



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

**DATE:** May 3, 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 *MT*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

**DIVISION:** Real Estate Management  
Phone: (407) 836-7082

**ACTION REQUESTED:** APPROVAL OF UTILITY EASEMENT FROM BLUE WATER EXPRESS WASH 4, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY FROM BRANCH BANKING AND TRUST COMPANY AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** BWE Landstar Permit: B17903120 OCU File #: 93906  
  
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 Encumbrance to Property Rights to Orange County

Real Estate Management Division  
Agenda Item 6  
May 3, 2018  
Page 2

**APPROVALS:** Real Estate Management Division  
Utilities Department

**REMARKS:** Grantor to pay all recording fees.

MAY 22 2018

THIS IS A DONATION

Project: BWE Landstar Permit: B17903120 OCU File #: 93906

**UTILITY EASEMENT**

THIS INDENTURE, Made this 29<sup>th</sup> day of March, A.D. 2018, between Blue Water Express Wash 4, LLC, a Florida limited liability company, whose address is 1607 Village Square Boulevard, Suite 8, Tallahassee, Florida, 32309, 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**

**25-24-29-5566-01-003**

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 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:

Blue Water Express Wash 4, LLC,  
a Florida limited liability company

[Signature]  
Witness

BY: [Signature]  
Earl May, Managing Member

FELIX E. DORSEY  
Printed Name

[Signature]  
Witness

Kara Justice  
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida  
COUNTY OF Leon

The foregoing instrument was acknowledged before me this 29 of March,  
2018, by Earl May, as Managing Member, of Blue Water Express Wash 4, LLC, a Florida limited  
liability company, on behalf of the limited liability company. He ☒ is personally known to me or ☐ has  
produced \_\_\_\_\_ as identification.

(Notary Seal)

[Signature]  
Notary Signature

Kathleen Armstrong Carlson  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires:



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

Signed, sealed, and delivered  
in the presence of:

Kim Wink  
Witness

Kim Wink  
Printed Name

Barb Smith  
Witness  
Printed Name

Blue Water Express Wash 4, LLC,  
a Florida limited liability company

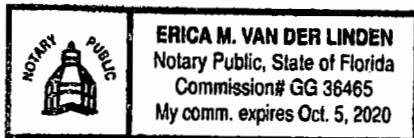
BY: Kenneth Tyrrell  
Kenneth Tyrrell, Managing Member

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 30 of March,  
20 18, by Kenneth Tyrrell, as Managing Member, of Blue Water Express Wash 4, LLC, a Florida limited  
liability company, on behalf of the limited liability company. He ☐ is personally known to me or ☐ has  
produced DRIVERS LICENSE as identification.

(Notary Seal)



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

Erica Van Der Linden  
Notary Signature

Erica M Van Der Linden  
Printed Notary Name

Notary Public in and for  
the county and state aforesaid.

My commission expires: 10/05/2020

Project Name: Blue Water Express Car Wash/Landstar Blvd  
Purpose: Orange County Utility Easement  
Permit Number: B17903120

## EXHIBIT "A"

# SKETCH OF DESCRIPTION

(PAGE 1 OF 2)

### LEGAL DESCRIPTION:

10' X 15' ORANGE COUNTY UTILITY EASEMENT

A PORTION OF LOT 1, MEADOW WOODS PARCEL 30, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 71, PAGES 32 THROUGH 34, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1, MEADOW WOODS PARCEL 30; SAID POINT IS ON THE EASTERLY RIGHT OF WAY LINE OF LANDSTAR BOULEVARD ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 26, PAGES 88 THROUGH 90, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND IS A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1460.00 FEET, A CENTRAL ANGLE OF 05°49'35", A CHORD BEARING AND CHORD DISTANCE OF SOUTH 02°12'53" WEST, 148.40 FEET, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 148.47 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 05°07'41" W, A DISTANCE OF 184.34 FEET FOR A POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF LANDSTAR BOULEVARD, RUN SOUTH 84°52'19" EAST, A DISTANCE OF 15.00 FEET; THENCE RUN SOUTH 05°07'41" WEST, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 84°52'19" WEST, A DISTANCE OF 15.00 FEET TO THE SAID EASTERLY RIGHT OF WAY LINE OF LANDSTAR BOULEVARD; THENCE RUN NORTH 05°07'41" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 150 SQUARE FEET OR 0.0034 ACRES, MORE OR LESS.

