

23-UTL.04-06/93

This instrument prepared under the direction of: Dawn Raduano, Esq. \_\_\_\_\_  
Legal Description prepared by: Louis Cefolia, P.S.M. (06-25-15)  
Document prepared by: Grace K. Abel (03-16-17)  
Department of Transportation  
Right of Way Production Services  
3400 W. Commercial Boulevard  
Ft. Lauderdale, Florida 33309

Parcel No. 103.4R  
Item/Segment No. 2302567  
Section: 94003-2511  
Managing District: 04  
S.R. No. 713  
County: St. Lucie  
Parcel ID: 2312-313-0020-000-1

**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	08/28/14	Love's Travel Stops & Country Stores, Inc.	City of Fort Pierce, Florida for the use and benefit of Fort Pierce Utilities Authority	3668/274

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]*  
Print name: Clayton Lindstrom

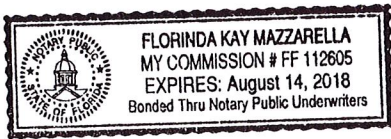
*[Signature]*  
Print name: Florinda Mazzarella

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. 103

Item/Segment No. 2302567  
Section: 94003-2511

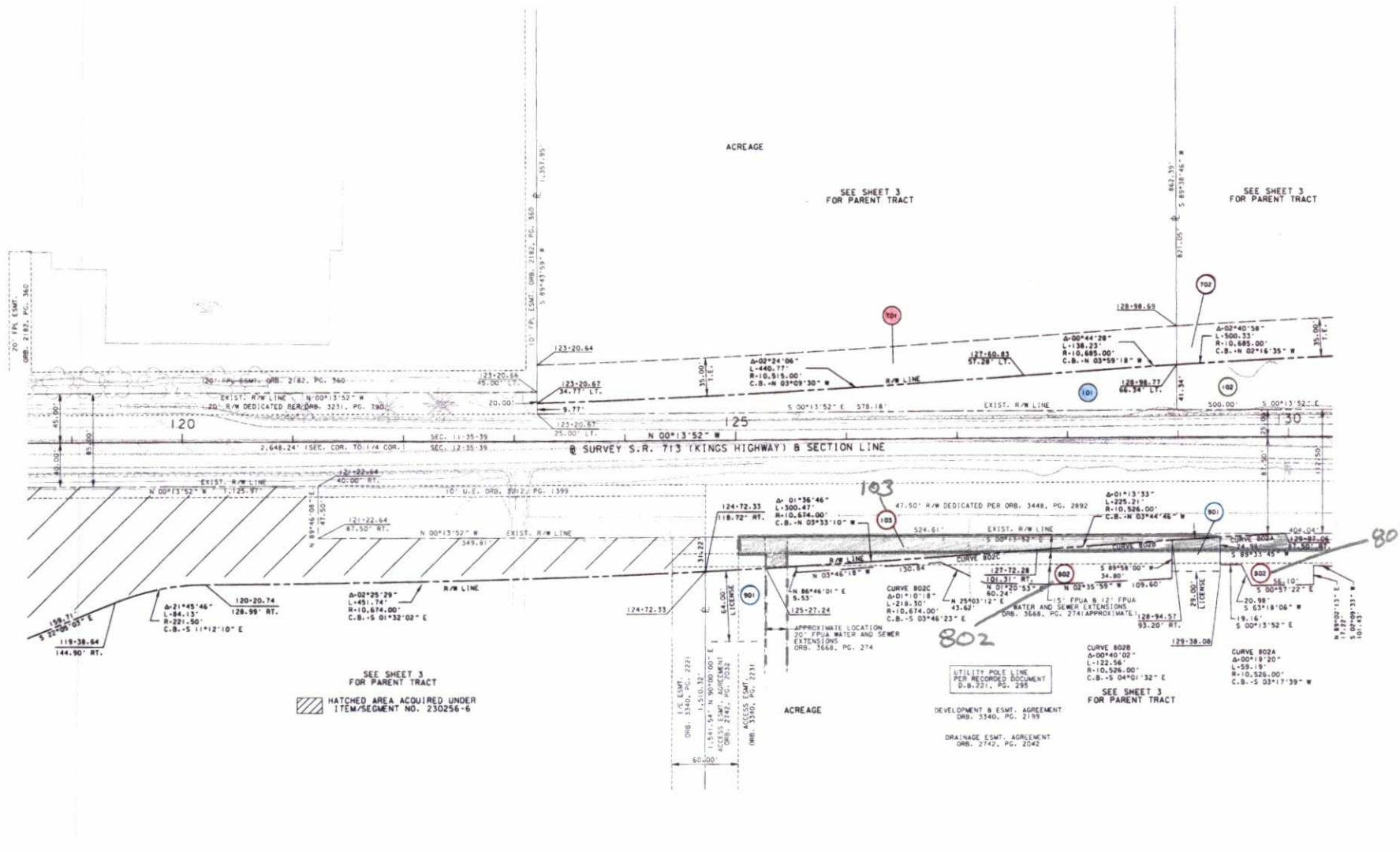
A portion of land, lying in the Southwest One-Quarter (SW 1/4) of Section 12, Township 35 South, Range 39 East, St. Lucie County, Florida, as shown on Sheets 5 and 6 of the Florida Department of Transportation Right of Way Map of State Road 713 (Kings Highway), Item/Segment No. 2302567, Section 94003-2511, and being more particularly described as follows:

Commence at a boat spike, found marking the West One-Quarter (W 1/4) Corner of said Section 12; thence South  $00^{\circ}13'52''$  East along the West line of the Southwest One-Quarter (SW 1/4) of said Section 12 and the Baseline of Survey of said State Road No. 713 (Kings Highway), a distance of 647.75 feet; thence North  $89^{\circ}46'08''$  East along a line at a right angle to the last described course, a distance of 87.50 feet to a point on the Easterly Existing Right of Way line of said State Road No. 713 (Kings Highway) and being the POINT OF BEGINNING; thence South  $00^{\circ}13'52''$  East along said Easterly Existing Right of Way line of said State Road No. 713 (Kings Highway), a distance of 524.61 feet; thence North  $90^{\circ}00'00''$  East, a distance of 31.22 feet to the beginning of a non-tangent curve concave Westerly, having a chord bearing of North  $03^{\circ}33'10''$  West; thence Northerly along the arc of said curve, having a radius of 10,674.00 feet, through a central angle of  $01^{\circ}36'46''$ , an arc distance of 300.47 feet to the end of said curve and a point of reverse curvature with a curve concave Easterly, having a chord bearing of North  $03^{\circ}44'46''$  West; thence Northerly along the arc of said curve, having a radius of 10,526.00 feet, through a central angle of  $01^{\circ}13'33''$ , an arc distance of 225.21 feet to the end of said curve and to the POINT OF BEGINNING.

Containing 8,424 square feet, 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'



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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	REVISION: 01	DATE: 6/25/15	BY: R. GRADON	DATE: 07/20/12	FAP NO. 7079-007-U	SECTION 94003-2511	MAPS PREPARED BY: PANTON GROUP, INC.	DATA SOURCE: SEE COVER SHEET
		PROJECT NUMBER: 230256-6		REVISION: 02	DATE: 7/28/15	BY: J. EDGAR	DATE: 03/20/15	CHECKED: J. EDGAR	DATE: 03/20/15	STATE ROAD NO. 713 (KINGS HIGHWAY)	ST. LUCIE COUNTY

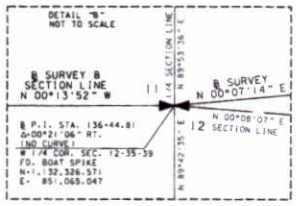
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UNINCORPORATED ST. LUCIE COUNTY

CENTER SEC. 11-35-39  
 FD. 1-1/2" I.P.  
 N-1,132,321,398  
 E- 846,267,898

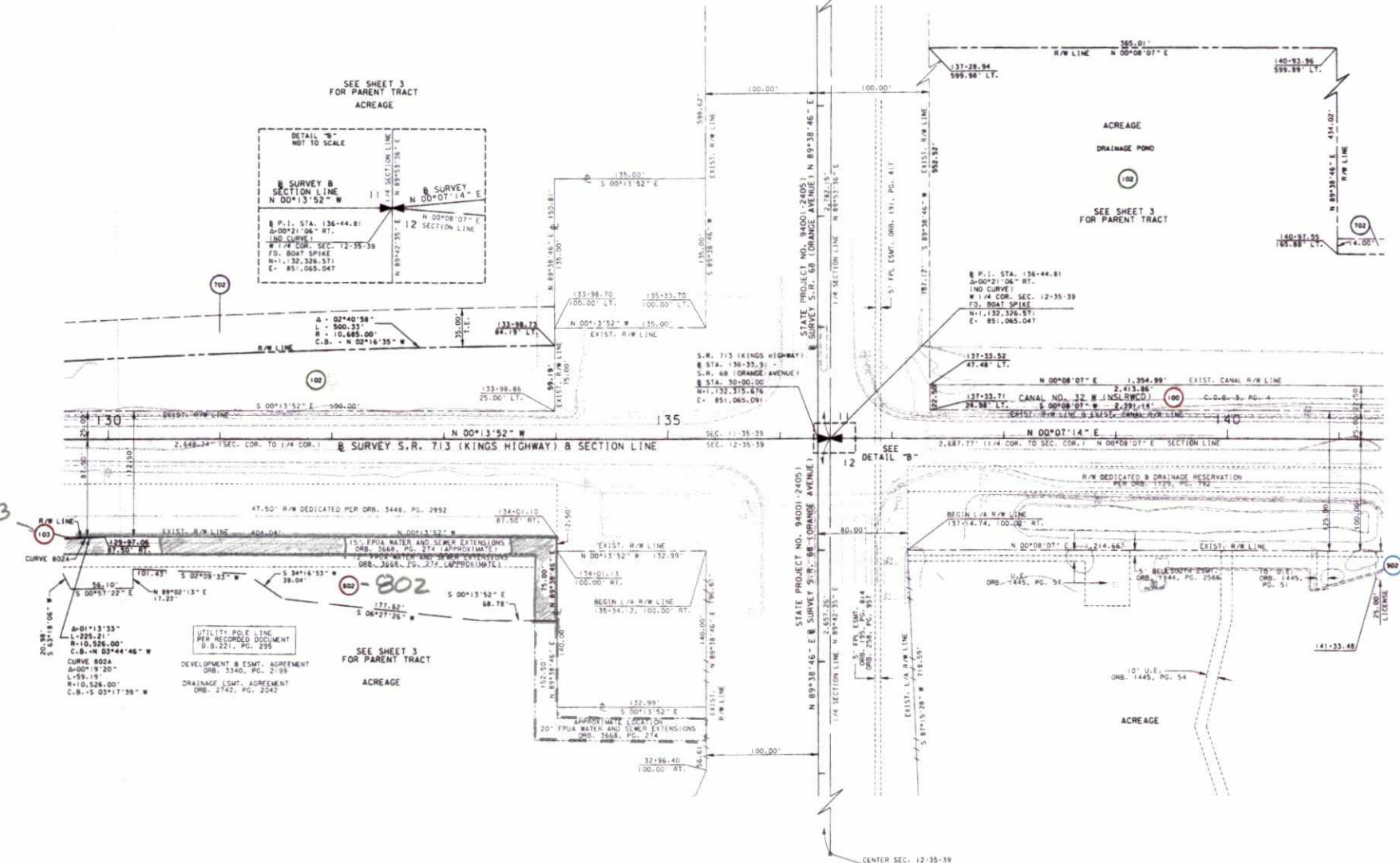
SEC. 11, TWP. 35 S., RGE. 39 E.  
 SEC. 12, TWP. 35 S., RGE. 39 E.  
 SCALE: 1"=40'

SEE SHEET 3  
 FOR PARENT TRACT  
 ACREAGE



ACREAGE  
 DRAINAGE POND  
 SEE SHEET 3  
 FOR PARENT TRACT

Page 3 of 3



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	DATE	AND FIELD ELEMENTS	DATE	BY	DATE	FAP NO. T079-007-U	SECTION 94003-2511	MAPS PREPARED BY:	DATA SOURCE:
		<i>[Signature]</i>	5/22/15	STATE PROJECT NO. 94001-24051 E & S SURVEY S.R. 68 (ORANGE AVENUE)	07/2012	PRELIM R. GRADON	07/2012			WHITMAN GROUP, INC.	SEE COVER SHEET
		REVISION	BY	DATE	CHECKED	DATE	EDGAR	03/09/15	STATE ROAD NO. 713 (KINGS HIGHWAY)	ST. LUCIE COUNTY	SCALE: 1" = 40'