

**RUDEN**  
**MCCLOSKEY**  
**SMITH**  
**SCHUSTER &**  
**RUSSELL, P.A.**  
**ATTORNEYS AT LAW**

**ORIGINAL**  
RECEIVED - FPSC  
98 DEC 29 PM 2:09  
RECORDS AND REPORTING

215 SOUTH MONROE STREET  
SUITE 815  
TALLAHASSEE, FLORIDA 32301  
TELEPHONE: (850) 681-9027  
FAX: (850) 224-2032  
E-MAIL: WLS@RUDEN.COM

December 29, 1998

Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Via Hand Delivery

981994-KIU

Re: Application for Extension of Service Area (Amendment of Certificate No. 27-W) by  
FLORIDA CITIES WATER COMPANY in Lee County, Florida

Dear Ms. Bayo:

Enclosed are an original and 12 copies of the Application for Extension of Service Area  
(Amendment of Certificate No. 27-W) by Florida Cities Water Company in Lee County, Florida.

Also enclosed is a check in the amount of \$100.00 as payment of the applicable filing fee.

Please open a docket to consider this application.

Please acknowledge receipt of the foregoing by stamping the enclosed extra copy of this  
letter and returning same to my attention. Thank you for your assistance.

Thank you.

Sincerely,

*Wayne L. Schiefelbein*  
Wayne L. Schiefelbein

WLS/ka  
Enclosures

cc:w/encl.: John Williams, Division of Water & Wastewater  
(w/original exhibits 6, 7 and 9)

cc:w/o encl.: Tim Vaccaro, Esq., Division of Legal Services

Check received with filing and  
forwarded to Fiscal for deposit.  
Fiscal to file check and check  
initials of person who forwarded check:

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
14644 DEC 29 98

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Extension )  
of Service Area (Amendment of )  
Certificate No. 27-W) by FLORIDA )  
CITIES WATER COMPANY in Lee )  
County, Florida )  
\_\_\_\_\_ )

981994 WU

FLORIDA CITIES WATER COMPANY'S APPLICATION FOR  
EXTENSION OF SERVICE AREA (AMENDMENT OF  
CERTIFICATE NO. 27-W) IN LEE COUNTY, FLORIDA

Pursuant to Section 367.045, Florida Statutes, Florida  
Cities Water Company (FCWC), by and through its undersigned  
counsel, files this application for extension of service area  
(amendment of Certificate No. 27-W) in Lee County, Florida, and  
in accordance with Rule 25-30.036, Florida Administrative Code,  
hereby supplies the following information:

1. The name and address of the utility is:

Florida Cities Water Company  
7401 College Parkway  
Fort Myers, FL 33907

The name and address of the person to receive a copy of all  
papers, pleadings, and filings in this docket is:

Wayne L. Schiefelbein  
Ruden, McClosky, Smith, Schuster & Russell, P.A.,  
215 South Monroe Street, Suite 815,  
Tallahassee, Florida 32301  
(850) 681-9027  
Attorneys for Florida Cities Water Company

1. On December 7, 1994, FCWC filed with the Commission an Application for Extension of Service Area in Lee County, which requested approval to extend FCWC's certificated water and wastewater territory to include certain service areas to which FCWC had inadvertently extended service outside of its certificated territory as well as certain prospective customers adjacent to such areas. Gulf Utility Company (Gulf) filed an objection to said application insofar as it sought to add to FCWC's certificated water territory any part of Section 9, Township 46 South, Range 25 East, on the grounds that such section was located within Gulf's certificated water territory. FCWC was providing water service to two adjacent buildings through one 5/8" meter within said Section 9, to wit, 8782 Alico Road and 8774 Alico Road, Fort Myers, Florida 33912-5117, known as the Alico International Trade Center (Alico). FCWC and Gulf subsequently entered into a Settlement Agreement under which Gulf would replace FCWC as Alico's water service provider. Alico thereafter objected to the Settlement Agreement on the grounds that Alico would thereunder have to pay higher service availability charges for Gulf's water service. FCWC, Gulf and Alico therefore entered into an Amended Settlement Agreement which was subsequently approved by the Commission by Order No.

6. The Alico property, as currently served by FCWC, consists of two adjacent buildings receiving water service through one 5/8" meter, and represents one (1) equivalent residential connection (ERC).

7. As a result of the passage of time and numerous personnel changes, FCWC is unable to verify the precise circumstances under which water service was extended outside its certificated service area to Alico. FCWC itself notified the Commission of this irregularity by its amendment application filed in Docket No. 941271-WS.

8. FCWC has the financial and technical ability to continue to provide water service to Alico. FCWC is a large, multi-county operation in the State of Florida, and has been in the water utility business since 1965. FCWC's operations are financially well supported and the technical support and expertise are firmly in place. The proposed extension would not have any impact in that regard.

9. Alico continues to need uninterrupted water service.

10. There are no existing facilities within the immediate geographical area capable of providing water service to Alico.

17. Alico is served through a sixteen (16") inch water main. This one (1) ERC requires approximately 300 gallons per day (gpd). The existing main has sufficient capacity to accommodate this flow.

18. The Florida Department of Environmental Protection has issued the following permits for the systems serving Alico:

<u>Permit Number</u>	<u>Date</u>	<u>Facility</u>	<u>Permit Type</u>
A036-250717	5/94	College Parkway WTP	Air Pollution
A036-250723	5/94	Green Meadows WTP	Air Pollution

19. No construction will be required on the part of FCWC for continuing water service to Alico, nor would there be any adverse impact on FCWC's capital structure, monthly rates, or service availability changes.

20. Alico is a commercial (general service) water customer.

21. Proposed tariff sheets, which include the proposed extension, are attached as Composite Exhibit "8".

22. Certificate No. 27-W is identified as Exhibit 9 and has been furnished directly to Commission Staff.

23. (a) Pursuant to Rule 25-30.030(2), Florida Administrative Code, FCWC obtained from the Commission a list of

governmental authorities and certificated water utilities located within the County in which the proposed extension is located.

(b) FCWC will provide a copy of a Notice by regular mail to the governmental authorities and certificated utilities required under Rule 25-30.030(5)(a) through (h), Florida Administrative Code, as listed on the document referred to in paragraph 23(a) hereinabove. This notice will be given no later than seven days after the date the application is filed.

(c) FCWC will provide a copy of a Notice by regular mail to Alico, the customer to be served by the proposed extension, pursuant to Rule 25-30.030(6), Florida Administrative Code. This notice will be given no later than seven days after the date the application is filed.

(d) Arrangements have been made with the Fort Myers News Press, a newspaper of general circulation in the territory proposed to be added, to publish the Notice. The publication of notice is expected no later than seven days after the date the application is filed.

24. Water rates and charges for the South Ft. Myers system were last amended by Orders Nos. 16768 and 16918. Water rates were also the subject of an index increase implemented in July, 1994.

25. An affidavit that FCWC has tariffs and annual reports on file with the Commission is attached hereto as Exhibit "10".

Based on the foregoing FCWC requests that Certificate No. 27-W be amended to extend its authorized territory to include the territory requested by this application.

Respectfully submitted,

  
\_\_\_\_\_  
Wayne L. Schiefelbein

Florida Bar I.D. # 0265047  
RUDEN, McCLOSKEY, SMITH,  
SCHUSTER & RUSSELL, P.A.  
215 South Monroe St., Ste. 815  
P.O. Box 10888 (32302)  
Tallahassee, Florida 32301  
(850) 681-9027  
Attorneys for  
FLORIDA CITIES WATER COMPANY

Exhibit 1

Order No. PSC-95-1526-AS-WS  
(December 11, 1995)  
with Amended Settlement Agreement



determined that no show cause proceedings should be initiated against Florida Cities for serving outside of its certificated area. On December 14, 1994, Gulf Utility Company (Gulf) filed an objection to the notice of application for extension by Florida Cities. Gulf's protest pertained to Florida Cities' provision of water service to the Alico International Trade Center (Alico). On July 18, 1995, Florida Cities and Gulf filed their settlement agreement. On August 10, 1995 Alico filed an objection to the agreement between Florida Cities and Gulf. Subsequently, a new stipulation was entered into by Florida Cities, Gulf and Alico, which resolves both Gulf's and Alico's objection.

SETTLEMENT AGREEMENT

As stated earlier, on August 10, 1995 Alico filed an objection to the agreement between Florida Cities and Gulf. The essence of Alico's objection was that Alico would have to pay higher service availability charges for Gulf's water service. On October 2, 1995, a copy of the settlement agreement between Florida Cities, Gulf and Alico was filed with this Commission. The settlement agreement is attached to this Order as Attachment A.

The highlights of the agreement include that Gulf shall connect and provide water service to 8782 Alico Road and 8774 Alico Road, Fort Myers, Florida, as soon as practicable, and in no event later than one year following the effective date of any Commission Order approving the stipulation. Florida Cities shall pay Gulf the appropriate service availability fees. Florida Cities shall continue to provide water service to Alico until Gulf provides water service to Alico. Alico shall remit \$70 to Gulf as the combined deposit for water service. Once connected, Alico shall remain the water service customer of Gulf, subject to Gulf's rules and regulations, including Gulf's service rates and service availability charges, as approved by this Commission or any successor regulatory authority. Florida Cities also agrees to amend its original application, thereby excluding Alico from its requested service area, following the effective date of this Order. Therefore, we find that Florida Cities' application with regard to Alico, is rendered moot by the parties' agreement.

Accordingly, we hereby approve the settlement agreement as a reasonable resolution to the parties' concerns. As stated earlier, the parties have agreed that Florida Cities will continue to temporarily serve the Alico customer until final service can be provided by Gulf. The agreement also states that this transition

ORDER NO. PSC-95-1526-AS-WS  
DOCKET NO. 941271-WS  
PAGE 4

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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.

Amended Settlement Agreement.

- b) Once connected, said service locations shall remain the water service customers of Gulf, subject to Gulf's rules and regulations, including Gulf's service rates and service availability charges, as approved by the FPSC or any successor regulatory authority.
- c) Gulf's current rates and charges, to which said service locations are subject, are set forth in the attached letter.
- d) In 1982, FCWC collected \$1300 in service availability charges for water service to 8782 Alico Road. No additional service availability charges have been collected by FCWC for water service to 8774 Alico Road, since the two service locations are served by FCWC through one meter. FCWC would not oppose remitting to Gulf the sum of \$1657.67 as payment of the service availability charges (exclusive of water deposit) required by Gulf for service to 8782 Alico Road, and the sum of \$1827.67 as payment of the service availability charges (exclusive of water deposit) required by Gulf for service to 8774 Alico Road. Such remittance would be made following the effective date of any FPSC Order approving this Amended Settlement Agreement and requiring such remittance, and upon connection of 8782 Alico Road and 8774 Alico Road to Gulf's water system.
4. Following the effective date of any FPSC Order approving this Amended Settlement Agreement, FCWC agrees to amend its original Application for Extension of Service Area to reflect the intent, terms and conditions of this Amended Settlement Agreement, for further consideration by the FPSC.
  5. Following the effective date of any FPSC Order approving this Amended Settlement Agreement, Gulf and Alico respectively agree to withdraw their objections to FCWC's Application for Extension of Service Area, once amended by FCWC as contemplated by paragraph 4 hereinabove, and shall make no further objections to the amended application so long as the same conforms to the intent, terms and conditions of this Amended Settlement Agreement as approved by the FPSC.
  6. FCWC shall continue to provide water service to 8782 Alico Road and 8774 Alico Road, until Gulf connects Alico in accordance with paragraph 3 hereinabove. This interim service by FCWC shall be subject to FCWC's rules and regulations, as approved by the FPSC, or any successor regulatory authority.
  7. Upon connection of 8782 Alico Road and 8774 Alico Road to Gulf's water system, Alico agrees to remit \$78 to Gulf as payment of the applicable combined deposit for water service to said two service locations. After connection to Gulf's water system, Alico agrees to be bound by Gulf's water service rate schedules and rules and regulations, as approved by the FPSC.

ORDER NO. PSC-95-1526-A5-W5  
DOCKET NO. 941271-W5  
PAGE 8

ATTACHMENT A  
PAGE 4 OF 4

8. FWC, Gulf and Alice will assist and cooperate with each other regarding any matters related to the transition of water service in order to complete such transition in an orderly and efficient manner.
9. This Agreement may be signed in counterparts by the respective parties hereto.

