





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 8

DATE: April 4, 2019

TO: Mayor Jerry L. Demings
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager 
Real Estate Management Division

FROM: Kim Heim, Senior 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 Hamlin Retail Partners North, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Valley National Bank and authorization to record instruments

PROJECT: Hamlin NWC Commercial Lot 2 Permit B17902357 OCU File #93226

District 1

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

ITEMS: Utility Easement
Cost: Donation
Total size: 1,600 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.

THIS IS A DONATION

Project: Hamlin NWC Commercial Lot 2 Permit B17902357 OCU File #93226

UTILITY EASEMENT

THIS INDENTURE, Made this 28th day of February, A.D. 20 19, between Hamlin Retail Partners North, LLC, a Florida limited liability company, 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, 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

17-23-27-2714-01-002

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:

T.J. Schwab
Witness

T.J. Schwab
Printed Name

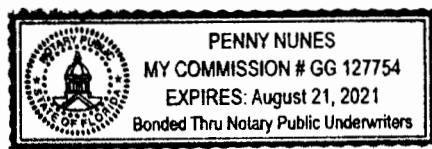
Haren Roney
Witness

Haren Roney
Printed Name

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 28th day of February, 2019, by Scott T. Boyd, as manager of BK Hamlin Retail Partners North, LLC, a Florida limited liability company, as manager of Hamlin Retail Partners North, 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)



Hamlin Retail Partners North, LLC,
a Florida limited liability company

BY: BK Hamlin Retail Partners North, LLC,
a Florida limited liability company,
as Manager

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

Penny Nunes
Notary Signature

Penny Nunes
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

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

LEGAL DESCRIPTION

EXHIBIT "A"

PROJECT NAME: HAMLIN NWC COMMERCIAL LOT 2
BUILDING DEPARTMENT PERMIT NUMBER: B17902357

LEGAL DESCRIPTION (10'x 15' UTILITY EASEMENT)

A PARCEL OF LAND BEING A PORTION OF LOT 1, HAMLIN NORTH AS RECORDED IN PLAT BOOK 85, PAGES 61 THROUGH 63 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA LYING IN THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN THE FOLLOWING COURSES ALONG THE EAST LINE OF SAID LOT 1 AND THE WESTERLY RIGHT OF WAY LINE OF HAMLIN GROVES TRAIL, NORTH EXTENSION (RAC) PER DOC# 20180136703; SOUTH 00°00'00" EAST FOR A DISTANCE OF 533.72 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 614.25 FEET; WITH A CHORD BEARING OF SOUTH 20°19'56" EAST, AND A CHORD DISTANCE OF 426.86 FEET, THENCE RUN SOUTHERLY THROUGH A CENTRAL ANGLE OF 40°39'52" ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 435.95 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 501.75 FEET AND A CENTRAL ANGLE OF 40°21'55" WITH A CHORD BEARING OF SOUTH 20°28'54" EAST, AND A CHORD DISTANCE OF 346.22 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 353.49 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 00°17'57" EAST FOR A DISTANCE OF 60.32 FEET; THENCE RUN SOUTH 00°54'46" WEST FOR A DISTANCE OF 58.45 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°54'46" WEST FOR A DISTANCE OF 15.00 FEET; THENCE DEPARTING AFORESAID EAST LOT LINE AND WESTERLY RIGHT OF WAY LINE RUN NORTH 89°05'14" WEST FOR A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 00°54'46" EAST FOR A DISTANCE OF 15.00 FEET; THENCE RUN SOUTH 89°05'14" EAST FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 150 SQUARE FEET, OR 0.003 ACRES, MORE OR LESS.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°00'00"E	533.72'
L2	S00°17'57"E	60.32'
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C2	501.75'	S20°28'54"E	346.22'	40°21'55"	353.49'

SHEET 1 OF 2
SEE SHEET 2 FOR SKETCH



**ALLEN
& COMPANY**

Professional Surveyors & Mappers

16 EAST PLANT STREET
Winter Garden, Florida 34787 * (407) 654-5355

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 1, HAMLIN NORTH AS BEING S00°00'00"W (PER PLAT)

