



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: December 12, 2019

TO: Mayor Jerry L. Demings
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager *PS*
Real Estate Management Division

FROM: Kenneth Woods, Acquisition Agent *KW*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval and execution of Subordination of Utility Interests from Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, to Orange County and authorization to disburse funds to pay recording fees and record instrument

PROJECT: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central Fl Greenway SR 417)

District 4

PURPOSE: To provide for access, construction, operation, and maintenance of road-widening improvements.

ITEM: Subordination of Utility Interests (Instrument 1010.4)

BUDGET: Account No.: 1321-072-5085-6110

FUNDS: \$69.50 Payable to Orange County Comptroller
(recording fees)

Real Estate Management Division

Agenda Item 2

December 12, 2019

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APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: This action will subordinate Duke Energy's interest in their existing easement encumbering Parcel 1010 of Orange County's Boggy Creek Road widening project. If Orange County should require Duke Energy to alter, adjust, or relocate its facilities located within said lands in connection with this subordination, Orange County shall pay the reasonable cost of such alteration, adjustment, or relocation, including but not limited to the cost of acquiring appropriate easements.

Orange County is executing the Subordination of Utility Interests to show acceptance of the terms and conditions.

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

Under Ordinance Approval

Date: 12/12/19

Total Amount: \$69.50

Project: Boggy Creek Road (Osceola County line to 600 N. of Central Fl. Greenway SR 417)

Parcels: 1010.4

DEC 12/12/19

Charge to Account # 1321-072-5085-6110 CA 12/13/19

Controlling Agency Approval Signature / Date

Printed Name:

Fiscal Approval Signature Pat Davis Date 12-13-19

Printed Name

TYPE TRANSACTION (Check appropriate block(s))
Pre-Condernation X Post-Condernation

N/A District # 4

- Acquisition at Approved Appraisal
Acquisition at Below Approved Appraisal
Acquisition at Above Approved Appraisal
X Advance Payment Requested

Orange County Comptroller
Recording Fee \$69.50

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Contract/ Agreement
X Copy of Executed Instruments
Certificate of Value
Settlement Analysis

Payable to: Orange County Comptroller (\$69.50)

IMPORTANT: CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)

Recommended by Kenneth Woods, Acquisition Agent, Real Estate Mgmt Division

Date 12/12/19

Payment Approved Paul Sladek, Manager, Real Estate Management Division

Date 12/12/19

or Payment Approved Russell Corriveau, Asst. Mgr. Real Estate Management Div.

Date

Certified Approved by BCC Deputy Clerk to the Board

Date JAN 14 2020

Examined/Approved Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: As soon as checks are available.

APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS JAN 14 2020

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JAN 14 2020

Instrument: 1010.4

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

SUBORDINATION OF UTILITY INTERESTS

THIS SUBORDINATION, entered into by and between Duke Energy Florida, LLC d/b/a Duke Energy, a Florida limited liability company, f/k/a Duke Energy Florida, Inc. f/k/a Florida Power Corporation, a Florida corporation, hereinafter called Utility and Orange County, a charter county and political subdivision of the State of Florida, hereinafter called County

WITNESSETH:

WHEREAS, the Utility presently has an interest in certain lands that have been determined necessary for public road right-of-way purposes; and

WHEREAS, the proposed use of these lands for public road right-of-way purposes will require subordination of the interest claimed in such lands by Utility to County; and

WHEREAS, County is willing to pay to have the Utility's facilities 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, Utility and County agree as follows:

Utility hereby subordinates to the interest of County, its successors, or assigns, any and all of its interest in the lands as follows, viz:

SEE ATTACHED SCHEDULE "A"

Encumbrances:

Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation
FROM: James J. Wicker and Juanita V. Wicker
Easement filed August 26, 1971
Recorded in Official Records Book 2108, Page 454
Distribution Easement filed November 9, 1981
Recorded in Official Records Book 3237, Page 1428
All in the Public Records of Orange County, Florida

Instrument: 1010.4

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

PROVIDED that the Utility has the following rights:

1. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with County's current minimum standards for such facilities as required by Article VI, Chapter 21 of the Orange County Code, as it may be replaced, amended, or superseded from time to time. Any new construction or relocation of facilities within the lands will be subject to prior approval by County. Should County fail to approve any new construction or relocation of facilities by the Utility otherwise authorized under the aforementioned subordinated interest or require the Utility to alter, adjust, or relocate its facilities located within said lands in connection with this subordination, County shall pay the reasonable cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements (collectively "Reimbursement Costs").
2. Utility shall provide written notice to County's Director of Public Works (or equivalent in the event of reorganization) of the estimated costs and narrative scope of any alteration, adjustment, relocation, or removal of its facilities or of the acquisition of any additional easements at least 60 days prior to Utility incurring such costs.
3. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions herein, with the exception of the provision herein regarding Reimbursement Costs.
4. The Utility 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 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 County's facilities.
5. The Utility agrees to indemnify and hold County harmless for, from and against any and all losses, claims or damages incurred by County to the extent arising from Utility's or Utility's Contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of Utility's facilities located on the above described easement.

