

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: September 29, 2016

TO: Office of Commission Clerk (Stauffer)

FROM: Division of Engineering (Lewis, King) *EG C14*
Division of Economics (Bruce) *EB*
Office of the General Counsel (Janjic, Crawford) *JD* *max for JSC*

RE: Docket No. 130209-SU – Application for expansion of certificate (CIAC) (new wastewater line extension charge) by North Peninsula Utilities Corp.

AGENDA: 10/11/16 – Regular Agenda – Proposed Agency Action for Issue 2, – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Edgar

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

North Peninsula Utilities Corporation (NPUC or Utility) is a Class B utility, which provides wastewater service to 569 customers in Volusia County. The City of Ormond Beach provides water to the area. NPUC's 2015 Annual Report lists operating revenues of \$221,963 and a net operating income of \$3,600. NPUC bought the assets of Shore Utility Corp. in 1989¹ and filed five subsequent territory amendments, which were all approved by the Commission. On August 2, 2013, the Utility filed an application to amend its wastewater certificate, pursuant to Section 367.045, Florida Statutes (F.S.), and Rule 25-30.036, Florida Administrative Code (F.A.C.). In addition, the Utility requested implementation of a main extension charge and a flat rate adjustment of three percent per year to monthly rates for five years. On November 4, 2013,

¹Order No. 22445, issued October 6, 2008, in Docket No. 891016-SU, *In re: Application of North Peninsula Utilities Corporation for transfer of Certificate No. 249-S from Shore Utility Corporation in Volusia County.*

NPUC withdrew its request for the flat rate adjustment. Staff identified several deficiencies in the certificate amendment filing and met with the Utility's representatives. At that meeting, it was disclosed that there were potential objections to the territory amendment by Volusia County and the City of Ormond Beach. As such, the processing of the application was put on hold.

On March 10, 2014, the Utility filed a revised application to amend its service territory based upon negotiations with the City of Ormond Beach and Volusia County. The revised application included less territory than its original filing and a proposed tariff for a \$795 main extension charge. Pursuant to Order No. PSC-14-0273-PCO-SU, issued May 29, 2014, the Commission suspended the proposed tariff to allow staff sufficient time to review all pertinent information.² On July 21, 2014, NPUC filed additional information to address the deficiencies previously identified by staff. On October 20, 2014, NPUC representatives met with staff to discuss the amended application and on January 13, 2015, NPUC filed supplemental information to address staff's concerns.

On April 2, 2015, staff filed a written recommendation that:

- NPUC's revised application be denied because the application failed to demonstrate a need for service in the territory requested.
- Denial of the application obviated the need for a main extension charge.
- The service availability policy should be revised to reflect that there are no service availability charges because the plant is fully depreciated.

On April 3, 2015, NPUC requested that the item be deferred from the April 16, 2015 Commission Conference so that representatives of the Utility could again meet with staff. The deferral was granted and a noticed informal meeting was convened on April 20, 2015. At that meeting, NPUC informed staff that it was removing certain areas from the previously filed request for territory expansion, abandoning its three-phased approach to expanding the territory, and withdrawing its request for a main extension charge. A map outlining the changes in territory was provided at the meeting, and on May 26, July 24, and August 27, 2015, additional data was filed by the Utility.

On October 22, 2015, staff filed a written recommendation that recommended denial of NPUC's application for the same reasons described in the April 2, 2015 recommendation. On November 5, 2015, the Commission deferred staff's recommendation to allow the Utility to reevaluate its plan to provide service to the requested areas. On February 10, 2016, NPUC again revised its plan. The February 10, 2016, revision removed certain areas from its original request. The filing also contained cost estimates to serve the remaining areas for which the Utility seeks to serve. Accurate legal descriptions for the proposed annexed areas were provided to staff on June 28, 2016. This recommendation addresses NPUC's application as modified on February 10, 2016. The Commission has jurisdiction pursuant to Section 367.045, F.S.

²Order No. PSC-14-0273-PCO-SU, issued May 29, 2014, in Docket No. 130209-SU, *In re: Application for expansion of certificate (CIAC) (new wastewater line extension charge) by North Peninsula Utilities Corp.*

Discussion of Issues

Issue 1: Should North Peninsula Utilities Corporation's proposed territory amendment be approved?

Recommendation: Yes in part and no in part. It is in the public interest to amend wastewater certificate number 249-S to include the territory as described in Attachment A, with the exception of the addition identified as Area 4 (i.e., Capri Drive), effective the date of the Commission's vote. The resultant order should serve as NPUC's amended certificate and should be retained by the Utility. If the Commission agrees with staff's recommendation, the Utility should revise its territorial description to exclude Area 4 and file the revision within ten (10) days of the Commission's vote. (Bruce, Janjic, Lewis)

Staff Analysis: Based on NPUC's application to amend its authorized service territory as well as additional information provided by the Utility staff believes that NPUC is in compliance with the governing statute, Section 367.045, F.S., and Rule 25-30.036, Florida Administrative Code (F.A.C.), Application for Amendment to Certificate of Authorization to Extend or Delete Service Area. The application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C, Notice of Application and of Customer Meeting. No objections to the application have been received and the time for filing such has expired. Adequate service territory maps and territory descriptions have also been provided.

NPUC currently provides wastewater service in the north peninsula area of Volusia County pursuant to wastewater certificate number 249-S. NPUC's 2016 Application identifies seven (7) distinct areas to be annexed. Service availability charges for each of the seven areas are discussed in Issue 2. Attachment A to this recommendation provides an illustration of NPUC's proposed territory expansion as well as a brief description of each territory.

Rule 25-30.036, F.A.C., requires a utility to provide a statement showing the need for service in the area requested. All residences in the territory NPUC seeks to serve currently have wastewater treatment in place, either by privately owned and maintained septic tanks or existing wastewater treatment (package) plants.

Staff's previously filed recommendations, addressing NPUC's application, recommended that the Commission deny the Utility's application because the Utility failed to demonstrate a need for service in the territory requested. Specifically, staff was concerned that the existing residents, in the territory NPUC seeks to add, likely would not connect to NPUC's system unless required by the county. Staff's October 22, 2015, recommendation states:

Staff believes that as long as the county continues to issue permits for replacement and repair of existing wastewater treatment systems and mandatory interconnection is not required, customers are highly unlikely to voluntarily connect to NPUC's system....Without an enforced mandatory interconnection, a customer is unlikely to abandon a functioning septic system to connect to NPUC.

On December 22, 2015, the Volusia County Commission revised its ordinances to mandate connection to a municipal or privately owned wastewater provider when the facilities become available.³ The ordinance further requires residents to connect within five years of installation of wastewater facilities. Giving consideration to the revised ordinance, staff believes NPUC has reasonably demonstrated a need for service in the areas requested.

In the previous recommendation, staff had concerns regarding the vague conditions for obtaining service in certain areas that NPUC was seeking to serve. The Utility was advocating that individual customer service requests would be evaluated and the customer may or may not have to pay for the collection lines depending on the situation or facilities required. Another of staff's concerns was that NPUC's plan appeared to expect customers living along the interior streets between John Anderson Drive and Ocean Shores Blvd (A1A), wishing to connect, to pay for the construction of collection lines. NPUC's request, as amended on February 10, 2016, no longer contains the areas discussed above. Therefore, the Utility's amendment appears to mitigate staff's prior concerns.

