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OR BK 09536 PG 0186 PGS=40  
MARTHA O. HAYNIE, COMPTROLLER  
ORANGE COUNTY, FL  
12/17/2007 04:37:44 PM  
REC FEE 341.50

June 18, 2007  
This instrument prepared by  
LYNN W. BLAIS  
Under the direction of  
LAWRENCE S. GENDZIER, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 253.1 and 812.1  
SECTION 75280  
F.P. NO. 242484 4  
STATE ROAD 400 (I-4)  
COUNTY ORANGE

This easement constitutes a conveyance from a state agency or instrumentality to an agency of the state and is not subject to documentary stamp tax. Department of Revenue Rules 12B-4.0114(10), F.A.C.

#### EASEMENT AGREEMENT

This EASEMENT AGREEMENT is made by and between the CITY OF ORLANDO, FLORIDA, a municipal corporation of the State of Florida (the "City"), whose address is 400 South Orange Avenue, Orlando, Florida 32801, and the ORLANDO UTILITIES COMMISSION, a statutory commission of the City of Orlando, under the laws of the State of Florida, whose address is 500 South Orange Avenue, Orlando, Florida ("OUC") (City and OUC collectively referred to hereinafter as "Grantor"), and the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida ("Department"), whose address is 719 South Woodland Boulevard, DeLand, Florida 32724 ("Grantee").

#### RECITALS:

Grantor is the owner of certain property in Orange County, Florida, commonly identified as the OUC America Substation #10, which is improved with an electrical power substation located at the northwesterly corner of Sylvia Lane and America Street in Orlando, Florida (the "OUC Substation") which provides power for a substantial portion of Downtown Orlando. Grantee plans to construct certain interchange bridges

City Council Meeting: 9/17/07

Item: 12 Documentary

2570977602

Document recorded as presented.  
Orange County, FL Comptroller

and appurtenant improvements to the interchange at the intersection of S.R. 408 and I-4, which interchange improvements will cross above portions of the OUC Substation. Pursuant to the terms of that certain Agreement dated October 8, 2007 by and between OUC and the Department (the "Agreement"), and subject to the terms and conditions set forth herein, Grantee desires to obtain from Grantor, and Grantor is willing to grant to Grantee a perpetual air rights easement over a portion of the OUC Substation as more particularly described in Exhibit "G-1" (the "Air Rights Easement Area") and a construction/maintenance easement over a portion of the OUC Substation as more particularly described in Exhibit "G-2" attached hereto and incorporated herein (the "Construction/Maintenance Easement Area"). All of said easements are shown in Exhibit "G-3" attached hereto.

**NOW, THEREFORE**, for and in consideration of Ten Dollars (\$10.00), the mutual covenants set forth herein and in the Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor and Grantee agree as follows:

1. **Recitals Incorporated:** The foregoing recitals are true and correct and are incorporated by reference herein.

2. **Grant of Perpetual Air Rights Easement:**

a. Grantor hereby grants unto Grantee a perpetual non-exclusive easement over the Air Rights Easement Area for the purpose of constructing, locating, repairing and maintaining the interchange improvements substantially as depicted on the non-final construction plans attached hereto as Exhibit "G-4" and incorporated herein (the "Elevated Expressway"). However, the final construction plans and all construction shall be subject to the provisions of Exhibits G-3, G-5 and G-6 attached hereto and, in the event of any conflict, the provisions of Exhibits G-3, G-5 and G-6 shall control. The construction, location, repair and maintenance of improvements within the Air Rights Easement Area shall be limited to the Elevated Expressway. Notwithstanding anything contained herein, all rights not granted to Grantee herein are reserved to Grantor. Without limiting the foregoing, Grantor hereby expressly reserves the right to access, park, store, place, locate, construct, maintain, repair, replace, add to, expand, relocate and modify above ground and underground lines, wires, cables, pipes, conduits, buses, pads, manholes, pads, transformers, irrigation, landscaping, fiber, telecommunications, or vehicles used for any purpose including, but not limited to, electrical transmission or distribution, fiber, telecommunications, water, sewer, drainage or any other use by Grantor that may exist currently or in the future may be located within the Air Rights Easement Area (the "OUC Improvements"), provided that such actions shall not permanently impair Grantee's use or construction of the Elevated Expressway within the Air Rights Easement Area.

b. Grantee shall have the sole and exclusive responsibility for the design of the improvements Grantee places within the Air Rights Easement Area. Grantor shall have the right to extend transmission or distribution lines over any improvements Grantee locates within the Air Rights Easement Area and the adjoining

portions of the Elevated Expressway at the location depicted. Grantor shall have no responsibility for the design of the improvements Grantee places in the Air Rights Easement Area. Grantee is advised that the Grantor's use of the Air Rights Easement Area, the OUC Substation and adjacent electrical facilities below the Elevated Expressway is for a high voltage electrical substation and that activities in the Air Rights Easement Area can constitute ultrahazardous activities.

**3. Grant of Construction/Maintenance Easement:** Grantor hereby grants unto Grantee a non-exclusive easement on, over and through the Construction/Maintenance Easement Area for the purpose of construction of the improvements in **Exhibit "G-4"** as limited by the provisions of Exhibits G-3, G-5 and G-6 attached hereto. Notwithstanding anything contained herein, all rights not granted to Grantee herein are reserved to Grantor. Without limiting the foregoing, Grantor hereby expressly reserves the right to construct, maintain, repair, replace, add to, expand, relocate and modify the OUC improvements located within the Construction/Maintenance Easement Area provided that such actions shall not permanently impair Grantee's use of the Construction/Maintenance Easement Area for the purposes granted herein. Grantee shall have the sole and exclusive responsibility for the design, construction, repair, supervision and maintenance of all improvements Grantee temporarily places within the Construction/Maintenance Easement Area. Grantor shall have no responsibility for the design, construction, repair, supervision, maintenance of the improvements Grantee temporarily places in the Construction/Maintenance Easement Area. Grantee is advised that the Grantor's use of the Construction/Maintenance Easement Area below and beside the elevated expressway is for a high voltage substation and that activities in the Construction/Maintenance Easement Area can constitute ultrahazardous activities. .

**4. Conditions of Construction:** The use of the Air Rights Easement and Construction/Maintenance Easement shall be subject to the conditions attached hereto as **Exhibit "G-5" and Exhibit "G-6"** and all work shall be performed in such a manner that existing and future OUC structural improvements will not be damaged and the security of the OUC Substation will be maintained at all times. Grantee is solely responsible for any damages caused by its actions or those of its contractors within any portion of the OUC Substation property.

**5. Indemnity:**

a. Any contractor of the Grantee prior to commencing work on the Air Rights Easement Area or Construction/Maintenance Easement Area shall provide insurance in the amount of \$5,000,000.00 for the term of the work. Proof of insurance, including the amount of coverage for the term of the insurance shall be provided to the Grantor at the address below.

b. Grantor makes no representations or warranties as to the condition of the Air Rights Easement Area or the Construction/Maintenance Easement Area and, notwithstanding anything to the contrary provided in this Agreement, it is understood and agreed that there shall be no liability on the part of Grantor, or any board or council

member, officer, employee or representative of Grantor, to Grantee, its agents or employees, or its elected or appointed officials, or any other person using the said easement areas pursuant to this Agreement.

6. **Assignability:** The easements shall not be assignable by Grantee without the express consent of the Grantor, provided, however, should the Grantee or any Grantor party be succeeded by another public body, then the terms, covenants and conditions hereof shall bind such successor or successors.

7. **Notices:** Notices that are defined or required in this Agreement which either the Grantor or OUC may desire or be required to serve upon the other shall be in writing and shall be deemed served when delivered personally or by United States mail postage prepaid addressed as follows (or at such other address designated by either party by written notice from time to time):

OUC: Ken Ksionek  
General Manager and CEO  
Orlando Utilities Commission  
500 South Orange Avenue  
Orlando, Florida 32801

And

c/o Head of Substation  
General Counsel  
Orlando Utilities Commission  
500 South Orange Avenue  
Orlando, Florida 32801

City: City Clerk  
One City Commons  
Orlando, FL 32801

And

City Attorney  
One City Commons  
Orlando, FL 32801

Department: State of Florida  
Department of Transportation  
719 S. Woodland Boulevard  
DeLand, Florida 32724  
General Counsel for District 5

8. **No Liability:** Nothing in this Agreement shall operate to impose any obligation on the City with respect to the operation and maintenance of any OUC

facilities, nor does this Agreement operate to create or impose any obligation, responsibility or liability on the City arising from (1) execution of this Agreement, (2) conveyance of the easement referenced herein, or (3) the activities of FDOT or OUC.

**IN WITNESS WHEREOF**, the Grantor and Grantee have caused these presents to be executed as of the day and year first above written.

Signed, sealed and delivered  
in the presence of: Two witnesses  
required by Florida law

GRANTOR:  
CITY OF ORLANDO, FLORIDA

Ruth Borges  
Witness Signature Line

By: Daisy W. Lynn  
Mayor/Mayor Pro Tem

Print Name: Ruth Borges

ATTEST: Alana C. Brenner  
City Clerk

Dawn Kirtew  
Witness Signature Line

Print Name: Dawn Kirtew

Alana Brenner  
Printed Name

APPROVED AS TO FORM AND  
LEGALITY  
For use and reliance of the City of Orlando,  
Florida only.

11/1, 2007

[Signature]  
City Attorney  
Orlando, Florida

Print Name: RKP

STATE OF FLORIDA  
COUNTY OF ORANGE

BEFORE me personally appeared Daisy Lynem, who is personally known to me, and Alana Bremer who is personally known to me, and who executed the foregoing instrument as ~~Mayor~~ Mayor Pro Tem and City Clerk of City of Orlando and that the seal affixed to the foregoing instrument is the seal of said City and the said instrument is the free act and deed of said City.

