



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: February 20, 2020

TO: Mayor Jerry L. Demings
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager *PS*
Real Estate Management Division

FROM: Kim Heim, Senior Title Examiner *KH*
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: SSA/ESA J. Lawson Blvd Potable Water Re-pump 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: 31,975 square feet

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS:

This blanket 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 on a portion of the lands acquired by County for use as a water re-pump facility and is intended to be unrecorded. This blanket easement will be replaced with a specific easement as will be shown on a sketch of description to be provided by County within 60 days after the installation of facilities by Grantee. If the sketch of description is not provided by County within 60 days after completion of installation, Grantee may record this easement.

Grantee to pay all recording fees, if any.

Project: SSA/ESA J. Lawson Blvd Potable Water Re-pump Facility



SEC: 29	TWP: 24	RGE: 30	COUNTY: ORANGE	PROJECT: 31251455
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 2297 Victoria Falls Dr., Orlando, FL 32824				
TAX PARCEL NUMBER: 29-24-30-3943-01-001				

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 10.00 foot wide Easement Area lying 5.00 feet on each side of **GRANTEE'S** Facilities to be installed at mutually agreeable locations within the following described property to accommodate present and future development:

See Legal Description on the accompanying Exhibit "A" attached hereto and incorporated herein by this reference.

This easement will be replaced with a Descriptive Easement, five (5) feet on either side of all facilities installed by **GRANTEE**, as will be shown on a certified surveyed sketch of description to be provided by **GRANTOR** within sixty (60) days after the installation of facilities by **GRANTEE**. If the sketch of description is not provided by **GRANTOR** within sixty (60) days after completion of installation, **GRANTEE** will record this easement.

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.

Project: SSA/ESA J. Lawson Blvd Potable Water Re-pump Facility

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 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: Henry L. Demings
Henry L. Demings
Orange County Mayor

DATE: 10 March 2020

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

BY: Katie Smith
Deputy Clerk

Katie Smith
Printed Name

PURPOSE : UTILITY

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PART OF "LA CASCADA-PHASE 1, TRACT 1" AS DESCRIBED IN PLAT BOOK 58, PAGES 101-111 AMONG THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID TRACT LYING IN SECTION 28, TOWNSHIP 24 SOUTH, RANGE 30 EAST, IN ORANGE COUNTY, FLORIDA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF "LA CASCADA-PHASE 1B" AS DESCRIBED IN PLAT BOOK 81, PAGES 60-61 AMONG THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING A REPLAT OF TRACT "B", LA CASCADA PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGES 101 THROUGH 111 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN SECTIONS 28 AND 29, TOWNSHIP 24 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 89 DEGREES 22 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID "LA CASCADA-PHASE 1B" A DISTANCE OF 255.06 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF AFORESAID SECTION 28; THENCE RUN NORTH 00 DEGREES 39 MINUTES 48 SECONDS EAST ALONG THE SAID WEST LINE A DISTANCE OF 185.05 FEET TO THE INTERSECTION WITH THE NORTH LINE OF A 50 FOOT UTILITY EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 7576, PAGE 758; THENCE RUN NORTH 89 DEGREES 22 MINUTES 00 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 84.89 FEET TO A POINT, SAID POINT BEING THE 'POINT OF BEGINNING' FOR THIS DESCRIPTION; THENCE DEPARTING SAID NORTH LINE RUN NORTH 00 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 175.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 22 MINUTES 00 SECONDS EAST 82.31 FEET TO A POINT ON THE SOUTHERLY LINE OF TRACT 52, AFORESAID "LA CASCADA PHASE 1; THENCE RUN THE FOLLOWING COURSES ALONG THE SAID SOUTHERLY LINE OF TRACT 52:
SOUTH 43 DEGREES 58 MINUTES 12 SECONDS EAST 19.31 FEET;
THENCE SOUTH 61 DEGREES 21 MINUTES 05 SECONDS EAST 26.83 FEET;
THENCE SOUTH 71 DEGREES 34 MINUTES 19 SECONDS EAST 8.77 FEET;
THENCE NORTH 67 DEGREES 23 MINUTES 18 SECONDS EAST 18.02 FEET;
THENCE NORTH 66 DEGREES 48 MINUTES 35 SECONDS EAST 21.12 FEET;
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 16.84 FEET;
THENCE SOUTH 84 DEGREES 33 MINUTES 43 SECONDS EAST 29.25 FEET;
THENCE SOUTH 75 DEGREES 28 MINUTES 16 SECONDS EAST 14.09 FEET;
THENCE DEPARTING SAID SOUTHERLY LINE RUN SOUTH 00 DEGREES 38 MINUTES 00 SECONDS EAST 149.12 FEET TO A POINT ON THE AFORESAID NORTH LINE OF THE 50 FOOT UTILITY EASEMENT;
THENCE RUN SOUTH 89 DEGREES 22 MINUTES 00 SECONDS WEST ALONG THE SAID NORTH LINE A DISTANCE OF 200.00 FEET TO THE 'POINT OF BEGINNING'.

