



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 14

**DATE:** October 20, 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 2017 GOLDENROD  
ORLANDO LLC TO ORANGE COUNTY AND SUBORDINATION OF  
ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY  
FROM WHITNEY BANK, DOING BUSINESS AS HANCOCK BANK,  
AND AUTHORIZATION TO RECORD INSTRUMENT

**PROJECT:** Walgreens – Orlando Permit: B17900754 OCU File #: 90968  
  
District 3

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

**ITEMS:** Utility Easement  
Cost: Donation  
Size: 150 square feet  
  
Subordination of Encumbrances to Property Rights to Orange County

**APPROVALS:** Real Estate Management Division  
Utilities Department

**REMARKS:** Grantor to pay all recording fees.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**NOV 14 2017**

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THIS IS A DONATION

Project: Walgreens - Orlando Permit: B17900754 OCU File #: 90968

**UTILITY EASEMENT**

THIS INDENTURE, Made this 27 day of September, A.D. 2017, between 2017 Goldenrod Orlando LLC, a Florida limited liability company, having its principal place of business in the city of Singer Island, county of Palm Beach, whose address is 2655 N. Ocean Drive, Suite 401, Singer Island, Florida 33404, 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 Number:**

**a portion of  
02-23-30-3024-00-050**

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

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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.

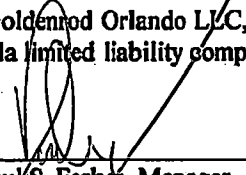
IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.


Signed, sealed and delivered in  
the presence of:

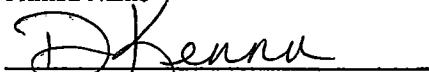
2017 Goldenrod Orlando LLC,  
a Florida limited liability company

  
Witness

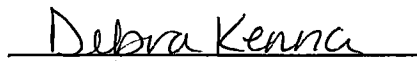
BY:

  
Paul S. Ferber, Manager

  
Printed Name


  
Witness

2017 Goldenrod Orlando LLC,  
a Florida limited liability company


  
Printed Name

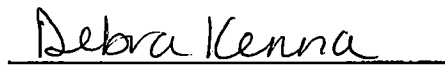
BY:

  
Shields Ferber, Manager

  
Witness

  
Printed Name

  
Witness

  
Printed Name

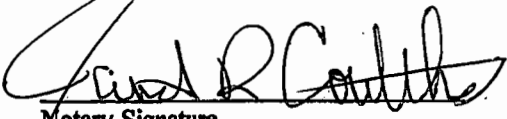
(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 27 day of September, 2017, by Paul S. Ferber, as Manager and Shields Ferber, as Manager of 2017 Goldenrod Orlando LLC, a Florida limited liability company, on behalf of the limited liability company. They are [☒] personally known to me, or [ ] each have produced \_\_\_\_\_ and \_\_\_\_\_ as identification.

~~Notary Seal~~  
JANET R. COWLTER  
Notary Public, State of Florida  
My Comm. Expires May 28, 2018  
Commission No. FF 103191

**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  
Janet R Cowther  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My commission expires:

# SKETCH FOR DESCRIPTION

(NOT A SURVEY)

EXHIBIT "A"  
SHEET 1 OF 2

PROJECT NAME: WALGREEN-ORLANDO

BUILDING DEPARTMENT PERMIT NUMBER: B17900754

## LEGAL DESCRIPTION (UTILITY EASEMENT)

A PORTION OF LOT 5, OF GOLDEN ACRES-SECTION-A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 92, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST 40 FEET OF LOT 4 OF SAID GOLDEN ACRES-SECTION-A; THENCE RUN NORTH 89°51'01" EAST, ALONG THE NORTH LINE OF LOT 6 OF SAID GOLDEN ACRES-SECTION-A, A DISTANCE OF 280.55 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTH GOLDENROD ROAD (STATE ROAD NO. 551, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 75012-2502); THENCE DEPARTING SAID NORTH LINE, RUN NORTH 00°20'58" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 148.34 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, RUN SOUTH 89°39'02" WEST, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 00°20'58" WEST, A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 89°39'02" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON THE AFORESAID WEST RIGHT-OF-WAY LINE OF SOUTH GOLDENROD ROAD; THENCE RUN SOUTH 00°20'58" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 150 SQUARE FEET, MORE OR LESS.