Wherefore, the Parties have executed this Amended Settlement Agreement on the date first set out hereinabove, by the signature of their duly authorized representatives.

Florida Cities Water Company

Corporate Seal

by: \_\_\_\_\_

\_\_\_\_\_  
Title

Gulf Utility Company

Corporate Seal

by: \_\_\_\_\_

\_\_\_\_\_  
Title

Alice International Trade  
Center, Inc.

Corporate Seal

by: *[Signature]* \_\_\_\_\_

*[Signature]*  
\_\_\_\_\_  
Title

Exhibit 2

Letter From Gulf Environmental Services, Inc.

GULF ENVIRONMENTAL SERVICES, INC.  
19910 South Tamiami Trail  
Estero, Florida 33928  
(941) 498-1000  
(941) 498-0625 (Fax)  
Mail: P.O. Box 350, Estero, FL 33928

July 17, 1998

Tim Vaccaro, Esq.  
Senior Attorney  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 941271-WS  
Application for Amendment of Certificates Nos. 27-W and 24-8  
by Florida Cities Water Company, Lee County Division  
Alico International Trade Center

Dear Mr. Vaccaro:

Gulf Environmental Services, Inc. (GES), the successor utility to Gulf Utility Company, is in receipt of your letter dated July 13, 1998 regarding the above-referenced matter.

Please be advised that GES has not made provisions for service to Alico International Trade Center, and has no objection to including this property within the water service territory of Florida Cities Water Company.

If you have any questions, or need more information, please do not hesitate to contact me at (941) 498-1000.

Sincerely,

*Kathy Babcock*

Kathy Babcock  
Administrative Manager

SEP 20 1998  
FEDERAL RESERVE BANK  
TALLAHASSEE, FLORIDA

Exhibit 3

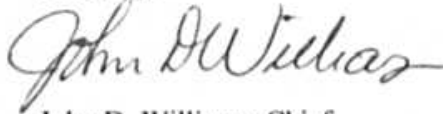
Letter From Commission Staff

Mr. Schiefelbein  
Page 2  
August 20, 1998

If you have concerns regarding the cost of noticing the application, you may wish to consider filing a rule waiver request, pursuant to Section 120.542, Florida Statutes and Rule 28-104.002, Florida Administrative Code.

If you have any questions, please contact me at (850) 413-6986, or Tim Vaccaro at (850) 413-6199.

Sincerely,



John D. Williams, Chief  
Bureau of Policy and Industry Structure

C:\WP6\941271K.RPR

cc: Division of Water and Wastewater (Hill, Lowe, Redemann)  
Division of Legal Services (Vaccaro)  
Gulf Environmental Services, Inc. (Babcock)  
Alico International Trade Center (Whelan)



Mr. Schiefelbein  
Page 3  
August 20, 1998

Attachment A

Alico International Trade Center

Lee County

Water Service Area

Section 9, Township 46 South, Range 25 East

From the Northeast Corner of Section 9, Township 46 South, Range 25 East run South  $01^{\circ}11'10''$  East along the East line of said Section 9 for 50.00 feet to an intersection with the South right-of-way (ROW) line of Alico Road (100 feet wide); thence run South  $89^{\circ}49'10''$  West along said Southerly ROW line for 717.54 feet to the Point of Beginning.

From said Point of Beginning run South  $00^{\circ}10'50''$  East for 210.00 feet; thence run South  $89^{\circ}49'10''$  West for 100.00 feet; thence run North  $00^{\circ}10'50''$  West for 210.00 feet to an intersection with said Southerly ROW line of Alico Road; thence run North  $89^{\circ}49'10''$  East along said Southerly ROW line for 100.00 feet to the Point of Beginning. (Description based on a Plat of San Carlos Park Replat Blocks 202 and 203, Unit No. 16.)

Bearings hereinabove mentioned are based on the Plat of San Carlos Park Replat Blocks 202 and 203, Unit No. 16 the East line of Section 9, Township 46 South, Range 25 East to bear North  $01^{\circ}11'10''$  West.

