



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 4

DATE: August 30, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Robert Halecky, Acquisition Agent *RS*
Real Estate Management Division *for RHT*

CONTACT PERSON: **Paul Sladek, Manager**

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

ACTION REQUESTED: APPROVAL AND EXECUTION OF SUBORDINATION OF UTILITY INTERESTS (INSTRUMENT: 1006.2) 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: Kennedy Boulevard (Forest City Rd to Wymore Rd)

District 2

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

ITEM: Subordination of Utility Interests (Instrument 1006.2)

BUDGET: Account No.: 1023-072-3096-6110

FUNDS: \$53.50 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 1006 of Orange County's Kennedy Boulevard 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: 8/17/18

Amount: \$53.50

Project: Kennedy Boulevard (Forest City Rd to Wymore Rd)

Parcels: 1006.2

Charge to Account # 1023-072-3096-6110

Controlling Agency Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block{s})
X Pre-Condernnation Post-Condernnation N/A District # 2

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

Orange County Comptroller
 Recording Fee \$53.50

DOCUMENTATION ATTACHED (Check appropriate block{s})

 Contract
X Copy of Executed Instruments
 Certificate of Value
 Settlement Analysis

Total \$53.50

Payable to: Orange County Comptroller (\$53.50)

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

Recommended by

Robert H. Hays
 Acquisition Agent

Date

8/17/18

Payment Approved

Paul Sladek
 Paul Sladek, Manager, Real Estate Management Division

Date

8/22/18

or

Payment Approved

Russell Corriveau, Asst. Mgr. Real Estate Management Div.

Date

Certified

Lupita Lopez

SEP 11 2018

Approved by BCC Deputy Clerk to the Board

Date

Examined/Approved

Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: As soon as checks are available.

Please Contact Acquisition Agent @ 67093 if you have any questions.

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: 8/17/18

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DEC 08/23/18

Controlling Agency Approval

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N/A District # 2

- Acquisition at Approved Appraisal
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DOCUMENTATION ATTACHED (Check appropriate block(s))

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

Orange County Comptroller
Recording Fee \$53.50

Total \$53.50

Payable to: Orange County Comptroller (\$53.50)

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

Recommended by Paul Sladek
Acquisition Agent

Date

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

Date

or
Payment Approved Russell Corriveau
Russell Corriveau, Asst. Mgr. Real Estate Management Div.

Date

Certified Deputy Clerk to the Board
Approved by BCC

Date

Examined/Approved Comptroller/Government Grants

Check No. / Date

REMARKS:

Anticipated Closing Date: As soon as checks are available.

Please Contact Acquisition Agent @ 67093 if you have any questions.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 11 2018

Instrument: 1006.2
Project: Kennedy Boulevard (Forest City Road to Wymore Road)

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 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
FROM: ATCO Construction & Development
Distribution Easement filed December 9, 1983
Recorded in Official Records Book 3449, Page 1468
Public Records of Orange County, Florida

Instrument: 1006.2

Project: Kennedy Boulevard (Forest City Road to Wymore Road)

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: 1006.2

Project: Kennedy Boulevard (Forest City Road to Wymore Road)

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:

SIGNATURE LINE

PRINT/TYPE NAME: Kalen D. Mason

SIGNATURE LINE

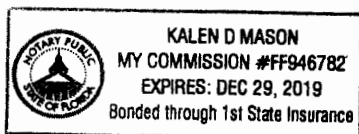
PRINT/TYPE NAME: Lindsay Oliver

(Two witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF SEMNOLE

The foregoing instrument was acknowledged before me this 3 day of August, 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.



By: [Signature]

Kris Tietig, Manager
Land Services – Florida Region

Date: 8/3/18

Approved By: Manny Vibart, Esq.
7/25/18

PRINT/TYPE NAME: Kalen D. Mason

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

My Commission Expires: 12/29/18

Serial No., if any: FF946782

Instrument: 1006.2

Project: Kennedy Boulevard (Forest City Road to Wymore Road)

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



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: P. J. Delchanda
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
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"

