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2 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
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4 **RESOLUTION NO. 2010- \_\_\_\_\_**  
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6 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA**  
7 **WATER MANAGEMENT DISTRICT TO APPROVE THE ACQUISITION OF LAND**  
8 **INTERESTS CONTAINING 122.44 ACRES, MORE OR LESS, FOR THE**  
9 **KISSIMMEE CHAIN OF LAKES PROJECT, IN POLK AND OSCEOLA**  
10 **COUNTIES, IN EXCHANGE FOR THE CONVEYANCE OF LAND INTERESTS**  
11 **CONTAINING A MAXIMUM OF 10.83 ACRES, MORE OR LESS, IN POLK**  
12 **COUNTY; APPROVE DECLARING SURPLUS FOR EXCHANGE AND**  
13 **CONVEYANCE LAND INTERESTS CONTAINING A MAXIMUM 10.83 ACRES,**  
14 **MORE OR LESS, IN HIGHLANDS COUNTY, WITHOUT RESERVATION OF**  
15 **INTERESTS UNDER SECTION 270.11, FLORIDA STATUTES, TOGETHER WITH**  
16 **ANY STRUCTURES AND IMPROVEMENTS DEEMED UNNECESSARY FOR THE**  
17 **STATED PURPOSE OF THE ORIGINAL LAND ACQUISITION; PROVIDING AN**  
18 **EFFECTIVE DATE.**  
19

20 **WHEREAS**, the South Florida Water Management District is currently acquiring land in  
21 connection with implementation of the Kissimmee Chain of Lakes Project (“Project”) in Polk and  
22 Osceola Counties;

23 **WHEREAS**, the South Florida Water Management District is authorized to acquire land, or  
24 interests or rights in land, pursuant to Section 373.139, Florida Statutes and to exchange lands, or  
25 interests or rights in lands, pursuant to Section 373.089, Florida Statutes;

26 **WHEREAS**, the South Florida Water Management District desires to acquire from The  
27 Nature Conservancy (“TNC”) land interests containing 122.44, more or less, that are needed for  
28 the Project in Polk and Osceola Counties and are as more particularly shown on Exhibit “A-1” (the  
29 “TNC Land Interests”);

30 **WHEREAS**, in connection with the Project, the District has previously acquired fee title to  
31 Tract Nos. 18020-004, 18020-002, 18020-005 and 18020-018 in Polk County (the “District  
32 Acquired Tracts”);

33 **WHEREAS**, the District has determined that fee ownership of a maximum 10.83 acre  
34 portion of the District Acquired Tracts (the “District Exchange Lands”), more particularly shown on  
35 Exhibit “A-2”, is not needed for the Project;

36 **WHEREAS**, the District has determined that it is beneficial to the District for purposes of the  
37 Project to convey the District Exchange Lands, now identified as Tract No. 18020-026, to TNC by  
38 quit claim deed in exchange for TNC conveying the TNC Land Interests to the District. The quit  
39 claim deed will contain certain covenants and restrictions prohibiting septic system improvements  
40 and any improvements for human habitation and include a reservation of a perpetual access  
41 easement and, and will not reserve phosphate, mineral, metal and petroleum interests under

42 Section 270.11, Florida Statutes. The conveyance from TNC will be fee title by special warranty  
43 deed with respect to 27.93 acres of the TNC Land Interests and a flowage easement interest with  
44 respect to 94.51 acres of the TNC Land Interests;

45 **WHEREAS**, the District has conducted an internal analysis that concluded that the  
46 cumulative value of the TNC Land Interests that the District is acquiring from TNC is greater than  
47 the value of the District Exchange Lands, subject to the said covenants and restrictions prohibiting  
48 septic system improvements and any improvements for human habitation and the said reservation  
49 of a perpetual access easement, that TNC is acquiring from the District;

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

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53 **Section 1.** The Governing Board of the South Florida Water Management District hereby  
54 determines pursuant to Section 373.089, Florida Statutes, that fee title to the District Exchange  
55 Lands is no longer needed for the Project or for conservation purposes, and approves declaring  
56 the District Exchange Lands surplus for exchange and conveyance, together with any structures  
57 and improvements deemed unnecessary for the stated purpose of the original land acquisition,  
58 subject to a reserved access easement and certain covenants and restrictions and without  
59 reservation of interests under Section 270.11, Florida Statutes, in exchange for conveyance of the  
60 TNC Land Interests to the District. Furthermore, pursuant to Section 373.089, the Governing Board  
61 hereby approves the surplus of the District Exchange Lands for exchange and conveyance, as  
62 herein provided, by at least a two-thirds vote.

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Owners	Tract Nos.	Interest	Acres	Appraised Value	Purchase Price
South Florida Water Management District	18020-026	Fee*	10.83**	N/A	N/A
The Nature Conservancy	18201-004	Fee	17.93	N/A	N/A
The Nature Conservancy	18201-007	Fee	10.0	N/A	N/A
The Nature Conservancy	18200-008	Flowage Easement	94.51	N/A	N/A

65 \*subject to a reserved access easement in favor of the District and covenants and restrictions

66 \*\*maximum

67

68 **Section 2.** The Governing Board of the South Florida Water Management District hereby  
69 authorizes the Chair to execute the Agreement for Exchange of Real Property Interests and the  
70 deed for the District Exchange Lands. The Governing Board of the South Florida Water

71 Management District hereby authorizes the Executive Director to execute all other documents  
72 necessary to consummate this transaction.

73

74 **Section 3.** This Resolution shall take effect immediately upon adoption.

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77 **PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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79

80 **ATTEST:**

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83 By: \_\_\_\_\_  
84 District Clerk/Secretary

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

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89

90 (Corporate Seal)

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By: \_\_\_\_\_  
Chair

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93

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95 **Approved as to form:**

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98 By: \_\_\_\_\_  
99 Office of Counsel

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101