

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2009-_____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO APPROVE DECLARING SURPLUS LAND INTERESTS
7 CONTAINING 2,939.99 ACRES, MORE OR LESS, IN PALM BEACH, HIGHLANDS, ST. LUCIE,
8 OKEECHOBEE, OSCEOLA AND MARTIN COUNTIES WITHOUT RESERVATION OF
9 INTERESTS UNDER SECTION 270.11, FLORIDA STATUTES, TOGETHER WITH ANY
10 STRUCTURES AND IMPROVEMENTS AND PERSONAL PROPERTY APPURTENANT
11 THERETO AND APPROVE CONVEYING SAID PROPERTIES TO THE PUBLIC FOR BID AND
12 TO BE SOLD FOR THE HIGHEST PRICE OBTAINABLE BUT NOT LESS THAN THE
13 APPRAISED VALUE, OR BE CONVEYED TO ANOTHER GOVERNMENTAL ENTITY UPON
14 TERMS AND CONDITIONS APPROVED BY THE GOVERNING BOARD, SUBJECT TO
15 CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

16
17 **WHEREAS**, the District has determined that it is in the public interest to declare surplus 13
18 parcels of land containing a total of 2,939.99 acres, more or less, in fee, located in the following
19 counties: Palm Beach, Highlands, St. Lucie, Okeechobee, Osceola and Martin; and

20 **WHEREAS**, the Governing Board has determined that the fee ownership of the parcels are
21 not required by the District for present or future use; and

22 **WHEREAS**, the District shall either offer the parcels to the public for bid and be sold for the
23 highest price obtainable, but in no event less than appraised value, and/or convey them to another
24 governmental entity for the appraised value; and

25 **WHEREAS**, the Governing Board has previously declared surplus Tract Nos. HF100-004,
26 JE100-065 and AG100-009 identified in Section 1 of this Resolution pursuant to Resolution Nos.
27 2007-930, 2006-448 and 2004-1214, respectively; and

28 **WHEREAS**, the District shall not reserve an interest in the phosphate, minerals, metals and
29 petroleum, pursuant to Section 270.11, Florida Statutes; and

30 **WHEREAS**, the Governing Board, pursuant to Section 373.056, Florida Statutes, has the
31 authority to convey to any governmental entity, land or rights in land owned by the District not
32 required for its purposes, under terms and conditions determined by the Governing Board; and

33 **WHEREAS**, the Governing Board, pursuant to Section 373.089, Florida Statutes, has the
34 authority to sell lands, or interests, or rights in land owned by the District not required for its
35 purposes, for the highest price obtainable, but not less than the appraised value; and

36 **WHEREAS**, pursuant to Section 373.089(6), Florida Statutes, all lands acquired by the
37 District prior to July 1, 1999 shall be considered to have been acquired for conservation purposes,
38 and the Governing Board shall be required to approve the surplus of any such lands by at least a
39 two-thirds (2/3) majority.

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

43 **Section 1:** The Governing Board of the South Florida Water Management District hereby (i)
 44 determines that fee ownership of the following described parcels, as depicted in Composite Exhibit
 45 "A" attached hereto, are not required by the District for present or future use, and (ii) approves
 46 declaring surplus land interests containing 2,939.99 acres, more or less, in Palm Beach, Highlands,
 47 St. Lucie, Okeechobee, Osceola and Martin counties, without reservation of interests under Section
 48 270.11, Florida Statutes, together with any structures and improvements and personal property
 49 appurtenant thereto, subject to conditions. All disposals shall be subject to funding source
 50 requirements.
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Tract Numbers	Acres	County
27100-063	2.85	Palm Beach
KE100-234	157.11	St. Lucie
KE100-197	153.22	St. Lucie
KE100-209	146.25	St. Lucie
KE100-235	119.31	St. Lucie
KE100-236	23.74	St. Lucie
HF100-004	1,201.89	Okeechobee
AG100-009	5.0	Osceola
JE100-065	1,072.22	Martin
19103-829	0.36	Highlands
19103-785	1.01	Highlands
FF100-001	19.23	Martin
FF100-003	37.80	Martin
Total	2,939.99	

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 53
 54 **Section 2:** The properties will be appraised and either (i) offered to the public for bid and sold
 55 for the highest price obtainable, but in no event less than the appraised value, in accordance with
 56 the provisions of Section 373.089, Florida Statutes, and/or (ii) conveyed to a governmental entity
 57 upon terms and conditions approved by the Governing Board in accordance with the provisions of
 58 Section 373.056 Florida Statutes.

59
 60 **Section 3:** The District shall not reserve an interest in the phosphate, minerals, metals and
 61 petroleum, pursuant to Section 270.11, Florida Statutes.
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63 **Section 4:** With respect to Tract Nos. KE100-235 and KE100-236, the District may reserve
64 access easements from State Road 70 to the north line of KE100-236.

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66 **Section 5:** With respect to Tract No. 19103-829, the District shall reserve a flowage easement
67 interest that may be partially released and modified in the event certain land improvement work is
68 completed.

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70 **Section 6:** With respect to Tract No. KE100-197, the District shall either: (1) reserve an
71 access easement interest for access to Tract No. KE100-234 or (2) modify the legal description to
72 remove a portion that will be included within the legal description for Tract No. KE100-234.

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74 **Section 7:** With respect to Tract No. KE100-235, the District shall either: (1) reserve an
75 access easement interest for access to Tract No. KE100-236 or (2) modify the legal description to
76 remove a portion that will be included within the legal description for Tract No. KE100-236.

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78 **Section 8:** The Governing Board of the South Florida Water Management District hereby
79 authorizes the Chair to execute the conveyance documents.

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81 **Section 9:** Consistent with the requirements of Section 373.089(6), Florida Statutes, the
82 Governing Board hereby determines that the subject lands are no longer needed for conservation
83 purposes, and that this Resolution was approved by the Governing Board by at least a two-thirds
84 (2/3) vote.

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86 **Section 10:** This Resolution shall take effect immediately upon adoption.

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88 **PASSED** and **ADOPTED** this ___ day of _____, 2009.

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SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

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BY: _____
Chair

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96 ATTEST:

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By: _____
District Clerk/Secretary

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Approved as to form:

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By: _____
Office of Counsel

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