





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 8

DATE: June 2, 2017

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Mary Tiffault, Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL OF DRAINAGE EASEMENT FROM ALTA GRANDE APARTMENTS, L.P. TO ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM TD BANK, N.A. AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Petition to Vacate #14-02-006 (Grand Lakes Boulevard)

District 4

PURPOSE: To provide for access, construction, operation, and maintenance of drainage facilities as a requirement of a petition to vacate.

ITEMS: Drainage Easement
Cost: Donation
Size: 14,723 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS:

This action provides a drainage easement to Orange County over a portion of the grantor's property replacing an existing drainage easement in favor of Orange County proposed for vacation by Petition to Vacate (PTV) #14-02-006. Approval of this item is contingent upon approval of Petition to Vacate (PTV) #14-02-006 and another Grande Lakes Drainage Easement both being processed contemporaneously with this item.

Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 20 2017

THIS IS A DONATION

Project: Petition to Vacate #14-02-006 (Grand Lakes Boulevard)

DRAINAGE EASEMENT

THIS INDENTURE, Made this 18 day of May, A.D. 2017, between Alta Grande Apartments, L.P., a Delaware limited partnership, whose address is 3715 Northside pkwy NW #4-600 Atlanta, GA 30327, GRANTOR, and Orange County, 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, an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility 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

09-24-29-3051-04-001

TO HAVE AND TO HOLD said 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 drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GRANTOR, its heirs, 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 easement that may interfere with the normal operation or maintenance of the drainage ditch, pipe, or facility.

Project: Petition to Vacate #14-02-006 (Grand Lakes Boulevard)

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

Signed, sealed, and delivered
in the presence of:

Alta Grande Apartments, L.P.,
a Delaware limited partnership

S. Mac
Witness

BY: WOOD ALTA GRANDE, LLC,
a Delaware limited liability company,
its General Partner

Sally Machalek
Printed Name

BY: WP SOUTH DEVELOPMENT ENTERPRISES, L.L.C.,
a Delaware limited liability company,
its Manager

Charles K. Barry
Witness
Charles K. Barry
Printed Name

Bryan Borland
BY: Bryan Borland
Bryan Borland, Vice President

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 18 day of May, 2017,
by Bryan Borland, Vice President of WP SOUTH DEVELOPMENT ENTERPRISES, L.L.C., a Delaware limited
liability company, as Manager of WOOD ALTA GRANDE, LLC, a Delaware limited liability company, as General
Partner of Alta Grande Apartments, L.P., a Delaware limited partnership, on behalf of the limited partnership. He ☒
is personally known to me, or ☐ has produced _____ as identification.

Witness my hand and official seal this 18 day of May, 2017.

(Notary Seal)



SALLY MACHALEK
MY COMMISSION # FF 149667
EXPIRES: December 8, 2018
Bonded Thru Budget Notary Services

Sally Machalek
Notary Signature

Printed Notary Name

This instrument prepared by:
Mary Tiffault, 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:

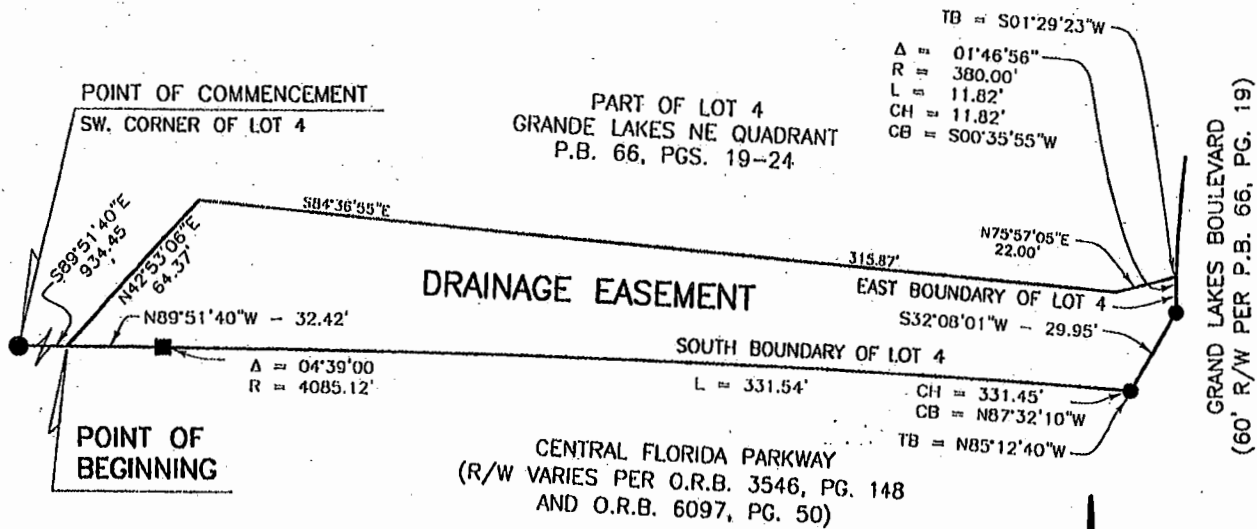
EXHIBIT A

SKETCH OF DESCRIPTION DESCRIPTION

That part of Lot 4, GRANDE LAKES NE QUADRANT, according to the plat thereof as recorded in Plat Book 66, Pages 19 through 24, Public Records of Orange County, Florida.

COMMENCE at the Southwest corner of Lot 4, GRANDE LAKES NE QUADRANT, per Plat Book 66, Pages 19 through 24, Public Records of Orange County, Florida, thence South 89 degrees 51 minutes 40 seconds East 934.45 feet along the South boundary of said Lot 4 for the POINT OF BEGINNING, thence North 42 degrees 53 minutes 06 seconds East 64.37 feet; thence South 84 degrees 36 minutes 55 seconds East 315.87; thence North 75 degrees 57 minutes 05 seconds East 22.00 feet to a point on the East boundary of said Lot 4, said point being on a non-tangent curve concave Easterly and having a radius of 380.00 feet; thence from a tangent bearing of South 01 degrees 29 minutes 23 seconds West run Southerly 11.82 feet along the arc of said curve and said East boundary through a central angle of 01 degrees 46 minutes 56 seconds to the end of said curve; thence South 32 degrees 08 minutes 01 seconds West 29.95 feet along said East boundary to a point on the aforesaid South boundary of Lot 4, said point also being the beginning of a non-tangent curve concave Southerly and having a radius of 4085.12 feet; thence from a tangent bearing of North 85 degrees 12 minutes 40 seconds West run Westerly 331.45 feet along the arc of said curve and said South boundary of Lot 4 through a central angle of 04 degrees 39 minutes 00 seconds to the end of said curve; thence North 89 degrees 51 minutes 40 seconds West 32.42 feet along said South boundary to the Point of Beginning.

CONTAINING: 0.338 acres, more or less.



LEGEND

Δ = DELTA
R = RADIUS
L = ARC LENGTH
CH = CHORD DISTANCE
CB = CHORD BEARING
TB = TANGENT BEARING
O.R.B. = OFFICIAL RECORDS BOOK
PG(S) = PAGE(S)
P.B. = PLAT BOOK
R/W = RIGHT OF WAY

NOTES

1. THIS IS NOT A SURVEY.
2. This Plat represents a Sketch of the Description prepared by JONES, WOOD and GENTRY, INC. per client's instruction and does not indicate ownership.
3. Bearings shown hereon are based on the South Boundary of Lot 4 as bearing S89°51'40"E, per plat.

IT IS CERTIFIED THAT THE SKETCH REPRESENTED HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 FLORIDA STATUTES, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

FOR: **WOOD PARTNERS**

DATE: 03-30-2017 DRAWN BY: JAS

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

DANIEL E. GENTRY JR. Florida Registration Number 5047

JONES, WOOD & GENTRY, INC.
PROFESSIONAL SURVEYORS AND MAPPERS - LBI
2600 EAST ROBINSON STREET
ORLANDO, FLORIDA, 32803
407-898-7780

JOB NO. 29110-1 Sheet 1 of 1
29110-1-SOD.DWG

JUN 20 2017

Project: Petition to Vacate #14-02-006 (Grand Lakes Boulevard)

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 drainage easement in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Construction Loan Mortgage and Security Agreement; Assignment of Leases and 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 it has 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:

TD Bank, N.A.

