



# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Legislation Text

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**File #:** 25-1501, **Version:** 1

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### Interoffice Memorandum

**DATE:** November 7, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** Luciana Mino, Assistant Manager

**FROM:** Sara Solomon, Senior Title Examiner

**CONTACT:** Faye Lee, Administrative Assistant

**PHONE:** 407-836-7097

**DIVISION:** Real Estate Management Division

### **ACTION REQUESTED:**

Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Subordinations of County Utility Interests by and between Orange County and the State of Florida, Department of Transportation ("FDOT") at S.R. 400 (Interstate 4), Section 75280 (East of CR 522 (Osceola Parkway) to West of SR 528) and Subordination of Duke Energy Interests by and between Orange County and Duke Energy Florida, LLC d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc. f/k/a Florida Power Corporation and authorization to record instruments for FDOT - S.R. 400 (I-4) East of C.R. 522 (Osceola Parkway) to West of S.R. 528 (F.P. #242484 8). District 1. (Real Estate Management Division)

**PROJECT:** FDOT - S.R. 400 (I-4) East of C.R. 522 (Osceola Parkway) to West of S.R. 528 (F.P. #242484-8)

**PURPOSE:** To subordinate certain utility interests as necessary for the road improvements required by Florida Department of Transportation (FDOT).

### **ITEM:**

Resolution

Subordination of County Utility Interests (Instrument 122.4)

**BUDGET:** N/A

**REVENUE:** N/A

**FUNDS:** N/A

**APPROVALS:**

Real Estate Management Division  
County Attorney's Office  
Utilities Department

**REMARKS:** This action will subordinate Duke Energy's utility interests in a portion of right of way that FDOT intends to acquire for their S.R. 400 (I-4) East of C.R. 522 (Osceola Parkway) to West of S.R. 528 project (the "Project"). FDOT agrees to pay to have Duke Energy's facilities protected, adjusted or relocated as needed for the Project.

FDOT to pay recording fees and record instrument.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

November 7, 2025  
This instrument prepared by  
Tammy Mackey

DEC 02 2025

Under the direction of  
J. RYAN MAHLER, II, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

**This transaction is exempt from Doc Stamps  
per FL DOR Administrative Code 12B-4.054(24)**

PARCEL NO. 122.4  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

**DOC # 20260082152**  
02/11/2026 15:07 PM Page 1 of 10  
Rec Fee: \$86.50  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

### SUBORDINATION OF DUKE ENERGY INTERESTS

**THIS AGREEMENT**, entered into this 6 day of February, 2026,  
by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION,  
hereinafter called FDOT, ORANGE COUNTY, a charter county and political subdivision of the  
State of Florida, hereinafter called County, and Duke Energy Florida, LLC, a Florida limited liability  
company, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power  
Corporation, hereinafter called Duke Energy.

#### RECITALS:

**WHEREAS**, Duke Energy presently has an interest in certain lands that have been  
determined necessary for highway purposes as part of a FDOT project; and

**WHEREAS**, the proposed use of these lands for highway purposes will require subordination  
of the interest claimed in such lands by Duke Energy to the County; and

**WHEREAS**, the FDOT is willing to pay to have Duke Energy's facilities protected, adjusted  
or relocated if necessary to prevent conflict between the facilities so that the benefits of each may be  
retained.

**NOW, THEREFORE**, in consideration of the mutual covenants and promises of the parties  
hereto, Duke Energy hereby subordinates to the interest of the County, its successors and assigns  
provided the same are governmental entities, and any and all interest Duke Energy has in the real  
property described as follows:

**PARCEL NO. 122 PART A  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

PARCEL NO. 122.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

“Lot 4, Marriott Village at Little Lake Bryan, according to the plat thereof as recorded in plat Book 45, Pages 107 through 110, Public Records of Orange County, Florida”

(Being a portion of lands described in Official Records Book 10895, Page 9268 of the Public Records of Orange County, Florida.)

Being described as follows:

Commence at a found 6"x6" concrete monument, no identification, marking the South 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence North 88°34'01" West along the North line of the Northwest 1/4 of Section 27, Township 24 South, Range 28 East, a distance of 310.50 feet to the existing Westerly Right of Way line of Vineland Avenue per LITTLE LAKE BRYAN PHASE 1, as recorded in Plat Book 34, Page 92 of the Public Records of Orange County, Florida, as shown on said Right of Way Map, said point being on a curve concave to the North and having a radius of 776.00 feet; thence from a tangent bearing of South 02°18'32" West, run Southwesterly along said existing Westerly Right of Way line and the arc of said curve, through a central angle of 65°04'47", an arc distance of 881.43 feet to the Point of Beginning; thence continue along said existing Westerly Right of Way line along a curve concave to the North and having a radius of 776.00 feet; thence run Southwesterly along said existing Westerly Right of Way line and the arc of said curve through a central angle of 12°42'17", an arc distance of 172.07 feet to the end of said curve; thence South 80°48'51" West along said existing Westerly Right of Way line, a distance of 73.91 feet to a point on the West line of Lot 4, MARRIOTT VILLAGE AT LITTLE LAKE BRYAN as recorded in Plat Book 45, Page 107 of the Public Records of Orange County, Florida; thence North 10°12'53" West along said West line, a distance of 1.88 feet; thence North 73°48'30" East, a distance of 167.65 feet; thence North 43°17'18" East, a distance of 82.76 feet; thence South 22°36'36" East, a distance of 53.04 feet to the Point of Beginning.

Containing 4,456 square feet, more or less

*AND*

**PARCEL NO. 122 PART B      SECTION 75280**  
**RIGHT OF WAY   FP NO. 242484-8**

That part of:

“Lot 4, Marriott Village at Little Lake Bryan, according to the plat thereof as recorded in plat Book 45, Pages 107 through 110, Public Records of Orange County, Florida”

PARCEL NO. 122.4  
 SECTION 75280  
 F.P. NO. 242484-8  
 PAGE 3

(Being a portion of lands described in Official Records Book 10895, Page 9268 of the Public Records of Orange County, Florida.)

Being described as follows:

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Containing 167 square feet, more or less

The interest of Duke Energy being subordinated hereby includes the interest created by the following document and any other unrecorded or undocumented interest held by Duke Energy in said real property:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Distribution Power Line Easement	09/13/1995	The Little Lake Bryan Company, a Florida corporation & Lake Buena Vista Communities, Inc., a Florida corporation	Florida Power Corporation, d/b/a Progress Energy Florida, Inc.	4945/835

PARCEL NO. 122.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

Construction plans and specifications which are attached and incorporated herein as Exhibit "A". Any modification to the plans and specifications must be approved in writing by Duke Energy prior to the commencement of the construction thereof.

Provided that Duke Energy has the following rights:

1. Duke Energy shall have the right to construct, operate, maintain, improve, add to, upgrade, remove and relocate facilities on, within and upon the lands described herein. Any new construction or relocation of facilities within the lands will be subject to prior approval by the County. Should the County fail to approve any new construction or relocation of facilities by Duke Energy or require Duke Energy to alter, adjust or relocate its facilities located within said lands in connection with this subordination or at any time in the future, the County hereby agrees to pay the cost of such alteration, adjustment or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. FDOT' agrees to construct the project referenced above in conformance with the Construction Plans and Specifications or Design Criteria (including sketches of legal descriptions and plans indicating Duke Energy facilities that will be impacted and easement/rights of way boundaries) which are attached and incorporated herein as Exhibit "A." Any modification to Exhibit A from the project referenced above that impacts the facilities of Duke Energy or that is within the legal description of the property described in the document referenced above must be approved in writing by Duke Energy prior to the commencement of the construction of the modification thereof.
3. Duke Energy shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim, cut and remove such trees, brush and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the County's facilities.
4. Duke Energy agrees to indemnify and hold the FDOT and County harmless for, from and against any and all losses, claims or damages incurred by the FDOT and County arising directly from Duke Energy's or Duke Energy's contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of Duke Energy's facilities located on the above described easement.

**THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK**

PARCEL NO. 122.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered  
in the presence of witnesses:

Cassandra Hyatt  
SIGNATURE LINE/  
PRINT/TYPE NAME: Cassandra Hyatt  
ADDRESS: 719 S Woodland Blvd  
DeLand, FL 32720

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
ADDRESS: 719 S Woodland Blvd  
DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By: [Signature]  
JAMES S. STROZ, JR.

