

23-UTL.04-06/93

This instrument prepared	Parcel No.	102.3R
under the direction of:	Item/Segment No.	2302567
Dawn Raduano, Esq. _____	Section:	94003-2511
Legal Description prepared by:	Managing District:	04
<u>Louis Cefolia, P.S.M. (06-25-15)</u>	S.R. No.	713
Document prepared by:	County:	St. Lucie
<u>Grace K. Abel (03-16-17)</u>		
Department of Transportation	Parcel ID:	2312-222-0004-000-4
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 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 CITY 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")

(Continued on the next page)

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R.B. & PAGE
Easement	01/30/06	Richard F. Olson and Mildred W. Olson, husband and wife, as tenants by the entirety with right of survivorship; Larry O. Olson and Sandra M. Olson, husband and wife, as tenants by the entirety with right of survivorship; Richard F. Olson and Larry O. Olson, Co-Trustees of the Salvind O. Olson Living Trust, and Richard F. Olson and Larry O. Olson, Individually as the Sole Heirs at Law of Salvind O. Olson, deceased	City of Fort Pierce, Florida for the use and benefit of the Fort Pierce Utilities Authority	2481/ 2869

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

*[Signature]*  
~~DARRYL THOMAS BEY~~ *Michael A. Perrin, Jr.*  
Secretary *Deputy*

By: *[Signature]*  
GLYNDA CAVALCANTI  
Board Chair

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

*[Signature]*

*[Signature]*

Print name: Clayton Lindstrom

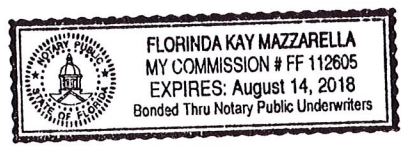
Print name: Florinda Mazzarella

Approved as to Form and Correctness:

By: *[Signature]*  
R.N. Koblegard, III, FPUA Attorney

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 4th day of April, 2017, by GLYNDA CAVALCANTI, Board Chair of FORT PIERCE UTILITIES AUTHORITY, who is personally known to me.



*[Signature]*  
Florinda Kay Mazzarella  
Notary Public in and for the  
County and State last aforesaid.

ATTEST: \_\_\_\_\_  
Linda Cox, City Clerk  
  
(CITY SEAL)

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

By: \_\_\_\_\_  
LINDA HUDSON, MAYOR COMMISSIONER

Approved as to Form and Correctness:

By: \_\_\_\_\_  
James M. Messer, City Attorney

(Exhibit "A")

Parcel No. 102

Item/Segment No. 2302567  
Section: 94003-2511

A portion of land, lying in the Southeast One-Quarter (SE 1/4) of Section 11, Township 35 South, Range 39 East, St. Lucie County, Florida, as shown on Sheets 5 and 6 of the Florida Department of Transportation Right of Way Map of State Road 713 (Kings Highway), Item/Segment No. 2302567, Section 94003-2511 and being more particularly described as follows:

Commence at a boat spike, found marking the East One-Quarter (E 1/4) Corner of said Section 11; thence South  $00^{\circ}13'52''$  East along the East line of said Southeast One-Quarter (SE 1/4) of Section 11 and the Baseline of Survey of said State Road No. 713 (Kings Highway), a distance of 245.95 feet; thence South  $89^{\circ}46'08''$  West along a line at a right angle to the last described course, a distance of 25.00 feet to a point on the Westerly Existing Right of Way line of said State Road No. 713 (Kings Highway) and the Southerly Existing Right of Way line of State Road No. 68 (Orange Avenue) and the POINT OF BEGINNING; thence South  $00^{\circ}13'52''$  East along said Westerly Existing Right of Way line of said State Road No. 713 (Kings Highway), a distance of 500.00 feet; thence South  $89^{\circ}38'46''$  West, a distance of 41.34 feet to the beginning of a non-tangent curve concave Easterly, having a chord bearing of North  $02^{\circ}16'35''$  West; thence Northerly along the arc of said curve, having a radius of 10,685.00 feet, through a central angle of  $02^{\circ}40'58''$ , an arc distance of 500.33 feet to the end of said curve and a point on said Southerly Existing Right of Way line of State Road No. 68 (Orange Avenue); thence North  $89^{\circ}38'46''$  East along said Southerly Existing Right of Way line of State Road No. 68 (Orange Avenue), a distance of 59.19 feet to POINT OF BEGINNING.

Containing 0.599 acres, more or less.

AND

A portion of land, lying in the Northeast One-Quarter (NE 1/4) of Section 11, Township 35 South, Range 39 East, St. Lucie County, Florida, as shown on Sheets 6, 7 and 8 of the Florida Department of Transportation Right of Way Map of State Road 713 (Kings Highway), Item/Segment No. 2302567, Section 94003-2511 and being more particularly described as follows:

Commence at a boat spike, found marking the East One-Quarter (E 1/4) Corner of said Section 11; thence North  $00^{\circ}07'14''$  East along the Baseline of Survey of said State Road No. 713 (Kings Highway), a distance of 88.71 feet; thence North  $89^{\circ}52'46''$  West along a line at a right angle to the last described course, a distance of 47.48 feet to a point on the Northerly Existing Right of Way line of State Road No. 68 (Orange Avenue), the Westerly Existing Canal Right of Way line of the North St. Lucie River Water Control District Canal No. 32 W, and the POINT OF BEGINNING; thence South  $89^{\circ}38'46''$  West along said Northerly Existing Right of Way line of State Road No. 68 (Orange Avenue), a distance of 552.52 feet; thence North  $00^{\circ}08'07''$  East, a distance of 365.01 feet; thence North  $89^{\circ}38'46''$  East, a distance of

(Continued on the next page)

434.02 feet; thence North 00°08'07" East, a distance of 996.46 feet; thence North 89°51'53" West, a distance of 5.00 feet; thence North 00°08'07" East, a distance of 204.22 feet; thence South 89°51'53" East, a distance of 7.00 feet; thence North 00°08'07" East, a distance of 299.23 feet; thence North 89°51'53" West, a distance of 11.00 feet; thence North 00°08'07" East, a distance of 308.81 feet; thence South 89°51'53" East, a distance of 8.00 feet; thence North 00°08'07" East, a distance of 334.75 feet to a point on the Southwesterly Existing Limited Access Right of Way line of State Road No. 9 (Interstate 95) and the beginning of a non-tangent curve concave Southwesterly, having a chord bearing of South 58°22'57" East; thence Southeasterly along the arc of said curve, having a radius of 2,702.79 feet, through a central angle of 01°39'53", an arc distance of 78.53 feet to the end of said curve; thence South 44°49'22" East, a distance of 56.66 feet; thence South 00°08'07" West, a distance of 1,071.39 feet; thence South 89°51'53" East, a distance of 12.50 feet to a point on said Westerly Existing Canal Right of Way line of the North St. Lucie River Water Control District Canal No. 32 W; thence South 00°08'07" West along said Westerly Existing Canal Right of Way line, a distance of 1,354.99 feet to the POINT OF BEGINNING.

Containing 10.123 acres, more or less.

AND

A portion of land, lying in the Northwest One-Quarter (NW 1/4) of Section 12, Township 35 South, Range 39 East, St. Lucie County, Florida, as shown on Sheets 7 and 8 of the Florida Department of Transportation Right of Way Map of State Road 713 (Kings Highway), Item/Segment No. 2302567, Section 94003-2511 and being more particularly described as follows:

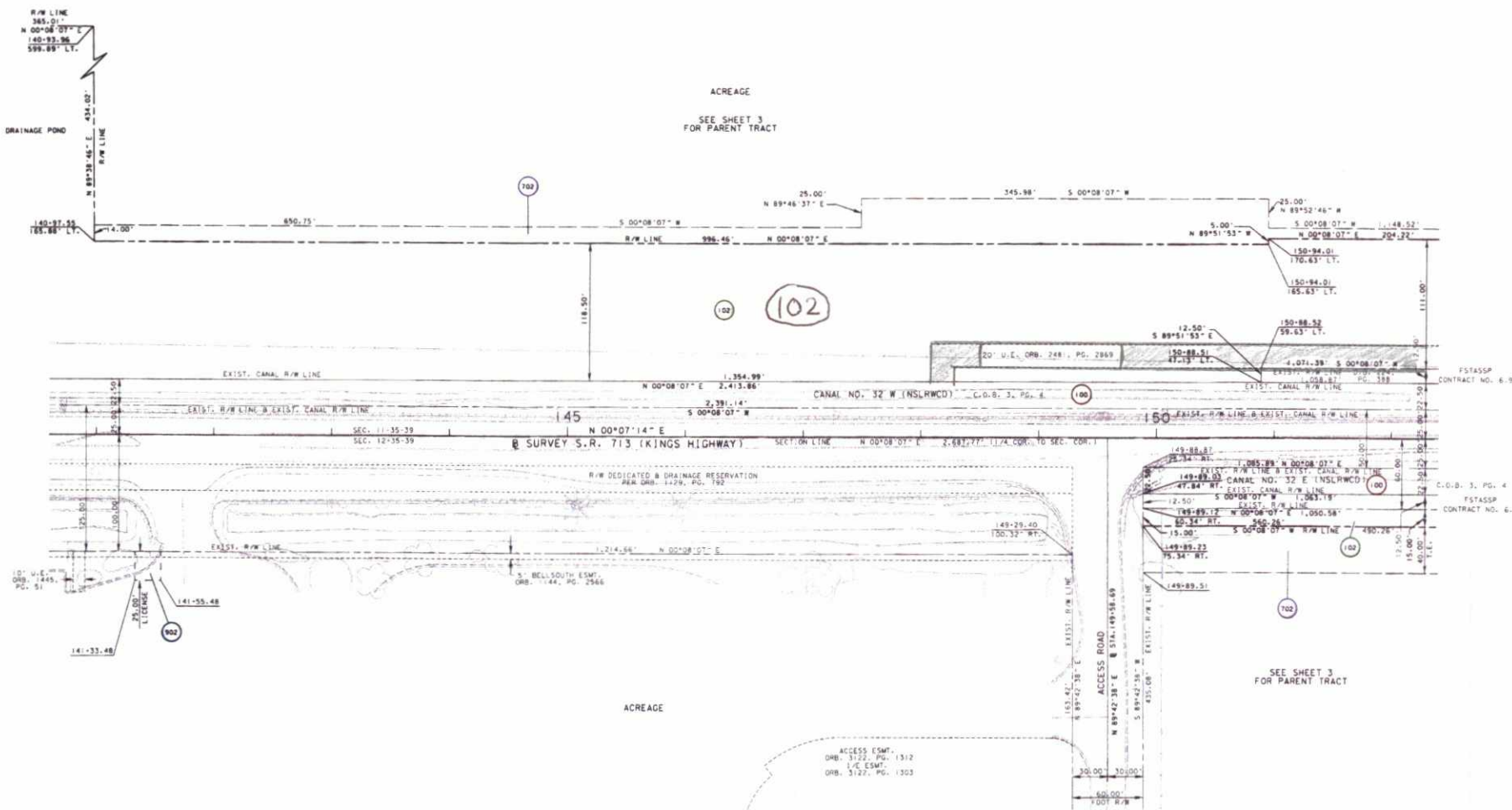
Commence at a boat spike, found marking the West One-Quarter (W 1/4) Corner of said Section 12; thence North 00°07'14" East along the Baseline of Survey of said State Road No. 713 (Kings Highway), a distance of 1,344.31 feet; thence South 89°52'46" East along a line at a right angle to the last described course, a distance of 60.34 feet to a point on the Easterly Existing Right of Way line of said State Road No. 713 (Kings Highway), the Northerly Existing Right of Way line of an Access Road, and the POINT OF BEGINNING; thence North 00°08'07" East along said Easterly Existing Right of Way line of said State Road No. 713 (Kings Highway), a distance of 1,050.58 feet to a point on the Southerly Existing Limited Access Right of Way line of State Road No. 9 (Interstate 95); thence South 44°49'22" East along said Southerly Existing Limited Access Right of Way line of State Road No. 9 (I-95), a distance of 21.23 feet; thence South 00°08'07" West, a distance of 275.18 feet; thence South 89°51'53" East, a distance of 5.00 feet; thence South 00°08'07" West, a distance of 200.00 feet; thence North 89°51'53" West, a distance of 5.00 feet; thence South 00°08'07" West, a distance of 560.26 feet to the Northerly Existing Right of Way line of Access Road; thence South 89°42'38" West along said Northerly Existing Right of Way line, a distance of 15.00 feet to the POINT OF BEGINNING.

Containing 16,645 square feet, more or less.

All together containing 11.104 acres, more or less.

UNINCORPORATED ST. LUCIE COUNTY

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



Page 3 of 4

SEE SHEET ONE FOR LEGEND AND GENERAL NOTES

UNINCORPORATED ST. LUCIE COUNTY

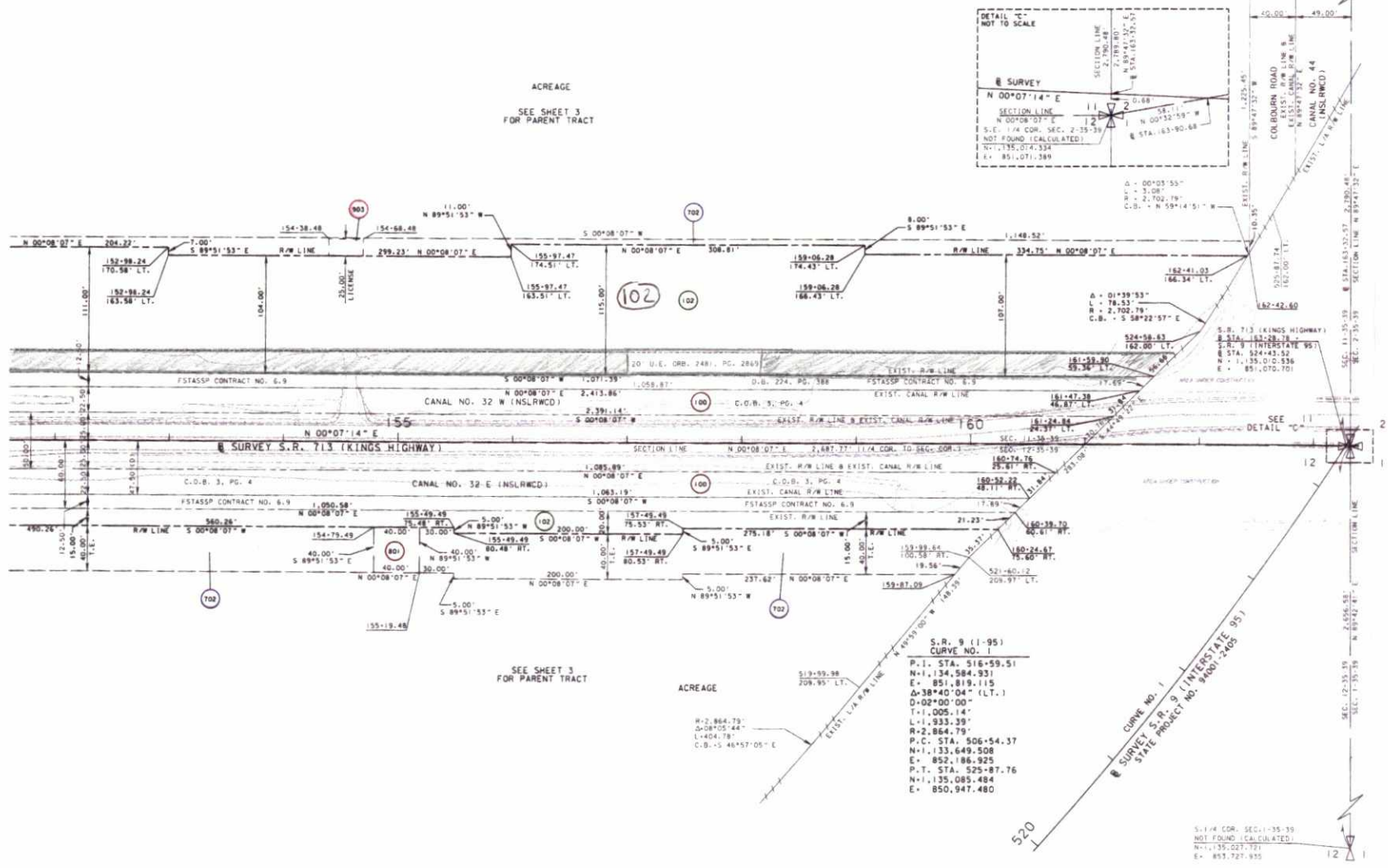
THIS MAP IS NOT A SURVEY  
 FROM NORTH OF PICOS ROAD TO NORTH OF I-95 OVERPASS

RIGHT OF WAY MAP	FLORIDA DEPARTMENT OF TRANSPORTATION SURVEYING AND MAPPING	APPROVED BY: <i>[Signature]</i>	DATE: 6/25/15	BY: A. GARDNER	DATE: 07/20/12	FAP NO. 7079-007-U	SECTION 94003-2511	MAPS PREPARED BY: MATHEON GROUP, INC.	DATE SOURCE: SEE COVER SHEET
		REVISOR: J. SANCHEZ	DATE: 09/16/14	FINAL: S. SMITH	DATE: 01/20/14	STATE ROAD NO. 713 (KINGS HIGHWAY)	ST. LUCIE COUNTY	ITEM/SEGMENT NO. 2302567	SHEET 7 OF 14

Page 4 of 4

UNINCORPORATED ST. LUCIE COUNTY

SEC. 11, TWP. 35 S., RGE. 39 E.  
 SEC. 12, TWP. 35 S., RGE. 39 E.  
 SCALE: 1"=40'  
 N. 1/4 COR., SEC. 11, 35-39  
 NOT FOUND (CALCULATED)  
 N+1, 135,004.27  
 E+ 848,280.927



UNINCORPORATED ST. LUCIE COUNTY

THIS MAP IS NOT A SURVEY  
 FROM NORTH OF PICOS ROAD TO NORTH OF I-95 OVERPASS

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: 9/25/15	BY: DATE:	FAP NO. 7079-007-U	SECTION 94003-2511	MAPS PREPARED BY: BENTON GROUP, INC.	DATE SOURCE: SEE COVER SHEET
		DISTRICT SURVEYOR	REVISION BY DATE	STATE ROAD NO. 713 (KINGS HIGHWAY)	ST. LUCIE COUNTY	LA NO. 7055	SCALE: 1"=40'