



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: November 29, 2016

REAL ESTATE MANAGEMENT ITEM 9

**DATE:** November 7, 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 UTILITY EASEMENT BETWEEN NADG (GRANDE  
LAKES) LP AND ORANGE COUNTY, SUBORDINATION OF  
ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY  
FROM CITY NATIONAL BANK OF FLORIDA, SUBORDINATION OF  
ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY  
FROM WAWA FLORIDA, LLC AND AUTHORIZATION TO RECORD  
INSTRUMENTS

**PROJECT:** Grande Lakes Plaza Infrastructure  
Permit: B16901427 OCU File #: 85727

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: 735 square feet

Subordinations of Encumbrances to Property Rights to Orange County (2)

**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

NOV 29 2016

THIS IS A DONATION

Project: Grande Lakes Plaza Infrastructure  
Permit: B16901427 OCU File #: 85727

UTILITY EASEMENT

THIS INDENTURE, Made this 31 day of October, A.D. 2016, between NADG (Grande Lakes) LP, a Delaware limited partnership, having its principal place of business in the city of West Palm Beach, county of Palm Beach, FL, whose address is 400 Clematis St. STE 201 West Palm Beach, FL 33401, 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  
09-24-29-3051-04-000

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, agrees 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: Grande Lakes Plaza Infrastructure  
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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:

  
Witness

**Michelle Panet**

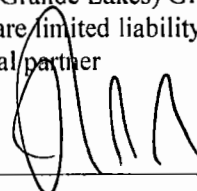
Printed Name

  
Witness

**Nancy Quattromini**  
Printed Name

NADG (Grande Lakes) LP,  
a Delaware limited partnership

BY: NADG (Grande Lakes) GP LLC,  
a Delaware limited liability company,  
its general partner

BY:   
\_\_\_\_\_

**Robert S. Green**

Printed Name

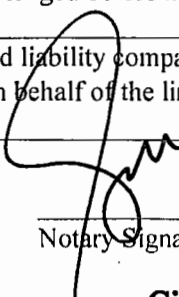
**Manager**  
Title

(Signature of TWO witnesses required by Florida law)

PROVINCE  
~~STATE~~ OF **ONTARIO**  
COUNTY OF **YORK**  
REGION

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of October, 2016, by **Robert S. Green** as Manager of NADG (Grande Lakes) GP LLC, a Delaware limited liability company, as general partner of NADG (Grande Lakes) LP, a Delaware limited partnership, on behalf of the limited partnership. He/she ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(Notary Seal)

  
Notary Signature


**Gilbert J. Weiss**

Printed Notary Name

This instrument prepared by:  
Theresa Avery, 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: **In Perpetuity**

