
500 Boston Avenue (34950)
PO Box 3191, Fort Pierce, FL 34948




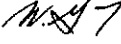
Phone: 772.466.1600
Fax: 772.467.2504

Director of Finance
"Committed to Quality"

MEMORANDUM

TO: Fort Pierce City Commission

FROM: Nina B. Hurtubise, CPA 
FPUA Director of Finance

THROUGH: William G. Thiess, P.E. 
FPUA Director of Utilities

DATE: August 20, 2014

SUBJECT: City Commission Consent Agenda Request for September 2, 2014 Meeting
Subordination of City Utility Interests – Parcel No. 803.2R (05-15-14)

I am forwarding for consideration and approval by the City Commission during the September 2, 2014 City Commission meeting a permanent Subordination of Utility Interest documents associated with the Jenkins/Okeechobee Road Widening Project.

Please return all 3 copies of the Subordination documents to me for execution by the FDOT. If you have any questions or are in need of additional information, please feel free to contact me.

cc: City Manager
City Clerk



Our mission is to provide our customers with economical, reliable and friendly service
in a continuous effort to enhance the quality of life in our community.

www.fpua.com

Commence at the Southwest Corner of the Northwest One-Quarter (NW 1/4) of said Section 19, thence North 00°05'07" West, along the West line of said Northwest One-Quarter (NW 1/4) of Section 19 and the Baseline of Survey of County Road 611 (Jenkins Road), a distance of 31.13 feet; thence North 89°54'53" East at a right angle to the last described course, a distance of 40.00 feet to a point on the Easterly Existing Right of Way line of County Road 611 (Jenkins Road) as shown on Sheets 3 and 5 of the Florida Department of Transportation Right of Way Map for Item/Segment No. 4289841, Section 94030-2516 and the POINT OF BEGINNING; thence North 00°05'07" West, along a line 40.00 feet Easterly of and parallel to the West line of said Northwest One-Quarter (NW 1/4) of Section 19, a distance of 636.43 feet to a point on the North line of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 19; thence North 88°29'34" East, along said North line of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 19, a distance of 20.01 feet; thence South 00°05'07" East, along a line 60.00 feet Easterly of and parallel to the West line of said Northwest One-Quarter (NW 1/4) of Section 19, a distance of 339.52 feet; thence South 88°49'07" East, a distance of 10.00 feet to said Easterly Existing Right of Way line of County Road 611 (Jenkins Road); thence South 00°05'07" East, along said Easterly Existing Right of Way line, a distance of 15.00 feet; thence North 88°49'07" West, a distance of 10.00 feet to a point on said line 60.00 feet Easterly of and parallel to the West line of the Northwest One-Quarter (NW 1/4) of Section 19; thence South 00°05'07" East, along said line 60.00 feet Easterly of and parallel to the West line of said Northwest One-Quarter (NW 1/4) of Section 19, a distance of 281.85 feet; thence South 88°19'06" West, a distance of 20.01 feet to the POINT OF BEGINNING.

Containing 12,880 square feet, more or less.

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R.B. & PAGE
Easement	03/31/08	NNN/1031 No. 16 SR 70 Jenkins LLC, a Florida limited liability company	City of Fort Pierce, Florida for the use and benefit of the Fort Pierce Utilities Authority	2959/441
Easement	10/27/08	NNN/1031 No. 16 SR 70 Jenkins LLC, a Florida limited liability company	City of Fort Pierce, Florida for the use and benefit of the Fort Pierce Utilities Authority	3031/118

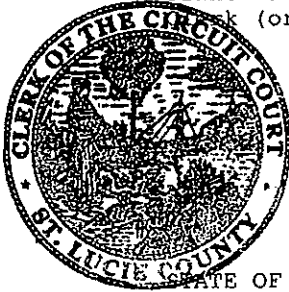
PROVIDED that the CITY has the following rights:

1. The CITY 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 or the COUNTY'S minimum standards as applicable in the 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 or the COUNTY after transfer. Should the FDOT or COUNTY fail to approve any new construction or relocation of facilities by the CITY or require the CITY to alter, adjust, or relocate its facilities located within said lands, the FDOT or the COUNTY, as applicable 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 CITY 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/COUNTY'S facilities.
4. The CITY agrees to repair any damage to FDOT/COUNTY facilities and to indemnify the FDOT or COUNTY against any loss or damage resulting from the CITY exercising its rights outlined in Paragraphs 1 and 3 above.
5. The FDOT shall transfer and assign to the COUNTY all its rights and obligations under this subordination to the COUNTY and the COUNTY shall accept the transfer and assignment of said rights and obligations herein.

IN WITNESS WHEREOF, the COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice-Mayor of said Board, the day and year aforesaid.

ATTEST: [Signature]
Print Name: SUE KORUNOW
Clerk (or Deputy Clerk)

ST. LUCIE COUNTY
By Its Board of County
Commissioners



APPROVED AS TO FORM
AND CORRECTNESS:
[Signature]
COUNTY ATTORNEY

BY: [Signature]
Print Name: Frannie Hutchinson
Its ~~Mayor~~ Chair
(or ~~Vice-Mayer~~)

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 12
day of August, 2014, by Frannie Hutchinson,
Mayor (or Vice-Mayor), who is personally known to me or who has
produced _____ as identification.



Carol A. Bishop
Print Name: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Print Name: _____

By: _____
Name: JAMES A. WOLFE
Title: District Secretary
for District IV

Print Name: _____

Attorney approved as to form:

Name: DAWN RADUANO

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 201____, by JAMES A. WOLFE, District Secretary for District IV, who is personally known to me or who has produced _____ as identification.

Print Name: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

IN WITNESS WHEREOF, the Utility has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST: [Signature]
Print Name: Michael A. Perri, Jr.

Its _____ Secretary

FORT PIERCE UTILITIES
AUTHORITY OF THE CITY OF
FORT PIERCE, FLORIDA

By: [Signature]

Print Name: Darryl Thomas-Bey
Vice Chairman

Attorney approved as to form and correctness:

By: [Signature]
Print Name: Rupert N. Koblegard, III

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 19th day of August, 2014, by Darryl Thomas-Bey, Vice Chairman of FORT PIERCE UTILITIES AUTHORITY OF THE CITY OF FORT PIERCE, FLORIDA, who is personally known to me or who has produced Personally Known as identification.

[Signature]

Print Name: Florinda Kay Mazzarella
Notary Public in and for the County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____



IN WITNESS WHEREOF, the City has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, the date and year first above written.

LINDA HUDSON, MAYOR COMMISSIONER

ATTEST:

LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

Robert V. Schwerer, City Attorney

State of Florida

County of St. Lucie

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Linda Hudson, Mayor of the City of Fort Pierce, Florida, who is personally known to me.

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