



# Public Service Commission

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RECORDS AND REPORTING

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** JULY 9, 1998

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF WATER AND WASTEWATER (MESSER, REDEMANN) *BSM RR*  
DIVISION OF LEGAL SERVICES (VACCARO) *AVB JOW*

**RE:** DOCKET NO. 980075-WS - APPLICATION FOR AMENDMENT OF CERTIFICATES NOS. 580-W AND 500-S IN MARION AND SUMTER COUNTIES BY LITTLE SUMTER UTILITY COMPANY.  
COUNTIES: MARION AND SUMTER

**AGENDA:** JULY 21, 1998 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\WAW\WP\980075.RCM

### CASE BACKGROUND

Little Sumter Utility Company (Little Sumter or utility) provides water and wastewater service to approximately 465 water customers and 429 wastewater customers in Marion and Sumter Counties, Florida. The utility's 1997 annual report shows an annual operating revenue of \$109,451 and a net operating loss of \$61,000. The utility is a Class C utility company under Commission jurisdiction.

On January 14, 1998 the utility applied for an amendment to Water and Wastewater Certificates Nos. 580-W and 500-S in Marion and Sumter Counties, Florida. The amendment would result in an expansion of territory of 117 acres in Sumter County and 1,718 acres in Marion County. On February 13, 1998, the City of Wildwood (City) objected to the filing in that it may have infringed upon the City's rights and obligations created by the establishment of

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the Five Mile Utility Zone and the City's local comprehensive plan. On March 2, 1998, the City withdrew its objection.

Staff has authority to administratively approve applications for amendment when no objections have been filed and the application is without controversy. This case is being brought to the attention of the Commission, because this is a large amendment, the City of Wildwood initially objected to the application, and to address comments made by the Department of Community Affairs(DCA).

### **DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission acknowledge the City of Wildwood's Withdrawal of Objection to Little Sumter Utility Company's Notice of Application to Amend Water and Wastewater Certificates?

**RECOMMENDATION:** Yes. The Commission should acknowledge the City of Wildwood's withdrawal of objection. (VACCARO)

**STAFF ANALYSIS:** On February 4, 1998, the City filed a response to Little Sumter's amendment application, in which the City indicated that it did not object to the utility's application. However, on February 13, 1998, the City filed an amended response, indicating that it did object to Little Sumter's application.

The City stated that the territory sought by Little Sumter falls within the Five Mile Utility Zone created by the City by Ordinance Number.: 19-369 pursuant to Chapter 180, Florida Statutes. The City further stated that it wished to serve the territory sought by Little Sumter, and that expansion of Little Sumter's certificates would infringe upon the City's rights and obligations created by the establishment of the Five Mile Utility Zone and the City's comprehensive plan.

On March 2, 1998, the City filed a withdrawal of its objection. The City stated that it did not object to the utility's application, but its withdrawal should not be deemed as a waiver of objection to any subsequent applications for amendment of water and wastewater certificates. Based on the foregoing, staff recommends that the Commission acknowledge the City's withdrawal of its objection to Little Sumter's amendment application.

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**ISSUE 2:** Should Little Sumter's application for amendment to Water and Wastewater Certificates Nos. 580-W and 500-S be approved?

**RECOMMENDATION:** Yes, Little Sumter's application should be approved for the territory described in Attachment A. Little Sumter should charge the customers in the territory added herein the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding. (MESSER, REDEMANN)

**STAFF ANALYSIS:** As stated previously, on January 14, 1998, the utility filed an application for amendment of territory to Certificates Nos. 580-W and 500-S in Marion and Sumter Counties, Florida, pursuant to Rule 25-30.036(3), Florida Administrative Code. The application is in compliance with the governing statute, Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate to add area. The application contains a check in the amount of \$4,500 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e), (f) and (i), Florida Administrative Code. A description of the territory is appended to this recommendation as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. One objection to the application was filed by the City of Wildwood, but it was subsequently withdrawn. The local planning agency was provided notice of the application and did not file a protest to the amendment.