KENNEDY BOULEVARD
PARCEL No.: 1006

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING A PORTION OF KINGSTON COURT, A CONDOMINIUM, ACCORDING TO THE CONDOMINIUM EXHIBIT BOOK THEREOF, AS RECORDED IN CONDOMINIUM EXHIBIT BOOK 7, PAGE 136 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING A FOUND RAILROAD SPIKE WITH NO IDENTIFICATION; THENCE NORTH 89°48'40" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 34, A DISTANCE OF 2073.83 FEET TO A POINT; THENCE SOUTH 04°11'35" EAST, A DISTANCE OF 40.10 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF KENNEDY BOULEVARD PER ORANGE COUNTY ROAD PLAT BOOK 1, PAGES 88 THROUGH 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHEAST CORNER OF KINGSTON COURT, A CONDOMINIUM, ACCORDING TO THE CONDOMINIUM EXHIBIT BOOK THEREOF, AS RECORDED IN CONDOMINIUM EXHIBIT BOOK 7, PAGE 136 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 04°11'35" EAST ALONG THE EAST LINE OF SAID KINGSTON COURT, A CONDOMINIUM, A DISTANCE OF 13.03 FEET TO A POINT; THENCE SOUTH 89°48'40" WEST ALONG A LINE 13 FEET SOUTH OF AND PARALLEL TO SAID EXISTING SOUTHERLY RIGHT OF WAY LINE OF KENNEDY BOULEVARD, A DISTANCE OF 326.18 FEET TO A POINT; THENCE SOUTH 87°45'36" WEST, A DISTANCE OF 250.05 FEET TO A POINT ON THE WEST LINE OF SAID KINGSTON COURT, A CONDOMINIUM; THENCE NORTH 04°09'52" WEST ALONG SAID WEST LINE, A DISTANCE OF 22.00 FEET TO A POINT ON SAID EXISTING SOUTHERLY RIGHT OF WAY LINE OF KENNEDY BOULEVARD; THENCE NORTH 89°48'40" EAST ALONG SAID EXISTING SOUTHERLY RIGHT OF WAY LINE OF KENNEDY BOULEVARD, A DISTANCE OF 576.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,618 SQUARE FEET MORE OR LESS.

GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. A CERTIFICATE OF TITLE INFORMATION PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED FEBRUARY 11, 2016, FILE NUMBER 2037-3507003/16.00018, WAS REVIEWED BY THE SURVEYOR. EXCEPTIONS LISTED THEREIN (IF ANY) WHICH AFFECT THE PARCEL DESCRIBED HEREON, WHICH CAN BE DELINEATED OR NOTED, ARE SHOWN HEREON.
3. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST, HAVING A BEARING OF NORTH 89°48'40" EAST, AN ASSUMED DATUM.
4. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY.
5. THIS SKETCH MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
6. ALL RECORDING REFERENCES SHOWN ON THIS SKETCH REFER TO THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
7. THIS SKETCH IS NOT A SURVEY.

REVISIONS

1. REVISED SKETCH AND LEGAL DESCRIPTION 9/14/2016.

PAGE 1 OF 2

For: ORANGE COUNTY

Date: MARCH 2016

Project No.: 004-01

Drawn: PMM Chkd.: HPV

LEGAL DESCRIPTION
KENNEDY BOULEVARD



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

1340 SOUTH INTERNATIONAL PARKWAY

SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-6965 FAX: (407) 876-0041

Land Surveyor Registration License No. 6556

SKETCH OF DESCRIPTION
 NOT A BOUNDARY SURVEY
 KENNEDY BOULEVARD
 PARCEL No.: 1006

LEGEND

Chkd. = CHECKED
 ID = IDENTIFICATION
 NO. = NUMBER
 PL = PROPERTY LINE
 R/W = RIGHT OF WAY



SCALE: 1" = 100'

SEE SHEET 9 OF R/W MAP

POINT OF COMMENCEMENT

NW CORNER OF THE SW 1/4
 OF SECTION 34-21-29
 FOUND RAILROAD SPIKE NO ID

POINT OF BEGINNING

NE CORNER OF
 KINGSTON COURT,
 A CONDOMINIUM
 STATION 64+20.27,
 40.00' RIGHT

KENNEDY BOULEVARD
 (80' RIGHT OF WAY)

NORTH LINE OF THE SOUTHWEST 1/4
 OF SECTION 34, TOWNSHIP 21 SOUTH,
 RANGE 29 EAST & BASELINE OF SURVEY

(BASIS OF BEARINGS)

EXISTING SOUTHERLY
 RIGHT OF WAY LINE
 PER ORANGE COUNTY ROAD
 PLAT BOOK 1, PAGES 88-95

N89°48'40"E 2073.83'

N89°48'40"E 576.69'

S04°11'35"E
 40.10'

S87°45'36"W 250.05'

S89°48'40"W 326.18'

S04°11'35"E
 13.03'

N04°09'52"W
 22.00'

PROPOSED
 RIGHT OF WAY LINE

PARCEL 1006

RIGHT OF WAY
 AREA: 8,618
 SQUARE FEET ±

WEST LINE OF
 KINGSTON COURT,
 A CONDOMINIUM

KINGSTON COURT, A CONDOMINIUM
 CONDOMINIUM EXHIBIT BOOK 7, PAGE 136

EAST LINE OF
 KINGSTON COURT,
 A CONDOMINIUM

SECTION 34, TOWNSHIP 21 SOUTH, RANGE 29 EAST



For: ORANGE COUNTY

Date: MARCH 2016

Project No.: 004-01

Drawn: PMM Chkd.: HPV



GEODATA CONSULTANTS, INC.

SURVEYING & MAPPING

1340 SOUTH INTERNATIONAL PARKWAY
 SUITE 2401

LAKE MARY, FLORIDA 32746

VOICE: (407) 732-8865 FAX: (407) 878-0841

Land Surveyor Business License No. 8538

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEET THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 472-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

03/28/2016

H. Paul DeVivaro, Professional Land Surveyor No. 4990

DATE