



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

DATE: June 3, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Mindy T. Cummings, Manager *MTC*
Real Estate Management Division

FROM: Elena K. Hutchinson, Senior Title Examiner *MTC/EH*
Real Estate Management Division

CONTACT PERSON: Mindy T. Cummings, Manager

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

ACTION REQUESTED: Approval and execution of Amended, Restated, and Consolidated Drainage and Utility Easement between CH Realty VIII-LPC I Orlando Oak Ridge, L.L.C. and Orange County and authorization to record instrument

PROJECT: Lincoln Oak Ridge Drainage Easement Relocation Permit B20900544
District 6

PURPOSE: To reconfigure, modify, and replace the easement area of, and to amend the terms and provisions of, three existing drainage easements as a requirement of development.

ITEM: Amended, Restated, and Consolidated Drainage and Utility Easement
Cost: Donation
Size: 1.3 acres

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department

REMARKS:

This Amended, Restated, and Consolidated Drainage and Utility Easement is made to replace, supersede, amend, restate and consolidate the following three easements: Drainage Easement dated April 9, 1968 recorded in Official Records Book 1724, Page 574, of the Public Records of Orange County, Florida; Drainage Easement dated May 1, 1968 recorded in Official Records Book 1729, Page 362, of the Public Records of Orange County, Florida; and Drainage and Utility Easement dated June 23, 1988 recorded in Official Records Book 4006, Page 3429, of the Public Records of Orange County, Florida.

Grantor to pay all recording fees.

JUN 22 2021

This instrument prepared by:

Kyle A. Stevens, Esq.
Shutts & Bowen LLP
300 S. Orange Avenue – Suite 1600
Orlando, Florida 32801

Project: Lincoln Oak Ridge Drainage Easement Relocation Permit B20900544

**AMENDED, RESTATED, AND CONSOLIDATED DRAINAGE
& UTILITY EASEMENT**
(Drainage and Utility Easement, Orlando Central Park North)

THIS AMENDED, RESTATED, AND CONSOLIDATED DRAINAGE & UTILITY EASEMENT (this “Easement Agreement”), made this 14th day of May, A.D. 2021, between CH REALTY VIII-LPC I ORLANDO OAK RIDGE, L.L.C., a Delaware limited liability company, whose address is 111 N. Magnolia Ave., Suite 1500, Orlando, Florida 32801, 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.

RECITALS

A. Grantor’s predecessor-in-interest and Grantee entered into those certain drainage and utility easement described as follows: Drainage Easement dated April 9, 1968 recorded in Official Records Book 1724, Page 574, of the Public Records of Orange County, Florida; Drainage Easement dated May 1, 1968 recorded in Official Records Book 1729, Page 362, of the Public Records of Orange County, Florida; and Drainage and Utility Easement dated June 23, 1988 recorded in Official Records Book 4006, Page 3429, of the Public Records of Orange County, Florida (the foregoing being collectively referred to herein as the “Original Easement Agreements”).

B. The Original Easement Agreements encumber certain real property as described therein (collectively, the “Original Easement Areas”).

C. Grantor and Grantee desire to replace, supersede, amend, restate, and consolidate the Original Easement Agreements as more particularly set forth herein

AGREEMENT

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 drainage and utility purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid (the “Easement Area”) to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever.

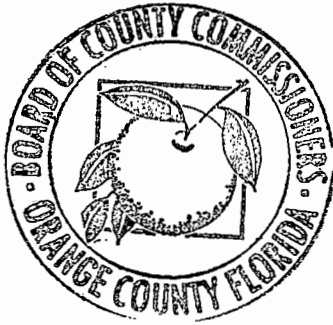
THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GRANTOR, its heirs, 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 drainage ditch, pipe, or facility.

Grantor and Grantee acknowledge and agree that: (a) this Easement Agreement is intended to and does replace, supersede, amend, restate, and consolidate the Original Easement Agreements in their entirety; and (b) the Easement Area replaces the Original Easement Areas, and the Original Easement Areas are released from the encumbrance of the Original Easement Agreements. As of the date this Easement Agreement is executed by the last of the parties hereto, the Original Easement Agreements shall be terminated and extinguished of record and no longer in force or effect, all easements and easement-related rights granted therein being released.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

"COUNTY"

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners



BY: *Bryan W. Brooks*
for Jerry L. Demings
Orange County Mayor

DATE: 24 June 2021

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY: *Noelia Perez*
Deputy Clerk
Noelia Perez
Printed Name

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

Signed, sealed, and delivered in the presence of:

CH REALTY VIII-LPC I ORLANDO OAK RIDGE, L.L.C., a Delaware limited liability company

David Persons
Witness

LO Orlando Oak Ridge (FL) LLC, a Delaware limited liability company
Its: Manager

DAVID PERSONS
Printed Name

By: Non-Member Manager, Inc., a Texas corporation
Its: Manager

Jordan Clarke
Witness

By: Scott Stahley
Scott Stahley, Vice President

Jordan Clarke
Printed Name

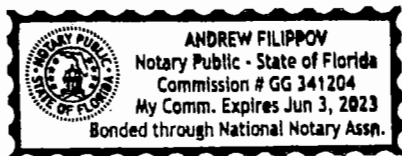
(Signature of TWO witnesses required by Florida law)

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14th of May, 2021, by Scott Stahley, as Vice President of Non-Member Manager, Inc., a Texas corporation, the Manager of LO Orlando Oak Ridge (FL) LLC, a Delaware limited liability company, the Manager of CH REALTY VIII-LPC I ORLANDO OAK RIDGE, L.L.C., a Delaware limited liability company, on behalf of the limited liability company. He/She is personally known to me or has produced _____ as identification.