Green Windows  
1653765

DEBETE ABSTRACT COMPANY - ARCADIA, FLORIDA

Form S.S.-1

This Indenture, Made this 31<sup>st</sup> day of March A.D. 19 83

between EARL W. SCHEWE and LOUISE E. SCHEWE, husband and wife

1666 N 308

part 100 of the first part and FLORIDA CITIES WATER COMPANY  
whose address is 2112 Gulf Gate Drive, Sarasota, Florida 33581

part 7 of the second part.

Witnesseth, That the said part 100 of the first part, for and in consideration of the sum of Ten Dollars and other valuable consideration

to them in hand paid by the said part 7 of the second part the receipt whereof is hereby acknowledged do by these presents Grant, Bargain, Sell, Remise, Release and Convey unto the said part 7 of the second part, and to its successors, heirs and assigns forever, all the following described lot, place or parcel of land situated in the County of Duval, LEI, State of Florida and known and described as follows, to wit:

A parcel of land located in the SW corner of Section 33, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as the South 950.00 feet of the West 989.00 feet of Section 33, Township 43 South, Range 26 East, Lee County, Florida.

Subject to reservations, restrictions and assessments of record in the Public Records of Lee County, Florida.

Instrument prepared by:  
DeBete Abstract Company  
By: Sue V. Houberry  
P. O. Drawer 31  
Arcadia, Florida 33811  
9913T

APR 12 1 21 PM '83  
NOTARIAL PUBLIC  
LEE COUNTY, FLORIDA  
J. L. ...  
STATE OF FLORIDA  
COUNTY OF ...

We Have and to Hold the Same, together with all the hereditaments and appurtenances thereto belonging or in anywise appertaining, to the said part 7 of the second part. Its / assigns forever, and the said part 100 of the first part do hereby fully warrant the title to said land and will defend the same against the lawful claim of all persons whatsoever. Part 7 of the second part assumes the payment of taxes for the year 1983 subsequent years.

In Witness Whereof, The said part 100 of the first part has hereunto set their hand and seal the day and year above written.

Signed, sealed and delivered in the presence of  
Carl W. Schewe (SEAL)  
Karl W. Schewe (SEAL)  
Louise E. Schewe (SEAL)  
Louise E. Schewe (SEAL)

State of FLORIDA, County of DEBOTE

I Herby Certify, That on this day personally appeared before me, an officer duly authorized

to administer oaths and take acknowledgements EARL E. SCHEWE and LOUISE E. SCHEWE, husband and wife

to me well known to be the persons described in and who executed the foregoing instrument, and acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal this 31<sup>st</sup> day of March A.D. 19 83.

Richard ...  
Notary Public

My Commission expires February 1984 1987

Copy to Mr. J. L. ...  
by ...

RECORDED - IN CHANCERY  
BY E. FRICK BC

PLATE  
RECORDED

Official Notary Seal

College Parkway

FORM 125 (REVISED) 1-1-1925  
No. 419 of 116

1-11925

RECORDED - INDEXED  
BOOK 15 PAGE 116

# This Indenture,

Made this 24th day of July, A. D. 1907

Witness and terms: The term "party" shall include the heirs, personal representatives, executors and assigns of the decedent or parties hereto. The part of the subject matter hereinafter described shall be deemed to be the part of the subject matter of any other deed or instrument.

Between FLORIDA UTILITY LAND COMPANY

a corporation existing under the laws of the State of Florida  
having its principal place of business in the County of Sarasota and  
State of Florida party of the first part, and  
FLORIDA CITIES WATER COMPANY, a Florida corporation, whose offices  
are 2172 Gulf Gate Drive, Sarasota

of the County of Sarasota and State of Florida  
party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations-----dollars, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

Begin at the SE corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East; thence North 02°11'15" West along the westerly line of said SE 1/4 for 516.65 feet; thence North 02°06'50" East for 125' to the point of beginning; thence continue North 02°06'50" E. for 60.01'; thence North 02°11'15" West for 436.56' to southerly right-of-way of proposed 100' wide College Parkway; thence South 85°05'55" West along said southerly right-of-way for 60.01'; thence South 02°11'15" East for 436.51' to the point of beginning.

Subject to existing easements, restrictions and reservations of record and taxes for the calendar year 1907.

And the said party of the first part 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, the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its Asst. Secy. and Asst. Treasurer the day and year above written.

FLORIDA UTILITY LAND COMPANY  
(Corporate Seal)

Attest: A. J. Kalata, Jr.  
Assistant Secretary

FLORIDA UTILITY LAND COMPANY  
By K. R. Knudsen  
Vice - President.

Signed, Sealed and Delivered in Our Presence  
[Signature]  
[Signature]

State of Florida

County of SARASOTA

I hereby certify, That on this 24th day of July, 1907, before me personally appeared K. R. Knudsen and A. J. Kalata, Jr., Asst. Vice President and Assistant Secretary respectively of FLORIDA UTILITY LAND COMPANY, a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing conveyance to FLORIDA CITIES WATER COMPANY, a Florida corporation

and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

Witness my signature and official seal at Sarasota and State of Florida, the day and year last aforesaid.

STATE OF FLORIDA

[Signature]  
Notary Public  
My Commission Expires

1907  
JUL 25 4 16 PM '07

JUL 25 4 16 PM '07

# This Indenture,

Made this 24th day of February

Whereas said herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties herein; the sex of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders.

Between **BOULEVARD UTILITIES CORP.**, a Florida corporation; and  
**BOULEVARD HEIGHTS OF FORT MYERS, INC.**, Florida  
a corporation existing under the laws of the State of Florida  
having its principal place of business in the County of Lee and  
State of Florida party of the first part, and  
**FLORIDA CITIES WATER COMPANY**, a corporation existing under the laws  
of the State of Florida, whose correct mailing address is: P.O. Box  
3494, North Fort Myers Lee and State of Florida  
of the County of Lee and State of Florida  
party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations-----Dollars, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

The East 1/2 of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 45 South, Range 24 East, which includes:

The Southerly 22.46 feet of Lot 12, Block 1, of that certain subdivision known as FIESTA VILLAGE, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 10, at page 65; AND

The East 22.78 feet of Lot 6, and all of lot 7, Block 5, of that certain subdivision known as FIESTA VILLAGE FIRST ADDITION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, at page 135.

And the said party of the first part 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, the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its the day and year above written

(Corporate Seal)

BOULEVARD UTILITIES CORP.  
By Joseph Baumer President  
BOULEVARD HEIGHTS OF FORT MYERS, INC.  
By Joseph Baumer President

Attest: \_\_\_\_\_  
Signed, Sealed and Delivered in our Presence:  
May S. ...  
Charles ...  
As to both grantors  
State of Florida,

County of LEE  
I HEREBY CERTIFY, That on this 24 day of February A.D. 1966  
before me personally appeared **JOSEPH BAUM** President

respectively of **BOULEVARD UTILITIES CORP.**, a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing conveyance to

**FLORIDA CITIES WATER COMPANY**, a Florida corporation and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Fort Myers and State of Florida, the day and year last aforesaid.

May S. ...  
Notary Public  
Notary Public State of Florida at Large  
Commission Expires

LESS the right-of-way of San Souci Drive, as same is dedicated and set forth upon the recorded plat of FIESTA VILLAGE, as recorded in Plat Book 10, page 65.

ALSO, from the NE corner of Section 28, Township 45 South, Range 24 East, run S. along the E. line of said Section a distance of 1155 feet; thence S. 72°30' W. 210 feet to the point of beginning. Thence continuing on the same course 180 feet; thence North, parallel to the E. section line, 175 feet; thence S. 73°00' E. 180 feet to a point of curvature; thence by a curve to the right with a radius of 40 feet through a central angle of 145°30' to the P.O.B. Being a tract of land lying in the NE 1/4 of Section 28, Township 45 South, Range 24 East, Lee County, Florida and bounded on the North, East and South by a 50-foot street, and on the West by other lots, Subject to a 6-foot easement for drainage or utilities on each boundary and subject to other existing easements, restrictions and reservations of record.



STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
LEE COUNTY  
FEB 28 '66  
COMPTROLLER P.B. 190141  
9900



RECORDED IN OFFICIAL RECORDS  
LEE COUNTY, FLORIDA  
RECORD VERIFIED

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
LEE COUNTY  
FEB 28 '66  
COMPTROLLER P.B. 190141  
0060

FEB 28 4 01 PM '66

D. T. FARABEE  
CLERK CIRCUIT COURT  
BY *[Signature]* D.C.



D.K.T.S.



TO

ABSTRACT OF DESCRIPTION

Date

**Boulevard Heights**  
FROM CORPORATION

STATE OF FLORIDA } ss:  
COUNTY OF LEE

I HEREBY CERTIFY that on this 24 day of February, A.D., 1966, before me personally appeared JOSEPH BAUM, President of BOULEVARD HEIGHTS OF FORT MYERS, INC., a Florida corporation, to me known to be the persons described in and who executed the foregoing conveyance to FLORIDA CITIES WATER COMPANY, a Florida corporation, and acknowledged the execution thereof to be his free act and deed as such officer for the uses and purposes therein mentioned; and that he affixed thereto the official of-said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Fort Myers, Lee County, Florida the day and year last aforesaid.

*[Signature]*  
Notary Public

Commission Expires:

NOTARY PUBLIC STATE of FLORIDA at LARGE  
MY COMMISSION EXPIRES MAY 19, 1967  
ROUNDED THROUGH "42" BY THE TELEPHONE

INDEXED

Exhibit 5

Legal Description of Proposed Addition to Territory



Mr. Schiefelbein  
Page 3  
August 20, 1998

Attachment A

Alico International Trade Center

Lee County

Water Service Area

Section 9, Township 46 South, Range 25 East

From the Northeast Corner of Section 9, Township 46 South, Range 25 East run South  $01^{\circ}11'10''$  East along the East line of said Section 9 for 50.00 feet to an intersection with the South right-of-way (ROW) line of Alico Road (100 feet wide); thence run South  $89^{\circ}49'10''$  West along said Southerly ROW line for 717.54 feet to the Point of Beginning.

From said Point of Beginning run South  $00^{\circ}10'50''$  East for 210.00 feet; thence run South  $89^{\circ}49'10''$  West for 100.00 feet; thence run North  $00^{\circ}10'50''$  West for 210.00 feet to an intersection with said Southerly ROW line of Alico Road; thence run North  $89^{\circ}49'10''$  East along said Southerly ROW line for 100.00 feet to the Point of Beginning. (Description based on a Plat of San Carlos Park Replat Blocks 202 and 203, Unit No. 16.)

Bearings hereinabove mentioned are based on the Plat of San Carlos Park Replat Blocks 202 and 203, Unit No. 16 the East line of Section 9, Township 46 South, Range 25 East to bear North  $01^{\circ}11'10''$  West.

Exhibit 6

System Map

(Furnished directly to Commission Staff)



Exhibit 7  
Territorial Map

(Furnished directly to Commission Staff)

Composite Exhibit 8

Proposed Tariff Sheets

Sixth Revised Sheet No. 3.0

Third Revised Sheet No. 3.7

Third Revised Sheet No. 3.8

TERRITORY SERVED

CERTIFICATE NUMBER - 27-W

COUNTY - LEE

COMMISSION ORDERS APPROVING TERRITORY SERVED -

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
4901	06/08/70	70167-W	Grandfather
5320	02/09/72	71514-WS	Extension
5399	05/02/72	72025-W	Extension
5771	06/12/73	72629-WS	Extension
8294	05/03/78	770786-WS	Extension
9555	09/19/80	800307-WS	Extension
17813	07/07/87	870630-WS	Extension
PSC-92-0974-FOF-WS	09/10/92	911203-WS (And Rewrite of North Territory)	Extension
PSC-95-1363-AS-WS	11/03/95	941271-WS	Extension
PSC-98-0513-FOF-WS	04/15/98	970696-WS	Extension

(Continued to Sheet No. 3.1)

Gerald S. Allen  
President

IN TOWNSHIP 46 SOUTH, RANGE 25 EAST:

Section 9:

From the Northeast Corner of Section 9, Township 46 South, Range 25 East run South  $01^{\circ}11'10''$  East along the East line of said Section 9 for 50.00 feet to an intersection with the South right-of-way (ROW) line of Alico Road; thence run South  $89^{\circ}49'10''$  West along said Southerly ROW line for 717.54 feet to the Point of Beginning.

