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FEB 27 2018

Clay County Attorney's Office

# AGREEMENT/CONTRACT REVIEW FORM

MEETING DATE  
BCL 4-10-18  
FIN

DO NOT PLACE ITEMS ON AN AGENDA UNTIL REVIEW IS COMPLETED

DATE: February 20, 2018  
Staff Member Preparing Form: Shawn D. Thomas  
Department Submitting Contract: Engineering and Public Works Department - Engineering Division  
Vendor Name: Florida Department of Transportation  
Contract Title: Subordination of Agreement, ~~Quitclaim Deed~~ and Resolution for the Wisteria Property as part of the First Coast Expressway Improvements

\*Please type N/A below next to items not applicable.

## SUMMARY (TO BE COMPLETED BY DEPARTMENT)

Yes No

1. New Contract:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9. Contract Amount (*Detail negotiation efforts below) \$0.00
2. Renewal/Amend./Supplement:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Previous Price (*If increase explain below) N/A
3. Sole Source *(explain below):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Date of Original Contract N/A
4. Quotes/bid policy met:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Number of Renewals N/A
5. Need to waive bid policy:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	13. Length of Term N/A
6. Automatic renewal:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	14. Price Negotiation Efforts: FDOT will reimburse Clay County any costs lost as a result of subordinating the existing Fair Share Agreement
7. Standard Addendum Executed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Advance Payment Required:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requested Action: (Please type below)

Approval of the Agreement, Quitclaim, and Resolution

### Funding Source

Account Number:

N/A

FULL Account Name:

N/A

Background/Purpose: (Please type below)

FDOT is preparing to begin construction of the First Coast Expressway. As part of this project, the Right-of-Way crosses a developable property that has previously entered a Fair Share Agreement with Clay County. The developer proposed to extend a portion of a county road. The same portion lies within the limits of the State Road Project. This subordination protects the County for any loss in fair share fees as a result of the improvements.

### Approvals

Purchasing: ☒ No Changes ☒ With Changes

Review Date: 2-27-18 ☐ ☒

Budget: ☒ No Changes ☒ With Changes

Review Date: 2/27/18 ☒ ☐

Finance: ☒ No Changes ☒ With Changes

Review Date: 2/27/18 ☒ ☐

County Attorney: ☒ No Changes ☒ With Changes

Review Date: 3-8-18 ☐ ☒

Recommended Changes: (Please type below)

\*What is the "Consideration amount" for the Resolution? It is blank.  
\*Subordination Agreement is for parcel #810.10 while the Quitclaim Deed & Resolution is for parcel #180.11? Is this accurate?

\*Sole Source Explanation: (Please type below)

Does Resolution need Signature of Commissioners?

FORM REVISED: 09/18/2017

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PURCHASING DIVISION

4-4-18  
OHAY  
Revised

**36-SUB.03-Date: April 4, 2018**

This instrument prepared by  
or under the direction of:

David M. Robertson  
Chief Counsel District Two  
Florida Department of Transportation  
1109 South Marion Avenue  
Lake City, Florida 32025-5874

PARCEL NO.	180.11, 810.10
SECTION NO.	71493
F.P. NO.	4229383
STATE ROAD NO.	23
COUNTY OF	Clay

### **SUBORDINATION AGREEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between CLAY COUNTY, FLORIDA, a political subdivision of the State of Florida, Post Office Box 1366, Green Cove Springs, Florida 32043, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, hereinafter called the "Department".

### **WITNESSETH:**

WHEREAS, the party of the first part is the owner and holder of that certain Agreement/Contract #2016/2017-74 by and between Board of County Commissioners, Clay County, and RLF Wisteria Properties, LLC, dated February 14, 2017, and recorded March 3, 2017, in Official Records Book 3949, Page 1554, of the Public Records of Clay County Florida, and;

WHEREAS, a portion of the land encumbered by said Agreement/Contract #2016/2017-74 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 party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid Agreement/Contract #2016/2017-74 is and shall continue to be subject and subordinate to the property rights of the Department insofar as said Agreement/Contract #2016/2017-74 affects the following described property, viz:

SEE Exhibit "A", attached hereto and by reference made a part hereof.

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

ATTEST: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Clerk (or Deputy Clerk)

Clay County, Florida  
by its Board of County Commissioners

BY: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Its Chairperson (or Vice-Chairperson)

STATE OF FLORIDA

COUNTY OF CLAY

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, Chairperson (or Vice-Chairperson), ☐ who is personally known to me or ☐ who has produced \_\_\_\_\_ as identification.

