

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 103.5
SECTION 13010-000
STATE ROAD 45 (US 41)
COUNTY Manatee

R-11-185
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 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-.

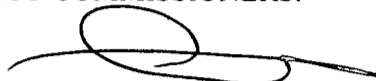
BE IT FURTHER RESOLVED that a certified copy of this
Resolution be forwarded forthwith to the State of Florida
Department of Transportation at Bartow, Florida.

STATE OF FLORIDA

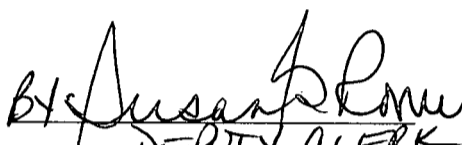
COUNTY OF MANATEE


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

By: 
DEPUTY CLERK



23-UTL.02-05/09

Date: July 28, 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. 4272981

PARCEL 103.5

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, FLORIDA, 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	08-20-73	Walter A. Watkins and Ethel M. Watkins, his wife	Manatee County, Florida	OR 677 Pg. 624

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

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

F.P. NO. 4272981

SECTION 13010-000

PARCEL 103

RIGHT OF WAY

That portion of Lot 1, Airport Subdivision, a subdivision in Section 14, Township 35 South, Range 17 East, as per plat thereof recorded in Plat Book 7, Page 45, 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 39.02 feet; thence North $89^{\circ}42'07''$ West a distance of 74.69 feet to an intersection with west existing right line of said State Road 45 (per Official Records Book 994, Page 3079, Public Records of Manatee County, Florida and Section 13010-(117)-(201)-119) and the south existing right of way line of State Road 70 [Oneco Road and 53rd Avenue, East, (per Official Records Book 994, Page 3079, Public Records of Manatee County, Florida)] for a POINT OF BEGINNING; thence along said west existing right of way line of State Road 45, South $49^{\circ}45'38''$ East a distance of 42.91 feet; thence continue along said west existing right of way line South $00^{\circ}27'52''$ West a distance of 5.33 feet; thence North $89^{\circ}32'08''$ West a distance of 3.44 feet; thence North $43^{\circ}12'22''$ West a distance of 42.78 feet; thence North $00^{\circ}27'52''$ East a distance of 1.85 feet to the POINT OF BEGINNING.

Containing 172 square feet.

Legal Description Approved by:



James C. Myers E.S.M. #5922

Date: 07-27-2011

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"