

23-UTL02-10/11

March 29, 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. 117.3

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:

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That part of:

"Lot 5, CORPORATE POINTE, according to the Plat thereof as recorded in Plat

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Book 45, Pages 30 and 31, Public Records of Seminole County, Florida

LESS THE FOLLOWING PORTION OF SAID LOT 5:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 5 FOR A POINT OF BEGINNING, THENCE RUN N00°10'40"E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LAKE EMMA ROAD A DISTANCE OF 78.78 FEET TO A TANGENTIAL CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1004.93 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 1°03'30", A CHORD BEARING OF N00°42'25"E, A CHORD DISTANCE OF 18.56 FEET, FOR AN ARC DISTANCE OF 18.56 FEET; THENCE LEAVING SAID CURVE RUN N88°45'50"W ALONG A RADIAL LINE TO SAID CURVE A DISTANCE OF 3.50 FEET TO A TANGENTIAL CONCAVE EASTERLY HAVING A RADIUS OF 1008.43 FEET (SAID CURVE HAS A COMMON CENTER RADIUS AS PREVIOUS CURVE); THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 1°03'30", A CHORD BEARING OF S00°42'25"W, A CHORD DISTANCE OF 18.63 FEET; FOR AN ARC DISTANCE OF 18.63 FEET; THENCE RUN S00°10'40"W PARALLEL TO SAID WESTERLY RIGHT-OF-WAY LINE OF LAKE EMMA ROAD A DISTANCE OF 78.78 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE RUN S89°51'45"E ALONG SAID SOUTH LINE A DISTANCE OF 3.50 FEET TO THE POINT OF BEGINNING"

(Said property being the same lands as described in Official Records Book 3822, page 973 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

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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 westerly line, run South 00°13'40" East along the westerly boundary of said Lot 3 a distance of 307.19 feet to southwest corner of said Lot 3, CORPORATE POINTE as shown on said Right of Way Map; thence run North 89°45'50" East along the south line of said Lot 3 a distance of 849.68 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 the Public Records of Seminole County, Florida as shown on said Right of Way Map; thence departing said south line, run North 00°13'26" West along said existing westerly Right of Way Line a distance of 67.74 feet to a point on the southerly line of Lot 5, said CORPORATE POINTE, as shown on said Right of Way Map; thence departing said existing westerly Right of Way line, run South 89°48'59" West along said southerly line a distance of 3.50 feet for a Point of Beginning; thence continue South 89°48'59" West along said southerly line a distance of 179.70 feet to the point of curvature of a curve concave northerly having a radius of 35.50 feet and a chord bearing of North 76°22'12" West; thence run westerly along the arc of said curve continuing along said southerly line through a central angle of 27°37'38" a distance of 17.12 feet to the point of tangency; thence run North 62°33'23" West continuing along said southerly line a distance of 48.53 feet to a point designated as Point "A"; thence departing said southerly line, run North 89°03'56" East a distance of 216.13 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 48.00 feet and a chord bearing of North 22°45'53" East; thence from a tangent bearing of North 42°29'53" East run northeasterly along the arc of said curve through a central angle of 39°28'01" a distance of 33.06 feet to the point of reverse curvature of a curve concave easterly having a radius of 1970.00 feet and a chord bearing of North 04°31'31" East; thence run northerly along the arc of said curve through a central angle of 02°59'16" a distance of 102.73 feet to a point designated as Point "B", said point also being a point on a curve concave easterly having a radius of 1970.00 feet and a chord bearing of North 06°14'08" East; thence from a tangent bearing of North 06°01'09" East run northerly along the arc of said curve through a central angle of 00°25'59" a distance of 14.89 feet to the end of said curve; thence run North 24°03'26" East a distance of 27.44 feet to a point on aforesaid existing westerly Right of Way Line, said point also being a point on a curve concave easterly having a radius of 1004.93 feet and a chord bearing of South 03°50'57" West; thence from a tangent bearing of South 06°49'31" West run southerly along the arc of said curve and said existing westerly Right of Way Line through a central angle of 05°57'07" a distance of 104.39 feet to the end of said curve; thence departing said existing westerly Right of Way line, run North 89°07'37" West along the northerly line of LESS OUT as described in Official Records Book 3822, page 973 and Official Records Book 2519, page 774, both of the Public Records of Seminole County, Florida, as shown on said Right of Way Map, radial to said existing westerly Right of Way Line, a distance of 3.50 feet to the northwest corner of said LESS OUT as shown on said Right of Way Map, said point also being the beginning of a non-tangent curve concave easterly having a radius of 1008.43 feet and a chord bearing of South 00°20'39" West; thence from a tangent bearing of South 00°52'23" West,

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departing said radial north line, run southerly along the arc of said curve and the westerly line of said LESS OUT through a central angle of 01°03'30" a distance of 18.63 feet to the end of said curve; thence run South 00°13'26" East along said westerly line a distance of 78.78 feet to the Point of Beginning.

Containing 7,706 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 along the courses and distances between Points "A" and "B" described above.

RECORDED

Easement contained in utility agreement recorded in ORB 2408, Page 641 amended in ORB 2536, Page 1114 along with ORB 2153, Page 1167 and ORB 2153, Page 1188 amended in ORB 2408, Page 501, ORB 2420, Page 1614, ORB 2570, Page 354 and ORB 2686, Page 1125 along with Flow easement in ORB 2408, Page 690 corrected in ORB 2570, Page 342 in favor of Seminole County, a political subdivision of the State of 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 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

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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

