

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

Blue Sheet No. 20060160-UTL

**1. Action Requested/Purpose:**

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

**2. What Action Accomplishes:**

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

**3. Management Recommendation:**

Approval.

**4. Departmental Category: 10 -**

**CIOB**

**5. Meeting Date:**

**03-14-2006**

**6. Agenda:**

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

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

- Statute
- Ordinance
- Admin. Code
- Other

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department **Public Works**  
 Division **Utilities**  
 By: *[Signature]* **2/16/06**  
**Rick Diaz, P.E., Director**

**9. Background:**

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

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

(CONT'D.)

**10. Review for Scheduling**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i> J. Lavender Date: 2-17-06	N/A Date: 2-20-06	N/A Date:	<i>[Signature]</i> Date: 10 FEB 06	S. Covert Date:	P.M. 2/22/06	JR 2/22/06	ly 2/22/06	AK 2/22/06	<i>[Signature]</i> J. Lavender Date: 2-17-06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

REC'D BY  
 COUNTY CLERK  
 2-21-06  
 11:50  
 COUNTY ADMIN  
 FORWARDED TO:  
 2/22/06  
 G.M.H.

Rec. by CoAtty  
 Date: 2/21/06  
 Time: 8:30 AM  
 Forwarded To:  
 Co. Admin.  
 2/21 11A

**BLUE SHEET NO. 20060160-UTL**  
**PAGE 2**

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

Lee County DOT and Natural Resources Divisions have reviewed, and concur, with FDOT's request.

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

**Parcels:** (attached)

- |    |       |
|----|-------|
| 1) | 116.3 |
| 2) | 121.2 |
| 3) | 129.4 |
| 4) | 802.3 |
| 5) | 821.2 |
| 6) | 829.4 |
| 7) | 835.2 |
| 8) | 834.4 |

**Easements:** (not attached)

- 1) OR Book 2138, Page 3390
- 2) OR Book 2078, Page 88
- 3) OR Book 2138, Page 3407

One set of documents, for each of the 8 parcels, is attached for the Chairwoman's signature. (Each set includes Subordination of Utility Interests Agreement and a Resolution. Signatures are needed on page 4 of the Agreement, and page 2 of the Resolution.)

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

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



2007

23-UTL.02-07/99

Date: February 15, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 116.3  
SECTION 12011-000  
STATE ROAD 739  
COUNTY LEE

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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

**W I T N E S S E T H:**

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

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

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

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

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

**SEE EXHIBIT "A"**

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

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	03-31-88	Morton A. Goldberg, Ronald C. Francisco and Frank P. DiPlacido, Individually and as Trustees	Lee County, a political subdivision of the State of Florida	OR 2078 PG 0088

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

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

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

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

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

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs 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:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

Grantor(s) Mailing Address:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Covert  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

F.P. NO. 4080401

SECTION 12011-000

PARCEL 116

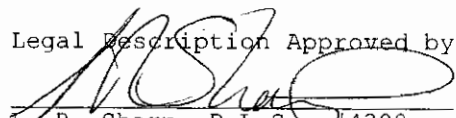
That portion of Lot 1, Central Metropolitan Commercial Center, a subdivision in Section 30, Township 45 South, Range 25 East, as per plat thereof recorded in Plat Book 45, Page 80, Public Records of Lee County, Florida.

Being described as follows:

BEGIN at the southeast corner of said Lot 1; thence along the south line of said Lot 1, South 89°21'19" West a distance of 12.50 feet; thence North 00°38'41" West a distance of 200.91 feet to the north line of said Lot 1; thence along said north line North 89°01'17" East a distance of 12.50 feet to the northeast corner of said Lot 1; thence along the east line of said Lot 1, South 00°38'41" East a distance of 200.98 feet to the POINT OF BEGINNING.

Containing 2,512 square feet.

Legal Description Approved by:

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

Date: 02/15/2006

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

COQCDR

Date: February 15, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 116.3  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**R E S O L U T I O N**

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

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

WHEREAS, it is necessary that certain easement rights now  
owned by 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  
easement 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 easement interest, or interests, is for  
transportation purposes which are in the public or community  
interest and for public welfare; that a subordination of easement  
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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk  
Board of County Commissioners  
Lee County, Florida

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

23-UTL.02-07/99

Date: February 2, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 129.4  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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

**W I T N E S S E T H:**

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

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

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

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

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

**SEE EXHIBIT "A"**

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

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	03-27-90	Harvey Youngquist	Lee County, a political subdivision	OR 2138 PG 3390
Easement	01-07-90	David C. Brown	"	OR 2138 PG 3392

