

POLK REGIONAL WATER COOPERATIVE

Resolution 2023-17

**PARCEL RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN SPECIFIED PARCELS
TO IMPLEMENT
THE SOUTHEAST LOWER FLORIDAN AQUIFER WATER PRODUCTION FACILITY AND
SOUTHEAST TRANSMISSION LINE PROJECTS**

The Polk Regional Water Cooperative (“Cooperative”), created pursuant to Section 373.713, Florida Statutes, and an Interlocal Agreement pursuant to Section 163.01, Florida Statutes, in lawful session and in regular order of business properly presented, finds that:

WHEREAS, the Cooperative as an independent special district created pursuant to Chapter 189, Section 373.713, Florida Statutes and an Interlocal Agreement entered into on June 1, 2016 pursuant to Section 163.01, Florida Statutes by Polk County and 15 municipalities within Polk County (the “Interlocal Agreement”) for the purpose of developing AWS projects to meet the future potable water needs of the citizens of Polk County; and

WHEREAS, in April 2021, the Cooperative and 15 of its member governments entered into the Implementation Agreement for the Southeast Wellfield, which obligates the Cooperative to construct and operate the Southeast Wellfield Project to supply the participating member governments 15.15 million gallons a day of potable water by 2045 (the “Implementation Agreement”); and

WHEREAS, the Southeast Wellfield Project consists of the Southeast Lower Floridan Aquifer Water Production Facility (“SELFA WPF”) and the Southeast Transmission Main (“SETM”); and

WHEREAS, the Cooperative is in the process of constructing the first phase of the SELFA WPF, which consists of a 5 raw water wells, approximately 10 miles of raw water transmission line and a water treatment plant capable of producing 7.5 million gallons a day of high quality potable water and the SETM, which consists of approximately 61 miles of water transmission pipeline to deliver the finished water from the water treatment plant to the project participants for use in their water service areas; and

WHEREAS, pursuant to Cooperative Resolution 2023-06 the Cooperative Board designated the SELFA WPF and SETM Projects as approved projects pursuant to the Interlocal Agreement and the Implementation Agreement; and

WHEREAS, pursuant to Cooperative Resolution 2023-06 the Cooperative Board approved the construction of the SEFLA WPF raw water transmission line as depicted in said resolution and the SETM finished water pipeline as depicted in said resolution as necessary, practical and in the best interest of the Cooperative and its member governments and that the acquisition of such property and property rights are needed for such construction is necessary for the performance

of its duties and for the construction, reconstruction and maintenance of said facilities for the use of the general public; and that the Cooperative is authorized to make such acquisition by gift, purchase or condemnation.

WHEREAS, the Cooperative has been granted the power of eminent domain pursuant to the Interlocal Agreement and Section 163.01(7)(f), Florida Statutes for the condemnation of private property interest for public use, and to acquire any interest in such real property as is necessary for the purpose of carrying out the Interlocal Agreement; and

WHEREAS, before exercising the power of eminent domain the Cooperative Board of Directors is required to adopt a resolution authorizing the acquisition of property for any purpose set forth in the Interlocal Agreement for the Cooperative's purpose or use subject to limitations set forth in Sections 73.013 and 73.014, Florida Statutes; and

WHEREAS, the Cooperative has bifurcated its eminent domain resolution into two separate resolutions; the Project Resolution, authorizing acquisition of property and property rights for the SELFA WPF raw water transmission line and SETM finished water pipeline projects, and the Parcel Resolution, authorizing the parcel acquisition and identifying the specific property and property rights to be acquired for the projects; and

WHEREAS, this Resolution constitutes a Parcel Resolution for the Southeast Wellfield Project; and

WHEREAS, the Cooperative has determined the need to acquire a non-exclusive temporary construction easement for construction of the Southeast Wellfield Project on certain lands located in Polk County, Florida, as more fully described in **Exhibit "A"**, the nature, term and duration of the nonexclusive temporary construction easement as set forth in **Exhibit "B"**; and

WHEREAS, absent a relinquishment of the property pursuant to Section 73.013(4), Florida Statutes, land to be acquired will not be conveyed to natural persons or private entities and the land is not being acquired to abate or eliminate a public nuisance or to prevent or eliminate a slum or blight; and

WHEREAS, the Cooperative intends in good faith to construct the Southeast Wellfield Project on, under or over the described property; and

WHEREAS, the Cooperative has caused to be surveyed the line and area of construction by map or survey and location for the project; and

WHEREAS, the Cooperative shall comply with Chapters 73 and 74, Florida Statutes; and

WHEREAS, upon compliance with Chapters 73 and 74, Florida Statutes, the Cooperative is hereby authorized to exercise its power of eminent domain to acquire an interest in real property by initiating condemnation proceedings under Chapters 73 and 74, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The forgoing findings are incorporated herein by reference and made a part hereof.

