

RESOLUTION NO. 91-SW-04

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING LEGISLATIVE DETERMINATIONS NECESSARY TO ALLOCATE SEWER SERVICE CAPACITY WITHIN THE SAND LAKE ROAD WASTEWATER SERVICE AREA; PROVIDING FOR ALLOCATION OF "B" CAPACITY; SETTING APPLICATION ACCEPTANCE PERIODS AND ALLOCATION DAYS; PROVIDING FOR LETTER OF CREDIT AND PAYMENT OF REMAINING CAPITAL CHARGES; PROVIDING AN ECONOMIC IMPACT DETERMINATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

PREMISES

1. The Board of County Commissioners allocates sewer service capacity within the Sand Lake Road Wastewater Service Area pursuant to the Sand Lake Road Allocation Rules, as amended (hereinafter "SLRAR").

2. The County had previously held a permit allocation on November 1, 1990 and not all capacity allocated was purchased.

3. The County has determined it has available wastewater service capacity to allocate within the Sand Lake Road Service Area.

4. The SLRAR requires the adoption of a resolution to implement certain terms and conditions of the allocation of this sewer service capacity within the Sand Lake Road Service Area.

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

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

(1) The Board herewith establishes a Sand Lake Road Service Area, as described in Exhibit "A", pursuant to Section 28-105(C)(2), Orange County Code (SLRAR).

(2) The Board hereby determines pursuant to Section 28-1005, Orange County Code (SLRAR), that three million, four hundred five thousand, nine hundred and ninety-eight gallons per day (3,405,998 gpd) of sewer

1 service capacity is available for application and
2 allocation within the Sand Lake Road Service Area. Sand
3 Lake Road capacity to individual properties may be
4 delayed depending upon adequate wastewater transmission
5 facilities being available.

6 (3) The Board had previously herewith set aside seven
7 hundred and fifty thousand gallons per day (750,000 gpd)
8 of capacity in the Sand Lake Road Facilities, pursuant
9 to Section 28-105(C)(3)(a) Orange County Code (SLRAR).
10 The Board hereby determines that no further additional
11 allocation of this capacity beyond 750,000 gpd is needed
12 at this time.

13 Section 2. Setting a "B" Permit Application Acceptance
14 Period and Allocation Day and Allocating Capacity. The Board
15 hereby designates the following dates as "B" Permit
16 Allocation Days for 1991; February 28, April 18, June 20,
17 August 15, October 17 and December 19, the Board also
18 designates the following as "B" Permit Application Acceptance
19 Periods: February 18, 1991 to February 27, 1991 for the
20 February 28, 1991 Allocation Day, and the two week period
21 preceding each subsequent aforementioned Allocation Day,
22 pursuant to Section 28-105 of the Orange County Code (SLRAR)
23 and authorizes the Clerk to the Board to publish notice of
24 said Application Acceptance Periods and Allocation Days in a
25 newspaper of general circulation in the County. Pursuant to
26 Section 28-105 of Orange County Code, the Board hereby
27 authorizes County staff to make available to owners (or
28 authorized agents thereof), during the Application Acceptance
29 Period for the February 28, 1991 Allocation Day, all three
30 million, four hundred five thousand, nine hundred and
31 ninety-eight gallons per day (3,405,998) of wastewater
32 capacity to "B" applicants, capacity available for subsequent
33 Allocation Days will be less any capacity sold on preceding
34 Allocation Days. The Board authorizes the appropriate County

1 staff to continue to accept correct "B" permit applications
2 until 5:00 P.M. on the day before each Allocation Day as
3 designated herein, or until capacity allocation is reached,
4 if that occurs first.

5 Section 3. Acceptance of Letter of Credit and Payment
6 of Remaining Capital Charges. The Board, pursuant to Section
7 28-103 of Orange County Code (SLRAR), finds that accepted "B"
8 permit applicants, who have prepaid the \$540/ERU portion of
9 the Sewer Capital Charge, may, at the permittee's discretion,
10 provide to the County, prior to their respective Allocation
11 Days, "Irrevocable Letters of Credit" from a bank doing
12 business in Orange County, for the remaining Sewer Capital
13 Charges due by "B" permit applicants. These same "Irrevo-
14 cable Letters of Credit" will be drawn by the County after
15 the respective Allocation Day, in substitution for cash or
16 certified check from a bank doing business in Orange County.
17 For accepted "B" permit applicants, all remaining charges,
18 above the prepaid amount, shall be due on each Allocation Day
19 designated herein.

