

RESOLUTION NO. 22-192

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING SUBORDINATION OF CITY UTILITY INTERESTS TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to construct or improve State Road 30 (US 98/PCB Pkwy.), Financial Project 2178383, in Bay County, Florida (the "Project"); and

WHEREAS, it is necessary that certain easement rights now owned by the City be subordinated to the rights of FDOT in furtherance of that Project; and

WHEREAS, said use is in the best interest of the City; and

WHEREAS, FDOT has made application to the City to execute and deliver to FDOT the **attached** subordination of utility interest, or interests, in favor of FDOT, and said request having been duly considered.

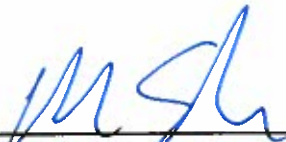
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Panama City Beach, Florida, that the application of the State of Florida Department of Transportation for a subordination of utility interest, or interests, is for transportation purposes which are in the public or community interest and for public welfare; that subordinations of utility interest, or interests, in favor of the State of Florida Department of Transportation, in Panama City Beach, Florida, should be drawn and executed by the appropriate officers of the City. Consideration shall be \$1.00.

AND 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.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 28th day of July, 2022.

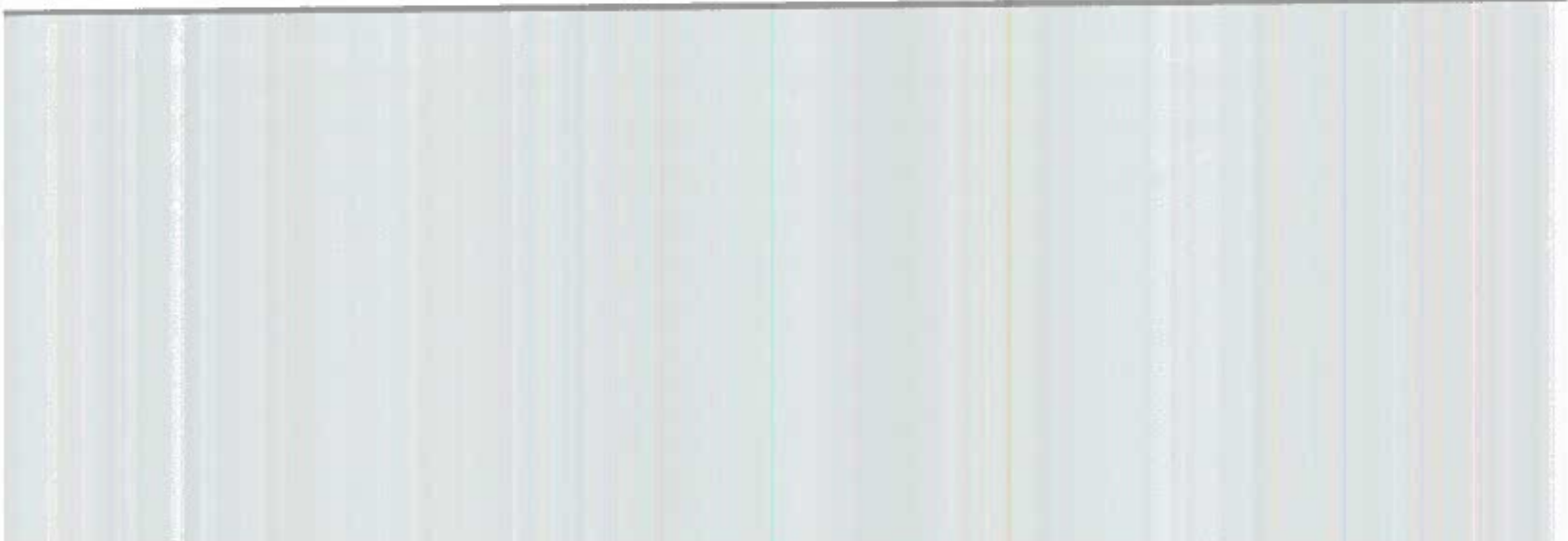
CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk

RESOLUTION NO. 22-192



**PLACEHOLDER
FOR
REQUESTED
SUBORDINATION DOCUMENT**

**STATE OF FLORIDA
CITY OF PANAMA CITY BEACH**

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the City Council of Panama City Beach, Florida, at a meeting held on the 28th day of July, 2022.

Lynne Fasone
Lynne Fasone, City Clerk



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

June 13, 2022

Mr. Mark Shaeffer, PE
City of Panama City Beach
116 S. Arnold Road
Panama City Beach, FL 32413

RE: **Financial Proj. ID:** **217838-3**
 FAP No.: **N/A**
 County: **Bay**
 Description: **SR 30A (US 98/ Panama City Beach Parkway) from Mandy Lane to east of Nautilus Street - Add Lanes & Reconstruct**
 Parcel No(s).: **801.3**

Dear Mr. Shaeffer:

In reference to the above project, we request that you execute the original and one copy of the enclosed subordination, parcel number 801.3, the same being subordination of utility easement. Also enclosed 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 July 13, 2022. If we can be of further assistance, please advise.

Respectfully,

Matt King
DISTRICT THREE DESIGN OFFICE
UTILITY PROJECT MANAGER

cc: Jonathan Harris (FDOT-District Utility Administrator)
 Dean Mitchell, P.E. (HNTB-Project Manager)

Improve Safety, Enhance Mobility, Inspire Innovation
www.fdot.gov

23-UTL.04-03/03

June 9, 2022

This instrument prepared by,
or under the direction of,

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

Legal description approved by:
David Hitchcock

Parcel	801.3
Item/Segment No.	2178383
Managing District	3
S.R. No.	30A (U.S. 98/PCB Pkwy.)
County	Bay

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT is entered into on _____, 20____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) whose address is Post Office Box 607, Chipley, Florida 32428, and CITY OF PANAMA CITY BEACH, 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 #2178383.

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 parcel of land being in Section 21, Township 3 South, Range 16 West, Bay County, Florida, described as follows: Commence at a 6 inch by 6 inch concrete monument "SJPC" marking the northwest corner of said Section 21; thence South 00°21'14" West 686.07 feet along the westerly line of said Section 21 to the centerline of survey of State Road 30A (U.S. 98/PCB Pkwy.), as shown on Florida Department of Transportation (F.D.O.T.) Right of Way Map F.P. No. 2178383 (said map being on file at F.D.O.T. District 3 Office, Chipley, Florida); thence South 54°11'43" East 2,428.02 feet along said centerline of survey of State Road; thence departing said centerline of survey run North 35°48'17" East 132.00 feet to an intersection of the existing northeasterly right of way line of said State Road 30A, as shown on said Right of Way Map, with the southeasterly line of that certain property as described in Official Records Book 4402, Page 665 of the Public Records of Bay County, Florida, and POINT OF BEGINNING; thence departing said right of way line run North 35°50'33" East 398.73 feet along said property line; thence South 54°13'13" East 34.83 feet; thence North 00°20'28" East 597.31 feet along said property line to point on the southwesterly line of that certain property as described in Official Records Book 4539, Page 158, said Public Records; thence North 29°39'33" West 100.00 feet along said property line; thence departing said property line, run South 00°20'28" West 633.79 feet; thence South 35°50'33" West 410.57 feet to said existing northeasterly right of way line of State Road 30A; thence South 54°11'43" East 35.00 feet along said right of way line to POINT OF BEGINNING;

Containing 1.039 acres, 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
Utility Easement	3-26-2002	The St. Joe Company	City of Panama City Beach, Florida	O.R. 2131 PG. 838

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.
Title: District Secretary
for District 3

Barbie Pettis

STATE OF FLORIDA

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this ___ day of _____, 20___, 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~~ ^{Mayor} of said Board, the day and year aforesaid.

ATTEST: Lynne Fasone
Lynne Fasone, City Clerk

City of
Panama City Beach, Florida,

By: [Signature]
Mark Sheldon, Mayor

By: [Signature]
Drew Whitman, City Manager

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 28th day of July, 2022, by Mark Sheldon, Mayor and Drew Whitman, City Manager who is are personally known to me or who has produced _____ as identification.