(Notary Seal)

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**Exhibit "A"**

Section No. 71493  
F.P. No. 4229383

State Road No. 23

County: Clay

Parcel 180

Fee Simple Limited Access

**Part "A"**

A Part Of Sections 23 And 26, Township 5 South, Range 25 East, All Lying In Clay County, Florida, Being More Particularly Described As Follows:

**Commence** At The Southeast Corner Of The Southwest 1/4 Of Section 26, Township 5 South, Range 25 East, Clay County, Florida; Thence South 89°49'49" West, Along The Southerly Line Of The Southwest 1/4 Of Said Section 26, A Distance Of 2,268.77 Feet To The Centerline Of Construction Of State Road No. 23 (As Per Florida Department Of Transportation Right Of Way Map Section 71493, F.P. No. 4229382 & 4229383), And The **Point Of Beginning**; Thence Continue South 89°49'49" West, Along Said Southerly Line Of The Southwest 1/4 Of Section 26, A Distance Of 162.03 Feet To A Curve To The Right, Having A Radius Of 14,876.00 Feet; Thence Along The Arc Of Said Curve, Through An Angle Of 02°56'29", An Arc Distance Of 763.69 Feet And A Chord Bearing And Distance Of North 00°17'39" East, 763.60 Feet To A Point Of Tangency; Thence North 01°45'54" East, A Distance Of 5,928.31 Feet; Thence North 02°30'54" East, A Distance Of 424.41 Feet To The Southerly Existing Right Of Way Line Of County Road No. 739B (An 80.00 Foot Right Of Way Per Florida Department Of Transportation Right Of Way Map Section 71523-2601); Thence Along Said Southerly Existing Right Of Way Line Of County Road No. 739B, The Following 2 Courses And Distances: (1) South 89°25'43" East, 162.09 Feet To Said Centerline Of Construction Of State Road No. 23; (2) Continue South 89°25'43" East, 162.09 Feet; Thence South 02°30'54" West, A Distance Of 433.29 Feet; Thence South 01°45'54" West, A Distance Of 5,926.19 Feet To The Point Of Curvature Of A Curve To The Left, Having A Radius Of 14,552.00 Feet; Thence Along The Arc Of Said Curve, Through An Angle Of 02°57'50", An Arc Distance Of 752.75 Feet And A Chord Bearing And Distance Of South 00°16'59" West, 752.66 Feet To Said Southerly Line Of The Southwest 1/4 Of Section 26; Thence South 89°49'49" West, Along Said Southerly Line Of The Southwest 1/4 Of Section 26, A Distance Of 162.02 Feet To The **Point Of Beginning**.

Containing 52.916 Acres, More Or Less.

Together With All The Rights Of Access, Ingress, Egress, Light, Air And View Between The Grantor's Remaining Property And Any Facility Constructed On The Above Described Property.

ALSO:

**Part "B"**

A Part Of Section 26, Township 5 South, Range 25 East, Clay County, Florida, Being More Particularly Described As Follows:

**Commence** At The Southwest Corner Of The Northwest 1/4 Of Section 26, Township 5 South, Range 25 East, Clay County, Florida; Thence South 88°16'16" East, Along The Southerly Line Of Said Northwest 1/4 Of Section 26, A Distance Of 222.40 Feet To The Centerline Of

Construction Of State Road No. 23, (As Per Florida Department Of Transportation Right Of Way Map Section 71493, F.P. No. 4229382 & 4229383); Thence North 01°45'54" East, Departing Said Southerly Line Of The Northwest 1/4 Of Section 26, Along Said Centerline Of Construction Of State Road No. 23, A Distance Of 300.02 Feet; Thence South 88°14'06" East, Departing Said Centerline Of Construction Of State Road No. 23, A Distance Of 162.00 Feet To The **Point Of Beginning**; Thence North 01°45'54" East, A Distance Of 1,334.00 Feet; Thence South 88°14'06" East, A Distance Of 448.00 Feet; Thence South 01°45'54" West, A Distance Of 1,334.00 Feet; Thence North 88°14'06" West, A Distance Of 448.00 Feet To The **Point Of Beginning**.

Containing 13.720 Acres, More Or Less.

