

23-UTL02-10/11

April 1, 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. 112.3, 132.3

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:

PARCEL NO. 112
FEE SIMPLE

SECTION 77160
F.P. NO. 242592-4

That part of:

"PARCEL 1:

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That part of Blocks 4 and 5 and vacated street between Blocks 4 and 5, Town of Monroe, according to the plat thereof, as recorded in Plat Book 1, Page 97, of the Public Records of Seminole County, Florida, described as follows: From the Southeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 19 South, Range 30 East, Seminole County, Florida, thence North 00 degrees 23 minutes 48 seconds West along the East line of said Northwest $\frac{1}{4}$, 494.73 feet; thence South 89 degrees 36 minutes 12 seconds West, 43.00 feet to the Point of Beginning, said point being on the West Right of Way line of County Road 15; thence South 00 degrees 23 minutes 48 seconds East, 40.87 feet; thence South 89 degrees 56 minutes 12 seconds West 271.87 feet; thence North 00 degrees 23 minutes 48 seconds West 340.16 feet to the Southerly Right of Way line of Orange Boulevard; thence South 58 degrees 30 minutes 44 seconds East, along said Southerly Right of Way line 251.83 feet to a point on a curve; thence Southeasterly along the arc of said curve being concave to the Southwest, having a radius of 123.00 feet; a delta of 58 degrees 06 minutes 56 seconds, a chord bearing of South 29 degrees 27 minutes 16 seconds East, and an arc length of 124.76 to a point of tangency; thence South 00 degrees 23 minutes 48 seconds East, along the West Right of Way line of County Road No. 15, a distance of 63.41 feet to the Point of Beginning. Less that part of Road Right of Way as shown in the Warranty Deed recorded in Official Records Book 2121, Page 821.

PARCEL 2:

That part of Blocks 4 and 5 and vacated street between Blocks 4 and 5, Town of Monroe, according to the plat thereof, as recorded in Plat Book 1, Page 97, of the Public Records of Seminole County, Florida, described as follows: From the Southeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 19 South, Range 30 East, Seminole County, Florida, thence North 00 degrees 23 minutes 48 seconds West, along the East line of said Northwest $\frac{1}{4}$, a distance of 494.73 feet; thence South 89 degrees 36 minutes 12 seconds West, 43.00 feet to a point on the West Right of Way line of County Road No. 15; thence South 00 degrees 23 minutes 48 seconds East, 40.87 feet along said West Right of Way line to the Point of Beginning; thence continue South 00 degrees 23 minutes 48 seconds East, 38.00 feet along said West Right of Way line; thence South 89 degrees 56 minutes 12 seconds West, 271.87 feet; thence North 00 degrees 23 minutes 48 seconds West, 38.00 feet; thence North 89 degrees 56 minutes 12 seconds East, 271.87 feet to the Point of Beginning.

TOGETHER WITH easements as set out in Official Records Book 2092, Page 168; Official Records Book 2092, Page 172; and Official Records Book 2121, Page 826"

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(Said property being the same lands as described in Official Records Book 3586, page 467 of the Public Records of Seminole County, Florida.)

described as follows:

Commence at a magnetic nail with disk stamped "GAIL B 3604 BL SURVEY E S" marking the northeast corner of the southwest corner 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 00°19'46" West along the east line of the northwest quarter of said Section 21 a distance of 1317.93 feet to a magnetic nail with disk stamped "GAI BL SURVEYS LB 3604" marking the southeast corner of the northeast quarter of the northwest quarter of said Section 21, as shown on said Right of Way Map; thence run North 00°16'40" West along the east line of the northwest quarter of said Section 21 a distance of 431.30 feet; thence departing said east, line run South 89°43'20" West a distance of 72.61 feet to a point on the existing westerly Right of Way Line of County Road No. 15 as shown on said Right of Way Map for a Point of Beginning; thence continue South 89°43'20" West along said existing westerly Right of Way Line a distance of 7.90 feet; thence run South 00°16'40" East and continue along said existing westerly Right of Way Line a distance of 15.22 feet to a point on the boundary of Lot 1, SANFORD I-4 CENTER as recorded in Plat Book 80, pages 3 through 5 of the Public Records of Seminole County, Florida; thence departing said existing westerly Right of Way Line, run North 89°56'40" West along said boundary a distance of 181.51 feet to a point being 53.00 feet distant from a corner in said boundary and the west boundary of Block 5, TOWN OF MONROE AS SHOWN IN PLAT OF SAINT JOSEPH, as recorded in Plat Book 1, page 97 of the Public Records of Seminole County, Florida, as shown on said Right of Way Map; thence departing said boundary of Lot 1, SANFORD I-4 CENTER run North 00°16'40" West parallel with and 53.00 feet easterly of as measured perpendicularly to said west boundary of Block 5 a distance of 284.92 feet to the point of curvature of a curve concave easterly having a radius of 66.00 feet and a chord bearing of North 05°41'04" East; thence run northerly along the arc of said curve through a central angle of 11°55'28" a distance of 13.74 feet to the end of said curve; thence departing said curve run North 51°36'45" West a distance of 53.92 feet; thence run South 89°43'20" West a distance of 12.32 feet to a point on the aforesaid boundary of Lot 1, SANFORD I-4 CENTER and a point on the west boundary of Block 4 of the aforesaid TOWN OF MONROE AS SHOWN ON PLAT OF SAINT JOSEPH; thence run North 00°16'40" East along said boundary a distance of 46.06 feet to a point on the existing westerly Right of Way Line of Orange Boulevard as shown on said Right of Way Map; thence departing said west line, run South 58°16'05" East along said existing westerly Right of Way Line a distance of 217.93 feet; thence run South 36°11'43" West continuing along said existing westerly Right of Way Line a distance of 5.19 feet; thence run South 00°16'40" East continuing along said existing westerly Right of Way Line a distance of 13.00 feet; thence run South 89°57'17" East continuing along said existing westerly Right of Way Line a distance of 30.86 feet to the beginning of a non-tangent curve concave southwesterly having a radius of

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123.00 feet and a chord bearing of South 40°28'41" East; thence from a tangent bearing of South 55°16'42" East run southeasterly along the arc of said curve continuing along said existing westerly Right of Way Line through a central angle of 29°36'01" a distance of 63.54 feet to the end of said curve, said point also being a point on the aforesaid existing westerly Right of Way Line of County Road No. 15 as shown on said Right of Way Map; thence run South 05°24'48" West along said existing westerly Right of Way Line a distance of 63.04 feet; thence run South 04°28'45" West continuing along said existing westerly Right of Way Line a distance of 53.91 feet; thence run South 00°16'40" East continuing along said existing westerly Right of Way Line a distance of 66.83 feet to the Point of Beginning.

Containing 1.301 acres, more or less.

AND

PARCEL NO. 132
FEE SIMPLE

SECTION 77160
F.P. NO. 242592-4

That part of:

"PARCEL 1:

That part of Blocks 4 and 5 and vacated street between Blocks 4 and 5, Town of Monroe, according to the plat thereof, as recorded in Plat Book 1, Page 97, of the Public Records of Seminole County, Florida, described as follows: From the Southeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 19 South, Range 30 East, Seminole County, Florida, thence North 00 degrees 23 minutes 48 seconds West along the East line of said Northwest $\frac{1}{4}$, 494.73 feet; thence South 89 degrees 36 minutes 12 seconds West, 43.00 feet to the Point of Beginning, said point being on the West Right of Way line of County Road 15; thence South 00 degrees 23 minutes 48 seconds East, 40.87 feet; thence South 89 degrees 56 minutes 12 seconds West 271.87 feet; thence North 00 degrees 23 minutes 48 seconds West 340.16 feet to the Southerly Right of Way line of Orange Boulevard; thence South 58 degrees 30 minutes 44 seconds East, along said Southerly Right of Way line 251.83 feet to a point on a curve; thence Southeasterly along the arc of said curve being concave to the Southwest, having a radius of 123.00 feet; a delta of 58 degrees 06 minutes 56 seconds, a chord bearing of South 29 degrees 27 minutes 16 seconds East, and an arc length of 124.76 to a point of tangency; thence South 00 degrees 23 minutes 48 seconds East, along the West Right of Way line of County Road No. 15, a distance of 63.41 feet to the Point of Beginning. Less that part of Road Right of Way as shown in the Warranty Deed recorded in Official Records Book 2121, Page 821.