JOB #901883  
CF#OC71-32SOD-10UE  
DATE: 10-11-2017  
SCALE: 1" = 30'  
DRAWN BY: PJT

### PREPARED FOR:

Orange County Utilities

### LEGEND

CL - CENTERLINE  
CM - CONCRETE MONUMENT  
CONC - CONCRETE  
CVD - COVERED  
CP - CONCRETE PAD  
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R/W - RIGHT OF WAY  
TR - TELEPHONE RISER  
TYP - TYPICAL  
UE - UTILITY EASEMENT  
UP - UTILITY POLE  
# - NUMBER

### REVISIONS

### GENERAL NOTES:

1. Bearing structure based on: East Right of Way line of Landstar Boulevard, being S05°07'41"W per Plat Book 71, Pages 32 through 34, Public Records of Orange County, Florida.
2. This surveyor has not made a search of the public records for any dedications, limitations, restrictions or easements other than shown hereon.
3. This Sketch of Description has been made for the exclusive use of the entities prepared for, hereon and does not extend to any unnamed parties.
4. This Sketch of Description is not a Survey.
5. This Sketch is "Not Valid" without the signature and the original raised seal of this Florida licensed Surveyor and Mapper, unless provided with electronic signature with the ability to validate. (See: [www.altamaxsurveying.com](http://www.altamaxsurveying.com) for instructions on signature validation). The seal appearing on this document was authorized by Robert C Johnson on the Date of the electronic signature.

### Altamax Surveying

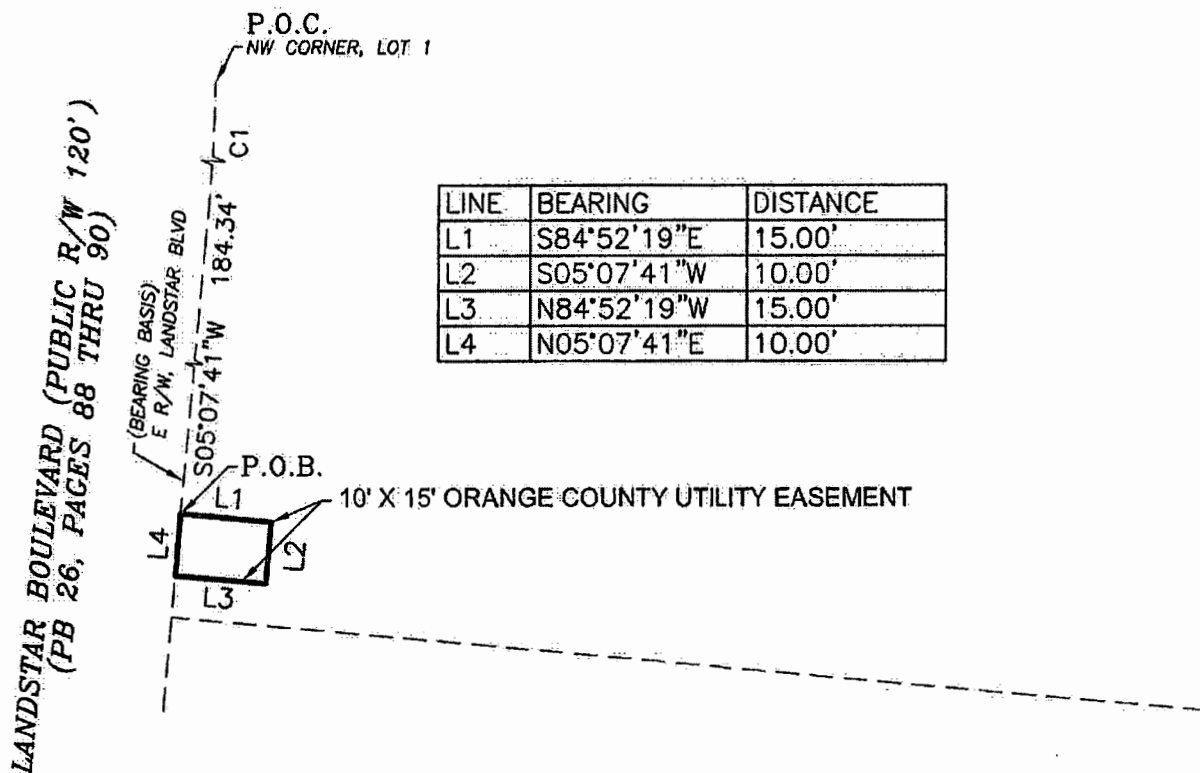
910 Belle Avenue, Suite 1140  
Casselberry, FL 32703  
Phone: 407-227-7677  
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[www.altamaxsurveying.com](http://www.altamaxsurveying.com)

Robert C. Johnson PSM 5551

Project Name: Blue Water Express Car Wash/Landstar Blvd  
 Purpose: Orange County Utility Easement  
 Permit Number: B17903120

## SKETCH OF DESCRIPTION

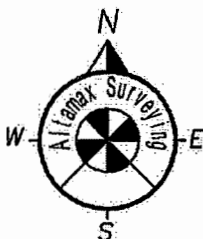
(PAGE 2 OF 2)



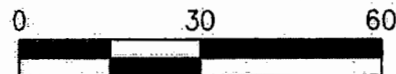
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1460.00'	05°49'35"	148.47'	S02°12'53"W	148.40'

### Altamax Surveying

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 Phone: 407-677-0200  
 Licensed Business No. 7833  
[www.altamaxsurveying.com](http://www.altamaxsurveying.com)



### GRAPHIC SCALE



1 INCH = 30 FT.

MAY 22 2018

Project: BWE Landstar Permit: B17903120 OCU File #: 93906

**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 utility project in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to the below encumbrance 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 EXHIBIT "A"**

Encumbrance:

Branch Banking and Trust Company  
FROM: Blue Water Express Wash 4, LLC  
Construction Mortgage Future Advances filed November 20, 2017  
Recorded as Document No. 20170633157  
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 utility 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 utility 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 made.



