

### Interoffice Memorandum

### **REAL ESTATE MANAGEMENT ITEM 3**

DATE: TO: September 20, 2018

Mayor Teresa Jacobs and the Board of County Commissioners

**THROUGH:** 

Paul Sladek, Manager 265 Real Estate Management Division

Peter Stanley, Title Examiner Real Estate Management Division

FROM:

CONTACT PERSON:

Paul Sladek, Manager

**DIVISION:** 

Real Estate Management Phone: (407) 836-7090

ACTION REQUESTED:

APPROVAL OF UTILITY EASEMENT FROM KEEPER INVESTMENTS, LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM FLORIDA CAPITAL BANK, N.A. AND AUTHORIZATION TO RECORD INSTRUMENTS

**PROJECT:** 

First Choice Pediatrics Permit #B16900863 OCU File #86629

District 5

**PURPOSE:** 

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

**ITEMS:** 

Utility Easement Cost: Donation Size: 150 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

OCT 92 2018

#### THIS IS A DONATION

Project: First Choice Pediatrics Permit #B16900863 OCU File #86629

#### UTILITY EASEMENT

THIS INDENTURE, Made this <u>51</u>Hday of <u>702</u>, A.D. 20<u>18</u>, between, Keeper Investments, LLC, a Florida limited liability company, whose address is 1651 N. Semoran Blvd., Orlando, FL 32807, 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

#### 15-22-30-5024-00-890

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: ardenas ťα

Keeper Investments. a Florida Ilmated fia oar BY:

Tito (ALASANS Printed Name

I Innou I vanio

(Signature of TWO witnesses required by Florida law)

STATE OF FURIOR COUNTY OF OR ANGE

The foregoing instrument was acknowledged before me this  $5^{th}$  of  $30^{t}$ , 20<u>18</u>, by Altamirando C. Portugal, as Managing Member of Keeper Investments, LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me or thas produced  $0^{th}$  is personally known to me or that the produced  $0^{th}$  is personally known to me or the produced  $0^{th}$  is personally known to me or the produced  $0^{th}$  is personally known to me or the produced  $0^{th}$  is personally known to me or the produced  $0^{th}$  is personally known to me or the produced  $0^{th}$  is personally known to me or the produced  $0^{th}$  is personally known to me or the produced  $0^{th}$  is personally known to me or the personal perso

(Notary Seal)



Notary Signature

NILK GENTILE

Printed Notary Name

Notary Public in and for the county and state aforesaid. My commission expires:

This instrument prepared by: Peter Stanley, 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\F\First Choice Pediatics Permit #B16900863 OCU File #86629 UE.doc 06/25/2018 ps rev 7/5/2018 ps

**EXHIBIT A** 

# Sketch and Description:

THIS IS NOT A SURVEY

FIRST CHOICE PEDIATRICS BUILDING DEPARTMENT PERMIT NUMBER: B16900863

## Legal Description:

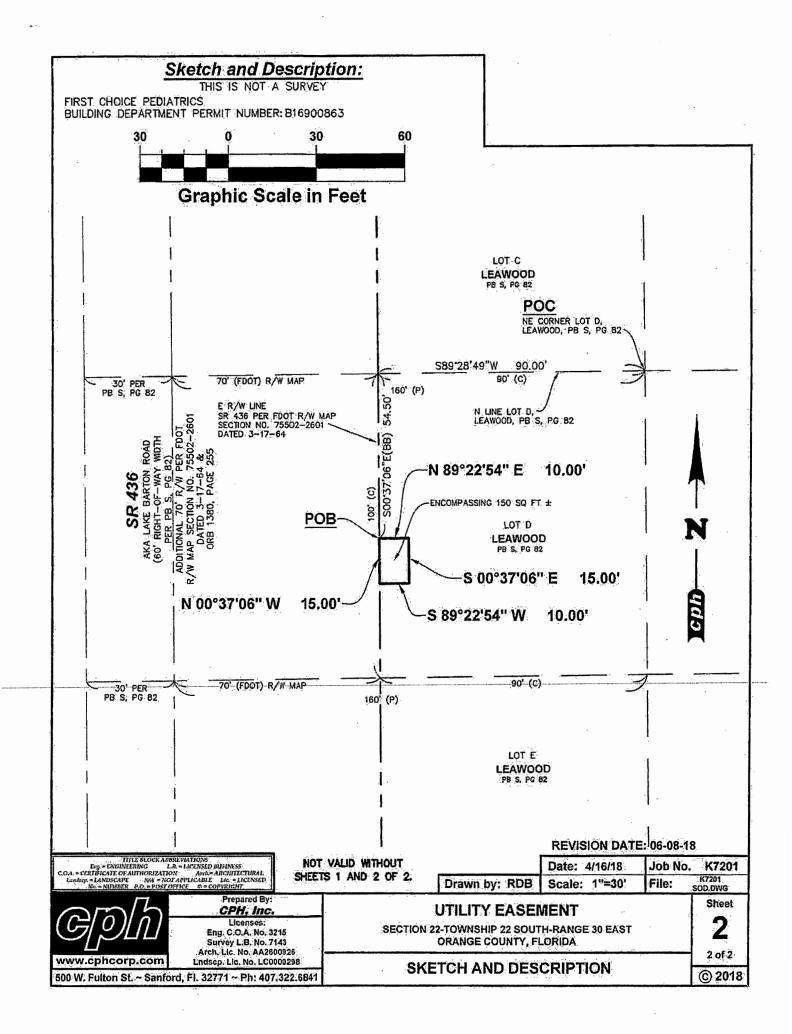
A PORTION OF LOT D, LEAWOOD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK S, PAGE 82 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT D, LEAWOOD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK S, PAGE 82 OF SAID PUBLIC RECORDS; THENCE RUN S89'28'49"W ALONG THE NORTH LINE OF SAID LOT D, A DISTANCE OF 90.00 FEET TO A POINT LYING ON THE EAST RIGHT OF WAY LINE OF STATE ROAD 436 PER FLORIDA DEPARTMENT OF TRANSPORTATION SECTION NO. 75502-2601 DATED 3-17-64; THENCE DEPARTING SAID NORTH LINE RUN S00'37'06"E ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 54.50 FEET TO A POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE RUN N89'22'54"E, A DISTANCE OF 10.00 FEET; THENCE RUN S00'37'06"E, A DISTANCE OF 15.00 FEET; THENCE RUN S89'22'54"W, A DISTANCE OF 10.00 FEET TO A POINT LYING ON THE AFORESAID EAST RIGHT OF WAY LINE; THENCE RUN N00'37'06"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

ENCOMPASSING 150 SQUARE FEET MORE OR LESS.

