

ORIGINAL

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OF COUNSEL  
THOMAS F. WOODS

January 7, 1998

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

HAND DELIVERY

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

Docket No. 970158-WS  
Application for grandfather certificate to operate a water and  
wastewater utility in Polk County, by Orchid Springs  
Development Corporation

Dear Ms. Bayo:

Enclosed for filing in each of the above two dockets are nine  
(9) copies of the following three documents:

- 1. Settlement Agreement between Garden Grove Water Company  
and Orchid Springs Development Corporation;
- 2. Letter dated October 17, 1997 from Mary J. Pace,  
President, Art Effects; and
- 3. Letter dated October 29, 1997 from John A. McCoy, General  
Partner, The Hawthorne Inn.

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

Sincerely,

*Wayne L. Schiefelbein*

Wayne L. Schiefelbein

DOCUMENT NUMBER-DATE

00189 JAN-7 98

FPSC-RECORDS/REPORTING

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Enclosures

cc w/enclosures:

Ralph R. Jaeger, Staff Counsel (hand delivery)

M. Lance Holden, Esq.

**SETTLEMENT AGREEMENT**

This Settlement Agreement is made this 26 day of December, 1997, by and between GARDEN GROVE WATER COMPANY, INC. (Garden Grove) and ORCHID SPRINGS DEVELOPMENTS CORPORATION (Orchid Springs).

**WHEREAS**, Garden Grove and Orchid Springs provide water and wastewater service to the public in Polk County, and

**WHEREAS**, Garden Grove and Orchid Springs are authorized to provide such service within the territory prescribed by franchises granted to them by Polk County; and

**WHEREAS**, Garden Grove and Orchid Springs each have an application for grandfather certificates pending before the Florida Public Service Commission (FPSC), by which they seek to preserve their respective territories authorized by Polk County prior to the County's adoption of a resolution transferring water and wastewater regulatory jurisdiction to the FPSC; and

**WHEREAS**, Orchid Springs' territory under its County franchise is located within the interior of Garden Grove's territory under its County franchise; and

**WHEREAS**, on or about April 1987 and December 1996, Garden Grove extended water and wastewater service to two customers without knowledge that such customers are located within "Tract #1" of the Orchid Springs franchise area; and

**WHEREAS**, the legal description of the franchise area of Orchid Springs is in other minor respects ambiguous or technically incorrect; and

**WHEREAS**, as a result of certain discussions between Garden Grove, Orchid Springs and the FPSC staff, the parties now wish to resolve any differences with respect to the legal descriptions of their respective franchise areas and thereby facilitate FPSC approval of their respective grandfather applications, and to seek FPSC approval of such resolution;

**NOW, THEREFORE**, with FPSC approval, the parties, their successors and assigns, in consideration of the foregoing and for other good and valuable consideration shall abide by the terms of this Settlement Agreement as follows:

1. The foregoing recitals are incorporated herein as if further set out at length.

2. This Agreement shall become binding upon the Parties, and their successors and assigns, upon its execution by duly authorized representatives of the respective entities and upon final approval by the FPSC.

3. The two customers currently served by Garden Grove within "Tract #1" of the Orchid Springs franchise area shall remain the customers of Garden Grove.

4. a) The legal description of the area for which Orchid Springs seeks certification by the FPSC under grandfather rights is modified as reflected in Attachment "A".

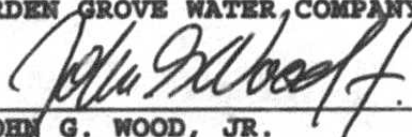
b) The legal description of the area for which Garden Grove seeks certification by the FPSC under grandfather rights is modified as reflected in Attachment "B".

c) Upon approval of this Agreement by the FPSC, the Parties shall comply with FPSC requirements regarding any modification of the territorial maps and territorial legal descriptions for tariffs, to reflect the above modified legal descriptions of their respective territories.

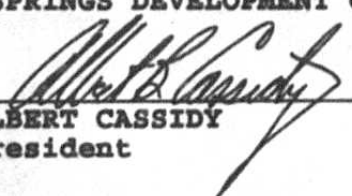
5. This Agreement may be signed in counterparts by the respective parties hereto.

WHEREFORE, the parties have executed this Settlement Agreement on the date first set out hereinabove by the signatures of their duly authorized representatives.

GARDEN GROVE WATER COMPANY, INC.

