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3 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
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5 **RESOLUTION NO. 2010- \_\_\_\_\_**  
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7 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA**  
8 **WATER MANAGEMENT DISTRICT TO APPROVE AN AGREEMENT WITH**  
9 **WESTGATE RESORTS, LTD. (“WESTGATE”) IN CONNECTION WITH THE**  
10 **KISSIMMEE RIVER RESTORATION AND HEADWATERS REVITALIZATION**  
11 **PROJECT IN POLK COUNTY, WHEREBY THE DISTRICT WILL PAY**  
12 **WESTGATE A MAXIMUM OF \$135,720 TO FORMULATE AN ENGINEERING**  
13 **SOLUTION TO ADDRESS FLOODING AND DRAINAGE IMPACTS WITH**  
14 **RESPECT TO CERTAIN WESTGATE PROPERTY FOR WHICH DEDICATED**  
15 **FUNDS (FLORIDA FOREVER TRUST FUND) [SUBJECT TO APPROVAL OF**  
16 **THIS EXPENDITURE BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL**  
17 **PROTECTION] OR AD VALOREM FUNDS (CAPITAL PROJECTS**  
18 **OKEECHOBEE) ARE BUDGETED; PROVIDING AN EFFECTIVE DATE.**  
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20 **WHEREAS**, the South Florida Water Management District is currently acquiring land in  
21 connection with implementation of the Kissimmee River Restoration and Headwaters Revitalization  
22 Project (the “Project”) in Polk County;

23 **WHEREAS**, the South Florida Water Management District is authorized to acquire land, or  
24 interests or rights in land, pursuant to Section 373.139;

25 **WHEREAS**, Westgate Resorts, LTD. (“Westgate”) is the owner of certain property in Polk  
26 County (the “Westgate Property”) that will be impacted by increased water levels as part of the  
27 implementation of the Project;

28 **WHEREAS**, a District Levee (the “Levee”) located on District lands adjacent to the  
29 Westgate Property has had a current impact on the drainage of the Westgate Property and may  
30 have the potential future effect of causing pooling of water on portions of the Westgate Property;

31 **WHEREAS**, Westgate has acknowledged that it is technically feasible to establish an  
32 engineering solution (the “Engineering Solution”) involving modifications to the Levee and the  
33 Westgate Property that, if properly implemented, would mitigate against the aforementioned  
34 increased water levels, drainage impacts and pooling of water;

35 **WHEREAS**, the Agreement between Westgate and the District (the “Agreement”) that is the  
36 subject of this Resolution is the vehicle to allow Westgate to manage and oversee the development  
37 of an Engineering Solution.

38 **WHEREAS**, the District staff has determined that the payment to Westgate of a maximum  
39 of \$135,720 for formulating an Engineering Solution is needed for Project purposes;

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

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**Section 1.** The Governing Board of the South Florida Water Management District hereby approves an agreement with Westgate Resorts, LTD. ("Westgate") in connection with the Kissimmee River Restoration and Headwaters Revitalization Project in Polk County, whereby the District will pay Westgate a maximum of \$135,720 to formulate an engineering solution to address flooding and drainage impacts with respect to certain Westgate property for which dedicated funds (Florida Forever Trust Fund) [subject to approval of this expenditure by the Florida Department of Environmental Protection] or ad valorem funds (Capital Projects Okeechobee) are budgeted.

Dollars	Fund	Fund Center	Functional Area	Commitment Item GL Acct #
\$135,720	402000 or 404000	3510144000	FD01	580032

**Section 2.** The Governing Board of the South Florida Water Management District hereby authorizes the Chair, the District's Executive Director and/or the District's Director of Procurement to execute the agreement necessary to consummate this transaction.

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

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**ATTEST:**

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

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

(Corporate Seal)

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

**Approved as to form:**

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