



**Interoffice Memorandum**

**REAL ESTATE MANAGEMENT ITEM 5**

**DATE:** March 11, 2024

**TO:** Mayor Jerry L. Demings  
-AND-  
County Commissioners

**THROUGH:** Mindy T. Cummings, Manager *MTC*  
Real Estate Management Division

**FROM:** Sara Solomon, Senior Title Examiner *SS/MTC*  
Real Estate Management Division

**CONTACT PERSON:** **Mindy T. Cummings, Manager**

**DIVISION:** **Real Estate Management Division**  
**Phone: (407) 836-7090**

**ACTION REQUESTED:** Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Subordinations of County Utility Interests by and between Orange County and the State of Florida, Department of Transportation ("FDOT") at S.R. 400 (Interstate 4), Section 75280 (East of CR 522 (Osceola Parkway) to West of SR 528), and 23 Subordination of County Utility Interests by and between the State of Florida Department of Transportation and Orange County, and authorization to record instruments.

**PROJECT:** FDOT – S.R. 400 (I-4) E of C.R. 522 (Osceola Parkway) to West of S.R. 528 (F.P. #242484-8)

District 1

**PURPOSE:** To subordinate certain utility interests as necessary for road improvements required by Florida Department of Transportation (FDOT).

- ITEMS:**                    Resolution
- Subordination of County Utility Interests (Instrument 106.3)
  - Subordination of County Utility Interests (Instrument 115.13)
  - Subordination of County Utility Interests (Instrument 116.4)
  - Subordination of County Utility Interests (Instrument 124.3(A))
  - Subordination of County Utility Interests (Instrument 125.2)
  - Subordination of County Utility Interests (Instrument 126.2)
  - Subordination of County Utility Interests (Instrument 127.3)
  - Subordination of County Utility Interests (Instrument 128.6)
  - Subordination of County Utility Interests (Instrument 132.3)
  - Subordination of County Utility Interests (Instrument 133.4)
  - Subordination of County Utility Interests (Instrument 134.4)
  - Subordination of County Utility Interests (Instrument 135.4)
  - Subordination of County Utility Interests (Instrument 136.8)
  - Subordination of County Utility Interests (Instrument 137.4)
  - Subordination of County Utility Interests (Instrument 138.2)
  - Subordination of County Utility Interests (Instrument 140.3)
  - Subordination of County Utility Interests (Instrument 150.3)
  - Subordination of County Utility Interests (Instrument 151.3)
  - Subordination of County Utility Interests (Instrument 154.4)
  - Subordination of County Utility Interests (Instrument 809.2)
  - Subordination of County Utility Interests (Instrument 810.2)

Subordination of County Utility Interests (Instrument 811.3)

Subordination of County Utility Interests (Instrument 812.3)

**APPROVALS:** Real Estate Management Division  
County Attorney's Office  
Utilities Department  
Public Works Department

**REMARKS:** This action will subordinate Orange County utility interests to FDOT's proposed use of the land that they will acquire for their S.R. 400 (Interstate 4), Section 75280 (East of CR 522 (Osceola Parkway) to West of SR 528) project.

FDOT to pay recording fees and record instruments.

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2026

DOC # 20240220106

04/16/2024 13:34 PM Page 1 of 5

Rec Fee: \$44.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

August 24, 2021

This instrument prepared by

Tammy Mackey

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 106.3  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:

Florida Department of Transportation

719 S. Woodland Boulevard

R/W Records Management MS 551

DeLand, FL 32720-6834

Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 106.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 106  
LIMITED ACCESS RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of the Southeast 1/4 of Section 28, Township 24 South, Range 28 East, Orange County, Florida being a portion of MARRIOTT WORLD CENTER, as recorded in Plat Book 70, Page 131 of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 3549, Page 1444 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 1 1/4" iron pipe stamped "LB7714 WDW", marking the North 1/4 corner of Section 28, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 00°12'11" West along the West line of the Northeast 1/4 of said Section 28, a distance of 2673.09 feet to the Northwest corner of the Southeast 1/4 of said Section 28; thence South 89°29'59" East along the North line of the Southeast 1/4 of said Section 28, a distance of 1331.87 feet to the Centerline of Survey of State Road 400 as shown on said Right of Way Map; thence continue South 89°29'59" East along said North line, a distance of 190.78 feet to a point on the existing Easterly Limited Access Right of Way line of State Road 400 as shown on said Right of Way Map; thence South 38°39'53" West along said existing Easterly Limited Access Right of Way line, a distance of 432.60 feet; thence South 37°04'35" West along said existing Easterly Limited Access Right of Way line, a distance of 1220.76 feet to the **Point of Beginning**; thence South 89°37'02" East along the North line of MARRIOTT WORLD CENTER, as recorded in Plat Book 70, Page 131 of the Public Records of Orange County, Florida, a distance of 14.97 feet; thence South 37°04'35" West along a line 12.00 feet Southeast of and parallel to said existing Easterly Limited Access Right of Way line, a distance of 246.11 feet; thence South 52°52'52" East, a distance of 10.54 feet to the beginning of a non-tangent curve concave to the Southeast and having a radius of 1790.00 feet; thence from a tangent bearing of South 32°46'28" West, run Southwesterly along the arc of said curve, through a central angle of 18°53'12", an arc distance of 590.05 feet to the end of said curve; thence South 06°31'56" West, a distance of 69.41 feet to a point on said existing Easterly Limited Access Right of Way line; thence the following three (3) courses along said existing Easterly Limited Access Right of Way line; thence run North 00°49'40" West, a distance of 36.10 feet to the beginning of a non-tangent curve, concave to the Southeast and having a radius of 900.00 feet; thence from a tangent bearing of North 00°40'50" East, run Northerly along the arc of said curve, through a

PARCEL NO. 106.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

central angle of 38°00'00", an arc distance of 596.90 feet to the end of said curve; thence North 37°04'35" East, a distance of 279.81 feet to the **Point of Beginning**.

Containing 0.500 acres, more or less

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

**RECORDED**

Treated Wastewater Disposal Agreement recorded in ORB 4359, Page 2406 in favor of Orange County, a political subdivision of the State of Florida;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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.

PARCEL NO. 106.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

- 4. The County agrees to repair any damage caused by the County to F.D.O.T.'s facilities resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
Casandra Hyatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Casandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720

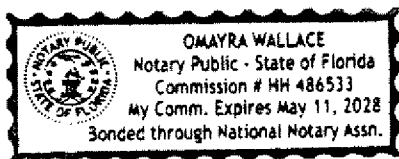
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of Transportation Development for District Five  
719 S. Woodland Blvd. DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 106.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
for Jerry L. Demings  
Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: Phil Diamond  
Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
for Deputy Clerk  
Jennifer Lara-Klimetz  
Printed Name



APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2024

DOC # 20240220107

04/16/2024 13:34 PM Page 1 of 5

Rec Fee: \$44.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

August 25, 2021

This instrument prepared by

Tammy Mackey

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 115.13  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:

Florida Department of Transportation

719 S. Woodland Boulevard

R/W Records Management MS 551

DeLand, FL 32720-6834

Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 115.13  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 115**  
**LIMITED ACCESS RIGHT OF WAY**

**SECTION 75280**  
**FP NO. 242484-8**

That part of:

“Parcel A (Fee Parcel):

Lot 2 of Marriott Village at Little Lake Bryan (a Replat of Little Lake Bryan Phase I, Lot 1, as recorded in Plat Book 34, Page 92-94), according to the Plat thereof as recorded in Plat Book 45, Pages 107-110, of the Public Records of Orange County, Florida.”

(Being a portion of lands described in Document Number 20160292522 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a set nail and disk stamped “AECOM LB 7860”, marking the Southwest corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 88°34'01" East along the South line of the Southwest 1/4 of said Section 22, a distance of 821.51 feet to the Centerline of Survey of State Road 400 as shown on said Right of Way Map; thence North 38°39'53" East along said Centerline, a distance of 2038.73 feet; thence South 51°22'50" East, a distance of 150.00 feet to a point on the existing Easterly Limited Access Right of Way line of State Road 400 as shown on said Right of Way Map and the **Point of Beginning**; thence continue South 51°22'50" East along the North line of Lot 2, MARRIOTT VILLAGE AT LITTLE LAKE BRYAN, as recorded in Plat Book 45, Page 107 of the Public Records of Orange County, Florida, a distance of 15.00 feet; thence South 36°33'32" West, a distance of 764.04 feet to a point on said existing Easterly Limited Access Right of Way line; thence North 29°07'13" East along said existing Easterly Limited Access Right of Way line, a distance of 259.77 feet; thence North 38°39'53" East along said existing Easterly Limited Access Right of Way line, a distance of 507.34 feet to the **Point of Beginning**.

Containing 16,653 square feet, more or less.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

PARCEL NO. 115.13  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

**RECORDED**

Easements per Plat Book 45, Page 107, Marriott Village at Little Lake Bryan;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 115.13  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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]  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liebr  
[Signature]  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720

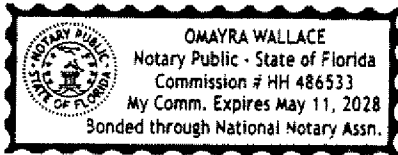
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: [Signature]  
C. JACK ADKINS  
District Director Of Transportation Development for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 115.13  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks

Byron W. Brooks

(Print Name)

for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST:

[Signature]  
(Print Name)

County Comptroller

As Clerk of the Board of County Commissioners

BY:

Jennifer Lara-Klimetz  
for Deputy Clerk

Jennifer Lara-Klimetz

Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

~~MAR 26 2024~~

23-UTL ORANGE COUNTY-06/19

August 26, 2021

This instrument prepared by

Tammy Mackey

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

DOC # 20240220108

04/16/2024 13:34 PM Page 1 of 6

Rec Fee: \$52.50

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

PARCEL NO. 116.4  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

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### 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. 116.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 116 PART A  
LIMITED ACCESS RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of Lot 4, Vista Centre Replat, according to the plat thereof, as recorded in Plat Book 18, Page 117, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 11011, Page 3134 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a set nail and disk stamped "AECOM LB 7860", marking the Southwest corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 88°34'01" East along the South line of the Southwest 1/4 of said Section 22, a distance of 821.51 feet to the Centerline of Survey of State Road 400 as shown on said Right of Way Map; thence North 38°39'53" East along said Centerline, a distance of 3317.17 feet to a point on the North line of the Southeast 1/4 of said Section 22; thence North 89°58'56" West along said North line, a distance of 192.06 feet to a point on the existing Westerly Limited Access Right of Way line of State Road 400 as shown on said Right of Way Map and the **Point of Beginning**; thence continue North 89°58'56" West along said North line, a distance of 52.54 feet to the Northeast corner of the Southwest 1/4 of said Section 22; thence continue North 89°58'56" West along the North line of the Southwest 1/4 of said Section 22, a distance of 21.12 feet; thence North 48°06'42" East, a distance of 181.81 feet; thence North 42°22'43" East, a distance of 223.94 feet to a point on the North line of Lot 4, VISTA CENTRE REPLAT as recorded in Plat Book 18, Page 117, of the Public Records of Orange County, Florida; thence South 46°19'40" East along said North line, a distance of 13.23 feet to a point on said existing Westerly Limited Access Right of Way line; thence South 38°39'53" West along said existing Westerly Limited Access Right of Way line, a distance of 355.66 feet to the **Point of Beginning**.

Containing 10,876 square feet, more or less

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

AND

PARCEL NO. 116.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

**PARCEL NO. 116 PART B  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of Lot 3, Vista Centre Replat, according to the plat thereof, as recorded in Plat Book 18, Page 117, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 11011, Page 3134 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 612.29 feet to the Centerline of Survey of State Road 535 as shown on said Right of Way Map; thence continue South 89°58'56" East along said North line, a distance of 91.38 feet to a point on the existing Easterly Right of Way line of State Road 535 as shown on said Right of Way Map; thence the following four (4) courses along said existing Easterly Right of Way line; thence run North 09°56'14" West, a distance of 384.89 feet; thence South 89°41'02" East, a distance of 10.16 feet; thence North 09°56'14" West, a distance of 203.06 feet; thence North 49°59'18" East, a distance of 89.45 feet to a point on the existing South Right of Way line of Palm Parkway as shown on said Right of Way Map; thence the following six (6) courses along said existing South Right of Way line; thence run South 89°50'17" East, a distance of 111.39 feet to the point of curvature of a curve concave to the South and having a radius of 987.99 feet; thence run Easterly along the arc of said curve, through a central angle of 10°00'46", an arc distance of 172.66 feet to the end of said curve; thence South 79°49'28" East, a distance of 45.92 feet to the beginning of a curve concave to the North and having a radius of 1403.40 feet; thence from a tangent bearing of South 79°49'31" East, run Easterly along the arc of said curve, through a central angle of 09°58'39", an arc distance of 244.39 feet to the end of said curve; thence South 89°48'10" East, a distance of 552.06 feet to the point of curvature of a curve concave to the North and having a radius of 1090.74 feet; thence run Easterly along the arc of said curve, through a central angle of 00°05' 32", an arc distance of 1.76 feet to the Northwest corner of Lot 3, VISTA CENTRE REPLAT, as recorded in Plat Book 18, Page 117 of the Public Records of Orange County, Florida and the **Point of Beginning**; thence continue along a curve concave to the North and having a radius of 1090.74 feet; thence run Easterly along said existing South Right of Way line and the arc of said curve, through a central



PARCEL NO. 116.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

angle of 20°13'05", an arc distance of 384.89 feet to the end of said curve; thence South 20°23'26" East, a distance of 3.73 feet to a point on a curve concave to the North and having a radius of 1836.00 feet; thence from a tangent bearing of South 70°04'40" West, run Westerly along the arc of said curve, through a central angle of 12°11'07", an arc distance of 390.47 feet to a point on the West line of said Lot 3; thence North 00°07'16" East along said West line, a distance of 30.14 feet to the **Point of Beginning**.

Containing 4,770 square feet, more or less

**RECORDED**

Drainage and Utility Easement recorded in ORB 4901, Page 4585, in favor of Orange County, a political subdivision of the State of Florida;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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.

PARCEL NO. 116.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

- 4. The County agrees to repair any damage caused by the County to F.D.O.T.'s facilities resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

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

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr District Director of

By: C. Jack Adkins

719 S. Woodland Blvd. DeLand, FL 32720

Transportation Development for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Cassandra Hatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hatt

719 S. Woodland Blvd. DeLand, FL 32720

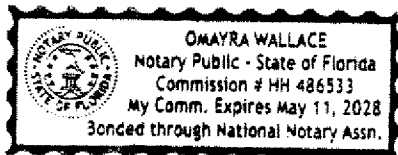
Legal Review

By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
NOTARY  
PRINT/TYPE NAME: Omayra Wallace

PARCEL NO. 116.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 6

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
for Deputy Clerk  
Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
MAR 26 2024

DOC # 20240220109

04/16/2024 13:34 PM Page 1 of 5

Rec Fee: \$44.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

August 30, 2021

This instrument prepared by

Tammy Mackey

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 124.3(A)  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 124 PART A  
RIGHT OF WAY

SECTION 75280  
FP NO. 242484-8

PARCEL NO. 124.3(A)  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

That part of:

A portion of the Southwest 1/4 of Section 22, Township 24 South, Range 28 East, Orange County, Florida.

(Being a portion of lands described in Official Records Book 1759, Page 670 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a set nail and disk stamped "AECOM LB 7860", marking the Southwest corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 88°34'01" East along the South line of the Southwest 1/4 of said Section 22, a distance of 821.51 feet to the Centerline of Survey of State Road 400 as shown on said Right of Way Map; thence North 38°39'53" East along said Centerline, a distance of 334.43 feet to the Centerline of Survey of State Road 535 as shown on said Right of Way Map; thence North 09°56'14" West along said Centerline of State Road 535, a distance of 1033.63 feet; thence North 89°07'25" West, a distance of 82.89 feet to a point on the existing Westerly Right of Way line of State Road 535 as shown on said Right of Way Map and the **Point of Beginning**; thence continue North 89°07'25" West along the North line Lot 110 and Lot 111, MUNGER AND COMPANY, as recorded in Plat Book E, Page 22 of the Public Records of Orange County, Florida, a distance of 300.19 feet to the East line of lands described in Official Records Book 5303, Page 596 of the Public Records of Orange County, Florida; thence North 00°36'16" East along said East line, a distance of 58.22 feet; thence South 89°51'54" West, a distance of 271.84 feet to a point on the Southeasterly line of Hotel Plaza Boulevard per lands described in Official Records Book 2125, Page 311 of the Public Records of Orange County, Florida, said point being on a curve concave to the Southeast and having a radius of 554.81 feet; thence from a tangent bearing of North 15°12'46" East, run Northeasterly along said Southeasterly line, along the arc of said curve, through a central angle of 64°51'56", an arc distance of 628.11 feet to the end of said curve; thence North 80°04'42" East along the South line of said lands, a distance of 101.14 feet to a point on said existing Westerly Right of Way line; thence the following three (3) courses along said Westerly Right of Way line; thence run South 09°56'14" East, a distance of 277.96 feet; thence South 80°03'46" West, a distance of 30.22 feet; thence South 03°54'46" East, a distance of 201.99 feet to the **Point of Beginning**.

Containing 4.397 acres, more or less

PARCEL NO. 124.3(A)  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

**RECORDED**

Revocable Non-Exclusive Utility Easement Agreement recorded in ORB 5285, Page 4403 and Non-Exclusive Utility Easement Agreement recorded in ORB 7874, Page 3164 in favor of Orange County, a political subdivision of the State of Florida;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 124.3(A)  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720

Cassandra Hatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hatt  
719 S. Woodland Blvd. DeLand, FL 32720

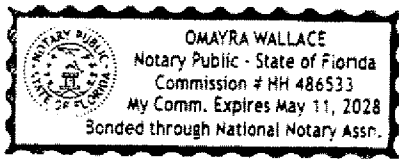
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 124.3(A)  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: VM D-C  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
Deputy Clerk  
for Jennifer Lara-Klimetz  
Printed Name



APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**MAR 26 2024**

**DOC # 20240220110**  
04/16/2024 13:34 PM Page 1 of 5  
Rec Fee: \$44.00  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

**23-UTL ORANGE COUNTY-06/19**

August 30, 2021

This instrument prepared by  
Tammy Mackey

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 125.2  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 125.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 125**  
**RIGHT OF WAY**

**SECTION 75280**  
**FP NO. 242484-8**

That part of:

A portion of the Southwest 1/4 of Section 22, Township 24 South, Range 28 East, Orange County, Florida.

(Being a portion of lands described in Official Records Book 1759, Page 670 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 581.83 feet to a point on the existing Westerly Right of Way line of State Road 535 as shown on said Right of Way Map; thence South 09°56'14" East along said existing Westerly Right of Way line, a distance of 272.24 feet to the **Point of Beginning**; thence continue South 09°56'14" East along said existing Westerly Right of Way line, a distance of 370.18 feet to a point on the North line of Hotel Plaza Boulevard per lands described in Official Records Book 2125, Page 311 of the Public Records of Orange County, Florida; thence South 80°04'42" West along said North line, a distance of 5.00 feet; thence North 11°50'00" West, a distance of 255.08 feet; thence North 03°17'06" West, a distance of 116.02 feet to the **Point of Beginning**.

Containing 3,125 square feet, more or less

**RECORDED**

Revocable Non-Exclusive Utility Easement Agreement recorded in ORB 5285, Page 4403; Non-Exclusive Utility Easement Agreement recorded in ORB 7874, Page 3164 in favor of Orange County, a political subdivision of the State of Florida;

PARCEL NO. 125.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 125.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

Shawn A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Shawn A. Liehr

Cassandra Hyatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720  
719 S. Woodland Blvd. DeLand, FL 32720

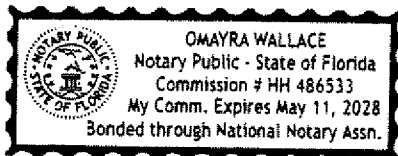
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 125.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks

Byron W. Brooks

(Print Name)

Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST:

[Signature]  
(Print Name)

County Comptroller

As Clerk of the Board of County Commissioners

BY:

Jennifer Lara-Klimetz  
Deputy Clerk

Jennifer Lara-Klimetz

Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

**MAR 26 2024**

23-UTL ORANGE COUNTY-06/19  
August 30, 2021

This instrument prepared by  
Tammy Mackey  
Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 126.2  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

**DOC # 20240220111**  
04/16/2024 13:34 PM Page 1 of 5  
Rec Fee: \$44.00  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 126.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 126**  
**RIGHT OF WAY**

**SECTION 75280**  
**FP NO. 242484-8**

That part of:

“Portions of Tract 4 and vacated Poinsettia Drive at LIVENGOOD PARK AT VINELAND, recorded in Plat Book Q; Page 64 of the Public Records of Orange County, Florida, described as follows:

Commence at the West 1/4 corner of Section 22, Township 24 South, Range 28 East, and run N. 89 degrees 50 minutes 45 seconds E, along the South line of the Northwest 1/4 of said Section 22 for a distance of 704.07 feet to the Easterly Right-of-Way line of State Road 535 and the Point of Beginning.

Thence N. 10 degrees 07 minutes 12 seconds W. along said Easterly Right-of-Way 153.46 feet to the South line of the North 28.00 feet of said Tract 4; thence S. 39 degrees 38 minutes 12 seconds E. along said South line for a distance of 323.12 to the Easterly line of those lands described in Official Recorders Book 3508, page 2202 of the Public Records of Orange County, Florida; thence S. 00 degrees 14 minutes 27 seconds W. along said line 148.23 feet to the aforementioned South line of the Northwest 1/4; thence S. 89 degrees 50 minutes 45 seconds W. along said line 295.53 feet to the Point of Beginning.”

(Being a portion of lands described in Official Records Book 10841, Page 418 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6”x6” concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 612.29 feet to the Centerline of Survey of State Road 535 as shown on said Right of Way Map; thence continue South 89°58'56" East along said North line, a distance of 91.38 feet to a point on the existing Easterly Right of Way line of State Road 535 as shown on said Right of Way Map and the **Point of Beginning**; thence North 09°56'14" West along said existing Easterly Right of Way line, a distance of 153.59 feet to the Northwest corner of lands described in Official Records Book 10841, Page 418 of the Public Records of Orange County, Florida; thence South 89°29'03" East along the North line of said Lands, a distance of 29.90 feet; thence South 10°21'30" East, a distance of 153.53 feet

PARCEL NO. 126.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

to a point on said North line of the Southwest 1/4 of said Section 22; thence North 89°58'56" West along said North line, a distance of 31.00 feet to the **Point of Beginning**.

Containing 4,599 square feet, more or less

**RECORDED**

Grant of Drainage Easement recorded in ORB 3691, Page 280 and ORB 3882, Page 4893;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the



PARCEL NO. 126.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720

Cassandra Thatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Thatt  
719 S. Woodland Blvd. DeLand, FL 32720

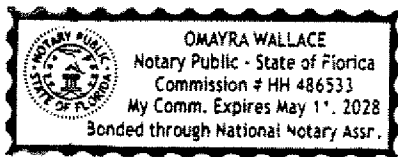
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: [Signature]  
O. JACK ADKINS  
District Director Of Transportation Development for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 126.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: V M D C  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
Deputy Clerk  
for Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2024

23-UTL ORANGE COUNTY-06/19

August 30, 2021

This instrument prepared by  
Meg Hardy

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 127.3  
SECTION 75280  
F.P. NO. 242484 8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

DOC # 20240220112

04/16/2024 13:34 PM Page 1 of 5

Rec Fee: \$44.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 127  
RIGHT OF WAY

SECTION 75280  
FP NO. 242484-8

That part of:

A portion of Tract 2, Livengood Park at Vineland, according to the plat thereof, as

PARCEL NO. 127.3  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 2

recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 10991, Page 4460 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 581.83 feet to a point on the existing Westerly Right of Way line of State Road 535 as shown on said Right of Way Map; thence North 09°56'14" West along said existing Westerly Right of Way line, a distance of 24.92 feet to the **Point of Beginning**; thence South 80°03'46" West, a distance of 6.00 feet; thence North 09°56'14" West, a distance of 10.00 feet; thence North 80°03'46" East, a distance of 6.00 feet to a point on said existing Westerly Right of Way line; thence South 09°56'14" East along said existing Westerly Right of Way line, a distance of 10.00 feet to the **Point of Beginning**.

Containing 60 square feet, more or less

**RECORDED**

Drainage Easement recorded in ORB 2271, Page 5 in favor of Orange County, a political subdivision of the State of Florida;

PARCEL NO. 127.3  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 3

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 127.3  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 4

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPED NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720

Cassandra Heatt  
SIGNATURE LINE  
PRINT/TYPED NAME: Cassandra Heatt  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

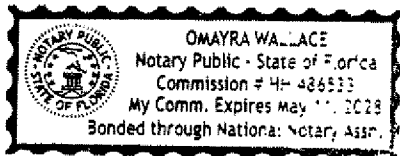
By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review

By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPED NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 127.3  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
for Deputy Clerk  
Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2024

**23-UTL ORANGE COUNTY-06/19**

August 30, 2021

This instrument prepared by  
Tammy Mackey  
Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 128.6  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 128.6  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 128  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of Poinsettia Drive, Livengood Park at Vineland, according to the plat thereof, as recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Document Number 20160535480 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 612.29 feet to the Centerline of Survey of State Road 535 as shown on said Right of Way Map; thence continue South 89°58'56" East along said North line, a distance of 91.38 feet to a point on the existing Easterly Right of Way line of State Road 535 as shown on said Right of Way Map; thence North 09°56'14" West along said existing Easterly Right of Way line, a distance of 153.59 feet to the **Point of Beginning**; thence continue North 09°56'14" West along said existing Easterly Right of Way line, a distance of 144.94 feet to the Northwest corner of lands described in Document Number 20160535480 of the Public Records of Orange County, Florida; thence South 89°29'03" East along the North line of said Lands, a distance of 28.82 feet; thence South 10°21'30" East, a distance of 145.14 feet to a point on the South line of said lands; thence North 89°29'03" West along said South line, a distance of 29.90 feet to the **Point of Beginning**.

Containing 4,185 square feet, more or less

**RECORDED**

Landscape, Pedestrian, Sidewalk, Drainage and Utility Easement in favor of Orange County, a political subdivision of the State of Florida, recorded in DOC# 20170683072, along with Utility Easement recorded in DOC# 20180336165;

PARCEL NO. 128.6  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 128.6  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
Cassandra Thatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Thatt  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

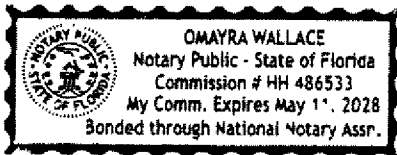
By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review

By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, ~~P.E.~~, District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 128.6  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
BYRON W. BROOKS  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: VMD  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
for Deputy Clerk  
Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2024

**DOC # 20240220114**  
04/16/2024 13:34 PM Page 1 of 5  
Rec Fee: \$44.00  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

**23-UTL ORANGE COUNTY-06/19**

August 31, 2021

This instrument prepared by  
Tammy Mackey

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 132.3  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024 by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 132**  
**RIGHT OF WAY**

**SECTION 75280**  
**FP NO. 242484-8**

PARCEL NO. 132.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

That part of:

A portion of Lot 1, Block B, Livengood Park at Vineland, according to the plat thereof, as recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 10440, Page 1102 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 4"x4" concrete monument, no identification, broken, marking the Northwest corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°57'07" East along the North line of the Northwest 1/4 of said Section 22, a distance of 542.74 feet to the Baseline of Survey of County Road 435 as shown on said Right of Way Map; thence South 04°22'36" West along said Baseline, a distance of 561.66 feet to the point of curvature of a curve concave to the East and having a radius of 11080.57 feet; thence run Southerly along said Baseline of Survey and the arc of said curve, through a central angle of 04°06'48", an arc distance of 795.47 feet; thence South 89°58'01" East, a distance of 62.85 feet to a point on the existing Easterly Right of Way line of County Road 435 as shown on said Right of Way Map, said point being on a curve concave to the East and having a radius of 2860.82 feet; thence the following two (2) courses along said existing Easterly Right of Way line; thence from a tangent bearing of South 02°27'55" West, run Southerly along the arc of said curve, through a central angle of 11°35'48", an arc distance of 579.03 feet to the end of said curve; thence South 60°02'58" East, a distance of 67.03 feet to a point on the existing North Right of Way line of Palm Parkway as shown on said Right of Way Map; thence South 89°50'17" East along said existing North Right of Way line, a distance of 84.24 feet to a point on the West line of Lot 1, Block B, LIVENGOOD PARK AT VINELAND as recorded in Plat Book Q, Page 64 of the Public Records of Orange County, Florida and the **Point of Beginning**; thence North 00°52'58" East along said West line, a distance of 33.93 feet; thence South 86°24'29" East, a distance of 48.95 feet to a point on the East line of said Lot 1, Block B; thence South 00°52'58" West along said East line, a distance of 31.00 feet to a point on the existing North Right of Way line of Palm Parkway as shown on said Right of Way Map; thence North 89°50'17" West along said North Right of Way line, a distance of 48.90 feet to the **Point of Beginning**.

Containing 1,587 square feet, more or less

PARCEL NO. 132.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

**RECORDED**

Drainage and Utility Easement recorded in ORB 4901, Page 4580; Landscape, Pedestrian, Sidewalk, Drainage and Utility Easement recorded in DOC# 20200395073;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 132.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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.

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
Cassandra Hyatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720

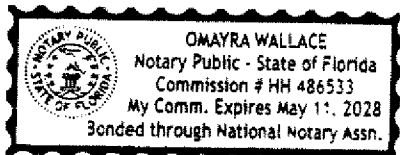
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of Transportation Development for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_



PARCEL NO. 132.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks

Byron W. Brooks  
(Print Name)

for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
Deputy Clerk  
for Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2024

DOC # 20240220115

04/16/2024 13:34 PM Page 1 of 5

Rec Fee: \$44.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

September 1, 2021

This instrument prepared by

Tammy Mackey

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 133.4  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:

Florida Department of Transportation

719 S. Woodland Boulevard

R/W Records Management MS 551

DeLand, FL 32720-6834

Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 133.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 133  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

All of:

PORTIONS OF LOTS 7 AND 8, ALL OF LOTS 9 THROUGH 12, BLOCK B, AND PORTIONS OF VACATED PALM PARKWAY AND VACATED MAGNOLIA ROAD, LIVENGOOD PARK AT VINELAND, AS RECORDED IN PLAT BOOK Q, PAGE 64, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT "A" OF VISTA CENTRE REPLAT AS RECORDED IN PLAT BOOK 18, PAGES 117 THROUGH 121, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND RUN N. 89° 59' 52" W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PALM PARKWAY AS SHOWN ON SAID VISTA CENTRE REPLAT FOR A DISTANCE OF 47.20 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 1300.65 FEET AND A CENTRAL ANGLE OF 10° 00' 00"; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 227.01 FEET; THENCE RUN N. 79° 59' 52" W ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 27.50 FEET; THENCE RUN N. 34° 08' 31" W FOR A DISTANCE OF 16.51 FEET; THENCE RUN N. 10° 00' 08" E FOR A DISTANCE OF 17.54 FEET; THENCE N. 23° 53' 27" E A DISTANCE OF 103.91 FEET; THENCE RUN N. 00° 00' 08" E FOR A DISTANCE OF 21.14 FEET TO THE NORTH LINE OF LOT 8, BLOCK B, OF SAID LIVENGOOD PARK AT VINELAND; THENCE RUN S. 89° 59' 52" E ALONG THE NORTH LINE OF LOTS 8 THROUGH 12 AND THE EASTERLY EXTENSION THEREOF FOR A DISTANCE OF 265.00 FEET TO THE WEST LINE OF LOT 10 OF SAID VISTA CENTRE REPLAT; THENCE RUN S. 00° 14' 27" W ALONG THE WEST LINE OF SAID LOT 10 AND TRACT A FOR A DISTANCE OF 171.62 FEET TO THE POINT OF BEGINNING, ORANGE COUNTY, FLORIDA.

(Being the lands described in Official Records Book 10599, Page 5200 of the Public Records of Orange County, Florida.)

**RECORDED**

Drainage and Utility Easement recorded in ORB 4901, Page 4580 in favor of Orange County, a political subdivision of the State of Florida;

PARCEL NO. 133.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

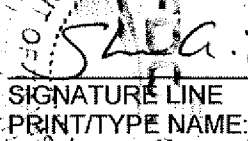
PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 133.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

  
Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr

Cassandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720

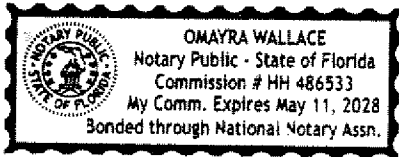
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By: C. Jack Adkins  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, ~~P.E.~~, District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 133.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lam-Klimetz  
Deputy Clerk  
for Jennifer Lam-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

~~MAR 26 2024~~

DOC # 20240220122

04/16/2024 13:35 PM Page 1 of 6

Rec Fee: \$52.50

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

September 1, 2021

This instrument prepared by

Meg Hardy

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 134.4  
SECTION 75280  
F.P. NO. 242484 8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 134  
RIGHT OF WAY

SECTION 75280  
FP NO. 242484-8

That part of:

"A PORTION OF LOT 2, VISTA CENTRE REPLAT, ACCORDING TO THE PLAT

PARCEL NO. 134.4  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 2

THEREOF RECORDED IN PLAT BOOK 18, PAGES 117 THROUGH 121, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 2 AND RUN NORTH 89°50'45" EAST ALONG THE SOUTH LINE OF SAID LOT 2 FOR A DISTANCE OF 354.96 FEET; THENCE RUN NORTH 00°09'15" WEST FOR A DISTANCE OF 220.30 FEET; THENCE RUN SOUTH 89°59'52" EAST FOR A DISTANCE OF 135.00 FEET; THENCE RUN NORTH 00°00'08" EAST FOR A DISTANCE OF 370.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM PARKWAY; THENCE RUN NORTH 89°59'52" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 237.82 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1403.40 FEET AND A CENTRAL ANGLE OF 10°00'00"; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 244.94 FEET; THENCE RUN NORTH 79°59'52" WEST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 33.82 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE RUN SOUTH 00°09'49" WEST ALONG THE WESTERLY LINE OF SAID LOT 2 FOR A DISTANCE OF 241.49 FEET; THENCE RUN SOUTH 89°50'11" EAST ALONG SAID WESTERLY LINE FOR A DISTANCE OF 28.31 FEET; THENCE RUN SOUTH 00°24'42" WEST ALONG SAID WESTERLY LINE FOR A DISTANCE OF 200.67 FEET; THENCE RUN SOUTH 00°14'27" WEST ALONG SAID WESTERLY LINE FOR A DISTANCE OF 176.23 FEET TO THE POINT OF BEGINNING."

(Being a portion of lands described in Official Records Book 10585, Page 7424 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 612.29 feet to the Centerline of Survey of State Road 535 as shown on said Right of Way Map; thence continue South 89°58'56" East along said North line, a distance of 91.38 feet to a point on the existing Easterly Right of Way line of State Road 535 as shown on said Right of Way Map; thence the following four (4) courses along said existing Easterly Right of Way line; thence run North 09°56'14" West, a distance of 384.89 feet; thence South 89°41'02" East, a distance of 10.16 feet; thence North 09°56'14" West, a distance of 203.06 feet; thence North 49°59'18" East, a distance of 89.45 feet to



PARCEL NO. 134.4  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 3

a point on the existing South Right of Way line of Palm Parkway as shown on said Right of Way Map; thence the following four (4) courses along said existing South Right of Way line; thence run South 89°50'17" East, a distance of 111.39 feet to the point of curvature of a curve concave to the South and having a radius of 987.99 feet; thence run Easterly along the arc of said curve, through a central angle of 10°00'46", an arc distance of 172.66 feet to the end of said curve; thence South 79°49'28" East, a distance of 45.92 feet to the beginning of a curve concave to the North and having a radius of 1403.40 feet; thence from a tangent bearing of South 79°49'31" East, run Easterly along the arc of said curve, through a central angle of 02°27'32", an arc distance of 60.22 feet to the **Point of Beginning**; thence continuing along a curve concave to the North and having a radius of 1403.40 feet; thence run Easterly along said existing South Right of Way line and the arc of said curve, through a central angle of 07°31'07", an arc distance of 184.16 feet to the point of tangency; thence South 89°48'10" East along said existing South Right of Way line, a distance of 237.82 feet to the Northeast corner of lands described in Official Records Book 10585, Page 7424 of the Public Records of Orange County, Florida; thence South 00°07'56" West along the East line of said lands, a distance of 46.65 feet to a point on a curve concave to the North and having a radius of 1836.00 feet; thence from a tangent bearing of North 87°51'01" West, run Westerly along the arc of said curve, through a central angle of 01°23'15", an arc distance of 44.46 feet to the end of said curve; thence South 03°32'14" West, a distance of 5.00 feet to a point on a curve concave to the North and having a radius of 1841.00 feet; thence from a tangent bearing of North 86°27'46" West, run Westerly along the arc of said curve, through a central angle of 11°54'16", an arc distance of 382.50 feet to the **Point of Beginning**.

Containing 12,377 square feet, more or less

### RECORDED

Drainage Easement recorded in ORB 4023, Page 1203, along with Drainage and Utility Easement recorded in ORB 4901, Page 4585 and Utility Easement recorded in DOC# 20170052751 in favor of Orange County, a political subdivision of the State of Florida;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T.

PARCEL NO. 134.4  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 4

Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

**(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)**

PARCEL NO. 134.4  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 5

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
Cassandra Heati  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Heati  
719 S. Woodland Blvd. DeLand, FL 32720

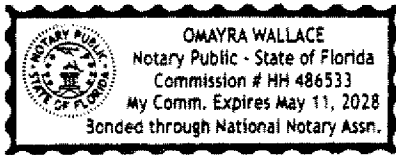
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 134.4  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 6

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks

Byron W. Brooks

(Print Name)

Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST:

V. M. D. C.  
(Print Name)

County Comptroller

As Clerk of the Board of County Commissioners

BY:

Jennifer Lara-Kimetz  
Deputy Clerk

Jennifer Lara-Kimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2021

DOC # 20240220123

04/16/2024 13:35 PM Page 1 of 6

Rec Fee: \$52.50

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

September 1, 2021

This instrument prepared by

Tammy Mackey

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 135.4  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:

Florida Department of Transportation

719 S. Woodland Boulevard

R/W Records Management MS 551

DeLand, FL 32720-6834

Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 135  
RIGHT OF WAY

SECTION 75280  
FP NO. 242484-8

PARCEL NO. 135.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

That part of:

Lot 10, according to the Replat of Vista Centre, as recorded in Plat Book 18, Page 117, Public Records of Orange County, Florida.

(Being a portion of lands described in Document Number 20170062587 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 4"x4" concrete monument, no identification, broken, marking the Northwest corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°57'07" East along the North line of the Northwest 1/4 of said Section 22, a distance of 542.74 feet to the Baseline of Survey of County Road 435 as shown on said Right of Way Map; thence South 04°22'36" West along said Baseline, a distance of 561.66 feet to the point of curvature of a curve concave to the East and having a radius of 11080.57 feet; thence run Southerly along said Baseline of Survey and the arc of said curve, through a central angle of 04°06'48", an arc distance of 795.47 feet; thence South 89°58'01" East, a distance of 62.85 feet to a point on the existing Easterly Right of Way line of County Road 435 as shown on said Right of Way Map, said point being on a curve concave to the East and having a radius of 2860.82 feet; thence the following two (2) courses along said existing Easterly Right of Way line; thence from a tangent bearing of South 02°27'55" West, run Southerly along the arc of said curve, through a central angle of 11°35'48", an arc distance of 579.03 feet to the end of said curve; thence South 60°02'58" East, a distance of 67.03 feet to a point on the existing North Right of Way line of Palm Parkway as shown on said Right of Way Map; thence the following five (5) courses along said existing North Right of Way line; thence run South 89°50'17" East, a distance of 166.68 feet to the point of curvature concave to the South and having a radius of 1095.49 feet; thence run Easterly along the arc of said curve, through a central angle of 10°00'46", an arc distance of 191.44 feet to the point of tangency; thence South 79°49'31" East, a distance of 100.34 feet to the point of curvature concave to the North and having a radius of 1300.65 feet; thence run Easterly along the arc of said curve, through a central angle of 09°58'39", an arc distance of 226.50 feet to the point of tangency; thence South 89°48'10" East, a distance of 87.27 feet to the Southwest corner of Tract A, VISTA CENTRE REPLAT as recorded in Plat Book 18, Page 117 of the Public Records of Orange County, Florida and the **Point of Beginning**; thence North 00°24'26" East along the East line of said Tract A, a distance of 30.00 feet to the Northeast corner of said Tract A; thence North 89°48'10" West along the North line of said Tract A, a distance of 40.00 feet to the Northwest corner of said Tract A; thence North 00°24'26" East along the West line of Lot 10 of said Plat, a distance of 21.20 feet; thence South 89°48'10" East, a distance of 280.30 feet; thence South

PARCEL NO. 135.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

84°19'50" East, a distance of 121.79 feet; thence North 89°59'42" East, a distance of 161.35 feet to the beginning of a non-tangent curve concave to the North and having a radius of 802.00 feet; thence from a tangent bearing of North 89°59'58" East, run Easterly along the arc of said curve, through a central angle of 27°34'34", an arc distance of 386.00 feet to a point on the East line of said Lot 10; thence South 29°08'37" East along said East line, a distance of 5.90 feet to a point on said existing North Right of Way line, said point being on a curve concave to the North and having a radius of 992.74 feet; thence from a tangent bearing of South 60°51'00" West, run Southwesterly along said existing North Right of Way line and the arc of said curve through a central angle of 29°20'49", an arc distance of 508.48 feet to the point of tangency; thence North 89°48'10" West along said existing North Right of Way line, a distance of 410.37 feet to the **Point of Beginning**.

Containing 0.723 acres, more or less

**RECORDED**

Lift Station Maintenance Easement recorded in ORB 4901, Page 4577; Drainage and Utility Easement recorded in ORB 4901, Page 4585; Maintenance of Drainage Easements dedicated in Vista Centre Replat, recorded in Plat Book 18, Page 117 in favor of Orange County, a political subdivision of the State of Florida;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.

PARCEL NO. 135.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

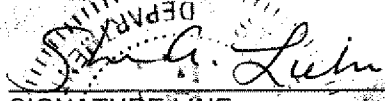
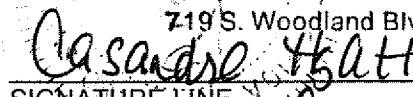
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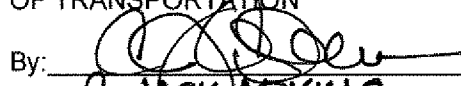
PARCEL NO. 135.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

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: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
  
SIGNATURE LINE  
PRINT/TYPE NAME: Casandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720

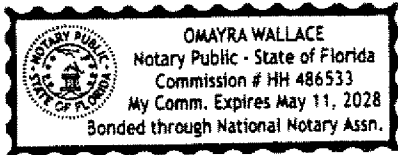
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

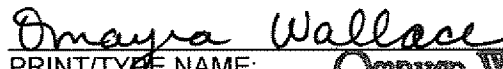
By:   
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

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 10 day of April, 2024, by C. Jack Adkins, 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: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 135.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 6

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
BYRON W. BROOKS  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
Deputy Clerk  
Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**MAR 26 2024**

**DOC # 20240220124**  
04/16/2024 13:35 PM Page 1 of 6  
Rec Fee: \$52.50  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

**23-UTL ORANGE COUNTY-06/19**

September 1, 2021

This instrument prepared by  
Tammy Mackey

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 136.8  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 136.8  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 136  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

“THAT PART OF LOT 2, VISTA CENTRE REPLAT AS RECORDED IN PLAT BOOK 18, PAGES 117 THROUGH 121 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2, RUN NORTH 89°50'45" EAST ALONG THE SOUTH LINE OF SAID LOT 2 FOR A DISTANCE OF 354.96 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°09'15" WEST FOR A DISTANCE OF 220.30 FEET; THENCE SOUTH 89°59'52" EAST FOR A DISTANCE OF 135.00 FEET; THENCE RUN NORTH 00°00'08" EAST FOR A DISTANCE OF 370.00 FEET; THENCE RUN SOUTH 89°59'52" EAST ALONG THE NORTH LINE OF SAID LOT 2 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM PARKWAY FOR A DISTANCE OF 314.23 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1090.74 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH LINE AND SAID SOUTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 00°03'51" FOR A DISTANCE OF 1.22 FEET; THENCE RUN SOUTH 00°03'43" EAST ALONG THE EAST LINE OF SAID LOT 2 FOR A DISTANCE OF 589.07 FEET; THENCE RUN SOUTH 89°50'45" WEST ALONG THE SOUTH LINE OF SAID LOT 2 FOR A DISTANCE OF 450.51 FEET TO THE POINT OF BEGINNING.”

(Being a portion of lands described in Document Number 20170532660 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 612.29 feet to the Centerline of Survey of State Road 535 as shown on said Right of Way Map; thence continue South 89°58'56" East along said North line, a distance of 91.38 feet to a point on the existing Easterly Right of Way line of State Road 535 as shown on said Right of Way Map; thence the following four (4) courses along said existing Easterly Right of Way line; thence run North 09°56'14" West, a

PARCEL NO. 136.8  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

distance of 384.89 feet; thence South 89°41'02" East, a distance of 10.16 feet; thence North 09°56'14" West, a distance of 203.06 feet; thence North 49°59'18" East, a distance of 89.45 feet to a point on the existing South Right of Way line of Palm Parkway as shown on said Right of Way Map; thence the following five (5) courses along said existing South Right of Way line; thence run South 89°50'17" East, a distance of 111.39 feet to the point of curvature of a curve concave to the South and having a radius of 987.99 feet; thence run Easterly along the arc of said curve, through a central angle of 10°00'46", an arc distance of 172.66 feet to the end of said curve; thence South 79°49'28" East, a distance of 45.92 feet to the beginning of a curve concave to the North and having a radius of 1403.40 feet; thence from a tangent bearing of South 79°49'31" East, run Easterly along the arc of said curve, through a central angle of 09°58'39", an arc distance of 244.39 feet to the end of said curve; thence South 89°48'10" East, a distance of 237.82 feet to the **Point of Beginning**; thence continue South 89°48'10" East along said existing South Right of Way line, a distance of 314.24 feet to the point of curvature of a curve concave to the North and having a radius of 1090.74 feet; thence run Easterly along said existing South Right of Way line and the arc of said curve, through a central angle of 00°05' 32", an arc distance of 1.76 feet to the Northeast corner of Lot 2, VISTA CENTRE REPLAT, as recorded in Plat Book 18, Page 117 of the Public Records of Orange County, Florida; thence South 00°07'16" West along the East line of said Lot 2, a distance of 30.14 feet to a point on a curve concave to the North and having a radius of 1836.00 feet; thence from a tangent bearing of South 82°15'48" West, run Westerly along the arc of said curve, through a central angle of 09°53'11", an arc distance of 316.80 feet to a point on the West line of said Lot 2; thence North 00°07'56" East along said West line, a distance of 46.65 feet to the **Point of Beginning**.

