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|---|----------|----------|----------------|---------------------------------|
| SEC: 01   | TWP: 24S | RGE: 28E | COUNTY: ORANGE | PROJECT: 57746448D   58615006LS |
| GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS      |          |          |                |                                 |
| SITE ADDRESS: 9400 Universal Boulevard, Orlando, FL 32819 |          |          |                |                                 |
| TAX PARCEL NUMBER: 01-24-28-0000-00-007                   |          |          |                |                                 |

## 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 ninety (90) days after the installation of facilities by GRANTEE. If the sketch of description is not provided by GRANTOR within ninety (90) 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 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.

**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.

**“COUNTY”**

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

Date: \_\_\_\_\_

**ATTEST:**

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

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Printed Name



**Exhibit "A" -**

That part of the East ½ of Section 1, Township 24 South, Range 28 East and that part of the West ½ of Section 6, Township 24 South, Range 29 East, Orange County, Florida, being described as follows:

BEGIN at the most Easterly corner of Block A, PLAZA INTERNATIONAL UNIT SIX, as recorded in Plat Book 12, Page 78, Public Records of Orange County, Florida, said point being on a Northeasterly boundary of that certain parcel of land designated as Tract 2 being described and recorded in Official Records Book 3445, Page 800, Public Records of Orange County, Florida; thence run North 49 degrees 35 minutes 02 seconds West 301.33 feet along said Northeasterly boundary to the Northeast corner of said Block A; thence run North 00 degrees 00 minutes 27 seconds East 400.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186", said 4" X 4" concrete monument being a point on a nontangent curve concave Northeasterly and having a radius of 628.71 feet; thence from a tangent bearing of North 53 degrees 20 minutes 05 seconds West, run Northwesterly 842.84 feet along the arc of said curve through a central angle of 76 degrees 48 minutes 36 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve; thence run South 76 degrees 43 minutes 41 seconds East 150.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 13 degrees 16 minutes 19 seconds East 877.42 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 70 degrees 32 minutes 48 seconds East 132.90 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the beginning of a tangent curve concave Northeasterly and having a radius of 2432.85 feet; thence run Southeasterly 824.83 feet along the arc of said curve through a central angle of 19 degrees 25 minutes 32 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve; thence run South 89 degrees 58 minutes 20 seconds East 1676.53 feet to a nail and disc stamped "LS 1585 LS 1819 LS 3186" at the beginning of a tangent curve concave Southwesterly and having a radius of 2664.58 feet; thence run Southeasterly 1054.44 feet along the arc of said curve through a central angle of 22 degrees 40 minutes 24 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve; thence run South 67 degrees 17 minutes 56 seconds East 310.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 22 degrees 42



**Exhibit "A"**

minutes 04 seconds West 500.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the beginning of a tangent curve concave Northwesterly and having a radius of 4712.40 feet; thence run Southwesterly 884.86 feet along the arc of said curve through a central angle of 10 degrees 45 minutes 31 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve and the beginning of a reverse curve concave Southeasterly and having a radius of 2285.65 feet; thence run Southwesterly 1090.62 feet along the arc of said curve through a central angle of 27 degrees 20 minutes 21 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve; thence run West 1201.57 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence continue West 295.27 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence continue West 357.00 feet to a point; thence run South 35 degrees 08 minutes 39 seconds West 202.11 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186", said 4" X 4" concrete monument being a point on the aforesaid Northeasterly boundary of that certain parcel of land designated as Tract 2 being described and recorded in Official Records Book 3445, Page 800; thence run North 49 degrees 35 minutes 02 seconds West 1176.75 feet along said Northeasterly boundary to the Point of Beginning.



**Exhibit "A" -**

**TOGETHER WITH:**

That part of the East  $\frac{1}{4}$  of Section 36, Township 23 South, Range 28 East and that part of the East  $\frac{1}{4}$  of Section 1, Township 24 South, Range 28 East and that part of the West  $\frac{1}{4}$  of Section 6, Township 24 South, Range 29 East, Orange County, Florida, being described as follows:

From the most Easterly corner of Block A, PLAZA INTERNATIONAL UNIT SIX, as recorded in Plat Book 12, Page 78, Public Records of Orange County, Florida, said point being on a Northeasterly boundary of that certain parcel of land designated as Tract 2 being described and recorded in Official Records Book 3445, Page 800, Public Records of Orange County, Florida; thence run North 49 degrees 35 minutes 02 seconds West 301.33 feet along said Northeasterly boundary to the Northeast corner of said Block A; thence run North 00 degrees 00 minutes 27 seconds East 400.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186", said 4" X 4" concrete monument being a point on a nontangent curve concave Northeasterly and having a radius of 628.71 feet; thence from a tangent bearing of North 53 degrees 20 minutes 05 seconds West, run Northwesterly 842.84 feet along the arc of said curve through a central angle of 76 degrees 48 minutes 36 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve; thence run South 76 degrees 43 minutes 41 seconds East 150.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 13 degrees 16 minutes 19 seconds East 877.42 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 70 degrees 32 minutes 48 seconds East 132.90 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the beginning of a tangent curve concave Northeasterly and having a radius of 2432.85 feet; thence run Southeasterly 824.83 feet along the arc of said curve through a central angle of 19 degrees 25 minutes 32 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve; thence run North 00 degrees 01 minutes 40 seconds East 200.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" for the POINT OF BEGINNING; thence run South 89 degrees 58 minutes 20 seconds East 1525.19 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 00 degrees 01 minutes 40 seconds East 164.17 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run



**Exhibit "A"**

North 50 degrees 46 minutes 55 seconds West 592.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 26 degrees 10 minutes 13 seconds West 286.45 feet to a 6" X 6" concrete monument with disc stamped "RLS 1585 RLS 1819" at the Southwest corner of Section 31,, Township 23 South, Range 29 East, Orange County, Florida; thence continue North 26 degrees 10 minutes 13 seconds West 37.54 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 89 degrees 40 minutes 05 seconds West 861.49 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 13 degrees 31 minutes 00 seconds West 674.91 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 27 degrees 09 minutes 59 seconds West 180.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186", said 4" X 4" concrete monument being a point on a nontangent curve concave Northerly and having a radius of 2232.85 feet; thence form a tangent bearing of South 85 degrees 24 minutes 29 seconds East, run Easterly 177.87 feet along the arc of said curve through a central angle of 04 degrees 33 minutes 51 seconds to the Point of Beginning.



**Exhibit "A"**

LESS AND EXCEPT:

That part of the East  $\frac{1}{4}$  of Section 36, Township 23 South, Range 28 East and that part of the West  $\frac{1}{4}$  of Section 6, Township 24 South, Range 29 East, Orange County, Florida, being described as follows:

From the most Easterly corner of Block A, PLAZA INTERNATIONAL UNIT SIX, as recorded in Plat Book 12, Page 78, Public Records of Orange County, Florida, said point being on a Northeasterly boundary of that certain parcel of land designated as Tract 2 being described and recorded in Official Records Book 3445, Page 800, Public Records of Orange County, Florida; thence run North 49 degrees 35 minutes 02 seconds West 301.33 feet along said Northeasterly boundary to the Northeast corner of said Block A; thence run North 00 degrees 00 minutes 27 seconds East 400.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186", said 4" X 4" concrete monument being a point on a nontangent curve concave Northeasterly and having a radius of 628.71 feet; thence from a tangent bearing of North 53 degrees 20 minutes 05 seconds West, run Northwesterly 842.84 feet along the arc of said curve through a central angle of 76 degrees 48 minutes 36 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve; thence run South 76 degrees 43 minutes 41 seconds East 150.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 13 degrees 16 minutes 19 seconds East 877.42 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 70 degrees 32 minutes 48 seconds East 132.90 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the beginning of a tangent curve concave Northeasterly and having a radius of 2432.85 feet; thence run Southeasterly 824.83 feet along the arc of said curve through a central angle of 19 degrees 25 minutes 32 seconds to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the end of said curve; thence run North 00 degrees 01 minutes 40 seconds East 200.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 89 degrees 58 minutes 20 seconds East 1525.19 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 00 degrees 01 minutes 40 seconds East 164.17 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 50 degrees 46 minutes 55 seconds West 592.00 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 26 degrees 10

**Exhibit "A"**

minutes 13 seconds West 253.21 feet for the POINT OF BEGINNING; thence continue North 26 degrees 10 minutes 13 seconds West 33.24 feet to a 6" X 6" concrete monument with disc stamped "RLS 1585 RLS 1819" at the Southwest corner of Section 31, Township 23 South, Range 29 East, Orange County, Florida; thence continue North 26 degrees 10 minutes 13 seconds West 37.54 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 89 degrees 40 minutes 05 seconds West 861.49 feet to a 4" X 4" concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 13 degrees 31 minutes 00 seconds West 65.61 feet; thence run North 89 degrees 40 minutes 05 seconds East 908.04 feet to the Point of Beginning.