

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2011- \_\_\_\_\_  
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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER  
6 MANAGEMENT DISTRICT TO DECLARE AS SURPLUS, THE INDIANTOWN  
7 COMMUNICATIONS TOWER AND THE INDIANTOWN COMMUNICATIONS  
8 TOWER PARCELS, IN MARTIN COUNTY, FLORIDA, CONTAINING  
9 APPROXIMATELY 1.46 ACRES, AND APPROVE A COOPERATIVE AGREEMENT  
10 WITH MARTIN COUNTY FOR CONVEYANCE TO MARTIN COUNTY OF THE  
11 INDIANTOWN COMMUNICATIONS TOWER AND THE INDIANTOWN  
12 COMMUNICATIONS TOWER PARCELS, AT NO COST TO MARTIN COUNTY  
13 OTHER THAN PAYMENT OF CLOSING AND RECORDING COSTS; PROVIDING  
14 AN EFFECTIVE DATE.  
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16 **WHEREAS**, pursuant to Section 373.089, Florida Statutes, the Governing Board, is  
17 authorized to surplus land interests owned by the South Florida Water Management District not  
18 required for its purposes under terms and conditions approved by the Governing Board; and

19 **WHEREAS**, pursuant to Section 373.056(4), the South Florida Water Management District  
20 may convey such surplus land interests directly to a county under terms and conditions as  
21 determined by the Governing Board; and

22 **WHEREAS**, pursuant to Section 373.089(6), Florida Statutes, all lands acquired by the  
23 District prior to July 1, 1999, shall be considered to have been acquired for conservation purposes,  
24 and the Governing Board shall be required to approve the surplus of any such lands by at least a  
25 two-thirds (2/3) majority; and

26 **WHEREAS**, the District is developing water resource projects with the Army Corps of  
27 Engineers ("Army Corps") for the restoration of South Florida ecosystem while providing for the other  
28 water-related needs of the region, including water supply and flood protection; and

29 **WHEREAS**, these projects include certain water resource projects within the Indian River  
30 Lagoon – South area, which includes the C-44 Reservoir and Stormwater Treatment Area Project  
31 ("C-44 Project").

32 **WHEREAS**, in implementing the C-44 Project, the District will need to construct a new  
33 communications tower (hereinafter referred to as the "C-44 Project Tower"); and

34 **WHEREAS**, upon construction of the C-44 Project Tower, the District's existing Indiantown  
35 Communications Tower located on approximately one acre of land together with an adjacent  
36 perpetual easement, comprising 0.46 acre, in Martin County, Florida, as generally identified on  
37 attached Exhibit "A", (the parcels and tower located thereon are hereinafter referred to as the  
38 "Indiantown Tower Parcel") will no longer be needed for District purposes; and

39 **WHEREAS**, Martin County desires to acquire the Indiantown Tower Parcel from the District;  
40 and

41           **WHEREAS**, the alternative to conveying the Indiantown Tower Parcel to Martin County is to  
42 have the Indiantown Communications Tower demolished at a cost to the District of \$300,000; and

43           **WHEREAS**, the conveyance to Martin County of the Indiantown Tower Parcel will not move  
44 forward until the new tower is up and running.

45           **WHEREAS**, the District may remove any hardware off of the Indiantown Communications  
46 Tower prior to the conveyance to Martin County.

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

49 **Section 1.** The Governing Board of the South Florida Water Management District hereby  
50 declares as surplus and no longer needed for any purposes, including conservation purposes, the  
51 Indiantown Tower Parcel, located in Martin County, Florida, containing approximately 1.46 acres of  
52 land, as generally depicted on attached Exhibit "A".

53 **Section 2.** The Governing Board of the South Florida Water Management District hereby approves  
54 a Cooperative Agreement with Martin County for conveyance to Martin County of the Indiantown  
55 Tower Parcel at no cost to Martin County other than payment of closing and recording costs.

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

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

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60 **PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

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By: \_\_\_\_\_  
Chairman

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**ATTEST:**

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District Clerk/Secretary

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Approved as to form:

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BY: \_\_\_\_\_  
Office of Counsel

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