



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: August 24, 2017

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Jeffrey L. Sponenburg, Title Program Manager *JLS*
Real Estate Management Division

**CONTACT
PERSON:** Paul Sladek, Manager

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

**ACTION
REQUESTED:** APPROVAL AND EXECUTION OF FIRST AMENDMENT TO
DRAINAGE EASEMENT WITH JOINDER AND CONSENT TO FIRST
AMENDMENT TO DRAINAGE EASEMENT BY SYNOVUS BANK
BETWEEN COMPASS ROSE CORPORATION, ROCKHARBOR
RESIDENTIAL II, LLC AND ORANGE COUNTY AND
AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: Village F (Seidel Road) RAC

District 1

PURPOSE: To reconfigure the easement area of an existing drainage easement in
accordance with an approved road agreement.

ITEM: First Amendment to Drainage Easement
Revenue: None
Released Area: 19,732.68 square feet

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS:

Pursuant to the terms of the “Village F Horizon West (Seidel Road) Road Network Agreement” approved by the Board of County Commissioners (the “BCC”) on June 18, 2013, (the “Road Agreement”) Compass Rose Corporation granted the County that certain “Drainage Easement” approved by the BCC on May 5, 2015, and recorded in Official Records Book 10933, Page 1286, of the Public Records of Orange County, Florida (the “Easement”). Under the terms of both the Easement and the Road Agreement, the easement grantor has the right to redefine the description of the easement area provided that certain terms and conditions are met.

The current property owners have requested to reconfigure the easement area provided by the Easement, and the County has verified that the request is in compliance with the terms and conditions of the Easement and the Road Agreement. This “First Amendment to Drainage Easement” implements the requested easement area reconfiguration.

Owners to pay all recording fees.

This instrument prepared by and
after recording return to:

Kristen K. Idle, Esquire
Godbold, Downing, Bill & Rentz, P.A.
222 West Comstock Avenue, Suite 101
Winter Park, Florida 32789

Project: Village F (Seidel Road) RAC

FIRST AMENDMENT TO DRAINAGE EASEMENT

THIS FIRST AMENDMENT TO DRAINAGE EASEMENT (the "First Amendment") is hereby made and executed as of the 25th day of July, 2017 (the "Effective Date"), among **COMPASS ROSE CORPORATION**, a Florida corporation ("Compass Rose") having an address of 1375 Buena Vista Drive, 4th Floor North Lake Buena Vista, Florida 32830, **ROCKHARBOR RESIDENTIAL II, LLC**, a Delaware limited liability company ("Rockharbor"), having an address of 925 S. Federal Highway, Suite 325, Boca Raton, Florida 33432, and **ORANGE COUNTY**, a charter county and political subdivision of the state of Florida ("County"), having an address of Post Office Box 1393, Orlando, Florida 32802-1393.

WITNESSETH:

WHEREAS, Compass Rose and the County entered into that certain Drainage Easement recorded on June 11, 2015 in Official Records Book 10933, Page 1286, Public Records of Orange County, Florida ("Easement Agreement");

WHEREAS, since the date of the Easement Agreement, Compass Rose has conveyed parts of the Easement Area (as defined in the Easement Agreement) and/or certain property surrounding such Easement Area to Rockharbor; and

WHEREAS, Compass Rose and Rockharbor remain the sole owners in fee simple of the Easement Area, said Easement Area being the entirety of the lands encumbered by the Easement Agreement; and

WHEREAS, to accommodate development of the property owned by Rockharbor, the Easement Area has been redefined and reconfigured by Compass Rose and Rockharbor in accordance with and in compliance with the provisions set forth in the last paragraph of the Easement Agreement, and County has verified that such reconfiguration meets the standards set forth in Section 7.2 of the Village F Horizon West (Seidel Road) Road Network Agreement

recorded on June 26, 2013, in Official Records Book 10591, Page 5123, Public Records of Orange County, Florida.

NOW THEREFORE, Compass Rose, Rockharbor and the County amend the Easement Agreement as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

2. Reconfiguration of Easement Area. Exhibit "A" to the Easement Agreement is hereby modified to remove the portion of the Easement Area as described on Exhibit "A" to this First Amendment.

[SIGNATURE PAGES AND NOTARY ACKNOWLEDGMENT PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of the Effective Date.

