REAL ESTATE MANAGEMENT ITEM 8

## DATE: January 4, 2018

## TO: Mayor Teresa Jacobs

 and theBoard of County Commissioners
THROUGH:

FROM: $\quad \begin{array}{ll}\text { Theresa A. Avery, Senior Title Examiner } \\ & \text { Real Estate Management Division }\end{array}$
CONTACT
PERSON:
DIVISION:

Paul Sladek, Manager

Real Estate Management
Phone: (407) 836-7090
ACTION
REQUESTED:

PROJECT: Petition to Vacate \#15-05-014 (5528 Rockwood Ave)

## District 3

PURPOSE: To provide for access, construction, operation, and maintenance of drainage facilities as a requirement of a petition to vacate.

ITEMS: Drainage Easement
Cost: Donation
Size: 3,116 square feet
Subordination of Encumbrance to Property Rights to Orange County

Drainage Easement with Consent of Lien Holder
Cost: Donation
Size: 184 square feet
APPROVALS: Real Estate Management Division Public Works Department

REMARKS: Petition to Vacate \#15-05-014 (the "PTV") was approved by the Board of County Commissioners on February 21, 2017. This action provides drainage easements to Orange County over portions of Tot Circle vacated by the PTV.

Grantors to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OE COUNTY COMMISSIONERS

THIS IS A DONATION

Project: Petition to Vacate \#15-05-014 (5528 Rockwood Ave)

## DRAINAGE EASEMENT

THIS INDENTURE, made the 28 day of Noven lo or, 20_16, between Sonja G. Ahrens, of the county of OrANge and state of Floriola, 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 GRANTEF, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid, to-wit:

## SEE ATTACHED SCHEDULE "A"

Property Appraiser's Parcel Identification Number:
a portion of
14-23-29-3980-03-190

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 drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GR $\wedge$ NTOR, her heirs, 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 easement that may interfere with the normal operation or maintenance of the drainage ditch, pipe, or facility.

Project: Petition to Vacate \#15-05-014 (5528 Rockwood Ave)

IN WITNESS WHEREOF, the said GRANTOR has hereto set her hand the day and year first above written.

(Signature of TWO Witnesses required by Florida Law)
state of FLora
COUNTY OF PALM BEAD
The foregoing instrument was acknowledged before me this $28^{\ell}$ of NOVEM BER. 2016 , by Sonja G. Ahrens. He/She $\square$ is personally known to me or has produced DRUER'S LICENSE



This instrument prepared by:
Theresa A. Avery, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

Notary Signature
RICHARD A. SHORES Printed Notary Name

Notary Public in and for the County and State aforesaid

My commission expires:

## DESCRIPTION:

Portions of Drive, also known as Tot Circle, and Kiddie Pool, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J, Page 78 of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Lot 6, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J, Page 78 of the Public Records of Orange County, Florida; thence South $00^{\circ} 35^{\prime} 39^{\prime \prime}$ East, a distance of 106.15 feet along the Easterly right of way line of an Unnamed Road, also known as Sandalwood Drive, per said plat; thence departing said Easterly right of way line, North $76^{\circ} 12^{\prime} 13^{\prime \prime}$ East, a distance of 98.37 feet to a point on the Westerly, Interior right of way line of Drive, also known as Tot Circle, per said plat, for a POINT OF BEGINNING; thence departing said Westerly, Interior right of way line, continue North $76^{\circ} 12^{\prime} 13^{\prime \prime}$ East, a distance of 121.38 feet; thence North $89^{\circ} 51^{\prime} 36^{\prime \prime}$ East, a distance of 12.85 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 90.00 feet, a central angle of $11^{\circ} 20^{\prime} 56^{\prime \prime}$ and a chord bearing of South $38^{\circ} 58^{\prime} 57^{\prime \prime}$ East; thence from a tangent bearing of South $44^{\circ} 39^{\prime} 25^{\prime \prime}$ East, Southeasterly 17.83 feet along the arc of said curve; thence departing said curve North $56^{\circ} 41^{\prime} 31^{\prime \prime}$ East, a distance of 15.00 feet to the Northwest corner of Lot 19 , Block $C$ of said Jessamine Beach, said point lying on a non-tangent curve concave Southwesterly, having a radius of 105.00 feet, a central angle of $08^{\circ} 55^{\prime} 58^{\prime \prime}$ and a chord bearing of South $28^{\circ} 50^{\prime} 30^{\prime \prime}$ East; thence from a tangent bearing of South $33^{\circ} 18^{\prime} 29^{\prime \prime}$ East, Southeasterly 16.37 feet along the arc of said curve and along the Westerly line of said Lot 19; thence departing said Westerly line, South $89^{\circ} 51^{\prime} 36^{\prime \prime}$ West, a distance of 42.03 feet; thence South $76^{\circ} 12^{\prime} 13^{\prime \prime}$ West, a distance of 131.46 feet to a point on the aforesaid Westerly, Interior right of way line of Drive, said point lying on a non-tangent curve concave Easterly, having a radius of 75.00 feet, a central angle of $18^{\circ} 04^{\prime} 57^{\prime \prime}$ and a chord bearing of North $18^{\prime} 09^{\prime} 27^{\prime \prime}$ East; thence from a tangent bearing of North $09^{\circ} 06^{\prime} 59^{\prime \prime}$ East, Northerly 23.67 feet along said Westerly, Interior right of way line and the arc of said curve to the POINT OF BEGINNING.

