

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2006- _____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO APPROVE DECLARING SURPLUS AND THE
7 EXCHANGE OF LAND INTERESTS CONTAINING 1.01 ACRES, MORE OR LESS,
8 PREVIOUSLY ACQUIRED FOR THE KISSIMMEE RIVER RESTORATION AND
9 HEADWATERS REVITALIZATION PROJECT, IN HIGHLANDS COUNTY, WITHOUT
10 RESERVING PHOSPHATE, MINERAL, METAL AND PETROLEUM RIGHTS
11 PURSUANT TO SECTION 270.11, FLORIDA STATUTES, IN EXCHANGE FOR LAND
12 INTERESTS CONTAINING 1.00 ACRE, MORE OR LESS, FOR THE KISSIMMEE
13 RIVER RESTORATION AND HEADWATERS REVITALIZATION PROJECT, IN
14 HIGHLANDS COUNTY, TOGETHER WITH ASSOCIATED COSTS INCLUDING
15 STATUTORY ATTORNEYS FEES OF \$66,300 AND A COST TO CURE OF \$17,989;
16 FOR WHICH AD VALOREM FUNDS ARE BUDGETED AND APPROVE A BUDGET
17 TRANSFER OF AD VALOREM FUNDS FROM LAND STEWARDSHIP PROGRAM
18 SUPPORT AND SOUTHERN CREW IMPERIAL FLOWAY CERP TO KISSIMMEE
19 RIVER RESTORATION PROJECT; APPROVE DECLARING SURPLUS, DISPOSAL
20 OF, AND REMOVAL FROM THE ASSET RECORDS, ANY SUCH STRUCTURES AND
21 IMPROVEMENTS DEEMED UNNECESSARY FOR THE STATED PURPOSE OF THE
22 ORIGINAL LAND ACQUISITION; PROVIDING AN EFFECTIVE DATE.
23

24
25 WHEREAS, the South Florida Water Management District is currently acquiring land in
26 connection with implementation of the Kissimmee River Restoration and Headwater Revitalization Project
27 in Highlands County;

28 WHEREAS, the South Florida Water Management District desires to declare surplus and
29 exchange land interests containing 1.01 acres, more or less, previously acquired for the Kissimmee River
30 Restoration and Headwaters Revitalization Project, in Highlands County, subject to a reserved flowage
31 easement which shall be released at such time that the elevation of the property is raised to 35.5 feet
32 above sea level, with an appraised value of \$90,000; in exchange for a perpetual flowage and inundation
33 easement (including all right, title and interest in the house located thereon) comprising 1.00 acre, more
34 or less, with an appraised value of \$395,000 for the Kissimmee River Restoration and Headwaters
35 Revitalization Project, in Highlands County, a cost to cure of \$17,989 for raising the elevation of land
36 conveyed to Leadingham, and associated costs (including attorneys' fees in the amount of \$66,300), and
37 approve declaring surplus, disposal of, and removal from the asset records, any such structures and
38 improvements deemed unnecessary for the stated purpose of the original land acquisition;

39 WHEREAS, the South Florida Water Management District is authorized to acquire land, or
40 interests or rights in land, pursuant to Section 373.139, Florida Statutes and the District is authorized to
41 exchange land, or interests or rights in land, pursuant to Section 373.089, Florida Statutes.

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

44 **Section 1.** The Governing Board of the South Florida Water Management District hereby declares
45 surplus and approves the exchange of existing District land interests containing 1.01 acres, more or less,

46 subject to a reserved flowage easement, which shall be released at such time that the elevation of the
 47 property is raised to 35.5 feet above sea level, the payment of \$305,000 and a cost to cure of \$17,989 for
 48 raising the elevation of land conveyed to Leadingham, in exchange for a perpetual flowage and
 49 inundation easement (including all right, title and interest in the house located thereon), consisting of 1.00
 50 acre, more or less, for the Kissimmee River Restoration and Headwaters Revitalization Project, in
 51 Highlands County, together with associated costs and statutory attorneys' fees in the amount of \$66,300,
 52 as follows:

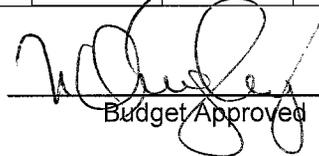
Owners	Tract Nos.	Interest	Acres	Appraised Value	Purchase Price
Mark and Donna Leadingham	19-103-787	Flowage Easement	1.00	\$395,000	Exchange
South Florida Water Management District	19-103-786	Fee	1.01	\$90,000	Exchange

55
 56 **Budget Transfer:**
 57 **From:**

Dollars	Fund	Agency	Org	Activity (Cap Proj)	Object/Revenue	Function
\$60,000	402	720	7220	Az00	5610	8283
\$330,00	402	720	7220	Pb04	5610	84A9

58
 59 **To:**

Dollars	Fund	Agency	Org	Activity (Cap Proj)	Object/Revenue	Function
\$390,000	402	720	7220	Fa00	5610	8183


 Budget Approved

5/31/06
 Date

65 **Section 2.** The Governing Board of the South Florida Water Management District hereby determines
 66 that the District shall not reserve phosphate, mineral, metal and petroleum rights with respect to the
 67 subject property to be conveyed to Leadingham, pursuant to Section 270.11, Florida Statutes.

