

**POLK REGIONAL WATER COOPERATIVE**

**Resolution 2024-35**

**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, as amended by Cooperative Resolution 2024-34, 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 amended by Cooperative Resolution 2024-34, 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 Sections 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 permanent 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, terms and duration of the nonexclusive permanent easement as set forth in **Exhibit "B"**; 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 "C"**, the nature, term and duration of the nonexclusive temporary construction easement as set forth in **Exhibit "D"**; 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 (8012-PE) and (8012-TCE) in **Exhibits "A," "B," "C," and "D"** 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 permanent and temporary construction easements in certain lands located in Polk County, Florida described in **Exhibits "A," "B," "C" and "D."**

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 20<sup>th</sup> day of November, 2024

Southeast Wellfield Project Board of the Polk Regional Water Cooperative:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary/Treasurer

Approved as to Form:

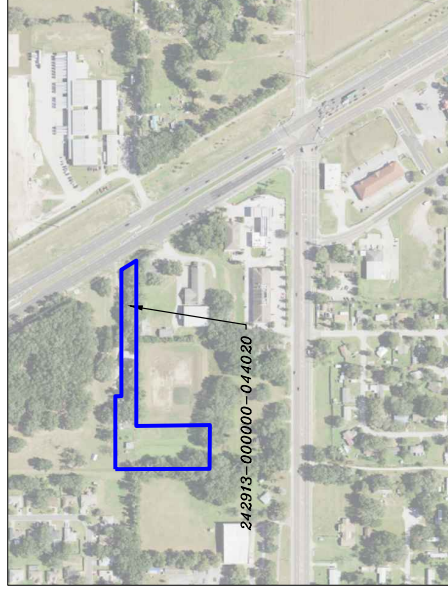
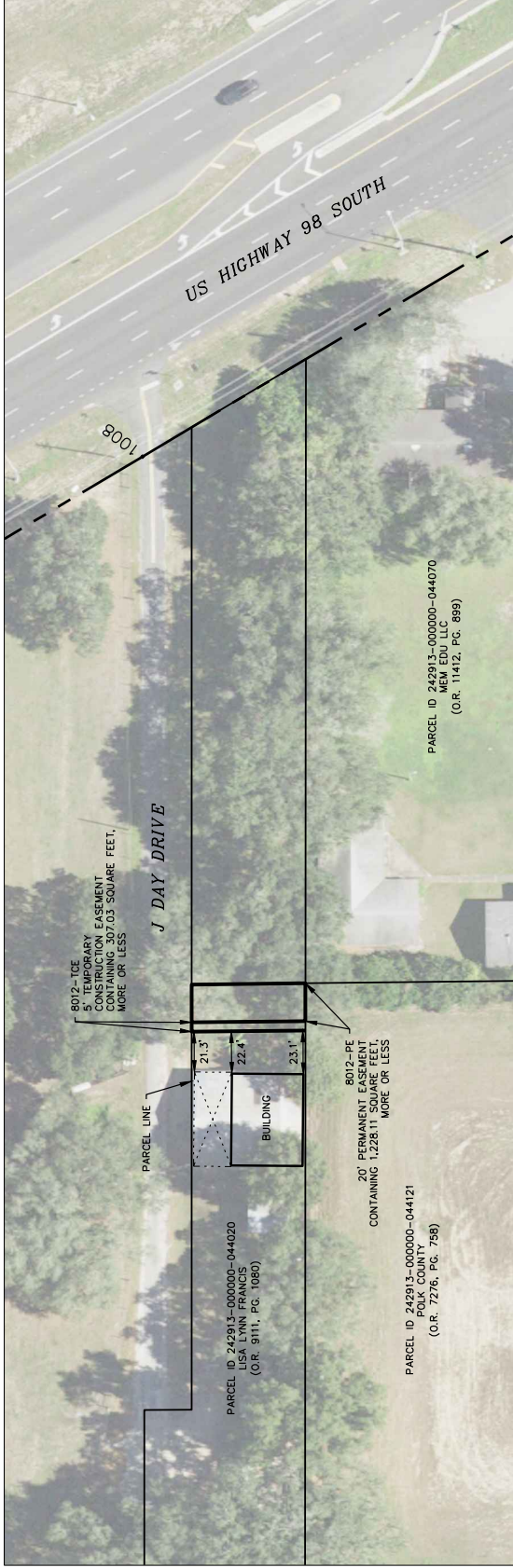
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Edward P. de la Parte  
Legal Counsel

