

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2 RESOLUTION NO. 2010- _____

3
4 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
5 MANAGEMENT DISTRICT ADVISING THE DEPARTMENT OF ENVIRONMENTAL
6 PROTECTION OF THE PROPOSED ACQUISITION OF LAND INTERESTS CONTAINING
7 140.60 ACRES FOR THE KISSIMMEE RIVER RESTORATION AND HEADWATERS
8 REVITALIZATION PROJECT, IN OSCEOLA COUNTY, AND REQUESTING THE RELEASE
9 OF FUNDS FROM THE FLORIDA FOREVER TRUST FUND FOR ACQUISITION OF SUCH
10 LAND INTERESTS, TOGETHER WITH STATUTORY COSTS AND ASSOCIATED COSTS;
11 PROVIDING AN EFFECTIVE DATE.
12

13 WHEREAS, the South Florida Water Management District has an active program underway to
14 acquire land interests for the Kissimmee River Restoration and Headwaters Revitalization Project ("Project");

15 WHEREAS, pursuant to Section 373.139 (3)(c) Florida Statutes, the District is required to submit a
16 resolution to the Department of Environmental Protection when requesting funds from a trust fund, including
17 the Florida Forever Trust Fund; and

18 NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water
19 Management District:

20 (1) It does hereby advise the Secretary of the Department of Environmental Protection of its
21 intent to acquire perpetual flowage and inundation easements with respect to 140.60 acres, more or less,
22 for the Kissimmee River Restoration and Headwaters Revitalization Project in Osceola County. Pursuant to
23 a Resolution adopted by the District's Governing Board at its February 11, 2010 meeting, the District will file
24 condemnation notices to acquire the land interests described below. The lands are described in Exhibit "A"
25 and as shown on location map Exhibit "AA", which are attached hereto and made a part hereof.
26

Tract No.	Owners Name	Easement Acres
18072-002	Arnold H. Mack, as Trustee of the Arnold H. Mack revocable Trust dated December 27, 2000	140.60

27
28 (2) The lands being acquired have been reviewed for the presence of State Sovereignty
29 submerged lands and the District has taken reasonable measures to avoid paying for sovereignty lands.

30 (3) This request for funds is consistent with the District's Five Year Plan of acquisition or the
31 South Florida Water Management District Florida Forever Work Plan, as contained in Chapter 6A, Volume II
32 of the South Florida Environmental Report, and last updated during a public hearing on January 14, 2010,
33 and to be filed by March 1, 2010 with the Legislature and the Department of Environmental Protection.

34 (4) Acquisition of this land furthers the Florida Forever goals set forth in (1) Section 259.105
35 (4)(a) Florida Statutes (i.e. enhance the coordination and completion of land acquisition projects as
36 measured by the number of shared acquisition projects among Florida Forever funding partners and
37 partners with other funding sources, including local governments and the Federal Government), and (2)
38 Section 259.105 (4)(d) Florida Statutes (i.e. ensure that sufficient quantities of water are available to meet
39 the current and future needs of natural systems and the citizens of the state, as measured by the quantity

40 of water made available through the water resource development component of a district water supply
41 plan for which a water management district is responsible).

42 (5) The funds requested shall be used only for the acquisition costs and pre-acquisition/
43 associated costs and expenses of the described land interests, and the owner's statutory costs pursuant to
44 Chapter 73, Florida Statutes.

45 (6) Since no fee interests are being acquired, the requirement that to the extent possible, the
46 land interests being acquired in fee shall be maintained in an environmentally acceptable manner is not
47 applicable.

48 (7) Should the District dispose of any or all of the interests acquired hereunder, all revenues
49 derived therefrom will be used to acquire other lands for water management, water supply and the
50 conservation and protection of water resources.

51 (8) A Phase I and if necessary a Phase II, environmental assessment will be completed and
52 the findings will be addressed.

53 (9) Since no fee interests are being acquired, the requirement that the fee acquired lands shall
54 be managed for multiple-use purposes where compatible with the resource values of land management
55 objectives for such lands as set forth in Section 259.105(5), Florida Statutes is not applicable.

56 (10) The Resolution to approve acquisition of these land interests was approved by the
57 Governing Board of the District on February 11, 2010.

58 (11) The District will utilize funds from the Florida Forever Trust Fund and/or ad valorem funds.

59 (12) The Executive Director or the designee of the Executive Director is hereby authorized to
60 request the release of funds for all acquisition costs and pre-acquisition/associated costs and expenses for
61 the described interests identified in this Resolution.

62 (13) This Resolution shall take effect immediately upon adoption.

63 **PASSED** and **ADOPTED** this ____ day of _____, 2010.

64
65 **ATTEST:**

66
67 By: _____
68 District Clerk/Secretary

69
70 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT,**
71 **BY ITS GOVERNING BOARD**

72
73 (Corporate Seal)

74
75 By: _____
76 Chairman

77 **Approved as to form:**

78
79
80 By: _____
81 Office of Counsel