6<sup>th</sup> IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument this  
day of April, A.D. 2018.

Signed, sealed, and delivered  
in the presence of:

Erica Van Der Linden  
Witness

Branch Banking and Trust Company,  
a North Carolina banking corporation

BY: Paul J. Sullivan  
Paul J. Sullivan, Senior Vice President

Erica Van Der Linden  
Printed Name

Jenelle Ayers  
Witness

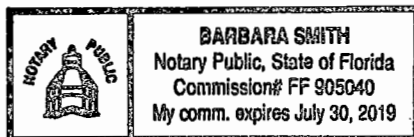
Jenelle Ayers  
Printed Name

(Corporate Seal)

STATE OF Florida  
COUNTY OF Leon

The foregoing instrument was acknowledged before me this 6 of April, 2018, by  
Paul J. Sullivan, as Senior Vice President, of Branch Banking and Trust Company, a North Carolina banking  
corporation, on behalf of the banking corporation. He ☒ is personally known to me or he ☐ has produced  
\_\_\_\_\_ as identification.

(Notary Seal)



Barbara Smith  
Notary Signature

Barbara Smith  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My Commission Expires: July 30, 2019

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

Project Name: Blue Water Express Car Wash/Landstar Blvd  
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### PREPARED FOR:

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## Altamax Surveying

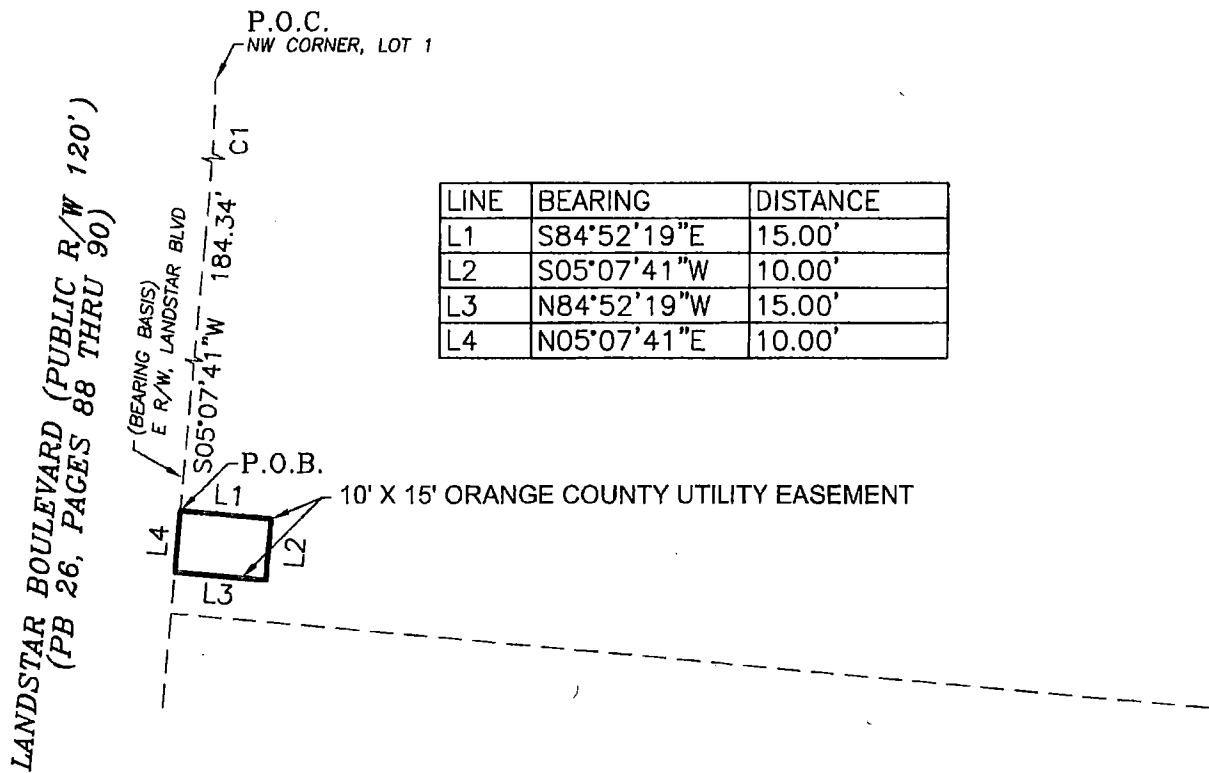
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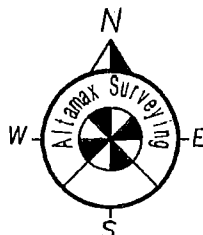
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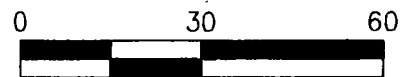
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