The staff requested additional information with respect to the financial and technical ability of the utility. In regard to financial ability, Little Sumter is affiliated with the developer of the property. The developer has received industrial revenue bonds of \$8.5 million from the County in 1997. The expansion of the utility will be funded primarily through the bond financing and from collection of contributions-in-aid-of-construction(CIAC). Additional financing is available from bank lines of credit and from the developer. Currently, the utility has a \$3.0 million line of credit from SunTrust.

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With regard to technical ability, Little Sumter has contracted with Operations and Management International as subsidiary of CH2M Hill(OMI), which operates the water and wastewater facilities. In addition, the utility has engaged the firm of Farnar, Barley & Associates, Inc. which is experienced in the operation and regulation of water and wastewater utility systems. The utility's water and wastewater facilities have capacities of 5.328 million gallons per day (mgd) and .9 mgd, respectively. The current average daily flows for May, 1998 at the water treatment plant and wastewater treatment plant were .703 mgd and .069 mgd, respectively. The utility believes that with this application the existing service area and the proposed service area will fully utilize all existing water and wastewater capacities. Effluent disposal is accomplished by a combination of spray irrigation of a golf course, and rapid infiltration basins during excessive wet periods. The water and wastewater plants are in compliance with all applicable standards set by the Florida Department of Environmental Protection (DEP).

The utility has filed revised tariff sheets incorporating the additional territory into its tariff and returned its certificate for entry reflecting the additional territory.

Little Sumters' approved rates and charges were effective pursuant to Order No. PSC-96-1132-FOF-WS, issued September 10, 1996, in Docket No. 960305-WS, an original certificate case. Little Sumter should charge the customers in the territory added herein the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

There currently exists a Memorandum of Understanding (MOU) between the Commission and the DCA, which was entered on June 5, 1998. Pursuant to this MOU, the PSC will provide the DCA with copies of applications for an original certificate and amendment of territory. In return, the DCA is to provide information on the need for service and compliance with local comprehensive plans as it relates to each application, which will be included in the recommendation. Prior to the Memorandum of Understanding between the PSC and the DCA, a trial period was entered where these applications were sent to the DCA and the Commission received DCA's comments.

During the trial period, the Commission received timely responses from the DCA with respect to comprehensive plan consistency and need for service for each amendment and original certificate filed during that time. The DCA's response to the filing of Little Sumter is the first one that indicated any

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concerns. Therefore, the staff believes it is appropriate to address the concerns in more detail.

The Commission received a memorandum from the DCA concerning this amendment application of Little Sumter on March 9, 1998, which concluded that the expansion to the utility service area should occur after the necessary Future Land Use Map changes have occurred and the Florida Quality Development (FQD) has received a development order. An FQD designation is assigned after a project meets a particular set of standards as defined by the DCA.

The information leading to the DCA memo's conclusion is the following. Little Sumter is seeking to expand its service area to provide water and wastewater service adjacent to the southern boundary of the Sumter County portion of Tri County Villages (117 acres) and to the area proposed for the Villages of Marion Florida Quality Development in Marion County (1,718 acres). The proposed expansion territory is expected to be development primarily for residential use.

With respect to consistency with the Sumter County Comprehensive Plan, the memo states that the proposed 117 acre expansion area is currently designated agricultural on the Adopted Future Land Use Map. Sumter County planning staff have verbally indicated that a country club (including a restaurant) and a polo field are planned for this area. The Sumter County Comprehensive Plan does not specifically provide for these uses in the Agricultural Future Land Use Map category other than to provide for "neighborhood commercial" uses in the agricultural area which include "small restaurants."

With respect to consistency with the Marion County Comprehensive Plan, the memo states that the proposed 1,718 acre utility expansion area is currently designated as rural. The memo further states that the Plan requires the provisions of this infrastructure (meaning water and wastewater service) to convert land from an Urban Reserve Future Land Use Map designation to an Urban Expansion Future Land Use Map designation. The developer is proposing to qualify the Marion portion as an FQD site. At the date of the memo, a pre-application meeting had been held for the FQD, but no application for development approval had been filed with the DCA. The memo stated, if the FQD was approved, it would facilitate the conversion of rural land. If the FQD is not approved along with a land use amendment, the proposed utility expansion would be a catalyst for the premature conversion of rural, agricultural land to urban uses.

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The memo seems to indirectly address need for service by noting that the area in Sumter County where the Tri County Villages Development of Regional Impact is located, is a rapidly urbanizing area, and 1,036 residential units were constructed during 1997. Sumter County currently does not provide water or wastewater and therefore is dependent upon private utility providers. In Marion County, the Utilities Director has indicated that the County is seeking an agreement with Little Sumter to service additional area around the requested expansion area with water and wastewater. Further, the memo states that the area just north of the proposed Marion County utility expansion contains a large, relatively undeveloped platted subdivision that lacks water and wastewater infrastructure and which development would be enhanced by the provision of central water and wastewater facilities.

The staff received two responses to this memo, one from the utility and a second combined response from the utility and the land development attorney representing "The Villages". The utility initially stated that, from a practical standpoint, in order to obtain a development order from the local government, it is necessary to identify the provider of water and wastewater service. If the provider is a PSC regulated utility, the developer cannot make representations to the governmental bodies about the provider of service, until the PSC takes its necessary action.

The utility also stated that the Commission has never required that a specific development plan be adopted in order for a territory to be granted to a utility. In particular, it noted the Commission's language in Order No. PSC-94-1524-FOF-SU (Docket No. 931111-SU), concerning the certificate application of Resort Village Utility. This Order recognized various other actions that were pending at the Department of Environmental Protection, the Department of Administrative Hearings and the local County Commission, but indicated that those proceedings do not impact the Commission's review of the application.

The second response joined by the land development attorney took specific exception to the memo's statements that: a) the utility service area should occur after the Land Use Map changes have occurred and the FQD has received its development order; and b) the utility area expansion without approval of the FQD would provide a catalyst for the premature conversion of rural agricultural land to urban uses. The letter identified six points in support of its position.

The first point revolved around the impact of proceeding sequentially versus concurrently in the development process. The

approval of the FQD and a Comprehensive Plan Amendment is typically a 9-12 month process after submittal of an Application for Development Designation, assuming no appeals. PSC certification of new service area may take up to 6 months. Once certification is secured, processing of permits to build the facilities could take another 3-6 months. Certification of the service area is necessary to get financing and permitting into place to match construction guidelines. If these procedures are followed sequentially and not concurrently, the entire construction schedule for "The Villages" is thrown off.

The second point was that requiring the utility to wait until the FQD is approved to receive certification of additional area is unworkable from a practical standpoint. The FQD application itself requires the identification of the water and sewer provider and a description of the facilities (existing or proposed) to serve the new development. A utility service provider must feel comfortable that the service area is going to be certified. If an FQD was granted but the utility service territory was not, the FQD would have to be reopened to modify the development order, with a subsequent cost in time and money.

The third point was that until the additional service area is certified by the PSC, the developer cannot document how the area will be served with utilities. This precludes obtaining financing for utilities and may provide an additional stumbling block toward securing overall financing for the project.

The fourth point was that Marion County does not object to the application for expanding the service area. Marion County plans on reserving capacity with Little Sumter to serve adjacent areas to the development.

The fifth point addressed the memo's statement that approval of the utility expansion prior to the approval of the FQD would provide a catalyst to premature conversion of rural land to urban uses. The response explained the growth management processes, and concluded that the only way a conversion of land from agriculture to urban could occur is for the local government and the DCA to approve it.

Finally, the sixth point addressed the use of the word "premature" with respect to the development encouraged by the delivery of utility services inappropriately hastening the development class change from "agricultural" to "urban" in Sumter County. The memo stated that this area is adjacent to and part of "The Villages", which is an established and continuing urban

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development in Sumter and Lake Counties. Also, it is adjacent to an existing area designated by Marion County as "Urban Expansion Area" and adjacent to an existing FQD that is essentially built-out. To characterize the surrounding area as agriculture is not accurate.

Staff believes that there does appear to be a somewhat circular argument made in the memo by the DCA, suggesting it is more appropriate to defer the decision by the Commission with respect to the utility expansion, pending the developer's receipt of an FQD designation, when, obtaining the FQD designation will require specifying the utility service provider. A utility regulated by the PSC cannot hold itself out as an available service provider to areas outside of its existing certificated area. While this type of provision by the DCA may be feasible in a scenario where utility service is provided by a governmental entity, it does not logically follow when the service provider is regulated by the PSC. Even the memo itself seems to suggest that the Marion County Plan requires the provision of infrastructure to begin any changes in the existing land use designations.

The staff also questions the memo's suggestion that approving the utility service territory prior to land use amendments and FQD designations would generate premature growth in the area. Based on the explanations of the processes involved in growth planning from both the memo and utility responses, it appears that Marion County itself will have to either initiate changes in its existing land use plans or deny permitting future development in the area, since the existing designations are not consistent with its future plans and area growth. The County denying permitting seems highly unlikely since it is already coordinating with the utility to provide service to areas around the proposed expansion area, as stated in the memo. The prior existence of a utility's certificated area should have no impact on forcing growth. The growth would be a function of demand, and changes in land use. The provision of utility service is a subset of these factors, not the precursor to these factors.

Staff believes that the DCA memo clearly supports a need for service in this area, as indicated by the growth in units, nearby development, and plans by the County to coordinate with the utility for service to other areas. However, the issue of consistency with the local comprehensive plan is less clear.

On the one hand, the utility complied with Commission Rule 25-30.036(2)(c), Florida Administrative Code, which requires an amendment applicant to address consistency with the local



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comprehensive plan at the time the application is filed. Included in the application was a letter from a consultant (identified as a member of the American Institute of Certified Planners), that the application had been reviewed in conjunction with the Future Land Use elements and the Sanitary Sewer and Potable Water subelements of the Marion County and Sumter County Comprehensive Plans. The consultant stated that to the best of his knowledge, the provision of water and sewer service as described in the PSC application is consistent the goals, objectives and policies of the Sumter County and Marion County Comprehensive Plans.

Further, Section 367.045(5)(b), Florida Statutes, provides that:

When granting or amending a certificate of authorization, the commission need not consider whether the issuance or amendment of the certificate of authorization is inconsistent with the local comprehensive plan of a county or municipality unless a timely objection to the notice required by this section has been made by an appropriate motion or application. If such an objection has been timely made, the commission shall consider, but is not bound by, the local comprehensive plan of the county or municipality.

The Counties have not protested this amendment. The staff contacted Marion County and discussed the pending application. County officials confirmed that they had no objection to the utility's request to expand its territory. The County confirmed that it plans for Little Sumter to be the regional provider of service in this area of the County, and that it was negotiating an agreement to purchase bulk utility service from Little Sumter at some point in the future.

On the other hand, the DCA memo suggests that the utility expansion is not consistent with the local comprehensive plans, although it doesn't specifically state that. Instead it focuses on the timing of the application being granted and links it to a change in land use.

Obviously, the staff is not expert in the comprehensive plan process and procedures. However, if the application is not consistent with the existing comprehensive plans of the counties, the counties had the option to protest, and/or to restrict growth in those areas - if they believed that this inconsistency was an issue. However, the counties have not protested this amendment, and in fact are reliant on the utility to provide service.

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Further, it appears that the real issue rests between the County and the DCA, since the counties may be required by the DCA to modify/update their comprehensive plans to be more consistent with the area's growth.

Staff believes that it is actually unnecessary for the Commission to come to a determination of comprehensive plan consistency in this docket, in order to approve the utility amendment application. This case has not been protested by the counties, which is the only scenario required by the statute to consider the consistency of the amendment with the local comprehensive plans.

The application meets all other standards as set forth in the statutes and the rules. Therefore, the staff recommends that the amendment application of Little Sumter should be granted for the territory described in Attachment A.

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**ISSUE 3:** Should this docket be closed?

**RECOMMENDATION:** Yes, this docket should be closed. (VACCARO)

**STAFF ANALYSIS:** No further action will be required and the docket should be closed.

LITTLE SUMTER UTILITY COMPANY

MARION AND SUMTER COUNTIES

WATER AND WASTEWATER SERVICE AREA

EXPANSION AREA "A"

A TRACT OF LAND IN SECTIONS 27, 28, 29, 32, 33 & 34, TOWNSHIP 17 SOUTH, RANGE 23 EAST, MARION COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 33; THENCE ALONG THE SOUTH LINE OF SECTION 33 RUN WESTERLY TO THE S.W. CORNER OF THE E1/2 OF THE SW1/4 OF SECTION 33; THENCE RUN NORTHERLY TO THE S.E. CORNER OF THE SE1/4 OF THE NW1/4 OF THE SW1/4 OF SECTION 33; THENCE RUN WESTERLY TO THE S.W. CORNER OF THE W1/2 OF THE SE1/4 OF THE NW1/4 OF THE SW1/4 OF SECTION 33; THENCE RUN NORTHERLY TO THE N.W. CORNER OF SAID W1/2 OF SE1/4 OF NW1/4 OF SW1/4; THENCE RUN WESTERLY TO THE S.W. CORNER OF THE W3/4 OF THE N1/2 OF THE NW1/4 OF THE SW1/4 OF SECTION 33; THENCE RUN NORTHERLY TO THE N.W. CORNER OF SAID W3/4 OF N1/2 OF NW1/4 OF SW1/4; THENCE RUN EASTERLY TO THE S.E. CORNER OF THE SW1/4 OF THE SW1/4 OF THE NW1/4 OF SECTION 33; THENCE RUN NORTHERLY TO THE N.E. CORNER OF SAID SW1/4 OF SW1/4 OF NW1/4; THENCE RUN WESTERLY TO THE N.W. CORNER OF SAID SW1/4 OF SW1/4 OF NW1/4; THENCE RUN SOUTHERLY TO THE S.E. CORNER OF THE NORTH 1/2 OF SECTION 32; THENCE RUN WESTERLY TO THE S.W. CORNER OF SAID NORTH 1/2 OF SECTION 32; THENCE RUN NORTHERLY TO THE N.W. CORNER OF SECTION 32; THENCE RUN EASTERLY TO THE S.W. CORNER OF THE E1/2 OF THE SE1/4 OF SECTION 29; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID E1/2 OF SE1/4 TO THE SOUTH R/W LINE OF COUNTY ROAD 42; THENCE ALONG SAID R/W LINE RUN EASTERLY TO THE EAST LINE OF THE S1/2 OF SECTION 28; THENCE ALONG SAID EAST LINE RUN SOUTHERLY TO THE N.W. CORNER OF THE W1/4 OF THE SW1/4 OF THE SW1/4 OF SECTION 27; THENCE RUN EASTERLY TO THE N.E. CORNER OF SAID W1/4 OF SW1/4 OF SW1/4; THENCE RUN SOUTHERLY TO THE N.W. CORNER OF THE E3/4 OF THE S1/2 OF THE SW1/4 OF THE SW1/4 OF SECTION 27; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID E3/4 OF S1/2 OF SW 1/4 OF SW 1/4 TO A POINT THAT IS 70 FEET WEST OF THE EAST LINE OF THE W1/2 OF THE SW1/4 OF SECTION 27; THENCE PARALLEL WITH SAID EAST LINE OF W1/2 OF SW1/4 RUN NORTHERLY TO THE SOUTH R/W LINE OF COUNTY ROAD 42; THENCE ALONG SAID R/W LINE RUN EASTERLY 70 FEET TO THE EAST LINE OF THE NW1/4 OF THE SW1/4 OF SECTION 27; THENCE RUN SOUTHERLY TO THE N.W.

LITTLE SUMTER UTILITY COMPANY

MARION AND SUMTER COUNTIES

WATER AND WASTEWATER SERVICE AREA

CORNER OF THE SE1/4 OF THE SW1/4 OF SECTION 27; THENCE RUN EASTERLY TO THE N.E. CORNER OF SAID SE1/4 OF THE SW1/4; THENCE CONTINUE EASTERLY TO THE N.E. CORNER OF THE W1/4 OF THE SE1/4 OF THE SE1/4 OF SECTION 27; THENCE RUN SOUTHERLY TO THE S.E. CORNER OF THE W1/4 OF THE SE1/4 OF THE OF SE1/4; THENCE RUN WESTERLY TO THE S.W. CORNER OF SAID SW1/4 OF SE1/4; THENCE RUN SOUTHERLY TO THE N.E. CORNER OF THE E1/2 OF THE SE1/4 OF THE NW1/4 OF SECTION 34; THENCE RUN WESTERLY TO THE N.W. CORNER OF SAID E1/2 OF SE1/4 OF NW1/4; THENCE RUN SOUTHERLY TO THE S.W. CORNER OF SAID E1/2 OF SE1/4 OF NW1/4; THENCE RUN EASTERLY TO THE S.E. CORNER OF SAID E1/2 OF SE1/4 OF NW1/4; THENCE RUN SOUTHERLY TO THE N.E. CORNER OF THE NE1/4 OF THE SE1/4 OF THE SW1/4 OF SECTION 34; THENCE RUN WESTERLY TO THE N.W. CORNER OF SAID NE1/4 OF SE1/4 OF SW1/4; THENCE RUN SOUTHERLY TO THE S.W. CORNER OF SAID NE1/4 OF SE1/4 OF SW1/4; THENCE RUN EASTERLY TO THE S.E. CORNER OF SAID NE1/4 OF SE1/4 OF SW1/4; THENCE RUN SOUTHERLY TO THE S.E. CORNER OF THE WEST 1/2 OF SECTION 34; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SECTION 34 TO THE POINT OF BEGINNING.

(CONTAINING 1717.6 ACRES, MORE OR LESS)

LITTLE SUMTER UTILITY COMPANY  
MARION AND SUMTER COUNTIES  
WATER AND WASTEWATER SERVICE AREA  
EXPANSION AREA "B"

A TRACT OF LAND IN SECTION 15, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE N.W. CORNER OF THE W1/2 OF THE NE1/4 OF SECTION 15; RUN THENCE EASTERLY TO THE N.E. CORNER OF SECTION 15; THENCE RUN SOUTHERLY TO THE S.E. CORNER OF THE NORTH 15 ACRES OF THE NE1/4 OF THE NE1/4 OF SECTION 15; THENCE RUN WESTERLY TO THE S.W. CORNER OF SAID NORTH 15 ACRES OF NE1/4 OF NE1/4; THENCE RUN SOUTHERLY TO THE S.E. CORNER OF THE W1/2 OF NE1/4 OF SECTION 15; THENCE RUN WESTERLY 430.00 FEET; THENCE RUN SOUTHERLY PARALLEL WITH THE EAST LINE OF THE NW1/4 OF THE SE1/4 OF SECTION 15 TO THE NORTHERLY R/W LINE OF COUNTY ROAD 466; THENCE RUN NORTHWESTERLY ALONG SAID R/W LINE TO THE WEST LINE OF THE E1/2 OF THE SE1/4 OF THE NW1/4 OF SECTION 15; THENCE RUN NORTHERLY TO THE N.W. CORNER OF SAID E1/2 OF SE1/4 OF NW1/4; THENCE RUN EASTERLY TO THE N.E. CORNER OF SAID E1/2 OF SE1/4 OF NW1/4; THENCE RUN NORTHERLY ALONG THE WEST LINE OF THE W1/2 OF NE1/4 OF SECTION 15 TO A POINT THAT IS 60.00 FEET SOUTH OF THE AFORESAID N.W. CORNER OF THE W1/2 OF THE NE1/4; THENCE NORTHWESTERLY TO AN INTERSECTION WITH THE NORTH BOUNDARY OF SAID SECTION 15; SAID POINT BEING 60.00 FEET WEST OF THE AFORESAID N.W. CORNER; THENCE EASTERLY ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

(CONTAINING 117.2 ACRES, MORE OR LESS)