

Interoffice Memorandum APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

BCC Mtg. Date: November 29, 2016

REAL ESTATE MANAGEMENT ITEM 7

DATE:	November 4, 2016
ΤΟ:	Mayor Teresa Jacobs and the Board of County Commissioners
THROUGH:	Ann Caswell, Manager Real Estate Management Division
FROM:	Kim Heim, Title Examiner K Real Estate Management Division
CONTACT PERSON:	Ann Caswell, Manager
DIVISION:	Real Estate Management Phone: (407) 836-7082
ACTION REQUESTED:	APPROVAL OF UTILITY EASEMENT BETWEEN RITIMS ENTERPRISES, LLC AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM WENDY'S PROPERTIES, LLC AND AUTHORIZATION TO RECORD INSTRUMENTS
PROJECT:	Meadow Woods Plaza Permit: B15904348 OCU File #: 83686
	District 4
PURPOSE:	To provide for access, construction, operation, and maintenance of utility facilities as a requirement of development.
ITEMS:	Utility Easement Cost: Donation Size: 150 square feet
	Subordination of Encumbrance to Property Rights to Orange County
APPROVALS:	Real Estate Management Division Utilities Department

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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

NOV 2 9 2016

THIS IS A DONATION

Project: Meadow Woods Plaza Permit: B15904348 OCU File #: 83686

UTILITY EASEMENT

THIS INDENTURE, Made this <u>O6</u> day of <u>OCTOBER</u>, A.D. 20<u>116</u>, between RITIMS Enterprises, LLC, a Florida limited liability company, having its principal place of business in the city of <u>Orlando</u>, county of <u>Orange</u>, whose address is <u>7901 Kingspointe Pluty, Suitelt, Orlando FL 32 819 USA</u>, 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 \$1.00 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

36-24-29-6051-00-040

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. Project: Meadow Woods Plaza Permit: B15904348 OCU File #: 83686

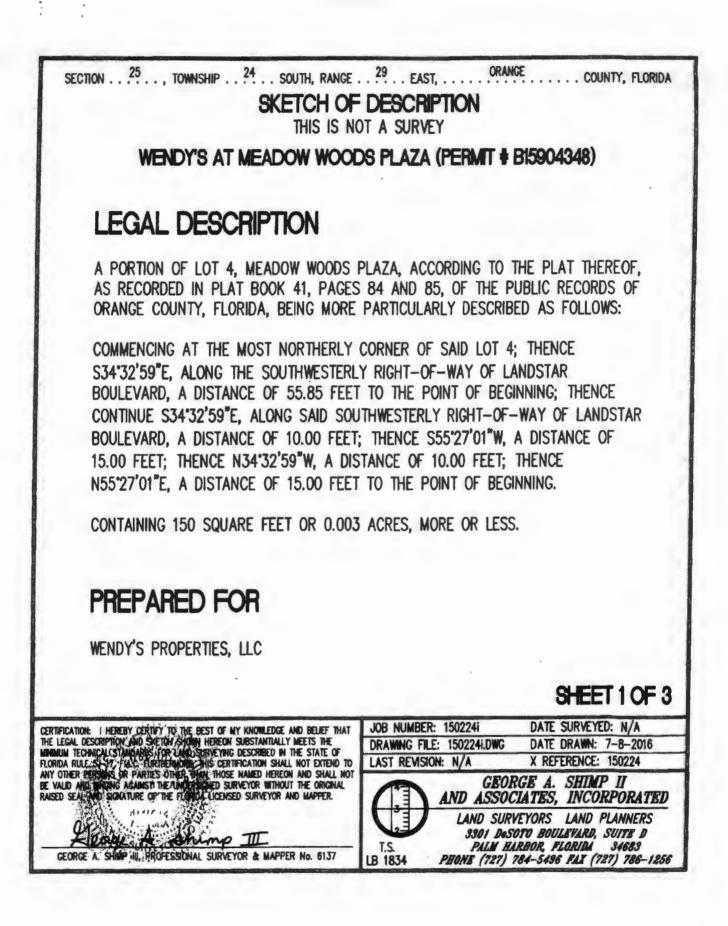
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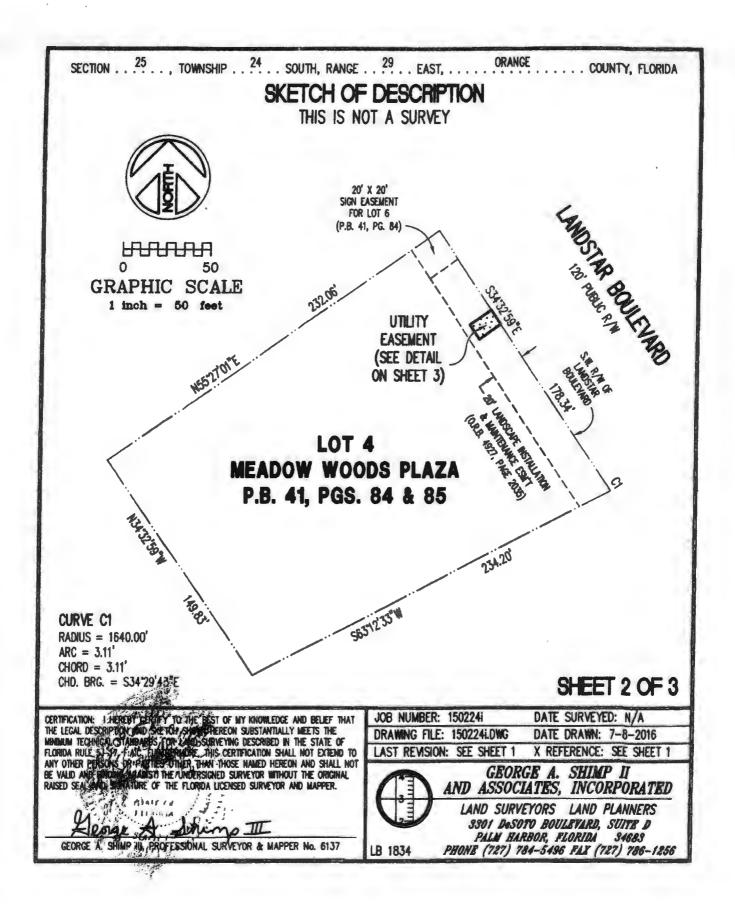
GRANTEE'S obligation to restore landscaping shall be limited to an obligation to restore to Orange County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