## GENERAL NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SKETCH PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY. SURVEY MEASUREMENTS SHOWN HEREON ARE BASED ON A BOUNDARY SURVEY PREPARED BY THIS FIRM.
3. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 WITH 2011 ADJUSTMENT. AS A REFERENCE FOR THIS SKETCH, THE NORTH LINE OF LOT 6 HAS A BEARING OF NORTH 89°51'01" EAST.

REV 2: ADDRESS COUNTY COMMENTS: 08/22/2017 BY: JDH CHK: JDH  
REV 1: ADDRESS COUNTY COMMENTS: 07/17/2017 BY: JDH CHK: JDH

08/22/2017

DATE

JEREMY D. HALLICK, FLORIDA LICENSED SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 6715

SEE SHEET 2 FOR SKETCH



CORNER  
SURVEY  
AND ASSOCIATES, INC.

△ ENGINEERS  
△ SURVEYORS  
△ PLANNERS  
LB 4709

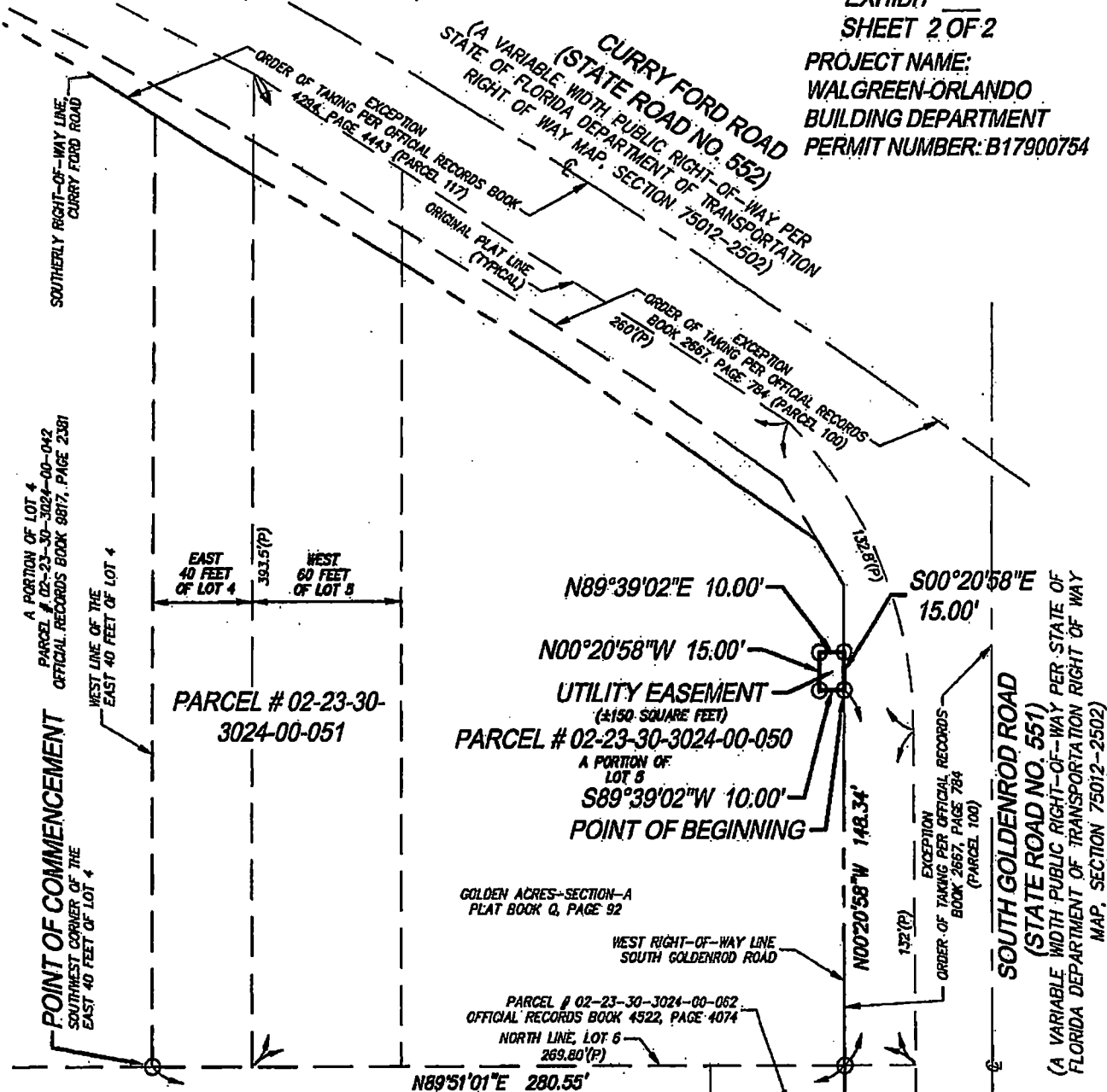
4450 NE 63RD ROAD - WILLOW, FL 32091 - (352) 743-3128

