

M E M O R A N D U M

June 19, 1995

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (CROSBY)  
RE: DOCKET NO. 941044-WS - RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY DECLARING CHARLOTTE COUNTY SUBJECT TO THE PROVISIONS OF CHAPTER 367, FLORIDA STATUTES - REQUEST FOR EXEMPTION FOR PROVISION OF WASTEWATER SERVICE BY LEMON BAY BREEZES CONDOMINIUM ASSOCIATION, INC.

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Attached is a letter dated June 15, 1995, from Mr. Richard E. Sullivan transmitting "An Assignment in lieu of foreclosure(sic)". Please place this information in the above-referenced docket. Thanks.

alc

Attachment

cc: Division of Water and Wastewater

ACK \_\_\_\_\_ (Xanders)

AFA I. \_\_\_\_\_

APP \_\_\_\_\_

CAF \_\_\_\_\_

CMU \_\_\_\_\_

CTR \_\_\_\_\_

EAG \_\_\_\_\_

LEG \_\_\_\_\_

LIN \_\_\_\_\_

OPC \_\_\_\_\_

RCH \_\_\_\_\_

SEC / \_\_\_\_\_

WAS \_\_\_\_\_

OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

05803 JUN 20 95

FPSC-RECORDS/REPORTING

June 15, 1995

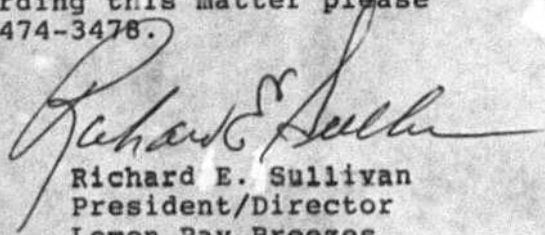
Alice Crosby  
Public Service Commission  
2540 Shumard Blvd.  
Tallahassee, Fl. 32399-0850

RE: LEMON BAY BREEZES WARRANTY DEED

As per your request, enclosed is an Assignment in lieu of foreclosure, which by law states that LaBahia, Inc., a Florida Corp., is the owner of said properties at 1401 South McCall Road, Englewood, Florida.

The document has been recorded and filed in the Circuit Court of Charlotte County.

If you have anymore questions regarding this matter please don't hesitate to call me at (941)474-3478.



Richard E. Sullivan  
President/Director  
Lemon Bay Breezes  
Condo. Asso., Inc.



Barbara T. Scott, Clerk of the Circuit Court - Charlotte County  
File: 334632 OR BOOK/PAGE: 1382/1505  
Recorded: 01/12/95 08:47 A.M.  
Recording \$ 28.50  
Record Verified: CAROLINE HORNBERGER, D.C.

**ASSIGNMENT IN LIEU OF FORECLOSURE**

KNOW ALL MEN BY THESE PRESENTS:

IMAGED  
CH

That on this 8 day of Sept, 1993, La Bahia, Inc., a Florida Corporation, of 19 Schank Street, Freehold, New Jersey, party of first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has sold, and by these presents does sell, grant, bargain, assign, convey, transfer, set over, and deliver unto Boca Arroyo, Inc., party of the second part, any and all right, title and interest of the party of the first part in and to the following:

A. Any and all real property set forth on Exhibit "A", attached hereto and incorporated herein, together with any and all rents, profits, issues, rights, royalties, improvements, structures, appurtenances, buildings, apartments, condominiums, leases, sub-leases, licenses, agreements, debts, dues, fees, bonds, accounts, and any and all other assets related to or existing upon said real property.

TO HAVE AND TO HOLD the same unto the said party of the second part, its heirs and assigns forever, to and for the sole use and benefit of said party of the second part, and the party of the first part hereby makes, constitutes and appoints the said party of the second part, its true and lawful attorney in fact in name, place, and stead, of the party of the first part, to ask for, demand, sue for, attach, levy, recover, and receive all such sums of money which now are or may hereafter become due, owing and payable for, or on account of, any and all real property, rents, profits, issues, rights, royalties, improvements, structures, appurtenances, buildings, apartments, condominiums, leases, sub-

Recording \$ 19.50  
Record Verified: CAROLINE HORNBERGER, D.C.  
Barbara T. Scott, Clerk of the Circuit Court - Charlotte County  
File Number: 251343 OR BOOK 1299 PAGE 1125  
Recorded: 09/17/93 02:10 P.M.

★ JOHN GEORGE, ESS.  
315 S.E. 7th St.  
Suite 200  
Ft. Lauderdale,  
FL 33301

RECORD VERIFIED - BARBARA T. SCOTT, CLERK  
TAMMIE WHISENANT  
BY:     JW     DC

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JUN 19 1993  
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leases, license, agreements, debts, dues, fees, bonds, accounts and any and all other assets herein assigned; and the party of the first part hereby gives the party of the second part, its heirs and assigns forever, full power and authority for the sole use and benefit of the party of the second part to ask for, demand, collect, receive, and give acquittance for the same, and in its name or otherwise to prosecute in law or in equity any suits or proceedings to enforce any and all rights granted herein.

The party of the first part does herewith execute this assignment and bind itself, its heirs, executors, administrators, assigns, officers, directors, and stockholders. And the party of the first party shall indemnify, protect, save and hold harmless the party of the second part from and against any and all loss, cost and damage, including reasonable attorney's fees, in connection with or arising out of the failure of the party of the first part to perform, pay or satisfy any and all obligations arising from agreements with contractors, subcontractors, materialsmen, laborers, or any other party involved in the improvement, building, or construction of the property herein assigned.

IN WITNESS WHEREOF, the parties have hereunto set their hands the year and date first above written.

LA BAHIA, INC., Party of the First Part

  
By: John Stenger, President

BOCA ARROYO, INC., Party of the  
Second Part

By: *John Stenger* President

STATE OF NY

COUNTY OF Richmond

On the 8 day of Sept, 1993, before me, a notary public, in and for the State of NY, personally appeared, JOHN STENGER, President of La Bahia, Inc., who is personally known to me or who provided the following identification Florida - Drivers License, and being first duly sworn, deposed and stated that he executed the aforesaid Assignment In Lieu of Foreclosure on behalf of La Bahia, Inc., as his free and voluntary act and deed for the purposes therein expressed.

*Catherine Oba*  
Notary Public

CATHERINE OBA  
Notary Public, State of New York  
No. 43-503663  
Qualified in Richmond County  
Commission Expires 07/01/94

my commission expires:

STATE OF NY

COUNTY OF NY

On the 8 day of Sept, 1993, before me, a notary public, in and for the State of NY, personally appeared, John Stenger, President of Boca Arroyo, Inc., who is personally known to me or who provided the following identification Florida - Drivers License, and being first duly sworn, deposed and stated that he executed the aforesaid

Assignment In Lieu of Foreclosure on behalf of Boca Arroyo, Inc.,  
as his free and voluntary act and deed for the purposes therein  
expressed.

my commission expires:

*Catherine Gray*  
Notary Public

CATHERINE GRAY  
Notary Public, State of New York  
No. 43-6003663  
Qualified in Richmond County  
Commission Expires Oct. 28, 1994

SEP 24 1993

OR BOOK 1299 PAGE 1128

This Instrument Prepared by:  
JOHN G. GEORGE, ESQ.  
315 Southeast Seventh Street  
Suite 200  
Fort Lauderdale, Florida 33301  
(305) 522-177  
Florida Bar No.: 369489

## PARCEL 1

Beginning at the Southeast corner of Lot 17 of the plat of Riverside as recorded in Plat Book 3, Page 14 of the Public Records of Charlotte County, Florida, said point marked P.R.M. and located on the North line of Lot 29 of Grove City Subdivision of Section 6 Township 41 South, Range 20 East, as recorded in Plat Book 1, Page 11 of the Public Records of Charlotte County, Florida, said point located 111.07 feet more or less from the Northwest corner of said Lot 29; thence along part of said North line of Lot 29 and part of the North line of Lot 34 of said Plat and also along the South line of the Plat of Riverside, (with all bearings referenced to the center line bearings as shown on the S.R. 775 plans) North  $89^{\circ}42'27''$  West, 294.89 feet, thence on a circular curve in a Southeasterly direction (radius equals 895.92 feet, long chord bears South  $0^{\circ}46'03''$  East 76.79 feet) a distance of 770.27 feet; thence South  $00^{\circ}45'17''$  East 175.64 feet to a point of curvature along the North right-of-way line of S.R. 775, thence on a curve to the left along said right-of-way line in a Southeasterly direction (radius equals 1070.92 feet, long chord bears South  $86^{\circ}46'40''$  East 18.79 feet) a distance of 18.79 feet thence South  $87^{\circ}05'49''$  East along said right-of-way line 90.14 feet to the mean high water line of Gottfried Creek (said mean high water line on file with the Florida Department of Natural Resources), thence on the following twelve (12) courses and distances along said mean high water line of Gottfried Creek:

North  $61^{\circ}00'50''$  East 13.45 feet, and North  $09^{\circ}14'25''$  West 70.12 feet, and North  $07^{\circ}11'31''$  West 67.29 feet, and North  $05^{\circ}12'11''$  West, 66.95 feet, and North  $00^{\circ}38'05''$  East 56.6 feet, and North  $00^{\circ}19'25''$  East 93.81 feet, and North  $04^{\circ}44'32''$  West 61.80 feet, and North  $06^{\circ}12'15''$  West 71.12 feet, and North  $27^{\circ}09'07''$  West 44.19 feet, and North  $2^{\circ}31'21''$  West 45.35 feet, and South  $88^{\circ}40'38''$  West 84.77 feet, and North  $79^{\circ}27'20''$  West 20.19 feet to a point on the North line of said Lot 29 of Grove City Subdivision, thence North  $89^{\circ}42'27''$  West along said North line 307.79 feet to the Point of Beginning and containing 4.854 acres more or less.

