

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2011- _____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA
6 WATER MANAGEMENT DISTRICT TO APPROVE DECLARING SURPLUS LAND
7 INTERESTS CONTAINING 2.03 ACRES, MORE OR LESS, LEE COUNTY;
8 AUTHORIZE THE DONATION OF SAID LAND INTERESTS TO THE CITY OF
9 BONITA SPRINGS, A FLORIDA MUNICIPAL CORPORATION, FOR USE BY THE
10 CITY FOR CONSERVATION, EDUCATIONAL AND PASSIVE RECREATIONAL
11 PURPOSES, SUBJECT TO TERMS AND CONDITIONS; AND APPROVE THE
12 WAIVER OF THE APPLICATION FEE; PROVIDING AN EFFECTIVE DATE.
13

14 WHEREAS, the South Florida Water Management District desires to declare surplus land
15 interests containing 2.03 acres, more or less, in Lee County, and donate said land interests to the
16 City of Bonita Springs, a Florida municipal corporation (the "City"), for use by the City for
17 conservation, educational and passive recreational purposes, subject to a reverter in the event the
18 land is not used for such purposes; and

19 WHEREAS, Tract HD100-001 was acquired in 2001 and Tract HD100-025 was acquired in
20 2003 to provide a buffer between human disturbance and restoration of surface water hydrology,
21 decrease the hazards of contamination of surface and ground waters, contribute to the water
22 quality and reduction of flood hazard potential for the developed areas downstream and provide
23 natural habitat; and

24 WHEREAS, these needs will continue to be met by donating this lands to the City for
25 educational, conservation and passive recreational purposes; and

26 WHEREAS, the South Florida Water Management District is authorized to donate land, or
27 interests or rights in land to other governmental entities, pursuant to Section 373.056, Florida
28 Statutes; and

29 WHEREAS, pursuant to Section 373.089(6), Florida Statutes, the surplus of any lands
30 acquired after July 1, 1999 for conservation purposes must be approved by at least a two-thirds
31 (2/3) majority of the Governing Board.

32 NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water
33 Management District:

34 **Section 1.** The Governing Board of the South Florida Water Management District hereby
35 declares surplus District land interests containing 2.03, more or less, in fee, and authorizes the
36 donation of said land interests to the City of Bonita Springs, a Florida municipal corporation, for use
37 by the City for conservation, educational, and passive recreational purposes, as follows:

Owner	Tract No.	Interest	Acres	Transaction
South Florida Water Management District	HD100-001	Fee	+/-1.05	Donation
South Florida Water Management District	HD100-025	Fee	+/- 0.98	Donation

44 The subject properties are further described on Exhibits "A" and "AA" attached hereto and
45 incorporated herein by reference.

46 **Section 2.** The donation shall be subject to (i) a reverter in favor of the District should the
47 properties cease to be used for conservation, educational and passive recreational purposes, and
48 (ii) a reservation in favor of the District of an interest in and the privilege to mine and develop all
49 phosphate, minerals, metals and petroleum in, on or under the property in accordance with Section
50 270.11, Florida Statutes.

51 **Section 3.** The Governing Board hereby approves the waiver of the application fee, if any, for
52 this surplus and conveyance of the subject land interests to the City.

53 **Section 4.** The Governing Board of the South Florida Water Management District hereby
54 authorizes the Chairman to execute the conveyance documents.

55 **Section 5.** Consistent with the requirements of Section 373.089(6), Florida Statutes, this
56 Resolution was approved by the Governing Board by at least a two-thirds (2/3) majority.

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

59 **PASSED and ADOPTED** this _____ day of _____, 2011.

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

By: _____
Chairman

ATTEST:

District Clerk/Secretary

Approved as to form:

By: _____
Office of Counsel