



**Interoffice Memorandum**


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: Feb. 16, 2016

**REAL ESTATE MANAGEMENT ITEM 1**

**DATE:** January 29, 2016

**TO:** Mayor Teresa Jacobs  
and the  
Board of County Commissioners

**THROUGH:** Ann Caswell, Manager   
Real Estate Management Division

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

**CONTACT PERSON:** Ann Caswell, Manager

**DIVISION:** Real Estate Management  
Phone: 836-7082

**ACTION REQUESTED:** APPROVAL AND EXECUTION OF DISTRIBUTION EASEMENT BETWEEN ORANGE COUNTY AND DUKE ENERGY FLORIDA, LLC, D/B/A DUKE ENERGY AND AUTHORIZATION TO RECORD INSTRUMENT

**PROJECT:** John Young Community Park  
  
District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of electrical facilities by Duke Energy Florida.

**ITEM:** Distribution Easement  
Revenue: None  
Size: 3,391 square feet

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Capital Projects Division  
Parks and Recreation Division  
Risk Management 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 necessary for electrical service to John Young Community Park. This easement supersedes and replaces one that was approved by the Board of County Commissioners on December 16, 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 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.

**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.**

FEB 16 2016

Project: John Young Community Park



|   |         |         |                |                         |
|---|---------|---------|----------------|-------------------------|
| SEC: 27, 28   | TWP: 24 | RGE: 29 | COUNTY: ORANGE | PROJECT: 865019, 865013 |
| GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS    |         |         |                |                         |
| SITE ADDRESS: 12998 Deertrace Avenue, Orlando, FL 32837 |         |         |                |                         |
| TAX PARCEL NUMBER: 28-24-29-6702-01-000                 |         |         |                |                         |

### 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:

#### See Attached Schedule "A"

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. 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: John Young Community Park

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 aforesaid.



Orange County, Florida  
By: Board of County Commissioners

BY: *Teresa Jacobs*  
Teresa Jacobs  
Orange County Mayor

DATE: 2-16-16

ATTEST: Martha O. Haynie, County Comptroller  
as Clerk to the Board

BY: *Barbara Snell*  
Deputy Clerk

Barbara Snell  
Printed Name

**SCHEDULE "A"**


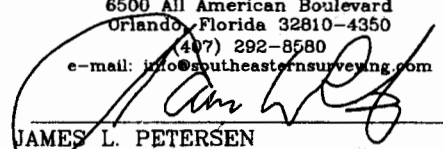
**DESCRIPTION :**

A portion of Lot 1, Park Place at Hunter's Creek according to the plat thereof recorded in Plat Book 70, Pages 116 through 119, Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Lot 1, Park Place at Hunter's Creek according to the plat thereof recorded in Plat Book 70, Pages 116 through 119, Public Records of Orange County, Florida; thence South 89°26'46" West, a distance of 1228.95 feet, along the North line of said Lot 1 to a point on the West line of the NW 1/4 of Section 27, Township 24 South, Range 29 East, Orange County, Florida, said point being on the East line of the NE 1/4 of Section 28, Township 24 South, Range 29 East, Orange County, Florida; thence continue along said North line, South 89°56'03" West, a distance of 664.21 feet; thence leaving said North line South 00°03'57" East, a distance of 10.78 feet to the POINT OF BEGINNING; thence South 55°27' 57" East, a distance of 10.00 feet; thence South 34°32'03" West, a distance of 4.33 feet; thence South 12°25'38" West, a distance of 16.86 feet; thence South 06°00'28" West, a distance of 24.66 feet; thence South 14°42'53" West, a distance of 17.73 feet; thence South 37°00'28" West, a distance of 95.50 feet; thence South 24°11'38" West, a distance of 70.17 feet; thence South 32°37'15" West, a distance of 14.49 feet; thence South 37°47'41" West, a distance of 24.65 feet; thence South 52°10'53" West, a distance of 17.14 feet; thence South 45°07'58" West, a distance of 33.73 feet; thence South 02°53'36" East, a distance of 5.73 feet; thence South 87°06'24" West, a distance of 16.22 feet; thence North 02°53'36" West, a distance of 15.00 feet; thence North 87°06'24" East, a distance of 11.58 feet; thence North 45°07'58" East, a distance of 31.60 feet; thence North 52°10'53" East, a distance of 16.49 feet; thence North 37°47'41" East, a distance of 22.93 feet; thence North 32°37'15" East, a distance of 13.30 feet; thence North 24°11'38" East, a distance of 70.55 feet; thence North 37°00'28" East, a distance of 94.65 feet; thence North 14°42'53" East, a distance of 15.00 feet; thence North 06°00'28" East, a distance of 24.46 feet; thence North 12°25'38" East, a distance of 19.37 feet; thence North 34°32'03" East, a distance of 6.29 feet to the POINT OF BEGINNING. Containing 3391 square feet, more or less.

