



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 9

**DATE:** January 4, 2018

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

**FROM:** Theresa A. Avery, Senior Title Examiner *TA*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM OFF LEASE ONLY INC. TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM ALLY BANK AND ALLY FINANCIAL, INC. AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Off Lease Only Orlando Permit: 16-E-013 OCU File #: 84026  
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: 535 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

JAN 23 2018

THIS IS A DONATION

Project: Off Lease Only Orlando Permit: 16-E-013 OCU File #: 84026

**UTILITY EASEMENT**

THIS INDENTURE, Made this 6<sup>th</sup> day of September, A.D. 2017, between Off Lease Only Inc., a Florida corporation, having its principal place of business in the city of Village of Palm Springs, county of Palm Beach, whose address is 1200 South Congress Avenue, West Palm Beach, FL 33406, 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**

**25-23-30-6160-01-000**

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, agrees 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 GRANTOR has caused these presents to be executed in its name.

Signed, sealed and delivered  
in the presence of:

M. Hausheer

Witness

Monique Hausheer

Printed Name

Witness

E. Cole

Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 6<sup>th</sup> of September, 2017, by Mark Fischer, as CEO, of Off Lease Only Inc., a Florida corporation, on behalf of the corporation. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(Notary Seal)

Off Lease Only Inc., a Florida corporation

BY: [Signature]

Mark Fischer

Printed Name

CEO  
Title

(Corporate Seal)

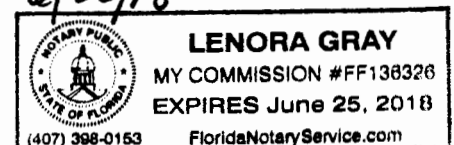
[Signature]  
Notary Signature

Lenora Gray  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: 6/25/18

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



OFF LEASE ONLY ORLANDO  
PARCEL NUMBER: 25-23-30-6160-01-000  
ORANGE COUNTY E-PERMIT NUMBER: 16-E-013  
ISSUE DATE: 8-4-2017

## EXHIBIT "A"

### LEGAL DESCRIPTION

A portion of LOT 1 of the OFF LEASE ONLY Plat, Plat Book 90, Page 130, within Section 25, Township 23 South, Range 30 East, as recorded in the Public Records of Orange County, Florida and being more particularly described as follows:

Commence at the southeast corner of said Lot 1; thence run along the East boundary line of Lot 1 of said plat and the westerly Right of Way line of Narcoossee Road, North 09° 51' 18" West, 11.33 feet to the POINT OF BEGINNING; thence leaving said boundary and Right of Way line, run North 90° 00' 00" West, 28.47 feet; thence run North 00° 00' 00" East, 20.00 feet; thence run North 90° 00' 00" East, 25.00 feet to a point on the aforementioned East boundary line and westerly Right of Way line; thence run along said boundary and Right of Way line, South 09° 51' 18" East, 20.30 feet to the POINT OF BEGINNING.


Said portion of land contains 535 Square Feet, more or less.

### NOTES

1. THE SKETCH THAT ACCOMPANIES THIS DESCRIPTION IS NOT A SURVEY.
2. THIS DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER LISTED BELOW.
3. THE LAND DESCRIPTION HEREON WAS WRITTEN BY THIS SURVEYOR AT THE DIRECTION OF THE CLIENT.
4. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST LINE OF LOT 1, OFF LEASE ONLY PLAT, PLAT BOOK 90, PAGE 130, BEING SOUTH 09° 51' 18" WEST.

### CERTIFICATION

I HEREBY STATE THAT THIS SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR FLORIDA SURVEYORS AND MAPPERS, AS SET FORTH IN CHAPTER 5J-17.05 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

  
ELI DONALDSON  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. 6984 STATE OF FLORIDA

8-4-2017  
DATE

SECTION 25, TOWNSHIP 23 SOUTH, RANGE 30 EAST - ORANGE COUNTY, FLORIDA



Landmark Center Two  
225 E. Robinson St., Suite 300  
Orlando, FL 32801  
407.839.4006 / FAX 407.839.4008  
Licensed Business # 7153

Vanasse Hangen Brustlin, Inc.

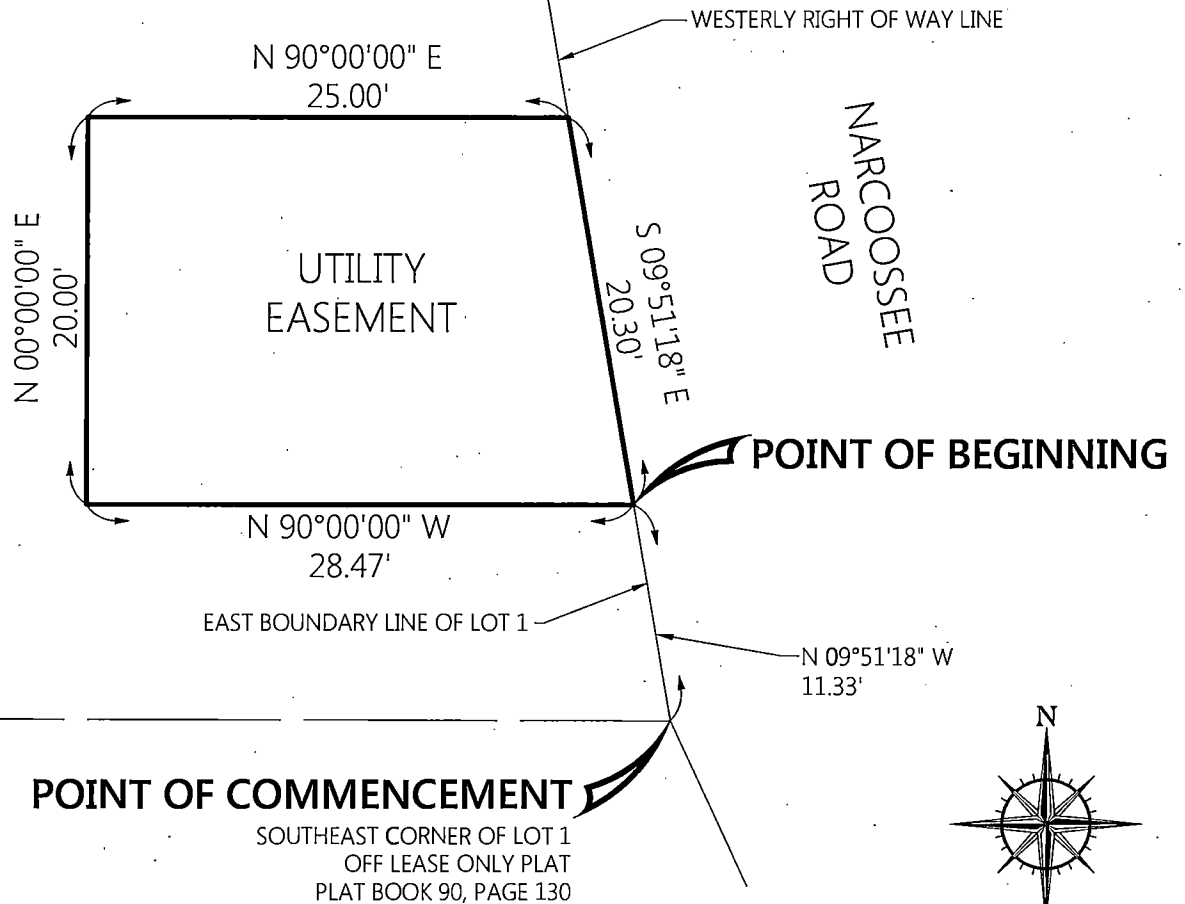
DRAWN BY: C.A.P.	CHECKED: E.J.D.
PROJECT # 62287.02	
DRAWING: 62287.02 OCU ESMT.DWG	
DRAWING DATE: 07/06/2017	
SHEET 1 OF 2	

### DESCRIPTION & SKETCH UTILITY EASEMENT

ISSUED FOR:  
**ORANGE COUNTY UTILITIES**

OFF LEASE ONLY ORLANDO  
PARCEL NUMBER: 25-23-30-6160-01-000  
ORANGE COUNTY E-PERMIT NUMBER: 16-E-013  
ISSUE DATE: 8-4-2017

LOT 1  
OFF LEASE ONLY PLAT



LOT 2  
OFF LEASE ONLY PLAT

SEE SHEET 1 OF 2 FOR DESCRIPTION, CERTIFICATION AND NOTES

SECTION 25, TOWNSHIP 23 SOUTH, RANGE 30 EAST - ORANGE COUNTY, FLORIDA



Landmark Center Two  
225 E. Robinson St., Suite 300  
Orlando, FL 32801  
407.839.4006 / FAX 407.839.4008  
Licensed Business # 7153

Vanasse Hangen Brustlin, Inc.

DRAWN BY: C.A.P. CHECKED: E.J.D.

PROJECT # 62287.02

DRAWING: 62287.02 OCU ESMT.DWG

DRAWING DATE: 07/06/2017

SHEET 2 OF 2

DESCRIPTION & SKETCH  
UTILITY EASEMENT

ISSUED FOR:  
ORANGE COUNTY UTILITIES

JAN 23 2018

Project: Off Lease Only Orlando Permit: 16-E-013 OCU File #: 84026

**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 project in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to a Mortgage; Assignment of Leases, Rents and Profits; Cross Collateral, Cross Default and Guaranty Agreement; General Security Agreement; General Security Agreement; Uniform Commercial Code Financing Statement; and Uniform Commercial Code 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:

Ally Bank

Ally Financial, Inc.

FROM: Off Lease Only, Inc., Mark Fischer, and individual; and Eileen Fischer, an individual  
Mortgage filed August 15, 2014

Recorded in Official Records Book 10791, Page 4261

Assignment of Leases, Rents and Profits filed August 15, 2014

Recorded in Official Records Book 10791, Page 4266

Cross Collateral, Cross Default and Guaranty Agreement filed August 15, 2014

Recorded in Official Records Book 10791, Page 4272

General Security Agreement filed August 15, 2014

Recorded in Official Records Book 10791, Page 4279

General Security Agreement filed August 15, 2014

Recorded in Official Records Book 10791, Page 4282

Uniform Commercial Code Financing Statement filed August 15, 2014

Recorded in Official Records Book 10791, Page 4285

Uniform Commercial Code Financing Statement filed June 20, 2016

Recorded as Document No. 20160316785

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 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 7<sup>th</sup> day of December, A.D. 2017.

Signed, sealed, and delivered  
in the presence of:

Matt Mayes

Witness

Matt Mayes

Printed Name

Byl Btl

Witness

Taylor Bostell

Printed Name

STATE OF Georgia  
COUNTY OF Cobb

Ally Financial, Inc., a Delaware corporation

BY: Kenneth D. Geyer

Kenneth D. Geyer

Printed Name

Authorized Representative

Title

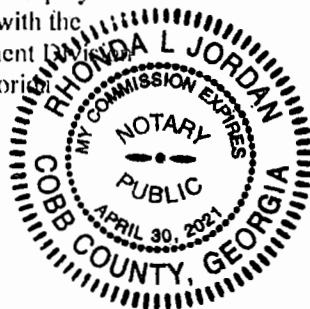
(Corporate Seal)

The foregoing instrument was acknowledged before me this 7 of December, 2017, by Kenneth D. Geyer, as Authorized Representative, of Ally Financial, Inc., a Delaware corporation, on behalf of the corporation. ☒ He ☐ She ☐ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 7 day of December, 2017.

(Notary Seal)

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



Rhonda L. Jordan

Notary Signature

Rhonda L. Jordan

Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: 4/30/21

IN WITNESS WHEREOF, the said holder of said encumbrances has duly executed this instrument this 7<sup>th</sup> day of December, A.D. 20 17.

Signed, sealed, and delivered  
presence of:

Matt Mayes

Witness

Matt Mayes

Printed Name

Taylor Bartwell

Witness

Taylor Bartwell

Printed Name

Ally Bank, a Utah State chartered bank

BY: Kenneth D. Geyer

Kenneth D. Geyer

Printed Name

Authorized Representative

Title

STATE OF Georgia  
COUNTY OF Cobb

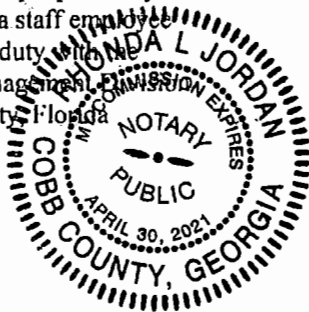
The foregoing instrument was acknowledged before me this 7 of December, 20 17, by Kenneth D. Geyer, as authorized representative, of Ally Bank, a Utah State chartered bank, on behalf of the bank. ☒ He/She ☐ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Witness my hand and official seal this 7 day of December, 20 17.

