

23-UTL.04-05/09

Date: November 7, 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. 4449521
PARCEL 101.2
SECTION 06030-000
STATE ROAD 636 (East Main Street)
COUNTY Hardee

SUBORDINATION OF CITY 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 CITY OF WAUCHULA, FLORIDA, A MUNICIPAL CORPORATION FORMED UNDER THE LAWS 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
Sewer Line Easement	02-24-59	Harold Henderson and Margaret S. Henderson, his wife	CITY OF WAUCHULA, FLORIDA, A MUNICIPAL CORPORATION	OR 648 PG 375
Wauchula Water Pipeline & Ingress/Egress Easement Agreement	10-19-20	Fairel LeGrand Revell Jr, as Trustee of the Fairel Legrand Revel, Jr. Declaration of Trust dated January 25, 2008	CITY OF WAUCHULA, FLORIDA, A MUNICIPAL CORPORATION FORMED UNDER THE LAWS OF THE STATE OF FLORIDA	INSTR # 202025005393

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)

Legibly Print/Type Name

*Witness Mailing Address:

Post Office Box 1249 _____

Bartow, Florida 33831-1249 _____

_____(SEAL)

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: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
District Secretary/Designee for District One
Post Office Box 1249 _____

Bartow, Florida 33831-1249 _____

Legal Review:

Department Attorney

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

_____(OFFICIAL SEAL)
Mayor

Name:

ATTEST: _____(SEAL)
Its City Clerk
Name:

Grantor(s)' Mailing Address:

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ___physical presence or ___online notarization, this _____ day of _____, 20____, by _____, Mayor, 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: _____

F.P. NO. 4449521
SECTION 06030-000
PARCEL 101

RIGHT OF WAY

That portion of Lot 2, Henderson Subdivision, a subdivision lying in Section 3, Township 34 South, Range 25 East, as per plat thereof recorded in Plat Book B-24, Page 4, Public Records of Hardee County, Florida.

Being described as follows:

Commence at the northwest corner of the southeast 1/4 of said Section 3; thence along the west line of said southeast 1/4, South 00°04'55" East a distance of 770.33 feet to the survey baseline of State Road 636 (East Main Street) and to the beginning of a curve having a radius of 5,729.58 feet; thence along said survey baseline the arc of said curve to the left a distance of 290.26 feet through a central angle of 02°54'09" with a chord bearing North 79°32'43" East and a chord distance of 290.23 feet to the end of said curve; thence North 08°35'59" West a distance of 50.08 feet to the southwest corner of said Lot 2 also being the southeast corner of Lot 1 (per said plat) and to the north existing right of way line of said State Road 636 (per Section 0603-104) for a POINT OF BEGINNING; thence along the west line of said Lot 2 and the east line of said Lot 1 continue North 08°35'59" West a distance of 200.35 feet; thence North 77°00'29" East a distance of 180.51 feet; thence South 13°52'38" East a distance of 160.41 feet; thence North 76°45'09" East a distance of 439.02 feet to a point on the east line of said Lot 2 also being a point on the west line of Lot 12, Block A, River View Heights Unit No. 1 (per plat thereof recorded in Plat Book 3, Page 15, Public Records of Hardee County, Florida); thence along said east line and said west line, South 00°05'30" West a distance of 41.11 feet to the southeast corner of said Lot 2 and to said north existing right of way line; thence along the south line of said Lot 2 and said north existing right of way line, South 76°45'18" West a distance of 498.23 feet to the beginning of a curve having a radius of 5,679.58 feet; thence continue along said south line and said north existing right of way line the arc of said curve to the right a distance of 129.82 feet through a central angle of 01°18'35" with a chord bearing South 77°24'36" West and a chord distance of 129.82 feet to the end of said curve and to the POINT OF BEGINNING.

Containing 1.272 acres

Legal Description Approved by
Wilfredo A. Alfonzo P.S.M. #7107
On November 7, 2025