



Legislation Text

File #: 24-1282, **Version:** 1

Interoffice Memorandum

DATE: August 20, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: Mindy T. Cummings, Manager

FROM: Sara Solomon, Senior Title Examiner

CONTACT: Mindy T. Cummings, Manager

PHONE: 407-836-7090

DIVISION: Real Estate Management Division

ACTION REQUESTED:

Approval and execution of Distribution Easement from Orange County Board of County Commissioners to Duke Energy Florida, LLC, d/b/a Duke Energy, and authorization to record instrument for 3688 Day Care Center Road, Mount Dora, Florida 32757. District 2. **(Real Estate Management Division)**

PROJECT: 3688 Day Care Center Road, Mount Dora, Florida 32757

PURPOSE: To provide for access, construction, operation, and maintenance of electrical facilities.

ITEM:

Distribution Easement
Size: 2,979 square feet

BUDGET: N/A

REVENUE: N/A

FUNDS: N/A

APPROVALS:

Real Estate Management Division
Capital Projects Division

REMARKS: This Distribution Easement provides Duke Energy the right to install and maintain electrical distribution facilities for the Zellwood Family Health Center located in the Frederick Douglass Building located at 3688 Day Care Center Road, Mount Dora, Florida 32757. The easement is needed for the additional power associated with the HVAC upgrades to the building. Duke Energy to pay recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 10 2024



SEC: 21	TWP: 20S	RGE: 27E	COUNTY: ORANGE	PROJECT: D 47517574 / LS 50467042
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 3688 Day Care Center Road, Mount Dora, Florida 32757				
TAX PARCEL NUMBER: 21-20-27-0000-00-049				

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 Exhibit "A", Sketch of Description, as prepared by William P. Hinkle, of Dewberry, , dated 8/13/2024, Job No.: 50181566 , consisting of three (3) 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 and provide a working space of not less than ten (10) feet on the opening side, six (6) feet on the back for working space and three (3) feet on all other sides of any pad mounted equipment. 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,

Prepared By: Bruce C. Crawford, Esq.
Crawford & Owen, P.A.
780 Carillon Parkway Suite 301
Saint Petersburg, Florida 33716

Return to: Duke Energy
Attn: Land Services
3300 Exchange Place, NP4A
Lake Mary, FL 32746

Project: 3688 Day Care Center Road. Mount Dora, Florida

privileges, or obligations under this Easement.

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.



Orange County, Florida
By: Board of County Commissioners

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

DATE: 10 September 2024

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

BY: *David Rooney*
Deputy Clerk

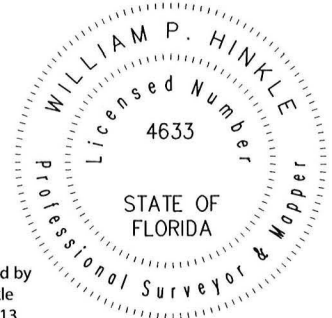
DAVID ROONEY
Printed Name



VICINITY MAP:
NOT TO SCALE

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT OF WAY LINE OF DAY CARE CENTER ROAD, AS BEING N00°07'21"W.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.
3. 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.
4. THIS IS NOT A BOUNDARY SURVEY.
5. THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17.062(3)
6. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY WILLIAM P. HINKLE, PSM 4633, ON 08/13/2024 PER FAC 5J-17.062(2).



William P Hinkle
Digitally signed by William P Hinkle
Date: 2024.08.13 13:13:46 -04'00'

WILLIAM P. HINKLE
FLORIDA LICENSED SURVEYOR & MAPPER
NO. LS 4633
DATE
THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

(NOT VALID WITHOUT SHEETS 2 AND 3)

SHEET 1 OF 3

(SEE SHEET 2 FOR DESCRIPTION OF SKETCH)
(SEE SHEET 3 FOR SKETCH OF DESCRIPTION)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION
-OF-
DISTRIBUTION EASEMENT

SECTION 21, TOWNSHIP 20 SOUTH,
RANGE 27 EAST

ORANGE COUNTY

FLORIDA



131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:
DUKE ENERGY

DATE: 08/13/2024
REV DATE:
SCALE 1" = N/A

PROJ: 50181566
DRAWN BY: AS
CHECKED BY: WPH

Drawing name: C:\Users\asadeque\AppData\Local\Temp\AcPublish\50181566\Frederic Dauglass HVAC Upgrade.dwg DEW desc. & sketch Sheet 2 Aug 13, 2024 6:16am by: asadeque

LEGAL DESCRIPTION:

A PORTION OF LANDS LYING IN SECTION 21, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5295, PAGE 4126, PUBLIC RECORDS OF ORANGE COUNTY FLORIDA, THENCE ALONG THE EAST LINE OF SAID LANDS DESCRIBED, ALSO BEING THE WEST RIGHT OF WAY LINE OF DAY CARE CENTER ROAD, BEING A 40.00 FOOT WIDE RIGHT OF WAY PER OFFICIAL RECORDS BOOK 1608, PAGE 870, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, N00°07'21"W, A DISTANCE OF 119.02 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY S89°35'41"W, A DISTANCE OF 297.86 FEET; THENCE N00°07'21"W, A DISTANCE OF 10.00 FEET; THENCE N89°35'41"E, A DISTANCE OF 297.86 FEET TO THE EAST LINE OF SAID LANDS DESCRIBED AND AFOREMENTIONED WEST RIGHT OF WAY LINE; THENCE ALONG SAID LINE S00°07'21"E, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,979 SQUARE FEET, MORE OR LESS.

