

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of TAMIAMI VILLAGE)
UTILITY, INC. for amendment of)
Certificates 388-W and 332-S in Lee)
County)
_____)

DOCKET NO. 891148-WS
ORDER NO. 22449
ISSUED: 1-23-90

ORDER AMENDING CERTIFICATES TO INCLUDE
ADDITIONAL TERRITORY

BY THE COMMISSION:

On September 25, 1989, Tamiami Village Utility, Inc. (Tamiami Village or Utility) filed an application with the Commission to amend its Certificates Nos. 388-W and 332-S to include additional territory in Lee County, Florida, pursuant to the provisions of Section 367.061, Florida Statutes.

On July 6, 1989, Tamiami Village notified certificated utilities and appropriate governmental agencies in Lee County of its intention to amend its Certificates to include the territory described in Appendix A, attached to this Order. Proof of Notification has been furnished by the Utility.

Notice of the Utility's intent to extend its service area was published in The Fort Myers News-Press, a newspaper of general circulation, published in Lee County, Florida, on September 1, 8, and 15, 1989. However, that notice incorrectly stated that interested persons had 20 days instead of 30 days in which to object to the extension. The utility renoticed in the Fort Myers News-Press on October 31 and November 7 and 14, 1989. No protests to this application were received within the prescribed time period.

The appropriate filing fee has been paid, and the Utility is ready, willing and able to provide service in the territory for which it has applied. The application has been reviewed and found to be in compliance with the statutory requirements. Accordingly, we find it is in the public interest to amend Certificates Nos. 388-W and 332-S to include the territory described in Appendix A to this Order, which by reference is incorporated herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificates Nos. 388-W and 332-S, held by Tamiami Village Utility, Inc., Post Office Box 4777, Fort Myers, Florida

DOCUMENT NUMBER-DATE

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----- REPORTING

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33918-4777, are hereby amended to include the territory described in Appendix A of this Order. The Utility is directed to return Certificates Nos. 388-W and 332-S to this Commission within 20 days of the date of this Order for appropriate entry. It is further

ORDERED that the customers in the territory added herein shall be charged the rates approved in the Utility's tariff. It is further

ORDERED that Tamiami Village Utility, Inc. shall submit revised tariff sheets reflecting the additional territory as set forth herein within 20 days of the date of this Order. It is further

ORDERED that Docket No. 891148-WS is hereby closed.

By ORDER of the Florida Public Service Commission,
this 23rd day of JANUARY, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

by: Kay J. J. J.
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

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Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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APPENDIX A

SUN BANK/S.W. FLORIDA, N.A.
LITTLETON ROAD BRANCH
IN SOUTHWEST 1/4, SECTION 27, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

Description

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County, Florida, which is described as follows:

From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S.89°53'40"E. along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly line (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road No. 45) and the POINT OF BEGINNING.

Thence N.05°56'20"E. along said prolongation for 348.19 feet; thence S.84°03'40"E. for 290.00 feet; thence S.05°56'20"W. along the Westerly right of way (100.00 feet from center line) of said Tamiami Trail for 208.00 feet to a point of curvature of a curve to the left (radius 5829.58 feet, Delta Angle 01°05'08"); thence Southwesterly along the arc of said curve for 110.46 feet; thence N.89°53'40"W. along said North right of way of Littleton Road for 292.55 feet to the POINT OF BEGINNING. Containing 2.220 acres more or less.

TAMIAMI PLAZA
IN SOUTHWEST 1/4, SECTION 27-43-24
LEE COUNTY, FLORIDA

Description

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County, Florida, which is described as follows:

From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of Said Section for 25.0 feet; thence S.89°53'40"E. along the North right of way (25.0 feet from

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center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly right of way (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road 45); thence N.05°56'20"E. along said prolongation for 348.19 feet to the POINT OF BEGINNING.

Thence continue N.05°56'20"E. along said prolongation for 371.45 feet; thence S.89°53'40"E. along the Southerly line of an 80.00 feet wide parcel II land as recorded in O.R.B. 1687, page 1106 for 291.50 feet; thence S.05°56'20"W. along said Westerly right of way (100.00 feet from center line) of said Tamiami Trail for 401.08 feet; thence N.84°03'40"W. for 290.00 feet to the POINT OF BEGINNING. Containing 2.572 acres more or less.