



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1074 Highway 90
Chipley, Florida 32428

KEVIN J. THIBAUT, P.E.
SECRETARY

January 31, 2022

Craig Drake
CITY OF DEFWUNIAK SPRINGS
This letter was sent electronically.

RE: **Financial Proj. ID:** 443673-1
 County: Walton
 Description: S.R. 83 / S.R. 187 (U.S. 331) and S.R. 10 (U.S. 90)
 Parcel No.: Intersection Modifications
 100.3

Dear Mr. Drake:

In reference to the above project, we request that you execute the original of the attached subordination, parcel number 100.3, the same being subordination of utility easement. Also attached is a sketch showing the subject easement area.

After execution by the Department of Transportation, we will send a fully executed copy to you.

We will need these documents signed, sealed, notarized and returned back to this office by February 28, 2022. If we can be of further assistance, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "John MacDonald", is written over a light blue horizontal line.

John MacDonald, P.E.
AREA UTILITY MANAGER FOR THE
FLORIDA DEPT. OF TRANSPORTATION
DISTRICT THREE


ATKINS - 2065 Airport Boulevard, Suite 400, Pensacola, FL 32504 - (850) 478-9844

cc: Jonathan Harris (FDOT-District Utility Administrator)
 Travis Justice, P.E. (CETERIS-Project Manager)
 File 443673-1

23-UTL.04-03/03

June 1, 2021

This instrument prepared by,
or under the direction of

Shad Redmon 
Department of Transportation
P. O. Box 607
Chipley, FL 32428

Legal description approved by:

Tracy Barbee

Parcel	100.3
Item/Segment No.	4436731
Managing District	3
S.R. No.	10 (U.S. 90)
County	Walton

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT is entered into on May 24, 2022 by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) whose address is Post Office Box 607, Chipley, Florida 32428, and DEFUNIAK SPRINGS, FLORIDA (City).

WITNESSETH:

WHEREAS, the City presently has an interest in land that is necessary for highway purposes and the City has facilities located on the land.

WHEREAS, the proposed use of the land for highway purposes will require subordination by the City to the FDOT of the interest claimed in the land.

WHEREAS, the FDOT is willing to pay to have the City's facilities relocated, if necessary to prevent conflict with the facilities on the FDOT's project #4436731.

THEREFORE, in consideration of the mutual covenants and promises of the parties, the City and the FDOT agree as follows:

1. The City subordinates to FDOT, its successors or assigns, its interest in the following described land:

A portion of Block 1806, Map of Vicinity of DeFuniak Springs, Florida by W.J. Van Kirk (1885), an unrecorded subdivision being in Sections 26 and 27, Township 3 North, Range 19 West, Walton County, Florida, described as follows: Commence at a ½ inch iron rod and cap "PLS 6033" marking the southwest corner of Block 1807, said Map of Vicinity of DeFuniak Springs, Florida by W.J. Van Kirk (1885); thence North 84°30'35" West 122.64 feet to the existing easterly right of way line of State Road 83 (U.S. 331), as shown on Florida Department of Transportation (F.D.O.T.) Right of Way Map F.P. No. 4436731 (said map being on file at F.D.O.T. District 3 Office, Chipley, Florida); thence North 70°48'35" West 117.06 feet to the centerline of survey of said State Road 83 (U.S. 331), as shown on said Right of Way Map; thence North 19°11'25" East 376.56 feet along said centerline of survey to an intersection with the centerline of survey of State Road 10 (U.S. 90), as shown on said Right of Way Map, and to a point on a non-tangent curve to the right (concave northeasterly); thence northwesterly along said centerline of survey and said curve, having a radius of 1,146.69 feet, for an arc distance of 206.01 feet, through a central angle of 10°17'36" to end of curve; thence North 56°04'48" West 380.19 feet along said centerline of survey; thence departing said centerline of survey run South 33°55'12" West 33.00 feet to an intersection of the existing southerly right of way line of said State Road 10 (U.S. 90), as shown on said Right of Way Map, with the westerly line of an existing F.D.O.T. perpetual easement recorded in Deed Book 216, Page 297, of the Public Records of Walton County, Florida and POINT OF BEGINNING; thence departing said right of way line continue South 33°55'12" West 5.00 feet along said westerly perpetual easement line; thence departing said westerly perpetual easement line run North 56°04'48" West 139.43 feet; thence North 33°55'12" East 5.00 feet to said

existing southerly right of way line of State Road 10 (U.S. 90); thence South 56°04'48" East 139.43 feet along said existing southerly right of way line to POINT OF BEGINNING;
Containing 697 square feet, more or less.

