

23-UTL06-10/11

March 15, 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. 283.3
SECTION 7504-109
STATE ROAD 527
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 283

SECTION 7504-109

FLORIDA DEPARTMENT OF TRANSPORTATION ADDITIONAL RIGHT-OF-WAY
A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11,
TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, RUN THENCE S00°00'24"W ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 11, A DISTANCE OF 604.92 FEET; THENCE S89°48'44"W A DISTANCE OF 23.90 FEET TO A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF SOUTH ORANGE AVENUE (STATE ROAD 527), PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION #7504-109 FOR A POINT OF BEGINNING; THENCE CONTINUE S89°48'44"W A DISTANCE OF 2.00 FEET; THENCE N00°00'24"E A DISTANCE OF 159.99 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, CLIMATIZED SELF STORAGE, AS RECORDED IN PLAT BOOK 56, PAGE 80, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N89°48'44"E ALONG SAID SOUTH LINE, A DISTANCE OF 1.98 FEET TO A POINT ON SAID EXISTING WEST RIGHT-OF-WAY LINE, SAID POINT BEING A NON-TANGENT POINT ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5689.65 FEET, A CHORD BEARING OF S00°04'40"E, A CHORD DISTANCE OF 15.17 FEET, RUN THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°09'10", A DISTANCE OF 15.17 FEET TO A NON-TANGENT POINT; THENCE S00°00'24"W CONTINUING ALONG SAID EXISTING WEST RIGHT-OF-WAY LINE, A DISTANCE OF 144.82 FEET TO THE POINT OF BEGINNING.

CONTAINS 320 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
December 16, 2016

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Overhead Easement	10/8/1993	THOMAS H. HUIZENGA	Orlando Utilities Commission and City of Orlando	4637/1711

PROVIDED that the Utility has the following rights:

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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.

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:

SIGNATURE LINE
PRINT/TYPE NAME: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

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

Legal Review

By: _____
Office of the General Counsel

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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: _____

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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: _____

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Signed, Sealed and delivered
in the presence of:

Kimberly J. Catrett
(sign)
PRINT NAME: Kimberly J. Catrett

Richard H. Harker Jr
(sign)
PRINT NAME: Richard H. Harker Jr

(COMMISSION SEAL)

ORLANDO UTILITIES COMMISSION

BY [Signature]
KENNETH P. KSIONEK
General Manager & CEO

Attest: [Signature]
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.

2017 WITNESS my hand and official seal in the county and state last aforesaid this _____ day of May.



[Signature]
Notary Public (sign)
Print Name: Marlene Mendoza
State of Florida
My Commission Expires: 1-10-21

Approved by OUC as to Form

Wayne Morris
Attorney