

23-UTL.04-06/93-Modified D4

This instrument prepared
under the direction of:
Dawn Raduano, Esq. _____
Legal Description prepared by:
Louis Cefolia, P.S.M. (11-12-15)
Document prepared by:
Grace K. Abel (12-30-15)
Department of Transportation
Right of Way Production Services
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

Parcel No. 101.2R(12-30-15)
Item/Segment No. 2302566
Section: 94003-2510
Managing District: 04
S.R. No. 713
County: St. Lucie

Parcel ID: N/A

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT entered into this _____ day of _____,
201____, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, and the CITY OF FORT
PIERCE, FLORIDA FOR THE USE AND BENEFIT OF THE FORT PIERCE UTILITIES
AUTHORITY, 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 the
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 subordinates to the interest of FDOT its successors and
assigns, any and all of its interest in the lands as follows, viz:

(More particularly described in the legal description and sketch
attached hereto as Exhibit "A")

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R.B. & PAGE
Easement	05/15/88	Jacob A. Hoeffner, by Philip A. Hoeffner, his attorney-in-fact	City of Fort Pierce, Florida for the use and benefit of the Fort Pierce Utilities Authority	589/1086
Easement	04/04/89	C.L. LaFevers, Jr. and Joseph G. Berlin, individually and as President of Berlin Investments	City of Fort Pierce, Florida for the use and benefit of the Fort Pierce Utilities Authority	635/103

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 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. 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; however the UTILITY does not wave its sovereign immunity.

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: GERRY O'REILLY
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 GERRY O'REILLY, 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:

FORT PIERCE UTILITIES AUTHORITY

Daniel M. DeIulio
DANIEL M. DEIULIO
Secretary

By: Michael A. Perri, Jr.
MICHAEL A. PERRI, JR.
Chairman

Signed, sealed, and delivered in the presence of: (Two witnesses or Corporate Seal required by Florida Law)

Florinda Mazzarella

Clayton Lindstrom

Print Name: Florinda Mazzarella

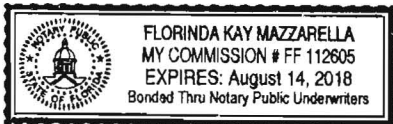
Print Name: Clayton Lindstrom

Approved as to Form and Correctness:

R.N. Koblergard, III For
R.N. Koblergard, III, FPUA Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 19 day of January, 2016, by MICHAEL A. PERRI, JR., CHAIRMAN of FORT PIERCE UTILITIES AUTHORITY, who is personally known to me.



Florinda Kay Mazzarella
Florinda Kay Mazzarella
Notary Public in and for the
County and State last aforesaid

ATTEST: _____
Linda Cox, City Clerk

CITY OF FORT PIERCE, a municipal corporation, for the use and benefit of FORT PIERCE UTILITIES AUTHORITY

(CITY SEAL)

By: _____
LINDA HUDSON, MAYOR COMMISSIONER

Approved as to Form and Correctness:

By: _____
Robert V. Schwerer, Esq., City Attorney

Exhibit "A"