JOB NO.: 20110078

DATE: 7/24/2018

SCALE: N/A

REVISION: 12/10/2018 BY: DR

CALCULATED BY: DY

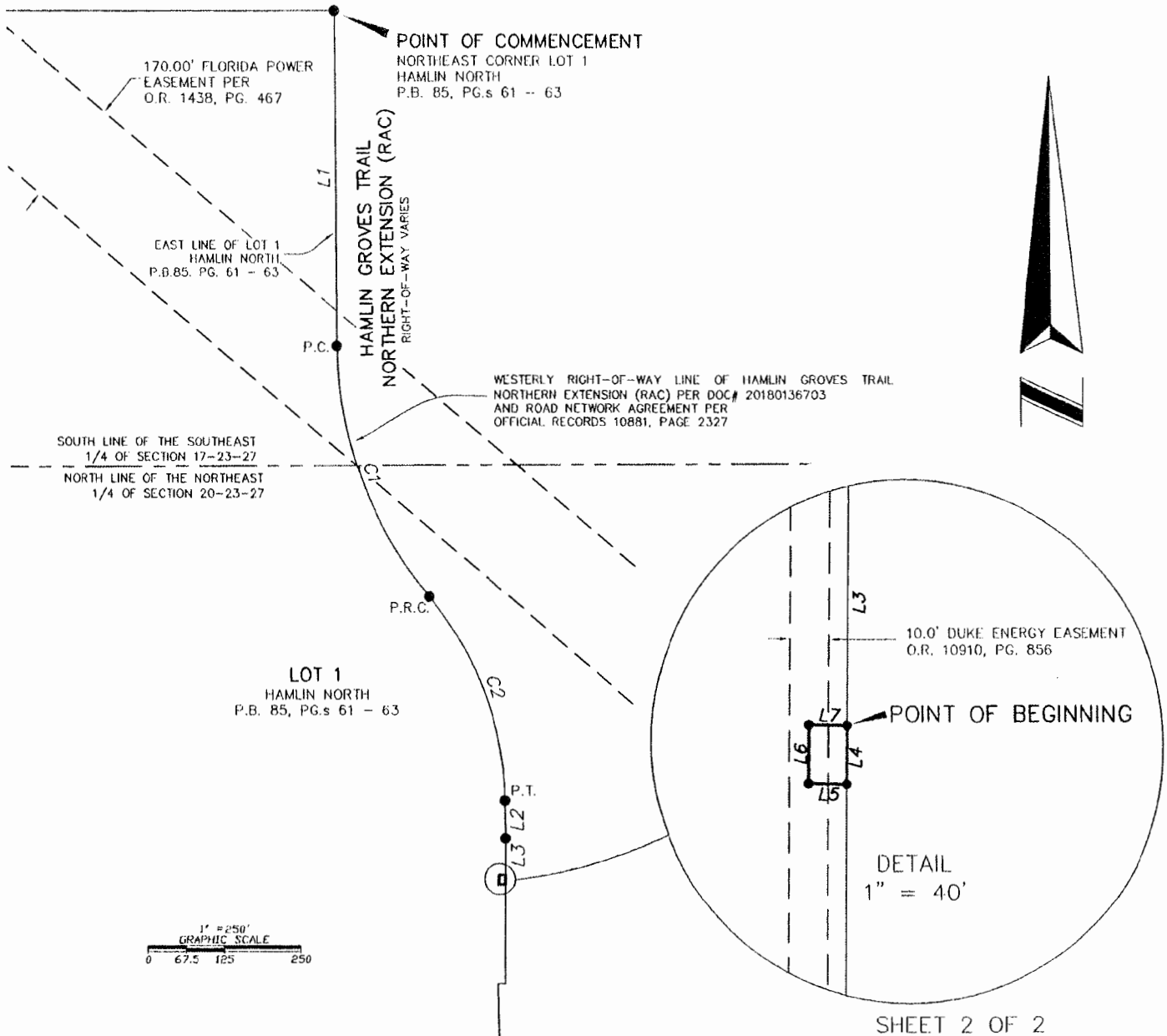
DRAWN BY: DY

CHECKED BY: MR

JAMES L. RICKMAN, P.S.M. #5633

SKETCH OF DESCRIPTION

PROJECT NAME: HAMLIN NWC COMMERCIAL LOT 2
BUILDING DEPARTMENT PERMIT NUMBER: B17902357



SHEET 2 OF 2
SEE SHEET 1 FOR DESCRIPTION



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LEGEND

P.B. PLAT BOOK
O.R. OFFICIAL RECORDS
PG. PAGE(S)
P.C. POINT OF CURVATURE
P.R.C. POINT OF REVERSE CURVATURE
P.T. POINT OF TANGENCY

JOB NO. 20110078

DATE: 7/24/2018

SCALE: VARIES

DRAWN BY: DY

REVISION: 12/10/2018 BY: DR

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COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 1, THENCE RUN THE FOLLOWING COURSES ALONG THE SOUTH LINE OF SAID LOT 1, BEING ALSO THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF CENTRAL FLORIDA EXPRESSWAY AUTHORITY STATE ROAD NO. 429 (WESTERN BELTWAY) PER OFFICIAL RECORDS BOOK 7034, PAGE 1546 OF SAID PUBLIC RECORDS; NORTH 89°42'32" EAST A DISTANCE OF 169.38 FEET; THENCE RUN SOUTH 63°43'31" EAST, A DISTANCE OF 55.90 FEET; THENCE RUN NORTH 89°42'32" EAST, A DISTANCE OF 100.00 FEET TO A POINT OF THE NORTHERLY RIGHT-OF-WAY LINE OF NEW INDEPENDENCE PARKWAY, ACCORDING