

Marguerite McLean

090521-WS

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Tuesday, December 15, 2009 4:29 PM
To: Filings@psc.state.fl.us
Cc: Martin Friedman; Christian W. Marcelli; Trina Collins
Subject: Filing in Docket No.: 090521-WS; North Fort Myers Utility, Inc.'s Application for Amendment to Extend its Water and Wastewater Service Area in Charlotte County, Florida (McFNew Ranch)
Importance: High
Attachments: PSC Clerk 03 (NOF AOM Property Owner Notice - Exh H).ltr.pdf

- a. Martin S. Friedman, Esq.
Christian W. Marcelli, Esq.
Rose, Sundstrom & Bentley, LLP
Sanlando Center
2180 W. State Road 434, Suite 2118
Longwood, FL 32779
Phone: (407) 830-6331
Fax: (407) 830-8522
Email: mfriedman@rsbattorneys.com
- b. Docket No.: 090521-WS; North Fort Myers Utility, Inc.'s Application for Amendment to Extend its Water and Wastewater Service Area in Charlotte County, Florida (McNew Ranch) - Filing Notice of Filing Late Filed Exhibit "H" to its Application, which is the Affidavit of Mailing evidencing the Notice of Application has been mailed to each of the property owners in the proposed territory in accordance with Rule 25-30.030, Florida Administrative Code.
- c. North Fort Myers Utility, Inc.
- d. 5 Pages.
- e. Letter to Commission Clerk - 1 page; Notice of Filing Late Filed Exhibit "H" - 1 page; Affidavit of Mailing - 1 page; Notice of Application for an Extension of Water and Wastewater Service Area - 2 pages.

DOCUMENT NUMBER + DATE

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12/15/2009

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REPLY TO CENTRAL FLORIDA OFFICE

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MARTIN S. FRIEDMAN, P.A.
BRIDGET M. GRIMSLEY
CHRISTIAN W. MARCELLI
BRIAN J. STREET

December 15, 2009

VIA E-FILING

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-08500

RE: Docket No.: 090521-WS; North Fort Myers Utility, Inc.'s Application for Amendment to Extend its Water and Wastewater Service Area in Charlotte County, Florida
Our File No.: 16319.78

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Late Filed Exhibit "H" to North Fort Myers Utility, Inc.'s Application, which is the Affidavit of Mailing evidencing the Notice of Application has been mailed to each of the property owners in the proposed territory in accordance with Rule 25-30.030, Florida Administrative Code.

Should you have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/tlc
Enclosures

cc: Dr. Joel Schenkman (w/o enclosures)
Dr. Michael Schenkman (w/o enclosures)
A.A. Reeves, III, Utility Manager (w/enclosures)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of)
NORTH FORT MYERS UTILITY, INC.)
for extension of water and wastewater)
service in Charlotte County, Florida.)
_____)

Docket No. 090521-WS

NOTICE OF FILING LATE FILED EXHIBIT "H"

Applicant, NORTH FORT MYERS UTILITY, INC. ("NFMU"), by and through its undersigned attorneys and pursuant to the applicable Florida Statutes and Florida Administrative Code, hereby gives notice of filing Late Filed Exhibit "H" to its Application filed in the above-referenced Docket, which is the Affidavit of Mailing evidencing the Notice of Application has been mailed to each of the property owners in the proposed territory in accordance with Rule 25-30.030, Florida Administrative Code.

Respectfully submitted on this 15th day
of December, 2009, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2180 W. State Road 434, Suite 2118
Longwood, Florida 32779
PHONE: (407) 830-6331
FAX: (407) 830-8522
mfriedman@rsbattorneys.com

By:


MARTIN S. FRIEDMAN

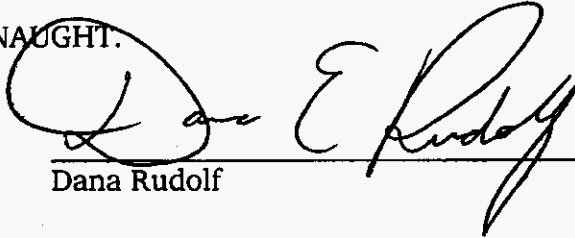
AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF SEMINOLE

BEFORE ME, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared DANA RUDOLF, who, after being duly sworn on oath, did depose on oath and say that she is the secretary of Martin S. Friedman, attorney for North Fort Myers Utility, Inc., and that on December 9, 2009, she did send by regular U.S. mail, a copy of the notice attached hereto to each of the property owners in the proposed territory.

