



36           **WHEREAS**, timing is critical as the Owner must exercise his option on the  
37 remaining 1200 acres of the overall 2200 acres by August 14, 2008; and,

38           **WHEREAS**, the feasibility analysis indicates that the project has the potential to  
39 capture and treat additional “excess” basin water and make it available for other water  
40 related needs while at the same time providing flexibility to function as a kidney for the  
41 treatment of Lake Okeechobee water;

42           **WHEREAS**, preliminary analysis shows a measured benefit in three different  
43 locations: Lake Okeechobee, the L-8 and St. Lucie Estuary.

44           **WHEREAS**, in addition to the above, the project benefits include:

45           Ability to cleanse, store and convey water between Lake Okeechobee, C-44/St.  
46 Lucie Canal and the L-8 via 3 existing permitted pumps

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48           Creation of 1,600 acres of storage and water quality sites

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50           No land acquisition cost other than closing and due diligence costs for the land  
51 with substantial amount of the project construction completed upon delivery of  
52 excavated portions of the property

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54           Opportunity to reduce phosphorus loads to assist with achievement of the Total  
55 Maximum Daily Load (TMDL) for Lake Okeechobee

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57           150 acres of recreational upland acres to Martin County

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59           Compliance with Martin County mining requirements to maximum depth of 20  
60 feet

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62           Creation of local limestone source for necessary public work projects such as the  
63 Herbert Hoover Dike remediation;

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

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1. The Governing Board of the South Florida Water Management District hereby authorizes developing and entering into an acquisition agreement for donation to the South Florida Water Management District of 2266 +/- acres located in Martin County and construction of substantial project components, at no cost to the District other than closing and due diligence costs, for the Northern Everglades and Estuaries Protection Program.

2. The essential elements of the transaction will include:

- a. Donation of approximately 2,200 acres to the District with the retention by Owner of the rock mining rights under approximately 1,000 acres for approximately 20 years.
- b. 1,000 acres mined under Martin County permit and, in accordance with District stormwater management lake requirements, to maximum depth of 20 feet at Owner's expense
- c. Approximately 600 acres to be utilized as stormwater treatment areas constructed at Owner's expense in conformance with District specifications
- d. Approximately 150 acres in the northeastern uplands corner of the property adjacent to the C-44 to be donated to Martin County and for use as a recreational site under an agreement to be developed with Seller, the District and Martin County.
- e. The donation is contingent upon Seller obtaining all required mining permits and approvals.
- f. The property may be donated in phases.
- g. The Seller will be responsible for completing the stormwater management lakes and stormwater treatment area components in accordance with the District's engineering standards.
- h. Seller's completion of work will be certified to the District by a Florida licensed engineer.
- i. The District will update its due diligence inspections (including environmental, title, and project-related work) prior to accepting a phase of the Project from Seller as complete.

109 j. The District is responsible for managing the recreational area for  
110 passive recreational uses compatible with the project in accordance with  
111 a recreational management plan to be developed by the District in  
112 cooperation with the Martin County.

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114 k. Martin County is responsible, at its expense, for installing any  
115 recreational improvements to the recreation area that are compatible  
116 with the recreational management plan.  
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119 3. This Resolution shall take effect immediately upon adoption.  
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121 **PASSED** and **ADOPTED** this 14th day of August, 2008.

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123 Approved as to form:

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,  
BY ITS GOVERNING BOARD

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126 By: \_\_\_\_\_  
127 Office of Counsel

128 By: \_\_\_\_\_  
129 Chairman

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131 ATTEST:

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133 By \_\_\_\_\_  
134 District Clerk/Secretary