

#### **REAL ESTATE MANAGEMENT ITEM 9**

DATE:

May 4, 2018

TO:

Mayor Teresa Jacobs

and the

**Board of County Commissioners** 

THROUGH:

Paul Sladek, Manager

Real 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 TEMPORARY ACCESS AND UTILITY EASEMENT FROM KATHIE E. YATES, TOMMY E. YATES, GARY C. YATES, AND GLEN L. YATES, INDIVIDUALLY AND AS CO-PERSONAL PROPERSONAL TIMES OF THE ESTATE OF FLOISE VATES.

REPRESENTATIVES OF THE ESTATE OF ELOISE YATES,

DECEASED TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY

FROM PARK SQUARE ENTERPRISES, LLC, AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** 

Estates at Sawgrass Plantation Permit 16-S-078 OCU File #: 87526

District 4

**PURPOSE:** 

To provide for access, construction, operation, and maintenance of utility

facilities as a requirement of development.

**ITEMS:** 

Temporary Access and Utility Easement

Cost: Donation Size: 2.924 acres

Subordination of Encumbrance to Property Rights to Orange County

Real Estate Management Division Agenda Item 9 May 4, 2018 Page 2

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

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

THIS IS A DONATION

Project: Estates at Sawgrass Plantation Permit 16-S-078 OCU File #: 87526

#### TEMPORARY ACCESS AND UTILITY EASEMENT

THIS INDENTURE, Made this 30th day of 1200 day of 1500 day of 1500

WITNESSETH, That the GRANTORS, in consideration of the sum of \$\int\_{\text{orange}}^{\text{orange}}\$ 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 access and 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 19-24-30-0000-00-001

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever; provided, however, the easement hereby granted shall automatically terminate, without the necessity of the GRANTORS undertaking vacation proceedings or obtaining any release from the GRANTEE, at such time as GRANTORS or its successors or assigns shall cause the property over which the easement passes to be included in a subdivision plat recorded among the public records of Orange County, Florida.

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 GRANTORS, 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 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 GRANTORS or GRANTORS' heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

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

Signed, sealed and delivered in the presence of:	
College Vix Witness	Kathie-E. Yates Individually and as
Printed Name	Co-Personal Representative of the Estate of Eloise Yates, deceased
WW15 Wllkes	
Charlis Wilkes	
Printed Name	
(Signature of TWO witnesses required by Florida law)	
STATE OF FLORIDA	
COUNTY OF TACKSON	
THE FOREGOING instrument was acknowl 2018 by Kathie E. Yates, Individually and as Co-P	edged before me this 30 <sup>th</sup> of JANUARY, ersonal Representative of the Estate of Eloise Yates.
deceased, who [] is personally known to me or [] h identification.	
(Notary Seal)	Notary Signature
DOUG BRYAN MY COMMISSION # FF 903480 EXPIRES: November 18, 2019 Bonded Thru Notary Public Underwriters	DOUG BRYAN
"Girds"	Printed Notary Name
	Notary Public in and for
	the County and State aforesaid

My Commission Expires:

Sept. Sec. 1994 - Contract (Sept. 1997) - Contract (Sept. 1997)

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

the presence of:	144
Witness & Ketchen	Jany E. JA
Witness	Tommy E. Yates Individually and as
Day Ketchum	Co-Personal Representative of the Estate of Eloise Yates, deceased
Printed Name	of Bioise Tates, deceased
Witness Bree D	
melissa Barrett	

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Osceola

Signed, sealed and delivered in

THE FOREGOING instrument was acknowledged before me this <u>26th</u> of <u>January</u>, 20<u>18</u> by Tommy E. Yates, Individually and as Co-Personal Representative of the Estate of Eloise Yates, deceased, who [] is personally known to me or [X] has produced <u>FL Drivers Lic.</u> as identification.

(Notary Seal)

Printed Name

CONNIE G BARNES
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF086446
Expires 2/24/2018

Connie J. Barnes Notary Signature

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 his name.

Signed, sealed and delivered in	
the presence of:	
Wilmen Fores Rankins	Maria C. Unter
Witness (	Garya Caryates / Individually and as
A	Co-Personal Representative of the Estate
armen Jones-Dawkins	of Eloise Yates, deceased
Printed Name	•
-(1)	
La mila	
Witness	
- V tranymetry	
Printed Name	
(Signature of TWO witnesses required by Florida law)	
STATE OF Florida	
COUNTY OF Gads den	
	`` T
THE FOREGOING instrument was acknowled	dged before me this 29 of January
2018 by Gary C. Yates, Individually and as Co-Pers deceased, who [si personally known to me or [] has	onal Representative of the Estate of Eloise Yates,
identification.	s produced as
(Notary Seal)	Liva C. Wilson
•	Notary Signature
WILLIAM CADOL WILLOW	Ding C wilson
DINA CAROL WILSON MY COMMISSION # GG 003321	Printed Notary Name
EXPIRES: June 16, 2020  Bonded Thru Notary Public Underwriters	•
	Notary Public in and for
	the County and State aforesaid
	My Commission Expires:
	John Market Prepared

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

Signed, sealed and delivered in the presence of:	
Should UK Witness	Glen L. Yates, Individually and as
Printed Name	Co-Personal Representative of the Estate of Eloise Yates, deceased
Mulls ullkes Witness	
Printed Name	
(Signature of TWO witnesses required by Florida law)	
THE FOREGOING instrument was acknowled 20 /8 by Glen L. Yates, Individually and as Co-Perso deceased, who [1] is personally known to me or [1] has	nal Representative of the Estate of Eloise Yates,
identification.  (Notary Seal)  DOUG BRYAN MY COMMISSION # FF 903480 EXPIRES: November 18, 2019	Notary Signature  DOUG BRYAN
Bonded Thru Notary Public Underwriters	Printed Notary Name  Notary Public in and for
	the County and State aforesaid
This instrument prepared by: Mary Tiffault, a staff employee in the course of duty with the Real Estate Management Division	My Commission Expires:

S:\Forms & Master Does\Project Document Files\1\_Mise. Documents\E\Estates at Sawgrass Plantation Permit 16-S-078 OCU File # 87526 TA&UE.doe 01-11-18srb

of Orange County, Florida

OCU File #16-S-078

Purpose: Access & Utility Easement

Estate: Temporary

Logal Description

A portion of Section 19, Township 24 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Commence at the northeast corner of SAWGRASS POINTE, PHASE 1, according to the plat thereof, as recorded in Plat Book 84, Pages 103 through 110, Public Records of Orange County, Florida; thence run \$ 00"10"22" W, along the easterly line thereof, a distance of 539,27 feet for the POINT OF BEGINNING; thence, departing said easterly line, run S 89°49'38" E, a distance of 220.00 feet to a point of curvature of a curve, concave northwesterly, having a radius of 15.00 feet and a central angle of 90°00'00"; thence run northeasterly, along the arc of said curve, a distance of 23.56 feet to the point of tangency thereof; thence run N 00'10'22" E, a distance of 137.21 feet; thence run N 86'51'25" E, a distance of 537.20 feet; thence run S 03'08'35" E, a distance of 70.00 feet; thence run S 86'51'25" W, a distance of 456.98 feet to a point of curvature of a curve, concave southeasterly, having a radius of 15.00 feet and a central angle of 86'41'03"; thence run southwesterly, along the arc of said curve, a distance of 22.69 feet to the point of tangency thereof; thence run S 00°10'22" W, a distance of 100.16 feet to a point of curvature of a curve, concave easterly, having a radius of 115.00 feet and a central angle of 4579'10"; thence run southerly, along the arc of said curve, a distance of 90.96 feet to the point of tangency thereof; thence run S 45"08"48" E, a distance of 838.45 feet; thence run \$ 4451'12" W, a distance of 10.00 feet; thence run N 45'08'48" W, a distance of 31.16 feet; thence run S 44'51'12" W, a distance of 60.00 feet; thence run N 45'08'48" W, a distance of 807.29 feet to a point of curvature of a curve, concave northeasterly, having a radius of 185.00 feet and a central angle of 28'48'34"; thence run northwesterly, along the arc of said curve, a distance of 93,02 feet to a point of reverse curvature of a curve, concave southerly, having a radius of 15.00 feet and a central angle of 73°29'24"; thence run northwesterly, along the arc of said curve, a distance of 19.24 feet to the point of tangency thereof; thence run N 89'49'38" W, a distance of 228.25 feet to a point on the aforesaid easterly line of SAWGRASS POINTE, PHASE 1; thence run N 0010'22" E, along sald easterly line, a distance of 70,00 feet to the POINT OF BEGINNING.

