

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution – Subordination of County Utility Interests Agreement with the Florida Department of Transportation to Construct or Improve State Road 15/600 (US Highway 17/92) (FDOT Parcel Number 100.2)

DEPARTMENT: Public Works

DIVISION: Engineering

AUTHORIZED BY: Gary Johnson

CONTACT: Warren Lewis

EXT: 5658

MOTION/RECOMMENDATION:

Adopt Resolution and authorize the Chairman to execute a Subordination of County Utility Interests Agreement with the Florida Department of Transportation subordinating certain Utility Easement rights now owned by Seminole County.

District 2 Michael McLean

Jerry McCollum

BACKGROUND:

The Florida Department of Transportation has requested that Seminole County enter into an agreement to subordinate the County's present interest in certain lands (FDOT Parcel Number 100.2) that they have determined necessary to construct or improve State Road 15/600 (US Highway 17/92).

STAFF RECOMMENDATION:

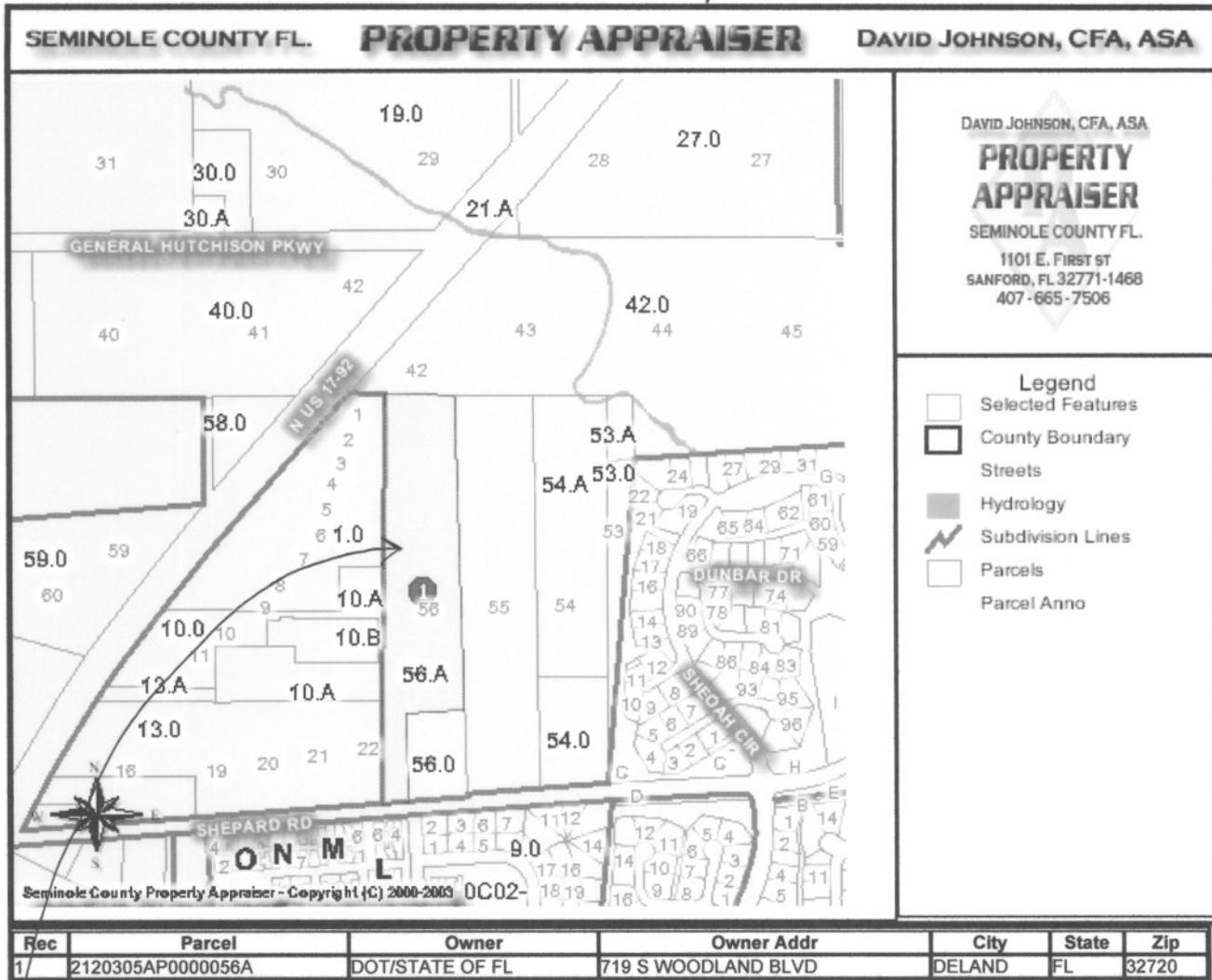
Staff recommends the Board adopt the Resolution and authorize the Chairman to execute a Subordination of County Utility Interests Agreement with the Florida Department of Transportation subordinating certain utility easement rights now owned by Seminole County.

ATTACHMENTS:

1. Location Map
2. Resolution
3. Subordination Agreement-FDOT Parcel 100.2

<p>Additionally Reviewed By:</p> <p><input checked="" type="checkbox"/> County Attorney Review (Matthew Minter)</p>
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Location Map



Subject Parcel

RESOLUTION NO. 2007-R- _____

RESOLUTION

**THE FOLLOWING RESOLUTION WAS ADOPTED AT THE
REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON
THE _____ DAY OF _____, 2007.**

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 15/600 (US 17-92), Section No. 77010 in Seminole County, Florida; and

WHEREAS, it is necessary that certain Utility Easement rights now owned by Seminole County be acquired by the State of Florida Department of Transportation; and

WHEREAS, the lands identified by the Florida Department of Transportation as Parcel Number 100.2; and

WHEREAS, said use is in the best interest of the County; and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation for a Subordination of County Utility interest in favor of the State of Florida Department of Transportation, subordinating the rights, that the County has in and to said lands required for transportation purposes, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the application of the State of Florida Department of Transportation for a Subordination of County Utility interest is hereby executed by this Board of County Commissioners.

ADOPTED THIS _____ DAY OF _____ 2007.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

Carlton Henley, Chairman

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

Prepared under the direction of:
Charles F. Barcus
Program Manager/Right-of-Way
08-30-2007

23-UTL02-09/01
November 30, 2006
This instrument prepared by
LYNN W. BLAIS
Under the direction of
GEORGE S. LOVETT, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720-6834

PARCEL NO. 100.2
SECTION 77010
F.P. NO. 240196 1
STATE ROAD 15/600 (US 17/92)
COUNTY SEMINOLE

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the F.D.O.T., and SEMINOLE COUNTY, hereinafter called County.

WITNESSETH:

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 F.D.O.T.; and

WHEREAS, the F.D.O.T. 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 F.D.O.T. agree as follows:

County hereby subordinates to the interest of F.D.O.T., its successors, or assigns, any and all of its interest in the lands as follows, viz:

PARCEL NO. 100

SECTION 77010
F.P. NO. 240196 1

"Lot 56, PLAN OF SPRING HAMMOCK, according to the Plat thereof, as recorded in Plat Book 2, Pages 2 through 5, inclusive, of the Public Records of Seminole County, Florida, less that portion conveyed by Warranty Deed recorded in O.R. Book 1274, Page 576, of the Public Records of Seminole County, Florida, more particularly described as follows:

The East 229.57 feet of the South 398.78 feet (measured at right angles), less the South 20 feet thereof for right of way, of Lot 56, PLAN OF SPRING HAMMOCK, according to the Plat thereof, as recorded in Plat Book 2, Pages 2 through 5, Public Records of Seminole County, Florida."

The above lands being the same as described in Official Records Book 4434, Page 429, Public Records of Seminole County, Florida.

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	10/13/00	Hattaway & Bruce, a Florida General Partnership	SEMINOLE COUNTY, FLORIDA	3938/1536

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 F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. 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 F.D.O.T. Should the F.D.O.T. 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 F.D.O.T. 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 F.D.O.T.'s facilities.
4. The County agrees to repair any damage to F.D.O.T. facilities and to indemnify the F.D.O.T. against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

PARCEL NO. 100.2
SECTION 77010
F.P. NO. 240196 1
PAGE 3

IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

SIGNATURE LINE
PRINT/TYPE NAME: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: _____
George S. Lovett, Attorney,
District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

Approved as to Form,
Legality and Execution:

By: _____
District Counsel

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by George S. Lovett, District Director of Transportation Development for District Five, who is personally known to me or who has produced _____ as identification.

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

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

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of Seminole
County, Florida.

By: CARLTON HENLEY, Chairman

Date: _____

For the use and reliance of
Seminole County Only.
Approved as to form and
legal sufficiency

As authorized for execution by
the Board of County Commissioners
at their _____, 2007, regular
meeting.

County Attorney
