

State of Florida



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## Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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**DATE:** March 11, 2009  
**TO:** Ann Cole, Director of Office of Commission Clerk  
**FROM:** Cheryl A. Johnson, Regulatory Analyst IV, Division of Economic Regulation  
**RE:** Docket No. 090056-SU – Application for Approval of transfer of wastewater system of Fountain Lake Sewer Corporation, holder of Certificate 442-S, to Aqua Utilities Florida, Inc.'s, holder of Certificate 268-S, and for amendment of Certificate 258-S, in Lee County by Wastewater System and Amendment of Certificates in Lee County by Aqua Utilities Florida, Inc.

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Please add the attached documents to Docket file 090056-SU.

DOCUMENT NUMBER-DATE

01934 MAR 10 8

FPSC-COMMISSION CLERK

Prepared by and Return to:  
James E. Schmeckpeper, Esquire  
Kraus-Anderson, Incorporated  
523 South 8<sup>th</sup> Street  
Minneapolis, Minnesota 55404

Our File No.: 25093.02

INSTR # 2008000123852, Pages 2  
Doc Type D, Recorded 05/08/2008 at 10:00 AM,  
Charlie Green, Lee County Clerk of Circuit Court  
Deed Doc. \$5297.60 Rec. Fee \$18.50  
Deputy Clerk CDOUGLAS  
#1

For official use by Clerk's office only

### SPECIAL WARRANTY DEED

THIS INDENTURE, made this 28<sup>th</sup> day of April, 2008, between FOUNTAIN LAKES SEWER CORP., a Florida for profit corporation, whose business mailing address is: 523 S. 8th Street, Minneapolis, MN 55404-1078 (hereinafter "Grantor"), and AQUA UTILITIES FLORIDA, INC., a Florida corporation, whose business mailing address is 1100 Thomas Avenue, Leesburg, FL 37478 (hereinafter "Grantee")

#### WITNESSETH:

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto Grantee, its/his/her/their heirs and assigns, the following described property, to wit:

A PARCEL OF LAND IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE N 0° 36' 02" W. ALONG THE WEST LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 4 FOR 1018.06 FEET; THENCE N 89° 23' 58" E. FOR 140.00 FEET; THENCE N. 44° 23' 58" E. FOR 120.00 FEET; THENCE N 89° 23' 58" E. FOR 191.90 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THAT CERTAIN FLORIDA POWER AND LIGHT COMPANY EASEMENT DESCRIBED IN DEED BOOK 228 AT PAGES 574 THROUGH 579 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 21° 20' 53" E. ALONG SAID WESTERLY LINE FOR 1157.73 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST ONE QUARTER OF THE AFOREMENTIONED SECTION 4; THENCE S 87° 59' 44" W. ALONG SAID SOUTH LINE FOR 827.12 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND SITUATE LYING AND BEING IN LEE COUNTY, FLORIDA.

AND TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PARCEL OF LAND IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, THENCE N. 0° 36' 02" W. ALONG THE WEST LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 4 FOR 1018.06 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE N 0° 36' 02" W. ALONG SAID WEST LINE FOR 1185.00 FEET TO AN INTERSECTION

DEED - Special Warranty Deed - Corporate  
Closers' Choice

DOCUMENT NUMBER-DATE

01934 MAR 10 8

FPSC-COMMISSION CLERK

Return to: H/1186-5B

Zonia N. Veal

First National Financial Title Services, Inc.

3237 Satellite Blvd., Suite 450

Duluth, GA 30096

WITH THE WESTERLY LINE OF THAT CERTAIN FLORIDA POWER AND LIGHT COMPANY EASEMENT DESCRIBED IN DEED BOOK 228 AT PAGE 574 THROUGH 579 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 21° 20' 53" E ALONG SAID WESTERLY LINE FOR 1176.44 FEET; THENCE S. 89° 23' 58" W. FOR 191.90 FEET; THENCE S 44° 23' 58" W. FOR 120.00 FEET; THENCE S. 89° 23' 58" W. FOR 140.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND SITUATE LYING AND BEING IN LEE COUNTY, FLORIDA

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, and easements of record and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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

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

AND the said Grantor hereby covenants with said Grantee, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under said Grantor.

IN WITNESS WHEREOF, Grantor has signed and sealed these present the date set forth on 28 day of April, 2008.

Signed, sealed and delivered  
In the presence of:

Rosemary A. Manthe  
Witness signature

Rosemary A. Manthe  
Print Witness Name

Mary E. Bakke  
Witness Signature

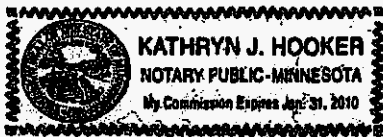
Mary E. Bakke  
Print Witness Name

FOUNTAIN LAKES SEWER CORP.

By: Bruce W. Engelsma  
BRUCE W. ENGELSMA, PRESIDENT

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

THE SPECIAL WARRANTY DEED was acknowledged before me this 28<sup>th</sup> day of April, 2008, by BRUCE W. ENGELSMA as President of FOUNTAIN LAKES SEWER CORP, on behalf of the corporation, who is personally known to me.



Kathryn J. Hooker  
Notary Public  
Printed Name: Kathryn J. Hooker  
My Commission Expires: 1-31-10