

[DATE CRITICAL]

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
 AGENDA ITEM SUMMARY BLUE SHEET NO: 20021245-UTL

1. REQUESTED MOTION:

ACTION REQUESTED:

Approval of Subordination of Utility Interests and Resolution documents requested by Fl. Dept. of Transportation (FDOT).

WHY ACTION IS NECESSARY:

FDOT proposes acquiring additional Right-of-Way (ROW) for specified state roadway improvement projects. The proposed additional ROW includes certain existing Lee County Utilities (LCU) recorded utility easements.

WHAT ACTION ACCOMPLISHES:

Subordinates LCU's interests to FDOT at the specified properties. LCU will continue to have utility rights at these properties, except now subject to the control of FDOT.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
 COMMISSION DISTRICT #: 3, 4, 5

C10D

3. MEETING DATE:

11-19-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE _____
 - ORDINANCE _____
 - ADMIN. CODE _____
 - OTHER Res. _____

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, Utilities Director

DATE: _____

7. BACKGROUND:

The FDOT intends to complete roadway and drainage improvements along the following existing state roadways:

1. US Bus. 41 (SR 739) from Mariana Ave. to Littleton Rd. (FP ID. 195754-1)
2. SR 78 (Bayshore Rd.) from Slater/Coon Rds. to just east of I-75 (FP ID. 195705-1)
3. SR 739 (Metro Pkwy.) Extend from Six Mile Cypress Pkwy. to US 41, South of Alico Rd. (FP ID. 195719-1)

(CONT'D.)

MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: 10-29-02	N/A Date:	N/A Date:		<i>D. Owen</i> Date: 10/31/02	<i>CPM</i> 10/31/02	<i>CPM</i> 10/31	<i>CPM</i> 10/31/02	<i>CPM</i> 10/31/02	<i>J. Lavender</i> Date: 10-28-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: 10/29/02
 Time: 3:20 PM
 Forwarded To: Bucag
 10/29/02 9:51 AM

RECEIVED BY
 COUNTY ADMIN.
 10/31/02
 10:45 AM
 10/31 5:00

As part of the improvements, FDOT is acquiring additional ROW along these project corridors. Within the additional ROW properties, LCU has certain existing recorded utility easements containing existing water and sewer line facilities. FDOT is requesting subordination of LCU utility interests at these specified properties, which contain existing LCU water/sewer utility easements.

The Subordination Agreements state 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 Agreements state that in the event FDOT exercises its rights in a manner creating costs that LCU would not have otherwise incurred without the Agreements, then FDOT will bear those costs.

The existing utility easements requested to be subordinated are summarized as follows:

For US Bus. 41 (SR 739) project from Mariana Ave. to Littleton Rd. –
OR 3130, Pg. 0882 - FDOT Parcels No. 102.2 and 103.2

For SR 78 (Bayshore Rd.) project from Slater/Coon Rds. to just east of I-75
OR 2220, Pg. 0750 – FDOT Parcel No. 110.6
OR 1997, Pg. 1773 – FDOT Parcel No. 127.3
OR 2982, Pg. 1831 – FDOT Parcel No. 127.3
A portion of OR 3369, Pg. 1857 – FDOT Parcel No. 707.3

For SR 739 (Metro Pkwy.) project extending from Six Mile Cypress Pkwy. to US 41, South of Alico Rd. –
OR 3216, Pg. 4206 – FDOT Parcel No. 102.4
OR 2668, Pg. 0428 – FDOT Parcel No. 104.4
OR 1945, Pg. 1826 – FDOT Parcel No. 107.3
OR 2024, Pg. 0831 – FDOT Parcel No. 107.3
OR 3138, Pg. 0874 – FDOT Parcel No. 149.5

Four (4) original document sets are attached for the Chairman's signature. Minutes Dept. to retain one set and remaining sets are to be returned to LCU. Each set includes the following:

1. Resolution and Subordination of Utility Interests Agreement – Parcel 102.2
2. Resolution and Subordination of Utility Interests Agreement – Parcel 103.2
3. Resolution and Subordination of Utility Interests Agreement – Parcel 110.6
4. Resolution and Subordination of Utility Interests Agreement – Parcel 127.3
5. Resolution and Subordination Agreement – Parcel 707.3
6. Resolution and Subordination of Utility Interests Agreement – Parcel 102.4
7. Resolution and Subordination of Utility Interests Agreement – Parcel 104.4
8. Resolution and Subordination of Utility Interests Agreement – Parcel 107.3
9. Resolution and Subordination of Utility Interests Agreement – Parcel 149.5

COPY

UTL.03

Date: September 27, 2002
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. 1957541
PARCEL 102.2
SECTION 12001-2501
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.
12001-2501, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ Lee _____ 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 _____ Lee _____ 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 _____ Lee _____ County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$1.00.

