NEIGHBORHOODS

HOUSING & COMMUNITY DEVELOPMENT DIVISION

**MEMORANDUM**

**DATE:** **December 15, 2016**

**TO:** **Gregory Pease, Chairman**
**Professional Services Evaluation Committee**

**FROM:** **Diana Seydlorsky, Chief**
**Housing and Community Development Division**

**THROUGH:** **Dayatra Coles, Affordable Housing Coordinator**
**Housing and Community Development Division**

**SUBJECT:** **P-08-11 – Neighborhood Stabilization Program-3 (NSP-3)**
**Operation New Hope (Project: 122 West 8th Street)**
**Joinder and Consent of Mortgagee for Grant of Easement**

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On February 13, 2013, the City of Jacksonville and Operation New Hope Inc. entered into NSP-3 Contract #8013-59, as amended, along with various loan documents for the acquisition, demolition and construction of 14-unit multi-family housing facility located at 122 West 8TH Street, Jacksonville, Florida 32206 (the "Project").

Jacksonville Electric Authority ("JEA") requires a 10-foot utility easement for water and/or utility meters for the Project and thereafter, JEA and Operation New Hope, Inc. entered into a Non-Exclusive Grant of Easement on November 2, 2016. Copies of the grant of easement and survey are attached hereto. Pursuant to the City's loan documents, a Joinder and Consent for the grant of easement must be executed by the City. Accordingly, the Housing and Community Development Division hereby requests approval for the execution of the Joinder and Consent for the grant easement to JEA, a copy of which is attached. The attached form Joinder and Consent for the grant easement has been reviewed and approved by the Office of General Counsel.

Your favorable consideration to this request is appreciated. Thank you.

Attachments: Non-Exclusive Grant of Easement
Survey
Draft Joinder and Consent of Mortgagee

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214 North Hogan Street, 7TH Floor I Jacksonville, FL 32202 I Phone: 904-255-8200 I Fax: 904-255-8209

**PREPARED BY AND RETURN TO:**
**Sandra Stockwell**
**Assistant General Counsel**
**Office of General Counsel**
**117 West Duval Street, Suite 480**
**Jacksonville, Florida 32202**

# JOINDER AND CONSENT OF MORTGAGEE

**THIS JOINDER AND CONSENT OF MORTGAGEE** is made effective as of _____, 20__, by the **CITY OF JACKSONVILLE**, a Florida corporation, whose address is c/o Planning and Development Department, Housing and Community Development Division, 214 North Hogan Street, 7TH Floor, Jacksonville, Florida 32202 (the "Mortgagee").

**WHEREAS**, on or about November 2, 2016, Operation New Hope, Inc., a Florida nonprofit corporation (the "Grantor"), executed a Non-Exclusive Grant of Easement (the "Grant to Easement") wherein the Grantor conveyed to Jacksonville Electric Authority, a body politic and corporate (the "Grantee"), a 10-foot utility easement to land situate in Duval County, Florida more particularly described in Exhibit A attached hereto (the "Easement Property").

**WHEREAS**, the Mortgagee is the owner and holder of the following documents recorded in the public records of Duval County, Florida (collectively, the "Loan Documents"):

(i) Mortgage and Security Agreement dated March 6, 2013, recorded in **Official Records Book 16281, page 610**, of the current public records of Duval County, Florida, as modified by that certain First Modification to Note, Mortgage and Collateral Assignment of Rents and Leases dated July 11, 2013, and recorded in **Official Records Book 16469, page 2319**, of the current public records of Duval County, Florida, and further modified by that certain Second Mortgage Modification Agreement and Future Advance Receipt dated November 10, 2014, recorded in **Official Records Book 17085, page 1484**, of the current public records of Duval County, Florida; and

(ii) Declaration of Covenants and Restrictions dated March 6, 2013, recorded in **Official Records Book 16281, page 632,** of the current public records of Duval County, Florida, as amended by that certain First Amendment to Declaration of Covenants and Restrictions dated July 11, 2013, recorded in **Official Records Book 16469, page 2325**, of the current public records of Duval County, Florida, and that Second Amendment to Declaration of Covenants and Restrictions dated November 10, 2014, recorded in **Official Records Book 17085, page 1489**, of the public records of Duval County, Florida; and

(iii) UCC-1 Financing Statement recorded in **Official Records Book 16281, page 624,** of the current public records of Duval County, Florida; and

(iv) Collateral Assignment of Leases and Rents dated March 6, 2013, recorded in **Official Records Book 16281, page 627,** of the current public records of Duval County, Florida.

**WHEREAS**, the Loan Documents encumber certain property which includes the Easement Property.

**NOW, THEREFORE**, in consideration of the provisions contained herein, the receipt and sufficiency of which are hereby acknowledged, the Mortgagee hereby consents to the Grant of Easement and hereby subordinates the lien of the Loan Documents to the easement interests in the Easement Property conveyed to Grantee pursuant to the Grant of Easement.

**ATTEST:**

By:_____
James R. McCain, Jr.
As Corporation Secretary

**CITY OF JACKSONVILLE**, a Florida municipal corporation

By:_____
Lenny Curry as Mayor

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, for and on behalf of Lenny Curry as Mayor and James R. McCain, Jr., as Secretary of the City of Jacksonville, a Florida municipal corporation, on behalf of the corporation, who are personally known to me.

_____
Notary Public, State of Florida at Large
Print Name:_____
Commission No. _____
My Commission expires: _____

**FORM APPROVED:**

By:_____
Office of General Counsel

G:\Finance & Compliance\Legal\ONH (122 W 8 St)\Joinder and Consent of Easement.doc

## EXHIBIT A

Ten (10) Foot JEA Utility Easement

A portion of those lands described in Official Records Book 16281, page 608, and Official Records Book 16469, page 2317, of the current public records of Duval County, Florida, said lands lying in Section 37, Township 2 South, Range 26 East of said Duval County, and being more particularly described as follows:

Begin at the intersection of the Easterly line of those lands described in Official Records Book 16281, page 608, said Duval County, Florida, and the Southerly right-of-way line of Eighth Street West (a 66 foot right of way as now established); thence4 Westerly, along said Southerly right of way line, 144.0 feet; thence Southerly along the Westerly line of those lands described in Official Records Book 16469, page 2317, of said Duval County, Florida, departing said Southerly right of way line, 10.00 feet; thence Easterly, 10 feet Southerly of and parallel to said Southerly right of way line, 144.0 feet to the aforementioned Easterly line of said lands described in Official Records Book 16281, page 608; thence Northerly, along said Easterly line, 10.00 feet to the Point of Beginning.

Containing 0.033 acres or 1,400 square feet, more or less.

Prepared by and return to:

_____

_____

_____

_____

Project: **Operation New Hope Multifamily Homes**
RE Parcel #: 071608 0080, 071608 0000

## NON-EXCLUSIVE GRANT OF EASEMENT

**THIS NON-EXCLUSIVE GRANT OF EASEMENT**, made this 2nd day of November 2016, by and between **Operation New Hope,** a Florida non-profit corporation, whose address is 1830 North Main Street, Jacksonville, Florida, 32206 (the "Grantor"), and **JEA**, a body politic and corporate, whose address is 21 West Church Street, Jacksonville, Florida, 32202 (the "Grantee").

**WITNESSETH**: that Grantor, for and in consideration of the sum of Ten and 00/100 dollars ($10.00) and other good and valuable consideration to them in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed to the Grantee, its successors and assigns forever, an unobstructed right of way and easement with the right, privilege, and authority to said Grantee, its successors and assigns, to construct, operate, lay, maintain, improve, and/or repair, either above or below the surface of the ground, facilities and associated equipment for electrical, water reuse, water, sewer, other public utilities, or quasi-utilities, either or all, on, along over, through, across, or under the following described land situate in Duval County, Florida, to wit (the "Easement Property"):

See Exhibit A attached hereto and incorporated herein.

**TOGETHER** with the right of said Grantee, its successors and assigns, of ingress and egress to and over said Easement Property, and for doing anything necessary or useful or convenient, or removing at any time any and all of said improvements under or in said Easement Property, together also with the right and easements, privileges and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted.

**GRANTOR** represents and warrants that it is the true owner of record of the Easement Property and that it has full power and authority to grant to Grantee the rights granted hereunder.

**IN WITNESS WHEREOF**, Grantor has caused these presents to be executed in its name the day and year first above written.

**Signed and Sealed in Our Presence as Witnesses:**

**GRANTOR:**

Operation New Hope, INC.,
a NONPROFIT ORGANIZATION.

Sign _____
Print Robert Ownby

By: _____
Print: Kevin T. Gay
Title: CEO

Sign EARLINE ROWE
Print Earline Rowe

**STATE OF** Florida
**COUNTY OF** Duval

The foregoing instrument was acknowledged before me this 2nd day of November, 2016 by (name) KEVIN T. GAY, the (title) PRESIDENT & CEO of OPERATION NEW HOPE, a _____, on behalf of the _____. He/She is (check one) ✓ personally known to me or __ has produced _____ as identification.

Earline E. Rowe
COMMISSION # FF007913
EXPIRES: APR. 14, 2017
WWW.AARONNOTARY.com

Earline E. Rowe
Print EARLINE E. ROWE
Notary Public, State and County aforesaid
Commission No.: FF 007913
My commission expires: 4/14/2017

(seal)

**JEA REPRESENTATIVE**

Sign: _____

Print: _____

Title: _____

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10 Foot JEA Utility Easement

A portion of those lands described in Official Records Book 16281, Page 608 and Official Records Book 16469, Page 2317 of the current public records of Duval County, Florida, said lands lying in Section 37, Township 2 South, Range 26 East of said Duval County and being more particularly described as follows:

Begin at the intersection of the Easterly line of those lands described in Official Records Book 16281, Page 608, said Duval County, Florida and the Southerly right-of-way line of Eight Street West (a 66 foot right-of-way as now established); thence Westerly, along said Southerly right-of-way line, 144.00 feet; thence Southerly along the Westerly line of those lands described in Official Records Book 16469, Page 2317, of said Duval County, Florida, departing said Southerly right-of-way line, 10.00 feet; thence Easterly, 10 feet Southerly of and parallel to said Southerly right-of-way line, 144.00 feet, to the aforementioned Easterly line of said lands described in Official Records Book 16281, Page 608; thence Northerly, along said Easterly line, 10.00 feet to the Point of Beginning.

Containing 0.033 acres or 1,440 square feet, more or less.

