



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 2

DATE: October 25, 2018

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

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

FROM: Elizabeth Price Jackson, Senior Title Examiner *EB for BJ*
Real Estate Management Division

CONTACT PERSON: **Paul Sladek, Manager**

DIVISION: **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: East Orange Multipurpose Fields

District 5

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: 2,781 square feet

APPROVALS: Real Estate Management Division
Capital Projects Division
Parks and Recreation Division

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 the East Orange Multipurpose Fields. This Distribution Easement supersedes and replaces the one approved by the Board of County Commissioners on December 16, 2014, that was not recorded. The easement previously approved did not define a specific easement area, but was an easement over the entire parent tract pending installation of the utilities to determine the specific area needed. This replacement Distribution Easement specifically defines the easement area and will be recorded by Grantee.

Grantee to pay all recording fees.

NOV 13 2018

Project: East Orange Multipurpose Fields



SEC: 32	TWP: 22S	RGE: 33E	COUNTY: ORANGE	PROJECT: 785678
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 22023 E. Colonial Drive, Christmas, FL 32709				
TAX PARCEL NUMBER: 29-22-33-0000-00-002				

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 Exhibit "A", Sketch of Description, as prepared by Robert M. Jones, PSM of Wood Environment & Infrastructure Solutions, Inc., dated 9/28/2018, Job No.: 6374181125, 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.

Project: East Orange Multipurpose Fields

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 written below.



Orange County, Florida
By: Board of County Commissioners

BY: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

DATE: 11.13.18

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: 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 EASEMENT

Description

A portion of Section 32, Township 22 South, Range 33 East, Orange County, Florida more particularly described as follows:

Commence at the Northwest corner of said Section 32 and run S00°12'46"E along the West line of the Northwest 1/4 of said Section 32, a distance of 1319.93 feet to a point of Intersection of the North right-of-way line of State Road No. 50, also known as East Colonial Drive; thence along said North right-of-way line N89°51'14"E, a distance of 155.36 feet to a point of curvature with a radius of 11603.21 feet, concave to the south; thence easterly along said curve and right-of-way line to the right through a central angle of 6°14'38", a distance of 1264.49 feet where the chord bears S87°01'27"E a distance of 1263.87 feet to the **POINT OF BEGINNING** of the herein described parcel; thence departing said North right-of-way line N02°58'09"E, a distance of 41.73 feet; thence N18°33'11"W, a distance of 10.78 feet; thence N27°44'00"W, a distance of 12.12 feet; thence N32°25'40"W, a distance of 27.90 feet; thence N37°27'51"W, a distance of 145.65 feet; thence N09°07'49"W, a distance of 6.71 feet; thence S85°51'43"W, a distance of 13.70 feet; thence N03°26'51"W, a distance of 15.07 feet; thence N86°46'46"E, a distance of 16.22 feet; thence S03°31'04"E, a distance of 2.53 feet; thence S83°44'17"E, a distance of 6.50 feet; thence S09°07'49"E, a distance of 14.46 feet; thence S37°27'51"E, a distance of 143.57 feet; thence S32°25'40"E, a distance of 28.75 feet; thence S27°44'00"E, a distance of 13.33 feet; thence S18°33'11"E, a distance of 13.49 feet; thence S02°58'09"W, a distance of 44.18 feet to a point on said North right-of-way line of State Road No. 50, also known as East Colonial Drive, said point lying on a curve with a radius of 11603.21 feet, concave to the south; thence westerly along said curve and right-of-way line to the left through a central angle of 0°02'58", a distance of 10.02 feet where the chord bears N83°52'38"W a distance of 10.02 feet to the **POINT OF BEGINNING**.

Containing 0.064 acres or 2781 square feet, more or less.

Surveyor's Notes:

- 1) This Sketch of Description is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 2) Lands shown hereon were not abstracted by this firm for matters of record, such as easements, right of way, ownership or other instruments of record. Non-surveyed lines, references to ownership, parcel identification numbers, and instruments of record shown hereon are based upon information provided by the Orange County Property Appraiser's Office.
- 3) Bearings hereon are relative to an assumed datum, with the west line of the NW 1/4 of Section 32 Township 22 South, Range 33 East being: S00° 12' 46"E
- 4) This Sketch of Description was prepared exclusively for Orange County, in accordance with the applicable standards of practice of surveys as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida State Statutes.

4201
STATE OF
FLORIDA
ROBERT M. JONES
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE No. LS 4201

THIS IS NOT A SURVEY

PROJECT TITLE:
Sketch of Description
Duke Energy East Orange Multipurpose Fields Utility Easement
Section 32, Township 22 South, Range 33 East, Orange County, Florida

Wood Environment & Infrastructure Solutions, Inc.

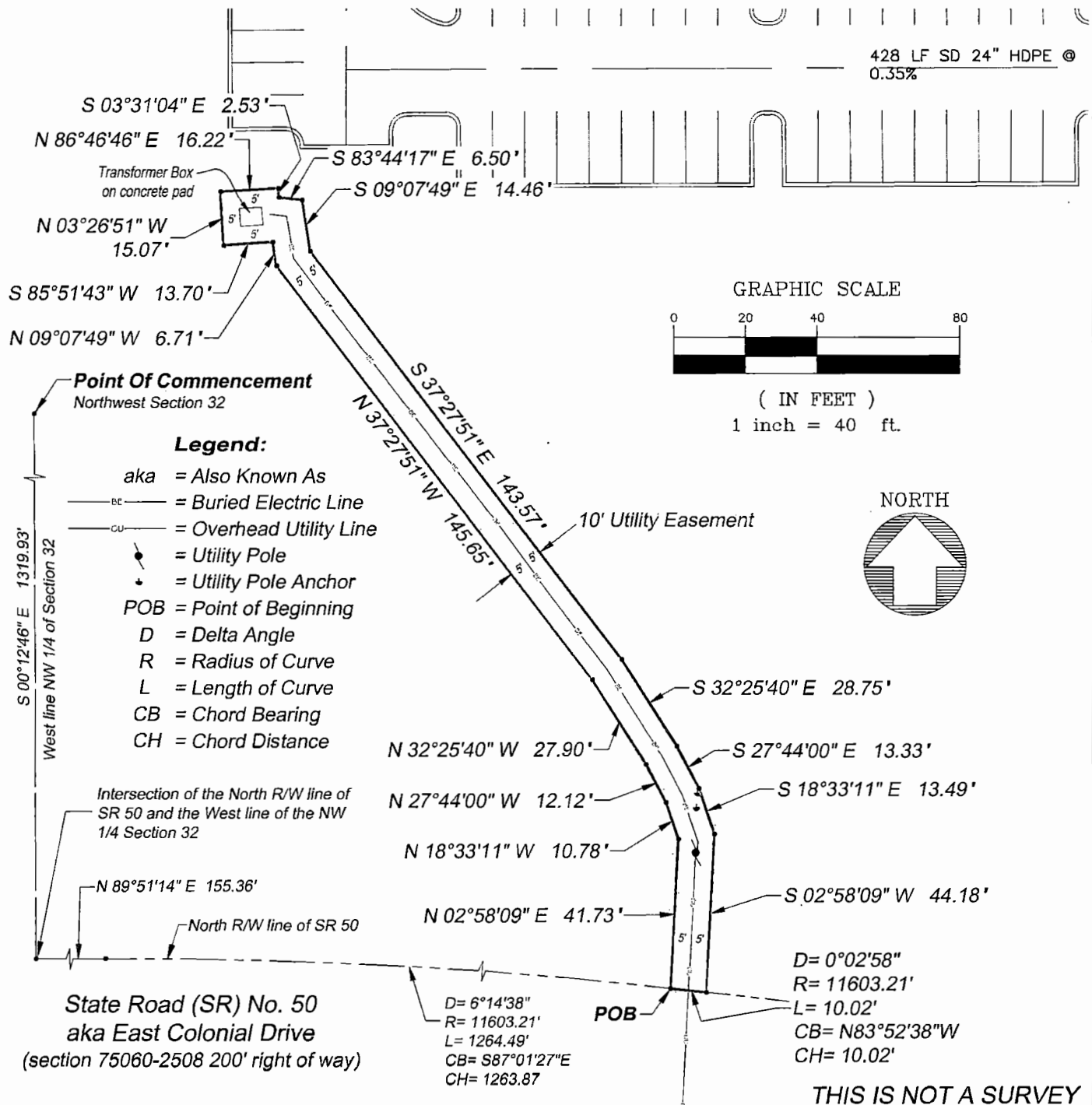
wood.

550 Northlake Blvd., Suite 1000
Altamonte Springs, FL 32701 USA
Phone: (407) 522-7570
Fax: (407) 522-7576

Certificate of Authorization Number LB-0007932

10/5/2018	TW	Revised Point of Commencement
DATE	BY	DESCRIPTION
REVISION		
DRAWN BY: TW	CHKD. BY: RMJ	
DATE: 09/28/2018	DATE: 09/28/2018	
JOB No. 6374181125	SCALE: N/A	SHT. 1 OF 2
DRAWING NAME: 6374181125 - OCCP East O, Park Duke Esmt.dwg		

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



PROJECT TITLE:
 Sketch of Description
 Duke Energy East Orange Multipurpose Fields Utility Easement
 Section 32, Township 22 South, Range 33 East, Orange County, Florida

Wood Environment & Infrastructure Solutions, Inc.

550 Northlake Blvd., Suite 1000
 Altamonte Springs, FL 32701 USA
 Phone: (407) 522-7570
 Fax: (407) 522-7576

wood.

Certificate of Authorization Number LB-0607932

10/5/2018	TW	Revised Point of Commencement	
DATE	BY	DESCRIPTION	
REVISION			
DRAWN BY: TW		CHKD. BY: RMJ	
DATE: 09/28/2018		DATE: 09/28/2018	
JOB No. 6374181125	SCALE: 1" = 40'	SHT. 2 OF 2	
DRAWING NAME: 6374181125 - OCCP East O. Park Duke Esmt.dwg			