

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution – Subordination of County Utility Interests to the Florida Department of Transportation for (FDOT Parcel Numbers 107.2 and 108.4) State Road 400 (Interstate 4).

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY: *W. Gary Johnson* **CONTACT:** Jerry McCollum, P.E. EXT. 5651
W. Gary Johnson, P.E., Director

Agenda Date <u>09/28/04</u>	Regular <input type="checkbox"/>	Consent <input checked="" type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

Adopt Resolution and authorize the Chairman to execute the Subordination of County Utility Interests to the Florida Department of Transportation to construct or improve State Road No. 400 (Interstate 4).

District 5 – Commissioner McLain (Jerry McCollum, P.E.)

BACKGROUND:

The State of Florida Department of Transportation has requested the County enter into a Subordination of County Utility Interests Agreement (FDOT Parcel No. 170.2 and Parcel No. 108.4) in conjunction with improvements to State Road No. 400 (Interstate 4).

Attachments: Location Map
Resolution
Subordination of County Utility Interests Agreement

Reviewed by:	
Co Atty:	<u><i>HMB</i></u>
DFS:	_____
Other:	_____
DCM:	<u><i>[Signature]</i></u>
CM:	<u><i>[Signature]</i></u>
File No.	<u>CPWE01</u>

RESOLUTION

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON THE 28th DAY OF *September*, A.D., 2004.

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 400 (I-4), Section 77160 in Seminole County, Florida; and

WHEREAS, it is necessary that certain Utility Easement rights now owned by Seminole County be acquired by the State of Florida Department of Transportation; and

WHEREAS, the necessary lands are identified by the Florida Department of Transportation as Parcel Numbers 107.2 and 108.4; and

WHEREAS, said use is in the best interest of the County; and

WHEREAS, The State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation for a Subordination of County Utility interest in favor of the State of Florida Department of Transportation, subordinating the rights that the County has in and to said lands required for transportation purposes and said request having been duly considered.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the application of the State of Florida Department of Transportation for a Subordination of County Utility interests is hereby executed by this Board of County Commissioners.

