

23-UTL.02-05/09

Date: October 1, 2019
This instrument prepared
under the direction of:
Angela D. Tucker, Chief Counsel
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 2010325
PARCEL 106.4
SECTION 13075-000
STATE ROAD 93(I-75)
COUNTY Manatee

SUBORDINATION OF COUNTY UTILITY INTERESTS

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"

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Permanent Easement	10-17-12	Golf Car Outlet, LLC, a Florida limited liability company	Manatee County	OR 2458 Pg. 5682

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 AND COMPTROLLER

By: _____
Deputy Clerk

Utility's Mailing Address:
Post Office Box 1000
Bradenton, Florida 34206

F.P. NO. 2010325
SECTION 13075-000
PARCEL 106

RIGHT OF WAY

That portion of vacated right of way per Official Records Book 2458, Page 5673, Public Records of Manatee County, Florida, and that portion of Block 11, Phillips & Allen's Re-subdivision of W. H. Vanderipe Subdivision, a subdivision, as per plat thereof recorded in Plat Book 1, Page 308, Public Records of Manatee County, Florida, all being in Section 9, Township 34 South, Range 18 East, Manatee County, Florida.

Being described as follows:

Commence at the southeast corner of the southwest 1/4 of said Section 9; thence along the south line said southwest 1/4, North 89°37'06" West a distance of 109.49 feet to the survey base line of State Road 93 (I-75); thence along said survey base line North 19°14'22" West a distance of 370.13 feet to the survey base line of State Road 43 (U.S. 301); thence along said survey base line North 72°12'30" East a distance of 338.98 feet; thence South 17°47'30" East a distance of 155.23 feet to the southerly existing right of way line of 19th Street East (per Official Records Book 2458, Page 5673, Public Records of Manatee County, Florida) for a POINT OF BEGINNING; thence along said southerly existing right of way line North 72°12'30" East a distance of 75.58 feet; thence South 00°49'11" West a distance of 49.49 feet to the northerly existing right of way line of 18th Street East, also known as Hard Road (per said plat); thence along said northerly existing right of way line North 89°54'38" West a distance of 62.81 feet to said southerly existing right of way line; thence along said southerly existing right of way line North 17°47'30" West a distance of 27.62 feet to the POINT OF BEGINNING.

Containing 2,598 square feet.

Legal Description Approved by:
Richard M. "Mike" Benton, P.S.M. #6447
On November 27, 2017

EXHIBIT "A"