

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 04 2015 NP/LC

PREPARED BY AND AFTER RECORDING

RETURN COPY TO:

Miranda F. Fitzgerald, Esquire

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

Post Office Box 2809

Orlando, Florida 32802

Account #802

Project: TOWN CENTER - SCHOFIELD ROAD, PORTER ROAD, VALENCIA PARKWAY

SUBORDINATION OF EASEMENT 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, GRANTEE, 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 the Easement held by the undersigned; and,

WHEREAS, on behalf of ORANGE COUNTY, a request has been made for the undersigned to subordinate said Easement to the property rights of ORANGE COUNTY in and to the portion of the premises hereinafter described.

NOW, THEREFORE, in consideration of the premises and One Dollar and other good and valuable considerations paid, receipt of which is hereby acknowledged:

1. The undersigned subordinates said Easement as it has 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 lands in Orange County, Florida, described in Exhibit "A" attached, a portion of which lands is encumbered by the Easement:

Easement:

Sumter Electric Cooperative, Inc. ("SECO")

FROM: McMillan Preferred Properties

Right-of-Way Easement filed April 19, 1988

Recorded in Official Records Book 3974, Page 137

in the Public Records of Orange County, Florida

2. At such time as ORANGE COUNTY makes a request that would impact SECO's rights in its Easement, Fox Common, LLC, Fox Kay, LLC and Fox Heartland, LLC, 500 South Australian Avenue, Suite 710, West Palm Beach, FL 33401, and/or their successors and assigns, will bear the cost of relocating the Easement and any SECO facilities located within the Easement if it is determined at that time that relocation of the Easement or any utility facilities is necessary.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 04 2015 NP/LC

RECORDED ELECTRONICALLY
IN BOOK 10968 PAGE 3629
DATE 8/17/2015 at 8:27 a.m.
COUNTY Orange

PREPARED BY AND AFTER RECORDING
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Miranda F. Fitzgerald, Esquire
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
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Orlando, Florida 32802
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Project: TOWN CENTER - SCHOFIELD ROAD, PORTER ROAD, VALENCIA PARKWAY

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1. The undersigned subordinates said Easement as it has 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 lands in Orange County, Florida, described in Exhibit "A" attached, a portion of which lands is encumbered by the Easement:

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Sumter Electric Cooperative, Inc. ("SECO")
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PROVIDED, ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said Easement 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. 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, the subordination of said Easement 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 Easement has duly executed this instrument this 30th day of January, A.D. 2012.

Signed, sealed, and delivered in the presence of:

Patricia Gaughan
Witness

PATRICIA GAUGHAN
Printed Name

Alex Markley
Witness

Alex MARKLEY
Printed Name

SUMTER ELECTRIC COOPERATIVE, INC.

BY: Ray F. Vick

Ray F. Vick
Printed Name

President
Title

(Corporate Seal)



STATE OF FLORIDA
COUNTY OF SUMTER

I HEREBY CERTIFY, that on this day, before me personally appeared Ray F. Vick, as President of Sumter Electric Cooperative, Inc., a Florida corporation, to me known to be, ~~an officer of said corporation~~ an officer of said corporation ~~and did~~ (did not) take an oath, the individual and officer described in and who executed the foregoing conveyance and acknowledged the execution thereof to be his/her free act and deed as such officer thereunto duly authorized, and that the official seal of said corporation is duly affixed thereto, and the said conveyance is the act and deed of said corporation.

Witness my hand and official seal this 30th day of January, 2012.

(Notary Seal)

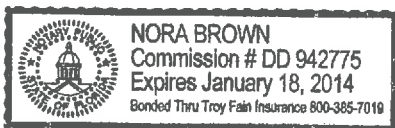
Nora Brown
Notary Signature

NORA BROWN
Printed Notary Name

Notary Public in and for

the county and state aforesaid,

My commission expires: 1-18-2014



Project: TOWN CENTER - SCHOFIELD ROAD, PORTER ROAD, VALENCIA PARKWAY

JOINDER AND CONSENT

COMES NOW, Fox Common, LLC, Fox Kay, LLC and Fox Heartland, LLC, on behalf of themselves, and their heirs, successors, assigns or transferees of any nature whatsoever and consent to perform and fully abide by the terms and conditions set forth in this Agreement.

Signed, sealed, and delivered
in the presence of:

FOX COMMON, LLC.

M Foster
Witness
Print Name: Madeline Foster

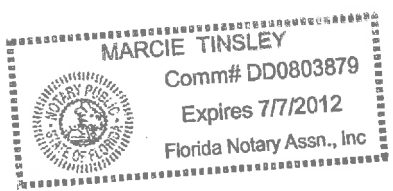
BY: [Signature]
Hans C. Kahlert
Manager

[Signature]
Witness
Print Name: Lynn Ryba

STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 16th day of February, 2012, by Hans C. Kahlert who is personally known to me or who has produced _____ as identification in his capacity as Manager Fox Common, LLC and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 16th day of February, 2012



[Signature]
Print Name Marcie Tinsley
Notary Public
My Commission Expires _____

Signed, sealed, and delivered
in the presence of:

FOX KAY, LLC.

M Foster
Witness
Print Name: Madeline Foster

BY: [Signature]
Herbert F. Kahlert
Manager

[Signature]
Witness
Print Name: Lynn Ryba

[Signatures and Acknowledgments continued on next page]

Project: TOWN CENTER - SCHOFIELD ROAD, PORTER ROAD, VALENCIA PARKWAY

Signed, sealed, and delivered
in the presence of:

FOX HEARTLAND, LLC.

M Foster
Witness
Print Name: Madeline Foster

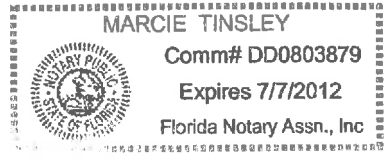
BY: Herbert F. Kahlert
Herbert F. Kahlert
Manager

Lynn Ryba
Witness
Print Name: Lynn Ryba

STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 16th day of February,
2012, by Herbert F. Kahlert who is personally known to me or who has produced
_____ as identification in his capacity as Manager of Fox Kay, LLC and Fox Heartland,
LLC and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 16th day of February, 2012



M Tinsley
Print Name Marcie Tinsley
Notary Public
My Commission Expires _____

Exhibit "A"

Project Town Center – Schofield Road, Porter Road, Valencia Parkway

The West 20 feet of the SW $\frac{1}{4}$ of Section 30, Township 23 South, Range 27 East running the length of the property North to South.