Interoffice Memorandum

REAL ESTATE MANAGEMENT ITEM 1

December 15, 2021 **DATE:**

Mayor Jerry L. Demings TO:

-AND-

County Commissioners

Mindy T. Cummings, Manager **THROUGH:**

Real Estate Management Division

FROM: Luciana Mino, Assistant Manager

Real Estate Management Division

CONTACT

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

Real Estate Management Division DIVISION:

Phone: (407) 836-7090

ACTION

Utility Interests between Orange County and State of Florida Department **REQUESTED:**

of Transportation.

FDOT - S.R. 435 (Kirkman Road Extension to Carrier Drive **PROJECT:**

Intersection) (F.P. # 443817-1)

District 6

PURPOSE: To subordinate certain County utility interests as necessary for the road

improvements required by Florida Department of Transportation

Approval and execution of Resolution and Subordinations of County

(FDOT).

Interoffice Memorandum Real Estate Management Division Agenda Item 1 December 15, 2021 Page 2 of 2

ITEMS: Resolution

Subordination of County Utility Interests

(FDOT Document 123.8)

Subordination of County Utility Interests

(FDOT Document 124.7)

APPROVALS: Real Estate Management Division

County Attorney's Office Public Works Department Utilities Department

REMARKS: This action subordinates the County's utility interests within the area

needed for the Kirkman Road Extension to FDOT.

FDOT to pay recording fees and record instrument.

APPROVED

BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JAN 1 1 2022

23-UTL ORANGE COUNTY-06/19

July 20, 2020
This instrument prepared by
Robin D. Derr
Under the direction of
FREDRICK W. LOOSE, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 123.8 SECTION NO 75002

F.P. NO. 443817 1 (407143 3)

STATE ROAD 435 COUNTY ORANGE

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, ___, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and 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:

See Exhibit A attached hereto and made a part hereof

PARCEL NO. 123.8 SECTION 75002

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PAGE 2

<u>RECORDED</u>

Easement in favor of Orange County recorded on December 30, 1996, in ORB 5177, Page 1713;

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.

Signed, sealed and delivered

123.8

SECTION

75002

SHARON A LIEHR

Notary Public - State of Florida Commission # HH 178624

My Comm. Expires Sep 23, 2025

Bonded through National Notary Assn.

F.P. NO.

443817 1 (407143 3)

PAGE 3

IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

in the presence of witnesses:	STATE OF FLORIDA DEPARTMENT
Shan a. Lieh	OF TRANSPORTATION
Shan a. Jah	By:
SIGNATURE LINE	C. JACK ADKINS P.E.
SIGNATURE LINE Sharon a. Liehr	District Director Of
<u> </u>	Transportation Development
Alanylle and	for District Five
	719 S. Woodland Blvd.
SIGNATURE LINE	DeLand, Florida 32720
PRINTITYPE NAME IVACCY GYUSSEY	Λ
= 0/	. >- 1
	Legan Review
	5 4 W/ 100 D
	By:
	Office of the General Counsel
1/18/2 40/1/1	
STATE OF FLORIDA	
OLYLENAHIHAMON	
COUNTY OF VOLUSIA	
The foregoing instrument was acknowledged	before me, by means of physical presence or 🗅 online
notarization, this 26th day of January	,2022 by Jack adkins p.E.
District Director of Transportation Development for Dist	trict Five, who is personally known to me or who has produced
as identification	on.

PRINT/TYPE NAME: Shavon

My Commission Expires: 5ep 23.

County and State last aforesaid.

Notary Public in and for the

Serial No., if any:___

PARCEL NO.

123.8

SECTION

75002

F.P. NO.

443817 1 (407143 3)

PAGE 4

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.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

Orange County Mayor

Address:

P. O. Box 1393

Orlando, FL 32802-1393

ATTEST:

Diamond

(Print Name)

County Comptroller

As Clerk of the Board of County Commissioners

For Deputy Clerk J

Emily Rivera

SKETCH OF DESCRIPTION SEE SHEET 2 FOR SKETCH

PARCEL NO. 123 FEE SIMPLE

SECTION 75002 FP 443817 1/407143 3

DESCRIPTION:

That part of Section 31, Township 23 South, Range 29 East, Orange County, Florida, being a portion of lands described in Official Records Book 169, Page 559, of the Public Records of Orange County, Florida, and being more particularly described as follows:

COMMENCE at an existing 4"x4" concrete monument, stamped "LB68", being the Northeast corner of Section 31, Township 23 South, Range 29 East, Orange County, Florida; said point being on the centerline of survey for State Road 482 (Sand Lake Road) per State Road Department Right of Way Map for State Road S-528, Section 7558-151, at the point of intersection station 215+80.03, as shown on the Florida Department of Transportation Right of Way Map, Section 75002, Financial Project Identification 407143 3, on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, DeLand, Florida; thence South 00°01'46" East along the East line of the Northeast 1/4 of said Section 31, a distance of 149.99 feet to the existing South Right-of-way line as shown on said Right of Way maps; thence run the following seven (7) courses along said South Right-of-way line: South 89°44'41" West, 2266.24 feet; thence North 00°01'31" East, 10.00 feet; thence South 89°44'41" West, 399.99 feet to the West line of the Northeast 1/4 of said Section 31; thence South 00°01'31" West along said West line, 10.00 feet; thence North 89°58'06" West, 563.11 feet; thence South 00°37'51" East, 10.00 feet; thence North 89°58'06" West, 1049.93 feet to the POINT OF BEGINNING and a non-tangent curve concave Westerly having a radius of 2099.93 feet and a tangent bearing of South 29°26'55" East; thence Southerly along the Westerly boundary of lands described in Official Records Book 8935, Page 877, of said Public Records, and the arc of said curve through a central angle of 25°38'19" for a distance of 939.67 feet to a non-tangent line; thence North 83°04'03" East along said Westerly boundary, 52.59 feet; thence departing said Westerly Boundary run South 66°05'44" West, 161.17 feet; thence North 23°54'16" West, 28.33 feet; thence North 23°48'32" West, 250.05 feet; thence North 23°54'16" West, 132.20 feet to the point of curvature of a curve concave Southwesterly having a radius of 1400.00 feet, a chord bearing of North 29°05'08" West, and a chord length of 252.86 feet; thence Northwesterly along the arc of said curve through a central angle of 10°21'45" for a distance of 253.20 feet to the point of tangency; thence North 34°16'01" West, 430.20 feet to the aforesaid South Right-of-way line of State Road 482 (Sand Lake Road); thence South 89°58'06" East along said South Right-of-way line, 359.59 feet to the POINT OF BEGINNING.

Containing 5.250 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

NOTES

- This is not a survey.
- 2. Bearings and distances shown hereon are based on the Florida State Plane Coordinate System, North American Datum of 1983/2011 Adjustment, East Zone, the reciprocal grid factor is 1.000034632, deriving a bearing of South 00°01'46" East along the East line of the Northeast 1/4 of Section 31, Township 23 South, Range 29 East, Orange County, Florida.
- This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described hereon.
- This sketch and description is supported by a boundary survey completed by Donald McIntosh Associates, Inc., drawing number CS# 18-131(11), revised 5/26/2020.

LEGEND

SEC 31-23-29 SECTION 31, TOWNSHIP 23 SOUTH, RANGE 29 EAST CENTRAL ANGLE RADIUS ARC LENGTH CHORD BEARING CHORD

TB TANGENT BEARING CCR CERTIFIED CORNER RECORD DEED BOOK FINANCIAL PROJECT

FLORIDA DEPARTMENT OF TRANSPORTATION

IDENTIFICATION NON-RADIAL NON-TANGENT OFFICIAL RECORDS BOOK (P) PLAT BOOK PAGE(S) POINT OF CURVATURE POINT DE TANGENCY PC

RIGHT-OF-WAY RADIAL SECTION

S.R. STATE ROAD

STATE ROAD DEPARTMENT

PREPARED FOR:

UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD.

PARCEL 123 - KIRKMAN ROAD (LOCKHEED - FDOT NORTH)

5/26/20 DLL REVISED SKETCH AND LEGAL DESCRIPTION 5/19/20 DLL REVISED PARCEL NUMBER 5/14/20 DLL REVISED SKETCH AND LEGAL DESCRIPTION DATE BY DESCRIPTION REVISIONS



