

23-UTL02-10/11

March 22, 2021

This instrument prepared by

Marika Tremblay

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 105.2  
SECTION 77160  
F.P. NO. 242592 4  
STATE ROAD 400  
COUNTY SEMINOLE

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and SEMINOLE COUNTY, a political subdivision of the state of Florida, hereinafter called County.

### WITNESSETH:

WHEREAS, the County presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the County to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the County's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, County and F.D.O.T. agree as follows:

County hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest in the lands as follows, viz:

PARCEL NO. 105  
FEE SIMPLE

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That part of:

"PARCEL1

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Lot 3 of CORPORATE POINTE, according to the plat thereof, as recorded in Plat Book 45, at pages 30 and 31, of the Public Records of Seminole County, Florida.”

(Said property being the same lands as described in Official Records Book 6664, page 173 of the Public Records of Seminole County, Florida.)

described as follows:

Commence at a 3-inch by 3-inch concrete monument with disk stamped “TINKLEPAUGH SURVEYING PRM 3517” marking the southwest corner of Lot 3, NORTH POINT – REPLAT ONE, as recorded in Plat Book 44, pages 14 through 19, partially vacated by the City of Lake Mary, ordinance number 790, as recorded in Official Records Book 3082, page 1336, both of the Public Records of Seminole County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 77160, Financial Project No. 242592-4, said point being on the existing easterly Limited Access Right of Way line of State Road No. 400 (Interstate Highway No. 4) as shown on said Right of Way Map; thence run North 48°00’52” East along said existing easterly Limited Access Right of Way line a distance of 375.95 feet to the point of curvature of a curve concave northerly having a radius of 1265.92 feet and a chord bearing of North 37°55’50” East; thence run northeasterly along the arc of said curve and continue along said existing easterly Limited Access Right of Way line through a central angle of 20°10’02” a distance of 445.59 feet to the point of tangency; thence run North 27°50’49” East and continue along said existing easterly Limited Access Right of Way line a distance of 352.83 feet to a point on the westerly boundary of Lot 3, CORPORATE POINTE, as recorded in Plat Book 45, pages 30 and 31, of said Public Records of Seminole County, Florida, as shown on said Right of Way Map; thence departing said existing easterly Limited Access Right of Way line, run South 00°13’40” East along the westerly boundary of said Lot 3 a distance of 198.89 feet for a Point of Beginning, said point also being a point on a curve concave northeasterly having a radius of 265.02 feet and a chord bearing of South 71°44’15” East; thence from a tangent bearing of South 64°45’19” East departing said west line, run southeasterly along the arc of said curve through a central angle of 13°57’51” a distance of 64.59 feet to the end of said curve; thence run North 89°03’56” East a distance of 545.98 feet to a point on the southerly boundary of Lot 5, said CORPORATE POINTE, as shown on said Right of Way Map; thence run South 62°33’23” East along said southerly boundary a distance of 48.53 feet to the point of curvature of a curve concave northeasterly having a radius of 35.50 feet and a chord bearing of South 76°22’12” East; thence run southeasterly along the arc of said curve continuing along said southerly boundary through a central angle of 27°37’38” a distance of 17.12 feet to the point of tangency; thence run North 89°48’59” East continuing along said southerly line a distance of 183.20 feet to a point on the existing westerly Right of Way line of Lake Emma Road, a 100 foot wide Right of Way, per Official Records Book 319, page 138 and Official Records Book 1217, page 415 of said Public Records of Seminole County, Florida as shown on said Right of Way Map; thence departing said southerly line, run South 00°13’26” East along said existing

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westerly Right of Way line a distance of 67.74 feet to a point on the south line of aforesaid Lot 3, CORPORATE POINTE as shown on said Right of Way Map; thence departing said existing westerly Right of Way Line, run South 89°45'50" West along said south line a distance of 849.68 feet to a point on aforesaid west line of said Lot 3; thence run North 00°13'40" West along said west line a distance of 108.30 feet to the Point of Beginning.

Containing 1.672 acres, more or less.

Together with all rights of ingress, egress, light, air and view between the above described property and the grantor's remaining property.

**RECORDED**

Utility Agreement for Sewer Services in favor of Seminole County, a political subdivision of the State of Florida recorded in ORB 2153, Page 1167 and ORB 2153, Page 1188; Amendment to agreement recorded in ORB 2408, Page 501, Second Amendment to agreement recorded in 2420, Page 1614 and Third Amendment to agreement recorded in ORB 2570, Page 354; Reclaimed water flow, distribution delivery and Spray Easement recorded in ORB 2408, Page 690, Corrected in ORB 2570, Page 342; Utility Agreement for Sewer Service recorded in ORB 2408, Page 641, Reclaimed water flow, distribution, delivery and spray easement recorded in ORB 2420, Page 1606 and First Amendment to Utility Agreement for Sewer Service recorded in ORB 2536, Page 1114, of Public Records of Seminole County, Florida;

PROVIDED that the County has the following rights:

1. The County has the right to construct, operate, maintain, improve, add to, upgrade, remove and relocate road and utility facilities on, within, and upon the lands described herein in accordance with FDOT's minimum standards for such facilities as required by the FDOT Utility Accommodation Manual in effect at the time this document is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by FDOT, which approval must be based on the application of the minimum standards referenced above and which approval must be evidenced by the issuance of utility permit. If, based on the application of those minimum standards, FDOT does not approve new construction or relocation of facilities proposed by the County and such new construction or relocation could have proceeded upon the lands described herein but for the limitations imposed by this document, then FDOT shall bear the cost of acquiring any new easements necessary to proceed with said construction or relocation. If FDOT requires the County to alter, adjust, or relocate its facilities within said

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lands, then FDOT hereby agrees to bear the cost of such alteration, adjustment, or relocation. If FDOT requires County to relocate its facilities outside said lands, then FDOT hereby agrees to bear the cost of such relocation and if said relocation cannot take place within FDOT right of way, then FDOT also agrees to bear the cost of acquiring any easements necessary for the relocation.

2. Notwithstanding any provisions set forth herein, the terms of the utility permits issued pursuant to paragraph 1 hereof and Section 337.401(2) must supersede any contrary provisions contained herein, with the exception of the provisions in paragraph 1 hereof that require FDOT to bear certain costs.
3. The County has a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. The County agrees to repair any damage caused by the County to F.D.O.T.'s facilities and to indemnify to the extent permitted under Florida Law the F.D.O.T. against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

**(THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK)**

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IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered  
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

\_\_\_\_\_  
SIGNATURE LINE  
PRINT/TYPE NAME: \_\_\_\_\_

By: \_\_\_\_\_, P.E.

District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

\_\_\_\_\_  
SIGNATURE LINE  
PRINT/TYPE NAME: \_\_\_\_\_

Legal Review

By: \_\_\_\_\_  
Office of the General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.

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

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IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
GRANT MALOY  
Clerk to the Board of County Commissioners  
of Seminole County, Florida

By: \_\_\_\_\_  
AMY LOCKHART, Chairman

Date: \_\_\_\_\_

For the use and reliance  
of Seminole County only.  
Approved as to form and  
legal sufficiency.

As authorized for execution  
by the Board of County Commissioners  
at their \_\_\_\_\_, 20\_\_ regular meeting

\_\_\_\_\_  
COUNTY ATTORNEY

