



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

DATE: March 23, 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, TO ORANGE COUNTY AND AUTHORIZATION TO DISBURSE FUNDS TO PAY RECORDING FEES AND RECORD INSTRUMENT

PROJECT: Boggy Creek Road (Osceola Cnty line to 600' N. of Central Fl Greenway SR 417)

District 4

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

ITEM: Subordination of Utility Interests (Instrument 1004.3)

BUDGET: Account No.: 1321-072-5085-6110

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 Parcel 1004 of Orange County's Boggy Creek 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

X Under BCC Approval

Under Ordinance Approval

Date: 3/7/18

Amount: \$69.50

DEC 03/09/16

Project: Boggy Creek Road (Osceola County line to 600' N. of Central Fl. Greenway SR 417) Parcels: 1004/7004

Charge to Account # 1321-072-5085-6110 dup 3/1/18

Controlling Agency Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block(s))

X Pre-Condensation _____ Post-Condensation

N/A

District # 4

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

Orange County Comptroller
Recording Fee \$69.50

Total \$69.50

DOCUMENTATION ATTACHED (Check appropriate block(s))

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

Payable to: Orange County Comptroller (\$69.50)

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

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

3/7/18
Date

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

3/7/18
Date

Certified _____
Approved by BCC Deputy Clerk to the Board

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.

3/12/18 dup

RCW

Project #

Acct #

City

County

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☒ Under BCC Approval

☐ Under Ordinance Approval

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Amount: \$69.50

Project: Boggy Creek Road (Osceola County line to 600' N. of Central Fl. Greenway SR 417) Parcels: 1004/7004

Charge to Account # 1321-072-5085-6110

Controlling Agency Approval _____ Date _____

Fiscal Approval _____ Date _____

TYPE TRANSACTION (Check appropriate block{s})

☒ Pre-Condensation ☐ Post-Condensation

☐ N/A

District # 4

- ☐ Acquisition at Approved Appraisal
☐ Acquisition at Below Approved Appraisal
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Orange County Comptroller
 Recording Fee \$69.50

DOCUMENTATION ATTACHED (Check appropriate block{s})

- ☐ Contract
☒ Copy of Executed Instruments
☐ Certificate of Value
☐ Settlement Analysis

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 Paul Sladek, Manager, Real Estate Management Division

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Certified for
 Approved by BCC Deputy Clerk to the Board

APR 10 2018
 Date

Examined/Approved _____
 Comptroller/Government Grants

Check No. / Date

REMARKS:

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Anticipated Closing Date: TBD

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

APPROVED
 BY ORANGE COUNTY BOARD
 OF COUNTY COMMISSIONERS
APR 10 2018

Instrument: 1004.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

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, 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 EXHIBIT "A"

Encumbrances:

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
FROM: Albert Clarence Bratcher and Lillian Edith Quiett Bratcher
Distribution Easement filed December 28, 1990
Recorded in Official Records Book 4249, Page 1322
FROM: Royce W. Beck and Carolyn C. Beck
Distribution Easement filed August 3, 1992
Recorded in Official Records Book 4442, Page 3837
All in the Public Records of Orange County, Florida

Instrument: 1004.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

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: 1004.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

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

Signed, sealed and delivered in
the presence of:

By: [Signature]
Kris Tietig, Manager
Land Services – Florida Region

Date: 3/5/18

[Signature]
SIGNATURE LINE
PRINT/TYPE NAME: Shantel Ocampo

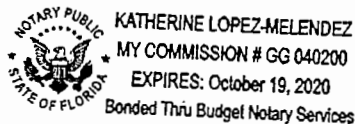
[Signature]
SIGNATURE LINE
PRINT/TYPE NAME: Katherine Lopez

(Two witnesses required by Florida law)

STATE OF Florida
COUNTY OF Seminole

2018 The foregoing instrument was acknowledged before me this 5 day of March,
2018, by Kris Tietig, Manager of Land Services – Florida Region for 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, on behalf of the limited liability company, who is personally known to me or who has
produced _____ as identification.

[Signature]
PRINT/TYPE NAME: Katherine Lopez



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

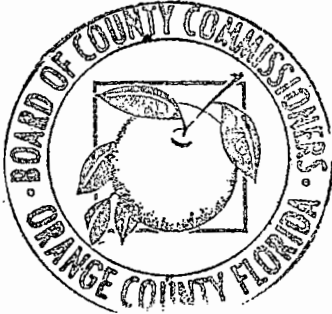
My Commission Expires: 10-19-20

Serial No., if any: GG 040200

Instrument: 1004.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

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: 4.10.18

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

Instrument: 1004.3

Project: Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FL Greenway SR 417)

EXHIBIT "A"

Those easement areas described in Distribution Easement recorded on December 28, 1990 in Official Records Book 4249, Page 1322, and in Distribution Easement recorded on August 3, 1992 in Official Records Book 4442, Page 3837, both in the Public Records of Orange County, Florida, to the extent that such easement areas (as such easement areas are legally described on attached Schedule "B") overlap with Parcel 1004, as such Parcel 1004 is depicted on attached Schedule "A".

SCHEDULE "A"

Parcel 1004

Description:

A portion of the Southeast 1/4 of Section 33, Township 24 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of Section 33, Township 24 South, Range 30 East, Orange County, Florida, thence run South 00 degrees 57' 54" East along the East line of said Southeast 1/4 for a distance of 509.04 feet (509.12 feet deed); thence run North 89 degrees 51' 07" West a distance of 30.00 feet to the West right of way line of Boggy Creek Road as described in Deed Book 402, Page 397 of the Public Records of Orange County, Florida and the POINT OF BEGINNING; thence run South 00 degrees 57' 54" East along said West right of way line, a distance of 660.39 feet; thence leaving said West right of way line run North 89 degrees 49' 22" West a distance of 69.01 feet; thence run North 00 degrees 57' 54" West a distance of 660.35 feet; thence run South 89 degrees 51' 07" East a distance of 69.01 feet to the POINT OF BEGINNING.

Containing 1.0460 acres, more or less.

THIS IS NOT A SURVEY

BEARINGS BASED ON THE EAST LINE OF THE S.E. 1/4 OF SEC. 33, TWP. 24 S., RGE. 30 E BEING S00°57'54"E PER THE BOGGY CREEK RIGHT OF WAY MAP.

REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

Daniel A. Groves
DANIEL A. GROVES, FLORIDA PROFESSIONAL SURVEYOR
AND MAPPER NO. 4628
METRIC ENGINEERING, INC. L.B. NO. 2294

PROJECT NO. 47851 DRAWING: P1004-SUTLINS

COUNTY PROJECT NO. 5085

ROAD NAME: BOGGY CREEK ROAD



METRIC ENGINEERING, INC.
ENGINEERS - PLANNERS - SURVEYORS
815 CRESCENT EXECUTIVE CT, SUITE 324,
LAKE MARY, FLORIDA 32748
PHONE (407) 844-1898 FAX (407) 844-1921

SECTION 34
TOWNSHIP 24 SOUTH
RANGE 30 EAST

DRAWN BY: D.GROVES
DRAWING
DATE: APRIL 30, 2009

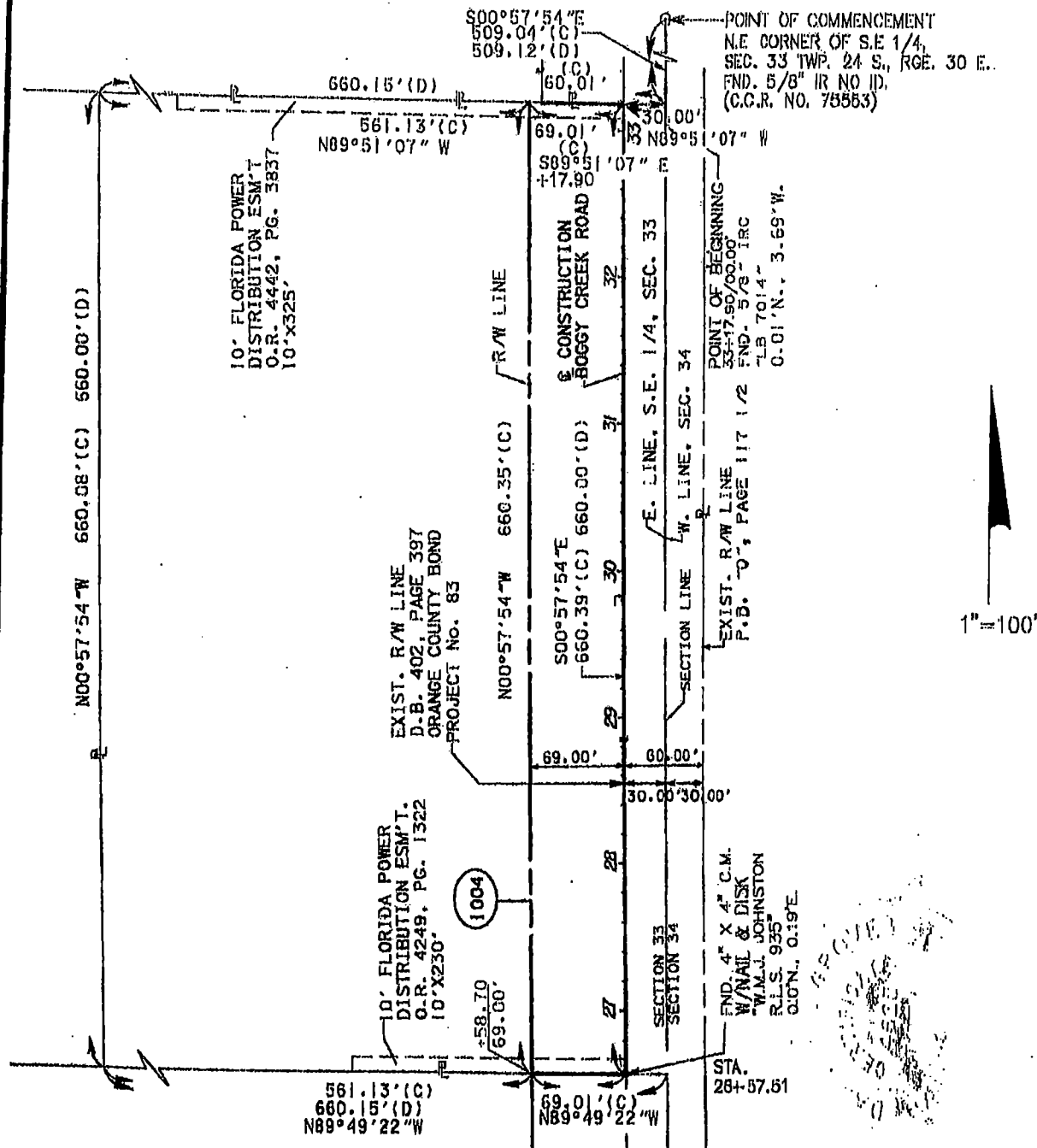
CHECKED BY: D.GROVES
DATE: SEPT. 22, 2009