As previously discussed, NPUC is proposing service expansion in seven distinct areas. One of the areas that NPUC is proposing to serve consists of 55 homes/lots and is located on Capri Drive. This area is identified as Area 4 in Attachment A. Volusia County constructed a wastewater main along Capri Drive that is currently not in use. Upon confirmation of a service request within the specified area, NPUC proposed to install a new lift station with a grinder pump and connect it to the existing wastewater main.

Staff recommends denial of the addition of Area 4 because NPUC has not provided documentation showing that Volusia County would permit NPUC access to the existing wastewater main on Capri Drive. NPUC states that an agreement concerning the Capri Drive facilities cannot be finalized until Capri Drive lies within the territory of NPUC. Approving extension to Area 4 could lead to a situation in which the Utility would be required to serve customers with infrastructure that it may not be permitted to access. Under such a scenario NPUC may not be able to adequately address customer concerns or quality of service issues that are associated with the wastewater main. Therefore, staff recommends that the Commission deny the addition of Area 4.

The Utility provided analysis as well as an engineer's statement to demonstrate that the Utility has adequate capacity to serve the additional territory. Based on the analysis provided, more than 60 percent of NPUC's wastewater treatment plant is available to serve future customers. Staff believes that the documentation provided by the Utility adequately demonstrates that NPUC has sufficient plant capacity to serve the additional territory. Additionally, at this time there does not appear to be any outstanding Consent Orders or Notices of Violation from DEP associated with NPUC's wastewater treatment plant.

³See Document No. 04082-16

Conclusion

Based on the information above, staff recommends it is in the public interest to amend wastewater certificate number 249-S to include the territory as described in Attachment A, with the exception of the addition identified as Area 4 (i.e., Capri Drive), effective the date of the Commission's vote. The resultant order should serve as NPUC's amended certificate and should be retained by the Utility. If the Commission agrees with staff's recommendation, the Utility should revise its territorial description to exclude Area 4 and file the revision within ten (10) days of the Commission's vote.

Issue 2: What are the appropriate service availability charges for NPUC?

Recommendation: New customers requesting service should be required to either install the mains necessary to connect to the Utility and donate those lines to the Utility, or the Utility may extend the required lines and collect a main extension charge based on whether a road crossing and force main are required. A main extension charge associated with a road crossing of \$762 per equivalent residential connection (ERC) and a main extension charge with no road crossing of \$444 per ERC should be approved. The recommended main extension charges should be based on an estimated 250 gallons per day per ERC of treated wastewater demand. Also, staff recommends a force main extension charge of \$1.25 per linear foot where the Utility will need to extend its force main to provide service. The Utility should be required to file tariffs reflecting the revised service availability policy and charges. The approved service availability policy and charges should be effective for connections made on or after the stamped approval date of the tariff pursuant to Rule 25-30.475, F.A.C. (Bruce)

Staff Analysis: As mentioned earlier, NPUC is requesting authority to add seven service areas to its existing territory, which are referred to as proposed service areas 1, 2, 3A, 3B, 3C, 4, and 5. However, as discussed in Issue 1, staff recommended proposed service Area 4 not be approved. The proposed service areas include properties with small package plants, septic tanks, and vacant lots. In addition, the Utility's existing service territory includes an undeveloped eight-acre parcel of land.

Currently, the Utility does not have an approved plant capacity or main extension charge. The Utility's plant capacity charge was eliminated in a prior docket, because continued collection would have resulted in a contribution level at build out in excess of the 75 percent maximum guideline, pursuant to Rule 25-30.580, F.A.C.⁴ All collection lines needed to serve the existing service territory are installed with the exception of the eight-acre parcel. In addition, all of the collection system is contributed property and is fully depreciated. The Utility's existing service availability policy provides that in instances where the Utility undertakes the installation of collection lines, in lieu of the developer's installation of such facilities, such installation will be at the cost and expense of the developer. The Utility will provide laterals for wastewater service to the developer's lot line ready for a plumber's "hook-up." The Utility's practice has been to connect new customers without charge for the installation of the service line to the Utility's collection system when a vacant lot is developed.

Rule 25-30.580, F.A.C., establishes guidelines for designing service availability charges. Pursuant to the rule, the maximum amount of contributions-in-aid-of construction (CIAC), net of amortization, should not exceed 75 percent of the total original cost, net of accumulated depreciation, of the Utility's facilities and plant when the facilities and plant are at their designed capacity. The minimum amount of CIAC should not be less than the percentage of such facilities and plant that is represented by the water transmission and distribution system or wastewater collection system.

⁴Order No. 16184, issued June 4, 1986, in Docket No. 850121-SU, *In re: Application of Shore Utility Corporation for a staff-assisted rate case in Volusia County, Florida.*

The Utility originally proposed a main extension charge of \$795, but the request was withdrawn as a result of a revised filing. In the Utility's recent filing, the Utility provided the incremental cost that would be incurred in order to provide service to each of the respective proposed service areas as shown below in Table 2-1. However, the Utility did not propose any service availability charges that correspond to the incremental cost.

Table 2-1
Estimated Main Extension Costs

	Service Area	Estimated Cost	Number Connections
1	Kingston Shores Condominiums	\$150,000	106
2	John Anderson Drive (Ormond Beach Plaza)	\$13,100	10
3A	John Anderson Drive (Seabridge)	\$8,200	6
3B	Mid John Anderson Drive	\$13,500	26
3C	Southerly John Anderson Drive	\$13,800	18
5	Fairwinds Shores Condominiums	\$72,000	102

Source: Document No. 008676-16

Service to customers in the proposed service areas will require installation of force mains and laterals. In some areas, a single main extension is needed to connect a particular property; however, in areas where there are single family homes or duplexes, a main extension may serve multiple properties. In December of 2015, Volusia County enacted an ordinance that requires mandatory connection to municipal or investor owned wastewater facilities within five years when such facilities become available. At this time, the Utility is not investing in the proposed infrastructure until there is request for service. Requests for service may either not materialize in any particular proposed service area or come at varying times.

Staff believes it is appropriate to recommend a main extension charge for future connections in areas where a single main extension may serve multiple properties. This will allow those customers to pay their pro rata share of the average cost of the infrastructure needed to provide service to their property. In order to determine the appropriate main extension charge, staff evaluated the Utility's estimated costs to extend service. Staff determined that there are several scenarios under which service may be provided to the respective service areas. Service may be provided either with or without a road crossing to a force main. In some instances, the Utility may need to install an additional force main to provide service. As result, staff determined the average cost of the main extension charge with a road crossing and one without a road crossing. In addition, staff calculated a per linear foot force main charge. Typically, staff would develop a single main extension charge per connection that would reflect the pro rata share of the cost of the lines. However, the circumstances of the amendment are unique because of the uncertainty of the need for the service and the disparity in the cost to provide service to each distinct area. As a result, staff believes that a more reasonable approach is to design a main extension charge that would allow those customers to pay their pro rata share of the average cost of the infrastructure needed to provide service to their property.

Based on the above, staff recommends that, consistent with the guidelines in Rule 25-30.580, F.A.C., new customers requesting service should either install the mains necessary to connect to the Utility and donate those lines to the Utility or, the Utility may extend the required lines and collect a main extension charge based on whether a road crossing is required. A main extension charge associated with a road crossing of \$762 per ERC and a main extension charge with no road crossing of \$444 per ERC should be approved. The recommended main extension charges should be based on an estimated 250 gallons per day of treated wastewater demand. Also, staff recommends a force main extension charge of \$1.25 per linear foot, based on the average cost per connection, where the Utility will need to extend its force main to provide service.

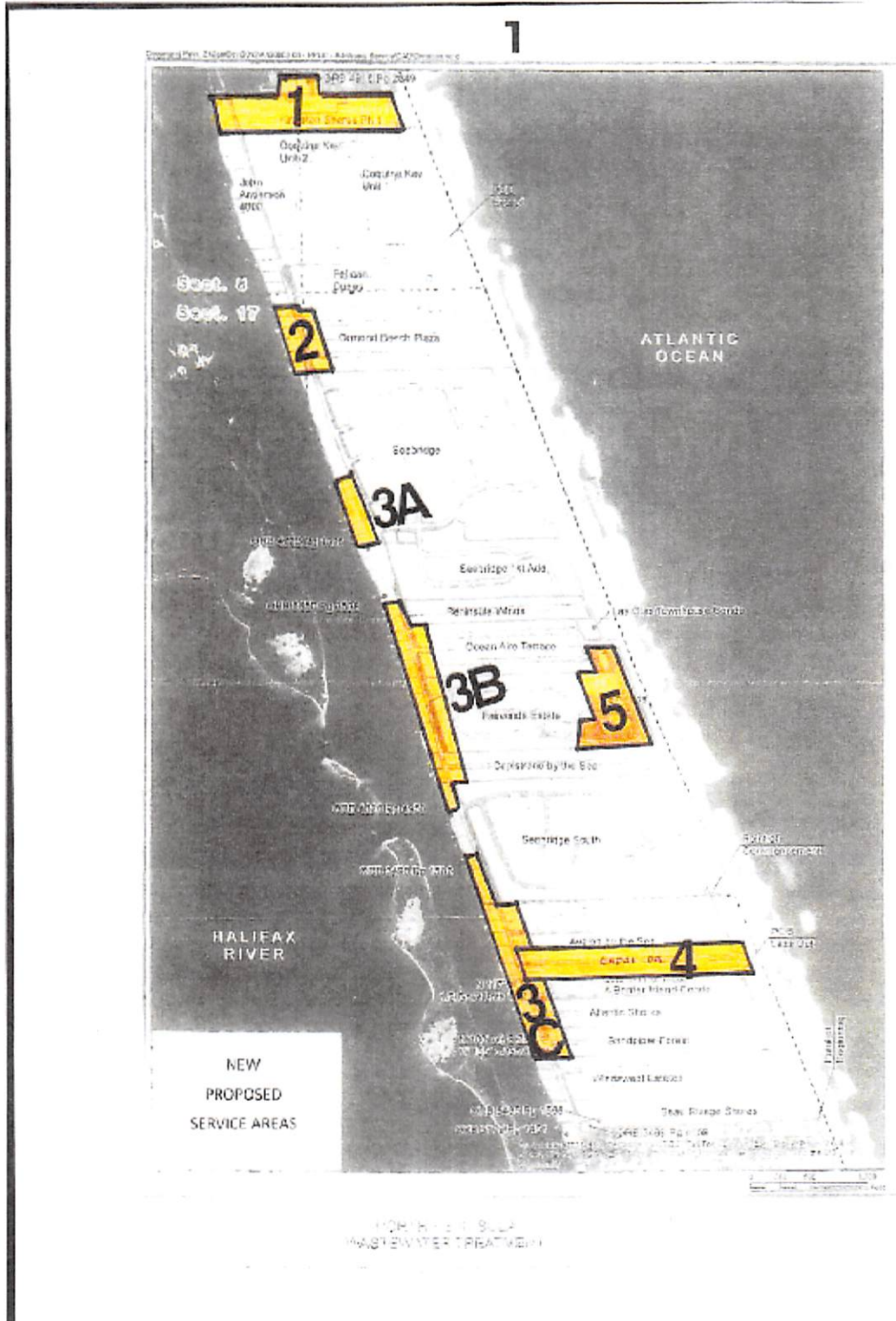
Summary

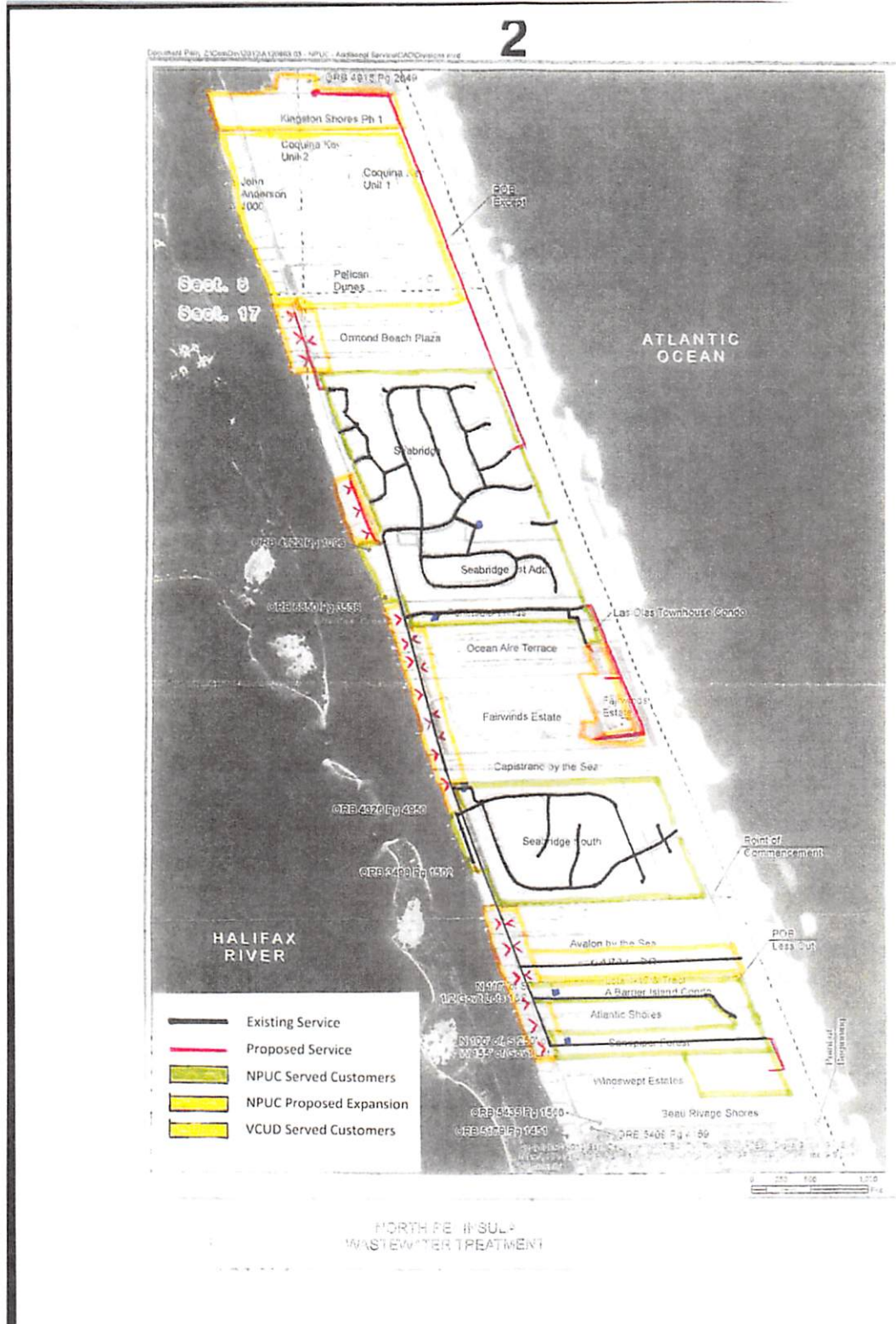
New customers requesting service should be required to either install the mains necessary to connect to the Utility and donate those lines to the Utility or, the Utility may extend the required lines and collect a main extension charge based on whether a road crossing and force main are required. A main extension charge associated with a road crossing of \$762 per ERC and a main extension charge with no road crossing of \$444 per ERC should be approved. The recommended main extension charges should be based on an estimated 250 gallons per day per ERC of treated wastewater demand. Also, staff recommends a force main extension charge of \$1.25 per linear foot, based on the average cost per connection, where the Utility will need to extend its force main to provide service. The Utility should be required to file tariffs reflecting the revised service availability policy and charges. The approved service availability policy and charges should be effective for connections made on or after the stamped approval date of the tariff pursuant to Rule 25-30.475, F.A.C .

