



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 5

DATE: July 8, 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 *EJ*
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: Orange County Porter Transfer Station Site Improvements

District 2

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: 5,675.51 square feet

APPROVALS: Real Estate Management Division
Utilities Department

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 to the Orange County Porter Transfer Station. This Distribution Easement supersedes and replaces the one approved by the Board on April 10, 2018, 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.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 06 2019

Project: Orange County Porter Transfer Station Site Improvements



SEC: 22	TWP: 22	RGE: 28	COUNTY: ORANGE	PROJECT: 27222922
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 1326 Good Homes Road, Orlando, Florida 32818				
TAX PARCEL NUMBER: 21-22-28-7668-00-171				

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 Genel J. Sturgeon, PSM of Barnes, Ferland and Associates, Inc., dated July 2, 2019, consisting of three (3) 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: Orange County Porter Transfer Station Site Improvements

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.

(Official Seal)



Orange County, Florida
By: Board of County Commissioners

BY: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

DATE: 6 Aug 19

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

BY: *Katie Smith*
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

PORTER TRANSFER STATION SITE IMPROVEMENTS
OCU PROJECT #Y17-783

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 17, ROSE HILL GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 146 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 00°12'08" EAST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, A DISTANCE OF 407.18 FEET; THENCE DEPARTING SAID WEST LINE SOUTH 89°47'52" WEST, A DISTANCE OF 45.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF GOOD HOMES ROAD AS DEPICTED ON THE PLAT OF ROSE HILL GROVES, UNIT NO. 3, RECORDED IN PLAT BOOK 30, PAGE 68 AND PER DOCUMENT RECORDED IN OFFICIAL RECORDS BOOK 4029, PAGE 1562, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING. THENCE SOUTH 00°12'08" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 15.74 FEET; THENCE SOUTH 72°07'54" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 40.11 FEET; THENCE SOUTH 81°57'07" WEST, A DISTANCE OF 24.79 FEET; THENCE SOUTH 86°42'20" WEST, A DISTANCE OF 112.91 FEET; THENCE SOUTH 81°05'00" WEST, A DISTANCE OF 84.22 FEET; THENCE SOUTH 83°14'03" WEST A DISTANCE OF 65.64 FEET; THENCE NORTH 81°59'26" WEST, A DISTANCE OF 16.29 FEET; THENCE SOUTH 77°47'04" WEST, A DISTANCE OF 32.74 FEET; THENCE NORTH 12°12'56" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 77°47'04" EAST, A DISTANCE OF 35.42 FEET; THENCE SOUTH 81°59'26" EAST, A DISTANCE OF 17.02 FEET; THENCE NORTH 83°14'03" EAST, A DISTANCE OF 63.41 FEET; THENCE NORTH 81°05'00" EAST, A DISTANCE OF 84.68 FEET; THENCE NORTH 86°42'20" EAST, A DISTANCE OF 113.02 FEET; THENCE NORTH 81°57'07" EAST, A DISTANCE OF 22.88 FEET; THENCE NORTH 72°07'54" EAST, A DISTANCE OF 43.60 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE AND TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 0.130 ACRES (5,675.51 SQUARE FEET), MORE OR LESS.

SURVEYOR'S NOTES

1. THIS LEGAL DESCRIPTION IS NOT VALID UNLESS SIGNED AND EMBOSSED WITH THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. A TITLE COMMITMENT WAS NOT REVIEWED FOR THIS SURVEY.
3. LANDS SHOWN HEREON WERE NOT RESEARCHED BY THIS FIRM FOR MATTERS SUCH AS OWNERSHIP, EASEMENTS, RIGHT OF WAY OR OTHER MATTERS IN THE PUBLIC RECORDS THAT MAY AFFECT THESE LANDS.
4. BEARINGS AND COORDINATES SHOWN HEREON ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983/ 1990 ADJUSTMENT.
5. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SE 1/4 OF THE NW 1/4 SECTION 22, TOWNSHIP 22 SOUTH, RANGE 28 EAST, AS BEING SOUTH 00°12'08" EAST IN THE AREA OF THIS LEGAL DESCRIPTION.
6. GRAPHIC SYMBOLS SHOWN HEREON MAY NOT BE TO SCALE.
7. THE DELINEATION OF LANDS SHOWN HEREON IS AT THE CLIENT'S REQUEST.
8. THIS SKETCH OF DESCRIPTION AND LEGAL DESCRIPTION ARE CERTIFIED TO ORANGE COUNTY UTILITIES.

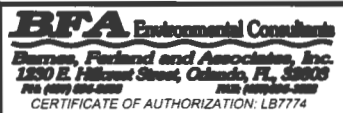
This Legal Description was prepared under my direction and is true and correct to the best of my knowledge and belief. This Legal Description was prepared in accordance with the Standards of Practice as contained in Chapter 5J-17, Florida Administrative Code, pursuant to Florida Statute 472.

 _____ 7-2-19 _____
Date

Genel J. Sturgeon, PSM
Florida Surveyor and Mapper PSM 5866
Barnes Ferland and Associates LB 7774

REVISED 7/2/19
NOTE: THIS IS NOT A BOUNDARY SURVEY

Plot Date: Jul 02, 2019 8:03am Filename: F:\CIVIL\PROJECTS\2015\2015-26 SCS OCU Solid Waste Const\15-26.1 Porter Transfer Station Site Improvement\9.0 Survey\9.6 Drawings\2015-26.1 15' UE.dwg Tech: marwell

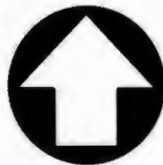
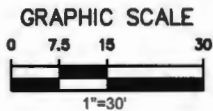


LEGAL DESCRIPTION
15' UTILITY EASEMENT
SECTION 22, TOWNSHIP 22 SOUTH, RANGE 28 EAST

SHEET
1 OF 3

Tech: macrowall Plot Date: Jul 02, 2019 8:04am Filename: F:\CIVIL\PROJECTS\2015\26 SCS OCU Solid Waste Const\15-26.1 Porter Transfer Station Site Improvement\9.0 Survey\9.6 Drawings\2015-26.1 15' UE.dwg

SKETCH OF DESCRIPTION



LEGEND

- CM - CONCRETE MONUMENT
- ID - IDENTIFICATION
- IRC - IRON REBAR & CAP
- IR - IRON ROD
- IP - IRON PIPE
- R/W - RIGHT-OF-WAY
- ORB - OFFICIAL RECORDS BOOK
- PB - PLAT BOOK
- PG - PAGE
- PC - POINT OF CURVATURE
- PRC - POINT OF REVERSE CURVATURE
- PT - POINT OF TANGENCY
- R - RADIUS
- L - ARC LENGTH
- Δ - DELTA
- CB - CHORD BEARING
- C - CHORD LENGTH
- PB - PLAT BOOK
- SF - SQUARE FEET

POINT OF COMMENCEMENT

NORTH LINE OF THE SE 1/4 OF THE NW 1/4

WHITE ROAD (R/W VARIES)

NW CORNER OF THE SE 1/4 OF THE NW 1/4 S22-T22S-R28E (PER PB 30, PG 68)

WESTERLY R/W LINE GOOD HOMES ROAD (PER PB 30, PG 68)

LOT 17 ROSE HILLS GROVES (PB H, PG 146)

PARCEL ID# 21-22-28-7668-00-171

POINT OF BEGINNING

S89°47'52"W 45.00'

WEST LINE OF THE SE 1/4 OF THE NW 1/4 S22-T22S-R28E
 BEARING BASE 407.18'
 SO°12'08"E 15.74'

GOOD HOMES ROAD (R/W VARIES)

LOT 194 (PB 30, PG 68) PARCEL ID# 22-22-28-7673-01-940

MATCHLINE "A"

N86°42'20"E 113.02'

N81°57'07"E 22.88'

N72°07'54"E 43.60'

15' UTILITY EASEMENT (5,675.51 S.F.)

S86°42'20"W 112.91'

S81°57'07"W 24.79'

S72°07'54"W 40.11'

PARCEL ID# 21-22-28-7668-00-171

LOT 17 ROSE HILLS GROVES (PB H, PG 146)

WESTERLY R/W LINE GOOD HOMES ROAD

LOT 205 (PB 30, PG 68) PARCEL ID# 22-22-28-7673-02-050

20.0' 25.0' 30.0'

REVISED 7/2/19

NOTE: THIS IS NOT A BOUNDARY SURVEY

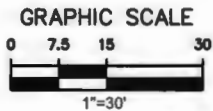


SKETCH OF DESCRIPTION
 15' UTILITY EASEMENT
 SECTION 22, TOWNSHIP 22 SOUTH, RANGE 28 EAST

SHEET 2 OF 3

Plot Date: Jul 02, 2019 8:04am Filename: F:\CIVIL\PROJECTS\2015\2015-26 SCS OCU Solid Waste Const\15-26.1 Porter Transfer Station Site Improvement\9.0 Survey\9.0 Drawing\2015-26.1 15' UE.dwg Tech: marvelli

SKETCH OF DESCRIPTION

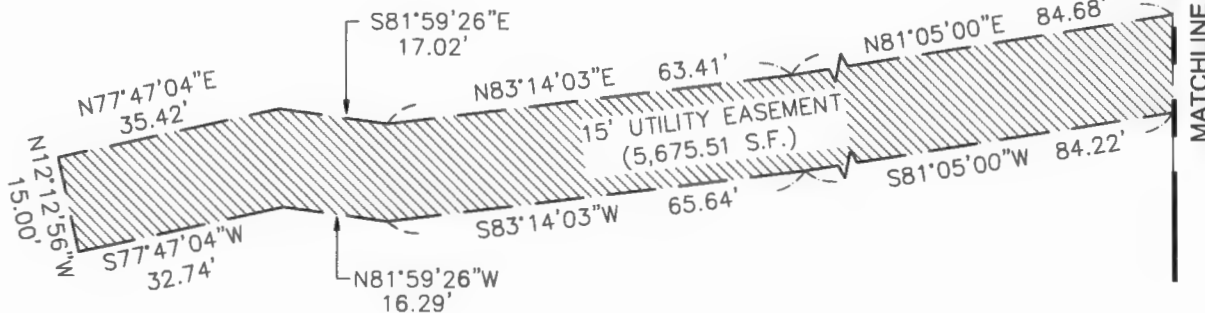


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LOT 17
ROSE HILLS GROVES
(PB H, PG 146)

PARCEL ID#
21-22-28-7668-00-171



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21-22-28-7668-00-171

LOT 17
ROSE HILLS GROVES
(PB H, PG 146)

REVISED 7/2/19

NOTE: THIS IS NOT A BOUNDARY SURVEY



SKETCH OF DESCRIPTION
15' UTILITY EASEMENT
SECTION 22, TOWNSHIP 22 SOUTH, RANGE 28 EAST

SHEET
3 OF 3