



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: November 18, 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 *EPS/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 Distribution Easement from Orange County to Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument

PROJECT: Ft. Gatlin Recreation Complex

District 3

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: 7,472.2 square feet

APPROVALS: Real Estate Management 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 to the Ft. Gatlin Recreation Center.

Grantee to pay all recording fees.

Project: Ft. Gatlin Recreation Complex



SEC: 07	TWP: 23S	RGE: 30E	COUNTY: ORANGE	PROJECT: 20001527
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 2009 Lake Margaret Drive, Orlando, Florida 32806				
TAX PARCEL NUMBER: 07-23-30-0000-00094				

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 Brian K. Hefner of Colliers Engineering & Design, dated 10/15/2021, Project No.: 21005121A, consisting of two (2) 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: Ft. Gatlin Recreation Complex

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: *Bryan W. Brooks*
for Jerry L. Demings
Orange County Mayor

DATE: 30 November 2021

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

BY: *Emily Rivera*
for Deputy Clerk

Emily Rivera
Printed Name

**SKETCH AND LEGAL DESCRIPTION
THIS IS NOT A SURVEY**

LEGAL DESCRIPTION:

Parcel 07-23-30-0000-00-094

A portion of that certain parcel of land described in Official Records Book 3978, Page 2045 of the Public Records of Orange County, Florida. Said lands lying in the Northwest 1/4 of Section 07 Township 23 Range 30 East, Orange County, Florida and being more particularly described as follows:

Begin at a 4" x 4" concrete monument with no identification, said monument being the Southeast corner of the plat of Greenfield Manor as recorded in Plat Book 1, Page 3 of the Public Records of Orange County, Florida; thence North 00°06'49" West along the Easterly line of the plat of Greenfield Manor a distance of 301.21 feet to a 1" iron pipe with no identification; thence continuing along the Easterly boundary of Greenfield Manor run North 32°38'34" West, a distance of 178.88 feet; thence leaving the boundary of Greenfield Manor run North 57°21'26" East, a distance of 22.50 feet; thence along a line parallel to and 22.50 feet Easterly of the Boundary of Greenfield Manor run South 32°38'34" East, a distance of 27.41 feet; thence run South 57°21'26" West, a distance of 7.50 feet; thence along a line parallel to and 15.00 feet Easterly of the Boundary of Greenfield Manor the following two courses and distances: South 32°38'34" East, a distance of 155.85 feet; thence South 00°06'49" East, a distance of 305.54 feet to the North right of way line of Lake Margaret Drive, being 30.00 feet North of and parallel to the South line of the Northwest 1/4 of Section 7, Township 23 South, Range 30 East; thence along the North right of way line of Lake Margaret Drive run South 89°41'57" West, a distance of 15.00 feet to the Point of Beginning.

Said lands contain 7,472.2 square feet or 0.171 acres, more or less.

SURVEYOR'S NOTES:

1. North and the bearings shown hereon are referenced to the South line of the Northwest 1/4 of Section 07, Township 23 South, Range 30 East, Orange County, Florida, as being South 89°41'57" West, per the plat of Greenfield Manor, Plat Book 1, Page 3
2. All measurements shown hereon are in U.S. Survey Feet
3. An abstract of title was not performed by or furnished to Colliers Engineering & Design, any easements or encumbrances that may appear as a result of said abstract are not warranted by this sketch.
4. Legal description was prepared by Colliers Engineering & Design per client request and is based on deeds of record and a field survey by Colliers Engineering & Design.
5. 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.

Certified To: Duke Energy Florida, LLC
Orange County Board of County Commissioners

I hereby state that this sketch and legal description of the hereon described property is true and correct to the best of my knowledge and belief and that it meets the Standards of Practice as set forth in Chapter 5J-17.05 of the Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

**Brian K
Hefner**

Digitally signed by Brian
K Hefner
Date: 2021.10.15
13:21:12 -04'00'

For the Firm by: **Brian K. Hefner, P.S.M.**
Professional Surveyor and Mapper
Florida License No. 5370
Firm License LB7388

PREPARED FOR:



**Engineering
& Design**

www.colliersengineering.com

Doing Business as



SKETCH AND
LEGAL DESCRIPTION
FOR
**DUKE ENERGY
FLORIDA LLC**

POWER EASEMENT

ORANGE COUNTY
RECREATION CENTER



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**Engineering
& Design**

ORLANDO
1101 North Lake Destiny Road,
Suite 415
Maitland, FL 32751
Phone: 321.441.9405
COLLIERS ENGINEERING & DESIGN, INC.
DOCKET NUMBER IS MAYER-155-VANT-NO
SURVEY FIRM LICENSE

WO 20001527

SCALE 1" = 100'	DATE 10/15/2021	DRAWN BY CCH	CHECKED BY BKH
PROJECT NUMBER 21005121A		DRAWING NAME V-SURV DESC	

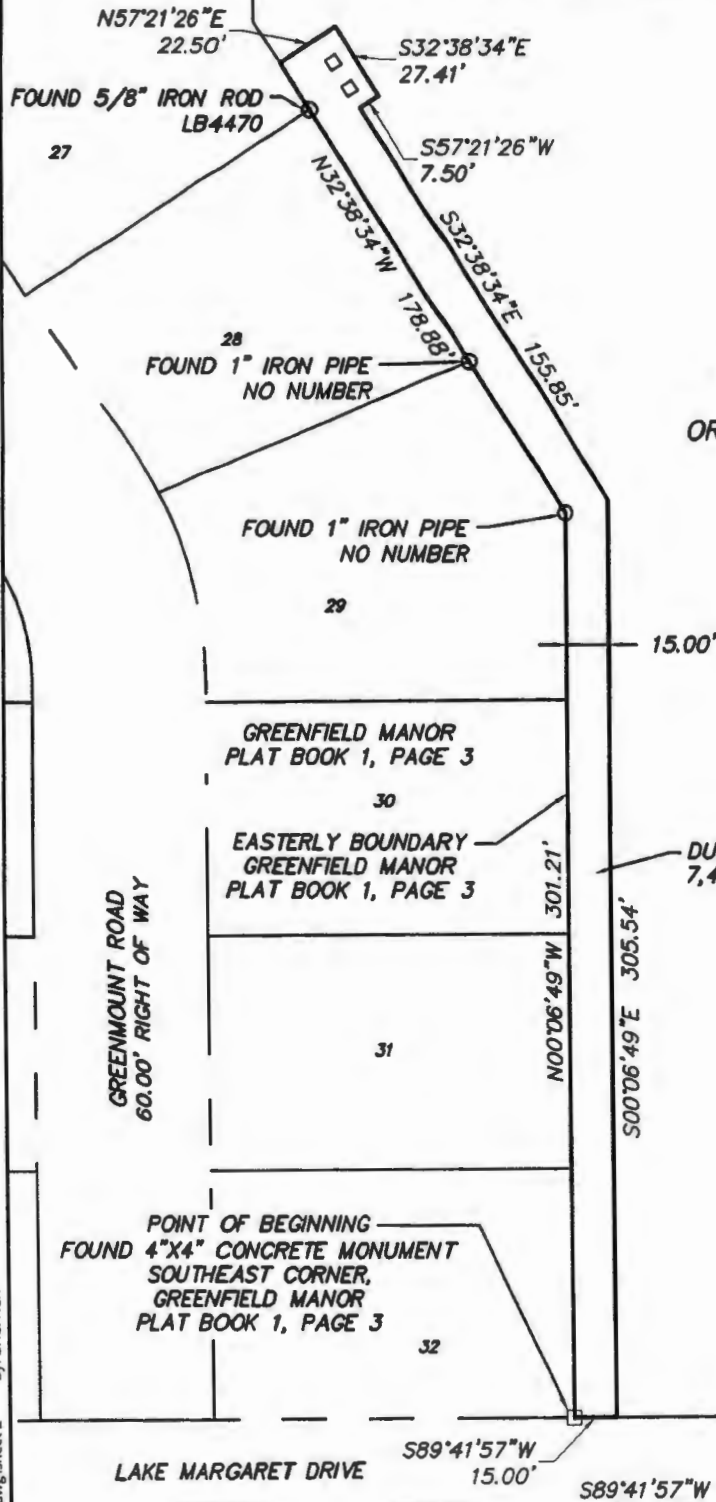
SHEET TITLE:

SKETCH AND DESCRIPTION

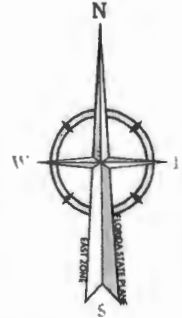
SHEET NUMBER

01 of 02

**SKETCH AND LEGAL DESCRIPTION
THIS IS NOT A SURVEY**



SCALE: 1" = 60'



**SECTION 07
TOWNSHIP 23 SOUTH
RANGE 30 EAST
ORANGE COUNTY, FLORIDA**

**07-23-30-0000-00-094
FORT GATLIN RECREATION COMPLEX
ORANGE COUNTY BCC
O.R.B. 3978, PAGE 2045**

**DUKE ENERGY EASEMENT
7,472.2 SQUARE FEET OR 0.171 ACRES**

**LEGEND AND
ABBREVIATIONS:**

O.R.B. - OFFICIAL RECORDS BOOK
P.B. - PLAT BOOK
R/W - RIGHT OF WAY

PREPARED FOR:



**NORTH R/W LINE, LAKE
MARGARET DRIVE**

**SOUTH LINE, NW 1/4,
SECTION 7-23-30
BASIS OF BEARINGS**

Colliers Engineering & Design

www.colliersengineering.com

Doing Business as **MASER**

**SKETCH AND
LEGAL DESCRIPTION
FOR
DUKE ENERGY
FLORIDA LLC**

POWER EASEMENT

**ORANGE COUNTY
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WO 20001527

SCALE 1" = 60'	DATE 10/15/2021	DRAWN BY CCH	CHECKED BY BXH
PROJECT NUMBER 21005121A		DRAWING NAME V-SURV DESC	

SHEET TITLE:
SKETCH AND DESCRIPTION

SHEET NUMBER:
02 of 02

11/2/2021