Interoffice Memorandum



REAL ESTATE MANAGEMENT ITEM 3

DATE:

January 19, 2017

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 AND TEMPORARY ACCESS AND UTILITY EASEMENT BETWEEN ARBOURS AT CROWN POINT, LLC AND ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY

FROM P/R MORTGAGE & INVESTMENT CORP. AND U.S.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND

AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT:

Arbours At Crown Point

Permit: 14-U-107 OCU File #: 79626

District 2

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

and the square rest

Temporary Access and Utility Easement

Cost: Donation

Size: 30,624 square feet

Term: Until replaced by a permanent platted easement

Real Estate Management Division Agenda Item 3 January 19, 2017 Page 2

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.

THIS IS A DONATION

Project: Arbours At Crown Point

Permit: 14-U-107 OCU File #: 79626

UTILITY EASEMENT

THIS INDENTURE, Made this 14 day	y of December,	A.D. 20 6, between
Arbours At Crown Point LLC, a Florida limited li	ability company, having its prin	ncipal place of business
in the city of Brancham	, county of Shelly	, whose
in the city of Barringham address is 242 Inveress later	0~00	,
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-	-	

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 06-22-28-2856-00-013

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.

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.

Permit: 14-U-107 OCU File #: 79626

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

Signed, sealed and delivered in the presence of:	Arbours At Crown Point, LLC, a Florida limited liability company		
Witness Printed Name Witness Witness Finted Name (Signature of TWO witnesses required by Florid	BY: Crown Point MM, LLC, a Florida limited liability company as Manager BY: LL Chrester Printed Name Title da law)		
STATE OF Flam Beach			
Crown Point MM, LLC, a Florida limited liabili	as wember - manager of ty company, as Manager of Arbours At Crown Point, LLC, the limited liability company. Helbhals personally known as identification.		
(Notary Seal)	Van C. De Roner Notary Signature		
JAN C. DERONER MY COMMISSION # FF 177328 EXPIRES: November 23, 2018 Bonded Thru Notary Public Underwriters	Printed Notary Name Notary Public in and for		
	the county and state aforesaid.		
This instrument prepared by: Kim Heim, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida	My commission expires:		

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Arbours at Crown Point Permit Number 14-U-107

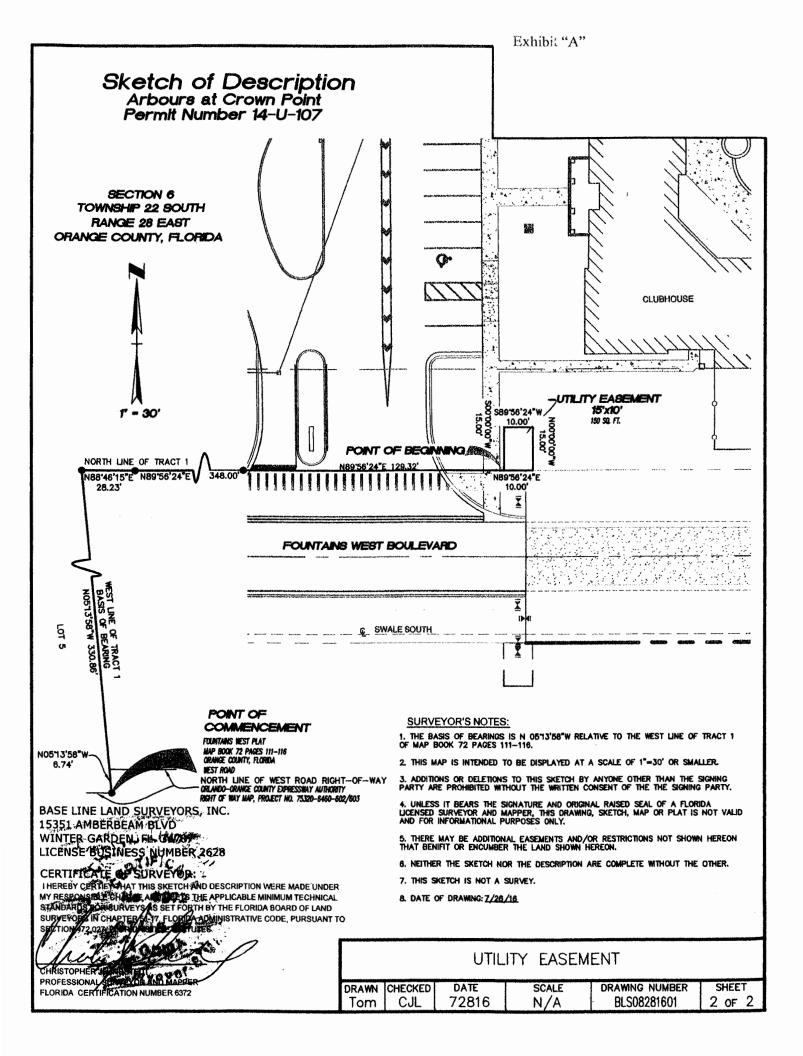
LEGAL DESCRIPTION

A parcel of land located in Section 6, Township 22 South, Range 28 East and being a portion of the Fountains West Plat as recorded in Plat Book 72 Pages 111 through 116 of the Public Records of Orange County, Florida.

Commencing at a point on the Northerly right of way line of West Road as recorded in Official Record Book 9467, Pages 3804 through 3807 of the Public Records of Orange County Florida also being the point of beginning of the said Fountains West plat; thence N05°13'58"W, a distance of 6.74 feet along East line of Lot 5 as recorded in the aforementioned plat; thence N05°13'58"W, a distance of 330.86 feet along the West line of Tract 1; thence departing said west line N88°46'15"E, a distance of 28.23 feet along North line of said tract; thence N89°56'24"E, along said North line a distance of 348.00 feet; thence continue N89°56'24"E, a distance of 129.32 feet to the POINT OF BEGINNING of the herein described parcel; thence N89°56'24"E, a distance of 10.00 feet; thence N00°00'00"W, a distance of 15.00 feet to the POINT OF BEGINNING

Containing 150 square feet, more or less.

UTILITY EASEMENT						
DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET	
Tom	CJL	72616	N/A	BLS08281601	1 OF 2	



THIS IS A DONATION

Project: Arbours At Crown Point Permit: 14-U-107 OCU File #: 79626

TEMPORARY ACCESS AND UTILITY EASEMENT

THIS INDENTURE,	Made this 5 ¹	day of January	AD, 2017, between
Arbours At Crown Point, LLC	, a Florida limited lial	bility company, having it	s principal place of business
in the city of Birming	, cou	nty of Shelby	, whose address is
272 Inverness Cen	to Drive	,	
GRANTOR, and ORANGE	COUNTY, a charter	county and a political	subdivision of the state of
Florida, whose address is P. O	. Box 1393, Orlando,	Florida 32802-1393, GR	ANTEE.

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 an easement for access and utility purposes, 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

06-22-28-2856-00-013

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever; provided, however, the easement hereby granted shall automatically terminate, without the necessity of the GRANTOR undertaking vacation proceedings or obtaining any release from the GRANTEE, at such time as GRANTOR or its successors or assigns shall cause the property over which the easement passes to be included in a subdivision plat recorded among the Public Records of Orange County, Florida.

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 easement and the GRANTOR, its heirs, successors, and assigns agree not to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the granted easement.

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

Signed, sealed, and delivered in the presence of:	Arbours At Crown Point, LLC, a Florida limited liability company		
Witness Shu	BY: Crown Point MM, LLC, a Florida limited liability company, as Manager		
Debbie Scheiner Printed Name	BY: The Eht		
Witness	Gale Ehrenstein Printed Name		
Audry Siesel Printed Name	Title		
(Signature of TWO witnesses required	d by Florida law)		
STATE OF Florida			
COUNTY OF Palm Beach			
of Crown Point MM, LLC, a Florida	day of as worked liability company, as Manager of Arbours At Crown Point, pany, on behalf of the limited liability company. He limited liability company. He limited liability company.		
(Notary Seal)	Notary Signature		
JAN C. DERONER MY COMMISSION # FF 177328 EXPIRES: November 23, 2018 Bonded Thru Notary Public Underwriters	Frinted Notary Name		
	Notary Public in and for the county and state aforesaid		
This instrument prepared by: Kimberly Heim, a staff employee in the course of duty with the Real Estate Management Division	My commission expires: いか、23,20円		

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of Orange County, Florida

Arbours at Crown Point Permit Number 14-U-107

LEGAL DESCRIPTION

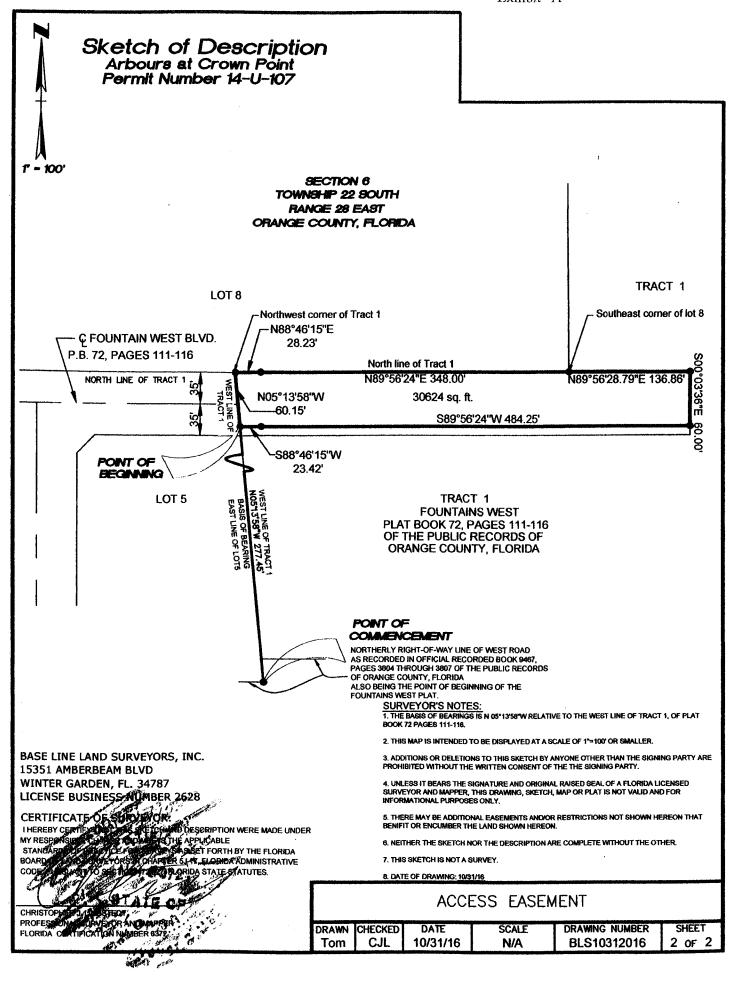
A parcel of land located in Section 6, Township 22 South, Range 28 East and being a portion of Tract 1 of The Fountains West Plat as recorded in Plat Book 72 Pages 111 through 116 of the Public Records of Orange County, Florida.

Commencing at a point on the Northerly right of way line of West Road as recorded in Official Record Book 9467, Pages 3804 through 3807 of the Public Records of Orange County Florida also being the Point of Beginning of the said aforementioned Fountains West plat; thence N05°13'58"W, a distance of 277.45 feet along East line of Lot 5 as recorded in the aforementioned plat to the Point of Beginning for this description;

thence continue N05°13'58"W, a distance of 60.15 feet along the West line of Tract 1 to the Northwest corner of Tract 1; thence N88°46'15"E, along the north line of Tract 1 for a distance of 28.23 feet; thence continue along North line of said Tract 1 N89°56'24"E, a distance of 348.00 feet to the Southeast corner of Lot.8; thence N89°56'28.79"E, a distance of 136.86 feet; thence S00°03'36"E, a distance of 60.00 feet; thence S89°56'24" W, a distance of 484.25 feet; thence S88°46'15"W, a distance of 23.42 feet to the POINT OF BEGINNING.

Containing 30,624 square feet, more or less.

