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-6 JUN 9 1997

**NOTICE OF APPLICATION FOR THE  
EXTENSION AND DELETION OF SERVICE AREA**

**LEGAL NOTICE**

Notice is hereby given on June 3, 1997 pursuant to Section 367.045, Florida Statutes, of the application of Lake Suzy Utilities, Inc. to amend its Certificate(S) No.(s) 416-S. and 480-W for water and wastewater service to be added and deleted to the territory of Lake Suzy Utilities, Inc. in Charlotte and Desoto County's, Florida with the description as follows:

A parcel of land lying in Sections 5 and 6, Township 40 South Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said section 6 and run S00°21'15"W a distance of 130.00 feet; thence S89°38'45"E a distance of 75.84 feet to the point of curvature of a curve concave to the south, having a radius of 150.00 feet, and a central angle of 24°44'38"; thence along said curve a distance of 64.78 feet to the point of tangency; thence S64°54'07"E a distance of 49.33 feet, to the intersection of the westerly R/W line of Kings Highway; thence S25°05'53"W along said R/W a distance of 100.00 feet; thence N64°54'07"W a distance of 87.88 feet; thence S00°21'15"W a distance of 101.54 feet; thence N89°38'45"W a distance of 2721.64 feet; thence N00°07'54"E a distance of 154.03 feet; thence N39°05'37"E a distance of 148.67 feet; thence N00°20'31.52"E a distance of 50.00 feet to the intersection of the northerly section line of said section 6; thence S89°38'45"E along said section line a distance of 2567.47 feet to the point of beginning.

Territory to be deleted

All that portion of section 31 Township 39S Range 23E Desoto County Florida lying southwesterly of the Interstate Highway # 75 being more particularly described as follows:

Begin at the southwest corner of section 31, run N 00°02' 22" W a distance of 551.50 feet to a point on the southwesterly right of way line of said interstate highway # 75, said Right of Way line being a circular curve having as its elements a central angle of 2° 14' 18" a radius of 17070.73 feet and whose radius point bears N 57° 12' 39" E; thence southeasterly along said Right of Way a distance of 666.89 feet to the southerly line of said section 31; thence N 89° 38' 45" W along said south line a distance of 370.99 feet to the Point of Beginning

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG   /
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC   /
- WAS   /   Pscterli
- OTH \_\_\_\_\_

Any objection to the said application must be made in writing within thirty (30) days from this date to the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. A copy of said objection should be mailed to the applicant whose address is:

Lake Suzy Utilities, Inc.  
12408 SW Sheri Street  
Lake Suzy, Florida 34266

DOCUMENT NUMBER-DATE

05622 JUN-6 97

FPSC-RECORDS/REPORTING

## Water and Sewer Territory Expansion Agreement

This WATER AND SEWER TERRITORY EXPANSION AGREEMENT (hereinafter referred to as "AGREEMENT") is entered into this 26<sup>th</sup> day of April, 1997 by and between HAUS DEVELOPMENT, Inc. (hereinafter referred to as "OWNER") and LAKE SUZY UTILITIES, INC. a Florida Corporation (hereinafter referred to as "UTILITIES").

### WITNESSETH

WHEREAS, OWNER owns forty-one of the forty-nine lots of the Links Subdivision as in Plat Book 15, Pages 18A and 18B of the Public Records of Charlotte County, Florida (hereinafter referred to as "Property") of land adjacent to the southern boundary of the UTILITIES franchised service area; and

WHEREAS, UTILITIES holds certificate number 480-W to provide water service per Order 16935, Docket 850790-WS dated 12/9/86 and certificate number 416-S to provide sewer service per Order 94-0700, Docket 931225-SU dated 6/8/94; and

WHEREAS, OWNER has investigated other options for service; and

WHEREAS, OWNER is desirous of UTILITIES expanding its water and sewer service areas to incorporate the Property; and

WHEREAS, OWNER or its assigns and UTILITIES intend to enter into future Developer Agreement(s) when water and/or sewer service is requested.

NOW, THEREFORE, in consideration of the foregoing premises, which shall be deemed an integral part of this AGREEMENT, and of the mutual covenants and agreements hereinafter set forth, OWNER and UTILITIES hereby agree as follows:

1. **UTILITIES OBLIGATIONS** - UTILITIES shall file with the Florida Public Service Commission (PSC) in a timely fashion an APPLICATION FOR AMENDMENT OF CERTIFICATE PURSUANT TO SECTION 367.045, FLORIDA STATUTES (EXTENSION OR DELETION) (hereinafter referred to as "Application") to incorporate Property into the UTILITIES water and sewer certificated service areas.

UTILITIES shall pay all application fees as required by the PSC for the Application.

2. **OWNER OBLIGATIONS** - OWNER shall provide to UTILITIES in a timely manner the information for UTILITIES to complete the Application to be filed with the PSC.

OWNER shall pay to UTILITIES fifty percent (50%) of the cost for the preparation, submittal and finalization of the Application to the PSC. Said payments shall be invoice to Trust and paid within 10 days of receipt of invoice. OWNER shall not be reimbursed in the event the PSC should deny the expansion request from UTILITIES.

3. **FUTURE AGREEMENTS** - OWNER AND UTILITIES further agree that when OWNER or its assigns require water or sewer service that OWNER and UTILITIES will enter into a Developers Agreement for said service according to the prevailing rules and regulations of UTILITIES. This AGREEMENT is not intended to be a Developers Agreement or a request for immediate service.

4. **ASSIGNMENT** - No assignment, delegation, transfer, or novation of this AGREEMENT or any part hereof shall be made, unless approved by both OWNER and UTILITIES, which approval shall not be unreasonably withheld.

5. **NOTICES** - All notices, or other writings permitted or required to be delivered to OWNER at:

Haus Development, Inc  
Attn: Charlotte Sopko, *President*  
*2465 TALLIUM TRAIL #3*  
*PO BOX 3004*  
*PT. CHARLOTTE, FL 33952*

and to UTILITIES at:

Lake Suzy Utilities, Inc.  
Attn: Dallas A. Shepard, President  
12408 SW Sheri Street  
Lake Suzy, Florida 33821

6. **ATTORNEY'S FEES AND COURT COSTS.** In the event of litigation, the prevailing party shall be entitled to an award of all costs and a reasonable attorney's fee whether incurred at trial, on appeal, or in bankruptcy. Venue shall be set in Desoto County, Florida.

7. **ENTIRE AGREEMENT:** This AGREEMENT constitutes the entire agreement between OWNER and UTILITIES and has been entered into voluntarily and has been executed by authorized representatives of each party on the date written above.

IN WITNESS WHEREFORE, OWNER and UTILITIES have executed this agreement on the day, month, and year first above written.

WITNESSES

*Theresa Notzny*  
Printed Name TERESA NOTZNY

*Margaret Harnett*  
Printed Name MARGARET HARNETT

*D. W. Shepard*  
Printed Name Dallas A. Shepard

*Landa D. Sapp*  
Printed Name LANDA D SAPP

*Charlotte Sopko*  
Haus Development, Inc  
Charlotte Sopko, *President*

*Dallas A. Shepard*  
Dallas A. Shepard, President  
Lake Suzy Utilities, Inc.

WARRANTY DEED

THIS INDENTURE, made this 19th day of February 1987, between BEN SHEPARD and HARRIETT SHEPARD, husband and wife, of the county of De Soto, State of Florida, grantor, and LAKE SUZY UTILITIES, INC., A Florida Corporation whose post office address is 910 Kings Highway, Lake Suzy, FL. 33821, of the County of De Soto and State of Florida, grantee.

**WITNESSETH:** that said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said grantee, the receipt of which is hereby acknowledged, has granted, bargained, and sold to said grantee, and grantee's heirs and assigns, forever, the following described land, situate, lying and being in De Soto County, State of Florida, to-wit:

A PARCEL of land lying in the NW 1/4 of Section 31, Township 39 South, Range 23 East, De Soto County, Florida, more particularly described as follows:

Commencing at the Northwest corner of said Section 31, thence N 89°05'18" E, a distance of 832.00 feet to the POB; thence continuing N 89°05'18" E, a distance of 1300.00 feet; thence S 0°54'42" E, a distance of 200.00 feet; thence S 89°05'18" W a distance of 1300.00 feet; thence N 0°54'42" W, a distance of 200.00 feet to the POB; containing 5.97 acres more or less.

THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH

SUBJECT to restrictions, reservations and easements of record, zoning and other governmental regulations, and taxes and assessments for the year 1987 and subsequent years.

and said grantor, does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

[Signature] [Signature]  
Ben Shepard Harriett Shepard  
Harriett Shepard

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

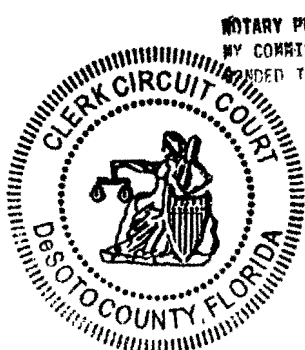
THE FOREGOING instrument was acknowledged before me by BEN SHEPARD and HARRIETT SHEPARD, who being by me first duly sworn, depose and say that they executed the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal in the county and state last aforesaid this 19th day of February, 1987.

[Signature]  
Notary Public-State of Florida

My Commission Expires:

FILED AND RECORDED *Km*  
DATE 04/25/94 TIME 15:55  
DELMA ALLEN CLERK  
CO:DESOTO ST:FL  
DOC STAMPS 1,050.00  
INTANG TAX .00 *Km*  
RECORD VERIFIED  
BY KMcHargue DC



NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP JUNE 25, 1988  
RENEWED THRU GENERAL INS. UND.

THIS INDENTURE, made this 7<sup>th</sup> day of January, 1997, between **Ben and Harriett C. Shepard TTEES, UTD 5/16/91** of the county of Desoto hereinafter referred to as "grantor" and **Lake Suzy Utilities, Inc. a Florida corporation** whose address is 12408 SW Sheri Avenue, Lake Suzy, Fl. 34266, of the county of Desoto and State of Florida, hereinafter referred to as "grantee".

6.00  
1049.60  
1055.60

**WITNESSETH:** that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said grantee, the receipt of which is hereby acknowledged, has granted, bargained, and sold to said grantee's heirs and assigns, forever, the following described land, situate, lying and being in Desoto County, State of Florida, to wit:

A tract of land lying within the NW 1/4 of Section 31, Twp 39S, Rng 23E, Desoto County, Fla., more particularly described as follows:

From the NW corner of said section 31, also being the POB, run S89°15'32"E along the north boundary of said section 31, 2660.081 feet to the NE corner of the NW 1/4 of said section 31; thence S00°08'26"E along the east boundary of NW 1/4 of said section 31, 689.909 feet; thence N72°20'37"W, 765.765 feet; thence N54°35'19"W, 177.231 feet; thence N70°44'04"W, 454.543 feet; thence N89°15'32"W, 380.000 feet; thence S77°05'40"W, 96.734 feet; thence S63°26'51"W, 690.000 feet; thence S89°53'09"W, 265.717 feet to the west boundary of said section 31; thence N00°06'51"W along the west boundary of said section 31, 565.043 feet to the POB.

Less and except a parcel of land lying in the NW 1/4 of Section 31, Twp 39S, Rng 23E, Deosto County, Florida, as recorded in Plat Book 328 Page 1161 Desoto County, Florida more particularly described as follows:

Commencing at the Northwest corner of said Section 31, thence N 89° 05' 18" E, a distance of 832.00 feet to the POB; thence continuing N 89° 05' 18" E, a distance of 1300.00 feet; thence S 0° 54' 42" E a distance of 200.00 feet; thence S 89° 05' 18" W a distance of 1300.00 feet thence N 0°54'42" W, a distance of 200.00 feet to the POB.

Parcel containing 19.55± acres.

**THIS INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH**

SUBJECT to restrictions, reservations and easements of record, zoning and other governmental regulations, and taxes and assessments for the year 1997 and subsequent years.

and said grantor, does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

[Signature]  
Print Name: DAVID W. SHEPARD

[Signature]  
Print Name: Sheri S. McIver

[Signature]  
Print Name: DAVID W. SHEPARD

[Signature]  
Print Name: Sheri S. McIver

[Signature]  
Ben Shepard, TTEES

[Signature]  
Harriett C. Shepard, TTEES



State of Florida  
County of Desoto

FILED AND RECORDED  
DATE 01/23/97 TIME 11:07  
MITZIE W. MCGAVIC CLERK  
CO:DESOTO ST:FL  
DOC STAMPS 2,049.60  
INTANG TAX .00

THE FOREGOING instrument was acknowledged before me by Ben and Harriett C. Shepard, who being personally known, depose and say that they executed the foregoing instrument for the purposes therein expressed.

WITNESS my hand and official seal in the county and state last aforesaid this 7<sup>th</sup> day of January, 1997.

[Signature]  
Notary Public - State of Florida

