



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: November 29, 2016

REAL ESTATE MANAGEMENT ITEM 5

**DATE:** November 14, 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 SUBORDINATION OF ENCUMBRANCES TO  
PROPERTY RIGHTS TO ORANGE COUNTY FROM LIVE OAK  
BANKING COMPANY AND AUTHORIZATION TO RECORD  
INSTRUMENT

**PROJECT:** Staybridge Suites Sea Harbor OCU Permit: B14903783  
OCU File #: 81166  
  
District 1

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

**ITEM:** Subordination of Encumbrances to Property Rights to Orange County

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

**REMARKS:**

On June 14, 2016, a Utility Easement and Subordinations of Encumbrances to Property Rights to Orange County were approved by the Board of County Commissioners for this development project. An update of the public records prior to recording reflected a new partial assignment of interest in one of the mortgages which required the new subordination from Live Oak Banking Company.

Grantor to pay 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  
**NOV 29 2016**

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Project: Staybridge Suites Sea Harbor OCU Permit: B14903783 OCU File #: 81166

### **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:**

Live Oak Banking Company  
FROM: MLD 4, LLC  
TO: US Employment Development Lending Center, LLC  
Aileron Investment Management, LLC (as to their interest)  
ASSIGNED TO: Live Oak Banking Company  
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  
Partial Assignment of Construction Mortgage filed June 6, 2016  
Recorded as Document No. 20160283437  
Partial Assignment of Assignment of Rents filed June 6, 2016  
Recorded as Document 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 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.

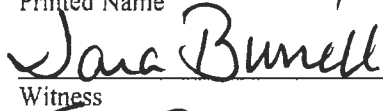
IN WITNESS WHEREOF, the said holder of said encumbrances has duly executed this instrument this 19~~th~~ day of August, A.D. 2016.

Signed, sealed, and delivered  
in the presence of:

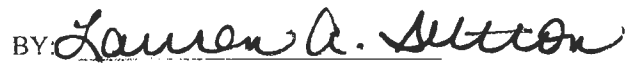
Live Oak Banking Company,  
a North Carolina banking corporation

  
Witness

Eric LeRay  
Printed Name

  
Witness

Tara Burrell  
Printed Name

BY: 

Lauren A. Sutton  
Printed Name

Loan Closing Manager  
Title

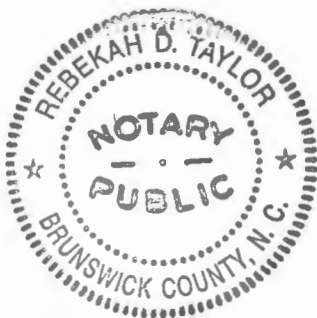
STATE OF North Carolina

COUNTY OF Brunswick

The foregoing instrument was acknowledged before me this 19<sup>th</sup> of August, 2016, by Lauren A. Sutton as Loan Closing Manager of Live Oak Banking Company, a North Carolina banking corporation on behalf of the corporation. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 19<sup>th</sup> day of August, 2016.

(Notary Seal)



Rebekah D. Taylor  
Notary Signature

Rebekah D. Taylor  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid

My commission expires: 7/15/18

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

OCU FILE #: 81166

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

PURPOSE: UTILITY EASEMENT

ESTATE: PERMANENT

*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 22.00 feet; thence run S 67°36'47" E, a distance of 15.00 feet; thence run S 22°23'13" W, a distance of 20.79 feet to a point on the aforesaid northerly right-of-way line of Sea Harbor Drive; thence run N 72°13'51" W, along said northerly right-of-way line, a distance of 15.05 feet to the POINT OF BEGINNING.

Containing 321 square feet, 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).

Graphic scale exaggerated for illustrative purposes.

**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

**Utility Easement**

situated in

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

PREPARED FOR:

MLD 4, LLC

JOB NO.

0805.45B

SHEET

1 of 2

DATE

1/28/16

SCALE

As Noted



**GANUNG - BELTON ASSOCIATES, INC.**

professional surveyors and mappers

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

THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL RADIAL SURVEY AND MAPPER. ADDITIONAL INFORMATION: THIS SKETCH OF DESCRIPTION IS FOR INFORMATION ONLY. THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

4238  
STATE OF FLORIDA  
ORANGE COUNTY  
SURVEYOR

OCU FILE #: 81166

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

PURPOSE: UTILITY EASEMENT

ESTATE: PERMANENT

## Legend

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

1" = 20'

.35' Landscape Buffer and Utility Easement

O.R.B. 4149 / 4206  
 O.R.B. 4790 / 1939  
 O.R.B. 6908 / 811  
 O.R.B. 9752 / 1072

Lot 2

ILH INTERCHANGE CENTER  
 Plat Book 27, Pages 96 through 98

Westwood Boulevard  
 ORANGEWOOD NEIGHBORHOOD 2  
 Plat Book 17, Pages 81 through 87

$\Delta = 90^{\circ}00'00''$  (p)  
 $\Delta = 89^{\circ}59'45''$  (m)  
 $R = 35.76'$   
 $L = 55.17'$   
 Chord Bearing =  
 $S 11^{\circ}04'29'' W$   
 Chord = 50.37'

Point of Beginning

$\Delta = 38^{\circ}18'13''$  (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)

Point of  
 Commencement  
 SW corner of Lot 2

basis of bearings (plat)  
 $N 72^{\circ}13'51'' W$   
 southerly line of Lot 2

Sheet 2 of 2

See Sheet 1 of 2 for legal description.  
 (GBA Job No. 0805.458)