



Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 8

DATE: June 7, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Mindy T. Cummings, Manager
Real Estate Management Division *WTC*

FROM: Elena Hutchinson, Senior Title Examiner *EH*
Real Estate Management Division

CONTACT PERSON: **Mindy T. Cummings, Manager**

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

ACTION REQUESTED: Approval and execution of Subordination of Utility Interests from Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation to Orange County and authorization to record instrument

PROJECT: Suncrest Village Publix (RAC)

District 5

PURPOSE: To provide for access, construction, operation, and maintenance of road improvements as a requirement of a right-of-way and proportionate share agreement.

ITEM: Subordination of Utility Interests

APPROVALS: Real Estate Management Division
Public Works Department
Risk Management Division
Transportation Planning Division

REMARKS:

This conveyance is a requirement of the Right-of-Way and Proportionate Share Agreement for Suncrest Village Publix approved by the Board on December 1, 2020.

Orange County is executing the Subordination of Utility Interests to show acceptance of the terms and conditions.

Grantor to pay all recording fees.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 22 2021

This instrument prepared by:

Manny Vilaret
Vilaret Law, PLLC
10901 Danka Circle, Suite C
St. Petersburg, Florida 33716

Project: Suncrest Village Publix

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 Duke Energy Florida, Inc., f/k/a Florida Power Corporation, a Florida corporation, 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(s):

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
Easement Deed filed February 6, 1987
Recorded in Official Records Book 3914, Pages 0530-0532
Public Records of Orange County, Florida
As affected by Subordination of Utility Interests

Project: Suncrest Village Publix

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.

Project: Suncrest Village Publix

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, 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

Signed, sealed and delivered in the presence of:

By: Karen Adams
Karen Adams, Manager
Land Services II

Date: May 3, 2021

[Signature]
SIGNATURE LINE
PRINT/TYPE NAME: Scott Gardner

[Signature]
SIGNATURE LINE
PRINT/TYPE NAME: Caroline B. Michie

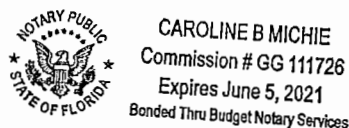
(Two witnesses required by Florida law)

STATE OF Florida

COUNTY OF Volusia

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 3rd day of May, 2021, by Karen Adams, Manager of Land Services II for 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, on behalf of the limited liability company, who is personally known to me or who has produced FL. Driver's Lic. as identification.

[Signature]
PRINT/TYPE NAME: Caroline B. Michie



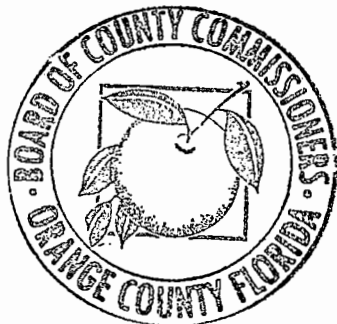
Notary Public in and for the County and State last aforesaid.

My Commission Expires: 6-5-2021

Serial No., if any: 9911726

Project: Suncrest Village Publix

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



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

Date: 23 June 2024

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

By: *Noelia Perez*
Deputy Clerk

Noelia Perez
Printed Name

SCHEDULE "A"

DESCRIPTION PARCEL (01) :

A portion of Lot 2, Suncrest Village Center according to the plat thereof recorded in Plat Book 25, Page 136, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Southeast corner of Lot 1, Taco Bell according to the plat thereof recorded in Plat Book 24, Page 40, Public Records of Orange County, Florida, said point being on the Westerly line of Lot 2, Suncrest Village Center according to the plat thereof recorded in Plat Book 25, Page 136, Public Records of Orange County, Florida, said point also being on the North right of way line of University Boulevard as described in Official Records Book 3821, Page 2028, Public Records of Orange County, Florida; thence North 02°04'10" West, a distance of 7.00 feet along said Westerly line to a point on a line that is 7.00 feet North of and parallel with said North right of way line; thence North 89°45'07" East, a distance of 91.80 feet along said parallel line; thence departing said parallel line South 89°39'19" East, a distance of 298.33 feet; thence South 00°13'53" East, a distance of 4.00 feet to a point on said North right of way line; thence South 89°45'07" West, a distance of 389.89 feet along said right of way line to the POINT OF BEGINNING.

Containing 2,283 square feet, more or less.

SURVEYOR'S REPORT:

1. Bearings shown herein are based on the Westerly line of Lot 2, Suncrest Village Center according to the plat thereof recorded in Plat Book 25, Page 136, Public Records of Orange County, Florida being North 02°04'10" West, assumed.
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 Standards of Practice for Land Surveying Chapter 5J-17 requirements of Florida Administration Code.
3. I have reviewed First American Title Insurance Company (FATC) Title Search Report number 2037-4232488/18.00162 all recorded survey related encumbrances have been shown or noted on the survey.
4. The above described lands are subject to a 10.00 foot wide Florida Power Corporation distribution easement 5.00 feet on each side of existing facilities per Official Records Book 3914, Page 530, Public Records of Orange County, Florida.

NOT VALID WITHOUT SHEETS 1-2

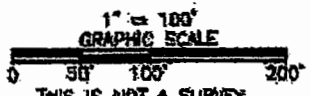
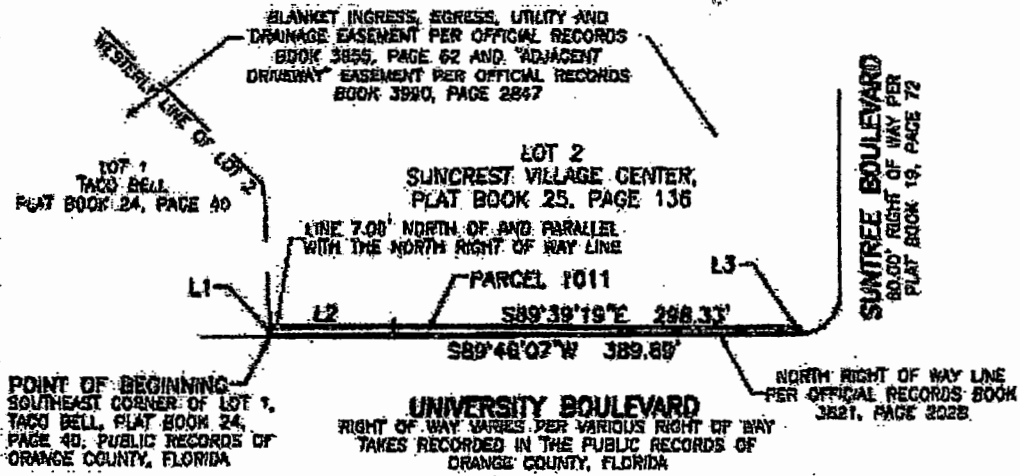
DESCRIPTION	Date: 02/13/2020 KR	Certification Number: LB2108 62756013
FOR PEGASUS ENGINEERING, LLC.	Job Number: 62756 Scale: 1" = 100'	
	Chapter 5J-17, Florida Administration Code requires that a legal description containing bear the notation that THIS IS NOT A SURVEY.	
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH.	
		RYAN E. JOHNSON, P.E. Registered Land Surveyor - License 182108

SKETCH OF DESCRIPTION
PARCEL 1011

PURPOSE : RIGHT OF WAY

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N02°04'10"W	7.00'
L2	N89°46'07"E	91.80'
L3	S00°13'53"E	4.00'

LEGEND :
 L1 = LINE NUMBER



SOUTHEASTERN SURVEYING AND MAPPING CORPORATION
 6500 All American Boulevard
 Orlando, Florida 32810-4330
 (407) 885-0320
 Certificate Number 124109
 e-mail: info@seasmapping.com

Drawing No. 22756013
 Job No. 04356
 Date: 02/13/2020
 SHEET 2 OF 2
 See Sheet 1 for Description

NOT VALID WITHOUT SHEETS 1 THROUGH 2