

CM/rrp
08/27/2025

RESOLUTION NO 2025 - 124

CITY OF LAKE CITY, FLORIDA

A RESOLUTION OF THE CITY OF LAKE CITY, FLORIDA APPROVING THAT CERTAIN SUBORDINATION AGREEMENT SUBORDINATING THE CITY'S INTEREST IN CERTAIN UTILITIES EASEMENTS TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, SUCH EASEMENT BEING RECORDED IN OFFICIAL RECORDS BOOK 633, PAGE 548 PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA AND LOCATED ALONG STATE ROAD 247; MAKING CERTAIN FINDINGS OF FACT IN SUPPORT OF THE CITY APPROVING SAID SUBORDINATION AGREEMENT; RECOGNIZING THE AUTHORITY OF THE MAYOR TO EXECUTE AND BIND THE CITY TO SAID SUBORDINATION AGREEMENT; DIRECTING THE MAYOR TO EXECUTE AND BIND THE CITY TO SAID SUBORDINATION AGREEMENT; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake City ("City") was granted a utility easement in real property identified in Official Records Book 633, Page 548 Public Records of Columbia County, Florida, by Joseph R. Mackey, Jr., as Trustee and Errol P. Klem and Patricia J. Klem, Husband and Wife on, or about, September 9, 1987; and

WHEREAS, the State of Florida Department of Transportation ("FDOT") has proposed to construct or improve State Road 247, Section No. 29090, F.P No. 4399301, in Columbia County, Florida; and

WHEREAS, the FDOT requests the City subordinate its certain easement rights to the rights of the FDOT ("Subordination Agreement"); and

WHEREAS, approving the Subordination Agreement between the City and the FDOT by adopting the terms of the proposed contract is in the public interest and in the interests of the City; now therefore

BE IT RESOLVED by the City Council of the City of Lake City, Florida:

1. Approving the Subordination Agreement by adopting the terms of the contract is in the public or community interest and for public welfare; and
2. In furtherance thereof, the Subordination Agreement in the form of the Exhibit attached

hereto should be and is approved by the City Council of the City of Lake City; and

3. The Mayor of the City of Lake City is the officer of the City duly designated by the City's Code of Ordinances to enforce such rules and regulations as are adopted by the City Council of the City of Lake City; and
4. The Mayor of the City of Lake City is authorized to execute on behalf of and bind the City to the terms of the Subordination Agreement; and
5. The Mayor of the City of Lake City is directed to execute on behalf of and bind the City to the terms of the Subordination Agreement; and
6. All prior resolutions of the City Council of the City of Lake City in conflict with this resolution are hereby repealed to the extent of such conflict; and
7. This resolution shall become effective and enforceable upon final passage by the City Council of the City of Lake City.

APPROVED AND ADOPTED, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lake City, Florida, at a regular meeting, this ____ day of September, 2025.

BY THE MAYOR OF THE CITY OF LAKE CITY,
FLORIDA

Noah E. Walker, Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL
OF THE CITY OF LAKE CITY, FLORIDA:

Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney

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.	808.3 and 813.4
SECTION NO.	29090
F.P. NO.	4299301
STATE ROAD NO.	47
COUNTY OF	Columbia

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, 20____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, hereinafter called the FLORIDA DEPARTMENT OF TRANSPORTATION, and City of Lake City, Florida, CITY OF LAKE CITY, FLORIDA, 205 North Marion Avenue, Lake City, Florida 32055, hereinafter called City.

WITNESSETH:

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 Florida Department of Transportation; and

WHEREAS, the Florida Department of Transportation 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 Florida Department of Transportation agree as follows:

City hereby subordinates to the interest of Florida Department of Transportation its successors and assigns, any and all of its interest in the lands as follows, viz:

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

RECORDED:

Instrument	Date ORB/Page	From	To	As to Parcel No.
Grant of Easement	September 9, 1987 633/548	Joseph R. Mackey, Jr., as Trustee, and Errol P. Klem and Patricia J. Klem, his wife	City of Lake City, Florida	808 (Part A only) and 813

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 Florida Department of Transportation's current minimum standards for such facilities as required by the Florida Department of Transportation, Utility Accommodation Manual in 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 Florida Department of Transportation. Should the Florida Department of Transportation 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 Florida Department of Transportation 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 Florida Department of Transportation's facilities.
4. The City agrees to repair any damage to Florida Department of Transportation facilities and to indemnify the Florida Department of Transportation against any loss or damage resulting from the City exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the Florida Department of Transportation 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

