

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2012- _____

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO APPROVE DECLARING SURPLUS AND CONVEYING LAND
7 INTERESTS CONTAINING 0.06 ACRE, MORE OR LESS, IN FEE TITLE, LOCATED IN
8 SECTION 3, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, C-18
9 PROJECT; TO AUTHORIZE THE DONATION OF SAID PROPERTY TO PALM BEACH
10 COUNTY FOR PUBLIC ACCESS WITHOUT RESERVATION OF RIGHTS, PURSUANT TO
11 SECTION 270.11, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.
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13 WHEREAS, the District has determined that it is in the public interest to surplus and
14 donate 0.06 acre, more or less, of fee title in Section 3, Township 41 South, Range 42 East, Palm
15 Beach County, in the C-18 Project, without reserving the District’s interest in and privilege to mine
16 and develop all phosphate, minerals, metals and petroleum in, on or under said property pursuant
17 to Section 270.11, Florida Statutes, to the applicant, Palm Beach County, to be used for the
18 construction of a parking area adjacent to a county park managed by and permitted to Palm
19 Beach County; and

20 WHEREAS, the Governing Board has determined that the 0.06 acre, more or less, parcel
21 is not required by the District for present or future use; and

22 WHEREAS, the Governing Board, pursuant to Section 373.056(4), Florida Statutes, has
23 the authority to convey to any governmental entity land, or rights in land, owned by the District not
24 required for its purposes upon terms and conditions determined by the Governing Board; and

25 WHEREAS, the District acquired the subject property in 1957 and pursuant to Section
26 373.089(6), Florida Statutes, all lands acquired by the District prior to July 1, 1999 shall be
27 considered to have been acquired for conservation purposes, and the Governing Board shall be
28 required to approve the surplus of any such lands by at least a two-thirds (2/3) majority; and

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

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

34 **Section 1.** The Governing Board of the South Florida Water Management District hereby
35 approves declaring surplus land interests containing 0.06 acre, more or less, in fee, located in
36 Section 3, Township 41 South, Range 42 East, Palm Beach County, C-18 Project, without
37 reserving the District’s interest in and privilege to mine and develop all phosphate, minerals,
38 metals and petroleum in, on or under said property pursuant to Section 270.11, Florida Statutes,
39 authorizes the donation and conveyance of said property to Palm Beach County for public
40 access, and approves a waiver of the application fee.

41 **Section 2.** The Governing Board of the South Florida Water Management District hereby
42 determines that the subject land is not needed for conservation purposes and approves this
43 Resolution by at least a two-thirds (2/3) majority.

44 **Section 3.** Prior to delivery of the proposed instrument of conveyance to applicant, Palm
45 Beach County must provide confirmation satisfactory to the District that the proposed conveyance
46 does not violate applicable Town of Jupiter subdivision and platting ordinances.

47 **Section 4.** The Governing Board of the South Florida Water Management District hereby
48 authorizes the Chair to execute the conveyance document.

49 **Section 5.** This Resolution shall take effect immediately upon adoption.

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51 **PASSED** and **ADOPTED** this 9th day of August, 2012.

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

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ATTEST:

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By: _____

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Chair

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District Clerk

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Legal form approved:

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By: _____

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Andrew Ross, Office of Counsel

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