



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

DATE: December 13, 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 HAMLIN RETAIL PARTNERS, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM VALLEY NATIONAL BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Hamlin Lot D Site Work Only Permit: B16902936

District 1

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

ITEMS: Utility Easement
Cost: Donation
Size: 52 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division
Agenda Item 7
December 13, 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
JAN 09 2018

THIS IS A DONATION

Project: Hamlin Lot D Site Work Only Permit: B16902936

UTILITY EASEMENT

THIS INDENTURE, Made this 1st day of November, A.D. 20 17, between Hamlin Retail Partners, LLC, a Florida limited liability company, having its principal place of business in the city of Orlando, county of Orange, whose address is 7586 W. Sand Lake Rd Orlando, FL 32819, 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 20-23-27-2717-01-000

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.

Project:

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

Signed, sealed, and delivered
in the presence of:

Witness T.J. Schwab
Printed Name

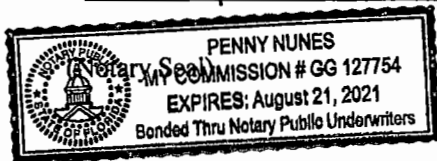
Witness Heather Easterling
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 18th day of November, 2017, by Scott T. Boyd, Manager of BK Hamlin Retail Partners, LLC, a Florida limited liability company, as Manager for Hamlin Retail Partners, LLC, a Florida limited liability company, on behalf of the limited liability company. He ☒ 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

Hamlin Retail Partners, LLC,
a Florida limited liability company

BY: BK Hamlin Retail Partners, LLC,
a Florida limited liability company,
its Manager

BY: Scott T. Boyd
Scott T. Boyd, Manager

Penny Nunes
Notary Signature

Penny Nunes
Printed Notary Name

Notary Public in and for
the County and State aforesaid

My commission expires:

SKETCH OF DESCRIPTION

SHEET 1 OF 3

HAMLIN LOT D PERMIT # B16902936

LEGAL DESCRIPTION (OCU Utility Easement):

A parcel of land comprising a portion of Lot 1, HAMLIN SOUTHWEST, as recorded in Plat Book 90, Pages 65 through 70 of the Public Records of Orange County, Florida, lying in Section 20, Township 23 South, Range 27 East, Orange County, Florida.

Being more particularly described as follows:

COMMENCE at the Northeast corner of aforesaid Lot 1, also being a point on the Westerly right-of-way line of Hamlin Groves Trail according to Official Records Book 10416, Page 5782 of aforesaid Public Records; thence run the following four (4) courses along said Westerly right-of-way line South 45°17'57" East for a distance of 42.43 feet; thence run South 00°17'57" East for a distance of 11.41 feet to a point on a curve concave Northwesterly and having a radius of 846.36 feet a chord bearing of South 05°04'18" West and a chord length of 158.44 feet; thence run Southerly along said curve through a central angle of 10°44'29" for a distance of 158.67 feet to a point of compound curvature of a curve concave Northwesterly and having a radius of 943.91 feet a chord bearing of South 23°43'44" West and a chord length of 433.86 feet; thence run Southwesterly along said curve through a central angle of 26°34'23" for a distance of 437.77 feet; thence departing aforesaid Westerly right-of-way line run North 53°34'45" West for a distance of 5.00 feet to a point on the Easterly line of a Duke Energy easement according to Official Records Book Document Number 20130605682 and Official Records Book 10664 Page 6051 of aforesaid Public Records also being the POINT OF BEGINNING, also being a point on a non tangent curve concave Northwesterly and having a radius of 938.91 feet a chord bearing of South 37°24'55" West and a chord length of 13.00 feet; thence run Southwesterly along said Easterly line and said curve through a central angle of 00°47'36" for a distance of 13.00 feet to a point on a non tangent line; thence departing said Easterly line run North 53°34'45" West for a distance of 4.00 feet to a point on a non tangent curve concave Northwesterly and having a radius of 934.91 feet a chord bearing of North 37°25'11" East and a chord length of 13.00 feet; thence run Northeasterly along said curve through a central angle of 00°47'49" for a distance of 13.00 feet to a point on a non tangent line thence run South 53°34'45" East for a distance of 4.00 feet to the POINT OF BEGINNING.

Contains 52 square feet more or less.

REVISED 06/29/17

SK143

SURVEYOR'S NOTES:

THIS IS NOT A SURVEY.
THE DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENTS REQUEST.
THIS LEGAL DESCRIPTION AND SKETCH WERE PREPARED WITHOUT THE BENEFIT OF TITLE.
THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 20-23-27 BEING S89°42'03"W FOR ANGULAR DESIGNATION ONLY.