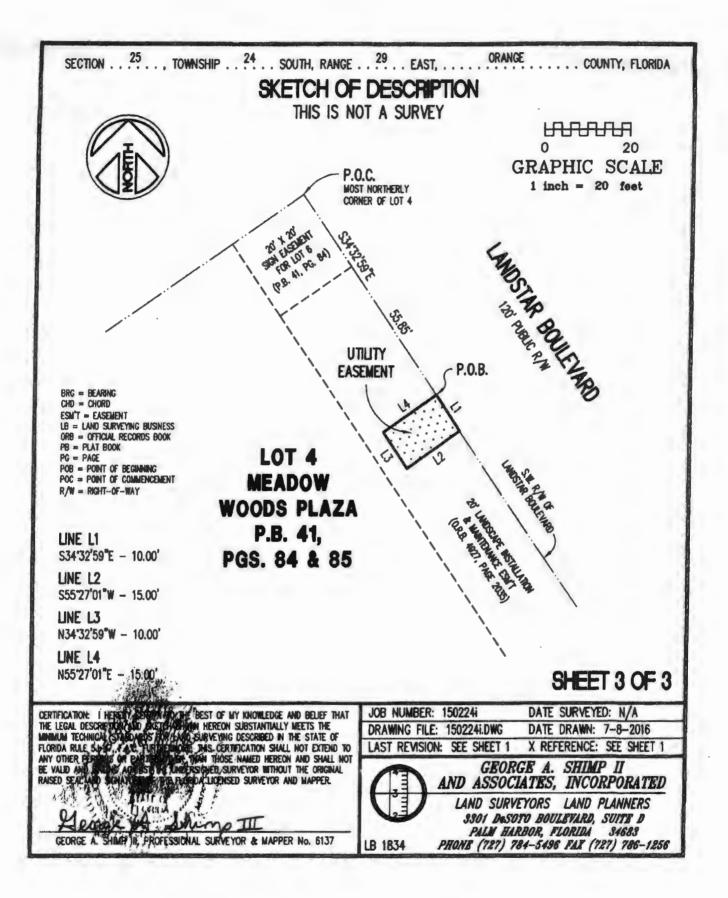
IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed, and delivered in the presence of: Menich CENCID Witness MARCOS BIGUCCI Printed Name OCT 0 6 2016 Witness Witness Witness Witness	RITIMS Enterprises, LLC, a Florida limited liability company BY: IDMV Corp., a <u>BRITISH</u> VIRGW ISLANDS a <u>BRITISH</u> VIRGW corporation as authorized member BY: <u>Jickarow</u> OCT 0 6 2016 <u>MILTON BIEUCCI</u> Printed Name <u>DIRECTON</u> Title
MILTON BIGUCCI BUNJOR Printed Name (Signature of TWO witnesses required by Florida law) STATE OF SÃO PAULO	Federative Republic of BrazilState of São PauloCity of São PauloSS:Consulate General of theThe United States of America
COUNTY OF The foregoing instrument was acknowledged by 2016 by <u>MILTON BIGUCCI</u> IDMV Corp., a <u>BRITISH VIACO ISLAN</u> Corporation LLC, a Florida limited liability company, on behalf of t has produced (Notary Seal)	, as authorized member of RITIMS Enterprises,
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 Public in and for the County and State aforesaid My commission expires: INDEFINITE