## Abbreviation Legend:

			- DELTA - DEED - DEED EXCEPTION - OEPARTMENT - DRAINAGE AND UTILITY EASEMENT - ELEVATION - EDGE OF PAYEMENT - FLORIDA DEPARTMENT OF TRANSPORTATION - FINISH FLOOR - FOUND - FLORIDA POWER AND LIGH - GRID (STATE PLANE)	OR – OFFICIAL RECORDS ORB – OFFICIAL RECORDS	PCC         P OINT           CURV/         CURV/           P         PCP         P PERMAN           PG         - PAGES           S NUMBER         PCS         - PAGES           PI         - POINT         POB         - POINT           POC         - POINT         POC         - POINT           POC         - POINT         CURV/         CURV/           BOOK         PRM         - PENNAI         MONU/           PT         - POINT         CURV/         POINT	OF COMPOUND R IVRE R VENT CONTROL POINT RE REFORMENT RE OF INTERSECTION R, OF BEGINNIGG SE OF COMMENCEMENT SC ON LINE SC ON LINE SC ON REVERSE TE TURE TZ UENT REFERENCE (T	EV         -         REVISION           -         RADIUS P         -           VW         -         RIGHT-OF           C2         -         SECTION           Q         -         SQUARE           Q         FT         -           Q         -         SQUARE           Q         FT         -           Q         FT         -           Q         T         -           Q         FT         -           Q         TYP)         -           TYPICAL         E         -	ED IOINT I-WAY 22 FEET BEARING 22 SOUTH		
		Surveyor's Notes: Surveyor's Certification:								
	1.	"SURVEY MAP AND REPORT OR THE COPIE SIGNATURE AND THE ORIGINAL RAISED SE AND-MAPPER:*-	ES THEREOF ARE NOT VALID AL OF A FLORIDA LICENSED S	WITHOUT THE SURVEYOR	I hereby certify t —Description" of th	hat the attached	"Sketch and property is	-true and		
	2.	"ADDITIONS OR DELETIONS TO SURVEY MA SIGNING PARTY OR PARTIES IS PROHIBITED SIGNING PARTY OR PARTIES."	PS or reports by other 1 0 without written consent	THAN THE F OF THE	Description of the correct to the be belief as prepare further certify th	est as my kadwled d wider my sairecti a this "Sketch an	ge, informatio lon April 1 Id Description	n and 6, 2018. I ' meets		
	3.	BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED DATUM AS BEING S 003706" E ALONG THE EAST RIGHT OF WAY LINE OF SR 436 PER FDOT R/W MAP SECTION 75502-2601 DATED 3-12-64.								
	4.	THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE, NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.								
	5. ·	THIS SKETCH WAS PREPARED WITHOUT TH OF TITLE. NO INSTRUMENTS OF RECORD R AND/OR OWNERSHIP WERE FURNISHED TO	EFLECTING EASEMENTS, RIGHT	TS-OF-WAY,	For the Firm By:	Thomas	d. Galloway			
	6. THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PERFORMED TO DEFINE OWNERSHIP.						urveyor and Ma stration No. 65	ipper 49		
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			Prepared By: CPH, Inc.		Sheet					
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Arch. Llc. No. AA2600926 Www.cphcorp.com Lndscp. Lic. No. LC0000298				1 of 2				1 of 2		
	500	W. Fulton St. ~ Sanford, Fl. 3277		SKETCH AND DESCRIPTION				© 2018		



APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

OCT 0 2 2018

Project: First Choice Pediatrics Permit #B16900863 OCU File #86629

### 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:

Florida Capital Bank, N.A., a national bank
 FROM: Keeper Investments, LLC, a Florida limited liability company
 Mortgage and Security Instrument, filed June 26, 2014
 Recorded in Official Records Book 10765, Page 2945
 Collateral Assignment of Leases, Rents and Profits filed June 26, 2014
 Recorded in Official Records Book 10765, Page 2965
 Mortgage filed October 11, 2016
 Recorded as Document No. 20160530859
 Assignment of Rents, filed October 11, 2016
 Recorded as Document No. 20160530860
 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 Project: First Choice Pediatrics Permit #B16900863 OCU File #86629

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 \_\_\_\_\_\_\_ day of \_\_\_\_\_\_, A.D. 2018.

Signed, sealed and delivered in the presence of:

Signature of

Printed Name

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(Signature of TWO witnesses required by Florida law)

Florida Capital Bank, N.A., a national bank

BY:

STATE OF <u>Florida</u>

The foregoing instrument was acknowledged before me this 23 of 41 gover, 2018, by 94 to 94 and 94 and 94 and 94 and 94 of Florida Capital Bank, N.A., on behalf of the national bank. He/She IF is personally known to me or  $\Box$  has produced \_\_\_\_\_\_\_ as identification.

(Notary Seal)



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

Notary Signature

Notary Signature

Printed Notary Name

Notary Public in and for the County and State aforesaid

My Commission Expires: 7/13/2021

S:\Forms & Master Docs\Project Document Files\1\_Misc. Documents\F\First Choice Pediatrics SUB Permit #B16900863 OCU File #86629.doc 06/25/2018 ps rev 6/27/2018 ps

### **EXHIBIT A**

## Sketch and Description:

THIS IS NOT A SURVEY

FIRST CHOICE PEDIATRICS BUILDING DEPARTMENT PERMIT NUMBER: B16900863

### Legal Description:

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ENCOMPASSING 150 SQUARE FEET MORE OR LESS.

500 W. Fulton St. ~ Sanford, Fl. 32771 ~ Ph: 407.322.6841

## Abbreviation Legend:

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