Section 2. That after consideration of the factors described in the foregoing recitals, the description of the property and interests described as Parcels (Parcel 3057-TCE) and (Parcel 3061-TCE) in **Exhibits "A,"** and **"B"** attached hereto and the same is ratified and confirmed and found to be reasonably necessary for the Cooperative's public purpose in constructing the Southeast Wellfield Project.

Section 3. That the Cooperative, its officers, employees, contractors and attorneys are hereby authorized and directed to acquire by negotiation, contract or legal proceedings, including eminent domain proceedings pursuant to Chapters 73 and 74, Florida Statutes, as may be necessary to acquire temporary construction easements in certain lands located in Polk County, Florida described in **Exhibits "A,"** and **"B."**

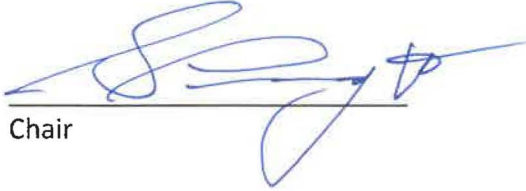
Section 4. That the proper offices of the Cooperative are hereby authorized to do all things necessary and proper under the applicable provisions of Chapters 73, 74 and 163, Florida Statutes and the Interlocal Agreement and Implementation Agreements.

Section 5. That this Resolution shall take effect immediately upon its adoption.

Section 6. That if any phrase, portion or part of this Resolution is found to be invalid or unconstitutional by a court of competent jurisdiction, such phrase, portion or part shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder of the Resolution.

DONE at Auburndale, Florida this 26th day of July, 2023

Southeast Wellfield Project Board of the Polk Regional Water Cooperative:



Chair



Secretary/Treasurer

Approved as to Form:



Edward P. de la Parte
Legal Counsel

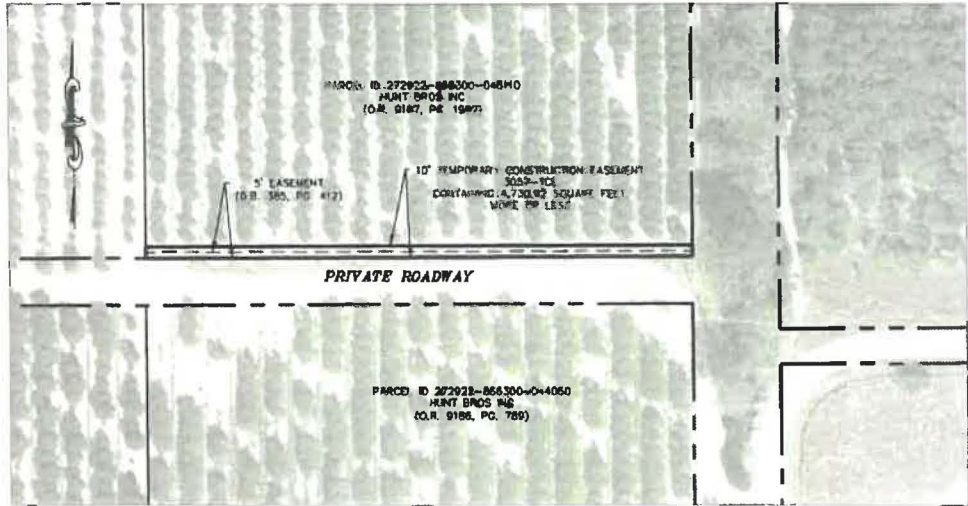
EXHIBIT A

Nonexclusive Temporary Construction Easement Legal Descriptions

[See Attached 4 Pages]

P:\802503\CAD\Survey\KEY SHEET\MOUNTAIN LAKE\082503-SCC-2023-01-23-EASEMENTS.dwg 3057-EXHIBIT Jun 16, 2023 1:56pm by: jammerronn

EXHIBIT

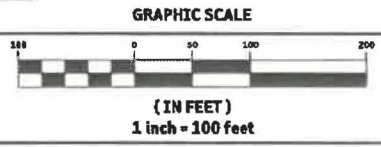


NO.	REVISION	DATE	DESCRIPTION

CHASTAIN SKILLMAN
 200 PAFF COLANGE STREET
 SUITE #110
 LAKELAND, FL 33851-4811
 (813) 866-1402



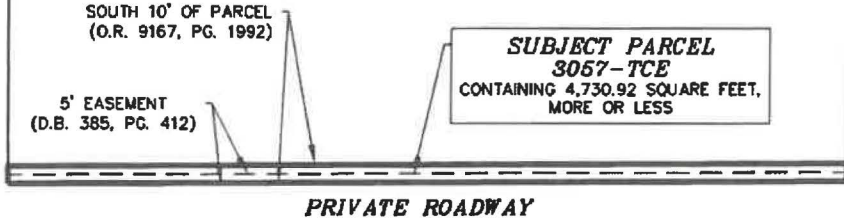
PRWC
 HUNT BROS INC PARCEL
 272922-866300-045110



CB PROJECT NUMBER: 8825_03	PARCEL NUMBER: 3057
FIELD BY: NA	SHEET NUMBER: V-01
DATE: 06/16/2023	
FIELD BOOK & PAGE: NA	

**DESCRIPTION AND SKETCH
PARCEL 3057-TCE**

PARCEL ID 272922-866300-045110
HUNT BROS INC
(O.R. 9167, PG. 1992)
LOT K, BLOCK 45
MOUNTAIN LAKE



SURVEYOR'S NOTES:

- 1) This is not a boundary survey.

LEGEND:

- O.R. = OFFICIAL RECORDS BOOK
- D.B. = DEED BOOK
- PG. = PAGE
- PE = PERMANENT EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT

DESCRIPTION:

A parcel of land being a portion Official Records Book 9167, Page 1992, Section 30, Township 29 South, Range 28 East, Public Records of Polk County, Florida, also known as Lot K, Block 45 of the unrecorded plat of Mountain Lake, being more particularly described as follows:

The South 10 feet of the said parcel. Said parcel containing 4,730.92 square feet, more or less.

CERTIFICATION:

I hereby certify that this Description with Sketch was made under my direction and was made in accordance with Standards of Practice adopted by the State of Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers, Chapter 5J-17 of the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.



**Jeffrey P
Ammermann**

Digitally signed by
Jeffrey P Ammermann
Date: 2023.07.11
13:48:44 -04'00'

JEFFREY P. AMMERMAN, P.S.M.
FLORIDA REGISTRATION PSM 7388
JAMMERMANN@CHASTAINSKILLMAN.COM
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY THE ABOVE
SURVEYOR ON THE DATE ADJACENT TO SEAL. ANY SIGNATURE MUST BE
VERIFIED ON ANY ELECTRONIC COPIES. PRINTED COPIES OF THIS DOCUMENT
ARE NOT CONSIDERED VALID WITHOUT A RAISED SEAL.

SHEET 1 OF 1

CS PROJECT: 8825.03

3057-TCE

SHEET NO. V-01

PREPARED BY: CHASTAIN-SKILLMAN, INC. - 205 EAST ORANGE STREET SUITE #110
LAKELAND, FLORIDA 33801 - (863) 646-1402 - LB 262

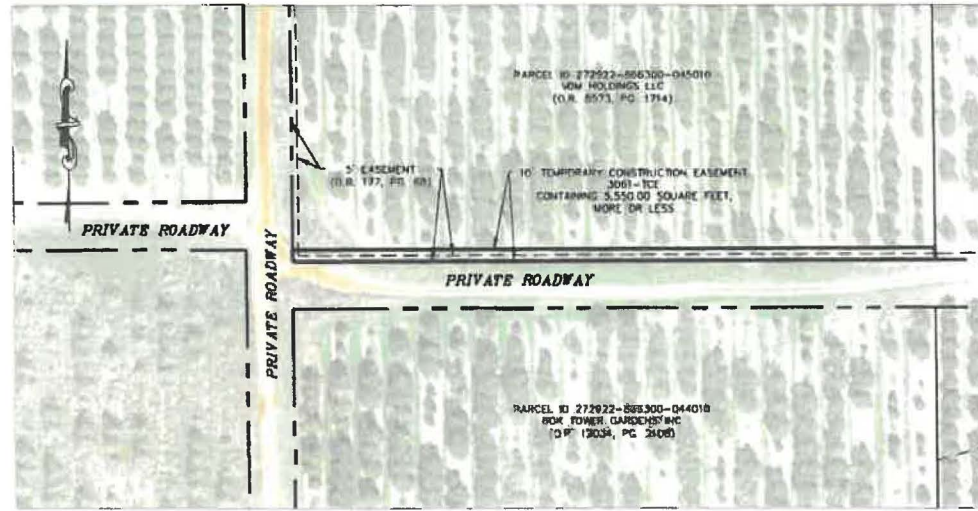
DRAWN BY: S. CHILDS

FIELD BOOK: — **PAGE:** —

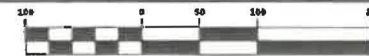
DATE: 07/11/2023

P: \BB2503\CAD\Survey\KEY SHEET 1\MOUNTAIN LAKE\882503-SCC-2023-01-23-EASEMENTS.dwg 3057-TCE (1) Jul 11, 2023 1:48pm by: jammermann

