

March 23, 2022  
Return to:  
Stephanie Galarza  
Real Estate Project Manager I  
1805 NE 30th Ave Building #700  
Ocala, FL. 34470

**This Instrument Prepared By:**

Robert W. Batsel, Jr., Assistant City Attorney  
Gilligan, Gooding, Batsel, Anderson & Phelan, P.A.  
1531 SE 36th Avenue  
Ocala, Florida 34471

Project: FDOT Subordination Agreement  
Property Appraiser's Parcel ID No.: 21521-001-01

Rec. \$

PARCEL NO.	803.3
SECTION NO	36070-2505
P.M. NO.	22-D02
STATE ROAD	500
COUNTY	MARION

**AGREEMENT FOR SUBORDINATION OF UTILITY INTERESTS**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the CITY OF OCALA, a Florida municipal corporation ("City"), and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT").

**WHEREAS:**

- A. The City presently has interests in certain lands that have been determined necessary for a transportation facility; and
- B. The proposed use of the subject real property for a transportation facility requires subordination of the City's interest to the FDOT; and
- C. The FDOT is willing to pay to have the City's facilities located, protected, adjusted, relocated, or removed if necessary, to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the public welfare, mutual covenants contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Subordination of Utility / Easement Interests. City hereby subordinates to the interest of FDOT, its successors, or assigns, any and all interest the City has in the real property ("Property") described as follows:

See Exhibit A.

1.1 The interests of the City being subordinated hereby includes the interests created by the following instruments:

<u>Instrument</u>	<u>Date</u>	<u>From</u>	<u>To</u>	<u>O.R. Book/Page</u>
Easement	1/26/1996	Suntrust Bank aka Sunbank Incorporated	City of Ocala	2213/1854
Easement	11/4/2021	D2 Properties of Florida, LLC	City of Ocala	7614/535

2. The City shall retain all rights under the instruments identified above, provided, however, that the City's exercise of those rights shall be in accordance with the FDOT's standards as set forth in the FDOT's then-current Utility Accommodation Manual, and subject to the following provisions:

2.1 The FDOT may require, for any present or future transportation facility project, that any City facilities be located, protected, adjusted, relocated, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. In the event that any such work is required by the FDOT, the FDOT hereby agrees to pay the all costs of such work, including, but not limited to, all costs, including any landowner condemnation attorney fees and other condemnation costs, if necessary, of acquiring easements comparable to the easements being subordinated herein, which may require additional easement area necessary to provide for sufficient clearance for aerial facilities and vegetation management zones. The work performed pursuant to this section 2.1 shall comply with the City's Design and Construction Standards for Electric Utility Facilities and the National Electrical Safety Code (ANSI Standard C2). Payment of the above shall not include any betterment<sup>1</sup> to the City. In the event that a condemnation action is necessary to acquire a substitute easement, the FDOT will file such action for the use and benefit of the City. And the FDOT shall have full authority over the proceedings.

2.2 Any new construction or relocation of City facilities within the lands will be subject to prior approval by the FDOT, which shall not be unreasonably withheld. Should the FDOT fail to approve any new construction or relocation of facilities by the City or require the City to locate, protect, adjust, relocate or remove its facilities located within said lands, the FDOT hereby agrees to pay the all costs of such work, including, but not limited to, all costs, including any landowner condemnation attorney fees and other condemnation costs, if necessary, of acquiring easements comparable to the easements being subordinated herein. Payment of said costs shall not include any betterment to the City. In the event that a condemnation action is necessary to acquire a substitute easement, the FDOT will file such action for the use and benefit of the City and the FDOT shall have full authority over the proceedings.

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<sup>1</sup> "Betterment" is defined as any upgrading of facilities being relocated that is not attributable to the highway construction and is made solely for the benefit of and at the election of the City.

- 2.3 The FDOT acknowledges that the City is entitled to advanced review of the proposed construction of any other utilities within the lands described herein and that such utilities are required to obtain an FDOT permit which states that the new utility may not interfere with any existing utilities or with the City's rights set forth in the above referenced easements.
3. The terms of this Subordination Agreement shall supersede any contrary provisions within any utility permit issued to the City within the area of the lands described.
4. The City 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 the City's facilities, provided that such rights do not interfere with the operation and safety of the FDOT's facilities.

**(THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK)**

IN WITNESS WHEREOF, the FDOT has caused these presents to be executed by its duly authorized officer this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF FLORIDA DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Printed Name

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Printed Name

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: District Director of Transportation  
Development for District Five

Address: 719 S. Woodland Blvd.  
DeLand, FL 32720

Legal Review

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 of the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, on behalf of the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Name: \_\_\_\_\_  
(Please print or type)

Commission Number:  
Commission Expires:

Notary: Check one of the following:

\_\_\_\_ Personally known OR  
\_\_\_\_ Produced Identification (if this box is checked, fill in blank below).  
Type of Identification Produced: \_\_\_\_\_

IN WITNESS WHEREOF, the CITY has caused these presents to be executed by its duly authorized officer this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CITY OF OCALA, a Florida municipal corporation

**ATTEST:**

\_\_\_\_\_  
Angel Jacobs, City Clerk

By: \_\_\_\_\_  
Ire Bethea, Sr., President  
City Council

**Approved as to form and legality:**

\_\_\_\_\_  
Robert W. Batsel, Jr.  
Assistant City Attorney

Exhibit "A"

BOUNDARY SURVEY FOR:  
OCALA HORSE PROPERTIES, LLC  
&  
THE FLORIDA DEPARTMENT OF TRANSPORTATION  
SECTION 3, TOWNSHIP 15 SOUTH, RANGE 21 EAST,  
MARION COUNTY, FLORIDA  
"FDOT R/W LAYOUT PLAN"

DESCRIPTION:

A PORTION OF LOT 1 AND LOT 3 OF WEST 27 COMMERCIAL CENTER, ACCORDING TO THE PLAT THEREOF RECORDED PLAT BOOK 7, PAGE(S) 150 THROUGH 151, OF THE PUBLIC RECORDS OF MARION COUNTY, LYING IN SECTION 3, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE N.61°52'11" W. ALONG THE SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 27 (200' RIGHT OF WAY PER PLAT) A DISTANCE OF 8.25 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY S.28°08'12"W., 291.41 FEET; THENCE S.73°08'12"W., 55.01 FEET; THENCE N.16°51'48"W., 55.50 FEET; THENCE N.73°08'12"E., 32.02 FEET; THENCE N.28°08'12"E., 226.19 FEET; THENCE N.51°40'26"W., 30.38 FEET; THENCE N.28°06'48"E., 36.84 FEET TO THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 27; THENCE S.61°52'11"E., ALONG THE SOUTHERLY RIGHT OF WAY OF SAID U.S. HIGHWAY NO. 27 A DISTANCE OF 85.41 FEET; TO THE POINT OF BEGINNING SAID LANDS CONTAINING 0.44 ACRES, MORE OR LESS.

NOTES:

1. DATE OF FIELD SURVEY: FEBRUARY 17, 2022.
2. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83), WITH 2011 ADJUSTMENT AS DERIVED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION VIRTUAL REFERENCE STATION NETWORK.
3. UNDERGROUND FOUNDATIONS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
4. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. THIS SURVEY DEPICTS THE PROPERTY AS IT EXISTED ON THE SURVEY DATE, NOT NECESSARILY THE SIGNATURE DATE.
6. THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE BENEFIT OF THE PARTY(IES) NAMED HEREON, AND SHALL NOT BE DUPLICATED OR RELIED UPON BY ANY OTHER INDIVIDUAL OR ENTITY WITHOUT AUTHORIZATION FROM JCH CONSULTING GROUP, INC.
7. SUBJECT TO RIGHTS OF WAY, RESTRICTIONS, EASEMENTS AND RESERVATIONS OF RECORD. PUBLIC RECORDS NOT SEARCHED BY JCH CONSULTING GROUP, INC.
8. THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
9. ORIENTATION FOR THE IMPROVEMENTS SHOWN HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
10. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON SURFACE EVIDENCE OF LOCATIONS PROVIDED BY SUNSHINE STATE ONE CALL TICKET NO: 010708277, AND G.I.S. INVENTORY MAP PROVIDED BY CLIENT. LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON WERE NOT VERIFIED BY JCH CONSULTING GROUP, INC.

