




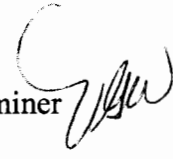
Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

**DATE:** February 17, 2017

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

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

**FROM:** Virginia G. Williams, 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:** Southern Regional Water Supply Facility  
  
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: 19,265 square feet

**APPROVALS:** Real Estate Management Division  
Utilities Department

**REMARKS:**

This Distribution Easement provides Duke Energy the right to install and maintain electrical distribution lines and related facilities necessary for electrical service to the Southern Regional Water Supply Facility. This easement supersedes and replaces one that was approved by the Board of County Commissioners on April 19, 2011, but 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 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: Southern Regional Water Supply Facility



SEC: 26	TWP: 24	RGE: 29	COUNTY: ORANGE	PROJECT: SEO-10-2364688
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 13000 S Orange Ave., Orlando, FL 32824				
TAX PARCEL NUMBER: 26-24-29-0000-00-003				

### 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 Schedule "A", Sketch of Description, as prepared by Robert M. Jones, surveyor of Amec Foster Wheeler Environment & Infrastructure, Inc., dated 1/9/2017, Job No.: 6374.16.0971, consisting of seven (7) 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: Southern Regional Water Supply Facility

**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: 3.7.17

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: Virginia G. Williams, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: PERPETUAL EASEMENT**  
**PURPOSE: UTILITY EASEMENT**

**Legal Description**

A tract of land lying in Section 26, Township 24 South, Range 29 East, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of said Section 26; thence N00°06'11"E, a distance of 2099.04 feet, along the west line of said Southeast 1/4, to the northerly Right-of-Way line of State Road #417; thence N88°40'39"E, along said northerly Right-of-Way line, a distance of 226.54 feet; thence S87°40'54"E, along said northerly Right-of-Way line, a distance of 457.37 feet to the Intersection of the westerly Right-of-Way line of Orange Avenue (County Road #527); thence N46°42'28"E, along said westerly Right-of-Way line, a distance of 115.48 feet; thence N38°56'59"E, along said westerly Right-of-Way line, a distance of 464.81 feet to the **POINT OF BEGINNING** of the herein described parcel; thence departing said westerly Right-of-Way line, N22°40'20"E, a distance of 79.89 feet; thence N62°30'00"W, a distance of 188.45 feet; thence N63°03'29"W, a distance of 191.86 feet to a point on a non-tangent curve with a radius of 1232.60 feet, concave to the northeast; thence northwesterly along said curve to the right through a central angle of 9°49'02", a distance of 211.20 feet where the chord bears N61°44'38"W a distance of 210.94 feet to a point on a non-tangent curve with a radius of 1555.70 feet, concave to the southwest; thence northwesterly along said curve to the left through a central angle of 10°30'33", a distance of 265.34 feet where the chord bears N65°18'14"W a distance of 284.94 feet to the point of Intersection with a non-tangent line; thence N90°00'00"W, a distance of 21.58 feet; thence N00°00'00"E, a distance of 152.39 feet; thence S89°58'22"W, a distance of 2.95 feet; thence N00°00'26"W, a distance of 62.81 feet; thence N89°55'17"E, a distance of 40.03 feet; thence S00°01'02"W, a distance of 62.84 feet; thence S89°58'22"W, a distance of 12.06 feet; thence S00°00'00"E, a distance of 139.83 feet to a point on a non-tangent curve with a radius of 1568.70 feet, concave to the southwest; thence easterly along said curve to the right through a central angle of 10°33'27", a distance of 289.05 feet where the chord bears S65°18'53"E a distance of 288.64 feet to a point on a non-tangent curve with a radius of 1219.60 feet, concave to the northeast; thence southeasterly along said curve to the left through a central angle of 9°51'12", a distance of 209.74 feet where the chord bears S61°44'42"E a distance of 209.48 feet to the point of Intersection with a non-tangent line; thence S63°03'29"E, a distance of 192.27 feet; thence S62°30'00"E, a distance of 224.24 feet to said westerly Right-of-Way line; thence S38°54'57"W, along said westerly Right-of-Way line, a distance of 33.27 feet; thence N51°05'03"W, along said westerly Right-of-Way line, a distance of 10.00 feet; thence S38°56'59"W, along said westerly Right-of-Way line, a distance of 63.23 feet to the **POINT OF BEGINNING**.

The above described parcel of land lies in Orange County, Florida and contains 19265 square feet or 0.442 acres, more or less.

**Surveyors Notes**

- 1) This sketch and description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 2) Bearings shown hereon are relative to the Florida State Plane Coordinate System, East Zone (0901), North American Datum of 1983/1990 Adjustment, with West line of the Southeast 1/4 of Section 26, Township 24 South, Range 29 East as being North 00°06'11" East.
- 3) The location and configuration of the lands described and depicted hereon were prepared at the direction and approval of the client and is based on limited field survey to locate utility infrastructure as marked by the client.
- 4) The lands described and depicted hereon were not abstracted by this firm for ownership, easements, rights-of-way or other matters of title.
- 5) This sketch and description is based in part, on a boundary survey, project no. 133010, sheet 7 of 255, provided by the client.
- 6) Source of 2012 aerial photography: The Florida Department of Environmental Protection, Division of State Lands, Bureau of Survey and Mapping, Land Boundary Information System website, (labins.org)
- 7) This sketch and description is certified for the exclusive use of Orange County.

Robert M. Jones, PLS  
Florida Licensed Surveyor and Mapper No. LS004201

**THIS IS NOT A SURVEY**

PROJECT TITLE:

**Orange County Utilities Department**  
**Electric Distribution Easement (Duke Energy)**  
**Sketch and Description**



**Amec Foster Wheeler**  
**Environment & Infrastructure, Inc.**  
75 East Amelia Street, Suite 200  
Orlando, FL 32801 USA  
Phone: (407) 522-7570 Fax: (407) 522-7576  
Certificate of Authorization Number LB-0007932

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: PEW	CHKD. BY: RMJ	
DATE: 01/08/2017	DATE: 01/08/2017	
JOB No. 6374.16.0871	SCALE: N/A	SHT. 1 OF 7
DRAWING NAME: 0971 OCU Duke Energy Easement.dwg		

**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: PERPETUAL EASEMENT**  
**PURPOSE: UTILITY EASEMENT**

# **SHEET INDEX**

ORANGE COUNTY  
 SOUTHERN REGIONAL WATER SUPPLY  
 FACILITY

Sheet # 7

Sheet # 6

Sheet # 5

Sheet # 4

westerly Right-of-Way line  
 of Orange Avenue  
 (County Road #527)

Distribution Easement  
 (width varies)

SECTION 26, TOWNSHIP 24 SOUTH, RANGE 29 EAST

GRAPHIC SCALE



( IN FEET )

1 inch = 130 ft.

Sheet # 3

Orange Avenue  
 (County Road #527)  
 (right-of-way width varies)

**THIS IS NOT A SURVEY**

**PROJECT TITLE:** Orange County Utilities Department  
 Electric Distribution Easement (Duke Energy)  
 Sketch and Description



**Amec Foster Wheeler**  
**Environment & Infrastructure, Inc.**  
 75 East Amelia Street, Suite 200  
 Orlando, FL 32801 USA  
 Phone: (407) 522-7570 Fax: (407) 522-7576  
 Certificate of Authorization Number LB-0007932

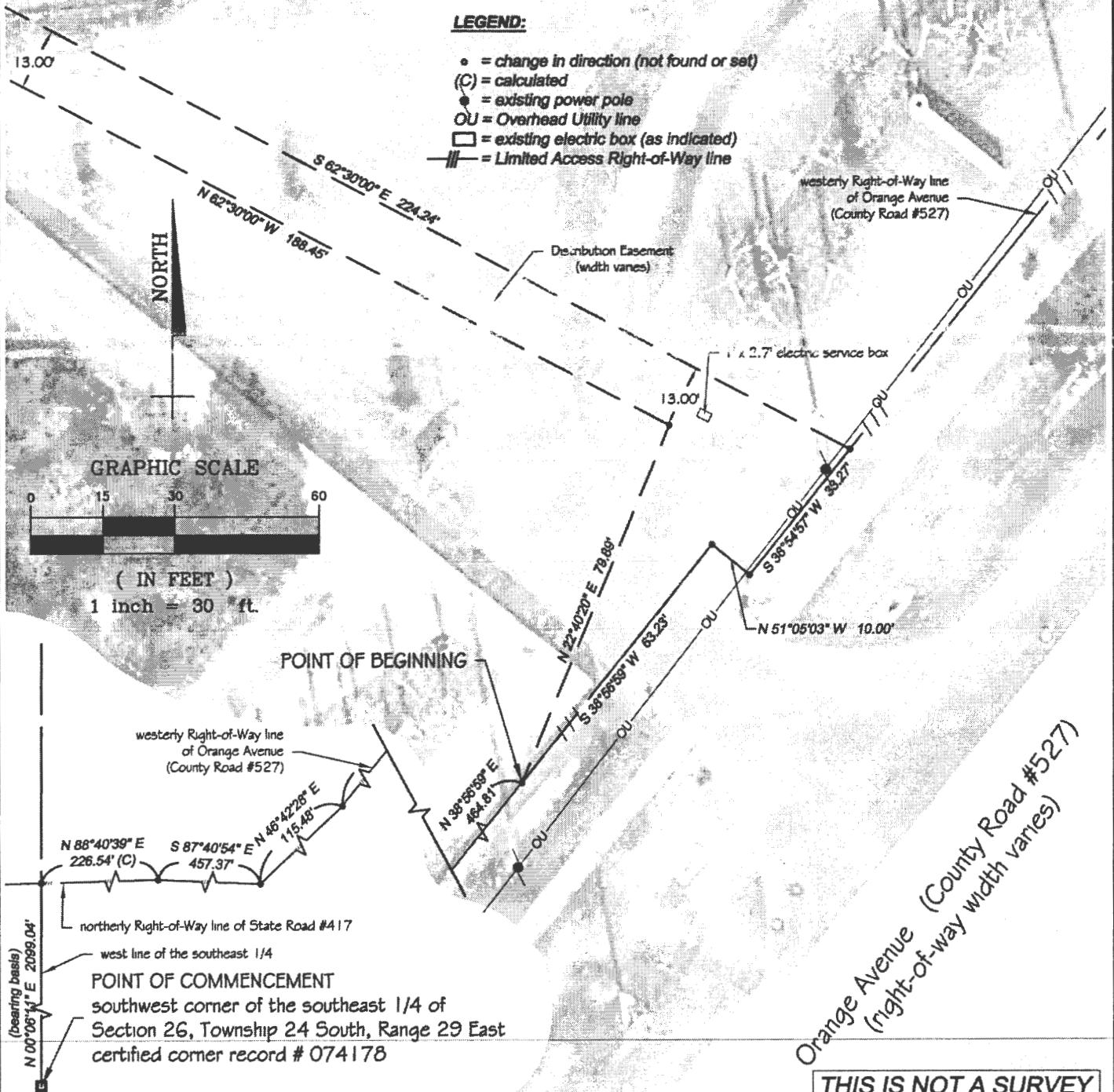
DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: PEW	CHKD. BY: RMJ	
DATE: 01/08/2017	DATE: 01/08/2017	
JOB No. 6374.16.0971	SCALE: 1" = 130'	SHT. 2 OF 7
DRAWING NAME: 0971 OCU Duke Energy Easement.dwg		



**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: PERPETUAL EASEMENT**  
**PURPOSE: UTILITY EASEMENT**

**LEGEND:**

- = change in direction (not found or set)
- (C) = calculated
- = existing power pole
- OU = Overhead Utility line
- = existing electric box (as indicated)
- ||| = Limited Access Right-of-Way line



Orange Avenue (County Road #527)  
 (right-of-way width varies)

