

This instrument prepared by:  
Mark L. Byers  
Florida Power & Light Company  
P. O. Box 1119  
Sarasota, FL 34230-1119



**SUBORDINATION OF UTILITY INTERESTS  
AND AGREEMENT FOR  
REIMBURSEMENT FOR ADDITIONAL FACILITY RELOCATIONS**

THIS AGREEMENT, entered into this 7<sup>th</sup> day of May, 2013 by and between the COUNTY OF MANATEE, STATE OF FLORIDA, hereinafter called the "County", and FLORIDA POWER & LIGHT COMPANY, a Florida Corporation, whose mailing address is P. O. Box 14000, Juno Beach, Florida 33408, hereinafter called "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 County; and

WHEREAS, the County is willing to pay for the initial relocation of the Utility's facilities within the public right-of-way to prevent conflict between the County's use and the Utility's use, and for the benefit of each, and

WHEREAS the County, in addition, in recognition of the Utility's interest in the certain lands, is willing to pay for any future relocation of the Utility's facilities from or within the entire width of the public right-of-way shown on Exhibit "A", attached hereto and made a part hereof,

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and County agree as follows:

UTILITY subordinates any and all of its interest in its easement lands described on "**EXHIBIT A**" attached hereto and made a part hereof, to the interest of the County, or its successors, for the purpose of constructing, improving, maintaining and operating a road over, through, upon, and/or across such Lands, based on the following:

Nature of Encumbrance	Date	From	In Favor of	Recorded Book-Page
Easement	9/14/77	Richard C. Dungan	Florida Power & Light Company	OR BOOK 875 Page 959

The County and the Utility further agree that:

1. "Public right-of-way", as used herein, shall mean that area which is described in Exhibit "A" and which includes the Utility's easements identified above and additional lands for public right-of-way, as described in Exhibit "A", attached hereto and made a part hereof.

2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the public right-of-way described in Exhibit "A", in accordance with the County's current minimum standards for such facilities as of the date of this agreement. Any new construction or relocation of facilities within the public right-of-way will be subject to prior approval by the County.
3. The County shall pay for the relocation of existing facilities. In addition, the Utility retains the right to be reimbursed, either now or in the future, for additional relocation or adjustment of its facilities located presently or to be located on the public right-of-way described in Exhibit "A", if such relocation or adjustment is caused by present or future uses of the right-of-way by Manatee County or its assigns, including, but not limited to, the cost of acquiring replacement easements.
4. The Utility shall have the right to enter upon the lands described in Exhibit "A" for the purposes outlined in Paragraph 2 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities. County shall provide and insure access to said lands by the Utility.
5. The Utility agrees to repair any damage to County facilities and to indemnify the County against any loss or damage resulting from the Utility exercising its rights to construct, operate, maintain, improve, add to, upgrade or remove its facilities on the said public right-of-way.
6. This Agreement shall not be assigned by County except to the State of Florida.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered  
in the presence of:

COUNTY OF MANATEE, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA

By: Larry Bustle  
Chairman

Attest: R. B. Shore  
Clerk of Circuit Court:

R. B. Shore



IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered  
in the presence of:

FLORIDA POWER & LIGHT COMPANY

By: *R.M. Novak*  
Print Name: ROSE MARIE NOVAK

By: *[Signature]*  
Title: West Area Real Estate Manager  
Print Name: Mark L. Byers

By: *[Signature]*  
Print Name: RAE DOWLING

(Corp. Seal)

STATE OF FLORIDA, COUNTY OF ~~PALM BEACH~~ SARASOTA

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgements, personally appeared Mark L. Byers to me known and personally known to me to be the person described in, and did not take an oath and who executed the foregoing instrument as its West Area Real Estate Manager of the Florida Power & Light Company and acknowledged before me that he executed the same as such official in the name and on behalf of said Corporation.

WITNESS my hand and official seal in the County and State aforesaid this 27 day of MARCH, 2013.

My Commission Expires:

Notary Signature: *R.M. Novak*  
Notary Public State of Florida

Printed Name: ROSE MARIE NOVAK

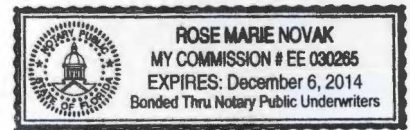




EXHIBIT "A"



**ZNS ENGINEERING**

ENGINEERS | PLANNERS | SURVEYORS | LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS  
 EB 0027476 LS 0000982 LC 0000385

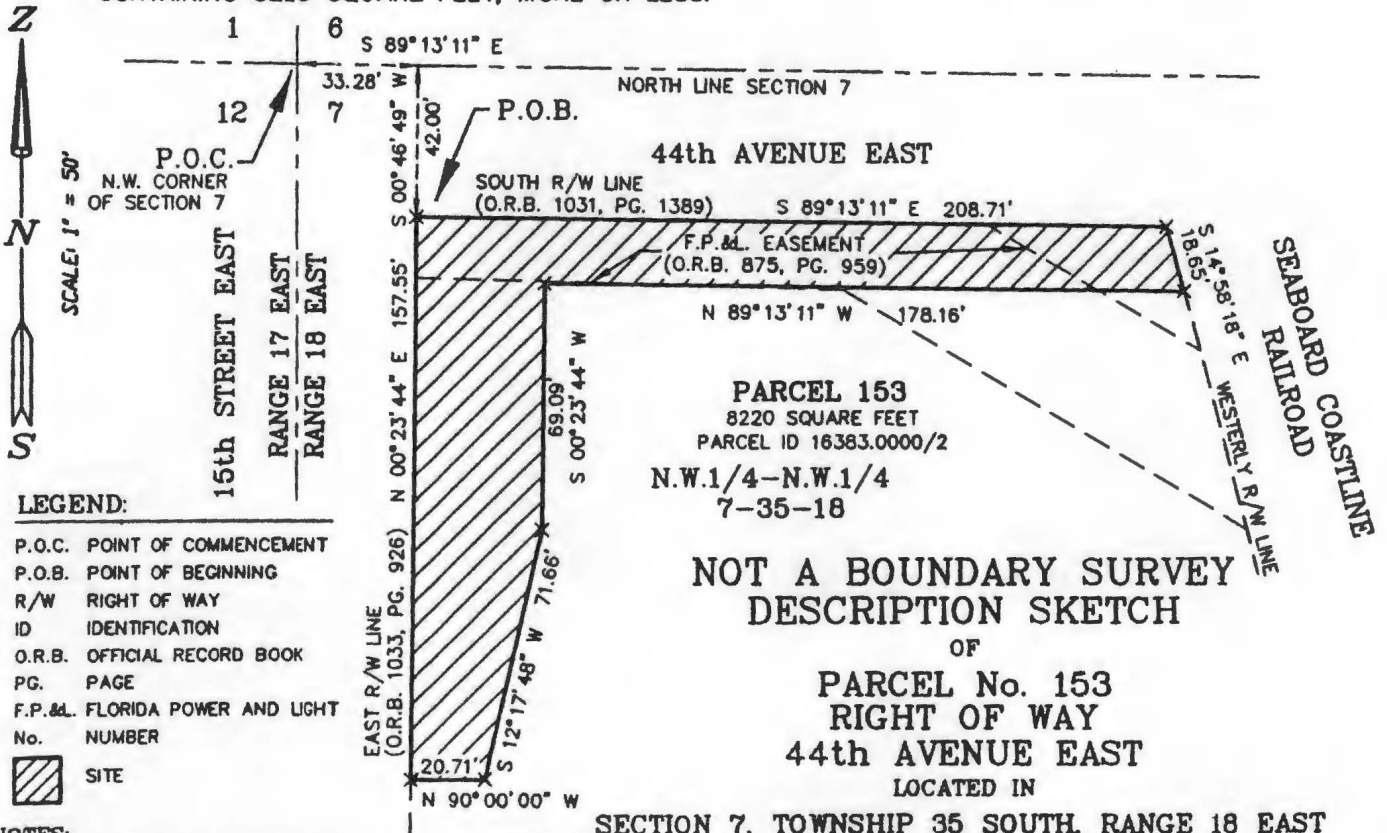
201 5th AVENUE DRIVE EAST  
 POST OFFICE BOX 9448  
 BRADENTON, FLORIDA 34206  
 (941) 748-8080  
 FAX (941) 748-3747

