



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 15

DATE: August 23, 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 *KH*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: APPROVAL OF SIDEWALK EASEMENT FROM LAKESIDE II PARTNERS, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM AXIOM BANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Lakeside Village Center South – Water UE Permit #B16900904

District 1

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

ITEMS: Sidewalk Easement
Cost: Donation
Size: 181 square feet

Subordination of Encumbrances to Property Rights to Orange County

APPROVALS: Real Estate Management Division
Public Works Department
Utilities Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 11 2018

THIS IS A DONATION

Project: Lakeside Village Center South – Water UE Permit #B16900904

SIDEWALK EASEMENT

THIS GRANT OF EASEMENT, made this 15th day of June, 2018, between Lakeside II Partners, LLC, a Florida limited liability company, having its principal place of business in the city of Winter Garden, county of Orange, whose address is 14422 Shoreside Way, Suite 130, Winter Garden, Florida, 34787, 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, hereinafter called the 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 a right of way and easement for sidewalk purposes with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a paved sidewalk 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

36-23-27-5452-01-007

TO HAVE AND TO HOLD said right of way and 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 and other obstructions that may interfere with normal usage or maintenance of the paved sidewalk and easement. The GRANTOR, successors and assigns, agree not to build, construct, or create, nor permit others to build, construct, or create any fence, wall, or other structure on the herein granted right of way.

Project: Lakeside Village Center South – Water UE Permit #B16900904

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

Signed, sealed and delivered in the presence of:

T.J. Schwab
Witness

T.J. Schwab
Printed Name

Penny Nunes
Witness

Penny Nunes
Printed Name

Lakeside II Partners, LLC,
a Florida limited liability company

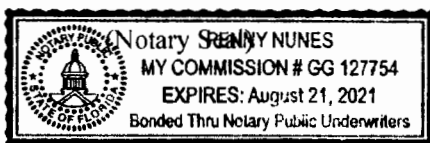
BY: Scott T. Boyd
Scott T. Boyd, as Manager

(Signature of **TWO** witnesses required by Florida Law)

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 13th of June, 2018, by Scott T. Boyd, as manager, of Lakeside II Partners, LLC, a Florida limited liability company, on behalf of the limited liability company. He ☒ is personally known to me or ☐ has produced N/A as identification.



Penny Nunes
Notary Signature
Penny Nunes
Printed Notary Name

This instrument prepared by:
Kimberly Heim, 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:

EXHIBIT, "A"

LEGAL DESCRIPTION -- ORANGE COUNTY SIDEWALK EASEMENT WITHIN LOT 1, LAKESIDE VILLAGE CENTER SOUTH


AN EASEMENT LYING IN LOT 1, LAKESIDE VILLAGE CENTER SOUTH, AS RECORDED IN PLAT BOOK 87, PAGE 94, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SECTION 36, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 1, LAKESIDE VILLAGE CENTER SOUTH, AS RECORDED IN PLAT BOOK 87, PAGE 94, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S21°15'16"W ALONG THE WESTERLY RIGHT OF WAY LINE OF SILVERLAKE PARK DRIVE 5.03 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE RUN N74°41'25"W 36.00 FEET; THENCE N15°18'35"E 5.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WINTER GARDEN - VINELAND ROAD; THENCE RUN S74°41'25"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE 36.52 FEET TO THE POINT OF BEGINNING.

CONTAINS THEREIN 181 SQUARE FEET, MORE OR LESS.

NOTES

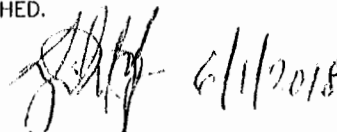
1. THIS SKETCH AND DESCRIPTION WAS PREPARED BY THOMAS L. CONNER, 5424 SOUTH BRACKEN COURT, WINTER PARK, FLORIDA, FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NOT A BOUNDARY SURVEY, SKETCH OF DESCRIPTION ONLY.
3. BEARINGS ARE BASED ON THE EASTERLY LINE OF LOT 1, LAKESIDE VILLAGE CENTER SOUTH, AT THE INTERSECTION WITH WINTER GARDEN - VINELAND ROAD AS BEING S21°15'16"W ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 87, PAGE 94, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
4. THIS SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH IN FLORIDA ADMINISTRATIVE CODE RULE 5J-17.05 PURSUANT TO FLORIDA STATUTE 472, FOR A SKETCH OF DESCRIPTION.
5. THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EXCEPT WHEN ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH STATE STATUTE.



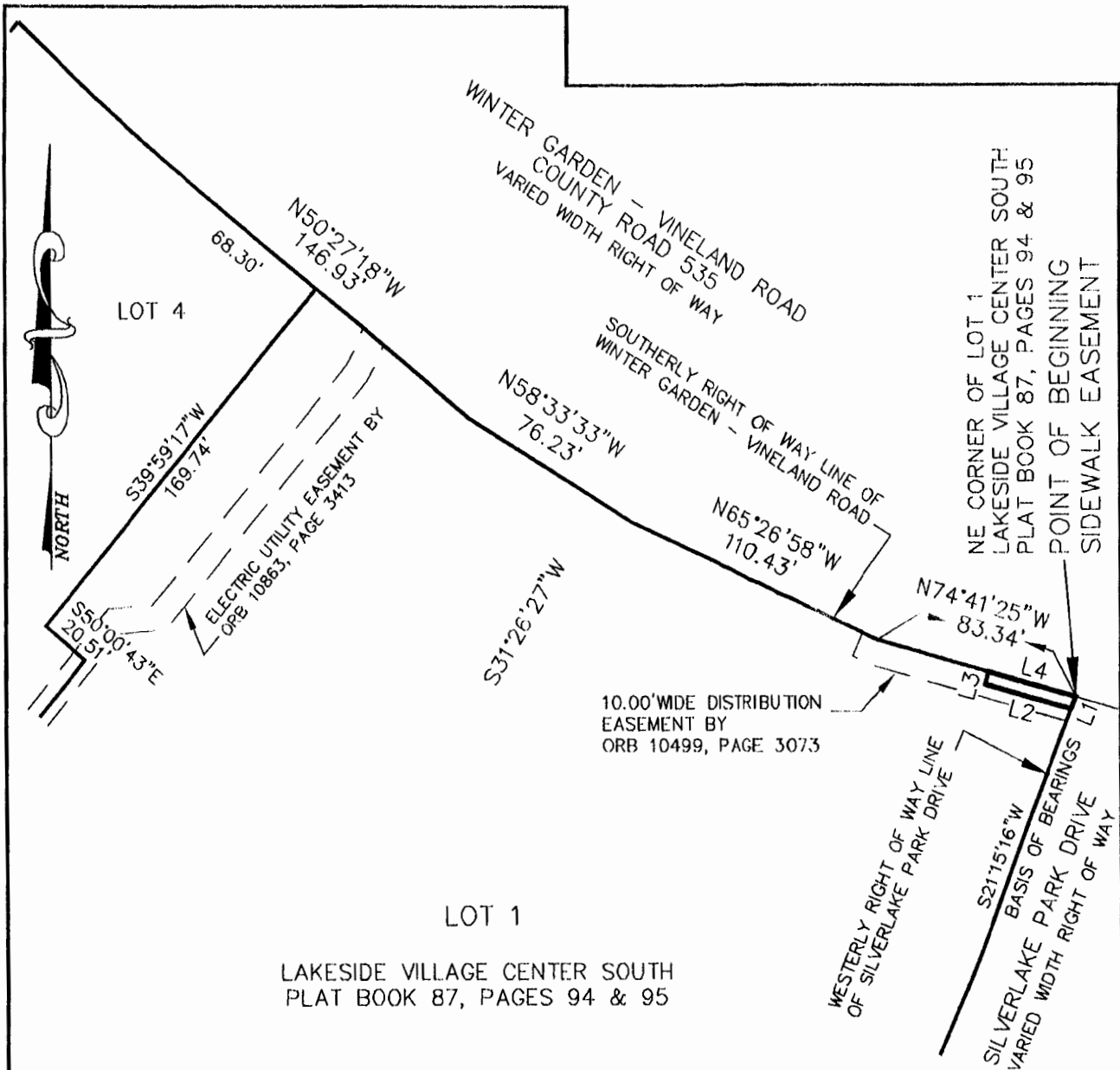
THOMAS L. CONNER
FLORIDA LICENSED SURVEYOR AND MAPPER NUMBER LS4340

NOTE: SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.
THIS DESCRIPTION IS NOT VALID WITHOUT SHEET 2 OF 2 ATTACHED.

UNIQUE IDENTIFIER : 20586SD22



DATE <u>5/31/18</u> SCALE <u>1" = 60'</u> DRAWING <u>20586SD22</u> PROJECT <u>20586</u> 1 OF 2 SHEET NUMBER	SKETCH AND DESCRIPTION ORANGE COUNTY SIDEWALK EASEMENT LAKESIDE VILLAGE CENTER SOUTH BANK OF AMERICA SITE ORANGE COUNTY, FLORIDA PREPARED FOR LAKESIDE PARTNERS II, LLC	THOMAS L. CONNER, PSM SURVEY AND MAPPING CONSULTANT 5424 SOUTH BRACKEN COURT WINTER PARK, FLORIDA 32792-9405 TELEPHONE: (407) 538-9137 FLORIDA LICENSED SURVEYOR AND MAPPER BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS LICENSE NUMBER LS0004340
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LEGEND

ORB DENOTES OFFICIAL RECORDS BOOK

NOTE: SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION AND NOTES.
THIS SKETCH IS NOT VALID WITHOUT SHEET 1 OF 2 ATTACHED.

UNIQUE IDENTIFIER : 20586SD22

LINE TABLE		
LINE	LENGTH	BEARING
L1	5.03'	S21°15'16"W
L2	36.00'	N74°41'25"W
L3	5.00'	N15°18'35"E
L4	36.52'	S74°41'25"E

DATE 5/31/18
SCALE 1" = 60'
DRAWING 20586SD22
PROJECT 20586

2 OF 2
SHEET NUMBER

SKETCH AND DESCRIPTION
ORANGE COUNTY SIDEWALK EASEMENT
LAKESIDE VILLAGE CENTER SOUTH
BANK OF AMERICA SITE
ORANGE COUNTY, FLORIDA
PREPARED FOR
LAKESIDE PARTNERS II, LLC

THOMAS L. CONNER, PSM
SURVEY AND MAPPING CONSULTANT
5424 SOUTH BRACKEN COURT
WINTER PARK, FLORIDA 32792-9405
TELEPHONE: (407) 538-9137
FLORIDA LICENSED SURVEYOR AND MAPPER
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS
LICENSE NUMBER LS0004340

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 11 2018

Project: Lakeside Village Center South - Water UE Permit #B16900904

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:

Axiom Bank
FROM: Lakeside II Partners, LLC
Mortgage and Security Agreement filed August 24, 2015
Recorded in Official Records Book 10972, Page 1185
Assignment of Leases, Rents, and Profits and Security Agreement
filed August 24, 2015
Recorded in Official Records Book 10972, Page 1206
Financing Statement filed August 24, 2015 filed August 24, 2015
Recorded in Official Records Book 10972, Page 1215

Spreader and Mortgage Modification Agreement and Receipt for Future Advance
filed November 6, 2015

Recorded in Official Records Book 11009, Page 8069

Financing Statement Amendment filed November 6, 2015

Recorded in Official Records Book 11009, Page 8076

Mortgage Modification Agreement filed December 14, 2017

Recorded as Document No. 20170681015

Spreader and Mortgage Modification Agreement and Receipt for Future Advance
filed December 14, 2017

Recorded as Document No. 20170681016

Amended and Restated Assignment of Leases, Rents, and Profits and Security Agreement
filed December 14, 2017

Recorded as Document No. 20170681017

Financing Statement filed December 14, 2017

Recorded as Document No. 20170681016

Subordination Non-Disturbance and Attornment Agreement
filed April 5, 2018

Recorded as Document No. 20180203495

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 29th day of June, A.D. 2018.

Signed, sealed, and delivered
in the presence of:

Mary Ann Otto
Witness

MARY ANN OTTO
Printed Name

Denise E. Lea
Witness

Denise E. Lea
Printed Name

Axiom Bank,
National Association

BY: Stephen D. Baum

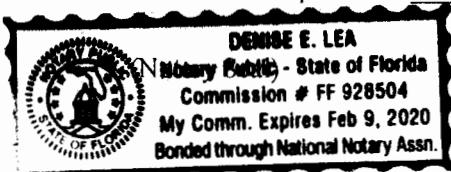
Stephen D. Baum
Printed Name

Vice President
Title

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 29th of June, 2018, by Stephen D. Baum, as Vice President of Axiom Bank, National Association, on behalf of the national association. He/She ☒ is personally known to me or ☐ has produced _____ as identification.



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

Denise E. Lea
Notary Signature

Denise E. Lea
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires: 2/9/2020

EXHIBIT, "A"

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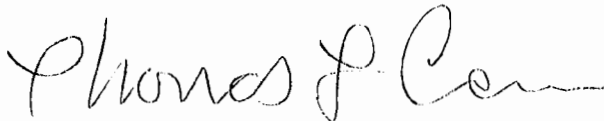
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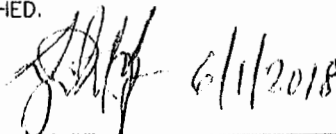
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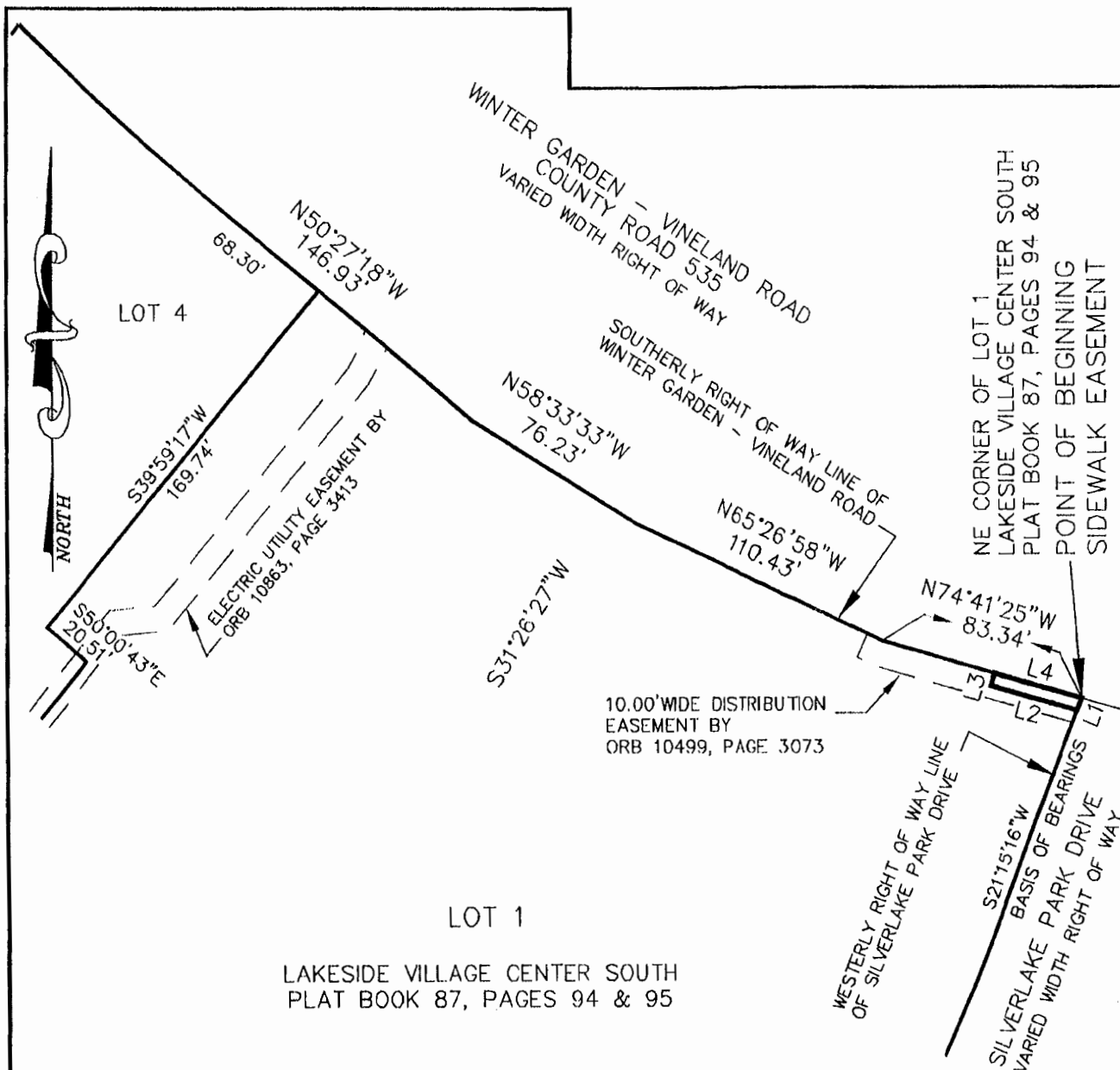
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