



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 20

**DATE:** July 14, 2017

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

**FROM:** Roger A. Wright, Acquisition Agent *PKS for R A W*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** APPROVAL OF SUBORDINATION OF ENCUMBRANCE TO  
PROPERTY RIGHTS TO ORANGE COUNTY FROM FAIRWINDS  
CREDIT UNION AND AUTHORIZATION TO DISBURSE FUNDS TO  
PAY RECORDING FEES AND RECORD INSTRUMENT

**PROJECT:** Pump Station No. 3260 (Wekiva Meadows)  
  
District 2

**PURPOSE:** To provide for access, construction, operation and maintenance of utility  
facilities.

**ITEM:** Subordination of Encumbrance to Property Rights to Orange County  
(Instrument 801.3)

**BUDGET:** Account No.: 4420-038-1503-85-6110

**FUNDS:** \$35.50 Payable to Orange County Comptroller  
(recording fees)

**APPROVALS:** Real Estate Management Division  
Public Works Department

**REMARKS:** On March 21, 2017 the Board of County Commissioners ("BCC") approved for this project a Purchase Agreement, Utility Easement, Temporary Construction Easement and a Subordination from Quicken Loans. Subsequent to such BCC meeting it was discovered that prior to such BCC meeting the Grantor had encumbered his property with an additional mortgage. The Subordination being approved by this item is being given to address such additional mortgage.

# REQUEST FOR FUNDS FOR LAND ACQUISITION

☒ Under BCC Approval

☐ Under Ordinance Approval

Date: July 14, 2017 Project: Pump Station No. 3260 (Wekiva Meadows)

Parcels: 701/801

Total Amount: \$35.50

Charge to Account # 4420-038-1503-85-6110 Amount \$ 35.50

# \_\_\_\_\_ Amount \$ \_\_\_\_\_

*Andres Salcedo*

Engineering Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block(s))

☐ Pre-Condernation ☐ Post-Condernation ☒ N/A Not Applicable District # 2

- ☐ Acquisition at Approved Appraisal
- ☐ Acquisition at Below Approved Appraisal
- ☐ Acquisition at Above Approved Appraisal
- ☒ Advance Payment Requested (Recording Fees)

DOCUMENTATION ATTACHED (Check appropriate block(s))

- ☐ Contract/Agreement
- ☒ Copy of Executed Instruments
- ☐ Certificate of Value
- ☐ Settlement Analysis

Orange County Comptroller  
Recording Fees \$35.50

Payable to Orange County Comptroller \$35.50

\*\*\*\*\*  
CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)  
\*\*\*\*\*

Recommended by *Roger A. Wright*  
Roger A. Wright, Acquisition Agent

7-25-2017  
Date

Approved by *Paul Sladek*  
Paul Sladek, Manager, Real Estate Management Division

7/31/17  
Date

Certified *Craig A. Stopka*  
Approved by BCC Deputy Clerk to the Board

AUG 22 2017  
Date

Examined/Approved \_\_\_\_\_  
Comptroller/Government Grants

CHECK No. / Date

REMARKS:

Please Contact Acquisition Agent @ 67093 if there are any questions.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
AUG 22 2017

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

AUG 22 2017

Instrument: 801.3

Project: Pump Station No. 3260 (Wekiva Meadows)

**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 a Mortgage 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:

Fairwinds Credit Union

FROM: Brett Thomas

Mortgage filed March 16, 2017

Recorded as Document No. 20170140783

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 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.

Instrument: 801.3

Project: Pump Station No. 3260 (Wekiva Meadows)

21<sup>st</sup> IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this  
day of April, A.D. 20 17.

Signed, sealed, and delivered  
in the presence of:

Jacqueline Jaiel  
Witness

Jacqueline Jaiel  
Printed Name

JABEEN ROOPNARINE  
Witness  
JABEEN ROOPNARINE  
Printed Name

Fairwinds Credit Union

BY: [Signature]

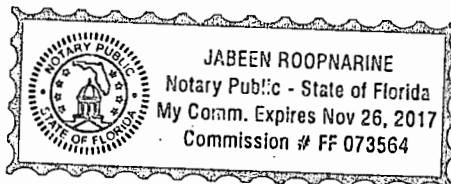
Rebecca Krug  
Printed Name  
AVP Mortgage Servicing  
Title

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 21<sup>st</sup> of April, 20 17,  
by Rebecca Krug, as AVP - Mortgage Servi., on behalf of Fairwinds  
Credit Union. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as  
identification.

Witness my hand and official seal this 21<sup>st</sup> day of April, 20 17.

