



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: June 21, 2023

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

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

FROM: Mary Tiffault, Senior Title Examiner *MT/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 Distribution Easement between Orange County Board of County Commissioners and Duke Energy Florida, LLC, d/b/a Duke Energy, and authorization to pay recording fees, and record instrument.

PROJECT: Dr. Phillips – OCPS Future Middle School Joint Ballfield Park

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of electrical facilities by Duke Energy Florida, LLC, d/b/a Duke Energy.

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ITEM: Distribution Easement

BUDGET: Account No.: 1265-062-0187-6310

FUNDS: \$36.20 Payable to Orange County Comptroller
(for recording fees)

APPROVALS: Real Estate Management Division
Capital Projects Division
Parks and Recreation Division

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 improvements being constructed at Dr. Phillips Community Ballfield Park and is intended to be unrecorded. This blanket Easement will be replaced with a specific Easement, as will be shown on sketches of description to be provided by County within 60 days after the installation of the facilities by Grantee. If the sketches of description are not provided by County within 60 days after completion of installation, Grantee may record this Easement.

~~JUL 11 2023~~

Project: Dr. Phillips Community Ballfield



SEC: 10	TWP: 24S	RGE: 28E	COUNTY: ORANGE	PROJECT: 46170130D/47330908LS
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 10496 Bissell Street, Orlando, Florida 32836				
TAX PARCEL NUMBER: 10-24-28-0000-00-055				

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: Dr. Phillips Community Ballfield

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

DATE: *11 July 2023*

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

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

This instrument prepared by: Mary Tiffault, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida, P. O. Box 1393, Orlando, Florida 32802-1393

EXHIBIT "A"

SKETCH OF DESCRIPTION

SEE SHEET 2 FOR NOTES, LEGEND AND LEGAL DESCRIPTION

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N89°50'24"E	74.84'
L2	S88°51'17"E	230.95'
L3	N00°02'54"W	483.48'
L4	S00°02'54"E	556.76'
L5	S89°57'06"W	500.06'
L6	S00°02'52"E	37.14'

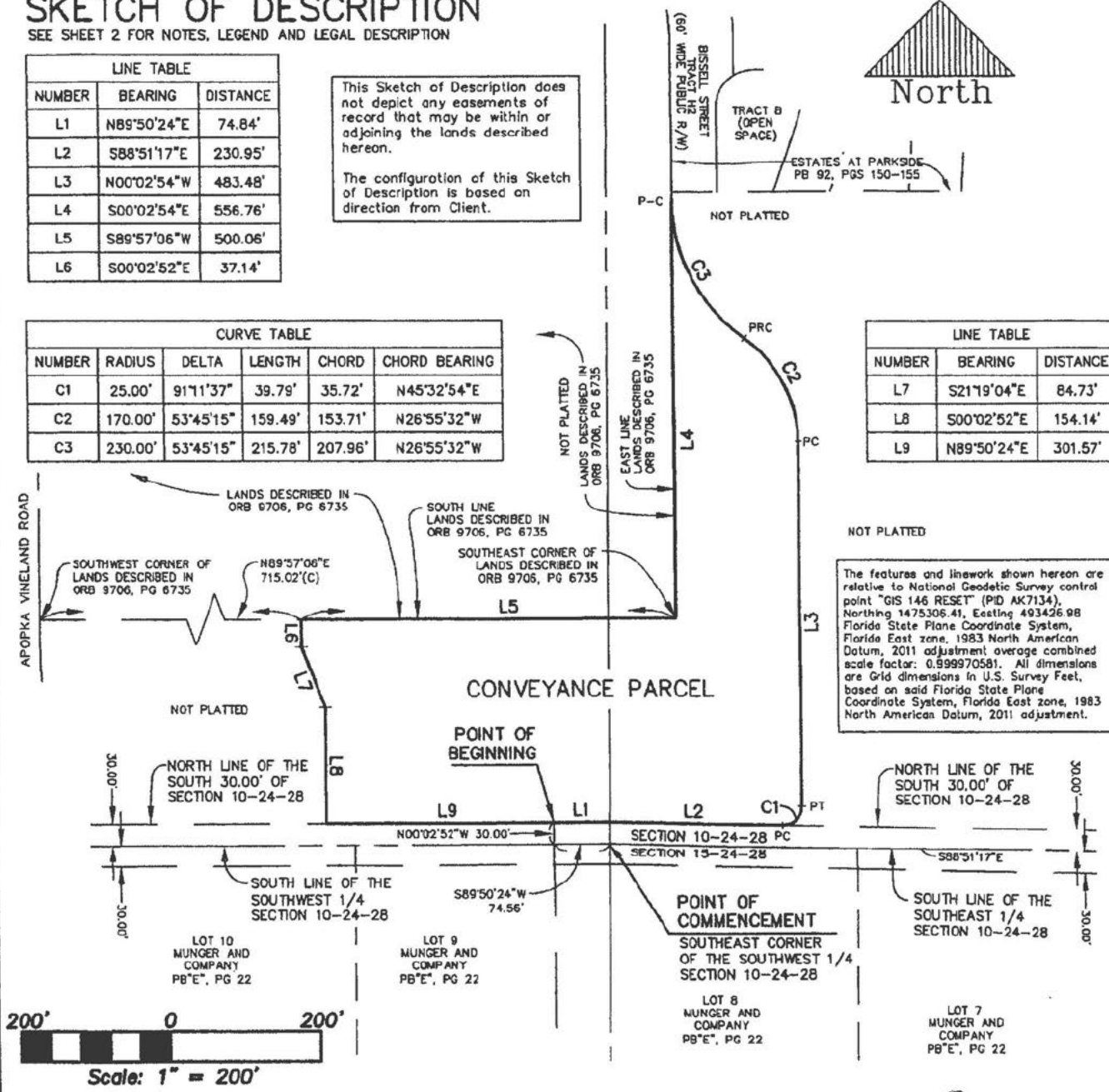
This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described hereon.

