

UTILITY CONNECTION APPLICATION
FOR
ELECTRIC, POTABLE WATER, IRRIGATION WATER, WASTEWATER, AND
RECLAIMED WATER



This Utility Connection Application, (“**APPLICATION**”) is made this _____ day of _____, _____, by and between the **UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA**, (“**COMMISSION**”), and _____, (**OWNER**), (**GENERAL PARTNER**), (**AUTHORIZED AGENT**), (**CORPORATION**), LICENSED IN THE STATE OF FLORIDA, authorized to do business in the State of Florida, (“**APPLICANT**”).

SECTION 1

RECITALS

WHEREAS, COMMISSION has prepared this **APPLICATION** for any new, added, upgraded, upsized, or enlarged connections to **COMMISSION**’s facilities including electric, potable water, irrigation water, wastewater, or reclaimed water, or any combination of those utilities; and

WHEREAS, APPLICANT (owns) (is the contract purchaser of, and has provided letter of authorization to apply) certain property (“**PROPERTY**”) located in Volusia County, Florida, within the **COMMISSION**’s service area(s) as described in Exhibit “A”; and

WHEREAS, APPLICANT, represents that it requests utility connections for either electric, potable water, irrigation water, wastewater, or reclaimed water, or any combination of those utilities; and

WHEREAS, COMMISSION is willing to provide, where available, electric, potable water, irrigation water, wastewater, and reclaimed water service to the **APPLICANT** in accordance with and subject to the terms and conditions of this **APPLICATION** and applicable rules, regulations, specifications, laws, and requirements; and

WHEREAS, COMMISSION’s has other approved fees for connections, as detailed in **COMMISSION**’s Rates Charges and Fees Summary, which are not detailed in **APPLICATION**, which the **APPLICANT** will also need to pay; and

WHEREAS, APPLICANT agrees to pay apportioned infrastructure fees in recognition of the benefits of conceptual long-range planning and detailed for the Service area pursuant to the Comprehensive Plan for specific Zones to further the intent of Florida Statutes. s. 163.3177(11) which supports innovative and flexible planning and development strategies, and the purposes of Chapter 163, Florida Statutes, and to avoid the disproportionate distribution of costs upon existing customers for necessary connections for new customers; and

WHEREAS, COMMISSION’s infrastructure projects involving electric, potable water, wastewater, and reclaimed water supply facilities are necessitated by development and growth; and

SECTION 1 (Continued)

WHEREAS, COMMISSION generated a comprehensive infrastructure project list, which are projects the **COMMISSION** deems necessary to support developments and growth; and

WHEREAS, COMMISSION will apportion the costs for the utility infrastructure needs to support a given Zone.

WHEREAS, COMMISSION desires to fairly apportion costs to the **APPLICANT** for the future or existing infrastructure to meet needs to serve developments and growth of differing size, use, and scope; and,

WHEREAS, APPLICANT agrees to pay, in full, apportioned inspection, infrastructure, and capacity fees in advance of **COMMISSION** accepting and signing this **APPLICATION** or any other permit applications; and

NOW, THEREFORE, in consideration of the **RECITALS** hereof, for and in consideration of the mutual understanding and agreement herein contained and assumed, and other good and valuable considerations received by each party from the other, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby **AGREE** as follows:

SECTION 2

DESIGN AND CONSTRUCTION OF APPLICANT'S FACILITIES

APPLICANT agrees, as a condition precedent to its receipt of electric service capacity, water service capacity, irrigation water, wastewater service capacity, and reclaimed water service capacity by the **COMMISSION**, for the _____ (“**PROJECT**”) to do the following:

2.1 DESIGN OF APPLICANT'S POTABLE WATER, IRRIGATION WATER, WASTEWATER, AND RECLAIMED WATER FACILITIES - APPLICANT shall, at its expense, cause its own Florida Registered Professional Engineer to design, produce and submit to **COMMISSION** for its review, approval or rejection, prior to construction, plans and specifications for the construction of **APPLICANT's** facilities.

2.2 DESIGN OF APPLICANT'S ELECTRIC SYSTEM - APPLICANT shall cause its licensed electrical engineer or a licensed electrician to submit the following:

1. A completed Electric Information Load Sheet
2. The **PROJECT's** Electric Riser or Line Diagram.
3. The plans and specifications submitted to City of New Smyrna Beach for an Electrical Building permit.

Design of the Electric Conduit System from the transformer or secondary pedestal to the meter shall be the responsibility of **APPLICANT**. **APPLICANT** shall, at its expense, cause its own licensed contractor to purchase and install conduits and appurtenances.

2.3 APPROVAL OF PLANS AND SPECIFICATIONS FOR APPLICANT'S FACILITIES - COMMISSION shall review, approve or reject any such plans, specifications, electric load sheets, and electric line diagram submitted pursuant to subsection 2.1 and 2.2 hereof within thirty (30) days after receipt of said documents. At **APPLICANT's** expense, **APPLICANT's** engineers and/or electricians shall make corrections or modifications to any portion of the plans and specifications which are unacceptable to **COMMISSION**, and shall resubmit the corrected or modified plans and specifications to **COMMISSION** for further review until **COMMISSION** approves the plans and specifications. **COMMISSION** shall have, in each case, thirty (30) additional days within which to approve or reject any such revisions to said plans and specifications.

2.4 CONSTRUCTION OF APPLICANT'S FACILITIES - After **COMMISSION's** approval of the plans and specifications for **APPLICANT's** facilities, the **APPLICANT** shall, at its expense, construct or cause to be constructed and installed all facilities and appurtenances shown thereon.

SECTION 2 (Continued)

2.5 INSPECTION AND APPROVAL OF CONSTRUCTION OF APPLICANT'S FACILITIES - COMMISSION shall have the continuing right to enter upon the described **PROJECT** or **PROPERTY**, right-of-ways, and easement areas within which **APPLICANT'S** facilities are constructed to inspect the construction of any such facilities at any time without prior notice. **COMMISSION** shall have the right to disapprove all or any portion of **APPLICANT'S** Facilities, which are not constructed in accordance with the approved plans and specifications thereof and shall give notice within three (3) working days of any construction deficiencies discovered during the course of any such inspection. Within ten (10) days after the date **COMMISSION** inspects any such facilities, **COMMISSION** shall give written notice to the **APPLICANT** of the existence of construction deficiencies.

2.6 SAVE HARMLESS CLAUSE - APPLICANT covenants and agrees to indemnify and save harmless **COMMISSION** and to defend it from all costs, expenses, damages, attorney's fees, injury or loss, to which **COMMISSION** may be subjected by any person, firm, corporation or organization by reason of any wrongdoing, misconduct, want or need to care of skill, negligence or default or breach of Contract, guaranty, or warranty, by **APPLICANT**, his employees, his agent or assigns.

SECTION 3

INFRASTRUCTURE PAYMENTS (UC Resolutions 11-06 and 5-07)

3.1 INFRASTRUCTURE PAYMENTS - APPLICANT shall pay into an interest bearing escrow account the amount as set forth in SECTION 4 to pay for such infrastructure improvements necessary to support the planned growth. **COMMISSION** shall use all or a portion of such escrowed monies at any time for said utility infrastructure improvements as deemed necessary by **COMMISSION**.

3.2 ADJUSTMENTS TO INFRASTRUCTURE PAYMENTS - If APPLICANT alters the Plans and Specifications to **APPLICANT's** facilities and it is re-permitted for such alterations, and the number of ERUs is affected, the amount paid hereby shall be adjusted upward or downward accordingly.

3.3 TIME FOR PAYMENT - Payment shall be made, in full, of apportioned inspection, infrastructure, and capacity fees in advance of **COMMISSION** accepting and signing this **APPLICATION** or any other permit applications. Upon payment, **COMMISSION** will issue paid receipts and execute permit applications for **COMMISSION** services (electric, water, wastewater and reclaimed water).

SECTION 4

FEE PAYMENTS

4.1 CAPACITY FEES - Payment for required **Capacity Fees (UC Resolution 1-17)** shall be due and payable prior to **COMMISSION** accepting or signing the **APPLICATION** or any of **APPLICANT's** permit application(s).

The **Capacity Fees** are calculated by **COMMISSION's** Engineering Department. The results of the calculations are based on **APPLICANT** supplied plans and specifications, calculations, and other miscellaneous forms.

<u>Utility</u>	<u>Meter Size # 1</u>	<u>Count (#)</u>	<u>Capacity Fee</u>	<u>Total</u>
Potable Water	5/8"	_____	\$1,340.00	\$ _____
Irrigation Water	5/8"	_____	\$2,680.00	\$ _____
Reclaimed Water	3/4"	_____	\$1,060.00	\$ _____
Wastewater	5/8"	_____	\$1,290.00	\$ _____
			Sub-Total:	\$ _____

(If applicable)

<u>Utility</u>	<u>Meter Size # 2</u>	<u>Count (#)</u>	<u>Capacity Fee</u>	<u>Total</u>
Potable Water	1"	_____	\$3,350.00	\$ _____
Irrigation Water	1"	_____	\$6,700.00	\$ _____
Reclaimed Water	1"	_____	\$1,767.00	\$ _____
Wastewater	1"	_____	\$3,225.00	\$ _____
			Sub-Total:	\$ _____

Total Capacity Fees \$ _____

Insert calculations for alternative (e.g., a 3" or 4", etc.) larger size water, irrigation, reclaimed and wastewater connections below.

SECTION 4 (Continued)

4.2 INSPECTION FEES - Payment for required **Inspection Fees (UC Resolution 1-06)** shall be due and payable prior to **COMMISSION** accepting or signing the **APPLICATION** or any of **APPLICANT's** permit application(s).

Potable Water	_____	x	\$ <u>50.00</u> per ERU	=	\$ _____
Wastewater	_____	x	\$ <u>50.00</u> per ERU	=	\$ _____
Reclaimed Water	_____	x	\$ <u>50.00</u> per ERU	=	\$ _____
Total Inspection Fees					\$ _____

4.3 INFRASTRUCTURE FEES - Payment for required **Infrastructure Fees (UC Resolutions 11-06 and 5-07)** shall be due and payable prior to **COMMISSION** accepting or signing the **APPLICATION** or any of **APPLICANT's** permit application(s).

The **Infrastructure Fees** are calculated by **COMMISSION's** Engineering Department. The results of the calculations are based on **APPLICANT** supplied drawings, calculations, and other miscellaneous forms.

ELECTRIC	\$ _____
POTABLE WATER	\$ _____
WASTEWATER	\$ _____
RECLAIMED WATER	\$ _____

Total Infrastructure Fees \$ _____

4.4 FEE PAYMENT SUMMARY

TOTAL CAPACITY FEES	\$ _____
TOTAL INSPECTION FEES	\$ _____
TOTAL INFRASTRUCTURE FEES	\$ _____
TOTAL APPLICATION FEES	\$ _____

APPLICANT'S CONTRACTUAL RIGHTS, DUTIES AND RESPONSIBILITIES HEREIN SHALL NOT BE ASSIGNABLE UNLESS AGREED TO, IN WRITING, BY COMMISSION.

Signatures to follow

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

For the **APPLICANT**:

Printed Name: _____
Title: _____
Company Name: _____

Witnesses:

Printed Name: _____

Printed Name: _____

For the **COMMISSION**:

Printed Name: William R. Mitchum
Title: General Manager / CEO

Witnesses:

Printed Name: _____

Printed Name: _____

“EXHIBIT A”