

23-UTL.02-05/09

Date: December 30, 2019

This instrument prepared

under the direction of:

Angela D. Tucker, Chief Counsel

Post Office Box 1249

City: Bartow, Florida 33831-1249

Department of Transportation

F.P. NO. 4335921

PARCEL 716.2

SECTION 13010-000

STATE ROAD 45(US 41)

COUNTY Manatee

**SUBORDINATION OF COUNTY UTILITY INTERESTS
FOR TEMPORARY EASEMENTS**

THIS AGREEMENT, entered into this ___ day of _____, 20__, 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 MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, 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"

It is understood and agreed by the parties hereto that the rights granted herein shall terminate upon completion of this transportation project, but no later than the last day of December, 2024.

RECORDED

| INSTRUMENT | DATE | FROM | TO | O.R. BOOK/PAGE |
|------------------|----------|--|----------------------------|-------------------|
| Utility Easement | 04-26-66 | Chester C. and Eva C. Harris | Manatee County, Florida | OR 282 PG 51 |
| Utility Easement | 04-25-66 | R. Paul & Hazel A. Donahoe | Manatee County, Florida | OR 282 PG 62 |
| Utility Easement | 04-25-66 | R. Paul & Hazel A. Donahoe | Manatee County, Florida | OR 282 PG 63 |
| Utility Easement | 11-20-73 | R. Paul Donahoe & Hazel A. Donahoe, his wife | Manatee County, Florida | OR 677 PG 613 |

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. The Utility also agrees, to the extent provided by and subject to the limitations of Section 768.28, Florida Statutes, 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.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Signature

Legal Review:

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____, District Secretary/Designee for District One. He is personally known to me or has produced _____ as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.
My Commission Expires:

Serial No.: _____

DULY ADOPTED with a quorum present and voting this ____ day of _____ 20__.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

Grantor(s)' Mailing Address:

FP. NO. 4335921

SECTION 13010-000

PARCEL 716

TEMPORARY CONSTRUCTION EASEMENT

That portion of the southwest 1/4 of Section 11, Township 35 South, Range 17 East, Manatee County, Florida.

Being described as follows:

Commence at the southwest corner of said Section 11; thence along the south line of said Section 11, South 89°12'29" East a distance of 1,305.79 feet to the survey base line of State Road 45 (US 41); thence along said survey base line North 00°27'52" East a distance of 158.42 feet; thence South 89°32'08" East a distance of 49.00 feet for a POINT OF BEGINNING; thence North 00°27'52" East a distance of 21.82 feet; thence South 89°32'08" East a distance of 1.65 feet; thence South 00°27'52" West a distance of 21.82 feet; thence North 89°32'08" West a distance 1.65 feet to the POINT OF BEGINNING.

Containing 36 square feet.

Legal Description Approved by:
Richard M. "Mike" Benton, P.S.M. #6447
On December 30, 2019