

EXHIBIT 1



Prepared By:
Manny R. Vilaret, Esq.
Vilaret Law, PLLC
10901 Danka Circle, Suite C
Saint Petersburg, Florida 33716

COUNTY USE ONLY

PARTIAL RELEASE OF EASEMENT AND AMENDMENT AND RESTATEMENT OF EASEMENT

WHEREAS, by instrument dated May 4, 1987, by **Nelson & Company, Inc., a Florida corporation**, did grant and convey unto **Florida Power Corporation, a Florida corporation, (Duke Energy Florida, LLC, d/b/a Duke Energy is the successor in interest to the original grantee and hereafter all references will be to Duke Energy)** a Florida Limited Liability Company, a right-of-way easement subsequently recorded August 3, 1987, Official Records Book 1873, Page 1739, Instrument No. 1987-425576 of the Public Records of Seminole County, Florida (the "Original Easement"), covering the following-described lands in Seminole County, Florida, to wit:

Lot 39, Block 4, Map of Samuel A. Robinson's Subdivision as recorded in Plat Book 3, Page 8 and Lots 1, 2, 3, 4, & 5, Block "A" of Samuel A. Robinson's Addition to Oviedo as recorded in Plat Book 3, Page 7 and Lots 3 through 18 and Lots 25 through 30, Block "B", Wilson Addition to Oviedo as recorded in Plat Book 1, Page 53, Public Records of Seminole County, Florida, (LESS the Southwesterly 100.00 feet of Lots 10 and 11 and Southwesterly 100.00 feet of Southeasterly 5.00 feet of Lot 5, Block "B", of said Wilson Addition to Oviedo).

WHEREAS, City of Oviedo, a municipal corporation of the State of Florida, hereinafter known as "GRANTOR", is the successor in interest to Nelson & Company, Inc., a Florida corporation, as the current fee simple owner of that certain real property more specifically identified as Parcel ID 10-21-31-505-0B00-0030 in Seminole County, Florida encumbered by the Original Easement, which property is hereinafter called the "Encumbered Property", and is willing to amend and restate the Original Easement in order to amend the boundaries of the defined Easement Area within the Encumbered Property under the Original Easement (the "Original Easement Area");

WHEREAS, FLORIDA POWER CORPORATION d/b/a Progress Energy Florida, Inc., a Florida corporation is n/k/a Duke Energy Florida, LLC d/b/a Duke Energy, a Florida limited liability company hereinafter known as "Duke Energy", currently operates the subject electric facilities for providing electric energy and service and communications systems within the Encumbered Property; and

WHEREAS, DUKE ENERGY has been requested to release a certain portion of the Encumbered Property from the above described right-of-way easement, and DUKE ENERGY is willing to release said portion.

NOW, THEREFORE, for and in consideration of the mutual covenants and benefits herein contained, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein and by reference.
2. GRANTOR hereby amends and restate the Original Easement, to include the entire easement area more specifically identified in the attached sketch and legal description, attached hereto and incorporated herein by reference as **Exhibit "A"**, comprising the approximately 2,058 square foot portion of the Encumbered Property hereinafter the "Amended Easement Area". Provided, always, nevertheless, that nothing herein contained shall in anyway or manner impair, alter or diminish the rights, purpose, effect, encumbrance or provisions of the aforesaid Original Easement beyond amending the Original Easement Area to reflect the Amended Easement Area.
3. Grantor warrants and covenants that they have the right to convey to Duke Energy this Amended and Restated Easement, and that Duke Energy shall have quiet and peaceful possession, use and enjoyment of same.
4. That DUKE ENERGY for an in consideration of One Dollar and of other good and valuable consideration, receipt of which is hereby acknowledged, has partially released and discharged and by these presents and by virtue of the Original Easement in and to, but only in and to, the following-described land in Seminole County, Florida, to wit:

All of Parcel ID 10-21-31-505-0B00-0030 in Seminole County, Florida; LESS AND EXCEPT that portion depicted and described on the accompanying Exhibit "A" attached hereto and incorporated herein by this reference, which shall be reserved and retained by DUKE ENERGY.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors, lessees and assigns of the respective parties hereto. Provided, always, nevertheless, that nothing herein contained shall in anyway or manner impair, alter or diminish the rights, purpose, effect, encumbrance or provisions of the aforesaid Original Easement other than amending the defined Easement Area to reflect the Amended Easement Area.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY, SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Partial Release, Amendment and Restatement of Easement this _____ day of _____, 2021.

GRANTOR:

City of Oviedo, a municipal corporation of the State of Florida

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Signature of First Witness

Print or Type Name of First Witness

Signature of Second Witness

Print or Type Name of Second Witness

By: _____

Signature

Print Name and Title

Date

Grantor's mailing address:

400 Alexandria Boulevard

Oviedo, FL 32765

State of _____)
County of _____) ss

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2021, by _____ as _____ of **City of Oviedo, a municipal corporation of the State of Florida**, on behalf of the municipal corporation. He/She personally appeared before me at the time of notarization, and produced _____ as identification or is personally known to me.

NOTARY SEAL

Print Name:
Notary Public

IN WITNESS WHEREOF, the parties have executed this Partial Release, Amendment and Restatement of Easement this 26 day of March, 2021.

DUKE ENERGY:

DUKE ENERGY FLORIDA, LLC, a Florida limited liability company d/b/a DUKE ENERGY

SIGNED AND DELIVERED IN THE PRESENCE OF:



Signature of First Witness

Scott Garner

Print Name of First Witness



Signature of Second Witness

Kalen Mason

Print Name of Second Witness



Karen Adams
Manager, Land Services II

Duke Energy's mailing address:

Attn: Land and Facilities Support Services

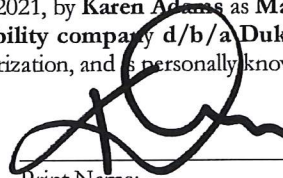
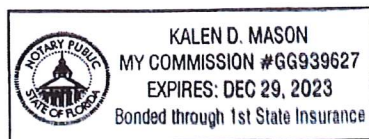
3300 Exchange Place, NP4A

Lake Mary, FL 32746

State of Florida)
County of Seminole) ss

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26th day of March, 2021, by **Karen Adams** as **Manager, Land Services II** of **DUKE ENERGY FLORIDA, LLC, a Florida limited liability company d/b/a Duke Energy**, on behalf of the company. She personally appeared before me at the time of notarization, and is personally known to me.

NOTARY SEAL



Print Name:
Notary Public

SCHEDULE "A"

DESCRIPTION:

A portion of Lot 5, Block B, Wilson's Addition to Oviedo, according to the plat thereof, as recorded in Plat Book 1, Page 53, Public Records of Seminole County, Florida, being more particularly described as follows:


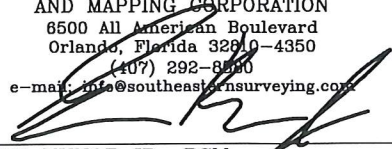
Begin at the Intersection of the Northwestern right of way line of County Road No. 426, per Florida Department of Transportation right of way map Section 77060, and the Southwesterly line of Lot 5, Block B, Wilson's Addition to Oviedo, according to the plat thereof, as recorded in Plat Book 1, Page 53, Public Records of Seminole County, Florida; thence departing said Northwestern right of way line, North 47°52'13" West, a distance of 20.00 feet along the Southwesterly line of said Lot 5, Block B to a point on a line that is 20.00 feet Northwesternly of and parallel with said Northwesternly right of way line; thence departing said Southwesterly line, North 42°47'05" East, a distance of 108.54 feet along said parallel line to a point on the Northeasterly line of lands described in Official Records Book 8855, Page 330, Public Records of Seminole County, Florida; thence departing said parallel line, South 18°13'45" East, a distance of 22.86 feet along said Northeasterly line to a point on aforementioned Northwesternly right of way line; thence departing said Northeasterly line, South 42°47'05" West, a distance of 97.23 feet along said Northwesternly right of way line to the POINT OF BEGINNING.

Containing 2,058 square feet, more or less.

SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the Northwesternly right of way line of County Road No. 426 per Florida Department of Transportation right of way map Section 44060 being South 42°47'05" West, assumed
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 of Florida Administration Code.

NOT VALID WITHOUT SHEETS 1-2

DESCRIPTION FOR Vanassee, Hangen, Brustlin, Inc.	Date: 02/25/2021 KR		<div>Certification Number LB2108 58701005</div>  <p>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-8500 e-mail: info@southeasternsurveying.com</p>  <p>EDWIN MUNOZ JR., PSM Registered Land Surveyor Number 7288</p>
	Job Number: 58701	Scale: 1" = 30'	
	Chapter 5J-17, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH			

SKETCH OF DESCRIPTION

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N47°52'13"W	20.00'
L2	S18°13'45"E	22.86'

NORTHEASTERLY LINE OF LANDS DESCRIBED
IN OFFICIAL RECORDS BOOK 8855, PAGE 330

LOT 4, BLOCK B

PARCEL IDENTIFICATION NUMBER
10-21-31-505-0B00-0030
OFFICIAL RECORDS BOOK 8855, PAGE 330

LOT 5, BLOCK B

WILSON'S ADDITION TO OVIEDO,
PLAT BOOK 1, PAGE 53, PUBLIC RECORDS OF
SEMINOLE COUNTY, FLORIDA



SOUTHWESTERLY LINE OF LOT 5, BLOCK B

LOT 6, BLOCK B

LINE 20.00' NORTHWESTERLY OF AND PARALLEL
WITH THE NORTHWESTERLY RIGHT OF WAY LINE
N42°47'05"E 108.54'

NORTHWESTERLY RIGHT OF WAY LINE
S42°47'05"W 97.23'

COUNTY ROAD NO. 426
(GENEVA DRIVE)

50.00' RIGHT OF WAY PER FLORIDA DEPARTMENT OF RIGHT OF
WAY TRANSPORTATION RIGHT OF WAY MAP SECTION 77060

POINT OF BEGINNING

INTERSECTION OF THE NORTHWESTERLY
RIGHT OF WAY LINE OF COUNTY ROAD NO.
426 AND THE SOUTHWESTERLY LINE OF
LOT 5, BLOCK B, WILSON'S ADDITION TO
OVIEDO, PLAT BOOK 1, PAGE 53, PUBLIC
RECORDS OF SEMINOLE COUNTY, FLORIDA

1" = 30'
GRAPHIC SCALE



THIS IS NOT A SURVEY.

NOT VALID WITHOUT SHEETS 1 THROUGH 2



SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580

Certification Number LB2108

e-mail: info@southeasternsurveying.com