**DESCRIPTION:**

A PARCEL OF LAND LYING IN THE N.W. 1/4 OF THE N.W. 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 7; THENCE S 89°13'11" E, ALONG THE NORTH LINE OF SAID SECTION 7, A DISTANCE OF 33.28 FEET; THENCE S 00°46'49" W, A DISTANCE OF 42.00 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF 44th AVENUE EAST AND THE POINT OF BEGINNING; THENCE S 89°13'11" E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 208.71 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF SEABOARD COASTLINE RAILROAD; THENCE S 14°58'18" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 18.65 FEET; THENCE N 89°13'11" W, A DISTANCE OF 178.16 FEET; THENCE S 00°23'44" W, A DISTANCE OF 69.09 FEET; THENCE S 12°17'48" W, A DISTANCE OF 71.66 FEET; THENCE N 90°00'00" W, A DISTANCE OF 20.71 FEET TO AN INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 15th STREET EAST; THENCE N 00°23'44" E, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 157.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 8220 SQUARE FEET, MORE OR LESS.



**PARCEL 153**  
 8220 SQUARE FEET  
 PARCEL ID 16383.0000/2  
 N.W.1/4-N.W.1/4  
 7-35-18

**NOT A BOUNDARY SURVEY  
 DESCRIPTION SKETCH**

OF  
**PARCEL No. 153**  
**RIGHT OF WAY**  
**44th AVENUE EAST**  
 LOCATED IN

**SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST  
 MANATEE COUNTY, FLORIDA**

**LEGEND:**

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R/W RIGHT OF WAY
- ID IDENTIFICATION
- O.R.B. OFFICIAL RECORD BOOK
- PG. PAGE
- F.P.&L. FLORIDA POWER AND LIGHT
- No. NUMBER
- SITE

**NOTES:**

1. BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, HAVING A BEARING OF S 89°13'11" E, AND AND BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM (WEST ZONE) NAD 83/90 DERIVED FROM MANATEE COUNTY GIS CONTROL SURVEY (1988) MONUMENTATION.
2. THIS DRAWING IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY AS SUCH.

© ZNS ENGINEERING, L.C.  
 THIS DOCUMENT IS PROTECTED BY SECTION 106 OF THE "UNITED STATES COPYRIGHT ACT". REPRODUCTION OR ALTERATION OF THIS DOCUMENT OR THE INFORMATION CONTAINED HEREON BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED WITHOUT THE PRIOR WRITTEN CONSENT OF ZNS ENGINEERING, L.C. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WE HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION HAVE BEEN PREPARED UNDER OUR DIRECT SUPERVISION, THAT THEY ARE A TRUE REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, THAT THEY ARE CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT THEY MEET THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE.

BY:   
 JAMES N. GATOR, JR., P.S.M.  
 FLORIDA CERTIFICATE NO. LS 4295  
 DATE OF CERTIFICATION: 12/15/09

Clerk of the Circuit Court - Manatee County  
R.B."Chips" Shore  
P.O. Box 25400 Bradenton FL 34206  
Visit our website: "www.manateeclerk.com"

INVOICE

MAN CO PROJECT MGT  
ATTN: BOARD RECORDS

RECEIPT  
#1 of #1

001.133000

STEVIEMARIE

AR PAYOR: AR700013 GOMC Book# 2471 Page# 6574  
DOC TYPE: AGR CALC AMOUNT: \$0.00  
PAGES: 4 FILE# 003149768  
Receipt: 475020061 5/09/13 3:00PM