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 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 _____, 2002.

Name:

Clerk
Board of County Commissioners
Lee County,
Florida

23-UTL.02-07/99

Date: September 27, 2002
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. 1957541
PARCEL 102.2
SECTION 12001-2501
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, 2002, 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, 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	06-10-99	Zerpelli, Inc.	Lee County, Florida	OR 3130 Page 0882

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 those 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: _____
Signature

Print/Type Name
Clerk(or Deputy Clerk)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name
Its Chairperson
(or Vice-Chairperson)

Grantor(s) ' Mailing Address:
Lee County

P. O. Box 398

Ft. Myers, FL 33902

F.P. NO. 1957541

SECTION 12001-2501

PARCEL 102

A tract or parcel of land lying in the west half (W $\frac{1}{2}$) of Section 35, Township 43 South, Range 24 East, Lee County, Florida, being described as follows:

"From the southeast corner of the West Half (W $\frac{1}{2}$) of said Section 35, run N 89°36'50" W along the south line of said Section 35 for 112.34 feet to an intersection with the southeasterly prolongation of the southwestern right of way line (100 feet from centerline of State Road No. 45 (Old U.S. 41)); thence run N 22°29'10" W along said prolongation and said right of way line for 2730.55 feet to the point of beginning of the tract herein described; thence run S 67°30'50" W for 300.00 feet; thence run N 22°29'10" W for 200 feet; thence run N 67°30'50" E for 300.00 feet to the southwesterly right of way line of State Road No. 45; thence run S 22°29'10" E along said right of way line for 200.00 feet to the point of beginning."

And

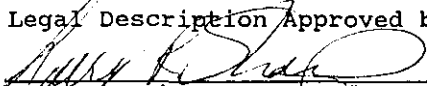
"From the southeast corner of the west half (W $\frac{1}{2}$) of said Section 35, run N 89°36'50" W along the south line of said Section 35 for 112.34 feet to an intersection with the southeasterly prolongation of the southwestern right of way line (100 feet from centerline) of State Road No. 45 (Old U.S. 41); thence run N 22°29'10" W along said prolongation and said right of way line for 2530.55 feet to the point of beginning of the tract herein described; thence run S 67°30'50" W for 300.00 feet; thence run N 22°29'10" W for 200.00 feet; thence run N 67°30'50" E for 300.00 feet to the southwesterly right of way line of State Road No. 45; thence run S 22°29'10" E along said right of way line for 200.00 feet to the point of beginning."

Being more particularly described as follows:

Commence at the southeast corner of the northwest $\frac{1}{4}$ of said Section 35; thence along the south line of said northwest $\frac{1}{4}$, North 89°07'33" West a distance of 1,197.89 feet to the westerly existing right of way line of State Road 739 (U.S. Business 41) North Tamiami Trail (per 1201-Proj 589) for a POINT OF BEGINNING; thence along said westerly existing right of way line South 22°28'01" East a distance of 337.02 feet; thence South 67°31'59" West a distance of 300.00 feet; thence North 22°28'01" West a distance of 400.00 feet; thence North 67°31'59" East a distance of 300.00 feet to said westerly existing right of way line of said State Road 739; thence along said westerly existing right of way line South 22°28'01" East a distance of 62.98 feet to the POINT OF BEGINNING.

Containing 2.755 acres.

Legal Description Approved by:


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

Date: 09-30-02

NOT VALID UNLESS EMBOSSED

COPY

UTL.03

Date: September 27, 2002
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. 1957541
PARCEL 103.2
SECTION 12001-2501
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.
12001-2501, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ Lee 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 _____ Lee 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 _____ Lee County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$ 1.00.

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 LEE

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 _____, 2002.

Name:

Clerk
Board of County Commissioners
Lee County,
Florida

23-UTL.02-07/99

Date: September 27, 2002
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. 1957541
PARCEL 103.2
SECTION 12001-2501
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, 2002, 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, 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	06-10-99	Zerpelli, Inc.	Lee County, Florida	OR 3130 Page 0882

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 those 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: _____
Signature

Print/Type Name
Clerk(or Deputy Clerk)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

Lee County

P. O. Box 398

Ft. Myers, FL 33902

F.P. No. 1957541

SECTION 12001-2501

PARCEL 103

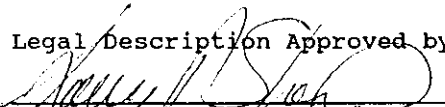
That portion of the west half of Section 35, Township 43 South, Range 24 East, Lee County, Florida.

