

23-UTL.02-11/24

This instrument prepared under the direction of:

Elizabeth S. Quintana, Esq. _____

District 4 Assistant General Counsel

Legal Description prepared by:

Jeffrey D. Smith, P.S.M. (01-22-2024)

Document prepared by:

Susanna Rowland (11-22-2024)

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No.

113.5

Item/Segment No.

4056063

Section:

88050-2508

Managing District:

04

C.R. No.

510 (Wabasso Road/85th Street)

County:

Indian River

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT entered into this _____ day of _____, 20____, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter called the FDOT, and **INDIAN RIVER COUNTY**, a political subdivision of the State of Florida, hereinafter called the COUNTY.

W I T N E S S E T H:

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 FDOT; and

WHEREAS, the FDOT 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 FDOT agree as follows:

COUNTY subordinates to the interest of FDOT its successors and assigns, any and all of its interest in the lands as follows, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RECORDED

INSTRUMENT	DATE	FROM	TO	RECORDING
Easement	07/31/2006	Ryall Acquisition Group, LLC, a Florida limited liability company, f/k/a Ryall Development Group, LLC	Indian River County, a political subdivision of the State of Florida	ORB/PG 2062/1834
Easement	07/31/2006	Ryall Acquisition Group, LLC, a Florida limited liability company, f/k/a Ryall Development Group, LLC	Indian River County, a political subdivision of the State of Florida	ORB/PG 2062/1837
Easement	07/31/2006	Ryall Acquisition Group, LLC, a Florida limited liability company, f/k/a Ryall Development Group, LLC	Indian River County, a political subdivision of the State of Florida	ORB/PG 2062/1840

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 FDOT'S current minimum standards for such facilities as required by the FDOT, Utility Accommodation Manual in the 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 FDOT. Should the FDOT 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 FDOT 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 FDOT's facilities.
4. The COUNTY agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the COUNTY exercising its rights outlined in Paragraphs 1 and 3 above.

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

Attorney approved as to form:

**STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION**

ELIZABETH S. QUINTANA
District 4 Assistant General Counsel

BY: _____
STEVEN C. BRAUN, P.E.
District 4 Secretary

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

Witness (1) Information:

Witness (2) Information:

Signature

Signature

Print Name
Address: 3400 West Commercial Blvd
Fort Lauderdale, Florida 33309

Print Name
Address: 3400 West Commercial Blvd
Fort Lauderdale, Florida 33309

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____, by **STEVEN C. BRAUN, P.E., District 4 Secretary** ☐ who is personally known by me or ☐ who has produced _____ as identification.

(SEAL)

Notary Public, State of Florida

Print Name: _____

My Commission Expires: _____

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice-Mayor of said Board, the day and year aforesaid.

ATTEST: _____

Print Name: _____
Clerk (or Deputy Clerk)

INDIAN RIVER COUNTY, FLORIDA
By Its Board of County Commissioners

By: _____

Print Name: _____
Its Mayor

Approved as to form and legal sufficiency:

By: _____
County Attorney

EXHIBIT "A"

Parcel No. 113

Item/Segment No. 4056063

A portion of land lying in the Northwest One-Quarter (NW 1/4) of Section 31, Township 31 South, Range 39 East, Indian River County, Florida, as shown on Sheets 10 and 11 of the Florida Department of Transportation Right of Way Map for County Road 510 (85th Street), Item/Segment No. 4056063, Section 88050-2508, being more particularly described as follows:

Commence at a found PK nail marking the Northwest (NW) corner of said Section 31; thence South 89°42'02" East along the North line of said Section 31 and the Baseline of Survey of said County Road 510 (85th Street), a distance of 495.07 feet; thence South 00°17'58" West at a right angle to the previously described course, a distance of 40.00 feet to a point on the Southerly Existing Right of Way line of said County Road 510 (85th Street) and the POINT OF BEGINNING; thence South 00°12'00" East, a distance of 6.00 feet; thence South 89°42'02" East, a distance of 865.11 feet; thence North 00°17'58" East, a distance of 6.00 feet to a point on said Southerly Existing Right of Way line of County Road 510 (85th Street); thence North 89°42'02" West along said Southerly Existing Right of Way line of County Road 510 (85th Street), a distance of 865.12 feet to the POINT OF BEGINNING.

Containing 5,191 Square Feet, more or less

AND

A portion of land lying in the North One-Half (N 1/2) of Section 31, Township 31 South, Range 39 East, Indian River County, Florida, as shown on Sheets 12, 13 and 14 of the Florida Department of Transportation Right of Way Map for County Road 510 (85th Street), Item/Segment No. 4056063, Section 88050-2508, being more particularly described as follows:

Commence at a found nail in cut-out marking the North One-Quarter (N 1/4) corner of said Section 31; thence North 89°42'02" West along the North line of said Section 31 and the Baseline of Survey of said County Road 510 (85th Street), a distance of 193.24 feet; thence South 00°17'58" West along a line at a right angle to the previously described course, a distance of 40.00 feet to a point on the Southerly Existing Right of Way line of said County Road 510 (85th Street) and the POINT OF BEGINNING; thence South 89°42'02" East, a distance 193.12 feet to a point on the West line of the Northeast One-Quarter (NE 1/4) of said Section 31; thence continue South 89°42'02" East, a distance 0.22 feet; thence North 89°59'48" East, a distance 61.53 feet; thence South 00°00'12" East, a distance 4.00 feet; thence North 89°59'48" East, a distance 150.00 feet; thence North 00°00'12" West, a distance 4.00 feet; thence North 89°59'48" East, a distance 1,632.87 feet; thence North 76°30'03" East, a distance 17.14 feet; thence North 89°59'48" East, a distance of 612.94 feet to the beginning of a curve concave Southwesterly, having a chord bearing of South 65°57'15" East; thence Southeasterly along said curve, having a radius of 74.00 feet, through a central angle 48°05'53", an arc distance of 62.12 feet to the end of said curve; thence South 41°54'19" East, a distance 153.36 feet to the beginning of a curve concave Southwesterly, having a chord bearing of South 20°40'42" East; thence Southeasterly along said curve, having a radius of 78.00 feet, through a central angle 42°27'13", an arc distance of 57.79 feet to the end of said curve and a point on the Westerly Existing Right of Way line of 66th Avenue; thence North 00°32'54" East along said Westerly Existing Right of Way line of 66th Avenue, a distance of 97.58 feet; thence North 44°43'39" West continuing along said Westerly Existing Right of Way line of 66th Avenue, a distance of 140.74 feet to the intersection with said Southerly Existing Right of Way line of County Road

510 (85th Street); thence along said Southerly Existing Right of Way line of County Road 510 (85th Street) for the next four (4) courses: (1) South 89°59'48" West, a distance of 2,553.33 feet; thence (2) North 89°42'02" West, a distance of 0.17 feet to a point on said West line of the Northeast One-Quarter (NE 1/4) of Section 31; thence (3) continue North 89°42'02" West, a distance of 93.15 feet; thence (4) South 84°35'20" West, a distance of 100.50 feet to the POINT OF BEGINNING.

Containing 0.744 acres, more or less.

AND

A portion of land lying in the Northwest One-Quarter (NW 1/4) of Section 32, Township 31 South, Range 39 East, Indian River County, Florida, as shown on Sheets 14 and 21 of the Florida Department of Transportation Right of Way Map for County Road 510 (85th Street), Item/Segment No. 4056063, Section 88050-2508, being more particularly described as follows:

Commence at a found PK nail marking the Northwest One-Quarter (NW 1/4) corner of said Section 32; thence South 00°32'54" West along the West line of said Section 32 and the Baseline of Survey of said 66th Avenue, a distance of 15.00 feet to the intersection with the Baseline of Survey of said County Road 510 (85th Street); thence South 89°31'43" East along said Baseline of Survey of said County Road 510 (85th Street), a distance of 54.97 feet; thence South 00°28'17" West along a line at a right angle to the previously described course, a distance of 19.27 feet to the intersection of the Southerly Existing Right of Way line of said County Road 510 (85th Street) and the Easterly Existing Right of Way line of said 66th Avenue, and the POINT OF BEGINNING; thence South 85°05'20" East along said Southerly Existing Right of Way line of County Road 510 (85th Street), a distance of 74.01 feet; thence South 89°31'43" East continuing along said Southerly Existing Right of Way line of County Road 510 (85th Street), a distance of 25.99 feet to the beginning of a non-tangent curve concave Southeasterly, having a chord bearing of South 53°58'38" West; thence Southwesterly along said curve, having a radius of 80.00 feet, through a central angle 17°42'47", an arc distance of 24.73 feet to a point on the Easterly Existing Right of Way line of said 66th Avenue, said point also being the beginning of a curve concave Southeasterly, having a chord bearing of South 43°32'29" West; thence along said Easterly Existing Right of Way line of 66th Avenue for the next seven (7) courses: thence (1) Southwesterly along said curve, having a radius of 80.00 feet, through a central angle 03°09'31", an arc distance of 4.41 feet to a point of reverse curvature with a curve concave Northwesterly, having a chord bearing of South 49°36'58" West; thence (2) Southwesterly along said curve, having a radius of 148.00 feet, through a central angle 15°18'27", an arc distance of 39.54 feet to a point of reverse curvature with a curve concave Southeasterly, having a chord bearing of South 26°38'18" West; thence (3) Southerly along said curve, having a radius of 40.00 feet, through a central angle 61°15'47", an arc distance of 42.77 feet to a point of reverse curvature with a curve concave Westerly, having a chord bearing of South 01°43'21" East; thence (4) Southerly along said curve, having a radius of 2,139.00 feet, through a central angle 04°32'30", an arc distance of 169.55 feet to the end of said curve; thence (5) South 00°32'54" West, a distance of 700.37 feet; thence (6) North 89°31'43" West, a distance of 36.00 feet; thence (7) North 00°32'54" East, a distance of 955.73 feet to the POINT OF BEGINNING.

Containing 0.817 acres, more or less.

All together containing 1.680 acres, more or less.