

23-UTL02-10/11
January 27, 2025
This instrument prepared by
Tammy Mackey
Under the direction of
DANIEL L. MCDERMOTT, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 114.04
SECTION 36210
F.P. NO. 443624-1 / 452074-1
STATE ROAD I-75
COUNTY MARION

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, 2026, 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:

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Parcel No. 114
FEE SIMPLE

SECTION 36210
FP 443624-1 & 452074-1

That portion of:

“PARCEL 1: The north 131.468 feet of the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 15, Township 14 South, Range 21 East. Lying and being situate in MARION County, Florida.

TOGETHER WITH an Easement for Ingress and Egress over the West 60 feet of the East 1/2 of the SW 1/4 of the SE 1/4 of Section 15, Township 14 South, Range 21 East, Except Right of way of SR 326.

PARCEL 2: The East 1/2 of the Southwest 1/4 of the Southeast 1/4, Section 15, Township 14 South, Range 21 East, MARION County, Florida;

LESS AND EXCEPT that portion taken for SR 326 by Order of Taking recorded in Book 2182, Page 1037.

AND LESS AND EXCEPT THE FOLLOWING 3 PARCELS:

The East 60 feet of the Southwest 1/4 of the Southeast 1/4, Section 15, Township 14 South, Range 21 East, Except right of way for State Road #326;

The North 131.468 feet of the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 15, Township 14 South, Range 21 East;

The West 180.00 feet of the East 1/2 of the SW 1/4 of the SE 1/4, Section 15, Township 14 South, Range 21 East, Marion County, Florida. Except the North 131.468 feet and Except Road right-of-way.

All lying and being in Marion County, Florida.”

Being the lands described in Official Records Book 7876, Page 1237 of the Public Records of Marion County, Florida.

Described as follows:

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Part A

Commence at the East 1/4 corner of Section 15, Township 14 South, Range 21 East, said point being a 8-inch octagonal concrete monument with a broken top and no identification 0.3 feet above ground, as shown on Florida Department of Transportation Right of Way Map, Section 36210, Financial Project number 443624-1 & 452074-1; thence South $00^{\circ}05'27''$ West along the East line of the of the Southeast 1/4 of said Section 15, a distance of 2622.73 feet to a point on the Baseline of Survey of State Road 326 as shown on said Right of Way Map, said point being at Station 716+26.61; thence departing said East line, run North $89^{\circ}47'56''$ West along said Baseline of Survey, a distance of 1817.26 feet to Station 698+09.35, said point being on the East line of the West 180 feet of the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of said Section 15; thence departing said Baseline of Survey, North $00^{\circ}28'37''$ East along said East line, a distance of 43.00 feet to a point on the existing North right of way line of said State Road 326 per said right of way map and the POINT OF BEGINNING; thence departing said North right of way line, continue North $00^{\circ}28'37''$ East along said East line, a distance of 26.50 feet; thence departing said East line, South $89^{\circ}47'56''$ East, a distance of 216.02 feet; thence North $00^{\circ}12'04''$ East, a distance of 8.00 feet; thence South $89^{\circ}47'56''$ East, a distance of 25.00 feet; thence South $00^{\circ}12'04''$ West, a distance of 14.50 feet; thence South $89^{\circ}47'56''$ East, a distance of 86.75 feet; thence South $00^{\circ}12'04''$ West, a distance of 20.00 feet to a point on said North right of way line; thence North $89^{\circ}47'56''$ West along said North right of way line, a distance of 327.89 feet to the POINT OF BEGINNING.

Containing 8,324 square feet, more or less.

Part B

Commence at the East 1/4 corner of Section 15, Township 14 South, Range 21 East, said point being a 8-inch octagonal concrete monument with a broken top and no identification 0.3 feet above ground, as shown on Florida Department of Transportation Right of Way Map, Section 36210, Financial Project number 443624-1 & 452074-1; thence South $00^{\circ}05'27''$ West along the East line of the of the Southeast 1/4 of said Section 15, a distance of 2622.73 feet to a point on the Baseline of Survey of State Road 326 as shown on said Right of Way Map, said point being at Station 716+26.61; thence departing said East line, run North $89^{\circ}47'56''$ West along said Baseline of Survey, a distance of 1391.49 feet to Station 702+35.12, said point being on the West line of the East 60 feet of the Southwest 1/4 of the Southeast 1/4 of said Section 15; thence departing said Baseline of Survey, North $00^{\circ}20'08''$ East along said West line, a distance of 43.00 feet to a point on the existing North right of way line of said State Road 326 per said right of way map and the POINT OF BEGINNING; thence departing said West line, North $89^{\circ}47'56''$ West along said North right of way line, a distance of 52.51 feet; thence departing said North right of way line, North $44^{\circ}45'59''$ East, a distance of 69.48 feet; thence South $89^{\circ}47'56''$ East, a

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distance of 3.87 feet to a point on said West line; thence South 00°20'08" West along said West line, a distance of 49.50 feet to the POINT OF BEGINNING.
Containing 1,396 square feet, more or less.

All Containing 9,720 square feet, more or less.

RECORDED

| INSTRUMENT | DATE | FROM | TO | O.R. BOOK/PAGE |
|--------------------------|-----------|---|---------------|-------------------|
| General Utility Easement | 9/17/2012 | Phyllis A. Larson Amended and Restated Revocable Living Trust Agreement | Marion County | 5738/242 |

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

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 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.

MARION COUNTY, FLORIDA,
By Its Board of County
Commissioners

By: _____
CARL ZALAK, III, CHAIRMAN

ADDRESS OF GRANTOR:
601 SE 25th Avenue
Ocala, FL 34471

ATTEST: _____
GREGORY C. HARREL, CLERK