

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for the transfer of)	DOCKET NO. 910781-WS
majority organizational control of Lehigh)	ORDER NO. 25391
Utilities, Inc., from Land Resources)	ISSUED: 11/25/91
Corporation to Seminole Utility Company.)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

ORDER APPROVING TRANSFER OF MAJORITY
 ORGANIZATIONAL CONTROL AND CLOSING DOCKET

BY THE COMMISSION:

On July 19, 1991, Seminole Utility Company (Seminole) filed an application with this Commission for transfer of majority organizational control of Lehigh Utilities, Inc. (Lehigh or Utility) from Land Resources Corporation (Land Resources) to Seminole. Lehigh provides water and wastewater services to over 10,000 residential and commercial customers in Lehigh Acres in Lee County, Florida.

On March 15, 1991, the Resolution Trust Corporation (RTC) became the receiver of Security Savings and Loan Association (Security) and took possession of Security's business and property. The property included the stock of Land Resources and its wholly-owned subsidiary, Lehigh.

On June 24, 1991, RTC advised the Commission that Lehigh's stock would be transferred to Seminole on July 1, 1991. They also explained that the decision to proceed with the stock transfer was made because of its obligation to transfer ownership of the stock to private enterprise to ensure that the Utility is operated efficiently and profitably, in the public interest. We will not, therefore, initiate show cause proceedings for transferring majority organizational control of Lehigh without prior Commission approval.

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Application

Except as discussed previously, the application is in compliance with Section 367.071, Florida Statutes, and other pertinent statutes and administrative rules. In particular, the application contains a filing fee in the amount of \$4,500.00, as prescribed by Rule 25-30.020, Florida Administrative Code.

In addition, Seminole provided evidence that the Utility owns the land upon which its facilities are located, as required by Rule 25-30.037(1)(o), Florida Administrative Code. Seminole also provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to Lehigh's customers. No objections to the application have been received and the time for filing such has expired.

Seminole is a wholly-owned subsidiary of The Topeka Group (Topeka). Seminole acquired the stock of Lehigh with funding provided by Topeka. Topeka also owns Southern States Utilities, Inc. (SSUI).

According to Topeka, Lehigh was acquired through Seminole rather than through SSUI for federal income tax purposes. Section 1033 of the Internal Revenue Code allows gains realized on the involuntary conversion (condemnation) of business property to remain unrecognized for federal tax purposes if the taxpayer replaces the property with an amount which is "similar or related in service or use" to the converted property. In 1990, Seminole, which was owned by Topeka, was acquired by the City of Winter Springs (City) through condemnation. Topeka's acquisition of Lehigh through Seminole qualifies as a partial replacement of those assets acquired by the City.

Topeka's goal is to operate Lehigh as a close affiliate of SSUI and ultimately merge Lehigh into the reorganized SSUI. In the meantime, SSUI, which has extensive utility experience, will provide data processing, accounting, legal, engineering, personnel, and other administrative services to Lehigh through an agreement with Seminole. SSUI provides service to a number of customers in close proximity to Lehigh's certificated territory, and is familiar with the needs and requirements of this particular area in Lee County. Thus, it appears that Seminole has the technical and financial ability to provide Lehigh's customers with quality service.

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In addition, the Department of Environmental Regulation (DER), has no outstanding notices of violation against Lehigh's water system. However, there is a consent order against the wastewater system. According to the Vice President of Lehigh, the new wastewater plant, which is being constructed, is 99 percent complete. When the new plant is on line, Lehigh will be in compliance with DER requirements.

Therefore, we find that the transfer of majority organizational control of Lehigh to Seminole is in the public interest and it is approved. The territory served by Lehigh is shown on Attachment A of this Order, which by reference is incorporated herein.

Rate Base

The sale of stock of Lehigh will not alter the Utility's asset and liability accounts. Nor will the transfer of stock ownership change the rate base balance. Therefore, we are not establishing rate base in this Docket.

Rates and Charges

Rule 25-9.044(1), Florida Administrative Code, requires the new owner of a utility to adopt and use the rates, classification and regulation of the former operating company unless authorized to change by the Commission. Seminole has not requested to change Lehigh's rates and charges and we see no reason to change them at this time. Seminole shall continue charging Lehigh's customers the rates and charges approved in the Utility's tariff until authorized to change by the Commission. Seminole has filed a revised tariff reflecting the transfer of majority organizational control. The tariff shall be effective for service provided or connections made on or after the stamped approval date on the tariff sheets.

It is, therefore,

ORDERED by the Florida Public Service Commission that the transfer of majority organizational control of Lehigh Utilities, Inc. from Land Resources Corporation, 201 East Joel Boulevard, Lehigh Acres, Florida 33936, to Seminole Utility Company, 1000 Color Place, Apopka, Florida 32703, is hereby approved. It is further

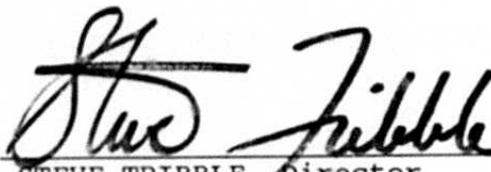
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ORDERED that Seminole shall continue to charge Lehigh's customers the rates and charges approved in the Utility's tariff until authorized to change by the Commission. It is further

ORDERED that the tariff sheets, filed by the Utility, shall be effective for service provided or connections made on or after the stamped approval date. It is further

ORDERED that Docket No. 910781-WS is hereby closed.

By ORDER of the Florida Public Service Commission, this 25th
day of NOVEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

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Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

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ATTACHMENT A

Lehigh Utilities, Inc.
Territory Description

IN TOWNSHIP 44 SOUTH, RANGE 26 EAST:

All of Section 1; all of Section 2; the Northwest 1/4 of the Southeast 1/4 of Section 10; all of Section 11, all of Section 12; all of Section 13; the East 1/2 of Section 14; the East 1/2 of Section 23; all of Section 24; all of Section 25; the Northeast 1/4 and the South 1/2 of Section 26; the South 1/2 of Section 27; the South 1/2 of Section 28; the South 1/2 of Section 29; and that part lying East of the R/W of existing U.S. Government road in Section 33; all of Section 34; all of Section 35; and all of Section 36.

IN TOWNSHIP 45 SOUTH, RANGE 26 EAST:

All of Section 1; all of Section 2; all of Section 3; that part lying East of R/W of existing U.S. Government road in Section 4; that part lying East of R/W of the existing U.S. Government road and North of State Road 82 in Section 9; that part lying North of State Road in Section 10; that party lying North of State Road 82 in Section 11; all except the R/W of the County Road in Section 12; all that part lying North of the State Road 82 less the R/W of the County Road in Section 13; all that part lying North of State Road 82 in Section 14.

IN TOWNSHIP 43 SOUTH, RANGE 27 EAST:

The Southeast 1/4, and the West 1/2 of the Southeast 1/4 of the Northeast 1/4, and the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 36.

IN TOWNSHIP 44 SOUTH, RANGE 27 EAST:

The South 1/2 and the North 1/2 of the North 1/2 of Section 1; the East 1/2 and the East 1/2 of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 2; Southeast 1/4 and the Southwest 1/4 and the West 1/2 of the Northwest 1/4 of Section 3; all of Section 4 except the South 1/2 of the Southwest 1/4; the East 1/2 of the Southwest 1/4 of Section 5; all of Section 6, the South 1/2 and the North 1/2 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 7; the South 1/2, and the Northwest 1/4 of the Northwest 1/4 of Section 8; South 1/2 and East

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1/2 of the Northeast 1/4 of Section 9; the West 1/2 and the East 1/2 less Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 10; all of Sections 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36, in Township 44 South, Range 27 East.

IN TOWNSHIP 45 SOUTH, RANGE 27 EAST:

The Southeast 1/4 of the Northwest 1/4 and the East 3/4 of the North 1/2 of the Southwest 1/4 and the North 1/2 of the Southwest 1/4, of the Southwest 1/4, and the East 3/4 of the South 1/2 of the Southwest 1/4 of the Southwest 1/4, and the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4, and the Northwest 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 5; and the East 1/2 of the Northeast 1/4 of Section 6.

IN TOWNSHIP 44 SOUTH, RANGE 26 EAST:

Lots 1 and 3, Block 38, and also that tract known as "E" of that certain subdivision known as Buckingham Park, recorded in Plat Book 9 at Pages 99-101, Public Records of Lee County, Florida, said land all being in Section 21, Township 44 South, Range 26 East, Lee County, Florida. Subject, however, to an easement for a drainage canal recorded in Miscellaneous Book 32 at Page 335 of the Public Records of Lee County, Florida.

All that part of Section 22, Township 44 South, Range 26 East, lying South of Homestead Road as shown on plat of Buckingham Park Entrance Roads recorded in Plat Book 9 at Pages 97 and 98 of the Public Records of Lee County, and lying South and East of Block 37 Buckingham Park South section according to plat recorded in Public Records, Plat Book 9, Pages 99-101 inclusive, subject however to an easement for a drainage canal recorded in Miscellaneous Book 32 at Page 335 of said Public Records.

1. All that part of the East 1/2 of Section 20, Township 44 South, Range 26 East, Lee County, Florida, lying South of South R/W of Buckingham Road, less and except that tract or parcel lying Northeast of the center line of the existing drainage canal, also,
2. That part of Section 21, Township 44 South, Range 26 East, Lee County, Florida, Southwesterly of the center line of the existing drainage canal, also,

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3. The Northeast 1/4 of Section 29, Township 44 South, Range 26 East, Lee County, Florida, less the Southerly 100 feet thereof.

All of the above containing 412.50 acres, more or less, together with all improvements located thereon.

Parcel D and Lot 28, and Northerly 40 feet of Lot 29, Block 39, Buckingham Park, according to Plat Book 9, Pages 99-101, of the Public Records of Lee County, Florida; together with that portion of the East 1/2 of Section 20, Township 44 South, Range 26 East lying South of R/W of Buckingham Road and Northeast of the center line of the existing drainage canal, containing 129.30 acres more or less.

Tract "B" and Lots 8-A, 9 and 16, Block 36, Buckingham Park in Section 16 Township 44 South, Range 26 East according to Plat Book 9, Pages 92 and 93 of the Public Records of Lee County, Florida, containing 214.29 acres, more or less.

Lot 3, Block 40, Buckingham Park Subdivision, South Section as shown in Plat Book 9, Pages 99-101, inclusive, of the Public Records of Lee County, Florida, containing 1.8 acres, more or less.

Lot 4, Block 40, Buckingham Park Subdivision, South Section as shown in Plat Book 9, Pages 99-101, inclusive, of the Public Records of Lee County, Florida, containing 1.6 acres, more or less.

Lot 5, Block 40, Buckingham Park Subdivision, South Section as shown in Plat Book 9, Pages 99-101, inclusive, of the Public Records of Lee County, Florida, containing 1.5 acres, more or less, together with all improvements located thereon.

Lot 6, Block 40, Buckingham Park Subdivision, South Section, as shown in Plat Book 9, Pages 99-101, inclusive, of the Public Records of Lee County, Florida, containing 1.55 acres, more or less.

TOWNSHIP 45 SOUTH, RANGE 26 EAST:

All of Section 4 North of Highway 82, and West of Buckingham County Road, containing 520.04 acres, more or less,

All of Section 5 North of Highway 82, containing 318.83 acres, more or less,

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All of Section 6 North of Highway 82, containing 3.92 acres, more or less,

All of Section 9, North Highway 82, and West of Buckingham County Road, containing 25.86 acres, more or less.

TOWNSHIP 44 SOUTH, RANGE 27 EAST:

The Southwest 1/4 of Section 2, containing 159.67 acres, more or less.

The North 854 feet of the East 466 feet of the Southeast 1/4 of the Northeast 1/4 of Section 7, containing 9.14 acres, more or less.

The Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 10, containing 10 acres, more or less.

South 1/2 of the Northwest 1/4 and South 1/2 of Northeast 1/4 and Southeast 1/4 of Section 31, containing 320 acres, more or less.

The Northwest 1/4 of the Northeast 1/4 and the East 5/8 or the Northwest 1/4 of Section 9, containing 140 acres, more or less.

The Northwest 1/4 of the Northwest 1/4 and the North 1/2 of the Northeast 1/4 and Northeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of Section 31, containing 326.10 acres, more or less.

TOWNSHIP 45 SOUTH, RANGE 27 EAST:

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 and the Southeast 1/4 and the Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 6, containing 229.98 acres, more or less.

East 1/2 and the Southwest 1/4 and the Southeast 1/4 of Northwest 1/4 of Section 7, containing 520 acres, more or less.

West 1/2 and the West 1/2 of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 8, containing 440 acres, more or less.

All of Section 2 containing 640 acres, more or less.

All of Section 11, containing 640 acres, more or less.

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All of Section 14, containing 640 acres, more or less.

TOWNSHIP 43 SOUTH, RANGE 27 EAST:

The Northeast 1/4 of the Northeast 1/4 and the Southwest 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4, of Section 36 containing 90 acres, more or less.

West 1/2 of the Southwest 1/4 of Section 31.

The Southwest 1/4 of the Northeast 1/4, the Northwest 1/4, the East 1/2 of the Southwest 1/4 and the West 1/2 of the Southeast 1/4, the Southeast 1/4 of the Southeast 1/4 of Section 31.

TOWNSHIP 44 SOUTH, RANGE 27 EAST:

West 3/8 of Northwest 1/4 of Section 9.

Northwest 1/4 of Section 5.

South 1/2 of Southwest 1/4 of Section 4.

West 1/2 of Northwest 1/4 and Southeast 1/4 of Northwest 1/4 and Southwest 1/4 of Northeast 1/4 of Section 7.

The North 1/2 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of Section 31.

TOWNSHIP 45 SOUTH, RANGE 27 EAST:

All of Section 3 except the West 1/2 of the Northwest 1/4; all of Sections 10, 15 and 22; that part of Sections 27 and 34 lying North of State Highway 82.

The South 1/2 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 4.

The East 1/2 of the Northwest 1/4; the Northwest 1/4 of the Northwest 1/4; the Northwest 1/4 of the Southwest 1/4; the East 1/2 of the Northeast 1/4 of the Southwest 1/4; the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4; the East 1/2 of the Northeast 1/4; the Southwest 1/4 of the Northeast 1/4 all in Section 4.

The Northwest 1/4 of the Northeast 1/4 of Section 4, less the South 1/2 of the South 1/2 of the Northwest 1/4 of the Northeast 1/4.

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The Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 6.

The Northeast 1/4 of the Southwest 1/4; the East 1/2 of the Northwest 1/4 of the Southwest 1/4; and the South 1/2 of the Northwest 1/4, excepting therefrom the following described parcel: Beginning at the Southwest Corner of Government Lot 5, thence running North 466.7 feet to a point; thence East 466.7 feet to a point, thence South 466.7 feet to a point; thence West 466.7 feet to the Point of Beginning, all in Section 6.

The North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 6.

The North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 6.

All of Sections 1, 12, 13, 24 and 25; and all of Section 36, except that portion thereof constituting the R/W for State Road 82.

The Southeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of Section 9; all of Sections 16 and 21; and all of Sections 28 and 29 lying North of State Road 82.

The Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 and Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 26 East.

The Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 in Section 25, Township 43 South, Range 26 East.

From the Southeast Corner of Government Lot 5, Section 19, Township 43 South, Range 27 East, which is also the South 1/4 corner of said Section 19, go North 89°32'09" West 941.16 feet along the South boundary of said Section 19 to the Point of Beginning of the lands hereinafter described. From said Point of Beginning go North 00°33'49" West 961.01 feet to the Southerly U.S. Government easement line of the Caloosahatchee River; thence North 00°33'48" West 90 feet, more or less, to the actual South shore of the Caloosahatchee River; thence Southerly and Westerly along the meanders of said river to a point which lies North 00°33'48" West of a point on the South boundary of said Section 19, said latter point being 623.7 feet from the Point of Beginning as measured along the South boundary of Section 19; thence South 00°33'48" East 50 feet to the Southerly U.S. Government easement line of the

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Caloosahatchee River; thence South $00^{\circ}33'48''$ East 578.75 feet to the South line of Section 19; thence South $89^{\circ}32'09''$ East along the South line of Section 19 to the Point of Beginning.

West 1/2 of: Beginning at the Northwest corner of Section 30, Township 43 South, Range 27 East; thence running South 654 feet to center of State Road 25 (now known as State Road 80) thence Southerly $82^{\circ}15'$ East 3,342 feet; thence Southerly $84^{\circ}15'$ East 694 feet; thence North 1,239 feet to the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 30; thence West to the Point of Beginning.

LESS: The East 35.8 feet of the parcel in Section 19, Township 43 South, Range 27 East and the West 118.4 feet of the parcel in Section 30, Township 43 South, Range 27 East, said parcels as described in Deed recorded in Official Record Book 95, Pages 135-136, of the Public Records of Lee County, Florida.

A tract or parcel of land lying in the West 1/2 of Section 30, Township 43 South, Range 27 East, in Lee County, Florida, described as follows: From a concrete monument marking the Southeast corner of Lot 5 of Unit No. 2 Pine Creek Acres as recorded in Plat Book 10 at Page 74 of the Public Records of Lee County, run South $00^{\circ}56'$ East parallel to and 2,418 feet, measured on a perpendicular, from the West line of said Section 30 for 2,531.80 feet to the Point of Beginning. Said Point of Beginning being 710 feet, measured on a perpendicular from the center line of the former Seaboard Airline Railroad. From said point of beginning run North $00^{\circ}56'$ West for 468.7 feet; thence run West parallel to said center line for 678 feet more or less to the Waters of Hickey's Creek; thence run Southerly and Easterly along the meanders of said creek to an intersection with a line parallel to and 710 feet, measured on a perpendicular, from said center line of said railroad; thence run East on said parallel line 567 feet more or less to a Point of Beginning.

The Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, and the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 31, Township 43 South, Range 27 East.

The following described lands in the West 1/2 of Section 30, Township 43 South, Range 27 East; From a concrete monument marking the Southeast corner of Lot 5, Unit 2, Pine Creek Acres, according to plat thereof as recorded in Plat Book 10 at Page 74, Public Records of Lee County, Florida, run West along the South line of

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said Lot 5 to the Southwest corner of said lot; thence North along the West line of said Lot 5 to the South line of Pine Boulevard, as shown on aforesaid plat of Pine Creek Acres; thence Northwesterly along the South line of said Pine Boulevard to a concrete monument marking the Northeast corner of Lot 92 of said Unit 2, Pine Creek Acres; thence Southerly along the East line of said Pine Creek Acres Unit 2 to the center line of Hickey's Creek; thence Southeasterly following the center line of said Hickey's Creek to a point which is 1178.7 feet North of the center line of the former SAL Railway and said point begin the Northwest corner of lands conveyed to Paul W. Grubbs and wife, Naomi G. Grubbs, by deed recorded in Deed Book 274 at Page 463, Public Records of Lee County, Florida; thence East parallel to the center line of SAL Railway 678 feet, more or less, to a point which is 2,418 feet East, measured on a perpendicular, from the West line of said Section 30; thence North $00^{\circ}56'$ West 2063.10 feet to the Point of Beginning.

Begin at the Southwest corner of Section 30, Township 43 South, Range 27 East, for a Point of Beginning and run North $00^{\circ}53'00''$ West along the West line of said Section 30 to its intersection with the center line of Hickey's Creek; thence Easterly and Southerly along the center line of said Creek to its intersection with the Northerly R/W line of the old SAL Railroad (100 foot R/W); thence Easterly along said Northerly R/W line, 660.00 feet thence Northerly 660.00 feet; thence Westerly and parallel to the said Railroad R/W line to the intersection with a line parallel to and 2,418.00 feet away from the West line of the Northwest 1/4 of the said Section 30; thence North $00^{\circ}56'00''$ West along the said line parallel to West line of the Northwest 1/4 of Section 30 to a point that is South $00^{\circ}56'00''$ East, 223.86 feet from the Southerly R/W line of State Road 80; thence North $89^{\circ}35'20''$ East 166.20 feet, thence North $00^{\circ}24'40''$ West, 203.00 feet to the Southerly R/W line of said State Road 80; thence South $82^{\circ}54'00''$ East, along said R/W line 137.61 feet; thence South $00^{\circ}24'40''$ East 237.58 feet; thence North $89^{\circ}35'20''$ East 209.19 feet; thence South $00^{\circ}24'40''$ East 918.16 feet; thence North $89^{\circ}35'20''$ East 420.00 feet; thence North $00^{\circ}40''$ West, 1,069.39 feet to the Southerly R/W line of State Road 80; thence Southeasterly along the arc of a curve to the right, having a radius of 17,113.74 feet and a delta angle of $01^{\circ}46'00''$; and arc distance of 188.21 feet to the end of said curve; thence continue along said R/W line South $81^{\circ}08'00''$ East, 456.59 feet to its intersection with the East line of the Northwest 1/4 of the Northeast 1/4 of said Section 30; thence South $00^{\circ}24'40''$ east along the East line of the West 1/2 of the Northeast 1/4 of said Section

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30 to a point 129.00 feet South 00°24'40" East from the Northwest corner of the Southeast 1/4 of the Northeast 1/4; thence South 89°41'55" East, and parallel to the North line of the said Southeast 1/4 of the Northeast 1/4 of said Section 30, 337.00 feet; thence North 00°24'40" West to the R/W line of State Road 80; thence South 81°08'00" East along said R/W line to its intersection with the East line of said Section 30; thence South 00°08'33" East, along the East line of said Section 30 to the Southeast corner of the Northeast 1/4; thence continue South 00°32'10" East 2,643.68 feet to the Southeast corner of said Section; thence South 89°58'04" West, along the South line of Section 30, 2,637.54 feet to the Southwest corner of the Southeast 1/4; thence continue North 89°55'20" West, 2,643.03 feet to the Southwest corner of said Section 30 and the Point of Beginning, less a strip of land 100.00 feet wide and lying in the South 1/2 of said Section 30, and being the old SAL Railroad R/W, less the West 200.00 feet of said Section 30 lying South of Hickey's Creek, plus the following described parcel: In Section 30, Township 43 South, Range 27 East, begin at the intersection of the center line of Hickey's Creek with the North line of the SAL Railroad R/W; thence Easterly 660.00 feet along the North line of said R/W; thence Northerly 660.00 feet; thence Westerly and parallel to the said Railroad R/W line to the intersection with a line parallel to and 2,418.00 feet from the West line of the Northwest 1/4 of said Section 30; thence South 00°56'00" East, along said line parallel to the West line of the Northwest 1/4 of Section 30 to its intersection with the center line of Hickey's Creek; thence Southeasterly along said center line to the Point of Beginning.

Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 29, 30, 33, 34, 35, 36, 39 and 40, Unit No. 1, Pine Creek Acres, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 10 at Page 13.

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 29, 30, 31, 32, 33 and 34, Unit No. 2, Pine Creek Acres, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 10 at Page 74.

Commencing at the Northeast corner of Government Lot 4 of Section 3, Township 45 South, Range 27 East in Lee County, Florida, thence run South 631.6 feet to the Point of Beginning of the tract herein described, thence continue South 315.9 feet, thence West 660 feet,

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thence run North 315.9 feet, thence East 660 feet to the Point of Beginning.

Commencing at the Northwest corner of Government Lot 4 of Section 3, Township 45 South, Range 27 East in Lee County, Florida, thence run South 631.6 feet to the Point of Beginning of tract hereby described, thence continue East 660 feet, thence South 315.9 feet, thence West 660 feet, thence North 315.9 feet to the Point of Beginning.

Starting at the Northeast corner of Government Lot 4 of Section 3, Township 45, Range 27 East, in Lee County, Florida, thence run South 157.9 feet to the Point of Beginning of the tract herein described, thence continue South 315.8 feet, thence West 330 feet, thence North 315.8 feet, thence East 330 feet to the Point of Beginning.

The North 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 4, Township 45 South, Range 27 East.

The Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 in Section 6, Township 45 South, Range 27 East.

The Northwest 1/4 of the Northwest 1/4; and the South 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 6, Township 45 South, Range 27 East.

The North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 6, Township 45 South, Range 27 East.

The East 1/2 of the Northeast 1/4 of Section 8, Township 45 South, Range 27 East.

All of Section 23 and 26 and all of Section 35 lying North of a line 100 feet North of and parallel to the survey line of State Road 82 in Township 45 South, Range 27 East.

TOWNSHIP 44 SOUTH, RANGE 26 EAST

Section 3

All of said Section 3.

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Section 28

The North 1/2 of said Section 28, lying West of Gunnery Road.

TOWNSHIP 44 SOUTH, RANGE 27 EAST

Section 8

The West 1/2 of the Northeast 1/4 and the East 3/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 8.

TOWNSHIP 45 SOUTH, RANGE 27 EAST

Section 3

The West 1/2 of the Northwest 1/4 of said Section 3.

Section 4

The Southwest 1/4 of the Northwest 1/4 and the South 1/2 of the Southwest 1/4, and the Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 and the West 1/2 of the Southeast 1/4, all of said Section 4.

Section 5

The Northeast 1/4 and the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4, and the West 1/2 of the Northwest 1/4 of the Southwest 1/4, all of said Section 5.

Section 6

The West 1/2 of the Northeast 1/4 and the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4, and the Southwest 1/4 of the Southwest 1/4, all of said Section 6.

Section 7

The West 1/2 of the Northwest 1/4 and the Northeast 1/4 of the Northwest 1/4, all of said Section 7.

Section 8

The East 1/2 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4, all of said Section 8.

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Section 9

The West 1/2 of the Northeast 1/4 and the Northeast 1/4 of the Northeast 1/4, and the Northwest 1/4, and the Southwest 1/4, all of said Section 9.

Section 17

All of said Section 17.

Section 18

All of said Section 18.

Section 19

All of said Section 19, less the following parcel:

Beginning at the Northeastern corner of said Section 19, thence South $00^{\circ}39'42''$ East, along the East section line of said Section 19, a distance of 2,647.45 feet to the quarter section corner; thence South $89^{\circ}47'58''$ West, a distance of 1,479.38 feet; thence North $00^{\circ}45'02''$ West, a distance of 2,243.18 feet to the Northerly R/W line of State Road 82; thence North $64^{\circ}11'45''$ West, along the Northerly R/W of State Road 82, a distance of 225.74 feet; thence North $49^{\circ}25'17''$ East, a distance of 466.04 feet to the North section line of said Section 19; thence North $89^{\circ}49'27''$ East along the North section line, a distance of 1,327.50 feet to the Northeast corner of said Section 19, and the Point of Beginning.

Section 20

All of Section 20, less the following parcel:

Beginning at the Northwest corner of said Section 20; thence North $89^{\circ}10'03''$ East, a distance of 227.46 feet; thence South $00^{\circ}39'42''$ East, a distance of 1,516.86 feet to the Northerly R/W line of State Road 82; thence North $49^{\circ}58'02''$ West, along said State Road 82, a distance of 300.00 feet to the West section line of said Section 20; thence North $00^{\circ}39'42''$ West, along the West section line of said Section 20; a distance of 1,321.96 feet to the Northwest corner of said Section 20 and the Point of Beginning.