



# Public Service Commission

ORIGINAL

## -M-E-M-O-R-A-N-D-U-M-

DATE: June 22, 2000  
 TO: Division of Records and Reporting  
 FROM: Stephanie Clapp, Division of Regulatory Oversight *SC*  
 RE: Docket 981992-WS: Application for transfer of majority organizational control of Sandy Creek Utilities, Inc., holder of Certificate Nos. 514-W and 446-S in Bay County from Sandy Creek Properties, Inc., to Mr. Gary L. Souders.

Attached is the recently submitted cover letter, 99-year Lease Agreement, and recorded Memorandum of Lease. Please add these items to the docket file.

Thank you.

Attachments

cc: Division of Water and Wastewater (Messer, Redemann)  
 Division of Legal Services (Crosby)

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG \_\_\_\_\_
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC   1
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

08083 JUL-38

FPSC-RECORDS/REPORTING

BRYANT & HIGBY, CHARTERED  
ATTORNEYS AT LAW  
833 HARRISON AVENUE  
POST OFFICE BOX 860  
PANAMA CITY, FLORIDA 32402-0860  
TELEPHONE (850) 763-1787  
TELECOPIER (850) 785-1533

ROWLETT W. BRYANT  
CLIFFORD C. HIGBY  
CECILIA REDDING BOYD

LYNN C. HIGBY  
(1938-1992)

June 26, 2000

Stephanie Clapp  
Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: Gary Souders / WS579 Sandy

*RAR*

Dear Ms. Clapp:

Enclosed please find a copy of the Memorandum of Lease in which Mr. Souders has leased to the corporation the property on which the Sandy Creek Utilities operate. I have also enclosed a copy of the Lease Agreement for your information. Please let me know if you have any questions.

Very Truly Yours,

*Mikki*

Mikki T. Prescott  
Secretary to Cecilia Redding Boyd

enclosure

**RECEIVED**

JUN 27 2000

Florida Public Service Commission  
Division of Regulatory Oversight

**MEMORANDUM OF LEASE**

THIS MEMORANDUM OF LEASE made and entered into as of the 16<sup>th</sup> day of June, 2000, by and between GARY SOUDERS, 7328 Littleton Rd., Panama City, FL 32404 (hereinafter referred to as "Lessor") and SANDY CREEK UTILITIES, INC., 1732 Highway 2297, Panama City, FL 32404, (hereinafter referred to as "Lessee").

**WITNESSETH:**

1. LEASE. Lessor and Lessee made and entered into a certain Lease Agreement dated the 16<sup>th</sup> day of June, 2000 (hereinafter referred to as "Lease Agreement"), wherein, in consideration of the rents therein reserved and the covenants and agreements contained therein, Lessor let unto Lessee and Lessee rented from Lessor for the term provided hereinafter, on the terms and conditions stated in the Lease Agreement, those premises and improvements described in Exhibit "A" attached hereto.

2. TERM. The term of the Lease Agreement is for a period of ninety-nine (99) years commencing on June 1, 2000 and terminating on June 1, 2099.

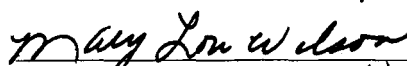
3. PROHIBITION AGAINST ENCUMBRANCES. It is expressly understood by Lessor and Lessee that neither the demised premises nor any interest created pursuant to the Lease Agreement shall stand as security for improvements to the premises by Lessee.

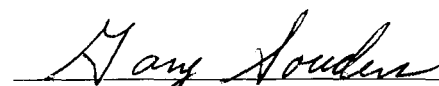
4. MEMORANDUM OF LEASE. This Memorandum of Lease has been entered into by and between the parties hereto for the purpose of giving public notice of the Lease Agreement and certain of its terms, covenants and conditions and for no other purpose. The provisions of this Lease shall not in any way change or affect the provisions of the Lease Agreement, the terms and conditions of which remain in full force and effect. In the event of any conflict between the terms and provisions of this Memorandum of Lease and the Lease Agreement, the provisions of the Lease Agreement shall govern in all respects.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this the day and year first above written.

Signed, sealed and delivered  
in the presence of:

LESSOR:

  
Print Name: Mary Lou Wilson

  
Gary Souders

Mikki J. Prescott  
Print Name: Mikki T. Prescott

\*\* OFFICIAL RECORDS \*\*  
BOOK: 1954 PAGE: 1882

LESSEE:

SANDY CREEK UTILITIES, INC.

Gary Lou Wilson  
Print Name: Gary Lou Wilson

By: Gary Souders  
Gary Souders  
President and Chairman of the Board  
of Directors

Mikki J. Prescott  
Print Name: Mikki T. Prescott

STATE OF FLORIDA  
COUNTY OF BAY

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of June, 2000, by Gary Souders who is personally known to me.



Mikki T. Prescott  
MY COMMISSION # CC650703 EXPIRES  
May 27, 2001

Mikki J. Prescott  
Notary Public - State of Florida  
Commission No:  
My Commission Expires:

STATE OF FLORIDA  
COUNTY OF BAY

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of June, 2000, by Gary Souders, as President and Chairman of the Board of Directors of Sandy Creek Utilities, Inc., who is personally known to me.



Mikki T. Prescott  
MY COMMISSION # CC650703 EXPIRES  
May 27, 2001

Mikki J. Prescott  
Notary Public - State of Florida  
Commission No:  
My Commission Expires:

RCD 06M 21 2000 08:32am  
HAROLD BAZZEL, CLERK

Schedule A

PARCEL I (C):

Commence at the Northwest corner of Section 30, Township 4 South, Range 12 West of Bay County, Florida; thence  $S01^{\circ}24'05''E$ , 2295.38 feet; thence  $S86^{\circ}58'10''E$  1303.56 feet to the Point of Beginning; thence  $S01^{\circ}24'05''E$  255.66 feet to the North R/W of Appaloosa Way; thence  $S86^{\circ}58'10''E$  along said R/W 150.0 feet; thence  $N01^{\circ}24'05''W$ , 291.0 feet; thence  $N86^{\circ}58'10''W$ , 150.0 feet; thence  $S01^{\circ}24'05''E$ , 35.34 feet to the Point of Beginning.

PARCEL II (V, VI):

Commence at a concrete monument No. 3961 marking the Southeast corner of Section 30, Township 4 South, Range 12 West; thence  $N89^{\circ}26'18''E$  for 21.86 feet to a point on the Southerly extension of the East line of Sandy Creek Air Park, as per plat recorded in Plat Book 14, Pages 11 and 12 of the Public Records of Bay County, Florida; thence  $N00^{\circ}33'42''W$  along said East line for 114.59 feet to a concrete monument No. 2019 (depicting the Southeast corner of said Section 30, as shown on the plat of said Sandy Creek Air Park); thence continue  $N00^{\circ}33'42''W$  for 656.94 feet to a concrete monument No. 3642 at the Southeast corner of Lot 26-A, said Sandy Creek Air Park; thence  $N86^{\circ}38'32''W$ , 3946.86 feet to the Point of Beginning; thence continue  $N86^{\circ}38'32''W$ , 123.65 feet; thence  $N05^{\circ}10'02''W$ , 31.0 feet; thence  $S86^{\circ}38'32''E$ , 123.65 feet; thence  $S05^{\circ}10'02''E$ , 31.0 feet to the Point of Beginning.

AND

Commence at a concrete monument No. 3961 marking the Southeast corner of Section 30, Township 4 South, Range 12 West, Bay County, Florida; thence  $N89^{\circ}26'18''E$  for 21.86 feet to a point on the Southerly extension of the East line of Sandy Creek Air Park, as per plat recorded in Plat Book 14, Pages 11 and 12 of the Public Records of Bay County, Florida; thence  $N00^{\circ}33'42''W$ , along said East line for 114.59 feet to a concrete monument No. 2019 (depicting the Southeast corner of said Section 30, as shown on the plat of said Sandy Creek Air Park); thence continue  $N00^{\circ}33'42''W$  for 656.94 feet to a concrete monument No. 3642 at the Southeast corner of Lot 26-A, said Sandy Creek Air Park; thence  $N86^{\circ}38'32''W$ , 3946.86 to the Point of Beginning; thence  $S05^{\circ}10'02''E$ , 297.60 feet; thence  $N86^{\circ}38'32''W$ , 123.65 feet; thence  $N05^{\circ}10'02''W$ , 297.60 feet; thence  $S86^{\circ}38'32''E$ , 123.65 feet to the Point of Beginning.

File No: 802-157668

Schedule A

PARCEL III (VII):

Commence at a concrete monument No. 3961 marking the Southeast corner, Section 30, Township 4 South, Range 12 West, Bay County, Florida; thence N89°26'18"E for 21.86 feet to a point on the Southerly extension of the East line of Sandy Creek Air Park, as per plat recorded in Plat Book 14, Pages 11 and 12 of the Public Records of Bay County, Florida; thence N00°33'42"W along said East line for 114.59 feet to a concrete monument No. 2019 (depicting the Southeast corner of said Section 30, as shown on the plat of said Sandy Creek Air Park); thence continue N00°33'42"W for 656.94 feet to a concrete monument No. 3642 at the Southeast corner of Lot 26-A said Sandy Creek Air Park; thence N86°38'32"W, 3946.86 feet; thence S05°10'02"E, 297.60 feet; thence N86°38'32"W, 91.20 feet to the Point of Beginning; thence S45°51'42"E, 5.43 feet; thence S44°08'18"W, 200.00 feet to the Northerly right of way of State Road 167; thence N45°51'42"W along said right of way 300.00 feet; thence N44°08'18"E, 200.00 feet; thence S45°51'42"E, 245.36 feet; thence S05°10'02"E, 32.51 feet; thence S86°38'32"E, 32.45 feet to the Point of Beginning.

File No: 802-157668

**LEASE AGREEMENT**

1. PARTIES. This Lease Agreement is made on this 16<sup>th</sup> day of June, 2000, by and between GARY SOUDERS of 7328 Littleton Rd., Panama City, FL 32404, as Lessor and SANDY CREEK UTILITIES, INC., a Florida corporation of 1732 Highway 2297, Panama City, FL 32404, as Lessee.

2. DESCRIPTION OF LEASED PREMISES. Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the property described in Exhibit "A," together with all improvements, furniture, fixtures and appliances, in Bay County, Florida (the "Subject Property").

3. TERM. The Subject Property is leased for a term to commence on June 1, 2000, and shall end on June 1, 2009, or on such earlier date as this Lease Agreement may terminate as provided herein.

4. RENT. The total annual rent is the sum of Twelve Hundred Dollars (\$1,200.00) which sum is payable in equal monthly installments, in advance, on the first day of each calendar month during the term.

5. CARE AND REPAIR OF PREMISES. Lessee shall commit no act of waste and shall take good care of the Subject Property and the fixtures and appurtenances therein.

6. ASSIGNMENT OF LEASE. Lessee shall not, without first obtaining the written consent of Lessor, assign or encumber, in whole or in part, the Subject Property or any portion thereof.

7. LESSOR'S REMEDIES ON DEFAULT. If Lessee defaults in the payment of rent or in the performance of any other covenant or condition of this Agreement, Lessor may give Lessee notice of such default, and if Lessee does not cure any rent default within three (3) days or other default within thirty (30) days after giving notice, then Lessor may terminate this Lease Agreement on not less than thirty (30) days notice to Lessee.

8. BINDING EFFECT ON SUCCESSORS AND ASSIGNS. The provisions of this Lease Agreement shall apply to, bind, and enure to the benefit of Lessor and Lessee, and their respective heirs, successors, legal representatives and assigns.

Signed, sealed and delivered  
in the presence of:

LESSOR:

Mary Lou Wilson  
Print Name: Mary Lou Wilson

Gary Souder  
Gary Souder

Mikki L. Prescott  
Print Name: Mikki T. Prescott

LESSEE:

SANDY CREEK UTILITIES, INC.

Mary Lou Wilson  
Print Name: MARY Lou Wilson

By: Mary Souders  
Gary Souders  
President and Chairman of the Board of  
Directors

Mikki L. Prescott  
Print Name: Mikki T. Prescott



Schedule A

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