





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 8

**DATE:** December 20, 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 CHAPEL HILL BAPTIST CHURCH INCORPORATED, F/K/A KINGSWOOD BAPTIST CHURCH INCORPORATED AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CITIZENS BANK OF FLORIDA AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Chapel Hill – Youth Worship Addition  
Permit: B14903912 OCU File #: 83926

District 3

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

**ITEMS:** Utility Easement  
Cost: Donation  
Size: 220 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  
JAN 24 2017

THIS IS A DONATION

Project: Chapel Hill – Youth Worship Addition  
Permit: B14903912 OCU File #: 83926

UTILITY EASEMENT

THIS INDENTURE, Made this 7<sup>th</sup> day of December, A.D. 20 16, between Chapel Hill Baptist Church Incorporated, a Florida corporation, f/k/a Kingswood Baptist Church Incorporated, having its principal place of business in the city of Orlando, county of Orange, whose address is 8826 Trevarthon Road, Orlando, Florida, 32817, 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

13-22-30-0000-00-020

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.

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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:

Chapel Hill Baptist Church Incorporated,  
a Florida corporation,  
f/k/a Kingswood Baptist Church Incorporated

BY: William Patton  
William Patton  
Officer and Pastor

Linda Clark  
Witness

Linda CLARK  
Printed Name

Shoni Strong  
Witness

Naomi Strong  
Printed Name

(Corporate Seal)

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 7<sup>th</sup> of December, 2016, by William Patton, as Officer and Pastor of Chapel Hill Baptist Church Incorporated, a Florida corporation, f/k/a Kingswood Baptist Church Incorporated, on behalf of the corporation. He ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 7<sup>th</sup> day of December, 2016.

(Notary Seal)



Michelle L. Walkley  
Notary Signature

Michelle L. Walkley  
Printed Notary Name

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: April 15, 2018

# SKETCH OF DESCRIPTION

## DESCRIPTION:

A 10 FOOT STRIP OF LAND LYING IN SECTION 13, TOWNSHIP 22 SOUTH, RANGE 30 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

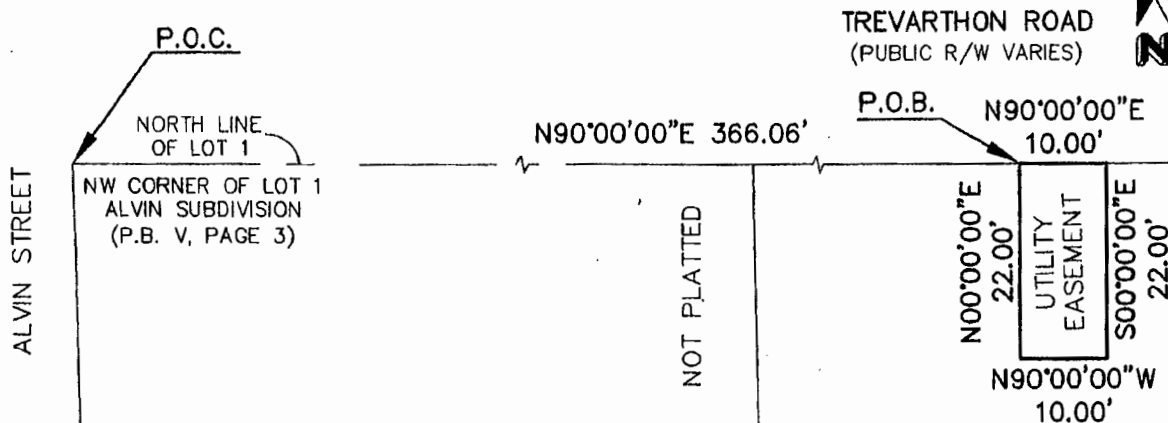
COMMENCE AT THE NW CORNER OF LOT 1, ALVIN SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "V", PAGE 3, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N90°00'00"E, A DISTANCE OF 366.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N90°00'00"E, A DISTANCE OF 10.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 22.00 FEET; THENCE N90°00'00"W, A DISTANCE OF 10.00 FEET; THENCE N00°00'00"E, A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 220 SQUARE FEET, MORE OR LESS.

## SURVEYOR'S NOTES:

1. The lands as shown hereon lie within Section 13, Township 22 S., Range 30 E., Orange County, Florida.
2. Bearings shown hereon are assumed relative to the North line of Lot 1 of ALVIN SUBDIVISION; said bearing being N90°00'00"E.
3. This is not a survey.

\\SERVER\Projects\13-22-30 Chapel Hill\dwg\Chappel Hill Baptist Church S00-ESMT.dwg



## LEGEND:

PG.	PAGE
P.B.	PLAT BOOK
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
ORB	OFFICIAL RECORDS BOOK
R/W	RIGHT-OF-WAY

# HLSM, LLC

Henrich-Luke-Swaggerty-Menard  
Professional Surveyors & Mappers

Licensed Business No. 7276  
794 Big Tree Drive, Suite 108  
Longwood, Florida 32750  
P. (407) 647-7346  
F. (407) 982-7166

Survey©HLSM.US

Job No: G-386  
Date: 7/8/16  
Drawn By: RJG  
Scale: 1"=20'

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

*William F. Menard*  
William F. Menard  
Professional Surveyor & Mapper  
Florida Registration #5625

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**JAN 24 2017**

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Project: Chapel Hill – Youth Worship Addition  
Permit: B14903912 OCU File #: 83926

### **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 utility easement; in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Mortgage, Assignment of Rents, and Financing Statement 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:**

Citizens Bank of Florida  
FROM: Chapel Hill Baptist Church Incorporated  
Mortgage filed March 9, 2016  
Recorded as Document No. 20160120337  
Assignment of Rents filed March 9, 2016  
Recorded as Document No. 20160120210  
Financing Statement filed March 9, 2016  
Recorded as Document No. 20160120225  
All in the Public Records of Orange County, Florida

Project: Chapel Hill – Youth Worship Addition  
Permit: B14903912 OCU File #: 83926

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 3 day of August, A.D. 2016.

Signed, sealed, and delivered  
in the presence of:

[Signature]  
Witness

Frene Adam  
Printed Name

[Signature]  
Witness

Louise Belet  
Printed Name

Citizens Bank of Florida,  
a Florida corporation

BY: [Signature]

FRANCINE STUCKY  
Printed Name

VICE PRESIDENT - LOAN OPS. MGR.  
Title

(Corporate Seal)

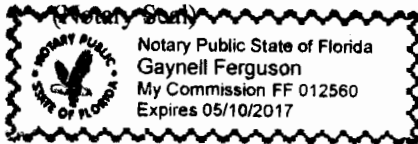
Project: Chapel Hill – Youth Worship Addition  
Permit: B14903912 OCU File #: 83926

STATE OF Florida

COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 3rd of August, 2016, by FRANCINE STOKY, as VICE PRESIDENT of Citizens Bank of Florida, a Florida 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 3rd day of August, 2016.



Gaynell Ferguson  
Notary Signature

\_\_\_\_\_  
Printed Notary Name

Notary Public in and for  
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



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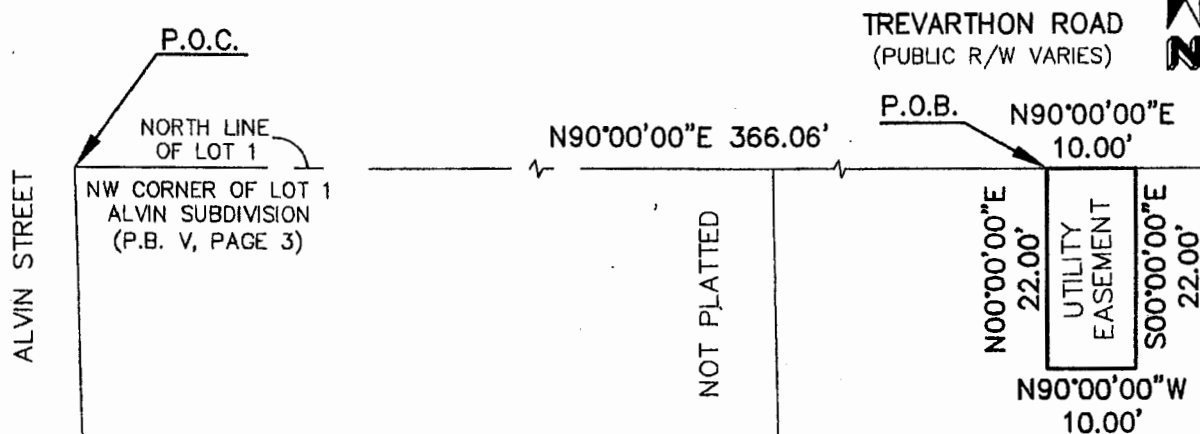
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