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BRIAN J. STREET

ROBERT M. C. ROSE, (1924-2006)

February 25, 2008

Via Hand Delivery

RECEIVED - FPSC
08 FEB 25 PM 4:09
COMMISSION
CLERK

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

Re: Fruit Cove Properties
Notice of Abandonment
Our File No.: 43015.01

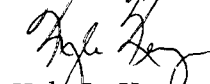
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Dear Sir or Madam:

On February 19, 2008, TOPO, Inc., and H. & J. Investments, Inc., d/b/a Fruit Cover Properties, a water and wastewater utility regulated by St. Johns County, provided a notice of abandonment to the St. Johns County Board of County Commissioners and the St. Johns County Water and Sewer Authority. (A copy of the Notice of Abandonment and the local law governing abandonment are included herewith.) Pursuant to local Rule, the utility may be abandoned effective April 19, 2008.

St. Johns County ("County") is a non-jurisdictional county of the Public Service Commission ("PSC"), and as such, the provisions of chapter 367, Florida Statutes, are not effective in County. Nevertheless, with utmost caution, please accept the attached Notice of Abandonment. Should the PSC assert that section 367.165, Florida Statutes (2007), is applicable to the matter at hand in spite of the County's local jurisdiction, please advise me of same.

Sincerely,



Kyle L. Kemper, Esq.
For the Firm

DOCUMENT NUMBER - DATE

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MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD
BRIAN J. STREET

February 15, 2008

Via Federal Express

Cheryl Strickland
Ex-officio, Clerk of the Board of County
Commissioners of St. Johns County, Florida
4010 Lewis Speedway
St. Augustine, Florida 32084

John Schwab
St. Johns County Water & Sewer Authority
c/o Administrative Office
P.O. Box 349
St. Augustine, Florida 32085-0349

Patrick McCormack, Esq.
St. Johns County Attorney
4020 Lewis Speedway
Saint Augustine, Florida 32084

Geoffrey B. Dobson, Esq.
93 Orange Street
St. Augustine, Florida 32084

Re: Fruit Cove Properties
Our File No.: 43015.01

Dear Ms. Strickland, Mr. Schwab, Mr. McCormack, and Mr. Dobson:

Enclosed herewith is a Notice of Abandonment filed on behalf of TOPO, Inc., and H. & J. Investments, Inc., d/b/a Fruit Cove Properties, a water and wastewater utility regulated by St. Johns County. After receiving the attached notice, local law requires the Board of County Commissioners to petition the circuit court to appoint a receiver, which may be the Board or another person. Fruit Cove will abandon the utility effective sixty

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February 15, 2008

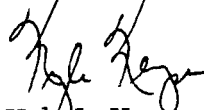
Page 2

(60) days after receipt of the attached notice, or at an earlier date prescribed by the Board of County Commissioners.

Thank you in advance for your prompt attention to this matter and please contact me if you have any concerns.

ROSE, SUNDBSTROM & BENTLEY, LLP

Sincerely,



Kyle L. Kemper, Esq.
For the Firm

Cc: Leland Burpee
Bill Brannen
M.L. Forrester
Bill Sundstrom, Esq.

NOTICE OF ABANDONMENT OF WATER AND WASTEWATER UTILITY

PLEASE TAKE NOTICE that pursuant to section 61-216, Rules and Regulations of the St. Johns County, Florida, Utility Authority, TOPO, Inc., and H. & J. Investments, Inc., d/b/a Fruit Cove Properties, whose principal place of business is 5465 Verna Boulevard, Jacksonville, Florida 32205, ("Fruit Cove"), intends to abandon the following described utility:

Fruit Cove operates a water and wastewater utility pursuant to Franchise Certificate Number 5 (water service) and Franchise Certificate Number 6 (wastewater service), issued by the St. Johns County Board of County Commissioners on or about March 27, 1990. (Copies of the Franchise Certificates are attached hereto as Exhibits "A" and "B".) The territory served pursuant to the Franchise Certificates is more particularly described at Exhibit "C".

Effective sixty (60) days from receipt of this Notice, or upon an earlier date set by the St. Johns County Board of County Commissioners, Fruit Cove will abandon the above-described utility.

Kindly direct all future correspondence to undersigned counsel.

Respectfully submitted,

ROSE, SUNDBSTROM & BENTLEY, LLP



Kyle L. Kemper, Esq.
Rose, Sundstrom, & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555 – telephone
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Attorneys for TOPO, Inc., and H. & J.
Investments, Inc., d/b/a Fruit Cove Properties

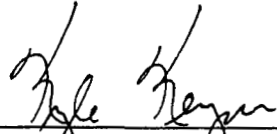
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Rose, Sundstrom & Bentley, LLP 01420 FEB 25 8
2548 Blairstone Pines Drive, Tallahassee, Florida 32301

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished via Federal Express Next Day Delivery, to the parties listed below, this 15th day of February, 2008.



Kyle L. Kemper, Esq.

Cheryl Strickland
Ex-officio, Clerk of the Board of County Commissioners of St. Johns County, Florida
4010 Lewis Speedway
St. Augustine, Florida 32084

St. Johns County Water & Sewer Authority
c/o Administrative Office
P.O. Box 349
St. Augustine, Florida 32085-0349

Geoffrey B. Dobson, Esq.
93 Orange Street
St. Augustine, Florida 32084

Patrick McCormack, Esq.
St. Johns County Attorney
4020 Lewis Speedway
Saint Augustine, Florida 32084

*copy. summary
6-22-90*

Docket No. 90-0005-0002-0001

In The Matter Of:

TOPO, INC. AND H. & J. INVESTMENTS, INC., D/B/A FRUIT COVE
PROPERTIES
Application for Certificates

FRANCHISE
CERTIFICATE
NUMBER

6

Pursuant to and in accordance with all provisions of Order No. 90-00033 of the Board of County Commissioners of St. Johns County, it is hereby ORDERED that authority be and is hereby granted to:

TOPO, INC. AND H. & J. INVESTMENTS, INC., D/B/A FRUIT COVE
PROPERTIES

Whose principal address is:

1300 Gulf Life Drive, 6th Floor
Jacksonville, Florida 32207

to provide sewer service in accordance with the provisions of the St. Johns County Water and Sewer Utilities Regulatory Ordinance, as now in effect and as may be hereafter amended, the Supplemental Rules, as now in effect and as may be hereafter amended, and the Orders of this Board, within the territory described by the Orders of this Board.

This Franchise Certificate shall remain in force and effect until suspended, cancelled or revoked by Orders of this Board.

By Order of the Board of County Commissioners of St. Johns County, this 27th day of March, 1990.



(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY

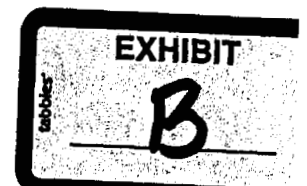
By: *Craig Maguire*
Its Chairman

Ann M. Mulligan
Deputy Clerk

DOCUMENT NUMBER-DATE

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APPENDIX "A"

A portion of Section 31, Township 4 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows: BEGIN at the intersection of the Northerly line of the McFee Grant, Section 54, the same being the Southerly boundary of said Government Lot 8, Section 31, with the Easterly right of way line of Fruit Cove Road (an 80 foot right of way as now established by the State Department); thence Northeasterly along said Easterly right of way line of Fruit Cove Road and along and around the arc of a curve concave Easterly and having a radius of 1105.92 feet, an arc distance of 199.86 feet, said arc being subtended by a chord bearing and distance of North 06°19'20" West, 199.59 feet to the point of tangency of said curve; thence continue along said Easterly right-of-way line of Fruit Cove Road, North 01°08'40" West, 1481.28 feet to the Northerly boundary of Fruit Cove Oaks Edition, as recorded in Map Book 13, Pages 25 and 26 of the Current Public Records of said County, said line also being the Northerly right-of-way line of Fruit Cove Drive; thence North 86°16'10" East, along last said line, 1349.07 feet to the Westerly boundary line of Fruit Cove Forest, as recorded in Map Book 13, Pages 7 and 8 of said County; thence Northwesterly, Northeasterly, Southeasterly and Northeasterly along the boundaries of said Fruit Cove Forest, run the following four courses and distances: Course No. 1: North 01°33'20" West, 329.99 feet; Course No. 2: North 88°12'00" East, 1352.40 feet; Course No. 3: South 01°27'10" East, 825.00 feet; Course No. 4: North 88°12'00" East, 339.20 feet to the Easterly boundary of said Fruit Cove Forest, also being the Westerly right-of-way line of State Road No. 13 (a 100 foot right-of-way as now established); thence South 03°49'00" West, along said Westerly right-of-way line, 325.00 feet to the Southerly boundary of said Fruit Cove Forest; thence Northwesterly, Southwesterly; Northwesterly, Southeasterly and Southwesterly along the boundary of said Fruit Cove Forest, run the following nine courses and distances: Course No. 1: North 86°11'00" West, 115.00 feet; Course No. 2: North 82°22'30" West, 119.31 feet; Course No. 3: North 70°00'00" West, 188.31 feet; Course No. 4: North 01°27'10" West, 193.22 feet; Course No. 5: North 54°00'00" West, 18.80 feet; Course No. 6: South 73°05'00" West, 168.47 feet; Course No. 7: North 89°47'00" West, 827.90 feet; Course No. 8: South 01°27'10" East, 84.00 feet; Course No. 9: South 88°12'00" West, 69.51 feet to the Easterly boundary of Fruit Cove Oaks, as recorded in Map Book 12, Pages 37 and 38 of the Current Public Records of said County; thence Southeasterly and Southwesterly along the boundary of said Fruit Cove Oaks, and Ashley Place as recorded in Plat Book 12, Page 85 of the Current Public Records of said County, run the following two courses and distances: Course No. 1: South 01°33'20" East, 702.04 feet; Course No. 2: South 73°06'00" West, 1578.33 feet to the POINT OF BEGINNING.

DOCUMENT NUMBER DATE

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