

CS-08-107

Contact No: CN08-074  
Bid No: \_\_\_\_\_



⑦

23-UTL.02-Date: January 22, 2008

This instrument prepared by  
or under the direction of:  
Ralph P. Maxon  
Interim District General Counsel  
Florida Department of Transportation  
1109 South Marion Avenue  
Lake City, Florida 32025-5874

**A CERTIFIED TRUE COPY**  
*John A. Crawford Rhoda*  
**CLERK CIRCUIT / COUNTY COURT**  
**NASSAU COUNTY, FLORIDA** *Goodwin*

PARCEL NO. 101.3  
SECTION NO. 74130  
F.P. NO. 2105972  
STATE ROAD NO. A1A  
COUNTY OF Nassau

R. 61.00  
copy 7.00  
68.00

**SUBORDINATION OF UTILITY INTERESTS**

THIS AGREEMENT, entered into this 21<sup>st</sup> day of February, 2008, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, hereinafter called the FLORIDA DEPARTMENT OF TRANSPORTATION, and **Nassau - Amelia Utilities, successor in interest to Florida Water Services Corporation, a Florida Corporation, 76347 Veteran's Way, Yulee, Florida 32097** hereinafter called Utility.

**WITNESSETH:**

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 Florida Department of Transportation; and

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

Utility hereby subordinates to the interest of Florida Department of Transportation, its successors, or assigns, any and all of its interest in the lands, more particularly described as:

SEE Exhibit "A", attached hereto and by reference made a part hereof.

**RECORDED:**

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	April 8, 1997	Amelia Baptist Church, Inc., a Florida Corporation	Florida Water Services Corporation, a Florida Corporation	789/1348

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 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 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 Florida Department of Transportation's facilities.
4. The Utility 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 Utility 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:

Rhonda Harrington  
Witness:  
Print Name: Rhonda Harrington

Wanda J Hill  
Witness:  
Print Name: Wanda J Hill

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

BY: Robert L. Parks  
Robert L. Parks  
District Director for Transportation  
Development District Two

Legal Review

By: Angela T Miller  
Print Name: Angela T Miller  
District Counsel

STATE OF Florida  
COUNTY OF Columbia

The foregoing instrument was acknowledged before me this 21 day of  
February, 2008, by ROBERT L. PARKS, District Director for Transportation  
Development, District Two, who is personally known to me to be the person who executed the  
foregoing instrument and who did not take an oath



Lisa Lambert  
Print Name: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

IN WITNESS WHEREOF, the Utility has caused these presents to be executed in its name,

and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST: [Signature]  
as to the Chair's signature  
Print Name: John A. Crawford  
It's \_\_\_\_\_ Secretary  
Ex-Officio Clerk

Nassau - Amelia Utilities,  
successor in interest to  
Florida Water Services Corporation  
A Florida Corporation

By: [Signature]  
Marianne Marshall  
Its Chair

Signed, sealed and delivered in  
the presence of:  
[Signature]  
Witness:  
Print Name: Brenda K Linville

(CORPORATE SEAL)

[Signature]  
Witness:  
Print Name: CONNIE ARTHUR

Approved as to form by the  
Nassau County Attorney.

By: \_\_\_\_\_  
David A. Hallman

STATE OF Florida  
COUNTY OF Nassau

The foregoing instrument was acknowledged before me this 13th day of  
February, 2008, by Marianne Marshall, Chair of the Nassau County Board of County  
Commissioners on behalf of Nassau County, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

REVIEWED BY GENE KNAGA  
CHIEF DEPUTY COMMISSIONER / ACCOUNTABILITY

[Signature] DATE 2/13/08

[Signature]  
Print Name: PEGGY B. SNYDER  
Notary Public  
My Commission Expires: 11/8/2011



PEGGY B. SNYDER  
Notary Public, State of Florida  
My Comm. Expires Nov. 8, 2011  
Commission No. DD 733137

**Exhibit "A"**

**SECTION 74130 STATE ROAD NO. A1A NASSAU COUNTY**  
**F.P. NO. 2105972**

**PARCEL NUMBER 101**

**FEE SIMPLE**

A Portion Of Lot 30 Of The Subdivision Of Suarez Grant, As Per Plat Book 39, Page 293, Of The Public Records Of Nassau County, Florida, In The Suarez Grant, Section 12, Township 2 North, Range 28 East, Said Nassau County, Florida, More Particularly Described As Follows:

Commence At The Northeasterly Corner Of Lot 30 Of The Subdivision Of Suarez Grant, As Recorded In Plat Book 39, Page 293, Of The Public Records Of Nassau County, Florida, In The Suarez Grant, Section 12, Township 2 North, Range 28 East, Said Nassau County, Florida, Said Corner Also Being On The Westerly Existing Right Of Way Line Of County Road No. 105 (A 60.00 Foot Right Of Way); Thence South 11°36'40" East, Along Said Westerly Existing Right Of Way Line, A Distance Of 253.84 Feet To The **Point Of Beginning**; Thence South 11°36'40" East, Continuing Along Said Westerly Existing Right Of Way Line, A Distance Of 55.00 Feet To The Northerly Existing Right Of Way Line Of State Road No. A-1-A (A Variable Width Right Of Way As Per Florida Department Of Transportation Right Of Way Map, Section 74130, F.P. No. 2105972), Also Being The Southerly Line Of Said Lot 30; Thence South 52°01'05" West, Departing Said Westerly Existing Right Of Way Line, And Along Said Southerly Line, And Along Said Northerly Existing Right Of Way Line, And Along The Northerly Existing Right Of Way Line Of Gerbing Road (A 35.00 Foot Right Of Way), A Distance Of 60.00 Feet; Thence North 21°44'54" East, Departing Said Northerly Existing Rights Of Way Lines, And Said Southerly Line, A Distance Of 97.76 Feet To The **Point Of Beginning**.

Containing 1,478 Square Feet, More Or Less.

UTL.03-Date: January 31, 2008

This instrument prepared by  
or under the direction of:  
Ralph P. Maxon  
Interim District General Counsel  
Florida Department of Transportation  
1109 South Marion Avenue  
Lake City, Florida 32025-5874

PARCEL NO. 101.3  
SECTION NO. 74130  
F.P. NO. 2105972  
STATE ROAD NO. A1A  
COUNTY OF Nassau

RESOLUTON NO. 2008-69

**RESOLUTION**

ON MOTION of Commissioner Jim B. Higginbotham, seconded by Commissioner Michael H. Boyle, the following Resolution was adopted; and

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve **State Road No. A1A, Section No. 74130, F.P. No. 2105972, in Nassau County, Florida;** and

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

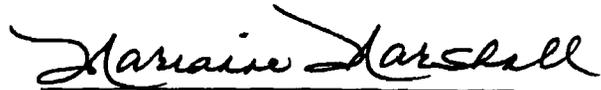
WHEREAS, said subordination is in the best interest of the County; and

WHEREAS, the State of Florida Department of Transportation has made application 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 Nassau County, 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 **Nassau County, Florida,** should be drawn and executed by this Board of County Commissioners. Consideration shall be \$10.00.

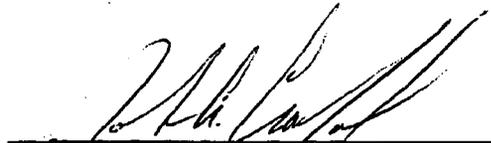
BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at Lake City, Florida.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

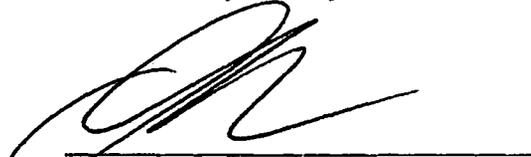


MARIANNE MARSHALL  
Its: Chair

Attest as to Chair's Signature:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

  
\_\_\_\_\_  
DAVID A. HALLMAN

REVIEWED BY GENE ENAGA  
CHIEF DEPUTY CLERK OF PUBLIC ACCOUNTABILITY

  
DATE 2/13/08