JOB NO. 20110078

CALCULATED BY: JLR

DATE: 12-23-2016

DRAWN BY: PJR

SCALE: 1" = 120 FEET

CHECKED BY: MR

FIELD BY: N/A

FOR THE LICENSED BUSINESS # 6723 BY:

JAMES L. RICKMAN P.S.M. # 5633

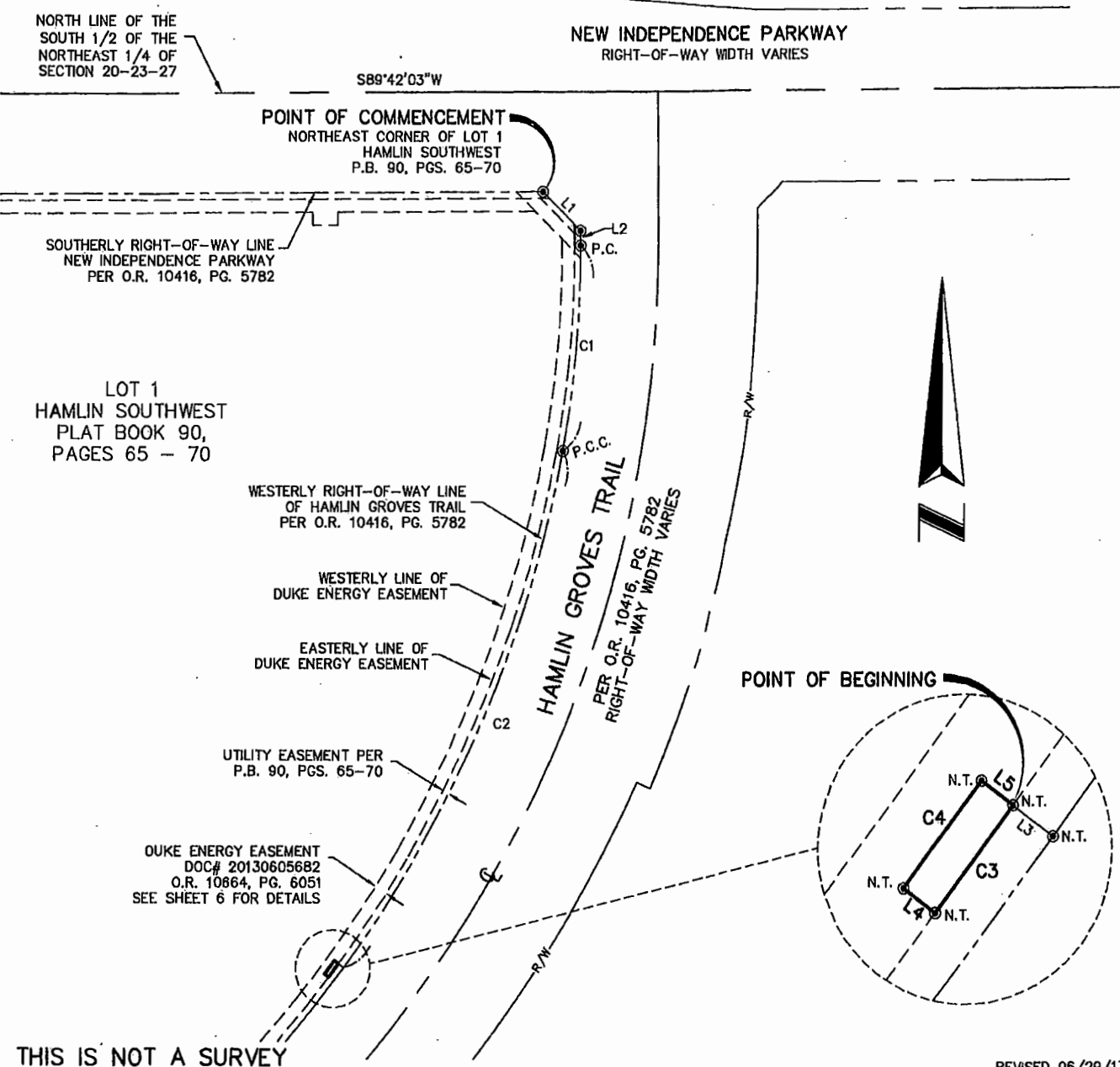


16 East Plant Street
Winter Garden, Florida 34787 • (407) 654 5355

SKETCH OF DESCRIPTION

SHEET 2 OF 3

HAMLIN LOT D PERMIT # B16902936



REVISED 06/29/17

SK143

LEGEND:

⊙ DENOTES CHANGE IN DIRECTION
R/W DENOTES RIGHT-OF-WAY
C DENOTES CENTERLINE
P.C. DENOTES POINT OF CURVATURE
P.T. DENOTES POINT OF TANGENCY

N.T. DENOTES NON-TANGENT
P.R.C. DENOTES POINT OF REVERSE CURVATURE
P.C.C. DENOTES POINT OF COMPOUND CURVATURE



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SKETCH OF DESCRIPTION

SHEET 3 OF 3

HAMLIN LOT D PERMIT # B16902936

LINE TABLE

LINE	LENGTH	BEARING
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CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
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FIELD BY: N/A

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JAN 09 2018

Project: Hamlin Lot D Site Work Only Permit: B16902936

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 Mortgage and Security Agreement; an Assignment of Leases, Rents, and Profits and Security Agreement; and a 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:

Valley National Bank

FROM: Hamlin Retail Partners, LLC

Mortgage and Security Agreement filed December 27, 2016

Recorded as Document No. 20160666302

Assignment of Leases, Rents, and Profits and Security Agreement filed December 27, 2016

Recorded as Document No. 20160666303

Financing Statement filed December 27, 2016

Recorded as Document No. 20160666304

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 31st day of October, A.D. 2017.