TO OFFICIAL RECORDS BOOK 10416, PAGE 5782 OF SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, CONTINUING ALONG SAID SOUTHERLY LINE OF LOT 1: NORTH 89°42'03" EAST A DISTANCE OF 50.66 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE AND SAID NORTHERLY RIGHT-OF-WAY LINE, RUN NORTH 00°17'57" WEST A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 89°42'03" EAST, 10.00 FEET NORTH AND PARALLEL WITH SAID SOUTH LINE A DISTANCE OF 145.00 FEET; THENCE RUN SOUTH 00°17'57" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON SAID SOUTH LINE; THENCE RUN SOUTH 89°42'03" WEST, ALONG SAID SOUTH LINE AND SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 145.00 FEET TO THE POINT OF BEGINNING,

CONTAINING 1,450 SQ. FT. OR 0.03 ACRES, MORE OR LESS.

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



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 SOUTH LINE OF LOT 1 OF HAMLIN NORTH SECTION 20, TOWNSHIP 23 SOUTH, RANGE 27 EAST, BEING NORTH 89°42'32" EAST FOR ANGULAR DESIGNATION ONLY.
3. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
4. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

SK 182

JOB NO.: 20110078

CALCULATED BY: _____DY_____

FOR THE LICENSED BUSINESS # 6723 BY:

DATE: 7/30/18

DRAWN BY: BJC

SCALE: 1"=80'

CHECKED BY: MR

REVISION: 12/10/2018 BY: DR

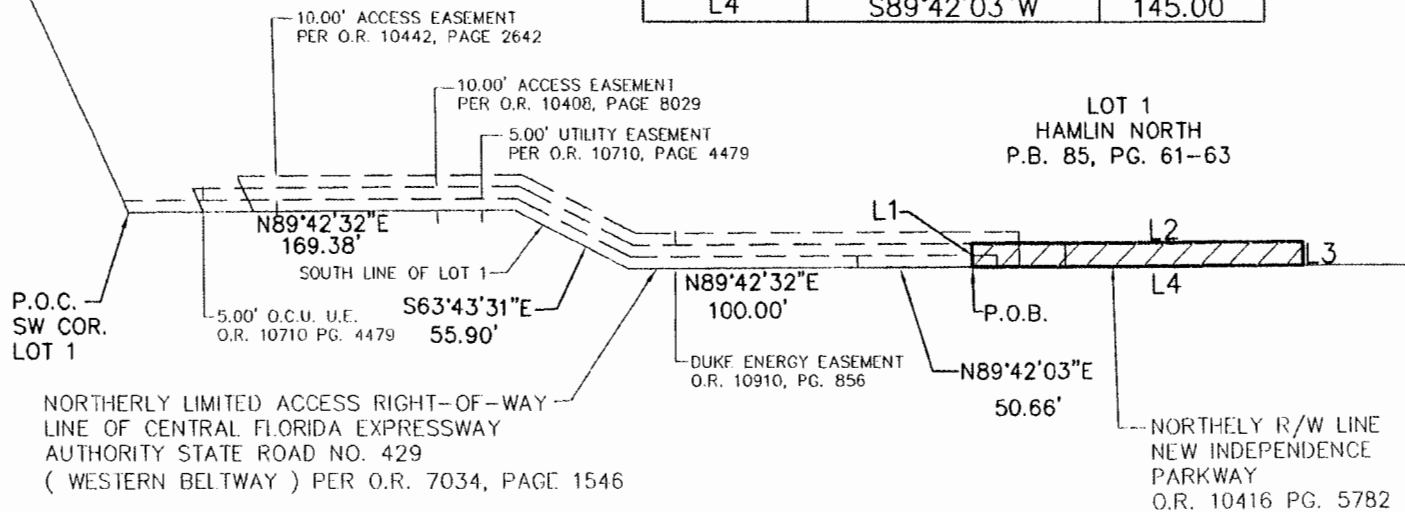
JAMES L. RICKMAN P.S.M. # 5633

SKETCH OF DESCRIPTION

OCU FILE No.:
PROJECT NAME: HAMLIN NWC COMMERCIAL LOT 2
BUILDING DEPARTMENT PERMIT NUMBER: B17902357
PURPOSE: UTILITY EASEMENT



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°17'57"W	10.00'
L2	N89°42'03"E	145.00'
L3	S00°17'57"E	10.00'
L4	S89°42'03"W	145.00'



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



16 EAST PLANT STREET
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LEGEND:

P.O.B.	POINT OF BEGINNING	PG	PAGE
P.O.C.	POINT OF COMMENCEMENT	R/W	RIGHT-OF-WAY
O.R.	OFFICIAL RECORDS	O.C.U.	ORANGE COUNTY UTILITIES
P.B.	PLAT BOOK	U.E.	UTILITY EASEMENT

SK 182

JOB NO. 2011007B

DATE: 7/30/18

SCALE: 1"=80'

CALCULATED BY: DY

DRAWN BY: BJG

CHECKED BY: MR

REVISION: 12/10/2018 BY: DR

REVISION:

REVISION:

REVISION:

REVISION:

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
APR 23 2019

Project: Hamlin NWC Commercial Lot 2 Permit B17902357 OCU File #93226

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:

Valley National Bank

FROM: Hamlin Retail Partners North, LLC

Mortgage and Security Agreement filed May 2, 2018

Recorded as Document No. 20180260080

Assignment of Leases, Rents, and Profits and Security Agreement
filed May 2, 2018

Recorded as Document No. 20180260081

Financing Statement filed May 2, 2018

Recorded as Document No. 20180260082

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 27 day of February, A.D. 20 19.

Signed, sealed, and delivered
in the presence of:

Witness

James Franzese
Printed Name

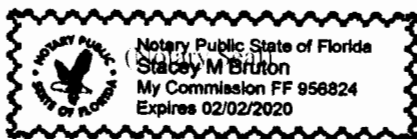
Charissa Eller
Witness

Charissa Eller
Printed Name

(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 27th of Feb, 2019, by Luis Garcia, as 1st Vice President of Valley National Bank, on behalf of the bank. 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

Valley National Bank,
a national banking association

BY:

Luis Garcia
Printed Name
1st Vice President
Title

Notary Signature

Stacey M. Bruton
Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

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SHEET 1 OF 2
SEE SHEET 2 FOR SKETCH



