

SEP 14 1987

ORANGE COUNTY RESOLUTION NO. 87-LEG-05

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2 A RESOLUTION OF THE ORANGE COUNTY
3 COMMISSION PROVIDING LEGISLATIVE DETERMIN-
4 ATIONS NECESSARY TO ALLOCATE RERATED PHASE
5 III SEWER SERVICE CAPACITY WITHIN THE
6 EASTERN WASTEWATER SERVICE AREA; ENLARG-
7 ING SERVICE AREA; DESIGNATING SALE DATE;
8 PROVIDING AN ECONOMIC IMPACT DETERMIN-
9 ATION; PROVIDING FOR SEVERABILITY; PRO-
10 VIDING AN EFFECTIVE DATE.

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8 PREMISES

9 1. The Orange County Commission allocates sewer
10 service capacity within the Eastern Wastewater Service Area
11 pursuant to the Eastern Wastewater Service Area Allocation
12 Rules (hereinafter "EWSAAR").

13 2. The Commission has determined that it has available
14 Phase III sewer service capacity to allocate within the
15 Eastern Wastewater Service Area due to the Florida Department
16 of Environmental Regulation's approved rerating of the Phase
17 III Eastern Wastewater Treatment Facility.

18 3. The County has previously sold 5,059,068 gpd of
19 Eastern Phase III wastewater capacity. Capacity release for
20 this rerated capacity is expected after January 1988, upon
21 concurrence by the Florida Department of Environmental
22 Regulation and the U.S. Environmental Protection Agency on
23 Phase III effluent capacity. Capacity to individual proper-
24 ties may be withheld later than January 1, 1988, until ade-
25 quate wastewater transmission facilities are available.

26 4. The EWSAAR requires the adoption of a resolution to
27 implement certain terms and conditions of the allocation for
28 this sewer service capacity within the Eastern Wastewater
29 Service Area.

30 NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY
31 COMMISSION:

32 Section 1. Legislative Determination by the Commission.
33 In its legislative, governmental capacity, the Commission
34 hereby makes the following findings and determinations:

35 (1) The Commission hereby determines pursuant to
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1 Section 5, EWSAAR, that one million five hundred thousand
2 (1,500,000) gallons per day of sewer service capacity (here-
3 inafter "total capacity") is available for allocation and
4 sale within the Eastern Wastewater Service Area.

5 (2) The Commission hereby determines to set aside four
6 hundred thirty-eight thousand eight hundred fifty (438,850)
7 gallons per day of said total capacity for transferring to
8 the Eastern Wastewater Facility sewage flows now treated at
9 the Arbor Ridge and College Heights sewage treatment plants.

10 (3) The Commission hereby determines to set aside one
11 hundred thousand (100,000) gallons per day of said total
12 capacity pursuant to subsection 5(a) of EWSAAR.

13 Section 2. Service Area Enlargement. The Commission
14 hereby declares the Eastern Wastewater Service Area to in-
15 clude those lands depicted as eligible for capacity sales in
16 the map attached hereto and incorporated in this resolution
17 as Exhibit "A".

18 Section 3. Designation of November Allocation Day.
19 The Commission hereby designates November 3, 1987 as an allo-
20 cation day pursuant to Section 4, EWSAAR and authorizes and
21 directs the Clerk to the Commission to publish a notice of
22 said allocation day in a newspaper of general circulation in
23 the county in accordance with Section 4, EWSAAR Pursuant to
24 Section 5, EWSAAR, the Commission hereby authorizes appro-
25 priate County staff to make available for allocation on said
26 day nine hundred, sixty-one thousand, one hundred fifty
27 (961,150) gallons per day of sewer service capacity to owners
28 (or authorized agents thereof) of property within the Eastern
29 Wastewater Service Area as expanded pursuant to Section 2,
30 Orange County Resolution No. 84-SW-13 dated September 24,
31 1984.

32 Section 4. Economic Impact Determination. The
33 Commission does hereby determine and find, pursuant to
34 Section 1-27(2)(b), Orange County Code, that sufficient
35 information has been provided for the Commission to assess

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the economic impact of this resolution on the development of real property in Orange County. The Commission does hereby determine and find that no further economic impact statement or economic impact information is required in this matter.

Section 5. Severability. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 6. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED THIS 14th DAY OF September, 1987.

ORANGE COUNTY, FLORIDA

By: *La. Grealy*
Chairman, Orange
County Commission

DATE: SEP 14 1987

ATTEST: THOMAS H. LOCKER, Clerk
to the Orange County Commission

By: *Randy M. Stephens*
Asst. Deputy Clerk

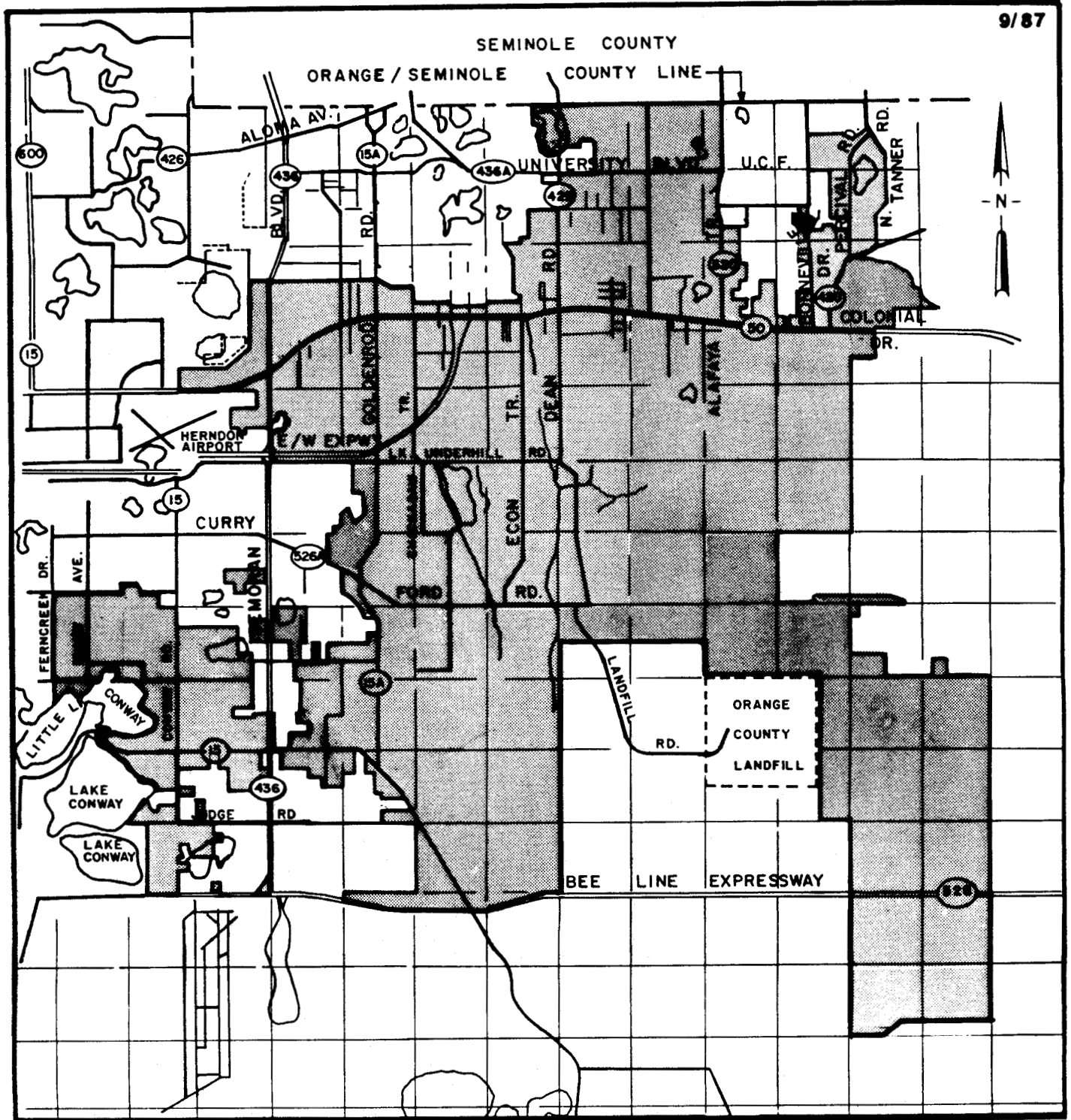


EXHIBIT "A"