WITNESS my hand and official seal this 26 day of October, A.D. 2007.

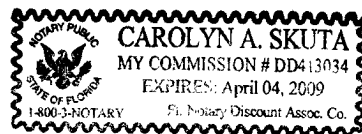
Carolyn A. Skuta

PRINT/TYPE NAME: \_\_\_\_\_

Notary Public in and for the  
County and State last aforesaid.

My Commission Expires: \_\_\_\_\_

[Seal]



Signed, sealed and delivered  
in the presence of: Two witnesses  
required by Florida law

Ruth E. Brown  
SIGNATURE LINE  
PRINT/TYPE NAME: Ruth E. Brown

Timothy D. Dix  
SIGNATURE LINE  
PRINT/TYPE NAME: TIMOTHY DIX

ORLANDO UTILITIES  
COMMISSION, a statutory  
commission under the laws of the  
State of Florida

By: [Signature]  
Kenneth P. Ksionek  
General Manager and CEO

ATTEST: [Signature]  
Sharon Knudsen  
Assistant Secretary  
(SEAL)

APPROVED AS TO FORM AND LEGALITY  
For use and reliance of the  
Orlando Utilities Commission only.

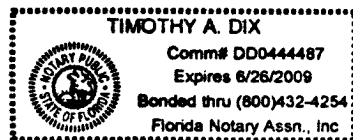
October 25, 2007

[Signature]  
Title: Attorney for Orlando Utilities Comm.  
Print Name: G. Robert Dily

STATE OF FLORIDA  
COUNTY OF ORANGE

BEFORE me personally appeared Kenneth R. Ksionek, who is personally known to me, and Sharon Knudsen, who is personally known to me, and who executed the foregoing instrument as General Manager and CEO and Assistant Secretary of Orlando Utilities Commission and that the seal affixed to the foregoing instrument is the seal of said Utility and the said instrument is the free act and deed of said Utility.

WITNESS my hand and official seal this 25 day of OCTOBER, A.D.  
2007.



Timothy D. Dix  
PRINT/TYPE NAME: TIMOTHY DIX  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: 6-26-2009  
Serial No., if any: DD0444487

GRANTEE:

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

*Norma Mejias*  
Print Witness Name: **Norma Mejias**

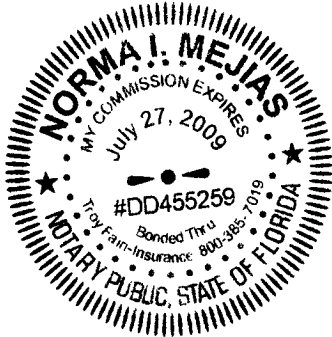
*Kerry Marchese*  
Print Witness Name: **Kerry Marchese**

By: *Noranne B. Downs*  
Noranne B. Downs, P.E.  
District Secretary, District Five  
719 South Woodland Boulevard  
DeLand, FL 32724

Attest: *Jeanette*  
Executive Secretary  
719 South Woodland Boulevard  
DeLand, FL 32724

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 12  
day of DECEMBER, 2007, by Noranne B. Downs, P.E., as District Secretary  
for District Five of the Department of Transportation. Said person is personally known to  
me or has produced \_\_\_\_\_ identification.



*Norma I. Mejias*  
PRINT/TYPE NAME: **NORMA I. MEJIAS**  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: \_\_\_\_\_  
Serial No., if any: \_\_\_\_\_



**EXHIBIT G-1**

**PARCEL NO. 253**

**SECTION NO. 75280**

**Perpetual Air Rights Easement**

**FP NO. 242484 4**

THAT PART OF:

"Lots 7, 7 ½, and 8 of Sylvia's Addition to Orlando, as recorded in Plat Book "F" page 35, Public Records of Orange County, Florida."

AND

"Lot 5, A. H. NOVINGER'S SUBDIVISION, according to the plat thereof recorded in Plat Book F, page 88, Public Records of Orange County, Florida."

AND

"Begin on the North side of America Street at a point 244 feet West of the Southwest corner of Lot 10, of BOONE'S ADDITION, run West along the North side of America Street 70 feet, thence North 164-1/2 feet to the South line of Sylvia Addition, thence East 70 feet, thence South 164-1/2 feet to point of beginning, Section 35, Township 22 South, Range 29 East.

AND

Begin 184 feet West of the SW corner of Lot 10 of BOONE'S ADDITION TO ORLANDO, as the same appears of record in Plat Book C, page 6, of the Public Records of Orange County, Florida, and run thence North 164-1/2 feet; thence West 60 feet, thence South 164-1/2 feet; thence East 60 feet."

AND

"Begin at a point on the North line of America Street, 314 feet West of the Southwest corner of Lot 10 of C.A. Boone's Addition to Orlando as recorded in Plat Book C, Page 6, of the Public Records of Orange County, Florida; run thence North 164.5 feet; thence West to the East line of a right of way of the Atlantic Coast Line Railway; thence in a Southerly direction along the East boundary line of said right of way to a point on the North line of said America Street; thence East 90 feet to the Point of Beginning. Being in Section 35, Township 22 South, Range 29 East, Orange County, Florida."

AND

"Lots 4, 10 and 11 located in the A. H. Novinger resurvey in the City of Orlando, Orange County, Florida, shown in Plat Book F page 88 and all other real estate owned by A. H. Novinger, located in the City of Orlando, Orange County, Florida."

AND

"Lots 5-1/2 and 6, A.H. NOVINGER'S SUBDIVISION, according to the plat thereof recorded in Plat Book "F", page 88 of the Public Records of Orange County, Florida."

AND

"Lot 3-1/2 of A.H. NOVINGER'S RESURVEY of Lots 3, 4, 5, 6, 10, 11 of SYLVIA'S ADDITION TO ORLANDO, according to the plat thereof as recorded in Plat Book F, page 88, Public Records of Orange County, Florida."

AND

"Beginning 30 feet West of the Southwest corner of Lot 10 of BOONE'S ADDITION to Orlando, as per plat thereof recorded in Plat Book C, Page 6, of the Public Records of Orange County, Florida; run thence North 164 ½ feet; thence West 154 feet; thence South 164 ½ feet; thence East to the place of beginning."

AND

"Lot 3 of A. H. NOVINGER'S RESURVEY of Lots 3, 4, 5, 6, 10 and 11, of Sylvia Addition to Orlando, according to plat thereof recorded in Plat Book F, Page 88, of the Public Records of Orange County, Florida."

(The above described lands being described and recorded in Deed Book 466, Page 7, Official Records Book 1055, Page 110, Official Records Book 1055, Page 112, Official Records Book 1064, Page 725, Official Records Book 1146, Page 597, Minute Book 42, Page 626, Official Records Book 1191, Page 243, Official Records Book 1735, Page 348, and Official Records Book 1748, Page 534, Public Records of Orange County, Florida.)

DESCRIBED AS FOLLOWS:

PART A

PERPETUAL AIR RIGHTS EASEMENT

From a 5/8 inch diameter iron bar and cap stamped "FDOT LB 7015 JWG" at the Southwest corner of Lot 10 of Boone's Addition to Orlando, as recorded in Plat Book C, Page 6, Public Records of Orange County, Florida, said corner being the most Southwesterly corner of said plat and also being a point on the existing

Northerly right of way line of America Street, as shown on the Florida Department of Transportation Right of Way Map for State Road 400, F.P. No. 242484 4 on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, Deland, Florida thence run South 89 degrees 11 minutes 25 seconds West 253.59 feet along said existing Northerly right of way line, to a point on a non-tangent curve concave Southeasterly and having a radius of 2587.50 feet, for the POINT OF BEGINNING; thence from a tangent bearing of North 55 degrees 24 minutes 47 seconds East run Northeasterly 168.84 feet along the arc of said curve with a chord bearing of North 57 degrees 16 minutes 56 seconds East through a central angle of 03 degrees 44 minutes 19 seconds to a point on the existing Westerly right of way line of Sylvia Lane, as shown on the aforesaid Right of Way Map, said point being on a non-tangent curve concave Easterly and having a radius of 290.10 feet; thence from a tangent bearing of North 01 degrees 16 minutes 56 seconds West run Northerly 71.25 feet along said existing Westerly right of way line and the arc of said curve with a chord bearing of North 05 degrees 45 minutes 13 seconds East through a central angle of 14 degrees 04 minutes 17 seconds; thence South 59 degrees 59 minutes 21 seconds West 33.58 feet to the point of curvature of a curve concave Northwesterly and having a radius of 3000.00 feet; thence Southwesterly 141.36 feet along the arc of said curve with a chord bearing of South 61 degrees 20 minutes 21 seconds West through a central angle of 02 degrees 41 minutes 59 seconds to the point of compound curvature of a curve concave Northwesterly and having a radius of 509.00 feet; thence Southwesterly 160.29 feet along said the arc of said curve with a chord bearing of South 71 degrees 42 minutes 38 seconds West through a central angle of 18 degrees 02 minutes 34 seconds to a point on the existing Easterly right of way line of the CSX Transportation, Inc. Railroad, as shown on the aforesaid Right of Way Map, said point being on a non-tangent curve concave Easterly and having a radius of 2352.42 feet; thence from a tangent bearing of South 03 degrees 01 minutes 58 seconds East run Southerly 29.49 feet along the arc of said curve with a chord bearing of South 03 degrees 23 minutes 31 seconds East through a central angle of 00 degrees 43 minutes 06 seconds to a point on the aforesaid existing Northerly right of way line of America Street, being South 89 degrees 11 minutes 25 seconds West 0.84 feet from a 4" X 4" concrete monument stamped "LS 1585 LS 1819 LS 3186"; thence North 89 degrees 11 minutes 25 seconds East 153.78 feet along said existing Northerly right of way line to the Point of Beginning. (Containing: 17950 Square Feet, more or less.)

