

23-UTL.02-05/09

Date: June 24, 2024  
This instrument prepared  
under the direction of:  
Angela D. Tucker, Chief Counsel  
Post Office Box 1249  
Bartow, Florida 33831-1249  
Department of Transportation

F.P. NO. 4289171 & 4289172 &  
4420274  
PARCEL 811.3  
SECTION 01030-000 & 12090-000  
STATE ROAD 31  
COUNTY Charlotte

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

THIS AGREEMENT, entered into on the date executed by the State of Florida Department of Transportation District One Secretary or their Designee, 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 CHAROTTE COUNTY, a political subdivision of the State of Florida, whose post office address is 18500 Murdock Circle, Port Charlotte, FL 33948 hereinafter called the 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 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"**

**RECORDED**

INSTRUMENT	DATE	FROM	TO	PLAT BOOK/PAGE
6' County Drainage Purposes and Public Utilities Easement	11-08-77	Vernon R. Shimanek, Trustee	Charlotte County	PB15 PG21A
6' County Drainage Purposes and Public Utilities Easement	11-08-77	Vernon R. Shimanek, Trustee	Charlotte County	PB16 PG42A

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.

WITNESSES

\_\_\_\_\_(SEAL)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Legibly Print/Type Name

By: \_\_\_\_\_

District Secretary/Designee for

District One

Post Office Box 1249

\*Witness Mailing Address:

Post Office Box 1249

Bartow, Florida 33831-1249

Bartow, Florida 33831-1249

Legal Review:

\_\_\_\_\_(SEAL)

\_\_\_\_\_

Department Attorney

\_\_\_\_\_  
Legibly Print/Type Name

\*Witness Mailing Address:

Post Office Box 1249

Bartow, Florida 33831-1249

*\*In accordance with Florida Statute 695.26, effective Jan. 1, 2024, names and addresses of witnesses must be legibly printed, typed or stamped for the clerk of the court to accept this document for recording.*

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of \_physical presence or \_online notarization, this \_\_\_\_\_day of \_\_\_\_\_,20\_\_\_\_, by \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ Corporation, on behalf of the Corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

Name: \_\_\_\_\_ Notary Public in and for the County and State last aforesaid. My Commission Expires: \_\_\_\_\_ Serial No., if any: \_\_\_\_\_

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.

Roger D. Eaton, Clerk of the Circuit Court  
and Ex-officio Clerk of the Board of County  
Commissioners

CHARLOTTE COUNTY BOARD OF  
COUNTY COMMISSIONERS

ATTEST: \_\_\_\_\_  
Deputy Clerk)

\_\_\_\_\_  
William G. Truex, Chairman

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Janette S. Knowlton, County Attorney  
LR 2024-0634\_\_\_\_\_

Grantor(s)' Mailing Address:

18500 Murdock Circle  
\_\_\_\_\_

Port Charlotte, FL 33948  
\_\_\_\_\_

F.P. NO. 4289171 & 4289172 & 4420274  
SECTION 01030-000 & 12090-000  
PARCEL 811

PERPETUAL EASEMENT

That portion of Lot 3 and that portion of Weclav Drive, Horseshoe Acres, a subdivision lying in Section 25, Township 42 South, Range 25 East, as per plat thereof recorded in Plat Book 16, Pages 42A - 42E, Public Records of Charlotte County, Florida.

Being described as follows:

Commence at the southeast corner of the southeast 1/4 of said Section 25, said corner being on the survey baseline of State Road 31; thence along said survey baseline North 00°26'14" East a distance of 660.03 feet; thence North 89°51'55" West a distance of 50.23 feet to the west existing right of way line of said State Road 31 (per said plat) and to the northeast corner of said Lot 3 (per said plat) for a POINT OF BEGINNING; thence along said west existing right of way line and the east line of said Lot 3, South 00°21'15" West a distance of 108.96 feet; thence North 21°23'35" West a distance of 78.44 feet; thence North 89°33'46" West a distance of 105.76 feet; thence North 00°26'14" East a distance of 35.43 feet to the north line of said Lot 3; thence along said north line, South 89°51'55" East a distance of 134.77 feet to the POINT OF BEGINNING.

Containing 5,882 square feet.

Legal Description Approved by  
Wilfredo A. Alfonzo P.S.M. #7107  
On June 14, 2024