



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Legislation Text

File #: 25-1106, **Version:** 1

Interoffice Memorandum

DATE: August 6, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: Luciana Mino, Assistant Manager

FROM: Mary Tiffault, Senior Title Examiner

CONTACT: Faye Lee, Administrative Assistant

PHONE: 407-836-7097

DIVISION: Real Estate Management Division

ACTION REQUESTED:

Approval and execution of Distribution Easement from Orange County Board of County Commissioners to Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Lake Lucie Conservation Area - Duke Energy Distribution Easement. District 2. **(Real Estate Management Division)**

PROJECT: Lake Lucie Conservation Area - Duke Energy Distribution Easement

PURPOSE: To provide for access, construction, operation, and maintenance of electrical facilities.

ITEM:

Distribution Easement
Revenue: None
Size: 2,797 square feet

BUDGET: N/A

REVENUE: N/A

FUNDS: N/A

APPROVALS:

Real Estate Management Division

Capital Projects Division
Environmental Protection Division

REMARKS: This action provides Duke Energy (Grantee) with the right to install and maintain electrical distribution lines and related facilities for improvements being constructed on the County's property located at 43 Rainey Road, Sorrento, Florida 32776, Parcel 05-20-28-0000-00-003. This Distribution Easement will replace the Blanket Easement approved by the Board on May 07, 2024, and includes a sketch of description for the easement area. Grantee to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

AUG 26 2025

Project: Lake Lucie Conservation Area – Duke Energy Distribution Easement



SEC: 06	TWP: 20S	RGE: 28E	COUNTY: ORANGE	PROJECT: 51374925D/51494916LS
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 43 Rainey Road, Sorrento, Florida 32776				
TAX PARCEL NUMBER: 05-20-28-0000-00-003				

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 P. Hinkle, Florida Licensed Surveyor and Mapper No. LS 4633 of Dewberry, dated November 18, 2024, Project No.: 50181697, consisting of three (3) 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.

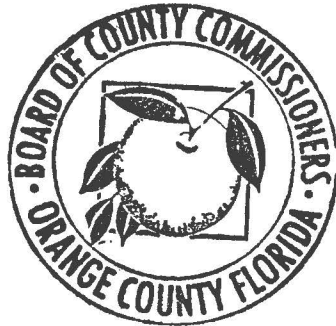
Project: Lake Lucie Conservation Area – Duke Energy Distribution Easement

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.



"COUNTY"

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

Date: 26 August 2025

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

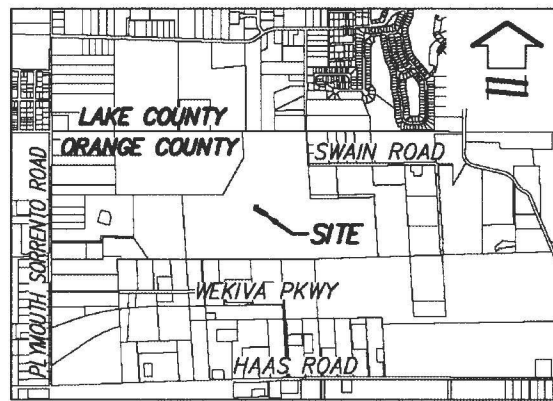
By: *Jennifer Lara-Kimete*
for Deputy Clerk
Jennifer Lara-Kimete
Printed Name

EXHIBIT A

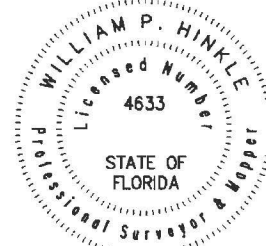
SKETCH OF DESCRIPTION

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, AS BEING S03°42'56"E.
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.
5. THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17.062(3)
6. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY WILLIAM P. HINKLE, PSM 4633, ON 07/14/2025 PER FAC 5J-17.062(2).



