



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 9

DATE: June 12, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Kim Heim, Senior Title Examiner *TS for KH*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL OF UTILITY EASEMENT FROM DCS REAL ESTATE INVESTMENTS V, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM BANK OF THE OZARKS AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: J.W. Marriott – Bonnet Creek Permit: B17903971 OCU File #: 94706
District 1

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

ITEMS: Utility Easement
Cost: Donation
Size: 679 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.

JUL 10 2018

THIS IS A DONATION

Project: J.W. Marriott – Bonnet Creek Permit: B17903971 OCU File #: 94706

UTILITY EASEMENT

THIS INDENTURE, Made this 2ND day of MARCH, A.D. 2018, between DCS Real Estate Investments V, LLC, a Florida limited liability company, whose address is 505 South Flagler Drive, Suite 900, West Palm Beach, Florida, 33401, 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 \$10.00 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

32-24-28-0825-00-060

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:

W. Vega
Witness

Wahkuna Vega
Printed Name

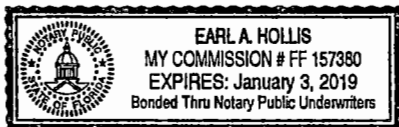
Kimberly Denney
Witness
Kimberly Denney
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF FLORIDA
COUNTY OF PAUM BEACH

The foregoing instrument was acknowledged before me this 2ND of MARCH, 2018, by Paul E. Simonson, as manager of DCS Investment Holdings GP, LLC, a Florida limited liability company, as manager of DCS Real Estate Investments V, 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)



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

DCS Real Estate Investments V, LLC,
a Florida limited liability company

BY: DCS Investment Holdings GP, LLC
a Florida limited liability company,
as Manager

By: PAUL E. SIMONSON, MANAGER

BY: Paul E. Simonson, as Manager

Paul E. Simonson
Notary Signature

Earl A. Hollis
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

SKETCH OF DESCRIPTION UTILITY EASEMENT

LOT 6 BONNET CREEK RESORT (PLAT BOOK 56, PAGE 41)
A PORTION OF SECTION 32, TOWNSHIP 24 SOUTH, RANGE 28 EAST
J.W. MARRIOTT-BONNET CREEK
BUILDING DEPARTMENT PERMIT NUMBER B-17903971

AREA ABOVE RESERVED FOR RECORDING INFORMATION

DESCRIPTION

PORTION OF LOT 6, BONNET CREEK RESORT, AS RECORDED IN PLAT BOOK 56, PAGE 41 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6 THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF CHELONIA PARKWAY, RUN NORTH 74°53'10" EAST FOR A DISTANCE OF 86.17 FEET FOR A **POINT OF BEGINNING**; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE OF CHELONIA PARKWAY, NORTH 74°53'10" EAST FOR A DISTANCE OF 18.07 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, RUN SOUTH 10°03'50" EAST, FOR A DISTANCE OF 38.45 FEET; THENCE SOUTH 79°29'05" WEST FOR A DISTANCE OF 18.00 FEET; THENCE NORTH 10°03'50" WEST FOR A DISTANCE OF 37.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 679 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO IMPROVEMENTS HAVE BEEN LOCATED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS DOCUMENT CONSISTS OF 2 PAGES NOT FULL OR COMPLETE WITHOUT BOTH.
5. BEARINGS SHOWN HEREON ARE BASED ON SOUTH RIGH OF WAY LINE OF CHELONIA PARKWAY, WHICH BEARS NORTH 74°53'10" EAST, PER PLAT BOOK 56, PAGE 41.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR SKETCH

THIS IS NOT A SURVEY.

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LOT 6 BONNET CREEK RESORT
(PLAT BOOK 56, PAGE 41)
A PORTION OF
SECTION 32, TOWNSHIP 24 SOUTH, RANGE 28 EAST
ORANGE COUNTY, FLORIDA

JOB NO.: 3062701	DATE	REVISIONS	TECH
SCALE: 1"= 30'			
DATE: 11-07-17			
FIELD BY: JW			
DRAWN BY: GHF			
APPROVED BY: JB			
DRAWING FILE #			
3062701 JW MARRIOT UTIL			
ESMT.DWG			

ASM
**AMERICAN
SURVEYING
& MAPPING INC.**

CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
3191 MAGUIRE BOULEVARD, SUITE 200
ORLANDO, FLORIDA 32803
(407) 428-7979
WWW.AMERICANSURVEYINGANDMAPPING.COM

