23-UTL02-10/11
January 26, 2022
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.	125.2
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.

W I T N E S S E T H:

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. 125 **SECTION 77160**
FEE SIMPLE **F.P. NO. 242592-4**

That part of:

Tract D, also known as Colonial Center Parkway, a 56 foot wide private roadway,

per the plat of Colonial Townpark Replat, 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 Tract D, also known as Colonial Center Parkway, a 56 foot wide private roadway per the plat of Colonial Townpark Replat, recorded in Plat Book 76, pages 42 through 49, inclusive, of the 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 described in Official Records Book 7663, page 1765 of the Public Records of Seminole County, Florida.)

described as follows:

Commence at 4-inch by 4-inch concrete monument with disk stamped "PRM LB1221" marking the southwest corner of Lot 15, per 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 for State Road 400 (Interstate highway Number 4), 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 233.06 feet for the POINT OF BEGINNING; thence departing said existing north Right of Way Line, run North 00°10'48" East, perpendicular to said north Right of Way Line, 0.59 feet to the southwest corner of Tract D, also known as Colonial Center Parkway, a 56 foot wide private roadway, per the aforementioned plat of Colonial Townpark Replat, said point being on a curve, concave northwesterly, with a radius of 25.00 feet; thence, from a tangent bearing of South 89°49'28" East, run along the arc of said curve and the existing westerly Right of Way line of said Colonial Center Parkway, through a central angle of 90°00'10", for a distance of 39.27 feet to the point of tangency; thence continue along said existing westerly Right of Way line North 00°10'22" East 6.13 feet; thence, departing said existing westerly Right of Way line, run North 82°17'36" East 56.54 feet to a point on the existing easterly Right of Way line of the aforementioned Colonial Center Parkway; thence South 00°10'22" West along said existing easterly Right of Way line 13.89 feet to the beginning of a curve concave northeasterly with a radius of 25.00 feet; thence run southeasterly along the arc of said curve and along said existing easterly Right of Way line though a central angle of 89°59'50" a distance of 39.27 feet to the end of said curve at the southeast corner of said Tract D as shown on said Right of Way Map; thence, departing said existing

easterly Right of Way line, run South 00°10'48" West, 0.60 feet to a point on the aforementioned existing north Right of Way line of County Road No. 46A as shown on said Right of Way Map; thence North 89°49'12" West along said existing north Right of Way line 106.01 feet to the POINT OF BEGINNING.

Containing 2292 square feet, more or less.

RECORDED

Utility Easement in favor of Seminole County recorded in Plat Book 76, Page 42;

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.

(THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK)

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:

_____
SIGNATURE LINE
PRINT/TYPE NAME: _____

_____
SIGNATURE LINE
PRINT/TYPE NAME: _____

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By:_____
_____, P.E.
District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

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: _____

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

By: _____
AMY LOCKHART, Chairman

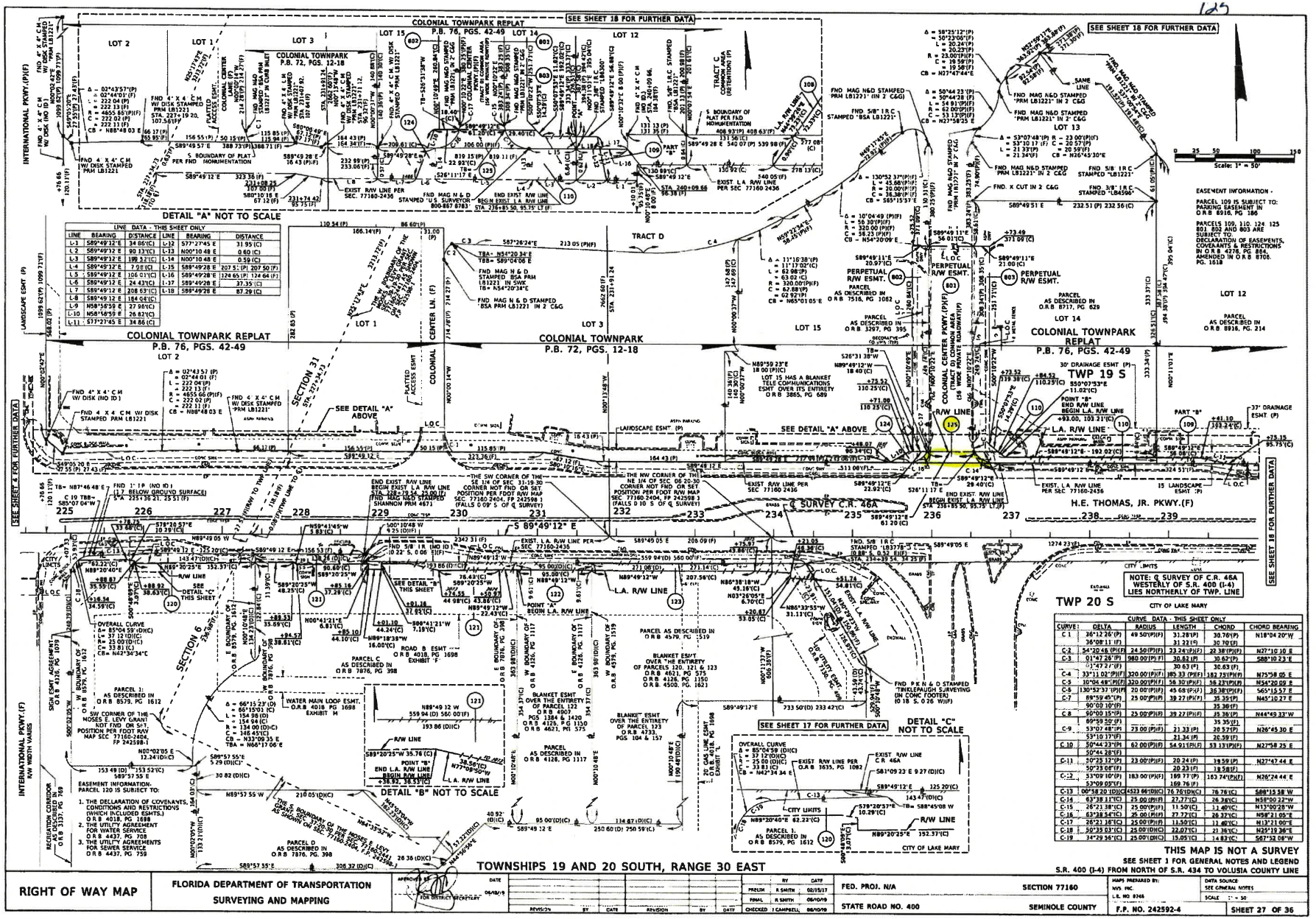
_____
GRANT MALOY
Clerk to the Board of County Commissioners
of Seminole County, Florida

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



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L-1	S89°49'12" E	34.00'(C)	L-12	S77°27'45 E	31.95'(C)
L-2	S89°49'12 E	90.13'(C)	L-13	N00°10 48 E	0.60 (C)
L-3	S89°49'12 E	199.32'(C)	L-14	N00°10 48 E	0.59 (C)
L-4	S89°49'12 E	7.08 (C)	L-15	S88°49'28 E	207.5'(P) 207.50 (F)
L-5	S89°49'12 E	106.01'(C)	L-16	S89°49'28 E	124.65 (P) 124.64 (F)
L-6	S89°49'12 E	24.43'(C)	L-17	S89°49'28 E	37.35 (C)
L-7	S89°49'12 E	208.63'(C)	L-18	S89°49'28 E	87.29 (C)
L-8	S89°49'12 E	184.04'(C)			
L-9	N59°16'59 E	27.96'(C)			
L-10	N58°16'59 E	26.82'(C)			
L-11	S77°27'45 E	34.86 (C)			

CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C-1	36°12'26"(P)	49.50'(P)(F)	31.28'(P)	30.76'(P)	N18°04'20"W
	36°08'11"(F)		31.22'(F)	30.70'(F)	
C-2	54°20'48.(P)(F)	24.50'(P)(F)	23.24'(P)(F)	22.38'(P)(F)	N27°10'10 E
C-3	01°47'26"(P)	980.00'(P) F)	30.62'(P)	30.62'(P)	S88°10'23"E
	01°47'27"(F)		30.63'(F)	30.63'(F)	
C-4	33°11'02"(P)(F)	320.00'(P)(F)	185.33'(P)(F)	182.73'(P)(F)	N75°58'05 E
C-5	30°04'48"(P)(F)	320.00'(P)(F)	56.30'(P)(F)	56.22'(P)(F)	N54°20'09 E
C-6	130°52'37"(P)(F)	20.00'(P)(F)	45.68'(P)(F)	36.38'(P)(F)	S65°15'57 E
C-7	88°59'45"(P)	25.00'(P)(R)	39.27'(P)(F)	35.35'(P)	N45°10'27 E
	90°00'15"(F)			35.36'(F)	
C-8	90°00'15"(P)	25.00'(P)(R)	39.27'(P)(F)	35.36'(P)	N44°49'33"W
	89°59'59.9"(F)			35.35'(F)	
C-9	53°07'48"(P)	73.00 (P)(F)	33.80'(P)	20.57'(P)	N26°45'30 E
	53°10'17"(F)		21.34'(F)	20.59'(F)	
C-10	50°44'23"(P)	62.00'(P)(R)	54.91'(P)(F)	53.13'(P)(F)	N27°58'25 E
	50°44'26"(F)				
C-11	50°25'12"(P)	23.00'(P)(F)	20.24'(P)	19.59'(P)	N27°47'44 E
	50°23'06"(F)		20.23'(F)	19.58'(F)	
C-12	53°09'10"(P)	183.00'(P)(F)	169.77'(P)	163.74'(P)(F)	N26°24'44 E
	53°09'05"(F)		169.76'(F)		
C-13	00°58'20"(D)(C)	4323.66'(D)(C)	76.76'(D)(C)	76.76'(C)	S89°15'58 W
C-14	63°38.11"(C)	25.00'(P)(F)	27.77'(C)	26.36'(C)	N58°00'22"W
C-15	26°21.38"(C)	25.00'(P)(F)	11.50'(C)	11.40'(C)	N13°00'28"W
C-16	63°38.56"(C)	25.00'(P)(F)	27.77'(C)	26.37'(C)	N58°21'05"E
C-17	26°21.16"(C)	25.00'(P)(F)	11.50'(C)	11.40'(C)	N13°21'00"E
C-18	50°25.02"(C)	25.00'(P)(F)	22.01'(C)	21.31'(C)	N25°13'36"E
C-19	34°29.56"(C)	25.00'(P)(F)	15.05'(C)	14.83'(C)	S67°52'08"W

RIGHT OF WAY MAP

FLORIDA DEPARTMENT OF TRANSPORTATION
SURVEYING AND MAPPING

APPROVED BY FOR DISTRICT SECRETARY — DATE 08/08/19

REVISION	BY	DATE
PRELIM	R SMITH	02/15/17
FINAL	R SMITH	08/09/19
CHECKED	J CAMPBELL	08/09/19

FED. PROJ. N/A | SECTION 77160 | MAPS PREPARED BY: NVS INC. L.B. NO. 8268 | DATA SOURCE: SEE GENERAL NOTES | SCALE: 1" = 50'

STATE ROAD NO. 400 | SEMINOLE COUNTY | F.P. NO. 242592-4 | SHEET 27 OF 36