



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 3

DATE: February 21, 2019

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

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

FROM: Elizabeth Price Jackson, Senior Title Examiner *EPJ*
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: Fort Christmas Park Expansion

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: 8,760 square feet

APPROVALS: Real Estate Management 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 site improvements on a portion of the lands acquired as part of the Fort Christmas Park Expansion project. This Distribution Easement supersedes and replaces the one approved by the Board on September 11, 2018, that was not recorded. The easement previously approved did not define a specific easement area, but was an easement over 40 acres of the 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.

Project: Fort Christmas Park Expansion



SEC: 21	TWP: 22	RGE: 33	COUNTY: ORANGE	PROJECT: 28776842
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 1543 N. Fort Christmas Road, Christmas, Florida 32709				
TAX PARCEL NUMBER: 21-22-33-0000-00-028				

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 Schedule "A", Sketch of Description, as prepared by Robert M. Jones of Wood Environment & Infrastructure Solutions, Inc. dated 2/1/2019, Job No.: 6374191152, 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: Fort Christmas Park Expansion

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:

[Signature]
for Jerry L. Demings
Orange County Mayor

DATE:

12 March 2019

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

BY:

[Signature]
Deputy Clerk

Katie Smith

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: ELECTRIC UTILITY

Legal Description

A parcel of land located in the Northeast ¼ of Section 21, Township 23 South, Range 33 East, being a portion of those lands described in Official Records, Book 6836 at Page 866 of the Public Records of Orange County, Florida, said parcel being more particularly described as follows;

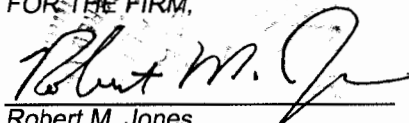
Commence at the Northwest corner of the Northeast ¼ said Section 21; thence run South 00° 40' 56" East, along the west line of the said Northeast 1/4, a distance of 1629.22 feet; thence departing said west line run North 88° 25' 55" East, a distance of 30.00 feet to the East right-of-way line of Fort Christmas Road (County Road 420) having a right-of-width of 60.00 feet and the POINT OF BEGINNING; thence run North 00° 40' 56" West, along said East right-of-way line, a distance of 5.00 feet; thence departing said east right-of-way line run North 88° 25' 55" East, a distance of 708.87 feet; thence run North 02° 14' 44" East, a distance of 78.18 feet; thence run North 83° 56' 18" West, a distance of 4.90 feet; thence run North 06° 27' 36" East a distance of 42.40 feet; thence run South 89° 38' 32" East, a distance of 10.06 feet; thence run South 06° 27' 36" West, a distance of 20.06 feet, thence run North 88° 46' 35" East, a distance of 2.10 feet; thence run South 01° 13' 25" East, a distance of 18.26 feet; thence run South 02° 14' 44" West, a distance of 82.34 feet, thence run North 88° 25' 55" East, a distance of 15.36 feet; thence run South 01° 34' 05" East, a distance of 10.00 feet; thence run South 88° 25' 55" West, a distance of 15.57 feet; thence run South 03° 03' 37" East, a distance of 13.17 feet; thence run South 86° 56' 23" West, a distance of 10.00 feet; thence run North 03° 03' 37" West, a distance of 13.43 feet; thence run South 88° 25' 55" West, a distance of 708.83 feet to said East right-of-way line; thence run North 00° 40' 56" West, along said East right-of-way line, a distance of 5.00 feet to the POINT OF BEGINNING.

Containing 8,760 square feet or 0.201 acres.

Surveyor's Notes:

1. This legal description and sketch is not valid without the original signature and seal of the signing licensed Florida surveyor and mapper.
2. The purpose of this legal description and sketch is to describe and depict the location of a proposed utility easement. This is not a boundary survey.
3. The configuration and location of the lands described and depicted hereon is based on instructions provided by the client and location of existing utility improvements.
4. Bearings shown hereon relative to the North American Datum of 1983/ 1990 adjustment (NAD 83/90) and are expressed in the Florida State Plane Coordinate System, East Zone (901), with the grid bearing of the west line of the Northeast ¼ of Section 21, Township 22 South, Range 33 East as being South 00° 40' 56" East.
5. This legal description and sketch is based, in part, on a boundary survey performed by Southeastern Surveying and Mapping Corporation for Orange County dated Jan. 13, 2004, drawing number 48861001.
6. Lands shown hereon were not abstracted for ownership, easements, rights-of-way or other title matters by this firm.
7. Additions or deletions to this sketch and description are prohibited without the written consent of the signing Florida licensed surveyor and mapper.
8. This sketch and description is certified for the exclusive use of Orange County.

FOR THE FIRM,

 2-09-19

Robert M. Jones
Florida Professional Surveyor and Mapper No.4201

THIS IS NOT A BOUNDARY SURVEY

PROJECT TITLE: Orange County Parks and Recreation Division
Legal Description and Sketch
Duke Energy Easement at Fort Christmas Park

wood.

Wood Environment & Infrastructure Solutions, Inc.