Signed, sealed and delivered in the presence of:

Christopher A. Jones
(Signed name of Witness One)

Christopher A. Jones
(Printed name of Witness One)

John McGowan
(Signed name of Witness Two)

John McGowan
(Printed name of Witness Two)

"COMPASS ROSE"

COMPASS ROSE CORPORATION, a Florida corporation

By: *Margaret Giacalone*
(Signed name)

MARGARET GIACALONE
(Printed name)

Its: VICE PRESIDENT
(Office)

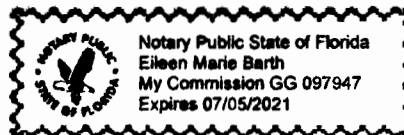
STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 25th day of July, 2017, by Margaret Giacalone as Vice President of **COMPASS ROSE CORPORATION**, a Florida corporation, on behalf of the corporation. He/She is personally known to me.

Eileen Marie Barth
(Signature of Notary Public)
Eileen Marie Barth
(Printed Name of Notary Public)

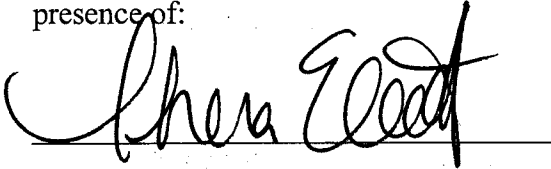
My commission expires: 7/5/21

[NOTARY SEAL]



"ROCKHARBOR"

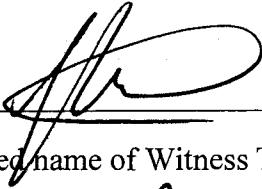
Signed, sealed and delivered in the presence of:



(Signed name of Witness One)

Thera Elliott

(Printed name of Witness One)



(Signed name of Witness Two)

Leo Pul Savat

(Printed name of Witness Two)

ROCKHARBOR RESIDENTIAL II, LLC, a Delaware limited liability company

By: **ROCKHARBOR MF FUND II MANAGER, LLC**, a Delaware limited liability company, its manager

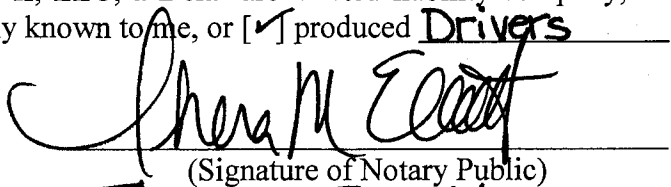
By: 

Evan Rabinowitz

Its: Manager

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 14 day of July, 2017, by Evan Rabinowitz, as manager of ROCKHARBOR MF FUND II MANAGER, LLC, a Delaware limited liability company, in its capacity as manager of and on behalf of ROCKHARBOR RESIDENTIAL II, LLC, a Delaware limited liability company, on behalf of the company. He [] is personally known to me, or [☒] produced Drivers License as identification.



(Signature of Notary Public)

Thera M Elliott

(Printed Name of Notary Public)

My commission expires: 7/15/2018

[NOTARY SEAL]



Thera M. Elliott
State of Florida
My Commission Expires 07/15/2018
Commission No. FF 120831

"COUNTY"



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By:

Teresa Jacobs
Teresa Jacobs, Orange County Mayor

Date:

9.19.17

ATTEST: Phil Diamond, CPA, County Comptroller

as Clerk of the Board of County Commissioners

By:

Jessica Vaupel
for Deputy Clerk

Printed Name: Jessica Vaupel

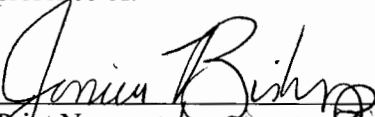
JOINDER AND CONSENT TO FIRST AMENDMENT TO DRAINAGE EASEMENT


The undersigned hereby certifies that it is the holder of the following mortgage, lien or other encumbrance upon the above described First Amendment to Drainage Easement:

Mortgage and Security Agreement executed by Rockharbor Residential II, LLC, a Delaware limited liability company, in favor of Synovus Bank, a Georgia state banking corporation, dated December 13, 2016 and recorded December 14, 2016 as Document No. 20160649213, together with that certain Assignment of Rents and Leases recorded December 14, 2016 as Document No. 20160649213, all of the Public Records of Orange County, Florida

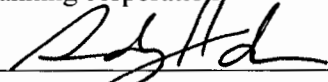
and that the undersigned hereby joins in and consents to the recording of the above First Amendment to Drainage Easement, and agrees that its mortgage, lien or other encumbrance, as it has been, and as it may be, modified, amended, and assigned from time to time, shall be subordinated to the First Amendment to Drainage Easement, as said easement may be modified, amended and assigned from time to time.

