

This instrument prepared by,  
or under the direction of  
By: *[Signature]*  
Department of Transportation  
11201 N. Malcolm McKinley Drive  
Tampa, Florida 33612

PARCEL : 112.03  
WFI/SRG : 4136222  
S.R. NO.: 690  
COUNTY : PINELLAS  
SECTION : 15036-XXXX  
MANAGING DISTRICT: SEVEN

Legal Description Approved:  
Date: 04/22/13 By: BRAD R. GERSWICK

UTLSTIN

#### SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the FDOT, and PINELLAS County, a political subdivision of the State of Florida, hereinafter called County.

#### W I T N E S S E T H:

WHEREAS, the County presently has an interest in certain real property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires subordination of the County's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of locating, protecting, adjusting or removing the County's facilities if necessary to prevent conflict between the County's facilities and the transportation facility;

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the FDOT and the County hereby agree as follows:

1. The County hereby subordinates to the interest of FDOT, its successors, or assigns, any and all of its interest in the lands as follows:

Part "A"

Part of Lots 9 through 14 in PINELLAS GROVES as recorded in Plat Book 1, Page 55 of the Public Records of Pinellas County, Florida, lying in the Southwest quarter of Section 9, Township 30 South, Range 16 East, Pinellas County, Florida, and being part of the property described in Official Record Book 2981, Page 713, Public Records of Pinellas County, Florida, being further described as follows:

Commence at the West quarter corner of said Section 9; thence South 00°01'36" West, 2228.23 feet along the West line of the Southwest quarter of said Section 9; thence

South 31°57'33" East, 62.30 feet to a point being 33 feet West of and parallel to said West line of the Southwest quarter of Section 9, also being the easterly Right of Way line for 58<sup>th</sup> Street, as described in Pinellas County Commissioners Book 6, Page 350, Public Records of Pinellas County, Florida, and being the POINT OF BEGINNING; thence departing said easterly Right of Way line for 58<sup>th</sup> Street, South 31°57'33" East, 295.58 feet; thence South 31°09'23" East, 151.04 feet; thence South 65°38'26" East, 109.33 feet; thence South 89°54'19" East, 132.86 feet to a non-tangent curve; thence along the arc of said curve concave northerly, having a radius of 3913.09 feet, a delta of 01°43'47", an arc distance of 118.13 feet, and having a chord bearing and distance of North 89°09'12" East, 118.13 feet; thence North 89°06'27" East, 19.87 feet to a non-tangent curve; thence along the arc of said curve concave northwesterly, having a radius of 3914.00 feet, a delta of 04°37'23", an arc distance of 315.81 feet, and having a chord bearing and distance of North 85°16'59" East, 315.73 feet to a point of reverse curvature; thence along the arc of said reverse curve concave southeasterly, having a radius of 5740.00 feet, a delta of 04°41'17", an arc distance of 469.66 feet, and having a chord bearing and distance of North 85°18'56" East, 469.53 feet; thence North 87°39'35" East, 367.70 feet; thence North 87°39'43" East, 124.77 feet; thence South 87°47'22" East, 6.19 feet; thence North 87°39'35" East, 5.38 feet; thence North 87°39'35" East, 39.88 feet; thence North 83°06'26" East, 6.15 feet; thence North 87°39'43" East, 97.09 feet to a non-tangent curve; thence along the arc of said curve concave southeasterly, having a radius of 7649.00 feet, a delta of 04°11'04", an arc distance of 558.61 feet and a chord bearing and distance of North 89°45'07" East, 558.49 feet; thence North 02°03'51" East, 5.02 feet; thence South 89°34'30" East, 41.70 feet to a point on the East line of the Southwest quarter of said Section 9 lying 2519.79 feet South of the Center of said Section 9, same also being the centerline of a 30 foot vacated street per Official Record Book 11623, Page 2062, Public Records of Pinellas County, Florida; thence South 00°00'43" East, 105.42 feet along said East line and centerline to the existing northerly Right of Way line of County Road 296 (118<sup>th</sup> Avenue North) as described in Official Record Book 7605, Page 2071, Public Records of Pinellas County, Florida; thence along said existing northerly Right of Way line the following five (5) courses: (1) North 89°52'19" West, 137.92 feet to a non-tangent curve; (2) thence along the arc of said curve concave southwesterly, having a radius of 3854.35 feet, a delta of 07°30'18", an arc distance of 504.88 feet, and having a chord bearing and distance of North 86°08'48" West, 504.52 feet; (3) North 89°54'19" West, 667.93 feet to a non-tangent curve; (4) thence along the arc of said curve concave southeasterly, having a radius of 3919.82 feet, a delta of 06°07'26", an arc distance of 418.97 feet, and having a chord bearing and distance of South 87°02'11" West, 418.77 feet to a point of reverse curvature; (5) thence along the arc of said reverse curve concave northwesterly, having a radius of 3780.59 feet, a delta of 01°35'23", an arc distance of 104.90 feet and a chord bearing and distance of South 84°46'02" West, 104.89 feet to a point on the south line of said Lot 10, also being the existing North Right of Way line of said County Road 296 (118<sup>th</sup> Avenue North); thence along said existing North Right of Way line North 89°52'19" West, 582.60 feet to the existing easterly Right of Way line of S.R. 35 (U.S. 19) as depicted on State Road Department Right of Way Map Section 1515-104; thence along said existing easterly Right of Way line North 31°55'27" West, 372.79 feet to a point being on said easterly Right of Way line of 58<sup>th</sup> Street, as described in Pinellas County Commissioners Book 6, Page 350, Public Records of Pinellas County, Florida; thence along said existing easterly Right of Way line North 00°01'36" East, 24.54 feet to the POINT OF BEGINNING.

