

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

FILED 11/29/2022  
DOCUMENT NO. 11758-2022  
FPSC - COMMISSION CLERK

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**DATE:** November 29, 2022

**TO:** Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

**FROM:** Kerri Maloy, Engineering Specialist II, Division of Engineering *KM* *LK*

**RE:** Docket No. 20210189-WU - Application for transfer of water facilities of Camachee Island Company, Inc. d/b/a Camachee Cove Yacht Harbor Utility and Certificate No. 647-W to Windward Camachee Marina Owner LLC, in St. Johns County.

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Please file the attached email correspondence with Victor Recondo, dated November 22, 2022, in the above mentioned docket file.

KM/jp

Attachment

**From:** [Victor Recondo](#)  
**To:** [Kerri Maloy](#)  
**Subject:** RE: DN 20210189 update  
**Date:** Tuesday, November 22, 2022 10:54:52 AM  
**Attachments:** [A 19-2944 Water Util Esmnt with dig sig seal 6-29-22.pdf](#)  
[Partial Release \(Cadence - Camachee\) v1 \[executed\].pdf](#)

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Hi Kerri, attached please find the survey as well as the release of mortgage executed by the lender.

As discussed yesterday, we will not be placing a mortgage on the utility and the previous mortgage has been released from the utility.

Please let me know if you need anything else to approve the transfer. Thank you.

***Victor Recondo***  
***General Counsel***  
***Robert Finvarb Companies, LLC***  
***2999 NE 191<sup>st</sup> Street, Suite 800***  
***Aventura, FL 33180***  
***Ph (786) 210-6713***  
***Fax (305) 866-7515***  
***Email [victor@finvarb.com](mailto:victor@finvarb.com)***  
***Website [www.robertfinvarbcompanies.com](http://www.robertfinvarbcompanies.com)***

**Confidentiality Notice:** This communication is covered by the Electronic Communications Privacy Act, 18 U.S.C. Section #2510-2521. It is legally privileged (including attachments) and is intended only for the use of the individual(s) or entity(ies) to which it is addressed. It may contain information that is confidential, proprietary, privileged, and/or exempt from disclosure under applicable law. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us at [victor@finvarb.com](mailto:victor@finvarb.com) so that we may take the appropriate action and avoid troubling you further. If you are not the intended recipient(s), please destroy this message, and any attachments, and notify the sender by return e-mail. Thank you for your cooperation.

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**From:** Kerri Maloy <[KMALOY@psc.state.fl.us](mailto:KMALOY@psc.state.fl.us)>  
**Sent:** Monday, November 21, 2022 1:13 PM  
**To:** Victor Recondo <[victor@finvarb.com](mailto:victor@finvarb.com)>  
**Subject:** Re: DN 20210189 update

If you wouldn't mind sending me the updated survey that was done for the utility I can file that as well. Thank you.

**Kerri Maloy**  
**Engineering Specialist**  
**Division of Engineering**  
**Florida Public Service Commission**  
**(850) 413-6836**  
**[KMaly@psc.state.fl.us](mailto:KMaly@psc.state.fl.us)**

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**From:** Victor Recondo <[victor@finvarb.com](mailto:victor@finvarb.com)>

**Sent:** Monday, November 14, 2022 12:13 PM  
**To:** Kerri Maloy <[KMaloy@psc.state.fl.us](mailto:KMaloy@psc.state.fl.us)>  
**Subject:** RE: DN 20210189 update

Kerri, Harbor Drive runs through the marina and grants access to the utility as well as the residential community past the marina. Access will not be an issue as that road cannot be blocked off.

**Victor Recondo**  
**General Counsel**  
**Robert Finvarb Companies, LLC**  
**2999 NE 191<sup>st</sup> Street, Suite 800**  
**Aventura, FL 33180**  
**Ph (786) 210-6713**  
**Fax (305) 866-7515**  
**Email [victor@finvarb.com](mailto:victor@finvarb.com)**  
**Website [www.robertfinvarbcompanies.com](http://www.robertfinvarbcompanies.com)**

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**From:** Kerri Maloy <[KMALOY@psc.state.fl.us](mailto:KMALOY@psc.state.fl.us)>  
**Sent:** Monday, November 14, 2022 11:55 AM  
**To:** Victor Recondo <[victor@finvarb.com](mailto:victor@finvarb.com)>  
**Subject:** Fw: DN 20210189 update

Victor can you see the email below and please file the picture in the docket file as Justin lists. Also, do you have any information on what he asks in the second paragraph? Thank you.

Sincerely,  
**Kerri Maloy**  
Engineering Specialist  
Division of Engineering  
Florida Public Service Commission  
(850) 413-6836  
[kmaloy@psc.state.fl.us](mailto:kmaloy@psc.state.fl.us)

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**From:** Justin Swards  
**Sent:** Monday, November 14, 2022 11:48 AM

**To:** Kerri Maloy  
**Subject:** RE: DN 20210189 update

I believe that mostly satisfies what we need in regards to net book value. It would be helpful for the record if they could file that in the docket noting that this is the net book value they are attributing to the utility.

The other issue I had to do a little more digging. I looked back at what OPC had submitted to the Docket in April, I don't remember exactly what it all entailed but there was concern about the mortgage and how it relates to the utility assets and land. More specifically, I think it had to do with the utility's right to access and continued use of the land as detailed in 25-30.037(2) (s) and how the parent's mortgage with the bank could affect the utility. For example, if its assets were used as collateral and the parent company files bankruptcy or defaults on its loan, what happens to the utility assets and the access and use of the land.

I hope this helps some. Please give me a call if you need anything else.

Thank you,

Justin

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**From:** Kerri Maloy <[KMALLOY@psc.state.fl.us](mailto:KMALLOY@psc.state.fl.us)>  
**Sent:** Monday, November 14, 2022 10:27 AM  
**To:** Justin Sowards <[jsewards@psc.state.fl.us](mailto:jsewards@psc.state.fl.us)>  
**Subject:** FW: DN 20210189 update

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**From:** Victor Recondo <[victor@finvarb.com](mailto:victor@finvarb.com)>  
**Sent:** Monday, November 14, 2022 10:25 AM  
**To:** Kerri Maloy <[KMALLOY@psc.state.fl.us](mailto:KMALLOY@psc.state.fl.us)>  
**Subject:** RE: DN 20210189 update

**PREPARED BY AND RETURN TO:**

Victor Recondo, Esq.  
2999 N.E. 191 Street, Suite 800  
Aventura, Florida 33180

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Space above this line for Recorder's use

**PARTIAL RELEASE OF MORTGAGE, ASSIGNMENT OF RENTS, SECURITY  
AGREEMENT AND FINANCING STATEMENT**

KNOW ALL MEN BY THESE PRESENTS: **CADENCE BANK, N.A.**, a national banking association ("**Mortgagee**"), is the owner and holder of a certain Mortgage, Assignment of Rents, Security Agreement and Financing Statement, executed by **WINDWARD CAMACHEE MARINA OWNER LLC**, a Delaware limited liability company ("**Mortgagor**"), recorded in Official Records Book 5359, Page 160 of the Public Records of St. Johns County, Florida ( the "**Mortgage**"), securing, among other things, a certain note in the original stated principal sum of \$25,000,000.00 and certain promises and obligations set forth in said mortgage, upon the following described land situate in St. Johns County; and

Mortgagee does hereby release, relieve and discharge from the lien of said Mortgage only that portion of the mortgaged property lying and being in the County of St. Johns, State of Florida, more particularly described on **Exhibit A** attached hereto and made a part hereof (the "**Released Property**") and hereby directs the Clerk of the said Circuit Court to release the same Released Property of record from the lien of the Mortgage.

This Partial Release of Mortgage, Assignment of Rents, Security Agreement and Financing Statement does not affect in any way affect the balance of the property described in said Mortgage and releases only the above-described Released Property.


**SIGNATURES ON THE FOLLOWING PAGE**

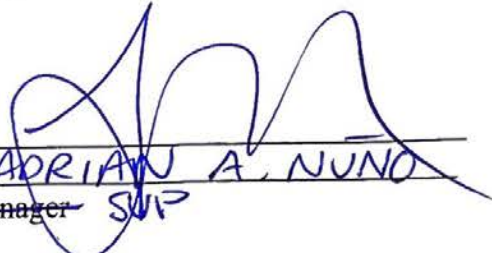
WITNESS my hand and seal this 21<sup>st</sup> day of JULY, 2022.

Witnesses:

“Mortgagee”

CADENCE BANK, N.A., a national banking association


  
Print Name: Joseph Frjehetz

By:   
Name: ADRIAN A. NUNO  
Title: Manager SVP


  
Print Name: ALEX Smith

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 21<sup>st</sup> day of JULY, 2022, by Adriano NUNO as SVP of CADENCE BANK, N.A., a national banking association, on behalf of the company. He/She  is personally known to me or  has produced DL as identification.

  
Print Name: victor Silva  
Commission Number: HH 250162  
My Commission Expires: 4/6/2026

[AFFIX NOTARY SEAL]

 VICTOR SILVA  
Notary Public  
State of Florida  
Comm# HH250162  
Expires 4/6/2026

**Exhibit A**  
**Released Property**

**MAP SHOWING  
A  
SKETCH AND DESCRIPTION  
OF A  
WATER UTILITY EASEMENT**

LYING IN  
A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 5359, PAGE 146  
OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA  
LYING IN GOVERNMENT LOT 2, SECTION 8, TOWNSHIP 7 SOUTH, RANGE 30 EAST  
ST. JOHNS COUNTY, FLORIDA

**DESCRIPTION: WATER UTILITY EASEMENT**

A PORTION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 5359, PAGE 146, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND LYING IN GOVERNMENT LOT 2, SECTION 8, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200 (HIGHWAY A-1-A) WITH THE EASTERLY RIGHT OF WAY LINE OF A 40 FEET WIDE PRIVATE RIGHT OF WAY AS SHOWN ON THE PLAT OF CAMACHEE ISLAND HARBOR LOTS, RECORDED IN MAP BOOK 22, PAGES 13 THROUGH 16 IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 48 DEGREES 32 DEGREES 41 SECONDS WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200, 40.03 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID 40 FEET WIDE PRIVATE RIGHT OF WAY; THENCE DEPARTING SAID NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200 AND ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID 40 FEET WIDE PRIVATE RIGHT OF WAY THE FOLLOWING SIX COURSES: 1) THENCE NORTH 43 DEGREES 44 DEGREES 05 SECONDS WEST, 18.13 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 316.48 FEET AND A CENTRAL ANGLE OF 25 DEGREES 58 MINUTES 41 SECONDS; 2) THENCE ALONG THE ARC OF SAID CURVE 143.49 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 30 DEGREES 44 DEGREES 44 SECONDS WEST, 142.27 FEET; 3) THENCE NORTH 17 DEGREES 45 DEGREES 24 SECONDS WEST, 282.85 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1625.56 FEET AND A CENTRAL ANGLE OF 01 DEGREES 35 DEGREES 54 SECONDS; 4) THENCE ALONG THE ARC OF SAID CURVE 45.35 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 16 DEGREES 57 DEGREES 27 SECONDS WEST, 45.35 FEET; 5) THENCE NORTH 16 DEGREES 09 DEGREES 30 SECONDS WEST, 244.52 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 445.02 FEET AND A CENTRAL ANGLE OF 8 DEGREES 24 DEGREES 01 SECONDS; 6) THENCE ALONG THE ARC OF SAID CURVE 65.24 FEET, TO THE POINT OF BEGINNING OF THE WATER UTILITY EASEMENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 20 DEGREES 21 DEGREES 30 SECONDS WEST, 65.19 FEET.

FROM THE POINT OF BEGINNING JUST DESCRIBED, THENCE SOUTH 53 DEGREES 24 DEGREES 35 SECONDS WEST, DEPARTING SAID RIGHT OF WAY AND NON-TANGENT TO LAST DESCRIBED CURVE, 13.64 FEET; THENCE NORTH 52 DEGREES 40 DEGREES 08 SECONDS WEST, 44.79 FEET; THENCE NORTH 39 DEGREES 59 DEGREES 35 SECONDS WEST, 7.67 FEET; THENCE NORTH 84 DEGREES 35 DEGREES 42 SECONDS WEST, 22.05 FEET; THENCE NORTH 03 DEGREES 06 DEGREES 20 SECONDS WEST, 55.89 FEET; THENCE NORTH 74 DEGREES 37 DEGREES 48 SECONDS EAST, 24.05 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF A 40 FEET WIDE PRIVATE RIGHT OF WAY; THENCE SOUTH 34 DEGREES 42 DEGREES 11 SECONDS EAST, ALONG SAID RIGHT OF WAY, 25.26 FEET TO A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 445.02 FEET AND A CENTRAL ANGLE OF 10 DEGREES 08 DEGREES 40 SECONDS; THENCE ALONG THE ARC OF SAID CURVE 78.79 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED WATER UTILITY EASEMENT, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 29 DEGREES 37 DEGREES 50 SECONDS EAST, 78.69 FEET.

THE LAND JUST DESCRIBED CONTAINS 3556 SQUARE FEET, OR 0.08 ACRES, MORE OR LESS.

**NOTES**

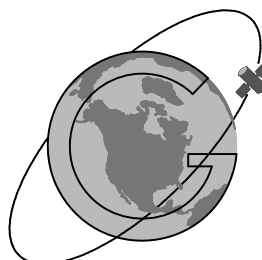
- 1.) THIS IS NOT A BOUNDARY SURVEY.
- 2.) BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE, EAST ZONE AND ARE EXPRESSED IN U.S. SURVEY FEET.
- 3.) BOUNDARY INFORMATION FOR THIS PARCEL REFERENCED D 19-2944 ALTA BY THIS FIRM
- 4.) MAP NOT VALID WITHOUT ALL SHEETS
- 5.) SEE SHEET 2 FOR SKETCH
- 6.) THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT

Pablo Ferarri, Florida PSM# 5601  
Not Valid Without The Digital Signature Of A Florida Licensed  
Surveyor & Mapper

NOT COMPLETE  
WITHOUT PAGE 2  
OF 2

**GEOMATICS CORP.**

SURVEYING—MAPPING—GPS  
2804 N. FIFTH STREET, UNIT 101  
ST AUGUSTINE, FL 32084  
PHONE (904) 824-3086 FAX (904) 824-5753  
LICENSED BUSINESS  
GEORGIA #939 FLORIDA #6979 SOUTH CAROLINA #3387  
ALABAMA #794 NORTH CAROLINA COA #3752



PROJECT NO: A 19-2944 WUE1

SKETCH DATE: 06-29-2022

CHECKED BY: AJJ/ P.F.

DRAWN BY: B HARVEY/ MRB

FIELD WORK:N/A

FB: N/A PG.: N/A

PAGE: 1 OF 2

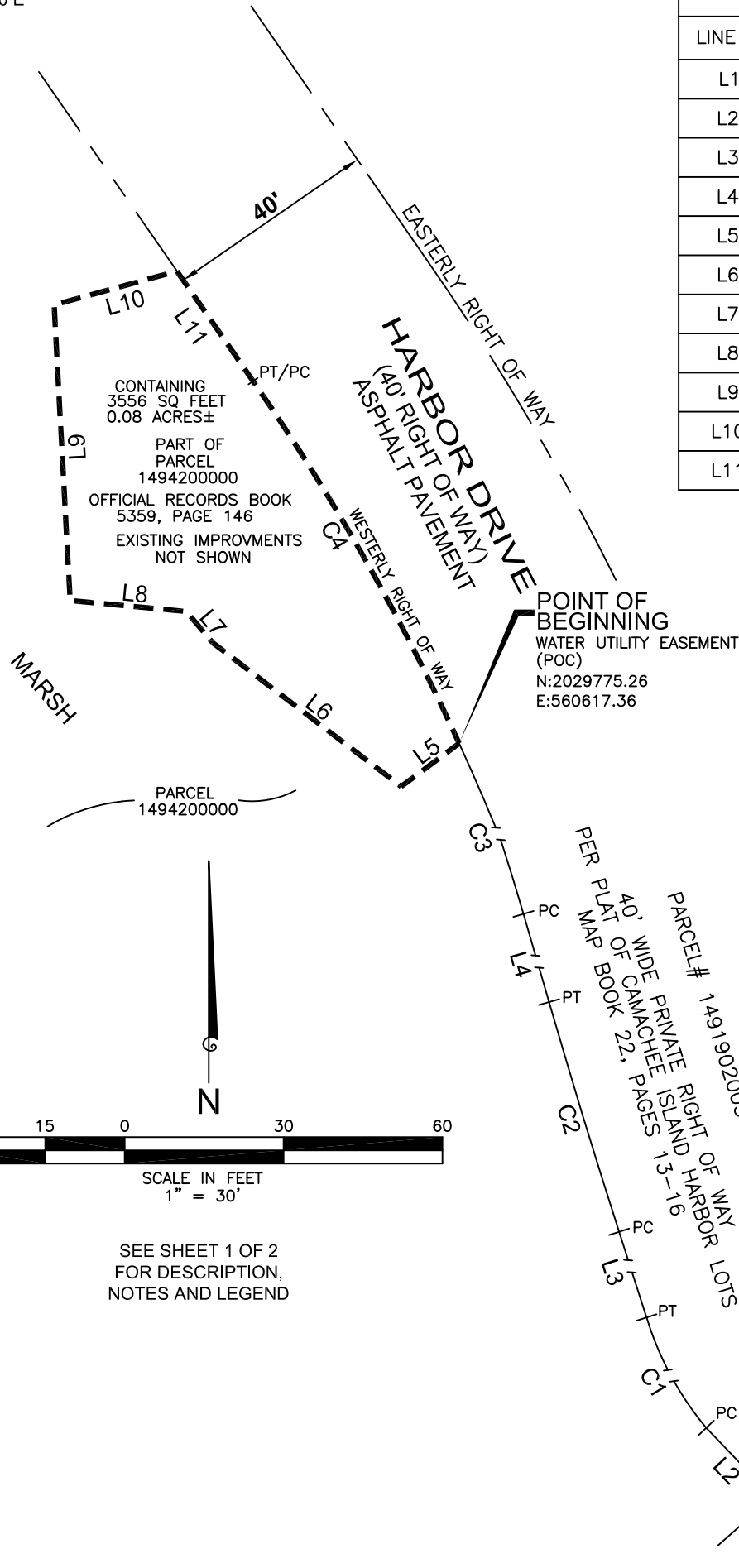


CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	25°58'41"	316.48'	143.49'	73.00'	N 30°44'44" W	142.27'
C2	01°35'54"	1625.56'	45.35'	22.67'	N 16°57'27" W	45.35'
C3	8°24'01"	445.02'	65.24'	32.68'	N 20°21'30" W	65.19'
C4	10°08'40"	445.02'	78.79'	39.50'	S 29°37'50" E	78.69'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S 48°32'41" W	40.03'
L2	N 43°44'05" W	18.13'
L3	N 17°45'24" W	282.85'
L4	N 16°09'30" W	244.52'
L5	S 53°24'35" W	13.64'
L6	N 52°40'08" W	44.79'
L7	N 39°59'35" W	7.67'
L8	N 84°35'42" W	22.05'
L9	N 3°06'20" W	55.89'
L10	N 74°37'48" E	24.05'
L11	S 34°42'11" E	25.26'

SEC 5  
TWP 7 S  
RNG 30 E

SEC 8  
TWP 7 S  
RNG 30 E



LEGEND/ABBREVIATIONS

POC = POINT ON CURVE  
PT = POINT OF TANGENCY  
PC = POINT OF CURVATURE  
L1 = LINE # SEE LINE TABLE  
C1 = CURVE # SEE CURVE TABLE  
MB = MAP BOOK  
PG = PAGE  
± = MORE OR LESS  
SEC = SECTION  
TWP = TOWNSHIP  
RNG = RANGE  
N: = STATE PLANE COORDINATE PAIR  
E: = STATE PLANE COORDINATE PAIR

SEE SHEET 1 OF 2  
FOR DESCRIPTION,  
NOTES AND LEGEND

**GEOMATICS CORP.**

SURVEYING-MAPPING-GPS  
2804 N. FIFTH STREET, UNIT 101  
ST AUGUSTINE, FL 32084  
PHONE (904) 824-3086 FAX (904) 824-5753

LICENSED BUSINESS  
GEORGIA #939 FLORIDA #6979 SOUTH CAROLINA #3387  
ALABAMA #794 NORTH CAROLINA COA #3752



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OF 2