

STATE OF FLORIDA

FILE COPY

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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

September 10, 1997

Mr. Wayne Schiefelbein, Esquire
Gatlin, Schiefelbein & Cowdery
1709-D Mahan Drive
Tallahassee, Florida 32308

Ms. Carol C. Rhinehart
Orchid Springs Development Corporation
710 Overlook Drive
Winter Haven, Florida 33884-1669

Re: Docket No. 961299-WS -- Application for grandfather certificate to operate a water and wastewater utility in Polk County by Garden Grove Water Company, Inc.

Re: Docket No. ~~970158-WS~~ -- Application for grandfather certificate to operate a water and wastewater utility in Polk County, by Orchid Springs Development Corp. Water & Sewer

Dear Mr. Schiefelbein and Ms. Rhinehart:

ACK _____ Rules 25-30.035(9) and 25-30.030(2), Florida Administrative Code, require, in an application
AFA _____ for a "Grandfather Certificate", that the applicant provide "a description, using township, range, and
APP _____ section references as specified in Rule 25-30.030(2), of the territory the utility was serving, or was
CAF _____ authorized to serve by the county" Despite the Garden Grove Water Company, Inc. (Garden
MU _____ Grove) and Orchid Springs Development Corp. Water & Sewer (Orchid Springs) applications
TR _____ having been filed on October 29, 1996, and February 4, 1997, respectively, the territory for Orchid
AG _____ Springs still does not agree in both applications. Neither application can be processed until this is
EG _____ reconciled in both.

IN _____ In order to expedite the process, the staff has evaluated the description as sent in by Garden
PC _____ Grove for Orchid Springs' Tract 2. Staff believes it provides a closer representation of the areas as
CH _____ reflected in the Polk County territory map and the actual service area of Orchid Springs. Therefore
EC _____ we have attached a revised copy of the Garden Grove description and modified it slightly. Additional
IAS _____ to the description have been ~~added~~ and subtractions have been ~~struck out~~. Please review this

DOCUMENT NUMBER-DATE
09971 SEP 15 97
FPSC-RECORDS/REPORTING

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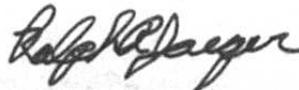
description and revise if necessary. Since Orchid Springs' territory needs to be exactly the same in both descriptions, a joint response would be ideal.

Also, it appears that Garden Grove is serving outside its territory and in the territory granted to Orchid Springs in Tract 1 by Polk County. If this is the case, please specifically describe this territory and the status of any negotiations between Garden Grove and Orchid Springs over the territory which may be in dispute.

Failure to respond by October 2, 1997, could force staff to recommend that show cause proceedings be initiated in accordance with Section 367.161, Florida Statutes. Your attention in this matter is greatly appreciated.

If you have any questions, please call me at (850) 413-6234.

Sincerely,



Ralph R. Jaeger
Staff Counsel

Enclosure

cc: Division of Water and Wastewater (Golden, Redemann)
Division of Records and Reporting

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NOTE additions have been shadowed and subtractions have been struck-out.

Garden Grove Water Company
Water and Wastewater Service Area
Polk County

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

Begin at an intersection of the Northerly right-of-way line of Seaboard Coastline Railroad and the North South center of section line of Section 9, Township 29 South, Range 26 East, Polk County, Florida; thence North $00^{\circ}16'09''$ West along said center of section line a distance of 434.64 feet to a curve concave Southerly having a radius of 203.62 feet; thence Easterly along said curve through a central angle of $24^{\circ}46'14''$ a distance of 88.03' (CH=87.35, CB=S $65^{\circ}16'36''$ E); thence South $52^{\circ}53'35''$ East a distance of 1579.16' to the West line of the East half of the Southeast quarter of said Section 9; thence North along said West line to the North line of the East half of the Southeast quarter; thence East along said North line to the waters of Lake Eloise, thence South, Southeasterly, South, East, North, East, Northeasterly, Northerly, and Westerly along said waters edge to its intersection with the West boundary of the East half of the Northwest quarter of Section 3, Township 29 South, Range 26 East; thence run North along the said West boundary to the Northwest corner of said East half of the Northwest quarter, thence continue North along the West boundary of the East half of the West half of Section 34, Township 28 South, Range 26 East to the Northwest corner of the East half of the Northwest quarter of said Section 34, Township 28 South, Range 26 East; thence West along the North boundary of said Northwest quarter of Section 34 to the waters of Lake Otis; thence Northerly along said waters to an intersection with the North boundary of the Southwest quarter of Section 27, Township 28 South, Range 26 East; thence East along said North boundary of the Southwest quarter of Section 27 to the waters of Lake Link; thence Southerly, Easterly and Northerly along said waters to the aforesaid North boundary of the Southwest quarter of Section 27; thence East along said North boundary of the Southwest quarter of Section 27 to the Northwest corner of the Southeast quarter of said Section 27; thence East along the North boundary of the Southeast quarter of said Section 27 to the Northwest corner of the Southwest quarter of Section 26, Township 28 South, Range 26 East; thence East along the North boundary of said Southwest quarter of Section 26 to the Southwest corner of the Northeast quarter of said Section 26; thence North along the West boundary of said Northeast quarter of Section 26 to the North boundary of the South half of said Northeast quarter, thence East along said North boundary to the East line of said Section 26; thence continue East 50' to a point on a line lying 50' East of and parallel with said East line of Section 26, thence, South along said parallel line a distance of 635

feet; thence East to the East boundary of the Southeast quarter of the Northeast quarter of Section 25, Township 28 South, Range 26 East, thence North along said East boundary to the North boundary of said Southeast quarter of the Northeast quarter; thence East along said North boundary to the East boundary of said Section 25; thence North along said East boundary of Section 25 to the Southeast corner of Section 24, Township 28 South, Range 26 East; thence North along the East boundary of said Section 24 to the North boundary of Section 19, Township 28 South, Range 27 East; thence East along said North boundary of Section 19 to the East boundary of said Section 19; thence South along said East boundary of Section 19 to the Northwest corner of the Southwest quarter of Section 20, Township 28 South, Range 27 East; thence East along the North boundary of said Southwest quarter of Section 20 to the East boundary of said Southwest quarter; thence South along said East boundary of the Southwest quarter to the South boundary of said Southwest quarter; thence run South along the center of said Section 29 to the South quarter corner and continue South to the Southwest corner of the northwest quarter of the Northeast quarter of Section 32, Township 28 South, Range 27 East; thence run East along the South boundary of said Northwest quarter of the Northeast quarter to the Westerly right-of-way of U.S. Highway 27; thence run Southerly along the said Westerly right-of-way of U.S. Highway 27 to its intersection with the South boundary of Section 5, Township 29 South, Range 27 East; thence West along said South boundary to the Southwest corner of said Section 5; thence South along the East boundary of Section 7 and 18, Township 29 South, Range 27 East to the Northeast corner of Section 19, Township 29 South, Range 27 East; thence continue South to the Southeast corner of the North half of said Section 19; thence West along the South boundary of said North half to the Southeast corner of the North half of Section 24, Township 29 South, Range 26 East; thence continue West along the South boundary of said North half of Section 23, Township 29 South, Range 26 East; thence continue West along the South boundary of the Northeast quarter of Section 22, Township 29 South, Range 26 East to an intersection with the North right-of-way line of Seaboard Coastline Railroad; thence North along said Northerly right-of-way to the POINT OF BEGINNING. LESS AND EXCEPT the Orchid Springs Franchise described as follows:

TRACT A: Starting at the Northeast corner of Section 35, Township 28 South, Range 26 East, run thence South $0^{\circ}22'$ East along the East boundary of Section 35 a distance of 580.8 feet to a concrete marker for the POINT OF BEGINNING; run thence South $0^{\circ}22'$ East along the East boundary of Section 35 a distance of 1414.2 feet; thence North $89^{\circ}44'$ East a distance of 560 feet; thence North $33^{\circ}58'$ East a distance of 1000 feet; thence North $40^{\circ}11'$ West a distance of 1826.13 feet; thence North $60^{\circ}57'$ West a distance of 467 feet to the Easterly right-of-way boundary of State Road 542; thence South $29^{\circ}03'$ West along the Easterly right-of-way of State Road 542 a distance of 1195 feet; thence North $89^{\circ}44'$ East a distance of 1038.76 feet to the POINT OF BEGINNING, AND

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TRACT B: North 420 feet of the South 749.20 feet of the Northeast quarter of the Northeast quarter of Section 35, Township 28 South, Range 26 East, lying East of the right-of-way of State Road S-542, containing approximately 11.16 acres, ~~and also described as: That part of the North 420 feet of the South 749.20 feet of Lots 1 and 2 of Florida Highland Company's Subdivision of Section 35, Township 28 South, Range 26 East, as recorded in Plat Book 3A, on page 27, of the public records of Polk County, Florida, lying East of the right-of-way of State Road S-542.~~ Also the 12½ feet immediately East of the above-described property which was closed as a road by Polk County Commissioners, Resolution recorded in Official Records Book 1067, page 823.

TRACT #1: That part of the West half of the Northeast quarter of the Northeast quarter lying Northwesterly of the right-of-way of State Road 542, Section 35, Township 28 South, Range 26 East, Polk County, Florida.

TRACT #2: All that part of the West half of the Southwest quarter of the Southwest quarter of Section 25, Township 28 South, Range 26 East, and the East half of the Southeast quarter of the Southeast quarter, Section 26, Township 28 south, range 26 East, lying Northerly of a line described as follows: Starting at the corner common to Sections 25, 26, 35, and 36, Township 28 South, Range 26 East, Polk County, Florida, run thence North 89°46' East along the South boundary of said Section 25 a distance of 148.78 feet for the POINT OF BEGINNING; thence run North 40°11' West a distance of 303.13 feet, thence North 60°57' West a distance of 467 feet to a concrete marker located on the Easterly right-of-way boundary of State Road #542 at a point 459.05 feet North and 454.77 feet West of the common corner above described for the end of said line. SUBJECT to rights-of-way as of record and/or in use.

TRACT #3: The South half of the Southeast quarter of the Northeast quarter, Section 35, Township, Range 26 East, AND that part of the Northwest quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, described as: Starting at the Northwest corner of Section 36, Township 28 South, Range 26 East, run thence North 89°46' East along the North boundary of Section 36 a distance of 148.78 feet for a POINT OF BEGINNING; thence run South 49 40°11' East a distance of 1523.0 feet, thence South 33°58' West a distance of 1000.0 feet, thence South 89°44' West a distance 560 feet to the West boundary of Section 36, thence South 0°22' East along the Section line 464.95 feet to a point 200.04 feet Northerly of the Southwest corner of the Northwest quarter of Section 36, thence run North 69°50'30" East along the centerline of a canal a distance of 683.83 feet, thence North 33°58' East a distance of 1296.18 feet, thence North 40°11' West a distance of 1506.60 feet to a point on the North boundary of Section 36, thence run South 89°46' West along the said North boundary of Section 36 a distance of

260.89 feet to the POINT OF BEGINNING. SUBJECT to rights-of-way as of record and/or in use. (37.1).

TRACT #4: All that part of the Northwest quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, lying Easterly and Northerly of a line described as: Starting at the Northwest corner of Section 36, run thence North $89^{\circ}46'$ East along the North boundary of Section 36, a distance of 409.67 feet for the POINT OF BEGINNING of said line; run thence South $40^{\circ}11'$ East a distance of 1506.60 feet, thence South $33^{\circ}58'$ West a distance of 1296.18 feet to the centerline of a canal, thence run North $69^{\circ}50'30''$ East along the centerline of said canal a distance of 2139.4 feet, more or less, to its intersection with the East boundary of said Northwest quarter of Section 36, for the end of said line. SUBJECT to rights-of-way as of record and/or in use.

TRACT #5: The South half of the Southeast quarter Section 25, Township 28 South, Range 26 East, Polk County, Florida, LESS AND EXCEPT: Begin at the Northeast corner of said South half of the Southeast quarter and run South $0^{\circ}19'17''$ East along the East line of said South half of the Southeast quarter a distance of 457.10 feet, thence North $88^{\circ}44'17''$ West 108.15 feet, thence South $52^{\circ}15'43''$ West 476.63 feet, thence South $0^{\circ}5'17''$ East 252.20 feet, thence South $89^{\circ}54'43''$ West 138.00 feet, thence North $0^{\circ}5'17''$ West 182.00 feet, thence North $80^{\circ}58'17''$ West 419.00 feet, thence North $50^{\circ}57'17''$ West 725.00 feet, thence North $69^{\circ}41'17''$ West 625.70 feet, thence North $0^{\circ}5'17''$ West 72.69 feet to a point on the North line of said South half of the Southeast quarter, thence North $89^{\circ}54'43''$ East along said North line 2184.81 feet to the POINT OF BEGINNING, LESS AND EXCEPT right-of-way of State Road S-542, and LESS AND EXCEPT the East 30 feet of the South 866.9 feet of the Southeast quarter of the Southeast quarter of said Section 25 for road.

TRACT #6: That part of the Northeast quarter of Section 36, Township 28 South, Range 26 East, Polk County, Florida, described as: Beginning at the Northeast corner of Section 36, run thence South along the East boundary of Section 36 a distance of 533.80 feet to its intersection with the centerline of a canal, thence run South $69^{\circ}50'30''$ West along said centerline of canal a distance of 2823.0 feet, more or less, to its intersection with the West boundary of said Northeast quarter, thence run a distance of 1,496.01 feet North along the West boundary of said Northeast quarter to the Northwest corner of the Northeast quarter, thence run Easterly along the North boundary of said Northeast quarter of Section 36 a distance of 2642.28 feet to the POINT OF BEGINNING. SUBJECT to right-of-way over the East 30 feet thereof.