





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

**DATE:** June 2, 2017

**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 FROM NORTH PINE HILLS ROAD, LLC TO ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM PATRIOT BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Advanced Disposal NC – Building and Site Permit: B16901446  
OCU File #: 86726  
  
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: 301 square feet  
  
Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division

Agenda Item 7

June 2, 2017

Page 2

**APPROVALS:** Real Estate Management Division  
Utilities Department

**REMARKS:** Grantor to pay all recording fees.

JUN 20 2017

THIS IS A DONATION

Project: Advanced Disposal NC – Building and Site Permit: B16901446  
OCU File #: 86726

**UTILITY EASEMENT**

THIS INDENTURE, Made this 8th day of May A.D., 2017, between North Pine Hills Road, LLC, a Florida limited liability company, having its principal place of business in the city of Tampa, county of Hillsborough, whose address is 1315 S Howard Avenue, Suite 202, Tampa, FL 33606, 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, construct and maintain, as the GRANTEE and its assigns may deem necessary, electrical poles, telephone poles, wires, guy wires and appurtenances, water pipes, sewer pipes, gas pipes and mains, 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**

**31-21-29-0000-00-071**

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.

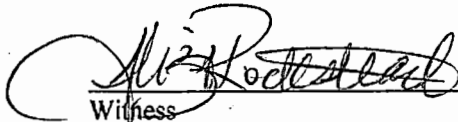
Project: Advanced Disposal NC – Building and Site Permit: B16901446  
OCU File #: 86726

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 successors or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

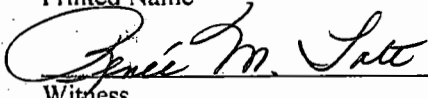
IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed, and delivered  
in the presence of:

North Pine Hills Road, LLC,  
a Florida limited liability company

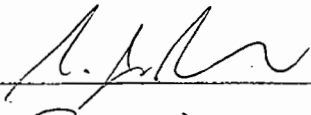
  
Witness

ALIZA ROCKSTEAD  
Printed Name

  
Witness

RENEE M. TATE  
Printed Name

BY:

  
Robert J. Dixon  
Printed Name

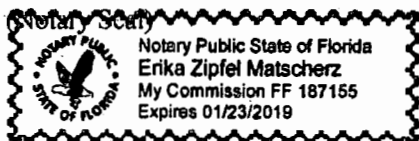
Title

Manager

(Signature of TWO witnesses required by Florida law)

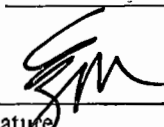
STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 8 day of May, 2017, by Robert J. Dixon as Manager, of North Pine Hills Road, LLC, a Florida limited liability company, on behalf of the limited liability company. He/she ☒ is personally known to me, or [ ] has produced \_\_\_\_\_ as identification.



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 Signature

  
Erika Zipfel Matscherz  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My commission expires:

1/23/19

SKETCH OF DESCRIPTION EXHIBIT "A"

NORTH PINE HILLS RD., LLC;  
ADDRESS: 5722 N. PINE HILLS RD.  
ORLANDO, FLORIDA  
PID NO. 31-21-29-0000-00-071

PROJECT NAME: ADVANCED DISPOSAL  
NC-BUILDING AND SITE AND THE  
BUILDING DEPARTMENT PERMIT  
NUMBER: B16901446

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF THE SE 1/4 OF THE NW 1/4 OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NW 1/4 OF SAID SECTION 31; THENCE WITH THE EAST LINE OF SAID NW 1/4, S00°02'58"E. A DISTANCE OF 1317.47 FEET TO THE NORTH LINE OF THE NE 1/4 OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 31; THENCE WITH SAID NORTH LINE, N89°31'27"W, A DISTANCE OF 47.88 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH PINE HILLS ROAD (VARIABLE-WIDTH RIGHT OF WAY), THENCE, BEARING SOUTH 03°51'49" EAST, A DISTANCE OF 8.02 FEET TO THE POINT OF BEGINNING;

THENCE, BEARING SOUTH 03°51'49" EAST, A DISTANCE OF 10.03 FEET TO A POINT;  
THENCE, BEARING NORTH 89°31'27" WEST, A DISTANCE OF 30.09 FEET TO A POINT;  
THENCE, BEARING NORTH 03°51'49" WEST, A DISTANCE OF 10.03 FEET TO A POINT;  
THENCE, BEARING SOUTH 89°31'27" EAST, A DISTANCE OF 30.09 FEET TO THE POINT OF BEGINNING.

