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Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: March 5, 2009

TO: Office of Commission Clerk (Cole)

FROM: Division of Economic Regulation (Walden) *AW AR*
Office of the General Counsel (Jaeger) *TS*

RE: Docket No. 080574-SU – Application for amendment of Certificate No. 247-S to extend territory in Lee County by North Fort Myers Utility, Inc.

AGENDA: 03/17/09 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Argenziano

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\080574.RCM.DOC

Case Background

North Ft. Myers Utility, Inc. (NFMU or utility) is a Class A utility providing water and wastewater service in Lee County, serving 1894 water and 12,938 wastewater ERCs. The instant application involves wastewater only. Rates were last considered in an index application on May 28, 2007, and the utility's last general rate case increase was in Docket No. 810477-S and approved in Order No. 11360.¹

On September 2, 2008, NFMU filed an amendment application to add about 1240 acres east of the eastern edge of its service area, located in the South Florida Water Management District. The Commission has jurisdiction pursuant to Section 367.045, Florida Statutes (F.S.).

¹ See Order No. 11360, issued November 24, 1982, in Docket No. 810477-S, In re: Application of Old Bridge Corporation for an increase in sewer rates in Lee County, Florida.

DOCUMENT NUMBER-DATE

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Discussion of Issues

Issue 1: Should the Commission approve NFMU's application for amendment of Certificate No. 247-S?

Recommendation: Yes, the Commission should approve NFM's amendment application to expand its territory. The proposed territory is described in Attachment A. The resultant order should serve as North Ft. Myers Utility, Inc.'s amended certificate and it should be retained by the utility. North Ft. Myers Utility, Inc. should charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding. (Walden)

Staff Analysis: On September 2, 2008, NFMU applied for an amendment to Certificate No. 247-S in Lee County to include additional territory at the eastern edge of its service area to accommodate about 2500 ERCs on 1240 acres. The 2500 ERCs anticipated to be added in this current docket include the ERCs referred to in the prior amendment docket (discussed below). The application is in compliance with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The utility provides wastewater service from its existing wastewater plants and has adequate capacity to serve the area requested. Water service will be provided by Lee County Utilities.

An adequate service territory map and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), Florida Administrative Code (F.A.C.). A description of the territory requested by the utility is appended to this recommendation as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), F.S., that it has tariffs and annual reports on file with the Commission. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C. No objections to the application have been received, and the time for filing such has expired. The local planning agency was provided notice of the application and did not file a protest to the amendment. The Department of Community Affairs (DCA) has reviewed the filing and commented on the parcel of land requested to be approved in this application.

Comments from the DCA essentially state that this expansion is inconsistent with the Lee County Comprehensive Plan. These same concerns were raised in an earlier North Ft. Myers Utility, Inc. amendment application, Order No. PSC-08-0539-FOF-SU, issued August 18, 2008, In re: Docket No. 080179-SU – Application for amendment of Certificate No. 247-S to extend wastewater service area in Lee County by North Fort Myers Utility, Inc. In the earlier docket, the area was designated as rural, being characterized by agricultural and low-density residential uses. Extending services to this rural area in the former application conflicted with the County's Comp Plan that discourages urban sprawl. The County's Comp Plan does not expressly prohibit the extension of a utility's territory in non-urban areas, but it has been the County's long standing policy that wastewater service not be provided in those areas.

Staff notes that while the comments made by the DCA have merit, Section 367.045(5)(b), F.S., provides that the Commission does not need to consider whether an amendment of certificate is inconsistent with the local comprehensive plan unless a timely objection is made to

the notice of amendment. If a timely objection is made, the Commission shall consider, but is not bound by, the local comprehensive plan.

The property owner, North River Communities, LLC, has a pending Comprehensive Plan Amendment to change the land use from rural to a Future Urban Area. The plan amendment was heard by the Local Planning Agency (LPA) last year and again last month. While the hearing was continued until the last week of February, the matter is expected to end up in front of the Lee County Board of County Commissioners for a transmittal hearing by May of this year. Once the County Commission transmits the plan amendment for review by the DCA, the plan will go to the County for the adoption hearings.

According to the utility, central wastewater service would be a benefit to that new land use. Current land use for the eastern parcel allows one dwelling unit per acre to be developed, but obviously with the plan amendment in process it is anticipated that the current zoning will change to a higher density use. As noted in Order No. PSC-08-0539-FOF-SU, Policy 2.1.3 of the Lee County Comprehensive Plan permits public utilities in all land use categories.

After reviewing the documents and letters filed, staff believes that adequate mechanisms are in place to monitor the growth in the areas requested for amendment by the utility. The County will provide water service as needed. Development plans will require County permitting and approval.

Plant capacity is available for adding connections, and as expansion of the plant is needed, the utility will proceed. Costs for plant expansion will be paid from a combination of capital and service availability charges. Lines and lift stations installed by the developer in this amendment area will be deeded to the utility as CIAC.

Based upon the above information, staff recommends that the Commission should approve NFMU's application to expand its territory. The proposed territory amendment is described in Attachment A. The resultant order should serve as NFMU's amended certificates and the order should be retained by the utility. NFMU should charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Docket No. 080574-SU
Date: March 5, 2009

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission approves Staff's recommendation in Issue 1, no further action is required and the docket should be closed. (Jaeger)

Staff Analysis: If the Commission approves Staff's recommendation in Issue 1, no further action is required and the docket should be closed.

North Fort Myers Utility, Inc.
Description of Wastewater Service Territory to be Added
Lee County

NORTH RIVER VILLAGE

MAIN PARCEL

A PORTION OF SECTIONS 16, 17, 18, AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°52'16"E., ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 1377.37 FEET; THENCE RUN S.00°17'01"W., FOR A DISTANCE OF 50.00 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 78, A 100.0 FOOT RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.88°52'16"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 78, FOR A DISTANCE OF 1200.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18; THENCE RUN S.88°52'29"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 78, FOR A DISTANCE OF 2,396.18 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS N.01°06'36"E., A DISTANCE OF 11,509.16 FEET THEREFROM; THENCE RUN EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 78 AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,509.16 FEET, THROUGH A CENTRAL ANGLE OF 01°47'00", SUBTENDE BY A CHORD OF 358.21 FEET AT A BEARING OF S.89°46'54"E., FOR A DISTANCE OF 358.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.89°20'19"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 78, FOR A DISTANCE OF 2,369.32 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE TO THE SOUTH, FROM WHICH THE RADIUS POINT BEARS S.00°38'45"E., A DISTANCE OF 11,409.16 FEET THEREFROM; THENCE RUN EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD 78 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,409.16 FEET, THROUGH A CENTRAL ANGLE OF 00°34'14", SUBTENDE BY A CHORD OF 113.60 FEET AT A BEARING OF N.89°38'22"E., FOR A DISTANCE OF 113.61 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°26'50"W., ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 1,295.15 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE RUN S.89°42'51"E., ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 1,336.16 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE RUN S.00°25'09"W., ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 1,340.40 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE RUN S.89°56'37"E., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 1,336.84 FEET TO THE WEST QUARTER CORNER OF SECTION 16, TOWNSHIP

43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°59'02"E., ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, FOR A DISTANCE OF 1,986.81 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE RUN S.00°23'49"W., ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 16, FOR A DISTANCE OF 1,337.98 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE RUN S.89°55'52"E., ALONG THE SOUTH LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 16, FOR A DISTANCE OF 602.26 FEET TO A POINT 60.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE RUN S.00°23'49"W., PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, FOR A DISTANCE OF 653.59 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF DUKE HIGHWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE TO THE SOUTHEAST, FROM WHICH THE RADIUS POINT BEARS S.32°01'41"E., A DISTANCE OF 370.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DUKE HIGHWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 370.00 FEET, THROUGH A CENTRAL ANGLE OF 37°28'59", SUBTENDE BY A CHORD OF 237.76 FEET AT A BEARING OF S.39°13'49"W., FOR A DISTANCE OF 242.06 FEET TO THE END OF SAID CURVE; THENCE RUN S.20°29'19"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DUKE HIGHWAY FOR A DISTANCE OF 314.11 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DUKE HIGHWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 270.00 FEET, THROUGH A CENTRAL ANGLE OF 69°39'29", SUBTENDE BY A CHORD OF 308.41 FEET AT A BEARING OF S.55°19'03"W., FOR A DISTANCE OF 328.26 FEET TO THE END OF SAID CURVE; THENCE RUN N.89°50'47"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DUKE HIGHWAY, FOR A DISTANCE OF 2,079.72 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE RUN N.89°40'34"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DUKE HIGHWAY FOR A DISTANCE OF 2,006.87 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE RUN N.00°26'05"E., ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 635.18 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE RUN N.89°44'35"W., ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 668.84 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE RUN S.00°26'50"W., ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 634.40 FEET TO A POINT OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DUKE HIGHWAY; THENCE RUN N.89°57'11"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DUKE HIGHWAY, FOR A DISTANCE OF 698.60 FEET TO THE WESTERLY TERMINUS OF SAID DUKE HIGHWAY; THENCE RUN S.00°02'49"W., ALONG THE WESTERLY TERMINUS OF SAID DUKE HIGHWAY, FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY FLORIDA; THENCE RUN N.89°57'11"W., ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 1,959.09 FEET TO THE

NORTHWEST QUARTER OF SAID SECTION 20; THENCE RUN S.00°18'24"W., ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 2,480.74 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CANAL 43; THENCE RUN S.71°02'37"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43, FOR A DISTANCE OF 384.59 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE OLD RIVER BED OF THE CALOOSAHATCHEE RIVER, HAVING ELEVATION 0.23' NAVD '88 (NORTH AMERICAN VERTICAL DATUM OF 1988) AS LOCATED OCTOBER 2007; THENCE RUN NORTHERLY, ALONG SAID MEAN HIGH WATER LINE, FOR THE FOLLOWING COURSES:

1. N.62°00'27"E. FOR A DISTANCE OF 12.90 FEET;
2. THENCE RUN N.63°48'04"E. FOR A DISTANCE OF 22.92 FEET;
3. THENCE RUN N.56°16'29"E. FOR A DISTANCE OF 25.40 FEET;
4. THENCE RUN N.35°28'50"E. FOR A DISTANCE OF 29.67 FEET;
5. THENCE RUN N.21°43'47"E. FOR A DISTANCE OF 64.73 FEET;
6. THENCE RUN N.06°40'56"W. FOR A DISTANCE OF 27.79 FEET;
7. THENCE RUN N.01°11'31"W. FOR A DISTANCE OF 25.87 FEET;
8. THENCE RUN N.12°13'59"W. FOR A DISTANCE OF 24.56 FEET;
9. THENCE RUN N.15°27'17"W. FOR A DISTANCE OF 17.55 FEET;
10. THENCE RUN N.28°59'14"W. FOR A DISTANCE OF 33.58 FEET;
11. THENCE RUN N.37°59'53"W. FOR A DISTANCE OF 60.81 FEET;
12. THENCE RUN N.41°49'33"W. FOR A DISTANCE OF 36.42 FEET;
13. THENCE RUN N.35°43'54"W. FOR A DISTANCE OF 23.76 FEET;
14. THENCE RUN S.53°54'27"E. FOR A DISTANCE OF 49.94 FEET;
15. THENCE RUN S.34°50'17"E. FOR A DISTANCE OF 48.29 FEET;
16. THENCE RUN N.89°27'51"E. FOR A DISTANCE OF 36.90 FEET;
17. THENCE RUN S.83°43'14"E. FOR A DISTANCE OF 37.81 FEET;
18. THENCE RUN N.87°31'58"E. FOR A DISTANCE OF 40.04 FEET;
19. THENCE RUN N.58°14'10"E. FOR A DISTANCE OF 42.56 FEET;
20. THENCE RUN N.59°22'02"E. FOR A DISTANCE OF 71.03 FEET;
21. THENCE RUN N.07°59'41"E. FOR A DISTANCE OF 90.11 FEET;
22. THENCE RUN N.05°59'57"E. FOR A DISTANCE OF 58.53 FEET;
23. THENCE RUN N.00°35'18"W. FOR A DISTANCE OF 88.38 FEET;
24. THENCE RUN N.02°16'31"W. FOR A DISTANCE OF 36.93 FEET;
25. THENCE RUN N.58°58'35"W. FOR A DISTANCE OF 81.85 FEET;
26. THENCE RUN S.84°44'10"W. FOR A DISTANCE OF 71.41 FEET;
27. THENCE RUN N.80°59'30"W. FOR A DISTANCE OF 124.50 FEET;
28. THENCE RUN S.70°11'51"W. FOR A DISTANCE OF 57.54 FEET;
29. THENCE RUN S.60°53'44"W. FOR A DISTANCE OF 67.66 FEET;
30. THENCE RUN S.15°32'51"W. FOR A DISTANCE OF 61.39 FEET;
31. THENCE RUN S.17°02'12"W. FOR A DISTANCE OF 87.20 FEET;
32. THENCE RUN S.35°30'57"W. FOR A DISTANCE OF 33.43 FEET;
33. THENCE RUN S.83°43'22"W. FOR A DISTANCE OF 30.96 FEET;
34. THENCE RUN S.79°49'36"W. FOR A DISTANCE OF 23.56 FEET;
35. THENCE RUN N.49°11'10"W. FOR A DISTANCE OF 32.66 FEET;
36. THENCE RUN N.40°46'22"W. FOR A DISTANCE OF 26.29 FEET;
37. THENCE RUN N.51°51'41"W. FOR A DISTANCE OF 34.64 FEET;
38. THENCE RUN N.35°50'45"W. FOR A DISTANCE OF 29.40 FEET;
39. THENCE RUN N.27°23'29"W. FOR A DISTANCE OF 20.36 FEET;
40. THENCE RUN N.33°02'26"W. FOR A DISTANCE OF 35.57 FEET;

41. THENCE RUN N.34°18'53"W. FOR A DISTANCE OF 31.47 FEET;
42. THENCE RUN N.13°04'44"W. FOR A DISTANCE OF 31.40 FEET;
43. THENCE RUN N.21°25'16"W. FOR A DISTANCE OF 22.76 FEET;
44. THENCE RUN N.22°33'16"W. FOR A DISTANCE OF 27.06 FEET;
45. THENCE RUN N.32°32'59"W. FOR A DISTANCE OF 24.95 FEET;
46. THENCE RUN N.25°30'33"W. FOR A DISTANCE OF 42.85 FEET;
47. THENCE RUN N.36°46'10"W. FOR A DISTANCE OF 31.25 FEET;
48. THENCE RUN N.15°12'52"W. FOR A DISTANCE OF 40.28 FEET;
49. THENCE RUN N.42°40'17"W. FOR A DISTANCE OF 25.89 FEET;
50. THENCE RUN N.34°33'59"W. FOR A DISTANCE OF 39.39 FEET;
51. THENCE RUN N.42°15'41"W. FOR A DISTANCE OF 54.72 FEET;
52. THENCE RUN N.64°00'30"W. FOR A DISTANCE OF 36.61 FEET;
53. THENCE RUN N.67°30'21"W. FOR A DISTANCE OF 49.36 FEET;
54. THENCE RUN N.72°00'01"W. FOR A DISTANCE OF 27.37 FEET;
55. THENCE RUN N.54°25'04"W. FOR A DISTANCE OF 28.60 FEET;
56. THENCE RUN N.67°12'55"W. FOR A DISTANCE OF 48.33 FEET;
57. THENCE RUN S.68°17'21"W. FOR A DISTANCE OF 25.38 FEET;
58. THENCE RUN N.75°55'29"W. FOR A DISTANCE OF 24.82 FEET;
59. THENCE RUN N.67°06'13"W. FOR A DISTANCE OF 69.23 FEET;
60. THENCE RUN N.73°07'47"W. FOR A DISTANCE OF 24.15 FEET;
61. THENCE RUN N.72°50'33"W. FOR A DISTANCE OF 42.04 FEET;
62. THENCE RUN N.76°27'59"W. FOR A DISTANCE OF 25.97 FEET;
63. THENCE RUN N.72°10'16"W. FOR A DISTANCE OF 24.87 FEET;
64. THENCE RUN N.59°40'44"W. FOR A DISTANCE OF 32.18 FEET;
65. THENCE RUN N.61°39'06"W. FOR A DISTANCE OF 27.84 FEET;
66. THENCE RUN N.58°06'50"W. FOR A DISTANCE OF 39.18 FEET;
67. THENCE RUN N.61°41'34"W. FOR A DISTANCE OF 23.82 FEET;
68. THENCE RUN N.68°18'43"W. FOR A DISTANCE OF 28.71 FEET;
69. THENCE RUN N.66°02'51"W. FOR A DISTANCE OF 29.11 FEET;
70. THENCE RUN N.42°36'53"W. FOR A DISTANCE OF 22.78 FEET;
71. THENCE RUN N.65°09'40"W. FOR A DISTANCE OF 26.83 FEET;
72. THENCE RUN N.63°49'40"W. FOR A DISTANCE OF 23.67 FEET;
73. THENCE RUN N.60°55'38"W. FOR A DISTANCE OF 22.49 FEET;
74. THENCE RUN N.74°35'57"W. FOR A DISTANCE OF 29.13 FEET;
75. THENCE RUN N.71°05'34"W. FOR A DISTANCE OF 29.39 FEET;
76. THENCE RUN N.50°39'32"W. FOR A DISTANCE OF 7.35 FEET;

THENCE RUN N.48°06'50"E., FOR A DISTANCE OF 270.39 FEET; THENCE RUN N.42°11'10"W.,
FOR A DISTANCE OF 184.68 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF 86.00
FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE OF 140.42 FEET; THENCE RUN
N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR A
DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET;
THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN S.74°59'50"W.,
FOR A DISTANCE OF 18.55 FEET; THENCE RUN N.15°00'10"W. , FOR A DISTANCE OF 53.03
FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN
N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A
DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET
TO A POINT ON THE MEAN HIGH WATER LINE OF THE SOUTHERLY BANK OF TROUT
CREEK HAVING ELEVATION 0.03' NAVD '88 (NORTH AMERICAN VERTICAL DATUM OF

1988); THENCE RUN EASTERLY, ALONG SAID MEAN HIGH WATER LINE, FOR THE FOLLOWING COURSES:

1. S.52°00'18"E. FOR A DISTANCE OF 43.55 FEET;
2. THENCE RUN S.82°21'30"E. FOR A DISTANCE OF 8.79 FEET;
3. THENCE RUN S.58°00'20"E. FOR A DISTANCE OF 13.35 FEET;
4. THENCE RUN S.81°00'44"E. FOR A DISTANCE OF 13.22 FEET;
5. THENCE RUN S.50°58'42"E. FOR A DISTANCE OF 18.40 FEET;
6. THENCE RUN S.81°32'11"E. FOR A DISTANCE OF 24.39 FEET;
7. THENCE RUN N.71°28'30"E. FOR A DISTANCE OF 18.86 FEET;
8. THENCE RUN N.77°55'39"E. FOR A DISTANCE OF 17.45 FEET;
9. THENCE RUN S.30°28'47"E. FOR A DISTANCE OF 24.96 FEET;
10. THENCE RUN S.19°46'13"E. FOR A DISTANCE OF 19.05 FEET;
11. THENCE RUN S.73°47'25"E. FOR A DISTANCE OF 10.14 FEET;
12. THENCE RUN N.27°15'59"E. FOR A DISTANCE OF 26.27 FEET;
13. THENCE RUN N.20°47'30"E. FOR A DISTANCE OF 23.02 FEET;
14. THENCE RUN N.39°33'56"E. FOR A DISTANCE OF 35.67 FEET;
15. THENCE RUN N.53°30'20"E. FOR A DISTANCE OF 19.26 FEET;
16. THENCE RUN N.72°39'18"E. FOR A DISTANCE OF 37.54 FEET;
17. THENCE RUN S.71°39'43"E. FOR A DISTANCE OF 33.60 FEET;
18. THENCE RUN N.46°22'41"E. FOR A DISTANCE OF 57.59 FEET;
19. THENCE RUN N.67°38'28"E. FOR A DISTANCE OF 44.70 FEET;
20. THENCE RUN N.43°03'23"E. FOR A DISTANCE OF 43.65 FEET;
21. THENCE RUN N.47°02'00"E. FOR A DISTANCE OF 48.24 FEET;
22. THENCE RUN N.41°32'29"E. FOR A DISTANCE OF 29.34 FEET;
23. THENCE RUN N.75°41'22"E. FOR A DISTANCE OF 54.95 FEET;
24. THENCE RUN N.78°28'52"E. FOR A DISTANCE OF 120.04 FEET;
25. THENCE RUN N.74°44'44"E. FOR A DISTANCE OF 21.33 FEET;
26. THENCE RUN N.85°39'04"E. FOR A DISTANCE OF 31.66 FEET;
27. THENCE RUN N.75°33'06"E. FOR A DISTANCE OF 97.06 FEET;
28. THENCE RUN N.69°47'15"E. FOR A DISTANCE OF 43.50 FEET;
29. THENCE RUN N.80°00'31"E. FOR A DISTANCE OF 34.17 FEET;
30. THENCE RUN N.73°01'18"E. FOR A DISTANCE OF 127.36 FEET;
31. THENCE RUN N.65°31'45"E. FOR A DISTANCE OF 110.79 FEET;
32. THENCE RUN N.66°06'38"E. FOR A DISTANCE OF 27.49 FEET;
33. THENCE RUN N.64°50'31"E. FOR A DISTANCE OF 84.74 FEET;
34. THENCE RUN N.79°49'19"E. FOR A DISTANCE OF 25.62 FEET;
35. THENCE RUN N.60°53'21"E. FOR A DISTANCE OF 60.88 FEET;
36. THENCE RUN N.63°52'57"E. FOR A DISTANCE OF 81.38 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°20'51"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 82.08 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE NORTHERLY BANK OF TROUT CREEK HAVING ELEVATION 0.03' NAVD '88 (NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN WESTERLY, ALONG SAID MEAN HIGH WATER LINE, FOR THE FOLLOWING COURSES:

1. S.62°08'17"W. FOR A DISTANCE OF 67.02 FEET;
2. THENCE RUN S.67°41'25"W. FOR A DISTANCE OF 63.88 FEET;
3. THENCE RUN S.65°12'54"W. FOR A DISTANCE OF 42.04 FEET;
4. THENCE RUN S.66°13'26"W. FOR A DISTANCE OF 54.32 FEET;

5. THENCE RUN S.75°59'09"W. FOR A DISTANCE OF 29.68 FEET;
6. THENCE RUN S.71°28'03"W. FOR A DISTANCE OF 48.27 FEET;
7. THENCE RUN S.72°23'04"W. FOR A DISTANCE OF 26.44 FEET;
8. THENCE RUN S.85°21'17"W. FOR A DISTANCE OF 23.99 FEET;
9. THENCE RUN N.75°49'37"W. FOR A DISTANCE OF 33.11 FEET;
10. THENCE RUN S.75°16'14"W. FOR A DISTANCE OF 22.22 FEET;
11. THENCE RUN N.12°52'51"E. FOR A DISTANCE OF 28.50 FEET;
12. THENCE RUN N.28°56'37"E. FOR A DISTANCE OF 24.27 FEET;
13. THENCE RUN N.21°22'40"E. FOR A DISTANCE OF 23.80 FEET;
14. THENCE RUN N.28°25'39"E. FOR A DISTANCE OF 34.34 FEET;
15. THENCE RUN N.06°57'10"E. FOR A DISTANCE OF 76.76 FEET;
16. THENCE RUN N.13°28'15"W. FOR A DISTANCE OF 38.30 FEET;
17. THENCE RUN N.08°39'14"W. FOR A DISTANCE OF 38.54 FEET;
18. THENCE RUN N.00°16'27"E. FOR A DISTANCE OF 34.92 FEET;
19. THENCE RUN N.18°34'53"E. FOR A DISTANCE OF 63.15 FEET;
20. THENCE RUN N.39°54'02"E. FOR A DISTANCE OF 44.70 FEET;
21. THENCE RUN N.18°34'53"E. FOR A DISTANCE OF 63.15 FEET;
22. THENCE RUN N.52°36'46"W. FOR A DISTANCE OF 66.61 FEET;
23. THENCE RUN N.74°00'42"W. FOR A DISTANCE OF 81.06 FEET;
24. THENCE RUN S.47°11'24"W. FOR A DISTANCE OF 44.93 FEET;
25. THENCE RUN S.56°55'47"W. FOR A DISTANCE OF 60.22 FEET;
26. THENCE RUN N.85°08'24"W. FOR A DISTANCE OF 74.22 FEET;
27. THENCE RUN S.23°13'08"W. FOR A DISTANCE OF 54.30 FEET;
28. THENCE RUN S.30°08'07"W. FOR A DISTANCE OF 18.19 FEET;
29. THENCE RUN S.04°15'46"E. FOR A DISTANCE OF 55.28 FEET;
30. THENCE RUN S.00°54'46"W. FOR A DISTANCE OF 49.18 FEET;
31. THENCE RUN S.37°36'43"W. FOR A DISTANCE OF 51.79 FEET;
32. THENCE RUN S.55°46'37"W. FOR A DISTANCE OF 49.29 FEET;
33. THENCE RUN S.33°10'49"W. FOR A DISTANCE OF 35.30 FEET;
34. THENCE RUN S.46°22'21"W. FOR A DISTANCE OF 65.91 FEET;
35. THENCE RUN S.05°25'59"W. FOR A DISTANCE OF 22.96 FEET;
36. THENCE RUN S.03°12'27"W. FOR A DISTANCE OF 29.13 FEET;
37. THENCE RUN S.13°17'50"W. FOR A DISTANCE OF 30.36 FEET;
38. THENCE RUN S.22°44'33"W. FOR A DISTANCE OF 39.04 FEET;
39. THENCE RUN S.66°39'28"W. FOR A DISTANCE OF 31.56 FEET;
40. THENCE RUN N.78°15'49"W. FOR A DISTANCE OF 42.32 FEET;
41. THENCE RUN N.88°38'12"W. FOR A DISTANCE OF 39.12 FEET;
42. THENCE RUN S.80°47'16"W. FOR A DISTANCE OF 49.09 FEET;
43. THENCE RUN S.50°38'17"W. FOR A DISTANCE OF 21.44 FEET;
44. THENCE RUN S.45°42'19"W. FOR A DISTANCE OF 27.32 FEET;
45. THENCE RUN S.36°53'04"W. FOR A DISTANCE OF 23.27 FEET;
46. THENCE RUN S.03°22'04"E. FOR A DISTANCE OF 27.73 FEET;
47. THENCE RUN S.05°02'54"W. FOR A DISTANCE OF 30.08 FEET;
48. THENCE RUN S.57°35'13"W. FOR A DISTANCE OF 27.90 FEET;
49. THENCE RUN S.68°40'32"W. FOR A DISTANCE OF 22.60 FEET;
50. THENCE RUN S.54°20'25"W. FOR A DISTANCE OF 27.17 FEET;
51. THENCE RUN S.50°09'23"W. FOR A DISTANCE OF 65.54 FEET;
52. THENCE RUN S.73°16'33"W. FOR A DISTANCE OF 34.34 FEET;
53. THENCE RUN S.66°13'34"W. FOR A DISTANCE OF 23.80 FEET;
54. THENCE RUN S.73°47'30"W. FOR A DISTANCE OF 24.27 FEET;

55. THENCE RUN S.57°43'45"W. FOR A DISTANCE OF 28.50 FEET;
56. THENCE RUN N.80°35'16"W. FOR A DISTANCE OF 26.03 FEET;
57. THENCE RUN S.64°20'44"W. FOR A DISTANCE OF 27.66 FEET;
58. THENCE RUN S.67°59'16"W. FOR A DISTANCE OF 34.14 FEET;
59. THENCE RUN S.84°22'39"W. FOR A DISTANCE OF 22.64 FEET;
60. THENCE RUN S.61°36'34"W. FOR A DISTANCE OF 54.51 FEET;
61. THENCE RUN S.38°23'32"W. FOR A DISTANCE OF 10.59 FEET;
62. THENCE RUN N.89°16'27"W. FOR A DISTANCE OF 20.59 FEET;
63. THENCE RUN N.86°19'33"W. FOR A DISTANCE OF 107.15 FEET;
64. THENCE RUN N.86°34'25"W. FOR A DISTANCE OF 30.08 FEET;
65. THENCE RUN N.86°14'00"W. FOR A DISTANCE OF 12.12 FEET;
66. THENCE RUN N.84°47'54"W. FOR A DISTANCE OF 18.86 FEET;
67. THENCE RUN S.63°25'34"W. FOR A DISTANCE OF 165.22 FEET;
68. THENCE RUN S.38°49'39"W. FOR A DISTANCE OF 25.77 FEET;
69. THENCE RUN S.77°21'20"W. FOR A DISTANCE OF 19.54 FEET;
70. THENCE RUN N.72°22'06"W. FOR A DISTANCE OF 24.27 FEET;
71. THENCE RUN S.60°33'03"W. FOR A DISTANCE OF 36.82 FEET;
72. THENCE RUN S.51°52'41"W. FOR A DISTANCE OF 25.98 FEET;
73. THENCE RUN S.55°25'15"W. FOR A DISTANCE OF 105.88 FEET;
74. THENCE RUN S.41°29'04"W. FOR A DISTANCE OF 17.67 FEET;
75. THENCE RUN S.44°35'57"W. FOR A DISTANCE OF 63.36 FEET;
76. THENCE RUN S.17°51'59"W. FOR A DISTANCE OF 64.26 FEET;
77. THENCE RUN S.09°10'03"W. FOR A DISTANCE OF 72.96 FEET;
78. THENCE RUN S.04°23'39"W. FOR A DISTANCE OF 26.59 FEET;
79. THENCE RUN S.04°50'52"E. FOR A DISTANCE OF 13.59 FEET;
80. THENCE RUN S.10°42'03"W. FOR A DISTANCE OF 28.99 FEET;
81. THENCE RUN S.11°57'24"W. FOR A DISTANCE OF 50.36 FEET;
82. THENCE RUN S.16°00'12"W. FOR A DISTANCE OF 33.43 FEET;
83. THENCE RUN S.19°03'59"W. FOR A DISTANCE OF 20.90 FEET;
84. THENCE RUN S.14°12'59"W. FOR A DISTANCE OF 28.58 FEET;
85. THENCE RUN S.11°40'12"W. FOR A DISTANCE OF 28.88 FEET;
86. THENCE RUN S.14°22'04"W. FOR A DISTANCE OF 24.31 FEET;
87. THENCE RUN S.22°28'18"W. FOR A DISTANCE OF 31.24 FEET;
88. THENCE RUN S.18°12'44"W. FOR A DISTANCE OF 36.03 FEET;
89. THENCE RUN S.14°07'55"W. FOR A DISTANCE OF 19.02 FEET;
90. THENCE RUN S.19°18'50"W. FOR A DISTANCE OF 16.08 FEET;
91. THENCE RUN S.19°07'38"W. FOR A DISTANCE OF 59.80 FEET;
92. THENCE RUN S.06°32'49"W. FOR A DISTANCE OF 53.56 FEET;
93. THENCE RUN S.22°49'39"W. FOR A DISTANCE OF 61.99 FEET;
94. THENCE RUN S.16°30'59"W. FOR A DISTANCE OF 30.36 FEET;
95. THENCE RUN S.20°49'04"W. FOR A DISTANCE OF 116.82 FEET;
96. THENCE RUN S.05°06'07"W. FOR A DISTANCE OF 18.58 FEET TO A POINT OF THE APPROXIMATE TOP OF BANK OF AN APPARENT MAN-MADE DITCH; THENCE RUN NORTHWESTERLY, ALONG SAID APPROXIMATE TOP OF BANK, THE FOLLOWING COURSES:

1. N.17°16'30"W. FOR A DISTANCE OF 22.73 FEET;
2. THENCE RUN N.47°23'44"W. FOR A DISTANCE OF 64.61 FEET;
3. THENCE RUN N.24°12'11"W. FOR A DISTANCE OF 91.43 FEET;
4. THENCE RUN N.03°48'12"W. FOR A DISTANCE OF 29.62 FEET;

5. THENCE RUN N.06°50'11"W. FOR A DISTANCE OF 34.61 FEET;
6. THENCE RUN N.08°54'45"W. FOR A DISTANCE OF 28.95 FEET;
7. THENCE RUN N.12°43'52"W. FOR A DISTANCE OF 39.18 FEET;
8. THENCE RUN N.28°20'46"W. FOR A DISTANCE OF 39.90 FEET;
9. THENCE RUN N.32°06'08"W. FOR A DISTANCE OF 30.67 FEET;
10. THENCE RUN N.45°59'51"W. FOR A DISTANCE OF 43.84 FEET;
11. THENCE RUN N.40°53'39"W. FOR A DISTANCE OF 33.01 FEET;
12. THENCE RUN N.53°48'26"W. FOR A DISTANCE OF 60.20 FEET;
13. THENCE RUN N.75°05'44"W. FOR A DISTANCE OF 54.64 FEET;
14. THENCE RUN N.71°07'07"W. FOR A DISTANCE OF 40.46 FEET;
15. THENCE RUN N.62°42'59"W. FOR A DISTANCE OF 34.22 FEET;
16. THENCE RUN N.66°57'30"W. FOR A DISTANCE OF 51.84 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN N.00°17'01"E., ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 1,177.03 FEET; THENCE RUN N.88°52'02"W., FOR A DISTANCE OF 1,200.01 FEET; THENCE RUN N.88°52'26"W., FOR A DISTANCE OF 1,289.95 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE RUN N.00°26'33"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,450.06 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE TO THE EAST, FROM WHICH THE RADIUS POINT BEARS N.89°26'15"E., A DISTANCE OF 68,704.96 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 68,704.96 FEET, THROUGH A CENTRAL ANGLE OF 00°05'37", SUBTENDED BY A CHORD OF 112.20 FEET AT A BEARING OF N.00°30'56"W., FOR A DISTANCE OF 112.20 FEET; THENCE RUN S.88°51'20"E., FOR A DISTANCE OF 1,322.57 FEET; THENCE RUN N.00°17'01"E., FOR A DISTANCE OF 1,314.76 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 1,182.295 ACRES, MORE OR LESS.

AND

DUKE HIGHWAY PARCEL 1

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST; THENCE RUN N.00°23'49"E., ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, FOR A DISTANCE OF 471.06 FEET; THENCE RUN S.89°23'44"W., FOR A DISTANCE OF 60.01 FEET TO A POINT THAT IS 60.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16 AND THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°23'44"W, FOR A DISTANCE OF 96.74 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF DUKE HIGHWAY; THENCE RUN N.20°29'19"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 11.60 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE TO THE SOUTHEAST; THENCE RUN NORTHEASTERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 310.00 FEET, THROUGH A CENTRAL ANGLE OF 30°07'05", SUBTENDED BY A CHORD OF 161.09 FEET AT A BEARING OF N.35°32'53"E., FOR A DISTANCE OF 162.95 FEET TO A POINT 60.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE RUN S.00°23'49"W.,

PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, FOR A DISTANCE OF 140.91 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 0.188 ACRE, MORE OR LESS.

AND

DUKE HIGHWAY PARCEL 2

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST; THENCE RUN N.89°50'47"W., ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, FOR A DISTANCE OF 297.43 FEET AND THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°50'47"W., ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, FOR A DISTANCE OF 134.38 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF DUKE HIGHWAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE TO THE NORTHWEST, FROM WHICH THE RADIUS POINT BEARS N.24°27'59"W., A DISTANCE OF 330.00 FEET THEREFROM; THENCE RUN NORTHEASTERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 24°24'48", SUBTENDED BY A CHORD OF 139.55 FEET AT A BEARING OF N.53°19'37"E., FOR A DISTANCE OF 140.61 FEET; THENCE RUN S.15°01'01"E., FOR A DISTANCE OF 86.67 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 0.113 ACRE, MORE OR LESS.

AND

DUKE HIGHWAY PARCEL 3

A PORTION OF GOVERNMENT LOT 1 OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°23'54"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20, FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DUKE HIGHWAY AS THE SAME IS SHOWN ON THE LEE COUNTY DEPARTMENT OF TRANSPORTATION AND ENGINEERING RIGHT-OF-WAY MAP FOR DUKE HIGHWAY, DATED MAY OF 1988; THENCE RUN N.89°40'34"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, PARALLEL WITH AND 30 FEET SOUTH OF THE NORTH LINE OF GOVERNMENT LOT 1 OF SAID SECTION 20, FOR A DISTANCE OF 330.00 FEET TO A POINT 330.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF GOVERNMENT LOT 1 OF SAID SECTION 20 AND THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.00°23'54"W., PARALLEL WITH THE EAST LINE OF GOVERNMENT LOT 1 OF SAID SECTION 20, FOR A DISTANCE OF 734.86 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CANAL 43; THENCE RUN S.77°07'55"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43, FOR A DISTANCE OF 213.42 FEET; THENCE RUN S.86°59'22"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE

OF SAID CANAL 43, FOR A DISTANCE OF 1,130.97 FEET TO A POINT 1666.69 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF GOVERNMENT LOT 1 OF SAID SECTION 20; THENCE RUN N.00°23'54"E., PARALLEL WITH THE EAST LINE OF GOVERNMENT LOT 1 OF SAID SECTION 20, FOR A DISTANCE OF 849.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID DUKE HIGHWAY; THENCE RUN S.89°40'34"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,336.69 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 24.781 ACRES, MORE OR LESS.

AND

DUKE HIGHWAY PARCEL 4

A PORTION OF GOVERNMENT LOT 1 AND THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, THE SAME BEING THE NORTHWEST CORNER OF GOVERNMENT LOT 1 OF SAID SECTION 20; THENCE RUN S.00°20'36"W., ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20 AND ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DUKE HIGHWAY AND **THE POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.89°40'34"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 839.08 FEET; THENCE RUN S.00°24'32"W. FOR A DISTANCE OF 859.27 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CANAL 43; THENCE RUN S.86°59'22"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43, FOR A DISTANCE OF 139.41 FEET; THENCE RUN S.56°48'56"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43, FOR A DISTANCE OF 672.60 FEET; THENCE RUN N.33°12'38"W. FOR A DISTANCE OF 250.08 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20 AND A POINT ON THE WEST LINE OF SAID GOVERNMENT LOT 1; THENCE RUN N.00°20'36"E., ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 20 AND ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, FOR A DISTANCE OF 1,030.23 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 19.922 ACRES, MORE OR LESS.

AND

WILLIAM'S ISLAND SOUTHEASTERLY PARCEL

A PORTION OF GOVERNMENT LOT 8 OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°29'40"W., ALONG THE QUARTER SECTION LINE OF SAID SECTION 19, FOR A DISTANCE OF 1,099.34 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CANAL 43, AND **THE POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.01°29'40"W., ALONG THE QUARTER SECTION LINE OF SAID SECTION 19, FOR A DISTANCE OF 223.42 FEET TO THE NORTHWEST CORNER OF

GOVERNMENT LOT 8 OF SAID SECTION 19; THENCE RUN S.88°17'40"E. ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 8, FOR A DISTANCE OF 509.98 FEET TO A POINT ON THE MEAN HIGH WATER OF THE OLD RIVER BED OF THE CALOOSAHATCHEE RIVER, HAVING AN ELEVATION 0.23' NAVD '88 (NORTH AMERICAN VERTICAL DATUM OF 1988), AS LOCATED OCTOBER OF 2007; THENCE RUN SOUTHERLY, ALONG SAID MEAN HIGH WATER LINE, FOR THE FOLLOWING COURSES:

1. S.07°39'58"E. FOR A DISTANCE OF 11.67 FEET;
2. THENCE RUN S.12°19'31"E. FOR A DISTANCE OF 34.29 FEET;
3. THENCE RUN S.09°37'41"E. FOR A DISTANCE OF 33.67 FEET;
4. THENCE RUN S.27°02'16"E. FOR A DISTANCE OF 41.73 FEET;
5. THENCE RUN S.38°09'18"E. FOR A DISTANCE OF 27.38 FEET;
6. THENCE RUN S.56°11'00"E. FOR A DISTANCE OF 16.78 FEET;
7. THENCE RUN S.47°30'40"E. FOR A DISTANCE OF 19.86 FEET;
8. THENCE RUN S.13°24'25"E. FOR A DISTANCE OF 26.45 FEET;
9. THENCE RUN S.26°21'44"W. FOR A DISTANCE OF 24.86 FEET;
10. THENCE RUN S.30°11'50"W. FOR A DISTANCE OF 22.95 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43; THENCE RUN N.88°02'20"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43, FOR A DISTANCE OF 566.78 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 2.817 ACRES, MORE OR LESS.

AND

WILLIAM'S ISLAND SOUTHWESTERLY PARCEL

A PORTION OF GOVERNMENT LOTS 6 AND 7 OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°29'40"W., ALONG THE QUARTER SECTION LINE OF SAID SECTION 19, FOR A DISTANCE OF 1,099.34 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CANAL 43; THENCE RUN N.88°02'20"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43, FOR A DISTANCE OF 300.55 FEET TO A POINT 300.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE QUARTER SECTION LINE OF SAID SECTION 19 AND THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.88°02'20"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43, FOR A DISTANCE OF 1,330.73 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE OLD RIVER BED OF THE CALOOSAHATCHEE RIVER HAVING AN ELEVATION 0.23' NAVD '88 (NORTH AMERICAN VERTICAL DATUM OF 1988), AS LOCATED OCTOBER OF 2007; THENCE RUN NORTHERLY AND EASTERLY ALONG SAID MEAN HIGH WATER LINE, FOR THE FOLLOWING COURSES:

1. N.15°58'10"W. FOR A DISTANCE OF 7.94 FEET;
2. THENCE RUN N.01°41'18"E. FOR A DISTANCE OF 17.89 FEET;
3. THENCE RUN N.40°32'22"E. FOR A DISTANCE OF 23.76 FEET;
4. THENCE RUN N.44°09'58"E. FOR A DISTANCE OF 26.63 FEET;
5. THENCE RUN N.08°49'38"E. FOR A DISTANCE OF 28.89 FEET;
6. THENCE RUN N.27°15'31"E. FOR A DISTANCE OF 28.33 FEET;
7. THENCE RUN N.43°36'36"E. FOR A DISTANCE OF 29.66 FEET;

8. THENCE RUN N.29°49'37"E. FOR A DISTANCE OF 29.29 FEET;
9. THENCE RUN N.23°56'50"E. FOR A DISTANCE OF 32.05 FEET;
10. THENCE RUN N.14°54'49"E. FOR A DISTANCE OF 20.81 FEET;
11. THENCE RUN N.48°43'12"E. FOR A DISTANCE OF 47.25 FEET;
12. THENCE RUN N.58°40'27"E. FOR A DISTANCE OF 18.60 FEET;
13. THENCE RUN N.76°41'42"E. FOR A DISTANCE OF 66.72 FEET;
14. THENCE RUN S.50°31'58"E. FOR A DISTANCE OF 26.11 FEET;
15. THENCE RUN S.51°14'01"E. FOR A DISTANCE OF 24.09 FEET;
16. THENCE RUN S.47°38'56"E. FOR A DISTANCE OF 26.92 FEET;
17. THENCE RUN S.54°53'49"E. FOR A DISTANCE OF 19.34 FEET;
18. THENCE RUN N.85°21'54"E. FOR A DISTANCE OF 16.74 FEET;
19. THENCE RUN N.74°00'57"E. FOR A DISTANCE OF 48.02 FEET;
20. THENCE RUN N.61°51'01"E. FOR A DISTANCE OF 72.57 FEET;
21. THENCE RUN S.55°38'59"E. FOR A DISTANCE OF 77.54 FEET;
22. THENCE RUN S.59°31'52"E. FOR A DISTANCE OF 33.99 FEET;
23. THENCE RUN N.76°03'42"E. FOR A DISTANCE OF 27.37 FEET;
24. THENCE RUN N.87°50'27"E. FOR A DISTANCE OF 36.13 FEET;
25. THENCE RUN N.36°05'12"E. FOR A DISTANCE OF 50.66 FEET;
26. THENCE RUN N.88°36'39"E. FOR A DISTANCE OF 35.39 FEET;
27. THENCE RUN N.70°21'57"E. FOR A DISTANCE OF 49.72 FEET;
28. THENCE RUN N.26°55'40"E. FOR A DISTANCE OF 17.31 FEET;
29. THENCE RUN N.70°37'41"E. FOR A DISTANCE OF 39.73 FEET;
30. THENCE RUN N.80°02'38"E. FOR A DISTANCE OF 28.96 FEET;
31. THENCE RUN N.79°21'36"E. FOR A DISTANCE OF 26.29 FEET;
32. THENCE RUN N.60°35'14"E. FOR A DISTANCE OF 56.67 FEET;
33. THENCE RUN N.55°05'27"E. FOR A DISTANCE OF 20.76 FEET;
34. THENCE RUN N.23°52'13"E. FOR A DISTANCE OF 23.90 FEET;
35. THENCE RUN N.26°22'36"E. FOR A DISTANCE OF 27.78 FEET;
36. THENCE RUN N.11°17'15"E. FOR A DISTANCE OF 32.93 FEET;
37. THENCE RUN N.40°12'30"E. FOR A DISTANCE OF 44.39 FEET;
38. THENCE RUN N.55°04'30"E. FOR A DISTANCE OF 42.13 FEET;
39. THENCE RUN N.64°29'28"E. FOR A DISTANCE OF 61.62 FEET;
40. THENCE RUN S.83°16'04"E. FOR A DISTANCE OF 28.59 FEET;
41. THENCE RUN N.64°50'23"E. FOR A DISTANCE OF 33.85 FEET;
42. THENCE RUN N.78°22'01"E. FOR A DISTANCE OF 82.47 FEET;
43. THENCE RUN N.75°43'09"E. FOR A DISTANCE OF 37.09 FEET;
44. THENCE RUN N.60°31'22"E. FOR A DISTANCE OF 39.83 FEET;
45. THENCE RUN N.63°16'34"E. FOR A DISTANCE OF 62.80 FEET;
46. THENCE RUN N.49°25'12"E. FOR A DISTANCE OF 57.39 FEET TO A POINT ON A LINE LOCATED 300.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 19;

THENCE RUN S.01°29'40"E., PARALLEL WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 19, FOR A DISTANCE OF 671.77 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 10.766 ACRES, MORE OR LESS.

AND

WILLIAM'S ISLAND NORTHERLY PARCEL

A PORTION OF GOVERNMENT LOT 6 OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.01°29'40"W., ALONG THE QUARTER SECTION LINE OF SAID SECTION 19, FOR A DISTANCE OF 1,099.34 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CANAL 43; THENCE RUN N.88°02'20"W., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL 43, FOR A DISTANCE OF 300.55 FEET TO A POINT 300.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE QUARTER SECTION LINE OF SAID SECTION 19; THENCE RUN N.01°29'40"W., PARALLEL WITH THE QUARTER SECTION LINE OF SAID SECTION 19, FOR A DISTANCE OF 1,626.16 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE OLD RIVER BED OF THE CALOOSAHATCHEE RIVER HAVING ELEVATION 0.23' NAVD '88 (NORTH AMERICAN DATUM 1988) AND THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN, ALONG SAID MEAN HIGH WATER LINE, FOR THE FOLLOWING COURSES:

1. S.67°11'49"W. FOR A DISTANCE OF 8.19 FEET;
2. THENCE RUN N.81°04'31"W. FOR A DISTANCE OF 36.37 FEET;
3. THENCE RUN N.72°22'16"W. FOR A DISTANCE OF 53.77 FEET;
4. THENCE RUN S.70°43'07"W. FOR A DISTANCE OF 32.56 FEET;
5. THENCE RUN S.68°12'27"W. FOR A DISTANCE OF 32.86 FEET;
6. THENCE RUN S.58°28'14"W. FOR A DISTANCE OF 73.97 FEET;
7. THENCE RUN S.67°31'54"W. FOR A DISTANCE OF 54.34 FEET;
8. THENCE RUN S.55°31'31"W. FOR A DISTANCE OF 29.18 FEET;
9. THENCE RUN S.60°37'55"W. FOR A DISTANCE OF 30.71 FEET;
10. THENCE RUN S.44°55'12"W. FOR A DISTANCE OF 77.54 FEET;
11. THENCE RUN S.34°30'17"W. FOR A DISTANCE OF 33.61 FEET;
12. THENCE RUN S.41°10'53"W. FOR A DISTANCE OF 46.49 FEET;
13. THENCE RUN S.54°19'31"W. FOR A DISTANCE OF 20.40 FEET;
14. THENCE RUN S.23°28'13"W. FOR A DISTANCE OF 48.08 FEET;
15. THENCE RUN S.61°28'41"W. FOR A DISTANCE OF 43.49 FEET;
16. THENCE RUN S.41°15'42"W. FOR A DISTANCE OF 32.21 FEET;
17. THENCE RUN S.34°58'19"W. FOR A DISTANCE OF 33.67 FEET;
18. THENCE RUN S.39°45'05"W. FOR A DISTANCE OF 55.04 FEET;
19. THENCE RUN S.40°43'08"W. FOR A DISTANCE OF 42.99 FEET;
20. THENCE RUN N.33°38'57"E. FOR A DISTANCE OF 44.00 FEET;
21. THENCE RUN N.31°33'27"E. FOR A DISTANCE OF 35.62 FEET;
22. THENCE RUN N.46°33'15"E. FOR A DISTANCE OF 21.41 FEET;
23. THENCE RUN N.33°23'31"E. FOR A DISTANCE OF 33.52 FEET;
24. THENCE RUN N.53°54'14"E. FOR A DISTANCE OF 32.46 FEET;
25. THENCE RUN N.45°16'00"E. FOR A DISTANCE OF 43.47 FEET;
26. THENCE RUN N.35°54'23"E. FOR A DISTANCE OF 41.10 FEET;
27. THENCE RUN N.52°22'04"E. FOR A DISTANCE OF 21.42 FEET;
28. THENCE RUN N.42°11'29"E. FOR A DISTANCE OF 46.78 FEET;
29. THENCE RUN N.32°18'28"E. FOR A DISTANCE OF 34.55 FEET;
30. THENCE RUN N.48°07'11"E. FOR A DISTANCE OF 37.55 FEET;
31. THENCE RUN N.38°39'40"E. FOR A DISTANCE OF 41.16 FEET;
32. THENCE RUN N.59°11'18"E. FOR A DISTANCE OF 30.98 FEET;
33. THENCE RUN N.55°06'41"E. FOR A DISTANCE OF 29.72 FEET;

34. THENCE RUN N.67°08'56"E. FOR A DISTANCE OF 35.19 FEET;
35. THENCE RUN N.57°57'46"E. FOR A DISTANCE OF 21.91 FEET;
36. THENCE RUN N.64°50'06"E. FOR A DISTANCE OF 32.90 FEET;
37. THENCE RUN N.59°31'35"E. FOR A DISTANCE OF 39.36 FEET;
38. THENCE RUN N.65°02'10"E. FOR A DISTANCE OF 31.63 FEET;
39. THENCE RUN N.71°30'59"E. FOR A DISTANCE OF 36.32 FEET;
40. THENCE RUN N.82°00'53"E. FOR A DISTANCE OF 43.91 FEET;
41. THENCE RUN N.86°42'40"E. FOR A DISTANCE OF 43.63 FEET;
42. THENCE RUN S.82°50'54"E. FOR A DISTANCE OF 6.67 FEET TO A POINT 300.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 19;

THENCE RUN S.01°29'40"E., PARALLEL WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 19, FOR A DISTANCE OF 35.34 FEET TO THE **POINT OF BEGINNING**. PARCEL CONTAINS 0.160 ACRE, MORE OR LESS.

FLORIDA PUBLIC SERVICE COMMISSION
authorizes
North Ft. Myers Utility, Inc.
pursuant to
Certificate Number 247-S

to provide wastewater service in Lee County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations and Orders of this Commission in the territory described by the Orders of this Commission.

This authorization shall remain in force and effect until suspended, suspended, canceled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
8025	10/25/77	770709-S	Grandfather
11300	11/02/82	820278-S	Extension
12572	10/04/83	830316-S	Extension
15659	02/12/86	830362-S	Extension
19059	03/29/88	871306-SU	Extension
PSC-92-0537-FOF-SU	06/22/92	920037-SU	Amendment/Del Tura Plaza
PSC-92-0588-FOF-SU	06/30/92	920273-SU	Amendment/Forest Park
PSC-93-0971-FOF-SU	06/29/93	930289-SU	Amendment/Fountain View
PSC-93-1851-FOF-SU	12/30/93	931040-SU	Amendment/Northside Pavilion
PSC-93-1821-FOF-WS	12/22/93	930373-SU	Amendment/Laurel Estates/ Lake Arrowhead
PSC-94-0450-FOF-SU	04/14/94	931164-SU	Amendment/Carriage Village
PSC-94-0726-FOF-SU	06/13/94	930724-SU	Amendment/Lazy Days
PSC-95-0576-FOF-SU	05/09/95	940963-SU	Amendment/Tamiami Village
PSC-99-2444- AS-SU	12/14/99	981781-SU	Amendment/Buccaneer Estates
PSC-00-1892-PAA-SU	02/09/01	991494-SU	Transfer/Pine Lakes/Lake Fairways
PSC-01-0995-AS -WS	04/23/01	000277-WS	Amendment
PSC-02-0481-FOF-SU	04/08/02	011006-SU	Amendment Addition
PSC-04-1218-FOF-SU	12/09/04	040818-SU	Amendment deletion/Judd
PSC-06-0055-PAA-SU	01/23/06	050323-SU	Transfer/Heron's Glen
PSC-07-0419-PAA-SU	05/14/07	060698-WU	Transfer Del Tura
PSC-08-0539-FOF-SU	08/18/08	080179-SU	Amendment
*	*	080574-SU	Amendment

* Order Number and date to be provided at time of issuance