Containing 13,573 square feet, more or less

**RECORDED**

Non-Exclusive Drainage and Utility Easement in favor of Orange County, a political subdivision of the State of Florida, recorded in ORB 4901, Page 4585 and also shown on Plat of Vista Centre Replat recorded in Plat Book 18, Page 117;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed.

PARCEL NO. 136.8  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4



However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).


PARCEL NO. 136.8  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

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: Shawn A. Lehr  
719 S. Woodland Blvd. DeLand, FL 32720  
  
SIGNATURE LINE  
PRINT/TYPE NAME: Casandra Heatt  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By:   
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

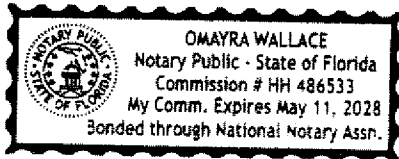
Legal Review


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 10 day of April, 2024, by C. Jack Adkins, 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: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 136.8  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 6

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks

Byron W. Brooks  
(Print Name)

for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST:

MMJL

(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY:

Jennifer Lam-Klimetz  
Deputy Clerk

Jennifer Lam-Klimetz  
Printed Name



APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
MAR 26 2024

DOC # 20240220125  
04/16/2024 13:35 PM Page 1 of 5  
Rec Fee: \$44.00  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

August 25, 2021

This instrument prepared by  
Tammy Mackey

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 137.4  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 15TH day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 137.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 137  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of Tract 2, Livengood Park at Vineland, according to the plat thereof, as recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 9257, Page 2580 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence North 00°04'40" East along the West line of the Northwest 1/4 of said Section 22, a distance of 654.81 feet to a point on the existing South Right of Way line of County Road 535 as shown on said Right of Way Map; thence South 87°28'29" East along said existing South Right of Way line, a distance of 147.97 feet to the **Point of Beginning**; thence continue South 87°28'29" East along said existing South Right of Way line, a distance of 10.00 feet; thence South 02°31'31" West, a distance of 5.00 feet; thence North 87°28'29" West along a line 5.00 feet South of and parallel to said existing South Right of Way line, a distance of 10.00 feet; thence North 02°31'31" East, a distance of 5.00 feet to the **Point of Beginning**.

Containing 50 square feet, more or less

**RECORDED**

Water Line Easement recorded in ORB 4281, Page 1110; Sewer Line Easement recorded in ORB 4281, Page 1136; Easement recorded in ORB 3604, Page 1031 in favor of Orange County, a political subdivision of the State of Florida;

PARCEL NO. 137.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).


PARCEL NO. 137.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

*Sharon A. Liehr*  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
*C. Sandra Hecht*  
SIGNATURE LINE  
PRINT/TYPE NAME: C. Sandra Hecht  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

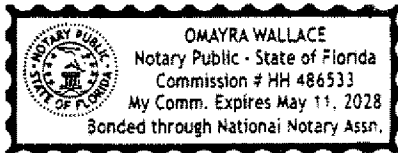
By: *C. Jack Adkins*  
C. JACK ADKINS,   
District Director Of Transportation Development for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review

By: *[Signature]*  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



*Omayra Wallace*  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 137.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Limetz  
for Deputy Clerk  
Jennifer Lara-Limetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**MAR 26 2024**

**DOC # 20240220126**  
04/16/2024 13:35 PM Page 1 of 5  
Rec Fee: \$44.00  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

**23-UTL ORANGE COUNTY-06/19**

September 1, 2021

This instrument prepared by  
Meg Hardy

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 138.2  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 138  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

PARCEL NO. 138.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

That part of:

A portion of Lot 14, GRAND CYPRESS RESORT – PHASE I, according to the plat thereof, as recorded in Plat Book 31, Page 71, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 10361, Page 6221 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence North 00°04'40" East along the West line of the Northwest 1/4 of said Section 22, a distance of 649.20 feet to a point on the existing South Right of Way line of County Road 535 as shown on said Right of Way Map; thence North 87°28'29" West along said existing South Right of Way line, a distance of 49.82 feet to the **Point of Beginning**; thence South 02°31'31" West, a distance of 15.00 feet; thence North 87°28'29" West along a line 15.00 feet South of and parallel to said South Right of Way line, a distance of 10.00 feet; thence North 02°31'31" East, a distance of 15.00 feet to a point on said existing South Right of Way line; thence South 87°28'29" East along said existing South Right of Way line, a distance of 10.00 feet to the **Point of Beginning**.

Containing 150 square feet, more or less

### RECORDED

Access and Utility Easement recorded in ORB 3504, Page 983, Utility Easement recorded in ORB 3504, Page 999, Easement to Remote Well Facilities recorded in ORB 3504, Page 1009, Warranty Deed and Easements concerning Sewage Lift Station recorded in ORB 3654, Page 2675, in favor of Orange County, a political subdivision of the State of Florida.

PROVIDED that the County has the following rights:

1. The County shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate road and utility facilities on, within, and

PARCEL NO. 138.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

upon the lands described herein in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).



PARCEL NO. 138.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
Cassandra Heati  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Heati  
719 S. Woodland Blvd. DeLand, FL 32720

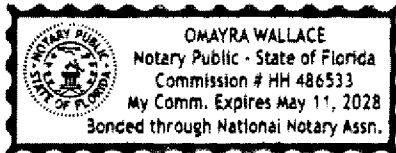
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins,  
P.E., District Director of Transportation Development for District Five, who is personally known to me or who  
has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 138.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks

Byron W. Brooks

(Print Name)

for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST:

[Signature]  
(Print Name)

County Comptroller

As Clerk of the Board of County Commissioners

BY:

Jennifer Lara-Kimetz  
Deputy Clerk

Jennifer Lara-Kimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
MAR 26 2024

**23-UTL ORANGE COUNTY-06/19**

September 1, 2021

This instrument prepared by  
Tammy Mackey  
Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 140.3  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 140 PART A  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

PARCEL NO. 140.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

That part of:

A portion of Tract 1 and the 20' Alley, Livengood Park at Vineland, according to the plat thereof, as recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 4312, Page 2334 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence North 00°04'40" East along the West line of the Northwest 1/4 of said Section 22, a distance of 709.25 feet to the Baseline of Survey of County Road 535 as shown on said Right of Way Map; thence continue North 00°04'40" East along said West line, a distance of 94.86 feet to a point on the existing North Right of Way line of County Road 535 as shown on said Right of Way Map and the **Point of Beginning**; thence South 86°45'17" East, a distance of 172.15 feet; thence North 02°33'16" East, a distance of 6.50 feet; thence South 87°26'44" East, a distance of 10.00 feet; thence South 02°33'16" West, a distance of 6.50 feet; thence South 87°26'44" East, a distance of 28.25 feet to a point on the West line of lands described in Official Records Book 10787, page 1288 of the Public Records of Orange County, Florida; thence South 00°02'11" West along said West line, a distance of 7.60 feet to a point on said existing North Right of Way line; thence the following four (4) courses along said existing North Right of Way line; thence run North 87°28'29" West, a distance of 10.11 feet; thence North 00°04'40" East, a distance of 5.00 feet; thence North 87°28'29" West, a distance of 100.00 feet; thence North 84°45'12" West, a distance of 100.50 feet to the **Point of Beginning**.

Containing 611 square feet, more or less

AND

**PARCEL NO. 140 PART B  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of Tract 1, Livengood Park at Vineland, according to the plat thereof, as

PARCEL NO. 140.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 4312, Page 2334 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence North 00°04'40" East along the West line of the Northwest 1/4 of said Section 22, a distance of 709.25 feet to the Baseline of Survey of County Road 535 as shown on said Right of Way Map; thence continue North 00°04'40" East along said West line, a distance of 427.52 feet to the **Point of Beginning**; thence continue North 00°04'40" East along said West line, a distance of 218.08 feet to the Southwest corner of Lot 1, BRINKER FLORIDA, INC. as recorded in Plat Book 34, Page 63 of the Public Records of Orange County, Florida; thence South 89°58'01" East along the South line of said Lot 1, a distance of 157.76 feet; thence South 01°36'27" West, a distance of 218.77 feet; thence North 89°44'16" West, a distance of 151.92 feet to the **Point of Beginning**.

Containing 0.776 acres, more or less

AND

**PARCEL NO. 140 PART C  
RIGHT OF WAY**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of Lots 8 through 11, Block A, Livengood Park at Vineland, according to the plat thereof, as recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 4312, Page 2334 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of

PARCEL NO. 140.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence North 00°04'40" East along the West line of the Northwest 1/4 of said Section 22, a distance of 709.25 feet to the Baseline of Survey of County Road 535 as shown on said Right of Way Map; thence continue North 00°04'40" East along said West line, a distance of 645.60 feet to the Southwest corner of Lot 1, BRINKER FLORIDA, INC. as recorded in Plat Book 34, Page 63 of the Public Records of Orange County, Florida; thence South 89°58'01" East along the South line of said Lot 1, a distance of 401.23 feet to the **Point of Beginning**; thence continue South 89°58'01" East along said South line, a distance of 8.06 feet to a point on the existing Westerly Right of Way line of County Road 435 as shown on said Right of Way Map, said point also being on a curve concave to the East and having a radius of 10950.70 feet; thence from a tangent bearing of South 00°14'13" West, run Southerly along said existing Westerly Right of Way line and the arc of said curve, through a central angle of 00°34'14", an arc distance of 109.03 feet to the end of said curve; thence South 06°48'39" West along said existing Westerly Right of Way line, a distance of 74.84 feet; thence North 03°13'31" East, a distance of 183.35 feet to the **Point of Beginning**.

Containing 1,217 square feet, more or less

**RECORDED**

Utility Easement recorded in ORB 6708, Page 3962 in favor of Orange County, a political subdivision of the State of Florida;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

PARCEL NO. 140.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5


2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

**(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)**

PARCEL NO. 140.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 6

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 Sharon A. Liehr  
PRINT/TYPE NAME Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
SIGNATURE LINE Cassandra Hiett  
PRINT/TYPE NAME Cassandra Hiett  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

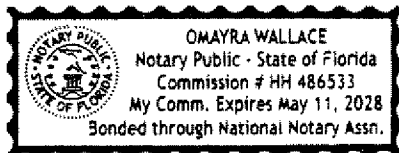
By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review

By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_



PARCEL NO. 140.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 7

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: M D L  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Kimetz  
for Deputy Clerk  
Jennifer Lara-Kimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2024

23-UTL ORANGE COUNTY-06/19

September 2, 2021

This instrument prepared by  
Tammy Mackey

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 150.3  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

DOC # 20240220128

04/16/2024 13:35 PM Page 1 of 5

Rec Fee: \$44.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 150  
RIGHT OF WAY

SECTION 75280  
FP NO. 242484-8

PARCEL NO. 150.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

All of:

Lot 4, and a portion of Lot 3, BRINKER FLORIDA, INC., as recorded in Plat Book 34, Page 63, Public Records of Orange County, Florida, more particularly described as follows:

BEGIN at the Northeast corner of said Lot 4, and a non-tangent point on a curve concave Southeasterly, having a radius of 10950.70 feet, from a chord bearing S 03°39'46" W, run thence Southwesterly along the arc of said curve and the Westerly right-of-way line of Apopka-Vineland Road; through a central angle of 01°07'59", a distance of 216.58 feet; thence S 89°54'20" W a distance of 297.21 feet; thence N 00°03'57" W a distance of 216.08 feet to the North Line of said plat of Brinker Florida, Inc.; thence N89°53'58" E along the North line of said plat, a distance of 311.29 feet to the POINT OF BEGINNING.

(Being the lands described in Official Records Book 5244, Page 1061 of the Public Records of Orange County, Florida.)

**RECORDED**

Utility Easement recorded in ORB 5997, Page 2683 in favor of Orange County, a political subdivision of the State of Florida

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

PARCEL NO. 150.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
  
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 150.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

Shawn A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Shawn A. Liehr  
Cassandra Hyatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720  
719 S. Woodland Blvd. DeLand, FL 32720

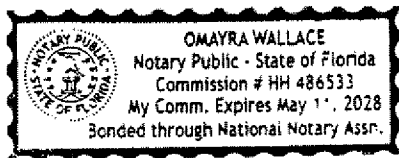
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 150.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
for Deputy Clerk  
Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
MAR 26 2024

DOC # 20240220129  
04/16/2024 13:35 PM Page 1 of 5  
Rec Fee: \$44.00  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

August 31, 2021

This instrument prepared by  
Tammy Mackey

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 151.3  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024 by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 151  
RIGHT OF WAY

SECTION 75280  
FP NO. 242484-8

PARCEL NO. 151.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

That part of:

“Tracts A, B, C and D of the Plat of THE VININGS AT CYPRESS POINTE as recorded in Plat Book 23, Page 145, Public Records of Orange County, Florida.”

(Being a portion of Tract B per lands described in Official Records Book 4287, Page 1681 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence North 00°04'40" East along the West line of the Northwest 1/4 of said Section 22, a distance of 709.25 feet to the Baseline of Survey of County Road 535 as shown on said Right of Way Map; thence continue North 00°04'40" East along said West line, a distance of 1434.45 feet to the Southwest corner of Tract "B", THE VININGS AT CYPRESS POINTE, as recorded in Plat Book 23, Page 145, of the Public Records of Orange County, Florida and the **Point of Beginning**; thence continue North 00°04'40" East along said West line, a distance of 18.98 feet to a point on a curve concave to the South and having a radius of 450.00 feet; thence from a tangent bearing of North 64°50'18" East, run Northeasterly along the arc of said curve through a central angle of 25°01'01", an arc distance of 196.48 feet to the point of tangency; thence North 89°51'18" East, a distance of 216.45 feet; thence North 05°02'19" East, a distance of 172.42 feet; thence North 06°34'00" East, a distance of 207.77 feet; thence North 17°02'31" East, a distance of 130.95 feet to a point on the existing Westerly Right of Way line of County Road 435 as shown on said Right of Way Map; thence South 04°26'53" West along said existing Westerly Right of Way line, a distance of 555.86 feet to the beginning of a non-tangent curve, concave to the East and having a radius of 10950.70 feet; thence from a tangent bearing of South 04°25'47" West, run Southerly along said existing Westerly Right of Way line and the arc of said curve, through a central angle of 00°03'37", an arc distance of 11.52 feet to the Southeast corner of said Tract "B"; thence North 89°59'21" West along the South line of said Tract "B", a distance of 439.95 feet to the **Point of Beginning**.

Containing 0.909 acres, more or less

**RECORDED**

Drainage Easement and Vehicular Access dedicated per The Vinings at Cypress Pointe, Plat Book 23, Page 145; and Easement Deed and Retention Agreement recorded in ORB 6220, Page 3314 in favor of Orange County, a political subdivision of the State of Florida;



PARCEL NO. 151.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 151.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
Cassandra Hyatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hyatt  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

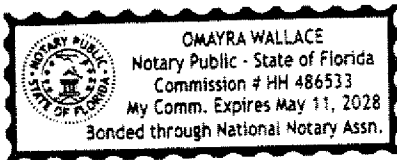
By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review

By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 151.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
Deputy Clerk  
Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**MAR 26 2024**

**DOC # 20240220130**  
04/16/2024 13:35 PM Page 1 of 5  
Rec Fee: \$44.00  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

**23-UTL ORANGE COUNTY-06/19**  
August 31, 2021

This instrument prepared by  
Tammy Mackey  
Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 154.4  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024 by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 154**  
**FEE SIMPLE**

**SECTION 75280**  
**FP NO. 242484-8**

All of:

PARCEL NO. 154.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

Lot 1 of Starbucks Palm Parkway, as recorded in Plat Book 105, Page 41 of Orange County, Florida.

(Being a portion of lands described in Official Records Book 10440, Page 1102 of the Public Records of Orange County, Florida.)

**RECORDED**

Drainage and Utility Easement recorded in ORB 4901, Page 4580; Landscape, Pedestrian, Sidewalk, Drainage and Utility Easement recorded in DOC# 20200395073 in favor of Orange County, a political subdivision of the State of Florida;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to

PARCEL NO. 154.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

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PARCEL NO. 154.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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.

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd, DeLand, FL 32720  
Cassandra Holt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Holt  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

By: C. Jack Adkins  
C. JACK ADKINS  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review  
By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 154.4  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST:

MM D. C  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY:

Jennifer Lara-Kimetz  
for Deputy Clerk  
Jennifer Lara-Kimetz  
Printed Name



APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**MAR 26 2024**

**DOC # 20240220131**  
04/16/2024 13:35 PM Page 1 of 5  
Rec Fee: \$44.00  
Deed Doc Tax: \$0.00  
Mortgage Doc Tax: \$0.00  
Intangible Tax: \$0.00  
Phil Diamond, Comptroller  
Orange County, FL  
Ret To: SIMPLIFILE LC

**23-UTL ORANGE COUNTY-06/19**  
August 30, 2021

This instrument prepared by  
Tammy Mackey  
Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 809.2  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 809.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 809  
PERPETUAL DRAINAGE EASEMENT**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of the Southwest 1/4 of Section 22, Township 24 South, Range 28 East, Orange County, Florida.

(Being a portion of lands described in Official Records Book 1759, Page 670 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 00°13'03" West along the West line of the Southwest 1/4 of said Section 22, a distance of 1248.78 feet to a point on the South line of a 50 foot Drainage Easement as recorded in Official Records Book 606, Page 435 of the Public Records of Orange County, Florida and the **Point of Beginning**; thence North 89°51'54" East along said South line, a distance of 10.00 feet to a point on the West line of Hotel Plaza Boulevard per lands described in Official Records Book 2125, Page 311 of the Public Records of Orange County, Florida; thence South 00°13'03" West along said West line, a distance of 36.61 feet; thence North 89°16'40" West, a distance of 10.00 feet to a point on the West line of the Southwest 1/4 of said Section 22; thence North 00°13'03" East along said West line, a distance of 36.46 feet to the **Point of Beginning**.

Containing 365 square feet, more or less

**RECORDED**

Non-Exclusive Utility Easement Agreement recorded in ORB 7874, Page 3164;

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility

PARCEL NO. 809.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 809.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
Cassandra Hatt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Hatt  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

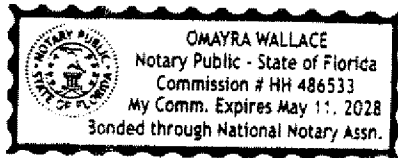
By: C. Jack Adkins, P.E.  
District Director Of Transportation Development for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review

By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 809.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks

Byron W. Brooks  
(Print Name)

for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)

County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Kimtz  
for Deputy Clerk

Jennifer Lara-Kimtz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

**MAR 26 2024**

**23-UTL ORANGE COUNTY-06/19**

August 27, 2021

This instrument prepared by  
Tammy Mackey  
Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 810.2  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

THIS AGREEMENT, entered into this 10<sup>TH</sup> day of APRIL, 2024 by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 810.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 810**  
**PERPETUAL DRAINAGE EASEMENT**

**SECTION 75280**  
**FP NO. 242484-8**

That part of:

A portion of the Southeast 1/4 of Section 21, Township 24 South, Range 28 East, Orange County, Florida.

