

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

**Blue Sheet No. 20061570**

**1. ACTION REQUESTED/PURPOSE:** Approve and execute the "Third Modification to License Agreement" between Florida Power and Light Company and Lee County Board of County Commissioners for an office building at Manatee Park.

**2. WHAT ACTION ACCOMPLISHES:** Per original License Agreement any changes or modifications to the park property must be requested and approved in writing. Authorization is required from FPL when new facilities are constructed. Additions of a modular office building, septic tank, and landscape buffer have been completed.

**3. MANAGEMENT RECOMMENDATION:** Approve so that the third modification reflects additional facilities.

**4. Departmental Category:** 11

**CIAA**

**5. Meeting Date:** 12/12/06

**6. Agenda:**

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

**7. Requirement/Purpose: (specify)**

- Statute
- Ordinance
- Admin. Code
- Other

**8. Request Initiated:**

**Commissioner** \_\_\_\_\_  
**Department** Parks & Recreation

**Division** \_\_\_\_\_

**By:** John Yarbrough

*John Yarbrough*

**9. Background:**

At the January 24, 1990, Lee County Board of County Commissioners meeting, the Board approved and executed a License Agreement with Florida Power and Light. This enabled Lee County to develop and use a portion of the discharge canal site south of State Route 80 and east of the canal for outdoor recreational and park purposes. This park became known as Manatee Park that promotes Manatee awareness and education. Any modifications to the License Agreement must be formally approved and executed. The Board approved two prior modifications on August 22, 2000 and March 11, 2002. This third modification is necessary for the addition of a modular office building, septic tank, and landscape buffer that has been completed at Manatee Park.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>CCM</i> <i>11/26/06</i>				<i>11/26/06</i> <i>Bases</i> <i>11/28/06</i>	Analyst <i>GA</i> <i>11/28/06</i>	Risk <i>WJG</i>	Grants <i>WJG</i>	Mgr. <i>11/29/06</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

**REC'D**  
 by CO. ATTY:  
*2:50pm*  
**11/28/06**  
 CO. ATTY.  
 FORWARDED TO:  
 CAB *11:30am*  
**11/28/06**

RECEIVED BY  
 COUNTY ADMIN:  
*11-28-06 2:10*  
*MP*  
 COUNTY ADMIN  
 FORWARDED TO:  
*MP 11/29/06*  
*3:30 to PR*

**THIRD MODIFICATION TO Manatee Park LICENSE AGREEMENT**

THIS THIRD MODIFICATION TO LICENSE AGREEMENT is entered into this 31<sup>st</sup> day of August, 2006 between Florida Power & Light Company, a Florida corporation (“**Licensor**”) and the Lee County Board of County Commissioners, a political subdivision and charter county of the State of Florida (“**Licensee**”).

RECITALS

WHEREAS, Licensor and Licensee entered into a License Agreement dated January 24, 1990 (“**License**”) which granted to Licensee the right to use certain lands of the Licensor commonly known as the Ft. Myers plant discharge canal area for a park area for observation of manatees and other plant and animal life; and

WHEREAS, such License was set to expire on January 23, 2000, but the parties entered into that certain Modification to License Agreement dated August 22, 2000 which extended the License for a ten (10) year period beginning January 24, 2000 and expiring on January 23, 2010, with another ten (10) year option; and

WHEREAS, the parties entered into that certain Second Modification to License Agreement dated March 11, 2002, which granted to Licensee the right to construct a picnic shelter; and

WHEREAS, the parties desire to modify the License to allow for the addition of a modular office building and septic tank system; and

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree to modify the License as follows:

1. **Park Design & Facilities.** Section 5 of the License shall be modified to allow for the addition of a modular office building and septic tank system to the demised premises as shown on the attached **Exhibit “A”** incorporated herein by reference.

2. **Additional Improvements & Alterations.** Section 6 of the License shall be modified as Licensee shall add a landscape buffer to screen the modular office building visually from State Road 80. Said landscape plans are to be submitted to Licensor for approval prior to installation. Approved plans shall become **Exhibit “A-1”**.

3. **Notices.** Section 18 of the License shall be modified as any notices to Licensor shall be sent to:

Florida Power & Light Company  
Attn: Corporate Real Estate  
700 Universe Blvd.  
Juno Beach, FL 33408


4. **Remaining Terms & Conditions.** All other terms and conditions of the License shall remain in full force and effect.


IN WITNESS WHEREOF, the parties hereto have caused this Third Modification to License Agreement to be executed by their duly authorized officers and their official seals hereto affixed, on the date set forth above.

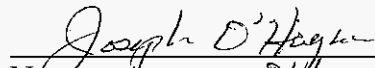
Witnesses for Licensor:

**Licensor:**

Florida Power & Light Company,  
A Florida corporation

  
Name: Jeff Long

By:   
Name: Scott A. Busa  
Title: ASSET Manager, Corporate Real Estate

  
Name: JOSEPH D'HAGAN

Attest:  
Charlie Green, Clerk

**Licensee:**  
Board of County Commissioners of Lee County,  
Florida

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairwoman/Vice-Chairman

Approved as to form by:

By: \_\_\_\_\_  
Lee County Attorney's Office

# STATE ROAD 80

PALM BEACH BOULEVARD  
STATE ROAD 80  
(EASTBOUND LANES)

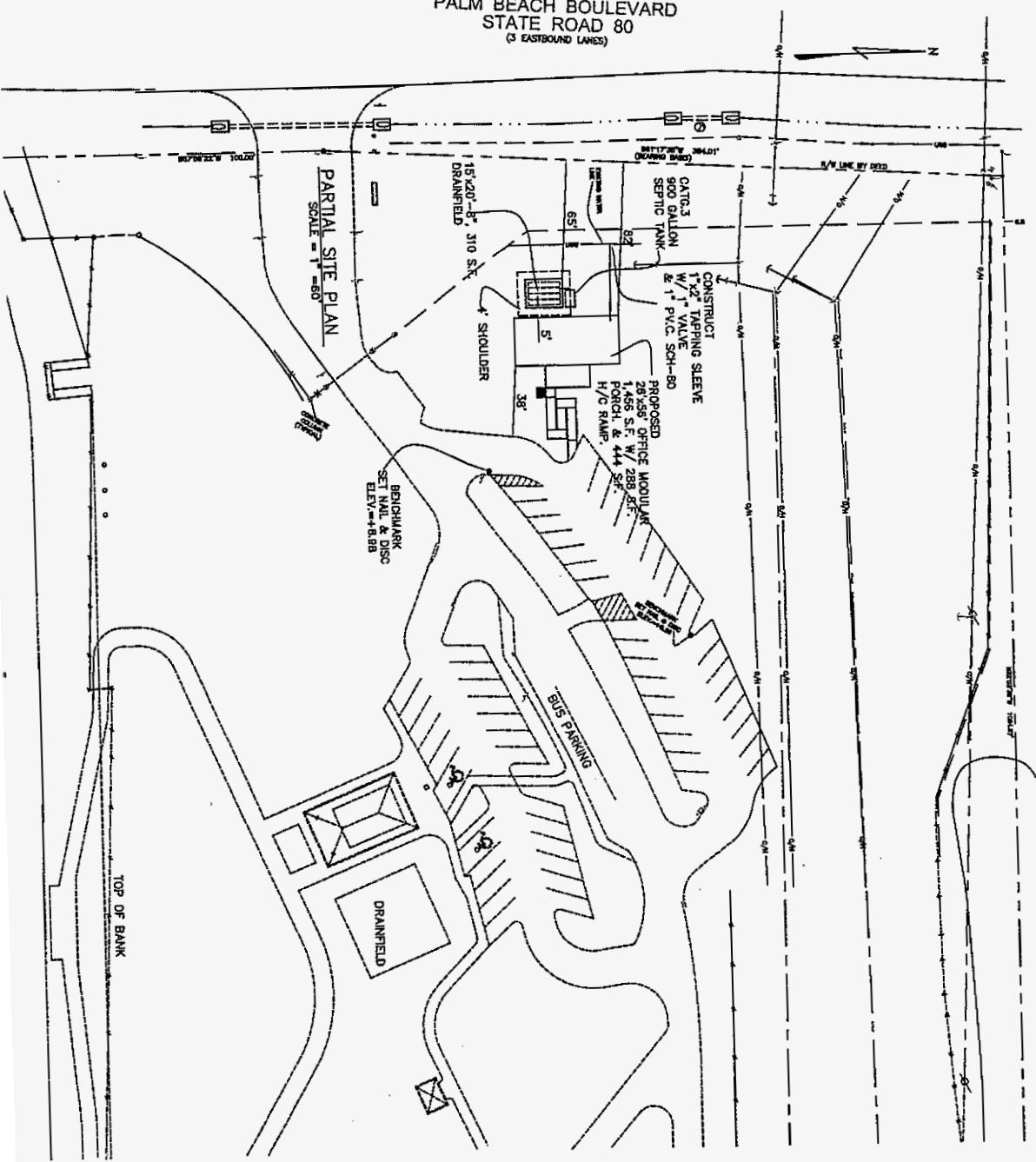
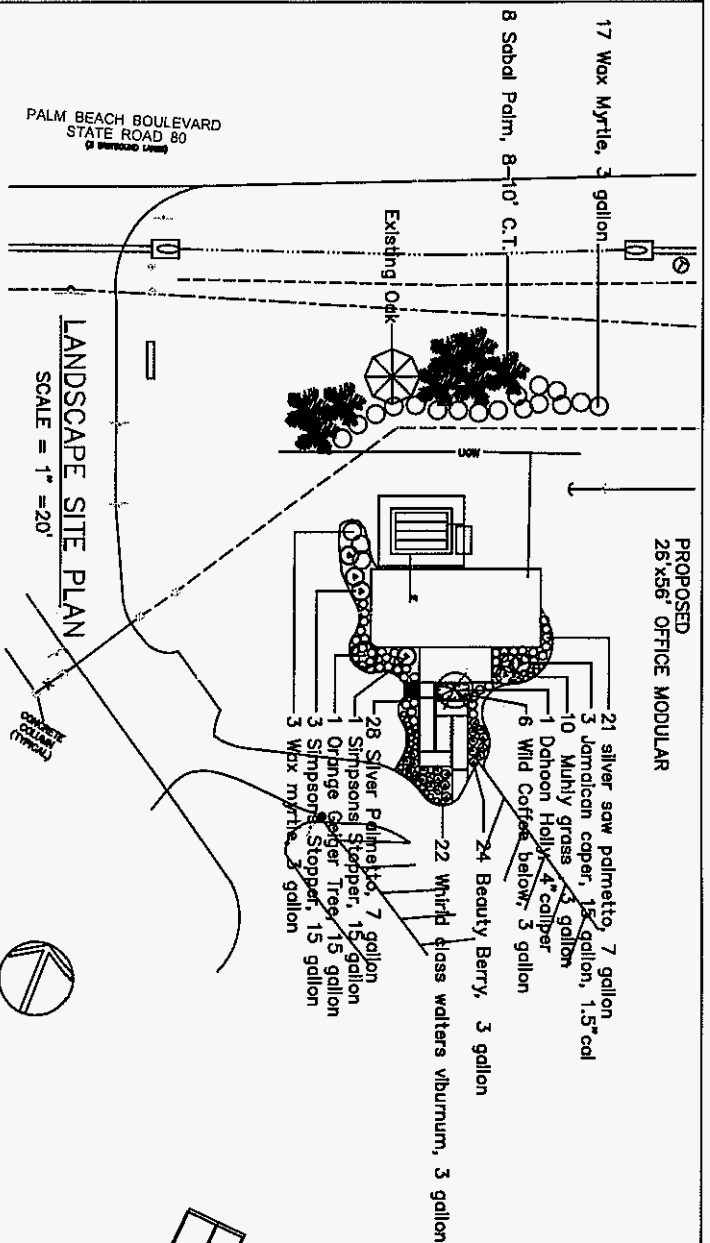
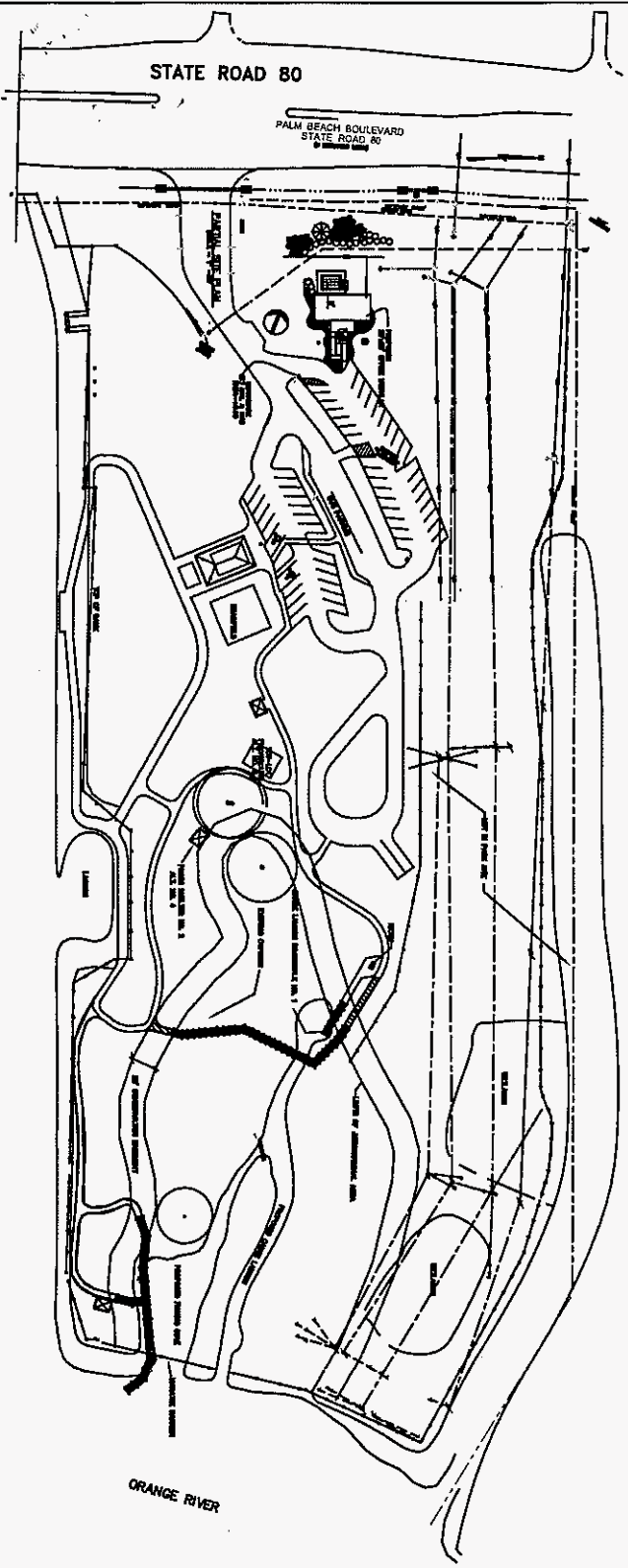
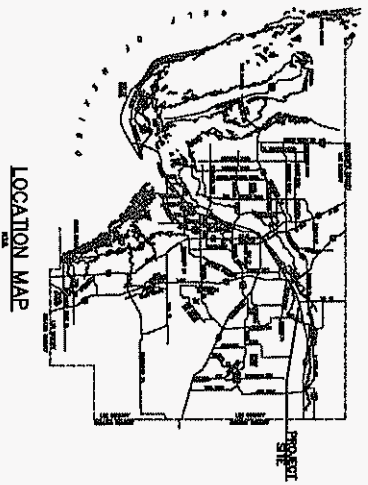


EXHIBIT "A"



- PROPOSED  
26'x56' OFFICE MODULAR
- 21 silver saw palmetto, 7 gallon
  - 3 Jamaican coper, 1 1/2 gallon, 1.5" cal
  - 10 Mulch grass, 3 gallon
  - 1 Dahoon Holly, 4" caliper
  - 6 Wild Coffee, below, 3 gallon
  - 24 Beauty Berry, 3 gallon
  - 22 White daisy walters viburnum, 3 gallon
  - 28 Silver Palmetto, 7 gallon
  - 1 Simpson's Stopper, 15 gallon
  - 1 Orange Gager Tree, 15 gallon
  - 3 Simpson's Stopper, 15 gallon
  - 3 Wax myrtle, 3 gallon



# EXHIBIT A-7

THIS IS TO CERTIFY THAT THESE PLANS AND THE ASSOCIATED CONSTRUCTION SPECIFICATIONS ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION AND HIGHWAYS (FDOT) AND THE FLORIDA DEPARTMENT OF REVENUE (FDOR) AND HAVE BEEN APPROVED BY THE DIVISION OF PUBLIC WORKS.

FLORIDA REGISTRATION NO. 45332

DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 DESIGNER OF PUBLIC WORKS

	<b>LEE COUNTY PUBLIC WORKS</b> DEPARTMENT OF CONSTRUCTION & DESIGN P.O. BOX 306, FORT MYERS, FLORIDA 33902-0306 (813) 479-8805		<b>OFFICE BUILDING @ MANATEE PARK</b> 10901 STATE ROAD 80 FORT MYERS, FLORIDA 33905		DATE: _____ REVISIONS: _____ BY: _____
	DRAWN BY: A. RODRIGUEZ	DESIGN BY: AYDUB R. AL-BANOU	APPROVED BY: AYDUB R. AL-BANOU	PROJECT NO.: A632702	SCALE: 1" = 80'