

RESOLUTION NO. 2001- 116

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. 207.

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 207, Section No. 78050-2531, F. P. No. 2101531, in St. Johns County, Florida; and

WHEREAS, it is necessary that certain easement rights now owned by St. Johns County, 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 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 by reference and made a part hereof, for the purpose of transportation, and being satisfied that such property is required for such use and is not needed for County purposes; 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 have three (3) copies of the Subordination of County Utility Interests executed and mail the originals along with a certified copy of this Resolution to H. Vance Camp, District Utility Engineer, State of Florida Department of Transportation, P. O. Box 1089, Lake City, Florida 32056-1089.

PASSED AND ADOPTED this 12th day of June, 2001.

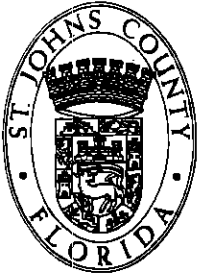
**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: Mark Malone
Chair

ATTEST: Cheryl Strickland, Clerk

Stacia LeGrande
Deputy Clerk






ST. JOHNS COUNTY
UTILITY DEPARTMENT
2175 Mizell Road
P.O. Drawer 3006
St. Augustine, Florida 32085-3006

I N T E R O F F I C E M E M O R A N D U M

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

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

SUBJECT: Florida Department of Transportation SR-207, Parcel - 108.5, Subordination of County Utility Interests.

DATE: April 30, 2001

Please find attached a copy of the April 3, 2001 letter from Mr. H. Vince Camp, District Utility Engineer for the Florida Department of Transportation. Included are (3) copies of the "Subordination of County Utility Interest" documents.

The St. Johns County Utility Department currently owns and maintains a water main and sewer force main within a private easement that is located southeast of the existing SR-207 right of way between Cypress Lakes and Coquina Crossing.

The FDOT has acquired additional right of way that overlaps the S.J.C. Utility Department easement. This expanded right of way is to be used for the (4) lane re-construction of SR-207 West of Cypress Lakes and Deerpark Blvd.

Please execute the attached documents per the FDOT request.

We greatly appreciate your support and cooperation.

Exhibit "B" to Resolution

23-UTL.02-March 01, 2001

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. 108.5
SECTION 78050-2531
F.P. NO. 2102531
STATE ROAD 207
COUNTY OF St. Johns

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, 20____, 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 108

SECTION 78050-2531

A part of Section 9 and Section 16, Township 8 South, Range 29 East, of St. Johns County, Florida, Being described as follows:

Commence at the Northwest corner of said Section 16; Thence North 88°35'45" East, along the Northerly line of said Section 16, (also being the Southerly line of said Section 9), a distance of 415.053 meters (1,361.72 feet) to the intersection with the existing Southerly Right of Way line of State Road 207, (a 30.480 meter (100.00 foot) Right of Way, as shown on the Florida Department of Transportation Right of Way Map Section 78050-2531), also being a point on a curve, and the Point of Beginning; Thence run Northeasterly along said existing Southerly Right of Way line of State Road 207, and the arc of a curve concave Northwesterly having a radius of 889.082 meters (2,916.93 feet), through a total central angle of 12°00'42", an arc distance of 186.391 meters (611.52 feet), said curve being subtended by a chord bearing and distance of North 42°29'40" East, 186.050 meters (610.40 feet).

Thence North 36°29'19" East, along said existing Southerly Right of Way line of State Road 207, a distance of 271.223 meters (889.84 feet); Thence South 00°21'37" East, a distance of 20.761 meters (68.11 feet); Thence South 36°29'19" West, a distance of 180.330 meters (591.63 feet) to a point on a curve; Thence Southwesterly along the arc of said curve concave Northwesterly having a radius of 1102.700 meters (3,617.77 feet), through a total central angle of 15°44'39", an arc distance of 303.010 meters (994.13 feet), said curve being subtended by a chord bearing and distance of South 44°21'39" West, 302.058 meters (991.00 feet), to a point on a curve on said existing Southerly Right of Way line of State Road 207; Thence run Northeasterly along said existing Southerly Right of Way line of State Road 207, and the curve concave Northwesterly having a radius of 889.082 meters (2,916.93 feet), through a total central angle of 02°38'35", an arc distance of 41.012 meters (134.55 feet), said curve being subtended by a chord bearing and distance of North 49°49'04" East, 41.008 meters (134.54 feet) to the Point of Beginning.

Containing 0.4133 hectares (1.021 acres), more or less.

RECORDED:

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement for Utilities	06-30-95	VCP-Coquina Crossing, Ltd., a Florida limited partnership	St. Johns County, Florida	O.R. 1126 Page 923
Bill of Sale	06-30-95	VCP-Coquina Crossing, Ltd., a Florida limited partnership	St. Johns County, Florida	O.R. 1126 Page 930

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 County or require the County 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 purpose 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 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: _____
David L. Byrd
District Director
of Production

Witness:
Print Name: _____

District Two

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by DAVID L. BYRD, 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.

ATTEST: _____

ST. JOHNS COUNTY, FLORIDA
County Administration Building
4020 Lewis Speedway
St. Augustine, Florida 33085

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 _____, 20____, 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: _____

15.35 ac

4-2

6-1

136635-

35.6 ac

30.99 ac

NO. 207

6-10

136635-1122

3.27 ac

6-5

136635

Tax. 1B

12.27 ac

136635-0060

6-6

23.58 ac

CYPRESS LMS BLVD

5-1

136636-

5016

OR 1426/1465

I.C.

4 ac.

S. SUBVEY P.

(8.5 ac)

136635-139

6-3

17.4 ac

-137390-0030

8-3

TOP COGNAC CROSSING, LTD

OR 1078/1515

211.79 ac

