





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 18

DATE: August 23, 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 UTILITY EASEMENT FROM LAKEWALK AT
HAMLIN, 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: Lakewalk @ Hamlin Sitework Permit # B16900660 OCU File #: 85546

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: 1,230 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.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 11 2018

THIS IS A DONATION

Project: Lakewalk @ Hamlin Sitework Permit # B16900660 OCU File #: 85546

UTILITY EASEMENT

THIS INDENTURE, Made this 15th day of May, A.D. 2018, between Lakewalk at Hamlin, LLC, a Florida limited liability company, whose address is 7586 West Sand Lake Road, Orlando, Florida 32819, 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

21-23-27-5460-01-000

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.

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

Signed, sealed, and delivered
in the presence of:

[Signature]
Witness

Dennis R. Seliga Jr.
Printed Name

[Signature]
Witness

Heather Easterling
Printed Name

Lakewalk at Hamlin, LLC,
a Florida limited liability company

BY: SLF IV/Boyd Hamlin Residential Manager, LLC,
a Delaware limited liability company,
its Manager

BY: SLF IV/Boyd Hamlin Residential JV, LLC,
a Delaware limited liability company,
its Sole Member

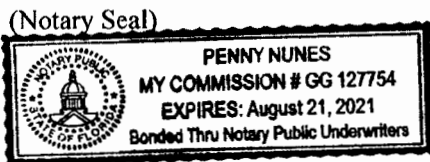
BY: Boyd Hamlin Residential, LLC,
a Florida limited liability company,
its Managing Member

BY: [Signature]
Scott T. Boyd, Manager

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 15th of May, 2018, by Scott T. Boyd, as Manager of Boyd Hamlin Residential, LLC, a Florida limited liability company, as Managing Member, of SLF IV/Boyd Hamlin Residential JV, LLC, a Delaware limited liability company, as Sole Member, of SLF IV/Boyd Hamlin Residential Manager, LLC, a Delaware limited liability company, as Manager, of Lakewalk at Hamlin, LLC, a Florida limited liability company, on behalf of the limited liability company. He ☒ is personally known to me or ☐ has produced DIA as identification.



[Signature]
Notary Signature

Penny Nunes
Printed Notary Name

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

EXHIBIT "A"

LEGAL DESCRIPTION THIS IS NOT A SURVEY

PROJECT NAME: LAKEWALK AT HAMLIN
OC PERMIT NO: B16900660

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN SECTION 21, TOWNSHIP 23 SOUTH, RANGE 27 EAST, BEING A PORTION OF LOT 1, LAKEWALK AT HAMLIN ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGES 2 AND 3 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 1, LAKEWALK AT HAMLIN FOR A POINT OF REFERENCE, SAID POINT LIES ON A CURVE CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE NORTH LINE OF SAID LOT 1, LAKEWALK AT HAMLIN AND SAID CURVE HAVING A RADIUS OF 2017.50 FEET, A CENTRAL ANGLE OF 01°39'02", AN ARC LENGTH OF 58.12', A CHORD LENGTH OF 58.12 FEET AND A CHORD BEARING OF NORTH 89°32'18" WEST TO THE POINT OF TANGENCY; THENCE RUN SOUTH 89°38'11" WEST, ALONG SAID NORTH LINE OF LOT 1, A DISTANCE OF 46.91 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE OF LOT 1, RUN SOUTH 00°21'49" EAST, 10.00 FEET; THENCE RUN SOUTH 89°38'11" WEST, 21.03 FEET; THENCE RUN SOUTH 00°21'49" EAST, 23.36 FEET; THENCE RUN SOUTH 89°38'11" WEST, 30.59 FEET; THENCE RUN NORTH 00°17'57" WEST, 33.36 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE RUN NORTH 89°38'11" EAST, ALONG SAID NORTH LINE, 51.58 TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 1,230 SQUARE FEET OR 0.03 ACRES MORE OR LESS.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
SKETCH OF DESCRIPTION



**ALLEN
&
COMPANY**

16 East Plant Street
Winter Garden, Florida 34787 * (407) 654-5355

SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON NORTH LINE OF LOT 1, LAKEWALK AT HAMLIN, PLAT BOOK 92, PAGES 2 AND 3, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA BEING NORTH 89°38'11" EAST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PROPERTY APPRAISER PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20110078

DATE: APRIL 27, 2017

SCALE: 1" = 30.00'

FIELD BY: N/A

CALCULATED BY: SEJ

DRAWN BY: SEJ

CHECKED BY: MR

FOR THE LICENSED BUSINESS # 6723 BY:

JAMES L. ROCKMAN P.S.M. # 5633

SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

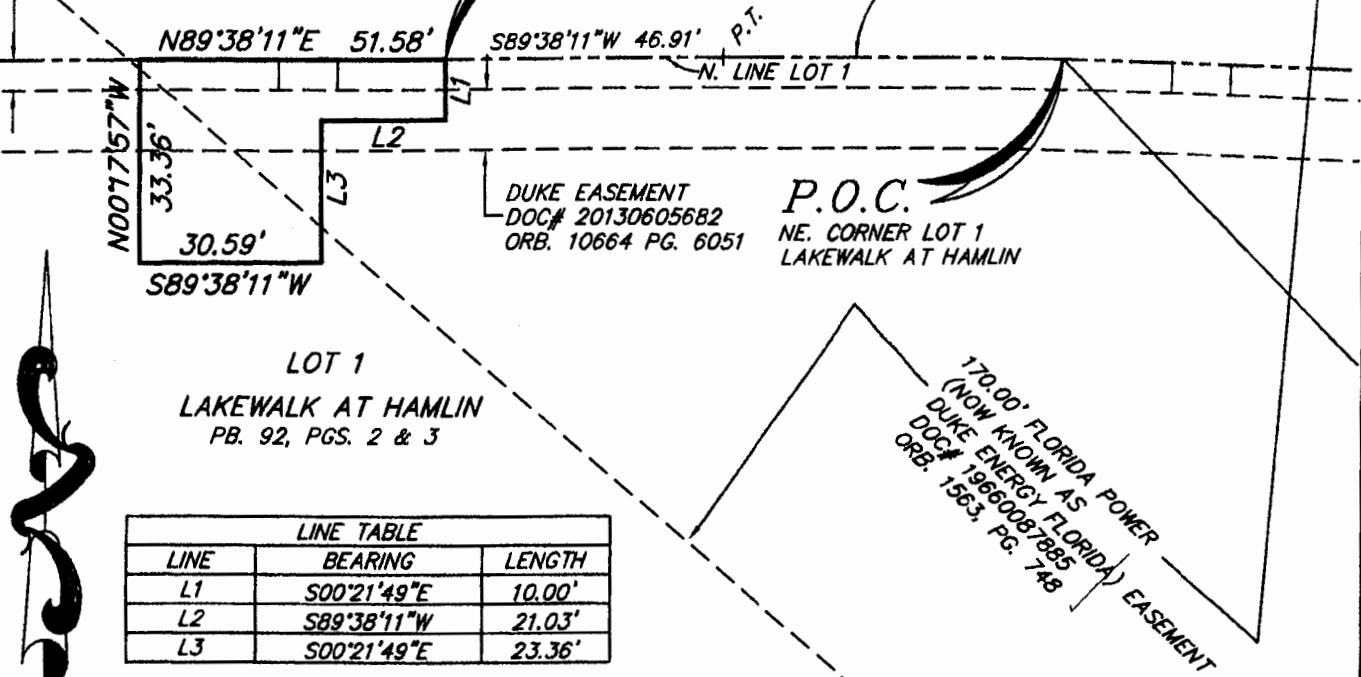
PROJECT NAME: LAKEWALK AT HAMLIN
OC PERMIT NO: B16900660

NEW INDEPENDENCE PARKWAY
(NOT PLATTED)
ORB. 10416, PG. 5782
ORB. 898 PG. 241
R/W WIDTH VARIES

5.00' O.C.U. EASEMENT
DOC# 20140108794
ORB. 10710 PG. 4479

R=2017.50'
Δ=01°39'02"
L=58.12'
C=58.12'
CB=N89°32'18"W

P.O.B.



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°21'49"E	10.00'
L2	S89°38'11"W	21.03'
L3	S00°21'49"E	23.36'

LEGEND:

P.O.B.....POINT OF BEGINNING
P.O.C.....POINT OF COMMENCEMENT
ORB.....OFFICIAL RECORDS BOOK
PB.....PLAT BOOK
PG(S).....PAGE(S)
R/W.....RIGHT-OF-WAY
DOC#.....OFFICIAL RECORDS
DOCUMENT NUMBER

R.....RADIUS
Δ.....CENTRAL ANGLE
L.....ARC LENGTH
C.....CHORD LENGTH
CB.....CHORD BEARING
PT.....POINT OF TANGENCY
O.C.U.....ORANGE COUNTY
UTILITIES

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CHECKED BY: MR

SHEET 2 OF 2
SEE SHEET 1 OF 2
FOR LEGAL DESCRIPTION



16 East Plant Street
Winter Garden, Florida 34787 • (407) 654-5355

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 11 2018

Project: Lakewalk @ Hamlin Sitework Permit # B16900660 OCU File #: 85546

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: Lakewalk at Hamlin, LLC
Mortgage, Security Agreement and Fixture Financing Statement
filed December 14, 2016
Recorded as Document No. 20160649143
Assignment of Rents and Revenues
filed December 14, 2016
Recorded as Document No. 20160649144
Financing Statement
filed December 14, 2016
Recorded as Document No. 20160649145
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 6th day of June, A.D. 2018.

Signed, sealed, and delivered
in the presence of:

Miles Purnell

Witness

miles Purnell
Printed Name

Ben Esterer

Witness

Ben Esterer
Printed Name

STATE OF TEXAS
COUNTY OF DALLAS

Bank of the Ozarks

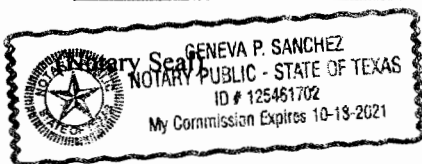
BY: [Signature]

Bryan Petka
Printed Name

SUP-Asset Management- RESU
Title

(Corporate Seal)

The foregoing instrument was acknowledged before me this 7th of June, 2018, by Bryan Petka, as SUP-Asset Management- RESU, of Bank of the Ozarks, on behalf of the banking corporation. He/She ☒ is personally known to me or ☐ has produced _____ as identification.



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

General P. Sanchez
Notary Signature

General 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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SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR
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DRAWN BY: SEJ

CHECKED BY: MR

FOR THE LICENSED BUSINESS # 6723 BY:

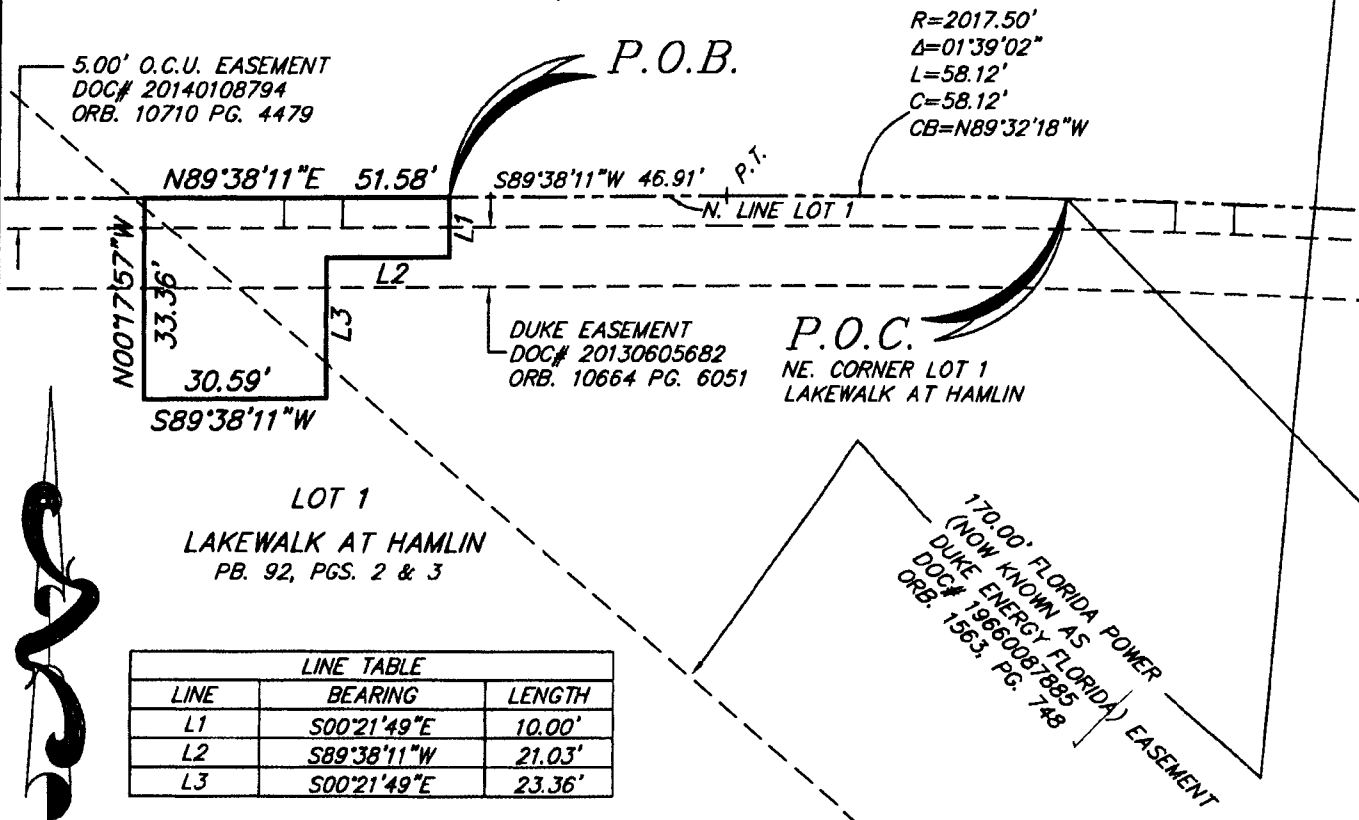
JAMES L. ROCKMAN P.S.M. # 5633

Drawing name: L:\Data\20110078\SKETCHES\Sketch150 LAKEWALK MASTER METER.DWG SHEET 1

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OC PERMIT NO: B16900660

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R/W WIDTH VARIES



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FOR LEGAL DESCRIPTION



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