

23-UTL02-10/11

October 1, 2025

This instrument prepared by

Meg Hardy

Under the direction of

J. RYAN MAHLER, II, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 107.05
SECTION 36210
F.P. NO. 435209 1
STATE ROAD 93 (I-75)
COUNTY MARION

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 MARION COUNTY, a political subdivision of the State of Florida, hereinafter called County.

WITNESSETH:

WHEREAS, the County presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the County to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the County's facilities relocated if necessary to prevent conflict between the facilities 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. 107
FEE SIMPLE
LIMITED ACCESS RIGHT OF WAY

SECTION 36210
FP 435209-1

THAT PORTION OF:

The Southeast 1/4 of Section 27, lying West of State Road 93 (I-75) all in Township 14 South, Range 21 East, Marion County, Florida.

(Being a portion of those lands described in Official Records Book 4763, Page 463 of the Public Records of Marion County, Florida)

DESCRIBED AS FOLLOWS:

PARCEL 107A

Commence at the Southeast corner of Section 34, Township 14 South, Range 21 East, said point being a found 8" octagonal concrete monument with brass disk stamped "MARION COUNTY SECTION SURVEY 34+35 1942" as shown on Florida Department of Transportation Right of Way Map, Section 36210, Financial Project number 435209-1; thence North 00°21'38" East along the East line of the Southeast 1/4 of said Section 34, a distance of 1452.35 feet to a point on the Baseline of Survey of State Road 93 (I-75) as shown on said Right of Way Map, said point being at Station 2439+90.72, said point also being a point on a curve, concave to the Southwest, having a Radius of 3274.17 feet and a Central Angle of 04°23'47"; thence from a tangent bearing of North 26°05'11" West, run Northwesterly along the Arc of said curve and along said Baseline of Survey,

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a distance of 251.24 feet (Chord Bearing = North 28°17'05" West, Chord Distance = 251.18 feet) to the Point of Tangency of said curve, said point being at Station 2442+41.96; thence North 30°28'58" West along said Baseline of Survey, a distance of 1720.48 feet to station 2459+62.44, said point being the point of curvature of a curve, concave to the Northeast, having a Radius of 3274.17 feet and a Central Angle of 31°06'12"; thence run Northwesterly along the Arc of said curve and along said Baseline of Survey, a distance of 1777.39 feet to the point of tangency of said curve, said point being at station 2477+39.83; thence North 00°37'13" East along said Base of Survey, a distance of 731.86 feet to a point on the Easterly projection of the South line of lands described in Official Records Book 4763, Page 463, of the Public Records of Marion County, Florida, said point being at station 2484+71.69; thence departing said Baseline of Survey, North 89°35'53" West along said Easterly projection, a distance of 150.00 feet to a point on the West limited access right of way line of said State Road 93 and the POINT OF BEGINNING; thence departing said West limited access right of way line, continue North 89°35'53" West along the South line of said lands, a distance of 329.21 feet; thence departing said South line, North 15°55'43" East, a distance of 610.54 feet; thence South 74°04'17" East, a distance of 9.00 feet to a point on a non-tangent curve, concave to the West, having a Radius of 3706.00 feet and a Central Angle of 06°49'30"; thence from a tangent bearing of North 15°55'43" East, run Northerly along the Arc of said curve, a distance of 441.45 feet (Chord Bearing = North 12°30'58" East, Chord Distance = 441.19 feet) to a point on the North line of said lands; thence South 89°34'49" East along said North line, a distance of 68.40 feet to a point on the aforementioned West limited access right of way line; thence departing said North line, run the following five (5) calls along said West limited access right of way line; thence South 00°37'13" West, a distance of 488.40 feet; thence North 89°22'47" West, a distance of 10.00 feet; thence South 00°37'13" West, a distance of 400.00 feet; thence South 89°22'47" East, a distance of 10.00 feet; thence South 00°37'13" West, a distance of 128.80 feet to the POINT OF BEGINNING.

Containing 4.340 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 PROPERTIES.

TOGETHER WITH

PARCEL 107B

Commence at the Southeast corner of Section 34, Township 14 South, Range 21 East, said point being a found 8" octagonal concrete monument with brass disk stamped "MARION COUNTY SECTION SURVEY 34+35 1942" as shown on Florida Department of Transportation Right of Way Map, Section 36210, Financial Project number 435209-1; thence North 00°21'38" East along the East line of the Southeast 1/4 of said Section 34, a distance of 1452.35 feet to a point on the Baseline of Survey of State Road 93 (I-75) as shown on said Right of Way Map, said point being at Station 2439+90.72, said point also being a point on a curve, concave to the Southwest, having a Radius of 3274.17 feet and a Central Angle of 04°23'47"; thence from a tangent bearing of North 26°05'11" West, run Northwesterly along the Arc of said curve and along said Baseline of Survey, a distance of 251.24 feet (Chord Bearing = North 28°17'05" West, Chord Distance = 251.18 feet) to the Point of Tangency of said curve, said point being at Station 2442+41.96; thence North 30°28'58" West along said Baseline of Survey, a distance of 1720.48 feet to station 2459+62.44, said point being the point of curvature of a curve, concave to the Northeast, having a Radius of 3274.17 feet and a Central Angle of 31°06'12"; thence run Northwesterly along the Arc of said curve and along said Baseline of Survey, a distance of 1777.39 feet to the point of tangency of said curve, said point being at station 2477+39.83; thence North 00°37'13" East along said Base of Survey, a distance of 731.86 feet to a point on the Easterly projection of the South line of lands described in Official Records Book 4763, Page 463, of the Public Records of Marion County, Florida, said point being at station 2484+71.69; thence departing said Baseline of Survey, North 89°35'53" West along said Easterly projection, a distance of 150.00 feet to a point on the West limited access right of way line of said State Road 93; thence departing said West limited access right of way line, continue North 89°35'53" West along the South line of said lands, a distance of 663.71 feet to the POINT OF BEGINNING; thence continue North 89°35'53" West along said South line, a distance of 212.23 feet; thence departing said South line, North 00°15'00" West, a

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distance of 314.83 feet to the point of curvature of a curve, concave to the Southwest, having a Radius of 79.00 feet and a Central Angle of 66°01'19"; thence run Northwesterly along the Arc of said curve, a distance of 91.03 feet (Chord Bearing = North 33°15'40" West, Chord Distance = 86.08 feet) to the end of said curve; thence North 89°38'20" West, a distance of 63.78 feet to a point on the West line of said lands; thence the following two (2) calls along said West line: thence North 00°21'40" East, a distance of 219.35 feet; thence North 04°17'10" East, a distance of 26.24 feet; thence departing said West line, South 85°42'50" East, a distance of 83.77 feet; thence South 71°14'01" East, a distance of 65.61 feet to the point of curvature of a curve, concave to the Southwest, having a Radius of 274.00 feet and a Central Angle of 70°59'01"; thence run Southeasterly along the Arc of said curve, a distance of 339.46 feet (Chord Bearing = South 35°44'30" East, Chord Distance = 318.16 feet) to the point of tangency of said curve; thence South 00°15'00" East, a distance of 149.23 feet; thence South 13°14'45" West, a distance of 51.42 feet; thence South 00°15'00" East, a distance of 143.26 feet; thence South 02°15'00" East, a distance of 6.07 feet to the POINT OF BEGINNING.

Containing 3.407 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 PROPERTIES.

Containing in the aggregate 7.747 Acres, more or less.

RECORDED

Drainage Easement recorded in ORB 1899, Page 562; and Grant of General Utility Easement recorded in ORB 5136, Page 1398 in favor of Marion 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 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. 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 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. facilities and to indemnify to the extent permitted under Florida law the F.D.O.T. against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

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

Signed, sealed and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

SIGNATURE LINE
PRINT/TYPE NAME: _____
ADDRESS: _____

By: _____

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

SIGNATURE LINE
PRINT/TYPE NAME: _____
ADDRESS: _____

Legal Review

By: _____
Office of the General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, _____ by _____, 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 said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____
Clerk (or Deputy Clerk)

MARION COUNTY, FLORIDA,
By Its Board of County
Commissioners

By: _____

Its Chairperson
(or Vice-Chairperson)

ADDRESS OF GRANTOR:

