

REAL ESTATE MANAGEMENT ITEM 10

June 14, 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: Paul Sladek, Assistant Manager
- DIVISION: Real Estate Management Phone: (407) 836-7090

ACTION

- **REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM RED APPLE AT OCOEE, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM CLI CAPITAL AND AUTHORIZATION TO RECORD INSTRUMENTS
- **PROJECT:** Ocoee West Road Charter School Permit: 16-E-014 OCU File #84546

District 2

- **PURPOSE:** To provide for access, construction, operation, and maintenance of utility facilities as a requirement of development.
- ITEMS: Utility Easement Cost: Donation Total size: 300 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division Agenda Item 10 June 14, 2017 Page 2

APPROVALS:	Real Estate Management Division
	Utilities Department

REMARKS: Grantor to pay all recording fees.

JUL 1 1 2017

THIS IS A DONATION

Project: Ocoee West Road Charter School Permit: 16-E-014 OCU File #84546

UTILITY EASEMENT

THIS INDENTURE, Made this <u>197H</u> day of <u>JUNE</u>, A.D. 20<u>17</u>, between Red Apple at Ocoee, LLC, a Florida limited liability company, having its principal place of business in the city of Ft. Lauderdale, county of Broward, whose address is 800 Corporate Drive, Suite 124, Ft. Lauderdale, Florida, 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 06-22-28-2856-00-010

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. Project: Ocoee West Road Charter School Permit: 16-E-014 OCU File #84546

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:

Witness

Printed Name

actsor

Red Apple at Ocoee, LLC, a Florida limited liability company

BY: Red Apple Development, LLC, a Florida limited liability company, as its Authorized Member

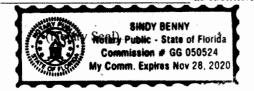
BY: Jonathan K. Hage, President

Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida COUNTY OF Broward

The foregoing instrument was acknowledged before me the <u>19</u>th day of <u>June</u>, 20<u>17</u> by Jonathan K. Hage, as President of Red Apple Development, LLC, a Florida limited liability company, its Authorized Member of Red Apple at Ocoee, LLC, a Florida limited liability company, on behalf of the limited liability company. He [Jis personally known to me, or [] has produced as identification.



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 Signature

SINDY BENNY Printed Notary Name

Notary Public in and for the County and State aforesaid

My commission expires: Nov 28,2020

S:\Forms & Master Docs\Project Document Files\1_Misc. Documents\O\Ococe West Road Charter School Permit 16-E-014 OCU File #84546 UE.doc 03-17-17 srb Revised 06/16/17 srb

EXHIBIT A

OCOEE CHARTER SCHOOL SITUATED IN TRACT 1 FOUNTAINS WEST PLAT BOOK 72, PAGES 111-116 ORANGE COUNTY, FL. *** SKETCH OF DESCRIPTION ***

UTILITY EASEMENT

PROJECT NAME: OCOEE WEST ROAD CHARTER SCHOOL PERMIT: 16 E-014 OCU FILE #84546

A TRACT OF LAND SITUATED IN TRACT 1. FOUNTAINS WEST AS RECORDED IN PLAT BOOK 72. PAGES 111-116. PUBLIC RECORDS OF ORANGE COUNTY. FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 1 THENCE NO5'13'58'W ALONG THE WEST LINE OF SAID TRACT 1 A DISTANCE OF 270.71 FEET TO A POINT ON THE SOUTH LINE OF A GO FOOT ROAD RIGHT OF WAY; THENCE N88 46'15 E ALONG SAID LINE A DISTANCE OF 23.42 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE N89'56'24 E A DISTANCE OF 354.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N8956'24'E A DISTANCE OF 10.00 FEET; THENCE SOO'03'36'E A DISTANCE OF 10.00 FEET; THENCE S89'56'24 W A DISTANCE OF 10.00 FEET; THENCE NOO'O3'36 W A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 100 SQUARE FEET. (TOTAL CALCULATED AREA)

NOTES:

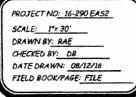
CERTIFIED TO: SUMMIT CONSTRUCTUION

1. PREPARED AS A SKETCH OF DESCRIPTION. ***** THIS IS NOT A BOUNDARY SURVEY ***** 2. THIS MAP IS NOT A CERTIFICATION OF TITLE. ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES AND WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW. 3. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD. (RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN). 4. ALL BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF TRACT 1 AS BEARING NO5'13'58'W AS PER PLAT. I CERTEY THAT THIS SURVEY WAS HADE UNDER MY DIRECTION AND THAT IT HEETS THE MINIFUM STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050 THRU .052. FLORDA ADMINISTRATIVE CODE. FURSUANT TO CHAPTER 472.027, FLORDA STATUTES. STREET ADDRESS: 1500 SUZAINE WAY, LONGWOOD, FL 32779

LEGEND: L# = LINE NUMBER OR = OFFICIAL RECORDS P.B. = PLAT BOOK PG. = PAGE POB = POINT OF BEGINNING POC = PONT OF COMMENCEMENT POT = PONT OF TERMINUS R/W = RIGHT-OF-WAY

SHEET 1 SEE SHEET 2 FOR SKETCH

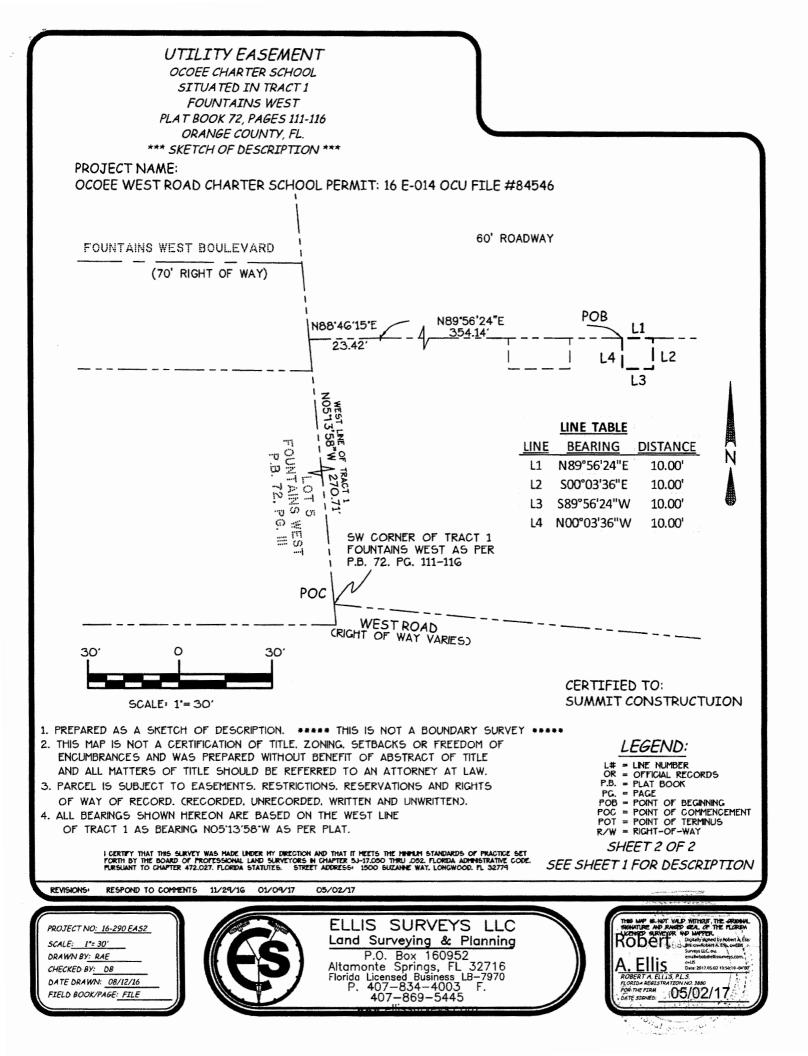
REVISIONS RESPOND TO COMMENTS 11/29/16 01/19/17 05/02/17





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and the states



SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2

LEGAL DESCRIPTION:

OCOEE WEST ROAD CHARTER SCHOOL PERMIT: 16-E014 OCU FILE #84546

ORANGE COUNTY UTILITY EASEMENT

A PARCEL OF LAND BEING A PORTION OF TRACT 1, FOUNTAINS WEST AS RECORDED IN PLAT BOOK 72, PAGES 111- 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 1, FOUNTAINS WEST AS RECORDED IN PLAT BOOK 72, PAGES 111 TO 116, PUBLIC RECORDS OF ORANGE COUNT, FLORIDA; THENCE NORTH 05'13'58" WEST, ALONG THE WEST LINE OF SAID TRACT 1, A DISTANCE OF 270.71 FEET TO A POINT ON THE SOUTH LINE OF A 60 FOOT WIDE ROAD RIGHT OF WAY; THENCE NORTH 88'46'15" EAST ALONG SAID SOUTH LINE, 23.42 FEET; THENCE NORTH 89'56'24" EAST, 317.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89'56'24" EAST, 20.00 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, RUN SOUTH 00'03'36" EAST, 10.00 FEET; THENCE SOUTH 89'56'24" WEST, 20.00 FEET; THENCE NORTH 00'03'36" WEST, 10.00 FEET TO THE POINT OF BEGINNING.

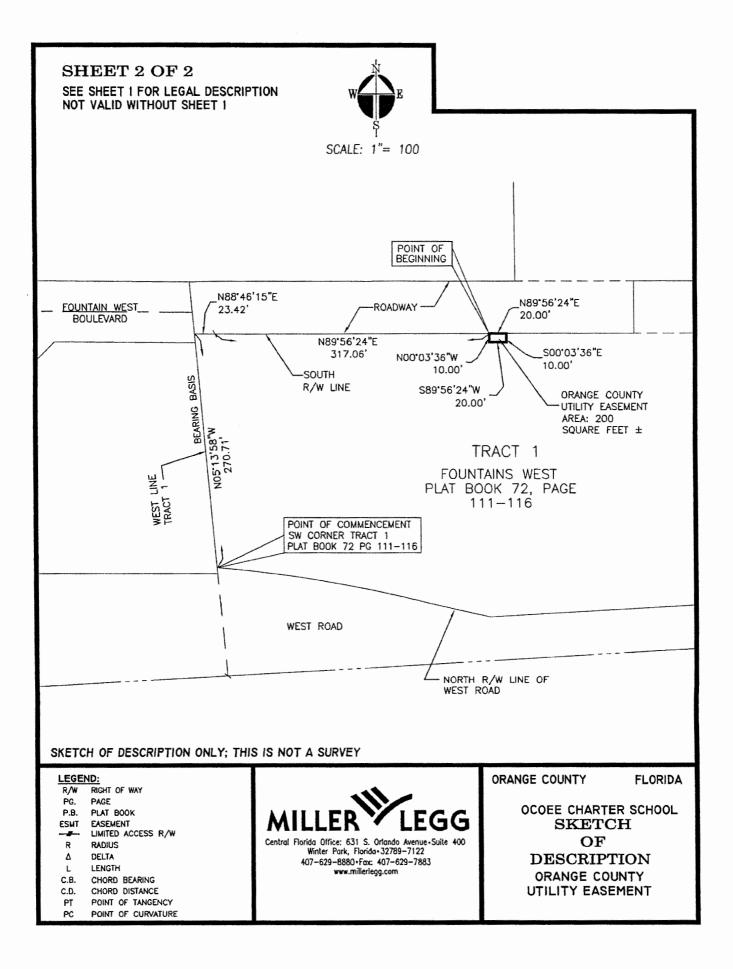
CONTAINING 200 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTE:

 Bearings based on the West Line Tract 1 of Fountains West Plat Book 72, Page 111-116 being North 05'13'58" West.

SKETCH OF DESCRIPTION ONLY; THIS IS NOT A SURVEY





Project: Ococe West Road Charter School Permit: 16-E-014 OCU File #84546

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 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; Modification of Real Estate Lien Note, Liens and Other Documents; and a Second Modification, Renewal and Extension of Real Estate Lien Note, Liens and Other Documents 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: CLI Capital, a Texas real estate investment trust FROM: Red Apple at Ococe, LLC, a Florida limited liability company Mortgage filed May 3, 2016 Recorded as Document No. 20160223797 Modification of Real Estate Lien Note, Liens and Other Documents Filed October 14, 2016 Recorded as Document No. 20160537104 Second Modification, Renewal and Extension of Real Estate Lien Note, Liens and Other Documents Filed February 15, 2017 Recorded as Document No. 20170084577 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 30	day of March	holder of said encumbrances , A.D. 20 17.				

Signed, sealed, and delivered in the presence of:

Witness

Pan Randa Printed Name

BY:

CLI Capital, a Texas real estate investment trust

CDD Title

(Signature of TWO witnesses required by Florida law)

STATE OF COUNTY OF

The foregoing instrument was acknowledged before me this 30 of March of CLI Capital, a Texas 20 real estate investment trust, on behalf of the trust. He/She **D** is personally known to me or **D** has produced as identification.

Witness my hand and official seal this 20	_ day of <u>March</u> , 20 <u>7</u> .
	Keisna M. Dawson
KEISHA M. DAWSON	Keisha M. Dawson
STATE OF TELAS THE INSTITUTE TO A THE INSTITUTE OF TELAS	Printed Notary Name
Mary Tiffault, a staff employee	Notary Public in and for
in the course of duty with the	the county and state aforesaid.
Real Estate Management Division of Orange County, Florida	My commission expires: 12-10-17
or Orange County, Fiorida	wry commission expires:

S:/Forms & Master Docs/Project Document Files/1 Mise, Documents/O/Ocoec West Road Charter School Permit 16-E-014 OCU File #84546 SUB.doc 03-17-17 srb Revised 03-22-17 srb

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REVISIONS RESPOND TO COMMENTS 11/29/16 01/19/17

PROJECT NO<u>: 16-290 EA52</u> SCALE: <u>1*= 30'</u> DRAWN BY: <u>RAE</u> CHECKED BY: <u>DB</u> DA TE DRAWN: <u>08/12/16</u> FIELD BC/OK/PAGE: <u>FILE</u>



ELLIS SURVEYS LLC Land Surveying & Planning P.O. Box 160952 Altamonte Springs, FL 32716 Florida Licensed Business LB-7970 P. 407-834-4003 F. 407-869-5445 LI = LINE NUMBER OR = OFTICIAL RECORDS P.B. = PLAT BOOK PC. = PAGE POB = POINT OF BEGINNING POC = POINT OF COMMENCEMENT POT = POINT OF TERMINUS R/W = RIGHT-OF-WAY SHEET A POR SKETCH THE WE WE SHEET A POR SKETCH

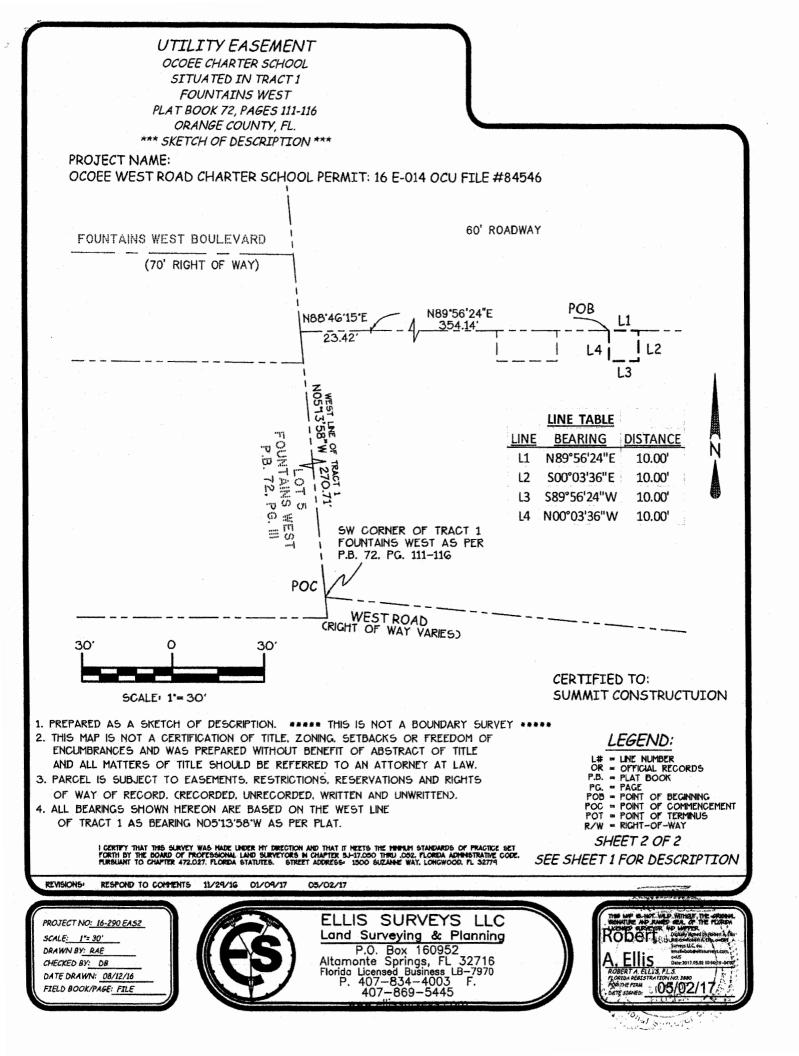


EXHIBIT A

SHEET 1 OF 2 NOT VALID WITHOUT SHEET 2

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CONTAINING 200 SQUARE FEET MORE OR LESS.

MAGCORDANCE M TECHICAL QUIRED BY CHAPTER

KNOAlel P.S.M.

CERTIFICATE OF AUTHORIZATION No. LB 6680 NUMBER 6032

" HEFTSAMAN"

Dated:

CODE.

SURVEYOR'S NOTE:

LEGG

1. Bearings based on the West Line Tract 1 of Fountains West Plat Book 72, Page 111-116 being North 05'13'58" West. ON ONLY THIS IS NOT A SURVEY SKETCH ORANGE COUNTY

Central Florida Office: 631 S. Orlando Avenue-Suite 400 Winter Pork, Florida-32789-7122

407-629-8880 · Fax: 407-629-7883

www.millarlegg.com

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

FLORIDA

ARBOUR APARTMENTS SKETCH OF DESCRIPTION ORANGE COUNTY UTILITY EASEMENT DATED: 04/22/2016

