


M E M O R A N D U M

OCTOBER 9, 2002

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (GERVASI) 

RE: DOCKET NO. 020640-SU - APPLICATION FOR CERTIFICATE TO PROVIDE WASTEWATER SERVICE IN LEE COUNTY BY GISTRO, INC.

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Please file the attached correspondence in the above-referenced docket file.

RG/js  
Attachments

DOCUMENT NUMBER DATE  
10978 OCT-98  
FPSC-COMMISSION CLERK

# Roosa, Sutton, Burandt, Adamski & Roland, LLP

*Attorneys and Counselors at Law*

Richard V.S. Roosa  
Larry D. Sutton  
Robert B. Burandt  
Robert C. Adamski  
Ty G. Roland

1714 Cape Coral Parkway East  
Cape Coral, Florida 33904

**Telephone:** (239) 542-4733  
**Facsimile:** (239) 542-9203

October 7, 2002

William E. Sundstrom, P.A.  
Rose, Sundstrom & Bentley, LLP  
P.O. Box 1567  
Tallahassee, FL 32302-1567



RE: Gistro, Inc. v. Lee County

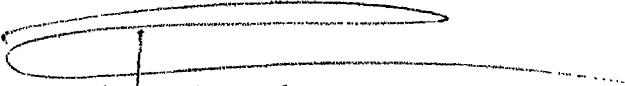
Dear Mr. Sundstrom:

I have had an opportunity to discuss your September 25, 2002, correspondence with my client and respond as follows.

By now I am sure you have done a title search of the property and I am fairly confident that you know that my client still owns the collection system, but if there is any doubt please check Parcel Id 25-47-25-11-0000A.0010, which is the strap number for the lift station currently being maintained by my client. With respect to paragraph two of your letter, the waste water collection system was not sold at the Sheriff's sale. With respect to your allegations that you see no reason to meet with my client fact to face, I can respect that, but allow me to point out to you that although my client has currently attempted to terminate the Sewer Capacity Presale Agreement which your client is ignoring, if in fact my client no longer owns the collection system, then as a matter of law I believe the Sewer Capacity Presale Agreement is void. I could not find anything that would obligate a party's successor to this Presale Agreement. Once again my client is advising you that he has terminated the Sewer Capacity Presale Agreement and is demanding that all proceeds from any collection within this system be turned over to him immediately.

Should you have any additional questions or comments, please feel free to contact my office.

Sincerely yours,



Robert B. Burandt  
RBB/bh

cc: client  
Rosanne Gervasi  
Fred Partin  
Don Thomson  
Martin Friedman  
David M. Owen, Esq.

# Roosa, Sutton, Burandt, Adamski & Roland, L.L.P.

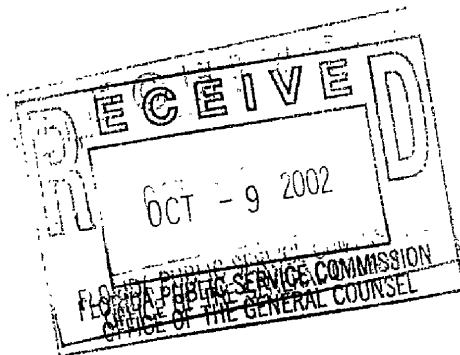
*Attorneys and Counselors at Law*  
1714 Cape Coral Parkway East  
Cape Coral, Florida 33904

**Telephone:** (239)542-4733  
**Facsimile:** (239)542-9203

Richard V.S. Roosa  
Larry D. Sutton  
Robert B. Burandt  
Robert C. Adamski  
Ty G. Roland

October 7, 2002

Rosanne Gervasi  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850



RE: Docket No. 020640-SU - Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

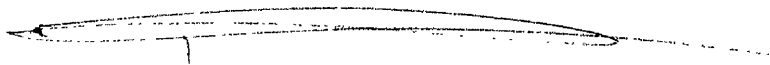
Dear Ms. Gervasi:

Please consider this our response to your September 27, 2002, correspondence. With respect to the question of ownership of the collection system, I offer the following proof.

Please find enclosed (Exhibit "A") copies of the original development orders from the Florida Department of Environmental Regulation indicating that a permit was, in fact, issued to J. F. Holzberg to construct and operate the initial waste water treatment plant including gravity filters and drain fields. This was apparently conducted under General Permit No. 17-555.540 and I assume you have access to the supporting documents referenced in these documents. Exhibit "B" is copies of the tax statements for the lift stations indicating that Fritz Holzberg has been paying the property taxes on same. Exhibit "C" is copies of Quit Claim Deeds from Mr. Holzberg individually to Gistro, Inc., for the lift stations and the collection system itself. Exhibit "D" is a copy of the Sewer Capacity Presale Agreement between Forest Mere Joint Venture and Bonita Springs Water Systems, Inc., which has been terminated by Gistro, Inc., as a successor in interest of Forest Mere Joint Venture. It is interesting to note that Mr. William E. Sundstrom wants to argue that my client no longer owns the system. If that is true then even though he is contesting the fact that my client can not cancel the presale agreement, if my client no longer owns this system, then the presale agreement can no longer be enforced by B.S.U. Outside of a complete title search, which I assume Mr. Sundstrom completed, I can not offer any additional proof. With respect to Mr. Sundstrom's representation that this property was somehow sold at a Sheriff's sale, I can advise you that sale was defective and transferred nothing.

Should you have any additional questions or comments, please feel free to contact my office.

Sincerely yours,

  
Robert B. Burandt  
RBB/bh  
Enclosures  
cc: client

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTH FLORIDA DISTRICT

2269 BAY STREET  
FORT MYERS, FLORIDA 33901-2896  
(813)332-2667.



BOB MARTINEZ  
GOVERNOR

DALE TWACHTMANN  
SECRETARY

PHILIP R. EDWARDS  
DISTRICT MANAGER

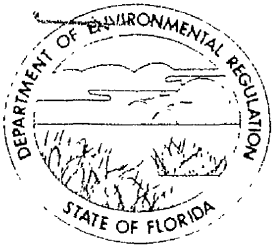
PERMITTEE: J. F. Holzberg  
26511 Southern Pines Dr.  
Bonita Springs, FL 33923

I.D.No: 5236P00177  
Permit/Certification  
Number: DO36-133382  
Date of Issue: 9-23-87  
Expiration Date: 9-23-92  
County: Lee  
Latitude: 26° 21' 09" N  
Longitude: 81° 45' 46" W  
Section/Town/Range: 25/47S/25E  
Project: Forest Mere

This permit is issued under the provisions of Chapter 403.087, Florida Statutes, and Florida Administrative Code Rule(s) 17-4, 17-6, 17-7, 17-16 and 17-19. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the department and made a part hereof and specifically described as follows:

To operate a 0.025 MGD capacity, extended aeration process, wastewater treatment plant including gravity filters and drainfields. Drawings of the facility are on file under PATS 70554. Location of project off East Terry Street, Bonita Springs.





# Florida Department of Environmental Regulation

South District • 2269 Bay Street • Fort Myers, Florida 33901-2896 • 813-332-2667

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary  
Philip Edwards, Deputy Assistant Secretary

May 10, 1989

J.F. Holzberg, Owner  
26511 Southern Pines Drive  
Bonita Springs, Florida 33923

RE: Lee County - DW  
Forest Mere - Phase II  
Application Number 163599

Dear Mr. Holzberg:

This letter acknowledges receipt of your application requesting a construction permit for the above referenced project. However, the application is incomplete and requires the following additional information in accordance with F.A.C. Rule 17-4.055(1).

1. Provide a Public Service Commission (PSC) letter of exemption or a copy of the certificate for subpart A: General; item (5) page 4 of 31 DER Form 17-1.205(1).
2. Provide an engineering report with reasonable assurance that the design will meet the requirements of F.A.C. Rules 17-6.035(1) thru (8), 17-6.036(1) thru (4); 17-6.037(1) thru (2) and 17-610.550 thru .575.
3. Provide reasonable assurance that the disinfection (chlorine) facilities are designed in accordance with F.A.C. Rules 17-6.040(4)(c), 17-6.070(1)(a) and 17-6.070(1)(c) thru (5).
4. Provide buffer in accordance with F.A.C. Rule 17-610.571.

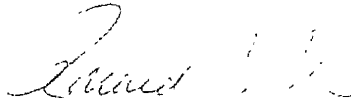
Continued . . . .

