

941044-WS

FORM 7
PAGE 1 OF 2

APPLICATION FOR NONPROFIT ASSOCIATION EXEMPTION
SECTION 367.022 (7), FLORIDA STATUTES
RULE 25-30.060 (3) (g), FLORIDA ADMINISTRATIVE CODE

NAME OF SYSTEM: Westchester Woods Condominium Association, Inc.

PHYSICAL ADDRESS OF SYSTEM: 22481 Westchester Blvd.

Port Charlotte, FL 33980

MAILING ADDRESS (IF DIFFERENT): P.O. Box 758

Murdock, FL 33938-0758

COUNTY: Charlotte

PRIMARY CONTACT PERSON:

NAME: Rebecca E. Rothfuss, Manager

ADDRESS: P.O. Box 758

Murdock, FL 33938-0758

PHONE #: 813-629-8190

ACK NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION,
PARTNERSHIP, SOLE PROPRIETOR, ETC.) Corporation

I believe this system to be exempt from the regulation of the
Florida Public Service Commission pursuant to Section 367.022 (7),
Florida Statutes, for the following reasons:

- 1. The corporation, association, or cooperative is nonprofit.
- 2. Service will be provided solely to members who own and control it.
- 3. The system provides (CHOOSE THE ONE THAT IS APPLICABLE):
Water only _____
Wastewater only X
Both _____
- 4. Westchester Woods Condominium Assoc., Inc. will do the billing for such service.
- 5. The service area is located at: _____

22481 Westchester Blvd., Port Charlotte, FL 33980

DOCUMENT NUMBER-DATE

12612 DEC 15 88

APPLICATION FOR NONPROFIT ASSOCIATION EXEMPTION

6. Attached are the articles of incorporation as filed with the Secretary of State and bylaws which clearly show the requirements for membership, that the members' voting rights are one vote per unit of ownership and the circumstances under which control of the corporation passes to the non-developer members. Control of the corporation must pass: 1) at 51 percent ownership by the non-developer members or 2) at some greater percentage delimited by a time period not to exceed 5 years from the date of incorporation.
7. Attached is proof of ownership of the utility facilities and the land upon which the facilities will be located or other proof of the applicant's right to continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost effective alternative.

I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, S. 775.083, or S. 775.084.

JOHN HUGHES
(Applicant please print or type)

November 23, 1994
(Date)


John Hughes
(Signature)

President
(Title)

When you finish filling out the application, the original and two copies of the application, Articles of Incorporation, Bylaws and proof of ownership should be mailed to: **Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0850.**

ARTICLES OF INCORPORATION

OF

WESTCHESTER WOODS CONDOMINIUM ASSOCIATION, INC.

(A NON-PROFIT FLORIDA CORPORATION)

FILED
JUN 10 3 38 PM '91
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

ARTICLE I.

The name of this corporation is WESTCHESTER WOODS CONDOMINIUM ASSOCIATION, INC.

O.R. 669-66 640

ARTICLE II.

The purpose for which this corporation is organized is to act as the governing association of the proposed WESTCHESTER WOODS, a Condominium, located in Charlotte County, Florida.

ARTICLE III.

The qualification of members and the manner of their admission shall be as follows: Any person or persons who hold title in fee simple to a condominium unit in WESTCHESTER WOODS, a Condominium, shall by virtue of such ownership be a member of this corporation.

ARTICLE IV.

This corporation shall exist perpetually.

ARTICLE V.

The names and residences of the subscribers to these Articles of Incorporation are as follows:

CLAUDE A. PAGE	812 West Ellicott Circle, N.W. Port Charlotte, FL 33952
RICHARD R. PAGE	118 Hampshire House Port Charlotte, FL 33952
NANCY HABDO	496 N.W. Cicero Street Port Charlotte, FL 33952

ARTICLE VI.

The affairs of the corporation are to be managed initially by a Board of three (3) Directors. The Board may be increased to any number not to exceed nine. The Directors will be elected each year at the annual meeting of the Condominium Association as provided for in the By-Laws.

ARTICLE VII.

The names of the officers who are to serve until the first election or appointment under the Articles of Incorporation are:

CLAUDE A. PAGE	President
RICHARD R. PAGE	Vice President
NANCY HABDO	Secretary/Treasurer

ARTICLE VIII.

O.R. 669 PD 641

The number of persons constituting the first Board of Directors shall be three (3) and their names and addresses are as follows:

CLAUDE A. PAGE	812 W. Ellicott Circle, N.W. Port Charlotte, FL 33952
RICHARD R. PAGE	118 Hampshire House Port Charlotte, FL 33952
NANCY HABDO	496 N.W. Cicero Street Port Charlotte, FL 33952

ARTICLE IX.

The By-Laws of the corporation are to be made, altered or rescinded by the members of the corporation as provided for in the By-Laws.

ARTICLE X.

Amendments to these Articles of Incorporation may be proposed and adopted at any regular or specially called meeting of the members of the Association by a majority vote of all the members. Due notice of the meeting must have been given as provided for in the By-Laws.

ARTICLE XI.

Each apartment in the condominium shall have one (1) full vote, which shall be cast by a designated owner as provided for in the Declaration of Condominium.

ARTICLE XII.

This corporation reserves the right to amend or repeal any provisions contained in these Articles of Incorporation.

ARTICLE XIII.

No part of the net earnings of this corporation shall inure to the benefit of any member or individual, except through the acquisition, construction, management, maintenance, or care of association property

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or through the rebate of the excess membership dues, fees, or assessments.

IN WITNESS WHEREOF, the undersigned subscribers have executed these Articles of Incorporation this 5th day of June, 1988.

O.R. 669 PG 842

Witnesses:

[Handwritten signatures]
[Handwritten signatures]
[Handwritten signatures]
[Handwritten signatures]
[Handwritten signatures]

Claude A. Page (SEAL)
Richard R. Page (SEAL)
Nancy Habdo (SEAL)

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STATE OF FLORIDA:

COUNTY OF Charlotte:

BEFORE ME, the undersigned, a Notary Public authorized to take acknowledgements in the State and County aforesaid, personally appeared CLAUDE A. PAGE, RICHARD R. PAGE and NANCY HABDO, known to me and known to be the persons who executed the foregoing Articles of Incorporation, and they acknowledged before me that they executed those Articles of Incorporation.

WITNESS my hand and seal this 5th day of June, 1988.

[Handwritten signature]
Notary Public,
My commission expires [Handwritten date]

BY-LAWS

OF

WESTCHESTER WOODS CONDOMINIUM ASSOCIATION, INC.

"A corporation not for profit under the laws
of the State of Florida."

ARTICLE I. - IDENTIFICATION

1.1) Identify. These are the By-Laws of WESTCHESTER WOODS CONDOMINIUM ASSOCIATION, INC., hereinafter called Association in these By-Laws, a corporation not for profit under the Laws of the State of Florida, the Articles of Incorporation of which were filed in the office of the Secretary of State on June 10, 1981. The Association has been organized for the purpose of administering a Condominium pursuant to Chapter 718, Florida Statutes, called the Condominium Act in these By-Laws, which condominium is identified by the name WESTCHESTER WOODS and is located upon lands as more particularly described in the Declaration of Condominium in Port Charlotte, Charlotte County, Florida.

1.2) Office. The office of the Association will be located at the condominium, Port Charlotte, Florida.

1.3) Fiscal Year. The fiscal year of the Association shall be the calendar year.

1.4) Seal. The seal of the corporation shall bear the name of the Corporation, the word "Florida", the words "Corporation not for profit" and the year of incorporation, and the impression of which is as follows:

ARTICLE II. - MEMBERS' MEETINGS

2.1) Annual Meeting. The annual meeting of the members shall be held in the office of the corporation at 10:00 A.M. Eastern Standard Time, on the first Tuesday of November of each year, for the purpose of electing directors and transacting any other business authorized to be transacted by the members; provided, however, if that day is a legal holiday, the meeting shall be held at the same hour on the next day that is not a holiday.

2.2) Special Meetings. Special meetings of the members shall be held whenever called by the President or Vice President, or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from members entitled to cast one-half of the votes of the entire membership.

2.3) Notice of Meetings. Notice of meetings of the members stating the time and place and objects for which the meeting is called shall be given by the President or vice President or Secretary, unless waived in writing. Such notice shall be in writing to each member at his address as it appears on the books of the Association and shall be mailed not less than 14 days nor more than 60 days prior to the date of the meeting. Proof of such mailing shall be given by the affidavit of the person giving the notice. Notice of meeting may be waived before or after the meetings. Notice will also be given by posting a copy of such notice at a conspicuous place on the condominium property at least 14 days prior to the date of the meeting.

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2.4) Quorum. A quorum at meetings of the members shall consist of persons entitled to cast a majority of the votes of the entire membership. The acts approved by a majority of the votes present at a meeting at which a quorum is present shall constitute the acts of the members except when approval by a greater number of members is required by the Declaration of Condominium, the Articles of Incorporation, or these By-Laws.

2.5) Voting. In any meeting of members the owners of Units shall be entitled to cast one vote for each unit owned by the member, unless the decision to be made is elsewhere required to be determined in another manner. If a unit is owned by one person, his right to vote shall be established by the record title to his unit. If a unit is owned by more than one person, or is under lease, the person to cast the vote for the unit shall be designated by a certificate signed by all of the record owners of the unit and filed with the Secretary of the Association. If a unit is owned by a corporation, the person entitled to cast the vote for the unit shall be designated by a certificate signed by the President or Vice President and attested by the Secretary or Assistant Secretary of the corporation and filed with the Secretary of the Association. Such certificate shall be valid until revoked or until superseded by a subsequent certificate or until a change in the ownership of the unit concerned. A certificate designating the person entitled to cast the vote of a unit may be revoked by any owner of a unit. If such a certificate is not on file, the vote of such owners shall not be considered in determining the requirement for a quorum or for any other purpose.

2.6) Proxies. Votes may be cast in person or by proxy. A proxy may be made by any person entitled to vote and shall be valid only for the particular meeting designated in the proxy, and must be filed with the secretary of the Association before the appointed time of the meeting, or any adjournment of the meeting. No one person shall be designated to hold more than five proxies.

A proxy may be voted by the individual holding same on any matter which may lawfully come before the meeting.

2.7) Adjourned Meetings. If any meeting of the members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.

2.8) Order of Business. The order of business at annual meetings of the members, and as far as practical at other meetings of the members, shall be:

- a. Election of Chairman of the meeting.
- b. Calling of the roll and certifying of proxies.
- c. Proof of notice of meeting, or waiver of notice.
- d. Reading and disposal of any unapproved minutes.
- e. Reports of committees.
- f. Reports of Officers.
- g. Election of inspectors of election.
- h. Election of Directors.
- i. Unfinished business.
- j. New business.

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k. Adjournment.

2.5) Proviso. Provided, however, that until Developer has transferred control of the Association to the unit owners, as provided in Paragraph 3.2 of these By-Laws, the proceedings of all meetings of members of the Association shall have no effect unless approved by the Board of Directors of the Association.

ARTICLE III. - DIRECTORS

3.1) Number. The affairs of the Association shall be managed by the Board of not less than two nor more than four Directors, the exact number to be determined at the time of the election.

3.2) Election of Directors. The election of Directors shall be conducted in the following manner:

a. Election of Directors shall be held at the annual meeting of the members.

b. A nominating committee of two members shall be appointed by the Board of Directors not less than fifteen days prior to the annual meeting of members. The committee shall nominate one person for each Director then serving. Nominations for additional directorships created at the meeting shall be made from the floor, and other nominations may be made from the floor.

c. The election shall be by ballot (unless dispensed by unanimous consent) and by a plurality of the votes cast, each person voting being entitled to cast his votes for each of as many nominees as there are vacancies to be filled. There shall be no cumulative voting.

d. Except as to vacancies provided by removal of Directors by members, vacancies in the Board of Directors occurring between annual meetings of members shall be filled by the remaining Directors.

e. Any Director may be removed with or without cause by concurrence of a majority of the votes of the entire membership at a special meeting of the members called for that purpose. The vacancy in the Board of Directors so created shall be filled by the members of the Association at the same meeting.

f. Provided, however, that Developer shall be empowered to elect Directors of the Association pursuant to Paragraph 15B of the Declaration of Condominium.

3.3) Term. The term of each Director's service shall extend until the next annual meeting of the members and subsequently until his successor is duly elected and qualified, or until he is removed in the manner elsewhere provided.

3.4) Organization Meeting. The organization meeting of a newly elected Board of Directors shall be held within 10 days of their election, at such place and time as shall be fixed by the Directors at the meeting at which they were elected, and no further notice of the organization meeting shall be necessary.

3.5) Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time by a majority of the Directors. Notice of regular meetings shall be given to each Director, personally or by mail, telephone or telegraph, at least three days prior to the day named for such meeting. Meetings of the Board of Directors shall be open to all unit owners and notices of said meetings shall be posted conspicuously on the condominium property 48 hours in advance for the attention of the unit owners except in cases of emergency.

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3.6) Special Meetings. Special meetings of the Directors may be called by the President and must be called by the Secretary at the written request of one-third of the Directors. Not less than 24 hours notice of the meeting shall be given personally or by mail, telephone or telegraph, which notice shall state the term, place and purpose of the meeting. Special meetings shall be held only in cases of emergency.

3.7) Waiver of Notice. Any Director may waive notice of a meeting before or after the meeting, and such waiver shall be deemed equivalent to the giving of notice.

3.8) Quorum. A quorum at Director's meetings shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors, except when approval by a greater number of Directors is required by the Declaration of Condominium, the Articles of Incorporation, or these By-Laws.

3.9) Adjourned Meetings. If at any meeting of the Board of Directors there be less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business that might have been transacted at the meeting as originally called may be transacted without further notice.

3.10) Presiding Officer. The presiding officer of Directors' meetings shall be the Chairman of the Board, if such an officer has been elected; and if none, the President shall preside. In the absence of the presiding officer, the Directors present shall designate one of their number to preside.

3.11) Order of Business. The order of business at Directors' meetings shall be:

- a. Call of Roll.
- b. Proof of due notice of meetings.
- c. Reading and disposal of any unapproved minutes.
- d. Reports of officers and committees.
- e. Election of officers.
- f. Unfinished Business.
- g. New business.
- h. Adjournment.

3.12) Directors' Fees. Directors' fees, if any, shall be determined by the members.

ARTICLE IV - POWERS AND DUTIES OF THE BOARD OF DIRECTORS

4.1) All of the powers and duties of the Association existing under the Condominium Act, Declaration of Condominium, Articles of Incorporation and these By-Laws shall be exercised exclusively by the Board of Directors, or its duly authorized agents, contractors, or employees subject only to the approval by unit owners when such is specifically required. Such powers and duties of the Directors shall include but shall not be limited to the following:

LR 670 P 676

a. To make and collect assessments against members to defray the costs, expenses and losses of the condominium and association property.

b. To use the proceeds of assessments in the exercise of its powers and duties.

c. The maintenance, repair, replacements and operation of the condominium property.

d. The reconstruction of improvements after casualty and the further improvements of the property.

e. To make and amend regulations respecting the use of the property in the condominium.

f. To approve or disapprove proposed transactions in the manner provided by the Condominium Declaration.

g. To enforce by legal means the provisions of applicable laws, the Condominium documents, Declaration of Condominium, the By-Laws of the Association, and the Regulations for the use of the property within the condominium.

h. To contract for management of the condominium and to delegate to such contractor such powers and duties of the Association except as are specifically required by the condominium documents or applicable laws to have approval of the Board of Directors or the membership of the Association.

i. To pay taxes and assessments which are liens against any part of the condominium other than individual units and appurtenances thereto, and to assess the same against the unit subject to such liens.

j. To carry insurance for the protection of apartment owners and the Association against casualty and liabilities.

k. To pay the cost of all power, water, sewer and other utility services rendered to the condominium and not billed to owners of individual units.

l. To employ personnel for reasonable compensation to perform the services required for proper administration of the purposes of the Association.

m. To acquire and to enter into agreements whereby it acquires leaseholds, memberships and other possessory or use interest in lands or facilities whether or not contiguous to the lands of the Condominium intended to provide for the enjoyment, recreation or other use and benefit of the unit owners within the Condominium.

n. To contract for the management or operation of portions of the common elements susceptible to separate management or operation and to lease such property.

o. To purchase units in the Condominium subject to any restrictions to set forth within the Declaration of Condominium and to acquire and hold, lease, mortgage and convey same.

p. To maintain a class action on behalf of the Association and to settle a cause of action on behalf of the unit owners with reference to matters of common interest.

ARTICLE V - OFFICERS

5.1) Executive Officers. The executive officers of the Association shall be a President who shall be a Director; a Treasurer; a Secretary and an Assistant Secretary, all of whom shall be elected

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annually by the Board of Directors and who may be preemptorily removed by vote of the Directors at any meeting. Any person may hold two or more offices, except that the President shall not also be the Secretary or an Assistant Secretary. The Board of Directors from time to time shall elect such other officers and designate their powers and duties as the Board shall find to be required to manage the affairs of the Association.

5.2) President. The President shall be the chief executive officer of the Association. He shall have all of the powers and duties usually vested in the office of president of an association, including but not limited to the power to appoint committees from among the members from time to time, as he in his discretion may determine appropriate, to assist in the conduct of the affairs of the Association.

5.3) Secretary. The Secretary shall keep the minutes of all proceedings of the Directors and the members. He shall attend to the giving and serving of all notices to the members and Directors, and other notices required by law. He shall have custody of the seal of the Association and affix it to instruments requiring a seal when duly signed. He shall keep the records of the Association except those of the Treasurer, and shall perform all other duties incident to the office of secretary of an association and as may be required by the Directors or the President. The Assistant Secretary shall perform the duties of the Secretary when the Secretary is absent.

5.4) Treasurer. The Treasurer shall have custody of all property of the Association, including funds, securities and evidence of indebtedness. He shall keep the books of the Association in accordance with good accounting practice and he shall perform all other duties incident to the office of Treasurer.

5.5) Compensation. The compensation of all officers and employees of the Association shall be fixed by the Directors. The provisions that Directors' fees shall be determined by members shall not preclude the Board from employing a Director as an employee of the Association, nor preclude the contracting with a Director for the management of the condominium.

5.6) Indemnification of Directors and Officers. Every Director and officer of the Association shall be indemnified by the Association against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed upon him in connection with any proceeding to which he may be a party, or in which he may become involved, by reason of his being or having been a director or officer of the Association, at the time such expenses were incurred, except in such cases wherein the Director or officer is adjudged guilty of willful misfeasance or malfeasance in the performance of his required duties, provided that in the event of a settlement the indemnification herein shall apply only when the Board of Directors shall approve such settlement and reimbursement as being for the best interests of the Association. The foregoing rights of indemnification shall be in addition to and not exclusive of all other rights to which such director or officer may be entitled.

ARTICLE VI - FISCAL MANAGEMENT

The provisions for fiscal management of the Association set forth in the Declaration shall be supplemented by the following provisions:

6.1) Assessment Roll. The assessment roll shall be maintained in a set of accounting books in which there shall be an account for each apartment. Such an account shall designate the name and address of the owner or owners, the amount of each assessment against the owners, the dates and amounts in which the assessments come due, the amounts paid upon the account, and the balance due upon assessments.

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6.2) Budget. The Board of Directors shall adopt a budget for each calendar year which shall contain estimates of the cost of performing the functions of the Association. The budget shall include estimated common expenses and a reasonable allowance for contingencies and reserves less the unneeded fund balances on hand, if any. Copies of the budget and proposed assessments shall be transmitted to each unit owner not less than 30 days prior to the meeting at which the budget will be considered together with notice of that meeting. Such notice shall include the time and place at which the meeting of the Board of Directors to consider the budget shall be held, and such meeting shall be open to unit owners. If the budget is substantially amended before the assessments are made a copy of the amended budget shall be furnished. The budget shall contain a reserve for capital expenditures pursuant to Fla. Stat. 718.112 (2) (K) (1979).

6.3) The Depository. The depository of the Association shall be such bank or banks in Florida as shall be designated from time to time by the Directors and in which the moneys for the Association shall be deposited. Withdrawal of moneys from such accounts shall be only by checks signed by such persons as are authorized by the Directors.

6.4) Audit. An audit of the accounts of the Association shall be made annually by a certified public accountant, and a copy of the report shall be furnished to each member not later than April 15 of the year following the year for which the report is made.

6.5) Bonds. Fidelity bonds shall be required by the Board of Directors from all officers and employees of the Association and from any contractor handling or responsible for Association funds. The amount of such bonds shall be determined by the Board of Directors. However, the amount of such bonds shall not be less than one-half or one-third of the amount of the total annual assessments against members for common expenses. The premiums on such bonds shall be paid by the Association.

ARTICLE VII - PARLIAMENTARY RULES

7.1) Roberts' Rules of Order (latest edition) shall govern the conduct of Association meetings, when not in conflict with the Declaration of Condominium, Articles of Incorporation or these By-Laws.

ARTICLE VIII - AMENDMENTS

8.1) Amendments. Amendments to the By-Laws shall be proposed in the following manner.

a. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

b. A resolution adopting a proposed amendment must receive approval of 66% of the votes of the membership of the Board of Directors and 51% of the votes of the entire membership of the Association. Directors and members not present at the meetings considering the amendments may express their approval in writing.

c. An amendment may be proposed by either the Board of Directors or by the membership of the Association, and after being proposed and approved by one of such bodies it must be approved by the other.

d. When an amendment has been so adopted, a copy of same shall be attached to a certificate certifying that the amendment was duly adopted as an amendment of the Declaration and By-Laws, which certificate shall be executed by the officers of the Association with the formalities of a deed when such certificate and copy of amendment are recorded in the Public Records of Charlotte County, Florida.

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e. These By-Laws shall be amended, if necessary, so as to make the same consistent with the provisions of the Declaration of Condominium.

f. Weight of votes cast by members of the Association shall be one vote for each unit.

g. When a quorum is present at any meeting, the holders of a majority of the voting rights present in person or represented by written proxy shall decide any question brought before the meeting, unless the question is one upon which by expressed provision of applicable laws, the Condominium Declaration, the Articles of Incorporation, or by the By-Laws a different percentage is required, in which case such expressed provision shall govern and control the decision of such meeting.

THE FOREGOING were adopted as the By-Laws of a corporation not for profit, under the Laws of the State of Florida, at the first meeting of the Board of Directors on _____, 19__.

Secretary

APPROVED:

President

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Florida Department of Environmental Regulation

Southwest District • 4520 Oak Fair Boulevard • Tampa, Florida 33610-7347 • 813-623-5561

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary
Dr. Richard Garrity, Deputy Assistant Secretary

PERMITTEE:

Westchester Woods Condo Assn.
22481 Westchester Blvd.
Port Charlotte, FL 33980

Attn: Ms. Miller Ackerman
President

PERMIT/CERTIFICATION

GMS ID No: 4008P00119
Permit No: D008-174158
Date of Issue: 1/18/90
Expiration Date: 1/12/95
County: Charlotte
Lat/Long: 26°58'12"
82°04'32"
Sec/Town/Range: 34/40S/23E
Project: Westchester Woods Condo

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-3, 17-4 and 17-6. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with department and made a part hereof and specifically described as follows:

Operation of a 0.025 MGD Type III extended aeration sewage treatment plant with chlorinated effluent to a drainfield of 10,000 square feet total area, located on the project site.

Location: 22481 Westchester Blvd., Port Charlotte, Charlotte County, Florida

Replaces Permit No.: D008-096140 Expired: 1/10/90

\$360 INC LAB chem

12-24-91



Florida Department of Environmental Regulation

Twin Towers Office Bldg • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DER Form 17-8001(10/2)
App for an Operation Permit for a
Domestic Wastewater Facility
Effective Date July 1, 1991
DER Application No.

Application for an Operation Permit for a Domestic Wastewater Facility

Part I - Instructions

- All applicable items must be completed in full in order to avoid delay in processing of this application.
(3) Four (4) copies of this application (with supporting information) and a check for the application fee...
(4) Attach an 8 1/2" x 11" copy of a USGS map showing site locations.
(5) Application to operate a wastewater treatment and/or disposal system may be made at any time using this form.
(6) Where requested on this form, enter location in both latitude/longitude and section/township/range formats.

Part II - General Information

Application type: [X] Treatment System [X] Disposal System
[] Initial operation permit [X] Renewal of operation permit (5 years) [] Renewal of operation permit (10 years)
[] Temporary operation permit

(2) The facility's DER identification number (also known as the GMS identification number) 4008 P00119

Project/Facility Name: Westchester Woods Condo Association WWTP

Address 22481 Westchester Blvd.

City Port Charlotte, Fl. Zip 33980 County Charlotte

Latitude 26 ° 58 ' 12 " N Longitude 82 ° 04 ' 32 " W Section 34 Township 40S Range 23E

Telephone Number (813)

Applicant/Responsible Authority: Name John Hughes

Address P.O. Box 758

City Murdock, State Fl. Zip 33938-0758

Telephone Number ()

Applicant/Responsible Authority is: [] County(C) [] Federal Agency (F) [] Municipality (M) [X] Private (P) [] State Agency (S)

(3) Project description: Renewal of operating permit for a 0.025 MGD Type III extended aeration treatment plant with effluent to a 10,000 square foot drainfield.

DER Form	17-600.17022
AD for an Operation Permit for a	Domestic Wastewater Facility
Effective Date	JULY 1, 1991
DER Application No.	(Filed in the DER)

(6) For this facility indicate the current or most recent DER permits; issue and expiration dates; orders; and notices. Include any federal EPA-NPDES permits in this list.

Permit Number	Permit Type	Issue Date	Expiration Date	Notice of Violations (Y or N)	Consent Orders (Y or N)
D008-174158	operating	1 / 18 / 90	1 / 12 / 95	N	N
_____	_____	____ / ____ / ____	____ / ____ / ____	_____	_____
_____	_____	____ / ____ / ____	____ / ____ / ____	_____	_____
_____	_____	____ / ____ / ____	____ / ____ / ____	_____	_____

(7) Completion of construction date: N/A / /

(8) Date of expiration of current state permit: 1 / 12 / 95

Current permit is a: Construction permit Operation permit Temporary operation permit

(9) Is reclaimed water produced by this facility reused (see Definition of "Reuse" in Rule 17-600.200(69), F.A.C.? Yes (R) No

Part III - Treatment System Data

(1) Treatment Facility Name Westchester Woods Condo Association WWTP
 Address 22481 Westchester Blvd.
 City Port Charlotte Zip 33980 County Charlotte
 Latitude 26 ° 58 ' 12 " N Longitude 82 ° 04 ' 32 " W Section 34 Township 40S Range _____
 Telephone Number (_____) _____

(2) Design Capacity:

Current Permitted Capacity 0.025 mgd + Proposed Design Capacity - mgd = Total Design Capacity 0.025 mgd
 Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily flow
 Other, specify _____

(3) Treatment level to be provided: See attached

Parameter	Limit	Units*
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Note: Units should include a compliance frequency (eg., annual average, monthly average, minimum, maximum, etc., whichever is appropriate)

(5) For this facility indicate the current or most recent DER permits; issue and expiration dates; orders; and notices. Include any federal EPA-NPDES permits in this list.

Permit Number	Permit Type	Issue Date	Expiration Date	Notice of Violations (Y or N)	Consent Orders (Y or N)
D008-174158	operating	1 / 18 / 90	1 / 12 / 95	N	N
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

(7) Completion of construction date: N/A / /

(8) Date of expiration of current state permit: 1 / 12 / 95

Current permit is a: Construction permit Operation permit Temporary operation permit

(9) Is reclaimed water produced by this facility reused (see Definition of "Reuse" in Rule 17-600.200(69), F.A.C.? Yes (R) No

Part III - Treatment System Data

(1) Treatment Facility Name Westchester Woods Condo Association WWTP
 Address 22481 Westchester Blvd.
 City Port Charlotte Zip 33980 County Charlotte
 Latitude 26 ° 58 ' 12 " N Longitude 82 ° 04 ' 32 " W Section 34 Township 40S Range 2
 Telephone Number (_____) _____

(2) Design Capacity:
 Current Permitted Capacity 0.025 mgd + Proposed Design Capacity - mgd = Total Design Capacity 0.025 mgd
 Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily flow
 Other, specify _____

(3) Treatment level to be provided: See attached

Parameter	Limit	Units*
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Note: Units should include a compliance frequency (eg., annual average, monthly average, minimum, maximum, etc., whichever is appropriate)

- Disinfection level provided: Low-level Basic Intermediate High-level
- (5) pH range provided: 6.0 minimum to 8.5, maximum 6.5, minimum to 8.5, maximum Other (specify) _____
- What Class reliability is provided? (Rules 17-600.400(1) and 17-600.300(4)(f), F.A.C.) Class I Class II Class III
- (7) If applying to operate a treatment system, what type of residuals disposal is used?
- Distribution and Marketing (Chapter 17-640, F.A.C.)
- Land application (Chapter 17-640, F.A.C.)
- Incineration (Chapter 17-2, F.A.C.)
- Solid waste landfill (Chapter 17-7, F.A.C.)
- Combination of the above or other (describe) _____
- If land application is selected, submit an up-to-date Agricultural Use Plan or Dedicated Site Plan with this application as required by Chapter 17-640, F.A.C. Included

Part IV - Reuse/Disposal System Data

NOTE: If the reuse/disposal system includes a combination of methods, complete the required information for each reuse/disposal method used.

Discharge to surface waters (other than those covered in Sections B and C of this part): Yes Not applicable to this project

(1) Design capacity:

Current Permitted Capacity _____ mgd + Proposed Design Capacity _____ mgd = Total Design Capacity _____ mgd

Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily flow

Other, specify _____

B. Discharge to surface waters - wetlands: Yes Not applicable to this project

Design capacity:

Current Permitted Capacity _____ mgd + Proposed Design Capacity _____ mgd = Total Design Capacity _____ mgd

Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily flow

Other, specify _____

Discharge to surface waters - ocean outfall: Yes Not applicable to this project

Design capacity:

Current Permitted Capacity _____ mgd + Proposed Design Capacity _____ mgd = Total Design Capacity _____ mgd

Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily flow

Other, specify _____

Reuse of reclaimed water and land application: Yes Not applicable to this project

(1) To apply for operation of a reuse/land application system, use DER Form 17-610.910(4).

Design Capacity:

Current Permitted Capacity 0.025 mgd + Proposed Design Capacity _____ mgd = Total Design Capacity 0.025 mgd

Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily flow

Other, specify _____

E. Ground water disposal by underground injection: Yes Not applicable to this project

(1) To apply for operation of a Class I or Class V injection well system, use DER Form 17-28910(1).

(2) Design capacity:

Current Permitted Capacity _____ mgd + Proposed Design Capacity _____ mgd = Total Design Capacity _____

Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily
 Other, specify _____

F. Other disposal or reuse systems (systems not covered by Sections A through E, above)

(1) Describe the system: N/A

(2) Design capacity:

Current Permitted Capacity 0.025 mgd + Proposed Design Capacity - mgd = Total Design Capacity 0.025

Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily
 Other, specify _____

G. Total reuse/disposal capacity:

(1) Total current reuse/disposal permitted capacity (total from Sections A through F, above) = 0.025

(2) Total incremental reuse/disposal design capacity requested in this application (total from sections A through F, above) = -

(3) Requested total reuse/disposal design capacity [add (1) and (2)] = 0.025

(4) Basis of design flow in Questions (1) through (3) above:

Annual average daily flow Maximum monthly average daily flow Three-month average daily flow
 Other, specify _____

Part V - Temporary Operation Permit Data

A. Justification

(1) Explain the facts and reasons that show: N/A

- a. The applicant has a waste for which no feasible and acceptable method of treatment or disposal is known, and the applicant is a bona fide effort through research and other means to discover and implement such a method;
- b. The applicant needs permission to pollute the waters within the state for a period of time necessary to complete research, planning, construction, installation or operation of an approved abatement facility or alternate waste disposal system;
- c. There is no present reasonable, alternative means of disposing of applicant's waste other than by discharging into waters of the state;
- d. The denial of a temporary operation permit would work an extreme hardship upon the applicant;
- e. Granting of temporary operation permit will be in the public interest;
- f. The schedule for meeting compliance outlined in C. below, is reasonable;
- g. The discharge will not be unreasonably destructive to the quality of the receiving waters.

(2) Describe the damage or harm resulting, or which may result, to the quality of the receiving water should the Department grant a temporary operation permit or an extension to an existing temporary operation permit.

(3) Describe any advantages or disadvantages to residents and the environment in the affected area resulting from the granting or continuation of a temporary operation permit.

Note: Attach additional sheets responding to the above items.

Technical Data

- (1) Existing discharge flow: _____ mgd
 Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily flow
 Other, specify _____
- (2) Expected discharge flow when temporary operation permit expires: _____ mgd
 Basis of design flow: Annual average daily flow Maximum monthly average daily flow Three-month average daily flow
 Other, specify _____
- (3) Volume of discharge (if not continuous): _____
- (4) Frequency of discharge (if not continuous): _____
- (5) Proposed time period requested for discharge: _____ / _____ / _____ through _____ / _____ / _____
- (6) Reasons for time period requested: _____
- (7) Reasons why conditions of Chapter 403, Florida Statutes, and rules of the Department have not been met: _____

Schedule for Compliance

- (1) Date when planning is expected to be complete: _____ / _____ / _____
- (2) Date when design will be complete: _____ / _____ / _____
- (3) Date construction permit application will be submitted to upgrade or eliminate the existing discharge: _____ / _____ / _____
- (4) Date construction will begin: _____ / _____ / _____
- (5) Date construction is to be completed: _____ / _____ / _____
- (6) Date that full compliance with Chapter 403, Florida Statutes, and rules of the Department will be achieved: _____ / _____ / _____

Part VI - Information for 10 Year Renewals N/A

Note: Complete Part VI of this form only if you are requesting renewal of an operation permit for a 10-year period.

- (1) Is reclaimed water or effluent entering the ground water system discharged through Class I municipal injection wells? Yes No
- (2) Is this disposal system subject to regulation under the underground injection control (UIC) program pursuant to Chapter 17-28, F.A.C.? Yes No
- (3) Are the treatment facilities or reuse/disposal systems being operated under a temporary operation permit? Yes No
- (4) Is there any enforcement action pending against these treatment facilities or reuse/disposal systems? Yes No
- (5) Have the treatment facilities and the reuse/disposal systems been operated under an operation permit for at least five years and within the limits of permitted flows and other conditions specified in the permit satisfactorily for at least the preceding two years? Yes No
- (6) Have the treatment facilities and the reuse/disposal systems met all water quality standards for the preceding two years, except for violations attributable to events beyond the control of treatment plants or reuse/disposal systems or their operators? Yes No
- (7) Has the Department or local program conducted, in the preceding 12 months, an inspection of the wastewater treatment facilities and the reuse/disposal system and verified in writing to the operator of the facilities that they are not exceeding capacity and are in proper working order? Yes No

Date of Department written notification _____

DEP Form 17-600.3002
App for an Operation Permit for a
Consewast Wastewater Facility
Effective Date July 1, 1991
DEP Application No. _____

Part VII - Information for All Renewals

- (1) Have there been any modifications to the treatment facilities or disposal/reuse system since the issuance of the current operation permit? If yes, describe on a separate sheet and attach. Yes No
- (2) Have there been any violations during the last six months? If yes, describe on a separate sheet and attach. Yes No
- (3) Is there any enforcement action pending against these treatment or reuse/disposal facilities? If yes, describe on a separate sheet and attach. Yes No
- (4) Have all previous permit conditions including monitoring requirements and operator attendance been complied with? If no, describe on a separate sheet and attach. Yes No
- (5) For treatment facilities, attach a copy of the capacity analysis report as required by Rule 17-600.405, F.A.C. Included
- (6) Attach a copy of the operation and maintenance performance report required by Rule 17-600.735, F.A.C. Included
- (7) For underground injection facilities, attach the results of the mechanical integrity tests referenced in Rule 17-28.130(6), F.A.C. N/A
- (8) For reuse and land application projects, attach a copy of the most recent reclaimed water or effluent analysis report, as required by Rule 17-601.300(4), F.A.C.

Part VIII - Certifications

A. Applicant

I certify that the statements made in this application for an operation permit are true, correct and complete to the best of my knowledge and belief. I agree to operate and maintain these wastewater facilities in such a manner as to comply with the provisions of Chapter 403, F.S., Chapter 17-600, F.A.C., and all other applicable rules of the Department. Further, I agree to provide an appropriate operation and maintenance manual which has been examined by a professional engineer as certified below. I agree to maintain a copy of the manual and attest that such manual is available and located at 22481 Westchester Blvd, Port Charlotte, Fl. 33980 and can be submitted upon request as part of the permit procedure. A copy of the record drawings or other plans (as applicable) showing modifications of existing facilities, as referenced in Rule 17-600.717, F.A.C., is available at the same location. I also understand that a permit, if granted by the Department, will be non-transferable and I will promptly notify the Department upon sale or legal transfer of the permitted facilities. In the event of abandonment or inactivation of the facilities, I will notify the Department and ensure public health and safety as required by Rule 17-600.410, F.A.C.

Date: _____

John Hughes
Signature of the Applicant

Phone: (____) _____

John Hughes, President
Name and Title (please type)

B. Professional Engineer Registered in Florida (where required by Chapter 471, F.S.) as to Wastewater Facilities - Initial Operation Permit After Construction

I certify that the project has been completed substantially in accordance with the construction permit and the approved preliminary design report or approved plans and specifications, or that deviations noted below will not prevent the system from functioning in compliance with the requirements of Chapter 17-600, F.A.C., when properly operated and maintained. These determinations have been based upon on-site observation of construction, scheduled and conducted by me or by a project representative under my direct supervision, for the purpose of determining if the work proceeded in compliance with the construction permit and the approved preliminary design report and application materials. I further certify that record drawings for the facilities have been reviewed by me or by individual(s) under my direct supervision for completeness and adequacy, and have been provided to the permittee. I further certify that the record drawings identify those substantial deviations noted below.

substantial deviations from the construction permit and the approved preliminary design report and application materials (attach additional sheets if necessary): _____

Signature of Engineer _____ Name (Please type) _____ Florida Registration No _____

(Affix Seal) _____ Company Name _____

_____ Company Address _____

Date: _____ Telephone No. (____) _____

C. Professional Engineer Registered in Florida (where required by Chapter 471, F.S.) as to Wastewater Facilities - Permit Renewals

I certify that the engineering features of these wastewater facilities have been examined by me and found to conform to engineering principles applicable to such projects. In my professional judgment this facility, when properly operated and maintained, will comply with all applicable statutes of the State of Florida and rules of the Department, or for temporary operation permits, that the wastewater facilities, when properly operated and maintained, will discharge an effluent that complies with the limitations specified in this application.

R. Jeff Weiler
 Signature of Engineer
 10/8/94
 (Affix Seal)

R. Jeff Weiler, P.E. _____ 46027
 Name (Please type) Florida Registration No

The Weiler Engineering Corporation
 Company Name

1777 Tamiami Trail Suite 302
 Company Address

Port Charlotte, Fl. 33948

Date: _____ Telephone No. (813) 764-6447

D. Professional Engineer Registered in Florida (where required by Chapter 471, F.S.) as to Operation and Maintenance Manual.

I certify that the operation and maintenance manual for these wastewater facilities has been prepared or examined by me or by individual(s) under my direct supervision and that there is reasonable assurance, in my professional judgment, that the facilities, when properly maintained and operated in accordance with this manual, will comply with all applicable statutes of the State of Florida and rules of the Department, or for temporary operation permits, that the wastewater facilities when properly operated and maintained in accordance with this manual, will discharge an effluent that complies with the limitations specified in this application.

R. Jeff Weiler
 Signature of Engineer
 10/8/94
 (Affix Seal)

R. Jeff Weiler, P.E. _____ 46027
 Name (Please type) Florida Registration No

The Weiler Engineering Corporation
 Company Name

1777 Tamiami Trail Suite 302
 Company Address

Port Charlotte, Fl. 33948

Date: _____ Telephone No. (813) 764-6447

State of Florida



Department of State

O.R. 669 PG 639

O.R. 670 PG 668

81-533404

I certify that the attached is a true and correct copy of the Articles of Incorporation of
WESTCHESTER WOODS CONDOMINIUM ASSOCIATION, INC.

filed on June 10, 1981.

The Charter Number for this corporation is 758698.

81 JUN 12 '81

BUDDY C. ALEXANDER
CLERK OF COURT
CHARLOTTE, FLORIDA



Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
10th day of June, 1981

George Firestone
George Firestone
Secretary of State

RECORD VERIFIED - Buddy C. Alexander, Clerk

CORP. 104 REV. 8-78

By Colleen Phillips, D.S.

EXHIBIT "5"

WESTCHESTER WOODS CONDOMINIUM ASSOCIATION, INC.

22481 WESTCHESTER BLVD., PORT CHARLOTTE, FL 33952

MAILING ADDRESS: P.O. BOX 758, MURDOCK, FL 33938

(813) 629-8190

November 25, 1994

Mr. Travis Coker
State of Florida
Public Service Commission
Fletcher Building
101 East Gaines St.
Tallahassee, FL 32399-0850

RECEIVED

NOV 28 1994

Florida Public Service Commission
Division of Water and Wastewater

RE: Application for exempt status

Dear Mr. Coker:

Enclosed is the completed Application for Nonprofit Association Exemption, the Westchester Woods Condominium Association, Inc. Articles of Incorporation, and the By-laws.

You also requested proof of ownership of the sewer plant. The only proof I am able to offer is copies of the Florida Department of Environmental Regulation permit/certification for the sewer plant and a portion of the paper work for the renewal of that permit.

Condominium associations, as such, do not own anything. The common areas and amenities are owned by the unit owners in proportion to the number of units each owns. There are 48 units in Westchester Woods. Therefore each unit owner owns 1/48th of all the common areas and amenities. The amenity in this case is the sewer plant.

I hope this gives you everything you need to grant the Association exempt status for the sewer plant. If you have any further questions, or need more information, please do not hesitate to get in touch with me.

Sincerely yours,



Rebecca E. Rothfuss
Community Association Manager

RER
enclosure

Gateway
REAL ESTATE

2000 Jamiami Trail, Unit 219
P.O. Box 758 • Murdock, FL 33938 073
(813) 629-8190 • Fax (813) 629-0987

Rec by Rothfuss
Community Association Manager