



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

DATE: June 27, 2019

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

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

FROM: Monica Hand, Senior Title Examiner *MH*
Real Estate Management Division *PS*

CONTACT PERSON: Paul Sladek, Manager

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

ACTION REQUESTED: Approval and execution of Distribution Easement from Orange County and the City of Orlando to Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument

PROJECT: Malcolm Road Water Supply Facility

District 1

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: 1,250 square feet

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS:

This easement provides Duke Energy Florida, LLC, d/b/a Duke Energy (Grantee) the right to install and maintain electrical distribution lines and related facilities on a portion of the lands acquired as part of the Water Conserv II project that serve the Malcolm Road Water Supply Facility and is intended to be unrecorded. This easement will be replaced with a specific easement as will be shown on a sketch of description to be provided by County within 90 days after the installation of facilities by Grantee. If the sketch of description is not provided by County within 90 days after completion of installation, Grantee may record this easement.

Grantee to pay all recording fees, if any.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 16 2019

Project: Malcolm Road Water Supply Facility



SEC: 17	TWP: 23S	RGE: 27E	COUNTY: ORANGE	PROJECT: 25008788
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: Malcolm Rd, Winter Garden				
TAX PARCEL NUMBERS: 09-23-27-0000-00-005				

DISTRIBUTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, their heirs, successors and assigns (**GRANTORS** herein), in consideration of the mutual benefits, covenants and conditions herein contained, do 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; together with the right, privilege and easement to install and maintain guy stubs, guy wires, anchors, ground connections, attachments, fixtures, equipment and accessories and 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 25.00 foot by 25.00 foot Easement Area for each guy stub, guy wires or anchors 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 **GRANTORS** 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.

City Council Meeting: 6-3-19
Item: B-11 Documentary: 1906031511

Project: Malcolm Road Water Supply Facility

GRANTORS covenant and agree that no trees, buildings, structures or obstacles will be located or constructed within the Easement Area nor shall ground elevation be altered.

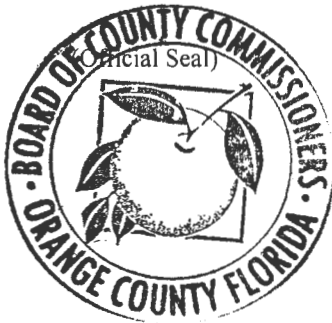
GRANTEE covenants and agrees to promptly repair, at its own expense, all damage to any property, facilities or improvements of **GRANTORS** located in the Easement Area or adjacent thereto, including without limitation parking areas, driveways, recreational facilities and landscaping, if such damage is incident to the exercise of **GRANTEE'S** rights, privileges, or obligations under this Easement.

GRANTEE shall defend, indemnify and hold harmless **GRANTORS**, their 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.

GRANTORS retain 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 **GRANTORS** have caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year written below.



GRANTOR:

Orange County, Florida

By: Board of County Commissioners

BY: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

DATE: 16 July 2019

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

BY: *Craig A. Stopysa*
for Deputy Clerk
Craig A. Stopysa
Printed Name

Project: Malcolm Road Water Supply Facility

GRANTOR:

City of Orlando

BY:

~~Mayor~~ Mayor Pro Tem

Witnesses:

Denise Holdridge
As to City of Orlando

DENISE HOLDRIDGE
Printed Name

Dianna Reed
As to City of Orlando
DIANNA PEREZ
Printed Name

ATTEST:

Denise Aldridge
Denise Aldridge, City Clerk

APPROVED AS TO FORM AND LEGALITY for the use and reliance of the City of Orlando, Florida only.

5/23, 2019
City Attorney, Orlando, Florida

Roy Pagan
Printed Name

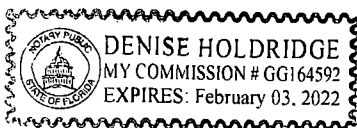
STATE OF FLORIDA
COUNTY OF ORANGE

THE FOREGOING INSTRUMENT was acknowledged before me on this 3 day of JUNE, 2019, by BUDDY DYER, as ~~Mayor~~ Mayor and Denise Aldridge, as City Clerk, of City of Orlando, a Florida municipal corporation, who are personally known to me or [] produced _____ as identification.

