



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

**DATE:** July 2, 2018

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

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

**FROM:** Kenneth Woods, Acquisition Agent *KW*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

**DIVISION:** Real Estate Management  
Phone: (407) 836-7090

**ACTION REQUESTED:** APPROVAL AND EXECUTION OF SUBORDINATION OF UTILITY INTERESTS (INSTRUMENT 1006.3) FROM DUKE ENERGY FLORIDA, LLC, D/B/A DUKE ENERGY, F/K/A DUKE ENERGY FLORIDA, INC., F/K/A FLORIDA POWER CORPORATION, TO ORANGE COUNTY AND AUTHORIZATION TO DISBURSE FUNDS TO PAY RECORDING FEES AND RECORD INSTRUMENT

**PROJECT:** Boggy Creek Road (Osceola Cnty line to 600' N. of Central Fl Greenway SR 417)  
  
District 4

**PURPOSE:** To provide for access, construction, operation, and maintenance of road-widening improvements.

**ITEM:** Subordination of Utility Interests (Instrument 1006.3)

**BUDGET:** Account No.: 1321-072-5085-6110

**FUNDS:** \$69.50 Payable to Orange County Comptroller  
(recording fees)

**APPROVALS:** Real Estate Management Division  
Public Works Department

**REMARKS:** This action will subordinate Duke Energy's interest in their existing easement encumbering Parcel 1006 of Orange County's Boggy Creek Road widening project. If Orange County should require Duke Energy to alter, adjust, or relocate its facilities located within said lands in connection with this subordination, Orange County shall pay the reasonable cost of such alteration, adjustment, or relocation, including but not limited to the cost of acquiring appropriate easements.

Orange County is executing the Subordination of Utility Interests to show acceptance of the terms and conditions.

Instrument: 1006.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

### **SUBORDINATION OF UTILITY INTERESTS**

THIS SUBORDINATION, entered into by and between Duke Energy Florida, LLC d/b/a Duke Energy, a Florida limited liability company, f/k/a Duke Energy Florida, Inc. f/k/a Florida Power Corporation, a Florida corporation, hereinafter called Utility and Orange County, a charter county and political subdivision of the State of Florida, hereinafter called County

### **WITNESSETH:**

WHEREAS, the Utility presently has an interest in certain lands that have been determined necessary for public road right-of-way purposes; and

WHEREAS, the proposed use of these lands for public road right-of-way purposes will require subordination of the interest claimed in such lands by Utility to County; and

WHEREAS, County is willing to pay to have the Utility's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and County agree as follows:

Utility hereby subordinates to the interest of County, its successors, or assigns, any and all of its interest in the lands as follows, viz:

### **SEE ATTACHED SCHEDULE "A"**

#### **Encumbrances:**

Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation

FROM: Lock Haven Baptist Church of Boggy Creek Community, Inc.

Easement filed May 20, 1969

Recorded in Official Records Book 1835, Page 843

FROM: Lock Haven Baptist Church

Distribution Easement filed January 28, 1991

Recorded in Official Records Book 4256, Page 4957

All in the Public Records of Orange County, Florida

Instrument: 1006.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

PROVIDED that the Utility has the following rights:

1. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with County's current minimum standards for such facilities as required by Article VI, Chapter 21 of the Orange County Code, as it may be replaced, amended, or superseded from time to time. Any new construction or relocation of facilities within the lands will be subject to prior approval by County. Should County fail to approve any new construction or relocation of facilities by the Utility otherwise authorized under the aforementioned subordinated interest or require the Utility to alter, adjust, or relocate its facilities located within said lands in connection with this subordination, County shall pay the reasonable cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements (collectively "Reimbursement Costs").
2. Utility shall provide written notice to County's Director of Public Works (or equivalent in the event of reorganization) of the estimated costs and narrative scope of any alteration, adjustment, relocation, or removal of its facilities or of the acquisition of any additional easements at least 60 days prior to Utility incurring such costs.
3. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions herein, with the exception of the provision herein regarding Reimbursement Costs.
4. The Utility shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of County's facilities.
5. The Utility agrees to indemnify and hold County harmless for, from and against any and all losses, claims or damages incurred by County to the extent arising from Utility's or Utility's Contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of Utility's facilities located on the above described easement.

Instrument: 1006.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

IN WITNESS WHEREOF, the Utility has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year below written.

Duke Energy Florida, LLC d/b/a  
Duke Energy, f/k/a Duke Energy Florida, Inc.,  
f/k/a Florida Power Corporation

Signed, sealed and delivered in  
the presence of:

By: Kris Tietig

Kris Tietig, Manager  
Land Services – Florida Region

Nick Brana  
SIGNATURE LINE  
PRINT/TYPE NAME: NICK BRANA

Kalen D. Mason  
SIGNATURE LINE  
PRINT/TYPE NAME: Kalen D. Mason

Date: 5/11/18

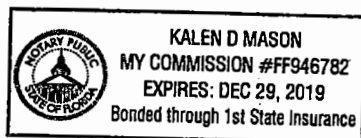


(Two witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 11 day of May,  
by Kris Tietig, Manager of Land Services – Florida Region for Duke Energy Florida, LLC, a Florida  
limited liability company, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a  
Florida corporation, on behalf of the limited liability company. He ☒ is personally known to me or ☐ has  
produced \_\_\_\_\_ as identification.



Kalen D. Mason  
PRINT/TYPE NAME: Kalen D. Mason

Notary Public in and for the  
County and State last aforesaid.

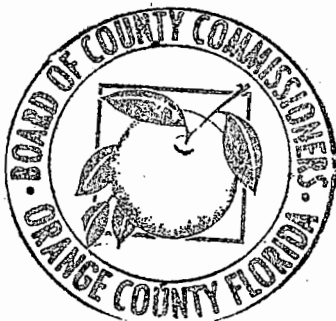
My Commission Expires: 12/29/19

Serial No., if any: FE946782

Instrument: 1006.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

IN WITNESS WHEREOF, County has executed this Subordination on the day and year below written.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Teresa Jacobs*  
Teresa Jacobs,  
Orange County Mayor

Date: 7.17.18

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

By: *Noelia Perez*  
for Deputy Clerk

Noelia Perez  
Printed Name

**This instrument prepared by:**  
Jeffrey Sponenburg, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

# SCHEDULE "A"

Parcel 1006

## Description:

A portion of the Northeast 1/4 of Section 33, Township 24 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of Section 33, Township 24 South, Range 30 East; thence run South 00 degrees 58' 20" East along the East line of the Northeast 1/4 of said Section 33, a distance of 1316.18 feet to the Northeast corner of the South 1/2 of the Northeast 1/4 of said Section 33, thence continue South 00 degrees 58' 20" East along said East line a distance of 279.46 feet (279.71 feet deed) to the South line of those lands described in Official Records Book 3153, Page 1354 of the Public Records of Orange County, Florida, thence run North 76 degrees 32' 06" West along said South line a distance of 30.98 feet to the West right of way line of Boggy Creek Road as recorded in Deed Book 402, Page 397 of said Public Records and the POINT OF BEGINNING; thence leaving said West right of way line run North 76 degrees 32' 06" West along said South line a distance of 70.22 feet; thence leaving said South line run North 00 degrees 58' 20" West a distance of 526.33 feet to the North line of the South 270 feet of the North 1/2 of the Northeast 1/4 of said Section 33; thence run South 89 degrees 46' 58" East along said North line a distance of 68.01 feet to the intersection with the West right of way line of said Boggy Creek Road; thence run South 00 degrees 58' 20" East along said West right of way line a distance of 542.43 feet to the POINT OF BEGINNING.

Containing 0.8342 acres, more or less.

## THIS IS NOT A SURVEY

BEARINGS BASED ON THE EAST LINE OF THE N.E. 1/4 OF SEC. 33, TWP. 24 S., RGE. 30 E BEING S00°58'20"E PER THE BOGGY CREEK RIGHT OF WAY MAP.

REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

*Daniel A. Groves*  
DANIEL A. GROVES, FLORIDA PROFESSIONAL SURVEYOR  
AND MAPPER NO. 4825  
METRIC ENGINEERING, INC. LICENSE NO. 2294

COUNTY PROJECT NO. 5085

ROAD NAME: BOGGY CREEK ROAD



**METRIC ENGINEERING, INC.**  
ENGINEERS - PLANNERS - SURVEYORS  
615 CRESCENT EXECUTIVE CT. SUITE 524,  
LAKE MARY, FLORIDA 32746  
PHONE (407) 644-1898 FAX (407) 644-1921

SECTION 33  
TOWNSHIP 24 SOUTH  
RANGE 30 EAST

DRAWN BY: D.GROVES  
DRAWING  
DATE: MAY. 20, 2009

CHECKED BY: D.GROVES  
DATE: SEPT. 22, 2009

PARCEL NO.  
1006

9.28.11 FINAL COR  
DATE REVISIONS BY

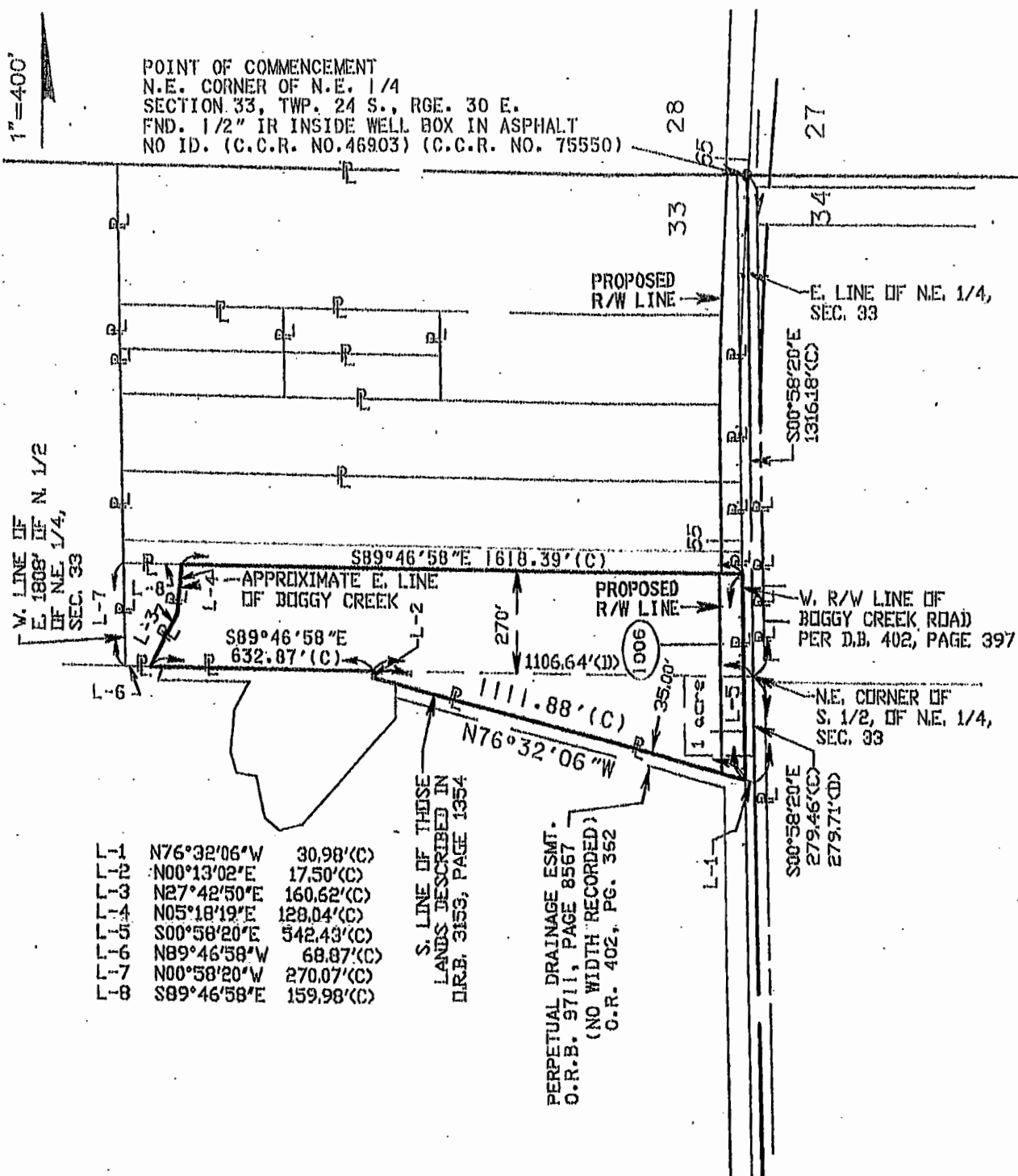
SCALE 1" = NA  
SHEET 1 OF 4

PROJECT NO. 41951 DRAWING: P1006-SHT1.DWG

PARCEL 1006  
 SKETCH OF DESCRIPTION  
 THIS IS NOT A SURVEY

1"=400'

POINT OF COMMENCEMENT  
 N.E. CORNER OF N.E. 1/4  
 SECTION 33, TWP. 24 S., RGE. 30 E.  
 FND. 1/2" IR INSIDE WELL BOX IN ASPHALT  
 NO ID. (C.C.R. NO. 46903) (C.C.R. NO. 75550)



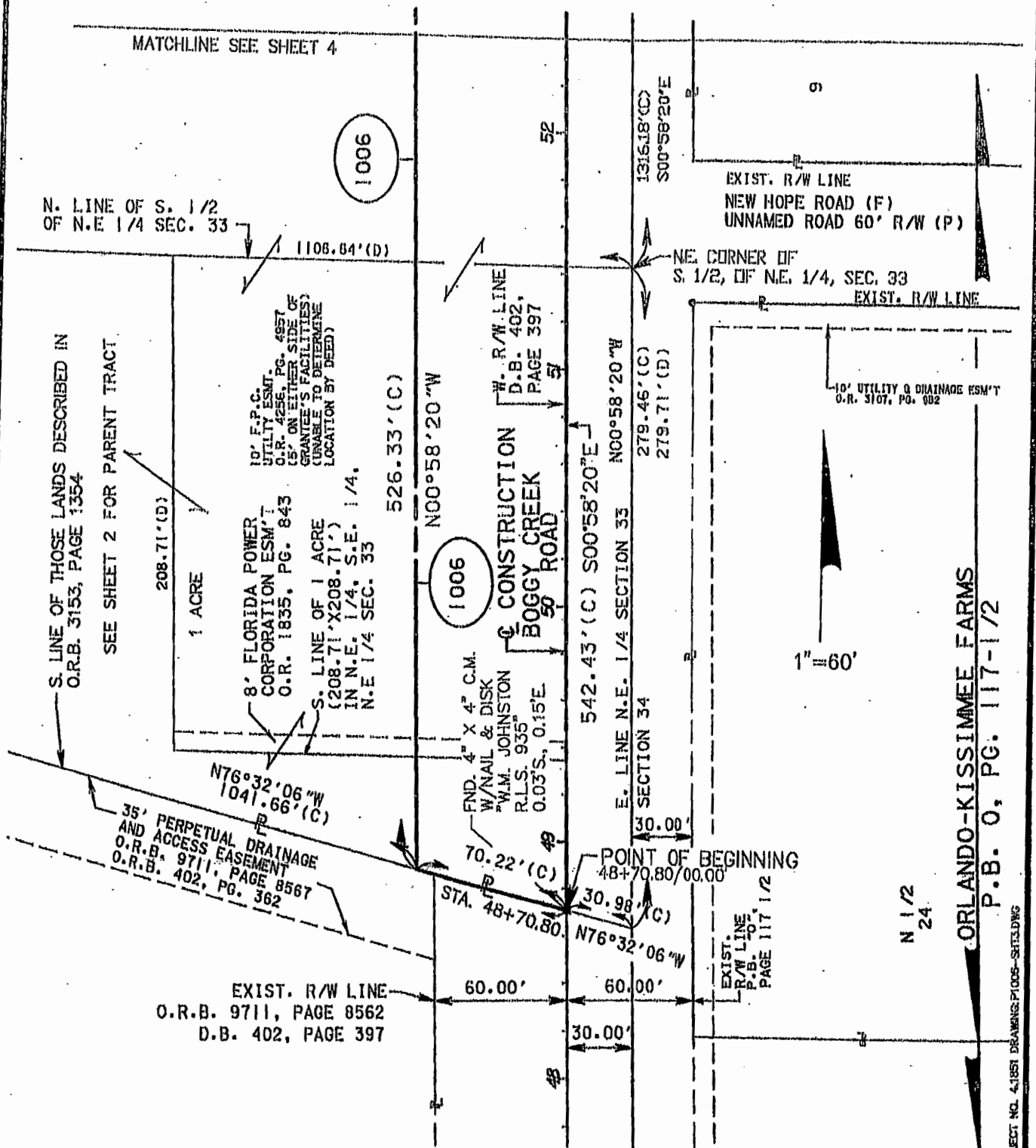
- L-1 N76°32'06"W 30.98'(C)
- L-2 N00°13'02"E 17.50'(C)
- L-3 N27°42'50"E 160.62'(C)
- L-4 N05°18'19"E 128.04'(C)
- L-5 S00°58'20"E 542.43'(C)
- L-6 N89°46'58"W 68.87'(C)
- L-7 N00°58'20"W 270.07'(C)
- L-8 S89°46'58"E 159.98'(C)

