

23-UTL.04-07/18
Modified 02/2019 DR

This instrument prepared
under the direction of:
Dawn Raduano, Esq. _____

Legal Description prepared by:

Keith, Timothy H. Gray, P.S.M. (05-14-19)

Document prepared by:

Grace K. Abel (05-22-19)

Department of Transportation
Right of Way Production Services
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

Parcel No.	830.6R(05-22-19)
Item/Segment No.	4413231
Section:	86120-2508
Managing District:	04
S.R. No.	810 (Hillsboro Boulevard)
County:	Broward

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT entered into this _____ day of _____, 201____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the FDOT, and the **CITY OF COCONUT CREEK, a Florida municipal corporation**, hereinafter called the CITY.

W I T N E S S E T H:

WHEREAS, the CITY presently has an interest in certain lands described in that certain Utility Easement recorded in Official Records Book 35294, Page 1996 of the Public Records of Broward County, Florida, as described more specifically herein below ("City Easement"); and

WHEREAS, certain lands, including a portion of those subject to the City Easement have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of a portion of the interest claimed in such lands by the CITY to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the CITY'S facilities located in the portion of the City Easement 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 subordinates to the interest of FDOT its successors and assigns, any and all of its interest in the portion of the City Easement described in Exhibit "A" attached hereto and made a part hereof ("The Subordinated Parcel") which Subordinated Parcel is contained within the following easement:

THE RECORDED CITY EASEMENT OF WHICH A PORTION IS SUBORDINATED

INSTRUMENT	DATE	FROM	TO	O.R.B. & PG./ INSTR #
Utility Easement	03/03/2003	Leder Hillsboro Company, Ltd., a Florida limited partnership	City of Coconut Creek, a Florida municipal corporation	35294 / 1996

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 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 subsequent to the date of this subordination. 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: (Two witnesses required by Florida Law)

**STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION**

Witness Signature:

BY: _____
Name: GERRY O'REILLY
District Secretary for District Four

Print Witness Name:

Attorney approved as to form:

Witness Signature:

Name: DAWN RADUANO

Print Witness Name:

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged by me this _____ day of _____,
201____, by GERRY O'REILLY, District Secretary for District Four, who is personally known by me or
who has produced _____ as identification.

(SEAL)

Notary Public

Printed or stamped name of Notary Public

My Commission Expires: _____

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

ATTEST: _____

Print Name: Leslie Wallace May
Clerk (or Deputy Clerk)

**CITY OF COCONUT CREEK, a Florida
municipal corporation**

By Its Board of City Commissioners

By: _____

Print Name: Sandra L. Welch
Its Mayor
(or Vice-Mayor)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

(Official Seal)

By: _____
Terrill C. Pyburn, City Attorney

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 201____, by _____, Mayor (or Vice-Mayor) on behalf of the **CITY OF COCONUT CREEK, a Florida municipal corporation**, who is personally known to me or who has produced _____ as identification.

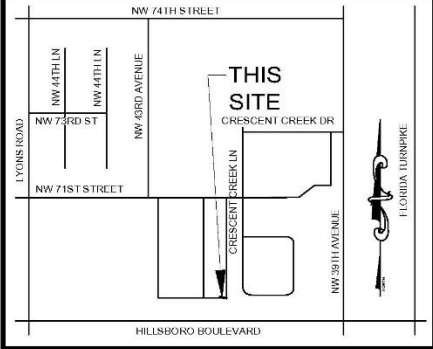

(SEAL)

