

This Instrument Prepared By:

Sarah Malone
City of Lakeland
Water Utilities Department
501 E Lemon Street
Lakeland, FL 33801
863-834-6295

Parcel I.D.: _____
Project Name: _____
WU Project No: _____
Address: _____
Company Name: _____
Owner’s Name: _____
City File Y: _____

Recording Information Above

**PERMIT TO OPERATE A COMMERCIAL FACILITY WITHIN
500 FEET OF A PUBLIC POTABLE WATER WELLHEAD**

THIS Permit, issued this ____ day of _____ 202_, at Lakeland, Polk County, Florida, to _____, a _____ (state) whose principal address is _____ (hereinafter called "Owner"), by the **City of Lakeland**, a Florida municipal corporation, whose address is 228 South Massachusetts Avenue, Lakeland, Florida 33801 through its Water Utilities Department (hereinafter called the "City").

WITNESSETH:

WHEREAS, The City is the purveyor of potable water in the City of Lakeland water service territory; and

WHEREAS, the City is Regulated under Chapter 403 FS and Rule 62-555 FAC, and Rule 9J-5 FAC to implement a wellhead protection program for public potable water wellheads operated by the City, and has done so in accordance with the City of Lakeland Land Development

Code initially authorized under ordinance 3412 (March 1, 1993) and is codified under Article 6 Lakeland Land Development Code; and

WHEREAS, Owner is desirous of operating and maintaining a Commercial Facility within lands under Owner’s ownership and more particularly described in Exhibit “A,” attached hereto and hereinafter referred to as the “Property”; and

WHEREAS, The Property, or portion thereof, is within 500-feet of a public production wellhead; and

WHEREAS, Owner understands that Owner will be responsible for the operation and maintenance of the Commercial Facility under Article 6 Lakeland Land Development Code, Rule 62-555 Florida Administrative Code, and Chapter 403 Florida Statutes.

NOW THEREFORE, in consideration of being authorized by the City to operate and maintain a Commercial Facility upon the Property, the Owner accepts permit conditions as follows as Permittee, on the Owners behalf and on the behalf of Owner’s lessees, if applicable.

1. Owner has purchased or constructed a Commercial Facility.
2. The operation of the Commercial Facility shall be subject to the terms and requirements of Article 6 Lakeland Land Development Code, Rule 62-555 FAC, and Chapter 403 Florida Statutes and is enforceable under Article 6 Lakeland Land Development Code and Chapter 403 Florida Statutes.
3. Attached hereto as Exhibit B is the Well Head Protection Permit Application Instructions and Conditions (hereinafter referred to as “Permit Conditions”,) which summarized the permit conditions and operating procedures as provided herein.
4. Should the Owner or Owner’s lessee bring any of the regulated materials regulated by Article 6 Lakeland Land Development Code, Rule 62-555 FAC, and Chapter 403 Florida Statutes

onto the Property, regardless of the distance from the wellhead, the Owner shall notify the Water Utilities Department of the presence of regulated materials upon the Property and said City notification shall be to the Water Utility Department in such a format as required by the Utility and in accordance with the Permit Conditions.

5. The Owner shall be responsible to notify the City of the legal transfer of ownership or of the leasehold of the Commercial Facility to a subsequent owner or lessee. Said City notification shall be to the Water Utility Department in such a format as required by the Utility, and in accordance with the Permit Conditions.

6. The Owner and Owner's lessees shall allow the City to inspect the Commercial Facility for compliance with the public potable wellhead protection program on at least an annual basis unless cause exists for more frequent inspections.

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

8. This Permit shall be binding upon the Owner its heirs, successors, assigns, grantees, and lessees, and shall be recorded in the public records of Polk County, Florida.

9. The Owner on behalf of itself, its heirs, successors, assigns, grantees, and lessees agrees to the extent provided by law to defend, indemnify and hold harmless the City and against all claims, damages or expenses (including attorney's fees at the trial and appellate levels) without limitation arising out of this Permit.

10. In accordance with this Permit, it shall be a violation of this permit not to maintain regulated materials in accordance with Permit Conditions, and the Director of Water Utilities may take whatever action necessary to assure compliance and protect the public water system.

11. In the event of a release of a regulated material from containment or to the environment, the Owner shall notify the City in accordance with Permit Conditions.

12. No amendment to this Permit by the Owner shall be effective unless in writing and executed by both the Owner and the City.

13. Unilateral modifications to this Permit can be made by the Director of Water Utilities and said modifications shall be recorded in the public records of Polk County, Florida after the Owner has had an opportunity to review said modified conditions.

14. The Owner shall insert a copy of this Permit in all lease agreements executed on the Property.

15. The Owner agrees that this Permit 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 Tampa Division.

16. This Permit will remain effective until such time that a recordable agreement to requiring the expiration of this Permit is executed by the Owner and the City.

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

Witnesses as to signatures:

Owner:

(print)

Name: _____

(signature)

Title: _____

(print)

Signature: _____

(signature)

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ____ day of _____, 202_, by _____ as _____ for _____.

(NOTARY SEAL) (Signature of Notary Public-State of Florida)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification _____
Type of Identification Produced

Witnesses as to signatures:

City

(print)

(signature)

(print)

(signature)

By: _____
William Anderson

Director of Water Utilities

STATE OF FLORIDA)
COUNTY OF POLK)

THE FOREGOING INSTRUMENT was acknowledged before me this ____ day of _____,
202_ by William Anderson, who is [] personally known to me or [] who has produced
_____ as identification.

Notary Public, State of Florida
Print Name: _____
Commission No.: _____
My Commission Expires: _____

