





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 7

**DATE:** January 24, 2018

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

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

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

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM AMPROP VENTURES ORANGE, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM TD BANK, N. A. AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** Southchase PD/South Meadow Parcel 34  
Permit: B17903185 OCU File #: 93927  
  
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: 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.

THIS IS A DONATION

Project: Southchase PD/South Meadow Parcel 34  
Permit: B17903185 OCU File #: 93927

**UTILITY EASEMENT**

THIS INDENTURE, Made this 17 day of December, A.D. 20 17, between Amprop Ventures Orange, LLC, a Florida limited liability company, having its principal place of business in the city of TAMPA, county of Hillsborough, whose address is 4201 W. Cypress St. TAMPA, FL 33607, 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, an 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**

**26-24-29-5340-03-000**

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 utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted easement, 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 easement 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 utility easement, 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.

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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:

Amprop Ventures Orange, LLC,  
a Florida limited liability company

BY:

Witness

Karl M. Johnson  
Printed Name

Printed Name

Witness

Aline A. Perrone  
Printed Name

Printed Name

Eric Schoessler  
Printed Name

Printed Name

Title

Title

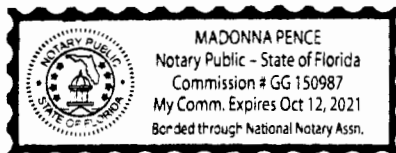
(Signature of TWO witnesses required by Florida law)

STATE OF Florida

COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 14th of December, 2017, by Eric Schoessler, as Manager of Amprop Ventures Orange, LLC, a Florida limited liability company, on behalf of the limited liability company. He/She ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(Notary Seal)



Madonna Pence  
Notary Signature

Madonna Pence  
Printed Notary Name

Notary Public in and for Hillsborough  
the county and state aforesaid. Florida

My commission expires: Oct 12, 2021

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

# EXHIBIT "A"

## SKETCH & LEGAL DESCRIPTION OF 10'x15' UTILITY EASEMENT

SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST  
ORANGE COUNTY, FLORIDA

PROJECT NAME: SOUTHCHASE PD/SOUTH MEADOW PARCEL 34/ TIRE STORE AND MASS GRADING  
DOCUMENT TITLE: 10'x15' UTILITY EASEMENT  
PROJECT NUMBER: 93927  
BUILDING DEPARTMENT PERMIT NUMBER B17903185

### LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING A PORTION OF LOT 3, MLC WAWA CENTER, AS RECORDED IN PLAT BOOK 78, PAGE 51 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE WITH THE NORTH RIGHT-OF-WAY LINE OF TOWN CENTER BOULEVARD (VARIABLE-WIDTH RIGHT OF WAY PER OFFICIAL RECORDS BOOK 5410, PAGE 1723 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA), N67°11'11"W, A DISTANCE OF 15.00 FEET; THENCE THROUGH SAID LOT 3 THE FOLLOWING TWO COURSES: 1) N22°48'49"E, A DISTANCE OF 10.00 FEET; 2) S67°11'11"E, A DISTANCE OF 15.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTHMEADOW DRIVE (100-FOOT RIGHT OF WAY PER PLAT BOOK 66, PAGE 5 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA); THENCE WITH SAID WEST RIGHT-OF-WAY LINE, S22°48'49"W, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.



CONTAINING 150 SQUARE FEET (0.003 ACRES) OF LAND, MORE OR LESS.

### SURVEYOR'S NOTES

1. THE PURPOSE OF THIS SKETCH AND LEGAL DESCRIPTION IS TO PROVIDE A LEGAL DESCRIPTION FOR A 10'x15' UTILITY EASEMENT.
2. THE BASIS OF BEARINGS FOR THIS SKETCH AND LEGAL DESCRIPTION IS THE SOUTH LINE OF LOT 3 WHICH IS RECORDED TO BEAR N67°11'11"W ON THE PLAT OF MLC WAWA CENTER AS RECORDED IN PLAT BOOK 78, PAGE 51 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
3. THE PROPERTY DEPICTED ON THIS SKETCH IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS LEGAL DESCRIPTION IS INCOMPLETE UNLESS ACCOMPANIED BY A SKETCH OF THE PROPERTY DESCRIBED HEREIN.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

27 SEP 2017: ADDED PROJECT INFORMATION  
15 SEP 2017: ADDED PERMIT NUMBER

 <b>LEADING EDGE LAND SERVICES</b> INCORPORATED 8802 EXCHANGE DRIVE ORLANDO, FLORIDA 32809 PHONE: (407) 351-6730 FAX: (407) 351-9691 www.leadingedgeels.com  FLORIDA LICENSED BUSINESS NUMBER LB 6846	<b>SKETCH &amp; LEGAL DESCRIPTION</b> FOR <b>RE CRAWFORD CONSTRUCTION</b> <b>SURVEYOR'S CERTIFICATION</b> I, THE UNDERSIGNED FLORIDA LICENSED SURVEYOR AND MAPPER, DO HEREBY CERTIFY THAT I HAVE COMPLETED THIS SKETCH AND LEGAL DESCRIPTION IN ACCORDANCE WITH FLORIDA ADMINISTRATIVE RULE 5J-17 STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS.   JEFFREY D. HOFIUS PROFESSIONAL SURVEYOR AND MAPPER NUMBER 6610	DATE OF DRAWING: 07 SEP 2017 MANAGER: JDH CADD: EAC PROJECT NUMBER: 322-17003 FIELD BOOK NUMBER: N/A LAST FIELD WORK: N/A CREW CHIEF (S): N/A COMPUTER FILE: 32203ESMT.PRO SCALE: 1" = 20' SHEET 1 OF 2
	DATE: 09/27/2017	

# SKETCH & LEGAL DESCRIPTION OF 10'x15' UTILITY EASEMENT

SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST  
ORANGE COUNTY, FLORIDA

PROJECT NAME: SOUTHCHASE PD/SOUTH MEADOW PARCEL 34/ TIRE STORE AND MASS GRADING  
DOCUMENT TITLE: 10'x15' UTILITY EASEMENT  
PROJECT NUMBER: 93927  
BUILDING DEPARTMENT PERMIT NUMBER B17903185

THIS SKETCH IS INCOMPLETE  
UNLESS ACCOMPANIED BY A  
LEGAL DESCRIPTION OF THE  
PROPERTY DEPICTED HEREON

## LINE TABLE

LINE	BEARING	DISTANCE
L1	N67°11'11"W	15.00'
L2	N22°48'49"E	10.00'
L3	S67°11'11"E	15.00'
L4	S22°48'49"W	10.00'



LOT 3  
MLC WAWA CENTER  
P.B. 78, PG. 51

10'x15' UTILITY EASEMENT  
150 SQUARE FEET  
(0.003 ACRES)

NORTH R/W LINE  
**TOWN CENTER BOULEVARD**  
VARIABLE-WIDTH RIGHT OF WAY  
PER O.R. 5410, PG. 1723

WEST R/W LINE

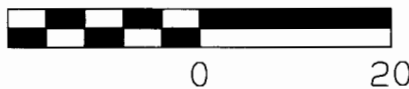
**SOUTHMEADOW DRIVE**  
100' RIGHT OF WAY  
PER P.B. 66, PG. 5

P.O.B.  
SE CORNER - LOT 3  
MLC WAWA CENTER  
P.B. 78, PG. 51

## LEGEND

P.O.B. POINT OF BEGINNING  
P.B. PLAT BOOK  
O.R. OFFICIAL RECORDS BOOK  
PG. PAGE  
R/W RIGHT OF WAY  
LB LICENSED BUSINESS  
PSM PROFESSIONAL SURVEYOR & MAPPER

GRAPHIC SCALE 1"=20'



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27 SEP 2017: ADDED PROJECT INFORMATION  
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SKETCH & LEGAL DESCRIPTION  
FOR  
RE CRAWFORD CONSTRUCTION

THIS IS NOT A  
BOUNDARY SURVEY

DATE OF DRAWING: 07 SEP 2017  
MANAGER: JDH CADD: EAC  
PROJECT NUMBER: 322-17003  
FIELD BOOK NUMBER: N/A  
LAST FIELD WORK: N/A  
CREW CHIEF(S): N/A  
COMPUTER FILE: 32203ESMT.PRO  
SCALE: 1" = 20' SHEET 2 OF 2

**LEADING EDGE  
LAND SERVICES**  
INCORPORATED

8802 EXCHANGE DRIVE  
ORLANDO, FLORIDA 32809

PHONE: (407) 351-6730  
FAX: (407) 351-9691  
www.leadingedges.com

FLORIDA LICENSED BUSINESS NUMBER LB 6846

**FEB 20 2018**

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Project: Southchase PD/South Meadow Parcel 34  
Permit: B17903185 OCU File #: 93927

### **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; Assignment of Leases and Rents; 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:**

TD Bank, N. A.  
FROM: Amprop Ventures Orange, LLC  
Mortgage and Security Agreement filed September 26, 2017  
Recorded as Document No. 20170526007  
Assignment of Leases and Rents filed September 26, 2017  
Recorded as Document No. 20170526008  
Financing Statement filed September 26, 2017  
Recorded as Document No. 20170526009  
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 12th day of December, A.D. 2017.

