



**Interoffice Memorandum**

Date November 16, 2021

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

FROM: Joseph C. Kunkel, P. E., Director, Public Works Department

CONTACT PERSON: Raymond L.A. Williams, P.E., Manager  
Public Works Engineering Division

PHONE NUMBER: (407) 836-7909

SUBJ: **Utility Relocation Agreement between Orange County and Orlando  
Utilities Commission for Texas Avenue from north of Duskin  
Boulevard to south of Holden Avenue**

Orange County's improvements to Texas Avenue consists of widening and construction of a four-lane urban roadway. The Utility Relocation Agreement between Orange County and Orlando Utilities Commission (OUC) is required as part of the roadway construction to relocate OUC utility facilities that are being impacted by a retention pond construction. Orange County will be responsible for all costs and expenses incurred in relocating OUC utility facilities because the facilities exist within a dedicated OUC utility easement which is impacted as part of the construction process. The estimated total reimbursable cost is not to exceed \$40,000.

The County Attorney's Office, Risk Management Division, and Public Works Engineering Division have reviewed this agreement and find it acceptable.

**Action Requested: Approval and execution of Utility Relocation Agreement by and between Orange County and Orlando Utilities Commission for the relocation of utility facilities for Texas Avenue from north of Duskin Boulevard to south of Holden Avenue. District 6.**

JCK/RLAW/DEC/ilc

Attachments

BCC Mtg. Date: Dec. 14, 2021

Prepared by and return to:

Aleas Koos, Assistant County Attorney  
Orange County Attorney's Office  
P.O. Box 1393  
Orlando, FL 32802-1393

Project: Texas Avenue North (North of Duskin Avenue to South of Holden Avenue)

## **UTILITY RELOCATION AGREEMENT**

This Utility Relocation Agreement ("Agreement"), effective as of the latest date of execution, is made and entered into by and between ORANGE COUNTY, a charter county and political subdivision of the State of Florida ("COUNTY"), and the ORLANDO UTILITIES COMMISSION, of the City of Orlando, Florida (collectively, "OUC") (OUC and COUNTY are collectively referred to herein as the "Parties").

### **WITNESSETH**

WHEREAS, COUNTY is constructing the "Texas Avenue North Road Widening Project" ("Project") on Texas Avenue from the North of Duskin Avenue to South of Holden Avenue, in unincorporated Orange County, Florida; and

WHEREAS, the Project will impact certain OUC utility facilities (the "Facilities") located on real property abutting the Texas Avenue right-of-way pursuant to that certain Overhead and Underground Electric and Water Easement recorded in Official Records Book 3830, Page 1722, Public Records of Orange County, Florida ("Easement"); and

WHEREAS, to accommodate the Project, the County has requested that OUC remove the Facilities from the portion of the Easement more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference (the "Vacated Area") and relocate the Facilities to that certain real property owned by the County and more particularly described in **Exhibit B** attached hereto and incorporated herein by this reference (the "Replacement Area"); and

WHEREAS, to accommodate the COUNTY's request, OUC agrees to remove the Facilities from the Vacated Area and relocate its Facilities to the Replacement Area in order to eliminate the conflict between the Facilities and the Project; and

WHEREAS, the parties desire to memorialize their mutual understanding of the terms and conditions of the relocation of the Facilities as set forth herein.

**NOW THEREFORE**, in consideration of the mutual covenants hereinafter contained, it is agreed by both parties as follows:

1. OUC shall remove the Facilities from the Vacated Area per the terms in this Agreement and relocate, any necessary Facilities to the Replacement Area (collectively, the "Relocation"). Prior to OUC commencing the Relocation, the COUNTY will provide OUC

with a recorded copy of the Replacement Easement and remove any trees from the Replacement Area that would interfere with the installation or operation of the Facilities and stake the Replacement Area (collectively, the "Site Preparation"). OUC will complete the Relocation no later than ninety (90) days after the date that the COUNTY delivers the recorded Replacement Easement and completes the Site Preparation. Such timeframe may be extended by mutual, written agreement of the parties due to circumstances outside of OUC's control.

2. COUNTY agrees that all actual and reasonable costs and expenses incurred by OUC for the Relocation in an amount not to exceed forty thousand dollars (\$40,000) shall be paid by COUNTY after receipt of invoices for such expenses, in accordance with the terms outlined below.

3. Invoices from OUC shall be accompanied by supporting documentation, showing actual construction costs incurred by OUC. OUC may submit one or more invoices to the COUNTY for payment, following incurring the costs identified on the invoices. COUNTY shall submit payment to OUC in accordance with this Agreement and the Local Government Prompt Payment Act, Chapter 218, Part VII, Florida Statutes (2020), as may be amended, but in any event within sixty (60) days of receipt by a COUNTY employee authorized to accept such proof of payment. Notwithstanding this Section 3, final payment for the Relocation shall not be submitted until OUC completes the Relocation and provides the COUNTY with documentation showing that OUC has provided a fully executed partial release of the Easement releasing its Easement over the Vacated Area in the form attached hereto as **Exhibit C** ("Partial Release"). COUNTY shall be responsible for recording the Partial Release of Easement at COUNTY's expense. COUNTY will grant OUC an easement over the Replacement Area in the form attached hereto as **Exhibit D** ("Replacement Easement") and record the Replacement Easement at COUNTY's expense. After OUC receives the recorded Replacement Easement from the COUNTY and the Facilities have been relocated, OUC will release the portion of the Easement within the Vacated Area. Notwithstanding the foregoing, prior to execution and recordation of the Partial Release, COUNTY may enter into and construct improvements within the Vacated Area upon written notification from OUC that the Facilities have been removed from the Vacated Area.

4. Prior to commencing construction of the Project, COUNTY shall allow OUC continuous, unobstructed access to all the Facilities until the Relocation is complete.

5. For the duration of this Agreement, COUNTY and OUC, and their respective agents and/or contractors and subcontractors shall each provide and maintain insurance or self-insurance coverage of such types and in such amounts as may be deemed necessary by each party. Such insurance or self-insurance shall include at a minimum workers' compensation and employers' liability, business automobile liability and commercial general liability coverage. COUNTY and OUC shall be included as additional insured on all liability policies maintained by their respective agents, contractors and subcontractors. Neither party to this Agreement or its officers and employees shall, by this Agreement, be deemed to assume any liability for the acts, omissions and/or negligence of the other party. Each party shall defend, indemnify and hold the other party harmless from all claims, damages, actions, losses, suits, judgments, fines, liabilities, costs and expenses arising out of or resulting from the negligent performance of its respective operations under the Agreement. Notwithstanding the foregoing, such indemnification

shall be subject to the limitations provided in section 768.28, Florida Statutes, as may be amended, and no waiver of sovereign immunity shall be implied thereby. The provisions of this Section 5 will survive the termination of this Agreement.

6. Any notice or other communication permitted or required to be given hereunder by one party to the other shall be in writing and shall be delivered or mailed, by registered or certified United States Mail, postage prepaid, return receipt requested, or by nationally recognized, overnight courier (e.g., Federal Express) the party entitled or required to receive the same, as follows:

To OUC: Orlando Utilities Commission  
P.O. 3193  
Orlando, Florida 32802  
Attention: Manager, Electric Distribution  
Engineering

To COUNTY: Orange County, Florida  
P.O. Box 1393  
Orlando, Florida 32802-1393  
Attention: Orange County Administrator

With a copy to: Orange County Public Works  
4200 South John Young Parkway  
Orlando, Florida 32839  
Attention: Manager, Engineering Division

7. This Agreement is governed by the Laws of the State of Florida and appropriate venue is only in the Ninth Judicial Circuit of Orange County, Florida.

8. This Agreement and its attached exhibits constitute the entire Agreement between the parties and supersede any previous understanding between the parties. Any changes to this Agreement affecting the terms must be made in writing by addendum and approved and executed in substantially the same manner as this document. If any provision in this Agreement is invalidated, all remaining provisions shall continue in full force and effect, unless terminated.

