



Interoffice Memorandum


APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS


BCC Mtg. Date: November 29, 2016

REAL ESTATE MANAGEMENT ITEM 11

DATE: November 7, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Monica Hand, 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 ROUSE ROAD
PARTNERS, LTD. AND ORANGE COUNTY, SUBORDINATION OF
ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY
FROM CITIBANK, N.A., AS TRUSTEE FOR THE REGISTERED
HOLDERS OF BANC OF AMERICA MERRILL LYNCH
COMMERCIAL MORTGAGE, INC., MULTIFAMILY MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2015-K718 AND
AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Cypress Club Apartments

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: 280 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
NOV 29 2016

Project: Cypress Club Apartments

UTILITY EASEMENT

THIS INDENTURE, Made this 31st day of October, A.D. 20 16, between Rouse Road Partners, Ltd., a Florida limited partnership, whose address is 17901 Van Karman Avenue, Suite 150, Irvine, CA 92614, 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(s):

a portion of

21-22-31-0000-00-097

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


Project: Cypress Club Apartments

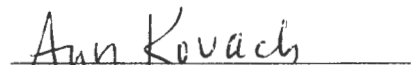
additional compensation to GRANTOR or GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

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:


Witness




Printed Name

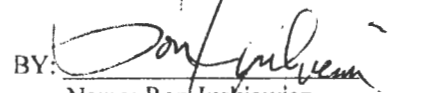
ROUSE ROAD PARTNERS, LTD.,
a Florida limited partnership

By: Avanath Cypress GP, LLC
a Delaware limited liability company,
its General Partner

By: Avanath Affordable Housing II, LLC
a Delaware limited liability company,
its Sole Member

By: Avanath AH MM II, LLC,
a Delaware limited liability company,
its Managing Member


Witness

Printed Name

BY: 
Name: Ron Juskiewicz
Title: Chief Financial Officer

(Signature of TWO witnesses required by Florida law)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Orange

)
) ss.
)

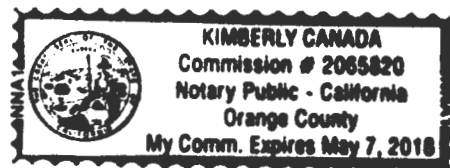
On April 8, 2015 before me, Kimberly Canada, Notary Public, personally appeared Ron Juskiewicz, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kimberly Canada
Notary Public

(Seal)



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

LEGAL DESCRIPTION

CYPRESS CLUB APARTMENTS UTILITY EASEMENT
OCU PROJECT FILE NUMBER B96901763
FIRE AND UTILITY EASEMENT

EXHIBIT "A"

FIRE AND UTILITY EASEMENT:

A portion of the Southwest 1/4 of the Southwest 1/4 of Section 21, Township 22 South, Range 31 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of the Southwest 1/4 of Section 21, Township 22 South, Range 31 East, Orange County, Florida, thence run South 89°38'18" West, along the South line of the Southwest 1/4 of said Section 21, for a distance of 1332.92 feet to a point of intersection of said South line with the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 21, said East line also being the Westerly right of way line of Rouse Road, a 95 foot wide right of way per Official Records Book 2567, Page 1911 of the Public Records of Orange County, Florida; thence departing said South line, run North 00°24'37" West, along said East line, and said Westerly right of way line, for a distance of 165.09 feet to the POINT OF BEGINNING; thence departing said East line, and said Westerly right of way line, run South 89°35'23" West for a distance of 28.00 feet; thence run North 00°24'37" West for a distance of 10.00 feet, thence run North 89°35'23" East for a distance of 28.00 feet to a point on the aforesaid East line of the Southwest 1/4 of the Southwest 1/4, also being the Westerly right of way line of Rouse Road; thence run South 00°24'37" East, along said East line and said Westerly right of way line, for a distance of 10.00 feet to the POINT OF BEGINNING.

Containing 280 square feet, or 0.01 acres, more or less.

SHEET 1 OF 2



16 EAST PLANT STREET
Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA AS HAVING AN ASSUMED BEARING OF SOUTH 89°38'18" WEST.

JOB NO. 20140335

DATE: OCTOBER 20, 2014

SCALE: 1 INCH = 10 FEET

FIELD BY: N/A

CALCULATED BY: EGT

DRAWN BY: EGT

CHECKED BY: JLR

FOR THE LICENSED BUSINESS #6723 BY:

JAMES L. RICKMAN, PSM #5633

SKETCH OF DESCRIPTION

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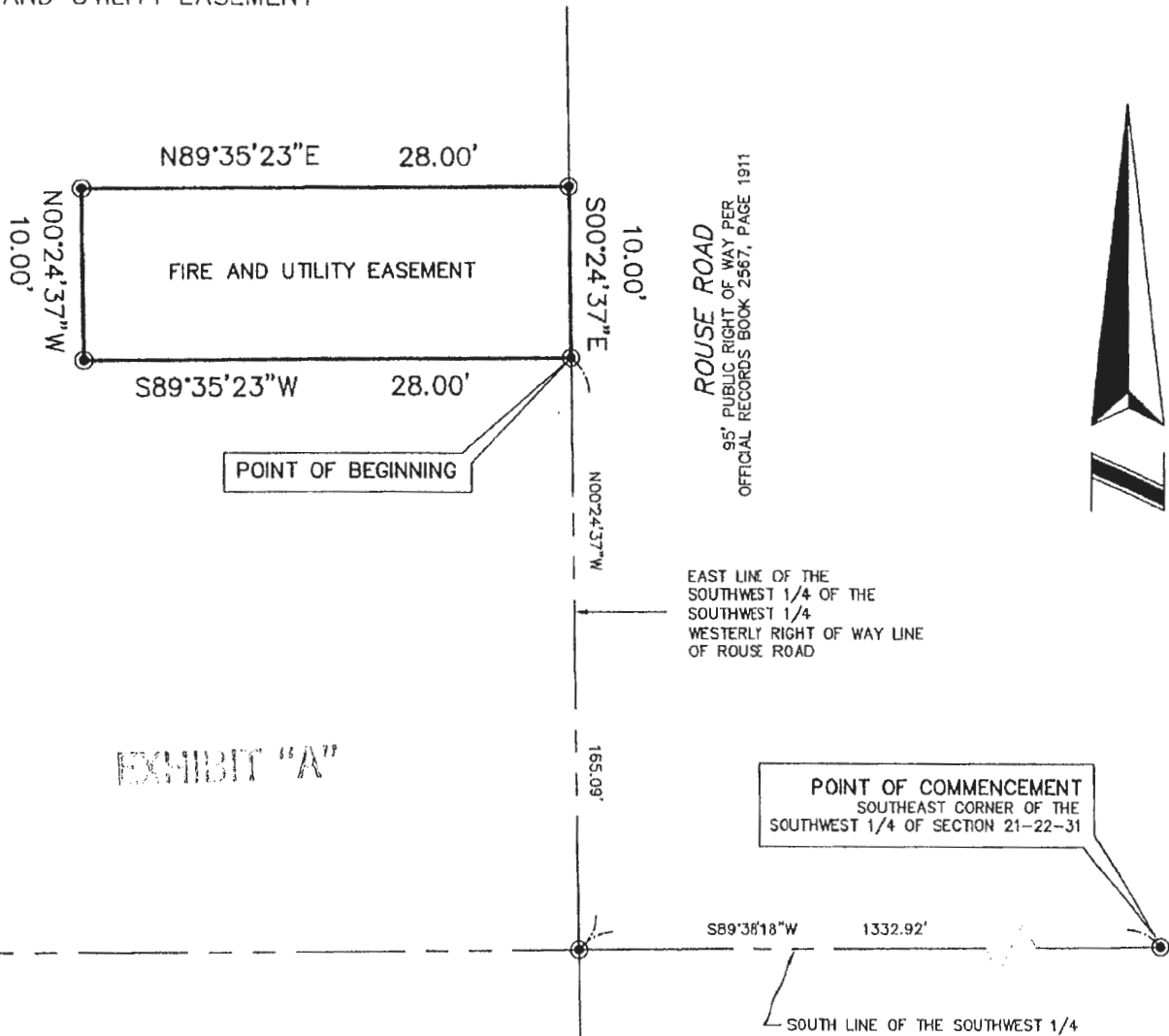


EXHIBIT "A"

SHEET 2 OF 2



**ALLEN
&
COMPANY**

Professional Surveyors & Mapmakers

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NOV 29 2016

Project: Cypress Club Apartments

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 Real Estate Mortgage, Assignment of Rents and Security Agreement; Assignment of Note and Mortgage; Amended and Restated Mortgage and Security Agreement; Assignment of Assignment of Note and Mortgage, Amended and Restated Mortgage and Security Agreement and Assignment of Leases and Rents; Assignment of Note and Mortgage, Amended and Restated Mortgage and Security Agreement and Assignment of Leases and Rents; Assignment of Security Instrument (Prior Mortgage); Amended and Restated Multifamily Mortgage, Assignment of Rents and Security Agreement; and Assignment of Security Instruments; 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:

CitiBank, N.A., as Trustee for the Registered Holders of Banc of America Merrill Lynch Commercial Mortgage, Inc., MultiFamily Mortgage Pass-Through Certificates, Series 2015-K718

FROM: Rouse Road Partners, Ltd.

Real Estate Mortgage, Assignment of Rents

and Security Agreement filed May 12, 1997

Recorded in Official Records Book 5250, Page 4492

Project: Cypress Club Apartments

Encumbrances (continued):

Assignment of Note and Mortgage filed May 1, 1998
Recorded in Official Records Book 5472, Page 3340
Amended and Restated Mortgage and Security Agreement
Filed May 1, 1998
Recorded in Official Records Book 5472, Page 3342
Assignment of Assignment of Note and Mortgage, Amended and Restated
Mortgage and Security Agreement and Assignment of Leases and Rents
filed February 9, 2001
Recorded in Official Records Book 6190, Page 618
Assignment of Note and Mortgage, Amended and Restated Mortgage
and Security Agreement and Assignment of Lease and Rents filed March 23, 2006
Recorded in Official Records Book 8544, Page 3616
Assignment of Security Instrument (Prior Mortgage) filed January 12, 2015
Recorded in Official Records Book 10860, Page 1903
Amended and Restated Multifamily Mortgage, Assignment of Rents
and Security Agreement filed January 12, 2015
Recorded in Official Records Book 10860, Page 1906
Assignment of Security Instrument file January 12, 2015
Financing Statement filed January 12, 2015
Recorded in Official Records Book 10860, Page 1931
Assignment of Security Instrument filed June 1, 2015
Recorded in Official Records Book 10926, Page 1327
Assignment of Financing Statement filed June 1, 2015
Recorded in Official Records Book 10926, Page 1332
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.

Project: Cypress Club Apartments

IN WITNESS WHEREOF, the said holder of said encumbrances has duly executed this instrument this 25th day of October, A.D. 20 16.

Signed, sealed, and delivered
in the presence of:

[Signature]
Witness

Brett Lelder
Printed Name

[Signature]
Witness

Maria Mullis
Printed Name

CitiBank, N.A., as Trustee for the Registered Holders of
Banc of America Merrill Lynch Commercial Mortgage,
Inc., MultiFamily Mortgage Pass-Through Certificates,
Series 2015-K718

BY: Wells Fargo Bank, National Association, as Master
Servicer, pursuant to that certain Pooling and Servicing
Agreement dated as of May 1, 2015

By: [Signature]

Name: BRUCE WAHL

Title: DIRECTOR

STATE OF Virginia

COUNTY OF Fairfax

The foregoing instrument was acknowledged before me this 25th of October,
20 16, by Bruce Wahl, as Director Wells Fargo Bank,
National Association, as Master Servicer, pursuant to that certain Pooling and Servicing
Agreement dated as of May 1, 2015 on behalf of CitiBank, N.A., as Trustee for the Registered
Holders of Banc of America Merrill Lynch Commercial Mortgage, Inc., MultiFamily Mortgage
Pass-Through Certificates, Series 2015-K718, on behalf of said bank. He/She ☒ is personally
known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 25th day of October, 20 16.

(Notary Seal)

[Signature]
Notary Signature

Shelita M. Jackson - 7582209
Printed Notary Name

This instrument prepared by:
Monica L. Hand, 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: 4.30.18

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Professional Surveyors & Mappers

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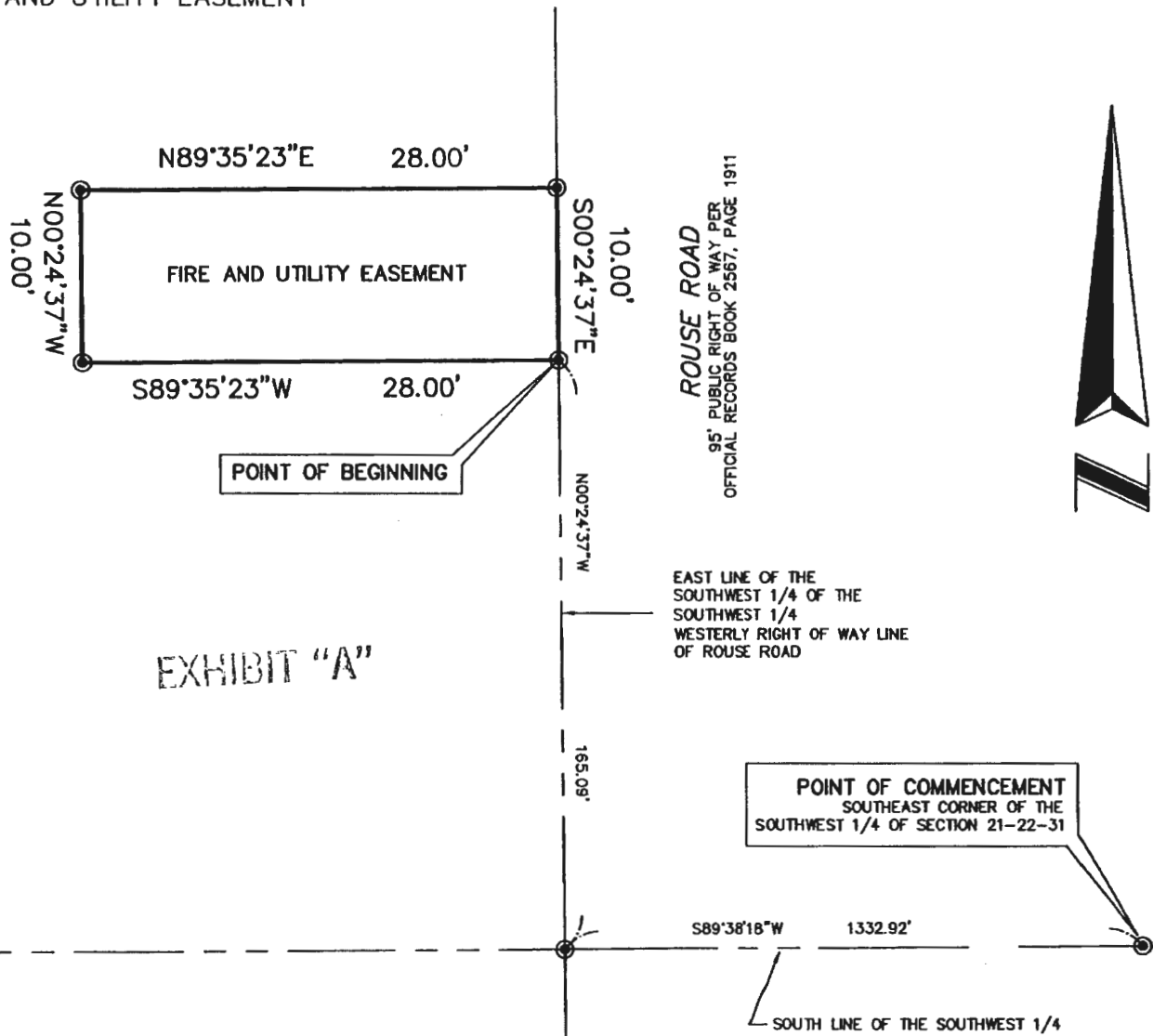


EXHIBIT "A"

SHEET 2 OF 2



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