VICINITY MAP:
NOT TO SCALE



William P
Hinkle

Digitally signed by William
P Hinkle
Date: 2025.07.14 17:59:22
-04'00'

WILLIAM P. HINKLE
FLORIDA LICENSED SURVEYOR & MAPPER
NO. LS 4633

DATE

SHEET 1 OF 3

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

—OF—

DISTRIBUTION EASEMENT

SECTION 06, TOWNSHIP 20 SOUTH,
RANGE 28 EAST

ORANGE COUNTY

FLORIDA



800 NORTH MAGNOLIA AVENUE
SUITE 1000
ORLANDO, FLORIDA 32803

PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM

CERTIFICATE OF AUTHORIZATION NO. LB 8011

PREPARED FOR:

DUKE ENERGY

DATE: 11/18/2024
REV DATE:
SCALE 1" = N/A

PROJ: 50181697
DRAWN BY: AS
CHECKED BY: WPH

Drawing name: C:\Users\adamonds\MapData\Local\Temp\Acquisition_202506150181697\Lake Lucie Distribution Easement\sketch\REV_091625.dwg DEW dwp. & sketch. Sheet: 1 of 14, 2025 1:48pm by adamonds

SKETCH OF DESCRIPTION

LEGAL DESCRIPTION:

A PORTION OF LANDS LYING IN SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, THENCE ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 6, N03°42'56"W, A DISTANCE OF 991.74 FEET; THENCE DEPARTING SAID EAST LINE, S86°17'04"W, A DISTANCE OF 956.02 FEET TO THE POINT OF BEGINNING; THENCE N61°42'53"W, A DISTANCE OF 234.38 FEET; THENCE N07°58'56"E, A DISTANCE OF 52.49 FEET; THENCE S82°01'04"E, A DISTANCE OF 10.00 FEET; THENCE S07°58'56"W, A DISTANCE OF 45.52 FEET; THENCE S61°42'53"E, A DISTANCE OF 227.03 FEET; THENCE S26°03'19"W, A DISTANCE OF 10.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,797 SQUARE FEET, MORE OR LESS.

SHEET 2 OF 3

(SEE SHEET 3 FOR SKETCH OF DESCRIPTION)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

