

UTL05/09- 01
 November 30, 2010
 This instrument prepared by
 LYNN W. BLAIS
 Under the direction of
 FREDERICK W. LOOSE, ATTORNEY
 Department of Transportation
 719 South Woodland Boulevard
 DeLand, Florida 32720

PARCEL NO. 132.2R
 SECTION 11010
 F.P. NO. 238394 3
 STATE ROAD 500 (US 441)
 COUNTY: LAKE

RESOLUTION

ON MOTION of Commissioner _____, seconded by
 Commissioner _____, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road 500, Section No. 11010, F.P. No. 238394 3, in Lake County, Florida; and

WHEREAS, it is necessary that certain easement rights now owned by the City of Leesburg, Florida, be subordinate 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 City Commission of the City of Leesburg, 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 DeLand, Florida, should be drawn and executed by the Mayor and City Clerk on behalf of this City Commission, with reference to the following easement:

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	10/29/86	A.S. Herlong & Company, Inc.	The City of Leesburg, Florida	897/1768

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida 32720- 6834.

THIS RESOLUTION shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 201____.

THE CITY OF LEESBURG

By: _____
 Mayor

ATTEST:

 City Clerk

23-LEESBURGUTL-06/03
November 30, 2010
This instrument prepared by
LYNN W. BLAIS
Under the direction of
FREDRICK W. LOOSE, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720

PARCEL NO. 132.2R
SECTION 11010
F.P. NO. 238394 3
STATE ROAD 500 (US 441)
COUNTY: LAKE

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "FDOT", and THE CITY OF LEESBURG, FLORIDA, hereinafter called "City".

WITNESSETH:

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 by the City of the interest claimed by it in such lands to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the City's facilities relocated if necessary to prevent conflict between the City's facilities and the FDOT's 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 FDOT agree as follows:

1. The City hereby subordinates to the interest of FDOT, its successors, or assigns, any and all of the City's interest in the lands as follows, viz:

PARCEL NO. 132

**SECTION 11010
F.P. NO. 238394 3**

That part of:

"A strip of land 16 feet wide, being 8 feet wide on each side of the center line of the roadbed of the Atlantic Coast Line Railroad Company's Lake Griffin Spur, formerly the Florida Southern Railroad Company; said strip of land extending northwestwardly 264 feet, measured along said center line, from the northeastern line of State Road No. 500."

Being a portion of those certain lands as described in Official Records Book 230, Page 420 of the Public Records of Lake County, Florida

Being described as follows:

Commence at a 6"x 6" concrete monument with no identification marking the Southwest corner of Section 24, Township 19 South, Range 24 East, Lake County, Florida; thence South 89°03'53"

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East along the South line of said Section 24, a distance of 1630.61 feet to a point on the existing Northeasterly right of way line of State Road 500 (U.S. Highway No. 441) as shown on the Florida Department of Transportation right of way map, Section 11010, Financial Project No. 238394 3; thence departing said South line, run South 83°40'57" East along said right of way line, a distance of 180.77 feet to the POINT OF BEGINNING; thence departing said Northeasterly right of way line, run North 44°25'44" East, a distance of 40.67 feet; thence South 83°40'57" East, a distance of 20.34 feet; thence South 44°25'44" West, a distance of 40.67 feet to a point on aforesaid Northeasterly right of way line; thence North 83°40'57" West along said right of way line, a distance of 20.34 feet to the POINT OF BEGINNING.

Containing 651 square feet, more or less.

This legal description prepared under the direction of:
Russell D. Kessler, P.L.S. No. 5115
Florida Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	10/29/86	A.S. Herlong & Company, Inc.	The City of Leesburg, Florida	897/1768

2. The City shall have the following rights, notwithstanding the foregoing subordination of its interests in the above described real property, and the obligations of FDOT as set forth hereafter shall be binding as well on its successors and assigns:
 - a. 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 FDOT's minimum standards for such facilities as required by the FDOT Utility Accommodation Manual in effect at the time this Agreement is executed. Any new construction or relocation of City facilities within the lands will be subject to prior approval by FDOT, which may not be withheld if the proposed new construction or relocation complies fully with the standards and requirements set forth in the aforementioned Utility Accommodation Manual; provided, however, that this condition shall not limit the FDOT's right to require alteration, adjustment or relocation as stated below. If FDOT fails to approve any new construction or relocation of facilities by the City, or requires the City to alter, adjust, or relocate its facilities located within such 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, and such costs as are allowable under Rule 14-46.001 (4)(b), (5), (6) and (7) of the Florida Administrative code.
 - b. The rights of the City under this Agreement may not be altered in any manner other than by a subsequent written agreement approved and executed on behalf of the City in accordance with the legal requirements in effect at the time of the amendment. In the event of any conflict between this Agreement and any utility permit, or any FDOT rule or regulation adopted or amended subsequent to the effective date of this Agreement, the rights afforded the City under this Agreement shall govern and be paramount.

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c. The City shall have a reasonable right to enter upon the lands described herein for the purposes described in Paragraph (a) above, including the right to trim trees, brush, and growth which might endanger or interfere with the City's facilities, provided that such rights do not interfere with the operation and safety of FDOT's facilities.

3. The City agrees to repair any damage to FDOT facilities, and to the extent allowed by §768.28(18) and subject to the limitations on recovery set forth in §768.28, Fla. Stat. (2002), to indemnify FDOT against any loss or damage, resulting from the City exercising its rights under this Agreement.

