This instrument prepared by:

Department of County Lands P.O. Box 398 Fort Myers, FL 33902-0398 INSTR# 2024000102935, Pages 10 DocType: AGR, Recorded: 4/11/2024 at 3:57 PM Kevin C. Karnes, Lee County Clerk of the Court & Comptroller Rec Fees: \$86.50

Deputy Clerk CGRINER

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

	THIS AGREEN	ÆNT, enter	ed into this	<u>2nd</u>	day of_	April	,	202 <u>4</u>	_, by an	d between L	EE COI	JNTY, a
political	subdivision of	the State of	f Florida, v	vhose :	mailing	address	is P.O.	Box 39	8, Fort	Myers, Flor	ida 339	02-0398,
	ter called the "											
address	is P. O. Box 140	000, Juno Be	ach, Florida	33408	, herein	after call	ed "Utili	ity".				

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. 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

ATTEST: KEVINC KARNES

CIRCUIT COURT

Clerk

BOARD OF COUNTY COMM
OF LEE COUNTY, FLORIDA

BY:
MIKE GREENWELL, CH BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM FOR THE RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

(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.

FLORIDA POWER & LIGHT COMPANY

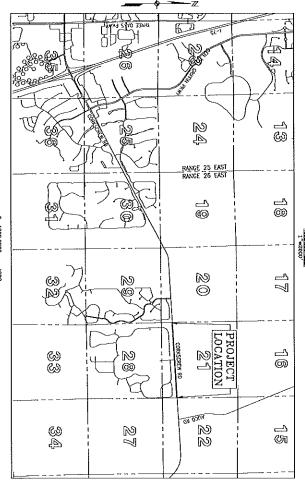
Signed, sealed and delivered in the presence of:	FLORIDA POWER & LIGHT COMPANY
Print Name Matthew C. Jenkins	By: Title: Corporate Real Estate Manager Print Name:
Print Name: Celline Williams	(Corp. Seal)
STATE OF FLORIDA, COUNTY OF <u>Charlotte</u>	·
online notarization, this <u>IST</u> day of <u>March</u> known and personally known to me to be the person described	s acknowledged before me by means of physical presence or 2024, by
WITNESS my hand and official seal in the Count	ty and State aforesaid this
My Commission Expires: 02:13:27	Notary Signature: Notary Public State of Florida
	Printed Name: Celline Williams
CELLINE WILLIAMS MY COMMISSION # HH 361858 EXPIRES: February 13, 2027	

 $S: \label{local_policy} \label{local_policy} S: \label{local_policy} Lands \end{local_policy} POOL \end{local_policy} DOT \end{local_policy} A greement 9-20-2023. doc$

BOUNDARY SURVEY FOR

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

VILLAGE OF ESTERO, LEE COUNTY, FLORIDA



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. THIS SUPPLY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SCARCE. A TITLE COMMITMENT AND/OR ASSTRACT OF TITLE WAS NOT PROVIDED TO THE SURVEYOR.

Mark D. Haines PSM LSS312 State of Florida Dipuly signed by Hark D. Hainen PSM LSS317 ---SANE of PSPIGE SANE OFFICE STATES ONEY OFFICE STATES

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REVISIONS COVER SHEET

"CORKSCREW SHORES RIGHT-OF-WAY PARCELS 321, 322A, 322B, 323, 324, 325 AND 326 SECTION 21, TOWNSHIP 45 SOUTH, RANGE 26 EAST VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

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BOUNDARY SURVEY



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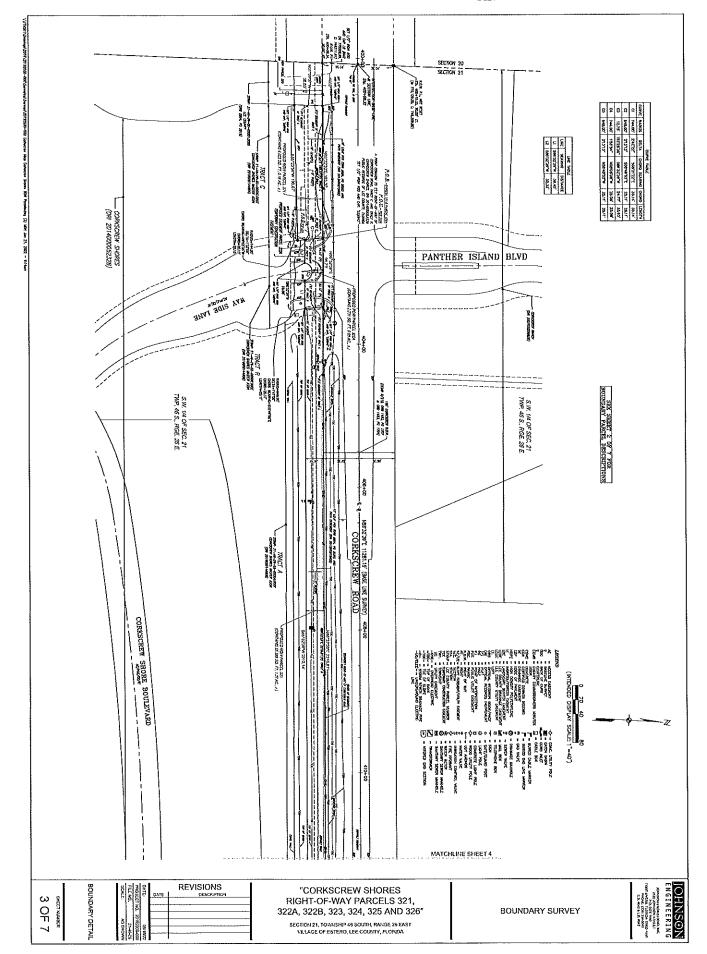
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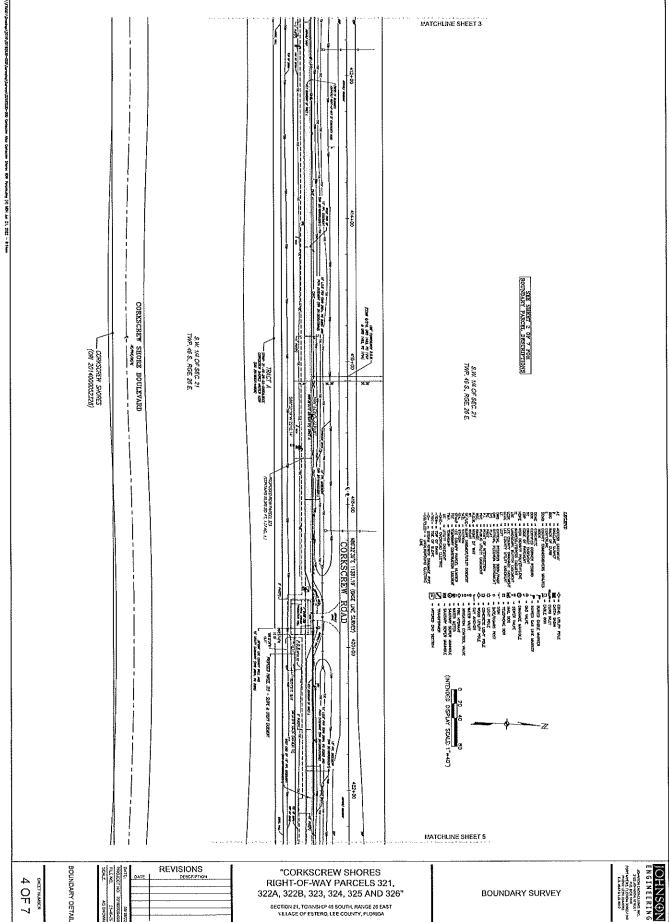