Being described as follows:

Commence at the southeast corner of the northwest $\frac{1}{4}$ of said Section 35; thence along the south line of said northwest $\frac{1}{4}$, North $89^{\circ}07'33''$ West a distance of 1,088.98 feet to the survey base line of State Road 739 (U.S. Business 41) North Tamiami Trail; thence along said survey base line North $22^{\circ}28'01''$ West a distance of 106.14 feet; thence South $67^{\circ}31'59''$ West a distance of 100.00 feet to the westerly existing right of way line of said State Road 739 (per 1201-Proj 589) for a POINT OF BEGINNING; thence continue South $67^{\circ}31'59''$ West a distance of 300.00 feet; thence North $22^{\circ}28'01''$ West a distance of 53.11 feet; thence North $67^{\circ}31'59''$ East a distance of 300.00 feet to said westerly existing right of way line of State Road 739; thence along said westerly existing right of way line South $22^{\circ}28'01''$ East a distance of 53.11 feet to the POINT OF BEGINNING.

Containing 15,933 square feet.

Legal Description Approved by:


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

Date: 09-30-07
NOT VALID UNLESS EMBOSSED

COPY

UTL.03

Date: September 18, 2002
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. 1957051
PARCEL 110.6
SECTION 12060-2535
STATE ROAD 78
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. 78, Section No.
12060-2535, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ Lee _____ 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 _____ Lee _____ 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 _____ Lee _____ County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$ 1.00 .

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 LEE

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 _____, 2002.

Name:

Clerk
Board of County Commissioners
Lee County,
Florida

23-UTL.02-07/99

Date: September 18, 2002
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. 1957051
PARCEL 110.6
SECTION 12060-2535
STATE ROAD 78
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, 20_02_, 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 COMMISSIONER, 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	03-27-91	Faith Assembly of God of N. Ft. Myers, Inc.	Lee County Board of County Commissioner	OR 2220 Pg. 0750

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 those 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: _____
Signature

Print/Type Name
Clerk(or Deputy Clerk)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

Lee County

P. O. Box 398

Ft. Myers, FL 33902

F.P. NO. 1957051

SECTION 12060-2535

PARCEL 110

A) That portion of the northeast $\frac{1}{4}$ of Section 30, Township 43 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of said northeast $\frac{1}{4}$ of Section 30; thence along the south line of said northeast $\frac{1}{4}$, North 88°00'42" East a distance of 1,874.95 feet to the survey base line of State Road 78 (Bayshore Road); thence along said survey base line North 47°40'13" East a distance of 388.67 feet; thence South 00°39'41" East a distance of 66.93 feet to the southeasterly existing right of way line of said State Road 78 (per Section 1252-251) for a POINT OF BEGINNING; thence along said southeasterly existing right of way line North 47°40'13" East a distance of 550.28 feet to the beginning of a curve concave northwesterly and having a radius of 5,779.58 feet; thence continue along said southeasterly existing right of way line the arc of said curve to the left a distance of 100.18 feet through a central angle of 00°59'35" with a chord bearing North 47°10'25" East to the west right of way line of Williams Road and to the end of said curve; thence along said west right of way line South 00°14'35" East a distance of 88.56 feet to the beginning of a curve concave northwesterly and having a radius of 5,844.58 feet; thence along the arc of said curve to the right a distance of 40.82 feet through a central angle of 00°24'01" with a chord bearing South 47°28'12" West to the end of said curve; thence South 47°40'13" West a distance of 200.00 feet; thence North 42°19'47" West a distance of 10.00 feet; thence South 47°40'13" West a distance of 399.23 feet; thence North 00°39'41" West a distance of 73.63 feet to the POINT OF BEGINNING.

Containing 38,190 square feet.

ALSO

B) That portion of the northeast $\frac{1}{4}$ of Section 30, Township 43 South, Range 23 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of said northeast $\frac{1}{4}$ of Section 30; thence along the south line of said northeast $\frac{1}{4}$, North 88°00'42" East a distance of 1,874.95 feet to the survey base line of State Road 78 (Bayshore Road); thence along said survey base line North 47°40'13" East a distance of 388.67 feet; thence South 00°39'41" East a distance of 195.86 feet for a POINT OF BEGINNING; thence South 59°37'08" East a distance of 69.72 feet; thence South 80°56'49" East a distance of 56.67 feet; thence South 88°47'31" East a distance of 136.36 feet to the south line of said northeast $\frac{1}{4}$; thence along said south line South 88°00'42" West a distance of 251.95 feet; thence North 00°39'41" West a distance of 55.80 feet to the POINT OF BEGINNING.