District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

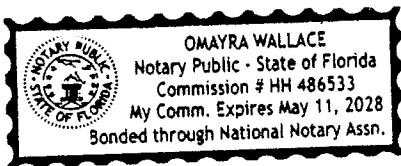
Legal Review

By: [Signature]  
Office of the General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 6 day of February, 2026, by James S. Stroz, Jr., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 122.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 6

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



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

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

DATE: 2 December 2025

ADDRESS OF GRANTOR  
P. O. Box 1393  
Orlando, Florida 32802-1393

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

BY: *Jennifer Lara-Klimetz*  
Deputy Clerk  
Jennifer Lara-Klimetz  
Printed Name

PARCEL NO. 122.4  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 6

IN WITNESS WHEREOF, the Duke Energy has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

DUKE ENERGY FLORIDA, LLC, A  
FLORIDA LIMITED LIABILITY  
COMPANY, D/B/A DUKE ENERGY

Signed, sealed and delivered in  
the presence of: Two witnesses  
or Corporate Seal required by  
Florida Law

By: Susann Price  
Print Name: Susann Price  
Manager, Land Services – Florida Region

N Bestgen  
SIGNATURE LINE 2166 Palmetto St Clearwater FL 33765  
PRINT/TYPE NAME: Nicole Bestgen

ADDRESS OF GRANTOR:  
2166 Palmetto St  
Clearwater FL  
33765

Lori L. Herring  
SIGNATURE LINE 2166 Palmetto St Clearwater FL 33765  
PRINT/TYPE NAME: Lori L. Herring

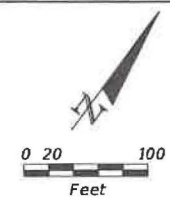
APPROVED  
By Shantel W. Ocampo at 3:27 pm, Jul 28, 2024

STATE OF Florida  
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 31<sup>st</sup> day of July, 2024, by Susann Price, as Manager, Land Services – Florida Region of Duke Energy Florida, LLC, a Florida Limited Liability Company, d/b/a Duke Energy, on behalf of said limited liability company, who is personally known to me or who has produced \_\_\_\_\_ as identification.

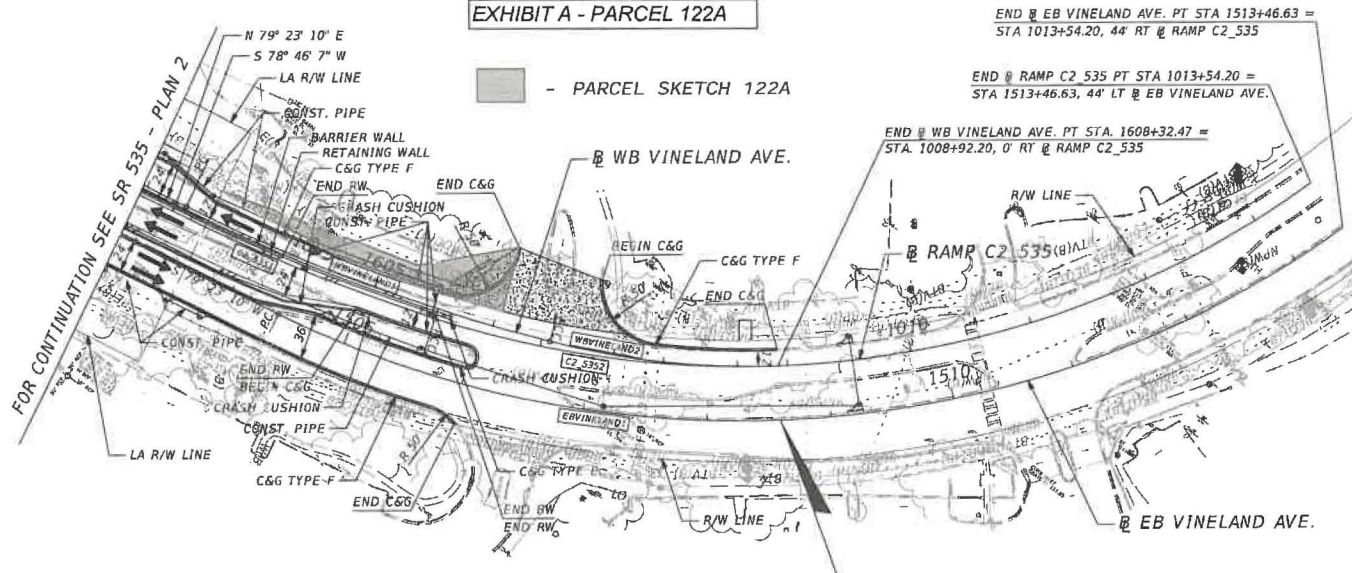


Lori L. Herring  
PRINT/TYPE NAME: Lori L. Herring  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: 10-10-26  
Serial No., if any: \_\_\_\_\_