PARCEL NO.
1004

9-28-11 FINAL 15/11
DATE REVISIONS BY

SCALE 1" = NA
SHEET 1 OF 2

PARCEL 1004
SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY



PROJECT NO. 4151 DRAWING NO. 7-SHIELD

LEGEND

AC.	ACRE	FND.	FOUND	P.C.	POINT OF CURVATURE	RT	RIGHT
BL	BASELINE	(F)	FIELD MEASURE	P.I.	POINT OF INTERSECTION	R/W	RIGHT OF WAY
C	CENTERLINE	L	ARC LENGTH	P.T.	POINT OF TANGENCY	S.F.	SQUARE FEET
CH.	CHORD DISTANCE	LT	LEFT	R	PROPERTY LINE	T	TANGENT LENGTH
Δ	DELTA/CENTRAL ANGLE	O.R.B.	OFFICIAL RECORDS BOOK	R	RADIUS	TWP.	TOWNSHIP
(D)	DEED	P.B.	PLAT BOOK	RGE.	RANGE		

Instrument: 1004.3

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SCHEDULE "B"

That easement area described in Distribution Easement recorded on December 28, 1990 in Official Records Book 4249, Page 1322 of the Public Records of Orange County, Florida. Such easement area is legally described as follows:

A 10 foot wide Easement Area defined as comprising the South 10 feet of the East 230 feet of the following described property.

From the Northeast corner of the SE $\frac{1}{4}$ of Section 33, Township 24 South, Range 30 East, Orange County, Florida, run S $00^{\circ}56'30''$ E along the East line of said SE $\frac{1}{4}$ 509.12 feet to the Point of Beginning, run thence N $89^{\circ}43'00''$ W parallel to and 509.0 feet South of the North line of said SE $\frac{1}{4}$ 660.15 feet, thence S $00^{\circ}56'30''$ E 660.0 feet, thence S $89^{\circ}43'00''$ E 660.15 feet to the East line of said SE $\frac{1}{4}$, thence N $00^{\circ}56'30''$ wide 660.0 feet to the Point of Beginning.

ALSO that easement area described in Distribution Easement recorded on August 3, 1992 in Official Records Book 4442, Page 3837 of the Public Records of Orange County, Florida. Such easement area is legally described as follows:

A 10 foot wide Easement Area defined as comprising the North 10 feet of the East 325 feet of the following described property.

From the Northeast corner of the Southeast $\frac{1}{4}$ of Section 33, Township 24 South, Range 30 East, Orange County, Florida; run South $00^{\circ}56'30''$ East along the East line of said Southeast $\frac{1}{4}$, 509.12 feet to the Point of Beginning; run thence North $89^{\circ}43'00''$ West parallel to and 509.0 feet, South of the North line of said Southeast $\frac{1}{4}$, 660.15 feet; run thence South $00^{\circ}56'30''$ East, 660.0 feet; run thence South $89^{\circ}43'00''$ East, 660.15 feet; run thence North $00^{\circ}56'30''$ West, 660.0 feet to the Point of Beginning (Less the East 30 feet thereof for road right-of-way).