

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 2nd day of April, 2024, by and between LEE COUNTY, a political subdivision of the State of Florida, whose mailing address is P.O. Box 398, Fort Myers, Florida 33902-0398, hereinafter called the "County", and FLORIDA POWER & LIGHT COMPANY, a Florida Corporation, whose mailing address is P. O. Box 14000, Juno Beach, Florida 33408, hereinafter called "Utility".

**WITNESSETH:**

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
<i>Public Utility Easements</i>	<i>3/14/14</i>	<i>Plat</i>	<i>Public/Private Utilities</i>	<i>No. 2014000052328</i>

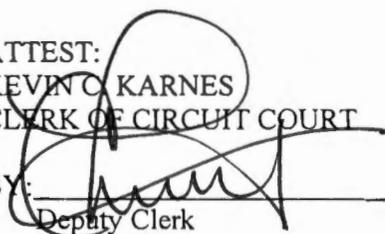
The County and the Utility further agree that:

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.

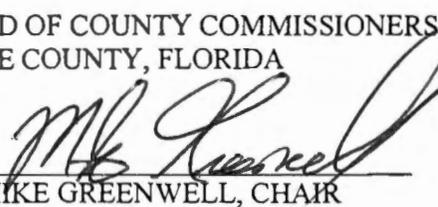
5. The Utility agrees to repair any damage to County facilities and to indemnify the County against any loss or damage resulting from the Utility exercising its rights to construct, operate, maintain, improve, add to, upgrade or remove its facilities on the said **Utility's Public right-of-way/Easements**.
6. This Agreement shall not be assigned by County except to the State of Florida.

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

Approved and accepted for and on behalf of Lee County, Florida, this 2nd day of April, 2024.

ATTEST:  
KEVIN O. KARNES  
CLERK OF CIRCUIT COURT  
BY:   
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA  
BY:   
MIKE GREENWELL, CHAIR

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

BY:   
County Attorney's Office

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(Execution and Acknowledgement 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

By: [Signature]  
Print Name: Matthew C. Jenkins

By: [Signature]  
Title: Corporate Real Estate Manager  
Print Name:

By: [Signature]  
Print Name: Celine Williams

(Corp. Seal)

STATE OF FLORIDA, COUNTY OF Charlotte

I hereby certify that the foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 1<sup>st</sup> day of March, 2024, by Cameron Crenshaw to me known and personally known to me to be the person described in, and did not take an oath and who executed the foregoing instrument as its Corporate Real Estate Manager of the Florida Power & Light Company and acknowledged before me that he executed the same as such official in the name and on behalf of said Corporation.

WITNESS my hand and official seal in the County and State aforesaid this 1<sup>st</sup> day of March, 2024.

My Commission Expires: 02:13:27

Notary Signature: [Signature]  
Notary Public State of Florida  
Printed Name: Celine Williams



# BOUNDARY SURVEY

## FOR

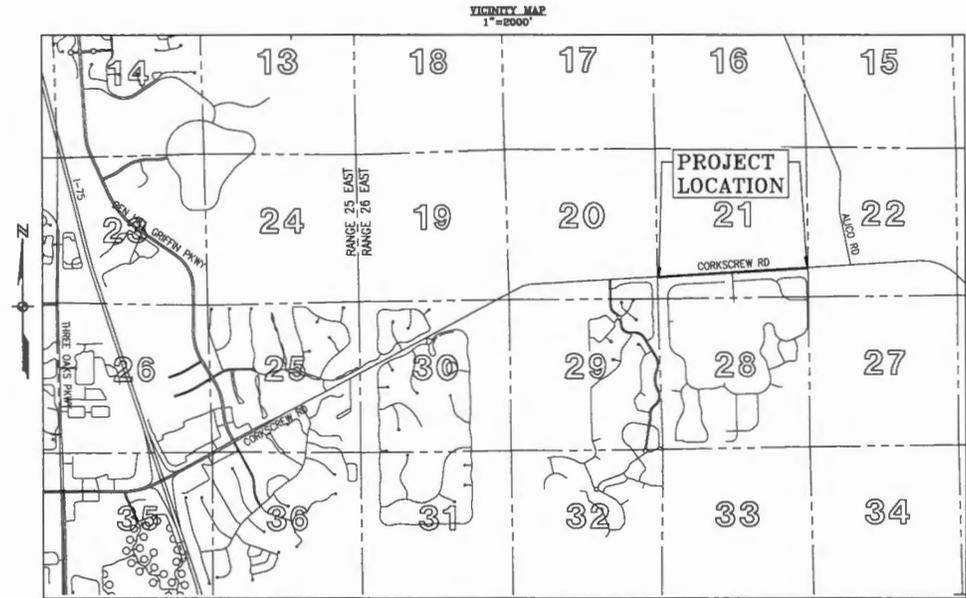
### "CORKSCREW SHORES RIGHT-OF-WAY PARCELS 321, 322A, 322B, 323, 324, 325 AND 326"