Containing 2.924 acres, more or less.

Not a Boundary Survey.

The legal description was prepared by the Surveyor.

See Sheet 2 of 2 for sketch.

The subdivision shown hereon is proposed.

Lines shown hereon are radial unless noted NR (non-radial).

O.R.B. - Official Records Book

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

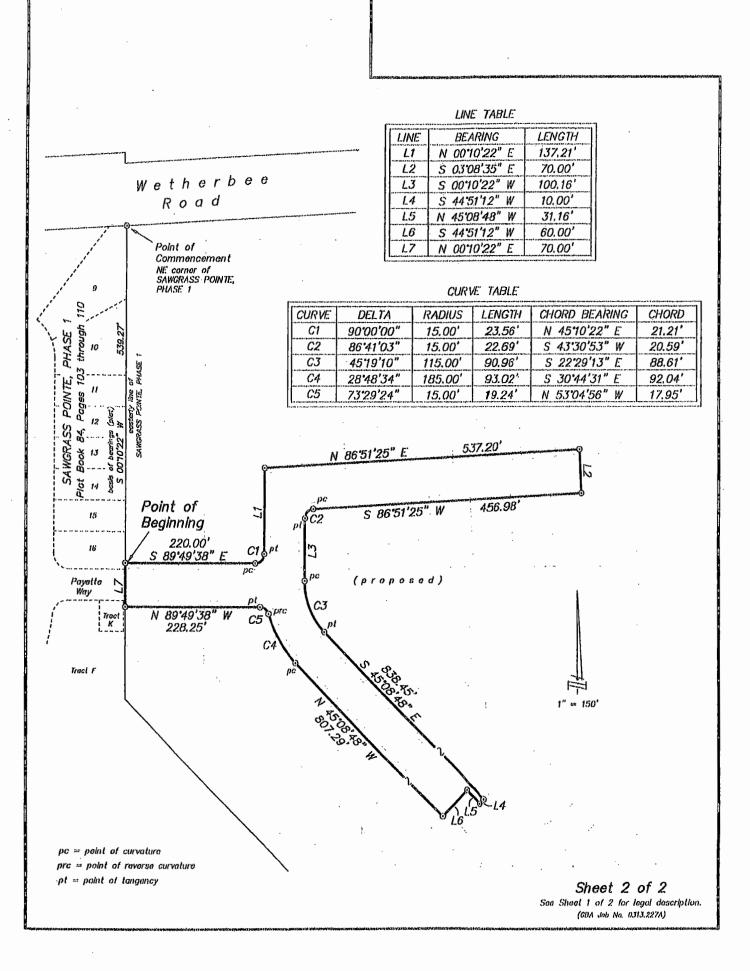
Sketch of Description

## Temporary Access & Utility Easement

situated in ....

Section 19, Township 24 South, Range 30 East Orange County, Florida

PREPARED FOR:	Park Square Homes	JOH NO. 0313,227A	SKETCH OF DESCRIPTION NOT VALID NOTIONT THE ORIGINAL RAISED SEAL AND SIGNAPOR OF A FLORIDA EIGENSED SURVEYOR AND MAPPER ADDITIONS OF DELETIONS TO THIS SKETCH OF
	GANUNG - BELTON ASSOCIATES, INC	SHEET 1 of 2  DATE 7/24/17	DESCRIPTION OF SOLUTION THAT THE SIGNING PARTY IS PROBUBLED BY THE SIGNING PARTY.  (04.) 16 No. (194.)
1275 E. Robinson	professional surveyors and mappers Street, Orlando, FL 32801 (407) 894-6656	REV. 9/27/17 SGALE As Noted	Ri GLAYFON BORNING



#### 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 and drainage 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:

Park Square Enterprises, LLC FROM: The Estate of Eloise Yates, deceased Memorandum of Contract filed December 27, 2016 Recorded as Document No. 20160667220 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 and drainage purposes, 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

As

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 and drainage 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.

IN WITNESS WHEREOF, the said hold day of march, A.D.	Ider of said encumbrance has duly executed this instrument this p. 20 <b>\ 8</b>
Signed, sealed, and delivered	Park Square Enterprises, LLC,
in the presence of:	a Delaware limited liability company
Witness	BY: Suresh K. Gupta, Manager
	· · · · · · · · · · · · · · · · · · ·
Printed Name	
Frinted Name	
Witness	
Printed Name UED KNAKEL	
Printed Name	
STATE OF FLORIDA	
COUNTY OF ORIANISE	
(Notary Seal)	Notary Signature
Notary Public State of Florida Janet Boyce	JANET BOYCE
My Commission GG 188409 Expires 03/19/2022	Printed Notary Name
£	N. C. D. I.P. C. and C.
	Notary Public in and for the County and State aforesaid
	My Commission Expires: 3 19 22
This instrument prepared by:	

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

OCU File #16-5-078

Purpose: Access & Utility Easement

Estate: Temporary

Logal Description

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Containing 2.924 acros, more or less.

Not a Boundary Survey.
The legal description was prepared by the Surveyor.
See Shent 2 of 2 for skotch.
The subdivision shown hereon is proposed.
Lines shown hereon are radial unioss noted NR (non-radial).

O.R.B. - Official Records Book

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

Sketch of Description

# Temporary Access & Utility Easement

elluoted In (1)

