

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Southlake) DOCKET NO. 900738-WS
Utilities, Inc. for water and sewer) ORDER NO. 23947
certificates in Lake County.) ISSUED: 1/2/91
_____)

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
THOMAS M. BEARD
BETTY EASLEY
GERALD L. GUNTER
FRANK S. MESSERSMITH

ORDER GRANTING CERTIFICATES

BY THE COMMISSION:

Background

On August 31, 1990, Southlake Utilities, Inc., (SUI or Utility) filed an application with this Commission for certificates to provide water and wastewater service to Southlake, an apartment and townhouse community, in Lake County. SUI proposes to serve 4,400 equivalent residential connections (ERCs) and anticipates a single-phase build-out over a six-year period.

In order to issue the certificates within 90 days of the date of filing, as required by Section 367.031, Florida Statutes, the certificate process has been bifurcated. The Utility has provided sufficient information to determine rates and charges. After we have completed our analysis of the data submitted, appropriate rates and charges will be set by a subsequent order.

Application

The application, as filed, contained deficiencies. The application is now complete, and in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning applications for certificates. SUI has paid the appropriate filing fee and provided a ninety-nine year lease for the land upon which the Utility's facilities are located. SUI filed system maps and provided proof of notice of the

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application pursuant to Section 367.045, Florida Statutes, and Rule 25-30.030, Florida Administrative Code. The territory which SUI proposes to serve is described in Attachment A of this Order. No objections to the application have been received and the time for filing such has expired.

According to the application, Southlake, Inc., the parent company, has adequate capital to provide funding to SUI during its initial years of operation. SUI intends to engage someone with the professional expertise required to provide service as required by Section 367.111, Florida Statutes.

Prior to applying for a certificate, SUI met with several utilities in an effort to find a system which could provide service to the area; none of them had the capacity to serve Southlake. Therefore, we find that it is in the public interest to grant SUI Certificates Nos. 533-W and 464-S to provide service in the territory described in Attachment A.

It is, therefore,

ORDERED by the Florida Public Service Commission that Southlake Utilities, Inc., 800 U.S. Highway 27, Clermont, Florida 34711, is hereby granted Certificates Nos. 533-W and 464-S to serve the territory described in Attachment A of this Order. It is further

ORDERED that Docket No. 900738-WS shall remain open for the setting of rates and charges.

By ORDER of the Florida Public Service Commission, this 2nd day of JANUARY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

SOUTHLAKE UTILITIES, INC.
TERRITORY DESCRIPTION

CHAPMAN GROVE

Description: That portion of Section 35, Township 24 South, Range 26 East as described in O.R. Book 406, page 315, public records of Lake County, Florida, described as follows:

That part lying East of U.S. Highway No. 27 of the Northeast 1/4, the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of aforesaid Section 35, otherwise known as Chapman Grove.

Less: The property described in O.R. Book 455, page 670, public records of Lake County, Florida, being described as follows:

From a point where the southerly boundary line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 24 South, Range 26 East, Lake County, Florida, intersects the easterly right of way line of U.S. Highway No. 27 (S.R. 25) run in a northerly direction along said right of way 60 feet to the point of beginning: thence run 200 feet due East to a point; thence run 175 feet parallel in a northerly direction parallel to the said right of way to a point; thence run due West 200 feet to a point on said right of way; thence run in a southerly direction 175 feet along the said right of way to the point of beginning.

Also less: The property described in O.R. Book 489, page 518, public records of Lake County, Florida, being described as follows:

Beginning at a point on the north line of Section 35, Township 24 South, Range 26 East, in Lake County, Florida, that is North 89°41' 50" West 1615.38 feet from the northeast corner of said Section 35, thence along said north section line, North 89°41'50" West 200 feet to the northeasterly right of way line of U.S. Highway No. 27; run thence along said northeasterly right of way line South 20°05'00" East 158.44 feet; thence North 69°55'00" East 7.00 feet; thence South 20°05'00" East 144.16 feet; thence South 89°41'50" East 200 feet; thence North 89°41'50" West 7.47 feet; thence North 20°05'00" West for 158.44 feet to the point of beginning.

Description: That portion of Section 36, Township 24 South, Range 26 East as described in O.R. Book 406, page 315, public records of Lake County, Florida, described as follows;

The Northwest 1/4, the West 1/2 of the Northeast 1/4, the North 1/4 of the Southwest 1/4, the North 1/2 of the Northwest 1/4 of the Southeast 1/4, Section 36, Township 24 South, Range 26 East, Lake County, Florida; containing 299.2510 acres, more or less.

SOUTH LAKE GROVE

Description: South Lake Grove: That portion of Section 35, Township 24 South, Range 26 East as recorded in O.R. Book 757, page 1269, public records of Lake County, Florida.

The North 1/2 of the Northwest 1/4 of the Northwest 1/4; the North 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northwest 1/4; the Northeast 1/4 of the Northwest 1/4; the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4; that part west of Highway 27 of the Northwest 1/4 of the Northeast 1/4; that part west of Highway 27 of the Southwest 1/4 of the Northeast 1/4; that part west of Highway 27 of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4; the North 1/2 of the Northwest 1/4 of the Southeast 1/4; the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4; that part west of Highway 27 of the Northeast 1/4 of the Southeast 1/4.

Less: Property deeded to Paul L. Curtis and Sarah L. Curtis, his wife, in deed recorded in O.R. Book 559, page 240, public records of Lake County, Florida, described as follows:

That part west of Highway 27 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4, Section 35, Township 24 South, Range 26 East, less the Northerly 15 feet being ten acres, more or less.

Less: Property deeded to Florida Power Corporation by deed in O. R. Book 509, page 68, public records of Lake County, Florida, described as follows:

That part of the Northeast 1/4 of the Southeast 1/4 of Section 35, Township 24 South, Range 26 East, in Lake County, Florida, bounded and described as follows: from the northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 35, run North $0^{\circ}30'21''$ East 641.20 feet, more or less, to a concrete monument that is 15 feet South of the north boundary of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 to the point of beginning of this description; from said point of beginning continue North $0^{\circ}30'21''$ East 397.49 feet, thence run South $89^{\circ}53'12''$ East 167.16 feet to a concrete monument that is 213.18 feet west of the westerly right of way line of U.S. Highway No. 27, thence South $20^{\circ}8'20''$ East parallel to and 200 feet westerly of the westerly right of way line of U.S. Highway No. 27 a distance of 359.72 feet to a concrete monument, thence South $89^{\circ}53'12''$ East 213.18 feet to the westerly right of way line of U.S. Highway No. 27, thence South $20^{\circ}8'20''$ East along said right of way line 63.95 feet to a concrete monument that is 15 feet south of the north boundary of the South 1/2 of the Northeast 1/4 of the Southeast 1/4, thence North $89^{\circ}53'12''$ West parallel to and 15 feet south of the north boundary of the South 1/2 of the Northeast 1/4 of the Southeast 1/4, a distance of 529.72 feet to the point of beginning.

Description: South Lake Grove: That portion of Section 34, Township 24 South, Range 26 East as recorded in O.R. Book 562, page 24, public records of Lake County, Florida, described as follows:

The North 1/2 of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 34, Township 24 South, Range 26 East, Lake County, Florida.

SHARP GROVE

Description: Sharp Grove: recorded in O.R. Book 770, page 1232, public records of Lake County, Florida.

The East 3/4 of the South 1/2 of the Southeast 1/4 of the Northwest 1/4; the West 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4; the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4; the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4; the South 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Northwest 1/4; the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4; also begin at the southwest corner of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4, run North to the southeast corner of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4, run thence West to the southwest corner of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4, run thence Southeasterly to the point of beginning. All in Section 35, Township 24 South, Range 26 East.

PETERSON GROVE

Description: That portion of Section 35, Township 24 South, Range 26 East as described in O.R. Book 969, page 1968, public records of Lake County, Florida, described as follows:

The Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 35, Township 24 South, Range 26 East, in Lake County, Florida;

Also: An easement over the East 30 feet of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 24 South, Range 26 East, in Lake County, Florida;

Also: An easement over the South 60 feet of that part of the East 3/4 of the Southeast 1/4 of said Section 35, Township 24 South, Range 26 East, in Lake County, Florida.