Part "A" contains 2.501 acres, more or less.

AND

Part "B"

Part of Lot 14 in PINELLAS GROVES as recorded in Plat Book 1, Page 55 of the Public Records of Pinellas County, Florida, lying in the Southeast quarter of Section 8, Township 30 South, Range 16 East, Pinellas County, Florida, and being part of the property described in Official

Record Book 4088, Page 932, Public Records of Pinellas County, Florida, being further described as follows:

Commence at the East quarter corner of said Section 8; thence South 00°01'36" West, 1978.42 feet along the East line of the Southeast quarter of said Section 8 to a point on the easterly extension of the northerly line of said Lot 14; thence North 89°45'39" West, 144.59 feet along said extension and the North line of said Lot 14, and the southerly line of a property acquired by the Florida Department of Transportation in Official Record Book 12346, Page 443, Public Records of Pinellas County, Florida, to the POINT OF BEGINNING; thence South 30°40'30" East, 318.57 feet to a point 33 feet West of said East line of the Southeast quarter of Section 8, same also being the existing westerly Right of Way line for 38<sup>th</sup> Street (not physically open); thence along said existing westerly Right of Way line of 38<sup>th</sup> Street parallel with said East line, South 00°01'36" West, 34.07 feet to a point on the existing easterly Right of Way line of State Road 55 (U.S. 19) as depicted on the Florida State Road Department Right of Way Map Section 1515-104; thence North 31°55'27" West, 261.80 feet along said existing easterly Right of Way line to the intersection with the North line of said Lot 14; thence South 89°45'38" East, 27.02 feet along said North line of Lot 14 to the POINT OF BEGINNING.

Part "B" contains 4,894 square feet, more or less.

AND

Part "C"

Part of Lots 9, 10, and 11 in PINELLAS GROVES as recorded in Plat Book 1, Page 55 of the Public Records of Pinellas County, Florida, lying in the Southeast quarter of Section 9, Township 30 South, Range 16 East, Pinellas County, Florida, and being part of the property described in Official Record Book 2981, Page 713, Public Records of Pinellas County, Florida, being further described as follows:

Commence at the center of said Section 9; thence South 00°00'43" East, 1370.11 feet along the West line of the Southeast quarter of said Section 9; thence South 89°54'46" East, 15.00 feet to the POINT OF BEGINNING, said point also being on the westerly line of a 30 foot vacated Right of Way per Official Record Book 11623, Page 2062, Public Records of Pinellas County, Florida, and the West line of said Lot 9; thence South 89°54'46" East, 906.81 feet to a point on the westerly line of a property described in Official Record Book 3997, Page 31, Public Records of Pinellas County, Florida; thence South 25°31'30" East, 310.99 feet along said westerly line to a point on the northerly line of a property described in Official Record Book 11748, Page 499, Public Records of Pinellas County, Florida; thence North 89°53'33" West, 721.48 feet along said northerly line to the West line of said property described in Official Record Book 11748, Page 499; thence South 00°02'26" West, 329.92 feet to a point on the South line of said Lot 9; thence North 89°53'41" West, 318.97 feet to the southwest corner of Lot 9; thence North 00°00'41" West, 610.00 feet along the West line of Lot 9 and said easterly line of a 30 foot vacated Right of Way to the POINT OF BEGINNING.

Part "C" contains 8.682 acres, more or less.

Parts "A", "B" and "C" contain 11.295 acres, more or less.

