

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 265

FROM:

Russell L. Corriveau, Assistant Manager 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: 163.2/963.2) 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:

Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)

District 4

PURPOSE:

To provide for access, construction, operation, and maintenance of road-

widening improvements.

ITEM:

Subordination of Utility Interests (Instrument 163.2/963.2)

BUDGET:

Account No.: 1033-072-3037-6110

FUNDS:

\$69.50 Payable to Orange County Comptroller

(recording fees)

Real Estate Management Division Agenda Item 2 August 30, 2018 Page 2

APPROVALS:

Real Estate Management Division

Public Works Department

REMARKS:

This action will subordinate Duke Energy's interest in their existing easement encumbering Parcels 163/963 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: August 29, 2018	Amount: \$69.50			
Project: Taft-Vineland Road (OBT to Orange Avenue) Charge to Account #1033-072-3037-8110 A 8/31/18	Parcels: 163/963 Same Same Same Same Same Same Same Same			
	Floori Assessed			
TYPE TRANSACTION (Check appropriate block(s))	Fiscal Approval /Date /			
XPre-CondemnationPost-Condemnation	District #4			
Acquisition at Approved Appraisal Acquisition at Below Approved Appraisal Acquisition at Above Approved Appraisal Advance Payment Requested	Orange County Comptroller \$69.50 (Recording Fee)			
DOCUMENTATION ATTACHED (Check appropriate block(s))				
X Subordination of Encumbrance Copy of Executed Instruments Certificate of Value Settlement Analysis				
Payable to: Orange County Comptroller \$69.50, (Recording Fee)				
CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MANAGEMENT DIVISION (DO NOT MAIL)				
Recommended by Russell L Corriveau, Assistant Manager, Real	Estate Mgmt. Date 8/29/18 Part Division			
Payment Approved Paul Sladek, Manager, Real Estate Managem	ent Division Date			
Certified	Date			
Examined/Approved Comptroller/Government Grants	Check No. / Date			

REMARKS:

Please do not mail the check. The check will be picked up as soon as it is ready. Please Contact Russ Corriveau, Assistant Manager @ 407-836-7074 if there are any questions.

REQUEST FOR FUNDS FOR LAND ACQUISITION

_X Under BCC Approval	Under Ordinance Approval	
Date: August 29, 2018	Amount: \$69.50	
Project: Taft-Vineland Road (OBT to Orange Avenue)	Parcels: 163/963	
Charge to Account #1033-072-3037-6110		
	Controlling Agency Approval	Date
	Fiscal Approval	Date
TYPE TRANSACTION (Check appropriate block{s})X Pre-Condemnation Post-Condemnation	District #4	
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))		
X Subordination of Encumbrance Copy of Executed Instruments Certificate of Value Settlement Analysis		
Payable to: Orange County Comptroller \$69.50, (Recording Fee)		
CHECKS ARE TO BE PICKED UP BY THE REAL ESTATE MAN	IAGEMENT DIVISION (DO NO	PT MAIL)
Recommended by Russell L Corriveau, Assistant Manager, Real		/29/18
Payment Approved Paul Sladek, Manager, Real Estate Manager		19/18
Certified Craig (). Story Approved by BCC for Deputy Clerk to the Board	SE Date	P 1 8 2018
Examined/Approved		
Comptroller/Government Grants	Check I	No. / Date

REMARKS:

Please do not mail the check. The check will be picked up as soon as it is ready. Please Contact Russ Corriveau, Assistant Manager @ 407-836-7074 if there are any questions.

APPROVED

BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

SEP 1 8 2018

Project: Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)

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: Emro Marketing Company filed September 27, 1988

Recorded in Official Records Book 4017, Page 1872

Public Records of Orange County, Florida

Project: Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)

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.

Project: Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)

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 Kris Tietig, Manager the presence of: Land Services - Florida Region CRAWFORD & OWEN, P.J. Date: 8-3-2018 ATURE LINE PRINT/TYPE NAME: (Two witnesses required by Florida law) STATE OF FLORIDA COUNTY OF SEMINOLE The foregoing instrument was acknowledged before me this day of August 2018, by Kris Tietig, Manager of Land Services - Florida Region for Duke Energy Florida, L&C, 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. PRINT/TYPE NAME: Kalen D. Musch KALEN D MASON Notary Public in and for the MY COMMISSION #FF946782 County and State last aforesaid. EXPIRES: DEC 29, 2019 Bonded through 1st State Insurance My Commission Expires: Serial No., if any:_

Project: Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)

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

ORANGE COUNTY, FLORIDA By: Board of County Commissioners

: Mil Oalsha

Orange County Mayor

Date: 9.18.18

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

By: NWW JYW Denuty 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

S:\Forms & Master Docs\Project Document Files\Taft-Vineland Road (Orange Blossom Trail to Orange Avenue)\163.2-963.2 SUB 3/27/03pb rev. 5/1/18jls

