

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
SEP 09 2003 AA/GG

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

APPROVAL OF TOHOPEKALIGA WATER AUTHORITY AS WATER AND WASTEWATER SERVICE PROVIDER

Resolution No. 2003- M-36

WHEREAS, this Resolution is adopted pursuant to Article VIII, Section 4 of the Constitution of the State of Florida, and Section 125.01, Florida Statutes, Part VI (collectively, the "Act"); and

WHEREAS, the City of Kissimmee, Florida, a municipality incorporated under the laws of Florida, currently provides water and wastewater services within certain unincorporated areas of Orange County pursuant to the City of Kissimmee/Orange County Water and Wastewater Service Territorial Agreement executed by Orange County on September 27, 1994, and executed by the City of Kissimmee on October 28, 1994, and the Amendment to the City of Kissimmee/Orange County Water and Wastewater Service Territorial Agreement, dated March 28, 1995, (collectively the "Territorial Agreement"), and

WHEREAS, the Florida Legislature enacted Chapter 2003-368, Laws of Florida, (the "Special Act") which created an independent special district in Osceola County known as the Tohopekaliga Water Authority (the "Authority"); and

WHEREAS, the purpose of the Authority is to address and carry out the provision of potable water, reclaimed water, and wastewater services in certain areas of Osceola County, and in certain adjacent areas, upon the approval of any affected general purpose local government; and

WHEREAS, the City of Kissimmee, Osceola County and the Authority have agreed to enter into a Transition Interlocal Agreement whereby the water, reclaimed water, and wastewater utility system owned by the City of Kissimmee and related service responsibilities and obligations are to be transferred from the City to the Authority; and

WHEREAS, the Special Act expressly authorizes the transfer to the Authority or the contracting by the Authority for the provision of any water, reclaimed water, or wastewater systems, facilities or services within Osceola County or areas adjacent to Osceola County; and

WHEREAS, the Special Act states that the Authority may only provide services within the boundaries of an affected general purpose local government upon the adoption of a resolution by the governing body of the affected general purpose local government authorizing the Authority to provide its service and facilities therein; and

WHEREAS, the City of Kissimmee desires to transfer or otherwise assign its responsibilities and obligations under the Territorial Agreement to the Authority; and

WHEREAS, the Authority desires to include the area within the Territorial Agreement as its service area; and

WHEREAS, Section 9 of the Territorial Agreement authorizes the City to transfer its rights, duties and obligations under the Territorial Agreement to any properly authorized authority or other public agency.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Approval of the Tohopekaliga Water Authority as Water and Wastewater Service Provider Within Certain Areas of Orange County.

The Authority is hereby authorized to assume the rights, duties and obligations of the City of Kissimmee under the Territorial Agreement within that specific area described in the Territorial Agreement and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. The boundaries of the Authority's service area within Orange County may not be expanded without the further express consent of the County, evidenced by an additional delegating resolution of the Orange County Board of County Commissioners (the "Board").

Section 2. Sunset Provision. Unless the Board expressly approves otherwise, this

resolution and any amendments or supplements thereto shall expire and terminate on December 31, 2033.

Section 3. Severability. The provisions of this resolution are not severable. If any part of this resolution is held invalid by a court of competent jurisdiction or is superceded by any existing or future statute, this resolution shall be decreed void and of no further effect.

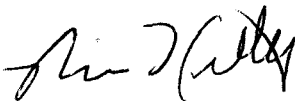
Section 4. Interlocal Agreement. This resolution contemplates the simultaneous approval of an interlocal agreement (the "Toho Agreement") under which the Authority and the County define and delineate the rights, duties and obligations of the Authority within the Authority's limited service within unincorporated Orange County.

Section 5. Liability. Nothing contained herein shall impose any liability upon Orange County for any acts of the City or the Authority.

Section 6. Effective Date. This resolution shall be effective upon the execution of the Toho Agreement by the Board, and the governing bodies of the City and the Tohopekaliga Water Authority.

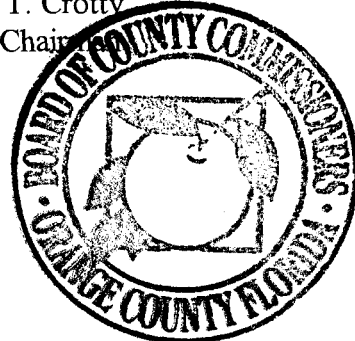
ADOPTED this 9 day of September, 2003.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Richard T. Crotty
County Chair

ATTEST: Martha O. Haynie, Orange County Comptroller
as Clerk of the Board of County Commissioners

By:  Deputy Clerk



**EXHIBIT A TO THE RESOLUTION
REGARDING APPROVAL OF TOHOPEKALIGA WATER AUTHORITY
AS WATER AND WASTEWATER SERVICE PROVIDER**

Beginning at the southwest corner of Section 31, Township 24 South, Range 27 East, run North along the Orange/Lake County line a distance of 2,640'; then East along the North line of the Southwest 1/4 of Section 31, to the East right-of-way line of Avalon Road (State Road 545); then North along said East right-of-way to the South right-of-way of Hartzog Road; then run Easterly along the South right-of-way of Hartzog Road to the East line of the Northwest 1/4 of Section 32, Township 24 South, Range 27 East; then continue East along the South right-of-way line of Hartzog Road to a point near the center of Section 28, Township 24 South, Range 27 East, where Hartzog Road turns North; then continue North along the East right-of-way of Hartzog Road to a point being 2,290' South of the North line of said Section 28; then East 1,350'; then North 2,290'; then East 2,640'; then South 1,320'; then East 1,320'; then South 3,965.03' to a point being the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 34, Township 24 South, Range 27 East; then West 2,640'; then South 1,329.03'; then West 1,326.56'; then South 2,156.86'; then East 1,326.64; then South 664.52'; then west 331.66'; then south to the Orange/Osceola County line; then West 3 miles more or less along said Orange/Osceola County line to the point of beginning, said point also being on the Lake/Orange County line. All lands lying within Orange County, Florida.

EXHIBIT A