The interest of the County being subordinated hereby includes the interest created by the following document(s) and any other unrecorded rights of the County in the real property described in such document(s):

INSTRUMENT	DATE	FROM	TO	OR Bk/Pg
DRAINAGE EASEMENT	10/31/89	MISERERE GUILD, INC.	PINELLAS COUNTY	7141/676
DRAINAGE EASEMENT	06/21/91	MISERERE GUILD, INC.	PINELLAS COUNTY	7805/2076
EASEMENT	09/18/01	MISERERE GUILD, INC.	PINELLAS COUNTY	11623/2062

2. The County shall continue to have all rights under the County's real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. Subject to the provisions of Paragraph 4 herein, the FDOT shall have the right to control the County's use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the County be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project.

b. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the County's facilities proposed by the County shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's Utility Accommodation Manual in effect as of the date of approval. Approval will be granted through the issuance of a utility permit.

c. Notice to the County of any adjustment, upgrading, removal or relocation of the County's facilities will be in accordance with the FDOT's Utility Accommodation Manual. The County shall have the right, but not the obligation, to perform the design functions related to the alteration of the facility and shall be notified sufficiently in advance of the date the design must be completed.

4. In the event the FDOT exercises it's rights under paragraph 3 hereof, FDOT shall fully compensate the County for all quantifiable expenses related to the relocation, protection, adjustment, removal of the County's facilities which are incurred by the County, including but not limited to all costs of replacement, adjustment or protection of such facilities, all costs of acquisition for replacement real property comparable in respect to quality of title, usage, and utility which the County held in the property being replaced, if the County's facility has to be relocated and all engineering, surveying, permitting and other ancillary costs for such relocation, protection, adjustment and removal. This does not include compensation for the overhead costs of the County.

5. At the County's option, either (a) the FDOT shall pay directly for the costs of adjustments, removal, or relocation of the County's facilities, including all costs of design, construction and property acquisition (including eminent domain proceedings if necessary), or (b) the County may advance such costs for the costs of adjustments, removal, or relocation of the County's facilities and be reimbursed by FDOT. If the County is to be reimbursed for any expenses, the costs shall be promptly paid in accordance with section 215.422 Florida Statutes, as amended, and the invoices from the County may be submitted to FDOT in phases, at the County's option. In order to assure that any replacement facilities

are comparable to their current condition, the design of the facilities, and modifications thereof, shall be subject to the review and approval of the County.

IN WITNESS WHEREOF, the FDOT has executed this agreement effective this 29th day of October, 2016.

Signed, sealed and delivered in the presence of:

Marcia J. Haines  
WITNESS  
PRINT NAME Marcia J. Haines

Jacqueline Lawrence  
WITNESS  
PRINT NAME Jacqueline Lawrence

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: Debbie Hunt 10/24/16  
Director of Transportation Development for District VII

PRINT NAME DEBBIE HUNT  
ADDRESS: 11201 N. Malcolm McKinley Dr.  
Tampa, Florida 33612

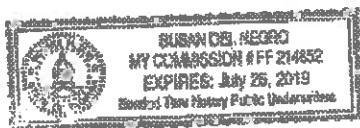
Legal Review

By: Monty K. Kinsley  
District Counsel

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

October The foregoing instrument was acknowledged before me this 24th day of October, 2016, by DEBBIE HUNT, DIRECTOR OF TRANSPORTATION DEVELOPMENT for District VII, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Susan Del Negro  
PRINT NAME Susan Del Negro  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: 7-26-19  
Serial No., if any: \_\_\_\_\_

IN WITNESS WHEREOF, the County has caused this instrument to be executed in its name by its Board of County Commissioners acting through its County Administrator, the day and year aforesaid.

Signed, sealed and delivered  
in the presence of:

Della Kley  
WITNESS  
PRINT NAME Della Kley

Karen Rayer  
WITNESS  
PRINT NAME Karen Rayer

PINELLAS County, Florida  
Mark S. Woodward  
By: MARK S. WOODARD  
County Administrator  
10/12/16  
PRINT NAME \_\_\_\_\_  
ADDRESS 315 Court Street, 6th Floor  
Clearwater, FL 33756

APPROVED  
OFFICE OF COUNTY ATTORNEY  
By: Chen Chen  
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of October 2016, by MARK S. WOODARD, County Administrator of PINELLAS County, Florida, (who is personally known to me) or has produced \_\_\_\_\_ as identification.

Jo Alejandra Lugo  
PRINT NAME Jo Alejandra Lugo  
Notary Public in and for the State of Florida  
County and State last aforesaid.  
My Commission Expires: \_\_\_\_\_  
Serial No., if any: \_\_\_\_\_

