A RESOLUTION OF THE ORANGE COUNTY COMMISSION PROVIDING LEGISLATIVE DETERMINATIONS NECESSARY TO ALLOCATE RERATED PHASE III SEWER SERVICE CAPACITY WITHIN THE EASTERN WASTEWATER SERVICE AREA; ENLARGING SERVICE AREA; DESIGNATING SALE DATE; PROVIDING AN ECONOMIC IMPACT DETERMINATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

PREMISES

1. The Orange County Commission allocates sewer service capacity within the Eastern Wastewater Service Area pursuant to the Eastern Wastewater Service Area Allocation Rules (hereinafter "EWSAAR").

2. The Commission has determined that it has available Phase III sewer service capacity to allocate within the Eastern Wastewater Service Area due to the Florida Department of Environmental Regulation's approved rerating of the Phase III Eastern Wastewater Treatment Facility.

3. The County has previously sold 5,059,068 gpd of Eastern Phase III wastewater capacity. Capacity release for this rerated capacity is expected after January 1988, upon concurrence by the Florida Department of Environmental Regulation and the U.S. Environmental Protection Agency on Phase III effluent capacity. Capacity to individual properties may be withheld later than January 1, 1988, until adequate wastewater transmission facilities are available.

4. The EWSAAR requires the adoption of a resolution to implement certain terms and conditions of the allocation for this sewer service capacity within the Eastern Wastewater Service Area.

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY COMMISSION:

Section 1. Legislative Determination by the Commission. In its legislative, governmental capacity, the Commission hereby makes the following findings and determinations:

(1) The Commission hereby determines pursuant to
Section 5, EWSAAR, that one million five hundred thousand (1,500,000) gallons per day of sewer service capacity (hereinafter "total capacity") is available for allocation and sale within the Eastern Wastewater Service Area.

(2) The Commission hereby determines to set aside four hundred thirty-eight thousand eight hundred fifty (438,850) gallons per day of said total capacity for transferring to the Eastern Wastewater Facility sewage flows now treated at the Arbor Ridge and College Heights sewage treatment plants.

(3) The Commission hereby determines to set aside one hundred thousand (100,000) gallons per day of said total capacity pursuant to subsection 5(a) of EWSAAR.

Section 2. Service Area Enlargement. The Commission hereby declares the Eastern Wastewater Service Area to include those lands depicted as eligible for capacity sales in the map attached hereto and incorporated in this resolution as Exhibit "A".

Section 3. Designation of November Allocation Day. The Commission hereby designates November 3, 1987 as an allocation day pursuant to Section 4, EWSAAR and authorizes and directs the Clerk to the Commission to publish a notice of said allocation day in a newspaper of general circulation in the county in accordance with Section 4, EWSAAR. Pursuant to Section 5, EWSAAR, the Commission hereby authorizes appropriate County staff to make available for allocation on said day nine hundred, sixty-one thousand, one hundred fifty (961,150) gallons per day of sewer service capacity to owners (or authorized agents thereof) of property within the Eastern Wastewater Service Area as expanded pursuant to Section 2, Orange County Resolution No. 84-SW-13 dated September 24, 1984.

Section 4. Economic Impact Determination. The Commission does hereby determine and find, pursuant to Section 1-27(2)(b), Orange County Code, that sufficient information has been provided for the Commission to assess
the economic impact of this resolution on the development of real property in Orange County. The Commission does hereby determine and find that no further economic impact statement or economic impact information is required in this matter.

Section 5. Severability. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 6. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED THIS 14th DAY OF September, 1987.

ORANGE COUNTY, FLORIDA

By: [Signature] Chairman, Orange County Commission

DATE: SEP 14 1987

ATTEST: THOMAS H. LOCKER, Clerk to the Orange County Commission

By: [Signature] Depute Clerk

JLP 9/10/87 #0986h