

23-UTL.04-05/09

Date: August 27, 2020
This instrument prepared
under the direction of:
Angela D. Tucker, Chief Counsel
Post Office Box 1249
Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. N/A
PARCEL 805.2
SECTION 17010-2534
STATE ROAD 45 (U.S. 41)
COUNTY SARASOTA

**SUBORDINATION OF CITY UTILITY INTERESTS
(In Re: Real Property Maintenance Donation to FDOT)**

THIS AGREEMENT, entered into this ____ day of _____, 20__, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the FDOT, whose post office address is: Post Office Box 1249, Bartow, Florida 33831-1249 and CITY OF VENICE, a municipality of the State of Florida, hereinafter called the Utility.

WITNESSETH:

WHEREAS, the Utility 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 Utility to the FDOT; and

WHEREAS, after relocation of utility facilities, if any, required by FDOT as a condition of acceptance of a maintenance donation of such lands from a third party, the FDOT is willing to pay, in the event of any future FDOT project, to have the Utility's facilities relocated if necessary to prevent conflict between FDOT facilities and the Utility's facilities so that the benefits of each may be retained.

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

Utility hereby subordinates to the interest of FDOT, its successors, or assigns, any and all of its interest in the lands as follows, viz:

SEE EXHIBIT "A"

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Sanitary Force Main	N/A	N/A	City of Venice	By Occupation
Water Main	N/A	N/A	City of Venice	By Occupation

PROVIDED that the Utility has the following rights:

1. The Utility 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 FDOT's current minimum standards for such facilities as required by the FDOT 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 FDOT. Should the FDOT fail to approve any new construction or relocation of facilities by the Utility or require the Utility to alter, adjust, or relocate its facilities located within said lands, the FDOT 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 Utility 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 FDOT's facilities.
4. The Utility agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the Utility exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence as witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

Signature

By: _____

District Secretary/Designee for
District One

Print/Type Name

Signature

Legal Review:

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ___physical presence or ___online notarization, this ___ day of _____, 20__ by _____, District Secretary/Designee for District One. He is personally known to me or has produced _____ as identification.

(Affix Seal/Stamp here)

Notary Signature:_____

Printed Name: _____

Notary Public in and for the County and State
last aforesaid.

My Commission Expires:_____

Serial No.:_____

IN WITNESS WHEREOF, the said Utility has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

_____(OFFICIAL SEAL)
Mayor
Name: Ron Feinsod

ATTEST: _____(SEAL)
Its City Clerk
Name: Lori Stelzer

Utility's Mailing Address:

City of Venice

401 W. Venice Avenue

Venice, FL 34285

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ___physical presence or ___online notarization, this _____ day of _____, 20____, by _____ Ron Feinsod _____, Mayor, who is personally known to me or who has produced _____ as identification.

Name:

Notary Public in and for the County and State last aforesaid.

My Commission Expires:_____

Serial No., if any: _____

Exhibit "A"
Page 1 of 2

F.P. NO. N/A

Section 17010-2534

Parcel 805


That portion of the southwest 1/4 of Section 17, Township 39 South, Range 19 East, Sarasota County, Florida;

Being more particularly described as follows:

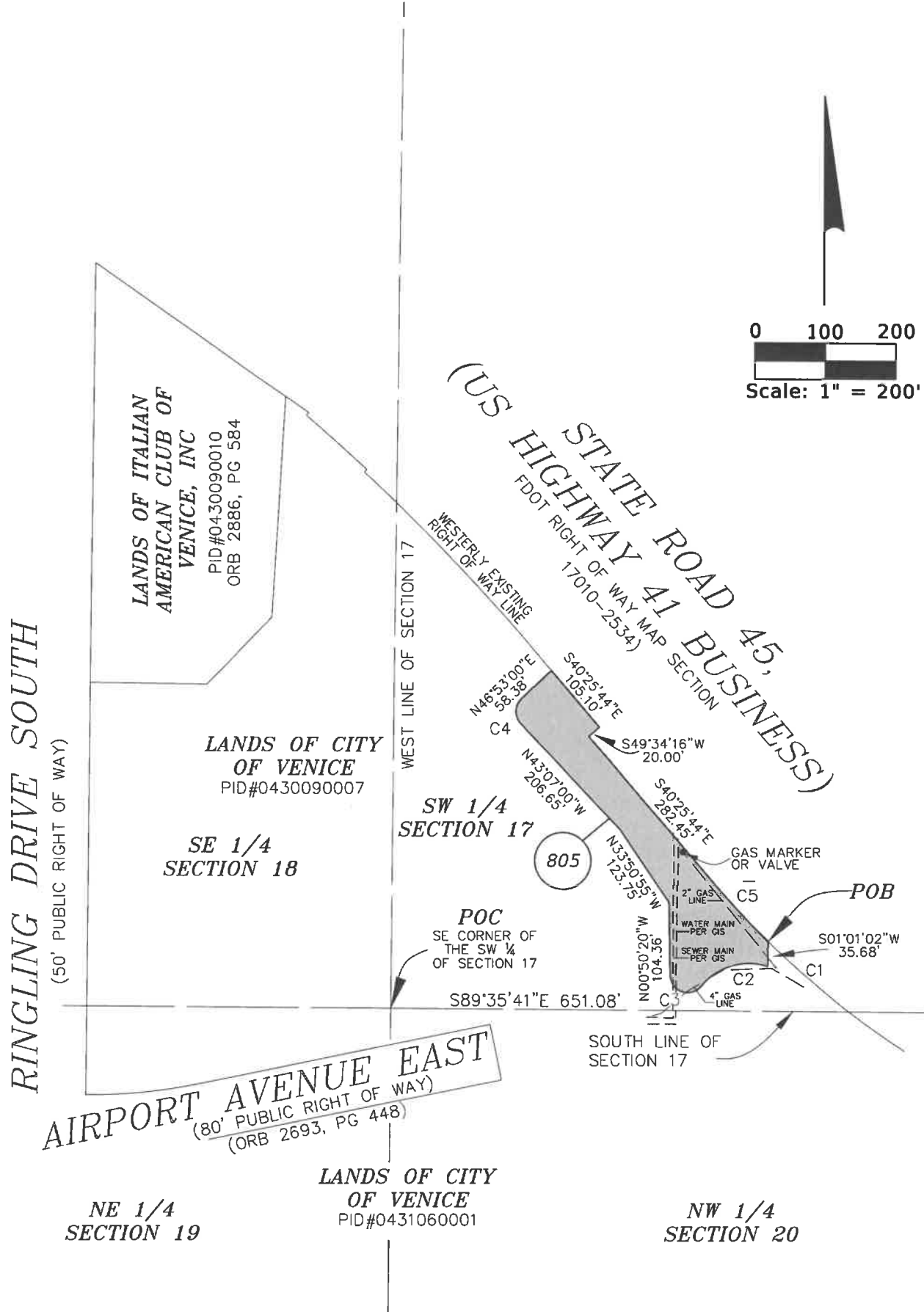
Commence at the southwest corner of said southwest 1/4 of Section 17; thence along the south line of said Section 17 South 89°35'41" East a distance of 651.08 feet to the westerly existing right of way line of State Road 45 [U.S. 41 Business (per Section 17010-2534)] and the beginning of a curve having a radius of 1225.92 feet; thence along said westerly existing right of way line and the arc of said curve to the right a distance of 151.72 feet through a central angle of 07°05'28" with a chord bearing of North 48°52'20" West to the end of said curve for a POINT OF BEGINNING; thence South 01°01'02" West a distance of 35.68 feet to the beginning of a curve having a radius of 87.50 feet; thence along the arc of said curve to the left a distance of 104.67 feet through a central angle of 68°32'30" with a chord bearing of South 73°22'20" West to the end of said curve and the beginning of reverse curve having a radius of 25.00 feet; thence along the arc of said curve to the right a distance of 61.11 feet through a central angle of 140°03'35" with a chord bearing of North 70°52'07" West to the end of said curve; thence North 00°50'20" West a distance of 104.36 feet; thence North 33°50'55" West a distance of 123.75 feet; thence North 43°07'00" West a distance of 206.65 feet to the beginning of a curve having a radius of 25.00 feet; thence along the arc of said curve to the right a distance of 39.27 feet through a central angle of 90°00'00" with a chord bearing of North 01°53'00" East to the end of said curve; thence North 46°53'00" East a distance of 58.38 feet to said westerly existing right of way line; thence along said westerly existing right of way line the following four (4) courses: 1) thence South 40°25'44" East a distance of 105.10 feet; 2) thence South 49°34'16" West a distance of 20.00 feet; 3) thence South 40°25'44" East a distance of 282.45 feet to the beginning of a curve having a radius of 1225.92 feet; 4) thence along the arc of said curve to the left a distance of 104.79 feet through a central angle of 04°53'52" and a chord bearing of South 42°52'40" East to the end of said curve and the POINT OF BEGINNING.

Containing 37,758 square feet, more or less.

Legal Description Approved by:


Michael D. McLean PSM # 6658
Date: 7-30-2020
NOT VALID UNLESS EMBOSSED

SECTION 17, TOWNSHIP 39 SOUTH, RANGE 19 EAST
SARASOTA COUNTY, FLORIDA
EXHIBIT "A"
PAGE 2 OF 2



CURVE DATA					
CURVE	Δ	RADIUS	LENGTH	CHORD DISTANCE	CHORD BEARING
C1	07°05'28" RT	1,225.92'	151.72'	151.63'	N48°52'20"W
C2	68°32'30" LT	87.50'	98.54'	104.67'	S73°22'20"W
C3	140°03'35" RT	25.00'	61.11'	46.99'	N70°52'07"W
C4	90°00'00" RT	25.00'	39.27'	35.36'	N01°53'00"E
C5	04°53'52" LT	1,225.92'	104.79'	104.76'	S42°52'40"E

			FLORIDA DEPARTMENT OF TRANSPORTATION			
			PARCEL SKETCH - NOT A SURVEY			
			STATE ROAD NO. 45		SARASOTA COUNTY	
			BY	DATE	PREPARED BY:	DATA SOURCE:
					FLORIDA DEPARTMENT OF TRANSPORTATION	
			DRAWN	JAR	07-28-2020	
			CHECKED	MDM	07-28-2020	
REVISION	BY	DATE	F.P. NO. N/A		SECTION 17010-2534	SHEET 6 OF 6 for Parcel 805.2