Signed, sealed, and delivered
in the presence of:

Jennifer Hinkle
Witness

Jennifer Hinkle
Printed Name

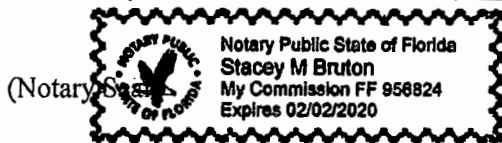
Kyle C. Feldman
Witness

Kyle C. Feldman
Printed Name

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 31st of October, 2017, by Jack E. Sheppe, as Senior Vice President of Valley National Bank, a national banking association, on behalf of the banking association. He/She ☐ is personally known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 31st day of October, 2017.



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

Stacey M. Bruton
Notary Signature

Stacey M. Bruton
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

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SHEET 1 OF 3

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REVISED 06/29/17



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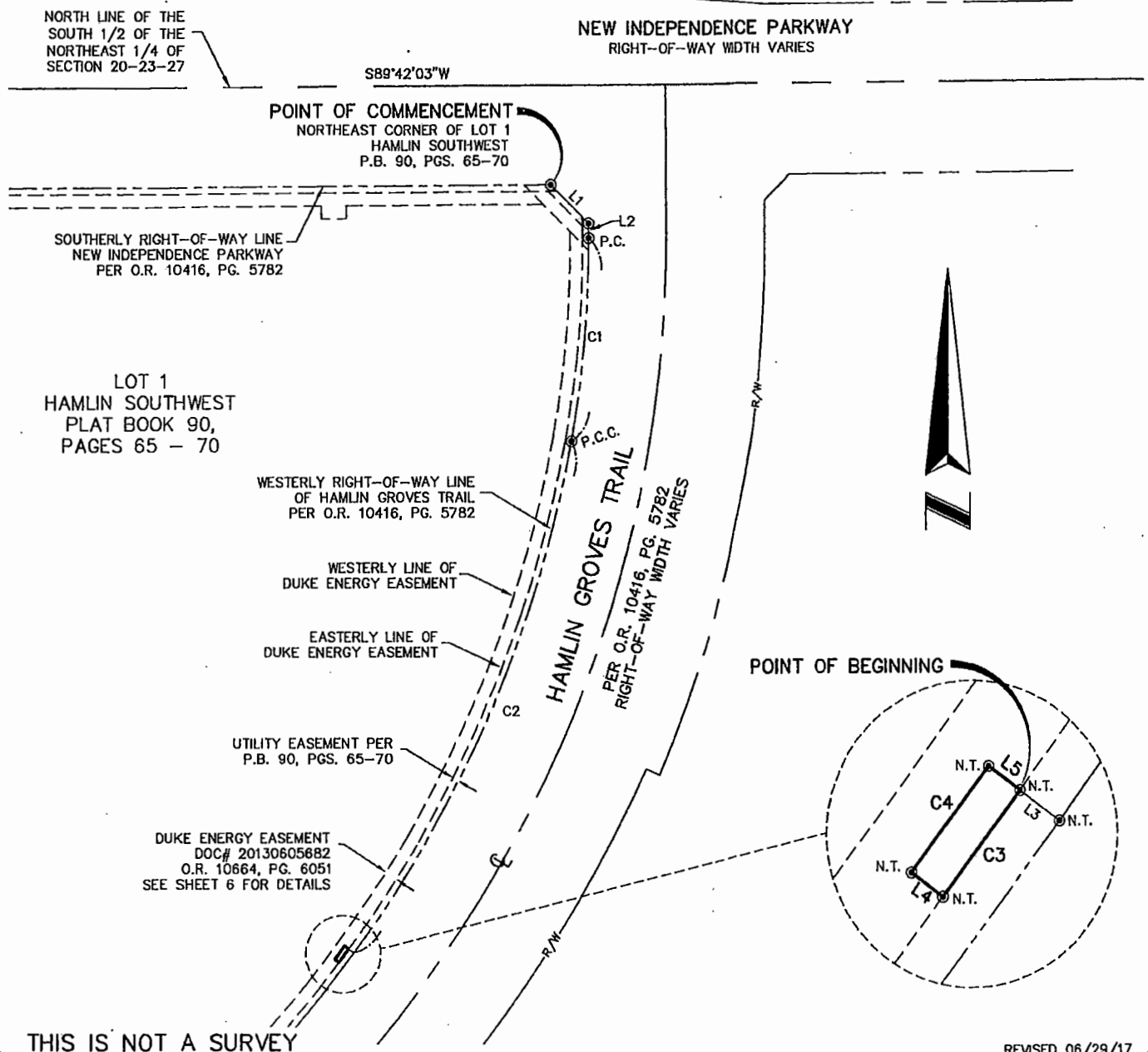
FOR THE LICENSED BUSINESS # 6723 BY:

JAMES L. RICKMAN P.S.M. # 5633

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SHEET 2 OF 3

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