  
\_\_\_\_\_  
JOHN G. WOOD, JR.  
Vice President

ORCHID SPRINGS DEVELOPMENT CORPORATION

  
\_\_\_\_\_  
ALBERT CASSIDY  
President



## ORCHID SPRINGS FRANCHISE

**TRACT A:** Starting at the Northeast corner of Section 35, Township 28 South, Range 26 East, run thence South 0°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 South 0°22' East along the East boundary of Section 35 a distance of 1414.2 feet; thence North 89°44' East a distance of 560 feet; thence North 33°58' East a distance of 1000 feet; thence North 40°11' West a distance of 1826.13 feet; thence North 60°57' West a distance of 467 feet to the Easterly right-of-way boundary of County Road 550; thence South 29°03' West along the Easterly right-of-way of County Road 550 a distance of 1195 feet; thence North 89°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 Northeast quarter of the Northeast quarter of Section 35, Township 28 South, Range 26 East, lying East of the right-of-way of County Road 550, containing approximately 11.16 acres. Also the 12½ 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 #2:** All that part of the West half of the Southwest quarter of the Southwest quarter of Section 25, Township 28 South, Range 26 East, and the East half of the Southeast quarter of the Southeast quarter, Section 26, Township 28 south, range 26 East, lying Southeasterly and Southerly of the right-of-way of County Road 550, 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 North 89°46' East along the South boundary of said Section 25 a distance of 148.78 feet for the POINT OF BEGINNING; thence run North 40°11' West a distance of 303.13 feet, thence North 60°57' West a distance of 467 feet to a concrete marker located on the Easterly right-of-way boundary of County Road 550 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 of record and/or in use.

**TRACT #3:** The South half of the Southeast quarter of the Northeast quarter, 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°46' East along the North boundary of Section 36 a distance of 148.78 feet for a POINT OF BEGINNING; thence run South 40°11' East a distance of 1523.0 feet, thence South 33°58' West a distance of 1000.0 feet, thence South 89°44' West a distance of 560 feet to the West boundary of Section 36, thence South 0°22' East along the Section line 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°50'30" East along the centerline of a canal a distance of 683.83 feet, thence North 33°58' East a distance of 1296.18 feet, thence North 40°11' West a distance of 1506.60 feet to a point on the North boundary of Section 36, thence run South 89°46' West 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 #4:** 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°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°11' East a distance of 1506.60 feet, thence South 33°58' West a distance of 1296.18 feet to the centerline of a canal, thence run North 69°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 #5:** The South half of the Southeast quarter Section 25, Township 28 South, Range 26 East, Polk County, Florida, **LESS AND EXCEPT:** Begin at the Northeast corner of said South half of the Southeast quarter and run South 0°19'17" East along the East line of said South half of the Southeast quarter a distance of 457.10 feet, thence North 88°44'17" West 108.15 feet, thence South 52°15'43" West 476.63 feet, thence South 0°5'17" East 252.20 feet, thence South 89°54'43" West 138.00 feet, thence North 0°5'17" West 182.00 feet, thence North 80°58'17" West 419.00 feet, thence North 50°57'17" West 725.00 feet, thence North 69°41'17" West 625.70 feet, thence North 0°5'17" West 72.69 feet to a point on the North line of said South half of the Southeast quarter, thence North 89°54'43" East along said North line 2184.81 feet to the POINT OF BEGINNING, **LESS AND EXCEPT** right-of-way of County Road 550, 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 and **LESS AND EXCEPT** Beginning 473.96 Feet North of the Southwest corner of the South half of the Southeast quarter and run North a distance of 812.03 feet thence run East a distance of 313.07 feet thence run South a distance of 806.95 feet thence run West a distance of 313.03 feet to the Point of Beginning.

**TRACT #6:** 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 South 69°50'30" West 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 a distance of 1,496.01 feet 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.

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Garden Grove Water Company  
Water and Wastewater Service Area  
Polk County

All or Parts of Township 28 South, Range 26 East, Sections 25, 26, 27, 34, 35, and 36, Township 28 South, Range 27 East, Sections 19, 20, 29, 30, 31, and 32, Township 29 South, Range 26 East, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23 and 24, and Township 29 South, Range 27 East, Sections 5, 6, 7, and 18. More particularly described as follows:

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  $00^{\circ}16'09''$  West along said center of section line a distance of 434.64 feet to a curve concave Southerly having a radius of 203.62 feet; thence Easterly along said curve through a central angle of  $24^{\circ}46'14''$  a distance of 88.03' (CH=87.35, CB=S  $65^{\circ}16'36''$  E); thence South  $52^{\circ}53'35''$  East a distance of 1579.16' to the West line of the East half of the Southeast quarter of said Section 9; thence North along said West line to the North line of the East half of the Southeast quarter; thence East along said North line 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 the Northwest quarter of 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 the Northwest quarter, thence continue North along the West boundary of the East half of the West half of Section 34, Township 28 South, Range 26 East to the Northwest corner of the East half 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 North boundary of the South half of said Northeast quarter, thence East along said North boundary to the East line of said Section 26; thence continue East 50' to a point on a line lying 50' East of and parallel with said East line of Section 26, thence, South along said parallel line a distance of 635 feet; thence East to the East boundary of the Southeast quarter of the Northeast quarter of Section 25, Township 28 South, Range 26 East, thence North along said East boundary to the North boundary of said Southeast quarter of the Northeast quarter; thence East along said North boundary to the East boundary of said Section 25; 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 northwest quarter of the Northeast quarter of Section 32, Township 28 South, Range 27 East; thence run East along the South boundary of 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, Township 29 South, Range 26 East; thence continue West along the South boundary of said North half of Section 23, Township 29 South, Range 26 East; thence continue West 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 right-of-way to the POINT OF BEGINNING. LESS AND EXCEPT the Orchid Springs Franchise described as follows:

**TRACTA:** Starting at the Northeast corner of Section 35, Township 28 South, Range 26 East, run thence South  $0^{\circ}22'$  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 South  $0^{\circ}22'$  East along the East boundary of Section 35 a distance of 1414.2 feet; thence North  $89^{\circ}44'$  East a distance of 560 feet; thence North  $33^{\circ}58'$  East a distance of 1000 feet; thence North  $40^{\circ}11'$  West a distance of 1826.13 feet; thence North  $60^{\circ}57'$  West a distance of 467 feet to the Easterly right-of-way boundary of County Road 550; thence South  $29^{\circ}03'$  West along the Easterly right-of-way of County Road 550 a distance of 1195 feet; thence North  $89^{\circ}44'$  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 Northeast quarter of the Northeast quarter of Section 35, Township 28 South, Range 26 East, lying East of the right-of-way of County Road 550, containing approximately 11.16 acres. Also the  $12\frac{1}{2}$  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 #2:** All that part of the West half of the Southwest quarter of the Southwest quarter of Section 25, Township 28 South, Range 26 East, and the East half of the Southeast quarter of the Southeast quarter, Section 26, Township 28 south, range 26 East, lying Southeasterly

and Southerly of the right-of-way of County Road 550, 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 North 89°46' East along the South boundary of said Section 25 a distance of 148.78 feet for the POINT OF BEGINNING; thence run North 40°11' West a distance of 303.13 feet, thence North 60°57' West a distance of 467 feet to a concrete marker located on the Easterly right-of-way boundary of County Road 550 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 of record and/or in use.

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North line of said South half of the Southeast quarter, thence North  $89^{\circ}54'43''$  East along said North line 2184.81 feet to the POINT OF BEGINNING, LESS AND EXCEPT right-of-way of County Road 550, 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 and LESS AND EXCEPT Beginning 473.96 Feet North of the Southwest corner of the South half of the Southeast quarter and run North a distance of 812.03 feet thence run East a distance of 313.07 feet thence run South a distance of 806.95 feet thence run West a distance of 313.03 feet to the Point of Beginning.

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October 17, 1997

John G. Wood, Jr.  
Vice-President  
Garden Grove Water Company, Inc.  
3601 Cypress Gardens Road  
Winter Haven, Florida 33884

Dear Mr. Wood:

You have advised me that there has been a settlement of a dispute between Garden Grove Water Company, Inc. and Orchid Springs Development Corporation concerning which utility would provide service to our property. We have no objection to Garden Grove Water Company, Inc. continuing to provide utility service to our property pursuant to the settlement agreement.

Sincerely,

Art Effects

By: Mary J. Pace  
Mary J. Pace, President





*A Residential Assisted Living Community*

625 Overlook Drive  
Winter Haven, Florida 33884  
941-324-2212

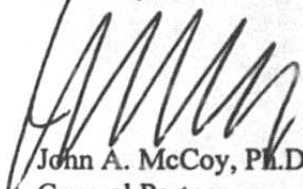
October 29, 1997

John G. Wood, Jr.  
Vice President  
Garden Grove Water Company, Inc.  
3601 Cypress Gardens Rd.  
Winter Haven, FL 33884

Dear Mr. Wood,

You have advised me that there has been a settlement of a dispute between Garden Grove Water Company, Inc. and Orchid Springs Development Corporation concerning which utility would provide service to our property. We have no objection to Garden Grove Water Company continuing to provide utility service to our property pursuant to the settlement agreement.

Sincerely,



John A. McCoy, Ph.D.  
General Partner