

RESOLUTION NO. 23-168

**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 2178385, 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 a subordination 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 11th day of May, 2023.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk

(PLACEHOLDER FOR REQUESTED SUBORDINATION DOCUMENT)



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

April 20, 2023

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

RE: **Financial Proj. ID:** 217838-5
 FAP No.: N/A
 County: Bay
 Description: SR 30A (US 98/ Panama City Beach Parkway)
 from east of Richard Jackson Boulevard to
 Hathaway Bridge – Add Lanes and Reconstruct
 Parcel No.: 105.2R

Dear Mr. Jernigan:

In reference to the above project, we request that you execute the original and one copy of the enclosed subordination, parcel number 105.2R, 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 May 22, 2023. 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)
 Seth Gay, PE (FDOT- Project Manager)
 Jeremy Coon (FPL&L)

UTL.05

May 4, 2022

This instrument prepared by,
or under the direction of,

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

Legal Description prepared by:
David Hitchcock

Parcel 105.2R
Item/Segment No. 2178385
Managing District 3
S.R. No. 30A (US 98)
County Bay

RESOLUTION

ON MOTION of ^{Councilman} Phil Chester, seconded by ^{Councilmember} Mary Coburn, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 30A, F.P. No. 2178385, in Bay County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by City of Panama City Beach, 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 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 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 \$_____.

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 PANAMA CITY BEACH

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of City Commissioners of Panama City Beach, Florida, at a meeting held on the 11th day of May, 2023

Lynne Fasone
Clerk, Board of City Commissioners
City of Panama City Beach, Florida
Lynne Fasone

23-UTL.04-03/03

May 4, 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	105.2R
Item/Segment No.	2178385
Managing District	3
S.R. No.	30A (US 98)
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 (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 #2178385.

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 30, Township 3 South, Range 15 West, Bay County, Florida, being described as follows: Commence at a found 6 inch by 6 inch concrete monument stamped "SJPC" marking the southwest corner of the Northwest ¼ of Section 31, Township 3 South, Range 15 West, Bay County, Florida; thence North 00°38'01" East 2,609.84 feet along the west line of said Section 31 to the centerline of survey of State Road 30A (US 98/Panama City Beach Parkway), as shown on Florida Department of Transportation (F.D.O.T.) Right of Way Map F.P. No. 2178385 (said map being on file at F.D.O.T. District 3 Office, Chipley, Florida); thence South 71°52'15" East 313.79 feet along said centerline of survey; thence departing said centerline, run North 18°07'45" East 132.00 feet, crossing the south line of said Section 30, to the existing northerly right of way line of said State Road 30A, as shown on said Right of Way Map; thence North 71°52'15" West 121.92 feet along said northerly right of way line to POINT OF BEGINNING; thence continue North 71°52'15" West 78.08 feet along said right of way line; thence departing said right of way line, run North 18°07'45" East 20.00 feet; thence South 71°52'15" East 60.77 feet; thence South 10°08'50" West 9.26 feet; thence South 37°49'20" East 19.34 feet to POINT OF BEGINNING;

Containing 1,322 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 Agreement	1-5-21	The St. Joe Company	City of Panama City Beach	4347/2082
Easement Agreement	11-30-21	The St. Joe Company	City of Panama City Beach	4493/1519

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 of said Board, the day and year aforesaid.

ATTEST: Lynne Fasone Clerk (or Deputy Clerk)

City of Panama City Beach, Florida, By Its Board of City Commissioners By: Mark Sheldon, Mayor Its Chairperson (or Vice-Chairperson)

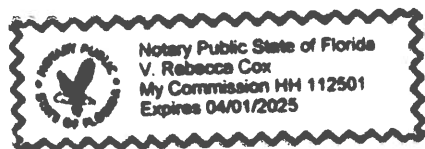
STATE OF FLORIDA

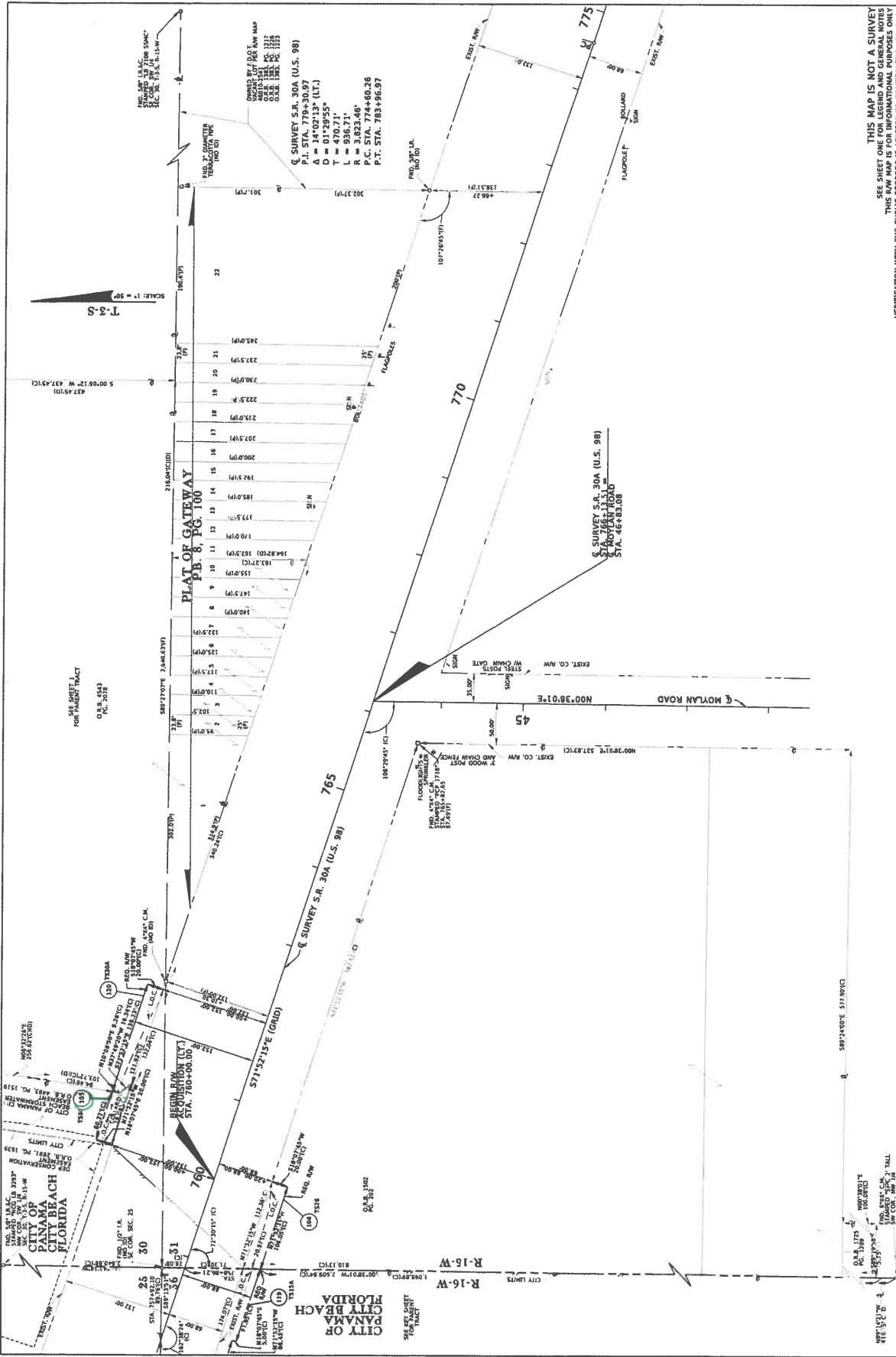
COUNTY OF Bay

The foregoing instrument was acknowledged before me, by means of [X] physical presence or [] online notarization, this 13th day of May, 2023, by Mayor Sheldon and personally known to me or who has produced ___ as identification. Clerk Fasone

V. Rebecca Cox

Notary Public in and for the County and State last aforesaid. My Commission Expires: 04/01/2025 Serial No., if any:





THIS MAP IS NOT A SURVEY
 SEE SHEET ONE FOR LEGEND AND GENERAL NOTES
 THIS MAP AND ALL INFORMATION THEREON IS FOR PUBLIC USE ONLY
 VERIFICATION WITH THE PUBLIC RECORDS IS ADVISED TO CONFIRM THE
 SR 30A (U.S. 98) (PCB PKWY) FROM EAST OF RICHARD JACKSON BLVD TO HATHAWAY BRIDGE

DATE: 11-23-2021
 BY: [Signature]
 TITLE: [Title]
 FIRM: [Firm Name]
 PROJECT: SR 30A (U.S. 98) (PCB PKWY) FROM EAST OF RICHARD JACKSON BLVD TO HATHAWAY BRIDGE
 SHEET: 5 OF 13

SECTION: N/A
 F.E.D. PROJ. N/A
 STATE ROAD NO. 30A (U.S. 98) (PCB PKWY)
 BAY COUNTY

APPROVED BY: [Signature]
 DATE: 11-23-2021
 PROJECT NUMBER: [Number]

FLORIDA DEPARTMENT OF TRANSPORTATION
 SURVEYING AND MAPPING
 RIGHT OF WAY MAP

City of PCB

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

I HEREBY CERTIFY, that the foregoing is a true and accurate copy of **Resolution No. 23-168** adopted by the City Council of the City of Panama City Beach, Florida, at a meeting held on the 11th day of May, 2023.

Lynne Fasone

Lynne Fasone, City Clerk