Containing 3,116 square feet, more or less.

## SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the East Right of Way of Sandalwood Drive, said bearing being South 00.35'39" East.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as reciently drawn under my direction and that it meets the Standards of Practice for 5J-17 requirements.

NOT VALID WITHOUT SHEET 2 OF 2

SANDALWOOD DRIVE (F)

| LINE TABLE |  |  |
| :---: | :---: | :---: |
| LINE \# | EEARING | LENGTH |
| L1 | S00'35'39"E | 106.15' |
| L2 | N76'12'13"E | 98.37 ${ }^{\circ}$ |
| L3 | N76.12'13"E | 121.38' |
| . 14 | N89.51'36'E | 12.85' |
| L5 | N56.41'31 ${ }^{\prime \prime} \mathrm{E}$ | 15.00' |
| L6 | S89:51'36 ${ }^{\prime \prime}$ W | 42.03' |
| 17 | S76.12'13"W | 131.46 ${ }^{\circ}$ |

REVISED 10-27-2016 EC
THIS IS NOT A SURVEY
Drawing Number 59450003
job No. 59450
12/15/2015 EC

| CURVE TABLE |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| CURVE. \# | LENGTH | RȦDUS | DELTA | CHORD BEARING | $\begin{aligned} & \text { CHORD } \\ & \text { DISTANCE } \end{aligned}$ |
| C1 | 17.83' | $90.00^{\circ}$ | 1120'56" | S38.58'57"E | $17.80^{\circ}$ |
| C2 | 16.37' | 105.00 | 08.55'58" | S28.50'30'E | 16.35' |
| c3 | $23.67^{\circ}$ | $75.00^{\prime}$ | 18*04'57' | N18.09'27"E | 23.57' |




Project: Petition to Vacate \#15-05-014 (5528 Rockwood Ave)

# SUBORDINATION OF ENCUMBRANCE 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 drainage easement; in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Mortgage held by the undersigned; and,

WHEREAS, On behalf of Orange County, a request has been made for the undersigned to subordinate said encumbrance 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 encumbrance 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 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 SCHEDULE "A"

## Encumbrance:

SunTrust Bank
FROM: Sonja G. Ahrens
Mortgage filed December 10, 2013
Recorded in Official Records Book 10674, Page 7755
All in the Public Records of Orange County, Florida
PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance insofar as same affects the rights and privileges of Orange County, in its use of the land specifically above described for drainage easement purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrance 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 drainage easement purposes that in such event the subordination of said encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been

Project: Petition to Vacate \#15-05-014 (5528 Rockwood Ave)

IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this 23rd day of Nay A.D. $20 / 6$

Signed, sealed and delivered in the presence of:


Witness
Davis) T4erractor
Printed Name


## margot cook

Printed Name

SunTrust Bank,
a Georgia banking corporation

(Corporate Seal)
$\qquad$ of $\qquad$ May
The foregoing instrument was acknowledged before me this $\qquad$ Lat
COUNTY OF Orange

