

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060694-UTL

1. Action Requested/Purpose:

Authorize the Chairwoman, on behalf of the BOCC, to execute Subordination of Utility Interests Agreement and Resolution documents requested by the Florida Department of Transportation (FDOT).

2. What Action Accomplishes:

Subordinates Lee County easement interests to FDOT at each property. Lee County Utilities will continue to have utility rights at this property, except now it is subject to the control of FDOT.

3. Management Recommendation:

Approval.

4. Departmental Category: 10

CIOE

5. Meeting Date:

6-20-2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose (specify)

- Statute
- Ordinance
- Admin. Code
- Other **Approval**

8. Request Initiated:

Commissioner _____
 Department **Public Works**
 Division **Utilities**
 By: *[Signature]* **6/5/06**
S. Ivan Velez, P.E., Acting Director

9. Background:

The FDOT intends to complete the 4-laning of the roadway and drainage improvements along SR 739, Metro Parkway, from Daniels to Six Mile.

As part of the improvements, FDOT is acquiring additional rights-of-way (R-O-W) along the project corridor. Within the additional R-O-W property, Lee County has existing recorded drainage and utility easements containing existing water line, sewer line and storm drainage facilities. FDOT is requesting Lee County easement interests be subordinate (secondary) to FDOT interests at each property. (Lee County Utilities will continue to have utility rights at this property, except now it is subject to the control of FDOT.)

(CONT'D.)

10. Review for Scheduling

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i> J. Lavender Date: 6-6-06	N/A Date:	N/A Date:	N/A Date:	S. Covert Date: 6/6/06	<i>[Signature]</i> 6/7/06	<i>[Signature]</i> 6/7/06	<i>[Signature]</i> 6/7/06	<i>[Signature]</i> 6/7/06	<i>[Signature]</i> J. Lavender Date: 6-6-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

[Stamp: RECEIVED 6/6/06 4:40 PM]
[Signature]
[Signature]

Rec. by CoAtty
 Date: **6/6/06**
 Time: **2:20pm**
 Forwarded To: **ARM 6/6/06**

The Subordination Agreement states LCU shall continue to have all rights under the specified real property interests, except that the use of the real property shall be subject to the control of the FDOT. Further, the Agreement states that in the event FDOT exercises its rights in a manner creating costs that LCU would not have otherwise incurred without the Agreement, then FDOT will bear those costs.

The following parcels of land are affected by the existing easements, as shown below:

Parcels: (attached)

- 1) 102.3
- 2) 109.2 (Corrective Deed/Subordination)
- 3) 115.4 (Corrective Deed/Subordination)
- 4) 123.3 (Corrective Deed/Subordination)
- 5) 136.2
- 6) 802.3
- 7) 809.2 (Corrective Deed/Subordination)
- 8) 815.4 (Corrective Deed/Subordination)

Easements: (not attached)

- 1) OR Book 3207, Page 0954
- 2) OR Book 2078, Page 0088
- 3) OR Book 44, Page 83

One set of documents, for each of the 6 parcels, is attached for the Chairwoman's signature. (Each set includes Subordination of Utility Interests Agreement and a Resolution. Signatures are needed on page 4 of the Agreement, and page 2 of the Resolution.)

After Chairwoman's signature, return all documents to LCU for transmittal and subsequent execution by FDOT. FDOT will then record the documents and provide LCU with photocopies of same. LCU will provide Minutes with a copy of the recorded documents after receipt from FDOT.

On the original Resolutions, Minutes will keep the originals but make a photocopy and certify it as an original, and one set of the certified Resolutions will be sent to FDOT.



23-UTL.02-07/99

Date: April 12, 2006

This instrument prepared
under the direction of:

Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 102.3
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20__, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and LEE COUNTY, STATE OF FLORIDA, Utility Agency Organization,
hereinafter called the UAO.

W I T N E S S E T H:

WHEREAS, the UAO presently has an interest in certain real
property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires
subordination of the UAO's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of
locating, protecting, adjusting or removing the UAO'S facilities
if necessary to prevent conflict between the UAO's facilities and
the transportation facility;

NOW, THEREFORE, in consideration of the premises and the
mutual covenants contained herein, the FDOT and the UAO hereby
agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all interest the UAO has in the
real property described as follows:

SEE EXHIBIT "A"

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	03-31-88	Morton A. Goldberg, Ronald C. Francisco and Frank P. DiPlacido	Lee County	OR 2078 PG 0088

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.

b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs over and above what the UAO would normally have incurred had this subordination not been executed, the FDOT will bear the excess costs. Excess costs shall include, but not necessarily be limited to, damage to the UAO's facilities resulting from failure of FDOT's protective measures where the UAO has not elected to undertake additional protective measures pursuant to subparagraph 3.a. hereof. The specific arrangement for FDOT bearing the excess costs shall be by separate agreement.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Approved as to Form and
Legality:

Signature

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.

My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County 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: _____
Signature

Print/Type Name
Clerk(or Deputy Clerk)

_____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

F.P. NO. 4080401

SECTION 12011-000

PARCEL 102

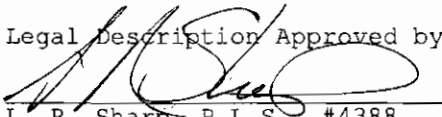
That portion of Lot 6, Central Metropolitan Commercial Center South, a subdivision in Section 30, Township 45 South, Range 25 East, as per plat thereof recorded in Plat Book 58, Page 5, Public Records of Lee County, Florida.

Being described as follows:

BEGIN at the southeast corner of said Lot 6; thence along the south line of said Lot 6, South $88^{\circ}55'08''$ West a distance of 12.50 feet; thence North $00^{\circ}38'41''$ West a distance of 225.08 feet to the north line of said Lot 6; thence along said north line North $89^{\circ}21'19''$ East a distance of 12.50 feet to the northeast corner of said Lot 6; thence along the east line of said Lot 6, South $00^{\circ}38'41''$ East a distance of 224.98 feet to the POINT OF BEGINNING.

Containing 2,813 square feet.

Legal Description Approved by:



L. R. Sharp P.L.S. #4388

Date: APRIL 12, 2006

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: April 12, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 102.3
SECTION 12011-000
STATE ROAD 739
COUNTY LEE

R E S O L U T I O N

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 739, Section No.
12011-000, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ County be subordinated to the
State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
utility interest, or interests, in favor of the State of Florida,
and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of _____ County, 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 _____ County,
should be drawn and executed by this Board of County
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 Post Office Box 1249, Bartow,
Florida 33831-1249.

STATE OF FLORIDA

COUNTY OF LEE

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA at a meeting held on the _____ day of _____, 20____.

Clerk: Lisa L. Pierce
Board of County Commissioners
Lee County, Florida

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairperson

APPROVED AS TO FORM:

David Owen, County Attorney
Office of the County Attorney
Lee County, Florida

23-UTL.02-07/99

Date: March 8, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

CORRECTIVE DEED
F.P. NO. 4080401
PARCEL 109.2
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20____, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, Utility Agency
Organization, hereinafter called the UAO.

W I T N E S S E T H:

WHEREAS, the UAO presently has an interest in certain real
property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires
subordination of the UAO's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of
locating, protecting, adjusting or removing the UAO'S facilities
if necessary to prevent conflict between the UAO's facilities and
the transportation facility;

NOW, THEREFORE, in consideration of the premises and the
mutual covenants contained herein, the FDOT and the UAO hereby
agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all interest the UAO has in the
real property described as follows:

SEE EXHIBIT "A"

**THE PURPOSE OF THIS INSTRUMENT IS TO CORRECT SUBORDINATION OF
COUNTY UTILITY INTERESTS DATED JANUARY 5, 2006 AND RECORDED IN
INSTRUMENT #2006000025044, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.**

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	12-21-99	Metro Land Group, L.L.C.	Lee County Board of County Commissioners	OR 3207 Pg. 0954

2. The UAO shall continue to have all rights under the UAO's real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.

b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs that the UAO would normally not have incurred had this subordination not been executed, the FDOT will bear the excess costs. Such costs shall include, but not necessarily be limited to, damage to the UAO's facilities resulting from failure of FDOT's protective measures where the UAO has not elected to undertake additional protective measures pursuant to subparagraph 3.a. hereof or the adjustment, relocation or removal of the UAO's facilities as the result of FDOT's activities. The specific arrangement for FDOT bearing the excess costs shall be by separate agreement.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Approved as to Form and
Legality:

Signature

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.
My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County 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:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

Grantor(s) Mailing Address:
P.O. Box 398
Ft. Myers, FL 33902

APPROVED AS TO FORM:

Office of the County Attorney
Lee County, Florida

F.P. NO. 4080401

SECTION 12011-000

PARCEL 109

A) That portion of the northwest 1/4 of Section 30, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southeast corner of the northwest 1/4 of said Section 30; thence along the south line of said northwest 1/4, South 88°55'08" West a distance of 1,914.41 feet to the survey base line of State Road 739 (Metro Parkway); thence along said survey base line North 00°38'41" West a distance of 660.79 feet; thence North 88°56'47" East a distance of 50.00 feet to the easterly existing right of way line of said State Road 739 (per Section 12011-0000) for a POINT OF BEGINNING; thence along said easterly existing right of way line North 00°38'41" West a distance of 371.02 feet; thence North 88°58'29" East a distance of 12.50 feet; thence South 00°38'41" East a distance of 371.02 feet; thence South 88°56'47" West a distance of 12.50 feet to the POINT OF BEGINNING.

Containing 4,638 square feet.

ALSO

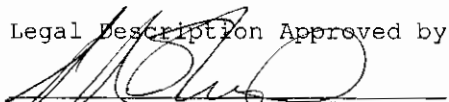
B) That portion of the northwest 1/4 of Section 30, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southeast corner of the northwest 1/4 of said Section 30; thence along the south line of said northwest 1/4, South 88°55'08" West a distance of 1,914.41 feet to the survey base line of State Road 739 (Metro Parkway); thence along said survey base line North 00°38'41" West a distance of 1,321.79 feet; thence North 88°58'12" East a distance of 50.00 feet to the easterly existing right of way line of said State Road 739 (per Section 12011-0000) for a POINT OF BEGINNING; thence continue North 88°58'12" East a distance of 12.50 feet; thence South 00°38'41" East a distance of 38.72 feet to the beginning of a curve concave southeasterly and having a radius of 20.00 feet; thence along the arc of said curve to the left a distance of 23.73 feet through a central angle of 67°58'29" with a chord bearing South 33°20'34" West to said easterly existing right of way line and the end of said curve; thence along said easterly existing right of way line North 00°38'41" West a distance of 57.18 feet for a POINT OF BEGINNING.

Containing 547 square feet.

Legal Description Approved by:


L. R. Sharp P.L.S. #4388
Date: March 09, 2006
NOT VALID UNLESS EMBOSSED

UTL.03

Date: March 8, 2006

This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 109.2
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

R E S O L U T I O N

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 739, Section No.
12011-000, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ County be subordinated to the
State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
utility interest, or interests, in favor of the State of Florida,
and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of _____ County, 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 _____ County,
should be drawn and executed by this Board of County
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 Bartow, Florida.

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners Lee County, Florida at a meeting held on the _____ day of _____, 20____.

Clerk: Lisa L. Pierce
Board of County Commissioners
Lee County, Florida

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairperson

APPROVED AS TO FORM:

David Owen, County Attorney
Office of the County Attorney
Lee County, Florida

23-UTL.02-07/99

Date: May 1, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

CORRECTIVE DEED
F.P. NO. 4080401
PARCEL 115.4
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20__, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, Utility Agency
Organization, hereinafter called the UAO.

W I T N E S S E T H:

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property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires
subordination of the UAO's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of
locating, protecting, adjusting or removing the UAO'S facilities
if necessary to prevent conflict between the UAO's facilities and
the transportation facility;

NOW, THEREFORE, in consideration of the premises and the
mutual covenants contained herein, the FDOT and the UAO hereby
agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all interest the UAO has in the
real property described as follows:

SEE EXHIBIT "A"

**THE PURPOSE OF THIS SUBORDINATION OF COUNTY UTILITY INTERESTS IS
TO CORRECT INSTRUMENT DATED JANUARY 5, 2006 AND RECORDED IN
INSTRUMENT #2006000025166, PAGES 7, PUBLIC RECORDS OF LEE COUNTY,
FLORIDA.**

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	12-21-99	Metro Land Group, L.L.C.	Lee County Board of County Commissioners	OR 3207 Pg. 0954

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. The FDOT shall have the right to control the UAO'S use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.

b. The UAO shall operate and maintain the UAO'S facilities located on the real property in accordance with FDOT standards as set forth in the FDOT'S then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO'S facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT'S then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs that the UAO would normally not have incurred had this subordination not been executed, the FDOT will bear the excess costs. Such costs shall include, but not necessarily be limited to, damage to the UAO'S facilities resulting from failure of FDOT'S protective measures where the UAO has not elected to undertake additional protective measures pursuant to subparagraph 3.a. hereof or the adjustment, relocation or removal of the UAO'S facilities as the result of FDOT'S activities. The specific arrangement for FDOT bearing the excess costs shall be by separate agreement.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Approved as to Form and
Legality:

Signature

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.
My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County 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:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

Grantor(s) Mailing Address:
P.O. Box 398
Ft. Myers, FL 33902

APPROVED AS TO FORM:

Office of the County Attorney
Lee County, Florida

F.P. NO. 4080401

SECTION 12011-000

PARCEL 115

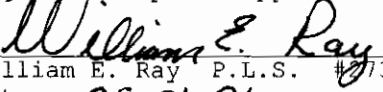
That portion of the northwest 1/4 of Section 30, Township 45 South,
Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northeast corner of the northwest 1/4 of said Section 30; thence along the north line of said Section 30, South 89°01'17" West a distance of 1,889.79 feet to the survey base line of State Road 739 (Metro Parkway); thence along said survey base line South 00°38'41" East a distance of 50.00 feet; thence North 89°01'17" East a distance of 50.00 feet to the easterly existing right of way line of said State Road 739 (per Section 12011-0000) for a POINT OF BEGINNING; thence continue North 89°01'17" East a distance of 12.50 feet; thence South 00°38'41" East a distance of 1,271.71 feet; thence South 88°58'12" West a distance of 12.50 feet to said easterly existing right of way line; thence along said easterly existing right of way line North 00°38'41" West a distance of 1,271.72 feet to the POINT OF BEGINNING.

Containing 15,895 square feet.

Legal Description Approved by:


William E. Ray P.L.S. #2737
Date: 05-01-06
NOT VALID UNLESS EMBOSSED

UTL.03

Date: May 1, 2006

This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 115.4
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

R E S O L U T I O N

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 739, Section No.
12011-000, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ County be subordinated to the
State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
utility interest, or interests, in favor of the State of Florida,
and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of _____ County, 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 _____ County,
should be drawn and executed by this Board of County
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 Bartow, Florida.

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners Lee County, Florida at a meeting held on the ____ day of _____, 20____.

Clerk: Lisa L. Pierce
Board of County Commissioners
Lee County, Florida

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairperson

APPROVED AS TO FORM:

David Owen, County Attorney
Office of the County Attorney
Lee County, Florida

23-UTL.02-07/99

Date: May 9, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

CORRECTIVE DEED
F.P. NO. 4080401
PARCEL 123.3
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20____, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, Utility Agency
Organization, hereinafter called the UAO.

W I T N E S S E T H:

WHEREAS, the UAO presently has an interest in certain real
property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires
subordination of the UAO's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of
locating, protecting, adjusting or removing the UAO'S facilities
if necessary to prevent conflict between the UAO's facilities and
the transportation facility;

NOW, THEREFORE, in consideration of the premises and the
mutual covenants contained herein, the FDOT and the UAO hereby
agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all interest the UAO has in the
real property described as follows:

SEE EXHIBIT "A"

**THE PURPOSE OF THIS SUBORDINATION OF COUNTY UTILITY INTERESTS IS
TO CORRECT INSTRUMENT DATED JANUARY 5, 2006 AND RECORDED IN
INSTRUMENT #2006000025011, PAGES 7, PUBLIC RECORDS OF LEE COUNTY,
FLORIDA.**

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	03-11-90	N/A	Lee County Board of County Commissioners	PB 44 Pg. 83

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.

b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs that the UAO would normally not have incurred had this subordination not been executed, the FDOT will bear the excess costs. Such costs shall include, but not necessarily be limited to, damage to the UAO's facilities resulting from failure of FDOT's protective measures where the UAO has not elected to undertake additional protective measures pursuant to subparagraph 3.a. hereof or the adjustment, relocation or removal of the UAO's facilities as the result of FDOT's activities. The specific arrangement for FDOT bearing the excess costs shall be by separate agreement.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Approved as to Form and
Legality:

Signature

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.

My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County 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:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

Grantor(s) Mailing Address:
P.O. Box 398
Ft. Myers, FL 33902

APPROVED AS TO FORM:

Office of the County Attorney
Lee County, Florida

FP NO. 4080401

SECTION 12011-000

PARCEL 123

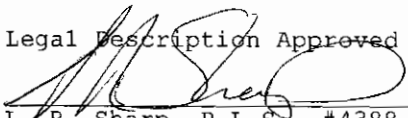
That portion of Lot 14, Metropolitan Business Park, a subdivision in Section 19, Township 45 South, Range 25 East as per plat thereof recorded in Plat Book 44, Page 83, Public Records of Lee County, Florida.