9. OUC hereby acknowledges that time is of the essence to the lawful performance of the duties and obligations contained in this Agreement.

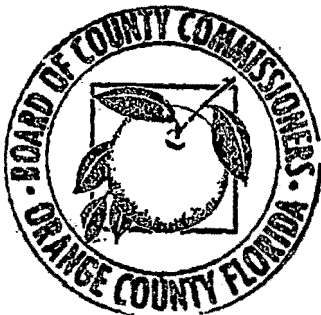
10. Neither party shall be held liable or responsible to the other Party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any term of this Agreement when such failure or delay is caused by or results from any cause beyond the reasonable control of the affected Party, including but not limited to, fire, flood, embargo, war, an act of war (whether war is declared or not), insurrection, riot, civil commotion, strike, lockout or other labor disturbance, act of god or act, omission or delay in acting by any governmental authority or the other Party or an activity or operational or service requirement of a Party as an electric utility; provided, however, that the Party claiming the right to excuse

performance by reason of force majeure shall use reasonable commercial efforts and diligence to avoid or remove such cause of nonperformance, and shall continue performance hereunder with reasonable dispatch whenever such cause is removed. Either Party shall provide the other Party with prompt written notice of any delay or failure to perform that occurs by reason of force majeure.

11. The terms, provisions, covenants and conditions of this Agreement shall be binding upon and inure to the benefit of OUC and COUNTY, and their respective successors and assigns; provided however, that this Agreement shall not be assignable without the prior written consent of the other party hereto.

12. This Agreement shall be recorded by the County.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers, and their official seals hereto affixed, the day and year below names signatures.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

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

Date: December 14, 2021

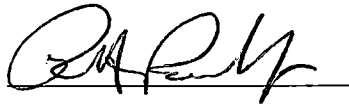
ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Katie Smith*  
Deputy Clerk

Printed Name: Katie Smith

Signed, sealed and delivered

in the presence of:



(sign)

Print Name: Richard H. Park Jr.




(sign)

Print Name: Mary Yamakawa

As to Orlando Utilities Commission

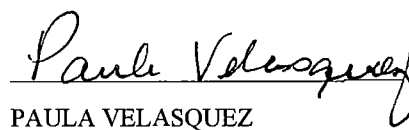
ORLANDO UTILITIES COMMISSION

By: 

CLINT BULLOCK

General Manager & CEO

Attest:

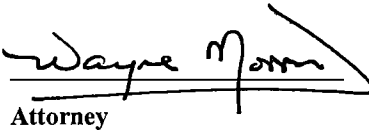


PAULA VELASQUEZ

Assistant Secretary

Approved by OUC as to Form

Other than Legal Description



Attorney

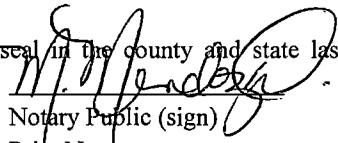
STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me by means of ☒ physical presence or ☐ online notarization, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared CLINT BULLOCK and PAULA VELASQUEZ respectively, General Manager & CEO and Assistant Secretary of the ORLANDO UTILITIES COMMISSION, a statutory commission under the laws of the State of Florida, to me known to be the individuals and officers described in and who executed the foregoing instrument on behalf of said ORLANDO UTILITIES COMMISSION, and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized, and that the official seal of ORLANDO UTILITIES COMMISSION is duly affixed thereto and the instrument is the act and deed of said Commission.

October, 2021. (Notarial Seal) WITNESS my hand and official seal in the county and state last aforesaid this 28th day of



  
Notary Public (sign)

Print Name: \_\_\_\_\_

State of Florida

My Commission Expires:

# **EXHIBIT A**

(Vacated Area)

# LEGAL DESCRIPTION

## EXHIBIT "A"

### ORLANDO UTILITIES COMMISSION EASEMENT VACATION

#### EASEMENT VACATION I

A PORTION OF THE ORLANDO UTILITIES COMMISSION (O.U.C.) 12 FEET WIDE OVERHEAD ELECTRIC EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3830, PAGE 1722, ALSO BEING A PORTION OF LOTS 1 AND 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, ALL OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°11'54" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 555.04 FEET TO A POINT ON A LINE PROJECTED WESTERLY FROM THE EXISTING NORTH LINE OF LOT 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, RUN NORTH 89°14'30" EAST, ALONG SAID PROJECTED LINE AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 45.97 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE NORTH LINE OF AFORESAID O.U.C. 12 FEET WIDE EASEMENT; THENCE CONTINUE NORTH 89°14'30" EAST ALONG THE NORTH LINE OF SAID LOT 2, THE NORTH LINE OF SAID O.U.C. EASEMENT AND ALONG THE NORTH LINE OF LOT 1, AS DEPICTED ON SAID PLAT OF AMERICANA PLAZA, A DISTANCE OF 205.92 FEET; THENCE DEPARTING THE NORTH LINE OF SAID LOT 1, RUN ALONG SAID O.U.C. EASEMENT THE FOLLOWING FOUR (4) COURSES AND DISTANCES: THENCE SOUTH 00°45'30" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 00°11'54" EAST, A DISTANCE OF 18.00 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 12.00 FEET TO A POINT ON THE EAST LINE OF AFORESAID LOT 2; THENCE RUN NORTH 00°11'54" WEST ALONG THE EAST LINE OF SAID LOT 2 AND ALONG SAID O.U.C. EASEMENT, A DISTANCE OF 18.00 FEET; THENCE DEPARTING THE EAST LINE OF SAID LOT 2, RUN SOUTH 89°14'30" WEST ALONG SAID O.U.C. EASEMENT, A DISTANCE OF 154.28 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE AS DESCRIBED IN DOCUMENT NUMBER 20190032422 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; SAID POINT BEING A POINT ON A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 14256.25 FEET, A CHORD DISTANCE OF 12.01 FEET AND A CHORD BEARING OF NORTH 00°59'26" EAST; THENCE FROM A TANGENT BEARING OF NORTH 00°57'59" EAST, RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°02'54", A DISTANCE OF 12.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 2689 SQUARE FEET,  
OR 0.062 ACRES, MORE OR LESS


THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

*William E. Byrd* 3/25/2021  
WILLIAM E. BYRD DATE  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
LICENSE NUMBER 5442  
800 NORTH MAGNOLIA AVENUE, SUITE 1000  
ORLANDO, FLORIDA 32803

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NUMBER LB 8011

|                 |                |               |  |                       |
|-----------------|----------------|---------------|--|-----------------------|
| WRITTEN BY: MLR | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA  |                       |
| DRAWN BY: MLR   | REV.:          | TOWNSHIP: 23S | <br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>N/A |
| APPROVED BY:    | REV.:          | RANGE: 29E    |  | SHEET 1 OF 4          |
|                 | REV.:          |               |  | C.I.P. - 5027         |



## LEGAL DESCRIPTION

### EXHIBIT "A"

### ORLANDO UTILITIES COMMISSION EASEMENT VACATION

#### EASEMENT VACATION 2


A PORTION OF THE ORLANDO UTILITIES COMMISSION (O.U.C.) 12 FEET WIDE OVERHEAD ELECTRIC EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3830, PAGE 1722, ALSO BEING A PORTION OF LOT 1, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, ALL OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

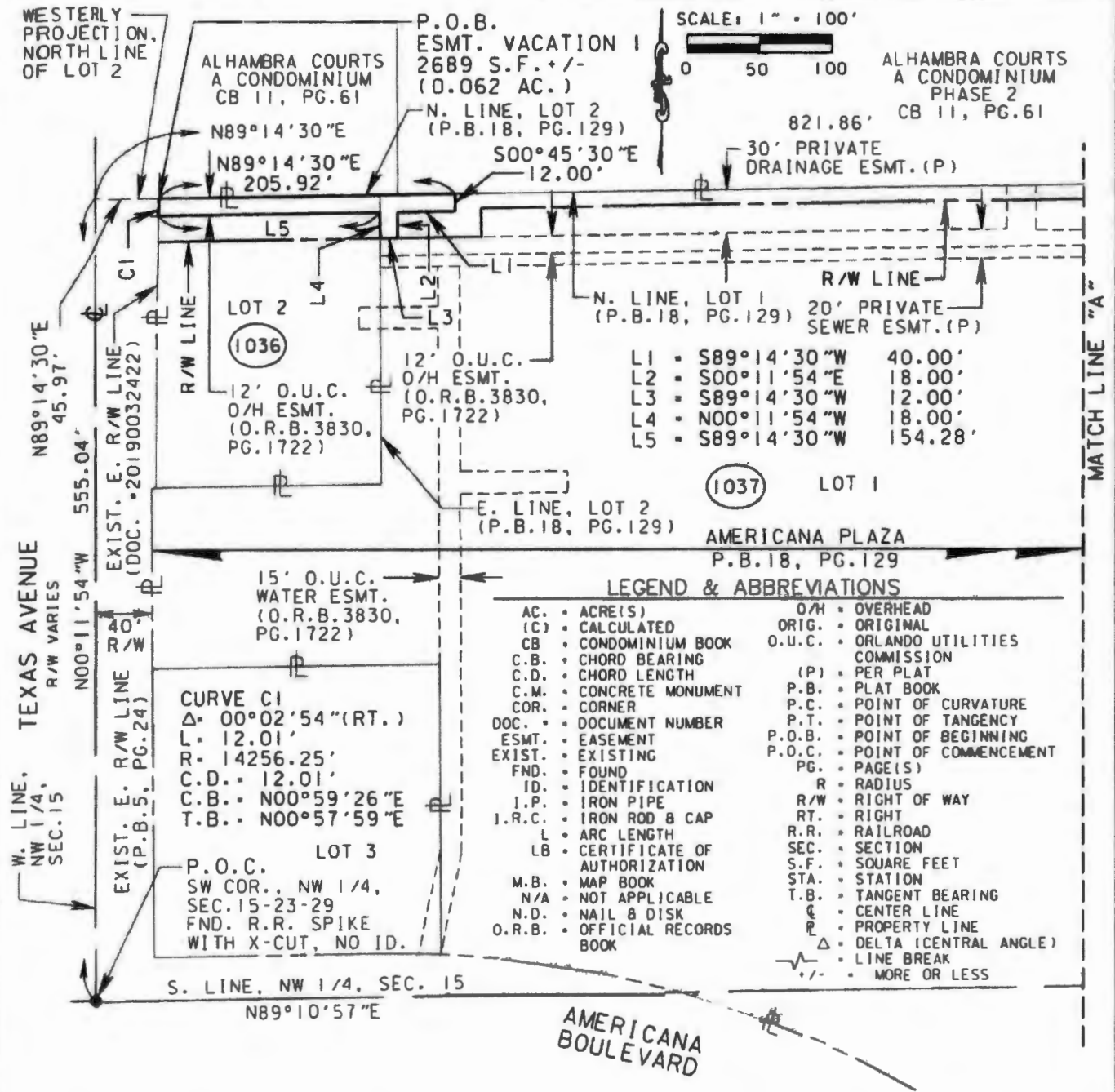
COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°11'54" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 555.04 FEET TO A POINT ON A LINE PROJECTED WESTERLY FROM THE EXISTING NORTH LINE OF LOT 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, RUN NORTH 89°14'30" EAST, ALONG SAID PROJECTED LINE, ALONG THE NORTH LINE OF SAID LOT 2 AND ALONG THE NORTH LINE OF LOT 1, AS DEPICTED ON SAID PLAT OF AMERICANA PLAZA, A DISTANCE OF 821.86 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE NORTH LINE OF AFORESAID O.U.C. 12 FEET WIDE EASEMENT; THENCE CONTINUE NORTH 89°14'30" EAST ALONG THE NORTH LINE OF SAID LOT 1 AND THE NORTH LINE OF SAID O.U.C. EASEMENT, A DISTANCE OF 13.36 FEET; THENCE DEPARTING THE NORTH LINE OF SAID LOT 1, RUN ALONG SAID O.U.C. EASEMENT THE FOLLOWING THREE (3) COURSES AND DISTANCES: THENCE SOUTH 25°21'01" WEST, A DISTANCE OF 11.14 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 13.36 FEET; THENCE NORTH 25°21'01" EAST, A DISTANCE OF 11.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 134 SQUARE FEET,  
OR 0.003 ACRES, MORE OR LESS

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.


THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

|                 |                |               |   |                       |
|-----------------|----------------|---------------|---|-----------------------|
| WRITTEN BY: MLR | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA   |                       |
| DRAWN BY: MLR   | REV.:          | TOWNSHIP: 23S |  <b>Dewberry</b><br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>N/A |
| APPROVED BY:    | REV.:          | RANGE: 29E    |   | SHEET 2 OF 4          |
|                 | REV.:          |               |   | C.I.P. • 5027         |