(Being a portion of lands described in Official Records Book 4111, Page 4079 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 00°13'03" West along the West line of the Southwest 1/4 of said Section 22, a distance of 1248.78 feet to the **Point of Beginning**; thence continue South 00°13'03" West along said West line, a distance of 36.46 feet; thence South 89°47'54" West, a distance of 114.81 feet; thence North 72°13'13" East, a distance of 120.71 feet to the **Point of Beginning**.

Containing 2,093 square feet, more or less

**RECORDED**

Access and Utility Easement to Portable Water Facilities recorded in ORB 3504, Page 983, in favor of Orange County, a political subdivision of the State of Florida.

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T.

PARCEL NO. 810.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.


2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

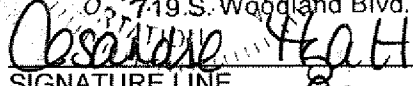


PARCEL NO. 810.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4


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: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720

  
SIGNATURE LINE  
PRINT/TYPE NAME: Casandra Heatt  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By:   
C. JACK ADKINS  
District Director Of Transportation Development for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

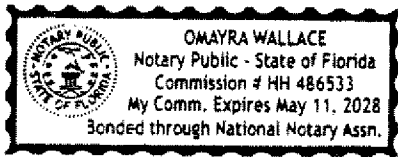
Legal Review

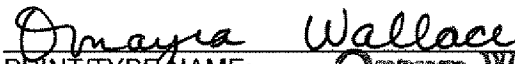
By:   
Office of the General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 10 day of April, 2024, by C. Jack Adkins, 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: Omayra Wallace  
Notary Public in and for the County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 810.2  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lark-Klimetz  
for Deputy Clerk  
Jennifer Lark-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY CLERK  
OF COUNTY COMMISSION

MAR 26 2024

DOC # 20240220154

04/16/2024 13:40 PM Page 1 of 5

Rec Fee: \$44.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

August 27, 2021

This instrument prepared by

Tammy Mackey

Under the direction of

FREDRICK W. LOOSE, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 811.3  
SECTION 75280  
F.P. NO. 242484 8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 10<sup>th</sup> day of APRIL, 2024, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and ORANGE COUNTY, a charter county and 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. 811  
PERPETUAL STORM SEWER EASEMENT

SECTION 75280  
FP NO. 242484-8

That part of:

PARCEL NO. 811.3  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 2

A portion of Tract 2, Livengood Park at Vineland, according to the plat thereof, as recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 10991, Page 4460 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 556.28 feet to the **Point of Beginning**; thence North 09°56'14" West, a distance of 25.55 feet; thence North 79°29'12" East, a distance of 19.17 feet; thence South 09°56'14" East, a distance of 5.24 feet; thence North 80°03'46" East, a distance of 6.00 feet to a point on the existing Westerly Right of Way line of State Road 535 as shown on said Right of Way Map; thence South 09°56'14" East along said existing Westerly Right of Way line, a distance of 24.92 feet to a point on the North line of said Section 22; thence North 89°58'56" West along said North line, a distance of 25.55 feet to the **Point of Beginning**.

Containing 670 square feet, more or less

**RECORDED**

Drainage Easement recorded in ORB 2271, Page 5 in favor of Orange County, a political subdivision of the State of Florida.

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of

PARCEL NO. 811.3  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 3

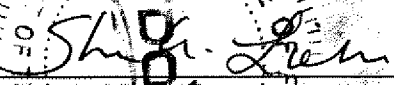
facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

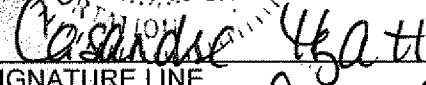
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have a reasonable right to enter upon the lands described herein 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 811.3  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 4


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: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720

  
SIGNATURE LINE  
PRINT/TYPE NAME: Casandra Yeatt  
719 S. Woodland Blvd. DeLand, FL 32720

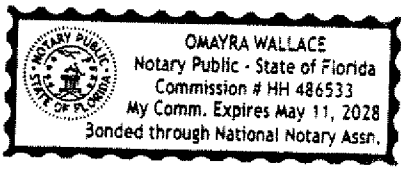
STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION


By:   
C. JACK ADKINS  
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 10 day of April, 2024, by C. Jack Adkins, 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: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 811.3  
SECTION 75280  
F.P. NO. 242484 8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
BYRON W. BROOKS  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Klimetz  
Deputy Clerk  
for Jennifer Lara-Klimetz  
Printed Name

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

MAR 26 2024

DOC # 20240220155

04/16/2024 13:40 PM Page 1 of 5

Rec Fee: \$44.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

23-UTL ORANGE COUNTY-06/19

August 25, 2021

This instrument prepared by  
Tammy Mackey

Under the direction of  
FREDRICK W. LOOSE, ATTORNEY  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720-6834

PARCEL NO. 812.3  
SECTION 75280  
F.P. NO. 242484-8  
STATE ROAD 400  
COUNTY ORANGE

Please Return To:  
Florida Department of Transportation  
719 S. Woodland Boulevard  
R/W Records Management MS 551  
DeLand, FL 32720-6834  
Attn: J. Denby

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### 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. 812.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 2

**PARCEL NO. 812  
PERPETUAL STORM SEWER EASEMENT**

**SECTION 75280  
FP NO. 242484-8**

That part of:

A portion of Tract 2, Livengood Park at Vineland, according to the plat thereof, as recorded in Plat Book Q, Page 64, of the Public Records of Orange County, Florida.

(Being a portion of lands described in Official Records Book 9257, Page 2580 of the Public Records of Orange County, Florida.)

Being described as follows:

**Commence** at a found 6"x6" concrete monument, no identification, marking the West 1/4 corner of Section 22, Township 24 South, Range 28 East, Orange County, Florida, as shown on the Florida Department of Transportation Right of Way Map for State Road 400 (Interstate Highway No. 4), Section 75280, Financial Project Number 242484-8; thence South 89°58'56" East along the North line of the Southwest 1/4 of said Section 22, a distance of 581.83 feet to a point on the existing Westerly Right of Way line of State Road 535 as shown on said Right of Way Map; thence North 09°56'14" West along said existing Westerly Right of Way line, a distance of 333.70 feet to the **Point of Beginning**; thence North 58°30'27" West, a distance of 59.65 feet; thence North 29°25'51" East, a distance of 30.04 feet; thence South 57°42'07" East, a distance of 34.68 feet to a point on said existing Westerly Right of Way line; thence South 09°56'14" East along said existing Westerly Right of Way line, a distance of 39.39 feet to the **Point of Beginning**.

Containing 1,401 square feet, more or less

**RECORDED**

Water Line Easement recorded in ORB 4281, Page 1110; Sewer Line Easement recorded in ORB 4281, Page 1136; Easement recorded in ORB 3604, Page 1031 in favor of Orange County, a political subdivision of the State of Florida;

PARCEL NO. 812.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 3

PROVIDED that the County has the following rights:

1. The County shall have 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 the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. However, the County shall not be required to upgrade the system in the event of modification of existing facilities. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits held by Orange County shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have 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 resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above. The F.D.O.T. likewise agrees to repair any damage to County facilities resulting from the F.D.O.T. exercising its rights under the Agreement. Nothing herein shall be construed as a waiver of either party's sovereign immunity beyond the waiver provided in Section 768.28, Fla. Stat. (2016).

PARCEL NO. 812.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 4

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:

Sharon A. Liehr  
SIGNATURE LINE  
PRINT/TYPE NAME: Sharon A. Liehr  
719 S. Woodland Blvd. DeLand, FL 32720  
Cassandra Pratt  
SIGNATURE LINE  
PRINT/TYPE NAME: Cassandra Pratt  
719 S. Woodland Blvd. DeLand, FL 32720

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

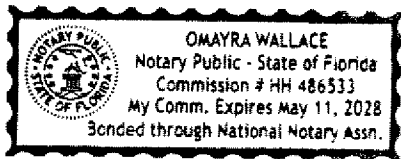
By: C. Jack Adkins REE  
District Director Of  
Transportation Development  
for District Five  
719 S. Woodland Blvd.  
DeLand, Florida 32720

Legal Review

By: [Signature]  
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 10 day of April, 2024, by C. Jack Adkins, P.E., District Director of Transportation Development for District Five, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Omayra Wallace  
PRINT/TYPE NAME: Omayra Wallace  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: May 11, 2028  
Serial No., if any: \_\_\_\_\_

PARCEL NO. 812.3  
SECTION 75280  
F.P. NO. 242484-8  
PAGE 5

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: Byron W. Brooks  
Byron W. Brooks  
(Print Name)  
for Orange County Mayor

DATE: 26 March 2024

Address:  
P. O. Box 1393  
Orlando, FL 32802-1393

ATTEST: [Signature]  
(Print Name)  
County Comptroller  
As Clerk of the Board of County Commissioners

BY: Jennifer Lara-Keimetz  
Deputy Clerk  
for Jennifer Lara-Keimetz  
Printed Name