Issue 3: Should this docket be closed?

Recommendation: Yes ^{via} If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, a consummating order should be issued, and the docket should remain open for staff's verification that the revised tariff sheets have been filed by the Utility and approved by staff. If a protest is filed within 21 days of the issuance of the Order, the tariff should remain in effect subject to refund pending the resolution of the protest, and the docket should remain open. (Janjic)

Staff Analysis: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, a consummating order should be issued, and the docket should remain open for staff's verification that the revised tariff sheets have been filed by the Utility and approved by staff. If a protest is filed within 21 days of the issuance of the Order, the tariff should remain in effect subject to refund pending the resolution of the protest, and the docket should remain open.





ADDITIONAL SERVICE AREA

LANDS IN SECTIONS 8, 9, 16, 17 & 21 IN TOWNSHIP 13 SOUTH RANGE 32° EAST VOLUSIA COUNTY FLORIDA DESCRIBED AS FOLLOWS:

1

1. COMMENCE AT THE CENTERLINE OF OCEAN SHORE BLVD (A1A) 1400 FEET NORTH TO THE SOUTH LINE OF SECTION 9;
2. THENCE NORTH 88° EAST 139 FEET TO THE SHORELINE OF THE ATLANTIC OCEAN;
3. THENCE NORTH 23° WEST 332 FEET ALONG THE SHORELINE OF THE ATLANTIC OCEAN TO A POINT 1700 FEET NORTH TO THE SOUTH LINE OF SECTION 9;
4. THENCE NORTH 88° WEST 700 FEET ALONG THE NORTH LINE OF KINGSTON SHORES PER MAP BOOK 33 PAGE 67;
5. THENCE NORTH 1° WEST 159 FEET ALONG THE WEST LINE OF PARCEL 09133200010050 OFFICIAL RECORD BOOK 4915 PAGE 2649;
6. THENCE NORTH 89° WEST 342 FEET ALONG THE NORTH LINE OF PARCEL 09133200010050 OFFICIAL RECORD BOOK 4915 PAGE 2649;
7. THENCE SOUTH 0° WEST 120 FEET ALONG THE WEST LINE OF PARCEL 09133200010050 OFFICIAL RECORD BOOK 4915 PAGE 2649;
8. THENCE SOUTH 90° WEST 141 FEET ALONG THE NORTH LINE OF PARCEL 09133200010050 OFFICIAL RECORD BOOK 4915 PAGE 2649;
9. THENCE SOUTH 0° EAST 39 FEET ALONG THE WEST LINE OF PARCEL 09133200010050 OFFICIAL RECORD BOOK 4915 PAGE 2649;
10. THENCE NORTH 90° WEST 275 FEET ALONG THE NORTH LINE OF THE NORTH LINE OF KINGSTON SHORES PER TAX BOOK 33 PAGE 67;
11. THENCE NORTH 90° WEST 162 FEET TO THE EAST EDGE OF HALIFAX CREEK AND THE WEST LINE OF PARCEL 0813320101C580 PER OFFICIAL RECORD BOOK 6586 PAGE 2933;
12. THENCE SOUTH 23° EAST 357 FEET ALONG THE EAST EDGE OF HALIFAX CREEK AND WEST LINE OF PARCEL 0813320101C580 PER OFFICIAL RECORD BOOK 6586 PAGE 2933;
13. THENCE NORTH 89° EAST 1521 FEET ALONG THE SOUTH LINE OF PARCEL 0813320101C580 PER OFFICIAL RECORD BOOK 6586 PAGE 2933 TO THE POINT OF COMMENCEMENT;

1

2

1. COMMENCE AT THE CENTERLINE OF JOHN ANDERSON DRIVE 625 FEET SOUTH OF THE SOUTH LINE OF SECTION 9;
2. THENCE NORTH 90° WEST 153 FEET TO THE EAST EDGE OF HALIFAX CREEK AND THE SOUTH WEST CORNER OF PARCEL 16133201000940 OFFICIAL RECORD BOOK 6825 PAGE 4998;
3. THENCE NORTH 23° WEST 596 FEET ALONG THE EAST EDGE OF HALIFAX CREEK TO THE NORTH° WEST CORNER OF PARCEL 17133200010020 OFFICIAL RECORD BOOK 6834 PAGE 3191;
4. THENCE SOUTH 90° EAST 179 FEET ALONG THE NORTH LINE OF PARCEL 17133200010020 OFFICIAL RECORD BOOK 6834 PAGE 3191 TO THE CENTERLINE OF JOHN ANDERSON DRIVE;
5. THENCE SOUTH 45° EAST 55 FEET TO THE NORTH WEST CORNER OF PARCEL 16133201000270 OFFICIAL RECORD BOOK 7247 PAGE 0769
6. THENCE SOUTH 90° EAST 171 FEET TO THE NORTH EAST CORNER OF PARCEL 16133201000270 OFFICIAL RECORD BOOK 7247 PAGE 0769;
7. THENCE SOUTH 0° EAST 539 FEET MEANDERING ON THE EAST LINE OF PARCEL 16133201000270 OFFICIAL RECORD BOOK 7247 PAGE 0769, PARCEL 16133201000280 OFFICIAL RECORD BOOK 7124 PAGES 0626-0627, PARCEL 16133201000650 OFFICIAL RECORD BOOK 7244 PAGE 1292, PARCEL 16133201000660 OFFICIAL RECORD BOOK 7112 PAGE 1844 TO THE SOUTH EAST CORNER OF PARCEL 16133201000660 OFFICIAL RECORD BOOK 7112 PAGE 1844.
8. THENCE SOUTH 90° EAST 143 FEET ALONG THE EAST LINE OF PARCEL 16133201000660 OFFICIAL RECORD BOOK 7112 PAGE 1844 TO THE POINT OF COMMENCEMENT.

3A

1. COMMENCE AT THE CENTERLINE OF JOHN ANDERSON DRIVE 2100 FEET SOUTH OF THE SOUTH LINE OF SECTION 9.
2. THENCE SOUTH 75° WEST 202 FEET TO THE EAST EDGE OF HALIFAX CREEK AND THE SOUTHWEST CORNER OF PARCEL 16133200020040 OFFICIAL RECORD BOOK 6630 PAGE 2850;

3. THENCE NORTH 23° WEST ALONG EAST EDGE OF HALIFAX CREEK 598 FEET TO THE NORTHWEST CORNER OF PARCEL 16133200020052 OFFICIAL RECORD BOOK 3826 PAGE 1155;
4. THENCE NORTH 75° EAST 172 FEET ALONG THE NORTH LINE OF PARCEL 16133200020052 OFFICIAL RECORD BOOK 3826 PAGE 1155 TO THE CENTERLINE OF JOHN ANDERSON DRIVE;
5. THENCE SOUTH 23° EAST 644 FEET ALONG THE CENTERLINE OF JOHN ANDERSON DRIVE TO THE POINT OF COMMENCEMENT;

3B

1. COMMENCE AT THE CENTERLINE OF JOHN ANDERSON DRIVE 780 FEET NORTH FROM THE SOUTH LINE OF SECTION 16;
2. THENCE SOUTH 75° WEST 103 FEET TO THE EAST EDGE OF HALIFAX CREEK AND THE SOUTH WEST CORNER OF PARCEL 16133200040021 OFFICIAL RECORD BOOK 4973 PARCEL 3672;
3. THENCE NORTH 23° WEST 1889 FEET ALONG THE EAST EDGE OF HALIFAX CREEK TO THE NORTH WEST CORNER OF PARCEL 16133200030030 OFFICIAL RECORD BOOK 4541 PAGE 4174;
4. THENCE NORTH 88° EAST 166 FEET TO THE CENTERLINE OF JOHN ANDERSON DRIVE;
5. THENCE SOUTH 23° EAST 218 FEET ALONG THE CENTERLINE OF JOHN ANDERSON DRIVE;
6. THENCE SOUTH 88° EAST 151 FEET TO THE NORTH EAST CORNER OF PARCEL 16133202000180 OFFICIAL RECORD BOOK 2610 PAGE 1860;
7. THENCE SOUTH 23° EAST 931 FEET TO THE NORTH CORNER OF PARCEL 16133208000470 OFFICIAL RECORD BOOK 4142 PAGE 2070;
8. THENCE SOUTH 45° EAST 140 FEET ALONG THE NORTHEAST LINE OF PARCEL 16133208000470 OFFICIAL RECORD BOOK 4142 PAGE 2070 AND THE NORTHEAST LINE OF PARCEL 16133208000460 OFFICIAL RECORD BOOK 5625 PAGE 1055 TO THE EAST CORNER OF PARCEL 16133208000460 OFFICIAL RECORD BOOK 5625 PAGE 1055;
9. THENCE SOUTH 30° WEST 135 FEET ALONG THE SOUTHEAST LINE OF PARCEL 16133208000460 OFFICIAL RECORD BOOK 5625 PAGE 1055 TO THE SOUTHEAST CORNER OF PARCEL 16133208000460 OFFICIAL RECORD BOOK 5625 PAGE 1055;
10. THENCE SOUTH 23° EAST 138 FEET ALONG THE EAST LINE OF PARCEL 16133203000330 OFFICIAL RECORD BOOK 4665 PAGE 4177 AND THE EAST LINE OF PARCEL

**16133203000320 OFFICIAL RECORD BOOK 6674 PAGE 4101 TO THE CENTERLINE OF
CAPISTRANO DRIVE;**

- 11. THENCE SOUTH 23° WEST 133 FEET ALONG THE EAST LINE OF PARCEL 16133203000380
OFFICIAL RECORD BOOK 4824 PAGE 2773 TO THE SOUTHEAST CORNER OF PARCEL
16133203000380 OFFICIAL RECORD BOOK 4824 PAGE 2773;**
- 12. THENCE NORTH 88° WEST 104 FEET ALONG THE SOUTH LINE OF PARCEL
16133203000380 OFFICIAL RECORD BOOK 4824 PAGE 2773 TO THE CENTERLINE OF
JOHN ANDERSON DRIVE;**
- 13. THENCE SOUTH 22° EAST 252 FEET TO THE POINT OF COMMENCEMENT.**

3C

- 1. COMMENCE AT THE CENTERLINE OF JOHN ANDERSON DRIVE 1343 FEET SOUTH FROM
SOUTH LINE OF SECTION 16;**
- 2. THENCE SOUTH 90° EAST 136 FEET TO THE SOUTHEAST CORNER OF PARCEL
21133228000010 OFFICIAL RECORD BOOK 7094 PAGE 3064;**
- 3. THENCE NORTH 23° WEST 257 FEET TO THE NORTHEAST CORNER OF PARCEL
21133200010050 OFFICIAL RECORD BOOK 5166 PAGE 4309;**
- 4. THENCE NORTH 88° EAST 35 FEET ALONG THE SOUTH LINE OF PARCEL 21133202000350
OFFICIAL RECORD BOOK 5464 PAGE 4665 AND TO THE SOUTH EAST CORNER OF PARCEL
21133202000350 OFFICIAL RECORD BOOK 5464 PAGE 4665;**
- 5. THENCE NORTH 35° WEST 472 FEET ALONG THE EAST EDGE OF PARCEL
21133202000350 OFFICIAL RECORD BOOK 5464 PAGE 4665, THE EAST EDGE OF PARCEL
21133202000330 OFFICIAL RECORD BOOK 5078 PAGE 0509, THE EAST EDGE OF PARCEL
21133200010012 OFFICIAL RECORD BOOK 6860 PAGE 3975 TO THE NORTH EAST
CORNER OF PARCEL 21133200010012 OFFICIAL RECORD BOOK 6860 PAGE 3975;**
- 6. THENCE SOUTH 88° WEST 118 FEET ALONG THE NORTH LINE OF PARCEL
21133200010012 OFFICIAL RECORD BOOK 6860 PAGE 3975 TO THE CENTERLINE OF
JOHN ANDERSON DRIVE;**
- 7. THENCE NORTH 23° WEST 340 FEET ALONG THE CENTERLINE OF JOHN ANDERSON
DRIVE;**
- 8. THENCE NORTH 88° EAST 149 FEET ALONG THE NORTH LINE OF PARCEL
21133201000810 OFFICIAL RECORD BOOK 6796 PAGE 0779;**
- 9. THENCE NORTH 23° WEST 367 FEET TO THE CENTERLINE OF VIA MADRID DRIVE;**

10. THENCE SOUTH 88° WEST 130 FEET TO THE CENTERLINE OF JOHN ANDERSON DRIVE;
11. THENCE NORTH 23° WEST 500 FEET ALONG THE CENTERLINE OF JOHN ANDERSON DRIVE 417 FEET NORTH OF THE SOUTH LINE OF SECTION 16;
12. THENCE SOUTH 75° WEST 122 FEET TO THE EAST SIDE OF HALIFAX CREEK AT THE NORTH WEST CORNER OF PARCEL 16133207000050 OFFICIAL RECORD BOOK 3498 PAGE 1502;
13. THENCE SOUTH 23° EAST 1820 FEET ALONG THE EAST EDGE OF HALIFAX CREEK AND THE SOUTH WEST CORNER OF PARCEL 21133200020010 OFFICIAL RECORD BOOK 6956 PAGE 3747;
14. THENCE NORTH 90° WEST 156 FEET TO THE CENTERLINE OF JOHN ANDERSON DRIVE AND THE POINT OF COMMENCEMENT.

4

1. COMMENCE AT THE CENTERLINE OF OCEAN SHORE BLVD (A1A) 690 FEET SOUTH OF THE SOUTH LINE OF SECTION 16;
2. THENCE SOUTH 88° EAST 80 FEET TO THE SOUTHEAST CORNER OF PARCEL 21133201001791 OFFICIAL RECORD BOOK 6620 PAGE 4880 AT THE SHORELINE OF THE ATLANTIC OCEAN;
3. THENCE NORTH 23° WEST 291 FEET ALONG THE SHORELINE OF THE ATLANTIC OCEAN TO THE NORTHEAST CORNER OF PARCEL 21133201001131 OFFICIAL RECORD BOOK 6783 PAGE 3207;
4. THENCE SOUTH 88° WEST 1795 FEET TO THE NORTHWEST CORNER OF PARCEL 21133201001430 OFFICIAL RECORD BOOK 3841 PAGE 4495;
5. THENCE NORTH 21° WEST 59 FEET TO THE NORTHEAST CORNER OF PARCEL 21133201000810 OFFICIAL RECORD BOOK 6796 PAGE 0779;
6. THENCE NORTH 88° WEST 150 FEET ALONG THE NORTH SIDE OF PARCEL 21133201000810 OFFICIAL RECORD BOOK 6796 PAGE 0779 TO THE CENTERLINE OF JOHN ANDERSON DRIVE AT 680 FEET SOUTH OF THE SOUTH LINE OF SECTION 16;
7. THENCE SOUTH 21° EAST 343 FEET ALONG THE CENTERLINE OF JOHN ANDERSON DRIVE;
8. THENCE NORTH 88° EAST 1880 FEET TO THE POINT OF COMMENCEMENT.

5

5

- 1. COMMENCE AT THE CENTERLINE OF OCEAN SHORE BLVD (A1A) 1306 FEET NORTH OF THE SOUTH LINE OF SECTION 16;**
- 2. THENCE NORTH 88° EAST 122 FEET TO THE SHORELINE OF THE ATLANTIC OCEAN AND TO THE SOUTHEAST CORNER OF PARCEL 16133210025070 OFFICIAL RECORD BOOK 3079 PAGE 0584;**
- 3. THENCE NORTH 23° WEST 925 FEET ALONG THE SHORELINE OF THE ATLANTIC OCEAN THE NORTHEAST CORNER OF PARCEL 16133211004020 OFFICIAL RECORD BOOK 7251 PAGE 0524;**
- 4. THENCE SOUTH 88° WEST 83 FEET ALONG THE NORTH LINE OF PARCEL 16133211004020 OFFICIAL RECORD BOOK 7251 PAGE 0524 TO THE NORTHWEST CORNER OF PARCEL 16133211004020 OFFICIAL RECORD BOOK 7251 PAGE 0524;**
- 5. THENCE SOUTH 88° WEST 208 FEET ALONG THE CENTERLINE OF OCEAN AIRE TERRACE TO THE INTERSECTION WITH OCEAN AIRE TERRACE NORTH AND OCEAN AIRE TERRACE SOUTH;**
- 6. THENCE SOUTH 23° EAST 240 FEET ALONG THE WEST LINE OF PARCEL 16133211004020 OFFICIAL RECORD BOOK 7251 PAGE 0524 TO THE SOUTHWEST CORNER OF PARCEL 16133211004020 OFFICIAL RECORD BOOK 7251 PAGE 0524;**
- 7. THENCE NORTH 90° WEST 177 FEET TO THE NORTHWEST CORNER OF PARCEL 16133210030010 OFFICIAL RECORD BOOK 6944 PAGE 2102;**
- 8. THENCE SOUTH 23° EAST 340 FEET TO THE SOUTHWEST CORNER OF PARCEL 16133208000140 OFFICIAL RECORD BOOK 7252 PAGE 4330;**
- 9. THENCE SOUTH 70° WEST 140 FEET ALONG THE SOUTH LINE OF PARCEL 16133208000140 OFFICIAL RECORD BOOK 7252 PAGE 4330 TO THE CENTERLINE OF JULIE DRIVE;**
- 10. THENCE SOUTH 30° WEST 312 FEET TO THE SOUTH WEST CORNER OF PARCEL 16133208000510 OFFICIAL RECORD BOOK 3822 PAGE 1958;**
- 11. THENCE NORTH 88° EAST 708 FEET TO THE POINT OF COMMENCEMENT.**

6

TOTAL SERVICE AREA

LANDS IN SECTIONS 8, 9, 16, 17 & 21 IN TOWNSHIP 13 SOUTH RANGE 32° EAST VOLUSIA COUNTY FLORIDA DESCRIBED AS FOLLOWS:

1. COMMENCE AT THE CENTERLINE OF OCEAN SHORE BLVD (A1A) 3640 FEET NORTH OF THE SOUTH LINE OF SECTION 21;
2. THENCE NORTH 88° EAST 73 FEET TO THE SHORELINE OF THE ATLANTIC OCEAN ALONG THE SOUTH LINE OF PARCEL 21132200040010 PER OFFICIAL RECORD BOOK 6826, PAGE 1586;
3. THENCE NORTH 23° WEST ALONG THE SHORELINE OF THE ATLANTIC OCEAN 1800 FEET TO THE CENTERLINE OF VIA MADRID ROAD ON THE SOUTH LINE OF SECTION 16;
4. THENCE NORTH 88° WEST 93 FEET TO THE CENTERLINE OF OCEAN SHORE BLVD (A1A) ON THE SOUTH LINE OF SECTION 16;
5. THENCE NORTH 23° WEST 1100 FEET ALONG THE CENTERLINE OF OCEAN SHORE BLVD (A1A);
6. THENCE NORTH 88° EAST 97 FEET TO THE SHORELINE OF THE ATLANTIC OCEAN ALONG THE SOUTH LINE OF PARCEL 16133203000010 PER OFFICIAL RECORD BOOK 4446 PAGE 1762;
7. THENCE NORTH 23° WEST 1448 FEET ALONG THE SHORELINE OF THE ATLANTIC OCEAN TO THE SOUTH EAST CORNER OF PARCEL 16133200030022 PER OFFICIAL RECORD BOOK 4234 PAGE 4898;
8. THENCE NORTH 88° WEST 125 FEET ALONG THE SOUTH LINE OF PARCEL 16133200030022 PER OFFICIAL RECORD BOOK 4234 PAGE 4898 TO THE CENTERLINE OF OCEAN SHORE BLVD (A1A);
9. THENCE NORTH 23° WEST 2300 FEET ALONG THE CENTERLINE OF OCEAN SHORE BLVD (A1A);
10. THENCE NORTH 88° EAST 139 FEET ALONG THE SOUTH LINE OF PARCEL 16133201000880 PER OFFICIAL RECORD BOOK 4672 PAGE 0283 TO THE SHORELINE OF THE ATLANTIC OCEAN;
11. THENCE NORTH 23° WEST 1141 FEET ALONG THE SHORELINE OF THE ATLANTIC OCEAN TO THE SOUTH LINE OF PARCEL 09133201000001 PER OFFICIAL RECORD BOOK 5148 PAGE 1248;

12. THENCE NORTH 88° WEST 139 FEET TO THE CENTERLINE OF OCEAN SHORE BLVD (A1A) LOCATED 430 FEET NORTH OF THE SOUTH LINE OF SECTION 9;
13. THENCE NORTH 23° WEST 1052 FEET ALONG THE CENTERLINE OF OCEAN SHORE BLVD (A1A);
14. THENCE NORTH 88° EAST 127 FEET ALONG THE SOUTH LINE OF PARCEL 0813320101CS80 PER OFFICIAL RECORD BOOK 6586 PAGE 2933 TO THE SHORELINE OF THE ATLANTIC OCEAN;
15. THENCE NORTH 23° WEST 332 FEET TO THE NORTH EAST CORNER OF PARCEL 0823320101CS80 PER OFFICIAL RECORD BOOK 6586 PAGE 2933;
16. THENCE NORTH 88° WEST 700 FEET ALONG THE NORTH LINE OF KINGSTON SHORES PER MAP BOOK 33 PAGE 67;
17. THENCE NORTH 1° WEST 159 FEET ALONG THE WEST LINE OF PARCEL 09133200010050 OFFICIAL RECORD BOOK 4915 PAGE 2649;
18. THENCE NORTH 89° WEST 342 FEET ALONG THE NORTH LINE OF PARCEL 09133200010050 PER OFFICIAL RECORD BOOK 4915 PAGE 2649;
19. THENCE SOUTH 0° EAST 120 FEET ALONG THE WEST LINE OF PARCEL 09133200010050 PER OFFICIAL RECORD BOOK 4915 PAGE 2649;
20. THENCE SOUTH 90° WEST 141 FEET ALONG THE NORTH LINE OF PARCEL 09133200010050 PER OFFICIAL RECORD BOOK 4915 PAGE 2649;
21. THENCE SOUTH 0° EAST 39 FEET ALONG THE WEST LINE OF PARCEL 09133200010050 PER OFFICIAL RECORD BOOK 4915 PAGE 2649;
22. THENCE NORTH 90° WEST 275 FEET ALONG THE NORTH LINE OF PARCEL 0823320101CS80 PER OFFICIAL RECORD BOOK 6586 PAGE 2933;
23. THENCE NORTH 90° WEST 162 FEET ALONG THE NORTH LINE OF PARCEL 08133200050010 PER OFFICIAL RECORD BOOK 6528 PAGE 2046;
24. THENCE SOUTH 23° EAST 2505 FEET ALONG THE EAST EDGE OF HALIFAX CREEK TO THE NORTH LINE OF PARCEL 17133200010080 PER OFFICIAL RECORD BOOK 1917 PAGE 0953 AND THE NORTH LINE OF PARCEL 16133200010030 PER OFFICIAL RECORD BOOK 2049 PAGE 1087;
25. THENCE NORTH 90° EAST 153 FEET TO THE CENTERLINE OF JOHN ANDERSON DRIVE ALONG THE NORTH LINE OF PARCEL 17133200010080 PER OFFICIAL RECORD BOOK

1917 PAGE 0953 AND THE NORTH LINE OF PARCEL 16133200010030 PER OFFICIAL RECORD BOOK 2049 PAGE 1087;

26. THENCE SOUTH 23° EAST 929 FEET ALONG THE CENTERLINE OF JOHN ANDERSON DRIVE LOCATED 1493 FEET SOUTH OF THE SOUTH LINE FOR SECTION 9;
27. THENCE SOUTH 78° WEST 153 FEET ALONG THE SOUTH LINE OF PARCEL 16133200010030 PAGE 2049 PAGE 1087 TO THE EAST EDGE OF HALIFAX CREEK;
28. THENCE SOUTH 23° EAST 5242 FEET ALONG EAST EDGE OF HALIFAX CREEK TO THE SOUTHWEST CORNER OF PARCEL 21133200020010 PER OFFICIAL RECORD BOOK 6956 PAGE 3747;
29. THENCE SOUTH 90° EAST 1250 FEET TO THE NORTHWEST CORNER OF PARCEL 21133200040010 PER OFFICIAL RECORD BOOK 6826, PAGE 1586;
30. THENCE SOUTH 23° EAST 404 FEET TO THE SOUTHWEST CORNER OF PARCEL 21133200040010 PER OFFICIAL RECORD BOOK 6826, PAGE 1586;
31. THENCE SOUTH 88° EAST 813 FEET TO THE POINT OF COMMENCEMENT.

LESS OUT

A

1. COMMENCE AT THE CENTERLINE OF OCEAN SHORE BLVD (A1A) 632 FEET SOUTH OF THE SOUTH LINE OF SECTION 9;
2. THENCE NORTH 88° EAST 139 FEET TO THE SHORELINE OF THE ATLANTIC OCEAN AT THE SOUTHEAST CORNER OF PARCEL 16133201000880 PER OFFICIAL RECORD BOOK 4672 PAGE 0283;
3. THENCE NORTH 23° WEST 1141 FEET ALONG THE SHORELINE OF THE ATLANTIC OCEAN LOCATED 431 FEET NORTH OF THE SOUTH LINE OF SECTION 9;
4. THENCE NORTH 88° WEST 139 FEET TO THE CENTERLINE OF OCEAN SHORE BLVD (A1A);
5. THENCE NORTH 23° WEST 1052 FEET ALONG THE CENTERLINE OF OCEAN SHORE BLVD (A1A) LOCATED 1416 FEET NORTH OF THE SOUTH LINE OF SECTION 9;
6. THENCE SOUTH 88° WEST 1541 FEET ALONG THE SOUTH LINE OF PARCEL 0813320101CS80 PER OFFICIAL RECORD BOOK 6586 PAGE 2933 TO THE EAST EDGE OF HALIFAX CREEK;

7. THENCE SOUTH 23° EAST 1545 FEET ALONG THE EAST EDGE OF HALIFAX CREEK TO THE NORTHEAST CORNER OF PARCEL 17133200010020 OFFICIAL RECORD BOOK 6834 PAGE 3191;
8. THENCE SOUTH 88° EAST 371 FEET TO THE NORTHEAST CORNER OF PARCEL 16133201000270 PER OFFICIAL RECORD BOOK 7247 PAGE 0769;
9. THENCE SOUTH 12° EAST 527 FEET TO THE SOUTHEAST CORNER OF PARCEL 16133201000660 PER OFFICIAL RECORD BOOK 7112 PAGE 1844;
10. THENCE NORTH 88° EAST 1403 FEET TO THE COMMENCEMENT POINT.

B

1. COMMENCE AT THE CENTERLINE OF OCEAN SHORE BLVD (A1A) 1030 FEET NORTH OF THE SOUTH LINE OF SECTION 16;
2. THENCE NORTH 88° EAST 111 FEET TO THE SHORELINE OF THE ATLANTIC OCEAN AT THE SOUTH EAST CORNER OF PARCEL 16133203000010 OFFICIAL RECORD BOOK 4446 PAGE 1762;
3. THENCE NORTH 23° WEST 281 FEET ALONG THE SHORELINE OF THE ATLANTIC OCEAN TO THE NORTHEAST CORNER OF PARCEL 16133203000040 OFFICIAL RECORD BOOK 6834 PAGE 2744;
4. THENCE SOUTH 88° WEST 800 FEET TO THE SOUTHWEST CORNER OF PARCEL 16133208000510 OFFICIAL RECORD BOOK 3822 PAGE 1958;
5. THENCE NORTH 30° EAST 342 FEET TO THE CENTERLINE OF JULIE DRIVE;
6. THENCE NORTH 60° EAST 134 FEET TO THE SOUTHEAST CORNER OF PARCEL 16133208000140 OFFICIAL RECORD BOOK 7252 PAGE 4330;
7. THENCE NORTH 23° WEST 335 FEET TO THE NORTHWEST CORNER OF PARCEL 16133210030010 OFFICIAL RECORD BOOK 6944 PAGE 2102;
8. THENCE NORTH 88° EAST 177 FEET TO THE SOUTHWEST CORNER OF PARCEL 16133211004020 OFFICIAL RECORD BOOK 6438 PAGE 4032;
9. THENCE NORTH 23° WEST 493 FEET TO THE NORTHWEST CORNER OF PARCEL 16133216000060 OFFICIAL RECORD BOOK 6967 PAGE 0126;
10. THENCE SOUTH 88° WEST 1303 FEET TO THE NORTHWEST CORNER OF PARCEL 16133202000170 OFFICIAL RECORD BOOK 6172 PAGES 2481-2482;

11. THENCE SOUTH 23° EAST 931 FEET TO THE NORTH CORNER OF PARCEL 16133208000470 OFFICIAL RECORD BOOK 4142 PAGE 2070;
12. THENCE SOUTH 45° EAST 140 FEET ALONG THE NORTHEAST LINE OF PARCEL 16133208000470 OFFICIAL RECORD BOOK 4142 PAGE 2070 AND THE NORTHEAST LINE OF PARCEL 16133208000460 OFFICIAL RECORD BOOK 5625 PAGE 1055 TO THE EAST CORNER OF PARCEL 16133208000460 OFFICIAL RECORD BOOK 5625 PAGE 1055;
13. THENCE SOUTH 23° WEST 135 FEET ALONG THE SOUTHEAST LINE OF PARCEL 16133208000460 OFFICIAL RECORD BOOK 5625 PAGE 1055 TO THE SOUTHEAST CORNER OF PARCEL 16133208000460 OFFICIAL RECORD BOOK 5625 PAGE 1055;
14. THENCE SOUTH 23° EAST 138 FEET ALONG THE EAST LINE OF PARCEL 16133203000330 OFFICIAL RECORD BOOK 4665 PAGE 4177 AND THE EAST LINE OF PARCEL 16133203000320 OFFICIAL RECORD BOOK 6674 PAGE 4101 TO THE CENTERLINE OF CAPISTRANO DRIVE;
15. THENCE SOUTH 23° WEST 133 FEET ALONG THE EAST LINE OF PARCEL 16133203000380 OFFICIAL RECORD BOOK 4824 PAGE 2773 TO THE SOUTHEAST CORNER OF PARCEL 16133203000380 OFFICIAL RECORD BOOK 4824 PAGE 2773;
16. THENCE NORTH 88° EAST 1702 FEET TO THE COMMENCEMENT POINT.

C

1. COMMENCE AT THE CENTERLINE OF OCEAN SHORE BLVD (A1A) 418 FEET SOUTH OF THE SOUTH LINE OF SECTION 16;
2. THENCE NORTH 88° EAST 97 FEET TO THE SHORELINE OF THE ATLANTIC OCEAN;
3. THENCE NORTH 23° WEST 443 FEET ALONG THE SHORELINE OF THE ATLANTIC OCEAN TO THE CENTERLINE OF VIA MADRID DRIVE;
4. THENCE SOUTH 88° WEST 1781 FEET ALONG THE CENTERLINE OF VIA MADRID DRIVE;
5. THENCE SOUTH 21° EAST 420 FEET TO THE SOUTHWEST CORNER OF PARCEL 21133201000820 OFFICIAL RECORD BOOK 4337 PAGE 2756;
6. THENCE NORTH 88° EAST 1700 FEET TO THE POINT OF COMMENCEMENT.

D

1. COMMENCE AT THE CENTERLINE OF MARLIN DRIVE 200 FEET NORTH 90° WEST OF THE INTERSECTION OF OCEAN SHORE BLVD (A1A) AND MARLIN DRIVE;

2. **THENCE SOUTH 23 EAST 125 FEET ALONG THE EAST LINE OF PARCEL 21133202000650 OFFICIAL RECORD BOOK 6660 PAGE 2131 TO THE SOUTHEAST CORNER OF PARCEL 21133202000650 OFFICIAL RECORD BOOK 6660 PAGE 2131;**
3. **THENCE SOUTH 88° WEST 1541 FEET TO THE SOUTHWEST CORNER OF PARCEL 21133202000380 OFFICIAL RECORD BOOK 6600 PAGE 3613;**
4. **THENCE NORTH 23° WEST 127 FEET ALONG THE WEST SIDE OF PARCEL 21133202000380 OFFICIAL RECORD BOOK 6600 PAGE 3613 TO THE CENTERLINE OF MARLIN AVENUE;**
5. **THENCE NORTH 90° WEST 31 FEET ALONG THE CENTERLINE OF MARLIN AVENUE;**
6. **THENCE NORTH 23° WEST 120 FEET ALONG THE WEST SIDE OF PARCEL 21133202000310 OFFICIAL RECORD BOOK 4235 PAGE 1405 TO THE NORTHWEST CORNER OF PARCEL 21133202000310 OFFICIAL RECORD BOOK 4235 PAGE 1405;**
7. **THENCE NORTH 0° EAST 1340 FEET TO THE NORTHEAST CORNER OF PARCEL 21133202000080 OFFICIAL RECORD BOOK 6289 PAGES 1424-1426;**
8. **THENCE SOUTH 23° EAST 127 FEET ALONG THE EAST LINE OF PARCEL 21133202000080 OFFICIAL RECORD BOOK 6289 PAGES 1424-1426 TO THE CENTERLINE OF MARLIN AVENUE;**
9. **THENCE SOUTH 88° EAST 255 FEET ALONG THE CENTERLINE OF MARLIN AVENUE TO THE POINT OF COMMENCEMENT;**

