



**Interoffice Memorandum**

**REAL ESTATE MANAGEMENT ITEM 1**

**DATE:** October 27, 2023

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

**THROUGH:** Mindy T. Cummings, Manager *MTC*  
Real Estate Management Division

**FROM:** Elizabeth Price Jackson, Senior Title Examiner *EPS/MTC*  
Real Estate Management Division

**CONTACT PERSON:** **Mindy T. Cummings, Manager**

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

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

**PROJECT:** Duke Energy Transmission Pole Replacement  
5611 Plymouth-Sorrento Road  
  
District 2

**PURPOSE:** To provide for access, construction, operation, and maintenance of electrical facilities.

**Interoffice Memorandum**  
**Real Estate Management Division**  
**Agenda Item 1**  
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**ITEM:** Easement  
Revenue: None  
Size: 225 square feet

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

**REMARKS:** Duke Energy Florida, LLC, d/b/a Duke Energy (Grantee) is replacing a wood pole at the intersection of Plymouth-Sorrento Road. To accommodate the installation of a new steel pole, Grantee needed a new easement directly to the east of its current easement. This Easement provides the right to install and maintain electrical lines and related facilities on County-owned property. The Easement will be adjacent to the intersection, but on property owned by Orange County known as Green PLACE Parcel 118/Sandhill Preserve.

Grantee to pay all recording fees.

Project GreenPLACE  
Parcel 118 / Sandhill Preserve  
Orange County Board of Commissioners  
(BK) Bayridge – Kelly Park  
Project #: F22021502  
Site #: 107910 Land Unit: 2816087



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

## EASEMENT

KNOW ALL MEN BY THESE PRESENTS, the undersigned, successors, and assigns (GRANTOR herein), in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, grant and convey to **DUKE ENERGY FLORIDA, LLC, a Florida limited liability company d/b/a DUKE ENERGY** (GRANTEE herein), Post Office Box 14042, St. Petersburg, Florida 33733, its successors, assigns, lessees, licensees, transferees, permittees, and apportionees, the right, privilege and easement to construct, remove, reconstruct, operate, and maintain in perpetuity overhead and/or underground electric transmission and distribution lines, communication systems and related facilities for providing electric energy services, and communications services (including services to telecommunication providers and other customers) and the transmission of any and all present or future form of communication by any present or future means or method (including, with respect to all grants herein, supporting structures, communication and other wires, fiber optics, guys, anchors, attachments and accessories desirable in connection therewith) all of which may be installed or constructed over, under, upon, across, through and within the following described lands in Orange County, Florida, and referred to hereinafter as the Easement Area to wit:

**See Exhibit "A", attached hereto, incorporated herein, and by this reference made a part hereof.**

Parcel ID Number: **07-20-28-0000-00-006**

Together with the right to construct, install, operate, utilize, patrol, inspect, alter, improve, repair, rebuild, relocate or remove such lines, systems and supporting structures (including poles) and related facilities, including the right to increase or decrease the number and type of supporting structures (including poles), wires and voltage, adjust the centerline within the Easement Area and to build, maintain and protect such roadways as may reasonably be required for these purposes.

GRANTEE shall have all other rights and privileges reasonably necessary or convenient for the safe and efficient operation and maintenance of said electric transmission and distribution lines, communication systems and related facilities, including (i) the right to trim, cut, remove, and keep clear trees, limbs and undergrowth within said Easement Area and the right to cut down at any time and from time to time, in GRANTEE'S sole discretion, any tree standing outside the Easement Area which if felled, or upon falling, could fall within five (5) feet of any conductor or other facility included within said Easement Area, and further including (ii) the reasonable right to enter upon adjoining lands of the GRANTOR by such route or routes, including private roads and ways then existing thereon, on foot or by conveyance, with materials, supplies, and equipment as may be desirable for the purpose of exercising all rights herein granted and further including (iii) the right to install gates a minimum of sixteen (16) feet in width if GRANTOR has installed a fence within or across the Easement Area, along with GRANTEE'S lock linked with GRANTOR'S lock and further including (iv) the right to relocate any listed or protected plant or animal species found within the Easement Area to another location within the Easement Area. As a result of said relocations, GRANTEE hereby agrees to restore the Easement Area to as near as practicable to the original condition.

GRANTOR covenants and agrees that no trees, buildings, structures, ponds, or obstacles will be located or constructed within the Easement Area nor shall ground elevation be altered more than two (2) feet.

GRANTOR shall have all other rights in and to said Easement Area not inconsistent with (i) GRANTEE'S right to the safe and efficient operation and maintenance of said electric transmission and distribution lines, communications systems and related facilities, including clear, continuous access within the Easement Area, (ii) GRANTEE'S right-of-way utilization or encroachment guidelines, or (iii) any federal, state, or local laws, rules, or regulations; including, but not limited to, the right to

Return to: Duke Energy  
Attn: Land Services - Florida  
3300 Exchange Place, NP04  
Lake Mary, FL 32746

utilize said Easement Area for (a) ingress and egress, (b) general farming, (c) construction, maintenance and travel over roads and streets across the Easement Area.

PROVIDED, HOWEVER, that as a condition precedent to the exercise of any such right other than ingress and egress, GRANTOR covenants and agrees to obtain from GRANTEE ((800) 700-8744, [www.prgnprojectsolutions.com](http://www.prgnprojectsolutions.com), or P.O. Box 14042, St. Petersburg, Florida 33733, Attention: Asset Protection Right-of-Way Specialist) a prior written determination that the exercise of such right is not inconsistent with the safe and efficient operation and maintenance of said electric transmission and distribution lines and communications systems or with any of the foregoing guidelines or laws.

GRANTOR covenants that they have the right to convey to GRANTEE this easement, and that GRANTEE shall have quiet and peaceful possession, use and enjoyment of same.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the 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 as written below.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

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

DATE: *14 November 2023*

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

BY: *Jennifer Lara-Klimt*  
for Deputy Clerk  
Jennifer Lara-Klimt  
Printed Name

**LEGAL DESCRIPTION:**

Parcel No: 07-20-28-0000-00-006

A portion of land lying in Section 7 Township 20 Range 28 East, Orange County, Florida and being more particularly described as follows:

Commence at the Northwest corner of said Section 7, run South 00°00'00" East along the West line of the Northwest 1/4 of said Section 7, a distance of 30.02 feet; thence run North 88°00'57" East, a distance of 42.29 feet to the intersection of the South right of way line of Haas Road and the East right of way line of Plymouth-Sorrento Road, per a boundary survey performed by Surveying and Mapping Services, Inc. under Job No. SMS-3 dated 08/30/2005 and provided by the Orange County Survey Department, said point being the POINT OF BEGINNING; thence run North 88°00'57" East along the South right of way line of Haas Road, a distance of 15.00 feet; thence run South 00°13'27" West, a distance of 15.00 feet; thence run South 88°00'57" West, a distance of 15.00 feet to a point on the east right of way line of Plymouth-Sorrento Road; Thence along said east right of way line run North 00°13'27" East, a distance of 15.00 feet to the POINT OF BEGINNING.

Said lands contain 225 square feet or 0.005 acres, more or less.

**SURVEYOR'S NOTES:**

1. Bearings shown hereon are referenced to the South right of way line of Haas Road, as being North 88°00'57" East.
2. All measurements shown hereon are in U.S. Survey Feet
3. An abstract of title was not performed by or furnished to Colliers Engineering & Design, any easements or encumbrances that may appear as a result of said abstract are not warranted by this sketch.
4. Legal description was prepared by Colliers Engineering & Design per client request and is based on deeds of record and a field survey to locate the controlling corners needed to establish the right of way in the legal description and sketch hereon.

I hereby state that this sketch and legal description of the hereon described property is true and correct to the best of my knowledge and belief and that it meets the Standards of Practice for Florida Professional Surveyors and Mappers, as set forth in Chapter 5J-17.05 of the Florida Administrative code, pursuant to Chapter 472.027, Florida Statutes.

**Brian Hefner**

Digitally signed by Brian Hefner  
Date: 2023.09.07 13:04:14 -04'00'

For the Firm by:

Brian K. Hefner, P.S.M.  
Professional Surveyor and Mapper  
Florida License No. 5370  
Colliers Engineering & design, Inc.  
DBA Maser Consulting  
License Survey Business LB 7388

NOT VALID WITHOUT PAGE 2

 <p>Doing Business as <b>MASER</b> ORLANDO 1101 North Lake Destiny Road, Suite 415 Maitland, FL 32751 Phone: 321.441.9405 www.colliersengineering.com</p> <p><small>Copyright © 2023, Colliers Engineering &amp; Design. All Rights Reserved. The drawing and all the information contained herein is authorized for use only by the party for whom the services were contracted or intended to be used. This drawing is not to be copied, revised, disclosed, distributed or relied upon for any other purpose without the express written consent of Colliers Engineering &amp; Design.</small></p>		<p>CERTIFIED TO: DUKE ENERGY FLORIDA, LLO</p> <p>DESCRIPTION SKETCH</p> <p>Orange County BCC 5611 Plymouth Sorrento Rd Apopka, FL 32712</p> <p>BK LINE</p>		 <p>550 S. TRYON STREET CHARLOTTE, N.C. 28202 TELEPHONE NO. (704)382-2361</p>	
REVISIONS	1	REMOV. IMP.	05/24		
	2	R/W	08/05		
VENDOR PROJECT No.	23005603A		DRAWN	CHECK	SCALE: N/A
VENDOR DRAWING No.			MT	BKH	DATE: 08/10/23
					SITE: 000000   LU: 0000000   WO: 45354252
					BT-W045354252-041223   SHEET 1 OF 2

THIS IS NOT A SURVEY

EXHIBIT "A"

HAAS RD  
60' WIDE PUBLIC R/W  
PER PROJECT NO. 429-204

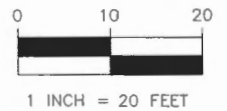
**POINT OF COMMENCEMENT**  
NORTHWEST CORNER  
OF SECTION 7  
1/2" IRON ROD IN  
WELL BOX  
CCR #051475,  
AS SHOWN ON FDOT  
MAP 429-204

**POINT OF BEGINNING**

**DUKE ENERGY EASEMENT CONTAINS  
0.005 ACRES (225 SQ. FT.)**

07-20-28-0000-00-006  
Orange County Bcc  
INSTRUMENT#  
20050863651  
ORB 8377, PG 3953


SECTION 7  
TOWNSHIP 20 SOUTH  
RANGE 28 EAST  
ORANGE COUNTY



**LEGEND:**

- O.R.B. OFFICIAL RECORDS BOOK
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
- LB LICENSED BUSINESS
- R/W RIGHT-OF-WAY
- P.B. PLAT BOOK
- IRF FOUND IRON ROD

NOT VALID WITHOUT PAGE 1

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REVISIONS	1	REMOV. IMP.	05/24	BK LINE			
	2	R/W	08/05				
VENDOR PROJECT No.	23005603A	DRAWN	CHECK	SCALE: 1"=20'	SITE: 000000	LU: 0000000	WO: 45354252
VENDOR DRAWING No.		MT	BKH	DATE: 08/10/23	BT-W045354252-041223	SHEET 2 OF 2	