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

**JOHNSON ENGINEERING**  
 JOHNSON ENGINEERING, INC.  
 7125 JOHNSON STREET  
 P.O. BOX 1085  
 FORT MYERS, FLORIDA 33901-1085  
 PHONE: (888) 754-6848  
 FAX: (888) 414-4942

BOUNDARY SURVEY

"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



SEE SHEET 2 OF 7 FOR  
BOUNDARY PARCEL DESCRIPTIONS



- NOTES:**
1. THE AREAS OF THE FEE SIMPLE PARCELS AND ADJACENT PROPOSED EASEMENTS WERE FIELD SURVEYED. THE DATE OF FIELD WORK: MAY 18, 2022.
  2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
  3. BEARINGS SHOWN HEREON ARE BASED ON FIXING THE SOUTHERLY RIGHT-OF-WAY OF CORKSCREW ROAD, AS SHOWN HEREON, WHEREIN SAID SOUTHERLY RIGHT-OF-WAY BEARS N.88°32'30"E.
  4. EXISTING EASEMENTS AND TRACTS SHOWN HEREON ARE BASED ON RESEARCH OF RECORDED PLATS AND DEEDS PROVIDED TO THE SURVEYOR. ADDITIONAL SOURCES USED WERE THE LEE COUNTY PROPERTY APPRAISER'S WEBSITE AND THE LEE COUNTY LEE365MS WEBSITE.
  5. THE REMAINDERS OF PLATTED FOR CORKSCREW SHORES ARE NOT INCLUDED HEREON AT THE REQUEST OF THE CLIENT.
  6. UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS WERE NOT LOCATED AS A PART OF THIS SURVEY.
  7. THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
  8. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM. THIS SURVEY WAS PERFORMED FOR THE PURPOSES SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED. THIS SURVEY DOES NOT PURPORT TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE OR LOCAL AGENCY.
  9. THIS SURVEY DOES NOT DETERMINE PROPERTY OWNERSHIP OR PROPERTY RIGHTS. THIS SURVEY LOCATED THE BOUNDARY IN ACCORDANCE WITH AND IN RELATION TO THE LEGAL DESCRIPTION.
  10. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
  11. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. A TITLE COMMITMENT AND/OR ABSTRACT OF TITLE WAS NOT PROVIDED TO THE SURVEYOR.

Mark D. Haines  
 PSM L5312  
 State of Florida

Digitally signed by Mark D. Haines  
 DN: cn=Mark D. Haines,  
 o=State of Florida,  
 Date: 2022.06.21 09:16:49 -0400

THIS SURVEY IS ONLY FOR THE BENEFIT OF  
 LEE COUNTY  
 NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTERS 6A-17.00, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

DATE: JUNE 21, 2022

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEALED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS CERTIFICATION IS TO THE DATE OF LAST FIELD WORK AS SHOWN IN NOTE 1 AND NOT THE SIGNATURE DATE.

DATE	DESCRIPTION

DATE: 05/18/22  
 PROJECT NO. 2018030-000  
 FILE NO. 21-46-28  
 SCALE: AS SHOWN

COVER SHEET

SHEET NUMBER  
 1 OF 7



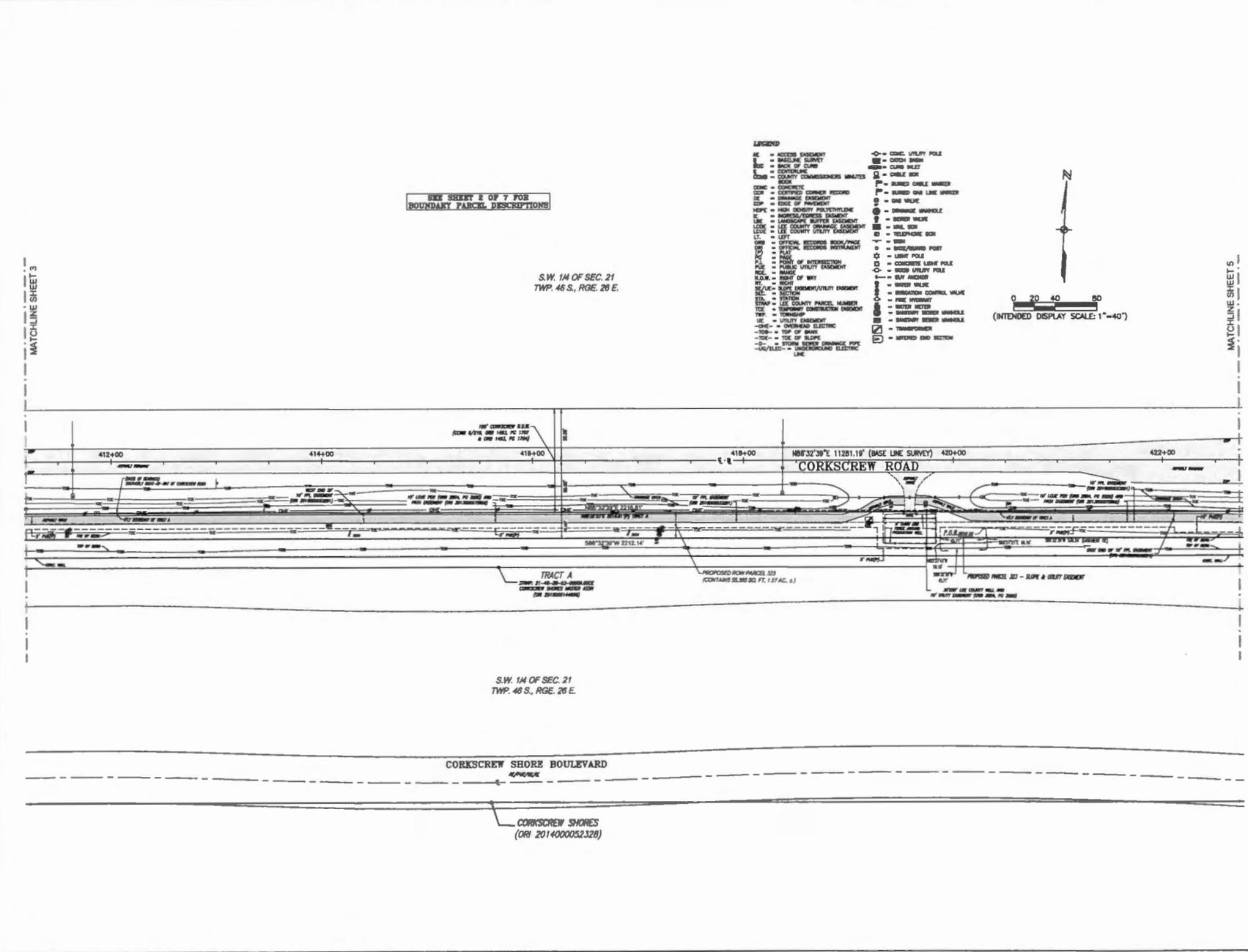


REVISIONS	DESCRIPTION

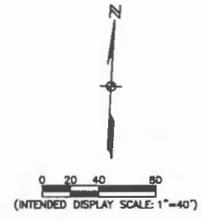
DATE: 05/18/22  
 PROJECT NO. 20180300-000  
 FILE NO. 21-46-28  
 SCALE: AS SHOWN

