

LAW OFFICES

BECKER & POLIAKOFF, P.A.

ORIGINAL
FILE COPY

The Colonnades
13515 Bell Tower Drive, Suite 101
Ft. Myers, Florida 33907

Collier Place I
3003 Tamiami Trail North, Suite 210
Naples, Florida 34103

Phone (941) 433-7707 Fax: (941) 433-5933
FL Toll Free: (800) 462-7780
Internet: <http://www.becker-poliakoff.com>

Phone (941) 261-9555 Fax: (941) 261-9744
FL Toll Free: (800) 462-7537
Internet: <http://www.becker-poliakoff.com>

Florida Offices

Administrative Office
3111 String Road
Ft. Lauderdale, FL 33312
FL Toll Free: (800) 432-7712

Boca Raton

Clearwater

D. Marco

Melbourne

Miami

Naples

Orlando

Port Charlotte

St. Petersburg

Sarasota

Tallahassee

Tampa

West Palm Beach

*available for consultation
by appointment only*

International Offices

Beijing
Peoples Republic
of China

Prague
Czech Republic

~~ACK~~

AFA _____

APP _____

CAP _____

CMR _____

CTR _____

E _____

L _____

Reply To:
Fort Myers

February 17, 1997

VIA FACSIMILE (904) 413-7118

Florida Public Service Commission
c/o Blanca Bayo, Director of Records
and Recording
2540 Shumard Oak Boulevard
Tallahassee, FL 32301

**Re: Documents: #960224-WB
#960225-WB
San Carlos Golf, Inc.**

Dear Ms. Bayo:

This Firm represents San Carlos Golf, Inc. Pursuant to my February 17, 1997 telephone conversation with Brad Martin of your office, please take notice that San Carlos Golf, Inc. would like to present testimony before the PSC on the March 5-6, 1997 Public Hearings.

It is the Club's understanding that there may be some discussion of charging for effluent water in connection with the rate case that Gulf Utility currently has before the PSC.

Please find enclosed herewith a copy of the Club's contract with Gulf Utility (issued in the name of a predecessor) which provides the Club with the right to receive effluent water at no charge. In the summer of 1994, the Club expended approximately \$100,000.00 to re-work the effluent holding ponds, in accordance with Department of Environmental Protection standards. This action was predicated on the enclosed Agreement.

DOCUMENT NUMBER DATE

0-1940 FEB 20 97

FPSC RECORDS/REPORTING

Florida Public Service Commission
c/o Blanca Bayo, Director of Records and Recording
February 17, 1997
Page -2-

This is the issue that my client would like to discuss at the March
5-6 hearings.

Very truly yours,



Joseph E. Adams
For the Firm

JEA/fcs

Enclosure (as stated)

cc: Blanca Bayo (via Certified Mail #P576925875
Return Receipt Requested w/enc.)
James Moore, President - Gulf Utility (w/enc.)
Board of Directors, San Carlos Golf, Inc.
(w/enc.)

AGREEMENT

1584013

(Utility)

1630rr2259

THIS AGREEMENT made and entered into this 24 day of March, 1992, by and between SAN CARLOS UTILITIES, INC. "Grantor" and SAN CARLOS UTILITIES, INC., a Florida corporation, hereinafter referred to as "Service Company".

WHEREAS, Grantor owns lands located in Lee County, Florida, described in Exhibit "A", attached hereto (the "Property"), and Grantor is operating a golf course on said Property; and

WHEREAS, to meet irrigation needs it is necessary that the Service Company provide wastewater effluent, that is chlorinated and meets, with Department of Environmental Protection standards, to the Property; and,

NOW THEREFORE, for and in consideration of the promises, the mutual undertakings and agreements herein contained and assumed, the Grantor and Service Company covenant and agree as follows:

1. The Service Company agrees to supply the Grantor with minimum of 75,000 gallons per day treated wastewater effluent to the Properties irrigation storage lake which has approximately 10 acre-feet of storage capacity.
2. The Grantor agrees to accept, at no cost to them, the treated wastewater effluent.
3. This agreement shall be binding upon and shall inure to the benefit of Grantor, Service Company and their respective assigns and corporate successors by merger, consolidation or conveyance.

IN WITNESS WHEREOF, Grantor and Service Company have executed or have caused this agreement, with the named Exhibits attached, to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this agreement.

WITNESS:

Steve Muscarello
[Signature]

SAN CARLOS UTILITIES, INC.

By Steve W. Fleck (SEAL)
Steve W. Fleck, President

GRANTOR

By Robert J. Hoyer
Robert J. Hoyer, President

● COPY TO: [illegible]
● BY: [illegible]

EXHIBIT A

Co. & Course 1000L

409 and 638

RECORDED IN PUBLIC RECORDS OFFICE, MOBILE, ALA.
May 1, 1968

1630:2260

DESCRIPTION

TRACT "A", PART OF CALICO GOLF COURSE ADDITION, according to the recorded plat thereof, lying in Sections 1, 9 and 17, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows: Beginning at the corner of Section 9, Township 46 South, Range 25 East, thence $31^{\circ}09'40''$ along the east line of 1/4 of said Section 9 for a distance of 643.17 feet; thence $215^{\circ}46'40''$ for a distance of 80.01 feet to the POINT OF BEGINNING of the tract of land hereinafter described; thence $11^{\circ}30'40''$ along a line 20 feet easterly of and parallel to the east line of 1/4 of said Section 9 for a distance of 141.22 feet to a point on a line 135 feet northerly of the south line of 1/4 of 1/4 of said Section 9; thence $149^{\circ}17'43''$ along a line parallel to the south line of 1/4 of 1/4 of said Section 9 for a distance of 724.22 feet to a point of curvature; thence northeasterly along the arc of a circular curve to the left, having a radius of 25 feet and a central angle of $90^{\circ}40'40''$, for a distance of 39.27 feet to a point of tangency on the east line of Missouri Road; thence $80^{\circ}20'30''$ along the west line of said Missouri Road for a distance of 33.16 feet to a point of curvature; thence northeasterly along the arc of a circular curve to the left, having a radius of 25 feet and a central angle of $90^{\circ}40'30''$, for a distance of 37.33 feet to a point of tangency on the south line of Iowa Road; thence $149^{\circ}17'43''$ along the east line of said Iowa Road for a distance of 124.42 feet to a point of curvature; thence northeasterly along the arc of a circular curve to the right, having a radius of 25 feet and a central angle of $90^{\circ}40'40''$, for a distance of 37.47 feet; thence $215^{\circ}46'40''$ for a distance of 601.29 feet to the POINT OF BEGINNING, said tract of land lying and being in Section 9, Township 46 South, Range 25 East, and containing 6.53 acres, more or less.

MCARDON & BEARD

Attorneys at Law, Mobile, Alabama

ATTACHMENT "A"

EXHIBIT "A"

1630-2261

E. 669 and 640

RECORDED AND RETURNED TO THE
REGISTERED MAIL OFFICE
MAY 1, 1968

REGISTERED MAIL
OFFICE OF THE REGISTERED MAIL OFFICE
MAY 1, 1968

- DESCRIPTION -

TRACT 207, PART 2ND CLASS, 1ST SOURCE ADDITION, according to the unrecorded plat thereof, lying in portions of sections 1, 9 and 17, Town 14 North, Range 25 East, 1st 6th P.M., Meridian, being more particularly described as follows: Commencing at the NE corner of Section 9, Township 14 North, Range 25 East, thence $31^{\circ}09'40''$ east; the last line of said Section 9 for a distance of 800.17 feet; thence $22^{\circ}15'34''$ for a distance of 10 feet to the POINT OF BEGINNING of the tract so hereinafter described; thence continue $34^{\circ}11'32''$ for a distance of 41.46 feet to a point of curvature; thence northwesterly along the arc of a circular curve to the right, having a radius of 130 feet and a central angle of $43^{\circ}13'47''$; for a distance of 213.16 feet to a point of reversed curvature; thence northwesterly along the arc of a circular curve to the left, having a radius of 150 feet and a central angle of $43^{\circ}19'47''$; for a distance of 215.16 feet to a point of tangency; thence $194^{\circ}15'34''$ for a distance of 483 feet; thence $32^{\circ}01'22''$ for a distance of 149 feet to a point of curvature; thence southerly along the arc of a circular curve to the right, having a radius of 270 feet and a central angle of $60^{\circ}21'21''$; for a distance of 45.90 feet to a point of tangency; thence $89^{\circ}23'00''$ for a distance of 310.33 feet to a point of curvature; thence southerly along the arc of a circular curve to the right, having a radius of 210 feet and a central angle of $43^{\circ}32'00''$; for a distance of 306.04 feet to a point of tangency; thence $267^{\circ}33'00''$ for a distance of 192.04 feet to a point of curvature; thence westerly along the arc of a circular curve to the left, having a radius of 170 feet and a central angle of $13^{\circ}07'30''$; for a distance of 112.65 feet to a point of reversed curvature; thence southerly along the arc of a circular curve to the left, having a radius of 145 feet and a central angle of $75^{\circ}20'00''$; for a distance of 421.76 feet to a point of reversed curvature; thence southerly along the arc of a circular curve to the right, having a radius of 270 feet and a central angle of $33^{\circ}53'00''$; for a distance of 251.33 feet to a point of tangency; thence $237^{\circ}28'15''$ for a distance of 205 feet; thence $334^{\circ}11'45''$ for a distance of 130 feet; thence $237^{\circ}28'15''$ for a distance of 320 feet to a point of curvature; thence northwesterly along the arc of a circular curve to the left, having a radius of 300 feet and a central angle of $33^{\circ}24'22''$; for a distance of 175.25 feet to a point of tangency; thence $224^{\circ}02'30''$ for a distance of 450 feet to a point of curvature; thence northwesterly along the arc of a circular curve to the right, having a radius of 270 feet and a central angle of $65^{\circ}10'30''$; for a distance of 224.64 feet to a point of tangency; thence $109^{\circ}19'00''$ for a distance of 320 feet to a point of curvature; thence southerly along the arc of a circular curve to the right, having a radius of 465 feet and a central angle of $39^{\circ}33'00''$; for a distance of

EXHIBIT "A"

1630rc 2252

469 ml 611

123.26 feet to a point of curvature; thence S51°-20'-20" for a distance of 220.35 feet to a point of curvature; thence southeasterly along the arc of a circular curve to the right, having a radius of 50 feet and a central angle of 50°-18'-20", for a distance of 43.87 feet to a point of tangency; thence S0°-43'-50" for a distance of 22.55 feet to a point of curvature; thence southeasterly along the arc of a circular curve to the right, having a radius of 50 feet and a central angle of 50°-22'-20", for a distance of 71.54 feet to a point of tangency; thence S7°-16'-20" for a distance of 110 feet to a point of curvature; thence southeasterly along the arc of a circular curve to the left, having a radius of 1645 feet and a central angle of 31°-47'-20", for a distance of 591.07 feet to a point of tangency; thence S47°-23'-11" for a distance of 576.64 feet; thence S37°-31'-4" for a distance of 225 feet; thence S57°-21'-11" for a distance of 574.66 feet to a point of curvature; thence northeasterly along the arc of a circular curve to the right, having a radius of 40 feet and a central angle of 31°-47'-20", for a distance of 359.20 feet to a point of tangency; thence S10°-18'-11" for a distance of 130 feet to a point of curvature; thence southeasterly along the arc of a circular curve to the right, having a radius of 40 feet and a central angle of 90°-50'-20", for a distance of 78.54 feet to a point of tangency; thence S30°-31'-50" for a distance of 100 feet to a point of curvature; thence southeasterly along the arc of a circular curve to the right, having a radius of 50 feet and a central angle of 50°-22'-20", for a distance of 73.54 feet to a point of tangency; thence S0°-15'-10" for a distance of 140 feet to a point of curvature; thence southeasterly along the arc of a circular curve to the left, having a radius of 110 feet and a central angle of 31°-47'-20", for a distance of 58.13 feet to a point of tangency; thence S77°-21'-4" for a distance of 110 feet; thence S40°-19'-21" for a distance of 3.0 feet; thence S40°-18'-11" for a distance of 11.9 feet to a point on a line 295 feet westerly of the east line of 21, of Section 17, Township 44 South, Range 25 East; thence S0°-31'-32" along a line parallel to the east line of 21, of said Section 17 for a distance of 31.71 feet; thence S1°-29'-10" along a line 295 feet westerly of and parallel to the east line of 21, of previously mentioned Section 17, Township 44 South, Range 25 East, for a distance of 111.13 feet; thence S4°-50'-40" for a distance of 110 feet; thence S47°-10'-10" for a distance of 175.64 feet to a point 10 feet westerly of the east line of 21, of a certain Section 8; thence S1°-30'-20" along a line parallel to the east line of 21, of said Section 8 for a distance of 421.12 feet to the POINT OF BEGINNING, said tract of land lying and being in Sections 8 and 17, Township 44 South, Range 25 East, Lee County, Florida, and containing 153.26 acres, more or less.

RECORDED
 MAY 8 2 56 PM '12

RECORDED
 MAY 8 2 56 PM '12
 COUNTY OF LEE, FLORIDA

