

23-UTL02-10/11

March 17, 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. 110.5
SECTION 77160
F.P. NO. 242592 4
STATE ROAD 400
COUNTY SEMINOLE

SUBORDINATION OF COUNTY DRAINAGE 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 (all references to "utility", "facilities", and "utility facilities" herein include drainage facilities and structures of any nature whatsoever) 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. 110
FEE SIMPLE

SECTION 77160
F.P. NO. 242592-4

That part of:

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PARCEL 4 (FEE SIMPLE ESTATE)

Lot 14, COLONIAL TOWNPARK REPLAT, according to the plat thereof recorded in Plat Book 76, pages 42 through 49, inclusive, Public Records of Seminole County, Florida.

And:

Any portion of land lying south of the monumented south boundary of Lot 14 of COLONIAL TOWNPARK REPLAT, according to the plat thereof as recorded in Plat Book 76, pages 47 through 49, inclusive, Public Records of Seminole County, Florida, and lying north of the existing north right of way line of County Road No. 46A (H.E. Thomas, Jr. Parkway), as shown on Florida Department of Transportation Right of Way Map Section 77160, Financial Project No. 242592-4.

(Said property being a portion of the lands as described in Official Records Book 8717, page 629 of the Public Records of Seminole County, Florida.)

described as follows:

Commence at 4-inch by 4-inch concrete monument with disk stamped "PRMLB1221" marking the southwest corner of Lot 15 per found monumentation, COLONIAL TOWNPARK REPLAT, as recorded in Plat Book 76, pages 42 through 49 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; thence run South 00°00'37" East along a southerly projection of the west line of said Lot 15 a distance of 0.57 feet to a point on the existing north Right of Way line of County Road No. 46A as shown on said Right of Way Map; thence departing said southerly projection, run South 89°49'12" East along said existing north Right of Way Line a distance of 339.07 feet for a Point of Beginning; thence run South 89°49'12" East continuing along said existing north Right of Way Line a distance of 7.98 feet to a point on the existing north Limited Access Right of Way line of County Road No. 46A as shown on said Right of Way Map; thence departing said existing north Right of Way Line, continue South 89°49'12" East now along the existing north Limited Access Right of Way Line a distance of 199.52 feet to a point on the southerly projection of the east line of Lot 14, said COLONIAL TOWNPARK REPLAT, per found monumentation, as shown on said Right of Way Map; thence departing said existing north Limited Access Right of Way Line, run North 00°11'01" East along said southerly projection and said east line, a distance of 7.46 feet to a point on the east line of said Lot 14, designated as Point "A"; thence departing said east line, run North 89°49'12" West 192.02 feet to a point designated as Point "B"; thence run North 50°07'53" West a distance of 11.02 feet; thence run North 89°49'12" West a distance of 29.40 feet to a point on the existing easterly Right of Way Line of Colonial

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Center Parkway a 56 foot wide private roadway, COLONIAL TOWNPARK REPLAT, per Plat Book 76, pages 42 through 49 of the Public Records of Seminole County, Florida as shown on said Right of Way Map, said point also being on a curve concave northeasterly having a radius of 25.00 feet and a chord bearing of South 58°00'22" East; thence from a tangent bearing South 26°11'17" East run southeasterly along the arc of said curve and said existing easterly Right of Way Line through a central angle of 63°38'11" a distance of 27.77 feet to the end of said curve; thence departing said existing easterly Right of Way Line, run South 00°10'48" West a distance of 0.60 feet to the Point of Beginning.

Containing 1,850 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

Emergency Drainage Easement dedicated in Colonial Townpark Replat recorded in Plat Book 76, Page 42 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

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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.

(THE REMAINDER 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

**THIS MAP IS NOT A SURVEY
SEE SHEET 1 FOR GENERAL NOTES AND LEGEND
S.R. 400 (I-4) FROM NORTH OF S.R. 434 TO VOLUSIA COUNTY LINE**

TOWNSHIPS 19 AND 20 SOUTH, RANGE 30 EAST

RIGHT OF WAY MAP

FLORIDA DEPARTMENT OF TRANSPORTATION
SURVEYING AND MAPPING

DEPARTMENT OF TRANSPORTATION
SURVEYING AND MAPPING DIVISION

DATE	FED. PROJ. N/A	STATE ROAD NO. 400
12/27		
10/08		

W 77160

MAPS PREPARED BY
MVS, INC.
I.D. NO. 8245

DATA SOURCE:
SEE GENERAL NOTES
SCALE: 1" = 100'

