



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

DATE: November 22, 2021

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

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

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

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

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

ACTION REQUESTED: Approval and execution of Orlando Utilities Commission Utility Easement from Orange County to Orlando Utilities Commission and City of Orlando and authorization to disburse funds to pay recording fees and record instrument

PROJECT: Texas Avenue North (North of Duskin Avenue to South of Holden Avenue)

District 6

PURPOSE: To provide for access, construction, operation, and maintenance of electrical facilities by the Orlando Utilities Commission.

ITEM: Orlando Utilities Commission Utility Easement
Revenue: None
Size: 2694 square feet

BUDGET: Account No.: 1034-072-5027-6110

FUNDS: \$35.50 payable to Orange County Comptroller
(recording fees)

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department

REMARKS: As part of the Texas Avenue RCA (Oak Ridge Rd to Holden Ave) (Invest) road improvement project, County has entered into a Utility Relocation Agreement with the Orlando Utilities Commission ("OUC"). A condition of that agreement, which has been submitted for approval and execution concurrently with this easement, requires County to grant a replacement easement to the City of Orlando ("Orlando") and OUC. Once the replacement easement has been recorded and OUC has moved their electrical facilities into the replacement area, then the portion of the original utility easement in favor of Orlando and OUC that affects the right-of-way acquired by County will be released.

DEC 14 2021



Project: Texas Avenue North (North of Duskin Avenue to South of Holden Avenue)
Property Appraiser's Parcel ID No: a portion of 15-23-29-0147-00-011 and 15-23-29-0147-00-021

ORLANDO UTILITIES COMMISSION UTILITY EASEMENT

THIS UTILITY EASEMENT, made and entered into as of the date signed below by and between ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose post office address is 201 South Rosalind Avenue, Orlando, Florida 32801, hereinafter the GRANTOR, and the ORLANDO UTILITIES COMMISSION, of the City of Orlando, Florida, whose address is 100 West Anderson Street, Orlando, Florida 32801, and the CITY OF ORLANDO, a municipal corporation, whose address is 400 S. Orange Avenue, Orlando, Florida 32801, for the use and benefit of the ORLANDO UTILITIES COMMISSION, hereinafter collectively the GRANTEE.

WITNESSETH, that for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid to the GRANTOR by the GRANTEE, the receipt whereof is hereby acknowledged, GRANTOR does hereby grant, bargain, sell, convey and warrant to the GRANTEE, its respective successors, agents and assigns, lessees and tenants, an easement in perpetuity for the purpose of providing, conveying, distributing, carrying or transmitting electric power or other power and communication services, together with the right, privilege and authority to construct, locate, lay, maintain, operate, inspect, alter, improve, augment, repair, remove, replace, relocate and rebuild poles, wires, cables, conduits, equipment and all other facilities, improvements and/or accessories necessary and/or desirable in connection therewith (all of said items being hereinafter collectively referred to as the "Facilities"), which Facilities will be located on, through, over, across and/or under the following specific non-exclusive "Easement Area" within GRANTOR'S premises, situated in the County of Orange and State of Florida, to-wit:

See Legal Description of Easement Area attached hereto as Exhibit "A".

GRANTOR hereby covenants that no buildings, structures or other obstructions or obstacles shall be located, constructed, excavated or created within the Easement Area, except that GRANTOR reserves and retains for itself, its successors and assigns, the right to curb, pave, stripe, fence and landscape the Easement Area (excluding portions of the Easement Area containing pad mounted Facilities), and to utilize the same as parking area or otherwise in a manner not inconsistent with the rights herein granted to the GRANTEE. If fences and/or landscaping are located within the Easement Area, they shall be placed so as to allow ready access to the Facilities and provide a working space of at least twelve feet (12') on the opening side and three feet (3') on the other sides of any pad mounted Facilities.