CONTAINING 31,975 SQ. FT. OR 0.73 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY RIGHTS-OF-WAY, RESTRICTIONS AND EASEMENTS OF RECORD.

NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF LA CASCADA-PHASE 1B SUBDIVISION BEING NORTH 89° 22' 00" EAST, PER PLAT.

REVISIONS
01/28/11 CORRECTED DIMENSIONS

THIS IS NOT A SURVEY.



One Purlieu Place, Suite 100
Winter Park, Florida
(407) 657-6662
Licensed Business #4620

PROJECT TITLE:

ORANGE COUNTY UTILITIES
ENGINEERING DIVISION
PROPOSED RE-PUMP PARCEL

Lance D. Knutsen
LANCE D. KNUTSEN, P.L.S. #4364

STATE OF FLORIDA
DATE 1-29-11

THIS DOCUMENT NOT VALID UNLESS EMBOSSED WITH THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



EXHIBIT 'A'
SKETCH OF DESCRIPTION

SHEET 2 OF 2

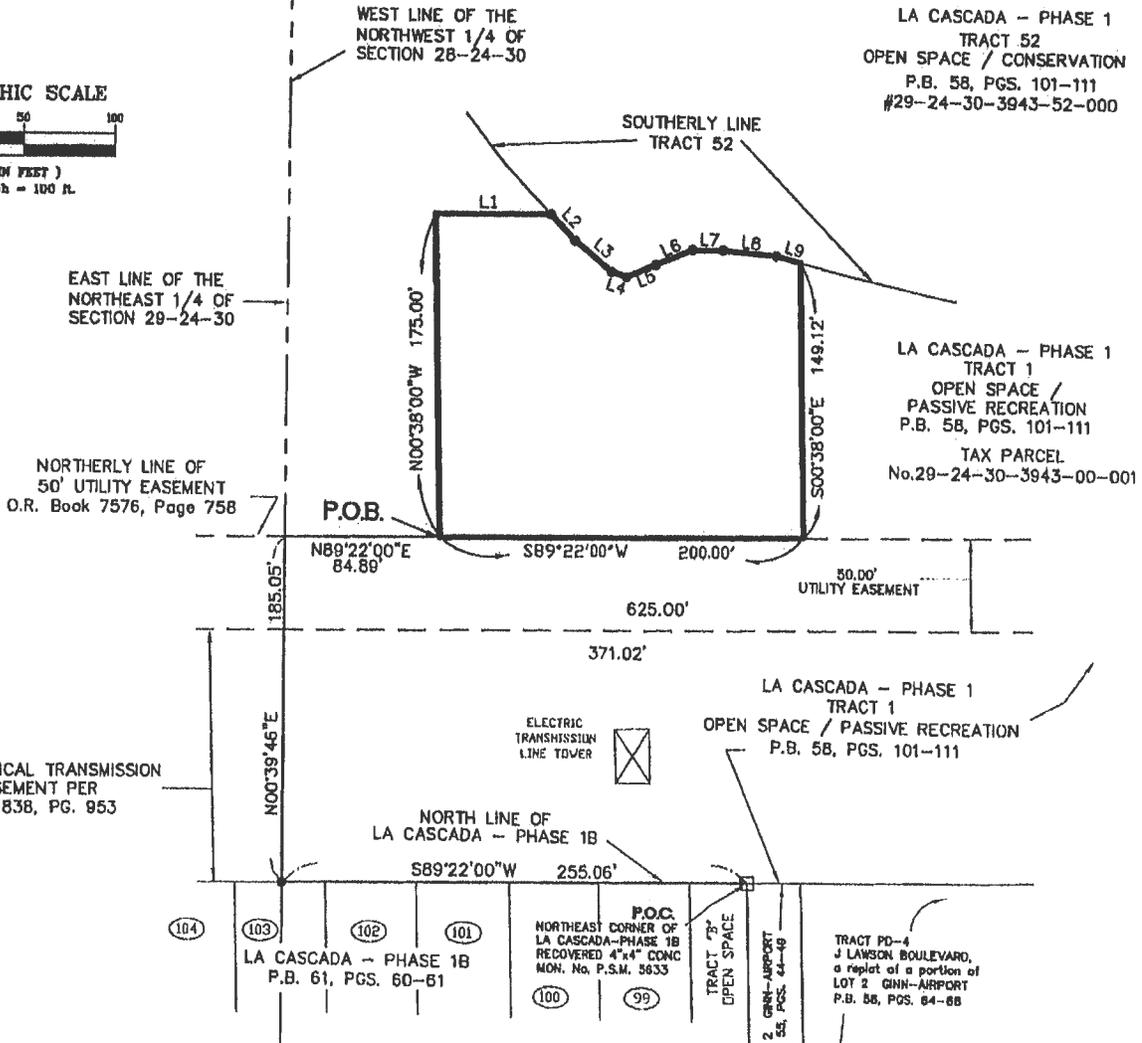
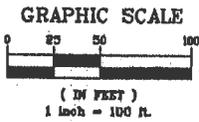
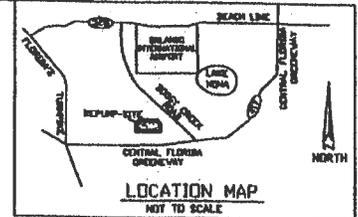
PURPOSE : UTILITY



LEGEND

- CMC = CONCRETE
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- MON. = MONUMENT
- No. = NUMBER
- P.B. = PLAT BOOK
- P.GS. = PAGES
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- (C) = CALCULATED
- (P) = PLAT
- (F) = FIELD MEASURED
- P.L.S. = PROFESSIONAL LAND SURVEYOR
- O.R. = OFFICIAL RECORD
- (100) = LOT NUMBER
- ⊙ = IRON ROD AND CAP STAMPED "LB 4620"

LINE TABLE (F&C)		
LINE	LENGTH	BEARING
L1	62.31	N89°22'00"E
L2	19.31	S43°58'12"E
L3	26.63	S51°21'05"E
L4	8.77	S71°34'19"E
L5	18.02	N67°23'18"E
L6	21.12	N66°48'35"E
L7	16.64	N90°00'00"E
L8	29.25	S84°33'43"E
L9	14.09	S75°28'16"E



LA CASCADE - PHASE 1
TRACT 52
OPEN SPACE / CONSERVATION
P.B. 58, PGS. 101-111
#29-24-30-3943-52-000

LA CASCADE - PHASE 1
TRACT 1
OPEN SPACE / PASSIVE RECREATION
P.B. 58, PGS. 101-111
TAX PARCEL
No.29-24-30-3943-00-001

LA CASCADE - PHASE 1
TRACT 1
OPEN SPACE / PASSIVE RECREATION
P.B. 58, PGS. 101-111

LA CASCADE - PHASE 1B
P.B. 61, PGS. 60-61

P.O.C.
NORTHEAST CORNER OF
LA CASCADE - PHASE 1B
RECOVERED 4"x4" CMC
MON. No. P.S.M. 5833

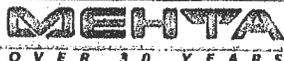
TRACT PD-4
J LAWSON BOULEVARD,
a replat of a portion of
LOT 2 GINN-AIRPORT
P.B. 58, PGS. 64-68

NOTES:

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REVISIONS
01/28/11 CORRECTED DIMENSIONS

THIS IS NOT A SURVEY.



One Purlieu Place, Suite 100
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Licensed Business #4620

PROJECT TITLE:

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ENGINEERING DIVISION
PROPOSED RE-PUMP PARCEL

Lance D. Knutsen
LANCE D. KNUTSEN, P.L.S. #4364

1-31-11
DATE

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SEAL