Section 19, Township 24 South Range 30 East Orange County, Florida

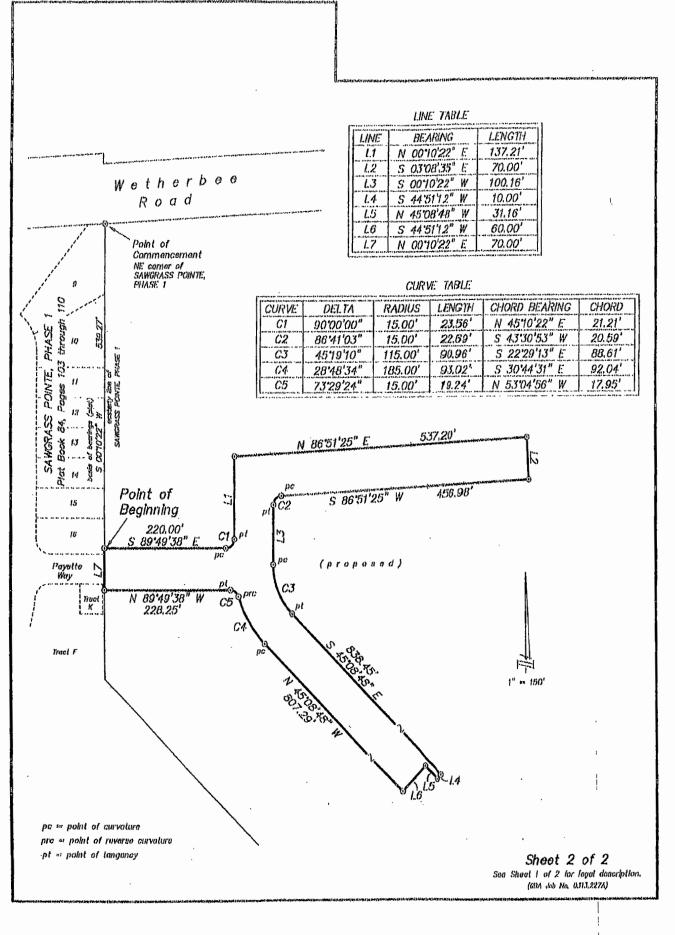
PREPARED FORI Park Square Homes

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### EXHIBIT A

Legal Description

A portion of Section 19, Township 24 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Commence at the northeast corner of SAWGRASS POINTE, PHASE 1, according to the plat thereof, as recorded in Plat Book 84, Pages 103 through 110, Public Records of Orange County, Florida; said point lying on the southerly right—of—way line of Wetherbee Road as described and recorded in Official Records Book 9121, Page 1134, Public Records of Orange County, Florida; thence run N 86'51'25" E, along said southerly right—of—way line, a distance of 391.76 feet; thence, departing said southerly right—of—way line, run S 03'08'35" E, a distance of 604.12 feet; thence run S 45'08'48" E, a distance of 770.00 feet; thence run S 51'34'47" E, a distance of 34.75 feet for the POINT OF BEGINNING; thence continue S 51'34'47" E, a distance of 20.60 feet; thence run S 44'51'12" W, a distance of 126.20 feet; thence run N 45'08'48" W, a distance of 10.00 feet; thence run N 44'51'12" E, a distance of 115.59 feet; thence run N 06'43'31" W, a distance of 13.36 feet to the POINT OF BEGINNING.

Containing 1,306 square feet, more or less.

Not a Boundary Survey.
The legal description was propared by the Surveyor.
See Sheet 2 of 2 for sketch.
The subdivision shown hereon is proposed.
O.R.B. --- Official Records Book

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Sketch of Description

Temporary

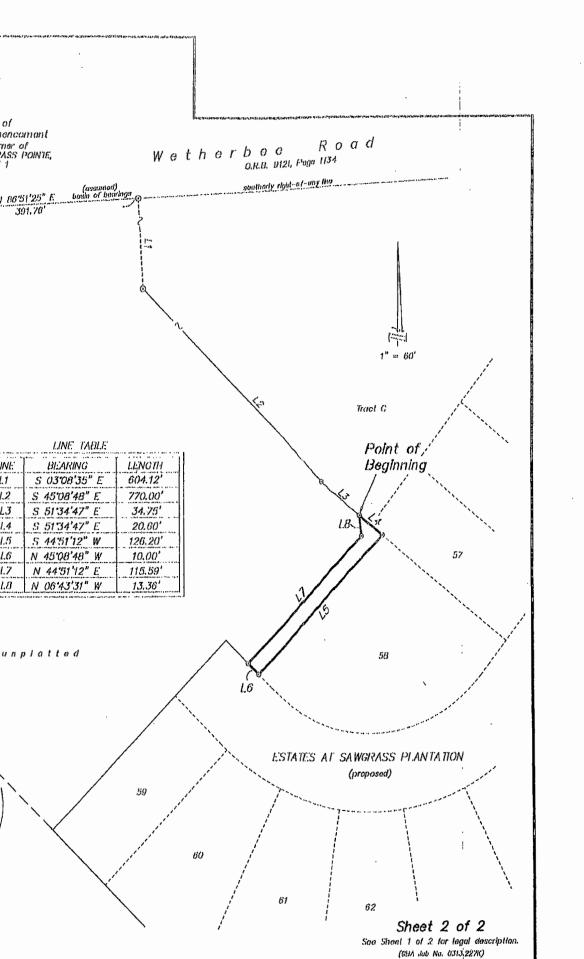
Drainage Easement

situated in

Section 19, Township 24 South, Range 30 East Orange County, Florida

PREPARED FOR:	Park Square Homes	JOH NO. 0313, 227K	SKETCH OF DESCRIPTION OF VALUE HTHOUT THE ORIGINAL RAISED SEM, AND ECONOTION OF A FLORIDA LICENSED SURVEYOR AND MAPPER ABOUT USES OF SIGN FROM THIS SKETCH OF
	GANUNG - BELTON ASSOCIATES, INC	SHEET 1 of 2	DESCRIPTION OF SUMMERS THE STATE THE SUMMO PARTY IS PROBUBLE WHITE AND ADDRESS OF THE SUMMOR PARTY.
1275 F. Robinson	professional surveyors and mappers Street, Orlando, FL 32801 (407) 8946656	7/21/17 SCALE An Noted	Vien Alle Waller
make and weak transport and a second and a s	TO CLOSE TO THE CONTROL OF THE CONTR	Market Market Property and the Parket State of the	

Also



Point of Commencoment

SAWGRASS POINTE, PHASE 1
Plat Book 84, Pages 103 through 110

NE corner of SAWGRASS POINTE, PHASE 1

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Condition of the little of the

N 86°51'25" E 391,76'

### EXHIBIT A

Legal Description

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Containing 0.24 acres, more or less.

Not a Boundary Survey.

The legal description was propared by the Surveyor.

See Sheet 2 of 2 for sketch.

The subdivision shown hereon is proposed.

O.R.B. - Official Records Book

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERFIGATION.

Sketch of Description of a

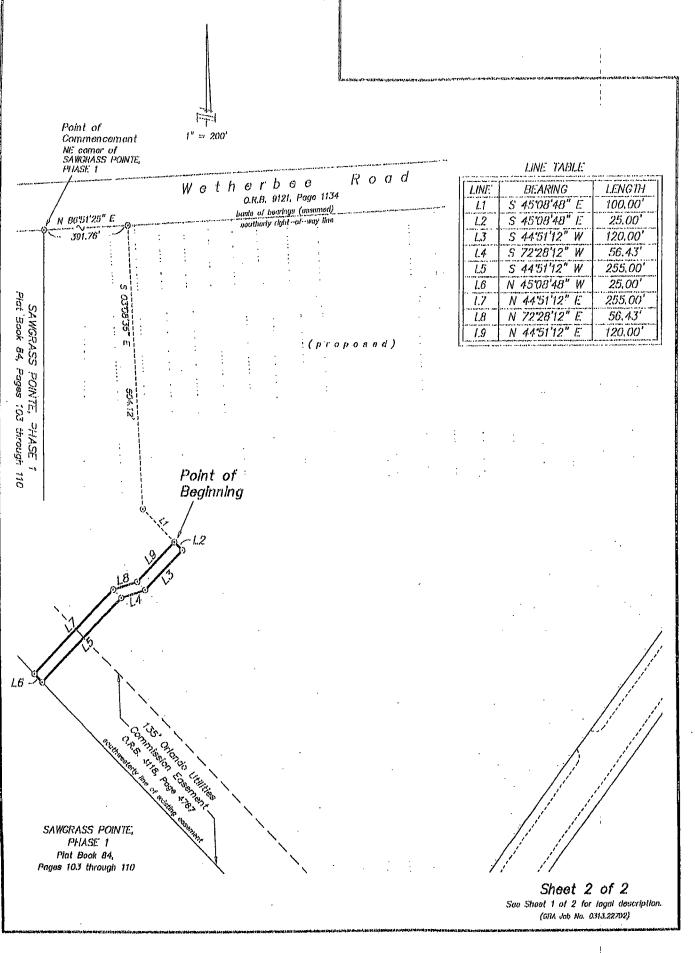
# Temporary Drainage Easement

altuated In

Section 19, Township 24 South, Range 30 East
Orange County, Florida

PREPARED FOR: Park Square Homes	JOH NO. 0313,227D2	SKETCH OF DESCRIPTION NOT VALID RETHOUT THE ORIGINAL RAISED SEAL AND SUNATURE OF A FLORIDA LICENSED SURVEYOR AND MARCERS SURVEYOR OR PELLTIONS TO THIS SKETCH OF
GANUNG BELTON ASSOCIATES, INC.	DATE 12/19/16	DESCRIPTION IN SQUIRONE DITAIT DAM HE BOUNG IMATY IS PROUNTED IN THE PROUNT IN THE PROUNT OF THE SPONIO PARTY.
professional surveyors and mappers 1275 E. Robinson Street, Orlando, Fl. 32801 (407) 894-6656	REV. 7/24/17	TOTAL ASSISTANCE AND





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