



AGENDA REPORT
May 21, 2019

**Ordinance, Re: Amending the Barefoot Bay Water and Sewer District
Boundary**

SUBJECT:

Ordinance, Re: Amending the Barefoot Bay Water and Sewer District Boundary to include River Grove Mobile Home Village I & II.

FISCAL IMPACT:

Cost of advertising and certifying of Ordinance

DEPT/OFFICE:

Utility Services

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a Public Hearing to consider an Ordinance to modify the boundary of the Barefoot Bay Water and Sewer District to include parcels owned by River Grove Mobile Home Village I & II.

SUMMARY EXPLANATION and BACKGROUND:

Ordinance 99-17, and as subsequently amended, established the Barefoot Bay Water and Sewer District as a Dependent Special District under Chapters 153 and 189, Florida Statutes. Section 1 of the Ordinance sets forth the boundary of the District.

Richard Bass, Utility Director of River Grove Mobile Home Village I & II, has requested that they be eligible to receive water service from the District. The basis of their request is due to the poor water condition provided by their current water system. The FDEP has issued a consent order (OGC No. 15-0211) which includes that River Grove Mobile Home Village I & II connect to the Barefoot Bay water system. The Barefoot Bay water system has capacity to include them into the District.

All customers receiving service from the District must be included within the boundaries of the District. The proposed ordinance, a sketch of the proposed property, River Grove's request and FDEP Consent Order are attached. This amendment would allow River Grove Mobile Home Village I & II to construct a water main to the nearest connection point within the current Barefoot Bay Water and Sewer District.

This item was publicly advertised and reviewed by the County Attorney's office.

Contact: Edward Fontanin, PE, Utility Services Director, 321-633-2091,
Edward.fontanin@brevardfl.gov

ATTACHMENTS:

Description

- ▣ **BFB Ordinance with Legal Description**
- ▣ **BFB Service Area Map - Proposed**
- ▣ **River Grove FDEP Cosent Order**
- ▣ **River Grove Water Request**
- ▣ **Legal Ad**



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 22, 2019

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 19-11 with Exhibit A, which was filed in this office on May 22, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



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Sincerely,

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Program Administrator

ELR/lb



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

May 22, 2019

M E M O R A N D U M

TO: Edward Fontanin, Utility Services Director

RE: Item H.2., Ordinance Modifying the Barefoot Bay Water and Sewer District Boundary

The Board of County Commissioners, in regular session on May 21, 2019, adopted Ordinance No. 19-11, modifying the boundary of the Barefoot Bay Water and Sewer District to include territory owned by River Grove Mobile Home Village I and II. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Asset Management

ORDINANCE NO. 19- 11

AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 98-181 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA TO MODIFY THE BOUNDARY OF THE BAREFOOT BAY WATER AND SEWER DISTRICT TO INCLUDE TERRITORY OWNED BY RIVER GROVE MOBILE HOME VILLAGE I & II; LOCATED IN A PORTION OF SECTION 14 OF TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA; PROVIDING RATIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized to create water and sewer districts, and

WHEREAS, the Board of County Commissioners is authorized to establish the boundaries of such water and sewer districts, and

WHEREAS, the Board of County Commissioners has previously established the Barefoot Bay Water and Sewer District, and

WHEREAS, the Board of County Commissioners wishes to expand or modify the boundaries of the Barefoot Bay Water and Sewer District to include adjacent compact development areas,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA as follows:

Section 1. The last sentence of section 98-181, Article VI, of the Code of Ordinances of Brevard County Florida, is here by amended to read as follows:

The boundaries of the district shall be those set forth in Exhibit A attached hereto.

Section 2. Ratification. All other provisions of sections 98-181 through 98-185 of the Code of Ordinances of Brevard County, Florida as originally enacted in Brevard County Ordinance 99-51, Ordinance 04-35, Ordinance 13-037, Ordinance 15-03 and Ordinance 18-29 are hereby ratified, confirmed and shall remain in full effect.

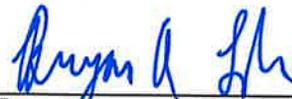
Section 3. Effective Date. This ordinance shall take effect immediately upon filing pursuant to law.
DONE AND ADOPTED IN REGULAR SESSION, this 21st day of May 2019.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY: 

Bryan A. Lober Vice Chair

As approved by the Board on 05-21-19

Officially filed with the Secretary of State May 22, 2019.

EXHIBIT A

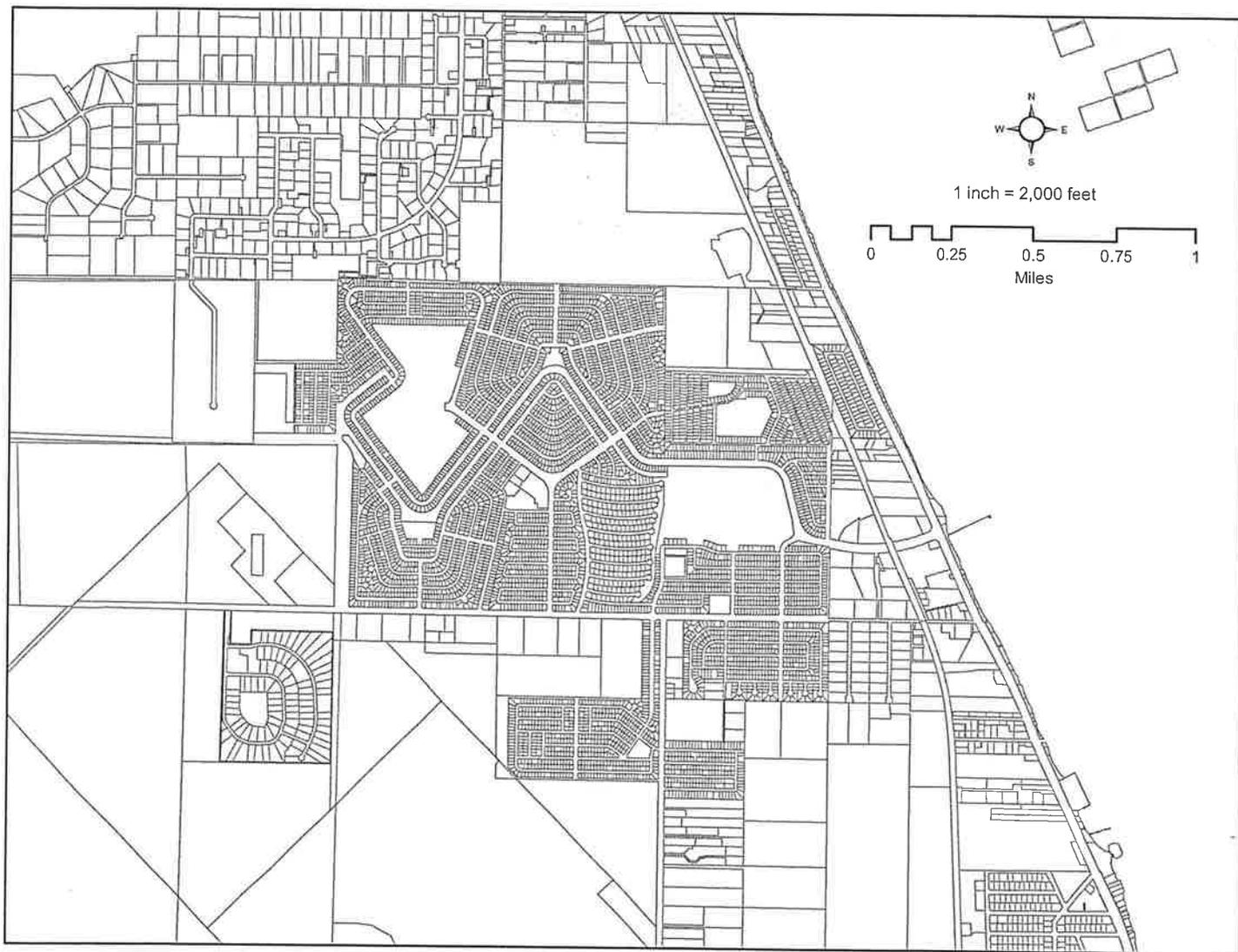
BAREFOOT BAY WATER AND SEWER DISTRICT BOUNDARY

A portion of Sections 1X,3,9,10,11,14,15 and 16, Township 30 South, Range 38 East, Brevard County, Florida being more particularly described as follows:

Begin at the Northeast corner of Section 15, Township 30 South, Range 38 East, proceed Southerly along the Eastern boundary line of said Section 15, a distance of 1334 feet, more or less, to the Southeast corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence Westerly along the South boundary of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15, a distance of 1331 feet, more or less to the Southwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15; thence South $00^{\circ}32'45''$ East, a distance of 1582.93 feet; thence South $89^{\circ}46'20''$ West, a distance of 1331.43 feet, to the West line of the Southeast $\frac{1}{4}$ of said Section 15; thence Northerly along the North-South centerline of said Section 15, a distance of 261.75 feet to the center of said Section 15; thence South $89^{\circ}46'20''$ West, along South boundary of the Northwest $\frac{1}{4}$ of said Section 15, for a distance of 2333.52 feet; thence North $44^{\circ}37'18''$ West a distance of 475.72 feet; thence North $0^{\circ}32'45''$ West along the West line of the Northwest $\frac{1}{4}$ of said Section 15, for a distance of 993.85 feet, to the South boundary of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, of said Section 15; thence North $89^{\circ}53'10''$ East, a distance of 1660.08 feet; thence North $00^{\circ}32'53''$ West, a distance of 664.81 feet; thence North $89^{\circ}54'47''$ West a distance of 354.30 feet; thence North $00^{\circ}19'45''$ West a distance of 615.24 feet to a point lying on the South right of way of Micco Road; thence West along said South right of way a distance 3966.50 feet to the Northerly projection of the East line of Paladin Estates as recorded in Plat Book 57, Page 7 of the Public Records of Brevard County, Florida; thence South $00^{\circ}00'30''$ East a distance of 2,432.98 feet; thence South $89^{\circ}57'46''$ West a distance of 1795.30 feet; thence North $00^{\circ}36'19''$ East a distance of 2497.81 feet to a point lying 50.00 feet North of and parallel with the South right of way of Micco Road; thence South $89^{\circ}32'45''$ East distance of 1767.61 feet; thence North $00^{\circ}33'44''$ West along the West boundary of the Southeast $\frac{1}{4}$ of Section 9, Township 30 South, Range 38 East, a distance of 2682.14 feet, to center of said Section 9; thence North $89^{\circ}49'31''$ West, along the South line of the Northwest $\frac{1}{4}$ of said Section 9 for a distance of 1326.90 feet, to the Southwest corner of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, said Section 9; thence North $00^{\circ}29'39''$ West, along the West line of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, said Section 9 for a distance of 1343.21 feet to the Northwest corner of the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 9 of said Township and Range; thence South $89^{\circ}44'36''$ East, along the North boundary of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 9 a distance of 1325.33 feet, to the Northeast corner of the Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of said Section 9; thence North $00^{\circ}33'44''$ West, along the West boundary of the Northeast $\frac{1}{4}$ of said Section 9 a distance of 1341.33 feet to the North $\frac{1}{4}$ corner of said Section 9; thence Easterly along the North boundary of said Section 9, Township 30 South, Range 38 East, a distance of 2647.54 feet to the Southwest corner of Section 3, Township 30 South, Range 38 East, thence North $00^{\circ}32'48''$ West, along the West line of the Southwest $\frac{1}{4}$ of said Section 3, a distance of 2656.30 feet to a concrete monument at the Northwest corner of said Southwest $\frac{1}{4}$; thence South $89^{\circ}50'47''$ East, along the North line of said Southwest $\frac{1}{4}$ a distance of 1320.29 feet; thence South $00^{\circ}52'46''$ East a distance of 331.12 feet; thence South $89^{\circ}53'14''$ East a distance of 660.91 feet; thence North $00^{\circ}27'56''$ West a distance of 330.62 feet; thence South $89^{\circ}50'47''$ East a distance of 1360.08 feet to a point on the Westerly right-of-way line of the Florida East Coast Railway; thence South $23^{\circ}54'12''$ East along said Westerly right-of-way line for 2881.91 feet to the North boundary of the Northeast $\frac{1}{4}$ of Section 10, Township 30 South, Range 38 East; thence South $89^{\circ}51'11''$ West along the North boundary a distance of 466.03 feet, to the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 10; thence South $00^{\circ}36'18''$ East along the West boundary

of the Northeast ¼ of the Northeast ¼ of said Section 10 a distance of 879.98 feet; thence South 89°47'45" East a distance of 1589.42 feet to the Westerly right of way of US Highway 1 (State Road No. 5); thence Southeasterly along said Westerly right of way a distance of 1686 feet (plus or -) to the south line of Snug Harbor Village, Section 1 ; thence departing said Westerly right of way South 89°56'12" West a distance of 661.40 feet to the Easterly right of way of the Florida East Coast Railway; thence South 23°52'01" East along said Easterly right of way a distance of 265.58 feet; thence departing said right of way North 89°35'00" East a distance of 663.74 feet to the Westerly right of way of US Highway 1 (State Road No. 5); thence Southeasterly along said Westerly right of way a distance of 1108 feet (plus or minus) to the Northeast corner of that certain parcel described in official records book 6961, page 801 of the public records of Brevard County, Florida, (known as Realty Income Properties 29 LLC, having a parcel identification number of 30-38-11-00-556, property appraiser of Brevard County, Florida), said North line being the South line of the North 300.00 feet of the South 650.78 feet of government lot 2, Section 11, Township 30 South, Range 38 East; thence run easterly approximately 157.97 feet along said South line of the North 300.00 feet of the South 650.78 feet of government lot 2 to the intersection with the east right of way line of aforesaid state road no. 5 / U.S. highway no. 1, 143.00 feet wide right of way, said point of intersection being the Northwest corner of that certain parcel having a parcel identification number of 30-38-11-00-557, property appraiser of Brevard County, Florida, (known as Abbott Manufactured Housing, Inc. / Scott Thomas etal); thence run Southeasterly along said east right of way line approximately 5,793.40 feet to the Northwest corner of that certain parcel described in official records book 5525, page 2559 of the public records of Brevard County, Florida, (known as Sebastian Inlet Marina, LLC, having a parcel identification number of 30-38-14-00-505, property appraiser of Brevard County, Florida) and the North line of the South 469.17 feet of government lot 6, Section 14, Township 30 South, Range 38 East; thence run easterly along the North boundary line of said certain parcel described in official records book 5525, page 3559, and North line of the South 469.17 feet of government lot 6 to the mean high water elevation line of the West shore of the Indian River Lagoon; thence meandering Southeasterly along said mean high water elevation line to the South boundary line of said certain parcel; thence run Southwesterly along said South boundary line and Southwesterly extension to the West right of way line of state road no. 5 / U.S. Highway No. 1, right of way map section No. 7001-275 (207), 143.00 feet wide right of way; thence run Northwesterly along said West right of way line to the South line of River Grove Mobile Home Village Ph. 1&2, as recorded in official Records Book 3980, Page 1827 of the public records of Brevard County, Florida; thence westerly along said line to the East right of way line of the Florida East Coast Railway; thence southerly along said right of way line to the easterly projection of the south line said River Grove Mobile Home Village phase 1 & 2; thence westerly along said line to the west line of said River Grove Mobile Home Village; thence northerly, westerly and northerly along said west line to the north line of said River Grove Mobile Home Village; thence easterly, southerly and easterly along said north line and its easterly projection to the east right of way line of the Florida East Coast Railway; thence southerly along said right of way line, to the North line of said River Grove Mobile Home Village; thence easterly, southerly and easterly along said north line to the West right of way line of said state road no. 5/ U.S. Highway No. 1; thence northwesterly along said West right of way line to the Southeast corner of that certain parcel described in official records book 2772, page 2898, of the public records of Brevard County, Florida, (known as Abbott Manufactured Housing Inc., having a parcel identification number of 30-38-11-00-515, property appraiser of Brevard County, Florida); thence departing said right of way South 77°07'44" West a distance of 681.4 feet (plus of minus); thence South 23°53'16" East parallel to Florida East Coast Railroad right-of-way a distance of 190.7 feet (plus or minus) to the South line of Section 11; thence West along the South line of said Section 11, for a distance of 1662 feet (plus

or minus) to the Southwest corner of said Section 11, said point also being the Northeast corner of said Section 15 and the POINT OF BEGINNING.





Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

July 1, 2016

Stephen Douglas, Director
River Grove Mobile Home Village, Inc.
8440 S. U.S. Highway 1
Micco, FL 32976
rivergrovevillage@att.net

Re: River Grove Mobile Home Village
PW Facility ID #3054057
OGC Case #15-0211

Dear Mr. Douglas:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Patrick Farris at 407-897-4137 or via e-mail at Patrick.Farris@dep.state.fl.us.

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Prather".

(on behalf of)

Jeff Prather
Director, Central District

Enclosure

cc: Lea Crandall, OGC
Kris Tulloch, Central District
Caroline Shine, Central District
Richard Bass, rbass5992@gmail.com
Sterling Carroll, sterling.carroll@frwa.net
Moises Villalpando, moises.villalpando@frwa.net

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	CENTRAL DISTRICT
)	
v.)	OGC FILE NO. 15-0211
)	
RIVER GROVE MOBILE HOME)	
VILLAGE, INC)	
_____)	

FIRST AMENDED CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and River Grove Mobile Home Village, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent. This Order replaces and supersedes the Consent Order entered into between the Department and Respondent in OGC File No. 15-0211 on June 4, 2015.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's water resources and to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.852(5), F.S.
3. Respondent is the owner of a community water system ("CWS"), PWS No. 3054057, located at 8440 South U.S. Highway 1, Micco, FL 32976, in Brevard County, Florida ("System").
4. The Department finds that the following violation(s) occurred:
 - a) Respondent is in violation of Rule 62-550.310(3), F.A.C, which establishes the maximum contaminant level ("MCL") for total trihalomethanes ("TTHMs") as 0.080 milligrams per liter ("mg/L"). The locational running annual average ("LRAA") results for samples collected from the System

on August 22, 2014, November 14, 2014 and February 25, 2015, and analyzed for TTHMs are 0.099 mg/L, 0.117 mg/L, and 0.130 mg/L, respectively.

- b) Respondent is in violation of Rule 62-550.320(3), F.A.C, which establishes the secondary maximum contaminant level ("SMCL") for Color as 15 color units and Total Dissolved Solids ("TDS") as 500 mg/L. The results for samples collected from the System on February 25, 2015 and analyzed for Color and TDS are 40 color units and 520 mg/L, respectively.
- c) Respondent is in violation of Rule 62-555.320(14), F.A.C, which requires a CWS to provide standby power capable of automatically starting and transferring electrical loads and to provide an audio-visual alarm system that is activated in the event any power source fails. On January 21, 2015, the System did not have standby power capable of starting automatically or automatically transferring the electrical loads. In addition, the System did not have an audio-visual alarm system that is activated in the event any power source fails.

5. The Department finds that Respondent retained the services of a professional engineer registered in the State of Florida, and on February 26, 2016, submitted a letter of intent to install a potable water interconnect with Brevard County Barefoot Bay Potable Water System (PWS No. 3050057) and abandon the Respondent's public water system.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

6. Respondent shall comply with the following corrective actions within the stated time periods:

- a) Within 90 days of the effective date of this Order, Respondent shall retain the services of a professional engineer, registered in the State of Florida, to submit an

application, along with any required application fees, to the Department for a permit to construct and install an interconnect to Brevard County Barefoot Bay Public Water System (PWS No. 3050057)

b) Within 18 months of issuance of the required permits described in subparagraph 6(a) above, Respondent shall complete construction and submit a Certification of Completion for permitted modifications made pursuant to subparagraph (6)(a), prepared and sealed by a professional engineer registered in the State of Florida. Respondent shall receive written Department clearance prior to placing the permitted system modifications made pursuant to subparagraph (6)(a)-into service.

c) Effective immediately, Respondent shall continue to maintain the automatic flushing valves in good working order and optimize the hydrogen peroxide injection system to reduce TTHMs below the LRAA MCL.

d) Effective immediately, Respondent shall continue to optimize the hydrogen peroxide injection and Granular Activated Carbon ("GAC") filtration to reduce TDS and color below their respective SMCLs.

e) If the Department requires additional information, modifications, or specifications to process the permit application described in subparagraph (6)(a) above, the Department will issue a written request for information ("RFI") to Respondent. Respondent shall submit the requested information in writing to the Department within 15 days of receipt of the request. Respondent shall provide all information requested in any additional RFIs issued by the Department within 15 days of receipt of each request. Within 60 days of the Department's receipt of the application described in subparagraph (6)(a) above, Respondent shall provide all information necessary to complete the application.

f) Within two calendar years of the effective date of this Order, Respondent shall complete all corrective actions necessary to resolve the MCL and SMCLs exceedances described above and properly abandon the existing water treatment plant and wells.

g) Respondent shall continue to sample quarterly for TTHMs and Haloacetic Acids 5 (HAA5s) in accordance with Rule 62-550.514(2)(b), F.A.C., until the locational running

annual average at each monitoring location is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5s, respectively, for four consecutive quarters, at which time Respondent shall return to routine monitoring in accordance with 40 CFR 141.621 and Chapter 62-550, F.A.C. Respondent shall submit all sampling results to the Department within 10 days following the month in which the samples were taken or within 10 days following Respondent's receipt of the results, whichever is sooner.

h) Respondent shall continue to issue public notices regarding the MCL violation(s) described above every 90 days, as required by Rule 62-560.410(1), F.A.C., until the Department determines that the System is in compliance with all MCLs. Respondent shall submit certification of delivery of public notices, using DEP Form 62-555.900(22), F.A.C. to the Department within 10 days of issuing each public notice.

i) Respondent shall submit written quarterly updates on the status of the permitted modifications. Updates shall be submitted to the Department within 10 days following the end of each calendar quarter (January 10, April 10, July 10, October 10) until the modifications are complete and cleared for service.

7. Within 180 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

8. Respondent agrees to pay the Department stipulated penalties in the amount of \$250 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph (6) of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph (9), below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.

9. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to

the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at:

<http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final and effective filed with the Clerk of the Department before ability to make online payment is available.

10. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Patrick Farris, Environmental Specialist III, Compliance Assurance Program, Department of Environmental Protection, Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803.

11. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

12. In the event of a sale or conveyance of the System or of the property upon which the System is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the System or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the System, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the System. The sale or conveyance of the System or the property does not relieve Respondent of the obligations imposed in this Order.

13. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is

delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

14. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

15. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

16. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

17. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$5,000.00 per day per violation, and criminal penalties.

18. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

19. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

20. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

21. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

22. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Department of Environmental Protection, Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to

request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

23. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

FOR THE RESPONDENT:


Charles Stephen Douglas
Director, Vice President

6-27-16
Date

DONE AND ORDERED this 1st day of July, 2016, in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



(on behalf of)

Jeff Prather
District Director
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

7/1/2016
Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

RIVER GROVE MOBILE HOME VILLAGE I & II
8440 U.S. Hwy 1, Micco, Florida 32976
Phone: (772) 664-4560
Fax: (772) 664-6840

April 1, 2019

Edward Fontanin, P.E.
Utility Services Director
Brevard County Utility Services
2725 Judge Fran Jamieson Way
Bldg. "A", Suite 213
Viera, Florida 32940

Re: River Grove Water Connection

Mr. Fontanin

River Grove Mobile Home Village I & II is requesting to be incorporated into the Barefoot Bay Water/Sewer District in order to provide water service to our project.

Thank you

Richard Bass
Richard Bass, Utility Director



RECEIVED

MAY 13 2019

UTILITY SERVICES

Shelley Locklear
BREVARD COUNTY WATER RESOURCES
2725 JUDGE FRAN JAMIESON WAY
STE 206
MELBOURNE, FL, 32940

AD#3553725, 5/10/2019
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on May 21, 2019 at 9:00 a.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL, 32940, will hold a public hearing on the following ordinance:

ORDINANCE NO. 19- AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 98-181 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA TO MODIFY THE BOUNDARY OF THE BAREFOOT BAY WATER AND SEWER DISTRICT TO INCLUDE TERRITORY OWNED BY RIVER GROVE MOBILE HOME VILLAGE I & II, LOCATED IN A PORTION OF SECTION 14 OF TOWNSHIP 30 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA; PROVIDING RATIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

All persons for or against said ordinance can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to such hearing or meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the Public Hearing is contacted at least 48 hours prior to the public meeting hearing by any person wishing assistance. The sponsoring department is the Utility Services Department, 321-633-2091.

A copy of the ordinance may be inspected at the following locations:

Office of Clerk to the Board of County Commissioners, Titusville, Florida
North Brevard Library, Titusville, Florida
Central Brevard Library, Cocoa, Florida
Melbourne Library, Melbourne, Florida
Micco Library, Micco, Florida

A copy of the ordinance may also be viewed online at: <http://www.brevardil.gov/CountyManager/DraftOrdinances>.

By order of the Board of County Commissioners of Brevard County, Florida

STATE OF NEW JERSEY COUNTY OF MONMOUTH:

Before the undersigned authority personally appeared Diana Figueroa, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

as published in FLORIDA TODAY in the issue(s) of:

05/10/19

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 10th of May 2019, by Diana Figueroa who is personally known to me

Diana Figueroa
Affiant

Kathleen A Gibson
Notary Kathleen A Gibson

Publication Cost: \$191.08
Ad No: 0003553725
Customer No: BRE-6WR114

