

Regulatory Consultants, Inc.

**401 Interstate Boulevard Sarasota, Florida 34240
Telephone (941) 371-8499 • Fax (941) 379-2828**

February 4, 1997

**Mr. Richard Redemann, P.E.
Florida Public Service Commission
Engineering Department
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850**

RECEIVED

FEB 0 / 1997

**Florida Public Service Commission
Division of Water and Wastewater**

**Re: Grandfather Certificate Application of
Cypress Lakes Associates, Ltd.**

Dear Mr. Redemann:

I apologize for the delay in responding to your inquiry regarding the legal description of the area set forth in the Grandfather Certificate Application of Cypress Lakes Associates, Ltd. (Cypress Lakes). As we discussed on the phone, this legal description encompasses the entire approved area which is being developed as the Cypress Lakes manufactured home community.

As you can see from the attached documents, this same area was requested in the application of Cypress Lakes Regional Utility, L.C. dated January 11, 1995, for issuance of a Water and Wastewater Franchise. Paragraph Three of the application indicates that the territory contains approximately 803 acres and is more particularly described on Exhibit "B". I have attached Exhibit "B" and you will note the legal description of the property is the same as that requested in the Grandfather Certificate Application.

I have further enclosed a copy of the letter that James Ade, the attorney who represented Cypress Lakes Regional Utility, L.C., wrote to Ms. Paula Zwack, the Fiscal and Franchise Manager of the Polk County Utility Division, which indicates that Mr. Ade was filing the Water and Wastewater Tariffs as requested by Ms. Zwack. I have attached the first six pages of both the Water and Wastewater Tariffs which were filed. You will note that the Original Sheets 3.1 and 3.2 of both Tariffs contain the same legal description as Exhibit "B" and the same legal description of the area requested by the Grandfather Certificate Application.

I did not send you all 48 pages of the Water Tariff or the 55 pages of the Wastewater Tariff because I felt that the other pages do not address this specific issue. The original application with attachments was in excess of 150 pages. Again, additional attachments in the application other than the application itself and Exhibit "B" did not address the requested area question, therefore, I did not wish to burden you with unnecessary and outdated information.

Mr. Richard Redemann, P.E.

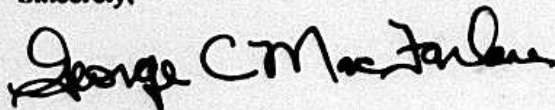
February 4, 1997

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Finally, I am enclosing a copy of two pages of the meeting minutes of the Board of County Commissioners of Polk County wherein they recognized the name change from the original applicant/owner, Cypress Lakes Regional Utility, L.C., to the current owner, Cypress Lakes Associates, Ltd.

I believe that the above explanation, along with the attached documents, set forth the reason that the territory requested in the Grandfather Certificate Application is consistent with all prior requests for the territory to be served. If you have any additional questions, or I can be of further assistance, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink that reads "George C. MacFarlane". The signature is written in a cursive style with a large initial "G" and "C".

George C. MacFarlane
President

GCM:cm

Encs.

Application of Cypress Lakes Regional Utility, L.C.

for issuance of

Water and Wastewater Franchise

**Martin, Ade, Birchfield & Mickler, P.A.
One Independent Drive, Suite 3000
Jacksonville, Florida 32202
(904) 354-2050**

BEFORE THE POLK COUNTY UTILITIES COMMISSION

**In re: Application of Cypress
Lakes Regional Utility, L.C.,
for Issuance of Water and
Wastewater Franchise**

**APPLICATION OF CYPRESS LAKES REGIONAL UTILITY, L.C.
FOR ISSUANCE OF WATER AND WASTEWATER FRANCHISE**

Cypress Lakes Regional Utility, L.C., a limited liability company organized and existing pursuant to the laws of the State of Florida (hereinafter sometimes referred to as "Applicant"), hereby makes application to the Polk County Utilities Commission (hereinafter sometimes referred to as the "Commission"), for the issuance to Applicant of a Water and Wastewater Franchise (hereinafter sometimes referred to as "Franchise"), to serve certain territory in Polk County, Florida, and submits the following information:

1. The name and address of the Applicant are:

Cypress Lakes Regional Utility, L.C.
10000 North U.S. Highway 98
Lakeland, Florida 33809
Telephone: (813) 859-1431

Contact Person: James L. Ade

The fiscal year of Applicant is January 1 to December 31. See Exhibit "A" attached hereto and by this reference made a part hereof.