(Notary Seal)

This instrument prepared by:

Theresa Avery, a staff employee  
in the course of duty, is a  
Real Estate Manager, Commission  
of Orange County, Florida



Rhonda L. Jordan

Notary Signature

Rhonda L. Jordan

Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: 4/30/21



OFF LEASE ONLY ORLANDO  
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 **8-4-2017**  
ELI DONALDSON  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. 69840 6984  
DATE

SECTION 25, TOWNSHIP 23 SOUTH, RANGE 30 EAST - ORANGE COUNTY, FLORIDA



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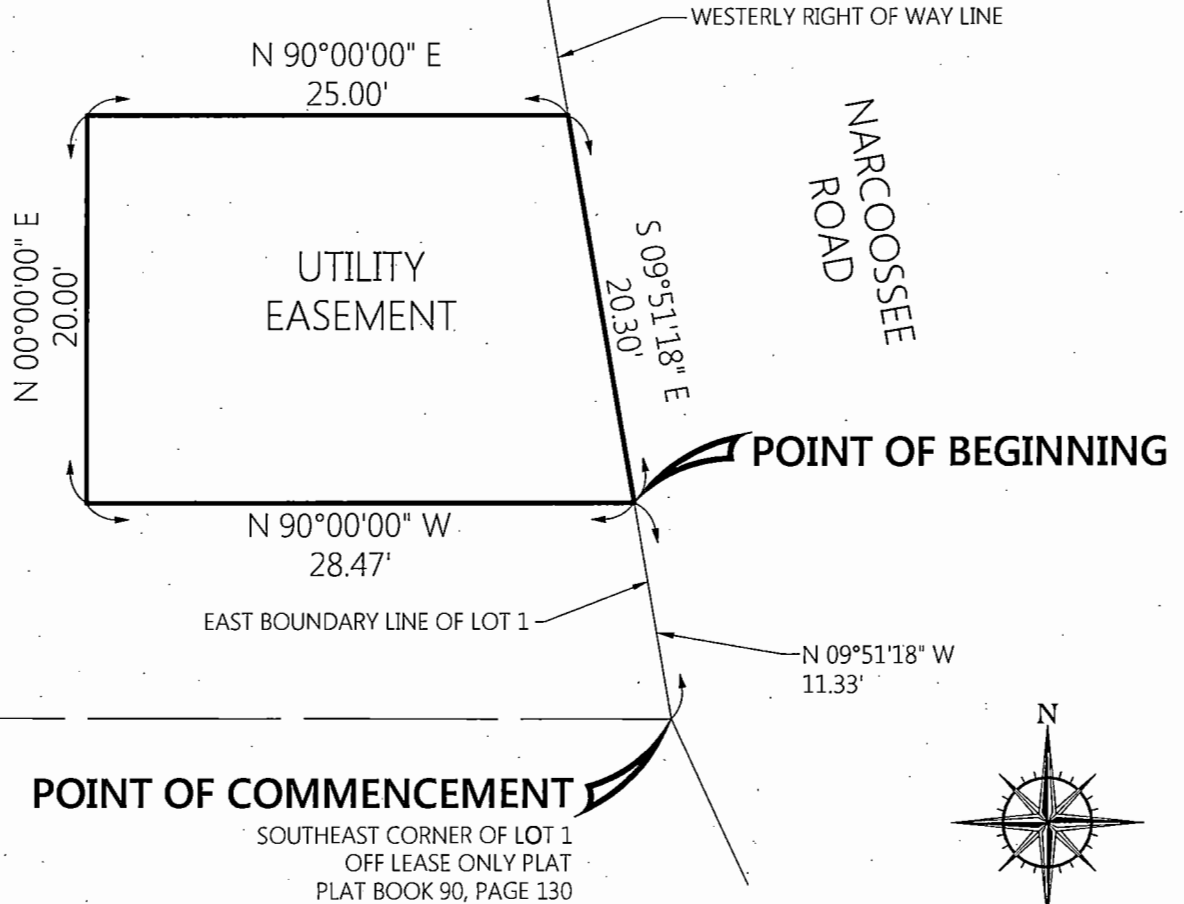
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ISSUED FOR: <b>ORANGE COUNTY UTILITIES</b>

OFF LEASE ONLY ORLANDO  
PARCEL NUMBER: 25-23-30-6160-01-000  
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ISSUED FOR:  
ORANGE COUNTY UTILITIES