Containing 3,464 square feet.

EXHIBIT "A"

Page 5

ALSO

C) That portion of the northwest $\frac{1}{4}$ of Section 29, Township 43 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northwest corner of said Section 29; thence along the north line of said Section 29, North $89^{\circ}34'56''$ East a distance of 1,798.56 feet to the survey base line of State Road 78 (Bayshore Road); thence along said survey base line South $42^{\circ}39'29''$ West a distance of 34.21 feet; thence South $89^{\circ}34'56''$ West a distance of 68.45 feet to an intersection with northwesterly existing right of way line of said State Road 78 (per Section 1252-251) and the south right of way line of Samville Road for a POINT OF BEGINNING; thence along said northwesterly existing right of way line South $42^{\circ}39'29''$ West a distance of 45.00 feet; thence North $23^{\circ}52'48''$ West a distance of 35.83 feet to said south right of way line of Samville Road; thence along said south right of way line North $89^{\circ}34'56''$ East a distance of 45.00 feet to the POINT OF BEGINNING.

Containing 739 square feet.

ALSO

D) That portion of the northwest $\frac{1}{4}$ of Section 29, Township 43 South, Range 25 East, Lee County, Florida.

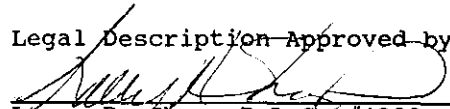
Being described as follows:

Commence at the southwest corner of said northwest $\frac{1}{4}$ of Section 29; thence along the west line of said northwest $\frac{1}{4}$, North $00^{\circ}14'35''$ West a distance of 703.22 feet to the survey base line of State Road 78 (Bayshore Road) and the beginning of a curve concave northwesterly and having a radius of 5,729.58 feet; thence along said survey base line the arc of said curve to the left a distance of 13.64 feet through a central angle of $00^{\circ}08'11''$ with a chord bearing South $45^{\circ}51'38''$ West to the end of said curve; thence South $44^{\circ}04'16''$ East a distance of 61.35 feet to the beginning of a curve concave southeasterly and having a radius of 30.00 feet for a POINT OF BEGINNING; thence along the arc of said curve to the right a distance of 23.98 feet through a central angle of $45^{\circ}47'22''$ with a chord bearing North $22^{\circ}46'56''$ East to the end of said curve and to the beginning of a curve concave northwesterly and having a radius of 5,779.58 feet; thence along the arc of said curve to the left a distance of 19.52 feet through a central angle of $00^{\circ}11'37''$ with a chord bearing North $45^{\circ}34'50''$ East to the end of said curve and to the beginning of a curve concave southerly and having a radius of 50.00 feet; thence along the arc of said curve to the right a distance of 77.77 feet through a central angle of $89^{\circ}06'56''$ with a chord bearing North $89^{\circ}54'53''$ East to the southwesterly right of way line of Sean Lane (per Plat Book 30, Page 67, Public Records of Lee County, Florida) and to the end of said curve; thence along said southwesterly right of way line South $45^{\circ}31'39''$ East a distance of 8.79 feet to the beginning of a curve concave northeasterly and having a radius of 333.00 feet; thence continue along said southwesterly right of way line the arc of said curve to the left a distance of 4.72 feet through a central angle of

00°48'41" with a chord bearing South 45°56'00" East to the end of said curve and to the beginning of a curve concave northwesterly and having a radius of 5,844.57 feet; thence along the arc of said curve to the right a distance of 143.55 feet through a central angle of 01°24'26" with a chord bearing South 45°43'55" West to the east right of way line of Williams Road and to the end of said curve; thence along said east right of way line North 00°00'30" West a distance of 74.34 feet to the POINT OF BEGINNING.

Containing 6,526 square feet.

Legal Description Approved by:


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

Date: 05-18-02

NOT VALID UNLESS EMBOSSED

(COPY)

UTL.03

Date: September 18, 2002
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. 1957051
PARCEL 127.3
SECTION 12060-2535
STATE ROAD 78
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. 78, Section No.
12060-2535, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____
Lee 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 _____
Lee 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 _____
Lee County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$1.00.

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 LEE

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 _____, 2002.

Name:

Clerk
Board of County Commissioners
Lee County,
Florida

23-UTL.02-07/99

Date: September 18, 2002
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. 1957051
PARCEL 127.3
SECTION 12060-2535
STATE ROAD 78
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, 2002, 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	11-12-87	Donald B. Reinke, Trustee J&P/P&J Trusts	Lee County Board of County Commissioner	OR 1997 Pg. 1773
Easement	06-02-98	Raymond Building Supply	" " "	OR 2982 Pg. 1831

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 those 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: _____
Signature

Print/Type Name
Clerk(or Deputy Clerk)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

Lee County

P. O. Box 398

Ft. Myers, FL 33902

FP NO. 1957051

SECTION 12060-2535

PARCEL 127

That portion of the southeast $\frac{1}{4}$ of Section 20, Township 43 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northeast corner of the southeast $\frac{1}{4}$ of said Section 20; thence along the east line of said Section, South $00^{\circ}02'16''$ East a distance of 1,282.82 feet to the north existing right of way line of State Road 78 [Bayshore Road (per Section 1252-251)] for a POINT OF BEGINNING; thence along said north existing right of way line, North $89^{\circ}43'08''$ West a distance of 940.49 feet; thence North $00^{\circ}16'51''$ East a distance of 10.00 feet; thence South $89^{\circ}43'08''$ East a distance of 394.06 feet; thence North $00^{\circ}16'52''$ East a distance of 5.00 feet; thence South $89^{\circ}43'08''$ East a distance of 450.00 feet; thence South $00^{\circ}16'52''$ West a distance of 5.00 feet; thence South $89^{\circ}43'08''$ East a distance of 96.38 feet to said east line of Section 20; thence along said east line, South $00^{\circ}02'16''$ East a distance of 10.00 feet to the POINT OF BEGINNING.

Containing 11,655 square feet.

Legal Description Approved by:



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

Date: 09-18-02

NOT VALID UNLESS EMBOSSED

COPY

SUB.04-10/94

Date: October 1, 2002
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. 1957051
PARCEL 707.3
SECTION 12060-2535
STATE ROAD 78
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. 78, Section No.
12060-2535, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ Lee _____ 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 _____ Lee _____ 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 _____ Lee _____ County, should be
drawn and executed by this Board of County Commissioners.
Consideration shall be \$ 1.00.

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 LEE

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 _____, 2002.

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

36-SUB.03-10/94

Date: October 1, 2002
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. 1957051
PARCEL 707.3
SECTION 12060-2535
STATE ROAD 78
COUNTY Lee

SUBORDINATION AGREEMENT

THIS AGREEMENT, Made this _____ day of _____, 2002, by and between LEE COUNTY, a political subdivision of the State of Florida, hereinafter called the "party of the first part", and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, whose post office address is: Post Office Box 1249, Bartow, Florida 33831-1249, hereinafter called the "Department".

WITNESSETH:

WHEREAS, the party of the first part is the holder of an easement and,

WHEREAS, a portion of the land encumbered by said easement is required by the Department for public transportation purposes;

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, paid, the receipt and sufficiency of which is hereby acknowledged, the party of the first part hereby agrees, covenants, and consents with the Department that the aforesaid easement is and shall continue to be subject and subordinate to the property rights of the Department insofar as said easement affects the following described property, viz:

SEE EXHIBIT "A"

This subordination agreement shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

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

ATTEST: _____

(type/print name)
Clerk (or Deputy Clerk)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

By: _____

(type/print name)
Its Chairperson (or Vice-
Chairperson)
Address:

P. O. Box 398
Ft. Myers, FL 33902

F.P. NO. 1957051

SECTION 12060-2535

PARCEL 707

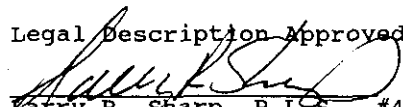
That portion of the southeast $\frac{1}{4}$ of Section 21, Township 43 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of said southeast $\frac{1}{4}$ of Section 21; thence along the west line of said southeast $\frac{1}{4}$, North $00^{\circ}03'49''$ East a distance of 1,337.03 feet to the survey base line of State Road 78 (Bayshore Road); thence along said survey base line South $89^{\circ}43'08''$ East a distance of 528.61 feet; thence South $20^{\circ}33'36''$ East a distance of 160.50 feet to the south existing right of way line of said State Road 78 (per Section 12075-2406) for a POINT OF BEGINNING; thence along said south existing right of way line South $89^{\circ}43'08''$ East a distance of 42.80 feet; thence South $20^{\circ}33'36''$ East a distance of 3.68 feet; thence South $69^{\circ}26'24''$ West a distance of 40.00 feet; thence North $20^{\circ}33'36''$ West a distance of 18.91 feet to the POINT OF BEGINNING.