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PARCEL 2:

That part of Blocks 4 and 5 and vacated street between Blocks 4 and 5, Town of Monroe, according to the plat thereof, as recorded in Plat Book 1, Page 97, of the Public Records of Seminole County, Florida, described as follows: From the Southeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 19 South, Range 30 East, Seminole County, Florida, thence North 00 degrees 23 minutes 48 seconds West, along the East line of said Northwest $\frac{1}{4}$, a distance of 494.73 feet; thence South 89 degrees 36 minutes 12 seconds West, 43.00 feet to a point on the West Right of Way line of County Road No. 15; thence South 00 degrees 23 minutes 48 seconds East, 40.87 feet along said West Right of Way line to the Point of Beginning; thence continue South 00 degrees 23 minutes 48 seconds East, 38.00 feet along said West Right of Way line; thence South 89 degrees 56 minutes 12 seconds West, 271.87 feet; thence North 00 degrees 23 minutes 48 seconds West, 38.00 feet; thence North 89 degrees 56 minutes 12 seconds East, 271.87 feet to the Point of Beginning."

(Said property being the same lands as described in Official Records Book 3586, page 467 of the Public Records of Seminole County, Florida.)

described as follows:

Commence at a magnetic nail with disk stamped "GAI LB 3604 BL SURVEY E S" marking the northeast corner of the southwest corner 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 $00^{\circ}19'46''$ West along the east line of the northwest quarter of said Section 21 a distance of 1317.93 feet to a magnetic nail with disk stamped "GAI BL SURVEYS LB 3604" marking the southeast corner of the northeast quarter of the northwest quarter of said Section 21, as shown on said Right of Way Map; thence run North $00^{\circ}16'40''$ West along the east line of the northwest quarter of said Section 21 a distance of 431.30 feet; thence departing said east, line run South $89^{\circ}43'20''$ West a distance of 72.61 feet to a point on the existing westerly Right of Way Line of County Road No. 15 as shown on said Right of Way Map; thence continue South $89^{\circ}43'20''$ West along said existing westerly Right of Way Line a distance of 7.90 feet; thence run South $00^{\circ}16'40''$ East and continue along said existing westerly Right of Way Line a distance of 15.22 feet to a point on the boundary of Lot 1, SANFORD I-4 CENTER as recorded in Plat Book 80, pages 3 through 5 of the Public Records of Seminole County, Florida; thence departing said existing westerly Right of Way Line, run North $89^{\circ}56'40''$ West along said boundary a distance of 181.51 feet for a Point of Beginning, said point being 53.00 feet distant from a corner in said boundary and a point on the west boundary of Block 5, TOWN OF MONROE

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AS SHOWN IN PLAT OF SAINT JOSEPH, as recorded in Plat Book 1, page 97 of the Public Records of Seminole County, Florida, as shown on said Right of Way Map; thence departing said boundary of Lot 1, SANFORD I-4 CENTER run North 00°16'40" West parallel with and 53.00 feet easterly of as measured perpendicularly to said west boundary of Block 5 a distance of 284.92 feet to the point of curvature of a curve concave easterly having a radius of 66.00 feet and a chord bearing of North 05°41'04" East; thence run northerly along the arc of said curve through a central angle of 11°55'28" a distance of 13.74 feet to the end of said curve; thence departing said curve run North 51°36'45" West a distance of 53.92 feet; thence run South 89°43'20" West a distance of 12.32 feet to a point on the aforesaid boundary of Lot 1, SANFORD I-4 CENTER and a point on the west boundary of Block 4 of the aforesaid TOWN OF MONROE AS SHOWN ON PLAT OF SAINT JOSEPH; thence run South 00°16'40" East along said boundary a distance of 331.93 feet; thence departing said west boundary of Block 5 run South 89°56'40" East and continue along said boundary of Lot 1, SANFORD I-4 CENTER a distance of 53.00 feet to the Point of Beginning.

Containing 16,946 square feet, more or less.

RECORDED

Utility Agreement in favor of Seminole County, a political subdivision of the State of Florida recorded in ORB 2090, Page 478;

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

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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

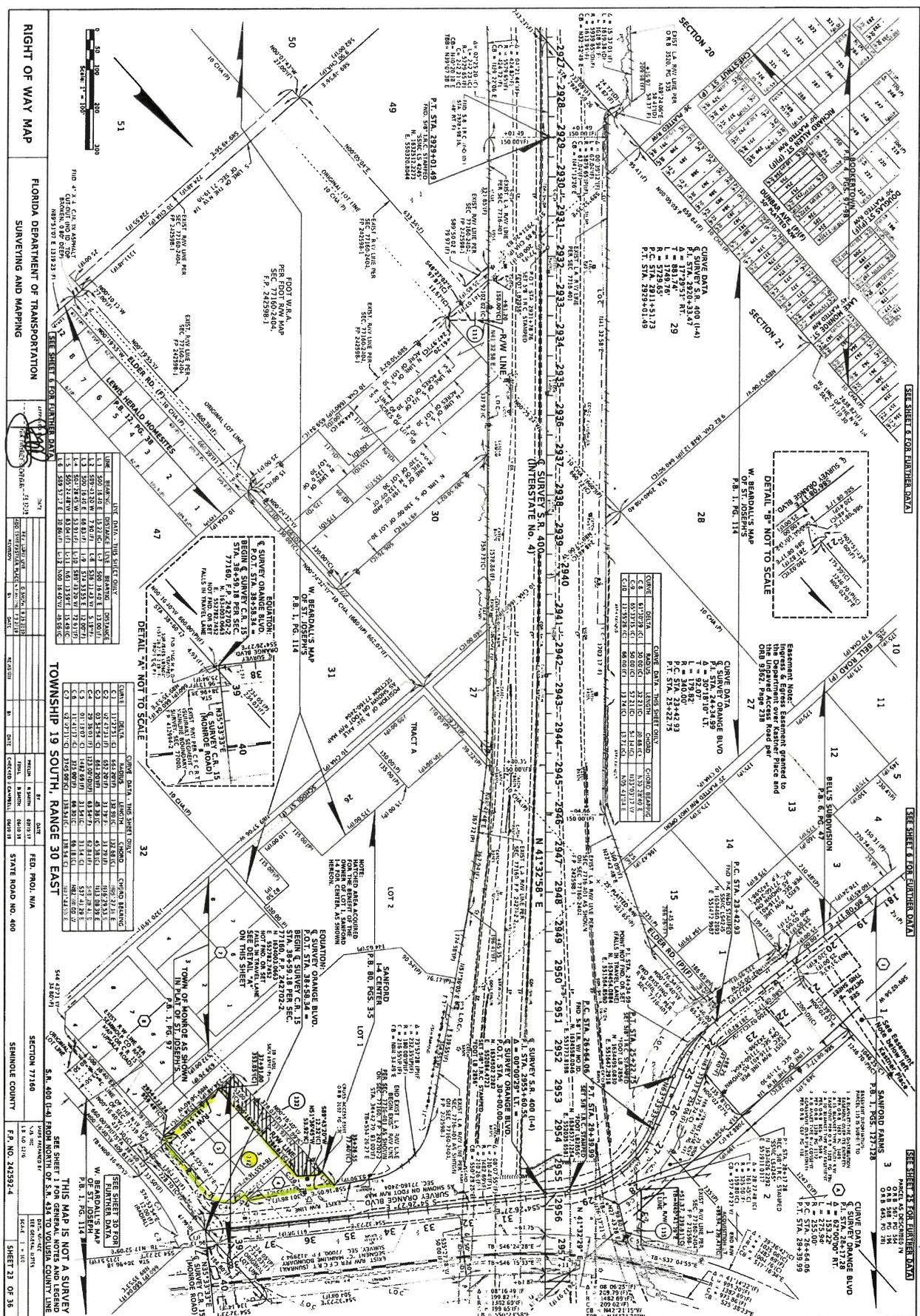
By: _____
AMY LOCKHART, Chairman

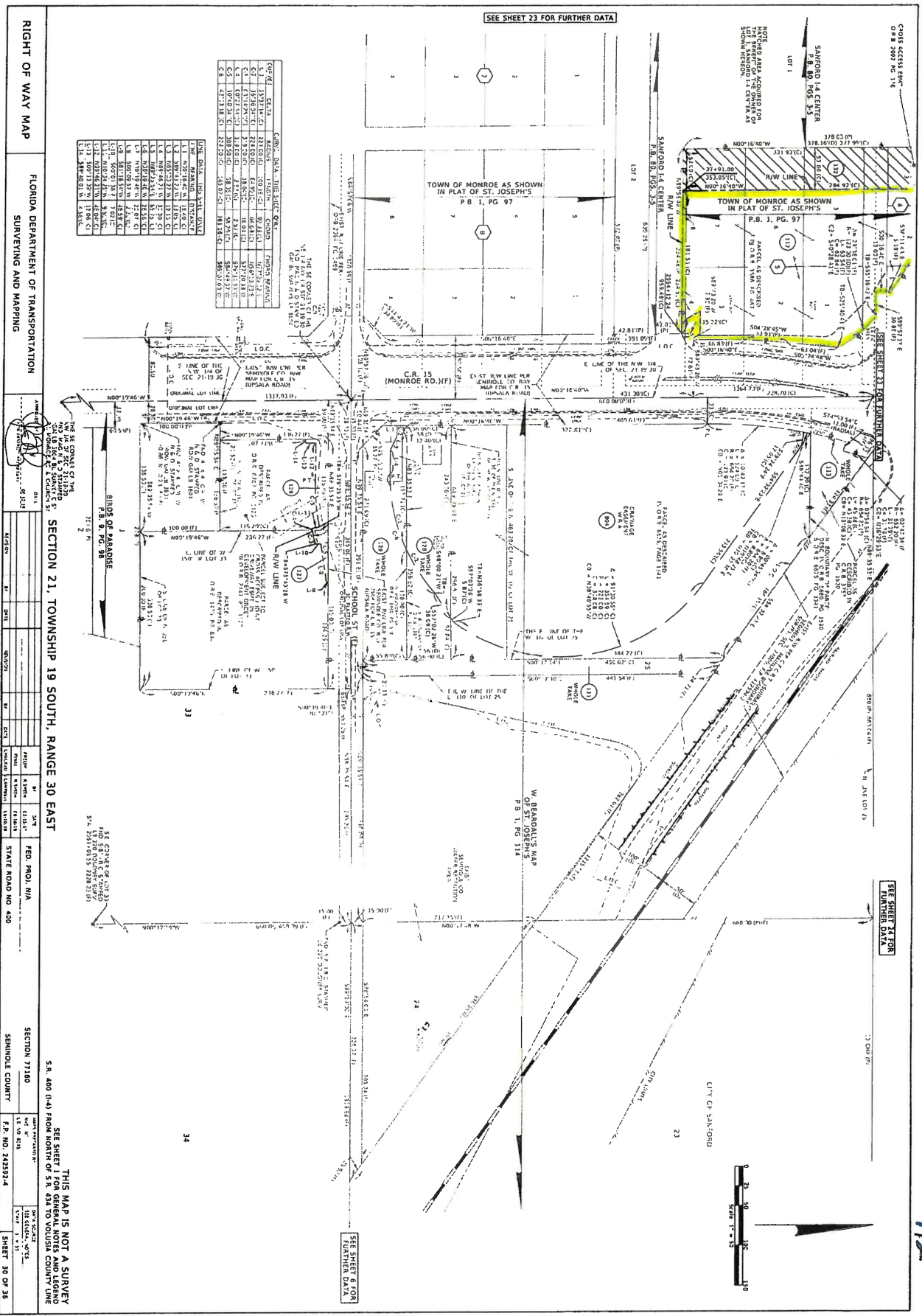
Date: _____

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





THIS MAP IS NOT A SURVEY
AND DOES NOT CONSTITUTE
AN ENDORSEMENT OR
WARRANTY OF ANY KIND
BY THE FLORIDA DEPARTMENT
OF TRANSPORTATION
OR THE FLORIDA TURNPIKE
AUTHORITY.