

ORIGINAL

M E M O R A N D U M

October 27, 1999

TO: DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (CIBULA) *SMC*

RE: DOCKET NO. 982017-SU - Application for authority to transfer facilities of South Seas Utility Company and Certificate No. 268-S in Lee County to AquaSource Utility, Inc.

Please place the attached letter and Warranty Deed from Martin Friedman, Esquire, dated October 25, 1999, 1999, in the docket file.

SMC/lw

Attachment

cc: Division of Water and Wastewater (Rehwinkel, Redemann)

AFA \_\_\_\_\_  
 APP \_\_\_\_\_  
 CAF \_\_\_\_\_  
 CMU \_\_\_\_\_  
 CTR \_\_\_\_\_  
 EAG \_\_\_\_\_  
 LEG \_\_\_\_\_  
 MAS \_\_\_\_\_  
 OPC \_\_\_\_\_  
 PAI \_\_\_\_\_  
 SEC \_\_\_\_\_  
 WAW \_\_\_\_\_  
 OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

~~10212~~ OCT 28 99

REC'D - DIVISION OF RECORDS AND REPORTING

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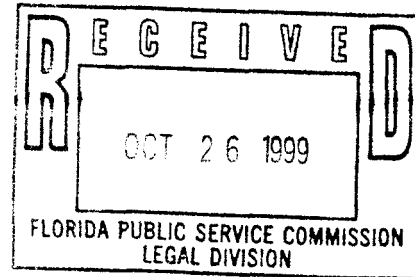
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October 25, 1999

ROBERT M. C. ROSE  
OF COUNSEL

Samantha Cibula, Esquire  
Florida Public Service Commission  
Water and Wastewater Division  
2540 Shumard Oaks Boulevard  
Tallahassee, Florida 32399-0850



Re: AquaSource Utility, Inc.; South Seas; Docket No. 982017-SU  
Our File No. 33087.11

Dear Samantha:

In accordance with the fifth ordering paragraph of Commission Order No. PSC-99-1910-PAA-SU, which was consummated by Order No. PSC-99-2080-CO-SU, enclosed is a copy of the recorded Warranty Deed by which South Seas Utility Company conveyed the plant site property to AquaSource Utility, Inc.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Martin S. Friedman".

MARTIN S. FRIEDMAN  
For the Firm

MSF/brm

Enclosure

cc: Rick S. Herskovitz, Esquire  
Mr. Johnnie Overton (with original Warranty Deed)

RECORDED 09/22/99 09:40 AM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DOC TAX PD(F.S.201.02) 420.00  
DEPUTY CLERK K Cartwright

Prepared by and Return to:  
Walter M. Donovan  
Old Republic National Title Insurance Company  
8360 College Parkway, Suite 202  
Ft. Myers, FL 33919

Property Identification Number: 22-45-21-00-00005.0010  
26-45-21-00-00013.0000

Grantees Tax ID No:

**THIS WARRANTY DEED**

Made this 13<sup>th</sup> day of September, 1999, by

**SOUTH SEAS UTILITY COMPANY**, a Florida corporation  
Whose Address is 13391 McGregor Blvd. SW, Ft. Myers, FL 33919  
hereinafter called the grantor, to

**AQUASOURCE UTILITY, INC.**, a Texas corporation  
Whose post office address is 16810 Barker Springs, Suite B215, Houston, TX 77084  
hereinafter called the grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assignees of corporations.)

**WITNESSETH:** That the grantor, for and in consideration of the sum of \$ 10.00 and other good and valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, State of Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO

**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 the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor 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 accruing subsequent to 1998, and covenants, conditions, restrictions and easements recorded in the public records.

**IN WITNESS WHEREOF**, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Margaret S. Price  
Witness (Print Name Below)

SOUTH SEAS UTILITY COMPANY, a  
Florida corporation

MARGARET S. PRICE  
Witness (Print Name Below)  
Christine M. West  
Christine M. West

By: Allen G. Ten Broek  
Allen G. Ten Broek, President

STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING instrument was acknowledged before me this 13<sup>th</sup> day of September, 1999 by Allen G. Ten Broek, President of South Seas Utility Company, a Florida corporation, who ~~is personally known to me or who produced~~ \_\_\_\_\_ as identification and who ~~did (did not)~~ take an oath.

Linda M. Suszek  
Notary Public  
My Commission Expires:



## EXHIBIT "A"

## PARCEL 1

DESCRIPTION  
 WASTEWATER TREATMENT FACILITY  
 PARCEL IN GOVERNMENT LOT 4  
 SECTION 22 AND GOVERNMENT LOT 1  
 SECTION 23, T. 45 S., R. 21 E.  
 CAPTIVA ISLAND, LEE COUNTY, FLORIDA  
 FOR CORRECTIVE DEED  
 TO SOUTH SEAS UTILITY COMPANY

A tract or parcel of land lying in Government Lot 4, Section 22 and Government Lot 1, Section 23, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida which tract or parcel is described as follows:

From the 3/4" pipe marking the intersection of the south line of the easement described in deed recorded in Deed Book 209 at page 71, Lee County Records with the curved westerly line of a roadway easement (50 feet wide) as described in an Amended Grant of Easement recorded in Official Record Book 1806 at page 3868, Lee County Records being also the northeasterly corner of South Seas Plantation Beach Homesites recorded in Plat Book 29 at pages 105 and 106, Lee County Records run northerly along said westerly line of said easement and the easterly line of Plantation Beach Club 111 as shown on Surveyor's Plat, Exhibit "1" to Condominium Declaration recorded in Official Record Book 1422 beginning at page 2218, Lee County Records along the arc of a curve to the right of radius 265 feet (chord bearing N 11° 30' 02" W) (delta 25° 16' 05") (chord 111.92 feet) for 116.87 feet to a point of tangency, N 01° 00' E for 122 feet to a point of curvature, northerly, northwesterly and westerly along the arc of a curve to the left of radius 113 feet (chord bearing N 23° 46' 18" W) (delta 49° 32' 36") (chord 94.69 feet) for 97.71 feet; thence run N 41° 27' 24" E along a line radial to said curve for 50 feet to the easterly line of said roadway easement described in said Amended Grant of Easement; thence run northeasterly and easterly along the arc of a curve to the right of radius 73.24 feet (chord bearing N 67° 67' 07" E) (delta 52° 59' 27") (chord 65.35 feet) for 67.74 feet to a point of tangency; thence run S 85° 33' 09" E for 14.32 feet to a point of curvature; thence easterly along the arc of a curve to the left of radius 140 feet (chord bearing N 84° 21' E) (delta 16° 13' 00") (chord 39.49 feet) for 39.63 feet to a point of curvature; thence easterly along the arc of a curve to the right of radius 70 feet (chord bearing S 82° 26' 25" E) (delta 38° 39' 30") (chord 46.34 feet) for 47.23 feet to a point of tangency; thence run S 63° 06' 40" E for 19.99 feet to a point of curvature; thence southeasterly and easterly along the arc of a curve to the left of radius 185 feet (chord bearing S 79° 27' 32" E) (delta 32° 41' 45") (chord 87.26 feet) for 88.45 feet to a point of tangency, passing through a point designated "A" at 65.01 feet along said arc; thence run N 84° 11' 36" E for 86.22 feet to a point of curvature; thence easterly along the arc of a curve to the left of radius 316.10 feet (chord bearing N 74° 50' 20" E) (delta 18° 26' 31") (chord 101.31 feet) for 101.75 feet to a point of reverse curvature; thence easterly along the arc of a curve to the right of radius 51.70 feet (chord bearing N 78° 07' 27" E) (delta 24° 44' 46") (chord 23.44 feet) for 23.63 feet to a point of tangency; thence run S 89° 30' 10" E for 601.41 feet to an intersection with the line common to said Sections 22 and 23; thence run S 08° 29' 50" W along said line for 10.10 feet to the Point of Beginning.

From said Point of Beginning run N 89° 30' 10" W for 600 feet; thence run S 08° 29' 50" W, parallel with said section line, for 230 feet more or less to the waters of Bryant Bayou; thence run easterly, southeasterly and southerly along said waters for 290 feet more or less to an intersection with a line bearing N 89° 30' 10" W and 475 feet southerly from (as measured on a perpendicular) the Point of Beginning; thence run S 89° 30' 10" E along said parallel line for 450 feet more or less to an intersection with said line common to Sections 22 and 23; thence continue S 89° 30' 10" E along said parallel line for 680 feet more or less to the waters of Pine Island Sound; thence run northerly along said waters for 560 feet more or less to an intersection with a line bearing S 89° 30' 10" E and passing through the Point of Beginning; thence run N 89° 30' 10" W along said line for 605 feet more or less to the Point of Beginning.

Containing 12.6 acres more or less.  
 Bearings hereinabove mentioned are Plane Coordinates for the Florida West Zone.

EXHIBIT "A"

PARCEL 2

DESCRIPTION  
LIFT STATION SITE  
SECTION 26, T. 45 S., R. 21 E.  
CAPTIVA ISLAND, LEE COUNTY, FLORIDA  
FOR QUIT CLAIM  
SOUTH SEAS RESORT LIMITED PARTNERSHIP  
TO SOUTH SEAS UTILITY COMPANY

A tract or parcel of land lying in Section 26, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida which tract or parcel is described as follows:

Beginning at the concrete monument marking the northwesterly corner of lands described in deed recorded in Deed Book 130 at page 21, Lee County Records run N 87° 12' 10" W along a northerly line of Tennis Villas Condominium, Phase I as shown on Surveyor's Plat, Exhibit "B" to Condominium Declaration recorded in Official Record Book 1237 beginning at page 1217, Lee County Records for 50 feet; thence run N 02° 47' 50" E along an easterly line of said Tennis Villas for 42.80 feet to an intersection with the southwesterly line of Bayside Villas Condominium, Phase II as shown on Surveyor's Plat, Exhibit "B" to Condominium Declaration recorded in Official Record Book 1382 beginning at page 1118, Lee County Records; thence run S 46° 38' 16" E along said southwesterly line for 65.82 feet to the Point of Beginning.  
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

OLD RECORDS  
Chicago Parkways, Suite 205  
1100 North Dearborn  
Chicago, Illinois 60610  
Tel: 312-467-1100  
Fax: 312-467-1101