

**EXHIBIT "B" -
FDOT Subordination of City Utility Interests Agreement**

23-UTL.04-07/18

This instrument prepared under the direction of:

Dawn Raduano, Esq. _____

District Four Assistant General Counsel

Legal Description prepared by:

Ronald A. Fritz, P.S.M. (2/3/2020)

Schwebke-Shiskin & Associates, Inc

Document prepared by:

Cochise Wadley (3/03/2020)

Florida Department of Transportation

Right of Way Production Services

3400 W. Commercial Boulevard

Fort Lauderdale, Florida 33309

Parcel No.	167.5
Item/Segment No.	4413231
Section:	86200-2514
Managing District:	04
S.R. No.	A-1-A (Ocean Boulevard)
County:	Broward

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT entered into this _____ day of _____, 20____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the FDOT, and the **CITY OF HOLLYWOOD**, a municipality of the State of Florida, hereinafter called the CITY.

W I T N E S S E T H:

WHEREAS, the CITY presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by the CITY to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the CITY'S facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

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

CITY subordinates to the interest of FDOT its successors and assigns, any and all of its interest in the lands as follows, viz:

(More particularly described in the sketch and legal description attached hereto)

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R.B. & PG.
Easement Deed	10/2/1972	Peter I Feinberg and Ceil Feinberg, husband and wife	City of Hollywood	5048 / 280
Easement Deed	9/29/1972	Hollywood Operating Corporation, a Florida corporation	City of Hollywood	5048 / 283
Easement Deed	9/29/1972	Holiday Inn, Hollywood Beach, Florida, a joint venture between Unitel Associates, Ltd, a Florida limited partnership and Alan L, Shulman Associates, Ltd, a Florida limited partnership	City of Hollywood	5048 / 286

PROVIDED that the CITY has the following rights:

1. The CITY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the FDOT'S current minimum standards for such facilities as required by the FDOT, Utility Accommodation Manual in the effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the FDOT. Should the FDOT fail to approve any new construction or relocation of facilities by the CITY or require the CITY to alter, adjust, or relocate its facilities located within said lands, the FDOT hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The CITY shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the FDOT's facilities.

4. The CITY agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the CITY exercising its rights outlined in Paragraphs 1 and 3 above.

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: (Two witnesses required by Florida Law)

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

Witness Signature:

BY: _____
Name: **GERRY O'REILLY, P.E.**
District Four Secretary

Print Witness Name:

Attorney approved as to form:

Witness Signature:

Name: Dawn Raduano

Print Witness Name:

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization, this _____ day of _____, 20____, by **GERRY O'REILLY, P.E.**, District Four Secretary, who is personally known by me or who has produced _____ as identification.

(SEAL)

Notary Public

Printed or stamped name of Notary Public

My Commission Expires: _____

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

CITY OF HOLLYWOOD, a municipal corporation of the State of Florida

ATTEST:

By: _____
Josh Lewy, Mayor

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGAL SUFFICIENCY
for the use and reliance of the City of Hollywood,
Florida, only.

Douglas R. Gonzales, CITY ATTORNEY

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization, this _____ day of _____, 20_____, by _____, Mayor on behalf of the **CITY OF HOLLYWOOD, a municipality of the State of Florida**, who is personally known to me or who has produced _____ as identification.

(SEAL)

