

November 7, 2025
This instrument prepared by
Tammy Mackey
Under the direction of
J. RYAN MAHLER, II, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 122.4
SECTION 75280
F.P. NO. 242484-8
STATE ROAD 400
COUNTY ORANGE

SUBORDINATION OF DUKE ENERGY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called FDOT, ORANGE COUNTY, a charter county and political subdivision of the State of Florida, hereinafter called County, and Duke Energy Florida, LLC, a Florida limited liability company, d/b/a Duke Energy, successor by conversion to Duke Energy Florida, Inc., f/k/a Florida Power Corporation, hereinafter called Duke Energy.

RECITALS:

WHEREAS, Duke Energy presently has an interest in certain lands that have been determined necessary for highway purposes as part of a FDOT project; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by Duke Energy to the County; and

WHEREAS, the FDOT is willing to pay to have Duke Energy's facilities protected, adjusted or 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, Duke Energy hereby subordinates to the interest of the County, its successors and assigns provided the same are governmental entities, and any and all interest Duke Energy has in the real property described as follows:

**PARCEL NO. 122 PART A
RIGHT OF WAY**

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

That part of:

PARCEL NO. 122.4
SECTION 75280
F.P. NO. 242484-8
PAGE 2

"Lot 4, Marriott Village at Little Lake Bryan, according to the plat thereof as recorded in plat Book 45, Pages 107 through 110, Public Records of Orange County, Florida"

(Being a portion of lands described in Official Records Book 10895, Page 9268 of the Public Records of Orange County, Florida.)

Being described as follows:

Commence at a found 6"x6" concrete monument, no identification, marking the South 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 88°34'01" West along the North line of the Northwest 1/4 of Section 27, Township 24 South, Range 28 East, a distance of 310.50 feet to the existing Westerly Right of Way line of Vineland Avenue per LITTLE LAKE BRYAN PHASE 1, as recorded in Plat Book 34, Page 92 of the Public Records of Orange County, Florida, as shown on said Right of Way Map, said point being on a curve concave to the North and having a radius of 776.00 feet; thence from a tangent bearing of South 02°18'32" West, run Southwesterly along said existing Westerly Right of Way line and the arc of said curve, through a central angle of 65°04'47", an arc distance of 881.43 feet to the Point of Beginning; thence continue along said existing Westerly Right of Way line along a curve concave to the North and having a radius of 776.00 feet; thence run Southwesterly along said existing Westerly Right of Way line and the arc of said curve through a central angle of 12°42'17", an arc distance of 172.07 feet to the end of said curve; thence South 80°48'51" West along said existing Westerly Right of Way line, a distance of 73.91 feet to a point on the West line of Lot 4, MARRIOTT VILLAGE AT LITTLE LAKE BRYAN as recorded in Plat Book 45, Page 107 of the Public Records of Orange County, Florida; thence North 10°12'53" West along said West line, a distance of 1.88 feet; thence North 73°48'30" East, a distance of 167.65 feet; thence North 43°17'18" East, a distance of 82.76 feet; thence South 22°36'36" East, a distance of 53.04 feet to the Point of Beginning.

Containing 4,456 square feet, more or less

AND

PARCEL NO. 122 PART B SECTION 75280
RIGHT OF WAY FP NO. 242484-8

That part of:

"Lot 4, Marriott Village at Little Lake Bryan, according to the plat thereof as recorded in plat Book 45, Pages 107 through 110, Public Records of Orange County, Florida"

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SECTION 75280
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(Being a portion of lands described in Official Records Book 10895, Page 9268 of the Public Records of Orange County, Florida.)

Being described as follows:

Commence at a found 6"x6" concrete monument, no identification, marking the South 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 88°34'01" West along the North line of the Northwest 1/4 of Section 27, Township 24 South, Range 28 East, a distance of 310.50 feet to the existing Westerly Right of Way line of Vineland Avenue per LITTLE LAKE BRYAN PHASE 1, as recorded in Plat Book 34, Page 92 of the Public Records of Orange County, Florida, as shown on said Right of Way Map, said point being on a curve concave to the North and having a radius of 776.00 feet; thence from a tangent bearing of South 02°18'32" West, run Southwesterly along said existing Westerly Right of Way line and the arc of said curve, through a central angle of 50°11'03", an arc distance of 679.68 feet to the Point of Beginning; thence continue along said existing Westerly Right of Way line along a curve concave to the North and having a radius of 776.00 feet; thence run Southwesterly along said existing Westerly Right of Way line and the arc of said curve, through a central angle of 00°44'18", an arc distance of 10.00 feet; thence North 36°45'18" West, a distance of 16.68 feet; thence North 53°14'42" East, a distance of 10.00 feet; thence South 36°45'18" East, a distance of 16.61 feet to the Point of Beginning.

Containing 167 square feet, more or less

The interest of Duke Energy being subordinated hereby includes the interest created by the following document and any other unrecorded or undocumented interest held by Duke Energy in said real property:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Distribution Power Line Easement	09/13/1995	The Little Lake Bryan Company, a Florida corporation & Lake Buena Vista Communities, Inc., a Florida corporation	Florida Power Corporation, d/b/a Progress Energy Florida, Inc.	4945/835

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Construction plans and specifications which are attached and incorporated herein as Exhibit "A". Any modification to the plans and specifications must be approved in writing by Duke Energy prior to the commencement of the construction thereof.

Provided that Duke Energy has the following rights:

1. Duke Energy shall have the right to construct, operate, maintain, improve, add to, upgrade, remove and relocate facilities on, within and upon the lands described herein. Any new construction or relocation of facilities within the lands will be subject to prior approval by the County. Should the County fail to approve any new construction or relocation of facilities by Duke Energy or require Duke Energy to alter, adjust or relocate its facilities located within said lands in connection with this subordination or at any time in the future, the County hereby agrees to pay the cost of such alteration, adjustment or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. FDOT agrees to construct the project referenced above in conformance with the Construction Plans and Specifications or Design Criteria (including sketches of legal descriptions and plans indicating Duke Energy facilities that will be impacted and easement/rights of way boundaries) which are attached and incorporated herein as Exhibit "A." Any modification to Exhibit A from the project referenced above that impacts the facilities of Duke Energy or that is within the legal description of the property described in the document referenced above must be approved in writing by Duke Energy prior to the commencement of the construction of the modification thereof.
3. Duke Energy 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, cut and remove 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 County's facilities.
4. Duke Energy agrees to indemnify and hold the FDOT and County harmless for, from and against any and all losses, claims or damages incurred by the FDOT and County arising directly from Duke Energy's or Duke Energy's contractor's negligence or failure to exercise reasonable care in the construction, reconstruction, operation or maintenance of Duke Energy's facilities located on the above described easement.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

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IN WITNESS WHEREOF, the FDOT 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: _____
ADDRESS: _____

By: _____

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

Legal Review

SIGNATURE LINE
PRINT/TYPE NAME: _____
ADDRESS: _____

By: _____
Office of the General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, _____, by _____, District Director of Transportation Development for District Five, who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

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

(Official Seal)

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

BY: _____
Jerry L. Demings
Orange County Mayor

DATE: _____

ADDRESS OF GRANTOR
P. O. Box 1393
Orlando, Florida 32802-1393

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

BY: _____
Deputy Clerk

Printed Name

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IN WITNESS WHEREOF, the Duke Energy has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

DUKE ENERGY FLORIDA, LLC, A
FLORIDA LIMITED LIABILITY
COMPANY, D/B/A DUKE ENERGY

Signed, sealed and delivered in
the presence of: Two witnesses
or Corporate Seal required by
Florida Law

By: Susann Price
Print Name: Susann Price
Manager, Land Services – Florida Region

N Bestgen
SIGNATURE LINE 2166 Palmetto St Clearwater FL 33765
PRINT/TYPE NAME: Nicole Bestgen

ADDRESS OF GRANTOR:

2166 Palmetto St
Clearwater FL
33765

Lori L. Herring
SIGNATURE LINE 2166 Palmetto St Clearwater FL 33765
PRINT/TYPE NAME: Lori L. Herring

APPROVED
By Shantel W. Ocampo at 3:27 pm, Jul 25, 2024

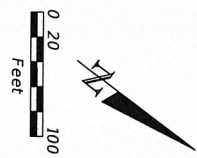
STATE OF Florida

COUNTY OF Pinellas

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or
☐ online notarization, this 31st day of July, 2024, by
Susann Price, as Manager, Land Services – Florida Region of Duke Energy
Florida, LLC, a Florida Limited Liability Company, d/b/a Duke Energy, on behalf of said limited
liability company, who is personally known to me or who has produced
_____ as identification.



Lori L. Herring
PRINT/TYPE NAME: Lori L. Herring
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: 10-10-26
Serial No., if any: _____



- PARCEL SKETCH 122A

$$\frac{\text{END @ RAMP C2_535 PT STA 1013+54.20} = \text{STA 1513+46.63, 4d LT @ EB VINELAND AVE.}}{\text{VINELAND AVE. PT STA. 1608+32.47} = \text{2220.0' RT @ RAMP C2_535}}$$

WORK TO BE PERFORMED
BY LICENSE AGREEMENT

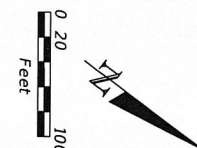
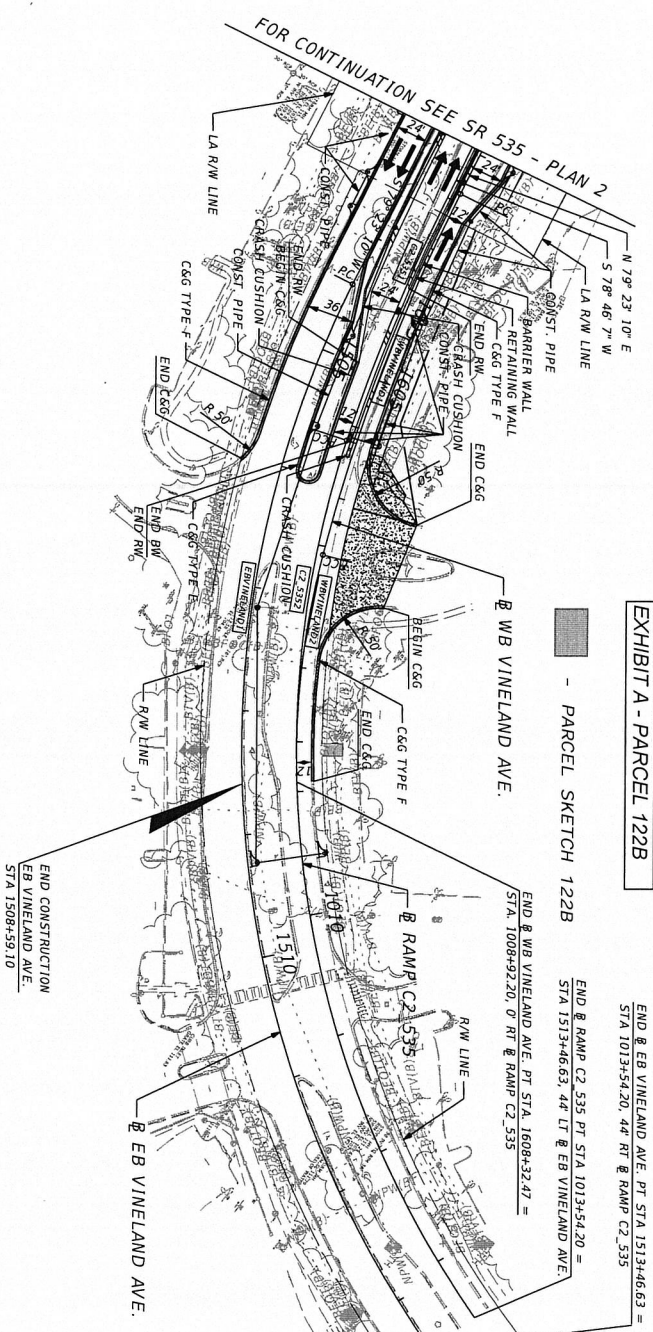


EXHIBIT A - PARCEL 122B

- PARCEL SKETCH 122B

END @ EB VINELAND AVE. PT STA 1513+46.63 = STA 1013+54.20, 44' RT @ RAMP C2_535

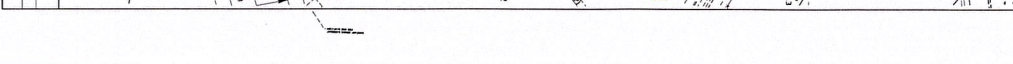
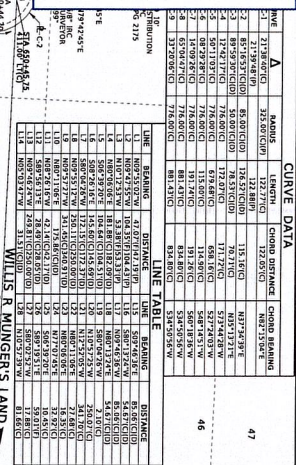
END @ RAMP C2_535 PT STA 1013+54.20 = STA 1513+46.63, 44' LT @ EB VINELAND AVE.

END @ WB VINELAND AVE. PT STA 1008+92.47 = STA 1008+92.20, 0' RT @ RAMP C2_535

FOR CONTINUATION SEE SR 535 - PLAN 2

WORK TO BE PERFORMED
BY LICENSE AGREEMENT

REVISIONS		STATE OF FLORIDA				SHEET NO.
DATE	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	VINELAND AVE - PLAN 1	
		SR 400	ORANGE	242484-8-52-01		
ASCOM TECHNICAL SERVICES, Inc. 1501 North Orange Avenue, Suite 200 Orlando, FL 32801 F 407 838 1188 Certificate of Accreditation No. 8115 www.ascom.com						
		2/24/2021 8:18:07 PM C:\working\ascom\ascom\working\vineland\plan2\plan2.dgn				



CHUBB PHILIP & WEAVER GROUP INC 1221 E. BROADWAY ST. STE 1031 ORLANDO, FLORIDA 32765 407-604-3225 LB #8232	SCALE: 1" = 100'	SHEET
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