

IN THE CIRCUIT COURT OF
THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA

ESCAMBIA COUNTY, FLORIDA, a
political subdivision of the State of Florida,

Petitioner,

v.

Case No.

INNERARITY ISLAND DEVELOPMENT
CORPORATION, a Florida corporation,

Respondent.

**PETITION FOR APPOINTMENT OF RECEIVER
PURSUANT TO NOTICE OF ABANDONMENT**

Petitioner, Escambia County, Florida (County), sues Respondent, Innerarity Island Development Corporation (IIDC) and demands the appointment of a receiver pursuant to the Notice of Abandonment served by Respondent, and alleges:

1. This is an action for appointment of a receiver pursuant to a notice of abandonment served by Respondent according to §367.165(1), Fla. Stat. and to allow the receiver to operate the utility and dispose of the property of the utility according to §367.165(2), Fla. Stat.
2. Petitioner is a political subdivision of the State of Florida.
3. Respondent has operated a wastewater and water service utility as alleged in the Notice of Abandonment for numerous years. Due to the recent death of the original owner/incorporator, Respondent has decided to abandon the utility system.
4. On January 27, 2014, Respondent served a notice of abandonment upon Petitioner and the Public Service Commission pursuant to the statutory procedure of

§367.165(1), Fla. Stat., and F.A.C. §25-30.090. Attached to this Petition and incorporated by reference is a copy of the Notice of Abandonment of a Water and Wastewater Service.

5. According to §367.165(2), Fla. Stat., Petitioner is required to petition this court to appoint a receiver which may be the governing body of Escambia County or any other person deemed appropriate. Furthermore, according to §367.165(2), the receiver shall operate the utility from the date of abandonment (March 28, 2014) until such time as the receiver disposes of the property of the utility in a manner designed to continue the efficient and effective operation of utility service.

6. According to the Notice served by Respondent, the utility system shall be abandoned no later than March 28, 2014. Therefore, it is incumbent upon this Court to move expeditiously and to advance this case on the calendar for the appointment of a receiver to carry out the statutory obligations of abandonment.

WHEREFORE, Petitioner requests the following equitable relief:

- A. Appoint a receiver according to §367.165(2), Fla. Stat.;
- B. Require the receiver to operate the water and wastewater system from the date of abandonment until such time as the receiver disposes of the property of the utility in a manner designed to continue the efficient and effective operation of the utility service;
- C. Provide for the costs of the receiver to be paid by the customers and users of the waste and wastewater system previously operated by Respondent or to provide for alternative means of compensation of the receiver;
- D. Award Petitioner its taxable costs; and

E. Award such other equitable and just relief as the court deems fit and appropriate.

Respectfully submitted,

Alison Rogers, County Attorney
221 Palafox Place, Suite 430
Pensacola, Florida 32502
(850) 595-4970
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By: Charles V. Pepler, Deputy County Attorney
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January 27, 2014

COUNTY ATTORNEYS OFFICE

31 JAN 2014

By Hand Delivery

Larry Newsom
Assistant County Administrator
Escambia County
221 Palafox Place, Suite 420
Pensacola, FL 32502

By FedEx

ATTN: Tom Ballinger
Director, Division of Engineering
Public Service Commission
Commission Clerk's Office
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

PM03:02

Re: Notice of Abandonment of Water and Wastewater Service

Dear Messrs. Newsom and Ballinger:

This letter is being written on behalf of Innerarity Island Development Corporation, a Florida corporation ("IIDC"). IIDC owns, operates, manages, and controls a utility that provides water and wastewater service to the residents of the property known as Innerarity Island, in Escambia County, Florida (the "Utility").

IIDC is hereby giving notice that IIDC will be abandoning the Utility on March 28, 2014. Please consider this letter to be the 60 days' notice that is required by Florida Statutes Section 367.165.

As is required by Florida Administrative Code Section 25-30.090, we are providing you with the following information:

(a) The Utility's name and address are:

Innerarity Island Development Corporation
1921 Seville Drive
Pensacola, FL 32503

(b) The person to contact regarding this notice, and such person's address and telephone number are:

Ronald L. Nelson, Esq.
517 East Government Street
Pensacola, FL 32502
Telephone Number: (850) 434-1700

(c) The location of the utility's books and records is:

1921 Seville Drive
Pensacola, FL 32503

Messrs. Newsom and Ballinger
January 27, 2014
Page 2

and

4686 Magnolia Hill Court
Pace, FL 32571

(d) The date of this notice is:

January 27, 2014

(e) The date the utility will be abandoned is:

March 28, 2014

(f) Both the water system and the wastewater system are to be abandoned.

(g) The reason the Utility is to be abandoned is:

The person who owned IIDC for many years and who operated the Utility during such period died on December 25, 2012. Since that time, IIDC has made diligent efforts to find another party that would take over ownership and management of the Utility, but these efforts have been unsuccessful. IIDC wishes to no longer own and manage the Utility.

(h) The status of the Utility with the Florida Department of Environmental Protection regarding outstanding citations or violations is:

There are no outstanding citations or violations of which IIDC is aware.

Thank you very much for your attention to this matter.

Sincerely,



Ronald L. Nelson

RLN/an

cc: Alison Rogers, Escambia County Attorney
Shawn Hamilton, Florida Department of Environmental Protection
Dr. John Lanza, Escambia County Health Department
Kathy F. Collins, Innerarity Island Development Corporation