FROM: Alta Grande Apartments, L.P.

Construction Loan Mortgage and Security Agreement

filed March 31, 2017

Recorded as Document No. 20170177066

Assignment of Leases and Rents

filed March 31, 2017

Recorded as Document No. 20170177067

Financing Statement

filed March 31, 2017

Recorded as Document No. 20170177068

All in the Public Records of Orange County, Florida

Project: Petition to Vacate #14-02-006 (Grand Lakes Boulevard)

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 drainage 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 drainage 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 19th day of May, A.D. 2017.

Signed, sealed, and delivered
in the presence of:

Witness

Michael Augustich
Printed Name

Witness

Sabrina Gonzalez
Printed Name

STATE OF Virginia
COUNTY OF Fairfax

TD Bank, N.A.,
a national banking association

BY:

JAY P. ARVAI
Printed Name

SENIOR VICE PRESIDENT
Title

The foregoing instrument was acknowledged before me this 19th of May, 2017, by Jay P. Arvai, as senior vice president of TD Bank, N.A., a national banking association, on behalf of the national banking association. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 19th day of May, 2017.

Karen A. Nolan
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7347733
My Commission Expires May 31, 2018

Karen A. Nolan
Notary Signature

Karen A Nolan
Printed Notary Name

This instrument prepared by:
Mary Tiffault, 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: May 31, 2018

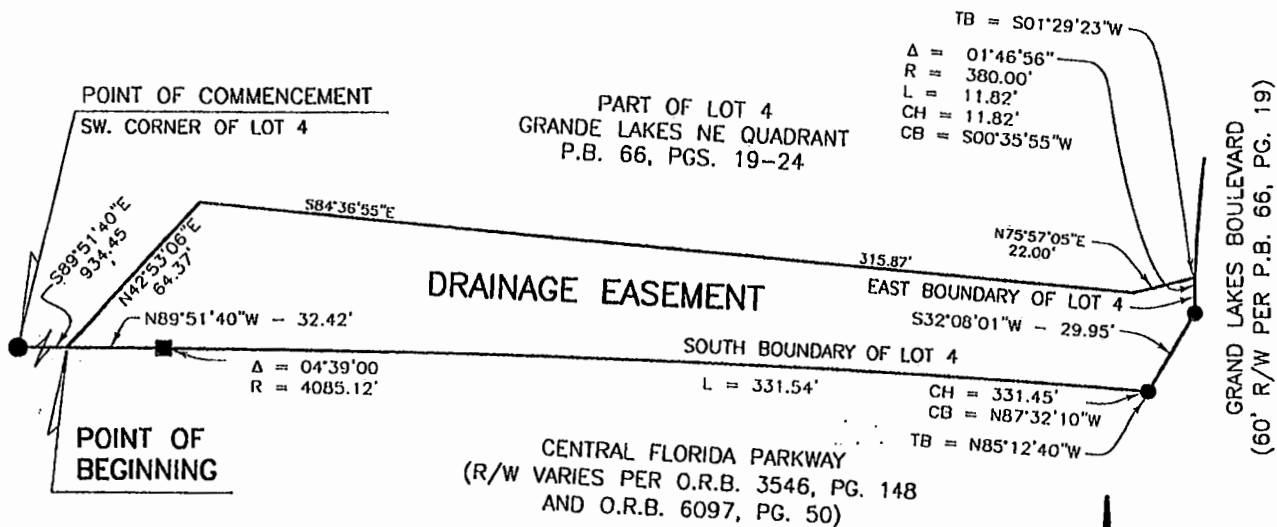
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FOR: WOOD PARTNERS

DATE: 03-30-2017 DRAWN BY: CAS

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DANIEL E. GENTRY JR. Florida Registration Number 5047

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