

1 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

2
3 **RESOLUTION NO. 2005- _____**

4
5 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER**
6 **MANAGEMENT DISTRICT ADVISING THE DEPARTMENT OF ENVIRONMENTAL**
7 **PROTECTION OF THE PROPOSED PURCHASE OF LANDS CONSISTING OF 1.33**
8 **ACRES, MORE OR LESS, IN OKEECHOBEE COUNTY, FLORIDA, WHICH ARE PART**
9 **OF THE KISSIMMEE RIVER RESTORATION AND HEADWATERS REVITALIZATION**
10 **PROJECT AND REQUESTING THE RELEASE OF FUNDS FOR ACQUISITION OF**
11 **SUCH LANDS; PROVIDING AN EFFECTIVE DATE.**

12
13 **WHEREAS**, South Florida Water Management District has an active program underway to acquire
14 land interests under Section 373.59, Florida Statutes (Chapter 81-33, Laws of Florida, as amended); and

15 **WHEREAS**, Chapter 62-402, Florida Administrative Code, and that certain Agreement between the
16 District and the Department of Environmental Regulation (predecessor agency to the Department of
17 Environmental Protection) dated October 1, 1985, as amended requires submission of a resolution of the
18 Governing Board of the District to the Department advising about the proposed acquisition.

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

21 (1) It does hereby advise the Secretary of the Department of Environmental Protection of its
22 intent to acquire fee and perpetual flowage and inundation easement interests to 1.33 acres, more or less, in
23 Okeechobee County, Florida for the Kissimmee River Restoration and Headwaters Revitalization Project.
24 Pursuant to Resolution No. 2005-_____, the District will file condemnation notices to acquire those parcels
25 described below:

26

Tract No.	Acres
19-103-769	0.97
19-103-770	0.36
Total	1.33

27
28 The lands are described in Exhibit "A", and as shown on a location map Exhibit "AA", all of which are
29 attached hereto and made a part hereof.

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

32 (3) The acquisition of these lands is consistent with the District Five Year Plan adopted
33 November 13, 1981, and the last update of the plan dated September 14, 2000, filed with the Legislature and
34 the Department, and is consistent with 373.139, 373.470 and 373.59, F.S., as applicable.

35 (4) Acquisition of this land satisfied two Florida Forever goals: (i) Section 259.105 (4)(a) Florida
36 Statutes: enhance the coordination and completion of land acquisition projects as measured by the number of
37 shared acquisition projects among Florida Forever funding partners and partners with other funding sources,
38 including local governments and the Federal Government; and (ii) 259.105 (4)(d) Florida Statutes: ensure

39 that sufficient quantities of water are available to meet the current and future needs of natural systems and
40 the citizens of the state, as measured by the quantity of water made available through the water resource
41 development component of a district water supply plan for which a water management district is responsible.

42 (5) The funds requested shall be used only for the acquisition costs and pre-acquisition costs of
43 the described lands.

44 (6) The lands being acquired shall be maintained in an environmentally acceptable manner.

45 (7) A significant portion of the land in the project serves to protect or recharge groundwater and
46 to protect other valuable natural resources or provide space for natural resource based recreation.

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

50 (9) The purchase price of the lands to be acquired shall be determined by a jury trial or
51 stipulated settlement.

52 (10) Environmental audit and appraisal reports have been or will be performed on the lands to be
53 acquired.

54 (11) The Resolution to condemn these lands was approved by the Governing Board of the
55 District, after appropriate notice, on September 14, 2005.

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

58 (13) The District will utilize funds from Florida Forever Fund.

59
60 **PASSED and ADOPTED** this _____ day of _____, 2005.

61
62 **ATTEST:**

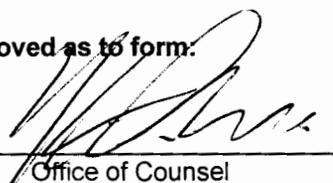
63
64 _____
65 District Clerk/Secretary

66
67
68 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT,**
69 **BY ITS GOVERNING BOARD**

70 (Corporate Seal)

71
72 By: _____
73 Chair

74
75
76 **Approved as to form:**

77
78
79 By: 
80 Office of Counsel

81

Exhibit "A"
Tract No. 19-103-769

All that portion of Lot 9 of the River Acres Subdivision, as recorded in Plat Book 5, Page 13 of the Public Records, located in Section 16, Township 36 South, Range 33 East, of Okeechobee County, Florida; lying Easterly of the following described line:

Commence at the most Northerly corner of said Lot 9, thence; South 60°39'06" East, along the Northerly line of said Lot 9, a distance of 179.31 feet, to the POINT OF BEGINNING;

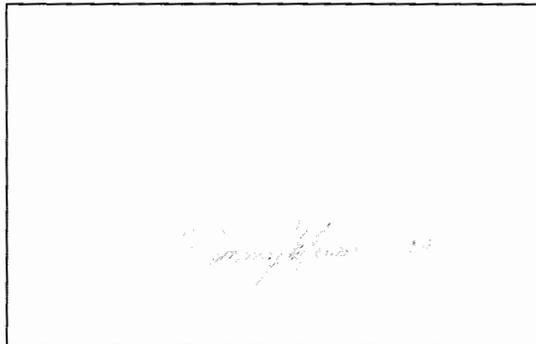
Thence; departing the said Northerly line of said lot 9, South 33°32'34" East, a distance of 127.15 feet,

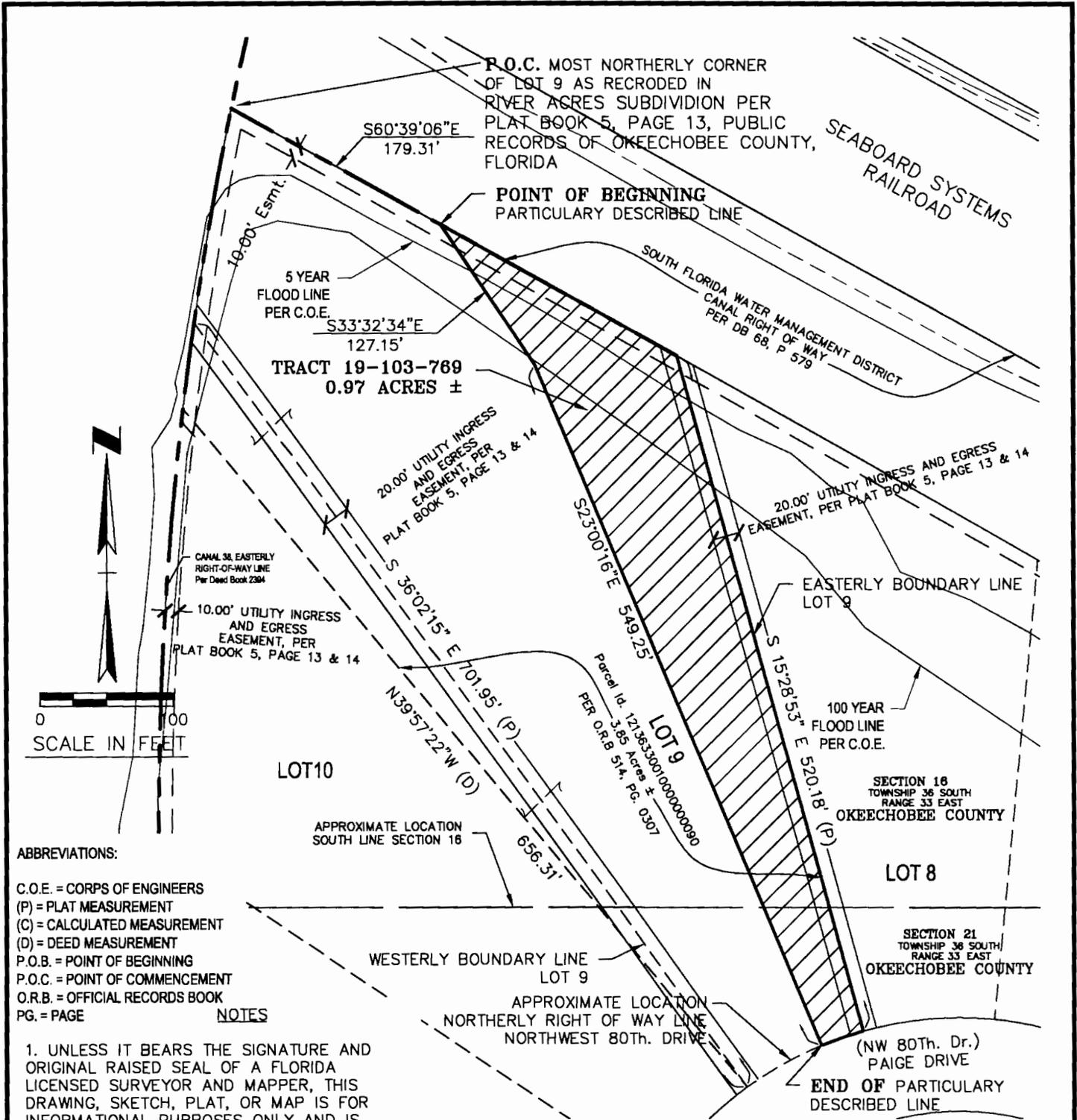
Thence, South 23°00'16" East, a distance of 549.25 feet, to the Southerly line of said Lot 9 and the Northerly right-of-way line of Paige Drive (a.k.a. Northwest 80th Drive), as shown on said Plat, and the END OF the particularly described line.

The Bearings shown hereon are based on said Plat of River Acres Subdivision.

This legal description is not valid unless accompanied by a description sketch.

Containing 0.97 acres, more or less.





ABBREVIATIONS:
 C.O.E. = CORPS OF ENGINEERS
 (P) = PLAT MEASUREMENT
 (C) = CALCULATED MEASUREMENT
 (D) = DEED MEASUREMENT
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 O.R.B. = OFFICIAL RECORDS BOOK
 PG. = PAGE

NOTES
 1. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT, OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

2. THIS DESCRIPTION SKETCH IS NOT VALID UNLESS ACCOMPANIED BY A LEGAL DESCRIPTION.

DENNIS J. MEIERER
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATION NUMBER 2977

THIS IS NOT A SURVEY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
 LAND ACQUISITION DEPARTMENT
 P.O. BOX 24680
 3301 GUN CLUB ROAD
 WEST PALM BEACH, FLORIDA 33416-4680

Sanders, Kerry L. & Deborah Sharp
 RIVER ACRES SUBDIVISION
 FEE TITLE TRACT No. 19-103-769

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
RVS		12OCT04	AS SHOWN	19103-769	3 OF 3
DRAWN		CHECKED	DATE	REVISIONS	

Exhibit "A"
Tract No. 19-103-770

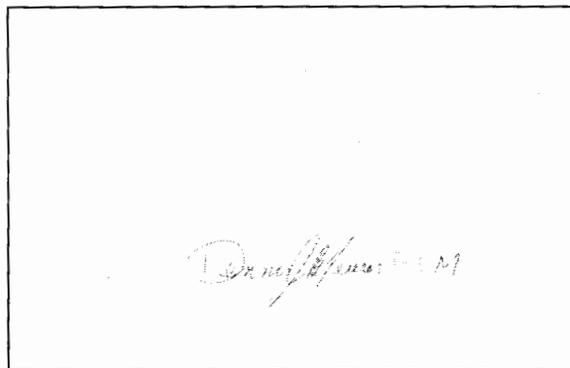
A portion of Lot 9 and Lot 10 of the River Acres Subdivision, as recorded in Plat Book 5, Page 13 of the Public Records located in Section 16, Township 36 South, Range 33 East, of Okeechobee County, Florida; being more particularly described as follows:

BEGIN at the most Northerly corner of said Lot 9, thence; South 60°39'06" East, along the Northerly line of said Lot 9, a distance of 179.31 feet,
Thence; departing the said Northerly line of said Lot 9; South 33°32'34" East, a distance of 127.15 feet,
Thence; North 55°05'33" West, a distance of 169.87 feet,
Thence; North 88°26'10" West, a distance of 74.76 feet,
Thence; South 15°06'03" West, a distance of 149.61 feet, to the Southwesterly line of that parcel of land as described in Official Records Book 514, Page 0307 of the Public Records of Okeechobee, Florida.
Thence; North 39°57'22" West, along said Southwesterly line a distance of 15.96 feet, to a point on the Easterly right-of-way line of Canal 38 and the Northwesterly line of said Lot 10, said point being a point on a non-tangent curve from which the radius point bears South 83°14'45" East, a distance of 2,700.00 feet;
Thence, Northeasterly along the arc of said curve and the Westerly Line of said Lot 10 and Lot 9, a distance of 229.84 feet through a central angle of 04°52'38" and to the POINT OF BEGINNING.

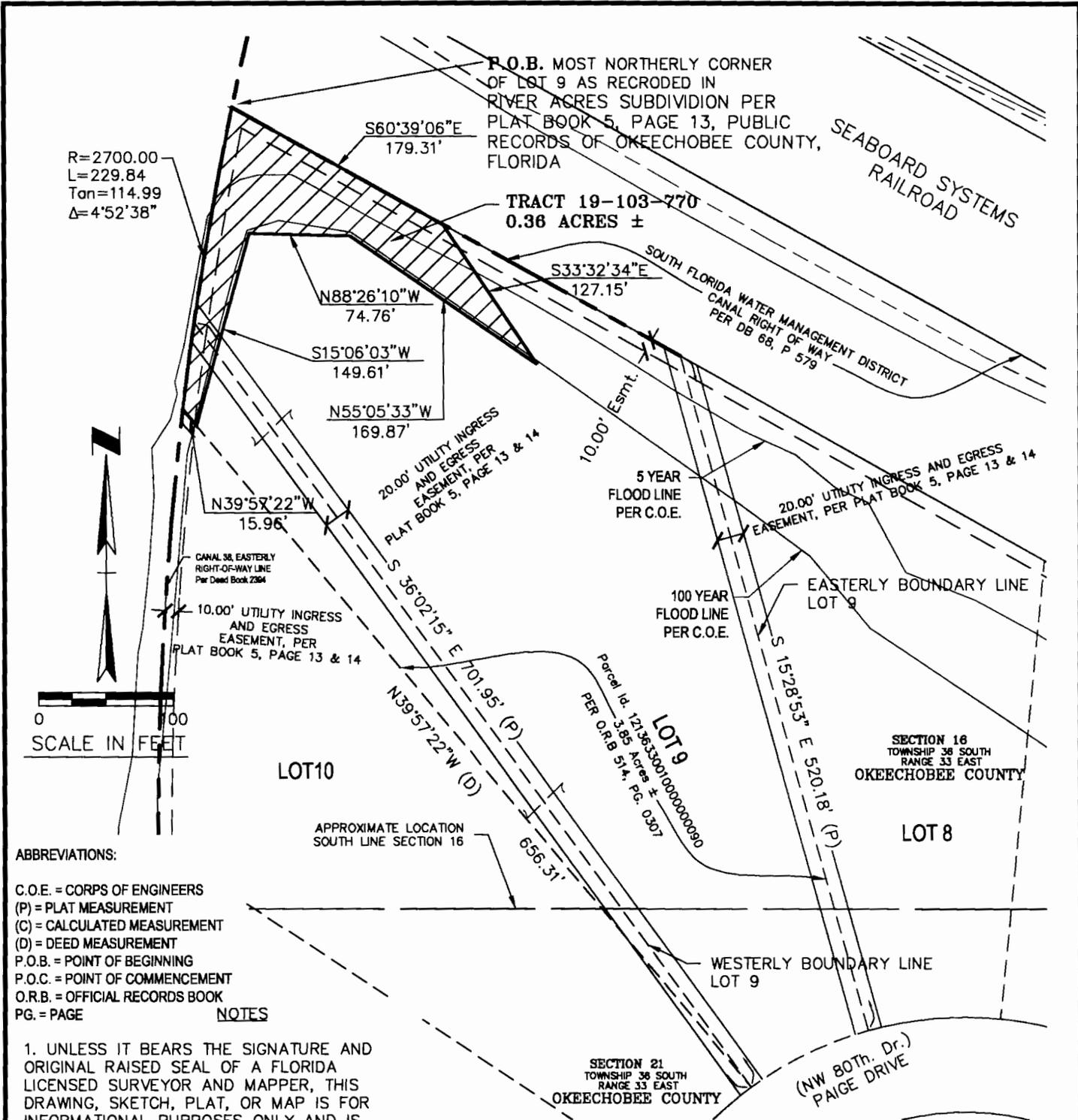
The Bearings shown hereon are based on said Plat of River Acres Subdivision.

This legal description is not valid unless accompanied by a description sketch.

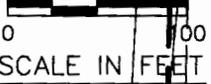
Containing 0.36 acres, more or less.



Kissimmee River\ Kerry L. Sanders & Deborah Sharp
Folio: p/o 12136330010000000090
p/o Plat Book 5, Page 13
p/o ORB 514, Page 0307
May 24, 2005
C.L.M.



R=2700.00
L=229.84
Tan=114.99
Δ=4°52'38"



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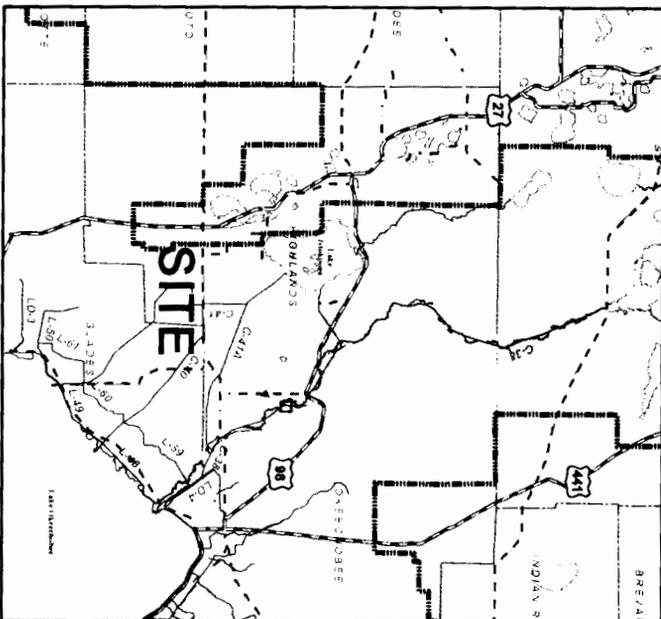
**Sanders, Kerry L. & Deborah Sharp
 RIVER ACRES SUBDIVISION
 FLOWAGE EASEMENT TRACT No. 19-103-770**

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
RVS		12OCT04	AS SHOWN	19103-770	3 OF 3

REVISIONS	DATE	CHECKED	BY

Exhibit "AA"

KISSIMMEE RIVER RESTORATION



Acquired Lands
 Project Lands
 Proposed Acquisition

DISCLAIMER
 Any information, including but not limited to software and data, received from the South Florida Water Management District ("District") in fulfillment of a request is provided "AS IS" without warranty of any kind. The District expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The District does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the District in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the District is entirely assumed by the recipient.

