

## **POLK REGIONAL WATER COOPERATIVE**

### **Resolution 2025-18**

#### **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 Exhibits "A" and "C" of Cooperative Resolution 2024-39, the nature, term and duration of the permanent easement as set forth in Exhibit "B" nonexclusive temporary construction easement as set forth in Exhibit "C" of Cooperative Resolution 2024-39; and

**WHEREAS**, the Cooperative desires to amend Cooperative Resolution 2024-39 to delete parcel 9044-TCE as it is no longer needed in connection with the SETM.

**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 property and interests described as Parcel (9044-TCE) in **Exhibit "A"** attached hereto are no longer needed and are hereby deleted from Cooperative Resolution 2024-39.

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), (9040-TCE) (9042-TCE), (9043-TCE), (9045-TCE), (9046-TCE), (9047-TCE), (9048-PE) and (9048-TCE) in Exhibits "A," and "C" of Cooperative Resolution 2024-39 and in Exhibit "A" of Cooperative Resolution 2025-07 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 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 "C" of Cooperative Resolution 2024-39 and in Exhibit "A" of Cooperative Resolution 2025-07.

Section 5. 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 6. That this Resolution shall take effect immediately upon its adoption.

Section 7. 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 21<sup>st</sup> day of May, 2025

Southeast Wellfield Project Board of the Polk Regional Water Cooperative:

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Chair

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Secretary/Treasurer

Approved as to Form:

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Edward P. de la Parte  
Legal Counsel

## **EXHIBIT A**

### **Nonexclusive Temporary Construction Easement Legal Description**

[See Attached 3 Pages]

STATE ROAD 559 / BOMBER ROAD  
(F.D.O.T. SECTION 166-2152)  
(O.R. 633, PG. 288)

GAS-B

WATER

AVENUE A WEST

9044-TCE

7.50' TEMPORARY CONSTRUCTION EASEMENT  
CONTAINING 495.00 SQUARE FEET,  
MORE OR LESS

PARCEL ID 262917-689500-018311  
MARIBEL AND ARNALDO RUIZ  
(O.R. 12713, PG. 480)  
PORTION OF LOT 183  
WAHNETA FARMS  
(P.B. 1, PG. 82-83)

PARCEL ID 262917-689500-018312  
ONELIA VILLEGAS  
(O.R. 10707, PG. 1790)  
PORTION OF LOT 183  
WAHNETA FARMS  
(P.B. 1, PG. 82-83)

5TH STREET WEST



FIELD BY:	N/A
DATE OF SURVEY:	08/11/2024
FIELD BOOK & PAGE:	N/A

SHEET NUMBER:  
V-01

[illegible]

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MARIBEL AND ARNALDO RUIZ EXHIBIT



*DESCRIPTION*  
*9044-TCE*

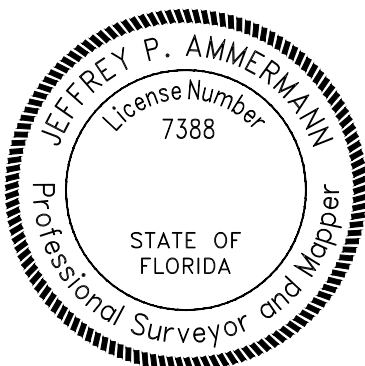
DESCRIPTION:

A parcel of land being the North 7.50 feet of the East 66.00 feet of a portion of Lot 183, of the plat of WAHNETA FARMS, recorded in Plat Book 1, Pages 82 through 83 and described in Official Records Book 12713, Pages 480 through 481, both 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 Southwest corner of said parcel and said Lot 183; thence North 00°33'06" West, along the West line of said parcel and said Lot 183, a distance of 132.94 feet to the Northwest corner of said parcel and the South right-of-way line of State Road 559 (Bomber Road) according to Florida Department of Transportation Right-of-Way Map (Section 16690-2152) and described in Official Records Book 633, Pages 288 through 290, Public Records of Polk County, Florida; thence North 89°31'56" East, along said South right-of-way line and North line of said parcel, 104.17 feet to the POINT OF BEGINNING; thence continue North 89°31'56" East, along said South right-of-way line and said North parcel line, 66.00 feet to the Northeast corner of said parcel; thence South 00°33'06" East, along the East line of said parcel, 7.50 feet; thence North 89°31'56" East, 66.00 feet; thence North 00°33'06" West, 7.50 feet to the POINT OF BEGINNING. Said parcel containing 495.00 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. 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**

**9044-TCE**

**DRAWN BY: S. CHILDS**

**FIELD BOOK: — PAGE: —**

**DATE: 08/11/2024**

**SHEET NO. V-01**

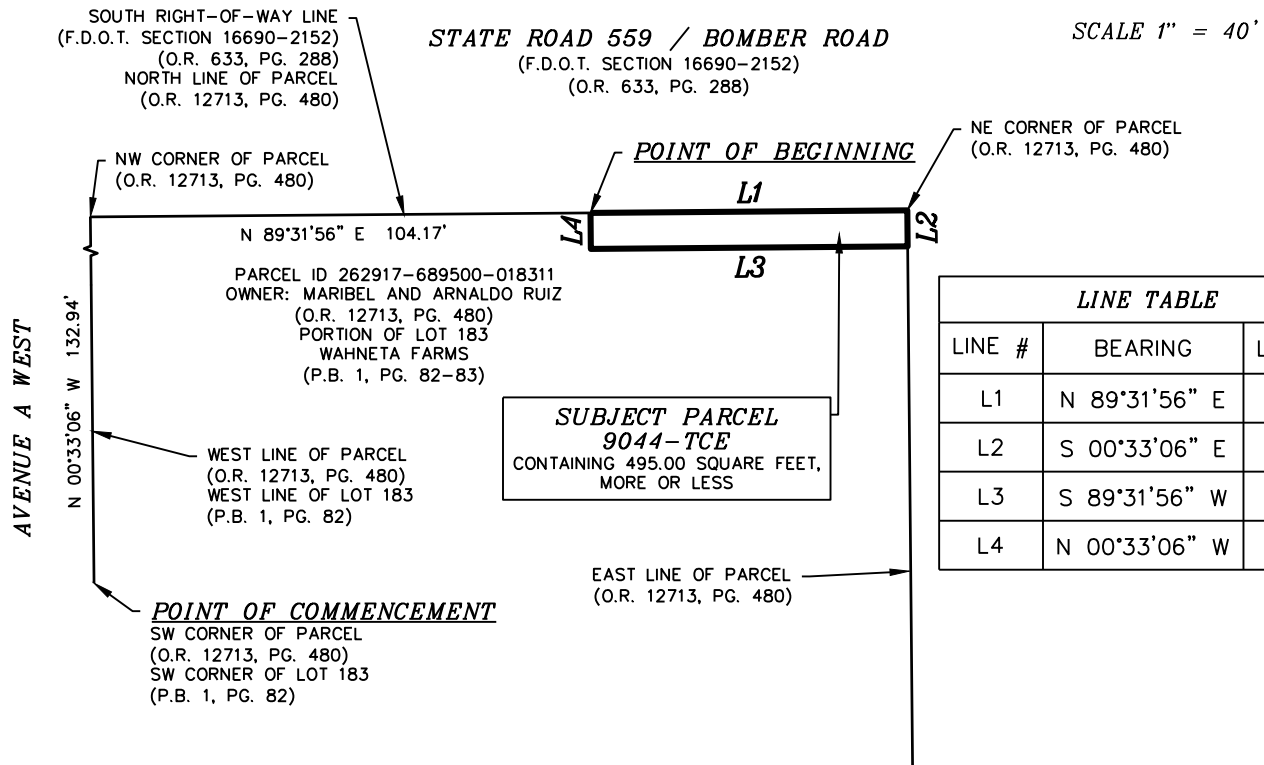
P: \882503\CAD\Survey\KEY SHEET 2\4-BOMBER RD\882503-SCC-2023-06-05-ESM\TS.dwg 9044-TCE Aug 11, 2024 4:03pm by: jammermann

**LEGEND:**

P.B. = PLAT BOOK  
PG. = PAGE  
O.R. = OFFICIAL RECORDS BOOK  
M.B. = MAP BOOK  
PE = PERMANENT EASEMENT  
TCE = TEMPORARY CONSTRUCTION EASEMENT  
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION  
ID = IDENTIFICATION

**DESCRIPTION SKETCH****9044-TCE****SURVEYOR'S NOTES:**

- 1) This is not a boundary survey.
- 2) Bearings are based on the West line of the parcel described in Official Records Book 12713, Page 480, Public Records of Polk County, Florida, being assumed North 00°33'06" West.
- 3) See sheet 1 of 2 for description, certification, and surveyor's signature and seal.



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N 89°31'56" E	66.00'
L2	S 00°33'06" E	7.50'
L3	S 89°31'56" W	66.00'
L4	N 00°33'06" W	7.50'

**SHEET 2 OF 2****CS PROJECT: 8825.03**

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

**9044-TCE****DRAWN BY: S. CHILDS****FIELD BOOK: — PAGE: —****DATE: 08/11/2024****SHEET NO. V-02**