2. Applicant is a limited liability company organized and existing pursuant to the laws of the State of Florida.

3. The territory which Applicant ultimately intends to provide with water and wastewater services (hereinafter sometimes referred to as the "Territory") contains approximately 803 acres in

the unincorporated area of Polk County, Florida, and is more particularly described on Exhibit "B" attached hereto and by this reference made a part hereof.

4. There are no water or wastewater systems within geographical proximity to the Territory from which water or wastewater services can be obtained for the Territory.

5. Since the commencement of the development of the Territory in 1987, the Territory has been owned by Cypress Lakes Venture, a partnership organized and existing pursuant to the laws of the State of Florida (hereinafter sometimes referred to as "Venture"). Water and wastewater services have been provided to the Territory by Venture. Venture has not been required to obtain a franchise from the Polk County Utilities Commission for the operation of its water and wastewater systems because heretofore Venture has owned and operated a mobile home park in the Territory and originally provided water and wastewater utility services solely in connection with service to its guests.

6. Upon approval of this Application and issuance of a water and sewer franchise to Applicant, certain of the assets of Venture used in the operation of its water and wastewater systems will be transferred or leased to Applicant. The water and wastewater systems currently owned by Venture are hereinafter sometimes referred to as the systems of Venture and sometimes referred to as the systems of Applicant.

7. Applicant has available to it personnel who have the qualifications, experience and expertise to operate and manage the

water and wastewater systems of Applicant and to permit Applicant to provide water and wastewater service to the Territory.

8. Venture has developed a portion of its mobile home park into lots for sale to residents who will own and occupy their own mobile home lots and units.

9. Applicant desires to provide water and wastewater services to individual mobile home lot owners for their use and to Venture for its use in serving its guests.

10. Because Venture originally provided water and wastewater services to its mobile home park solely in connection with service to its guests, heretofore no separate charges have been made for water and wastewater service. Applicant proposes to charge its customers the water and wastewater service charges set forth in Section 1 attached hereto and by this reference made a part hereof.

11. Venture heretofore has not charged and Applicant proposes not to charge connection fees, capacity fees or line extension charges for water and wastewater services provided by Applicant. See Section 2 attached hereto and by this reference made a part hereof.

12. As of September 30, 1994, Venture provided water and wastewater services to six hundred seventy-nine (679) residential customers and five (5) commercial customers. As of said date, Venture provided service to no water-only and to no wastewater-only customers. Because the water and wastewater services are provided by Venture solely in connection with service to its guests, no

individual water meters are utilized. See Section 3 attached hereto and by this reference made a part hereof.

13. The water treatment plant and wastewater treatment plant of Venture have design capacities of 0.284 and 0.160 million gallons per day (hereinafter sometimes referred to as "mgd"), respectively. See Section 4 attached hereto and by this reference made a part hereof.

14. Because Venture originally provided water and wastewater services to its mobile home park solely in connection with service to its guests, heretofore no separate charges have been made for extensions of lines, discontinuance of service, disconnection or reconnection of service or tardy payment and no deposits have been collected. Applicant's proposed policies or procedures covering such matters are set forth in Section 5 attached hereto and by this reference made a part hereof.

15. The volume of water treated and pumped to guests of Venture and the volume of wastewater treated by Venture for each month from January 1993 through September 1994 are set forth in Section 6 attached hereto and by this reference made a part hereof.

16. Profit and Loss Statements for Venture's utility operations for the years ended December 31, 1992, and December 31, 1993, and for the nine month period ended September 30, 1994, are set forth in Section 7 attached hereto and by this reference made a part hereof.

17. Balance sheets for Venture's utility operations as of December 31, 1992, December 31, 1993, and September 30, 1994,

including depreciation schedules for all assets, are set forth in Section 8 attached hereto and by this reference made a part hereof. All assets described on the September 30, 1994, Balance Sheet will be purchased by Applicant.

18. Additional information or material Applicant deems relevant to the request is set forth in Section 9 attached hereto and by this reference made a part hereof.

19. The debt and equity structure of Venture's utility operations as of September 30, 1994, is set forth in Section 10 attached hereto and by this reference made a part hereof.

20. Copies of facility maps for the water facilities and wastewater facilities of Venture are set forth in Section 11 attached hereto and by this reference made a part hereof.

21. The construction and material specifications for the water and wastewater systems of Venture are set forth in Section 12 attached hereto and by this reference made a part hereof.

22. The facility design data for the water and wastewater systems of Venture, including well information, storage capacities, system capacity, pumping data, system operating pressures, line sizing and design calculations, are set forth in Section 13 attached hereto and by this reference made a part hereof.

23. Operating permits for the water and wastewater systems of Venture are set forth in Section 14 attached hereto and by this reference made a part hereof.

24. Information concerning the contract operator of the water and wastewater systems of Venture, including the name, class and

license of the operator, is set forth in Section 15 attached hereto and by this reference made a part hereof.

25. Signed and certified copies of United States Income Tax Returns filed with the Internal Revenue Service by Venture for 1992 and 1993 will be made available to the Commission for review upon request by the Commission. The United States Income Tax Return for Venture for 1994 has not been completed or filed with the Internal Revenue Service. A copy of the 1994 Income Tax Return will be made available to the Commission for review upon request by the Commission after it has been completed and filed with the Internal Revenue Service. See Section 16 attached hereto and by this reference made a part hereof.

26. Copies of the Florida Department of Environmental Protection Drinking Water Treatment Plant Daily Operation Summary forms for the water treatment plant of Venture and the Domestic Wastewater Treatment Plant Monthly Operating Report for the wastewater treatment plant of Venture for February 1992 through September 1994 are set forth in Section 17 attached hereto and by this reference made a part hereof.

27. Copies of the most recent inspection reports for inspections made by the regulatory agencies of the water system and the wastewater system of Venture are set forth in Section 18 attached hereto and by this reference made a part hereof.

WHEREFORE, Applicant hereby requests that the Commission:

(a) Exercise its jurisdiction in connection with this matter, cause to be published all necessary notices and schedules

and conduct a public hearing concerning this matter in accordance with the requirements of the Polk County Water and Sewer System Regulatory Ordinance.

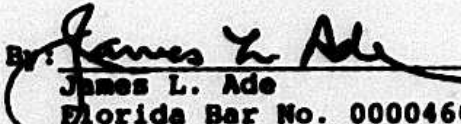
(b) Issue a water and wastewater franchise to Applicant for the territory described in Exhibit "B" attached hereto.

(c) Approve the water and wastewater service rates and charges set forth in Sections 1, 2 and 5 attached hereto.

(d) Take such other actions as may be necessary or desirable concerning this matter.

Respectfully submitted this 11th day of January, 1995.

MARTIN, ADE, BIRCHFIELD & MICKLER,
P.A.

By: 
James L. Ade
Florida Bar No. 0000460
Scott G. Schildberg
Florida Bar No. 0613990
Post Office Box 59
3000 Independent Square
Jacksonville, Florida 32202
(904) 354-2050

Attorneys for Applicant

Legal Description

Cypress Lakes Venture

Parcel No. 1

That part of Sections 27, 28, 33 and 34, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows: Begin at the Southeast corner of said Section 34, thence North $00^{\circ}48'40''$ West along the East line of said Section 34 a distance of 2270.71 feet to the West right-of-way line of State Road #700 and #35 (U.S. #98) as is located this date (6-21-85); thence North $47^{\circ}20'00''$ West along said West right-of-way line 1294.34 feet to the Point of Curvature of a curve concave to the Northeasterly having a radius of 5809.58 feet and a central angle of $22^{\circ}20'00''$; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North $25^{\circ}00'00''$ West still along said Westerly right-of-way line 610.00 feet; thence South $65^{\circ}00'00''$ West 600.00 feet; thence South $25^{\circ}00'00''$ East 410 feet; thence South $65^{\circ}00'00''$ West 525.00 feet; thence North $37^{\circ}30'00''$ West 710.00 feet; thence North $84^{\circ}30'00''$ West 790.00 feet; thence North $45^{\circ}00'00''$ West 816.46 feet to the centerline of Rock Ridge Road; thence South $26^{\circ}18'39''$ West along said centerline 49.37 feet; thence South $52^{\circ}01'40''$ West still along said centerline 957.92 feet; thence South $37^{\circ}51'58''$ West still along said centerline 754.96 feet; thence South $34^{\circ}36'25''$ West still along said centerline 969.18 feet to the intersection with the North line of the South 30.00 feet of the Northwest 1/4 of the Northeast 1/4 of aforesaid Section 33; thence South $89^{\circ}32'15''$ East along said North line 253.93 feet to a point on the West line of the East 60.00 feet of the West 1/2 of the Northeast 1/4 of said Section 33; thence South $00^{\circ}34'50''$ East along the said West line of the East 60.00 feet a distance of 1358.98 feet to the South line of the West 1/2 of said Northeast 1/4; thence South $89^{\circ}29'41''$ East along said South line 60.01 feet to the Southeast corner of the West 1/2 of said Northeast 1/4; thence South $00^{\circ}34'07''$ East along the West line of the East 1/2 of the Southeast 1/4 of said Section 33 a distance of 2564.11 feet to the Southwest corner of the East 1/2 of said Southeast 1/4; thence North $89^{\circ}39'13''$ East along the South line of said East 1/2 a distance of 1326.44 feet to the Southeast corner of said Section 33; thence North $89^{\circ}22'37''$ East along the South line of said Section 36 a distance of 5323.57 feet to the Point of Beginning; LESS AND EXCEPT 30.00 feet for right-of-way for Rock Ridge Road. Said tract containing 710.23 acres more or less.

Exhibit B

Page 1 of 2

Legal Description
Cypress Lakes Venture

Parcel No. 2

That part of Sections 27 and 34, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows: Commence at the Southeast corner of said Section 34; thence North 00°48'40" West along the East line of said Section 34 a distance of 2270.71 feet to the West right-of-way line of State Road #700 and #35 (U.S. #98) as is located on the date of 6/21/85; thence North 47°20'00" West along said West right-of-way line 1294.34 feet to the Point of Curvature of a curve concave to the Northeasterly having a radius of 5809.58 feet and central angle of 22°20'00"; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North 25°00'00" West still along said Westerly right-of-way line 610.00 feet to the Point of Beginning; thence South 65°00'00" West 600 feet; thence South 25°00'00" East 410.00 feet; thence South 65°00'00" West 525.00 feet; thence North 37°30'00" West 710.00 feet; thence North 84°30'00" West 790.00 feet; thence North 45°00'00" West 816.46 feet to the centerline of Rock Ridge Road; thence North 26°18'39" East along said centerline 1212.81 feet; thence North 62°32'09" East still along said centerline 1293.14 feet to said Westerly right-of-way line of State Road #700 and #35 (U.S. #98); thence South 25°00'00" East along said Westerly right-of-way line 2265.06 feet to the said Point of Beginning. Said parcel containing 95.75 acres, more or less;

LESS AND EXCEPT maintained right-of-way for Rock Ridge Road and that part of Section 27, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows: Commence at the Southeast corner of Section 34, Township 26 South, Range 23 East and run North 00°48'40" West along the East line of said Section 34 a distance of 2270.71 feet to the West right-of-way line of State Road #700 and #35 (U.S. #98) as is located on the date of 6/21/85; thence North 47°20'00" West along said West right-of-way line, 1294.34 feet to the Point of Curvature of a curve concave to the Northeast having a radius of 5809.58 feet and central angle of 22°20'00"; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North 25°00'00" West still along said Westerly right-of-way line 2525.06 feet to the Point of Beginning; thence continue North 25°00'00" West along said Westerly right-of-way 350.00 feet to the centerline of Rock Ridge Road; thence South 62°32'09" West along said centerline 330.00 feet; thence South 25°00'00" East 350.00 feet; thence North 62°32'09" East 330.00 feet to the said Point of Beginning. Said parcel containing 2.50 acres.

