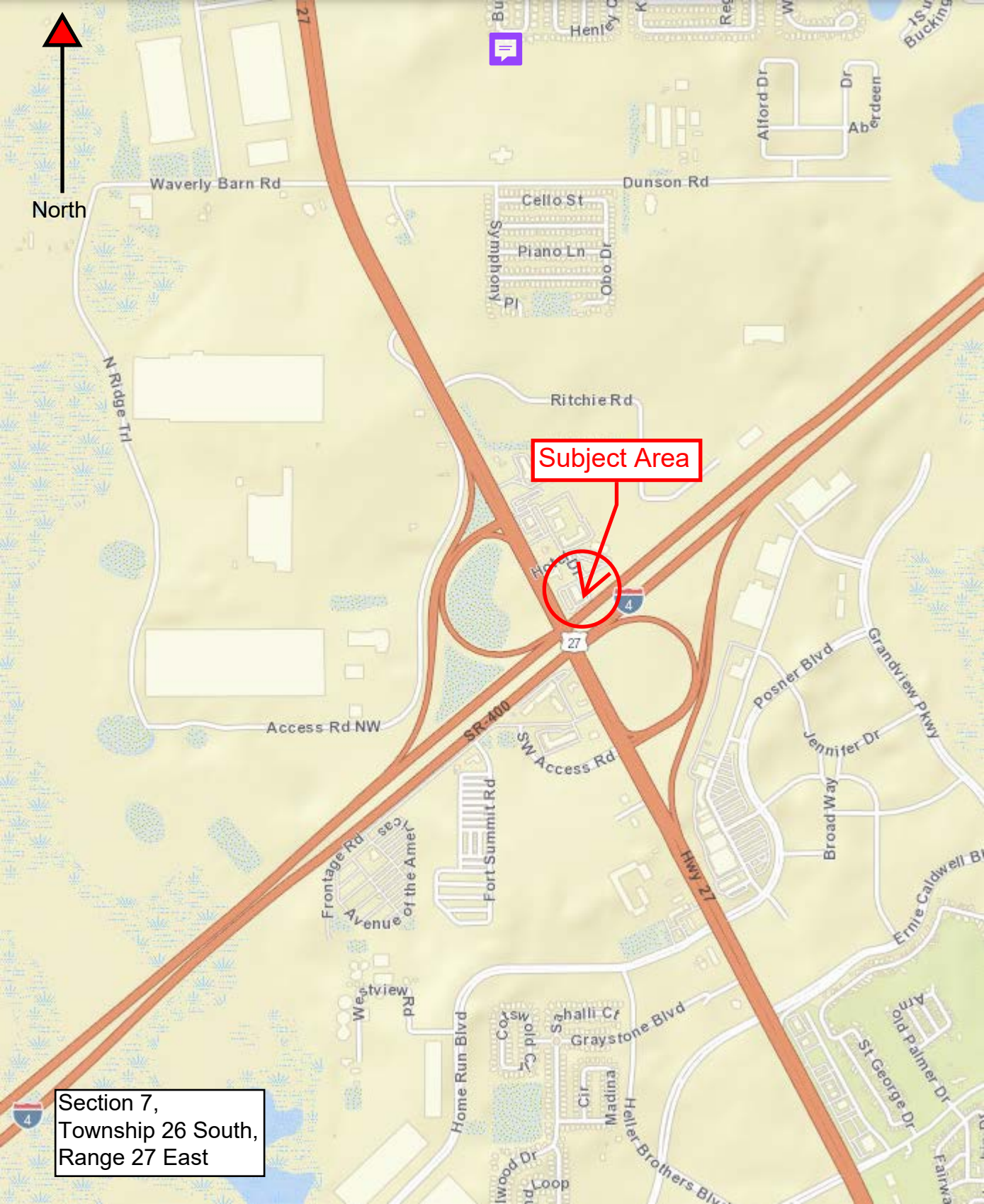




North

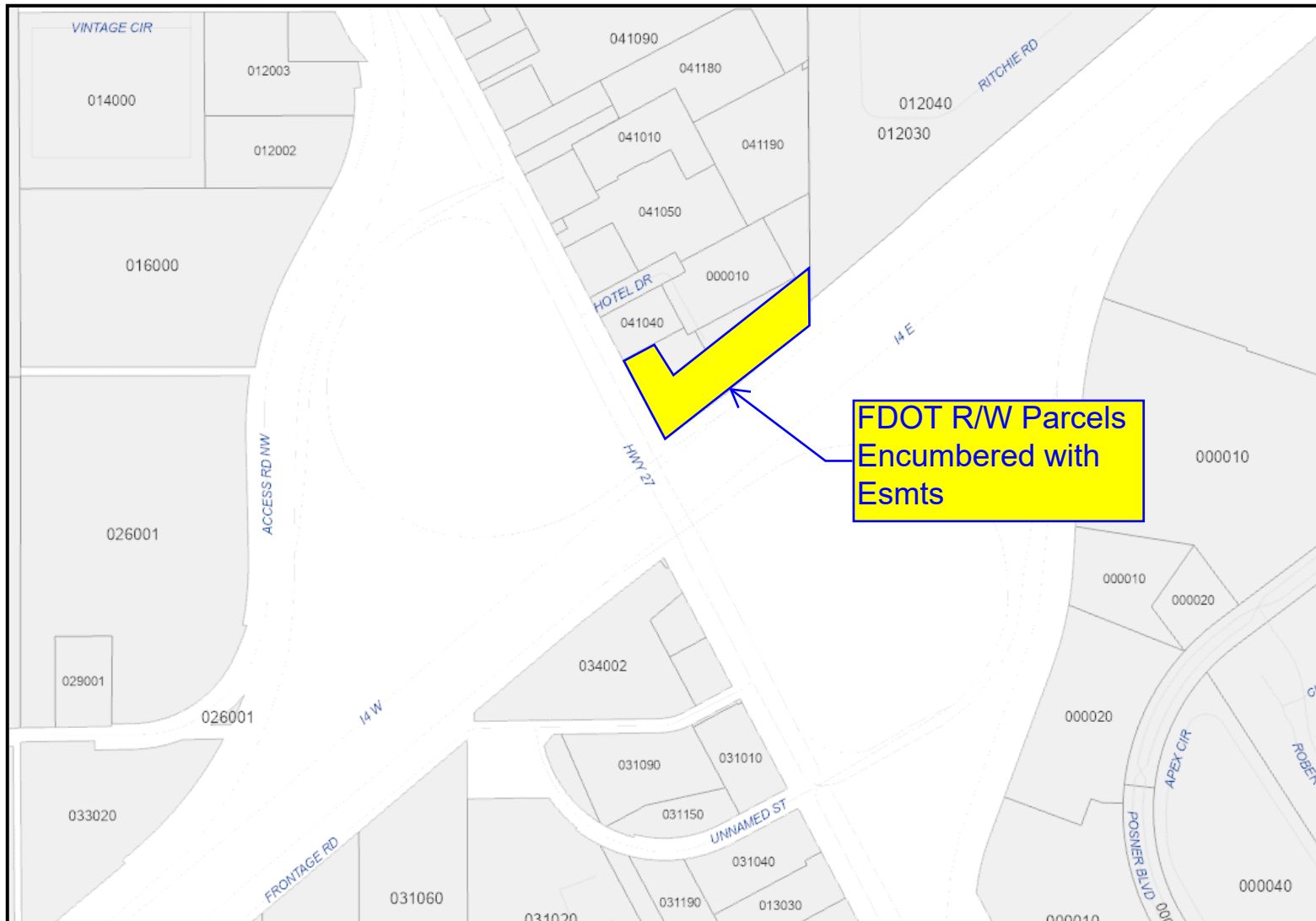
Subject Area

Section 7,
Township 26 South,
Range 27 East





SECTION 7, TOWNSHIP 26 SOUTH, RANGE 27 EAST



23-UTL.02-05/09

Date: October 29, 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. 2012103 & 2012106
PARCEL 104.7
SECTION 16320-000
STATE ROAD 400 (I-4)
COUNTY Polk

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 POLK 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
Polk County Utilities Easement (Corporate)	03-31-09	Kismet Development, LLC / Kismet II, LLC	POLK COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA	OR 7850 PG 1929
Polk County Utility Easement	04-23-08	Kismet Development, LLC, a Florida Limited Liability Company	POLK COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA	PB 150 PG 19

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.
5. The FDOT agrees to repair any damage to County facilities resulting from the FDOT's use of lands described in Exhibit 'A'.

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
_____	By: _____
Legibly Print/Type Name	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:
Clerk(or Deputy Clerk)

Polk County, a political subdivision of
the State of Florida
By Its Board of County Commissioners

_____(SEAL)
Name: _____

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

P.O. Box 9005

Drawer RE-01

Bartow, FL 33831

F.P. NO. 2012103 & 2012106
SECTION 16320-000
PARCEL 104

LIMITED ACCESS RIGHT OF WAY

- A) That portion of Lot C, Orlando South Development, a subdivision lying in Section 7, Township 26 South, Range 27 East, as per plat thereof recorded in Plat Book 150, Page 19, Public Records of Polk County, Florida.

Being described as follows:

Commence at the southeast corner of the southwest 1/4 of said Section 7, thence along the east line of said southwest 1/4, North 00°02'04" West a distance of 1,254.84 feet to the survey baseline of State Road 400 (I-4); thence along said survey baseline South 50°29'13" West a distance of 583.38 feet; thence North 27°35'41" West a distance of 173.48 feet to the southwest corner of said Lot C and to an intersection with the northwesterly existing Limited Access right of way line of said State Road 400 (I-4) (per section 16320-2402) and the east existing right of way line of State Road 25 (U.S. 27) (per Section 1618-203) for a POINT OF BEGINNING; thence continue along said east existing right of way line and the west line of said Lot C, North 27°35'41" West a distance of 140.46 feet; thence North 50°28'00" East a distance of 286.18 feet to a point on the east line of said Lot C also being a point on the west line of Lot D (per said plat); thence along said east line and said west line South 27°37'20" East a distance of 160.73 feet to said northwesterly existing Limited Access right of way line and to the southeast corner of said Lot C; thence along said northwesterly existing Limited Access right of way line and the south line of said Lot C, South 50°29'13" West a distance of 0.49 feet; thence continue along said northwesterly existing Limited Access right of way line and said south line, South 54°29'49" West a distance of 282.27 feet to the POINT OF BEGINNING.

Containing 42,177 Square feet

ALSO

RIGHT OF WAY

- B) That portion of Lot C, Orlando South Development, a subdivision lying in Section 7, Township 26 South, Range 27 East, as per plat thereof recorded in Plat Book 150, Page 19, Public Records of Polk County, Florida.

Being described as follows:

Commence at the southeast corner of the southwest 1/4 of said Section 7, thence along the east line of said southwest 1/4, North 00°02'04" West a distance of 1,254.84 feet to the survey baseline of State Road 400 (I-4); thence along said survey baseline South 50°29'13" West a distance of 583.38 feet; thence North 27°35'41" West a distance of 313.94 feet to a point on the east existing right of way line of State Road 25 (U.S. 27) (per Section 1618-203) and to a point on the west line of said Lot C for a POINT OF BEGINNING; thence continue along said east existing right of way line and said west line North 27°35'41" West a distance of 179.39 feet to the northwest corner of said Lot C, thence along the north line of said Lot C, North 62°22'33" East a distance of 69.62 feet; thence South 39°32'00" East a distance of 161.14 feet; thence South 50°28'00" West a distance of 105.23 feet to the POINT OF BEGINNING.

Containing 14,723 square feet

ALSO

That portion of Lot C, Orlando South Development, a subdivision lying in Section 7, Township 26 South, Range 27 East, as per plat thereof recorded in Plat Book 150, Page 19, Public Records of Polk County, Florida.

Being described as follows:

Commence at the southeast corner of the southwest 1/4 of said Section 7, thence along the east line of said southwest 1/4, North 00°02'04" West a distance of 1,254.84 feet to the survey baseline of State Road 400 (I-4); thence along said survey baseline South 50°29'13" West a distance of 583.38 feet; thence North 27°35'41" West a distance of 493.33 feet to a point on the east existing right of way line of State Road 25 (U.S. 27) (per Section 1618-203) and the northwest corner of said Lot C; thence along the north line of said Lot C, North 62°22'33" East a distance of 69.62 feet for a POINT OF BEGINNING; thence continue along said north line North 62°22'33" East a distance of 180.31 feet to the most northerly northeast corner of said Lot C and to a point on the west line of Lot A (per said plat); thence along the east line of said Lot C and said west line South 27°35'17" East a distance of 29.55 feet to the north line of said Lot C and to the southwest corner of said Lot A; thence along said north line and the south line of said Lot A North 62°22'33" East a distance of 30.02 feet to the most easterly northeast corner of said Lot C and to the northwest corner of Lot D (per said plat); thence along the east line of said Lot C and the west line of said Lot D, South 27°37'20" East a distance of 90.78 feet; thence South 50°28'00" West a distance of 180.95 feet; thence North 39°32'00" West a distance of 161.14 feet to the POINT OF BEGINNING.

Containing 26,346 square feet

Legal Description Approved by
Wilfredo A. Alfonzo P.S.M. #7107
On: May 29, 2024

23-UTL.02-05/09

Date: October 29, 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. 2012103 & 2012106
PARCEL 105.7
SECTION 16320-000
STATE ROAD 400 (I-4)
COUNTY Polk

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 POLK 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
Polk County Utility Easement	04-23-08	Kismet Development, LLC, a Florida Limited Liability Company	POLK COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA	PB 150 PG 19
Polk County Utilities Easement (Corporate)	03-31-09	Kismet Development, LLC / Kismet II, LLC	POLK COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA	OR 7850 PG 1929

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.
5. The FDOT agrees to repair any damage to County facilities resulting from the FDOT's use of lands described in Exhibit 'A'.