From said Point of Beginning run South  $00^{\circ}10'50''$  East for 210.00 feet; thence run South  $89^{\circ}49'10''$  West for 100.00 feet; thence run North  $00^{\circ}10'50''$  West for 210.00 feet to an intersection with said Southerly ROW line of Alico Road; thence run North  $89^{\circ}49'10''$  East along said ROW line for 100.00 feet to the Point of Beginning.

Section 10:

All of the north 1320 feet.

Section 11:

All of the north 1320 feet.

Section 12:

All of the north 1320 feet.

Section 18:

All that part of the northeast quarter (NE-1/4) described as follows:

From the northeast corner of said section run S  $88^{\circ} 52' 30''$  W along the north line of said section for 218.15 feet to the southwest line of US 41 (State Road 45) and the Point of Beginning.

From said Point of Beginning run S  $20^{\circ} 35' 30''$  E along said southwest line for 1151.70 feet; thence run S  $79^{\circ} 41' 20''$  W for 1537.96 feet; thence run N  $01^{\circ} 00' 20''$  W for 1331.39 feet to said north line of Section 18; thence run N  $88^{\circ} 52' 30''$  E along said north line for 1131.65 feet to the Point of Beginning.

IN TOWNSHIP 46 SOUTH, RANGE 26 EAST:

Section 5:

All of the west half (W-1/2).

Section 6:

All of the section.

Section 7:

All of the north 1320 feet.

Section 8:

All of the north 1320 feet of the west half (W-1/2).

Gerald S. Allen  
President

Exhibit 9  
Certificate 27-W

(Furnished directly to Commission Staff)

Exhibit 10

Affidavit Regarding Tariff and Annual Report.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Extension )  
of Service Area (Amendment of )  
Certificate No. 27-W) )  
by FLORIDA CITIES WATER )  
COMPANY in Lee County, )  
Florida )

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF SARASOTA

BEFORE me personally appeared Michael Acosta, who  
is Vice President, Engineering & Operations of Florida Cities Water Company and who,  
upon being duly sworn, deposes and says that:

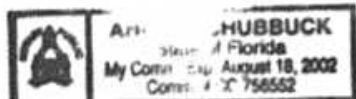
Florida Cities Water Company has tariffs and annual reports on file with the Commission  
as required by Commission regulations.

Further affiant says not.



**As: Vice President, Engineering &  
Operations**

SWORN TO AND SUBSCRIBED before me this 3<sup>rd</sup> day of December 1998.



PERSONALLY KNOWN BY ME  
 PROVIDED ID

  
**Notary Public**

Anita J. Chubbuck  
**Printed Name**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Extension )  
of Service Area (Amendment of )  
Certificate No. 27-W) by FLORIDA )  
CITIES WATER COMPANY in Lee )  
County, Florida )

DEPOSIT DATE  
D052 DEC 30 1998

981994-KU

FLORIDA CITIES WATER COMPANY'S APPLICATION FOR  
EXTENSION OF SERVICE AREA (AMENDMENT OF  
CERTIFICATE NO. 27-W) IN LEE COUNTY, FLORIDA

Pursuant to Section 367.045, Florida Statutes, Florida  
Cities Water Company (FCWC), by and through its undersigned  
counsel, files this application for extension of service area  
(amendment of Certificate No 27-W) in Lee County, Florida, and  
in accordance with Rule 25-30.036, Florida Administrative Code,  
hereby supplies the following information:

1. The name and address of the utility is:

Florida Cities Water Company  
7401 College Parkway  
Fort Myers, FL 33907

The name and address of the person to receive a copy of all

**FLORIDA CITIES WATER COMPANY**

4837 Swift Road, Suite 100  
Sarasota, Florida 34231  
Telephone (941) 925-3088

**NationsBank**

NationsBank N.A.  
Asheville, North Carolina  
Member Federal Deposit Insurance Corporation

CHECK NO. 146807  
00146807

DATE	AMOUNT
12/08/98	*****100.00

19271

VOID AFTER 90 DAYS

PAY ONE HUNDRED AND 00/100 \*\*\*\*\*

TO THE ORDER OF:

FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BLVD  
TALLAHASSEE FL

32399-0870

AUTHORIZED SIGNATURES