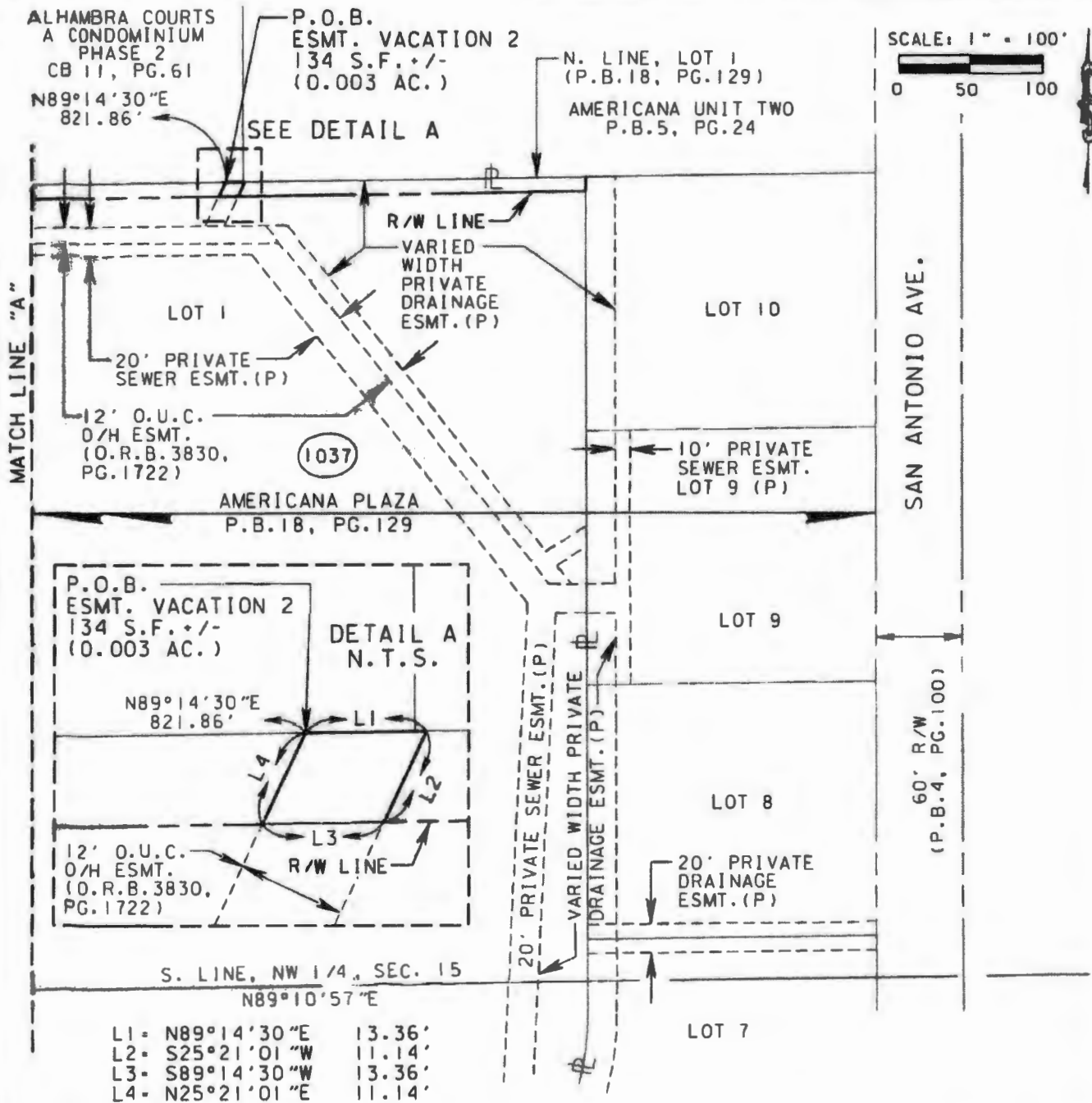


NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH SJ-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.


|                     |                |               |   |                             |
|---------------------|----------------|---------------|---|-----------------------------|
| DESIGNED BY: INWOOD | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA   |                             |
| DRAWN BY: MLR       | REV.:          | TOWNSHIP: 23S |  <b>Dewberry</b><br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>1" = 100' |
| APPROVED BY:        | REV.:          | RANGE: 29E    |   | SHEET 3 OF 4                |
|                     | REV.:          |               |   | C.I.P. = 5027               |

**SKETCH OF DESCRIPTION**  
**EXHIBIT "A"**  
**ORLANDO UTILITIES COMMISSION**  
**EASEMENT VACATION**



NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

|                     |                |               |  |                             |
|---------------------|----------------|---------------|--|-----------------------------|
| DESIGNED BY: INWOOD | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA  |                             |
| DRAWN BY: MLR       | REV.:          | TOWNSHIP: 23S | <br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>1" = 100' |
| APPROVED BY:        | REV.:          | RANGE: 29E    |  | SHEET 4 OF 4                |
|                     | REV.:          |               |  | C.I.P. = 5027               |

## **EXHIBIT B**

(Replacement Area)

# LEGAL DESCRIPTION

## EXHIBIT "A"

### PROPOSED 12' ORLANDO UTILITIES COMMISSION EASEMENT

A PORTION OF LOTS 1 AND 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X CUT AND NO OTHER IDENTIFICATION, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°11'54" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 555.04 FEET TO A POINT ON A LINE PROJECTED WESTERLY FROM THE EXISTING NORTH LINE OF LOT 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, RUN NORTH 89°14'30" EAST, ALONG SAID PROJECTED LINE AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 45.97 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE AS DESCRIBED IN DOCUMENT NUMBER 20190032422 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; SAID POINT BEING A POINT ON A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 14256.25 FEET, A CHORD DISTANCE OF 18.01 FEET AND A CHORD BEARING OF SOUTH 00°58'43" WEST; THENCE DEPARTING THE NORTH LINE OF SAID LOT 2, FROM A TANGENT BEARING OF SOUTH 01°00'53" WEST, RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 18.01 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID CURVE AND SAID RIGHT OF WAY LINE, RUN NORTH 89°14'30" EAST, A DISTANCE OF 224.29 FEET; THENCE SOUTH 00°45'30" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 224.64 FEET TO A POINT ON AFORESAID EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE; SAID POINT BEING A POINT ON A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 14256.25 FEET, A CHORD DISTANCE OF 12.01 FEET AND A CHORD BEARING OF NORTH 00°55'05" EAST; THENCE FROM A TANGENT BEARING OF NORTH 00°53'39" EAST, RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°02'54", A DISTANCE OF 12.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 2694 SQUARE FEET,  
OR 0.062 ACRES, MORE OR LESS


THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

*Will E. Byrd* 3/25/2021  
WILLIAM E. BYRD DATE  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
LICENSE NUMBER 5442  
800 NORTH MAGNOLIA AVENUE, SUITE 1000  
ORLANDO, FLORIDA 32803

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

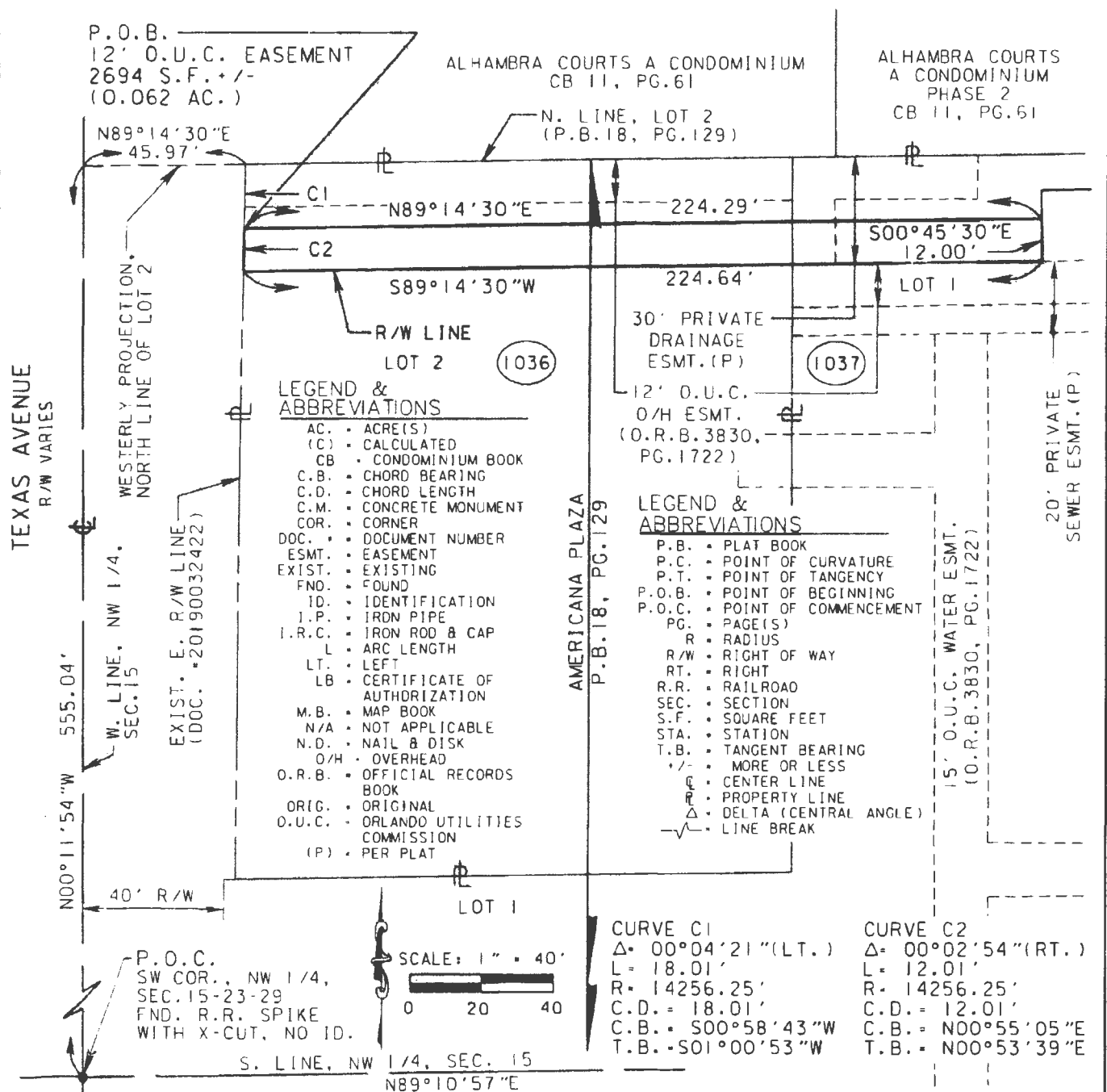
CERTIFICATE OF AUTHORIZATION NUMBER LB 8011

|                 |                |               |  |                       |
|-----------------|----------------|---------------|--|-----------------------|
| WRITTEN BY: MLR | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA  |                       |
| DRAWN BY: MLR   | REV.:          | TOWNSHIP: 23S | <br>600 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>N/A |
| APPROVED BY:    | REV.:          | RANGE: 29E    |  | SHEET 1 OF 2          |
|                 | REV.:          |               |  | C.I.P. • 5027         |

# SKETCH OF DESCRIPTION

EXHIBIT "A"

PROPOSED 12' ORLANDO UTILITIES  
COMMISSION EASEMENT



NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH  $00^{\circ}11'54''$  WEST, ASSUMED.

THIS IS NOT A BOUNDARY SURVEY. NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

|                     |                |               |   |                            |
|---------------------|----------------|---------------|---|----------------------------|
| DESIGNED BY: INWOOD | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA   |                            |
| DRAWN BY: MLR       | REV.:          | TOWNSHIP: 23S | <b>Dewberry</b><br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407 843 5120 | DRAWING SCALE:<br>1" = 40' |
| APPROVED BY:        | REV.:          | RANGE: 29E    |   | SHEET 2 OF 2               |
|                     | REV.:          |               |   | C.I.P. - 5027              |

OUC OCPW Utility Relocation Agreement  
Texas Avenue North Road Widening Project  
Exhibit C

# **EXHIBIT C**

(Partial Release of Easement Form)

Prepared by and Return to:  
Staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

Project: Texas Avenue North (North of Duskin Avenue to South of Holden Avenue)

### **PARTIAL RELEASE OF EASEMENT**

WHEREAS, by instrument dated October 21, 1986, by FERNE KRON, individually as Trustee and BERNARD KRON, did grant and convey unto the CITY OF ORLANDO, a municipal corporation ("**City**"), whose address is 400 S. Orange Avenue, Orlando, Florida 32801, and the ORLANDO UTILITIES COMMISSION, of the City of Orlando, Florida ("**OUC**") whose address is 100 West Anderson Street, Orlando, Florida 32801, a right-of-way easement subsequently recorded October 23, 1986 in Official Records Book 3830, Page 1722, of the Public Records of Orange County, Florida (the "**Easement**"),

OUC hereby acknowledges that, pursuant to a Utility Relocation Agreement with Orange County, Florida, a charter county and political subdivision of the State of Florida ("**Orange County**"), relating to the widening of Texas Avenue, OUC has been requested to release a portion of the Easement, and OUC is willing to release such portion.

NOW, THEREFORE, WITNESSETH, that the City and OUC, for and in consideration of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, hereby now and forever releases, discharges, terminates and extinguishes in favor of Orange County all of the right, title, interest, claim and demand that OUC has under and by virtue of the Easement in and to, but only in and to, the following described land in Orange County, Florida, to wit:

### **See Attached Schedule "A"**

Provided, nevertheless, that nothing herein contained shall in any way or manner impair, alter or diminish the rights, purpose, effect, encumbrance or provisions of the Easement on that portion of the remaining lands of the Easement not being released hereunder.



IN WITNESS WHEREOF the City and OUC have caused these presents to be executed in its name on the day and year first above written.

Signed, sealed and delivered  
In our presence:

\_\_\_\_\_  
(Signature of Witness #1)

\_\_\_\_\_  
(Print Name of Witness #1)

**CITY OF ORLANDO, FLORIDA**

a municipal corporation existing under the laws of the  
State of Florida (SEAL)

By: \_\_\_\_\_  
Mayor/Mayor Pro Tem

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Witness #2)

\_\_\_\_\_  
(Print Name of Witness #2)

Attest:

\_\_\_\_\_  
Stephanie Herdocia, City Clerk

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_ as Mayor/Mayor Pro Tem, and Denise Aldridge, as City Clerk, of the City of Orlando, Florida.

\_\_\_\_\_  
Notary Public Signature  
Print, Type or Stamp Name of Notary: \_\_\_\_\_

(Affix Notary Stamp or Seal)

\_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_  
Personally Known or \_\_\_\_\_ Produced Identification

FOR THE USE AND RELIANCE OF  
CITY OF ORLANDO ONLY.

Approved as to form and legality,

\_\_\_\_\_  
Assistant City Attorney  
City of Orlando, Florida

Signed, sealed and delivered  
in the presence of:

ORLANDO UTILITIES COMMISSION

\_\_\_\_\_  
(sign)  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
CLINT BULLOCK  
General Manager & CEO

\_\_\_\_\_  
(sign)  
Print Name: \_\_\_\_\_  
As to Orlando Utilities Commission

Attest:

\_\_\_\_\_  
PAULA VELASQUEZ  
Assistant Secretary

**Approved by OUC as to Form  
Other than Legal Description**

STATE OF FLORIDA  
COUNTY OF ORANGE

\_\_\_\_\_  
Attorney

I HEREBY CERTIFY that on this day, before me by means of ☐ physical presence or ☐ online notarization, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared CLINT BULLOCK and PAULA VELASQUEZ respectively, General Manager & CEO and Assistant Secretary of the ORLANDO UTILITIES COMMISSION, a statutory commission under the laws of the State of Florida, to me known to be the individuals and officers described in and who executed the foregoing instrument on behalf of said ORLANDO UTILITIES COMMISSION, and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized, and that the official seal of ORLANDO UTILITIES COMMISSION is duly affixed thereto and the instrument is the act and deed of said Commission.

WITNESS my hand and official seal in the county and state last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2021.

(Notarial Seal)

\_\_\_\_\_  
Notary Public (sign)  
Print Name:  
State of Florida  
My Commission Expires:

# LEGAL DESCRIPTION

## EXHIBIT "A"

### ORLANDO UTILITIES COMMISSION EASEMENT VACATION

#### EASEMENT VACATION I

A PORTION OF THE ORLANDO UTILITIES COMMISSION (O.U.C.) 12 FEET WIDE OVERHEAD ELECTRIC EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3830, PAGE 1722, ALSO BEING A PORTION OF LOTS 1 AND 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, ALL OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°11'54" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 555.04 FEET TO A POINT ON A LINE PROJECTED WESTERLY FROM THE EXISTING NORTH LINE OF LOT 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, RUN NORTH 89°14'30" EAST, ALONG SAID PROJECTED LINE AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 45.97 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE NORTH LINE OF AFORESAID O.U.C. 12 FEET WIDE EASEMENT; THENCE CONTINUE NORTH 89°14'30" EAST ALONG THE NORTH LINE OF SAID LOT 2, THE NORTH LINE OF SAID O.U.C. EASEMENT AND ALONG THE NORTH LINE OF LOT 1, AS DEPICTED ON SAID PLAT OF AMERICANA PLAZA, A DISTANCE OF 205.92 FEET; THENCE DEPARTING THE NORTH LINE OF SAID LOT 1, RUN ALONG SAID O.U.C. EASEMENT THE FOLLOWING FOUR (4) COURSES AND DISTANCES: THENCE SOUTH 00°45'30" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 00°11'54" EAST, A DISTANCE OF 18.00 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 12.00 FEET TO A POINT ON THE EAST LINE OF AFORESAID LOT 2; THENCE RUN NORTH 00°11'54" WEST ALONG THE EAST LINE OF SAID LOT 2 AND ALONG SAID O.U.C. EASEMENT, A DISTANCE OF 18.00 FEET; THENCE DEPARTING THE EAST LINE OF SAID LOT 2, RUN SOUTH 89°14'30" WEST ALONG SAID O.U.C. EASEMENT, A DISTANCE OF 154.28 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE AS DESCRIBED IN DOCUMENT NUMBER 20190032422 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; SAID POINT BEING A POINT ON A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 14256.25 FEET, A CHORD DISTANCE OF 12.01 FEET AND A CHORD BEARING OF NORTH 00°59'26" EAST; THENCE FROM A TANGENT BEARING OF NORTH 00°57'59" EAST, RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°02'54", A DISTANCE OF 12.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 2689 SQUARE FEET,  
OR 0.062 ACRES, MORE OR LESS


THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

*William E. Byrd* 3/25/2021  
WILLIAM E. BYRD DATE  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
LICENSE NUMBER 5442  
800 NORTH MAGNOLIA AVENUE, SUITE 1000  
ORLANDO, FLORIDA 32803

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NUMBER LB 8011

|                 |                |               |  |                       |
|-----------------|----------------|---------------|--|-----------------------|
| WRITTEN BY: MLR | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA  |                       |
| DRAWN BY: MLR   | REV.:          | TOWNSHIP: 23S | <br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>N/A |
| APPROVED BY:    | REV.:          | RANGE: 29E    |  | SHEET 1 OF 4          |
|                 | REV.:          |               |  | C.I.P. - 5027         |

## LEGAL DESCRIPTION

### EXHIBIT "A"

### ORLANDO UTILITIES COMMISSION EASEMENT VACATION

#### EASEMENT VACATION 2


A PORTION OF THE ORLANDO UTILITIES COMMISSION (O.U.C.) 12 FEET WIDE OVERHEAD ELECTRIC EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3830, PAGE 1722, ALSO BEING A PORTION OF LOT 1, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, ALL OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°11'54" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 555.04 FEET TO A POINT ON A LINE PROJECTED WESTERLY FROM THE EXISTING NORTH LINE OF LOT 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, RUN NORTH 89°14'30" EAST, ALONG SAID PROJECTED LINE, ALONG THE NORTH LINE OF SAID LOT 2 AND ALONG THE NORTH LINE OF LOT 1, AS DEPICTED ON SAID PLAT OF AMERICANA PLAZA, A DISTANCE OF 821.86 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE NORTH LINE OF AFORESAID O.U.C. 12 FEET WIDE EASEMENT; THENCE CONTINUE NORTH 89°14'30" EAST ALONG THE NORTH LINE OF SAID LOT 1 AND THE NORTH LINE OF SAID O.U.C. EASEMENT, A DISTANCE OF 13.36 FEET; THENCE DEPARTING THE NORTH LINE OF SAID LOT 1, RUN ALONG SAID O.U.C. EASEMENT THE FOLLOWING THREE (3) COURSES AND DISTANCES: THENCE SOUTH 25°21'01" WEST, A DISTANCE OF 11.14 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 13.36 FEET; THENCE NORTH 25°21'01" EAST, A DISTANCE OF 11.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 134 SQUARE FEET,  
OR 0.003 ACRES, MORE OR LESS

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

THIS IS NOT A BOUNDARY SURVEY. NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH SJ-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

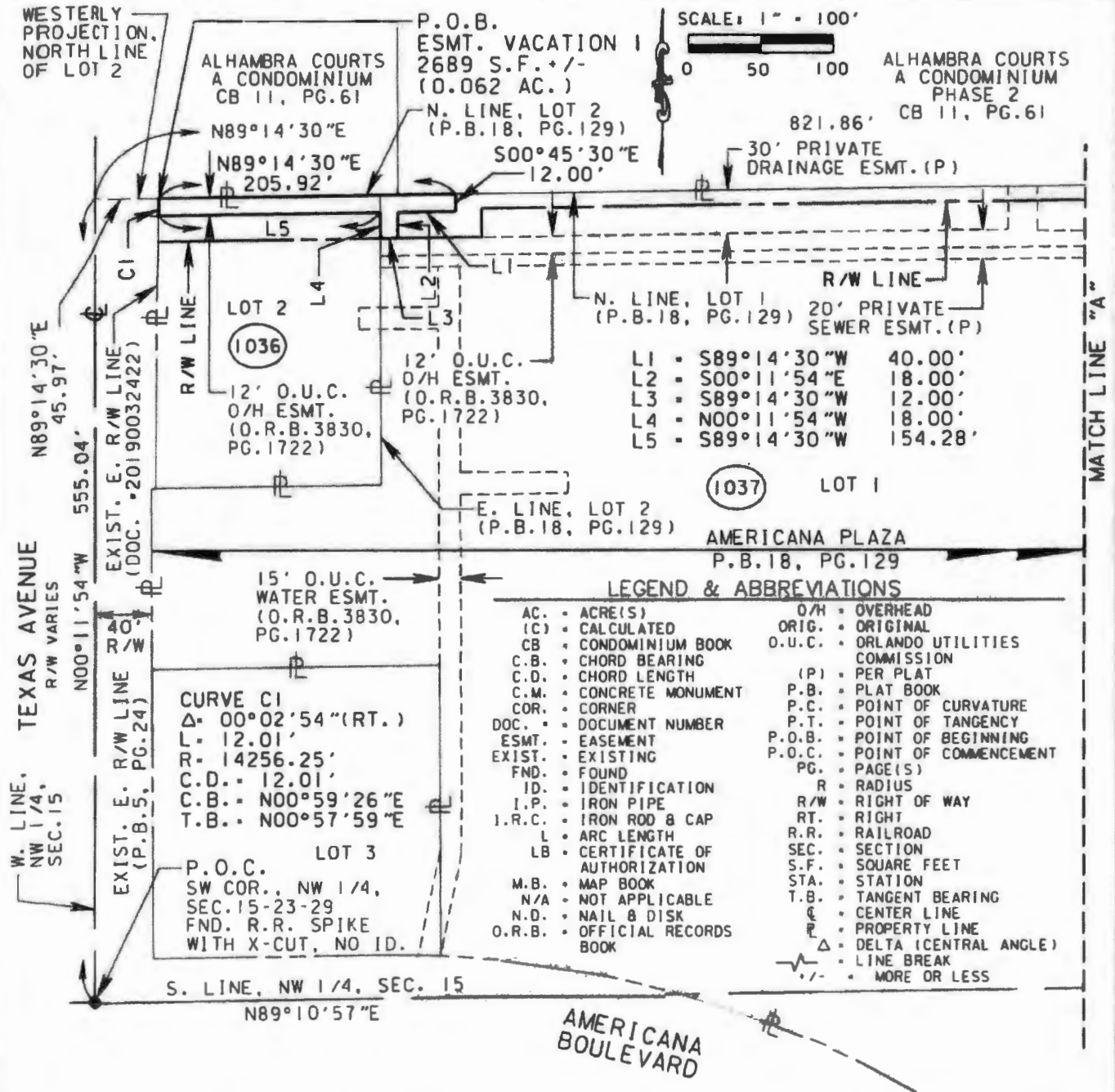
|                 |                |               |   |                       |
|-----------------|----------------|---------------|---|-----------------------|
| WRITTEN BY: MLR | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA   |                       |
| DRAWN BY: MLR   | REV.:          | TOWNSHIP: 23S | <br><b>Dewberry</b><br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>N/A |
| APPROVED BY:    | REV.:          | RANGE: 29E    |   | SHEET 2 OF 4          |
|                 | REV.:          |               |   | C.I.P. • 5027         |