**ALSO:**

Parcel No. 810

Perpetual Easement

Part A

A Part Of Section 26, Township 5 South, Range 25 East, Clay County, Florida, Being More Particularly Described As Follows:

**Commence** At The Southwest Corner Of The Northwest 1/4 Of Section 26, Township 5 South, Range 25 East, Clay County, Florida; Thence South 88°16'16" East, Along The Southerly Line Of Said Northwest 1/4 Of Section 26, A Distance Of 222.40 Feet To The Centerline Of Construction Of State Road No. 23, (As Per Florida Department Of Transportation Right Of Way Map Section 71493, F.P. No. 4229382 & 4229383); Thence North 01°45'54" East, Departing Said Southerly Line Of The Northwest 1/4 Of Section 26, Along Said Centerline Of Construction Of State Road No. 23, A Distance Of 300.02 Feet; Thence South 88°14'06" East, Departing Said Centerline Of Construction Of State Road No. 23, A Distance Of 162.00 Feet To The **Point Of Beginning**; Thence Continue South 88°14'06" East, A Distance Of 448.00 Feet; Thence North 01°45'54" East, A Distance Of 1,334.00 Feet; Thence North 88°14'06" West, A Distance Of 448.00 Feet; Thence North 01°45'54" East, A Distance Of 25.00 Feet; Thence South 88°14'06" East, A Distance Of 473.00 Feet; Thence South 01°45'54" West, A Distance Of 1,384.00 Feet; Thence North 88°14'06" West, A Distance Of 473.00 Feet; Thence North 01°45'54" East, A Distance Of 25.00 Feet To The **Point Of Beginning**.

Containing 1.309 Acres, More Or Less.

**ALSO:**

Part B

A Part Of Section 23, Township 5 South, Range 25 East, Clay County, Florida, Being More Particularly Described As Follows:

**Commence** At The Southwest Corner Of Section 23, Township 5 South, Range 25 East, Clay County, Florida; Thence South 89°47'29" East, Along The Southerly Line Of Said Section 23, A Distance Of 212.69 Feet To The Centerline Of Construction Of State Road No. 23, (As Per Florida Department Of Transportation Right Of Way Map Section 71493, F.P. No. 4229382 & 4229383); Thence North 01°45'54" East, Departing Said Southerly Line Of Section 23, Along

Said Centerline Of Construction Of State Road No. 23, A Distance Of 689.92 Feet; Thence North 88°14'06" West, Departing Said Centerline Of Construction Of State Road No. 23, A Distance Of 162.00 Feet To The **Point Of Beginning**; Thence Continue North 88°14'06" West, A Distance Of 50.69 Feet To The Westerly Line Of Said Section 23, Also Being The Easterly Existing Right Of Way Line Of Rolling View Boulevard (A 50.00 Foot Right Of Way As Per Plat Of Rolling Hills Unit One, As Recorded In Plat Book 51, Pages 36 Through 48, Inclusive, Of The Public Records Of Said Clay County, Florida); Thence North 01°45'32" East, Along Said Westerly Line Of Section 23 And Said Easterly Existing Right Of Way Line Of Rolling View Boulevard, A Distance Of 117.00 Feet; Thence South 88°14'06" East, Departing Said Westerly Line Of Section 23, And Said Easterly Existing Right Of Way Line Of Rolling View Boulevard, A Distance Of 50.70 Feet; Thence South 01°45'54" West, A Distance Of 117.00 Feet To The **Point Of Beginning**.

Containing 5,931 Square Feet, More Or Less.

ALSO:

**Part C**

A Part Of Section 23, Township 5 South, Range 25 East, Clay County, Florida, Being More Particularly Described As Follows:

**Commence** At The Southwest Corner Of Section 23, Township 5 South, Range 25 East, Clay County, Florida; Thence South 89°47'29" East, Along The Southerly Line Of Said Section 23, A Distance Of 212.69 Feet To The Centerline Of Construction Of State Road No. 23, (As Per Florida Department Of Transportation Right Of Way Map Section 71493, F.P. No. 4229382 & 4229383); Thence North 01°45'54" East, Departing Said Southerly Line Of Section 23, Along Said Centerline Of Construction Of State Road No. 23, A Distance Of 100.19 Feet; Thence South 88°14'06" East, Departing Said Centerline Of Construction Of State Road No. 23, A Distance Of 162.00 Feet To The **Point Of Beginning**; Thence North 01°45'54" East, A Distance Of 401.00 Feet; Thence South 88°14'06" East, A Distance Of 50.00 Feet; Thence South 01°45'54" West, A Distance Of 401.00 Feet; Thence North 88°14'06" West, A Distance Of 50.00 Feet To The **Point Of Beginning**.

Containing 20,050 Square Feet, More Or Less.