

23-UTL.OUC-10/11

January 18, 2017

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. 255.2

SECTION 75030-2501

STATE ROAD 600 & 15

COUNTY ORANGE

SUBORDINATION OF 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 ORLANDO UTILITIES COMMISSION and CITY OF ORLANDO, hereinafter called Utility.

W I T N E S S E T H:

WHEREAS, the Utility 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 Utility to the F.D.O.T; and

WHEREAS, the F.D.O.T. is willing to pay to have the Utility'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, Utility and F.D.O.T. agree as follows:

Utility subordinates any and all of its interest in the lands as follows, viz:

PARCEL NO. 255.2
SECTION 75030-2501
PAGE 2

PARCEL 255

SECTION 75030-2501

FLORIDA DEPARTMENT OF TRANSPORTATION ADDITIONAL RIGHT-OF-WAY

A PORTION OF LOTS 8, 9, 10, 11, & 12, BLOCK "A", HIGHLAND GROVE, AS RECORDED IN PLAT BOOK "E", PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 22 SOUTH, RANGE 29 EAST, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1, HIGHLAND GROVE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "P", PAGE 31, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE N89°46'30"W ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEBER STREET A DISTANCE OF 253.03 FEET; THENCE S45°13'47"W A DISTANCE OF 9.91 FEET FOR A POINT OF BEGINNING; THENCE S00°13'57"W ALONG A LINE BEING 5.00 FEET EAST OF AND PARALLEL TO THE EAST RIGHT-OF-WAY OF MILLS AVENUE AS SHOWN ON STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP OF SECTION 75030-2501, ROAD NO. 600 & 15, ORANGE COUNTY, FLORIDA, A DISTANCE OF 251.62 FEET TO A POINT ON THE NORTH LINE OF LOT 7, BLOCK "A", HIGHLAND GROVE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "E", PAGE 8, PUBLIC RECORDS ORANGE COUNTY, FLORIDA; THENCE S89°48'28"W ALONG SAID NORTH LINE A DISTANCE OF 5.00 FEET TO THE SAID EAST RIGHT-OF-WAY LINE OF MILLS AVENUE; THENCE N00°13'57"E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 246.66 FEET; THENCE N45°13'47"E A DISTANCE OF 7.07 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,246 SQUARE FEET MORE OR LESS.

This legal description prepared under the direction of:
James D. Bray, PSM 6507
Accuright Surveys of Orlando, Inc., LB 4475
2012 E. Robinson Street
Orlando, FL 32803
September 6, 2016

PARCEL NO. 255.2
SECTION 75030-2501
PAGE 3

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Overhead and Underground Easement	11/20/78	Orange County Teachers Federal Credit Union	Orlando Utilities Commission and City of Orlando	2956/516

PROVIDED that the Utility has the following rights:

1. The Utility 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 Utility or require the Utility 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 Utility 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 Utility agrees to repair any damage to F.D.O.T. facilities and to indemnify the F.D.O.T. against any loss or damage resulting from the Utility exercising its rights outlined in Paragraphs 1 and 3 above.

PARCEL NO. 255.2
SECTION 75030-2501
PAGE 4

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: _____

By: _____
Frank J. O'Dea, P.E.
District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

SIGNATURE LINE
PRINT/TYPE NAME: _____

Legal Review

By: _____
Office of the General Counsel

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Frank J. O'Dea, P.E., 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: _____

PARCEL NO. 255.2
SECTION 75030-2501
PAGE 5

Signed, Sealed and delivered
in the presence of:

ORLANDO UTILITIES COMMISSION

(sign)
PRINT NAME: _____

BY _____
KENNETH P. KSIONEK
General Manager & CEO

(sign)
PRINT NAME: _____

Attest:

(COMMISSION SEAL)

ELIZABETH M. MASON
Assistant Secretary

STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared KENNETH P. KSIONEK and ELIZABETH M. MASON respectively, General Manager & CEO and Assistant Secretary of the ORLANDO UTILITIES COMMISSION, a statutory commission under the laws of the State of Florida, to me known to be the individuals and officers described in and who executed the foregoing instrument on behalf of said ORLANDO UTILITIES COMMISSION, and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized, and that the official seal of ORLANDO UTILITIES COMMISSION is duly affixed thereto and the instrument is the act and deed of said Commission.

WITNESS my hand and official seal in the county and state last aforesaid this _____ day of _____,
_____.

Notary Public (sign)
Print Name: _____
State of Florida
My Commission Expires: _____

Approved by OUC as to Form

Attorney

PARCEL NO. 255.2
SECTION 75030-2501
PAGE 6

IN WITNESS WHEREOF, the Utility hereto has executed this agreement on the day and year first above written.

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

CITY OF ORLANDO, FLORIDA

SIGNATURE LINE
PRINT/TYPE NAME: _____

BY _____
ITS MAYOR-COMMISSIONER

SIGNATURE LINE
PRINT/TYPE NAME: _____

ATTEST: _____
ITS CITY CLERK

(SEAL)

STATE OF FLORIDA

COUNTY OF ORANGE

BEFORE me personally appeared _____, who is personally known to me or
has produced _____ as identification, and
_____, who is personally known to me or who has produced
_____ as identification, and known to me to be the Mayor-Commissioner and City Clerk
respectively of the City of Orlando, Florida, the municipal corporation named in the foregoing instrument, and known to
me to be the persons who as such City officials executed the same; and then and there the said
_____ and the said _____ did acknowledge before me that said instrument is
the fee act and deed of said City by them respectively executed as such officers for the purpose therein expressed;
that the Seal thereunto attached is the City Seal by them in like capacity affixed, all under the authority in them duly
vested by the said City Commission of the City of Orlando, Florida.

WITNESS my hand and official seal this _____ day of _____, A.D. _____.

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