



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

**DATE:** April 17, 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:** Rolling Hills Park Utility Easement  
  
District 2

**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  
Total size: 6,267 square feet

**APPROVALS:** Real Estate Management Division  
Parks and Recreation Division

**REMARKS:**

This Distribution Easement provides Duke Energy Florida, LLC, d/b/a Duke Energy (Grantee) the right to install and maintain electrical distribution lines and related facilities for site improvements to Rolling Hills Park. This Distribution Easement supersedes and replaces the one approved by the Board on May 8, 2018, that was not recorded. The easement previously approved did not define a specific easement area, but was an easement over the entire parent tract pending installation of the utilities to determine the specific area needed. This replacement Distribution Easement specifically defines the easement area and will be recorded by Grantee.

Grantee to pay all recording fees.

Project: Rolling Hills Park Utility Easement



SEC: 06	22S	29E	COUNTY: ORANGE	PROJECT: 25020312
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 4950 N. Pine Hills Road, Orlando, FL 32808				
TAX PARCEL NUMBER: 06-22-29-5844-00-550				

### 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:

A Utility Easement Area being more particularly described on the accompanying two (2) page Exhibit "A" sketch of description drawn by ECHO Utility Engineering & Survey, dated March 15, 2019, Project No. 19-077, attached hereto and by this reference made a part hereof.

AND

A Utility Easement Area being more particularly described on the accompanying three (3) page Exhibit "B" sketch of description drawn by ECHO Utility Engineering & Survey, dated March 14, 2019, Project No. 19-077, attached hereto and by this reference made a part hereof..

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: Rolling Hills Park Utility 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: Byron W. Demings  
for Jerry L. Demings  
Orange County Mayor

DATE: 21 May 19

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

BY: Katie Smith  
Deputy Clerk

**Katie Smith**

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

# LEGAL DESCRIPTION

# Exhibit A

## LEGAL DESCRIPTION

Parcel Identification Number 06-22-29-5844-00-550

A ten foot utility easement in a portion of Lot 56 of WILLIS R. MUNGER'S LAND, in Section 6, Township 22 South, Township 29 East, according to the Plat thereof as recorded in Plat Book E, Page 3 of the Public Records of Orange County, Florida, more particularly described as follows:

Commence at the Northeast corner of the Northwest Quarter of said Section 6; thence South 01°06'23" East along the East line of said Northwest Quarter, a distance of 2,755.16 feet to the Easterly projection of the North Right of Way line of the 30 foot Right of Way of an Unnamed Road per said WILLIS R. MUNGER'S LAND; thence North 89°24'56" West for a distance of 60.03 feet to the West Right of Way line of North Pine Hills Road per Orange County Right of Way Map, Project Number 88-18; thence continue North 89°24'56" West along said North Right of Way line for a distance of 225.77 feet to the POINT OF BEGINNING; thence continue North 89°24'56" West along aforesaid North Right of Way line for a distance of 14.23 feet; thence North 45°55'30" East, departing said North Right of Way, for a distance of 132.22 feet, thence South 44°04'30" East for a distance of 10.00 feet; thence South 45°55'30" West for a distance of 122.10 feet to the said North Right of Way of an Unnamed Road and the POINT OF BEGINNING.

Containing 1,272 Square Feet or 0.029 Acres.

## SURVEYOR'S REPORT

1. THIS SKETCH IS NOT A SURVEY
2. NORTH, BEARINGS AND COORDINATES DEPICTED HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE (ZONE 901), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/11) HAVING A BEARING OF NORTH 01° 06' 23" WEST ALONG THE EAST LINE OF THE NW 1/4 OF SECTION 6, TOWNSHIP 22 SOUTH, RANGE 29 EAST.
3. RIGHT OF WAY INFORMATION SHOWN HEREON WAS DETERMINED BY RECORDED RIGHT OF WAY MAPS AND INFORMATION OBTAINED ON THE ORANGE COUNTY PROPERTY APPRAISER'S AND CLERK OF COURT'S WEBSITE.
4. ADDITIONS OR DELETIONS TO REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
6. DIMENSIONS ARE SHOWN IN U.S. SURVEY FEET AND DECIMALS THEREOF.

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION SHOWN HEREON WAS MADE UNDER MY SUPERVISION AND THAT THIS SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO NOTES AND NOTATIONS SHOWN.



*Michael W. Patterson* 3/25/2019

MICHAEL W. PATTERSON  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER LS  
6560-188184

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED CERTIFIED. THE SIGNATURE MUST BE VERIFIED ON THE ELECTRONIC SIGNATURE BOARD.

CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

SITE:	TBD
LU:	TBD

				03/15/19 v. NTS	
				DATE 1"=50' SCALE	
PROJECT No. 19-077		AP DRAWN TECH		SKETCH AND DESCRIPTION  4950 N. PINE HILLS ROAD	
DRAWING No. N/A		MP CHECK ENGR			
F.B. / PAGES N/A		1 OF 2 SHEET			
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER				DWG. SURVRD_19-077-SOUTH	

# SKETCH OF DESCRIPTION

EXHIBIT "A"

**ABBREVIATIONS**

- CCR = CERTIFIED CORNER RECORD
- ID = IDENTIFICATION
- LB = LICENSED BUSINESS
- LU = LAND UNIT NUMBER
- PB = PLAT BOOK
- PG = PAGE
- R/W = RIGHT OF WAY
- TBD = TO BE DETERMINED



( IN FEET )

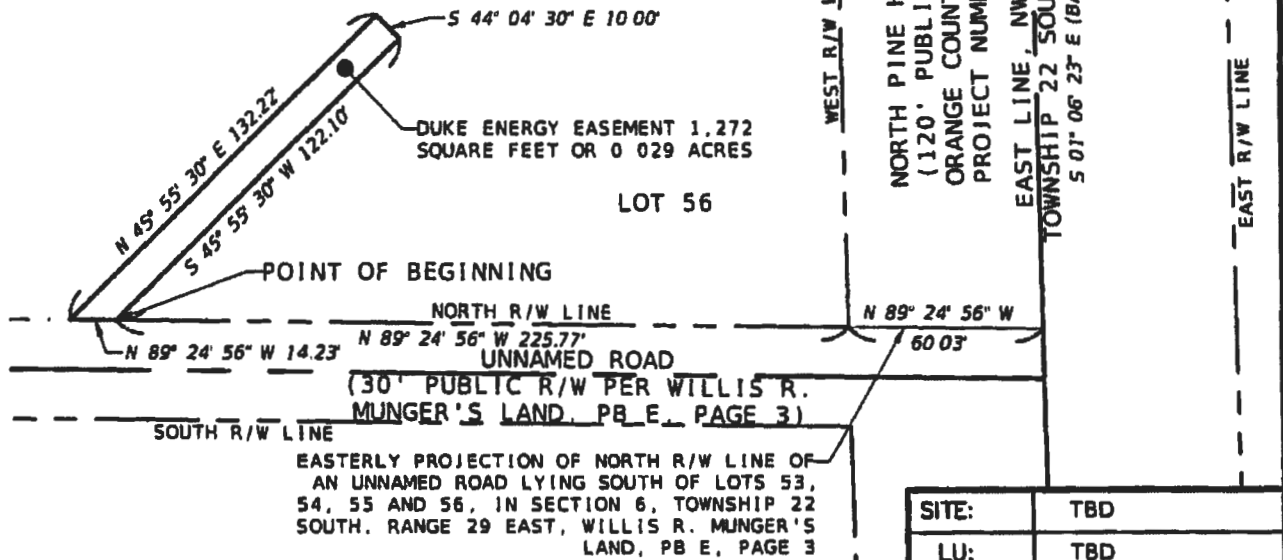
1 inch = 50 ft.

GRAPHIC & INTENDED DISPLAY SCALE

SECTION 6  
TOWNSHIP 22 SOUTH  
RANGE 29 EAST  
ORANGE COUNTY

POINT OF COMMENCEMENT  
NE CORNER, NW 1/4  
SECTION 6, TOWNSHIP 22  
SOUTH, RANGE 29 EAST  
CCR 070521

PARCEL ID #06-22-29-5844-00-550  
ORANGE COUNTY BOARD OF COMMISSIONERS  
(NO SALES HISTORY LISTED IN THE ORANGE COUNTY  
PROPERTY APPRAISERS WEBSITE)  
LOT 56, WILLIS R. MUNGER'S LAND, PB E, PAGE 3



PROJECT No. 19-077 DRAWING No. N/A F.B. / PAGES N/A		03/15/19	NTS	SKETCH AND DESCRIPTION  4950 N. PINE HILLS ROAD
		DATE	1"=50' SCALE	
		AP DRAWN	TECH	
		MP CHECK	ENGR	
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER		2 OF 2 SHEET		DWG. SURVRD_19-077-SOUTH

# LEGAL DESCRIPTION

# Exhibit B

## LEGAL DESCRIPTION

Parcel Identification Number 06-22-29-5844-00-550

A ten foot utility easement in a portion of Lots 55 and 56 of WILLIS R. MUNGER'S LAND, in Section 6, Township 22 South, Township 29 East, according to the Plat thereof as recorded in Plat Book E, Page 3 of the Public Records of Orange County, Florida, more particularly described as follows:

Commence at the Northeast corner of the Northwest Quarter of said Section 6; thence South 01°06'23" East along the East line of said Northwest Quarter, a distance of 2,077.63 feet to the Easterly projection of the North Line of Lot 56 of said WILLIS R. MUNGER'S LAND, thence North 89°59'41" West for a distance of 60.01 feet to the West Right of Way line of North Pine Hills Road per Orange County Right of Way Map, Project Number 88-18; thence South 01°06'23" East along said West Right of Way line for a distance of 27.79 feet to the POINT OF BEGINNING; thence continue South 01°06'23" East along said West Right of Way line for a distance of 30.97 feet; thence South 64°36'57" West, departing said West Right of Way line for a distance of 278.75 feet; thence South 18°20'37" West for a distance of 161.36 feet; thence South 10°13'12" West for a distance 13.96 feet; thence South 27°00'09" West for a distance of 12.06 feet; thence North 62°59'51" West for a distance of 10.00 feet; thence North 27°00'09" East for a distance of 10.59 feet; thence North 10°13'12" East for a distance of 13.19 feet; thence North 18°20'37" East for a distance of 161.33 feet; thence North 41°30'33" West for a distance of 29.11 feet; thence North 48°29'27" East for a distance of 10.00 feet; thence South 41°30'33" East for a distance of 28.22 feet; thence North 64°36'57" East for a distance of 281.63 feet to the said West Right of Way line of North Pine Hills Road and the POINT OF BEGINNING.

Containing 4,995 Square Feet or 0.115 Acres

## SURVEYOR'S REPORT

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*Michael W. Paterson*  
 3/25/2019  
 MICHAEL W. PATERSON  
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER LS  
 6560-188184  
 STATE OF FLORIDA  
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CERTIFIED TO: DUKE ENERGY FLORIDA, LLC

SITE:	TBD
LU:	TBD

				DATE		03/14/19	NTS 1"=50' SCALE	SKETCH AND DESCRIPTION	
				AP DRAWN	TECH	MP CHECK	ENGR	4950 N. PINE HILLS ROAD	
PROJECT No.	19-077	1 OF 3 SHEET		DWG. SURVRD_19-077-NORTH					
DRAWING No.	N/A	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER							
F.B. / PAGES	N/A								

# SKETCH OF DESCRIPTION

EXHIBIT "A"

