



Legislation Text

File #: 24-1659, **Version:** 1

Interoffice Memorandum

DATE: October 29, 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 approval to record the instrument for Fire Rescue Training Facility - Duke Distribution Easement. District 4. **(Real Estate Management Division)**

PROJECT: Fire Rescue Training Facility - Duke Distribution Easement

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
Cost: Donation
Size: 21,140 square feet

BUDGET: N/A

REVENUE: N/A

FUNDS: N/A

APPROVALS:

Real Estate Management Division
Capital Projects Division

REMARKS: This action provides Duke Energy Florida, LLC, d/b/a Duke Energy, the right to install and maintain electrical distribution lines and related facilities for site improvements. This Distribution Easement supersedes and replaces the original easement approved by the Board on October 10, 2023 (the "Original Easement"). The Original Easement was a blanket easement to allow Duke to install the facilities. This easement specifically defines the easement area where the facilities were actually installed. Grantee will record the easement and pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
NOV 19 2024



SEC: 03	TWP: 23S	RGE: 31E	COUNTY: ORANGE	PROJECT: 50095107	50097932 LS
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS					
SITE ADDRESS: 11104 CURRY FORD ROAD, ORLANDO, FL 32828					
TAX PARCEL NUMBER: 03-23-31-0000-00-002					

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 Steven E. Blankenship, of Poulos & Bennett, dated July 17, 2024, Job # 24-013, 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, privileges, or obligations under this Easement.

Prepared By: Manny R. Vilaret, Esquire
Vilaret Law, PLLC
10901 Danka Circle, Suite C
Saint Petersburg, Florida 33716

Return to: Duke Energy
Attn: Land Services
290 First Avenue N
St. Petersburg, Florida 33701

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: *Jerry Demings*
for Jerry Demings
Orange County Mayor

DATE: 19 November 2024

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

BY: *Jennifer Lara-Klimetz*
Deputy Clerk

Jennifer Lara-Klimetz

Printed Name

SKETCH OF DESCRIPTION

(ELECTRIC EASEMENT)

SHEET 1 OF 4

A portion of Section 3, Township 23 South, Range 31 East, Orange County, Florida, being more particularly described as follows:


COMMENCE at the Southwest corner of Section 3, Township 23 South, Range 31 East, Orange County, Florida; thence N 00°01'40" W along the West line of the Southwest 1/4 of said Section 3 a distance of 758.70 feet to a point on the Easterly right of way line of Curry Ford Road and to the beginning of a non-tangent curve concave Northwesterly having a radius of 1834.28 feet, a chord bearing of N 29°22'33" E, a chord length of 253.69 feet; thence Northeasterly along the arc of said curve and said Easterly right of way line through a central angle of 07°55'51" a distance of 253.90 feet to the POINT OF BEGINNING; to the beginning of a non-tangent curve concave northwesterly having a radius of 1834.28 feet, a chord bearing of N 25°15'16" E, a chord length of 10.00 feet; thence run along the arc of said curve through a central angle of 00°18'45", an arc length of 10.00 feet; thence departing said Easterly right of way line run S 63°39'07" E, 58.97 feet; thence N 89°16'05" E, 47.25 feet; thence S 62°48'44" E, 10.08 feet; thence S 36°34'13" E, 13.24 feet; thence N 44°37'12" E, 22.94 feet; thence N 15°07'39" E, 134.77 feet; thence N 24°16'25" E, 57.39 feet; thence N 18°16'13" E, 110.27 feet; thence N 61°14'04" E, 49.52 feet; thence N 01°46'33" E, 50.76 feet; thence N 08°07'15" E, 64.48 feet; thence N 15°10'57" E, 58.72 feet; thence N 00°56'05" E, 21.92 feet; thence N 72°45'09" W, 49.38 feet; thence N 38°17'41" W, 10.32 feet; thence S 76°37'59" W, 37.61 feet; thence N 79°58'46" W, 54.43 feet to the aforesaid Easterly right of way line of Curry Ford Road and to the beginning of a non-tangent curve concave westerly having a radius of 1834.28 feet, a chord bearing of N 08°27'46" E, a chord length of 10.00 feet; thence run along the arc of said curve through a central angle of 00°18'45", an arc length of 10.00 feet; thence departing said Easterly right of way line run S 79°58'46" E, 52.63 feet; thence N 76°37'59" E, 41.92 feet; thence S 38°17'41" E, 13.60 feet; thence S 72°45'09" E, 47.23 feet; thence N 72°31'05" E, 22.25 feet; thence N 41°26'54" E, 33.92 feet; thence N 40°29'48" E, 86.28 feet; thence N 40°05'33" E, 127.20 feet; thence N 88°36'11" E, 23.97 feet; thence S 80°16'25" E, 68.67 feet; thence S 76°07'59" E, 59.72 feet; thence S 13°52'01" W, 12.00 feet; thence N 76°07'59" W, 86.98 feet; thence N 80°16'25" W, 39.64 feet; thence S 88°36'11" W, 18.49 feet; thence S 40°05'33" W, 122.73 feet; thence S 40°29'48" W, 86.40 feet; thence S 41°26'54" W, 36.79 feet; thence S 72°31'05" W, 21.74 feet; thence S 00°56'05" W, 24.05 feet; thence S 15°10'57" W, 59.35 feet; thence S 08°07'15" W, 63.31 feet; thence S 01°46'33" W, 55.92 feet; thence S 61°14'04" W, 51.30 feet; thence S 18°16'13" W, 106.86 feet; thence S 24°16'25" W, 57.11 feet; thence S 15°07'39" W, 136.60 feet; thence S 44°37'12" W, 23.35 feet; thence S 20°21'19" W, 5.85 feet; thence S 08°59'03" E, 52.71 feet; thence S 04°03'00" E, 54.64 feet; thence S 09°58'09" W, 48.55 feet; thence S 20°50'08" W, 41.49 feet; thence S 06°58'25" W, 60.12 feet; thence S 01°35'30" E, 43.35 feet; thence S 10°17'27" W, 55.03 feet; thence S 35°12'05" W, 43.77 feet; thence S 39°46'57" W, 68.56 feet; thence S 17°08'24" W, 50.02 feet; thence S 08°19'58" W, 16.89 feet; thence S 15°29'08" E, 34.85 feet; thence S 44°51'51" E, 72.35 feet; thence S 42°40'07" E, 50.62 feet; thence S 77°32'50" E, 27.14 feet; thence N 47°31'40" E, 78.18 feet; thence S 42°28'20" E, 10.00 feet; thence S 47°31'40" W, 83.38 feet; thence N 77°32'50" W, 35.48 feet; thence N 42°40'07" W, 53.57 feet; thence N 44°51'51" W, 74.78 feet; thence N 15°29'08" W, 39.58 feet; thence N 08°19'58" E, 19.77 feet; thence N 17°08'24" E, 52.79 feet; thence N 39°46'57" E, 70.16 feet; thence N 35°12'05" E, 41.17 feet; thence N 10°17'27" E, 51.78 feet; thence N 01°35'30" W, 43.06 feet; thence N 06°58'25" E, 62.09 feet; thence N 20°50'08" E, 41.75 feet; thence N 09°58'09" E, 46.36 feet; thence N 04°03'00" W, 52.98 feet; thence N 08°59'03" W, 52.36 feet; thence N 36°34'13" W, 18.94 feet; thence N 62°48'44" W, 5.26 feet; thence S 89°16'05" W, 47.18 feet; thence N 63°39'07" W, 61.18 feet to the POINT OF BEGINNING.

Containing 21,140 square feet, 0.485 acres, more or less.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SW 1/4 OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY FLORIDA, BEING N00°01'40"W A GRID BEARING BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD-83-2011 ADJUSTMENT), EAST ZONE.
2. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER AND/OR ELECTRONIC SIGNATURE AS SET FORTH IN F.A.C. 5J-17.602(3).
3. DELINEATION OF LANDS SHOWN HEREON IS ACCORDING TO THE CLIENT'S INSTRUCTIONS.
4. THIS IS NOT A SURVEY.

NOT VALID WITHOUT SHEETS 2-4

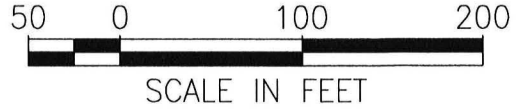
DATE: 07/17/2024		SCALE: N/A	CALC BY: JLG	DRAWN BY: JLG	JOB #: 24-013
Date	Revisions	 <p>2602 E. LIVINGSTON ST. ORLANDO, FL 32803 TEL. 407.487.2594 WWW.POULOSANDBENNETT.COM SURVEYING BUS. NO. LB 8606</p>			<p>I hereby certify that this Sketch of Description was prepared in accordance with the standards of practice for the profession of surveying and mapping as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.</p> <p>Steven E Blankenship</p> <p><small>Digitally signed by Steven E Blankenship DN: cn=Steven E Blankenship, o=Charles McMillan Surveying & Mapping, c=US, Date: 2024.07.23 13:32:54 -0400</small></p> <p>STEVEN E. BLANKENSHIP P.S.M. #5361 STATE OF FLORIDA</p>

SKETCH OF DESCRIPTION

(ELECTRIC EASEMENT)

SHEET 2 OF 4

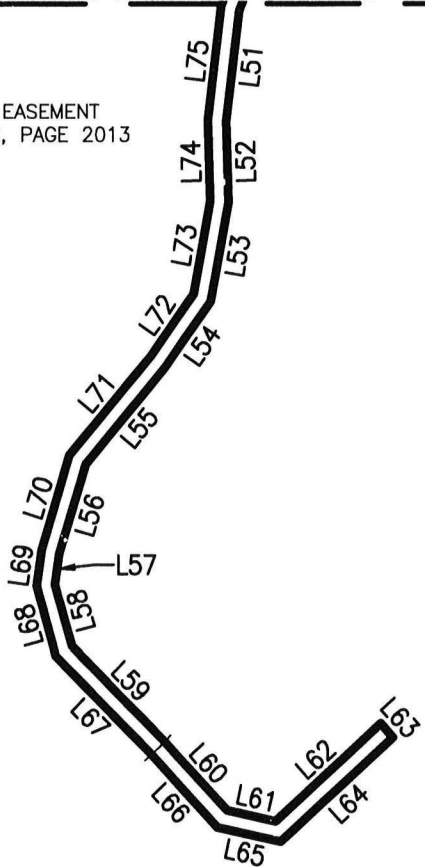
MATCH LINE SEE SHEET 3



DRAINAGE EASEMENT
ORB 6110, PAGE 2013

WEST LINE OF THE SW 1/4
SECTION 3-23-31
(BASIS OF BEARINGS)

N0°01'40"W 758.70'



POINT OF COMMENCEMENT
SW CORNER OF
SECTION 3-23-31


S LINE OF SW 1/4 OF
SECTION 3-23-31

Line Table			Line Table		
Line #	Bearing	Length	Line #	Bearing	Length
L.51	S06°58'25"W	60.12'	L.64	S47°31'40"W	83.38'
L.52	S01°35'30"E	43.35'	L.65	N77°32'50"W	35.48'
L.53	S10°17'27"W	55.03'	L.66	N42°40'07"W	53.57'
L.54	S35°12'05"W	43.77'	L.67	N44°51'51"W	74.78'
L.55	S39°46'57"W	68.56'	L.68	N15°29'08"W	39.58'
L.56	S17°08'24"W	50.02'	L.69	N08°19'58"E	19.77'
L.57	S08°19'58"W	16.89'	L.70	N17°08'24"E	52.79'
L.58	S15°29'08"E	34.85'	L.71	N39°46'57"E	70.16'
L.59	S44°51'51"E	72.35'	L.72	N35°12'05"E	41.17'
L.60	S42°40'07"E	50.62'	L.73	N10°17'27"E	51.78'
L.61	S77°32'50"E	27.14'	L.74	N01°35'30"W	43.06'
L.62	N47°31'40"E	78.18'	L.75	N06°58'25"E	62.09'
L.63	S42°28'20"E	10.00'			

