



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: January 4, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Paul Sladek, Manager *PS*
Real Estate Management Division

FROM: Kenneth Woods, Acquisition Agent *KW*
Real Estate Management Division

**CONTACT
PERSON:** Paul Sladek, Manager

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

**ACTION
REQUESTED:** APPROVAL AND EXECUTION OF SUBORDINATION OF UTILITY
INTERESTS FROM DUKE ENERGY FLORIDA, LLC, D/B/A DUKE
ENERGY, F/K/A DUKE ENERGY FLORIDA, INC., F/K/A FLORIDA
POWER CORPORATION, D/B/A PROGRESS ENERGY FLORIDA,
INC., TO ORANGE COUNTY AND AUTHORIZATION TO
DISBURSE FUNDS TO PAY RECORDING FEES AND RECORD
INSTRUMENT

PROJECT: Econlockhatchee Trail RCA (Lake Underhill Rd to S.R. 50)

District 3

PURPOSE: To provide for access, construction, operation, and maintenance of road-
widening improvements.

ITEM: Subordination of Utility Interests (Instrument 1054.3/7054.3)

BUDGET: Account No.: 1023-072-5024-6110

FUNDS: \$69.50 Payable to Orange County Comptroller
(recording fees)

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: This action will subordinate Duke Energy's interest in their existing easement encumbering Parcels 1054/7054 of Orange County's Econlockhatchee Trail road widening 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.

Orange County is executing the Subordination of Utility Interests to show acceptance of the terms and conditions.

REQUEST FOR FUNDS FOR LAND ACQUISITION

☒ Under BCC Approval

☐ Under Ordinance Approval

Date: 1/4/18

Amount: \$69.50

Project: Econlockhatchee Trail RCA (Lake Underhill Rd to S.R. 50)(Invest)

Parcels: 1054/7054

Charge to Account # 1023-072-5024-6110

SEE Next Page

Controlling Agency Approval

Date

SEE Next Page

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block{s})

☒ Pre-Condernnation ☐ Post-Condernnation

☐ N/A

District # 3

☐ Acquisition at Approved Appraisal

☐ Acquisition at Below Approved Appraisal

☐ Acquisition at Above Approved Appraisal

☒ Advance Payment Requested

Orange County Comptroller
Recording Fee \$69.50

DOCUMENTATION ATTACHED (Check appropriate block{s})

☐ Contract

☒ Copy of Executed Instruments

☐ Certificate of Value

☐ Settlement Analysis

Total \$69.50

Payable to: Orange County Comptroller (\$69.50)

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

Recommended by Kenneth T. Woods
Kenneth T. Woods, Acquisition Agent

1/4/18
Date

Payment Approved Paul Sladek
Paul Sladek, Manager, Real Estate Management Division

1/9/18
Date

Certified Kate Smith
Approved by BCC Deputy Clerk to the Board

FEB 06 2018
Date

Examined/Approved _____
Comptroller/Government Grants

Check No. / Date

REMARKS:

Schedule Closing Date: As soon as check is available

Anticipated Closing Date: TBD

Please Contact Acquisition Agent @ 67076 if you have any questions.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
FEB 06 2018

REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 1/4/18

Amount: \$69.50

Project: Econlockhatchee Trail RCA (Lake Underhill Rd to S.R. 50)(Invest)

Parcels: 1054/7054

Charge to Account # 1023-072-5024-6110

DEC
01/09/18
1/10/18

Controlling Agency Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block(s))

X Pre-Condernnation Post-Condernnation

N/A

District # 3

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

DOCUMENTATION ATTACHED (Check appropriate block(s))

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- X Copy of Executed Instruments
- Certificate of Value
- Settlement Analysis

Orange County Comptroller
Recording Fee \$69.50

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Recommended by

Kenneth T. Woods, Acquisition Agent

Date

1/4/18

Payment Approved

Paul Sladek, Manager, Real Estate Management Division

Date

1/9/18

Certified

Approved by BCC Deputy Clerk to the Board

Date

Examined/Approved

Comptroller/Government Grants

Check No. / Date

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FEB 06 2018

Instrument: 1054.3/7054.3

Project: Econlockhatchee Trail (Lake Underhill Rd. to S.R. 50)

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, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, d/b/a Progress Energy Florida, Inc., 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, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, d/b/a Progress Energy Florida, Inc.

FROM: Hindu University of America, Inc.

Distribution Easement filed January 14, 2004

Recorded in Official Records Book 7265, Page 2650

Public Records of Orange County, Florida

Instrument: 1054.3/7054.3

Project: Econlockhatchee Trail (Lake Underhill Rd. to S.R. 50)

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.

Instrument: 1054.3/7054.3


Project: Econlockhatchee Trail (Lake Underhill Rd. to S.R. 50)

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.

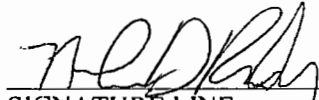
Duke Energy Florida, LLC d/b/a
Duke Energy, f/k/a Duke Energy Florida, Inc.,
f/k/a Florida Power Corporation d/b/a
Progress Energy Florida, Inc.

Signed, sealed and delivered in
the presence of:

By:

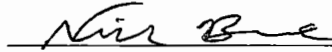

Kris Tietig, Manager
Land Services, Florida Region

Date: 12/6/2017



SIGNATURE LINE

PRINT/TYPE NAME: Nicholas Rudy



SIGNATURE LINE

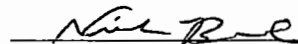
PRINT/TYPE NAME: NICK BRANA

(Signature of **TWO** witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 6th day of December, 2017, by Kris Tietig, Manager of Land Services, Florida Region, Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., a Florida corporation, f/k/a Florida Power Corporation, a Florida corporation, d/b/a Progress Energy Florida, Inc., on behalf of the limited liability company, who is personally known to me or who has produced _____ as identification.


PRINT/TYPE NAME: NICK BRANA



NICK BRANA
Commission # GG 113983
Expires September 10, 2021
Bonded Thru Budget Notary Services

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

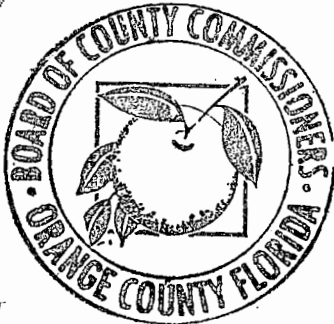
My Commission Expires: Sept. 10, 2021

Serial No., if any: GG 113983

Instrument: 1054.3/7054.3

Project: Econlockhatchee Trail (Lake Underhill Rd. to S.R. 50)

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



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: Teresa Jacobs
Teresa Jacobs,
Orange County Mayor

Date: 2.6.18

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:
Mary Tiffault, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

LEGAL DESCRIPTION

SCHEDULE "A"

PARCEL: 1054

A TRACT OR PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 30 (A 3/16 INCH IRON ROD IN A WELL BOX AS NOW EXISTS); THENCE NORTH 00°24'07" WEST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 1339.31 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 89°11'52" EAST, A DISTANCE OF 50.00 FEET TO THE EXISTING EAST RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL AND THE POINT OF BEGINNING; THENCE DEPARTING SAID EXISTING EAST RIGHT OF WAY, CONTINUE NORTH 89°11'52" EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 00°24'07" EAST A DISTANCE OF 146.08 FEET TO A POINT ON THE EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 417 AS SHOWN ON ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY EASTERN BELTWAY PROJECTS 75300-6440-403 AND 75300-6440-404; SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 3969.72 FEET; THENCE FROM A TANGENT BEARING OF NORTH 32°36'30" WEST, ALONG THE ARC OF SAID CURVE NORTHWESTERLY, A DISTANCE OF 9.36 FEET, THROUGH A CENTRAL ANGLE OF 00°08'07" TO THE EXISTING EASTERN RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL; THENCE NORTH 00°24'07" WEST, ALONG SAID EXISTING RIGHT OF WAY, A DISTANCE OF 138.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 710 SQUARE FEET, MORE OR LESS.

THIS IS NOT A BOUNDARY SURVEY, NOR HAS ANY FIELD WORK BEEN PERFORMED IN ACCORDANCE WITH 5J-17, FLORIDA ADMINISTRATIVE CODE FOR PREPARATION OF THIS DRAWING.


RUSSELL J. MARKS
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 5623

PREPARED FOR: ORANGE COUNTY, FLORIDA			ECONLOCKHATCHEE TRAIL	
DESIGNED BY: RJM	DATE: 1/26/10		URS URS CORPORATION 315 E. ROBINSON STREET SUITE 245 ORLANDO, FL 32801-1949 PH (407) 422-0353 LICENSED BUSINESS NO. 6839	REVISIONS:
DRAWN BY: DJK	JOB NO:			
APPROVED BY: RJM	COUNTY PROJECT NO: C.I.P. 5024			SHEET: 1 OF 2

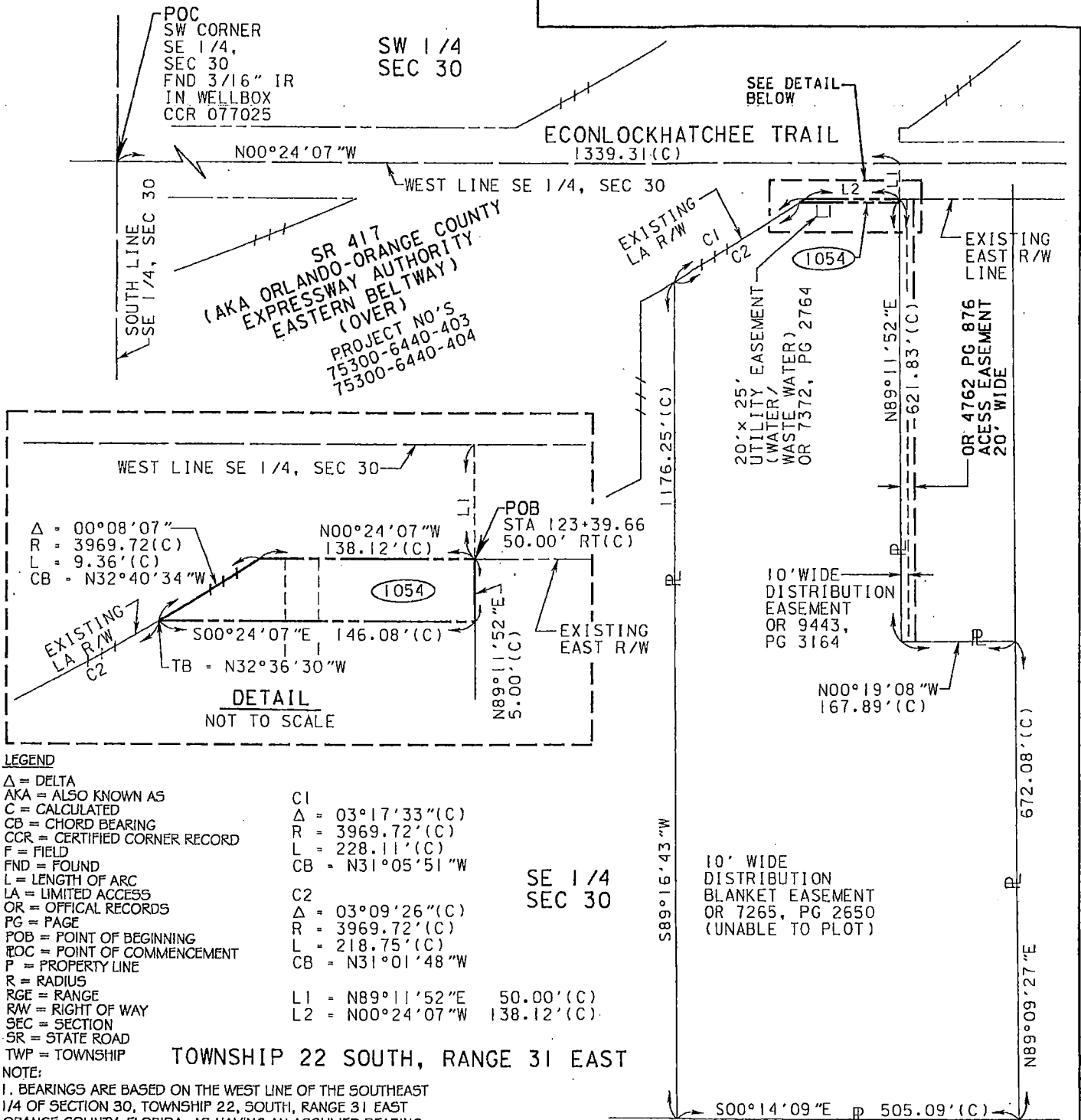
SKETCH OF DESCRIPTION

SCHEDULE "A"

PARCEL: 1054



SCALE: 1" = 200'



SEE RW MAP SHEETS 3, 9 & 10

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PREPARED FOR: ORANGE COUNTY, FLORIDA

ECONLOCKHATCHEE TRAIL

DESIGNED BY: RJM

DATE: 1/26/10

URS

URS CORPORATION
315 E. ROBINSON STREET
SUITE 245
ORLANDO, FL 32801-1949
PH (407) 422-0353
LICENSED BUSINESS NO. 6839

REVISIONS:
REV UTILITY EASEMENT WATER/
WASTEWATER PG NUMBER 4/07/16
REV PARENT TRACT 2/15/17

DRAWN BY: DJK

JOB NO:

APPROVED BY: RJM

COUNTY PROJECT NO: C.I.P. 5024

SHEET: 2 OF 2

LEGAL DESCRIPTION

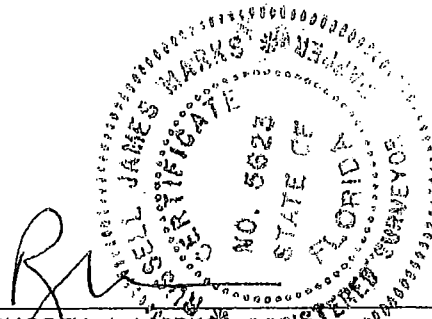
SCHEDULE "A"
PARCEL: 7054

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CONTAINING 797 SQUARE FEET, MORE OR LESS.

