

### REAL ESTATE MANAGEMENT ITEM 9

DATE:	August 24, 2017
то:	Mayor Teresa Jacobs and the
	Board of County Commissioners
THROUGH:	Paul Sladek, Manager 765
	Real Estate Management Division
FROM:	Virginia G. Williams, Senior Title Examí
	Real Estate Management Division

- CONTACT PERSON: Paul Sladek, Manager
- DIVISION: Real Estate Management Phone: (407) 836-7090

ACTION

- **REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM QUEST VILLAGE, LTD. TO ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM FLORIDA HOUSING FINANCE CORPORATION AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM JPMORGAN CHASE BANK, N.A. AND AUTHORIZATION TO RECORD INSTRUMENTS
- **PROJECT:** Quest Village Site Work Only Permit: B16903467 OCU File #: 88306

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: 200 square feet

Subordinations of Encumbrances to Property Rights to Orange County (2)

Real Estate Management Division Agenda Item 9 August 24, 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 SEP 1 9 2017

> Project: Quest Village Site Work Only Permit: B16903467 OCU File #: 88306

### UTILITY EASEMENT

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 23-22-31-0000-00-034

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 said GRANTOR has caused these presents to be duly executed the day and year above written.

Signed, sealed, and delivered in the presence of:

Printed Name

Quest Village, Ltd., a Florida limited partnership

BY: Quest Village GP, LLC, a Florida limited liability company, its sole general partner

BY: Life Concepts, Inc., a Florida not-for-profit corporation, its sole member BY: R. Gill, President John rporate Seal)

(Signature of TWO witnesses required by Florida law)

STATE OF + lorida Vrange **COUNTY OF** 

The foregoing instrument was acknowledged before me this 4 day of ..., 2017, by John R. Gill, as President of Life Concepts, Inc., a Florida not-for-profit corporation, as sole member of Quest Village GP, LLC, a Florida limited liability company, as sole general partner of Quest Village, Ltd., a Florida limited partnership, on behalf of the limited partnership. He [1] is personally known to me, or [2] has produced as identification.



This instrument prepared by: Virginia Williams, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida Notary Signature

Enise Evans-

Printed Notary Name

Notary Public in and for the County and State aforesaid

My commission expires: Feb. 28, 2020

S:\Forms & Master Docs\Project Document Files\1\_Misc. Documents\Q\Quest Village Site Work Only Permit B16903467 OCU File #88306 UE.doc 04-14-17srb Revised 04-17-17srb

THIS IS A DONATION

Exhibit "A"

# A SKETCH AND LEGAL DESCRIPTION OF UTILITY EASEMENT 1

A PARCEL OF LAND BEING A PORTION OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA.

(SEE SHEET 2 OF 2 FOR SKETCH)

### PROJECT NAME: QUEST VILLAGE OCU FILE NO.: 88306

### UTILITY EASEMENT 1

A PARCEL OF LAND BEING A PORTION OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

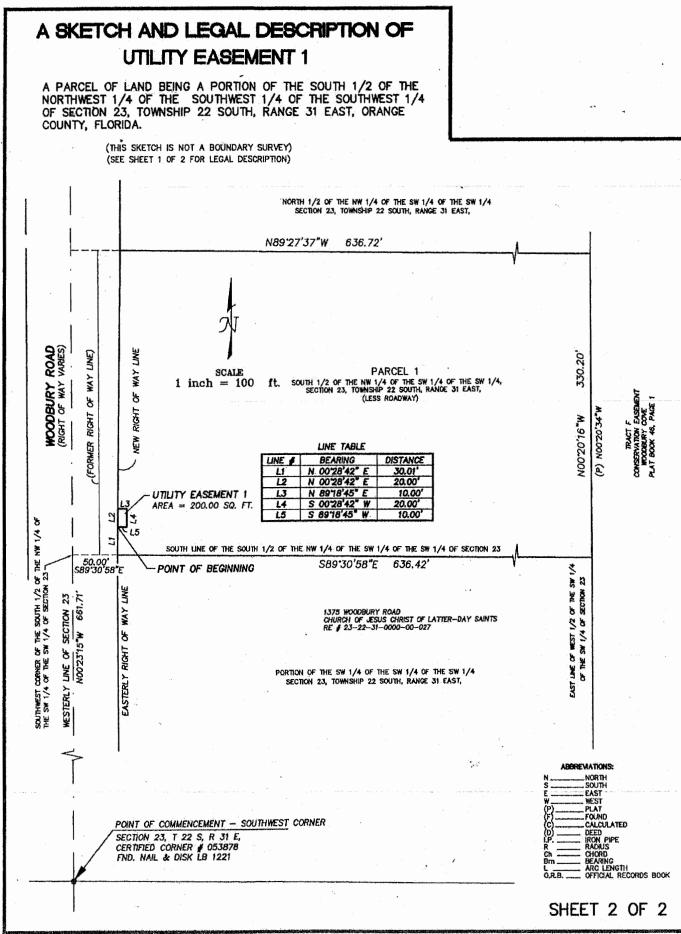
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 23; THENCE NORTH 00'23'15" WEST, ALONG THE WESTERLY LINE OF SAID SECTION 23, A DISTANCE OF 661.71 FEET TO THE SOUTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTH OF SAID SECTION 23, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WOODBURY ROAD (RIGHT OF WAY WIDTH VARIES); THENCE NORTH 00'28'42" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF WOODBURY ROAD, A DISTANCE OF 30.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00'28'42" EAST, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE OF WOODBURY ROAD, A DISTANCE OF 20.00 FEET; THENCE NORTH 89'18'45" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00'28'42" WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89'18'45" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL THUS DESCRIBED CONTAINS AN AREA OF 200.00 SQUARE FEET, MORE OR LESS.

