

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-

DATE: June 9, 2023

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

FROM: Marissa Ramos, Public Utilities Supervisor, Division of Engineering *MR*

RE: Docket No. 20220064-WS - Application for transfer of water and wastewater facilities of Tymber Creek Utilities, Inc., water Certificate No. 303-W, and wastewater Certificate No. 252-S to CSWR-Florida Utility Operating Company, LLC, in Volusia County.

Please file the attached emails regarding "Utility Deeds" and associated email attachments in the above mentioned docket file.

This instrument prepared by:
Wells, Revis, Elton & Gardner, P.A.
648 South Ridgewood Avenue
Daytona Beach, FL 32114
Parcel ID # 4124-05-00-4280



01/26/2001 14:27
Doc stamps 1136.10
(Transfer Amt \$ 162290)
Instrument # 2001-015893
Book: 4638
Page: 2697

WARRANTY DEED

Made the 19th day of January 2001, by J.K. SHIRAH & SONS, INC., a corporation existing under the laws of the State of Florida, and having its principal place of business as 1951 State Road 40, Ormond Beach, Florida 32174, hereinafter called the "Grantor", to J. STANLEY SHIRAH, whose post office address is 1951 State Road 40, Ormond Beach, Florida 32174, hereinafter called "Grantee".

(Wherever used herein the terms "Grantor" and "Grantee" include singular and plural, all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all the certain land situate in Volusia County, State of Florida, viz:

Lot 428 TYMBER CREEK PHASE III, as per map recorded in Map Book 42, Pages 3 and 4, of the public records of Volusia County, Florida.

Also the legal description attached hereto and made a part hereof as Exhibit "A"

SUBJECT to taxes for 2001 and subsequent years, easements and restrictions of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever, together with the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free and clear of all encumbrances, except taxes accruing subsequent to December 31, 2000.

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

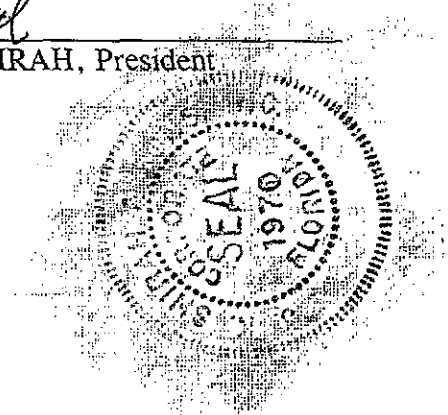
J.K. SHIRAH & SONS, INC., a Florida corp.

Nicole M. Blankenship
Nicole M. Blankenship

BY:

J. Stanley Shirah
J. STANLEY SHIRAH, President

Cindy C. Sorensen
Cindy C. Sorensen



STATE OF FLORIDA]
] SS
COUNTY OF VOLUSIA]

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared J. STANLEY SHIRAH, known to me to be the President of J. K. SHIRAH & SONS, INC., a Florida corporation, the corporation in whose name the foregoing instrument was executed, and that he acknowledged executing the same for such corporation, freely and voluntarily, under authority duly vested in him by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation. Said person is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid, this 19th day of January, 2001.

Nicole M. Blankenship
Notary Public
State of Florida at Large

RE: J.K. Shirah Deed



Nicole M. Blankenship
MY COMMISSION # CC815919 EXPIRES
June 18, 2003
BONDED THRU TROY FAIN INSURANCE, INC

EXHIBIT "A"

A PORTION OF THE EAST 1/2 OF THE WEST 1/2 OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE NORTH LINE OF SAID SECTION 25 AND THE EASTERLY RIGHT-OF-WAY LINE OF TYMBER CREEK ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING AS SHOWN ON THE RECORD PLAT OF TYMBER CREEK PHASE I, AS RECORDED IN PLAT BOOK 34, PAGES 98-103, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE GO NORTH 88 DEGREES 33 MINUTES 07 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 670.25 FEET TO THE NORTHWEST CORNER OF PARCEL 142 (THE SEWAGE AND WATER TREATMENT PLANT SITE) OF SAID TYMBER CREEK PHASE I; THENCE DEPARTING THE NORTH LINE OF SAID SECTION 25, GO ALONG THE BOUNDARY OF SAID TYMBER CREEK PHASE I THE FOLLOWING COURSES AND DISTANCES: SOUTH 10 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 648.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWEST AND HAVING A RADIUS OF 135.95 FEET; THENCE GO SOUTHWEST ALONG SAID CURVE HAVING A RADIUS OF 135.95 FEET, THROUGH A CENTRAL ANGLE OF 67 DEGREES 03 MINUTES 48 SECONDS, AN ARC DISTANCE OF 150.20 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHEAST AND HAVING A RADIUS OF 178.64 FEET; THENCE GO SOUTHWEST ALONG SAID CURVE HAVING A RADIUS OF 178.64 FEET, THROUGH A CENTRAL ANGLE OF 16 DEGREES 01 MINUTE 20 SECONDS, AN ARC DISTANCE OF 49.95 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTH AND HAVING A RADIUS OF 25.00 FEET; THENCE GO WEST ALONG SAID CURVE HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 70 DEGREES 28 MINUTES 14 SECONDS, AN ARC DISTANCE OF 30.75 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHWEST AND HAVING A RADIUS OF 400.00 FEET, SAID POINT BEING ON THE NORTHERLY LINE OF A 50 FOOT EASEMENT KNOWN AS SANDY SPRING ROAD; THENCE GO NORTHWEST ALONG SAID EASEMENT CURVE HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 18 DEGREES 55 MINUTES 08 SECONDS, AN ARC DISTANCE OF 132.08 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET; THENCE GO NORTHWEST ALONG SAID CURVE HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 44 DEGREES 18 MINUTES 02 SECONDS, AN ARC DISTANCE OF 19.33 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTH AND HAVING A RADIUS OF 50.00 FEET; THENCE GO WEST ALONG SAID CURVE HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 158 DEGREES 14 MINUTES 26 SECONDS, AN ARC DISTANCE OF 138.09 FEET TO A POINT; THENCE DEPARTING SAID CURVE GO SOUTH 88 DEGREES 39 MINUTES 10 SECONDS WEST, A DISTANCE OF 141.82 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF TYMBER CREEK ROAD; THENCE GO NORTH 01 DEGREES 20 MINUTES 50 SECONDS WEST, A DISTANCE OF 686.89 FEET TO THE POINT OF BEGINNING. CONTAINING 9.6 ACRES MORE OR LESS.

Please Return To
Walter Reavis, Esq., Clerk
Attorney at Law
848 South Hibbard Avenue
Daytona Beach, FL 32114

Recording Fee: \$ _____
Doc. Stamp _____
Int. Tax _____

SEARCHED
SERIALIZED
INDEXED
FILED
JUL 5 2019
ORMOND BEACH, FLORIDA
COUNTY CLERK

This instrument prepared by and return to:
T. Brent Jenkins, P.A.
Jenkins & Young
265 Clyde Morris Blvd., #300
Ormond Beach, FL 32174

Parcel ID Number: 412504001420

Warranty Deed

This Indenture, Made this **2nd** day of **July**, 2019 A.D., **Between**
Tymer Creek Utilities, Incorporated, a Florida Corporation

of the County of **Volusia**, State of **Florida**, **grantor,** and
J. Stanley Shirah

whose address is: **1951 State Road 40, Ormond Beach, FL 32174**

of the County of **Volusia**, State of **Florida**, **grantee.**

Witnesseth that the GRANTOR, for and in consideration of the sum of
-----**TEN DOLLARS (\$10)**----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of **Volusia** State of **Florida** to wit:
Parcel 142, TYMBER CREEK PHASE I, according to the plat thereof as
recorded in Plat Book 34, Page 98 through 103, Public Records of
Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if
any, and taxes subsequent to December 31, 2018.

No Search or examination of title has been done on the subject
property and absolutely no warranties, expressed or implied, are made
with regard to the state of the title or any other aspect thereof.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.


In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

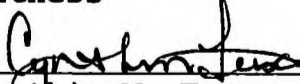
Tymer Creek Utilities, Incorporated,
a Florida Corporation



T. Brent Jenkins
Witness

By:  (Seal)

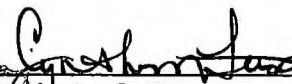
J. Stanley Shirah, President
P.O. Address: 1951 State Road 40, Ormond Beach, FL 32174



Cynthia M. Fusco
Witness

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this **2nd** day of **July**, 2019 by
J. Stanley Shirah, President of Tymer Creek Utilities, Incorporated,
a Florida Corporation
who has produced his **driver's license** as identification.



CYNTHIA M. FUSCO **Printed Name:**
Notary Public - State of Florida
Commission # GG 2401 **Notary Public**
My Comm. Expires Jun 29, 2023 Commission Expires:
Bonded through National Notary Assn.

From: [Joann Parsons](#)
To: [Joann Parsons](#)
Subject: FW: 20220064 - Tymber Creek Certificate Transfer
Date: Friday, June 09, 2023 12:45:04 PM

From: Major Thompson <MThompso@psc.state.fl.us>
Sent: Friday, June 9, 2023 10:39 AM
To: Melinda Watts <Mwatts@PSC.STATE.FL.US>; Marissa Ramos <mramos@psc.state.fl.us>
Cc: Jennifer Crawford <jcrawfor@psc.state.fl.us>
Subject: FW: 20220064 - Tymber Creek Certificate Transfer

Marissa and Melinda—

I received a call today from Mr. Cvercko (below) regarding two deeds related to Tymber Creek. Mr. Cvercko pointed out that in 2019 Tymber Creek transferred a percolation pond and/or a treatment plant parcel to Stanley Shirah in his individual capacity without PSC approval. Mr. Cvercko alleges that it appears Tymber Creek may have no physical assets except for possibly service pipes. Would you mind reviewing the deeds provided by Mr. Cvercko and discussing them with me whenever you have a moment?

V/R,
MRT

From: Alex Cvercko <alex@cverckolaw.com>
Sent: Friday, June 9, 2023 10:27 AM
To: Major Thompson <MThompso@psc.state.fl.us>
Subject: RE: 20220064 - Tymber Creek Certificate Transfer

Mr. Thompson,

Yes, I will need to coordinate.

See attached deed for the percolation pond owned by Stanely Shirah transferred in 2001 and the treatment plant parcel owned by Stanley Shirah transferred in 2019.

It appears that TCU has no physical assets other than maybe the service pipes.

As discussed, the Memo does not appear to address any agency action for Items 2 and 6 being addressed at the June 13, 2023 meeting.

Regards,

Alex Cvercko

Alexander B. Cvercko, Esq.



Ph: 904.821.8700
Cell: 407.310.4187
Fax: 888.477.3412
Email: alex@cverckolaw.com
www.cverckolaw.com

Physical Address:

13500 Sutton Park Dr. S., Suite 304
Jacksonville, FL 32224

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From: Major Thompson <MThompso@psc.state.fl.us>
Sent: Friday, June 9, 2023 9:45 AM
To: Alex Cvercko <alex@cverckolaw.com>
Subject: 20220064 - Tymber Creek Certificate Transfer

Good morning, Mr. Cvercko,

Do you anticipate attending the June agenda conference (6/13) for this case? Participation for issue 1 (the motion to dismiss) is at the Commission's discretion, but do you intend to request to present to the Commission or just to be present and answer any questions the Commission may have?

For issues 3 through 5, will you be presenting or just available for questions?

Respectfully,
Major Thompson
Senior Attorney
Public Service Commission
(850) 413-6076