



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

DATE: October 16, 2019

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

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

FROM: Elizabeth Price Jackson, Senior Title Examiner *EPJ*
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: Orange County Orlando Magic West Orange Recreation Center and Mildred Dixon Boys & Girls Club Expansion (Invest)

District 1

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: 6,330 square feet

APPROVALS: Real Estate Management Division
Capital Projects Division
Parks and Recreation Division

REMARKS:

In 1998, Florida Power Corporation, the predecessor in interest to Duke Energy Florida, LLC d/b/a Duke Energy (Duke), obtained a blanket Distribution Easement over the County property now known as the Orange County Orlando Magic West Orange Recreation Center and Mildred Dixon Boys & Girls Club (West Orange Center). Duke was asked by County to terminate the existing blanket easement in return for a Distribution Easement with a specific description of Duke's facilities at the West Orange Center. Duke filed a Release of Easement on October 16, 2019. This Distribution Easement describes the location of the facilities already in place and provides Duke the right to install and maintain electrical distribution lines and related facilities for site improvements to the West Orange Center.

Duke to pay all recording fees.

Project: Orange County Orlando Magic West Orange Recreation Center and Mildred Dixon Boys & Girls Club Expansion (Invest)

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
NOV 12 2019



SEC: 13	TWP: 22	RGE: 27	COUNTY: ORANGE	PROJECT: Mildred BCC
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 303 S. West Crown Point Road, Winter Garden, Florida 34787				
TAX PARCEL NUMBER: 12-22-27-6496-06004				

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 Schedule "A", Sketch of Description, as prepared by Robert M. Jones of Wood Environment & Infrastructure Solutions, Inc., dated 7/24/19, Job No.: 6374.19.1183, 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: Orange County Orlando Magic West Orange Recreation Center and Mildred Dixon Boys & Girls Club Expansion (Invest)

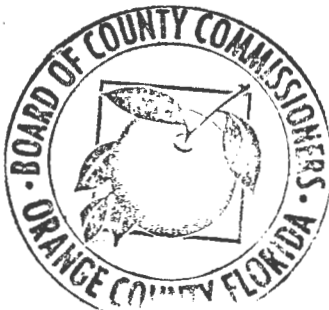
GRANTEE shall defend, indemnify and hold harmless GRANTOR, its officials, agents and employees from and against any and all claims, suits, judgments, demands, liabilities, damages, cost and expenses (including reasonable attorney's fees prior to and upon appeal) of any kind or nature whatsoever related 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.

(Official Seal)



Orange County, Florida
By: Board of County Commissioners

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

DATE: 12 Nov 19

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

BY: *Jennifer Klimetz*
for Deputy Clerk

Jennifer Klimetz
Printed Name

This instrument prepared by: E. Price Jackson, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 801
ESTATE: PERMANENT EASEMENT
PURPOSE: UTILITY EASEMENT
LEGAL DESCRIPTION

A portion of land being a part of the lands described in Official Records Book 5368 , Page 2134, of the Public Records of Orange County, Florida,
 Being more particularly described as follows:

Commencing at the Southeast corner of the Southwest quarter of Section 13, Township 22 South, Range 27 East; thence N00°10'49"W, along the East line of said Southwest quarter, a distance of 515.09 feet; thence departing said East line, run N89°51'43"E, a distance of 29.97 feet to the West line of those lands described in said Official Records Book 5368, Page 2134; thence N00°10'49"W, along said West line, a distance of 541.47 feet to the **POINT OF BEGINNING**; thence continuing along said West line, run N00°10'49"W, a distance of 7.89 feet to the North line of said Lands; thence N89°46'39"E, along said North line, a distance of 6.45 feet; thence departing said North line, run S62°13'04"E, a distance of 85.63 feet; thence S70°59'50"E, a distance of 32.21 feet; thence S78°39'14"E, a distance of 98.67 feet to a point on a non-tangent curve with a radius of 19.48 feet, where the radial line bears S11°39'09"W concave to the southwest; thence easterly along said curve to the right through a central angle of 74°29'43", a distance of 25.33 feet where the radial line bears S86°08'52"W to the point of intersection with a non-tangent line; thence S04°58'50"E, a distance of 27.51 feet; thence N88°27'00"E, a distance of 3.83 feet; thence S00°39'00"E, a distance of 0.37 feet; thence S35°17'15"E, a distance of 101.87 feet to a point on a non-tangent curve with a radius of 39.86 feet, where the radial line bears S58°32'24"W concave to the west; thence southeasterly along said curve to the right through a central angle of 39°21'00", a distance of 27.37 feet where the radial line bears N82°06'36"W to the point of intersection with a non-tangent line; thence S02°50'49"W, a distance of 159.62 feet; thence N89°44'02"E, a distance of 3.14 feet; thence S01°20'45"E, a distance of 14.45 feet; thence S88°23'56"W, a distance of 41.24 feet; thence N72°05'36"W, a distance of 15.80 feet; thence N17°54'24"E, a distance of 10.00 feet; thence S72°05'36"E, a distance of 14.08 feet; thence N88°23'56"E, a distance of 23.53 feet; thence N01°36'04"W, a distance of 4.82 feet; thence N89°44'02"E, a distance of 2.91 feet; thence N02°50'49"E, a distance of 160.16 feet to a point on a non-tangent curve with a radius of 29.86 feet, where the radial line bears N80°27'20"W concave to the west; thence northerly along said curve to the left through a central angle of 39°48'40", a distance of 20.75 feet where the radial line bears S59°44'00"W to the point of intersection with a non-tangent line; thence N35°17'15"W, a distance of 91.12 feet; thence S88°43'22"W, a distance of 13.86 feet; thence N01°36'19"W, a distance of 14.80 feet; thence N88°27'00"E, a distance of 2.37 feet; thence N04°57'59"W, a distance of 26.68 feet to a point on a non-tangent curve with a radius of 9.49 feet, where the radial line bears S88°37'09"W concave to the southwest; thence northerly along said curve to the left through a central angle of 76°44'16", a distance of 12.71 feet where the radial line bears S11°52'53"W to the point of intersection with a non-tangent line; thence N78°39'14"W, a distance of 99.34 feet; thence N70°59'50"W, a distance of 33.65 feet; thence N62°13'04"W, a distance of 88.40 feet to the **POINT OF BEGINNING**.

Containing 6330 square feet or 0.145 acres, more or less.

Surveyor's Notes:

1. This Sketch of Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
2. Lands shown hereon were not abstracted by this firm for matters of record, such as easements, right of way, ownership or other instruments of record. Non-surveyed lines, references to ownership, parcel identification numbers, and instruments of record shown hereon are based upon information provided by the Orange County Property Appraiser's Office.
3. Bearings shown hereon are relative to the Florida State Plane Coordinate System, East zone (0901), NAD83/2011, based on the east line of the Southwest 1/4 of Section 13, Township 22 South, Range 27 East being N 00°10'49" W.
4. This Sketch of Description was prepared exclusively for Orange County, in accordance with 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 State Statutes.

ROBERT M. JONES
 CERTIFICATE
 4201
 STATE OF
 FLORIDA
 ROBERT M. JONES
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE No. LS 4201

THIS IS NOT A SURVEY

PROJECT TITLE: **Legal Description**
Duke Energy West Orange Recreation Center Utility Easement
Section 13, Township 22 South, Range 27 East

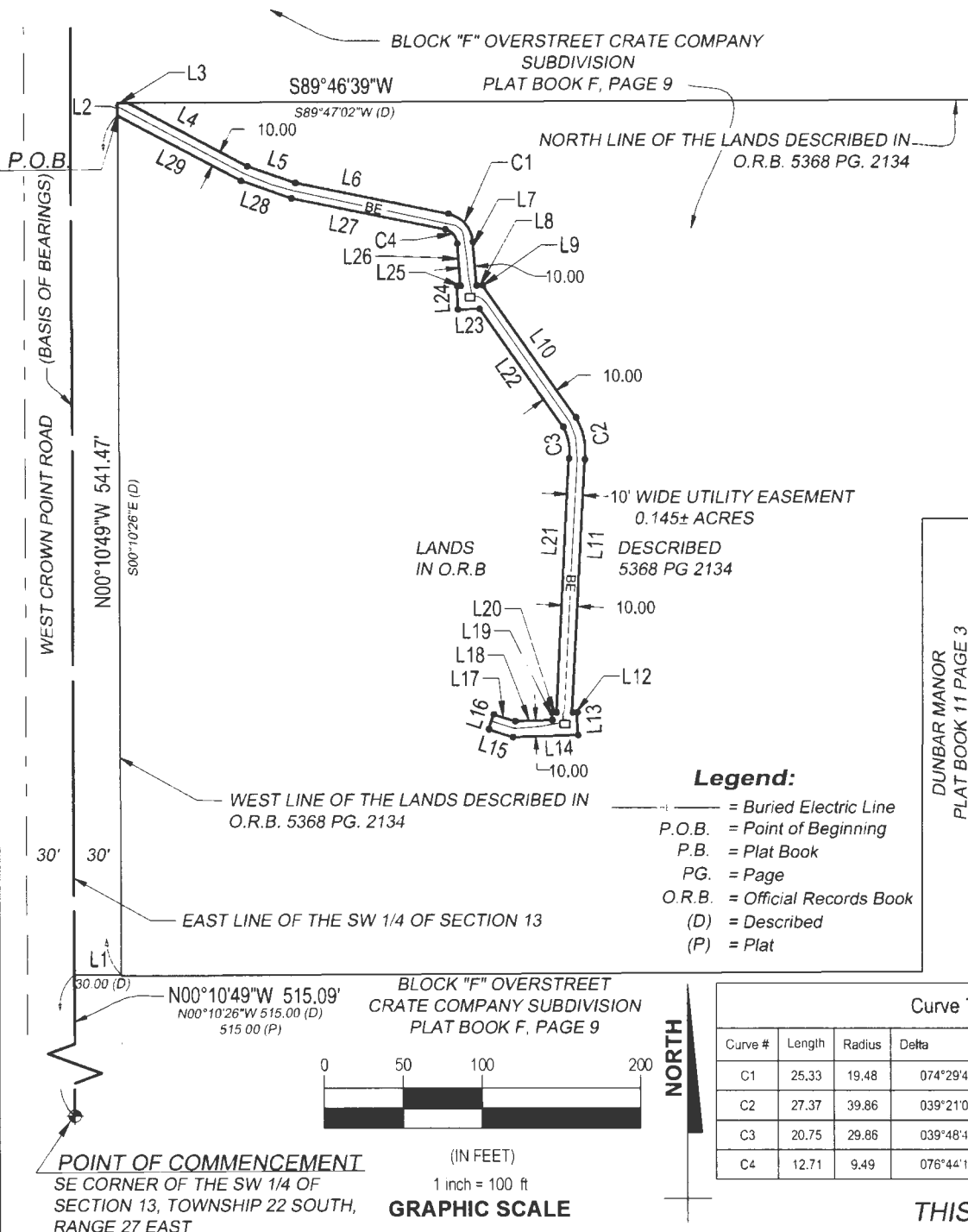
DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: <u>BJG</u>	CHKD. BY: <u>RMJ</u>	
DATE: <u>07/24/2019</u>	DATE: <u>07/24/2019</u>	
JOB No. 6374.19.1183	SCALE: N/A	SHT. <u>1</u> OF <u>2</u>
DRAWING NAME: 6374191183.dwg		



