



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 6

**DATE:** October 2, 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 *RHB for*  
Real Estate Management Division *RH*

**CONTACT PERSON:** Paul Sladek, Manager

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

**ACTION REQUESTED:** APPROVAL AND EXECUTION OF SUBORDINATION OF UTILITY INTERESTS (INSTRUMENT 1017.4/1017A.4) FROM DUKE ENERGY FLORIDA, LLC, D/B/A DUKE ENERGY, F/K/A FLORIDA POWER CORPORATION, D/B/A PROGRESS ENERGY FLORIDA, INC., TO ORANGE COUNTY AND AUTHORIZATION TO DISBURSE FUNDS TO PAY RECORDING FEES AND RECORD INSTRUMENT

**PROJECT:** All American Boulevard (Forest City Road to Clarcona-Ocoee Road)  
  
District 2

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

**ITEM:** Subordination of Utility Interests (Instrument 1017.4/1017A.4)

**BUDGET:** Account No.: 1003-072-3097-6110

**FUNDS:** \$87.50 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 Parcels 1017 and 1017A of Orange County's All American 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: October 2, 2018

Amount: \$87.50 Fr 18/19

Project: All American Boulevard (Forest City Road to Clarcona-Ocoee Road) Parcels: 1017/1017A

Charge to Account # 1003-072-3097-6110 OK 10/3/18

Controlling Agency Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block{s})

X Pre-Condernation Post-Condernation

N/A District # 2

- 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 \$87.50

Total \$87.50

Payable to: Orange County Comptroller (\$87.50)

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

Recommended by Robert Halecky  
Robert Halecky, Acquisition Agent

10/2/18  
Date

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

10/2/18  
Date

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

Date

Certified Heather Perry  
Approved by BCC for Deputy Clerk to the Board

OCT 30 2018  
Date

Examined/Approved Comptroller/Government Grants

Check No. / Date

## REMARKS:

Anticipated Closing Date: As soon as check is available.

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

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
OCT 30 2018

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

OCT 30 2018

Instrument: 1017.4/1017A.4  
Project: All American Boulevard  
(Forest City Road to Clarcona-Ocoee 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 FLORIDA POWER CORPORATION, a Florida corporation d/b/a PROGRESS ENERGY FLORIDA, INC., 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  
FROM: Moore-Simmons Partnership  
Distribution Easement filed June 20, 1989  
Recorded in Official Records Book 4090, Page 2212  
Public Records of Orange County, Florida

Instrument: 1017.4/1017A.4  
Project: All American Boulevard  
(Forest City Road to Clarcona-Ocoee 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: 1017.4/1017A.4  
Project: All American Boulevard  
(Forest City Road to Clarcona-Ocoee 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.

ATTEST: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_  
ITS \_\_\_\_\_

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

Signed, sealed and delivered in the presence of: Two witnesses required by Florida Law

SIGNATURE LINE  
PRINT/TYPE NAME: Kalen D. Mason

SIGNATURE LINE  
PRINT/TYPE NAME: Lindsey Oliver

By: [Signature]

Its: Manager, Land Services

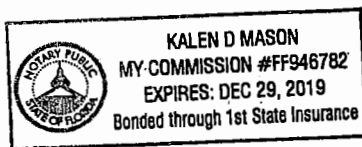
Date: 8/3/18

Approved By: Mary Vilek, Esq.  
7/25/18

STATE OF FLORIDA

COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 3 day of August, 2018, by Kris Tiethe, as Manager, Land Services of 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, on behalf of the corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

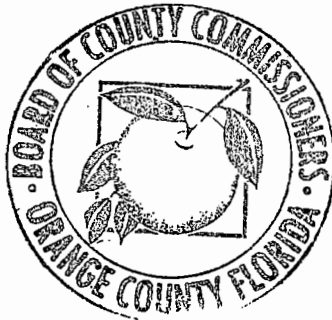


[Signature]  
PRINT/TYPE NAME: Kalen D. Mason

Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: 12/29/18  
Serial No., if any: FF 946782

Instrument: 1017.4/1017A.4  
Project: All American Boulevard  
(Forest City Road to Clarcona-Ocoee 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: *Teresa Jacobs*  
Teresa Jacobs,  
Orange County Mayor

Date: *10.30.18*

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

By: *Katie Smith*  
Deputy Clerk  
**OCT 30 2018**

Date: \_\_\_\_\_

**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 Number: 1017

## Description:

A part of Lot 3, Middleton Park as shown on the plat thereof as recorded in Plat Book 23, Page 50 of the Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Northeast corner of Lot 3, Middleton Park as shown on the plat thereof as recorded in Plat Book 23, Page 50 of the Public Records of Orange County, Florida, thence run South 00 degrees 06' 32" East along the East line of said Lot 3 a distance of 20.50 feet; thence leaving said East line run North 89 degrees 31' 22" West a distance of 34.08 feet; to the beginning of a nontangent curve concave to the Southeasterly and having a radius of 4543.67 feet; thence run Southwesterly 148.36 feet along the arc of said curve through a central angle of 01 degrees 52' 15", the chord of said curve bears South 57 degrees 28' 22" West to the end of said curve; thence run South 56 degrees 13' 20" West a distance of 78.93 feet to the West line of aforesaid Lot 3; thence run North 00 degrees 06' 32" West along said West line a distance of 72.13 feet to the intersection with the centerline of construction of All American Boulevard; thence continue North 00 degrees 06' 32" West along said West line of Lot 3 a distance of 72.03 feet to the Northwest corner of said Lot 3, Middleton Park; thence run South 89 degrees 55' 42" East along the North line of said Lot 3 a distance of 110.24 feet to the intersection with the centerline of construction of All American Boulevard; thence continue South 89 degrees 55' 42" East along the North line of said Lot 3 a distance of 114.76 feet to the POINT OF BEGINNING.

Containing 16,202 square feet, (0.3720 acres) more or less.


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

THIS IS NOT A SURVEY

COUNTY PROJECT NO. Y9-807-B1

ROAD NAME: ALL AMERICAN BLVD.

*Daniel A. Groves*  
DANIEL A. GROVES, FLORIDA PROFESSIONAL SURVEYOR  
AND MAPPER NO. 4625  
METRIC ENGINEERING, INC. L.B. NO. 2294

	METRIC ENGINEERING, INC. ENGINEERS - PLANNERS - SURVEYORS 2289 LEE ROAD SUITE 200, WINTER PARK, FLORIDA 32789 PHONE (407) 644-1898 FAX (407) 644-1921		SECTION 33 TOWNSHIP 21 SOUTH RANGE 29 EAST
	DRAWN BY: D.GROVES DRAWING DATE: JAN. 21, 2009	CHECKED BY: D.GROVES DATE: JULY 29, 2009	PARCEL NO. 1017

JUL 03 2012

PROJECT NO. 4-1689 DRAWING: 1017 SHT 1 DWO



COUNTY PROJECT NO. Y9--807--B1			SECTION 33 TOWNSHIP 21 SOUTH RANGE 29 EAST
ROAD NAME: ALL AMERICAN BLVD.			
METRIC ENGINEERING, INC. ENGINEERS -- PLANNERS -- SURVEYORS 615 CRESCENT EXECUTIVE CT. SUITE 524, LAKE MARY, FLORIDA 32746 PHONE (407) 644-1898 FAX (407) 644-1921			
DRAWN BY: D.GROVES	CHECKED BY: D.GROVES	PARCEL NO.	
DATE: JAN. 21, 2009	DATE: JULY 29, 2009	1017	SCALE 1" = 100'
DATE REVISIONS BY			SHEET 2 OF 3

ROAD NAME: ALL AMERICAN BLVD.