Containing 452 square feet.

Legal Description Approved by:


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

Date: 10-02-02
NOT VALID UNLESS EMBOSSED

(COPY)

UTL.03

Date: October 1, 2002
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. 1957191
PARCEL 102.4
SECTION 12014-2504
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. 78, Section No.
12014-2504, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by Lee 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 Lee 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 Lee County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$1.00.

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 of _____ County, Florida at a meeting held on the _____ day of _____, 20 02.

Name:

Clerk
Board of County Commissioners

Florida County,

23-UTL.02-07/99

Date: October 1, 2002
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. 1957191
PARCEL 102.4
SECTION 12014-2504
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, 20 02, 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	01-18-00	Three A, LLC, a Florida Limited Liability Company	Lee County Board of County Commissioners	OR 03216 Pg. 4206

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 those 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

Print/Type Name

Signature

Print/Type Name

By: _____
District Secretary/Designee
for District One

Approved as to Form and
Legality:

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)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

Lee County

P. O. Box 398

Ft. Myers, FL 33902

F.P. No. 1957191

SECTION 12014-2504

PARCEL 102

That portion of the northeast $\frac{1}{4}$ of Section 7, Township 46 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northwest corner of the northeast $\frac{1}{4}$ of said Section 7; thence along the west line of said northeast $\frac{1}{4}$, South $00^{\circ}23'30''$ East distance of 45.58 feet to the survey base line of State Road 45 (U.S. 41); thence along said survey base line South $45^{\circ}02'00''$ East a distance of 797.43 feet; thence North $44^{\circ}58'00''$ East a distance of 132.00 feet to the northeasterly existing right of way line of said State Road 45 (per Section 1201-201) for a POINT OF BEGINNING; thence continue North $44^{\circ}58'00''$ East a distance of 161.97 feet; thence South $15^{\circ}02'35''$ East a distance of 17.32 feet; thence South $38^{\circ}17'09''$ East a distance of 83.58 feet; thence South $25^{\circ}51'42''$ East a distance of 55.20 feet; thence South $49^{\circ}42'44''$ East a distance of 27.40 feet; thence South $35^{\circ}56'55''$ East a distance of 15.05 feet; thence South $08^{\circ}15'05''$ West a distance of 68.60 feet; thence South $46^{\circ}11'42''$ East a distance of 55.08 feet; thence South $44^{\circ}51'39''$ West a distance of 8.26 feet; thence South $54^{\circ}20'28''$ West a distance of 73.23 feet to said northeasterly existing right of way line and the beginning of a curve concave southwesterly and having a radius of 1,564.39 feet; thence along said northeasterly existing right of way line the arc of said curve to the left a distance of 169.46 feet through a central angle of $06^{\circ}12'24''$ with a chord bearing North $41^{\circ}55'48''$ West to the end of said curve; thence continue along said northeasterly existing right of way line North $45^{\circ}02'00''$ West a distance of 107.35 feet to the POINT OF BEGINNING.

Containing 35,124 square feet.

Legal Description Approved by:


Larry R. Sharp P.L.S. #4988

Date: 10-06-07
NOT VALID UNLESS EMBOSSED

COPY

UTL.03

Date: October 1, 2002
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. 1957191
PARCEL 104.4
SECTION 12014-2504
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.
12014-2504, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ Lee _____ 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 _____ Lee _____ 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 _____ Lee _____ County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$ 1.00.

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 LEE

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 _____, 2002.

Name:

Clerk
Board of County Commissioners
Lee County,
Florida

23-UTL.02-07/99

Date: October 1, 2002
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. 1957191
PARCEL 104.4
SECTION 12014-2504
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, 2002, 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 FORMERLY KNOWN AS FLORIDA CITIES WATER COMPANY, 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	12-13-95	Richard G. Couch, Trustee	Florida Cities Water Company	OR 2665 Pg. 0001 rerecorded OR 2668 Pg 0428

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 those 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: _____
Signature

Print/Type Name
Clerk(or Deputy Clerk)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

Lee County _____

P. O. Box 398 _____

Ft. Myers, FL 33902 _____

F.P. No. 1957191

SECTION 12014-2504

PARCEL 104


That portion of the northeast $\frac{1}{4}$ of Section 7, Township 46 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northwest corner of the northeast $\frac{1}{4}$ of said Section 7; thence along the west line of said northeast $\frac{1}{4}$, South $00^{\circ}23'30''$ East distance of 45.58 feet to the survey base line of State Road 45 (U.S. 41); thence along said survey base line South $45^{\circ}02'00''$ East a distance of 797.43 feet; thence North $44^{\circ}58'02''$ East a distance of 132.00 feet to the northeasterly existing right of way line of said State Road 45 (per Section 1201-201) for a POINT OF BEGINNING; thence along said northeasterly existing right of way line North $45^{\circ}02'00''$ West a distance of 55.67 feet to the northeasterly existing right of way line of said State Road 45 (per Section 12010-2503 and Official Records Book 303, Page 96, Public Records of Lee County, Florida); thence along said northeasterly right of way line the following three (3) courses: 1) North $44^{\circ}58'00''$ East a distance of 48.00 feet; 2) North $45^{\circ}02'00''$ West a distance of 100.00 feet; 3) South $44^{\circ}58'00''$ West a distance of 48.00 feet to said northeasterly existing right of way line (per Section 1201-201) and to end said courses; thence along said northeasterly existing right of way line North $45^{\circ}02'00''$ West a distance of 102.85 feet; thence North $44^{\circ}58'02''$ East a distance of 219.98 feet; thence South $45^{\circ}08'50''$ East a distance of 181.94 feet; thence South $02^{\circ}58'43''$ West a distance of 39.69 feet; thence South $15^{\circ}02'35''$ East a distance of 57.76 feet; thence South $44^{\circ}58'00''$ West a distance of 161.97 feet to the POINT OF BEGINNING.

Containing 1.137 acres.

Legal Description Approved by:


Larry R. Sharp P.L.S. #4388
Date: 10-02-02
NOT VALID UNLESS EMBOSSED

copy

UTL.03

Date: October 1, 2002
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. 1957191
PARCEL 107.3
SECTION 12014-2504
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.
12014-2504, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ Lee 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 _____ Lee 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 _____ Lee County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$ 1.00.

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 of _____ County, Florida at a meeting held on the _____ day of _____, 2002.

Name:

Clerk
Board of County Commissioners
Lee County,
Florida

23-UTL.02-07/99

Date: October 1, 2002
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. 1957191
PARCEL 107.3
SECTION 12014-2504
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____, 2002, 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 FORMERLY KNOWN AS FLORIDA CITIES WATER COMPANY, 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'DOT; 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	09-18-87	Full Service Storage Corp.	Florida Cities Water Company	OR 1945 Pg. 1826
Easement	09-98-87	" " "	" " "	OR 2024 Pg. 0831

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 those 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: _____
Signature

Print/Type Name
Clerk(or Deputy Clerk)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name
Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:
Lee County

P. O. Box 398

Ft. Myers, FL 33902

F.P. No. 1957191

SECTION 12014-2504

PARCEL 107

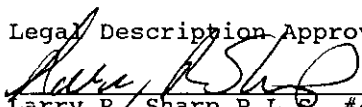
That portion of Industrial Drive lying in the southeast $\frac{1}{4}$ of Section 6, Township 46 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of the southeast $\frac{1}{4}$ of said Section 6; thence along the west line of said southeast $\frac{1}{4}$, North $00^{\circ}50'56''$ West a distance of 1,381.26 feet to the survey base line of Alico Road and the beginning of a curve concave southerly and having a radius of 694.50 feet; thence along said survey base line the arc of said curve to the right a distance of 78.22 feet through a central angle of $06^{\circ}27'11''$ with a chord bearing South $60^{\circ}37'14''$ East to the end of said curve; thence continue along said survey base line South $57^{\circ}23'38''$ East a distance of 104.67 feet to the northwesterly right of line of said Industrial Drive and the beginning of a curve concave southeasterly and having a radius of 130.00 feet for a POINT OF BEGINNING; thence along said northwesterly right of line the arc of said curve to the right a distance of 17.06 feet through a central angle of $07^{\circ}31'03''$ with a chord bearing North $27^{\circ}44'41''$ East to the end of said curve; thence continue along said northwesterly right of way line North $31^{\circ}30'13''$ East a distance of 58.03 feet; thence South $47^{\circ}57'47''$ East a distance of 61.03 feet to the southeasterly right of way line of said Industrial Drive; thence along said southeasterly right of way line South $31^{\circ}30'13''$ West a distance of 46.87 feet to the beginning of a curve concave easterly and having a radius of 70.00 feet; thence continue along said southeasterly right of way line the arc of said curve to the left a distance of 46.16 feet through a central angle of $37^{\circ}46'58''$ with a chord bearing South $12^{\circ}36'44''$ West to the end of said curve and to the beginning of a curve concave westerly and having a radius of 130.00 feet; thence continue along said southeasterly right of way line the arc of said curve to the right a distance of 46.44 feet through a central angle of $20^{\circ}28'11''$ with a chord bearing South $03^{\circ}57'20''$ West to the end of said curve; thence North $57^{\circ}23'38''$ West a distance of 66.66 feet to said northwesterly right of way line and the beginning of a curve concave westerly and having a radius of 70.00 feet; thence along said northwesterly right of way line the arc of said curve to the left a distance of 3.62 feet through a central angle of $02^{\circ}57'47''$ with a chord bearing North $04^{\circ}47'51''$ West to the end of said curve and to the beginning of a curve concave easterly and having a radius of 130.00 feet; thence continue along said northwesterly right of way line the arc of said curve to the right a distance of 68.67 feet through a central angle of $30^{\circ}15'55''$ with a chord bearing North $08^{\circ}51'12''$ East to the end of said curve and to the POINT OF BEGINNING.