## **EXHIBIT A**

### **Nonexclusive Permanent Easement Legal Descriptions**

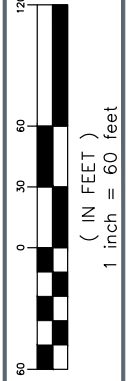
[See Attached 3 Pages]

EXHIBIT



CS PROJECT NUMBER:	8825.03
PARCEL NUMBER:	8012
SHEET NUMBER:	V-01

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



PRWC  
LISA LYNN FRANCIS EXHIBIT



CHASTAIN SKILLMAN  
205 EAST ORANGE STREET  
LAKELAND, FL 33801-4611  
(883) 866-1402

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NUMBER	DATE	DESCRIPTION

*DESCRIPTION*  
*8012-PE*

DESCRIPTION:

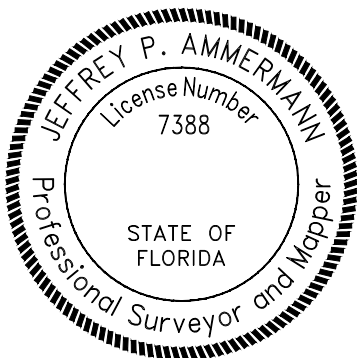
A parcel of land being a portion of "Parcel 2" as described in Official Records Book 9111, pages 1080 through 1082, Public Records of Polk County, Florida, located in the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 29 South, Range 24 East, Polk County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of said Southwest 1/4 of the Southwest 1/4 of Section 13, thence North 00°31'41" West along the West line of said Southwest 1/4 of the Southwest 1/4, 663.23 feet to the Southwest corner of said "Parcel 2"; thence continue North 00°31'41" West, along the West line of said Southwest 1/4 of the Southwest 1/4, 86.41 feet to the intersection with a line being parallel to the South line of said Southwest 1/4 of the Southwest 1/4; thence South 89°54'41" East, along said parallel line, 805.36 feet to the intersection with the Westerly Right-of-Way line of U.S. Highway 98 (State Road 35/700), as depicted on Florida Department of Transportation right-of-way map, Section Number 16060-000, said intersection point also being the Northeast corner of said "Parcel 2"; thence South 30°41'56" East along said Westerly Right-of-Way line, 100.58 feet to the Southeast corner of said "Parcel 2"; thence North 89°54'41" West along the South line of said "Parcel 2", 330.40 feet to the Northeast corner of a Parcel described in Official Records Book 7276, Pages 758 through 761, Public records of Polk County, Florida, also being the POINT OF BEGINNING; thence continue North 89°54'41" West along the South line of said "Parcel 2" also being the North line of said Parcel described in Official Records Book 7276, Pages 758 through 761, 20.00 feet; thence North 00°31'41" West, 61.41 feet to the South right-of-way line as described in Deed Book 1041, Pages 296 through 297; thence South 89°54'41" East, along the South right-of-way line described in Deed Book 1041, Pages 296 through 297, 20.00 feet; thence South 00°31'41" East, 61.41 feet to the POINT OF BEGINNING.

Said parcel containing 1,228.11 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 Ammerman  
Date: 2024.09.10  
14:20:57 -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 2*  
SEE SHEET 2 OF 2 FOR  
DESCRIPTION SKETCH, LEGEND,  
AND SURVEYOR'S NOTES

CS PROJECT: 8825.03

8012-PE

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: 09/10/2024

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**LEGEND:**

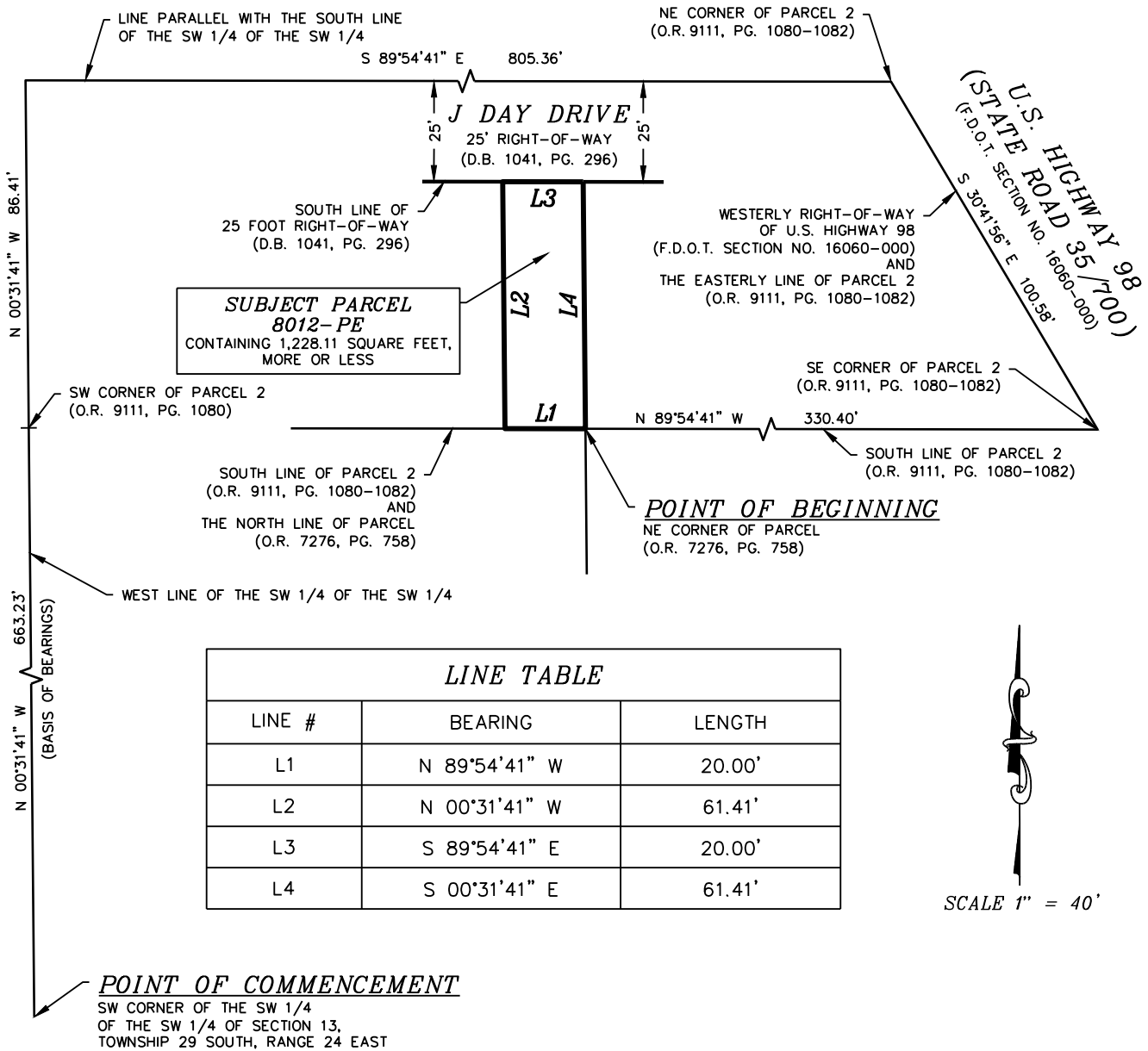
- P.B. = PLAT BOOK
- PG. = PAGE
- O.R. = OFFICIAL RECORDS BOOK
- M.B. = MAP BOOK
- PE = PERMANENT EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION

**DESCRIPTION SKETCH**

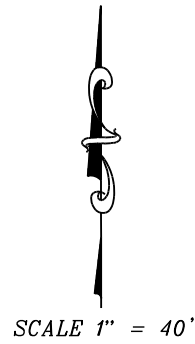
**8012-PE**

**NOTES:**

- 1) This is not a Boundary survey.
- 2) The bearings are based on the West line of the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 29 South, Range 24 East, Polk County, Florida, being North 00°31'41" West.
- 3) See sheet 1 for description, certification, and Surveyor's signature and seal.



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N 89°54'41" W	20.00'
L2	N 00°31'41" W	61.41'
L3	S 89°54'41" E	20.00'
L4	S 00°31'41" E	61.41'



**SHEET 2 OF 2**

**CS PROJECT: 8825.03**

**8012-PE**

**SHEET NO. V-02**

**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: 09/10/2024**

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## **EXHIBIT B**

### **Nonexclusive Permanent Easement**

[See Attached 2 Page]

The nature, terms and duration of the nonexclusive permanent 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 permanent perpetual water line Easement interests and rights acquired by PRWC are the perpetual 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. In the event that the construction and installation of the water transmission line or lines and related fixtures and/or appurtenances thereto impact Owner's improvements, PRWC shall, to the extent practicable, relocate or replace with the same, like, or better quality and at their original locations or as near as is reasonably practicable, all fences, roads, driveways, sidewalks, parking areas, irrigation systems, wells, septic tanks and septic drain fields, that PRWC damaged or caused to be removed, relocated or replaced from the Easement before or during initial construction and installation of the water transmission line or lines and related fixtures and/or appurtenances. Furthermore subject to PRWC's acquired easement rights, PRWC will restore the surface of all disturbed areas within the Easement to its original contour and condition, as near as is reasonably practicable.
3. This Grant of Easement shall not be construed as a grant of right of way and is limited to a PRWC Easement. The Owner shall have the right to use the area subject to the Easement granted hereby, including without limitation for improved parking areas, improved driveways, and landscaping, which are not inconsistent with the use of the Easement by PRWC for the purposes granted hereby. Inconsistent improvements to the use of the Easement by Owner for the purposes granted hereby, including mounded landscaping, building foundations and overhangs, foundations for pole mounted commercial signage, and other permanent structures and related foundations shall be strictly prohibited. With the specific written approval of PRWC, the limited use of trees, walls, and mounded landscaping may be utilized within the Easement by Owner.
4. Owner reserves the right to grant permission or other easements to other parties for ingress and egress. In addition, the Owner reserves the right to grant

permission or other easements to other parties for the purpose of installing and maintaining underground utilities, including without limitation, electrical, gas, broadband, fiber optic and cable (but not other water transmission lines), with the prior written consent of PRWC. PRWC shall not unreasonably withhold, condition, or delay its decision concerning such utility easements. Owner's request to grant permission or an easement to other parties must be written and delivered 1) in person, 2) via certified or registered mail (return receipt), or 3) via nationally recognized overnight delivery service to the attention of the Executive Director of the Polk Regional Water Cooperative at the then-current address of the PRWC as reflected on the PRWC website. If after sixty (60) days, PRWC has not responded to Owner's request to grant permission or an easement to other parties, Owner may assume PRWC has granted permission for same. Any permissions or easements granted under this Paragraph prior to Owner's development of the subject property must be perpendicular to the PRWC easement.

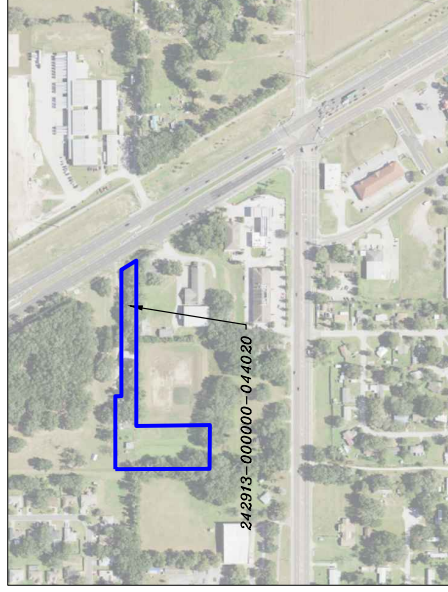
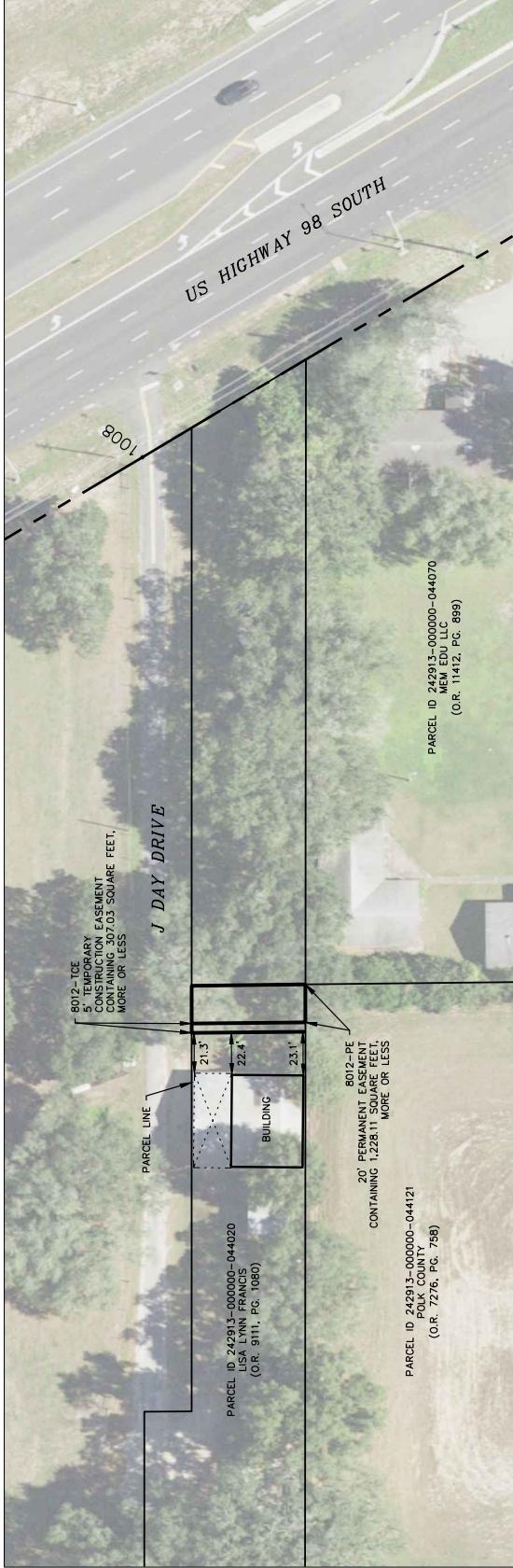
5. In the event that PRWC performs emergency related repairs, unscheduled infrastructure adjustment activities, or scheduled community improvement projects within said Easement, PRWC shall be responsible for restoring the disturbed portions of all existing approved and permitted improvements in as good or better condition that existed prior to the disturbance activity by PRWC.