BOUNDARY DETAIL

SHEET NUMBER  
**4 OF 7**



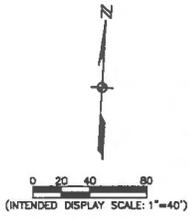
- LEGEND**
- |                                       |                              |
|---------------------------------------|------------------------------|
| AE = ACCESS EASEMENT                  | ○ = CONIC UTILITY POLE       |
| E = BRASSLINE SURVEY                  | ⊠ = CATCH BASIN              |
| EC = BACK OF CURB                     | ⊞ = CURB WALK                |
| E = CENTERLINE                        | ⊞ = CHALK BOX                |
| ECOM = COUNTY COMMISSIONERS MINUTES   | ⊞ = BARRIED CABLE MARKER     |
| BOOK = BOOK                           | ⊞ = BARRIED ONE LINE MARKER  |
| CCMC = CONCRETE                       | ⊞ = ONE MARK                 |
| CCP = CONCRETE CORNER RECORD          | ⊞ = DRAINAGE MANHOLE         |
| CCP = DRAINAGE EASEMENT               | ⊞ = DRAINAGE MARK            |
| CCP = EDGE OF PAVEMENT                | ⊞ = SAND BOX                 |
| CCP = HIGH DENSITY POLYETHYLENE       | ⊞ = TELEPHONE BOX            |
| CCP = LANDSCAPE/PAVEMENT EASEMENT     | ⊞ = SIGN                     |
| CCP = LEE COUNTY DRAINAGE EASEMENT    | ⊞ = SIGN/BOARD POST          |
| CCP = LEE COUNTY UTILITY EASEMENT     | ⊞ = LIGHT POLE               |
| CCP = LEFT                            | ⊞ = CONCRETE LEAF POLE       |
| CCP = OFFICIAL RECORDS BOOK/PAGE      | ⊞ = WOOD UTILITY POLE        |
| CCP = PLAC                            | ⊞ = SELF SUPPORT             |
| CCP = POINT OF INTERSECTION           | ⊞ = WATER VALVE              |
| CCP = PUBLIC UTILITY EASEMENT         | ⊞ = IRRIGATION CONTROL VALVE |
| CCP = MARK                            | ⊞ = FIRE HYDRANT             |
| CCP = RIGHT OF WAY                    | ⊞ = WATER METER              |
| CCP = RIGHT EASEMENT/UTILITY EASEMENT | ⊞ = SANDWICH BEER MANHOLE    |
| CCP = SECTION                         | ⊞ = SANDWICH BEER MANHOLE    |
| CCP = STATION                         | ⊞ = TRANSFORMER              |
| CCP = LEE COUNTY PARCEL NUMBER        | ⊞ = WEPRED END SECTION       |
| CCP = TOWNSHIP CORNER EASEMENT        |                              |
| CCP = UTILITY EASEMENT                |                              |
| CCP = UNDERGROUND ELECTRIC            |                              |
| CCP = TOP OF BANK                     |                              |
| CCP = TOP OF SLOPE                    |                              |
| CCP = UTILITY UNDER DRAINAGE PIPE     |                              |
| CCP = UNDERGROUND ELECTRIC LINE       |                              |



V:\2021\Drawings\2018\20180300-000\Survey\20180300-000 Corkscrew Shore ROW Parcels.dwg (6) MH An 21, 2022 - 6:14am

