

ADVENTIST
HEALTH SYSTEM
SUNBELT
HEALTHCARE CORPORATION

111 NORTH ORLANDO AVENUE

WINTER PARK, FL 32789-6855

407-647-4400

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
96 MAR 18 AM 9 38
MAIL ROOM

March 15, 1996

Division of Records & Reporting
ATTN: Travis Coker
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Pine Acres Water

960346-W4

Dear Mr. Coker:

In follow-up to correspondence received from the Public Service Commission, please find enclosed the Application for Transfer to Governmental Authority evidencing the transfer to the City of Avon Park the Pine Acres Water utility.

Sincerely,



T. L. Trimble
Vice President, Legal Services

TLT/mkt
i:\legal\counsel\lt60315.tc

Enclosure

cc: Rebecca Farrens (1)
Shari Hagopian (1)

DOCUMENT NUMBER-DATE

03193 MAR 18 96

FPSC-RECORDS/REPORTING

APPLICATION FOR TRANSFER TO GOVERNMENTAL AUTHORITY

(Pursuant to Section 367.071(4) (a), Florida Statutes)

TO: Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

The undersigned hereby makes application for the approval of the transfer of ALL (all or part) of the facilities operated under Water Certificate No. 465-W and/or Wastewater Certificate No. _____ located in HIGHLANDS County, Florida, and submits the following:

PART I APPLICANT INFORMATION

- A) The full name (as it appears on the certificate), address and telephone number of the seller (utility):

PINE ACRES WATER (Adventist Health System/Sunbelt Health Care Corporation)
Name of utility

(407) 975-1413 (407) 975-1414
Phone No. Fax No.

111 North Orlando Avenue, Winter Park, Florida 32789
Office street address

Winter Park FL 32789
City State Zip Code

Not Applicable
Mailing address if different from street address

Not Applicable
Internet address if applicable

- B) The name, address and telephone number of a representative of the utility to contact concerning this application:

T. L. Trimble (407) 975-1413
Name Phone No.

111 North Orlando Avenue
Street address

Winter Park FL 32789
City State Zip Code

C) The full name, address and telephone number of the governmental authority:

City of Avon Park
Name of utility
(941) 452-4400 (941) 452-4413
Phone No. Fax No.
110 East Main Street
Office street address
Avon Park FL 33825
City State Zip Code
Not Applicable
Mailing address if different from street address
Not Applicable
Internet address if applicable

D) The name, address and telephone number of a representative of the governmental authority to contact concerning this application:

Gordon R. Marshall, the Mayor (941) 452-4400
Name Phone No.
110 East Main Street
Street address
Avon Park FL 33825
City State Zip Code

PART II FINANCIAL INFORMATION

- (THERE IS NO EXHIBIT A).
- A) Exhibit B - A copy of the contract pursuant to Rules 25-30.037(4)(c) and (d), Florida Administrative Code.
- B) Exhibit B (Section Two) - A statement regarding the disposition of customer deposits and the accumulated interest thereon.
- C) Exhibit B - A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.

- D) Exhibit B _____ - A statement that the buyer (governmental authority) obtained from the utility or the Commission the utility's most recent available income and expense statement, balance sheet and statement of rate base for regulatory purposes and contributions-in-aid-of-construction.
- E) Indicate the date on which the buyer proposes to take official action to acquire the utility:

April 11, 1994

If only a portion of the utility's facilities is being transferred, a revised territory description and map of the utility's remaining territory must be provided, as discussed in PART III, below.

IF THE UTILITY'S ENTIRE FACILITIES ARE BEING TRANSFERRED, PLEASE DISREGARD PART III OF THIS APPLICATION FORM.

PART III CERTIFICATION

A) TERRITORY DESCRIPTION

Exhibit _____ - An accurate description of the utility's revised territory. If the water and wastewater territory is different, provide separate descriptions.

Note: Use the Survey of Public Lands method (township, range, section, and quarter section), if possible, or a metes and bounds description. Give the subdivision or project name. The description should **NOT** refer to land grants or plat books, but may use geographic boundaries (i.e., road right-of-ways, railroads, rivers, creeks, etc). The object is to make the description as brief, but as accurate as possible.

B) TERRITORY MAPS

Exhibit _____ - One copy of an official county tax assessment map or other map showing township, range and section with a scale such as 1"=200' or 1"=400' on which the remaining territory is plotted by use of metes and bounds or quarter sections and with a defined reference point of beginning. If the water and wastewater territory is different, provide separate maps.

EXHIBIT "B"
AGREEMENT FOR SALE OF
PUBLIC UTILITY ASSETS

Agreement made this _____ day of August, 1994, between Adventist Health System/Sunbelt Health Care Corporation, a corporation organized and existing under the laws of Florida, with its principal office located at 2400 Bedford Road, Orlando, Orange County, Florida 32803, herein referred to as seller, and the City of Avon Park, a Florida municipal corporation, herein referred to as buyer.

RECITALS

A. Seller is currently engaged in the production and sale of water within Highlands County and north of Avon Park, and buyer desires to acquire and administer all property of seller in order to expand its production and sales in that territory.

B. Buyer has deposited TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) with sellers representative, James L. Livingston, Esquire, as an earnest money deposit.

In consideration of the matters described above, and of the mutual benefits and obligations set forth in this agreement, the parties agree as follow:

SECTION ONE
TRANSFER OF ASSETS: CLOSING

Seller shall transfer to buyer its water tower, well and pump located on real property described in Exhibit "A" attached to this agreement and incorporated by reference, and as set out in this agreement. The closing of such sale is contingent upon and shall occur simultaneously with sale of real property pursuant to contract attached. Distribution system consisting of water lines described in plan of Pine Acres Water System dated July 8, 1993 and prepared by Halliwell Engineering Associates, Inc., shall be transferred to Buyer by Quit Claim Deed from Seller. No warranties are to be given to buyer as to condition or serviceability of the equipment, fixtures, improvements, or water distribution system as same are sold without warranty as to serviceability or functional capacity.

SECTION TWO
CONTRACT RIGHTS

Seller shall transfer to buyer all its rights in the executory contracts executed in the name of or assigned to seller as listed on Exhibit "C" attached to this agreement and incorporated by reference, and as set out in this agreement.

Seller shall, to the extent possible, transfer to buyer all insurance contracts and policies held by it. Buyer shall have the benefit to and the right to recover any payment under such contracts and policies for the remainder of the unexpired term of the contracts and policies.

Refer to
Resolution No. 57-93-94
DK 1267PG0906
33870

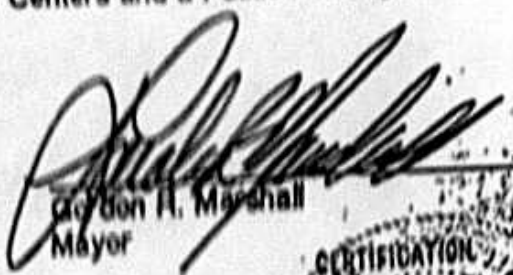
RESOLUTION NO. 57-93-94 DK 1267PG0906

RESOLUTION OF THE CITY OF AVON PARK AUTHORIZING
CONTRACT WITH WALKER MEMORIAL MEDICAL CENTERS
FOR THE PURCHASE OF PINE ACRES WATER COMPANY


WHEREAS, the City Council of the City of Avon Park agrees to enter into a contract to purchase the Pine Acres Water Company from the Walker Memorial Medical Centers at a total purchase price of \$70,000.00 to be paid in the following manner:

- 1. \$20,000.00 CASH FROM IMPACT FEES
- 2. \$16,700.00 PER YEAR REDUCTION IN WATER BILLS FOR THE HOSPITAL BUILDING ONLY FOR THREE YEARS
- 3. IT IS AGREED BY WALKER MEMORIAL MEDICAL CENTERS THAT THEY WILL DISCONNECT THE SECOND WELL, THAT IS LOCATED BY THE WALKER MEMORIAL HOSPITAL, FROM THE PINE ACRES WATER SYSTEM LINE
- 4. IT IS AGREED BY WALKER MEMORIAL MEDICAL CENTERS THAT WHEN THE CITY OF AVON PARK GETS READY TO EXTEND THE WATER LINES AND MAKE A LOOP IN THE WATER SYSTEM, THEY WILL GIVE THE CITY OF AVON PARK AN EASEMENT TO THAT PROPERTY

ALSO, BE IT RESOLVED, that Gordon R. Marshall, Mayor, is authorized to sign this contract with Walker Memorial Medical Centers and a Public Hearing Date be set to comply with Florida Statute 180.301.


Gordon R. Marshall
Mayor

ATTEST:


Virginia A. Henderson
City Manager

CERTIFICATION
I, Virginia A. Henderson, City Clerk of the City of Avon Park, Florida, do hereby certify this to be a true and correct copy of the record.
WITNESSETH my hand and official seal of the City of Avon Park, Florida, this 11th day of April, 1994.

Motion made by Mr. Randall, seconded by Mr. Phillipsey of

The vote was 7 for and 0 against, with 0 abstentions and 0 absent.

The Resolution was approved and adopted April 11, 1994, at a Regular Meeting of the City Council of the City of Avon Park, Fl. 33626.

SECTION THREE
SERVICE TO WALKER MEMORIAL HOSPITAL
AND RELATED FACILITIES

As part of the consideration for the sale herein set forth, Buyer shall, within _____ days after closing, connect its water main system to Walker Memorial Hospital (owned by Seller Adventist Health Systems/Sunbelt Health Care Corporation), such that the volume of water delivered to Walker Memorial Hospital is not less than 500 gallons per minute, and the pressure of water delivered to Walker Memorial Hospital is not less than 50 psi residual and 75 psi static.

SECTION FOUR
EXCEPTIONS

This agreement is made subject to ratification by the City Council of Avon Park and Seller's Directors pursuant to their respective articles of incorporation.

Ad Valorem taxes for 1994 shall be pro-rated as of date of closing and credited to the Buyer.

SECTION FIVE
PAYMENT BY BUYER/CONSIDERATION

Buyer, in consideration of all covenants and promises of seller recited in this document, shall pay to seller, on closing, _____.

SECTION SIX
APPROVAL OF AGREEMENT

This agreement shall become effective on approval by the Department of Environmental Protection of the State of Florida.

In Witness Whereof, the parties have executed this agreement at Avon Park, Florida, the day and year first above written.

Date: July 28, 1994

Adventist Health Systems/Sunbelt Health
Care Corporation, Seller
BY:

Mardian J. Blair
Printed Name: Mardian J. Blair, President
Title: _____



Date: July 14, 1994

City of Avon Park Buyer
BY:

Jason R. Marshall
Printed Name: Jason R. Marshall
Title: Mayor