



Interoffice Memorandum


APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

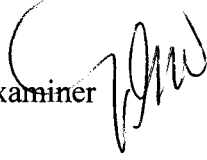
BCC Mtg. Date: Jun. 28, 2016

REAL ESTATE MANAGEMENT ITEM 2

**DATE:** June 7, 2016

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

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

**FROM:** Virginia G. Williams, 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:** Fire Rescue Headquarters Redundant Primary Electrical Loop  
District 5

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

**ITEM:** Distribution Easement  
Revenue: None  
Size: 9,899 square feet

**APPROVALS:** Real Estate Management Division  
Fire Rescue Department  
Capital Projects Division

**REMARKS:**

This Distribution Easement (Easement) provides Duke Energy Florida, LLC, d/b/a Duke Energy (Grantee) the right to construct, install and maintain distribution lines and related facilities necessary for electrical service to the Fire Rescue Headquarters. This Easement will replace an existing blanket easement over the entire parent tract, filed March 30, 1999, which was not executed and approved by the Board of County Commissioners. Grantee has agreed that upon receipt of the new Easement it will record a release of the previously recorded easement. This Easement specifically defines the easement area. 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.**

Project: Fire Rescue Headquarters Redundant Primary Electrical Loop



SEC: 10	TWP: 22	RGE: 30	COUNTY: ORANGE	PROJECT: Fire Rescue Headquarters
GRANTOR: ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS				
SITE ADDRESS: 6590 Amory Court, Winter Park, FL 32792				
TAX PARCEL NUMBER: 10-22-30-8821-00-020				

### DISTRIBUTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, 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", Sketch of Description, as prepared by Robert M. Jones of Amec Foster Wheeler Environment & Infrastructure, Inc., dated 11/12/2015, Job No.: 6374150861, consisting of two (2) pages attached hereto 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. Failure to exercise the rights herein granted to **GRANTEE** shall 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: Fire Rescue Headquarters Redundant Primary Electrical Loop

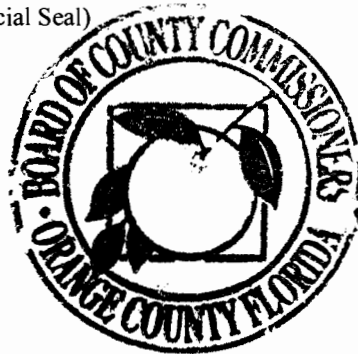
**GRANTEE** shall defend, indemnify and hold harmless **GRANTOR**, its officials, agents and employees from and against any and all claims, suits, judgments, demands, liabilities, damages, cost and expenses (including reasonable attorney's fees prior to and upon appeal) of any kind or nature whatsoever 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.

(Official Seal)



Orange County, Florida  
By: Board of County Commissioners

BY: *Teresa Jacobs*  
Teresa Jacobs  
Orange County Mayor

DATE: 6.28.16

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

BY: *Katie Smith*  
Deputy Clerk

**Katie Smith**

Printed Name

**SCHEDULE "A"**  
**SKETCH OF DESCRIPTION**  
**PARCEL: 101**  
**ESTATE: PERMANENT EASEMENT**  
**PURPOSE: UTILITIES**

**Legal Description**

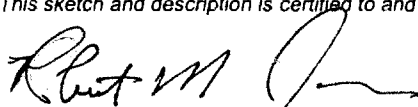
A parcel of land lying in Section 10, Township 22 South, Range 30 East and being a portion of Lot 2 U-LOCK-IT INDUSTRIAL PARK according to the plat thereof recorded in Plat Book 16 at Page 113 of the Public Records of Orange County, Florida and being more particularly described as follows:

Commencing at the Northeast corner of said Lot 2, thence run S00°48'05"E, along the East line of said Lot 2, a distance of 173.25 feet to a point on a non-tangent curve with a radius of 50.00 feet, concave to the southeast; thence southwesterly along said curve to the left and said East line of Lot 2 through a central angle of 34°10'57", a distance of 29.83 feet where the chord bears S24°57'02"W a distance of 29.39 feet to the **POINT OF BEGINNING** of the herein described parcel; thence departing said East line of Lot 2 run S89°30'19"W, a distance of 350.31 feet; thence S00°05'08"E, a distance of 244.59 feet; thence S86°50'01"W, a distance of 1.47 feet; thence S03°09'59"E, a distance of 22.52 feet; thence S45°44'49"E, a distance of 5.89 feet; thence S63°16'37"E, a distance of 74.61 feet; thence S79°37'10"E, a distance of 51.17 feet; thence S85°56'27"E, a distance of 72.86 feet; thence S82°09'35"E, a distance of 68.67 feet; thence S70°27'31"E, a distance of 20.89 feet; thence S58°04'59"E, a distance of 41.66 feet; thence S49°33'25"E, a distance of 50.12 feet to said East line of Lot 2; thence N00°48'05"W along said East line of Lot 2, a distance of 13.30 feet; thence departing said East line run N49°33'25"W, a distance of 42.09 feet; thence N58°04'59"W, a distance of 43.49 feet; thence N70°27'31"W, a distance of 23.00 feet; thence N82°09'35"W, a distance of 70.03 feet; thence N85°56'27"W, a distance of 72.64 feet; thence N79°37'10"W, a distance of 49.18 feet; thence N63°16'37"W, a distance of 68.58 feet; thence N03°09'59"W, a distance of 20.48 feet; thence S86°50'01"W, a distance of 1.47 feet; thence N00°05'08"W, a distance of 234.12 feet; thence N89°30'19"E, a distance of 339.87 feet to said East line of Lot 2; thence along said East line run N00°48'05"W, a distance of 2.47 feet to the point of curvature of a curve with a radius of 50.00 feet, concave to the east; thence northerly along said curve to the right and said east line of Lot 2 through a central angle of 8°39'27", a distance of 7.55 feet where the chord bears N03°31'39"E a distance of 7.55 feet to the **POINT OF BEGINNING**.

Containing 9899 square feet or 0.227 acres, more or less.


**Surveyors Notes**

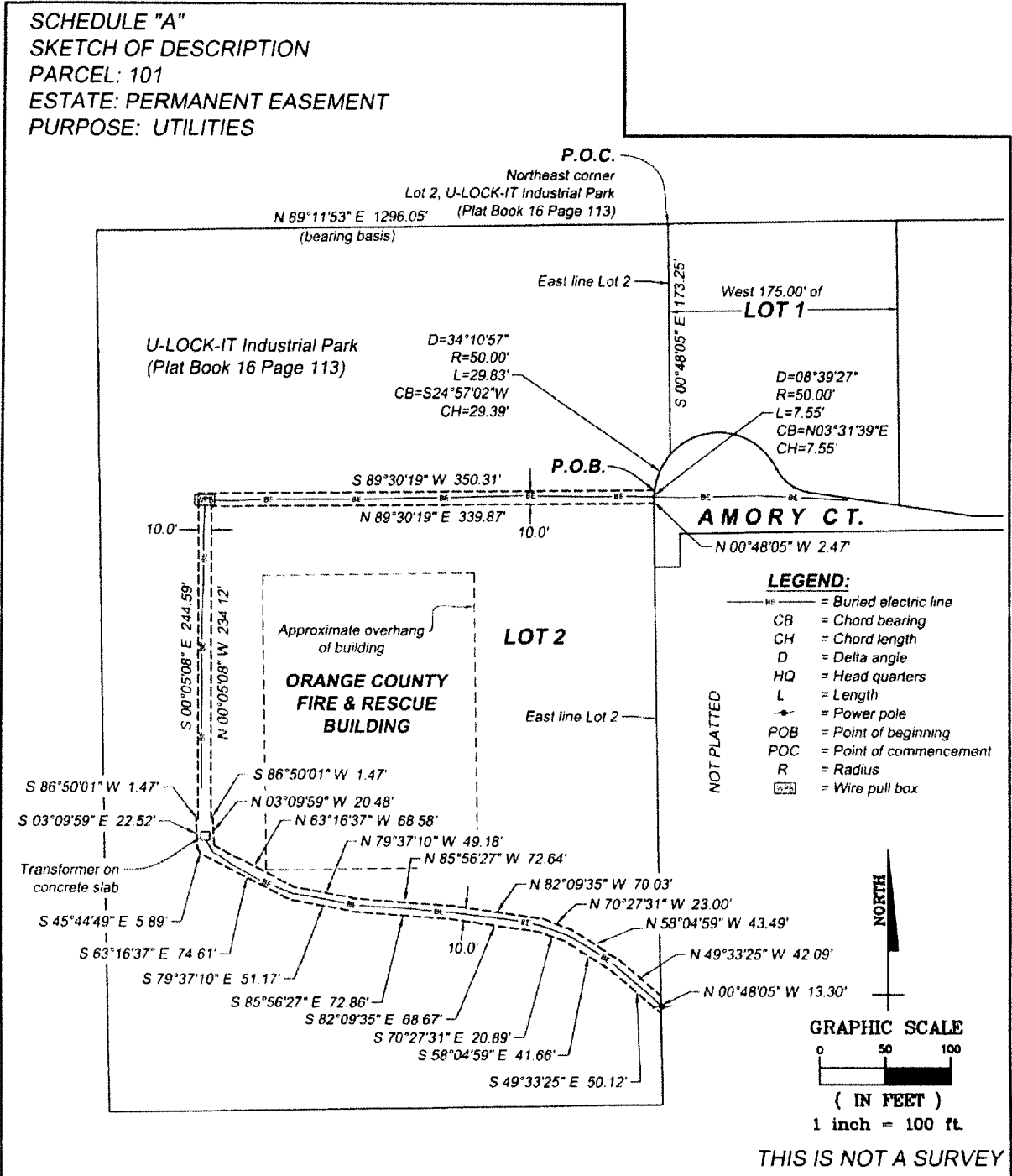
1. This legal description and sketch is not valid without the signature and original raised seal of the signing Florida licensed Professional Surveyor and Mapper.
2. The lands described and depicted hereon were not abstracted for ownership, easements, rights-of-way or other title matters by this firm.
3. Bearings shown hereon are relative to the Florida State Plane Coordinate System, East Zone (0901), North American Datum of 1983/2011 Adjustment, with North line of Lot 1 being N 89°11'53" E .
4. The legal description shown hereon was prepared by this firm at the direction of the client.
5. This sketch and description is certified to and for the exclusive use of Orange County, Florida.



**ROBERT M. JONES**  
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER  
 LICENSE No. LS 4201

**THIS IS NOT A SURVEY**

<b>PROJECT TITLE</b> Sketch of Description Orange County Fire Rescue HQ Redundant Electrical Primary Loop System Section 10, Township 22 South, Range 30 East, Orange County, Florida					
		<b>DATE</b>	<b>BY</b>	<b>DESCRIPTION</b>	
		<b>REVISION</b>			
	<b>Amec Foster Wheeler Environment &amp; Infrastructure, Inc.</b>		DRAWN BY <b>A.D.W.</b>	CHKD. BY <b>R.M.J.</b>	
	75 East Amelia Street, Suite 200 Orlando, FL 32801 USA Phone: (407) 522-7570 Fax: (407) 522-7576		DATE 11/12/2015	DATE 11/12/2015	
	Certificate of Authorization Number LB-0007932		JOB No. 6374150861	SCALE N/A	SHT. 1 OF 2
			DRAWING NAME: 6374150861 - OCCP Fire Rescue S&D.dwg		



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<b>DRAWN BY</b>	A.D.W.	<b>CHKD BY</b>	R.M.J.
<b>DATE</b>	11/11/2015	<b>DATE</b>	11/11/2015
<b>JOB No</b>	6374150861	<b>SCALE</b>	1" = 100'
		<b>SHT</b>	2
		<b>OF</b>	2
<b>DRAWING NAME:</b> 6374150861 - OCCP Fire Rescue S&D.dwg			

**Amec Foster Wheeler Environment & Infrastructure, Inc.**  
 75 East Amelia Street, Suite 200  
 Orlando, FL 32801 USA  
 Phone: (407) 522-7570  
 Fax: (407) 522-7576  
 Certificate of Authorization Number LB-0007932

