



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

**DATE:** January 9, 2020

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

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

**FROM:** Mary Tiffault, Senior Title Examiner *MT*  
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 between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation and Orange County and authorization to record instrument

**PROJECT:** Cypress Pointe / Lake Street Right of Way Dedication Lake Street, Orange County  
  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of road improvements as a requirement of development.

**ITEM:** Subordination of Utility Interests

**APPROVALS:** Real Estate Management Division  
Public Works Development Engineering Division

**REMARKS:**

The Subordination of Utility Interests will subordinate Duke Energy's interest in their existing easements encumbering a portion of certain lands being conveyed to Orange County as road right of way for Lake Street. 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 alternation, 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.

Developer to pay recording fees.

**JAN 28 2020**

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**This Instrument prepared by:**  
Jeffrey Sponenburg, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida  
400 East South Street, 5<sup>th</sup> Floor  
Orlando, Florida 32801-3391  
Tel.: (407) 836-7070

Project: Cypress Pointe / Lake Street Right of Way Dedication Lake Street, Orange County

**SUBORDINATION OF UTILITY INTERESTS**

**THIS SUBORDINATION OF UTILITY INTERESTS** (this "**Subordination**") is entered into by and between **DUKE ENERGY FLORIDA, L.L.C., 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 (hereinafter called the "**Utility**"), and Orange County, a charter county and political subdivision of the State of Florida (hereinafter called the "**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 the Utility to the County; and

**WHEREAS**, the County is willing to pay to have the Utility's facilities relocated, if and when 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, the Utility and the County agree as follows:

The Utility hereby subordinates to the interest of the County, its successors, or assigns, any and all of its interest in the lands as follows, viz:

**See attached Exhibit "A"**

Project: Cypress Pointe / Lake Street Right of Way Dedication Lake Street, Orange County

**ENCUMBRANCES:**

| No. | Document Name                      | Official Records Book / Page | Grantor  | Original Grantee                | Notes  |
|-----|------------------------------------|------------------------------|--|---------------------------------|--|
| 1.  | Tree Trimming/<br>Removal Easement | OR 4260, Pg. 3387            | Davis Brothers<br>Ventures, Inc.                     | Florida<br>Power<br>Corporation | To cut, trim,<br>and/or remove<br>trees, limbs and<br>underbrush   |
| 2.  | Tree Trimming/<br>Removal Easement | OR 4260, Pg. 3388            | Mirian Adele<br>Dolan                                | Florida<br>Power<br>Corporation | To cut, trim,<br>and/or remove<br>trees, limbs and<br>underbrush   |
| 3.  | Tree Trimming/<br>Removal Easement | OR 4264, Pg. 3482            | Potter<br>Enterprises,<br>Inc. of Central<br>Florida | Florida<br>Power<br>Corporation | To cut, trim,<br>and/or remove<br>trees, limbs and<br>underbrush   |
| 4.  | Easement                           | OR 4342, Pg. 3721            | J. F. Leonard  | Florida<br>Power<br>Corporation | For 10 ft.<br>permanent<br>clearing, 15 ft.<br>one time<br>clearing , and<br>distribution and<br>transmission<br>lines |
| 5.  | Tree Trimming/<br>Removal Easement | OR 4342, Pg. 3727            | J. F. Leonard  | Florida<br>Power<br>Corporation | To cut, trim,<br>and/or remove<br>trees, limbs and<br>underbrush   |

**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 the 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. Should the County require the Utility to alter, adjust, or relocate its facilities located within said lands in connection with this Subordination, the County shall pay the reasonable cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements (collectively, the "**Reimbursement Costs**").
2. The Utility shall provide written notice to the 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 sixty (60) days prior to the 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 the County's facilities.
5. The Utility agrees to indemnify and hold the County harmless for, from and against any and all losses, claims or damages incurred by the County to the extent arising from the Utility's or the Utility contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of the Utility's facilities located on the above described easements.

*[Remainder of this page intentionally left blank. Signature pages and Exhibits follow.]*

Project: Cypress Pointe / Lake Street Right of Way Dedication Lake Street, Orange County

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.

Signed, sealed and delivered in the presence of:

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

By: Karen Adams  
Karen Adams, Manager  
Land Services – Florida Region

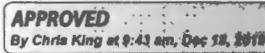
Date: December 18, 2019

Natalie Haney  
SIGNATURE LINE

PRINT/TYPE NAME: Natalie Haney

Bruce Todd Boyer  
SIGNATURE LINE

PRINT/TYPE NAME: Bruce Todd Boyer



(Two witnesses required by Florida law)

STATE OF Florida

COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 2019, by Karen Adams, 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, on behalf of the limited liability company, who is personally known to me, or who has produced as identification.

(Affix Notary Stamp or Seal)

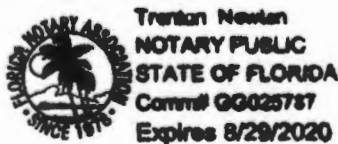
Trenton Newton

PRINT/TYPE NAME: Trenton Newton

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

My Commission Expires: 8/29/2020

Serial No., if any: 66025787



Project: Cypress Pointe / Lake Street Right of Way Dedication Lake Street, Orange County

**IN WITNESS WHEREOF**, the County has executed this Subordination on the day and year below written.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Byron W. Brooks*  
for Jerry L. Demings,  
Orange County Mayor

Date: *28 January 2020*

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

By: *Katie Smith*  
Deputy Clerk

**Katie Smith**

Printed Name

# LEGAL DESCRIPTION

## THIS IS NOT A SURVEY

A STRIP OF LAND, 30.00 FEET IN WIDTH, LYING IN SECTION 15, TOWNSHIP 24 SOUTH, RANGE 28 EAST, BEING THE SOUTH 30.00 FEET OF BLOCKS 15, 16, 17 AND 99, ORANGE CENTER ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK D, PG 143 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND INCLUDES A PORTION OF COMMERCIAL STREET, PINE STREET, ORANGE STREET AND THE UN-NAMED ALLEYS ADJACENT TO SAID BLOCKS, OF SAID PLAT. SAID STRIP OF LAND IS BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF RUBY LAKE ROAD AND BOUNDED ON THE EAST BY THE EAST LINE OF THE 16.00 FOOT WIDE UN-NAMED ALLEY ADJACENT TO SAID BLOCK 15 AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF LAKE STREET, DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTH QUARTER CORNER OF SAID SECTION 15 FOR A POINT OF REFERENCE; THENCE RUN NORTH 00°20'48" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID LAKE STREET; THENCE RUN NORTH 89°56'31" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 27.45 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°56'31" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 1090.06 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID RUBY LAKE ROAD; THENCE RUN NORTH 00°01'43" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RUBY LAKE ROAD, 30.00 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTH 89°56'31" EAST, 30.00 FEET NORTH OF (PERPENDICULAR MEASURE) AND PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE OF SAID LAKE STREET, 1090.08 FEET TO THE EAST LINE OF SAID 16.00 FOOT WIDE UN-NAMED ALLEY ADJACENT TO BLOCK 15; THENCE RUN SOUTH 00°00'01" WEST, ALONG SAID EAST LINE, 30.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 32,702 SQUARE FEET MORE OR LESS.

*OK*  
*(Signature)*

Revised 12-3-19

SHEET 1 OF 2  
SEE SHEET 2 OF 2  
FOR SKETCH OF  
DESCRIPTION



16 East Plant Street  
Winter Garden, Florida 34787 • (407) 654 5355

**SURVEYOR'S NOTES:**

1. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 24 SOUTH, RANGE 28 EAST, BEING NORTH 00°20'48" EAST.
3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE.
4. THE ADJOINING RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PROPERTY APPRAISER PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.
6. THE LEGAL DESCRIPTION WAS PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.

SKETCH 3

JOB NO. 20190316  
DATE: 10-31-19  
SCALE: 1"=100'  
FIELD BY: N/A

CALCULATED BY: SEJ  
DRAWN BY: SEJ  
CHECKED BY: MR

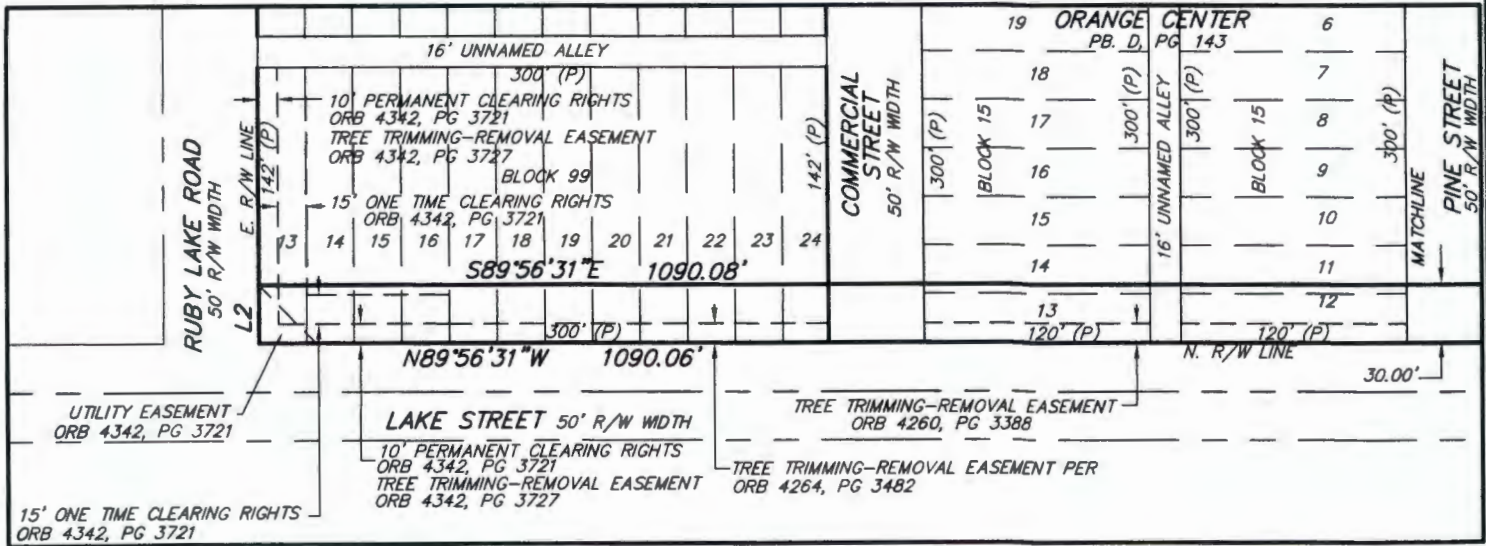
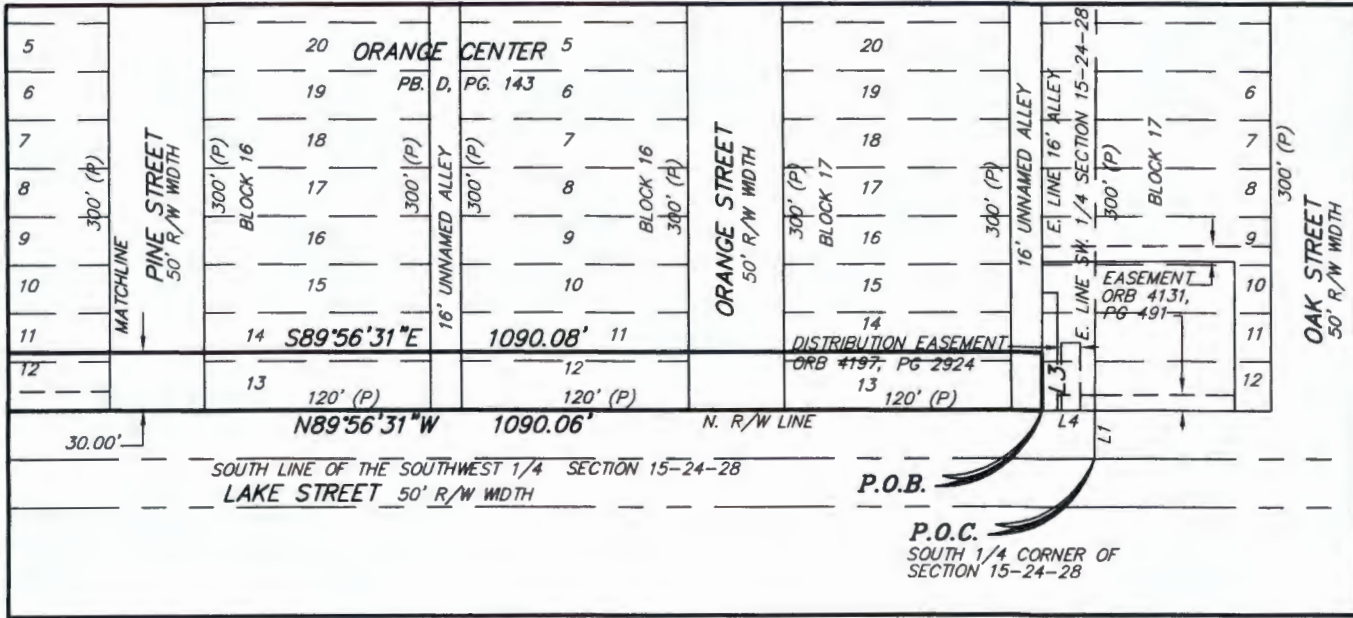
FOR THE LICENSED BUSINESS # 6723 BY:

*(Signature)*  
JAMES L. RICKMAN P.S.M. # 5633



# SKETCH OF DESCRIPTION

THIS IS NOT A SURVEY



| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L1         | N00°20'48"E | 25.00' |
| L2         | N00°01'43"W | 30.00' |
| L3         | S00°00'01"W | 30.00' |
| L4         | N89°56'31"W | 27.45' |

LEGEND:  
 P.O.C.....POINT OF COMMENCEMENT PG.....PAGE  
 P.O.B.....POINT OF BEGINNING  
 R/W.....RIGHT-OF-WAY  
 ORB.....OFFICIAL RECORDS BOOK  
 PB.....PLAT BOOK

SKETCH 3



16 East Plant Street  
 Winter Garden, Florida 34787 \* (407) 654 5355

JOB NO. 20190316  
 DATE: 10-31-19  
 SCALE: 1"=100'  
 FIELD BY: N/A  
 CALCULATED BY: SEJ  
 DRAWN BY: SEJ  
 CHECKED BY: MR

SHEET 2 OF 2  
 SEE SHEET 1 OF 2 FOR  
 LEGAL DESCRIPTION