

Subject Area

North

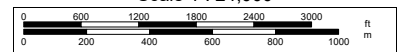
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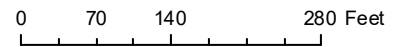
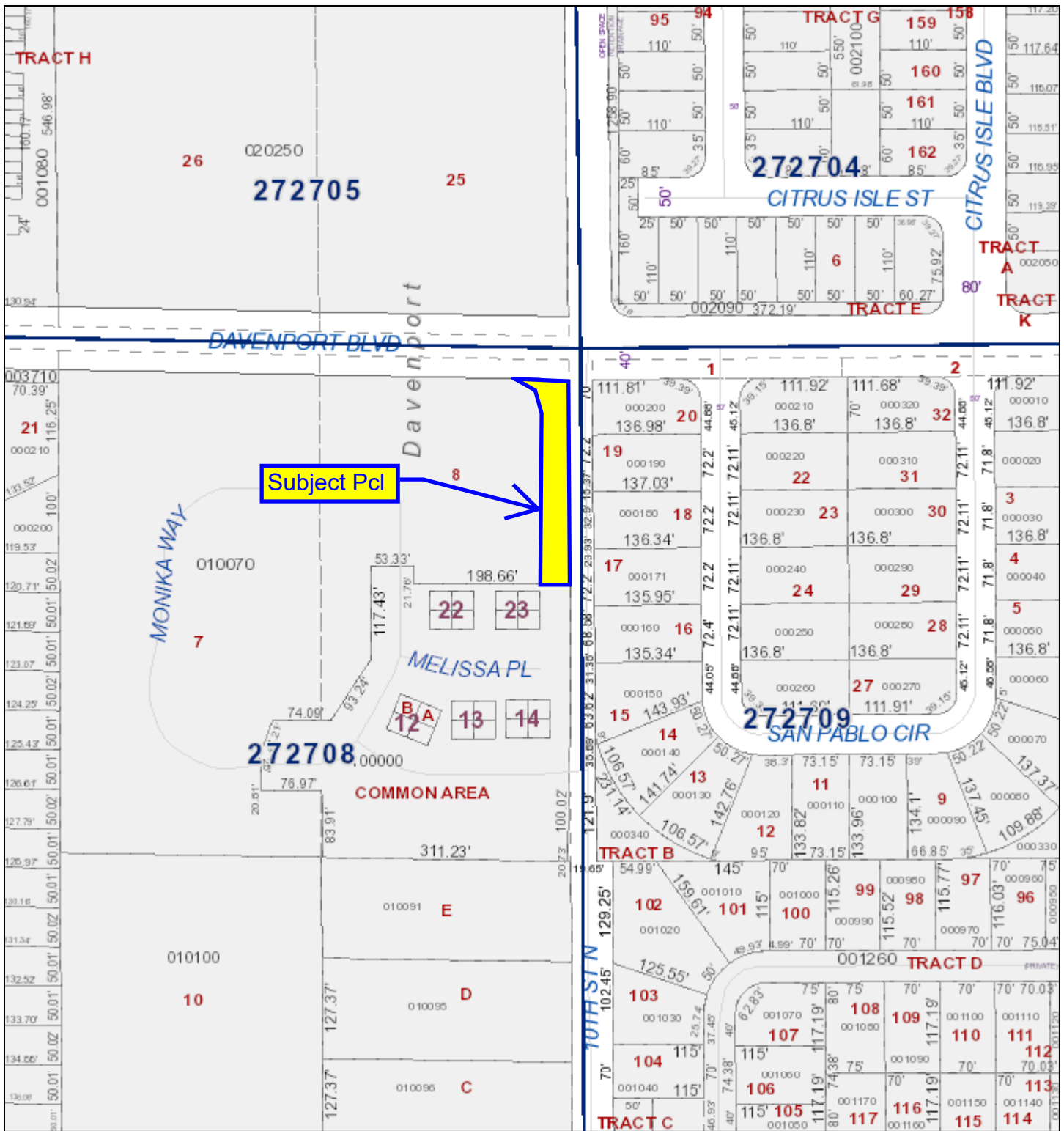
Scale 1 : 24,000



1" = 2,000.0 ft

Data Zoom 13-1

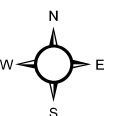
# Section 08, Township 27 South, Range 27 East



All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is".



Marsha M. Faux, CFA, ASA  
Property Appraiser  
Polk County, Florida



November 16, 2023

This instrument prepared under the direction of:  
R. Wade Allen, Administrator  
Polk County Real Estate Services  
P.O. Box 9005, Drawer RE-01  
Bartow, Florida 33831-9005  
Prepared by: Chris Eisenhauer  
Project Name: CR 547 (Davenport Blvd) at 10<sup>th</sup> St  
Project Number: 5400198  
Parent Parcel No.: 272708-727500-010070

## SUBORDINATION AGREEMENT

This Agreement entered into this 20<sup>th</sup> day of February, 2024, by and between **POLK COUNTY**, a political subdivision of the State of Florida, whose Post Office Box is: Post Office Box 9005, Drawer RE-01 Bartow, Florida 33831-9005 (hereinafter "COUNTY") and **DUKE ENERGY FLORIDA, LLC**, a Florida limited liability company D/B/A **DUKE ENERGY**, as successor to, Florida Power Corporation, a Florida Corporation d/b/a Progress Energy Florida, Inc., whose mailing address 3300 Exchange Place, Lake Mary, Florida 32746, (hereinafter "UTILITY").

### WITNESSETH

**WHEREAS**, the UTILITY presently has an interest in certain lands (hereinafter the "Lands") that have been determined necessary for intersection improvements to CR 547 (Davenport Blvd) at 10<sup>th</sup> Street North, Capital Improvement Project, Project No. 5400198, (hereinafter the "Project"); and

**WHEREAS**, the proposed use of these Lands for the Project will require the subordination of the interest claimed in such Lands by the UTILITY to the COUNTY; and

**WHEREAS**, at the request of the COUNTY, the UTILITY has agreed to subordinate its interest in such Lands as described in "**EXHIBIT A**" attached hereto and made a part hereof.

**NOW, THEREFORE**, in consideration of the mutual covenants and promises of the parties hereto, UTILITY and COUNTY agree as follows:

UTILITY hereby subordinates, to the interest of COUNTY, its successors or assigns, any and all of its interest in the Lands as follows, viz:

### SEE EXHIBIT "A"

Encumbrance	Date	From	Book/Page
Distribution Easement	02/02/2006	NOTTING HILL, LLC	OR 6683/893

**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 established Polk County right-of-way permitting process. Any new construction or relocation of facilities within the Lands described in attached "Exhibit A" shall be subject to prior approval by the COUNTY. Should the COUNTY 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 the Lands described herein, the COUNTY hereby agrees to pay the cost of such alteration, adjustment or relocation, including, but not limited to, the cost of acquiring appropriate replacement easements.
2. 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, and remove where necessary, such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not in any way interfere with the operation and safety of the COUNTY's facilities.
3. The UTILITY agrees to repair any damage to COUNTY facilities resulting from the UTILITY's use of the Lands described in attached Exhibit "A".

4. The COUNTY agrees to repair any damage to UTILITY facilities resulting from the COUNTY's use of the Lands described in attached Exhibit "A".

**IN WITNESS WHEREOF**, the COUNTY has caused these presents to be executed in its name through its Board of County Commissioners, signing by and through its Chairman, authorized to execute same by Board action on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:  
Stacy M. Butterfield  
Clerk to the Board

**Polk County, a political subdivision of  
the State of Florida**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
**W. C. Braswell, Chair  
Board of County Commissioners**

This \_\_\_\_\_ day of \_\_\_\_\_, 2024

Reviewed as to form and legality

\_\_\_\_\_  
Name  
County Attorney's Office

IN WITNESS WHEREOF, the UTILITY has caused these presents to be executed in its name by and through its authorized executive officer, on behalf of the Company, on the 25 day of January, 2024.

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

**DUKE ENERGY FLORIDA, LLC**, a Florida limited liability company D/B/A **DUKE ENERGY**

*Nicole Wicks*  
Witness

Nicole Wicks  
Printed Name

2166 Palmetto St. Clearwater, FL  
Address

By: *Susann Price*

Susann Price, Manager Land Services II  
Printed Name, Title

**APPROVED**  
By Shantel W. Ocampo at 5:25 pm, Jan 19, 2024

*Harley E. Sanwick, Jr.*  
Witness

Harley E. Sanwick, Jr.  
Printed Name

2166 Palmetto St., Clearwater, FL 33765  
Address

STATE OF FLORIDA

COUNTY OF Pinellas

THE FOREGOING instrument was acknowledged before me by means of  physical presence or  online notarization on this 25<sup>th</sup> day of January, 2024, by Susann Price, Manager Land Services II of **DUKE ENERGY FLORIDA, LLC**, a Florida limited liability company D/B/A **DUKE ENERGY**, on behalf of the company. He/She is  personally known to me or  has produced \_\_\_\_\_ as identification.

(SEAL)

*Harley E. Sanwick, Jr.*  
Notary Public

Harley E. Sanwick, Jr.  
Printed Name

HH 290964 7/21/2026  
Commission Number and Expiration Date

S:\ACTIVE\FLACKS GROUP - DAVENPORT\NOTTINGHILL DAVENPORT-RW DESC.dwg, 8/8/2023 1:33 PM, Ken Thompson

**LEGAL DESCRIPTION:**

PERPETUAL ROAD RIGHT-OF-WAY OVER AND ACROSS THAT PORTION OF TRACT 8 IN THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF THE MAP OF FLORIDA DEVELOPMENT CO. TRACT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 60, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 8, THENCE SOUTH 00°14'50" EAST ALONG THE EAST BOUNDARY THEREOF A DISTANCE OF 40.19 FEET; THENCE NORTH 88°52'45" WEST, A DISTANCE OF 14.81 FEET TO THE WEST RIGHT-OF-WAY OF 10TH STREET NORTH AS RECORDED IN PLAT BOOK 3, PAGE 60 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE SOUTH 00°14'22" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 259.61 FEET TO THE NORTHEAST CORNER OF NOTTING HILL PHASE ONE AS RECORDED IN CONDOMINIUM BOOK 17, PAGE 47 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE NORTH 89°49'31" WEST ALONG THE NORTH LINE OF SAID NOTTING HILL, A DISTANCE OF 25.00 FEET; THENCE NORTH 00°14'22" WEST, 25.00 FEET WEST OF AND PARALLEL TO THE AFOREMENTIONED WEST RIGHT-OF-WAY, FOR A DISTANCE OF 225.85 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 35.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/Delta OF 88°38'23" (CHORD = 48.91 FEET, CHORD BEARING = NORTH 44°33'34" WEST) FOR A DISTANCE OF 54.15 FEET TO THE END OF SAID CURVE AND THE POINT OF CUSP WITH THE SOUTH RIGHT-OF-WAY LINE OF DAVENPORT BOULEVARD; THENCE SOUTH 88°52'45" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 59.19 FEET TO THE POINT OF BEGINNING.

**LEGAL DESCRIPTION AND SKETCH  
NOT A BOUNDARY SURVEY  
SHEET 1 OF 2  
EXHIBIT "A"**

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY KENNETH W. THOMPSON, P.S.M. AS EVIDENCED BY EITHER AN ORIGINAL SIGNATURE OR A DIGITAL SIGNATURE AFFIXED HERETO.



6700 South Florida Avenue, Suite 1, Lakeland, Florida 33813  
(863) 904-4699 - kthompson@platinumsurveying.com  
**STATE OF FLORIDA AUTHORIZATION FOR:  
SURVEYING AND MAPPING BUSINESS - LB 8135**

**"NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER UNLESS AFFIXED WITH AN ELECTRONIC SIGNATURE"**  
Digitally signed by Kenneth W Thompson  
W Thompson  
Date: 2023.08.08 13:55:05  
-04'00'

KENNETH W. THOMPSON P.L.S. #4080



S:\ACTIVE\FLACKS GROUP - DAVENPORT\NOTTINGHILL DAVENPORT-RW DESC.dwg, 8/8/2023 1:33 PM, Ken Thompson

**DAVENPORT BOULEVARD**  
PAVEMENT WIDTH VARIES -  
80' RIGHT-OF-WAY WIDTH  
SOUTH RIGHT-OF-WAY

POINT OF COMMENCEMENT  
NORTHEAST CORNER OF  
SECTION 8, TOWNSHIP 27  
SOUTH, RANGE 27 EAST  
FPK N&D - CHASTAIN  
CORNER RECORD #078011  
S88°52'45"E 59.19'

FPK N&D  
CHASTAIN  
S00°14'50"E  
40.19'

D=088°38'23"  
R=35.00'  
L=54.15'  
CH=48.91'  
CB=N44°33'34"W

FPK N&D  
LB4475

POINT OF  
BEGINNING

N88°52'45"W  
14.81'

ADDITIONAL RIGHT-OF-WAY IN FAVOR OF POLK COUNTY  
S00°14'22"E 225.85'

S00°14'22"E 259.61' BASIS OF BEARINGS

PLATTED WEST PER PLAT BOOK 3, PAGE 60 (15 FEET)

10TH STREET NORTH

PAVEMENT WIDTH VARIES - 80' RIGHT-OF-WAY WIDTH

N89°49'31"W  
25.00'

FPK N&D  
LB4475

N89°49'31"W 198.65'  
THE NORTHEAST CORNER OF  
NOTTING HILL PHASE ONE  
PER CONDO BOOK 17, PAGE  
47

**LEGAL DESCRIPTION AND SKETCH  
NOT A BOUNDARY SURVEY  
SHEET 2 OF 2  
EXHIBIT "A"**

THE SEAL APPEARING ON THIS DOCUMENT WAS  
AUTHORIZED BY KENNETH W. THOMPSON, P.S.M.  
AS EVIDENCED BY EITHER AN ORIGINAL SIGNATURE  
OR A DIGITAL SIGNATURE AFFIXED HERETO.



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"NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  
UNLESS AFFIXED WITH AN ELECTRONIC SIGNATURE"

Kenneth W  
Thompson

Digitally signed by Kenneth W Thompson  
STATE OF  
FLORIDA  
DATE: 2023.08.08 13:50:04-04'00'

KENNETH W. THOMPSON P.L.S. #4080