(Notary Seal)

Denise Holdridge
Notary Signature

DENISE HOLDRIDGE
Printed Notary Name



Notary Public in and for the county and state aforesaid
My commission expires: 2-3-22

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

S:\Forms & Master Docs\Master Legal DOCS\Project Document Files\1_Misc. Documents\MMalcolm Road Water Supply Facility\Duke Energy Dist Eas.doc 4/10/19 mh

City Council Meeting: 6-3-19
Item: B-11 Documentary: 190603B11

PARCEL I.D.: 27-23-09-0000-00-005
 OWNER: ORANGE COUNTY BCC
 CITY OF ORLANDO

EXHIBIT "A"

SKETCH OF DESCRIPTION

(NOT A BOUNDARY SURVEY)

LEGAL DESCRIPTION - DUKE ENERGY UTILITY EASEMENTS:

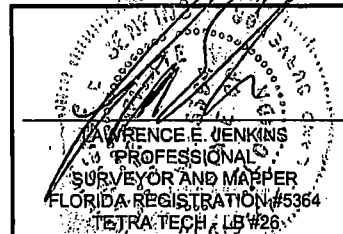
A PORTION OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN ALONG THE WESTERLY LINE OF NORTHWEST 1/4 OF SECTION 17 S0°07'28"E, FOR 1325.14 FEET TO THE CENTERLINE OF VACATED MALCOLM ROAD, THENCE RUN N89°56'52"E, FOR 1387.50 FEET TO POINT "A", THENCE RUN N0°03'08"W, FOR 30.00 FEET TO THE POINT OF BEGINNING OF EASEMENT 1, THENCE RUN N0°03'08"W, FOR 25.00 FEET, THENCE RUN N89°56'52"E, FOR 25.00 FEET, THENCE RUN S0°03'08"E, FOR 25.00 FEET, THENCE RUN S89°56'52"W, FOR 25.00 FEET TO THE POINT OF BEGINNING, THENCE RETURN TO POINT "A", THENCE RUN S0°03'08"W, FOR 30.00 FEET TO POINT OF BEGINNING OF EASEMENT 2, THENCE RUN N89°56'52"E, FOR 25.00 FEET, THENCE RUN S0°03'08"E, FOR 25.00 FEET, THENCE RUN S89°56'52"W, FOR 25.00 FEET, THENCE RUN N0°03'08"W, FOR 25.00 FEET TO POINT OF BEGINNING.

CONTAINING 1250 SQUARE FEET OR 0.029 ACRES.

SURVEYOR'S NOTES:

1. THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORDS AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE LANDS SHOWN HEREON.
2. NO UNDERGROUND INSTALLATIONS, FOUNDATION FOOTINGS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS SKETCH OF DESCRIPTION WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 6J-17, FLORIDA ADMINISTRATIVE CODE.
5. BEARINGS SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 17; TOWNSHIP 23 SOUTH, RANGE 27 EAST AS BEING NORTH 89°59'18" EAST.



Wednesday, April 24, 2019 9:56:45 AM DRAWING: O:\Projects\Orlando\IER\10034\200-10034-14001\CAD\Conceptual\CONCEP EASEMENT\TV-SP-EASEMENTS\1400.DWG



TETRA TECH

www.tetratech.com

201 EAST PINE STREET, SUITE 1000
 ORLANDO, FL 32801
 PHONE: 407.839.3955 FAX: 407.839.3790

**ORANGE COUNTY UTILITIES
 MALCOLM ROAD
 WATER SUPPLY FACILITY
 PROPOSED DUKE ENERGY
 UTILITY EASEMENTS**

Project No.: 200-10034-14001

Date: 04-24-2019

Designed By: BLS / LEJ

Drawing No.

