

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2007- _____
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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO DECLARE SURPLUS AND AUTHORIZE AN EXCHANGE
7 OF LAND INTERESTS WHEREIN THE SOUTH FLORIDA WATER MANAGEMENT
8 DISTRICT CONVEYS A PERPETUAL NON-EXCLUSIVE ACCESS EASEMENT AND A
9 PERPETUAL NON-EXCLUSIVE DRAINAGE EASEMENT TO BAR-B RANCH, INC., AND
10 AGREES TO COST EFFECTIVELY IMPROVE THE CURRENT DRAINAGE ONTO BAR-B
11 RANCH, INC., IN EXCHANGE FOR THE RELEASE BY BAR-B RANCH INC. AND BRIAR
12 BAY INC. OF ALL THEIR RIGHTS TO ACCESS, IRRIGATE FROM, OR DRAIN ONTO, ANY
13 AND ALL LANDS ACQUIRED BY THE SOUTH FLORIDA WATER MANAGEMENT
14 DISTRICT FOR THE C-44 RESERVOIR/STORMWATER TREATMENT AREA (STA)
15 PROJECT, IN MARTIN COUNTY; AT NO COST; PROVIDING AN EFFECTIVE DATE.
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18 **WHEREAS**, the South Florida Water Management District desires the release by Bar-B Ranch, Inc.
19 (Bar-B Ranch), a Florida corporation, and Briar Bay, Inc. (Briar Bay), a Florida corporation, of any interest or
20 right, to access, irrigate from or drain onto, any and all lands acquired by the South Florida Water
21 Management District, inclusive of lands acquired for the C-44 Reservoir/Stormwater Treatment Area Project
22 (Project), in Martin County;

23 **WHEREAS**, in exchange for the release, the South Florida Water Management District will grant to
24 Bar-B Ranch a perpetual non-exclusive easement to access their property from the future Eastern C-44
25 Road, and a perpetual non-exclusive easement for drainage to the future C-133 Canal and the C-133A
26 Canal;

27 **WHEREAS**, the South Florida Water Management District will design, permit, and construct
28 accommodations to cost effectively improve the routing of the current drainage flows onto Bar-B Ranch that
29 are intended by permit to flow south to the C-44 Canal by utilizing existing District owned canal easements
30 north of and on the Bar-B Ranch property;

31 **WHEREAS**, the design and implementation costs to improve the flow way for these current drainage
32 flows, estimated at less than \$100,000, will be borne by the South Florida Water Management District;

33 **WHEREAS**, the land interests are generally shown on the attached map, (see Exhibit A), made a
34 part hereof;

35 **WHEREAS**, the South Florida Water Management District is authorized to exchange land, or
36 interests or rights in land, pursuant to Section 373.139, Florida Statutes;

37 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**
38 **WATER MANAGEMENT DISTRICT:**

39 **Section 1.** The Governing Board of the South Florida Water Management District hereby declares
40 surplus and authorizes the exchange of land interests wherein the South Florida Water Management District
41 conveys a perpetual non-exclusive access easement and a perpetual non-exclusive drainage easement to
42 Bar-B Ranch and agrees to cost effectively improve the routing of the current drainage flows onto Bar-B
43 Ranch that are intended by permit to flow south to the C-44 Canal, at an estimated cost to the South Florida
44 Water Management District of less than \$100,000, in exchange for the release by Bar-B Ranch, Inc., and

1 Briar Bay, Inc., of all their rights to access, irrigate from and drainage onto, any and all lands acquired by the
2 South Florida Water Management District, inclusive of lands acquired for the C-44 Reservoir/Stormwater
3 Treatment Area Project (Project), in Martin County.

4 **Section 2.** The Governing Board of the South Florida Water Management District hereby authorizes the
5 Chair to execute the Perpetual Non-Exclusive Access and Drainage Easement.

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

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9 **PASSED** and **ADOPTED** this _____ day of _____, 2007.

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

By: _____
Chairman

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ATTEST:

District Clerk/Secretary

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Approved as to form:

BY: _____
Office of Counsel

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