

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Lake Utility ) DOCKET NO. 891299-WS  
Company, Inc. for water and sewer ) ORDER NO. 22557  
certificates in Lake County. ) ISSUED: 2-15-90  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
THOMAS M. BEARD  
BETTY EASLEY  
GERALD L. GUNTER  
JOHN T. HERNDON

ORDER GRANTING CERTIFICATES

BY THE COMMISSION:

Background

On November 15, 1989, Lake Utility Company, Inc. (Lake Utility or Utility) filed an application with this Commission for water and sewer certificates in Lake County. Lake Utility serves the Plantation at Leesburg, which is a seasonal golf course community of mobile homes being developed in phases. Phase I will consist of 981 mobile home units and 34 commercial equivalent residential connections (ERCs).

On January 1, 1990, the Utility was serving approximately 187 units, but is not charging its customers for service. The existing facilities were completed in June, 1987; it is estimated that all units will be on line by June, 1991. Although at the time of construction, the Utility contemplated being a not-for-profit corporation, it now would like to charge for its services.

Rates are normally set at the time certificates are issued. However, in order to issue the certificates within 90 days of the date of filing, as required by Section 367.031, Florida Statutes, the certificate process has been bifurcated. The utility has provided sufficient information to determine rates and charges. After we have completed our analysis of the data submitted, appropriate rates and charges will be set by a subsequent order.

DOCUMENT NUMBER-DATE

01041 FEB 15 1990

FLORIDA PUBLIC SERVICE COMMISSION

Application

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning applications for certificates. Lake Utility has paid the proper filing fee and provided a ninety-nine year lease for the land upon which the Utility's facilities are located. Adequate system and territory maps have been filed and a description of the territory is provided in Attachment A to this Order. The utility provided proof of notice pursuant to Section 367.045, Florida Statutes, and Rule 25-30.030, Florida Administrative Code. No objections to the notice have been received and the time for filing such has expired.

Lake Utility's proforma Income Statement shows projected annual revenues of \$114,833 and \$122,374 for water and sewer, respectively. Further, the Utility has projected operating income of \$42,379 for water and \$36,006 for sewer.

A review of the financial statement of H. Smith Richardson Testamentary Trust, which will provide funds to the Utility, revealed that it has substantial capital adequate to sustain the Utility through its initial years of operation. Further, Lake Utility has been in operation since 1987, and has proven its ability to provide satisfactory service. Therefore, we find that it is in the public interest to grant Lake Utility Company, Inc. Water Certificate No. 527-W and Sewer Certificate No. 461-S.

It is, therefore,

ORDERED by the Florida Public Service Commission that Lake Utility Company, Inc., 25200 U.S. Highway 27 South, Leesburg, Florida 32748, is hereby granted Water Certificate No. 527-W and Sewer Certificate No. 461-S to serve the territory described in Attachment A of this Order. It is further

ORDERED that Docket No. 891299-WS shall remain open for the setting of rates and charges.

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By ORDER of the Florida Public Service Commission,  
this 15th day of FEBRUARY, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ALC

by: Kay Flynn  
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

LEGAL DESCRIPTION

LAKE UTILITY COMPANY, INC.

That portion of Section 23, Township 20 South, Range 24 East, Lake County, Florida, described as follows: From the Southeast corner of Section 23, run South  $89^{\circ}56'04''$  West along the South line of Section 23 a distance of 121.68 feet to a point on the Southwesterly right of way line of an existing road; run thence North  $56^{\circ}35'30''$  West along the Southwesterly right of way line of an existing road 1099.84 feet; thence North  $33^{\circ}24'30''$  East 66.55 feet; thence South  $89^{\circ}56'11''$  West 334.01 feet to the Point of Beginning of this description. From said P.O.B. run North  $0^{\circ}02'05''$  West 96.34 feet; thence South  $89^{\circ}55'51''$  West 2282.41 feet to a point in the centerline of the Palatlahaha River, according to the right of way map of the Palatlahaha River Project, dated November 29, 1972, by Gee & Jenson Consulting Engineers, Inc., West Palm Beach, Florida, said point also being on a curve concave to the Southeasterly and having a radius of 400.00 feet; run thence Southwesterly along the arc of said curve through a central angle of  $10^{\circ}31'55''$  a distance of 73.54 feet to the end of said curve; run thence South  $07^{\circ}45'39''$  West along centerline of Palatlahaha River a distance of 277.32 feet; run thence South  $15^{\circ}42'09''$  West along said centerline a distance of 427.35 feet to a point on the South line of Section 23; thence North  $89^{\circ}58'49''$  East along the South line of Section 23 a distance of 1115.77 feet to the South  $1/4$  corner of Section 23; run thence North  $89^{\circ}56'04''$  East along the South line of Section 23 for 1336.75 feet to the Southeast corner of the Southwest  $1/4$  of the Southeast  $1/4$  of Section 23; run thence North  $0^{\circ}02'05''$  West along the East line of said Southwest  $1/4$  of Southeast  $1/4$  to the Point of Beginning.

AND:

That part of the East 1/2 of the Northwest 1/4 and that part of the West 1/2 of the Northeast 1/4 of Section 25, Township 20 South, Range 24 East, in Lake County, Florida, bounded and described as follows: From the Southwest corner of the East 660 feet of the South 284 feet of the North 550 feet of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 25, run Easterly parallel with the North line of said Section 25 to a point that is 600 feet West of the Westerly line of the right of way of U.S. Highway No. 27, said point being the P.O.B. of this description. From said point of beginning run Southeasterly parallel with the Westerly line of said right of way to a point that is 300 feet North of the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence East to a point on a line that is 500 feet West of and parallel with the Westerly line of said right of way; thence Southeasterly along said parallel line to a point that is 300 feet South of the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 25; thence West to a point on a line that is 600 feet West of and parallel with the Westerly line of said right of way; thence Southeasterly along said parallel line to the South line of the Northwest 1/4 of said Section 25; thence Easterly to the Southeast corner of said Northwest 1/4; thence easterly along the South line of the Northeast 1/4 of said Section 25 to the Westerly line of said right of way; thence Northwesterly along the Westerly line of said right of way to a point that is 550 feet South of the North line of said Section 25; thence Westerly parallel with said North line to the point of beginning.

AND:

The South 2227 feet of the Southwest 1/4; the South 2227 feet of the West 1/2 of the Southeast 1/4 lying Westerly of the West Right-of-Way line of U.S. Highway No. 27, all in Section 25, Township 20 South, Range 24 East, Lake County, Florida.

AND:

Section 26, Township 20 South, Range 24 East, Lake County, Florida, LESS: The North 3/4 of the East 1/2 of the Northeast 1/4 thereof and LESS: Parcel M-4A acquired by the Oklawaha Basin Recreation and Water Conservation and Control Authority by Order of Taking dated November 10, 1976, under Civil Action No. 76-708, Lake County, Florida, as modified by Final Judgment dated September 12, 1980, more particularly described as follows: Beginning at the Southwest Corner of said Section 26; thence South 88°15'29" East (all bearing mentioned herein are based on an assumed meridian) along the South line of said Section 26, a distance of 1233.17 feet; thence North 01°44'31" East a distance of 1021.71 feet to a 4-inch octagonal Concrete Monument; thence North 11°37'00" East 159.52 feet to the POINT OF BEGINNING; thence North 73°23'00" West, a distance of 324.98 feet; thence North 16°37'00" East, a distance of 300.00 feet; thence South 73°23'00" East a distance of 450.00 feet; thence South 16°37'00" West, a distance of 300.00 feet; thence North 73°23'00" West, a distance of 125.02 feet to the POINT OF BEGINNING. LESS: Parcel M-3 more particularly described as follows: Commence at the North 1/4 corner of Section 26, Township 20 South, Range 24 East, Lake County, Florida; thence run S 89°39'00" W along the North line of the Northwest 1/4 of said Section for a distance of 967.20 feet; thence run S 11°10'10" W for a distance of 67.36 feet to the Point of Beginning; thence continue S 11°10'10" W for a distance of 403.75 feet; thence run N 76°03'20" W for a distance of 418.88 feet; thence run N 00°21'00" W for a distance of 292.22 feet; thence run N 89°39'00" E along a line lying 66.00 feet South of (when measured at right angles) and parallel with said North line of the Northwest 1/4 of Section 26 for a distance of 486.55 feet to the Point of Beginning.

AND:

That portion of Section 27, Township 20 South, Range 24 East, Lake County, Florida, described as follows: The North 66.00 feet of the East 1/2, LESS Right of Way of State Road No. 33.

AND:

The East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 27, Township 20 South, Range 24 East, in Lake County, Florida.

AND:

That part of the North 3/4 of the Northwest 1/4 lying West of Palatlahaha Creek and lying Northeast of the land acquired by the Florida State Turnpike Authority; all in Section 35, Township 20 South, Range 24 East, in Lake County, Florida.

AND:

That part of the Northeast 1/4 and the North 1/2 of the Southeast 1/4 and the Northeast 1/4 of the Southwest 1/4 and the East 1/2 of the Northwest 1/4 lying East of Palatlahaha Creek (also known as Palatlahaha River) and its tributary to the North and lying Northerly of the North Right-of-Way line of the Sunshine State Parkway (a 300' R/W), all being in Section 35, Township 20 South, Range 24 East, in Lake County, Florida.

AND:

All that part of the South 1/2 of the Southeast 1/4 lying West of the West Right-of-Way line of U.S. Highway No. 27; and the East 1/2 of the Southwest 1/4 and the Northwest 1/4 of the Southwest 1/4 and the Northwest 1/4 and the North 1/4 of the Northeast 1/4 lying West of the Right-of-Way line of U.S. Highway No. 27. All in Section 36, Township 20 South, Range 24 East, Lake County, Florida.

LESS:

From the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 36, Township 20 South, Range 24 East, Lake County, Florida, run thence N 89°45'58" E along the North line of the said Northwest 1/4 of the Northeast 1/4 of said Section 36 a distance of 877.909 feet for a Point of Beginning. Continue N 89°45'58" East

along said North line of the Northwest 1/4 of the Northeast 1/4 a distance of 92.65 feet to a point on the Westerly Right-of-Way line of U.S. Highway 27 as it exists this 17th day of June, 1986; thence S 10°33'04" E along said Westerly Right-of-Way line a distance of 264.76 feet; thence S 89°45'58" W parallel with the said North line of the Northwest 1/4 of the Northeast 1/4 of said Section 36 a distance of 249.22 feet; thence N 19°33'53" E 19.46 feet; thence 21°53'37" E 79.62 feet; thence N 30°30'45" E 83.61 feet; thence North 20°16'11" E 89.48 feet; thence N 07°01'09" W 12.83 feet to the Point of Beginning and Point of Terminus.

LESS:

From the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 36, Township 20 South, Range 24 East, Lake County, Florida, run thence N 89°45'58" E along the North line of said Northwest 1/4 of the Northeast 1/4 of said Section 36 a distance of 877.90 feet to a concrete monument; thence continue N 89°45'58" E along said North line of the Northwest 1/4 of the Northeast 1/4 a distance of 92.65 feet to a point on the Westerly Right-of-Way line of U.S. Highway 27, said Right-of-Way being 100.00 feet from (when measured at right angles) the center-line thereof; thence S 10°33'04" E along said Westerly Right-of-Way line a distance of 264.76 feet to a concrete monument stamped R.L.S. 1916 and the Point of Beginning; from said Point of Beginning, run S 89°45'58" W parallel with the North line of the Northeast 1/4 of Section 36, a distance of 249.22 feet; thence S 19°33'53" W, 209.13 feet; thence N 89°45'58" E, 355.88 feet to the aforescribed Westerly Right-of-Way line of U.S. Highway 27; thence N 10°33'04" W 200.00 feet to the Point of Beginning.

LESS:

The following lots lying within THE PLANTATION AT LEESBURG, BELLE GROVE, according to the Plat thereof as recorded in Plat Book 28, Pages 77 thru 83, Public Records of Lake County, Florida: Lots 29, 43, 46, 48, 54, 66, 76, 82, 159 and 194.

LESS:

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The following lots lying within THE PLANTATION AT LEESBURG, according to the Plat thereof as recorded in Plat Book 28, Pages 35 thru 37, Public Records of Lake County, Florida: Lots 2, 4, 6, 9, 11, 12, 15, 21, 23, 24, 25, 27, 31, 32, 35, 43, 45, 59, 60, 63, 64, 65, 71, 72, 75, 78, 79, 85, 86, 87, 88, 117, 129, 130, 131, 141, 145, 146, 150, 162, 173, 174, 177, 179, 182, 184, 187, 190, 193, 194, 199, 201, 202, 204, 206, 207, 208, 209, 210, 211, 215, 217, 218, 221, 223, 224, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, and 237.

All together containing 1551.782 acres more or less and being subject any rights-of-way, restrictions and easements of record.