This instrument prepared by:

Department of County Lands P.O. Box 398 Fort Myers, FL 33902-0398

## SUBORDINATION OF UTILITY INTERESTS AND AGREEMENT FOR REIMBURSEMENT FOR ADDITIONAL FACILITY RELOCATIONS

THIS AGREEMENT, entered into this	day of		_, 202_	, by an	d between LE	E COU	NTY, a
political subdivision of the State of Florida, whose	e mailing	address is P.C	). Box	398, Fort	Myers, Florid	la 3390	2 <b>-</b> 0398,
hereinafter called the "County", and FLORIDA PC	OWER &	LIGHT COM	PANY,	a Florida	Corporation,	whose	mailing
address is P.O. Box 14000, Juno Beach, Florida 334	08, herein	after called "Ut	ility".				

## WITNESETH:

WHEREAS, the Utility presently has an interest in certain land that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by Utility to the County; and

WHEREAS, the County is willing to pay for any initial relocation of the Utility's facilities within the Utility's Public right-of-way/Easements to prevent conflict between the County's use and the Utility's use, and for the benefit of each; and

WHEREAS the County, in addition, in recognition of the Utility's interest in the certain lands, is willing to pay for any future relocation of the Utility's facilities from or within the entire width of the Utility's Public right-of-way/Easements shown on Exhibit "A", attached hereto and made a part hereof.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and County agree as follows:

UTILITY subordinates any and all of its interest in its easement lands illustrated on "EXHIBIT A" attached hereto and made a part hereof, to the interest of the County, or its successors, for the purpose of constructing, improving, maintaining and operating a road and appurtenant infrastructure, drainage and public utilities, over, under, through, upon, and/or across such Lands, based on the following:

Nature of Encumbrance	Date	From	In Favor of	Recorded Instrument
Public Utility Easements	3/14/14	Plat	Public/Private Utilities	No. 2014000052328

The County and the Utility further agree that:

- 1. "Utility's Public right-of-way/Easements", as used herein, shall mean that area which is shown in Exhibit "A" and which includes the Utility's easements identified above and additional lands for public utility right-of-way, as shown in Exhibit "A", attached hereto and made a part hereof.
- 2. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the Utility's Public right-of-way/Easements shown in Exhibit "A", in accordance with the County's current minimum standards for such facilities as of the date of this Agreement. Any new construction or relocation of facilities within the Utility's Public right-of-way/Easements will be subject to prior approval by the County.
- 3. The County shall pay for any relocation of existing facilities. In addition, the Utility retains the right to be reimbursed, either now or in the future, for additional relocation or adjustment of its facilities located presently or to be located on the Utility's Public right-of-way/Easements shown in Exhibit "A", if such relocation or adjustment is caused by present or future uses of the Utility's Public right-of-way/Easements by County, or its assigns, including, but not limited to, the cost of acquiring replacement easements.
- 4. The Utility shall have the right to enter upon the lands shown in Exhibit "A" for the purposes outlined in Paragraph 2 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities. County shall provide and ensure access to said lands by the Utility.

5. 6.	The Utility agrees to repair any damage to County facilities and to indemnify the County against any loss or damage resulting from the Utility exercising its rights to construct, operate, maintain, improve, add to, upgrade or remove its facilities on the said Utility's Public right-of-way/Easements.  This Agreement shall not be assigned by County except to the State of Florida.					
	IN WITNESS WHEREOF, the parties hereto have executed the parties here to have executed the parties here to have executed the parties here to have executed the parties have the parties here to have executed the parties have		e written.			
	Approved and accepted for and on behalf of Lee Coun	ty, Florida, this day of	_, 202			
	T: C. KARNES COF CIRCUIT COURT	BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA				
BY: De	puty Clerk	BY: MIKE GREENWELL, CHAIR				
		APPROVED AS TO FORM FOR THE RELIANCE OF LEE COUNTY ONLY				
		BY: County Attorney's Office	-			
	(Execution and Acknowledgen	nent continued on next page)				

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered in the presence of:	FLORIDA POWER & LIGHT COMPANY
Print Name Matthew C. Jenkins By: Alle	By: Title: Corporate Real Estate Manager Print Name:
Print Name: Celline Williams	(Corp. Seal)
STATE OF FLORIDA, COUNTY OF <u>Charlotte</u>	· 
online notarization, this 151 day of 141014h known and personally known to me to be the person des	as acknowledged before me by means of physical presence or 2024, by Compress to me scribed in, and did not take an oath and who executed the foregoing Florida Power & Light Company and acknowledged before me that behalf of said Corporation.
WITNESS my hand and official seal in the Cour	aty and State aforesaid this 15th day of March, 2024.
My Commission Expires: 02.13.27	Notary Signature: Notary Public State of Florida  Printed Name:  Alline Williams
CELLINE WILLIAMS MY COMMISSION # HH 361858 EXPIRES: February 13, 2027	Printed Name: <u>elline Williams</u>

S:\County Lands\POOL\DOT\Alico Road Connector #9245\-PHASE I PARCELS\FPL Subordination\Subordination Agreement 9-20-2023.doc

## BOUNDARY SURVEY FOR

"CORKSCREW SHORES RIGHT-OF-WAY PARCELS 321, 322A, 322B, 323, 324, 325 AND 326"

SECTION 21, TOWNSHIP 46 SOUTH, RANGE 26 EAST VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

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"CORKSCREW SHORES RIGHT-OF-WAY PARCELS 321 322A, 322B, 323, 324, 325 AND 326"

SECTION 21, TOWNSHIP 46 SOUTH, RANGE 26 EAST VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

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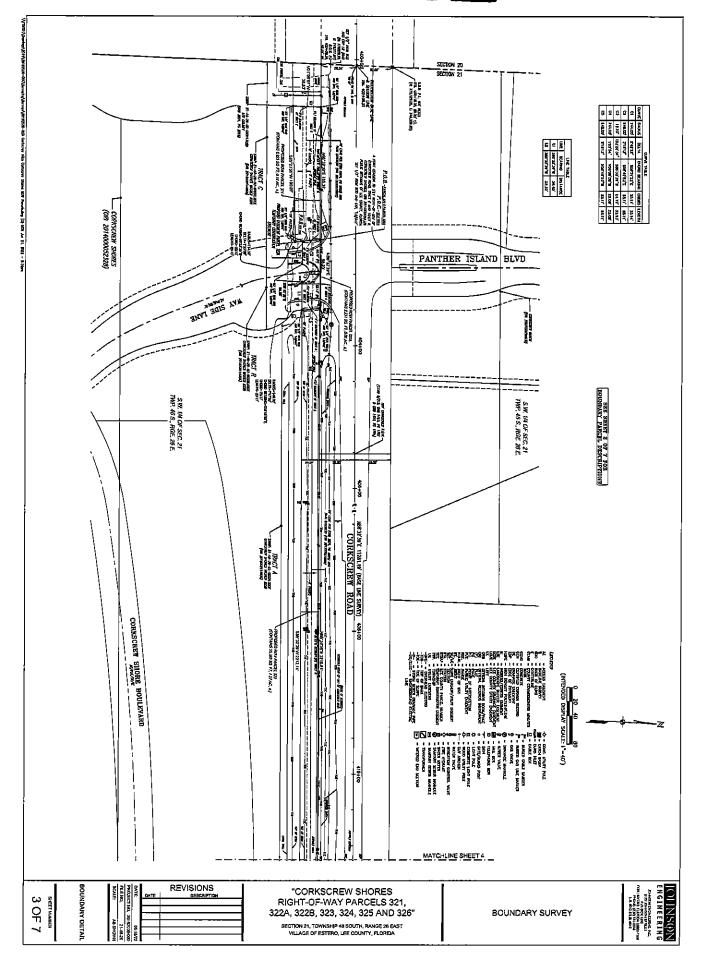
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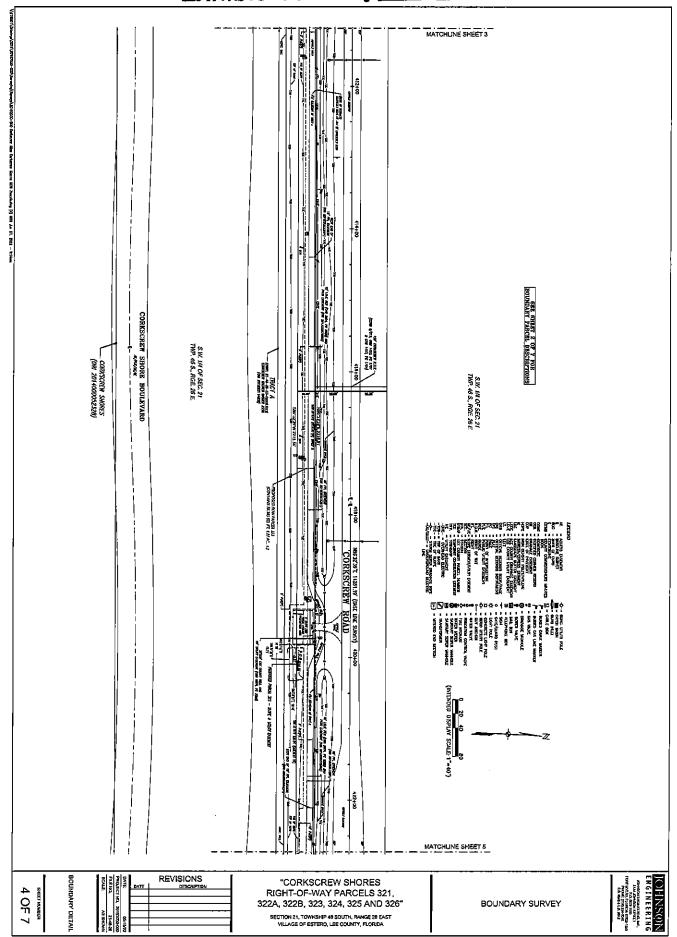
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"CORKSCREW SHORES RIGHT-OF-WAY PARCELS 321, 322A, 322B, 323, 324, 325 AND 3261

SECTION 21, TOWNSHIP 46 SOUTH, RANGE 26 EAST VILLAGE OF ESTERO, LEE COUNTY, FLORIDA





## Exhibit "A" Page 5 of 7