(Notary Seal)

Andrew Filippov
Notary Signature



Andrew Filippov
Printed Notary Name
Notary Public in and for
the county and state aforesaid.
My commission expires: 6/3/23

JOINDER AND CONSENT

The undersigned hereby certifies that it is the holder of the following mortgage, lien or other encumbrance upon the above described Easement Area:

Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents executed by CH Realty VIII-LPC I Orlando Oak Ridge, L.L.C., a Delaware limited liability company, Mortgagor, in favor of Comerica Bank, Mortgagee, dated September 12, 2019, in the original principal amount of \$25,538,758.00, recorded September 14, 2019 as Instrument No. 20190572357 in the Public Records of Orange County, Florida

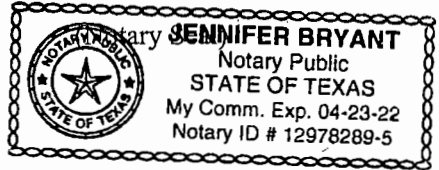
and that the undersigned hereby joins in and consents to the recording of the above Amended, Restated, and Consolidated Drainage & Utility Easement (the "Easement Agreement"), and agrees that its mortgage, lien or other encumbrance, as they have been, and as they may be, modified, amended, and assigned from time to time, shall be subordinated to the Easement Agreement, as said easement may be modified, amended and assigned from time to time.

COMERICA BANK

By: [Signature]
Name: Kevin E. Crayton
Title: SVP - Texas Market

STATE OF Tx
COUNTY OF Tarrant

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 2nd of May, 2021, by Kevin Crayton as _____ of COMERICA BANK, on behalf of the bank. He/She is personally known to me or has produced TDSI as identification.



[Signature]
Notary Signature
Jennifer Bryant
Printed Notary Name
Notary Public in and for
the county and state aforesaid
My commission expires: 4/23/22

Exhibit A
(Page 1 of 2)

SKETCH OF DESCRIPTION

Drainage and Utility Easement

ORLANDO CENTRAL PARK NORTH

A PORTION OF SECTION 22, TOWNSHIP 23 SOUTH, RANGE 28 EAST

AREA ABOVE RESERVED FOR RECORDING INFORMATION

DESCRIPTION

A PORTION OF LOTS 37, 38, 60 AND THE ABANDONED 40' RIGHT-OF-WAY TO THE WEST OF SAID LOTS 37 AND 60, PLAN OF BLOCK "ONE", PROSPER COLONY, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK D, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN SECTION 22, TOWNSHIP 23 SOUTH, RANGE 26 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 38, PLAN OF BLOCK 1, PROSPER COLONY, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK D, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 89°46'57" WEST, ALONG THE SOUTH LINE OF LOT 38 AND 37, A DISTANCE OF 345.36 FEET; THENCE, DEPARTING SAID SOUTH LINE, RUN SOUTH 00°02'16" WEST, A DISTANCE OF 287.36 FEET; THENCE RUN SOUTH 02°10'09" WEST, A DISTANCE OF 307.82 FEET; THENCE RUN SOUTH 89°49'06" WEST, A DISTANCE OF 296.77 FEET; THENCE RUN SOUTH 00°33'51" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST OAK RIDGE ROAD (VARIABLE WIDTH RIGHT-OF-WAY); THENCE RUN SOUTH 89°49'16" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET; THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN NORTH 00°33'51" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 89°49'06" EAST, A DISTANCE OF 297.59 FEET; THENCE NORTH 02°10'09" EAST, A DISTANCE OF 278.47 FEET; THENCE NORTH 00°02'16" EAST, A DISTANCE OF 316.67 FEET; THENCE NORTH 89°46'57" EAST, A DISTANCE OF 36.51 FEET; THENCE NORTH 07°19'57" WEST, A DISTANCE OF 233.99 FEET; THENCE SOUTH 89°55'55" WEST, A DISTANCE OF 311.71 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 55.86 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 25.82 FEET; THENCE NORTH 89°55'55" EAST, A DISTANCE OF 308.09 FEET; THENCE SOUTH 07°19'57" EAST, A DISTANCE OF 264.15 FEET; THENCE NORTH 89°46'57" EAST, A DISTANCE OF 308.47 FEET TO A POINT ON THE EAST LINE OF AFORESAID LOT 38; THENCE SOUTH 00°13'57" EAST, A DISTANCE OF 30.00 FEET RETURNING TO THE POINT OF BEGINNING.

CONTAINING 56,623 SQUARE FEET OR 1.300 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO IMPROVEMENTS HAVE BEEN LOCATED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE CERTIFIED ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS DOCUMENT CONSISTS OF 2 PAGES NOT FULL OR COMPLETE WITHOUT BOTH.
5. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOTS 37 & 38, WHICH BEARS S89°46'57"W, PER ASSUMED DATUM.

SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR SKETCH

THIS SKETCH IS NOT A SURVEY.

SKETCH OF DESCRIPTION

UTILITY EASEMENT NO. 1
ORLANDO CENTRAL PARK NORTH
A PORTION OF
SECTION 22, TOWNSHIP 23 SOUTH, RANGE 28 EAST

ORANGE COUNTY, FLORIDA



CERTIFICATION OF AUTHORIZATION NUMBER LB#8393
3191 MAQUIRE BOULEVARD, SUITE 200
ORLANDO, FLORIDA 32803
(407) 426-7878
WWW.AMERICANSURVEYINGANDMAPPING.COM

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



E. GLENN TURNER, PSM #5643

DATE:

JOB NO.:	DATE	REVISIONS	TECH
190227	6/22/20	CHANGED WIDTH	JLS
SCALE: 1" = 150'			
DRAWN BY: JLS			
APPROVED BY:			
DRAWING FILE #			
UTILITY EASEMENT NO 1 SOD.DWG			

Exhibit A
(Page 2 of 2)