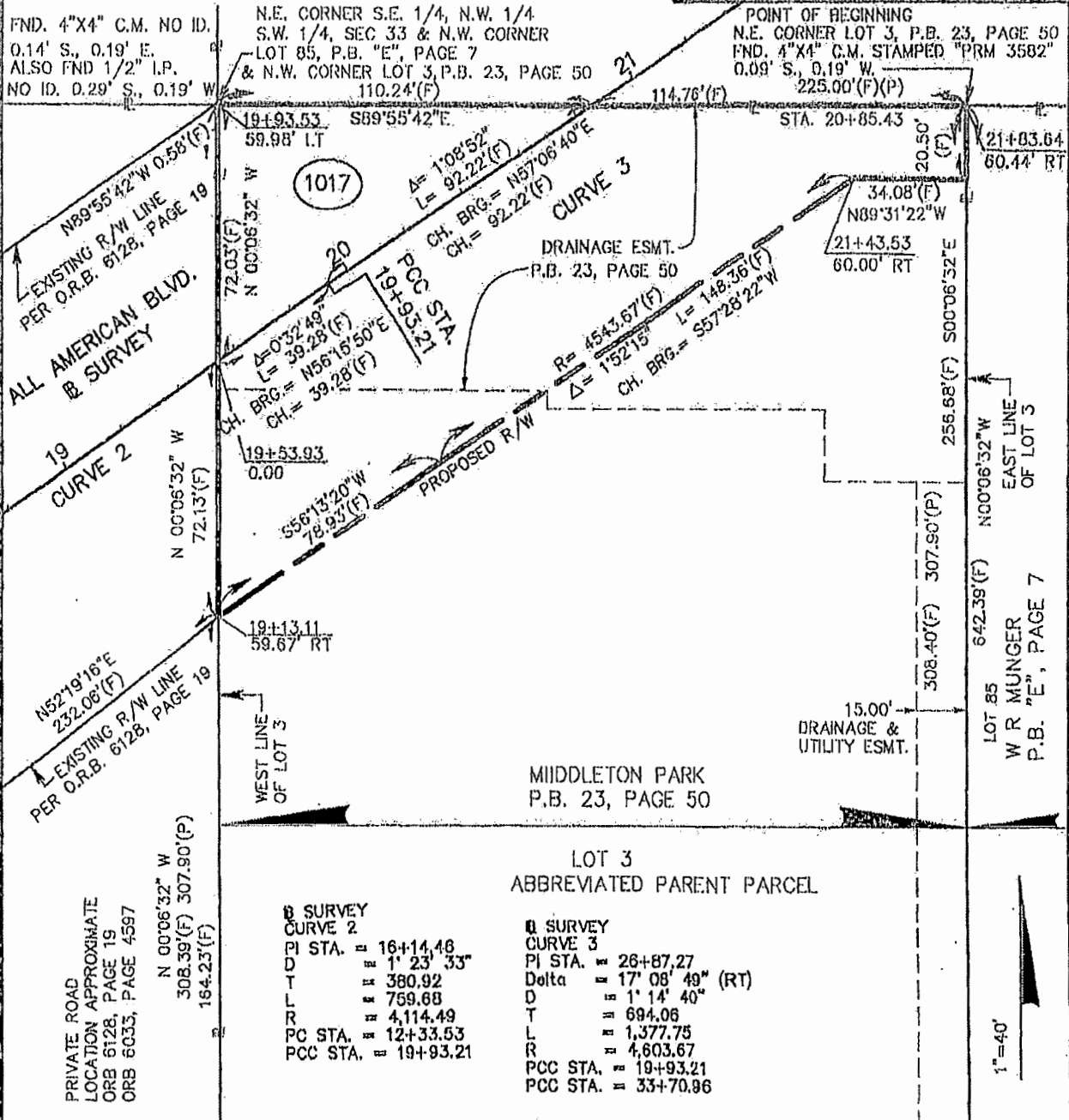
**METRIC ENGINEERING, INC.**  
ENGINEERS -- PLANNERS -- SURVEYORS  
815 CRESCENT EXECUTIVE CT. SUITE 524,  
LAKE MARY, FLORIDA 32748  
PHONE (407) 644-1898 FAX (407) 644-1921

SECTION 33  
TOWNSHIP 21 SOUTH  
RANGE 29 EAST

SHEET 2 OF 3

PROJECT NO. 41689 DRAWING: LEGAL 1017 SHEET: DWG

# PARCEL 1017



LEGEND				SKETCH OF DESCRIPTION	
AC.	ACRE	P.I.	POINT OF INTERSECTION	THIS IS NOT A SURVEY	
CH.	CHORD DISTANCE	P.T.	POINT OF TANGENCY		
(D)	DEED	R	RADIUS	SECTION 33 TOWNSHIP 21 SOUTH RANGE 29 EAST	
FD.	FOUND	RGE.	RANGE		
(F)	FIELD MEASURE	RT	RIGHT	SCALE 1" = 40'	
L	ARC LENGTH	R/W	RIGHT OF WAY		
LT	LEFT	S.F.	SQUARE FEET	SHEET 3 OF 3	
O.R.B.	OFFICIAL RECORDS BOOK	T	TANGENT LENGTH		
P.B.	PLAT BOOK	TWP.	TOWNSHIP	DATE REVISIONS BY	
P.C.	POINT OF CURVATURE				

# SCHEDULE "A"

Parcel Number: 1017A

## Description:

A part of Lot 1, Middleton Park as shown on the plat thereof as recorded in Plat Book 23, Page 50 of the Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Lot 1, Middleton Park as shown on the plat thereof as recorded in Plat Book 23, Page 50 of the Public Records of Orange County, Florida, thence run North 00 degrees 06' 32" West along the West line of said Lot 1 a distance of 16.18 feet; thence leaving said West line run South 73 degrees 26' 32" East a distance of 21.54 feet; thence run South 57 degrees 22' 19" East a distance of 55.96 feet to the Northerly right of way line of Edgewater Drive; thence run North 73 degrees 26' 56" West along said Northerly right of way line a distance of 70.68 feet to the POINT OF BEGINNING.

Containing 715 square feet, more or less.

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

THIS IS NOT A SURVEY

COUNTY PROJECT NO. Y9-807-B1

ROAD NAME: ALL AMERICAN BLVD.

*Daniel A. Groves*

DANIEL A. GROVES, FLORIDA PROFESSIONAL SURVEYOR  
AND MAPPER NO. 4625  
METRIC ENGINEERING, INC. L.B. NO. 2294



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

DRAWN BY: D.GROVES  
DRAWING

DATE: JAN. 21, 2009

CHECKED BY: D.GROVES

DATE: JULY 28, 2009

PARCEL NO.

1017A

DATE REVISIONS BY

SECTION 33  
TOWNSHIP 21 SOUTH  
RANGE 29 EAST

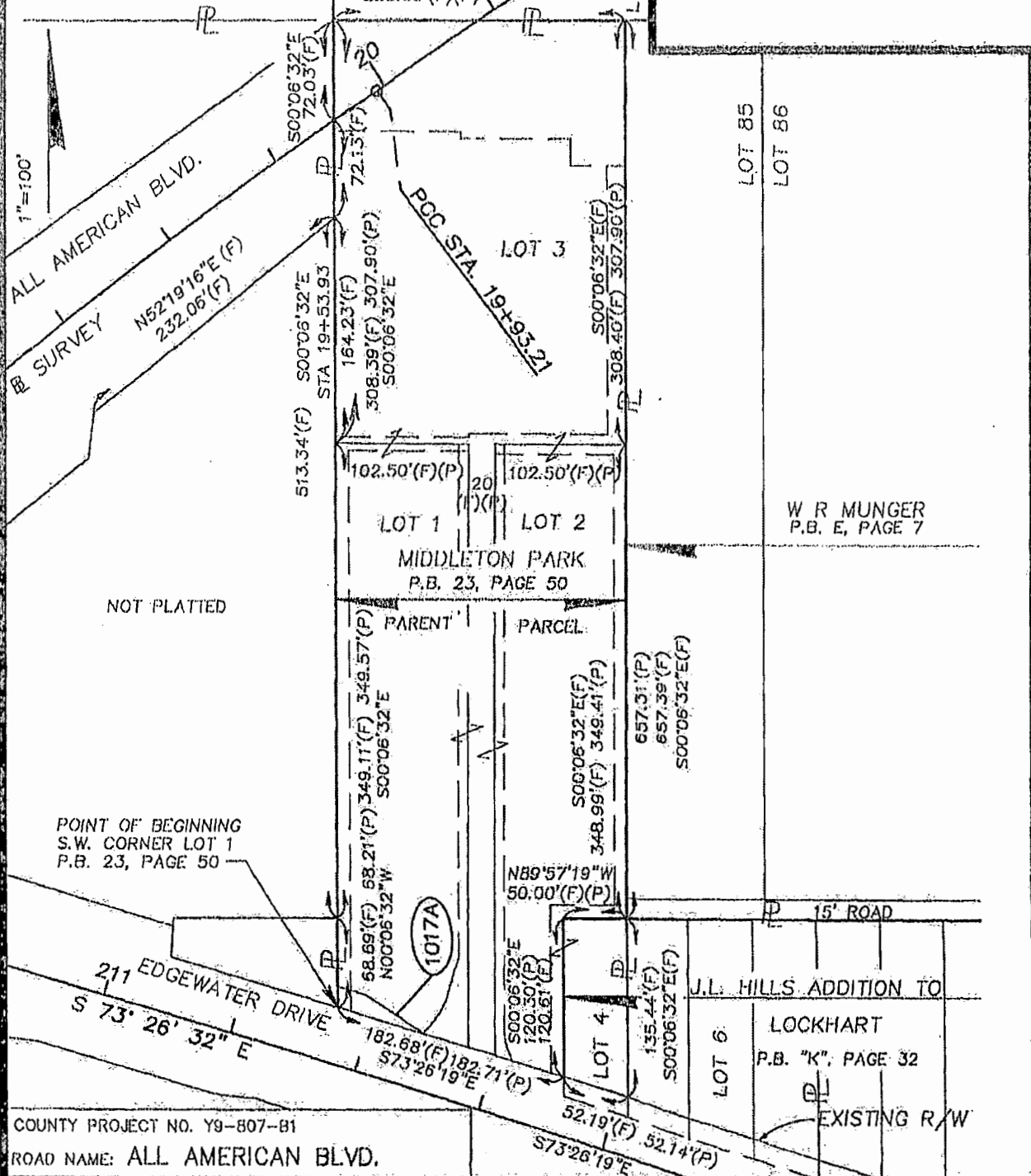
SCALE none

SHEET 1 OF 3

JUL 03 2012

PROJECT NO 41689 DRAWING NO 1017 SUT DMC

PARCEL 1017A  
SKETCH OF DESCRIPTION  
THIS IS NOT A SURVEY



COUNTY PROJECT NO. Y9-807-B1

ROAD NAME: ALL AMERICAN BLVD.



**METRIC ENGINEERING, INC.**  
ENGINEERS - PLANNERS - SURVEYORS  
815 CRESCENT EXECUTIVE CT. SUITE 524,  
LAKE MARY, FLORIDA 32748  
PHONE (407) 844-1898 FAX (407) 844-1921

SECTION 33  
TOWNSHIP 21 SOUTH  
RANGE 29 EAST

DRAWN BY: D.GROVES  
DRAWING

CHECKED BY: D.GROVES  
DATE: JULY 28, 2009

PARCEL NO.  
1017A

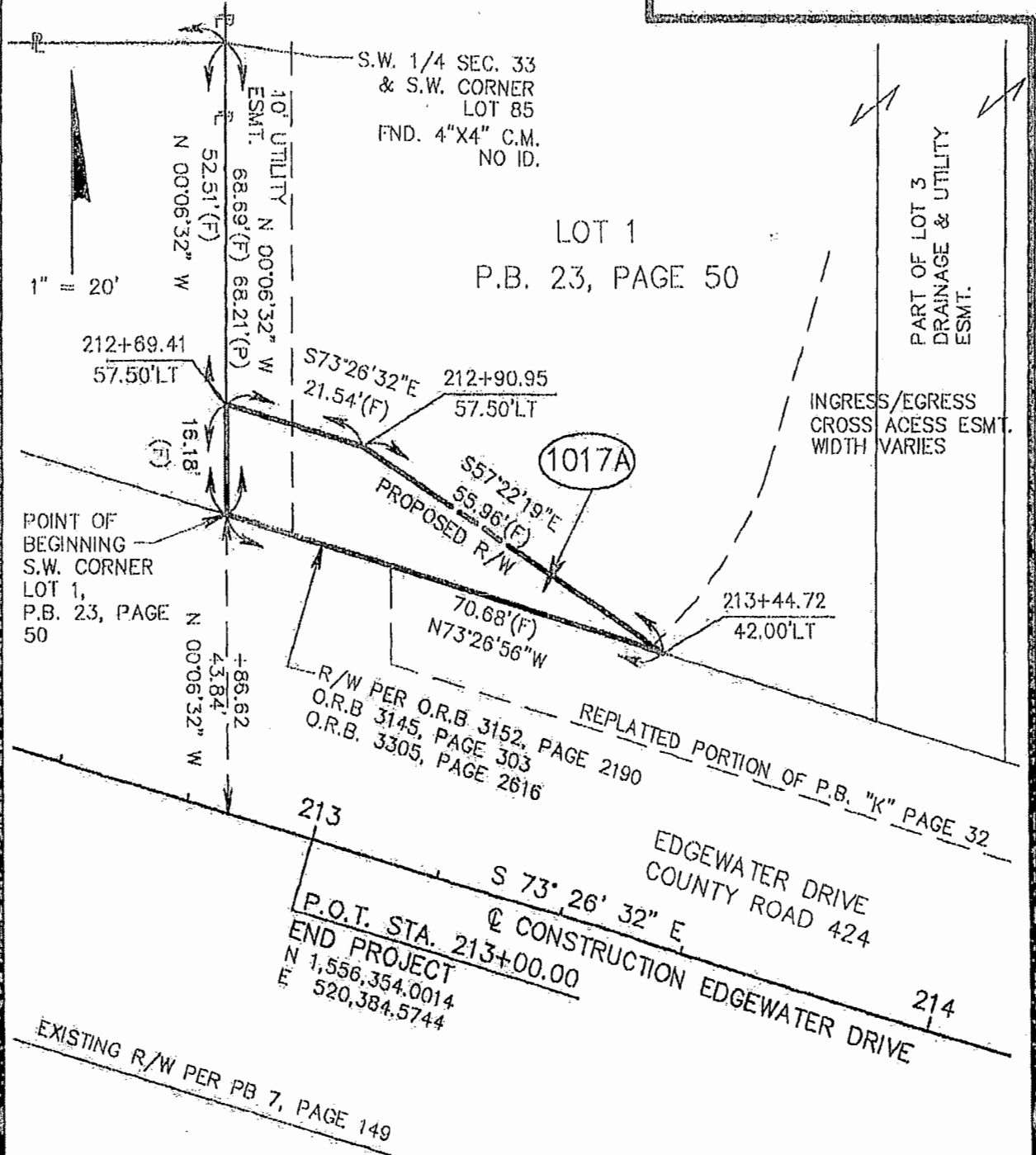
DATE REVISIONS BY

SCALE 1" = 100'

SHEET 2 OF 3

PROJECT NO. 41689 DRAWING: LEGAL 1017A SHEET 2 OF 3

PARCEL 1017A  
 SKETCH OF DESCRIPTION  
 THIS IS NOT A SURVEY



LEGEND		(F)	FIELD MEASURE	P.C.C.	POINT OF COMPOUND CURVATURE	T	TANGENT LENGTH
AC.	ACRE	ID.	IDENTIFICATION	P.I.	POINT OF INTERSECTION	TWP.	TOWNSHIP
BL.	BASELINE	L	ARC LENGTH	R	RADIUS	S.F.	SQUARE FEET
CH.	CHORD DISTANCE	LT	LEFT	RGE.	RANGE	STA.	STATION
C.M.	CONCRETE MONUMENT	N&D	NAIL AND DISK	RT	RIGHT		
(D)	DEED	O.R.B.	OFFICIAL RECORDS BOOK	R/W	RIGHT OF WAY		
END.	FOUND	(P)	PLAT				
		P.B.	PLAT BOOK				