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
Post Office Box 1249

*Witness Mailing Address:

Post Office Box 1249

Bartow, Florida 33831-1249

Bartow, Florida 33831-1249

Legal Review:

Department Attorney

_____(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: _____

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:
Clerk(or Deputy Clerk)

Polk County, a political subdivision of
the State of Florida.
By Its Board of County Commissioners

_____(SEAL)
Name: _____

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

P.O. Box 9005

Drawer RE-01

Bartow, FL 33831

F.P. NO. 2012103 & 2012106
SECTION 16320-000
PARCEL 105

LIMITED ACCESS RIGHT OF WAY

Those portions of Lots D and E, Orlando South Development, a subdivision lying in Section 7, Township 26 South, Range 27 East, as per plat thereof recorded in Plat Book 150, Page 19, Public Records of Polk County, Florida.

Being described as follows:

Commence at the southeast corner of the southwest 1/4 of said Section 7, thence along the east line of said southwest 1/4, North 00°02'04" West a distance of 1,254.84 feet to the survey baseline of State Road 400 (I-4); thence continue along said east line North 00°02'04" West a distance of 194.34 feet to the southeast corner of Lot D (per said plat) and to the northwesterly existing Limited Access right of way line of said State Road 400 (I-4) (per section 16320-2408) for a POINT OF BEGINNING; thence along the south line of said Lot D and said northwesterly existing Limited Access right of way line South 50°29'13" West a distance of 389.04 feet to the southwest corner of said Lot D and to the southeast corner of Lot C (per said plat); thence along the west line of said Lot D and the east line of said Lot C, North 27°37'20" West a distance of 160.73 feet; thence North 50°28'00" East a distance of 485.61 feet to a point on the east line of said Orlando South Development also being the east line of said southwest 1/4; thence along said east line South 00°02'04" East a distance of 203.98 feet to the POINT OF BEGINNING.

Containing 1.580 acres

ALSO

Those portions of Lots D and E, Orlando South Development, a subdivision lying in Section 7, Township 26 South, Range 27 East, as per plat thereof recorded in Plat Book 150, Page 19, Public Records of Polk County, Florida.

Being described as follows:

Commence at the southeast corner of the southwest 1/4 of said Section 7, thence along the east line of said southwest 1/4, North 00°02'04" West a distance of 1,254.84 feet to the survey baseline of State Road 400 (I-4); thence continue along said east line North 00°02'04" West a distance of 398.32 feet to a point on the east line of said Lot E for a POINT OF BEGINNING; thence South 50°28'00" West a distance of 485.61 feet to a point on the west line of said Lot D also being a point on the east line of Lot C (per said plat); thence along said west line and said east line, North 27°37'20" West a distance of 90.78 feet to the northwest corner of said Lot D and to a point on the south line of Lot A (per said plat); thence along the north line of said Lot D and said south line, North 62°22'33" East a distance of 410.00 feet to the southeast corner of said Lot A and to a point on the west line of said Lot E; thence along said west line and the east line of said Lot A, North 27°58'23" West a distance of 244.17 feet to the northwest corner of said Lot E and to the northeast corner of said Lot A; thence along the north line of said Lot E, North 62°24'59" East a distance of 189.24 feet to the northeast corner of said Lot E and to the east line of said southwest 1/4; thence along said east line South 00°02'04" East a distance of 264.71 feet to the POINT OF BEGINNING.

Containing 1.143 acres

ALSO

All of Lot B, Orlando South Development, a subdivision lying in Section 7, Township 26 South, Range 27 East, as per plat thereof recorded in Plat Book 150, Page 19, Public Records of Polk County, Florida.

Being described as follows:

Commence at the southeast corner of the southwest 1/4 of said Section 7, thence along the east line of said southwest 1/4, North 00°02'04" West a distance of 1,254.84 feet to the survey baseline of State Road 400 (I-4); thence along said survey baseline South 50°29'13" West a distance of 583.38 feet; thence North 27°35'41" West a distance of 668.43 feet to a point on the east existing right of way line of State Road 25 (U.S. 27) (per Section 1618-203) and to the southwest corner of said Lot B, for a POINT OF BEGINNING; thence along said east existing right of way line and the west line of said Lot B, continue North 27°35'41" West a distance of 80.00 feet to the northwest corner of said Lot B, thence along the north line of said Lot B, North 62°24'59" East a distance of 349.92 feet to the northeast corner of said Lot B; thence along the east line of said Lot B, South 27°35'43" East distance of 80.00 feet to the southeast corner of said Lot B; thence along the south line of said Lot B, South 62°24'59" West a distance of 349.92 feet to the POINT OF BEGINNING.

Containing 27,994 square feet.

Legal Description Approved by
Wilfredo A. Alfonzo P.S.M. #7107
On July 1, 2024