Interoffice Memorandum



TO:

REAL ESTATE MANAGEMENT ITEM 7

DA	TE:	May	3.	201	8
			-,		

Mayor Teresa Jacobs and the Board of County Commissioners

THROUGH:Paul Sladek, Manager 75Real Estate Management Division

- FROM: Mary Tiffault, 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 LAKE BUENA VISTA PROPERTIES, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM WHITNEY BANK, DOING BUSINESS AS HANCOCK BANK, AND AUTHORIZATION TO RECORD INSTRUMENTS
- **PROJECT:** Springhill/Townplace Suites LBV (B16901807) #88286

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of utility facilities as a requirement of development.

ITEMS: Utility Easement Cost: Donation Total size: 1,989 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division Agenda Item 7 May 3, 2018 Page 2

APPROVALS: Real Estate Management Division Utilities Department

REMARKS: Grantor to pay all recording fees.

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MAY 2 2 2018

THIS IS A DONATION

Project: Springhill/Townplace Suites LBV (B16901807) #88286

UTILITY EASEMENT

THIS INDENTURE, Made this 21 day of March, A.D. 20 5, between Lake Buena Vista Properties, LLC, a Florida limited liability company, whose address is 10 Harbor Boulevard, unit W-525, Destin, Florida, 32541, 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 SCHEDULE "A"

Property Appraiser's Parcel Identification Number:

a portion of

15-24-28-4350-01-000

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, 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.

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

BY:

Lake Buena

Elorida

Properties.

ger

J. Guidry

Signed, sealed, and delivered in the presence of:

ΥN

Melissa Miller Printed Name ness Frank

Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF LOUISIAI COUNTY OF JEFFBRSC

The foregoing instrument was acknowledged before me this A 20 12, by Robert J. Guidry, as Manager, of Lake Buena Vista Properties, LLC, a Florida limited liability company, on behalf of the limited liability company. He D' is personally known to me or D has produced as identification.

(Notary Seal)

Notary Signature MELVIN RIPP, JR.

Print NOTA MMD# 12729

Notary Public in and for the county and state aforesaid.

My commission expires:

This instrument prepared by:

Mary Tiffault, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

S:\Forms & Master Docs\Project Document Files\1_Misc. Documents\S\Springhill-Townplace Suites LBV (B16901807) #88286 UE.doc 03-13-18srb

SCHEDULE "A"

Project Name : Springhill/Townplace Suites, LBV Document Title : Utility Easement Building Department Permit Number : B16901807

DESCRIPTION:

A portion of Lot 1, Lake Buena Vista Hotels, according to the plat thereof, as recorded in Plat Book 92, Page 131, of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Lake Buena Vista Hotels, according to the plat thereof as recorded in Plat Book 92, Page 131, of the Public Records of Orange County, Florida; thence North 89'57'23" West, a distance of 415.48 feet along the South line of Lot 1 to a point on the East right of way line of Palm Parkway per Plat Book 92, Page 131, of the Public Records of Orange County, Florida; thence North 43'57'04" West, a distance of 39.95 feet, along said East right of way line to a point on a non-tangent curve concave Easterly, having a radius of 755.00 feet, a central angle of 03'04'44" and a chord bearing of North 05'45'45" East; thence from a tangent bearing of North 04'13'23" East, Northerly 40.57 feet along said East right of way line and the arc of said curve to the POINT OF BEGINNING; thence continue Northerly along said East right of way line and said curve through a central angle of 01'08'18", a distance of 15.00 feet along arc of said curve to a point on said curve; thence departing said East right of way line, South 82'07'44" East, a distance of 30.00 feet to a point on a non-tangent curve, 30.00 feet East of said right of way line, having a delta of 01'11'08" and a radius of 725.00 feet; thence from a tangent bearing of South 08'27'50" West, Southerly along arc of said curve a distance of 15.00 feet to a point on said curve; thence departing said curve, North 82'07'44" West, a distance of 30.00 feet to the POINT OF BEGINNING.

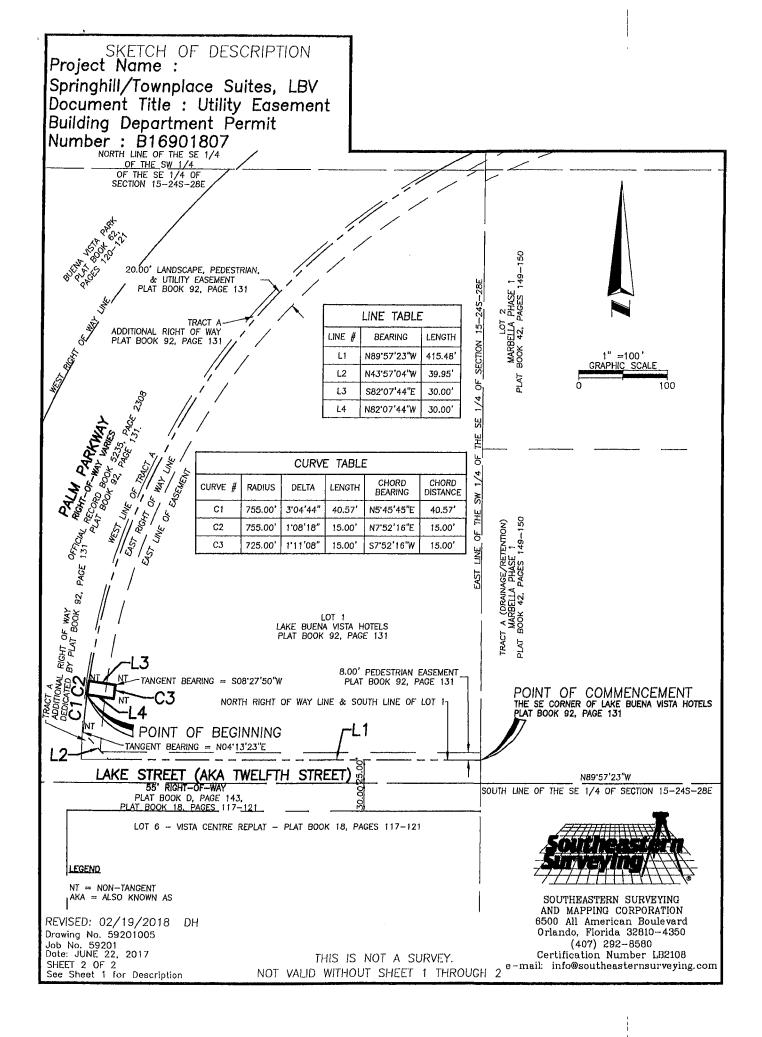
Containing 450 square feet more or less.

SURVEYOR'S REPORT:

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- 1. Bearings shown hereon are based on the South line of the Southeast quarter of Section 15, Township 24 South, Range 28 East, being North 89'57'23" West, assumed.
- 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.

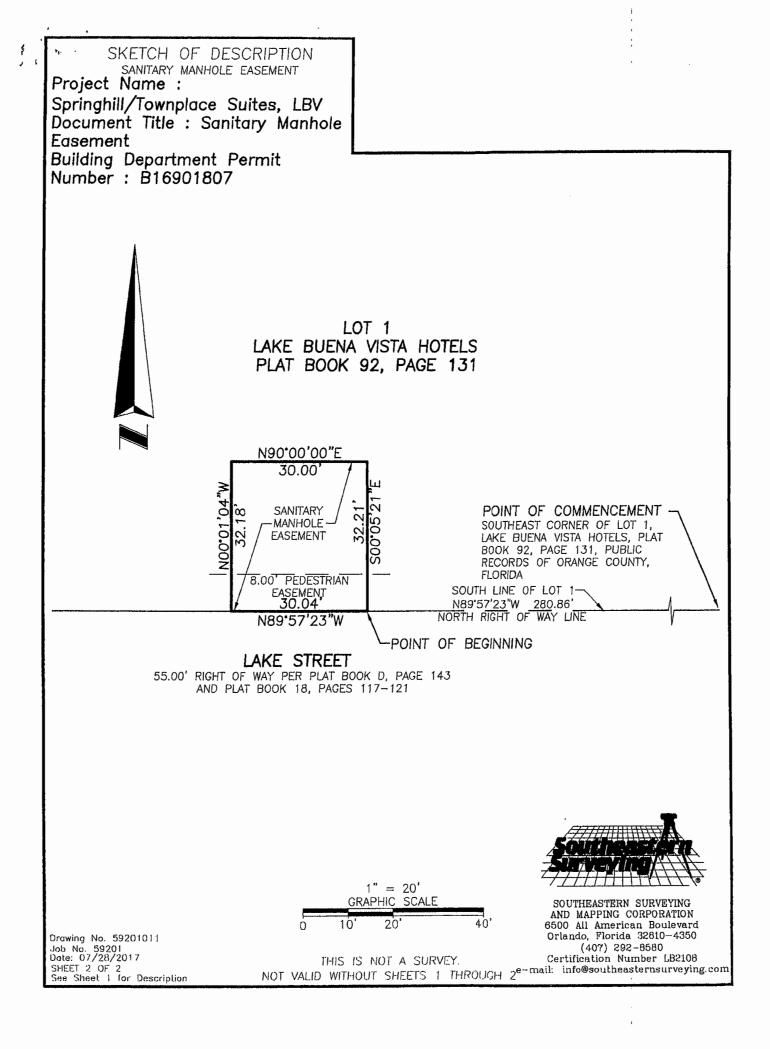
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FOR	Job Number: 59201	Scale: 1" = 1	100'		
HC Architecture, Inc.	that a legal de bear the	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		Source in Astronomy Source in the Source of So	2/
	REVISED: 02/ SHEET SEE SHEET	1 OF 2		JAMAS ///PETERSONAL REGISTERED (JAND/SUPERITOR) Samper 4791	



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ntaining 967 square feet, more	e or less.					
TVETOR 5 REPORT:						
shown on the plat of Lake B	uena Visto	a Hotels (accordin	g to the plat thereof recorded		
I hereby certify that the "Ske	tch of De	escription"	of the	above described property is		
5J-17 requirements.	ne standa	103_01_11	uctice i	, , ,		
	Date:			NOT VALID WITHOUT SHEET 2 Certification Number LB2108		
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	oject Name : ringhill/Townplace Suites, cument Title : Sanitary M sement ilding Department Permit mber : B16901807 SCRIPTION: portion of Lot 1, Lake Buena ok 92, Page 131, Public Reconscribed as follows: mmence at Southeast corner of recorded in Plat Book 92 nt being on the North right of th 89'57'23" West, a distance ing said North right of way lin 57'23" West, a distance of 30 North 00'01'04" West, a dist 30.00 feet; thence South 00'0 GINNING. mtaining 967 square feet, more shown on the plat of Lake B in Plat Book 92, Page 131, 1 89'57'23" West, assumed. I hereby certify that the "Ske true and correct to the best direction and that it meets the	oject Name : ringhill/Townplace Suites, LBV cument Title : Sanitary Manhole sement ilding Department Permit mber : B16901807 SCRIPTION: portion of Lot 1, Lake Buena Vista Hote bek 92, Page 131, Public Records of Or- scribed as follows: mmence at Southeast corner of Lot 1, reof recorded in Plat Book 92, Page 1. In being on the North right of way line th 89'57'23" West, a distance of 280.8 ng said North right of way line to the 57'23" West, a distance of 30.04 feet North 00'01'04" West, a distance of 3 30.00 feet; thence South 00'05'21" Eas SINNING. Intaining 967 square feet, more or less. RVEYOR'S REPORT: Bearings shown hereon are based on t shown on the plat of Lake Buena Visto in Plat Book 92, Page 131, Public Rec 89'57'23" West, assumed. I hereby certify that the "Sketch of De true and correct to the best of my kr direction and that it meets the Stando 5J-17 requirements. CETCH & DESCRIPTION FOR HC ARCHITECTURE, INC. SH	oject Name : ringhill/Townplace Suites, LBV cument Title : Sanitary Manhole sement ilding Department Permit mber : B16901807 SCRIPTION: portion of Lot 1, Lake Buena Vista Hotels accord soribed as follows: mmence at Southeast corner of Lot 1, Lake Bue reof recorded in Plat Book 92, Page 131, Public nt being on the North right of way line of Lake th 89'57'23" West, a distance of 280.86 feet, a ng said North right of way line to the POINT OF 57'23" West, a distance of 30.04 feet along said North 00'01'04" West, a distance of 32.18 feet 30.00 feet; thence South 00'05'21" East, a distance iNNING. attaining 967 square feet, more or less. RVEYOR'S REPORT: Bearings shown hereon are based on the North shown on the plat of Lake Buena Vista Hotels of in Plat Book 92, Page 131, Public Records of 0 B9'57'23" West, assumed. I hereby certify that the "Sketch of Description" true and correct to the best of my knowledge direction and that it meets the Standards of Pr 5J-17 requirements. CETCH & DESCRIPTION FOR HC ARCHITECTURE, INC. Date: 07/28/2017 Date: 07/28/2017 FOR HC ARCHITECTURE, INC.	oject Name : ringhill/Townplace Suites, LBV ringhill/Townplace Suites, LBV cument Title : Sanitary Manhole sement ilding Department Permit mber : B16901807 SCRIPTION: portion of Lot 1, Lake Buena Vista Hotels according to it portion of Lot 1, Lake Buena Vista Hotels according to it reof recorded in Plat Book 92, Page 131, Public Record nt being on the North right of way line of Lake Street of th 89'57'23" West, a distance of 280.86 feet, along the ng said North right of way line to the POINT OF BEGINN 57'23" West, a distance of 32.18 feet; thence 30.00 feet; thence South 00'05'21" East, a distance of 30.00 feet; thence South 00'05'21" East, a distance of NNING. attaining 967 square feet, more or less. RVEYOR'S REPORT: Bearings shown hereon are based on the North right o shown on the plat of Lake Buena Vista Hotels accordin in Plat Book 92, Page 131, Public Records of Orange 189'57'23" West, assumed. I hereby certify that the "Sketch of Description" of the true and correct to the best of my knowledge and beli direction and that it meets the Standards of Practice f 5J-17 requirements. TertH & DESCRIPT		

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SCHEDULE "A" Project Name : Springhill/Townplace Suites, LBV Document Title : Master Meter Easement Building Department Permit Number : B16901807

DESCRIPTION:

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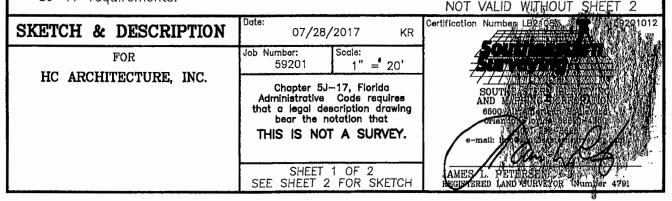
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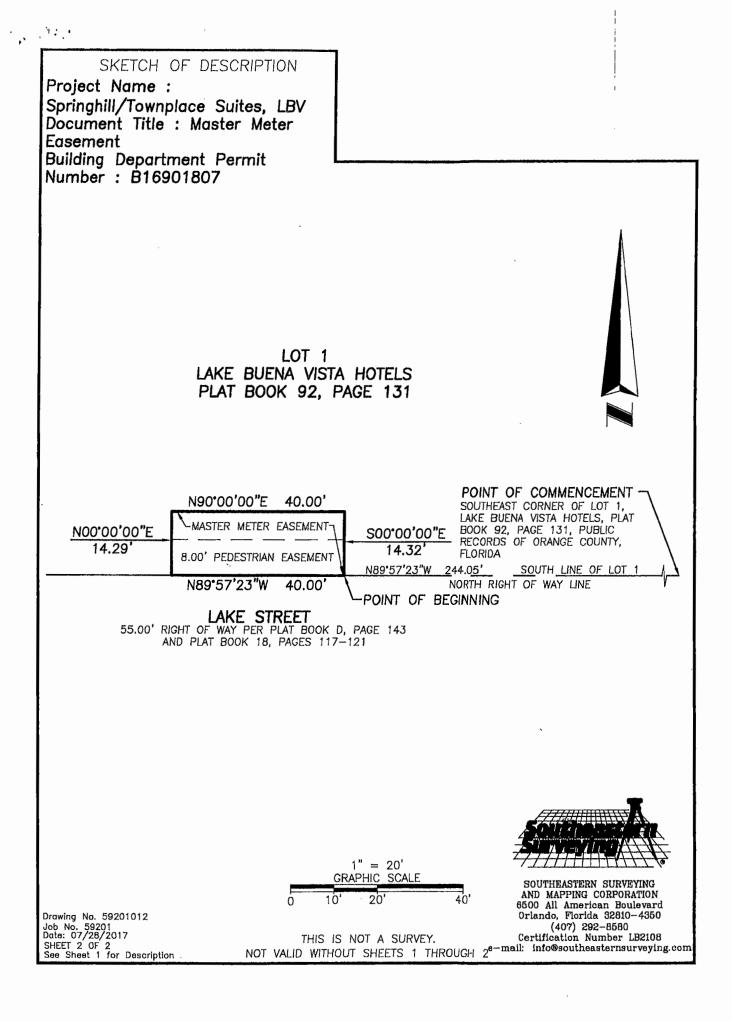
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Containing 572 square feet, more or less.

SURVEYOR'S REPORT:

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APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

MAY 2 2 2018

Project: Springhill/Townplace Suites LBV (B16901807) #88286

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 SCHEDULE "A"

Encumbrances:

Whitney Bank, a Mississippi state chartered bank, doing business as Hancock Bank FROM: Lake Buena Vista Properties, LLC Mortgage, Security Agreement, Financing Statement and Assignment of Rents filed November 22, 2016 Recorded as Document No. 20160609501 Financing Statement filed November 22, 2016 Recorded as Document No. 20160609502

All in the Public Records of Orange County, Florida

Project: Springhill/Townplace Suites LBV (B16901807) #88286

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 22 day of March, A.D. 2018.

B

Dawn Naquin

Vice President Title

Printed Name

Signed, sealed, and delivered in the presence of:

Barrett Blaum Printed Name

Villet Witness

Donna Willette Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF COUNTY OF

The foregoing instrument was acknowledged before me this 1000 of 1000, by 1000, by 1000, 100

(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

Signature

Whitney Bank, a Mississippi state chartered bank,

doing business as Flancock bank

Printed Notary Name

MARY E. DEY Notary Public #57318 My Commission Issued for Life

Notary Public in and for the county and state aforesaid.

My commission expires:

S:\Forms & Master Docs\Project Document Files\1_Misc. Documents\S\Springhill-Townplace Suites LBV (B16901807) #88286 SUB.doc 03-13-18srb

SCHEDULE "A"

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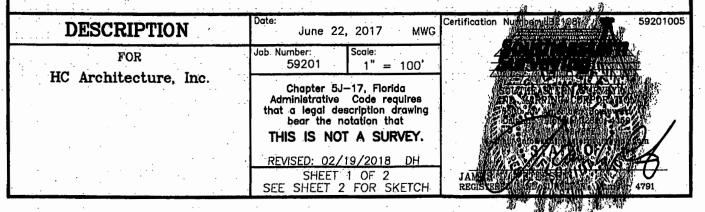
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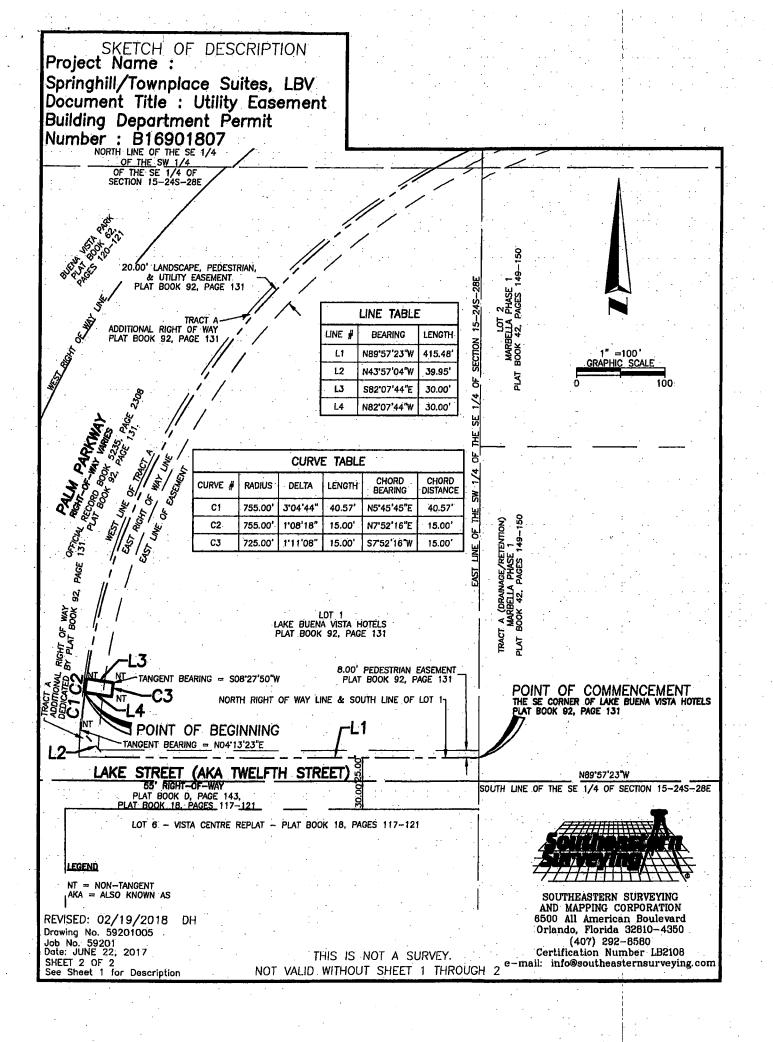
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Springhi	II/Townplace Suites, LBV
	nt Title : Sanitary Manhole
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Duilaing	Department Permit : B16901807
DESCRIPT	ION:

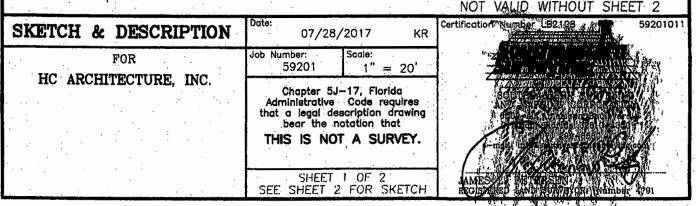
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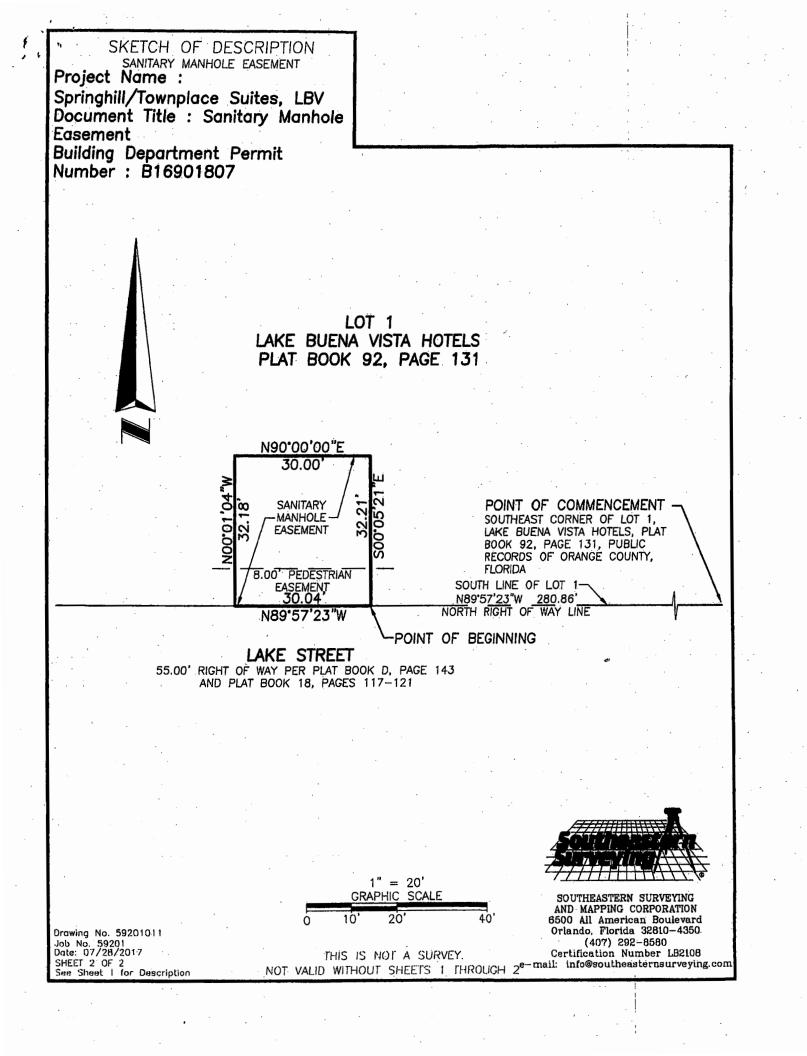
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NOT VALID WITHOUT SHEET 2

Date: Certification Number LB2/108 **SKETCH & DESCRIPTION** 07/28/2017 KR Job Number: Scale: FOR 1" = 20' 59201 HC ARCHITECTURE, INC. Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that AND 6500 THIS IS NOT A SURVEY. SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH AMES EGISTERED LAND SU

SKETCH OF DESCRIPTION **Project Name : Springhill/Townplace Suites, LBV Document Title : Master Meter Easement Building Department Permit Number : B16901807**

> LOT 1 LAKE BUENA VISTA HOTELS PLAT BOOK 92, PAGE 131