—OF—

DISTRIBUTION EASEMENT

SECTION 06, TOWNSHIP 20 SOUTH,
RANGE 28 EAST

ORANGE COUNTY

FLORIDA



Dewberry

800 NORTH MAGNOLIA AVENUE
SUITE 1000

ORLANDO, FLORIDA 32803

PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM

CERTIFICATE OF AUTHORIZATION No. LB 8011

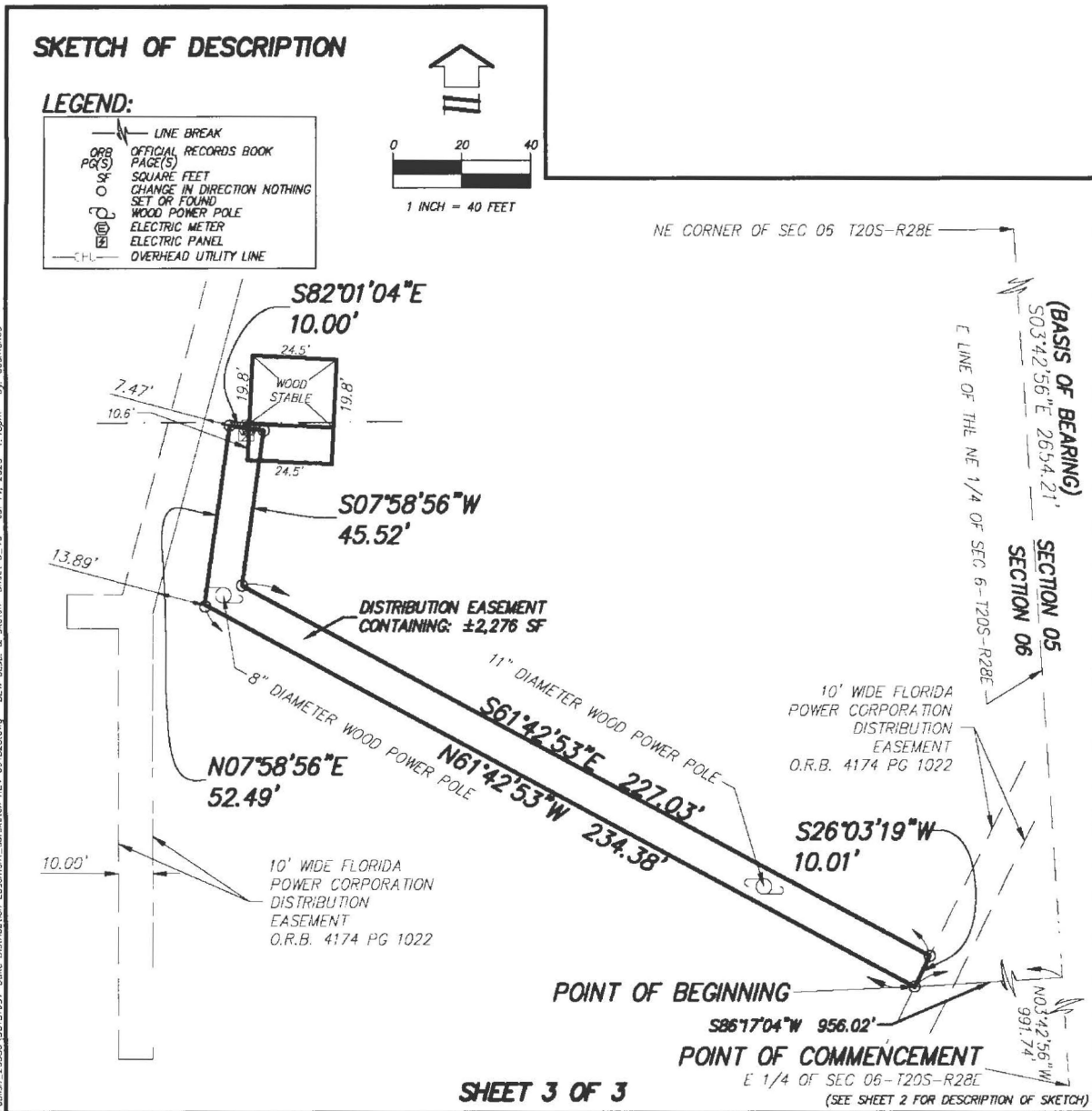
PREPARED FOR:

DUKE ENERGY

DATE: 11/18/2024
REV DATE:
SCALE 1" = N/A

PROJ: 50181697
DRAWN BY: AS
CHECKED BY: WPH

Drawing name: C:\Users\ldeamonds\Videos\Local\Temp\Acquisition_20536\50181697_Duke Distribution Easement_sursketch.dwg DEW desc. * sketch Sheet 2 Jul 14, 2025 1:48pm by: ddeamonds



Drawing name: C:\Users\lcedmonds\AppData\Local\Temp\AcSuben_20536\50181697_Duke Distribution Easement_sursketch_REV 0618203.dwg DEW dsc. & sketch_Sheet 3 of 3 Jul 14, 2025 1:48pm by defmccos

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

<p>SKETCH OF DESCRIPTION</p> <p>—OF—</p> <p>DISTRIBUTION EASEMENT</p> <p>SECTION 06, TOWNSHIP 20 SOUTH, RANGE 28 EAST</p> <p>ORANGE COUNTY FLORIDA</p>	<p>Dewberry</p> <p>800 NORTH MAGNOLIA AVENUE SUITE 1000 ORLANDO, FLORIDA 32803 PHONE: 321.354.9826 FAX: 407.648.9104 WWW.DEWBERRY.COM</p> <p>CERTIFICATE OF AUTHORIZATION NO. LB 8011</p>	<p>PREPARED FOR:</p> <p>DUKE ENERGY</p> <p>DATE: 11/18/2024 REV DATE: SCALE 1" = 40'</p> <p>PROJ: 50181697 DRAWN BY: AS CHECKED BY: WPH</p>
--	--	--