





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 8

DATE: February 1, 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 BETWEEN BRXW
HOLDINGS, LLC AND ORANGE COUNTY, SUBORDINATION OF
ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY
FROM STEARNS BANK NATIONAL ASSOCIATION AND
AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Goldenrod Car Wash
Permit: B16901585 OCU File #: 86047

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: 150 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.

FEB 21 2017

THIS IS A DONATION

Project: Goldenrod Car Wash
Permit: B16901585 OCU File #: 86047

UTILITY EASEMENT

THIS INDENTURE, Made this 3RD day of JANUARY, A.D. 20 17,
between BRXW Holdings, LLC, a Florida limited liability company, having its principal place of business
in the city of ORLANDO, county of ORANGE, whose address is
3536 Bellington Dr. Orlando, FL 32835, 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
14-23-30-5240-19-032**

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:

Jonathan P. Vega Mercado
Witness

Jonathan P. Vega Mercado
Printed Name

Imran Ali
Witness

Imran Ali
Printed Name

(Signature of TWO witnesses required by Florida law)

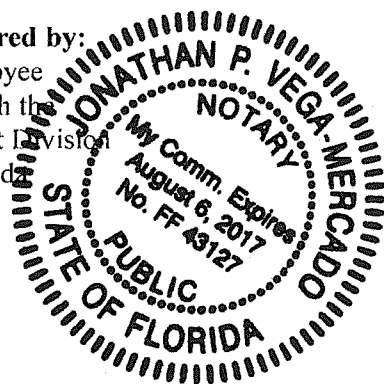
STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 3rd day of January, 2017, by Mike H. Dunlap as an authorized member of BRXW Holdings, LLC, a Florida limited liability company, on behalf of the limited liability company. He [] is personally known to me, or [X] has produced FL DL as identification.

(Notary Seal)

This instrument prepared by:

Kim Heim, a staff employee
in the course of duty with the
Real Estate Management Division
Of Orange County, Florida



BRXW Holdings, LLC,
a Florida limited liability company

BY: Mike H. Dunlap
Mike H. Dunlap, as an Authorized Member

Jonathan P. Vega Mercado
Notary Signature
Jonathan P. Vega Mercado
Printed Notary Name

Notary Public in and for
the County and State aforesaid

Orange, FL
My Commission Expires:

August 6, 2017

SKETCH OF DESCRIPTION:**UTILITY EASEMENT****BIG RED'S/GOLDENROD CAR WASH**

SECTION 23, TOWNSHIP 23 SOUTH, RANGE 30 EAST,
ORANGE COUNTY, FLORIDA

UTILITY FILE PERMIT No. B16901585

DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LOT 3, BLOCK 19, LOS TERRANOS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 87, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING WITHIN SECTION 23, TOWNSHIP 23 SOUTH, RANGE 30 EAST,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 4-INCH BY 4-INCH CONCRETE MONUMENT (PRM LB6846) MARKING THE NORTHERLYMOST CORNER OF THE PLAT OF GOLDENROD COMMERCIAL DEVELOPMENT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 78, PAGE 91, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT BEING A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SOUTH GOLDENROD ROAD (STATE ROAD No. 551 - A VARIABLE WIDTH PUBLIC RIGHT OF WAY) ALSO BEING A POINT ON A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2921.79 FEET, A CENTRAL ANGLE OF 00°53'19", HAVING A CHORD BEARING NORTH 37°42'58"EAST WITH A DISTANCE OF 45.31 FEET;

THENCE RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE, FOR AN ARC LENGTH OF 45.31 FEET TO A 1/2-INCH IRON ROD (NO CAP) MARKING THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT OF WAY LINE WITH THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE EAST 540 FEET OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF THAT PARTICULAR PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 5649, PAGE 4493, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE AND SAID CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2921.79 FEET, A CENTRAL ANGLE OF 01°42'16", HAVING A CHORD BEARING NORTH 36°25'11"EAST WITH A DISTANCE OF 86.92 FEET, FOR AN ARC LENGTH OF 86.92 FEET FOR A POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE AND SAID CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2921.79 FEET, A CENTRAL ANGLE OF 00°11'46", HAVING A CHORD BEARING NORTH 35°28'10"EAST WITH A DISTANCE OF 10.00 FEET, FOR AN ARC LENGTH OF 10.00 FEET;

THENCE SOUTH 54°31'37"EAST, DEPARTING SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 15.00 FEET;

THENCE SOUTH 35°28'23"WEST, 10.00 FEET;

THENCE NORTH 54°31'37"WEST, 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 150 SQUARE FEET, MORE OR LESS.

NOTES:

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO IMPROVEMENTS HAVE BEEN LOCATED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS DOCUMENT CONSISTS OF 2 PAGES NOT FULL OR COMPLETE WITHOUT ALL.

THIS IS A SKETCH AND DESCRIPTION
AND IS NOT A SURVEY, AS SUCH.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR SKETCH

BEARINGS SHOWN HEREON ARE BASED ON SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE EAST 540 FEET OF LOTS 3 AND 4, BLOCK 19, LOS TERRANOS AS BEING S89°39'16"W, ASSUMED.

SKETCH OF DESCRIPTION
OF

UTILITY EASEMENT - BIG RED'S/GOLDENROD CAR WASH
A PORTION OF SECTION 23, TOWNSHIP 23 SOUTH, RANGE 30 EAST
ORANGE COUNTY, FLORIDA

DATE: 7/29/16

SCALE: N/A

APPROVED BY: JDF

DRAWN BY: JDF

JOB NO. 5121401-SOD UE -
GOLDENROD CAR WASH.DWG

REVISED:

ASM
AMERICAN
SURVEYING
& MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
3191 MAGUIRE BOULEVARD SUITE 200
ORLANDO, FLORIDA 32803
(407) 426-7979
WWW.AMERICANSURVEYINGANDMAPPING.COM

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

James D. Flick
JAMES D. FLICK PSM#6088
DATE: 8/02/2016

	LINE DATA	
NUMBER	BEARING	LENGTH
L1	S54°31'37"E	15.00'
L2	S35°28'23"W	10.00'
L3	N54°31'37"W	15.00'

LEGEND:

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
O.R.	OFFICIAL RECORDS
LB	LICENSED BUSINESS
PRM	PERMANENT REFERENCE MONUMENT
CCR	CERTIFIED CORNER RECORD
PC	POINT OF CURVATURE
POC	POINT ON CURVE
(R)	RECORD DATA
NO.	NUMBER

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SHEET 2 OF 2
SEE SHEET 1 OF 2 FOR DESCRIPTION

DATE: 7/29/16
SCALE: 1" = 30'
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Project: Goldenrod Car Wash
Permit: B16901585 OCU File #: 86047

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, Assignment of Rents, and UCC 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:

TO: Stearns Bank National Association
FROM: BRXW Holdings, LLC
Mortgage filed October 4, 2016
Recorded as Document Number 20160521524
Assignment of Rents filed October 4, 2016
Recorded as Document No. 20160521525
UCC Financing Statement filed October 4, 2016
Recorded as Document No. 20160521526
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

Project: Goldenrod Car Wash
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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 21st day of December, A.D. 20 16.

Signed, sealed, and delivered
in the presence of:

Christine Hampson

Witness

Christine Hampson

Printed Name

Lucia Shoemaker

Witness

Lucia Shoemaker

Printed Name

STATE OF Florida
COUNTY OF Sarasota

Stearns Bank National Association

BY: Doras Davila

Doras Davila

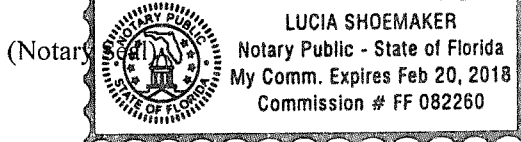
Printed Name

Vice President

Title

The foregoing instrument was acknowledged before me this 21 of Dec, 2016, by DORAS DAVILA, as V.P. of Stearns Bank National Association, on behalf of the national association. He ☒ is personally known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 21 day of Dec., 2016.



Lucia Shoemaker
Notary Signature

Printed Notary Name

This instrument prepared by:
Kimberly 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:

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ORANGE COUNTY, FLORIDA

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A PORTION OF SECTION 23, TOWNSHIP 23 SOUTH, RANGE 30 EAST
ORANGE COUNTY, FLORIDA

DATE: 7/29/16

SCALE: N/A

APPROVED BY: JDF

DRAWN BY: JDF

JOB NO. 5121401-SOD UE -
GOLDENROD CAR WASH.DWG

REVISED:

ASM

**AMERICAN
SURVEYING
& MAPPING INC.**

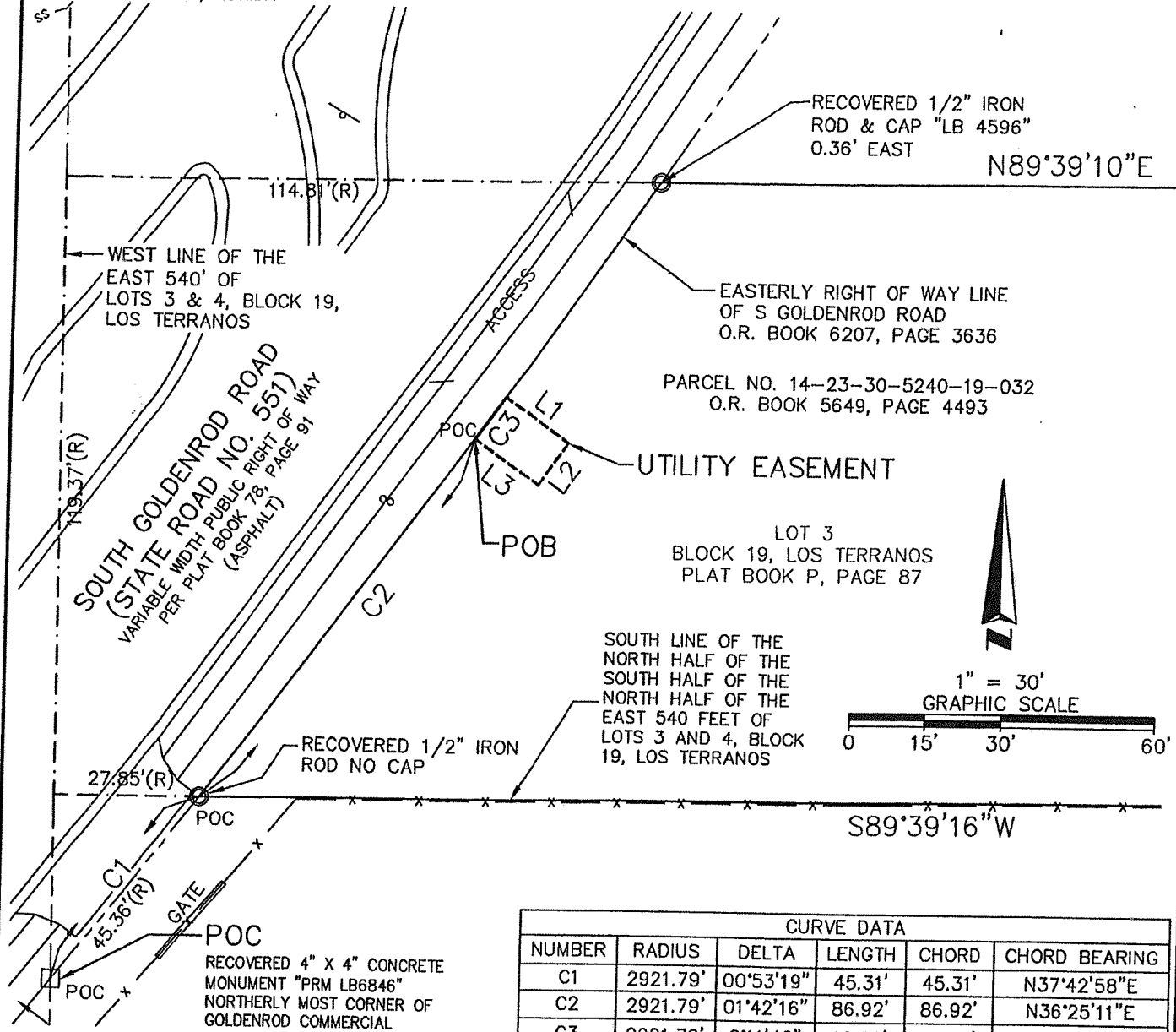
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James D. Flick

JAMES D. FLICK PSM#6088

DATE: 8/04/2016

SKETCH OF DESCRIPTION:**UTILITY EASEMENT****BIG RED'S/GOLDENROD CAR WASH**SECTION 23, TOWNSHIP 23 SOUTH, RANGE 30 EAST,
ORANGE COUNTY, FLORIDA**CURVE DATA**

NUMBER	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	2921.79'	00°53'19"	45.31'	45.31'	N37°42'58"E
C2	2921.79'	01°42'16"	86.92'	86.92'	N36°25'11"E
C3	2921.79'	0°11'46"	10.00'	10.00'	N35°28'10"E

LINE DATA		
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SHEET 2 OF 2
SEE SHEET 1 OF 2 FOR DESCRIPTION

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SCALE: 1" = 30'

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