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Project: Meadow Woods Plaza Permit: B15904348 OCU File #: 83686

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 locate, construct, maintain, and/or improve a utility easement; Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Memorandum of Lease 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 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 the following described lands, being a portion of the encumbered premises in Orange County, Florida, to-wit:

SEE ATTACHED SCHEDULE "A"

Encumbrance:

Wendy's Properties, LLC FROM: RITIMS Enterprises, LLC Memorandum of Lease filed April 19, 2016 Recorded as Document No. 20160195507 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 utility easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrance 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 encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been made.

Project: Meadow Woods Plaza Permit: B15904348 OCU File #: 83686

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this day of $\underline{NOVEWBCY}$, A.D. $20\underline{VQ}$. 2

Signed, sealed, and delivered in the presence of:

Kelly J. Smith

Printed Name

Witness

Colleen Marchionda

Printed Name

STATE OF COUNTY OF Jin

Wendy's Properties, LLC, a Delaware limited liability company

enbarger otimization

Title

of NOVEmber, 2016, The foregoing instrument was acknowledged before me this ______ of <u>NOVEMBER</u>, 201 by KISA K-affellourapers <u>NP- Sistim Optinized form</u>endy's Properties, LLC, a Delaware 2 limited liability company, on behalf of the company He/She 🔯 is personally known to me or 🗆 has produced as identification.

Witness my hand and official seal this $\underline{2}$	day of November, 2014.
(Notary Seal)	Kath NAUDONU
NCOWELL - NO PART	Notary Signature
11 × 11 1 1 2 2 1	Katie N. McDowell
Well - No 22 - 14 Well - No 20	Printed Notary Name
	Notary Public in and for
THE AND STONE XPIRES OF OLIVATION	the County and State aforesaid
	My Commission Expires:

This instrument prepared by: Kim Heim, a staff employee

in the course of duty with the Real Estate Management Division of Orange County, Florida

S:\Forms & Master Docs\Project Document Files\1_Misc. Documents\M\Meadow Woods Plaza Permit B15904348 OCU File 83686 SUB.doc 8/10/16 /rh

. COUNTY, FLORIDA SKETCH OF DESCRIPTION THIS IS NOT A SURVEY WENDY'S AT MEADOW WOODS PLAZA (PERMIT # B15904348) LEGAL DESCRIPTION A PORTION OF LOT 4, MEADOW WOODS PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, PAGES 84 AND 85, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 4: THENCE S34'32'59"E, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY OF LANDSTAR BOULEVARD, A DISTANCE OF 55.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S34'32'59"E. ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF LANDSTAR BOULEVARD, A DISTANCE OF 10.00 FEET: THENCE S55 27'01"W, A DISTANCE OF 15.00 FEET; THENCE N34'32'59"W, A DISTANCE OF 10.00 FEET; THENCE N55°27'01"E. A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING 150 SQUARE FEET OR 0.003 ACRES, MORE OR LESS. PREPARED FOR WENDY'S PROPERTIES, LLC SHEET 1 OF 3 CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE SI 17, FAC, FURTHERMORY, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER BERSONS OR PARTIES OTHER, THAN THOSE NAMED HEREON AND SHALL NOT BE VALID AND BINGING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGNAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. DATE SURVEYED: N/A JOB NUMBER: 150224i DRAWING FILE: 150224i.DWG DATE DRAWN: 7-8-2016 LAST REVISION: N/A X REFERENCE: 150224 GEORGE A. SHIMP II AND ASSOCIATES, INCORPORATED LAND SURVEYORS LAND PLANNERS 3301 DeSOTO BOULEVARD, SUITE D mp 711 PALM HARBOR, FLORIDA 34683 T.S. GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137 LB 1834 PHONE (727) 784-5496 FAX (727) 786-1256