Exhibit B

LAW OFFICES

MARTIN, ADE, BIRCHFIELD & MICKLER, P.A.

ONE INDEPENDENT DRIVE - SUITE 3000
JACKSONVILLE, FLORIDA 32202

MAILING ADDRESS
POST OFFICE BOX 99
JACKSONVILLE, FLORIDA 32201

TELEPHONE (904) 354-2080
TELECOPIER (904) 354-8842

RALPH H. MARTIN
ROBERT O. MICKLER
JOHN D. DALTON, JR.
GEORGE T. MORRISON
DANIEL S. HUNN, JR.
SCOTT S. SCHLESBERG
BART L. WILKINSON

JAMES L. ADE
LYNDA R. AYCOCK
W. G. BIRCHFIELD
TIMOTHY A. BURLINCH
CHARLES L. CRANFORD
STEPHEN H. DURANT
T. WILLIAM GLOCKER
MICHAEL E. GOODREAD, JR.
STEPHEN D. HALLER
RONO HEAD
SHARON ROBERTS HENDERSON
BARBARA CHRISTIE JOHNSTON
MYRA LOUGHRAN

L. PETER JOHNSON 11842 1988

February 20, 1995

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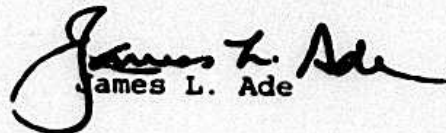
Ms. Paula M. Zwack
Fiscal and Franchise Manager
Polk County Utility Division
Post Office Box 2019
Bartow, Florida 33830

Dear Ms. Zwack:

In accordance with the request that you made during our recent telephone conversation, I am enclosing a copy of the Water Tariff and the Wastewater Tariff for Cypress Lakes Regional Utility, L.C., for your use in connection with the Application of Cypress Lakes Regional Utility, L.C., for Issuance of Water and Wastewater Franchises.

I trust that you will find the enclosed Tariffs to be self-explanatory and in order. If, however, you have any questions or need any additional information concerning this matter, please do not hesitate to call.

Sincerely yours,


James L. Ade

JLA:dws
Enclosures

cc: Mr. Robert B. Young
(w/enclosures)
Jack P. Brandon, Esquire
(w/enclosures)
Mr. Thomas W. Goodell
(w/enclosures)
Mr. George C. MacFarlane

WATER TARIFF

CIPRESS LAKES REGIONAL UTILITY, L.C.
NAME OF COMPANY

FILED WITH

**Board of County Commissioners
Polk County, Florida**

WATER TARIFF

CYPRESS LAKES REGIONAL UTILITY, L.C.
NAME OF COMPANY

10000 North U.S. Highway #98

Lakeland, Florida 33809
(ADDRESS OF COMPANY)

(813) 859-1431
(Business & Emergency Telephone Numbers)

FILED WITH

Board of County Commissioners
Polk County, Florida

Steven F. Story, Esquire
ISSUING OFFICER
Trustee
TITLE

NAME OF COMPANY CYPRESS LAKES REGIONAL UTILITY, L.C.

WATER TARIFF

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Steven F. Story, Esquire
ISSUING OFFICER
President
TITLE

NAME OF COMPANY CYPRESS LAKES REGIONAL UTILITY, L.C.

WATER TARIFF

TERRITORY SERVED

COUNTY - Polk County, Florida

RESOLUTION(S) APPROVING TERRITORY SERVED -

Resolution Number

Date Issued

APPLIED FOR

(Continued to Sheet No. 3.1)

Steven F. Story, Esquire
ISSUING OFFICER
President
TITLE

NAME OF COMPANY CYPRESS LAKES REGIONAL UTILITY, L.C.

WATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVED

Legal Description

Cypress Lakes Venture

Parcel No. 1

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ISSUING OFFICER
President
TITLE

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WATER TARIFF

(Continued from Sheet No. 3.1)

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Steven F. Story, Esquire
ISSUING OFFICER
President
TITLE

WASTEWATER TARIFF

CYPRESS LAKES REGIONAL UTILITY, L.C.
NAME OF COMPANY

FILED WITH

**Board of County Commissioners
Polk County, Florida**

WASTEWATER TARIFF

CYPRESS LAKES REGIONAL UTILITY, L.C.
NAME OF COMPANY

10000 North U.S. Highway #98

Lakeland, Florida 33809
(ADDRESS OF COMPANY)

(813) 859-1431
(Business & Emergency Telephone Numbers)

FILED WITH

Board of County Commissioners
Polk County, Florida

Steven F. Story, Esquire
ISSUING OFFICER
President
TITLE

NAME OF COMPANY CYPRESS LAKES REGIONAL UTILITY, L.C.

WASTEWATER TARIFF

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NAME OF COMPANY CYPRESS LAKES REGIONAL UTILITY, L.C.

WASTEWATER TARIFF

TERRITORY SERVED

COUNTY - Polk County, Florida

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APPLIED FOR

(Continued to Sheet No. 3.1)

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President
TITLE

NAME OF COMPANY: CYPRESS LAKES REGIONAL UTILITY, L.C.

WASTEWATER TARIFF

(Continued from Sheet No. 3.0)

DESCRIPTION OF TERRITORY SERVED

Legal Description

Cypress Lakes Venture

Parcel No. 1

That part of Sections 27, 28, 33 and 34, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows: Begin at the Southeast corner of said Section 34, thence North $00^{\circ}48'40''$ West along the East line of said Section 34 a distance of 2273.71 feet to the West right-of-way line of State Road 8700 and 835 (U.S. 898) as is located this date (6-21-85); thence North $17^{\circ}20'00''$ West along said West right-of-way line 294.34 feet to the Point of Curvature of a curve concave to the Northeasterly having a radius of 5809.58 feet and a central angle of $22^{\circ}20'00''$; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North $25^{\circ}00'00''$ West still along said Westerly right-of-way line 610.00 feet; thence South $65^{\circ}00'00''$ West 600.00 feet; thence South $25^{\circ}00'00''$ East 410 feet; thence South $65^{\circ}00'00''$ West 525.00 feet; thence North $37^{\circ}30'00''$ West 710.00 feet; thence North $84^{\circ}30'00''$ West 790.30 feet; thence North $45^{\circ}00'00''$ West 816.46 feet to the centerline of Rock Ridge Road; thence South $26^{\circ}18'39''$ West along said centerline 49.37 feet; thence South $52^{\circ}01'40''$ West still along said centerline 357.92 feet; thence South $37^{\circ}51'58''$ West still along said centerline 754.96 feet; thence South $34^{\circ}36'25''$ West still along said centerline 969.18 feet to the intersection with the North line of the South 30.00 feet of the Northwest 1/4 of the Northeast 1/4 of aforesaid Section 33; thence South $89^{\circ}32'15''$ East along said North line 253.93 feet to a point on the West line of the East 60.00 feet of the West 1/2 of the Northeast 1/4 of said Section 33; thence South $00^{\circ}34'50''$ East along the said West line of the East 60.00 feet a distance of 1358.98 feet to the South line of the West 1/2 of said Northeast 1/4; thence South $89^{\circ}29'41''$ East along said South line 60.01 feet to the Southeast corner of the West 1/2 of said Northeast 1/4; thence South $00^{\circ}34'07''$ East along the West line of the East 1/2 of the Southeast 1/4 of said Section 33 a distance of 2564.11 feet to the Southwest corner of the East 1/2 of said Southeast 1/4; thence North $89^{\circ}39'13''$ East along the South line of said East 1/2 a distance of 1326.44 feet to the Southeast corner of said Section 33; thence North $89^{\circ}22'37''$ East along the South line of said Section 36 a distance of 5323.57 feet to the Point of Beginning; LESS AND EXCEPT 30.00 feet for right-of-way for Rock Ridge Road. Said tract containing 710.23 acres more or less.

