

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Release of Sewer Capacity

**DEPARTMENT:** Environmental Services **DIVISION:** Business Office

**AUTHORIZED BY:** *Robert G. Adolphe* **CONTACT:** Becky Noggle **EXT.** 2143  
Robert G. Adolphe, P.E., Director Sr. Coordinator

<b>Agenda Date</b> <u>10/14/03</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

Authorize Chairman to execute and approve Release of Sewer Capacity

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**BACKGROUND:**

Release of sewer capacity between Seminole County and Charles W. Clayton Jr., and W. Malcolm Clayton, Trustees for the project known as Willa Springs Shopping Center Lot #6 for 1,017 gpd of sewer. Release of sewer capacity is due to sale of property. District 1

<b>Reviewed by:</b>
<b>Co Atty:</b> <u>N/A</u>
<b>DFS:</b> _____
<b>Other:</b> _____
<b>DCM:</b> <u><i>MA</i></u>
<b>CM:</b> <u><i>RS</i></u>
<b>File No.</b> <u>CESA01</u>

RELEASE OF WATER AND SEWER CAPACITY

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as "COUNTY", and Charles W. Clayton Jr., Trustee and W. Malcolm Clayton, Trustee whose address is 5405 Diplomat Cir. Orlando Fl 32810, hereinafter referred to as "DEVELOPER."

W I T N E S S E T H:

WHEREAS, DEVELOPER's predecessors in interest and COUNTY entered into a Developers Agreement on April 25, 1989, (hereinafter referred to as the "DEVELOPERS AGREEMENT") for potable water and sewer services to be provided by COUNTY for the property described in Exhibit "A" attached hereto and incorporated herein (hereinafter referred to as the "PROPERTY"); and

WHEREAS, pursuant to the DEVELOPERS AGREEMENT, COUNTY has allocated certain potable water and sewer services for the use of said PROPERTY (hereinafter referred to as the "capacity"); and

WHEREAS, DEVELOPER has completed development of the PROPERTY, and a certain amount of capacity allocated for the PROPERTY remains unused and available for reallocation in accordance with COUNTY policy,

NOW THEREFORE, in consideration of the promises and mutual covenants stated herein, COUNTY and DEVELOPER agree as follows:

**SECTION 1. RELEASE OF CAPACITY TO COUNTY.** DEVELOPER does hereby release and quit claim to COUNTY the capacity allocated by COUNTY under the terms of the DEVELOPERS AGREEMENT, to wit:

- (a) 0 gallons per day for potable water supply, and  
(b) 1,017 gallons per day for wastewater removal.

Such capacity shall revert back to COUNTY in accordance with COUNTY policy.

SECTION 2. ENTIRE AGREEMENT.

(a) This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

(b) It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

IN WITNESS WHEREOF, the parties hereto have made and executed this instrument for the purpose herein expressed.

Signed, sealed and delivered in the presence of:

DEVELOPER

Lisa M. Bore  
Witness

W. Malcolm Clayton, Trustee / Charles W. Clayton, Jr. Trustee  
By: W. Malcolm Clayton / Charles W. Clayton

Lisa M. Bore  
Witness

Date: 8-26-03

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
MARYANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida.

By: \_\_\_\_\_  
DARYL G. MCLAIN, Chairman

Date: \_\_\_\_\_

For the use and reliance  
of Seminole County only.  
Approved as to form and  
legal sufficiency

As authorized for execution by  
the Board of County Commissioners  
at their \_\_\_\_\_, 20\_\_\_\_  
regular meeting.

*Susan E. Dietrich* 9-11-03  
County Attorney  
SED/lpk  
7/31/02  
release water sewer capacity

# LEGAL DESCRIPTION

LEG LOT 6 WILLA SPGS COMMERCIAL CENTER PH2A  
PB40 PGS 61 TO 63.