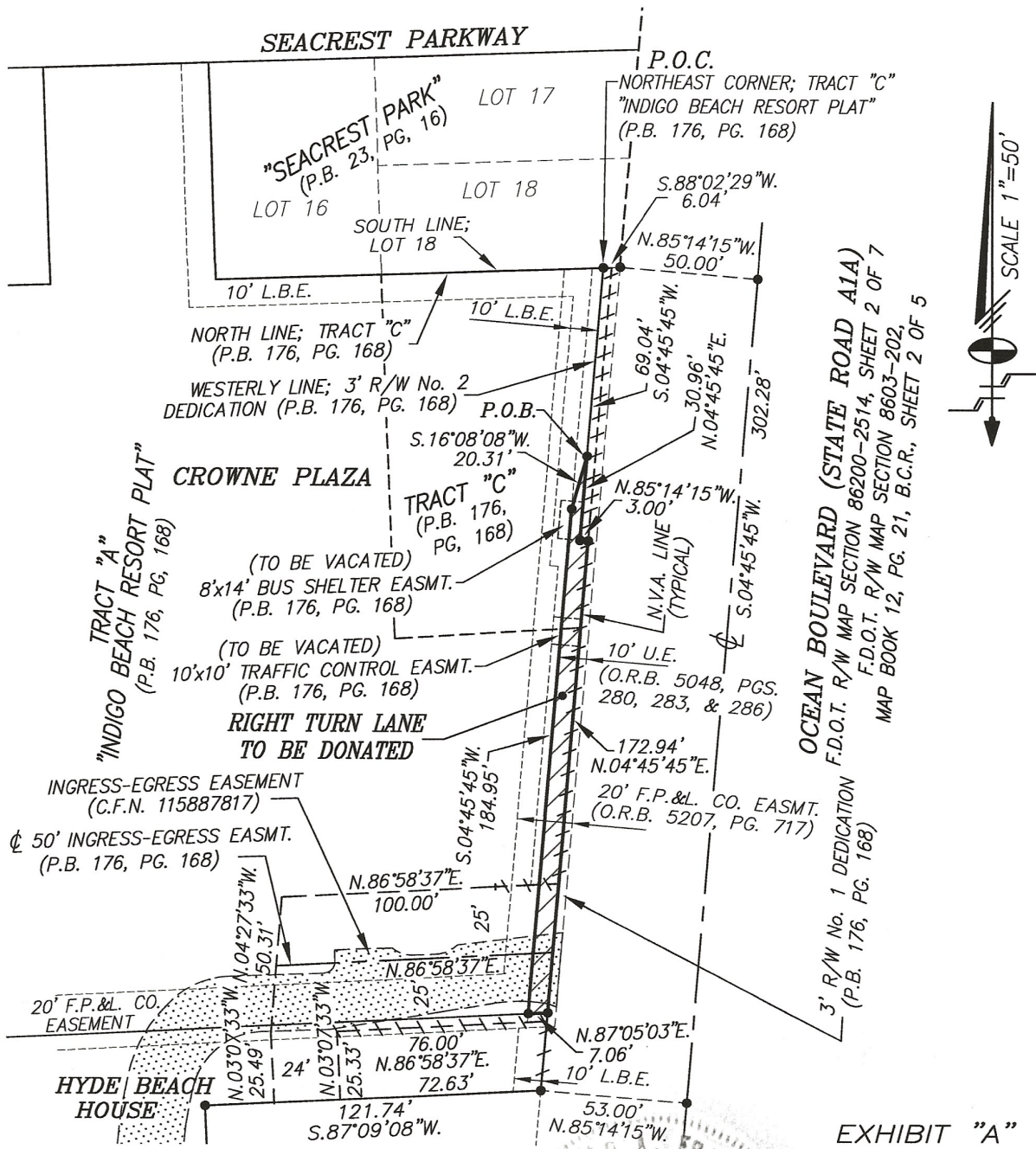
Notary Public

Printed or stamped name of Notary Public

My Commission Expires:

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PROPOSED RIGHT-OF-WAY TO BE DONATED



OCEAN BOULEVARD (STATE ROAD A1A)
 F.D.O.T. R/W MAP SECTION 86200-2514, SHEET 2 OF 7
 F.D.O.T. R/W MAP SECTION 8603-202,
 MAP BOOK 12, PG. 21, B.C.R., SHEET 2 OF 5

EXHIBIT "A"
SHEET 1 OF 2 SHEETS

K:\265142\INDIGO BEACH RESORT PLAT\LEGALS\DWG\PROPOSED RIGHT TURN LANE (FDDT 2-17-20).dwg

<p style="font-size: 8px;">CROWNE PLAZA</p>	<p style="font-size: 18px; font-weight: bold; text-align: center;">Schwebke-Shiskin & Associates, Inc.</p> <p style="font-size: 10px;">LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954)435-7010 FAX No. (954)435-3283 ORDER NO. 204122 PREPARED UNDER MY SUPERVISION: DATE: MAY 12, 2015 THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87</p> <p style="font-size: 10px; text-align: center;">RONALD A. FRITZ, ASSISTANT VICE PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767</p>	<p style="font-size: 10px; text-align: center;">REVISIONS</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="font-size: 8px;">01/25/18-#206832</td></tr> <tr><td style="font-size: 8px;">CIVIL REDESIGN</td></tr> <tr><td style="font-size: 8px;">04/17/19-#206828</td></tr> <tr><td style="font-size: 8px;">MATCH EXIST. CONST.</td></tr> <tr><td style="font-size: 8px;">02/03/20-#206828</td></tr> <tr><td style="font-size: 8px;">FDOT COMMENTS</td></tr> </table>	01/25/18-#206832	CIVIL REDESIGN	04/17/19-#206828	MATCH EXIST. CONST.	02/03/20-#206828	FDOT COMMENTS
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LEGAL DESCRIPTION TO ACCOMPANY SKETCH PROPOSED RIGHT-OF-WAY TO BE DONATED

