

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2011-_____

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6 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
7 MANAGEMENT DISTRICT TO APPROVE RELEASING TO PALM BEACH COUNTY, 10.84
8 ACRES, MORE OR LESS, OF CURRENT ACCESS EASEMENT AREA AND ACCEPTING IN
9 EXCHANGE A RELOCATED ACCESS EASEMENT AREA CONTAINING 3.56 ACRES,
10 MORE OR LESS, LOCATED IN PALM BEACH COUNTY, AND ENTERING INTO A
11 MEMORANDUM OF AGREEMENT WITH PALM BEACH COUNTY AND MARTIN COUNTY
12 REGARDING THE USE OF THE ACCESS EASEMENT; PROVIDING AN EFFECTIVE DATE.
13

14 WHEREAS, the South Florida Water Management District ("District"), Palm Beach
15 County ("PBC") and Martin County ("Martin") entered into an Interlocal Agreement, dated May
16 28, 2002, concerning the acquisition and management of approximately 3,996.34 acres of lands
17 for the Cypress Creek – Loxahatchee project located in Martin and Palm Beach Counties
18 generally referred to as the Cypress Creek project area ("Cypress Creek"), which agreement
19 was amended by the First Amendment to Interlocal Agreement dated December 12, 2002; and

20 WHEREAS, the District and Martin jointly acquired title to the approximately 3,397.69
21 acres of Cypress Creek located in Martin County (the "SFWMD/Martin Property") and PBC
22 acquired title to the adjacent approximately 598.65 acres located in Palm Beach County (the
23 "Palm Beach Property"), as depicted in Exhibit "A" attached hereto and made a part hereof; and

24 WHEREAS, for purposes of ingress and egress to and from the SFWMD/Martin
25 Property, there is a current legally described access easement area of approximately 10.84
26 acres located within the Palm Beach Property (the "Current Access Easement Area"), which
27 does not physically provide a clear and convenient path to the SFWMD/Martin Property.
28 Additionally, the location of the Current Access Easement Area does not allow adequate
29 measures to be taken by PBC regarding fencing that would prevent illegal dumping of solid
30 waste that has been occurring on the Palm Beach Property and the SFWMD/Martin Property;
31 and

32 WHEREAS, the District, Martin and PBC have determined that it is in the public interest
33 to enter into a modified easement (the "New Access Easement") that releases the Current
34 Access Easement Area in exchange for a relocated access easement area along an existing dirt
35 road currently utilized for access located within the Palm Beach Property of approximately 3.56
36 acres (the "Relocated Access Easement Area"); and

37 WHEREAS, the District, Martin and PBC will also enter into a Memorandum of
38 Agreement (the "MOA"), whereby the frequency and availability by the general public to access

39 the SFWMD/Martin Property through the Relocated Access Easement Area will be detailed and
40 based on parking accommodations. Additionally, the New Access Easement will include similar
41 terms and conditions regarding the frequency and availability by the general public to access
42 the SFWMD/Martin Property through the Relocated Access Easement Area; and

43 **WHEREAS**, the Governing Board, pursuant to Section 373.089 of the Florida Statutes,
44 may sell or exchange lands or interests in land under terms and conditions determined by the
45 Governing Board, and pursuant to Section 373.096 of the Florida Statutes may release any
46 easement for which the District has no present or apparent future use under terms and
47 conditions determined by the Governing Board.

48 **NOW THEREFORE, BE IT RESOLVED** by the Governing Board of the South Florida
49 Water Management District:

50 **Section 1:** The Governing Board of the South Florida Water Management District has
51 determined that the District has no present or apparent future use for the 10.84 acres, more or
52 less, Current Access Easement Area and therefore hereby approves releasing the Current
53 Access Easement Area in exchange for the 3.56 acres, more less, Relocated Access Easement
54 Area located in Palm Beach County.

55 **Section 2:** The Governing Board of the South Florida Water Management District approves
56 entering into a Memorandum of Agreement with Martin County and Palm Beach County
57 regarding the use of the Relocated Access Easement Area.

58 **Section 3:** The Governing Board of the South Florida Water Management District hereby
59 authorizes the Chairman to execute the New Access Easement and the MOA.

60 **Section 4:** This Resolution shall take effect immediately upon adoption.

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62

63 **PASSED** and **ADOPTED** this _____ day of _____, 2011.

64
65 SOUTH FLORIDA WATER MANAGEMENT
66 DISTRICT, BY ITS GOVERNING BOARD

67
68 BY: _____
69 Joe Collins, Chairman

70 ATTEST:

71
72
73 By: _____
74 District Clerk/Secretary

75 Legal form approved:

76
77 By: _____
78 Office of Counsel