

**Banks Prevatt
141 Pirates Rd.
Little Torch Key, FL 33042**

December 4, 2014

Robert T. Feldman
General Counsel
Florida Keys Aqueduct Authority
1100 Kennedy Drive
Key West, Florida 33040

Dear Mr. Feldman,

Your letter of August 5 avoids my direct questions. But first, let's look at your points.

1. You say that based on statutes and ordinances, when central sewer is provided in front of my property, it is mandatory that I connect. I have no problem with this, but I do have a problem with your interpretation of these statutes and ordinances. In no way do these statutes and ordinances contemplate imposing sewer equipment on private property but rather through public right-of-ways.
2. You say that in order for FKAA to install and maintain this system, it is necessary for FKAA to have the right to enter my property. Robert, your statement is just wrong. Marathon rightfully used public easements and avoided this intrusion on personal property.
3. You say that an easement is necessary. I say that you already have a 50' wide easement in the road right of way in front of my property. That is where the FKAA equipment belongs.

As to my questions that you did not answer:

1. Can you cite some specific Florida Law which allows for the use of my front yard by a government authority without following eminent domain or inverse condemnation law? Is not the acquisition of an easement by government authority compensable?
2. How can an easement be coerced by the FKAA without offering some compensation for the taking of the easement? Section 73.015, Florida Statutes, requires "presuit negotiations." Should not the FKAA be offering an amount of compensation for this easement based upon an appraisal?
3. Is the FKAA prepared to file an eminent domain suit to acquire the easement as governed by Chapters 73 & 74 of the Florida Statutes?
4. How is it that the FKAA is bound to lifetime maintenance when the FKAA is not a party to the agreement?

And, I have a couple of new questions:

1. Can you cite any statutory law that allows imposition of a public project on private property without compensation?

2. You refer to County Ordinances, and this is good. Why don't we simply follow the Monroe County Code? Section 20 is quite specific.

Monroe County Code

Section 20-50. - Definitions.

(1) For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment;

Section 20-105. – Residential or Commercial Users.

(e) *Private property; properties under one ownership.* For private property or contiguous properties under one ownership with one or more EDUs that in total has a cumulative estimated wastewater flow of less than 1,000 gallons per day;

(1)The utility shall provide a means of connection within the public right-of-way, whether by vacuum pit or other, that abuts the property and that can be accessed via a gravity system;

I look forward to your response.

Sincerely,


Banks Prevatt