Instrument: 1010.4

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

IN WITNESS WHEREOF, the Utility 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 below written.

Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation

Signed, sealed and delivered in the presence of:

By: Karen Adams
Karen Adams, Manager
Land Services – Florida Region

Date: 3/5/2019

Renee Birdsong
SIGNATURE LINE
PRINT/TYPE NAME: Renee Birdsong

Kalen D. Mason
SIGNATURE LINE
PRINT/TYPE NAME: Kalen D. Mason

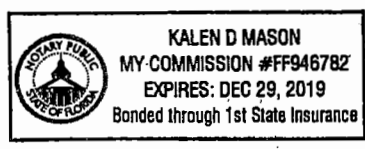
(Two witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 5TH day of MARCH, 2019, by Karen Adams, Manager of Land Services – Florida Region for Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, on behalf of the limited liability company, who is personally known to me or who has produced _____ as identification.

Kalen D. Mason
PRINT/TYPE NAME: Kalen D. Mason



Notary Public in and for the County and State last aforesaid.

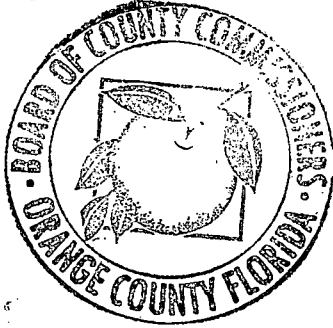
My Commission Expires: 12/29/2019

Serial No., if any: FF946782

Instrument: 1010.4

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

IN WITNESS WHEREOF, County has executed this Subordination on the day and year below written.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: Jeffrey L. Demings

for Jeffrey L. Demings,
Orange County Mayor

Date: 1/14/2020

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

By: Katie Smith

Deputy Clerk

Katie Smith

Printed Name

This instrument prepared by:
Jeffrey Sponenburg, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

SCHEDULE "A"

Parcel 1010

A portion of the Northeast 1/4 of Section 33, Township 24 South, Range 30 East, Orange County, Florida being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of Section 33, Township 24 South, Range 30 East; thence run North 89 degrees 42' 47" West along the North line of said Northeast 1/4 a distance of 30.01 feet to the West right of way line of Boggy Creek Road and the POINT OF BEGINNING; thence run South 00 degrees 58' 20" East along said West right of way line a distance of 602.35 feet to the intersection with the South line of the North 602.2 feet of said Northeast 1/4; thence leaving said West right of way line run North 89 degrees 42' 47" West along said South line a distance of 59.50 feet, to a point on a non-tangent curve concave to the East and having a radius of 5790.00 feet; thence run Northerly 340.51 feet along the arc of said curve through a central angle of 03 degrees 22' 10", the chord of said curve bears North 01 degrees 17' 03" East to the end of said curve; thence run North 03 degrees 09' 47" East a distance of 262.14 feet to the North line of said Northeast 1/4; thence run South 89 degrees 42' 47" East along said North line a distance of 26.03 feet to the POINT OF BEGINNING.

Containing 0.634 acres, more or less.

LEGEND

AC.	ACRE	(D)	DEED	P.C.	POINT OF CURVATURE	RT	RIGHT
B.	BASELINE	FND.	FOUND.	P.I.	POINT OF INTERSECTION	R/W	RIGHT OF WAY
C.	CENTERLINE	(F)	FIELD MEASURE	P.T.	POINT OF TANGENCY	S.F.	SQUARE FEET
(C)	CALCULATED	L.	ARC LENGTH	PL	PROPERTY LINE	T	TANGENT LENGTH
CH.	CHORD DISTANCE	LT	LEFT	R	RADIUS	TWP.	TOWNSHIP
Δ	DELTA/CENTRAL ANGLE	O.R.B.	OFFICIAL RECORDS BOOK	RGE.	RANGE		
		P.B.	PLAT BOOK				

REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

SHEET 1 OF 4

THIS IS NOT A SURVEY

SKETCH ON SHEETS 2-4 OF 4

PREPARED FOR:
ORANGE COUNTY

DATE: NOVEMBER, 2016 SCALE: 1"=NA

PROJECT #: 06-1114.000

DESIGN: CU CHECKED: ALQ

THIS MAP OR DESCRIPTION IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND RAISED SEAL

ALLEN L. QUICKEL, P.E.
PROFESSIONAL SURVEYOR AND MAPPER #6481
STATE OF FLORIDA
DATE: 11/2/16

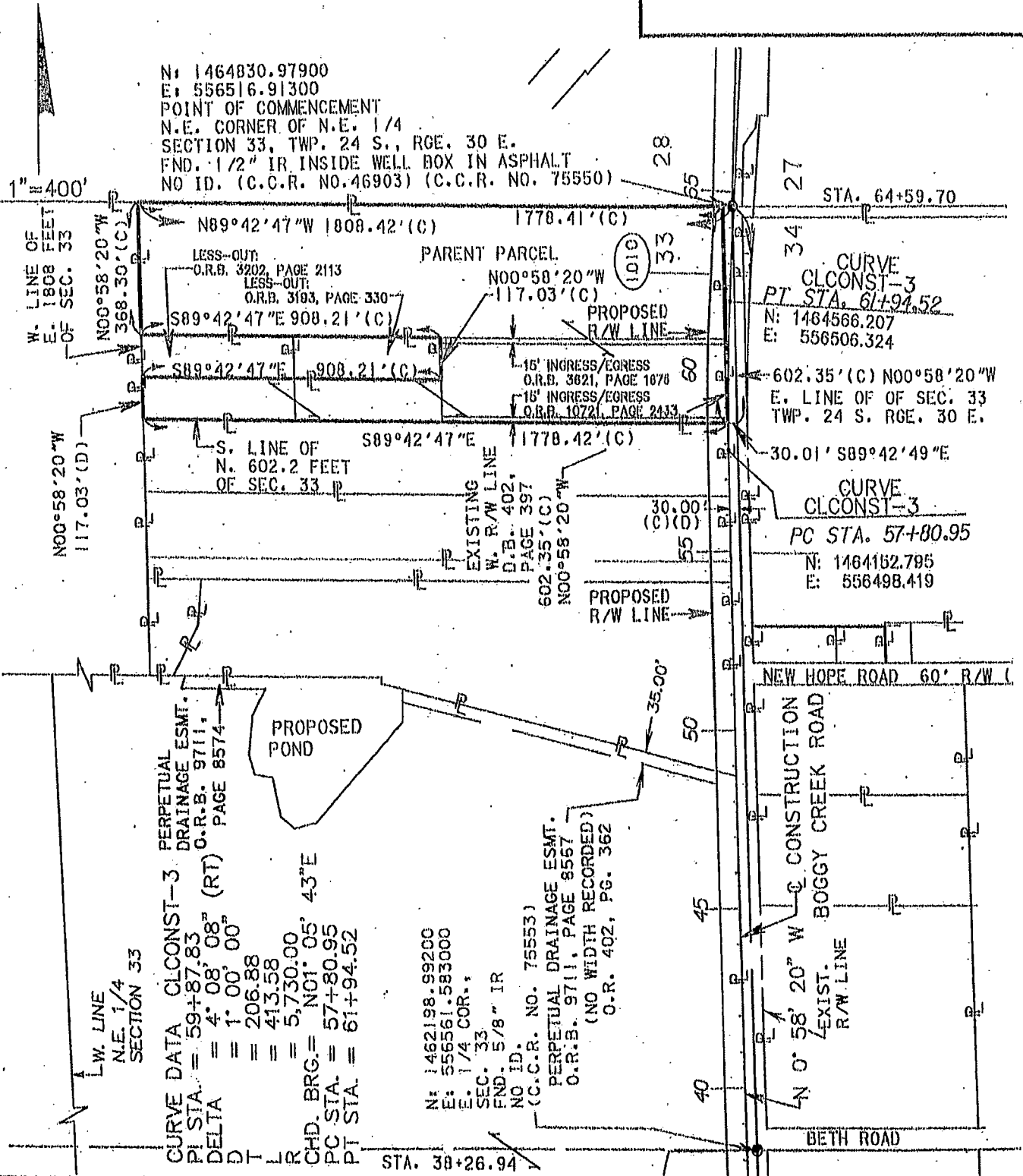


Phone: (407) 896-0594

L.B. #2648

941 Lake Baldwin Lane - Orlando, Florida 32814

PARCEL 1010
 SKETCH OF DESCRIPTION
 THIS IS NOT A SURVEY



DESCRIPTION ON SHEET 1 OF 4

SHEET 2 OF 4

PREPARED FOR:
 ORANGE COUNTY

DATE: NOVEMBER, 2016 SCALE: 1"=400'

PROJECT #: 06-1114,000

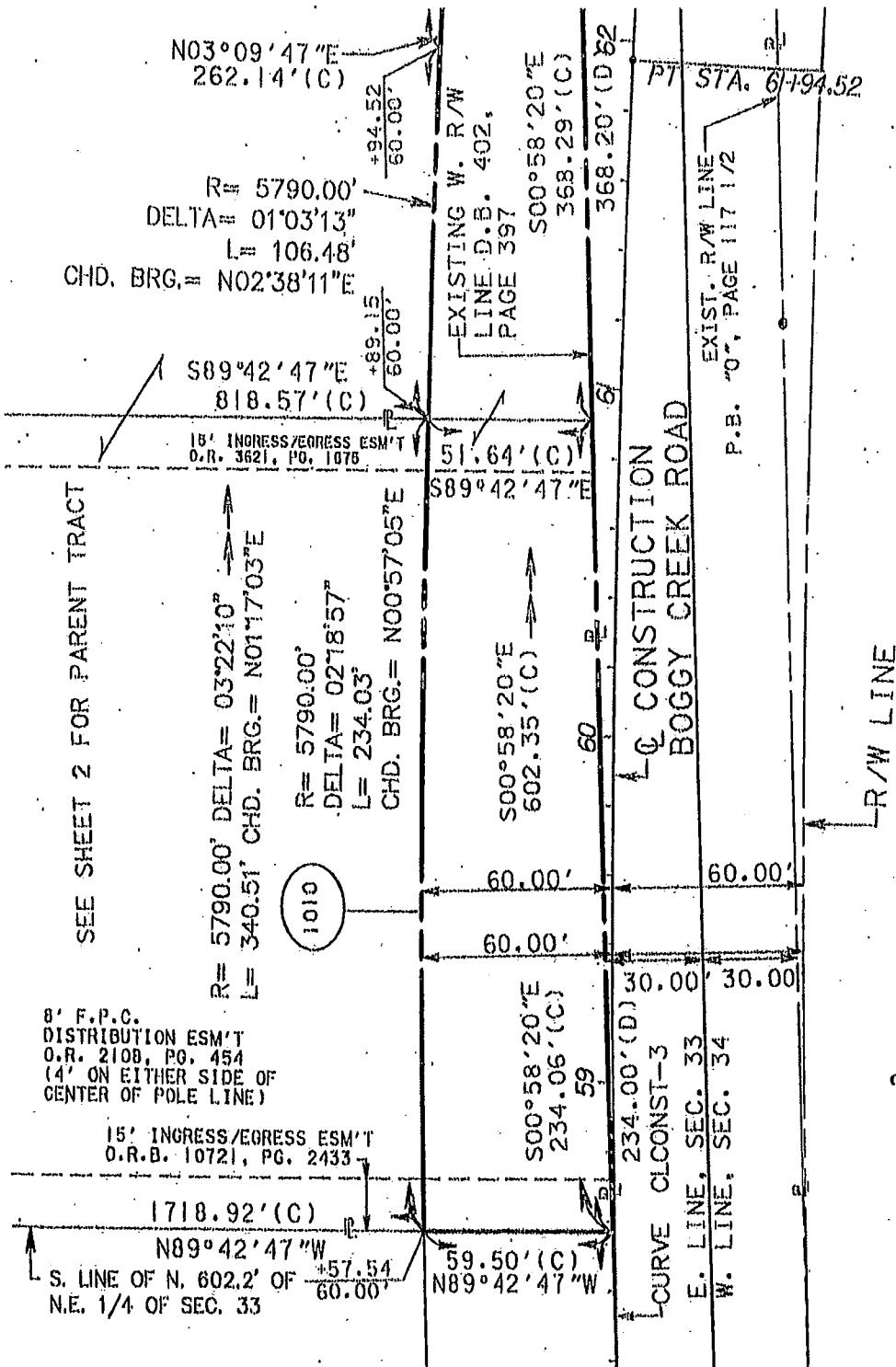
DESIGN: CU CHECKED: ALQ

DATE	REVISIONS

DRMP
 REGISTRATION • SURVEYING • PLANNING • CONSULTING

Phone: (407) 896-0594
 I.D. #2648
 941 Lake Baldwin Lane • Orlando, Florida 32814

PARCEL 1010
 SKETCH OF DESCRIPTION
 THIS IS NOT A SURVEY



CURVE DATA CLCONST-3
 PI STA = 59+87.83
 DELTA = 4°08'08" (RT)
 DT LR = 1°00'00"
 = 206.88
 = 413.58
 = 5,750.00
 CHD. BRG. = N01°05'43" E
 PC STA = 57+80.95
 PT STA = 61+94.52

DESCRIPTION ON SHEET 1 OF 4

SHEET 3 OF 4

PREPARED FOR:
 ORANGE COUNTY
 DATE: NOVEMBER, 2016 SCALE: 1"=50'
 PROJECT #: 06-1114.000
 DESIGN: CU CHECKED: ALQ

DATE	REVISIONS

DRMP
 ENGINEERING • SURVEYING • PLANNING • SCIENTISTS
 Phone: (407) 896-0594
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 941 Lake Baldwin Lane - Orlando, Florida 32814

