

23-UTL.02-01/21

Modified for Palm Beach County

This instrument prepared under the direction of:

Elizabeth S. Quintana, Esq. *ER*

District 4 Assistant General Counsel

Legal Description prepared by:

James G. Peden Jr. P.S.M. (07/10/2024)

Wallace Surveying Corporation

Document prepared by:

Nancy Ferreira

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No. 226.3R (10/31/24)

Item/Segment No. 4413231

Section: N/A

Managing District: 04

S.R. No. 809 (Military Trail)

County: Palm Beach

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT entered into this 11th day of March, 2025 by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter called the **FDOT**, and **PALM BEACH COUNTY**, a Political Subdivision of the State of Florida, hereinafter called the **COUNTY**.

WITNESSETH:

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 **FDOT**; and

WHEREAS, the **FDOT** 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 **FDOT** agree as follows:

COUNTY subordinates to the interest of **FDOT** its successors and assigns, any and all of its interest in the lands as follows, viz:

(More particularly described in the sketch and legal description attached hereto as Exhibit "A")

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R.B. & PG.
Utility Easement	02/05/1986	William H. Cooper and Ethel D. Cooper, his wife, and James F. Swan	Meadowbrook Utility Systems, Inc., a Florida corporation	5887 / 1606
Assignment of Easements	08/09/1989	Meadowbrook Utility Systems, Inc., a Florida corporation	Palm Beach County, Florida	6156 / 1850

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 FDOT'S current minimum standards for such facilities as required by the FDOT, Utility Accommodation Manual in the 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 COUNTY or require the COUNTY 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 COUNTY 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 COUNTY agrees to repair any damage to FDOT facilities, and, to the extent permitted by law, to indemnify the FDOT against any loss or damage resulting from the COUNTY exercising its rights outlined in Paragraphs 1 and 3 above. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes, nor as a waiver of any defense the COUNTY may have under said statute, nor shall the same be construed to constitute agreement by the COUNTY to indemnify the FDOT for FDOT's negligent, willful or intentional acts or omissions, nor as consent to be sued by third parties.

[This space intentionally left blank]

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Attorney approved as to form:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Name: ELIZABETH S. QUINTANA

BY: Name: STEVEN C. BRAUN, P.E. District 4 Secretary

Signed, sealed and delivered in the presence of: (Two witnesses required by Florida Law)

Witness (1) Information:

Witness (2) Information:

Signature

Signature

Print Name:

Print Name:

3400 W. Commercial Blvd. Ft. Lauderdale FL. 33309

3400 W. Commercial Blvd. Ft. Lauderdale FL. 33309

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this _____ day of _____, 20_, by STEVEN C. BRAUN, P.E., District 4 Secretary, [] who is personally known by me or [] who has produced as identification.

(SEAL)

Notary Public

Printed or stamped name of Notary Public

My Commission Expires: _____

**PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY
COMMISSIONER**

ATTEST:
Joseph Abruzzo,
Clerk of the Circuit Court & Comptroller

By: _____
Print Name: Maria G. Marino
Mayor

By: _____
(Deputy Clerk)

APPROVED AS TO TERMS AND
CONDITIONS

By: Ali Bayat
Director of Utilities

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

By: Anne Adelgunt
(County Attorney) for Mike Jones

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of _____ physical presence or
_____ online notarization, this _____ day of _____, 20____, by
_____, Mayor, Board of County Commissioners, who is personally
known by me or who has produced _____ as identification and who did
not take an oath.

Joseph Abruzzo
Deputy Clerk

EXHIBIT "A"

Parcel No. 226

Item/Segment No. 4413231

EXHIBIT "A"
Description Sketch For:

**PACKER FAMILY LIMITED PARTNERSHIP II,
 A MARYLAND LIMITED PARTNERSHIP**

LEGAL DESCRIPTION:

A right-of-way dedication lying in Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the South half, of the North half, of the West half, of the Southwest Quarter of the Northeast Quarter, of said Section 25;
 thence South 89°02'36" East along the North line of said South half of the North half of the West half of the Southwest Quarter of the Northeast Quarter (said North line is said to bear South 89°02'36" East and is the basis of bearings, all other bearings are relative thereto), a distance of 53.00 feet to the **POINT OF BEGINNING**;
 thence continue South 89°02'36" East, along said North line, a distance of 20.00 feet;
 thence South 01°25'25" West, departing said North line, a distance of 25.00;
 thence South 12°44'01" West, a distance of 50.99 feet to a point on the East line of that certain 10 foot Ingress/Egress and Utility Easement as recorded in Official Records Book 5887, page 1606 of the Public Records of Palm Beach County, Florida;
 thence South 01°25'25" West, along said East line, a distance of 75.09 feet, to a point on the South line of the North 150 feet of the South half, of the North half, of the West half, of the Southwest quarter, of said Section 25;
 thence North 89°02'36" West, along said South line, a distance of 10.00 feet to a point on the West line of said easement;
 thence North 01°25'25" East, along said West line, a distance of 150.00 feet to the **POINT OF BEGINNING**.


Containing 2000 square feet, more or less.