# SKETCH OF DESCRIPTION

## EXHIBIT "A"

### ORLANDO UTILITIES COMMISSION

### EASEMENT VACATION



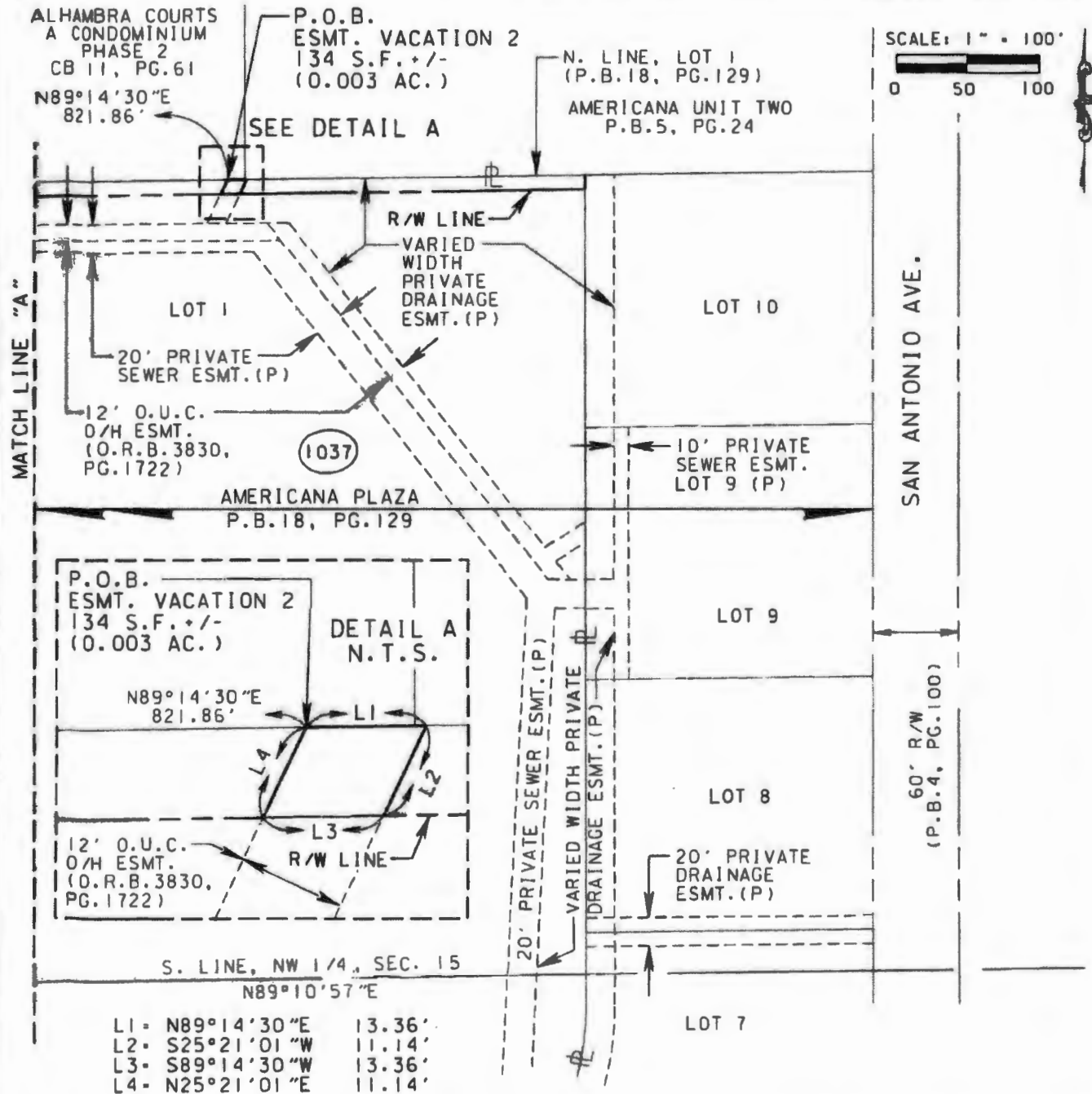
NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

|                     |                |               |   |                             |
|---------------------|----------------|---------------|---|-----------------------------|
| DESIGNED BY: INWOOD | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA   |                             |
| DRAWN BY: MLR       | REV.:          | TOWNSHIP: 23S | <b>Dewberry</b><br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>1" = 100' |
| APPROVED BY:        | REV.:          | RANGE: 29E    |   | SHEET 3 OF 4                |
|                     | REV.:          |               |   | C.I.P. - 5027               |


# SKETCH OF DESCRIPTION

## EXHIBIT "A" ORLANDO UTILITIES COMMISSION EASEMENT VACATION



NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

|                     |                |               |   |                             |
|---------------------|----------------|---------------|---|-----------------------------|
| DESIGNED BY: INWOOD | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA   |                             |
| DRAWN BY: MLR       | REV.:          | TOWNSHIP: 23S |  <b>Dewberry</b><br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>1" = 100' |
| APPROVED BY:        | REV.:          | RANGE: 29E    |   | SHEET 4 OF 4                |
|                     | REV.:          |               |   | C.I.P. = 5027               |

# **EXHIBIT D**

(Replacement Easement Form)



Project: Texas Avenue North (North of Duskin Avenue to South of Holden Avenue)  
Property Appraiser's Parcel ID No: a portion of 15-23-29-0147-00-011 and 15-23-29-0147-00-021

## ORLANDO UTILITIES COMMISSION UTILITY EASEMENT

THIS UTILITY EASEMENT, made and entered into as of the date signed below by and between ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose post office address is 201 South Rosalind Avenue, Orlando, Florida 32801, hereinafter the GRANTOR, and the ORLANDO UTILITIES COMMISSION, of the City of Orlando, Florida, whose address is 100 West Anderson Street, Orlando, Florida 32801, and the CITY OF ORLANDO, a municipal corporation, whose address is 400 S. Orange Avenue, Orlando, Florida 32801, for the use and benefit of the ORLANDO UTILITIES COMMISSION, hereinafter collectively the GRANTEE.

WITNESSETH, that for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid to the GRANTOR by the GRANTEE, the receipt whereof is hereby acknowledged, GRANTOR does hereby grant, bargain, sell, convey and warrant to the GRANTEE, its respective successors, agents and assigns, lessees and tenants, an easement in perpetuity for the purpose of providing, conveying, distributing, carrying or transmitting electric power or other power and communication services, together with the right, privilege and authority to construct, locate, lay, maintain, operate, inspect, alter, improve, augment, repair, remove, replace, relocate and rebuild poles, wires, cables, conduits, equipment and all other facilities, improvements and/or accessories necessary and/or desirable in connection therewith (all of said items being hereinafter collectively referred to as the "Facilities"), which Facilities will be located on, through, over, across and/or under the following specific non-exclusive "Easement Area" within GRANTOR'S premises, situated in the County of Orange and State of Florida, to-wit:

See Legal Description of Easement Area attached hereto as Exhibit "A".

GRANTOR hereby covenants that no buildings, structures or other obstructions or obstacles shall be located, constructed, excavated or created within the Easement Area, except that GRANTOR reserves and retains for itself, its successors and assigns, the right to curb, pave, stripe, fence and landscape the Easement Area (excluding portions of the Easement Area containing pad mounted Facilities), and to utilize the same as parking area or otherwise in a manner not inconsistent with the rights herein granted to the GRANTEE. If fences and/or landscaping are located within the Easement Area, they shall be placed so as to allow ready access to the Facilities and provide a working space of at least twelve feet (12') on the opening side and three feet (3') on the other sides of any pad mounted Facilities.

The rights herein granted to the GRANTEE by the GRANTOR specifically include: (a) the right to cut, clear and remove from the GRANTOR'S premises, any trees, limbs, undergrowth or other physical objects or obstructions which, in the judgement of the GRANTEE, may endanger or interfere with the safe and efficient installation, use, operation or maintenance of the Facilities attached thereto; (b) the right to construct, locate, lay, maintain, operate, inspect, alter, improve, augment, repair, remove, replace, relocate and rebuild the Facilities; (c) the reasonable right of ingress and egress to, over and under the GRANTOR'S premises for the purpose of exercising the rights herein granted; (d) the right to do anything necessary, useful or convenient for the full enjoyment of the rights herein granted; and (e) the right to remove at any time any of said Facilities erected upon, under or over the GRANTOR'S premises.



