

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2010- _____
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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA
6 WATER MANAGEMENT DISTRICT AMENDING RESOLUTION NO. 2008-
7 1005, DATED OCTOBER 9, 2008, AS PREVIOUSLY AMENDED BY
8 RESOLUTION NO. 2009-929, DATED SEPTEMBER 10, 2009, WHEREBY THE
9 GOVERNING BOARD AUTHORIZED THE DISTRICT TO GRANT
10 CONSERVATION EASEMENTS IN FAVOR OF THE FLORIDA DEPARTMENT
11 OF ENVIRONMENTAL PROTECTION (FDEP) OVER LANDS, COMPRISING
12 1257.58 ACRES, MORE OR LESS, LOCATED IN THE CORKSCREW
13 REGIONAL ECOSYSTEM WATERSHED, LEE COUNTY, TO (i) REDUCE THE
14 PORTION OF TRACT NO. 09003-774 THAT WILL BE ENCUMBERED BY THE
15 CONSERVATION EASEMENT FROM 20.0 ACRES, MORE OR LESS, TO
16 15.72 ACRES, MORE OR LESS, AND (ii) INCREASE THE PORTION OF
17 TRACT NO. 09003-777 THAT WILL BE ENCUMBERED BY THE
18 CONSERVATION EASEMENT FROM 11.44 ACRES, MORE OR LESS, TO
19 15.72 ACRES, MORE OR LESS; PROVIDING AN EFFECTIVE DATE.
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21 WHEREAS, the Governing Board previously authorized the District to record a
22 conservation easement in favor of the Florida Department of Environmental Protection over
23 certain lands within the Corkscrew Regional Ecosystem Watershed, including Tract Nos.
24 HD100-005, 09003-774 and 09003-777, by Resolution No. 2008-1005, dated October 9, 2008;
25 and

26 WHEREAS, pursuant to Resolution No. 2009-929, the Governing Board subsequently
27 approved (i) declaring surplus Tract No. HD100-005, containing 20.0 acres, more or less, and
28 conveying said tract to the City of Bonita Springs for education, conservation and passive
29 recreation uses pursuant to Resolution No. 2009-929, dated October 10, 2009, and (ii)
30 amending Resolution No. 2008-1005 to remove Tract No. HD100-005 from the lands to be
31 encumbered by the conservation easement in favor of FDEP and replace it with 20 acres, more
32 or less, from Tract No. 09003-774; and

33 WHEREAS, the District has not yet recorded a conservation easement over the subject
34 tracts; and

35 WHEREAS, following further inspection of the subject tracts, District staff recommends
36 adjusting the lands that will encumbered by a conservation easement in favor of FDEP by (i)
37 reducing the portion of Tract No. 09003-774 that will be encumbered by the conservation
38 easement from 20.0 acres, more or less, to 15.72 acres (ii) compensating for the reduction in
39 Tract No. 09003-774 by increasing the portion of Tract No. 09003-777 that will be encumbered
40 by the conservation easement from 11.44 acres, more or less, to 15.72 acres; and

41 **WHEREAS**, the South Florida Water Management District is authorized to donate land,
42 or interests or rights in land to other governmental entities, pursuant to Section 373.056, Florida
43 Statutes; and

44 **WHEREAS**, pursuant to Section 373.089(6), Florida Statutes, the surplus of any lands
45 acquired after July 1, 1999 for conservation purposes must be approved by at least a two-thirds
46 (2/3) majority of the Governing Board.

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

49 **Section 1.** The Governing Board of the South Florida Water Management District hereby
50 amends Resolution No. 2008-1005, dated October 9, 2008, as previously amended by
51 Resolution No. 2009-929, dated September 10, 2009, whereby the Governing Board authorized
52 the District to grant a conservation easement in favor of the Florida Department of
53 Environmental Protection (FEDP) over lands comprising 1257.58 acres, more or less, located in
54 the Corkscrew Regional Ecosystem Watershed, Lee County, to (i) reduce the portion of Tract
55 No. 09003-774 that will be encumbered by the conservation easement from 20.0 acres, more or
56 less, to 15.72 acres, more or less, and (ii) increase the portion of Tract No. 09003-777 that will
57 be encumbered by the conservation easement from 11.44 acres, more or less, to 15.72 acres,
58 more or less, as follows:

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Owner	Tract Nos.	Interest	Acres	Transaction
South Florida Water Management District	09003-774	Conservation Easement	15.72	Grant Easement
South Florida Water Management District	09003-777	Conservation Easement	15.72	Grant Easement

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61 The subject properties are further described on Exhibits "A", and "AA" attached hereto and
62 incorporated herein by reference.

63 **Section 2.** The Governing Board of the South Florida Water Management District hereby
64 authorizes the Chairman to execute the conveyance documents.

65 **Section 3.** All other provisions of Resolution No. 2009-929, dated September 10, 2009, and
66 Resolution No. 2008-1005, dated October 9, 2008, as amended by Resolution No. 2009-929,
67 remain in full force and effect.

68 **Section 4.** Consistent with the requirements of Section 373.089(6), Florida Statutes, this
69 Resolution was approved by the Governing Board by at least a two-thirds (2/3) majority.

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

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72 **PASSED** and **ADOPTED** this _____ day of _____, 2010.

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

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By: _____
Chairman

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81 **ATTEST:**

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District Clerk/Secretary

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89 Approved as to form:

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By: _____
Office of Counsel

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