**EXHIBIT A - PARCEL 122A**

█ - PARCEL SKETCH 122A



█ WORK TO BE PERFORMED BY LICENSE AGREEMENT

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

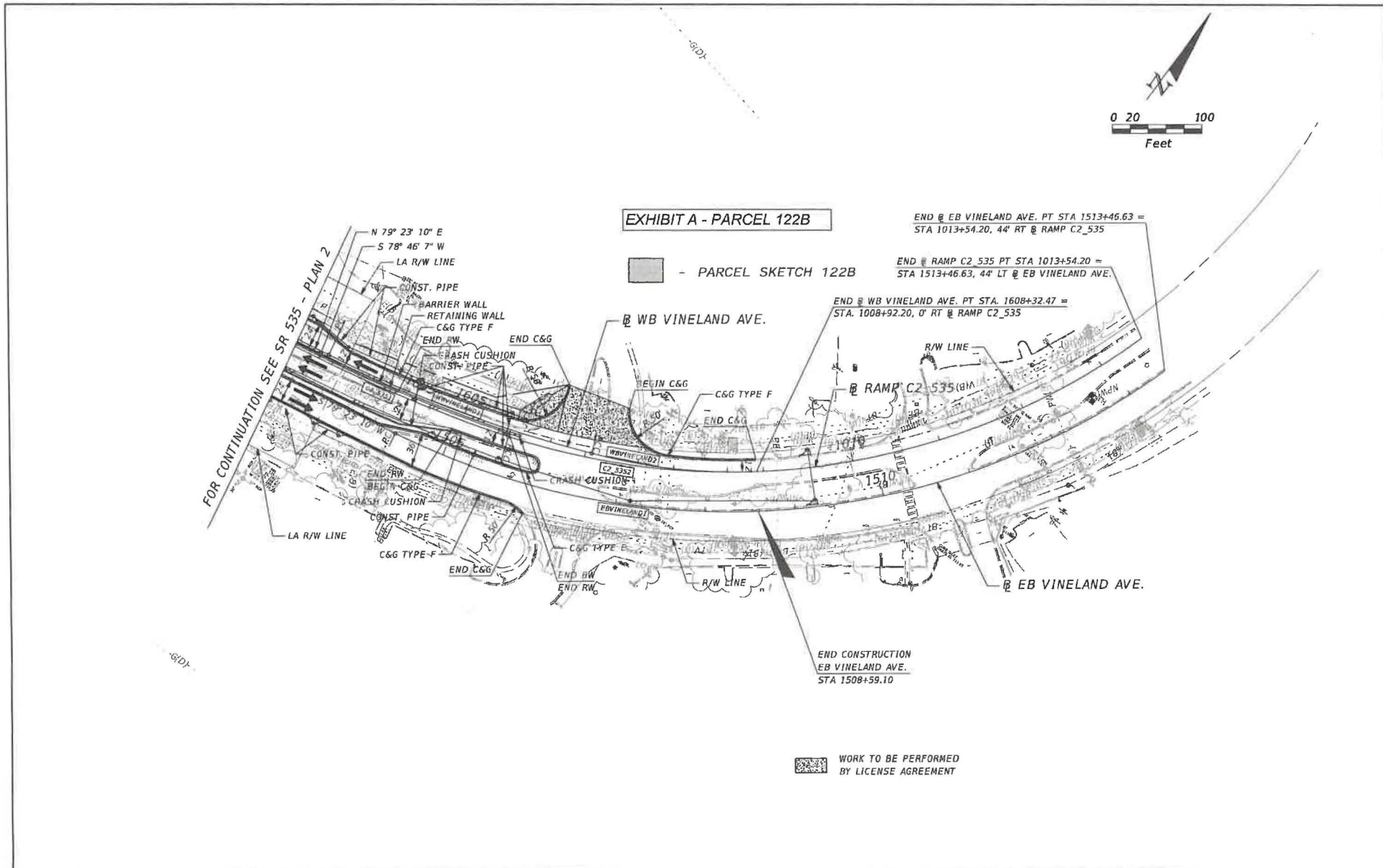
AECOM TECHNICAL SERVICES, Inc.  
 150 North Orange Avenue, Suite 200  
 Orlando, FL 32801  
 T 407.843.6622 F 407.838.1708  
 Certificate of Authorization No. 6115 www.aecom.com

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 400	ORANGE	242484-8-52-01

**VINELAND AVE - PLAN 1**

SHEET NO.

