

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application for approval of transfer of Tamiami Village Water Company, Inc.'s water system and Certificate No. 388-W in Lee County to Ni Florida, LLC.

DOCKET NO. 080183-WU
ORDER NO. PSC-09-0832-FOF-WU
ISSUED: December 21, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT

ORDER CORRECTING LEGAL DISCRPTION

BY THE COMMISSION:

BACKGROUND

Tamiami Village Water Company, Inc. (Tamiami or Utility) is a Class C utility providing water service to the mobile home park community of Tamiami Village and two adjacent shopping centers in Lee County. Tamiami purchases bulk water services from Lee County, which it delivers to its customers through a distribution system owned and operated by Tamiami. North Fort Myers Utility, Inc. provides wastewater service. Tamiami Utility Company (TUC), the original utility owner, was granted Certificate No. 388-W in 1983.¹ Subsequently, there were two transfers² prior to the transfer in this docket, and an amendment.³

On March 31, 2008, Tamiami and Ni Florida, LLC (Ni Florida) filed a joint application in this docket for the transfer of Tamiami's water distribution facilities, territory, and certificate to Ni Florida. We approved the transfer in Order No. PSC-08-0621-FOF-WU, issued September 24, 2008. By Order No. PSC-09-0260-PAA-WU, issued April 27, 2009, we established rate base for the Tamiami water system.

¹ Order No. 11734, issued March 18, 1983, in Docket No. 820183-WS (MC), In Re: Application of Tamiami Utility Company for an original certificate to operate a water and sewer utility in Lee County, Florida.

² Order No. 21421, issued June 20, 1989, in Docket No. 890127-WS, In Re: Joint application for transfer of Certificates Nos. 388-W and 332-S from Tamiami Utility Company in Lee County to Tamiami Village Utility, Inc.; Order No. PSC-95-1441-FOF-WU, issued November 28, 1995, in Docket No. 950015-WU, In Re: Application for transfer of Certificate No. 388-W in Lee County from Tamiami Village Utility, Inc.; and for a limited proceeding to increase rates to recover increased operation and maintenance expenses as a result of pending transfer by Tamiami Village Water Company, Inc.

³ Order No. 22449, issued January 23, 1990, in Docket No. 891148-WS, In Re: Application of Tamiami Village Utility, Inc. for amendment of Certificates 388-W and 332-S in Lee County.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLEAR

In our order approving the transfer in this docket, we required that Ni Florida file an updated territory map showing its authorized service territory and the location of existing customers. After reviewing Ni Florida's updated territory map, we discovered a number of discrepancies between the territory reflected on the map and the legal descriptions attached to Order Nos. 11734, 21421, and PSC-95-1441-FOF-WU.

This order addresses territory corrections to our prior orders. We have jurisdiction to consider this matter pursuant to Section 367.045, Florida Statutes.

DECISION

By Order No. PSC-08-0621-FOF-WU, we required that Ni Florida file an updated territory map showing its authorized service territory and the location of existing customers. The final version of the map was filed on July 9, 2009. We compared Ni Florida's updated territory map with our prior orders and docket materials. The discrepancies between Ni Florida's service territory, as shown on Ni Florida's map and service territory reflected in our orders are the result of a series of incorrect legal descriptions attached to Order Nos. 11734, 21421, and PSC-95-1441-FOF-WU.

In the filing for original certificates in Docket No. 820183-WS (MC), the applicant, TUC, provided a metes and bounds legal description for the territory it was seeking to serve. (Exhibit 1) The legal description, map, and docket material indicate that the territory being requested was for the platted mobile home park known as Leisure Village, now known as Tamiami Village. There were no indications that we had any problems with the metes and bounds description provided by the applicant. Nonetheless, attached to the resulting Order No. 11734 was a township, range, and section (TRS) legal description. (Exhibit 2) It is not clear from reviewing the docket file whether our staff drafted the TRS legal description on its own or requested that TUC provide such description. In either event, the TRS legal description attached to Order No. 11734 does not represent the metes and bounds legal description for the Leisure Village Mobile Home Park as originally requested by TUC. Instead, it describes an unrelated area to the southeast of the mobile home park.

In Order No. 21421, we approved the transfer of the utility facilities from TUC to Tamiami Village Utility, Inc. (TVUI). This was the first of three transfers, including this docket. The legal description attached to Order No. 21421 reflected the land under TVUI's treatment facilities, instead of TVUI's approved service territory. (Exhibit 3) Rule 25-30.037(1)(q), Florida Administrative Code, requires evidence that the buyer has ownership of the land under the utility's treatment plants. It appears that the error in the legal description occurred when we mistakenly used the legal description for the land under the treatment plants instead of the legal description for the service territory.

In Order No. 22449, we approved an extension of territory for TVUI to serve two commercial lots adjacent to Tamiami Village. The legal description attached to Order No. 22449 correctly reflects the requested territory extension for the two commercial lots. (Exhibit 4)

In Order No. PSC-95-1441-FOF-WU, we approved the transfer of water service from TVUI to Tamiami. However, the legal description attached to that order used the extension of territory provided in Order No. 22449 along with the legal description provided in the prior transfer in Order No. 21421 which, as noted above, incorrectly reflected the land under the treatment facilities instead of the utility's service territory. (Exhibit 5)

During our review of the transfer from Tamiami to Ni Florida in this docket, there appeared to be a discrepancy between the legal descriptions contained in our prior orders and the territory being served. However, a detailed territory map was not available to resolve the issue. Ni Florida asked that it be allowed a period of time to have the territory map reconstructed. In the meantime, we relied on the territory authorized in prior orders with the requirements that Ni Florida provide a detailed territory map and that the docket remain open until this map could be reviewed.

Based upon the review of the territory map and additional information provided by Ni Florida, we have verified that Ni Florida is currently serving the Leisure Village Mobile Home Park and the commercial properties added in Order No. 22449. We find that this was the territory that we intended to be authorized for the service territory. Attachment A is a corrected legal description which includes the Leisure Village Mobile Home Park and the commercial properties added in Order No. 22449. We find that the approved Attachment A is the authorized service territory for Ni Florida and that this order shall serve as Ni Florida's water certificate.

Since Ni Florida is already serving the territory in Attachment A, we believe that customers will only be confused by a notice of a corrected legal description. Additionally, we do not find that a show cause issue is warranted because Ni Florida, and its predecessors, were only serving the areas included in its original certificate application and the subsequent extension of territory in Order No. 22449. There does not appear to have been any attempt on the part of Ni Florida, or its predecessors, to deliberately serve territory different from that authorized by our prior orders. Rather, the errors appear to be the result of our failure to correctly identify and resolve problems with the legal descriptions in prior dockets.

In conclusion, we find that the corrected legal description shown in Attachment A is hereby approved as the territory that Ni Florida, LLC is authorized to serve. This order shall serve as Certificate No. 388-W and shall be retained by Ni Florida.

Based on the foregoing, it is

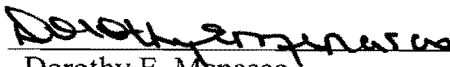
ORDERED by the Florida Public Service Commission that we find that the corrected legal description shown in Attachment A is hereby approved as the territory that Ni Florida, LLC is authorized to serve. It is further

ORDERED that this order shall serve as Certificate No. 388-W and shall be retained by Ni Florida. It is further

ORDERED that since no further actions are required, the docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of December, 2009.

ANN COLE
Commission Clerk

By: 
Dorothy E. Menasco
Chief Deputy Commission Clerk

(S E A L)

CMK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 shall 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, 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.

**Ni Florida, LLC
Corrected Water Service Territory
Lee County**

Township 43 South, Range 24 East

Section 27

Parcel One: A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, which is described as follows: From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S.89°53'40"E. along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1,877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly line (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road No. 45) and the POINT OF BEGINNING; thence N.05°56'20"E. along said prolongation for 348.19 feet; thence S.84°03'40"E. for 290.00 feet; thence S.05°56'20"W. along the Westerly right-of-way (100.00 feet from center line) of said Tamiami Trail for 208.00 feet to a point of curvature of a curve to the left (radius 5,829.58 feet, Delta Angle 01°05'08"); thence Southwesterly along the arc of said curve for 110.46 feet; thence N.89°53'40"W. along said North right of way of Littleton Road for 292.55 feet to the POINT OF BEGINNING. Containing 2.220 acres more or less.

Parcel Two: A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, which is described as follows: From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S.89°53'40"E. along the North right-of-way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1,877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly right of way (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road 45); thence N.05°56'20"E. along said prolongation for 348.19 feet to the POINT OF BEGINNING; thence continue N.05°56'20"E. along said prolongation for 371.45 feet; thence S.89°53'40"E. along the Southerly line of an 80.00 feet wide parcel II land as recorded in O.R.B. 1687, page 1106 for 291.50 feet; thence S.05°56'20"W. along said Westerly right-of-way (100.00 feet from center line) of said Tamiami Trail for 401.00 feet; thence N.84°03'40"W. for 290.00 feet to the POINT OF BEGINNING. Containing 2.572 acres more or less.

Parcel Three: A tract or parcel of land in the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, which is described as follows: From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S.89°53'40"E. along the North right-of-way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1,877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly right of way (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road 45); thence N.05°56'20"E. along said prolongation for 800.41 feet to the POINT OF BEGINNING; thence continue N.05°56'20"E. along said prolongation for 1,206.73 feet to the northerly boundary of

lands formerly conveyed to Windmill Villages of America; thence run N.89°34'20"E. along said northerly boundary for 286.66 feet to the intersection with the curved westerly line (100.00 feet from center line) of the Tamiami Trail (State Road No. 45); thence run southwesterly along said westerly line, along the arc of a curve to the right of radius 5,597.58 feet (chord bearing S.04°42'50"W.) for 239.22 feet to a point of tangency; thence run S.05°56'20"W. for 969.83 feet; thence run N.89°53'40"W. for 291.50 feet to the POINT OF BEGINNING. Containing 7.922 acres more or less.

Township 43 South, Range 24 East

Sections 27 and 28

A tract or parcel of land in Sections 27 and 28, Township 43 South, Range 24 East, encompassing Leisure Village, a Mobile Home Park, as recorded in Condominium Plat Book 3, pages 60 through 76 of the Lee County, Florida Public Records, which is described as follows:

Commencing at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East; run S.89°53'50"E. 25.00 feet; thence N.0°19'10"W. 172.35 feet to the POINT OF BEGINNING, the last course being 25 feet perpendicular and parallel to the West line of said Section; thence continue N.0°19'10"W. 2,144.47 feet, said course being 25 feet to the West line of Section 27; thence N.89°33'50"E. 575.0 feet, thence S.0°18'50"E. 169.78 feet, thence N.89°41'30"E. 600.0 feet; thence S.0°19'10"E. 243.90 feet; thence N.89°33'50"E. 1,129.35 feet to a point in the curve concave to the Southwest, being the Westerly right-of-way line of U.S. 41; thence following the curvature thereof in the Southeasterly direction following along the Westerly right-of-way line of U.S. 41, said curve having a central angle of 12°35'40", a radius of 5,597.58 feet, a chord of 1,227.95 feet, and arc of 1,229.99 feet, and a distance of 1,229.99 feet to a point lying on said curve, on Westerly right-of-way line of U.S. 41; thence S.89°33'50"W. 899.33 feet; thence S.05°55'50"W. 518.77 feet to a point.; thence N.89°53'40"W. 1,401.01 feet to the POINT OF BEGINNING.

Also

The Northeast 1/4 of the Southeast 1/4 of said Section 28, Township 43 South, Range 24 East. Subject to a 100 foot easement along the Easterly line of said Property.

FLORIDA PUBLIC SERVICE COMMISSION

Authorizes

**Ni Florida, LLC
Pursuant to
Certificate Number 388-W**

to provide water 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 superseded, suspended, cancelled or revoked by Order of this Commission.

Order Number	Date Issued	Docket Number	Filing Type
11734	03/18/83	820183-WS (MC)	Original Certificate
21421	06/20/89	890127-WS	Transfer of Certificate
21421-A	08/09/89	890127-WS	Correction
22449	01/23/90	891148-WS	Amendment
PSC-95-1441-FOF-WU	11/28/95	950015-WU	Transfer
PSC-08-0621-FOF-WU	09/24/08	080183-WU	Transfer
PSC-09-0832-FOF-WU	12/21/09	080183-WU	Territory Correction

Exhibit 1

**Tamiami Utility Company
Original Water and Wastewater Territory
Lee County, Florida
(as requested in Docket No. 820183-WS)**

**Township 43 South, Range 24 East
Sections 27 and 28**

Tract or Parcel of land in the West 1/2 of Section 27, and the Northeast 1/4 of the Southeast 1/4 of Section 28, Township 43 South, Range 24 East, Lee County, Florida and in Leisure Village, a Mobile Home Park as recorded in Condominium Plat Book 3, pages 60 thru 76 of the Lee County, Florida Public Records which is described as follows: From the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section; thence North 89°48'29" East along the South line of said fraction for 25.0 feet; thence North 0°19'10" West parallel with the West line of said Section for 172.45 feet to the Point of Beginning; thence [sic] continue North 0°19'10" West for 2,144.48 feet; thence North 89°33'50" East for 575.62 feet; thence South 0°18'50" East for 169.78 feet; thence North 89°41'30" East for 600 feet; thence South 0°19'10" East for 243.90 feet; thence North 89°33'50" East for 1,129.39 feet to a curve concave westerly, having a radius of 5,597.58 feet and a chord bearing of South 02°48'30" East; thence Southeasterly along the arc of said curve and the Westerly right of way (100 feet from centerline) of U. S. 41 (Tamiami Trail) for 1,230.81 feet; thence South 89°34'20" West for 900.34 feet; thence South 05°56'20" West for 518.77 feet; thence North 89°53'40" West for 1,401.48 feet to the Point of Beginning.

Also together with the Northeast 1/4 of the Southeast 1/4 of said Section 28, Township 43 South, Range 24 East. Subject to a 100 Ft. wide Florida Power & Light transmission line easement over the Easterly 100 Ft. and a 25 Ft. wide Florida Department of Transportation drainage easement over the Easterly 25.0 feet; containing 91.88 acres more or less. Subject to other easements, restrictions and reservations of record.

Exhibit 2

**Tamiami Utility Company
Original Water and Wastewater Territory
Lee County, Florida
(as authorized in Order No. 11734)**

Township 43 South, Range 24 East (corrected for scrivener errors)

Section 27

The South 900 feet of the West 1400 feet of the East 1/2 of said Section 27 and the South 1/2 of said Section 27, West of U. S. Highway 45, less the South 500 feet of the West 1700 feet, and the South 800 feet of the East 600 feet of the West 2300 feet thereof:

Section 28

The Northeast 1/4 of the Southeast 1/4 of said Section 28.

**Tamiami Village Utility Company, Inc.
Water and Wastewater Territory
Lee County, Florida
as authorized in Order No. 21421**

**Township 43 South, Range 24 East
Section 27**

Tract or Parcel of land in the South Half (S 1/2) of the Northwest Quarter (NW 1/4) and in the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of Section 27, Township 43 South, Range 24 East, Lee County, Florida and in Leisure Village, a Mobile Home Park as recorded in Condominium Plat Book 3, pages 60 through 76 of the Lee County, Florida Public Records which is described as follows: From the Southwest corner of said North Half (N 1/2) of the Southwest Quarters (SW 1/4) ; thence North 89 degrees 48 minutes 29 seconds East along the South line of said fraction for 25.0 feet; thence North 0 degrees 19 minutes 10 seconds West parallel with the West line of said Section for 1932.92 feet to the Point of Beginning; thence continue North 0 degrees 19 minutes 10 seconds West for 378.77 feet; thence North 89 degrees 33 minutes 50 seconds East for 575.62 feet; thence South 0 degrees 18 minutes 50 seconds East for 169.78 feet; thence South 0 degrees 26 minutes 10 seconds East for 209.19 feet; thence South 89 degrees 33 minutes 50 seconds West for 576.03 feet to the Point of Beginning.

Subject to easements, restrictions and reservation of record. Bearings based upon Plat of Tamiami Village, Unit 1, Plat Book 33, page 100, of the Public Records of Lee County, Florida.

**Tamiami Village Utility Company, Inc.
Water and Wastewater Territory
Lee County, Florida
as authorized in Order No. 22449**

Sun Bank/S.W. Florida, N.A.

**Township 43 South, Range 24 East
Section 27**

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County, Florida, which is described as follows:

From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S.89°53'40"E. along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly line (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road No. 45) and the Point of Beginning. Thence N.05°56'20"E. along said prolongation for 348.19 feet; thence S.84°03'40"E. for 290.00 feet; thence S.05°56'20"W. along the Westerly right of way (100.00 feet from center line) of said Tamiami Trail for 208.00 feet to a point of curvature of a curve to the left (radius 5829.58 feet, Delta Angle 01°05'08"); thence Southwesterly along the arc of said curve for 110.46 feet; thence N.89°53'40"W. along said North right of way of Littleton Road for 292.55 feet to the Point of Beginning. Containing 2.220 acres more or less.

Tamiami Plaza

**Township 43 South, Range 24 East
Section 27**

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County, Florida, which is described as follows: From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of Said Section for 25.0 feet; thence S.89°53'40"E. along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly right of way (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road No. 45); thence N.05°56'20"E. along said prolongation for 348.19 feet to the Point of Beginning. Thence continue N.05°56'20"E. along said prolongation for 371.45 feet; thence S.89°53'40"E. along the Southerly line of an 80.00 feet wide parcel II land as recorded in O.R.B. 1687, page 1106 for 291.50 feet; thence S.05°56'20"W. along said Westerly right of way (100 feet from center line) of said Tamiami Trail for 401.08 feet; thence N.89°03'40"W. for 290.00 feet to the Point of Beginning. Containing 2.572 acres more or less.

Tamiami Village Water Company, Inc.
Water and Wastewater Territory
Lee County, Florida
as authorized in Order No. PSC-95-1441-FOF-WS
and reauthorized in Order No. PSC-08-0621-FOF-WU

Township 43 South, Range 24 East

Section 27

The following described lands located in portions of Section 27, Township 43 S, Range 24 E, Lee County, Florida: Tract or Parcel of land in the South Half (S 1/2) of the Northwest Quarter (NW 1/4) and in the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of Section 27, Township 43 South, Range 24 East, Lee County, Florida and in Leisure Village, a Mobile Home Park as recorded in Condominium Plat Book 3, pages 60 through 76 of the Lee County, Florida Public Records which is described as follows: From the Southwest corner of said North Half (N 1/2) of the Southwest Quarters (SW 1/4); thence North 89 degrees 48 minutes 29 seconds East along the South line of said fraction for 25.0 feet; thence North 0 degrees 19 minutes 10 seconds West parallel with the West line of said Section for 1937.92 feet to the Point of Beginning; thence continue North 0 degrees 19 minutes 10 seconds West for 378.77 feet; thence North 89 degrees 33 minutes 50 seconds East for 575.62 feet; thence South 0 degrees 18 minutes 50 seconds East for 169.78 feet; thence South 0 degrees 26 minutes 10 seconds East for 209.19 feet; thence South 89 degrees 33 minutes 50 seconds West for 576.03 feet to the Point of Beginning. Subject to easements, restrictions and reservations of record.

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County Florida, which is described as follows: From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S. 89°53'40" E. along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly line (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road No. 45) and the Point of Beginning. Thence N. 05°56'20"E. along said prolongation for 348.19 feet; thence S. 84°03'40"E. for 290.00 feet; thence S.05°56'20"W. along the Westerly right of way (100.00 feet from center line) of said Tamiami Trail for 208.00 feet to a point of curvature of a curve to the left (radius 5829.58 feet, Delta Angle 01°05'08"); thence Southwesterly along the arc of said curve for 110.46 feet; thence N.89°53'40"W. along said North right of way of Littleton Road for 292.55 feet to the Point of Beginning. Containing 2.220 acres more or less.

A tract or parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 27, Township 43 South, Range 24 East, Lee County, Florida, which is described as follows: From the Southwest corner of said fraction of Section; thence N.0°19'10"W. along the West line of said Section for 25.0 feet; thence S.89°53'40"E. along the North right of way (25.0 feet from center line) of Littleton Road and parallel with the South line of said Section for 1877.70 feet to an intersection with a Southerly prolongation of a line parallel with and 290.00 feet (as measured on a perpendicular) from the Westerly right of way (S.05°56'20"W.) of the Tamiami Trail (U.S. 41, State Road 45); thence N.05°56'20"E. along said prolongation for 348.19 feet to the Point of Beginning. Thence continue N.05°56'20"E. along said prolongation for 371.45 feet; thence

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S.89°53'40"E. along the Southerly line of an 80.00 feet wide parcel II land as recorded in O.R.B. 1687, page 1106 for 291.50 feet; thence S.05°56'20"W. along said Westerly right of way (100.00 feet from the center line) of said Tamiami Trail for 401.00 feet; thence N.84°03'40"W. for 290.00 feet to the Point of Beginning. Containing 2.572 acres more or less.