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Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

**DATE:** February 28, 2000

**TO:** Dr. Mary A. Bane, Deputy Executive Director, Technical Division

**FROM:** Tim Vaccaro, Senior Attorney, Division of Legal Services

**RE:** Docket No. 970657-WS - Application for certificates to operate a water and wastewater utility in Charlotte and DeSoto Counties by Lake Suzy Utilities, Inc.

Docket No. 980261-WS - Application for amendment of Certificates Nos. 570-W and 496-S to add territory in Charlotte County by Florida Water Services Corporation.

A recommendation addressing the above-referenced dockets has been filed for consideration by the Commissioners at the February 29, 2000 agenda conference. This recommendation is Item Number 36.

Staff's recommendation, in part, recommends approval of a settlement agreement and stipulation between Lake Suzy Utilities, Inc. (LSUI) and Florida Water Services Corporation (FWSC). Pursuant to that agreement, LSUI is withdrawing its request for a portion of territory sought in DeSoto County in its application for original water and wastewater certificates. This portion of territory has been granted by franchise to FWSC by DeSoto County.

Staff's recommendation also recommends approval of LSUI's application for original water and wastewater certificates as amended by the parties' settlement. Attachment C of the recommendation sets forth LSUI's service territory description; however, staff inadvertently included that portion of territory granted to FWSC by DeSoto County. Staff wishes to modify it recommendation to remove the following language from the first paragraph under the heading of "DESCRIPTION OF WATER TERRITORY" on page 22 and the first paragraph under the heading of "DESCRIPTION OF WASTEWATER TERRITORY" on page 23:

plus a portion of land in Sections 29 and 30 Township 39 S, Range 23 E DeSoto County, Florida, and plus a portion of land in Section 10 Township 39 S, Range 23 E DeSoto County,

Attached to this memo are revised pages 22 and 23 of the recommendation which exclude that portion of the territory. Staff believes that this modification is minor and should not result in deferral of Item 36.

For informational purposes, staff has included the territory description contained in the recommendation modified to indicate the withdrawn territory be type and strike. That territory description is labeled Attachment D, but should not be included as part of the recommendation.

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

DOCUMENT NUMBER-DATE

02658 FEB 29 2000

FPSC-RECORDS/REPORTING

TV/lw

Attachment

cc: Division of Records and Reporting  
Division of Water and Wastewater (Redemann, Messer)

LAKE SUZY UTILITIES, INC.

CHARLOTTE AND DESOTO COUNTIES

TERRITORY DESCRIPTION

DESCRIPTION OF WATER TERRITORY

All of the land in Sections 31 and 32, Township 39 S, Range 23 E DeSoto County, Florida less and except parcel 1 in section 31, Florida and plus a parcel of land in Section 6, Township 40 S, Range 23 E Charlotte County, Florida with all parcels more particularly described as follows:

**LESS AND EXCEPT LAND IN SECTION 31 DESOTO COUNTY**

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

Begin at the southwest corner of section 31, then North along section line to the right of way of I-75 (569.00 feet plus or minus) then Southeasterly along I-75 right of way to the intersection of South section line (672.1 feet plus or minus) then West to the point of beginning (370.99 feet plus or minus) containing 2.4 acres more or less being **Parcel 1 of 1.**

**ADDITIONAL LAND IN SECTIONS 5 AND 6 CHARLOTTE COUNTY**

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 Northwest corner of said Section 5 and run S89°39'47"E a distance of 259.24 feet to the intersection with the westerly right-of-way of Kings Highway; thence S25°05'53"W a distance of 352.43 feet along said right-of-way of Kings Highway; thence N89°38'45"W leaving said right-of-way a distance of 2771.64 feet; thence N00°07'54"E a distance of 154.03 feet; thence N39°05'37"E a distance of 98.67 feet to the intersection with a

curve concave to the East, to the South, and Southwest, having a radius of 50.00 feet, and a central angle of  $219^{\circ}49'31''$ ; thence along said curve a distance of 191.83 feet to a point of reverse curvature of a curve to the left having a radius of 25.00 feet, a central angle of  $46^{\circ}01'19''$ ; thence along said curve a distance of 20.08 feet; thence  $N32^{\circ}53'49''E$  along a radial line a distance of 66.67 feet to the interconnection with the Northerly line of said Section 6; thence  $S89^{\circ}38'45''E$  along said Northerly line a distance of 2661.15 feet to the point of beginning.

**LAKE SUZY UTILITIES, INC.**

**CHARLOTTE AND DESOTO COUNTIES**

**TERRITORY DESCRIPTION**

**DESCRIPTION OF WASTEWATER TERRITORY**

All of the land in Sections 31 and 32, Township 39 S, Range 23 E DeSoto County, Florida less and except parcels 1, 2 and 3 in said section 31, with all parcels more particularly described as follows:

**LESS AND EXCEPT LAND IN SECTION 31 DESOTO COUNTY**

All three (3) parcels of land are in Section 31, Township 39 South, Range 23 East, DeSoto County Florida. Bearings used in this description are taken from a deed recorded in Official Record Book 130, Pages 570-571, of said public records of DeSoto County, Florida. Said tracts are described as follows:

Begin at the southeast corner of section 31; Thence N  $89^{\circ}38'45''$  W along the south line of said section 31, 2388.17 feet; thence N  $25^{\circ}01'05''$  W, 39.15 feet, thence N  $32^{\circ}09'31''$  W, 134.59 feet; thence N  $58^{\circ}16'39''$  W, 152.45 feet; thence N  $08^{\circ}41'03''$  E, 58.79 feet; thence N  $11^{\circ}35'37''E$ , 720.86 feet; thence N  $22^{\circ}03'27''$  W. 563.84 feet; thence N  $20^{\circ}08'35''$  E, 472.51 feet to the POB of Parcel 1 of 2. Said POB being a point on a curve concave to the southwest with a radius of 400.00 feet and a tangent bearing of  $S 78^{\circ}44'54''$  E; thence Southeasterly along arc of said curve, 369.13 feet; thence S  $50^{\circ}22'47''$  W, 159.29 feet; thence S  $17^{\circ}21'14''$  E, 704.05 feet; thence S  $20^{\circ}42'20''$  W, 582.63 feet; thence S  $68^{\circ}11'54''$  E, 177.71 feet; thence N  $74^{\circ}35'19''$  E, 353.72 feet; thence S

LAKE SUZY UTILITIES, INC.

CHARLOTTE AND DESOTO COUNTIES

TERRITORY DESCRIPTION

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

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curve concave to the East, to the South, and Southwest, having a radius of 50.00 feet, and a central angle of 219°49'31"; thence along said curve a distance of 191.83 feet to a point of reverse curvature of a curve to the left having a radius of 25.00 feet, a central angle of 46°01'19"; thence along said curve a distance of 20.08 feet; thence N32°53'49"E along a radial line a distance of 66.67 feet to the interconnection with the Northerly line of said Section 6; thence S89°38'45"E along said Northerly line a distance of 2661.15 feet to the point of beginning.

**LAKE SUZY UTILITIES, INC.**

**CHARLOTTE AND DESOTO COUNTIES**

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