DONALD W. McINTOSH ASSOCIATES, INC. **ENGINEERS PLANNERS** SURVEYORS

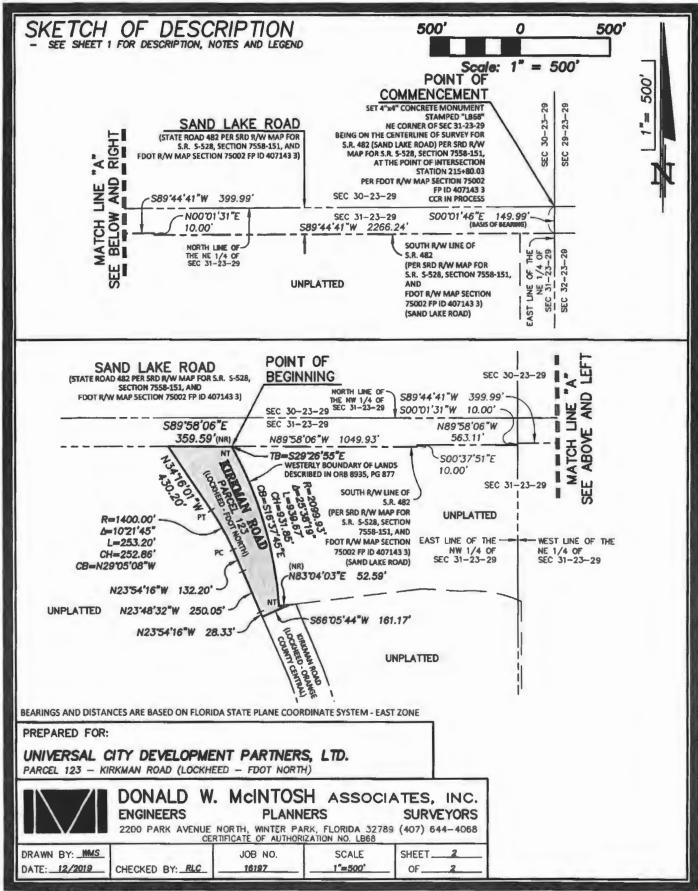
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068 CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: WMS SHEET JOB NO. SCALE DATE: 12/2019

CHECKED BY: RLC 16197 N/A OF DONALE W. CONTOSH ASSOCIATES, 1NC.

Moy 29. 2020 Teyor and flapper Certificate" No. 4286

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEA
OR AN ELECTRONIC SIGNATURE (SU-127082(3) F.A.C.),
OF A FLORIDA LICENSED SUPVEYOR AND MAPPER.



APPROVED
BY ORANGE COUNTY BOARD
DE COUNTY COMMISSIONERS

JAN 1 1 2022

23-UTL ORANGE COUNTY-06/19
July 20, 2020
This instrument prepared by
Robin D. Derr
Under the direction of
FREDRICK W. LOOSE, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 124.7 SECTION NO 75002

F.P. NO. 443817 1 (407143 3)

STATE ROAD 435 COUNTY ORANGE

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, ___, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and 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:

See Exhibit A attached hereto and made a part hereof

PARCEL NO. 124.7 SECTION 75002

F.P. NO. 443817 1 (407143 3)

PAGE 2

RECORDED

INSTRUMENT	DATE	FROM	то	O.R. BOOK/PAGE		
Easement	12/30/96	Lockheed Martin Corporation	Orange County	5177/1713		

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. 124.7 SECTION 75002

F.P. NO. 443817 1 (407143 3)

PAGE 3

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					
SIGNATURE LINE PRINT/TYPE NAME: SIGNATURE LINE PRINT/TYPE NAME:	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	Office of the General Courise					
COUNTY OF VOLUSIA						
The foregoing instrument was acknowledge notarization, this day of	ed before me, by means of □ physical presence or □ online, by, P.E., District Five, who is personally known to me or who has as identification.					
	PRINT/TYPE NAME:					

PARCEL NO.

124.7

SECTION

75002

F.P. NO.

443817 1 (407143 3)

PAGE 4

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.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

Address:

P. O. Box 1393

Orlando, FL 32802-1393

ATTEST:

Diamond

(Print Name)

County Comptroller

As Clerk of the Board of County Commissioners

for Deputy Clerk)

Emily Rivera

SKETCH OF DESCRIPTION

SEE SHEET 2 FOR SKETCH

PARCEL NO. 124 FEE SIMPLE

SECTION 75002 FP 443817 1/407143 3

DESCRIPTION:

That part of Section 31, Township 23 South, Range 29 East, Orange County, Florida, being a portion of lands described in Document No. 20170594407, of the Public Records of Orange County, Florida, and being more particularly described as follows:

COMMENCE at an existing 4"x4" concrete monument, stamped "LB68", being the Northeast corner of Section 31, Township 23 South, Range 29 East, Orange County, Florida; said point being on the centerline of survey for State Road 482 (Sand Lake Road), per State Road Department Right of Way Map for State Road S-528, Section 7558-151, at the point of intersection station 215+80.03, as shown on the Florida Department of Transportation Right of Way Map, Section 75002, Financial Project Identification 407143 3, on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, DeLand, Florida; thence South 00°01'46" East along the East line of the Northeast 1/4 of said Section 31, a distance of 149.99 feet to the existing South Right-of-way line as shown on said Right of Way maps; thence run the following seven (7) courses along said South Right-of-way line: South 89°44'41" West, 2266.24 feet; thence North 00°01'31" East, 10.00 feet; thence South 89°44'41" West, 399.99 feet to the West line of the Northeast 1/4 of said Section 31; thence South 00°01'31" West along said West line, 10.00 feet; thence North 89°58'06" West, 563.11 feet; thence South 00°37'51" East, 10.00 feet; thence North 89°58'06" West, 1049.93 feet to the POINT OF BEGINNING and a non-tangent curve concave Westerly having a radius of 2099.93 feet and a tangent bearing of South 29°26'55" East; thence Southerly along the Westerly boundary of lands described in Official Records Book 8935, Page 877, of said Public Records, and the arc of said curve through a central angle of 25°38'19" for a distance of 939.67 feet to a non-tangent line: thence North 83°04'03" East along said Westerly boundary, 52.59 feet; thence departing said Westerly Boundary run North 66°05'44" East, 43.16 feet to a non-tangent curve concave Easterly having a radius of 1400.00 feet and a tangent bearing of North 20°04'45" West; thence Northerly along the arc of said curve through a central angle of 13°31'34" for a distance of 330.50 feet to the point of tangency; thence North 06°33'11" West, 56.46 feet to the point of curvature of a curve concave Southeasterly having a radius of 25.00 feet, a chord bearing of North 25°41'13" East, and a chord length of 26.67 feet; thence Northeasterly along the arc of said curve through a central angle of 64°28'49" for a distance of 28.13 feet to the point of tangency; thence North 57°55'38" East, 72.42 feet to a non-tangent curve concave Southwesterly having a radius of 524.00 feet and a tangent bearing of North 31°13'13" West; thence Northwesterly along the arc of said curve through a central angle of 07*15'31" for a distance of 66.38 feet to the point of tangency; thence North 38°28'44" West, 53.07 feet to the point of curvature of a curve concave Easterly having a radius of 50.00 feet, a chord bearing of North 19°24'27" West, and a chord length of 32.67 feet; thence Northerly along the arc of said curve through a central angle of 38°08'34" for a distance of 33.29 feet to the West line of the 160.00 feet wide Florida Power Corporation Easement, described in Official Records Book 1833, Page 878, of said Public Records and the point of tangency; thence North 00°20'10" West along said West line, 302.63 feet to the aforesaid South Right-of-way line of State Road 482 (Sand Lake Road); thence North 89°58'06" West along said South Right-of-way line, 265.32 feet to the POINT OF BEGINNING.

Containing 2.538 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

NOTES

LEGEND

1. 2. 3.	Coordinate Syste Zone, the recipro 00°01'46" East al Township 23 Sou This Sketch of De may be within or This sketch and o by Donald Moint	ances shown hereon are I m, North American Datum cal grid factor is 1.000034 long the East line of the Ni th, Range 29 East, Orange escription does not depict adjoining the lands descr description is supported brosh Associates, Inc., drawi	n of 1983/2011 Adjustn 1632, deriving a bearing ortheast 1/4 of Section County, Florida. any easements of reco- ibed hereon. y a boundary survey co-	nte Plane nent, East of South 31, rd that	31-23-29 F CC CCC CCC D F FDO	SOUTH, RA CENTRAL ARC LENG CHORD BE CHORD TANGENT CERTIFIED B DEED BOO P FINANCIAL	NNGE 29 ANGLE TH TARING BEARING CORNEI OK L PROJE DEPARTI	CT MENT OF	ID (NR) NT ORB (P) PB PG(S) PC PT R/W (R) SEC S.R. SRD	PLAT PLAT BOOK PAGE(S) POINT OF C POINT OF T RIGHT-OF- RADIAL SECTION STATE ROA	ENT ECORDS BOOK CURVATURE MAGENCY WAY
	revised 5/26/202	20.				5/26/20	DLL				DESCRIPTION
PRE	PARED FOR:					5/19/20	DLL			NUMBER	
						5/14/20	DLL	REVISED			DESCRIPTION
UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD.			DATE	BY							
PARCEL 124 - KIRKMAN ROAD (UCDP - FDOT NORTH) BENSIONS (ACTION 1997)											
DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068 CERTIFICATE OF AUTHORIZATION NO. LB68 DONALD V. VEINTOCH SSOCIATES, INC. CERTIFICATE AUTHORIZATION NO. LB68 Rocky L. Careon, May 28, 2020 Florida Registered Surveyor and Mapper											
	WN BY: WMS	CHECKED BY: RLC	JOB NO. 16197	SCAL N/A		SHEET		Certificate I NOT VALID V OR AN ELEC OF A FLORID	HT2 TUOHTN	E-ORIGINAL SI'I	ATURE AND SEAL. .062(3) F.A.C.), D MAPPER

