

**MIKE SMALLRIDGE UTILITY CONSULTANT
& MANAGEMENT SERVICES**

15827 CEDAR ELM TERRACE
LAND O LAKES, FLORIDA 34638
352-302-7406

RECEIVED-FPSC
09 MAY 22 AM 8:56
COMMISSION
CLERK

May 19, 2009

Ann Cole
2540 Shumard Oak Blvd.
Tallahassee, FL. 32399

RE: Docket # 090093-WS, Application for approval of transfer of Keith & Clara Starkey d/b/a Heather Hills Estates water and Wastewater utility, holder of Certificates 577-W and 498-S to Heather Hills Estates Utilities, LLC in Manatee County.

Dear Commission Clerk:

Enclosed please find the revised easement agreement between Rick & Chris Stephens, LLC and Heather Hills Estates Utilities, LLC for the above stated docket.

Have a Nice Day.

Sincerely,



Mike Smallridge

DOCUMENT NUMBER-DATE

05086 MAY 22 08

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PREPARED BY AND RETURN TO:
Garret T. Barnes, Esq.
BARNES WALKER, CHARTERED
3119 Manatee Avenue West
Bradenton, FL 34205
(941) 741-8224
File No.: 53282.000

[Space Above This Line For Recording Data]

EASEMENT AGREEMENT

THIS AGREEMENT, is made as of the 1st day January, 2009, by RICK & CHRIS STEPHENS, LLC, a Florida limited liability company, having an address of 4925 3rd Street West, Bradenton, FL 34207, successor in interest to Heather Hills Estates, Inc., ("Grantor"), and HEATHER HILLS ESTATES UTILITIES, LLC, a Florida limited liability company, having an address of 4925 3rd Street West, Bradenton, FL 34207 ("Grantee").

FOR VALUE RECEIVED, Grantor hereby assigns and transfers to Grantee Grantor's rights, title, and interest in those perpetual utility easements reserved to Grantor and Grantor's predecessors in interest in the following Plat drawings of the Heather Hills Estates Subdivision, recorded in the Public Records of Manatee County, Florida, as follows, as to each Unit or Phase of the Subdivision:

- Unit or Phase 1: as per plat thereof recorded at Plat Book 15, Pages 30-32;
- Unit or Phase 2: as per plat thereof recorded at Plat Book 15, Pages 39-41;
- Unit or Phase 3: as per plat thereof recorded at Plat Book 15, Pages 55-57;
- Unit or Phase 4: as per plat thereof recorded at Plat Book 15, Pages 61-62;
- Unit or Phase 5: as per plat thereof recorded at Plat Book 20, Pages 191-192;

AND in the following Declarations of Covenants recorded in the Public Records of Manatee County, Florida, as follows, as to each Unit or Phase of the Heather Hills Estates Subdivision:

- Unit or Phase 1: Declaration of Restrictions, Reservations, Easements, Rules, and Regulations of Heather Hills Estates, recorded at Official Records Book 314, Page 613;
- Unit or Phase 2: Declaration of Restrictions, Reservations, Easements, Rules, and Regulations of Heather Hills Estates, recorded at Official Records Book 334, Page 479;
- Unit or Phase 3: Declaration of Restrictions, Reservations, Easements, Rules, and Regulations of Heather Hills Estates, recorded at Official Records Book 386, Page 6;

DOCUMENT NUMBER-DATE

1
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Unit or Phase 4: Declaration of Restrictions, Reservations, Easements, Rules, and Regulations of Heather Hills Estates, recorded at Official Records Book 401, Page 259, and rerecorded at Official Records Book 402, Page 68.

provided, however, that the above-described easements are being assigned and transferred to Grantee for the specific purposes of laying, constructing, maintaining, operating, repairing, improving, and reconstructing water and wastewater utility facilities serving the Heather Hills Estates Subdivision, and that Grantor reserves unto itself all other rights, title, and interest in said easements;

IN ADDITION to the easement rights assigned and granted herein, Grantor does hereby convey to Grantee:

A perpetual, nonexclusive easement for the specific purposes of laying, constructing, maintaining, operating, repairing, improving, and reconstructing water and wastewater utility facilities serving the Heather Hills Estates Subdivision in, under, over, and along all of Grantor's lands within the said Subdivision, as described on the Plats thereof referenced above, on which water and wastewater utility facilities are located on the date of this Agreement, together with a five-foot strip of land along either side of said facilities;

AND a perpetual, nonexclusive easement for ingress and egress to and from the above-described easements over and across such portions of the Grantor's lands located within said Subdivision, as may be necessary or desirable to access said easements for the purposes herein described.

BY GRANTEE'S ACCEPTANCE and recording of this Agreement, Grantee acknowledges its agreement to repair any damages done to Grantor's property or to the property of third parties in the course of Grantee's use of these easements.

TO HAVE AND TO HOLD in perpetuity the aforesaid easements, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the proper use, benefit, and behoof of Grantee and its successors and permitted assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day, month, and year first above written.

[Signature Pages Follow]

WITNESSES:

Deborah Smith Carniaux
Witness Name: Deborah Smith Carniaux

Jennifer M. LaRocco
Witness Name: JENNIFER M. LaROCCO

RICK & CHRIS STEPHENS, LLC

By: Richard T. Stephens
Richard T. Stephens, Manager

By: Christina M. Stephens
Christina M. Stephens, Manager

GRANTOR

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was subscribed to and acknowledged before me this 30th day of APRIL, 2009, by Richard T. Stephens and Christina M. Stephens, as Managers of Rick & Chris Stephens, LLC, a Florida limited liability company, who are personally known to me and who acknowledged to and before me that they executed the same freely and voluntarily for the purposes therein expressed under authority duly vested in them by said company.

My Commission expires:

Jennifer M. LaRocco
NOTARY PUBLIC - STATE OF FLORIDA

JENNIFER M. LaROCCO
Notary Public, State of Florida
My comm. exp. Dec. 26, 2010
Comm. No. DD 602636

Deborah Smith-Carnahan
Witness Name: Deborah Smith-Carnahan

Jennifer M. LaRocco
Witness Name: JENNIFER M. LAROCO

HEATHER HILLS ESTATES UTILITIES, LLC

By: Richard T. Stephens, Jr.
Richard T. Stephens, Jr., Manager

By: Christina Stephens
Christina Stephens, Manager

GRANTEE

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was subscribed to and acknowledged before me this 30th day of APRIL, 2009, by Richard T. Stephens, Jr., and Christina Stephens, as Managers of Heather Hills Estates Utilities, LLC, a Florida limited liability company, who are personally known to me and who acknowledged to and before me that they executed the same freely and voluntarily for the purposes therein expressed under authority duly vested in them by said company.

My Commission expires:

Jennifer M. LaRocco
NOTARY PUBLIC - STATE OF FLORIDA

JENNIFER M. LaROCCO
Notary Public, State of Florida
My comm. exp. Dec. 26, 2010
Comm. No. DD 602636