

23-UTL.02-05/09

Date: August 15, 2011
This instrument prepared under the direction of:
Thomas L. Wright, Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4273071
PARCEL 100.3
SECTION 13010-000
STATE ROAD 45
COUNTY Manatee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 22nd day of September 2011, 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 UTILITIES SYSTEM, Utility Agency Organization, hereinafter called the Utility.

W I T N E S S E T H:

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
Easement	06-24-74	Eugene M. Howerdd, Jr., Timothy J. Connolly and Gerald A. Klein	Manatee County Utilities System	OR 685 Pg. 977

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.

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]
Signature

By: [Signature]
District Secretary/Designee
for District One JCM

Cheri G. Kelley
Print/Type Name

[Signature]
Signature

Legal Review:
[Signature]
[Name]

Dawn Gallon
Print/Type Name

Department Attorney

STATE OF FLORIDA
COUNTY OF Polk

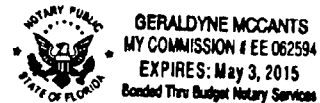
The foregoing instrument was acknowledged before me this 22nd day of September, 2011 by Jim Sands, District Secretary/Designee for District One. He is personally known to me or has produced _____ as identification.

(Affix Seal/Stamp here)

Notary Signature: [Signature]
Printed Name: Geraldine McCants

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

Serial No.: _____



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: [Signature] Manatee County, Florida,

Signature



Its Board of County Commissioners

Print/Type Name

Clerk(or Deputy Clerk)

Signature of Chairman

Carol Whitmore
Print/Type Name 7/6/11

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

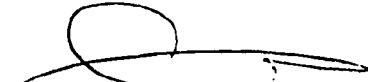
P.O. Box 1000
Bradenton, Florida 34206

STATE OF FLORIDA

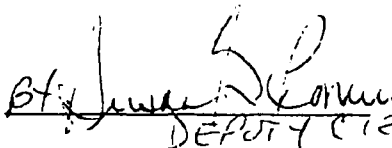

COUNTY OF MANATEE


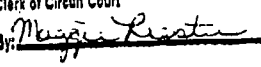
I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Manatee County, Florida at a meeting held on the 6th day of September, 2011.


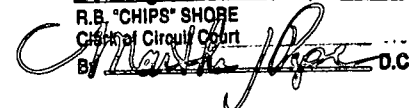
COUNTY OF MANATEE, FLORIDA,
by and through its BOARD OF
COUNTY COMMISSIONERS:

By: 
Chairman Carol Whitmore

ATTEST: R. B. SHORE
Clerk of the Circuit Court


DEPUTY CLERK 


STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 6th day of September, 2011
R.B. SHORE
Clerk of Circuit Court
By:  D.C.


STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 This copy has no redactions This copy may have been redacted pursuant to law
Witness my hand and official seal this 3rd day of November, 2011
R.B. "CHIPS" SHORE
Clerk of Circuit Court
By:  D.C.

UTL.03

Date: August 15, 2011
This instrument prepared
under the direction of:
Thomas L. Wright, Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4273071
PARCEL 100.3
SECTION 13010-000
STATE ROAD 45
COUNTY Manatee

R-11-187
RESOLUTION

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 45, Section No.
13010-000, in Manatee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by Manatee County be subordinated to the
State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
utility interest, or interests, in favor of the State of Florida,
and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of Manatee County, that the application
of the State of Florida Department of Transportation for a
subordination of utility interest, or interests, is for
transportation purposes which are in the public or community
interest and for public welfare; that a subordination of utility
interest, or interests, in favor of the State of Florida
Department of Transportation, in Manatee County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$ -0-.


BE IT FURTHER RESOLVED that a certified copy of this
Resolution be forwarded forthwith to the State of Florida
Department of Transportation at Bartow, Florida.

STATE OF FLORIDA

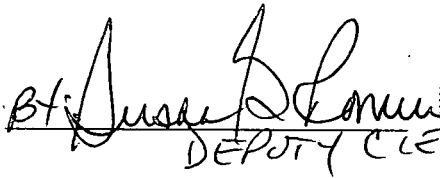
COUNTY OF MANATEE


I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Manatee County, Florida at a meeting held on the 6th day of September, 2011.

COUNTY OF MANATEE, FLORIDA,
by and through its BOARD OF
COUNTY COMMISSIONERS:

By: 
Chairman Carol Whitmore

ATTEST: R. B. SHORE
Clerk of the Circuit Court


DEPUTY CLERK



23-UTL.02-05/09

Date: August 15, 2011
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under the direction of:
Thomas L. Wright, Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4273071
PARCEL 100.3
SECTION 13010-000
STATE ROAD 45
COUNTY Manatee

SUBORDINATION OF COUNTY UTILITY INTERESTS

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20___, by and between the STATE OF FLORIDA DEPARTMENT OF
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address is: Post Office Box 1249, Bartow, Florida 33831-1249
and MANATEE COUNTY UTILITIES SYSTEM, Utility Agency Organization,
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facilities relocated if necessary to prevent conflict between the
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as follows, viz:

SEE EXHIBIT "A"

RECORDED

INSTRUMENT	DATE	FROM	TO	O. R. BOOK/PAGE
Easement	06-24-74	Eugene M. Howerdd, Jr., Timothy J. Connolly and Gerald A. Klein	Manatee County Utilities System	OR 685 Pg. 977

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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: _____

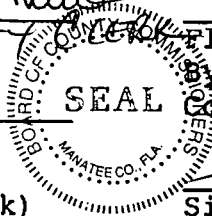
Notary Public in and for
the County and State last
aforesaid.

My Commission Expires:

Serial No.: _____

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: *[Signature]* Manatee County,
Signature DEPUTY CLERK Florida,



By Its Board of County Commissioners

Print/Type Name

Clerk(or Deputy Clerk)

[Signature]
Signature of Chairman 9/6/11

Carol Whitmore
Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

P.O. Box 1000

Bradenton, Florida 34206

FP NO. 4273071

SECTION 13010-000

PARCEL 100

Right of Way

That portion of Section 14, Township 35 South, Range 17 East,
Manatee County, Florida.

Being described as follows:

Commence at a set P.K. nail and disc on the survey base line of
State Road 45 (U.S. 41) at Station 1396+29.90 (per FPID No.
4273071 Section 13010-000); thence along said survey base line,
North 00°26'52" East a distance of 709.49 feet; thence South
89°33'08" East a distance of 49.12 feet to the easterly existing
right of way line of said State Road 45 (per Official Records
Book 820, Page 958, Public Records of Manatee County, Florida)
for a POINT OF BEGINNING; thence South 89°33'08" East a distance
of 5.52 feet; thence South 53°38'08" East a distance of 9.48 feet
to said easterly existing right of way line; thence along said
easterly existing right of way line, North 89°33'08" West a
distance of 13.19 feet; thence continue along said easterly
existing right of way line, North 00°26'52" East a distance of
5.56 feet to the POINT OF BEGINNING.

Containing 52 square feet.

Legal Description Approved by:

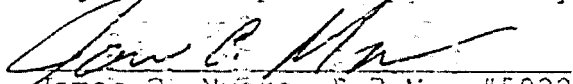


James C. Myers F.S.M. #5922
Date: 08/15/2011
NOT VALID UNLESS EMPOSSSED

EXHIBIT "A"

Page 5 of 5 for Parcel 100.3

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Subordination of Utility Interests to FDOT, Parcel #100.3	TYPE AGENDA ITEM	Consent
DATE REQUESTED	September 6, 2011	DATE SUBMITTED/REVISED	August 15, 2011
BRIEFINGS? Who?	N/A	CONSEQUENCES SECTION	N/A
DEPARTMENT/DIVISION	Property Management/ Property Acquisition Division	AUTHORIZED BY TITLE	Charlie Bishop, Director Property Management Department CHB
CONTACT PERSON TELEPHONE/EXTENSION	Barbara Carter/Extension 3009	MANATEE COUNTY REPRESENTATIVE TELEPHONE/EXTENSION	Joaquin Servia, Property Acquisition Division Manager/Extension 3021
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Adoption of Resolution R-11-187 subordinating Manatee County's utility easement interests in certain real property located along a portion of U.S. 41 required for future road improvements by the Florida Department of Transportation (FDOT).

Authorization for Chairman to execute Subordination of County Utility Interests to FDOT.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Comp Plan - Goal 5.1 addresses the safety and efficiency of forecasted vehicular travel demands

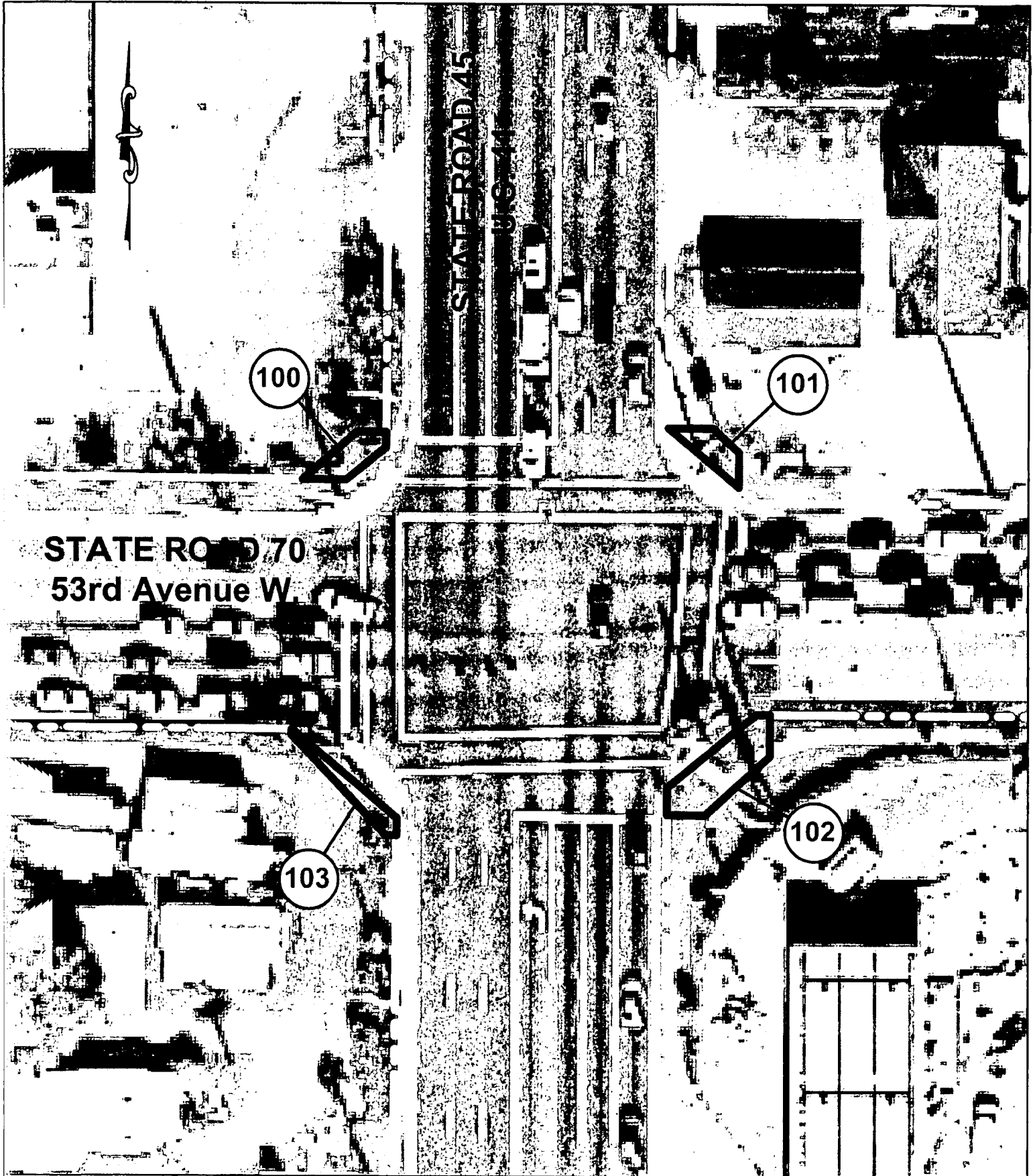
Land Development Code - Section 722.1 through 722.1.3.2 Standard and Design Criteria and Section 909.1 Dedication

BACKGROUND/DISCUSSION

- On June 24, 1974, an Easement, recorded in O.R. Book 685, Page 977 was conveyed to Manatee County from Eugene M. Howerdd, Jr., Timothy J. Connolly and Gerald A. Klein.
- The Easement was granted for utility facilities located at the NE corner of U.S. 41 and 57th Avenue East.
- The FDOT is requesting Manatee County convey its interest in the portion of the easements that lie within the right-of-way of U.S. 41 for future road improvements. Project is identified as FPID Number 427307-1, Section 13010-000, Parcel No. 100.3.
- The FDOT is willing to pay to have the utility facilities relocated, if necessary, to prevent conflict between the facilities so that the benefit of each may be retained.
- The property being conveyed is needed for transportation purposes which are in the interest of the community.
- Resolution and Subordination of County Utility Interests are hereby submitted to the BCC for adoption and execution.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input checked="" type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS: MR 9/6/11 CC: CAO	
1) Resolution R-11-187 2) Subordination Agreement 3) Location Map		Please have two originals executed and return to Barbara Carter, Property Acquisition for forwarding to FDOT for execution and recording. <i>+ cert copy of Resolution</i>	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A



MANATEE COUNTY
PROPERTY MANAGEMENT



1112 MANATEE AVENUE WEST
BRADENTON, FLORIDA, 34205,
(941)748-4501

U.S. 41 & 53rd Ave. W.
Subordination of Easement Location
F.D.O.T. Section 13010-000

District 4
Robin DiSabatino

Scale: 1" = 50'

Date: August 2011

Section , Township
South, Range East

Drawn by: Suzie Cooke