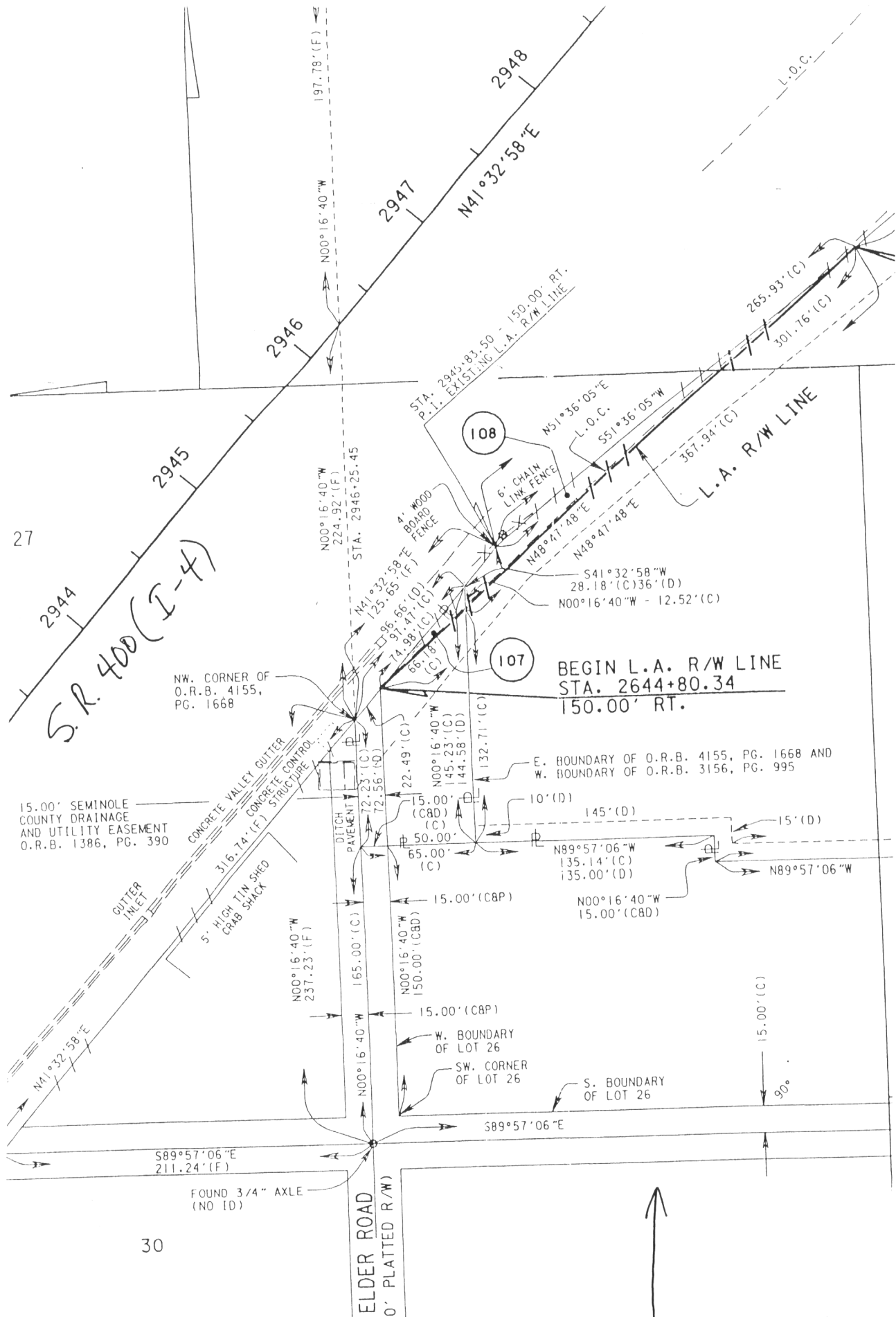
ADOPTED THIS 28th day of *September*, A.D., 2004.

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

ATTEST:

Daryl G. McLain, Chairman

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**



Being a portion of FOOT R/W MAP,
 Sheet 7 of 9 FP No. 242 702 2



23-UTL02-09/01
May 20, 2004
This instrument prepared by
ALICIA CREW
Under the direction of
GEORGE S. LOVETT, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 107.2
SECTION 77160
F.P. NO. 242702 2
STATE ROAD 400 (I-4)
COUNTY SEMINOLE

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and SEMINOLE COUNTY, hereinafter called County.

WITNESSETH:

WHEREAS, the County 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 County to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the County'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, County and F.D.O.T. agree as follows:

County hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest in the lands as follows, viz:

PARCEL NO. 107

SECTION NO. 77160
F.P. No 242702 2

THAT PART OF:

"Beginning at a point 150.0 feet N. 00 degrees 23" W. of the Southwest corner of LOT 26, of ST. JOSEPH'S according to the plat thereof as recorded in Plat Book 1, Page 114, of the Public Records of Seminole County, Florida, and on the West line of said LOT 26, run N.89 degrees 56'12" E. along a line parallel with the South line of said LOT 26, a distance of 50.0 feet; thence run N. 00 degrees 23' 48" W. a distance of 144.58 feet to the Southerly Right of Way line of Interstate Highway 4; thence run S. 41 degrees 49'38" W. a distance of 96.66 feet; thence run S.00 degrees 23'48" E. a distance of 72.56 feet; run thence N.89 degrees 56'12" E. a distance of 15 feet to the Point of Beginning"

(The above parcel of land being described and recorded in Official Records Book 4155, Page 1668, Public Records of Seminole County, Florida.)

DESCRIBED AS FOLLOWS:

From a ¾" diameter iron pipe (no identification) at the Southeast corner of the Northeast ¼ of the Northwest ¼ of Section 21, Township 19 South, Range 30 East, Seminole County, Florida as shown on the Florida Department of Transportation Right of Way Map for County Road 15 at State Road 15-600, Section 77160, F.P. Number 242702 2, on file with the Florida Department of Transportation, Surveying and Mapping Section, Deland, Florida, run North 89 degrees 57 minutes 06 seconds West 1320.19 feet along a line parallel with and 15.00 feet South of, when

PARCEL NO. 107.2
SECTION 77160
F.P. NO. 242702 2
PAGE 2

measured at right angles to, the South boundary of Lot 26 of W. Beardall's Map of St. Joseph's as recorded in Plat 1, Page 114, Public Records of Seminole County, Florida to a ¾" axle (no identification); thence North 00 degrees 16 minutes 40 seconds West 237.23 feet along a line parallel with and 15.00 feet West of, when measured at right angles to, the West boundary of said Lot 26 to the Northwest corner of that certain parcel of land being described and recorded in Official Records Book 4155, Page 1668, Public Records of Seminole County, Florida, said Northwest corner being a point on the existing Southeasterly limited access right of way line of State Road 400 (I-4); thence North 41 degrees 32 minutes 58 seconds East 22.49 feet along said existing Southeasterly limited access right of way line to a point on said West boundary of Lot 26 for the POINT OF BEGINNING; thence North 48 degrees 47 minutes 48 seconds East 66.18 feet to a point on the East boundary of the aforesaid parcel of land being described and recorded in Official Records Book 4155, Page 1668; thence North 00 degrees 16 minutes 40 seconds West 12.52 feet along said East boundary to a point on the aforesaid existing Southeasterly limited access right of way line; thence South 41 degrees 32 minutes 58 seconds West 74.98 feet along said existing Southeasterly limited access right of way line to the Point of Beginning

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

CONTAINING: 313 Square feet, more or less.

This legal description prepared under the direction of:
Michael N. Crozier, PLS #3186
Jones, Wood & Gentry, Inc.
136 East Robinson Street
Orlando, FL 32801
Date: April 19, 2004
(407) 841-2122

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	3/30/82	James W. Hickman	County of Seminole	1386/390
Easement	2/21/73	Candyland, Inc.	Lake Monroe Utilities, Inc.	972/116
Agree. For Sale and Purchase	7/25/89	Lake Monroe Utility Corporation	Seminole County, FL	2090/478

PROVIDED that the County has the following rights:

1. The County 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 F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in 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 F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.

PARCEL NO. 107.2
SECTION 77160
F.P. NO. 242702 2
PAGE 3

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 County 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 F.D.O.T.'s facilities.
4. The County agrees to repair any damage to F.D.O.T. facilities and to indemnify the F.D.O.T. against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

SIGNATURE LINE
PRINT/TYPE NAME: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: _____
Noranne B. Downs, P.E.,
District Director
Of Production
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

Approved as to Form,
Legality and Execution:

By: _____
District Counsel

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, _____,
by Noranne B. Downs, P.E., District Director of Production for District Five, who is personally known to me or who has
produced _____ as identification.

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

PARCEL NO. 107.2
SECTION 77160
F.P. NO. 242702.2
PAGE 4

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

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of Seminole
County, Florida.

By: DARYL G. MCLAIN, Chairman

Date: _____

For the use and reliance of
Seminole County Only.
Approved as to form and
legal sufficiency

As authorized for execution by
the Board of County Commissioners
at their _____, 2004, regular
meeting.



County Attorney

23-UTL02-09/01

May 17, 2004

This instrument prepared by

ALICIA CREW

Under the direction of

GEORGE S. LOVETT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 108.4

SECTION 77160

F.P. NO. 242702 2

STATE ROAD 400 (I-4

COUNTY SEMINOLE

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and SEMINOLE COUNTY, hereinafter called County.

WITNESSETH:

WHEREAS, the County 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 County to the F.D.O.T.; and

WHEREAS, the F.D.O.T. is willing to pay to have the County'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, County and F.D.O.T. agree as follows:

County hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest in the lands as follows, viz:

PARCEL NO. 108

SECTION NO. 77160

F.P. No 242702 2

THAT PART OF:

"From the Southeast corner of the NE ¼ of the NW ¼ of Section 21, Township 19 South, Range 30 East, run N. 00° 23' 48" W., along the East line of said NE ¼ and the center line of Monroe Road, a distance of 330 feet, thence run S. 89° 56' 12" W., 25 feet to a POINT OF BEGINNING; said Point of Beginning being on the West Right-of-Way line of Monroe Road and the intersection of the center line of a vacated street lying between Blocks 5 and 8 of the TOWN OF MONROE, according to the plat thereof as recorded in Plat Book 1, Page 97 of the Public Records of Seminole County Florida, thence run S. 89° 56' 12" W., along said center line 627.5 feet to the center line of a vacated street lying East of Lot 26 of ST. JOSEPH'S according to the plat thereof as recorded in Plat Book 1, Page 114, of the said Public Records, and West of Block 7, said TOWN OF MONROE thence run S. 00° 23' 48" E., along said center line 180 feet, thence run S. 89° 56' 12" W., 82.5 feet, thence run S. 00° 23' 48" E., 135 feet, thence run S. 89° 56' 12" W., 110.0 feet, thence run N. 00° 23' 48" W. 135 feet, thence run S. 89° 56' 12" W., 275 feet, thence run N. 00° 23' 48" W., 15 feet, thence run S. 89° 56' 12" W. 135 feet, thence N. 00° 23' 48" W., 144.58 feet to the Southerly Right-of-Way line of Interstate Highway 4, thence run N. 41° 49' 38" E., 36 feet, thence run N. 51° 37' 12" E., 792.2 feet, thence run along a curve concave Southerly, having a radius of 180 feet, a central angle of 75° 12' 07", an arc distance of 236.25 feet, thence run S. 58° 48' 26" E., 85.02 feet to the West line of Lot 3, Block 4, said TOWN OF MONROE, thence run S. 00° 23' 48" E., 200 feet, thence run S. 70° 01' 38" E., 290 feet to the West Right-of-Way line of State Road 15, (Monroe Road), thence run S. 00° 23' 48" E. 135 feet, thence run N 89° 36' 12" E., 18 feet, thence run S. 00° 23' 48" E., 29.58 feet to the POINT OF BEGINNING.

PARCEL NO. 108.4
SECTION 77160
F.P. NO. 242702 2
PAGE 2

SAVE AND EXCEPT THEREFROM the following described premises which has been previously conveyed by Grantor in a Deed recorded in Official Records Book 1104, Page 1427 of said Public Records;

From the Southeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 21, Township 19 South, Range 30 East, Seminole County, Florida, run N. $00^{\circ} 23' 48''$ W., along the East line of said NE $\frac{1}{4}$, a distance of 494.73 feet, thence run S. $89^{\circ} 36' 12''$ W., 43.0 feet for a POINT OF BEGINNING, said point being on the new Right-of-Way line of State Road 15, thence run S. $00^{\circ} 23' 48''$ E., 40.87 feet; thence run S. $89^{\circ} 56' 12''$ W., 272 feet, more or less; to the West line of Lot 7, Block 5, said TOWN OF MONROE; thence run N $00^{\circ} 23' 48''$ W., 140.23 feet, more or less; to the Southwestern corner of Parcel One (As described in that certain instrument recorded in Official Records Book 1104, at Page 1427); thence run S. $70^{\circ} 01' 38''$ E., 290 feet to the POINT OF BEGINNING; and LESS AND EXCEPT right of way to Seminole County as further described in Official Records Book 2143, at Page 1590, and Official Records Book 2143, Page 1766, and LESS AND EXCEPT that certain parcel described in Official Records Book 2151, Page 1283, of the Public Records of Seminole County, Florida."