PRELIMINARY: NOT FOR CONSTRUCTION



**EXHIBIT A - PARCEL 122B**

▨ - PARCEL SKETCH 122B

▨ WORK TO BE PERFORMED BY LICENSE AGREEMENT

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

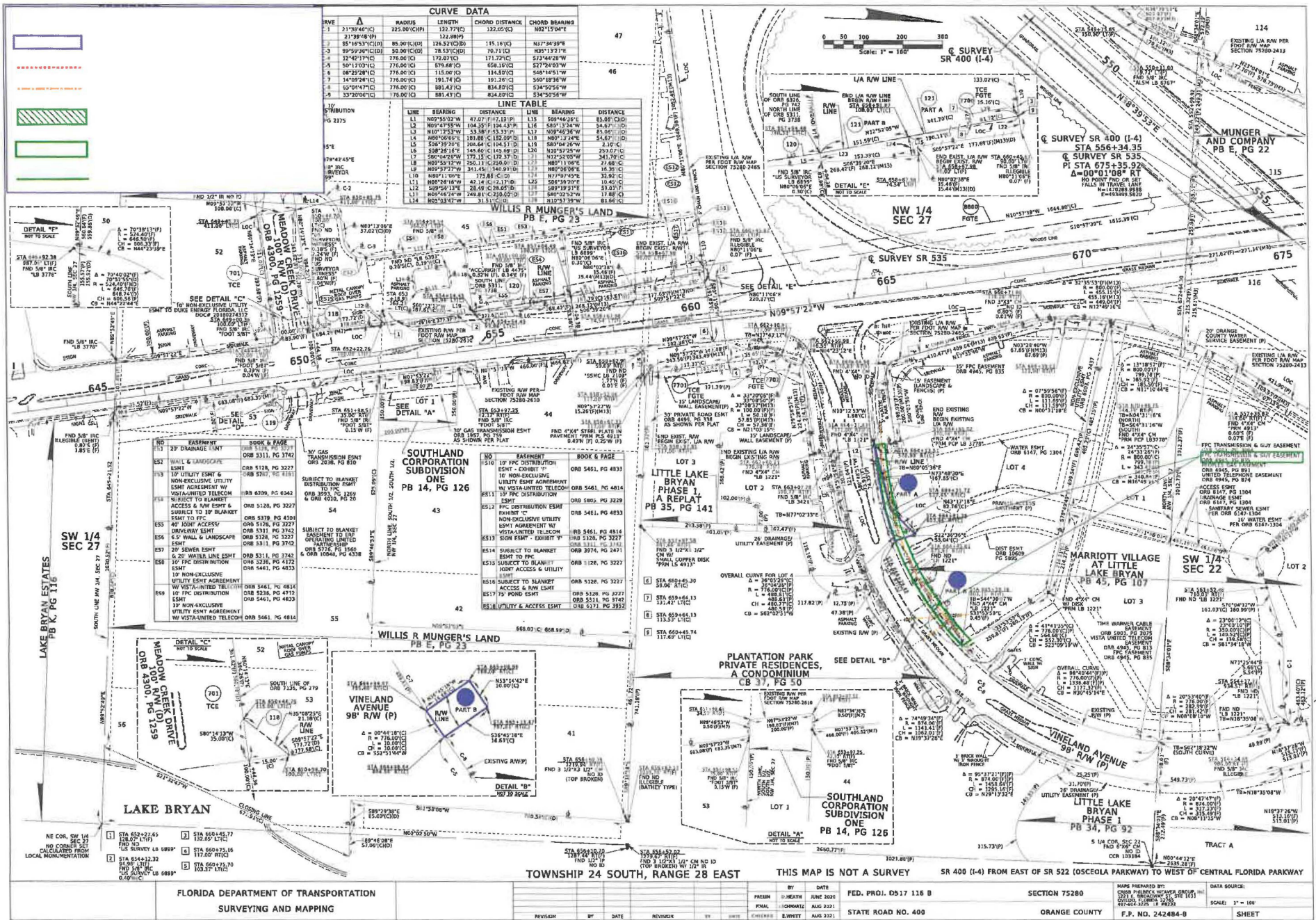
AECOM TECHNICAL SERVICES, Inc.  
 150 North Orange Avenue, Suite 200  
 Orlando, FL 32801  
 T 407.843.8662 F 407.838.1799  
 Certificate of Authorization No. 8115 www.aecom.com

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 400	ORANGE	242484-B-52-01

**VINELAND AVE - PLAN 1**

SHEET NO.

PRELIMINARY. NOT FOR CONSTRUCTION.



CURVE DATA			
LINE	BEARING	RADIUS	CHORD DISTANCE
1	21°39'46" (P)	225.90(C) (P)	122.77(C)
2	85°18'51" (C)	85.00(C) (D)	128.27(C) (D)
3	59°59'30" (C) (D)	50.00(C) (D)	78.53(C) (D)
4	32°49'17" (C)	776.00 (C)	174.07(C)
5	50°12'02" (C)	776.00 (C)	578.48 (C)
6	08°29'28" (C)	776.00 (C)	115.06 (C)
7	14°09'24" (C)	776.00 (C)	791.74 (C)
8	62°04'47" (C)	776.00 (C)	881.47 (C)
9	33°20'06" (C)	776.00 (C)	881.47 (C)

LINE TABLE				
LINE	BEARING	DISTANCE	LINE BEARING	
L1	N09°55'02"W	47.07 (7.13 P)	L15	N09°44'20"E
L2	N09°47'55"W	104.25 (P)	L16	S01°32'40"W
L3	S75°18'51"W	53.89 (P)	L17	N09°40'30"W
L4	N09°50'06"E	101.80 (C)	L18	N09°37'44"E
L5	S50°59'30"E	100.64 (C)	L19	S01°32'40"W
L6	S58°28'18"E	145.60 (C)	L20	N10°57'25"W
L7	S00°48'28"W	175.16 (C)	L21	N10°57'25"W
L8	N09°55'13"W	250.13 (C)	L22	N10°57'25"W
L9	N09°37'27"E	331.45 (C)	L23	N09°50'06"E
L10	N09°11'00"E	375.84 (C)	L24	N09°50'06"E
L11	N09°26'18"W	42.14 (C)	L25	S08°38'19"E
L12	S09°54'18"E	28.48 (C)	L26	S09°39'19"E
L13	N09°48'24"W	268.81 (C)	L27	S09°25'27"W
L14	N09°53'57"W	211.51 (C)	L28	S10°23'30"E



NO	EASEMENT	BOOK & PAGE
E52	20' DRAINAGE EASEMENT	ORB 5311, PG 3742
E53	WALL & LANDSCAPE EASEMENT	ORB 5118, PG 3273
E54	10' UTILITY EASEMENT & NON-EXCLUSIVE UTILITY EASEMENT	ORB 5267, PG 4181
E55	10' VISTA-UNITED TELECOM EASEMENT	ORB 6209, PG 6042
E56	ACCESS & ROW EASEMENT & SUBJECT TO BLANKET EASEMENT TO FFC	ORB 5128, PG 3227
E57	40' JOINT ACCESS DRIVEWAY EASEMENT	ORB 5378, PG 4758
E58	6.5' WALL & LANDSCAPE EASEMENT	ORB 5128, PG 3227
E59	20' SEWER EASEMENT	ORB 5311, PG 3742
E60	10' FFC DISTRIBUTION EASEMENT	ORB 5236, PG 4172
E61	10' NON-EXCLUSIVE UTILITY EASEMENT AGREEMENT	ORB 5461, PG 4814
E62	10' VISTA-UNITED TELECOM EASEMENT	ORB 5236, PG 4172
E63	10' NON-EXCLUSIVE UTILITY EASEMENT AGREEMENT	ORB 5461, PG 4814
E64	10' VISTA-UNITED TELECOM EASEMENT	ORB 5461, PG 4814



NE CORN. SW 1/4 SEC 27	STA 452+22.69 (120.07' LITC)	STA 609+45.77 (128.85' LITC)
NO CORNER CALCULATED FROM LOCAL MONUMENTATION	STA 609+45.77 (128.85' LITC)	STA 609+45.77 (128.85' LITC)
STA 452+22.69 (120.07' LITC)	STA 609+45.77 (128.85' LITC)	STA 609+45.77 (128.85' LITC)
STA 452+22.69 (120.07' LITC)	STA 609+45.77 (128.85' LITC)	STA 609+45.77 (128.85' LITC)

