

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2010- _____
4

5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA
6 WATER MANAGEMENT DISTRICT TO APPROVE THE PURCHASE OF LAND
7 INTERESTS IN MARTIN COUNTY CONTAINING 71 ACRES, MORE OR LESS,
8 FOR THE C-44 RESERVOIR/STORMWATER TREATMENT AREA PROJECT, IN
9 THE AMOUNT OF \$2,000,000, AND ASSOCIATED COSTS; FOR WHICH
10 DEDICATED FUNDS (SAVE OUR EVERGLADES TRUST FUND) AND CERP AD
11 VALOREM FUNDS ARE BUDGETED; APPROVE DECLARING SURPLUS,
12 DISPOSAL OF, AND REMOVAL FROM THE ASSET RECORDS, ANY SUCH
13 STRUCTURES AND IMPROVEMENTS DEEMED UNNECESSARY FOR THE
14 STATED PURPOSE OF THE ORIGINAL LAND ACQUISITION; PROVIDING AN
15 EFFECTIVE DATE.
16

17 **WHEREAS**, the South Florida Water Management District (District) desires to purchase
18 land interests containing 71 acres, more or less, for the C-44 Project, in Martin County, in the
19 amount of \$2,000,000, and declare surplus, disposal of, and removal from the asset records, any
20 such structures and improvements deemed unnecessary for the stated purpose of the original land
21 acquisition;

22 **WHEREAS**, the District is authorized to acquire land, or interests or rights in land, pursuant
23 to Section 373.139, Florida Statutes;

24 **WHEREAS**, this 71 acre parcel is located immediately adjacent to the C-44 Project and is
25 part of a proposed 1160-acre residential and commercial development known as Fort Dawson
26 located on the Indiantown Airport property. The Fort Dawson site, which incorporates several
27 wetland features, is divided into 5 basins, two of which, Basins 3 and 4, comprise the 71 acre
28 parcel and contain existing wetlands that are immediately adjacent to the proposed C-44 Project's
29 intake canal; and

30 **WHEREAS**, as part of the standard review of the Environmental Resource Permit
31 application for a proposed development adjacent to a CERP Project, it was determined that the
32 Fort Dawson site was compatible with the goals and objectives of the C-44 Project. However in the
33 review process, the District staff report raised a concern that the C-44 intake canal may have a
34 potential to impact private property by over draining the Fort Dawson site wetland; and

35 **WHEREAS**, the staff report stated that the potential impact "...will be addressed by the
36 design of the C-44 Reservoir/STA Project which will incorporate a hydrologic barrier between the
37 TIDD (Troup Indiantown Drainage District) Canal I intake canal and the on-site wetlands to reduce
38 the seepage effect"; and

39 **WHEREAS**, during the design review of the intake canal as part of the development of the
40 USACE Construction Contract No. 1, the District estimated that the construction of the hydrologic

41 barrier would cost approximately \$3,450,000, while the Corps' estimates range from \$8 to \$10
42 million;

43 **WHEREAS**, the less costly alternative of acquiring the 71 acres in lieu of construction of a
44 hydrologic barrier will result in a cost savings; and

45 **WHEREAS**, the District will also pay associated costs of \$5,000 for attorney's fees with
46 respect to the transaction and reasonable environmental consultant's fee not to exceed \$50,000
47 with respect to the requisite Environmental Resource Permit modification to exclude the 71 acre
48 tract and the requirement for construction of a hydrologic barrier.

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

51 **Section 1.** The Governing Board of the South Florida Water Management District hereby
52 approves the purchase of land interests containing 71 acres, more or less, for the C-44
53 Reservoir/Stormwater Treatment Area Project, in Martin County, as more particularly depicted on
54 Exhibit "A", which is attached hereto and made a part hereof, in the amount of \$2,000,000,
55 together with associated costs of \$5,000 for attorney's fees with respect to the transaction and
56 reasonable consultants' and attorney's fees not to exceed \$50,000 with respect to the requisite
57 Environmental Resource Permit modification to exclude the acquisition and the requirement for
58 construction of a hydrologic barrier, as follows:

59
60
61

Owner	Tract No.	Interest	Acres	Purchase Price
Indiantown International Incorporated	JE100-095	Fee	71	\$2,000,000

62

Dollars	Fund	Fund Center	Fund Program	Commitment Item GL Account #
\$2,000,000	412000	3510144000	P107	580020
\$5,000 \$50,000	410000	3510144000	P107	580022 580032

63
64
65
66
67

Section 2. The Governing Board of the South Florida Water Management District hereby further approves declaring surplus, disposal of, and removal from the asset records, any such

68 structures and improvements deemed unnecessary for the stated purpose of the original land
69 acquisition.

70 **Section 3.** The Governing Board of the South Florida Water Management District hereby
71 authorizes the Chairman to execute the Agreement for Sale and Purchase.

72 **Section 4.** This Resolution shall take effect immediately upon adoption.

73

74 **PASSED** and **ADOPTED** this _____ day of _____, 2010.

75

76 **ATTEST:**

77

78

79 By: _____
80 District Clerk/Secretary

81

82

83

84

85

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

86

87

88 (Corporate Seal)

89

90

By: _____
Chairman

91

92

93 **Approved as to form:**

94

95

96 By: _____
97 Office of Counsel