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2 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

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4 **RESOLUTION NO. 2011 –**

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6 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER**
7 **MANAGEMENT DISTRICT AUTHORIZING ENTERING INTO A MEMORANDUM OF**
8 **AGREEMENT AMONG THE U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE**
9 **DISTRICT; ADVISORY COUNCIL ON HISTORIC PRESERVATION; SEMINOLE TRIBE**
10 **OF FLORIDA; SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND THE**
11 **FLORIDA STATE HISTORIC PRESERVATION OFFICER PURSUANT TO 36 C.F.R**
12 **PART 800 AND 33 C.F.R. PART 325, APPENDIX C, REGARDING CULTURAL ITEMS;**
13 **PROVIDING AN EFFECTIVE DATE.**
14

15 **WHEREAS**, the South Florida Water Management District (“District”) entered into an Memorandum
16 of Agreement entitled “Memorandum of Agreement Among the U.S Army Corps of Engineers, Jacksonville
17 District; South Florida Water Management District and the Florida State Historic Preservation Officer pursuant
18 to 36 C.F.R. part 800.6(a) for the Mitigation of Certain Adverse Effects to Cultural Resources by the
19 Compartment C Build Out Project, Hendry County, Florida on November 12, 2008 (“MOA 2008”);; and

20 **WHEREAS**, in accordance with the MOA 2008, the District removed cultural items and excavated
21 materials (“Cultural Items”) from the Compartment C Build-Out Project and relocated such Cultural Items on
22 the District-owned Obern Parcel and placed Restrictive Covenants on the locations of such Cultural Items to
23 perpetually preserve and protect such Items; and

24 **WHEREAS**, the Seminole Tribe of Florida expressed the desire to have a portion of the Cultural
25 Items that were relocated to the District-owned Obern Parcel be returned to their original locations on the
26 Compartment C Build-Out Project, and that these original locations be perpetually protected; and

27 **WHEREAS**, the SFWMD is agreeable to such relocation and perpetual protection; and

28 **WHEREAS**, the parties have negotiated a new Memorandum of Agreement with respect to the
29 relocation of said Cultural Items to their original locations on the Compartment C Build-out Project and their
30 perpetual protection; and

31 **WHEREAS**, the new Memorandum of Agreement contains a *Reinterment Methodology* which sets
32 forth the protocol for the relocation of the Cultural Items from the Obern Parcel to the Compartment C Build-
33 Out Project; and

34 **WHEREAS**, the new Memorandum of Agreement also contains Protective Design Documents for
35 the areas on the Compartment C Build Out Project where the Cultural Items will be relocated; and

36 **WHEREAS**, the new Memorandum of Agreement requires that the District place a Restrictive
37 Covenant on the locations of Cultural Items relocated to the Compartment C Build-Out Project to perpetually
38 preserve and protect such Cultural Items; and

39 **WHEREAS**, the new Memorandum of Agreement also provides for amending the Obern Parcel
40 Restrictive Covenant to reduce the area of the Covenant to only the area where the remaining Cultural Items
41 are located.

42 **WHEREAS**, the District Fiscal Year 2012 adopted budget includes funding not to exceed \$1,814,547
43 in the Compartment C Buildout Project specifically earmarked for this purpose; and

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NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District that the Executive Director or the Executive Director's designee is authorized to execute the Memorandum Of Agreement on behalf of the South Florida Water Management District. This Resolution shall take effect immediately upon adoption.

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

ATTEST:

By: _____
District Clerk/Secretary

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD**

(Corporate Seal)

By: _____
Chairman

Approved as to form:

By: _____
Office of Counsel