NOT VALID WITHOUT SHEETS 1, 3 AND 4

DATE: 07/17/2024 SCALE: 1"=100' CALC BY: JLG DRAWN BY: JLG JOB #: 24-013

Date	Revisions



2602 E. LIVINGSTON ST.
ORLANDO, FL 32803
TEL. 407.487.2594 WWW.POULOSANDBENNETT.COM
SURVEYING BUS. NO. LB 8606

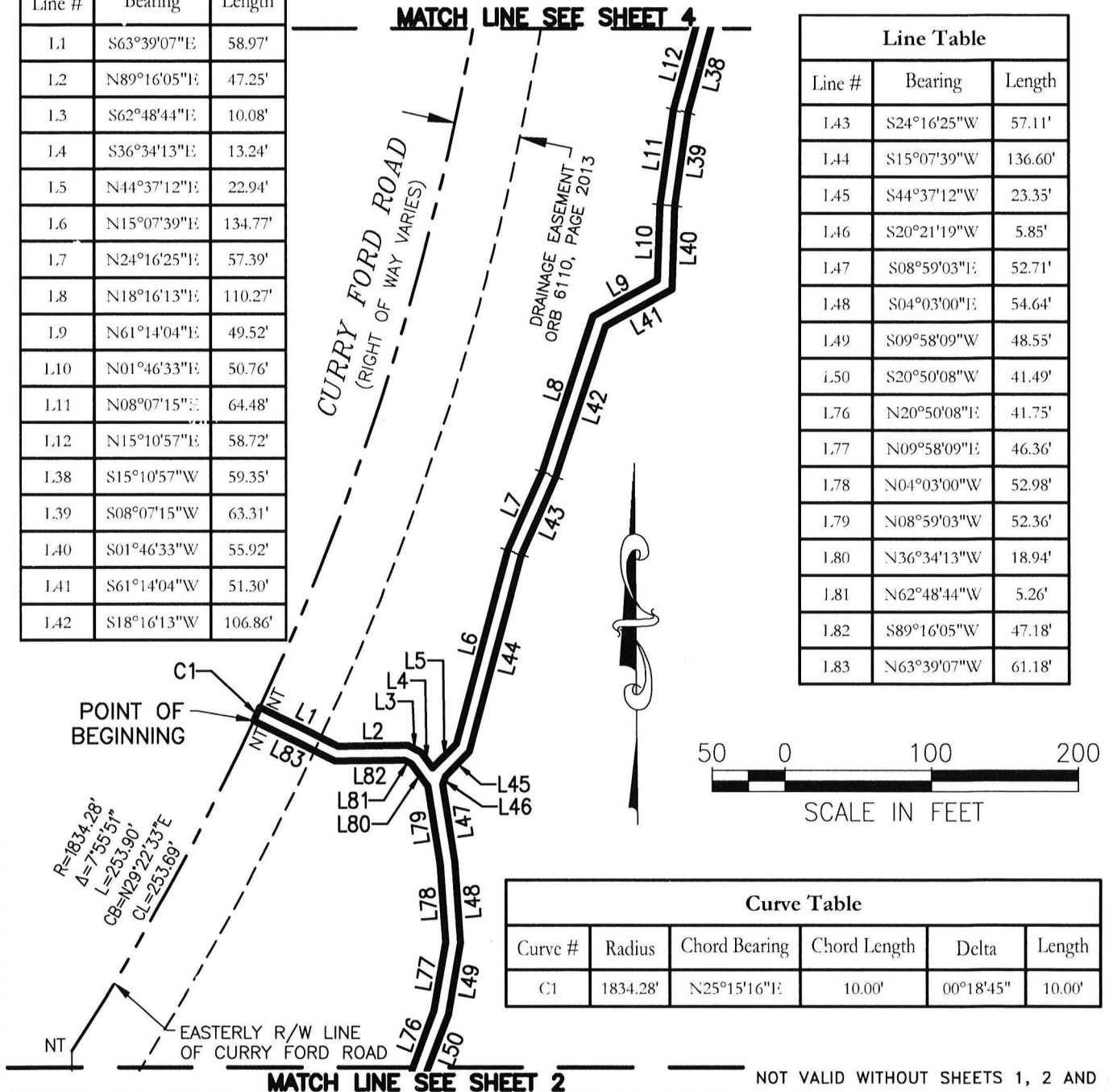
SKETCH OF DESCRIPTION

(ELECTRIC EASEMENT)

SHEET 3 OF 4

Line Table		
Line #	Bearing	Length
L.1	S63°39'07"E	58.97'
L.2	N89°16'05"E	47.25'
L.3	S62°48'44"E	10.08'
L.4	S36°34'13"E	13.24'
L.5	N44°37'12"E	22.94'
L.6	N15°07'39"E	134.77'
L.7	N24°16'25"E	57.39'
L.8	N18°16'13"E	110.27'
L.9	N61°14'04"E	49.52'
L.10	N01°46'33"E	50.76'
L.11	N08°07'15"E	64.48'
L.12	N15°10'57"E	58.72'
L.38	S15°10'57"W	59.35'
L.39	S08°07'15"W	63.31'
L.40	S01°46'33"W	55.92'
L.41	S61°14'04"W	51.30'
L.42	S18°16'13"W	106.86'

Line Table		
Line #	Bearing	Length
L.43	S24°16'25"W	57.11'
L.44	S15°07'39"W	136.60'
L.45	S44°37'12"W	23.35'
L.46	S20°21'19"W	5.85'
L.47	S08°59'03"E	52.71'
L.48	S04°03'00"E	54.64'
L.49	S09°58'09"W	48.55'
L.50	S20°50'08"W	41.49'
L.76	N20°50'08"E	41.75'
L.77	N09°58'09"E	46.36'
L.78	N04°03'00"W	52.98'
L.79	N08°59'03"W	52.36'
L.80	N36°34'13"W	18.94'
L.81	N62°48'44"W	5.26'
L.82	S89°16'05"W	47.18'
L.83	N63°39'07"W	61.18'



Curve Table					
Curve #	Radius	Chord Bearing	Chord Length	Delta	Length
C1	1834.28'	N25°15'16"E	10.00'	00°18'45"	10.00'

