



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

**DATE:** January 7, 2022

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

**THROUGH:** Mindy T. Cummings, Manager  
Real Estate Management Division *mtc*

**FROM:** Mary Tiffault, Senior Title Examiner *MT/mtc*  
Real Estate Management Division

**CONTACT PERSON:** **Mindy T. Cummings, Manager**

**DIVISION:** **Real Estate Management Division**  
**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 disburse funds to pay recording fees and record instrument

**PROJECT:** Orange County Landfill Cell 11 Bay 17-19 Expansion  
  
District 4

**PURPOSE:** To provide for access, construction, operation, and maintenance of electrical facilities by Duke Energy Florida, LLC, d/b/a Duke Energy.

**Interoffice Memorandum**  
**Real Estate Management Division**  
**Agenda Item 6**  
**January 7, 2022**  
**Page 2 of 2**

**ITEMS:** Distribution Easement  
Revenue: None  
Size: 0.59 acres

**BUDGET:** Account No.: 4410-038-1107-02-6310

**FUNDS:** \$53.20 Payable to Orange County Comptroller  
(recording fees)

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Utilities Department

**REMARKS:** Grantor to pay all recording fees

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**JAN 25 2022**

Project: Orange County Landfill Cell 11 Bay 17-19 Expansion



SEC: 21	TWP: 23S	RGE: 31E	COUNTY: ORANGE	PROJECT: 37976275
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 5901 Young Pine Road, Orlando, Florida 32829				
TAX PARCEL NUMBER: 22-23-31-0000-00-001				

### DISTRIBUTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned **ORANGE COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida, its successors and assigns, (**GRANTOR** herein), P. O. Box 1393, Orlando, Florida 32802-1393, 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), P.O. 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 Genel J. Sturgeon, PSM of BFA Environmental Consultants, consisting of three (3) pages, attached hereto and incorporated herein by this reference.

The Easement granted herein is solely for the purposes described herein. 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.

Project: Orange County Landfill Cell 11 Bay 17-19 Expansion

**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.

**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 in this Easement shall constitute, or be deemed or construed as, a waiver of sovereign immunity or limits of liability by **GRANTOR**, including its elected officials, officers, employees, or agents, beyond the statutory limited waiver of immunity or limits of liability set forth in Section 768.28, Florida Statutes, as amended from time to time.

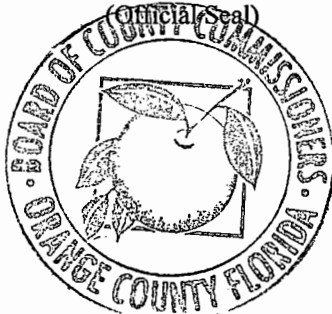
**GRANTOR** retains all rights in and to said Easement Area not in conflict with **GRANTEE'S** rights hereunder granted.

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.

[Signatures on the next page]

Project: Orange County Landfill Cell 11 Bay 17-19 Expansion

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:

*[Signature]*  
Jerry L. Demings  
Orange County Mayor

DATE:

*25 January 2022*

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

BY:

*[Signature]*  
for Deputy Clerk

*Noelia Perez*  
Printed Name

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  
Lake Mary, Florida 32746

# EXHIBIT "A"

## LEGAL DESCRIPTION

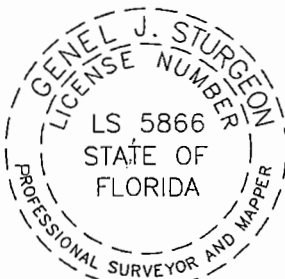
A 20.00 FOOT WIDE STRIP OF LAND LYING WITHIN SECTION 21, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA BEING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER SECTION 21, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89°43'52" WEST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 2055.23 FEET; THENCE SOUTH 16°44'47" WEST, DEPARTING SAID NORTH LINE OF SECTION 21, A DISTANCE OF 22.12 FEET; THENCE SOUTH 32°03'19" WEST, A DISTANCE OF 107.98 FEET; THENCE SOUTH 00°01'33" EAST, A DISTANCE OF 193.94 FEET TO A POINT DESIGNATED AS POINT "A"; THENCE SOUTH 89°53'01" EAST, A DISTANCE OF 1956.92 FEET TO A POINT DESIGNATED AS POINT "B"; THENCE SOUTH 00°01'55" WEST, A DISTANCE OF 2317.93 FEET; THENCE SOUTH 23°41'48" WEST, A DISTANCE OF 302.44 FEET; THENCE SOUTH 00°17'51" EAST, A DISTANCE OF 873.90 FEET TO THE POINT OF BEGINNING; SAID POINT OF BEGINNING BEING DESCRIBED AS A POINT OF TERMINATION OF AN EXISTING DISTRIBUTION EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 7847, PAGES 1117-1120, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE FROM THE SAID POINT OF BEGINNING NORTH 89°42'09" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°17'51" EAST, A DISTANCE OF 282.44 FEET; THENCE SOUTH 11°12'23" EAST, A DISTANCE OF 198.76 FEET; THENCE SOUTH 14°30'20" EAST, A DISTANCE OF 799.71 FEET; THENCE SOUTH 75°29'40" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 14°30'20" WEST, A DISTANCE OF 800.29 FEET; THENCE NORTH 11°12'23" WEST, A DISTANCE OF 201.24 FEET; THENCE NORTH 00°17'51" WEST, A DISTANCE OF 284.35 FEET; THENCE NORTH 89°42'09" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN THE CITY OF ORLANDO, ORANGE COUNTY, FLORIDA AND CONTAINS 0.59 ACRES (25,667.92 SQUARE FEET), MORE OR LESS.

### SURVEYOR'S NOTES

1. A TITLE COMMITMENT WAS NOT REVIEWED FOR THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION.
2. LANDS SHOWN HEREON WERE NOT RESEARCHED BY THIS FIRM FOR MATTERS SUCH AS OWNERSHIP, EASEMENTS, RIGHT OF WAY OR OTHER MATTERS IN THE PUBLIC RECORDS THAT MAY AFFECT THESE LANDS.
3. BEARINGS AND COORDINATES SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983/ 1990 ADJUSTMENT.
4. BEARINGS SHOWN HEREON ARE BASED ON THE THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 23 SOUTH, RANGE 31 EAST, AS BEING NORTH 89°43'52" WEST.
5. GRAPHIC SYMBOLS SHOWN HEREON MAY NOT BE TO SCALE.
6. THE DELINEATION OF LANDS SHOWN HEREON IS AT THE CLIENT'S REQUEST.
7. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION ARE CERTIFIED TO ORANGE COUNTY, FLORIDA.
8. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY GENEL J. STURGEON, P.S.M. 5866 ON 12/3/2021.



This Legal Description was prepared under my direction and is true and correct to the best of my knowledge and belief. This Legal Description was prepared in accordance with the Standards of Practice as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Florida Statute 472.

genel j sturgeon [Signature] Date: 2021.12.03 09:13:10-05'00'

Genel J. Sturgeon, PSM  
Florida Surveyor and Mapper PSM 5866  
Barnes Ferland and Associates LB 7774

Date

NOTE: THIS IS NOT A BOUNDARY SURVEY

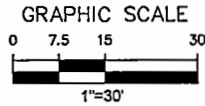
**BFA Environmental Consultants**  
Barnes, Ferland and Associates, Inc.  
1230 E. Hillcrest Street, Orlando, FL, 32803  
PH: (407) 855-8000 FAX: (407) 855-1000  
CERTIFICATE OF AUTHORIZATION: LB7774

**SKETCH & DESCRIPTION**  
SECTION 21, TOWNSHIP 23 SOUTH, RANGE 31 EAST  
ORANGE COUNTY, FLORIDA

**SHEET**  
1 OF 3

MAT 12/9/2021

# SKETCH OF DESCRIPTION



NORTH LINE OF NW 1/4 OF SECTION 21 - TOWNSHIP 23 SOUTH - RANGE 31 EAST

N89°43'52"W 2055.23'

## POINT OF COMMENCEMENT

NORTH 1/4 CORNER SECTION 21,  
TOWNSHIP 23 SOUTH, RANGE 31 EAST,  
ORANGE COUNTY, FLORIDA

ORANGE COUNTY, BCC  
PARCEL ID#  
22-23-31-0000-00-001

POINT "A" PER  
ORB 7847, PGS  
1117-1120

S89°53'01"E  
1956.92'

POINT "B" PER  
ORB 7847, PGS  
1117-1120

S00°01'55"W 2317.93'

S23°41'48"W  
302.44'

MATCH LINE "A"

ORANGE COUNTY, BCC  
PARCEL ID#  
22-23-31-0000-00-001

## LEGEND

- CCR - CERTIFIED CORNER OF RECORD
- CM - CONCRETE MONUMENT
- FDEP - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
- ID - IDENTIFICATION
- IRC - IRON REBAR & CAP
- IR - IRON ROD
- IP - IRON PIPE
- R/W - RIGHT-OF-WAY
- ORB - OFFICIAL RECORDS BOOK
- PG - PAGE
- PC - POINT OF CURVATURE
- PRC - POINT OF REVERSE CURVATURE
- PT - POINT OF TANGENCY
- R - RADIUS
- L - ARC LENGTH
- Δ - DELTA
- CB - CHORD BEARING
- CH - CHORD LENGTH
- PB - PLAT BOOK
- SF - SQUARE FEET

