





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

DATE: July 12, 2017

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager 
Real Estate Management Division

FROM: Mary Tiffault, Title Examiner 
Real Estate Management Division

**CONTACT
PERSON:** Paul Sladek, Manager

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

**ACTION
REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM SPRING ISLE C, LLC
AND SPRING ISLE D, LLC TO ORANGE COUNTY AND
SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS
TO ORANGE COUNTY FROM JEFFRY B. FUQUA AND
AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Spring Isle PD Permit: CDR-15-01-028 OCU File #: 43885

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: 36,530 square feet

Subordination of Encumbrance to Property Rights to Orange County

Real Estate Management Division
Agenda Item 5
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

Project: Spring Isle PD
Permit: CDR-15-01-028 OCU File #: 43885

UTILITY EASEMENT

THIS INDENTURE, Made this 7TH day of November, A.D. 2016, between Spring Isle C, LLC, a Florida limited liability company, as to Parcels 30-22-32-0000-00-19 and 30-22-32-0000-00-051, having its principal place of business in the City of Orlando, County of Orange, State of Florida, and whose address is 428 Main Street, Windermere, Florida 34786, and Spring Isle D, LLC, a Florida limited liability company, as to Parcel 30-22-32-0000-00-046, having its principal place of business in the City of Tifton, County of Tift, State of Georgia, and whose address is 1805 US Highway 82 West, Tifton, Georgia 31793, 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 Numbers:
a portion of
30-22-32-0000-00-019
30-22-32-0000-00-051
and 30-22-32-0000-00-046

TO HAVE AND TO HOLD said right-of-way and easement unto said GRANTEE and its assigns forever.

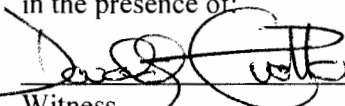
THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth and other obstructions that may interfere with normal operation or maintenance of the utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted 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.

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
DONALD ANASTO

Printed Name

Printed Name

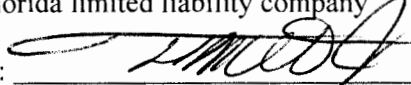
Kathy Moorehead

Witness
Kathy Moorehead

Printed Name

Printed Name

Spring Isle C, LLC,
a Florida limited liability company

BY: 

Frank H. Cawthon, Jr. Manager

Frank H. Cawthon, Jr. Manager

(Signature of **TWO** witnesses required by Florida law)

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this 7th day of November, 2016, by Frank H. Cawthon, Jr., as Manager of Spring Isle C, LLC, a Florida limited liability company, on behalf of the limited liability company. He is ☒ personally known to me or ☐ has produced _____ and _____ as identification.

Witness my hand and official seal this 7th day of November, 2016.

(Notary Seal)

Kathy O. Moorehead

Notary Signature

Kathy O. Moorehead

Printed Notary Name



Notary Public in and for
the County and State aforesaid

My commission expires: 4-22-19

Project: Spring Isle PD
Permit: CDR-15-01-028 OCU File #: 43885

Signed, sealed, and delivered
in the presence of:

Chad Tullas
Witness

Chad Tullas
Printed Name

Carol Carr
Witness

CAROL CARR
Printed Name

Spring Isle D, LLC,
a Florida limited liability company

BY: Stafford Capital Corporation,
a Georgia corporation,
Manager

BY: [Signature]

Frank J. Jones Jr.
Printed Name

CFO & Treasurer
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Georgia
COUNTY OF Tift

The foregoing instrument was acknowledged before me this 7th day of November, 2016, by Frank J. Jones Jr., the CFO & Treasurer of Stafford Capital Corporation, a Georgia corporation, as a Manager of Spring Isle D, LLC, a Florida limited liability company, on behalf of the limited liability company. He/She is ☒ personally known to me or ☐ has each produced _____ as identification.

Witness my hand and official seal this 7th day of November, 2016.

(Notary Seal)



Heather Sutton
Notary Signature

Heather Sutton
Printed Notary Name

Notary Public in and for
the County and State aforesaid

My commission expires: 4/20/20

Project: Spring Isle PD
Permit: CDR-15-01-028 OCU File #: 43885

Signed, sealed, and delivered
in the presence of:

Witness [Signature]
SONIA CRISTO

Printed Name

Kathy Moorehead
Witness
Kathy Moorehead
Printed Name

Spring Isle D, LLC,
a Florida limited liability company

BY: [Signature]
Frank H. Cawthon, Jr.
Manager

(Signature of TWO witnesses required by Florida law)

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this 7th day of November, 2016, by Frank H. Cawthon, Jr., as a Manager of Spring Isle D, LLC, a Florida limited liability company, on behalf of the limited liability company. He is ☒ personally known to me or ☐ has each produced _____ as identification.

Witness my hand and official seal this 7th day of November, 2016.

(Notary Seal)



Kathy O. Moorehead
Notary Signature

Kathy O. Moorehead
Printed Notary Name

Notary Public in and for
the County and State aforesaid

My commission expires: 4-22-19

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

SKETCH OF DESCRIPTION

EXHIBIT A

SPRING ISLE PD
PERMIT # CDR-15-01-028
UTILITY EASEMENT

DESCRIPTION:

(Prepared by Donald W. McIntosh Associates, Inc. based on Official Records Book 6110, Page 2248):

That part of Section 30, Township 22 South, Range 32 East, Orange County, Florida, being more particularly described as follows:

Commence at the East 1/4 corner of Section 30, Township 22 South, Range 32 East, Orange County, Florida; thence run S89°02'13"W, along the North line of the Southeast 1/4 of said Section 30 for a distance of 1919.65 feet to the Northwest corner of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of said Section 30; thence S00°53'33"E along the West line of said East 1/2 of the Northwest 1/4 of the Southeast 1/4 for a distance of 30.00 feet to a point on the South Right-of-Way line of Sunflower Trail; thence run S89°02'13"W, along said South Right-of-Way line for a distance of 49.37 feet to the POINT OF BEGINNING; thence departing said South Right-of-way line, run S00°54'22"E, along a line parallel with and 20.00 feet Easterly from, when measured perpendicular to, the Easterly line of a Utility Easement recorded in Official Records Book 6110, Page 2248, of the Public Records of Orange County, Florida, for a distance of 1348.60 feet; thence S89°03'37"W along a line parallel with and 10.00 feet southerly of, when measured perpendicular to, said Easterly line of said Utility Easement, for a distance of 386.57 feet; thence S01°13'13"E along a line parallel with and 10.00 feet East of, when measured perpendicular to, said Easterly line of said Utility Easement, for a distance of 584.61 feet to a point on the Northeastly right-of-way line of Avalon Park Boulevard (a 100.00 foot wide right-of-way as described in Official Records Book 6389, Page 5234 of said Public Records) and the beginning of a non-tangent curve concave Southwesterly having a radius of 2550.00 feet and a chord bearing of N43°52'50"W; thence run Northwestly along the arc of said curve and said Northeastly right-of-way line, through a central angle of 00°19'54", for a distance of 14.76 feet to a point of non-tangency on the East line of said Utility Easement described in Official Records Book 6110, Page 2248; thence N01°13'13"W along said East line for a distance of 583.81 feet; thence N89°03'37"E along said East line for a distance of 376.62 feet; thence N00°54'22"W along said East line for a distance of 1338.59 feet to the South right-of-way line of Sunflower Trail; thence N89°02'13"E, along said South right of way line, for a distance of 20.00 feet to the POINT OF BEGINNING;

Containing 36,530 square feet (0.839 acres) more or less, and being subject to any rights-of-way, easements, or restrictions of record.

NOTES:

- This is not a survey.
- Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- Bearings based on the North line of the Southeast 1/4 of Section 30, Township 22 South, Range 32 East, Orange County, Florida, being S89°02'13"W, an assumed meridian.
- Lands shown hereon were not abstracted for rights-of-way, easements, ownership or other instruments of record by this firm.
- No title opinion or abstract of matters affecting title or boundary to the subject property or those of adjoining land owners have been provided.
It is possible there are deeds of record, unrecorded deeds or other instruments which could affect the boundaries or use of the subject property.
- This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described hereon.

PREPARED FOR:

SPRING ISLE C, LLC

SPRING ISLE COMMERCIAL - PROPOSED UTILITY EASEMENT TO OCU



DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS

2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068

CERTIFICATE OF AUTHORIZATION NO. LB68

REVISIONS

DONALD W. MCINTOSH ASSOCIATES, INC.