DATE: 07/17/2024 SCALE: 1"=100' CALC BY: JLG DRAWN BY: JLG JOB #: 24-013

Date	Revisions

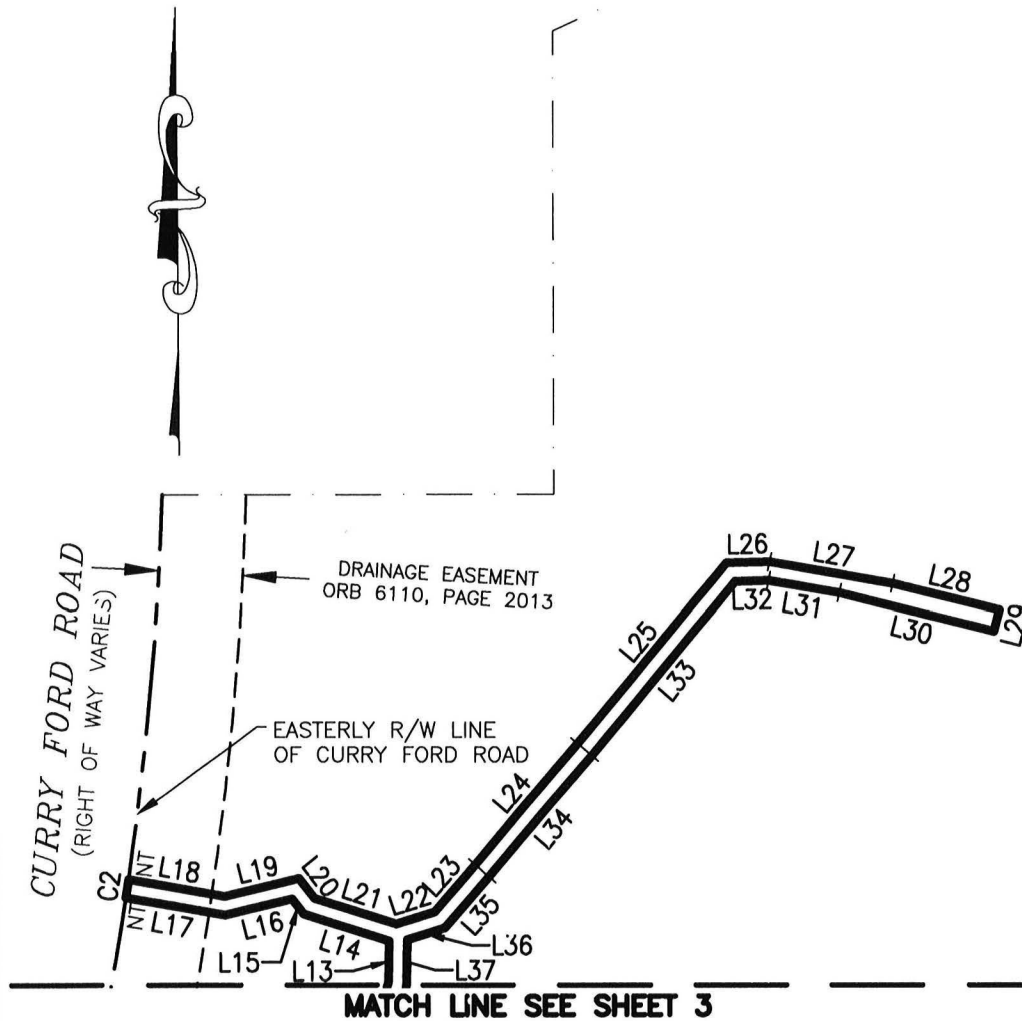
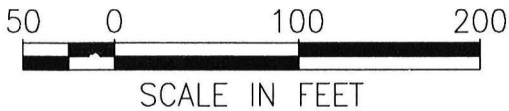
POULOS & BENNETT

2602 E. LIVINGSTON ST.
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TEL. 407.487.2594 WWW.POULOSANDBENNETT.COM
SURVEYING BUS. NO. LB 8606

SKETCH OF DESCRIPTION

(ELECTRIC EASEMENT)

SHEET 4 OF 4



Line Table

Line #	Bearing	Length
L13	N00°56'05"E	21.92'
L14	N72°45'09"W	49.38'
L15	N38°17'41"W	10.32'
L16	S76°37'59"W	37.61'
L17	N79°58'46"W	54.43'
L18	S79°58'46"E	52.63'
L19	N76°37'59"E	41.92'
L20	S38°17'41"E	13.60'
L21	S72°45'09"E	47.23'
L22	N72°31'05"E	22.25'
L23	N41°26'54"E	33.92'
L24	N40°29'48"E	86.28'
L25	N40°05'33"E	127.20'
L26	N88°36'11"E	23.97'
L27	S80°16'25"E	68.67'
L28	S76°07'59"E	59.72'
L29	S13°52'01"W	12.00'
L30	N76°07'59"W	86.98'
L31	N80°16'25"W	39.64'
L32	S88°36'11"W	18.49'
L33	S40°05'33"W	122.73'
L34	S40°29'48"W	86.40'
L35	S41°26'54"W	36.79'
L36	S72°31'05"W	21.74'
L37	S00°56'05"W	24.05'

Curve Table

Curve #	Radius	Chord Bearing	Chord Length	Delta	Length
C2	1834.28'	N08°27'46"E	10.00'	00°18'45"	10.00'

NOT VALID WITHOUT SHEETS 1-3

DATE: 07/17/2024 SCALE: 1"=100' CALC BY: JLG DRAWN BY: JLG JOB #: 24-013

Date	Revisions



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