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**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 2006- \_\_\_\_\_**

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**A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE ENTERING INTO AN ACQUISITION AGREEMENT FOR APPROXIMATELY 93.58 ACRES WITHIN THE LEMKIN CREEK OKEECHOBEE PROJECT, OKEECHOBEE COUNTY, AT A VALUE OF \$8,100,000.00 FOR WHICH DEDICATED FUNDS (SAVE OUR EVERGLADES TRUST FUND) ARE UNBUDGETED AND AUTHORIZE A BUDGET TRANSFER FROM CERP NORTH PALM BEACH COUNTY PART I PROJECT TO CERP LAKE OKEECHOBEE WATERSHED PROJECT, WITH A DONATION TO THE DISTRICT OF AN ADDITIONAL APPROXIMATELY 63.48 ACRES LOCATED IN OKEECHOBEE COUNTY AND AUTHORIZE THE SURPLUS AND EXCHANGE, AT SELLER'S OPTION, OF APPROXIMATELY 49.37 ACRES LOCATED IN HIGHLANDS COUNTY ALONG WITH THE RELEASE OF ANY OIL, GAS AND MINERAL RIGHTS; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the Lemkin Creek Okeechobee Project ("Project") will be integrated and operated in concert with the Lake Okeechobee and Estuary Recovery S-133 Basin stormwater re-route project; and,

**WHEREAS**, the Lemkin Creek Project is a necessary precursor to ensure the success of the CERP Lake Okeechobee Watershed Project; and,

**WHEREAS**, the 93.58 +/- acres ("subject property") are within the boundary of the Project and identified as tract NB100-006, as depicted on attached Exhibit "A"; and,

**WHEREAS**, acquisition of the land is integral to the success of the Project; and,

**WHEREAS**, Seller (Gagbee, Inc.) is willing to convey the subject property to the District under the following terms:

Acquisition Price – \$8,100,000 for approximately 93.58 acres  
18% over appraised value of \$6,850,000

Donation Parcels – 63.48 approximately acres  
Tracts NB100-001-003 (Exhibit "A")  
Appraised value of \$122,620

Closing - Within 60 days of March Governing Board Approval

Exchange - Seller has 6 months in which to perform due diligence on the Lockett property located south of US 98, east of CR 721 and west of the Kissimmee River. (Exhibit "B") This approximately 49.37 acre non-riverfront tract is currently valued at \$516,000. The District will encumber the property with a flowage easement over approximately 15.68 acres. If the Seller elects to proceed with the exchange, the District will receive a credit of \$516,000 against the purchase price of

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\$8,100,000.00. Since the District will have acquired title to the subject property prior to the expiration of the due diligence period, the District will withhold \$516,000.00 from the final closing until the Seller notifies the District of his intention whether or not to proceed with the exchange.

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

The Governing Board of the South Florida Water Management District hereby authorizes entering into an acquisition agreement for approximately 93.58 acres within the Lemkin Creek Okeechobee project, Okeechobee County, at a value of \$8,100,000.00 for which dedicated funds (Save Our Everglades Trust Fund) are unbudgeted and authorize a budget transfer from CERP North Palm Beach County Part I Project to CERP Lake Okeechobee Watershed Project, with a donation to the South Florida Water Management District of an additional approximately 63.48 acres located in Okeechobee County and authorizes the surplus and exchange, at Seller's option, of approximately 49.37 acres located in Highlands County along with the release of any oil, gas and mineral interests.

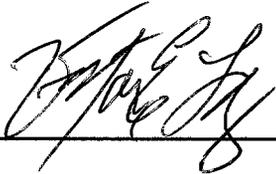
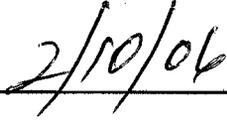
This resolution shall take effect immediately upon adoption.

**From:**

Dollars	Fund	Agency	Org	Activity (Cap Proj)	Object/Revenue	Function
\$8,100,000	412	720	7220	P117	5610	8339

**To:**

Dollars	Fund	Agency	Org	Activity (Cap Proj)	Object/Revenue	Function
\$8,100,000	412	720	7220	P101	5610	83A2

  
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Budget Approved

Date

**PASSED and ADOPTED** this 8th day of March, 2006.

Approved as to form:

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

By: \_\_\_\_\_  
Office of Counsel

By: \_\_\_\_\_  
Chair

ATTEST:

By \_\_\_\_\_  
District Clerk/Secretary

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**PASSED** and **ADOPTED** this 8th day of March, 2006.