(Notary Seal)



[Signature]  
Notary Signature

JABEEN ROOPNARINE  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My Commission Expires: Nov 26, 2017

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

## **SCHEDULE "A"**

PARCEL: 801

ESTATE: PERMANENT EASEMENT

PURPOSE: UTILITY

### **LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING IN SECTION 1, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING A PORTION OF LOT 23, WEKIVA, AS RECORDED IN THE PLAT BOOK 8, PAGE 38 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 21, WEKIVA, AS RECORDED IN THE PLAT BOOK 8, PAGE 38 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT BEING A FOUND 4"x4" CONCRETE MONUMENT STAMPED "HENRICH"; THENCE NORTH 84°01'28" EAST ALONG THE NORTH LINE OF LOTS 21 AND 22 OF SAID PLAT, A DISTANCE OF 150.90 FEET TO THE NORTHWEST CORNER OF LOT 23 OF SAID PLAT; THENCE SOUTH 00°33'58" WEST ALONG THE WEST LINE OF SAID LOT 23, A DISTANCE OF 131.30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 23 AND A POINT ON A NON-TANGENT CURVE; THENCE FROM A TANGENT BEARING OF NORTH 83°22'00" EAST, RUN 10.07 FEET IN AN EASTERLY DIRECTION ALONG THE SOUTH LINE OF SAID LOT 23, ALONG THE ARC OF SAID CURVE, CONCAVE TO THE SOUTH, HAVING A DELTA ANGLE OF 00°30'23", A RADIUS LENGTH OF 1139.85 FEET, A CHORD BEARING OF NORTH 83°37'12" EAST AND A CHORD LENGTH OF 10.07 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°33'58" EAST ALONG A LINE 10.00 FEET EAST OF AND PARALLEL TO SAID WEST LINE, SAID LINE BEING THE EAST LINE OF AN EXISTING 10 FOOT UTILITY EASEMENT AS SHOWN PER SAID PLAT, A DISTANCE OF 10.45 FEET TO A POINT; THENCE SOUTH 89°26'02" EAST, A DISTANCE OF 3.00 FEET TO A POINT; THENCE SOUTH 00°33'58" WEST ALONG A LINE 13.00 FEET EAST OF AND PARALLEL TO SAID WEST LINE, A DISTANCE OF 10.10 FEET TO A POINT ON SAID SOUTH LINE, SAID POINT BEING ON A NON-TANGENT CURVE; THENCE FROM A TANGENT BEARING OF SOUTH 84°01'31" WEST, RUN 3.02 FEET WESTERLY ALONG THE SOUTH LINE OF SAID LOT 23, ALONG THE ARC OF SAID CURVE, CONCAVE TO THE SOUTH, HAVING A DELTA ANGLE OF 00°09'07", A RADIUS LENGTH OF 1139.85 FEET, A CHORD BEARING OF SOUTH 83°56'57" WEST AND A CHORD LENGTH OF 3.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 31 SQUARE FEET, MORE OR LESS.

### **GENERAL NOTES**

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO, THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983/2011 ADJUSTMENT (NAD83/11), ZONE 901, FLORIDA EAST, WITH THE NORTH LINE OF LOTS 21 THROUGH 26 AS SHOWN ON THE PLAT OF WEKIVA, AS RECORDED IN PLAT BOOK 8, PAGE 38 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA HAVING A BEARING OF NORTH 84°01'28" EAST.
3. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
4. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
5. LANDS SHOWN HEREON WERE ABSTRACTED FOR DEDICATED RIGHT-OF-WAY, EASEMENTS AND OR OWNERSHIP BY FIRST AMERICAN TITLE INSURANCE COMPANY, HAVING AN EFFECTIVE DATE OF APRIL 22, 2015 - FUND FILE NUMBER 2037-3349794/15.00066, PUMP STATION NO. 3260 (WEKIVA MEADOWS).
6. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
7. THIS SKETCH IS NOT A SURVEY.

