



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

**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 1008.3) 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 1008.3)

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

**FUNDS:** \$61.00 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 1008 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.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**JUL 17 2018**

Instrument: 1008.3

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 d/b/a Progress Energy Florida, Inc., 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"**

#### **Encumbrance:**

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, d/b/a Progress Energy Florida, Inc.  
FROM: Worship and Praise Center, Inc.  
Distribution Easement filed September 8, 2006  
Recorded in Official Records Book 8849, Page 610  
Public Records of Orange County, Florida

Instrument: 1008.3

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: 1008.3

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, 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, d/b/a  
Progress Energy Florida, Inc.

Signed, sealed and delivered in  
the presence of:

By: [Signature]  
Kris Tietig, Manager  
Land Services - Florida Region

Date: 5/11/18



[Signature]  
SIGNATURE LINE  
PRINT/TYPE NAME: NICK BRANA

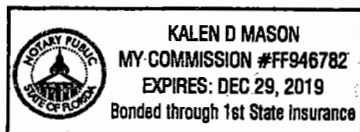
[Signature]  
SIGNATURE LINE  
PRINT/TYPE NAME: Kalen D Mason

(Two witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF SEMNOLE

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, d/b/a Progress Energy Florida, Inc., on behalf of the limited liability company, who is  
personally known to me or who has produced \_\_\_\_\_ as identification.



[Signature]  
PRINT/TYPE NAME: Kalen D. Mason

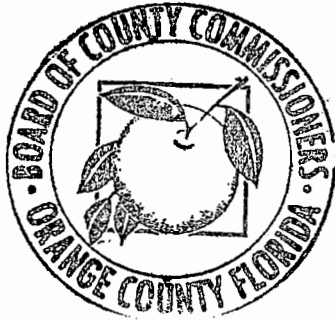
Notary Public in and for the  
County and State last aforesaid.

My Commission Expires: 12/29/19

Serial No., if any: FF946782

Instrument: 1008.3

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



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 Sponenborg, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

# SCHEDULE "A"

Parcel 1008

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 806.14 feet; thence leaving said East line run North 89 degrees 42' 53" West a distance of 30.01 feet to the West right of way line of Boggy Creek Road as described in Deed Book 402, Page 397 of the Public Records of Orange County, Florida and the POINT OF BEGINNING; thence run South 00 degrees 58' 20" East along said West right of way line a distance of 182.03 feet to the intersection with the South line of the North 988.20 feet of the North 1/2 of the Northeast 1/4 of said Section 33; thence run North 89 degrees 42' 49" West along said South line a distance of 60.01 feet; thence leaving said South line run North 00 degrees 58' 20" West a distance of 182.03 feet to the intersection with the North line of the South 182 feet of the North 988.20 feet of the East 1808 feet of said Section 33; thence run South 89 degrees 42' 53" East along said North line a distance of 60.01 feet to the POINT OF BEGINNING.

Containing 10,922 square feet (0.2507 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.

COUNTY PROJECT NO. 5085

ROAD NAME: BOGGY CREEK ROAD

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. 4625  
METRIC ENGINEERING, INC. L.B. NO. 2297



**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. 22, 2009

CHECKED BY: D.GROVES  
DATE: SEPT. 23, 2009

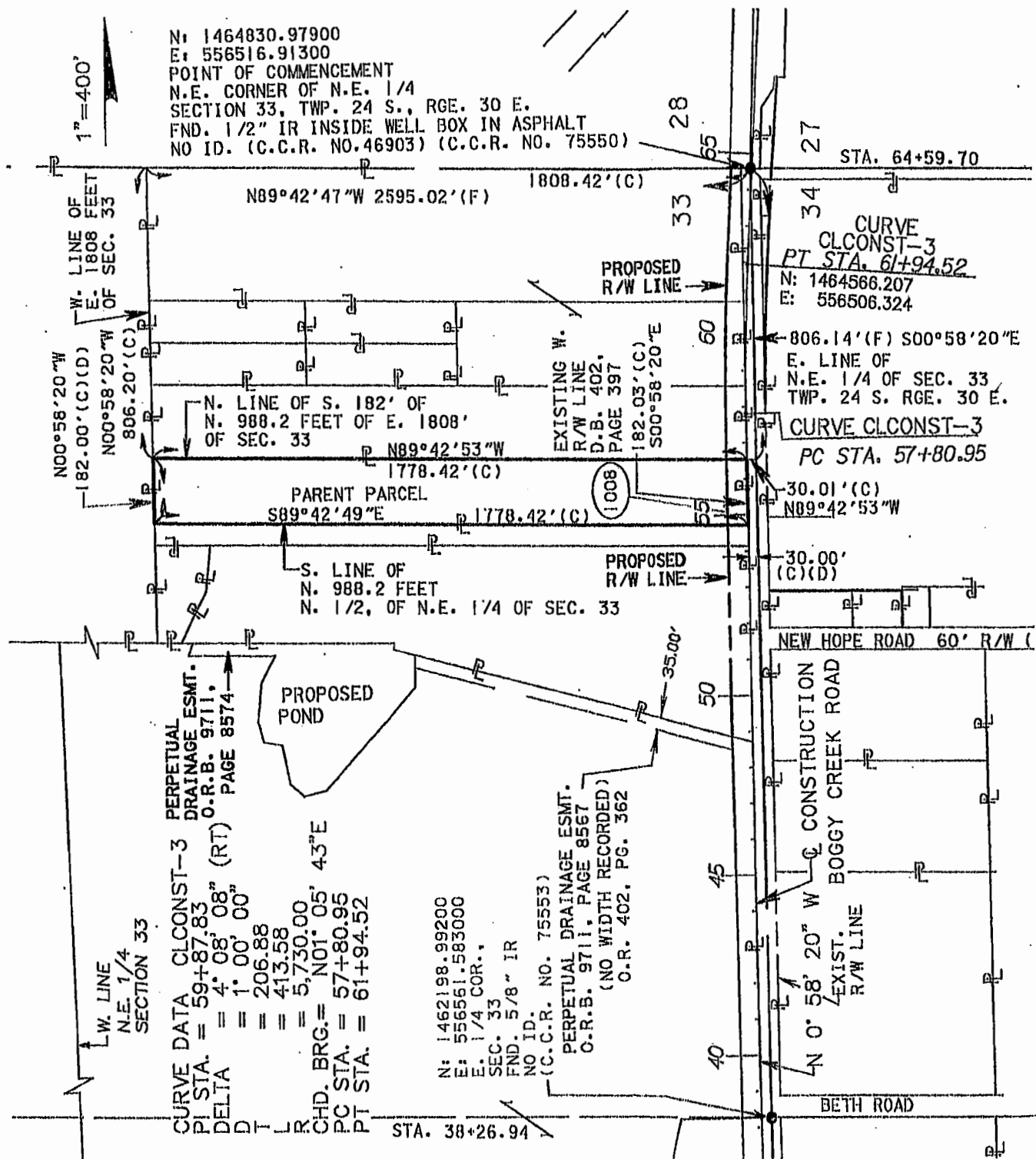
PARCEL NO.  
1008

9-28-11 FINAL  
DATE REVISIONS BY

SCALE 1" = NA  
SHEET 1 OF 3

PROJECT NO. 41851 DRAWING 21007-SKT.DWG

PARCEL 1008  
SKETCH OF DESCRIPTION  
THIS IS NOT A SURVEY



## LEGEND

AC.	ACRE
BL	BASELINE
CL	CENTERLINE
(C)	CALCULATED
CH.	CHORD DISTANCE
Δ	DELTA/CENTRAL ANGLE

(D)	DEED
FND.	FOUND
(F)	FIELD MEASURE
L	ARC LENGTH
LT	LEFT
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK

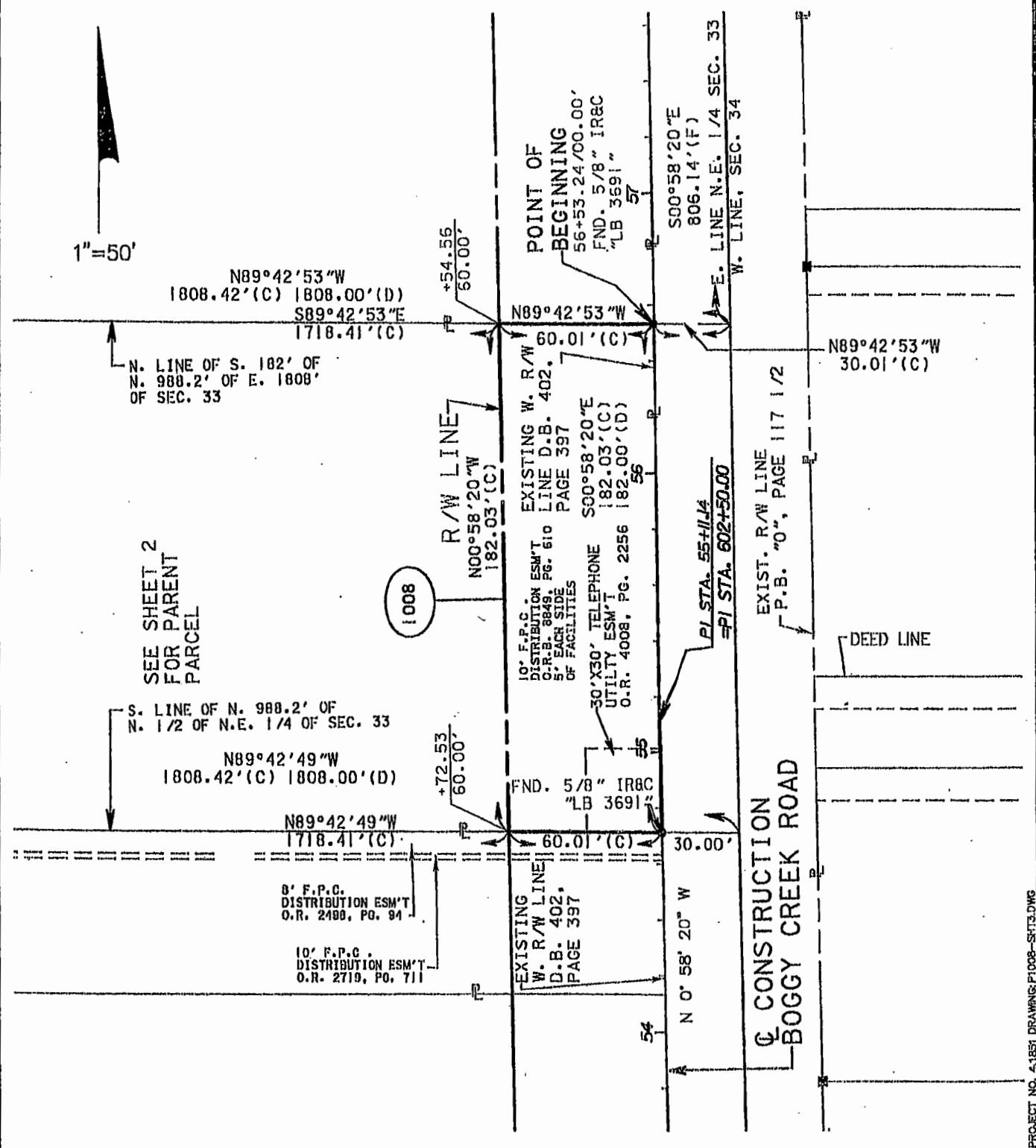
P.C.	POINT OF CURVATURE
P.I.	POINT OF INTERSECTION
P.T.	POINT OF TANGENCY
PL	PROPERTY LINE
R	RADIUS
RGE.	RANGE

RT	RIGHT
R/W	RIGHT OF WAY
S.F.	SQUARE FEET
T	TANGENT LENGTH
TWP.	TOWNSHIP

SHEET 2 OF 3



PARCEL 1008  
SKETCH OF DESCRIPTION  
THIS IS NOT A SURVEY



## LEGEND

AC.	ACRE
B.	BASELINE
C.	CENTERLINE
CH. BRG.	CHORD BEARING
CH.	CHORD DISTANCE
(C)	CALCULATED

Δ DELTA	CENTRAL ANGLE
(D)	DEED
FND.	FOUND
(F)	FIELD MEASURE
L	ARC LENGTH
LT	LEFT
O.R.B.	OFFICIAL RECORDS BOOK

P.B.	PLAT BOOK
P.C.	POINT OF CURVATURE
P.I.	POINT OF INTERSECTION
P.T.	POINT OF TANGENCY
PL	PROPERTY LINE
R	RADIUS
RGE.	RANGE

RT	RIGHT
R/W	RIGHT OF WAY
STA.	STATION
S.F.	SQUARE FEET
T	TANGENT LENGTH
TWP.	TOWNSHIP

SHEET 3 OF 3

# REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 6/11/18

Amount: \$61.00

Project: Boggy Creek Road (Osceola County line to 600' N. of Central Fl. Greenway SR 417) Parcel: 1008.3

Charge to Account # 1321-072-5085-6110

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

Orange County Comptroller  
Recording Fee \$61.00

DOCUMENTATION ATTACHED (Check appropriate block{s})

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

**Total \$61.00**

Payable to: Orange County Comptroller (\$61.00)

\*\*\*\*\*  
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

6-11-18  
Date

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

6/29/18  
Date

Certified Heather Per  
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

**X Under BCC Approval**

### Under Ordinance Approval

**Date: 6/11/18**

**Amount: \$61.00**

**Project:** Boggy Creek Road (Osceola County line to 600' N. of Central Fl. Greenway SR 417) **Parcel:** 1008.3

**Charge to Account # 1321-072-5085-6110.**

**Controlling Agency Address**

**Fiscal Approval**

**TYPE TRANSACTION** (Check appropriate block{s})

X	Pre-Condernnation	Post-Condernnation
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N/A

District # 4

☐ Acquisition at Approved Appraisal  
☐ Acquisition at Below Approved Appraisal  
☐ Acquisition at Above Approved Appraisal  
☒ Advance Payment Requested

**Orange County Comptroller  
Recording Fee \$61.00**

**DOCUMENTATION ATTACHED (Check appropriate block(s))**

     Contract  
  X   Copy of Executed Instruments  
     Certificate of Value  
     Settlement Analysis

**Total \$61.00**

**Payable to: Orange County Comptroller (\$61.00)**

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

**Recommended by**

**Kenneth T. Woods, Acquisition Agent**

Date \_\_\_\_\_

6-11-18

**Payment Approved**

**Paul Sladek, Manager, Real Estate Management Division**

Date \_\_\_\_\_

6/29/8

**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.**