



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

DATE: August 31, 2020

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

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

FROM: Kim Heim, Senior Title Examiner *KH*
Real Estate Management Division

CONTACT PERSON: Paul Sladek, Manager

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

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

PROJECT: Lacona Drive Pump Station

District 3

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: 1,821 square feet

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: This easement provides Duke Energy Florida, LLC, d/b/a Duke Energy the right to install and maintain electrical distribution lines and related facilities upon an existing pump station site.

Grantee to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

SEP 22 2020

Project: Lacona Drive Pump Station



SEC: 24	TWP: 23	RGE: 29	COUNTY: ORANGE	PROJECT: 20000702
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 5701 Lacona Drive, Orlando, FL 32839				
TAX PARCEL NUMBER: 24-23-29-4654-00-100				

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:

An Easement Area being more particularly described and shown on the accompanying Exhibit "A", Sketch of Description, as prepared by Ryan E. Johnson, P.S.M. of Southeastern Surveying, dated 05/06/20, Vender Project No. 64276, consisting of two (2) pages, attached hereto and incorporated herein by this reference.

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.

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.

Project: Lacona Drive Pump Station

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: 23 September 2020

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

BY: *Craig Stopysa*
foi Deputy Clerk

Craig Stopysa
Printed Name

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

Legal Description:

Parcel #24-23-29-4654-00-100

DESCRIPTION

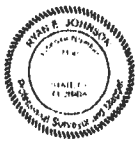
A portion of Lot 10, Lake Mary Heights, according to the Plat thereof; as recorded in Plat Book X, Page 38, Public Records of Orange County, Florida; lying in Section 24, Township 23 South, Range 29 East, Orange County, Florida being more particularly described as follows:

Commence at the Northeast Corner of Lake Mary Heights, according to the Plat thereof; as recorded in Plat Book X, Page 38, Public Records of Orange County, Florida; thence South 00°25'10" West, a distance of 63.53 feet along the East line of said Plat to the POINT OF BEGINNING; thence continue South 00°25'10" West, a distance of 10.00 feet along said East line to the Southeast Corner of Lot 10, said Lake Mary Heights; thence North 89°50'00" West, a distance of 94.70 feet along the South line of said Lot 10 to a point on the Easterly Right of Way line of Lacona Drive, a variable width Right of Way as shown on said Lake Mary Heights, said point lying on a non-tangent curve concave Southwesterly, having a radius of 45.00 feet, a central angle of 89°47'06" and a chord bearing of North 44°43'31" West and distance of 63.52 feet; thence from a tangent bearing North 00°10'02" East, Northwesterly 70.52 feet along the arc of said curve also being said Easterly Right of Way line to it's intersection with the West line of said Lot 10, thence North 00°34'21" East, a distance of 28.44 feet along said West line to the Northwest Corner of said Lot 10; thence South 89°52'15" East, a distance of 10.00 feet along the North line of said Lot 10; thence departing said North line South 00°34'21" West, a distance of 19.40 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 55.00 feet, a central angle of 68°48'06" and a chord bearing of South 44°42'34" East and distance of 62.15 feet; thence from a tangent bearing of South 79°06'36" East, Southeasterly 66.04 feet along the arc of said curve; thence South 89°50'00" East, a distance of 85.66 feet to the POINT OF BEGINNING.

Contains 0.04 acres (1821.3 Square Feet)

Surveyor's Notes:

1. North and the bearings shown hereon are referenced to the East line of Lake Mary Heights as being South 00°25'10" West, assumed datum.
2. All measurements shown hereon are in U.S. Survey Feet.
3. I have reviewed First American Title Insurance Company Title Search Report File No. 2037-4712818, dated April 8, 2020 and all recorded survey related encumbrances, except liens, identified in Schedule B-II of the title insurance commitment have been shown or noted on the survey. Title Commitment Schedule B-II Exceptions that are not a survey matter may require a legal opinion as to their affecting or not affecting the subject parcel therefore the surveyor is not qualified by law to render a conclusive legal opinion as to those non-survey matter exceptions.
4. Legal description was prepared by Southeastern Surveying & Mapping Corporation per client request and is based on deeds of record and a field survey to locate the controlling corners needed to establish the parcels, right-of-way and easement shown in the legal description and sketch hereon.
5. This sketch meets the applicable "Standards of Practice" as set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J17.050-.052, Florida Administrative Code. Not valid without the original signature and the raised seal or the electronic signature and computer generated seal of a Florida Licensed Surveyor and Mapper.



Digitally signed by Ryan E. Johnson
 DN: cn=Ryan E. Johnson, o=Southeastern
 Surveying and Mapping, ou,
 email=rjohnson@southeasternsurveying.
 com, c=US
 Date: 2020.05.26 08:03:11 -04'00'

4/22/2020

THE ELECTRONIC SEAL APPEARING ON THIS
 DOCUMENT WAS AUTHORIZED BY RYAN E. JOHNSON,
 P.S.M. 7130 ON
 MAY 22, 2020.

RYAN E. JOHNSON, P.S.M.
 SOUTHEASTERN SURVEYING


FLORIDA REGISTRATION No. 7310
 FLORIDA REGISTRATION No. LB 2108

DATE

THE ELECTRONIC SIGNATURE HEREON IS IN
 COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE
 5J-17.062.

EXHIBIT "A"

THIS IS NOT A SURVEY



6500 All American Blvd
 Orlando, FL 32810

REVISIONS	1	05/06/20	JRH
	2		
VENDOR PROJECT No.	64276		
VENDOR DRAWING No.	001		


CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

DESCRIPTION SKETCH

ORANGE COUNTY BOARD OF
 COUNTY COMMISSIONERS

5701 LACONA
 TUG...442953378
 & 442952036

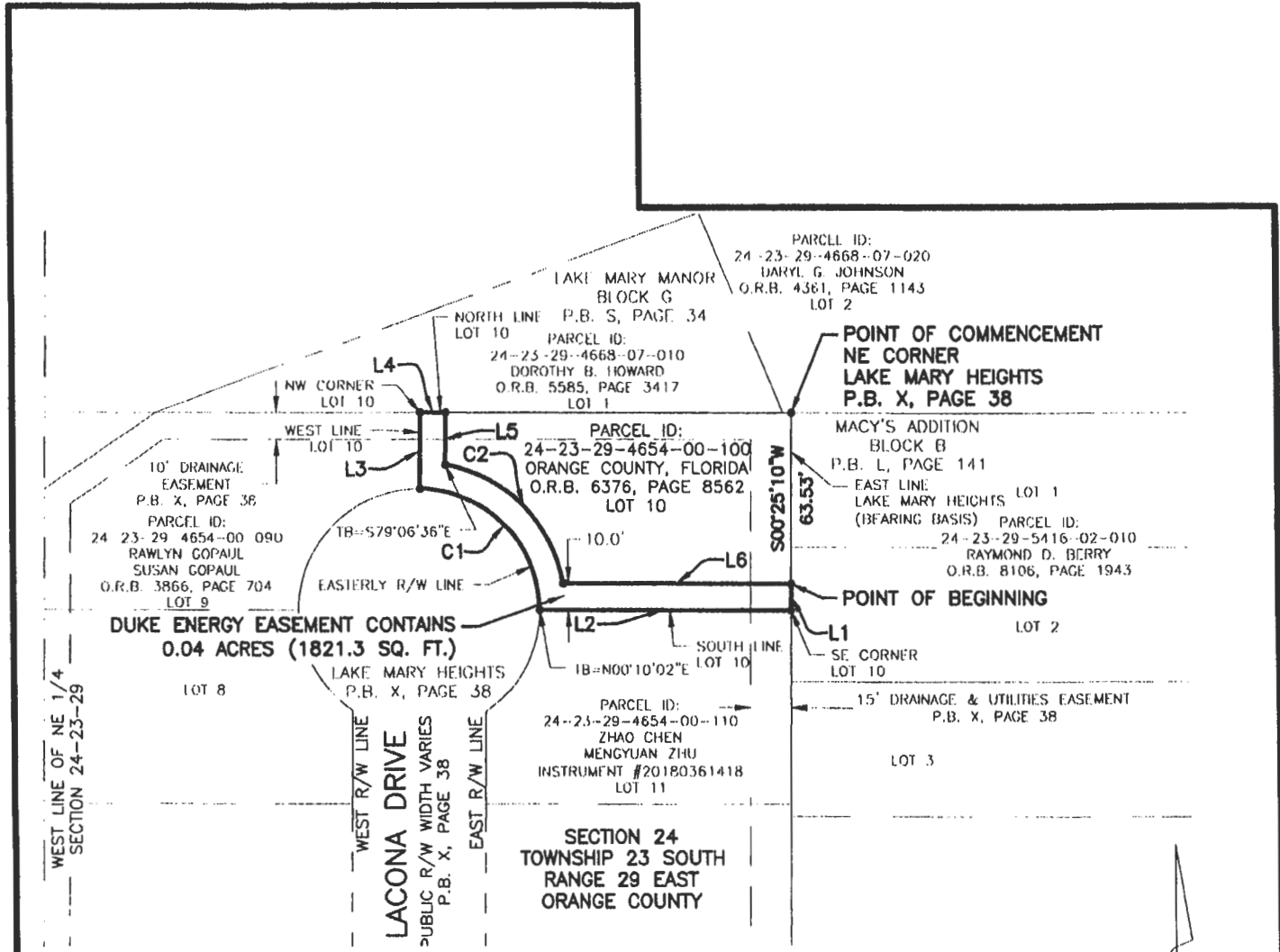
DRAWN	CHECK	SCALE: 1"=60'
JRH	REJ	DATE: 04/13/2020



DUKE ENERGY®

550 S. TRYON STREET
 CHARLOTTE, N.C. 28202
 TELEPHONE NO. (704)382-2361

SITE: 000000	LU: 0000000	WO: 20000702
64276001C.DWG		SHEET 1 OF 2



Curve #	Length	Radius	Central Angle	Chord Bearing	Chord
C1	70.52'	45.00'	89°47'06"	N44°43'31"W	63.52'
C2	66.04'	55.00'	68°48'06"	S44°42'34"E	62.15'

Line #	Direction	Length
L1	S0°25'10"W	10.00'
L2	N89°50'00"W	94.70'
L3	N0°34'21"E	28.44'
L4	S89°52'15"E	10.00'
L5	S0°34'21"W	19.40'
L6	S89°50'00"E	85.66'

LEGEND:
 O.R.B. OFFICIAL RECORDS BOOK
 P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
 LB LICENSED BUSINESS
 R/W RIGHT-OF-WAY
 P.B. PLAT BOOK
 TB TANGENT BEARING

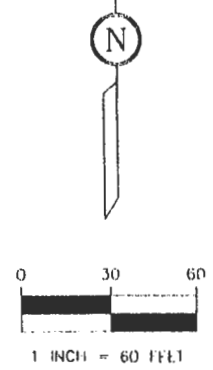




EXHIBIT "A" THIS IS NOT A SURVEY

 6500 All American Blvd Orlando, FL 32810	CERTIFIED TO: DUKE ENERGY FLORIDA, LLC DESCRIPTION SKETCH ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS 5701 LAQUA TUG_442953378 & 442952036		 DUKE ENERGY® 550 S. TRYON STREET CHARLOTTE, N.C. 28202 TELEPHONE NO. (704)382-2361
	REVISIONS 1 05/06/20 JRH 2	VENDOR PROJECT No. 64276 VENDOR DRAWING No. 001	