

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2009 - _____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT REQUESTING THE RELEASE OF FUNDS FROM FLORIDA
7 FOREVER TRUST FUND BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
8 FOR THE ACQUISITION OF LAND INTERESTS CONTAINING 10.49 ACRES, MORE OR
9 LESS, FOR THE INDIAN RIVER LAGOON – SOUTH CERP PROJECT IN ST. LUCIE
10 COUNTY, IN THE AMOUNT OF \$315,000.00 AND ASSOCIATED COSTS; PROVIDING
11 AN EFFECTIVE DATE.

12
13 WHEREAS, the South Florida Water Management District has an active program underway to
14 acquire land interests for the Indian River Lagoon – South CERP 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 funds from a trust fund, including
17 the Florida Forever Trust Fund; 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 intent to
21 acquire fee title to 10.49 acres, more or less, for the Indian River Lagoon – South CERP Project in St. Lucie
22 County. The lands are described in Exhibit "A" and as shown on location map Exhibit "AA", which are
23 attached hereto and made a part hereof. The District has a contract to acquire the following land interests
24 for a purchase price of \$315,000.

| Owners | Tract Nos. | Interest | Acres | Appraised Value | Purchase Price |
|---|------------|----------|--------------|-----------------|----------------|
| Hammond, Will | KE100-142 | Fee | 5.48 | 165,000 | 165,000 |
| Rivas, Jill – Individually & as Trustee | KE100-143 | Fee | 5.01 | 150,000 | 150,000 |
| Totals | | | 10.49 | 315,000 | 315,000 |

26
27 (2) The purchase price of \$315,000 for Tract Nos. KE100-142 and KE100-143, taking into account
28 the value of non-cash considerations, defects in title or outstanding interests of the lands to be acquired,
29 is equal to the appraised value, based on the certified appraisal that was used to determine the value of
30 the interests to be purchased.

31 (3) The lands being acquired have been reviewed for the presence of State Sovereignty
32 submerged lands and the District has taken reasonable measures to avoid paying for sovereignty lands.

33 (4) This request for funds is consistent with the District’s Five Year Plan of acquisition or the South
34 Florida Water Management District Florida Forever Work Plan, as contained in Chapter 6, Volume II of the
35 South Florida Environmental Report, and last updated during a public hearing on December 13, 2007, filed
36 with the Legislature and the Department of Environmental Protection.

37 (5) Acquisition of this land furthers the Florida Forever goals set forth in (1) Section

38 259.105(4)(a), Florida Statutes (i.e. enhance the coordination and completion of land acquisition projects
39 as measured by the number of shared acquisition projects among Florida Forever funding partners and
40 partners with other funding sources, including local governments and the Federal Government), and (2)
41 Section 259.105(4)(d), Florida Statutes (i.e. ensure that sufficient quantities of water are available to meet
42 the current and future needs of natural systems and the citizens of the state, as measured by the quantity
43 of water made available through the water resource development component of a district water supply
44 plan for which a water management district is responsible).

45 (6) The funds requested shall be used only for the acquisition costs and pre-acquisition/
46 associated costs and expenses of the described land interests.

47 (7) To the extent possible, the lands being acquired shall be maintained in an environmentally
48 acceptable manner.

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

52 (9) An environmental assessment will be completed and the findings will be addressed prior to
53 closing. The contracts provide that the District can terminate if the assessment discloses environmental
54 conditions the District deems unacceptable.

55 (10) The lands shall be managed for multiple-use purposes where compatible with the resource
56 values of and management objectives for such lands as set forth in Section 259.105(5), Florida Statutes.

57 (11) The District will utilize funds from the Florida Forever Trust Fund.

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

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

62

63 **PASSED** and **ADOPTED** this _____ day of _____, 2009.

64

65 **ATTEST:**

66

67 By: _____
68 District Clerk/Secretary

69

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

72 (Corporate Seal)

73

74 By: _____
75 Chair

76 **Legal Form Approved:**

77

78 By: _____
79 Office of Counsel