

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 WATER  
6 MANAGEMENT DISTRICT REQUESTING A BUDGET TRANSFER OF DEDICATED  
7 FUNDS (SAVE OUR EVERGLADES TRUST FUND) FROM EVERGLADES  
8 RESTORATION AND CAPITAL PROJECTS, COASTAL PROGRAM TO REGULATORY  
9 AND PUBLIC AFFAIRS, LAKE OKEECHOBEE PROGRAM IN THE AMOUNT OF  
10 \$1,107,910 AND THE RELEASE OF FUNDS FROM THE SAVE OUR EVERGLADES  
11 TRUST FUND BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE  
12 HIGHLANDS COUNTY ACQUISITION OF LAND INTERESTS CONTAINING 401.13  
13 ACRES FOR THE ISTOKPOGA MARSH WATERSHED IMPROVEMENT  
14 DISTRICT/HIGHLANDS COUNTY PROJECT IN HIGHLANDS COUNTY WHICH WAS  
15 APPROVED BY THE GOVERNING BOARD IN JANUARY 2010, IN THE AMOUNT OF  
16 \$2,807,910, TOGETHER WITH ASSOCIATED COSTS; PENDING CONTRACT FOR  
17 SALE; PROVIDING AN EFFECTIVE DATE.  
18

19 WHEREAS, the Governing Board of the South Florida Water Management District, via Resolution  
20 No. 2010-112, has previously deemed it necessary, appropriate and in the public interest to authorize an  
21 amendment to a Cooperative Agreement with Istokpoga Marsh Watershed Improvement District and Florida  
22 Department of Agriculture and Consumer Services for the Alternative Water Storage/Disposal and  
23 Stormwater Recycling Project (Contract Number 4600001716-A2) in an amount not to exceed \$1,515,236 in  
24 FY10, subject to the release of funding by the Florida Department of Environmental Protection, for which  
25 dedicated funds (Save Our Everglades Trust Fund) were budgeted in Everglades Restoration and Capital  
26 Projects, Coastal Program, and authorized a budget transfer to Regulatory and Public Affairs, Lake  
27 Okeechobee Program; and an amount not to exceed \$1,107,910 in FY11, subject to governing board  
28 budget approval; providing an effective date;

29 WHEREAS, the Governing Board of the South Florida Water Management District passed  
30 Resolution 2010-112 in the total amount of \$2,623,146 amending the Cooperative Agreement with  
31 Istokpoga Marsh Watershed Improvement District and Florida Department of Agriculture and Consumer  
32 Services for the Alternative Water Storage/Disposal and Stormwater Recycling Project (Contract Number  
33 4600001716-A2 for the Highlands County acquisition of approximately 400 acres of land critical to the  
34 increased performance of the proposed IMWID Dispersed Water Storage/Treatment and Stormwater  
35 Recycling Project;

36 WHEREAS, the Governing Board of the South Florida Water Management District, instead of  
37 authorizing the funding of the \$1,107,910 in FY11, subject to governing board approval, per Resolution No.  
38 2010-112, now deems it necessary, appropriate and in the public interest to 1) make full payment to IMWID  
39 upon closing, which is scheduled for late February or early March 2010, and 2) authorize a budget transfer  
40 of Save Our Everglades Trust Fund dollars in Everglades Restoration and Capital Projects - Coastal  
41 Watersheds Program to Regulatory and Public Affairs - Lake Okeechobee Program, in the amount of  
42 \$1,107,910, to supplement the balance of the land acquisition and associated costs;

43 WHEREAS, Section 373.536 (4)(a), Florida Statutes, provides that transfers of funds may be made  
44 within the budget by action of the Governing Board at a public meeting of the Governing Board; and

45 WHEREAS, a request is being brought to the Governing Board for the transfer of funds; and

46 WHEREAS, the Executive Director recommends that this transfer be approved in order to facilitate  
47 the operations of the District;

48 WHEREAS, pursuant to Section 373.139 (3)(c) Florida Statutes, the District is required to submit a

49 resolution to the Department of Environmental Protection when requesting funds from a trust fund, including  
50 the Save Our Everglades Trust Fund; and

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

53 (1) The Governing Board of the South Florida Water Management District hereby approves an  
54 FY10 budget transfer of dedicated funds (Save Our Everglades Trust Fund) in the total amount of  
55 \$1,107,910, from Everglades Restoration and Capital Projects, Coastal Program to Regulatory and Public  
56 Affairs, Lake Okeechobee Program for the Highlands County acquisition of 401.13 acres of land critical to  
57 the increased performance of the proposed IMWID Dispersed Water Storage/Treatment and Stormwater  
58 Recycling Project.

59 (2) It does hereby advise the Secretary of the Department of Environmental Protection of the  
60 IMWID/County's intent to acquire fee title to 401.13 acres, more or less, for the IMWID Project in Highlands  
61 County. The lands are described in Exhibit "A" and as shown on location map Exhibit "AA", which are  
62 attached hereto and made a part hereof. The IMWID/Highlands County is in the process of executing a  
63 contract to acquire the following land interests for a total purchase price of \$2,807,910.00 in FY10.  
64

Owner	STRAP Nos.	Interest	Acres	Appraised Value	Appraised Value	Purchase Price
MY Land Services, Inc.	C043731A0000100000	Fee	401.13	\$3,000,000	\$2,605,000	\$2,807,910

65 (3) The purchase price of \$2,807,910.00 for the above listed STRAP Nos., taking into account  
66 the value of non-cash considerations, defects in title or outstanding interests of the lands to be acquired, is  
67 below the appraised value, based on the certified appraisals that were used to determine the value of the  
68 interests to be purchased.  
69

70 (4) The lands being acquired have been reviewed for the presence of State Sovereignty  
71 submerged lands and the District has taken reasonable measures to avoid paying for sovereignty lands.

72 (5) This request for funds deposited into Save Our Everglades Trust Fund is consistent with  
73 the Northern Everglades and Estuary Protection Plan, the District's Five Year Plan of acquisition or the  
74 South Florida Water Management District Florida Forever Work Plan, as contained in Chapter 6A, Volume II  
75 of the South Florida Environmental Report, and last updated during a public hearing on January 13, 2009,  
76 and filed with the Legislature and the Department of Environmental Protection.

77 (6) Acquisition of this land furthers the Florida Forever goals set forth in (1) Section 259.105  
78 (4)(a) Florida Statutes (i.e. enhance the coordination and completion of land acquisition projects as  
79 measured by the number of shared acquisition projects among Florida Forever funding partners and  
80 partners with other funding sources, including local governments and the Federal Government) and (2)  
81 Section 259.105 (4)(d) Florida Statutes (i.e. ensure that sufficient quantities of water are available to meet  
82 the current and future needs of natural systems and the citizens of the state, as measured by the quantity of  
83 water made available through the water resource development component of a district water supply plan for  
84 which a water management district is responsible).

85 (7) The funds requested shall be used only for the acquisition costs and pre-acquisition/  
86 associated costs and expenses of the described land interests.

87 (8) To the extent possible, the lands being acquired shall be maintained in an environmentally

88 acceptable manner.

89 (9) Should the IMWID/Highlands County not utilize the lands acquired for the construction of a  
90 stormwater management facility by the end of the term of the existing cooperative agreement  
91 (4600001716), the agreement term shall be amended to account for the new project schedule or the land  
92 acquired shall be sold and the funds obtained from the sale returned to the District. All revenues derived  
93 therefrom will be used to acquire other lands for water management, water supply and the conservation and  
94 protection of water resources.

95 (10) A Phase I and Phase II environmental assessment will be completed and the findings will  
96 be addressed prior to closing. The contract provides that the IMWID/County can terminate if the assessment  
97 discloses environmental conditions the IMWID/County and the District deems unacceptable.

98 (11) The lands shall be managed for multiple-use purposes where compatible with the resource  
99 values of and management objectives for such lands as set forth in Section 259.105(5), Florida Statutes.

100 (12) The Resolution to approve acquisition of these lands was approved by the Governing  
101 Board of the District on January 14, 2010.

102 (13) The District will utilize funds from the Save Our Everglades Trust Fund.

103 (14) The Executive Director or the designee of the Executive Director is hereby authorized to  
104 request the release of funds for all acquisition costs and pre-acquisition/associated costs and expenses for  
105 the described interests identified in this Resolution.

106 (15) This Resolution shall take effect immediately upon adoption.

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108 **PASSED and ADOPTED** this 11th day of February, 2010.

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112 **ATTEST:**

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

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

120 (Corporate Seal)

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

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127 **Legal Form Approved:**

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129 By: \_\_\_\_\_  
130 Office of Counsel

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