

23-UTL.02-05/09

Date: December 4, 2025  
This instrument prepared  
under the direction of:  
Angela D. Tucker, Chief Counsel  
Post Office Box 1249  
Bartow, Florida 33831-1249  
Department of Transportation

F.P. NO. 1938061  
PARCEL 502.2  
SECTION 01050-2508  
STATE ROAD 776  
COUNTY CHARLOTTE

### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into on the date executed by the State of Florida Department of Transportation District One Secretary or their Designee, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the FDOT, whose post office address is: Post Office Box 1249, Bartow, Florida 33831-1249 and CHARLOTTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, Utility Agency Organization, hereinafter called the Utility.

#### WITNESSETH:

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 FDOT; and

WHEREAS, the FDOT 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 FDOT agree as follows:

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

**SEE EXHIBIT "A"**

**RECORDED**

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	08-05-1996	Atlantic Gulf Communities Corporation	Charlotte County	OR 1485 PG 242

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 FDOT's current minimum standards for such facilities as required by the FDOT 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 FDOT. Should the FDOT 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 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 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 FDOT's facilities.
4. The Utility agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the Utility 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.

WITNESSES

\_\_\_\_\_(SEAL)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Legibly Print/Type Name

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

District Secretary/Designee for District One

\*Witness Mailing Address:

Post Office Box 1249

Post Office Box 1249

Bartow, Florida 33831-1249

Bartow, Florida 33831-1249

Legal Review:

\_\_\_\_\_(SEAL)

\_\_\_\_\_  
Department Attorney

\_\_\_\_\_  
Legibly Print/Type Name

\*Witness Mailing Address:

Post Office Box 1249

Bartow, Florida 33831-1249

*\*In accordance with Florida Statute 695.26, effective Jan. 1, 2024, names and addresses of witnesses must be legibly printed, typed or stamped for the clerk of the court to accept this document for recording.*

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of \_\_\_physical presence or \_\_\_online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ Corporation, on behalf of the Corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

Name: \_\_\_\_\_ Notary Public in and for the County and State last aforesaid. My Commission Expires: \_\_\_\_\_ Serial No., if any: \_\_\_\_\_

IN WITNESS WHEREOF, the County 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.

ATTEST: \_\_\_\_\_ (SEAL)  
Name: Roger D. Eaton  
Clerk(or Deputy Clerk)

Charlotte  
County,  
Florida,  
By Its Board of County Commissioners

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:  
[Signature]  
COUNTY ATTORNEY  
Thomas M. David  
LR26-0137

\_\_\_\_\_  
Name: Joseph M. Tiseo  
Its Chairperson  
(or Vice-Chairperson)

Grantor(s)' Mailing Address:  
18500 Murdock Circle  
Port Charlotte, FL  
33948

EXHIBIT "A"  
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F.P. NO. 1938061

Section 01050-2508

Parcel 502

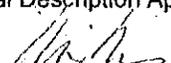
That portion of Tract "P-1", Biscayne Landing II, a subdivision lying in Section 15, Township 40 South, Range 21 East, as per plat thereof recorded in Plat Book 25, Page 7A, Public Records of Charlotte County, Florida.

Being more particularly described as follows:

BEGIN at the intersection of the easterly existing right of way line of Biscayne Drive (per Port Charlotte Subdivision Section One Hundred, as per plat thereof recorded in Plat Book 13, Page 7A, Public Records of Charlotte County, Florida) and the northerly existing right of way line of State Road 776 (per Section 01050-2508), also being the southwest corner of said Tract "P-1"; thence along the westerly line of said Tract "P-1" and the said easterly existing right of way line, North 18°10'41" West a distance of 15.28 feet; thence North 69°03'02" East a distance of 360.57 feet; thence South 84°18'17" East a distance of 36.57 feet to said northerly existing right of way line; thence along said northerly existing right of way line, South 69°13'00" West a distance of 394.00 feet to the POINT OF BEGINNING.

Containing 5,964 square feet more or less.

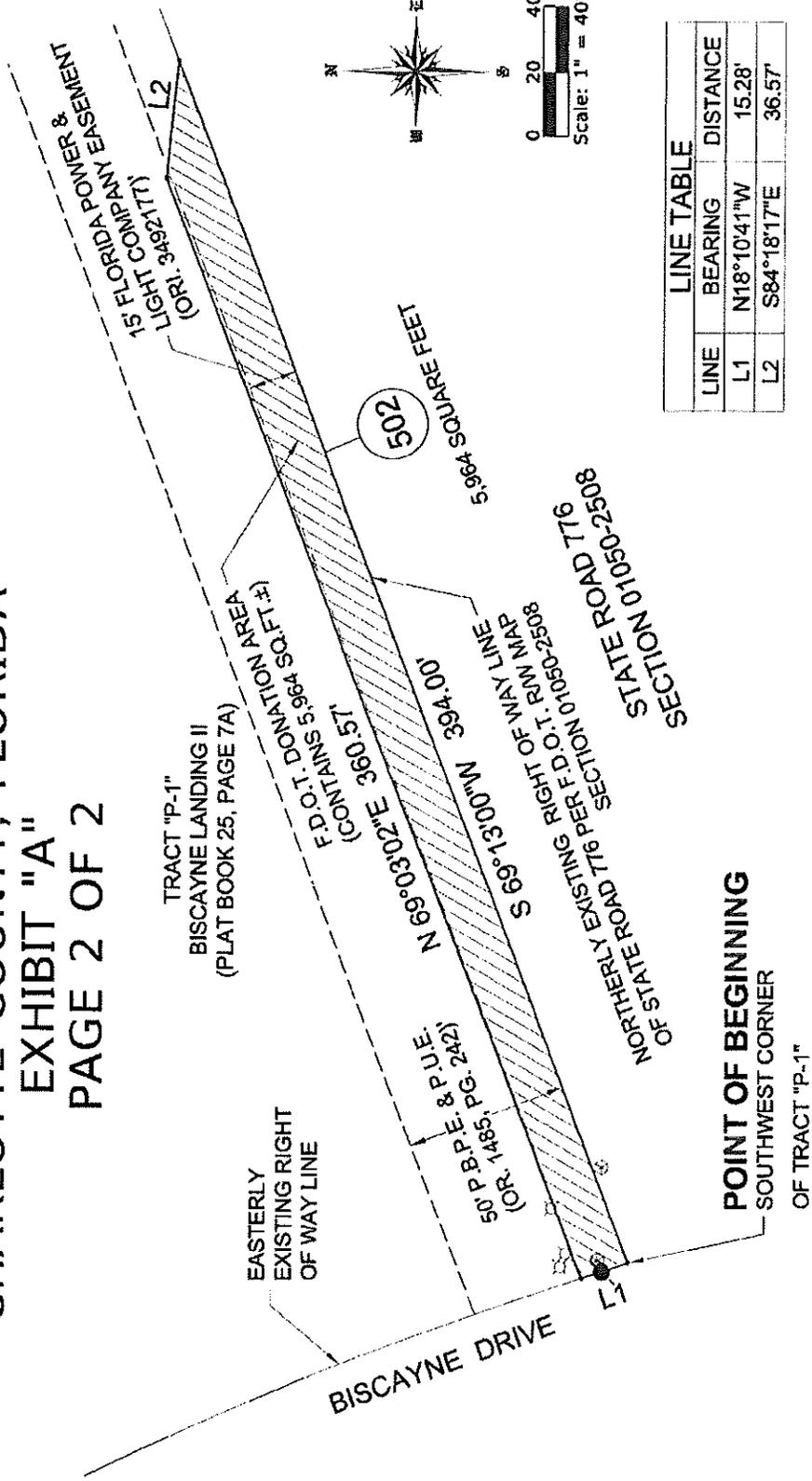
Legal Description Approved by:

  
Michael D. McLean PSM # 6658

Date: 12-4-2025

NOT VALID UNLESS EMBOSSED

SECTION 15, TOWNSHIP 40 SOUTH, RANGE 21 EAST  
 CHARLOTTE COUNTY, FLORIDA  
 EXHIBIT "A"  
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N18°10'41"W	15.28'
L2	S84°18'17"E	36.57'

FLORIDA DEPARTMENT OF TRANSPORTATION		STATE ROAD NO. 776		CHARLOTTE COUNTY	
PARCEL SKETCH - NOT A SURVEY		DRAWN BY	DATE	PREPARED BY	DATA SOURCE
		JAR	11-08-2013	FLORIDA DEPARTMENT OF TRANSPORTATION	ATWELL SKETCH & DESCRIPTION
		MDM	11-10-2013	F.P. NO. 1938061	SECTION 01050-2508
					PAGE 6 OF 6 FOR PARCEL 6022