

LAND ACQUISITION EXECUTIVE SUMMARY

- PROJECT:** St. Lucie River Watershed Protection Program
- COUNTY:** Martin
- REQUEST:** Authorize entering into an Interlocal Agreement with Martin County regarding the South Florida Water Management District (SFWMD) Stormwater Management and Treatment Project for the St. Lucie River Watershed Protection Program on land to be acquired from and developed by Lake Point Phase 1, LLC and Lake Point Phase II, LLC
- HIGHLIGHTS:** Agreement provides terms for creation of stormwater treatment area and stormwater management lake fronting on C-44 Canal with permitted outfall easement to Lake Okeechobee and L-8 right of way extension allowing for connection to Loxahatchee River and the L-8 Reservoir

BACKGROUND: The 2,266 acre subject tract is located in Martin County with its northern boundary fronting on the C-44/St. Lucie Canal while its eastern boundary is adjacent to the SFWMD-owned 21,875 acre DuPuis Management Area. (See Exhibit A)

The property's location, adjacent to C-44 with a permitted discharge easement to Lake Okeechobee and the L-8 right of way extension on its southwestern boundary, will play an integral part in phosphorous reduction and water storage possibilities for the St. Lucie River Watershed Protection Program.

Approximately 1,000 acres of the property is currently fully permitted by all agencies for a private polo development with 44 ranchette sites, a polo field already constructed on site and a mining operation encompassing approximately 160 acres.

In November 2008, the Governing Board approved entering into an acquisition and development agreement with Lake Point.

The main components of the Agreement between Lake Point and the District are as follows:

- a. Donation of approximately 2,200 acres to the District for use as a Stormwater Management and Treatment Project for the benefit of the St. Lucie River Watershed Protection Program with the retention by Lake Point of the rock mining and farming rights under approximately 1,000 acres for approximately 20 years.

- b. 1,000 acres mined at Lake Point's expense under Martin County permit to maximum depth of 20 feet at Lake Point's expense, in accordance with District stormwater management lake requirements.
- c. Approximately 600 acres to be utilized as stormwater treatment areas constructed at Lake Point's expense in conformance with District specifications.
- d. Approximately 150 acres in the northeastern uplands corner of the property adjacent to the C-44 to be donated to Martin County for use as a recreational site under an agreement to be developed with Lake Point, the District and Martin County.
- e. The donation is contingent upon Lake Point obtaining all required mining permits and approvals.
- f. The property may be donated in phases.
- g. Lake Point will be responsible for substantially completing the stormwater management lakes and stormwater treatment area components in accordance with the District's engineering standards.
- h. Lake Point's completion of work will be certified to the District by a Florida licensed engineer.
- i. The District will update its due diligence inspections (including environmental, title, and project-related work) prior to accepting a phase of the Project from Lake Point as complete.
- j. The District is responsible for managing the recreational area for passive recreational uses compatible with the project in accordance with a recreational management plan to be developed by the District in cooperation with the Martin County.
- k. Martin County is responsible, at its expense, for installing any recreational improvements on the recreation area that are compatible with the recreational management plan.
- l. Lake Point will reserve a right of reverter whereby the property will revert back to Lake Point in the event that (i) it does not receive the necessary mining approvals, or (ii) such approvals are involuntarily terminated or enjoined for more than 120 days prior to certification of completion.

The benefits of this donation and construction proposal include:

Ability to cleanse, store and convey water between Lake Okeechobee, C-44/St. Lucie Canal and the L-8 via 3 existing permitted pumps

Creation of 1,600 acres of storage and water quality sites

No land acquisition cost for the land other than closing and due diligence costs with substantial amount of the project construction completed upon delivery of excavated portions of the property

Opportunity to reduce the Total Maximum Daily Load (TMDL) to Lake Okeechobee

150 acres of recreational upland acres to Martin County

Compliance with Martin County mining requirements to maximum depth of 20 feet

Creation of local limestone source for necessary public work projects such as the Herbert Hoover Dike remediation

REQUEST: The Interlocal Agreement with Martin County before the Governing Board sets forth the cooperation between the County and SFWMD in the development of the stormwater treatment area (approximately 600 acres) and stormwater management lakes (approximately 1,000 acres).

Major components of the Interlocal Agreement include:

Lake Point's payment to the County of an environmental enhancement contribution equal to 5 cents/cubic yard of material hauled from property

In addition, Lake Point will pay the County a hauling fee.

Donation of County Passive Recreation site (150 acres) to the District and, if requested by the County, from the District to the County

Designation of the project as exempt from County permitting requirements:

Lake Point to comply with County's standards regarding mining.

The District will be the sole managing agency for the project and recreation area until such time as the recreation area is conveyed to the County, whereupon the County will assume management of the recreation area and the District will continue to manage the remainder of the project.

While the recreation area is in District ownership, District management will be similar to adjacent Dupuis Reserve.

As an alternative to fee ownership, the County may request a conservation easement over the recreation area.

The District will convey to the County a conservation easement over property it acquires from Lake Point. The conservation easement will allow use of the property for project purposes, including construction, operation, and maintenance.

District has sole and absolute discretion regarding all aspects of the project development and implementation, subject to compliance with County excavation and dredging engineering standards.

Lake Point will terminate County development order approval regarding ranchettes, after it obtains rock mining permit approval.

FISCAL IMPACT: No monetary cost for land acquisition other than closing and due diligence costs with substantial amount of the earthwork for the stormwater management lake and stormwater treatment area being provided by the Owner.

RECOMMENDATION: That the Governing Board of the South Florida Water Management District authorize entering into an Interlocal Agreement with Martin County (Contract Number 4600001820) regarding 2,266 acres, more or less, in Martin County concerning construction and management of substantial project components at no cost to the District for the St. Lucie River Watershed Protection Program.

Prepared by: _____
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Date

Approved by: _____
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