

## Matilda Sanders

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**From:** Bronwyn Ferrell <bferrell@sflaw.com>  
**Sent:** Friday, May 24, 2013 9:47 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** John Wharton; Pat Brady  
**Subject:** Docket No. 090459-WS  
**Attachments:** Fourth Amendment to Water Lease.pdf; Third Amendment to Wastewater Le.pdf

- a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing

John L. Wharton  
Sundstrom, Friedman & Fumero, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301  
(850) 877-6555  
[jwharton@sflaw.com](mailto:jwharton@sflaw.com)

- b. The docket number and title if filed in an existing docket:

Docket: 090459-WS

Application of Bluefield Utilities, LLC

- c. The name of the party on whose behalf the document is filed:

Bluefield Utilities

- d. The total number of pages in each attached document:

Third Amendment to Wastewater Lease – 6 pages

Fourth Amendment to Water Lease – 7 pages

- e. A brief but complete description of each attached document.

Amendment to Leases

**BRONWYN R. FERRELL**  
*Legal Assistant*

**SUNDSTROM,  
FRIEDMAN & FUMERO, LLP**  
Attorneys | Counselors



**SUNDSTROM, FRIEDMAN & FUMERO, LLP**  
Attorneys at Law  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
T: 850.877.6555  
F: 850.656.4029  
[brevell@sfflaw.com](mailto:brevell@sfflaw.com)  
[www.sfflaw.com](http://www.sfflaw.com)

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**THIRD AMENDMENT TO WASTEWATER LEASE AGREEMENT**

**THIS THIRD AMENDMENT TO WASTEWATER LEASE AGREEMENT** (this "Amendment") is hereby entered into by and between EVANS PROPERTIES, INC., a Florida corporation ("Lessor"), and BLUEFIELD UTILITIES, LLC, a Florida limited liability company ("Lessee") on May 23, 2013.

**WITNESSETH:**

**WHEREAS**, Lessor and Lessee entered into that certain Wastewater Lease Agreement (the "Wastewater Lease Agreement") dated September 2, 2009.

**WHEREAS**, Lessor and Lessee executed that certain First Amendment to Wastewater Lease Agreement dated February 15, 2012 (the "First Amendment"), and that certain Second Amendment to Wastewater Lease Agreement dated January 22, 2013 (the "Second Amendment"). (The Wastewater Lease Agreement, as amended by the First Amendment and the Second Amendment, shall hereinafter be collectively referred to as the "Lease").

**WHEREAS**, Lessor and Lessee have deemed it in their best interest to amend the terms of the Lease as provided hereinbelow.

**NOW THEREFORE**, in consideration of Ten Dollars (\$10.00) in hand paid, the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Exhibit "A"** to the Lease is hereby replaced by the sketches and legal descriptions attached hereto as **Exhibit "A"**. Lessor and Lessee hereby agree that the term "Leased Premises" as used in the Lease shall hereafter refer to the real property described in **Exhibit "A"**, attached hereto.
2. Except as otherwise provided herein, all provisions of the Lease shall remain in full force and effect as amended hereby.
3. This Amendment may be executed in any number of identical counterparts each of which shall be deemed to be an original for all purposes but all of which shall constitute one and the same instrument, and a copy of such signature received through telefax transmission shall bind the party whose signature is so received as if such signature were an original. In making proof of this Amendment, it shall not be necessary to produce or account for more of such counterparts than are required to show that each party hereto executed at least one such counterpart.

DOCUMENT NUMBER-DATE  
**02897 MAY 24 2013**  
 FPSC-COMMISSION CLERK

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to Wastewater Lease Agreement on the date shown above.

LESSOR:

EVANS PROPERTIES, INC., a  
Florida corporation

By: Ronald L. Edwards  
Ronald L. Edwards, President

[CORPORATE SEAL]

LESSEE:

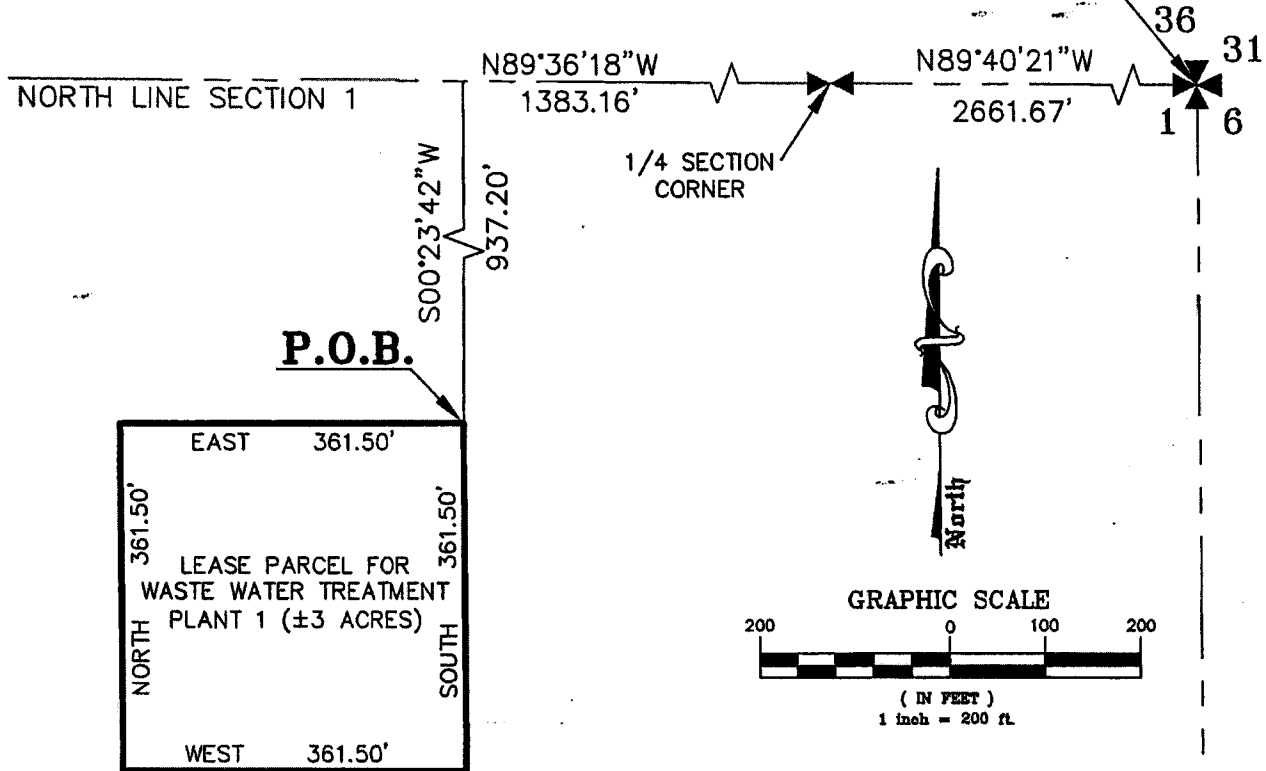
BLUEFIELD UTILITIES, LLC, a Florida  
limited liability company

By: Ronald L. Edwards  
Ronald L. Edwards, Manager

# SKETCH & LEGAL DESCRIPTION

THIS IS NOT A SURVEY

**P.O.C.**



A PARCEL OF LAND LYING IN SECTION 1, TOWNSHIP 36 SOUTH, RANGE 38 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, THENCE N89°40'39"W, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 2661.67 FEET TO THE NORTH 1/4 SECTION CORNER; THENCE N89°36'18"W, CONTINUING ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 1, A DISTANCE OF 1383.16 FEET; THENCE S00°23'42"W A DISTANCE OF 937.20 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE SOUTH A DISTANCE OF 361.50 FEET, THENCE WEST A DISTANCE OF 361.50 FEET, THENCE NORTH A DISTANCE OF 361.50 FEET, THENCE EAST A DISTANCE OF 361.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.000 ACRES, MORE OR LESS.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT

BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 1 HAVING A BEARING OF N89°40'21"W.

*Michael T. Kolodziejczyk*  
 Michael T. Kolodziejczyk  
 Professional Surveyor & Mapper  
 Florida Certificate No. 3864  
 Date 5-21-13

## SKETCH & DESCRIPTION

OF LEASE PARCEL FOR  
**WASTE WATER TREATMENT  
 PLANT 1 SITE**  
 SAINT LUCIE COUNTY - I.D. 1

File: 09-077.001  
 calc.dwg  
 Date: 5-18-2013  
 Tech: GLM

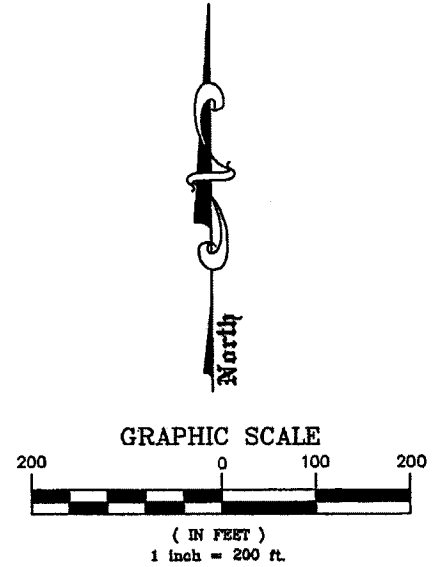
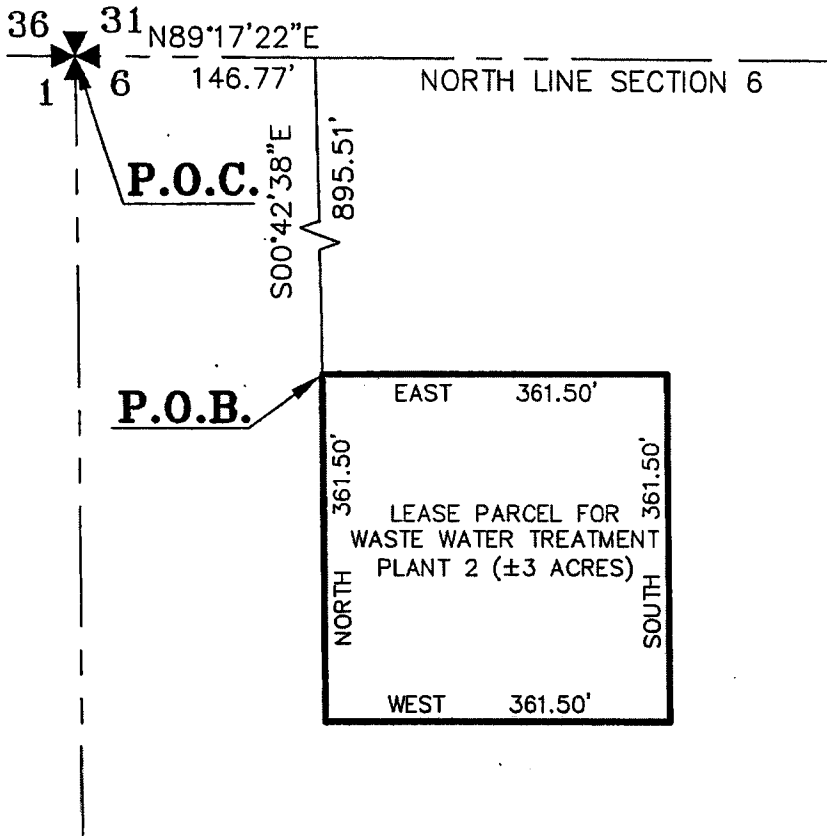


**CULPEPPER & TERPENING, INC**  
 CONSULTING ENGINEERS | LAND SURVEYORS  
 2980 SOUTH 25th STREET  
 FORT PIERCE, FLORIDA 34981  
 PHONE 772-464-3537 FAX 772-464-9497  
 www.ct-eng.com  
 STATE OF FLORIDA CERTIFICATION No. LB 4286

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# SKETCH & LEGAL DESCRIPTION

THIS IS NOT A SURVEY



A PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 36 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6, THENCE N89°17'22"E, ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 146.77 FEET; THENCE S00°42'38"E A DISTANCE OF 895.51 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE EAST A DISTANCE OF 361.50 FEET; THENCE SOUTH A DISTANCE OF 361.50 FEET, THENCE WEST A DISTANCE OF 361.50 FEET, THENCE NORTH A DISTANCE OF 361.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.000 ACRES, MORE OR LESS.

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P.O.C. = POINT OF COMMENCEMENT

BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE NORTH LINE OF SECTION 6 HAVING A BEARING OF N89°17'22"E.

*Michael T. Kolodziejczyk*  
 Michael T. Kolodziejczyk  
 Professional Surveyor & Mapper  
 Florida Certificate No. 3864  
 Date 5-21-13

## SKETCH & DESCRIPTION

OF LEASE PARCEL FOR  
**WASTE WATER TREATMENT  
 PLANT 2 SITE**  
 SAINT LUCIE COUNTY - I.D. 1

File: 09-077.001  
 calc.dwg  
 Date: 5-18-2013  
 Tech: GLM



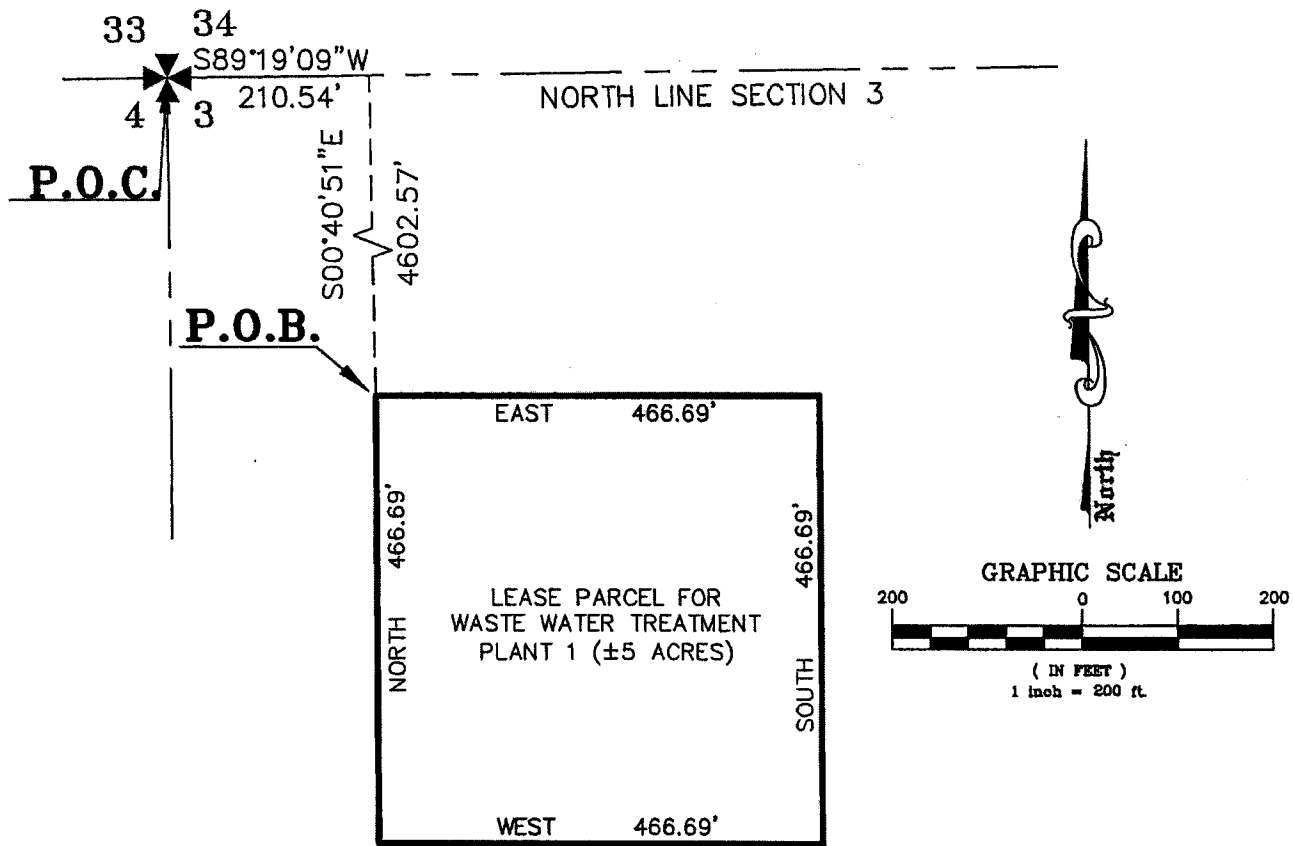
CULPEPPER & TERPENING, INC

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STATE OF FLORIDA CERTIFICATION No. I.B 4286

# SKETCH & LEGAL DESCRIPTION

THIS IS NOT A SURVEY



A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 37 SOUTH, RANGE 37 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3, THENCE S89°19'09"W, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 210.54 FEET; THENCE S00°40'51"E A DISTANCE OF 4602.57 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE EAST A DISTANCE OF 466.69 FEET, THENCE SOUTH A DISTANCE OF 466.69 FEET, THENCE WEST A DISTANCE OF 466.69 FEET, THENCE NORTH A DISTANCE OF 466.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.000 ACRES, MORE OR LESS.

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P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT

BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE NORTH LINE OF SECTION 3 HAVING A BEARING OF S89°19'09"W.

*[Signature]*  
Michael T. Kolodziejczyk  
Professional Surveyor & Mapper  
Florida Certificate No. 3864  
Date: 5-21-13

## SKETCH & DESCRIPTION

OF LEASE PARCEL FOR

WASTE WATER TREATMENT  
PLANT SITE 1

File: 09-077.001  
calc.dwg  
Date: 5-18-2013

Tech: GLM

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PHONE 772-464-3537 FAX 772-464-9497

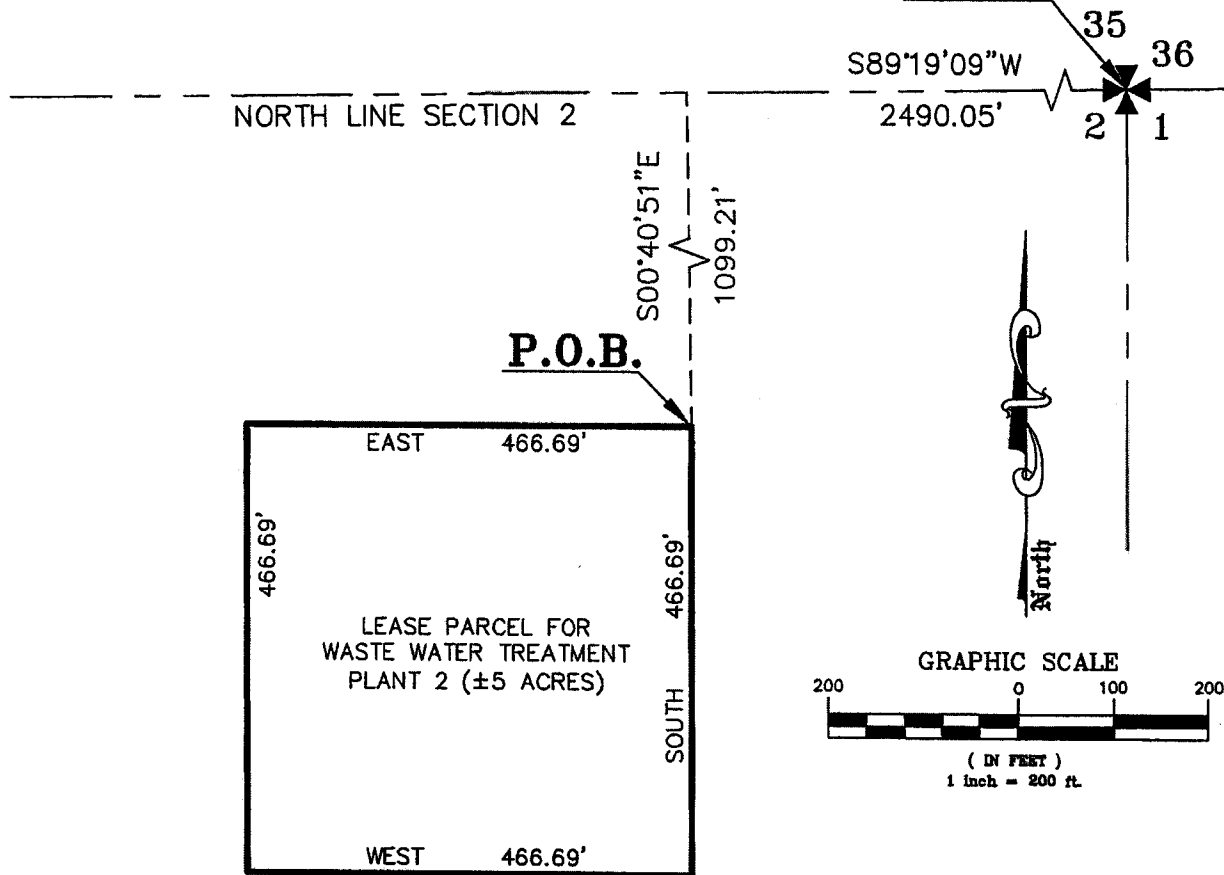
www.ct-eng.com

STATE OF FLORIDA CERTIFICATION NO. 184286

# SKETCH & LEGAL DESCRIPTION

THIS IS NOT A SURVEY

**P.O.C.**



A PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 37 SOUTH, RANGE 37 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 2, THENCE S89°19'09"W, ALONG THE NORTH LINE OF SAID SECTION 2, A DISTANCE OF 2490.05 FEET; THENCE S00°40'51"E A DISTANCE OF 1099.21 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE SOUTH A DISTANCE OF 466.69 FEET, THENCE WEST A DISTANCE OF 466.69 FEET, THENCE NORTH A DISTANCE OF 466.69 FEET, THENCE EAST A DISTANCE OF 466.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.000 ACRES, MORE OR LESS.

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P.O.C. = POINT OF COMMENCEMENT

BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE NORTH LINE OF SECTION 2 HAVING A BEARING OF S89°19'09"W.

*Michael T. Kolodziejczyk*  
 Michael T. Kolodziejczyk  
 Professional Surveyor & Mapper  
 Florida Certificate No. 3864  
 Date: 5-21-13

Page 4 of 4

Sheet 1 of 1

**SKETCH & DESCRIPTION**  
 OF LEASE PARCEL FOR  
**WASTE WATER TREATMENT**  
**PLANT SITE 2**  
 SAINT LUCIE COUNTY - I.D. 2

File: 09-077.001  
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 Date: 5-18-2013  
 Tech: GLM



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