  
Approved  
for Execution

# EXHIBIT "A"

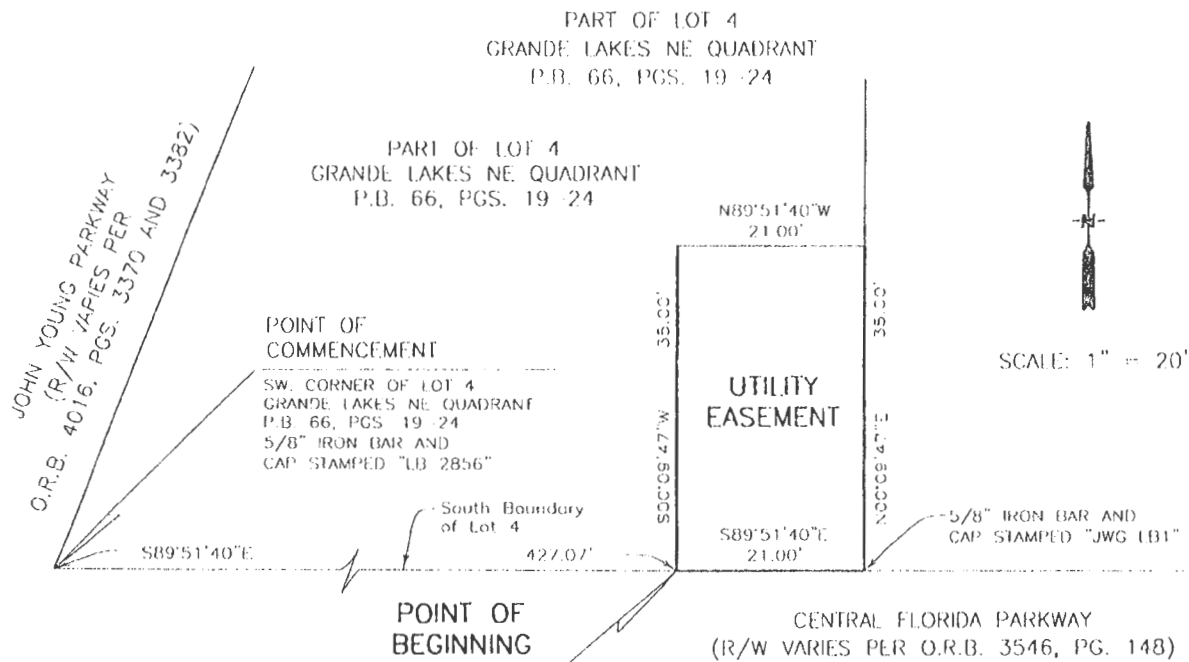
816901427

## SKETCH OF DESCRIPTION DESCRIPTION

That part of LOT 4, GRANGE LAKES NE QUADRANT, according to the plat thereof as recorded in Plat Book 66, Pages 19 through 24 of the Public Records of Orange County, Florida being more particularly described as follows:

COMMENCE at the Southwest corner of LOT 4, GRANGE LAKES NE QUADRANT, as recorded in Plat Book 66, Pages 19 through 24 of the Public Records of Orange County, Florida thence South 89 degrees 51 minutes 40 seconds East 427.07 feet along the South boundary of said LOT 4 to the POINT OF BEGINNING; thence continue South 89 degrees 51 minutes 40 seconds East 21.00 feet along said South boundary; thence North 00 degrees 09 minutes 47 seconds East 35.00 feet; thence North 89 degrees 51 minutes 40 seconds West 21.00 feet; thence South 00 degrees 09 minutes 47 seconds West 35.00 feet to the Point of Beginning.

CONTAINING: 735 square feet, more or less.



### NOTES

1. THIS IS NOT A SURVEY
2. This Plat represents a Sketch of the Description prepared by JONES, WOOD and GENTRY, INC. per client's instruction and does not indicate ownership.
3. Bearings shown hereon are based on the South Boundary of Lot 4 as bearing S89°51'40"E, per plat.

### LEGEND

O.R.B. = OFFICIAL RECORDS BOOK  
PG(S). = PAGE(S)  
P.L. = PLAT BOOK  
R/W = RIGHT OF WAY

IT IS CERTIFIED THAT THE SKETCH REPRESENTED HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 FLORIDA STATUTES, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

FOR: KCG ENGINEERING, INC.

DATE: 08-17-2016 DRAWN BY: CAS

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DANIEL E. GENTRY JR., Florida Registration Number 5047

JONES, WOOD & GENTRY, INC.

PROFESSIONAL SURVEYORS AND MAPPERS -- LBI

2600 EAST ROBINSON STREET  
ORLANDO, FLORIDA, 32803  
407-898-7780

JOB NO. 29094-3 Sheet 1 of 1

29094-3-500 DWG

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

NOV 29 2016

Project: Grande Lakes Plaza Infrastructure  
Permit: B16901427 OCU File #: 85727

### **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 a Mortgage and Security Agreement; Assignment of Leases, Rents, Profits, Permits, Deposits, Approvals, Licenses, Warranties and Other Agreements ("Collateral Assignment" or "Assignment"); Financing Statement; and Subordination, Non-Disturbance and Attornment Agreement 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:**

TO: City National Bank of Florida  
FROM: NADG (Grande Lakes) LP  
Mortgage and Security Agreement filed April 7, 2016  
Recorded as Document No. 20160175704  
Assignment of Leases, Rents, Profits, Permits, Deposits, Approvals, Licenses,  
Warranties and Other Agreements ("Collateral Assignment" or "Assignment")  
filed April 7, 2016  
Recorded as Document No. 20160175705  
Financing Statement filed April 7, 2016  
Recorded as Document No. 20160175706  
Subordination, Non-Disturbance and Attornment Agreement filed April 7, 2016  
Recorded as Document No. 20160178929  
All in the Public Records of Orange County, Florida

Project: Grande Lakes Plaza Infrastructure  
Permit: B16901427 OCU File #: 85727

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 27 day of October, A.D. 20 16.

Signed, sealed and delivered  
in the presence of:

City National Bank of Florida

Jeanne Golden  
Witness

Jeanne Golden  
Print Name

Arissie Dexter  
Witness

Arissie Dexter  
Print Name

BY: [Signature]

Susan Imbriotta  
Printed Name

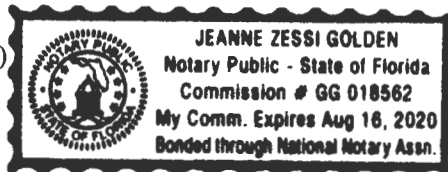
Senior Vice President  
Title

(Signature of **TWO** witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 27 day of October, 20 16  
by Susan Imbriotta as Sr. VP of City National Bank of Florida, on  
behalf of the bank. He/she ☒ is personally known to me or ☐ has produced  
n/a as identification.

(Notary Seal)



[Signature]  
Notary Signature

Printed Notary Name  
Notary Public in and for  
the county and state aforesaid

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

My commission expires:

# EXHIBIT "A"

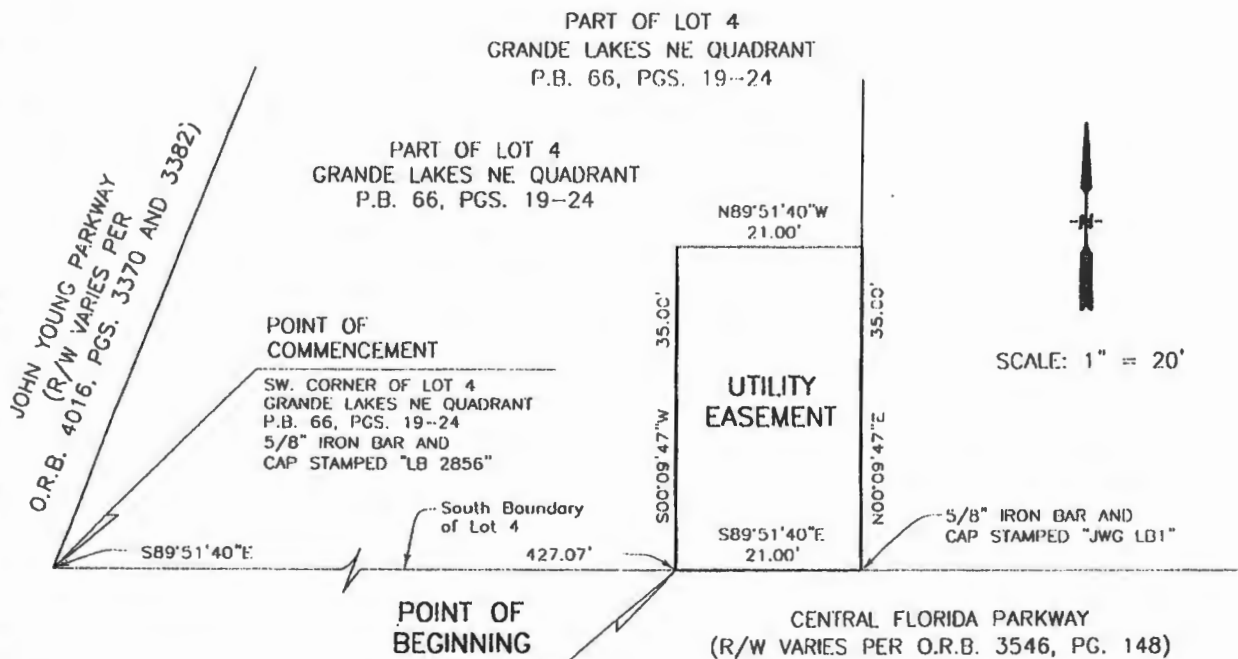
B16901427

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### NOTES

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3. Bearings shown hereon are based on the South Boundary of Lot 4 as bearing S89°51'40"E, per plat.

### LEGEND

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PG(S). = PAGE(S)  
P.B. = PLAT BOOK  
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IT IS CERTIFIED THAT THE SKETCH REPRESENTED HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 FLORIDA STATUTES. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

FOR: KCG ENGINEERING, INC.

DATE: 08-17-2016 DRAWN BY: CAS

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DANIEL E. GENTRY, JR., Florida Registration Number 5047

JONES, WOOD & GENTRY, INC.

