




Interoffice Memorandum


APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
OCT 21 2014 NP/KH

REAL ESTATE MANAGEMENT ITEM 3

**DATE:** October 2, 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: 716 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 supersedes and replaces one that was approved by the Orange County Board of County Commissioners on June 24, 2014, but was not recorded. The easement previously approved did not define a specific easement area, but was an easement over the entire parent tract. This replacement Distribution Easement specifically defines the easement area and will be recorded by Grantee.

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.**

APPROVED

BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

OCT 21 2014 NP/KH

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:

**That certain Easement Area being more particularly described and shown on the accompanying Sketch & Legal Description, as prepared by Jeffrey H. Scott of ESP Associates, P.A., dated 09/03/14, Map No.: 112019-444647, consisting of 2 pages, attached hereto as Exhibit "A" 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.

**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: Pump Station No. 3051 (Waterford Trails)

**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 OCT 21 2014, 2014.

(Official Seal)



Orange County, Florida  
By: Board of County Commissioners

BY: Teresa Jacobs  
Teresa Jacobs  
Orange County Mayor

DATE: 10.21.14

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

BY: Martha O. Haynie  
Deputy Clerk

# EXHIBIT "A"

**DESCRIPTION: UTILITY EASEMENT**

A PARCEL OF LAND LYING WITHIN SECTION 24, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

**COMMENCE** AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF 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 NORTH 63°22'07" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 232.30 FEET; THENCE SOUTH 55°04'01" WEST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1244.07 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF AVALON PARK BOULEVARD; THENCE CONTINUE SOUTH 55°04'01" WEST, A DISTANCE OF 31.70 FEET; THENCE NORTH 89°39'22" WEST, A DISTANCE OF 76.36 FEET, TO A POINT ON A CURVE 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 ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: 1) THENCE 36.07 ALONG SAID ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 1260.00 FEET, A CENTRAL ANGLE OF 01°38'25" AND A CHORD DISTANCE OF 36.07 THAT BEARS SOUTH 07°18'55" WEST, TO A POINT OF COMPOUND CURVATURE; 2) THENCE 243.04 FEET, ALONG ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 1493.00 FEET, A CENTRAL ANGLE OF 09°19'37", AND A CHORD DISTANCE OF 242.77 FEET, WHICH BEARS SOUTH 12°47'56" WEST, TO A POINT OF TANGENCY; 3) THENCE SOUTH 17°27'44" WEST, A DISTANCE OF 134.19 FEET; THENCE NORTH 72°32'16" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE NORTHERLY LINE OF THE LIFT STATION AS DESCRIBED IN OFFICIAL RECORD BOOK 7129, PAGE 3409, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 9.49 FEET, TO THE **POINT OF BEGINNING**; THENCE SOUTH 12°04'05" WEST, DEPARTING SAID NORTHERLY LINE, A DISTANCE OF 46.16 FEET; THENCE SOUTH 17°27'44" WEST, A DISTANCE OF 14.04 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID LIFT STATION; THENCE NORTH 72°32'16" WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 19.01 FEET; THENCE NORTH 17°27'44" EAST, DEPARTING SAID SOUTHERLY LINE, A DISTANCE OF 12.60 FEET; THENCE SOUTH 72°56'40" EAST, A DISTANCE OF 9.10 FEET; THENCE NORTH 12°04'05" EAST, A DISTANCE OF 47.54 FEET, TO SAID NORTHERLY LINE; THENCE SOUTH 72°32'16" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 10.04 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 716 SQUARE FEET, MORE OR LESS.

**NOTES:**

BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 31 EAST, HAVING A BEARING OF N 00°08'11" E, ASSUMED.

NO ABSTRACT OR TITLE SEARCH WAS PERFORMED BY ESP ASSOCIATES, P.A.. THERE MAY BE OTHER MATTERS OF PUBLIC RECORD THAT AFFECT OWNERSHIP AND/OR RIGHTS.