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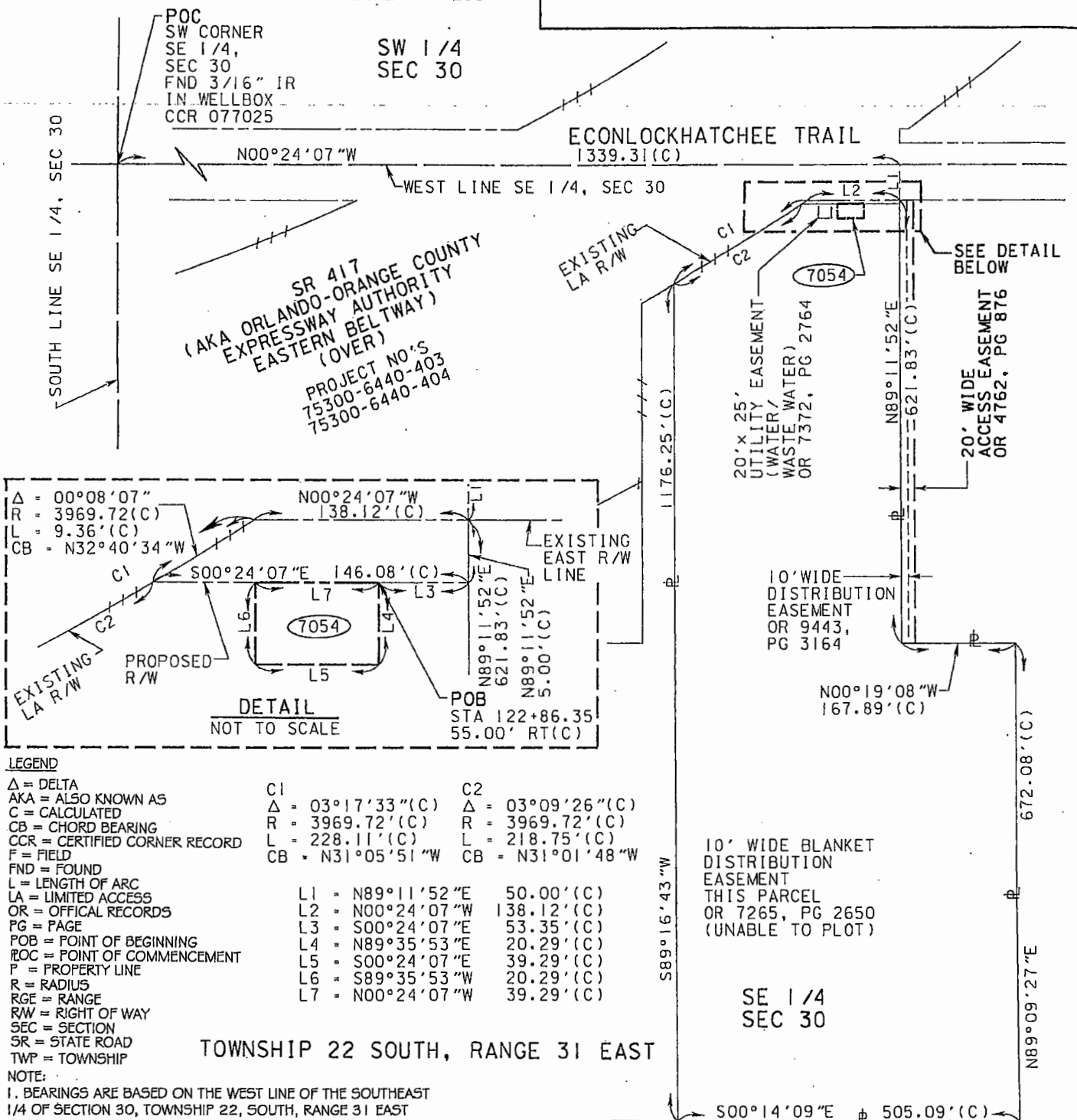

RUSSELL J. MARKS
PROFESSIONAL SURVEYOR
STATE OF FLORIDA LICENSE NO. 5623

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PREPARED FOR: ORANGE COUNTY, FLORIDA

ECONLOCKHATCHEE TRAIL

DESIGNED BY: RJM

DATE: 2/15/17

DRAWN BY: DJK

JOB NO:

APPROVED BY: RJM

COUNTY PROJECT NO: C.I.P. 5024

URS

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SUITE 245
ORLANDO, FL 32801-1949
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LICENSED BUSINESS NO. 6839

REVISIONS:
REV UTILITY EASEMENT WATER/
WASTEWATER PG NUMBER 4/07/16

SHEET: 2 OF 2