

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2006- _____
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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA
6 WATER MANAGEMENT DISTRICT TO DECLARE AS SURPLUS AND
7 AUTHORIZE AN EXCHANGE OF LAND INTERESTS WHEREIN THE SOUTH
8 FLORIDA WATER MANAGEMENT DISTRICT WILL CONVEY PERPETUAL
9 ACCESS AND UTILITY EASEMENT RIGHTS TO FLORIDA POWER AND LIGHT
10 COMPANY IN EXCHANGE FOR FLORIDA POWER AND LIGHT COMPANY
11 RELEASING ITS EXISTING LAND INTERESTS IN CONNECTION WITH THE 8.5
12 SQUARE MILE AREA PROJECT, IN MIAMI-DADE COUNTY; AT NO COST;
13 PROVIDING AN EFFECTIVE DATE.
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15 WHEREAS, the United States Army Corps of Engineers ("Army Corps") is currently acquiring
16 land in connection with implementation of the 8.5 Square Mile Area ("8.5 SMA") project in Miami-Dade
17 County;

18 WHEREAS, the Army Corps has requested Florida Power and Light Company ("FPL") release
19 certain perpetual access and utility easements rights associated with the distribution lines within the
20 protected area of the 8.5 SMA project;

21 WHEREAS, FPL has requested alternative perpetual access and utility easement rights as a
22 condition for the release of certain easements and access rights within the 8.5 SMA project area;

23 WHEREAS, the Army Corps only has the authority to and will grant a 50 year utility and
24 access easements to FPL;

25 WHEREAS, the Army Corps will ultimately transfer its interest in these 8.5 SMA project lands
26 to the South Florida Water Management District in accordance with the terms of the Project
27 Cooperation Agreement for the 8.5 SMA project;

28 WHEREAS, FPL has requested that the South Florida Water Management District, upon
29 transfer of title to the underlying fee of the lands to the South Florida Water Management District, grant
30 a perpetual utility and access easement to FPL;

31 WHEREAS, the South Florida Water Management District desires to convey utility easements
32 and access rights to FPL upon receipt of certain fee interests in exchange for FPL presently releasing
33 its existing utility and access easements rights for the 8.5 SMA in Miami-Dade county.

34 WHEREAS, land interests are generally depicted on the attached map, made a part hereof.

35 WHEREAS, District is authorized to exchange land, or interests in rights in land, pursuant to
36 Section 373.139, Florida Statutes;

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

39 **Section 1.** The Governing Board of the South Florida Water Management District hereby
40 declares as surplus and authorizes, upon the District's acquisition of the underlying fee interests from
41 the Army Corps, the conveyance of a perpetual access and utility easements in exchange for FPL
42 releasing its existing utility and access easement rights for the distribution lines impacted by
43 construction of the 8.5 SMA project, at no cost to the District other than recording fee, in connection

44 with the 8.5 Square Mile Area project, in Miami-Dade County, which interests are located generally on
45 the attached map.

46 **Section 2.** This Resolution shall take effect immediately upon adoption.

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48 **PASSED** and **ADOPTED** this _____ day of _____, 2006.

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50 **ATTEST:**

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53 By: _____
54 District Clerk/Secretary

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62 (Corporate Seal)

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69 **Approved as to form:**

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72 By: _____
73 Office of Counsel

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

By: _____
Chairman