Being described as follows:

BEGIN at the southeast corner of said Lot 14; thence along the south line of said Lot 14, South 89°00'41" West a distance of 12.50 feet; thence leaving said south line, North 00°38'41" West a distance of 43.26 feet to the beginning of a curve concave easterly and having a radius of 1,162.52 feet; thence along the arc of said curve to the right a distance of 71.80 feet through a central angle of 03°32'20" with a chord bearing North 01°07'29" East to the north line of said Lot 14 and end of said curve; thence along said north line, North 89°00'41" East a distance of 12.53 feet to the northeast corner of said Lot 14 and the beginning of a curve concave easterly and having a radius of 1,150.00 feet; thence along the east line of said Lot 14 the arc of said curve to the left a distance of 71.88 feet through a central angle of 03°34'52" with a chord bearing South 01°08'45" West to the end of said curve; thence continue along said east line of said Lot 14, South 00°38'41" East a distance of 43.18 feet to the POINT OF BEGINNING.

Containing 1,438 square feet.

Legal Description Approved by:


L. R. Sharp P.L.S. #4388

Date: MAY 09, 2006

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: May 9, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 123.3
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

R E S O L U T I O N

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 739, Section No.
12011-000, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ County be subordinated to the
State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
utility interest, or interests, in favor of the State of Florida,
and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of _____ County, 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 _____ County,
should be drawn and executed by this Board of County
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 Bartow, Florida.

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners Lee County, Florida at a meeting held on the _____ day of _____, 20____.

Clerk: Lisa L. Pierce
Board of County Commissioners
Lee County, Florida

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairperson

APPROVED AS TO FORM:

David Owen, County Attorney
Office of the County Attorney
Lee County, Florida

23-UTL.02-07/99

Date: May 9, 2006

This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 136.2
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20____, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, Utility Agency
Organization, hereinafter called the UAO.

W I T N E S S E T H:

WHEREAS, the UAO presently has an interest in certain real
property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires
subordination of the UAO's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of
locating, protecting, adjusting or removing the UAO'S facilities
if necessary to prevent conflict between the UAO's facilities and
the transportation facility;

NOW, THEREFORE, in consideration of the premises and the
mutual covenants contained herein, the FDOT and the UAO hereby
agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all interest the UAO has in the
real property described as follows:

SEE EXHIBIT "A"

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	03-11-90	N/A	Lee County Board of County Commissioners	PB 44 Pg. 83

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.

b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs that the UAO would normally not have incurred had this subordination not been executed, the FDOT will bear the excess costs. Such costs shall include, but not necessarily be limited to, damage to the UAO's facilities resulting from failure of FDOT's protective measures where the UAO has not elected to undertake additional protective measures pursuant to subparagraph 3.a. hereof or the adjustment, relocation or removal of the UAO's facilities as the result of FDOT's activities. The specific arrangement for FDOT bearing the excess costs shall be by separate agreement.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Approved as to Form and
Legality:

Signature

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.

My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County 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:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

Grantor(s) Mailing Address:
P.O. Box 398
Ft. Myers, FL 33902

APPROVED AS TO FORM:

Office of the County Attorney
Lee County, Florida

FP NO. 4080401

SECTION 12011-000

PARCEL 136

That portion of Lot 13, Metropolitan Business Park, a subdivision in Section 19, Township 45 South, Range 25 East as per plat thereof recorded in Plat Book 44, Page 83, Public Records of Lee County, Florida.

Being described as follows:

BEGIN at the southeast corner of said Lot 13; thence along the south line of said Lot 13, South 89°00'41" West a distance of 12.50 feet; thence leaving said south line, North 00°38'41" West a distance of 113.00 feet to the north line of said Lot 13; thence along said north line, North 89°00'41" East a distance of 12.50 feet to the northeast corner of said Lot 13; thence along the east line of said Lot 13, South 00°38'41" East a distance of 113.00 feet to the POINT OF BEGINNING.

Containing 1,413 square feet.

Legal Description Approved by:



L. R. Sharp P.L.S. #4388
Date: May 09, 2006
NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: May 9, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 136.2
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

R E S O L U T I O N

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 739, Section No.
12011-000, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ County be subordinated to the
State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
utility interest, or interests, in favor of the State of Florida,
and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of _____ County, 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 _____ County,
should be drawn and executed by this Board of County
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 Bartow, Florida.

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners Lee County, Florida at a meeting held on the _____ day of _____, 20____.

Clerk: Lisa L. Pierce
Board of County Commissioners
Lee County, Florida

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairperson

APPROVED AS TO FORM:

David Owen, County Attorney
Office of the County Attorney
Lee County, Florida

23-UTL.02-07/99

Date: April 12, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 802.3
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20__, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and LEE COUNTY, STATE OF FLORIDA, Utility Agency Organization,
hereinafter called the UAO.

W I T N E S S E T H:

WHEREAS, the UAO presently has an interest in certain real
property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires
subordination of the UAO's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of
locating, protecting, adjusting or removing the UAO'S facilities
if necessary to prevent conflict between the UAO's facilities and
the transportation facility;

NOW, THEREFORE, in consideration of the premises and the
mutual covenants contained herein, the FDOT and the UAO hereby
agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all interest the UAO has in the
real property described as follows:

SEE EXHIBIT "A"

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	03-31-88	Morton A. Goldberg, Ronald C. Francisco and Frank P. DiPlacido	Lee County	OR 2078 PG 0088

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.

b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs over and above what the UAO would normally have incurred had this subordination not been executed, the FDOT will bear the excess costs. Excess costs shall include, but not necessarily be limited to, damage to the UAO's facilities resulting from failure of FDOT's protective measures where the UAO has not elected to undertake additional protective measures pursuant to subparagraph 3.a. hereof. The specific arrangement for FDOT bearing the excess costs shall be by separate agreement.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Approved as to Form and
Legality:

Signature

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.

My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County 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: _____
Signature

Print/Type Name

Clerk (or Deputy Clerk)

_____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

F.P. NO. 4080401

SECTION 12011-000

PARCEL 802

That portion of Lot 6, Central Metropolitan Commercial Center South, a subdivision in Section 30, Township 45 South, Range 25 East, as per plat thereof recorded in Plat Book 58, Page 5, Public Records of Lee County, Florida.

Being described as follows:

Commence at the southeast corner of said Lot 6; thence along the south line of said Lot 6, South 88°55'08" West a distance of 12.50 feet for a POINT OF BEGINNING; thence continue along said south line South 88°55'08" West a distance of 13.31 feet; thence North 45°23'46" East a distance of 15.71 feet; thence North 00°38'41" West a distance of 214.27 feet to the north line of said Lot 6; thence along said north line North 89°21'19" East a distance of 2.00 feet; thence South 00°38'41" East a distance of 225.08 feet to the POINT OF BEGINNING.

Containing 511 square feet.

Legal Description Approved by:



L. R. Sharp P.L.S. #4388
Date: APRIL 12, 2006
NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

SUB.04-10/94

Date: April 12, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 802.3
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

R E S O L U T I O N

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 739, Section No.
12011-000, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ County 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
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
easement 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 County
Commissioners of _____ County,
that the application of the State of Florida Department of
Transportation for an easement subordination, is for
transportation purposes which are in the public or community
interest and for public welfare; that a subordination of
easement, in favor of the State of Florida Department of
Transportation, in _____ County, should be
drawn and executed by this Board of County 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 Tallahassee, Florida.

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of _____ County, Florida at a meeting held on the _____ day of _____, 20__.

(type/print name)
Clerk
Board of County Commissioners
_____ County, Florida
Address:

23-UTL.02-07/99

Date: March 8, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

CORRECTIVE DEED
F.P. NO. 4080401
PARCEL 809.2
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20__, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, Utility Agency
Organization, hereinafter called the UAO.

W I T N E S S E T H:

WHEREAS, the UAO presently has an interest in certain real
property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires
subordination of the UAO's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of
locating, protecting, adjusting or removing the UAO'S facilities
if necessary to prevent conflict between the UAO's facilities and
the transportation facility;

NOW, THEREFORE, in consideration of the premises and the
mutual covenants contained herein, the FDOT and the UAO hereby
agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all interest the UAO has in the
real property described as follows:

SEE EXHIBIT "A"

**THE PURPOSE OF THIS INSTRUMENT TO CORRECT SUBORDINATION OF COUNTY
UTILITY INTERESTS DATED JANUARY 5, 2006 AND RECORDED IN
INSTRUMENT #2006000024986, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.**

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	12-21-99	Metro Land Group, L.L.C.	Lee County Board of County Commissioners	OR 3207 Pg. 0954

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.

b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs that the UAO would normally not have incurred had this subordination not been executed, the FDOT will bear the excess costs. Such costs shall include, but not necessarily be limited to, damage to the UAO's facilities resulting from failure of FDOT's protective measures where the UAO has not elected to undertake additional protective measures pursuant to subparagraph 3.a. hereof or the adjustment, relocation or removal of the UAO's facilities as the result of FDOT's activities. The specific arrangement for FDOT bearing the excess costs shall be by separate agreement.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Approved as to Form and
Legality:

Signature

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.

My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County 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:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

Grantor(s) Mailing Address:
P.O. Box 398
Ft. Myers, FL 33902

APPROVED AS TO FORM:

Office of the County Attorney
Lee County, Florida

F.P. NO. 4080401

SECTION 12011-000

PARCEL 809

A) That portion of the northwest 1/4 of Section 30, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southeast corner of the northwest 1/4 of said Section 30; thence along the south line of said northwest 1/4, South 88°55'08" West a distance of 1,914.41 feet to the survey base line of State Road 739 (Metro Parkway); thence along said survey base line North 00°38'41" West a distance of 660.79 feet; thence North 88°56'47" East a distance of 62.50 feet for a POINT OF BEGINNING; thence North 00°38'41" West a distance of 371.02 feet; thence North 88°58'29" East a distance of 13.38 feet; thence South 15°13'07" East a distance of 16.38 feet; thence South 00°38'41" East a distance of 9.40 feet; thence South 03°10'10" West a distance of 142.83 feet; thence South 00°38'41" East a distance of 203.27 feet; thence South 88°56'47" West a distance of 8.00 feet to the POINT OF BEGINNING.

Containing 3,852 square feet.

ALSO

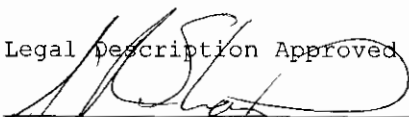
B) That portion of the northwest 1/4 of Section 30, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southeast corner of the northwest 1/4 of said Section 30; thence along the south line of said northwest 1/4, South 88°55'08" West a distance of 1,914.41 feet to the survey base line of State Road 739 (Metro Parkway); thence along said survey base line North 00°38'41" West a distance of 1,321.79 feet; thence North 88°58'12" East a distance of 62.50 feet for a POINT OF BEGINNING; thence continue North 88°58'12" East a distance of 5.00 feet; thence South 00°38'41" East a distance of 37.45 feet to the beginning of a curve concave southerly and having a radius of 20.00 feet; thence along the arc of said curve to the left a distance of 5.18 feet through a central angle of 14°50'35" with a chord bearing South 74°45'06" West to the end of said curve; thence North 00°38'41" West a distance of 38.72 feet for a POINT OF BEGINNING.

Containing 189 square feet.

Legal Description Approved by:


L. R. Sharp P.L.S. #4388

Date: March 09, 2006

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: March 8, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 809.2
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

R E S O L U T I O N

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 739, Section No.
12011-000, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ County be subordinated to the
State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
utility interest, or interests, in favor of the State of Florida,
and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of _____ County, 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 _____ County,
should be drawn and executed by this Board of County
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 Bartow, Florida.

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners Lee County, Florida at a meeting held on the _____ day of _____, 20____.

Clerk: Lisa L. Pierce
Board of County Commissioners
Lee County, Florida

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairperson

APPROVED AS TO FORM:

David Owen, County Attorney
Office of the County Attorney
Lee County, Florida

23-UTL.02-07/99

Date: May 1, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

CORRECTIVE DEED
F.P. NO. 4080401
PARCEL 815.4
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20____, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, Utility Agency
Organization, hereinafter called the UAO.

W I T N E S S E T H:

WHEREAS, the UAO presently has an interest in certain real
property that is needed for a transportation facility; and

WHEREAS, the proposed use of the real property requires
subordination of the UAO's interest to the FDOT; and

WHEREAS, the FDOT is willing to participate in the cost of
locating, protecting, adjusting or removing the UAO'S facilities
if necessary to prevent conflict between the UAO's facilities and
the transportation facility;

NOW, THEREFORE, in consideration of the premises and the
mutual covenants contained herein, the FDOT and the UAO hereby
agree as follows:

1. The UAO hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all interest the UAO has in the
real property described as follows:

SEE EXHIBIT "A"

**THE PURPOSE OF THIS SUBORDINATION OF COUNTY UTILITY INTERESTS IS
TO CORRECT INSTRUMENT DATED JANUARY 5, 2006 AND RECORDED IN
INSTRUMENT #2006000025115, PAGES 7, PUBLIC RECORDS OF LEE COUNTY,
FLORIDA.**

The interest of the UAO being subordinated hereby includes, but is not necessarily limited to, the interest created by the following document:

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	12-21-99	Metro Land Group, L.L.C.	Lee County Board of County Commissioners	OR 3207 Pg. 0954

2. The UAO shall continue to have all rights under the UAO'S real property interest document identified above, except that the use of the real property shall be subject to the control of the FDOT pursuant to paragraph 3 hereof.

3. The FDOT shall have the right to control the UAO's use of the real property interest created by the document identified above in the following manner:

a. The FDOT may require, for any present or future transportation facility project, that any facilities of the UAO be located, protected, adjusted, or removed as the FDOT determines is necessary (including the timing of any of such activities) to accommodate the transportation facility project. The UAO shall have the right to engage in additional protective measures during the transportation facility project beyond what the FDOT determines is necessary, provided that the cost of any such additional protective measures shall be borne by the UAO.

b. The UAO shall operate and maintain the UAO's facilities located on the real property in accordance with FDOT standards as set forth in the FDOT's then current Utility Accommodation Manual.

c. Any placement of new facilities or adjustment, upgrading, removal, or relocation of the UAO's facilities proposed by the UAO shall be subject to the prior approval of the FDOT as provided in and under the conditions of the FDOT's then current Utility Accommodation Manual. Approval will be granted through the issuance of a utility permit.

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs that the UAO would normally not have incurred had this subordination not been executed, the FDOT will bear the excess costs. Such costs shall include, but not necessarily be limited to, damage to the UAO's facilities resulting from failure of FDOT's protective measures where the UAO has not elected to undertake additional protective measures pursuant to subparagraph 3.a. hereof or the adjustment, relocation or removal of the UAO's facilities as the result of FDOT's activities. The specific arrangement for FDOT bearing the excess costs shall be by separate agreement.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Approved as to Form and
Legality:

Signature

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.

My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County 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:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chair

Grantor(s) Mailing Address:
P.O. Box 398
Ft. Myers, FL 33902

APPROVED AS TO FORM:

Office of the County Attorney
Lee County, Florida

F.P. NO. 4080401

SECTION 12011-000

PARCEL 815

That portion of the northwest 1/4 of Section 30, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northeast corner of the northwest 1/4 of said Section 30; thence along the north line of said Section 30, South 89°01'17" West a distance of 1,889.79 feet to the survey base line of State Road 739 (Metro Parkway); thence along said survey base line South 00°38'41" East a distance of 50.00 feet; thence North 89°01'17" East a distance of 62.50 feet for a POINT OF BEGINNING; thence North 89°01'17" East a distance of 7.00 feet; thence South 00°38'41" East a distance of 629.40 feet; thence South 89°21'19" West a distance of 2.00 feet; thence South 00°38'41" East a distance of 642.32 feet; thence South 88°58'12" West a distance of 5.00 feet; thence North 00°38'41" West a distance of 1,271.71 feet to the POINT OF BEGINNING.

Containing 7,617 square feet.

Legal Description Approved by:

William E. Ray
William E. Ray P.L.S.#2737
Date: 05-01-06
NOT VALID UNLESS EMBOSSED

UTL.03

Date: May 1, 2006
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4080401
PARCEL 815.4
SECTION 12011-000
STATE ROAD 739
COUNTY Lee

R E S O L U T I O N

ON MOTION of Commissioner _____,
seconded by Commissioner _____,
the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation
proposes to construct or improve State Road No. 739, Section No.
12011-000, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ County be subordinated to the
State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the
County: and

WHEREAS, the State of Florida Department of Transportation
has made application to said County to execute and deliver to the
State of Florida Department of Transportation a subordination of
utility interest, or interests, in favor of the State of Florida,
and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County
Commissioners of _____ County, 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 _____ County,
should be drawn and executed by this Board of County
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 Bartow, Florida.

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners Lee County, Florida at a meeting held on the _____ day of _____, 20____.

Clerk: Lisa L. Pierce
Board of County Commissioners
Lee County, Florida

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairperson

APPROVED AS TO FORM:

David Owen, County Attorney
Office of the County Attorney
Lee County, Florida