



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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### SURPLUS LANDS EXECUTIVE SUMMARY

**DATE:** July 10, 2006  
**PROJECT:** STA 1E, Village of Wellington, Beautification Project  
**COUNTY:** Palm Beach  
**SIZE:** 8.32 acres, more or less  
**PURPOSE:** Surplus of land interest / release of east 30 foot  
**APPLICANT:** Village of Wellington

**HIGHLIGHTS:** The applicant requests that a 30' (foot) strip along the east portions of Stormwater Treatment Area 1 East ("STA-1E"), West Palm Beach Canal Right of Way, along Flying Cow Road, be conveyed to the Village of Wellington, for beautification in Palm Beach County, Florida.

**CONSIDERATIONS:** The Village of Wellington is requesting the District release or convey a 30' strip of STA-1E, containing approximately 8.32 acres, more or less, along Flying Cow Road in Palm Beach County for a beautification project. The District must declare this property surplus and approve conveying it to the Village, subject to certain terms and conditions. This request is for the West 30 feet of the East 80 feet of Section 36, Hiatus Lot 1, Section 1 and Section 12 lying South of the West Palm Beach Canal Right of Way. In 1996, the District obtained this land via a Stipulation and Order of Taking and confirmed Final Judgment. The property has been certified to the U.S. Army Corps of Engineers (the "Corps") pursuant to Certification No. 300. In accordance with the Certification, these lands are dedicated to the STA 1E Project and shall not be conveyed, transferred, or otherwise altered or encumbered without the express written consent of the Department of the Army. District staff is negotiating a cooperative agreement with the Village which will address specific obligations regarding the Village's use of the surplus property for a beautification project along Flying Cow Road and the District's partial reimbursement of the costs associated with the project. The conveyance will be subject to the following terms and conditions: (i) the property shall be used for a landscaping and beautification project that is compatible with the operation of STA 1E and may include equestrian trails and other public uses which are compatible with STA 1E; (ii) the property, including the landscaping, must be maintained by the Village so as not to interfere with the District's use, operation and maintenance of STA 1E; and (iii) the property shall revert back to the District, at the District's option, in the event the conditions set forth in (i) and (ii) above are not satisfied.

**FISCAL IMPACT:** The applicant requested the right of way be released or conveyed at no cost and that the application fee be waived, due to their being a Government Agency. This property is Right-of-Way and no value has been associated with the property.

**AUTHORIZATION:** Section 373.056, Florida Statutes, allows for the disposition of property to other governmental entities; Section 270.11, Florida Statutes, requires the District to reserve an interest in the phosphate, mineral, metal and petroleum rights when disposing of a fee title interest in property unless the Governing Board specifically determines that the District will not reserve such interest.

#### GOVERNING BOARD

Kevin McCarty, *Chair*  
Irela M. Bagué, *Vice-Chair*  
Miya Burt-Stewart

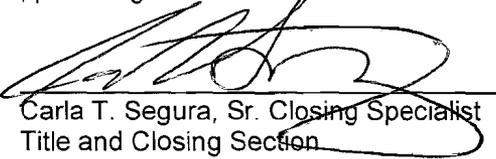
Alice J. Carlson  
Michael Collins  
Nicolás J. Gutiérrez, Jr., Esq.

Lennart E. Lindahl, P.E.  
Harkley R. Thornton  
Malcolm S. Wade, Jr.

#### EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*

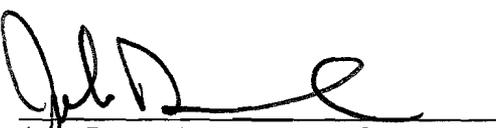
**RECOMMENDATION:** Approve a Resolution of the Governing Board of South Florida Water Management District to declare surplus land interests containing 8.32 acres, more or less, in Section 36, Township 43 South, Range 40 East, Hiatus Lot 1 between Township 43 and 44 and Sections 1 and 12, Township 44 South, Range 40 East, Palm Beach County, including but not limited to any and all phosphate, minerals, metals and petroleum interests therein and the privilege to mine and develop such interests; approve the conveyance said surplus land interests to the Village of Wellington, at no cost, subject to terms and conditions; and approve the waiver of the application fee; providing an effective date.

Prepared by:   
Carla T. Segura, Sr. Closing Specialist  
Title and Closing Section

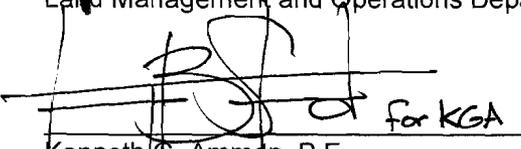
6-20-06  
Date

Reviewed by:   
Maxine Cheesman, Division Director  
Land Management and Operations Department

6-20-06  
Date

Approved by:   
John Dunnuck, Department Director  
Land Management and Operations Department

6-21-06  
Date

Approved by:  for KGA  
Kenneth G. Ammon, P.E.  
Deputy Executive Director, CERP

6.21.06  
Date