

JAN 17 1989

RESOLUTION NO. 89-S-02

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3 A RESOLUTION OF THE BOARD OF COUNTY  
4 COMMISSIONERS PROVIDING LEGISLATIVE DETER-  
5 MINATIONS NECESSARY TO ALLOCATE PHASE IV  
6 SEWER SERVICE CAPACITY WITHIN THE EASTERN  
7 WASTEWATER SERVICE AREA; ENLARGING SERVICE  
8 AREA; DESIGNATING SALE DATE; PROVIDING AN  
9 ECONOMIC IMPACT DETERMINATION; PROVIDING  
10 FOR SEVERABILITY; PROVIDING AN EFFECTIVE  
11 DATE.

12  
13 PREMISES

14 1. The Board of County Commissioners 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 Board had previously sold Eastern Phase IV  
19 capacity on September 20, 1988 and not all capacity was  
20 sold. Additional Phase IV treatment capacity was permitted  
21 beyond the amount offered on September 20, 1988.

22 3. The Board had determined that it has available  
23 Phase IV sewer service capacity to allocate within the  
24 Eastern Wastewater Service Area.

25 4. Capacity release for this Phase IV capacity is  
26 expected after May, 1989, upon concurrence by the Florida  
27 Department of Environmental Regulation. Capacity to indi-  
28 vidual properties may be withheld later than May, 1989, until  
29 adequate wastewater transmission facilities are available.

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

34 ACCORDINGLY, BE IT RESOLVED BY THE BOARD OF COUNTY  
35 COMMISSIONERS:

36 Section 1. Legislative Determination by the Board. In  
its legislative, governmental capacity, the Board hereby  
makes the following findings and determinations:

(1) The Board hereby determines pursuant to Section 5,

1 EWSAAR, that one million, thirty one thousand, two  
2 hundred forty gallons per day (1,031,240 gpd) is avail-  
3 able for allocation and sale within the Eastern Waste-  
4 water Service Area.

5 (2) The Board had previously set aside one hundred  
6 fifty thousand gallons per day (150,000 gpd) of said  
7 total capacity pursuant to Subsection 5(a) of EWSAAR.  
8 The Board hereby determines that no further additional  
9 allocation of this capacity beyond 150,000 is needed at  
10 this time.

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

16 Section 3. Designation of February Allocation Day. The  
17 Board hereby designates February 28, 1989 between the hours  
18 of 9:00 A.M. to 5:00 P.M. as an allocation day pursuant to  
19 Section 4, EWSAAR, and authorizes and directs the Clerk to  
20 the Board to publish a notice of said Allocation Day in a  
21 newspaper of general circulation in the County in accordance  
22 with Section 4, EWSAAR. Pursuant to Section 5, EWSAAR, the  
23 Board hereby authorizes the appropriate County staff to make  
24 available for allocation on said day one million, thirty one  
25 thousand, two hundred and forty gallons per day (1,031,240  
26 gpd) of sewer service capacity to owners (or authorized  
27 agents thereof) of property within the Eastern Wastewater  
28 Service Area as expanded pursuant to Section 2 in this  
29 Resolution as Exhibit "A".

30 Section 3. Economic Impact Determination. The Board does  
31 hereby determine and find, pursuant to Section 1-27 (2)(b),  
32 Orange County Code, that sufficient information has been pro-  
33 vided for the Board to assess the economic impact of this  
34 resolution on the development of real property in Orange  
35 County. The Board does hereby determine and find that no  
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1 further economic impact statement or economic impact inform-  
2 ation is required in this matter.

3 Section 4. Severability. If any provision of this  
4 resolution or the application thereof to any person or  
5 circumstance is held invalid, the invalidity shall not affect  
6 other provisions or applications of this resolution which can  
7 be given effect without the invalid provision or application,  
8 and to this end the provisions of this resolution are  
9 declared severable.

10 Section 5. Effective Date. This resolution shall take  
11 effect immediately upon adoption.

12 ADOPTED THIS 17th DAY OF January, 1989.

13  
14 ORANGE COUNTY, FLORIDA

15  
16 By: Tom Harman  
17 Chairman, Board  
18 of County Commissioners

19 ATTEST: MARTHA O. HAYNIE, Clerk  
20 to the Board of County Commissioners

21 By: May Jo Garrison  
22 Deputy Clerk

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