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

Public Service Commission

November 27, 1996

Mr. Wayne L. Schiefelbein
Gatlin, Woods & Carlson
The Mahan Station
1709-D Mahan Drive
Tallahassee, FL 32308

Re: Docket No. 961299-WS, Application for grandfather certificate to operate a water and wastewater utility in Polk County by Garden Grove Water Company, Inc.

Dear Mr. Schiefelbein:

Staff has reviewed the utility's application for water and wastewater certificates and determined that it is deficient pursuant to 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 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. A portion of the evidence of ownership provided in the application is in the form of quitclaim deeds and short term leases, one of which has expired. We cannot accept a quitclaim deed as proof of ownership unless it is accompanied by title insurance. Please provide warranty deeds in the name of the utility, title insurance for the quitclaim deeds in the name of the utility, or 99-year leases for the following water and wastewater treatment facilities. Also, please note that all deeds and leases must be recorded.

- a. Eloisewood Water Plant (Exhibit II-A-6-a)
- b. Cypresswood Water Plant (Exhibit II-A-6-f)
- c. Callen Water Well Lease Agreement (Exhibit II-A-6-g); expired
- d. Cypresswood Wastewater Treatment Plant, 10.46 Acre Pond Addition (Exhibit II-B-5-c)
- e. Cypresswood Wastewater Treatment Plant, Maintenance Building (Exhibit II-B-5-d)
- f. Cypresswood Wastewater Treatment Plant, Effluent Disposal Facility, Race Grove (Exhibit II-B-5-e)

ACK _____
 AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 LIN _____
 OPC _____
 RCH _____
 SEC 1
 WAS _____
 YTH _____

DOCUMENT NUMBER-DATE

TALLAHASSEE, FL 32399-0850
Internet E-mail: CONTACT@PSC.STATE.FL.US
FPC-RECORDS/REPORTING

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- g. Cypresswood Wastewater Treatment Plant, Effluent Disposal Facility, Use Agreement (Exhibit II-B-5-g)
2. **Rates and Charges.** Rule 25-30.035(8), Florida Administrative Code, requires a statement specifying on what date and under what authority the current rates and charges were established. The application provides this information for some of the utility's rates and charges but not all of them. For example, regarding the proposed service availability charges, the County Resolution submitted with the application only contains the water and wastewater connection fees for the 5/8"x3/4" meter size and discusses approval of the Allowance for Funds Prudently Invested (AFPI) charges. It does not contain the connection fees for the larger meter sizes, the amount of the AFPI charges, or any of the other service availability charges. Please specify on what date and under what authority the current customer deposits, miscellaneous service charges, and service availability charges shown in the utility's proposed tariff were established.
 3. **Legal Description.** Rule 25-30.035(9), Florida Administrative Code, requires a description of the territory proposed to be served, using township, range and section references as specified in Rule 25-30.030(2). Although a description was provided, part of the description is not in compliance with the above mentioned rule. Staff has identified the problem areas in the territory description that need to be corrected and highlighted them in yellow. Please see Attachment A. Also, we have included a copy of "Instructions for Preparation of Territory Description and Map" for your reference.
 4. **Tax Assessment Map.** Rule 25-30.035(11), Florida Administrative Code, requires one copy of the official county tax assessment map, or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory description plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning. The map submitted had the overall territory plotted on, but there are many areas that have been excluded. These excluded areas are not plotted on the map. Therefore, please resubmit the map.
 5. **Filing Fee.** Rule 25-30.020(2)(d), Florida Administrative Code, provides the filing fees that are required for grandfather certificate applications. According to Exhibit II-B-2 of the application, the utility plans to serve 21,398 wastewater customers when the territory is fully occupied. Therefore, the correct filing fee for the wastewater certificate is \$2,250 rather than \$1,750 as the utility originally paid. Please remit the additional \$500 filing fee as soon as possible.

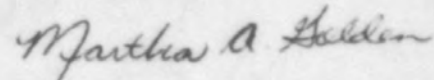
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In addition to the above noted deficiencies, please provide the following information regarding the utility's legal description:

1. We are aware that Emmer Development Corporation (Emmer) previously requested service from the City of Lake Wales rather than Garden Grove. If available, please provide another map showing the general area where Emmer is located.
2. Please provide a copy of Garden Grove's territory description on a 3.5 inch diskette in WordPerfect 5.1 format if possible.

Please file one copy of the maps and diskette, and an original and eight copies of the remaining requested information no later than March 28, 1997 with Ms. Blanca Bayo, Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. Please feel free to call Richard Redemann at (904)413-6999 or me at (904)413-7015 if you have any questions.

Sincerely,



Martha A. Golden
Economic Analyst

/MAG
Attachment

cc: Mr. John G. Wood, Jr.
Division of Water and Wastewater (Hill, Williams, Messer, Redemann)
Division of Legal Services (Jaber, Crosby, Johnson)
Division of Records and Reporting

EXHIBIT IV-A

DESCRIPTION OF TERRITORY SERVEDLegal Description

Begin at an intersection of the northerly right of way line of Seaboard Coastline Railroad and the north south center of section line of Section 9, Township 29 South, Range 26 East, Polk County, Florida; thence north along said center of section line to the northerly right of way line of Eloise Loop Road; thence southeasterly along said northerly right of way line to the west boundary of U.S. Government Lot 4, Section 9, Township 29 South, Range 26 East; thence north along said west boundary to the north boundary of said U.S. Government Lot 4; thence east along said north boundary to the waters of Lake Eloise thence south, southeasterly, south, east, north, east, northeasterly, northerly, and westerly along said waters edge to its intersection with the west boundary of the east half of U.S. Government Lot 3 in Section 3, Township 29 South, Range 26 East; thence run north along the said west boundary to the northwest corner of said east half of U.S. Government Lot 3; thence continuing north along the west boundary of U.S. Government Lot 3 (E1/2 of SW1/4), Section 34, Township 28 South, Range 26 East, to the northwest corner of said U.S. Government Lot 3; thence continuing north to the northwest corner of northeast quarter of the northwest quarter of said Section 34, Township 28 South, Range 26 East; thence west along the north boundary of said northwest quarter of Section 34 to the waters of Lake Otis; thence northerly along said waters to an intersection with the north boundary of the southwest quarter of Section 27, Township 28 South, Range 26 East; thence east along said north boundary of the southwest quarter of Section 27 to the waters of Lake Link; thence southerly, easterly and northerly along said waters to the aforesaid north boundary of the southwest quarter of Section 27; thence east along said north boundary of the southwest quarter of Section 27 to the northwest corner of the southeast quarter of said Section 27; thence east along the north boundary of the southeast quarter of said Section 27 to the northwest corner of the southwest quarter of Section 26, Township 28 South, Range 26 East; thence east along the north boundary of said southwest quarter of Section 26 to the southwest corner of the northeast quarter of said Section 26; thence north along the west boundary of said northeast quarter of Section 26 to the centerline of Dundee Road (SR 542); thence east along said centerline of Dundee Road to the east right of way line of Carl Floyd Road; thence south

EXHIBIT IV-A

DESCRIPTION OF TERRITORY SERVED (Continued)

along said east right of way line of Carl Floyd Road to the north right of way line of Executive Road; thence east along said north right of way line and easterly extension thereof to an intersection with the southerly extension of the centerline of Country Club Road; thence north along said southerly centerline extension to an intersection with the centerline of Dundee Road; thence easterly along said centerline of Dundee Road to the east boundary of Section 25, Township 28 South, Range 26 East; thence north along said east boundary of Section 25 to the southeast corner of Section 24, Township 28 South, Range 26 East; thence north along the east boundary of said Section 24 to the north boundary of Section 19, Township 28 South, Range 27 East; thence east along said north boundary of Section 19 to the east boundary of said Section 19; thence south along said east boundary of Section 19 to the northwest corner of the southwest quarter of Section 20, Township 28 South, Range 27 East; thence east along the north boundary of said southwest quarter of Section 20 to the east boundary of said southwest quarter; thence south along said east boundary of the southwest quarter to the south boundary of said southwest quarter; thence run south along the center of said Section 29 to the south quarter corner and continue south to the southwest corner of the southwest quarter of the northeast quarter of Section 32, Township 28 South, Range 27 East; thence run east along the south boundary of the said northwest quarter of the northeast quarter to the westerly right of way of U.S. Highway 27; thence run southerly along the said westerly right of way of U.S. Highway 27 to its intersection with the south boundary of Section 5, Township 29 South, Range 27 East; thence west along said south boundary to the southwest corner of said Section 5; thence south along the east boundary of Section 7 and 18, Township 29 South, Range 27 East to the northeast corner of Section 19, Township 29 South, Range 27 East; thence continue south to the southeast corner of the north half of said Section 19; thence west along the south boundary of said north half to the southeast corner of the north half of Section 24 and 23, Township 29 South, Range 26 East; thence continue west along the south boundary of said north half of the southwest corner of the northwest quarter of said Section 23; thence continue east along the south boundary of the northeast quarter of Section 22, Township 29 South, Range 26 East to an intersection with the north right of way line of Seaboard Coastline Railroad; thence north along said northerly

EXHIBIT IV-A

DESCRIPTION OF TERRITORY SERVED (Continued)

right of way to the POINT OF BEGINNING. Less and except the Orchid Springs Franchise, described as follows, to-wit: **TRACT A:** Starting at the NE corner of Section 35, Township 28 South, Range 26 East, run thence S. $0^{\circ} 22'$ East along the East boundary of Section 35 a distance of 580.8 feet to a concrete marker for the point of beginning; run thence S. $0^{\circ} 22'$ East along the East boundary of Section 35 a distance of 1414.2 feet; thence N. $89^{\circ} 44'$ East a distance of 560 feet; thence N. $33^{\circ} 58'$ East a distance of 1000 feet; thence N. $40^{\circ} 11'$ West a distance of 1826.13 feet; thence N. $60^{\circ} 57'$ West a distance of 467 feet to the Easterly right-of-way boundary of State Road 542; thence S. $29^{\circ} 03'$ West along the Easterly right-of-way of State Road 542 a distance of 1195 feet; thence N. $89^{\circ} 44'$ East a distance of 1038.76 feet to the Point of Beginning, and **TRACT B:** North 420 feet of the South 749.20 feet of the NE-1/4 of the NE-1/4 of Section 35, Township 28 South, Range 26 East, lying East of the right-of-way of State Road S-542, containing approximately 11.16 acres, and also described as: That part of the North 420 feet of the South 749.20 feet of Lots 1 and 2 of Florida Highland Company's Subdivision of Section 35, Township 28 South, Range 26 East, as recorded in Plat Book 3A, at page 27, of the public records of Polk County, Florida, lying East of the right-of-way of State Road S-542. Also the 12-1/2 feet immediately-East of the above-described property which was closed as a road by Polk County Commissioners. Resolution recorded in Official Records Book 1067, page 823. **Tract #1:** That part of Lot 2 lying Northwesternly of the right-of-way of State Road 542 in Highland Company Subdivision, as recorded in Plat Book 3A, page 27, of the public records of Polk County, Florida, lying and being in the NE-1/4 of the NE-1/4 of Section 35, Township 28 South, Range 26 East, Polk County, Florida. **TRACT #2:** All that part of Lots 3, 9 and 17 of said Highland Company Subdivision, as recorded in Plat Book 3A, page 27, of the public records of Polk County, Florida, lying Northerly of a line described as follows: Starting at the corner common to Sections 25, 26, 35 and 36, Township 28 South, Range 26 East, Polk County, Florida, run thence N. $89^{\circ} 46'$ E. along the South boundary of said Section 25 a distance of 148.78 feet for the point of beginning; thence run N. $40^{\circ} 11'$ W. a distance of 303.13 feet, thence N. $60^{\circ} 57'$ W. a distance of 467 feet to a concrete marker located on the Easterly right-of-way boundary of State Road 542 at a point 459.05 feet North and 454.77 feet West of the common corner above described for the end of said line. **SUBJECT** to rights-of-way as

DESCRIPTION OF TERRITORY SERVED (Continued)

of record and/or in use. **TRACT 13:** Lot 6, of Highland Company Subdivision, as recorded in Plat Book 3A, page 27, of the public records of Polk County, Florida, lying and being in the Southeast Quarter of the Northeast Quarter of Section 35, Township 28 South, Range 26 East; AND That part of the Northwest Quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, described as: Starting at the Northwest corner of Section 36, Township 28 South, Range 26 East, run thence North $89^{\circ} 46'$ East along the North boundary of Section 36 a distance of 148.78 feet for the point of beginning; thence run South $49^{\circ} 11'$ E. a distance of 1523.0 feet, thence South $33^{\circ} 58'$ W. a distance of 1000.0 feet, thence South $89^{\circ} 44'$ W. a distance of 560 feet to the West boundary of Section 36, thence South $0^{\circ} 22'$ East along the Section line a distance of 464.95 feet to a point 200.04 feet Northerly of the Southwest corner of the Northwest Quarter of Section 36, thence run North $69^{\circ} 50' 30''$ E. a distance of 1296.18 feet, thence North $40^{\circ} 11'$ W. a distance of 1506.80 feet to a point on the North boundary of Section 36, thence run South $89^{\circ} 46'$ W. Along the said North boundary of Section 36 a distance of 260.89 feet to the point of beginning. **SUBJECT** to rights-of-way as of record and/or in use. (37.1). **TRACT 14:** All that part of the Northwest Quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, lying Easterly and Northerly of a line described as: Starting at the Northwest corner of Section 36, run thence North $89^{\circ} 46'$ East along the North boundary of Section 36, a distance of 409.67 feet for the point of beginning of said line; run thence South $40^{\circ} 11'$ East a distance of 1506.80 feet, thence South $33^{\circ} 58'$ West a distance of 1296.18 feet to the centerline of a canal, thence run North $69^{\circ} 50' 30''$ East along the centerline of said canal a distance of 2139.4 feet, more or less, to its intersection with the East boundary of said Northwest Quarter of Section 36, for the end of said line. **SUBJECT** to rights-of-way as of record and/or in use. **TRACT 15:** The South one-half of the Southeast Quarter of Section 25, Township 28 South, Range 26 East, Polk County, Florida, LESS AND EXCEPT: Begin at the Northeast corner of said South one-half of the Southeast Quarter and run S. $0^{\circ} 19' 17''$ E. along the East line of said South one-half of the Southeast Quarter a distance of 457.10 feet, thence N. $88^{\circ} 44' 17''$ W. 108.15 feet, thence S. $52^{\circ} 15' 43''$ W. 476.63 feet, thence S. $0^{\circ} 5' 17''$ E.

DESCRIPTION OF TERRITORY SERVED (Continued)

252.20 feet, thence S. $89^{\circ}54'43''$ W. 138.00 feet, thence N. $0^{\circ}5'17''$ W. 182.00 feet, thence N. $80^{\circ}58'17''$ W. 419.00 feet, thence N. $50^{\circ}57'17''$ W. 725.00 feet, thence N. $69^{\circ}41'17''$ W. 625.70 feet, thence N. $0^{\circ}5'17''$ W. 72.69 feet to a point on the North line of said South one-half of the Southeast Quarter, thence N. $89^{\circ}54'43''$ E. along North line 2184.81 feet to the point of beginning, LESS AND EXCEPT right-of-way of State Road S-542, and LESS AND EXCEPT the East 30 feet of the South 866.9 feet of the Southeast Quarter of the Southeast Quarter of said Section 25 for road. **TRACT 16:** That part of the Northeast Quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, described as: Beginning at the Northeast corner of Section 36, run thence South along the East boundary of Section 36 a distance of 533.80 feet to its intersection with the centerline of a canal, thence run S. $69^{\circ}50'30''$ W. along said centerline of canal a distance of 2823.3 feet, more or less, to its intersection with the West boundary of said Northeast Quarter, thence run North along the West boundary of said Northeast Quarter to the Northwest corner of the Northeast Quarter, thence run Easterly along the North boundary of said Northeast Quarter of Section 36 a distance of 2642.28 feet to the point of beginning, SUBJECT to right-of-way over the East 30 feet thereof.

FLORIDA PUBLIC SERVICE COMMISSION

INSTRUCTIONS FOR PREPARATION OF TERRITORY DESCRIPTION AND MAP

An accurate description of the territory served or proposed to be served is essential. The noticing requirement in Rule 25-30, Florida Administrative Code, and the territory description requirement for each of the certification applications require the territory to be described using township, range and land sections. Failure to use the required format will cause your application to be delayed and may result in your having to renotice. The following information is provided to assist you in preparing a correct legal description and plotting that territory on the service territory map.

TERRITORY DESCRIPTION

The territory description must contain the following:

- 1) A reference to a township(s), range(s), land section(s) and county.
- 2) A complete and accurate description of the territory served or proposed to be served. There are two acceptable formats which
 - a) Sections - If the territory includes complete sections, the description may only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.
 - b) Metes and Bounds - A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. Also, the description shall include all bearings and distances necessary to provide a continuous description.
- 3) References to interstates, state roads, and major bodies of water are acceptable.
- 4) References to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments are not acceptable.

Acceptable territory description formats are shown in the attached Examples 1 and 2.

Territory maps are required in the Florida Administrative Code rules related to applications for original certificates, amendments, grandfather certificates, and in transfers to a governmental agency where only a portion of the territory is transferred. The map is used by staff to verify the location of the existing or proposed territory. The territory maps should not be confused with the system depiction map which is used to locate existing or proposed service lines and facilities.

TERRITORY MAPS

The territory map shall contain the following:

- 1) Territory shall be plotted on a Department of Transportation Map, County tax assessor map or any other map with a scale of 1" = 200 ft. or 1" = 400 ft.
- 2) Township, range, section, and county.
- 3) An accurate depiction of the existing or proposed territory. The map should clearly distinguish the existing versus the proposed territory.

An example of a acceptable territory map is attached as Example 3.

FORMAT TO BE FOLLOWED IN PREPARING TERRITORY DESCRIPTIONS. EXAMPLE
1 IS PREFERRED OVER METES AND BOUNDS IN EXAMPLE 2.

EXAMPLE 1

Township 26 South, Range 29 East, Osceola
County, Florida

Section 18

The South 1/2 of the Southeast 1/4 and the
South 1/2 of the North 1/2 of the Southeast
1/4 of said Section 18

also

The East 1/2 of the Southeast 1/4 of the South
West 1/4 and the Southeast 1/4 of the
Northeast 1/4 of the Southwest 1/4 of said
Section 18

Section 19

The North 1/2 of the Northeast 1/4 and the
North 1/2 of the South 1/2 of the Northeast
1/4 of said Section 19

also

The East 1/2 of the Northeast 1/4 of the
Northwest 1/4 and the Northeast 1/4 of the
Southeast 1/4 of the Northwest 1/4 of said
Section 19

EXAMPLE 2

A portion of Section 18 and 19, Township 26
South, Range 29 East, Osceola County Florida;
being more particularly described as follows:
Commencing at the SE corner of Section 18,
this point also being the Point of Beginning;
thence run due south along the east line of
Section 19 a distance of 1980 feet to a point;
thence run due west a distance of 2706 feet to
a point; thence run due north a distance of
3960 feet to a point; thence run due east a
distance of 2706 feet to a point of east line
of Section 18; thence run due south along the
east line of Section 18 a distance of 1980
feet to the Point of Beginning.

EXAMPLE 3

TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA

