

UTL.05

Date: January 10, 2019
This instrument prepared
under the direction of:
Angela D. Tucker, Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4192434
PARCEL 129.2
SECTION 16170-000
STATE ROAD 25
COUNTY Polk

RESOLUTION 2019-05



ON MOTION of Commissioner Howell,
seconded by Commissioner Curtis Gibson,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 25, Section No.
16170-000, in Polk County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned
by City of Lake Wales, 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 City:
and

WHEREAS, the State of Florida Department of Transportation has
made application to said City 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 City Commissioners
of City of Lake Wales, Florida, that the application of the State of
Florida Department of Transportation for a subordination of utility
interest, or interests, is for transportation purposes which are in
the public or community interest and for public welfare; that a
subordination of utility interest, or interests, in favor of the
State of Florida Department of Transportation, in Bartow, Florida,
should be drawn and executed by this Board of City Commissioners.
Consideration shall be \$ 10 and other valuable consideration



BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at Bartow, Florida.

STATE OF FLORIDA

CITY OF Lake Wales

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of City Commissioners of City of Lake Wales, Florida, at a meeting held on the 3rd day of April, 2019.

Name:

Clerk, Board of City
Commissioners
City of Lake Wales,
Florida



INSTR # 2019104964
 BK 10849 Pgs 639-643 PG(s)5
 RECORDED 05/22/2019 09:28:03 AM
 STACY M. BUTTERFIELD, CLERK OF COURT
 POLK COUNTY
 RECORDING FEES \$44.00
 RECORDED BY rhoncamp

23-UTL.04-05/09

Date: January 10, 2019
 This instrument prepared
 under the direction of:
 Angela D. Tucker, Chief Counsel
 Post Office Box 1249
 City: Bartow, Florida 33831-1249
 Department of Transportation

CORRECTIVE DEED
 F.P. NO. 4192434
 PARCEL 129.2
 SECTION 16170-000
 STATE ROAD 25
 COUNTY Polk

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT, entered into this 5 day of April,
 2019, by and between the STATE OF FLORIDA DEPARTMENT OF
 TRANSPORTATION, hereinafter called the FDOT, whose post office
 address is: Post Office Box 1249, Bartow, Florida 33831-1249
 and City of Lake Wales, Utility Agency Organization, hereinafter
 called the Utility.

W I T N E S S E T H:

WHEREAS, the Utility 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 Utility to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the Utility'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, Utility and FDOT agree as
 follows:

Utility hereby subordinates to the interest of FDOT, its
 successors, or assigns, any and all of its interest in the lands
 as follows, viz:

SEE EXHIBIT "A"

**THE PURPOSE OF THIS SUBORDINATION OF CITY UTILITY INTERESTS IS TO
 CORRECT CALLS FROM THE POINT OF COMMENCEMENT TO THE POINT OF
 BEGINNING IN INSTRUMENT DATED APRIL 4, 2018 AND RECORDED IN
 OFFICIAL RECORDS BOOK 10469, PAGE 639, PUBLIC RECORDS OF POLK
 COUNTY, FLORIDA.**

FDOT
 PO BOX 1249
 BARTOW FL 33830

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	1/16/90	Springtree Properties Inc.	City of Lake Wales	OR 2831 Pg 167

PROVIDED that the Utility has the following rights:

1. The Utility 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 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. Should the FDOT 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 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 Utility 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 Utility agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the Utility 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.

Executed in our presence
as witnesses:

Geraldine McCants
Signature

Geraldine McCants
Print/Type Name

Sheila F. Towns
Signature

Sheila F. Towns
Print/Type Name

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

By: John M. Kubler
District Secretary/Designee
for District One

Legal Review: [Signature]

Don Conway, Senior Attorney FDOT
Department Attorney

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me this 10th day of May, 2023, by John M. Kubler, District Secretary/Designee for District One. He is personally known to me or has produced _____ as identification.

(Affix Seal/Stamp here) Notary Signature: Geraldine McCants
Printed Name: Geraldine McCants

Notary Public in and for
the County and State last
aforesaid.
My Commission Expires:
May 3, 2023
Serial No.: GG322382



IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

Eugene L. Fultz (OFFICIAL SEAL)
Signature
Eugene L Fultz
Print/Type Name

Mayor



ATTEST: [Signature]
Signature
Jennifer Narek
Print/Type Name

Its City Clerk

Grantor(s)' Mailing Address:

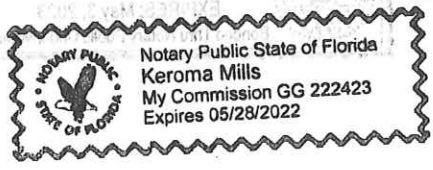
201 W. Central Ave
Lake Wales, FL
33853

STATE OF FLORIDA

COUNTY OF Polk

The foregoing instrument was acknowledged before me this 5th day of April, 2019, by Eugene L Fultz, Mayor, who is personally known to me or who has produced _____ as identification.

(Affix Seal/Stamp here) Notary Signature: [Signature]
Printed Name: Keroma Mills



Notary Public in and for the County and State last aforesaid.
My Commission Expires: 5/28/2022
Serial No., if any: GA 222423

F.P. NO. 4192434

SECTION 16170-000

PARCEL 129

RIGHT OF WAY

That portion of the southeast 1/4 of Section 3, Township 30 South, Range 27 East, Polk County, Florida.

Being described as follows:

Commence at the northwest corner of the southeast 1/4 of said Section 3; thence along the north line of said southeast 1/4 North 89°45'49" East a distance of 1,942.74 feet to the survey base line of State Road 25 (U.S. 27) and the beginning of a curve having a radius of 5,729.58 feet; thence along said survey base line the arc of said curve to the right a distance of 172.67 feet through a central angle of 01°43'36" with a chord bearing South 05°24'00" East to the end of said curve; thence South 89°56'39" West a distance of 75.23 feet to an intersection of the westerly existing right of way line of said State Road 25 (per Section 1618-202) and the northerly existing right of way line of Central Avenue (per Deed Book 595, Page 98, Public Records of Polk County, Florida) for a POINT OF BEGINNING; thence along said northerly existing right of way line continue South 89°56'39" West a distance of 11.79 feet; thence North 56°31'56" East a distance of 13.42 feet to said westerly existing right of way line and the beginning of a curve having a radius of 5,654.58 feet; thence along said westerly existing right of way line the arc of said curve to the right a distance of 7.41 feet through a central angle of 00°04'30" with a chord bearing South 04°38'01" East to the end of said curve and to the POINT OF BEGINNING.

Containing 44 square feet.

Legal Description Approved by:
Richard M. "Mike" Benton, P.S.M. #6447
On January 10, 2019

