

Notice to Relocate Utilities, consisting of (underground facilities)
(Immokalee TIGER Grant Area)
Name of Facility: Immokalee TIGER Grant Area
(Range 29, Township 46, Section 28, 33, 34 / Range 29, Township 47, Section 3, 4, 10)
Collier County, Florida,
Project No. 33563

Date: March 27, 2023

Attention: Immokalee Water Sewer District
Sarah Catala, Executive Director
1020 Sanitation Road
Immokalee, FL 34142

Please accept this letter as Collier County's written notification of the need to relocate the above-referenced utility facilities which, as currently located, unreasonably interfere with anticipated infrastructure improvements to commence on March 31, 2023.

The County is providing this early notification with the intent that you will immediately commence review of this matter and coordinate the relocation of the affected utilities with the County to avoid any potential delay or interference in the progress of the road construction. In the event that it appears that efforts are not made to relocate the utilities in a manner compatible with the County's construction schedule, the County will request the Board of County Commissioners to issue a Resolution directing the issuance of an order for the removal or relocation of the utilities.

Florida Statutes, § 337.403(1) requires the removal of utilities that unreasonably interfere with the maintenance or improvement of public roads, as follows:

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner shall, upon 30 days' written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(j). The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

In the event that the owner of the utility fails to remove or relocate the utility, the statute further provides:

“(3) Whenever a notice from the authority requires such utility work and the owner thereof fails to perform the work at his or her own expense within the time stated in the notice or such other time as agreed to by the authority and the utility owner, the authority shall proceed to cause the utility work to be performed. The expense thereby incurred shall be paid out of any money available therefore, and such expense shall, except as provided in subsection (1), be charged against the owner and levied and collected and paid into the fund from which the expense of such relocation was paid.”

Please be advised that if the above utilities are not relocated within (30) and/or the County incurs additional expense related to having to unilaterally relocate those utilities, the County will expect reimbursement from you as owner of the utilities. You may direct your communication regarding the relocation of the utilities to:

Jay Ahmad, P.E.
Director
Transportation Engineering Division
Transportation Management Services Department
2885 S. Horseshoe Drive
Naples, Florida 34104
Tel: (239) 213-5876