Parcel No. 101

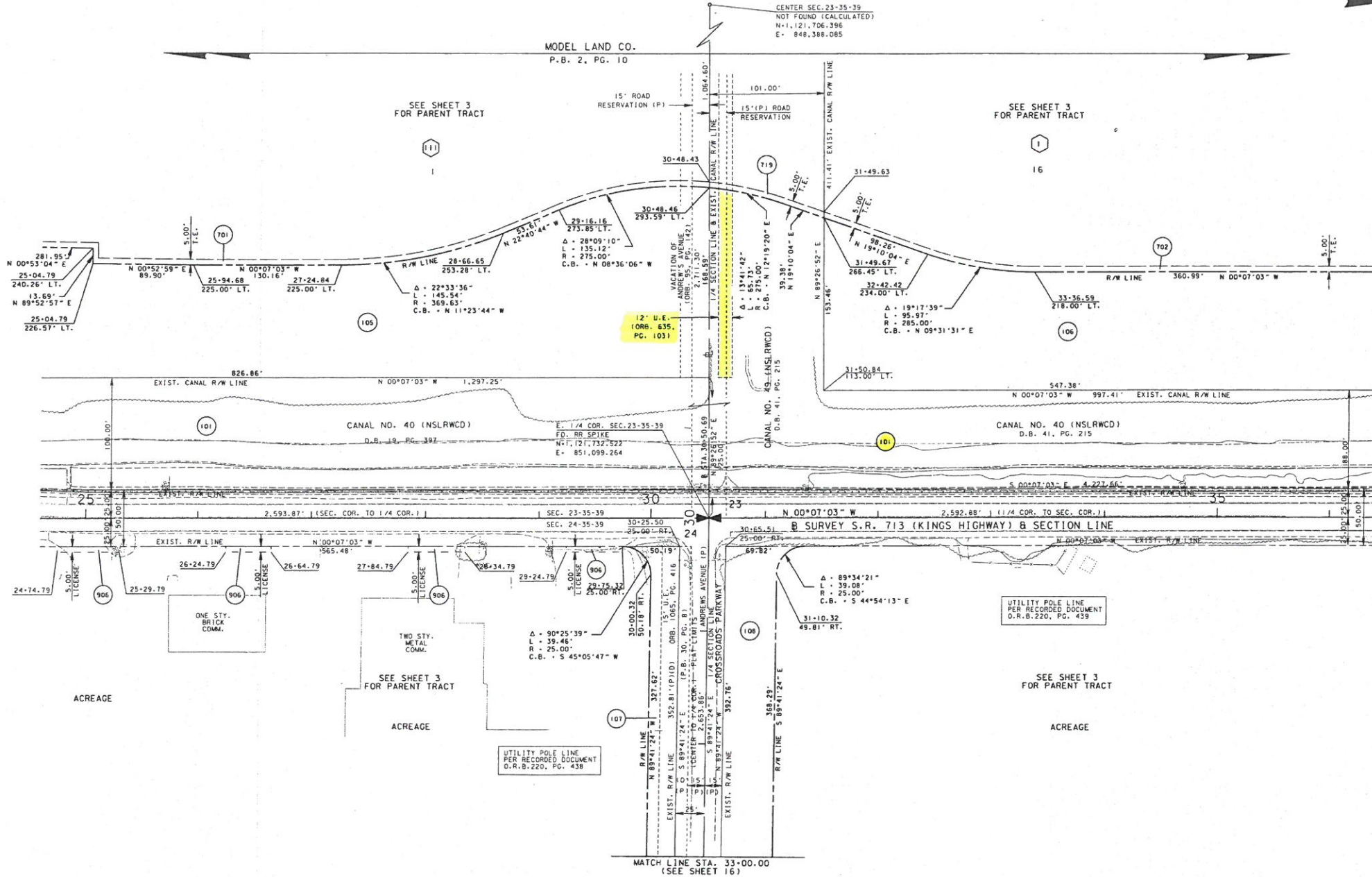
Item/Segment No. 2302566
Section: 94003-2510

A portion of Blocks 1 and 111, MODEL LAND CO., according to the plat thereof, as recorded in Plat Book 2, Page 10, of the Public Records of St. Lucie County, Florida, lying in the Southeast One-Quarter (SE 1/4) of Section 23 and the Northeast One-Quarter (NE 1/4) of Section 23, Township 35 South, Range 39 East, St. Lucie County, Florida, as shown on Sheets 5 through 9 of the Florida Department of Transportation Right of Way Map for Item/Segment No. 2302566, Section 94003-2510 and being more particularly described as follows:

Commence at a railroad spike, found marking the Southeast Corner of said Southeast One-Quarter (SE 1/4) of Section 23; thence North 00°07'03" West along the East line of said Southeast One-Quarter (SE 1/4) of Section 23 and the Baseline of Survey of State Road 713 (Kings Highway), a distance of 601.79 feet; thence South 89°52'57" West along a line at a right angle to the last described course, a distance of 25.00 feet to a point at the intersection of the Westerly Existing Right of Way line of said State Road 713 (Kings Highway) and the Northerly Existing Right of Way line of State Road 70 (Okeechobee Road) and the POINT OF BEGINNING; thence South 80°13'46" West along said Northerly Existing Right of Way line of State Road 70 (Okeechobee Road), a distance of 111.58 feet to a point on the Westerly Existing Right of Way line of the North St. Lucie River Water Control District Canal No. 40; thence North 00°07'03" West along said Westerly Existing Canal Right of Way line, a distance of 712.49 feet; thence North 89°18'11" East along said Westerly Existing Right of Way line of the North St. Lucie River Water Control District Canal No. 40, a distance of 10.00 feet; thence North 00°07'03" West continuing along said Westerly Existing Canal Right of Way line, a distance of 1,297.25 feet to a point of intersection with the Southerly Existing Right of Way line of the North St. Lucie River Water Control District Canal No. 49; thence South 89°26'52" West along said Southerly Existing Right of Way line of the North St. Lucie River Water Control District Canal No. 49, a distance of 168.59 feet to the beginning of a non-tangent curve concave Southeasterly, having a chord bearing of North 12°19'20" East; thence along the arc of said curve, having a radius of 275.00 feet, through a central angle of 13°41'42", an arc distance of 65.73 feet to the end of said curve; thence North 19°10'04" East, a distance of 39.38 feet to the Northerly Existing Right of Way line of said North St. Lucie River Water Control District Canal No. 49; thence North 89°26'52" East along said Northerly Existing Canal Right of Way line, a distance of 153.46 feet to a point of intersection with said Westerly Existing Right of Way line of the North St. Lucie River Water Control District Canal No. 40; thence North 00°07'03" West along the Westerly Existing Right of Way line of said North St. Lucie River Water Control District Canal No. 40, a distance of 997.41 feet to the beginning of a non-tangent curve concave Southeasterly, having a chord bearing of North 04°28'01" East; thence along the arc of said curve, having a radius of 8,462.00 feet, through a central angle of 03°35'51", an arc distance of 531.30 feet to a point of reverse curvature with a curve concave Northwesterly, having a chord bearing of North 04°09'45" East; thence along the arc of said curve, having a radius of 8,314.00 feet, through a central angle of 04°12'23", an arc distance of 610.36 feet to the end of said curve, also being a point on the Easterly Existing Right of Way line of said North St. Lucie River Water Control District Canal No. 40; thence South 00°07'03" East along said Easterly Existing Canal Right of Way line, a distance of 4,227.66 feet to the POINT OF BEGINNING.

Containing 8.477 acres, more or less.

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SEE SHEET ONE FOR LEGEND AND GENERAL NOTES

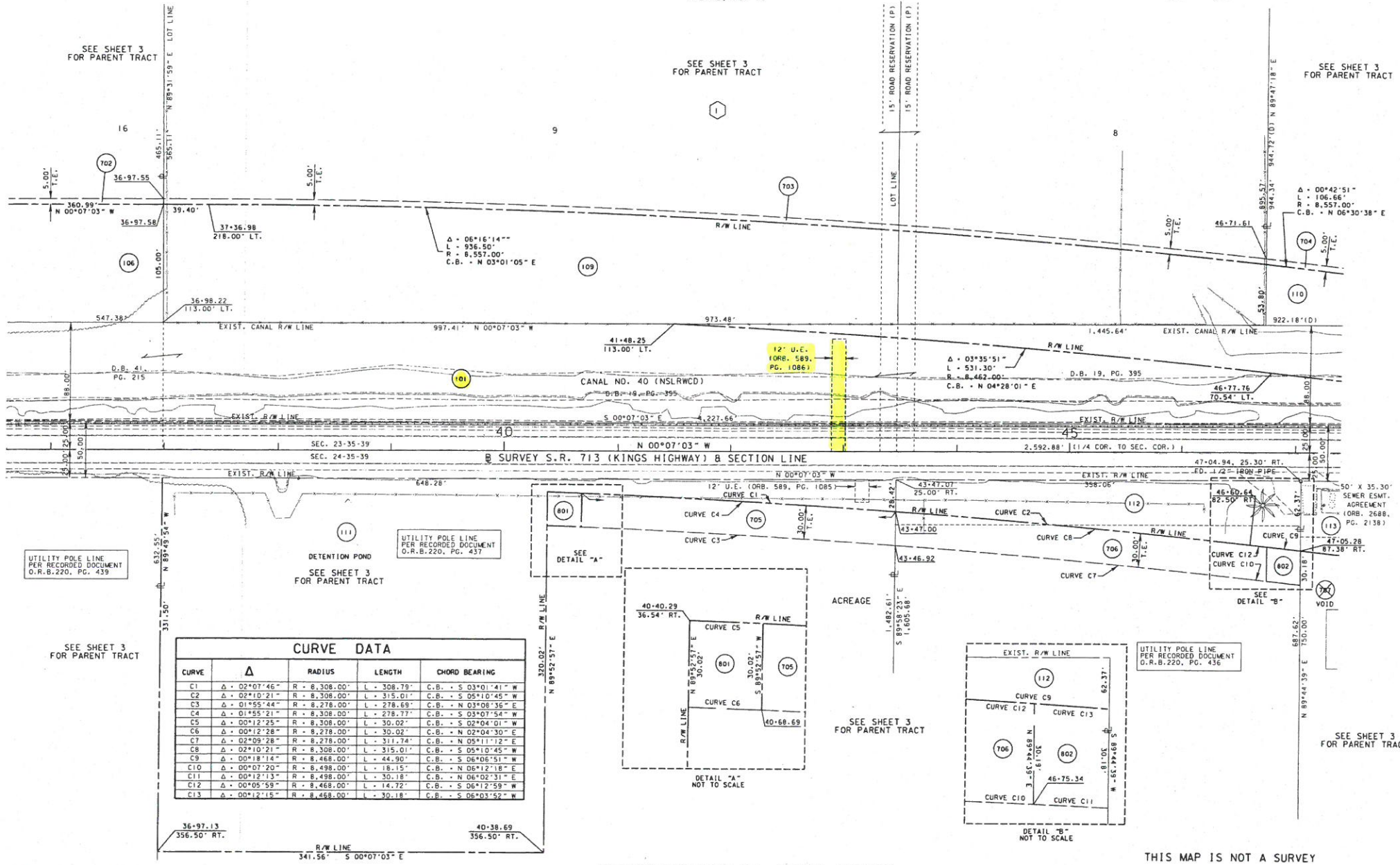
RIGHT OF WAY MAP	FLORIDA DEPARTMENT OF TRANSPORTATION SURVEYING AND MAPPING	APPROVED BY <i>[Signature]</i>	DATE 04/18/13	ADD ORB 220, PG. 439	SANCHEZ 03-11-13	REVISOR P. 701, 702	SANCHEZ 03-11-13	BY R. GRABOW	DATE 07/20/12	FAP NO. 7079-005-U	SECTION 94003-2510	MAPS PREPARED BY BANTMAN GROUP, INC.	DATA SOURCE: SEE COVER SHEET
		DISTRICT SURVEYOR		ADD U.E. ORB 1065, PG. 416	SANCHEZ 07-25-14	REVISED PARCELS P. 101, 105, 106, 108	SANCHEZ 03-11-13	FINAL	T. DITTMAN	04/18/13	STATE ROAD NO. 713 (KINGS HIGHWAY)	ST. LUCIE COUNTY	LB NO. 7055

UNINCORPORATED ST. LUCIE COUNTY

SEC. 23, TWP. 35 S., RGE. 39 E.
SEC. 24, TWP. 35 S., RGE. 39 E.
SCALE: 1" = 40'

MODEL LAND CO.
P.B. 2, PG. 10

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SEE SHEET ONE FOR LEGEND AND GENERAL NOTES

UNINCORPORATED ST. LUCIE COUNTY

THIS MAP IS NOT A SURVEY
FROM S.R. 70 (OKEECHOBEE ROAD) TO NORTH OF PICOS ROAD

RIGHT OF WAY MAP	FLORIDA DEPARTMENT OF TRANSPORTATION SURVEYING AND MAPPING	APPROVED BY: <i>[Signature]</i>	DATE: 06/20/14	REVISED P. 801, 802	SANCHEZ 03-18-14	VOID # 707	SANCHEZ 03-18-14	BY: R. GRABOW	DATE: 07/20/12	FAP NO. 7079-005-U	SECTION 94003-2510	MAPS PREPARED BY: WANTAM GROUP, INC.	DATA SOURCE: SEE COVER SHEET
		REVISION: P. 106, 109, 110, 111	DATE: 06/20/14	ADD ORB 220, PG. 436	SANCHEZ 03-18-14	BY: T. DITMAN	DATE: 04/20/13	STATE ROAD NO. 713 (KINGS HIGHWAY)	ST. LUCIE COUNTY	ITEM/SEGMENT NO. 2302566	SHEET 8 OF 18	SCALE: 1" = 40'	