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MARGARET A. MENDUNI  
M. LANE STEPHENS

October 6, 2003

Ms. Blanca Bayo, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**HAND DELIVERY**

Re: In re: Application for Acknowledgment of Transfer of Land and Facilities in Martin County to the County and Cancellation of Certificate Nos. 368-W and 319-S

Dear Ms. Bayo:

Enclosed for filing on behalf of Florida Water Services Corporation ("Florida Water") is an original and five copies of Florida Water's Application for Acknowledgment of Transfer of Land and Facilities in Martin County to the County and Cancellation of Certificate Nos. 368-W and 319-S.

The original certificates are also enclosed for the Commission's use in this docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

  
J. Stephen Menton

JSMrd  
Enclosures  
Flawater\Bayo.martin

RECEIVED  
03 OCT -6 PM 12:06  
COMMISSION  
CLERK

*Orig Tariffs + Certificate  
forwarded to ECR.*

DOCUMENT NUMBER-DATE

09655 OCT-6 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application by Florida Water Services )  
Corporation for Acknowledgment of Transfer of )  
Martin County Land and Facilities to )  
the County and Cancellation of Certificate )  
Nos. 368-W and 319-S. )  
\_\_\_\_\_)

Docket No. \_\_\_\_\_  
Filed: October 6, 2003

**APPLICATION FOR ACKNOWLEDGMENT OF  
TRANSFER OF LAND AND FACILITIES IN MARTIN COUNTY  
TO THE COUNTY AND CANCELLATION OF CERTIFICATE  
NOS. 368-W AND 319-S**

Florida Water Services Corporation (“Florida Water”), by and through its undersigned counsel, and pursuant to Section 367.071(4)(a), Florida Statutes, and Rule 25-30.037(4), Florida Administrative Code, hereby files this Application for Acknowledgment of the transfer of Florida Water’s Martin County land and facilities to Martin County (the “County”). In support of this Application, Florida Water states as follows:

1. The name and address of the regulated utility is:

Florida Water Services Corporation  
1000 Color Place  
Apopka, Florida 32703  
(407) 598-4165 (Telephone)  
(407) 598-4241 (Facsimile)

2. The name and address of Florida Water’s authorized representatives are:

Kenneth A. Hoffman, Esq.  
J. Stephen Menton, Esq.  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
P. O. Box 551  
Tallahassee, Florida 32302  
(850) 681-6788 (Telephone)  
(850) 681-6515 (Facsimile)

DOCUMENT NUMBER-DATE

09655 OCT-6 03

FPSC-COMMISSION CLERK

3. The name and address of the purchaser for purposes of this Application is:

Martin County  
2401 se Monterey Road  
Stuart, FL 34996

4. The County's representative for purposes of this Application is:

B. Douglas MacGibbon  
Vance, Doney & MacGibbon, P.A.  
1615 Forum Place, Ste. 4C  
West Palm Beach, FL 33401

5. Florida Water has been issued Certificate Nos. 368-W and 319-S by the Commission related to Florida Water's water and wastewater operations in Martin County.

6. On July 9, 2003, the Circuit Court of the Nineteenth Judicial Circuit in and for Martin County, Florida, entered a Stipulated Final Judgment in Martin County v. Florida Water Services Corporation, Case No. 03-212CA, pursuant to the condemnation procedures set forth under Chapter 73, Florida Statutes. As a result of this condemnation proceeding, the County has acquired title to Florida Water's land and facilities in Martin County and has assumed operation of such facilities as of July 10, 2003. A copy of the Stipulated Final Judgment entered in the Condemnation Proceedings is attached hereto as Composite Exhibit "A."

7. The County is exempt from regulation by the Commission pursuant to Section 367.022(2), Florida Statutes.<sup>1</sup>

8. The County has obtained the most recently available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-

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<sup>1</sup>A County is a "governmental authority" subject to the "approval as a matter of right" provisions of Section 367.071(4)(a), Florida Statutes. See §§367.021(7) and 1.01 (8), Fla. Stat. (2002).

construction applicable to the land and facilities transferred by Florida Water to the County, as contemplated by Section 367.071(4)(a), Florida Statutes.

9. Florida Water has provided the County with access to the books and records of the Martin County System and these books and records for the System have been transferred to the County upon closing.

10. The deposits for Florida Water's customers in Martin County and all accumulated interest have been transferred to the County and the County has assumed liability for same.

11. All regulatory assessment fees for Florida Water through 2002 have been paid in full. Regulatory assessment fees for 2003 will be paid by Florida Water when due.

12. There are no regulatory fines or refunds owed by Florida Water with respect to the system.

13. The legal description of Florida Water's water territory in Martin County is attached hereto as Exhibit "B." The legal description of Florida Water's wastewater territory in Martin County is attached hereto as Exhibit "C."

14. All additional and supplemental information required under Rule 25-30.038(4), Florida Administrative Code, is included in the Application attached hereto as Exhibit "D."

15. Florida Water's original Certificate Nos. 368-W and 319-S are filed herewith.

WHEREFORE, Florida Water requests that this Commission:

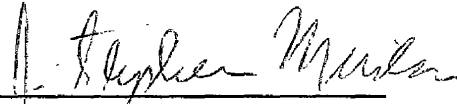
A. Grant Florida Water's Application;

B. Acknowledge the transfer of Florida Water's land and facilities in Martin County to the County, as a matter of right pursuant to Section 367.071(4)(a), Florida Statutes;

C. Cancel Certificate Nos. 368-W and 319-S; and

D. Grant such other relief as is appropriate.

Respectfully submitted this 19 day of October, 2003.



Kenneth A. Hoffman, Esq.

J. Stephen Menton, Esq.

Rutledge, Ecenia, Purnell & Hoffman, P.A.

P. O. Box 551

Tallahassee, Florida 32302

(850) 681-6788 (Telephone)

(850) 681-6515 (Facsimile)

F:\USERS\ROXANNE\fwsale\martin sale appl.wpd

INSTR # 1676234  
OR BK 01791 PG 1219  
RECORDED 07/21/2003 01:19:11 PM  
MARSHA EWING  
CLERK OF MARTIN COUNTY FLORIDA  
RECORDED BY C Burkey

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
OF FLORIDA, IN AND FOR  
MARTIN COUNTY

MARTIN COUNTY, a political  
subdivision of the State of Florida,

Petitioner,

v.

FLORIDA WATER SERVICES  
CORPORATION, et al.,

Defendants,

CASE NO.: 03-212 CA  
PARCELS: A, B, & C

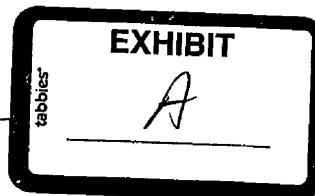
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MARTIN COUNTY  
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MARSHA EWING  
CLERK OF CIRCUIT COURT  
D.C.

STIPULATED FINAL JUDGMENT

Upon stipulation of the parties affected as set forth herein, and it appearing to the Court that the parties are authorized to enter into such Stipulation, and the Court finding that the compensation to be paid by the condemning authority is full, just, and reasonable for all parties concerned, and the Court being fully advised in the premises, it is

ORDERED AND ADJUDGED:

1. Title to the property described in Composite Exhibit "A" attached hereto shall vest in the Petitioner upon the deposit of the sums as are required in the Stipulated Order of Taking entered on even date herewith.
2. The Defendant, Florida Water Services Corporation, shall have and recover of and from the Petitioner, Martin County, the total sum of Two Million Three Hundred Fifty Thousand Dollars and no/100 cents (\$2,350,000.00) as full compensation for the taking of the property as is described in Composite Exhibit "A" attached hereto including all attorneys fees, costs, and damages of whatever nature arising there from which have been incurred by said Defendant in this cause.



3. Defendant, Florida Water Services Corporation, shall have and recover of and from the Petitioner as attorneys fees and costs incurred by the Defendant herein the total amount of Sixty-One Thousand Dollars and no/100 cents (\$61,000.00), which sum is included in the total recovery amount of Two Million Three Hundred Fifty Thousand and no/100 cents (\$2,350,000.00).

4. Petitioner, having been previously ordered to deposit the total sum of Two Million Three Hundred Fifty Thousand Dollars and no/100 cents (\$2,350,000.00) in the Registry of the Court pursuant to the Stipulated Order of Taking entered herein on even date herewith, shall not be required to make any additional deposits pursuant to this Stipulated Final Judgment.

5. Upon deposit by the Plaintiff of the total sum of Two Million Three Hundred Fifty Thousand Dollars and no/100 cents (\$2,350,000.00) into the Registry of the Court as ordered in the Stipulated Order of Taking entered herein on even date herewith, the Clerk of the Court is ordered and directed to disburse immediately the amount of Two Million Three Hundred Fifty Thousand Dollars and no/100 cents (\$2,350,000.00) in the following manner:

To: Brigham Moore, LLP Trust Account, F/B/O Florida Water Services Corporation, the sum of \$2,289,000.00, to be picked up from the Clerk by an attorney for the firm of Brigham Moore,

To: Brigham Moore, LLP, the sum of \$61,000.00, to be picked up from the Clerk by an attorney for the firm of Brigham Moore, LLP.

The Clerk shall telephone Maria C. Peredo, Comptroller of the Brigham Moore law firm at (305) 858-2400, when the above drafts are available for pick up. The amount of Two Million Two Hundred Eighty-Nine Thousand Dollars and no/100 cents (\$2,289,000.00) to be disbursed by the Clerk of the Court to Brigham Moore, LLP shall be deposited forthwith by Brigham Moore, LLP, into an interest-bearing trust account pending apportionment hearing or satisfaction of all pending taxes, liens or other monetary encumbrances on the condemned property, which shall be the

responsibility of Defendant, Florida Water Services Corporation, to resolve where such funds shall remain until further order of this Court or distribution by written agreement of Martin County and Florida Water Services Corporation.

6. The Court reserves jurisdiction to enforce the terms of this Stipulated Final Judgment.

DONE AND ORDERED in chambers at Martin County, Florida this 9 day of

July, 2003.

Wilby  
CIRCUIT JUDGE

Copies Furnished to:

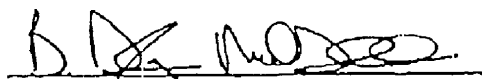
S. W. Moore, Esquire  
B. Douglas MacGibbon, Esquire  
Stephen Fry, Esquire  
Scott J. Johnson, Esquire  
Larry O'Steen, Tax Collector

OR BR 01791 PG 1221

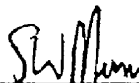


STIPULATION

Petitioner, Martin County, and Defendant, Florida Water Services Corporation, as owner of the property and interests which are the subject of this action in eminent domain, stipulate and consent to the entry of the Stipulated Final Judgment set forth above.



B. Douglas MacGibbon  
Florida Bar No.: 438332  
VANCE, DONEY & MacGIBBON, P.A.  
1615 Forum Place, Suite 4C  
West Palm Beach, Florida 33401  
Telephone: (561) 684-5544  
Facsimile: (561) 684-0833



S. W. Moore  
Florida Bar No.: 157268  
BRIGHAM MOORE, LLP  
3277 Fruitville Road, Unit E  
Sarasota, Florida 34237  
Telephone: (941) 365-3800  
Facsimile: (941) 952-1414

Exhibit A

The real property as described herein on pages 2 through 5 of this exhibit, and in addition all the following:

All buildings, structures, improvements, appurtenances, and fixtures of any variety, located in or on the real property described herein and used or useful in connection with the ownership, maintenance, or operation of the Water/wastewater systems; and all wells, water treatment facilities, water storage facilities, distribution reservoirs, stand pipes, pump stations, water pipes, water mains, etc., used or useful in connection with the ownership, maintenance, or operation of the water/wastewater systems, associated with the real property described herein.

PERSONAL PROPERTY

All personal property that in any way belongs, appertains, or is related to the Water/wastewater system and providing service thereby, situate on, in, about or between Leilani Heights, Fisherman's Haven and Fox Run, including, but not limited to, all equipment of any variety, materials, supplies, and any other inventory located in or on the real property described above and used or useful in connection with the ownership, maintenance, or operation of the Water/wastewater system; all equipment, hydrants, meters, service connections, etc., used or useful in connection with the ownership, maintenance or operation of the Water/wastewater systems; and all wells, water treatment facilities, water storage facilities, distribution reservoirs, stand pipes, used or useful in connection with the ownership, maintenance, or operation of the Water/wastewater systems.

ALL EASEMENTS

All easements, rights, ways, privileges, or advantages that relate to the operation of the Water/wastewater systems.

MISCELLANEOUS

All contracts, leases, permits, licenses, water rights, and customer lists, databases, or other property used or useful in connection with the ownership, maintenance, or operation of the Water/wastewater systems.

Page 1 of 5

OR BK 01791 PG 1223

FISHERMANS HAVEN

SCHEDULE A

TRACTS A and C, FISHERMAN'S HAVEN, according to the Plat thereof filed 1 December 1978 and recorded in Plat Book 4, page 100 of the public records of Martin County, Florida.

SUBJECT TO easements, reservations and restrictions of record.

And also

A triangular parcel of land lying and being in the South 183 feet of the North 313 feet of the Southeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 27, Township 37 South, Range 41 East, and also lying and being in Fisherman's Haven Subdivision, 1st Addition as recorded in Plat Book 3, Page 48, Martin County, Florida, Public Records, and as also shown on a Minor Replat of Lots 41 through 72, Fisherman's Haven Subdivision, 1st Addition as recorded in Plat Book 3, Page 81, Martin County, Florida, Public Records. Said parcel of land lying westerly of the westerly right of way line of a 30 foot road right of way known as North Haven Road and East of the East right of way line of the Florida East Coast Railroad. Said parcel of land being shown on both of the above described plats as a utility easement. Said parcel of land being more particularly described as follows.

Beginning at the southwest corner of Lot 72 of the above described Fisherman's Haven Subdivision, 1st Addition, also being the southwest corner of Lot B of the Minor Replat of Lots 41 through 72 of Fisherman's Haven Subdivision, 1st Addition, said Lot B also being the westerly portion of the replat of said Lot 72, thence proceed North 89°28'11" West along the South line of said Fisherman's Haven, 1st Addition, for a distance of 50 feet to the westerly right of way line of said North Haven Road and the point or place of beginning. (1) Thence proceed North 88°34'38" East along said westerly right of way line of North Haven Road to the point of intersection with the easterly right of way line of said Florida East Coast Railroad. (2) Thence proceed southwesterly along the easterly right of way line of said railroad to the point of intersection with a line that bears North 89°28'11" West from the point of beginning. (3) Thence proceed South 89°28'11" East along the South line of said Fisherman's Haven, 1st Addition, for a distance of 30.15 feet to the point or place of beginning.

FOX RUN

That certain area designated as Sewerage Treatment Area shown on the plat of Fox Run Phase One, according to the plat thereof recorded in Plat Book 7, Page 39, Martin County, Florida public records, more particularly described as follows:

A Portion of the Northeast One Quarter of the Northeast One Quarter of Section 12, Township 38 South, Range 40 East, being a triangular shaped portion of the Sewerage Treatment Plat Area of Fox Run phase One, as recorded in Plat Book 7, Page 39, Public Records of Martin County, Florida, and being more particularly described as follows:

Begin at the point of Intersection of the South line of the said Sewerage Treatment Plant Area and the Westerly right-of-way line of S.W. Pine Tree Lane; thence South  $80^{\circ}37'42''$  West, along the South line, a distance of 87.34 feet; thence North  $0^{\circ}37'42''$  East a distance of 93.17 feet, to the Intersection with the said Westerly right-of-way line of S.W. Pine Tree Lane; thence South  $47^{\circ}10'09''$  East, along said right-of-way line, a distance of 116.11 feet to the Point of Beginning.

That certain area designated and described as Water Treatment and Supply as shown on plat of Fox Run Phase One, according to the Plat thereof recorded in Plat Book 7, page 39, Martin County, Florida public records.

An easement for utility purposes over the southeasterly 10.00 feet of Lot 103, GRANADA, according to the plat thereof recorded in Plat Book 9, page 16, Martin County, Florida public records.

An easement for utility purposes over a parcel of land lying within the subdivision of Fox Run Phase One, as recorded in Plat Book 7, page 39, of the Public Records of Martin County, Florida; said parcel being described as follows:

A 10.00 front strip of land being 5.00 feet each side of the following described line; commencing at the northwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 12, Township 38 South, Range 40 East; thence South  $89$  degrees  $36'21''$  East, along the North line of said Section 12 and the North line of said subdivision, a distance of 709.11 feet; thence South  $00$  degrees  $23'39''$  West, a distance of 77.90 feet to the POINT OF BEGINNING; thence South  $89$  degrees  $17'39''$  West, a distance of 128.45 feet, more or less, to the northeasterly water edge of Hidden River (as shown on the plat of said Fox Run) and the end of said described line.

LEILANI HEIGHTS

Being a parcel of land lying in Section 27, Township 37 South, Range 41 East, Martin County, Florida, said parcel also being a portion of those lands delineated as "Reserved Area No. 1", as shown on the Plat of Phase 1, Leilani Heights, as recorded in Plat Book 8, Page 23 of the Public Records of Martin County, Florida, said parcel being more particularly described as follows:

Commence at the Southwest corner of said Reserved Area No. 1, thence North 00°28'50" East, along the West line of said Reserved Area No. 1, a distance of 20.00 feet to the Point of Beginning. Thence continue North 00°28'50" East along said West line, a distance of 58.82 feet; thence departing said West line, North 88°23'14" East, a distance of 292.01 feet; thence North 02°28'11" East, a distance of 161.06 feet to a point, said point being in the South line of those lands described in O.R. Book 498, Page 883 of the Public Records of Martin County, Florida; thence South 89°34'10" East, along said South line, a distance of 2.33 feet to the Southeast corner of said lands; thence North 00°23'50" East, along the East line of said lands, a distance of 90.00 feet; thence departing said East line of those lands as described in O.R. Book 498, Page 883, South 89°34'10" East, a distance of 20.63 feet; thence South 02°28'11" West, a distance of 211.10 feet; thence South 58°08'37" West, a distance of 18.03 feet; thence South 00°28'50" West, a distance of 100.00 feet to a point, said point being the intersection of the North line of the South 20 feet of said Reserved Area No. 1 and the East line of said Reserved Area No. 1; thence North 89°34'10" West, along said line, a distance of 50.50 feet; thence departing said line, North 00°23'50" East, a distance of 47.57 feet; thence South 88°23'14" West, a distance of 218.22 feet; thence South 00°23'50" West, a distance of 39.88 feet to a point in aforementioned North line of the South 20 feet of said Reserved Area No. 1; thence North 89°34'10" West, along said line, a distance of 33.41 feet to the Point of Beginning.

Containing 14,269 square feet, more or less.

LEILANI HEIGHTS

A portion of that certain parcel of land designated "Reserved Area No. 1" as shown on the Plat Phase One Leilani Heights as recorded in Plat Book 6, Page 23, Martin County, Florida, public records.

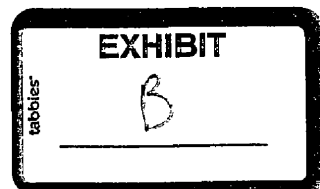
Begin at the Northeast (N. E.) corner of Lot 50, Block One of said subdivision bear South  $0^{\circ}25'50''$  West along the East line of Lots 49 and 50 a distance of 110.00 feet; Thence, South  $89^{\circ}34'10''$  East, a distance of 300 feet; Thence North  $0^{\circ}25'50''$  East, a distance of 130.33 feet to a point on the South right of way line of N. E. 24th Street Extension (said point being on a curve concave to the Northeast having a central angle of  $52^{\circ}30'00''$  and a radius of 362.27 feet; Thence, Northwesterly along the arc of said curve a distance of 234.52 feet to the Northeast corner of Lot 72, Block One; Thence, South  $39^{\circ}37'07''$  West along the Southeast line of Lot 72 a distance of 133.30 feet to the Point of Beginning.

TRACTS A AND B, LEILANI HEIGHTS, PHASE II,  
according to Plat thereof filed in Plat Book 6,  
Page 96, public records of Martin County, Florida.

Page 5 of 5

OR BK 01791 PG 1227

**WATER TERRITORY DESCRIPTIONS**  
**FOR**  
**FISHERMAN'S HAVEN,**  
**FOX RUN**  
**AND**  
**LEILANI HEIGHTS**  
**IN**  
**MARTIN COUNTY**



MARTIN COUNTY

Description Of Territory Served

FISHERMAN'S HAVEN

Township 37 South, Range 41 East, Martin County, Florida.

Section 27

The North 660 feet of the South 1120 feet of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 27; together with the North 100.0 feet of the East 183.0 feet of the South 463.34 feet of the Northeast  $\frac{1}{4}$  of said Section 27.

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Effective Date:

By:



Forrest L. Ludsen, Vice President  
Finance and Administration



---

MARTIN COUNTY

Description Of Territory Served

FOX RUN

Township 38 South, Range 40 East, Martin County, Florida.

Section 12

Beginning at the Northwest corner of the Northeast ¼ of the Northeast ¼ of said Section 12, thence run South 00° 37' 42" East a distance of 1322 feet to a point on the Northern right-of-way line of S.W. Murphy Road, thence following said right-of-way run South 89° 27' 42" East a distance of 480 feet to a point on the Western right-of-way of S.W. Pine Tree Lane, thence following said Western right-of-way run North 00° 34' 51" East a distance of 854 feet, thence run North 76° 30' East a distance of 246 feet, more or less, to a point on the high-water line of the Hidden River, thence following said high-water line which meanders in a North-Northwesterly direction a distance of 565 feet, thence North 89° 36' 21" West a distance of 345 feet, more or less, to the Point of Beginning.

And

Beginning at the point of intersection of West Murphy Road and the Eastern high-water line of the Hidden River, thence following the North right-of-way of said West Murphy Road in an Easterly direction a distance of 575 feet, thence North 00° 32' 43" East a distance of 1325 feet to a point in the middle of an existing waterway, thence North 89° 36' 21" West a distance of 1364 feet, more or less, to a point on the Eastern high-water line of the Hidden River, thence following said high-water line which meanders in a Southerly direction a distance of 1500 feet, more or less, to the Point of Beginning.

Section 1

Beginning at the Southwest corner of the Southeast ¼ of the Southeast ¼ of said Section 1, thence run North 00° 37' 42" West, a distance of 240 feet, more or less, to a point on the high-water line of the Hidden River, thence following said high-water line which meanders in a Southeasterly direction a distance of 490 feet, thence run North 89° 36' 21" West a distance of 400 feet, more or less, to the Point of Beginning.

---

Effective Date:

By:

*Forrest L. Ludsen*

Forrest L. Ludsen, Vice President  
Finance and Administration

MARTIN COUNTY

Description Of Territory Served

LEILANI HEIGHTS

Township 37 South, Range 41 East, Martin County, Florida.

Section 22


The East  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the South  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ .

Section 27

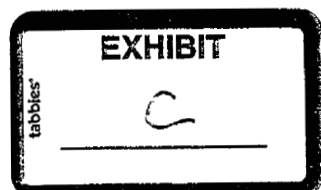
The North  $\frac{1}{4}$  lying West of the Florida East Coast Railway EXCEPT the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ .

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Effective Date: March 19, 1999

By: <sup>3</sup>  
Forrest L. Ludsen, Vice President  
Business Development

**WASTEWATER TERRITORY DESCRIPTIONS**  
**FOR**  
**FISHERMAN'S HAVEN,**  
**FOX RUN**  
**AND**  
**LEILANI HEIGHTS**  
**IN**  
**MARTIN COUNTY**



MARTIN COUNTY

Description Of Territory Served

FISHERMAN'S HAVEN

Township 37 South, Range 41 East, Martin County, Florida.

Section 27

The North 660 feet of the South 1120 feet of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 27; together with the North 100.0 feet of the East 183.0 feet of the South 463.34 feet of the Northeast  $\frac{1}{4}$  of said Section 27.

---

Effective Date:

By:   
Forrest L. Ludsen, Vice President  
Finance and Administration

---

MARTIN COUNTY

Description Of Territory Served

FOX RUN

Township 38 South, Range 40 East, Martin County, Florida.

Section 1

Beginning at the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, thence run North  $00^{\circ} 37' 42''$  West, a distance of 240 feet, more or less, to a point on the high-water line of the Hidden River, thence following said high-water line which meanders in a Southeasterly direction a distance of 490 feet, thence run North  $89^{\circ} 36' 21''$  West a distance of 400 feet, more or less, to the Point of Beginning.

Section 12


Beginning at the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 12, thence run South  $00^{\circ} 37' 42''$  East a distance of 1322 feet to a point on the Northern right-of-way line of S.W. Murphy Road, thence following said right-of-way run South  $89^{\circ} 27' 42''$  East a distance of 480 feet to a point on the Western right-of-way of S.W. Pine Tree Lane, thence following said Western right-of-way run North  $00^{\circ} 34' 51''$  East a distance of 854 feet, thence run North  $76^{\circ} 30'$  East a distance of 246 feet, more or less, to a point on the high-water line of the Hidden River, thence following said high-water line which meanders in a North-Northwesterly direction a distance of 565 feet, thence North  $89^{\circ} 36' 21''$  West a distance of 345 feet, more or less, to the Point of Beginning.

And

Beginning at the point of intersection of West Murphy Road and the Eastern high-water line of the Hidden River, thence following the North right-of-way of said West Murphy Road in an Easterly direction a distance of 575 feet, thence North  $00^{\circ} 32' 43''$  East a distance of 1325 feet to a point in the middle of an existing waterway, thence North  $89^{\circ} 36' 21''$  West a distance of 1364 feet, more or less, to a point on the Eastern high-water line of the Hidden River, thence following said high-water line which meanders in a Southerly direction a distance of 1500 feet, more or less, to the Point of Beginning.

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Effective Date:

By:   
Forrest L. Ludsen, Vice President  
Finance and Administration

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MARTIN COUNTY

Description Of Territory Served

LEILANI HEIGHTS

Township 37 South, Range 41 East, Martin County, Florida.

Section 22

The South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ .

Section 27

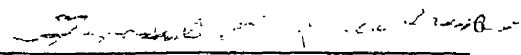
The North  $\frac{1}{4}$  lying West of the Florida East Coast Railway EXCEPT the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ .

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Effective Date:

March 19, 1999

By:

  
Forrest L. Ludsen, Vice President  
Business Development

**APPLICATION FOR TRANSFER TO GOVERNMENTAL AUTHORITY**

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

**TO: Director, Division of the Commission Clerk & Administrative Services  
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 of the facilities operated under Water Certificate No. 368-W and Wastewater Certificate No. 319-S located in Martin 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):

Florida Water Services Corporation  
Name of Utility

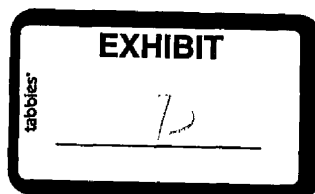
(407) 598-4100 Phone No. (407) 598-4241 Fax No.

1000 Color Place  
Office Street Address

Apopka City Florida State 32703 Zip Code

PO Box 609520, Orlando, Florida, 32860-9520  
Mailing address if different from street address

www.florida-water.com  
Internet address if applicable



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

Kenneth A. Hoffman, Esq. and/or J. Stephen Menton, Esq. (850) 681-6788  
Name Phone No.

Rutledge, Ecenia, Purnell & Hoffman, P.A., PO Box 551  
Mailing Address

Tallahassee Florida 32302-0551  
City State Zip Code

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

Martin County  
Name of Utility

(772) 288-5420 (772) 288-5432  
Phone No. Fax No.

2401 SE Monterey Road  
Office street address

Stuart Florida 34996  
City State Zip Code

N/A  
Mailing address if different from street address

www.martin.fl.us/  
Internet address if applicable

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

N/A  
Name Phone No.

N/A  
Street address

N/A  
City State Zip Code



## **PART II FINANCIAL INFORMATION**

- A) Exhibit   A   - A copy of the contract pursuant to Rules 25-30.037(4)(c) and (d), Florida Administrative Code.
- B) Exhibit   B   - A statement regarding the disposition of customer deposits and the accumulated interest thereon.
- C) Exhibit   C   - A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.
- D) Exhibit   D   - 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:

Martin County took over operations on July 10, 2003.

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   N/A   - 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 N/A - 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.

C) **TARIFF SHEETS**

Exhibit N/A - The original and two copies of tariff sheet(s) revised to show correct service territory. Please refer to Rules 25-9.009 and 25-9.010, Florida Administrative Code, regarding page numbering of tariff sheets before preparing the tariff revisions. (Pages 11-12.) Sample tariff sheets are attached. (Pages 13-16.)

**PART IV      AFFIDAVIT**

I, Tony Isaacs (applicant) do solemnly swear or affirm that the facts stated in the forgoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

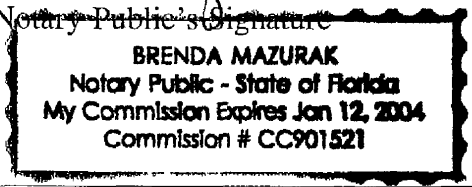
BY: *Tony Isaacs*  
Applicant's Signature

Tony Isaacs  
Applicant's Name (Typed)

Vice President, Customer Services  
Applicant's Title \*

Subscribed and sworn to before me this 17<sup>th</sup> day of  
September, 2003 by Tony Isaacs who  
is personally known to me  or ~~produced identification~~ \_\_\_\_\_  
(Type of Identification Produced)

*Brenda Mazurak*  
Notary Public's Signature



Print, Type or Stamp Commissioned Name of  
Notary Public

\* If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

**EXHIBIT A**

See Petition, at Paragraph 5

## **EXHIBIT B**

The deposits of Florida Water's customers in Martin County were transferred with the individual customer accounts, less any unpaid balances, upon commencement of operations by Martin County.

## **EXHIBIT C**

All regulatory assessment fees for Florida Water have been paid in full. There are no fines or refunds owed.

## **EXHIBIT D**

Martin County has obtained the most recently available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions-in-aid-of-construction applicable to the land and facilities transferred by Florida Water to Martin County.

FLORIDA PUBLIC SERVICE COMMISSION

Certificate Number  
368 - W

Upon consideration of the record it is hereby ORDERED  
that authority be and is hereby granted to:

FLORIDA WATER SERVICES CORPORATION

Whose principal address is:

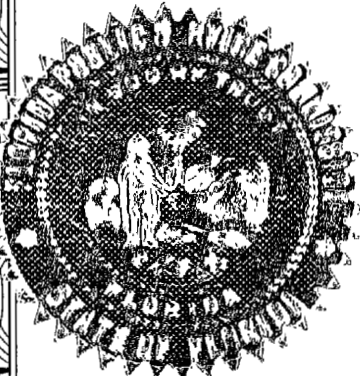
1000 Color Place  
Apopka, Florida 32703 (Martin County)

to provide water service in accordance with the provision  
of Chapter 367, Florida Statutes, the Rules, Regulations  
and Orders of this Commission in the territory described  
by the Orders of this Commission.

This Certificate shall remain in force and effect until  
suspended, cancelled or revoked by Orders of this  
Commission.

ORDER	11246	DOCKET	810064-WS
ORDER	16482	DOCKET	850572-WS
ORDER	19860-A	DOCKET	880294-WS
ORDER	21758	DOCKET	881502-WS
ORDER	PSC-94-0992-FOF-WU	DOCKET	930699-WS
ORDER	PSC-94-0992A-FOF-WS	DOCKET	930699-WS
ORDER	PSC-97-0427-FOF-WS	DOCKET	970028-WS
ORDER	PSC-99-0430-FOF-WS	DOCKET	990086-WS
ORDER		DOCKET	
ORDER		DOCKET	

BY ORDER OF THE  
FLORIDA PUBLIC SERVICE COMMISSION



*Genia S. Bayo*  
-----  
Director  
Division of Records and Reporting



FLORIDA PUBLIC SERVICE COMMISSION

Certificate Number  
319 - S

Upon consideration of the record it is hereby ORDERED  
that authority be and is hereby granted to:

FLORIDA WATER SERVICES CORPORATION

Whose principal address is:

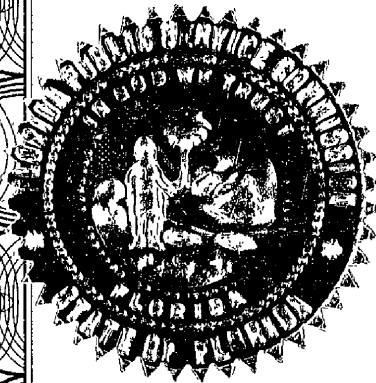
1000 Color Place  
Apopka, Florida 32703 (Martin County)

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

This Certificate shall remain in force and effect until  
suspended, cancelled or revoked by Orders of this  
Commission.

ORDER	11246	DOCKET	810064-WS
ORDER	15942	DOCKET	860378-SU
ORDER	16482	DOCKET	850572-WS
ORDER	19860-A	DOCKET	880294-WS
ORDER	21758	DOCKET	881502-WS
ORDER	PSC-94-0992-FOF-WU	DOCKET	930699-WS
ORDER	PSC-94-0992A-FOF-WS	DOCKET	930699-WS
ORDER	PSC-97-0427-FOF-WS	DOCKET	970028-WS
ORDER	PSC-99-0430-FOF-WS	DOCKET	990086-WS
ORDER		DOCKET	

BY ORDER OF THE  
FLORIDA PUBLIC SERVICE COMMISSION



-----  
*Blanca S. Bayo*  
Director  
Division of Records and Reporting