

ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**REBUTTAL TESTIMONY OF MIKE HATTAWAY
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
ON BEHALF OF
FLORIDA WATER SERVICES CORPORATION
DOCKET NO. 980657-WS**

DOCUMENT NUMBER-DATE
04188 APR-18
FPSC-RECORDS/REPORTING

1 Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?
2 A. My name is Mike Hattaway and I am employed by
3 Hattaway Realty. My business address is 840
4 Waterway Place, Longwood, Florida 32750.
5 Q. WHAT IS YOUR POSITION WITH HATTAWAY REALTY?
6 A. I am the owner of Hattaway Realty.
7 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?
8 A. The purpose of my testimony is to address a
9 concern expressed by the Public Service Commission
10 (PSC) Staff that developer interest in the
11 territory amendment Florida Water filed with the
12 Commission has not been clearly stated.
13 Q. HOW DO YOUR RESPONSIBILITIES AT HATTAWAY REALTY
14 PERTAIN TO THIS MATTER BEFORE THE PSC?
15 A. I am Trustee for Horvath Acres Trust. Horvath
16 Acres Trust is the present owner of a 221 acre
17 planned unit development. The property is largely
18 wooded acreage with conservation areas and several
19 recreation/retention areas. The property has been
20 approved by Seminole County for 219 units. A
21 legal description of the property is attached as
22 Exhibit ___ (MH-1). This property is located in
23 the northern portion of Florida Water's proposed
24 territory. The intended use for the property is

1 as a residential subdivision, and the project is
2 currently zoned as a Planned Unit Development. At
3 the present time the Trust fully intends to
4 proceed with the development process of the
5 property.

6 **Q. DOES THE HORVATH ACRES TRUST DESIRE FLORIDA WATER**
7 **TO PROVIDE THIS PROPERTY WITH WATER AND SEWER**
8 **SERVICE?**

9 A. Yes. It is our intention and in fact a requirement
10 of Seminole County that we develop the site with
11 water and sewer service. A copy of the County's
12 development order outlining that requirement is
13 attached as Exhibit ___ (MH-2).

14 The Trust hereby requests the PSC approve the
15 application of Florida Water to provide water and
16 sewer services to the Trust property. Florida
17 Water is certainly the logical choice for service
18 since it has infrastructure in the near vicinity.

19 **Q. HAS SEMINOLE COUNTY VOTED TO CHANGE THE LAND USE**
20 **DESIGNATION OF YOUR PROPERTY FROM RURAL TO URBAN?**

21 A. Yes. On January 26, 1999, the Seminole County
22 Board of County Commissioners voted to change the
23 urban services boundary of its comprehensive plan
24 so as to include the Horvath Acres Trust property;

1 in other words, the County voted to change the
2 land use designation of the property from rural to
3 urban. The County recognized that to do so was
4 consistent with the development order it had
5 already issued on the property in 1991. I note,
6 also, that this property is now on a fast track
7 for development and requires water and wastewater
8 service as soon as possible.

9 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

10 **A. Yes, it does.**

The Northeast 1/4 of the Northwest 1/4; and the Northwest 1/4 of the Northwest 1/4 of Section 21, Township 21 South, Range 32 East, Seminole County, Florida; and the Northeast 1/4 of the Northeast 1/4 of Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying East of F.E.C.R.R. Right-of-Way; Also, begin at the Southeast corner of the Southwest 1/4 of Section 16, Township 21 South, Range 32 East, Seminole County, Florida, run North to the Northeast corner of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 21 South, Range 32 East, Seminole County, Florida, thence run West 721 feet; thence South 54 degrees 30 minutes West 2693 feet to the Easterly Right-of-Way of F.E.C.R.R., thence Southeast along said Right-of-Way to the South line of Section 17, Township 21 South, Range 32 East, thence East, Seminole County, Florida to the Point of Beginning.

The Northwest 1/4 of the Northeast 1/4 of Section 21, Township 21 South, Range 32 East, Seminole County, Florida, and a strip of land 20 feet in width lying South of and adjacent to the following described line:

Beginning 25 feet West of the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 21, Township 21 South, Range 32 East, run West 636.5 feet; thence South 62 degrees 00 minutes West 199 feet; thence North 83 degrees 30 minutes West 171 feet; thence North 67 degrees 30 minutes West 245 feet; thence West 82 feet to the Northwest corner of said Southeast 1/4 of the Northeast 1/4 of Section 21, Township 21 South, Range 32 East, Seminole County, Florida.

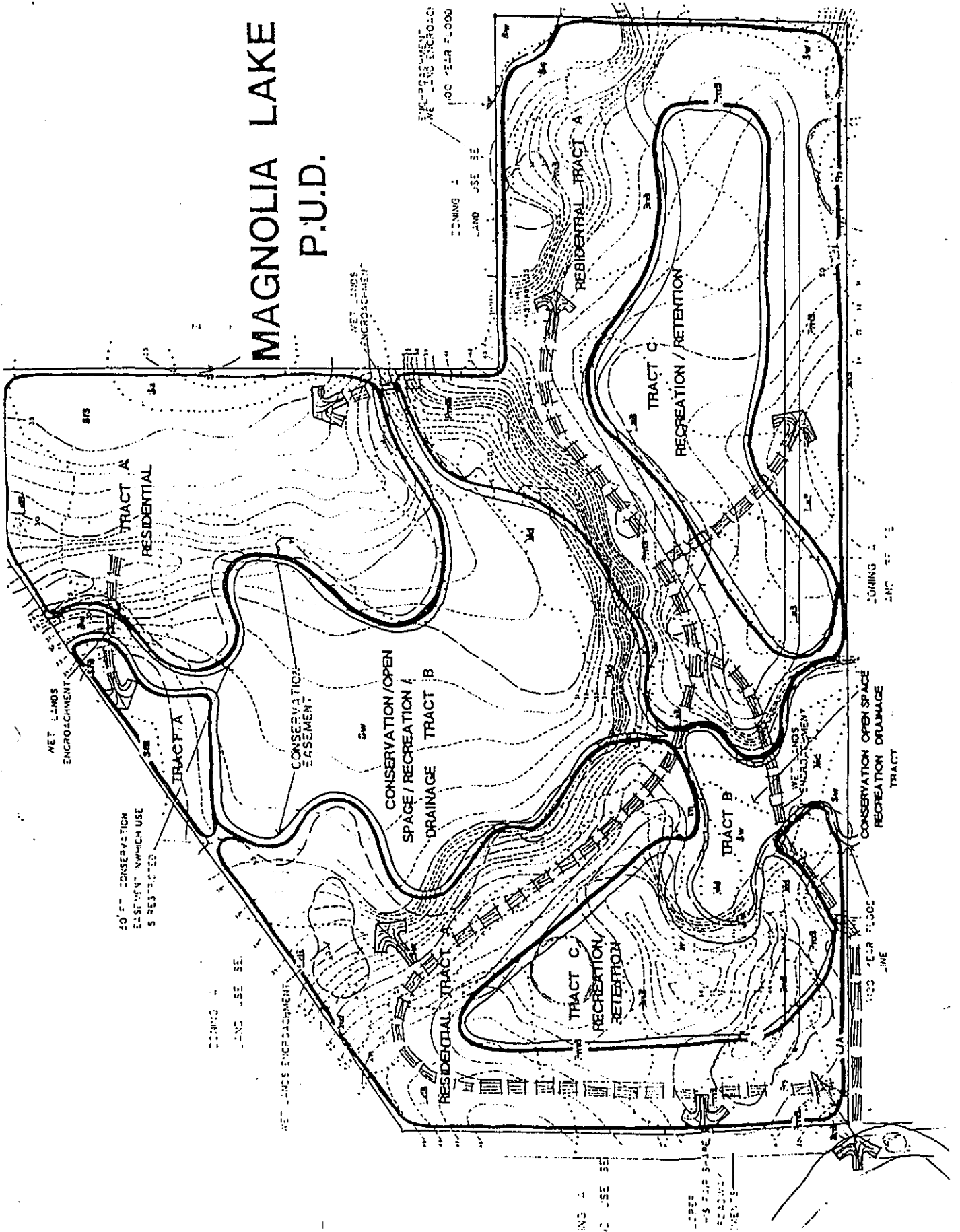
RECORDED & VERIFIED

1988 OCT 19 PM 3:23

DAVID H. BERRIEN
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FL.

552859

MAGNOLIA LAKE P.U.D.



127845

1991 FEB 26 AM 11:18

PZ90-18

DEVELOPMENT ORDER #90-1046

PAGE

1

OF

3

SEMINOLE COUNTY DEVELOPMENT

ORDER

On Feb 21, 1991, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEMINOLE CO. FL.
269 0327
BOOK PAGE

See Attachment # 1

FINDINGS OF FACT

Property Owner: James M. Hattaway

Project Name: Magnolia Lake PUD

Requested Development Approval: Rezone from A-1 to PUD

The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Order

NOW, THEREFORE, it is ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

Prepared by: Sara Murdoch
1101 E. 1st Street
Sanford, Fl 32771

RETURN TO SANDY WALL

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY: Michelle Palma
DEPUTY CLERK

2-26-91

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property, are as follows:

SEMINOLE CO. FL. 2269 0328 OFFICIAL RECORDS BOOK PAGE

- A. Maximum of 129 building permits (Phase I) to be issued until (1) the existing bridge on CR 419 is replaced, (2) The Chuluota by-pass is operational (3) CR 419 is widened to 24 feet from Lockwood Boulevard to Second Street.
- B. Prior to Phase II, (89 Additional Units) Developer shall pay \$10,785.00 as a pro-rata share for future signalization and/or turn lanes at the Chuluota by-pass/CR 419 and Chuluota bypass/Snowhill Road intersections.
- C. Access during construction of initial 129 building permits to be to CR 419 via Old SR 13 to Washington Avenue to Langford Avenue. Developer shall pave that portion of Old SR 13 and Washington Avenue and share cost of repaving Langford Avenue with Seminole County.
- D. There shall be no access to Lake Crescent Drive or Snowhill Road, and redesign of Lake Lenelle Ave. at Old SR 13 to prevent access by new development to Lake Lenelle Drive.
- E. Project shall connect to central water and sewer.
- F. Minimum lot sizes to be 21,780 square feet with minimum one acre lots along all boundaries where one acre lots currently exist.
- G. Compliance with Econlockhatchee River Management Plan and adopted agency regulations, and Seminole County Management Plan as adopted by Seminole County.
- H. Depict the Florida Trail on the Final Master Plan and provide for its continuation.
- I. In addition to all applicable impact fees, the developer will voluntarily contribute \$350.00 per dwelling unit to the School Impact Fund.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first above.

As approved and authorized for execution by the Board of County Commissioners at their meeting of January 8, 1991.

By:  APPROVING AUTHORITY

SEMINOLE COUNTY D.O. #90-1046

OWNER'S CONSENT AND COVENANT

COMES NOW, JAMES M. HATTAWAY
the owner(s) of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Official Records
BOOK PAGE
2269 0329
SEMINOLE CO. FL.

[Signature]
Witness

[Signature]
Owner

[Signature]
Witness

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared JAMES M. HATTAWAY to me known as to be the person described in and who executed foregoing instrument and he/she acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 11 day of February, 1986.

[Signature]
Notary Public, in and for the County
and State Aforementioned

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JUNE 5, 1993.

