

36-SUB03-05/12

August 16, 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. 801.3

SECTION 75030-2205&2502

PM NO 16-D11

STATE ROAD 15-600

COUNTY Orange

SUBORDINATION AGREEMENT

THIS AGREEMENT made this _____ day of _____, _____, by and between City of Maitland, Florida, a Florida municipal corporation existing under the laws of the State of Florida, hereinafter called the "City", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the City is the holder of a certain Development Agreement as evidenced by that Memorandum of Agreement dated November 18, 2015, between the City, the City of Maitland Florida Community Redevelopment Agency, and Maitland City Centre, LLC, a Florida limited liability company, formerly known as Maitland City Center, LLC, recorded as Document #20150276633 in Official Records Book 10928, page 2215, of the Public Records of Orange County, Florida, and,

WHEREAS, a portion of the lands encumbered by said Development Agreement per the aforementioned Memorandum of Agreement are required by the Department for public transportation purposes;

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the City to the Department; and

WHEREAS, the Department is in the process of acquiring title to the lands discussed herein; and

WHEREAS, the City Commission, in Resolution No. _____, approved the subordination of the City's interests to the Department, upon acquisition of an interest in title to the lands described herein.

NOW THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, City and the Department agree as follows:

City having approved the subordination of its interests in the lands herein described effective upon the acquisition of an interest in the lands by the Department, hereby subordinates, any and all of the City's interests in the lands under the Development Agreement which is evidenced by the aforesaid Memorandum of Agreement insofar as said agreement affects the following described property, viz:

PARCEL 801

SECTION 75030-2205 & 2502

THAT PART OF:

LOTS 12 THROUGH 20, BLOCK B, GEO. H PACKWOOD'S PLAN OF THE TOWN OF MAITLAND ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK D, PAGE 26 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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(The above described lands being described and recorded in Official Record Book 11006, Page 2775 of the Public Record of Orange County, Florida.)

PART A

Commence at the Southeast corner of Section 25, Township 21 South, Range 29 East run South 89 degrees 36 minutes 42 seconds West, 713.88 feet along the South line of the Southeast quarter of said Section 25 to the Southerly projection of the existing West right of way line as shown on the Florida Department of Transportation Right of Way Map for State Road No. 15 & 600, Section No. 75030-2205 & 75030-2502 on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, Deland, Florida run North 00 degrees 06 minutes 42 seconds East, 41.71 feet along said Southerly projection and existing West right of way line to the POINT OF BEGINNING; thence departing said existing West right of way line, North 89 degrees 38 minutes 31 seconds West, 0.72 feet to a point; thence North 00 degrees 21 minutes 29 seconds East, 20.56 feet to a point; thence North 89 degrees 38 minutes 31 seconds West, 0.96 feet to a point; thence North 00 degrees 21 minutes 29 seconds East, 172.83 feet to a point; thence South 89 degrees 38 minutes 31 seconds East, 0.84 feet to the said existing West right of way line and also known as Point A; thence South 00 degrees 06 minutes 42 seconds West, 193.39 feet along said existing West right of way line to the POINT OF BEGINNING.

Containing 224 square feet, more or less.

AND

PART B

Commence at said Point A, run North 00 degrees 06 minutes 42 seconds East, 50.52 feet along said existing West right of way line to the POINT OF BEGINNING; thence departing said existing West right of way line, North 89 degrees 38 minutes 31 seconds West, 0.60 feet to a point; thence North 00 degrees 21 minutes 32 seconds East, 138.51 feet to said existing West right of way line and also known as Point B; thence South 00 degrees 06 minutes 42 seconds West, 138.51 feet along said existing West right of way line to the POINT OF BEGINNING.

Containing 42 square feet, more or less.

AND

PART C

Commence at said Point B, run North 00 degrees 06 minutes 42 seconds East, 36.20 feet along said existing West right of way line to the POINT OF BEGINNING; thence departing said existing West right of way line, North 89 degrees 34 minutes 34 seconds West, 1.88 feet to a point; thence North 00 degrees 22 minutes 58 seconds East, 110.96 feet to a point; thence South 88 degrees 27 minutes 02 seconds East, 1.35 feet to said existing West right of way line; thence South 00 degrees 06 minutes 42 seconds West, 110.94 feet along said existing West right of way line to the POINT OF BEGINNING.

Containing 179 square feet, more or less.

CONTAINING IN AGGREGATE: 445 square feet, more or less.

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

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

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

CITY OF Maitland FLORIDA,
By Its Board of City Council

By:

SIGNATURE LINE
PRINT/TYPE NAME: _____

Its Chairperson
(or Vice-Chairperson)

SIGNATURE LINE
PRINT/TYPE NAME: _____

ATTEST: _____

Clerk (or Deputy Clerk)

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____, Chairperson (or Vice-Chairperson), 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: _____