V-102

SHEET 1 OF 3

EXHIBIT "A"

LEGEND

- ✦ BM BENCHMARK
- ⊙ ND NAIL & DISK
- △ TP TRAVERSE POINT
- F FOUND IRON (TYPE)
- S SET IRON (TYPE)
- F FOUND MONUMENT (TYPE)
- S SET MONUMENT (TYPE)
- ⊕ SC SECTION CORNER
- CO CLEANOUT
- ☁ DECIDUOUS TREE
- ⚡ ELECTRIC TRANSFORMER
- ☀ EVERGREEN TREE
- ⚓ FIRE HYDRANT
- ✦ FLAG (AS SHOWN)
- ☾ GUY ANCHOR
- ☀ LIGHT POLE
- MB MAIL BOX
- ☀ PALM TREE
- P POST
- ☑ SATELLITE DISH
- ⊕ SPIGOT
- ☀ SPRINKLER HEAD
- ⊐ TRAFFIC SIGN
- UTILITY MARKER (AS SHOWN)
- UTILITY MANHOLE (AS SHOWN)
- UTILITY METER (AS SHOWN)
- ▣ UTILITY RISER (AS SHOWN)
- ⊗ UTILITY VALVE (AS SHOWN)
- ⊕ UTILITY POLE (AS SHOWN)
- ⊙ WELL

ABBREVIATIONS

- | | | | |
|------|------------------------------|------|------------------------------|
| ANT | ANTENNA | (M) | MEASURED |
| BM | BENCHMARK | MB | MAILBOX |
| BFP | BACKFLOW PREVENTER | MH | MANHOLE |
| (C) | CALCULATED | MW | MONITORING WELL |
| CO | CLEANOUT | ND | NAIL & DISK |
| CONC | CONCRETE | NL | NAIL |
| CLF | CHAIN LINK FENCE | OE | OVERHEAD UTILITY LINES |
| CM | CONCRETE MONUMENT | ORB | OFFICIAL RECORDS BOOK |
| CMP | CORRUGATED METAL PIPE | OUC | ORLANDO UTILITIES COMMISSION |
| CPP | CORRUGATED PLASTIC PIPE | P | POST |
| (D) | AS DESCRIBED | (P) | PER PLAT |
| DIP | DUCTILE IRON PIPE | PB | PLAT BOOK |
| DH | DRILL HOLE | PG | PAGE |
| EB | ELECTRIC RISER | PK | PK NAIL |
| ELEC | ELECTRIC | RCP | REINFORCED CONC PIPE |
| EM | ELECTRIC METER | RR | RAILROAD |
| ET | ELECTRIC TRANSFORMER | RW | RECLAIMED WATER |
| EP | EDGE OF PAVEMENT | S17 | SECTION 17 |
| ESMT | EASEMENT | S | SET |
| F | FOUND | SC | SECTION CORNER |
| FDC | FIRE DEPT CONNECTION | SH | SPRINKLER HEAD |
| FF | FINISHED FLOOR | SPIG | WATER SPIGOT |
| FH | FIRE HYDRANT | SS | SANITARY SEWER |
| FO | FIBER OPTIC | SD | STORM DRAIN |
| G | GAS | SV | SANITARY SEWER VALVE |
| GM | GAS METER | TB | TELEPHONE RISER |
| GV | GAS VALVE | TEL | TELEPHONE |
| INV | INVERT | TP | TRAVERSE POINT |
| IP | IRON PIPE | TSC | TRAFFIC SIGNAL CONTROL |
| IR | IRON ROD | TSP | TRAFFIC SIGNAL POLE |
| IRRV | IRRIGATION VALVE | TV | CABLE TELEVISION |
| JBL | JURISDICTIONAL BOUNDARY LINE | UE | UNDERGROUND UTILITY LINES |
| | | W | WATER |
| | | WM | WATER METER |
| | | WV | WATER VALVE |
| | | XC | X CUT |

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ORANGE COUNTY UTILITIES
MALCOLM ROAD
WATER SUPPLY FACILITY
PROPOSED DUKE ENERGY
UTILITY EASEMENTS

Project No.: 200-10034-14001

Date: 04-24-2019

Designed By: BLS / LEJ

Drawing No.

V-102

SHEET 2 OF 3

Wednesday, April 24, 2019 9:56:56 AM DRAWING: O:\Projects\Orlando\IER10034\200-10034-14001\CAD\Conceptual\CONCEPT EASEMENT\TV-SP-EASEMENTS\1400.DWG

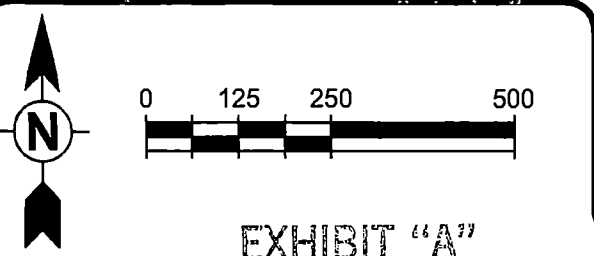
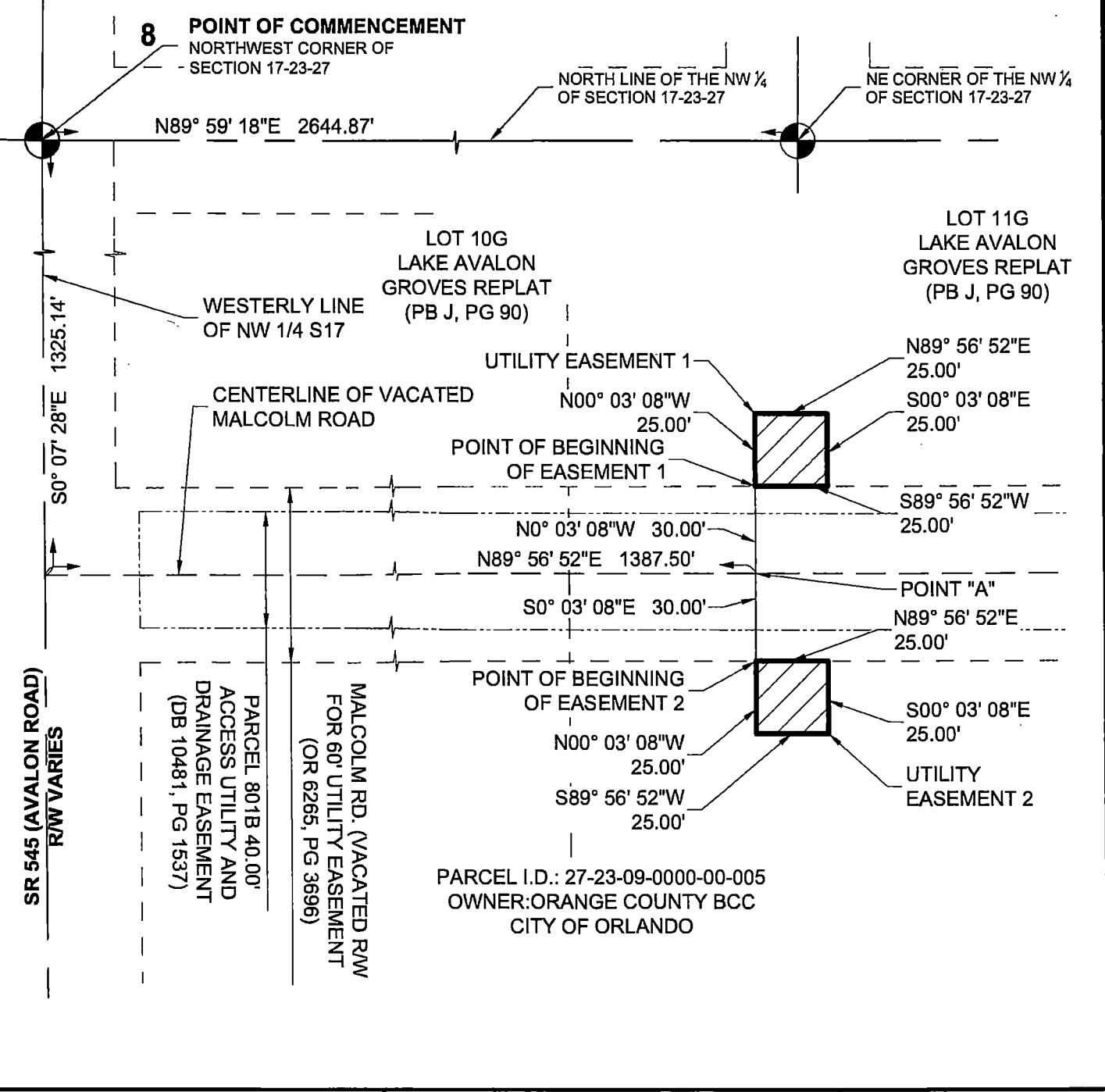


EXHIBIT "A"



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Project No.:	200-10034-14001
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	SHEET 3 OF 3