

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

This instrument prepared under the direction of:	Parcel No.	N/A
Dawn Raduano, Esq. _____	Item/Segment No.	2302566
Legal Description prepared by:	Section:	94003-2510
<u>Landon M. Cross P.S.M. (05-02-11)</u>	Managing District:	04
Carnahan, Proctor, Cross, Inc.	S.R. No.	713
Document prepared by:	County:	St. Lucie
<u>Grace K. Abel (Rev. 12-30-15)</u>	Parcel ID:	2312-331-0001-000-8
Department of Transportation		
Right of Way Production Services		
3400 W. Commercial Boulevard		
Ft. Lauderdale, Florida 33309		

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	05/21/10	Kings Orange 95, LLC, a Michigan limited liability company	City of Fort Pierce, Florida for the use and benefit of the Fort Pierce Utilities Authority	3212/1399

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

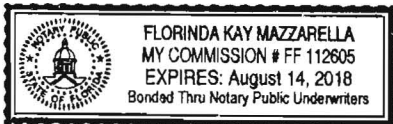
Print Name: Clayton Lindstrom

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



CARNAHAN · PROCTOR · CROSS, INC

CERTIFICATE OF AUTHORIZATION NO. LB 2936
 6101 WEST ATLANTIC BLVD., SUITE 201, MARGATE, FL 33063
 PHONE (954)972-3959 FAX (954)972-4178 WEBSITE: www.carnahan-proctor.com

DESCRIPTION AND SKETCH

**KINGS ORANGE 95
 ADDITIONAL RIGHT OF WAY**

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE NORTH 89°40'32" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 40.00 FEET; THENCE NORTH 00°13'52" WEST, ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 12, A DISTANCE OF 1126.04 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 00°13'52" WEST, A DISTANCE OF 350.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 47.50 FEET; THENCE SOUTH 00°13'52" EAST ALONG A LINE 87.50 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF SECTION 12, A DISTANCE OF 349.81 FEET; THENCE SOUTH 89°46'08" WEST, A DISTANCE OF 47.50 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE IN ST. LUCIE COUNTY, FLORIDA, AND CONTAIN 0.381 ACRES, MORE OR LESS.

NOTES

1. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SKETCH IS THE PROPERTY OF CARNAHAN-PROCTOR-CROSS, INC., AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
3. THE LANDS SHOWN HEREON ARE SUBJECT TO ALL EASEMENTS, RESERVATIONS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.
4. THIS IS NOT A SURVEY.

ABBREVIATIONS

- | | | | |
|----------|--|--------|-------------------------|
| A | = ARC LENGTH | PG. | = PAGE (S) |
| C/L | = CENTER LINE | P.O.B | = POINT OF BEGINNING |
| D | = DELTA (CENTRAL ANGLE) | P.O.C. | = POINT OF COMMENCEMENT |
| F.D.O.T. | = FLORIDA DEPARTMENT OF TRANSPORTATION | P.O.T. | = POINT OF TERMINATION |
| O.R.B. | = OFFICIAL RECORDS BOOK | | |

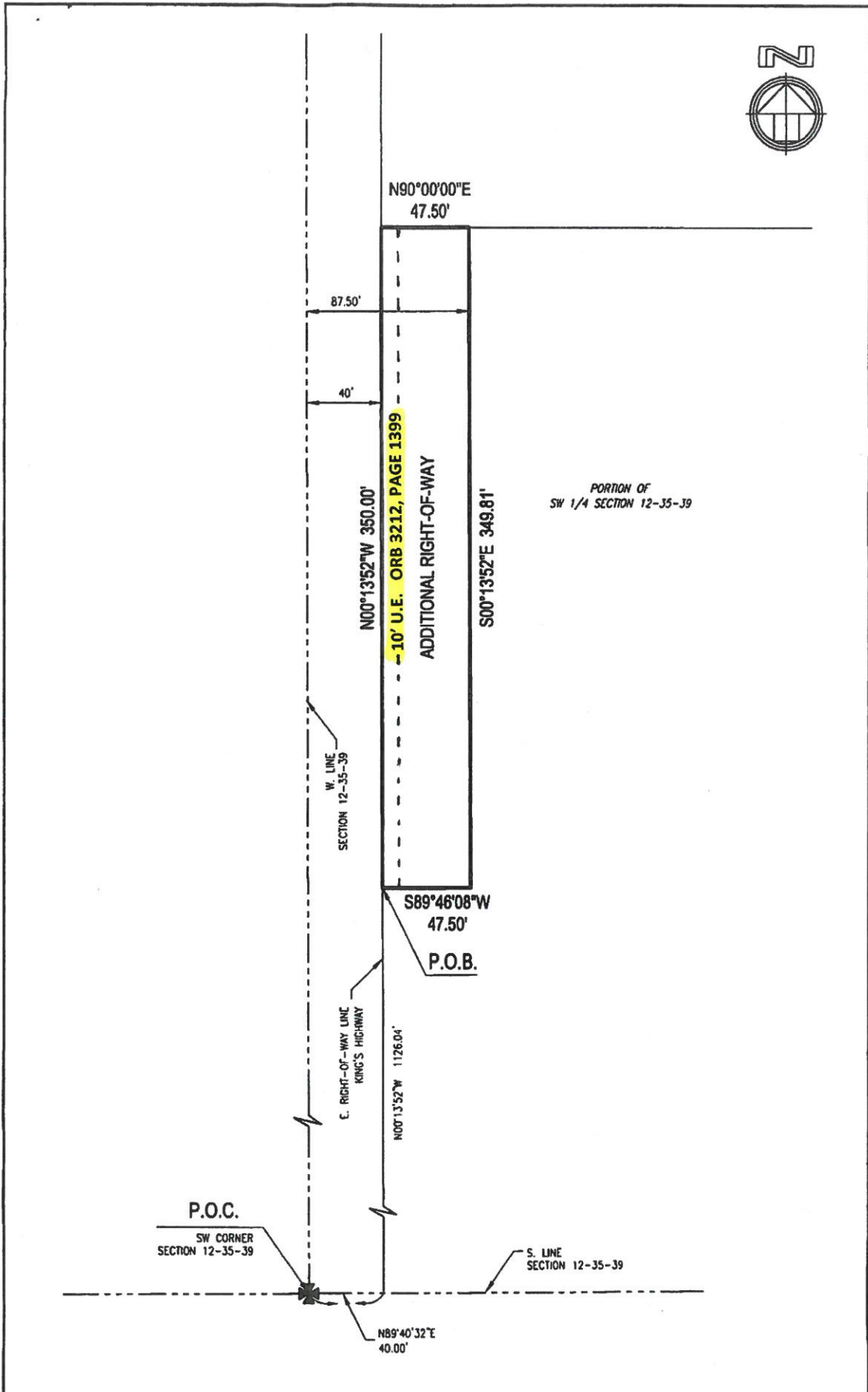
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS CONTAINED IN CHAPTER 5J17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID DESCRIPTION AND SKETCH IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

 LANDON M. CROSS
 SURVEYOR AND MAPPER
 FLORIDA LICENSE NO. LS3348

DATE OF LAST FIELD SURVEY: NOT A SURVEY

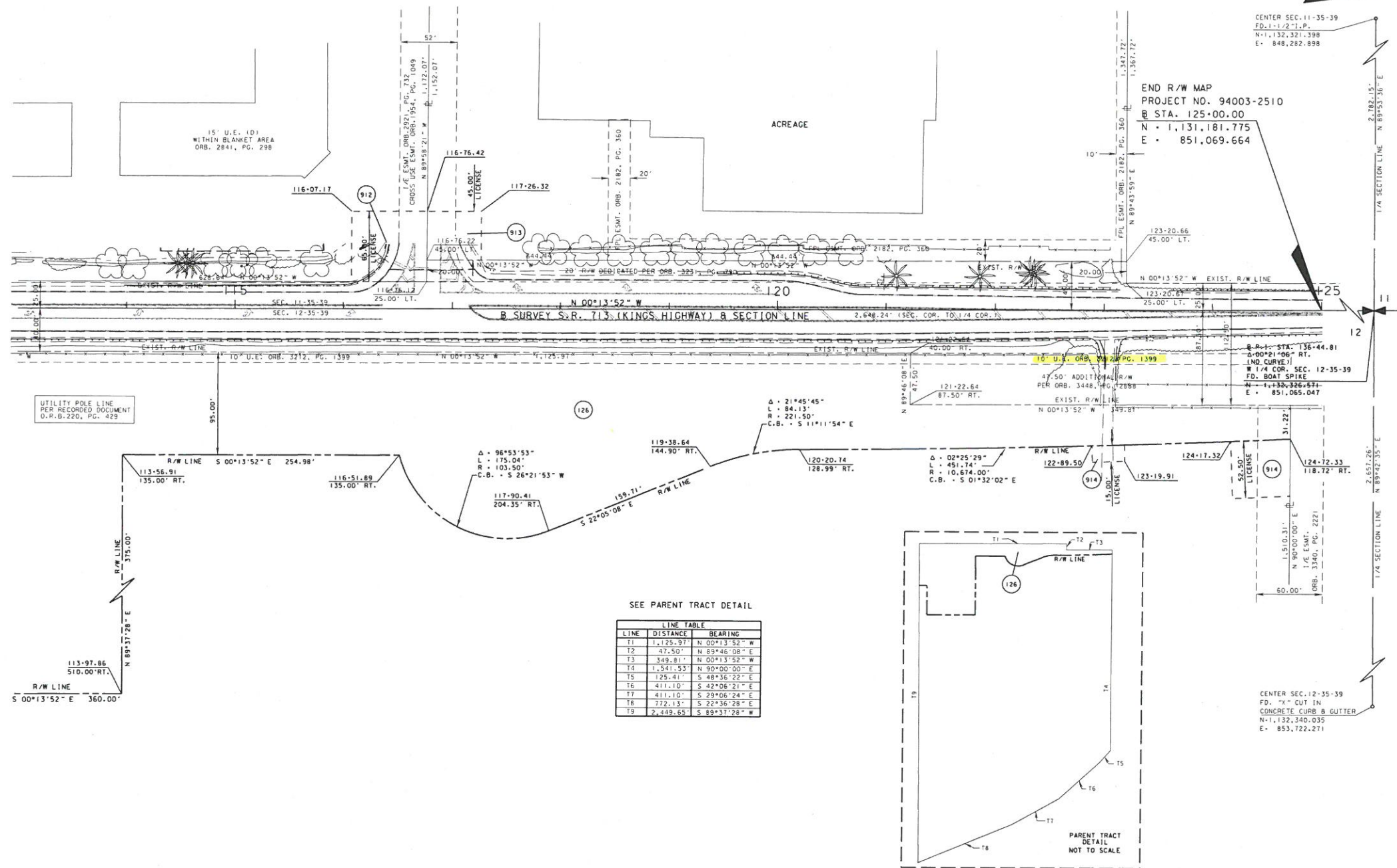
KINGS ORANGE 95 ADD'L R/W		JOB NO.: 040516B	DATE: 05-02-11	SHEET 1 OF 2 SHEETS
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REVISIONS	DATE	BY	CK'D
JOB NO. 040516B	DWG. BY: GTW	SCALE: 1" = 60'	KINGS ORANGE 95 ADD'L R/W
KINGS ORANGE 95	CH'D BY: DCW	DATE: 05-02-11	SHEET 2 OF 2 SHEETS

UNINCORPORATED ST. LUCIE COUNTY

SEC. 11, TWP. 35 S., RGE. 39 E.
SEC. 12, TWP. 35 S., RGE. 39 E.
SCALE = 1" = 40'



UTILITY POLE LINE
PER RECORDED DOCUMENT
D.P.B. 220, PG. 429

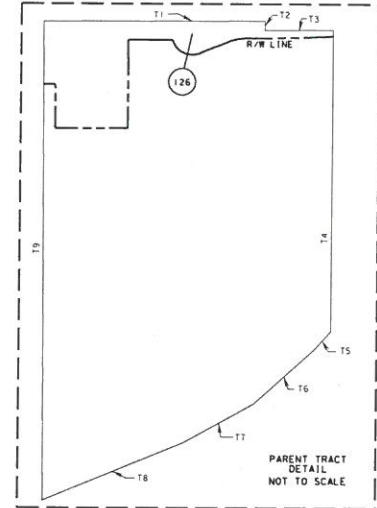
END R/W MAP
PROJECT NO. 94003-2510
@ STA. 125+00.00
N = 1,131,181.775
E = 851,069.664

CENTER SEC. 11-35-39
FD. 1-1/2" I.P.
N = 1,132,321.398
E = 848,282.898

CENTER SEC. 12-35-39
FD. "X" CUT IN
CONCRETE CURB & GUTTER
N = 1,132,340.035
E = 853,722.271

SEE PARENT TRACT DETAIL

LINE	DISTANCE	BEARING
T1	1,125.97'	N 00°13'52" W
T2	47.50'	N 89°46'08" E
T3	349.81'	N 00°13'52" W
T4	1,541.53'	N 90°00'00" E
T5	125.41'	S 48°36'22" E
T6	411.10'	S 42°06'21" E
T7	411.10'	S 29°06'24" E
T8	772.15'	S 22°36'28" E
T9	2,449.65'	S 89°37'28" W



Page 3 of 3

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	DATE	REVISION	BY	DATE	BY	DATE	FAP NO. 7079-005-U	SECTION 94003-2510	MAPS PREPARED BY: RANTMAN GROUP, INC. LB NO. 7055	DATA SOURCE: SEE COVER SHEET SCALE: 1" = 40'
		DISTRICT SURVEYOR	06/25/14	REVISOR	BY	DATE	BY	DATE	STATE ROAD NO. 713 (KINGS HIGHWAY)	ST. LUCIE COUNTY	ITEM/SEGMENT NO. 2302566	SHEET 15 OF 18

T1MS: RWMAPPING/R2302566/RWDET15.dgn