



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

DATE: October 6, 2023

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

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

FROM: Richard Hainkel, Senior Title Examiner
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 Subordination of Utility Interests by and between Duke Energy Florida, LLC, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation, herein called Duke Energy and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from Spectrum Sunshine State, LLC, f/k/a Bright House Networks, LLC, successor in interest to Cablevision Industries Limited Partnership, and authorization to disburse funds to pay recording fees and record instruments.

PROJECT: University Boulevard and Dean Road Intersection Improvements

District 5

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

ITEMS: Subordination of Utility Interests (Instrument 1022.4)

Subordination of Encumbrances to Property Rights to Orange County
(Instrument 1022.5)

BUDGET: Account No.: 1306-072-2722-6110

FUNDS: \$88 Payable to Orange County Comptroller
(for recording fees, \$52.50 and \$35.50, respectively)

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: This action will subordinate Duke Energy and Spectrum Sunshine State, LLC interest in their existing easements encumbering Parcel 1022 of Orange County's University Boulevard and Dean Road Intersection improvement project. If Orange County should require Duke Energy or Spectrum Sunshine State, LLC 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.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

OCT 24 2023

Instrument: 1022.4

Project: University Boulevard and Dean Road Intersection Improvements

SUBORDINATION OF UTILITY INTERESTS

THIS SUBORDINATION, entered into by and between 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, a Florida corporation, herein called Duke Energy, 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"

Encumbrance:

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, a Florida corporation, herein called Duke Energy

FROM: Dean Road Assoc., by Mission Bay I, its General Partner, by National Development Properties Land Corp, its General Partner, a Florida corporation

TO: Florida Power Corporation, a Florida corporation

Distribution Easement filed May 11, 1990

Recorded in Official Records Book 4182, Page 4235

in the Public Records of Orange County, Florida; AND

Instrument: 1022.4

Project: University Boulevard and Dean Road Intersection Improvements

Encumbrance (Cont.):

FROM: Dean Road Associates, a Florida general partnership

TO: Florida Power Corporation, a Florida corporation

Distribution Easement filed December 28, 1990

Recorded in Official Records Book 4249, Page 1351

in the Public Records of Orange County, Florida

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.

[The remainder of this page has been intentionally left blank]

Instrument: 1022.4

Project: University Boulevard and Dean Road Intersection Improvements

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, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, herein called Duke Energy

Signed, sealed and delivered in the presence of:

By: Susann Price
Susann Price, Manager
Land Services I

Date: August 2nd 2023

Nicole Wicks
SIGNATURE LINE
PRINT/TYPE NAME: Nicole Wicks

APPROVED
By Shantel W. Ocampo at 10:28 am, Aug 02, 2023

Harley E. Sanwick Jr.
SIGNATURE LINE
PRINT/TYPE NAME: Harley E. Sanwick Jr.

(Two witnesses required by Florida law)

STATE OF Florida

COUNTY OF Pinellas

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 2nd day of August, 2023, by Susann Price, Manager of Land Services I for 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, a Florida corporation, herein called Duke Energy, on behalf of the limited liability company, ☒ who is personally known to me or ☐ who has produced _____ as identification.

Harley E. Sanwick Jr.
PRINT/TYPE NAME: Harley E. Sanwick Jr.



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

My Commission Expires: 7/21/2026

Serial No., if any: HH 290964

Instrument: 1022.4

Project: University Boulevard and Dean Road Intersection Improvements

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



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: Bryan W. Burks

Jerry L. Demings,
Orange County Mayor

Date: 24 October 2023

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

By: [Signature]
Deputy Clerk

DAVID ROONEY
Printed Name

This instrument prepared by:
Richard Hainkel, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida
P.O. Box 1393,
Orlando, Florida 32802-1393

SCHEDULE "A"

DESCRIPTION PARCEL 1022:

A portion of lands described in Official Records Book 10529, Page 8354, Public Records of Orange County, Florida, being more particularly described as follows:


Begin at the Northwest corner of lands described in Official Records Book 10529, Page 8354, Public Records of Orange County, Florida, said point being on the South right of way line of University Boulevard as described in Official Records Book 4067, Page 4631, Public Records of Orange County, Florida; thence along said South right of way line the following two (2) courses and distances : North 89°45'10" East, a distance of 9.94 feet; thence South 00°29'39" East, a distance of 11.00 feet; thence departing said right of way line along a Westerly projection thereof South 89°44'59" West, a distance of 9.99 feet to a point on the West line of said lands; thence North 00°14'38" West, a distance of 11.00 feet along said West line to the POINT OF BEGINNING.