EASEMENT AREA

NOTE: THIS IS NOT A BOUNDARY SURVEY

Plot Date: Dec 01, 2021 11:21am Filename: F:\CIVIL\PROJECTS\2015-20 CH2M Hill Neal-Schafer Cells 11 and 12\9.0 Survey\9.6 Drawings\2015-20-Landfill Electric Easement.dwg

Tech: mcravell

**BFA** Environmental Consultants  
Barnes, Farland and Associates, Inc.  
1230 E. Hillcrest Street, Orlando, FL 32803  
PH: (407) 856-8000 FAX: (407) 856-1882  
CERTIFICATE OF AUTHORIZATION: LB7774

SKETCH & DESCRIPTION  
SECTION 21, TOWNSHIP 23 SOUTH, RANGE 31 EAST  
ORANGE COUNTY, FLORIDA

SHEET  
2 OF 3

# SKETCH OF DESCRIPTION



MATCH LINE "A"

POINT OF BEGINNING

N89°42'09"E  
10.00'

N00°17'51"W  
284.35'

N89°42'09"E  
10.00'

S00°17'51"E  
282.44'

N1°12'23"W  
201.24'

S11°12'23"E  
198.76'

S14°30'20"E  
799.71'

N14°30'20"W  
800.29'

ELECTRICAL EASEMENT  
(0.59± ACRES)

S75°29'40"W  
20.00'

ORANGE COUNTY, BCC  
PARCEL ID#  
22-23-31-0000-00-001

ORANGE COUNTY, BCC  
PARCEL ID#  
22-23-31-0000-00-001

## LEGEND

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- EASEMENT AREA

NOTE: THIS IS NOT A BOUNDARY SURVEY

Tech: mcrowell Plot Date: Dec 01, 2021 11:21am Filename: F:\CIVIL\PROJECTS\2015-20 CH2MHill Neal-Scheffer Cells 11 and 12\9.0 Survey\9.6 Drawings\2015-20-Landfill Electric Easement.dwg

**BFA** Environmental Consultants  
Barnes, Ferland and Associates, Inc.  
1230 E. Hillcrest Street, Orlando, FL, 32803  
Ph (407) 855-2000 Fax (407) 855-1523  
CERTIFICATE OF AUTHORIZATION: LB7774

SKETCH & DESCRIPTION  
SECTION 21, TOWNSHIP 23 SOUTH, RANGE 31 EAST  
ORANGE COUNTY, FLORIDA

SHEET  
3 OF 3



# REQUEST FOR FUNDS FOR LAND ACQUISITION

☒ Under BCC Approval

☐ Under Ordinance Approval

Date: December 14, 2021

Total Amount: \$53.20

Project: Project: Orange County Landfill Cell 11 Bay 17-19 Expansion

Charge to Account #4410-038-1107-02-6310

Controlling Agency Approval Signature

Date

Printed Name:

Fiscal Approval Signature

Date

Michelle Driscoll-Begy

Printed Name

TYPE TRANSACTION (Check appropriate block{s})

☐ Pre-Condernation ☐ Post-Condernation

☐ N/A District # 4

- ☐ Acquisition at Approved Appraisal
- ☐ Acquisition at Below Approved Appraisal
- ☐ Acquisition at Above Approved Appraisal
- ☐ Advance Payment Requested
- ☒ Donation

Name, Address, FEIN No.

DOCUMENTATION ATTACHED (Check appropriate block{s})

- ☐ Contract/ Agreement
- ☒ Copy of unexecuted Instrument
- ☐ Certificate of Value
- ☐ Settlement Analysis

Payable to: Orange County Comptroller

\*\*\*\*\*  
**IMPORTANT: CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)**  
 \*\*\*\*\*

Recommended by

Mary T. Cummins, Sr. Title Examiner, Real Estate Management Division

Date December 14, 2021

Payment Approved

Mindy T. Cummings, Manager, Real Estate Management Division

Date

or

Payment Approved

Luciana Mino, Assistant Manager Real Estate Management Division

Date: 12/14/2021

Certified

Approved by BCC Deputy Clerk to the Board

JAN 2 5 2022

Date

Examined/Approved

Comptroller/Government Grants

Check No. / Date

BY ORANGE COUNTY BOARD  
 OF COUNTY COMMISSIONERS

JAN 2 5 2022