



**Interoffice Memorandum**

**REAL ESTATE MANAGEMENT ITEM 7**

**DATE:** June 3, 2022

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

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

**FROM:** Elizabeth Price Jackson, Senior Title Examiner *EPJ/MTC*  
Real Estate Management Division

**CONTACT PERSON:** **Mindy T. Cummings, Manager**

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

**ACTION REQUESTED:** Approval and execution of Distribution Easement from Orange County Board of County Commissioners to Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument.

**PROJECT:** EWRF Curry Ford Access Road Improvements  
  
District 4

**PURPOSE:** To provide for access, construction, operation, and maintenance of electrical facilities by Duke Energy Florida, LLC, d/b/a Duke Energy.

**ITEM:** Distribution Easement  
Revenue: None  
Size: 48.216 acres

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Utilities Department

**REMARKS:** This blanket easement provides Duke Energy Florida, LLC, d/b/a Duke Energy (Grantee) the right to install and maintain electrical lines and related facilities in connection with site improvements to the access road on a portion of the land used for the Eastern Water Reclamation Facility and is intended to be unrecorded. This blanket easement will be replaced with a specific easement, as will be shown on a sketch of description to be provided by the County after the installation of the facilities by Grantee. If the sketch of description is not provided by County in a timely manner after completion of installation, Grantee may record this easement.

Grantee to pay all recording fees, if any.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

JUN 21 2022

Project: EWRF Curry Ford Access Road Improvements



SEC: 02	TWP: 23	RGE: 31	COUNTY: ORANGE	PROJECT: 29084831/30335236
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 1621 South Alafaya Trail, Orlando, Florida 32828				
TAX PARCEL NUMBER: 02-23-31-0000-00-002				

### DISTRIBUTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, their heirs, successors and assigns (**GRANTOR** herein), in consideration of the mutual benefits, covenants and conditions herein contained, does hereby grant and convey to **DUKE ENERGY FLORIDA, LLC, a Florida limited liability company, d/b/a DUKE ENERGY**, its successors, lessees and assigns, (**GRANTEE** herein), Post Office Box 14042, St. Petersburg, Florida 33733, the right, privilege and easement to construct, reconstruct, operate and maintain in perpetuity or until the use thereof is abandoned, one or more electric underground distribution lines and related underground facilities and appurtenant aboveground facilities (including supporting structures, other wires, attachments and accessories desirable in connection therewith); together with the right, privilege and easement to construct, reconstruct, operate communication facilities only for the use and convenience of the **GRANTEE** for the **GRANTEE'S** internal communications. This is subject to all applicable permitting requirements as may be required by federal, state, or local codes, statutes, ordinances, or regulations, over, under, upon and across the following described lands in Orange County, Florida, and referred to hereinafter as the Easement Area to wit:

A 10.00 foot wide Easement Area lying 5.00 feet on each side of **GRANTEE'S** Facilities to be installed at mutually agreeable locations within the following described property to accommodate present and future development:

See Legal Description on the accompanying Exhibit "A" attached hereto and incorporated herein by this reference.

This easement will be replaced with a Descriptive Easement, five (5) feet on either side of all facilities installed by **GRANTEE**, as will be shown on a certified surveyed sketch of description to be provided by **GRANTOR** within sixty (60) days after the installation of facilities by **GRANTEE**.

The Easement granted herein is solely for the purposes described. No additions, modifications, or improvements beyond those listed herein shall be constructed, erected, placed or maintained on or around the easement property without **GRANTOR'S** prior written approval.

Together with the right to patrol, inspect, alter, improve, repair, rebuild, relocate or remove such lines and related facilities, including the right to increase or decrease the number and type of supporting structures.

**GRANTEE** shall have all other rights and privileges reasonably necessary or convenient for the safe and efficient operation and maintenance of said electric distribution lines and related facilities, including the right to trim, cut and keep clear trees, limbs and undergrowth along said lines, and further including the reasonable right to enter upon the adjoining lands of the **GRANTOR** for the purpose of exercising the rights herein granted. If obstructions are installed adjacent to the Easement Area, they shall be placed so as to allow ready access to **GRANTEE'S** facilities. Failure to exercise the rights herein granted to **GRANTEE** shall not constitute a waiver or abandonment.

Project: EWRF Curry Ford Access Road Improvements

**GRANTOR** covenants and agrees that no trees, buildings, structures or obstacles will be located or constructed within the Easement Area nor shall ground elevation be altered.

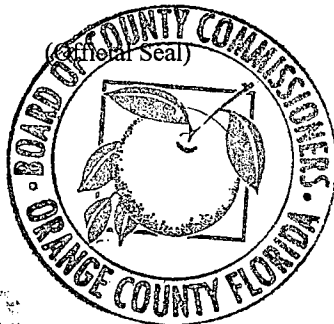
**GRANTEE** covenants and agrees to promptly repair, at its own expense, all damage to any property, facilities or improvements of **GRANTOR** located in the Easement Area or adjacent thereto, including without limitation parking areas, driveways, recreational facilities and landscaping, if such damage is incident to the exercise of **GRANTEE'S** rights, privileges, or obligations under this Easement.

**GRANTEE** shall defend, indemnify and hold harmless **GRANTOR**, its officials, agents and employees from and against any and all claims, suits, judgments, demands, liabilities, damages, cost and expenses (including reasonable attorney's fees prior to and upon appeal) of any kind or nature whatsoever related to this Easement to the extent directly arising out of or to the extent caused by: (i) the negligent use and enjoyment by **GRANTEE**, its directors, officers, employees, agents, contractors or their subcontractors, anyone employed by them, or anyone for whose acts any of them may be liable (collectively "**GRANTEE'S** Permittees") of the Easement Area; (ii) all liens and other charges asserted against the Easement Area for any purpose whatsoever to the extent arising as a result of the actions of **GRANTEE**, or **GRANTEE'S** Permittees; (iii) all claims relating to injury to persons or property occurring on or about the Easement Area to the extent caused by the use or control of the Easement Area by **GRANTEE** or **GRANTEE'S** Permittees; (iv) **GRANTEE'S** or **GRANTEE'S** Permittees' failure to properly construct and maintain the Facilities; and, (v) **GRANTEE'S** or **GRANTEE'S** Permittees' construction activities upon, over or under the Easement Area. Notwithstanding any provision of this easement, nothing herein shall be construed as a waiver of **GRANTOR'S** sovereign immunity.

**GRANTOR** retains all rights in and to said Easement Area not in conflict with **GRANTEE'S** rights hereunder granted.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the heirs, successors, lessees and assigns of the respective parties hereto.

**IN WITNESS WHEREOF**, the said **GRANTOR** has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year written below.



Orange County, Florida

By: Board of County Commissioners

BY:

*Jerry L. Demings*

Jerry L. Demings  
Orange County Mayor

DATE:

*22 June 2002*

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

BY:

*Noelia Perez*  
Deputy Clerk

*Noelia Perez*

Printed Name

This instrument prepared by: E. Price Jackson, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

**PROJECT NAME:**  
OC-DUKE EASMENT-CAROLLO

**LEGAL DESCRIPTION**  
EXHIBIT "A"  
OC/DUKE  
BLANKET EASEMENT

**LEGAL DESCRIPTION:**

A portion of Section 3, Township 23 South, Range 31 East, lying East of Curry Ford Road and being a portion of Orange County, Florida Property Appraiser Parcel Number 02-23-31-0000-00-002, and more particularly described as follows:

COMMENCE at the Northwest corner of the Northwest 1/4 of Section 3, Township 23 South, Range 31 East; thence South 00°19'35" West, a distance of 1240.62 along the West line of said Northwest 1/4 to the POINT OF BEGINNING; thence departing said West line South 89°40'25" East, a distance of 2345.47 feet; thence South 00°04'16" West, a distance of 171.02 feet; thence North 90°00'00" West, a distance of 18.28 feet; thence South 00°00'09" East, a distance of 206.14 feet; thence South 64°25'17" West, a distance of 2391.25 feet to a point on the East Right of Way line of Curry Ford Road as shown on Orange County Right of Way Maps of Curry Ford Road Extension, dated July 3, 2001, and prepared by URS; thence along the following three (3) courses and distances, North 09°28'28" West, a distance of 813.58, South 80°31'32" West, a distance of 5.00 feet; thence North 09°28'28" West, a distance of 204.10 feet to a point on the said West line of the Northwest 1/4; thence departing said Right of Way line, North 00°19'35" East, a distance of 419.97 feet, to the POINT OF BEGINNING.

Said parcel containing 48.216 acres, more or less

**SURVEYOR'S NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY.
2. THE PURPOSE OF THIS SKETCH OF DESCRIPTION IS TO ESTABLISH A BLANKET EASEMENT FOR ACCESS TO ORANGE COUNTY WATER TREATMENT FACILITY.
3. NO CORNERS WERE SET AS PART OF THIS SKETCH OF DESCRIPTION.
4. THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMED WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, AS BEING SOUTH 00°19'35" WEST.

**SYMBOLS AND ABBREVIATION LEGEND:**

N	=	NORTH	B.C.C. = BOARD OF COUNTY COMMISSIONERS
E	=	EAST	# = NUMBER
S	=	SOUTH	P.I.D. = PARCEL IDENTIFICATION
W	=	WEST	P.B. = PLAT BOOK
			P.G. = PAGE(S)
			R/W = RIGHT OF WAY
			W.R.A. = WATER RETENTION AREA

SHEET 1 OF 2  
SEE SHEET 2  
FOR SKETCH

CERTIFIED TO:  
1. DUKE POWER  
2. ORANGE COUNTY BCC  
3.  
4.

**SURVEYOR'S CERTIFICATION**  
I HEREBY CERTIFY THAT THIS SURVEY REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTERS 177 AND 472 OF THE FLORIDA STATUTES.

**PROJECT NAME:**  
OC-DUKE EASMENT-CAROLLO

PROJECT No.	210131-0501	DRAWN DATE	2021.12.01
SURVEY BY	N/A	REVIEWED BY	SM
SURVEY DATE	N/A	APPROVED BY	SM
DRAWN BY	CBvG	CLIENT FILE No.	N/A

Digitally signed  
by Sherry  
Manor  
Date:  
2021.12.14  
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No.	DATE	BY	DESCRIPTION

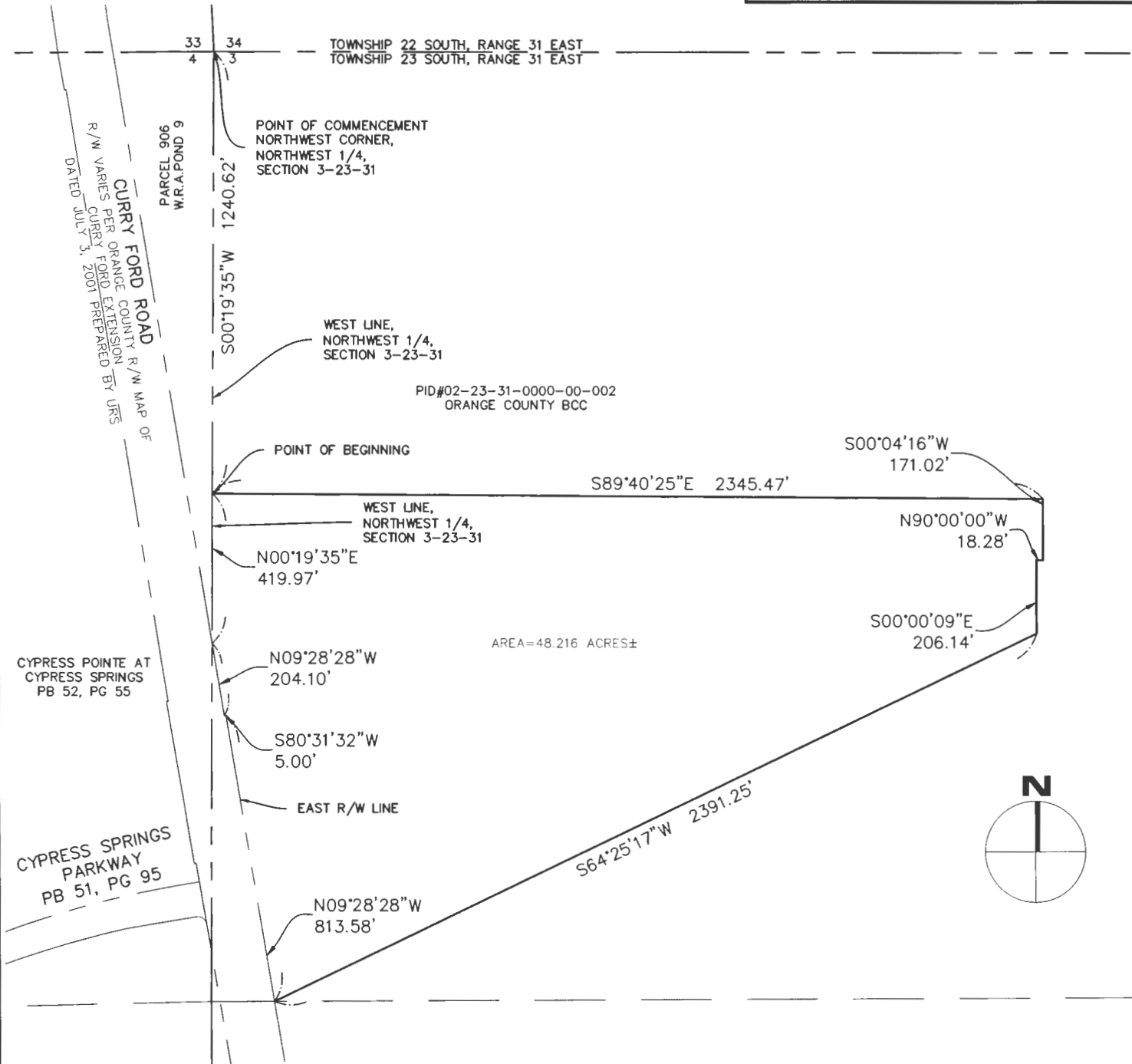
SHERRY LEE MANOR, PSM - LS# 6961  
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY SHERRY LEE MANOR, PSM, LS# 6961 ON DECEMBER 14, 2021. THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH F.A.C. 5J-17.602(3).



**L & S Diversified**  
Professional Surveyors and Mappers  
489 STATE ROAD 436 | SUITE 117 | CASSELBERRY, FL | 32707  
PHONE 407.681.3836 | FAX 407.681.6541  
WWW.LSSURVEYOR.COM | INFO@LSSURVEYOR.COM  
PROFESSIONAL SURVEYOR & MAPPER BUSINESS LICENSE | LB#7829

**PROJECT NAME:**  
OC-DUKE EASMENT-CAROLLO

**LEGAL DESCRIPTION**  
EXHIBIT "A"  
OC/DUKE  
BLANKET EASEMENT

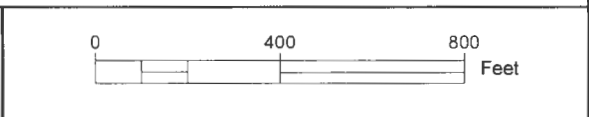


SHEET 2 OF 2  
SEE SHEET 1  
FOR DESCRIPTION

CERTIFIED TO:

- DUKE POWER
- ORANGE COUNTY BCC
- 
- 

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I HEREBY CERTIFY THAT THIS SURVEY REPRESENTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTERS 177 AND 472 OF THE FLORIDA STATUTES



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OC-DUKE EASMENT-CAROLLO

PROJECT No.	210131-0501	DRAWN DATE	2021.12.01
SURVEY BY	N/A	REVIEWED BY	SM
SURVEY DATE	N/A	APPROVED BY	5M
DRAWN BY	CBvG	CLIENT FILE No.	N/A

Digitally signed  
by Sherry  
Manor  
Date:  
2021.12.14  
13:46:08 -05'00'

**L & S  
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