

ORIGINAL
FILE COPY

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August 16, 1996

960235-WS

Florida Public Service Commission
Division of Water and Wastewater
ATTN: Ms. Bayo, Clerk
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Application for approval of the transfer of assets and certificate Nos. 404-W and 341-S from Econ Utilities Corporation to Wedgefield Utilities, Inc. in Orange County, Florida.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS 1
- OTH _____

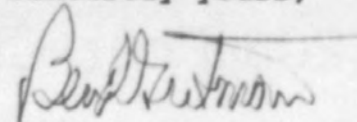
Dear Ms. Bayo:

Enclosed for filing is a copy of the Special Warranty Deed conveying two parcels of real estate from Econ Utilities Corporation to Wedgefield Utilities, Inc.

The Application for Transfer is scheduled for consideration at the Agenda Conference on September 3.

Thank you for your assistance.

Sincerely yours,



Ben E. Girtman

BEG/jc
Encl.

cc w/encl.: Ms. Alice Crosby, PSC Legal
Mr. John Forrer
Mr. Carl Wenz

DOCUMENT NUMBER-DATE
08830 AUG 21 1996
FPSC-RECORDS/REPORTING

THIS INSTRUMENT PREPARED BY:

Brian A. Hart
Thomson Muraro Razook & Hart, P.A.
One Southeast Third Avenue
17th Floor
Miami, Florida 33131

Property Tax Identification Nos. 01-23-32-7597-25191
11-23-32-0000-00004

SPECIAL WARRANTY DEED

THIS INDENTURE, made as of this 5th day of February, 1996 by **Econ Utilities Corporation**, a Florida corporation ("Grantor"), whose address is 664 South Military Trail, Deerfield Beach, Florida 33442, in favor of **Wedgfield Utilities, Inc.**, a Florida corporation ("Grantee"), whose post office address is 2335 Sanders Road, Northbrook, Illinois 60062.

Grantor, for and in consideration of Ten Dollars and other good and valuable consideration paid to Grantor by Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to Grantee all of its right, title and interest in and to the real property situated in Orange County, Florida more particularly described on Exhibit "A" attached hereto (the "Property").

SUBJECT TO:

1. Taxes for the year 1996 and all taxes and assessments assessed subsequent to the date hereof;
2. Zoning, restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions and matters appearing on the Plat or otherwise common to the Subdivision; and
4. Restrictions, reservations, conditions, limitations, rights-of-way and easements of record, if any, but this provision shall not act to reimpose the same.

Grantor covenants it has good right and lawful authority to sell and convey the Property, and hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

The benefits and obligations hereunder shall inure to and be binding upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its duly authorized officers, as of the day and year first above written.

Witnesses:

Econ Utilities Corporation

B. A. Hart
Name: BRIAN A. HART

By: [Signature]
John O. Forrer - Vice-President

[Signature]
Name: Ana Cosculluela

[Corporate Seal]

STATE OF FLORIDA)
) SS
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 3rd day of February, 1996 by John O. Forrer, as Vice-President of Econ Utilities Corporation, a Florida corporation, on behalf of the corporation. He X (a) is personally known to me, or (b) has produced _____ as identification.

My commission expires:

[Signature]
Notary Public - State of Florida
Name: Ana Cosculluela

[Seal]

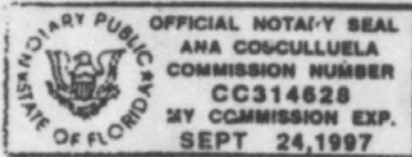


EXHIBIT "A"

PARCEL 1:

A portion of Tract A, CAPE ORLANDO ESTATES UNIT I as recorded in Plat Book Z, pages 29 thru 31 of the Public Records of Orange County, Florida, lying in Section 1, Township 23 South, Range 32 East, being more particularly described as follows:

Commence at the intersection of the Northerly right-of-way line of Mansfield Street (a 60.00' right-of-way) with the Westerly right-of-way of Ardon Avenue (a 60.00' right-of-way) thence run South $89^{\circ} 55' 44''$ West along said Northerly right-of-way for a distance of 125.00 feet to the Point of Beginning, said point being on a curve concave to the Southeast, having a radius of 340.11 feet and a central angle of $32^{\circ} 27' 17''$, thence run Southwesterly along the arc of said curve for a distance of 192.65 feet to a point of reverse curvature of a curve concave to the North, having a radius of 25.00 feet and a central angle of $82^{\circ} 11' 42''$ thence run along the arc of said curve for a distance of 35.86 feet to a point of reverse curvature of a curve concave to the Southwest having a radius of 380.00 feet and a central angle of $09^{\circ} 35' 44''$, run Northwesterly along the arc of said curve for a distance of 63.04 feet; thence leaving said Northerly right-of-way of Mansfield Street run North $00^{\circ} 04' 16''$ West for a distance of 193.28 feet; thence run North $89^{\circ} 55' 44''$ East for a distance of 260.00 feet; thence run South $00^{\circ} 04' 16''$ East along the East line of said Tract A for a distance of 190.00 feet to the Point of Beginning.

PARCEL 2:

A portion of the Southeast 1/4 of Section 11, Township 23 South, Range 32 East, lying in Orange County, Florida, being more particularly described as follows:

* Commence at the East 1/4 corner of said Section 11, thence run North $89^{\circ} 57' 02''$ West along the North line of the Southeast 1/4 of said Section 11 for a distance of 178.00 feet to the Point of Beginning, said point being on the West line of Cape Orlando Estates Unit 1A as recorded in Plat Book Z, pages 71-73:

Thence run North $00^{\circ} 24' 40''$ East along the West line of Cape Orlando Estates Unit 1A for a distance of 16.13 feet to a point on the North boundary line of the City of Orlando 220' Power Easement as recorded in Minute Book 11, page 73, of the Public Records of Orange County, Florida said point also being on the South boundary line of the Nettleton Canal; thence run along said North line of the Power Easement South $89^{\circ} 59' 18''$ West for a distance of 2663.51 feet to a point on the Northeast line of Cape Orlando Estates Unit 12A as recorded in Plat Book 4, pages 66-70; thence run South $52^{\circ} 32' 16''$ East along said line, also being the Southwesterly line of the 160.00 foot Florida Power and Light Company Easement as recorded in Minute Book 7, page 581 of the Public Records of Orange County, Florida, for a distance of 3491.67 to a point on the Westerly right-of-way of Bancroft Boulevard; thence run North $00^{\circ} 24' 40''$ East along the Westerly right-of-way of Bancroft Boulevard for a distance of 200.48 feet; thence run North $52^{\circ} 32' 16''$ West along the West line of the aforementioned Cape Orlando Estates Unit 1A for a distance of 156.62 feet; thence run along said West line North $00^{\circ} 24' 40''$ East for a distance of 1822.68 feet to the Point of Beginning.

Less and Except the following:

Begin at the South corner of Tract A, Block 92, CAPE ORLANDO ESTATES, UNIT 1A, as recorded in Plat Book Z, pages 71 through 73, inclusive, of the Public Records of Orange County, Florida and run North $00^{\circ} 24' 40''$ East along the West line of Block 92 and Block 93 of said CAPE ORLANDO ESTATES, UNIT 1A, for a distance of 281.53 feet; thence run North $83^{\circ} 08' 15''$ West for a distance of 441.40 feet; thence run South $52^{\circ} 32' 16''$ East along the Northerly right-of-way line of the aforementioned 160 foot Florida Power and Light Company Easement for a distance of 549.56 feet to the Point of Beginning.

* "the East 1/4 corner of said Section 11" also may be referred to as "the Northeast corner of the Southeast 1/4 of said Section 11"

**NOTICE OF APPLICATION FOR SALE, ASSIGNMENT OR TRANSFER
OF A WATER AND/OR WASTEWATER CERTIFICATE OR FACILITIES
PURSUANT TO SECTION 367.071, FLORIDA STATUTES**

AND

**NOTICE OF APPLICATION FOR AMENDMENT OF CERTIFICATE NOS. 404-W AND 341-S
TO ADD ADDITIONAL TERRITORY**

LEGAL NOTICE

Notice is hereby given on February 29, 1996 pursuant to Section 367.071, Florida Statutes, of the application for the transfer of Certificate Nos. 404-W and 341-S from Econ Utilities Corp. to Wedgefield Utilities, Inc. to provide water and sewer service in Orange County, Florida .

Notice is also hereby given on February 29, 1996 pursuant to Section 367.045, Florida Statutes, of the application for the Amendment of Certificate Nos. 404-W and 341-S to Add the Additional Territory described below.

TERRITORY SERVED

Per Order No. 12315

Township 23 South, Range 32 East
Orange County, Florida

Section 1

The SW 1/4 of said Section 1 and the SE 1/4 of said Section 1 less and except that portion lying NE of SR 520.

Section 12

The North 1/2 of said Section 12.

Territory to be Added to Certificate Nos. 404-W and 341-S

Township 23 South, Range 32 East
Orange County, Florida

SHOPPING CENTER

All that portion of the Southeast 1/4 of Section 1, Township 23 South, Range 32 East, lying Northeasterly of State Road 520 in Orange County, Florida.

BANCROFT BOULEVARD PROPERTY

In Sections 2 and 11, Township 23 S, Range 32 E:

The row of lots located immediately west of Bancroft Boulevard, beginning at the north boundary of Section 2, Township 23 S, Range 32 E, and running south to where the north boundary of the Florida Power and Light 160' power line easement crosses Bancroft Boulevard in Section 11, Township 23 S, Range 32 E.

A complete legal description of this area is available at the office of Wedgefield Utilities, Inc. , 200 Weathersfield Avenue, Altamonte Springs, FL 32714. A copy can be requested by telephone by calling Wedgefield Utilities, Inc. at (800) 272-1919.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for Transfer of Certificate Nos. 404-W and 341-S in Orange County from Econ Utilities Corp. to Wedgefield Utilities, Inc.

)
)
) Docket No. 960235-WS
)

and

Application for Amendment of Certificate Nos. 404-W and 341-S in Orange County to include Additional Territory by Wedgefield Utilities, Inc.

)
) Docket No.
)
)

Affidavit

State of Illinois

County of Cook

COMES NOW Affiant, Carl J. Wenz, who, by me being first duly sworn, deposes and says:

1. This Affidavit is given pursuant to Part VI of the Application for Amendment of Certificate Nos. 404-W and 341-S.
2. As required by Part VI, paragraph (A), Notice of application was given in accordance with Section 367.045 (1) (a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by certified mail to the following: the governing body of the municipality, county, or counties in which the system or the territory proposed to be served is located; the privately owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located; that if any portion of the proposed territory is within one mile of a county boundary, the utility provided notice to the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission; the regional planning council; the Office of Public Counsel; the Public Service Commission's Director of Records and Reporting; the appropriate regional office of the Department of Environmental Protection; and the appropriate water management district. Attached hereto is a copy of the Notice and list of the entities noticed.
3. Part VI, paragraph (B), requires notice of actual application to each customer of system, pursuant to Rule 25-30.030, Florida Administrative Code. The attached notice was sent to all customers in the area proposed to be added.
4. As required by Part VI, paragraph (C), the attached notice was published in *The Orlando Sentinel* on February 29, 1996. The Proof of Publication will be filed as a late-filed exhibit.

FURTHER AFFIANT SAYETH NOT.

Carl J. Wenz

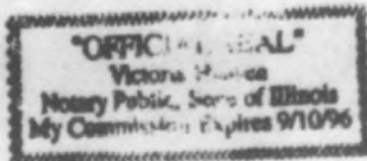
SWORN TO AND SUBSCRIBED before me this 4th day of March 1996.

Victoria Jensen

Notary Public
State of Illinois

My Commission Expires: September 10, 1996

Seal:



**NOTICE OF APPLICATION FOR SALE, ASSIGNMENT OR TRANSFER
OF A WATER AND/OR WASTEWATER CERTIFICATE OR FACILITIES
PURSUANT TO SECTION 367.071, FLORIDA STATUTES**

AND

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THE COMMONS

ALL THAT TRACT OR PARCEL OF LAND LYING IN A PORTION OF THE NORTH 1/2 OF SECTION 11, TOWNSHIP 23 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF DALLAS BOULEVARD, AS SHOWN ON CAPE/ORLANDO ESTATES UNIT, 12A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGES 66 THROUGH 70, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND HAVING A RIGHT-OF-WAY WIDTH OF 106 FEET; AND THE SOUTHERLY RIGHT-OF-WAY LINE OF MEREDITH PARKWAY, AS SHOWN ON CAPE/ORLANDO ESTATES, UNIT 31A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGES 110 AND 111, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, HAVING A RIGHT-OF-WAY WIDTH OF 106 FEET; THENCE S 89°59'38" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 5037.42 FEET TO THE WESTERLY LINE OF ROCKET CITY, UNIT 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 71 THROUGH 73, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S 00°19'51" E ALONG SAID WESTERLY LINE A DISTANCE OF 1936.80 FEET; THENCE S 89°59'18" W A DISTANCE OF 2218.74 FEET; THENCE IN 52°32'16" W A DISTANCE OF 521.34 FEET; THENCE S37°28'01" W A DISTANCE OF 373.47 FEET TO THE NORTHEASTERLY LINE OF SAID CAPE/ORLANDO ESTATES, UNIT 12A, SAID NORTHEASTERLY LINE BEING COINCIDENT WITH THE SOUTHWESTERLY LINE OF A 160 FOOT WIDE, FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE IN 52°32'15" W ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 2756.82 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF DALLAS BOULEVARD; THENCE N 00°09'08" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 240.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 178.725 ACRES MORE OR LESS.

Any objection to said applications must be made in writing within thirty (30) days from this date to the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida, 32399-0850. A copy of said objection should also be mailed to the attorney for the applicant whose address is:

Mr. Ben E. Girtman
Attorney at Law
1020 East Lafayette St., Suite 207
Tallahassee, FL 32301

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for Transfer of Certificate Nos. 404-W and 341-S in Orange County from Econ Utilities Corp. to Wedgefield Utilities, Inc.)
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) Docket No. 960235-WS
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Affidavit

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FURTHER AFFIANT SAYETH NOT.

Carl J. Wenz

SWORN TO AND SUBSCRIBED before me this 4th day of March 1996.

Victoria M. Jensen

Notary Public
State of Illinois

My Commission Expires: September 10, 1996

Seal:

