

South Florida Water Management District

Resolution No. 2005 - _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT REQUESTING REIMBURSEMENT FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR COSTS ASSOCIATED WITH THE PURCHASE OF LAND INTERESTS CONTAINING 1.09 ACRES, MORE OR LESS, CONSISTING OF SELLER'S ATTORNEYS' FEES AND COSTS IN THE AMOUNT OF \$14,952.38, AND ASSOCIATED COSTS, FROM THE FLORIDA FOREVER TRUST FUND; FOR THE CERP ACCELER8 WCA 3A/3B SEEPAGE MANAGEMENT PROJECT IN BROWARD COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District has an active program underway to acquire land interests for CERP ACCELER8 WCA 3A/3B Seepage Management Project in Broward County;

WHEREAS, pursuant to Section 373.139 (3)(c) Florida Statutes, the District is required to submit a Resolution to the Department of Environmental Protection when requesting funds from a trust fund, including the Florida Forever Trust Fund; and

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

(1) It does hereby advise the Secretary of the Department of Environmental Protection that it has acquired, through a condemnation suit, fee title to 1.09 acres, more or less, of land for the CERP ACCELER8 WCA 3A/3B Seepage Management Project in Broward County. Through this Resolution, the District is seeking reimbursement for the seller's attorney fees and costs, and associated costs from the Florida Forever Trust Fund.

Owner	Tract No.	Interest	Acres	Attorney's Fees, Costs & Experts' Fees
Ngok, Yau Cheuk, et al.	12-101-010	Fee	1.09	\$14,952.38

The legal interest to be acquired is the fee simple estate. The land is described in Exhibit "A" and as shown on a location map Exhibit "AA", both of which are attached hereto and made a part hereof.

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

(3) This request for funds is consistent with the District's Five Year Plan of acquisition or the Florida Forever Water Management District Work Plan, as applicable, filed with the Legislature and the Department, and is consistent with Sections 373.139, 373.470 and 373.59, Florida Statutes, as applicable.

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

(5) The funds requested shall be used only for the acquisition costs and pre-acquisition/ associated costs of the described land.

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

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

(8) An environmental assessment has been completed and no evidence of environmental concerns exists.

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

(10) The District used Eminent Domain to acquire the property

pursuant to the authority granted
under 373.139 Florida Statutes.

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

(13) The Executive Director or his designee is hereby authorized to request
reimbursement of all
expenses for lands and associated costs identified in this Resolution.

(14) This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2005.

Legal Form Approved:

By: _____
Office of Counsel

(Corporate Seal)

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

By: _____
Chair

ATTEST:

By: _____
District Clerk/Secretary