J.F. Holzberg, Owner  
May 10, 1989  
Page 2

5. Complete subpart B, wastewater and sludge treatment; item (2) page 5 of 31 in accordance with F.A.C. Rule 17-610.560(2).
6. Indicate an easy access sampling point for the influent and effluent on the drawings in accordance with F.A.C. Rules 17-6.070(3), 17-6.070(4) and 17-6.070(5).
7. Provide baffles (details) in the chlorine contact chamber to ensure no short circuiting for disinfection.
8. Provide a copy of the O & M manual for this project or the draft manual as required in accordance with F.A.C. Rule 17-6.150(1) thru 17-6.150(2)(a)3.
9. Complete subpart E: Absorption Field System; item (9) page 18 of 31 and include mounding calculations for the absorption field system in accordance with F.A.C. Rule 17-610.573.
10. Provide drawing showing the existing and proposed plants modification. Also, check attachment I submitted with application. The clarifier dimension has an error on the size and the chlorine contact chamber dimension was omitted submit a revised page.
11. Provide assurance that the hydraulic loading to the treatment plants will not exceed average daily flow (ADF) of 24 gpm at 2 to 4 times the ADF design flow using the splitter box system in accordance with F.A.C. Rule 17-6.070(1)(c)2.

Should you have any questions or if we can be of any assistance, please do not hesitate to contact Bennie T. Shoemaker at (813) 332-2667.

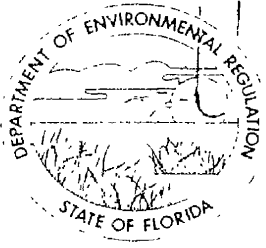
Sincerely,



Philip R. Edwards  
Deputy Assistant Secretary

PRE/BTS/ish

cc: Q. Grady Minor, P.E.



# Florida Department of Environmental Regulation

South District • 2269 Bay Street • Fort Myers, Florida 33901-2896 • 813-332-2667

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary  
Philip Edwards, Deputy Assistant Secretary

May 30, 1989

J.F. Holzberg  
26511 Southern Pines Drive  
Bonita Springs, Florida 33923

RE: Lee County - PW  
Spring Lakes Phase II & III  
Water Distribution System  
DS36-164828

Dear Mr. Holzberg:

17-555.540 General Permit for the Construction of an Extension to a Public Water Supply Distribution System.

(1) A general permit is hereby granted for the construction of an extension to a public drinking water system that has been designed in accordance with the standards and criteria set forth in this Chapter provided that:

(a) Notice of the Department under Rule 17-4.530(1) F.A.C., is submitted on DER Form 17-555.910(1); and

(b) The treatment facility to which the system will be connected has the capacity to provide the potable water supply required by this system and is in compliance with the standards and criteria set forth in Chapters 17-550, 17-560, F.A.C., and this Chapter for the drinking water system and the quality of water which it provides.

(2) This general permit is subject to the general conditions of Rule 17-555.410, F.A.C. (see reverse side) and the following specific conditions:

(a) The permittee or his engineer of record shall file with the Department upon completion of the work a copy of the plans and specifications for the system "as built".

(b) Before the system may be placed into service, a certification of construction completion by the engineer of record and a copy of satisfactory bacteriological results described in Rule 17-555.345, F.A.C., must be submitted to the appropriate office of the Department or Approved County Public Health Unit and a letter of clearance be issued.

SPECIFIC AUTHORITY 373.016(3), 373.046, 373.309(2), 403.814(1), 403.861(2),(6),(8), F.S. LAW IMPLEMENTED: 373.031, 373.016(3), 373.046, 373.309(2), 403.852(12), 403.853(1),(3), 403.861(2),(6),(8),(9), F.S. HISTORY: NEW 7-8-82; FORMERLY 17-4.630; AMENDED 1-18-89.

Sincerely,

Philip R. Edwards  
Deputy Assistant Secretary

PRE/WDA/ish  
cc: Q. Grady Minor, P.E.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

J.F. Holzberg  
26511 Southern Pines Drive  
Bonita Springs, FL 33923

September 23, 1987

Lee County - DW  
Forest Mere

Dear Mr. Holzberg:

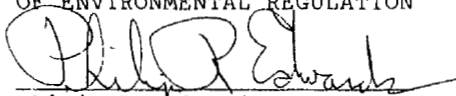
Enclosed is Permit Number DO36-133382 to operate the above referenced wastewater treatment plant pursuant to Section(s) 403.087, Florida Statutes (F.S.).

Persons whose substantial interests are affected by this permit have a right, pursuant to Section 120.57, F.S. to petition for an administrative determination (hearing) on it. The petition must conform to the requirements of Chapters 17-103 and 28-5.201, Florida Administrative Code (F.A.C.), and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of receipt of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S. This permit is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with this paragraph or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 17-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

When the Order (Permit) is final, Any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days from the date the Final Order is filed with the Clerk of the Department.

Executed in Ft. Myers, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION



Philip R. Edwards  
District Manager  
South Florida District Office  
2269 Bay Street  
Fort Myers, FL 33901-2896

PRE/PRC/wlb  
Copies furnished to:  
Q. Grady Minor, P.E.

CERTIFICATE OF SERVICE

This is to certify that the PERMIT and all copies were  
delivered to the Clerk of District Court of Lee County, Florida  
to the listed persons.

CLERK STAMP

FILING AND ACKNOWLEDGMENT  
FILED, on this date, pursuant to Section  
Florida Statutes, with the Department  
of Environmental Regulation, and acknowledged  
by the Clerk of the District Court of Lee County, Florida.

Barney Hill 9-24-87  
CLERK DATE





Parcel ID: 25-47-25-11-0000A.0010  
FOREST MERE COURT CONDO  
PARCEL LOCATED IN RESERVE AREA  
LIFT STATION OR3091/2085

●FOR PERMANENT CHANGE OF ADDRESS●

Detach and show your new address below

Forward to: P O Box 1546 Ft Myers Florida 33902-1546

00202055\*\*\*\*\*AUTO\*\*3-DIGIT 339  
FOREST MERE JOINT VENTURE + 706  
HOLZBERG J FRITZ + ELY T/C  
PO BOX 365762  
BONITA SPRINGS, FL 34136-6762



**NOTICE OF PROPOSED PROPERTY TAXES - DO NOT PAY - THIS IS NOT A BILL**

The taxing authorities which levy property taxes against your property will soon hold **PUBLIC HEARINGS** to adopt budgets and tax rates for the next year. The purpose of these **PUBLIC HEARINGS** is to receive opinions from the general public and to answer questions on the proposed tax changes and budget **PRIOR TO TAKING FINAL ACTION**. Each taxing authority may **AMEND OR ALTER** its proposals at the hearing.  
Parcel ID: 25-47-25-11-0000A.0010 BONITA SPRINGS FIRE DISTRICT/LIGHT

TAXING AUTHORITY	COLUMN 1 YOUR PROPERTY TAXES LAST YEAR	COLUMN 2 YOUR TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE	A PUBLIC HEARING ON THE PROPOSED TAXES AND BUDGET WILL BE HELD	COLUMN 3 YOUR TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE
LEE COUNTY CAPITAL IMP	0.00	0.51	09/08/99 5:05PM COMMISSION CHAMBER 2115 SECOND ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.41
LEE COUNTY GENERAL REVENUE	0.00	2.24	09/08/99 5:05PM COMMISSION CHAMBERS 2115 SECOND ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	2.16
BONITA SPRINGS LIGHT - MSTU	0.00	0.04	09/08/99 5:05PM COMMISSION CHAMBERS 2115 SECOND ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.03
LEE CO UNINCORPORATED - MSTU	0.00	0.61	09/08/99 5:05PM COMMISSION CHAMBERS 2115 SECOND ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.56
LEE COUNTY ALL HAZARDS - UNINC	0.00	0.04	09/08/99 5:05 PM COMMISSION CHAMBERS 2115 SECOND ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.04
LEE COUNTY LIBRARY FUND	0.00	0.48	09/08/99 5:05PM COMMISSION CHAMBERS 2115 SECOND ST MAIL: P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.28
PUBLIC SCHOOL - BY LOCAL BOARD	0.00	1.31	09/09/99 5:30PM DR ADAMS PUBLIC ED CNTR 2055 CENTRAL AVENUE FT MYERS FL 33901 TEL 941 337 8217	1.27
PUBLIC SCHOOL - BY STATE LAW	0.00	3.16	09/09/99 5:30PM DR ADAMS PUBLIC ED CNTR 2055 CENTRAL AVENUE FT MYERS FL 33901 TEL 941 337 8217	3.22
SFL WATER MGMT-DISTRICT LEVY	0.00	0.30	09/08/99 5:15PM SFWM DIST AUDITORIUM BLDG B-1 3301 GUN CLUB ROAD W PALM BEACH FL 33406 TEL 561 686 8800	0.29
SFL WATER MGMT-EVERGLADE CONST	0.00	0.05	09/08/99 5:15PM SFWM DIST AUDITORIUM BLDG B-1 3301 GUN CLUB ROAD W PALM BEACH FL 33406 TEL 561 686 8800	0.05
WEST COAST INLAND WATERWAY	0.00	0.02	09/10/99 5:01PM SARASOTA CO SOUTH CO ADMN CTR 4000 S TAMiami TRAIL MAIL: P O BOX 1845 VENICE FL 34284 TEL 941 425 9402	0.02
BONITA SPRINGS FIRE DISTRICT	0.00	0.80	09/13/99 7:00PM BONITA SPRING FIRE STA 1 27490 OLD 41 RD MAIL: P O BOX 1958 BONITA SPRINGS FL 34133 TEL 941 992 3320	0.76
LEE COUNTY HYACINTH CONTROL	0.00	0.62	09/07/99 5:01PM DISTRICT OFFICES 15191 HOMESTEAD RD LEHIGH ACRES FL 33971 TEL 941 694 2174	0.57
LEE COUNTY MOSQUITO CONTROL	0.00	0.19	09/07/99 5:01PM DISTRICT OFFICES 15191 HOMESTEAD RD LEHIGH ACRES FL 33971 TEL 941 694 2174	0.19
Total Property Taxes:	0.00	3.77		9.30