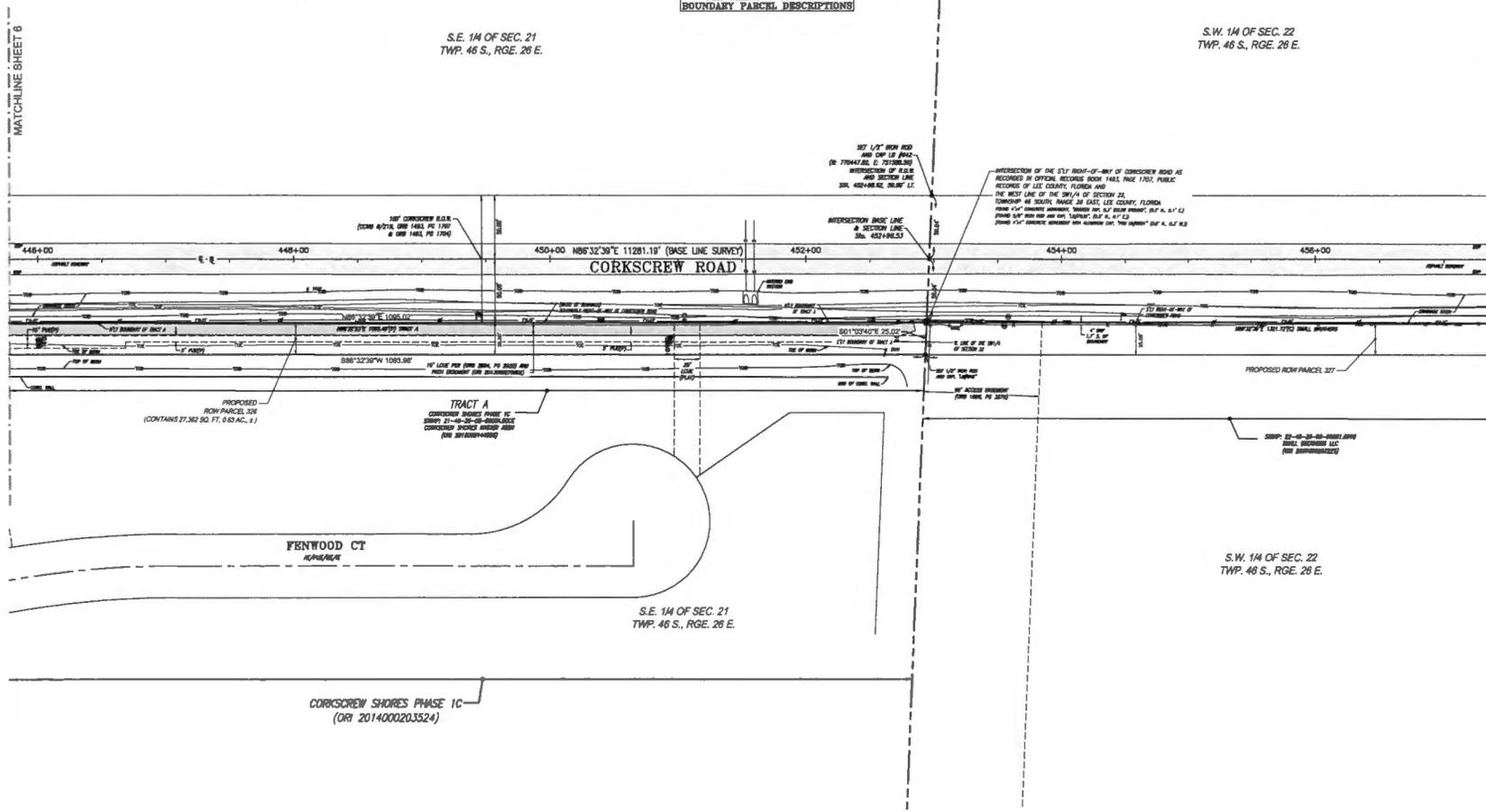






- LEGEND**
- AL = ACCESS EASEMENT
  - BS = BOUNDARY SURVEY
  - BC = BACK OF CURB
  - CC = CENTERLINE
  - CCM = COUNTY COMMISSIONERS MINUTES
  - CO = CONCRETE
  - CCR = CERTIFIED CORNER RECORD
  - DE = DRAINAGE EASEMENT
  - EDP = EDGE OF PAVEMENT
  - HOPE = HIGH DENSITY POLYETHYLENE
  - IE = INGRESS/EGRESS EASEMENT
  - LE = LEE COUNTY DRAINAGE EASEMENT
  - LEDE = LEE COUNTY UTILITY EASEMENT
  - LI = LEFT
  - LI = SPECIAL RECORDS BOOK/PAGE
  - LI = SPECIAL RECORDS INSTRUMENT
  - LI = LIGHT POLE
  - LI = POINT OF INTERSECTION
  - LI = PUBLIC UTILITY EASEMENT
  - LI = RIGHT
  - LI = RIGHT OF WAY
  - LI = RIGHT
  - LI = UTILITY EASEMENT/UTILITY EASEMENT
  - LI = SECTION
  - LI = STATE
  - LI = LEE COUNTY PARCEL NUMBER
  - LI = TEMPORARY CONSTRUCTION EASEMENT
  - LI = TEMPORARY CONSTRUCTION EASEMENT
  - LI = UTILITY EASEMENT
  - LI = UNDERGROUND ELECTRIC
  - LI = TOP OF BANK
  - LI = TOE OF SLOPE
  - LI = STORM SEWER DRAINAGE PIPE
  - LI = UNDERGROUND ELECTRIC LINE
  - LI = CONC. UTILITY POLE
  - LI = CATCH BASIN
  - LI = CURB INLET
  - LI = CHAIN SIDE
  - LI = BURNED CHAIN MARKER
  - LI = BURNED CHAIN MARKER
  - LI = CHAIN MARKER
  - LI = DRAINAGE MANHOLE
  - LI = DRAINAGE MANHOLE
  - LI = MAIL BOX
  - LI = TELEPHONE BOX
  - LI = SIGN
  - LI = GATE/VAULT POST
  - LI = LIGHT POLE
  - LI = CONCRETE LIGHT POLE
  - LI = WOOD UTILITY POLE
  - LI = GUY ANCHOR
  - LI = WATER VALVE
  - LI = WINDSHIELD CONTROL VALVE
  - LI = FIRE HYDRANT
  - LI = WATER METER
  - LI = WINDSHIELD MANHOLE
  - LI = WINDSHIELD MANHOLE
  - LI = TRANSFORMER
  - LI = INTERED END SECTION

SEE SHEET 2 OF 7 FOR BOUNDARY PARCEL DESCRIPTIONS



S.E. 1/4 OF SEC. 21  
TWP. 46 S., RGE. 26 E.