(NOT VALID WITHOUT SHEETS 1 AND 3)

SHEET 2 OF 3

(SEE SHEET 1 FOR NOTES, AND VICINITY MAP)
(SEE SHEET 3 FOR SKETCH OF DESCRIPTION)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION
—OF—
DISTRIBUTION EASEMENT

SECTION 21, TOWNSHIP 20 SOUTH,
RANGE 27 EAST

ORANGE COUNTY FLORIDA



Dewberry

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ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION No. LB 8011

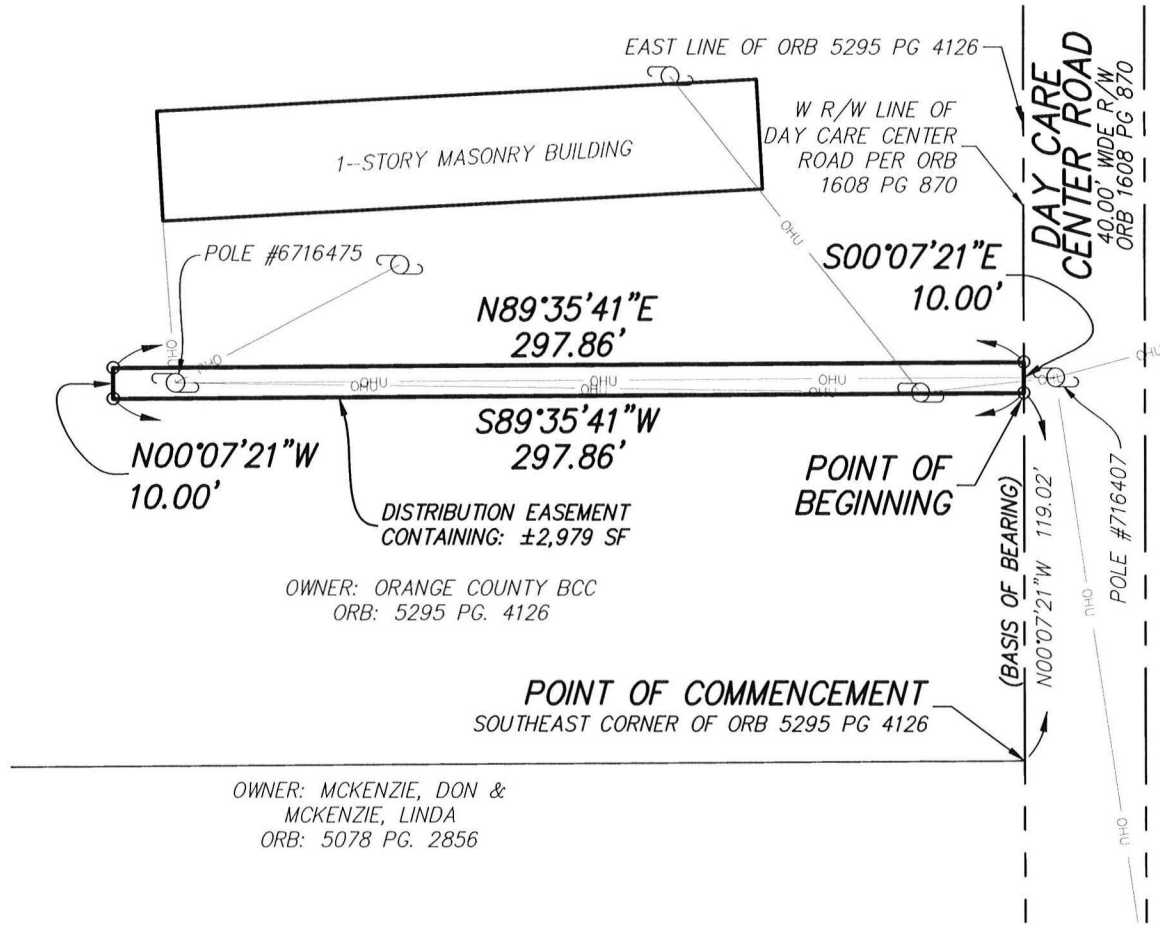
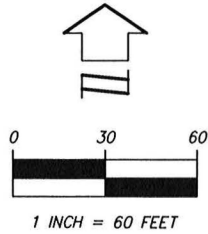
PREPARED FOR:
DUKE ENERGY

DATE: 08/13/2024
REV DATE:
SCALE 1" = N/A

PROJ: 50181566
DRAWN BY: AS
CHECKED BY: WPH

LEGEND:

- LINE BREAK
- R/W RIGHT OF WAY
- ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PG(S) PAGE(S)
- SF SQUARE FEET
- CHANGE IN DIRECTION NOTHING SET OR FOUND
- ⊙ WOOD POWER POLE
- OHU — OVERHEAD UTILITY LINE



OWNER: ORANGE COUNTY BCC
ORB: 5295 PG. 4126

OWNER: MCKENZIE, DON &
MCKENZIE, LINDA
ORB: 5078 PG. 2856

(NOT VALID WITHOUT SHEETS 1 AND 2)

SHEET 3 OF 3

(SEE SHEET 1 FOR NOTES, AND VICINITY MAP)
(SEE SHEET 2 FOR DESCRIPTION OF SKETCH)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION
—OF—
DISTRIBUTION EASEMENT

SECTION 21, TOWNSHIP 20 SOUTH,
RANGE 27 EAST

ORANGE COUNTY

FLORIDA



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CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:
DUKE ENERGY

DATE: 08/13/2024
REV DATE:
SCALE 1" = 60'

PROJ: 50181566
DRAWN BY: AS
CHECKED BY: WPH