# MAP SHOWING BOUNDARY SURVEY OF

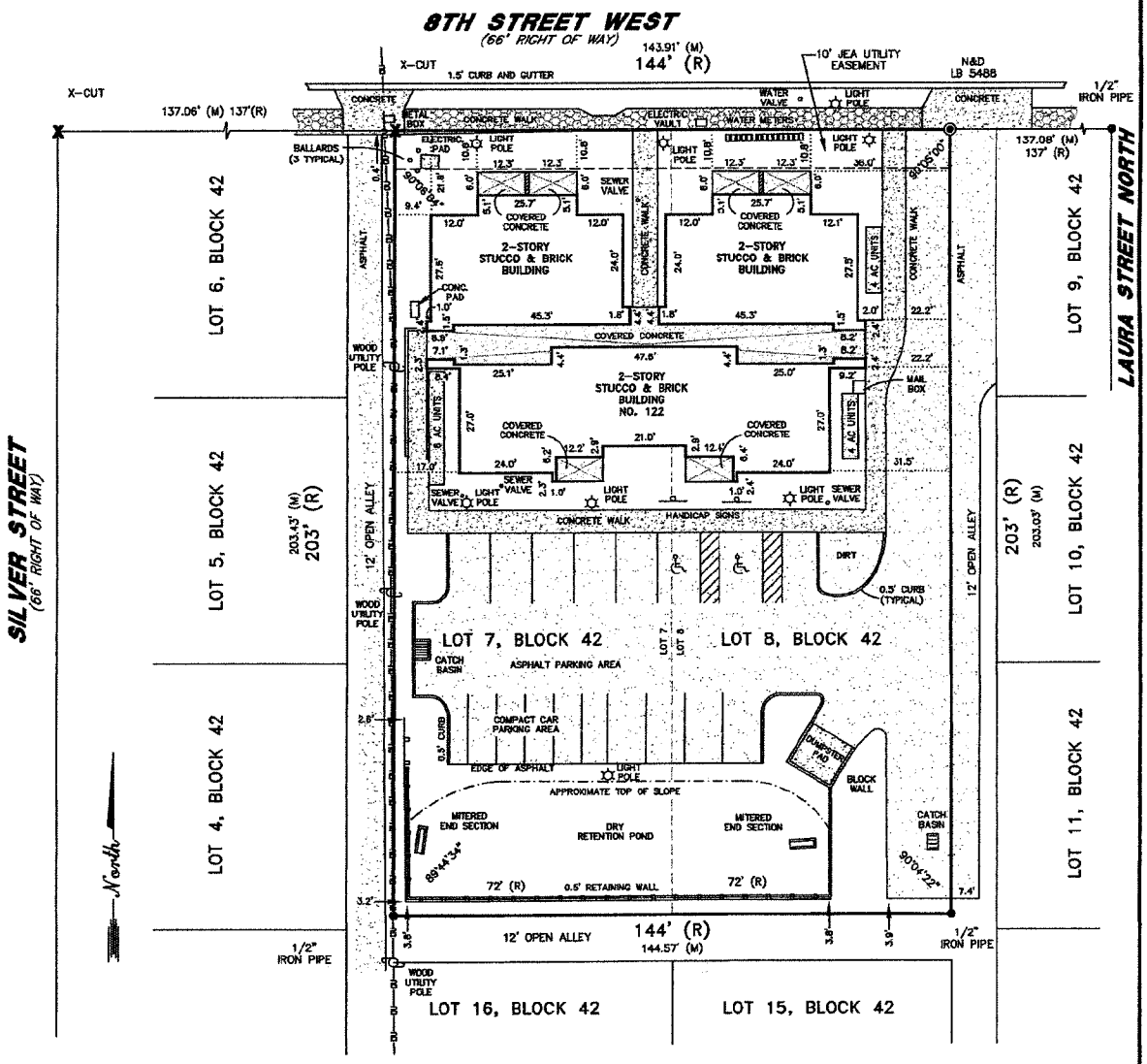
LOTS 7 & 8, BLOCK 42, ACCORDING TO THE PLAT OF

## SPRINGFIELD

AS RECORDED IN PLAT BOOK 2, PAGE(S) 4 & 5 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

OPERATION NEW HOPE,
CITY OF JACKSONVILLE,
LAW OFFICE OF CHRISTINA PARRISH,
FIDELITY NATIONAL TITLE INSURANCE COMPANY,
FLORIDA COMMUNITY LOAN FUND, INC. AND
DOZIER APARTMENTS, LLC




REFERENCE JOB NO. 64041

FLOOD ZONE "X" = AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN / FLOOD ZONE "X (SHADED)" = AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.


**ASSOCIATED SURVEYORS INC.**
LAND & ENGINEERING SURVEYS
3846 BLANDING BOULEVARD
JACKSONVILLE, FLORIDA 32210
904-771-6468
CERTIFICATE OF AUTHORIZATION NO. LB 0005488


I HEREBY CERTIFY THIS SURVEY WAS DONE UNDER MY DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 5J-17.050 THROUGH 17.052, FLORIDA ADMINISTRATIVE CODE, CHAPTER 472, F.S.

BY: Raymond J. Schaefer

| | |
|---|---|
| CHARLES B. HATCHER | FLORIDA CERTIFICATE NO. 3771 |
| CHARLES L. STARLING | FLORIDA CERTIFICATE NO. 4579 |
| RAYMOND J. SCHAEFER | FLORIDA CERTIFICATE NO. 6132 |

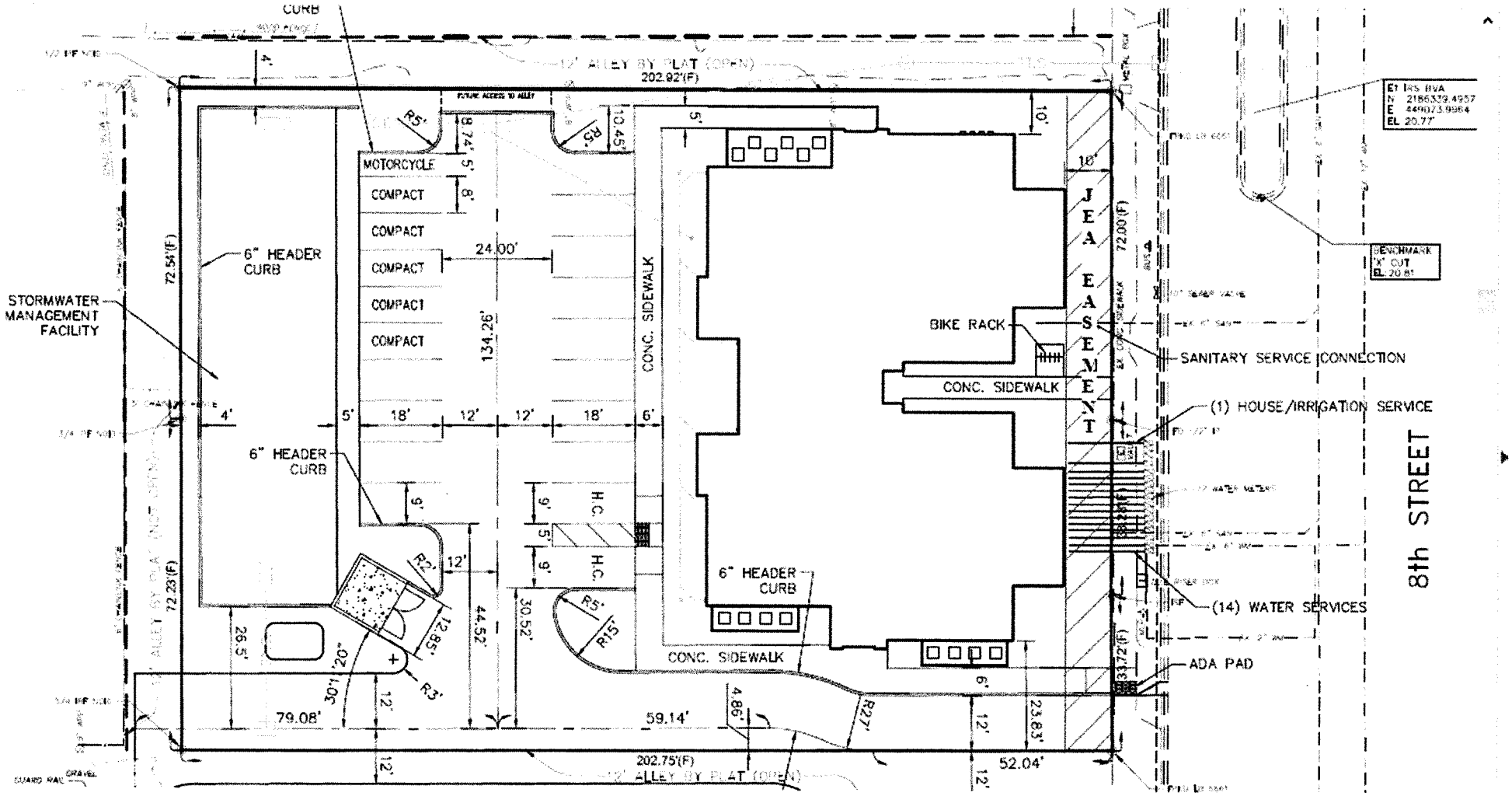
| | |
|---|---|
| JOB NO. 68296 | DATE 12-05-2016 |
| SCALE: 1" = 30' | DRAFTER WF |

**GENERAL NOTES:**

1. ANGLES ARE SHOWN ON THIS SURVEY.
2. PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" AS BEST DETERMINED FROM F.E.M.A. FLOOD MAPS PANEL NO. 356 & 357, DATED 08-03-2013.
3. THIS IS A SURFACE SURVEY ONLY. THE EXTENT OF UNDERGROUND FOOTINGS, PIPES AN UTILITIES, IF ANY, NOT DETERMINED.
4. JURISDICTIONAL AND/OR ENVIRONMENTALLY SENSITIVE AREAS IF ANY, NOT LOCATED BY THIS SURVEY.
5. THIS SURVEY BASED ON LEGAL DESCRIPTIONS FURNISHED. THE PUBLIC RECORDS WERE NOT SEARCHED BY THIS SURVEYOR FOR EASEMENTS, TITLE, COVENANTS, B.R.L.'S RESTRICTIONS, CLOSURES, TAKINGS OR ORDINANCES, ETC.
6. THE HEAVY LINE SHOWN HEREON, MAY NOT INDICATE ACTUAL OWNERSHIP.
7. UNLESS OTHERWISE STATED ALL IRON PIPES FOUND HAVE NO IDENTIFICATION.

**LEGEND & ABBREVIATIONS**

| | |
|---|---|
| AC | = AIR CONDITIONER |
| BRL | = BUILDING RESTRICTION LINE |
| BT | = BUILDING TIE |
| BTN | = BETWEEN |
| (C) | = COMPUTED FROM RECORD |
| C&R | = COVENANTS & RESTRICTIONS |
| CH | = CHORD |
| (CNR) | = CAN NOT READ |
| CONC | = CONCRETE |
| COVD | = COVERED |
| EB | = ELECTRIC BOX |
| ET | = ELECTRIC TRANSFORMER & PAD |
| JEA | = JACKSONVILLE ELECTRIC AUTHORITY |
| L | = LENGTH OF ARC |
| LB | = LICENSED BUSINESS |
| LS | = LICENSED SURVEYOR |
| (M) | = MEASURED |
| N&D | = NAIL & DISC |
| ORB | = OFFICIAL RECORDS BOOK |
| ORV | = OFFICIAL RECORDS VOLUME |
| PC | = POINT OF CURVE |
| PCC | = POINT OF COMPOUND CURVE |
| PEQ | = POOL EQUIPMENT PAD |
| PI | = POINT OF INTERSECTION |
| PRC | = POINT OF REVERSE CURVE |
| PRM | = PERMANENT REFERENCE MONUMENT |
| PT | = POINT OF TANGENCY |
| PLS | = PROFESSIONAL LAND SURVEYOR |
| PLS | = PROFESSIONAL LAND SURVEYOR |
| PSM | = PROFESSIONAL SURVEYOR & MAPPER |
| R | = RADIUS |
| (R) | = RECORD |
| RLS | = REGISTERED LAND SURVEYOR |
| R/W | = RIGHT OF WAY |
| ○ | SET IRON PIPE OR REBAR "ASSOC SURV" OR L.B. 5488 |
| ● | FOUND IRON PIPE OR PIN (P) |
| ■ | FOUND CONCRETE MONUMENT (CM) |
| X | CROSS CUT OR DRILL HOLE |
| ◎ | NAIL & DISC |
| —X—X—X—X—X—X— | CHAIN LINK FENCE |
| —I—I—I—I—I—I— | METAL FENCE |
| —V—V—V—V—V—V— | WIRE FENCE |
| —n—n—n—n—n—n— | WOOD FENCE |
| —o—o—o—o—o—o— | VINYL FENCE |
| —OU—OU—OU—OU—OU— | OVERHEAD UTILITY |
| | FIRE HYDRANT |
| | PHONE RISER |
| | WATER METER |
| | UTILITY POLE |
| Ø | DIAMETER |
| | GUY ANCHOR |

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

# 122 W. 8th Street - SITE PLAN w/JEA EASEMENT