Containing 8,627 square feet.

Legal Description Approved by:


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

Date: 10-02-03

NOT VALID UNLESS EMBOSSED

UTL.03

Date: October 1, 2002
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. 1957191
PARCEL 149.5
SECTION 12014-2504
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.
12014-2504, in Lee County, Florida: and

WHEREAS, it is necessary that certain easement rights now
owned by _____ Lee 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 _____ Lee 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 _____ Lee County,
should be drawn and executed by this Board of County
Commissioners. Consideration shall be \$1.00.

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 _____

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 _____, 20⁰².

Name:

Clerk
Board of County Commissioners
Lee _____ County,
Florida

23-UTL.02-07/99

Date: October 1, 2002
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. 1957191
PARCEL 149.5
SECTION 12014-2504
STATE ROAD 739
COUNTY Lee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
2002, 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	06-22-99	Amerada Hess Corporation	Lee County Board of County Commissioners	OR 3138 PG 874

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 those 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: _____
Signature

Print/Type Name
Clerk(or Deputy Clerk)

Lee _____ County,
Florida,
By Its Board of County
Commissioners

Signature

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

Lee County

P. O. Box 398

Ft. Myers, FL 33902

FP NO. 1957191

SECTION 12014-2504

PARCEL 149

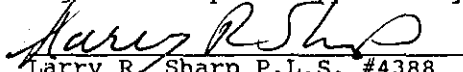
That portion of the southwest $\frac{1}{4}$ of Section 30, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northeast corner of the southwest $\frac{1}{4}$ of said Section 30; thence along the north line of said southwest $\frac{1}{4}$, South $88^{\circ}59'22''$ West a distance of 1,914.52 feet to the survey base line of State Road 739; thence along said survey base line, South $00^{\circ}34'27''$ East a distance of 660.83 feet; thence South $89^{\circ}01'15''$ West a distance of 50.00 feet to the west existing right of way line of said State Road 739 (per Sec. 12011-000) for a POINT OF BEGINNING; thence along said west existing right of way line, South $00^{\circ}34'27''$ East a distance of 577.61 feet to the north existing right of way line of Ben C. Pratt Six Mile Cypress Parkway (per Official Records Book 1138, Page 1366, Public Records of Lee County, Florida); thence along said north existing right of way line, South $89^{\circ}10'40''$ West a distance of 20.05 feet; thence North $44^{\circ}25'32''$ East a distance of 21.28 feet; thence North $00^{\circ}34'27''$ West a distance of 240.51 feet; thence South $89^{\circ}25'33''$ West a distance of 25.00 feet; thence North $00^{\circ}34'27''$ West a distance of 87.82 feet; thence South $89^{\circ}25'33''$ West a distance of 20.00 feet; thence North $00^{\circ}34'27''$ West a distance of 160.00 feet; thence North $07^{\circ}57'24''$ East a distance of 74.88 feet; thence North $89^{\circ}01'15''$ East a distance of 38.89 feet to the POINT OF BEGINNING.

Containing 15,323 square feet.

Legal Description Approved by:


Larry R. Sharp P.L.S. #4388
Date: 10-02-02
NOT VALID UNLESS EMBOSSED