

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2011- _____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO APPROVE DECLARING SURPLUS LAND INTERESTS
7 CONTAINING 0.02 ACRES, MORE OR LESS, IN FEE, BEING A PORTION OF TRACT 8,
8 BLOCK 7, PALM BEACH FARMS COMPANY, PLAT NO. 3, PLAT BOOK 2, PAGE 45,
9 LOCATED IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH
10 COUNTY, WEST PALM BEACH FIELD STATION PROJECT; AUTHORIZE THE DONATION
11 OF SAID PROPERTY TO PALM BEACH COUNTY FOR PUBLIC ROAD RIGHT OF WAY; AND
12 APPROVE WAIVERS OF THE APPLICATION FEE AND RESERVATION OF RIGHTS
13 PURSUANT TO SECTION 270.11, FLORIDA STATUTES; SUBJECT TO TERMS AND
14 CONDITIONS; PROVIDING AN EFFECTIVE DATE.
15

16 WHEREAS, the District has determined that it is in the public interest to surplus and
17 donate a portion of Tract 8, Block 7, PALM BEACH FARMS COMPANY, PLAT NO. 3, Plat Book
18 2, Page 45, in Section 31, Township 43 South, Range 42 East, Palm Beach County, in the West
19 Palm Beach Field Station Project, containing 0.02 acres, more or less, in fee title, without
20 reserving the District's interest in and privilege to mine and develop all phosphate, minerals,
21 metals and petroleum in, on or under said property pursuant to Section 270.11, Florida Statutes,
22 to the applicant, Palm Beach County, to be used for public road right of way; and

23 WHEREAS, upon satisfaction of certain terms and conditions, the Governing Board has
24 determined that the 0.02 acre, more or less, parcel is not required by the District for present or
25 future use; and

26 WHEREAS, the Governing Board, pursuant to Section 373.056(4), Florida Statutes, has
27 the authority to convey to any governmental entity land, or rights in land, owned by the District not
28 required for its purposes; and

29 WHEREAS, the District acquired the subject property in 1986 and pursuant to Section
30 373.089(6), Florida Statutes, all lands acquired by the District prior to July 1, 1999 shall be
31 considered to have been acquired for conservation purposes, and the Governing Board shall be
32 required to approve the surplus of any such lands by at least a two-thirds (2/3) majority; and

33 WHEREAS, the applicant has requested that the District waive both the application fee
34 and the reservation of rights to mine and develop all phosphate, minerals, metals and petroleum
35 in, on, or under said property pursuant to Section 270.11, Florida Statutes; and

36 WHEREAS, the applicant will pay all fees and costs associated with the conveyance of
37 the property.

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

40 **Section 1.** The Governing Board of the South Florida Water Management District hereby
41 approves declaring surplus land interests containing 0.02 acres, more or less, in fee, Section 31,
42 Township 43 South, Range 42 East, Palm Beach County, West Palm Beach Field Station Project,

43 without reserving the District's interest in and privilege to mine and develop all phosphate, minerals,
44 metals and petroleum in, on or under said property pursuant to Section 270.11, Florida Statutes,
45 authorizes the donation of said property to Palm Beach County for public road right of way, and
46 approves a waiver of the application fee, provided all of the following terms and conditions are
47 satisfied to the approval of the District, in its sole and absolute discretion:

- 48 a) Applicant shall relocate the existing perimeter fence at a forty-five (45) degree angle to
49 the new property line;
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- 51 b) Fence relocation, whether accomplished by County staff or a contractor or subcontractor
52 retained by the County, will be coordinated with field station staff;
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- 54 c) All work must be acceptable to the District,
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- 56 d) In the event the County uses a contractor or subcontractor to relocate the fence, the
57 County shall cause the contractor or subcontractor, as applicable, to indemnify the
58 District and name the District as an additional insured under such contractor's or
59 subcontractor's, as applicable, Comprehensive General Liability coverage to the extent
60 such coverage is required by the County; and
- 61
- 62 e) Applicant will pay all costs and fees associated with the relocation of the fence.
- 63

64 **Section 2.** The Governing Board of the South Florida Water Management District approved
65 this Resolution by at least a two-thirds (2/3) majority.

66 **Section 3.** The Governing Board of the South Florida Water Management District hereby
67 authorizes the Chair to execute the conveyance document.

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

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70 **PASSED** and **ADOPTED** this 10th day of March, 2011.

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SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

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74 ATTEST:

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By: _____

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Chair

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District Clerk

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Approved as to form:

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By: _____

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Office of Counsel