Witness:
Print Name: _____
Address: _____

By: _____
Robert L. Parks
District Director for Transportation
Development District Two

Witness:
Print Name: _____
Address: _____

Legal Review

By: _____

Print Name: _____
District Counsel

Date: _____

STATE OF FLORIDA

COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20_____, by Robert L. Parks, District Director for Transportation Development, District Two, who is personally known to me and who did not take an oath.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

ATTEST: _____
Audrey Sikes
City Clerk

The City of Lake City, Florida,

Witness:
Print Name: _____
Address: _____

By: _____
Noah Walker
Its: Mayor

Witness:
Print Name: _____
Address: _____

STATE OF FLORIDA

COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20_____, by Noah Walker, Mayor, and Audrey Sikes, its City Clerk, who are personally known to me.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

Exhibit "A"

Section No. 29090
F.P. No. 4299301

State Road No. 247

Columbia County

Parcel No. 808

Perpetual Easement

Part "A"

A Part Of Section 1, Township 4 South, Range 16 East, Columbia County, Florida, Being More Particularly Described As Follows:

Commence At A Concrete Monument At The Northwest Corner Of The Southwest Quarter Of The Northwest Quarter Of Section 1, Township 4 South, Range 16 East, Columbia County, Florida; Thence North 88°12'02" East Along The North Line Of Said Southwest Quarter Of The Northwest Quarter, A Distance Of 1324.31 Feet To The Northwest Corner Of The Southeast Quarter Of The Northwest Quarter Of Section 1; Thence North 88°12'02" East Along The North Line Of Said Southeast Quarter Of The Northwest Quarter, A Distance Of 248.43 Feet To The Baseline Of Survey Of State Road 247 (A 100' Width Right Of Way, As Per Florida Department Of Transportation Right Of Way Map, Section No. 29090, F.P. No. 4299301); Thence North 40°34'58" East Along The Baseline Of Survey Of Said State Road 247, A Distance Of 291.52 Feet; Thence South 49°24'27" East, A Distance Of 50.00 Feet To The Easterly Existing Right Of Way Line Of Said State Road 247 And To The **Point Of Beginning**; Thence South 49°24'27" East, A Distance Of 15.00 Feet; Thence South 40°34'58" West, A Distance Of 20.42 Feet; Thence North 49°25'02" West, A Distance Of 15.00 Feet To The Aforementioned Easterly Existing Right Of Way Line Of State Road 247; Thence North 40°34'58" East Along The Easterly Existing Right Of Way Line Of Said State Road 247, A Distance Of 20.43 Feet To The **Point Of Beginning**.

Containing 306 Square Feet, More Or Less.

ALSO:

Parcel No. 813

Perpetual Easement

A Part Of Section 1, Township 4 South, Range 16 East, Columbia County, Florida, Being More Particularly Described As Follows:

Commence At A Concrete Monument At The Northwest Corner Of The Southwest Quarter Of The Northwest Quarter Of Section 1, Township 4 South, Range 16 East, Columbia County, Florida; Thence North 88°12'02" East Along The North Line Of Said Southwest Quarter Of The Northwest Quarter, A Distance Of 1324.31 Feet To The Northwest Corner Of The Southeast Quarter Of The Northwest Quarter Of Section 1; Thence North 88°12'02" East Along The North Line Of Said Southeast Quarter Of The Northwest Quarter, A Distance Of 248.43 Feet To The Baseline Of Survey Of State Road 247 (A 100' Width Right Of Way, As Per Florida Department Of Transportation Right Of Way Map, Section No. 29090, F.P. No. 4299301); Thence North 40°34'58" East Along The Baseline Of Survey Of Said State Road 247, A Distance Of 291.52 Feet; Thence South 49°24'27" East, A Distance Of 50.00 Feet To The Easterly Existing Right Of

Way Line Of Said State Road 247 And To The **Point Of Beginning**; Thence North 40°34'58" East Along The Easterly Existing Right Of Way Line Of Said State Road 247, A Distance Of 24.57 Feet; Thence South 49°25'02" East, A Distance Of 15.00 Feet; Thence South 40°34'58" West, A Distance Of 24.58 Feet; Thence North 49°24'27" West, A Distance Of 15.00 Feet To The **Point Of Beginning**.

Containing 369 Square Feet, More Or Less.