

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for certificates to provide water and wastewater service in Sumter County by Central Sumter Utility Company, L.L.C.	DOCKET NO. 050192-WS ORDER NO. PSC-05-0844-PAA-WS ISSUED: August 18, 2005
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The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING TEMPORARY RULE WAIVER
AND
FINAL ORDER GRANTING ORIGINAL WATER AND WASTEWATER
CERTIFICATE NOS. 631-W AND 540-S

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN BY THE Florida Public Service Commission that the action discussed herein granting a temporary waiver of Commission rules is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

On March 22, 2005, Central Sumter Utility Company, L.L.C. (Central Sumter or utility) filed its application for original water and wastewater certificates in Sumter County. The area is in the Southwest Florida Water Management District and is not in a water use caution area. The utility anticipates serving approximately 16,144 water equivalent residential connections (ERCs) and 13,700 wastewater ERCs. Central Sumter asserts that construction will begin in 2009 and will be completed in 2014. The affiliated developer, The Villages of Lake-Sumter, Inc., is developing the service territory as a Planned Unit Development, an expansion of The Villages of Sumter Development of Regional Impact Master Plan. The developer plans to construct single family detached and attached homes in a retirement community. The primary commercial facilities that will be constructed include offices, retail stores, restaurants, institutional/educational uses, medical facilities and recreational facilities. The developer and the utility anticipate that the first residents will be moving into the service area in 2009, with the system operating at 80% of design capacity in 2012.

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FPSC-COMMISSION CLERK

The water treatment plant will be designed to supply the maximum demand plus the average demand of peak hourly flows. The plant will consist of three 12-inch wells that will provide 1.453 million gallons per day (MGD) of potable water. The water treatment will consist of odor control, pH adjustment, chlorination and storage. The gas chlorination system will be used to maintain a disinfectant residual in the distribution system. Ground and elevated storage tanks will be constructed to provide water during peak hours. The ground storage tank will be equipped with high service pumps to deliver water to customers and maintain adequate distribution system pressure.

The wastewater treatment plant will be a 2.000 MGD facility, with the ability to provide 1.542 MGD maximum month average daily flow. Wastewater will be treated using an aerobic treatment system, with an oxidation ditch design and disposal at onsite rapid infiltration basins. The rapid infiltration basins will only be used during wet weather periods and when the treated effluent does not meet public reuse standards as required by the Florida Department of Environmental Protection. The wastewater site will also have effluent reuse facilities to provide irrigation water for golf courses within the development.

Central Sumter has requested a temporary waiver from several requirements of Rule 25-30.033, Florida Administrative Code, in order to bifurcate the certification and rate setting aspects of the case. In that way, certificates can be issued to Central Sumter within the time required by Section 367.031, Florida Statutes, and Central Sumter will be able to proceed with the permitting for its water use permit. The Commission would then set initial rates for the new utility at a later time. As explained below, we grant Central Sumter's petition for a temporary rule waiver, and we find that its application for original water and wastewater certificates is in the public interest. We grant Central Sumter original Certificate Nos. 631-W and 540-S. We have jurisdiction pursuant to Sections 367.031 and 367.045, Florida Statutes.

DECISION

Rule Waiver

Rule 25-30.033 (1)(k), (r), (t), (u), (v), and (w), Florida Administrative Code, directs the applicant for an original certificate to file information necessary for setting initial rates and charges, including: the filing of the original and two copies of tariffs; a detailed financial statement; a cost study supporting proposed rates and charges; a schedule showing the projected costs of the systems; a schedule showing projected operating expenses; and a schedule showing the projected capital structure. Central Sumter has asked for a temporary waiver of those parts of the rule so that it may receive its certificates and then proceed with water use permitting. When Central Sumter has received its permits it will be able to provide accurate cost estimates, schedules and cost studies to support initial rates and charges. We have not received any protests regarding Central Sumter's application or its petition for temporary rule waiver.

Section 120.542, Florida Statutes, authorizes administrative agencies to grant variances or waivers to the requirements of their rules where the person subject to the rules has

demonstrated that the underlying purpose of the statute has been or will be achieved by other means, and that strict application of the rules would cause the person substantial hardship or would violate principles of fairness. "Substantial hardship" as defined in this section means demonstrated economic, technological, legal, or other hardship.

The underlying statutory provisions pertaining to the above-mentioned rules are Sections 367.031 and 367.045, Florida Statutes. Section 367.031 requires each utility seeking to provide water and wastewater service to obtain a certificate of authorization from the Commission prior to obtaining permits from the Department of Environmental Protection and water management districts. Further, Section 367.045(5)(a), Florida Statutes, states that the Commission may grant a certificate of authorization if it is in the public interest. The purpose of Sections 367.031 and 367.045, Florida Statutes, is to ensure that a utility has the financial and technical ability to provide service and that there is a need for service in the proposed service area.

While Central Sumter has requested a temporary waiver for filing part of the required financial and technical information regarding rate setting, as explained below Central Sumter has provided sufficient information to demonstrate that it will have the financial and technical ability to provide water and wastewater service to the proposed service area. The development planned for the Central Sumter territory will need water and wastewater service in 2009. The development will consist of 10,725 residential units and 3,889 commercial units to be developed in 2009 through 2014. Central Sumter states that the only other utilities nearby are North Sumter Utility Company, L.L.C. (North Sumter), which is a related party, and the City of Wildwood. Central Sumter explains that due to the limited capacities and the remote location of the proposed service area it is more cost effective to construct new water and wastewater plants than to expand the existing North Sumter system. Central Sumter also explains that the City of Wildwood has indicated that it will not provide service to the proposed service territory.

Central Sumter states that although it does not expect to provide service for four years, the Southwest Florida Water Management District has required the company to obtain a certificate from the Commission before it will review Central Sumter's water use permit. The conundrum Central Florida faces is that it cannot procure a water use permit until it procures a Commission certificate. If we do not temporarily waive our rules, however, Central Sumter cannot receive a certificate without providing detailed facility cost information, but it cannot calculate detailed facility cost information until it receives its water and other permits. The hardship created by this circumstance is Central Sumter's inability to proceed with the development of its water and wastewater facilities to serve the planned development.

When a utility has met the criteria set forth in Section 120.542, Florida Statutes, we have granted a temporary waiver of the rules regarding establishment of initial rates and charges and bifurcated the two parts of our certification proceedings. See, Order No. PSC-98-1644-FOF-WS, issued December 7, 1998 in Docket No. 980876-WS In re: Application for certificate to operate water and wastewater facility in Marion County by Ocala Springs Utilities, Inc. If a utility is unable to meet the underlying purpose of the statute, however, we have not granted a rule waiver. See Order No. PSC-99-1603-PAA-WS, issued August 16, 1999, in Docket No. 990696-WS, In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation (utility had not shown the need for service

or the ability to provide it). In the case before us here, Central Sumter has met the underlying purpose of Sections 367.031 and 367.045, Florida Statutes, because it has demonstrated the technical and financial ability to provide service and a need for service in the proposed territory. In addition, Central Sumter has shown that it will suffer substantial hardship if all of the provisions of Rule 25-30.033, Florida Administrative Code, are strictly applied.

Central Sumter has requested a waiver of our rules until it receives its other permits and is closer to commencing operations. Central Sumter states that it will file its proposed tariffs and other required financial schedules to set initial rates sufficiently in advance of beginning operations, so that we will have sufficient time to review the proposed rates. Central Sumter has also agreed to provide us annual status reports on the development of the utility. Under these circumstances we find that the utility has met the requirements found in Section 120.542, Florida Statutes, and we grant Central Sumter's petition for temporary waiver of Rules 25-30.033(1)(k), (r), (t), (u), (v), and (w), Florida Administrative Code, until it has completed its permitting and is closer to commencement of operations.

Water and Wastewater Certificates

Central Sumter's application for original water and wastewater certificates to provide service in Sumter County is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for original certificates.

The application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. The notice of application for an initial certificate of authorization for water and wastewater certificates was mailed to proposed customers on April 6, 2005. No objections have been received and the time for filing such has expired. We did receive one letter from a resident in the area on May 10, 2005, but the resident only indicated that he did not need the services of the utility. He did not object to the certification of the utility, only to receiving service from the utility. On June 24, 2005, our staff sent a certified letter to the resident asking for a written response by July 5, 2005, if the resident did object to the certification. In the letter our staff explained that the resident is not obligated or being forced to connect to the utility. The resident did not respond to our staff's inquiry. Central Sumter's attorney also confirmed by letter that the resident would not be forced to connect to the utility.

Rule 25-30.033(1)(j), Florida Administrative Code, allows an applicant who does not own the land on which the utility's facilities will be located to submit a contract for the purchase and sale of the land with an unexecuted copy of the warranty deed, provided that the applicant files an executed and recorded copy of the deed within 30 days after the Order granting the certificate. Accordingly, Central Sumter has submitted a copy of the contract for the purchase and sale of the land and an unexecuted copy of the warranty deed. Central Sumter's attorney has provided assurance that the closing will take place and a copy of the executed and recorded warranty deed will be filed with us within 30 days of the issuance of our order granting the certificates.

Central Sumter has provided adequate service territory and system maps and a territory description as prescribed by Rule 25-30.033(1)(l), (m) and (n), Florida Administrative Code. A description of the territory requested is appended to this Order as Attachment A.

Central Sumter has the financial and technical ability to provide service to the proposed service area. Central Sumter is affiliated with the developer of the service area, which is providing start-up funding and funding to cover operation during the initial years. The application includes a letter from the Treasurer of VLSI committing to the financial support of the utility and a copy of its most recent financial statement. Our review of the financial statements of VLSI has convinced us that there are adequate resources to support the utility during the initial years. VLSI also financed and controlled Little Sumter Utility Company, L.L.C. and North Sumter Utility Company, L.L.C., which are both successful utilities. Also, VLSI's letter indicated that funding would come from the collection of CIAC and the issuance of bonds. Regarding Central Sumter's technical ability, VLSI indicated that it will make the financial and operating commitment necessary for Central Sumter to be successful in providing water and wastewater service to the future residents in the proposed service territory. Central Sumter will retain licensed professionals for construction, management and operation of the utility systems.

The application adequately describes a need for water and wastewater service within the proposed service territory. The development will consist of 10,725 residential units and 3,889 commercial units to be developed in 2009 through 2014. Central Sumter stated that the only other utilities nearby are North Sumter, which is a related party, and the City of Wildwood. Due to the limited capacities and the remote location of the proposed service area it is more cost effective to construct new water and wastewater plants than to expand the North Sumter Utility system. According to the application, the City of Wildwood has indicated that it would not provide service to the proposed service territory. The application states that the provision of service in the proposed service territory as outlined in the application is consistent with the water and wastewater sections of the local comprehensive plan for Sumter County, as approved by the Department of Community Affairs (DCA). The DCA reviewed the application filed by the utility and commented that the proposal to provide water and wastewater service by Central Sumter was consistent with the Sumter County Comprehensive Plan.

Based on the above information, we find that it is in the public interest to grant Central Sumter's application for original water and wastewater Certificate Nos. 631-W and 540-S to serve the territory described in Attachment A. Central Sumter shall file an executed and recorded copy of the warranty deed for the land for the water and wastewater facilities within 30 days of the issuance date of the Order granting the certificates.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Central Sumter L.L.C.'s petition for a temporary waiver of Rule 25-30.033 (1)(k), (r), (t), (u), (v), and (w), Florida Administrative Code, is granted as described in the body of this Order. It is further

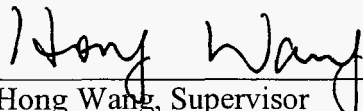
ORDERED that the portion of this Order granting the petition for temporary waiver shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that Central Sumter Utility Company, L.L.C. is granted Certificate Nos. 631-W and 540-S to provide water and wastewater service to the area described in Attachment A, effective August 2, 2005. The certification portion and the rate-setting portion of this proceeding shall be bifurcated and the Commission will set initial rates, charges, and return on equity for the utility at a later date. It is further

ORDERED that this docket shall remain open pending receipt of the annual status reports on the development of the utility, the executed and recorded copy of the warranty deed to be filed within 30 days of the issuance of this Order, and to establish initial rates, charges and return on equity.

By ORDER of the Florida Public Service Commission this 18th day of August, 2005.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: 

Hong Wang, Supervisor
Case Management Review Section

(SEAL)

MCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

As identified in the body of this order, our action granting a temporary rule waiver is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 8, 2005. If such a petition is filed, mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing. In the absence of such a petition, this order shall become effective and final upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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 the Commission Clerk and Administrative Services 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 wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services 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.

Attachment A

CENTRAL SUMTER UTILITY COMPANY
WATER AND WASTEWATER SERVICE AREA
SUMTER COUNTY

THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY FLORIDA, LYING SOUTH OF C.R. 466-A.

AND

THE SOUTH 1/2 OF SECTION 2, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, LESS RIGHT-OF-WAY FOR C.R. 466-A.

AND

THE SOUTH 1/2 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR C.R. 466-A AND LESS BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; RUN WEST 295.00 FEET, SOUTH 295.00 FEET, EAST 295.00 FEET, NORTH 295.00 FEET TO THE BEGINNING.

AND

THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; LESS RIGHT-OF-WAY FOR C.R. 466-A.

AND

THE NORTH 1/2 OF THE SOUTHWEST 1/4 LESS RIGHT-OF-WAY ON NORTH SIDE FOR CR 466-A, AND LESS RIGHT-OF-WAY ON WEST SIDE FOR CR 139 AND LESS THE SOUTH 15.00 FEET OF THE WEST 789.00 FEET OF THE NORTH 1/2 OF THE SOUTHWEST 1/4, AND LESS THE NORTH 466.70 FEET OF THE SOUTH 481.70 FEET OF THE WEST 490.70 FEET OF THE NORTH 1/2 OF SAID SOUTHWEST 1/4.

AND

THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST.

AND

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING

NORTH OF THE S.A.L. RAILROAD RIGHT-OF-WAY, LESS OLD STATE ROAD 44 RIGHT-OF-WAY.

LESS AND EXCEPT THE FOLLOWING:

COMMENCE AT THE NORTHWEST CORNER OF THE EAST 1/2 OF SOUTH 1/2 OF NORTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST, FOR A POINT OF BEGINNING; 1) THENCE RUN S00 DEG 03 MIN 45 SEC WEST ALONG THE WEST LINE OF THE EAST 1/2 OF SOUTH 1/2 OF NORTHEAST 1/4 OF SAID SECTION 8, A DISTANCE OF 4.79 FEET; 2) THENCE RUN S38 DEG 07 MIN 08 SEC WEST A DISTANCE OF 35.12 FEET; 3) THENCE RUN S69 DEG 08 MIN 06 SEC WEST A DISTANCE OF 5.77 FEET TO THE NORTH RIGHT OF WAY LINE OF HWY. 44A; 4) THENCE RUN N65 DEG 34 MIN 36 SEC WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 84.16 FEET, TO THE NORTH LINE OF SOUTH 1/2 OF NORTHEAST 1/4 OF SOUTHEAST 1/4 OF SAID SECTION 8; 5) THENCE RUN S89 DEG 49 MIN 31 SEC EAST, ALONG SAID NORTH LINE A DISTANCE OF 103.70 FEET, TO THE POINT OF BEGINNING TO CLOSE.

AND

THE EAST 1/2 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 23 EAST, LESS THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THE SOUTH 3/4 OF THE NORTHWEST 1/4; THE WEST 1/2 OF THE SOUTHWEST 1/4, LESS ANY PORTION THEREOF LYING WITHIN THE RIGHT-OF-WAY FOR COUNTY ROAD 139 OR COUNTY ROAD 44A, ALSO LESS RAILROAD RIGHT-OF-WAY; THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SOUTHWEST 1/4 AND THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SOUTHWEST 1/4 LYING SOUTH OF RAILROAD.

AND

BEGIN AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 23 EAST; THENCE RUN SOUTH 440.00 FEET, EAST 396.00 FEET, NORTH 440.00 FEET. WEST 396.00 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE LESS ANY PORTIONS THEREOF LYING WITHIN THE RIGHT-OF-WAY FOR COUNTY ROAD 139 OR COUNTY ROAD 44A OR WITHIN THE RIGHT-OF-WAY FOR THE C.S.X. TRANSPORTATION RAILROAD RIGHT-OF-WAY.

AND

ALL OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

ALL OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

ALL OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY FLORIDA.

AND

ALL OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY FLORIDA; AND LESS ANY PORTION THEREOF LYING WITHIN COUNTY ROAD RIGHT-OF-WAY.

AND

THE WEST 1/2 OF THE NORTHWEST 1/4; THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THE EAST 1/2 OF THE SOUTHEAST 1/4; THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 LYING EAST OF THE RAILROAD RIGHT-OF-WAY, THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 LYING NORTH AND EAST OF THE RAILROAD RIGHT-OF-WAY, IN SECTION 16, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; LESS TERMINAL LANDS; LESS ANY PORTIONS THEREOF LYING WITHIN THE RIGHT-OF-WAY FOR COUNTY ROAD 44-A.

AND

THE WEST 3/4 OF THE NORTHEAST 1/4 OF NORTHWEST 1/4, LYING NORTH OF STATE ROAD 44, LESS ANY PORTION THEREOF LYING WITHIN THE RIGHT-OF-WAY FOR COUNTY ROAD 44 AND THE SOUTHEAST 1/4 OF NORTHWEST 1/4 LYING NORTH OF STATE ROAD 44, ALL IN SECTION 16, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

BEGIN AT SOUTHEAST CORNER OF NORTHEAST 1/4 OF NORTHWEST 1/4. RUN S89°50'W, 331.20 FEET, NORTH 797.68 FEET, S61°21'21"E, 835.26 FEET, SOUTH 395.15 FEET, S89°50'W, 401.84 FEET TO POINT OF BEGINNING, SECTION 16, TOWNSHIP 19 SOUTH, RANGE 23 EAST.

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AND

THE WEST 1/2 OF WEST 1/2 NORTH OF STATE ROAD 44 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 23 EAST, LESS ROAD RIGHT-OF-WAY.

AND

THAT PART OF THE NORTHEAST 1/4 OF NORTHEAST 1/4 LYING NORTH OF STATE ROAD 44, LESS ROAD RIGHT-OF-WAY ON WEST END, SECTION 17, TOWNSHIP 19 SOUTH, RANGE 23 EAST.

AND

THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SECTION 23, TOWNSHIP 19 SOUTH, RANGE 23 EAST, IN SUMTER COUNTY, FLORIDA, LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD.

AND

THAT PART OF THE WEST 3/4 OF SAID SECTION 24, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LYING NORTH OF THE RAILROAD RIGHT-OF-WAY.

CONTAINING 4908.95 ACRES, MORE OR LESS.