

This Instrument Prepared By:

City of Lakeland
Water Utilities Department
501 E Lemon Street W-ADMN/ENG
Lakeland, FL 33801
863-834-8316

Parcel I.D.
Project Name:
Address:
WU Project
City File:

PRIVATELY OWNED WASTEWATER FACILITY AGREEMENT
INVOLVING MULTIPLE PRIVATE PARTIES

THIS COMMITMENT is dated this ____ day of ____, 202_, between, ____ (“*Owner 1*”) whose address is _____ and, _____ (“*Owner 2*”) whose address is _____ .

WITNESSETH:

WHEREAS, Owner 1 is desirous of extending, operating and maintaining a Privately-Owned Wastewater Collection System (“System A”) within lands under its ownership and more particularly described in Exhibit A; and

WHEREAS, Owner 1 wishes to connect to and receive wastewater service through the use of a Privately Owned Wastewater Collection System (“System B”) owned by Owner 2 within lands under his ownership and more particularly described in Exhibit “B”; and

WHEREAS, Owner 1 and Owner 2 are agreeable to the shared beneficial use of said System2 and have executed this agreement to document such agreed mutual perpetual right of use of the systems together with related responsibilities; and

WHEREAS, Owner 1 and Owner 2 understand that each will be responsible for the operation and maintenance of Systems A and B, respectively, under Florida Administrative rule 62-604; and each further understands that City shall not be responsible for the operation and maintenance of the Systems.

NOW THEREFORE, in consideration of receiving City wastewater service within the Properties, and the above recitals, Owner 1 and Owner 2 commit as follows:

1. Owner 1 shall cause to be constructed a privately-owned collection system including gravity sewer meeting City construction standards, to serve the dwelling(s) on the property.
2. Owner 2 shall permit the perpetual joint use of System B with Owner1 subject to the conditions of the Agreement;
3. The subsequent operation and maintenance of Private Systems shall be subject to the terms and requirements of the DEP construction or general permit issued by the Florida Department of Environmental Protection, enforceable under Chapter 403, Florida Statutes.
4. The DEP permit, including application, certification, and rule 62-604 by reference, requires each Owner's operation and maintenance of the private System in such a manner as it was designed. Each Owner agrees to maintain at the Property an operation and maintenance manual, as is applicable, for the Private System.
5. Each Owner shall be responsible to notify the DEP, Tampa District Office, and the City, of the legal transfer of ownership of the Private System to a subsequent owner. Said City notification shall be to the Water Utility Department in such a format as required by the Utility.
6. In the event that a Federal, State, or local agency amends or enacts rules affecting the intent and purpose of this commitment, the owner shall execute such modified commitment which conforms to such amendment or enactment, for the purpose of recording.
7. This Commitment shall inure to the benefit of and be binding upon the parties hereto, their successors, assigns, and grantees.

8. Each Owner on behalf of itself, its successors, and assigns agrees to defend, indemnify and hold harmless the City of Lakeland from and against all claims, damages or expenses arising out of the installation, operation or maintenance of the Privately-Owned Wastewater Collection Systems.
9. It is understood and agreed that the written terms and provisions of this Commitment shall supersede all previous understandings, commitments, or agreements, whether oral or written, and such previous understandings, commitments, or agreements shall not be construed as being part of this Commitment.
10. The parties agree that this Commitment will be governed by the laws of the State of Florida and venue for any litigation shall be in the Circuit Court of the Tenth Judicial Circuit, Polk County, State of Florida or the United States District Court for the Middle District of Florida.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have executed this commitment effective as of the date of last signature.

OWNER 1

WITNESSES:

(signature)

Manager

(print name)

(signature)

(print name)

STATE OF _____
COUNTY OF _____

THE **FOREGOING** INSTRUMENT was acknowledged before me, this _____ day of _____, 202_, by _____, as the Authorized Representative of, who ☐ is personally known to me or ☐ has produced _____ as identification.

(Seal)

Notary Public
Print Name:
Commission No.:
My Commission Expires:

WITNESSES:

OWNER 2

(signature)

Manager

(print name)

(signature)

(print name)

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledged before me, this _____ day of _____, 202_, by _____, as the Authorized Representative of, who ☐ is personally known to me or ☐ has produced _____ as identification.

(Seal)

Notary Public
Print Name:
Commission No.:
My Commission Expires:

Exhibit A

Parcel ID:

Project Name:

WU Project Number:

Exhibit B

Parcel ID:

Project Name:

WU Project Number: