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2 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
3 **RESOLUTION NO. 2010-\_\_**  
4

5 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA**  
6 **WATER MANAGEMENT DISTRICT AUTHORIZING ENTERING INTO A THIRD**  
7 **AMENDMENT OF EXTENSION OF COMMITMENT FOR LEGAL POSITIVE**  
8 **DRAINAGE OUTFALL IN FAVOR OF PAL MAR WATER CONTROL DISTRICT;**  
9 **PROVIDING AN EFFECTIVE DATE.**  
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11 **WHEREAS**, in September 1995, the MacArthur Foundation, former owner of certain  
12 property in Martin County known as the Culpepper Ranch, granted a commitment for legal positive  
13 drainage outfall over the Culpepper Ranch in favor of the Pal Mar Water Control District (the “298  
14 District”); and

15 **WHEREAS**, the commitment provided for an easement for drainage outfall to be placed  
16 over the Culpepper Ranch property upon the occurrence of certain conditions precedent including  
17 the 298 District’s adoption of a water management plan; and

18 **WHEREAS**, none of the conditions were met by the commitment’s initial expiration date  
19 and the commitment was extended until September 13, 2006; and

20 **WHEREAS**, the South Florida Water Management District acquired the Culpepper Ranch  
21 subject to the easement commitment in three (3) equal portions, via three (3) separate closings in  
22 2006, 2007 and 2008; and

23 **WHEREAS**, the South Florida Water Management District proposed a revised legal  
24 description for the proposed easement that was approved by the 298 District and contained within  
25 the first extension of the commitment referenced above, which extension expired September 13,  
26 2006; and

27 **WHEREAS**, the revised legal description limited the potential easement area to a 50’ wide  
28 swath of land on the northern end of Section 21 along with a 50’ strip of land running along the  
29 entire eastern edge of Section 21; and

30 **WHEREAS**, in October 2006, the easement commitment was extended for a second time  
31 until September 13, 2011; and

32 **WHEREAS**, pursuant to the second amendment the 298 District is required to adopt a  
33 water management plan which includes approval of all necessary permits prior to the South Florida  
34 Water Management District granting an easement for legal positive outfall over the above  
35 referenced property; and

