

GATLIN, SCHIEFELBEIN & COWDERY, P.A.
Attorneys at Law

The Mahan Station
1709-D Mahan Drive
Tallahassee, Florida 32308

B. KENNETH GATLIN
WAYNE L. SCHIEFELBEIN
KATHRYN G.W. COWDERY

TELEPHONE (904) 877-5609
TELECOPIER (904) 877-9031
E-MAIL: bkgatlin@nettally.com

May 27, 1997

ORIGINAL
FILE COPY
HAND DELIVERY

Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. **961299-WS**
Application for Grandfather Certificates to Provide Water and
Wastewater Service in Polk County by Garden Grove Water Company,
Inc.

Dear Ms. Bayo:

Pursuant to Staff direction, enclosed herewith on behalf of
Garden Grove Water Company, Inc. for filing in the above docket are

1. an original and 8 copies of the Opinion of Title of
Attorney Stephen K. Brooks, that Garden Grove Water
Company, Inc. is the title holder of record in fee simple
of the Cypresswood Wastewater Treatment Plant, 10.46 Acre
Pond Addition; the Cypresswood Wastewater Treatment Plant,
Maintenance Building; the Cypresswood Wastewater Treatment
Plant, Effluent Disposal Facility; the Eloisewood Water
Plant; and the Cypresswood Water Plant; and
- 2) nine copies of a twenty (20) year Use Agreement dated May
12, 1997, for Garden Grove Water Company, Inc.'s reuse
irrigation system.

05249-97

05250-97

Please acknowledge receipt of the foregoing by stamping the
enclosed extra copy of this letter and returning same to my
attention. Thank you for your assistance.

Sincerely,

Wayne L. Schiefelbein
Wayne L. Schiefelbein

RECEIVED & FILED
16
DIVISION OF RECORDS

- ACK
- AFA 05250-97
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG 2
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

WLS/pav
Enclosure

cc w/o encl.: Kathy Johnson

Use
Agreement
DOCUMENT NUMBER-DATE

05250 MAY 27 5

FPSC-RECORDS/REPORTING

Opinion of Title
DOCUMENT NUMBER-DATE

05249 MAY 27 5

FPSC-RECORDS/REPORTING

ORIGINAL
FILE COPY

USE AGREEMENT

THIS USE AGREEMENT is made and entered into by and between Garden Grove Water Company, Inc., hereinafter called "Garden Grove", and John G. Wood, hereinafter called "Wood".

WITNESSETH:

IN CONSIDERATION of the mutual promises made herein the parties agree as follows:

1. Wood hereby agrees to accept from Garden Grove waste water effluent that meets all regulatory requirements for purposes of a reuse irrigation system on lands owned by Wood described more particularly in Exhibit "A" attached hereto. The amount of waste water effluent to be accepted will be determined by the reuse feasibility study and plan approved by the Florida Department of Environmental Protection.
2. The term of this use agreement shall be for a period of twenty (20) years.
3. This agreement may be terminated as to all or part of the lands described in Exhibit "A" by either party upon a six (6) month notice of termination being given by the terminating party to the other party. Any termination of this agreement shall not be effective unless Garden Grove has obtained substitute land suitable to accept the same amount of waste water effluent that is being placed on the land covered by that portion of the agreement being terminated. Suitability shall be determined by Garden Grove obtaining all necessary regulatory permits for the substitute land.
4. Wood shall be responsible for the maintenance of the citrus grove and irrigation system connected to the pumps and be entitled to all fruit crops associated with the land. Garden Grove will not permit the effluent irrigation to adversely affect the growing of citrus on the lands described in Exhibit "A".
5. Wood agrees to allow Garden Grove to maintain and operate monitoring wells in accordance with regulatory requirements.

IN WITNESS WHEREOF the parties have executed this agreement this 12th day of MAY, 1997.

Garden Grove Water Company, Inc.

John D. Wood
Witness

John G. Wood
By: John G. Wood, President

Cynthia C. Reusch
Witness

John D. Wood
Witness

John G. Wood
By: John G. Wood

DOCUMENT NUMBER-DATE

05250 MAY 27 97

FPSC-RECORDS/REPORTING

EXHIBIT A

STRUTHERS BLOCK

The South $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ LESS that part deed to Garden Grove Water Company, Inc., and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ LESS the West 270 feet thereof, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the West $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ all being in Section 6, Township 29 South, Range 27 East, Polk County, Florida.

GLENN DENING BLOCK

A parcel of real property located in the NW $\frac{1}{4}$ of Section 31, Township 28 South, Range 27 East, Polk County, Florida, more particularly described as follows: Begin at the Southwest corner of the NW $\frac{1}{4}$ of Section 31, Township 28 South, Range 27 East, in Polk County, Florida; thence run on an assumed bearing of North along the West line of said Section 76.58 feet; thence South 89 deg. 43'10" East, 478.04 feet; thence North 04 deg. 21'49" East, 159.91 feet; thence North 36 deg 25'03" East, 258.03 feet; thence North 44 deg. 14'03" East, 348.43 feet; thence North 34 deg. 53'24" East, 286.11 feet; thence North 57 deg. 13'20" East, 215.73 feet; thence North 83 deg. 49'04" East, 159.61 feet; thence South 72 deg. 41'47" East, 466.62 feet; thence South 35 deg. 15'55" East, 215.29 feet; thence South 33 deg. 25'41" East, 619.80 feet; thence South 07 deg. 39'20" East, 163.90 feet; thence South 89 deg. 43'57" East, 337.40 feet to a point which lies on the East line of said NW $\frac{1}{4}$, thence South 00 deg. 08'19" East, 83.31 feet to the Southeast corner of said NW $\frac{1}{4}$; thence North 89 deg. 33'42" West, 2659.54 feet, returning to the Point of Beginning.

Together with an easement for ingress and egress over the following described property located in Section 31, Township 28 South, Range 27 East, Polk County, Florida, and described as: Starting at the Southwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 28 South, Range 27 East, Polk County, Florida, run North 89 deg. 33'37" East along the South boundary of the said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, 119.00 feet; thence run North 00 deg. 12'22" East, 80.00 feet to the Point of Beginning; thence run South 89 deg. 43'15" West, 852.62 feet, thence run North 04 deg. 22'00" West, 60.0 feet; thence run West to the right-of-way line of Lake Daisy Road, thence run Southerly along said right-of-way line 60.00 feet; thence run East to the Point of Beginning.

CASSIDY BLOCK

The South $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, AND The South $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, LESS the North 160 feet of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (except for the East 310 feet thereof), AND LESS the South 85 feet of the South $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (except for the West 60 feet of the East 190 feet thereof)

AND

The West 60 feet of the East 190 feet of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ All lying in Section 6, Township 29 South, Range 27 East, Polk County, Florida.

LESS AND EXCEPT that portion described as:

The South $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, LESS the North 160 feet of the South $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (except for the East 310 feet thereof) AND LESS the South 85 feet of the South $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (except for the West 60 feet of the East 190 feet thereof) AND,

The West 60 feet of the East 190 feet of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ All lying in Section 6, Township 29 South, Range 27 East, Polk County, Florida. ALSO KNOWN AS LAKE DAISYWOOD SUBDIVISION, as recorded in Plat Book 86, page 39.

EXHIBIT A

Page 2

RHODE BLOCK

Starting at the Southwest corner of the North $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, Township 28 South, Range 27 East, Polk County, Florida, run thence North 00 deg. 00'00" East, a distance of 53.97 feet for the Point of Beginning; continue thence North 00 deg. 00'00" East, along the West boundary of Section 31, a distance of 684.45 feet; thence run South 89 deg. 45'22" East, a distance of 1,449.58 feet; thence run South 00 deg. 12'22" West, a distance of 679.10 feet; thence run North 89 deg 58'03" West, a distance of 1,447.12 feet to the said Point of Beginning, LESS AND EXCEPT the West 30.00 feet thereof for right-of-way. Containing 22.19 net acres, more or less. The above Tract of land is comprised of parts of Lots 2, 3, and 4 of E.L. Haskins Subdivision, Plat Book 2, Page 122, Public Records of Polk County, Florida.

RACE BLOCK

Lots 14, 15, 16, and South 360 feet of Lots 9, 10, 11, and 12, of E. L. HASKINS SUBDIVISION of the SW $\frac{1}{4}$ of Section 31, Township 28 South, Range 27 East, according to the plat thereof recorded in Plat Book 2, Page 122, Public Records of Polk County, Florida; also, the N $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, Township 29 South, Range 27 East; and the N $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 6, Township 29 South, Range 27 East, LESS AND EXCEPT the South 50 feet of said N $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, LESS the East 310 feet thereof.

LESS AND EXCEPT that portion described as:

A part of Lots 9, 10, 15, and 16 of E.L. Haskins Subdivision as recorded in Plat Book 2B, Page 122 of the Public Records of Polk County, Florida and a part of Section 6, Township 29 South, Range 27 East, Polk County, Florida described as: Commence at the Southeast corner of the Southwest $\frac{1}{4}$ of Section 31, Township 28 South, Range 27 East, Polk County, Florida said point also being the Southeast corner of said Lot 16 and run N 00 deg. 47'10" West along the East boundary of said Lots 9 and 16, 1019.22 feet; thence South 89 deg. 42'36" West, 1227.03 feet, thence South 38 deg, 56'33" East, 1735.85 feet; thence North 89 deg. 28'41" East, 426.81 feet; thence South 00 deg. 21'43" West, 325.00 feet to a point on the South boundary of the North $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 6; thence North 89 deg. 20'20" East along said South boundary, 1090.44 feet; thence North 00 deg. 06'01" West, 653.38 feet to a point on the North boundary of the Northeast $\frac{1}{4}$ of said Section 6; thence South 89 deg. 40'42" West along said North boundary, 1364.03 feet to the Point of Beginning. Containing 40.01 acres MORE OR LESS.