

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of)	DOCKET NO. 910901-WS
Certificates Nos. 272-W and 215-S from)	
HARBOR UTILITIES, INC. to BONITA SPRINGS)	ORDER NO. 25525
WATER SYSTEM, INC. and transfer of)	
certain assets to the Municipal Service)	ISSUED: 12/24/91
Benefit Unit formed by Lee County)	
)	

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING PETITION FOR INTERVENTION AND
APPROVING TRANSFER OF PORTION OF CERTIFICATED TERRITORY

BY THE COMMISSION:

BACKGROUND

On August 29, 1991, Harbor Utilities, Inc. (Harbor or utility) filed an application to transfer its water and wastewater certificates to Bonita Springs Water System, Inc. (Bonita), an entity exempt from Commission regulation. As part of the proposed transfer, the assets of Harbor would be transferred to a Municipal Service Benefit Unit (MSBU) formed by Lee County. Harbor's certificated territory and customers would be transferred to Bonita for service.

Alagold Communities, Ltd. (Alagold) is a Florida limited partnership which owns certain real property located entirely within Harbor's certificated service area. Alagold is in the process of completing a development project that will comprise several parcels. Alagold expects to complete the installation for the development's facilities by the end of January, 1992, or shortly thereafter.

In May, 1991, Alagold formally requested water and wastewater service from Harbor for Phase I of its development. While an affirmative response for service was subsequently provided by Harbor on June 27, 1991, the utility represented to Alagold that it could not enter into a developer agreement with Alagold because of the terms of the sales agreement between Harbor and Bonita, later executed on July 16, 1991. As a result, on October 24, 1991,

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FPSC-RECORDS/REPORTING

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 2

Alagold filed a Petition for Intervention and requested that its service area be transferred to Bonita in an expedited manner so that Alagold could obtain service from Bonita by January, 1992. Harbor filed an Answer to Alagold's Petition on November 13, 1991.

This Order addresses a partial transfer to Bonita of that portion of Harbor's certificated territory which covers Alagold's property. The remaining portion of the application will not be processed until a later date because a timely objection has been filed. Until the objection is resolved and the funding for the MSBU is completed, we will not process the remaining portion of the application. The objection is unrelated to Alagold and its service area.

PETITION FOR INTERVENTION

As mentioned in the Background, Alagold filed a Petition for Intervention alleging it is directly and substantially affected by any action taken by the Commission in response to Harbor's application. Alagold is substantially affected because it owns property which is wholly within Harbor's certificated area, the subject of this application. In the petition, Alagold alleged that the action taken by the Commission will directly and substantially impact the timely provision of safe, adequate, reliable and sufficient water and wastewater service to its property, and will directly and substantially impact Alagold's ability to proceed with the scheduled development of its property, including the sale and construction of mobile homes thereon, without delays or interruptions and the costs associated therewith.

In its Answer to the Petition, Harbor concurs that Alagold, in fact, has a substantial interest, and states that it does not object to Alagold's intervention in this docket. We agree that Alagold has a substantial interest and accordingly, the Petition for Intervention is hereby granted.

TRANSFER

On July 16, 1991, Harbor and Bonita signed a sales agreement. As part of that agreement, Bonita agrees to pay to Harbor any connection fees received by Bonita for new connections after the date of the agreement. The agreement further provides that any connections sold by Bonita between the execution date of the agreement and the closing date of the sale are to be held in an

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 3

escrow account, with the account to be disbursed to Harbor at closing.

Harbor contends that, with the execution of the agreement, it cannot provide Alagold with a developer agreement. However, Harbor agrees that Bonita can provide the service, as long as Bonita complies with the sales agreement regarding the disposition of connection fees collected from Alagold. In its Answer to Alagold's Petition, Harbor requests that the Commission approve the transfer to Bonita of that portion of Harbor's certificate that covers Alagold's property, subject to the condition that the 151 units in the Bonita Fairways project continue to be subject to paragraph four of the July 16, 1991 agreement for sale between Bonita and Harbor. Upon consideration, we do not believe that our role is to enforce the terms of the sales agreement. Any contract dispute that the parties may have over the terms of the sales agreement should be resolved in a court of competent jurisdiction.

At a meeting with Commission staff members and the parties on October 9, 1991, staff expressed their concern about Alagold constructing its own small wastewater plant to provide service to the development area even after its transfer to Bonita. It was discovered that the developer received a construction permit from the Department of Environmental Regulation (DER) to construct a wastewater treatment plant. In response to our staff's concern, Alagold filed an affidavit on November 12, 1991, from Alan Goldman, the President of Alagold, which states that Alagold does not intend to build or operate a wastewater treatment facility and that it intends to enter into a developer agreement for service with Bonita. According to the Affidavit, Alagold would reconsider this position only if Alagold fails to enter into a developer agreement with Bonita, a contingency that Mr. Goldman does not expect to occur.

Alagold requested service from Bonita by letter, dated August 29, 1991. We are informed that at the October 9th meeting, Bonita affirmatively expressed to Alagold its willingness and commitment to provide water and wastewater service to the property. However, according to Alagold, Bonita was reluctant to execute a developer agreement as long as Alagold's property is within Harbor's certificated territory.

Based on the facts as presented to us, Alagold has demonstrated an immediate need for service in the area. We find it

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 4

appropriate to transfer that portion of Harbor's certificated territory containing Alagold's property, as shown in Attachment A, which by reference is incorporated herein, to Bonita for service. We find that Harbor should submit Certificates Nos. 272-W and 215-S within thirty (30) days of the date of this Order for entry to reflect this transfer. Additionally, Harbor must submit tariff sheets within thirty (30) days of the date of this Order reflecting the revised service area. This docket shall remain open to resolve the existing objection to the remaining portion of the application for transfer.

Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that Alagold Communities, Ltd.'s petition to intervene is hereby granted. It is further

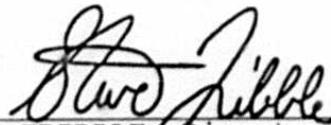
ORDERED that the portion of Harbor Utilities Inc.'s certificated territory containing Alagold Communities, Ltd.'s property, as shown on Attachment A to this Order, is hereby transferred to Bonita Springs Water System, Inc., for service. It is further

ORDERED that Harbor Utilities Inc. must submit Certificates Nos. 272-W and 215-S within thirty (30) days of the date of this Order for entry to reflect the transfer. It is further

ORDERED that Harbor Utilities, Inc. submit tariff sheets within thirty (30) days of the date of this Order reflecting the revised service area. It is further

ORDERED that this docket remain open.

By ORDER of the Florida Public Service Commission, this
24th day of DECEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
LAJ

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 5

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.

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.

ORDER NO. 25525
 DOCKET NO. 910901-WS
 PAGE 6

ATTACHMENT A
 Page 1 of 8

Harbor Utilities Company, Inc.
TERRITORY DESCRIPTION
Imperial (Alagold Development Corporation)

Description Parcel "A"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA; THENCE S-01-24'-14"-E ALONG THE EAST LINE OF SAID SECTION 27 A DISTANCE OF 1417.15 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF A.C.L. RAILROAD AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED;

THENCE N-48-14'-25"-W ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 613.10 FEET TO THE NORTHEAST OF IMPERIAL HARBOR UNIT NO. 1 (P.B. 11, PG. 56-57);
 THENCE S-33-58'-56"-W ALONG THE EASTERLY LINE OF SAID UNIT 1 A DISTANCE OF 968.83 FEET;
 THENCE S-48-17'-38"-E A DISTANCE OF 53.61 FEET;
 THENCE N-41-42'-22"-E A DISTANCE OF 100.00 FEET;
 THENCE S-48-17'-38"-E ALONG THE REAR LINE OF BLOCK 34, IMPERIAL HARBOR UNIT NO. 7, A DISTANCE OF 525.00 FEET;
 THENCE S-41-42'-22"-W ALONG THE REAR LINE OF BLOCK 32, A DISTANCE OF 466.60 FEET TO A POINT OF CURVE;
 THENCE SOUTHWESTERLY ALONG SAID REAR LINE OF BLOCK 32, A DISTANCE OF 834.21 FEET ON THE ARC OF CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2663.99 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS S-50-42'-55"-W, 830.72 FEET;
 THENCE S-60-59'-00"-W A DISTANCE OF 234.47 FEET;
 THENCE S-78-03'-26"-W A DISTANCE OF 212.41 FEET;
 THENCE S-78-49'-17"-E A DISTANCE OF 91.39 FEET;
 THENCE S-82-28'-14"-W A DISTANCE OF 147.96 FEET TO THE REAR LINE OF LOTS IN BLOCK 32 OF SAID UNIT NO. 7;
 THENCE S-01-24'-10"-E ALONG SAID REAR LINE OF BLOCK 32 A DISTANCE OF 295.00 FEET;
 THENCE S-88-35'-50"-W ALONG BLOCK 30-32 OF SAID UNIT NO. 7, A DISTANCE OF 575.65 FEET TO THE EASTERLY LINE OF FLORIDA POWER & LIGHT COMPANY RIGHT OF WAY (100' WIDE); THENCE S-00-59'-33"-E ALONG SAID EASTERLY RIGHT OF WAY A DISTANCE OF 1487.23 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF WEST TERRY STREET (USED AS A 60' RIGHT OF WAY);
 THENCE S-83-02'-59"-E ALONG SAID NORTHERLY RIGHT OF WAY OF WEST TERRY STREET (30' NORTH AND PARALLEL TO THE CENTERLINE AND SECTION LINE) A DISTANCE OF 2733.57 FEET TO A POINT ON THE EAST LINE OF SECTION 27;

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 7

ATTACHMENT A
Page 2 of 8

THENCE N-00-48'-18"-W ALONG THE EAST LINE OF SECTION 27 A
DISTANCE OF 2626.58 FEET TO THE EAST 1/4 CORNER OF SECTION 27;
THENCE N-01-24'-14"-W ALONG THE EAST LINE OF SECTION 27 A
DISTANCE OF 543.43 FEET;
THENCE N-44-36'-30"-E INTO SECTION 26, A DISTANCE OF 534.48
FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF THE A.C.L.
RAILROAD (130' RIGHT OF WAY);
THENCE N-48-14'-25"-W ALONG SAID SOUTHERLY RIGHT OF WAY A
DISTANCE OF 527.21 FEET TO THE POINT OF BEGINNING OF THE
HEREIN DESCRIBED;

BEING A PART OF SECTION 26 & 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY FLORIDA.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
CONTAINING 164.32 AREAS OF LAND, MORE OR LESS.

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 3

ATTACHMENT A
Page 3 of 8

DESCRIPTION OF PARCEL "F"
IMPERIAL HARBOR, UNIT NO. 1
ALAGOLD CORPORATION

COMMENCING AT THE NORTHEAST OF THE PLAT OF IMPERIAL HARBOR, UNIT NO. 1 (P.B. 11 PG. 57 & 57) LEE COUNTY PUBLIC RECORDS, LEE COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY OF THE A.C.L. RAILROAD; THENCE S-33-58;-56"-W ALONG THE EASTERLY LINE OF SAID PLAT A DISTANCE OF 161.47 FEET TO THE MOST NORTHERLY POINT OF PARCEL "F" OF SAID PLAT AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED;

THENCE CONTINUING S-33-58'-56"-W ALONG THE EASTERLY LINE OF SAID PLAT A DISTANCE OF 797.23 FEET TO A POINT OF THE NORTHERLY LINE OF PARCEL "D" OF SAID PLAT;

THENCE N-48-26'-06"-W ALONG SAID PARCEL "D" A DISTANCE OF 5.88 FEET TO THE SOUTHEASTERLY CORNER OF LOT 1, BLOCK "2" OF SAID PLAT;

THENCE N-24-35'-06"-E ALONG THE REAR LINE OF THE LOTS IN SAID BLOCK "2" A DISTANCE OF 195.95 FEET;

THENCE N-31-13'-56"-E AND CONTINUING ALONG THE REAR LINE OF THE LOTS OF SAID BLOCK "2" A DISTANCE OF 237.65 FEET;

THENCE N-38-58'-46"-E AND CONTINUING ALONG THE REAR LINE OF LOTS OF SAID BLOCK "2" A DISTANCE OF 191.18 FEET;

THENCE N-44-35'-16"-E AND CONTINUING ALONG THE REAR LINE OF LOTS OF SAID BLOCK "2" A DISTANCE OF 178.39 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL

BEING A PART OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AND PARCEL "F" ARE SHOWN ON THE PLAT OF IMPERIAL HARBOR UNIT NO. 1, P.B. 11, PG. 57, LEE COUNTY FLORIDA.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
CONTAINING 0.56 ACRES OF LAND MORE OR LESS.

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 9

ATTACHMENT A
Page 4 of 8

DESCRIPTION OF PARCEL "G"
IMPERIAL HARBOR, UNIT NO. 1
ALAGOLD CORPORATION

COMMENCING AT THE NORTHEAST OF THE PLAT OF IMPERIAL HARBOR, UNIT NO. 1 (P.B. 11 PG. 56 & 57) LEE COUNTY PUBLIC RECORDS, LEE COUNTY FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY OF THE A.C.L. RAILROAD: THENCE S-33-58'-56"-W ALONG THE EASTERLY LINE OF SAID PLAT A DISTANCE OF 30.26 FEET TO THE NORTHEAST CORNER OF PARCEL "G" OF SAID PLAT AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED:

THENCE N-48-14'-25"-W ALONG THE NORTHERLY LINE OF SAID PARCEL "G" 45.32 FEET TO ITS NORTHWEST CORNER ALSO BEING THE NE OF LOT 9, BLOCK 1 OF SAID PLAT;

THENCE S-11-43'-45"-W ALONG THE EASTERLY LINE OF SAID LOT AND THE CENTER OF A 12' DRAINAGE & UTILITY EASEMENT 92.38 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9 ON THE NORTHERLY LINE OF PARCEL "A" OF SAID UNIT 1;

THENCE S-48-14'-25"-E ALONG SAID PARCEL "A" A DISTANCE OF 10.0 FT. TO THE EASTERLY LINE OF SAID UNIT NO. 1;

THENCE N-33-58'-56"-E ALONG SAID EASTERLY LINE OF UNIT NO. 1 & PARCEL "G" A DISTANCE OF 80.73 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

BEING A PART OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AND PARCEL "G" ARE SHOWN ON THE PLAT OF IMPERIAL HARBOR UNIT NO. 1 P.B. 11, PG. 57, LEE COUNTY FLORIDA.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
CONTAINING 0.05 AREAS OF LAND MORE OR LESS.

ORDER NO. 25525
 DOCKET NO. 910901-WS
 PAGE 10

ATTACHMENT A
 Page 5 of 8

DESCRIPTION PARCEL "B"
 IMPERIAL (ALAGOLD DEVELOPMENT CORPORATION)
 WATER MANAGEMENT DISTRICT PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N-83-30'-56"-W ALONG THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 1790.49 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF THE A.C.L. RAILROAD AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED;

THENCE S-48-15'-29"-E ALONG SAID SOUTHERLY RIGHT OF WAY OF RAILROAD A DISTANCE OF 991.81 FEET;

THENCE S-44-41'-36"-W A DISTANCE OF 110.14 FEET;

THENCE S-48-15'-00"-E A DISTANCE OF 175.10 FEET TO THE MOST NORTHERLY CORNER OF PARCEL "B" OF IMPERIAL HARBOR UNIT NO. 1, P.B. 11, P. 57, LEE COUNTY PUBLIC RECORDS;

THENCE S-44-41'-36"-W ALONG THE NORTHERLY LINE OF BLOCK "5" OF SAID UNIT NO. 1 A DISTANCE 328.03 FEET;

THENCE WESTERLY AND NORTHWESTERLY A DISTANCE OF 435.56 FEET ON THE ARC OF CIRCULAR CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 240.00 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS N-83-18'-57"-W, 378.20 FEET;

THENCE N-31-19'-29"-W A DISTANCE OF 409.12 FEET; THENCE WESTERLY ALONG THE NORTHERLY SIDE OF A 50' DRAINAGE EASEMENT AS SHOWN ON THE PLAT OF IMPERIAL HARBOR UNIT NO. 5, PART 2, A DISTANCE OF 655.46 FEET ON THE ARC OF CIRCULAR CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 732.50 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS N-56-57'-35"-W, 633.18 FEET;

THENCE CONTINUING ALONG SAID DRAINAGE EASEMENT N-82-35'-40"-W A DISTANCE OF 1242.97 FEET OF THE NORTHEASTERLY LINE OF THE F.P.L. COMPANY TRANSMISSION LINE RIGHT OF WAY (100' WIDE) PER DEED BOOK 229 PAGE 46, LEE COUNTY PUBLIC RECORDS;

THENCE N-21-14'-36"-W ALONG SAID RIGHT OF WAY A DISTANCE OF 440.03 FEET TO THE NORTH LINE OF SAID SECTION 27;

THENCE ALONG SAID SECTION LINE S-83-32'-38"-E A DISTANCE OF 1085.47 FEET TO THE NORTH 1/4 CORNER OF SECTION 27;

THENCE S-83-30'-56"-E A DISTANCE OF 876.19 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED;

BEING A PART OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINING 30.55 AREAS OF LAND MORE OR LESS.

SUBJECT to fifty (50') foot FP&L easement of Westerly boundary thereof and subject to fifty (50') foot drainage easement of Westerly boundary thereof.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:
 Parcel II - Imperial Harbor Storage Compound - attached
 Tract A - Sewer Treatment Plant Site - Attached

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 11

ATTACHMENT A
Page 6 of 8

PARCEL II - IMPERIAL HARBOR STORAGE COMPOUND

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 6, IMPERIAL HARBOR UNIT NO. 1 AS RECORDED IN PLAT BOOK 11, PAGE 57, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

RUN NORTH 48°21'40" WEST 148.24 FEET;

THENCE RUN NORTH 44°30'06" EAST 51.44 FEET TO THE SOUTHEAST CORNER OF SAID COMPOUND AND POINT OF BEGINNING.

THENCE RUN NORTH 41°03'55" WEST 351.00 FEET;

THENCE RUN SOUTH 29°50'20" WEST 311.00 FEET

THENCE RUN SOUTH 49°05'55" EAST 326.13 FEET;

THENCE RUN NORTH 44°30'06" EAST 306.51 FEET TO THE POINT OF BEGINNING.

THE STORAGE AREA COMPOUND IS CONVEYED TOGETHER WITH TWENTY (20) FOOT WIDE NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 6, IMPERIAL HARBOR, UNIT 1, RUN SOUTH 48°21'40" EAST 80.10 FEET, THENCE RUN SOUTH 44°30'40" WEST 10 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 20 FOOT WIDE ACCESS EASEMENT;

THENCE RUN NORTH 48°21'40" WEST ALONG CENTERLINE FOR 135.00 FEET;

THENCE RUN NORTH 06°33'36" WEST 29.96 FEET; THENCE RUN NORTH 48°21'40" WEST 70.00 FEET TO THE END OF SAID OF 20 FOOT EASEMENT.

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 12

ATTACHMENT A
Page 7 of 8

LAKE AS DESCRIBED:

BEGINNING AT THE CONCRETE MONUMENT IN THE CENTER OF THE REAR OF LOT 15, BLOCK 32, IMPERIAL HARBOR UNIT NO. 7 (P.B. 35 PG. 130-131) LEE COUNTY PUBLIC RECORDS.
THENCE NORTHWESTERLY ALONG THE REAR OF LOTS 15, 16 AND 17, OF SAID BLOCK 32, A DISTANCE OF 303.06 FEET ON THE ARC OF THE CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 190.0 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS N-74-37'-08"-W 271.94 FEET;
THENCE N-28-55'-31"-W ALONG THE REAR LINE OF LOTS 17 AND 18 OF SAID BLOCK 32 A DISTANCE OF 72.79 FEET TO THE SW CORNER OF SAID LOT 18;
THENCE SOUTHWESTERLY ALONG THE REAR LINE OF LOTS 19-22 OF SAID BLOCK 32, A DISTANCE OF 229.73 FEET ON THE ARC OF THE CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2404.014 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS S-66-48'-36"-W, 229.65 FEET TO THE POINT IN THE MIDDLE OF SAID LOT 22;
THENCE S-69-35'-44"-W ALONG THE REAR LINE OF LOTS 22-24 OF SAID BLOCK 32 A DISTANCE OF 184.98 FEET TO THE SW CORNER OF SAID LOT 24;
THENCE S-01-24'-10"-E ALONG THE REAR LINE OF LOTS 25-28 OF SAID BLOCK 32, A DISTANCE OF 186.22 FEET;
THENCE N-82-28'-14"-E, 147.96 FEET;
THENCE N-78-49'-17"-E, 91.39 FEET;
THENCE N-78-03'-26"-E, 212.41 FEET;
THENCE N-60-59'-10"-E, 234.47 FEET TO THE CONCRETE MONUMENT AT THE POINT OF BEGINNING OF THE HEREIN DESCRIBED;
BEING A PART OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
CONTAINING 2.44 ACRES OF LAND MORE OR LESS.

ORDER NO. 25525
DOCKET NO. 910901-WS
PAGE 13

ATTACHMENT A
Page 8 of 8

DESCRIPTION PER SURVEY
100 FOOT FLORIDA POWER & LIGHT EASEMENT
EAST HALF (E 1/2) OF THE WEST HALF (W 1/2) OF
SECTION 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

COMMENCING AT THE NORTHWEST (NW) CORNER OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST, THENCE S-83°-32'-38" E ALONG NORTH LINE OF SAID SECTION A DISTANCE OF 1468.89 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED AND WESTERLY LINE OF FLORIDA POWER & LIGHT COMPANY EASEMENT;

THENCE CONTINUE S 83°-32'-38" E ALONG SAID NORTH LINE OF SAID SECTION A DISTANCE OF 112.95 FEET TO THE EASTERLY LINE OF SAID FLORIDA POWER & LIGHT COMPANY EASEMENT;
THENCE S 21°-14'-36" E ALONG SAID EASTERLY LINE A DISTANCE OF 2938.85 FEET TO A ANGLE POINT;
THENCE S 0°-59'-55" E ALONG SAID EASTERLY LINE A DISTANCE OF 2654.99 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY (30' NORTH OF SECTION LINE-CENTER LINE) OF WEST TERRY STREET;
THENCE N 83°-02'-59" W ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 100.97 FEET TO THE WESTERLY LINE OF SAID FLORIDA POWER & LIGHT COMPANY EASEMENT;
THENCE N 00°-59'-55" W ALONG SAID WESTERLY LINE A DISTANCE OF 2623.17 FEET TO A ANGLE POINT;
THENCE N 21°-14'-36" W ALONG SAID WESTERLY LINE A DISTANCE OF 2991.35 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED:

ABOVE DESCRIBED IS A STRIP OF LAND 100 FOOT WIDE FROM THE NORTH LINE OF SECTION 27, TOWNSHIP 47 SOUTH, RANGE 25 EAST TO THE NORTH LINE OF WEST TERRY STREET.
CONTAINING 12.88 ACRES OF LAND MORE OR LESS;
SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD;

F. DONALD MCKEE, LAND SURVEYOR, INC.

PARCEL "A" AS SHOWN ON THE PLAT OF IMPERIAL HARBOR, UNIT NO. 1 PLAT BOOK 11, PAGE 56-57, FOR INGRESS AND EGRESS OF COAST LINE ROAD.

AND

REQUIRED PARCEL FOR INGRESS AND EGRESS TO PARCEL "B" 25.50 ACRES OF THIS SURVEY WILL BE PARCEL "B" AS ON THE PLAT OF IMPERIAL HARBOR, UNIT NO. 1, PLAT BOOK 11, PAGE 56-57.22