20 Section 4. Economic Impact Determination. The Board
21 does hereby determine and find, pursuant to Section 1-27
22 (2)(b), Orange County Code, that sufficient information has
23 been provided for the Board to assess the economic impact of
24 this resolution on the development of real property in Orange
25 County. The Board does hereby determine and find that no
26 further economic impact statement or economic impact inform-
27 ation is required in this matter.

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

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

3 ADOPTED THIS 12th DAY OF February, 1991.

4
5 BOARD OF COUNTY COMMISSIONERS

6
7 By: *Lincoln Chapin*
8 Chairman, Board
9 of County Commissioners

10 ATTEST: MARTHA O. HAYNIE,
11 Comptroller, as Clerk to the
12 Board of County Commissioners

13 By: *Maury J. Garrison*
14 Deputy Clerk

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**SOUTH WATER RECLAMATION FACILITY
WASTEWATER SERVICE AREA**

EXHIBIT "A"

Begin at point on the South right-of-way line of the Florida Turnpike and a point on the East section line of Section 3, Township 23 South, Range 28 East; thence South along the East section line of Sections 3 and 10, Township 23 South, Range 28 East to a point on Conroy-Windermere Road; thence West along Conroy-Windermere Road to the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 15, Township 23 South, Range 28 East; thence South along the West line of the East 1/4 of Section 15 to the South line of the North 1/2 of Section 15; thence West along the South line of the North 1/2 of Section 15 to the West section line of Section 15, also being the centerline of Apopka-Vineland Road thence to run North along Apopka-Vineland Road to the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 16, Township 23 South, Range 28 East; thence West to the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of said Section 16; thence South to a point 300 feet North of the shore of Lake Blanche; thence meander Easterly and Southerly along a line which is parallel with and 300 feet from the shore of said lake; thence continue Southerly along said meander line (300 feet from and parallel with lakeshore) along Easterly shore of Lakes Chase, Tibet, Butler, Sheen and Pocket Lake to the South line of Section 4, Township 24 South, Range 28 East; thence East to the Southeast corner of Section 4, Township 24 South, Range 29 East, said

point also being on Darlene Drive; thence Easterly along Darlene Drive to the Point of Intersection with Apopka-Vineland Road; thence follow Apopka-Vineland Road South through Section 10, 15, and 22, Township 23 South, Range 28 East to that point on Apopka-Vineland Road, being the South line of the North 1/4 of Section 22, Township 24 South, Range 28 East; thence West along the South line of the North 1/4 of Section 22, Township 24 South, Range 28 East and Section 21, Township 24 South, Range 28 East to the Northwest corner of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 21, Township 24, Range 28 East; thence South to the South right-of-way line of State Road 535 (Winter Garden-Vineland Road: thence run West and Northwest along said Southerly right-of-way line of State Road 535 to a point 810 feet, more or less, from the intersection of the South right-of-way line of State Road 535 and the North section line of Section 21, Township 24 South, Range 28 East, also being the North property line of Lot 22, Willis R. Munger Land Company, Plat Book E, page 22; thence West along the North line of said Lot 22 and Lot 21 of Plat Book E, page 22 to the Northwest corner of Lot 21; thence South to the Northeast corner of Lot 45, Willis R. Munger Land Company, Plat Book E, page 22; thence West to the Northwest corner of Lot 46, Willis R. Munger Land Company, Plat book E, page 22; thence South to the Southeast corner of the

Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 21, Township 24 South, Range 28 East; thence East along the North line of the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 21, Township 24 South, Range 28 East to the Northeast corner thereof; thence South along the West quarter line of Section 21, Township 24 South, Range 28 East to the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 21; thence East to the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 21; thence South to the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 21; thence West to the Northwest corner of the East 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 21; thence South along the West line of the East 1/4 of the Southeast 1/4 of the Southwest 1/4 to the Southwest corner thereof; thence East along the South line of said Section 21 to the South 1/4 corner of said Section 21; thence North along the quarter section line to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 21; thence East along the North line of the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 to the Northeast corner thereof; thence North along the West line of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of

said Section 21 to the Northwest corner thereof; thence East along the South quarter line of said Section 21 to the East section line of said Section 21; thence North along the East section line of Section 21, Township 24 South, Range 28 East to the East 1/4 corner of said Section and the West 1/4 corner of Section 22, Township 24 South, Range 28 East; thence East along the North line of the South 1/2 of Section 22, Township 24 South, Range 28 East and the North line of the South 1/2 of Section 23, Township 24 South, Range 28 East to the Northeast corner of the Northwest 1/4 of the Southwest 1/4 of said Section 23; thence South along the West quarter section line of said Section 23 to the South section line of Section 23; thence West along the South section line of Section 23, Township 24 South, Range 28 East and Section 22, Township 24 South, Range 28 East to the North 1/4 corner of Section 27, Township 24 South, Range 28 East; thence South along the East line of the Northwest 1/4 of Section 27, Township 24 South, Range 28 East to the Northeast corner of Lot 41; Munger Land Company Subdivision of said Section 27; thence West along the North line of said Lot 41, 60 feet; thence Southwesterly 700 feet, more or less, to a point 85 feet West of the East line of Lot 56, Munger Land Company Subdivision of said Section 27 on a line parallel to the South line of the Northwest 1/4 of said Section 27 which commenced at a point on the East line of said Lot 56 at a point

700 feet South from the Northeast corner of said Lot 41; thence East along a line parallel to the South line of the Northwest 1/4 of said Section 27 to a point on the East line of said Lot 56 which is 700 feet South from the Northeast corner of said Lot 41; thence South along the East line of said Lot 56 to a point on the shoreline of Lake Bryan, thence meander along the shoreline of Lake Bryan in a Southwesterly direction to a point on the South line of the Northwest 1/4 of Section 27, Township 24 South, Range 28 East; thence West along the South line of the North 1/2 of said Section 27 to the West 1/4 corner of Section 27 and the East 1/4 corner of Section 28, Township 24 South, Range 28 East; thence North along the West line of Section 27, Township 24 South, Range 28 East to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 27; thence East along the South line of Lot 48, Munger Land Company Subdivision of said Section 27 to the Southeast corner of said Lot 48; thence North along the East line of Lot 48 to the North quarter line of said Section 27, thence West along said North quarter line of Section 27 and the North quarter line of Section 28, Township 24 South, Range 28 East to an intersection with the Westerly right-of-way line of the U.S. Interstate Highway 4; thence Southwesterly along said Interstate 4 to the South line of Orange County, Florida; run thence East along said Orange/Osceola County

line to the Southeast corner of Section 31, Township 24 South, Range 30 East; thence run North along the East section lines of Sections 31, 30 and 19, Township 24 South, Range 30 East to the Northeast corner of Section 19, Township 24 South, Range 30 East; run East to a point on the centerline of Boggy Creek Road; run Northwesterly along the centerline of Boggy Creek Road to a point on the West line of Section 7, Township 24 South, Rang 30 East; then South along said Section 7, following the City Limits of Orlando, Southerly and Westerly around those portions of said City Limits in Sections 17 and 18, Township 24 South, Range 30 East, and along the South line of Section 12, Township 24 South, Range 29 East to a point being on said South line and the centerline of S.R. 527 (Orange Ave.); then North along the centerline of S.R. 527 and following the Orlando City Limits to the North line of said Section 12; then East, continuing to follow said City Limits of Orlando to a point on the centerline of Boggy Creek Road; then South along said centerline to a point on the West line of the East 1/4 of Section 7, Township 24 South, Range 30 East; then North to the Center Section line of Section 6; then run Westerly and Northerly along said City Limits to a point on the West line of said Section 6; then run North along said line to the Northwest corner of said Section 6; excluding that portion of the City of Orlando in Section 1, Township 24 South, Range 29 East; then

