

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2009- _____

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA
6 WATER MANAGEMENT DISTRICT TO APPROVE DECLARING SURPLUS LAND
7 INTERESTS CONTAINING TWENTY (20) ACRES, MORE OR LESS, LEE
8 COUNTY; AUTHORIZE THE DONATION OF SAID LAND INTERESTS TO THE
9 CITY OF BONITA SPRINGS, A FLORIDA MUNICIPAL CORPORATION, FOR
10 USE BY THE CITY FOR CONSERVATION, EDUCATIONAL AND PASSIVE
11 RECREATIONAL PURPOSES, SUBJECT TO TERMS AND CONDITIONS;
12 APPROVE THE WAIVER OF THE APPLICATION FEE; AND AMEND
13 GOVERNING BOARD RESOLUTION NO. 2008-1005, DATED OCTOBER 9, 2008,
14 TO (i) REMOVE SAID TRACT FROM THE LIST OF TRACTS OVER WHICH A
15 CONSERVATION EASEMENT IN FAVOR OF THE FLORIDA DEPARTMENT OF
16 ENVIRONMENTAL PROTECTION WAS TO BE GRANTED, AND (ii) REPLACE
17 SAID TRACT WITH ALTERNATIVE DISTRICT LAND INTERESTS CONTAINING
18 TWENTY (20) ACRES, MORE OR LESS, ALSO LOCATED IN THE CORKSCREW
19 REGIONAL ECOSYSTEM WATERSHED, LEE COUNTY; PROVIDING AN
20 EFFECTIVE DATE.
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22 WHEREAS, the South Florida Water Management District desires to declare surplus land
23 interests containing twenty (20) acres, more or less in Lee County, and donate said land interests
24 to the City of Bonita Springs, a Florida municipal corporation, for use by the City for conservation,
25 educational and passive recreational purposes, subject to a reverter in the event the land is not
26 used for such purposes; and

27 WHEREAS, the subject property was acquired in 2002 to provide a buffer between human
28 disturbance and restoration of surface water hydrology, decrease the hazards of contamination of
29 surface and ground waters, contribute to the water quality and reduction of flood hazard potential
30 for the developed areas downstream and provide natural habitat; and

31 WHEREAS, these needs will continue to be met by donating this land to the City for
32 educational, conservation and passive recreational purposes; and

33 WHEREAS, the Governing Board previously authorized the District to record a
34 conservation easement in favor of the Florida Department of Environmental Protection over the
35 subject property, Tract No. HD100-005, by Resolution 2008-1005, dated October 9, 2008; and

36 WHEREAS, the District has not yet recorded a conservation easement over Tract No.
37 HD100-105; and

38 WHEREAS, the District desires to convey this parcel to the City unencumbered by a
39 conservation easement in favor of Florida Department of Environmental Protection; and

40 WHEREAS, staff recommends recording a conservation easement in favor of Florida
41 Department of Environmental Protection over alternative District land interests containing twenty
42 (20) acres, more or less, also located in the Corkscrew Regional Ecosystem Watershed, Lee

43 County, as described in Exhibits “B” and “BB” attached hereto and incorporated herein by
44 reference, in lieu of the twenty (20) acres, more or less, requested by the City; and

45 **WHEREAS**, the South Florida Water Management District is authorized to donate land, or
46 interests or rights in land to other governmental entities, pursuant to Section 373.056, Florida
47 Statutes; and

48 **WHEREAS**, pursuant to Section 373.089(6), Florida Statutes, the surplus of any lands
49 acquired after July 1, 1999 for conservation purposes must be approved by at least a two-thirds
50 (2/3) majority of the Governing Board.

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

53 **Section 1.** The Governing Board of the South Florida Water Management District hereby
54 declares surplus District land interests containing twenty (20) acres, more or less, in fee, and
55 authorizes the donation of said land interests to the City of Bonita Springs, a Florida municipal
56 corporation, for use by the City for conservation, educational, and passive recreational purposes,
57 as follows:

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Owner	Tract No.	Interest	Acres	Transaction
South Florida Water Management District	HD100-005	Fee	+/-20	Donation
South Florida Water Management District	09-003-774	Conservation Easement	+/- 20	Grant Easement

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62 The subject property is further described on Exhibits “A” and “AA” attached hereto and
63 incorporated herein by reference.

64 **Section 2.** The donation shall be subject to (i) a reverter in favor of the District should the
65 property cease to be used for conservation, educational and passive recreational purposes, and (ii)
66 a reservation in favor of the District of an interest in and the privilege to mine and develop all
67 phosphate, minerals, metals and petroleum in, on or under the property in accordance with Section
68 270.11, Florida Statutes.

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

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

73 **Section 5.** The Governing Board of the South Florida Water Management District hereby
74 amends Resolution No. 2008-1005, dated October 9, 2008, to (i) remove Tract No. HD 100-005

75 from the list of tracts over which a conservation easement in favor of the Florida Department of
76 Environmental Protection was to be recorded, and (ii) replace said tract with alternative District
77 land interests containing twenty (20) acres, more or less, also located in the Corkscrew Regional
78 Ecosystem Watershed Project, Lee County, as described in Exhibits "B" and "BB" attached hereto.

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

81 **Section 7.** This Resolution shall take effect immediately upon adoption.

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

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

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By: _____
Chairman

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92 **ATTEST:**

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District Clerk/Secretary

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100 Approved as to form:

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By: _____
Office of Counsel

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