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FEB 20 PM 2:35
COMMISSION CLERK

ROBERT M. C. ROSE, (1924-2006)

February 20, 2007

VIA HAND DELIVERY

Blanka S. Bayo, Director
Division of the Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

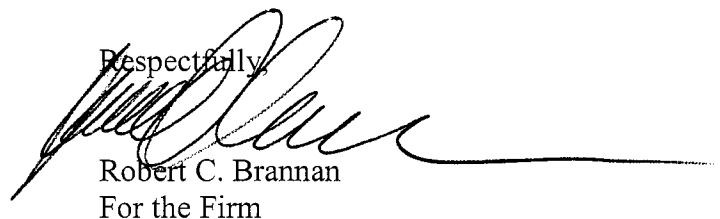
Re: **Docket No.: 070109-WS**; Application for Amendment of Certificates 611-W and 527-S to Extend Water and Wastewater Service Areas to Include Certain Land in Charlotte County.
Our File No.: 41069.03

Dear Director Bayo:


Enclosed please find the original and fifteen (15) copies of Exhibit H, the Publisher's Affidavit of Publication, being late filed in accordance with our Application for Amendment of certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County.

Please do not hesitate to contact me should you have any questions or require additional information.

Respectfully,


Robert C. Brannan
For the Firm

Enclosure

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

SUN NEWSPAPERS

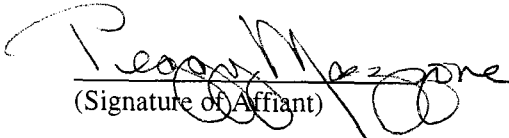
Charlotte • DeSoto • Englewood • North Port • Venice

**PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:**

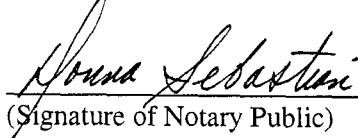
Before the undersigned authority personally appeared Peggy Mazzone, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice was published in said newspaper in the issues of:

February 14, 2007

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn and subscribed before me this 14th day of February, 2007.


(Signature of Notary Public)

NOTARY PUBLIC-STATE OF FLORIDA
Donna Sebastian
Commission #DD440410
Expires: JUNE 13, 2009
Bonded Thru Atlantic Bonding Co., Inc.

**NOTICE OF APPLICATION FOR
AN EXTENSION OF SERVICE
AREA**

Notice is hereby given on February 8, 2007, pursuant to Section 367.045, Florida Statutes, of the application of MSM Utilities, LLC to amend its Water Certificate No. 611-W and Wastewater Certificate No. 527-S to add territory in Charlotte County, Florida as described in Exhibit A attached hereto and made a part hereof.

Any objection to the said application must be made in writing and filed with the Director of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.
MSM Utilities, LLC
5660 Bayshore Road, Suite 36
North Fort Myers, Florida 33917

EXHIBIT "A"

Legal description of territory proposed to be added:
A portion of Section 13, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows:
Commence at the Southeast corner of said Section 13: Thence South 87 degrees 21'06" West along the South line of said Section 13, a distance of 91.87 feet to the West right-of-way of State Road #35 (U.S. Highway #17) and the point of beginning; thence continue South 87 degrees 21'06" West a distance of 646.51 feet; thence North 01 degrees 58'09" West a distance of 2383.80 feet; thence north 88 degrees 27'53" East a distance of 337.71 feet; thence North 01 degrees 32'01" West a distance of 277.75 feet; thence north 30 degrees 58'39" West a distance of 125.00 feet; thence 69 degrees 19'18" West a distance of 312.50 feet; thence North 01 degrees 32'07" West a distance of 80.00 feet; thence South 88 Degrees 27'53" West a distance of 22.82 feet; thence North 01 degrees 32'07" West a distance of 330.00 feet; thence North 02 degrees 46'04" West a distance of 1700.17 feet; thence North 88 degrees 23'07" East a distance of 329.07 feet; thence North 02 degrees 47'31" West a distance of 635.34 feet to the South right-of-way of Palm Shores Boulevard; thence North 88 degrees 20'46" East a distance of 275.52 feet to the West right-of-way of State Road #35 (U.S. Highway #17); thence South 02 degrees 47'57" East along said right-of-way

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

distance of 2006.62 feet; thence South 88 degrees 18'40" West along said right-of-way a distance of 5.28 feet to the point of curvature of a curve to the left having as elements a radius of 11.333.16 feet and a central angle of 03 degrees 02'06.1"; thence along arc of said curve a distance of 600.33 feet to the point of compound curvature of a curve to the left having as elements a radius of 11.585.16 feet and a central angle of 04 degrees 34'53.3"; thence along arc of said curve a distance of 926.37 feet; thence South 02 degrees 38'54" East along said right-of-way a distance of 23.40 feet; thence North 87 degrees 21'06" East along said right-of-way a distance of 36.00 feet; thence South 02 degrees 38'54" East along said right-of-way a distance of 300.00 feet; thence North 87 degrees 21'06" East along said right-of-way a distance of 10.00 feet; thence South 02 degrees 38'54" East along said right-of-way a distance of 1439.06 feet to the point of beginning.

Containing 62.16 acres more or less.

And
Section 4, Township 40 South, Range 24 East, Charlotte County, Florida.

Together with
All of Section 5, Township 40 South, Range 24 East, Charlotte County, Florida. Less and except that portion of the West 1/2 of said Section 5 conveyed to Schwartz Charlotte Properties, LLC, a Florida limited liability company by Warranty Deed dated April 3, 2001, and recorded in O.R. Book 1880, pages 633 through 636, inclusive, of the public records of Charlotte County, Florida, and less and except the parcel of property commonly referred to as the Zemel right-of-way property.

Together with
Government Lot No. 2 in the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 40 South, Range 24 East, Charlotte County, Florida less and except lands described in Official Records Book 1880, pages 633 through 636, public records of Charlotte County, Florida.

Together with
The Northeast 1/4 of Section 9, Township 40 South, Range 24 East, Charlotte County, Florida, less the South 815.85 feet.

Together with
The South 1/2 and the Northeast 1/4 of Section 8, Township 40 South, Range 24 East, Charlotte County, Florida, which parcel includes all of said section 8 less and except the portion thereof conveyed to Schwartz Charlotte Properties, LLC, a Florida limited liability company, by Warranty Deed dated April 3, 2001, and recorded in O.R. Book 1880, pages 633 through 636, inclusive, of the public records of Charlotte County, Florida.

Also, less and except that portion of the above-described parcel lying west of the Zemel property (old abandoned 100 foot railroad right-of-way) and less and except the said right-of-way.

Together with
All of Section 9, Township 40 South, Range 24 East, Charlotte County, Florida, less and except the Northeast 1/4 of said Section 9.

Plus
The South 815.85 feet of the N.E. 1/4 of Section 9, Township 40 South, Range 24 East, Charlotte County, Florida.

Together with
The West 1/2 of Section 10, Township 40 South, Range 24 East, Charlotte County, Florida.

Together with
The Southerly 150 Feet of Sections 7 and 8, Township 40 South, Range 24 East, Charlotte County, Florida, less the above-referenced Zemel property.

And
A parcel of land lying in Sections 5, 6, 7 and 8, Township 40 South, Range 24 East, Charlotte County, Florida, described as follows:

Begin at the NW corner of said Sec. 6; thence S 89°43'07" E, along N line of said Sec. 6, 1786.20 ft. to Point of Beginning; thence S 01°06'38" W along Ely line of Ann H. Ryals property as described in O.R. Book 1435, Pages 1513 and 1514, of the Public Records of Charlotte County, Florida; 1287.30 ft.; thence S 73°27'33" E along said Ely line, 919.56 ft.; thence S 00°41'16" E along said Ely line, 1116.55 ft. to SE corner of said Ryals property; thence N 89°41'03" W along S line of said Ryals property, 2475.81 ft. to E right-of-way line of State Road 35 (U.S. Highway 17) as monumented; thence S 00°26'53" W along said E right-of-way line, 1844.49 ft. to N line of William E. Roe property as described in O.R. Book 855, Page 1941, Public Records of Charlotte County, Florida; thence 89°45'11" E along said N line, 1883.20 ft. to NE corner of said Roe property; thence 00°31'12" W along E line of said Roe property, 118.50 ft. to SE corner of said Roe property; thence N 89°45'11" W along S line of said Roe property, 1585.05 ft. to E right-of-way of State Road 35 (U.S. Highway 17) as monumented; thence S 00°20'17" W along said E right-of-way line, 670.37 ft. to a point on the S line of said Sec. 6; thence 89°49'39" W along said S line and on said right-of-way line of State Road 35 (U.S. Highway 17), 298.00 ft.; thence S 00°20'17" W along said E right-of-way line, 677.88 ft.; thence S 00°24'44" W along said E right-of-way line, 652.61 ft. to N line of Raymond Smith property as described in O.R. Book 963, Pages 2090 and 2091, Public Records of Charlotte

County, Florida; thence S 89°32'33" E along N line of said Smith property as monumented by ABS & Associated, Inc., Registered Land Surveyors, 1138.93 ft. to a W iron rod set by said registered surveyors for the NE corner of Lot 11 of FLORADONIA SUBDIVISION, as recorded in Plat Book 1, Page 44, Public Records of Charlotte County, Florida; thence S 00°27'48" W along E line of said Smith property and also E line of said Lot 11, 1326.85 ft. to a 1/2" iron rod set by said registered surveyors for the SE corner of said Lot 11 in centerline of Catalpa Avenue; thence S 89°08'19" E along said centerline of Catalpa Avenue and along S line of the N 1/2 of Sec. 7, 4675.89 ft. to the E 1/4 corner of said Sec. 7; thence S 88°40'35" E along said centerline and along S line of N 1/2 of Sec. 8, 3406.06 ft.; thence N 5380.44 ft. to a point on the N line of the S 1/2 of Sec. 8; thence N 89°00'36" W along said N line, 2545.405 ft. to a point on the W line of Zemel property (old abandoned 100 foot wide railroad bed); thence N 07°47'49" W along said W line, 988.17 ft.; thence N 39°33'51" W, 1397.205 ft.; thence N 46°23'45" W, 875.12 ft. to N line of said Sec. 6; thence N 89°43'07" W along said N line, 3372.19 ft. to Point of Beginning. LESS Zemel property (old abandoned 100 foot wide railroad bed) running Nly from the S line of N 1/2 of Sec. 8 to the N line of the S 1/2 of Sec. 5. Also subject to reservations, restrictions and easements of record.

And
The South 1/2 of Section 7, Township 40 South, Range 24 East, Charlotte County, Florida Less right-of-way to State Road No. 35 (U.S. Highway No. 17) along West side and less the South 150.00 feet and also less the South 1/8 of Northwest 1/4 of Southwest 1/4.

Also that part of the Southwest 1/4 of Section 8, Township 40 South, Range 24 East, Charlotte County, Florida lying West of Zemel Property (Old abandoned 100 foot wide Rail Road right-of-way) less the South 150.00 feet.

And

A part of Section 6, Township 40 South, Range 24 East described as follows, Begin at the NW corner of Section 6, Township 40 South, Range 24 East, thence S 89°38'49" East along North line of said Section 6. 50 feet to East right-of-way of U.S. 17, thence South 0°30'10" West along said East right-of-way, 50 feet to point of beginning, thence S 89°38'33" S, 1735.61 feet thence South 101°0'26" West, 1237.08 feet; thence S 73°02'45" East, 919.56 feet; thence S 00°37'28" East, 1116.55 feet; thence N 89°37'15" West, 2626.59 feet to East right-of-way of U.S. 17; thence N 00°30'10" East along said East right-of-way, 2609.46 feet to Point of Beginning, all lying and being in Township 40 South, Range 24 East, Charlotte County, Florida. LESS and SUBJECT to any railroad right-of-way and Florida Power & Light Company easements of record.

Less and Except
PARCEL, 105
THAT PORTION OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 24 EAST, CHARLOTTE COUNTY, FLORIDA.

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 24 EAST; THENCE ALONG THE NORTH LINE OF SAID SECTION 6, SOUTH 89°43'07" EAST, 0.39 FEET TO THE SURVEY BASE LINE OF STATE ROAD 35 (U.S. Highway No. 17); THENCE ALONG SAID SURVEY BASE LINE, SOUTH 00°29'34" WEST, 50.00 FEET; THENCE SOUTH 89°42'41" EAST, 49.85 FEET FOR A POINT OF BEGINNING, SAID POINT LYING ON THE EASTERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 35 (U.S. 17) (PER DEED EXCEPTION, OFFICIAL RECORDS BOOK 836, PAGE 595); THENCE CONTINUE SOUTH 89°42'41" EAST, 152.35 FEET; THENCE SOUTH 00°29'34" WEST, 1,533.83 FEET; THENCE SOUTH 00°26'93" WEST, 1,075.70 FEET; THENCE NORTH 59°41'03" WEST, 150.74 FEET TO SAID EASTERLY EXISTING RIGHT OF WAY LINE; THENCE ALONG SAID EXISTING RIGHT OF WAY LINE, NORTH 00°21'54" EAST, 13.93 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE CONTINUE ALONG SAID EASTERLY EXISTING RIGHT OF WAY LINE, NORTH 00°36'22" EAST, 2,595.52 FEET TO THE POINT OF BEGINNING.

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