





Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

DATE: August 2, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager 
Real Estate Management Division

FROM: Elizabeth Price Jackson, Senior Title Examiner 
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: Eastern Regional Water Supply Facility

District 4

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: 4,228 square feet

APPROVALS: Real Estate Management Division
Utilities Department

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 necessary for additional electrical service to the Eastern Regional Water Supply Facility. This easement supersedes and replaces one that was approved by the Board of County Commissioners on July 12, 2016, but 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.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 21 2018

Project: Eastern Regional Water Supply Facility



| | | | | |
|--|----------|----------|----------------|------------------|
| SEC: 07 | TWP: 23S | RGE: 31E | COUNTY: ORANGE | PROJECT: 1223685 |
| GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS | | | | |
| SITE ADDRESS: 9100 Curry Ford Road, Orlando, Florida 32825 | | | | |
| TAX PARCEL NUMBER: 07-23-31-0000-00-004 | | | | |

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 Amec Foster Wheeler Environment & Infrastructure, Inc. dated 5/31/2018, Job No.: 6374181100, 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.

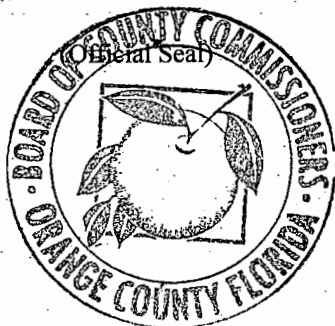
Project: Eastern Regional Water Supply Facility

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 aforesaid.



Orange County, Florida
By: Board of County Commissioners

BY: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

DATE: 8.21.18

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

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 801
ESTATE: Permanent Easement
PURPOSE: Utility

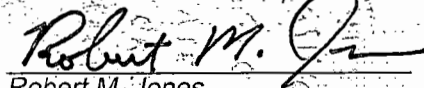
Legal Description

A parcel of land located in the northwest 1/4 of Section 7, Township 23 South, Range 31 East, being a portion of those lands described in Official Records, Book 4486 at Page 317 of the Public Records of Orange County, Florida, said parcel being more particularly described as follows:

Commence at the northwest corner of said Section 7; thence run South 00° 04' 24" West, along the west line of the northwest 1/4 of said Section 7, a distance of 55.01 feet to the south right-of-way line of Curry Ford Road; thence run North 89° 45' 53" East, along said south right-of-way line, a distance of 906.79 feet; thence run South 86° 29' 20" East, along said south right-of-way line, a distance of 275.47 feet; thence run North 89° 45' 53" East, along said south right-of-way line, a distance of 79.00 feet; thence run South 45° 02' 26" East, along said south right-of-way line, a distance of 35.23 feet to the west right-of-way line of Econlockhatchee Trail; thence run South 00° 09' 16" West, along said west right-of-way line, a distance of 585.09 feet to the point of curvature of a curve concave to the northeast and having a radius of 3325.00 feet; thence run southeasterly along the arc of said curve and west right-of-way line having a central angle of 00° 46' 23" for an arc distance of 44.86 feet where the chord bears South 00° 13' 56" East a distance of 44.86 feet to the **POINT OF BEGINNING**; thence continue southeasterly along said curve and west right-of-way line having a radius of 3325.00 feet, a central angle of 00° 10' 22", an arc distance of 10.02 feet where the chord bears South 00° 42' 18" East a distance of 10.02 feet; thence departing said west right-of-way line run North 86° 56' 17" West, a distance of 83.71 feet; thence run South 00° 02' 07" West, a distance of 17.30 feet; thence run North 89° 57' 53" West, a distance of 10.00 feet; thence run North 00° 02' 07" East, a distance of 207.89 feet; thence run North 85° 37' 31" West, a distance of 70.55 feet; thence run North 85° 50' 48" West, a distance of 31.69 feet; thence run North 02° 40' 27" East, a distance of 10.00 feet; thence run South 85° 50' 48" East, a distance of 31.97 feet; thence run South 85° 37' 31" East, a distance of 69.82 feet; thence run North 00° 02' 07" East, a distance of 19.19 feet; thence run South 89° 57' 53" East, a distance of 10.00 feet; thence run South 00° 02' 07" West, a distance of 209.79 feet; thence run South 86° 56' 17" East, a distance of 83.58 feet to the **POINT OF BEGINNING**.
Containing 4228 square feet or 0.097 acres.

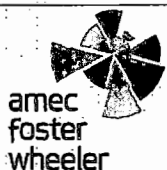
Surveyors Notes

1. This sketch and description is not valid without the original signature and seal of the signing licensed Florida surveyor and mapper.
2. The purpose of this sketch and description is to describe and depict the location of a proposed utility easement. This is not a boundary survey.
3. The configuration and location of the lands described and depicted hereon is based on instructions provided by the client and location of existing utility improvements.
4. Bearings shown hereon are expressed in the Florida State Plane Coordinate System, East Zone (901), with the grid bearing of the west line of the northwest 1/4 of Section 7, Township 23 South, Range 31 East as being South 00° 04' 24" West.
5. Lands shown hereon were not abstracted for ownership, easements, rights-of-way or other title matters by this firm.
6. Additions or deletions to this sketch and description are prohibited without the written consent of the signing Florida licensed surveyor and mapper.
7. This sketch and description is certified for the exclusive use of Orange County.


Robert M. Jones
Florida Professional Surveyor and Mapper No. 4201

THIS IS NOT A BOUNDARY SURVEY

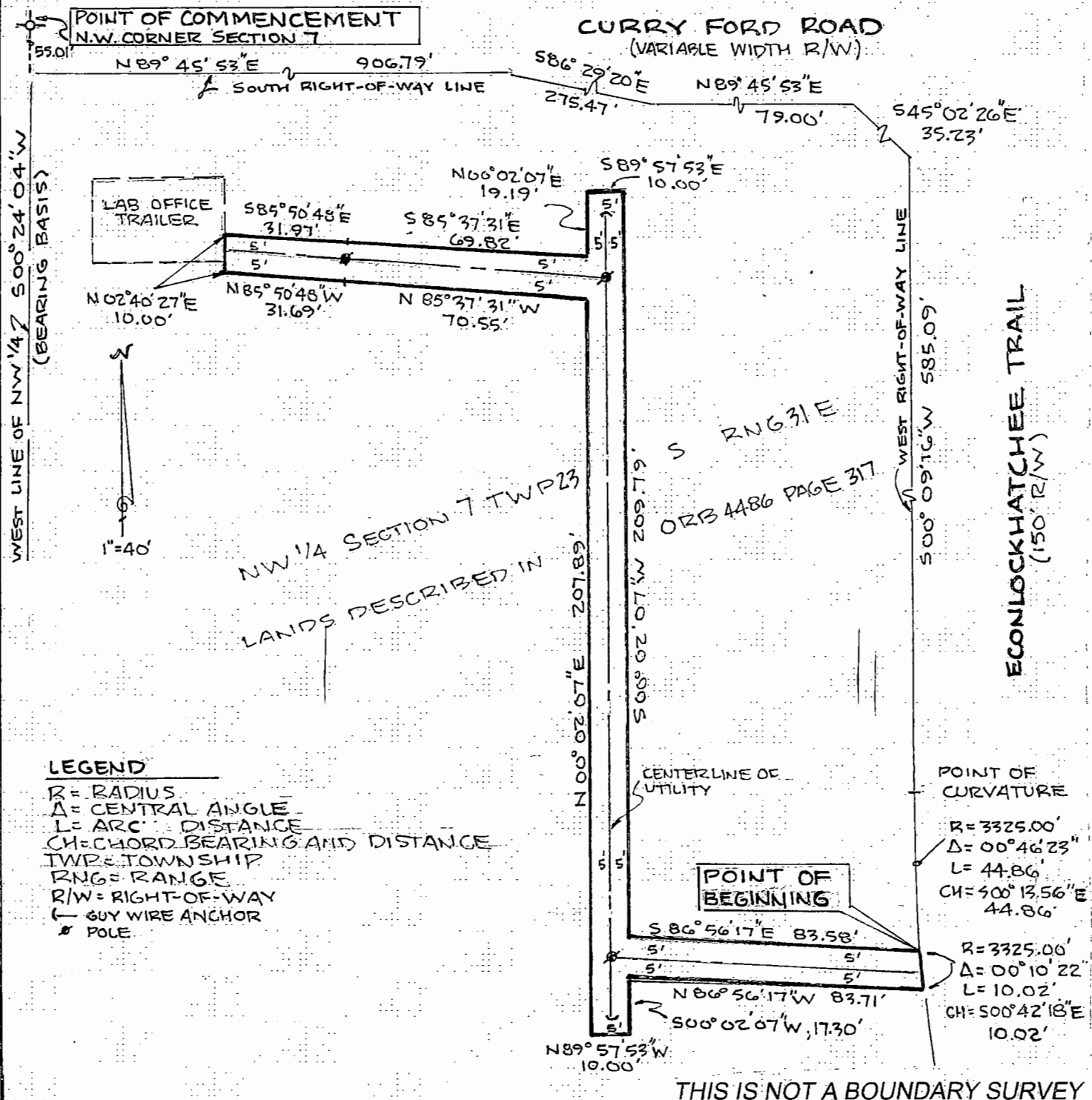
PROJECT TITLE: Orange County Utilities Department
Legal Description and Sketch
Utility Easement at the Eastern Regional Water Supply Facility



Amec Foster Wheeler
Environment & Infrastructure, Inc.
550 Northlake Blvd, Suite 1000
Altamonte Springs, FL 32701 USA
Phone: (407) 522-7570 Fax: (407) 522-7576
Certificate of Authorization Number LB-0007932

| | | | |
|-----------------------|---------------|------------------|-------------|
| DATE | | BY | DESCRIPTION |
| REVISION | | | |
| DRAWN BY: R.M.J. | | CHKD. BY: R.M.J. | |
| DATE: 5/31/2018 | | DATE: 5/31/2018 | |
| JOB No. 6374181100 | SCALE: N/A | SHT. 1 OF 2 | |
| DRAWING NAME: | | | |

SCHEDULE "A"
SKETCH OF DESCRIPTION
PARCEL: 801
ESTATE: Permanent Easement
PURPOSE: Utility



PROJECT TITLE:

Orange County Utilities Department
 Legal Description and Sketch
 Utility Easement at the Eastern Regional Water Supply Facility



Amec Foster Wheeler
Environment & Infrastructure, Inc.

550 Northlake Blvd, Suite 1000
 Altamonte Springs, FL 32701 USA
 Phone: (407) 522-7570 Fax: (407) 522-7576
 Certificate of Authorization Number LB-0007932

| | | |
|--------------------|------------------|-------------|
| DATE | BY | DESCRIPTION |
| REVISION | | |
| DRAWN BY: R.M.J. | CHKD. BY: R.M.J. | |
| DATE: 5/31/2018 | DATE: 5/31/2018 | |
| JOB No. 6374181100 | SCALE: 1" = 40' | SHT. 2 OF 2 |
| DRAWING NAME: | | |