

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority)
to Transfer the Facilities of)
MHC SYSTEMS, INC. and)
Certificate Nos. 353-W and 309-S)
in Lee County, Florida to)
NORTH FORT MYERS UTILITY, INC.)
_____)

Docket No. 000277-WS

RECORDED AND
REPORTING

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ORIGINAL

NOTICE OF FILING

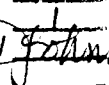
NORTH FORT MYERS UTILITY, INC. hereby notices the filing a recorded copy of Exhibit "C" to Exhibit "A" of the Application in the above-referenced docket.

Respectfully submitted on this 24th day of March, 2000, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555

By: 
MARTIN S. FRIEDMAN

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- OTH _____

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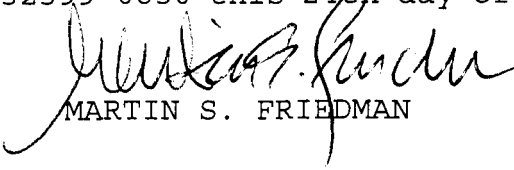
DOCUMENT NUMBER-DATE

03730 MAR 24 8

REGULATORY REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Filing was forwarded via U.S. Mail to Tyler Van Leuven, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 this 24th day of March, 2000.


MARTIN S. FRIEDMAN

INSTR # 4824328
OR BK 03226 PG 2307

RECORDED 03/02/00 03:14 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 28.50
DOC TAX PD (F.S. 201.02) 7,000.00
DEPUTY CLERK T Voges

28.50
7,000.00
This instrument prepared by
and please return to:
Wilhelmina F. Kightlinger, Esquire
Piper Marbury Rudnick & Wolfe LLP
101 East Kennedy Boulevard
Suite 2000
Tampa, Florida 33602

Tax folio nos.: 08-43-24-00-00002.0010
08-43-24-00-00002.0020

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made the 29th day of February, 2000, by GATORLAND VISTAS, INC., an Illinois corporation, with its principal place of business at Two North Riverside Plaza, Suite 800, Chicago, Illinois 60606 (hereinafter referred to as "Grantor"), to NORTH FORT MYERS UTILITY, INC., a Florida corporation, whose post office address is Post Office Box 2547, Fort Myers, Florida 33902-2547 (hereinafter referred to as "Grantee"):

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee all of that certain land situate in Lee County, Florida, viz:

See attached Exhibit "A" (the "Property").

SUBJECT TO conditions, restrictions, reservations, zoning, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; public utility easements of record; taxes for the current year and all subsequent years; and those matters listed on Exhibit "B" attached hereto (collectively, the "Permitted Encumbrances").

FURTHERMORE, Grantee, its successors and assigns shall use the Property solely to construct, operate and maintain a utility system and related facilities which provide for potable water supply and wastewater collection, treatment and disposal services.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; that

Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor; and that the Property is free of all encumbrances, except for the Permitted Encumbrances.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, by its proper officer thereunto duly authorized as of the day and year first above written.

Signed, sealed and delivered
in our presence:

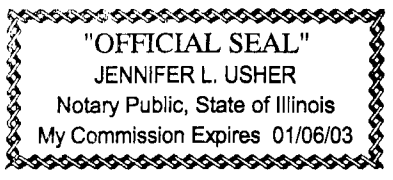
GATORLAND VISTAS, INC.,
an Illinois corporation
By: [Signature]
Print Name: Arthur A. Greenberg
Print Title: Vice President

Print Name: [Signature]
Donna J. Skweres

Print Name: [Signature]
Sarah G. Blum

STATE OF ILLINOIS)
COUNTY OF COOK)

The foregoing instrument was acknowledged before me this 22nd day of February, 2000, by Arthur A. Greenberg, as Vice President of **GATORLAND VISTAS, INC.**, an Illinois corporation, on behalf of the corporation. He/She is personally known to me or ___ has produced _____ as identification.



[Signature]
Notary Public
State of Illinois
My Commission Expires: 01/06/03

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1 WATER TREATMENT FACILITY

A parcel of land lying in the south half (S-1/2) of Section 8, Township 43 South, Range 24 East, Lee County, Florida being described as follows:

From the southeast corner of said Section 8 run N 00° 11' 10" E along the east line of said Section for 2,200.00 feet; thence run S 88° 31' 00" W parallel with the south line of the southeast quarter (SE 1/4) of said Section for 2,349.44 feet; thence run N 88° 31' 33" W parallel with the south line of the southwest quarter (SW 1/4) of said Section for 52.52 feet; thence run S 00° 00' 00" E for 237.52 feet; thence run N 90° 00' 00" E for 110.00 feet; thence run S 00° 00' 00" E for 12.00 feet to the Point of Beginning of this description.

From said Point of Beginning continue S 00° 00' 00" E for 88.00 feet; thence run S 90° 00' 00" W for 115.00 feet; thence run N 00° 00' 00" W for 13.30 feet to a point on a non-tangent curve; thence run northeasterly along an arc of a curve to the left having a radius of 182.00 feet (delta 16° 15' 05") (chord bearing N 16° 50' 06" E) (chord 51.45 feet) for an arc length of 51.63 feet to a point of reverse curvature; thence run northeasterly along an arc of a curve to the right having a radius of 30.00 feet (delta 81° 17' 27") (chord bearing N 49° 21' 16" E) (chord 39.08 feet) for an arc length of 42.56 feet to a point of tangency; thence run N 90° 00' 00" E for 70.44 feet to the Point of Beginning.

Bearings hereinabove mentioned are derived from the Plat of Indian Pines Unit One as recorded in Plat Book 29 at Pages 65 through 72, Public Records of Lee County, Florida. The south line of Tract "A" as shown on said plat bears S 64° 05' 00" W.

PARCEL 2 SEWAGE TREATMENT FACILITY

A parcel of land lying in the southwest quarter (SW-1/4) of Section 8, Township 43 South, Range 24 East, Lee County, Florida being described as follows:

From the south quarter corner of said Section 8 run westerly along the south line of said Section 8, N 88° 31' 33" W for 750.28 feet to the Point of Beginning of this description.

From said Point of Beginning continue westerly along said south line N 88° 31' 33" W for 862.20 feet to the southerly end of a line that intersects the south line of said Section 8 and is parallel with the east line of said Section 8; thence run along said parallel line N 00° 11' 10" E for 831.50 feet; thence run southeasterly along an arc

of a curve, the north end of said curve being tangent with the last mentioned "parallel line," said curve having a radius of 480.75 feet (delta 44° 11' 14") (chord bearing S 21° 54' 27" E) (chord 361.64 feet) for an arc length of 370.76 feet to a point of tangency; thence run S 44° 00' 03" E for 72.34 feet to a point of curve; thence run along an arc of a curve to the left having a radius of 461.32 feet (delta 13° 04' 28") (chord bearing S 50° 32' 17" E) (chord 105.04 feet) for an arc length of 105.27 feet to a point of tangency; thence run S 57° 04' 31" E for 45.34 feet to a point of curve; thence run along an arc of a curve to the right having a radius of 254.02 feet (delta 20° 19' 30") (chord bearing S 46° 54' 46" E) (chord 89.64 feet) for an arc length of 90.11 feet to a point of tangency; thence run S 36° 45' 02" E for 92.20 feet to a point of curve; thence run along an arc of a curve to the left having a radius of 439.30 feet (delta 13° 45' 45") (chord bearing S 43° 37' 54" E) (chord 105.27 feet) for an arc length of 105.52 feet to a point of tangency; thence run S 50° 30' 41" E for 81.54 feet to a point of curve; thence run along an arc of a curve to the left having a radius of 489.48 feet (delta 38° 00' 52") (chord bearing S 69° 31' 07" E) (chord 318.83 feet) for an arc length of 324.76 feet to the south line of said Section 8 and the Point of Beginning.

Bearings hereinabove mentioned are derived from the Plat of Indian Pines Unit One as recorded in Plat Book 29 at Pages 65 through 72, Public Records of Lee County, Florida. The south line of Tract "A" as shown on said plat bears S 64° 05' 00" W.

PARCEL 3 EFFLUENT POND

A parcel of land lying in the southwest quarter (SW-1/4) of Section 8, Township 43 South, Range 24 East, Lee County, Florida being described as follows:

From the south quarter corner of said Section 8 run westerly along the south line of said Section 8, N 88° 31' 33" W for 1612.48 feet to the southerly end of a line that intersects the south line of said Section 8 and is parallel with the east line of said Section 8; thence run along said parallel line N 00° 11' 10" E for 362.27 feet to the Point of Beginning of this description.

From said Point of Beginning run N 89° 53' 39" W for 392.28 feet; thence run N 02° 16' 40" W for 151.98 feet; thence run N 87° 39' 32" E for 267.27 feet; thence run N 41° 55' 05" E for 48.86 feet; thence run S 85° 16' 56" E for 99.59 feet to an intersection with said parallel line; thence run S 00° 11' 10" W along said line for 191.67 feet to the Point of Beginning.

Bearings hereinabove mentioned are derived from the Plat of Indian Pines Unit One as recorded in Plat Book 29 at Pages 65 through 72, Public Records of Lee County, Florida. The south line of Tract "A" as shown on said plat bears S 64° 05' 00" W.

EXHIBIT "B"**PERMITTED ENCUMBRANCES**

- (1) Taxes and assessments for the year 2000 and subsequent years.
- (2) Zoning and other laws, rules, and regulations of local governmental authorities.
- (3) Reservation of 1/2 interest in all oil, gas and other mineral rights contained in Deed between Lilian Bayliss Green, Edwin R. Bayliss, Eulalie M. Bayliss, Mary Bayliss Forsmark and Martin J. Forsmark, Celeste Bayliss Koski and Reyno M. Koski, Franklin G. Bayliss and Elizabeth K. Bayliss, Dudley C. Bayliss and Rose Weston Bayliss, being the sole and only heirs of the Estates of Edwin Bayliss, deceased, Jerome Z. Bayliss, deceased, and Willard Bayliss, deceased, parties of the first part and Robert W. Marxer and Kathryn A. Marxer, husband and wife, parties of the second part, dated June 1, 1950 and recorded July 5, 1950 as instrument #128806 in Deed Book 202, Page 353, Public Records of Lee County, Florida.
- (4) Right-of-Way Easement 16 feet wide from Pine Lakes Venture, a Florida General Partnership ("PLV") to Lee County Electric Co-Operative, Inc., dated November 24, 1986 and recorded June 15, 1988 as instrument #2471851 in O.R. Book 1996, Page 2308, Public Records of Lee County, Florida.
- (5) Covenant of Unified Control executed by Robert D. Brown, dated July 8, 1985 and recorded July 18, 1985 as instrument #1967962 in O.R. Book 1794, Page 1769, Public Records of Lee County, Florida.
- (6) Declaration of Restriction executed by PLV dated September 19, 1985 and recorded September 19, 1985 as instrument #1993907 in O.R. Book 1804, Page 4190, Public Records of Lee County, Florida.
- (7) Resolution of the Board of County Commissioners of Lee County, Florida, dated June 17, 1985 and recorded April 24, 1986 as instrument #2085258 in O.R. Book 1841, Page 2940, Public Records of Lee County, Florida.
- (8) Notice of Development Order recorded June 6, 1986 as instrument #2105432 in O.R. Book 1850, Page 137, Public Records of Lee County, Florida.
- (9) Resolution of the Board of County Commissioners of Lee County, Florida, dated February 11, 1985 and recorded June 23, 1985 as instrument #2112915 in O.R. Book 1853, Page 324, Public Records of Lee County, Florida.
- (10) Resolution of the Board of County Commissioners of Lee County, Florida, dated February 11, 1985 and recorded July 2, 1986 as instrument #2117465 in O.R. Book 1855, Page 119, Public Records of Lee County, Florida.

- (11) Terms, covenants, conditions and easements as reflected on plat of Pine Lakes Country Club, Phase IV, as recorded July 31, 1989 in Plat Book 43, Pages 35 through 48, inclusive, Public Records of Lee County, Florida.
- (12) Riparian and Littoral Rights.
- (13) Service Agreement, to provide water and wastewater service for Pine Lakes Country Club between PLV and FFEC-Six, Inc. ("FFEC"), dated May 29, 1990 and recorded January 3, 1991 as instrument #2958898 in O.R. Book 2195, Page 2867 and assigned by Assignment of Service Agreement from PLV to Pine Lakes Venture, Ltd., dated December 31, 1990 and recorded January 3, 1991 as instrument #2958899 in O.R. Book 2195, Page 2879, Public Records of Lee County, Florida.
- (14) Service Agreement, to provide water and wastewater service for Lake Fairways Manufactured Home Community, between LRB Co. and FFEC dated May 29, 1990 and recorded May 30, 1990 as instrument #2852755 in O.R. Book 2152, Page 2288, Public Records of Lee County, Florida; Consent to Service Agreement (undated), recorded May 30, 1990 as instrument #2852756 in O.R. Book, 2152, Page 2310, Public Records of Lee County, Florida; and assigned to The Mutual life Insurance Company of New York by Assignment dated May 29, 1990 and recorded May 30, 1990 as instrument #2852757 in O.R. Book 2152, Page 2335, Public Records of Lee County, Florida.
- (15) Memorandum of Covenant and Restrictions by and between MHC Systems, Inc. ("MHC") and North Fort Myers Utility, Inc. ("NFMU"), to be recorded in the Public Records of Lee County, Florida.
- (16) Encroachment of 6 foot high chain link fence on the western boundary of Parcel 3 (the Effluent Pond) as shown on Boundary Survey prepared by Johnson Engineering, Inc., dated August 22, 1994, and revised and updated November 6, 1995 (File No. 8-43-24, Project No. 20290).
- (17) Pine lakes Reclaimed Water Use Agreement to provide wastewater effluent for public access irrigation, between MHC and MHC Operating Limited Partnership, dated November 1, 1994.
- (18) Grant of Non-Exclusive Easement by NFMU in favor of MHC dated the date hereof, to be recorded in the Public Records of Lee County, Florida.