

RESOLUTION NO. #90-SW-03

1  
2 A RESOLUTION OF THE BOARD OF COUNTY  
3 COMMISSIONERS PROVIDING LEGISLATIVE DETER-  
4 MINATIONS NECESSARY TO ALLOCATE PHASE IV  
5 SEWER SERVICE CAPACITY WITHIN THE EASTERN  
6 WASTEWATER SERVICE AREA; ENLARGING SERVICE  
7 AREA; DESIGNATING SALE DATE; PROVIDING AN  
8 ECONOMIC IMPACT DETERMINATION; PROVIDING  
9 FOR SEVERABILITY; PROVIDING AN EFFECTIVE  
10 DATE.

7 PREMISES

8 1. The Board of County Commissioners allocates sewer  
9 service capacity within the Eastern Wastewater Service Area  
10 pursuant to the Eastern Wastewater Service Area Allocation  
11 Rules (hereinafter "EWSAAR").

12 2. The Board had previously sold Eastern Phase IV  
13 capacity on November 1, 1989 and not all capacity was sold.  
14 Additional Phase IV treatment capacity was permitted beyond  
15 the amount offered on September 20, 1988.

16 3. The Board had determined that it has available  
17 Phase IV sewer service capacity to allocate within the  
18 Eastern Wastewater Service Area.

19 4. Capacity release for this sale expected on the  
20 Allocation Day . Capacity to individual properties may be  
21 delayed until adequate wastewater transmission facilities are  
22 available.

23 5. The EWSAAR requires the adoption of a resolution to  
24 implement certain terms and conditions of the allocations for  
25 this sewer service capacity within the Eastern Wastewater  
26 Service Area.

27 ACCORDINGLY, BE IT RESOLVED BY THE BOARD OF COUNTY  
28 COMMISSIONERS:

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

32 (1) The Board hereby determines pursuant to Section 5,  
33 EWSAAR, that nine hundred ten thousand, three hundred  
34 and forty gallons per day (910,340 gpd) is available for  
35 allocation and sale within the Eastern Wastewater  
36 Service Area.

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

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

12 Section 3. Designation of February Allocation Day. The  
13 Board hereby designates February 28, 1990 between the hours  
14 of 9:00 A.M. to 5:00 P.M. as an allocation day pursuant to  
15 Section 4, EWSAAR, and authorizes and directs the Clerk to  
16 the Board to publish a notice of said Allocation Day in a  
17 newspaper of general circulation in the County in accordance  
18 with Section 4, EWSAAR. Pursuant to Section 5, EWSAAR, the  
19 Board hereby authorizes the appropriate County staff to make  
20 available for allocation on said day nine hundred ten  
21 thousand, three hundred and forty gallons per day (910,340  
22 gpd) of sewer service capacity to owners (or authorized  
23 agents thereof) of property within the Eastern Wastewater  
24 Service Area as expanded pursuant to Section 2 in this  
25 Resolution as Exhibit "A".

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

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

6 Section 5. Effective Date. This resolution shall take  
7 effect immediately upon adoption.

8 ADOPTED THIS 22 DAY OF JANUARY, 1990.

9 BOARD OF COUNTY COMMISSIONERS

10  
11 By: Hal Garston  
12 Chairman, Board  
13 of County Commissioners

14 ATTEST: MARTHA O. HAYNIE, Comptroller  
15 as Clerk to the Board of County  
16 Commissioners

17 By: Paul M. Haynie  
18 Asst. Deputy Clerk

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# EASTERN WASTEWATER SERVICE AREA

