Interoffice Memorandum



REAL ESTATE MANAGEMENT ITEM 9

DATE:

August 30, 2017

TO:

Mayor Teresa Jacobs

and the

Board of County Commissioners

THROUGH:

Paul Sladek, Manager 262

Real Estate Management Division

FROM:

Monica Hand, Senior Title Examiner

Real Estate Management Division 5

CONTACT

PERSON:

Paul Sladek, 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:

Duke Energy – Easement on Patrick Dean Park Frontage

District 4

PURPOSE:

To provide for access, construction, operation, and maintenance of

electrical facilities by Duke Energy Florida, LLC d/b/a Duke Energy to

serve the adjacent Timber Springs Middle School.

ITEM:

Distribution Easement

Revenue: None

Size:

11,290.59 square feet

APPROVALS:

Real Estate Management Division

Parks and Recreation Division

REMARKS:

School Board to pay all recording fees.



SEC: 32 TWP: 22S RGE: 32E COUNTY: ORANGE PROJECT: 1171100 (B)

GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

SITE ADDRESS: 16351 Timber Park Lane, Orlando, FL 32828 (Timber Springs Middle School)

TAX PARCEL NUMBER: 32-22-32-7978-20-000

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 And Legal Description, as prepared by Jeffrey D. Hofius of Leading Edge Land Services Incorporated, dated 07/28/2017, Project Number: 714-16004, consisting of nine (9) 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.

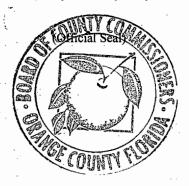
GRANTEE covenants and agrees to promptly repair, at its own expense, all damage to any property, facilities or improvements of **GRANTOR** located in the Easement Area or adjacent thereto, including without limitation parking areas, driveways, recreational facilities and landscaping, if such damage is incident to the exercise of **GRANTEE's** rights, privileges, or obligations under this Easement.

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

Teresa Jacobs

Orange County Mayor

DATE:

9.19.17

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

far Deputy Clerk

Jessica Voupel

Printed Name

SECTION 32, TOWNSHIP 22 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 22 SOUTH, RANGE 32 EAST, AND BEING A PART OF TRACT "T" OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT "T", TUDOR GROVE AT TIMBER SPRINGS, AS RECORDED IN PLAT BOOK 59, PAGES 24-28 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE NOO'39'12"W ALONG THE EAST BOUNDARY LINE OF SAID TRACT "T", A DISTANCE OF 676.25 FEET TO THE POINT OF BEGINNING;

FLORIDA: THENCE NO0'39'12'W ALONG THE EAST BOUNDARY LINE OF SAID TRACT "T", A DISTANCE OF 678.25 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID EAST BOUNDARY LINE; THENCE S88'38'04"W, A DISTANCE OF 4.21 FEET; THENCE NB5'40'21"W, A DISTANCE OF 9.77 FEET; THENCE NS6'86'42"W, A DISTANCE OF 12.41 FEET; THENCE S89'20'57"W, A DISTANCE OF 13.0.12 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY WITH THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS 440.00 FEET, A CENTRAL ANGLE OF 14'03'05" AND A CHORD BEARING AND DISTANCE OF S82'19'25"W, 10'.84 FEET) FOR AN ARC DISTANCE OF 10'.91 FEET TO THE POINT OF TANGENCY; THENCE S75'17'55"W, A DISTANCE OF 78.13 FEET; THENCE SOUTHWESTERLY WITH THE ARC OF A NON-TANGENT CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS 15.86 FEET, A CENTRAL ANGLE OF 67'18'54" AND A CHORD BEARING AND DISTANCE OF S20'32'03"W, 17.26 FEET) FOR AN ARC DISTANCE OF 18.30 FEET TO A POINT OF TANGENCY; THENCE S07'59'21"E, A DISTANCE OF 44.70 FEET; THENCE S07'59'21"E, A DISTANCE OF 5.00 FEET; THENCE SO'5'9'21"E, A DISTANCE OF 44.70 FEET; THENCE S05'59'21"E, A DISTANCE OF 5.00 FEET; THENCE SO'5'9'21"E, A DISTANCE OF 5.00 FEET; THENCE SO'5'9'21"E, A DISTANCE OF 5.00 FEET; THENCE SO'5'9'21" AND A CHORD BEARING AND DISTANCE OF S07'29'13"W, 314.53 FEET) FOR AN ARC DISTANCE OF 5.00 FEET; A CENTRAL ANGLE OF 050'29'13"W, 314.53 FEET) FOR AN ARC DISTANCE OF 5.16.47 FEET TO A COMPOUND CURVATURE; THENCE SOUTHWESTERLY WITH THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, (SAID CURVE HAVING A BADIUS 865.00 FEET, A CENTRAL ANGLE OF 059'10" AND A CHORD BEARING AND DISTANCE OF 521'59'00'W, 81.03 FEET) FOR AN ARC DISTANCE OF 10.08 FEET TO A POINT OF TANGENCY WITH THE ARC OF A NON-TANGENT CURVE; THENCE WORTH LINE, N69'00'12"W, A DISTANCE OF 15.04 FEET TO A POINT OF TANGENCY, WITH THE ARC OF A CURVE TO THE RIGHT (SAID CURVATURE; THENCE NORTHEASTERLY WITH THE ARC OF A CURVE TO THE RIGH THE POINT OF BEGINNING.

CONTAINING 0.259 ACRES, 11290.59 SQUARE FEET & NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



SKETCH AND LEGAL DESCRIPTION	DATE OF DRAWING: 07/28/2017	
OF ANGE CONTINUE DO BY OF THE CONTINUE	MANAGER: JDH CADD: 5CS	
ORANGE COUNTY BOARY OF COUNTY COMMISSIONERS	PROJECT NUMBER: 714-16004	
SURVEYOR'S CERTIFICATION THE UNDERSIGNED FLORIDA LIGERSED SURVEYOR AND MAPPER, DO HEREBY	FIELD BOOK NUMBER:	
CERTIFY THAT ! HAVE COMPLETED THIS SKETCH IN ACCORDANCE WITH	LAST FIELD WORK:	
PROFESSIONAL SURVEYORS AND MAPKENS	CREW CHIEF(S):	
MC OHOLOW 1 1 101 128/2017	COMPUTER FILE: 714004_BCCREV.DWG	
PROFESSIONAL SURVEYOR AND MARRIE NUMBER 6910	SCALE: 1" = 30' SHEET 1 OF 9	

SECTION 32, TOWNSHIP 22 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA

SURVEYOR'S NOTES

- 1. THE PURPOSE OF THIS SKETCH & LEGAL DESCRIPTION IS TO PROVIDE A LEGAL DESCRIPTION FOR A PROPOSED UTILITY EASEMENT.
- 2. THIS IS NOT A BOUNDARY SURVEY.
- 3. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST BOUNDARY LINE OF TUDOR GROVE AT TIMBER SPRINGS, AS RECORDED IN PLAT BOOK 59, PAGES 24-28 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, WHICH BEARS NOO'39'12"W.
- 4. THE PROPERTY DEPICTED ON THIS SKETCH IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 5. THIS LEGAL DESCRIPTION IS INCOMPLETE UNLESS ACCOMPANIED BY A SKETCH OF THE PROPERTY DESCRIBED HEREIN.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. (SEE SHEET 1 OF 9)

LAND SERVICES

8802 EXCHANGE DRIVE ORLANDO, FLORIDA 32809 PHONE: (407) 351-6730 FAX: (407) 351-9891 WEB:www.leadingedgels.com

FLORIDA LICENSED BUSINESS NUMBER LB 6846

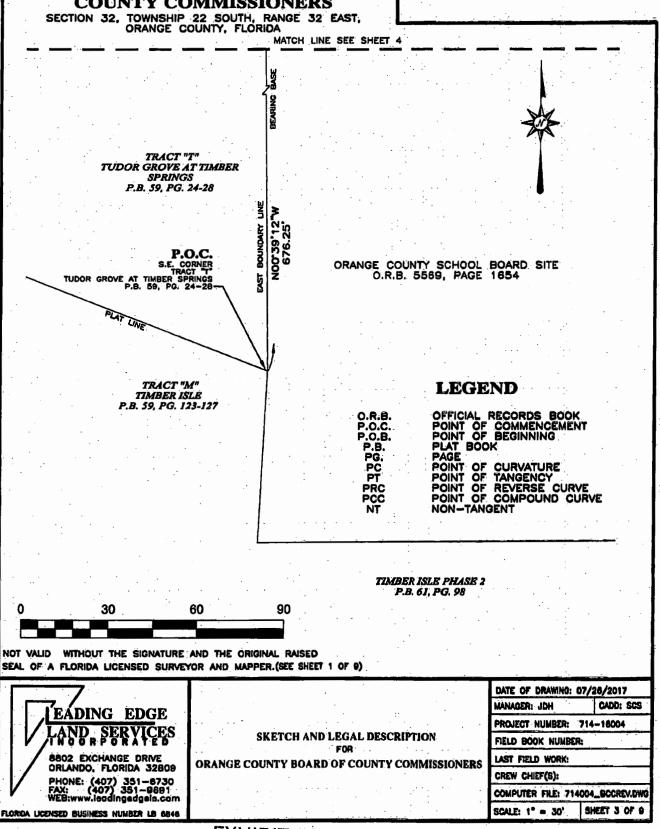
SKETCH AND LEGAL DESCRIPTION FOR

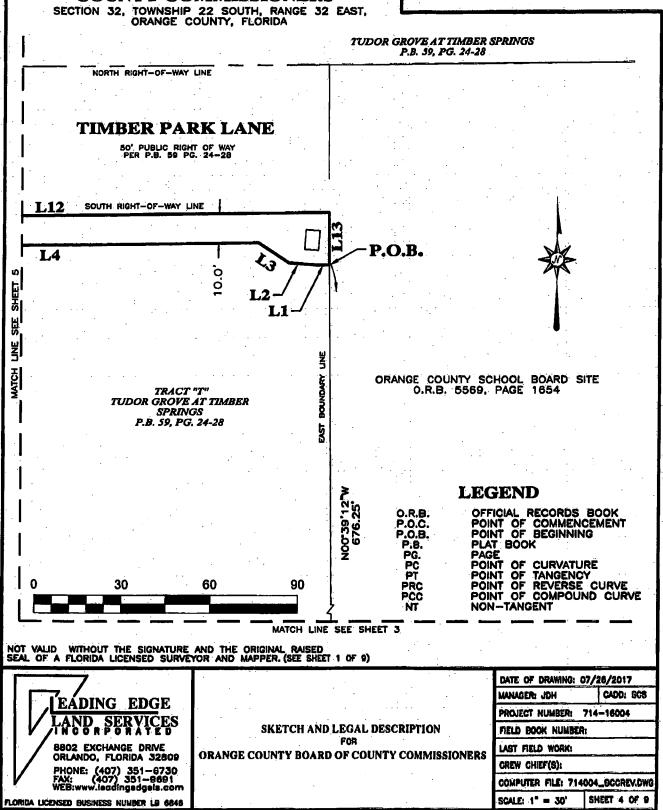
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

MANAGER: JDH CADD: SCS
PROJECT NUMBER: 714-16004
FIELD BOOK NUMBER:
LAST FIELD WORK:
CREW CHIEF(S):
COMPUTER FILE: 714004_BCCREV.DWG

SCALE: 1" = 30'

DATE OF DRAWING: 07/26/2017





SKETCH AND LEGAL DESCRIPTION UTILITY EASEMENT **ORANGE COUNTY BOARD OF** COUNTY COMMISSIONERS SECTION 32, TOWNSHIP 22 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA TUDOR GROVE AT TIMBER SPRINGS P.B. 59, PG. 24-28 NORTH RIGHT-OF-WAY LINE TIMBER PARK LANE 50' PUBLIC RIGHT OF WAY PER P.B. 59 PG. 24-28 L12 C8 山ま SOUTH RIGHT-OF-WAY LINE C1 ò Ö ò TRACT "T" TUDOR GROVE AT TIMBER o, SPRINGS P.B. 59, PG. 24-28 **LEGEND** O.R.B. P.O.C. P.O.B. OFFICIAL RECORDS BOOK POINT OF COMMENCEMENT POINT OF BEGINNING P.B. PG. 30 60 90 PC PT PRC PCC

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 9)

POINT OF BEGINNING
PLAT BOOK
PAGE
POINT OF CURVATURE
POINT OF TANGENCY
POINT OF COMPOUND CURVE NON-TANGENT

EADING EDGE 8802 EXCHANGE DRIVE

FLORIDA LICENSED BUSINESS NUMBER LO 6848

SHEET

SEE

ORLANDO, FLORIDA 32809 PHONE: (407) 351-6730 FAX: (407) 351-9891 WEB:www.leadingedgele.com SKETCH AND LEGAL DESCRIPTION FOR

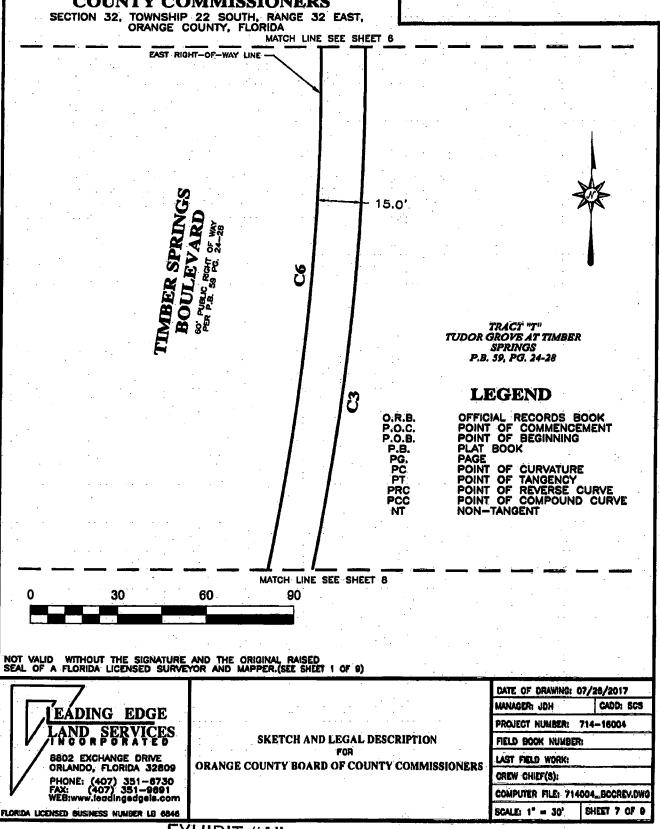
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

DATE OF DRAWING: 07/26/2017 CADD: SCS MANAGER: JDH. PROJECT NUMBER: 714-16004 FIELD BOOK NUMBER: LAST FIELD WORK CREW CHIEF(8): COMPUTER FILE: 714004_BCCREV.DWG SCALE: 1" = 30" SHEET 5 OF 9

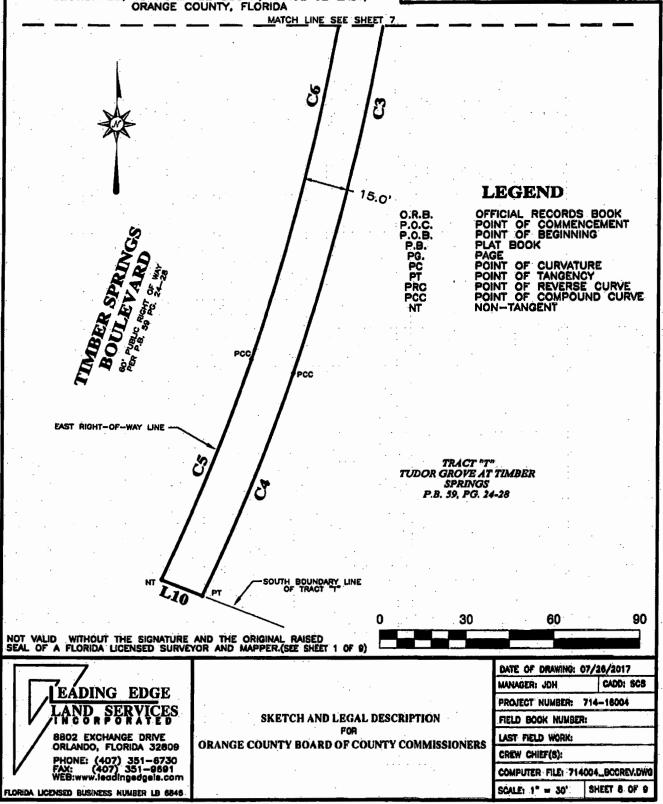
EXHIBIT "A"

SKETCH AND LEGAL DESCRIPTION UTILITY EASEMENT ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS SECTION 32, TOWNSHIP 22 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA SOUTH RIGHT-OF-WAY LINE 10.0 ^{PT}15.0 BOULEVARD 9 SEET EAST WAY LINE RIGHT-OF 띯 LEGEND OFFICIAL RECORDS BOOK POINT OF COMMENCEMENT POINT OF BEGINNING PLAT BOOK PAGE POINT OF CURVATURE POINT OF TANGENCY POINT OF REVERSE CURVE POINT OF COMPOUND CURVE NON-TANGENT O.R.B. P.O.C. P.O.B. P.B. PG. PT PRC PCC NT 暑 ATCH. 8 20.0 TRACT "T" TUDOR GROVE AT TIMBER **SPRINGS** P.B. 59, PG. 24-28 Ç 15.0 MATCH LINE SEE SHEET 7 30 60 90 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. (SEE SHEET 1 OF 8) DATE OF DRAWING: 07/28/2017 CADD: SCS MANAGER: JOH EADING EDGE PROJECT NUMBER: 714-16004 SKETCH AND LEGAL DESCRIPTION FIELD BOOK NUMBER: FOR 8802 EXCHANGE DRIVE last field work: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS ORLANDO, FLORIDA 32809 CREW CHIEF(S): PHONE: (407) 351-6730 FAX: (407) 351-9691 WEB:www.leadingedgele.com COMPUTER FILE: /714004_BCCREV.DWG SCALE: 1" = 30" SHEET 6 OF 9 FLORIDÀ LICENSED BUSINESS NUMBER LO 6845

SKETCH AND LEGAL DESCRIPTION UTILITY EASEMENT ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS SECTION 32, TOWNSHIP 22 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA



SECTION 32, TOWNSHIP 22 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA



SECTION 32, TOWNSHIP 22 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA

LINE TABLE

ILINE	BEARING	DISTANCE
	S89'38'04"W	4.21
	N85'40'21"W	9.77
	N56'56'42"W	12.41
	S89'20'57"W	130.12
	S75'17'53"W	76.13
	S07'59'21"E	44.70
	N83'58'04"E	
	S04'58'30"E	42.00
	S83'58'04"W	
	N69'00'12"W	15.04
	N75'17'53"E	76.13
	N89'20'57"E	154.39
L13	500'39'12"E	17.75

CURVE TABLE

CURV	RADIUS	CENTRAL ANGLE	ICHORD BEARINGIO	HORD LENGTH	IARC LENGTH
C1	440.00'	14'03'05"	S82'19'25"W	107.64	107.91
C2	15.58'	67'18'54"	S20'32'03"W	17.26'	18.30'
C3	824.08	22'00'12"	S07'29'13"W	314.53	316.47
C4	665.00	6'59'10"	521'59'00"W	81,03	81.08'
C5	650.00	7'05'17"	N22'02'03"E	80.36'	80.41
C6	809.08	28'01'59"	N04'28'24"E	391.92'	395.86
C7	25.00'	84'50'46"	N32'52'39"E	33.73	37.02
<u>C8</u>	450.00'	14'03'04"	N82'19'25"E	110.08	110.36

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LAND SERVICES

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DIGGINA LICENSEN BURNINGS MINISTER IN 4846

SKETCH AND LEGAL DESCRIPTION
FOR

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

DATE OF DRAWING: 07/27/2017

MANAGER: JDH CADD: SCS

PROJECT NUMBER: 714-16004

FIELD BOOK NUMBER:

LAST FIELD WORK:

CREW CHIEF(8):

COMPUTER FILE: 714004_BCCREV.DWG SCALE: 1" = 30' SHEET 9 OF 9

EXHIBIT "A"