TOGETHER WITH a fifty foot wide easement for ingress, egress, installation, operation and maintenance of utility lines and utility service facilities, the center line of which is described as follows:

Commence at the Southeast corner of Lot 17 of the Plat of Riverside as recorded in Plat Book 3, Page 14, of the Public Records of Charlotte County, Florida, said point marked P.R.M. and located on the North line of Lot 29 of Grove City Subdivision of Section 6 Township 41 South, Range 20 East, as recorded in Plat Book 1, Page 11, of the Public Records of Charlotte County, Florida, said point located 111.07 feet more or less from the Northwest corner of said Lot 29; thence along part of said North line of Lot 29 and part of the North line of Lot 34 of said Plat and also along the South line of the Plat of Riverside, (with all bearings referenced to the center line bearings as shown on the S.R. 775 plans) North  $89^{\circ}42'27''$  West 294.89 feet, thence on a circular curve in a Southeasterly direction (radius equals 895.92 feet, long chord bears South  $52^{\circ}22'51''$  East 101.20 feet) a distance of 507.98 feet, to the Point of Beginning; thence along center line of said 50 foot easement South  $19^{\circ}46'32''$  West 185.12 feet to the point of ending of said center line said point located on the Northerly right-of-way line of S.R. 775.

LESS AND EXCEPT THE FOLLOWING:

-CONTINUED-

0.507 Acre Parcel of RMF-15 Residential Multi-Family Zoned Land of the Lemon Bay Breezes Project for Odyssey Development Corporation in part of Section 6, Township 41 South, Range 20 East, Charlotte County, Florida.

Commence at the Southeast corner of Lot 17 of the plat of Riverside as recorded in Plat Book 3, Page 14, of the Public Records of Charlotte County, Florida, said point marked by a nail and located on the North line of Lot 29 of Grove City Subdivision of Section 6, Township 41 South, Range 20 East, as recorded in Plat Book 1, Page 11, of the Public Records of Charlotte County, Florida, said point located 111.07 feet more or less from the Northwest corner of said Lot 29; thence along part of said North line of Lot 29 of said Plat Book 1, Page 11, South 89°42'27" East 42.96 feet, thence South 00°03'37" West 208.08 feet to the Point of Beginning; thence South 00°03'37" West 70.35 feet, thence on a circular curve in a Southeasterly direction (radius equals 895.92 feet, long chord bears South 7°56'23" East 325.30 feet) a distance of 327.11 feet, thence South 00°45'17" East 175.64 feet to a point of curvature along the North right-of-way line of S.R.775, thence on a curve to the left along said right-of-way line in a Southeasterly direction (radius equals 1070.92 feet, long chord bears South 86°46'40" East 18.79 feet) a distance of 18.79 feet, thence South 87°06'49" East along said right-of-way line 90.14 feet to the mean water line of Gottfried Creek (said mean high water line on file with the Florida Department of Natural Resources), thence on the following six (6) courses and distances along said mean high water line of Gottfried Creek:

North 61°00'50" East 13.45 feet, and North 09°14'25" West 70.12 feet, and North 07°11'11" West 67.29 feet, and North 05°12'11" West 66.95 feet, and North 00°38'05" East 56.68 feet, and North 00°19'25" East 35.81 feet, thence South 86°03'12" West 101.85 feet thence South 52°09'07" West 47.08 feet, thence South 06°16'17" East 11.06 feet, thence South 83°43'43" West 18.00 feet, thence South 52°09'07" West 25.50 feet, thence North 0°34'18" West 20.65 feet, thence North 00°03'37" East 45.00 feet, thence North 89°56'23" West 42.03 feet to the Point of Beginning and containing 50,126.3 square feet or 1.1507 acres more or less.

PARCEL 2

All of the Condominium of Lemon Bay Breezes Condominium, according to the Declaration of Condominium thereof as recorded in Official Records Book 863, Page 1963 as amended, Public Records of Charlotte County, Florida,

LESS AND EXCEPT THE FOLLOWING CONDOMINIUM PARCELS:

102A, 103A, 104A, 105A, 108A, 201A, 202A, 206A, 208A, 301A, 302A, 305A and 308A, 101A, 203A

RECEIVED  
APR 25 1994  
TSCSLSLSLS

IMAGING AND PRINTING  
THE WRITING AND PRINTING  
WAS UNSATISFACTORY FOR  
REPRODUCTION OF THE  
OF IMAGING.