S.W. 1/4 OF SEC. 22  
TWP. 46 S., RGE. 26 E.

S.E. 1/4 OF SEC. 21  
TWP. 46 S., RGE. 26 E.

S.W. 1/4 OF SEC. 22  
TWP. 46 S., RGE. 26 E.



BOUNDARY SURVEY

"CORKSCREW SHORES  
RIGHT-OF-WAY PARCELS 321,  
322A, 322B, 323, 324, 325 AND 326"  
SECTION 21, TOWNSHIP 46 SOUTH, RANGE 26 EAST  
VILLAGE OF ESTEREO, LEE COUNTY, FLORIDA

REVISIONS	DESCRIPTION
DATE	
DATE	
DATE	
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DATE	
DATE	

DATE: 05/18/22  
PROJECT NO.: 20192030-000  
FILE NO.: 21-46-26  
SCALE: AS SHOWN

BOUNDARY DETAIL

SHEET NUMBER  
**7 OF 7**

V:\78807\Drawings\2019\20192030-000\_Surveying\Survey\20192030-000 Corkscrew Shores ROW Parcel.dwg (7) 05/18/22 - 6/14/22

The attached document has been approved by the Board of County Commissioners. Please review the instructions below and forward to the appropriate office when complete.

<b>Meeting Date:</b>	04/02/2024
<b>Agenda Item #:</b>	C8
<b>Agenda Item Title:</b>	Approve Subordination of Utility Interests for Corkscrew Road Phase II Widening
	(1) Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations

Department	Instructions
<b>County Attorney</b>	Please review the attached document(s) at the <b>BLUE</b> sticker. If you have any questions concerning the document(s), contact the originating department.  After completion, forward to the <b>CHAIR/VICE CHAIR</b> for signature.
<b>Chair/Vice Chair</b>	Sign the attached document(s) at the <b>RED</b> sticker.  After completion, forward to the <b>MINUTES OFFICE</b> for execution.
<b>Minutes Office</b>	Execute the attached document(s).  After document(s) are completely executed, return the remaining originals to <b>Laurel Chick, County Administration</b> for distribution.