PROFESSIONAL SURVEYORS AND MAPPERS - LBI

2600 EAST ROBINSON STREET  
ORLANDO, FLORIDA, 32803  
407-898-7780

JOB NO. 29094-3 Sheet 1 of 1  
29094-3-S00.DWG



APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**NOV 29 2016**

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Project: Grande Lakes Plaza Infrastructure  
Permit: B16901427 OCU File #: 85727

**SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY**

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WHEREAS, A portion of the lands involved and necessary to said project is subject to a 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 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"**

Encumbrance:

TO: WAWA Florida, LLC  
FROM: NADG (Grande Lakes) LP  
Lease filed June 16, 2016  
Recorded as Document No. 20160312393  
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

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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.

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 25<sup>th</sup> day of October, A.D. 2016.

Signed, sealed and delivered  
in the presence of:

WAWA Florida, LLC,  
a Delaware limited liability company

[Signature]  
Witness

KATHERINE DICKINSON  
Print Name

[Signature]  
Witness

Wendy L. Marshall  
Print Name

BY: [Signature]

Catherine T. Pulos  
Printed Name

President  
Title

(Signature of **TWO** witnesses required by Florida law)

STATE OF Pennsylvania  
COUNTY OF Delaware

The foregoing instrument was acknowledged before me this 25 day of October, 2016 by Catherine T. Pulos as President of WAWA Florida, LLC, a Delaware limited liability company, on behalf of the limited liability company. He/she ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(Notary Seal)

[Signature]  
Notary Signature

Wendy L. Marshall  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid

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

My commission expires:

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Wendy L. Marshall, Notary Public  
Chester Heights Boro, Delaware County  
My Commission Expires March 29, 2020

# EXHIBIT "A"

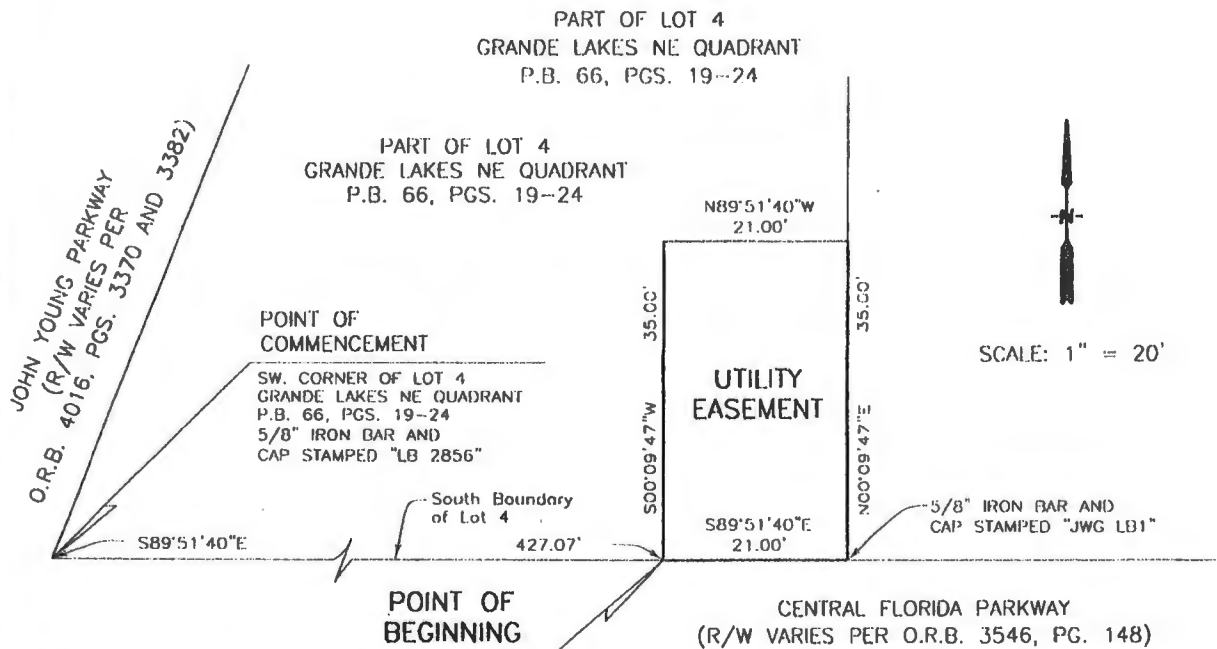
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DANIEL E. GENTRY, JR., Florida Registration Number 5047

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PROFESSIONAL SURVEYORS AND MAPPERS - LBI

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