**THIS IS NOT A SURVEY**

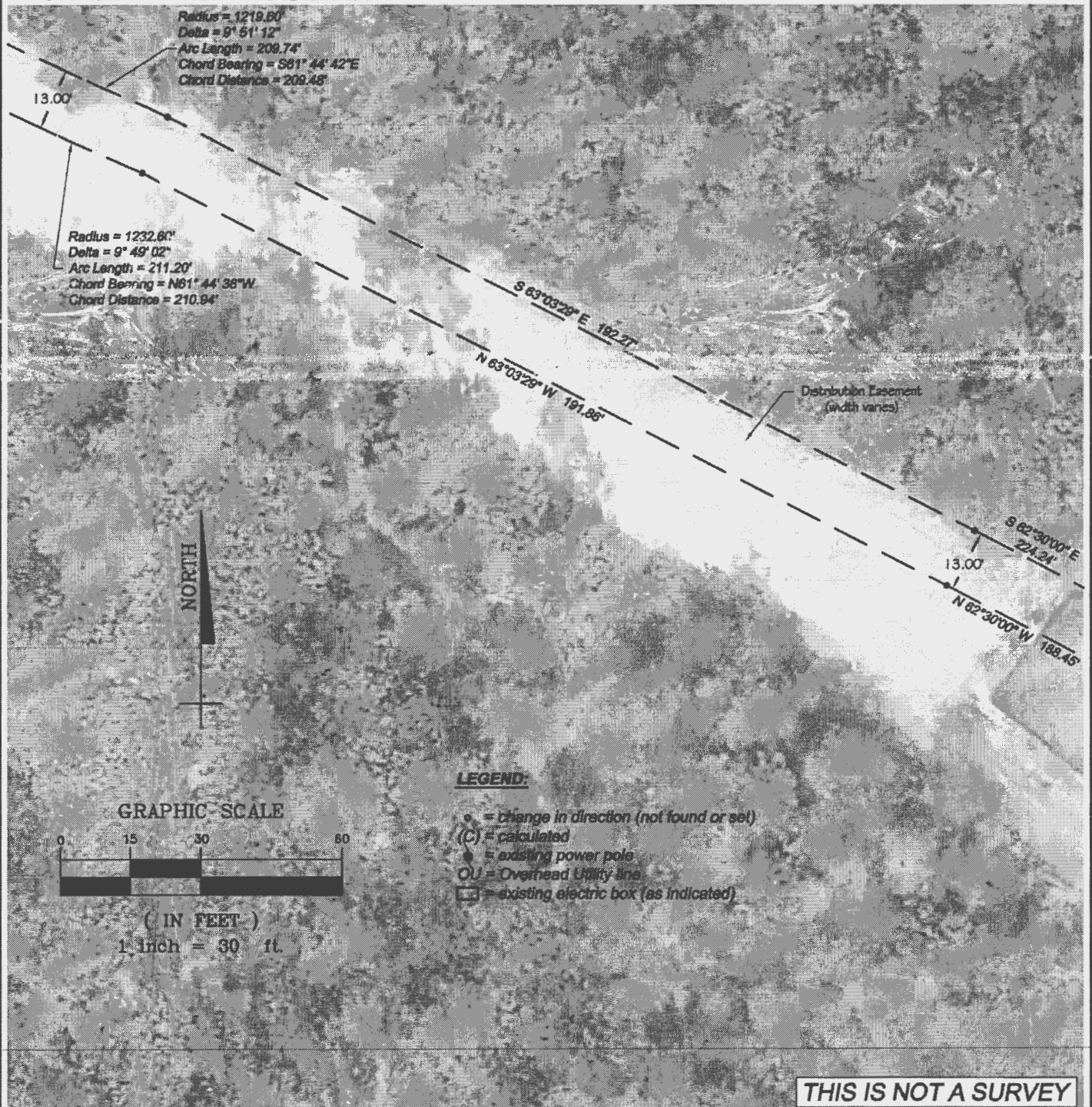
**PROJECT TITLE:** Orange County Utilities Department  
 Electric Distribution Easement (Duke Energy)  
 Sketch and Description



**Amec Foster Wheeler**  
**Environment & Infrastructure, Inc.**  
 75 East Amelia Street, Suite 200  
 Orlando, FL 32801 USA  
 Phone: (407) 522-7570 Fax: (407) 522-7576  
 Certificate of Authorization Number LB-0007932

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: PEW	CHKD. BY: RMJ	
DATE: 01/06/2017	DATE: 01/06/2017	
JOB No. 6374.18.0971	SCALE: 1" = 30'	SHT. 3 OF 7
DRAWING NAME: 0971 OCU Duke Energy Easement.dwg		

**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: PERPETUAL EASEMENT**  
**PURPOSE: UTILITY EASEMENT**



**THIS IS NOT A SURVEY**

**PROJECT TITLE:** Orange County Utilities Department  
Electric Distribution Easement (Duke Energy)  
Sketch and Description

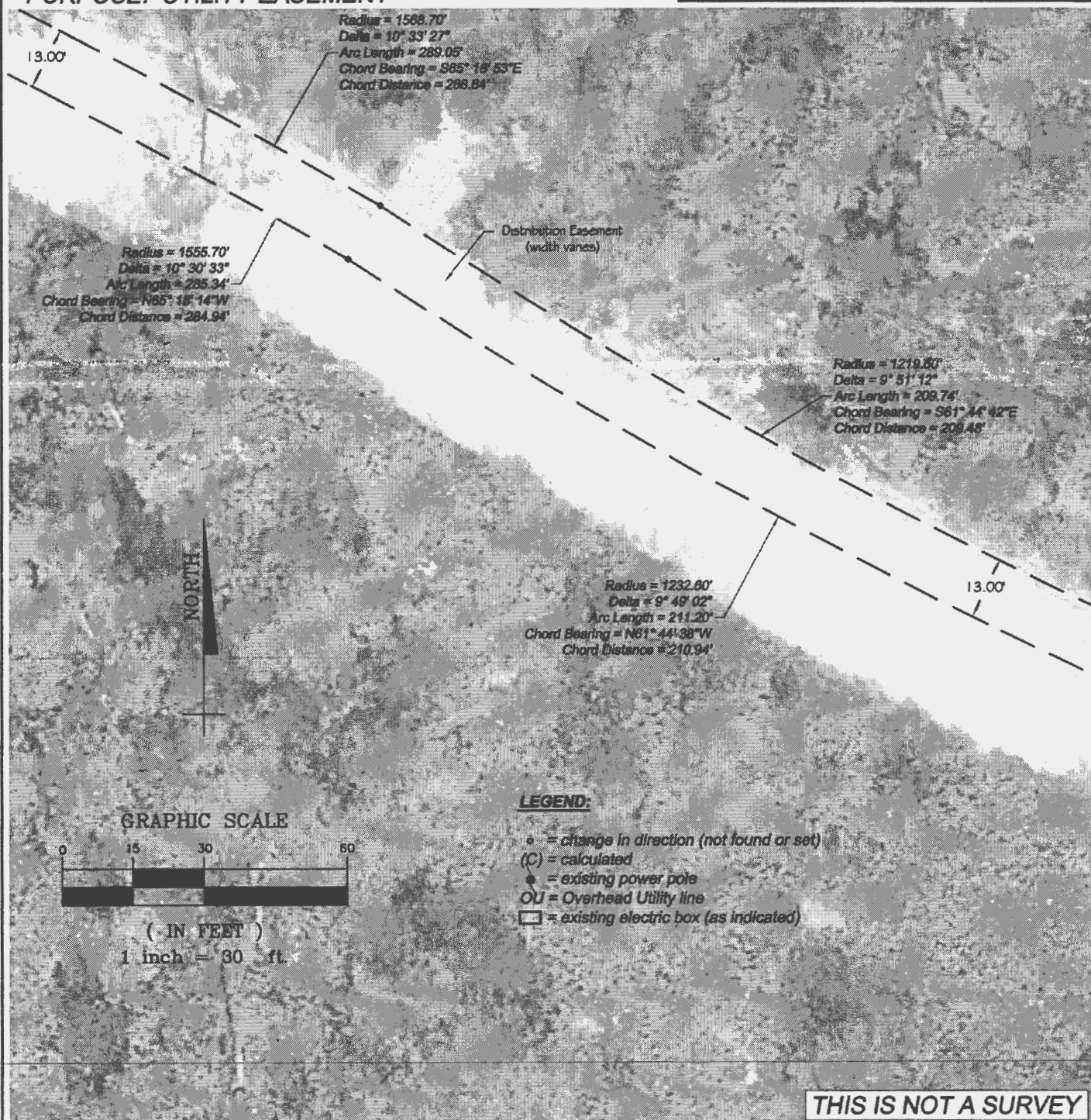


**Amec Foster Wheeler**  
**Environment & Infrastructure, Inc.**  
75 East Amelia Street, Suite 200  
Orlando, FL 32801 USA  
Phone: (407) 522-7570 Fax: (407) 522-7576  
Certificate of Authorization Number LB-0007932

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: PEW	CHKD. BY: RMJ	
DATE: 01/06/2017	DATE: 01/06/2017	
JOB No. 6374.16.0971	SCALE: 1" = 30'	SHT. 4 OF 7
DRAWING NAME: 0971 OCU Duke Energy Easement.dwg		



**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: PERPETUAL EASEMENT**  
**PURPOSE: UTILITY EASEMENT**



**THIS IS NOT A SURVEY**

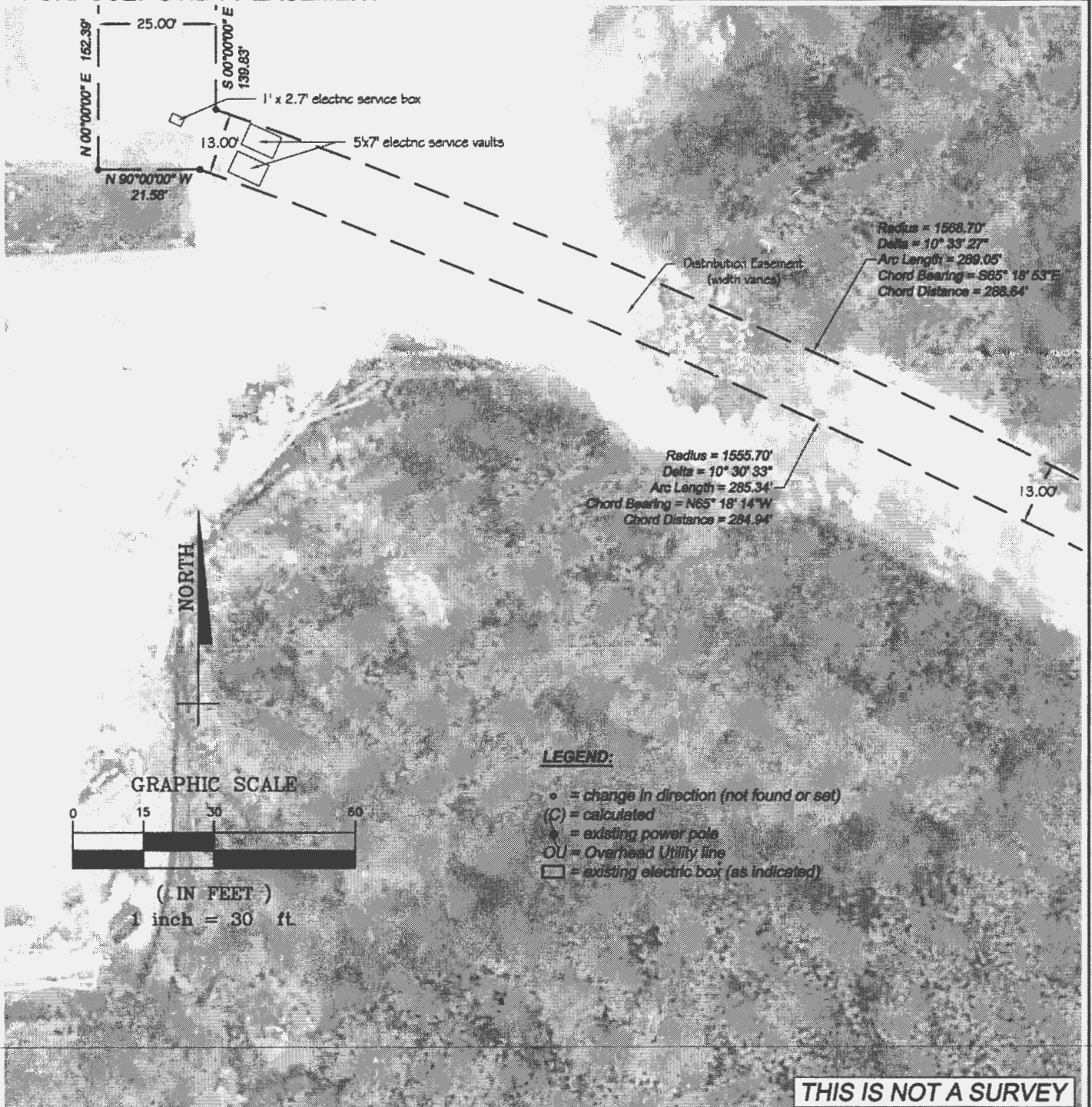
**PROJECT TITLE:** Orange County Utilities Department  
 Electric Distribution Easement (Duke Energy)  
 Sketch and Description



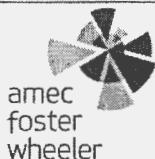
**Amec Foster Wheeler**  
**Environment & Infrastructure, Inc.**  
 75 East Amelia Street, Suite 200  
 Orlando, FL 32801 USA  
 Phone: (407) 522-7570 Fax: (407) 522-7576  
 Certificate of Authorization Number LB-0007932

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: PEW	CHKD. BY: RMJ	
DATE: 01/06/2017	DATE: 01/06/2017	
JOB No. 6374.16.0971	SCALE: 1" = 30'	SHT. 5 OF 7
DRAWING NAME: 0971 OCU Duke Energy Easement.dwg		

**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 801**  
**ESTATE: PERPETUAL EASEMENT**  
**PURPOSE: UTILITY EASEMENT**



**PROJECT TITLE:** Orange County Utilities Department  
 Electric Distribution Easement (Duke Energy)  
 Sketch and Description



**Amec Foster Wheeler**  
**Environment & Infrastructure, Inc.**  
 75 East Amelia Street, Suite 200  
 Orlando, FL 32801 USA  
 Phone: (407) 522-7570 Fax: (407) 522-7576  
 Certificate of Authorization Number LB-0007932

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: PEW	CHKD. BY: RMJ	
DATE: 01/08/2017	DATE: 01/08/2017	
JOB No. 6374.16.0971	SCALE: 1" = 30'	SHT. 8 OF 7
DRAWING NAME: 0971 OCU Duke Energy Easement.dwg		

**PURPOSE: UTILITY EASEMENT**



**Orange County Utilities Department  
Electric Distribution Easement (Duke Energy)  
Sketch and Description**



**Amec Foster Wheeler**  
**Environment & Infrastructure, Inc.**  
 75 East Amelia Street, Suite 200  
 Orlando, FL 32801 USA  
 Phone: (407) 522-7570 Fax: (407) 522-7576  
 Certificate of Authorization Number LB-0007932

DATE	BY	DESCRIPTION	
REVISION			
DRAWN BY: <u>PEW</u>		CHKD. BY: <u>RMJ</u>	
DATE: <u>01/06/2017</u>		DATE: <u>01/06/2017</u>	
JOB No. <u>6374.16.0971</u>	SCALE: <u>1" = 30'</u>	SHT. <u>7</u> OF <u>7</u>	
DRAWING NAME: 0971 OCU Duke Energy Easement.dwg			