

UTL.03

Date: July 28, 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. 4272981
PARCEL 102.2
SECTION 13010-000
STATE ROAD 45 (US 41)
COUNTY Manatee

R E S O L U T I O N^{R-11-184}

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 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-.

STATE OF FLORIDA

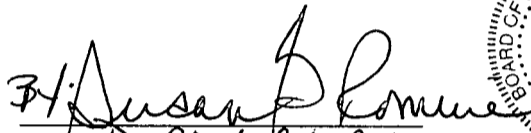
COUNTY OF MANATEE

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: July 28, 2011

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Department of Transportation

F.P. NO. 4272981

PARCEL 102.2

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, 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	05-22-74	Shell Oil Company, a Delaware Corporation	Manatee County	OR 678 Pg. 520
Easement	03-21-89	" " "	" " "	OR 1254 Pg. 0415

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

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.: _____

F.P. NO. 4272981

SECTION 13010-000

PARCEL 102

RIGHT OF WAY

That portion of Lot 1, Block and Ludgin Subdivision, a subdivision in Section 14, Township 35 South, Range 17 East, as per plat thereof recorded in Plat Book 7, Page 5, Public Records of Manatee County, Florida.

Being described as follows:

Commence at the intersection of the survey base line of State Road 45 (US 41) and the survey base line of State Road 70 (Oneco Road and 53rd Avenue, East); thence along said survey base line of State Road 45, South $00^{\circ}27'52''$ West a distance of 33.26 feet; thence South $89^{\circ}43'38''$ East a distance of 70.17 feet to an intersection with east existing right line of said State Road 45 (per Official Records Book 620, Page 662, Public Records of Manatee County, Florida and Section 13010-(117)-(201)-119) and the south existing right of way line of said State Road 70 (per Official Records Book 458, Page 681, and Official Records Book 467, Page 657, Public Records of Manatee County, Florida) for a POINT OF BEGINNING; thence along said south existing right of way line South $89^{\circ}43'38''$ East a distance of 4.26 feet; thence South $00^{\circ}27'52''$ West a distance of 13.13 feet; thence South $47^{\circ}48'24''$ West a distance of 27.24 feet; thence North $89^{\circ}32'08''$ West a distance of 11.73 feet to said east existing right of way line of State Road 45; thence along said east existing right of way line North $00^{\circ}28'00''$ East a distance of 8.51 feet; thence continue along said east existing right of way line North $50^{\circ}28'06''$ East a distance of 35.90 feet to the POINT OF BEGINNING.

Containing 501 square feet.

Legal Description Approved by:

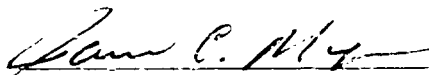

James C. Myers P.S.M. #5922
Date: 07-27-2011
NOT VALID UNLESS EMBOSSED

EXHIBIT "A"