Date out from Administration: 04/02/24

Return to Dept.  Novus

RECEIVED  
MINUTES OFFICE  
2024 APR -5 PM 1:28

2024 APR -2 AM 11:05  
RECEIVED BY  
LEE CO. ATTORNEY

**AGENDA ITEM REPORT**

DATE: April 2, 2024  
 DEPARTMENT: County Lands  
 REQUESTER: Robert Clemens  
 TITLE: Approve Subordination of Utility Interests for Corkscrew Road Phase II Widening

*JKG*

**I. MOTION REQUESTED**

- A) Approve the Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations between Lee County and Florida Power & Light Company (FPL) for utility interests being affected by the Corkscrew Road Phase II Widening, Project No. 0669;
- B) Authorize the Chair on behalf of the Board to execute the Agreement and approve payment of relocation fees from the project budget estimated to cost \$81,051;
- C) Authorize payment of recording fees, estimated to be \$125; and
- D) Authorize County Lands to handle and accept all documentation necessary to complete the transaction.

**II. ITEM SUMMARY**

Grants Lee County the necessary subordinated property rights from Florida Power & Light Company (FPL) to construct that portion of Corkscrew Road encumbered by existing FPL easement interests and provides for reimbursement to FPL for its utility relocation costs, estimated at \$81,051. Recording fees are estimated to be \$125. Construction commenced in the first quarter of 2024.

**III. BACKGROUND AND IMPLICATIONS OF ACTION**

- A) Board Action and Other History  
 On February 19, 2019, under Administrative Agenda Item 20, the Board awarded a contract to Johnson Engineering, Inc. to update and set the final alignment and prepare the roadway plans and permits for Corkscrew Road from Ben Hill Griffin Parkway to Alico Road.  
  
 On January 18, 2022, in accordance with Administrative Agenda Item 3, the Board approved and adopted the Corkscrew Road Phase II Widening Analysis that evaluated the improvements to the project.  
  
 On December 5, 2023, in accordance with Administrative Agenda Item 5, the Board awarded the construction contract for Corkscrew Road Phase II.
- B) Policy Issues
- C) BoCC Goals  
 Transportation
- D) Analysis  
 The Corkscrew Road Phase II widening project extends from Bella Terra Boulevard to Alico Road. Lee County previously acquired right-of-way from the Corkscrew Shores subdivision for the expansion of the roadway improvements. Certain portions of the right-of-way were encumbered by utility easements with FPL facilities. This subordination from FPL grants Lee County the right to construct within the portions of the newly acquired right-of-way that are encumbered by existing FPL easement interests and provides for reimbursement of their utility relocation costs.  
 Estimated recording fees: \$125.
- E) Options

**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	\$81,176
B)	Is this item approved in the current budget?	Yes
C)	Is this a revenue or expense item?	Expense
D)	Is this Discretionary or Mandatory?	Discretionary
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	Yes
F)	Fund: Transportation Capital Improvements Program: Capital Projects Project: Corkscrew Road Account Strings: 20066930700	

G)	Fund Type?	Other: Transportation Capital Projects
H)	Comments:	

**V. RECOMMENDATION**

Approve

**VI. TIMING/IMPLEMENTATION**

**VII. FOLLOW UP**

**ATTACHMENTS:**

Description	Upload Date	Type
<u>Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations</u>	3/12/2024	Agreement
<u>Location Maps</u>	3/12/2024	Agreement

**REVIEWERS:**

Department	Reviewer	Action	Date
County Lands	Clemens, Robert	Approved	3/20/2024 - 9:53 AM
County Lands	Cerchie, Randy	Approved	3/22/2024 - 10:44 AM
Budget Services	Guttery, Angela	Approved	3/22/2024 - 11:30 AM
Budget Services	Winton, Peter	Approved	3/22/2024 - 1:19 PM
County Attorney	Halverson, David	Approved	3/26/2024 - 9:33 AM
County Manager	Mora, Marc	Approved	3/26/2024 - 1:36 PM