SECTION 6  
TOWNSHIP 22 SOUTH  
RANGE 29 EAST  
ORANGE COUNTY

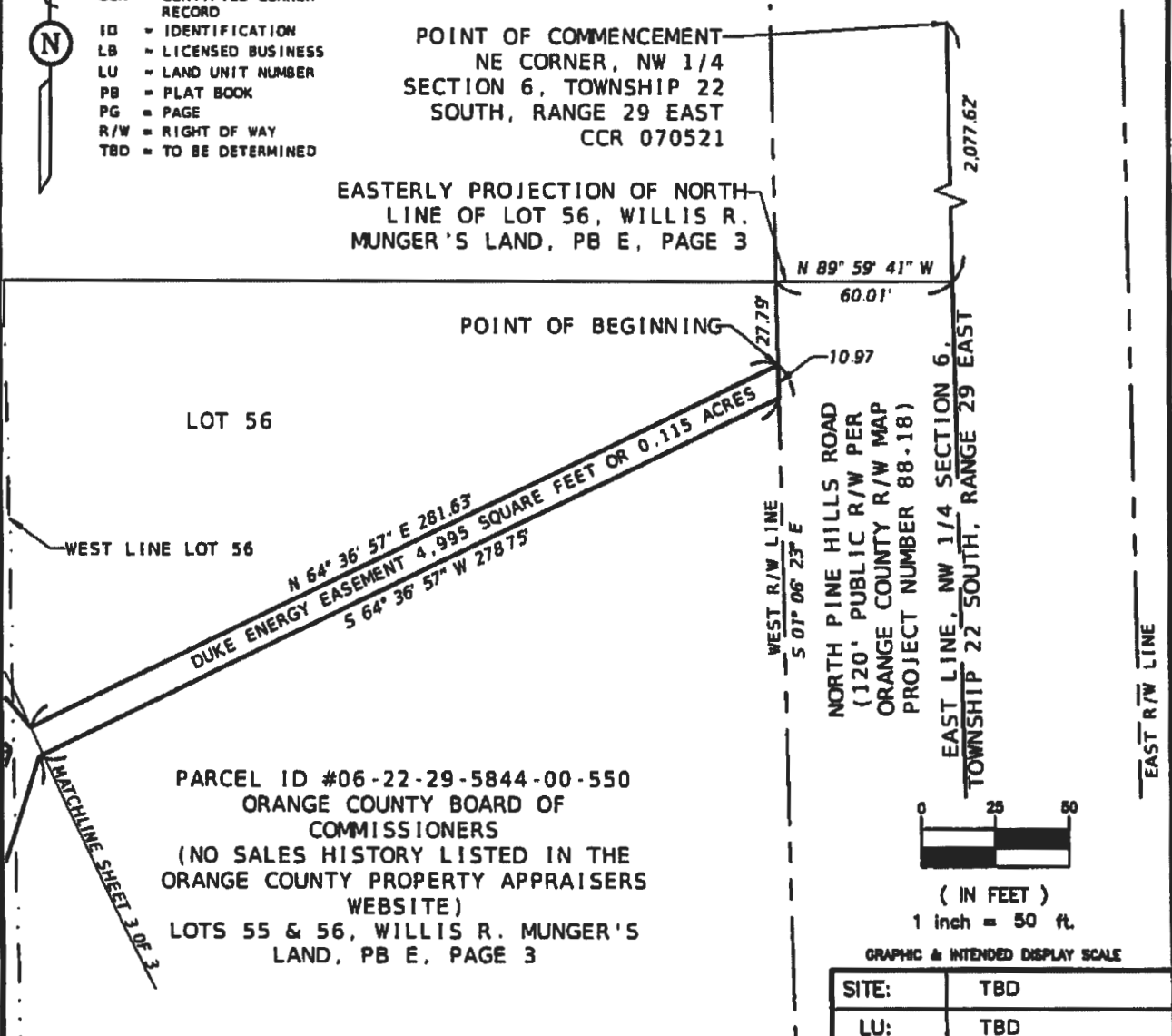
**ABBREVIATIONS**

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- PB = PLAT BOOK
- PG = PAGE
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- TBD = TO BE DETERMINED



POINT OF COMMENCEMENT  
NE CORNER, NW 1/4  
SECTION 6, TOWNSHIP 22  
SOUTH, RANGE 29 EAST  
CCR 070521

EASTERLY PROJECTION OF NORTH  
LINE OF LOT 56, WILLIS R.  
MUNGER'S LAND, PB E, PAGE 3



PARCEL ID #06-22-29-5844-00-550  
ORANGE COUNTY BOARD OF COMMISSIONERS  
(NO SALES HISTORY LISTED IN THE ORANGE COUNTY PROPERTY APPRAISERS WEBSITE)  
LOTS 55 & 56, WILLIS R. MUNGER'S LAND, PB E, PAGE 3



( IN FEET )  
1 inch = 50 ft.

GRAPHIC & INTENDED DISPLAY SCALE

SITE:	TBD
LU:	TBD



PROJECT No. 19-077		DATE 03/14/19		NTS 1"=50' SCALE		SKETCH AND DESCRIPTION	
DRAWING No. N/A		AP DRAWN		TECH		4950 N. PINE HILLS ROAD	
F.B. / PAGES N/A		MP CHECK		ENGR			
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER				2 OF 3 SHEET		DWG. SURVRD_19-077-NORTH	



# SKETCH OF DESCRIPTION

EXHIBIT "A"

SECTION 6  
TOWNSHIP 22 SOUTH  
RANGE 29 EAST  
ORANGE COUNTY



S 41° 30' 33" E 28.22'

N 48° 29' 27" E 10.00'

N 41° 30' 33" W 29.11'

LOT 55

DUKE ENERGY EASEMENT 4,995  
SQUARE FEET OR 0.115 ACRES

N 18° 20' 37" E 161.33'  
S 18° 20' 37" W 161.36'

MATCHLINE SHEET 2 OF 3

N 10° 13' 12" E 13.19'

N 27° 00' 09" E 10.59'

N 62° 59' 51" W 10.00'

S 27° 00' 09" W 12.06'

WEST LINE LOT 56

S 10° 13' 12" W 13.96'

LOT 56



( IN FEET )

1 inch = 50 ft.

GRAPHIC & INTENDED DISPLAY SCALE

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SITE:	TBD
LU:	TBD



03/14/19 V: NTS  
DATE H 1"=50'  
SCALE

SKETCH AND DESCRIPTION

AP DRAWN TECH

MP CHECK ENGR

4950 N. PINE HILLS ROAD

PROJECT No.	19-077
DRAWING No.	N/A
F.B. / PAGES	N/A

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

3 OF 3 SHEET

DWG. SURVRD\_19-077-NORTH