



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

DATE: December 14, 2020

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

THROUGH: William J. Blackham, Assistant Manager *JB for*
Real Estate Management Division *WJB*

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

CONTACT PERSON: William J. Blackham, Assistant Manager

DIVISION: Real Estate Management
Phone: (407) 836-7352

ACTION REQUESTED: Approval and execution of Distribution Easement from Orange County and St. Johns River Water Management District to Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument

PROJECT: Charles H. Bronson State Forest

District 5

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: 772.6 square feet

APPROVALS: Real Estate Management Division
County Attorney's Office
Environmental Protection Division

REMARKS: This easement provides Duke Energy Florida, LLC, d/b/a Duke Energy (Grantee) with easement rights over existing electrical facilities within the Charles H. Bronson State Forest lands.

The County and St. Johns River Water Management District each owns a 50/50 interest in the parcels.

Grantee to pay all recording fees.

JAN 1 2 2021

SEC: 12	TWP: 22S	RGE: 23E	COUNTY: ORANGE	PROJECT: 36160654
GRANTORS: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS and ST. JOHNS RIVER WATER MANAGEMENT DISTRICT				
SITE ADDRESS: Phillips Road, Christmas, Florida				
TAX PARCEL NUMBER: A portion of Parcel # 12-22-32-0000-00-0016 as depicted on Exhibit "A"				

DISTRIBUTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, their heirs, successors and assigns (**GRANTORS** herein), in consideration of the mutual benefits, covenants and conditions herein contained, do 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, , and operate communication facilities only for the use and convenience of the **GRANTEE** for the **GRANTEE'S** internal communications, over, under, upon and across the following described lands in Orange County, Florida, and referred to hereinafter as the Easement Area to wit 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 OJM of Maser Consulting dated 8/13/20, Job No.: 20004041A, consisting of two (2) pages, attached hereto and incorporated herein by this reference.

The Easement granted herein is solely for the purposes described and is subject to all applicable permitting requirements as may be required by federal, state, or local codes, statutes, ordinances, or regulations. No additions, modifications, or improvements beyond those listed herein shall be constructed, erected, placed or maintained on or around the Easement Area without **GRANTORS'** 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 **GRANTORS** 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.

GRANTORS covenant and agree 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 **GRANTORS** 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.

GRANTEE shall defend, indemnify and hold harmless **GRANTORS**, their officers, 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 **GRANTORS'** sovereign immunity.

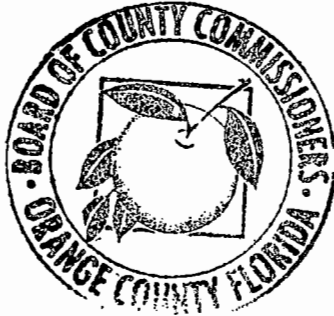
GRANTORS retain all rights in and to said Easement Area not in conflict with **GRANTEE'S** rights hereunder granted.

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.

[SIGNATURES APPEAR OF FOLLOWING PAGES]

IN WITNESS WHEREOF, the said **GRANTORS** have caused these presents to be executed in their names by their authorized signatories, the day and year written below.

(Official Seal)



Orange County, Florida

By: Board of County Commissioners

BY: *Jerry L. Demings*
Jerry L. Demings
Orange County Mayor

DATE: 13 January 2024

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


BY: *Lakela Louis*
for Deputy Clerk

Lakela Louis
Printed Name

**ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT**, a public body
existing under Chapter 373, F.S.

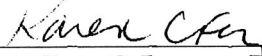
BY: 
Douglas Burnett, Governing Board Chairman

ATTEST:

BY: 
Susan Dolan, Governing Board Secretary

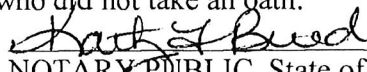
(SEAL)

For use and reliance only by
St. Johns River Water Management District,
Legal Form and Content Approved:

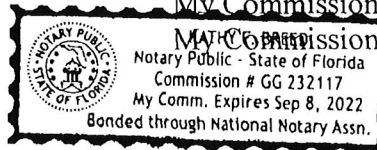
By: 
Karen C. Ferguson Esq.
Office of General Counsel

STATE OF FLORIDA
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me **by means of ☒ physical
presence or ☐ online notarization**, this 9th day of February, 2021, by Douglas Burnett, as
Chairman of the Governing Board of the St. Johns River Water Management District, on behalf
of the District, who is personally known to me and who did not take an oath.

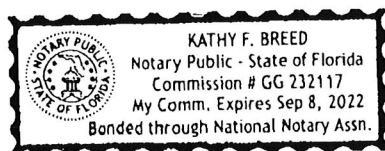

NOTARY PUBLIC, State of Florida
My Commission Expires: _____


My Commission No.: _____



STATE OF FLORIDA
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me **by means of ☒ physical
presence or ☐ online notarization**, this 9th day of February, 2021, by Susan Dolan,
Secretary of the St. Johns River Water Management District, on behalf of the District, who is
personally known to me and who did not take an oath.




NOTARY PUBLIC, State of Florida
My Commission Expires: _____
My Commission No.: _____

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

GRANTEE

Duke Energy Florida, LLC, a Florida limited liability company d/b/a Duke Energy

Karen Adams

Print Name: Karen Adams

Its: Manager, Land Services II

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1 day of December, 2020 by Karen Adams, as the Manager, on behalf of Duke Energy Florida, LLC, who is personally known to me.



SANDRA K PHELPS
Commission # GG 236789
Expires August 11, 2022
Bonded Thru Budget Notary Services

Sandra K Phelps

NOTARY PUBLIC, State of Florida

My Commission Expires: 08-11-2022

My Commission No.: GG236789

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 #12-22-32-0000-00-0016

A portion of 12-22-32-0000-00-0016 recorded in Official Records Book 9198, Page 3727, public records of Orange County, Florida, lying in Section 8, Township 22 South, Range 33 East, being more particularly described as follows:

Commencing at the SE corner of the SW 1/4 of the SW 1/4 of Section 8, Township 22 South, Range 33 East, said point marked by a 4"x4" concrete monument PRM1585; thence N 00°07'55" W along the East line of the W 1/2 of the SW 1/4 of Section 8, Township 22 South, Range 33 East a distance of 507.23 feet to the Point of Beginning; thence departing said East line run N 90°00'00" W a distance of 5.55 feet; thence N00°00'00" E a distance of 5.09 feet; thence N 01°02'48" E a distance of 269.08 feet to a point on the aforementioned East line; thence S 00°07'55" E a distance of 274.12 feet to the Point of Beginning.

Contains 0.018 acres (772.6 Square Feet)

Surveyor's Notes:

1. North and the bearings shown hereon are referenced to the East line of the W 1/2 of the SW 1/4 of Section 8, Township 22 S, Range 33 E, as being N 00°07'55" W.
2. All measurements shown hereon are in U.S. Survey Feet.
3. An abstract of title was not performed by or furnished to Maser Consulting, Inc. Any easements or encumbrances that may appear as a result of said abstract are not warranted by this sketch.
4. Legal description was prepared by Maser Consulting, Inc. 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.

Brian K Hefner
 Digitally signed
 by Brian K Hefner
 Date: 2020.08.19
 13:10:39 -04'00'

08/13/20

BRIAN K. HEFNER, P.S.M.
 MASER CONSULTING, INC.

FLORIDA REGISTRATION No. 5370
 FLORIDA REGISTRATION No. LB 7388

DATE

SHEET 1: LEGAL DESCRIPTION
 SHEET 2: SKETCH OF DESCRIPTION

APPROVED

1101 North Lake Destiny Road, Suite 415
 Maitland, Florida 32751
 (877)-627-3772

CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

DESCRIPTION SKETCH

ST. JOHNS RIVER WATER
 MANAGEMENT DISTRICT 50% INTEREST
 ORANGE COUNTY, FLORIDA 50% INTEREST



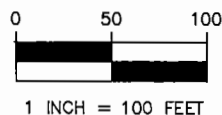
**DUKE
 ENERGY**

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

REVISIONS	1	08/19/20	OM	PROJECT				550 S. TRYON STREET CHARLOTTE, N.C. 28202 TELEPHONE NO. (704)382-2361		
	2		BY							
VENDOR PROJECT No.		20004041A		DRAWN	CHECK	SCALE: 1" = 100'	SITE: N/A	LU: N/A	WO: 36160654	
VENDOR DRAWING No.		N/A		OJM	BKH	DATE: 08/13/20	3047 PHILLIPS.DWG		SHEET 1 OF 2	

**APPROVED**

SECTION 8
TOWNSHIP 22 SOUTH
RANGE 33 EAST
ORANGE COUNTY

**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

①

12-22-32-0000-00-016
ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT 50% INTEREST
AND
ORANGE COUNTY, FLORIDA 50% INTEREST
O.R.B. 9198 PG. 3727

N01°02'48"E
269.08'

08-22-33-0000-00-012
HAZEL TANNER

S00°07'55"E
274.12'

DUKE ENERGY EASEMENT CONTAINS
0.018 ACRES (772.6 SQ. FT.)

WOOD UTILITY POLE
B193502
AND ELEC BOX

POINT OF BEGINNING

N00°00'00"E
5.09'

N90°00'00"W
5.55'

PHILLIPS RD (FIELD) PRIVATE 60' R/W
DESCRIBED AS PARCEL 10 IN
O.R.B. 9198 PG. 3727

N 00°07'55" W 507.23'
EAST LINE, WEST 1/2 OF THE SW 1/4
OF SEC 8 TOWNSHIP 22 S RANGE 33 E

08-22-33-0000-00-002
ANNIE JEAN TANNER
DOC ID #20180749269

FOUND 5/8" CAPPED
IRON ROD
PCR LB 3556

FOUND 5/8" CAPPED
IRON ROD
PCR LB 3556

POINT OF COMMENCEMENT

FOUND 4x4 MON. PRM1585
SE COR OF SW 1/4 OF THE SW 1/4 OF SEC 8
TOWNSHIP 22 S RANGE 33 E

FOUND 6x6 MON.
NO ID

NORTH LINE OF NW 1/4 OF THE NW 1/4
OF SEC 17 TOWNSHIP 22 S RANGE 33 E

SHEET 1: LEGAL DESCRIPTION
SHEET 2: SKETCH OF DESCRIPTION



1101 North Lake Destiny Road, Suite 415
Maitland, Florida 32751
(877)-627-3772

CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

DESCRIPTION SKETCH

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT 50% INTEREST
ORANGE COUNTY, FLORIDA 50% INTEREST



**DUKE
ENERGY**

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

REVISIONS	1	08/19/20	OM
	2		BY

PROJECT

VENDOR PROJECT No.	20004041A
VENDOR DRAWING No.	N/A

DRAWN	CHECK	SCALE: 1" = 100'
OJM	BKH	DATE: 08/13/20

SITE: N/A	LU: N/A	WO: 36160654
3047 PHILLIPS.DWG	SHEET 2 OF 2	