LEGAL DESCRIPTION:

BEING A PORTION OF TRACTS "A" AND "C", AS SHOWN ON THE PLAT OF "INDIGO BEACH RESORT PLAT" AS RECORDED IN PLAT BOOK 176 AT PAGES 168 THROUGH 170, INCLUSIVE, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTH 04 DEGREES 45 MINUTES 45 SECONDS WEST, ALONG THE WESTERLY LINE OF THE 3 FOOT BY 100 FOOT RIGHT-OF-WAY NO. 2, DEDICATED BY AND AS SHOWN ON THE SAID PLAT OF "INDIGO BEACH RESORT PLAT", FOR 69.04 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED RIGHT-OF-WAY; THENCE SOUTH 16 DEGREES 08 MINUTES 08 SECONDS WEST FOR 20.31 FEET; THENCE SOUTH 04 DEGREES 45 MINUTES 45 SECONDS WEST, ALONG A LINE THAT IS PARALLEL WITH AND 7.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WESTERLY LINE OF THE 3 FOOT WIDE RIGHT-OF-WAY NO. 1, DEDICATED BY AND AS SHOWN ON THE SAID PLAT OF "INDIGO BEACH RESORT PLAT", FOR 184.95 FEET; THENCE NORTH 87 DEGREES 05 MINUTES 03 SECONDS EAST FOR 7.06 FEET; THENCE NORTH 04 DEGREES 45 MINUTES 45 SECONDS EAST, ALONG THE SAID WESTERLY LINE OF THE SAID 3 FOOT WIDE RIGHT-OF-WAY NO. 1, FOR 172.94 FEET; THENCE NORTH 85 DEGREES 14 MINUTES 15 SECONDS WEST, ALONG THE SOUTHERLY LINE OF THE SAID 3 FOOT BY 100 FOOT RIGHT-OF-WAY NO. 2, FOR 3.00 FEET; THENCE NORTH 04 DEGREES 45 MINUTES 45 SECONDS EAST, ALONG THE SAID WESTERLY LINE OF THE SAID 3 FOOT BY 100 FOOT RIGHT-OF-WAY NO. 2 PEDESTRIAN LANDING PAD, FOR 30.96 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 51 SOUTH, RANGE 42 EAST, CITY OF HOLLYWOOD, BROWARD COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- 1) BEARINGS AS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 04 DEGREES 45 MINUTES 45 SECONDS EAST, ALONG THE EASTERLY PLAT LIMITS OF THE HEREIN REFERENCED PLAT OF "INDIGO BEACH RESORT PLAT".
- 2) LEGAL DESCRIPTION WAS PREPARED BY THIS FIRM.
- 3) ORDERED BY: THE RELATED GROUP
- 4) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE ATTESTING FLORIDA LICENSED SURVEYOR AND MAPPER.
- 5) THE SUBJECT PROPERTY LIES WITHIN BROWARD COUNTY PROPERTY APPRAISER IDENTIFICATION NUMBER 5142-26-22-0011, AND CONTAINS 1,298 SQUARE FEET, MORE OR LESS.
- 6) THE PERPETUAL EASEMENT AS RECORDED IN INSTRUMENT NUMBER 115887817 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DOES NOT CONTAIN GEOMETRIC INFORMATION OF THE LOCATION OR BOUNDARY AND IS SHOWN HEREON AS A GRAPHIC DEPICTION ONLY AS TAKEN FROM THE "FDOT EASEMENT PLAN" CONTAINED IN THE HEREIN STATED RECORDED DOCUMENT.
- 7) THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED USING THE OPINION OF TITLE PREPARED BY PARAMOUNT TITLE SERVICES, INC. WITH AN EFFECTIVE DATE OF OCTOBER 9, 2019.

SURVEYOR'S LEGEND:




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|--------|-------------------------------|---|-----------------------------------|
| P.B. | DENOTES PLAT BOOK |  | DENOTES NON-VEHICULAR ACCESS LINE |
| O.R.B. | DENOTES OFFICIAL RECORDS BOOK |  | DENOTES LANDSCAPE BUFFER EASEMENT |
| PG. | DENOTES PAGE | U.E. | DENOTES UTILITY EASEMENT |
| P.O.B. | DENOTES POINT OF BEGINNING | EASMT. | DENOTES EASEMENT |
| P.O.T. | DENOTES POINT OF TERMINATION | R/W | DENOTES RIGHT-OF-WAY |
| P.O.C. | DENOTES POINT OF COMMENCEMENT | N.V.A. | DENOTES NON-VEHICULAR ACCESS |

EXHIBIT "A"
SHEET 2 OF 2 SHEETS

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