Wood Environment & Infrastructure Solutions, Inc.

550 Northlake Boulevard, Suite 1000
 Altamonte Springs, FL 32701 USA
 Phone: (407) 522-7570
 www.woodpic.com
 Certificate of Authorization Number LB-0007932

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 801
ESTATE: PERMANENT EASEMENT
PURPOSE: UTILITY EASEMENT



Line Table		
Line #	Direction	Length
L1	N89°51'43"E	29.97'
L2	N00°10'49"W	7.89'
L3	N89°46'39"E	6.45'
L4	S62°13'04"E	85.63'
L5	S70°59'50"E	32.21'
L6	S78°39'14"E	98.67'
L7	S04°58'50"E	27.51'
L8	N88°27'00"E	3.83'
L9	S00°39'00"E	0.37'
L10	S35°17'15"E	101.87'
L11	S02°50'49"W	159.62'
L12	N89°14'02"E	3.14'
L13	S01°20'45"E	14.45'
L14	S88°23'56"W	41.24'
L15	N72°05'36"W	15.80'
L16	N17°54'24"E	10.00'
L17	S72°05'36"E	14.08'
L18	N88°23'56"E	23.53'
L19	N01°36'04"W	4.82'
L20	N89°44'02"E	2.91'
L21	N02°50'49"E	160.16'
L22	N35°17'15"W	91.12'
L23	S88°43'22"W	13.86'
L24	N01°36'19"W	14.80'
L25	N88°27'00"E	2.37'
L26	N04°57'59"W	26.68'
L27	N78°39'14"W	99.34'
L28	N70°59'50"W	33.65'
L29	N62°13'04"W	88.40'

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	25.33	19.48	074°29'43"	S41°05'59"E	23.58
C2	27.37	39.86	039°21'00"	S11°47'06"E	26.84
C3	20.75	29.86	039°48'40"	N10°21'40"W	20.33
C4	12.71	9.49	076°44'16"	N39°44'59"W	11.78

THIS IS NOT A SURVEY

PROJECT TITLE: *Sketch of Description*
 Duke Energy West Orange Recreation Center Utility Easement
 Section 13, Township 22 South, Range 27 East

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY	BJG	CHKD. BY RMJ
DATE	07 24 2019	DATE 07 24/2019
JOB No.	6374.19.1183	SCALE 1"=100'
		SHT. 2
		O= 2



Wood Environment & Infrastructure Solutions, Inc.

550 Northlake Boulevard, Suite 1000
 Altamonte Springs, FL 32701 USA
 Phone: (407) 522-7570
 www.woodplc.com

Certificate of Authorization Number LB-0007932

DRAWING NAME: 6374191183.dwg