



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 22

**DATE:** August 10, 2017

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

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

**FROM:** Mary Tiffault, Title Examiner *MT*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM SOUTHEASTERN CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS, INCORPORATED AND ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM SEACOAST NATIONAL BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Guilgal 7<sup>th</sup> Day Adventist Permit: B10902337 OCU File #:67086  
District 2

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

**ITEMS:** Utility Easement  
Cost: Donation  
Size: 250 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division  
Agenda Item 22  
August 10, 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 22 2017

THIS IS A DONATION

Project: Guilgal 7th Day Adventist Permit: B10902337 OCU File #: 67086

#### UTILITY EASEMENT

THIS INDENTURE, Made this 6<sup>TH</sup> day of JUNE, A.D. 2017, between Southeastern Conference Association of Seventh-Day Adventists, Incorporated, a Florida non-profit corporation, whose address is 1701 Robie Avenue, Mt. Dora, Florida, 32757, 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 perpetual, non-exclusive 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

31-21-29-0000-00-009

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 utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted easement, 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 easement that may interfere with the normal operation or maintenance of the utility facilities installed thereon.

GRANTOR reserves the right to construct utilities, paved areas (such as roads, trails, and sidewalks), and landscaping within the easement area to the extent that such improvements do not materially interfere with GRANTEE'S rights hereunder.

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, 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.

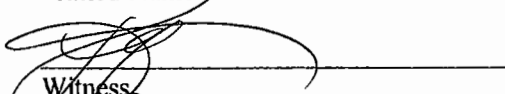
GRANTEE'S obligation to restore landscaping shall be limited to an obligation to restore to Orange County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

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

Signed, sealed and delivered  
in the presence of:

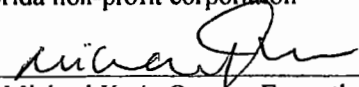
  
Witness

Ires Munoz  
Printed Name

  
Witness

Verance McKenney  
Printed Name

Southeastern Conference Association of  
Seventh-Day Adventists, Incorporated,  
a Florida non-profit corporation

BY:   
Michael K. A. Owusu, Executive Secretary

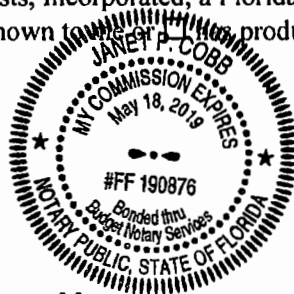
(Corporate Seal)

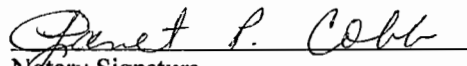
(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 6<sup>th</sup> of June,  
2017, by Michael K. A. Owusu, as Executive Secretary, of Southeastern Conference Association of  
Seventh-Day Adventists, Incorporated, a Florida non-profit corporation, on behalf of the corporation.  
He ☒ is personally known to me or \_\_\_\_\_ produced \_\_\_\_\_ as identification.

(Notary Seal)



  
Notary Signature

Janet P. Cobb  
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 18, 2019

# SKETCH OF DESCRIPTION

UTILITY EASEMENT  
"THIS IS NOT A SURVEY"