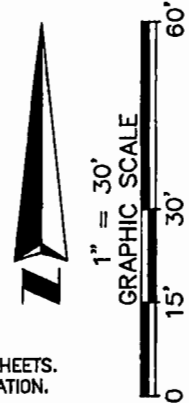
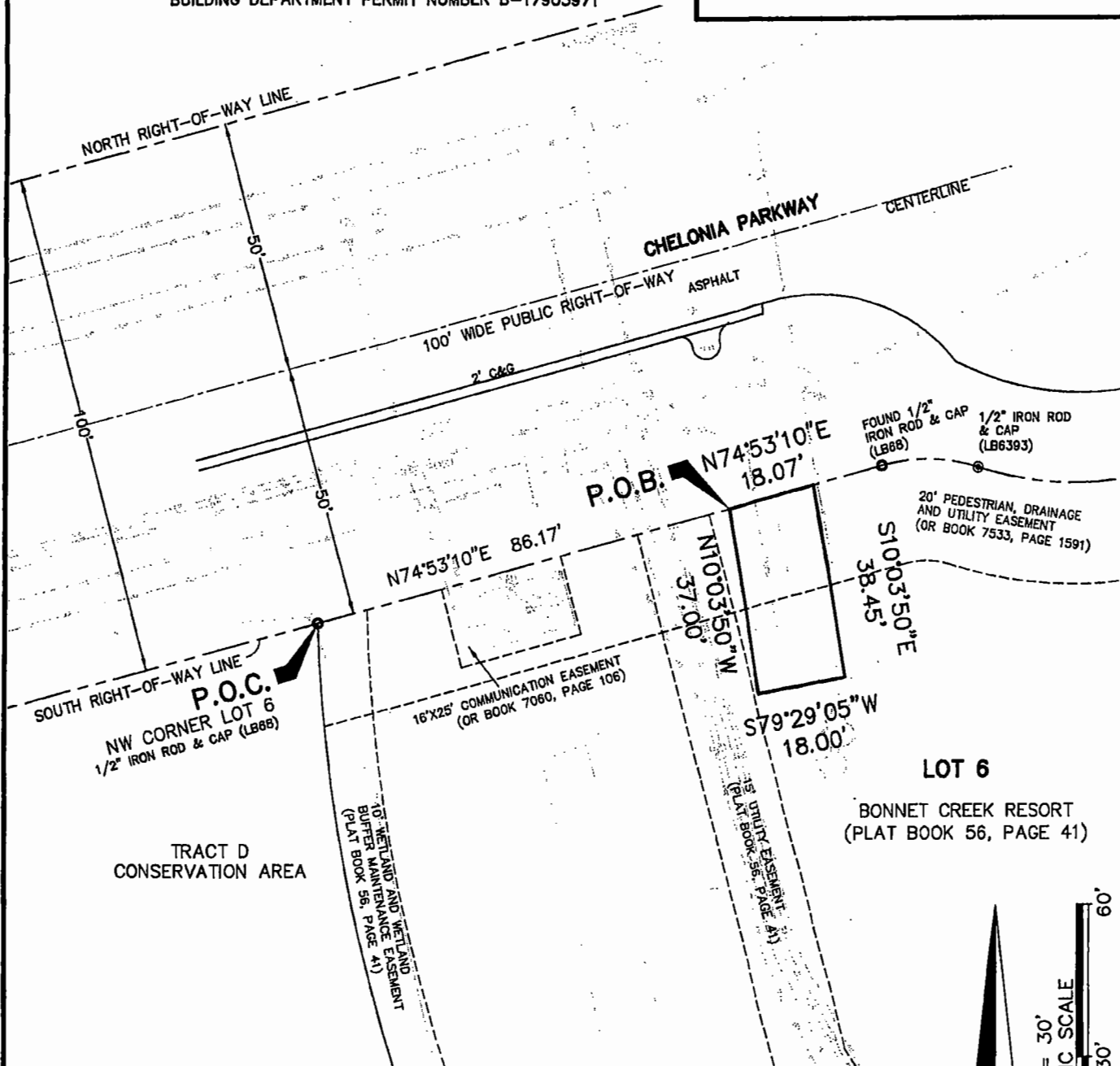
I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

James W. Boleman
JAMES W. BOLEMAN, PSM #6485

DATE: 01/16/18

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SHEET 2 OF 2 - NOT FULL OR COMPLETE WITHOUT BOTH SHEETS.
SEE SHEET 1 OF 2 FOR DESCRIPTION, NOTES, AND CERTIFICATION.

LEGEND AND ABBREVIATIONS

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
LB LICENSED BUSINESS
NW NORTHWEST

ASM

AMERICAN SURVEYING & MAPPING INC.

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ORLANDO, FLORIDA 32803
(407) 426-7979
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JUL 10 2018

Project: J.W. Marriott – Bonnet Creek Permit: B17903971 OCU File #: 94706

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:

Bank of the Ozarks

FROM: DCS Real Estate Investments V, LLC

Mortgage, Security Agreement and Fixture Filing Statement filed July 3, 2017

Recorded as Document No. 20170368870

Assignment of Rents and Revenues filed July 3, 2017

Recorded as Document No. 20170368871

Financing Statement filed July 3, 2017

Recorded as Document No. 20170368872

Subordination, Non-Disturbance and Attornment Agreement filed July 3, 2017

Recorded as Document No. 20170368874

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 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 3 day of May, A.D. 20 18.

Signed, sealed, and delivered
in the presence of:

Bank of the Ozarks,
an Arkansas banking corporation

Miles Purnell
Witness

BY: [Signature]

Miles Purnell
Printed Name

Bryan Pelska
Printed Name

Ben Esterer
Witness

SVP- Asset Management- RESG
Title

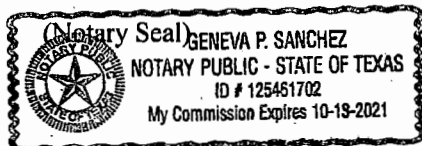
(Corporate Seal)

Ben Esterer
Printed Name

STATE OF TEXAS
COUNTY OF DALLAS

The foregoing instrument was acknowledged before me this 3rd of May, 20 18, by Bryan Pelska, as SVP- Asset Management- RESG, of Bank of the Ozarks, an Arkansas banking corporation, on behalf of the banking corporation. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 3rd day of May, 20 18.



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

Geneva P. Sanchez
Notary Signature

Geneva P. Sanchez
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires: 10-13-2021

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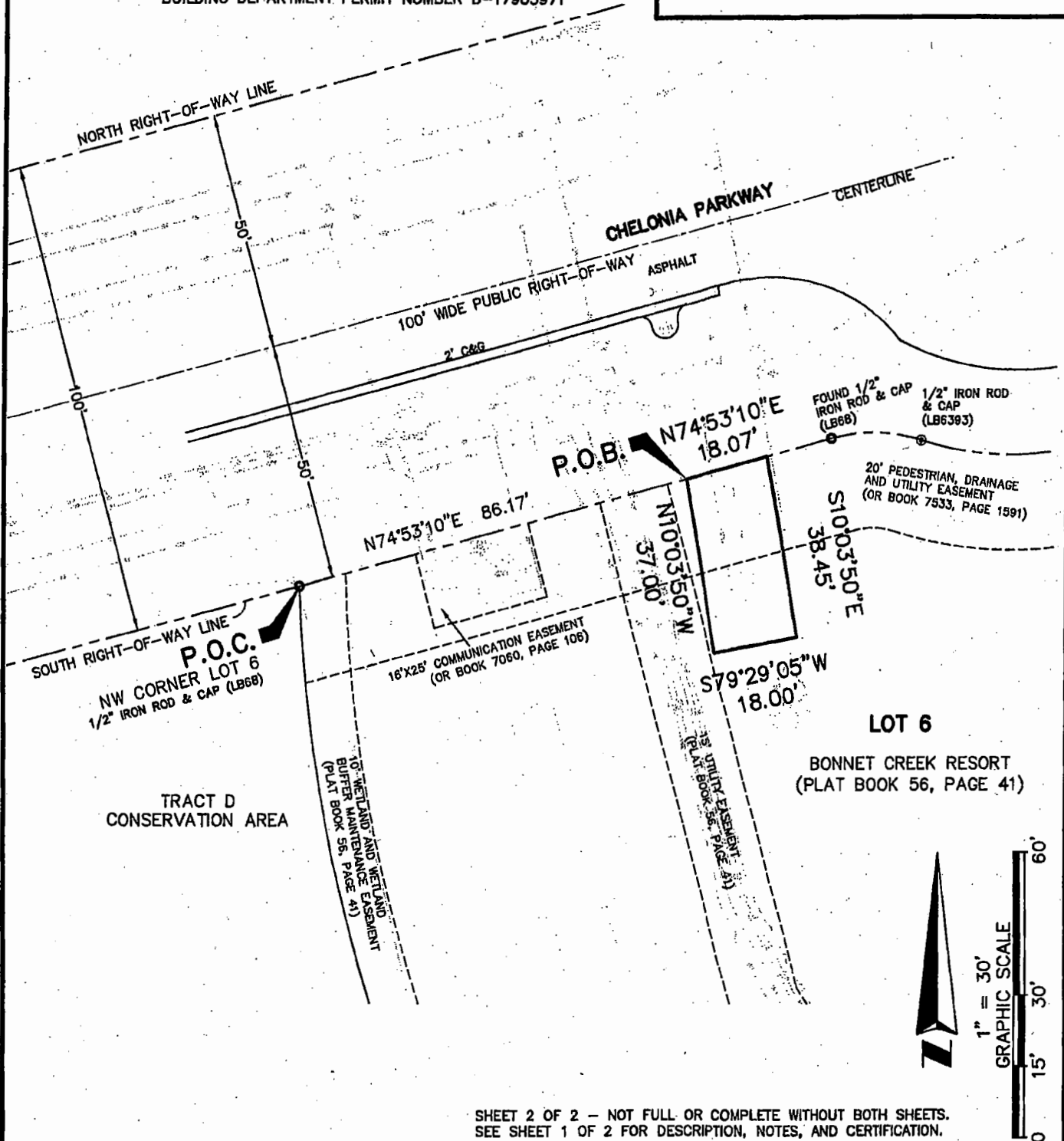
James W. Boleman
JAMES W. BOLEMAN, PSM #6485

DATE: 01/16/18

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