

POLK REGIONAL WATER COOPERATIVE

Resolution 2025-07

**PARCEL RESOLUTION OF NECESSITY AMENDING PARCEL RESOLUTION 2024-39
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, the Interlocal Agreement was approved by a Final Order of the Secretary of the Florida Department of Environmental Protection on September 26, 2023, pursuant to Section 373.713(1), Florida Statutes; 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, as modified by Cooperative Resolutions 2024-34 and 2025-05, 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, as modified by Cooperative Resolutions 2024-34 and 2025-05, 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) and 373.713(2)(e), 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 Parcel (9040-TCE) in **Exhibit "A"** 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 after consideration of the factors described in the foregoing recitals, the description of the property and interests described as Parcels (9009-PE), (9009-TCE), (9037-TCE), (9042-TCE), (9043-TCE), (9044-TCE), (9045-TCE), (9046-TCE), (9047-TCE), (9048-PE) and (9048-TCE) in **Exhibits "A," and "C"** of Cooperative Resolution 2024-39 are ratified and confirmed and found to be reasonably necessary for the Cooperative's public purpose in constructing the Southeast Wellfield Project.

Section 4. That this Resolution shall amend Cooperative Resolution 2024-39 so as to replace all reference in said resolution to Parcel (9040-TCE), including the Legal Description contained in **Exhibit "C,"** with the attached **Exhibit "A"** and to replace **Exhibit "D"** as to Parcel (9040-TCE) with the attached **Exhibit "B."**

Section 5. 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 permanent and temporary construction easements in certain lands located in Polk County, Florida described in **Exhibits "A," and "B."**

Section 6. 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.

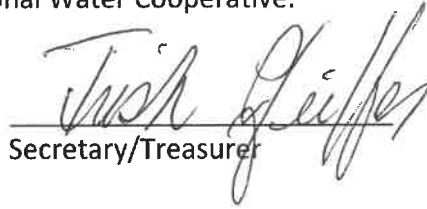
Section 7. That this Resolution shall take effect immediately upon its adoption.

Section 8. 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 19th day of March, 2025

Southeast Wellfield Project Board of the Polk Regional Water Cooperative:


Chair


Secretary/Treasurer

Approved as to Form:


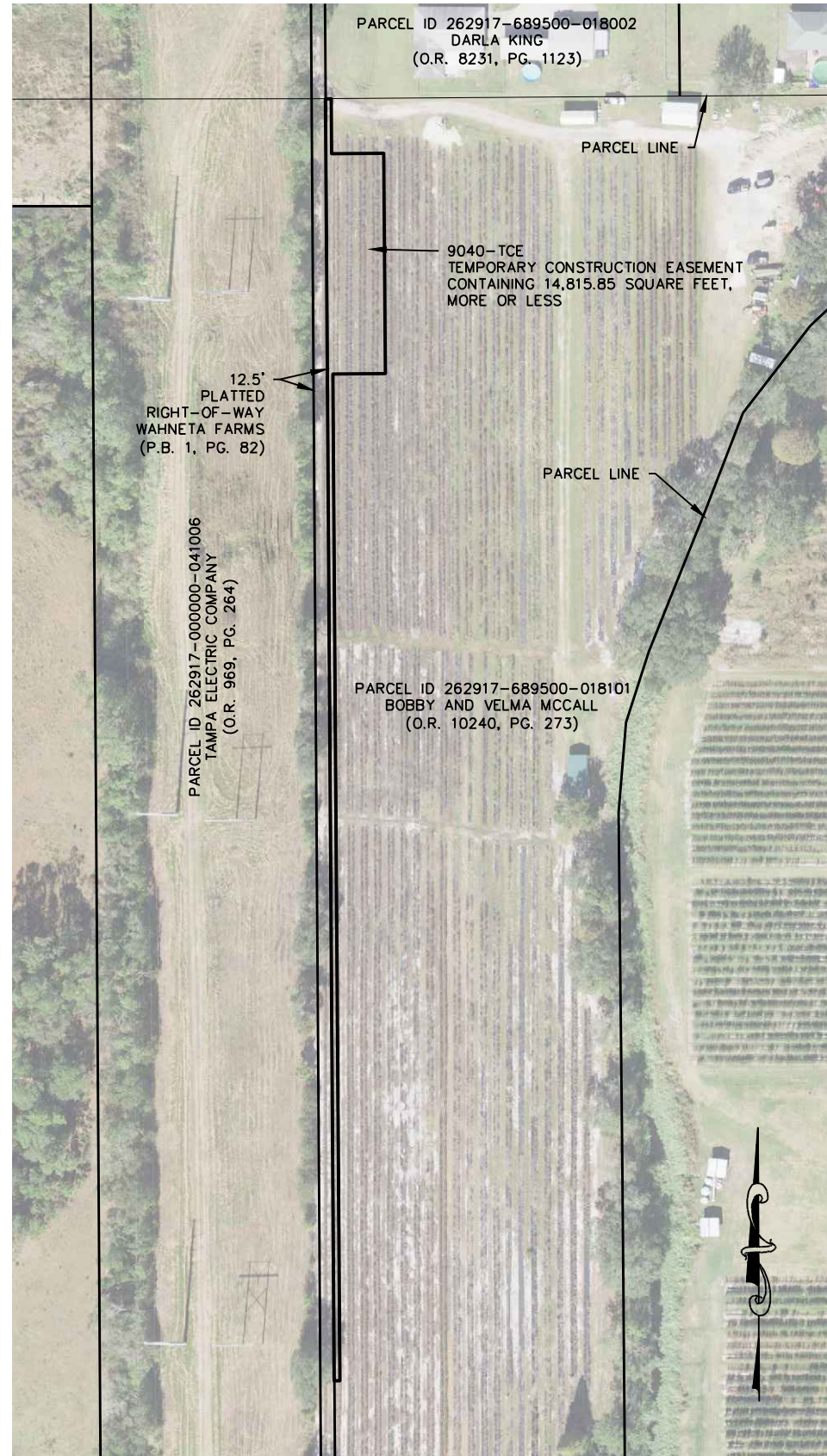

Edward P. de la Parte
Legal Counsel

EXHIBIT A

Nonexclusive Temporary Construction Easement Legal Descriptions

[See Attached 3 Pages]

EXHIBIT



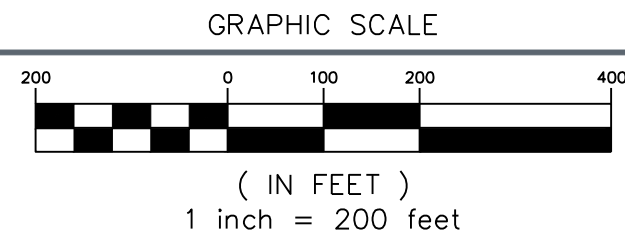
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NUMBER	DATE	DESCRIPTION

CHASTAIN-SKILLMAN
 205 EAST ORANGE STREET
 SUITE #110
 LAKELAND, FL 33801-4611
 (863) 646-1402
© 2025 CHASTAIN SKILLMAN C.A. NO. 262



POLK REGIONAL WATER COOPERATIVE
 BOBBY AND VELMA MCCALL EXHIBIT



FIELD BY: N/A	CS PROJECT NUMBER: 8825.03
DATE: 02/14/2025	PARCEL NUMBER: 9040
FIELD BOOK & PAGE: N/A	SHEET NUMBER: V-01

DESCRIPTION
9040-TCE

DESCRIPTION:

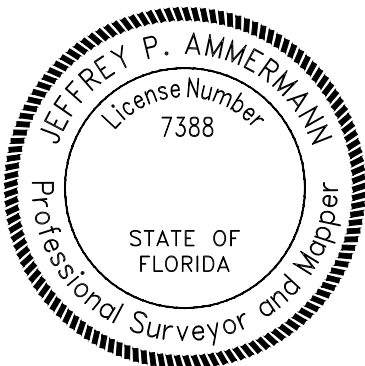
A parcel of land being a portion of Lot 181, of the plat of WAHNETA FARMS, as recorded in Plat Book 1, Pages 82A through 82B, and described in Official Records Book 10240, Pages 273 through 274, both of the Public Records of Polk County, Florida, located in Section 17, Township 29 South, Range 26 East, being more particularly described as follows:

COMMENCE at the Northwest corner of the Southwest 1/4 of the Southeast 1/4 of said Section 17, thence North 89°39'30" East, along the Westerly extension of the North line of said Lot 181, a distance of 12.50 feet to the Northwest corner of said Lot 181, said Northwest corner being on the Easterly line of a 12.5 feet right-of-way as shown on said plat of WAHNETA FARMS and the POINT OF BEGINNING; thence North 89°39'30" East, along the North line of said Lot 181, a distance of 5.00 feet; thence South 00°23'15" East, parallel with said West line of Lot 181, a distance of 50.00 feet; thence North 89°39'30" East, parallel with the North line of said Lot 181, a distance of 45.00 feet; thence South 00°23'15" East, parallel with said West line of Lot 181, a distance of 200.00 feet; thence South 89°39'30" West, parallel with the North line of said Lot 181, a distance of 45.00 feet; thence South 00°23'15" East, parallel with the West line of said Lot 181, a distance of 913.17 feet; thence South 89°39'30" West, 5.00 feet to the intersection with the West line of said Lot 181; thence North 00°23'15" West, along said West line of Lot 181, a distance of 1163.17 feet to the POINT OF BEGINNING.

Said parcel containing 14,815.85 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: 2025.02.14
11:32:02 -05'00'

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 2
SEE SHEET 2 FOR
DESCRIPTION SKETCH, LEGEND,
AND SURVEYOR'S NOTES

CS PROJECT: 8825.03

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

9040-TCE

DRAWN BY: S. CHILDS

FIELD BOOK: — PAGE: —

DATE: 02/14/2025

SHEET NO. V-01

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LEGEND:

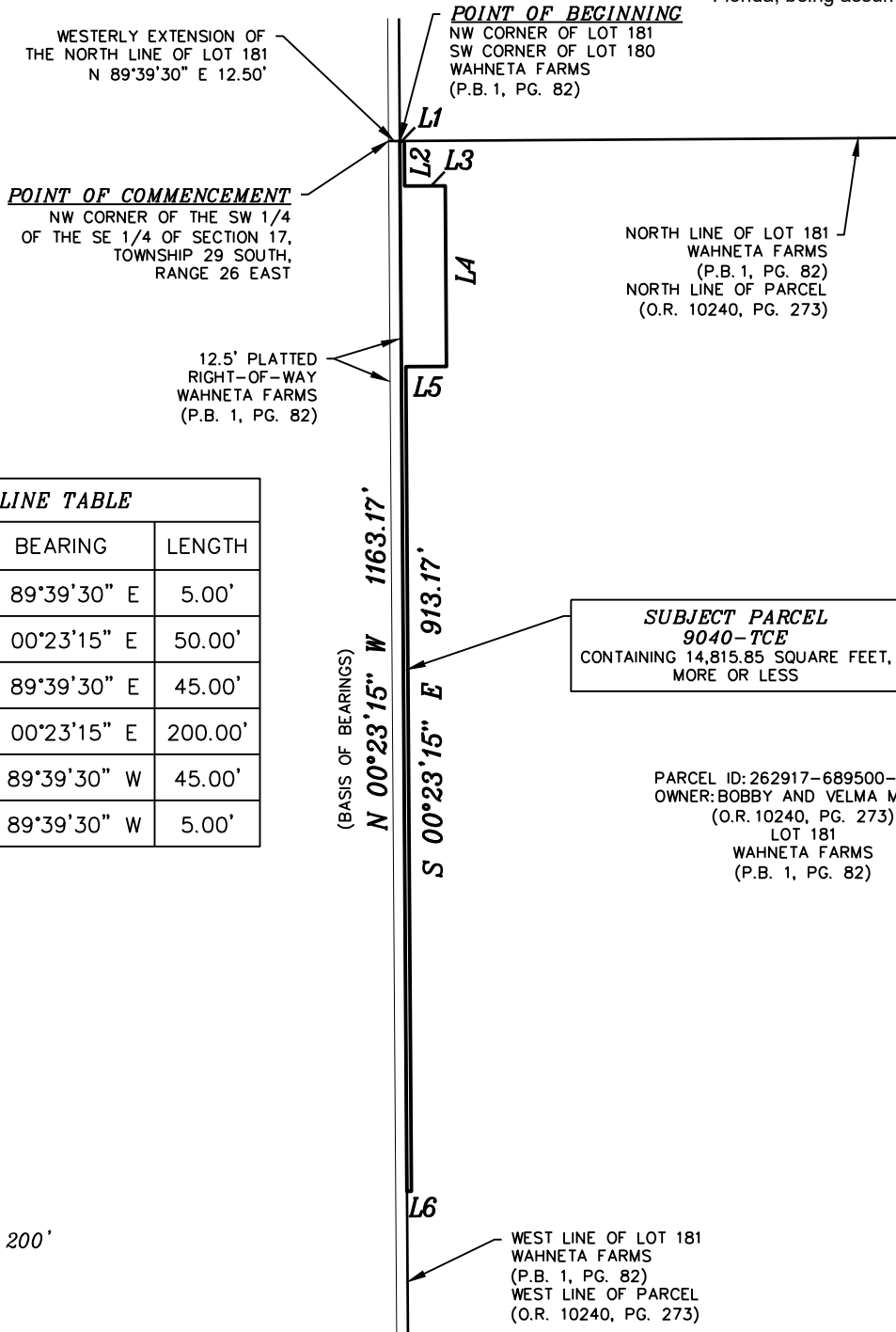
- P.B. = PLAT BOOK
- PG. = PAGE
- O.R. = OFFICIAL RECORDS BOOK
- M.B. = MAP BOOK
- PE = PERMANENT EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ID = IDENTIFICATION

DESCRIPTION SKETCH

9040-TCE

SURVEYOR'S NOTES:

- 1) This is not a boundary survey.
- 2) See sheet 1 for description, certification, and Surveyor's signature and seal.
- 3) Bearings are based on the West line of parcel described in Official Records Book 10240, Page 273, Public Records of Polk County, Florida, being assumed North 00°23'15" West.



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N 89°39'30" E	5.00'
L2	S 00°23'15" E	50.00'
L3	N 89°39'30" E	45.00'
L4	S 00°23'15" E	200.00'
L5	S 89°39'30" W	45.00'
L6	S 89°39'30" W	5.00'



SCALE 1" = 200'

SHEET 2 OF 2

CS PROJECT: 8825.03
9040-TCE
SHEET NO. V-02

PREPARED BY: CHASTAIN-SKILLMAN, LLC - 205 EAST ORANGE STREET SUITE #110 LAKELAND, FLORIDA 33801 - (863) 646-1402 - LB 262
DRAWN BY: S. CHILDS
FIELD BOOK: — PAGE: —
DATE: 02/14/2025

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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.