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

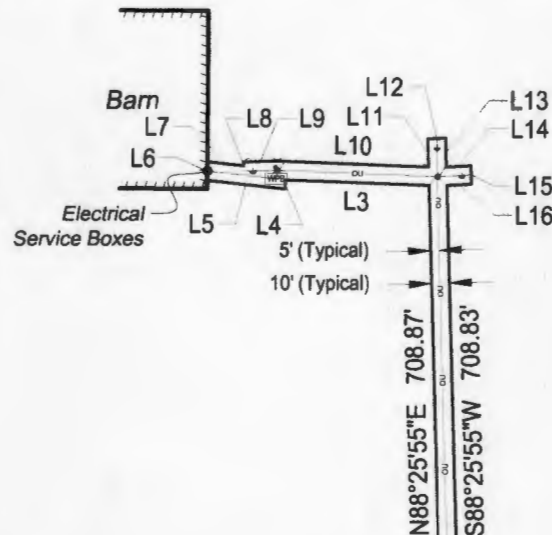
Certificate of Authorization Number LB-0007932

DATE	BY	REVISION	DESCRIPTION
DRAWN BY:	J.S.P.	CHKD. BY:	R.M.J.
DATE: 02/01/2019		DATE: 02/01/2019	
JOB No.	SCALE:	SHT.	1
6374191152	N/A	OF	2

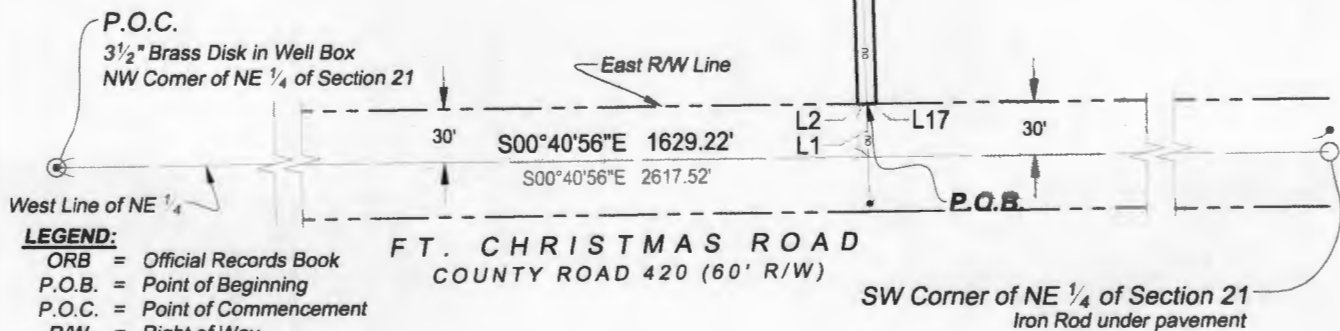
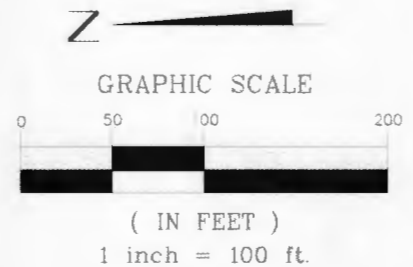
DRAWING NAME: 6374191152- OC Parks Ft XMAS Duke Energy Esmt.dwg

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

Parcel Line Table		
Line #	Length	Direction
L1	30.00	N88° 25' 55"E
L2	5.00	N00° 40' 56"W
L3	78.18	N02° 14' 44"E
L4	4.90	N83° 56' 18"W
L5	42.40	N06° 27' 38"E
L6	10.06	S89° 36' 32"E
L7	20.06	S06° 27' 38"W
L8	2.10	N88° 46' 35"E
L9	18.26	S01° 13' 25"E
L10	82.34	S02° 14' 44"W
L11	15.36	N88° 25' 55"E
L12	10.00	S01° 34' 05"E
L13	15.57	S88° 25' 55"W
L14	13.17	S03° 03' 37"E
L15	10.00	S86° 56' 23"W
L16	13.43	N03° 03' 37"W
L17	5.00	N00° 40' 56"W



Fort Christmas Park
 Section 21, Township 23 South, Range 33 East
 ORB 6836 Page 866



LEGEND:

- ORB = Official Records Book
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencement
- R/W = Right of Way
- ⌘ = Power Pole
- = Guy Anchor
- ☐ = Pull Box
- = Overhead Power

FT. CHRISTMAS ROAD
 COUNTY ROAD 420 (60' R/W)

SW Corner of NE 1/4 of Section 21
 Iron Rod under pavement

THIS IS NOT A BOUNDARY SURVEY

PROJECT TITLE: Orange County Parks and Recreation Division
 Legal Description and Sketch
 Duke Energy Easement at Fort Christmas Park

Wood Environment & Infrastructure Solutions, Inc.

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

Certificate of Authorization Number LB-0007932

DATE	BY	DESCRIPTION
REVISION		
DRAWN BY:	J.S.P.	CHKD. BY: R.M.J.
DATE:	02/01/2019	DATE: 02/01/2019
JOB No.	6374191152	SCALE: N/A
		SHT. 2 OF 2
DRAWING NAME: 6374191152- OC Parks Ft XMAS Duke Energy Esmt.dwg		

wood.