#### SURVEYOR'S REPORT AND NOTES:

- 1, THIS IS NOT A BOUNDARY SURVEY. IT IS A SKETCH AND LEGAL DESCRIPTION OF A PROPOSED UTILITY EASEMENT
- 2. THE SKETCH AND LEGAL DESCRIPTION ARE BASED ON THE BOUNDARY SURVEY OF THE SUBJECT PROPERTY BY THIS COMPANY.
- 3. BEARING BASE FOR BEARINGS SHOWN IS THE WEST LINE OF SECTION 23, AS SHOWN ON THE PLAT OF WOODBURY COVE, AS RECORDED IN PLAT BOOK 45, PAGE 1, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID LINE HAVING & BEARING OF NO0'23'15"W.

Charles P. Delcambre APRIL 3, 2017	· · · · · · · · · · · · · · · · · · ·	•. •	
CHARLES P. DELCAMBRE, P.S.M., FL REG. # 5100 ATLANTIC ~ GULF. SURVEYING CO. LAND & ENGINEERING SURVEYS LICENSED BUSINESS NUMBER 6226 5736 TIMUQUANA (ROAD) JACKSONVILLE, FLORIDA 32210 PH. 904-771-6412 FAX 904-778-8578 c	SHEET 1 OF 2		
	JOB NO. <u>\$2543</u> DATE OF SURVEY <u>N/A</u>	DATE	REVISIONS :   DATE   DATE   DATE   DATE



### 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 facilities in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary for said facilities is subject to a Mortgage and Security Agreement; Assignment of Leases, Rents and Contract Rights; Financing Statement UCC-1; and Restrictive Covenant and Grant 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 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 facilities 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:

Florida Housing Finance Corporation FROM: Quest Village, Ltd. Mortgage and Security Agreement filed December 22, 2016 Recorded as Document No. 20160664413 Assignment of Leases, Rents and Contract Rights filed December 22, 2016 Recorded as Document No. 20160664414 Financing Statement UCC-1 filed December 22, 2016 Recorded as Document No. 20160664415 Restrictive Covenant and Grant Agreement filed December 22, 2016 Recorded as Document No. 20160664416 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 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

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 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 purposes that in such event the subordination of said encumbrances shall become

[Signature on Following Page]

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 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 315 day of July \_\_\_\_\_, A.D. 2017.

Signed, sealed and delivered in the presence of:

eathe

Heather Green Printed Name

Karla Brown

Florida Housing Finance Corporation, a public corporation and public body corporate and politic duly created and existing under the laws of the State of Florida

BY:

Ken Reecy Printed Name

Director of Multifamily Programs Title

(Corporate Seal)

Printed Name

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

### STATE OF FLORIDA **COUNTY OF LEON**

The foregoing instrument was acknowledged before me this <u>315</u> of <u>fully</u>, 2017, by <u>Ken Reecy</u>, as <u>Director of Multifamily Programs</u>, of Florida Housing Finance Corporation, a public corporation and public body corporate and politic duly created and existing under the laws of the state of Florida, on behalf of the corporation. He/She  $\square$  is personally known to me or  $\square$  has produced as identification.

(Notary Seal)

th N. Shas



ELIZABETH D. THORP Commission # FF 182057 Expires December 9, 2018 Bonded Thru Troy Fain Insurance 800-385-7019

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

Printed Notary Name

Notary Public in and for the county and state aforesaid.

My commission expires:

S:\Forms & Master Docs\Project Document Files\1 Misc. Documents\Q\Quest Village Site Work Only Permit B16903467 OCU File #88306 SUB.doc 04-14-17srb Revised 04-17-17srb 7/13/17 vw

Exhibit "A"

## A SKETCH AND LEGAL DESCRIPTION OF UTILITY EASEMENT 1

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(SEE SHEET 2 OF 2 FOR SKETCH)

# PROJECT NAME: QUEST VILLAGE OCU FILE NO.: 88306

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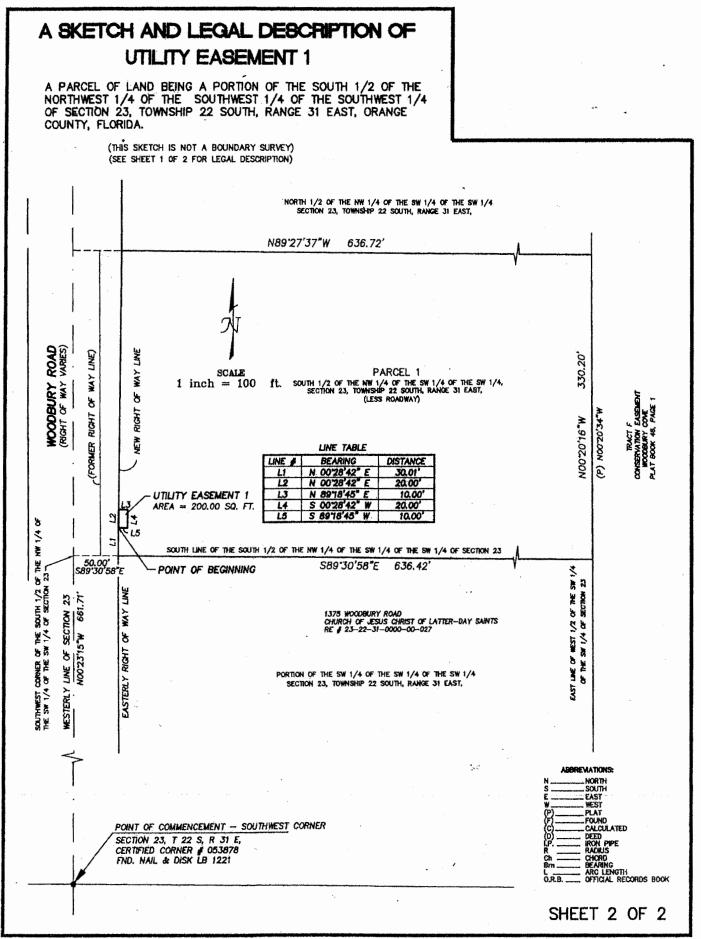
#### SURVEYOR'S REPORT AND NOTES:

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Charles P. Delcantre APRIL 3, 2017

CHARLES P. DELCAMBRE, P.S.M., FL. REG. # 5100

ATLANTIC ~ GULF, SURVEYING CO. LAND & ENGINEERING SURVEYS LICENSED BUSINESS NUMBER 6226	SHEET 1 OF 2		
5736 TIMUQUANA ROAD JACKSONVILLE, FLORIDA 32210 PH. 904-771-6412	JUB NO	DATE	REVISIONS :   DATE   DATE   DATE   DATE   DATE



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WHEREAS, A portion of the lands involved and necessary for said facilities is subject to a Mortgage, Security Agreement and Assignment of Rents, Leases, and Profits; Financing Statement UCC-1; and a Mortgage and Subordination 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 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 facilities 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:

JPMorgan Chase Bank, N.A. FROM: Quest Village, Ltd. Mortgage, Security Agreement and Assignment of Rents, Leases and Profits filed December 22, 2016 Recorded as Document No. 20160664410 Financing Statement UCC-1 filed December 22, 2016 Recorded as Document No. 20160664411 Mortgage and Subordination Agreement filed December 22, 2016 Recorded as Document No. 20160664417 All in the Public Records of Orange County, Florida

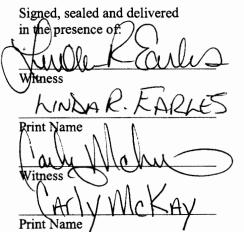
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of the same status with reference to such abandoned portion as if the subordination had never been made.

IN WITNESS WHEREOF, the said holder of said encumbrances has duly executed this instrument day of July, A.D. 2017. 1 this



JPMorgan Chase Bank, N.A., a national banking association

BY:

– Noore

Printed Name! Tammy Haylock-Moore

Authorized Officer Title

(Signature of TWO witnesses required by Florida law)

### STATE OF FLORIDA **COUNTY OF HILLSBOROUGH**

The foregoing instrument was acknowledged before me this <u>11</u> day of July, 2017 by Tammy Haylock-Moore as Authorized Officer of JPMorgan Chase Bank, N.A., a national banking association, on behalf of the bank. He/she  $\square$  is personally known to me or  $\square$  has produce as identification.

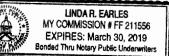


This instrument prepared by: Virginia Williams, a staff employee in the course of duty with the **Real Estate Management Division** of Orange County, Florida

Signature

Printed Notary Name

Notary Public in and for the county and state aforesa



My commission expires:

S:Forms & Master Docs/Project Document Files/1 Misc. Documents/Q/Quest Village Site Work Only Permit B16903467 OCU File #88306 SUB.doc 04-14-17srb Revised 04-17-17srb

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Charles P. Delcambre APRIL 3, 2017

CHARLES P. DELCAMBRE, P.S.M., FL REG. # 5100

ATLANTIC ~ GULF SURVEYING CO. LAND & ENGINEERING SURVEYS LICENSED BUSINESS NUMBER 6226		SH	EET 1 OF 2
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