

23-UTL.04-03/03

March 25, 2019

This instrument prepared by,
or under the direction of,
Scott Calais
Department of Transportation
P. O. Box 607
Chipley, FL 32428

Legal description approved by:
James Holland

Parcel	101.3
Item/Segment No.	2208769
Managing District	3
S.R. No.	166
County	Jackson

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT is entered into on _____, 20__, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) whose address is Post Office Box 607, Chipley, Florida 32428, and City of Marianna (City).

WITNESSETH:

WHEREAS, the City presently has an interest in land that is necessary for highway purposes and the City has facilities located on the land.

WHEREAS, the proposed use of the land for highway purposes will require subordination by the City to the FDOT of the interest claimed in the land.

WHEREAS, the FDOT is willing to pay to have the City's facilities relocated, if necessary to prevent conflict with the facilities on the FDOT's project # 2208769.

THEREFORE, in consideration of the mutual covenants and promises of the parties, the City and the FDOT agree as follows:

1. The City subordinates to FDOT, its successors or assigns, its interest in the following described land:

A parcel of land being in Section 24, Township 5 North, Range 10 West, and Section 19, Township 5 North, Range 9 West, Jackson County, Florida, described as follows: Commence at 5/8 inch Florida Department of Transportation (F.D.O.T.) rod marking the southeast corner of said Section 24; thence North 00°21'00" West 24.52 feet to the centerline of survey of State Road 166, as shown on F.D.O.T. Right of Way Map Section 53120-2513 (FP #2193271) (said map being on file at F.D.O.T. District 3 Office, Chipley, Florida); thence South 89°39'00" West 57.48 feet along said centerline of survey; thence departing said centerline, run North 00°21'00" West 65.00 feet to an intersection of the northerly required right of way line of State Road 166, as shown on said Right of Way Map, with the existing easterly right of way line of Russell Road (county maintained) and POINT OF BEGINNING; thence North 89°39'00" East 66.59 feet along said required right of way line, crossing the east line of said Section 24 (west line of said Section 19); thence departing said required right of way line, run North 73°38'31" West 69.58 feet, crossing said west line of Section 19 (said east line of Section 24) to said existing easterly right of way line of Russell Road; thence South 19°35'46" West 1.57 feet along said easterly right of way line to a point on a tangent curve to the left (concave northeasterly); thence southerly along said easterly right of way line and said curve, having a radius of 25.00 feet, for an arc distance of 18.99 feet, through a central angle of 43°31'27" to end of curve and POINT OF BEGINNING;

Containing 694 square feet, more or less.

The interest of the City being subordinated includes, but is not necessarily limited to, the interest created by the following described document:

RECORDED:

INSTRUMENT	DATE	FROM	TO	BOOK/PAGE
Easement	5/31/18	City of Marianna	City of Marianna	OR 1573 PG 938

2. The City shall have the right to relocate its facilities within the FDOT right of way and the right to receive reimbursement from the FDOT for the relocation. Subsequent to the relocation, the City shall have the right to operate and maintain its facilities within the FDOT right of way, subject to the provisions of the permit and the Utility Accommodation Manual. However, any new construction or relocation, subsequent to the first relocation, shall be subject to the approval of the FDOT. (Approval shall not be withheld or delayed unreasonably.) If the FDOT does not allow the first relocation of the facilities within the right of way or should the FDOT require any subsequent relocation of the facilities, the FDOT agrees to pay the cost of such relocation, including the cost of acquiring any necessary easements. All work performed and facilities located within the right of way by the City, and all payments and reimbursements by the FDOT to the City, shall be in accordance with the FDOT's construction plans for the project and the rules, procedures, and Utility Accommodation Manual, which are in effect at the time this agreement is executed by the City.
3. Notwithstanding the terms of this subordination agreement, the terms of the utility permits shall supersede any conflicting provisions, with the exception of the terms providing for reimbursement rights.
4. The City shall have the right to enter upon the right of way for the purposes stated in Paragraph 2. Maintenance of the facilities shall include the right to trim trees, brush, and growth, which might adversely affect the facilities, provided there are no adverse effects on the operation and safety of the FDOT's facilities.
5. Subject to the provisions of Paragraph 2 above, the City agrees to repair any damages to the FDOT facilities resulting from the act or omission of the City.

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:

Krissy Cook

Barbie Pettis

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: _____
Phillip Gainer, P. E.
Title: District Secretary
for District 3

STATE OF FLORIDA

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Phillip Gainer, as Secretary for District 3, who is personally known to me or who has produced _____ as identification.

Notary Public in and for the
County and State last aforesaid.
My Commission Expires:
Serial No., if any:

UTL.05

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RESOLUTION

ON MOTION of Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 166, Financial Project No. 2208769, in Jackson County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Marianna, Florida, be subordinated to the rights of the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the City: and

WHEREAS, the State of Florida Department of Transportation has made application to said City to execute and deliver to the State of Florida Department of Transportation the attached subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners of Marianna, Florida, that the application of the State of Florida Department of Transportation for a subordination of utility interest, or interests, is for transportation purposes which are in the public or community interest and for public welfare; that a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation should be drawn and executed by this Board of City Commissioners. Consideration shall be \$_____.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at Chipley, Florida.

STATE OF FLORIDA

CITY OF MARIANNA

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of City Commissioners of Marianna, Florida, at a meeting held on the ___ day of _____, 20__.

Clerk, Board of City Commissioners
Marianna, Florida

IN WITNESS WHEREOF, the City has caused these presents to be executed in its name by its Board of City Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____
Clerk (or Deputy Clerk)

Marianna, Florida,
By Its Board of City Commissioners

By: _____
Its Chairperson
(or Vice-Chairperson)

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 20__, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____