

REAL ESTATE EXECUTIVE SUMMARY

PROJECT: Cypress Creek - Loxahatchee

COUNTIES: Palm Beach, Martin

ACRES: Easement to be Released – 10.84 acres, more or less
New Easement area parcel – 3.56 acres, more or less

PURPOSES: Even Exchange of Access Easements to accommodate actual physical access; Memorandum of Agreement

BACKGROUND/CONSIDERATIONS: The South Florida Water Management District (“District”), Palm Beach County (“PBC”) and Martin County (“Martin”) entered into an Interlocal Agreement, dated May 28, 2002, concerning the acquisition and management of approximately 3,996.34 acres of lands for the Cypress Creek – Loxahatchee project located in Martin and Palm Beach Counties generally referred to as the Cypress Creek project area (“Cypress Creek”), which agreement was amended by the First Amendment to Interlocal Agreement dated December 12, 2002. The District and Martin jointly acquired title to the approximately 3,397.69 acres of Cypress Creek located in Martin County (the “SFWMD/Martin Property”) and PBC acquired title to the adjacent approximately 598.65 acres located in Palm Beach County (the “Palm Beach Property”), as depicted on Exhibit “A” attached hereto and made a part hereof. For purposes of ingress and egress to and from the SFWMD/Martin Property, there is a current legally described access easement area of approximately 10.84 acres located within the Palm Beach Property (the “Current Access Easement Area”), which does not physically provide a clear and convenient path to the SFWMD/Martin Property. Additionally, the location of the Current Access Easement Area does not allow adequate measures to be taken by PBC regarding fencing that would prevent illegal dumping of solid waste that has been occurring on the Palm Beach Property and the SFWMD/Martin Property. The District, Martin and PBC have determined that it is in the public interest to enter into a modified easement (the “New Access Easement”) that releases the Current Access Easement Area in exchange for a relocated access easement area along an existing dirt road currently utilized for access located within the Palm Beach Property of approximately 3.56 acres (the “Relocated Access Easement Area”). The District, Martin and PBC will also enter into a Memorandum of Agreement (the “MOA”), whereby the frequency and availability by the general public to access the SFWMD/Martin County Property through the Relocated Access Easement Area will be detailed and based on parking accommodations. The New Access Easement will include similar terms and conditions regarding the frequency and availability by the general public to access the SFWMD/Martin County Property through the Relocated Access Easement Area

FISCAL IMPACT: There is no fiscal impact as no payment will be made to or from the District. This is an even exchange of easements.

AUTHORIZATION: The Governing Board, pursuant to Section 373.089 of the Florida Statutes, may exchange lands or interests in land under terms and conditions determined by the Governing Board, and pursuant to Section 373.096 of the Florida Statutes may release any

easement for which the District has no present or apparent future use under terms and conditions determined by the Governing Board.

RECOMMENDATION: That the Governing Board of the South Florida Water Management District approves releasing the 10.84 acres, more or less, Current Access Easement Area in exchange for the 3.56 acres, more less, Relocated Access Easement Area and approves entering into a Memorandum of Agreement with Martin County and Palm Beach County regarding the use of the Relocated Access Easement Area.

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Attachments: Resolution and map