

MEMORANDUM

May 20, 1992

ORIGINAL  
FILE COPY

TO : DIVISION OF LEGAL SERVICES (A. CROSBY)  
DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF WATER AND WASTEWATER (VON FOSSEN) RUF PGW

RE : DOCKET NO. 920159-WU, APPLICATION BY MARION UTILITIES,  
INC. FOR AMENDMENT OF CERTIFICATE NO. 347-W IN MARION  
COUNTY, FLORIDA

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Marion Utilities, Inc. (Marion) is a class B water utility providing service to 3600 customers in Marion County. Within its 1991 annual report, the utility reported annual revenues of \$673,647 and a net operating income of \$101,156 for its water system.

On February 19, 1992, the utility applied for an amendment to Water Certificate No. 347-W in Marion County, Florida. The Marion water utility consists of 21 separate systems throughout the county. In this application, Marion seeks approval to provide service to the proposed Cherrywood Estates and Sandy Pines Subdivisions. The two proposed subdivisions will have a total of 303 lots and will add approximately 135 acres to the utility's service area. Lines will be extended from the Spruce Creek plant which has sufficient plant capacity to provide service. The Spruce Creek plant is interconnected to the Woods and Meadows plant to assure continuity of service. The additional territory is South of the City of Ocala and adjacent to the existing Marion Utilities' service area. The amendment represents an extension of existing facilities as opposed to the addition of additional distribution systems.

The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and Rule 25-30.036 Florida Administrative Code. The application contains a check in the amount of \$150 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence that the utility owns or controls the land upon which the utility's facilities are located as required by Rule 25-30.036(1)(d), Florida Administrative Code. For the Woods and Meadows plant site a warranty deed has been provided and for the Spruce Creek Plant, the utility has provided a 50 year lease.

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Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(1)(e), (f) and (i), Florida Administrative Code. A description of the territory requested by the utility is appended to this memorandum as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission.

In addition, Marion has provided proof of compliance with the notice provisions set forth in Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such has expired.

Marion has been in operation since 1980. Since that time, through both acquisition and amendment, the utility has more than doubled its size while providing satisfactory service. Staff has contacted the Department of Environmental Regulation and learned that there are no outstanding notices of violation regarding Marion Utility's operations.

As previously stated, Marion has grown to a class B utility with a net operating income of \$101,156 in 1991. The utility proposes to fund this \$70,000 line expansion through its return on investment and service availability charges. This financing will not impact upon the utility's capital structure.

Both developments anticipate receiving final development permits by August, 1992 and plan to start construction upon receipt of the permits. The additional territory is in need of service and Marion is the only existing utility in the area. The Marion County Comprehensive Plan has yet to be approved, however, the county was notified as to the application for amendment and has not filed a protest.

Based on the above information, staff believes it is in the public interest to grant the application of Marion Utilities Inc. for amendment of Water Certificate No. 347-W for the territory described in Attachment A. An administrative order should be issued approving the application.

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Since the additional territory will be served from the Spruce Creek plant, we recommend that the rates and charges, as approved in the Marion tariff for the existing Spruce Creek customers, be applied to customers in the new service territory. The utility has indicated that the proposed amendment will have no significant impact on its existing rates and charges.

The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

cc: Charles H. Hill

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Attachment A

Sandy Pines

The following described land located in Township 16 South,  
Range 21 East, Section 28, in Marion County, Florida:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 16 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA; THENCE S 00 36' 37" W, ALONG THE CENTERLINE OF CHURCHILL DOWNS BOULEVARD (S.W. 49TH AVENUE, 80 FEET WDE), AS SHOWN ON THE PLAT OF "OCALA WATERWAYS ESTATES" AS RECORDED IN PLAT BOOK "E", PAGES 52 THRU 52K, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, 1337.00 FEET; THENCE N 89 23' 23" W, 40.00 FEET, TO A CONCRETE MONUMENT AND THE POINT OF BEGINNING; THENCE S 00 36' 37" W, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID CHURCHILL DOWNS BOULEVARD, 1255.32 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 39.32 FEET, SUBTENDING A CENTRAL ANGLE OF 90 06' 12", A CHORD BEARING AND DISTANCE OF S 45 39' 43" W AND 35.29 FEET, TO A POINT OF TANGENCY ON THE NORTHERLY RIGHT OF WAY LINE OF HIALEAH BOULEVARD (S.W. 103RD STREET ROAD, 100 FEET WDE), AS SHOWN ON THE PLAT OF "KINGSLAND COUNTRY ESTATES, WHISPERING PINES" AS RECORDED IN PLAT BOOK "E", PAGES 86 THRU 96 OF SAID PUBOIC RECORDS OF MARION COUNTY, FLORIDA; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF HIALEAH BOULEVARD N 89 17' 11" W, A DISTANCE OF 185.15 FEET, TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1949.86 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, 551.36 FEET, SUBTENDING A CENTRAL ANGLE OF 16 12' 05", A CHORD BEARING AND DISTANCE OF S 82 36' 46" W AND 551.36 FEET; THENCE S 74 30' 44" W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 438.48 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, GO N 00 36' 37" E, A DISTANCE OF 794.17 FEET TO A POINT; THENCE S 89+P248+ 23' 23" E, 1136.91 FEET, TO THE POINT OF BEGINNING.

CONTAINING 35.43 ACRES

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Attachment A

Cherrywood Estates

The following described lands located in Township 16 South,  
Range 21 East, Section 29, in Marion County, Florida.

COMMENCING AT THE NORTHWEST POINT OF THE RECORDED PLAT OF KINGSLAND COUNTRY ESTATES, WHISPERING PINES, IN PLAT BOOK "N", PAGE 89, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY OF HIALEAH BLVD. (S.W. 115TH STREET) AND THE POINT OF CURVATURE OF A CURVE CONCAVED NORTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'00"; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 39.27 FEET; THENCE N 05°53'36" E, 115.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVED SOUTHWESTERLY AND HAVING A RADIUS OF 710.00 FEET AND A CENTRAL ANGLE OF 287°33'36"; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 349.78 FEET; THENCE N 22°20'00" W., 178.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVED SOUTHEASTERLY AND HAVING A RADIUS OF 740.00 FEET AND A CENTRAL ANGLE OF 66°20'00"; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 856.72 FEET; THENCE N 48°53'55" W., 1470.86 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 8 OF THE RECORDED PLAT OF PRINCE ROSE ESTATES RECORDED IN PLAT BOOK N AT PAGE 64, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE ALONG THE EAST BOUNDARY OF PRINCE ROSE ESTATES, S 00°49'10" W. 2278.39 FEET TO THE NORTH RIGHT-OF-WAY OF HIALEAH BLVD.; THENCE ALONG THE NORTH RIGHT-OF-WAY, S 81°54'02" E. 463.03 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVED NORTHERLY AND HAVING A RADIUS OF 914.15 FEET AND A CENTRAL ANGLE OF 272°22'; THENCE ALONG SAID CURVE AND ARC DISTANCE OF 35.20 FEET; THENCE S.84°06'24" E. 576.65 FEET TO THE POINT OF BEGINNING, CONTAINING 44.6 ACRES MORE OR LESS.

AND:

COMMENCING AT THE N.E. CORNER OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA. GO THENCE ALONG THE NORTH LINE OF SECTION 29, NORTH 89°50'57" WEST A DISTANCE OF 1365.52 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF AN 80 FOOT STREET KNOWN AS BELMONT BLVD., ALSO THE POINT OF BEGINNING. THENCE CONTINUE ALONG SAID NORTH LINE OF SECTION 29, NORTH 89°50'57" WEST A DISTANCE OF 675.40 FEET TO A POINT. THENCE LEAVING SAID NORTH LINE GO SOUTH 00°43'07" WEST A DISTANCE OF 739.95 FEET TO A POINT. THENCE SOUTH 49°04'19" EAST, A DISTANCE OF 1518.16 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF A ROAD KNOWN AS AQUEDUCT BLVD. THENCE ALONG SAID WEST RIGHT OF WAY OF AQUEDUCT BLVD. NORTH 44°00'00" EAST A DISTANCE OF 377.10 FEET THENCE CONTINUE ALONG SAID WEST ROAD RIGHT OF WAY THROUGH A CURVE TO THE EAST HAVING A RADIUS OF 790.00 FEET, A CENTRAL ANGLE OF 6°20'00" AND AN ARC DISTANCE OF 87.32 FEET, THENCE CONTINUE ALONG SAID WEST ROAD RIGHT OF WAY NORTH 50°20'00" EAST A DISTANCE OF 475.51 FEET, THENCE CONTINUE ALONG SAID WEST ROAD RIGHT OF WAY THROUGH A CURVE TO THE NORTH HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF 56°41'01" AND AN ARC DISTANCE OF 306.69 FEET, THENCE CONTINUE ALONG SAID WEST ROAD RIGHT OF WAY NORTH 06°21'01" WEST A DISTANCE OF 230.84 FEET THENCE CONTINUE ALONG SAID WEST ROAD RIGHT OF WAY THROUGH A CURVE TO THE WEST HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND AN ARC DISTANCE OF 39.27 FEET TO A POINT OF AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF BELMONT BLVD.; THENCE CONTINUE ALONG THE SOUTH ROAD RIGHT OF WAY OF BELMONT BLVD. S 83°38'59" W, 25.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST HAVING A RADIUS OF 1040.00 FEET, A CENTRAL ANGLE OF 46°30'12" AND AN ARC DISTANCE OF 844.10 FEET; THENCE NORTH 49°50'49" WEST, A DISTANCE OF 516.22 FEET; THENCE BY A CURVE TO THE SOUTH HAVING A RADIUS OF 810.00 FEET, CENTRAL ANGLE OF 00°33'59" AND AN ARC DISTANCE OF 8.01 FEET TO THE POINT OF BEGINNING; LESS THE NORTH 30.00 FEET ALONG THE NORTH LINE OF SECTION 29 FOR THE PURPOSE OF A ROADWAY AND UTILITY EASEMENT. CONTAINING 45.296 ACRES MORE OR LESS.

AND:

COMMENCING AT THE NE CORNER OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA GO THENCE ALONG THE NORTH LINE OF SAID SECTION 29, N89°50'57"W., 2040.92 FEET; THENCE DEPARTING SAID NORTH LINE S00°43'07"W., 739.95 FEET FOR THE POINT OF BEGINNING; THENCE S49°04'19"E., 1528.16 FEET; THENCE S44°22'20"W., 56.50 FEET MORE OR LESS THENCE N48°53'55"W., 1470.86 FEET; THENCE N00°43'07"E., 68.02 FEET MORE OR LESS TO THE POINT OF BEGINNING.