

JAN 11 1988

1
2 ORANGE COUNTY RESOLUTION NO. 88-SW-01

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

12
13 PREMISES

14 1. The Orange County Commission allocates sewer
15 service capacity within the Eastern Wastewater Service Area
16 pursuant to the Eastern Wastewater Service Area Allocation
17 Rules (hereinafter "EWSAAR").

18 2. The Commission has determined that it has available
19 Phase III sewer service capacity to allocate within the
20 Eastern Wastewater Service Area due to the Florida Department
21 of Environmental Regulation's approved rerating of the Phase
22 III Eastern Wastewater Treatment Facility.

23 3. The County has previously sold 5,593,778 gpd of
24 Eastern Phase III wastewater capacity. Capacity release for
25 this rerated capacity is expected after February, 1988, upon
26 concurrence by the Florida Department of Environmental
27 Regulation and the U.S. Environmental Protection Agency on
28 Phase III effluent capacity. Capacity to individual proper-
29 ties may be withheld later than March 1, 1988, until adequate
30 wastewater transmission facilities are available.

31 4. The EWSAAR requires the adoption of a resolution to
32 implement certain terms and conditions of the allocation for
33 this sewer service capacity within the Eastern Wastewater
34 Service Area.

35 NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY
36 COMMISSION:

37 Section 1. Legislative Determination by the Commission.

38 In its legislative, governmental capacity, the Commission
39 hereby makes the following findings and determinations;

40 (1) The Commission hereby determines pursuant to

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2 Section 5, EWSAAR, that four hundred twenty-six
3 thousand, four hundred forty (426,440) gallons per day
4 of sewer service capacity (hereinafter "total capaci-
5 ty"), is available for allocation and sale within the
6 Eastern Wastewater Service Area.

7 (2) The Commission hereby determines that the previ-
8 ously set aside capacity, pursuant to Sections 5(a) and
9 5(c) of the EWSAAR by Resolution 87-LEG-05, was adequate
10 and no further allocation is necessary at this time.

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

16 Section 3. Designation of March Allocation Day. The
17 Commission hereby designates March 1, 1988 as an allocation
18 day pursuant to Section 4 EWSAAR and authorizes and directs
19 the Clerk to the Commission to publish a notice of said
20 allocation day in a newspaper of general circulation in the
21 County in accordance with Section 4, EWSAAR. Pursuant to
22 Section 5, EWSAAR, the Commission hereby authorizes appropri-
23 ate County staff to make available for allocation on said day
24 between the hours of 9:00 a.m. to 5:00 p.m., four hundred,
25 twenty-six thousand, four hundred forty (426,440) gallons per
26 day of sewer service capacity to owners (or authorized agents
27 thereof) of property within the Eastern Wastewater Service
28 Area as expanded pursuant to Section 2 of this resolution.

29 Section 4. Economic Impact Determination. The
30 Commission does hereby determine and find, pursuant to Sec-
31 tion 1-27(2)(b), Orange County Code, that sufficient infor-
32 mation has been provided for the Commission to assess the
33 economic impact of this resolution on the development of real
34 property in Orange County. The Commission does hereby deter-
35 mine and find that no further economic impact statement or
36 economic impact information is required in this matter.

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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 11 DAY OF January, 1988

ORANGE COUNTY, FLORIDA

By: Tom Leeman
Chairman,
Orange County Commission

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

By: Paul M. Steph
Asst. Deputy Clerk

JLP 1/07/88
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