THIS SKETCH OF DESCRIPTION IS NOT A SURVEY.

REFERENCE: "GRANDEVILLE AT AVALON PARK" AS RECORDED IN PLAT BOOK 71, PAGE 44 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. OFFICIAL RECORD BOOK 7129, PAGE 3409-3414, OFFICIAL RECORD BOOK 7135, PAGE 887-891 AND OFFICIAL RECORD BOOK 6670, PAGE 3284-3295, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

JEFFREY H. SOUTER  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NO. LS 5793

**PREPARED BY:**  
ESP ASSOCIATES, P.A.  
5025 WEST GRACE ST.  
TAMPA, FL 33607  
CERTIFICATE OF AUTHORIZATION NO. LB 7343

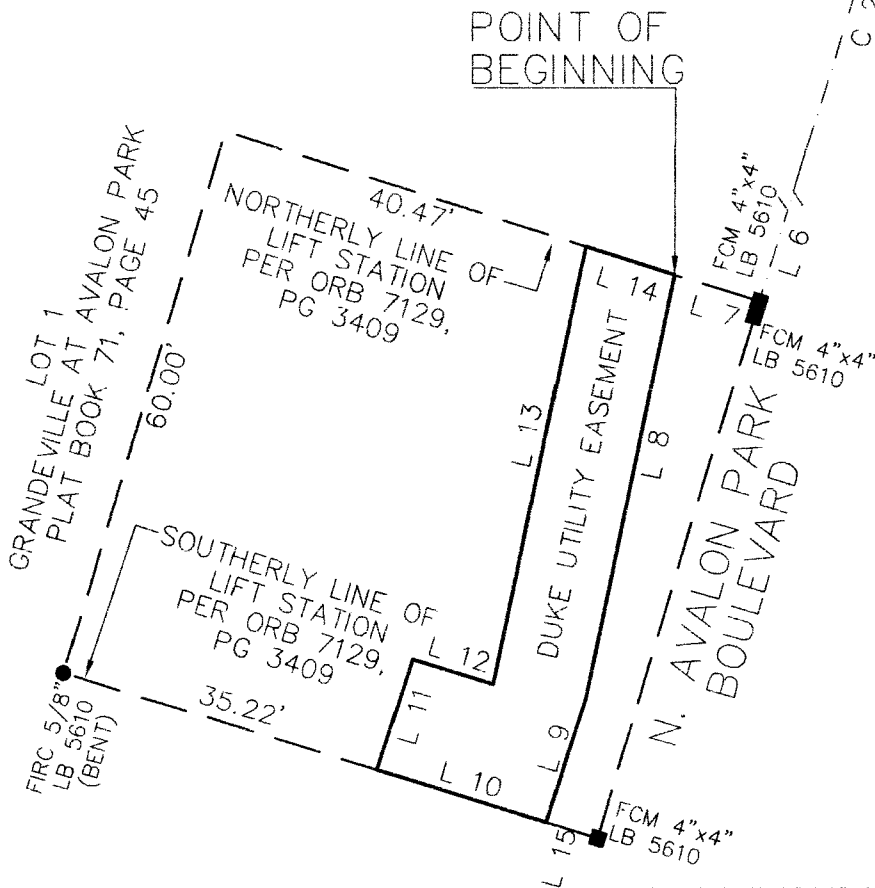
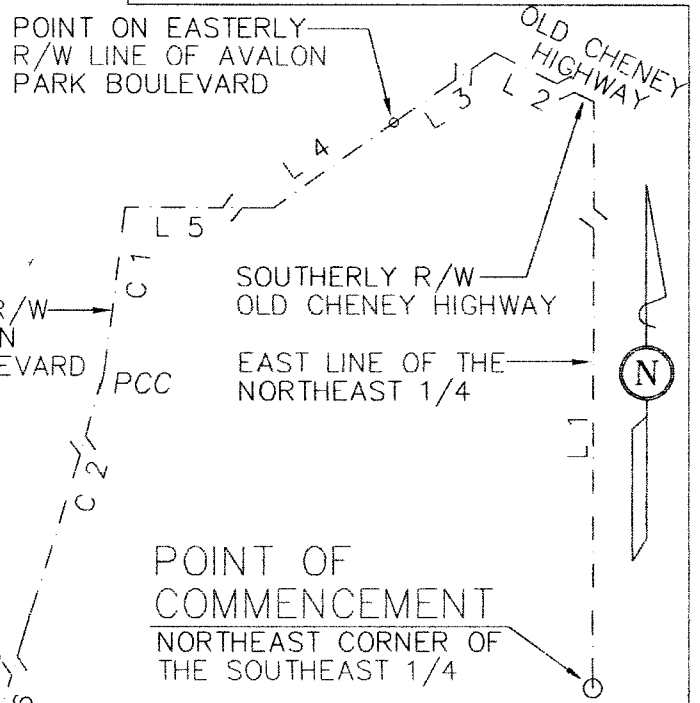
		SKETCH & LEGAL DESCRIPTION SITE NO.: 112019 THOR NO.: WR593549 ORANGE COUNTY, FL MAP NO.: 112019-444647 OCLS 08202014.DWG
09/03/14	v: N/A h: N/A SCALE	
DATE	JAW DRAWN	
JWS CHECK	JAW TECH	
1 OF 2 SHEET		DWG.

**EXHIBIT "A"**

SECTION 24, TOWNSHIP 22  
SOUTH, RANGE 31 EAST,  
ORANGE COUNTY, FLORIDA

**CURVE DATA**

CURVE 1	CURVE 2
RADIUS=1260.00'	RADIUS=1493.00'
ARC=36.07'	ARC=243.04'
CENTRAL ANGLE= 01°38'25"	CENTRAL ANGLE= 09°19'37"
CHORD=36.07'	CHORD=242.77'
CHORD BEARING= S 07°18'55" W	CHORD BEARING= S 12°47'56" W



POINT OF COMMENCEMENT  
NORTHEAST CORNER OF  
THE SOUTHEAST 1/4

**LINE TABLE**

LINE 1 = N 00°08'11" E 918.92'
LINE 2 = N 63°22'07" W 232.30'
LINE 3 = S 55°04'01" W 1244.07'
LINE 4 = S 55°04'01" W 31.70'
LINE 5 = N 89°39'22" W 76.36'
LINE 6 = S 17°27'44" W 134.19'
LINE 7 = N 72°32'16" W 9.49'
LINE 8 = S 12°04'05" W 46.16'
LINE 9 = S 17°27'44" W 14.04'
LINE 10 = N 72°32'16" W 19.01'
LINE 11 = N 17°27'44" E 12.60'
LINE 12 = S 72°56'40" E 9.10'
LINE 13 = N 12°04'05" E 47.54'
LINE 14 = S 72°32'16" E 10.04'
LINE 15 = N 72°32'16" W 5.77'

**LEGEND**

- POB—POINT OF BEGINNING
- POC—POINT OF COMMENCEMENT
- FCM—FOUND CONCRETE MONUMENT
- FIR—FOUND IRON ROD
- FIRC—FOUND IRON ROD AND CAP
- L 1—LINE 1
- C 1—CURVE 1
- ORB—OFFICIAL RECORD BOOK
- PG—PAGE
- R/W—RIGHT OF WAY
- PCC—POINT OF COMPOUND CURVE



09/03/14	V: N/A	SKETCH & LEGAL DESCRIPTION
DATE	H: 1"=20' SCALE	
JAW DRAWN	JAW TECH	SITE NO.: 112019 THOR NO.: WR593549 ORANGE COUNTY, FL MAP NO.: 112019-444647
JHS CHECK	ENGR	
2 OF 2 SHEET	DWG.	OCLS 08202014.DWG