

23-UTL02-10/11

March 26, 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. 115.2  
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. 115  
FEE SIMPLE

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That part of:

"Lot 1, Block "A", of SANFORD FARMS, according to plat recorded in Plat Book 1,

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Pages 127 and 128 of the Public Records of Seminole County, Florida; (LESS: The north 372 feet of said Lot 1, Block A; ALSO LESS: that portion of said Lot 1, Block A, lying East of a line beginning on the North line of Orange Boulevard at a point 578 feet Easterly from the SW Corner of said Lot 1, Block A, and running North 30 feet to the right-of-way of the Atlantic Coast Line Railroad: AND ALSO LESS: Beginning at the SW Corner of said Lot 1, Block A, running North 306 feet, thence East 8 feet, thence South to Orange Boulevard, thence West 8 feet to beginning: AND ALSO LESS: State Road right-of-way for state road.)”

(Being lands described in Official Records Book 567, page 564.)

“Lot 2, of Block “A”, according to Title Bond and Guarantee Company’s Plat of Sanford Farms as recorded in Plat Book 1, Pages 127 and 128 of the Public Records of Seminole County, Florida, (LESS: State Road right-of-way).”

(Being lands described in Official Records Book 568, page 196.)

“PARCEL NO. 1 – The North 372 feet of lot 1, Block “A” of Sanford Farms, according to Plat Book 1, page 127, 128 and 128 1/2, Public Records of Seminole County, Florida.

PARCEL 3B – Lot 3, Block A of Sanford Farms, according to Plat Book 1, page 127, 128 and 128 1/2, Public Records of Seminole County, Florida, LESS the South 200’ thereof.

PARCEL NO. 10 – The West 8 feet of the South 306 feet of Lot 1, Block “A” of Sanford Farms, according to Plat Book 1, page 127, 128 and 128 1/2, Public Records of Seminole County, Florida.”

(Said property being a portion of the lands as described in Official Records Book 645, page 281, all of the Public Records of Seminole County, Florida.)

LESS:

“PARCEL NO. 112

A portion of Lots 1 thru 3, Block “A”, Sanford Farms, according to Plat Book 1, Page 128, Public Records of Seminole County, Florida, except State Road Right of Way, being more particularly described as follows:

COMMENCING at a 3/4” Iron Pipe at the intersection of Monroe School Road and

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Monroe Street (C.R. 15), being the Southeast Corner of the Town of Monroe as shown in Plat of Saint Joseph, according to Plat Book 1, page 97, Public Records of Seminole County and as shown on Florida Department of Transportation Right of Way Map, Section 77160-2404; thence North  $00^{\circ} 16' 40''$  West, along the centerline of said Monroe Street (C.R. 15), a distance of 202.206 meters (663.41 feet) to a Bolt and Disk at the intersection with the centerline of Orange Boulevard, as shown on said Right of Way Map; thence North  $54^{\circ} 26' 27''$  West, along said centerline of Orange Boulevard, 261.894 meters (859.23 feet) to the intersection with the centerline of State Road 400, as shown on said Right of Way Map; thence continuing North  $54^{\circ} 26' 27''$  West, along said centerline of Orange Boulevard, 18.288 meters (60.00 feet) to the beginning of a curve, compound Southerly, having a radius of 77.724 meters (255.00 feet), a central angle of  $25^{\circ} 48' 40''$  and a chord bearing of North  $67^{\circ} 20' 47''$  West; thence Westerly, along the arc of said curve and said centerline of Orange Boulevard, 35.014 meters (114.88 feet); thence departing said centerline, from a tangent bearing of North  $80^{\circ} 15' 07''$  West run North  $27^{\circ} 43' 28''$  East, 22.182 meters (72.78 feet) to the existing Northerly Right of Way Line of Orange Boulevard, and the Point of Beginning; thence continue North  $27^{\circ} 43' 28''$  East, 31.201 meters (102.36 feet) to the existing Westerly Right of Way Line of the C.S.X. Railroad, being a curve, compound Easterly, having a radius of 451.925 meters (1482.69 feet), a central angle of  $02^{\circ} 19' 08''$  and a chord bearing of South  $39^{\circ} 30' 45''$  East; thence from a tangent bearing of South  $38^{\circ} 21' 11''$  East, run Southerly, along the arc of said curve, 18.290 meters (60.01 feet) to the existing Northwesterly Right of Way Line of said State Road 400; thence South  $41^{\circ} 32' 29''$  West, along said Northwesterly Right of Way Line, 22.626 meters (74.23 feet) to said Northerly Right of Way Line of Orange Boulevard, being a curve compound Southerly, having a radius of 99.060 meters (325.00 feet), a central angle of  $06^{\circ} 44' 56''$  and a chord bearing of North  $72^{\circ} 54' 53''$  West; thence from a tangent bearing of North  $69^{\circ} 32' 25''$  West run Westerly, along the arc of said curve, 11.668 meters (38.28 feet) to the Point of Beginning.

CONTAINING 380.7 square meters (4098 square feet), more or less."

(Said property being the same lands as described in Official Records Book 4461, page 264, all of the Public Records of Seminole County, Florida.)

described as follows:

Commence at a 3-inch by 4-inch aluminum plate stamped "DOT 17-16 20-21 T19 R30" marking the northwest corner of the northwest quarter of Section 21, Township 19 South, Range 30 East as shown on Florida Department of Transportation Right of Way Map Section 77160, Financial Project No. 242592-4; thence run North  $89^{\circ} 02' 56''$  East along the north line of the northwest

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quarter of said Section 21 a distance of 2088.24 feet to a point on the Centerline of Survey of State Road No. 400 as shown on said Right of Way Map; thence departing said north line, run South 41°32'29" West along said Centerline of Survey a distance of 156.58 feet to a point on the existing southerly Right of Way Line of C.F.C.R.T. (SUNRAIL) Segment "C" Mainline, said point also being a point on a curve concave northeasterly having a radius of 1482.69 feet and a chord bearing of North 42°21'15" West; thence departing said Centerline of Survey from a tangent bearing of North 46°24'28" West, run northwesterly along the arc of said curve and said existing southerly Right of Way Line through a central angle of 08°06'25" a distance of 209.79 feet to a point on the existing westerly Right of Way Line of State Road No. 400 as shown on said Right of Way Map for a Point of Beginning; thence departing said existing southerly Right of Way Line, run South 27°43'28" West along said existing westerly Right of Way Line a distance of 98.80 feet to a point on the existing northerly Right of Way Line of Orange Boulevard, said point also being the beginning of a non-tangent curve concave southerly having a radius of 325.00 feet and a chord bearing of North 82°08'00" West; thence from a tangent bearing of North 76°17'21" West run westerly along the arc of said curve and said existing northerly Right of Way Line through a central angle of 11°41'17" a distance of 66.30 feet to a point on a curve concave southeasterly and having a radius of 3745.00 feet and a chord bearing of North 41°44'55" East; thence departing said existing northerly Right of Way Line from a tangent bearing of North 40°41'19" East, run northeasterly along the arc of said curve through a central angle of 02°07'11" a distance of 138.54 feet to a point on the aforesaid existing southerly Right of Way Line of C.F.C.R.T. (SUNRAIL) Segment "C" Mainline, said point also being a point on a curve concave northeasterly having a radius of 1482.69 feet and a chord bearing of South 37°41'29" East; thence from a tangent bearing of South 37°04'55" East run southeasterly along the arc of said curve and said existing southerly Right of Way Line through a central angle of 01°13'07" a distance of 31.54 feet to the Point of Beginning.

Containing 5,206 square feet, 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**

Easements now held by Seminole County, a political subdivision of the State of Florida, recorded in ORB 1041, page 471 and ORB 1388, page 790, along with Assignment in ORB 2089, page 1740 and Bill of Sale in ORB 2089, page 1741 and Assignment of Easements in ORB 2089, page 1743;

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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 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.

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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

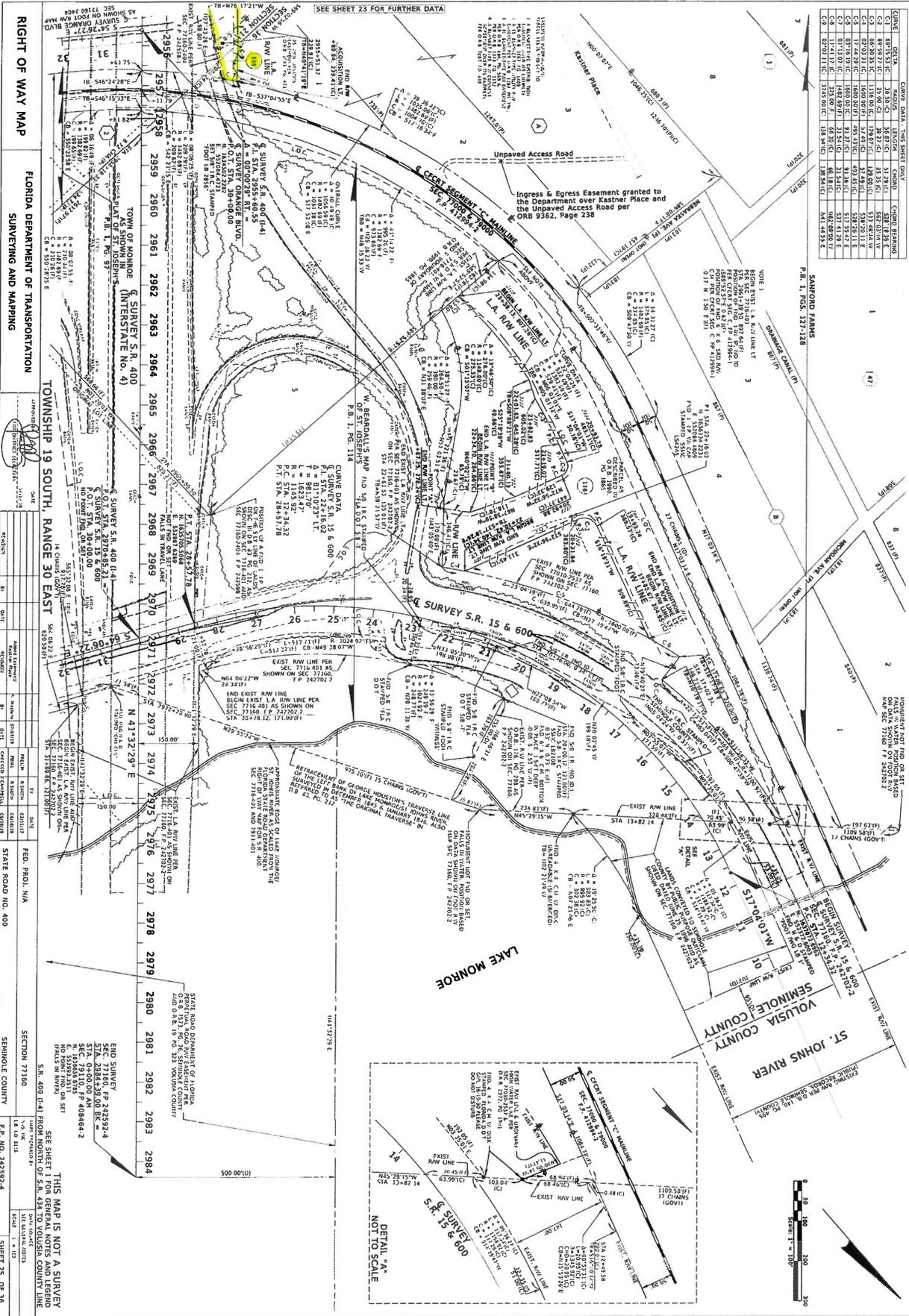
Date: \_\_\_\_\_

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





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| CHAIN | STATION     | CHORD BEARING | CHORD DISTANCE |
|-------|-------------|---------------|----------------|
| C1    | 89°15'31" E | 31.50         | 31.50          |
| C2    | 89°52'27" E | 21.90         | 21.90          |
| C3    | 89°52'27" E | 21.90         | 21.90          |
| C4    | 89°52'27" E | 21.90         | 21.90          |
| C5    | 89°52'27" E | 21.90         | 21.90          |
| C6    | 89°52'27" E | 21.90         | 21.90          |
| C7    | 89°52'27" E | 21.90         | 21.90          |
| C8    | 89°52'27" E | 21.90         | 21.90          |
| C9    | 89°52'27" E | 21.90         | 21.90          |
| C10   | 89°52'27" E | 21.90         | 21.90          |

**RIGHT OF WAY MAP**

FLORIDA DEPARTMENT OF TRANSPORTATION  
SURVEYING AND MAPPING

TOWNSHIP 19 SOUTH, RANGE 30 EAST

SECTION 2951 2952 2953 2954 2955 2956 2957 2958 2959 2960 2961 2962 2963 2964 2965 2966 2967 2968 2969 2970 2971 2972 2973 2974 2975 2976 2977 2978 2979 2980 2981 2982 2983 2984

SECTION 2985 2986 2987 2988 2989 2990 2991 2992 2993 2994 2995 2996 2997 2998 2999 3000

SEMINOLE COUNTY

DATE: 05/20/2014  
DRAWN BY: J. J. JAMES  
CHECKED BY: J. J. JAMES  
DATE: 05/20/2014

FED. PROJ. N/A  
STATE ROAD NO. 400

SECTION 2985  
SEMINOLE COUNTY  
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SHEET 75 OF 83

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