

State of Florida



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Public Service Commission

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COMMISSION  
CLERK

**DATE:** October 21, 2004

**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director

**FROM:** *per* Richard P. Redemann, Utility Systems/Communications Engineer, Division of Economic Regulation

**RE:** Docket No. 040951-WS; Joint Application for Approval of Sale of Florida Water Services Corporation's Land, Facilities, and Certificates in Brevard, Highlands, Lake, Orange, Pasco, Polk, Putnam, a portion of Seminole, Volusia, and Washington Counties to Aqua Utilities Florida, Inc.

Attached please find a letter from Kirk D. Martin, Legal Administrator with Florida Water, to Richard P. Redemann that should be placed in the docket file.

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cc: Division of Economic Regulation (Johnson)  
Office of General Counsel (Brubaker)

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DIVISION OF  
ECONOMIC REGULATION

September 23, 2004

Via facsimile, 850/413-7000 and US Mail

Mr. Richard P. Redemann  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

Re: Docket #040951-WS  
Joint application for approval of sale of Florida Water Services Corporation's land, facilities, and certificates in Brevard, Highlands, Lake, Orange, Pasco, Polk, Putnam, a portion of Seminole, Volusia, and Washington Counties to Aqua Utilities Florida, Inc.

Dear Richard:

During our September 21, 2004, telephone conversation you requested information regarding Exhibit "P" to the "Joint Application for Approval of Sale of Land, Facilities and Certificates from Florida Water Services Corporation to Aqua Utilities Florida, Inc." as filed in the above-referenced docket. For convenience, your request is restated below and Florida Water's response is provided in italics.

**Request:** With regard to the lease for the Tangerine service area (Orange County) water treatment facility, please provide the legal description for the leased property upon which the water treatment facility is located.

*Response: The legal description is provided in Appendix "C-2" to Exhibit "P." Please see the "Assignment of Lease" between Tangerine Water Company, Inc. and Florida Water Services Corporation together with the "Lease Extension Agreement" between the Tangerine Improvement Society and Tangerine Water Company, as recorded in OR Book 5923, Page 1028, Public Records of Orange County, Florida, together with the "Agreement" between the Tangerine Improvement Society and Tangerine Water Company, as recorded in OR Book 205, Page 632, Public Records of Orange County, Florida.*



Florida Water Services Corporation | P.O. Box 609520 | Orlando, Florida 32860-9520 | Phone 407/598-4100

*Water For Florida's Future*

**Request:** Appendix "A" to Exhibit "P" identifies Parcels 15-1 and 15-2 in the Orange Hill/Sugar Creek (Polk County) water service area. However, the "Special Warranty Deed" from Florida Water Services Corporation to Aqua Utilities Florida, Inc., as recorded in OR Book 05847, Page 0703, Public Records of Polk County, Florida, only identifies Parcel 15. Please explain this discrepancy.

*Response: The complete legal description for Parcel 15 (as provided in that certain "Special Warranty Deed" from Florida Water Services Corporation to Aqua Utilities Florida, Inc., as recorded in OR Book 05847, Page 0703, Public Records of Polk County, Florida, (copy provided in Appendix "B-1")) describes two different parcels. Parcel 15-1 is the:*

*Lot 2, Block 2, ORANGE HILL SUBDIVISION, according to the Plat thereof as recorded in Plat Book 58, Page 40, Public Records of Polk County, Florida.*

*portion of the legal description. Parcel 15-2 (a perpetual easement) is the:*

*East 150 feet of the south 150 feet of Lot 19 of SUGAR CREEK SUBDIVISION, according to unrecorded plat thereof on file with the County Engineer of Polk County, Florida, being in Section 28, Township 28 South, Range 25 East, Polk County, Florida.*

*portion of the legal description. Please note, although not stated on Appendix "A," there is a water treatment facility located on Parcel 15-1 and a water treatment facility located on Parcel 15-2. This information was inadvertently omitted from Appendix "A."*

**Request:** Please confirm the identification number and the type of facility located on each Sunny Hills (Washington County) parcel containing utility treatment facilities.

*Response: Water treatment facilities are located on Parcels, 5, 8-1 and the parcel described in that certain "Utility Easement," as recorded in OR Book 235, Page 1840, Public Records of Washington County, Florida, (copy located in Appendix "C-3") as that "Utility Easement" was assigned to and assumed by Aqua Utilities Florida, Inc. by and through that certain "Assignment and Assumption of Easements," as recorded in OR Book 0537, Page 0008, Public Records of Washington County, Florida, (copy located in Appendix "B-3"). A wastewater treatment facility is located on Parcel 8-2.*

*Parcel 8-1 is the first parcel described in the Parcel 8 legal description in that certain "Special Warranty Deed" from Florida Water Services Corporation to Aqua Utilities Florida, Inc., as recorded in OR Book 0536, Page 0276, Public Records of Washington County, Florida, (copy provided in Appendix B-1"), and is more specifically described as:*

*All of Tract "E" of SUNNY HILLS UNIT EIGHT, according to the plat thereof recorded in Plat Book 2, Pages 88 through 101 inclusive of the Public Records of Washington County, Florida.*

*Parcel 8-2 is the second parcel described in the Parcel 8 legal description in that certain "Special Warranty Deed" from Florida Water Services Corporation to Aqua Utilities Florida, Inc., as recorded in OR Book 0536, Page 0276, Public Records of Washington County, Florida, (copy provided in Appendix "B-1") and is more specifically described as:*

*All of Tract "A" of SUNNY HILLS UNIT NINETEEN, according to the plat thereof recorded in Plat Book 3, Pages 65 through 79 inclusive of the Public Records of Washington County, Florida.*

Also, you inquired generally about the difference between the total number of parcels identified in Appendix "A" and the total number of parcels identified in Appendix "B-1" through "B-3" inclusive. In response, it is noted that in conformance with the language of the documentation requested through Exhibit "P," Appendix "A" only identifies the parcels with utility treatment facilities (i.e., water or wastewater treatment facilities). Appendix "B-1" through "B-3" inclusive, identifies all the parcels that were conveyed to Aqua Utilities Florida in which Florida Water had an interest.

As always, please let me know if you have additional questions.

Sincerely,



Kirk D. Martin  
Legal Administrator

c: Steve Menton, Esq  
Melissa Taylor, Esq.