





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 16

DATE: November 13, 2018

TO: Mayor Jerry L. Demings
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 CERTUS WL OWNER LLC TO ORANGE COUNTY AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM IBERIABANK AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: Certus Senior Living (Sitework Only) Permit: B17902929 OCU File#: 93867

District 4

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

ITEMS: Utility Easement
Cost: Donation
Size: 300 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division
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Page 2

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
DEC 04 2018

THIS IS A DONATION

Project: Certus Senior Living (Sitework Only) Permit: B17902929 OCU File#: 93867

UTILITY EASEMENT

THIS INDENTURE, Made this 9th day of August, A.D. 2018, between Certus WL Owner LLC, a Florida limited liability company, whose address is 1400 Poinsettia Avenue, Orlando, Florida 32804, 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

28-22-31-0000-00-053

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.

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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:

Michael Yengue
Witness

Michael Yengue
Printed Name

MF
Witness

Metta Grier
Printed Name

Certus WL Owner LLC,
a Florida limited liability company

BY: Certus Rac Tessie I LLC,
a Florida limited liability company,
Manager

BY: Certus SL Investors LLC,
a Florida limited liability company,
Manager

BY: Troy M. Cox, Manager

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 9 of August, 2018, by Troy M. Cox, as Manager of Certus SL Investors LLC, a Florida limited liability company, as Manager for Certus Rac Tessie I LLC, a Florida limited liability company, for Certus WL Owner 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)



MF
Notary Signature

Metta Grier
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

LEGAL DESCRIPTION

CERTUS SENIOR LIVING
Permit No. B17902929
(UTILITY EASEMENT)

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND, BEING A PORTION OF THE LANDS, DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED, AS RECORDED IN DOCUMENT # 20160115373 OF PUBLIC RECORD OF ORANGE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 31 EAST, FOR A POINT OF REFERENCE; THENCE RUN NORTH 89°56'04" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, A DISTANCE OF 872.96 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 00°00'12" EAST, 866.97 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LAKE UNDERHILL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 3411, PAGE 1201 OF SAID PUBLIC RECORDS; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN NORTH 56°06'34" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 2.79 FEET; THENCE RUN NORTH 52°41'22" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 17.22 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN SOUTH 37°18'38" EAST, 15.00 FEET; THENCE RUN SOUTH 52°41'22" WEST, 20.00 FEET; THENCE RUN NORTH 37°18'38" WEST, 15.17 FEET TO THE POINT OF BEGINNING.

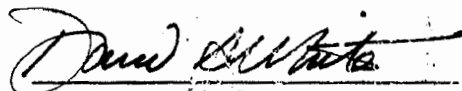
THE ABOVE DESCRIBED PARCEL OF LAND, LIES IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA AND CONTAINS 300 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

- (1) THIS LEGAL DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IDENTIFIED BELOW.
- (2) NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
- (3) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE SOUTH LINE OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 31 EAST, BEING NORTH 89°56'04" EAST.
- (4) THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
- (5) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
- (6) THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.

REVISIONS:

REVISED SKETCH AND DESCRIPTION (11-17-2017) (J.L.M.)



DAVID A. WHITE, P.S.M.
FLORIDA REGISTRATION NO. 4044
PEC - SURVEYING AND MAPPING, LLC.
CERTIFICATE OF AUTHORIZATION L.B. #7808
DATE OF SIGNATURE: 11-17-2017

(THIS IS NOT A SURVEY)

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.

SHEET 1 OF 2

PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION 28, TOWNSHIP 22 SOUTH, RANGE 31 EAST

DATE: OCTOBER 16, 2017

PREP BY: J.L.M.

DRAWN BY: J.L.M.

JOB #: 17-127

O: 17-127 Certus Senior Living\17-127 PROP EASEMENT.dwg Nov 17, 2017 - 9:57am

LEGAL DESCRIPTION

CERTUS SENIOR LIVING
Permit No. B17902929
(UTILITY EASEMENT)



SCALE
1" = 20'

LAKE UNDERHILL ROAD
(O.R.B. 3411, PG. 1201)
R/W WIDTH VARIES

SOUTHERLY R/W LINE

N56°06'34"E
2.79'

N52°41'22"E
17.22'

S37°18'38"E
15.00'

300 S.F. ±
20.00'
S52°41'22"W

P.O.B.

NOT PLATTED

N00°00'12"E 866.97'
WEST LINE, DOC. # 20160115373

SPECIAL WARRANTY DEED
(DOC. # 20160115373)

LEGEND

P.O.C.....POINT OF COMMENCEMENT

P.O.B.....POINT OF BEGINNING

O.R.B.....OFFICIAL RECORDS BOOK

DOC.....DOCUMENT

.....NUMBER

R/W.....RIGHT-OF-WAY

PG.....PAGE

SEC.....SECTION

S.F.....SQUARE FEET

SOUTH LINE, SW. 1/4, SW. 1/4, SEC. 28-22-31

N89°56'04"E

872.96'

P.O.C.

SW. CORNER

SW. 1/4, SW. 1/4
SEC. 28-22-31

(THIS IS NOT A SURVEY)

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION AND SURVEYOR'S NOTES

SHEET 2 OF 2

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APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
DEC 04 2018

Project: Certus Senior Living (Sitework Only) Permit: B17902929 OCU File #: 93867

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:

Iberiabank

FROM: Certus WL Owner LLC, etal

Mortgage and Security Agreement filed June 16, 2017

Recorded as Document No. 20170335406

Assignment of Leases, Rents and Profits filed June 16, 2017

Recorded as Document No. 20170335407

Financing Statement filed June 16, 2017

Recorded as Document No. 20170335408

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 August, A.D. 20 18.

Signed, sealed, and delivered
in the presence of:

Iberiabank, a Louisiana banking corporation

Chelsea Jones
Witness

BY: [Signature]

Chelsea Jones
Printed Name

Richard Anderson Jr.
Printed Name

[Signature]
Witness

SVP
Title

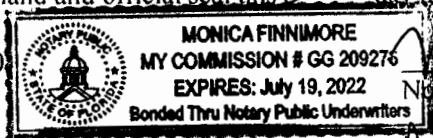
Monica Finnimore
Printed Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 29th of August, 20 18, by Richard Anderson Jr. as SVP of Iberiabank, a Louisiana banking corporation on behalf of the bank. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

Witness my hand and official seal this 29th day of August, 2018.

(Notary Seal)



[Signature]
Notary Signature

Monica Finnimore
Printed Notary Name

This instrument prepared by:
Mary Tiffault, 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:

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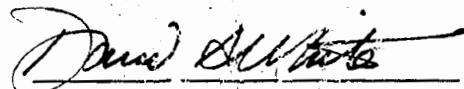
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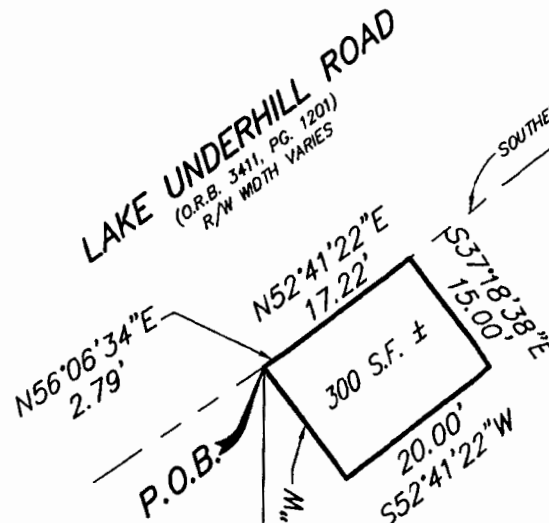
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