run East to the South 1/4 corner of Section 31, Township 23 South, Range 30 East; then North 1,320 feet; then East 660 feet; then North along the City Limit line of Orlando, to a point on the centerline of State Road 528 (McCoy Road); then run East to the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of Section 29, Township 23 South, Range 30 East; then run North 1/2 mile; then run West to a point on the centerline of Daetwyler Road; also the City limits of Belle Isle; then Northerly along Daetwyler Road to the North Section line of Section 29; then West to the East shoreline of Lake Conway; then run Northerly along the East shoreline of Lake Conway to a point on the centerline of Hoffner Avenue; continue Northerly, Westerly & Southerly along the South shoreline of Little Lake Conway; then Southwesterly and Northerly along the Western shoreline of Little Lake Conway to the East line of Section 13, Township 23 South, Range 29 East; then run North along said East line, and Fern Creek Drive to the centerline of Michigan Avenue; then run West along the centerline of Michigan Avenue (27th Street) to the South right-of-way of U.S. Interstate Highway 4 and the City Limits of Orlando; excluding those areas South of Michigan Avenue between U.S. Interstate Highway 4 and Fern Creek Drive which are currently annexed to the City of Orlando; including those incorporated areas of Orange County located between Delaney Avenue and Fern Creek Drive South of Grant Street; then run

Southerly and Westerly along the South right-of-way of U.S. Interstate Highway 4, also the City Limit line of Orlando, to the South Section line of Section 8, Township 23 South, Range 29 East; thence run East to the Southeast corner of said Section 8; thence run South, West, East & North along the City Limits of Orlando in Section 17, Township 23 South, Range 29 East to the East line of Section 18, Township 23 South, Range 29 East; including those incorporated areas of Orange County located North of U.S. Interstate Highway 4, West of Parramore Street, South of Gore Avenue; and East of the West line of Section 3, Township 23 South, Range 29 East; also including those incorporated areas of Orange County located Northwester of U. S. Interstate Highway 4, South of L.B. McLeod Road and East of Orlando-Vineland Road; then from the East line of said Section 18 run South along the centerline of Radebaugh Road to the North right-of-way of Oak Ridge Road; then East, along the Orlando City limits line, 645 feet; then South to the North right-of-way to the Sunshine State Parkway; then Northwesterly along said right-of-way to the West line of Section 20, Township 23 South, Range 29 East; then South to the North line of Tangelo Park Section 5 Subdivision, as recorded in Plat Book "Y", page 51; then West to the West line of said Subdivision; then South to the centerline of Sand Lake Road; then West to the Southeast corner of the Southwest 1/4 of Section 25,

Township 23 South, Range 28 East; then North 1/2 mile; then West 1/2 mile to the centerline of Turkey Lake Road; then North 3/4 mile to the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of Section 23, Township 23 South, Range 28 East; then West 1/4 mile; then North 1/4 mile then East 701.76 feet; then North 807.77 feet; then East 539.27 feet; then North, following the Orlando City limits line, to the North right-of-way of Orlando-Vineland Road to the East line of the West 1/2 of Section 13, Township 23 South, Range 28 East; then North 1,576.22 feet; then East 1,004.74 feet; then North 830 feet; then East 272.52 feet; then North to the centerline of Conroy-Windermere Road; then West to the Southwest corner of Section 12, Township 23 South, Range 28 East; then West, South, North & East along the City limits of Orlando to the North right-of-way of the Sunshine State Parkway; then Northwesterly along said right-of-way to the East right-of-way of Hiawassee Road; then North along said East right-of-way to a point on the North line of South 1/2 of Section 2, Township 23 South, Range 28 East; including that portion of the unincorporated area of Orange County located between Turkey Lake and Hiawassee Road, in the South 1/2 of said Section 2; then West to the Northeast corner of the Southeast 1/4 of Section 3, Township 23 South, Range 28 East; then South to the South right-of-way of the Florida Turnpike, said point also being the Point of Beginning.

/saz/2/91