Containing 110 square feet, more or less.

SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the South right of way line of University Boulevard as described in Official Records Book 3831, Page 4479, Public Records of Orange County, Florida being North 89°45'10" East, assumed.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
3. I have reviewed First American Title Insurance Company (FATIC) Title Commitment number NCS-914399-C-ALT all recorded survey related encumbrances have been shown or noted on the survey.

NOT VALID WITHOUT SHEETS 1-2

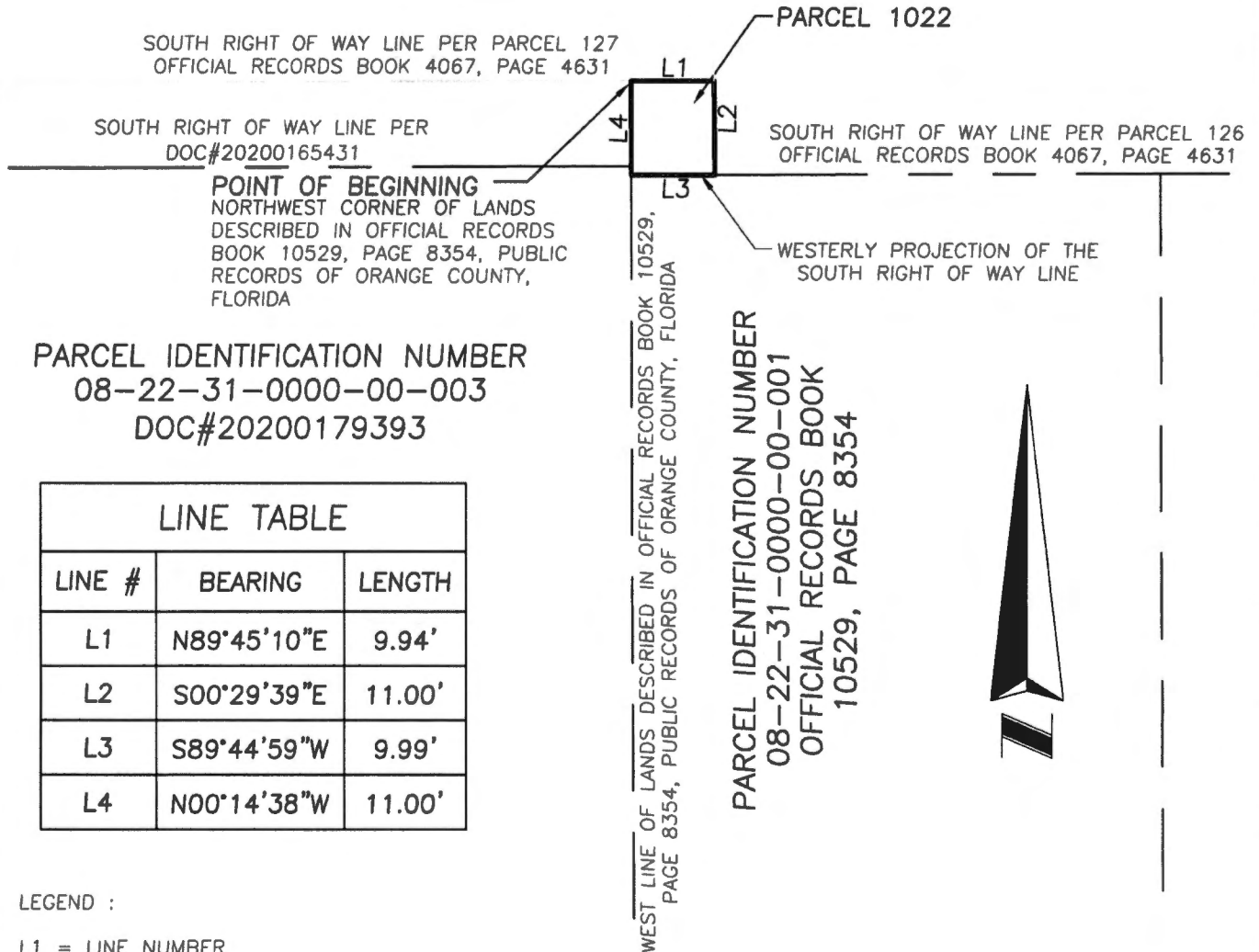
DESCRIPTION FOR PEGASUS ENGINEERING, LLC.	Date: 01/19/2021 KR		Certification Number LB2108 62756017
	Job Number: 62756	Scale: 1" = 20'	 SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-8580 e-mail: info@southeasternsurveying.com
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		
			RYAN E. JOHNSON, PSM Registered Land Surveyor Number 7130

SKETCH OF DESCRIPTION
PARCEL 1022

PURPOSE : RIGHT OF WAY

UNIVERSITY BOULEVARD
RIGHT OF WAY VARIES

PER VARIOUS RIGHT OF WAY TAKES RECORDED
IN PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



LINE TABLE

LINE #	BEARING	LENGTH
L1	N89°45'10"E	9.94'
L2	S00°29'39"E	11.00'
L3	S89°44'59"W	9.99'
L4	N00°14'38"W	11.00'

LEGEND :

L1 = LINE NUMBER



1" = 20'
GRAPHIC SCALE



THIS IS NOT A SURVEY.

NOT VALID WITHOUT SHEETS 1 THROUGH 2

Drawing No. 62756017
Job No. 62756
Date: 01/19/2021
SHEET 2 OF 2
See Sheet 1 for Description

SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580

Certification Number LB2108

e-mail: info@southeasternsurveying.com

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 24 2023

Instrument: 1022.5

Project: University Boulevard and Dean Road Intersection Improvements

SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY

KNOW ALL MEN BY THESE PRESENTS: That Whereas, it is proposed by ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, to locate, construct, maintain, and/or improve a road right-of-way in Orange County, Florida; and,

WHEREAS, A portion of the lands involved and necessary to said project is subject to the below encumbrances held by the undersigned; and,

WHEREAS, On behalf of Orange County, a request has been made for the undersigned to subordinate said encumbrances to the property rights of Orange County in and to the portion of the premises hereinafter described.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the premises and One Dollar and other good and valuable considerations paid, receipt of which is hereby acknowledged, the undersigned subordinates said encumbrances as they have been or as may be modified and amended from time to time to the property rights of Orange County to locate, construct, maintain, and/or improve said project over, through, upon, and/or across the following described lands, being a portion of the encumbered premises in Orange County, Florida, to-wit:

SEE ATTACHED SCHEDULE "A"

Encumbrances:

Spectrum Sunshine State, LLC, a Delaware limited liability company, f/k/a Bright House Networks, LLC, successor in interest to Cablevision Industries Limited Partnership, a Delaware limited partnership

FROM: Dean Road Associates, a Florida general partnership

Grant of Easement filed August 7, 1990

Recorded in Official Records Book 4206, Page 3500; and

FROM: ERP Operating Limited Partnership

Memorandum of Agreement filed August 28, 2012

Recorded in Official Records Book 10433, Page 3314

All in the Public Records of Orange County, Florida

PROVIDED ALWAYS, NEVERTHELESS, and it is expressly understood and agreed that this instrument subordinates said encumbrances insofar as same affects the rights and privileges of ORANGE COUNTY, in its use of the land specifically above described for road right-of-way purposes only, and that nothing herein contained shall in any way affect, alter, impair, minimize, or diminish the effect of said

Instrument: 1022.5

Project: University Boulevard and Dean Road Intersection Improvements

encumbrances or the remedies at law or in equity for recovering thereon, or against the parties charged thereby, the full amount of all sums secured by and/or due under the same. It is further understood and agreed that in the event said above described premises are abandoned by Orange County and cease to be used for road right-of-way purposes that in such event the subordination of said encumbrances shall become of the same status with reference to such abandoned portion as if the subordination had never been made.

IN WITNESS WHEREOF, the said holder of said encumbrances has duly executed this instrument as of the date written below.

Signed, sealed, and delivered
in the presence of:

Spectrum Sunshine State, LLC, a Delaware limited liability company, f/k/a Bright House Networks, LLC, successor in interest to Cablevision Industries Limited Partnership, a Delaware limited partnership

[Signature]
Witness

JD Smith
Printed Name

[Signature]
Witness

RON STRICKLIN
Printed Name

BY: [Signature]

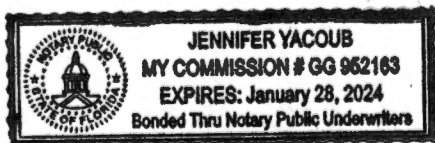
Scott Stinson
Printed Name

AVP
Title

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 3rd day of May, 2023, by Scott Stinson, as AVP, of Spectrum Sunshine State, LLC, a Delaware limited liability company, f/k/a Bright House Networks, LLC, successor in interest to Cablevision Industries Limited Partnership, a Delaware limited partnership, on behalf of the limited liability company. The individual ☒ is personally known to me or ☐ has produced _____ as identification.

(Notary Seal),



[Signature]
Notary Signature
Jennifer Yacoub
Printed Notary Name

Notary Public in and for the
County and State aforesaid.

This instrument prepared by:
Richard Hainkel, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida
P. O. Box 1393
Orlando, FL 32802-1393

My commission expires: January 28, 2024

SCHEDULE "A"

DESCRIPTION PARCEL 1022:

A portion of lands described in Official Records Book 10529, Page 8354, Public Records of Orange County, Florida, being more particularly described as follows:


Begin at the Northwest corner of lands described in Official Records Book 10529, Page 8354, Public Records of Orange County, Florida, said point being on the South right of way line of University Boulevard as described in Official Records Book 4067, Page 4631, Public Records of Orange County, Florida; thence along said South right of way line the following two (2) courses and distances : North 89°45'10" East, a distance of 9.94 feet; thence South 00°29'39" East, a distance of 11.00 feet; thence departing said right of way line along a Westerly projection thereof South 89°44'59" West, a distance of 9.99 feet to a point on the West line of said lands; thence North 00°14'38" West, a distance of 11.00 feet along said West line to the POINT OF BEGINNING.

Containing 110 square feet, more or less.

SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the South right of way line of University Boulevard as described in Official Records Book 3831, Page 4479, Public Records of Orange County, Florida being North 89°45'10" East, assumed.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
3. I have reviewed First American Title Insurance Company (FATIC) Title Commitment number NCS-914399-C-ALT all recorded survey related encumbrances have been shown or noted on the survey.

NOT VALID WITHOUT SHEETS 1-2

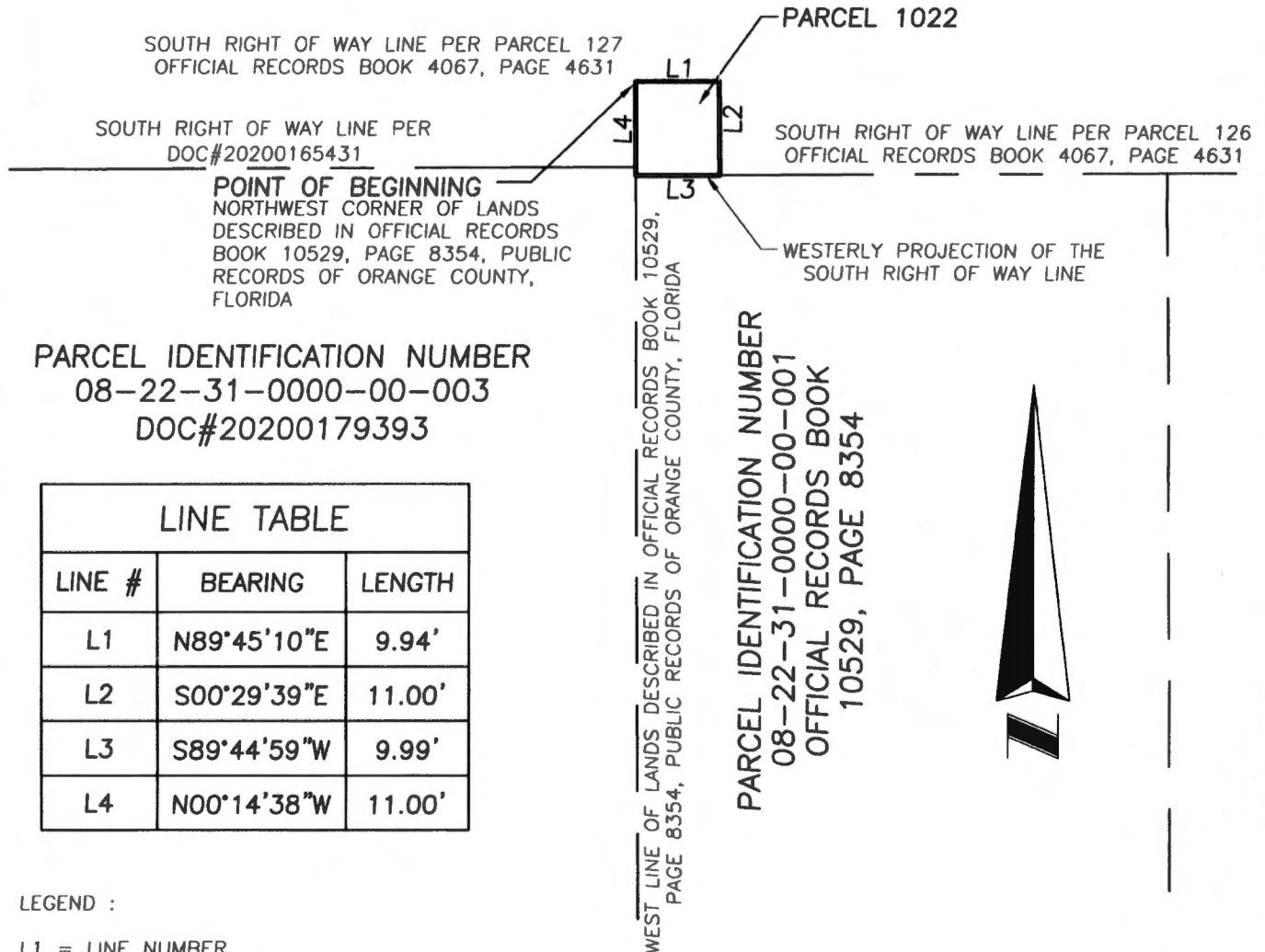
DESCRIPTION	Date: 01/19/2021 KR		Certification Number LB2108 62756017
FOR PEGASUS ENGINEERING, LLC.	Job Number: 62756	Scale: 1" = 20'	 <p>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 8500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-8580 e-mail: info@southeasternsurveying.com</p> <p>RYAN E. JOHNSON, PSM Registered Land Surveyor Number 7130</p>
	<p>Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.</p>		
	<p>SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH</p>		

