 1 OF 3

THOMAS A. ENGLISH
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER: 6930

UTILITY EASEMENT
JOB No.
DRAWN BY: M.E.
FILE NAME: ORANGE .dwg
FIELD BY:
FIELD BOOK:
PAGE:
FIELD DATE: N/A
DRAWING DATE: 05/24/16



3427 NW 55th Street
Ft. Lauderdale, Florida 33309 (954) 938 - 9389
Certificate of Authorization No. 7975

PUBLIC UTILITY EASEMENT

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 28 EAST

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OVERALL BOUNDARY SKETCH
(THIS SKETCH IS NOT A SURVEY)

CURVE TABLE - TIE FROM P.O.C. TO P.O.B.

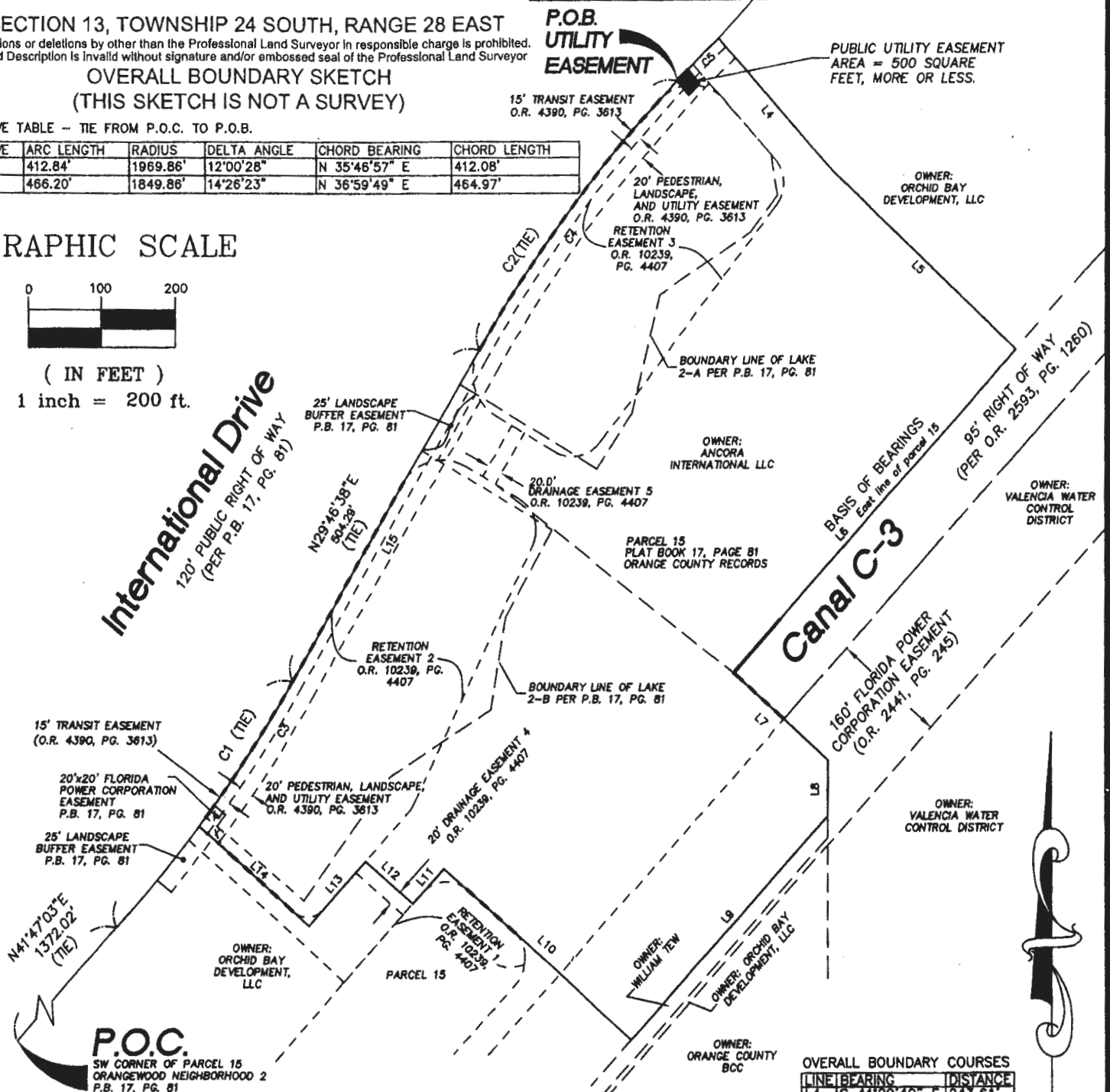
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	412.84'	1969.86'	12°00'28"	N 35°46'57" E	412.08'
C2	466.20'	1849.86'	14°26'23"	N 36°59'49" E	464.97'

GRAPHIC SCALE



(IN FEET)

1 inch = 200 ft.



SHEET 2 OF 3 SEE SHEET 3 FOR LEGEND
& EASEMENT DETAIL



3437 NW 55th Street
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BASIS OF BEARINGS **

LINE	BEARING	DISTANCE
L4	S 41°28'42" E	243.61'
L5	S 46°41'43" E	347.32'
L6	S 42°13'05" W	584.10'
L7	S 47°46'55" E	177.00'
L8	S 00°05'15" W	178.28'
L9	S 42°13'05" W	407.28'
L10	N 48°10'45" W	346.79'
L11	S 41°45'01" W	162.86'
L12	N 48°23'42" W	186.67'
L13	S 41°50'43" W	118.08'
L14	N 48°12'22" W	202.12'
L15	N 29°46'38" E	1504.29'

OVERALL BOUNDARY CURVES

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C3	234.98'	1969.86'	6°50'05"	N 33°11'40" E	234.84'
C4	545.89'	1849.86'	16°54'28"	N 38°13'52" E	543.91'

PUBLIC UTILITY EASEMENT

LEGEND

CO.	COUNTY
ID	IDENTIFICATION
PB	PLAT BOOK
PG	PAGE
ORB	OFFICIAL RECORDS BOOK
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R/W	RIGHT-OF-WAY
W/	WITH

NOTES:

1. THE BEARINGS SHOWN ON THIS SKETCH ARE BASED ON THE EAST LINE OF PARCEL 15 AS BEING SOUTH 42° 13' 05" WEST, AS SHOWN ON A SURVEY PREPARED BY DRMP DATED 10/30/2014.
2. NO FIELD SURVEY WAS PERFORMED AS PART OF THIS SKETCH AND DESCRIPTION.
3. NO TITLE REPORT WAS PROVIDED TO PREPARE THIS SKETCH.
4. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
5. THIS SKETCH IS NOT VALID WITHOUT THE PROPERTY DESCRIPTION ON SHEET 1 OF 3 THAT HAS THE SIGNATURE AND RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

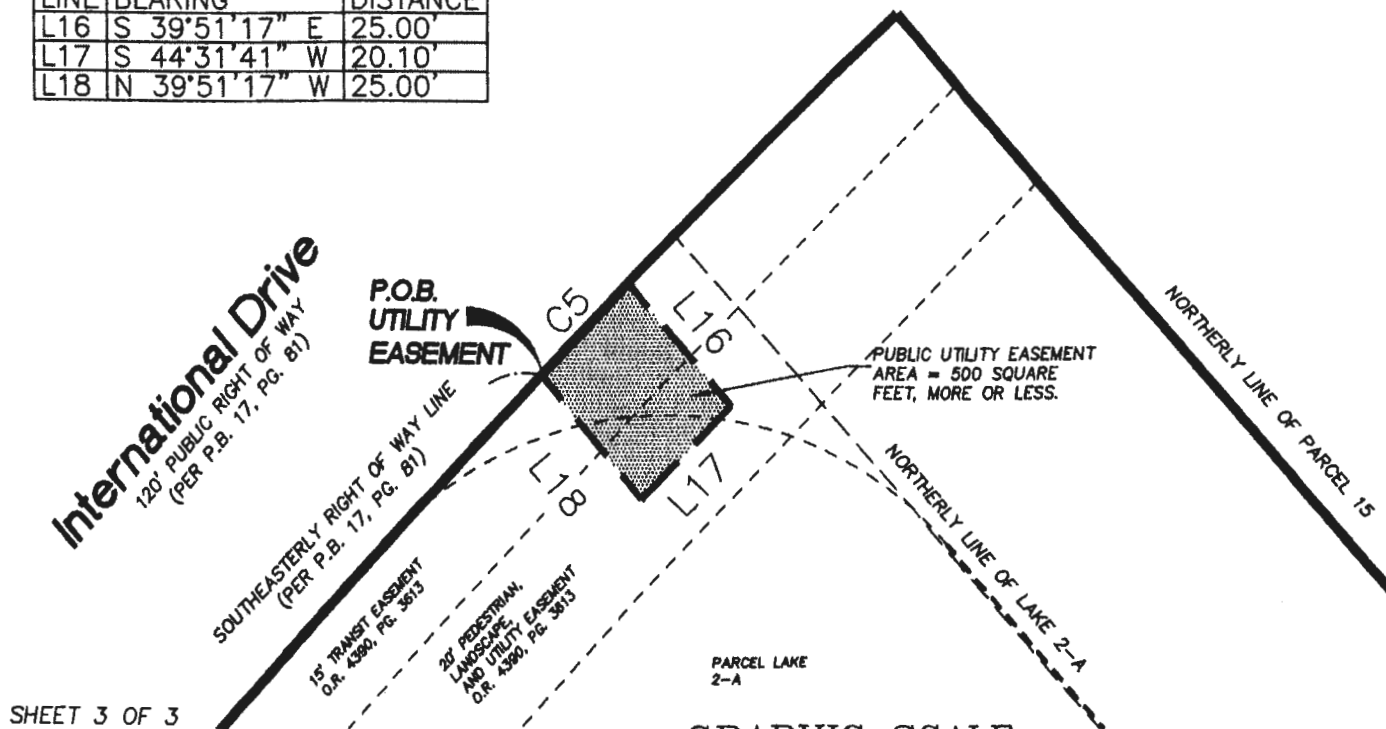
SECTION 13, TOWNSHIP 24 SOUTH, RANGE 28 EAST

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SKETCH FOR DESCRIPTION (THIS SKETCH IS NOT A SURVEY)

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C5	20.10'	1849.86'	00°37'21"	N 44°31'41" E	20.10'

LINE	BEARING	DISTANCE
L16	S 39°51'17" E	25.00'
L17	S 44°31'41" W	20.10'
L18	N 39°51'17" W	25.00'



SHEET 3 OF 3

GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.



3437 NW 55th Street
Ft. Lauderdale, Florida 33309 (954) 938-9389
Certificate of Authorization No. 7975

Project: Ancora Apartments NC OCU Permit: B15902294 OCU File#: 81769

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 with Absolute Assignment of Leases and Rents, Security Agreement and Fixture Filing; Collateral Assignment of Development Rights, Licenses, Contracts, Permits and Warranties; and UCC Financing Statement Form 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:

Wells Fargo Bank, National Association
FROM: Ancora International, LLC
Construction Mortgage with Absolute Assignment of Leases and
Rents, Security Agreement and Fixture Filing filed December 10, 2015
Recorded in Official Records Book 11026, Page 1709
Collateral Assignment of Development Rights, Licenses, Contracts,
Permits and Warranties filed December 10, 2015
Recorded in Official Records Book 11026, Page 1730
UCC Financing Statement Form filed December 10, 2015
Recorded in Official Records Book 11026, Page 1740
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 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 9th day of September, A.D. 2016.

Signed, sealed, and delivered
in the presence of:

Stephanie Van Coops
Witness

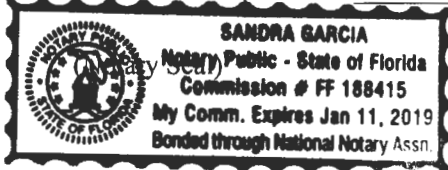
Stephanie Van Coops
Printed Name

Sandra Garcia
Witness

Sandra Garcia
Printed Name

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 14 of September, 2016, by W. Ted Starkey, as Senior Vice President of Wells Fargo Bank, National Association, on behalf of the national banking association. He/She ☒ is personally known to me or ☐ has produced _____ as identification.



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

Wells Fargo Bank, National Association

BY: W. Ted Starkey

W. Ted Starkey
Printed Name

SVP
Title

Sandra Garcia
Notary Signature
Sandra Garcia
Printed Notary Name

Notary Public in and for
the county and state aforesaid

My commission expires:

PUBLIC UTILITY EASEMENT

SECTION 13, TOWNSHIP 24 SOUTH, RANGE 28 EAST

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PERMIT - B15902294

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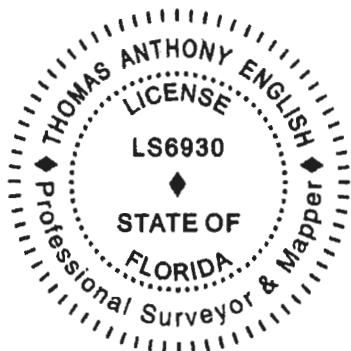
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Thom
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Englis
h, PSM

Digitally
signed by
Thomas A.
English, PSM
Date:
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16:18:36
-04'00'

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SHEET 1 OF 3

THOMAS A. ENGLISH
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER: 6930

UTILITY EASEMENT
JOB No.
DRAWN BY: M.E.
FILE NAME: ORANGE .dwg
FIELD BY:
FIELD BOOK:
PAGE:
FIELD DATE: N/A
DRAWING DATE: 05/24/16



3427 NW 55th Street
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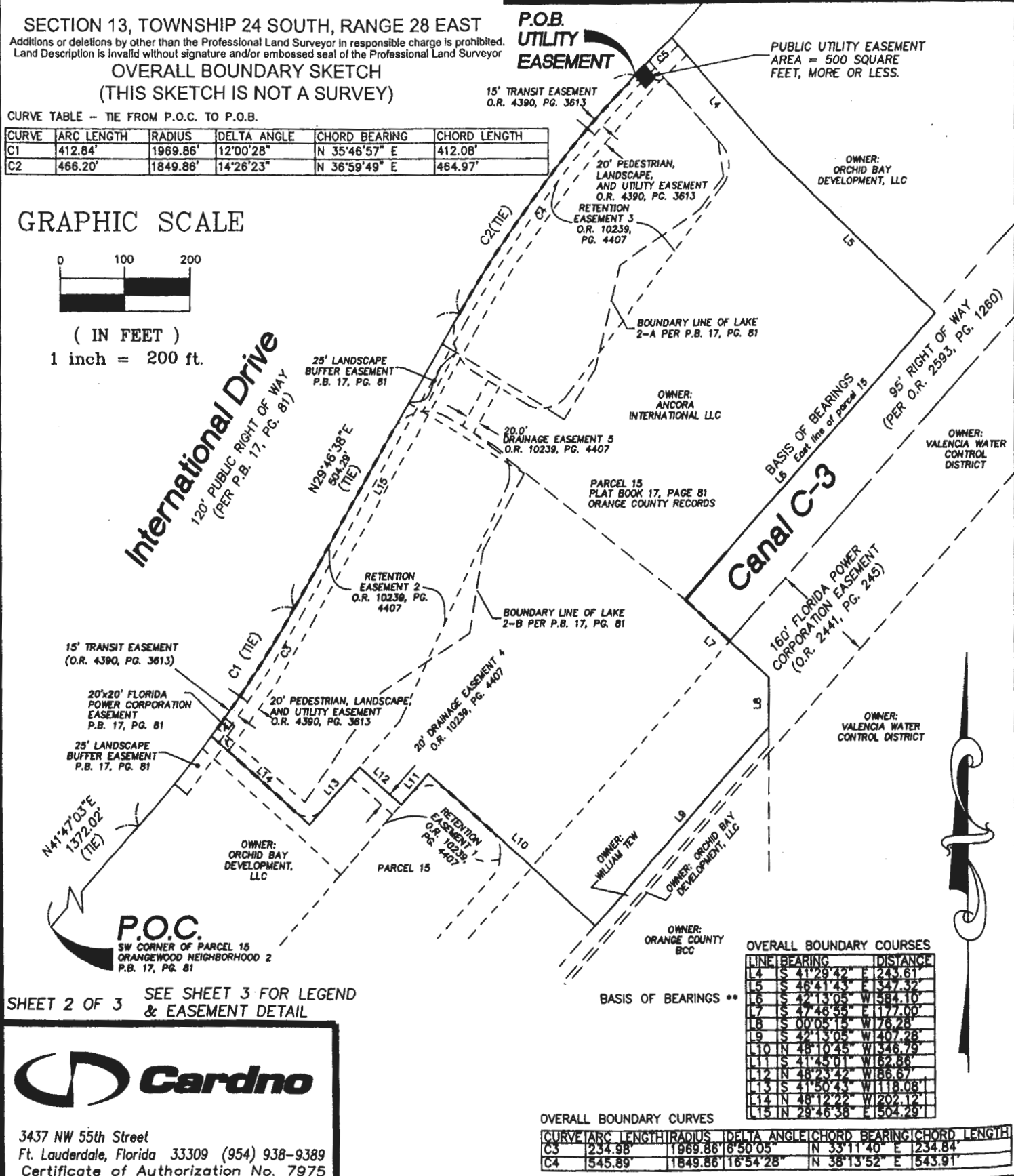
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GRAPHIC SCALE



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SHEET 2 OF 3 SEE SHEET 3 FOR LEGEND
& EASEMENT DETAIL



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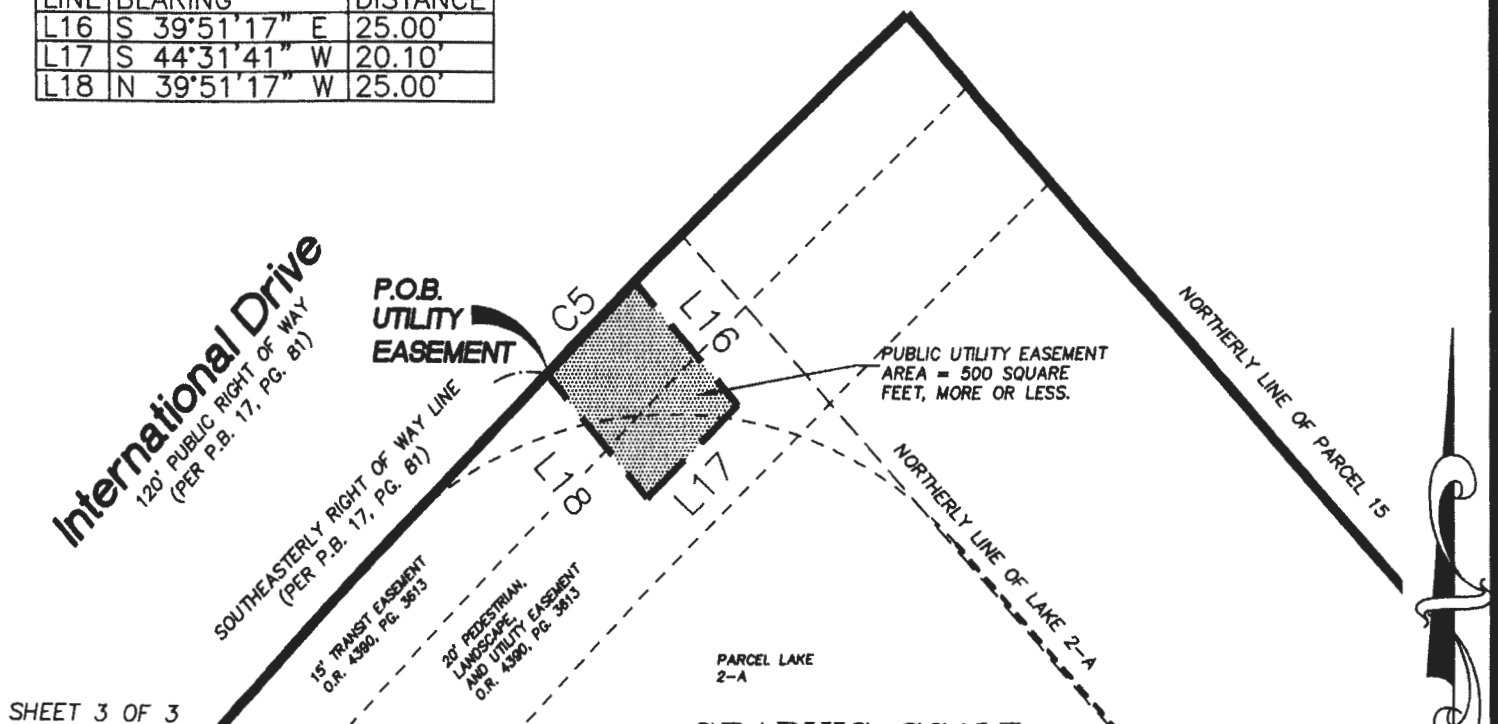
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L17	S 44° 31' 41" W	20.10'
L18	N 39° 51' 17" W	25.00'



SHEET 3 OF 3



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GRAPHIC SCALE



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