



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

**DATE:** August 30, 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 (INSTRUMENT: 1020.2) 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 Rd (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 1020.2)

**BUDGET:** Account No.: 1023-072-5085-6110

**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 1020 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.

**Under Ordinance Approval**

Amount: \$69.50

Charge to Account # 1023-072-5085-6110

Date \_\_\_\_\_

Date \_\_\_\_\_

District # 4

Orange County Comptroller  
Recording Fee \$69.50

**Total \$69.50**

Check No. / Date

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
SEP 11 2018

# REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

Date: 7/30/18

Amount: \$69.50

Project: Boggy Creek Road (Osceola County line to 600' N. of Central Fl. Greenway SR 417) Parcels: 1020.2

Charge to Account # 1023-072-5085-6110

DEC 08/23/18

Controlling Agency Approval

8/23/18

Date

Fiscal Approval

8/24/18

Date

TYPE TRANSACTION (Check appropriate block(s))

X Pre-Condemnation \_\_\_\_\_ Post-Condemnation

\_\_\_\_\_ N/A

District # 4

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

DOCUMENTATION ATTACHED (Check appropriate block(s))

- \_\_\_\_\_ Contract
- X Copy of Executed Instruments
- \_\_\_\_\_ Certificate of Value
- \_\_\_\_\_ Settlement Analysis

Orange County Comptroller  
Recording Fee \$69.50

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

Date 7/30/18

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

Date 8/22/18

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.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**SEP 11 2018**

Instrument: 1020.2

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 d/b/a Duke Energy, a Florida limited liability company, 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 SCHEDULE "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: John and Mary Smith, his wife

Easement filed March 7, 1968

Recorded in Official Records Book 1712, Page 351

Distribution Easement filed June 18, 1999

Recorded in Official Records Book 5776, Page 2999

All in the Public Records of Orange County, Florida

Instrument: 1020.2

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: 1020.2

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: 7/25/18

[Signature]  
SIGNATURE LINE

PRINT/TYPE NAME: Kalen D. Mason

[Signature]  
SIGNATURE LINE

PRINT/TYPE NAME: Bruce Todd Boyer



(Two witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF SEMINOLE

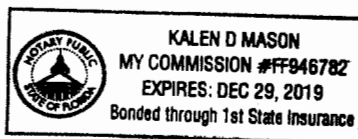
The foregoing instrument was acknowledged before me this 25 day of July, 2018, by Kris Tietig, Manager of Land Services - Florida Region for Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation on behalf of the limited liability company, who is personally known to me or who has produced \_\_\_\_\_ as identification.

[Signature]  
PRINT/TYPE NAME: Kalen D. Mason

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

My Commission Expires: 12/29/2019

Serial No., if any: FF946782



Instrument: 1020.2

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: 9.11.18

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

By: *Lakela Louis*  
for Deputy Clerk

Lakela Louis  
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



# SCHEDULE "A"

Parcel 1020

A portion of Lot 8, less the North 100 feet thereof, ORLANDO-KISSIMMEE FARMS, according to the plat thereof as recorded in Plat Book "O", Page 117 1/2, of the Public Records of Orange County, Florida being more particularly described as follows:

Commence at the Northwest corner of Lot 8, ORLANDO-KISSIMMEE FARMS, according to the plat thereof as recorded in Plat Book "O", Page 117 1/2, of the Public Records of Orange County, Florida, thence run South 00 degrees 58' 20" East along the East right of way line of Boggy Creek Road also being the West line of said Lot 8, a distance of 100.05 feet to the intersection with the South line of the North 100 feet of said Lot 8 and the POINT OF BEGINNING; thence continue South 00 degrees 58' 20" East along said East right of way line a distance of 520.14 feet to the South line of said Lot 8; thence run South 89 degrees 55' 45" East along said South line a distance of 0.06 feet to the beginning of a nontangent curve concave to the Easterly and having a radius of 5670.00 feet; thence run Northerly 382.23 feet along the arc of said curve through a central angle of 03 degrees 51' 45", the chord of said curve bears North 01 degrees 13' 55" East to the end of said curve; thence run North 03 degrees 09' 47" East a distance of 138.18 feet to the intersection with the South line of the North 100 feet of said Lot 8; thence run North 89 degrees 55' 45" West along said South line a distance of 24.73 feet to the POINT OF BEGINNING.

Containing 4,737 square feet, more or less.

## THIS IS NOT A SURVEY

BEARINGS BASED ON THE WEST LINE OF THE N.W. 1/4 OF SEC. 34, TWP. 24 S., RGE. 30 E BEING N00°58'20"W 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. 4625  
METRIC ENGINEERING, INC. L.B. NO. 2294

COUNTY PROJECT NO. 5085

ROAD NAME: BOGGY CREEK ROAD



**METRIC ENGINEERING, INC.**  
ENGINEERS - PLANNERS - SURVEYORS  
615 CRESCENT EXECUTIVE CT. SUITE 524,  
LAKE MARY, FLORIDA 32746  
PHONE (407) 644-1898 FAX (407) 644-1921

SECTION 34  
TOWNSHIP 24 SOUTH  
RANGE 30 EAST

DRAWN BY: D.GROVES  
DRAWING  
DATE: JUNE 10, 2009

CHECKED BY: D.GROVES  
DATE: SEPT. 24, 2009

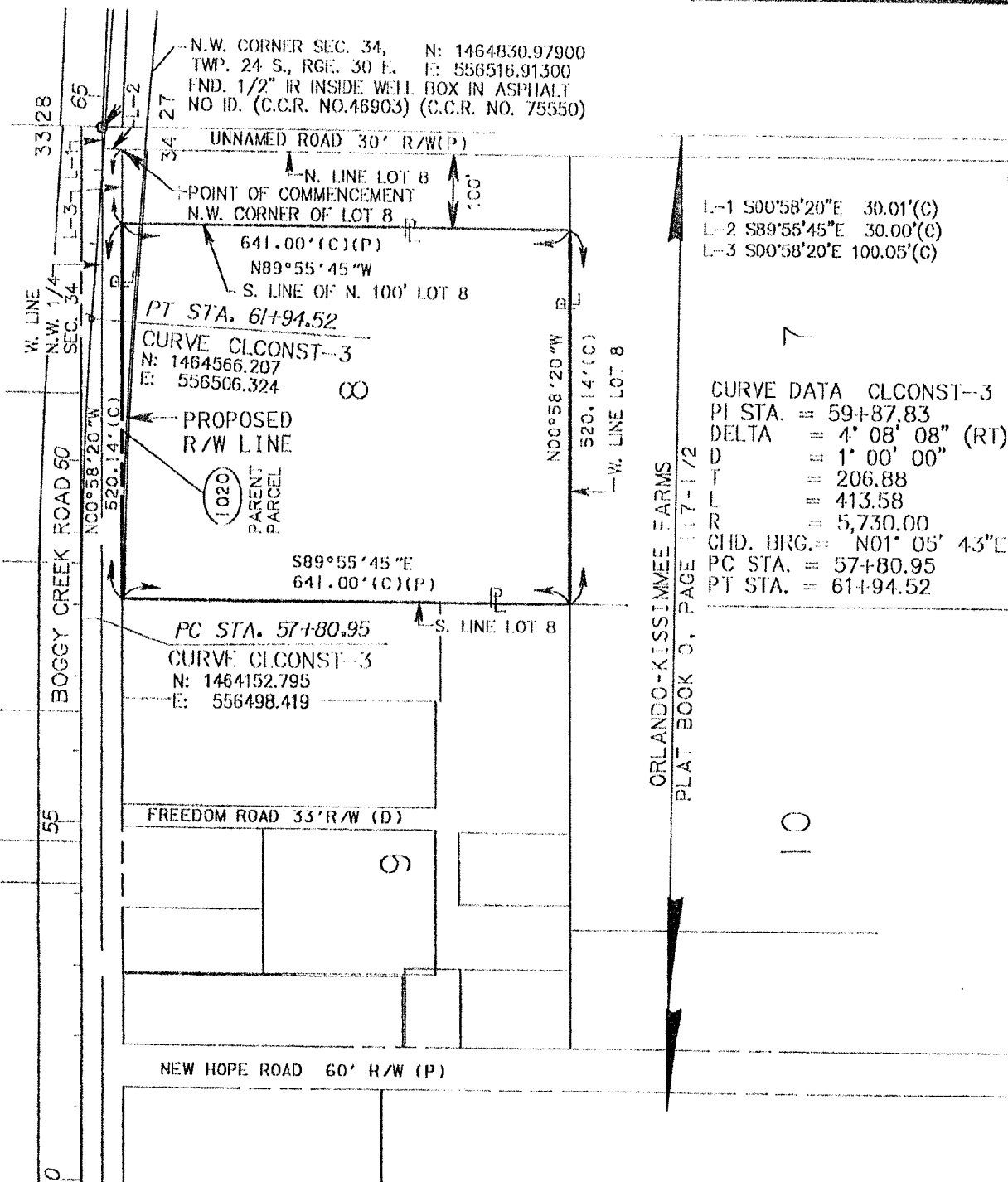
PARCEL NO.  
1020

9-25-11 FINAL *DM*  
DATE REVISIONS BY

SCALE 1" = NA  
SHEET 1 OF 4

PROJECT NO. 47851 DRAWING: P1020-SHT.1.DWG

PARCEL 1020  
SKETCH OF DESCRIPTION  
THIS IS NOT A SURVEY



LEGEND

AC. ACRE  
BRG. BEARING  
C CENTERLINE  
(C) CALCULATED  
CH. CHORD DISTANCE  
Δ DELTA/CENTRAL ANGLE

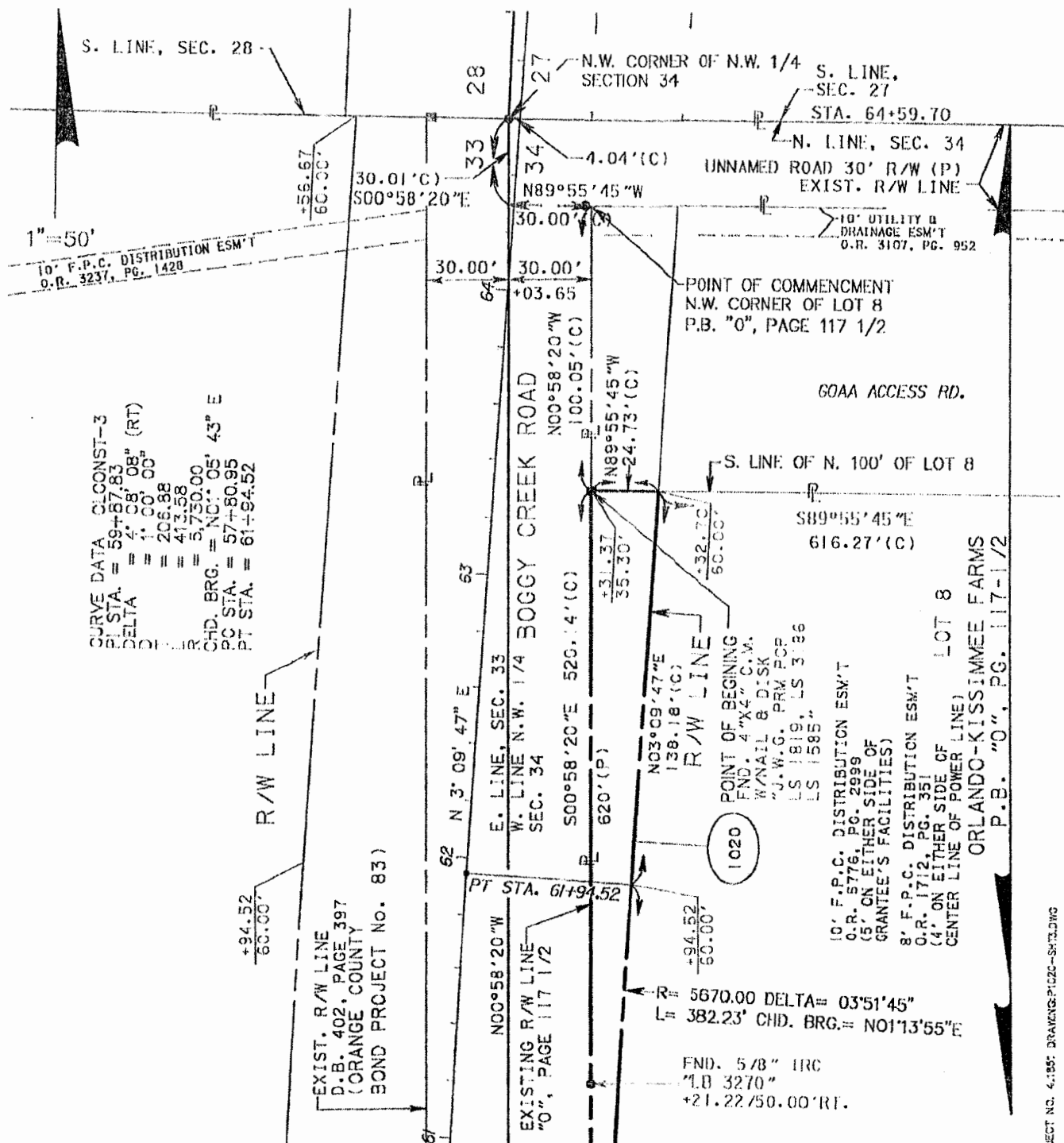
(D) DEED  
FND. FOUND  
(F) BASED ON FIELD MEASURE  
L. ARC LENGTH  
L. LEFT  
O.R.B. OFFICIAL RECORDS BOOK  
P.B. PLAT BOOK  
(P) PER PLAT

P.C. POINT OF CURVATURE  
P.I. POINT OF INTERSECTION  
P.T. POINT OF TANGENCY  
P. PROPERTY LINE  
R. RADIUS  
RGE. RANGE  
RT. RIGHT

R/W RIGHT OF WAY  
SEC. SECTION  
S.F. SQUARE FEET  
T. TANGENT LENGTH  
TWP. TOWNSHIP

SHEET 2 OF 4

# PARCEL 1020 SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

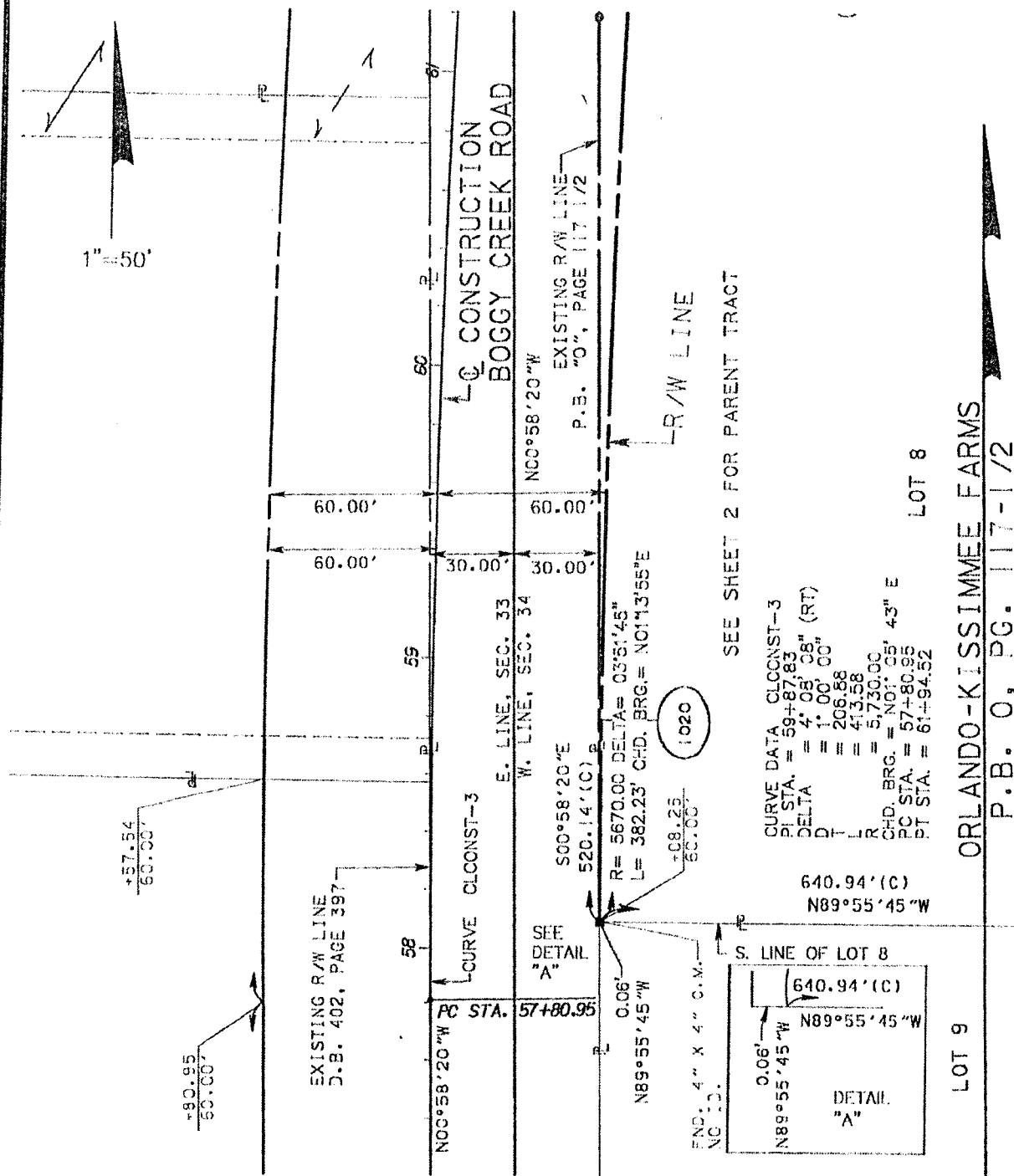


PROJECT NO. 4-1855 DRAWING: P1020-SHT3.DWG

## LEGEND

AC.	ACRE	FND.	FOUND	P.C.	POINT OF CURVATURE	RT	RIGHT
B.	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	RGE.	RANGE	TWP.	TOWNSHIP
(D)	DEED	P.B.	PLAT BOOK				

PARCEL 1020  
SKETCH OF DESCRIPTION  
THIS IS NOT A SURVEY



LEGEND

AC. ACRE  
B. BASELINE  
C. CENTERLINE  
CH. CHORD DISTANCE  
Δ DELTA/CENTRAL ANGLE  
(D) DEED

FND. FOUND  
(F) FIELD MEASURE  
L. ARC LENGTH  
LT. LEFT  
O.R.B. OFFICIAL RECORDS BOOK  
P.B. PLAT BOOK

P.C. POINT OF CURVATURE  
P.I. POINT OF INTERSECTION  
P.T. POINT OF TANGENCY  
P. PROPERTY LINE  
R. RADIUS  
RCE. RANGE

RT. RIGHT  
R/W. RIGHT OF WAY  
S.F. SQUARE FEET  
T. TANGENT LENGTH  
TWP. TOWNSHIP