**ALLEN
&
COMPANY**

Professional Surveyors & Mappers

16 EAST PLANT STREET
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JOB NO. 20110078

DATE: 7/24/2018

SCALE: N/A

REVISION: 12/10/2018 BY: DR

CALCULATED BY: DY

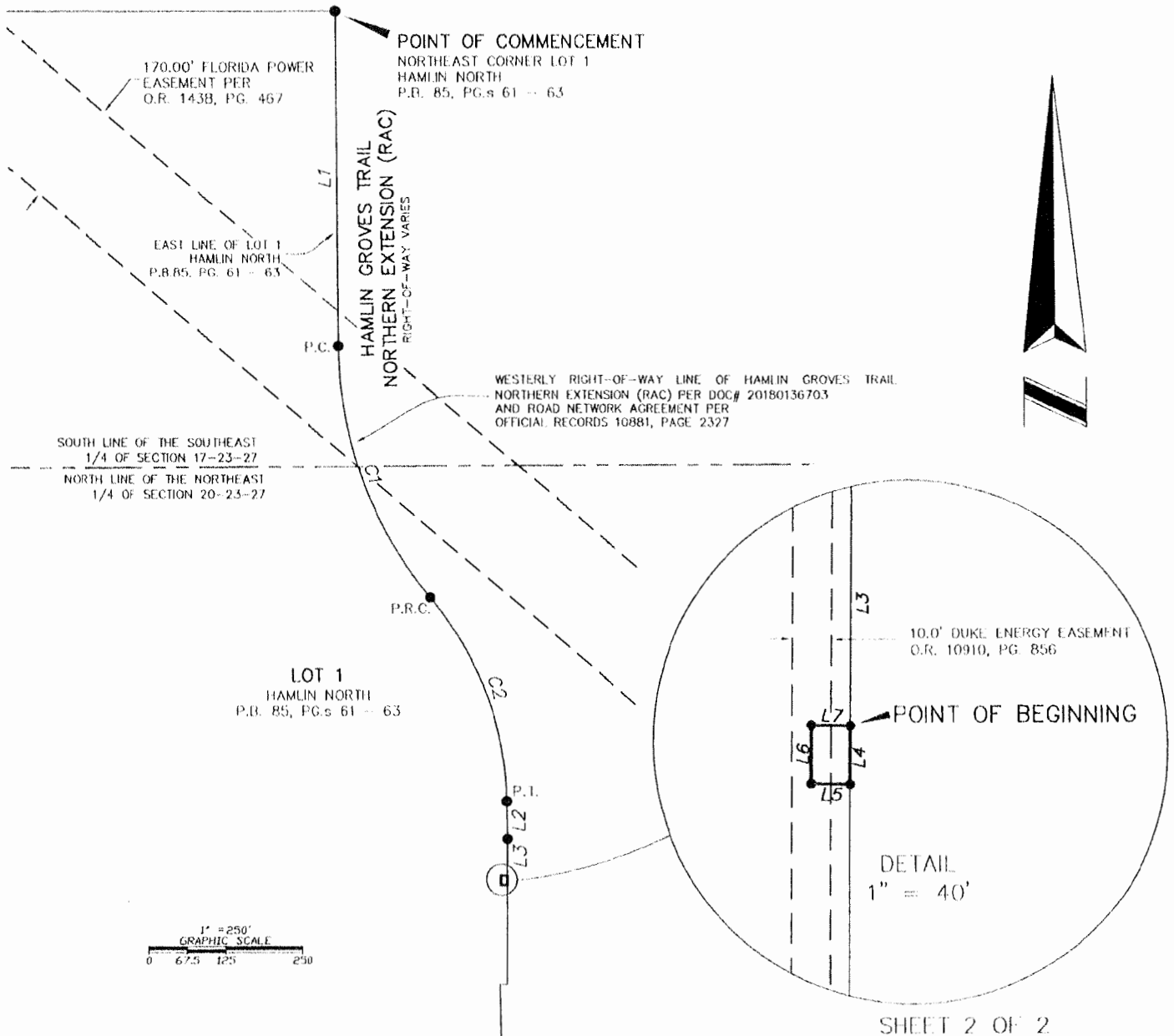
DRAWN BY: DY

CHECKED BY: MR

JAMES L. RICKMAN, P.S.M. #5633

SKETCH OF DESCRIPTION

PROJECT NAME: HAMLIN NWC COMMERCIAL LOT 2
BUILDING DEPARTMENT PERMIT NUMBER: B17902357



SHEET 2 OF 2
SEE SHEET 1 FOR DESCRIPTION



16 EAST PLANT STREET
Winter Garden, Florida 34787 • (407) 654-5355

LEGEND

P.B. PLAT BOOK
O.R. OFFICIAL RECORDS
P.G. PAGE(S)
P.C. POINT OF CURVATURE
P.R.C. POINT OF REVERSE CURVATURE
P.T. POINT OF TANGENCY

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SK 182

