

KSR

Keen Sales and Rentals, Inc.

685 Dyson Road
Haines City, FL 33844
Business Phone 941-421-6827

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
96 OCT 15 AM 9:20
MAIL ROOM
ORIGINAL
FILE COPY

October 8, 1996

Ms. Blanca Bayo, Director
Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

761007-WU

Dear Ms. Bayo:

Please accept the enclosed as fulfillment of the additional information requested in a letter to us from Ms. Martha Golden dated September 30, 1996, a copy of which is included.

In response to the request for a Warranty Deed and/or 99 year lease regarding ownership of the land; we submitted a Quit Claim Deed from James Ray Keen and Earlene Keen to Keen Sales & Rentals, Inc., which was duly recorded in Polk County. We are again submitting said proof and if confusion arises we suggest you contact the recording office for Polk County @ 1-800-780-5346 and see that the records do reflect ownership by Keen Sales & Rentals, Inc.

Responding to Territory Description we have enclosed your simplified description entitled "The Earlene and Ray Keen Subdivisions".

In regards to our service area, we do serve Ellison Park and are enclosing documentation showing authorization.

Hopefully, this will answer all your questions. If you have any more, please feel free to contact me @ 941-421-6827.

ACK _____

AFA Sincerely,

APP _____

CAF JRK
J. Ray Keen

CMU President

CTR JRK/mmc

EAG Enclosures - Original & Five (5) Copies

LEG 1

LIN _____

OPC _____

RCH _____

SEC 1

WAS 1

OTH _____

DOCUMENT NUMBER-DATE

10994 OCT 15 96

FPSC-RECORDS/REPORTING

State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF WATER &
WASTEWATER
CHARLES HILL
DIRECTOR
(904) 413-6900

Public Service Commission

September 30, 1996

Mr. James Ray Keen
Keen Sales & Rentals, Inc.
685 Dyson Road
Haines City, Florida 33844

RE: Docket No. 961007-WU, Application for certificate under grandfather rights to provide water service by Keen Sales & Rentals, Inc. in Polk County.

Dear Mr. Keen:

We appreciate your diligence in completing the application. Staff has reviewed the utility's application for a water certificate and determined that it is deficient pursuant to Section 367.171, Florida Statutes and Rule 25-30.035, Florida Administrative Code. The following deficiencies have been noted:

1. **Warranty Deed.** Rule 25-30.035(6), Florida Administrative Code, requires that the utility provide evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative. We cannot accept a quitclaim deed as proof of ownership unless it is accompanied by title insurance in the name of the utility. The warranty deed and title insurance you provided are not in the name of the utility. Therefore, please provide a warranty deed in the name of the utility, title insurance for the quitclaim deed in the name of the utility, or a 99-year lease of the land from you and Mrs. Keen to the utility.
2. **Territory Description.** Rule 25-30.035(9), Florida Administrative Code, requires a description, using township, range, and section references as specified in Rule 25-30.030(2), of the territory the utility was serving, or was authorized to serve by the county which had jurisdiction over the utility on the day Chapter 367, Florida Statutes, became applicable to the utility.
 - A. As we discussed with you at our meeting in Polk County, it appears that the Earlene Subdivision description is incorrect. Specifically, we believe the "East 1/4..." should be the "East 1/2..." The description you provided is shown below with the new information bolded and underlined. The information we believe is

incorrect is struck out. We have attached a copy of a map that we believe explains the correction. Additionally, you may combine the Earlene and Ray Keen Subdivision descriptions if you wish to simplify your territory description. Both descriptions are shown below along with a simplified description. Please verify your territory description, and either submit a corrected description or explain why you believe your original description is correct.

The Earlene Subdivision
Township 27, South, Range 27 East, Section 25, the West 1/2 of the East 1/4~~2~~ of the Northeast 1/4 of the Northwest 1/4

The Ray Keen Subdivision
Township 27, South, Range 27 East, Section 25, the East 1/2 of the Northeast 1/4 of the Northwest 1/4, less the West 1/2

These descriptions may be simplified as follows:

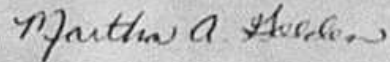
The Earlene and Ray Keen Subdivisions
Township 27, South, Range 27 East, Section 25, the East 1/2 of the Northeast 1/4 of the Northwest 1/4

- B. Were you authorized to serve this territory by Polk County or Haines City? If yes, please provide a copy of the franchise agreement or order that approved this territory.
- C. Are you currently serving customers in the Ellison Park Subdivision?
1. If no:
 - a. When do you anticipate serving customers in this subdivision?
 - b. Do you or the utility own any land within this subdivision?
 - c. Does the utility currently have any lines within this subdivision?
 2. Did you receive authorization from the County or Haines City to serve this additional territory? If yes, please provide a copy of that authorization (franchise agreement, order, etc.).

Mr. James Ray Keen
September 30, 1996
Page 3

Please file the original and five copies of the requested information no later than December 6, 1996 with Ms. Blanca Bayo, Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. If you have questions regarding the warranty deed, please call Alice Crosby at (904)413-6222. If you have questions regarding the territory description, please call Richard Redemann at (904)413-6999. Also, please feel free to call me at (904)413-7015 if you have any other questions.

Sincerely,



Martha A. Golden
Economic Analyst

/MAG

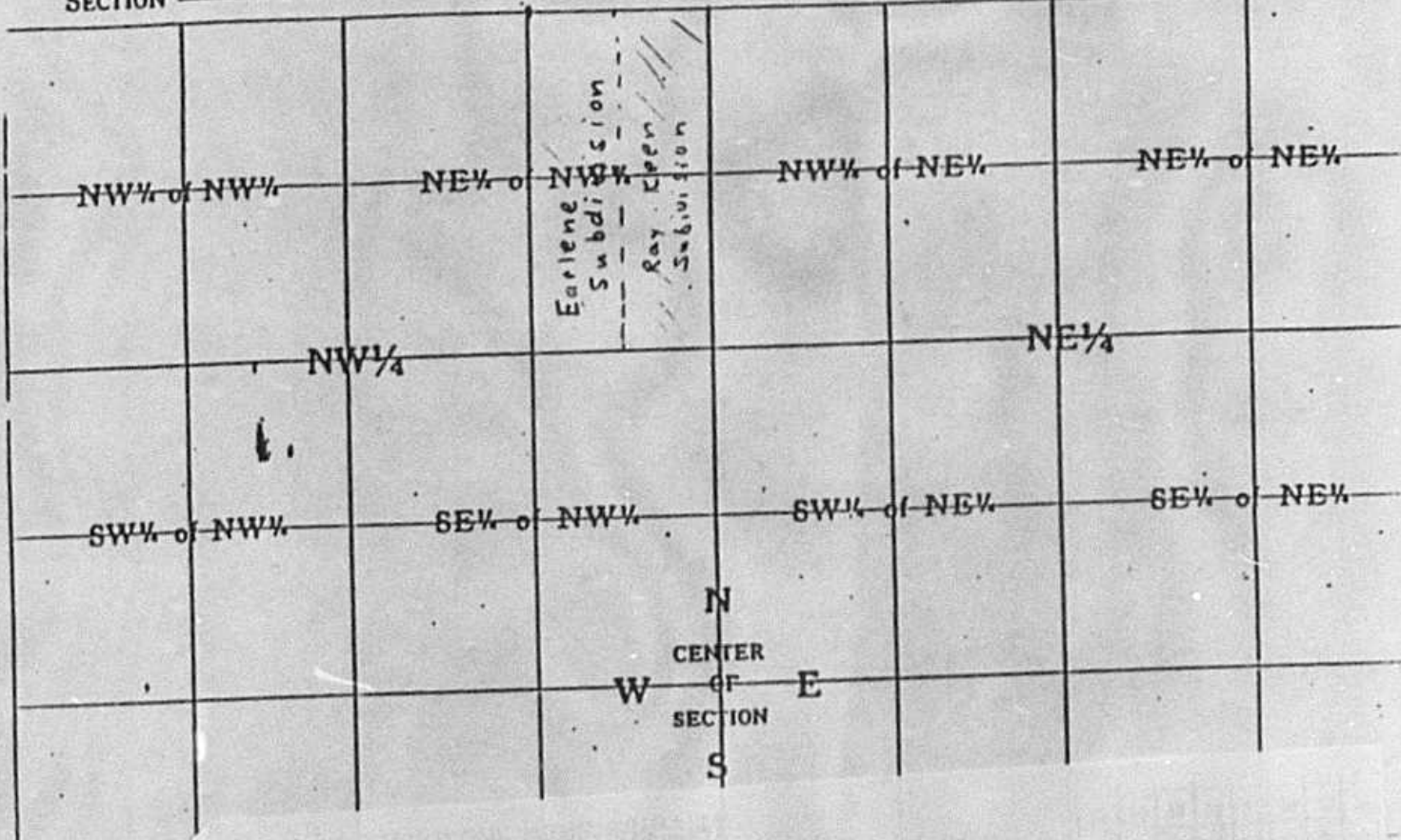
Attachment

cc: Division of Water and Wastewater (Hill, Williams, Messer, Redemann)
Division of Legal Services (Jaber, Crosby)
Division of Records and Reporting

SECTION CHART

NW corner of
E 1/2 of NE 1/4 NW 1/4

SECTION _____ TOWNSHIP _____ SOUTH RANGE _____ EAST



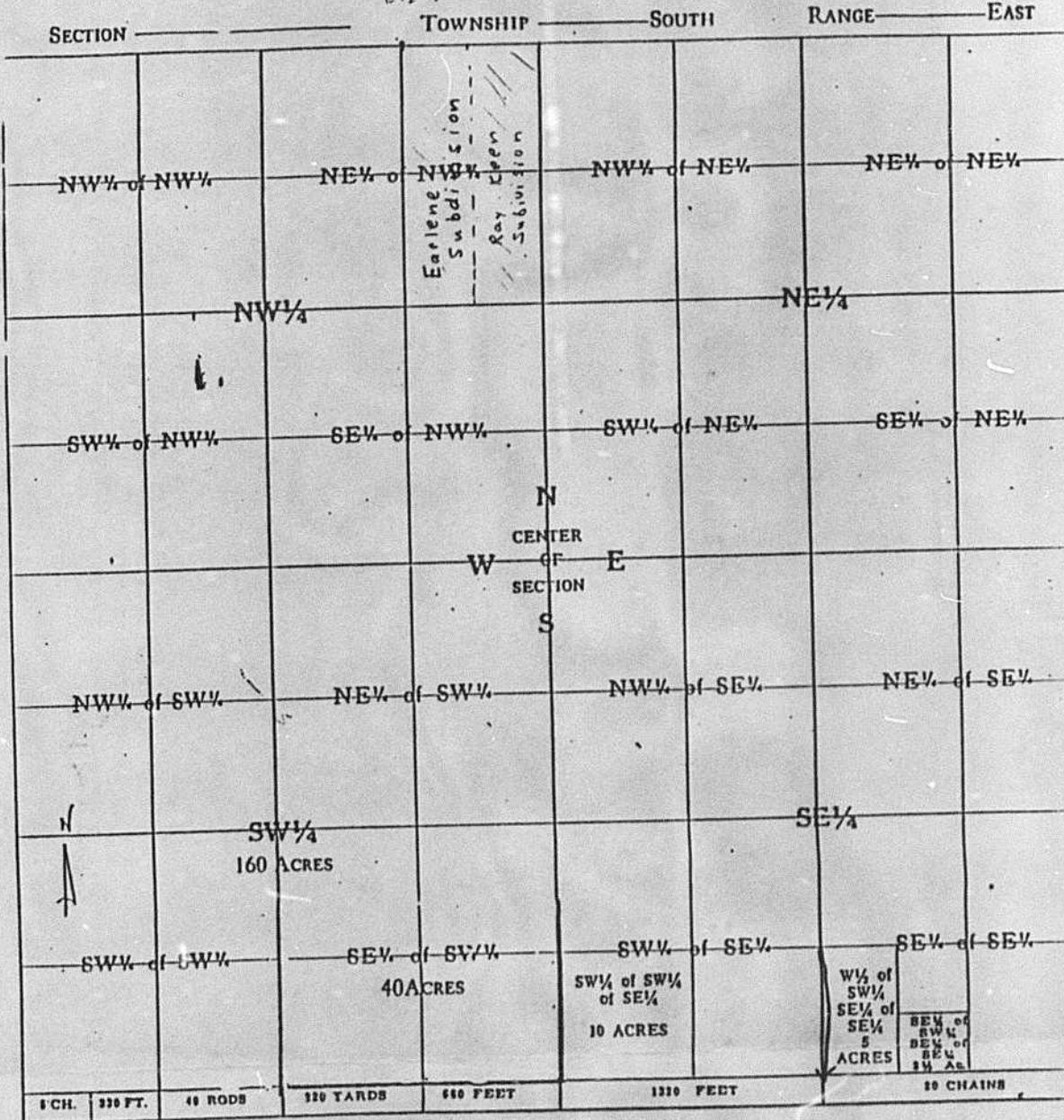
Earlene Subdivision
Ray Leen Subdivision

N
CENTER
OF
SECTION
W E
S

NW 1/4
+
SARDS
+
SINET

SECTION CHART

NW corner
E 1/2 of NE 1/4 NW 1/4



SCALE—8 Inches Equals 1 Mile

1 Inch Equals 10 Chains, 660 Feet, 40 Rods or 220 Yards.

One Link — 7.92 Inches.
One Rod — 16 1/4 Feet, 1/4 Chain or 25 Links.
All Measurements in Government Surveys are Indicated by Links and Chains.

One Chain — 66 Feet, 4 Rods or 100 Links.
One Mile — 5,280 Feet, 320 Rods or 80 Chains.

One Square Rod Contains 272 1/4 Square Feet.
One Acre is about 208 1/2 Feet Square.
One Acre Contains 43,560 Square Feet or 160 Square Rods.
1/2 Acre (Homestead within City Limits) Contains 21,780 Sq. Ft.
Ten Square Chains — One Acre.

A Section of Land is One Square Mile and Contains 640 Acres.
1/4 Section Contains 160 Acres.
A Township Area is 36 Square Miles and Contains 23,040 Acres.

Sectional Map of a Township
With Adjoining Sections

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30

LINKS	FEET	21.66
YARDS	FEET	44.132
YARDS	FEET	66.198
YARDS	FEET	88.264
YARDS	FEET	110.330
YARDS	FEET	132.396
YARDS	FEET	154.462
YARDS	FEET	176.528
YARDS	FEET	198.594
YARDS	FEET	220.660
YARDS	FEET	242.726
YARDS	FEET	264.792
YARDS	FEET	286.858
YARDS	FEET	308.924
YARDS	FEET	331.056
YARDS	FEET	353.112
YARDS	FEET	375.168
YARDS	FEET	397.224
YARDS	FEET	419.280

CORRECT LEGAL DESCRIPTION

The Earlene and Ray Keen Subdivisions

Township 27, South, Range 27 East, Section 25, the East
1/2 of the Northeast 1/4 of the Northwest 1/4

EXHIBIT

15	5.00	01
91	1.00	01
81	.50	01
003 0100 2/27/89	6.50	1L
	1754	"
	6.50	CK111
003 0100 76A	2/27/89	

executive line

This Indenture

Wherein the term "party" shall include the heirs, personal representatives, successors and assigns of the parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described by name and no.

Made this 22nd day of February A. D. 19 89
Between

JAMES RAY KEEN and EARLENE KEEN, his wife

Polk and State of Florida, party of the first part,

and REEN'S SALES & RENTALS, INC., a Florida corporation
685 Nyson Road, Haines City, FL 33844

Polk and State of Florida, party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten and No/100 Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Polk State of Florida, to wit:

The East 1/2 of the NE-1/4 of the NW-1/4 of Section 25, Township 27 South, range 27 East, Polk County, Florida, LESS AND EXCEPT the West 1/2 thereof and LESS AND EXCEPT ROAD RIGHT OF WAY.

Prepared by:
NARI E. YOUNG, Attorney at Law

1989 FEB 27 PM 2:50

020660

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POLK OFF. REC. PAGE

2715 2205

15	8.00	01
91	1.00	01
51	5.00	01
003 0100 2/27/89	6.50	1L
	1754	#
003 0100 76A	6.50	CK10
	2/27/89	

executive line

This Indenture

Whereas James Keen, the last party and holder of the above, personal representative, executor and/or assignee of the respective parties hereto, the use of the reference number shall include the name, and the name of the party, and the name of any gender shall include the gender, and, if said, the term "and" shall include all the notes herein described if more than one

Made this 22nd day of February A. D. 19 89
Between

JAMES RAY KEEN and EARLENE KEEN, his wife

Polk and State of Florida, party of the first part,

and REEN'S SALES & RENTALS, INC., a Florida corporation
685 Dyson Road, Haines City, FL 33844

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten and No/100 Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Polk State of Florida, to wit:

The East 1/2 of the NE-1/4 of the NW-1/4 of Section 25, Township 27 South, range 27 East, Polk County, Florida, LESS AND EXCEPT the West 1/2 thereof and LESS AND EXCEPT ROAD RIGHT OF WAY.

Prepared by:
Neal E. Young, Attorney at Law
Durrance & Young
300 Third Street, N.W.
Winter Haven, FL 33881

Documentary Tax Pd. \$ 55
Intangible Tax Pd. \$ _____
E. D. "Bud" Dixon, Clerk, Polk Co.
By: Mary Public Deputy Clerk

To Have and to Hold the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:
Shelby McKinney

James Ray Keen
James Ray Keen

Shelby Kishner

FILED, RECORDED AND RECORD VERIFIED
E. D. "Bud" DIXON, CL. CO. CL.
POLK COUNTY, FLA.
BY W.C. D.C.

Earlene Keen
Earlene Keen

State of Florida,
County of POLK

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, James Ray Keen and Earlene Keen, his wife

to me well known to be the person described in and who executed the foregoing instrument and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Winter Haven County of Polk and State of Florida, this 22 day of February A. D. 19 89.

James Ray Keen
67685 Dyson Road
Haines City, FL 33844

Mary Public
Notary Public, State of Florida at Large
My Commission Expires March 11, 1989

000 FEB 27 PM 2:50
020660

2715
2205

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STATEMENT OF COMPLETION
AND REQUEST FOR TRANSFER TO OPERATION ENTITY

Within 30 days after completion of construction of the Surface Water Management System, the owner or authorized agent must SEND THE ORIGINAL PLUS ONE COPY OF THIS FORM AND TWO COMPLETE SETS OF CERTIFIED AS-BUILT DRAWINGS for the Surface Water Management system structures and appurtenances to the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-8899. Upon receipt, the District will review this statement of completion and may inspect the system for compliance with the approved permit and as-built drawings. Within 30 days after receipt of this statement, the District will notify the permittee whether the operation phase of the permit may commence. The operation phase of this permit is effective when the statement of completion form is signed by an authorized District representative.

(1) SURFACE WATER MANAGEMENT SYSTEM INFORMATION:

Permit No.: 405509 County: Polk
Project Name: Keen Subdivision
Permittee: Keen Sales & Rentals, Inc.
Address: 685 Dyson Road
City, State Zip: Haines City, Florida 33844
Telephone: (813)422-4007

(2) I hereby certify that all facilities have been built substantially in accordance with the approved permit design plan and that any substantial deviations (attached) will not prevent the system from functioning in compliance with the requirements of Chapter 40D-4 and 40D-40, F.A.C. This certification is verified by the attached "as-built" drawings (as-built drawings and certification must be signed and sealed by a Professional Engineer, if required by Chapter 471, F.S.).

By: [Signature]
Signature of Engineer of Record

David C. Carter, P.E. 31915
Name (Please Type) Florida Registration No.

Pickett & Associates, Inc.
Company Name

215 North Floral Avenue
Company Address

Bartow, FL 33830

Phone: (813) 533-9095

Date: 09/16/88

(Affix Seal)

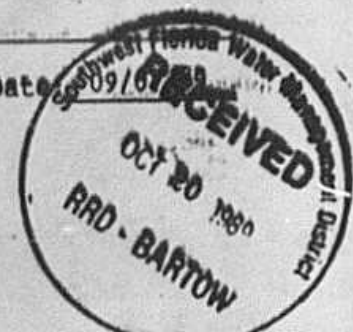
INSPECTION CONDUCTED BY DISTRICT
 INSPECTION NOT CONDUCTED BY DISTRICT
RIGHT RESERVED FOR FUTURE INSPECTION

11/21/90

H-A-J-C.

Oct 12 '88

MSW/Comp. REP 25.3-15-4/87
March 17, 1988





STATE OF FLORIDA
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES
POLK COUNTY PUBLIC HEALTH UNIT
RONALD L. SUMNER, ADMINISTRATOR

DISTRICT FOURTEEN

Keen Mobile Home Subdivision System
Keen S/D & Ellison S/D Connection
February 20, 1995
(69 connections)

Ray Keen
Keen Sales and Rentals, Inc.
685 Dyson Rd.
Haines City, Florida 33844

Re: Notification of Use of General Permit

Approval Number: 5395-5235-A3
PATS Number: 264643

Dear Mr. Keen:

In response to your request, this letter is to advise you that the Department has received your notice of intent to use a general permit as provided in *Rule 62-555.540, Florida Administrative Code* to construct an extension to a public water supply distribution system and does not object to your use of such general permit. Please be advised that you are required to abide by all conditions in *Rules 17-4.510 through 17-4.540, Florida Administrative Code*, the general requirements for general permits; and *Rule 62-555.410, Florida Administrative Code*.

Sincerely,

Donald R. Guthrie, P.E.
Environmental Engineering
Administrator

DRG/EJJ/tms

xc: David R. Norris
File Copy -- Keen Mobile Home Subdivision System

STATEMENT OF COMPLETION
AND REQUEST FOR TRANSFER TO OPERATION ENTITY

Within 30 days after completion of construction of the Surface Water Management System, the owner or authorized agent must SEND THE ORIGINAL PLUS ONE COPY OF THIS FORM AND TWO COMPLETE SETS OF CERTIFIED AS-BUILT DRAWINGS for the Surface Water Management system structures and appurtenances to the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-8899. Upon receipt, the District will review this statement of completion and may inspect the system for compliance with the approved permit and as-built drawings. Within 30 days after receipt of this statement, the District will notify the permittee whether the operation phase of the permit may commence. The operation phase of this permit is effective when the statement of completion form is signed by an authorized District representative.

(1) SURFACE WATER MANAGEMENT SYSTEM INFORMATION:

PERMIT NO.: 405509 COUNTY: Polk
Project Name: Keen Subdivision
Permittee: Keen Sales & Rentals, Inc.
Address: 685 Dyson Road
City, state ZIP: Raina City, Florida 33844
Telephone: (813)422-4007

(2) I hereby certify that all facilities have been built substantially in accordance with the approved permit design plan and that any substantial deviations (attached) will not prevent the system from functioning in compliance with the requirements of Chapter 40D-4 and 40D-40, F.A.C. This certification is verified by the attached "as-built" drawings (as-built drawings and certification must be signed and sealed by a Professional Engineer, if required by Chapter 471, F.S.).

BY: [Signature]
Signature of Engineer of Record

David C. Carter, P.E. 31915
Name (Please Type) Florida Registration NO:

(Affix Seal)

Pickatt & Associates, Inc.
Company Name
215 North Floral Avenue
Company Address
Bartow, FL 33830

Phone: (813) 533-9095 Date: 09/16/88

INSPECTION CONDUCTED BY DISTRICT

INSPECTION NOT CONDUCTED BY DISTRICT
RIGHT RESERVED FOR FUTURE INSPECTION

11/31/90

HMAJC-

Oct 12 '88

MSW/Comp REF 25.3-15-4/87
March 17, 1988



(3) The District is hereby notified that construction of the Surface Water Management System is completed, and the Permittee requests that the Surface Water Management permit be transferred to the entity for operation and maintenance as named in Section (4).

By: J.R. Keen
Signature of Owner, Permittee or Authorized Agent

Permit No. 405509

Ray Keen, Owner
Name and Title (Please Type)
Keen Sales & Rentals, Inc.

Company Name
685 Dyson Road

Address
Haines City, FL 33844

City, State, Zip

Phone: (813) 422-4007 Date: 09/07/89

(4) The below-named entity or individual agrees to maintain and operate the Surface Water Management system in compliance with all permit conditions and the provisions of Chapter 40D-4, Florida Administrative Code (F.A.C.).

By: J.R. Keen
Signature of Individual or Authorized Agent for Operation Entity

J. R. Keen, Owner
Name and Title (Please Type)

Permit No. 405509

Ray Keen, Owner
Name of Individual or Operation Entity

685 Dyson Road
Address

Haines City, FL 33844
City, State, Zip

Phone: (813) 422-4007 Date: 09/07/89

RESPONSIBILITY FOR MAINTENANCE AND OPERATION MAY BE TRANSFERRED TO ANOTHER ENTITY ONLY UPON WRITTEN NOTICE AND APPROVAL BY THE DISTRICT IN ACCORDANCE WITH RULE 40D-4.351, F.A.C.

SWFMD USE ONLY

Based upon the certification by the Engineer of Record in Section (2) and the notice of completion in Section (3), the responsibility for operation and maintenance of the system is transferred to the entity named in section (4), and the operation phase of this permit is effective on the date indicated below:

Southwest Florida Water Management District
Henry H. Higginbotham, Jr.
Authorized District Representative

Date: 11/31/90

HSW/Comp REP 25.3-15-4/87
11/1/1988

Henry H. Higginbotham, Jr.
Interim Director
Name and Title

Permit No. 405509





STATE OF FLORIDA
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES
POLK COUNTY PUBLIC HEALTH UNIT
RONALD L. SUMNER, ADMINISTRATOR

DISTRICT FOURTEEN

Keen Mobile Home Subdivision System
Keen S/D & Ellison S/D Connection
February 20, 1995
(69 connections)

Ray Keen
Keen Sales and Rentals, Inc.
685 Dyson Rd.
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Re: Notification of Use of General Permit

Approval Number: 5395-5235-A3
PATS Number: 264643

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Sincerely,

Donald R. Guthrie, P.E.
Environmental Engineering
Administrator

DRG/EJJ/tms

xc: David R. Norris
File Copy -- Keen Mobile Home Subdivision System

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
NOTICED GENERAL
MANAGEMENT OF SURFACE WATER PERMIT**

PERMIT GRANTED TO:

Mr. Ray Keen
685 Dyson Road
Haines City, Florida 33844

PERMIT NO:

488256.00

PERMIT APPLICATION

DATE FILED: August 20, 1990
DATE AMENDED: N/A
PERMIT GRANTED ON: October 8, 1990
PERMIT EXPIRES ON: October 8, 1993
PROJECT NAME: Earlene Subdivision
COUNTY: Polk
LOCATION

SECTION 25
TOWNSHIP 27
RANGE 27

This permit is issued under the provisions of Chapter 373, Florida Statutes, Florida Administrative Code Rule(s) 40D-4 and 40D-40. The above-named permittee is hereby authorized to perform the work or operate the facility shown by the application and approved drawing(s), plans, and other documents, attached hereto or on file with the District and made a part hereof, and specifically described as follows:

Construction of a Surface Water Management System serving a 9.73 acre Residential project as named above.

LIMITING CONDITIONS

1. The permittee shall perform the construction authorized in a manner so as to minimize any adverse impact of the system on fish, wildlife, natural environmental values, and water quality. The permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.
2. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required. Parameters to be monitored may include those listed in Chapter 17-3. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by American Public Health Association of Methods for Chemical analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly discharges from the property or into surface waters of the state.
3. The permittee shall comply with all applicable local subdivision regulations and other local requirements. In addition the permittee shall obtain all necessary Federal, State, local and special district authorizations prior to the start of any construction or alteration of works authorized by this permit.

PERMIT NO:
PROJECT NAME:
Page 2

488256.00
Earlene Subdivision

4. The operation phase of this permit shall not become effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design permitted by the District. Within 30 days after completion of construction of the surface water management system, the permittee shall submit the certification and notify the District that the facilities are complete. Upon completion of the surface water management system, the permittee shall request transfer of the permit to the responsible entity approved by the District. The District may inspect the system and require remedial measures as a condition of transfer of the permit.
5. All roads shall be set at or above elevations required by the applicable local governmental flood criteria.
6. All building floors shall be set at or above elevations acceptable to the applicable local government.
7. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
8. No construction authorized herein shall commence until a responsible entity acceptable to the District has been established and has agreed to operate and maintain the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized herein. Upon receipt of written evidence of the satisfaction of this condition, the District will issue an authorization to commence construction.
9. The permit does not convey to the permittee any property right nor any rights or privileges other than those specified in the permit and Chapter 40D-4.
10. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction operation, maintenance or use of any facility authorized by the permit.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates the adverse off-site water resource related impacts will not be caused by the completed permit activity. It is also the responsibility of the permittee to insure that adverse off-site water resource related impacts do not occur during construction.
12. Prior to dewatering, plans shall be submitted to the District for approval. Information shall include as a minimum; pump sizes, locations and hours of operation for each pump. If off-site discharge is proposed, or off-site adverse impacts are evident, an individual water use permit may be required. The permittee is cautioned that several months may be required for consideration of the water use permit application. Temporary dewatering during construction, i.e., well pointing, ditching, etc. that will not affect adjacent wetlands or off-site lands is exempt from this requirement.

PERMIT NO:
PROJECT NAME:
Page 3

488256.00
Earlene Subdivision

STANDARD CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Chapters 373 and 403, Florida Statutes. The permittee is hereby placed on notice that the District will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the District.
3. The issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other District and Department of Environmental Regulation permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of the permitted system, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and District and Department of Environmental Regulation rules, unless specifically authorized by any order from the District or Department.
6. The permittee shall at all times properly operate and maintain the systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with conditions of this permit, as required by District rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by District rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized District personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted; for the purposes of inspection and testing to determine compliance with this permit and District regulations, such as:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit;
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or District rules; and
- d. Gathering of data and information.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the District with the following information:
 - a. A description of and cause of non-compliance; and
 - b. the period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the District for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the District, may be used by the District as evidence in any enforcement case arising under the Florida Statutes or District rules, except where such use is proscribed by Florida Statutes.
10. The permittee agrees to comply with changes in District rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or District rules.
11. This permit is transferable only upon District approval in accordance with Florida Administrative Code rules 40D-4.351 as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the District.
12. When specifically required as terms of permitting the permittee shall comply with the following monitoring and record keeping requirements:
 - a. Upon request, the permittee shall furnish all records and plans required under District rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the District, during the course of any unresolved enforcement action.
 - b. The permittee shall retain, at the facility or other location designated by this permit, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all

reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by District rule.

- c. Records of monitoring information shall include:
- the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.
13. When requested by the District, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the District, such facts or information shall be submitted or corrected promptly.
14. Drawings, plans, calculations, specifications or other information submitted by the permittee, not attached hereto, but retained on file at the District office, are made a part of this permit.
15. A copy of this permit and a set of construction drawings depicting the permitted system are required to be kept at the work site of the permitted activity during the entire period of construction or operation. The approved construction drawings are issued as a part of this permit.
16. The discharges from this system shall meet state water quality standards as set forth in Chapter 17-3 and Rule 17-4.242 for class waters equivalent to the receiving waters.
17. Any water discharged from the site during construction of the project shall meet State water quality standards at the property boundary or point of discharge to wetlands or State waters. If the discharge does not meet these standards, the discharge will be immediately stopped and the District shall be notified of corrective action taken to correct the violation. Turbidity shall not exceed 29 N.T.U. above background level. Turbidity shall be monitored at least daily during discharge, or more often as determined by the project engineer if needed, to ensure compliance.
18. The permittee and construction representatives shall assure that erosion and sediment control measures as necessary and as required by Rule 40D-4.091 shall be effectively implemented continuously from beginning of project construction until completion to prevent erosion and transport and discharge of sediment to wetlands or any property other than the project area. Project detention/retention ponds and discharge control structures which are to be constructed as part of the project shall be initially built and maintained continuously during project construction to avoid adverse impact to receiving waters or off site.
19. Except as authorized by this Permit, any further land development, wetlands disturbance or other construction within the total land area of this site

will require additional permitting in accordance with Chapters 40D-4 and 40D-40, F.A.C.

20. All rights-of-way and easement locations necessary to construct, operate and maintain all facilities, including uplands conservation/buffer areas and wetlands, which constitute the permitted surface water management system shall be reserved for water management purposes. Prior to site occupancy the reserved areas shall be shown on any final subdivision plat and recorded in the county public records as special use areas for dedication to the responsible operation and maintenance entity.
21. Construction of the discharge control and water quality treatment facilities which are part of the permitted surface water management system shall be completed and operational prior to beneficial occupancy and use of the project development being served.
22. Establishment and survival of littoral areas provided for stormwater quality treatment in wet detention systems shall be assured by proper and continuing maintenance procedures designed to promote viable wetlands plant growth of natural diversity and character. Certified as-built drawings depicting the established wet detention treatment areas shall be submitted to the District for inspection and approval upon completion of construction. Following as-built approval, perpetual maintenance shall be provided for the permitted system.
23. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed water well contractor in accordance with Chapter 40D-3 and Rule 17-21.10(4), F.A.C.
24. Any existing septic tanks on this site shall be abandoned at the beginning of the project construction in accordance with Rule 10D-6.53, F.A.C.
25. Any existing fuel storage tanks and fuel pumps on this site shall be removed at the beginning of project construction in accordance with Rule 17 61.05-(3)(c), F.A.C.
26. All retention/detention pond side slopes, except over filter media, shall be sodded, and staked as necessary, to prevent erosion. Filter media surfaces shall also be stabilized to prevent erosion, but in a manner that does not restrict infiltration.
27. By issuance of this permit the District, its employees and representatives assume no responsibility and/or liability in regard to either the design, construction or performance of the permitted facilities.
28. Any system alteration, including for augmentation into or withdrawal of water from the permitted system, other than as specifically authorized by this permit will require additional District permitting consideration. The water level of retention and detention ponds shall not be augmented by pumping or diversion of water into the ponds to artificially control their level above the design normal or beginning storage level. Wells and diversion facilities for such augmentation may require water use permitting according to Chapter 40D-2, F.A.C.

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29. Information and reports required to be submitted by this permit shall be submitted to:

Southwest Florida Water Management District
Permits Data Group
2379 Broad Street
Brooksville, Florida 34609-6899

30. Construction of all water management facilities must be completed prior to beneficial occupancy of the project or operation of the surface water management system, including wetlands compensation, grading, mulching, planting of mitigation areas, etc.
31. The excavation of retention/detention ponds is limited to the permitted design elevation(s).

TRACKING CONDITIONS

1. The permittee shall immediately provide written notification to the District upon beginning any construction authorized by this permit.
2. The Operation and Maintenance Entity shall submit inspection reports in the form required by the District, in accordance with the following schedule unless specified otherwise herein or in Application Information.
 - a. For systems utilizing retention and wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.
3. Refer to LIMITING CONDITION No. 4 herein.
4. The Permittee is required to submit final copies of the Articles of Incorporation, Declaration of Protective Covenants, Deed Restrictions or Declaration of Condominium to the District within 90 days after issuance of a permit authorizing construction; when either a Homeowners' or Property Owners' Association, Master Association or Condominium Association is required for the project.

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SPECIFIC CONDITIONS

1. The Permittee shall provide notice of District permitting requirements to all buyers of individual parcels or lots located within Earlene Subdivision. The notice shall be stated in the sales contract or as a deed restriction and shall include the following instructions:

The Buyer is hereby notified that this property is subject to the requirements of Permit MSW No. 488256.00 issued by the Southwest Florida Water Management District. In addition, the Buyer is required to inform the Southwest Florida Management District at the beginning of construction that a Professional Engineer registered in Florida has been retained to supervise construction; and upon completion of construction on this parcel or lot, submit to the District a Statement of Completion and as-built certification of compliance with the permit.

Robert M. Vinted

Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT