

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 AUTHORIZING A SECOND AMENDMENT OF THE AGREEMENT
7 FOR EXCHANGE OF REAL PROPERTY, DATED NOVEMBER 9, 2005, WITH CREEKSIDE
8 COMMUNITY DEVELOPMENT DISTRICT TO EXTEND THE EXPIRATION OF THE
9 REVERTER CLAUSE FROM DECEMBER 18, 2011 TO JANUARY 1, 2014, TEN MILE CREEK
10 PROJECT, ST. LUCIE COUNTY; PROVIDING AN EFFECTIVE DATE.
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12 WHEREAS, on December 11, 1998, the South Florida Water Management District (the
13 "District") acquired land in connection with the implementation of the Ten Mile Creek Project in St.
14 Lucie County; and

15 WHEREAS, Creekside Community Development District ("Creekside") owns certain
16 lands located adjacent to the Ten Mile Creek Project, which lands Creekside wishes to develop
17 as a residential community; and

18 WHEREAS, on September 14, 2005, the Governing Board approved Resolution No.
19 2005-951 authorizing an Agreement For Exchange of Real Property whereby the District
20 conveyed the District's access road, centrally located within Creekside's planned development, to
21 Creekside in exchange for a conservation easement and other in-kind services to be performed
22 by Creekside, at Creekside's sole cost and expense, including the construction of a new access
23 road across the Creekside property to be dedicated as a public road, and a new connector road
24 and replacement bridge across project lands; and

25 WHEREAS, to preserve the District's access to the Ten Mile Creek Project, Creekside
26 constructed and conveyed to the District an interim road to be used for access while Creekside
27 completed the new road, bridge and its other obligations under the agreement. Upon completion
28 of Creekside's obligations under the agreement, title to this interim road would revert back to
29 Creekside. This reverter clause in favor of Creekside will expire December 18, 2011 unless all
30 terms of the agreement are completed; and

31 WHEREAS, Creekside, anticipating that it will not complete all of its obligations under the
32 agreement by December 18, 2011, requested a two-year extension of the above referenced
33 reverter clause until January 1, 2014.

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

36 **Section 1.** The Governing Board of the South Florida Water Management District hereby
37 authorizes a Second Amendment of the Agreement for Exchange of Real Property, dated
38 November 9, 2005, with Creekside Community Development District to extend the expiration of the
39 reverter clause from December 18, 2011 to January 1, 2014, for the Ten Mile Creek Project, St.
40 Lucie County.

41 **Section 2.** The Governing Board of the South Florida Water Management District hereby
42 authorizes the Chair to execute the extension documents.

43 **Section 3.** This Resolution shall take effect immediately upon adoption.

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45 **PASSED** and **ADOPTED** this 9th day of June, 2011.

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SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

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49 ATTEST:

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By: _____
Chair

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District Clerk

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Approved as to form:

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By: _____
Office of Counsel

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