

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2009- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE 1) DECLARING SURPLUS LAND INTERESTS CONTAINING 15.80 ACRES, MORE OR LESS, IN FEE, IN PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE DISTRICT'S INTEREST IN AND PRIVILEGE TO MINE AND DEVELOP ALL PHOSPHATE, MINERALS, METALS AND PETROLEUM IN, ON OR UNDER SAID PROPERTY; 2) ENTERING INTO AN INTERLOCAL AGREEMENT WITH LAKE WORTH DRAINAGE DISTRICT FOR THE EXCHANGE OF LAND INTERESTS CONSISTING OF 20.03 ACRES, MORE OR LESS, LOCATED IN PALM BEACH COUNTY, FLORIDA, TO BE CONVEYED BY LAKE WORTH DRAINAGE DISTRICT TO THE DISTRICT FOR THE COMPREHENSIVE EVERGLADES RESTORATION PLAN, SITE 1 IMPOUNDMENT PROJECT, IN EXCHANGE FOR 15.80 ACRES, MORE OR LESS, LOCATED IN PALM BEACH COUNTY, FLORIDA, TO BE CONVEYED TO LAKE WORTH DRAINAGE DISTRICT; AND 3) PROVIDING FOR THE RELEASE FROM UNITED STATES DEPARTMENT OF INTERIOR GRANT AGREEMENT NUMBER FB-1 OF THE LAND INTERESTS TO BE CONVEYED TO LAKE WORTH DRAINAGE DISTRICT AND SUBSTITUTION OF OTHER EQUIVALENT DISTRICT LAND INTERESTS IN THEIR PLACE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the South Florida Water Management District owns 1660 acres, more or less, in southern Palm Beach County that was acquired in 1996 with United States Department of Interior grant funds (Grant Agreement Number FB-1) and now comprises the Comprehensive Everglades Restoration Plan Site I Impoundment Project (the "Project"); and

WHEREAS, Project plans require 20.03 acres, more or less, as described in Exhibit "A" attached hereto and incorporated herein by reference, of the above referenced 1660 acres that is encumbered by a Lake Worth Drainage District (LWDD) canal right-of-way; and

WHEREAS, the District desires to declare surplus and enter into an Interlocal Agreement with Lake Worth Drainage District (LWDD) to exchange the 15.80 acres, more or less, described in Exhibit "B" attached hereto and incorporated herein by reference, together with the District's interest in and privilege to mine and develop all phosphate, minerals, metals and petroleum in, on or under said property, for land interests containing 20.03 acres, more or less, located in Palm Beach County, Florida, as described in Exhibit "A", owned by LWDD, for use in connection with the Project; and

WHEREAS, pursuant to Section 373.089, Florida Statutes, the Governing Board is authorized to declare surplus land interests owned by the District not required for its purposes under terms and conditions approved by the Governing Board; and

42 **WHEREAS**, pursuant to Section 270.11, Florida Statutes, the Governing Board may
43 choose not to reserve its interest in certain mineral rights in conjunction with the disposal of
44 District-owned lands; and

45 **WHEREAS**, pursuant to Section 373.056(4), Florida Statutes, the South Florida
46 Water Management District may convey such surplus land interests to any governmental
47 entity under terms and conditions as determined by the Governing Board; and

48 **WHEREAS**, the South Florida Water Management District is authorized to exchange
49 land, or interests or rights in land, pursuant to Section 373.089(4), Florida Statutes, subject to
50 terms and conditions approved by the Governing Board; and

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

55 **WHEREAS**, under the terms of the proposed Interlocal Agreement with LWDD, the
56 Grant Agreement must be modified to provide for the release of the subject 15.80 acres from
57 the Grant Agreement and the substitution of other equivalent District lands in their place prior
58 to the District conveying the subject 15.80 acres to LWDD; and

59 **WHEREAS**, in the event the 15.80 acres is not conveyed to LWDD by February 1,
60 2010, the 20.03 acres to be conveyed to the District by LWDD upon execution of the
61 Interlocal Agreement by both parties shall revert back to LWDD,

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

64 **Section 1.** The Governing Board of the South Florida Water Management District hereby
65 declares as surplus and no longer needed for any purposes, including conservation
66 purposes, those certain 15.80 acres, more or less, located in Palm Beach County, Florida,
67 described in Exhibit "B" attached hereto, together with the District's interest in and privilege to
68 mine and develop all phosphate, minerals, metals and petroleum in, on or under said
69 property.

70 **Section 2.** The Governing Board of the South Florida Water Management District hereby
71 authorizes entering into an Interlocal Agreement with Lake Worth Drainage District for the
72 exchange of land interests consisting of 20.03 acres, more or less, located in Palm Beach
73 County, Florida, described in Exhibit "A" attached hereto, to be conveyed by LWDD to the
74 District for the Comprehensive Everglades Restoration Plan, Site 1 Impoundment Project in
75 exchange for 15.80 acres, more or less, located in Palm Beach County, Florida, described in
76 Exhibit "B" attached hereto.

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Section 3. The Governing Board of the South Florida Water Management District hereby authorizes the release of the 15.80 acres, more or less, described in Exhibit "B" from United States Department of Interior Grant Agreement Number FB-1 and the substitution of other equivalent District lands in their place under the Grant Agreement.

Section 4. The Governing Board of the South Florida Water Management District approved this Resolution by a two-thirds (2/3) majority.

Section 5. The Governing Board of the South Florida Water Management District hereby authorizes the Chair to execute the Interlocal Agreement.

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

PASSED and ADOPTED this _____ day of _____, 2009.

Legal Form Approved:

By: _____
Office of Counsel

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

(Corporate Seal)

By: _____
Chairman

ATTEST:

By: _____
District Clerk/Secretary