

23-UTL02-10/11

March 25, 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. 123.2

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. 123
FEE SIMPLE

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That part of:

"A tract of land lying in Section 6, Township 20 South, Range 30 East, Seminole

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County, Florida; being more particularly described as follows:

Commence at the Southwest corner of Section 6, Township 20 South, Range 30 East, Seminole County, Florida and run North 89° 59' 44" East along the South line of said Section 6 for a distance of 2076.04 feet; thence departing said South line and run North 00°00' 16" West, 4602.27 feet to a point lying on a curve concave Northeasterly having a tangent bearing of North 39° 01' 22" West and a radius of 970.00 feet; thence run Northwesterly along the arc of said curve through a central angle of 10°58'24" for a distance of 185.77 feet to the Point of Tangency; thence run North 28°02'58" West, 136.53 feet to a point lying on a curve concave Northwesterly having a tangent bearing of North 59°45'44" East and a radius of 507.00 feet; thence run Northeasterly along the arc of said curve and through a central angle of 19°13'38" for a distance of 170.14 feet; thence departing said curve and run North 00°06'26" East, a distance of 157.25 feet; thence North 45°01'17" East, a distance of 191.23 feet; thence South 89°44'51" East, a distance of 135.93 feet to the POINT OF BEGINNING; thence continue South 89°44'51" East, 114.67 feet; thence North 00°14'41" East, a distance of 190.48 feet; thence South 89°44'51" East, a distance of 233.50 feet to a point on the limited access right of way line of Interstate No. 4 (State Road No. 400) as referenced in the Warranty Deed recorded in Official Records Book 3444, Page 1526 of the Public Records of Seminole County, Florida; thence run Northerly along the aforesaid limited access right of way line for the following courses: North 00°14'41" East, a distance of 43.59 feet; thence North 30°25'23" West, a distance of 151.04 feet; thence North 89°44'51" West, a distance of 271.08 feet; thence departing said line and run South 00°15'09" West, 363.98 feet to the POINT OF BEGINNING."

(Said property being the same lands as described in Official Records Book 4579, page 1519 of the Public Records of Seminole County, Florida.)

described as follows:

Commence at a Parker-Kalon nail and disk stamped "FDOT JWG LB1" marking the northwest corner of the northwest quarter of Section 6, Township 20 South, Range 30 East as shown on Florida Department of Transportation Right of Way Map Section 77160, Financial Project No. 242592-4; thence run South 89°49'12" East along the Centerline of Survey of County Road No. 46A a distance of 1658.41 feet to a point on a northerly projection of the west boundary line of lands described in Official Records Book 8579, page 1612, of the Public Records of Seminole County, Florida, as shown on said Right of Way Map; thence departing said Centerline of Survey, run South 00°02'05" West along said northerly projection a distance of 53.93 feet to a point on the existing southerly Right of Way Line of Country Road No. 46A, said point also being a point on a curve concave easterly having a radius of 25.00 feet and a chord bearing of North 42°34'34" East;

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thence from a tangent bearing of North 00°02'05" East, run northerly along the arc of said curve and said existing southerly Right of Way Line through a central angle of 85°04'59" a distance of 37.12 feet to the beginning of a non-tangent curve concave southerly having a radius of 4523.66 feet and a chord bearing of North 88°15'58" East; thence from a tangent bearing of North 87°46'48" East run easterly along the arc of said curve continuing along said existing southerly Right of Way Line through a central angle of 00°58'20" a distance of 76.76 feet to the end of said curve; thence run North 81°09'23" West continuing along said existing southerly Right of Way Line a distance of 9.27 feet; thence run South 89°49'12" East continuing along said existing southerly Right of Way Line a distance of 281.73 feet; thence run South 00°10'48" West along the existing southerly Limited Access Right of Way Line of County Road No. 46A a distance of 9.25 feet; thence run South 89°49'12" East continuing along said existing southerly Limited Access Right of Way Line a distance of 288.86 feet to a point on the west boundary line of lands described in Official Records Book 4579, page 1519, of the Public Records of Seminole County, Florida as shown on said Right of Way Map for a Point of Beginning; thence run South 89°49'12" East continuing along said existing southerly Limited Access Right of Way Line a distance of 271.14 feet; thence run South 30°29'23" East continuing along said existing southerly Limited Access Right of Way Line a distance of 23.91 feet; thence departing said existing southerly Limited Access Right of Way line, run the following courses and distances: North 86°33'55" West a distance of 31.11 feet; North 03°26'05" East a distance of 6.70 feet; North 86°38'18" West a distance of 45.16 feet; thence run North 89°49'12" West a distance of 207.56 feet to a point on the aforesaid west boundary line; thence run North 00°10'48" East along said west boundary line a distance of 9.61 feet to the Point of Beginning.

Containing 2,964 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

Utility easement recorded in ORB 4621, Page 575 and Spray easement in ORB 4500, Page 1621 and Easement contained in agreement in ORB 4437, Page 708, ORB 4437, Page 759, ORB 4609, Page 353 and ORB 4609, Page 390; Utility Agreement for Water Service ORB 4907, Page 1384; Utility Agreement for Sewer in ORB 4907, Page 1420 in favor of Seminole County, a political subdivision of the State of Florida;

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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

