



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

DATE: May 14, 2019

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

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

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

CONTACT PERSON: Paul Sladek, Manager

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

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

PROJECT: Animal Services East Side Spay/Neuter Clinic

District 4

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

ITEM: Distribution Easement
Revenue: None
Size: 5,945 square feet

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

REMARKS:

This Distribution 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 site improvements for the Animal Services East Side Spay/Neuter Clinic located within East Orange Neighborhood Park. This Distribution Easement supersedes and replaces the one approved by the Board on May 8, 2018, that was not recorded. The easement previously approved did not define a specific easement area, but was an easement over the entire parent tract pending installation of the utilities to determine the specific area needed. This replacement Distribution Easement specifically defines the easement area and will be recorded by Grantee.

Grantee to pay all recording fees.

APPROVED
 BY ORANGE COUNTY BOARD
 OF COUNTY COMMISSIONERS
JUN 18 2019

Project: Animal Services East Side Spay/Neuter Clinic



SEC: 22	TWP: 22S	RGE: 31E	COUNTY: ORANGE	PROJECT: 25055643
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 12050 E. Colonial Drive, Orlando, FL 32826				
TAX PARCEL NUMBER: 22-22-31-0000-00-003				

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:

An Easement Area being more particularly described and shown on the accompanying Exhibit "A", Sketch of Description, as prepared by William D. Donley, PSM of Dewberry, dated 4/24/2019, Project No.: 50113414, consisting of four (4) pages, attached hereto and incorporated herein by this reference.

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.

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.

Project: Animal Services East Side Spay/Neuter Clinic

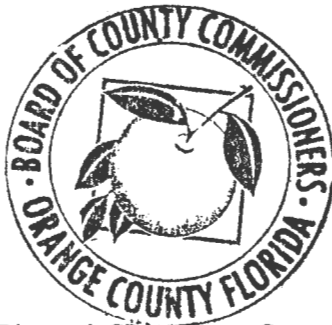
GRANTEE shall defend, indemnify and hold harmless **GRANTOR**, its officials, agents and employees from and against any and all claims, suits, judgments, demands, liabilities, damages, cost and expenses (including reasonable attorney's fees prior to and upon appeal) of any kind or nature whatsoever related 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.

(Official Seal)



Orange County, Florida

By: Board of County Commissioners

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

DATE: *18 June 2019*

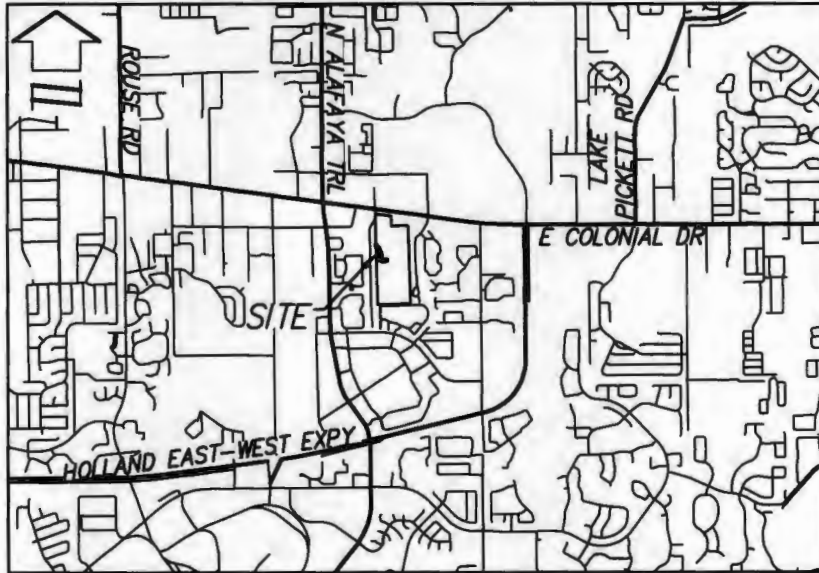
ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY: *Katie Smith*
Deputy Clerk

Katie Smith

Printed Name

This instrument prepared by: E. Price Jackson, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida



VICINITY MAP
NOT TO SCALE

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 31 EAST, AS BEING N01°38'48"W.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.
3. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.
4. THIS IS NOT A BOUNDARY SURVEY.

William D. Donley
 WILLIAM D. DONLEY
 PROFESSIONAL SURVEYOR & MAPPER
 LICENSE NUMBER LS 5381
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

05/09/2019
 DATE

SHEET 1 OF 4

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION
 -OF-
 DUKE ENERGY EASEMENT

SECTION 22, TOWNSHIP 22 SOUTH, RANGE 31 EAST

ORANGE COUNTY

FLORIDA



Dewberry

131 WEST KALEY STREET
 ORLANDO, FLORIDA 32806
 PHONE: 321.354.9826 FAX: 407.648.9104
 WWW.DEWBERRY.COM

CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:
 ORANGE COUNTY
 CAPITAL PROJECTS

DATE: 04/24/19
 REV DATE:
 SCALE 1" = N/A

PROJ: 50113414
 DRAWN BY: WS
 CHECKED BY: TPT

LEGAL DESCRIPTION:

A PORTION OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE N01°38'48"W ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22, A DISTANCE OF 881.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N01°38'48"W ALONG SAID WEST LINE, A DISTANCE OF 23.95 FEET; THENCE DEPARTING SAID WEST LINE, RUN N90°00'00"E, A DISTANCE OF 5.14 FEET; THENCE S14°03'57"E, A DISTANCE OF 23.84 FEET; THENCE S17°57'19"E, A DISTANCE OF 24.89 FEET; THENCE S22°02'58"E, A DISTANCE OF 26.37 FEET; THENCE S24°23'24"E, A DISTANCE OF 51.25 FEET; THENCE S31°56'56"E, A DISTANCE OF 51.94 FEET; THENCE S23°44'08"E, A DISTANCE OF 48.20 FEET; THENCE S24°43'17"E, A DISTANCE OF 23.66 FEET; THENCE S16°38'49"E, A DISTANCE OF 20.25 FEET; THENCE S01°44'38"E, A DISTANCE OF 98.49 FEET; THENCE S12°41'02"E, A DISTANCE OF 23.80 FEET; THENCE S15°52'38"E, A DISTANCE OF 22.44 FEET; THENCE S22°20'11"E, A DISTANCE OF 9.18 FEET; THENCE S30°44'04"E, A DISTANCE OF 11.50 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 49.00 FEET, A CENTRAL ANGLE 53°35'11", A CHORD BEARING OF S58°27'30"E AND A CHORD DISTANCE OF 44.17 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 45.83 FEET TO THE END OF SAID CURVE; THENCE S87°13'59"E, A DISTANCE OF 20.64 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 55.47 FEET, A CENTRAL ANGLE 34°16'22", A CHORD BEARING OF N78°01'39"E AND A CHORD DISTANCE OF 32.69 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 33.18 FEET TO THE END OF SAID CURVE; THENCE N57°15'39"E, A DISTANCE OF 22.74 FEET; THENCE N36°18'25"W, A DISTANCE OF 3.11 FEET; THENCE N53°49'25"E, A DISTANCE OF 17.05 FEET; THENCE S36°21'31"E, A DISTANCE OF 18.26 FEET; THENCE S53°26'57"W, A DISTANCE OF 17.07 FEET; THENCE N36°18'25"W, A DISTANCE OF 5.24 FEET; THENCE S57°18'13"W, A DISTANCE OF 23.97 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 65.47 FEET, A CENTRAL ANGLE 34°06'15", A CHORD BEARING OF S77°55'05"W AND A CHORD DISTANCE OF 38.40 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.97 FEET TO THE END OF SAID CURVE; THENCE N87°14'55"W, A DISTANCE OF 20.42 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 59.00 FEET, A CENTRAL ANGLE 54°01'37", A CHORD BEARING OF N58°35'46"W AND A CHORD DISTANCE OF 53.59 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 55.63 FEET TO THE END OF SAID CURVE; THENCE N30°44'04"W, A DISTANCE OF 12.32 FEET; THENCE N22°20'11"W, A DISTANCE OF 10.47 FEET; THENCE N15°52'38"W, A DISTANCE OF 23.28 FEET; THENCE N12°41'02"W, A DISTANCE OF 25.03 FEET; THENCE N01°44'38"W, A DISTANCE OF 98.14 FEET; THENCE N16°38'49"W, A DISTANCE OF 18.24 FEET; THENCE N24°43'17"W, A DISTANCE OF 23.04 FEET; THENCE N23°44'08"W, A DISTANCE OF 47.57 FEET; THENCE N31°56'56"W, A DISTANCE OF 51.89 FEET; THENCE N24°23'24"W, A DISTANCE OF 52.12 FEET; THENCE N22°02'58"W, A DISTANCE OF 26.93 FEET; THENCE N17°57'19"W, A DISTANCE OF 27.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 5945 SQUARE FEET OR 0.136 ACRES MORE OR LESS.

SHEET 2 OF 4

(SEE SHEET 3-4 FOR SKETCH OF DESCRIPTION)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

-OF-

DUKE ENERGY EASEMENT

SECTION 22, TOWNSHIP 22 SOUTH, RANGE 31 EAST

ORANGE COUNTY

FLORIDA



Dewberry

131 WEST KALEY STREET
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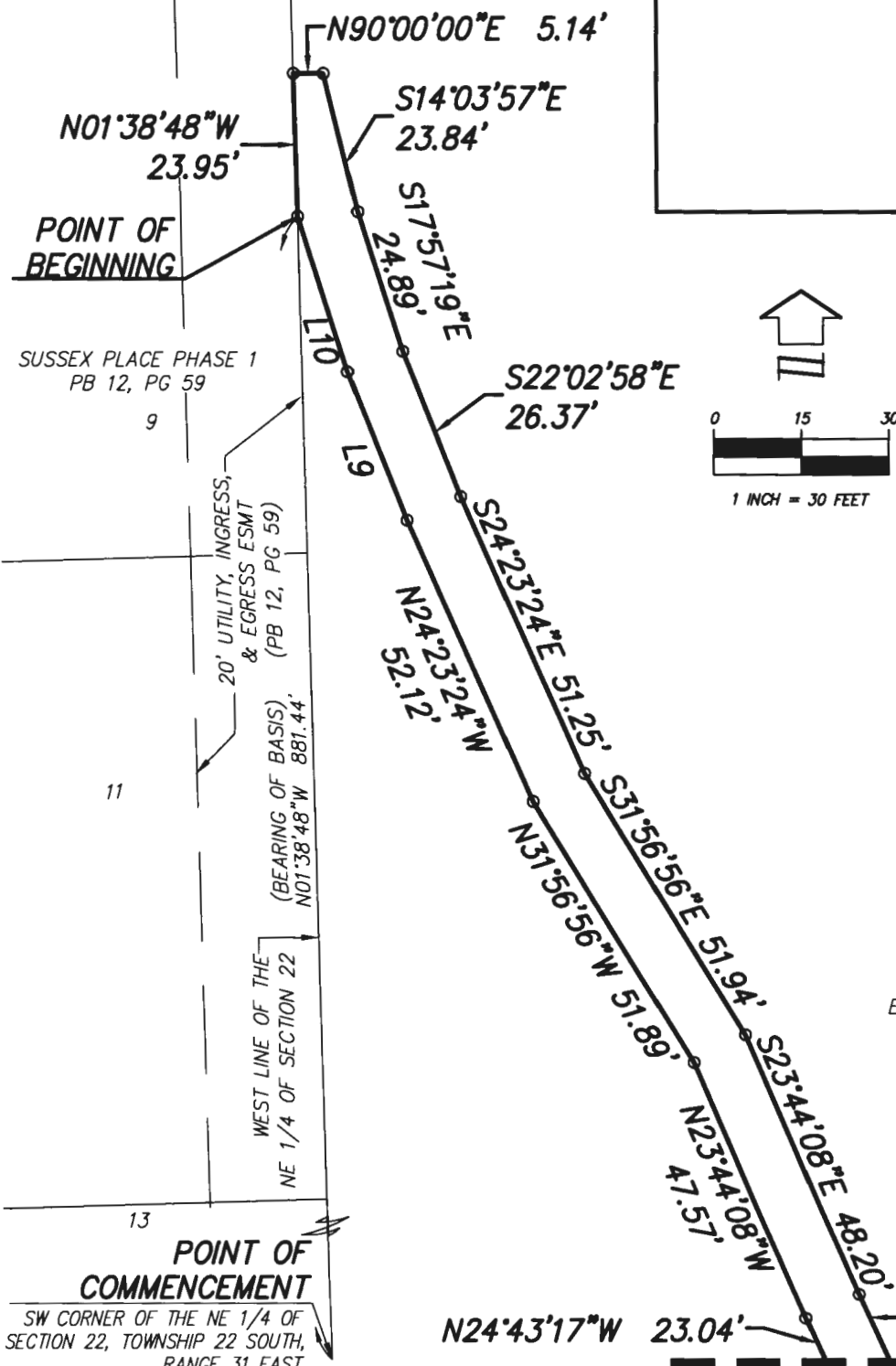
PREPARED FOR:

**ORANGE COUNTY
CAPITAL PROJECTS**

DATE: 04/24/19
REV DATE:
SCALE 1" = N/A

PROJ: 50113414
DRAWN BY: WS
CHECKED BY: TPT

Drawing name: C:\Users\wsamalot\appdata\local\temp\AcPublish_11916\50113414_sursketch.dwg DEW desc. & sketch Sheet 2 May 09, 2019 9:51am by wsamalot



LEGEND:

—	LINE BREAK
PC	POINT OF CURVATURE
PRC	POINT OF REVERSE CURVATURE
PCC	POINT OF COMPOUND CURVATURE
PNT	POINT OF NON-TANGENCY
PT	POINT OF TANGENCY
R/W	RIGHT OF WAY
ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG(S)	PAGE(S)
L	LENGTH
R	RADIUS
A	CENTRAL ANGLE
B	CHORD BEARING
CL	CHORD LENGTH
SF	SQUARE FEET
AC	ACRES
SEC	SECTION
O	CHANGE OF DIRECTION

LINE	BEARING	LENGTH
L9	N22°02'58"W	26.93'
L10	N17°57'19"W	27.64'

EAST ORANGE NEIGHBORHOOD PARK
 PID #22-22-31-0000-00-003

SHEET 3 OF 4

(SEE SHEET 2 FOR DESCRIPTION OF SKETCH)

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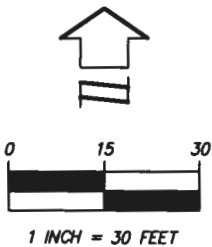
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**ORANGE COUNTY
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DATE: 04/24/19
 REV DATE:
 SCALE 1" = 30'

PROJ: 50113414
 DRAWN BY: WS
 CHECKED BY: TPT

MATCH LINE-SHEET 3
 N24°43'17"W 23.04'
 N16°38'49"W 18.24'
 S24°43'17"E 23.66'
 S16°38'49"E 20.25'



N01°44'38"W 98.14'
 S01°44'38"E 98.49'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	45.83'	49.00	53°35'11"	44.17'	S58°27'30"E
C2	33.18'	55.47	34°16'22"	32.69'	N78°01'39"E
C3	38.97'	65.47	34°06'15"	38.40'	S77°55'05"W
C4	55.63'	59.00	54°01'37"	53.59'	N58°35'46"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	N57°15'39"E	22.74'
L2	N36°18'25"W	3.11'
L3	N53°49'25"E	17.05'

LINE TABLE		
LINE	BEARING	LENGTH
L4	S36°21'31"E	18.26'
L5	S53°26'57"W	17.07'
L6	N36°18'25"W	5.24'
L7	S57°18'13"W	23.97'
L8	N87°14'55"W	20.42'

N12°41'02"W 25.03'
 N15°52'38"W 23.28'
 N22°20'11"W 10.47'
 N30°44'04"W 12.32'
 S12°41'02"E 23.80'
 S15°52'38"E 22.44'
 S22°20'11"E 9.18'
 S30°44'04"E 11.50'

LEGEND:

— —	LINE BREAK	PB	PLAT BOOK
↔	CHANGE IN DIRECTION	PG(S)	PAGE(S)
○	POINT OF CURVATURE	L	LENGTH
○	POINT OF REVERSE CURVATURE	R	RADIUS
○	POINT OF COMPOUND CURVATURE	Δ	CENTRAL ANGLE
○	POINT OF NON-TANGENCY	CB	CHORD BEARING
○	POINT OF TANGENCY	CH	CHORD LENGTH
R/W	RIGHT OF WAY	SF	SQUARE FEET
ORB	OFFICIAL RECORDS BOOK	AC	ACRES
		SEC	SECTION

EAST ORANGE NEIGHBORHOOD PARK
 PID #22-22-31-0000-00-003

EAST ORANGE NEIGHBORHOOD PARK
 PID #22-22-31-0000-00-003

SHEET 4 OF 4

(SEE SHEET 2 FOR DESCRIPTION OF SKETCH)

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