

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2 RESOLUTION NO. 2012 - _____

3
4 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH
5 FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING THE
6 GRANTING OF A NATURAL GAS TRANSMISSION PIPELINE
7 EASEMENT OVER LAND IN THE LOXAHATCHEE RIVER PROJECT,
8 KNOWN AS RIVERBEND PARK, COMPRISING APPROXIMATELY
9 0.466 ACRES, MORE OR LESS, OF PERMANENT EASEMENT
10 INTERESTS, AND APPROXIMATELY 0.318 ACRES, MORE OR LESS,
11 OF TEMPORARY EASEMENT INTERESTS, LOCATED IN PALM
12 BEACH COUNTY, IN SETTLEMENT OF A CONDEMNATION ACTION
13 FILED BY FLORIDA GAS TRANSMISSION COMPANY, L.L.C. ("FGT")
14 AGAINST THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
15 ("DISTRICT") AND ITS LESSEE, PALM BEACH COUNTY ("COUNTY"),
16 IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH
17 COUNTY (CASE NO. 50-2012-CA-010077-MB), IN CONSIDERATION OF
18 THE PAYMENT BY FGT OF \$39,630.00 TO THE DISTRICT AND THE
19 COUNTY AS SET FORTH IN THE STIPULATED FINAL JUDGMENT
20 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING AN EFFECTIVE
21 DATE

22
23 **WHEREAS**, FGT is constructing a new meter station and underground pipeline
24 project to provide natural gas transmission to markets in Florida; and

25 **WHEREAS**, Pursuant to a determination by the Federal Energy Regulatory
26 Commission, the FGT underground pipeline project is required for public convenience and
27 necessity; and

28 **WHEREAS**, FGT has exercised its condemnation authority to implement its
29 pipeline project, and filed a petition in eminent domain to condemn easement interests
30 over the District's Riverbend Park property to implement its underground pipeline project;
31 and

32 **WHEREAS**, the granting of a temporary and permanent easement in connection
33 with implementation of FGT's pipeline project, comprising approximately 0.466 acres,
34 more or less, of permanent easement interests, and approximately 0.318 acres, more or
35 less, of temporary easement interests, in settlement of the condemnation action, is not
36 inconsistent with the overall public purpose for which the District originally acquired the
37 Riverbend Park property for the Loxahatchee River Project pursuant to Chapter 373,
38 Florida Statutes; and

39 **WHEREAS**, the parties have reached agreement on the terms and conditions of a
40 settlement of the condemnation action filed by FGT against the District and the County as

41 set forth in the Agreed Order of Taking and Stipulated Final Judgment, attached hereto as
42 Exhibit "A"; and

43 **WHEREAS**, in consideration for the taking of the easement interests required by
44 FGT, and to settle the pending condemnation action, FGT will pay a total settlement
45 amount of \$39,630.00, of which \$15,500.00 will be paid to the District and \$24,130.00 will
46 be paid to the County, as the District's lessee, who shall be obligated and required to
47 expend the \$24,130.00 on exotic plant control activities in and for the benefit of the
48 District's Riverbend Park property and/or installing tree and shrub materials on other
49 portions of the District's Riverbend Park property;

50 **NOW THEREFORE BE IT RESOLVED** by the Governing Board of the South
51 Florida Water Management District:

52

53 **Section 1.** As settlement of the condemnation action filed by FGT against the
54 District and County, the Governing Board of the District hereby authorizes the granting of
55 a permanent easement for natural gas pipeline purposes comprising approximately 0.466
56 acres, more or less, of permanent easement interests, and approximately 0.318 acres,
57 more or less, of temporary easement interests, over District land in the Loxahatchee River
58 Project, known as Riverbend Park, in consideration of payment by FGT of the total
59 Settlement Amount of \$39,630.00, of which \$15,500.00 will be paid to the District and
60 \$24,130.00 will be paid to the County, as the District's lessee, who shall be obligated and
61 required to expend the \$24,130.00 on exotic plant control activities in and for the benefit of
62 the District's Riverbend Park property and/or installing tree and shrub materials on other
63 portions of the District's Riverbend Park property.

64

65 **Section 2.** The Settlement approved hereinabove shall be substantially in the form
66 of the Agreed Order of Taking and Stipulated Final Judgment attached hereto as Exhibit
67 "A".

68

69 **Section 3.** The Governing Board of the District hereby authorizes a legal officer
70 and/or other designated representative of the District to execute whatever documents are
71 necessary to effectuate the terms and conditions of the Settlement approved hereinabove.

72

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

74 **PASSED** and **ADOPTED** this _____day of September, 2012.

75

76 **ATTEST:**

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79 By: _____
80 District Clerk/Secretary

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82

83

84

85 (Corporate Seal)

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87

88

89

90 **Approved as to legal form:**

91

92

93 By _____
94 Office of Counsel

95

96 _____
97 Print Name

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

By: _____
Chairman