By: FGERNS

CODE	RECEIPT DESC.	FUND	ACCOUNT	QTY	FEEES
R	RECORDING TRUST	199	000000341150	0	2.50
R	RECORDING FEES	001	000000341100	0	17.00
R	CLERK CT TECH FUND	199	000000341160	0	7.60
R	FL ASSOC COURT CLERK	001	000000208911	0	0.40
R	BD OF COUNTY COMM	001	000000208912	0	8.00

RECEIPT TOTAL: \$35.50  
GRAND TOTAL: \$35.50

Receipt#  
475020061 thru 475020061



OFFICE HOURS \*\*\*\*\*8:30 AM - 5:00 PM  
"Pride in Service with a Vision to the Future"

Clerk of the Circuit Court - Manatee County  
R.B."Chips" Shore  
P.O. Box 25400 Bradenton FL 34206  
Visit our website: "www.manateeclerk.com"

INVOICE

MAN CO PROJECT MGT  
ATTN: BOARD RECORDS

RECEIPT  
#1 of #1

001.133000

STEVIEMARIE

AR PAYOR: AR700013 GOMC Book# 2471 Page# 6574  
DOC TYPE: AGR CALC AMOUNT: \$0.00  
PAGES: 4 FILE# 003149768  
Receipt: 475020061 5/09/13 3:00PM

By: FGERNS

CODE	RECEIPT DESC.	FUND	ACCOUNT	QTY	FEEES
R	RECORDING TRUST	199	000000341150	0	2.50
R	RECORDING FEES	001	000000341100	0	17.00
R	CLERK CT TECH FUND	199	000000341160	0	7.60
R	FL ASSOC COURT CLERK	001	000000208911	0	0.40
R	BD OF COUNTY COMM	001	000000208912	0	8.00

RECEIPT TOTAL: \$35.50  
GRAND TOTAL: \$35.50

Receipt#  
475020061 thru 475020061



OFFICE HOURS \*\*\*\*\*8:30 AM - 5:00 PM  
"Pride in Service with a Vision to the Future"



REVISED May 7, 2013 - Regular Meeting  
Agenda Item #27

Subject

Subordination between Florida Power & Light Company and Manatee County for 44th Avenue East (12th Street Court East to 19th Street Court East) Road Project, Parcel #153.

Briefings

None

Contact and/or Presenter Information

Paul Johnson, Extension 6284

Joaquin Servia, Extension 3021

**APPROVED** in Open Session

Manatee County Board of County  
Commissioners

Action Requested

Authorization for Chairman to execute, and record, Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations from Florida Power & Light Company.

Enabling/Regulating Authority

Chapters 125 and 127, Florida Statute. Comp Plan - Goal 5.1 addresses the safety and efficiency of forecasted vehicular demands.

Background Discussion

The original 44th Avenue East (12th Street Court East to 19th Street Court East) Road Right of Way Improvement Project was approved in the FY 1994/1995 CIP on February 25, 1994, and reapproved in FY 2009/2010 CIP on September 15, 2009, Resolution R-09-219.

The subject property is Parcel #153, Cemex Construction Materials Florida, LLC, located at 4415 15th Street East. The property is situated on the south side of 44th Avenue East and the east side of 15th Street East.

The Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations from Florida Power & Light Company is required due to an electric power line easement crossing the area of acquisition by the County.

The instrument is hereby submitted to the BCC for execution and recording.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Notification of instrument recording to Paul Johnson at [paul.johnson@mymanatee.org](mailto:paul.johnson@mymanatee.org), Property Acquisition, Property Management Department. CCC Charge Account # AR 700013 Project Management. - Snt copy to PJ 5/10/ - via email - SS

---

Cost and Funds Source Account Number and Name  
\$35.50 (Recording Fee) 323-6045661-56100-6045661-003

---

Amount and Frequency of Recurring Costs  
N/A

Attachment: [Cemex FPL Subordination location .pdf](#)

Attachment: [Cemex FPL easement #153 .pdf](#)