

23-UTL.04-06/93

This instrument prepared
under the direction of:
Dawn Raduano, Esq. _____
Legal Description prepared by:
Louis Cefolia, P.S.M. (02-23-17)
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. 802.4R
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

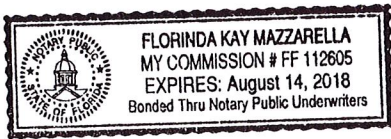
[Signature]
Print name: Florinda Mazzarella

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

Parcel No. 802

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°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 243.70 feet; thence North 89°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 the POINT OF BEGINNING; thence North 89°38'46" East, a distance of 75.00 feet; thence South 00°13'52" East, a distance of 68.78 feet; thence South 06°27'26" West, a distance of 177.62 feet; thence South 34°16'53" West, a distance of 39.04 feet; thence South 02°09'33" West, a distance of 101.43 feet; thence North 89°02'13" East, a distance of 17.22 feet; thence South 00°57'22" East, a distance of 56.10 feet; thence South 63°18'06" West, a distance of 20.98 feet; thence South 00°13'52" East, a distance of 19.16 feet; thence South 89°33'45" West, a distance of 24.98 feet to the beginning of a non-tangent curve concave Easterly, having a chord bearing of South 03°17'39" West; thence Northerly along the arc of said curve, having a radius of 10,526.00 feet, through a central angle of 00°19'20", an arc distance of 59.19 feet to the end of said curve; thence North 00°13'52" West, a distance of 404.04 feet to the POINT OF BEGINNING.

Containing 0.566 acres, more or less.

AND

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°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 750.24 feet; thence North 89°46'08" East along a line at a right angle to the last described course, a distance of 93.20 feet to the POINT OF BEGINNING; thence North 89°58'00" East, a distance of 34.80 feet; thence South 02°35'59" East, a distance of 109.60 feet;

(Continued on the next page)

thence South 01°20'53" West, a distance of 60.24 feet; thence

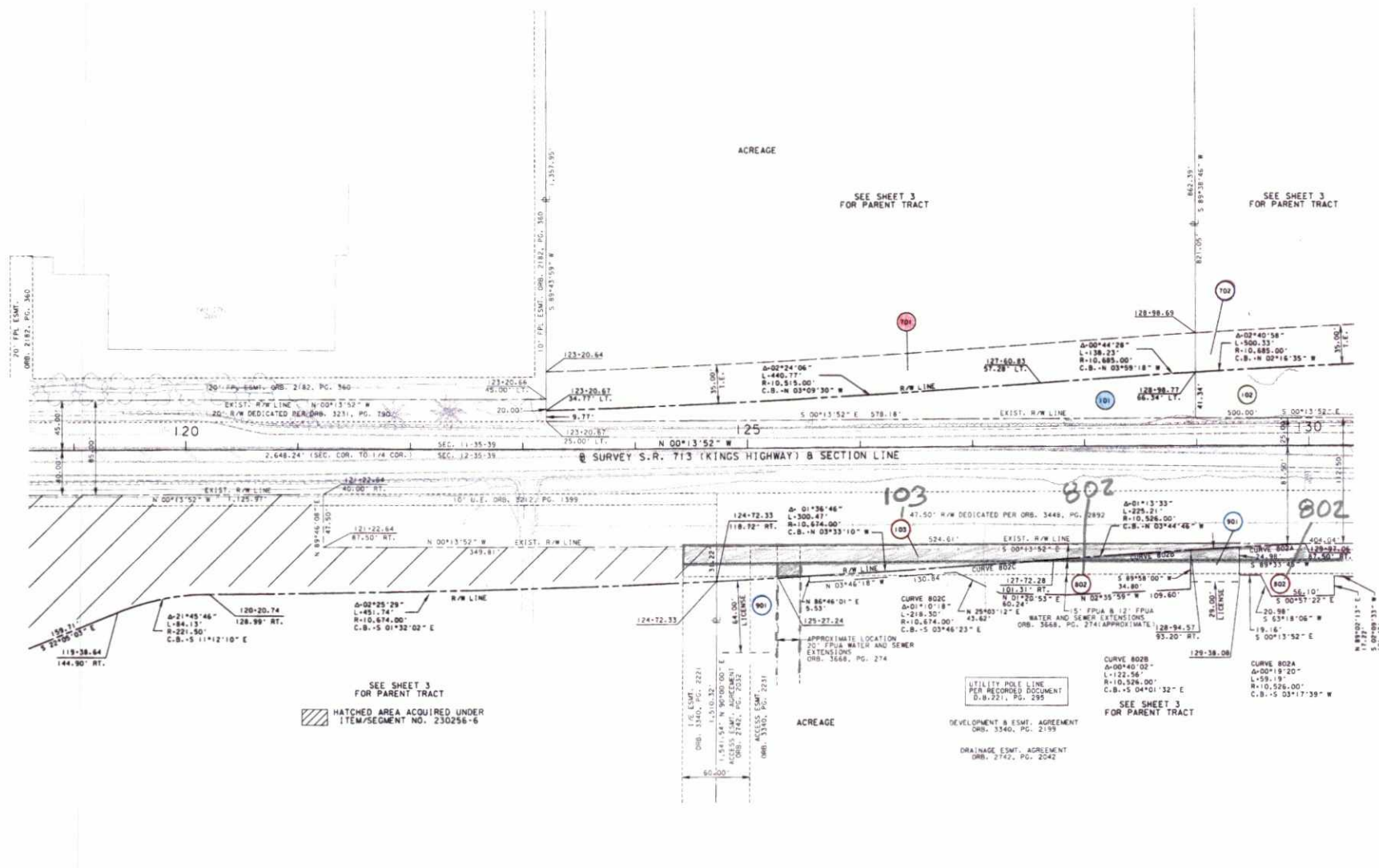
South 25°03'12" West, a distance of 43.62 feet; thence
South 03°46'18" East, a distance of 130.84 feet; thence
South 86°46'01" West, a distance of 5.53 feet to the beginning of a
non-tangent curve concave Westerly, having a chord bearing of
North 03°46'23" West; thence Northerly along the arc of said curve,
having a radius of 10,674.00 feet, through a central angle of
01°10'18", an arc distance of 218.30 feet to the end of said curve and
the beginning of a non-tangent curve concave Easterly, having a chord
bearing of North 04°01'32" West; thence Northerly along the arc of
said curve, having a radius of 10,526.00 feet, through a central angle
of 00°40'02", an arc distance of 122.56 feet to the end of said curve
and the POINT OF BEGINNING.

Containing 6,721 square feet, more or less.

All containing 0.720 acres, more or less.

UNINCORPORATED ST. LUCIE COUNTY

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



SEE SHEET 3 FOR PARENT TRACT
 HATCHED AREA ACQUIRED UNDER
 ITEM/SEGMENT NO. 230256-6

UTILITY POLE LINE
 PER RECORDED DOCUMENT
 D.B. 2721, PG. 295
 DEVELOPMENT & ESMT. AGREEMENT
 ORB. 3540, PG. 2199
 DRAINAGE ESMT. AGREEMENT
 ORB. 2742, PG. 2042

SEE SHEET 3 FOR PARENT TRACT

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

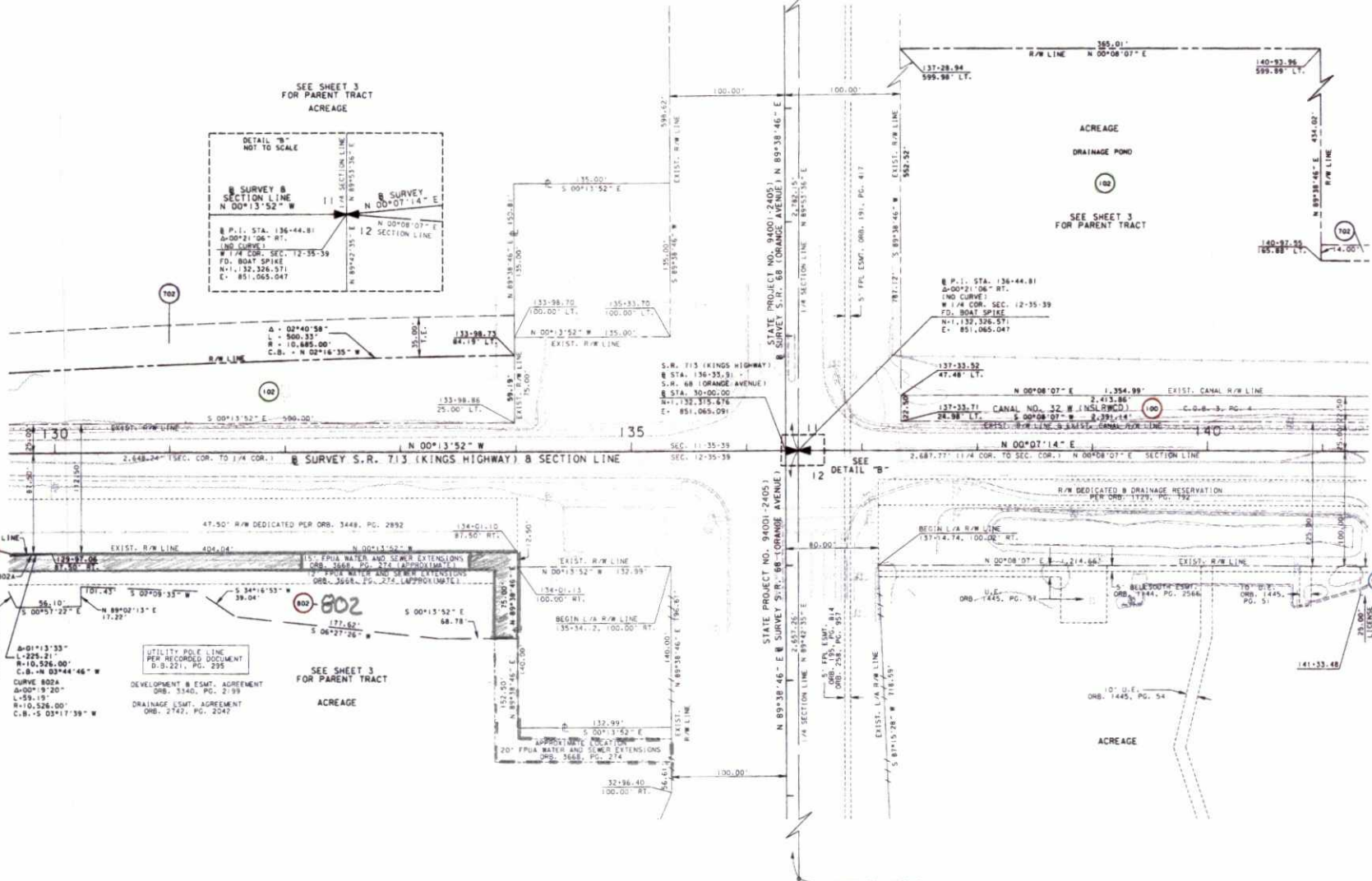
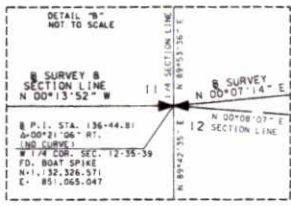
| | | | | | | | | | | |
|------------------|---|---------------------------------|---------------|----------------|----------------|----------------|--------------------|------------------------------------|---|------------------------------|
| RIGHT OF WAY MAP | FLORIDA DEPARTMENT OF TRANSPORTATION SURVEYING AND MAPPING | APPROVED BY: <i>[Signature]</i> | DATE: 6/25/15 | REVISION: 01 | DATE: 07/20/12 | BY: R. GRANOW | FAP NO. 7079-007-U | SECTION 94003-2511 | MAPS PREPARED BY: HATHAWAY GROUP, INC. L.R. NO. 1700 | DATA SOURCE: SEE COVER SHEET |
| | | DATE: 07/20/12 | BY: R. GRANOW | DATE: 07/20/12 | BY: R. GRANOW | DATE: 07/20/12 | BY: R. GRANOW | STATE ROAD NO. 713 (KINGS HIGHWAY) | ST. LUCIE COUNTY | SCALE: 1"=40' |

UNINCORPORATED ST. LUCIE COUNTY

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

CENTER SEC. 11-35-39
FD. 1-1/2" I.P.
N=1,32,321,398
E= 848,292,858

SEE SHEET 3 FOR PARENT TRACT ACREAGE



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SEE SHEET 3 FOR PARENT TRACT ACREAGE

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 | DATE | BY | DATE | FAP NO. 7079-007-U | SECTION 94003-251 | MAPS PREPARED BY: | DATA SOURCES: |
| | | <i>[Signature]</i> | 9/25/15 | S. SMITH | 09/09/14 | STATE ROAD NO. 713 (KINGS HIGHWAY) | ST. LUCIE COUNTY | BAITMAN GROUP, INC. LR NO. 1055 | SEE COVER SHEET SCALE: 1"=40' |