

Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: J

June 11, 2018

TO:

Mayor Teresa Jacobs and the Board of County Commissioners

THROUGH:

Paul Sladek, Manager 🎋 Real Estate Management Division

FROM:

Elizabeth Price Jackson, Senior Title Examiner Real Estate Management Division

CONTACT PERSON:

DIVISION:

Paul Sladek, Manager

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:

International Drive Potable Water Booster Pump Station

District 1

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: 975 square feet

APPROVALS:

Real Estate Management Division Utilities Department

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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 a new potable water booster pump station for Orange County Utilities.

Grantee to pay all recording fees.

JUL 1 0 2018

Project: International Drive Potable Water Booster Pump Station



SEC: 35	TWP: 24	RGE: 28	COUNTY: ORANGE	PROJECT: 26976286				
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS								
SITE ADDRESS: S. Apopka Vineland Road								
TAX PARCE	L NUMBER:	35-24-28-584	4-00-600					

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 of Amec Foster Wheeler Environment & Infrastructure, Inc., dated 5/30/2018, Job No.: 6374181101, 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.

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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

RY eresa Jacobs

Orange County Mayor

DATE: 1.10.19

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

uty 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

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

Legal Description

A parcel of land, being a portion of Tract 60 of MUNGER'S SUBDIVISION in Section 35, Township 24 South, Range 28 East, according to the plat thereof recorded in Plat Book E at Page 23 of the Public Records of Orange County, Florida, being more particularly described as follows;

Commence at the intersection of the west line of said Tract 60 and the southerly limited access right-of-way line of State Road 417 as described in Official Records Book 4838 at Page 1480 of said Public Records and depicted on State Road 417 Right-of-Way Map, Section 75301-6445-450, last revised 10/23/1991; thence run North 81° 47' 30" East, along said southerly limited access right-of-way line, a distance of 142.11 feet to a 5/8 inch diameter iron rod (no identification) marking a change in direction of said southerly limited access right-of-way line, a distance of 18.79 feet to the **POINT OF BEGINNING**; thence continue North 76° 04' 44" East along said southerly limited access right-of-way line, a distance of 15.37 feet; thence departing said southerly limited access right-of-way line, run South 35° 29' 03" West, a distance of 78.39 feet; thence run South 00° 00' 00" East, a distance of 16.00 feet; thence run North 00°00' 00" East, a distance of 16.00 feet; thence run North 90°00' 00" East, a distance of 69.11 feet to the **POINT OF POINT OF BEGINNING**.

The above described parcel of land contains 975 square feet or 0.022 acres, more or less

Surveyor's Notes:

- 1. This Legal Description and Sketch is not valid without the original signature and seal of the signing licensed Florida surveyor and mapper.
- 2. The purpose of this Legal Description and Sketch is to describe and depict the location of a proposed utility easement. This is not a boundary survey.
- 3. The configuration and location of the lands described and depicted hereon is based on instructions provided by the client.
- 4. Bearings shown hereon are expressed in the Florida State Plane Coordinate System, East Zone (), with the grid bearing of the south limited access right-of-way line of State Road 417 between station 126+00, 110' right and station 129+00, 70' right as being North 76° 04' 44" East.
- 5. Lands shown hereon were not abstracted for ownership, easements, rights-of-way or other title matters by this firm.
- 6. Additions or deletions to this Legal Description and Sketch are prohibited without the written consent of the signing Florida licensed surveyor and mapper.
- 7. This Legal Description and Sketch is certified for the exclusive use of Orange County.

Robert M. Jones / Florida Professional Surveyor and Mapper No.4201

PROJECT TITLE:

Orange County Utilities Department Legal Description and Sketch Utility Easement at International Drive Potable Water Booster Pump Station



Amec Foster Wheeler Environment & Infrastructure, Inc. 550 Northlake Blvd, Suite 1000 Altamonte Springs, FI 32701 USA Phone: (407) 522-7570 Fax: (407) 522-7576 Certificate of Authorization Number LB-0007932

THIS IS NOT A BOUNDARY SURVEY

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DATE	BY	DESCRIPTION				
REVISION						
DRAWN BY: <u>A.D.W.</u> DATE: <u>05/25/2018</u>			CHKD. BY: <u>R.M.J.</u> DATE: <u>05/25/2018</u>			
JOB N 637418			ALE: SHT. <u>1</u> I/A OF 2			

DAWING NAME: OCU Duke Esmt at I-Drive PS.dwg