ACCESS EASEMENT							
DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET		
Tom	CJL	10/31/16	N/A	BLS10312016	1 of 2		



Permit: 14-U-107 OCU File #: 79626

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 that certain Utility Easement dated December 17, 2016, between Arbours At Crown Point, LLC, and Orange County, recorded concurrently herewith in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Multifamily Mortgage, Assignment of Leases and Rents and Security Agreement; U.S. Department of Housing and Urban Development Regulatory Agreement For Multifamily Projects; 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:

P/R Mortgage & Investment Corp. (Lender)
U.S. Department of Housing and Urban Development
FROM: Arbours At Crown Point, LLC
Multifamily Mortgage, Assignment of Leases and Rents and Security Agreement
filed December 29, 2015
Recorded in Official Records Book 11033, Page 8955

Permit: 14-U-107 OCU File #: 79626

Encumbrances (continued):

U.S. Department of Housing and Urban Development Regulatory Agreement For Multifamily Projects filed December 29, 2015 Recorded in Official Records Book 11033, Page 9004 Financing Statement filed December 29, 2015 Recorded in Official Records Book 11033, Page 9041 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 22 day of 2000, A.D. 20/16.

P/R Mortgage & Investment Corp., an Indiana corporation

Signed, sealed, and delivered in the presence of:

mare L.

Printed Name

Sochelle D Africa

ROUILIL J.

Printed Name

Senior Vice- President

Title

(Corporate Seal)

(Signature of TWO witnesses required by Florida law)

Commission # 630057 My Commission Expires October 06, 2019

My commission expires:

Notary Public in and for the county and state aforesaid.

Permit: 14-U-107 OCU File #: 79626

IN WITNESS WHEREOF, the said holder of said encumbrances has duly executed this instrument this 27 day of December, A.D. 20/6. U.S. Department of Housing and Urban Development Signed, sealed, and delivered in the presence of: Barbara Williams
Authorized Agent (Signature of TWO witnesses required by Florida law) Before me, a Notary Public in and for the said County and State, personally appeared Marka la Williams known to me to be the person who, as the duly Authorized Agent of the Secretary of Housing and Urban Development acting by and through the Federal Housing Commissioner, executed the foregoing Subordination of Encumbrances to Property Rights to Orange County by virtue of the authority vested in him/her as such Authorized Agent, and he/she acknowledged to me that he/she did sign said Subordination of Encumbrances to Property Rights to Orange County on behalf of the Secretary of Housing and Urban Development acting by and through the Federal Housing Commissioner as such Authorized Agent of the purposes therein contained. He/She 🖸 is personally known to me or I has produced identification. 2741 Witness mu LYDIA ANNE BRUSH (Notary Seal) Notary Public - State of Florida My Comm. Expires Feb 12, 2018 Commission # FF 085701 This instrument prepared to Kim Heim, a staff employee Printed Notary Name in the course of duty with the Real Estate Management Division Notary Public in and for Of Orange County, Florida the County and State aforesaid My Commission Expires:

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Arbours at Crown Point Permit Number 14-U-107

LEGAL DESCRIPTION

A parcel of land located in Section 6, Township 22 South, Range 28 East and being a portion of the Fountains West Plat as recorded in Plat Book 72 Pages 111 through 116 of the Public Records of Orange County, Florida.

Commencing at a point on the Northerly right of way line of West Road as recorded in Official Record Book 9467, Pages 3804 through 3807 of the Public Records of Orange County Florida also being the point of beginning of the said Fountains West plat; thence N05°13'58"W, a distance of 6.74 feet along East line of Lot 5 as recorded in the aforementioned plat; thence N05°13'58"W, a distance of 330.86 feet along the West line of Tract 1; thence departing said west line N88°46'15"E, a distance of 28.23 feet along North line of said tract; thence N89°56'24"E, along said North line a distance of 348.00 feet; thence continue N89°56'24"E, a distance of 129.32 feet to the POINT OF BEGINNING of the herein described parcel; thence N89°56'24"E, a distance of 10.00 feet; thence N00°00'00"W, a distance of 15.00 feet to the POINT OF BEGINNING

Containing 150 square feet, more or less.

UTILITY EASEMENT						
DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET	
Torn	CJL	72616	N/A	BLS08281601	1 OF 2	