MARKET VALUE	EXEMPTIONS	TAXABLE VALUE
YOUR PROPERTY VALUE THIS YEAR 1999		
YOUR PROPERTY VALUE LAST YEAR 1998	0	0

IF YOU FEEL THE MARKET VALUE OF YOUR PROPERTY IS INACCURATE OR DOES NOT REFLECT FAIR MARKET VALUE CONTACT YOUR COUNTY PROPERTY APPRAISER AT (941) 339-6162 --2480 Thompson Street, 4th Floor (at the corner of Fowler & Martin Luther King Jr Blvd) or P O Box 1546, Ft Myers, FL 33902. If the Property Appraiser's Office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the County Property Appraiser and must be filed ON OR BEFORE Sept. 14, 1999. Your final tax bill may contain non ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district.

EXPLANATION	COLUMN 1 "YOUR TAXES IF NO BUDGET CHANGE IS MADE"	NOTE
<b>COLUMN 1</b> "YOUR PROPERTY TAXES LAST YEAR" This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your previous taxable value.	<b>COLUMN 2</b> "YOUR TAXES IF NO BUDGET CHANGE IS MADE" This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.	Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discount are a maximum of 4 percent of the amounts shown on this form.)
<b>COLUMN 3</b> "YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE" This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearing shown above.	<b>ASSESSED VALUE MEANS</b> For homestead property - value as limited by State Constitution For agricultural and similarly assessed property - classified use value For all other property - market value	*NON-HOMESTEAD EXEMPT MILLAGES - These districts were established by the Legislature and at that time it was determined that the benefits that these districts provide (mosquito control, hyacinth control, fire protection and street lighting) benefit all properties without discrimination and therefore the homestead exemption would not apply and the millage is calculated using the assessed value.

Lee County Taxing Authorities  
 P O Box 1270  
 Fort Myers, Florida 33902-1270

Parcel ID: 25-47-25-B3-0110A 0010  
 FOREST MERE COURT CONDO  
 PARCEL LOCATED IN RESERVE AREA  
 LIFT STATION OR3091/2085

• FOR PERMANENT CHANGE OF ADDRESS •

Detach and show your new address below  
 Mail to P O Box 1546 Ft Myers, Florida 33902-1546  
 OR change your address on-line at www.leepa.org

220848 \*\*\*\*\*AUTO\*\*3-DIGIT 339  
 FOREST MERE JOINT VENTURE  
 PO BOX 366762  
 BONITA SPRINGS, FL 34136-6762



The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year. The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax changes and budget PRIOR TO TAKING FINAL ACTION. Each taxing authority may AMEND OR ALTER its proposals at the hearing.  
 Parcel ID: 25-47-25-B3-0110A.0010 CITY OF BONITA SPRINGS - 018

TAXING AUTHORITY 018	YOUR PROPERTY TAXES LAST YEAR	YOUR TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE	A PUBLIC HEARING ON THE PROPOSED TAXES AND BUDGET WILL BE HELD	YOUR TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE
LEE COUNTY CAPITAL IMP	0.51	0.51	09/05/01 5 05PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.47
LEE COUNTY GENERAL REVENUE	2.16	2.16	09/05/01 5 05PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	1.99
BONITA SPRINGS LIGHT - MSTU	0.03	0.03	09/05/01 5 05PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.02
LEE COUNTY LIBRARY FUND	0.48	0.48	09/05/01 5 05PM LEE CO COMMISSION CHAMBERS 2120 MAIN ST MAIL P O BOX 398 FT MYERS FL 33902 TEL 941 335 2221	0.44
PUBLIC SCHOOL - BY LOCAL BOARD	1.31	1.30	09/11/01 5 05PM DR JAMES ADAMS PUBLIC ED CNTR 2055 CENTRAL AVENUE FT MYERS FL 33901 TEL 941 337 8215	1.20
PUBLIC SCHOOL - BY STATE LAW	3.09	2.94	09/11/01 5 05PM DR JAMES ADAMS PUBLIC ED CNTR 2055 CENTRAL AVENUE FT MYERS FL 33901 TEL 941 337 8215	2.84
CITY OF BONITA SPRINGS	0.61	0.61	09/08/01 9 00AM BONITA UTILITIES BOARD ROOM 11860 EAST TERRY ST BONITA SPRINGS FL 34133 TEL 941-390-1000	0.56
SFL WATER MGMT-DISTRICT LEVY	0.30	0.30	09/11/01 5 15PM SFWM DIST AUDITORIUM BLDG B-1 3301 GUN CLUB ROAD W PALM BEACH FL 33406 TEL 561 686 8800	0.28
SFL WATER MGMT-EVERGLADE	0.05	0.05	09/11/01 5 15PM SFWM DIST AUDITORIUM BLDG B-1 3301 GUN CLUB ROAD W PALM BEACH FL 33406 TEL 561 686 8800	0.05
WEST COAST INLAND WATERWAY	0.02	0.02	09/07/01 5 01PM SARASOTA CO RST ANDER ADMN CTR 4000 S TAMAMI TRAIL MAIL P O BOX 1845 VENICE FL 34297 TEL 941 485 9402	0.02
BONITA SPRINGS FIRE DISTRICT	0.84	0.99	09/10/01 7 00PM BONITA SPRING FIRE STA 1 27490 OLD 41 RD BONITA SPRINGS FL 34135 TEL 941 992 3320	0.78
LEE COUNTY HYACINTH CONTROL	0.02	0.02	09/04/01 5 01PM DISTRICT OFFICES 15191 HOMESTEAD RD LEHIGH ACRES FL 33971 TEL 941 694 2174	0.02
LEE COUNTY MOSQUITO CONTROL	0.18	0.18	09/04/01 5 01PM DISTRICT OFFICES 15191 HOMESTEAD RD LEHIGH ACRES FL 33971 TEL 941 694 2174	0.17
<b>Total Property Taxes</b>		<b>9.59</b>		

	MARKET VALUE	ASSESSED VALUE	EXEMPTIONS	TAXABLE VALUE
YOUR PROPERTY VALUE THIS YEAR 2001	500	500	0	500
YOUR PROPERTY VALUE LAST YEAR 2000	500	500	0	500

FOR THE MARKET VALUE AND PROPERTY TAX VALUE, CONTACT THE PROPERTY APPRAISER AT (941) 339-6163, 2480 Thompson Street 4th Floor at the corner of Fowler & Martin Luther King Jr Blvd (or P O Box 1546 Ft Myers, FL 33902). If the Property Appraiser's Office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the County Property Appraiser and must be filed ON OR BEFORE Sept. 11, 2001. Your final tax bill may contain non ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district.

**NOTE:** "YOUR PROPERTY TAXES LAST YEAR" This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your previous taxable value.

**NOTE:** "YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE" This column shows what your taxes will be this year under the budget actually proposed by each local taxing authority.

**NOTE:** "YOUR TAXES IF NO BUDGET CHANGE IS MADE" This column shows what your taxes will be this year if each taxing authority does not increase its property tax levy. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessment.

**NOTE:** "ASSESSED BY VALUE MEANS" For more information, see the Property Appraiser's Office.

**NOTE:** Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. Discounts are a maximum of 4 percent of the amounts shown on this form.