## STATE OF Florida

 SunTrust Bank, a Georgia banking Corporation, on behalf of the corporation. He/She X is personally known to me or $\square$ has produced as identification.Witness my hand and official seal this 23 rd day of M nay_, 2016


This instrument prepared by:
Theresa A Avery, 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:

## DESCRIPTION:

Portions of Drive, also known as Tot Circle, and Kiddie Pool, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J, Page 78 of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Lot 6, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J, Page 78 of the Public Records of Orange County, Florida; thence South $00^{\circ} 35^{\prime} 39^{\prime \prime}$ East, a distance of 106.15 feet along the Easterly right of way-line of an Unnamed Road, also known as Sandalwood Drive, per said plat; thence departing said Easterly right of way line, North $76^{\circ} 12^{\prime} 13^{\prime \prime}$ East, a distance of 98.37 feet to a point on the Westerly, Interior right of way line of Drive, also known as Tot Circle, per said plat, for a POINT OF BEGINNING; thence departing said Westerly, interior right of way line, continue North $76^{\circ} 12^{\prime} 13^{\prime \prime}$ East, a distance of ' 121.38 feet; thence North $89^{\circ} 51^{\prime} 36^{\prime \prime}$ East, a distance of 12.85 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 90.00 feet, a central angle of $11^{\circ} 20^{\prime} 56^{\prime \prime}$ and a chord bearing of South $38^{\circ} 58^{\prime} 57^{\prime \prime}$ East; thence from a tangent bearing of South $44^{\circ} 39^{\prime} 25^{\prime \prime}$ East, Southeasterly 17.83 feet along the arc of said curve; thence departing said curve North $56^{\circ} 41^{\prime} 31^{\prime \prime}$ East, a distance of 15.00 feet to the Northwest corner of Lot 19, Block C of said Jessamine Beach, said point lying on a non-tangent curve concave Southwesterly, having a radius of 105.00 feet, a central angle of $08^{\circ} 55^{\prime} 58^{\prime \prime}$ and a chord bearing of South $28^{\circ} 50^{\prime} 30^{\prime \prime}$ East; thence from a tangent bearing of South $33^{\circ} 18^{\prime} 29^{\prime \prime}$ East, Southeasterly 16.37 feet along the arc of said curve and along the Westerly line of said Lot 19; thence departing said Westerly line, South $89^{\circ} 51^{\prime} 36^{\prime \prime}$ West, a distance of 42.03 feet; thence South $76^{\circ} 12^{\prime} 13^{\prime \prime}$ West, a distance of 131.46 feet to a point on the aforesaid Westerly, interior right of way line of Drive, said point lying on a non-tangent curve concave Easterly, having a radius of 75.00 feet, a central angle of $18^{\circ} 04^{\prime} 57^{\prime \prime}$ and a chord bearing. of North $18^{\circ} 09^{\prime} 27^{\prime \prime}$ East; thence from a tangent bearing of North $09^{\circ} 06^{\prime} 59^{\prime \prime}$ East, Northerly 23.67 feet along said Westerly, Interior right of way line and the arc of said curve to the POINT OF BEGINNING.

Containing 3,116 square feet, more or less.

## SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the East Right of Way of Sandalwood Drive, said bearing being South 00³5'39" East.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as rec̣ently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements.

NOT VALID WITHOUT SHEET 2 OF 2


SEE SHEET 2 FOR SKETCH
SHEET 1 OF 2



## THIS IS A DONATION

Project: Petition to Vacate \#15-05-014 (5528 Rockwood Ave)

## DRAINAGE EASEMENT

THIS INDENTURE, made the $\qquad$ day of $\qquad$ , 2017, between Joseph Vicari and Adriana Vicari, his wife, of the county of Orange and state of Florida , 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 GRANTII: the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid, 10-wit:

## SEE ATTACHED SCHEDULE "A"

## Property Appraiser's Parcel Identification Number:

## a portion of

14-23-29-3980-03-010

TO HAVE AND TO HOLD said casement 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 drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GRANTOR, her heirs, 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 easement that may interfere with the normal operation or maintenance of the drainage ditch, pipe, or facility.