The interest of the City being subordinated includes, but is not necessarily limited to, the interest created by the following described document:

RECORDED:

INSTRUMENT	DATE	FROM	TO	BOOK/PAGE
Easement	10-24-1985	Choctawhatchee Electric Cooperative, Inc.	City of DeFuniak Springs, Florida	O.R. 430 PG. 117

2. The City shall have the right to relocate its facilities within the FDOT right of way and the right to receive reimbursement from the FDOT for the relocation. Subsequent to the relocation, the City shall have the right to operate and maintain its facilities within the FDOT right of way, subject to the provisions of the permit and the Utility Accommodation Manual. However, any new construction or relocation, subsequent to the first relocation, shall be subject to the approval of the FDOT. (Approval shall not be withheld or delayed unreasonably.) If the FDOT does not allow the first relocation of the facilities within the right of way or should the FDOT require any subsequent relocation of the facilities, the FDOT agrees to pay the cost of such relocation, including the cost of acquiring any necessary easements. All work performed and facilities located within the right of way by the City, and all payments and reimbursements by the FDOT to the City, shall be in accordance with the FDOT's construction plans for the project and the rules, procedures, and Utility Accommodation Manual, which are in effect at the time this agreement is executed by the City.
3. Notwithstanding the terms of this subordination agreement, the terms of the utility permits shall supersede any conflicting provisions, with the exception of the terms providing for reimbursement rights.
4. The City shall have the right to enter upon the right of way for the purposes stated in Paragraph 2. Maintenance of the facilities shall include the right to trim trees, brush, and growth, which might adversely affect the facilities, provided there are no adverse effects on the operation and safety of the FDOT's facilities.
5. Subject to the provisions of Paragraph 2 above, the City agrees to repair any damages to the FDOT facilities resulting from the act or omission of the City.

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

Signed, sealed and delivered in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Krissy Cook

By: Phillip Gainer, P. E.

Barbie Pettis

Title: District Secretary for District 3

STATE OF FLORIDA COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 24 day of May, 2022, by Phillip Gainer, as Secretary for District 3, who is personally known to me or who has produced _____ as identification.

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

IN WITNESS WHEREOF, the City has caused these presents to be executed in its name by its Board of City Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: [Signature] Clerk (or Deputy Clerk)

DeFuniak Springs, Florida, By its Board of City Commissioners By: [Signature] its Chairperson (or Vice-Chairperson)

STATE OF FLORIDA COUNTY OF WALTON

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 24 day of May, 2022, by Robert "Bob" Campbell, who is personally known to me or who has produced _____ as identification.

[Signature]

Notary Public in and for the County and State last aforesaid. My Commission Expires: Dec 17, 2023 Serial No., if any: 66913883



*Resolution
2022-03*

UTL.05

June 1, 2021

This instrument prepared by,
or under the direction of,
Shad Redmon
Department of Transportation
P. O. Box 607
Chipley, FL 32428

Legal Description prepared by:
Tracy Barbee

Parcel	100.3
Item/Segment No.	4436731
Managing District	3
S.R. No.	10 (U.S. 90)
County	Walton

RESOLUTION

ON MOTION of Commissioner Todd Bierbaum, seconded by Commissioner Anthony Bierbaum, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 10 (U.S. 90), F.P. No. 4436731, in Walton County, Florida; and

WHEREAS, it is necessary that certain easement rights now owned by DeFuniak Springs, 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 the attached 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 DeFuniak Springs, 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 should be drawn and executed by this Board of City 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 Chipley, Florida.