Signed, sealed, and delivered  
in the presence of:

Witness

William D. Trotman

Printed Name

Witness

Ryan Everett Gorters  
Printed Name

TD Bank, N. A.,  
a national banking association

BY:

Mark Sheldon

Printed Name

Vice President  
Title

STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 12th of December, 2017, by Mark Sheldon, as Vice President of TD Bank, N. A., 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 12th day of December, 2017

(Notary Seal)

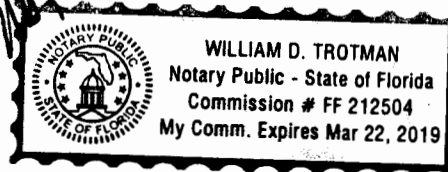
William D. Trotman  
Notary Signature

William D Trotman  
Printed Notary Name

**This instrument prepared by:**  
Theresa Avery, 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:



# EXHIBIT "A"

## SKETCH & LEGAL DESCRIPTION OF 10'x15' UTILITY EASEMENT

SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST  
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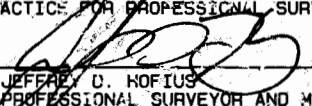
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	FLORIDA LICENSED BUSINESS NUMBER LB 6846	



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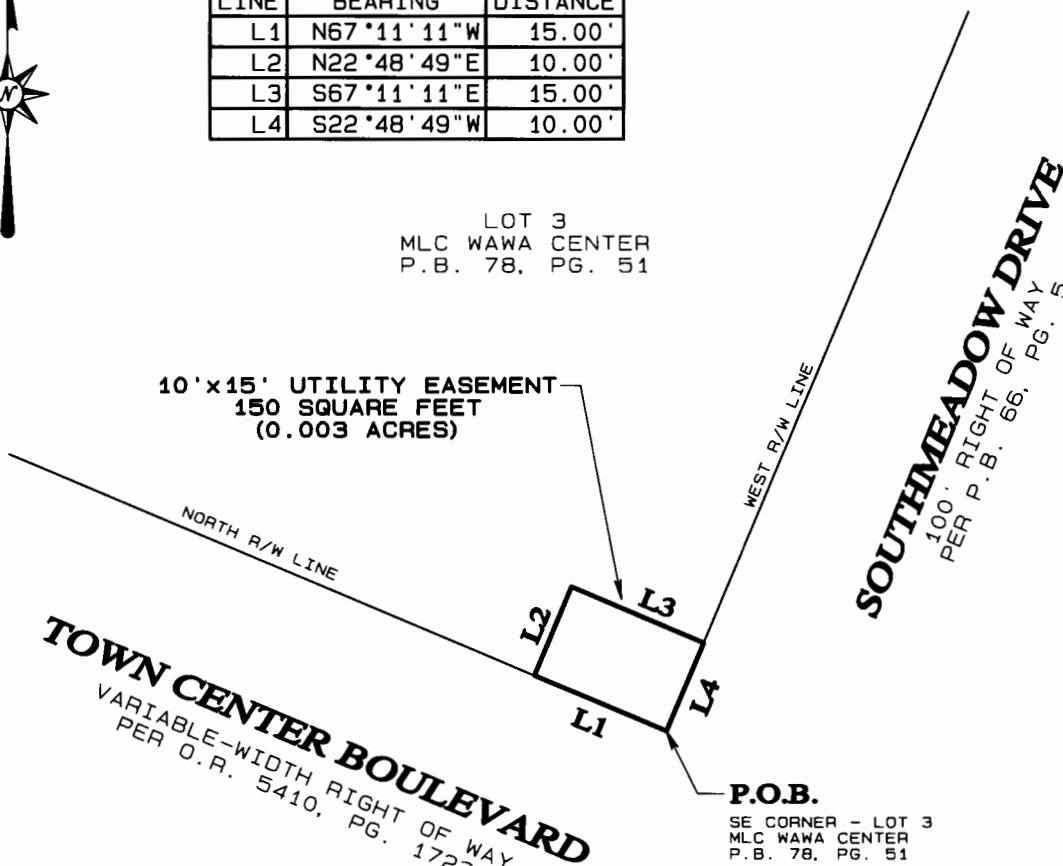
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MLC WAWA CENTER  
P.B. 78, PG. 51

10'x15' UTILITY EASEMENT  
150 SQUARE FEET  
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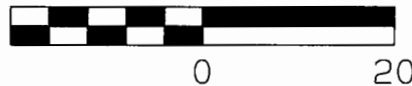


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## LEGEND

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FIELD BOOK NUMBER: N/A  
LAST FIELD WORK: N/A  
CREW CHIEF(S): N/A  
COMPUTER FILE: 32203ESMT.PRO  
SCALE: 1" = 20' SHEET 2 OF 2

**LEADING EDGE  
LAND SERVICES**

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FLORIDA LICENSED BUSINESS NUMBER LB 6846