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:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

Grantor(s) Mailing Address:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coovert  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

FP NO. 4080401

SECTION 12011-000

PARCEL 129

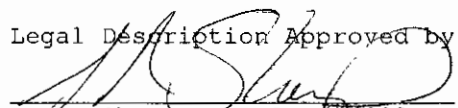
That portion of the southwest 1/4 of Section 19, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

BEGIN at the northwest corner of Tract 2, Gulf Coast Hospital Subdivision as per plat thereof recorded in Plat Book 49, Page 7, Public Records of Lee County, Florida; thence North 05°23'10" East a distance of 110.54 feet to the easterly existing right of way line of State Road 739 [Metro Parkway (per Official Records Book 2138, Page 3388 of said Public Records)]; thence along said easterly existing right of way line, North 36°01'43" East a distance of 56.72 feet to the beginning of a curve concave northwesterly having a radius of 700.00 feet; thence leaving said easterly existing right of way line the arc of said curve to the right a distance of 30.17 feet through a central angle of 02°28'09" with a chord bearing South 13°43'39" West to the end of said curve; thence South 36°00'24" West a distance of 19.08 feet to the beginning of a curve concave westerly and having a radius of 2465.75 feet; thence along the arc of said curve to the right a distance of 68.00 feet through a central angle of 01°34'48" with a chord bearing South 04°36'02" West to the end of said curve; thence South 06°03'30" West a distance of 43.38 feet to the north line of said Tract 2; thence along said north line, South 89°00'37" West a distance of 15.33 feet to the POINT OF BEGINNING.

Containing 2,153 square feet.

Legal Description Approved by:

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

Date: FEBRUARY 3, 2006  
NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: February 3, 2006  
This instrument prepared under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 129.4  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**R E S O L U T I O N**

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

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

WHEREAS, it is necessary that certain easement rights now owned by 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 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk  
Board of County Commissioners  
Lee County, Florida

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida



23-UTL.02-07/99

Date: February 2, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 121.2  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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

**W I T N E S S E T H:**

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

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

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

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

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

**SEE EXHIBIT "A"**

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

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	01-30-90	Bernard Frink, as Trustee and Individually	Lee County, a political subdivision of the State of Florida	OR 2138 PG 3407

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:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

Grantor(s) Mailing Address:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

FP NO. 4080401

SECTION 12011-000

PARCEL 121

That portion of the southwest 1/4 of Section 19, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northeast corner of Lot 1, Metropolitan Business Park (per Plat Book 44, Page 83, Public Records of Lee County, Florida); thence along the north line of said Lot 1, South 89°02'08" West a distance of 1.87 feet for a POINT OF BEGINNING; thence continue along said north line, South 89°02'08" West a distance of 25.80 feet; thence leaving said north line, North 05°23'10" East a distance of 28.33 feet; thence North 16°30'58" East a distance of 21.23 feet to the westerly existing right of way line of State Road 739 [Metro Parkway (per Official Records Book 2138, Page 3405, Public Records of Lee County, Florida)]; thence along said westerly existing right of way line, South 19°33'21" East a distance of 51.08 feet to the POINT OF BEGINNING.

Containing 682 square feet.

Legal Description Approved by:



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

Date: February 3, 2006

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: February 2, 2006  
This instrument prepared under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 121.2  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**R E S O L U T I O N**

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

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

WHEREAS, it is necessary that certain easement rights now owned by 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 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk  
Board of County Commissioners  
Lee County, Florida

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Covert  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

23-UTL.02-07/99

Date: February 3, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

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

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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

**W I T N E S S E T H:**

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

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

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

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

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

**SEE EXHIBIT "A"**



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

RECORDED

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

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

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

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

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

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

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs 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:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

Grantor(s) Mailing Address:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

F.P. NO. 4080401

SECTION 12011-000

PARCEL 802


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

Being described as follows:

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

Containing 511 square feet.

Legal Description Approved by:

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

Date: FEBRUARY 3, 2006

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: February 3, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

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

**R E S O L U T I O N**

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

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

WHEREAS, it is necessary that certain easement rights now  
owned by 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 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk  
Board of County Commissioners  
Lee County, Florida

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Covert  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

23-UTL.02-07/99

Date: February 3, 2006  
This instrument prepared under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 821.2  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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

**W I T N E S S E T H:**

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

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

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

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

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

**SEE EXHIBIT "A"**

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

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	01-30-90	Bernard Frink, as Trustee and individually	Lee County, a political subdivision of the State of Florida	OR 2138 PG 3407

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:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

Grantor(s) Mailing Address:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

FP NO. 4080401

SECTION 12011-000

PARCEL 821


That portion of the southwest 1/4 of Section 19, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northeast corner of Lot 1, Metropolitan Business Park (per Plat Book 44, Page 83, Public Records of Lee County, Florida); thence along the north line of said Lot 1, South 89°02'08" West a distance of 1.87 feet to the westerly existing right of way line of State Road 739 [Metro Parkway (per Official Records Book 2138, Page 3405, Public Records of Lee County, Florida)]; thence along said westerly existing right of way line, North 19°33'21" West a distance of 51.08 feet to the beginning of a curve concave northwesterly and having a radius of 2,000.00 feet; thence continue along said westerly existing right of way line the arc of said curve to the left a distance of 64.94 feet through a central angle of 01°51'38" with a chord bearing North 00°27'50" West for a POINT OF BEGINNING end of said curve and the beginning of a curve concave westerly and having a radius of 2,000.00 feet; thence along said westerly existing right of way line the arc of said curve to the right a distance of 24.00 feet through a central angle of 00°41'15" with a chord bearing South 01°03'01" East to the end of said curve; thence South 89°02'02" West a distance of 40.00 feet to the beginning of a curve concave westerly and having a radius of 1,960.00 feet; thence along the arc of said curve to the left a distance of 24.00 feet through a central angle of 00°42'06" with a chord bearing North 01°03'07" West to the end of said curve; thence North 89°02'07" East a distance of 40.00 feet to the POINT OF BEGINNING.

Containing 960 square feet.

Legal Description Approved by:

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

Date: FEBRUARY 3, 2006  
NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: February 3, 2006  
This instrument prepared under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 821.2  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**R E S O L U T I O N**

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

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

WHEREAS, it is necessary that certain easement rights now owned by 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 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk  
Board of County Commissioners  
Lee County, Florida

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Covert  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

23-UTL.02-07/99

Date: February 3, 2006  
This instrument prepared under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 829.4  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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

**W I T N E S S E T H:**

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

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

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

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

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

**SEE EXHIBIT "A"**

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

**RECORDED**

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	03-27-90	Harvey Youngquist, as Trustee and individually	Lee County, a political subdivision of the State of Florida	OR 2138 PG 3390
Easement	01-07-90	David C. Brown, as Trustee and individually	"	OR 2138 PG 3392

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:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

Grantor(s) Mailing Address:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Covert  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

FP NO. 4080401

SECTION 12011-000

PARCEL 829

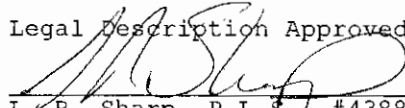
That portion of the southwest 1/4 of Section 19, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northwest corner of Tract 2, Gulf Coast Hospital Subdivision as per plat thereof recorded in Plat Book 49, Page 7, Public Records of Lee County, Florida; thence along the north line of said Tract 2, North 89°00'37" East a distance of 15.33 feet for a POINT OF BEGINNING; thence North 06°03'30" East a distance of 43.38 feet to the beginning of a curve concave westerly and having a radius of 2,465.75 feet; thence along the arc of said curve to the left a distance of 68.00 feet through a central angle of 01°34'48" with a chord bearing North 04°36'02" East to the end of said curve; thence North 36°00'24" East a distance of 11.23 feet to the beginning of a curve concave westerly and having a radius of 2,471.75 feet; thence along the arc of said curve to the right a distance of 78.46 feet through a central angle of 01°49'08" with a chord bearing South 04°29'59" West to the end of said curve; thence South 83°56'30" East a distance of 12.85 feet; thence South 00°05'47" East a distance of 15.01 feet; thence North 89°00'45" East a distance of 4.31 feet; thence South 00°05'47" East a distance of 25.01 feet to the north line of said Tract 2; thence along said north line, South 89°00'37" West a distance of 27.64 feet to the POINT OF BEGINNING.

Containing 1,418 square feet.