## **EXHIBIT C**

### **Nonexclusive Temporary Construction Easement Legal Descriptions**

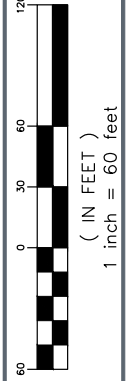
[See Attached 3 Pages]

EXHIBIT



CS PROJECT NUMBER:	8825.03
PARCEL NUMBER:	8012
SHEET NUMBER:	V-01

GRAPHIC SCALE



PRWC

LISA LYNN FRANCIS EXHIBIT



CHASTAIN SKILLMAN  
205 EAST ORANGE STREET  
LAKELAND, FL 33801-4611  
(883) 866-1402

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NUMBER	DATE	DESCRIPTION

DESCRIPTION  
8012-TCE

DESCRIPTION:

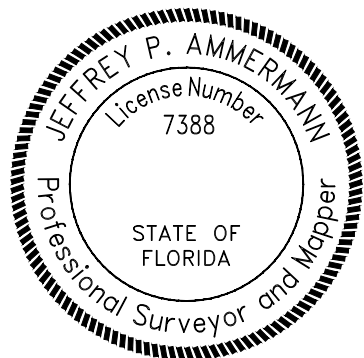
A parcel of land being a portion of "Parcel 2" as described in Official Records Book 9111, pages 1080 through 1082, Public Records of Polk County, Florida, located in the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 29 South, Range 24 East, Polk County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of said Southwest 1/4 of the Southwest 1/4 of Section 13, thence North 00°31'41" West along the West line of said Southwest 1/4 of the Southwest 1/4, 663.23 feet to the Southwest corner of said "Parcel 2"; thence continue North 00°31'41" West, along the West line of said Southwest 1/4 of the Southwest 1/4, 86.41 feet to the intersection with a line being parallel to the South line of said Southwest 1/4 of the Southwest 1/4; thence South 89°54'41" East, along said parallel line, 805.36 feet to the intersection with the Westerly Right-of-Way line of U.S. Highway 98 (State Road 35/700), as depicted on Florida Department of Transportation right-of-way map, Section Number 16060-000, said intersection point also being the Northeast corner of said "Parcel 2"; thence South 30°41'56" East along said Westerly Right-of-Way line, 100.58 feet to the Southeast corner of said "Parcel 2"; thence North 89°54'41" West along the South line of said "Parcel 2", 330.40 feet to the Northeast corner of a Parcel described in Official Records Book 7276, Pages 758 through 761, Public records of Polk County, Florida; thence continue North 89°54'41" West along the South line of said "Parcel 2" also being the North line of said Parcel described in Official Records Book 7276, Pages 758 through 761, 20.00 feet to the POINT OF BEGINNING; thence continue North 89°54'41" West, along said South line of "Parcel 2" and the North line of said parcel recorded in Official Records Book 7276, Pages 758 through 761, a distance of 5.00 feet; thence North 00°31'41" West, 61.41 feet to the South right-of-way line as described in Deed Book 1041, Pages 296 through 297; thence South 89°54'41" East, along the South right-of-way line described in Deed Book 1041, Pages 296 through 297, 5.00 feet; thence South 00°31'41" East, 61.41 feet to the POINT OF BEGINNING.