LEGAL DESCRIPTION

PARCEL: 163 SCHEDULE "A"

TAFT-VINELAND ROAD

THIS IS NOT A BOUNDARY SURVEY

DESCRIPTION:

A PORTION OF LOT 124, BLOCK G, PROSPER COLONY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK D, PAGE 101, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING DESCRIBED IN OFFICIAL RECORDS BOOK 7802, PAGE 4516, SAID PUBLIC RECORDS, SITUATE IN SECTION 3, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, SAID CORNER BEING MARKED WITH A 6"x6" CONCRETE MONUMENT WITH A BRASS DISK AND NO IDENTIFICATION; THENCE RUN S89'43'19"W, ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1097.48 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4001, PAGE 4503, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH LINE, RUN NOO'01'27"E, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF TAFT-VINELAND ROAD AS SHOWN THE PLAT TAFT-VINELAND ROAD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGES 141-144, SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE RUN \$89'43'19"W, ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 120.74 FEET TO A POINT ON THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4001, PAGE 4503 AND THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 500 (SOUTH ORANGE BLOSSOM TRAIL) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 500 SECTION 75010-2542, DATED 03/01; THENCE DEPARTING SAID EXISTING NORTH RIGHT-OF-WAY LINE, RUN N58'47'39"W, ALONG THE WEST LINE OF SAID LANDS AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 36.81 FEET; THENCE CONTINUE ALONG SAID WEST LINE OF SAID LANDS AND SAID EAST RIGHT-OF-WAY LINE, RUN N20°54'34"W, A DISTANCE OF 43.56 FEET; THENCE RUN NOO°01'43"W, A DISTANCE OF 55.80 FEET; THENCE DEPARTING SAID LINE, RUN \$39°08'14"E, A DISTANCE OF 68.26 FEET; THENCE RUN S83°56'10"E, A DISTANCE OF 38.46 FEET; THENCE RUN N90°00'00"E, A DISTANCE OF 86.49 FEET TO A POINT ON AFORESAID EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4001, PAGE 4503; THENCE RUN SOO'01'27"W, ALONG SAID EAST LINE, A DISTANCE OF 57.97 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 10,269 SQUARE FEET OR 0.236 ACRES, MORE OR LESS:

NOTES:

- BEARINGS SHOWN HEREON WERE DERIVED FROM THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 29 EAST, BEING S89'43'19"W.
- REFERENCE TAFT-VINELAND ROAD RIGHT-OF-WAY MAP, ORANGE COUNTY C.I.P. NO. 3037 BY BOWYER-SINGLETON & ASSOCIATES, DATED 03/26/10.

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION & LEGEND.

DATE: 09/21/12 DESIGNED BY: Dewberry REV.: 01/20/16 WRITTEN BY: LAT DRAWN BY: REV.: LAT 520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 PHONE: 321.354,9826 FAX: 407.648.9104 CHECKED BY: REV.: WEB CERTIFICATION OF AUTHORIZATION CERTIFICATE OF AUTHORIZATION NO. LB 8011 NUMBER LB 1221

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

WILLIAM D. DONLEY
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER: 5381
520 SOUTH MACHOLIA

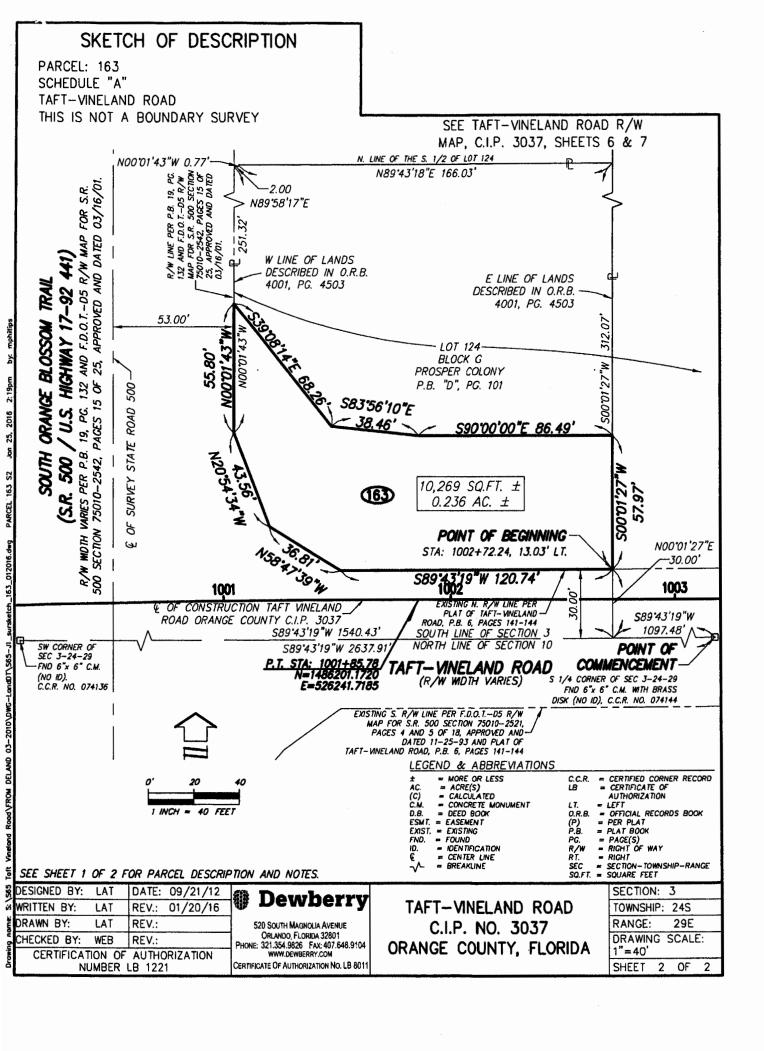
ORLANDO, FLORIDA 32801

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TAFT-VINELAND ROAD C.I.P. NO. 3037 ORANGE COUNTY, FLORIDA

AND MAFFER.				
	SECTION: 3			
	TOWNSHIP: 24S			
	RANGE: 29E			
	DRAWING SCALE:			
	N/A			
	SHEET 1 OF 2			

01/25/16



LEGAL DESCRIPTION

PARCEL: 963 SCHEDULE "A"

TAFT-VINELAND ROAD

THIS IS NOT A BOUNDARY SURVEY

DESCRIPTION:

A PORTION OF LOT 124, BLOCK G, PROSPER COLONY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK D, PAGE 101, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING DESCRIBED IN OFFICIAL RECORDS BOOK 4001, PAGE 4503, SAID PUBLIC RECORDS, SITUATE IN SECTION 3, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, SAID CORNER BEING MARKED WITH A 6"x6" CONCRETE MONUMENT WITH A BRASS DISK AND NO IDENTIFICATION; THENCE RUN S89'43'19"W, ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1097.48 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4001, PAGE 4503, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH LINE, RUN NOO'01'27"E, ALONG SAID SOUTHERLY EXTENSION AND SAID EAST LINE, A DISTANCE OF 87.97 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE, RUN N90°00'00"W, A DISTANCE OF 86.49 FEET; THENCE N83°56'10"W, A DISTANCE OF 38.46 FEET; THENCE RUN N39°08'14"W, A DISTANCE OF 68.26 FEET TO A POINT ON THE WEST LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4001, PAGE 4503, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 500 (SOUTH ORANGE BLOSSOM TRAIL) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 500 SECTION 75010-2542, DATED 03/01; THENCE RUN NOO'01'43"W, ALONG THE WEST LINE OF SAID LANDS AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 195.52 FEET; THENCE CONTINUE ALONG SAID WEST LINE OF SAID LANDS AND SAID EAST RIGHT—OF—WAY LINE, RUN N89°58'17"E, A DISTANCE OF 2.00 FEET; THENCE RUN NOO'01'43"W, A DISTANCE OF 0.77 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF LOT 124, SAID BLOCK G, PROSPER COLONY; THENCE RUN N89'43'18"E, ALONG SAID NORTH LINE, A DISTANCE OF 166.03 FEET TO A POINT ON AFORESAID EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4001, PAGE 4503; THENCE RUN S00°01'27"W, ALONG SAID EAST LINE, A DISTANCE OF 254.10 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 41,203 SQUARE FEET OR 0.946 ACRES, MORE OR LESS.

NOTES:

03-2010\DWG-LandDT\S65-J1_sursketch.

- BEARINGS SHOWN HEREON WERE DERIVED FROM THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 24 SOUTH, RANGE 29 EAST, BEING S89'43'19"W.
- REFERENCE TAFT-VINELAND ROAD RIGHT-OF-WAY MAP, ORANGE COUNTY C.I.P. NO. 3037 BY BOWYER-SINGLETON & ASSOCIATES, DATED 03/26/10.

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

WILLIAM D. DONLEY
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER 5381

520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION & LEGEND.

DESIGNED BY: LAT DATE: 09/26/12
WRITTEN BY: LAT REV.: 01/20/16
DRAWN BY: LAT REV.:
CHECKED BY: WEB REV.:
CERTIFICATION OF AUTHORIZATION
NUMBER LB 1221

Dewberry

520 SOUTH MAGNOLIA AVENUE ORLANDO, FLORIDA 32801 PHONE: 321.354.9826 FAX: 407.648.9104 WWW.DEWBERRY.COM CERTIFICATE OF AUTHORIZATION NO. LB 8011 TAFT-VINELAND ROAD C.I.P. NO. 3037 ORANGE COUNTY, FLORIDA

SECTION: 3	
TOWNSHIP: 24S	
RANGE: 29E	
DRAWING SCALE:	
N/A	
SHEET 1 OF 2	

01/25/16

