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CENTRAL FLORIDA OFFICE  
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ALTAMONTE SPRINGS, FLORIDA 32701  
(407) 830-6331  
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REPLY TO ALTAMONTE SPRINGS

MARTIN S. FRIEDMAN, P.A.  
VALERIE L. LORD, OF COUNSEL  
(LICENSED IN TEXAS ONLY)

July 8, 2003

HAND DELIVERY

RECEIVED  
JUL - 8 PM 12:35  
COMMISSION  
CLERK

Ms. Blanca Bayo  
Commission Clerk and Administrative Services Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 030593-5U; North Fort Myers Utility, Inc.'s Application for  
Amendment to Certificate of Authorization in Lee County, Florida  
Our File No.: 16319.59

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen (15) copies of the Application of North Fort Myers Utility, Inc., for Amendment to Certificate of Authorization. Also enclosed is our check in the amount of \$1,000.00 representing the appropriate filing fee.

Should you have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



MARTIN S. FRIEDMAN  
For the Firm

RECEIVED & FILED

*Ma*

FPSC-BUREAU OF RECORDS

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check

*SoC*

MSF/dmp  
Enclosures

cc: Mr. Tony Reeves (w/enclosure)  
Mr. Jack Schenkman (w/enclosure)  
Dr. Joel Schenkman (w/enclosure)  
Dr. Michael Schenkman (w/enclosure)

DOCUMENT NUMBER DATE

06020 JUL -8 &

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of )  
NORTH FORT MYERS UTILITY, INC. )  
for extension of wastewater )  
service in Lee County, Florida. )  
\_\_\_\_\_ )

Docket No. *D30593 - SU*

APPLICATION FOR AMENDMENT TO  
CERTIFICATE OF AUTHORIZATION

NORTH FORT MYERS UTILITY, INC. ("NFMU"), by and through its undersigned attorneys, and pursuant to Section 367.045(2), Florida Statutes, and Rule 25-30.036, Florida Administrative Code, files this Application for Amendment of Certificate 247-S to extend its service area, and in support thereof states:

1. The exact name of the Company and the address of its principal business office is:

NORTH FORT MYERS UTILITY, INC.  
Post Office Box 2547  
Fort Myers, Florida 33902  
(239) 543-1005

2. The name and address of the person authorized to receive notices and communications in respect to this application is:

Martin S. Friedman, Esquire  
Rose, Sundstrom & Bentley, LLP  
600 S. North Lake Blve., Ste. 160  
Altamonte Springs, Florida 32701  
(407) 830-6331  
(407) 830-8522 fax  
[mfriedman@rsbattorneys.com](mailto:mfriedman@rsbattorneys.com)

DOCUMENT NUMBER DATE

06020 JUL-88

FPSC-COMMISSION CLERK

3. To the best of Applicant's knowledge, the provision of wastewater service to portions of this property by NFMU is consistent with the Lee County Comprehensive Plan at the time the application is filed, as approved by the Department of Community Affairs.

4. A copy of the deed to the wastewater plant site is attached hereto as Exhibit "A".

5. A description of the territory proposed to be served, using township, range and section references is attached hereto as Exhibit "B" ("Extension Area").

6. NFMU will serve the Extension Area with its existing wastewater treatment plant. Expansions to the plant will be made as necessary to meet demands.

7. NFMU uses spray irrigation as its primary method of effluent disposal with deepwell injection as a backup.

8. A detailed map showing township, range and section with the Extension Area plotted thereon are attached as Exhibit "C". A full size map will be provided to the appropriate Staff.

9. A detailed map showing existing lines and facilities is attached hereto as Exhibit "C". A full size map will be provided to the appropriate staff.

10. NFMU operates its wastewater system pursuant to DEP Permit No. FLA014548 which expires October 28, 2004, which authorizes the operation of a 3.5 MGD extended aeration wastewater

treatment facility with tertiary filtration and reclaimed water to a 1.7 MGD golf course irrigation system and a 1.0 MGD reclaimed water storage tank, with a back-up system for disposal by a Class I injection well of 4.0 MGD.

11. NFMU has both the financial and technical ability to render reasonably sufficient, adequate and efficient service. NFMU was first certificated by the Commission in Order No. 8025 in 1977 and has undergone a steady and controlled growth and is now the primary wastewater utility provider in unincorporated northern Lee County. NFMU has funded this expansion with a combination of debt and equity. In 2003, NFMU refinanced its industrial development revenue bonds in the amount of \$15,155,000. NFMU has consistently made payments in that financial obligation in a timely manner. NFMU has sufficient cash flow to meet its financial obligations as they become due. In addition, NFMU's parent corporation, Old Bridge Corporation, will provide for any additional capital needs which may arise as the result of the expanded service area. This Commission on numerous occasions in recent years has confirmed NFMU's financial ability.

12. With regard to its technical ability, NFMU employs certified operators in accordance with Department of Environmental Protection ("DEP") regulations. There are no outstanding Consent Orders or Notices of Violation from DEP. Mr. Anthony Reeves, who handles the day to day management of NFMU, has over 30 years

experience in the operation and management of wastewater utility systems. Its regulatory accountants are Cronin, Jackson, Nixon & Wilson, CPAs, and its attorneys are the law firm of Rose, Sundstrom & Bentley, LLP. Both of the latter two are the preeminent firms in their respective disciplines in the regulation of wastewater utilities.