Signed, sealed and delivered in the presence of:


Print Name: Jessica Bishop


Print Name: G. Ingram Volte

Synovus Bank, a Georgia state banking corporation,

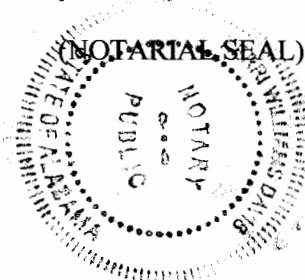
By: 

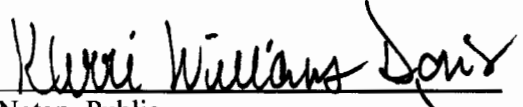
Name: Andy Hudson

Title: Corporate CRE Banker

STATE OF Alabama
COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this 20th day of July, 2018, by Andy Hudson, the Corp CRE Banker, of Synovus Bank, a Georgia state banking corporation, on behalf of said banking corporation. He/she [] is personally known to me, or [] has produced _____ as identification.




Notary Public
Print Name: Kerri Williams Davis
My Commission Expires:

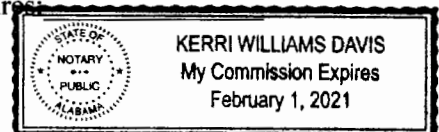


EXHIBIT "A"

LEGAL DESCRIPTION THIS IS NOT A SURVEY

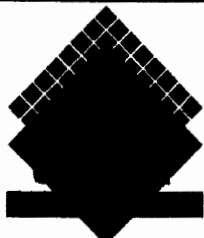
EXHIBIT "A"

A STRIP OF LAND, LYING IN SECTION 4, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10639, PAGE 6623 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF REFERENCE; THENCE RUN NORTH 89°45'44" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 1699.82 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF SEIDEL ROAD, SEGMENT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 81, PAGES 144 THROUGH 148 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE RUN NORTH 43°30'32" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 154.92 FEET; THENCE RUN NORTH 43°33'18" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 97.44 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE WITH THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SEIDEL ROAD; THENCE RUN SOUTH 32°26'28" WEST, ALONG SAID PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SEIDEL ROAD, 529.91 FEET TO A POINT LYING ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF SEIDEL ROAD, SAID POINT LIES ON A NON-TANGENT CURVE CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND SAID CURVE, HAVING A RADIUS OF 577.15 FEET, A CENTRAL ANGLE OF 09°05'23", AN ARC LENGTH OF 91.56 FEET, A CHORD LENGTH OF 91.47 FEET AND A CHORD BEARING OF NORTH 02°47'09" EAST TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY, ALONG SAID EAST RIGHT-OF-WAY LINE AND SAID CURVE, HAVING A RADIUS OF 198.85 FEET, A CENTRAL ANGLE OF 25°14'12", AN ARC LENGTH OF 87.58 FEET, A CHORD LENGTH OF 86.88 FEET AND A CHORD BEARING OF NORTH 19°56'57" EAST TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY, ALONG SAID EAST RIGHT-OF-WAY LINE AND SAID CURVE, HAVING A RADIUS OF 411.54 FEET, A CENTRAL ANGLE OF 12°02'11", AN ARC LENGTH OF 86.45 FEET, A CHORD LENGTH OF 86.30 FEET AND A CHORD BEARING OF NORTH 38°35'08" EAST; THENCE RUN NORTH 43°30'32" EAST, NON-TANGENT TO SAID CURVE, 32.76 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 0.453 ACRES MORE OR LESS.

