

ORIGINAL

FILED-EMID-FPSC

MEMORANDUM

NOV-3 AM 10:33

31
October 27, 2003

COMMISSION
CLERK

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (RODAN) *JAR* *Wax*

RE: DOCKET NO. 030236-WS - APPLICATION FOR TRANSFER OF FACILITIES AND CERTIFICATE NOS. 466-W AND 400-S FROM PENNBROOKE UTILITIES, INC. TO UTILITIES, INC. OF PENNBROOKE, IN LAKE COUNTY

On September 5, 2003, this Commission issued Order No. PSC-03-1000-PAA-WS approving the transfer of facilities and Certificates Nos. 466-W and 400-S from Pennbrooke Utilities, Inc. to Utilities, Inc. of Pennbrooke. A portion of the Order was issued as Proposed Agency Action and established rate base for purposes of the transfer, and a reclaimed water class of service at a zero rate for the Pennbrooke Fairways Golf Course. Order No. PSC-03-1000-PAA-WS required the docket to be held open pending receipt and verification of proof of ownership or continued use of the land upon which the utility's facilities are located. The Consummating Order making Order No. PSC-03-1000-PAA-WS final was issued on October 6, 2003. That Order also held the docket open pending receipt of proof of land ownership.

By letter dated October 29, 2003, Utilities, Inc. of Pennbrooke filed a copy of a recorded Warranty Deed (attached) as proof that it owns the land upon which its facilities are located. The deed has been reviewed and we find that it meets the requirements of Order No. PSC-03-1000-PAA-WS. Therefore, Docket No. 030236-WS may be closed.

AUS _____
 CAF _____
 CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 MMS _____
 SEC 1
 OTH _____

JR

Attachment (Deed)

cc: Division of Economic Regulation (Johnson, Redemann)

OK-effective 10/31/03
sm
10/31/03

DOCUMENT NUMBER-DATE

10873 NOV-38

FPSC-COMMISSION CLERK

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(407) 830-6331
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD, *OF COUNSEL*
(LICENSED IN TEXAS ONLY)

October 29, 2003

Ms. Blanca Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 030236-WS; Utilities, Inc. of Pennbrooke's Application for Authority
to Transfer Facilities and Certificate Nos. 466-W and 400-S
Our File No.: 30057.56

Dear Ms. Bayo:

Enclosed please find for filing in the above-referenced docket Utilities, Inc. of
Pennbrooke's Notice of Filing Warranty Deed.

Should you have any questions regarding this filing, please do not hesitate to
give me call.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF:dmp
Enclosure

cc: Ms. Cheryl Johnson (w/enclosure)
Mr. Steve Lubertozzi (w/o enclosure)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority to
Transfer the Facilities of PENNBROOKE
UTILITIES, INC. and Certificate Nos. 466-W
and 400-S in Lake County, Florida to
UTILITIES, INC. OF PENNBROOKE

DOCKET NO. 030236-WS

NOTICE OF FILING

Applicant, UTILITIES, INC. OF PENNBROOKE, hereby notices filing in the above-referenced docket the recorded Warranty Deed from Pennbrooke Utilities, Inc., to Utilities, Inc. of Pennbrooke.

Respectfully submitted on this
29th day of October, 2003, by:

ROSE, SUNDSTROM & BENTLEY, LLP
600 S. North Lake Boulevard
Suite 160
Altamonte Springs, Florida 32701
(407) 830-6331
(407) 830-8522 Fax

By: 

MARTIN S. FRIEDMAN

③ This Instrument was Prepared by
and is to be Returned to:

CFN 2003131189
Bk 02427 Pgs 0434 - 436; (3pgs)
DATE: 10/09/2003 02:13:41 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 13.00
TRUST FUND 2.00
DEED DOC 3,500.00

Aileen S. Davis
Akerman Senterfitt
② P.O. Box 3273
Tampa, Florida 33601-3273
(813) 223-7333

3,500.00
15.00

3,515.00

WARRANTY DEED

This WARRANTY DEED is made and delivered effective as of September 26, 2003 by and between PENNBROOKE UTILITIES, INC., a Florida Corporation, as Grantor, whose address is 146 Horizon Court, Lakeland, Florida 33813 and UTILITIES, INC. OF PENNBROOKE, a Florida corporation, as Grantee, whose address is 2335 Sanders Road, Northbrook, Illinois, 60062. (All references to the parties herein shall include their successors and assigns.)

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) to it in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, and sold to Grantee the real property (the "Property") situated in Lake County, Florida, legally described on Schedule "A" attached hereto and by this reference incorporated herein.

Parcel Identification Nos.

19-19-24-00020000 5900

19-19-24-00200005 300

19-19-24-0020000 4700

TOGETHER WITH all of Grantor's right, title and interest in and to: (a) all air, surface, mineral and subsurface interests and rights benefiting or otherwise relating to the Property; (b) all easements appurtenant to or otherwise benefiting the Property; and (c) any land lying in the back of any street, alley, road or avenue, whether in existence, abandoned, vacated or proposed, to the centerline thereof; with every privilege,

right, title, interest, estate, reversion and remainder thereto belonging or in anyway thereunto appertaining.

TO HAVE AND TO HOLD the Property, with all improvements thereon, unto Grantee in fee simple forever.

AND Grantor does hereby covenant with Grantee that the Property is free from all liens and encumbrances except: (a) taxes and assessments for the year 2003 and subsequent years; (b) Easement granted to Florida Power Corporation by instrument recorded in Official Records Book 356 at Pages 382 and 383, public records of Lake County, Florida; and (c) zoning and governmental ordinances, rules, regulations, and laws.

AND Grantor does hereby fully warrant the title to the Property, and will defend the same against the lawful claims of all persons whomsoever.

Signed, Sealed and Delivered in the Presence of:

Cadric Estelle
(Witness 1 - Signature)

Cadric Estelle
(Witness 1 - Printed Name)

[Signature]
(Witness 2 - Signature)

M F HACKETT
(Witness 2 - Printed Name)

PENNBROOKE UTILITIES, INC.,
A Florida Corporation

By: [Signature]
Robert J. Salzman,
As its President

STATE OF FLORIDA)
COUNTY OF POIK)

The foregoing instrument was acknowledged before me on September 24, 2003 by Robert J. Salzman, as the President of PENNBROOKE UTILITIES, INC., a Florida corporation, on behalf of the corporation, who is personally known to me or ___ who has provided a driver's license as identification (check one).

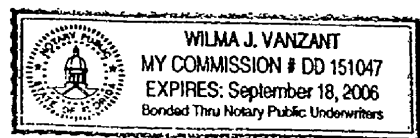
Wilma J. Vanzant
(Signature)

WILMA J. VANZANT
(Type or Print Name)

Notary Public

My Commission Expires:

My Commission Number is:



SCHEDULE "A"

Legal DescriptionParcel I: PENNBROOKE UTILITIES: EFFLUENT PONDS

A Parcel of land lying in Section 19, Township 19 South, Range 24 East, more particularly described as follows:

Commencing at the Southwest corner of Tract "B" as shown on the plat of "PENNBROOKE, PHASE M", recorded in the public records of Lake County, Florida, in Plat Book 43 on page 27, thence, N 00° 25' 16" E, a distance of 446.76 feet to the Point of Beginning. From the Point of Beginning thus described, thence, N 89° 40' 58" W, a distance of 315.12 feet; thence, N 00° 25' 16" E, a distance of 525.57 feet; thence N 61° 57' 44" E, a distance of 287.54 feet; thence, N 38° 42' 16" E, a distance of 119.73 feet; thence N 00° 45' 03" W, a distance of 122.49 feet; thence, N 88° 26' 01" E, a distance of 77.37 feet; to the Northwest corner of the aforementioned Tract "B"; thence S 11° 53' 12" E, along the Westerly boundary of said Tract "B", a distance of 229.18 feet; thence, S 00° 48' 06" E, a distance of 243.58 feet; thence, S 34° 30' 11" W, a distance of 251.13 feet; thence, S 00° 25' 16" W, a distance of 205.72 feet to the Point of Beginning.

All being in Lake County, Florida.

Parcel II: PENNBROOKE UTILITIES: SEWER TREATMENT PLANT

A Parcel of land lying in Section 19, Township 19 South, Range 24 East, more particularly described as follows:

Commencing at the Southwest corner of Tract "B" as shown on a plat of "PENNBROOKE, PHASE M" recorded in the public records of Lake County, Florida, in Plat Book 43 on page 27, thence, N 89° 40' 58" W, a distance of 146.53 feet to the Point of Beginning. From the Point of Beginning thus described continue, N 89° 40' 58" W, a distance of 261.95 feet; thence, N 00° 25' 16" E, a distance of 253.06 feet; thence, S 89° 40' 58" E, a distance of 261.95 feet; thence, S 00° 25' 16" W, a distance of 253.06 feet to the Point of Beginning.

Parcel III:

The South 150 feet of the West 210 feet of the West 505 feet of the North $\frac{3}{4}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 19, Township 19 South, Range 24 East, in Lake County, Florida; LESS the Westerly 50.00 feet thereof for right-of-way of County Road No. 2-4800.

Parcel IV:

The South 325.00 feet of the West 210.00 feet of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 19, Township 19 South, Range 24 East, Lake County, Florida; LESS the Westerly 50.00 feet thereof for right-of-way of County Road No. 2-4800.

All being in Lake County, Florida.