



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 10

DATE: August 17, 2022

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

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

FROM: Jeffrey Reyes, Senior Acquisition Agent
Real Estate Management Division

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

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

ACTION REQUESTED: Approval and execution of Subordination of Utility Interests by and between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Florida Power Corporation, to Orange County and authorization to disburse funds to pay recording fees and record instrument.

PROJECT: University Boulevard and Dean Road Intersection Improvements

District 5

PURPOSE: To subordinate the interests of Duke Energy Florida, LLC, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation ("Duke Energy") within Parcel 1012 in furtherance of the road-widening improvements.

Interoffice Memorandum
Real Estate Management Division
Agenda Item 10
August 17, 2022
Page 2 of 2

ITEM: Subordination of Utility Interests (Instrument 1012.3)

BUDGET: Account No.: 1306-072-2722-6110

FUNDS: \$52.50 Payable to Orange County Comptroller
(for recording fees)

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: This action will subordinate Duke Energy's interest in their existing easement, encumbering Parcel 1012 of Orange County's University Boulevard and Dean Road Intersection improvements project. 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 alteration, adjustment, or relocation, including but not limited to the cost of acquiring appropriate easements.

AUG 30 2022

Instrument: 1012.3

Project: University Boulevard and Dean Road Intersection Improvements

SUBORDINATION OF UTILITY INTERESTS

THIS SUBORDINATION, entered into by and between Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, herein called Duke Energy, hereinafter called Utility and Orange County, a charter county and political subdivision of the State of Florida, hereinafter called 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 Utility to County; and

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

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

SEE ATTACHED SCHEDULE "A"

Encumbrance:

Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, herein called Duke Energy

FROM: Suncrest Village Associates, LTD., Asa G. Chandler, V, and Chandler & Associates, Inc.

TO: Florida Power Corporation, a Florida corporation

Distribution Easement filed August 21, 1987

Recorded in Official Records Book 3914, Page 530

in the Public Records of Orange County, Florida

Instrument: 1012.3

Project: University Boulevard and Dean Road Intersection Improvements

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 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. Any new construction or relocation of facilities within the lands will be subject to prior approval by County. Should County fail to approve any new construction or relocation of facilities by the Utility otherwise authorized under the aforementioned subordinated interest or require the Utility to alter, adjust, or relocate its facilities located within said lands in connection with this subordination, County shall pay the reasonable cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements (collectively "Reimbursement Costs").
2. Utility shall provide written notice to 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 60 days prior to 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 County's facilities.
5. The Utility agrees to indemnify and hold County harmless for, from and against any and all losses, claims or damages incurred by County to the extent arising from Utility's or Utility's Contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of Utility's facilities located on the above described easement.

[The remainder of this page has been intentionally left blank]

Instrument: 1012.3

Project: University Boulevard and Dean Road Intersection Improvements

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.

Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, herein called Duke Energy

Signed, sealed and delivered in the presence of:

By: Susann Price
Susann Price, Manager
Land Services I

Date: 5/27/2022

[Signature]
SIGNATURE LINE
PRINT/TYPE NAME: Harley E. Senack, Jr

APPROVED
By Chris King at 9:34 am, May 26, 2022

[Signature]
SIGNATURE LINE
PRINT/TYPE NAME: JONATHAN KASPER

(Two witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 27th day of MAY, 2022, by Susann Price, Manager of Land Services I for Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, herein called Duke Energy, on behalf of the limited liability company, ☒ who is personally known to me or ☐ who has produced _____ as identification.



JONATHAN KASPER
Commission # GG 350617
Expires July 1, 2023
Bonded Thru Budget Notary Services

[Signature]
PRINT/TYPE NAME: JONATHAN KASPER

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

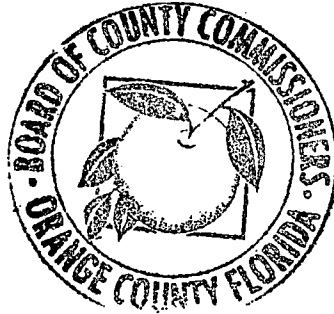
My Commission Expires: _____

Serial No., if any: _____

Instrument: 1012.3

Project: University Boulevard and Dean Road Intersection Improvements

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



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Bryan W. Brooks*

B Jerry L. Demings,
Orange County Mayor

Date: *1 September 2022*

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

By: *Jessica Vanpel*
for Deputy Clerk

Jessica Vanpel
Printed Name

This instrument prepared by:
Richard Hainkel, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida
P.O. Box 1393,
Orlando, Florida 32802

SCHEDULE "A"

DESCRIPTION PARCEL 1012 :

A portion of Lot 1, Taco Bell according to the plat thereof recorded in Plat Book 24, Page 40, Public records of Orange County, Florida, being more particularly described as follows:


Begin at the Southeast corner of Lot 1, Taco Bell according to the plat thereof recorded in Plat Book 24, Page 40, Public records of Orange County, Florida, said point being on the North right of way line of University Boulevard as described in Official Records Book 3821, Page 2028, Public Records of Orange County, Florida; thence South 89°46'07" West, a distance of 150.00 feet along said North right of way line and along the South line of said Lot 1 to a point on the West line of said Lot 1; thence North 02°04'10" West, a distance of 7.00 feet along said West line to a point on a line that is 7.00 feet North of and parallel with said right of way line; thence North 89°46'07" East, a distance of 150.00 feet along said parallel line to a point on the East line of said Lot 1; thence South 02°04'10" East, a distance of 7.00 feet along said East line to the POINT OF BEGINNING.

Containing 1,050 square feet, more or less.

SURVEYOR'S REPORT:

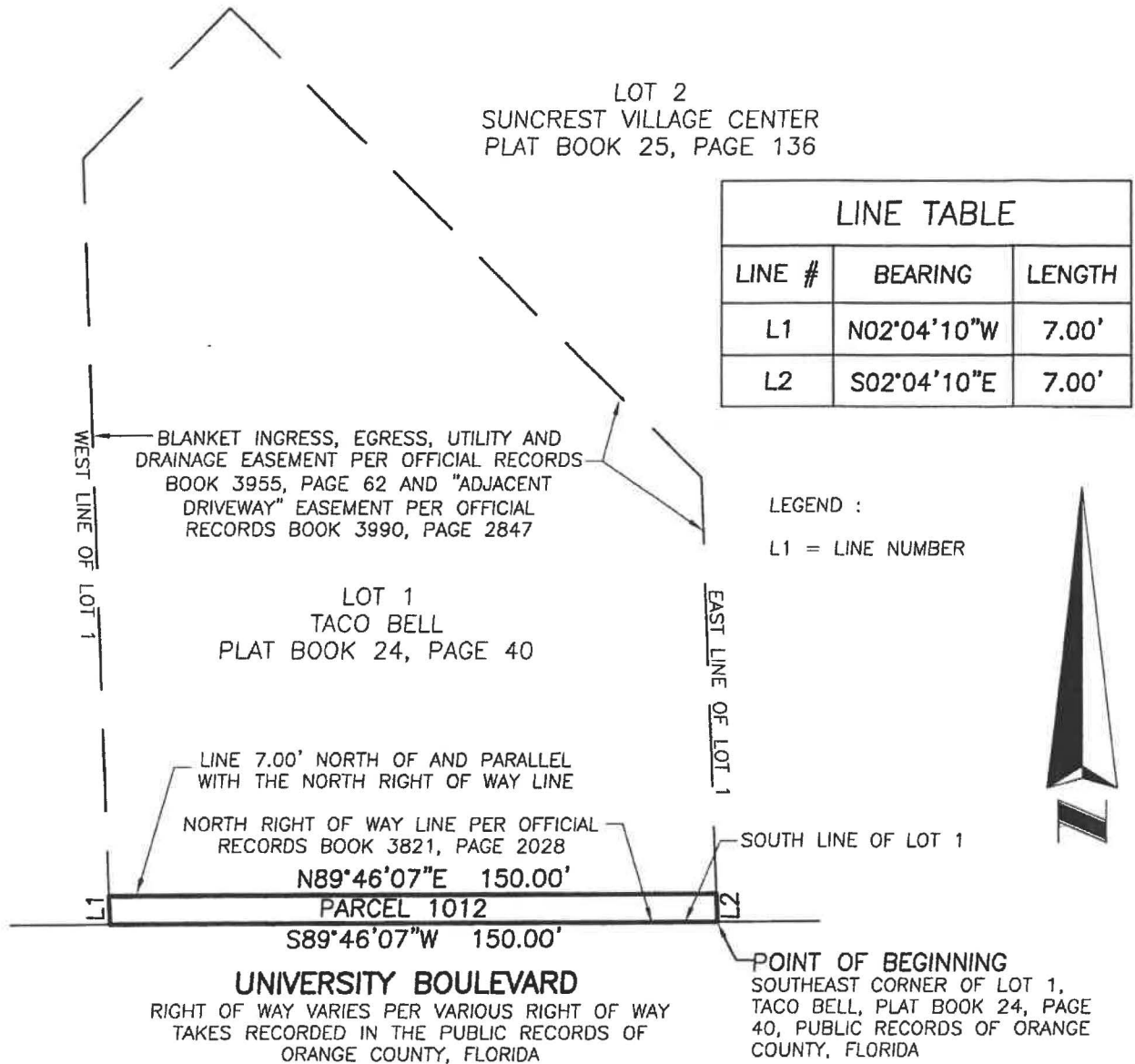
1. Bearings shown hereon are based on the North right of way line of University Boulevard as described in Official Records Book 3821, Page 2028, Public Records of Orange County, Florida being South 89°42'48" West, assumed.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
3. I have reviewed First American Title Insurance Company (FATIC) Title Search Report number 2037-4232511/18.00162 all recorded survey related encumbrances have been shown or noted on the survey.
4. The above described lands are subject to a 10.00 foot wide Florida Power Corporation distribution easement 5.00 feet on each side of existing facilities per Official Records Book 3914, Page 530, Public Records of Orange County, Florida.

NOT VALID WITHOUT SHEETS 1-2

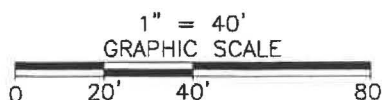
DESCRIPTION	Date: 02/13/2020 KR		Certification Number LB2108 62756011
	Job Number: 62756	Scale: 1" = 40'	 <p>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-7550 (407) 292-8680 e-mail: info@southeasternsurveying.com</p>
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		
FOR PEGASUS ENGINEERING, LLC.		RYAN E. JOHNSON, P.S. Registered Land Surveyor Number 7130 24 3/24/2021	

SKETCH OF DESCRIPTION
PARCEL 1012

PURPOSE : RIGHT OF WAY



Drawing No. 62756011
Job No. 62756
Date: 02/13/2020
SHEET 2 OF 2
See Sheet 1 for Description



THIS IS NOT A SURVEY.
NOT VALID WITHOUT SHEETS 1 THROUGH 2



SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580

Certification Number LB2108
e-mail: info@southeasternsurveying.com

CH 3/21/2021

REQUEST FOR FUNDS FOR LAND ACQUISITION

Under BCC Approval

X Under Ordinance Approval

Date: July 19, 2022

Total Amount: \$52.50

Project: University and Dean Intersection Improvement Project

Parcel: 1012

Charge to Account # 1306-072-2722-6110 *10*

Controlling Agency Approval Signature *Raymond Williams* Date *7/20/22*

Printed Name:

Fiscal Approval Signature *Belkys Jorge* Date *7/20/22*

Printed Name

TYPE TRANSACTION (Check appropriate block(s))

X Pre-Condernation Post-Condernation

N/A District # 5

- Acquisition at Approved Appraisal
- Acquisition at Below Approved Appraisal
- Acquisition at Above Approved Appraisal
- Advance Payment Requested
- X Donation

Orange County Comptroller
P.O. Box 38, Orlando, Florida 32802
Recording Fees: \$52.50

Total \$52.50

DOCUMENTATION ATTACHED (Check appropriate block(s))

- Contract/Agreement
- X Copy of Executed Instruments
- Certificate of Value
- Settlement Analysis

Payable to: Orange County Comptroller - \$52.50

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

Recommended by *Anmber Ayub*
Anmber Ayub, Program Manager, Real Estate Management Div.

7/19/2022
Date

Payment Approved *Luciana Mino*
Luciana Mino, Assistant Manager, Real Estate Management Div.

Date

or
Payment Approved *Mindy T. Cummings*
Mindy T. Cummings, Manager, Real Estate Management Div.

Date

Certified *Lahela Lewis*
Approved by BCC *Lahela Lewis* Deputy Clerk to the Board

9/2/2022
Date

Examined/Approved *Comptroller/Government Grants*

Check No. / Date

REMARKS: This request is for the payment of the recording fees required to record the subordination instrument. Please Contact the Agent Jeffrey Reyes @ (407) 836-7036 if there are any questions.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 30 2022