NOTES:

1. All information regarding record easements, adjoiners, and other documents that might affect the quality of title to tract shown hereon was gained from AGSC number 33050, issued by American Government Services Corporation, dated May 24, 2024. This office has made no search of the Public Records.
2. All applicable encumbrances and exceptions which physically overlap, affect, or touch and concern the area of the donated property are plotted or identified.
3. This sketch cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation.
4. This is not a survey!
5. Unless presented in digital form with electronic seal and electronic signature this sketch must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid. This sketch must be accompanied by Sheet No. 2 of 2.

CERTIFICATION:

I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.



 James G. Peden, Jr.
 Professional Surveyor and Mapper
 Florida Certificate No. 6122

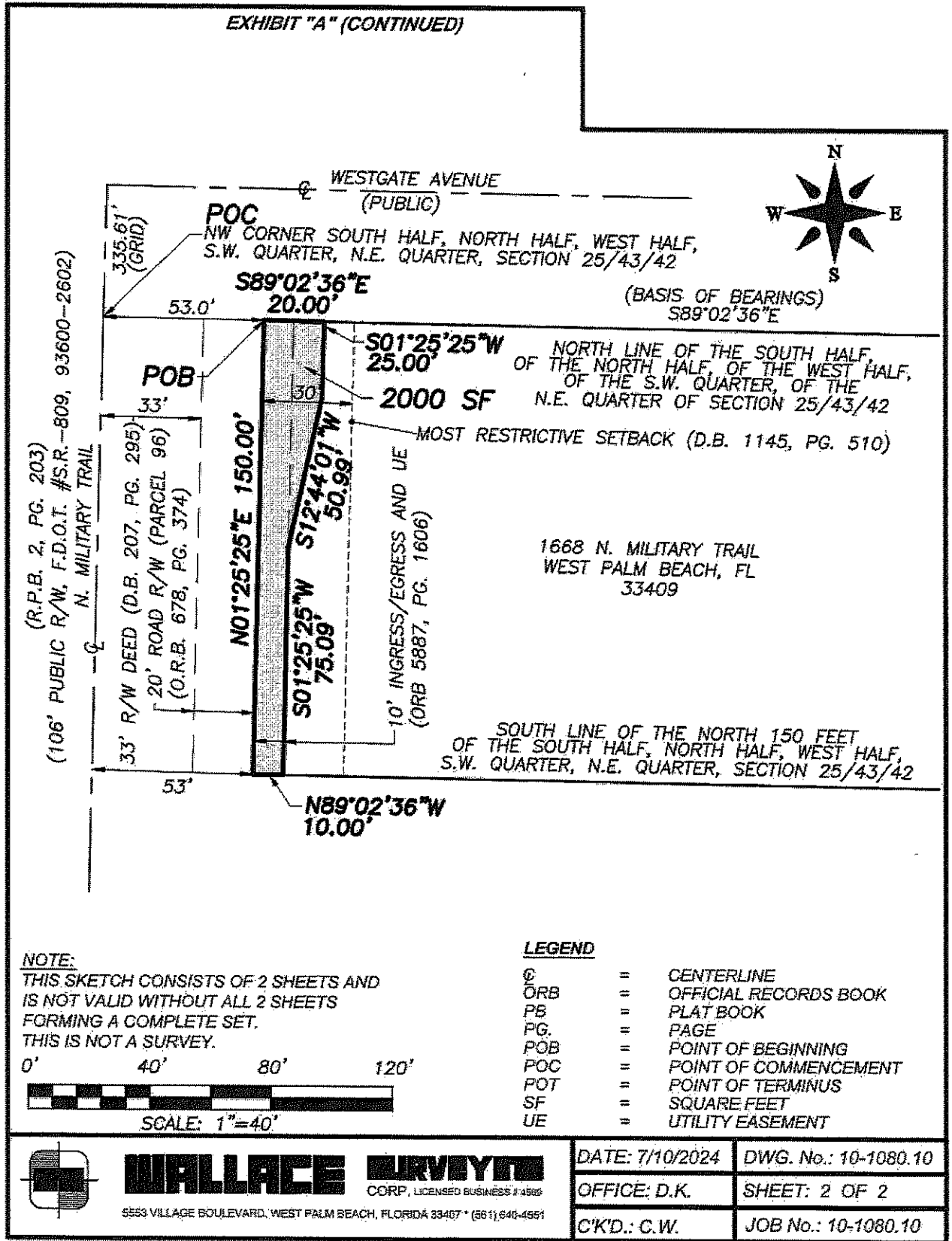


**JAMES G
 PEDEN JR**

Digitally signed by JAMES
 G PEDEN JR
 Date: 2024.07.10 14:46:45
 -04'00'

NOTE:
 THIS SKETCH CONSISTS OF 2 SHEETS AND IS NOT VALID WITHOUT
 ALL 2 SHEETS FORMING A COMPLETE SET. THIS IS NOT A SURVEY.

 <p>WALLACE SURVEYING CORP. LICENSED BUSINESS # 4689 5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551</p>	DATE: 7/10/2024	DWG. No.: 10-1080.10
	OFFICE: D.K.	SHEET: 1 OF 2
	CK'D.: J.P.	JOB No.: 10-1080.9



ATTACHMENT 2

Location Map PBCWUD Project No. 24-548

