

Instrument: 1042.3

Project: Texas Avenue RCA (Oak Ridge Rd to Holden Ave)

#### **SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS TO ORANGE COUNTY**

KNOW ALL MEN BY THESE PRESENTS: That Whereas, it is proposed by ORANGE COUNTY, a charter county and a 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 road right-of-way in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to Blanket Easement held by the undersigned; and,

WHEREAS, On behalf of ORANGE COUNTY, a request has been made for the undersigned to subordinate said encumbrance 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 encumbrance to the property rights of ORANGE COUNTY, to locate, construct, maintain, and/or improve said project under, through, and/or across the following described lands, being a portion of the encumbered premises in Orange County, Florida, to-wit:

#### **SEE ATTACHED SCHEDULE "A"**

##### **Encumbrance:**

City of Orlando and Orlando Utilities Commission

FROM: Pointe Vista II, LTD.

Easement filed March 10, 1997

Recorded in Official Record Book 5213, Page 3953

Public Records of Orange County, Florida

PROVIDED, ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrance insofar as same affects the rights and privileges of ORANGE COUNTY, in its use of the land specifically above described for road right-of-way purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said encumbrance 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 road right-of-way purposes that in such event the subordination of said encumbrance shall become of the same status with reference to such abandoned portion as if the subordination had never been made.

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IN WITNESS WHEREOF, the said holder of said encumbrance has duly executed this instrument  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF ORLANDO

\_\_\_\_\_  
Post Office Address

Witnesses:

\_\_\_\_\_  
As to City of Orlando

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
As to City of Orlando

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
BY: \_\_\_\_\_  
Mayor Pro-Tem

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Printed Name

APPROVED AS TO FORM AND  
LEGALITY For the use and  
reliance of the City of  
Orlando, Florida only.

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
City Attorney  
Orlando, Florida

\_\_\_\_\_  
Printed Name

Instrument: 1042.3

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STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_ respectively \_\_\_\_\_ and \_\_\_\_\_ of the City of Orlando, a Florida municipal corporation, on behalf of the city. They ☐ are personally known to me or ☐ have produced \_\_\_\_\_ and \_\_\_\_\_ as identification e

Witness my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Seal)

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Printed Notary Name

Notary Public in and for  
the County and State aforesaid

My commission expires:

Instrument: 1042.3

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Signed, sealed and delivered  
in the presence of:

Kimberly J. Catrett  
(sign)

Print Name: Kimberly J. Catrett

Richard H. Parker  
(sign)

Print Name: Richard H. Parker

As to Orlando Utilities Commission

ORLANDO UTILITIES COMMISSION

By: [Signature]  
KENNETH P. KSIONEK  
General Manager & CEO

Attest:

[Signature]  
ELIZABETH M. MASON  
Assistant Secretary

(COMMISSION SEAL)

Approved by OUC as to Form  
Other than Legal Description

Wayne Morris  
Attorney

STATE OF FLORIDA)

: SS

COUNTY OF ORANGE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared KENNETH P. KSIONEK and ELIZABETH M. MASON respectively, General Manager & CEO and Assistant Secretary of the ORLANDO UTILITIES COMMISSION, a statutory commission under the laws of the State of Florida, to me known to be the individuals and officers described in and who executed the foregoing instrument on behalf of said ORLANDO UTILITIES COMMISSION, and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized, and that the official seal of ORLANDO UTILITIES COMMISSION is duly affixed thereto and the instrument is the act and deed of said Commission.

WITNESS my hand and official seal in the county and state last aforesaid this 20<sup>th</sup> day of December, 2017.

(Notarial Seal)



[Signature]  
Notary Public (sign)  
Print Name:  
State of Florida  
My Commission Expires:



# LEGAL DESCRIPTION

SCHEDULE "A"

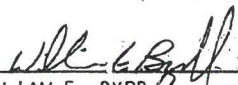
PARCEL NUMBER: 1042

A PORTION OF LOT 14, AS DEPICTED ON THE PLAT OF AMERICANA UNIT TWO, RECORDED IN PLAT BOOK 5, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°15'05" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 15, A DISTANCE OF 76.00 FEET TO A POINT ON A LINE PROJECTED WESTERLY FROM THE EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD AS DEPICTED ON THE PLAT OF AMERICANA UNIT TWO, RECORDED IN PLAT BOOK 5, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 15, RUN NORTH 89°10'57" EAST, ALONG SAID PROJECTED LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF INTERSECTION OF SAID EXISTING SOUTH RIGHT OF WAY LINE OF AMERICANA BOULEVARD AND THE EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE, AS DEPICTED ON SAID PLAT OF AMERICANA UNIT TWO; THENCE, DEPARTING SAID PROJECTED LINE, RUN SOUTH 00°15'05" EAST, ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE, A DISTANCE 220.15 FEET TO A POINT ON THE SOUTHERLY PROPERTY LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7279, PAGE 2348, OF SAID PUBLIC RECORDS, SAID POINT BEING THE POINT OF BEGINNING; THENCE, DEPARTING SAID EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE, RUN NORTH 89°10'57" EAST, ALONG SAID PROPERTY LINE, A DISTANCE OF 12.00 FEET; THENCE, DEPARTING SAID PROPERTY LINE, RUN THE FOLLOWING THREE COURSES AND DISTANCES: SOUTH 00°43'50" WEST, A DISTANCE OF 58.36 FEET; THENCE, SOUTH 10°38'53" WEST, A DISTANCE OF 36.50 FEET; THENCE, SOUTH 03°06'48" WEST, A DISTANCE OF 69.82 FEET TO A POINT ON SAID EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE; THENCE RUN NORTH 00°15'05" WEST, ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE, A DISTANCE OF 163.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 1084 SQUARE FEET OR 0.025 ACRES, MORE OR LESS

THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

  
WILLIAM E. BYRD  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
LICENSE NUMBER 5442  
520 SOUTH MAGNOLIA AVENUE  
ORLANDO, FLORIDA 32801

1/24/11  
DATE

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NUMBER LB 1221

WRITTEN BY: RRC	DATE: 11/01/10	SECTION: 15	TEXAS AVENUE - ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc. 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	DRAWING SCALE: N/A
APPROVED BY:	REV.:	RANGE: 29E		SHEET 1 OF 2
	REV.:			C.I.P. - 5027

# SKETCH OF DESCRIPTION

SCHEDULE "A"

PARCEL NUMBER: 1042

SEE SHEETS 15 & 16, TEXAS AVE.  
R/W MAP, ORANGE COUNTY C.I.P.  
#5027, DISTRICT 6

P.O.C.  
NW COR., SW 1/4,  
SEC. 15  
FND. RR. SPIKE  
W/ X-CUT, NO ID.

AMERICANA BLVD.

EXIST. S. R/W LINE  
(P.B. 5, PG. 24)

SCALE: 1" = 40'

## LEGEND & ABBREVIATIONS

- AC. • ACRE(S)
- (C) • CALCULATED
- C.B. • CHORD BEARING
- C.D. • CHORD LENGTH
- C.M. • CONCRETE MONUMENT
- COR. • CORNER
- (D) • DEED
- D.B. • DEED BOOK
- ESMT. • EASEMENT
- EXIST. • EXISTING
- FND. • FOUND
- ID. • IDENTIFICATION
- I.P. • IRON PIPE
- I.R.C. • IRON ROD & CAP
- L • ARC LENGTH
- LT. • LEFT
- LB • CERTIFICATE OF AUTHORIZATION
- M.B. • MAP BOOK
- N/A • NOT APPLICABLE
- N.D. • NAIL & DISK
- O.R.B. • OFFICIAL RECORDS BOOK
- ORIG. • ORIGINAL
- (P) • PER PLAT
- P.B. • PLAT BOOK
- P.C. • POINT OF CURVATURE
- P.T. • POINT OF TANGENCY
- P.O.B. • POINT OF BEGINNING
- P.O.C. • POINT OF COMMENCEMENT
- PG. • PAGE(S)
- R • RADIUS
- R/W • RIGHT OF WAY
- RGE • RANGE
- R.R. • RAILROAD
- RT. • RIGHT
- SEC. • SECTION
- SO.FT. • SQUARE FEET
- STA. • STATION
- TB • TANGENT BEARING
- TWP. • TOWNSHIP
- N'LY • NORTHERLY
- S'LY • SOUTHERLY
- E'LY • EASTERLY
- W'LY • WESTERLY
- B • BASE LINE
- C • CENTER LINE
- P • PROPERTY LINE
- Δ • DELTA (CENTRAL ANGLE)
- LINE BREAK

UNPLATTED

00°15'05"W  
EXIST. R/W LINE

TEXAS AVENUE

80'-WIDE R/W  
(P.B. 5, PG. 24)

00°15'05"W

W. LINE, SW 1/4, SEC. 15

EXIST. E. R/W LINE  
(P.B. 5, PG. 24)

00°15'05"W 163.78'  
S03°06'48"W 69.82'  
S00°43'50"W 58.36'  
S10°38'53"W 36.50'

LOT 14

AMERICANA UNIT TWO  
P.B. 5, PG. 24

P.O.B. PARCEL 1042  
1084 SQ. FT. +/-  
(0.025 AC.)  
STA. 157+08.30  
45.75' RT.

LOT 14

S'LY R  
(O.R.B. 7279,  
PG. 2348)

LAND DESCRIBED  
IN O.R.B. 7279,  
PG. 2348

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°15'05" WEST, ASSUMED.

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DESIGNED BY: INWOOD	DATE: 11/01/10	SECTION: 15	TEXAS AVENUE-ORANGE COUNTY, FLORIDA	
DRAWN BY: RRC	REV.:	TOWNSHIP: 23S	Bowyer-Singleton & Assoc., Inc. 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 TELEPHONE: 407-843-5120	DRAWING SCALE: 1" = 40'
APPROVED BY:	REV.:	RANGE: 29E		SHEET 2 OF 2
	REV.:			C.I.P. # 5027