Lynne Fasone

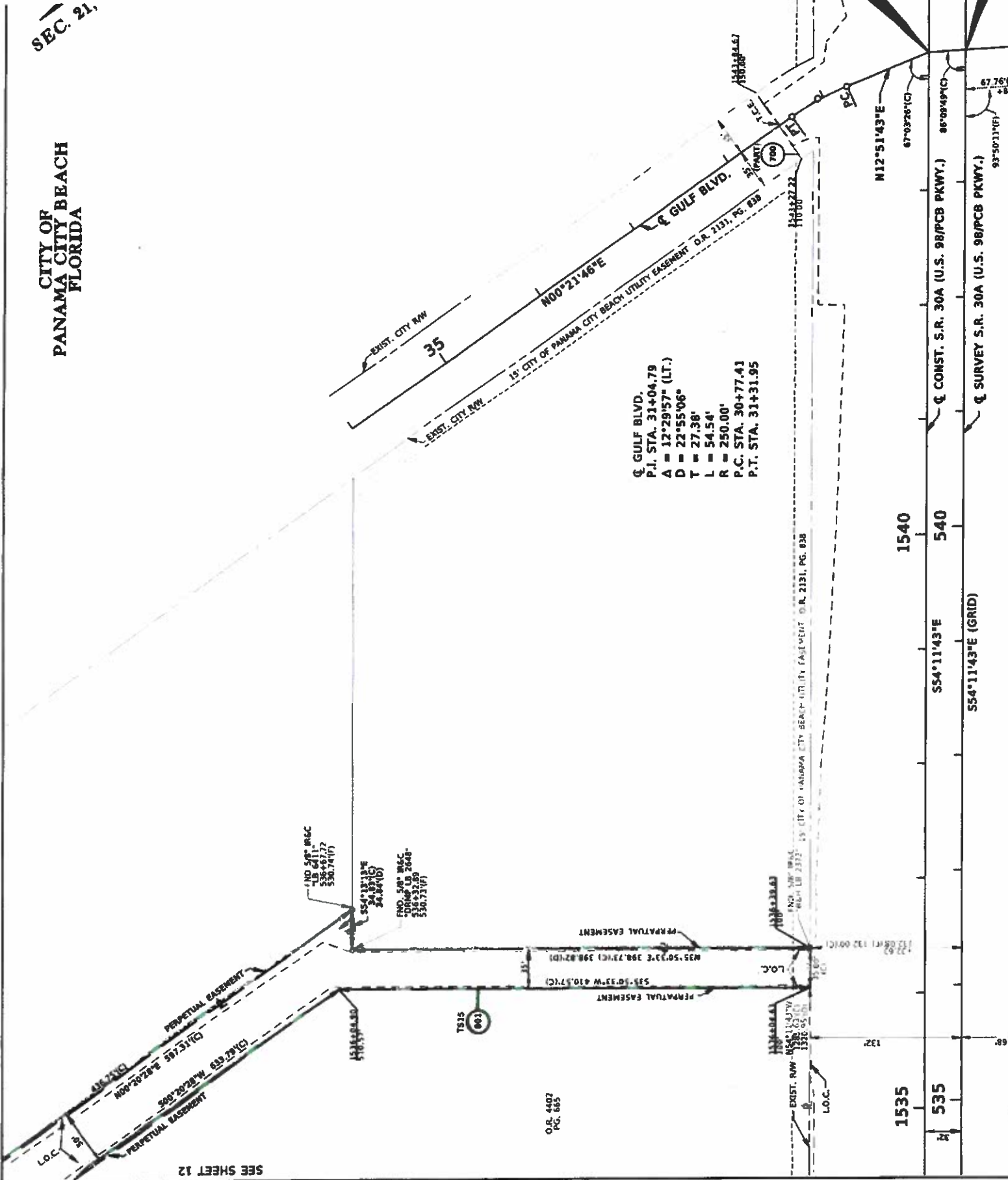


Lynne Fasone
Notary Public
State of Florida
Comm# HH096235
Expires 2/22/2025

Notary Public in and for the
County and State last aforesaid.
My Commission Expires: 02/22/25
Serial No., if any: HH096235