THIS PARCEL: Perimeter: 80.23 Area: 301 sq.ft., MORE OR LESS.

NOTES:

1. BASIS OF BEARING, THE WEST RIGHT OF WAY LINE OF NORTH PINE HILLS ROAD, S00°02'58"E.
2. THIS IS A SKETCH OF DESCRIPTION.
3. THIS IS NOT A BOUNDARY SURVEY.



5/2/2017  
DAVID P. GRAVES  
FLORIDA PROFESSIONAL SURVEYOR  
AND MAPPER NO. LS 5392  
CERTIFICATE OF AUTHORIZATION  
NO. LB 7256

SHEET 1 OF 2

# SKETCH OF DESCRIPTION

POINT OF COMMENCEMENT NORTHEAST  
CORNER OF THE NW 1/4 OF SECTION 31,  
TOWNSHIP 21 SOUTH, RANGE 29 EAST,  
ORANGE COUNTY, FLORIDA

EAST LINE OF  
NW 1/4  
SECTION 31

47.88'  
N89°31'27"W

43.23'  
S03°51'49"E

S00°02'58"E  
1317.47'

S89°31'27"E

588.33'

NORTH LINE OF THE  
NE 1/4 OF THE SE  
1/4 OF THE NW 1/4  
OF SECTION 31

L5  
L4  
L3  
L2  
L1

POINT OF  
BEGINNING  
301 sq.ft.

LINE TABLE		
LINE	LENGTH	BEARING
L1	8.02	S03°51'49"E
L2	10.03	S03°51'49"E
L3	30.09	N89°31'27"W
L4	10.03	N03°51'49"W
L5	30.09	S89°31'27"E

SUBJECT PROPERTY  
NORTH PINE HILLS RD., LLC  
ADDRESS: 5722 N. PINE HILLS RD.  
ORLANDO, FLORIDA  
PID NO. 31-21-29-0000-00-071

WEST RIGHT-OF-WAY LINE

400.00'

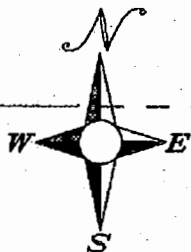
S00°02'58"E

NORTH PINE HILLS ROAD  
VARIABLE-WIDTH RIGHT OF WAY

S07°52'55"W  
217.37'

N89°28'48"W

563.33'



Scale 1" = 100'

NOTE: THIS IS NOT A BOUNDARY SURVEY

SHEET 2 OF 2

JUN 20 2017

Project: Advanced Disposal NC -- Building and Site Permit: B16901446  
OCU File #: 86726

**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 First Mortgage, Assignment of Rents and Leases, Security Agreement and Fixture Filing; Subordination, Non-Disturbance & 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:**

Patriot Bank, a Florida banking corporation  
First Mortgage, Assignment of Rents and Leases, Security Agreement and Fixture Filing  
filed July 18, 2016  
Recorded as Document No. 20160366616  
Subordination, Non-Disturbance & Attornment Agreement  
filed August 4, 2016  
Recorded as Document No. 20160403527  
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

Project: Advanced Disposal NC – Building and Site Permit: B16901446  
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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 10 day of MAY, A.D. 20 17.

Signed, sealed, and delivered  
in the presence of:

Maria Romero  
Witness

Maria Romero  
Printed Name

Donna Defelice Vreeland  
Witness

Donna Defelice Vreeland  
Printed Name

Patriot Bank,  
a Florida banking corporation

BY: [Signature]

KURT H. BESTE  
Printed Name

SENIOR VICE PRESIDENT  
Title

(Corporate Seal)

STATE OF Florida  
COUNTY OF Pasco

The foregoing instrument was acknowledged before me this 10th of May, 2017, by Kurt H. Beste, as Senior Vice President of Patriot Bank, a Florida banking corporation, on behalf of the banking corporation. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 10th day of May, 20 17.

(Notary Seal)



DONNA DEFELICE VREELAND  
MY COMMISSION # FF 040387  
EXPIRES: November 28, 2017  
Bonded Thru Budget Notary Services

[Signature]  
Notary Signature

Donna Defelice Vreeland  
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:



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AND MAPPER NO. LS 5392  
CERTIFICATE OF AUTHORIZATION  
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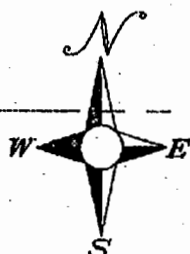
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