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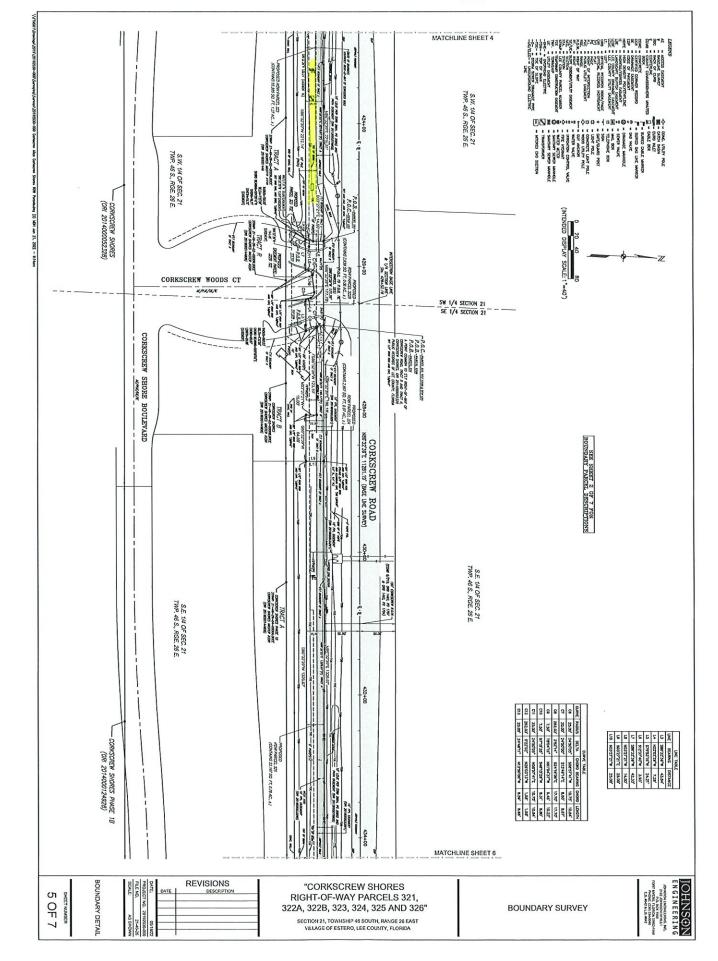
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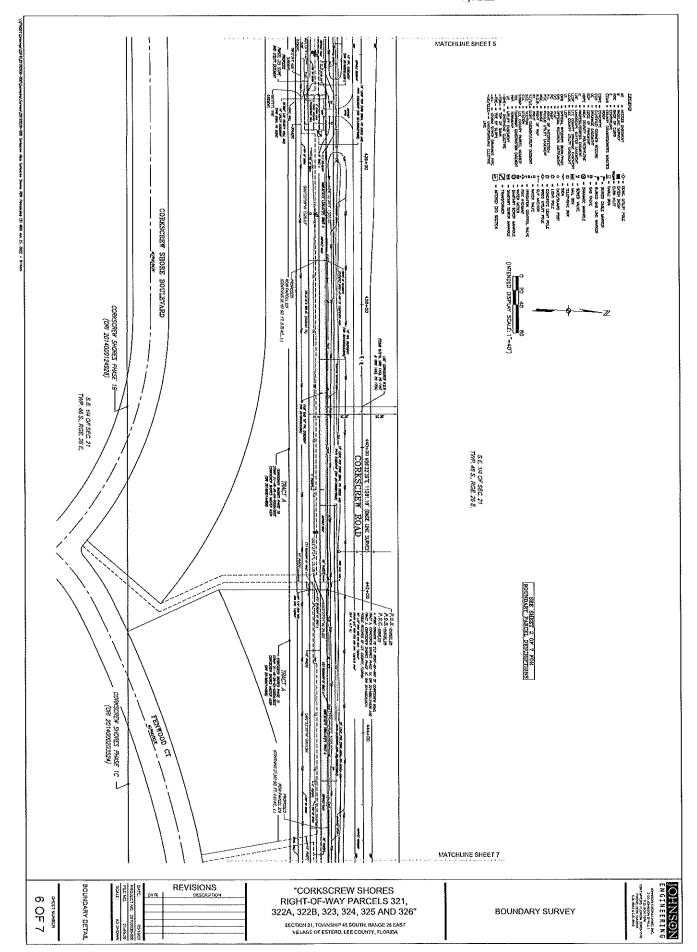
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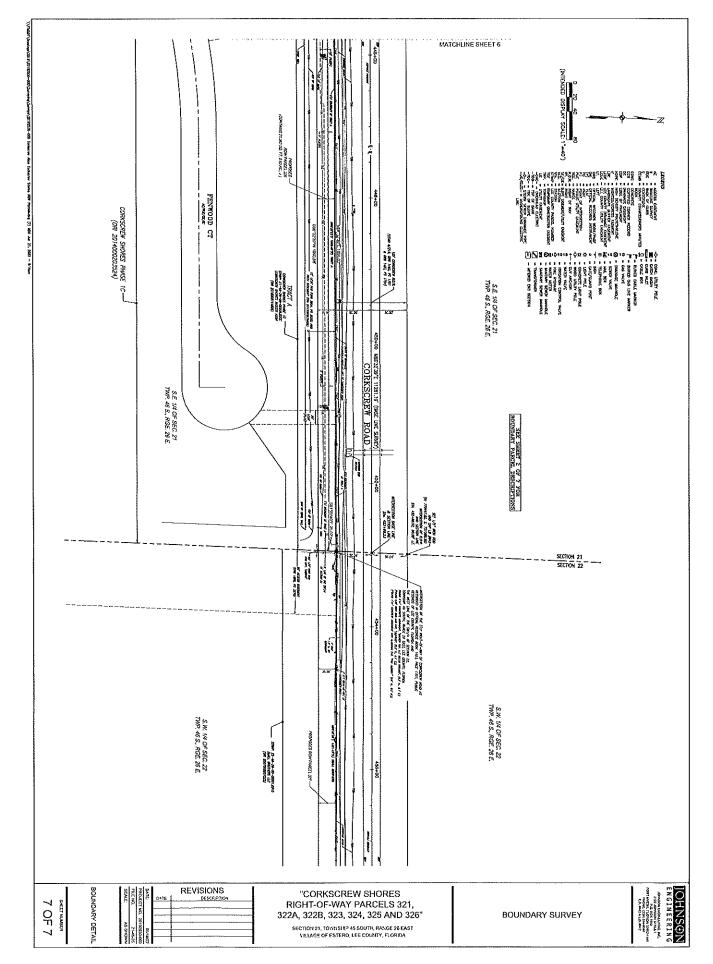
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Memorandum

from the

Department of County Lands

			Date:	August 21, 2024		
To:	Min	Minutes Department		Diace.		
	Lee	County Clerk of Court		Diana Escandon		
				Administrative Specialist, Senior		
SUB	JECT	: BoCC Date: April 2, 2024, Item #C8				
Enclos	ed ple	ease find the following items:				
		Copy of Owner's Title Policy				
		Copy of Recorded Warranty Deed				
		Copy of Recorded Temporary Construction Agreement				
		Copy of Purchase Agreement				
		Copy of Closing Statement				
	Copy of Agenda Items Report: April 2, 2024, Item #C8					
		Copy of Recorded Easement				
	\boxtimes	Other: Copy of Recorded Subordinatio	n of Utility	/ Interests		
These documents are now the permanent records of the Clerk's Minutes Department.						
Enclos	inclosures as stated.					



Lee County Administration Document Routing Sheet

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.

Meeting Date:	04/02/2024
Agenda Item #:	C8
Agenda Item Title:	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
County Attorney	Please review the attached document(s) at the BLUE sticker. If you have any questions concerning the document(s), contact the originating department. After completion, forward to the CHAIR/VICE CHAIR for signature.
Chair/Vice Chair	Sign the attached document(s) at the RED sticker. After completion, forward to the MINUTES OFFICE for execution.
Minutes Office	Execute the attached document(s). After document(s) are completely executed, return the remaining originals to Laurel Chick, County Administration for distribution.

Date out from Administration: 04/02/24

Return to Dept. □ Novus □

MINUTES OFFICE

RECEIVED BY



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

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

Account Strings: 20066930700

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

Estimated recording fees: \$125.

E) Options

costs

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	
′	Fund: Transportation Capital Improvements Program: Capital Projects Project: Corkscrew Road		

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

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

VII. FOLLOW UP

ATTACHMENTS:

DescriptionUpload DateTypeSubordination of Utility Interests and Agreement for Reimbursement for Additional Facility
Relocations3/12/2024AgreementLocation Maps3/12/2024Agreement040224R-C-8-Utility Reimbursement Agreement4/9/2024Agreement

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