IN WITNESS WHEREOF, the F.D.O.T. hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

SIGNATURE LINE
PRINT/TYPE NAME: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: _____
George S. Lovett, Attorney,
District Director Of
Transportation Development
for District Five
719 S. Woodland Blvd.
DeLand, Florida 32720

Legal Review:

By: _____
Office of General Counsel

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by George S. Lovett, District Director of Transportation Development for District Five, who is personally known to me or who has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

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

SIGNATURE LINE
PRINT/TYPE NAME: _____

SIGNATURE LINE
PRINT/TYPE NAME: _____

CITY OF LEESBURG, FLORIDA,
By Its Board of City
Commissioners

By: _____
Its Chairperson
(or Vice-Chairperson)

ATTEST: _____
Clerk (or Deputy Clerk)

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SECTION 11010
F.P. NO. 238394 3
PAGE 4

STATE OF FLORIDA

COUNTY OF LAKE

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by
_____, Chairperson (or Vice-Chairperson), who is personally known to me or who
has produced _____ as identification.

PRINT/TYPE NAME: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

UTL05-09/01
November 30, 2010
This instrument prepared by
LYNN W. BLAIS
Under the direction of
FREDRICK W. LOOSE, ATTORNEY
Department of Transportation
719 South Woodland Boulevard
DeLand, Florida 32720

PARCEL NO. 132.2R
SECTION 11010
F.P. NO. 238394 3
STATE ROAD 500 (US 441)
COUNTY: LAKE

RESOLUTION

ON MOTION of Commissioner _____, seconded
by Commissioner _____, the following
Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 500, Section No. 11010, F.P. No. 238394 3, in Lake County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by the City of Leesburg, Florida, be subordinate 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 the City of Leesburg, 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 DeLand, Florida, should be drawn and executed by _____, on behalf of this Board of City Commissioners.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at 719 South Woodland Blvd., DeLand, Florida, 32720-6834.

STATE OF FLORIDA

COUNTY OF LAKE

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of City Commissioners of Leesburg, Florida, at a meeting held on the ____ day of _____, _____.

Clerk, Board of City Commissioners
City of Leesburg, Florida

REC 9.00
DOC 50

86 47349

Book 897 PAGE 1768

UTILITY EASEMENT

A. S. HERLONG & COMPANY, INC., P. O. Box 418, Leesburg, Florida, 32749-0418, [Grantor] does hereby grant and convey to the City of Leesburg, Florida, a municipal corporation, Post Office Box 630, Leesburg, Florida 32749-0630, its licensees, successors, and assigns, [Grantee], for One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, a right-of-way and easement for the erection or installation and continued operation, maintenance, repair, alteration, inspection, and replacement of electric transmission, distribution, cablevision, telephone and other utility lines, circuits, pipes, sewers, or cables, of Grantee, underground or attached to poles or other supports, together with guys, crossarms, and other attachments and incidental equipment and appurtenances, over, on, under, and across the following premises, belonging to the said Grantor in Lake County, Florida:

A 50-foot wide utility easement lying within and 25 feet on each side of the following described centerline:

From the southeast corner of Government Lot 3, Section 24, Township 19 South, Range 24 East, Lake County, Florida, run thence N.89°33'40"W. along the South line of said Government Lot 3, for a distance of 606.10 feet to the centerline of a paved road, said point also being the Point of Beginning (P.O.B.) of this description, from said P.O.B., run thence S.07°22'10"E. along said centerline of paved road, for a distance of 500.00 feet to the P. C. of a curve being concave westerly and having a radius of 920.00 feet, thence along said curve through a central angle of 59°16'56" for a distance of 951.90 feet, more or less, to the intersection of the northerly right-of-way line of U. S. Highway 441, return thence to the P.O.B. and run thence N.07°22'10"W. along the centerline of said paved road for a distance of 1263.86 feet, thence N.74°16'20"E. along the centerline of said paved road, for a distance of 820 feet, more or less, to the East line of said Government Lot 3, thence N.74°56'40"E. along the centerline of said paved road and the extension thereof to a point that is 33.12 feet S.74°56'40"W. of the East line of Government Lot 2, of the aforesaid Section 24, and the end of this centerline description;

together with all rights of ingress and egress over adjoining property of Grantor necessary for the full and complete use, occupation, and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim, and remove trees, brush, overhanging branches, and other obstructions which may injure or interfere with the Grantee's use, occupation, or enjoyment of this easement and the operation, maintenance, and repair of Grantee's utility systems.

Executed and delivered this 29th day of Oct., 19 86 .

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

A. S. HERLONG & COMPANY, INC.

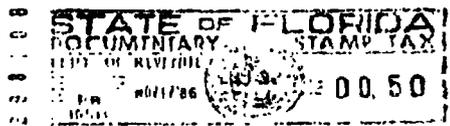
Victoria P. Jernan

By: *James H. Herlong* (SEAL)
President

Bill Chamings

Attest: *Bernard E. Herlong* (SEAL)
Secretary

Nov 17 12 44 PM '86



A. S. HERLONG & CO., INC.
TO THE CITY OF LEESBURG
UTILITY EASEMENT
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STATE OF LAKE
COUNTY OF FLORIDA

The foregoing instrument was acknowledged before me this 29th
day of Oct., 19 86, by James H. Herlong, President
and Byron E. Herlong, Secretary Grantors.



Carolyn Milton
NOTARY PUBLIC
My commission expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. APR 18, 1989
BOUNDED FROM GENERAL JMG. 080.

This instrument prepared
under direction of the
Engineering Department
of the City of Leesburg
P.O. Box 630 Leesburg,
Florida 32749-0630