SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2011-__

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING MODIFICATION OF THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT WHICH HAS BEEN RECORDED IN THE OFFICIAL RECORD BOOK 7433, PAGES 552-584 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY TO REMOVE THE SKETCH AND LEGAL DESCRIPTION OF PRESERVE AREA #1 FROM EXHIBIT C FOR THE NORTH PALM BEACH COUNTY GENERAL AVIATION AIRPORT.

Whereas, the South Florida Water Management District (District) and Palm Beach County (the County) entered into an Interlocal Agreement in 1992 in connection with the issuance of District permits for the development of the Northern Palm Beach County General Aviation Airport ("NCO"); and

Whereas, the Interlocal Agreement dealt with the preservation of several specific areas on the NCO property, the legal descriptions of which were attached as Exhibit C to the Interlocal Agreement; and

Whereas, the Interlocal Agreement has been recorded in the public records (Official Record Book 7433, Pages 552-584, Public Records of Palm Beach County, Florida); and

Whereas, subsequent to the execution and recording of the Interlocal Agreement and the development of NCO, the Federal Aviation Administration promulgated FAA Advisory Circular No. 150/5200-33B "Hazardous Wildlife Attractants on or Near Airports" (August 28, 2007) to which NCO is subject; and

Whereas, the Advisory Circular provides guidance on the location and elimination of hazardous wildlife attractants on or near airports; and

Whereas, the elimination of hazardous wildlife attractants at airports reduces the opportunity for collisions between aircraft and wildlife, minimizes aviation and human safety risks and is in the public interest; and

Whereas, in response to the Advisory Circular, the County has proposed a program of elimination of defined hazardous wildlife attractants in the close proximity to the Airfield Operation Area ("AOA") at NCO; and

Whereas, one of the hazardous attractants in the AOA identified for elimination is one of the areas identified as preserve under the 1992 Interlocal Agreement; specifically, Preserve Area #1 consisting of 5.00 acres, as described in Exhibit C to the Interlocal Agreement; and

Whereas, the County has applied to the District for an environmental resource permit in order to implement its hazardous wildlife attractant minimization proposal, and the County has identified and committed to mitigation adequate to offset and impacts from its hazardous wildlife attractant minimization program; and

Whereas, the parties wish to amend the Interlocal Agreement to remove Preserve Area #1 from its operation in order for the County to implement its hazardous wildlife attractant minimization proposal.

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes modification of the Interlocal Agreement, recorded in the Official Record Book 7433, Pages 552-584 of the Public Records of Palm Beach County to remove the sketch and legal description of Preserve Area #1 from Exhibit C.

Section 2. The sketch and legal description of Preserve Area #1 which are being removed from Exhibit C of the Interlocal Agreement are attached hereto as Exhibit A

Section 3. Other than amended as described in Paragraph 1, above, the Interlocal Agreement remains unchanged and in effect.

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chairman

ATTEST:

_____

Assistant Secretary

Approved as to form:

BY: _____

Office of Counsel