STATE OF FLORIDA

CITY OF DEFUNIAK SPRINGS

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of City Commissioners of DeFuniak Springs, Florida, at a meeting held on the 23 day of May, 2022.

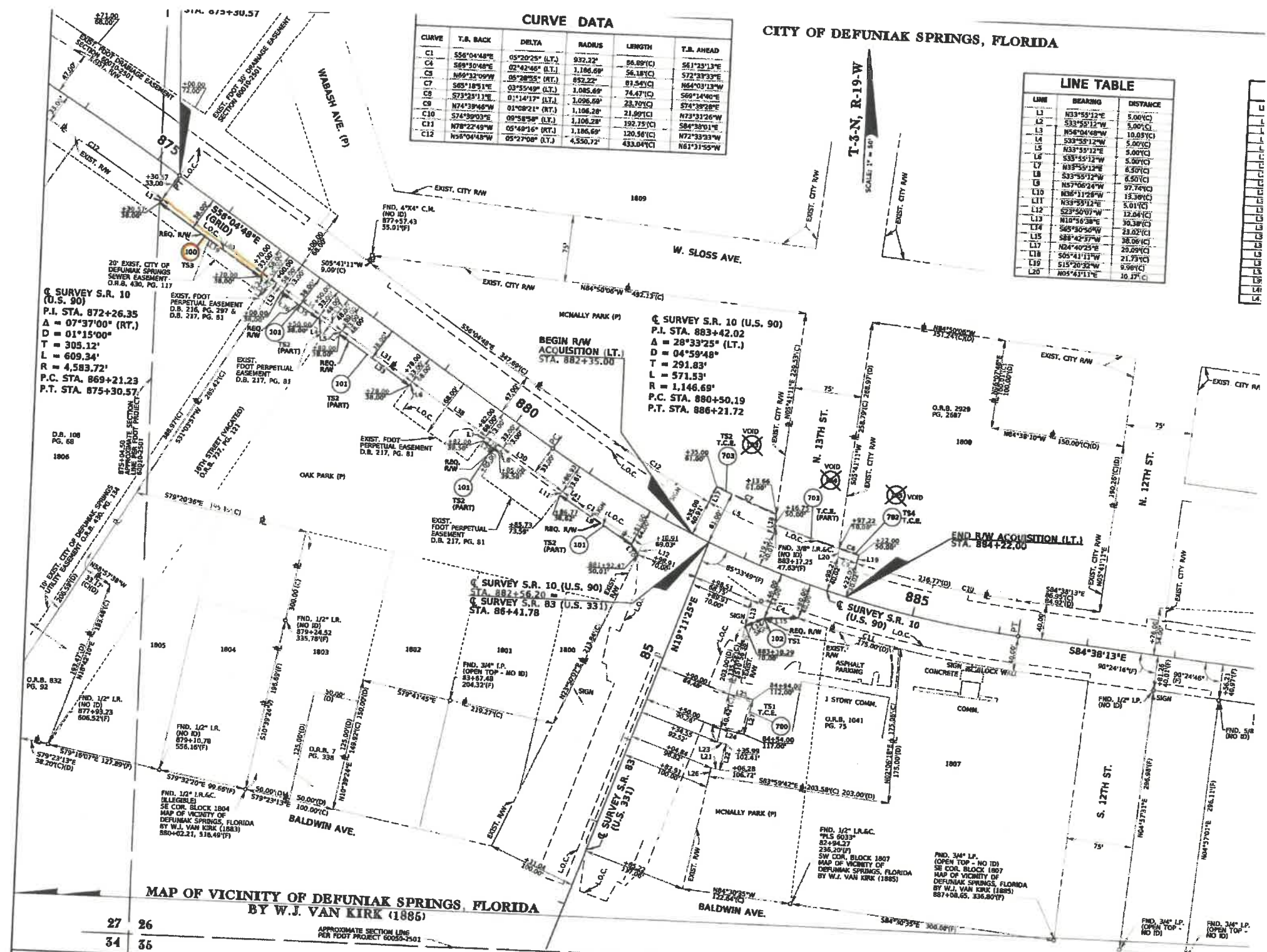
Clerk, Board of City Commissioners
DeFuniak Springs, Florida



CITY OF DEFUNIAK SPRINGS, FLORIDA

CURVE	T.A. BACK	DELTA	RADIUS	LENGTH	T.B. AHEAD
C1	S58°04'48"E	05°20'25" (L.T.)	932.27'	88.09'(C)	S61°25'13"E
C4	S68°30'48"E	02°42'46" (L.T.)	1,186.69'	56.18'(C)	S72°33'33"E
C5	N69°32'09"W	05°28'55" (RT.)	852.22'	81.54'(C)	N64°03'13"W
C7	S63°18'51"E	03°55'49" (L.T.)	1,085.69'	74.47'(C)	S69°14'40"E
C8	S73°23'11"E	01°14'17" (L.T.)	1,096.59'	24.70'(C)	S74°39'28"E
C10	N74°39'46"W	01°08'21" (RT.)	1,106.28'	21.99'(C)	N73°31'26"W
C11	S74°39'03"E	09°58'58" (L.T.)	1,106.28'	192.75'(C)	S84°38'01"E
C12	N78°22'49"W	05°48'16" (RT.)	1,186.69'	120.58'(C)	N72°33'33"W
C12	N59°04'48"W	05°27'08" (L.T.)	4,550.72'	433.04'(C)	N61°31'55"W

LINE	BEARING	DISTANCE
L1	N33°59'12"E	5.00'(C)
L2	S33°59'12"W	5.00'(C)
L3	N54°04'48"W	10.03'(C)
L4	S33°59'12"W	5.00'(C)
L5	N33°59'12"E	5.00'(C)
L6	S33°59'12"W	5.00'(C)
L7	N33°59'12"E	5.00'(C)
L8	N33°59'12"W	6.50'(C)
L9	N57°00'00"W	97.74'(C)
L10	N36°11'28"W	13.30'(C)
L11	N33°59'12"E	5.01'(C)
L12	S23°50'07"W	12.64'(C)
L13	N10°56'38"E	30.30'(C)
L14	S33°59'12"W	23.02'(C)
L15	S68°42'57"W	38.06'(C)
L17	N24°40'25"E	23.09'(C)
L18	S05°41'11"W	21.73'(C)
L19	S15°20'32"W	9.98'(C)
L20	N05°43'11"E	10.37'(C)



Q SURVEY S.R. 10 (U.S. 90)
 P.I. STA. 872+26.35
 Δ = 07°37'00" (RT.)
 D = 01°15'00"
 T = 305.12'
 L = 609.34'
 R = 4,583.72'
 P.C. STA. 869+21.23
 P.T. STA. 875+30.57

Q SURVEY S.R. 10 (U.S. 90)
 P.I. STA. 883+42.02
 Δ = 28°33'25" (L.T.)
 D = 04°59'48"
 T = 291.83'
 L = 571.53'
 R = 1,146.69'
 P.C. STA. 880+50.19
 P.T. STA. 886+21.72

Q SURVEY S.R. 10 (U.S. 90)
 STA. 882+56.20
 Q SURVEY S.R. 83 (U.S. 331)
 STA. 86+41.78

MAP OF VICINITY OF DEFUNIAK SPRINGS, FLORIDA
 BY W.J. VAN KIRK (1886)

27 26
 34 55
 RIGHT OF WAY MAP

FLORIDA DEPARTMENT OF TRANSPORTATION
 APPROVED BY _____ DATE _____

FOR OFFICIAL FDOT USE ONLY. IT IS ADVISED THAT ANY OTHER USE OF THIS MAPPING PRODUCT MUST BE VERIFIED WITH THE OFFICIAL PUBLIC RECORDS OF COUNTY TO CONFIRM ACCURACY.

THIS MAP SEE SHEET 1 FOR LEGEND A1 S.A.83/187(U.S. 33)