**SURVEYOR'S REPORT :**

1. Bearings shown hereon are based on the North line of Lot 1, Park Place at Hunter's Creek according to the plat thereof recorded in Plat Book 70, Pages 116 through 119, Public Records of Orange County, Florida, being S 89°26'46" W.
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.

|  |   |  |
|--|---|--|
| <b>DESCRIPTION</b>                             | Date: 12/23/2015 KR   | Certification Number LB2108 51929020   |
| ORANGE COUNTY BOARD<br>OF COUNTY COMMISSIONERS | Job Number: 51929      Scale: 1"=100'   | <br><b>SOUTHEASTERN SURVEYING<br/>AND MAPPING CORPORATION</b><br>6500 All American Boulevard<br>Orlando, Florida 32810-4350<br>(407) 292-8580<br>e-mail: info@southeasternsurveying.com |
|  | Chapter 5J-17.050-.052,<br>Florida Administrative Code<br>requires that a legal description<br>drawing bear the notation that<br><b>THIS IS NOT A SURVEY.</b> |  |
|  | SHEET 1 OF 2<br>SEE SHEET 2 FOR SKETCH  |  |
|  |   | <br><b>JAMES L. PETERSEN</b><br>REGISTERED LAND SURVEYOR Number 4791  |

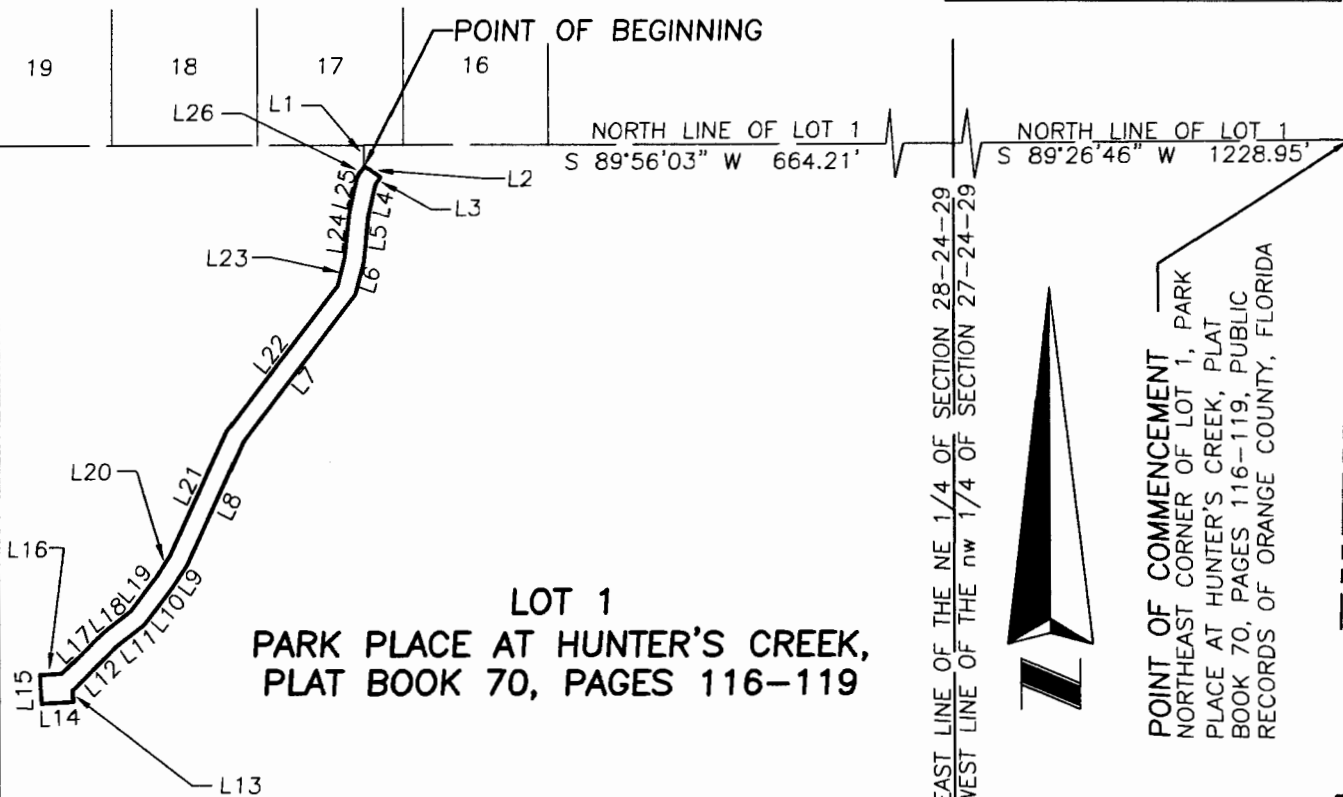
SKETCH OF DESCRIPTION

| LINE TABLE |               |        |
|------------|---------------|--------|
| LINE #     | BEARING       | LENGTH |
| L1         | S 00°03'57" E | 10.78' |
| L2         | S 55°27'57" E | 10.00' |
| L3         | S 34°32'03" W | 4.33'  |
| L4         | S 12°25'38" W | 16.86' |
| L5         | S 06°00'28" W | 24.66' |
| L6         | S 14°42'53" W | 17.73' |
| L7         | S 37°00'28" W | 95.50' |
| L8         | S 24°11'38" W | 70.17' |
| L9         | S 32°37'15" W | 14.49' |
| L10        | S 37°47'41" W | 24.65' |

| LINE TABLE |               |        |
|------------|---------------|--------|
| LINE #     | BEARING       | LENGTH |
| L11        | S 52°10'53" W | 17.14' |
| L12        | S 45°07'58" W | 33.73' |
| L13        | S 02°53'36" E | 5.73'  |
| L14        | S 87°06'24" W | 16.22' |
| L15        | N 02°53'36" W | 15.00' |
| L16        | N 87°06'24" E | 11.58' |
| L17        | N 45°07'58" E | 31.60' |

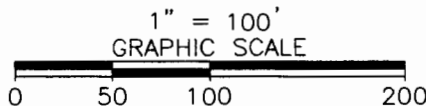
| LINE TABLE |               |        |
|------------|---------------|--------|
| LINE #     | BEARING       | LENGTH |
| L18        | N 52°10'53" E | 16.49' |
| L19        | N 37°47'41" E | 22.93' |
| L20        | N 32°37'15" E | 13.30' |
| L21        | N 24°11'38" E | 70.55' |
| L22        | N 37°00'28" E | 94.65' |
| L23        | N 14°42'53" E | 15.00' |
| L24        | N 06°00'28" E | 24.46' |
| L25        | N 12°25'38" E | 19.37' |
| L26        | N 34°32'03" E | 6.29'  |

DEERFIELD PHASE 1 D  
PLAT BOOK 23, PAGE 66-68



SOUTH ORANGE BLOSSOM TRAIL (US 441)(STATE ROAD 500)  
(STATE ROAD 600)  
(RIGHT OF WAY VARIES PER DEED BOOK 444, PAGE 6)

LEGEND :  
L1 = LINE NUMBER



Drawing Number 51929020  
Job No. 51929  
Date: 12/23/2015  
SHEET 2 OF 2  
See Sheet 1 for Description

THIS IS NOT A SURVEY.  
NOT VALID WITHOUT SHEET 1 OF 2



SOUTHEASTERN SURVEYING  
AND MAPPING CORPORATION  
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Orlando, Florida 32810-4350  
(407) 292-8580  
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