LEGEND

AC.	ACRE	(D)	DEED	P.C.	POINT OF CURVATURE	RT	RIGHT
B.	BASELINE	FND.	FOUND	P.I.	POINT OF INTERSECTION	R/W	RIGHT OF WAY
C.	CENTERLINE	(F)	FIELD MEASURE	P.T.	POINT OF TANGENCY	S.F.	SQUARE FEET
(C)	CALCULATED	L	ARC LENGTH	R	RADIUS	T	TANGENT LENGTH
CH.	CHORD DISTANCE	LT	LEFT	RGE.	RANGE	TWP.	TOWNSHIP
Δ	DELTA/CENTRAL ANGLE	O.R.B.	OFFICIAL RECORDS BOOK				
		P.B.	PLAT BOOK				



**PARCEL 1006**  
**SKETCH OF DESCRIPTION**  
**THIS IS NOT A SURVEY**

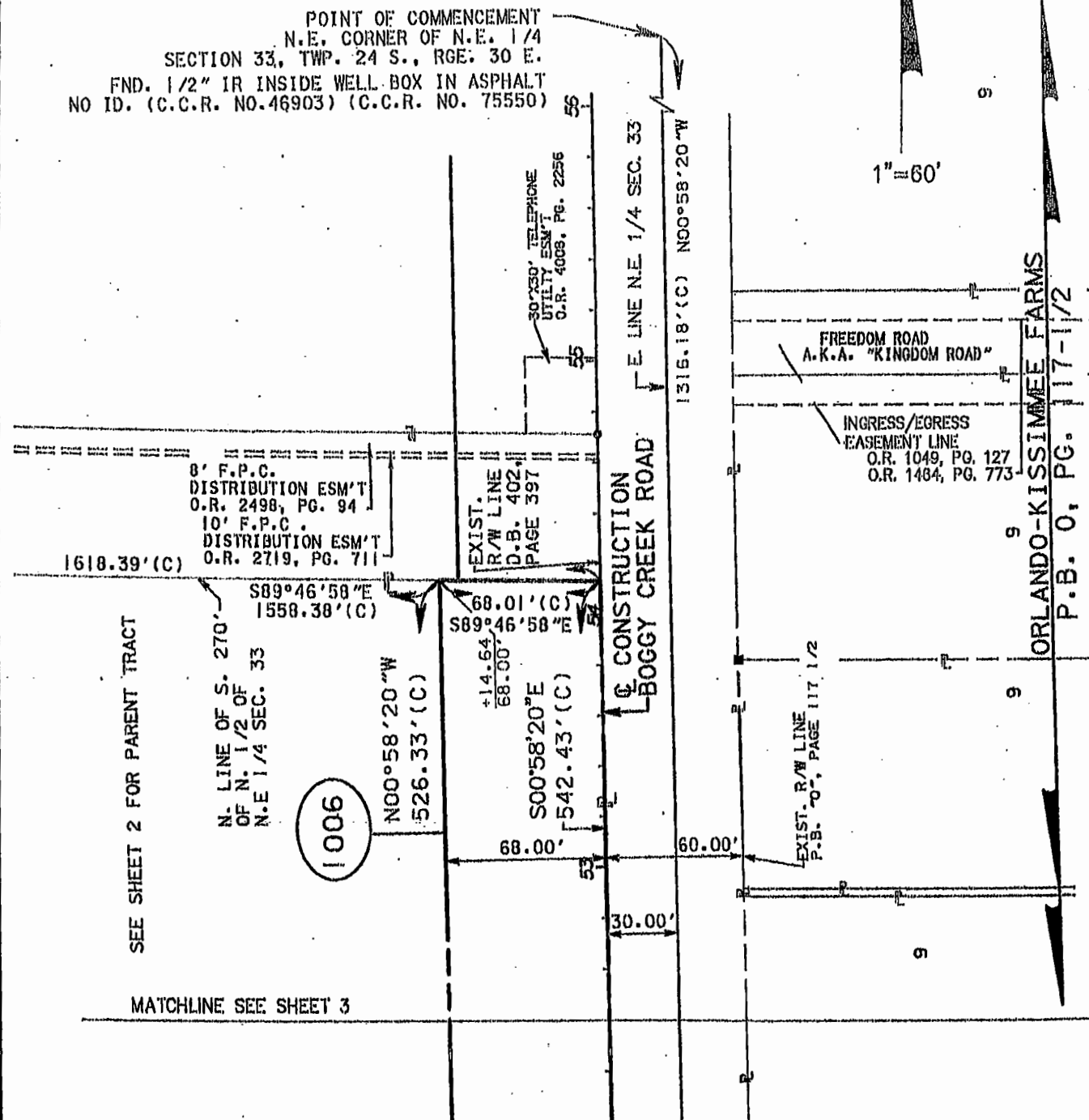


**LEGEND**

AC.	ACRE	FND.	FOUND	P.C.	POINT OF CURVATURE	RT	RIGHT
B.	BASELINE	(F)	FIELD MEASURE	P.I.	POINT OF INTERSECTION	R/W	RIGHT OF WAY
C.	CENTERLINE	L	ARC LENGTH	P.T.	POINT OF TANGENCY	S.F.	SQUARE FEET
CH.	CHORD DISTANCE	LT	LEFT	P.	PROPERTY LINE	T	TANGENT LENGTH
Δ	DELTA/CENTRAL ANGLE	O.R.B.	OFFICIAL RECORDS BOOK	R	RADIUS	TWP.	TOWNSHIP
(D)	DEED	P.B.	PLAT BOOK	RGE.	RANGE		

PARCEL 1006  
 SKETCH OF DESCRIPTION  
 THIS IS NOT A SURVEY

POINT OF COMMENCEMENT  
 N.E. CORNER OF N.E. 1/4  
 SECTION 33, TWP. 24 S., RGE. 30 E.  
 FND. 1/2" IR INSIDE WELL BOX IN ASPHALT  
 NO ID. (C.C.R. NO. 46903) (C.C.R. NO. 75550)



PROJECT NO. 41881 DRAWING: P-006-EST-DWG

LEGEND

AC.	ACRE	FND.	FOUND	P.C.	POINT OF CURVATURE	RT	RIGHT
B	BASELINE	(F)	FIELD MEASURE	P.I.	POINT OF INTERSECTION	R/W	RIGHT OF WAY
C	CENTERLINE	L	ARC LENGTH	P.T.	POINT OF TANGENCY	S.F.	SQUARE FEET
CH.	CHORD DISTANCE	LT	LEFT	P	PROPERTY LINE	T	TANGENT LENGTH
Δ	DELTA/CENTRAL ANGLE	O.R.B.	OFFICIAL RECORDS BOOK	R	RADIUS	TWP.	TOWNSHIP
(D)	DEED	P.B.	PLAT BOOK	RGE.	RANGE		

# REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 6/12/18

Amount: \$69.50

Project: Boggy Creek Road (Osceola County line to 600' N. of Central Fl. Greenway SR 417) Parcels: 1006.3

Charge to Account # 1321-072-5085-6110

Controlling Agency Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block{s})  
X Pre-Condemnation \_\_\_\_\_ Post-Condemnation \_\_\_\_\_ N/A

District # 4

\_\_\_\_ Acquisition at Approved Appraisal  
 \_\_\_\_ Acquisition at Below Approved Appraisal  
 \_\_\_\_ Acquisition at Above Approved Appraisal  
X Advance Payment Requested

Orange County Comptroller  
 Recording Fee \$69.50

DOCUMENTATION ATTACHED (Check appropriate block{s})

\_\_\_\_ Contract  
X Copy of Executed Instruments  
 \_\_\_\_ Certificate of Value  
 \_\_\_\_ Settlement Analysis

**Total \$69.50**

Payable to: Orange County Comptroller (\$69.50)

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

Recommended by Kenneth T. Woods  
 Kenneth T. Woods, Acquisition Agent

6/12/18  
 Date

Payment Approved Paul Sladek  
 Paul Sladek, Manager, Real Estate Management Division

6/29/18  
 Date

Certified for  
 Approved by BCC Deputy Clerk to the Board

JUL 17 2018  
 Date

Examined/Approved \_\_\_\_\_  
 Comptroller/Government Grants

Check No. / Date

## REMARKS:

Schedule Closing Date: As soon as check is available

Anticipated Closing Date: TBD

Please Contact Acquisition Agent @ 67076 if you have any questions.

APPROVED  
 BY ORANGE COUNTY BOARD  
 OF COUNTY COMMISSIONERS  
 JUL 17 2018

# REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 6/12/18

Amount: \$69.50

Project: Boggy Creek Road (Osceola County line to 600' N. of Central Fl. Greenway SR 417) Parcels: 1006.3

Charge to Account # 1321-072-5085-6110

DEC 04/03/18

Controlling Agency Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block(s))

X Pre-Condernation \_\_\_\_\_ Post-Condernation

N/A

District # 4

- \_\_\_\_\_ Acquisition at Approved Appraisal
- \_\_\_\_\_ Acquisition at Below Approved Appraisal
- \_\_\_\_\_ Acquisition at Above Approved Appraisal
- X Advance Payment Requested

DOCUMENTATION ATTACHED (Check appropriate block(s))

- \_\_\_\_\_ Contract
- X Copy of Executed Instruments
- \_\_\_\_\_ Certificate of Value
- \_\_\_\_\_ Settlement Analysis

Orange County Comptroller  
Recording Fee \$69.50

Total \$69.50

Payable to: Orange County Comptroller (\$69.50)

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

Recommended by Kenneth T. Woods  
Kenneth T. Woods, Acquisition Agent

6/12/18  
Date

Payment Approved Paul Sladek  
Paul Sladek, Manager, Real Estate Management Division

6/29/18  
Date

Certified \_\_\_\_\_  
Approved by BCC Deputy Clerk to the Board

Date

Examined/Approved \_\_\_\_\_  
Comptroller/Government Grants

Check No. / Date

## REMARKS:

Schedule Closing Date: As soon as check is available

Anticipated Closing Date: TBD

Please Contact Acquisition Agent @ 67076 if you have any questions.