



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 13

DATE: March 5, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Mary Tiffault, Title Examiner *(MAG)*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT FROM HOFFNER FRUIT, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM FIRST NATIONAL BANK OF SOUTH MIAMI AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: 4400 Hoffner Avenue Redevelopment Permit: 16-E-084 OCU
File #: 88266

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: 540 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.

REMARKS:

The South Florida Water Management District ("SFWMD") has requested this License Agreement for Monitoring Well Access for the purpose of operating, maintaining, and collecting data from existing monitoring wells located within the County's Moss Park in order to continue to evaluate the regional aquifers.

APR 10 2018

THIS IS A DONATION

Project: 4400 Hoffner Avenue Redevelopment
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UTILITY EASEMENT

THIS INDENTURE, Made this 7TH day of FEBRUARY, A.D. 2018, between Hoffner Fruit, LLC, a Florida limited liability company, whose address is 960 ORION REAL ESTATE GROUP, 200 S. BISCAYNE BLVD., 7TH FL, MIAMI, FL 33131, 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

20-23-30-3651-00-003

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, 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 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, 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

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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:

Norman J. Buhrmaster
Witness

NORMAN J. BUHRMASTER
Printed Name

Arantxa Muro
Witness

ARANTXA MURO
Printed Name

Hoffner Fruit, LLC,
a Florida limited liability company

BY: *Joseph A. Sanz*

JOSEPH A. SANZ
Printed Name

Manager
Title

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 7th of February, 2018, by Joseph A. Sanz, as Manager of Hoffner Fruit, 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.

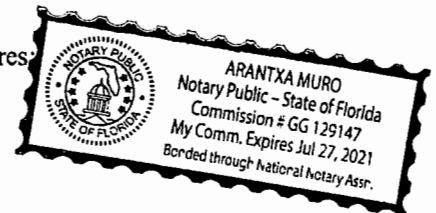
(Notary Seal)

Arantxa Muro
Notary Signature

ARANTXA MURO
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:



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"

Sheet 1 of 2
See Sketch of Description
Included as Attachment "A"

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF TRACT "C", HOFFNER FRUIT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 93, PAGE 33, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; SAID POINT BEING THE POINT OF INTERSECTION OF THE CENTERLINE OF HOFFNER AVENUE (STATE ROAD 15) AND THE CENTERLINE OF CONWAY ROAD; THENCE SOUTH $00^{\circ}06'54''$ EAST, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 20, A DISTANCE OF 277.16 FEET; THENCE DEPARTING SAID LINE, RUN SOUTH $89^{\circ}55'50''$ WEST, A DISTANCE OF 46.48 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CONWAY ROAD AND THE POINT OF BEGINNING; THENCE SOUTH $00^{\circ}11'52''$ EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 27.00 FEET; THENCE, DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF CONWAY ROAD, RUN SOUTH $89^{\circ}55'50''$ WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH $00^{\circ}11'52''$ WEST, A DISTANCE OF 27.00 FEET; THENCE NORTH $89^{\circ}55'50''$ EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

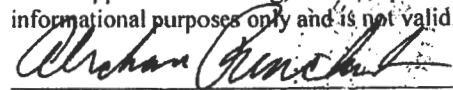
CONTAINING 540 SQUARE FEET, OR 0.01 ACRES, MORE OR LESS.

TSS Order #T17-A42-REV-1

Prepared by:

CENTRAL FLORIDA SURVEYS, INC. dba:
TINKLEPAUGH SURVEYING SERVICES, INC.
5125 ADANSON STREET, SUITE 800
ORLANDO, FLORIDA 32804
(407) 262-0957

This description and the accompanying sketch or sketches has been prepared in accordance with the Standards set forth in Chapter 5J-17, F.A.C., pursuant to Chapters 177 and 472, Florida Statutes. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.



ABRAHAM I. REMCHUK, P.S.M. # 6813

Date: 11 JAN 18

SKETCH OF DESCRIPTION ATTACHMENT "A"

— NOT A SURVEY —

SHEET 2. OF 2

Project Name: 4400 Hoffner Avenue Redevelopment

Permit Number: 16-E-084

HOFFNER AVENUE (STATE ROAD 15)

RIGHT OF WAY VARIES
F.D.O.T. RIGHT OF WAY MAP SECTION 75080-2527
NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF
SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST

POINT OF COMMENCEMENT

NORTHEAST CORNER OF THE NORTHWEST
1/4 OF THE NORTHEAST 1/4 OF SECTION
20-23-30

SCALE: 1" = 20'

NOT PLATTED

WESTERLY RIGHT-OF-WAY LINE

PARCEL NO 182 A
ORDER OF TAKING
ORB 5493, PAGE 938

POINT OF BEGINNING

N 89°55'50" E
20.00'

S 89°55'50" W 46.48'

TRACT C
HOFFNER FRUIT
PLAT BOOK 93,
PAGE 33

N 00°11'52" W
27.00'

10'x15'
EASEMENT
O.R.B. 4829,
PAGE 3131

540 SQUARE FEET
0.01 ACRES

S 00°11'52" E
27.00'

S 89°55'50" W

S 00°06'54" E 277.16'

EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF
SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST

CONWAY ROAD
RIGHT OF WAY VARIES

F.D.O.T. RIGHT OF WAY MAP SECTION 75080-2527

REV: 11/9/17

SURVEYOR'S NOTES

1. BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, AS BEING S 00°06'54" EAST.

2. SEE SHEET ONE FOR LEGAL DESCRIPTION.

CENTRAL FLORIDA SURVEYS, INC., dba:

Tinklepaugh

SURVEYING SERVICES, INC.

5125 Adanson Street, Suite 800 • Orlando, Florida 32804

Tele. No. (407) 262-0957 LICENSED BUSINESS No. 3778

I/T17A42/DWG/T17A42-SOD.DWG

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
APR 10 2018

Project: 4400 Hoffner Avenue Redevelopment
Permit: 16-E-084 OCU File #: 88266

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 the below encumbrances 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:

First National Bank of South Miami

FROM: Hoffner Fruit, LLC

Mortgage and Security Agreement filed July 5, 2016

Recorded as Document No. 20160340944

Collateral Assignment of Leases, Rents and Profits filed July 5, 2016

Recorded as Document No. 20160340945

Financing Statement filed July 5, 2016

Recorded as Document No. 20160340946

All in the Public Records of Orange County, Florida

Project: 4400 Hoffner Avenue Redevelopment
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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 8th day of February, A.D. 2018.

Signed, sealed, and delivered
in the presence of:

[Signature]
Witness

Tania Osorno
Printed Name
[Signature]
Witness

Oswaldo Lopez
Printed Name

First National Bank of South Miami,
a national banking association

BY: [Signature]

Jody Perlmutter, SVP
Printed Name
Senior Vice President
Title

STATE OF Florida
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 8th of February, 2018, by Jody Perlmutter, as Senior Vice President, of First National Bank of South Miami, a national banking association, on behalf of the national banking association. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 8th day of February, 2018.



[Signature]
Notary Signature

Tania Osorno
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: **11/20/2020**

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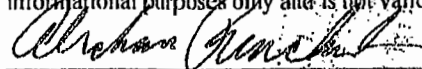
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