Legal Description Approved by:

  
L. R. Sharp P.L.S. #4388  
Date: FEBRUARY 3, 2006  
NOT VALID UNLESS EMBOSSED

UTL.03

Date: February 3, 2006  
This instrument prepared under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 829.4  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**R E S O L U T I O N**

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

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

WHEREAS, it is necessary that certain easement rights now owned by 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 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk  
Board of County Commissioners  
Lee County, Florida

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

23-UTL.02-07/99

Date: February 3, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 835.2  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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

**W I T N E S S E T H:**

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

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

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

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

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

**SEE EXHIBIT "A"**

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

**RECORDED**

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	01-30-90	Bernard Frink, as Trustee and individually	Lee County a political subdivision of the State of Florida	OR 2138 PG 3407

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:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

Grantor(s) Mailing Address:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida



FP NO. 4080401

SECTION 12011-000

PARCEL 835

That portion of the southwest 1/4 of Section 19, Township 45 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the northeast corner of Lot 1, Metropolitan Business Park (per Plat Book 44, Page 83, Public Records of Lee County, Florida); thence along the north line of said Lot 1, South 89°02'08" West a distance of 1.87 feet to the westerly existing right of way line of State Road 739 [Metro Parkway (per Official Records Book 2138, Page 3405, Public Records of Lee County, Florida)]; thence along said westerly existing right of way line, North 19°33'21" East a distance of 50.08 feet to the beginning of a curve concave westerly and having a radius of 2,000.00 feet; thence continue along said westerly existing right of way line the arc of said curve to the left a distance of 64.94 feet through a central angle of 01°51'38" with a chord bearing North 00°27'50" West to the end of said curve and the POINT OF BEGINNING; thence leaving said westerly existing right of way line, South 89°02'07" West, a distance of 40.00 feet to the beginning of a curve concave westerly and having a radius of 1,960.00 feet; thence along the arc of said curve to the left a distance of 24.00 feet through a central angle of 00°42'06" with a chord bearing North 01°45'13" West to the end of said curve; thence North 89°02'02" East a distance of 40.00 feet to said westerly existing right of way line and the beginning of a curve concave westerly and having a radius of 2,000.00 feet; thence along said westerly existing right of way line the arc of said curve to the right a distance of 24.00 feet through a central angle of 00°41'15" with a chord bearing South 01°44'16" East to the end of said curve and to the POINT OF BEGINNING.

Containing 960 square feet.

Legal Description Approved by:

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

Date: FEBRUARY 3, 2006

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"

Page 5

UTL.03

Date: February 3, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 835.2  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**R E S O L U T I O N**

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

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

WHEREAS, it is necessary that certain easement rights now  
owned by 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 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk  
Board of County Commissioners  
Lee County, Florida

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

23-UTL.02-07/99

Date: February 3, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 834.4  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**SUBORDINATION OF COUNTY UTILITY INTERESTS**

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

**W I T N E S S E T H:**

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

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

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

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

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

**SEE EXHIBIT "A"**

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

**RECORDED**

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

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

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

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

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

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

4. In the event the FDOT exercises its rights under paragraph 3 hereof and the exercise of those rights creates costs 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:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

Grantor(s) Mailing Address:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida

FP NO. 4080401

SECTION 12011-000

PARCEL 834

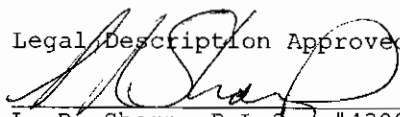
That portion of Lot 13, Central Metropolitan Commercial Center, a subdivision in Section 30, Township 45 South, Range 25 East as per plat thereof recorded in Plat Book 45, Page 80, Public Records of Lee County, Florida.

Being described as follows:

BEGIN at the northwest corner of said Lot 13; thence along the north line of said Lot 13, North 89°01'17" East a distance of 15.00 feet; thence leaving said north line, South 00°41'05" East a distance of 50.00 feet to the north line of a 20.00 foot drainage easement (per Official Records Book 2078, Page 88, Public Records of Lee County, Florida; thence along said north line, South 89°01'17" West a distance of 15.00 feet to the west line of said Lot 13; thence along said west line, North 00°41'05" West a distance of 50.00 feet to the POINT OF BEGINNING.

Containing 750 square feet.

Legal Description Approved by:

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

Date: FEBRUARY 6, 2006

NOT VALID UNLESS EMBOSSED



UTL.03

Date: February 3, 2006  
This instrument prepared  
under the direction of:  
Bruce P. Cury, General Counsel  
Post Office Box 1249  
City: Bartow, Florida 33830  
Department of Transportation

F.P. NO. 4080401  
PARCEL 834.4  
SECTION 12011-000  
STATE ROAD 739  
COUNTY Lee

**R E S O L U T I O N**

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

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

WHEREAS, it is necessary that certain easement rights now  
owned by 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 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk  
Board of County Commissioners  
Lee County, Florida

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Lisa L. Pierce, Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Coover  
Assistant County Attorney  
Office of the County Attorney  
Lee County, Florida