Said parcel containing 307.03 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: 2024.09.10 14:21:53 -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 2  
SEE SHEET 2 OF 2 FOR  
DESCRIPTION SKETCH, LEGEND,  
AND SURVEYOR'S NOTES

CS PROJECT: 8825.03

8012-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: 09/10/2024

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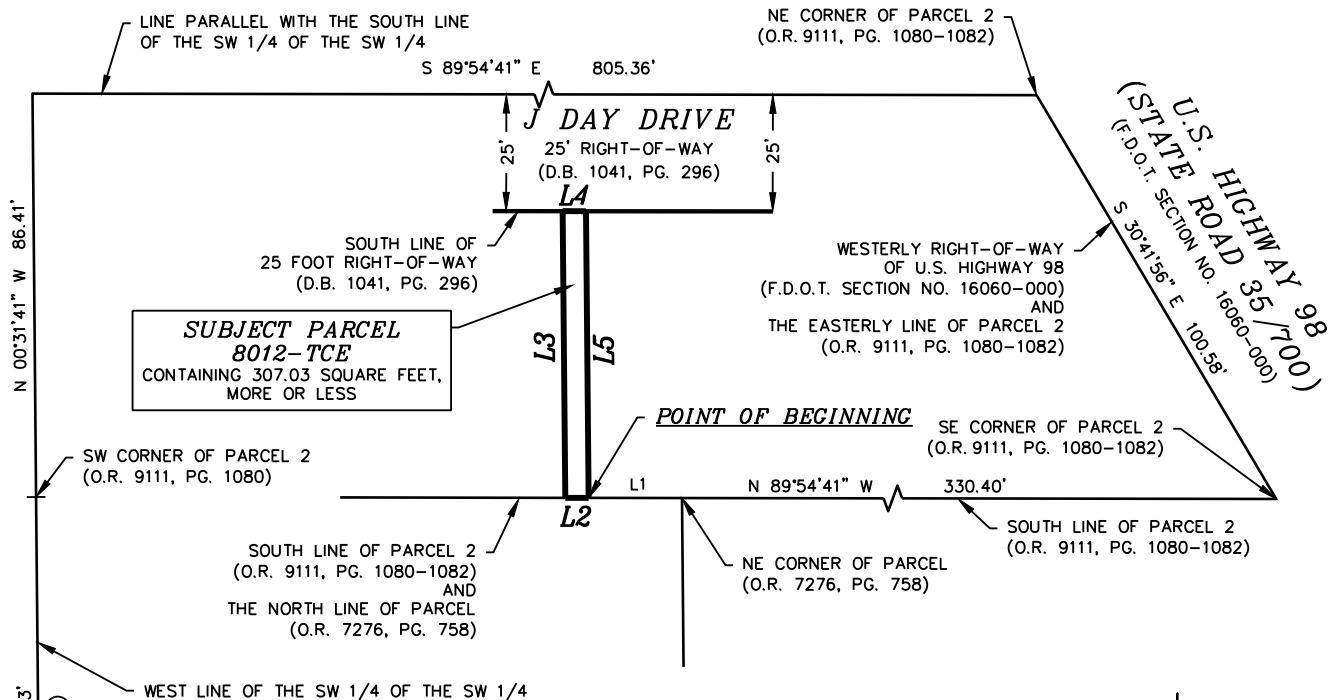
- P.B. = PLAT BOOK
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- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION

**DESCRIPTION SKETCH**

8012-TCE

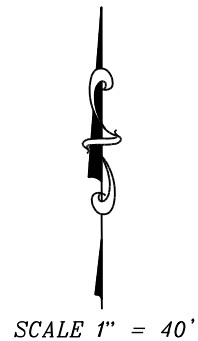
**NOTES:**

- 1) This is not a Boundary survey.
- 2) Bearings are based on the West line of the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 29 South, Range 24 East, Polk County, Florida, being North 00°31'41" West.
- 3) See sheet 1 for description, certification, and Surveyor's signature and seal.



**LINE TABLE**

LINE #	BEARING	LENGTH
L1	N 89°54'41" W	20.00'
L2	N 89°54'41" W	5.00'
L3	N 00°31'41" W	61.41'
L4	S 89°54'41" E	5.00'
L5	S 00°31'41" E	61.41'



SCALE 1" = 40'

SHEET 2 OF 2

CS PROJECT: 8825.03

8012-PE

SHEET NO. V-02

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: 09/10/2024

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## **EXHIBIT D**

### **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.