

First Addendum to TECO Franchise Agreement

THIS ADDENDUM TO THE FRANCHISE AGREEMENT, ("Addendum") is made and entered into this 16 day of March 2022 by and between the Village of Estero ("Village"), a Florida municipal corporation, and Peoples Gas System, Inc. ("TECO"), a Florida for-profit corporation, and collectively referred to as the "Parties."

WHEREAS, it was the intent of the Village and Peoples Gas to enter into a binding franchise agreement; and

WHEREAS, on July 21, 2021 the Village Council adopted Ordinance 2021-09 (the "Agreement") granting TECO a 20 year gas franchise within the Village limits, however TECO did not accept the terms within 60 days as provided in the Ordinance; and

WHEREAS, the Village and TECO hereby wish to further address issues related to the Ordinance and Agreement as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Village and TECO agree as follows:

A. Franchise Agreement. Notwithstanding the provisions of Section 19 of the Agreement, TECO hereby accepts and affirms all provisions of the Agreement which is hereby incorporated by reference as if set forth fully herein.

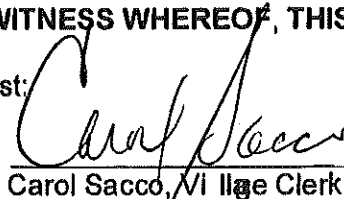
B. Effective Date. This Addendum shall become effective as of the date of so indicated above.

C.

IN WITNESS WHEREOF, THIS ADDENDUM has been executed by the parties herein:

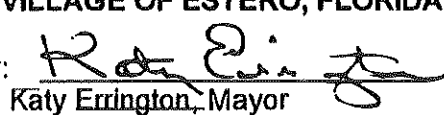
Attest:

By:


Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By:


Katy Errington, Mayor

Reviewed for legal sufficiency:

By:


Burt Saunders, Esq., Village Attorney

"Final draft reviewed for legal sufficiency

By:

Robert D. Pritt
Interim Village Attorney

PEOPLES GAS SYSTEM, INC.

Colleen Rupp
Witness #1 Signature

Colleen Rupp
Witness #1 Printed Name

By: Timothy O'Connor
Timothy O'Connor

Its: Vice President, Ops, Sustainability, EA

Nickole Eligon
Witness #2 Signature

Nickole Eligon
Witness #2 Printed Name

STATE OF Florida

COUNTY OF Hillsborough

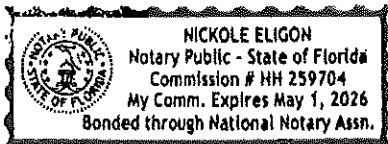
The foregoing instrument was acknowledged before me by means of
☒ physical presence or ☐ online notarization, this 13th day of May,
2022, by Timothy O'Connor OR by _____ as
VP Ops, Sustainability for Peoples Gas

Personally Known ☒ OR Produced Identification _____

Type of Identification Produced _____

Nickole Eligon
Signature of Notary Public

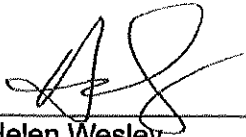
Nickole Eligon
Print Name of Notary Public
Commission No. HH 259704
Commission Expires May 1, 2026



PEOPLES GAS SYSTEM, INC.
Second Required Signature

Colleen P. Roop
Witness #1 Signature

Colleen P. Roop
Witness #1 Printed Name

By: 
Helen Wesley

Its: President

Nickole Eligon
Witness #2 Signature

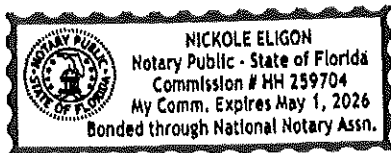
Nickole Eligon
Witness #2 Printed Name

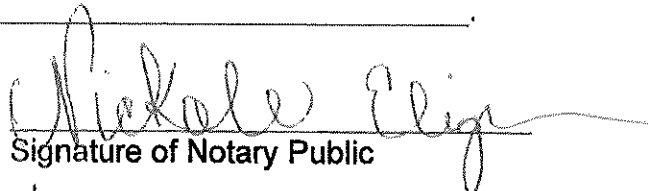
STATE OF Florida

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of
☒ physical presence or ☐ online notarization, this 11th day of May,
2022, by Helen Wesley OR by _____ as
President for Peoples Gas.

Personally Known ☒ OR Produced Identification _____.
Type of Identification Produced _____.




Signature of Notary Public

Nickole Eligon
Print Name of Notary Public
Commission No. HH 259704
Commission Expires May 1, 2026



Timothy O'Connor
Vice President, Ops, Sustainability, EA

702 N. Franklin Street
Tampa, FL 33602
PH: (813) 228-4522

May 16, 2022

Sent Via Federal Express

Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Attn: Mayor Katy Errington

Re: Village of Estero, Florida Ordinance No. 2021-09 - Granting to Peoples Gas System, a division of Tampa Electric Company, its successors and assigns, a Non-Exclusive Natural Gas Franchise (the "Ordinance") and the First Addendum to TECO Franchise Agreement (the "Addendum")

Dear Mayor Errington,

Enclosed please find an original Addendum signed and notarized by the President and myself as Vice-President Ops, Sustainability, EA. This signed Addendum is delivered to the Village of Estero, Florida (the "Village") subject to its acknowledgement and agreement to the following:

1. Peoples Gas System, a division of Tampa Electric Company, is the grantee of the gas franchise that is the subject of the Ordinance (the "Franchise Agreement") and is the proper party to the Addendum rather than the entity referenced ("Peoples Gas System, Inc. ("TECO")"); and
2. Peoples Gas System, a division of Tampa Electric Company, accepts the Franchise Agreement provided that the term of the franchise under such agreement commences on June 1, 2022, and continues for a term of ten years from such date plus up to two successive five year renewal periods for a potential expiration date of June 1, 2042.

If the Village is in agreement with the above, please memorialize such agreement in the space provided below with the signature of an authorized representative of the Village of Estero, Florida.

Very truly yours,

Timothy O'Connor
Vice President, Ops, Sustainability, EA

Acknowledgement & Agreement:

VILLAGE OF ESTERO, FLORIDA

By:
Katy Errington, Mayor

cc: Carol Sacco (via email)
Robert Plitt, Esq. (via email)
Ellen Anderton, Esq.

Date:



May 17, 2022

Joanne Ribble
District One

Larry Fiesel
District Two

Jon McLain
Vice Mayor
District Three

Katy Errington
Mayor
District Four

Jim Boesch
District Five

Jim Ward
District Six

Jim Wilson
District Seven

Steve Sarkozy
Village Manager

Robert D. Pritt
Interim
Village Attorney

TECO Franchise Agreement

Letter of Endorsement/Robert D. Pritt Esq.

This is to formally endorse the First Addendum to TECO Franchise Agreement with the Village of Estero as presented by Robert D. Pritt/Interim Village Attorney for "Final draft reviewed for legal sufficiency".

Robert D. Pritt

Interim Village Attorney