The rights herein granted to the GRANTEE by the GRANTOR specifically include: (a) the right to cut, clear and remove from the GRANTOR'S premises, any trees, limbs, undergrowth or other physical objects or obstructions which, in the judgement of the GRANTEE, may endanger or interfere with the safe and efficient installation, use, operation or maintenance of the Facilities attached thereto; (b) the right to construct, locate, lay, maintain, operate, inspect, alter, improve, augment, repair, remove, replace, relocate and rebuild the Facilities; (c) the reasonable right of ingress and egress to, over and under the GRANTOR'S premises for the purpose of exercising the rights herein granted; (d) the right to do anything necessary, useful or convenient for the full enjoyment of the rights herein granted; and (e) the right to remove at any time any of said Facilities erected upon, under or over the GRANTOR'S premises.

Project: Texas Avenue North (North of Duskin Avenue to South of Holden Avenue)

GRANTOR covenants that it is the owner in fee simple of the premises in which the Facilities are located.

All covenants, terms, provisions and conditions herein contained shall inure to and be binding upon the heirs and/or legal representatives, successors and assigns of the parties hereto, respectively.

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.

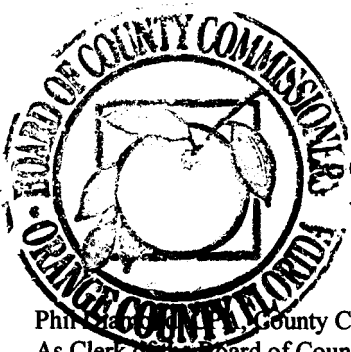
GRANTOR:

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: *[Signature]*
for Jerry L. Demings
Orange County Mayor

DATE: 17 December 2021

(Official Seal)



ATTEST: Phil [Signature] County Comptroller
As Clerk of the Board of County Commissioners

BY: *Emily Rivera*
for Deputy Clerk
Emily Rivera
Printed Name

Approved by OUC as to Form
Other than Legal Description

Wayne [Signature]
Attorney

LEGAL DESCRIPTION

SCHEDULE "A"

PROPOSED 12' ORLANDO UTILITIES COMMISSION EASEMENT

A PORTION OF LOTS 1 AND 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A RAILROAD SPIKE, WITH AN X-CUT AND NO OTHER IDENTIFICATION, MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°11'54" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 555.04 FEET TO A POINT ON A LINE PROJECTED WESTERLY FROM THE EXISTING NORTH LINE OF LOT 2, AS DEPICTED ON THE PLAT OF AMERICANA PLAZA, RECORDED IN PLAT BOOK 18, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, RUN NORTH 89°14'30" EAST, ALONG SAID PROJECTED LINE AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 45.97 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE AS DESCRIBED IN DOCUMENT NUMBER 20190032422 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; SAID POINT BEING A POINT ON A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 14256.25 FEET, A CHORD DISTANCE OF 18.01 FEET AND A CHORD BEARING OF SOUTH 00°58'43" WEST; THENCE DEPARTING THE NORTH LINE OF SAID LOT 2, FROM A TANGENT BEARING OF SOUTH 01°00'53" WEST, RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 18.01 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID CURVE AND SAID RIGHT OF WAY LINE, RUN NORTH 89°14'30" EAST, A DISTANCE OF 224.29 FEET; THENCE SOUTH 00°45'30" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°14'30" WEST, A DISTANCE OF 224.64 FEET TO A POINT ON AFORESAID EXISTING EAST RIGHT OF WAY LINE OF TEXAS AVENUE; SAID POINT BEING A POINT ON A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 14256.25 FEET, A CHORD DISTANCE OF 12.01 FEET AND A CHORD BEARING OF NORTH 00°55'05" EAST; THENCE FROM A TANGENT BEARING OF NORTH 00°53'39" EAST, RUN NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 00°02'54", A DISTANCE OF 12.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 2694 SQUARE FEET,
OR 0.062 ACRES, MORE OR LESS


THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

W.E. Byrd 3/25/21
WILLIAM E. BYRD DATE
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER 5442
800 NORTH MAGNOLIA AVENUE, SUITE 1000
ORLANDO, FLORIDA 32803

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CERTIFICATE OF AUTHORIZATION NUMBER LB 8011

NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF
THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23
SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA,
BEING NORTH 00°11'54" WEST, ASSUMED.