AND

PART B  
PERPETUAL AIR RIGHTS EASEMENT

From a 5/8 inch diameter iron bar and cap stamped "FDOT LB 7015 JWG" at the Southwest corner of Lot 10 of Boone's Addition to Orlando, as recorded in Plat Book C, Page 6, Public Records of Orange County, Florida, said corner being the

most Southwesterly corner of said plat and also being a point on the existing Northerly right of way line of America Street, as shown on the Florida Department of Transportation Right of Way Map for State Road 400, F.P. No. 242484 4 on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, Deland, Florida, run South 89 degrees 11 minutes 25 seconds West, 407.37 feet along said existing Northerly right of way line to a point on the existing Easterly right of way line of the CSX Transportation, Inc. Railroad, and being South 89 degrees 11 minutes 25 seconds West, 0.84 feet from a 4" X 4" concrete monument stamped "LS 1585 LS 1819 LS 3186", said point being on a non-tangent curve concave Easterly and having a radius of 2352.42 feet; thence from a tangent bearing of North 03 degrees 45 minutes 04 seconds West run Northerly 47.87 feet along said existing Easterly right of way line and the arc of said curve with a chord bearing of North 03 degrees 10 minutes 06 seconds West through a central angle of 01 degrees 09 minutes 57 seconds to the point of compound curvature of a curve concave Easterly and having a radius of 923.71 feet; thence Northeasterly 253.76 feet along said existing Easterly right of way line and the arc of said curve with a chord bearing of North 05 degrees 17 minutes 05 seconds East through a central angle of 15 degrees 44 minutes 24 seconds, for the POINT OF BEGINNING; thence continue Northeasterly 30.43 feet along said existing Easterly right of way line and the arc of said curve concave Easterly having a radius of 923.71 feet, with a chord bearing of North 14 degrees 05 minutes 55 seconds East through a central angle of 01 degrees 53 minutes 15 seconds to a point on the existing Southerly limited access right of way line of State Road 408, as shown on the aforesaid Right of Way Map, said point being North 89 degrees 31 minutes 05 seconds East 0.22 feet from a 4" X 4" concrete monument stamped "LS 1585 LS 1819 LS 3186"; thence North 89 degrees 31 minutes 05 seconds East 364.04 feet along the existing Southerly right of way line of State Road 408 to a point on the existing Westerly right of way line of Sylvia Lane as shown on said Right of Way Map; thence South 33 degrees 42 minutes 21 seconds West 39.16 feet along said existing Westerly right of way line; thence North 89 degrees 59 minutes 58 seconds West 349.71 feet to the Point of Beginning. (Containing: 11059 Square Feet, more or less.)

CONTAINING IN AGGREGATE: 0.666 Acres (29009 Square Feet), more or less.

This legal description prepared under the direction of:  
Thomas J. Croonquist, PSM #5591  
PBS&J, LB 24  
726 South Woodland Blvd.  
DeLand, Florida 32720  
(386) 736-7275  
April 12, 2007

**EXHIBIT G-2**

**PARCEL NO. 812**

**SECTION NO. 75280**

**Perpetual Construction and Maintenance Easement      FP NO. 242484 4**

THAT PART OF:

"Lots 7, 7 ½, and 8 of Sylvia's Addition to Orlando, as recorded in Plat Book "F" page 35, Public Records of Orange County, Florida."

AND

"Lot 5, A. H. NOVINGER'S SUBDIVISION, according to the plat thereof recorded in Plat Book F, page 88, Public Records of Orange County, Florida."

AND

"Begin on the North side of America Street at a point 244 feet West of the Southwest corner of Lot 10, of BOONE'S ADDITION, run West along the North side of America Street 70 feet, thence North 164-1/2 feet to the South line of Sylvia Addition, thence East 70 feet, thence South 164-1/2 feet to point of beginning, Section 35, Township 22 South, Range 29 East.

AND

Begin 184 feet West of the SW corner of Lot 10 of BOONE'S ADDITION TO ORLANDO, as the same appears of record in Plat Book C, page 6, of the Public Records of Orange County, Florida, and run thence North 164-1/2 feet; thence West 60 feet, thence South 164-1/2 feet; thence East 60 feet."

AND

"Begin at a point on the North line of America Street, 314 feet West of the Southwest corner of Lot 10 of C.A. Boone's Addition to Orlando as recorded in Plat Book C, Page 6, of the Public Records of Orange County, Florida; run thence North 164.5 feet; thence West to the East line of a right of way of the Atlantic Coast Line Railway; thence in a Southerly direction along the East boundary line of said right of way to a point on the North line of said America Street; thence East 90 feet to the Point of Beginning. Being in Section 35, Township 22 South, Range 29 East, Orange County, Florida."

AND

"Lots 4, 10 and 11 located in the A. H. Novinger resurvey in the City of Orlando, Orange County, Florida, shown in Plat Book F page 88 and all other real estate owned by A. H. Novinger, located in the City of Orlando, Orange County, Florida."

AND

"Lots 5-1/2 and 6, A.H. NOVINGER'S SUBDIVISION, according to the plat thereof recorded in Plat Book "F", page 88 of the Public Records of Orange County, Florida."

AND

"Lot 3-1/2 of A.H. NOVINGER'S RESURVEY of Lots 3, 4, 5, 6, 10, 11 of SYLVIA'S ADDITION TO ORLANDO, according to the plat thereof as recorded in Plat Book F, page 88, Public Records of Orange County, Florida."

AND

"Beginning 30 feet West of the Southwest corner of Lot 10 of BOONE'S ADDITION to Orlando, as per plat thereof recorded in Plat Book C, Page 6, of the Public Records of Orange County, Florida; run thence North 164 ½ feet; thence West 154 feet; thence South 164 ½ feet; thence East to the place of beginning."

AND

"Lot 3 of A. H. NOVINGER'S RESURVEY of Lots 3, 4, 5, 6, 10 and 11, of Sylvia Addition to Orlando, according to plat thereof recorded in Plat Book F, Page 88, of the Public Records of Orange County, Florida."

(The above described lands being described and recorded in Deed Book 466, Page 7, Official Records Book 1055, Page 110, Official Records Book 1055, Page 112, Official Records Book 1064, Page 725, Official Records Book 1146, Page 597, Minute Book 42, Page 626, Official Records Book 1191, Page 243, Official Records Book 1735, Page 348, and Official Records Book 1748, Page 534, Public Records of Orange County, Florida.)

DESCRIBED AS FOLLOWS:

PART A

PERPETUAL CONSTRUCTION AND MAINTENANCE EASEMENT

From a 5/8 inch diameter iron bar and cap stamped "FDOT LB 7015 JWG" at the Southwest corner of Lot 10 of Boone's Addition to Orlando, as recorded in Plat Book C, Page 6, Public Records of Orange County, Florida, said corner being the

most Southwesterly corner of said plat and also being a point on the existing Northerly right of way line of America Street, as shown on the Florida Department of Transportation Right of Way Map for State Road 400, F.P. No. 242484 4 on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, Deland, Florida thence run South 89 degrees 11 minutes 25 seconds West 230.98 feet along said existing Northerly right of way line, for the POINT OF BEGINNING; thence continue South 89 degrees 11 minutes 25 seconds West 22.61 feet along said existing Northerly right of way line of America Street to a point on a non-tangent curve concave Southeasterly and having a radius of 2587.50 feet; thence from a tangent bearing of North 55 degrees 24 minutes 47 seconds East run Northeasterly 168.84 feet along the arc of said curve with a chord bearing of North 57 degrees 16 minutes 56 seconds East through a central angle of 03 degrees 44 minutes 19 seconds to a point on the existing Westerly right of way line of Sylvia Lane, as shown on the aforesaid Right of Way Map, said point being on a non-tangent curve concave Easterly and having a radius of 290.10 feet; thence from a tangent bearing of South 01 degrees 16 minutes 56 seconds East run Southerly 0.56 feet along said existing Westerly right of way line and the arc of said curve with a chord bearing of South 01 degrees 20 minutes 15 seconds East through a central angle of 00 degrees 06 minutes 37 seconds to the point of tangency of said curve; thence South 01 degrees 23 minutes 33 seconds East 13.81 feet along said existing Westerly right of way line to a point on a non-tangent curve concave Southeasterly and having a radius of 2575.00 feet; thence from a tangent bearing of South 58 degrees 59 minutes 40 seconds West run Southwesterly 142.17 feet along the arc of said curve with a chord bearing of South 57 degrees 24 minutes 46 seconds West through a central angle of 03 degrees 09 minutes 48 seconds to the Point of Beginning. (Containing: 1944 Square Feet, more or less.)

AND

#### PART B

#### PERPETUAL CONSTRUCTION AND MAINTENANCE EASEMENT

From a 5/8 inch diameter iron bar and cap stamped "FDOT LB 7015 JWG" at the Southwest corner of Lot 10 of Boone's Addition to Orlando, as recorded in Plat Book C, Page 6, Public Records of Orange County, Florida, said corner being the most Southwesterly corner of said plat and also being a point on the existing Northerly right of way line of America Street, as shown on the Florida Department of Transportation Right of Way Map for State Road 400, F.P. No. 242484 4 on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, Deland, Florida, run South 89 degrees 11 minutes 25 seconds West, 407.37 feet along said existing Northerly right of way line to a point on the existing Easterly right of way line of the CSX Transportation, Inc. Railroad, and being South 89 degrees 11 minutes 25 seconds West, 0.84 feet from a 4" X 4" concrete monument stamped "LS 1585 LS 1819 LS 3186", said

point being on a non-tangent curve concave Easterly and having a radius of 2352.42 feet; thence from a tangent bearing of North 03 degrees 45 minutes 04 seconds West run Northerly 29.49 feet along said existing Easterly right of way line and the arc of said curve with a chord bearing of North 03 degrees 23 minutes 31 seconds West through a central angle of 00 degrees 43 minutes 06 seconds for the POINT OF BEGINNING; thence continue Northerly 14.73 feet along said existing Easterly right of way line and the arc of said curve concave Easterly having a radius of 2352.42 feet, with a chord bearing of North 02 degrees 51 minutes 13 seconds West through a central angle of 00 degrees 21 minutes 31 seconds to a point on a non-tangent curve concave Northwesterly and having a radius of 1113.50 feet; thence from a tangent bearing of North 74 degrees 42 minutes 03 seconds East run Northeasterly 281.70 feet along the arc of said curve with a chord bearing of North 67 degrees 27 minutes 11 seconds East through a central angle of 14 degrees 29 minutes 43 seconds to the point of tangency of said curve; thence North 60 degrees 12 minutes 20 seconds East, 57.82 feet to a point on the existing Westerly right of way line of Sylvia Lane, as shown on the aforesaid Right of Way Map, said point being on a non-tangent curve concave Southeasterly and having a radius of 290.10 feet; thence from a tangent bearing of South 16 degrees 09 minutes 08 seconds West run Southerly 17.03 feet along said existing Westerly right of way line and the arc of said curve with a chord bearing of South 14 degrees 28 minutes 15 seconds West through a central angle of 03 degrees 21 minutes 47 seconds; thence South 59 degrees 59 minutes 21 seconds West 33.58 feet to the point of curvature of a curve concave Northwesterly and having a radius of 3000.00 feet; thence Southwesterly 141.36 feet along the arc of said curve with a chord bearing of South 61 degrees 20 minutes 21 seconds West through a central angle of 02 degrees 41 minutes 59 seconds to the point of compound curvature of a curve concave Northwesterly and having a radius of 509.00 feet; thence Southwesterly 160.29 feet along said the arc of said curve with a chord bearing of South 71 degrees 42 minutes 38 seconds West through a central angle of 18 degrees 02 minutes 34 seconds to the Point of Beginning. (Containing: 5239 Square Feet, more or less.)

AND

#### PART C

#### PERPETUAL CONSTRUCTION AND MAINTENANCE EASEMENT

From a 5/8 inch diameter iron bar and cap stamped "FDOT LB 7015 JWG" at the Southwest corner of Lot 10 of Boone's Addition to Orlando, as recorded in Plat Book C, Page 6, Public Records of Orange County, Florida, said corner being the most Southwesterly corner of said plat and also being a point on the existing Northerly right of way line of America Street, as shown on the Florida Department of Transportation Right of Way Map for State Road 400, F.P. No. 242484 4 on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, Deland, Florida, run South 89 degrees 11 minutes 25



seconds West, 407.37 feet along said existing Northerly right of way line to a point on the existing Easterly right of way line of the CSX Transportation, Inc. Railroad, and being South 89 degrees 11 minutes 25 seconds West, 0.84 feet from a 4" X 4" concrete monument stamped "LS 1585 LS 1819 LS 3186", said point being on a non-tangent curve concave Easterly and having a radius of 2352.42 feet; thence from a tangent bearing of North 03 degrees 45 minutes 04 seconds West run Northerly 47.87 feet along said existing Easterly right of way line and the arc of said curve with a chord bearing of North 03 degrees 10 minutes 06 seconds West through a central angle of 01 degrees 09 minutes 57 seconds to the point of compound curvature of a curve concave Easterly and having a radius of 923.71 feet; thence Northeasterly 240.98 feet along said existing Easterly right of way line and the arc of said curve with a chord bearing of North 04 degrees 53 minutes 19 seconds East through a central angle of 14 degrees 56 minutes 51 seconds, for the POINT OF BEGINNING; thence continue Northeasterly 12.78 feet along said existing Easterly right of way line and the arc of said curve concave Easterly having a radius of 923.71 feet, with a chord bearing of North 12 degrees 45 minutes 31 seconds East through a central angle of 00 degrees 47 minutes 33 seconds thence South 89 degrees 59 minutes 58 seconds East 349.71 feet to a point on the existing Westerly right of way line of Sylvia Lane as shown on said Right of Way Map; thence South 33 degrees 42 minutes 21 seconds West 14.98 feet along said existing Westerly right of way line; thence North 89 degrees 59 minutes 58 seconds West 344.22 feet to the Point of Beginning. (Containing: 4323 Square Feet, more or less.)

CONTAINING IN AGGREGATE: 11506 Square Feet, more or less.

This legal description prepared under the direction of:

Thomas J. Croonquist, PSM #5591

PBS&J, LB 24

726 South Woodland Blvd.

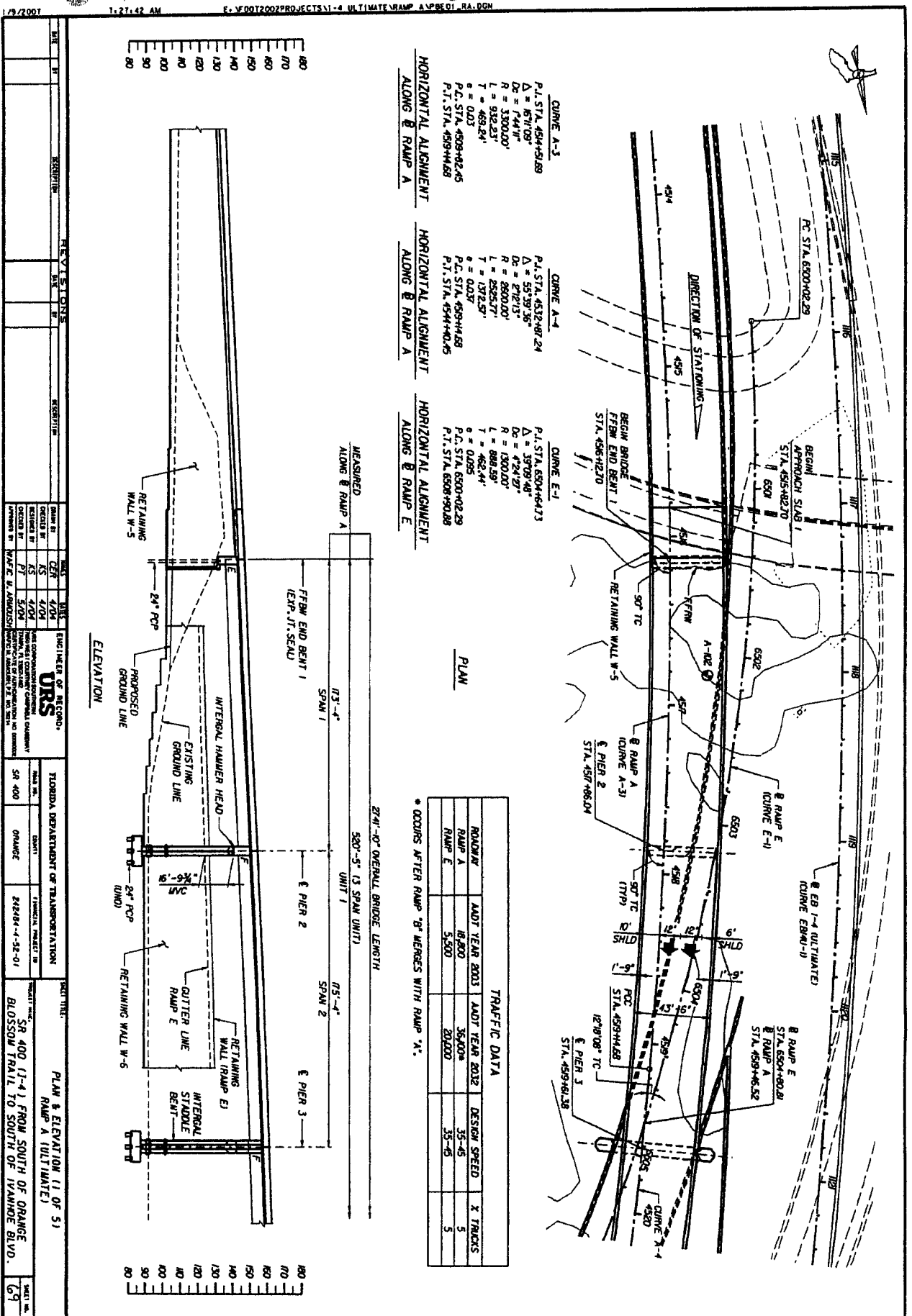
DeLand, Florida 32720

(386) 736-7275

April 12, 2007

Revised: April 16, 2007



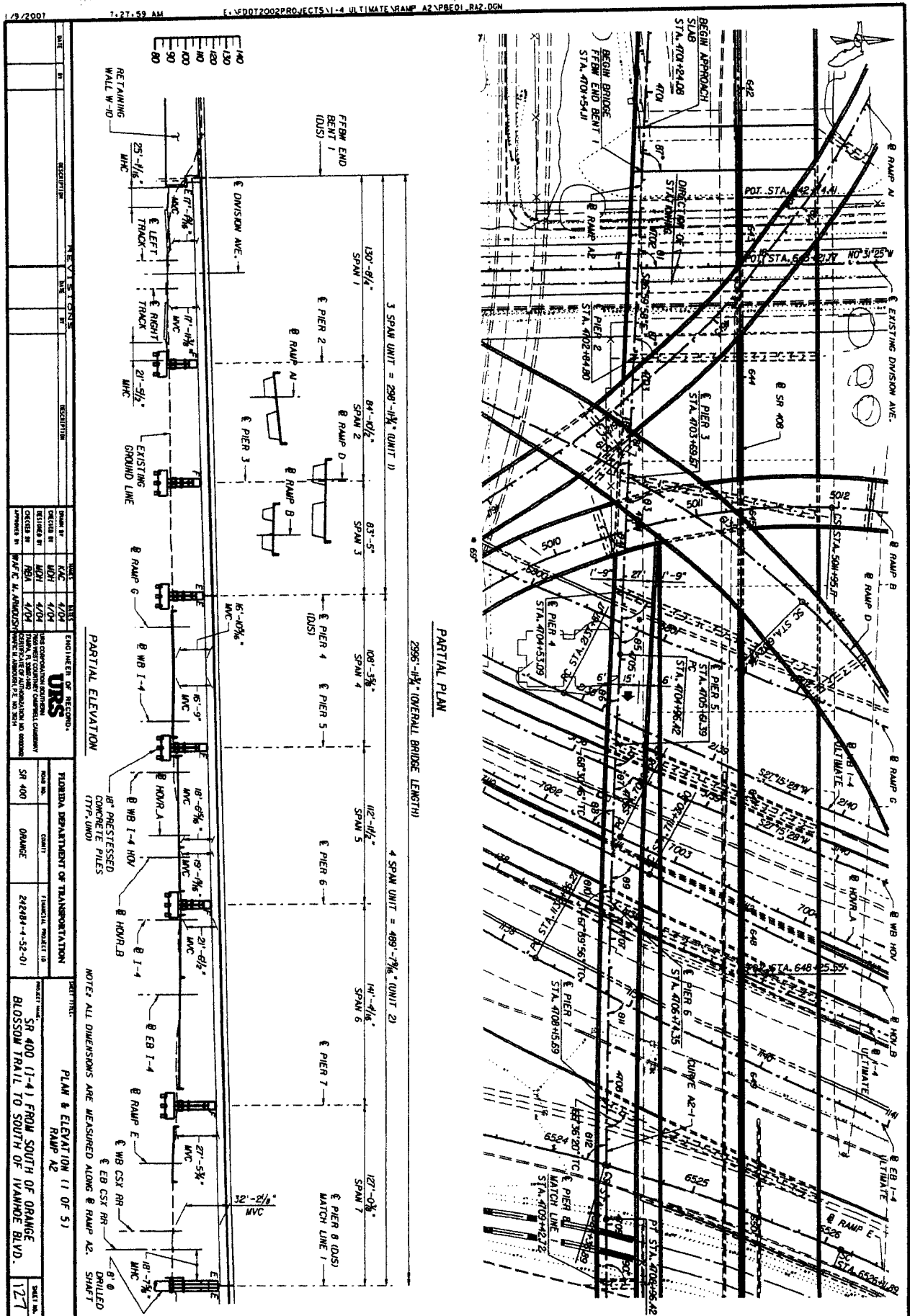




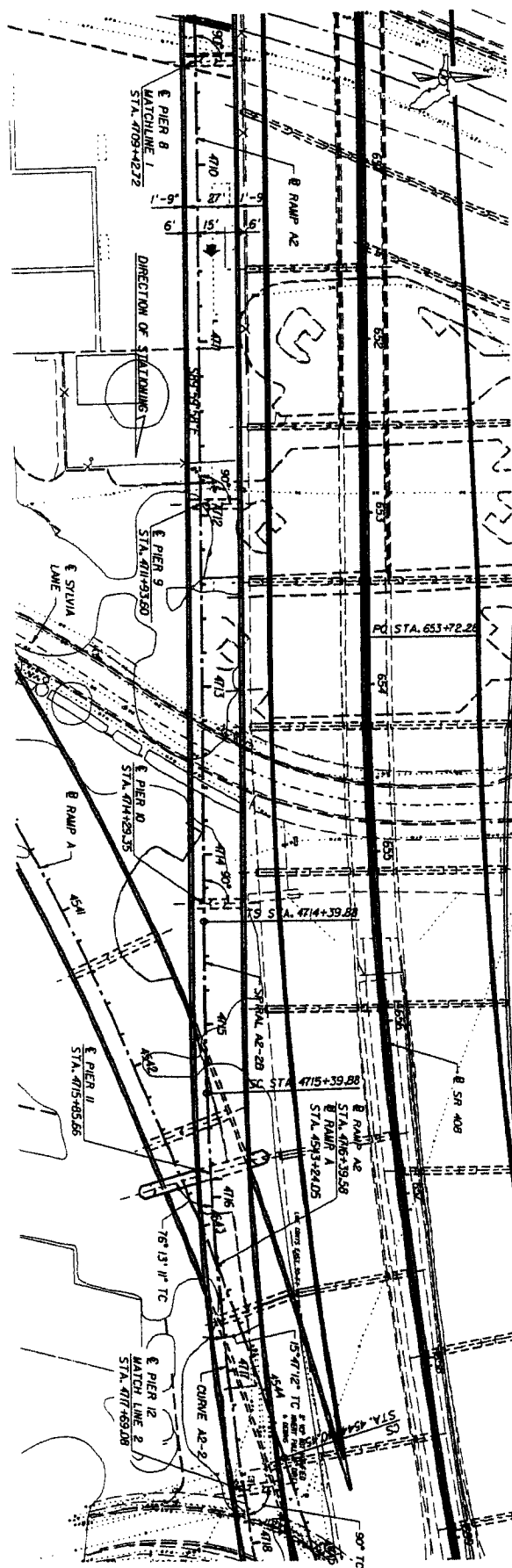




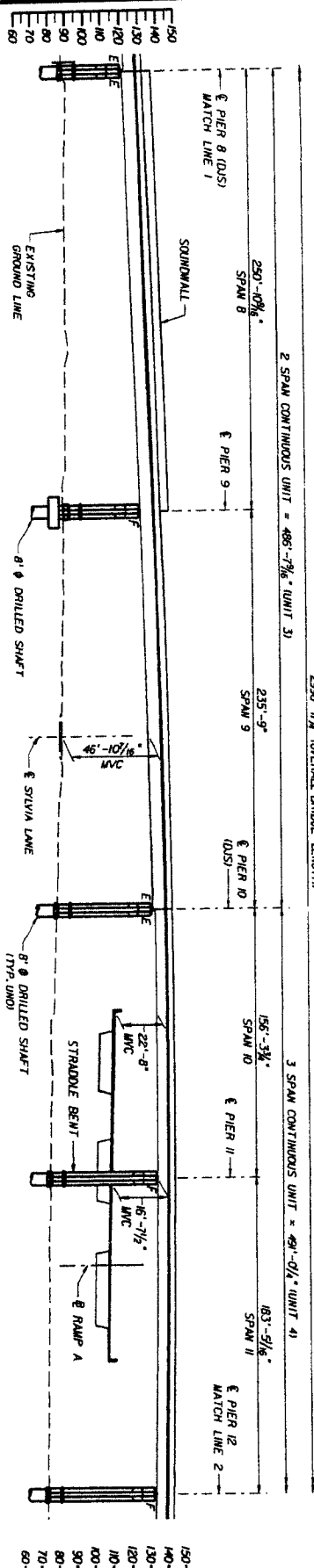








PARTIAL PLAN

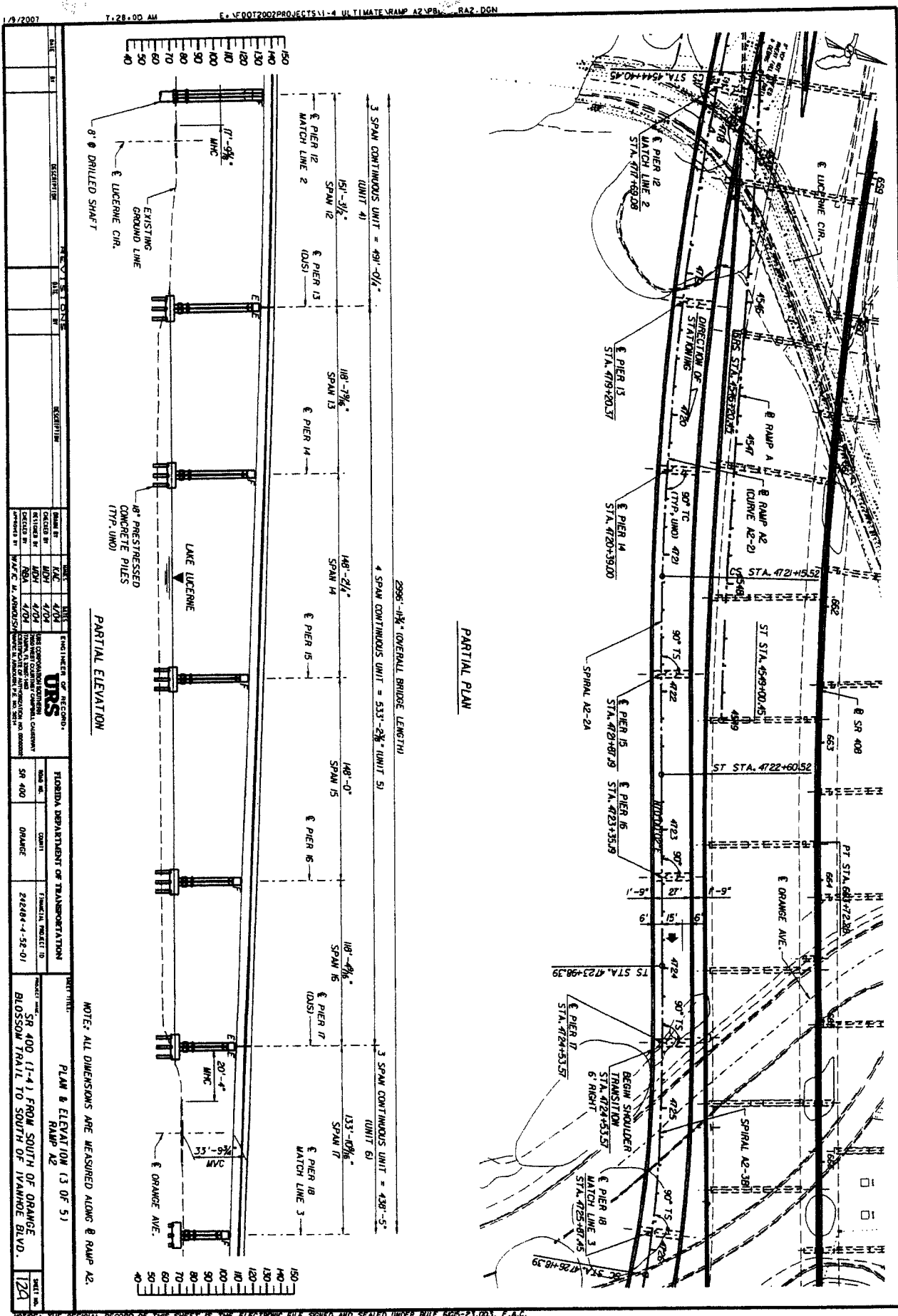


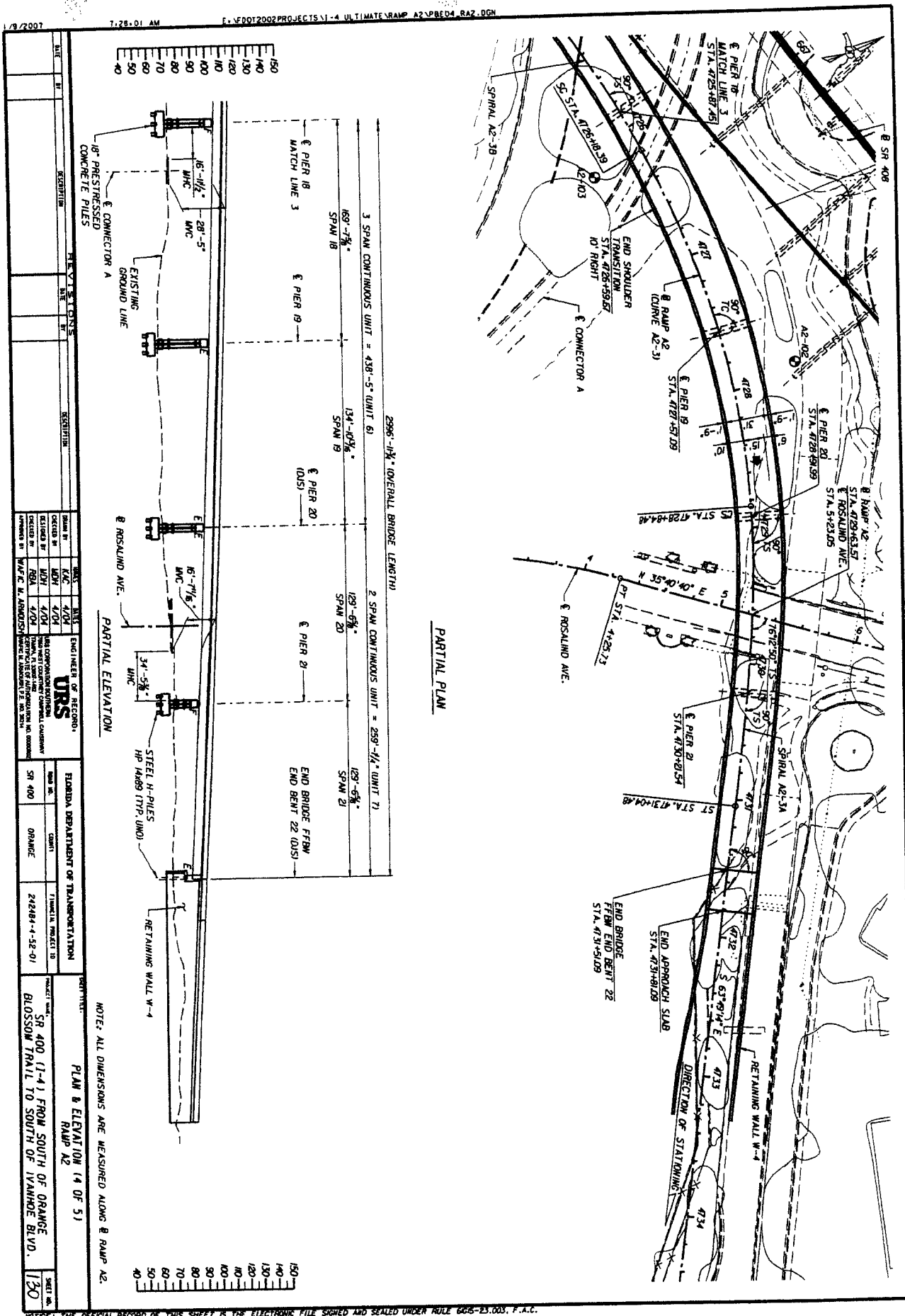
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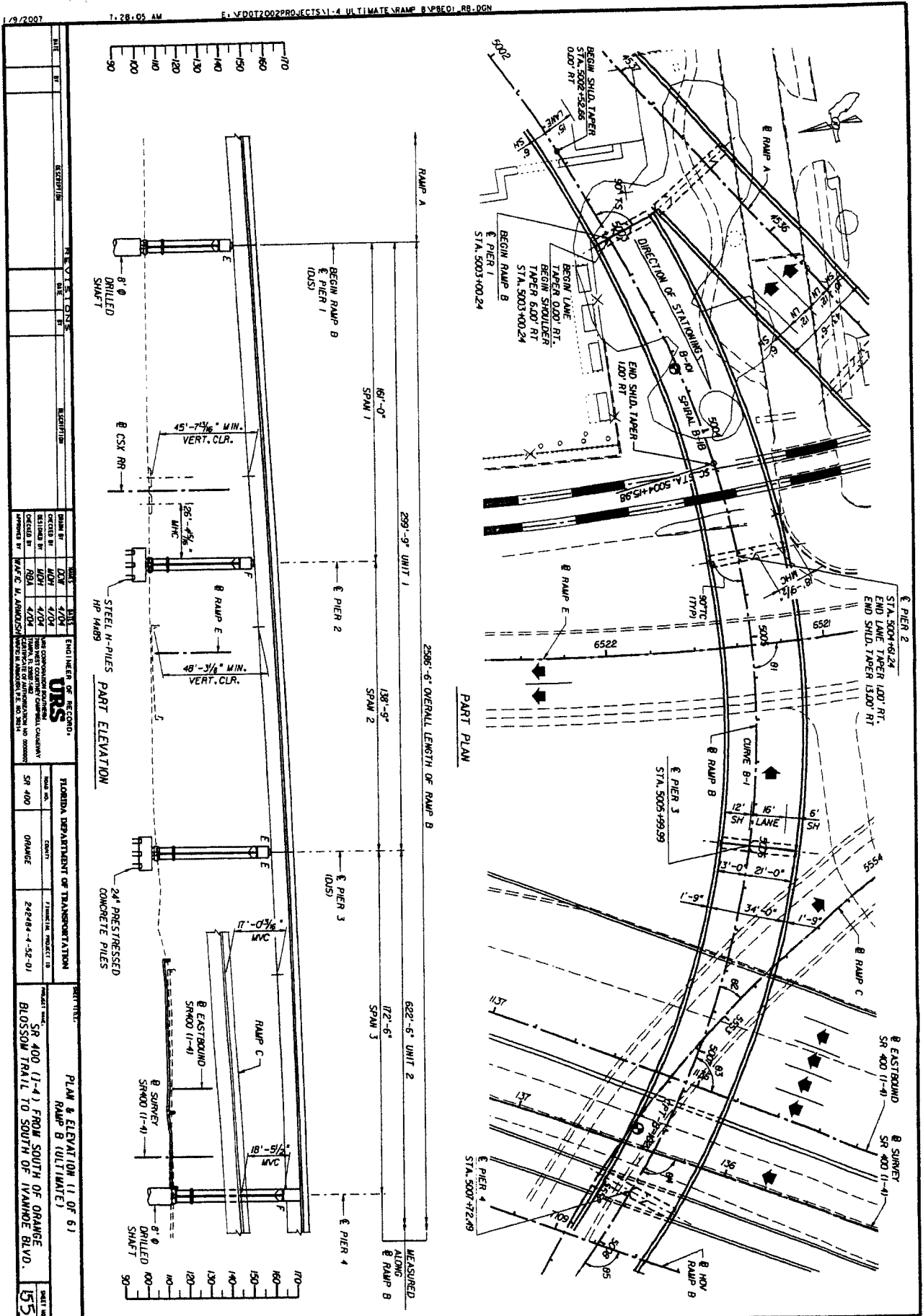
NOTE: ALL DIMENSIONS ARE MEASURED ALONG RAMP A2.

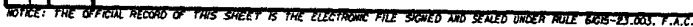
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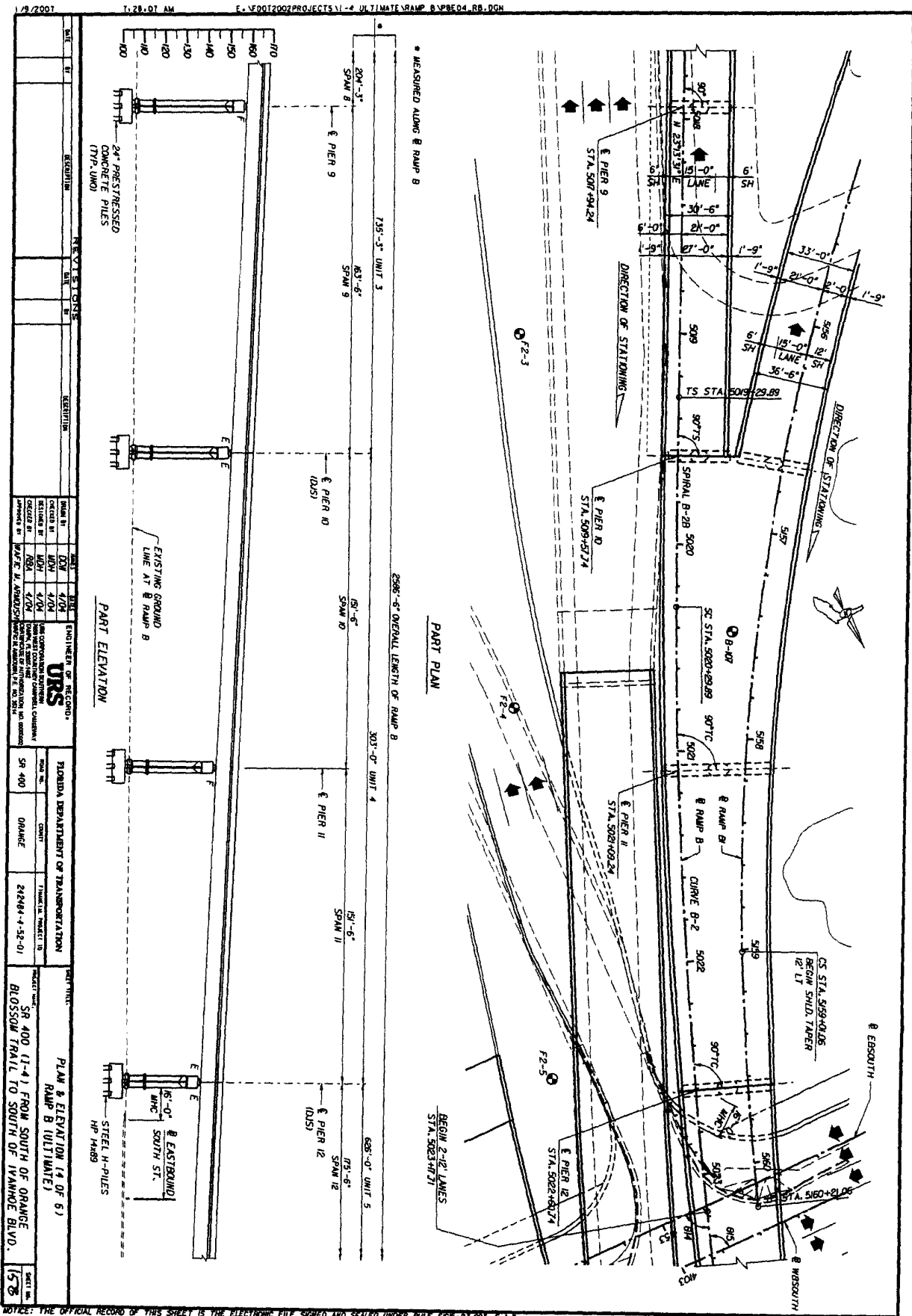




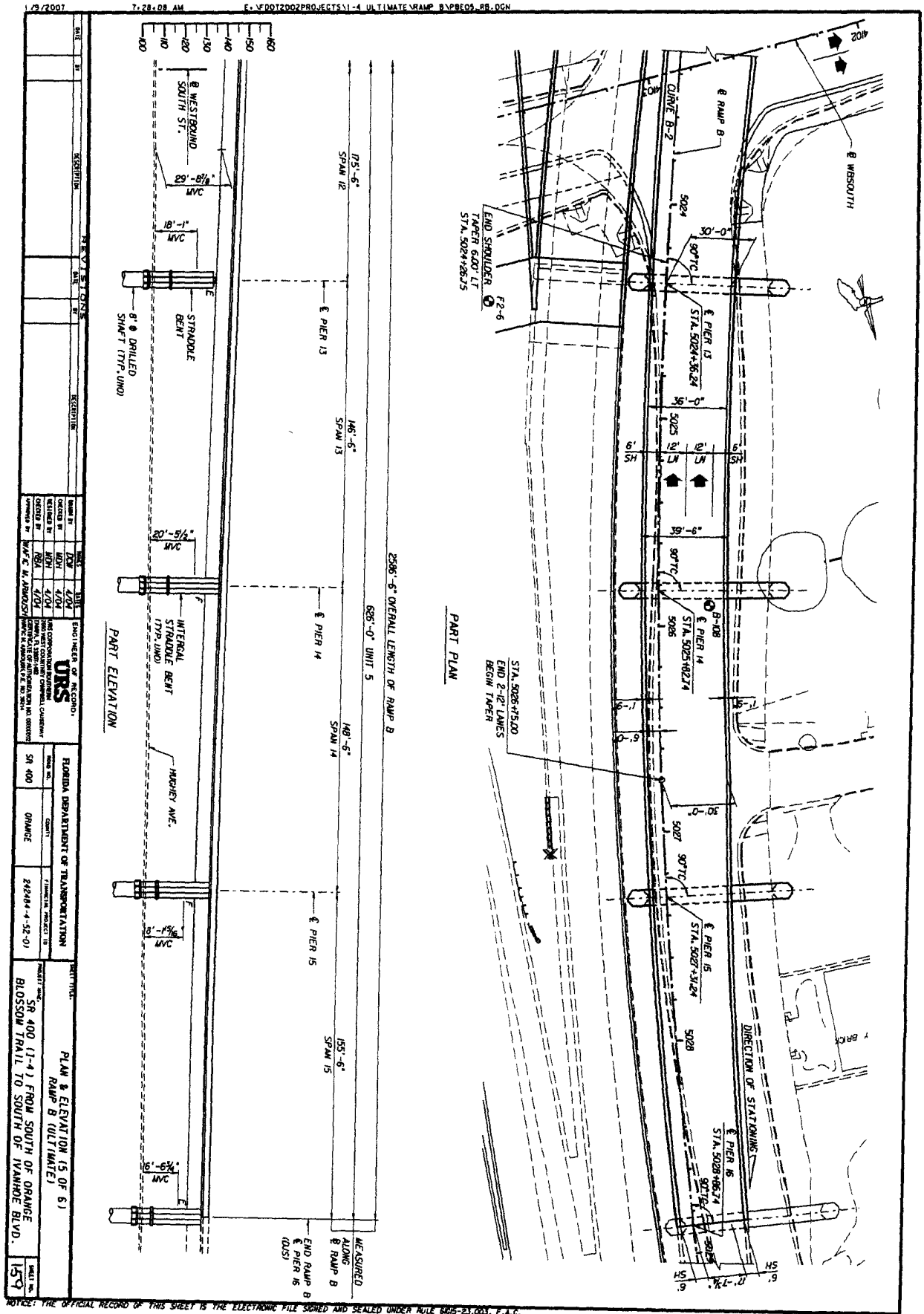


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HORIZONTAL ALIGNMENT ALONG RAMP B

**SPIRAL B-1B**  
S.P.I. STA. 5003+7.26  
Δ = 6752.30' RT  
LS = 300.00  
LT = 201.28  
ST = 101.6  
T.S. STA. 5003+5.99  
S.C. STA. 5004+5.99  
P.T. STA. 5004+5.99

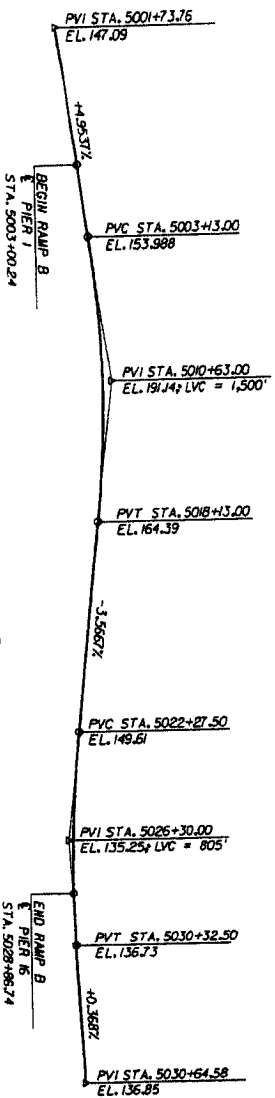
**CURVE B-1**  
P.I. STA. 5002+6.98  
Δ = 6752.30' RT  
Dc = 1375.00'  
R = 432.42  
L = 779.9  
T = 545.99  
e = -0.00  
P.C. STA. 5004+5.99  
P.T. STA. 5004+5.99

**SPIRAL B-1A**  
S.P.I. STA. 5002+6.93  
Δ = 6752.30' RT  
LS = 300.00  
LT = 201.28  
ST = 101.6  
T.S. STA. 5003+5.97  
S.C. STA. 5004+5.97  
P.T. STA. 5004+5.97

**SPIRAL B-2A**  
S.P.I. STA. 5003+20.89  
Δ = 1700.00' LT  
LS = 100.00  
LT = 66.67  
ST = 33.33  
T.S. STA. 5003+17.55  
S.C. STA. 5003+17.55  
P.T. STA. 5003+17.55

**SPIRAL B-2B**  
S.P.I. STA. 5003+20.89  
Δ = 1700.00' LT  
LS = 100.00  
LT = 66.67  
ST = 33.33  
T.S. STA. 5003+17.55  
S.C. STA. 5003+17.55  
P.T. STA. 5003+17.55

VERTICAL ALIGNMENT ALONG RAMP B



θ	ANGLE	BASELINE INTERSECTION
1	90°32'41"	STA. 5005+03.97 RAMP B
2	27°30'28"	STA. 5008+13.32 RAMP E
3	9°45'30"	STA. 5008+19.13 RAMP B
4	98°03'36"	STA. 5007+15.92 RAMP C
5	103°58'22"	STA. 5007+05.52 EB SR 400 (1-4)
6	105°57'42"	STA. 5008+16.83 RAMP B
7	111°38'49"	STA. 5008+16.83 RAMP B
8	127°37'52"	STA. 5008+16.83 RAMP B
9	117°12'04"	STA. 5008+16.83 RAMP B
10	135°31'19"	STA. 5008+16.83 RAMP B
11	71°16'46"	STA. 5008+16.83 RAMP B
12	84°41'26"	STA. 5008+16.83 RAMP B
13	74°58'15"	STA. 5008+16.83 RAMP B
14	70°56'23"	STA. 5008+16.83 RAMP B
15	71°24'17"	STA. 5008+16.83 RAMP B
16	27°30'28"	STA. 5008+16.83 RAMP B

\* THE 23500 AADT OCCURS BEFORE RAMP B AND RAMP B SPLIT.

