



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

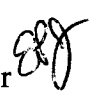
BCC Mtg. Date: October 4, 2016

REAL ESTATE MANAGEMENT ITEM 3

**DATE:** September 16, 2016

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

**THROUGH:** Ann Caswell, Manager   
Real Estate Management Division

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

**CONTACT PERSON:** Ann Caswell., Manager

**DIVISION:** Real Estate Management  
Phone: (407) 836-7082

**ACTION REQUESTED:** APPROVAL AND EXECUTION OF DISTRIBUTION EASEMENT  
BETWEEN ORANGE COUNTY AND DUKE ENERGY FLORIDA,  
LLC, D/B/A DUKE ENERGY AND AUTHORIZATION TO RECORD  
INSTRUMENT

**PROJECT:** Young Pine Community Park  
  
District 4

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

**ITEM:** Distribution Easement  
Revenue: None  
Size: 420 square feet

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Capital Project 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 electrical service to Young Pine Community Park. This Distribution Easement supersedes and replaces the one approved by the Board of County Commissioners on December 16, 2014, 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.

**A file labeled “BCC Agenda Backup” containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson’s office.**

Project: Young Pine Community Park



SEC: 17	TWP: 23S	RGE: 31E	COUNTY: ORANGE	PROJECT: 807804
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 5201 Young Pine Rd., Orlando, FL 32829				
TAX PARCEL NUMBER: 17-23-31-0000-00-011				

### **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 Daniel E. Gentry Jr. of Jones, Wood & Gentry, Inc., dated 07-17-2016, Job No.: 29026-6, 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: Young Pine Community Park

**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 aforesaid.



Orange County, Florida  
By: Board of County Commissioners

BY: *Teresa Jacobs*  
Teresa Jacobs  
Orange County Mayor

DATE: 10.4.16

ATTEST: Martha O. Haynie, 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

# EXHIBIT "A"

## SKETCH OF DESCRIPTION SECTION 17, TOWNSHIP 23 SOUTH, RANGE 31 EAST UTILITY EASEMENT SEE SHEET 2 FOR SKETCH

### DESCRIPTION

That part of the Northeast 1/4 of Section 17, Township 23 South, Range 31 East, Orange County, Florida being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of Section 17, Township 23 South, Range 31 East, Orange County, Florida, thence South 89 degrees 49 minutes 30 seconds West 673.49 feet along the North boundary of said Northeast 1/4; thence South 18 degrees 14 minutes 18 seconds East 598.77 feet to the Southeast corner of that certain parcel of land described and recorded in Official Records Book 9917, Page 8083, Public Records of Orange County, Florida; thence South 89 degrees 49 minutes 30 seconds West 1147.94 feet along said South boundary to a point on the East right of way line of Young Pine Road as described in Official Records Book 1919, Page 836, Public Records of Orange County, Florida, thence South 18 degrees 14 minutes 18 seconds East 616.15 feet along said right of way line to the POINT OF BEGINNING; thence North 75 degrees 11 minutes 47 seconds East 17.91 feet; thence North 15 degrees 34 minutes 36 seconds West 2.06 feet; thence North 74 degrees 25 minutes 24 seconds East 15.00 feet; thence South 15 degrees 34 minutes 36 seconds East 16.25 feet; thence South 74 degrees 25 minutes 24 seconds West 15.00 feet; thence North 15 degrees 34 minutes 36 seconds West 4.19 feet; thence South 75 degrees 11 minutes 47 seconds West 17.45 feet to a point on the aforesaid right of way line; thence North 18 degrees 14 minutes 18 seconds West 10.02 feet along said right of way line to the Point of Beginning.

CONTAINING: 420 square feet, more or less.

#### LEGEND

O.R.B. = OFFICIAL RECORDS BOOK  
PG. = PAGE  
(F) = FIELD  
(D) = DEED

#### NOTES

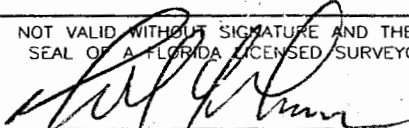
1. THIS IS NOT A SURVEY.
2. This Plat represents a Sketch of the Description prepared by JONES, WOOD and GENTRY, INC. per client's instruction and does not indicate ownership.
3. Bearings shown hereon are based on the East Right of Way Line of Young Pine Road as bearing S18°14'18"E, assumed

IT IS CERTIFIED THAT THE SKETCH REPRESENTED HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 FLORIDA STATUTES, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

FOR: ORANGE COUNTY

DATE: 07-14-2016 DRAWN BY: CAS

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

  
DANIEL E. GENTRY JR., Florida Registration Number 5047

**JONES, WOOD & GENTRY, INC.**

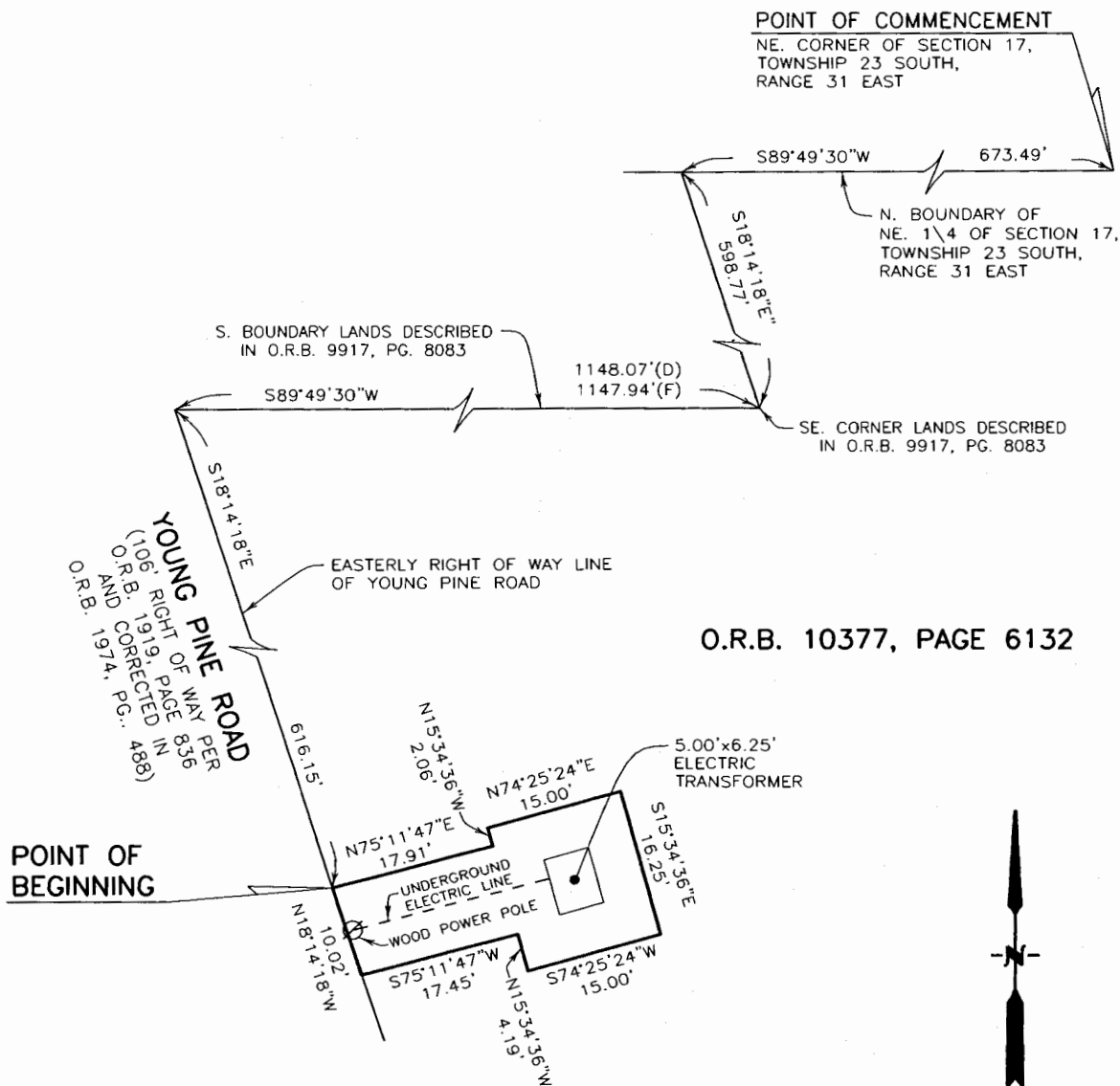
PROFESSIONAL SURVEYORS AND MAPPERS - LBI

2600 EAST ROBINSON STREET  
ORLANDO, FLORIDA, 32803  
407-898-7780

JOB NO. 29026-6 Sheet 1 of 2 Sheets  
29026-6-sod.DWG

# EXHIBIT "A"

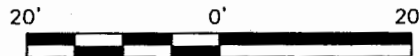
## SKETCH OF DESCRIPTION SECTION 17, TOWNSHIP 23 SOUTH, RANGE 31 EAST UTILITY EASEMENT SEE SHEET 1 FOR DESCRIPTION



O.R.B. 10377, PAGE 6132

### LEGEND

O.R.B. = OFFICIAL RECORDS BOOK  
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(D) = DEED



FOR: ORANGE COUNTY

DATE: 07-14-2016

DRAWN BY: CAS

JOB NO. 29026-6 Sheet 2 of 2 Sheets  
29026-6-SOD.DWG

**JONES, WOOD & GENTRY, INC.**  
PROFESSIONAL SURVEYORS AND MAPPERS - LB1  
2600 EAST ROBINSON STREET  
ORLANDO, FLORIDA, 32803  
407-898-7780