JOB NO. 20110078

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REVISION: 12/10/2018 BY: DR

CALCULATED BY: DY

DRAWN BY: BJG

CHECKED BY: MR

FOR THE LICENSED BUSINESS # 6723 BY:

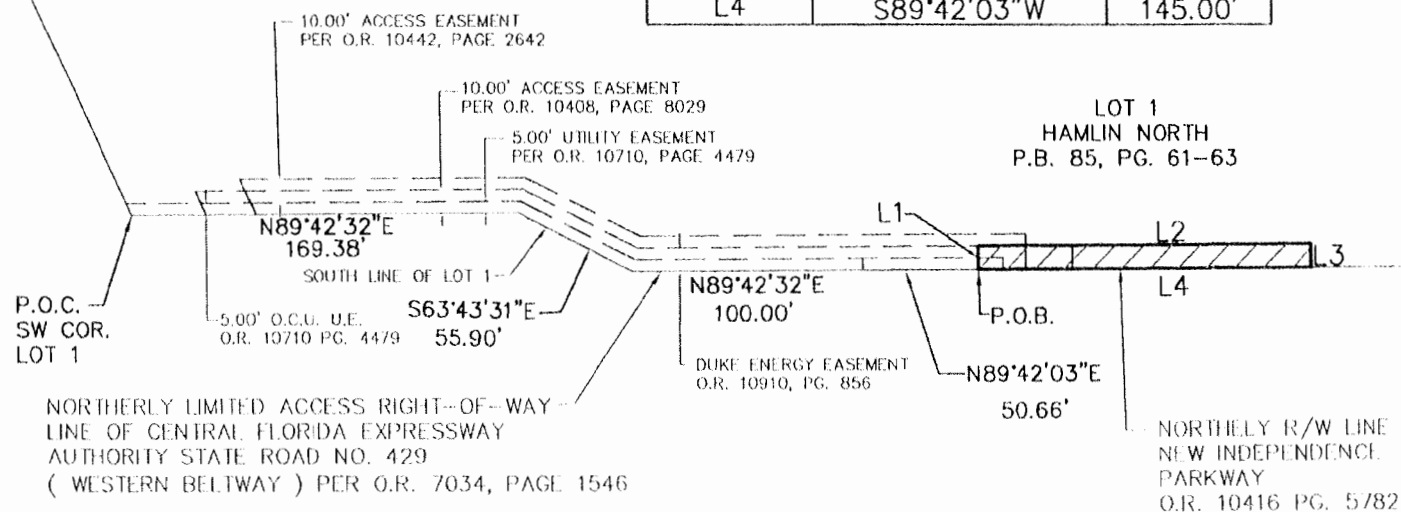
JAMES L. RICKMAN P.S.M. # 5633

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



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LEGEND:

P.O.B.	POINT OF BEGINNING	PG	PAGE
P.O.C.	POINT OF COMMENCEMENT	R/W	RIGHT-OF-WAY
O.R.	OFFICIAL RECORDS	O.C.U.	ORANGE COUNTY UTILITIES
P.B.	PLAT BOOK	U.E.	UTILITY EASEMENT

SK 182

JOB NO. 20110078

DATE: 7/30/18

SCALE: 1"=80'

CALCULATED BY: DY

DRAWN BY: BJB

CHECKED BY: MR

REVISION: 12/10/2018 BY: DR

REVISION:

REVISION:

REVISION:

REVISION: