



**ARLINGTON EXECUTIVE PARK ASSOCIATION, INC.**

REPLY TO:

8596 ARLINGTON EXPRESSWAY  
JACKSONVILLE, FLORIDA 32211-8003  
TEL. (904) 725-7131 FAX (904) 725-4749

960368-WS

**LETTER OF TRANSMITTAL**

DATE: March 21, 1996

TO: Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399

ATTN: Director, Division  
Records and Reporting

SUBJECT: Request for Exemption

THE FOLLOWING IS TRANSMITTED:  Herewith  For Your Use or Distribution  
 Under Separate Cover  For Your Review and Comments

QUANTITY	DESCRIPTION
<u>5</u>	<u>Original and Four Copies:</u>
	<u>Application for Nonprofit Association Exemption</u>

THIS TRANSMITTAL IS PER:  Normal Procedure  Your Fax  
 Your Letter  Your Tel. Request

Dated 02/13/96 From Your \_\_\_\_\_ To Our \_\_\_\_\_

REMARKS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SINCERELY,  
ARLINGTON EXECUTIVE PARK ASSOCIATION, INC.

*For*  
*Deborah J. Johnson*  
Clark Vargas

xc:

RECEIVED  
FLORIDA PUBLIC  
SERVICE COMMISSION  
MAR 25 AM 8 56  
MAIL ROOM

DOCUMENT NUMBER-DATE  
03527 MAR 25 96  
FPSC-RECORDS/REPORTING

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

**NAME OF SYSTEM:** Arlington Executive Park Condominium Association

**PHYSICAL ADDRESS OF SYSTEM:** 8596 Arlington Expressway  
Jacksonville, FL 32211

**MAILING ADDRESS (IF DIFFERENT):** same

**COUNTY:** Duval

**PRIMARY CONTACT PERSON:**

**NAME:** Clark Vargas

**ADDRESS:** 8596 Arlington Expressway  
Jacksonville, FL 32211

**PHONE #:** (904) 725-7131

**NAMES OF OWNER(S):** Clark Vargas, Hal Rogers, Bill Woolf,  
Allyn Palmer

**NATURE OF APPLICANT'S BUSINESS ORGANIZATION:** (CORPORATION, PARTNERSHIP, SOLE PROPRIETOR, ETC.) non-profit 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 utility services provided are:  
Water yes (Yes or No) Wastewater yes (Yes or No)

For utility service not provided, state how handled:

N/A

4. The billing services will be provided by:

Flat pro rata fee on a per building basis.

DOCUMENT NUMBER-DATE

03527 MAR 25 88

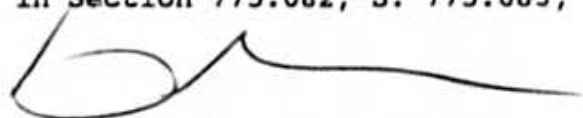
APPLICATION FOR NONPROFIT ASSOCIATION EXEMPTION

5. The service territory is located at: Duval County,  
Florida. See survey.
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.

3-12-96

(Date)



Applicant's Signature

Arlington Executive Park

Applicant's Name (Typed or Printed)

Clark Vargas, President

Applicant's Title

When you finish filling out the application, the original and four 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  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Vol 50:28 rc 961

OFFICIAL RECORDS  
FILED

ARTICLES OF INCORPORATION

Dec 21 12 02 PM '79

OF

SECRETARY OF STATE  
TALLAHASSEE FLORIDA

ARLINGTON EXECUTIVE PARK CONDOMINIUM ASSOCIATION, INC.  
A Florida Corporation Not For Profit

WE, the undersigned, for the purpose of forming a non-profit corporation in accordance with the laws of the State of Florida, acknowledge and file these Articles of Incorporation in the Office of the Secretary of the State of Florida.

ARTICLE 1

NAME

The name of this corporation shall be ARLINGTON EXECUTIVE PARK CONDOMINIUM ASSOCIATION, INC. For convenience, the corporation shall herein be referred to as the "Association".

ARTICLE 2

PURPOSE

The purpose for which this corporation is formed is to form an "Association" as defined in Chapter 718, Florida Statutes (herein referred to as the "Condominium Act"), and as such to provide for the operation and maintenance of any condominium property in Arlington Executive Park Condominium located on lands in Duval County, Florida, more particularly described in the Declaration of Condominium of Arlington Executive Park Condominium, and to undertake the performance of, and to carry out the acts and duties incident to the administration of the operation and management of said condominium in accordance with the terms, conditions and authorizations contained in said Declaration of Condominium, and to own, operate, lease, sell, trade or otherwise deal with such property, whether real or personal, as may be necessary or convenient in the administration of said condominium. This is a commercial, not residential, condominium.

ARTICLE 3

POWERS

The Association shall have all of the powers and privileges granted to a corporation not for profit under the laws of the State of Florida pursuant to which this corporation is chartered; all of the powers and duties set forth in the Condominium Act; and all other powers reasonably necessary to effectuate the purpose of the Association set out herein and which may be contained in the Declaration of Condominium, together with, but not limited by, the following:

- (A) To carry out the duties and responsibilities and receive the benefits given the Association by the Declaration of Condominium.
- (B) To make and establish rules and regulations governing the use and enjoyment of condominium property.
- (C) To contract for the maintenance of the common elements and delegate to the party with whom such a maintenance contract has been entered the powers and duties of the Association, except those which require specific action by the Board of Directors or members.

ARTICLE 4

MEMBERS

The qualification of members, the manner of their admission to membership, the termination of such membership and voting by members shall be as follows:

(A) All record condominium parcel owners in the condominium shall automatically be members of the Association, and their memberships shall automatically terminate when they are no longer owners of a condominium parcel. If a member should sell his condominium parcel under the provisions of the Declaration, the grantee from such member will automatically acquire membership in the Association. Membership certificates are not required and will not be issued.

(B) On all matters as to which the membership shall be entitled to vote, each unit owner shall be entitled to one vote. The weight of that vote shall be the same as the percentage of the common elements appurtenant to that unit. If a person owns more than one unit he shall be entitled to one vote for each unit owned.

(C) No action or resolution which shall require the vote of the membership because of any provision in the Declaration of Condominium or in the By-Laws or in the Condominium Act, shall be effective with regard to any part of a condominium unless the membership of the condominium shall have voted on such action or resolution.

(D) The share of a member in the funds and assets of the Association, in its common elements and its common surplus and membership in the Association cannot be assigned, hypothecated or transferred in any manner as an appurtenance to his condominium parcel.

ARTICLE 5

TERM

This corporation shall have perpetual existence.

ARTICLE 6

SUBSCRIBERS

The names and addresses of the subscribers are as follows:

<u>NAME</u>	<u>ADDRESS</u>
Howard G. Croshell, Jr.	7337 Holiday Road, South, Jacksonville Florida 32216
Dorothy S. Croshell	7337, Holiday Road, South, Jacksonville Florida 32216
M. S. Dunay	9088 Kings Colony, Road, Jacksonville Florida 32217

ARTICLE 7

DIRECTORS

(A) The affairs and property of this corporation shall be managed and governed by a Board of Directors composed of not less than three (3) nor more than seven (7). The first Board of Directors shall be three (3) members, and in the future, the number will be determined in accordance with the provisions of the By-Laws of the corporation.

## OFFICIAL RECORDS

(B) The first Board of Directors of the Association or successors chosen by the developer, will remain in office as units are sold. One purchaser of each of the respective units shall automatically become members of the Board of Directors. When the last (seventh) unit is sold the developer shall no longer be a member of the Board unless he elects to remain a unit owner

ARTICLE 8OFFICERS

All officers shall be elected by the Board of Directors in accordance with the By-Laws at the regular annual meeting of the Board of Directors as established by the By-Laws, to be held immediately following the annual meeting of the membership. The Board of Directors shall elect from among the members a President, Vice President, Secretary, Treasurer and such other officers as it shall deem desirable, consistent with the By-Laws. The President shall be elected from among the membership of the Board of Directors, but no other officer need be a director. The names and addresses of the officers who shall serve until the first election of officers, pursuant to the terms of the Declarations of Condominium and By-Laws, are as follows:

<u>NAME</u>	<u>TITLE</u>
Howard G. Croshell, Jr.	President
John E. Coode	Vice President
Dorothy S. Croshell	Secretary and Treasurer

ARTICLE 9FIRST BOARD OF DIRECTORS

The following persons shall constitute the first Board of Directors, and shall hold office and serve until their successors are elected at the first regular annual meeting of the members, subject to the provisions for continued directoral service as contained in Article 7:

<u>NAME</u>	<u>ADDRESS</u>
Howard G. Croshell, Jr.	7337 Holiday Road, South Jacksonville, Florida 32216
Dorothy S. Croshell	7337 Holiday Road, South Jacksonville, Florida 32216
John E. Coode	5320 Clifton Road Jacksonville, Florida 32211

ARTICLE 10BY-LAWS

The Board of Directors of this Association may provide such By-Laws for the conduct of its business and the carrying out of its purpose as they may deem necessary. The By-Laws may be amended, altered or rescinded upon the proposal of a majority of the Board of Directors and approval in person or in writing



of a majority of the members of the Association present at a regular or special meeting of the members, the notice of which shall state that such proposal is to be voted upon at such meeting.

ARTICLE 11

AMENDMENTS

(A) Proposals for the alteration, amendment or rescission of these Articles of Incorporation which do not conflict with the Condominium Act or Declarations of Condominium may be made by a majority of the Board of Directors or a majority of the voting members. Such proposals shall set forth the proposed alteration, amendment or rescission, shall be in writing, filed by the Board of Directors or a majority of members, and delivered to the President, who shall thereupon call a special meeting of the corporation not less than ten (10) days nor later than sixty (60) days from receipt of the proposed amendment, the notice for which shall be given in the manner provided in the By-Laws. An affirmative vote of seventy-five percent (75%) of the Board of Directors and an affirmative vote of seventy-five percent (75%) of all qualified votes of members of the corporation shall be required for the requested alteration, amendment or rescission.

(B) Any member may waive any or all of the requirements of this Article as to notice either before, at or after a membership meeting at which a vote is taken to amend, alter or rescind these Articles in whole or in part.

ARTICLE 12

INDEMNIFICATION

Each director and every 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 or any settlement thereof, 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 at the time such expenses are incurred, except in such cases wherein the director or officer is adjudged guilty of willful misfeasance or malfeasance in the performance of his duties; provided that in the event of a settlement, the indemnification herein shall apply only when the Board of Directors approves such settlement and reimbursement as being for the best interest of the Association. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such director or officer may be entitled.

ARTICLE 13

NON-PROFIT STATUS

(A) No part of the net earnings of the Association shall inure to the benefit of any individual or member.

(B) The Association shall not carry on propaganda, or otherwise act to influence legislation.

ARTICLE 14

ADDRESS

The principal office of the corporation shall be located at 8585 Arlington Expressway, Jacksonville, Florida, 32211, but the corporation may maintain offices and transact business in such other places within or without the State of Florida as may from time to time be designated by the Board of Directors.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 17th day of December, 1979.

*M. S. Dunay*  
M. S. Dunay  
*Howard C. Groshell, Jr.*  
Howard C. Groshell, Jr.  
*Dorothy S. Groshell*  
Dorothy S. Groshell

STATE OF FLORIDA )  
COUNTY OF DUVAL )

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned authority, M. S. DUNAY, to me well known and known to me to be the subscriber described in and who executed the foregoing Articles of Incorporation, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Jacksonville, this 17th day of December, 1979.

*Kay J. Echelberger*  
Notary Public  
State of Florida at Large  
My Commission Expires:  
Notary Public, Florida, State at Large  
My Commission Expires Sept. 24, 1983  
(Notarial Seal)

STATE OF FLORIDA )  
COUNTY OF DUVAL )

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned authority, HOWARD G. GROSHELL, JR., and DOROTHY S. GROSHELL, to me well known and known to me to be the subscribers described in and who executed the foregoing Articles of Incorporation, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Jacksonville, this 20th day of December, 1979.

*Kay J. Echelberger*  
Notary Public  
My Commission Expires: 9-24-83

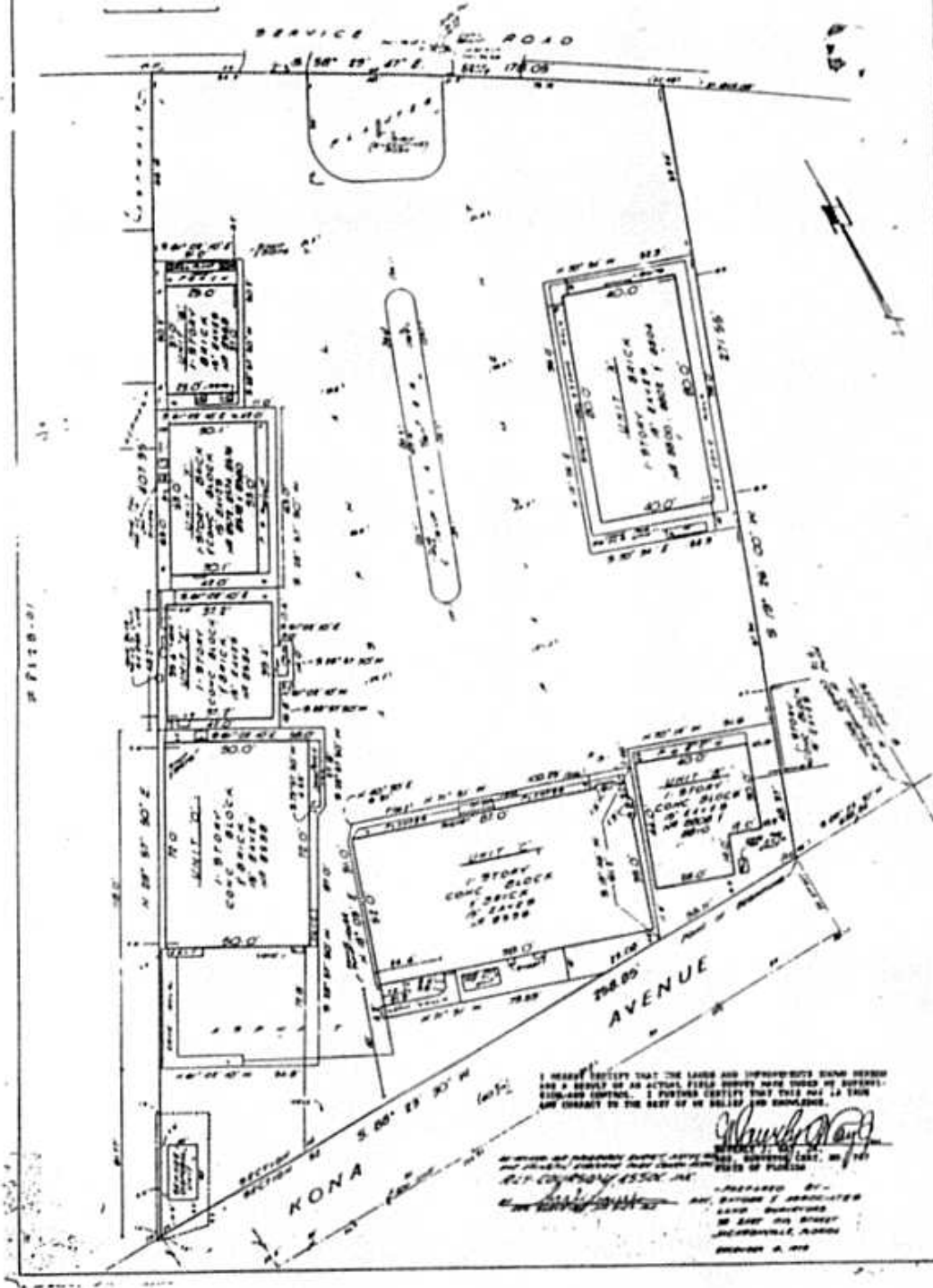


# MAP SHOWING SURVEY OF

TWO CERTAIN PLOTS, PART OF TRACT OF LAND BEING A PART OF LOT 10, SECTION 24, TOWNSHIP 30 NORTH, RANGE 27 EAST, ZONE 18 WEST, COUNTY OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, SAID SOUTHWEST CORNER BEING MARKED BY AN IRON NAIL 10 INCHES LONG; THENCE NORTH 84° 11' 30" WEST ALONG THE SOUTH LINE OF SAID SECTION 24, 272.54 FEET TO A POINT OF BEGINNING; THENCE SOUTHWEST ALONG SAID SOUTH LINE OF SECTION 24, NORTH 80° 21' 50" WEST, 120.83 FEET; THENCE NORTH 87° 21' 50" EAST, 447.17 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 24, SAID CORNER BEING A CORNER OF THE TRACT OF LAND BEING A PART OF THE JACKSONVILLE EXPRESSWAY AND HIGHWAY STATE ROAD NO. 10, SAID RIGHT OF WAY BEING 400 FEET WIDE; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 84° 11' 30" EAST, 174.25 FEET (THENCE BEARING AND DISTANCE); THENCE SOUTH 87° 21' 50" WEST, 271.33 FEET TO THE POINT OF BEGINNING.

LEGEND  
 CONCRETE  
 4 IN. CONCRETE  
 12 IN. CONCRETE  
 18 IN. CONCRETE  
 24 IN. CONCRETE  
 30 IN. CONCRETE  
 36 IN. CONCRETE  
 42 IN. CONCRETE  
 48 IN. CONCRETE  
 54 IN. CONCRETE  
 60 IN. CONCRETE  
 66 IN. CONCRETE  
 72 IN. CONCRETE  
 78 IN. CONCRETE  
 84 IN. CONCRETE  
 90 IN. CONCRETE  
 96 IN. CONCRETE  
 102 IN. CONCRETE  
 108 IN. CONCRETE  
 114 IN. CONCRETE  
 120 IN. CONCRETE

ARLINGTON EXPRESSWAY STATE RD. NO. 10.



I HEREBY CERTIFY THAT THE LINES AND IMPROVEMENTS SHOWN HEREON ARE A RESULT OF AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION AND CONTROL. I FURTHER CERTIFY THAT THIS MAP IS A TRUE AND CORRECT COPY OF THE ORIGINAL AND ORIGINAL RECORD.

*W. W. ...*  
 SURVEYOR

PREPARED BY:  
 W. W. ...  
 SURVEYOR  
 JACKSONVILLE, FLORIDA