

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2010- _____

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT AUTHORIZING ENTERING INTO A SECOND AMENDMENT TO
7 THE ROCK MINING LEASE AGREEMENT, AS AMENDED, CONTRACT NO. LS060920, WITH
8 VECELLIO & GROGAN, INC., D/B/A WHITE ROCK QUARRIES WITH RESPECT TO LANDS
9 IN SECTIONS 4 AND 5, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY,
10 FLORIDA; AND AUTHORIZING ENTERING INTO AN AMENDED AND RESTATED
11 MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF TRUSTEES OF THE
12 INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, WHITE ROCK
13 QUARRIES, AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT WITH RESPECT
14 TO LANDS WITHIN SECTIONS 4 AND 5, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-
15 DADE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.
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18 **WHEREAS**, on April 12, 2006, the South Florida Water Management District (“SFWMD”) and
19 White Rock Quarries (“White Rock”) entered into a Lease Agreement, as amended by Amendment No. 1,
20 dated July 22, 2009, (collectively referred to as the “Lease”), for White Rock to mine SFWMD-owned
21 lands, lying in Sections 4 and 5, Township 52 South, Range 40 East, Miami-Dade County, Florida, as
22 identified in attached Exhibit A, made a part hereof; and

23 **WHEREAS**, on October 29, 2007, the SFWMD, the Board Of Trustees Of The Internal
24 Improvement Trust Fund Of The State Of Florida (“TIITF”), and White Rock, (collectively the “Parties”)
25 entered into a Memorandum of Agreement (“MOA”) to establish a cooperative process to consolidate title
26 to lands in Sections 4 and 5, Township 52 South, Range 40 East, Miami-Dade County, Florida, for
27 developing a mutually beneficial mining plan with respect to said lands as identified in Exhibit “A”; and

28 **WHEREAS**, SFWMD and White Rock wish to expand the leased area in Section 4 to allow White
29 Rock to remove exotic vegetation for wetland mitigation purposes; and

30 **WHEREAS**, White Rock and SFWMD wish to extend the deadline from December 31, 2010, to
31 December 31, 2011, for satisfying the existing and amended Special Lease Conditions precedent to
32 White Rock commencing mining on the Leased property, which Special Lease Conditions include: (i)
33 United States Department of Interior approval of the Lease, (ii) execution of an Amendment to the TIITF
34 Mining Lease with White Rock, and, (iii) execution of an Amended and Restated MOA by the SFWMD,
35 TIITF, and White Rock, and,

36 **WHEREAS**, the Parties wish to establish a royalty disbursement methodology based on the
37 Parties’ percentage ownership of lands within Sections 4 and 5, and to make other technical revisions
38 consistent with these changes; and

39 **WHEREAS**, prior to the commencement of actual mining, under the Lease and MOA, White Rock
40 committed to exchange all lands owned or controlled by White Rock in Section 5, for nearby lands owned
41 by SFWMD but said SFWMD lands are no longer available and SFWMD and White Rock have agreed
42 not to pursue the land exchange; and

43 **WHEREAS**, White Rock is amenable upon completion of mining to convey to SFWMD those
44 lands within Section 5 that are owned or controlled by White Rock that have been mined which would be
45 beneficial to any future SFWMD CERP North Lake Belt Project.

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

48 **Section 1.** The Governing Board of the South Florida Water Management District authorizes
49 entering into a Second Amendment to the Rock mining Lease Agreement, as Amended, Contract No.
50 LS060920, with White Rock to, among other things: (1) expand the leased area to allow the removal of
51 exotic vegetation for wetland mitigation purposes, (2) establish a royalty disbursement methodology
52 based on the Parties' percentage ownerships of lands within Sections 4 and 5, (3) remove the
53 contingency provision in the Lease that the SFWMD and White Rock enter into a land exchange
54 agreement, (4) extend the deadline from December 31, 2010, to December 31, 2011, for satisfying the
55 existing and amended Special Lease Conditions precedent to White Rock commencing rock mining on
56 the leased property, and (5) make other technical corrections consistent with the above.

57 **Section 2.** The Governing Board of the South Florida Water Management District authorizes
58 entering into an Amended and Restated Memorandum of Agreement between TIITF, White Rock, and
59 SFWMD which, among other things, provides for White Rock to convey to the SFWMD upon completion
60 of mining all lands within Section 5 owned or controlled by White Rock that are mined.

61 **Section 3.** The Governing Board of the South Florida Water Management District hereby
62 authorizes the Chairman or a designee to execute the Second Amendment to Lease Agreement and the
63 Restated and Amended Memorandum of Agreement.

64 **Section 4.** This Resolution shall take effect immediately upon adoption.

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66 **PASSED** and **ADOPTED** this ____ day of _____, 2010.

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68 **ATTEST:**

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71 By: _____
72 District Clerk/Secretary

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77 (Corporate Seal)

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Approved as to form:

By: _____
Office of Counsel

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

By: _____
Chairman