

23-UTL.04-March 07, 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. 800.3
SECTION 26010
F.P. NO. 2078494
STATE ROAD 25 (U.S. 441)
COUNTY OF Alachua

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, 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 CITY OF GAINESVILLE, FLORIDA, hereinafter called City.

W I T N E S S E T H:

WHEREAS, the City 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 City to the Florida Department of Transportation; and

WHEREAS, the Florida Department of Transportation is willing to pay to have the City'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, City and Florida Department of Transportation agree as follows:

City 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 800

SECTION 26010

PART "A"

A parcel of land in Section 8, Township 10 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

BEGIN at the intersection of the existing Northerly right of way line of S.W. 9th Avenue, with the existing Easterly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street) (an 80.00 foot right of way); thence run North 89°01'21" East, along said existing Northerly right of way line, a distance of 11.00 feet; thence run North 24°52'51" West, a distance of 27.35 feet to a point on said existing Easterly right of way line; thence run South 01°09'40" East, along said existing Easterly right of way line, a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 138 square feet, more or less.

ALSO:

PART "B"

A parcel of land in Section 7, Township 10 South, Range 20 East, also being part of Diamond Road, Alachua County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the existing Easterly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), with the existing Northerly right of way line of S.W. 9th Avenue; thence run South 89°01'21" West, a distance of 40.00 feet, (Crossing the West line of Section 8, Township 10 South, Range 20 East, into Section 7, Township 10 South, Range 20 East), to the centerline of survey of said State Road 25 (U.S. 441) (S.W. 13th Street); thence run North 01°09'40" West, along said centerline of survey, a distance of 21.74 feet; thence run South 88°50'20" West, a distance of 40.00 feet to a point on the existing Westerly right of way line of said State Road 25 (U.S. 441) (S.W. 13th Street), and the POINT OF BEGINNING; thence continue South 88°50'20" West, a distance of 60.00 feet; thence run South 01°09'40" East, a distance of 80.00 feet; thence run North 88°50'20" East, a distance of 60.00 feet to a point on the said existing Westerly right of way line; thence run North 01°09'40" West, along said existing Westerly right of way line, a distance of 80.00 feet to the POINT OF BEGINNING.

Containing 4,800 square feet, more or less.

ALSO:

PART "C"

A parcel of land in Section 6 and Section 7, Township 10 South, Range 20 East, also being part of Museum Road, Alachua County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the existing Easterly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), with the existing Northerly right of way line of S.W. 9th Avenue; thence run South 89°01'21" West, a distance of 40.00 feet, (Crossing the West line of Section 8, Township 10 South, Range 20 East, into Section 7, Township 10 South, Range 20 East), to the centerline of survey of said State Road 25 (U.S. 441) (S.W. 13th Street); thence run North 01°09'40" West, along said centerline of survey, a distance of 380.11 feet; thence run South 88°50'20" West, a distance of 40.00 feet to a point on the existing Westerly right of way line of said State Road 25 (U.S. 441) (S.W. 13th Street), and the POINT OF BEGINNING; thence continue South 88°50'20" West, a distance of 70.00 feet; thence run North 01°09'40" West, a distance of 90.00 feet, (Crossing the North line of said Section 7, into said Section 6); thence run North 88°50'20" East, a distance of 70.00 feet to a point on the said existing Westerly right of way line; thence run South 01°09'40" East, along said existing Westerly right of way line, a distance of 90.00 feet (Crossing the South line of said Section 6, into said Section 7), to the POINT OF BEGINNING.

Containing 6,300 square feet, more or less.

ALSO:

PART "D"

A parcel of land in Section 6, Township 10 South, Range 20 East, also being part of Inner Road, Alachua County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the existing Easterly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), with the existing Northerly right of way line of S.W. 9th Avenue; thence run South 89°01'21" West, a distance of 40.00 feet, (Crossing the West line of Section 8, Township 10 South, Range 20 East, into Section 7, Township 10 South, Range 20 East), to the centerline of survey of said State Road 25 (U.S. 441) (S.W. 13th Street); thence run North 01°09'40" West, along said centerline of survey, a distance of 1,276.59 feet, (Crossing the North line of said Section 7, into Section 6, Township 10 South, Range 20 East); thence run South 88°50'20" West, a distance of 40.00 feet to a point on the existing Westerly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), and the POINT OF BEGINNING; thence continue South 88°50'20" West, a distance of 60.00 feet; thence run North 01°09'40" West, a distance of 73.00 feet; thence run North 88°50'20" East, a distance of 60.00 feet to a point on said existing Westerly right of way line; thence run South 01°09'40" East, a distance of 73.00 feet to the POINT OF BEGINNING.

Containing 4,380 square feet, more or less.

ALSO:

PART "E"

A parcel of land in Section 6, Township 10 South, Range 20 East, also being part of Stadium Road, Alachua County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the existing Easterly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), with the existing Northerly right of way line of S.W. 9th Avenue; thence run South 89°01'21" West, a distance of 40.00 feet, (Crossing the West line of Section 8, Township 10 South, Range 20 East, into Section 7, Township 10 South, Range 20 East), to the centerline of survey of said State Road 25 (U.S. 441) (S.W. 13th Street); thence run North 01°09'40" West, along said centerline of survey, a distance of 1,682.86 feet, (Crossing the North line of said Section 7, into Section 6, Township 10 South, Range 20 East); thence run South 88°50'20" West, a distance of 40.00 feet to a point on the Westerly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), and the POINT OF BEGINNING; thence run South 88°50'20" West, a distance of 60.00 feet; thence run North 01°09'40" West, a distance of 115.00 feet; thence run North 88°50'20" East, a distance of 60.00 feet to a point on said Westerly right of way line; thence run South 01°09'40" East, along said Westerly right of way line, a distance of 115.00 feet to the POINT OF BEGINNING.

Containing 6,900 square feet, more or less.

ALSO:

PART "F"

A parcel of land in Section 6, Township 10 South, Range 20 East, also being part of Union Road, Alachua County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Lot 14, Block 3, University Place, as recorded in Plat Book "A", Page 77, of the Public Records of Alachua County, Florida; thence run South 89°04'20" West, a distance of 40.00 feet, (Crossing the West line of Section 5, Township 10 South, Range 20 East, into Section 6, Township 10 South, Range 20 East), to a point on the centerline of survey of State Road 25 (U.S. 441) (S.W. 13th Street); thence run South 01°09'40" East, along said centerline of survey, a distance of

320.24 feet; thence run South 88°50'20" West, a distance of 40.00 feet to a point on the existing Westerly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), and the POINT OF BEGINNING; thence continue South 88°50'20" West, a distance of 60.00 feet; thence run South 01°09'40" East, a distance of 110.00 feet; thence run North 88°50'20" East, a distance of 60.00 feet to a point on said existing Westerly right of way line; thence run North 01°09'40" West, along said existing Westerly right of way line, a distance of 110.00 feet to the POINT OF BEGINNING.

Containing 6,600 square feet, more or less.

ALSO:

PART "G"

A parcel of land in Section 6, Township 10 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Lot 14, Block 3, University Place, as recorded in Plat Book "A", Page 77, of the Public Records of Alachua County, Florida; thence run South 89°04'20" West, a distance of 40.00 feet (Crossing the West line of Section 5, Township 10 South, Range 20 East, into Section 6, Township 10 South, Range 20 East) to a point on the centerline of survey of State Road 25 (U.S. 441) (S.W. 13th Street); thence run North 01°09'40" West, along said centerline of survey, a distance of 237.01 feet; thence run South 88°50'20" West, a distance of 43.81 feet to a point on the existing Westerly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), and the POINT OF BEGINNING, said point also being on the arc of a curve concave Southwesterly, having a radius of 22.00 feet; thence run Northerly and Northwesterly along said existing Westerly right of way line, and along the arc of said curve, through an angle of 44°58'18", a distance of 17.27 feet, said curve having a chord bearing and distance of North 57°53'52" West, 16.83 feet; thence run South 09°36'59" West, a distance of 2.00 feet to a point on the arc of a curve concave Southwesterly having a radius of 20.00 feet; thence run Southwesterly and Southerly along the arc of said curve, through an angle of 44°58'18", a distance of 15.70 feet, said curve having a chord bearing and distance of South 57°53'52" East, a distance of 15.30 feet; thence run North 54°35'17" East, a distance of 2.00 feet to the POINT OF BEGINNING.,

Containing 34 square feet, more or less.

ALSO:

PART "H"

A parcel of land in Section 6, Township 10 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Lot 14, Block 3, University Place, as recorded in Plat Book "A", Page 77, of the Public Records of Alachua County, Florida; thence run South 89°04'20" West, a distance of 40.00 feet (Crossing the West line of Section 5, Township 10 South, Range 20 East, into Section 6, Township 10 South, Range 20 East) to a point on the centerline of survey of State Road 25 (U.S. 441) (S.W. 13th Street); thence run North 01°09'40" West, along said centerline of survey, a distance of 28.29 feet; thence run South 88°50'20" West, a distance of 40.00 feet to a point on the existing Westerly right of way line of State Road 25 (U.S. 441) (S.W. 13th Street), and the POINT OF

BEGINNING; thence continue South 88°50'20" West, a distance of 5.00 feet; thence run North 01°09'40" West, a distance of 5.00 feet; thence run North 88°50'20" East, a distance of 5.00 feet to a point on said existing Westerly right of way line; thence run South 01°09'40" East, along said existing Westerly right of way line, a distance of 5.00 feet to the POINT OF BEGINNING.

Containing 25 square feet, more or less.

RECORDED:

| INSTRUMENT | DATE | FROM | TO | O. R. BOOK/PAGE |
|------------|----------|--|------------------------------|---------------------|
| Easement | 01-10-91 | Board of Trustees of the Internal Improvement Trust Fund | City of Gainesville, Florida | O.R. 1814 Page 1547 |

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 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 City or require the City 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 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 Florida Department of Transportation's facilities.
4. The City 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 City 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 _____, District Director of Production, District Two, who is personally known to me to be the person who executed the foregoing instrument 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 said grantor has caused these presents to be executed in its name by its Board of City Commissioners acting the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: 
Print Name: Kurt M. Lannon
Clerk of the Commission
Clerk (or Deputy Clerk)

CITY OF GAINESVILLE, FLORIDA

By Its Board of City
Commissioners

BY: 
Print Name: Thomas D. Bussing
Mayor
Its Chairperson
(or Vice-Chairperson)

Signed, sealed and delivered in the presence of:

Marilyn R. Crews
Witness:
Print Name: Marilyn R. Crews
Devonia L. Harris
Witness:
Print Name: DEVONIA L. HARRIS

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 13th day of June, 2001, by Thomas D. Bussing, Mayor of the City of Gainesville, who is personally known to me or who has produced _____ as identification.



Marilyn R. Crews
MY COMMISSION # CC781269 EXPIRES
January 3, 2003
BONDED THROUGH FAIN INSURANCE, INC.

Marilyn R. Crews
Print Name: Marilyn R. Crews
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: 1-3-2003

Approved as to form and legality:

Raymond O. Manasco, Jr.
Raymond O. Manasco, Jr.
Utilities Attorney
City of Gainesville, Florida