

This instrument prepared by,  
or under the direction of  
BY: *[Signature]*  
Department of Transportation  
11201 N. Malcolm McKinley Drive  
Tampa, Florida 33613

PARCEL : 100.06  
NPI/SEG : 2569551  
S.R. NO.: 686  
COUNTY : PINELLAS  
SECTION : 15050-2538  
MANAGING DISTRICT: SEVEN

Legal Description Approved:  
Date: 05/11/04 By: ROGER F. WHITLEY

UTFLPIN

#### 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 interest the County has in the real property described as follows:

Lots 2, 3, 4, 5, 12 and 13 in the Northwest Quarter and Lots 1, 2, 3, 12, 13, 14, 15 and 16 in the Southwest Quarter of Section 10, Township 30 South, Range 16 East as shown on the Plat of Pinellas Groves Inc. recorded in Plat Book 1, Page 55 of the Public Records of Pinellas County, Florida; together with the lands described in the following deeds: Official Records Book 5389, Page 1534; Official Records Book 5389, Page 1535; Official Records Book 5389, Page 1536; Official Records Book 5389, Page 1537 and Official Records Book 5391, Page 926, of the Public Records of Pinellas County, Florida; LESS AND EXCEPT right-of-way for Ulmerton Road and right-of-way for 118th Avenue North; ALSO LESS AND EXCEPT the lands described in the following deeds: Official Records Book 4875, Page 851; Official Records Book 4875, Page 852; Official Records Book 4880, Page 120; corrected by Official Records Book 6818, Page 1365; Official Records Book 4964, Page 504; refiled in Official Records Book 5114, Page 734; Official Records Book 4964, Page 509; Official Records Book 4983, Page 1875, and Official Records Book 7990, Page 1117 of the Public Records of Pinellas County, Florida; said parcels being more particularly described as follows:

**PART "A"**

Commence at the Northwest corner of the Northwest Quarter of Section 10, Township 30 South, Range 16 East; thence South 89°51'29" East along the North line of the Northwest Quarter of said Section 10 a distance of 663.66 feet; thence South 00°06'29" West, a distance of 39.99 feet to the existing southerly right-of-way line of State Road 688 (Ulmerton Road) per Florida Department of Transportation Section Number 15120-2507, said point also being the POINT OF BEGINNING; thence South 89°51'26" East along said southerly right-of-way line, a distance of 1,326.95 feet to the easterly line of Lot 2 of said Pinellas Groves; thence South 00°01'31" East along the easterly line of Lot 2 and Lot 13 of said Pinellas Groves, a distance of 2,581.61 feet to the southeast corner of said Lot 13; thence North 89°41'48" West along the southerly line of Lot 13 and Lot 12, a distance of 666.44 feet to the southwest corner of said Lot 12; thence North 00°01'56" East along the westerly line of said Lot 12, a distance of 24.92 feet to the southeast corner of 44th Street Extension, per Plat Book 90, Page 90 of the Public Records of Pinellas County, Florida; thence North 00°01'56" East along the east line of said 44th Street Extension a distance of 1,277.49 feet to the Southeast corner of Lot 4 of said Pinellas Groves; thence North 89°47'08" West along the south line of Lot 4 and Lot 5, a distance of 664.88 feet to the Southwest corner of Lot 5 of said Pinellas Groves; thence North 00°06'29" East along the westerly line of said Lot 5 a distance of 1276.51 feet to the POINT OF BEGINNING.

Part "A" containing 58.869 acres, more or less.

TOGETHER WITH

**PART "B"**

Commence at the Northwest corner of the Southwest Quarter of Section 10, Township 30 South, Range 16 East; thence South 89°42'23" East along the North line of the Southwest Quarter of said Section 10 a distance of 1333.13 feet; thence South 00°03'39" West, a distance of 15.09 feet to the northwest corner of Lot 3 of said Pinellas Groves, said point being the POINT OF BEGINNING; thence South 89°42'37" East along the northerly line of Lots 3, 2, and 1 of said Pinellas Groves, a distance of 1,317.88 feet to the northeast corner of said Lot 1; thence South 00°05'37" East along the easterly line of Lots 1, 16 and 15 of said Pinellas Groves, a distance of 1,922.50 feet to the northeast corner of a parcel of land described in Official Records Book 7990, Page 1117 of the Public Records of Pinellas County, Florida; thence along the boundary of said parcel the following 3 (three) courses; 1) thence North 89°46'47" West a distance of 442.62 feet; 2) thence South 12°03'03" West a distance of 315.54 feet; 3) thence South 00°03'03" West a distance of 340.03 feet to the existing northerly right-of-way line of

PARCEL 100.06

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118th Avenue North per Official Records Book 2347, Page 244 of the Public Records of Pinellas County, Florida; thence North 89°51'58" West along said northerly right-of-way line, a distance of 91.63 feet to the southeast corner of a parcel of land described in Official Records Book 4983, Page 1875 of the Public Records of Pinellas County, Florida; thence North 00°01'03" East along the easterly line of said parcel a distance of 240.03 feet to the northeast corner thereof; thence North 89°52'17" West a distance of 728.33 feet to the westerly line of Lot 12 of said Pinellas Groves; thence North 00°11'03" East along said westerly line, a distance of 377.89 feet to the southeast corner of Copper Gate Subdivision per Plat Book 105, Page 32 of the Public Records of Pinellas County, Florida; thence North 00°01'05" East along the easterly line of said Copper Gate Subdivision, a distance of 372.55 feet to the northeast corner thereof; thence North 00°05'38" West along the westerly line of said Lot 12, a distance of 329.62 feet to the Southwest Corner of the Northeast Quarter of the Southwest Quarter of said Section 10 said point also being the southwest corner of Lot 3 of said Pinellas Groves; thence North 00°03'35" East along the westerly line of said Lot 3, a distance of 1,305.11 feet to the POINT OF BEGINNING.

Part "B" containing 66.733 acres, more or less.

Parts "A" and "B" containing a combined area of 125.603 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
EASEMENT	03/19/73	D.L. MUSGRAVE and SIBYL C. MUSGRAVE, his wife	PINELLAS COUNTY, a POLITICAL SUBDIVISION of the STATE OF FLORIDA	4011/155
EASEMENT	03/19/73	D.L. MUSGRAVE and SIBYL C. MUSGRAVE, his wife	PINELLAS COUNTY, a POLITICAL SUBDIVISION of the STATE OF FLORIDA	4011/156
EASEMENT	01/11/82	GLOBE DEVELOPERS, INC.	PINELLAS COUNTY, a POLITICAL SUBDIVISION of the STATE OF FLORIDA	5306/1155
EASEMENT	11/01/83	SIBYL MUSGRAVE	PINELLAS COUNTY, a POLITICAL SUBDIVISION of the STATE OF FLORIDA	5646/385

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 its 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 24th day of October, 2016.

Signed, sealed and delivered in the presence of:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Marcia J. Haines  
WITNESS  
PRINT NAME Marcia J. Haines

By: [Signature] 10/24/16  
Director of Transportation Development for District VII

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

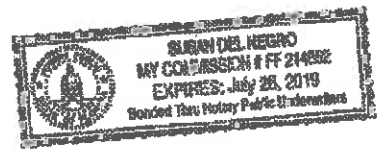
Jacqueline Lawrence  
WITNESS  
PRINT NAME Jacqueline Lawrence

Legal Review

By: [Signature]  
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.



[Signature]  
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 King*  
WITNESS  
PRINT NAME Della King

*Karen Bates*  
WITNESS  
PRINT NAME Karen Bates

PINELLAS County, Florida,  
*Mark S. Woodward*  
County Administrator 10/12/16  
PRINT NAME MARK S. WOODARD  
ADDRESS 315 Court Street, 1st Floor,  
Clearwater, FL 33756

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY  
By *Cherie Gray*  
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 who 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: \_\_\_\_\_