# SKETCH FOR DESCRIPTION

(NOT A SURVEY)

EXHIBIT " "   
 SHEET 2 OF 2

PROJECT NAME:   
 WALGREEN-ORLANDO   
 BUILDING DEPARTMENT   
 PERMIT NUMBER: B17900754



Project: Walgreens - Orlando Permit: B17900754 OCU File #: 90968

**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 Mortgage, Security Agreement, Financing Statement and Assignment of Rents; Collateral Assignment of Rents and Leases; 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:**

Whitney Bank, doing business as Hancock Bank

FROM: 2017 Goldenrod Orlando LLC

Mortgage, Security Agreement, Financing Statement and Assignment of Rents  
filed July 28, 2017

Recorded as Document No. 20170420821

Collateral Assignment of Rents and Leases filed July 28, 2017

Recorded as Document No. 20170420822

Financing Statement filed July 28, 2017

Recorded as Document No. 20170420823

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 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 27 day of September, A.D. 20 17.

Signed, scaled, and delivered  
in the presence of:

Whitney Bank, a Mississippi state chartered bank,  
doing business as Hancock Bank

Mina Shah  
Witness

BY: [Signature]

Mina Shah  
Printed Name

Sharon McCarthy  
Printed Name

[Signature]  
Witness

Vice President  
Title

Jonathan Carriles  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 27 of September, 20 17, by Sharon R McCarthy, as Vice President of Whitney Bank, a Mississippi state chartered bank, doing business as Hancock Bank, on behalf of the bank. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 27 day of September, 20 17.

(Notary Seal)

[Signature]  
Notary Signature

Jonathan Carriles  
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: 11/18/2021



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08/22/2017

DATE

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REV 2: ADDRESS COUNTY COMMENTS: 08/22/2017 BY: JQH CHK: JQH

REV 1: ADDRESS COUNTY COMMENTS: 07/17/2017 BY: JQH CHK: JQH

JERRY D. HALLICK, FLORIDA LICENSED SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 6715

SEE SHEET 2 FOR SKETCH



**FORNER  
& ASSOCIATES, INC.**

4130 NE 83RD ROAD - WILDFORD, FL 34786 - (352) 748-3128

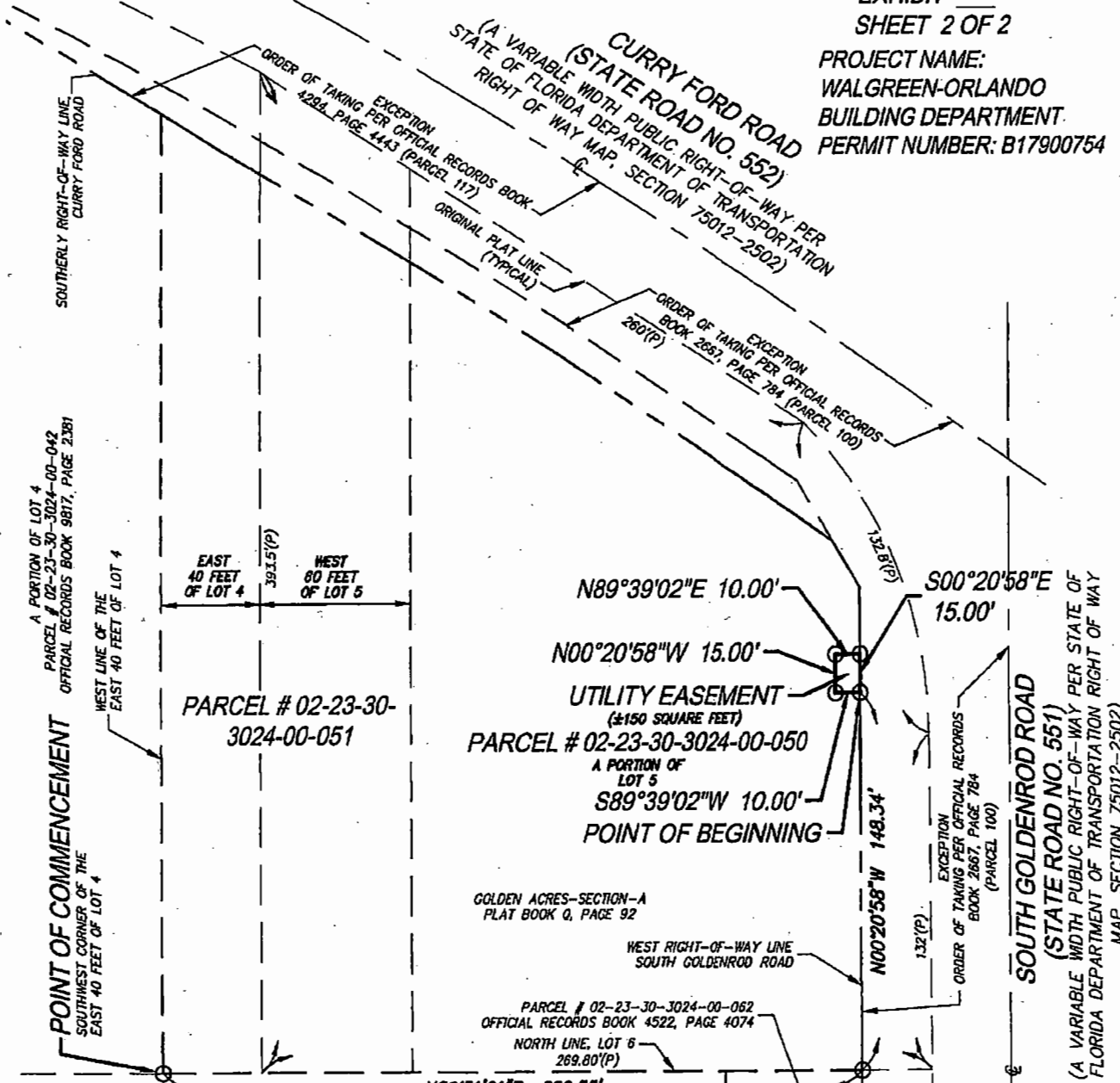
▲ ENGINEERS  
▲ SURVEYORS  
▲ PLANNERS  
LB 4709

# SKETCH FOR DESCRIPTION

(NOT A SURVEY)

EXHIBIT " " "  
SHEET 2 OF 2

PROJECT NAME:  
WALGREEN-ORLANDO  
BUILDING DEPARTMENT  
PERMIT NUMBER: B17900754



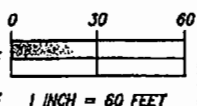
## LEGEND:

- LINE BREAK
- POC POINT ON A CURVE
- PC POINT OF CURVATURE
- (P) PLAT MEASUREMENT
- PT POINT OF TANGENCY
- R/W RIGHT OF WAY
- ORB OFFICIAL RECORDS BOOK
- PG PAGE
- L LENGTH
- R RADIUS
- Δ CENTRAL ANGLE (DELTA)
- CB CHORD BEARING
- CH CHORD LENGTH
- LI LINE TAG LABEL (SEE TABLE)
- CI CURVE TAG LABEL (SEE TABLE)
- O CHANGE IN DIRECTION

PARCEL # 02-23-30-3024-00-061  
OFFICIAL RECORDS BOOK 6675, PAGE 2060  
LOT 6  
GOLDEN ACRES-SECTION-A  
PLAT BOOK Q, PAGE 92



NORTH



REV 2: ADDRESS COUNTY COMMENTS:  
08/22/2017 BY: JDH CHK: JDH  
REV 1: ADDRESS COUNTY COMMENTS:  
07/17/2017 BY: JDH CHK: JDH

SEE SHEET 1 FOR DESCRIPTION

**FARNER & ASSOCIATES, INC.**

4450 NE 63RD ROAD - WILDMOOD, FL 34705 - (352) 748-3128

▲ ENGINEERS  
▲ SURVEYORS  
▲ PLANNERS  
LB 4709

Drawing name: S:\SURVEY\NEW SURVEY\ORANGE\MOBILE\7-ELEVEN\170000-0000\BOUNDARY & TOPO\Curry Goldenrod (UNC-CURRY) CURRY FORD AND GOLDENROD WATER EASEMENT SURVEY\Curry Ford.dwg Sketch Aug 22, 2017 11:41am by jenny