

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

PRIVATELY-OWNED WASTEWATER FACILITY COMMITMENT

THIS PRIVATELY OWNED WASTEWATER FACILITY COMMITMENT (this “*Commitment*”), made and entered into this _____ day of _____, 202_, by and between, _____ (“*Owner*”) whose address is _____, and the **City of Lakeland**, a Florida municipal corporation (“*City*”).

WITNESSETH

WHEREAS, Owner desires to extend, operate, and maintain a Privately-Owned Wastewater Collection System within lands under its ownership and more particularly described in Exhibit “A” (the “Property”); and

WHEREAS, Owner understands that it will be responsible for the operation and maintenance of the Privately-Owned Wastewater Collection System in compliance with Chapter 62-604, Florida Administrative Code; and Owner further understands that City shall not be responsible for the operation and maintenance of the Privately-Owned Wastewater Collection System.

NOW THEREFORE, in consideration of the receiving City wastewater service within the Property, the Owner commits as follows:

1. Owner has caused to be constructed a privately-owned collection system (“Private System”) including gravity sewer, force main, and lift station not meeting City construction standards, to serve the building(s) on the Property. The construction and subsequent operation of the Private System shall be subject to the terms and requirements of the Florida Department of

Environmental Protection (“DEP”) construction or general permit issued by the DEP (“*DEP Permit*”), enforceable under Chapter 403, Florida Statutes.

2. The DEP permit, including application, certification and Chapter 62-604, F.A.C., requires Owner operation and maintenance of the Private System in such a manner as designed. Owner agrees to maintain at the Property an operation and maintenance manual, as is applicable, for the Private System.

3. 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 (“*Utility*”) in such a format as required by the Utility.

4. In the event that a Federal, State, or local agency amends or enacts rules affecting the intent and purpose of this commitment, Owner shall execute such modified commitment, which conforms to such amendment or enactment, for the purpose of recording.

5. This Commitment shall inure to the benefit of and be binding upon the parties hereto, their successors, assigns, and grantees.

6. 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 System.

(SIGNATURE PAGE FOLLOWS)

EXHIBIT A

IN WITNESS WHEREOF, the Owner does hereby set its hand and seal the day and year first above written.

Witnesses as to signatures

Owner

Print Name

Signature

Print Name

Signature

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT was acknowledged before me this ____ day of _____, 202__ by _____, who is [personally known to me] or [who has produced _____ as identification] and is known to me to be the [title] _____ of _____, and known to me to be the person who executed this Instrument, on behalf of the company herein named, and acknowledged to me that such company executed this Instrument pursuant to its bylaws or other appropriate authority of the company.

(Seal)

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

This Instrument Prepared By:

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

EXHIBIT A

Parcel I.D:

Project Name:

WU Project Number:

Legal Description: