

23-UTL.02-11/24

This instrument prepared under the direction of:

Elizabeth S. Quintana, Esq. _____

District 4 Assistant General Counsel

Legal Description prepared by:

Jeffrey D. Smith, P.S.M. (01-22-2024)

Document prepared by:

Susanna Rowland

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No.

118.3R(03-28-2025)

Item/Segment No.

4056063

Section:

88050-2508

Managing District:

04

C.R. No.

510 (Wabasso Road/85th Street)

County:

Indian River

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT entered into this _____ day of _____, 20____, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter called the FDOT, and **INDIAN RIVER COUNTY**, a political subdivision of the State of Florida, hereinafter called the COUNTY.

W I T N E S S E T H:

WHEREAS, the COUNTY 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 the COUNTY to the FDOT; and

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RECORDED

INSTRUMENT	DATE	FROM	TO	RECORDING
Utility Easement	10/19/2004	Ervin A. Cartwright and Lenore Cartwright	Indian River County	ORB / PG 1791 / 862

PROVIDED that the COUNTY has the following rights:

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

Attorney approved as to form:

**STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION**

ELIZABETH S. QUINTANA
District 4 Assistant General Counsel

BY: _____
STEVEN C. BRAUN, P.E.
District 4 Secretary

Signed, sealed and delivered in the presence of: (Two witnesses required by Florida Law)

Witness (1) Information:

Witness (2) Information:

Signature

Signature

Print Name
Address: 3400 West Commercial Blvd
Fort Lauderdale, Florida 33309

Print Name
Address: 3400 West Commercial Blvd
Fort Lauderdale, Florida 33309

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____, by **STEVEN C. BRAUN, P.E., District 4 Secretary** ☐ who is personally known by me or ☐ who has produced _____ as identification.

(SEAL)

Notary Public, State of Florida

Print Name: _____

My Commission Expires: _____

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

ATTEST: _____

Print Name: _____
Clerk (or Deputy Clerk)

INDIAN RIVER COUNTY, FLORIDA
By Its Board of County Commissioners

By: _____

Print Name: _____
Its Mayor

Approved as to form and legal sufficiency:

By: _____
County Attorney

EXHIBIT "A"

Parcel No. 118

Item/Segment No. 4056063

A portion of land lying in the Southwest One-Quarter (SW 1/4) of Section 29, Township 31 South, Range 39 East, Indian River County, Florida, as shown on Sheet 16 of the Florida Department of Transportation Right of Way Map for County Road 510 (85th Street), Item/Segment No. 4056063, Section 88050-2508, being more particularly described as follows:

Commence at the boat spike marking the South One-Quarter (S 1/4) corner of said Section 29; thence South 00°37'26" West along the East line of the Northwest One-Quarter (NW 1/4) of Section 32, a distance of 15.00 feet to the intersection with the Baseline of Survey of said County Road 510 (85th Street); thence North 89°31'43" West along said Baseline of Survey of said County Road 510 (85th Street), a distance of 997.48 feet; thence North 00°28'17" West along a line at a right angle to the previously described course, a distance of 55.00 feet to a point on the Northerly Existing Right of Way line of said County Road 510 (85th Street) and the POINT OF BEGINNING; thence North 00°23'38" West along said Northerly Existing Right of Way line of County Road 510 (85th Street), a distance of 34.00 feet; thence South 89°31'43" East, a distance of 317.42 feet; thence North 00°18'32" West, a distance of 90.82 feet; thence North 89°41'28" East, a distance of 15.00 feet; thence South 00°18'32" East, a distance of 125.02 feet to a point on said Northerly Existing Right of Way line of County Road 510 (85th Street); thence North 89°31'43" West along said Northerly Existing Right of Way line of County Road 510 (85th Street), a distance of 332.37 feet to the POINT OF BEGINNING.

Containing 12,665 square feet, more or less.