SHEET 1 OF 2 SEE SHEETS 2 OF 2 FOR
SKETCH OF DESCRIPTION



16 East Plant Street
Winter Garden, Florida 34780 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING NORTH 89°45'44" EAST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20130059

DATE: 7-15-13

SCALE: 1" = 100 FEET

FIELD BY: N/A

CALCULATED BY: SEJ

DRAWN BY: DCC

CHECKED BY: EGT

FOR THE EMBOSSED BUSINESS 7 6723 BY:

JAMES A. DONAHUE P.S.M. # 5633

Drawing name: L:\Data\20130059\Sketches SEGMENT 2\REV Compoas Rose Grading & Drainage Easement 2.dwg SHEET 1

LEGAL DESCRIPTION THIS IS NOT A SURVEY

EXHIBIT "A"

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD	CHORD BEARING
C1	577.15'	09°05'23"	91.56'	91.47'	N 02°47'09" E
C2	188.85'	25°14'12"	87.58'	86.88'	N 19°36'57" E
C3	411.54'	12°02'11"	86.45'	86.30'	N 38°35'08" E

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 43°30'32" E	154.82'
L2	N 43°33'18" E	87.44'
L3	N 43°30'32" E	32.76'

POINT OF COMMENCEMENT
WEST 1/4 CORNER
SEC. 4, TWP. 24S, RNG. 27E

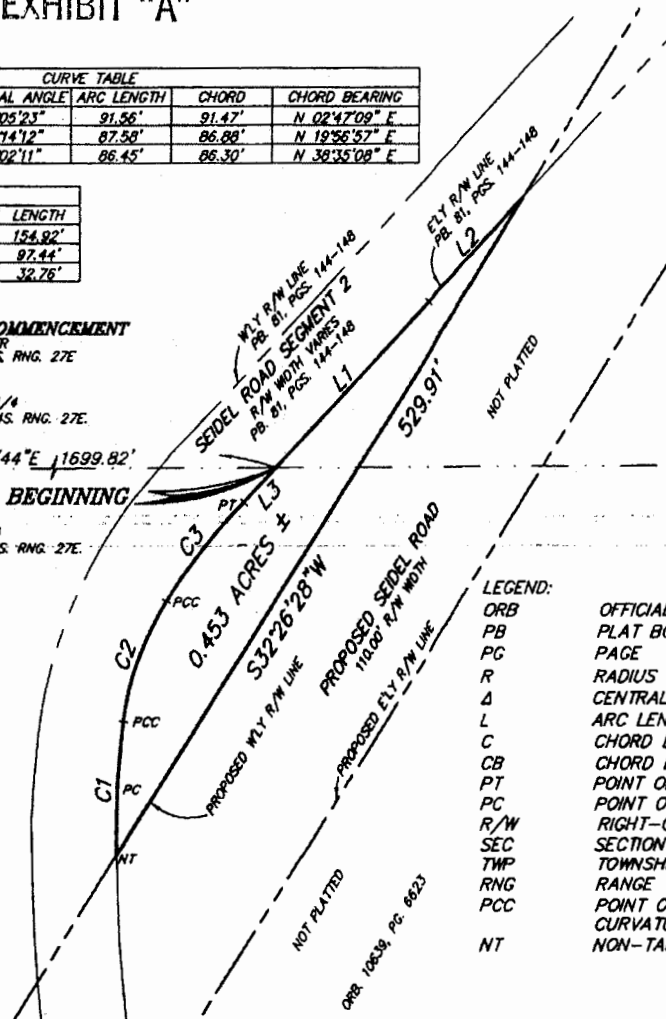
S. LINE NW. 1/4
SEC. 4 TWP. 24S. RNG. 27E.

N89°45'44"E 1699.82'

POINT OF BEGINNING

N. LINE SW. 1/4
SEC. 4 TWP. 24S. RNG. 27E.

NOT PLATTED
ORB. 10639, PG. 6623



LEGEND:

ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG	PAGE
R	RADIUS
Δ	CENTRAL ANGLE
L	ARC LENGTH
C	CHORD LENGTH
CB	CHORD BEARING
PT	POINT OF TANGENCY
PC	POINT OF CURVATURE
R/W	RIGHT-OF-WAY
SEC	SECTION
TWP	TOWNSHIP
RNG	RANGE
PCC	POINT OF COMPOUND CURVATURE
NT	NON-TANGENT

SURVEYOR'S NOTES:

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DATE: 7-15-13

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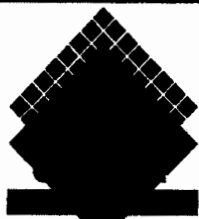
FIELD BY: N/A

CALCULATED BY: SEJ

DRAWN BY: DCC

CHECKED BY: EGT

SHEET 2 OF 2
SEE SHEET 1 OF 2
FOR LEGAL DESCRIPTION



16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5366

Drawing name: L:\Data\20130059\Sketches SEGMENT 2\REV Compass Rose Grading & Drainage Easement 2.dwg SHEET 2