SEE SHEET 2 FOR SKETCH OF DESCRIPTION

SHEET 1 OF 2

Date: MARCH 08, 2016

Project No.: B18-18

Drawn: DPW Chkd.: JMS

**PUMP STATION 3260  
PARCEL 801**



**GEODATA CONSULTANTS, INC.**

**SURVEYING & MAPPING**

1349 SOUTH INTERNATIONAL PARKWAY

SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965 FAX: (407) 878-0841

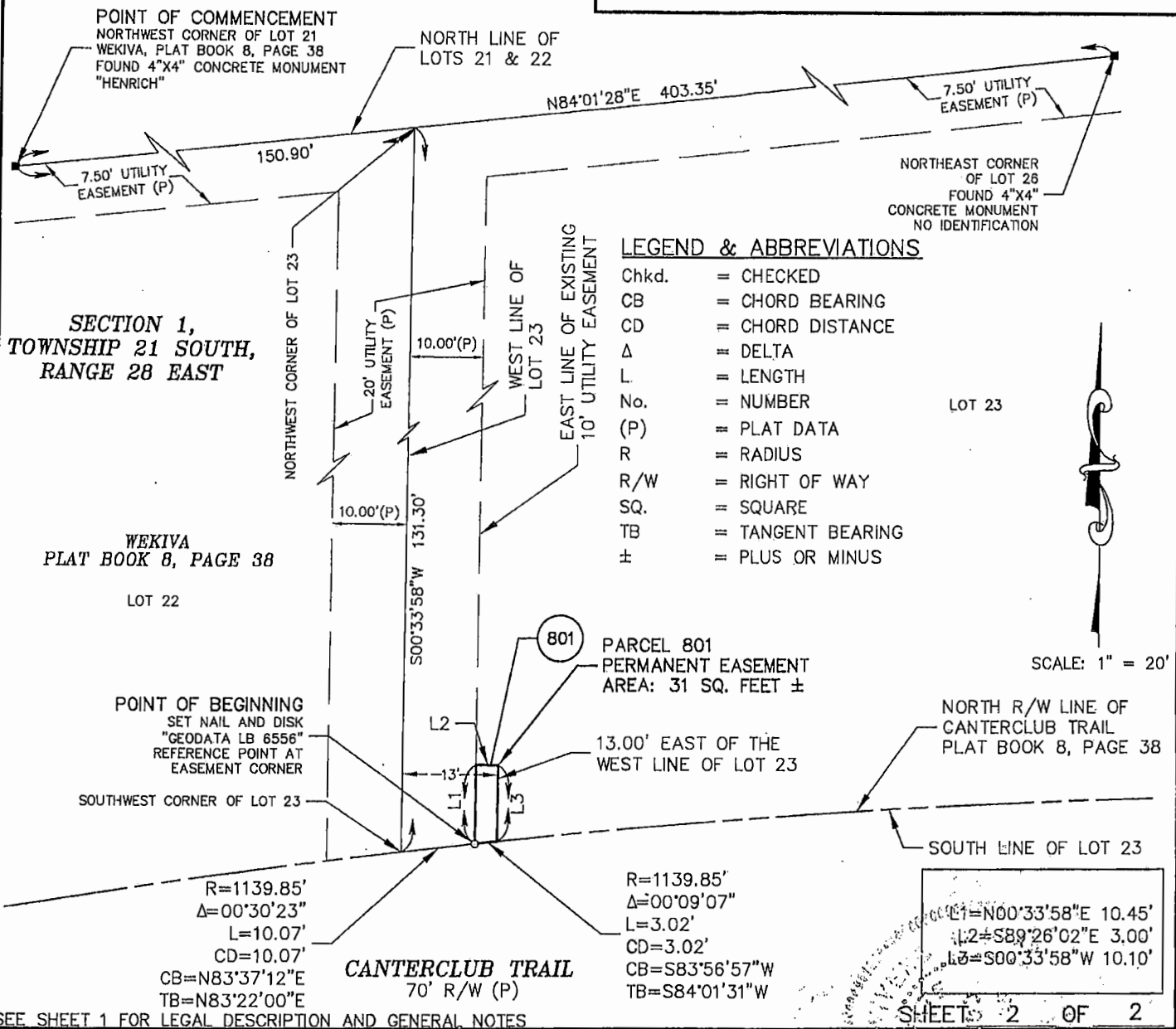
Land Surveyor Business License No. 6558

# SKETCH OF DESCRIPTION

PARCEL: 801

ESTATE: PERMANENT EASEMENT

PURPOSE: UTILITY



SEE SHEET 1 FOR LEGAL DESCRIPTION AND GENERAL NOTES

|                                    |     |            |
|------------------------------------|-----|------------|
| REVISED PER ORANGE COUNTY COMMENTS | DPW | 03/29/2016 |
| REVISION                           | BY  | DATE       |

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

*[Signature]*  
H. Paul deVivero, Professional Land Surveyor No. 4990  
DATE 3-29-2016

Date: MARCH 08, 2016  
Project No.: B18-18  
Drawn: DPW Chkd.: JMS

**PUMP STATION 3260  
PARCEL 801**

**GEODATA CONSULTANTS, INC.**  
**SURVEYING & MAPPING**  
1349 SOUTH INTERNATIONAL PARKWAY  
SUITE 2401  
LAKE MARY, FLORIDA 32746  
VOICE: (407) 732-0965 FAX: (407) 878-0841  
Land Surveyor Business License No. 6556