13. The construction of the collection system will be financed by service availability charges collected from the developer of the new development. There will be no material impact on NFMU's capital structure in the short term.

14. The Extension Area, once development is complete, will consist of 300,000 square feet of commercial development and 650 multi-family dwelling units.

15. There will be no material impact as NFMU's monthly rates or service availability charges in the short term. The addition of these new customers will allow additional economies of scale which will allow NFMU to continue to operate under its existing rate structure.

16. Attached as Exhibit "D" to the original Application are the original and two copies of the revised tariff sheets reflecting the Extension Area. A copy of the revised tariff sheets is attached to each copy of the Application.

17. After a diligent search, NFMU was unable to locate the original Certificate No. 247-S and requests the issuance of a replacement certificate in connection with this application.

18. Attached as Exhibit "E" is an affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:

- (1) the governing body of the municipality, county or counties in which the Extension Area is located;
- (2) the privately owned water utility that holds a certificate granted by the Public Service Commission and that is located within the county in which the utility or the Extension Area is located;
- (3) if any portion of the Extension Area is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
- (4) the regional planning council;
- (5) the Office of Public Counsel;
- (6) the Public Service Commission's Director of Records and Reporting;
- (7) the appropriate regional office of the Department of Environmental Protection; and

(8) the appropriate water management district;

Copies of the Notice and a list of entities noticed shall accompany the affidavit.

19. Late Filed Exhibit "F" will be the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each property owner in the Extension Area.

20. Late Filed Exhibit "G" will be an affidavit that the notice of application was published once a week in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication will accompany the affidavit.


21. In accordance with Section 367.045(2)(c), Florida Statutes, attached hereto as Exhibit "H" is an Affidavit that NFMU has on file with the PSC a tariff and annual reports.

22. NFMU's rates were last established based upon the application of the 2003 price index on April 15, 2003, pursuant to authority no. WS-03-0011. NFMU's last general rate case was in Docket No. 790677-S resulting in Order No. 10152. NFMU's current service availability charges were established by Order No. 16971 in Docket No. 860184-SU.

23. The extension will serve between 501 and 2,000 ERC's, so the appropriate filing fee is \$1,000, which is attached.

Respectfully submitted on this  
9<sup>th</sup> day of July, 2003, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
600 S. North Lake Blvd., Ste. 160  
Altamonte Springs, Florida 32701  
(407) 830-6331  
(407) 830-8522 fax  
[mfriedman@rsbattorneys.com](mailto:mfriedman@rsbattorneys.com)

By:   
\_\_\_\_\_  
MARTIN S. FRIEDMAN

nfmu(059)\territory ext\ext.app



EXHIBIT "A"

This Warranty Deed Made and executed the 27th day of December A D 19 85 by

WILDER CORPORATION OF DELAWARE

a corporation existing under the laws of DELAWARE and having its principal place of business at 3040 Gulf to Bay Blvd. Suite 101 Clearwater, Florida 33519 hereinafter called the grantor, to

NORTH FORT MYERS UTILITY, INC.

whose postoffice address is P.O. Box 2587 North Fort Myers, FL 33902

hereinafter called the grantee:

Wherever used herein the terms "grantor" and "grantee" include all the parties in this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Lee County, Florida, viz

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Documentary Tax Pd \$ 800.00
Intangible Tax Pd
By CHARLIE GREEN, CLERK, LEE COUNTY

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes for the year 1986 and subsequent years, easements, reservations, and restrictions of record, if any.



In Witness Whereof the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST: Thomas L. Marshall Secretary

WILDER CORPORATION OF DELAWARE

Signed, sealed and delivered in the presence of:

Signature of witness

By Maurice Wilder President

STATE OF FLORIDA COUNTY OF

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid in like acknowledgment, personally appeared Maurice Wilder

well known to me to be the President of the corporation named as grantor in the foregoing deed and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of December A. D. 19 85

NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. OCT 20, 1988 BORDO INGU GENERAL INS. UMD.

This instrument prepared by: M. Page Alday/Donalson Title Co., Inc. 2815 W. Waters Avenue Tampa, Florida 33614

EXHIBIT "A"

A Parcel or tract of land situated in the South Half (S 1/2) of Section 14, Township 43, South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the Southwest (SW) corner of said Section 14; thence run S 89° 58' 37" E, along the South line of said Section for 2940.15 feet to a concrete monument marking the East line of the former Seaboard Coast Line (SCL) Railroad right of way and the Point of Beginning; thence run N 11° 21' 24" W, along said East line of right of way for 1632.08 feet; thence run S 89° 58' 37" E, parallel with the South line of said Section 14 for 1247.76 feet; thence run S 00° 08' 53" E, along a line parallel with the West line of said Section 14 for 1600.00 feet to the South line of said Section; thence run N 89° 58' 37" W, along said South line for 930.51 feet to the Point of Beginning.

Dec 27 12 38 PM '95  
RECORDED & OFFICIAL  
RECORDS DEPT.  
LEE COUNTY, FLORIDA  
RECORD VERIFIED  
Doris J. [Signature]

EXHIBIT "B"

EXHIBIT "B"

LEGAL DESCRIPTION OF EXTENSION AREA

That part of Lee County, Florida, lying in Township 44 South, Range 24 East, more particularly described as follows:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Sections 3 and 4, Township 44 South, Range 24 East, Lee County, Florida, being further bounded and described as follows:

BEGINNING at the Southwest corner of the Northwest  $\frac{1}{4}$  of said Section 3, also being the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 4; thence S 89°58'48" W along the South line of said Northeast  $\frac{1}{4}$  of Section 4, for 1313.24 feet to the Easterly right-of-way line of Barrett Road, being the West line of the Southeast  $\frac{1}{4}$  of said Northeast  $\frac{1}{4}$ ; thence N 04°33'11" W, along said right-of-way line and said West line, for 2132 feet to the Southerly right-of-way line of Pine Island Road (State Road 78); thence N 61°59'54" E, along said Southerly right-of-way line, for 593.71 feet to the point of curvature of a curve to the right, having: a radius of 1879.27 feet a central angle of 07°06'37", a chord bearing of N 65°33'12" E and a chord length of 233.06 feet; thence along the arc of said curve, an arc length of 233.21 feet to the approximate centerline of Yellow Fever Creek; thence along said approximate centerline the following fifteen (15) courses:

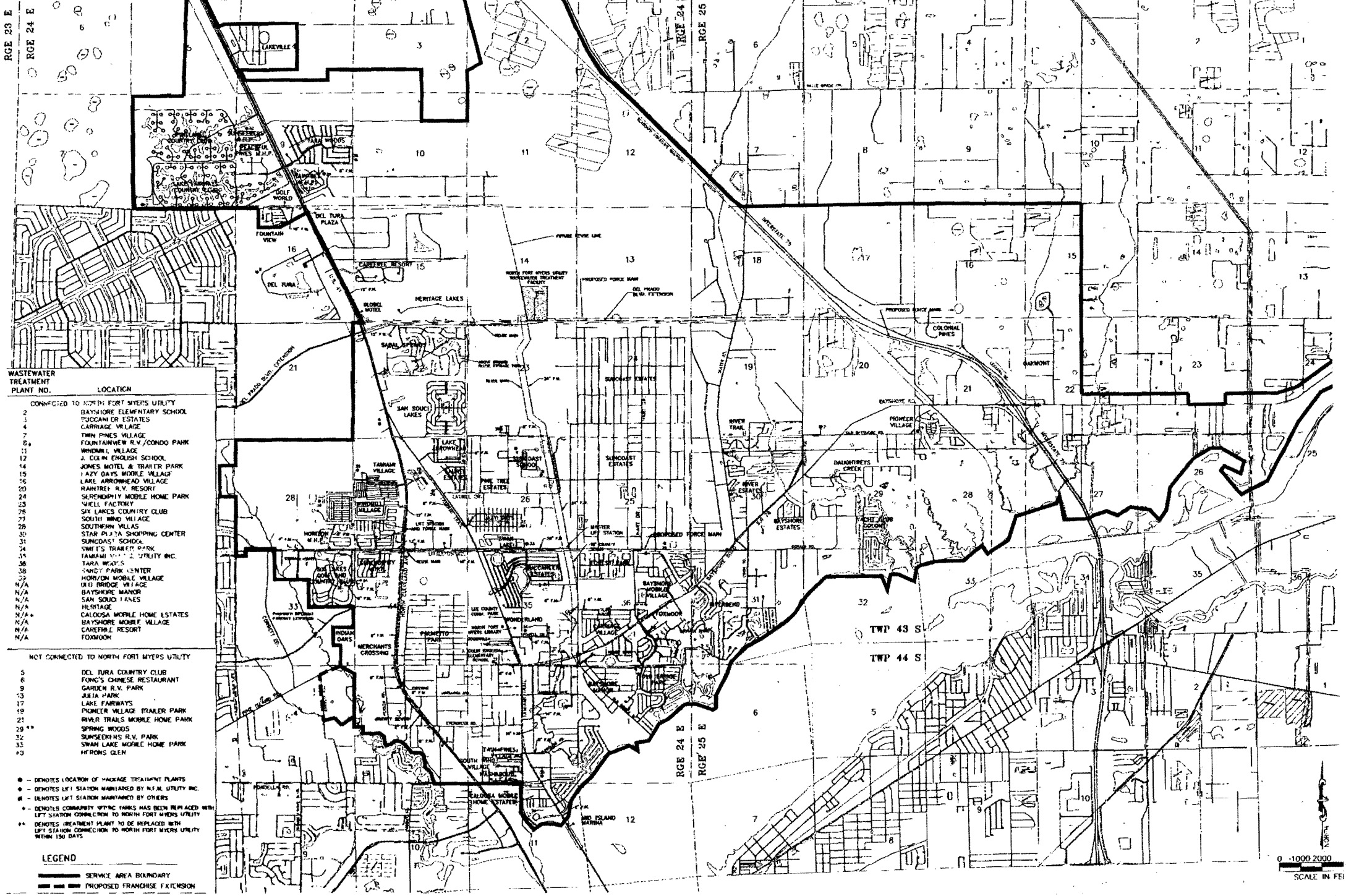
Thence S 69°04'29" E, for 194.50 feet; thence N 75°26'02" E, for 144.58 feet; thence S 35°03'06" E, for 297.25 feet; thence N 76°42'00" E, for 156.46 feet; thence S 21°22'54" E, for 364.26 feet; thence S 17°34'11" W, for 203.67 feet; thence S 85°57'28" W, for 244.08 feet; thence S 03°14'07" E, for 371.64 feet; thence S 39°18'19" E, for 333.39 feet; thence N 67°35'43" E, for 290.07 feet; thence S 65°10'59" E, for 247.45 feet; thence S 08°35'18" E, for 179.58 feet; thence S 21°19'44" W, for 147.46 feet; thence S 02°54'45" W, for 395.84 feet; thence S 06°38'13" W, for 383.24 feet; to an intersection with the North line of the Southwest  $\frac{1}{4}$  of said Section 3; thence N 89°26'21" W, along said North line for 360 feet to the POINT OF BEGINNING.

