



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

**DATE:** November 12, 2018

**TO:** Mayor Jerry L. Demings  
and the  
Board of County Commissioners

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

**FROM:** Erica Guidroz, Acquisition Agent *EG*  
Real Estate Management Division

**CONTACT PERSON:** Paul Sladek, Manager

**DIVISION:** Real Estate Management  
Phone: (407) 836-7036

**ACTION REQUESTED:** APPROVAL AND EXECUTION OF SUBORDINATION OF UTILITY INTERESTS (INSTRUMENT 1137.2) FROM DUKE ENERGY FLORIDA, LLC D/B/A DUKE ENERGY, F/K/A DUKE ENERGY FLORIDA, INC. 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:** East-West Road (S.R. 436 to Dean Road) n/k/a Richard Crotty Parkway  
  
District 5

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

**ITEM:** Subordination of Utility Interests (Instrument 1137.2)

**BUDGET:** Account No.: 1032-072-2752-6110

**FUNDS:** \$54.50 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 1137 of Orange County's East-West 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

☒ Under BCC Approval

☐ Under Ordinance Approval

Date: 10-29-2018

Amount: \$54.50

Project: East-West Road (S.R. 436 to Dean Rd) n/k/a Richard Crotty Parkway

Parcel: 1137

Charge to Account # 1032-072-2752-6110

Engineering Approval

Date

Fiscal Approval

Date

TYPE TRANSACTION (Check appropriate block{s})

☐ Pre-Condernation ☐ Post-Condernation

☒ N/A

District # 5

☐ Acquisition at Approved Appraisal  
☐ Acquisition at Below Approved Appraisal  
☐ Acquisition at Above Approved Appraisal  
☒ Advance Payment Requested

DOCUMENTATION ATTACHED (Check appropriate block{s})

☐ Contract  
☒ Copy of Executed Instrument  
☐ Certificate of Value  
☐ Settlement Analysis

Orange County Comptroller  
 Recording Fee \$54.50

**Total \$54.50**

Payable to: Orange County Comptroller (\$54.50)

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

Recommended by Erica Guidroz  
 Erica Guidroz, Acquisition Agent

10-29-18  
 Date

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

11/12/18  
 Date

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

\_\_\_\_\_  
 Date

Certified Jennifer Larr-Kim  
 Approved by BCC for Deputy Clerk to the Board

DEC 05 2018  
 Date

Examined/Approved \_\_\_\_\_  
 Comptroller/Government Grants

\_\_\_\_\_  
 Check No. / Date

## REMARKS:

Scheduled Closing Date: As soon as check is available

Anticipated Closing Date: TBD

Please Contact Acquisition Agent @ 67036 if you have any questions.

APPROVED  
 BY ORANGE COUNTY BOARD  
 OF COUNTY COMMISSIONERS  
DEC 04 2018

# REQUEST FOR FUNDS FOR LAND ACQUISITION

X Under BCC Approval

Under Ordinance Approval

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Amount: \$54.50

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Parcel: 1137

Charge to Account # 1032-072-2752-6110

DEC 11/13/18 CA 11/14/18  
*Stulman*  
 Engineering Approval Date

*[Signature]* 11/14/18  
 Fiscal Approval Date

TYPE TRANSACTION (Check appropriate block(s))  
 \_\_\_ Pre-Condemnation \_\_\_ Post-Condemnation

X N/A District # 5

\_\_\_ 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 Instrument  
 \_\_\_ Certificate of Value  
 \_\_\_ Settlement Analysis

Orange County Comptroller  
 Recording Fee \$54.50

**Total \$54.50**

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

Date

Certified \_\_\_\_\_  
 Approved by BCC Deputy Clerk to the Board

Date

Examined/Approved \_\_\_\_\_  
 Comptroller/Government Grants

Check No. / Date

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APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
DEC 04 2018

Instrument: 1137.2

Project: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway

### 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 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, a Florida corporation, d/b/a Progress Energy Florida, Inc.  
FROM: William E. Bamberg and Ehrman J. Mack  
Distribution Easement filed June 26, 1987  
Recorded in Official Records Book 3898, Page 3742  
Public Records of Orange County, Florida

Instrument: 1137.2

Project: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway

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: 1137.2

Project: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway

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 d/b/a  
Duke Energy, f/k/a Duke Energy Florida, Inc.,  
f/k/a Florida Power Corporation d/b/a  
Progress Energy Florida, Inc.

