

U.T.L. 05

September 18, 1995

This instrument prepared by,
or under the direction of,

Bob Deal

Department of Transportation
P. O. Box 607
Chipley, FL 32428

Legal Description prepared by:

Hubert Cumble

Parcel	100.2
Section	46020-2556
S.R. No.	30-A
County	Bay

R E S O L U T I O N

95-3

ON MOTION of Commissioner Manns
seconded by Commissioner Walker
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 30-A, Section No.
46020-2556, in Bay County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned
by Springfield, Florida, be subordinated to the rights of the State of
Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the City:
and

WHEREAS, the State of Florida Department of Transportation has
made application to said City to execute and deliver to the State of
Florida Department of Transportation a subordination of utility
interest, or interests, in favor of the State of Florida Department of
Transportation, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of City Commissioners
of Springfield, Florida, that the application of the State of Florida
Department of Transportation for a subordination of utility interest,
or interests, is for transportation purposes which are in the public
or community interest and for public welfare; that a subordination of
utility interest, or interests, in favor of the State of Florida
Department of Transportation, in Springfield, Bay County, Florida,
should be drawn and executed by this Board of City Commissioners.
Consideration shall be \$ 0.00.

BE IT FURTHER RESOLVED that a certified copy of this Resolution
be forwarded forthwith to the State of Florida Department of
Transportation at Tallahassee, Florida.

STATE OF FLORIDA

CITY OF SPRINGFIELD

I HEREBY CERTIFY that the foregoing is a true copy of a
Resolution adopted by the Board of City Commissioners of Springfield,
Florida, at a meeting held on the 2nd day of October,
1995.



Clerk, Board of City Commissioners
Springfield, Florida

23-UTL-04-06/93

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Parcel	100.2
Section	46020-2556
S.R. No.	30-A
County	Bay

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT, entered into this 4 day of November, 1995, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the FDOT, and CITY OF SPRINGFIELD, hereinafter called City.

W I T N E S S E T H:

WHEREAS, the City 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 City to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the City'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, City and FDOT agree as follows:

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

A parcel of land situate, lying and being in Lot 121, of Saint Andrews Bay Development Company Subdivision, of Section 36, Township 3 South, Range 14 West as per plat recorded in Plat Book 6, Page 23 of the Public Records of Bay County, Florida, being described as follows: Commence on the west line of said Section 36 at a point 1599.853 meters (5,248.85 feet) South 0°54'33" West of a ½ inch rebar marking the northwest corner of said Section 36 and 5.425 meters (17.80 feet) North 0°54'33" East of a Railroad Spike marking the southwest corner of said Section 36, said point being the point of intersection of the west line of said Section 36 with the centerline of survey of State Road 30-A (U.S. 98) Section 46020-2556; thence departing said west line of Section 36, run South 89°39'35" East 136.905 meters (449.16 feet) along the centerline of survey of said State Road 30-A (U.S. 98); thence departing said survey line, run North 0°20'25" East 15.240 meters (50.00 feet) to the existing northerly right of way line (30.480 meter right of way)(100 foot right of way) of said State Road 30-A and the POINT OF BEGINNING; thence run North 89°39'35" West 121.640 meters (399.08 feet) along said existing northerly right of way line of State Road 30-A to the intersection with the existing easterly right of way line (30.480 meter right of way)(100 foot right of way) of County Road 2327 (Transmitter Road); thence departing said existing northerly right of way line of State Road 30-A, run North 0°33'25" East 18.012 meters (59.09 feet) along the existing easterly right of way line of County Road 2327; thence departing said existing easterly right of way line, run South 39°13'55" East 10.316 meters (33.85 feet); thence South 84°42'24" East 75.281 meters (246.98 feet); thence South 84°34'26" East 40.158 meters (131.75 feet) to the said existing northerly right of way line of State Road 30-A and the POINT OF BEGINNING;

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

ATTEST

[Handwritten Signature]

Clerk (or Deputy Clerk)

Springfield, Florida,
By Its Board of City Commissioners

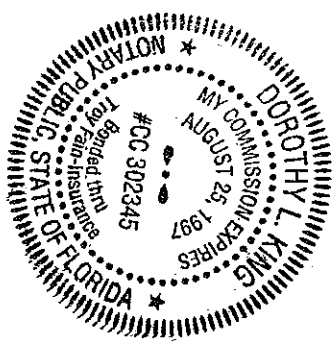
By *[Handwritten Signature]*

Its Chairperson
(or Vice-Chairperson)

STATE OF FLORIDA

COUNTY OF Bay

The foregoing instrument was acknowledged before me this 4th day of November, 1996, by Serra Dawson, who is personally known to me or who has produced _____ as identification.



[Handwritten Signature]

Notary Public in and for the
County and State last aforesaid.
My Commission Expires: 8-25-97
Serial No., if any: ee308345

Containing 674.8 square meters (7,264 square feet), more or less.

RECORDED:

INSTRUMENT	DATE	FROM	TO	BOOK/PAGE
Utility Easement	9-19-83	Marjorie M. Redding, et al	City of Springfield	OR 952 PG 214

PROVIDED that the City has the following rights:

1. The City 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 City or require the City 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 City 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 City agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the City 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.

Signed, sealed and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: _____
Title: _____
for District _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 199____, by _____, as _____, for District _____, who is personally known to me or who has produced _____ as identification.

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