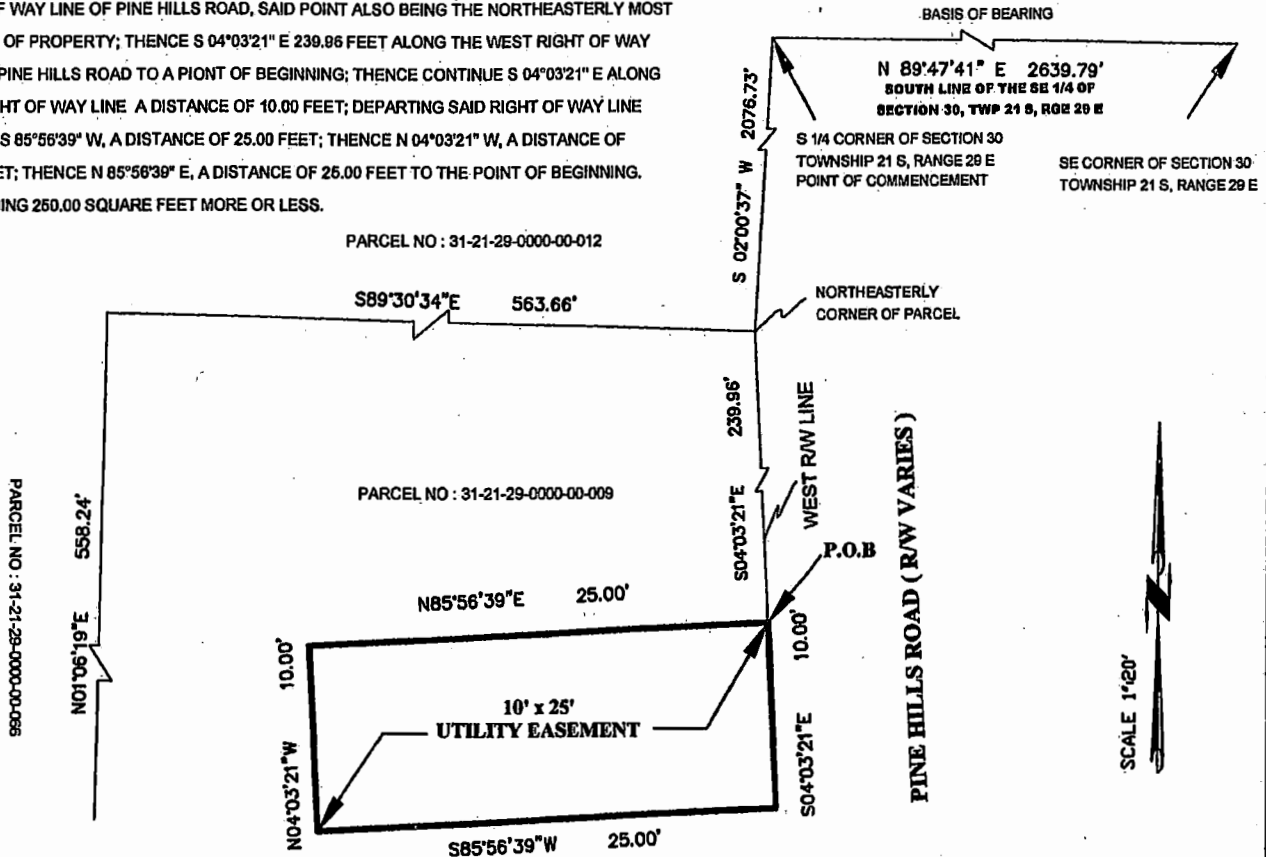
## LEGAL DESCRIPTION

WRITTEN BY SURVEYOR

A PART OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA,  
MORE PARTICULARLY DESCRIBED AS FOLLOWS :

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 29 EAST; THENCE S 02°00'37" W 2076.73 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF PINE HILLS ROAD, SAID POINT ALSO BEING THE NORTHEASTERLY MOST CORNER OF PROPERTY; THENCE S 04°03'21" E 239.96 FEET ALONG THE WEST RIGHT OF WAY LINE OF PINE HILLS ROAD TO A POINT OF BEGINNING; THENCE CONTINUE S 04°03'21" E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 10.00 FEET; DEPARTING SAID RIGHT OF WAY LINE THENCE S 85°56'39" W, A DISTANCE OF 25.00 FEET; THENCE N 04°03'21" W, A DISTANCE OF 10.00 FEET; THENCE N 85°56'39" E, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. CONTAINING 250.00 SQUARE FEET MORE OR LESS.

PARCEL NO : 31-21-29-0000-00-012



### LEGEND

P.O.B POINT OF BEGINNING  
R/W RIGHT OF WAY

### BASIS OF BEARING:

Bearing shown hereon are based on Florida state plane coordinates East Zone, with a bearing of N 89°47'41" E on the South line of the SE 1/4 of Section 30, Township 21 South, Range 29 East.

SURVEY NO : VS 1186

DATE : 03/24/17

### SURVEYORS NOTES :

- 1.THIS IS NOT A SURVEY
- 2.UTILITY EASEMENT FOR WATER SERVICE
- 3.PERMANENT UTILITY EASEMENT, FEE SIMPLE

PROJECT : GUILGAL 7TH DAY ADVENTIST CHURCH  
PERMIT NO: B10902337

## V & S SURVEYING INC

2412 ORSOTA CIRCLE, OCOCHEE, FL 34761  
TEL : 407-342 1510  
FAX : 407-656 8365  
EMAIL : vssurveying@aol.com  
LB 7772

Signature and raised seal

Certified by:  
HARRY H. SOBHAJ  
License Number LS 5342

Florida Professional Surveyor and Mapper  
Date : 03/24/17

"Not valid without the signature and raised Seal of a Florida Registered Professional Surveyor and Mapper."

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

AUG 22 2017

Project: Guilgal 7<sup>th</sup> Day Adventist Permit: B10902337 OCU File #: 67086

**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 Construction Mortgage; Modification of Mortgage, 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 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:**

Seacoast National Bank

FROM: Southeastern Conference Association of Seventh-Day Adventists,  
Incorporated

TO: BankFIRST

Construction Mortgage filed November 5, 2013

Recorded in Official Records Book 10659, Page 8996

Modification of Mortgage filed March 19, 2015

Recorded in Official Records Book 10891, Page 5239

Financing Statement filed March 19, 2015

Recorded in Official Records Book 10891, Page 5244

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

Project: Guilgal 7<sup>th</sup> Day Adventist Permit: B10902337 OCU File #: 67086

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 20<sup>th</sup> day of June, A.D. 20 17.

Signed, sealed and delivered  
in the presence of:

Witness

Brian Wickman

Printed Name

Tracey Cooper

Witness

Tracey Cooper

Printed Name

Seacoast National Bank, a national banking  
association, successor by merger to BankFIRST,  
a Florida bank

BY:

Joseph M. DeSousa

Joe M. DeSousa

Print Name

SVP

Title

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 20<sup>th</sup> of June  
20 17 by Joseph M. DeSousa, as Senior Vice President  
of Seacoast National Bank, a national banking association, successor by merger to BankFIRST, a Florida  
bank, on behalf of the bank. He/She ☒ is personally known to me or ☐ has produced  
N/A 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

Tracey Cooper

Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: 6/30/17

**SKETCH OF DESCRIPTION**

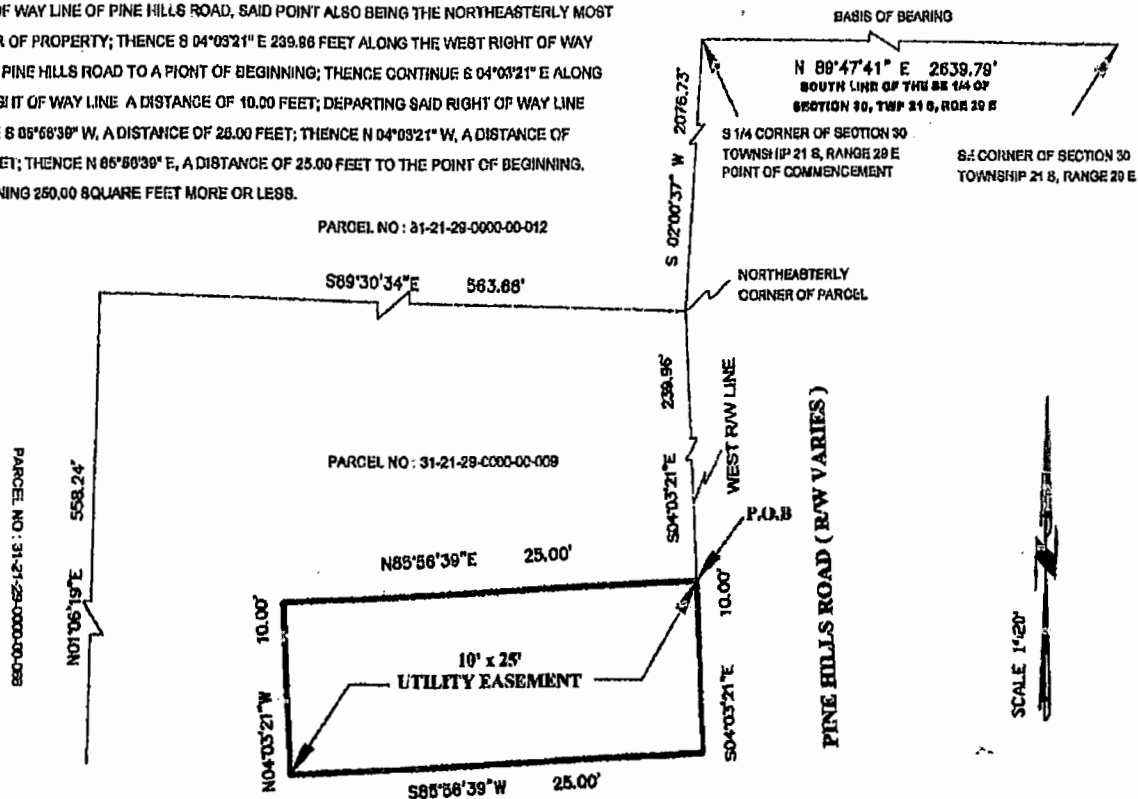
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**LEGEND**

P.O.B. POINT OF BEGINNING  
R/W RIGHT OF WAY

**BASIS OF BEARING:**

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**SURVEY NO : VS 1186**

**DATE : 03/24/17**

**SURVEYORS NOTES :**

1. THIS IS NOT A SURVEY
2. UTILITY EASEMENT FOR WATER SERVICE
3. PERMANENT UTILITY EASEMENT, FEE SIMPLE

**PROJECT : GUILGAL 7TH DAY ADVENTIST CHURCH**  
**PERMIT NO: B10902337**

**V & S SURVEYING INC**

2412 ORSOTA CIRCLE, OCOCHEE, FL 34761  
TEL : 407-342 1510  
FAX : 407-858 8365  
EMAIL : vssurveying@aol.com  
LB 7772

Signature and raised seal

Certified by  
HARRY M. SOBARRAJ

License Number, LS 5342

Florida Professional Surveyor and Mapper

Date : 03/24/17

"Not valid without the signature and raised Seal of a Florida Registered Professional Surveyor and Mapper."