Steven F. Story, Esquire
ISSUING OFFICER
President
TITLE

NAME OF COMPANY CYPRESS LAKES REGIONAL UTILITY, L.C.

WASTEWATER TARIFF

(Continued from Sheet No. 3.1)

DESCRIPTION OF TERRITORY SERVED

Legal Description

Cypress Lakes Venture

Parcel No. 2

That part of Sections 27 and 34, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows: Commence at the Southeast corner of said Section 34; thence North $00^{\circ}48'40''$ West along the East line of said Section 34 a distance of 2270.71 feet to the West right-of-way line of State Road 8700 and 835 (U.S. 899) as is located on the date of 6/21/85; thence North $47^{\circ}20'00''$ West along said West right-of-way line 1294.34 feet to the Point of Curvature of a curve concave to the Northeasterly having a radius of 5809.58 feet and central angle of $22^{\circ}20'00''$; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North $25^{\circ}00'00''$ West still along said Westerly right-of-way line 610.00 feet to the Point of Beginning; thence South $65^{\circ}30'00''$ West 600 feet; thence South $25^{\circ}30'00''$ East 410.00 feet; thence South $65^{\circ}00'00''$ West 325.00 feet; thence North $37^{\circ}30'00''$ West 710.00 feet; thence North $84^{\circ}30'00''$ West 790.00 feet; thence North $45^{\circ}30'00''$ West 916.46 feet to the centerline of Rock Ridge Road; thence North $16^{\circ}18'39''$ East along said centerline 1212.81 feet; thence North $62^{\circ}32'09''$ East still along said centerline 1293.14 feet to said Westerly right-of-way line of State Road 8700 and 835 (U.S. 898); thence South $25^{\circ}00'00''$ East along said Westerly right-of-way line 2265.06 feet to the said Point of Beginning. Said parcel containing 95.75 acres, more or less;

LESS AND EXCEPT maintained right-of-way for Rock Ridge Road and that part of Section 27, Township 26 South, Range 23 East, Polk County, Florida, being more particularly described as follows: Commence at the Southeast corner of Section 34, Township 26 South, Range 23 East and run North $00^{\circ}48'40''$ West along the East line of said Section 34 a distance of 2270.71 feet to the West right-of-way line of State Road 8700 and 835 (U.S. 898) as is located on the date of 6/21/85; thence North $47^{\circ}20'00''$ West along said West right-of-way line, 1294.34 feet to the Point of Curvature of a curve concave to the Northeast having a radius of 5809.58 feet and central angle of $22^{\circ}20'00''$; thence Northwesterly along said Westerly right-of-way line and curve 2264.52 feet to the Point of Tangency; thence North $25^{\circ}00'00''$ West still along said Westerly right-of-way line 2525.86 feet to the Point of Beginning; thence continue North $25^{\circ}00'00''$ West along said Westerly right-of-way 350.00 feet to the centerline of Rock Ridge Road; thence South $62^{\circ}32'09''$ West along said centerline 330.00 feet; thence South $25^{\circ}00'00''$ East 350.00 feet; thence North $62^{\circ}32'09''$ East 330.00 feet to the said Point of Beginning. Said parcel containing 2.50 acres.

Steven F. Story, Esquire
ISSUING OFFICER
President
TITLE

Further discussion followed.

On motion of Commissioner Richardson, seconded by Commissioner Carter and upon vote carried 3-1, Commissioner Young voting against the motion, the Board denied CUP 98-11.

APPROVE DEVELOPMENT AGREEMENT AS AMENDED
THEODORE L. MYERS/SANDRIDGE RV PARK (PUD 90-04)

This was the date and time set by the Board for a second public hearing to consider the request of Theodore L. Myers for a development agreement with Polk County. The subject property is known as Sandridge RV Park (PUD 90-04), a 399 unit RV park which will be located on the east side of US 27, two miles south of Frostproof, in Section 18, Township 32, Range 28.

Merle Bishop, Director of Planning, highlighted the memorandum, Exhibit Q, and gave the background information. He reported staff is requesting that the term be reduced from 10 years to seven years.

Corby Myers, attorney for the applicant, reported his client was in complete agreement with changing the time requirement to seven years.

The Chairman opened a public hearing; no one spoke.

On motion of Commissioner Young, seconded by Commissioner Richardson and upon vote carried 3-0, Commissioner Carter not present at the time of vote, the Board approved the development agreement with Theodore L. Myers, for a period of seven years, for Sandridge RV Park (PUD 90-04), a 399 unit RV park which will be located on the east side of US 27, two miles south of Frostproof, in Section 18, Township 32, Range 28.

The Chairman then recessed the meeting at 4:25 p.m.

CONVENE POLK COUNTY UTILITIES COMMISSION

The Board of County Commissioners of Polk County, Florida, convened on Tuesday, August 6, 1998, at 4:25 p.m., as the Polk County Utilities Commission with the following members present: Neil Combee, Chairman, Ken Richardson, Marlene Duffy Young, and Jerry Carter. Nancy Rouse Caldwell was absent.

ESTABLISH INITIAL RATES AND APPROVE NAME CHANGE
CYPRESS LAKES ASSOCIATES, LTD.
COMMONLY CYPRESS LAKES REGIONAL UTILITY, L.C.

This was the date and time set by the Board for a public hearing to consider a request to establish initial rates for Cypress Lakes Regional Utility, L.C., a water and sewer system which must be franchised in accordance with Polk County Ordinance No. 82-11, as amended, said system being located approximately five miles north of the Lakeland Square Mall on U.S. 98 North, with an average of 672 water and sewer customers comprised of 667 residential and five commercial.

Darnell Gunn, Director of Public Works, highlighted the memorandum, Exhibit R, and gave the background information.

Robert Young, owner of Cypress Lakes, reported that when the application was submitted, there was a different owner. He is requesting approval for a name change from Cypress Lakes Regional Utility, L.C. to Cypress Lakes Associates, Ltd. He also reported that he agrees with the recommended rate schedule.

John Sheahan, Sheahan & Associates, Inc., gave a brief report on recommended rates, rate base, rate of return, calculation of rates, revenue profits and deferred standby fees. Discussion followed.

The Chairman opened a public hearing.

Edward Eaton reported he is a resident of Cypress Lakes and discussed the responsibility of the owner and questioned the rates. Discussion followed.

Bob Reeves reported he has objections because rates are typically reduced from what is requested. He listed his objections.

Discussion followed on base rates and rate structures and how each is determined.

George MacFarland discussed the base charge/volume charge and reported that the Southwest Florida Water Management District dictates that conservation rates must be changed.

Paul Westbrook, President of the Homeowners Association of Cypress Lakes, questioned whether the water may be metered out right now. Discussion followed.

The Chairman closed the public hearing.

On motion of Commissioner Carter, seconded by Commissioner Richardson and upon vote carried 4-0, the Board approved the name change from Cypress Lakes Regional Utility, L.C. to Cypress Lakes Associates, Ltd. and established initial rates as recommended in Exhibit R.

There being no further business, the Chairman adjourned the meeting of the Polk County Utilities Commission at 5:15 p.m.

RECONVENE

The Board of County Commissioners of Polk County, Florida, reconvened on this Tuesday, August 6, 1996, at 5:15 p.m., with the following members present: Neil Combee, Chairman, Ken Richardson, Marlene Duffy Young, and Jerry Carter, Nancy Rouse Caldwell was absent.

ADOPT ORDINANCE NO. 96-36 AMENDING ORDINANCE NO. 95-27 OCCUPATIONAL LICENSE TAXES

This was the date and time set by the Board for a public hearing to consider adopting an Ordinance amending Ordinance No. 95-27, Occupational License Taxes, the title and substance of the proposed Ordinance being:

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE 95-27 RELATING TO OCCUPATIONAL LICENSE TAXES; ELIMINATING THE REQUIREMENT THAT THE TAX COLLECTOR SIGN THE OCCUPATIONAL TAX RECEIPT; ELIMINATING A REQUIREMENT THAT ROOM COUNT BE MADE ACCORDING TO STATE STATUTE;