

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

PARCEL : 111.02  
WFI/SEG : 4136222  
S.R. NO.: 690  
COUNTY : PINELLAS  
SECTION : 15036-XXXX  
MANAGING DISTRICT: SEVEN

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

UTLIPIN

#### 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, that portion of Official Record Book 4524, Page 471 that is included in the real property described as follows:

#### PART "A"

Part of Lots 13 and 15 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 a property described in Official Record Book 11605, Page 137, Public Records of Pinellas County, Florida, being further described as follows:

Commence at the East quarter corner of said Section 8; thence North 89°48'06" West, 1526.63 feet along the North line of the Southeast quarter of said Section 8 to the survey line Station 697+63.98 of State Road 55 (U.S. 19) (per Florida Department of Transportation Right of Way Map, Work Program Item/Segment Number 257070 1); thence along said survey line of State Road 55 (U.S. 19), South 31°56'27" East, 1779.18 feet to survey line Station 679+84.80; thence South 28°45'15" West, 137.60 feet to the existing westerly Right of Way line of said State Road 55 (U.S. 19) as depicted on the Florida Department of Transportation Right of Way Map Section 15150-2551 and the POINT OF BEGINNING; said POINT OF BEGINNING also being the most easterly corner of said property described in Official Record Book 11606, Page 137; thence continue South 28°45'15" West, 156.87 feet along the northerly line of a property described in Official Record Book 17205, Page 2678, Official Records of Pinellas County, Florida; thence departing said northerly line, North 28°26'07" West, 39.00 feet; thence North 28°25'58" West, 120.62 feet; thence North 21°50'53" West, 74.12 feet to a point on the southerly Mean High Water Line for the Cross Bayou Canal, as recorded in Florida Department of Environmental Protection File number 2774 (elevation 1.58 Feet, N.G.V.D. 1929), thence along said Mean High Water Line the following two (2) courses: (1) North 26°44'27" East, 27.89 feet; (2) North 28°28'35" East, 74.98 feet to a point on said existing westerly Right of Way line of said State Road 55 (U.S. 19) as depicted on the Florida Department of Transportation Right of Way Map Section 15150-2551; thence along said existing westerly Right of Way line the following three (3) courses: (1) South 31°56'27" East, 53.55 feet; (2) South 51°59'37" East, 72.52 feet; (3) South 31°56'27" East, 84.99 feet to said POINT OF BEGINNING.

Containing 0.596 acres, more or less.

AND

PART "B"

Part of Lot 13 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 a property described in Official Record Book 11606, Page 137, Public Records of Pinellas County, Florida, being further described as follows:

Commence at the East quarter corner of said Section 8; thence North 89°48'06" West, 1526.63 feet along the North line of the Southeast quarter of said Section 8 to the survey line Station 697+63.98 of State Road 55 (U.S. 19) (per Florida Department of Transportation Right of Way Map, Work Program Item/Segment Number 257070 1); thence along said survey line of State Road 55 (U.S. 19), South 31°56'27" East, 1779.18 feet to survey line Station 679+84.80; thence South 28°45'15" West, 137.60 feet to the existing westerly Right of Way line of said State Road 55 (U.S. 19) as depicted on the Florida Department of Transportation Right of Way Map Section 15150-2551, also being the most easterly corner of said property described in Official Record Book 11606, Page 137; thence continue South 28°45'15" West, 156.87 feet along the northerly line of a property described in Official Record Book 17205, Page 2678, Official Records of Pinellas County, Florida, to the POINT OF BEGINNING; thence departing said northerly line, North 28°26'07" West, 39.00 feet; thence North 28°25'58" West, 120.62 feet; thence North 21°50'53" West, 74.12 feet to a point on the southerly Mean High Water Line for the Cross Bayou Canal, as recorded in Florida Department of Environmental Protection File number 2774 (elevation 1.58 Feet, N.G.V.D. 1929), thence along said Mean High Water Line the following four (4) courses: South 26°44'27" West, 89.62 feet; (2) South 32°08'05" West, 77.38 feet; (3) South 20°58'58" West, 124.43 feet; South 33°35'49" West, 24.00 feet to a point on the west line of said Lot 13; thence South 00°00'27" East, 148.57 feet along said west line to the southwest corner of the north 1/2 of said Lot 13; thence South 89°45'38" East, 145.93 feet along the south line of the south 1/2 of said Lot 13 to the Southeast corner of said property described in Official

Record Book 11606, Page 137; thence North 28°45'15" East, 242.09 feet along the southeasterly line of said property to the POINT OF BEGINNING.

Containing 1.476 acres, more or less.

Parts "A" and "B" together containing 2.070 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	GR Bk/Pg
DRAINAGE EASEMENT	04/25/77	IAN DIAKOS, JOHN LIVANOS, AND HARRY KEMIDIS	PINELLAS COUNTY	4624/471

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:

Marcia J. Haines  
WITNESS  
PRINT NAME Marcia J. Haines

Frederic Lawrence  
WITNESS  
PRINT NAME Frederic Lawrence

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: Debbie Hunt  
Director of Transportation Development for District VII

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

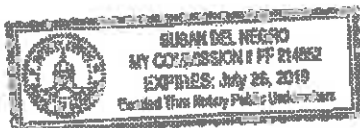
Legal Review

By: Mark D. Hargis  
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 Kling  
WITNESS  
PRINT NAME Della Kling

Kevin Barten  
WITNESS  
PRINT NAME Kevin Barten

PINELLAS County, Florida,

By: Mark S. Woodard  
County Administrator

PRINT NAME MARK S. WOODARD

10/12/16

ADDRESS 315 Court Street, 4th Floor  
Clearwater, FL 33756

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By: Cheryl Harty  
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of October, 2016, 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: \_\_\_\_\_