Signed, sealed and delivered in  
the presence of:

By: [Signature]  
Kris Tietig  
Printed Name

Its: Manager, Land Services

Date: 8/29/18



SIGNATURE LINE

PRINT/TYPE NAME: Kalen D. Mason

SIGNATURE LINE

PRINT/TYPE NAME: Lindsay Owen

(Two witnesses required by Florida law)

STATE OF FLORIDA

COUNTY OF SEMINOLE

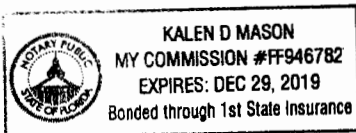
The foregoing instrument was acknowledged before me this 29 day of August, 2018,  
by Kris Tietig, Manager - Land Services of Duke Energy Florida, LLC, a Florida limited liability company, d/b/a  
Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, d/b/a  
Progress Energy Florida, Inc., on behalf of the limited liability company, who is ☒ personally known to me or  
☐ has produced \_\_\_\_\_ as identification.

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: 1137.2

Project: East-West Road (SR 436 to Dean Road) n/k/a Richard Crotty Parkway

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



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

By: Noelia Perez  
for Deputy Clerk

Noelia Perez  
Printed Name

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: Jerry L. Demings  
for Jerry L. Demings,  
Orange County Mayor

Date: 12.4.18

**This instrument prepared by:**  
Peter Stanley, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida



**SCHEDULE "A"**  
**EAST WEST ROAD**  
**PARCEL 1137**  
 ESTATE: Fee Simple  
 PURPOSE: Road Right of Way

A portion of the lands lying in Section 14, Township 22 South, Range 30 East, Orange County, Florida as described in Official Records Book 4954, page 2023, Public Records of Orange County, Florida, being more particularly described as:


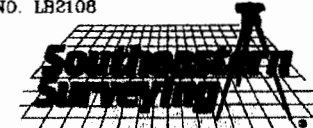
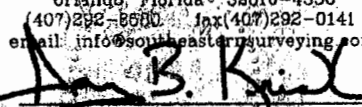
COMMENCE at the Northwest corner of Section 14, Township 22 South, Range 30 East; thence South 00°33'46" East, a distance of 1,325.24 feet along the West line of the Northwest 1/4 of said Section 14 to the South line of the North 1/2 of the Northwest 1/4 of said Section 14; thence North 89°28'24" East along said line, a distance of 33.00 feet to the East right of way line of Forsyth Road and the POINT OF BEGINNING;

thence along said East right of way line North 00°33'46" West, a distance of 53.02 feet; thence departing said East right of way line South 62°24'10" East, a distance of 60.59 feet to a point on a non tangent curve concave to the Southwest, having a radius of 3,884.00 feet, a central angle of 02°18'33", and a chord bearing and distance of South 81°32'15" East, 156.53 feet, thence along the arc of said curve a distance of 156.54 feet; thence South 89°28'24" West, a distance of 208.01 feet to the POINT OF BEGINNING.

Containing 4,042 square feet or 0.093 acres, more or less.

**SURVEYORS NOTES:**

1. The bearings and coordinates shown hereon are based on the Orange County Geodetic Information System traverse between G.I.S. Point #160 to G.I.S. Point #174 as being North 89°55'40" East.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
3. Not valid without the raised seal and signature of a Florida licensed Surveyor and Mapper.  
Not valid without sheet 2.

<b>DESCRIPTION</b>  FOR  ORANGE COUNTY GOVERNMENT FLORIDA	<b>Date:</b> May, 2005 CBvG  <b>Job No.:</b> 45979  <b>Scale:</b> N.T.S.  CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that <b>THIS IS NOT A SURVEY.</b>  SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH	CERT. NO. LB2108 45979088   SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-8500 Fax (407) 292-0141 email: info@southeasternsurveying.com   <b>GARY B. KRICK</b> REGISTERED LAND SURVEYOR - NO. 4245
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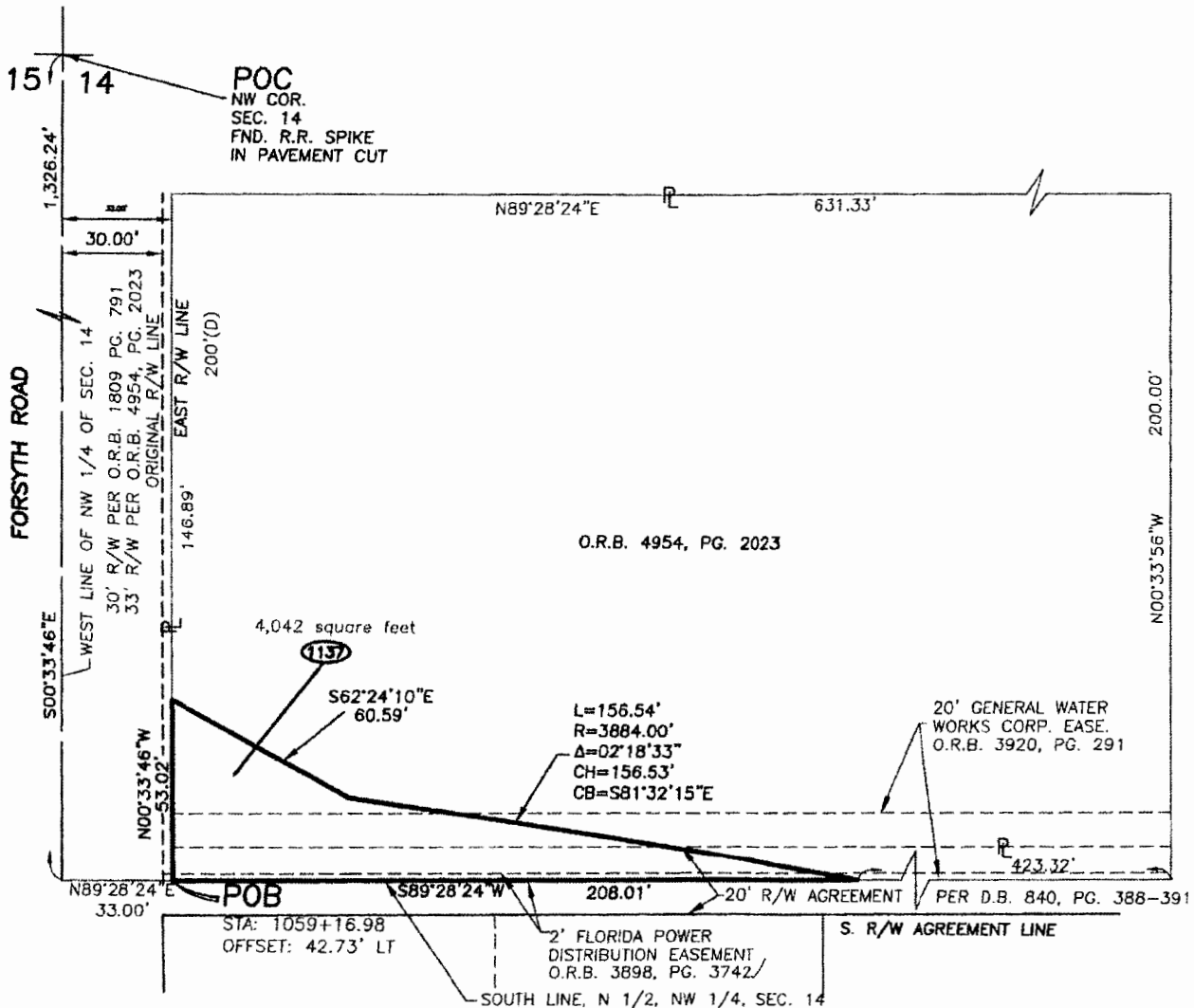
Revised: November, 2008 REJ

# SKETCH OF DESCRIPTION

EAST WEST ROAD

PARCEL 1137

SECTION 14, TOWNSHIP 22 SOUTH, RANGE 30 EAST



## LEGEND

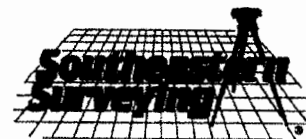
CB=CHORD BEARING  
CCR=CERTIFIED CORNER RECORD  
CH=CHORD  
COR.=CORNER  
(D)=DEED  
Δ=CENTRAL ANGLE  
L=LENGTH  
N.T.S.=NOT TO SCALE  
O.R.B.=OFFICIAL RECORDS BOOK  
(P)=PLAT

P.C.=POINT OF CURVATURE  
PG.=PAGE  
P=PROPERTY LINE  
POB=POINT OF BEGINNING  
POC=POINT OF COMMENCEMENT  
P.T.=POINT OF TANGENCY  
R=RADIUS  
R/W=RIGHT OF WAY  
SEC.=SECTION  
LT=LEFT

Drawing No. 45979088  
Job No. 45979  
Date: May, 2005 CBvG  
Revised: February, 2006 DRR  
Revised: August, 2007 REJ  
Revised: October, 2006 REJ  
Revised: November, 2008 REJ  
SHEET 2 OF 2  
See Sheet 1 for Description

NOTE: NOT VALID WITHOUT RAISED SEAL AND SIGNATURE  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
NOT VALID WITHOUT SHEET 1

NOTE: SEE SHEET 16 OF 36 FOR PARCEL IDENTIFICATION ON  
RIGHT OF WAY MAPS FOR EAST WEST ROAD SEGMENT 1.



SOUTHEASTERN SURVEYING & MAPPING CORP.  
6500 All American Boulevard  
Orlando, Florida 32810-4350  
(407)292-8580 fax(407)292-0141  
Cert. No. LB-2108  
email:info@southeasternsurveying.com  
**THIS IS NOT A SURVEY.**