

**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. 117.04

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. 117**  
**FEE SIMPLE**

**SECTION 36210**  
**FP 443624-1 & 452074-1**

That portion of:

“Commencing at the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 14 South, Range 21 East, Marion County, Florida; thence run South 00°31’ West, a distance of 39.17 feet to the South right of way of State Road 326; thence run North 89°38’44” West, a distance of 285.56 feet for a Point of Beginning; thence run South 00°31’ West, a distance of 285.60 feet; thence run North 89°12’33” West, a distance of 386.49 feet thence run North 00°31’ East, a distance of 283.66 feet to the South right of way of State Road 326; thence run South 89°38’44” East to the Point of Beginning. All of said land lying and being in Marion County, Florida.”

Being the lands described in Official Records Book 2667, Page 1293 of the Public Records of Marion County, Florida.

Described as follows:

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°05’27” West along the East line 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°47’56” West along said Baseline of Survey, a distance of 1617.77 feet to Station 700+08.84, said point being on the Northerly projection of the East line of lands described in Official Records Book 2667, Page 1293 of the Public Records of Marion County, Florida; thence departing said Baseline of Survey, South 00°15’56” West along said Northerly projection, a distance of 43.00 feet to the Northeast corner of said lands, said point being on the existing South right of way line of said State Road 326 per said right of way map; thence North 89°47’56” West along said South right of way line, a distance of 304.70 feet to the POINT OF BEGINNING; thence departing said South right of way line, South 00°12’04” West, a distance of 35.00 feet; thence North 89°47’56” West, a distance of 36.00 feet; thence North 00°12’04” East, a distance of 35.00 feet to a point on said South right of way line; thence South 89°47’56” East along said South right of way line, a distance of 36.00 feet to the POINT OF BEGINNING.

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Containing 1,260 square feet, more or less.

**RECORDED**

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Marion County Water and Wastewater System Standard Developer's Service Agreement Contract No. 99- 05	7/20/1999	National Oil & Gas Distributors, Inc.	Marion County	2691/472

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