




Interoffice Memorandum


APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 24 2014 KH/np

REAL ESTATE MANAGEMENT ITEM 7

DATE: June 12, 2014

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Acting Manager 
Real Estate Management Division

FROM: Elizabeth Price Jackson, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Acting Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF DISTRIBUTION EASEMENT FROM ORANGE COUNTY TO DUKE ENERGY FLORIDA, INC., D/B/A DUKE ENERGY AND AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: Pump Station No. 3051 (Waterford Trails)

District 4

PURPOSE: To provide for access, construction, operation, and maintenance of electrical facilities by Duke Energy Florida, Inc. d/b/a Duke Energy.

ITEM: Distribution Easement
Revenue: None
Size: 3,600.42 square feet

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS:

This distribution easement provides Duke Energy Florida, Inc., d/b/a Duke Energy (Grantee) the right to install and maintain electrical distribution lines and related facilities for electrical service to Pump Station No. 3051 (Waterford Trails). This easement will be replaced with a Descriptive Easement, five (5) feet on either side of all facilities installed by Grantee, as will be shown on a certified surveyed sketch of description to be provided by County within sixty (60) days after the installation of facilities by Grantee. If the sketch of description is not provided by County within sixty (60) days after completion of installation, Grantee will record this easement.

Grantee to pay all recording fees.

A file labeled “BCC Agenda Backup” containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson’s office.

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Project: Pump Station No. 3051 (Waterford Trails)



SEC: 24	TWP: 22S	RGE: 31E	COUNTY: ORANGE	PROJECT: 593549
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: N. AVALON PARK BLVD. ORLANDO, FL 32828 – LIFT STATION SITE				
TAX PARCEL NUMBER: 24-22-31-0000-00-079				

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, INC., 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:

See Legal Description on the accompanying Exhibit "A" attached hereto and incorporated herein by this reference.

This easement will be replaced with a Descriptive Easement, five (5) feet on either side of all facilities installed by GRANTEE, as will be shown on a certified surveyed sketch of description to be provided by GRANTOR within sixty (60) days after the installation of facilities by GRANTEE. If the sketch of description is not provided by GRANTOR within sixty (60) days after completion of installation, GRANTEE will record this easement.

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.

GRANTOR covcnants and agrees that no trees, buildings, structures or obstacles will be located or constructed within the Easement Area nor shall ground elevation be altered.

This document prepared by Kristy Parker, Esq.
Return to: Duke Energy - Linda Bauer, NP4B
3300 Exchange Place
Lake Mary, FL 32746

Project: Pump Station No. 3051 (Waterford Trails)

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.

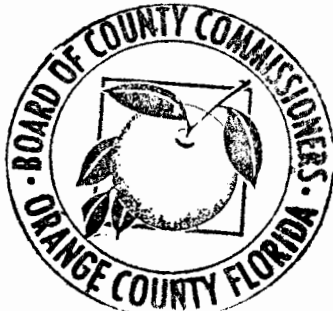
GRANTEE shall defend, indemnify and hold harmless GRANTOR, its officials, agents and employees from and against any and all claims, suits, judgments, demands, liabilities, damages, cost and expenses (including reasonable attorney's fees prior to and upon appeal) of any kind or nature whatsoever related 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; provided however, any indemnification herein for any damages other than direct damages shall be limited to the limitations set forth in Section 768.28, Florida Statutes (2013) as it may be amended from time to time. 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 hereunto affixed its hands and seals this _____ day of JUN 24 2014, 2014.

(Official Seal)



ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

BY: Kelli Smith
Deputy Clerk

Orange County, Florida
By: Board of County Commissioners

BY: Teresa Jacobs
Teresa Jacobs
Orange County Mayor

DATE: 6.24.14



SEC: 24	TWP: 22S	RGE: 31E	COUNTY: ORANGE	PROJECT: 593549
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
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TAX PARCEL NUMBER: 24-22-31-0000-00-079				

EXHIBIT "A"

THAT PORTION OF THE SECTION 24, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SAID SECTION 24; THENCE NORTH 00°08' 11" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 24 A DISTANCE OF 918.92 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OLD CHENEY HIGHWAY ;
THENCE RUN NORTH 63°22' 07" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 232.30 FEET; THENCE RUN SOUTH 55°04' 01" WEST FOR 1244.07 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF AVALON PARK BOULEVARD; THENCE RUN SOUTH 55°04' 01" WEST 31.70 FEET; THENCE NORTH 89°39' 22" WEST 76.36 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF AVALON PARK BOULEVARD AS SHOWN ON AVALON PARK BOULEVARD AND OLD CHENEY HIGHWAY RIGHT-OF-WAY MAP; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1260.00 FEET; THENCE FROM A TANGENT BEARING OF SOUTH 06°29' 43" WEST RUN SOUTHERLY ALONG THE ARC OF SAID CURVE 36.07 FEET THROUGH A CENTRAL ANGLE OF 01°38' 25" TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1493.00 FEET AND A CENTRAL ANGLE OF 09°19' 37"; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE 243.04 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH 17°27' 44" WEST 134.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 17°27' 44" WEST A DISTANCE OF 1.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2657.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 58.30 FEET THROUGH A CENTRAL ANGLE OF 01°15' 26" TO A POINT; THENCE FROM A TANGENT BEARING OF SOUTH 16°12' 18" WEST, AND LEAVING AFOREMENTIONED RIGHT-OF-WAY LINE RUN NORTH 72°32' 16" WEST 60.00 FEET ; THENCE RUN NORTH 16°51' 54" EAST A DISTANCE OF 60.00 FEET ; THENCE RUN SOUTH 72° 32' 16" EAST A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.
CONTAINING THEREIN 3600.42 SQUARE FEET MORE OR LESS.