SKETCH OF DESCRIPTION
PARCEL 1022

PURPOSE : RIGHT OF WAY

UNIVERSITY BOULEVARD
RIGHT OF WAY VARIES

PER VARIOUS RIGHT OF WAY TAKES RECORDED
IN PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



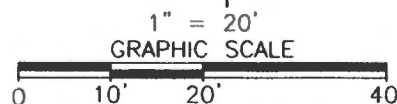
LINE TABLE

LINE #	BEARING	LENGTH
L1	N89°45'10"E	9.94'
L2	S00°29'39"E	11.00'
L3	S89°44'59"W	9.99'
L4	N00°14'38"W	11.00'

LEGEND :

L1 = LINE NUMBER

Drawing No. 62756017
Job No. 62756
Date: 01/19/2021
SHEET 2 OF 2
See Sheet 1 for Description



THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEETS 1 THROUGH 2



SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580

Certification Number LB2108

e-mail: info@southeasternsurveying.com

REQUEST FOR FUNDS FOR LAND ACQUISITION

☒ Under BCC Approval

☐ Under Ordinance Approval

Date: August 22, 2023

Total Amount: \$88.00

Project: University Boulevard and Dean Road Intersection Improvements Parcel: 1022

Charge to Account # 1308-072-2722-8110 CA 9/6/23

Controlling Agency Approval Signature Raymond Williams Date 9/6/23

Printed Name:

Fiscal Approval Signature Belkys Jorge Date 9/6/23

Printed Name

TYPE TRANSACTION (Check appropriate block(s))
☐ Pre-Condemnation ☒ Post-Condemnation ☐ N/A District # 5

☐ Acquisition at Approved Appraisal
☐ Acquisition at Below Approved Appraisal
☐ Acquisition at Above Approved Appraisal
☐ Advance Payment Requested
☒ Donation

Orange County Comptroller
 Recording Fees: \$88.00

Total \$88.00

DOCUMENTATION ATTACHED (Check appropriate block(s))

☐ Contract/ Agreement
☒ Copy of Executed Instruments
☐ Certificate of Value
☐ Settlement Analysis

Payable to: Orange County Comptroller \$88.00

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

Recommended by Richard Hainkel
 Richard Hainkel, Sr. Title Examiner, Real Estate Management Div.

8/23/2023
 Date

Payment Approved Luciana Mino
 Luciana Mino, Assistant Manager, Real Estate Management Div.

8/24/2023
 Date

or
 Payment Approved Mindy T. Cummings
 Mindy T. Cummings, Manager, Real Estate Management Div.

Date

Certified Mindy M. Finner
 Approved by BCC/for Deputy Clerk to the Board

OCT 24 2023
 Date

Examined/Approved Comptroller/Government Grants

Check No. / Date

REMARKS: This request is for the payment of recording fees required to record the subordination instrument. Please Contact Richard Hainkel (407) 836-7352 if there are any questions.

APPROVED
 BY ORANGE COUNTY BOARD
 OF COUNTY COMMISSIONERS
OCT 24 2023