Approved as to form:

By: *John Long 2/10/2006*  
Office of Counsel

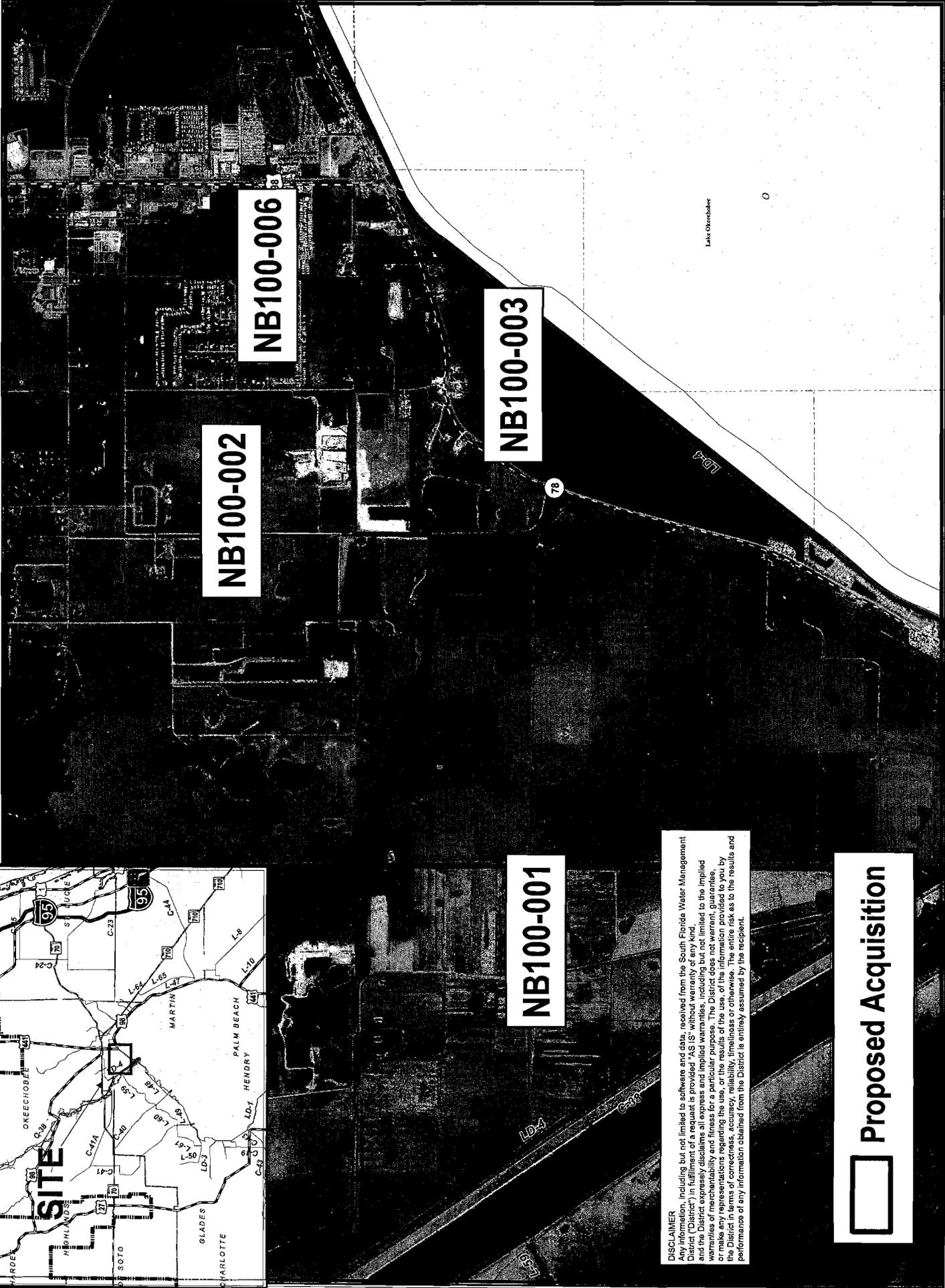
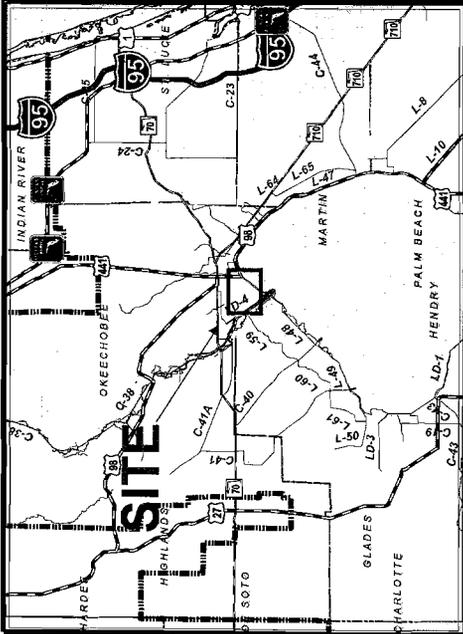
**SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,  
BY ITS GOVERNING BOARD**

By: \_\_\_\_\_  
Chair

**ATTEST:**

By \_\_\_\_\_  
District Clerk/Secretary

# LEMKIN CREEK



**DISCLAIMER**  
 Any information, including but not limited to software and data, received from the South Florida Water Management District ("District") in fulfillment of a request is provided "AS IS" without warranty of any kind, and the District expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The District does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the District in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the District is entirely assumed by the recipient.

**Proposed Acquisition**