Notary Public

Printed or stamped name of Notary Public

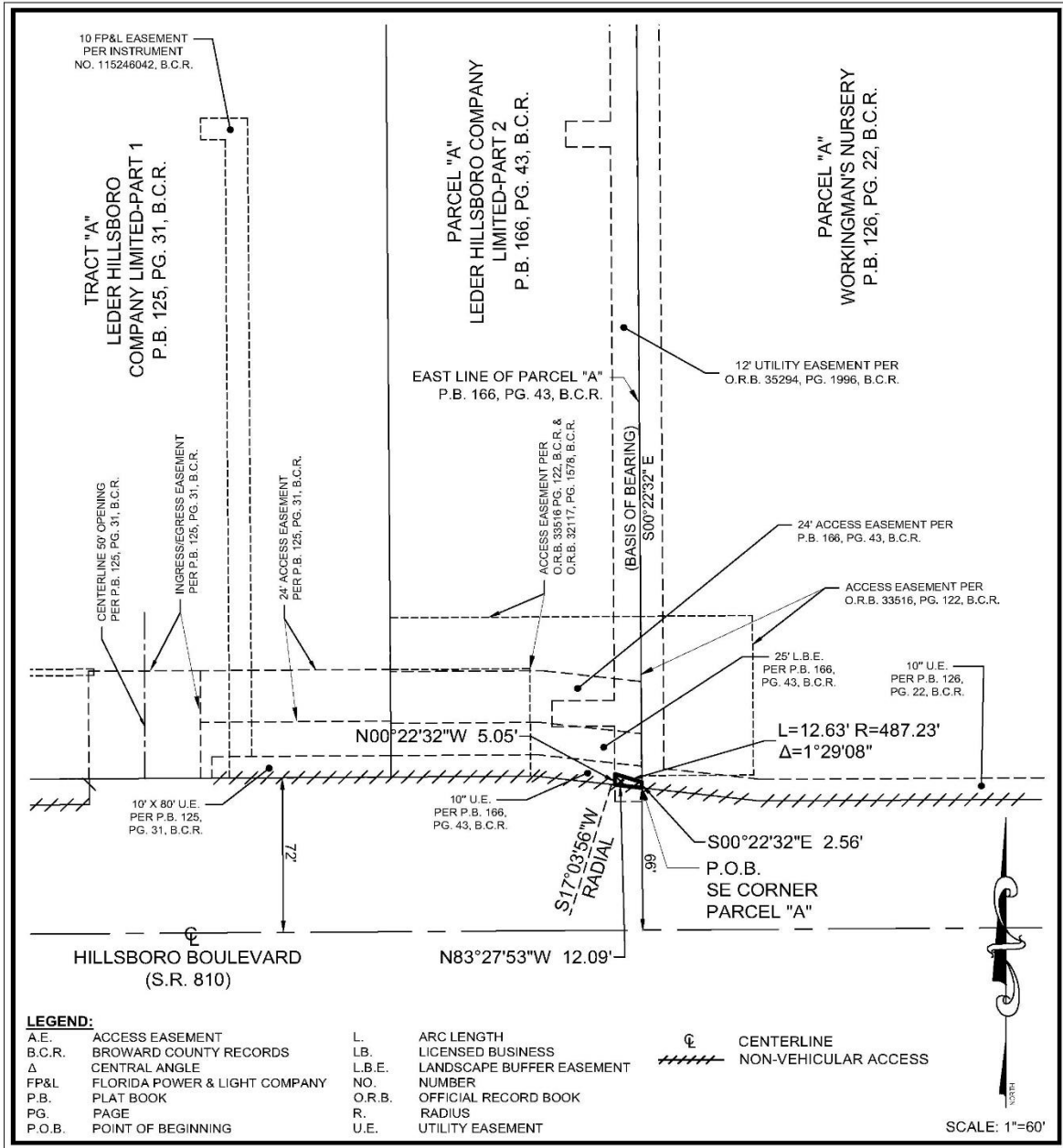
My Commission Expires: _____

Exhibit "A" Page 1 of 2

<p>LEGAL DESCRIPTION:</p> <p>A PORTION OF PARCEL "A", LEDER HILLSBORO COMPANY LIMITED-PART 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 166, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE NORTH 83° 27' 53" WEST FOR A DISTANCE OF 12.09 FEET; THENCE NORTH 00°22'32" WEST, 5.05 FEET TO A POINT OF NON-TANGENCY WITH A CURVE TO THE RIGHT, (A RADIAL BEARING FROM SAID POINT BEARS SOUTH 17°03'56" WEST); THENCE ALONG SAID CURVE HAVING A RADIUS OF 487.23 FEET, A CENTRAL ANGLE OF 01°29'08", AN ARC DISTANCE OF 12.63 FEET TO THE EAST LINE OF SAID PARCEL "A"; THENCE SOUTH 00°22'32" EAST ALONG SAID EAST LINE, 2.56 FEET TO THE POINT OF BEGINNING.</p> <p>LYING AND SITUATED THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA AND CONTAINING 46 SQUARE FEET, MORE OR LESS.</p>	 <p>LOCATION MAP: NOT TO SCALE</p>
<p>SURVEY NOTES:</p> <ol style="list-style-type: none"> 1. THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR. 2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 3. IT IS A VIOLATION OF THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, TO ALTER THIS SKETCH AND DESCRIPTION WITHOUT THE EXPRESSED PRIOR WRITTEN CONSENT OF THE SURVEYOR. ADDITIONS AND DELETIONS MADE TO THE FACE OF THIS SKETCH AND DESCRIPTION WILL MAKE THIS DOCUMENT INVALID. 4. THIS SKETCH AND DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY. 5. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 00°22'32" EAST ALONG THE EAST LINE OF PARCEL "A", LEDER HILLSBORO COMPANY LIMITED - PART 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 166, ON PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. 6. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD. 7. THE INTENDED DISPLAY SCALE FOR THIS SKETCH IS 1"=60' OR SMALLER. 	
<p>CERTIFICATION:</p> <p>I HEREBY CERTIFY THAT THE ATTACHED SKETCH & DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE INFORMATION AS WRITTEN UNDER MY DIRECTION ON MAY 9, 2019 MEETS THE STANDARDS OF PRACTICE RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.</p>	
<p>KEITH & ASSOCIATES, INC. CONSULTING ENGINEERS</p>	
<p>TIMOTHY H. GRAY PROFESSIONAL SURVEYOR AND MAPPER REGISTRATION No. 6604 STATE OF FLORIDA</p>	<p>Timothy H Gray 2019.05.14 08:28:41-04'00'</p>

<p>SKETCH & DESCRIPTION SIDEWALK AND MAINTENCE EASEMENT</p> <p style="text-align: center;">A PORTION OF PARCEL "A", LEDER HILLSBORO COMPANY LIMITED-PART 2, P.B. 166, PG. 43, B.C.R.</p> <p>COCONUT CREEK BROWARD COUNTY FLORIDA</p>	 <p>301 EAST ATLANTIC BOULEVARD POMPAHO BEACH, FLORIDA 33060-6643 (954) 788-3400 EMAIL: mail@KEITHteam.com LB NO. 6860</p> <p>SHEET <u>1</u> OF <u>2</u></p> <p>DRAWING NO. <u>0967500 WALK AND MAINT ESMIT-TRIANGLE BKD.dwg</u></p>	<p>DATE <u>5/9/19</u></p> <p>SCALE <u>NONE</u></p> <p>FIELD BK <u>N/A</u></p> <p>DWNG. BY <u>DDB</u></p> <p>CHK. BY <u>THG</u></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">DATE</th> <th style="width: 10%;">REVISIONS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	DATE	REVISIONS												
DATE	REVISIONS																

Exhibit "A" Page 2 of 2



<p>SKETCH & DESCRIPTION SIDEWALK AND MAINTENANCE EASEMENT</p> <p>A PORTION OF PARCEL "A", LEDER HILLSBORO COMPANY LIMITED-PART 2, P.B. 166, PG. 43, B.C.R.</p> <p>COCONUT CREEK BROWARD COUNTY FLORIDA</p>	<p>KEITH 301 EAST ATLANTIC BOULEVARD POMPANO BEACH, FLORIDA 33060-6643 (954) 788-3400 EMAIL: mail@KEITHteam.com LB NO. 6860</p> <p>SHEET 2 OF 2</p> <p>DRAWING NO. 09675.00 WALK AND MAINT ESMT-TRIANGLE SKD.dwg</p>	DATE 5/9/19	DATE	REVISIONS
		SCALE 1"=60'		
		FIELD BK N/A		
		DWNG. BY DDB		
		CHK. BY THG		