The approximate centerline of Yellow Fever Creek is described accurately for closure purposes only and does not represent an exact field location.

Parcel contains 3618862 square feet or 83.08 acres, more or less.

Bearings are based on the South line of the Southwest  $\frac{1}{4}$  of Section 14, as bearing S 89°58'48" W.

EXHIBIT "C"



WASTEWATER TREATMENT PLANT NO.	LOCATION
CONNECTED TO NORTH FORT MYERS UTILITY	
2	BAYSHORE ELEMENTARY SCHOOL
3	BUCCANON ESTATES
4	CARRIAGE VILLAGE
7	FURN PINES VILLAGE
8	FOUNTAINVIEW R.V./CONDO PARK
11	WINDMILL VILLAGE
12	J. COLIN ENGLISH SCHOOL
14	JONES MOTEL & TRAILER PARK
15	147Y DAYS MOBILE VILLAGE
16	LAKE ARROWHEAD VILLAGE
20	RAINTREE R.V. RESORT
24	SERENDIPITY MOBILE HOME PARK
25	SHELL FACTORY
26	SIX LAKES COUNTRY CLUB
27	SOUTH WIND VILLAGE
28	SOUTHERN VILLAS
30	STAR PAXA SHOPPING CENTER
31	SUNCOAST SCHOOL
34	SWIFT'S TRAILER PARK
35	TAMAMI WAYS
36	TARA WAYS
37	SANDY PARK CENTER
38	HORIZON MOBILE VILLAGE
39	OLD BRIDGE VILLAGE
N/A	BAYSHORE MANOR
N/A	SAN SOUJI LAKES
N/A	HERITAGE
N/A	CALOOSA MOBILE HOME ESTATES
N/A	BAYSHORE MOBILE VILLAGE
N/A	CARROLL RESORT
N/A	FOXMOON
NOT CONNECTED TO NORTH FORT MYERS UTILITY	
5	DEL TURA COUNTRY CLUB
6	PONG'S CHINESE RESTAURANT
9	GARDEN R.V. PARK
13	JULIA PARK
17	LAKE FAIRWAYS
19	PIONEER VILLAGE TRAILER PARK
21	RIVER TRAILS MOBILE HOME PARK
29**	SPRING WOODS
32	SUNSETERS R.V. PARK
33	SWAN LAKE MOBILE HOME PARK
35	HYDRON GLEN

- - DENOTES LOCATION OF PACKAGE TREATMENT PLANTS
- - DENOTES LIFT STATION MAINTAINED BY N.F.M. UTILITY INC.
- ⊖ - DENOTES LIFT STATION MAINTAINED BY OTHERS
- \*\* - DENOTES COMMUNITY SPRING FIELDS HAS BEEN REPLACED WITH LIFT STATION CONNECTION TO NORTH FORT MYERS UTILITY
- \*\* - DENOTES TREATMENT PLANT TO BE REPLACED WITH LIFT STATION CONNECTION TO NORTH FORT MYERS UTILITY WITHIN 150 DAYS

**LEGEND**

— SERVICE AREA BOUNDARY

- - - PROPOSED FRANCHISE EXTENSION

DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
1-00	MSD		07-02-01	KLL	REVISED FRANCHISE EXTENSION	06-27	OS/MSD	ADDED FRANCHISE EXTENSION
21-01	MSD		03-07-02	KLL	REVISED FRANCHISE EXTENSION			
25-01	RLM	ADDED FRANCHISE EXTENSION	17-06-02	MSD	UPDATE FRANCHISE MAP			

<b>JOHNSON ENGINEERING, INC.</b> CIVIL ENGINEERS - LAND SURVEYORS 2156 JOP FOR STREET, P.O. BOX 1500 FORT MYERS, FLORIDA 33907-1500	<b>NORTH FORT MYERS UTILITY, INC.</b> P.O. BOX 2547 FORT MYERS, FLORIDA 33902	<b>FRANCHISE AREA</b>
--	--	-----------------------

0 - 1000 2000  
SCALE IN FEET

EXHIBIT "D"

TARIFFS ARE LOCATED IN THE ORIGINAL APPLICATION



TERRITORY SERVED

CERTIFICATE NO. - 247-S

COUNTY - LEE

COMMISSION ORDERS APPROVING TERRITORY SERVED -

<u>Order No.</u>	<u>Date Issued</u>	<u>Docket No.</u>	<u>Filing Type</u>
8025	10/25/77	770709-S	Grandfather
11300	11/02/82	820278-S	Extension
12572	10/04/83	830316-S	Extension
15659	02/12/86	830362-S	Extension/Name Change
19059	03/29/88	871306-SU	Extension
PSC-92-0537-FOF-SU	06/22/92	920037-SU	Extension/Del Tura
PSC-92-0588-FOF-SU	06/30/92	920273-SU	Extension/Forest Park
PSC-93-0971-FOF-SU	06/29/93	930289-SU	Extension/ Fountain View
PSC-93-1851-FOF-SU	12/30/93	93140-SU	Extension/ Northside Pavillion
PSC-93-1821-FOF-SU	12/22/93	930379-SU	Extension/Laurel Estates/ Lake Arrowhead
PSC-94-0450-FOF-SU	04/14/94	931164-SU	Extension/Carriage Village
PSC-94-0726-FOF-SU	06/13/94	930724-SU	Extension/Lazy Days
PSC-95-0576-FOF-SU	05/09/95	940963-SU	Extension/Tamiami Village
PSC-99-2444-AS-SU	12/14/99	981781-SU	Extension/ Buccaneer Estates
PSC-00-1892-PAA-SU	10/16/00	991494-SU	Transfer/Forest Park
PSC-01-0995-AS-WS	04/23/01	000277-WS	Transfer/ Pine Lakes/ Lake Fairways
PSC-03-			Extension/Judd Creek Preserve

Jack Schenkman  
ISSUING OFFICER

President  
TITLE

(Continued from Sheet No. 3.7)

LEGAL DESCRIPTION, CONTINUED

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Thence S  $69^{\circ}04'29''$  E, for 194.50 feet; thence N  $75^{\circ}26'02''$  E, for 144.58 feet; thence S  $35^{\circ}03'06''$  E, for 297.25 feet; thence N  $76^{\circ}42'00''$  E, for 156.46 feet; thence S  $21^{\circ}22'54''$  E, for 364.26 feet; thence S  $17^{\circ}34'11''$  W, for 203.67 feet; thence S  $85^{\circ}57'28''$  W, for 244.08 feet; thence S  $03^{\circ}14'07''$  E, for 371.64 feet; thence S  $39^{\circ}18'19''$  E, for 333.39 feet; thence N  $67^{\circ}35'43''$  E, for 290.07 feet; thence S  $65^{\circ}10'59''$  E, for 247.45 feet; thence S  $08^{\circ}35'18''$  E, for 179.58 feet; thence S  $21^{\circ}19'44''$  W, for 147.46 feet; thence S  $02^{\circ}54'45''$  W, for 395.84 feet; thence S  $06^{\circ}38'13''$  W, for 383.24 feet; to an intersection with the North line of the Southwest  $\frac{1}{4}$  of said Section 3; thence N  $89^{\circ}26'21''$  W, along said North line for 360 feet to the POINT OF BEGINNING.

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Jack Schenkman  
ISSUING OFFICER

President  
TITLE

TERRITORY SERVED

CERTIFICATE NO. - 247-S

COUNTY - LEE

COMMISSION ORDERS APPROVING TERRITORY SERVED -

<u>Order No.</u>	<u>Date Issued</u>	<u>Docket No.</u>	<u>Filing Type</u>
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PSC-92-0537-FOF-SU	06/22/92	920037-SU	Extension/Del Tura
PSC-92-0588-FOF-SU	06/30/92	920273-SU	Extension/Forest Park
PSC-93-0971-FOF-SU	06/29/93	930289-SU	Extension/ Fountain View
PSC-93-1851-FOF-SU	12/30/93	93140-SU	Extension/ Northside Pavillion
PSC-93-1821-FOF-SU	12/22/93	930379-SU	Extension/Laurel Estates/ Lake Arrowhead
PSC-94-0450-FOF-SU	04/14/94	931164-SU	Extension/Carriage Village
PSC-94-0726-FOF-SU	06/13/94	930724-SU	Extension/Lazy Days
PSC-95-0576-FOF-SU	05/09/95	940963-SU	Extension/Tamiami Village
PSC-99-2444-AS-SU	12/14/99	981781-SU	Extension/ Buccaneer Estates
PSC-00-1892-PAA-SU	10/16/00	991494-SU	Transfer/Forest Park
PSC-01-0995-AS-WS	04/23/01	000277-WS	Transfer/ Pine Lakes/ Lake Fairways
PSC-03-			Extension/Judd Creek Preserve

Jack Schenkman  
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President  
TITLE

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PSC-93-1851-FOF-SU	12/30/93	93140-SU	Extension/ Northside Pavillion
PSC-93-1821-FOF-SU	12/22/93	930379-SU	Extension/Laurel Estates/ Lake Arrowhead
PSC-94-0450-FOF-SU	04/14/94	931164-SU	Extension/Carriage Village
PSC-94-0726-FOF-SU	06/13/94	930724-SU	Extension/Lazy Days
PSC-95-0576-FOF-SU	05/09/95	940963-SU	Extension/Tamiami Village
PSC-99-2444-AS-SU	12/14/99	981781-SU	Extension/ Buccaneer Estates
PSC-00-1892-PAA-SU	10/16/00	991494-SU	Transfer/Forest Park
PSC-01-0995-AS-WS	04/23/01	000277-WS	Transfer/ Pine Lakes/ Lake Fairways
PSC-03-			Extension/Judd Creek Preserve

Jack Schenkman  
 ISSUING OFFICER

President  
 TITLE

(Continued from Sheet No. 3.7)

LEGAL DESCRIPTION, CONTINUED

That part of Lee County, Florida, lying in Township 44 South, Range 24 East, more particularly described as follows:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Sections 3 and 4, Township 44 South, Range 24 East, Lee County, Florida, being further bounded and described as follows:

BEGINNING at the Southwest corner of the Northwest  $\frac{1}{4}$  of said Section 3, also being the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 4; thence S  $89^{\circ}58'48''$  W along the South line of said Northeast  $\frac{1}{4}$  of Section 4, for 1313.24 feet to the Easterly right-of-way line of Barrett Road, being the West line of the Southeast  $\frac{1}{4}$  of said Northeast  $\frac{1}{4}$ ; thence N  $04^{\circ}33'11''$  W, along said right-of-way line and said West line, for 2132 feet to the Southerly right-of-way line of Pine Island Road (State Road 78); thence N  $61^{\circ}59'54''$  E, along said Southerly right-of-way line, for 593.71 feet to the point of curvature of a curve to the right, having: a radius of 1879.27 feet a central angle of  $07^{\circ}06'37''$ , a chord bearing of N  $65^{\circ}33'12''$  E and a chord length of 233.06 feet; thence along the arc of said curve, an arc length of 233.21 feet to the approximate centerline of Yellow Fever Creek; thence along said approximate centerline the following fifteen (15) courses:

Thence S  $69^{\circ}04'29''$  E, for 194.50 feet; thence N  $75^{\circ}26'02''$  E, for 144.58 feet; thence S  $35^{\circ}03'06''$  E, for 297.25 feet; thence N  $76^{\circ}42'00''$  E, for 156.46 feet; thence S  $21^{\circ}22'54''$  E, for 364.26 feet; thence S  $17^{\circ}34'11''$  W, for 203.67 feet; thence S  $85^{\circ}57'28''$  W, for 244.08 feet; thence S  $03^{\circ}14'07''$  E, for 371.64 feet; thence S  $39^{\circ}18'19''$  E, for 333.39 feet; thence N  $67^{\circ}35'43''$  E, for 290.07 feet; thence S  $65^{\circ}10'59''$  E, for 247.45 feet; thence S  $08^{\circ}35'18''$  E, for 179.58 feet; thence S  $21^{\circ}19'44''$  W, for 147.46 feet; thence S  $02^{\circ}54'45''$  W, for 395.84 feet; thence S  $06^{\circ}38'13''$  W, for 383.24 feet; to an intersection with the North line of the Southwest  $\frac{1}{4}$  of said Section 3; thence N  $89^{\circ}26'21''$  W, along said North line for 360 feet to the POINT OF BEGINNING.

The approximate centerline of Yellow Fever Creek is described accurately for closure purposes only and does not represent an exact field location.

Parcel contains 3618862 square feet or 83.08 acres, more or less.

Bearings are based on the South line of the Southwest  $\frac{1}{4}$  of Section 14, as bearing S  $89^{\circ}58'48''$  W.

Jack Schenkman  
ISSUING OFFICER

President  
TITLE

(Continued from Sheet No. 3.7)

LEGAL DESCRIPTION, CONTINUED

That part of Lee County, Florida, lying in Township 44 South, Range 24 East, more particularly described as follows:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Sections 3 and 4, Township 44 South, Range 24 East, Lee County, Florida, being further bounded and described as follows:

BEGINNING at the Southwest corner of the Northwest  $\frac{1}{4}$  of said Section 3, also being the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 4; thence S  $89^{\circ}58'48''$  W along the South line of said Northeast  $\frac{1}{4}$  of Section 4, for 1313.24 feet to the Easterly right-of-way line of Barrett Road, being the West line of the Southeast  $\frac{1}{4}$  of said Northeast  $\frac{1}{4}$ ; thence N  $04^{\circ}33'11''$  W, along said right-of-way line and said West line, for 2132 feet to the Southerly right-of-way line of Pine Island Road (State Road 78); thence N  $61^{\circ}59'54''$  E, along said Southerly right-of-way line, for 593.71 feet to the point of curvature of a curve to the right, having: a radius of 1879.27 feet a central angle of  $07^{\circ}06'37''$ , a chord bearing of N  $65^{\circ}33'12''$  E and a chord length of 233.06 feet; thence along the arc of said curve, an arc length of 233.21 feet to the approximate centerline of Yellow Fever Creek; thence along said approximate centerline the following fifteen (15) courses:

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Parcel contains 3618862 square feet or 83.08 acres, more or less.

Bearings are based on the South line of the Southwest  $\frac{1}{4}$  of Section 14, as bearing S  $89^{\circ}58'48''$  W.

Jack Schenkman  
ISSUING OFFICER

President  
TITLE


AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF SEMINOLE

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared MICHELE PARKS, who, after being duly sworn on oath, did depose on oath and say that she is the secretary of Martin S. Friedman, attorney for North Fort Myers Utility, Inc. and that on July 24<sup>th</sup> 2003, she did send by regular U.S. mail, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies, or municipalities, in accordance with the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

  
Michele Parks

Sworn to and subscribed before me this 7<sup>th</sup> day of July, 2003, by Michele Parks, who is personally known to me.



Martin S. Friedman  
MY COMMISSION # CC928326 EXPIRES  
August 16, 2004  
BONDED THRU TROY FAHN INSURANCE, INC.

  
Print Name  
NOTARY PUBLIC  
My Commission Expires:

EXHIBIT "E"

NOTICE OF APPLICATION FOR AN EXTENSION  
OF WASTEWATER SERVICE AREA

Notice is hereby given on this 7<sup>th</sup> day of July, 2003, pursuant to Section 367.045(2), Florida Statutes, of the application of North Fort Myers Utility, Inc., of its intent to apply to the Florida Public Service Commission for an extension of its service area to provide wastewater service to the property in Lee County, Florida, more particularly described as follows:

That part of Lee County, Florida, lying in Township 44 South, Range 24 East, more particularly described as follows:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Sections 3 and 4, Township 44 South, Range 24 East, Lee County, Florida, being further bounded and described as follows:

BEGINNING at the Southwest corner of the Northwest  $\frac{1}{4}$  of said Section 3, also being the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 4; thence S 89°58'48" W along the South line of said Northeast  $\frac{1}{4}$  of Section 4, for 1313.24 feet to the Easterly right-of-way line of Barrett Road, being the West line of the Southeast  $\frac{1}{4}$  of said Northeast  $\frac{1}{4}$ ; thence N 04°33'11" W, along said right-of-way line and said West line, for 2132 feet to the Southerly right-of-way line of Pine Island Road (State Road 78); thence N 61°59'54" E, along said Southerly right-of-way line, for 593.71 feet to the point of curvature of a curve to the right, having: a radius of 1879.27 feet a central angle of 07°06'37", a chord bearing of N 65°33'12" E and a chord length of 233.06 feet; thence along the arc of said curve, an arc length of 233.21 feet to the approximate centerline of Yellow Fever Creek; thence along said approximate centerline the following fifteen (15) courses:

Thence S 69°04'29" E, for 194.50 feet; thence N 75°26'02" E, for 144.58 feet; thence S 35°03'06" E, for 297.25 feet; thence N 76°42'00" E, for 156.46 feet; thence S 21°22'54" E, for 364.26 feet; thence S 17°34'11" W, for 203.67 feet; thence S 85°57'28" W, for 244.08 feet; thence S 03°14'07" E, for 371.64 feet; thence S 39°18'19" E, for 333.39 feet; thence N 67°35'43" E, for 290.07 feet; thence S 65°10'59" E, for 247.45 feet; thence S 08°35'18" E, for 179.58 feet; thence S 21°19'44" W, for 147.46 feet; thence S 02°54'45" W, for 395.84 feet; thence S 06°38'13" W, for 383.24 feet; to an intersection with the North line of the Southwest  $\frac{1}{4}$  of said Section 3; thence N 89°26'21" W, along said North line for 360 feet to the POINT OF BEGINNING.

The approximate centerline of Yellow Fever Creek is described accurately for closure purposes only and does not represent an exact field location.

Parcel contains 3618862 square feet or 83.08 acres, more or less.

Bearings are based on the South line of the Southwest  $\frac{1}{4}$  of Section 14, as bearing S 89°58'48" W.

Any objections to the Application must be made in writing and filed with the Director, Division of Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, LLP, 600 S. North Lake Boulevard, Suite 160, Altamonte Springs, Florida 32701, within 30 days from the date of this Notice. The objection must state the grounds for the objection with particularity.



**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
07/03/2003 - 08/31/2003**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
AQUASOURCE UTILITY, INC. (SU821) % AQUASOURCE, INC. 6960 PROFESSIONAL PARKWAY EAST, #400 SARASOTA, FL 34240-8432	NANCE GUTH (941) 907-7411
BAYSHORE UTILITIES, INC. (WU013) 2259 CLUBHOUSE ROAD NORTH FT. MYERS, FL 33917-2523	WAYNE CARSON WAMPLER (239) 482-4024
BE UTILITY SYSTEMS, L.L.C. D/B/A BUCCANBER WATER SERVICE (WU730) % MANUFACTURED HOME COMMUNITIES, INC. 2 NORTH RIVERSIDE PLAZA, SUITE 800 CHICAGO, IL 60606-2682	DONALD BARTON (813) 995-3337
CHATEAU COMMUNITIES, INC. (SU315) 6160 SOUTH SYRACUSE WAY GREENWOOD VILLAGE, CO 80111-4772	MIKE WHITAKE (303) 874-7059
COOLIDGE-FT. MYERS REALTY LIMITED PARTNERSHIP D/B/A HERON' (SU828) 2250 AVENIDA DEL VERA NORTH FT. MYERS, FL 33917-6700	DOUGLASS CORDELLO (239) 543-6200 EXT 528
ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC. (SU287) 3039 YORK ROAD ST. JAMES CITY, FL 33956-2303	KEVIN J. CHERRY (239) 283-1144
FLORIDA WATER SERVICES CORPORATION (WS565) P. O. BOX 609520 ORLANDO, FL 32960-9520	CARLYN KOWALSKY (407) 598-4297
FOREST UTILITIES, INC. (SU293) 6000 FOREST BLVD FT MYERS, FL 33908-4318	DAVID SWOR (239) 481-0111
FOUNTAIN LAKES SEWER CORP. (SU572) 523 SOUTH EIGHTH STREET MINNEAPOLIS, MN 55404-1078	MARY JO KELLY (612) 332-7281
HUNTER'S RIDGE UTILITY CO. OF LEE COUNTY (SU674) 12500 HUNTERS RIDGE DRIVE BONITA SPRINGS, FL 34135-3401	DON HUPRICH (239) 992-4900
MOBILE MANOR, INC. (WU167) 150 LANTERN LANE NORTH FORT MYERS, FL 33917-6515	CAROL JULIUS (239) 543-1414

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
07/03/2003 - 08/31/2003**

<u>UTILITY NAME</u>	<u>MANAGER</u>
<u>LEE COUNTY</u>	
NORTH FORT MYERS UTILITY, INC. (SU317) P. O. BOX 2547 FT. MYERS, FL 33902-2547	JACK SCHENKMAN (239) 543-1005 OR -1808
NORTH FORT MYERS UTILITY, INC. (WU834) P. O. BOX 2547 FT. MYERS, FL 33902-2547	JACK SCHENKMAN (239) 543-1005 OR -1808
PINE ISLAND COVE HOMEOWNERS ASSOCIATION, INC. (SU724) 7290 LADYFISH DRIVE ST. JAMES CITY, FL 33956-2723	ROBERT EAMES (239) 283-3100
SANIBEL BAYOUS UTILITY CORPORATION (SU331) 13591 MCGREGOR BLVD., SUITE 21 FT. MYERS, FL 33919-6050	JOHN HUCKEBA (239) 549-2191
SPRING CREEK VILLAGE, LTD. (WS234) P. O. BOX 6966 FT. MYERS, FL 33911-6966	DENNIS M. WALTCHACK (941) 992-3800/936-8888
TAMIAMI VILLAGE WATER COMPANY, INC. (WU740) 9280-5 COLLEGE PARKWAY FT. MYERS, FL 33919-4848	JOHN J. USTICA (239) 482-0717
TOWN AND COUNTRY UTILITIES COMPANY (WU811) 2220 PALMER STREET PITTSBURGH, PA 15218-2603	RICHARD S. CUDAS (941) 639-3958
USEPPA ISLAND UTILITY, INC (WS249) P. O. BOX 640 BOKEELIA, FL 33922-0640	VINCENT FORMOSA (239) 283-1061
UTILITIES, INC. OF EAGLE RIDGE (SU749) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027	DONALD RASMUSSEN (407) 869-1919

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
07/03/2003 - 08/31/2003**

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, LEE COUNTY  
P. O. BOX 398  
FT. MYERS, FL 33902-0398

CLERK OF CIRCUIT COURT, LEE COUNTY  
P. O. BOX 2469  
FORT MYERS, FL 33902-2469

DEP SOUTH DISTRICT  
2295 VICTORIA AVE., SUITE 364  
FORT MYERS, FL 33901

MAYOR, CITY OF CAPE CORAL  
P. O. BOX 150027  
CAPE CORAL, FL 33915-0027

MAYOR, CITY OF FT. MYERS  
P. O. BOX 2217  
FORT MYERS, FL 33902-2217

MAYOR, CITY OF SANIBEL  
800 DUNLOP ROAD  
SANIBEL, FL 33957-4096

S.W. FLORIDA REGIONAL PLANNING COUNCIL  
P.O. BOX 3455  
NORTH FT. MYERS, FL 33918-3455

SO FLORIDA WATER MANAGEMENT DISTRICT  
P.O. BOX 24680  
WEST PALM BEACH, FL 33416-4680

**LIST OF WATER AND WASTEWATER UTILITIES IN LEE COUNTY  
(VALID FOR 60 DAYS)  
07/03/2003 - 08/31/2003**

UTILITY NAME

STATE OFFICIALS

MANAGER

STATE OF FLORIDA PUBLIC COUNSEL  
C/O THE HOUSE OF REPRESENTATIVES  
THE CAPITOL  
TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

EXHIBIT "F"

WILL BE LATE FILED

(Affidavit of Property Owners Notice)

EXHIBIT "G"

WILL BE LATE FILED

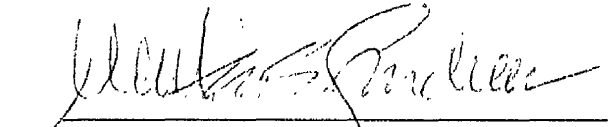
(Affidavit of Newspaper Publication)

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF SEMINOLE

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared Martin S. Friedman, who, after being duly sworn on oath, did depose on oath and say that he is an attorney for North Fort Myers Utility, Inc. and that North Fort Myers Utility, Inc., has a tariff on file with the Public Service Commission and a current Annual Report.

FURTHER AFFIANT SAYETH NAUGHT.

  
MARTIN S. FRIEDMAN

Sworn to and subscribed before me this 7<sup>th</sup> day of July, 2003, by Martin S. Friedman, who is personally known to me.



D. Michele Parks  
MY COMMISSION # DD152693 EXPIRES  
September 24, 2006  
BONDED THRU TROY FAIN INSURANCE, INC.

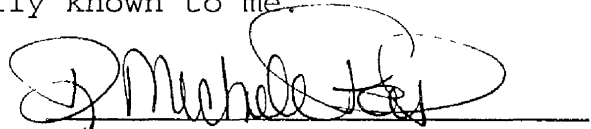
  
Print Name  
NOTARY PUBLIC  
My Commission Expires:

EXHIBIT "H"