ROADWAY	ADOT YEAR 2003	ADOT YEAR 2012	DESIGN SPEED	% TRUCKS
RAMP B	23500	23500	45 MPH	5

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 68B-23.005, F.A.C.

**EXHIBIT G-5**

**CONDITIONS FOR DESIGN AND LOCATION OF ELEVATED EXPRESSWAY  
WITHIN THE AIR RIGHTS EASEMENT**

The design and location of the Elevated Expressway shall be subject to the following conditions, which conditions shall supersede any conflicts contained in Exhibit G-3:

**A. AS TO RAMP A2, AS DEPICTED IN EXHIBIT G-3:**

1. No part of the Elevated Expressway shall be within 9-feet plan view (i.e. horizontal distance) of the OUC Substation's 115kV northernmost bus support foundations which are located on the north side of the OUC Substation.
2. A minimum clearance distance of 15 feet shall be maintained from any and all energized 115kV buswork to the nearest part of Grantee's ramp/bridge or other permanent structure.
3. Full and complete compliance with all of the requirements of the latest revision of the National Electric Safety Code shall be incorporated and implemented in any construction or maintenance activities.
4. A closed pipe drainage system shall be included as part of Ramp A2 to insure that water from the ramp will not drain, discharge or flow onto or over the OUC Substation property within or outside of the Air Rights Easement Area or the Construction/Maintenance Easement Area.
5. No lighting structures or fixtures shall be located within 25 feet of existing OUC transmission or distribution lines within or without the easement areas.
6. On the portions of Ramp A2 from 50 feet East of the OUC Substation to 20 feet West of the OUC Substation, an elevated barrier wall of at least 8 feet in height above the travel lane shall be designed and located, which wall shall be of sufficient strength and design to prevent vehicles from leaving Ramp A2 and falling onto the OUC Substation and to prevent and discourage motorists and travelers on Ramp A2 from throwing trash or other objects from Ramp A2 onto the OUC Substation within or outside of the Air Rights Easement Area or the Construction/Maintenance Easement Area.
7. No underground foundations for any pier improvements shall be located within 4 feet plan-view/horizontal clearance or 2.5 feet elevation/vertical clearance of any OUC underground transmission or distribution

lines/facilities; situations requiring the use of minimum clearance values will be reviewed in FDOT/OUC technical meetings on a case-by-case basis. Grantee shall provide at least 3 days prior written notice to OUC of any underground work contemplated so that OUC can assure that its underground facilities, wires, structures and other property will not be damaged and to assure that any underground structures or facilities constructed or installed by Grantee shall be a safe distance as noted herein from OUC facilities, wires, structures and other property.

**B. AS TO RAMP AB AS DEPICTED IN EXHIBIT G-3:**

1. No part of the Elevated Expressway shall be within 4-feet plan view (i.e. horizontal distance) of the OUC Substation's 115kV northernmost bus support foundations which are located on the north side of the OUC Substation.
2. A minimum clearance distance of 15 feet shall be maintained from any and all energized 115kV buswork to the nearest part of Grantee's ramp/bridge or other permanent structure.
3. Full and complete compliance with all of the requirements of the latest revision of the National Electric Safety Code shall be incorporated and implemented in any construction or maintenance activities.
4. A closed pipe drainage system shall be included as part of Ramp AB to insure that water from the ramp will not drain, discharge or flow onto the OUC Substation property within or outside of the Air Rights Easement Area or the Construction/Maintenance Easement Area.
5. No lighting structures or fixtures shall be located within 25 feet of existing OUC transmission or distribution lines within or without the easement areas.
6. On the portions of Ramp AB from 50 feet East of the OUC Substation to 20 feet West of the OUC Substation, an elevated barrier wall of at least 8 feet in height above the travel lane shall be designed and located which wall shall be of sufficient strength and design as to prevent vehicles from leaving Ramp AB and falling onto the OUC Substation and to prevent and discourage motorists and travelers on Ramp AB from throwing trash or other objects from Ramp AB onto the OUC Substation within or outside of the Air Rights Easement Area or the Construction/Maintenance Easement Area.
7. No underground foundations for any pier improvements shall be located within 4 feet plan-view/horizontal clearance or 2.5 feet elevation/vertical clearance of any OUC underground transmission or distribution

lines/facilities; situations requiring the use of minimum clearance values will be reviewed in FDOT/OUC technical meetings on a case-by-case basis. Grantee shall provide at least 3 days prior written notice to OUC of any underground work contemplated so that OUC can assure that its underground facilities, wires, structures and other property will not be damaged and to assure that any structures or facilities constructed or installed by Grantee shall be a safe distance as noted herein from OUC facilities, wires, structures and other property.

**EXHIBIT G-6**

**CONDITIONS FOR CONSTRUCTION OF IMPROVEMENTS AND USE OF  
THE CONSTRUCTION / MAINTENANCE EASEMENT AREA**

Because OUC's America Substation #10 provides a critical supply of electricity to customers and users in Downtown Orlando and supplies electricity to the OUC Chilled Water system, which supplies heating and cooling to numerous office buildings and customers in Downtown Orlando, the safe and continued operation of the Substation must be preserved at all times with no disruptions. The following conditions apply to the Grantee and its contractors and employees in their actions, activities and use of the Substation, the Air Rights Easement Area, which for purposes herein shall exclude the surface area of the Elevated Expressway when completed, and the Construction/Maintenance Easement Area:

1. There shall be no entry to, or work on any portion of Air Rights Easement Area or the Construction/Maintenance Easement Area without at least 3 business days prior written notice to the OUC Transmission Staff by Grantee or its Contractors.
2. There shall be no entry to, or work above any portion of the OUC Substation outside of the Air Rights Easement Area or the Construction/Maintenance Easement Area by Grantee or its Contractors.
3. Upon such notice as provided in Paragraph 1 above and Paragraph 14 below, OUC Transmission Staff shall provide access to the surface property of the Air Rights Easement Area or the Construction/Maintenance Easement Area.
4. OUC Transmission Staff shall determine, based on the work to be performed by Grantee or its Contractors, whether equipment outages are needed within the high-voltage, 115kV buswork.
5. OUC Transmission Staff shall be responsible for planning outages with the Energy Control Center (ECC), if any, based on dates provided by Grantee or its Contractors, and shall arrange for switching in accordance with OUC ECC high-voltage Switching and Tagging Procedures.
6. Any planned outages in Paragraph 5, above, shall be requested at least 7 business days in advance and shall be subject to prior approval by ECC, at its sole discretion, which may require Grantee or its Contractors to reschedule their work at times.
7. All persons with access to the Air Rights Easement Area and the Construction/Maintenance Easement Area shall be subject to OUC Security division background checks in order to be granted entry privileges. No access shall be granted to any person unless and upon

completion of the individual's background check. Grantee or its Contractor shall provide a list of names, addresses and social security numbers for all proposed workers within the Air Rights Easement Area and/or the Construction/Maintenance Easement Area. OUC will need ten business days to perform the background checks.

8. During times of construction in the Construction/Maintenance Easement Area an 8-foot security fence with barbed wire shall be located and installed between the work being performed and OUC Substation facilities, at locations to be mutually agreed upon, providing as much separation from OUC facilities as is reasonably possible. Any such fence shall include a 16-foot truck access gate at a location to be designated by OUC. OUC shall purchase and shall have exclusive control over all locks for the gate.
9. The installation of piers shall be achieved by drilling. The use of pile drivers or systems employing vibrating casing is prohibited within the Air Rights Easement Area and the Construction/Maintenance Easement Area.
10. At least 3 business days prior to the construction of any piers or other underground improvements, OUC shall be notified in writing.
11. Spill prevention systems shall be used when pouring concrete within the Air Rights Easement Area and/or the Construction/Maintenance Easement Area to prevent concrete from spilling onto OUC Substation property and buswork.
12. In the event activities by Grantee or its contractors cause a power outage, all work shall immediately cease and shall not be continued until OUC notifies Grantee that power has been restored and that it is safe to resume work.
13. All conditions contained in Exhibit G-5 are incorporated herein and shall be complied with.
14. Notification to and coordination with OUC as required herein shall be with:

Mr. Charles Easterling, OUC Manager of Transmission Maintenance, OUC phone number 407-423-9100, ext. 4203, [ceasterling@ouc.com](mailto:ceasterling@ouc.com),

and

Mr. Fred Urban, OUC Manager Transmission Engineering & Construction, OUC phone number 407-423-9100, ext. 4354, [furban@ouc.com](mailto:furban@ouc.com),

with a copy to

Ron Toporek, OUC Director of Transmission, OUC phone  
number 407-385-4180, [rtoporek@ouc.com](mailto:rtoporek@ouc.com)

OUC shall notify Grantee in writing of any changes in the contact  
person(s).