

RESOLUTION NO. 99-39

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE EXECUTION OF A SUBORDINATION OF COUNTY UTILITY INTERESTS PURSUANT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION'S REQUEST IN CONNECTION WITH THE PROPOSED IMPROVEMENTS TO STATE ROAD NO. A1A.

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road A1A, Section No. 78040-2511, in St. Johns County, Florida; and

WHEREAS, it is necessary that certain easement rights now owned by St. Johns County, be subordinated to the rights of the State of Florida Department of Transportation; and

WHEREAS, said subordination is in the best interest of the County and has been approved by the St. Johns County Utility Department, as stated in memorandum attached hereto as Exhibit "A", incorporated by reference and made a part hereof; and

WHEREAS, the State of Florida Department of Transportation has made a request to said County 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 County Commissioners of St. Johns County, Florida as follows:

1. Having here found that the State of Florida Department of Transportation has applied to St. Johns County for reduction by subordination of the County's easement interest in certain property described in Exhibit "B", attached hereto and incorporated herein by reference, for the purpose of improving public transportation, and being satisfied that such property is required for such use and is not needed for County purpose; said request is hereby approved and the County Administrator is authorized to execute such subordination for the Board of County Commissioners in return for monetary consideration of \$1.00 paid by said Department to the County receipt of which is hereby acknowledged by the County.

2. The Clerk is instructed to mail the original Subordination of County Utility Interests along with a certified copy of this Resolution to the State of Florida Department of Transportation, P. O. Box 1089, Lake City, Florida 32056-1089.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 9th day of March , 1999.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

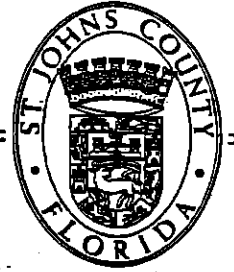
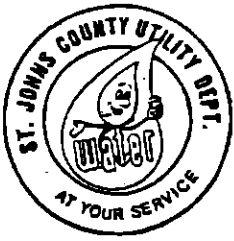
BY: *Marc A. Jacalone*
Marc A. Jacalone, Chairman

ATTEST: Cheryl Strickland, Clerk

By: *Patricia DoGrande*
Deputy Clerk

ST. JOHNS COUNTY, FLORIDA


Board of County Commissioners



P.O. Box 3006
St. Augustine, Florida 32085-3006
Phone: (904) 471-2161 • Fax: (904) 461-7619

IOM

TO: Mary Ann Blount, Real Estate Officer
Laurie Braddock, Assistant Real Estate Officer

FROM: Herbert A. Van Der Mark, Construction Manager of Utilities 

DATE: February 5, 1999

RE: **Sr-A1A, Phase 3, Highway Reconstruction and 4 Laning
From Owens Avenue to SR-206
Subordination of Utility Interest for Tax Parcel 6,
LD. # 182980, Tax Map 5F/35N, Sec. 26,35,
Township 8S, Range 30E.**

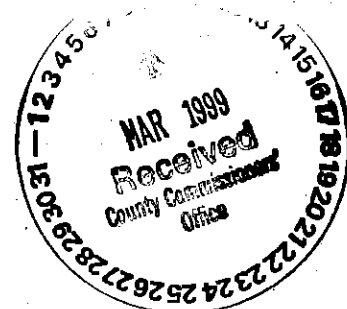
Please be informed that the St. Johns County Utility Department concurs with the "Subordination of County Utility Interests" as described in the instrument prepared by Kenneth S. Davis, District General Counsel, Florida Department of Transportation, dated March 27, 1998.

Thank you for your support and cooperation.

23-UTL.02-March 27, 1998

This instrument prepared by
or under the direction of:
Kenneth S. Davis
District General Counsel
Florida Department of Transportation
Post Office Box 1089
Lake City, Florida 32056-1089.

PARCEL NO. 100.2
SECTION 78040-2511
STATE ROAD A1A
COUNTY OF St. Johns



SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, 19____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1901 South Marion Street, Post Office Box 1089, Lake City, Florida 32056-1089, hereinafter called the FLORIDA DEPARTMENT OF TRANSPORTATION, and ST. JOHNS COUNTY, FLORIDA, hereinafter called 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 Florida Department of Transportation; and

WHEREAS, the Florida Department of Transportation 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 Florida Department of Transportation agree as follows:

County hereby subordinates to the interest of Florida Department of Transportation, its successors, or assigns, any and all of its interest in the lands as follows, viz:

PARCEL NUMBER 100

SECTION 78040-2511

A PART OF GOVERNMENT LOT 1, SECTION 35, AND GOVERNMENT LOT 2, SECTION 26, BOTH BEING IN TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT A UNITED STATES GOVERNMENT LAND OFFICE CONCRETE MONUMENT, DATED 1925, MARKING THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 00°47'14" WEST ALONG THE WEST LINE OF SAID SECTION 26, A DISTANCE OF 67.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°47'14" WEST ALONG SAID WEST LINE, A DISTANCE OF 68.83 FEET TO A POINT ON THE SOUTHERLY LINE OF THE REPLAT OF PART OF OCEAN GROVE, AS RECORDED IN MAP BOOK 11, PAGE 15, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 79°46'17" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1,274.09 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD A1A (ANASTASIA BOULEVARD, A 100.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), SAID POINT BEING ON A CURVE, CONCAVE

NORTHEASTERLY HAVING A CENTRAL ANGLE OF 06°22'57" AND A RADIUS OF 2,914.79 FEET; THENCE SOUTHEASTERLY FROM A TANGENT BEARING OF SOUTH 21°03'22" EAST AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, AN ARC DISTANCE OF 324.69 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 27°26'19" EAST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 91.00 FEET; THENCE SOUTH 75°55'46" WEST LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 15.42 FEET TO A POINT ON A LINE PARALLEL WITH AND LYING 15.00 FEET WESTERLY OF WHEN MEASURED AT RIGHT ANGLES TO SAID WESTERLY RIGHT-OF-WAY LINE; THENCE NORTH 27°26'19" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 30.84 FEET; THENCE SOUTH 75°55'46" WEST, A DISTANCE OF 1,020.43 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY HAVING A CENTRAL ANGLE OF 75°10'14" AND A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 32.80 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 28°53'59" WEST, A DISTANCE OF 217.87 FEET; THENCE NORTH 66°29'07" WEST, A DISTANCE OF 33.32 FEET; THENCE NORTH 39°09'18" WEST, A DISTANCE OF 139.18 FEET; THENCE NORTH 34°31'13" WEST, A DISTANCE OF 37.50 FEET; THENCE NORTH 81°57'45" WEST, A DISTANCE OF 28.29 FEET; THENCE SOUTH 83°38'41" WEST, A DISTANCE OF 30.51 FEET; THENCE SOUTH 62°06'00" WEST, A DISTANCE OF 57.82 FEET; THENCE SOUTH 47°41'26" WEST, A DISTANCE OF 33.37 FEET; THENCE SOUTH 89°12'46" WEST, A DISTANCE OF 2.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.494 ACRES, MORE OR LESS.

RECORDED:

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Water Pipe Easement	09-19-63	Benita S. Boyd, a widow	Anastasia Sanitary District of St. Johns County, Florida	O. R. 47 Page 319

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 Florida Department of Transportation's current minimum standards for such facilities as required by the Florida Department of Transportation, 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 Florida Department of Transportation. Should the Florida Department of Transportation 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 Florida Department of Transportation 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 Florida Department of Transportation's facilities.
4. The County agrees to repair any damage to Florida Department of Transportation facilities and to indemnify, to the extent allowed by Florida law, the Florida Department of Transportation against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the Florida Department of Transportation 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

Witness:
Print Name: _____

BY: _____
Print Name: _____

District Director
of Production

Witness:
Print Name: _____

District Two

STATE OF _____

COUNTY OF _____

The forgoing instrument was acknowledged before me this ____ day of _____, 19 __, by _____, District Director of Production, District Two, who is personally known to me and who did not take an oath.

Print Name: _____
Notary Public in and for the County and
State last aforesaid.
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 Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ST. JOHNS COUNTY, FLORIDA

ATTEST: _____

Print Name: _____

Clerk (or Deputy Clerk)

By Its Board of County
Commissioners

BY: _____

Print Name: _____

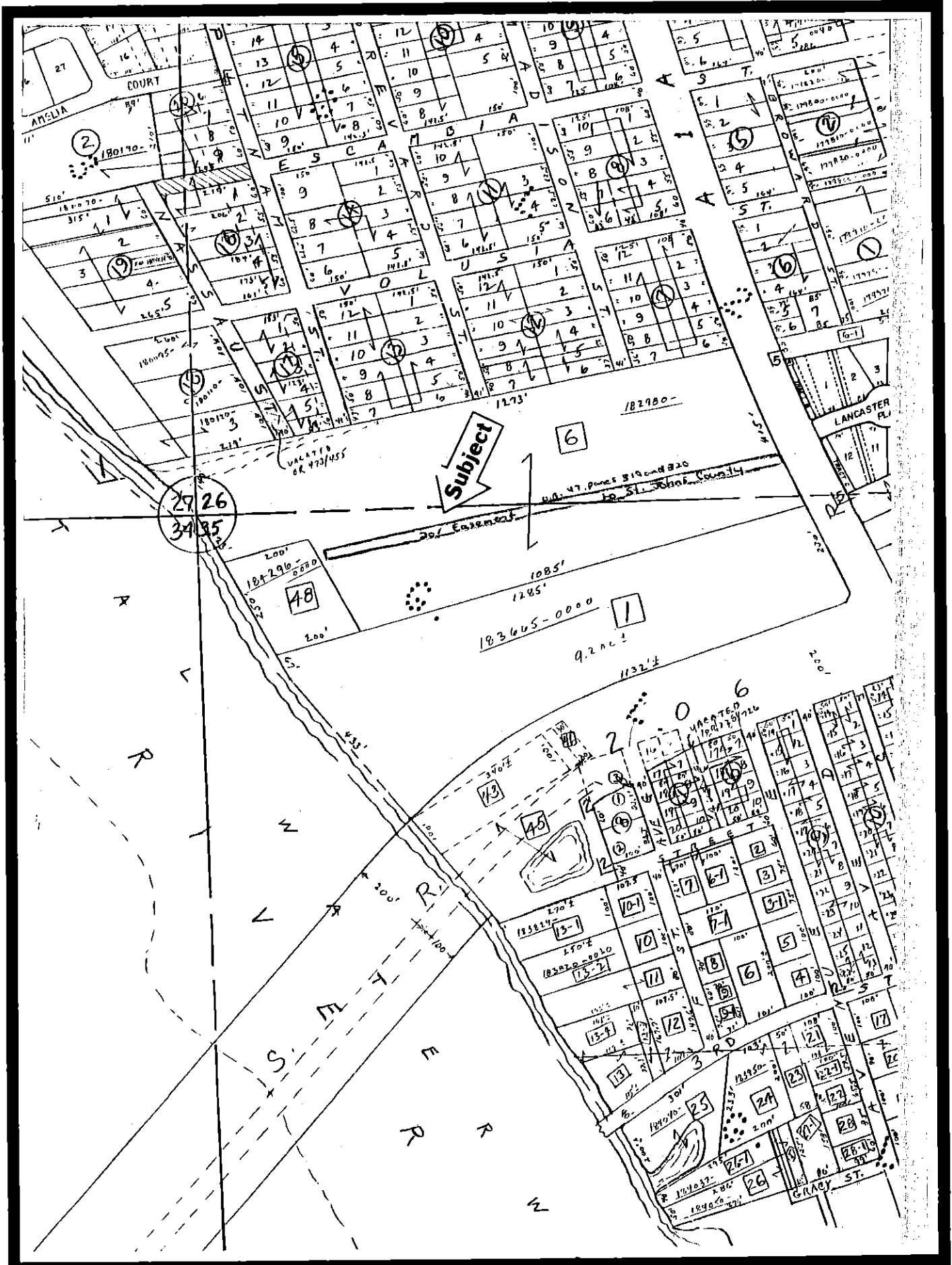
Its Chairperson
(or Vice-Chairperson)

STATE OF FLORIDA

COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, Chairperson (or Vice-Chairperson), who is personally known to me or who has produced _____ as identification.

Print Name: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____



FLORIDA

LAWTON CHILES
GOVERNOR



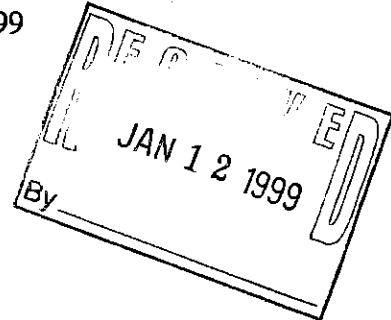
DEPARTMENT OF TRANSPORTATION

1901 South Marion Street, Lake City, Florida 32025
P. O. Box 1089, Lake City, Florida 32056-1089
District Two Utilities Design - MS 2024
Internet I.D.: vince.camp@dot.state.fl.us

Thomas F. Barry, Jr.
Secretary

January 4, 1999

Mr. ~~John Bishop~~ HERB VANDERMARK
County Engineer
ST. JOHNS COUNTY
P. O. Drawer 349
St. Augustine, Florida 32085



SUBJECT: FPI 210257-1-41-01
State Road A1A
County: St. Johns
Parcel: 100.2

Document 1 (R/W N/A)

Dear Mr. Bishop:

Please refer to the subject Parcel(s). We request that the three (3) copies of the enclosed Subordination of Utility Interests be executed and returned to this office by **February 16, 1999**.

Please **return all three (3) executed copies** of the parcel(s) to this office for processing through the Florida Department of Transportation. We will return one fully executed and recorded copy of the parcel(s) for your records.

You will be reimbursed in accordance with the Utility Relocation Agreement on the subject project if any of your facilities have to be removed from private property in which you hold a compensable interest.

Thank you for your cooperation, and if we can be of any further assistance, please advise.

Sincerely,


H. Vince Camp
District Utility Engineer

Enclosures

cc: Ms. L. Barnes, District Acquisition Administrator

HVC/ln/SLETTER1.UTI

