



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: May 14, 2019

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

THROUGH: Paul Sladek, Manager *PSC for PBS*
Real Estate Management Division

FROM: Elena Hutchinson, Senior Title Examiner *ES for Eh*
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 between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation and Orange County and authorization to record instrument

PROJECT: VOA-Nerbonne PD Wildwood Avenue and Westwood Boulevard

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of road improvements as a requirement of a roadway agreement.

ITEM: Subordination of Utility Interests

APPROVALS: Real Estate Management Division
Public Works Department
Risk Management Division
Transportation Planning Division

REMARKS: This conveyance is a requirement of the Transportation Impact Fee Agreement VOA-Nerbonne PD Wildwood Avenue and Westwood Boulevard approved by the Board on October 16, 2018.

The Subordination of Utility Interests will subordinate Duke Energy's interest in their existing easement encumbering both parcels of the VOA-Nerbonne PD Wildwood Avenue and Westwood Boulevard 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 alternation, 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.

Developer to pay recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 04 2019

Project: VOA-Nerbonne PD Wildwood Avenue and Westwood Boulevard

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, 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 EXHIBIT "A"

Encumbrance:

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,
Order of Taking
Recorded in Official Records Book 4348, Page 0080
Public Records of Orange County, Florida

Project: VOA-Nerbonne PD Wildwood Avenue and Westwood Boulevard

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.

Project: VOA-Nerbonne PD Wildwood Avenue and Westwood Boulevard

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: _____
APPROVED
By Chris King at 1:13 pm, Apr 22, 2019

[Signature]
SIGNATURE LINE
PRINT/TYPE NAME: SAM EVANS

[Signature]
SIGNATURE LINE
PRINT/TYPE NAME: Lori L. Herring

(Two witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 25th day of APRIL, 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.

[Signature]
PRINT/TYPE NAME: SAM L EVANS, JR.



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

My Commission Expires: 10/28/22

Serial No., if any: _____

Project: VOA-Nerbonne PD Wildwood Avenue and Westwood Boulevard

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



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings,
Orange County Mayor

Date: 4 June 2019

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

By: *Craig A. Stopysia*
for Deputy Clerk
Craig A. Stopysia
Printed Name

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

Exhibit "A"

SKETCH OF DESCRIPTION

PROPOSED RIGHT OF WAY
 A PORTION OF VACATED RIGHT OF WAY
 & A PORTION OF LOTS 57 AND 58
 WILLIS J. MUNGER'S SUBDIVISION

A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST
 ORANGE COUNTY, FLORIDA

AREA ABOVE RESERVED FOR RECORDING INFORMATION

DESCRIPTION

A PORTION OF WESTWOOD BOULEVARD EXTENSION RIGHT OF WAY PER OFFICIAL RECORDS BOOK 9733, PAGE 7914, AND A PORTION OF LOTS 57 AND 58, PER THE PLAT OF WILLIS J. MUNGER'S SUBDIVISION, AS RECORDED IN PLAT BOOK "E", PAGE 22, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, PER THE PLAT OF LAKE EVE PHASE 1, PLAT BOOK 29, PAGES 21 THROUGH 22, ORANGE COUNTY, FLORIDA; THENCE SOUTH 00°03'03" WEST, A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 9733, PAGE 7914; THENCE ALONG SAID SOUTH LINE, NORTH 89°51'59" WEST, A DISTANCE OF 483.33 FEET TO A POINT OF INTERSECTION WITH THE EXISTING EAST RIGHT OF WAY LINE OF DARYL CARTER PARKWAY (FORMERLY KNOWN AS WILDWOOD AVENUE); THENCE ALONG SAID EAST RIGHT OF WAY NORTH 00°05'15" EAST, A DISTANCE OF 376.72 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT PARTICULAR PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 6197, PAGE 1499; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, SOUTH 89°51'59" EAST ALONG SAID PROPERTY LINE, A DISTANCE OF 35.00 FEET; THENCE DEPARTING SAID SOUTHERLY PROPERTY LINE, SOUTH 00°05'15" WEST, A DISTANCE OF 301.70 FEET; THENCE SOUTH 44°51'59" EAST, A DISTANCE OF 35.38 FEET; THENCE SOUTH 89°51'59" EAST, A DISTANCE OF 423.30 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2; THENCE SOUTH 00°03'03" WEST ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 35.00 FEET TO THE POINT OF **BEGINNING**.

CONTAINING 35,914 SQUARE FEET OR 0.824 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
2. NO IMPROVEMENTS HAVE BEEN LOCATED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS DOCUMENT CONSISTS OF 2 PAGES NOT FULL OR COMPLETE WITHOUT BOTH.
5. BEARINGS SHOWN HEREON ARE BASED ON NORTH RIGHT OF WAY LINE OF WILDWOOD AVENUE, WHICH BEARS N89°51'59"W, ASSUMED.

THIS SKETCH IS NOT A SURVEY.

SKETCH OF DESCRIPTION
 PROPOSED RIGHT OF WAY
 & A PORTION OF VACATED RIGHT OF WAY
 A PORTION OF LOTS 57 AND 58, WILLIS J. MUNGER'S SUBDIVISION
 A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST
 ORANGE COUNTY, FLORIDA



I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

JOB NO.:	DATE	REVISIONS	TECH
180527	07/29/18	CLIENT COMMENTS	GHF
SCALE: 1" = 100'	10/02/18	CLIENT COMMENTS	GHF
FIELD DATE: 06/06/18			
FIELD BY: TK			
DRAWN BY: GHF			
APPROVED BY: JDF			
DRAWING FILE #			
180527 - ORLANDO			
STORAGE ROW			
0000-RECOVERED			

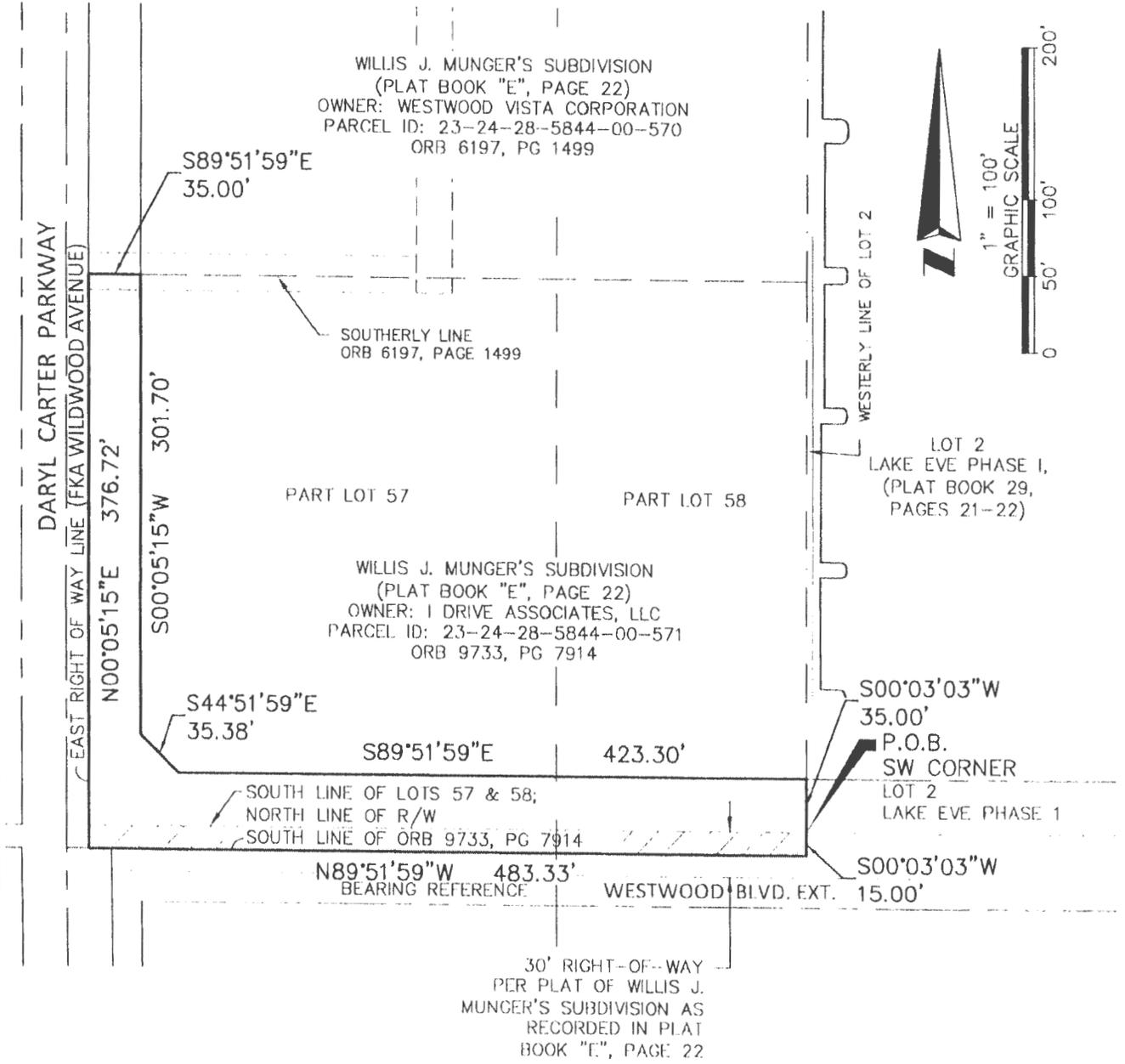
AMERICAN SURVEYING & MAPPING INC.
 CERTIFICATION OF AUTHORIZATION NUMBER LB#63503
 5191 MAGUIRE BOULEVARD, SUITE 200
 ORLANDO, FLORIDA 32803
 (407) 426-7979
 WWW.AMERICANSURVEYINGANDMAPPING.COM

James D. Flick
 JAMES D. FLICK, PSM #6088
 DATE: 10/02/18

SKETCH OF DESCRIPTION

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 A PORTION OF VACATED RIGHT OF WAY
 & A PORTION OF LOTS 57 AND 58
 WILLIS J. MUNGER'S SUBDIVISION
 A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST
 ORANGE COUNTY, FLORIDA

AREA ABOVE RESERVED FOR RECORDING INFORMATION



THIS SKETCH IS NOT A SURVEY.

LEGEND AND ABBREVIATIONS

P.O.B. POINT OF BEGINNING
 ORB OFFICIAL RECORDS BOOK
 PG PAGE
 SW SOUTHWEST
 R/W RIGHT OF WAY
 LB LICENSED BUSINESS
 PLS PROFESSIONAL SURVEYOR NO MAPPER
 FKA FORMERLY KNOWN AS
 EXT. EXTENSION



**AMERICAN
 SURVEYING
 & MAPPING INC.**

CERTIFICATION OF AUTHORIZATION NUMBER LB#0393
 3191 MAGUIRE BOULEVARD, SUITE 200
 ORLANDO, FLORIDA 32803
 (407) 426-7079
 WWW.AMERICANSURVEYINGANDMAPPING.COM

SKETCH OF DESCRIPTION

PROPOSED RIGHT OF WAY
 A PORTION OF LOT 57
 WILLIS J. MUNGER'S SUBDIVISION
 A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST
 ORANGE COUNTY, FLORIDA

AREA ABOVE RESERVED FOR RECORDING INFORMATION

DESCRIPTION

A PORTION OF LOT 57, PER THE PLAT OF WILLIS J. MUNGER'S SUBDIVISION, AS RECORDED IN PLAT BOOK "E", PAGE 22, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2, PER THE PLAT OF LAKE EVE PHASE 1, PLAT BOOK 29, PAGES 21 THROUGH 22, ORANGE COUNTY, FLORIDA; THENCE SOUTH 00°03'03" WEST, A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 9733, PAGE 7914 OF PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE, NORTH 89°51'59" WEST, A DISTANCE OF 483.33 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF DARYL CARTER PARKWAY (FORMERLY KNOWN AS WILDWOOD AVENUE); THENCE ALONG SAID EAST RIGHT OF WAY, NORTH 00°05'15" EAST, A DISTANCE OF 376.72 FEET TO A POINT ON THE NORTHERLY LINE OF THAT PARTICULAR PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 9733, PAGE 7914, FOR A **POINT OF BEGINNING**; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°05'15" EAST, A DISTANCE OF 258.31 FEET TO A POINT ON THE SOUTHEAST RIGHT OF WAY LINE OF INTERNATIONAL DRIVE; THENCE ALONG SAID SOUTHEAST RIGHT OF WAY LINE, NORTH 72°09'56" EAST, A DISTANCE OF 93.93 FEET; THENCE DEPARTING SAID SOUTHEAST RIGHT OF WAY LINE, SOUTH 45°05'15" WEST, A DISTANCE OF 76.89 FEET; THENCE SOUTH 00°05'15" WEST, A DISTANCE OF 232.87 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY PROPERTY LINE OF OFFICIAL RECORDS BOOK 9733, PAGE 7914; THENCE NORTH 89°51'59" WEST ALONG SAID PROPERTY LINE, A DISTANCE OF 35.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 10,239 SQUARE FEET OR 0.235 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO IMPROVEMENTS HAVE BEEN LOCATED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
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 ORANGE COUNTY, FLORIDA

ASAM
 AMERICAN
 SURVEYING
 & MAPPING INC.

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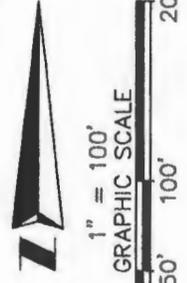
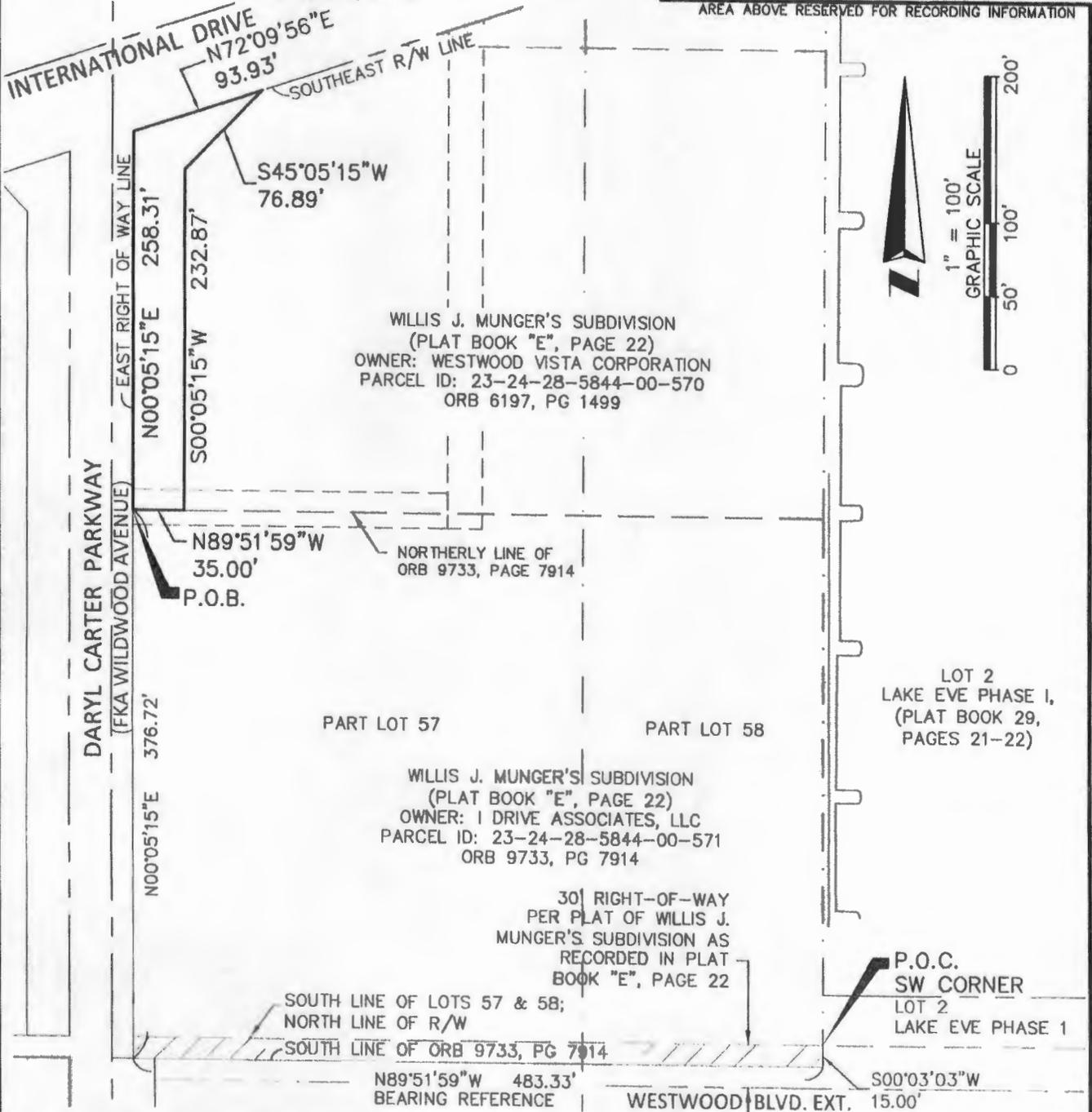
CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
 3101 MAGUIRE BOULEVARD, SUITE 200
 ORLANDO, FLORIDA 32803
 (407) 426-7979
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James D. Flick
 JAMES D. FLICK, PSM #6088
 DATE: 10/02/18

SKETCH OF DESCRIPTION

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 WILLIS J. MUNGER'S SUBDIVISION
 A PORTION OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 28 EAST
 ORANGE COUNTY, FLORIDA

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THIS SKETCH IS NOT A SURVEY.

LEGEND AND ABBREVIATIONS

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- ORB OFFICIAL RECORDS BOOK
- PG PAGE
- SW SOUTHWEST
- R/W RIGHT OF WAY
- LB LICENSED BUSINESS
- PLS PROFESSIONAL SURVEYOR AND MAPPER
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