

1 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

2 **RESOLUTION NO. 2012 - _____**

3
4 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER**
5 **MANAGEMENT DISTRICT ADVISING THE DEPARTMENT OF ENVIRONMENTAL**
6 **PROTECTION OF THE PROPOSED ACQUISITION OF LAND INTERESTS CONTAINING**
7 **303.70 ACRES FOR THE KISSIMMEE RIVER RESTORATION AND HEADWATERS**
8 **REVITALIZATION PROJECT, IN OKEECHOBEE COUNTY, AND REQUESTING THE**
9 **RELEASE OF DEDICATED (FLORIDA FOREVER TRUST FUND) FUNDS FOR**
10 **ACQUISITION OF SUCH LAND INTERESTS, TOGETHER WITH STATUTORY COSTS AND**
11 **ASSOCIATED COSTS; PROVIDING AN EFFECTIVE DATE.**
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13 **WHEREAS**, the South Florida Water Management District has an active program underway to
14 acquire land interests for the Kissimmee River Restoration and Headwaters Revitalization Project ('Project');

15 **WHEREAS**, pursuant to Section 373.139 (3)(c) Florida Statutes, the District is required to submit a
16 resolution to the Department of Environmental Protection when requesting dedicated (Florida Forever Trust
17 Fund) funds; and

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

20 (1) It does hereby advise the Secretary of the Department of Environmental Protection of its
21 intent to acquire fee simple interest and perpetual flowage and inundation easements with respect to 303.70
22 acres, more or less, for the Kissimmee River Restoration and Headwaters Revitalization Project in
23 Okeechobee County. Pursuant to a Resolution adopted by the District's Governing Board at its February 9,
24 2012 meeting, the District will file condemnation notices to acquire the land interests described below. The
25 lands are described in Exhibit "A-1", "A-2", "A-3", "A-4", "A-5", "A-6", "A-7" and "A-8", and as shown on location
26 maps Exhibit "A" and "AA", which are attached hereto and made a part hereof.

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28 Tract Nos.	Owners Name	Fee Acres	Easement Acres
29 19103-751	Montoya Ranch, Inc.	102.19	
30 19103-116	Bonnie Luna Byars	1.00	
31 19103-844	Bonnie Luna Byars	37.37	
32 19103-845	Bonnie Luna Byars		8.80
33 19103-846	BLB Holdings, Inc.	77.04	
34 19103-847	BLB Holdings, Inc.		20.12
35 19103-842	Patrick Henry Luna	45.93	
36 19103-843	Patrick Henry Luna		11.25
37 Totals		263.53	40.17

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42 (2) The lands being acquired have been reviewed for the presence of State Sovereignty
43 submerged lands and the District has taken reasonable measures to avoid paying for sovereignty
44 lands.

45 (3) This request for funds is consistent with the District's Five Year Plan of acquisition or the
46 South Florida Water Management District Florida Forever Work Plan, as contained in Chapter 6A,
47 Volume II of the South Florida Environmental Report, and last updated during a public hearing on January
48 13, 2011, and filed with the Legislature and the Department of Environmental Protection.

49 (4) Acquisition of this land furthers the Florida Forever goals set forth in (1) Section
50 259.105 (4)(a) Florida Statutes (i.e. enhance the coordination and completion of land acquisition
51 projects as measured by the number of shared acquisition projects among Florida Forever funding
52 partners and partners with other funding sources, including local governments and the Federal
53 Government), and (2) Section 259.105 (4)(d) Florida Statutes (i.e. ensure that sufficient quantities of
54 water are available to meet the current and future needs of natural systems and the citizens of the
55 state, as measured by the quantity of water made available through the water resource development
56 component of a district water supply plan for which a water management district is responsible).

57 (5) The funds requested shall be used only for the acquisition costs and pre-
58 acquisition/associated costs and expenses of the described land interests, and the owner's statutory costs
59 pursuant to Chapter 73, Florida Statutes.

60 (6) To the extent possible, the lands being acquired shall be maintained in an
61 environmentally acceptable manner.

62 (7) Should the District dispose of any or all of the interests acquired hereunder, all revenues
63 derived therefrom will be used to acquire other lands for water management, water supply and the
64 conservation and protection of water resources.

65 (8) A Phase I and, if necessary, a Phase II environmental assessment will be completed
66 and the findings will be addressed.

67 (9) The fee-acquired lands shall be managed for multiple-use purposes where compatible
68 with the resource values of land management objectives for such lands as set forth in Section
69 259.105(5), Florida Statutes.

70 (10) The Resolution to approve acquisition of these land interests was approved by the
71 Governing Board of the District on February 9, 2012.

72 (11) The District will utilize funds from the Florida Forever Trust Fund and/or ad valorem
73 funds.

74 (12) The Executive Director or the designee of the Executive Director is hereby authorized to
75 request the release of funds for all acquisition costs and pre-acquisition/associated costs and expenses
76 for the described interests identified in this Resolution.

77 (13) This Resolution shall take effect immediately upon adoption.

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79 **PASSED** and **ADOPTED** this _____ day of _____, 2012.

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81 **ATTEST:**

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85 By: _____
86 District Clerk/Secretary

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

90
91 (Corporate Seal)

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93 By: _____
94 Chairman

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96 **Approved as to form:**

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100 By: _____
101 Office of Counsel

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