Project: Texas Avenue North (North of Duskin Avenue to South of Holden Avenue)

GRANTOR covenants that it is the owner in fee simple of the premises in which the Facilities are located.

All covenants, terms, provisions and conditions herein contained shall inure to and be binding upon the heirs and/or legal representatives, successors and assigns of the parties hereto, respectively.

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 as written below.

GRANTOR:

(Official Seal)

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

DATE: \_\_\_\_\_

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

BY: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Printed Name

**Approved by OUC as to Form  
Other than Legal Description**

\_\_\_\_\_  
**Attorney**

## LEGAL DESCRIPTION

EXHIBIT "A"

### PROPOSED 12' ORLANDO UTILITIES COMMISSION EASEMENT

A PORTION OF LOTS 1 AND 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X CUT AND NO OTHER IDENTIFICATION, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°11'54" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 555.04 FEET TO A POINT ON A LINE PROJECTED WESTERLY FROM THE EXISTING NORTH LINE OF LOT 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, RUN NORTH 89°14'30" EAST, ALONG SAID PROJECTED LINE AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 45.97 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE AS DESCRIBED IN DOCUMENT NUMBER 20190032422 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; SAID POINT BEING A POINT ON A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 14256.25 FEET, A CHORD DISTANCE OF 18.01 FEET AND A CHORD BEARING OF SOUTH 00°58'43" WEST; THENCE DEPARTING THE NORTH LINE OF SAID LOT 2, FROM A TANGENT BEARING OF SOUTH 01°00'53" WEST, RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 18.01 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID CURVE AND SAID RIGHT OF WAY LINE, RUN NORTH 89°14'30" EAST, A DISTANCE OF 224.29 FEET; THENCE SOUTH 00°45'30" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 224.64 FEET TO A POINT ON AFORESAID EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE; SAID POINT BEING A POINT ON A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 14256.25 FEET, A CHORD DISTANCE OF 12.01 FEET AND A CHORD BEARING OF NORTH 00°55'05" EAST; THENCE FROM A TANGENT BEARING OF NORTH 00°53'39" EAST, RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°02'54", A DISTANCE OF 12.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 2694 SQUARE FEET,  
OR 0.062 ACRES, MORE OR LESS


THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

*William E. Byrd* 3/29/2021  
WILLIAM E. BYRD DATE  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
LICENSE NUMBER 5442  
800 NORTH MAGNOLIA AVENUE, SUITE 1000  
ORLANDO, FLORIDA 32803

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

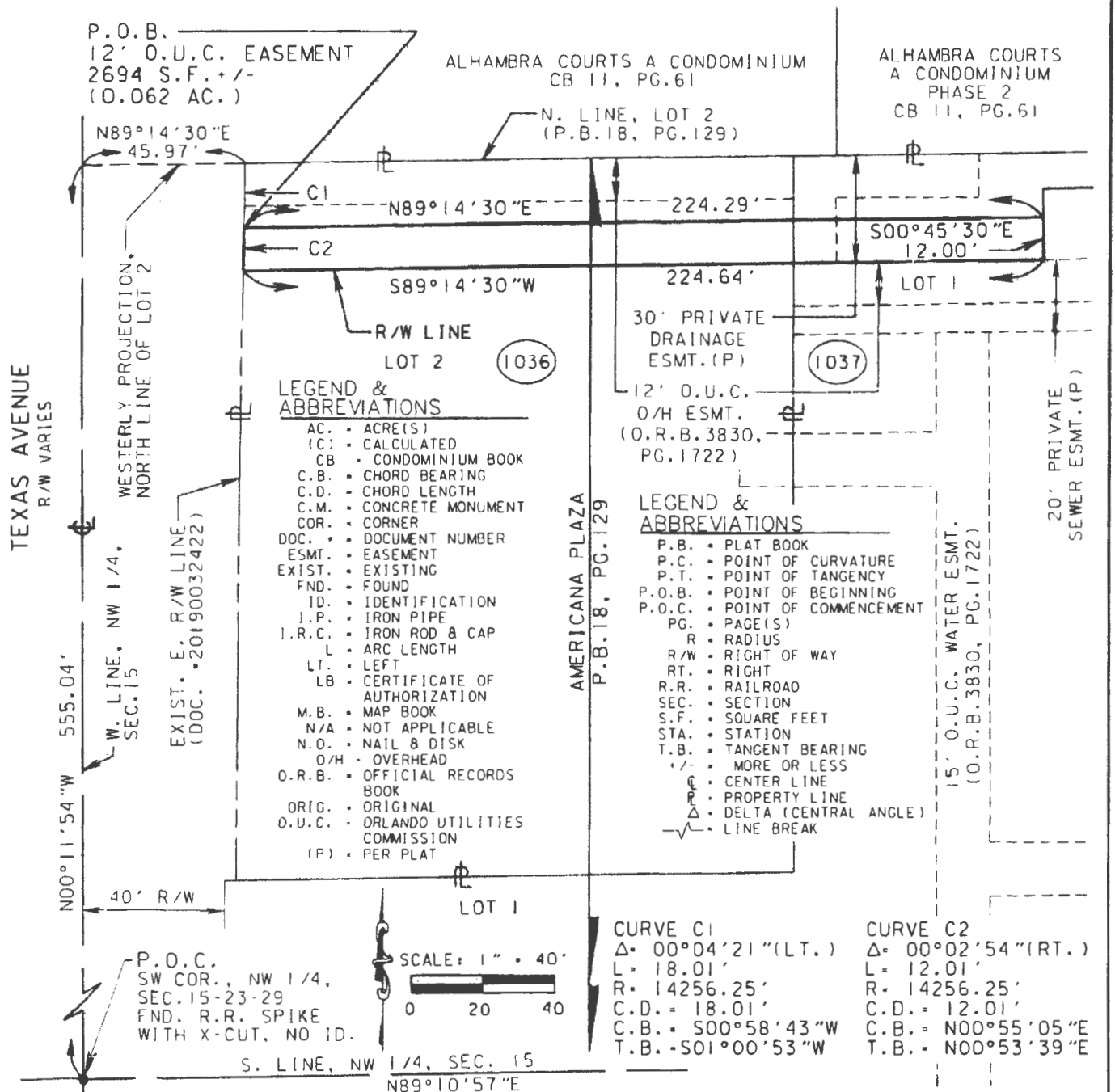
CERTIFICATE OF AUTHORIZATION NUMBER LB 8011

|                 |                |               |  |                       |
|-----------------|----------------|---------------|--|-----------------------|
| WRITTEN BY: MLR | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA  |                       |
| DRAWN BY: MLR   | REV.:          | TOWNSHIP: 23S | <br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407-843-5120 | DRAWING SCALE:<br>N/A |
| APPROVED BY:    | REV.:          | RANGE: 29E    |  | SHEET 1 OF 2          |
|                 | REV.:          |               |  | C.I.P. • 5027         |

# SKETCH OF DESCRIPTION

EXHIBIT "A"

PROPOSED 12' ORLANDO UTILITIES  
COMMISSION EASEMENT



NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

|                     |                |               |   |                            |
|---------------------|----------------|---------------|---|----------------------------|
| DESIGNED BY: INWOOD | DATE: 03/24/21 | SECTION: 15   | TEXAS AVENUE-ORANGE COUNTY, FLORIDA   |                            |
| DRAWN BY: MLR       | REV.:          | TOWNSHIP: 23S | <b>Dewberry</b><br>800 NORTH MAGNOLIA AVENUE<br>SUITE 1000<br>ORLANDO, FLORIDA 32803<br>TELEPHONE: 407 843 5120 | DRAWING SCALE:<br>1" = 40' |
| APPROVED BY:        | REV.:          | RANGE: 29E    |   | SHEET 2 OF 2               |
|                     | REV.:          |               |   | C.I.P. = 5027              |