



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: July 12, 2017

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager *PS*
Real Estate Management Division

FROM: Kim Heim, Title Examiner *KH*
Real Estate Management Division

**CONTACT
PERSON:** Paul Sladek, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7090

**ACTION
REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM EAST COLONIAL
AUTOBODY & PAINT, INC. TO ORANGE COUNTY AND
SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS
TO ORANGE COUNTY FROM REUNION BANK OF FLORIDA AND
AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: East Colonial Autobody & Paint Addition
Permit: #B16900661 OCU File #: 84626

District 4

PURPOSE: To provide for access, construction, operation, and maintenance of utility
facilities as a requirement of development.

ITEMS: Utility Easement
Cost: Donation
Size: 150.5 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division
Agenda Item 4
July 12, 2017
Page 2

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 01 2017

THIS IS A DONATION

Project: East Colonial Autobody & Paint Addition
Permit: #B16900661 OCU File #: 84626

UTILITY EASEMENT

THIS INDENTURE, Made this 21 day of June, A.D. 2017, between East Colonial Autobody & Paint, Inc., a Florida corporation, having its principal place of business in the city of Orlando, county of Orange, whose address is 10430 E. Colonial Dr Orlando FL 32817, 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
17-22-31-0000-00-038

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:

[Signature]

Witness

David Davis

Printed Name

Peter La Costa Costa

Witness

Peter L Costa Costa

Printed Name

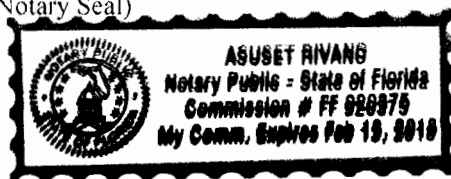
(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 21 of June, 2017,
by Mohindra P. Doobay, as President, of East Colonial Autobody & Paint, Inc., a Florida corporation, on
behalf of the corporation. He ☐ is personally known to me or ☒ has produced Florida Driver licence
as identification.

(Notary Seal)



This instrument prepared by:
Kimberly Heim, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

East Colonial Autobody & Paint, Inc.,
a Florida corporation

[Signature]
Mohindra P. Doobay, President

(Corporate Seal)

[Signature]
Notary Signature

Asuset Rivas
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires: Feb 13, 2018

Comm # FF 920375

Sketch of Description

Sheet 1 of 2

Legal Description:

THE NORTH 10.00 FEET OF THE WEST 15.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY, BEGIN 95.00 FEET WEST AND 151.00 FEET NORTH OF THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SE 1/4 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 31 EAST, RUN WEST 109.00 FEET, THENCE NORTH 229.35 FEET TO STATE HIGHWAY #50, THENCE SOUTHEASTERLY ALONG STATE HIGHWAY #50 109.32 FEET TO A POINT NORTH OF POINT OF BEGINNING, THENCE SOUTH 221.3 FEET TO POINT OF BEGINNING, PUBLIC RECORDS OR ORANGE COUNTY, FLORIDA.

TOGETHER WITH:

BEGIN 95 FEET WEST OF THE SOUTHEAST CORNER OF THE WEST 1/2 OF SE 1/4 OF SW 1/4 OF SE 1/4 OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 31 EAST, LYING SOUTH OF STATE HIGHWAY NO. 50. RUN NORTH 151.00 FEET; THENCE WEST 109.00 FEET; THENCE SOUTH 151.00 FEET; THENCE EAST 109.00 FEET TO POINT OF BEGINNING. ALL IN ORANGE COUNTY, FLORIDA.

TOGETHER WITH:

BEGIN 204 FEET WEST OF THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SE 1/4 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 31 EAST, RUN NORTH 151.00 FEET; WEST 130.21 FEET; SOUTH 151.00 FEET AND THENCE EAST 130.05 FEET TO THE POINT OF BEGINNING, ALL IN SECTION 17, TOWNSHIP 22 SOUTH, RANGE 31 EAST, LYING SOUTH OF STATE HIGHWAY #50, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE FROM THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SE 1/4 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 31 EAST, THENCE RUN WEST 95.00 FEET; THENCE RUN NORTH 372.30 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD #50; THENCE RUN NORTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 94.47 FEET TO THE POINT OF BEGINNING; THENCE RUN N85°43'22"W 15.05 FEET; THENCE RUN S00°26'25"E 10.03 FEET; THENCE RUN S85°43'07"E 15.05 FEET; THENCE RUN N00°26'25"W 10.03 FEET TO THE SAID SOUTHERLY RIGHT OF WAY OF STATE ROAD #50 AND THE POINT OF BEGINNING.

CONTAINING 150.5 SQUARE FEET

This is NOT a Survey.
This is ONLY a Sketch.

Sketch Date: 5-18-17
Drawn By: NF
Approved By: PKI
Field: MS/FE

Project Name : East Colonial Autobody & Paint, Inc.
Building Department Permit Number : B16900661

Sketch of Description Prepared For: EAST COLONIAL AUTOBODY & PAINT, INC.

Sketch of Description Certified To:

EAST COLONIAL AUTOBODY & PAINT, INC.

*Ireland & Associates
Surveying, Inc.*

1301 S. International Parkway Suite 2001
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

- Notes:**
- > Sketch is Based upon the Legal Description Supplied by Client
 - > Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
 - > Subject to any Easements and/or Restrictions of Record.
 - > Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BD".
 - > Building Ties are NOT to be used to reconstruct Property Lines.
 - > Fence Ownership is NOT determined.
 - > Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
 - > Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
 - > Use of This Sketch for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

-Legend-	
C	- Calculated
CL	- Centerline
CB	- Concrete Block
CM	- Concrete Monument
Conc	- Concrete
D	- Description
DE	- Drainage Easement
Esmt	- Easement
F.E.M.A.	- Federal Emergency Management Agency
FFE	- Finished Floor Elevation
Fnd	- Found
IP	- Iron Pipe
L	- Length (Arc)
M	- Measured
N&D	- Nail & Disk
N.R	- Non-Radial
ORB	- Official Records Book
P	- Plat
P.D.	- Plat Book
W.F.	- Wood Fence
PC	- Point of Curvature
Pg	- Page
PI	- Point of Intersection
P.O.B.	- Point of Beginning
P.O.I.	- Point on Line
PP	- Power Pole
PRM	- Permanent Reference Monument
PT	- Point of Tangency
R	- Radius
Rad	- Radial
R&C	- Rebar & Cap
Rec	- Recovered
Rfd	- Roofed
Set	- Set 1/2" Rebar & Cap "LB 7623"
Typ	- Typical
UE	- Utility Easement
WM	- Water Meter
W.C.A.	- Water Curb (Central Angle)
X	- Chain Link Fence

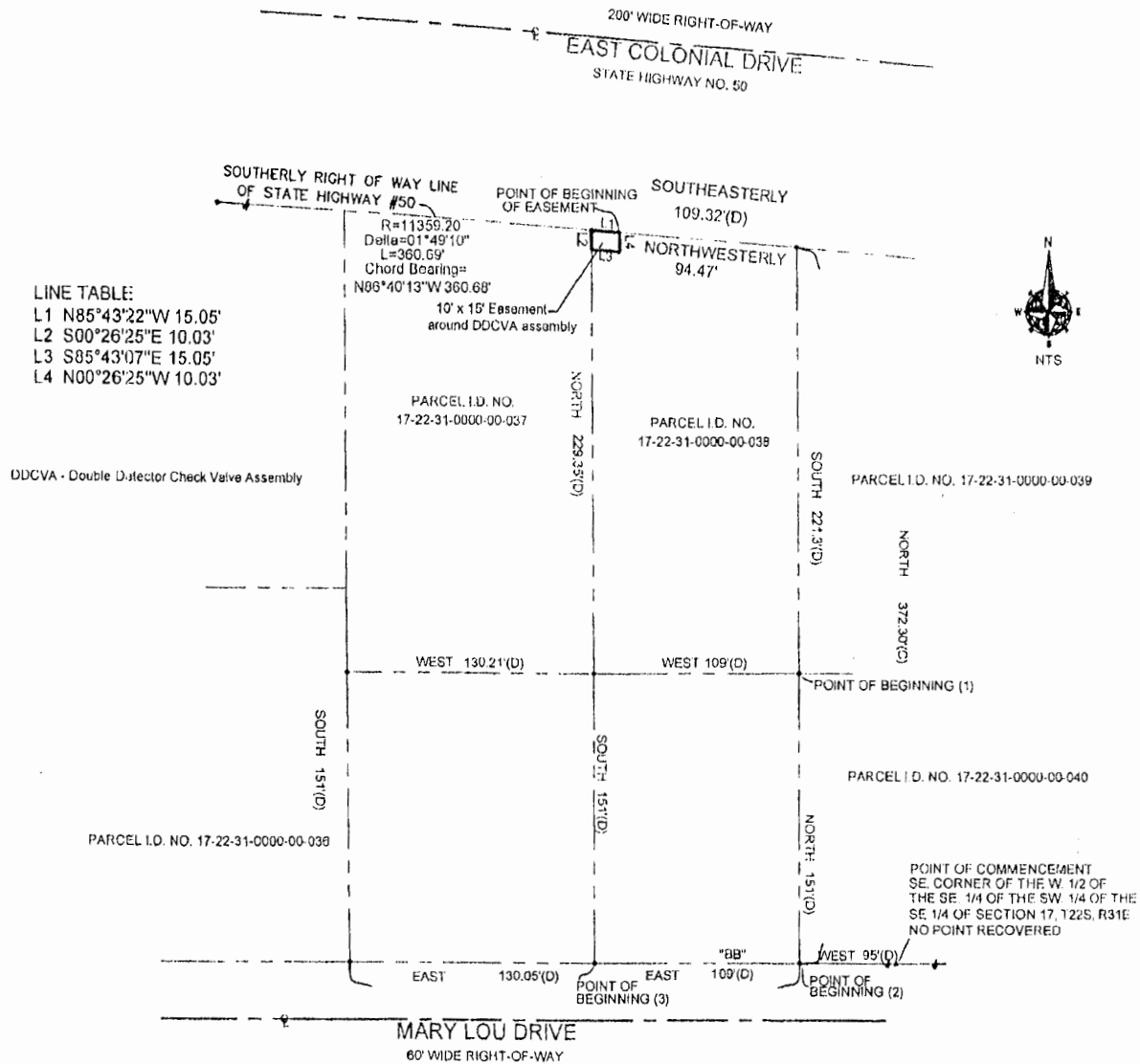
I hereby Certify that this Sketch is a true and correct representation of the above Described Property as shown and located on the ground as of the date of this Survey. I am a duly Licensed Professional Surveyor in the State of Florida, License No. 1528184, and I am not providing this Sketch for any purpose other than as stated herein. This Sketch is intended ONLY for the use of Said Certified Parties. This Sketch NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Patrick K. Ireland, Surveyor
1528184
05-18-17

CADD File: V:\IrelandAssociates\15-28184SOD.dwg

Sketch of Description

Sheet 2 of 2



Project Name : East Colonial Autobody & Paint, Inc.
Building Department Permit Number : B16900001

*Ireland & Associates
Surveying, Inc.*

1301 S. International Parkway Suite 2001
Lake Mary, Florida 32748
www.Irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

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APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 01 2017

Project: East Colonial Autobody & Paint Addition
Permit: #B16900661 OCU File #: 84626

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 and Security Agreement; Assignment of Leases, Rents and Profits; Financing Statement; Mortgage and Note Modification Agreement; Financing Statement; Notice of Future Advance Mortgage and Note Modification Agreement; Notice of Future Advance Mortgage and Note Modification and Spreader Agreement; and Notice of Future Advance Mortgage and Note Modification 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:

Reunion Bank of Florida

FROM: Padmoutie Doobay, Mohindra Doobay and East Colonial Autobody & Paint, Inc.

Mortgage and Security Agreement filed December 17, 2008

Recorded in Official Records Book 9803, Page 8142

Assignment of Leases, Rents and Profits filed December 17, 2008

Recorded in Official Records Book 9803, Page 8164

Financing Statement filed December 17, 2008

Recorded in Official Records Book 9803, Page 8169

Mortgage and Note Modification Agreement filed February 10, 2014

Recorded in Official Records Book 10702, Page 2981

Financing Statement filed February 10, 2014

Recorded in Official Records Book 10702, Page 2986

Notice of Future Advance Mortgage and Note Modification Agreement filed September 29, 2014

Recorded in Official Records Book 10811, Page 5583

Notice of Future Advance Mortgage and Note Modification and Spreader Agreement
filed July 1, 2016

Recorded as Document No. 20160339196

Project: East Colonial Autobody & Paint Addition
Permit: #B16900661 OCU File #: 84626

Notice of Future Advance Mortgage and Note Modification Agreement filed January 18, 2017
Recorded as Document No. 20170032294
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 21st day of June, A.D. 20 17.

Signed, sealed, and delivered
in the presence of:

Jean McLendon
Witness

Jean McLendon
Printed Name

Deborah J. Minerva
Witness

Deborah J. Minerva
Printed Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 21st of June, 20 17, by Jacques Couillard, as County President, of Reunion Bank of Florida, a division of National Bank of Commerce, on behalf of the national bank of commerce. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 21st day of June, 20 17.

(Notary Seal)



DEBORAH J. MINERVA
MY COMMISSION # FF 138528
EXPIRES: August 6, 2018
Bonded Thru Budget Notary Services

Deborah J. Minerva
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: Aug 6 2018

Sketch of Description

Sheet 1 of 2

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Approved By: PKI
Field: MS/FE

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Building Department Permit Number : B16900661

Sketch of Description Prepared For: EAST COLONIAL AUTOBODY & PAINT, INC.

Sketch of Description Certified To:

EAST COLONIAL AUTOBODY & PAINT, INC.

**Ireland & Associates
Surveying, Inc.**

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Lake Mary, Florida 32746
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Rld.	- Roofed
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Typ.	- Typical
UE	- Utility Easement
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W	- Well (Central Angle)
X	- Chain Link Fence

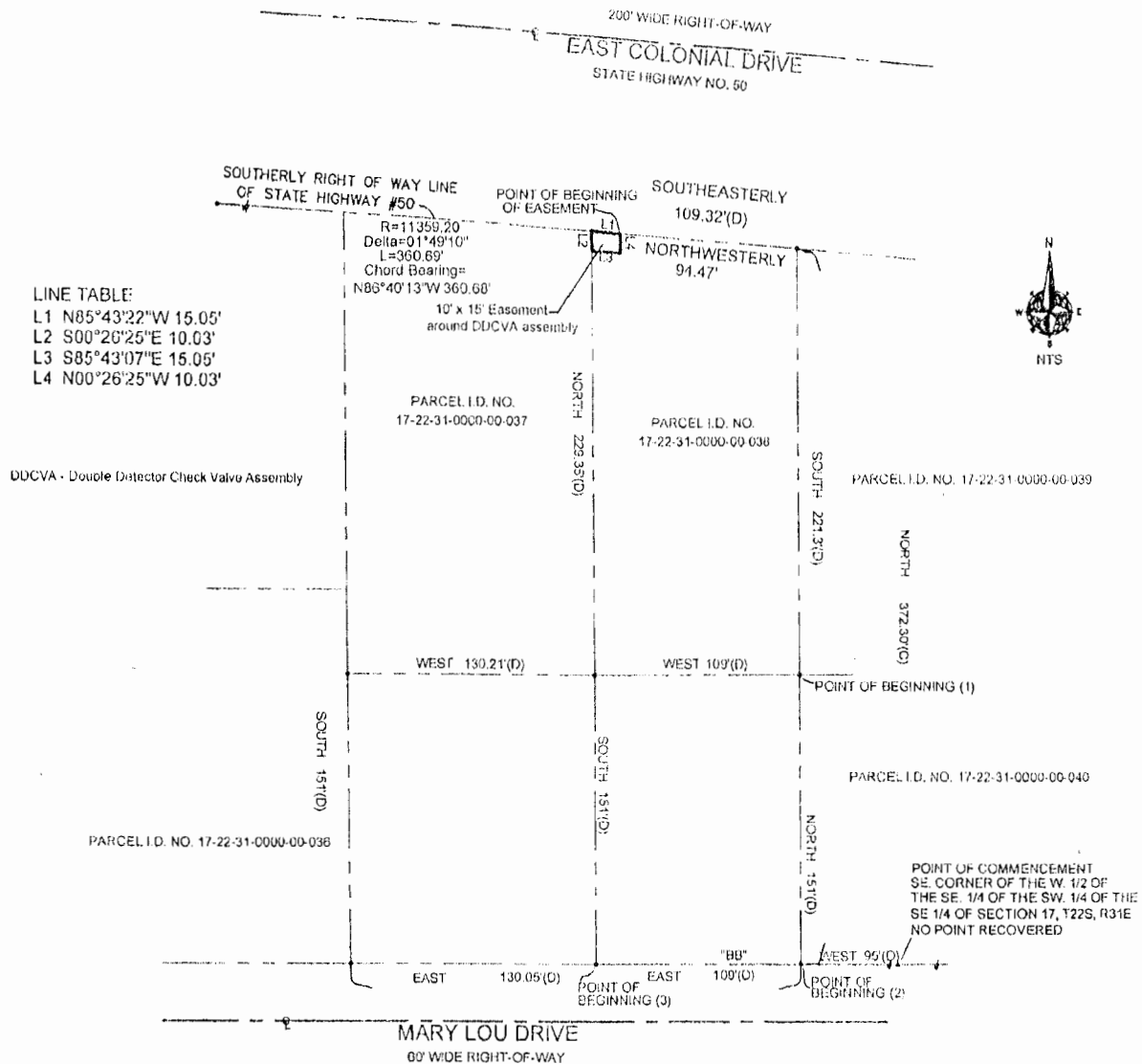
I hereby Certify that this Sketch is a true and correct representation of the above Described Property as True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date shown above. On the basis of the information furnished to me as noted and referred to in the above, I am a duly Licensed Professional Surveyor in the State of Florida, License No. 15288, and I am not a party to any other Survey in the State of Florida, License No. 15288, and I am not a party to any other Survey in the State of Florida, License No. 15288.

Patrick K. Ireland, Surveyor
FOR THE FIRM
Patrick K. Ireland, Surveyor
LB 7623
05-18-17

This Sketch is intended ONLY for the use of Said Certified Parties.
This Sketch NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.
File No. 15-2884
CADD File: U:\Cadd\IrelandAssociates\15-2884SOD.dwg

Sketch of Description

Sheet 2 of 2



Project Name - East Colonial Autobody & Paint, Inc.
Building Department Permit Number - B16900661

*Ireland & Associates
Surveying, Inc.*

1301 S. International Parkway Suite 2001
Lake Mary, Florida 32746
www.irelandsurveying.com
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