SEC. 21,

CITY OF
PANAMA CITY BEACH
FLORIDA



SEE SHEET 12

1535
535

68

132

1540

540

1540

540

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540

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540

1540



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1074 Highway 90
Chipley, Florida 32428

KEVIN J. THIBAUT, P.E.
SECRETARY

September 17, 2021

Mr. Mark Shaeffer, PE
City of Panama City Beach
116 S. Arnold Road
Panama City Beach, FL 32413

RE: Financial Proj. ID: 217838-3
FAP No.: N/A
County: Bay
Description: SR 30A (US 98/ Panama City Beach Parkway) from Mandy Lane to east of Nautilus Street - Add Lanes & Reconstruct 101.3
Parcel No(s): 101.3

Dear Mr. Shaeffer:

In reference to the above project, we request that you execute the original and one copy of the enclosed subordination, parcel number 101.3, the same being subordination of utility easement. Also enclosed 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 October 18, 2021. If we can be of further assistance, please advise.

Respectfully,

Matt King
DISTRICT THREE DESIGN OFFICE
UTILITY PROJECT MANAGER

cc: Jonathan Harris (FDOT-District Utility Administrator)
Dean Mitchell, P.E. (HNTB-Project Manager)

23-UTL.04-03/03

July 27, 2021

This instrument prepared by,
or under the direction of,


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

Legal description approved by:
Tracy Barbee

Parcel	101.3
Item/Segment No.	2178383
Managing District	3
S.R. No.	30A (U.S. 98/PCB Pkwy.)
County	Bay

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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.

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

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Containing 5.056 acres, 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
Utility Easement	3-26-2002	The St. Joe Company	City of Panama City Beach, Florida	O.R. 2131 PG. 838

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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:

Krissy Cook

Barbie Pettis

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

By: _____
Phillip Gainer, P. E.
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 ___ day of _____, 20___, 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~~ ^{Mayor} of said Board, the day and year aforesaid.

ATTEST: Lynne Fasone
Lynne Fasone, City Clerk

City of
Panama City Beach, Florida,
By: Mark Sheldon
Mark Sheldon, Mayor

STATE OF FLORIDA
COUNTY OF BAY

By: Drew Whitman
Drew Whitman, City Manager

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 28th day of July, 2022, by Mark Sheldon, Mayor and Drew Whitman, City Manager who ~~is~~ ^{are} personally known to me or who has produced _____ as identification.



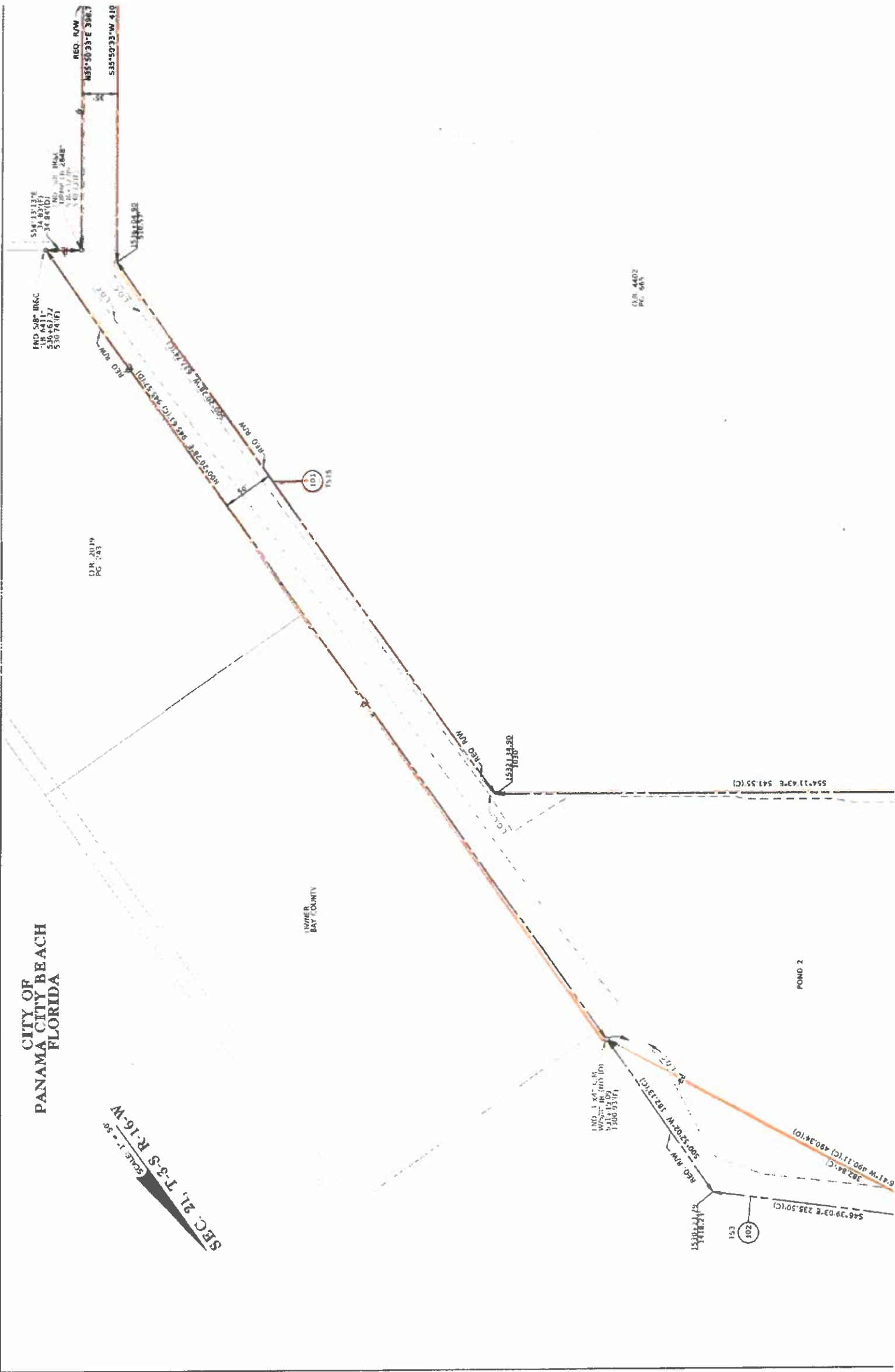
Lynne Fasone
Notary Public
State of Florida
Comm# HH096235
Expires 2/22/2025

Lynne Fasone
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: 02/22/25
Serial No., if any: 44-096235

CITY OF
PANAMA CITY BEACH
FLORIDA

SEC. 21, T-3-S R-16-W
SCALE: 1" = 50'

UPPER
BAY COUNTY



C.R. 4402
P.C. 665

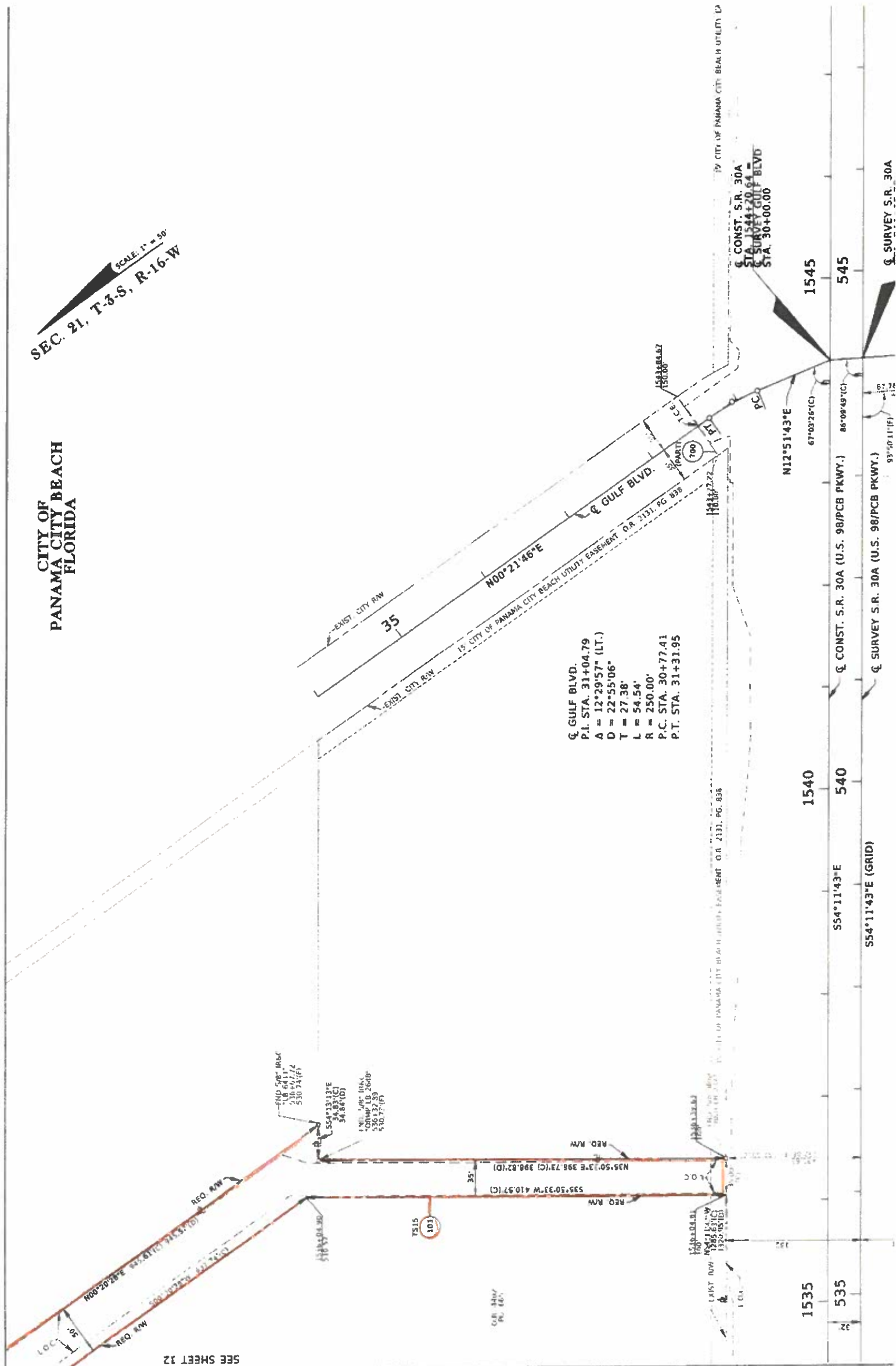
C.R. 2019
P.C. 283

163
902

POND 2

CITY OF PANAMA CITY BEACH FLORIDA

SCALE: 1" = 50'
SEC. 21, T-3-S, R-16-W



G GULF BLVD.
 P.I. STA. 31+04.79
 A = 12°29'57" (LT.)
 D = 22°55'06"
 T = 27.38'
 L = 54.54'
 R = 250.00'
 P.C. STA. 30+77.41
 P.T. STA. 31+31.95

SEE SHEET 12

1533 535

1540 540

1545 545

554°11'43"E (GRID)

554°11'43"E (U.S. 98/PCB PKWY.)

554°11'43"E (SURVEY S.R. 30A)

BY CITY OF PANAMA CITY BEACH UTILITY DEPT. O.R. 2131, PG. 838

BY CITY OF PANAMA CITY BEACH UTILITY DEPT. O.R. 2131, PG. 938

G CONST. S.R. 30A
 STA. 1544+20.94
 G SURVEY GULF BLVD
 STA. 30+00.00

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