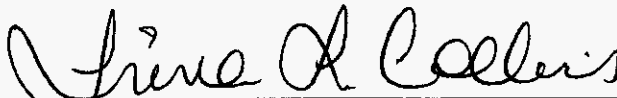
FURTHER AFFIANT SAYETH NAUGHT.



Dana Rudolf

Sworn to and subscribed before me this 15th day of December, 2009, by DANA RUDOLF, who is personally known to me.





NOTARY PUBLIC - STATE OF FLORIDA
Printed Name: Trina L. Collins
My Commission Expires: 3-4-12

EXHIBIT "H"

**NOTICE OF APPLICATION FOR AN EXTENSION
OF WATER AND WASTEWATER SERVICE AREA**

Notice is hereby given on this 9th day of December, 2009, pursuant to Section 367.045(2), Florida Statutes, of the Application of North Fort Myers Utility, Inc., and of its intent to apply to the Florida Public Service Commission for an extension of its service area to provide water and wastewater service to the property in Charlotte County, Florida, more particularly described as follows:

PARCEL 1: All that part of the South Half of the South Half of Section 32 lying east of Tamiami Trail; All of the South Half of the South Half of Section 33; and all that part of the South Half of the South Half of Section 34 lying west of the old Seaboard Air Line Railroad Right-of-Way; All in Township 42 South of Range 24 East; **EXCEPTING THEREFROM:** From the point of intersection of the South line of said Section 32 with the Easterly right-of-way line of the Tamiami Trail (State Road No. 45) run northwesterly along said right-of-way line 100 feet from the centerline for 57.5 feet to the point of beginning. From said point of beginning, continue Northwesterly along said right-of-way line for 234.5 feet; thence run Northeasterly, perpendicular to said right-of-way line for 710 feet; thence southeasterly parallel to said right-of way line for 637.8 feet to a point 50 feet, measured on a perpendicular, North of said South line of Section 32; thence run west parallel to said South Line for 816.6 feet to the point of beginning.

PARCEL 2: All that part of the North Half of the South Half of Section 32, lying East of Tamiami Trail; all of the North Half of the South Half of Section 33; and all that part of the North Half of the South Half of Section 34, lying West of the old Seaboard Air Line Railroad right-of-way and West of the Atlantic Coast Line Railroad right-of-way; all in Township 42 South of Range 24 East.

PARCEL 3: All that part of the North Half of the North Half and the North Half of the South Half of the North Half of Section 32 lying east of Tamiami Trail; all of the North Half of the North Half and the North Half of the South Half of the North Half of Section 33; and all that part of the North Half of the North Half and the North Half of the South Half of the North Half of Section 34 lying West of the Atlantic Coastline Railroad right-of-way; all in Township 42 South of Range 24 East.

PARCEL 4: All that part of the South Half of the South Half of the North Half of Section 32, lying East of Tamiami Trail; all of the South Half of the South Half of the North Half of Section 33; and all that part of the South Half of the South Half of the North Half of Section 34 lying West of the Atlantic Coastline Railroad right-of-way; all in Township 42 South of Range 24 East, **EXCEPT:** from a point of reference commence at the SE corner of the NW 1/4 of Section 32, Township 42, Range 24; from said point of reference run thence N 89°59'28" West, along the South boundary of said NW 1/4, 1425.41 ft. to an intersection with the Easterly right-of-way line of U.S. Highway #41 (State Rd 45), said point of intersection also being the point of beginning; From said point of beginning run thence north 30° 10' 36" W, along the Easterly right-of-way line of U.S. Highway #41, 514.89 ft. to a point; thence S. 89°59'28" E. 516.93 to a point; thence S. 0°0'32" W 445.07 feet to an intersection with the South boundary of said NW 1/4; thence N 89°59'28" W, along the South boundary of said NW 1/4, 258.04 feet to the point of beginning.

PARCEL 5: That part of the S 1/2 of the NW 1/4 of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida, more particularly described as follows: For a point of reference commence at the Southeast Corner of the NW 1/4 of said Section 32; from said point of reference run thence N 89°59'28" W along the South boundary of said NW 1/4 1425.41 feet to an intersection with the easterly right-of-way line of U.S. Highway #41 (State Road No. 45), said point of intersection also being the point of beginning of the lands hereby conveyed; from said point of beginning run thence N 30° 10' 36" W, along the easterly right-of-way of U.S. Highway 41, 514.89 feet to a point; thence S 89°59'28" E, 516.93 feet to a point; thence S 00°00'32" W 445.07 feet to an intersection with the South boundary of said NW 1/4; thence N 89°59'28" W, along the South boundary of said NW 1/4 , 258.04 feet to the point of beginning.

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LESS:

With the exception of the following described property:

Begin at SE corner of Section 32, Township 42 South, Range 24 East, Charlotte County, Florida, thence Northerly along the East line of said Section 32 for 992.07 feet; thence Westerly parallel to the South line of Said Section 32 for 2816.35 feet to the North-easterly right-of-way, 100 feet from center line of State Road 45 (US 41), thence Southeasterly along said right-of-way for 852.86 feet to the most Westerly corner of a parcel previously deeded; then Northeasterly, perpendicular to said right-of-way for 710.00 feet; then Southeasterly, parallel to said right-of-way for 637.8 feet to a point 50 feet, measured on a perpendicular north of south line of said Section 32, thence west parallel to said south line for 816.6 feet to said Northeasterly right of way, thence southerly along said right-of-way for 57.5 feet to the south line of said Section 32; thence easterly along said south line for 222.62 feet to the point of beginning.

PARCEL 6: All that part of Section 31, Township 42 South, Range 24 East lying East of State Road 45 R/W.

PARCEL 7: All that part of the E 1/2 of the Southeast 1/4 of Section 34, Township 42 South, Range 24 East, Charlotte County, Florida, lying southwest of the Seaboard Coast Line Railroad right-of-way, and east of the former Seaboard Air Line Railroad (Old Atlantic Coast Line Railroad) right-of-way.

PARCEL 8: That portion of the Southwest 1/4 of the Southwest 1/4 of Section 35, Township 42 South, Range 24 East, lying Southwesterly of the Seaboard Coastline Railroad right-of-way, Charlotte County, Florida.

PARCEL 9: A parcel of land lying in Section 34, Township 42 South, Range 24 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the South 1/2 of Section 22, Township 42 South, Range 24 East: thence N.89°56'59"W., along the North line of the South 1/2 of Section 22, Township 42 South, Range 24 East, a distance of 3045.31 feet to a point lying on the Northeasterly line of a 100' wide strip of land, formerly known as the Seaboard Air Line Railroad right-of-way and the Point of Beginning; thence S. 11°08'05"E., along said Northeasterly line, a distance of 13,655.13 feet to the South line of Section 34, Township 42 South, Range 24 East; thence N89°54'04"W. along the South line a distance of 101.83 feet; thence N.11°08'05"W. a distance of 15,086.56 feet to the North right-of-way line of Oil Well Road; thence S.89°49'01"E., along said North right-of-way line, a distance of 101.98 feet to said Northeasterly line of a 100' wide strip of land, formerly known as the Seaboard Airline Railroad right-of-way; thence S.11°08'05"E. along said line a distance of 1431.63 feet to the Point of Beginning.

LESS AND EXCEPT that portion of the above-described parcel lying North of the Southerly right-of-way line of Interstate Highway 75.

LESS AND EXCEPT that portion of the above described parcel lying in the Seaboard Coast Line Railroad right-of-way.

Any objections to the Application must be made in writing and filed with the Director, Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days from the date of this Notice, with a copy to Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, LLP, 2180 W. State Road 434, Suite 2118, Longwood, FL 32779. The objection must state the grounds for the objection with particularity.