

UTL.03

Date: February 13, 2013
This instrument prepared
under the direction of:
Dean W. Strickland,
Interim Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4294961
PARCEL 102.4
SECTION 13010-000
STATE ROAD 45(US 41)
COUNTY Manatee

R-13-038
R E S O L U T I O N

ON MOTION of Commissioner Chappie
seconded by Commissioner Baugh
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 45(US 41), Section No. 13010-000, in 45(US 41) 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 26th day of February, 2013.

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

By: Larry Bustle Chairman

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

BY: Wabi Jessner
Deputy Clerk



23-UTL.02-05/09

Date: January 29, 2013
This instrument prepared
under the direction of:
Dean W. Strickland,
Interim Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4294961
PARCEL 102.4
SECTION 13010-000
STATE ROAD 45 (US 41)
COUNTY Manatee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this 26th day of February,
20 13, 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, 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	04-17-74	Kropf Eldorado, Inc.	Manatee County	OR 678 Pg. 496
Easement	12-02-10	Allen Investments of Sarasota, LLC, a Florida limited liability company	" " "	OR 2369 Pg. 957

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 the extent provided by Florida Statutes 768.28 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

Legal Review: _____

Signature

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: BY: *R.B. Shore*
Signature

R.B. Shore, Clerk of Circuit Court

Print/Type Name

Clerk (or Deputy Clerk)



MANATEE

County,

Florida,
By Its Board of County
Commissioners

BY: *Larry Bustle*
Signature

Larry Bustle

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

Manatee County

1112 Manatee Avenue West

Bradenton, FL 34205

F.P. NO. 4294961

SECTION 13010-000

PARCEL 102

RIGHT OF WAY

That portion of the northwest 1/4 of Section 26, Township 35 South, Range 17 East, Manatee County, Florida.

Being described as follows:

Commence at the northwest corner of said Section 26; thence along the north line of said Section 26, South 89°36'04" East a distance of 1,324.60 feet to the survey base line of State Road 45 (US 41) and the beginning of a curve having a radius of 1,637.02 feet; thence along said survey base line the arc of said curve to the left a distance of 25.28 feet through a central angle of 00°53'05" with a chord bearing South 08°09'31" East to the end of said curve; thence South 89°39'19" East a distance of 71.64 feet to an intersection with the east existing right of way line of said State Road 45 (per Section 1301-(117)-(201) 119-2502) and the south existing right of way line of 69th Avenue West (per Official Records Book 370, Page 597, Public Records of Manatee County, Florida); also Shores View Street (per said plat) for a POINT OF BEGINNING; thence along said south existing right line continue South 89°39'19" East a distance of 8.19 feet; thence South 38°12'46" West a distance of 38.91 feet to said east existing right of way line of State Road 45 and the beginning of a curve having a radius of 1,587.02 feet; thence along said east existing right of way line the arc of said curve to the right a distance of 1.34 feet through a central angle of 00°02'54" with a chord bearing North 09°59'12" West to the end of said curve; thence continue along said east existing right of way line North 28°48'10" East a distance of 33.45 feet to the POINT OF BEGINNING.

Containing 140 square feet.

Legal Description Approved by:

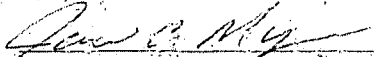

James C. Myers P.S.M. #5922
Date: 01-29-2013
NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5 of 5 for Parcel 102.4

REVISED February 26, 2013, Regular Meeting
Agenda Item #23

Subject

Subordination of Utility Interests to FDOT, Parcel 102.4

Briefings

None

Contact and/or Presenter Information

Bill Pearce / Extension 6281

Joaquin Servia, Division Manager, Property Acquisition / Extension 3021

APPROVED in Open Session
February 26, 2013
Manatee County Board of County
Commissioners

Action Requested

Adoption of Resolution R-13-038 subordinating Manatee County's utility interests in certain real property located along a portion of the intersection of US 41 and 69th Avenue West required for signalization improvements by the Florida Department of Transportation (FDOT).

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

Enabling/Regulating Authority

Florida Statute 125.35 - County Government

Background Discussion

- On April 17, 1974, a Utility Easement, recorded in OR 678 Page 496, was granted to Manatee county from Kropf Eldorado, Inc., subsequently on December 2, 2010, an additional Utility Easement, recorded in OR Book 2369, Page 957, to Manatee County from Allen Investments of Sarasota, LLC. was also granted.
- The easements were granted for utility facilities located at the southeast corner of US 41 and 69th Avenue West.
- The FDOT is requesting Manatee County convey its interest in the portion of the easements that lie within the right of way for future road improvements. The project is identified as FPID Number 4294961, Section 13010-000, Parcel 102.4.
- The FDOT is willing to pay to have the Utility's 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 to the

community.

- Resolution and Subordination of County Utility Interests are hereby presented to the BCC for adoption and execution.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please return two certified copies of the Resolution and two original, executed Subordination of Utility Interests to Bill Pearce, Property Acquisition, for forwarding to FDOT for execution and recording.

2/27/13 QA sent two certified copies of Resolution and two original agreements to Bill Pearce via interoffice mail

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [FDOTresolutionwordformat.pdf](#)

Attachment: [FDOTparcel 102.4-US41subordination.pdf](#)

Attachment: [FDOTparcel102.4-US41locationmap.pdf](#)

UTL.03

Date: February 13, 2013
This instrument prepared
under the direction of:
Dean W. Strickland,
Interim Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4294961
PARCEL 102.4
SECTION 13010-000
STATE ROAD 45 (US 41)
COUNTY Manatee

R-13-038
R E S O L U T I O N

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 (US 41), Section No. 13010-000, in 45 (US 41) 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 _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of _____ County, Florida at a meeting held on the _____ day of _____, 20____.

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

By: _____ Chairman

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

23-UTL.02-05/09

Date: January 29, 2013
This instrument prepared
under the direction of:
Dean W. Strickland,
Interim Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4294961
PARCEL 102.4
SECTION 13010-000
STATE ROAD 45(US 41)
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, 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.

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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
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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 the extent provided by Florida Statutes 768.28 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

Legal Review:

Signature

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

Print/Type Name

Clerk(or Deputy Clerk)

_____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

F.P. NO. 4294961

SECTION 13010-000

PARCEL 102

RIGHT OF WAY

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Containing 140 square feet.

Legal Description Approved by:

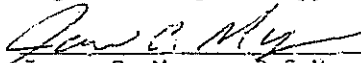

James C. Myers P.S.M. #5922
Date: 01-29-2013
NOT VALID UNLESS EMBOSSED

EXHIBIT "A"



MANATEE COUNTY PROPERTY
MANAGEMENT DEPARTMENT



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

**PARCEL 102
Right-of-Way
S.R. 45 (U.S. 41) & 69th AVENUE W.**

DWG. Date: Jan 2013

DWG. No:

Sheet 1 OF 1

Checked By:

Drawn By: S. Cooke