



Interoffice Memorandum

APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

BCC Mtg. Date: Mar. 1, 2016

REAL ESTATE MANAGEMENT ITEM 1

**DATE:** February 9, 2016

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

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

**FROM:** Elizabeth Price Jackson, Senior Title Examiner *EPJ*  
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:** McCormick Woods Booster Pump Station Easement  
  
District 2

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

**ITEM:** Distribution Easement  
Revenue: None  
Size: 756 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 necessary for electrical service to the McCormick Woods Booster Pump Station. This easement supersedes and replaces the one approved by the Board of County Commissioners on February 11, 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.**

MAR 01 2016

Project: McCormick Woods Booster Pump Station Easement



SEC: 28	TWP: 21S	RGE: 28E	COUNTY: ORANGE	PROJECT: 446983
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 701 W. McCormick Rd, Apopka, Florida 32703				
TAX PARCEL NUMBER: 28-21-28-0000-00-010				

### 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 Exhibit "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: McCormick Woods Booster Pump Station 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. 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: 3.1.16

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

BY: *Jessica Vaupel*  
for Deputy Clerk

Jessica Vaupel  
Printed Name

# EXHIBIT "A"

THIS IS NOT A SURVEY

## SKETCH OF DESCRIPTION DISTRIBUTION EASEMENT McCormick Woods Booster Pump Station

A PORTION OF THE NORTHEAST ¼ OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 28 EAST; THENCE SOUTH 00°05'05" WEST, ALONG THE WEST LINE OF THE NORTHEAST ¼ OF SAID SECTION 33, A DISTANCE OF 1315.38 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF MCCORMICK ROAD PER DEED BOOK 389, PAGE 266 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE SOUTH 89°43'12" EAST, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 1163.24 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE NORTH 00°00'00" EAST A DISTANCE OF 75.55 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 75.55 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 10.00 FEET TO THE AFORESAID POINT OF BEGINNING.

CONTAINING 756 SQUARE FEET (0.017 ACRE)

**Surveyor's Notes:**

1. The sketch depicted hereon is for graphic representation only and does not reflect a field survey.
2. Unless it bears the signature and the original roised seal of a Florida Licensed Surveyor and Mapper this sketch is for informational purposes only and is not valid
3. Bearings are assumed and based on the North Right of Way of McCormick Road, as being S89°43'12"E.

MCCORMICK WOODS BOOSTER PUMP STATION

SCALE 1"=50'	DATE 01/21/2016	DRAWN LLH	CALCED LLH	CHECKED WJB
JOB No. 1506-15	SECTION 33	TOWNSHIP 21_S	RANGE 28_E	

**ORANGE COUNTY UTILITIES**

ORANGE COUNTY, FLORIDA

9150 Curry Ford Road  
Orlando, FL 32825

CERTIFIED AS TO SKETCH AND LEGAL DESCRIPTION

Sketch and Legal Description not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.



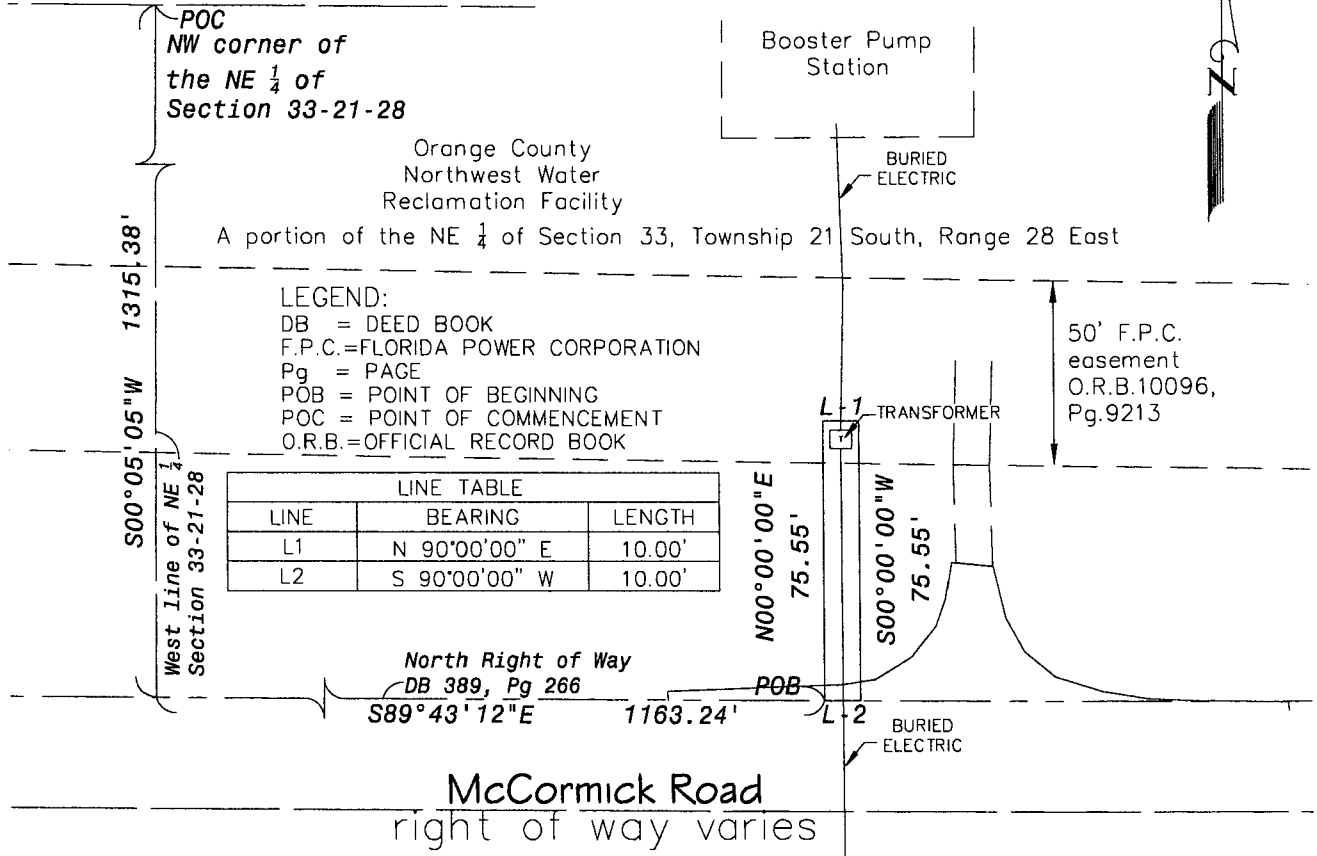
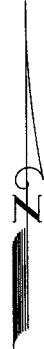
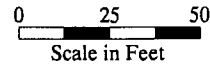
LEON L. HAMPTON, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
STATE OF FLORIDA # LS 5910

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# EXHIBIT "A"

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MCCORMICK WOODS BOOSTER PUMP STATION

SCALE 1"=50'	DATE 01/21/2016	DRAWN LLH	CALCED LLH	CHECKED WJB
JOB No. 1506-15	SECTION 33	TOWNSHIP 21_S	RANGE 28_E	

SEE SHEET 1 OF 2 FOR SIGNATURE

### ORANGE COUNTY UTILITIES

ORANGE COUNTY, FLORIDA

9150 Curry Ford Road  
Orlando, FL 32825

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