EXHIBIT



GRAPHIC SCALE



(IN FEET)
1 inch = 100 feet

NUMBER	DATE	DESCRIPTION

CHASTAIN SKILLMAN
200 EAST ORANGE STREET
SUITE #170
LAKELAND, FL 33809-4611
(813) 646-1422

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PRWC

VDM HOLDINGS LLC PARCEL
272922-866300-045010

FILED BY	PROJECT NUMBER:
DATE 06/16/2023	8825.03-3061
FIELD BOOK & PAGE 000 000 000	SHEET NUMBER: V-01

**DESCRIPTION AND SKETCH
PARCEL 3061-TCE**

PARCEL ID 272922-866300-045010
VDM HOLDINGS LLC
(O.R. 8573, PG. 1714)

LOT A & F, BLOCK 45
MOUNTAIN LAKE

**SUBJECT PARCEL
3061-TCE**
CONTAINING 5,550.00 SQUARE FEET,
MORE OR LESS

PRIVATE ROADWAY

5' EASEMENT
(D.B. 177, PG. 68)

SOUTH 10' OF PARCEL
(O.R. 8573, PG. 1714)



SCALE 1" = 100'

LEGEND:

PRIVATE ROADWAY

- D.B. = DEED BOOK
- O.R. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- PE = PERMANENT EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion Official Records Book 8573, Page 1714, Section 30, Township 29 South, Range 28 East, Public Records of Polk County, Florida, also known as Lot A & F, Block 45 of the unrecorded plat of Mountain Lake, being more particularly described as follows:

The South 10 feet of the said parcel. Said parcel containing 5,550.00 square feet, more or less.

SURVEYOR'S NOTES:

- 1) This is not a boundary survey.

CERTIFICATION:

I hereby certify that this Description with Sketch was made under my direction and was made in accordance with Standards of Practice adopted by the State of Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers, Chapter 5J-17 of the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.



**Jeffrey P
Ammermann**

Digitally signed by
Jeffrey P Ammermann
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JEFFREY P. AMMERMAN, P.S.M.
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SHEET 1 OF 1

CS PROJECT: 8825.03

3061-TCE

SHEET NO. V-01

PREPARED BY: CHASTAIN-SKILLMAN, INC. - 205 EAST ORANGE STREET SUITE #110
LAKELAND, FLORIDA 33801 - (863) 646-1402 - LB 262

DRAWN BY: S. CHILDS

FIELD BOOK: — PAGE: —

DATE: 07/11/2023

P:\882503\CAD\Survey\KEY SHEET 1\MOUNTAIN LAKE\882503-SCC-2023-01-23-EASEMENTS.dwg 3061-TCE (1) Jul 11, 2023 2:21pm by: jammermann

EXHIBIT B

Nonexclusive Temporary Construction Easement

[See Attached 1 Page]

The nature, terms and duration of the nonexclusive temporary construction easement (the "Easement") which the Polk Regional Water Cooperative ("PRWC") acquires from the property owners/interest holders ("Owner") of the real property shown and described on Exhibit "A" are:

The Easement in, upon and through the following described land in the County of Polk, State of Florida to-wit:

SEE ATTACHED EXHIBIT "A"
(the "Easement Area")

1. The Easement interests and rights acquired by PRWC are the right, privilege and authority to construct, install, maintain, operate, inspect, patrol, ingress and egress, test, repair, alter, substitute, relocate, resize, replace and remove the water transmission line or lines and related fixtures and/or appurtenances thereto, and vehicular and pedestrian access over the easement area, for the transmission of water and such other improvements as are reasonably necessary in connection with the water supply project for the PRWC.
2. After construction is complete, the lands of the Owner shall be restored to the same, or as good as, condition as existed before construction began.
3. Within a reasonable time after construction is complete, paving, grassed areas and other improvements will be replaced by PRWC.
4. The rights granted herein shall expire upon completion of construction within this Easement or sixty (60) months from the date the Easement is established, whichever occurs sooner.