68 **Section 3.** The Governing Board of the South Florida Water Management District hereby further
 69 approves declaring surplus, disposal of, and removal from the asset records, any such structures and
 70 improvements deemed unnecessary for the stated purpose of the original land acquisition.

71 **Section 4.** The Governing Board of the South Florida Water Management District hereby authorizes
 72 the Chairman to execute the Agreement for Exchange of Real Property Interests.

73 **Section 5.** This Resolution shall take effect immediately upon adoption.

74
75 **PASSED** and **ADOPTED** this ____ day of _____, 2006.

76
77 **ATTEST:**

78
79
80 By: _____
81 District Clerk/Secretary

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

84
85 (Corporate Seal)

86
87 By: _____
88 Chairman

89
90 **Approved as to form:**

91
92 By:  _____
93 Office of Counsel
94

Exhibit "A"
Tract No. 19 103-786

Lot 3, Faraway Subdivision, according to the map or plat thereof as recorded in Plat Book 14, Page(s) 76, Public Records of Highlands County, Florida.

Containing 1.01 acres, more or less.

KR\South Florida Community College
Folio: C1736330300000030

R:\legals\kr\103-786.lgl
October 3, 2005

Exhibit "B"
Tract No. 19-103-787

A parcel of land located in Section 17, Township 36 South, Range 33 East, Highlands County, Florida, being more particularly described as follows:

All of that certain parcel of land as described in Official Records Book 1615, Page 708, Public Records of Highlands County, Florida, Being more Particularly Described as follows.

Commence at the Center of said Section 17, Township 36 South, Range 33 East,

Thence; North 89°57'57" East, along the North line of the Northwest Quarter of the Southeast Quarter of said Section 17, a distance of 618.32 feet,

Thence; departing said North line of the Northwest Quarter of the Southeast Quarter of said Section 17, South 00°00'03" East, a distance of 100 feet, to the Point of Beginning;

Thence; North 89°57'57" East, , a distance of 434.67 feet to a Point on the Westerly Bank of a Dead Run of the Kissimmee River;

Thence; South 18°16'06" West, along the Westerly bank of said Kissimmee River, a distance of 110.60 feet;

Thence; South 89°57'57" West, Departing said Westerly bank of the Kissimmee River, a distance of 400.00 feet;

Thence; North 00°00'03" East, a distance of 105.00 feet, to the Point of Beginning

The above described parcel of land contains 1.00 acres, more or less.

The bearings shown hereon are based on said Records Book 1615, Page 708.

This description is not valid unless accompanied by a description sketch.

Kissimmee River\ Leadingham, Mark R. & Donna R.
p/o Folio: C173633A0000140000
p/o ORB 1615, P 708
R:\legals\kr\103-787.lgl
October 7, 2005

POINT OF COMMENCEMENT
 CENTER OF SECTION 17,
 TOWNSHIP 36 SOUTH
 RANGE 33 EAST

APPROXIMATE LOCATION
 NORTH LINE OF THE NORTHWEST QUARTER
 OF THE SOUTHEAST QUARTER
 SECTION 17

N89°57'57"E (D) 2686.96'

618.32'

S00°00'03"E
 100.00'

N00°00'03"E
 105.00'

POINT OF BEGINNING

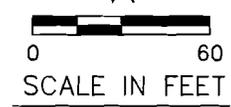
N89°57'57"E 434.67'

TRACT No. 19-103-787
 Leadingham, Mark r. & Donna r.
 per O.R.B. 1615, Pg. 708
 1.00 Acres ±
 Public Records of
 Highlands County,
 Florida

S89°57'57"W
 400.00'

APPROXIMATE LOCATION
 WEST BANK OF THE
 KISSIMMEE RIVER

S18°16'06"W
 110.60'
 KISSIMMEE RIVER



FARAWAY SUBDIVISION

ABBREVIATIONS:

- C.O.E. = CORPS OF ENGINEERS
- (D) = DEED MEASUREMENT
- (P) = PLAT MEASUREMENT
- (C) = CALCULATED MEASUREMENT
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE

NOTES

1. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT, OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

2. THIS DESCRIPTION SKETCH IS NOT VALID UNLESS ACCOMPANIED BY A LEGAL DESCRIPTION.

SECTION 17
 TOWNSHIP 36 SOUTH
 RANGE 33 EAST
 HIGHLANDSCOUNTY

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
 LAND ACQUISITION DEPARTMENT**

P.O. BOX 24680
 3301 GUN CLUB ROAD
 WEST PALM BEACH, FLORIDA 33416-4680

Leadingham, Mark R. & Donna R.

DESCRIPTION SKETCH / PROPOSED FLOWAGE EASEMENT
 TO
 SOUTH FLORIDA WATER MANAGEMENT DISTRICT; TRACT No. 19-103-787

DENNIS J. MEIERER
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATION NUMBER 2977

THIS IS NOT A SURVEY

DRAWN	CHECKED	DATE	REVISIONS
RS		07OCT05	

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
RS		07OCT05	AS SHOWN	19-103-787_lgl.dwg	2 OF 2