IN WITNESS WHEREOF, the said GRANTOR has hereto set their hand the day and year first above written.

Signed, sealed and delivered in


Printed Name


5520 Rock wood AveNue, DeL 32839
Post Office Address


Adriana Vicari
5520 Rock wood Avenue, Ox 32839

## (Signature of TWO Witnesses required by Florida Law)

state of Florvda COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 8 in
of Aresust $\qquad$ , 2017, by Joseph Vicari and Adriana Vicari, his wife. They are $\square$ personally known to me or $\square$ have each produced $\qquad$ and $\qquad$ as identification.


This instrument prepared by:
Theresa A. Avery, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

8 ST day of f A , 2017


Printed Notary Name
Notary Public in and for the County and State aforesaid

My commission expires:

## Consent of Lien Holder

Wells Fargo Bank, N.A., a successor in interest to Wachovia Bank, N.A. is the current Lien Holder and owner of a certain Mortgage dated 3/26/2004 made and subscribed by Joseph Vicari, husband and Adriana Vicari, wife and recorded in Official Records Book 7398, Page 683, of the Public Records of Orange County, State of Florida. Lien Holder hereby consents to the grant of the foregoing Drainage Easement by Joseph Vicari and Adriana Vicari to Orange County attached to this Consent and joins in the execution hereof solely as Lien Holder and hereby does agree that in the event of the foreclosure of said Mortgage, or other sale of said property described in said Mortgage under judicial or non-judicial proceedings, the same shall be sold subject to said Easement.

## Dated: December 14,2012

State of OREGON )


County of WASHINGTON )
On December 14,2017, Before me, the undersigned, a Notary Public in and for the State personally appeared Karla M. Kochler Givotpersonally known to me or proved to me on the basis of satisfactory evidence to be the persons) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures) on the instrument the persons), or the entity upon behalf of the which persons) acted, executed the instrument.


## DESCRIPTION :

Portions of Drive, also known as Tot Circle, and Kiddie Pool, Block C, Jessamine Beach, according to the Plot thereof, as recorded in Plat Book J, Page 78 of the Public Records of Orange County, florida, being more particularly described as follows:

Commence at the Northwest corner of Lot 6, Block C, Jessamine Beach, according to the Plat thereof, as recorded in Plat Book J, Page 78 of the Public Records of Orange County, Florida; thence South 00"35'39" East, a distance of 106.15 feet along the Easterly right of way line of an Unnamed Road, also known os Sandalwood Drive, per said plot; thence departing said Easterly right of way line, North $76^{\circ} 12^{\prime} 13^{\prime \prime}$ Fast, a distance of 219.75 feet; thence North $89^{\circ} 51^{\prime} 36^{\prime \prime}$ East, a distance of 12.85 feet to the POINT OF BEGINNING; thence continue North $89^{\circ} 51^{\prime} 36^{\prime \prime}$ East, a distance of 19.75 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 105.00 feet, a central angle of $03^{\circ} 46^{\prime} 14^{\prime \prime}$ and a chord bearing of South $35^{\circ} 11^{\prime} 36^{\prime \prime}$ East, said point being on the Westerly line of Lot 20 of said Block $C$; thence from a tangent bearing South $3 \%^{\circ} 04^{\prime \prime} 44^{\prime \prime}$ East, Southeasterly, a distance of 6.91 feet along the arc of said curve and along said Westerly line to the Southwest corner of said Lot 20; thence departing said Westerly line South $56^{\circ} 41^{\prime} 31^{\prime \prime}$ West, a distance of 15.00 leet to a point on a non- tangent curve concave Southwesterly, having a radius of 90.00 feet, a central angle of $11^{\circ} 20^{\prime} 56^{\prime \prime}$ and a chord bearing of North $38^{\circ} 58^{\prime} 57^{\prime \prime}$ West; thence from a tangent bearing North $33^{\circ} 18^{\prime} 29^{\prime \prime}$ West, Northwesterly, o distance of 17.83 feet along the arc of said curve to the POINT OF BEGINNING.

Containing 184 square feet, more or less.

## SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the East Right of Way of Sandalwood Drive, said bearing being South $00^{\circ} 35^{\prime} 39^{\prime \prime}$ East.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements.

5/3/2017