(The above described lands being described and recorded in Official Records Book 3156, Page 996, Public Records of Seminole County, Florida.)

DESCRIBED AS FOLLOWS:

From a $\frac{3}{4}$ " diameter iron pipe (no identification) at the Southeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 19 South, Range 30 East, Seminole County, Florida as shown on the Florida Department of Transportation Right of Way Map for County Road 15 at State Road 15-600, Section 77160, F.P. Number 242702 2, on file with the Florida Department of Transportation, Surveying and Mapping Section, Deland, Florida, run North 89 degrees 57 minutes 06 seconds West 1320.19 feet along a line parallel with and 15.00 feet South of, when measured at right angles to, the South boundary of Lot 26 of W. Beardall's Map of St. Joseph's as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida to a $\frac{3}{4}$ " axle (no identification); thence North 00 degrees 16 minutes 40 seconds West 237.23 feet along a line parallel with and 15.00 feet West of, when measured at right angles to, the West boundary of said Lot 26 to the Northwest corner of that certain parcel of land being described and recorded in Official Records Book 4155, Page 1668, Public Records of Seminole County, Florida, said Northwest corner being a point on the existing Southeasterly limited access right of way line of State Road 400 (I-4); thence North 41 degrees 32 minutes 58 seconds East 22.49 feet along said existing Southeasterly limited access right of way line to a point on said West boundary of Lot 26; thence North 48 degrees 47 minutes 48 seconds East 66.18 feet to a point on the East boundary of the aforesaid parcel of land being described and recorded in Official Records Book 4155, Page 1668 for the POINT OF BEGINNING; thence continue North 48 degrees 47 minutes 48 seconds East 301.76 feet to a point on the aforesaid existing Southeasterly limited access right of way line; thence South 51 degrees 36 minutes 05 seconds West 265.93 feet along said existing Southeasterly limited access right of way line to a point; thence South 41 degrees 32 minutes 58 seconds West 28.18 feet along said existing Southeasterly limited access right of way line to a point on the aforesaid East boundary of the that certain parcel of land being described and recorded in Official Records Book 4155, Page 1668; thence South 00 degrees 16 minutes 40 seconds East 12.52 feet along said East boundary to the Point of Beginning

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

CONTAINING: 2,081 Square feet, more or less.

PARCEL NO. 108.4
SECTION 77160
F.P. NO. 242702 2
PAGE 3

This legal description prepared under the direction of:
Michael N. Crozier, PLS #3186
Jones, Wood & Gentry, Inc.
136 East Robinson Street
Orlando, FL 32801
Date: April 19, 2004
(407) 841-2122

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	2/21/73	Candyland, Inc.	Lake Monroe Utilities, Inc.	972/116
Agree. For Sale and Purchase	7/25/89	Lake Monroe Utility Corporation	Seminole County, FL	2090/478

PROVIDED that the County has the following rights:

1. The County 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 F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in 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 F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. 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 County 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 F.D.O.T.'s facilities.
4. The County agrees to repair any damage to F.D.O.T. facilities and to indemnify the F.D.O.T. against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the F.D.O.T. 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

SIGNATURE LINE
PRINT/TYPE NAME: _____

By: _____
Noranne B. Downs, P.E.,
District Director
Of Production
for District Five
719 S. Woodland Blvd.
Deland, Florida 32720

SIGNATURE LINE
PRINT/TYPE NAME: _____

Approved as to Form,
Legality and Execution:

By: _____
District Counsel

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, _____
by Noranne B. Downs, P.E., District Director of Production for District Five, who is personally known to me or who has
produced _____ as identification.

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

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

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of Seminole
County, Florida.

By: DARYL G. MCLAIN, Chairman

Date: _____

For the use and reliance of
Seminole County Only.
Approved as to form and
legal sufficiency

As authorized for execution by
the Board of County Commissioners
at their _____, 2004, regular
meeting.


County Attorney