**\* NON-HOMESTEAD EXEMPTIONS:** The homestead exemption does not apply to the mosquito control, hyacinth control, fire and street lighting authorities. Taxes for these authorities are calculated based upon assessed, not taxable, value.

**\* SENIOR CITIZENSHIP:**

10-16-02  
356

11/10/02 03:27:50 PM REC'D BY FAX

INSTR # 5398368  
OR BK 03609 PG 3249  
RECORDED 03/27/2002 04:09:50 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DEED DOC 3.50  
DEPUTY CLERK J Miller

QUIT CLAIM DEED

THIS INDENTURE, made this 27 day of MARCH 2002 by and between FOREST MERE.

whose post office address is: P.O. BOX 366 762 BONITA SPRINGS FL. 34136

of the County of Lee, State of Florida, party of the first part, and GISTRO INC,

whose post office address is: P.O. BOX 11081, NAPLES, FL 34108

of the County of Lee, 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 NO/100 (10.00), and other good and valuable considerations, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, release and quit claim unto the said party of the second part, all right, title, interest, claim and demand which the party of the first part has in and to the following described property, situate, lying and being in the County of Lee County, State of Florida, to-wit:

Property tax identification number:

TO HAVE AND TO HOLD, the same with all and singular the appurtenances thereunto belonging or in anywise appertaining and all the estates, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to only proper use.

\* Singular and plural and gender are interchangeable as context requires.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year below written.

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness  
Printed Name: Christine M Weaver  
[Signature]  
Witness  
Printed Name: [illegible]

[Signature] Pres.  
J. FRITZ HOLZBERG

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this date, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared J. Fritz Holzberg, who are personally known to me or has produced \_\_\_\_\_ as identification and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

[Signature]  
Notary Public  
Printed Name: Christine M Weaver  
My Commission expires: 2/13/06

This instrument prepared by:  
J. Fritz Holzberg  
26510 G. Pines Dr.  
Bonita Springs Fla 34135



# WILLIAM McALEAR

REGISTERED LAND SURVEYOR

PO Box 9732 Naples, FL 33941-9732

Telephone: (813) 597-7428

## LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWESTERLY MOST CORNER OF BLOCK ONE, SPRING LAKES PHASE ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLATBOOK 37 PAGES 94 THRU 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

THENCE RUN SOUTH 00°45'48" EAST ALONG THE WESTERLY LINE OF SAID BLOCK ONE, SPRING LAKES, PHASE ONE FOR A DISTANCE OF 100.00 FEET.

THENCE RUN SOUTH 89°14'12" WEST 25.90 FEET;

THENCE RUN SOUTH 00°45'48" EAST ALONG SAID WESTERLY LINE 60.00 FEET TO THE BEGINNING OF A NONTANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, WHOSE RADIUS POINT BEARS SOUTH 00°45'48" EAST 30.00 FEET;

THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" SUBTENDED BY A CHORD OF 42.43 FEET AT A BEARING OF SOUTH 45°45'48" EAST FOR A DISTANCE OF 47.12 FEET TO THE END OF SAID CURVE.

THENCE RUN SOUTH 00°45'48" EAST ALONG SAID WESTERLY LINE 70.00 FEET.

THENCE CONTINUE SOUTH 89°14'12" WEST 215.00 FEET;

THENCE RUN SOUTH 101°05'42" WEST 319.42 FEET;

THENCE RUN NORTH 89°14'12" EAST 163.94 FEET;

THENCE RUN SOUTH 00°45'48" EAST 90.00 FEET TO THE NORTH RIGHT OF WAY OF FOREST MERE DRIVE;

THENCE RUN NORTH 89°14'12" EAST ALONG SAID RIGHT OF WAY 22.00 FEET;

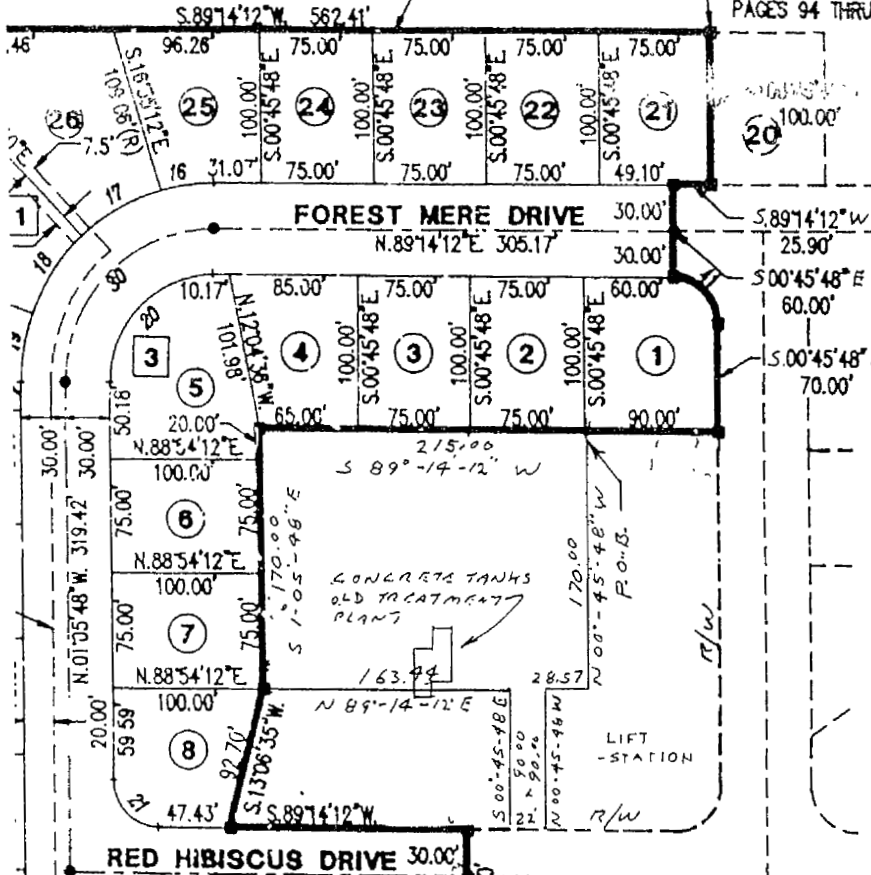
THENCE RUN NORTH 00°45'48" WEST A DISTANCE OF 90.00 FEET;

THENCE RUN NORTH 89°14'12" EAST A DISTANCE OF 28.57 FEET;

THENCE RUN NORTH 00°45'48" WEST A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING.

NORTHERLY LINE OF THE SOUTHEAST 1/4  
OF SECTION 25, TOWNSHIP 47 SOUTH,  
RANGE 25 EAST.

NORTHWESTERLY MOST CORNER OF BLOCK ONE,  
SPRING LAKES, PHASE ONE, PLAT BOOK 37,  
PAGES 94 THRU 97.



LEGEND

- |                                       |                          |
|---------------------------------------|--------------------------|
| ASPH = ASPHALT                        | AC = AIR CONDITIONER     |
| ADDN = ADDITION                       | ALM = ALUMINUM           |
| BX = BLOCK                            | BM = BENCHMARK           |
| CALC = CALCULATED                     | CONC = CONCRETE          |
| CLF = CHAIN LINK FENCE                | CL = CENTERLINE          |
| C.M = CONCRETE MASONRY                | CR = CURB                |
| C.S = CONCRETE SLAB/STOOP             | DR = DRIVE               |
| ENCR = ENCROACHING (MENT)             | FLR = FLOOR              |
| ESMT = EASEMENT                       | FIN = FINISH             |
| ELEV = ELEVATION                      | IR = IRON ROD            |
| IP = IRON PIPE                        | OV = OVERHEAD            |
| MEAS = MEASURED                       | OR = OFFICIAL RECORD     |
| M.S.B = METAL STORAGE BUILDING        | W.A.D. = WALK & DRIVE    |
| M.R = NOT RADIAL                      | W.D. = WOOD              |
| P.C = POINT OF CURVE                  | R.L = PROPERTY LINE      |
| P.O.B = POINT OF BEGINNING            | RAD = RADIUS             |
| REC = RECOVERED                       | RES = RESIDENCE          |
| R.W = RIGHT OF WAY                    | SCH = SCREENED           |
| TYP = TYPICAL                         | W = WITH                 |
| W.F.S.B = WOOD FRAME STORAGE BUILDING | W.W = WIND WALL          |
| W.F. = WOOD FRAME                     | W.W = WIND WALL          |
| W.P.F. = WOOD PRIVACY FENCE           | W.D. = WOOD              |
| E = EAST                              | W = WEST                 |
| N = NORTH                             | S = SOUTH                |
| R = RADIUS                            | Δ = DELTA/CENTRAL ANGLE  |
| L = LENGTH OF ARC                     | L = LENGTH OF ARC        |
| T = TANGENT                           | T.B.C. = TANGENT BEARING |
| CHD = CHORD                           | C.B. = CHORD BEARING     |

- |                           |                                         |
|---------------------------|-----------------------------------------|
| LP = Light Pole           | NGVD = National Geodetic Vertical Datum |
| FH = Fire Hydrant         | P.C.P. = Permanent Control Point        |
| E.O.P. = Edge of Pavement |                                         |
| T.O.B. = Top of Bank      |                                         |
| UE = Utility Easement     |                                         |
| DE = Drainage Easement    |                                         |
| ME = Maintenance Easement |                                         |
| VG = Valley Gutter        |                                         |

NOTICE: There may be additional restrictions that are not recorded on this Plat of Survey that may be found in the Public Record of this County (Setbacks, Easements & other Restriction).  
 NOTES: \*\* The Survey is subject to any facts that may be disclosed by a title and accurate Title Search. \*\* This Survey was done without benefit of Deed. \*\*  
 \*\* Elevations shown herein (if any) are based on National Geodetic Vertical Datum (N.G.V.D.) \*\* \*\* Ties shown herein are to the Plat(s) or Described Boundary Lines. \*\*  
 \*\* No underground foundations or footings (footers) have been located except as shown. \*\*  
 \*\* No underground installations or improvements have been located except as shown. \*\*



I HEREBY CERTIFY to \_\_\_\_\_

FLOOD PLANE CERTIFICATION ACCORDING TO THE  
F.I.R.M. MAP, COMMUNITY - PANEL NUMBER: \_\_\_\_\_  
DATED: \_\_\_\_\_

DRAWN BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

NOTE  
BEARINGS ARE BASED ON THE  
SPRING LAKES  
PHASE ONE

*William V. McAlear* P.L.S.  
WILLIAM V. McALEAR

10.50  
3.50

INSTR # 5398369  
OR BK 03609 PG 3251  
RECORDED 03/27/2002 04:09:50 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DEED DOC 3.50  
DEPUTY CLERK J Miller

QUIT CLAIM DEED

THIS INDENTURE, made this 27 day of MARCH, 2002 by and between FOREST MERE JV

whose post office address is: P.O. BOX 366762 BONITA SPRINGS FLA 34136  
of the County of Lee, State of Florida, party of the first part, and GISTRO INC,  
whose post office address is: P.O. BOX 11081, NAPLES, FL, 34108  
of the County of Lee, 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 NO/100 (10.00), and other good and valuable considerations, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, release and quit claim unto the said party of the second part, all right, title, interest, claim and demand which the party of the first part has in and to the following described property, situate, lying and being in the County of Lee County, State of Florida, to-wit:

Property tax identification number: 254725110000A0010

TO HAVE AND TO HOLD, the same with all and singular the appurtenances thereunto belonging or in anywise appertaining and all the estates, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to only proper use.

\* Singular and plural and gender are interchangeable as context requires.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year below written.

Signed, sealed and delivered in the presence of:

*[Signature]*  
Witness

Printed Name: Christine M. Weaver

*[Signature]* Pines

*[Signature]*  
Witness

Printed Name: *[Signature]*

J. FRITZ HOLZBERG

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this date, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared J Fritz Holzberg, who are personally known to me or has produced \_\_\_\_\_ as identification and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this day of 27, MARCH 2002

*[Signature]*

*[Signature]*  
Notary Public

Printed Name:

My Commission expires: 2/13/06



This instrument prepared by:

*[Signature]*

prepared By: ✓  
26510 G. Pine Dr.  
Bonita Springs 34135

# WILLIAM McALEAR

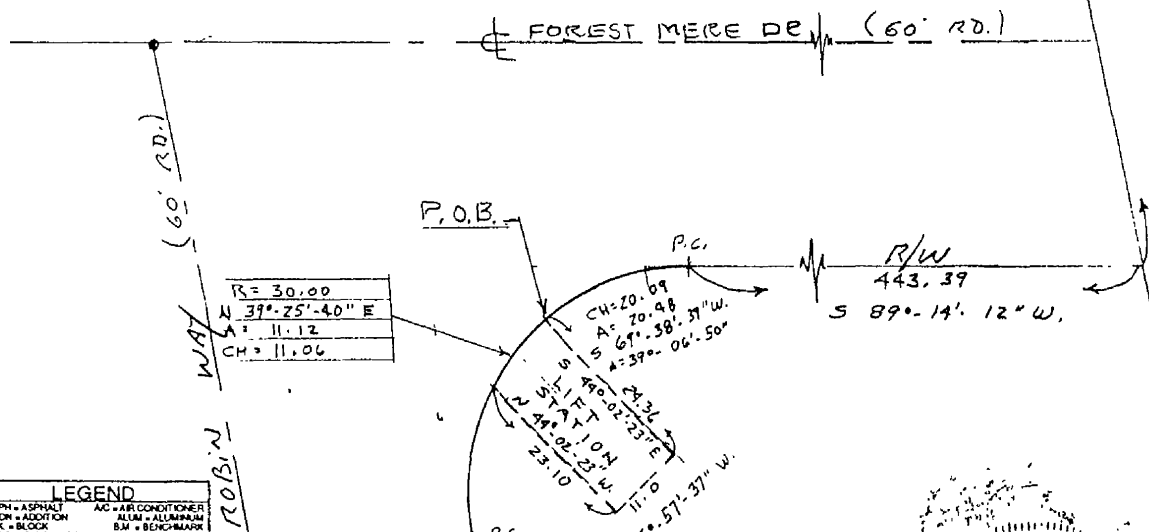
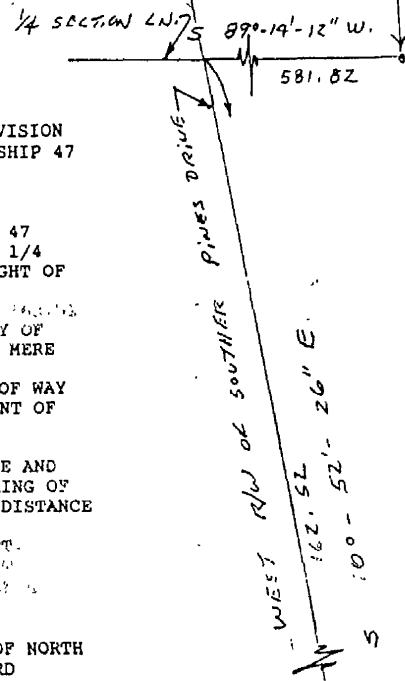
REGISTERED LAND SURVEYOR  
P.O. Box 9732 Naples, FL 33941-9732  
Telephone: (813) 597-7428

## LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SPRING LAKES PHASE ONE, A SUBDIVISION IN THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 25, TOWNSHIP 47 SOUTH, RANGE 25 EAST RUN SOUTH 89 -14'-12" WEST ALONG THE 1/4 SECTION LINE FOR A DISTANCE OF 581.82 FEET TO THE WEST RIGHT OF WAY OF SOUTHERN PINES DRIVE;  
THENCE RUN SOUTH 10 -52'-26" EAST ALONG THE WEST RIGHT OF WAY OF SOUTHERN PINES DRIVE A DISTANCE OF 443.39 FEET TO THE POINT OF INTERSECTION OF THE WEST RIGHT OF WAY OF SOUTHERN PINES DRIVE AND THE SOUTH RIGHT OF WAY OF FOREST MERE DRIVE;  
THENCE RUN SOUTH 89 -14'-12" WEST ALONG THE SOUTH RIGHT OF WAY OF FOREST MERE DRIVE A DISTANCE OF 443.39 FEET TO THE POINT OF CURVATURE OF A CURVE;  
THENCE RUN SOUTHWESTERLY ALONG SAID CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 TO A POINT ON THE CURVE AND THE POINT OF BEGINNING OF SAID PARCEL HAVING A CHORD BEARING OF SOUTH 69 -38'-39" WEST A CHORD DISTANCE OF 20.09 AN ARCH DISTANCE OF 20.48 AND CENTRAL ANGLE OF 39 -06'-50";  
THENCE RUN SOUTH 44 -02'-23" EAST A DISTANCE OF 11.06 FEET;  
THENCE RUN SOUTH 45 -57'-37" WEST A DISTANCE OF 23.10 FEET;  
THENCE RUN NORTH 44 -02'-23" WEST 23.10 FEET TO THE POINT OF BEGINNING OF SAID CURVE;  
THENCE RUN NORTHEASTERLY ALONG SAID CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET A CHORD BEARING OF NORTH 39 -25'-40" EAST AN ARC DISTANCE OF 11.12 FEET AND A CHORD DISTANCE OF 11.06 FEET TO THE POINT OF BEGINNING OF SAID PARCEL.

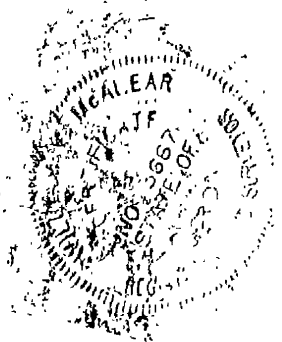
E 1/4 CORNER  
SEC 25,  
TWP 47 S.,  
R25 E.



TOTAL CURVE INFO!  
FROM P.C. TO P.C.  
CENTRAL ANGLE = 100°-06'-28"  
CHORD = 46.00, ARC = 52.42  
RADIUS = 30.00

LEGEND	
ASPH = ASPHALT	AC = AIR CONDITIONER
ADON = ADDITION	ALUM = ALUMINUM
BUX = BLOCK	BM = BENCHMARK
CALC = CALCULATED	CONC = CONCRETE
CLF = CHAIN LINK FENCE	CL = CENTERLINE
CM = CONCRETE MOUNTING	F = FINDER
C.S. = CONCRETE SLAB/STOOP	DR = DRIVE
EMCR = ENCROACHMENT	FUR = FLOOR
ESMT = EASEMENT	FIBL = FIBER
ELEV = ELEVATION	IR = IRON ROD
IP = IRON PIPE	O.H. = OVER HEAD
MEAS = MEASURED	OR = OFFICIAL RECORD
M.S.B. = METAL STORAGE BUILDING	M.D. = MAIL BOX
N.R. = NOT RADIAL	N.D. = NAIL AND DISK
P.C. = POINT OF CURVE	R = PROPERTY LINE
P.O.B. = POINT OF BEGINNING	RAD = RADIAL
REC = RECOVERED	RES = RESIDENCE
R/W = RIGHT-OF-WAY	SCR = SCREENED
TRP = TYPICAL	W = WITH
W.F.S.B. = WOOD FRAME STORAGE BUILDING	W.W. = WINDMILL
WF = WOOD FRAME	WV = WINDMILL
W.P.F. = WOOD PRIVACY FENCE	WD = WOOD
E = EAST	W = WEST
N = NORTH	S = SOUTH
R = RADIUS	Δ = DELTA OR CENTRAL ANGLE
L = ARC LENGTH	Δ = DELTA OR CENTRAL ANGLE
T = TANGENT	Δ = DELTA OR CENTRAL ANGLE
CHD = CHORD	Δ = DELTA OR CENTRAL ANGLE
	C.B. = CHORD BEARING

Notes:  
Reproduction of this sketch is not valid unless sealed with an embossed surveyor's seal.  
LP = Light Pole  
FH = Fire Hydrant  
E.O.P. = Edge of Pavement  
TOB = Top of Bank  
■ = Four Conc Monument  
○ = Four Iron Pipe  
● = Set Iron Pin  
NGVD = National Geodetic Vertical Datum  
PCP = Permanent Control Point  
UE = Utility Easement  
OE = Drainage Easement  
ME = Maintenance Easement  
VG = Valley Gutter



NOTICE: There may be additional restrictions that are not recorded on this Plat Of Survey that may be found in the Public Record of this County (Setbacks, Easements & other Restrictions).  
NOTES: \*\* This Survey is subject to any facts that may be discovered by a full and accurate Title Search. \*\*  
\*\* Elevations shown hereon (if any) are based on National Geodetic Vertical Control Datum (NGVD). \*\*  
\*\* No underground foundations or footings (footers) have been located except as shown. \*\*  
\*\* No underground installations or improvements have been located except as shown. \*\*

I HEREBY CERTIFY to \_\_\_\_\_

FLOOD PLANE CERTIFICATION ACCORDING TO THE F.I.R.M. MAP, COMMUNITY - PANEL NUMBER: _____ DATED: _____		DRAWN BY: _____	
THE PROPERTY APPEARS TO BE FLOOD ZONE _____		DATE: _____	
DATE: 3-15-99	FIELD WORK DATE: _____	CHECKED BY: _____	NOTE: BEARINGS ARE BASED ON THE SPRING LAKES PH-1 RECORDED PLAT
FIELD BOOK: 154	REG. # 3667	SECTION 25	TWP 47 S. RGE 25 E
PAGE NO. 5-6	ORDERED BY: FRITZ HOLZRIED	WILLIAM V. McALEAR P.L.S.	

INSTR # 5398370  
OR BK 03609 PG 3253  
RECORDED 03/27/2002 04:09:50 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DEED DOC 3.50  
DEPUTY CLERK J Miller

QUIT CLAIM DEED

THIS INDENTURE, made this 27 day of MARCH, by and between J. FRITZ HOLZBERG  
whose post office address is: P.O. BOX 366762 BONITA SPRINGS FL 34136  
of the County of Lee, State of Florida, party of the first part, and GISTRO INC  
whose post office address is: P.O. BOX 11081, NAPLES FLA 34108  
of the County of Lee, 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 NO/100 (10.00), and other good and valuable considerations, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, release and quit claim unto the said party of the second part, all right, title, interest, claim and demand which the party of the first part has in and to the following described property, situate, lying and being in the County of Lee County, State of Florida, to-wit:

Property tax identification number:

TO HAVE AND TO HOLD, the same with all and singular the appurtenances thereunto belonging or in anywise appertaining and all the estates, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to only proper use.

\* Singular and plural and gender are interchangeable as context requires.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year below written.

Signed, sealed and delivered in the presence of:

[Signature]  
Witness  
Printed Name: Christine M Weaver  
[Signature] J. Fritz Holzberg Pres.  
Witness  
[Signature]  
J. FRITZ HOLZBERG

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this date, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared J. Fritz Holzberg, who are personally known to me or has produced \_\_\_\_\_ as identification and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 27 day of March, 2002

[Signature]  
Notary Public  
Printed Name: Christine M Weaver

My Commission expires: 2/13/06

This instrument prepared by:  
J. Fritz Holzberg  
26510 Southern Pine Dr.  
Bonita Springs 34135



**Forest Mere subdivision Bonita Springs Lee County  
sanitary sewer contents located in this subdivision  
on the following roads.**

**Southern pines Drive**

Site: 0 HDR: SPRING LAKES2  
Bonita Springs , FL 33923

**Robin Way**

**Red Hibiscus Dr.**

Legal: S/D LYING IN N1/2 OF SE1/4  
SEC 25 RECD IN  
PB 37 PGS 94 THRU 97

**Forest Mere Dr**

**Penny Lane**

**Owner Gistro INC. Corp  
daily capacity 80.000 gallons**

package plant on 1.5 acres located in the center of block 3

2 lift stations daily capacity 80.000 gallons

4" forcemain 1.314 LF

8" p v c 7498 LF

Site: 0 HDR: SPRING LAKES  
Bonita Springs , FL 33923

4 manholes 27 UNITS

Legal: A S/D IN N1/2 OF SE1/4  
SEC 25 TWP 47 RGE 25  
PB37 PGS94 THRU 97

6" p v c material 4.590 LF

6" CLEANOUT 153 EA

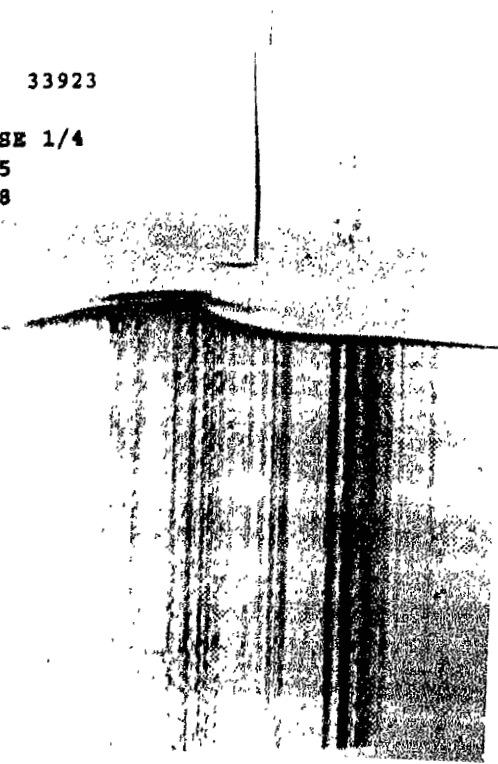
BLASTING 1 LS

Wed Mar 27, 2002 3:32 PM

Property Appraiser  
Information Record

Site: 0 HDR: SPRNG LKS 3  
Bonita Springs , FL 33923

Legal: LOCATED IN N1/2 OF SE 1/4  
SEC 25 TWP 47 RGE 25  
RECD PB 50 PGS 36-38





SEWER CAPACITY PRESALE AGREEMENT

THIS AGREEMENT, made and entered into on the date set forth below, by and between Bonita Springs Water System, Inc., 11860 East Terry Street, Bonita Springs, Florida 33923 ("Service Company"), and

FOREST MERE JOINT VENTURE

---

26511 SOUTHERN PINES DRIVE

---

BONITA SPRINGS, FL 33923

---

Telephone No. 813-598-3994  
("Customer")

WHEREAS, Service Company has undertaken to construct and operate a central sanitary sewer collection, transmission, treatment, and disposal system in the Bonita Springs area ("Sewer System") which has capacity available to serve Customer; and,

WHEREAS, Customer would like to receive service from the Sewer System for the following units located on its property described in Exhibit "A":

_____ mobile home	_____ condominium
_____ recreational vehicle	<u>155</u> single-family
_____ commercial	<u>120</u> multi-family

WHEREAS, the parties wish to enter into this Agreement in order to secure the provision of service pursuant to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of ten dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The recitations herein are true and correct as stated.
2. The Customer hereby declares its intent to connect to the Sewer System within sixty (60) days of written notification from Service Company that capacity is available and the connection can be made. Service Company shall bear the cost of extending a sewer transmission main to a point abutting Customer's Property. Customer shall be responsible for, and bear the cost of, connection to the Sewer System's transmission main, which connection may be made by Service Company at its option.



3. Customer's obligation to connect to the Sewer System is conditioned upon Service Company providing service to the Property in the capacity set forth herein, without the payment of any connection charge, service availability charge or aid for new construction fee. Service Company has advised Customer that the failure to reserve capacity during the presale period may result in the subsequent payment of a substantial connection charge as a condition for the purchase of capacity and service.

4. Except as set forth in paragraph 8 herein, this Agreement evidences the binding obligation of both Customer and Service Company, their respective successors and assigns, for connection of existing units on the Property to the Sewer System. Customer warrants and represents that it has the authority to enter into this Agreement and to bind the Property as set forth herein.

5. Customer agrees that units on the Property shall, upon the Sewer System being made available for connection by Customer, be responsible for payment of monthly rates and charges on a take or pay basis. The rates and charges shall be those published in a tariff available from Service Company and shall be identical to rates charged to other customers in the same class of service as Customer. Monthly service charges shall include payment for treatment of all domestic wastewater introduced into the Sewer System from within the Property.

6. At Service Company's option, Customer shall convey to Service Company the on-site collection system serving the Property prior to the commencement of service from Sewer System. Such conveyance shall be by deed, bill of sale or other documents satisfactory to Service Company accompanied by appropriate easements or other property rights necessary to provide service to the Property.

7. Service Company shall provide sanitary sewer service to the Property in a manner consistent with federal, state and local regulatory requirements regarding the provision of such service. Customer shall introduce only domestic sanitary sewage from the Property into the Sewer System.

8. Service Company has advised Customer that it must achieve a minimum level of presold capacity in order to make financially feasible the provision of sanitary sewer service to Customer without payment of a connection charge. If Service Company is unable to presell that minimum capacity, and issue tax-exempt bonds of sufficient quality and amount to finance and construct the Sewer System, this Presale Agreement shall be null and void.

9. Service Company and Customer agree that this presale offer of capacity without connection charge payment, and the scope of this Agreement, apply only to existing customers within the Property receiving sewer service and those reasonably anticipated to be connected to the Sewer System within 12 months of the date that service is available, provided, however, that as to customers not connected to the Sewer System as of that date, that nevertheless monthly service fees are paid to the Sewer System on their behalf. Any customers for which monthly fees are paid for said 12 continuous months and which are not so connected to the Sewer System at the end of said 12-month period after service is so available, shall be entitled to a credit for such 12 months' payments against Service Company's connection charge in effect as of the date of actual connection.

10. It is anticipated that sewer service should be available to the property between 12 and 18 months from the time of execution hereof. For planning purposes, Customer hereby advises Service Company that it anticipates having 70 occupied units requiring sanitary sewer service as of January 1, 1992, and 205 additional occupied dwelling units requiring sanitary sewer service as of January 1, 1993.

11. This Agreement was delivered on \_\_\_\_\_, 1990 and shall constitute an offer which must be accepted within 30 days. This Agreement shall be effective upon execution.

IN WITNESS WHEREOF, the parties hereto enter into this Agreement as of the date written above.

BONITA SPRINGS WATER  
SYSTEM, INC.

T. Harvey Haines  
T. HARVEY HAINES, President

1/15/91  
Date

WITNESSES:

Mary Ann Bertoni  
J.M. Colme

J. Fred Kelsey  
Its Authorized Representative

Jan 2, 1991  
Date

WITNESSES:

Mary Ann Bertoni  
Sandra J. Coffin

g:\atty\bsws\presale  
10/8/90/tm

LAW OFFICES

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Fax (407) 830-8522

TELECOPY COVER SHEET

DATE: September 25, 2002 OUR FILE NO.: 20989.25 PAGES: 7

TO: Robert B. Burandt TELECOPY NUMBER: (941) 542-9203

David M. Owen TELECOPY NUMBER: 941-335-2606

Rosanne Gervasi TELECOPY NUMBER: 413-6225

Fred Partin TELECOPY NUMBER: (941) 947-7460

Don Thomson TELECOPY NUMBER: (941) 498-6225

Martin Friedman TELECOPY NUMBER: (407) 830-8522

FROM: Bill Sundstrom CONTACT PERSON: Jackie

SUBJECT: Bonita Springs Utilities, Inc.

MESSAGE: \_\_\_\_\_

Please notify us immediately if not received properly:  
(850) 877-6555

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September 25, 2002

CHRIS H. BENTLEY, P.A.  
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MARTIN S. FRIEDMAN, P.A.  
JOHN R. JENKINS, P.A.  
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WILLIAM E. SUNDSTROM, P.A.  
DIANE D. TREMPER, P.A.  
JOHN L. WHARTONROBERT M. C. ROSE, OF COUNSEL  
WAYNE L. SCHIEFELBEIN, OF COUNSELVia FacsimileRobert B. Burandt, Esq.  
Roosa, Sutton, Burandt, Adamski & Roland, LLP  
1714 Cape Coral Parkway  
Cape Coral, Florida 33904

Re: Gistro, Inc. V. Lee County

Dear Mr. Burandt:

I just received your letter of September 23. I respond as follows:

1. I am not attacking your client's credibility. I am practicing law. There is a genuine issue as to the ownership of the wastewater collection system in the Forest Mere Subdivision, and I need to know whether your client owns it or not.
2. The wastewater collection system has nothing to do with the legal description of the plant site, as referenced in your September 23 letter. The collection system is personal property at Florida law, not realty. It can, therefore, be transferred by Sheriff's Deed.
3. I see no reason to meet with your client, face-to-face, without some proof that your client has legal title to the collection system.
4. Also, I am in receipt of Rosanne Gervasi's letter of September 24 suggesting that there is no need to mediate the issue until the issue of rightful ownership is resolved. I think she is right. In short, the ball is back in your court to prove legal title and entitlement.

Copies of your letter and the PSC's letter are attached for the reference of the readers.

Sincerely,

ROSE, SUNDSTROM &amp; BENTLEY, LLP

  
 William E. Sundstrom, P.A.  
 For the Firm

Robert B. Burandt  
September 25, 2002  
Page 2

WES:jmt

Attachments

cc: Rosanne Gervasi  
David Owen  
Martin Friedman  
Fred Partin  
Don Thomson

Bonita\Burandt letter of September 25

## Roosa, Sutton, Burandt, Adamski & Roland, LLP

*Attorneys and Counselors at Law*

Richard V.S. Roosa	1714 Cape Coral Parkway East	Telephone:	(239) 542-4733
Larry D. Sutton	Cape Coral, Florida 33904		
Robert B. Burandt		Facsimile:	(239) 542-9203
Robert C. Adamski			
Ty G. Roland			

September 23, 2002

William E. Sundstrom, P.A.  
 Rose, Sundstrom & Bentley, LLP  
 P.O. Box 1567  
 Tallahassee, FL 32302-1567

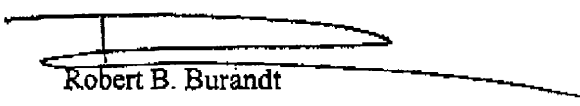
RE: Gistro, Inc. v. Lee County

Dear Mr. Sundstrom:

This will acknowledge your letter of September 18, 2002. To my surprise, on the one hand you express an interest in settling, while on the other hand you choose to attack my client's credibility. For your client's sake you need to make up your mind as to which direction you want to proceed. There is no issue as to the ownership of the waste water collection system and your attempts to cast Gistro, Inc., as a trespasser were not well received by my client. My client has instructed me to advise you that the legal description contained in that deed is the section sketched out with dark lines in the top left corner of what I have marked Exhibit "A". At the time that Sheriff's Deed was issued, that property belonged to somebody else and was of no interest to my client, therefore, there was no need to fight the deed. In addition before you label my client as a trespasser, I suggest you investigate the Sheriff's authority and/or power to even issue that deed.

Therefore, if your client is seriously interested in resolving this matter he needs to stop issuing letters of availability and you need to contact my office so we can have a face to face meeting with our clients. My client would like to do this before we had a full mediation with all parties, therefore, time is of the essence.

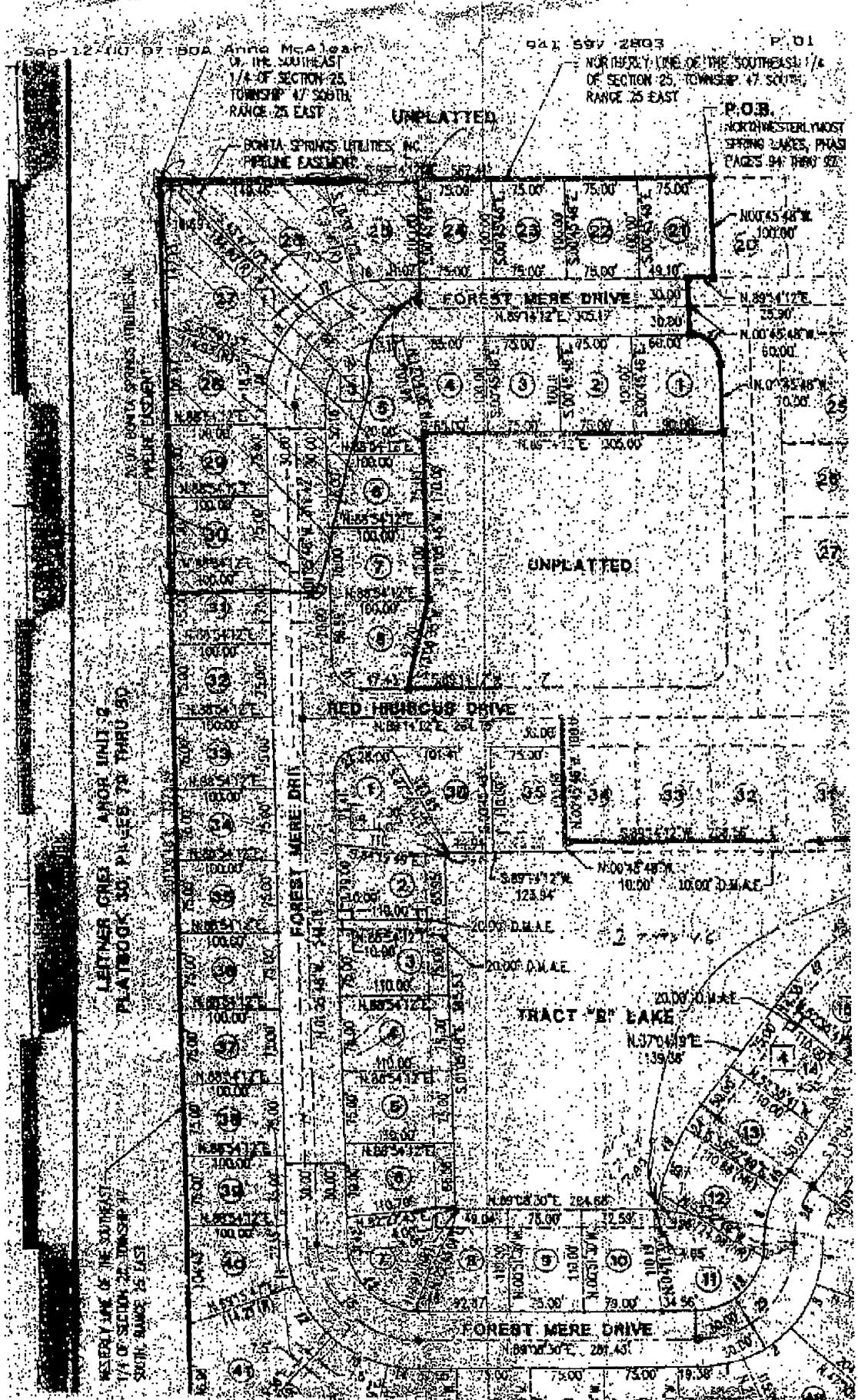
Sincerely yours,



Robert B. Burandt

RBB/bh

cc: client  
 Rosanne Gervasi  
 Fred Partin  
 Don Thomson  
 Martin Friedman  
 David M. Owen, Esq.



A



## STATE OF FLORIDA

COMMISSIONERS:  
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RUDOLPH "RUDY" BRADLEY



OFFICE OF THE GENERAL COUNSEL  
HAROLD A. MCLEAN  
GENERAL COUNSEL  
(850) 413-6199

## Public Service Commission

September 24, 2002

Re: Robert B. Burandt, Esquire  
Roosa, Sutton, Burandt, et al.  
1714 Cape Coral Parkway East  
Cape Coral, Florida 33904

Re: Docket No. 020640-SU - Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

Dear Mr. Burandt:

As you know, Mr. William E. Sundstrom has provided me with a copy of a letter dated September 18, 2002, from himself to Mr. David M. Owen regarding, among other things, Gistro, Inc.'s (Gistro) authority to disconnect customers from the wastewater collection system within the Forest Mere subdivision. I am also in receipt of a copy of your letter to Mr. Owen dated September 5, 2002, on the subject, as well as of a Sheriff's Deed dated November 2, 2000, showing that the collection system at issue was sold at Public Auction to a Mr. Rolf Pfaff.

Please be advised that if Gistro has the authority to disconnect customers from the wastewater collection system within the Forest Mere subdivision, that authority is not derived from the Florida Public Service Commission's (Commission) rules, which are contained in Chapter 25-30 of the Florida Administrative Code. Since Gistro is not a utility which provides service to the public for compensation, Gistro is not bound by those rules at this time. As you are aware, your client, Mr. Holzberg, has applied with this Commission for an original certificate in the name of Gistro, Inc., to provide wastewater collection service. If that application were to be granted, including rates and charges, Gistro would at that time become authorized to charge for service and would at the same time become bound by this Commission's rules, including the rules on disconnection.

Pending a decision on Mr. Holzberg's application for certificate, the staff of this Commission has considered the idea of offering to mediate the situation involving the disconnections that have occurred and/or may occur as a result of actions taken or to be taken by your client acting as Gistro, Inc. However, the Sheriff's Deed dated November 2, 2002, which shows that the collection system was sold at Public Auction to Mr. Rolf Pfaff, calls the validity of Mr. Holzberg's application with this Commission into question. Therefore, we will postpone any offer of mediation unless Mr. Holzberg can show proof that he is indeed the rightful owner of the collection system.

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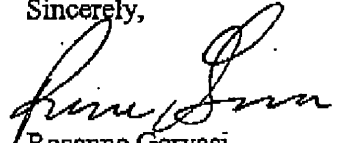
Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

Robert B. Burandt, Esquire  
September 24, 2002  
Page 2

Moreover, this Commission's rules require proof of ownership of the collection system in order for Mr. Holzberg to receive a certificate to provide the wastewater collection service. If your client wishes to continue to pursue his application for certificate with this Commission, I would strongly suggest that he file proof of ownership of the system by **October 15, 2002**. The proof of ownership should be addressed to Ms. Blanca Bayo, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399, and Docket No. 020640-SU should be referenced on the filing. If we do not hear from either you or Mr. Holzberg regarding this matter by October 15, 2002, we will have no choice but to recommend to the Commission that Mr. Holzberg's application be denied and the docket closed.

If you have any questions about any of the above, please feel free to contact me at (850) 413-6224.

Sincerely,



Rosanne Gervasi  
Senior Attorney

RG/dm

cc: Division of the Commission Clerk and Administrative Services  
Division of Economic Regulation (Brady)  
William E. Sundstrom, Esquire  
Martin S. Friedman, Esquire  
Mr. Fritz Holzberg  
David M. Owen, Esquire

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