The configuration of this Sketch of Description is based on direction from Client.

CURVE TABLE					
NUMBER	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	25.00'	91°11'37"	39.79'	35.72'	N45°32'54"E
C2	170.00'	53°45'15"	159.49'	153.71'	N26°55'32"W
C3	230.00'	53°45'15"	215.78'	207.96'	N26°55'32"W



LINE TABLE		
NUMBER	BEARING	DISTANCE
L7	S21°19'04"E	84.73'
L8	S00°02'52"E	154.14'
L9	N89°50'24"E	301.57'



The features and linework shown hereon are relative to National Geodetic Survey control point "GIS 146 RESET" (PID AK7134), Northing 1475306.41, Easting 493426.98 Florida State Plane Coordinate System, Florida East zone, 1983 North American Datum, 2011 adjustment average combined scale factor: 0.999970581. All dimensions are Grid dimensions in U.S. Survey Feet, based on said Florida State Plane Coordinate System, Florida East zone, 1983 North American Datum, 2011 adjustment.

PREPARED FOR:
ORANGE COUNTY
KERINA - CONVEYANCE PARCEL

5/6/20	PH	REVISED PREPARED FOR NAME
5/1/20	PH	REVISED SKETCH AND DESCRIPTION
DATE	BY	DESCRIPTION

REVISIONS

DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. LB68

Donald W. McIntosh
Surveyor
May 06, 2020
Florida Registered Surveyor and Mapper
Certificate No. 5048
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DRAWN BY: PH	CHECKED BY: SG	JOB NO.	SCALE	SHEET
DATE: 1/2020	DATE: 1/2020	19150.006	1"=200'	1
				OF 2

SKETCH OF DESCRIPTION

SEE SHEET 1 FOR SKETCH

DESCRIPTION:

That part of Section 10, Township 24 South, Range 28 East, Orange County, Florida, described as follows:

Commence at the Southeast corner of the Southwest 1/4 of said Section 10; thence S89°50'24"W along the South line of said Southwest 1/4 of Section 10 for a distance of 74.56 feet; thence departing said South line run N00°02'52"W, 30.00 feet to the North line of the South 30.00 feet of said Section 10 and the POINT OF BEGINNING; thence N89°50'24"E along said North line of the South 30.00 feet of Section 10 for a distance of 74.84 feet; thence S88°51'17"E along said North line of the South 30.00 feet of Section 10 for a distance of 230.95 feet to the point of curvature of a curve concave Northwesterly having a radius of 25.00 feet and a chord bearing of N45°32'54"E; thence departing said North line run Northeasterly along the arc of said curve through a central angle of 91°11'37" for a distance of 39.79 feet to the point of tangency; thence N00°02'54"W, 483.48 feet to the point of curvature of a curve concave Southwesterly having a radius of 170.00 feet and a chord bearing of N26°55'32"W; thence Northwesterly along the arc of said curve through a central angle of 53°45'15" for a distance of 159.49 feet to the point of reverse curvature of a curve concave Northeasterly having a radius of 230.00 feet and a chord bearing of N26°55'32"W; thence Northwesterly along the arc of said curve through a central angle of 53°45'15" for a distance of 215.78 feet to the point of cusp and the East line of lands described in Official Records Book 9706, Page 6735 of the Public Records of Orange County, Florida; thence S00°02'54"E along said East line, 556.76 feet to Southeast corner of said lands described in Official Records Book 9706, Page 6735; thence S89°57'06"W along the South line of said lands described in Official Records Book 9706, Page 6735 for a distance of 500.06 feet; thence departing said South line run S00°02'52"E, 37.14 feet; thence S21°19'04"E, 84.73 feet; thence S00°02'52"E, 154.14 feet to the aforesaid North line of the South 30.00 feet of Section 10; thence N89°50'24"E along said North line of the South 30.00 feet of Section 10 for a distance of 301.57 feet to the POINT OF BEGINNING. This description is based on Florida State Plane Coordinate System East Zone, average combined scale factor of 0.999970581, NAD 83 Datum (2011 adjustment) and all distances are grid dimensions.

Being subject to any rights-of-way, restrictions and easements of record.

The above described parcel of land contains 5.433 acres more or less (calculated in ground dimensions).

NOTES:

- This is not a survey.
- Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- Bearings based on the South line of the Southwest 1/4 of Section 10, Township 24 South, Range 28 East, Orange County, Florida, as being S89°50'24"W, relative to the Florida State Plane Coordinate System, Florida East Zone, 1983 North American datum, 2011 adjustment.
- The features and linework shown hereon are relative to National Geodetic Survey control point "GIS 146 RESET" (PID AK7134), Northing 1475306.41, Easting 493426.98 Florida State Plane Coordinate System, Florida East zone, 1983 North American Datum, 2011 adjustment average combined scale factor: 0.999970581. All dimensions are Grid dimensions in U.S. Survey Feet, based on said Florida State Plane Coordinate System, Florida East zone, 1983 North American Datum, 2011 adjustment.
- Lands shown hereon were not abstracted for rights-of-way, easements, ownership or other instruments of record by this firm.
- No title opinion or abstract of matters affecting title or boundary to the subject property or those of adjoining land owners have been provided. It is possible there are deeds of record, unrecorded deeds or other instruments which could affect the boundaries or use of the subject property.
- This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described hereon.
- The configuration of this Sketch of Description is based on direction from Client.

PREPARED FOR:

ORANGE COUNTY

KERINA - CONVEYANCE PARCEL



DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS

2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
 CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: PH	CHECKED BY: SG	JOB NO.	SCALE	SHEET 2
DATE: 1/2020	DATE: 1/2020	19150.006	N/A	OF 2

LEGEND

DWMA DONALD W. McINTOSH ASSOCIATES, INC.
 CS# SKETCH NUMBER
 SECTION 10-24-28 SECTION, TOWNSHIP, RANGE
 DOC# OFFICIAL RECORDS DOCUMENT NUMBER

LI	LINE NUMBER (SEE TABLE)
CT	CURVE NUMBER (SEE TABLE)
P-C	POINT OF CUSP
PC	POINT OF CURVATURE
PCC	POINT OF COMPOUND CURVATURE
PT	POINT OF TANGENCY
PRC	POINT OF REVERSE CURVATURE
NT	NON-TANGENT
R/W	RIGHT-OF-WAY
PB	PLAT BOOK
PG(S)	PAGE(S)
(C)	CALCULATED

REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: June 19, 2023

Total Amount: \$36.20

Project: Dr. Phillips Community Ballfield

Charge to Account # [REDACTED]

Roan Waterbury

Digitally signed by Roan Waterbury
Date: 2023.06.16 15:46:37 -04'00'

Controlling Agency Approval Signature Date

Roan Waterbury

Printed Name:

[Signature] 6/16/23
Fiscal Approval Signature Date

Reed A. Knowlton

Printed Name

TYPE TRANSACTION (Check appropriate block(s))
Pre-Condemnation Post-Condemnation

X N/A District # 1

- Acquisition at Approved Appraisal
- Acquisition at Below Approved Appraisal
- Acquisition at Above Approved Appraisal
- Advance Payment Requested
- X Donation

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Contract/ Agreement
- X Copy of Unexecuted Instrument(s)
- Certificate of Value
- Settlement Analysis

Name, Address, FEIN No.
 Orange County Comptroller
 PO Box 38, Orlando, Florida 32802
 Prorated Tax Fee \$00.00
 Total \$ 36.20

Payable to:

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

Recommended by Mary Tiffault

Digitally signed by Mary Tiffault
Date: 2023.06.16 15:09:48 -04'00'

Mary Tiffault, Sr. Title Examiner Real Estate Management Division Date

Payment Approved *[Signature]*
Nemesie M. Esteves, Assistant Manager, Manager, Real Estate Management Division

Date

or
Payment Approved *[Signature]*

10/21/23.
Date

Certified *[Signature]*
Approved by BCC for Deputy Clerk to the Board

JUL 1 1 2023
Date

Examined/Approved
Comptroller/Government Grants

Check No. / Date

REMARKS: