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 INFRASTRUCUTRE 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.

<table>
<thead>
<tr>
<th>Utility</th>
<th>Meter Size # 1</th>
<th>Count (#)</th>
<th>Capacity Fee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potable Water</td>
<td>5/8”</td>
<td></td>
<td>$1,340.00</td>
<td>$</td>
</tr>
<tr>
<td>Irrigation Water</td>
<td>5/8”</td>
<td></td>
<td>$2,680.00</td>
<td>$</td>
</tr>
<tr>
<td>Reclaimed Water</td>
<td>3/4”</td>
<td></td>
<td>$1,060.00</td>
<td>$</td>
</tr>
<tr>
<td>Wastewater</td>
<td>5/8”</td>
<td></td>
<td>$1,290.00</td>
<td>$</td>
</tr>
</tbody>
</table>

Sub-Total: $________

(If applicable)

<table>
<thead>
<tr>
<th>Utility</th>
<th>Meter Size # 2</th>
<th>Count (#)</th>
<th>Capacity Fee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potable Water</td>
<td>1”</td>
<td></td>
<td>$3,350.00</td>
<td>$</td>
</tr>
<tr>
<td>Irrigation Water</td>
<td>1”</td>
<td></td>
<td>$6,700.00</td>
<td>$</td>
</tr>
<tr>
<td>Reclaimed Water</td>
<td>1”</td>
<td></td>
<td>$1,767.00</td>
<td>$</td>
</tr>
<tr>
<td>Wastewater</td>
<td>1”</td>
<td></td>
<td>$3,225.00</td>
<td>$</td>
</tr>
</tbody>
</table>

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  
\[
\text{__} \times \$50.00 \text{ per ERU} = \$\text{__}
\]

Wastewater  
\[
\text{__} \times \$50.00 \text{ per ERU} = \$\text{__}
\]

Reclaimed Water  
\[
\text{__} \times \$50.00 \text{ per ERU} = \$\text{__}
\]

Total Inspection Fees  \[
\$\text{__}
\]

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.

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric</td>
<td>$\text{__}</td>
</tr>
<tr>
<td>Potable Water</td>
<td>$\text{__}</td>
</tr>
<tr>
<td>Wastewater</td>
<td>$\text{__}</td>
</tr>
<tr>
<td>Reclaimed Water</td>
<td>$\text{__}</td>
</tr>
</tbody>
</table>

Total Infrastructure Fees  \[
\$\text{__}
\]

4.4 FEE PAYMENT SUMMARY

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Capacity Fees</td>
<td>$\text{__}</td>
</tr>
<tr>
<td>Total Inspection Fees</td>
<td>$\text{__}</td>
</tr>
<tr>
<td>Total Infrastructure Fees</td>
<td>$\text{__}</td>
</tr>
<tr>
<td>Total Application Fees</td>
<td>$\text{__}</td>
</tr>
</tbody>
</table>

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: __________________________
Title: __________________________

Witnesses:

Printed Name: __________________________

Printed Name: __________________________
“EXHIBIT A”