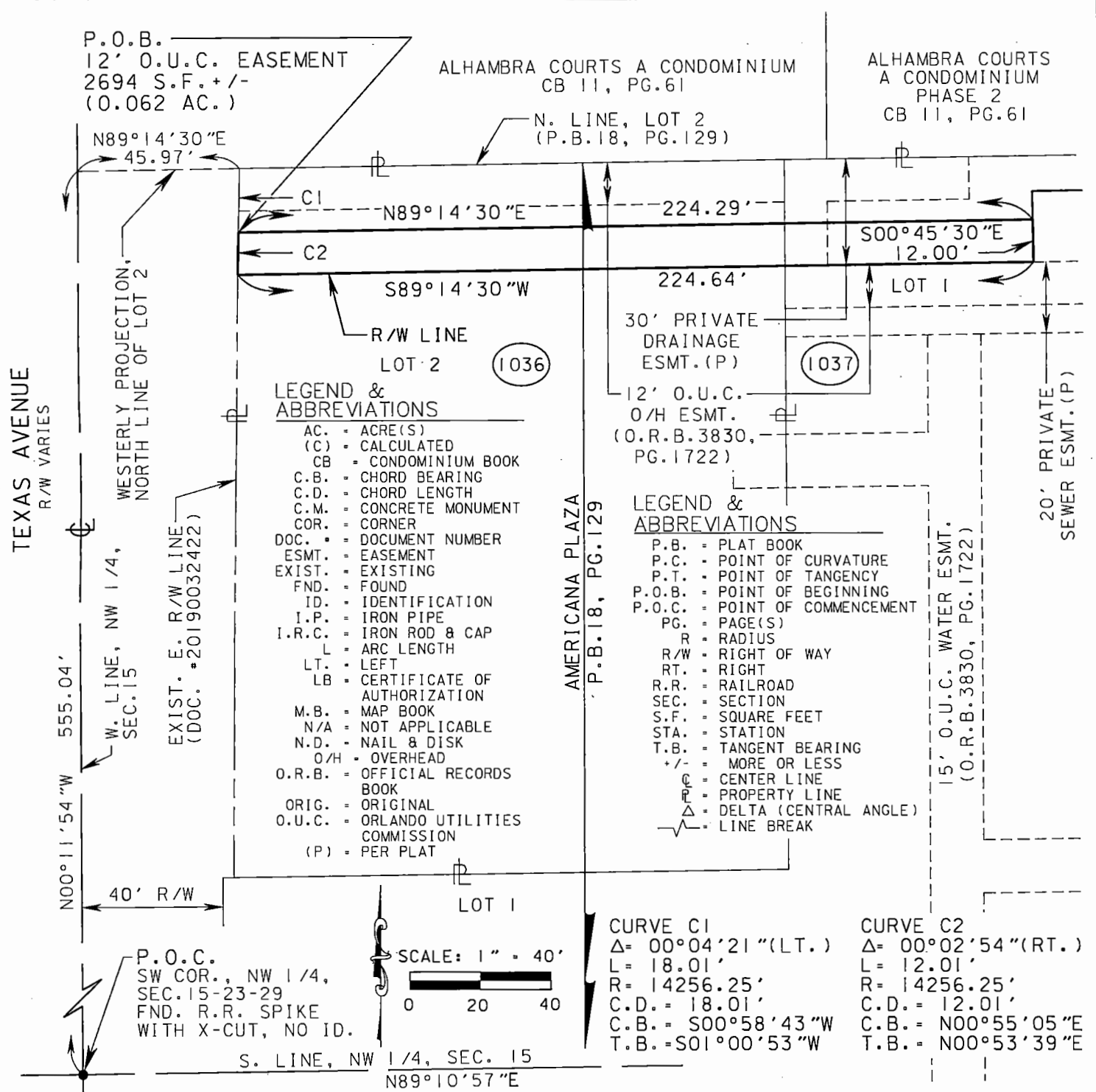
| | | | | |
|-----------------|----------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| WRITTEN BY: MLR | DATE: 03/24/21 | SECTION: 15 | TEXAS AVENUE-ORANGE COUNTY, FLORIDA | |
| DRAWN BY: MLR | REV.: | TOWNSHIP: 23S |  Dewberry 800 NORTH MAGNOLIA AVENUE SUITE 1000 ORLANDO, FLORIDA 32803 TELEPHONE: 407-843-5120 | DRAWING SCALE: N/A |
| APPROVED BY: | REV.: | RANGE: 29E | | SHEET 1 OF 2 |
| | REV.: | | | C.I.P. • 5027 |

11/12/2021

SKETCH OF DESCRIPTION


SCHEDULE "A"

PROPOSED 12' ORLANDO UTILITIES COMMISSION EASEMENT



NOTE: BEARING STRUCTURE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING NORTH 00°11'54" WEST, ASSUMED.

THIS IS NOT A BOUNDARY SURVEY, NOR HAS FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS SKETCH OF DESCRIPTION.

| | | | | |
|---------------------|----------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| DESIGNED BY: INWOOD | DATE: 03/24/21 | SECTION: 15 | TEXAS AVENUE-ORANGE COUNTY, FLORIDA | |
| DRAWN BY: MLR | REV.: | TOWNSHIP: 23S |  Dewberry 800 NORTH MAGNOLIA AVENUE SUITE 1000 ORLANDO, FLORIDA 32803 TELEPHONE: 407-843-5120 | DRAWING SCALE: 1" = 40' |
| APPROVED BY: | REV.: | RANGE: 29E | | SHEET 2 OF 2 |
| | REV.: | | | C.I.P. # 5027 |

REQUEST FOR FUNDS FOR LAND ACQUISITION

XX Under BCC Approval

Under Ordinance Approval

Date: November 9, 2021

Total Amount: \$35.50

Project: Texas Avenue North
(North of Duskin Avenue to South of Holden Avenue)

Parcels: N/A

Charge to Account # 1034-072-5027-6110

Controlling Agency Approval Signature Date

Printed Name

Fiscal Approval Signature

Printed Name

Belkys Jorje

TYPE TRANSACTION (Check appropriate block{s})
☐ Pre-Condensation ☐ Post-Condensation

XX N/A District # 6

☐ Acquisition at Approved Appraisal
☐ Acquisition at Below Approved Appraisal
☐ Acquisition at Above Approved Appraisal
☒ Advance Payment Requested (recording fees)
☐ Donation

Name, Address, FEIN No.

DOCUMENTATION ATTACHED (Check appropriate block{s})

☐ Contract/ Agreement
☒ Copy of Executed Instruments
☐ Certificate of Value
☐ Settlement Analysis

Payable to: Orange County Comptroller

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

Recommended by Elizabeth Price Jackson Digitally signed by Elizabeth Price Jackson
 Date: 2021.11.16:11:46 -05' 00

11/15/2021
 Date

Payment Approved Mindy T. Cummings Digitally signed by Mindy T. Cummings
 Date: 2021.11.22 10:14:11 -0500
 Mindy T. Cummings, Manager, Real Estate Management Div.

Date

or

Payment Approved _____

Date

Certified Emil Rivera
 Approved by BCC Deputy Clerk to the Board

DEC 14 2021
 Date

Examined/Approved _____
 Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: As soon as check is available.

APPROVED
 BY ORANGE COUNTY BOARD
 OF COUNTY COMMISSIONERS

DEC 14 2021