SHEET 1 OF 2  
ONE IS NOT COMPLETE  
WITHOUT THE OTHER

LEGEND:

- LINE BREAK
- R/W RIGHT-OF-WAY
- CONC. CONCRETE
- LS LAND SURVEYOR
- LB LICENSED BUSINESS
- NO. NUMBER
- CL CENTERLINE
- P.C. POINT OF CURVATURE
- P.I. POINT OF INTERSECTION
- L ARC LENGTH
- R RADIUS
- Δ DELTA (CENTRAL ANGLE)
- CB CHORD BEARING
- CH CHORD DISTANCE
- CHANGE IN DIRECTION

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THIS SURVEY MEETS THE APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



3/9/22

CHRISTOPHER J. HOWSON, P.S.M., C.F.M. - LS 6553  
OF JCH CONSULTING GROUP, INC.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



JCH

CONSULTING GROUP, INC.

LAND DEVELOPMENT + SURVEYING & MAPPING

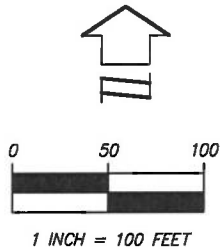
PLANNING + ENVIRONMENTAL + G.I.S.

CERTIFICATE OF AUTHORIZATION NO. LB 8071 CHRISTOPHER J. HOWSON, P.S.M., C.F.M. - LS 6553

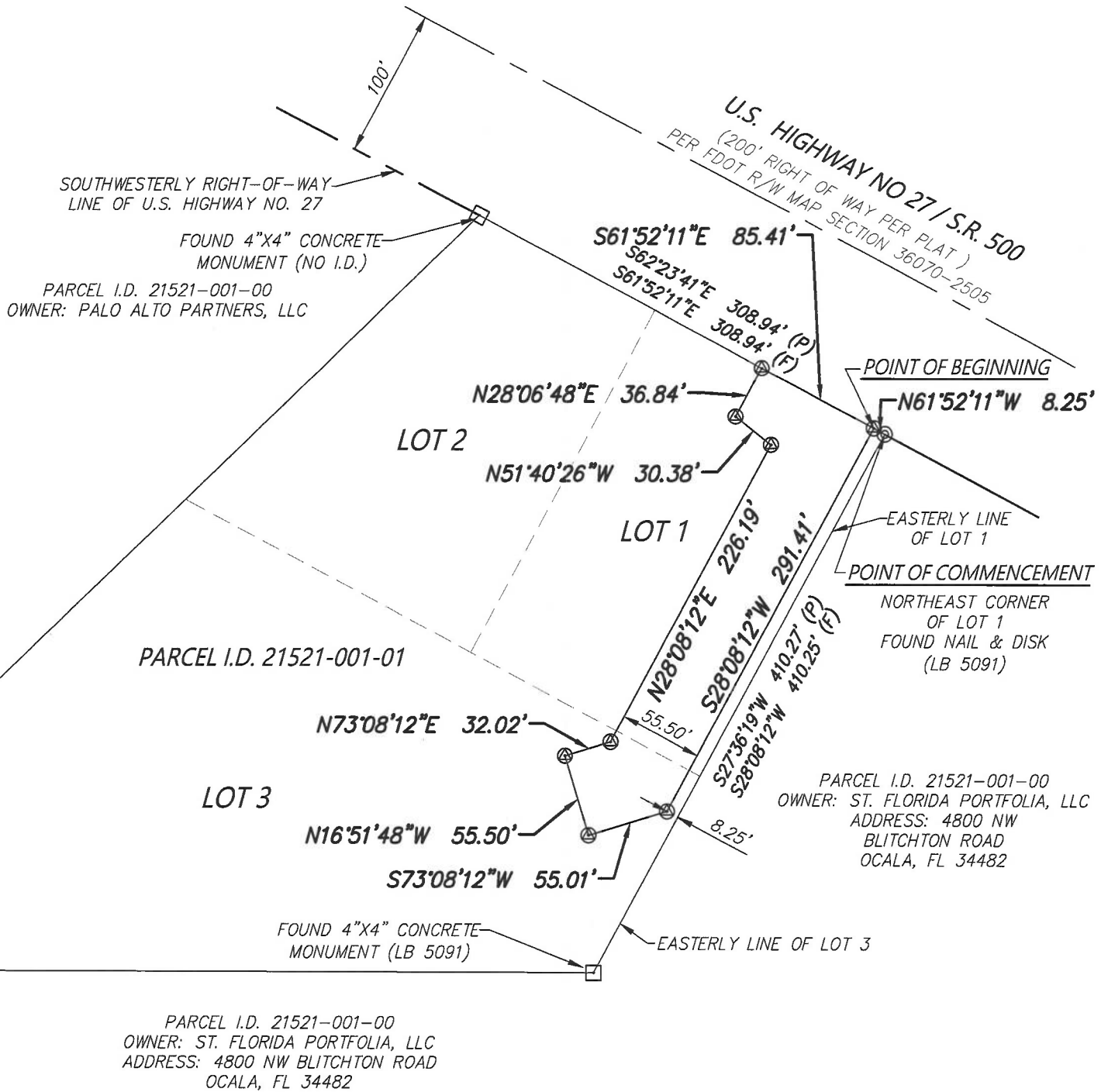
3128 NW BLITCHTON ROAD, OCALA, FLORIDA 34475

PHONE (352) 405-1482 FAX (888) 272-8335 www.JCHeg.com

DRAWN:	J.V.S.	J.O.# 200319
REVISED:		DWG.# 200319BND (DOT)
CHECKED:	C.J.H.	SHEET 1 OF 2
APPROVED:	C.J.H.	FDOT R/W LAYOUT PLAN
SCALE:	---	COPYRIGHT © MARCH, 2022



BOUNDARY SURVEY FOR:  
OCALA HORSE PROPERTIES, LLC  
&  
THE FLORIDA DEPARTMENT OF TRANSPORTATION  
SECTION 3, TOWNSHIP 15 SOUTH, RANGE 21 EAST,  
MARION COUNTY, FLORIDA  
"FDOT R/W LAYOUT PLAN"



LEGEND AND ABBREVIATIONS:

⊗ SET 5/8" IRON ROD & CAP (LB 8071)

SHEET 2 OF 2  
ONE IS NOT COMPLETE  
WITHOUT THE OTHER



**JCH**  
CONSULTING GROUP, INC.  
LAND DEVELOPMENT + SURVEYING & MAPPING  
PLANNING + ENVIRONMENTAL + G.I.S.  
CERTIFICATE OF AUTHORIZATION NO. LB 8071 CHRISTOPHER J. HOWSON, P.S.M., C.F.M. - LS 6553  
3128 NW BLITCHTON ROAD, OCALA, FLORIDA 34475  
PHONE (352) 405-1482 FAX (888) 272-8335 www.JCHcg.com

DRAWN:	J.V.S.	J.O.# 200309
REVISED:		DWG.# 200319BND(DOT)
CHECKED:	C.J.H.	SHEET 2 OF 2
APPROVED:	C.J.H.	FDOT R/W LAYOUT PLAN
SCALE: 1" = 100'		COPYRIGHT © MARCH, 2022