PAUL TRINKA

Florida Registered Surveyor and Mapper

Certificate No. 5244

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

DRAWN BY: P.T.
DATE: 02/12/16

CHECKED BY: KR/PT
DATE: 02/12/16

JOB NO.
28013

SCALE
N/A

SHEET 1
OF 2

Printed: Thu 21-Jul-2016 -- 11:35AM

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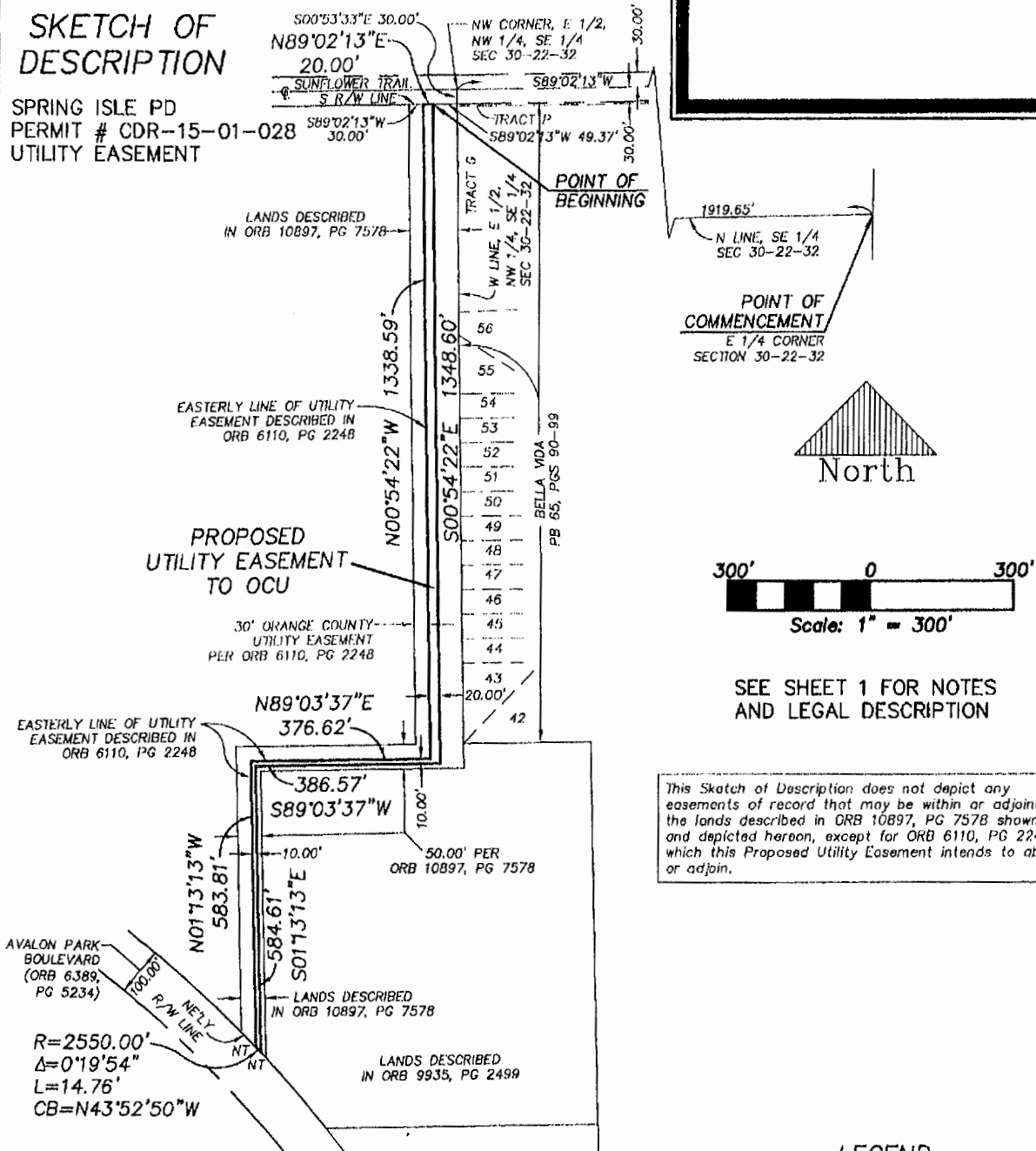
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SL144988

CS#16-112

SKETCH OF DESCRIPTION

SPRING ISLE PD
PERMIT # CDR-15-01-028
UTILITY EASEMENT



POINT OF COMMENCEMENT
E 1/4 CORNER
SECTION 30-22-32



300' 0 300'
Scale: 1" = 300'

SEE SHEET 1 FOR NOTES
AND LEGAL DESCRIPTION

This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described in ORB 10897, PG 7578 shown and depicted hereon, except for ORB 6110, PG 2248 which this Proposed Utility Easement intends to abut or adjoin.

LEGEND

SEC 30-22-32	SECTION 30, TOWNSHIP 22 SOUTH, RANGE 32 EAST
CL	CENTERLINE
NE'LY	NORTHEASTERLY
NT	NON-TANGENT
OCU	ORANGE COUNTY UTILITIES
ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PD	PLANNED DEVELOPMENT
PG(S)	PAGE(S)
R/W	RIGHT-OF-WAY

PREPARED FOR:

SPRING ISLE C, LLC

SPRING ISLE COMMERCIAL - PROPOSED UTILITY EASEMENT TO OCU



DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: <u>P.T.</u>	CHECKED BY: <u>KR/P.T.</u>	JOB NO. <u>28013</u>	SCALE <u>1"=300'</u>	SHEET <u>2</u>
DATE: <u>02/12/16</u>	DATE: <u>02/12/16</u>			OF <u>2</u>

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CS#16-112

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 01 2017

Project: Spring Isle PD Permit: CDR-15-01-028 OCU File #: 43885

SUBORDINATION OF ENCUMBRANCE 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 Mortgage and Security Agreement held by the undersigned; and,

WHEREAS, On behalf of ORANGE COUNTY, a request has been made for the undersigned to subordinate said encumbrance 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 encumbrance 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"

Encumbrance:
Jeffry B. Fuqua
TO: Spring Isle C, LLC
Mortgage and Security Agreement
filed September 16, 2016
Recorded as Document No. 20160490305
Public Records of Orange County, Florida

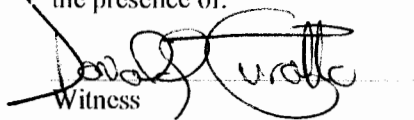
PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance insofar as same affects the rights and privileges of ORANGE COUNTY, in its use of the land specifically above described for utility easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrance 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

Project: Spring Isle PD Permit: CDR-15-01-028 OCU File #: 43885

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 encumbrance 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 encumbrance has duly executed this instrument this 9th day of June, A.D. 20 17.

Signed, sealed and delivered in the presence of:


Witness

DAVID C. GOTSIS
Printed Name


Jeffrey B. Fuqua

401 FERGUSON DRIVE
Post Office Address

ORLANDO, FL. 32805

Cheryl L. Gotsis
Witness

Cheryl L. Gotsis
Printed Name

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 9th day of June, 20 17, by Jeffrey B. Fuqua, who [☒] is personally known to me, or [☐] has produced _____ as identification.

Witness my hand and official seal this 9th day of June, 20 17.



Cheryl L. Gotsis
Notary Signature

Cheryl L. Gotsis
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: Aug. 28, 2018

SKETCH OF DESCRIPTION

SPRING ISLE PD
PERMIT # CDR-15-01-028
UTILITY EASEMENT

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PREPARED FOR:

SPRING ISLE C, LLC

SPRING ISLE COMMERCIAL -- PROPOSED UTILITY EASEMENT TO OCU

07/21/16	PT	REVISED SIGNATURE;
02/26/16	PT	REVISED ACREAGE & ADDED PERMIT #
DATE	BY	DESCRIPTION

REVISIONS



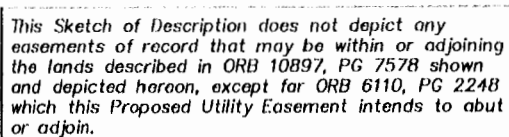
DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. LB68

DONALD W. MCINTOSH ASSOCIATES, INC.

PAUL TRINKA
Florida Registered Surveyor and Mapper
Certificate No. 5244
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DRAWN BY: <u>P.T.</u>	CHECKED BY: <u>KR/PT</u>	JOB NO. <u>28013</u>	SCALE <u>N/A</u>	SHEET <u>1</u> OF <u>2</u>
DATE: <u>02/12/16</u>	DATE: <u>02/12/16</u>			

SPRING ISLE PD
PERMIT # CDR-15-01-028
UTILITY EASEMENT



SEC 30--22--32	SECTION 30, TOWNSHIP 22 SOUTH, RANGE 32 EAST
¢	CENTERLINE
NE'LY	NORTHEASTERLY
NT	NON--TANGENT
OCU	ORANGE COUNTY UTILITIES
ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PD	PLANNED DEVELOPMENT
PG(S)	PAGE(S)
R/W	RIGHT--OF--WAY



DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: <u>P.T.</u>	CHECKED BY: <u>KR/PT</u>	JOB NO.	SCALE	SHEET <u>2</u>
DATE: <u>02/12/16</u>	DATE: <u>02/12/16</u>	<u>28013</u>	<u>1"=300'</u>	OF <u>2</u>