MEMORANDUM

June 9, 1997

TO:

DIVISION OF RECORDS AND REPORTING

FROM:

DIVISION OF LEGAL SERVICES (CROSBY)

RE:

DOCKET NO. 970093-WS - APPLICATION FOR TRANSFER OF MAJORITY ORGANIZATIONAL CONTROL OF CERTIFICATES 517-W AND 450-S IN BREVARD COUNTY BY AQUARINA DEVELOPMENTS, INC.

Attached is Title Insurance and a Warranty Deed in the name of Aquarina Developments, Inc. which have been provided by the utility as proof that it owns the land upon which its facilities are located as required by Rule 25-30.037(3), Florida Administrative Code. PLEASE PLACE THESE DOCUMENTS IN THE ABOVE-REFERENCED DOCKET FILE. Thanks.

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Attachments

cc: Division of Water and Wastewater (Redemann)

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FFSC-RECORDS/REPORTING

President



POLICY NO. AW 062627

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM A — 1970 (Amended 10-17-70)



TITLE INSURANCE COMPANY OF MINNESOTA

a Stock Company, of Minneapolis, Minnesota

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF.

TITLE INSURANCE COMPANY OF MINNESOTA herein called the Company, Insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

- 1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
- 2. Any defect in or lien or encumbrance on such title; or
- 3. Lack of a right of access to and from the land.

IN WITNESS WHEREOF, the said Title Insurance Company of Minnesota has caused its corporate name and seel to be hereunto affixed by its duly authorized officers as of the date shown in Schedule A, the policy to be valid when countersigned by an authorized officer or agent of the Company.

TITLE INSURANCE COMPANY OF MINNESOTA

Couplersigned.

Authorized Officer or Agent

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy:

- 1. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
- 2. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records at Date of Policy.
- 3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company and not shown by the public secords but known to the Insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.

4. The refusal of any person to purchase, lease or lend money on the estate or interest covered hereby in the land described in Schedule A.

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CONDITIONS AND STIPULATIONS

1. Definition of Terms

The following terms when used in this policy mean:

- (s) "insured": the insured named in Schedule A. and, subject to any rights or defenses the Company may have had against the named insured, those who succeed to the interest of such insured by operation of law as distinguished from purchase including, but not limited to, helps, distributes, devisees, survivors, personal representative or of the law of the contraction of the co tatives, next of kin, or corporate or fiduciary successors.
- (b) "insured claimant": an insured claiming loss or damage here under
- (c) "knowledge": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of ony public records.
- (d) "land": the land described, specifically or by reference in Schedule A, and improvements affixed thereto which by law constitute real property; provided, however, the term "land" does not include any property beyond the lines of the area specifically described or referred to in Scheduly A, nor any sight, title, interest, estate or enterment in abutting streets, roads, arenees, elleys, lanes, ways or waterways, but nothing herein shall modify or limit the ratest is which a right of secess to and from the land is leasured by this passey. the property and the state of the said days

- (f) "public records": those records which by law impart constructive notice of matters relating to said land.
 - 2. Continuation of Insurance after Conveyance of Title

The coverage of this policy shall continue in force as of Date of Policy in favor of an insured so long as such insered setains an estate or interest in the land, or holds an indebtedness secured by a or interest in the land, or horgs an indebtedness secured by a purchase money morigage given by a purchaser from such insured, or so long to such insured shall have liability by reason of covenants of warranty made by such insured in any transfer or convayance of such estate or interest: provided, however, this policy shall not continue in force in fever of any purchaser from such insured of either said estate or interest or the indebtedness secured by a purchase money mortgage given to such insured.

- Defence and Presecution of Actions Notice of Claim to be iven by an insured Claimant
- (a) The Company, at its own cost and without undue delay, shall provide for the defense of an insured in all Higation consisting of actions or proceedings commenced against such insured to the extent that such linguistion is founded upon an altrayd defect, lien, encumbrance, or other matter insured against by this policy.
- (b) The insured shall polify the Company promptly in a table pay action or propositing is begun as an furth [10] it does baseledge shall proper to de become the first and the first to the

Polloy No. AM 062627

Policy Amount 8 3,691,500.00

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Polley No. 26 062627

Policy Amount \$ 3,691,500.00

SCHEDULE A

1. Policy Date December 15, 1978 at 11:55 AM. o'clock.

2. The Insured hereunder, in whom title to the fee simple estate is vested at the date hereof, is:

AQUARINA DEVELOPMENTS, INC., a Florida Corporation

 The land referred to in this policy is situated in the County of Breward State of Florida and is described as follows:

Government Lots 4 and 5, SECTION 25, Township 29 South, Range 38 East, Brevard County, Florida, LESS the right-of-way for State Road AlA;

and

Government Lot 1, Section 35, Township 29 South, Range 38 East, Brevard County, Florida;

and

Government Lots 1, 2 and 3, Section 36, Township 29 South, Range 38 East, Brevard County, Florida, LESS the right of way for State Road AlA, the South 50.00 feet of said Gobernment Lots 1, 2 and 3 lying West of State Road AlA, and that portion of said Gobernment Lot 1 parallel with and adjacent to the existing West right of way line of State Road AlA to a depth of 20.00 feet, as recorded in Official Record Book 1338 at Page 26, public records of Brevard County, Florida.

TOZETHER with all submarged land, shore rights, littoral rights and riparian rights in the waters of the Atlantic Ocean and Indian River adjacent to said properties.



8. Reservations for roads and riparian rights as shown in Deed Book 402, Page 473 public records of Brevard County, Florida.

9. Bulkhead lines as recorded by the State of Florida Board of Trustees of the Internal Improvement Trust Fund in Official Record Book 1111, Page 1005, public records of Brevard County, Florida.

 Zoning Regulations as shown in Affidavit by the Zoning Director of Brevard County, Florida, recorded in Official Record Book 1141, Page 197, public records of Brevard County, Florida.

11. Bulkhead lines as described in certificate prepared for the Trustees of Internal Improvement Fund and recorded in Bulkhead line Bookl, Page 86, in the Office of the Clerk of the Circuit Court in and for Brevard County, Florida.

 Reservations for aquatic preserve as contained in Resolution of the State of Florida Trustees of the Internal Improvement Trust Fund recorded in Official Record Book 1143, Page 199, public records of Brevard County, Florida.

13. Plans and specifications must comply with set-back requirements under Chapter 161 Florida Statutes. All structures must be at least 50 feet from mean highwater line of the Atlantic Ocean.

 Subject to an easement for right-of-way as found in a Quit Claim Deed recorded in Official Record Book 1338 at Page 26, public records of Brevard County, Florida.

15. Subject to a right-of-way as found in Deed Book 331, Page 480, public records of Brevard County, Florida.

 Mortgage from 192 Co. to Bankers Life and Casualty Co. dated November 13, 1975 recorded in Official Record Book 1575 at Page 160, public records of Brevard County, Florida.

17. Mortgage Modification Agreement dated March 28, 1978 and recorded in Official Record Book 1885 at Page 692, public records of Palm Beach County, Florida and Further Amended by Mortgage Modification Agreement dated December 12, 1978 and recorded in Official Record Book 1980 at Page 990, public records of Brevard County, Florida.

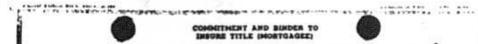


Government Lots 1, 2 and 3, Section 36, Township 29 South, Range 38 East, Brevard County, Florida, LESS the right of way for State Road AlA, the South 50.00 feet of said Government Lots 1, 2 and 3 lying West of State Road AlA, and that portion of said Government Lot 1 parallel with and adjacent to the existing West right of way line of State Road AlA to a depth of 20.00 feet, as recorded in Official Record Book 1338 at Page 26, public records of Brevard County, Florida.

TOGETHER with all submerged land, shore rights, littoral rights and riparian rights in the waters of the Atlantic Ocean and Indian River adjacent to said properties.

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CONDITHENT AND BINDER TO INSURE TITLE (MORTGAGEE)



CRONWELL, REMSEN, PFAFFENBERGER, GORDON & DANIMETER

Community Federal Building

Riviers Beach

Lawyers' Title Guaranty Fund

Qualified with and experient by Insurance Commissioner of Florida ORLANDO, FLORIDA

** BANKERS LIFE & CASUALTY COMPANY, an Illinois corporation	
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192 CO., a Florida corporation	-
SEE ATTACHED CONTINUATION SHEET	
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SCHEDULE B

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- (a) Mortgage from 192 CO., a Florida corporation, to Bankors Life & Casualty Company, an Illinois corporation, to Bankers Li \$2,800,000.00;
- (b) Satisfaction of mortgage with respect to that certain mortgage from 192 CO. to Cameron-Brown Investment Group, as recorded August 4, 1972, in Official Record Book 1267, page 219, public records of Brevard County, Florida, in the original principal amount of \$2,400,000.00.

SCHEDULE C

orts, objections, Sens and purpose unit, Senses, popular terms and accept for the surrount year. Of this pos-person in proceedings of the purposity, of a structure accept on processed degree

- 1. General Taxes for the year of the effective date of this consistent, and taxes or special assessments which are not shown as existing liens by the public records.

 2. Rights or claims of parties in possession not shown by the public records.

 3. Encreachments, overlaps, boundary line disputes, and any other matters which could be disclosed by an accurate survey and inspection of the premises.

 4. Ensements or claims of essessments not shown by the public records.

 5. Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpuld service charges for service by any vator, sower or gas systems serving the lands described herein.

SEE ATTACHED CONTINUATION SHEET

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REG 1980 PAGE 989

EXHIBIT A

REE 2021 PAGE 386

LEGAL DESCRIPTION

Government Lots 4 and 5, SECTION 25, Township 29 South, Range 38 East, Brevard County, Florida, LESS the Right of way for State Road AlA;

AND

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Government Lot 1, Section 35, Township 29 South, Range 38 East, Brevard County, Florida;

Government Lots 1, 2 and 3, Section 36, Township 29 South,

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TOGETHER with all submerged land, shore rights, littoral rights and riparian rights in the waters of the Atlantic Ocean and

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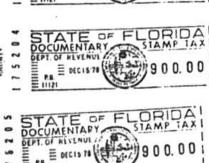
Indian River adjacent to said properties.

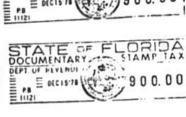












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STATE OF FLORIDA COUNTY OF BREVARD

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original instrument.

Sworn and subscribed before me this 23rd day of December, 1983.

My Commission expires:

Notary Public, State of Florids of Large My Commissioners June 2, 1984