

RESOLUTION NO. 24-152

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A SUBORDINATION AGREEMENT FOR PARCEL 800.2R WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR DRAINAGE PURPOSES RELATED TO S.R. 30A (US 98/PANAMA CITY BEACH PARKWAY) FROM EAST OF R. JACKSON BOULEVARD TO THE HATHAWAY BRIDGE.

WHEREAS, the State of Florida Department of Transportation (FDOT) proposes to construct or improve State Road 30A (US 98/Panama City Beach Parkway), Financial Project Number 2178385, in Bay County, Florida, Parcel Number 800.2R (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 the application of the State of Florida Department of Transportation for a subordination of utility interests is for transportation purposes which are in the public or community interest and for public welfare.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Panama City Beach, Florida, that the appropriate officers of the City are authorized to execute and deliver the Subordination Agreement in substantially the form **attached** as Exhibit A and presented to the Council today, with such changes, insertions, or omissions as may be approved by the City Manager.

AND BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation in Chipley, Florida.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in special session this 11th day of July, 2024.

CITY OF PANAMA CITY BEACH

By: 

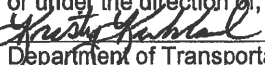
Stuart Tettemer, Mayor

ATTEST:


Lynne Fasone, City Clerk

36-SUB.01-06/93

May 28, 2024

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	800.2R
Item/Segment No.	2178385
Managing District	3
S.R. No.	30A (US 98)
County	Bay

SUBORDINATION AGREEMENT

THIS AGREEMENT Made this 24 day of July, 2024, by and between the CITY OF PANAMA CITY BEACH, a municipality of the State of Florida, hereinafter called the "City", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, whose address is Post Office Box 607, Chipley, Florida 32428, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the City is the holder of a certain Easement Agreement dated the 5th day of January, 2021, and recorded in Official Records Book 4347, Page 2082, and that certain Easement Agreement dated the 30th day of November, 2021, and recorded in Official Records Book 4493, Page 1519 of the Public Records of Bay County, Florida and,

WHEREAS, a portion of the land encumbered by said Easement Agreements is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the City hereby agrees, covenants, and consents with the Department that the aforesaid Easement Agreements are and shall continue to be subject and subordinate to the property rights of the Department insofar as said Easement Agreements affects the following described property, viz:

A parcel of land being in Section 30, Township 3 South, Range 15 West, Bay County Florida described as follows: Commence at a found 6 inch by 6 inch concrete monument stamped "SJPC" marking the southwest corner of the Northwest $\frac{1}{4}$ of Section 31, Township 3 South, Range 15 West, Bay County, Florida; thence North $00^{\circ}38'01''$ 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 $71^{\circ}52'15''$ East 30.56 feet along said centerline of survey; thence departing said centerline, run North $18^{\circ}07'45''$ East 641.41 feet (crossing the south line of said Section 30) to POINT OF BEGINNING; thence North $05^{\circ}43'11''$ East 30.00 feet; thence South $84^{\circ}17'05''$ East 49.26 feet to a point on the west line of Moylan Road Commercial, as per plat recorded in Plat Book 30, Page 79 of the Public Records of Bay County, Florida; thence South $05^{\circ}43'11''$ West 30.00 feet along said west line of Moylan Road Commercial; thence departing said west line, run North $84^{\circ}17'05''$ West 49.26 feet to POINT OF BEGINNING;

Containing 1,478 square feet, more or less.

THE CITY SHALL have the right to enter upon the right of way for maintenance purposes. 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. Maintenance of the facilities shall also include the right to maintain the access berm and channel side slopes by necessary means for erosion purposes and to allow continuous flow patterns to match the existing typical ditch cross section. Access along the berm adjacent to the

channel must be allowed at all times for maintenance of the existing facilities especially during significant rainfall events.

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

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

Lyndsey Crosby

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)

Panama City Beach, Florida, By Its Board of City Commissioners Stuart Tettemer Its Chairperson (or Vice Chairperson)

STATE OF FLORIDA COUNTY OF Bay

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 24 day of July, 2024, by Stuart Tettemer who is personally known to me or who has produced as identification.

Lynne Fasone Notary Public in and for the County and State last aforesaid. My Commission Expires: 02/22/2025 Serial No., if any: N/A

