

ARTICLE VIII. - PROPERTY ACQUISITION AND DISPOSITION

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Cross reference— Land resources, ch. 140; donation of surplus property, § 210-101 et seq.

Sec. 110-161. - Policy and Purpose.

- (a) When used in this policy, the terms "land" or "lands" shall mean and refer to real property, land and/or interests in land.
- (b) When used in this policy, the terms "Governing Board" or "Board" means the Governing Board of the District.
- (c) It is the policy of the District to acquire such land as may be necessary to provide for works of the District to protect and conserve water and water-related resources, and to otherwise effectuate the purposes of Chapter 373, Florida Statutes. It is further the policy of the District to sell, exchange, lease, release or otherwise dispose of such land which, in the discretion of the District, is of no present or apparent future use to the District.
- (d) This policy provides the procedures by which the District may acquire land and the terms and conditions under which the District may sell, exchange, lease, release or otherwise dispose of land.
- (e) The District is concerned with the protection of environmentally sensitive areas, especially those in which the District has a property interest. Therefore, applications for sales, exchanges, leases, easements, rights of entry, releases or non-use commitments in the Water Conservation Areas and other environmentally sensitive areas are discouraged. Such applications will be evaluated on a case-by-case basis and will be denied if the sale, exchange, lease, easement, right of entry, release or non-use commitment would adversely impact the environmentally sensitive area.

(R.M. No. 42)

Sec. 110-162. - Land Acquisition.

- (a) The District may acquire land necessary to effectuate its public purposes.
- (b) Land acquisition shall be accomplished as follows:
 - (1) Purchase or exchange through negotiations;
 - (2) Donation;
 - (3) Lease; or
 - (4) Condemnation, if land cannot be acquired by other means.
- (c) Acquisition Procedures; Negotiations.
 - (1) Upon determination of land requirements, descriptions sufficient to identify the lands to be acquired shall be prepared pursuant to section 110-162(e).
 - (2) Ownership information shall be obtained and reviewed in order to determine the title to the land being acquired.
 - (3) The District shall determine the approved appraised value of the lands being acquired pursuant to section 110-162(f), but may enter into a contract to purchase subject to obtaining such appraisal.
 - (4) All agreements to acquire land shall be subject to approval by the Board and shall be reduced to writing unless the Board determines that the agreement does not need to be reduced to writing.

- (5) The District may accept donations of land. In such event, the provisions of section 110-162(c)(1), (2), and (4) shall be followed.
- (d) Acquisition Procedures; Condemnation.
- (1) When the District has condemnation authority to acquire such land, the Executive Director or the Director's designee may send a memorandum to the Office of Counsel which shall include:
 - a. A request for a resolution to institute eminent domain proceedings;
 - b. Identification of parcels by tract number; and
 - c. The legal interest or estate considered for acquisition.
 - (2) Proceedings in eminent domain shall not be commenced until authorized by the Board, with the advice and consent of the appropriate Basin Board (as defined in Section 373.0693, Florida Statutes) whenever Basin (as defined in Section 373.0693, Florida Statutes) funds will be utilized for such acquisition.
 - (3) The Board may adopt a resolution authorizing the institution of eminent domain proceedings in accordance with applicable law.
- (e) Surveys.
- (1) In order to determine the location, acreage and legal description of land to be acquired, the District may obtain a survey.
 - (2) In the event a survey is not obtained, the District shall then use the best available data in order to arrive at the boundaries and acreage of the land to be acquired.
 - (3) All surveys shall meet the minimum technical standards for land surveying in the State of Florida as adopted by the Florida State Board of Surveyors and Mappers.
- (f) Appraisals.
- (1) All lands to be acquired shall be appraised by at least one real estate appraiser, except as provided in section 110-162(c)(5). Notwithstanding the foregoing, unless the funding source requires obtaining an appraisal or an appraisal is otherwise required by statute, appraisals will not be required for:
 - a. Acquisitions where the District estimates the value of the land to be less than \$5,000; or
 - b. Acquisitions in projects where the Board adopts a specific policy permitting certain acquisitions of lands without obtaining an appraisal; or
 - c. Acquisitions in projects where the District has obtained a generic appraisal.
 - (2) If approved by the Executive Director or the Director's designee, District-approved appraisals from other government agencies or non-profit organizations cooperating with the District on acquisitions may be used to establish approved appraised values.
- (g) Notwithstanding the provisions of section 110-162(c), (e) and (f), pursuant to Section 373.056, Florida Statutes, the District may accept conveyances of land from governmental bodies as may be necessary to effectuate its public purposes, upon terms and conditions approved by the Board.

(R.M. No. 42; Res. No. 2012-306, § 1(Exh. A), 3-15-2012)

Sec. 110-163. - Sale or Exchange of Surplus Lands.

- (a) Generally. The District may sell or exchange surplus District lands. District lands are considered surplus when:
- (1) They are not required for present or future works of the District;
 - (2) They are not required for present or future recreational development;

- (3) They have no apparent present or future utility in the District's land management program;
 - (4) They have been declared surplus by the Board;
 - (5) In the event the lands to be declared surplus were acquired with funds from the Water Management Lands Trust Fund, it is determined that they are not required for District or project purposes pursuant to Section 373.59, Florida Statutes; and
 - (6) In the event the lands to be declared surplus were acquired with funds from the Florida Preservation 2000 (P2000) Trust Fund, it is determined that:
 - a. Such land no longer needs to be preserved in furtherance of the Florida Preservation 2000 Act; and
 - b. Such disposition would not have the effect of causing all or any portion of interest on any P2000 bonds to lose their exclusion from gross income for purposes of federal income taxation.
- (b) Application. Requests to purchase or exchange surplus District lands shall be accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code, and shall include the following information:
- (1) The applicant's name and address;
 - (2) A sketch and an accurate legal description, including the acreage, of the land. If the sketch is not adequate to identify the land to the satisfaction of the District, the District may require a boundary survey, prepared in accordance with section 110-162(e)(3);
 - (3) A statement of the proposed use or development of the land;
 - (4) A statement evidencing that the proposed sale or exchange is not contrary to the public interest; and
 - (5) Other survey or engineering data necessary to evaluate the request for sale or exchange.
- (c) Terms and Conditions—General.
- (1) The Board shall determine whether the land requested is surplus and available for sale or exchange and upon what terms and conditions land determined to be surplus may be sold or exchanged.
 - (2) A certified appraisal of the lands to be sold or exchanged, prepared and dated within 120 days prior to the sale or exchange, must be obtained. The District may require the applicant to provide such appraisal or may make such appraisal itself. If the District requires the applicant to provide such appraisal, then it shall be made by an appraiser with qualifications acceptable to the District. If the District elects to make the appraisal, the applicant shall immediately deposit the estimated cost of the appraisal with the District. The District reserves the right to reject any and all appraisals Notwithstanding the foregoing, based upon Section 373.089(4), Florida Statutes, which provides in part that the Board "may pay or receive any sum of money that the Board considers necessary to equalize the value of exchanged properties," with respect to exchanges where the District estimates the value and/or utility of the interest to be received by the District equals or exceeds the value and/or utility of the interest to be conveyed by the District and therefore obtaining an appraisal would result in an unnecessary expenditure of funds, the Board may waive obtaining an appraisal.
 - (3) Surplus land may be conveyed to an appropriate governmental entity. The provisions of section 110-167 shall apply to such conveyances.
 - (4) All sales or exchanges shall be for cash or upon such terms and security as approved by the Board. Deeds shall not be executed and delivered until full payment has been made and all terms and conditions have been met.
 - (5) All costs of the sale or exchange shall be assumed by the applicant or successful bidder, including but not limited to the fees specified in Rule 40E-9.965, Florida Administrative Code, actual

surveying and appraisal expenses, advertising fees, state documentary and surtax stamps and all recording fees.

- (6) Simultaneously with declaring land surplus, the Board may release the oil, gas and mineral reservations required to be reserved pursuant to Section 270.11, Florida Statutes, provided the applicant submits to the District a statement of reasons justifying such release that is acceptable to the District.
 - (7) Other than granting releases of easements described in section 110-166(c) to the underlying fee owner pursuant to the provisions of section 110-166, easements described in section 110-166(c) may not be declared surplus for sale or conveyance to any person or entity other than a governmental entity or governmental agency.
 - (8) The District may issue and receive documents and instruments to clarify or clear title to District lands as well as lands of others upon terms and conditions approved by the Board, including entering into boundary agreements, as well as issuance by the District of quitclaim deeds or disclaimers with respect to lands in which the District has determined that it has no interest or wishes to assert no interest. Such actions are considered curative measures, not sales or exchanges of surplus District lands, and are therefore exempt from the other requirements and provisions of this section except that applicants will be required to submit applications in accordance with section 110-163(b).
 - (9) Before the District may grant easements with respect to lands acquired pursuant to the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.
- (d) Terms and Conditions Specific to Public Sales of Surplus Lands.
- (1) Prior to any public sale of surplus lands, the District shall publish a notice of intention to sell as required under Section 373.089, Florida Statutes. All sales shall be conducted pursuant to Section 373.089, Florida Statutes.
 - (2) The District reserves the right to reject any and all bids or offers.
 - (3) All funds received from the sale of surplus lands which were originally acquired with funds from the Water Management Lands Trust Fund shall be used to purchase other lands meeting the criteria specified in Section 373.59, Florida Statutes.
 - (4) All funds received from the sale of surplus lands which were originally purchased with funds from the Florida Preservation 2000 Trust Fund must be deposited into the Florida Preservation 2000 Trust Fund pursuant to Section 259.101(6)(c), Florida Statutes.
 - (5) If required by Department of Environmental Protection rules, the District shall notify the Department of its pending Governing Board action in connection with the disposal of land as well as the pending transfer of title to District lands in accordance with the Department's rules.
- (e) Terms and Conditions Specific to Exchanges of Surplus Lands.
- (1) Prior to any exchange of surplus lands, the applicant shall provide evidence of marketable title in the applicant to the applicant's land and other title assurances satisfactory to the District.
 - (2) All lawfully assessed taxes shall be paid by the applicant.
 - (3) All lands to be exchanged which were originally acquired with funds from the Water Management Lands Trust Fund shall be in return for other lands meeting the criteria specified in Section 373.59, Florida Statutes. All funds received in connection with an exchange of lands which were originally acquired with funds from the Water Management Lands Trust Fund shall be used to purchase other lands meeting the criteria specified in Section 373.59, Florida Statutes.
 - (4) If required by Department of Environmental Protection rules, the District shall notify the Department of pending Governing Board action in connection with the exchange of land as well as the pending transfer of title to District lands in accordance with the Department's rules.

- (f) Terms and Conditions Specific to Utility Easements. In the event a utility requires the District to grant to such utility a utility easement across District lands as a condition to providing utility service to District property, such easements are not considered a sale or exchange of District lands and therefore shall be exempt from the other requirements and provisions of this section. The terms and conditions of such utility easements shall be as determined and approved by the Board.

(R.M. No. 42)

Sec. 110-164. - Rights of Entry.

- (a) The District may enter into right of entry agreements for the purpose of allowing access to lands that the District owns or has an interest in to conduct specific limited activities. Such agreements do not convey interests in real property. With respect to such agreements which are for periods not to exceed one year, they may be approved and executed by the Executive Director, or the Director's designees, on behalf of the District.
- (b) The District may enter into right of entry agreements for the purpose of entering lands of others in order to conduct specific activities. With respect to such agreements which are for periods not to exceed one year, they do not convey interests in real property and they may be approved and executed by the Executive Director, or the Director's designees, on behalf of the District.
- (c) Any right of entry agreement referenced in section 110-164(a) or (b) which exceed one year in duration or contain additional terms and conditions which would otherwise require Board approval pursuant to the District's Procurement and Contracting Policy shall require Board approval.

(R.M. No. 42)

Sec. 110-165. - Lease of Lands.

- (a) General. The District may lease any lands, including but not limited to oil, gas and mineral rights, to which the District has or may hereafter acquire title as long as the lease is consistent with the purposes for which the lands were acquired, for the best price and terms obtainable as determined by the Board. Additionally, the District may also utilize its existing Request for Proposal and Request for Bid procedures to meet the requirements of this section.
- (b) Application.
 - (1) Requests for leases shall be accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code, and shall include the following information:
 - a. The applicant's name and address;
 - b. An accurate legal description including the acreage of the land; and:
 - 1. A sketch, or
 - 2. If the sketch is not adequate to identify the land to the satisfaction of the District; the District may require a boundary survey, in accordance with section 110-162(e)(3);
 - c. A statement of the proposed use of the land;
 - d. A statement evidencing that the proposed lease is not contrary to the public interest and is consistent with the purposes for which the land was acquired; and
 - e. Other survey or engineering data necessary to evaluate the request for lease.
 - (2) In the event the lease is made in conjunction with a land acquisition as provided in Section 373.093(3), Florida Statutes, the foregoing provisions of section 110-165(b)(1) shall not apply.
- (c) Terms and Conditions.

- (1) The Board shall determine whether the land is available for lease.
- (2) Except in cases where the District estimates the rental value of the lease to be less than \$500 per year, an appraisal of the lands to be leased, prepared and dated within 120 days prior to the date the proposed lease is to be considered by the Board, must be obtained. The District may require the applicant to provide such appraisal or may make such appraisal itself. If the District requires the applicant to provide such appraisal, then it shall be made by an appraiser with qualifications acceptable to the District. If the District elects to make the appraisal, the applicant shall immediately deposit the estimated cost of the appraisal with the District. The District reserves the right to reject any and all appraisals.
- (3) Except where the lease is made in conjunction with land acquisition and the lease results in diminution of the District's land acquisition costs, the District shall publish a notice of intention to lease in a newspaper published in the county in which the land is situated, and such other places as the Board may determine, once each week for three successive weeks (three insertions being sufficient), the first publication of which shall be not less than 30 nor more than 45 days prior to the date the proposed lease is executed by the District, required under Section 373.093, Florida Statutes. The notice will solicit sealed bids, or proposals if appropriate, from interested parties. The applicant must submit a sealed bid, or proposal if appropriate, in order to be considered.
- (4) The District reserves the right to reject any and all bids or proposals.
- (5) If the District accepts a bid or proposal, the successful bidder/proposer will be notified in writing. All bids or proposals accepted by the District shall be subject to execution by the successful bidder/proposer and the District of a lease on terms and conditions approved by the District within the time frames set for in section 110-165(c)(3) above.
- (6) All costs of the lease shall be assumed by the applicant or successful bidder/proposer including but not limited to the fees specified in Rule 40E-9.965, Florida Administrative Code, actual surveying and appraisal expenses, advertising fees, state documentary and surtax stamps and all recording fees.
- (7) All leases shall be prepared by the District and shall be on the terms and conditions approved by the District. Upon execution of a lease by the successful bidder/proposer and the District, the District will deliver a copy of the executed lease agreement to the lessee.
- (8) Upon execution of the lease, the land shall be placed on the tax rolls in the lessee's name.
- (9) Before the District may lease land acquired with funds from the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.
- (10) Before the District may lease land acquired with funds from the Water Management Lands Trust Fund, the requirements of Section 373.59, Florida Statutes, must be complied with.

(R.M. No. 42)

Sec. 110-166. - Releases and Non-Use Commitments.

- (a) General. In addition to the sale or exchange of easements as surplus lands in the manner and procedure as set forth in section 110-163, the District may release or agree not to exercise any easement, reservation or right-of-way interest as provided herein.
- (b) Application. Applications for releases and non-use commitments shall be made on forms provided by the District, accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code. All such applications shall include the following information:
 - (1) The applicant's name and address;
 - (2) An accurate legal description, including the acreage, of the land;
 - (3) A survey, sketch or recorded plat;

- (4) The name of any unit of local government within which the land is located. Units of local government include counties, municipalities and drainage or county water management Districts;
 - (5) The current and proposed land uses;
 - (6) The current and proposed zoning, including a description of the pertinent zoning classifications;
 - (7) A certificate of ownership which shall provide satisfactory evidence that the applicant is the owner of record of the subject land. Such evidence shall consist of either a current title insurance policy, title commitment issued by a title insurance company authorized to do business in the State of Florida, or an opinion of title prepared by a member of the Florida Bar. The burden shall be on the applicant to demonstrate, to the satisfaction of the District, the applicant's status as underlying fee owner or agent. The word "current" as used in this paragraph shall mean no more than six months old;
 - (8) In the event that the applicant is any person or entity holding the real property which is the subject of the release in the form of a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others, the applicant shall provide an affidavit disclosing all persons and entities having a beneficial interest in the property in the form required by the District; and
 - (9) A copy of the easement, reserving deed, or other information relating to the easement or reserving deed, including number, date, recording data and grantee.
- (c) Terms and Conditions Specific to Canal Reservations, Right-of-Way Interests, Canal Easements and Canal Maintenance Easements.
- (1) District Canal Reservations, Right-of-Way Interests, Canal Easements and Canal Maintenance Easements. The District may release, upon application of the underlying fee owner or its agent, any District canal reservations, right-of-way interests, canal easements, and canal maintenance easements in whole or in part under the following circumstances:
 - a. The District determines that the lands in the requested release are not required in the overall flood control project, or any District project, or for use in an area in which there is not an existing secondary plan of water control; or
 - b. The lands are in an area with a secondary plan of water control that has been designed and approved and the right-of-way requested to be released is not required in said plan; and
 - c. The District determines that such reservation or easement, or portion thereof, to be released has no other present or apparent future use to the District.
 - (2) Trustees of the Internal Improvement Trust Fund and State School Board Canal Reservations. Rule 15Q 011(2), Florida Administrative Code, requires District approval prior to releases of canal reservations reserved by the Trustees of the Internal Improvement Trust Fund or the State School Board. Upon receipt of a copy of a Department of Environmental Protection release application, accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code, the District will process such application in the same manner and with the same criteria as an application for release of District canal reservations. However, since the District holds no interest in these reservations, with respect to parcels that are less than five acres, approval may be determined by the Executive Director, or the Director's designee, without the necessity of obtaining Board action.
 - (3) Upon receipt of an application, the District will seek the concurrence of appropriate governmental entities having a possible use for the canal reservations, right-of-way interests, canal easements or canal maintenance easements to be released. The governmental entities shall have 30 days from date of notice to respond. Failure of any such governmental entity to respond within the allotted time frame shall constitute an indication of no objection.
 - (4) All releases shall be according to terms and conditions approved by the Board. Such conditions may include:

- a. With respect to releases applicable to any right-of-way interests, canal easements or canal maintenance easements for which the District originally paid consideration to obtain, it may be a condition of such release that the applicant pay to the District at least the pro rata share of that portion of the right-of-way interest, canal easement or canal maintenance easement to be released originally paid by the District.
 - b. In the event the District only releases a portion of the right-of-way interest, canal easement or canal maintenance easement applicable to the applicant's land, the District, as a condition of such partial release, may require the applicant to execute such documents and instruments required by the District in order to clarify, further define and/or improve the quality of title of the interest to be retained by the District. In such event, the applicant will be required to provide title assurance acceptable to the District.
 - c. The District may require the applicant to make such improvements and to assume ongoing maintenance responsibilities to the canal, canal bank and any overbank areas, such as installation of sea walls, rip-rap and other structures and improvements determined to be appropriate by the Board.
 - d. The District may require such other terms and conditions which are determined by the Board to be appropriate in connection with a specific release.
- (d) Terms and Conditions Specific to Road Reservations. The District may release road reservations in whole or in part under the following conditions:
- (1) State road reservations. The Florida Department of Transportation has approved the requested release.
 - (2) County road reservations. The County Engineer of the affected county has approved the requested release.
- (e) Terms and Conditions Specific to Oil, Gas and Mineral Reservations.
- (1) Releases.
 - a. In connection with applications made by non-governmental entities or persons, the District may release oil, gas and mineral reservations under the following conditions:
 - 1. The lands will be used for residential purposes; and
 - 2. The surface area is not greater than two acres.
 - b. In connection with applications made by governmental entities, the District may release oil, gas and mineral reservations regardless of the size of the parcel, provided the lands will be used for governmental purposes, including conservation and preservation purposes.
 - (2) Non-Use Commitments. The District may agree not to exercise rights of ingress and egress reserved with oil, gas and mineral reservations if the lands do not qualify for a release under section 110-166(e)(1). The District may issue a non-use commitment under the following conditions:
 - a. In the event oil, gas or minerals shall be produced from the land, the non-use commitment shall thereupon become extinguished and the right to make use of the reserved interest in the District in oil, gas and other minerals shall revert;
 - b. The lands are to be used for residential, industrial, commercial, conservation, governmental, or preservation purposes;
 - c. The landowner has applied for and obtained any permits required from the District; and
 - d. The provisions of this section 110-166(e) shall not apply to oil, gas and mineral reservations to be reserved pursuant to section 270.11, Florida Statutes, which are released pursuant to section 110-163(c)(6). If such oil, gas and mineral reservations to be reserved pursuant to Section 270.11, Florida Statutes, are not released pursuant to said section 110-163(c)(6),

then any subsequent application made by an applicant for release thereof shall be treated in accordance with the procedures and provisions of this section 110-166(e).

- (f) Terms and Conditions Specific to Easements Other Than Those Referenced in Section 110-166(c), (d) and (e). In addition to the sale or exchange of easements as surplus lands in the manner and procedure as set forth in section 110-163, easements acquired by the District, other than those easements and reservations referenced in section 110-166(c), (d) and (e), may be released, upon application of the underlying fee owner or its agents, under the procedure provided for the sale or exchange of District surplus lands as set forth in section 110-163. Since a release made in response to an application by the underlying fee owner, or its agents, is not considered a sale of District lands, the provisions of section 110-163(d)(1) shall not be applicable. As a condition of such release, the applicant shall be required to pay to the District the appraised value of the easement to be released as determined in accordance with section 110-163(c)(2).

(R.M. No. 42; Res. No. 2012-306, § 1(Exh. A), 3-15-2012)

Sec. 110-167. - Conveyances to Other Governmental Entities.

- (a) General. The District may convey, dedicate, lease, exchange, or grant lands to other governmental entities, including state agencies, counties, municipalities, drainage or county water management Districts or other governmental bodies, all on terms and conditions approved by the Board. Any conveyance, dedication or grant shall be to effectuate the public purposes of the other governmental entity.
- (b) Easements.
 - (1) Applications. Requests for easements across District lands shall comply with the provisions of section 110-163(b) and shall set forth the public need for the request.
 - (2) Terms and Conditions:
 - a. Before the District may grant easements with respect to lands acquired pursuant to the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.
 - b. Except in cases where the District estimates the value of the requested easement or right-of-way to be less than \$5,000, an appraisal of the lands to be sold or exchanged must be prepared and dated within 120 days prior to the date the proposed easement or right-of-way is to be considered by the Board. The District may require the applicant to provide such appraisal or may make such appraisal itself. If the District requires the applicant to provide such appraisal, then it shall be made by an appraiser with qualifications acceptable to the District. If the District elects to make the appraisal, the applicant shall immediately deposit the estimated cost of the appraisal with the District. The District reserves the right to reject any and all appraisals.
 - c. The Board may require such other terms and conditions which are determined appropriate by the Board.
 - (3) Utility Easements. In the event any utility requires the District to grant to such utility a utility easement across District lands as a condition to providing utility services to District property, such easements shall be exempt from the other requirements and provisions of this section 110-167(b). The terms and conditions of such utility easements shall be as determined and approved by the Board.
- (c) Dedications of District Lands.
 - (1) Applications. Requests for dedications of District lands shall include the following information:
 - a. A request for dedication by the applicant, setting forth the public need, the proposed specific public use, the legal description and acreage of the land sought, the use of the proceeds

from the land and its use, manner of administration, whether commercial concessions are contemplated, and assurance as to the development and use within a specified time;

- b. A sketch and accurate legal description, including the acreage, of the land. If the sketch is not adequate to identify the land to the satisfaction of the District, the District may require a boundary survey prepared in accordance with section 110-162(e)(3);
- c. A copy of the development plan; and
- d. Other survey or engineering data necessary to evaluate the request for dedication.

(2) Terms and Conditions:

- a. Before the District may grant dedications with respect to lands acquired pursuant to the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.
- b. The Board may require such other terms and conditions which are determined appropriate by the Board.

(d) Use of Canal Reservations for Secondary Construction.

(1) Applications. Requests for use of canal reservations held by the District or which are subject to transfer to the District from the Board of Trustees of the Internal Improvement Trust Fund for secondary construction shall include the following information:

- a. The governmental entity's name and address;
- b. A sketch of the lands showing the proposed secondary drainage project to be covered by the requested transfer;
- c. A statement by the applicant requesting the transfer, setting forth the public need for the secondary drainage project, a legal description and acreage of the parcel sought, an assurance that the reservations are to be utilized for drainage facilities and no other purpose, and that they are needed for the applicant's drainage plans;
- d. A statement attesting that the reservations have not been released of record or otherwise invalidated; and
- e. Other survey or engineering data necessary to evaluate the request for use of canal reservations.

(2) Terms and Conditions:

- a. The District will transfer canal reservations pursuant to this subsection only to appropriate governmental entities, including state agencies, counties, municipalities, drainage or county water management Districts or such other similar public or quasi-public bodies.
- b. The Board may require such other terms and conditions which are determined appropriate by the Board.

(e) Conveyances or Exchanges.

(1) Applications. Requests for conveyances or exchanges of District lands shall comply with the provisions of section 110-162(b), and shall set forth the public need.

(2) Terms and Conditions:

- a. The Board shall determine whether the land requested is surplus and available for sale or exchange in accordance with the provisions of section 110-163(a) and (c)(1).
- b. Except in cases where the District estimates the value of the land to be less than \$5,000, a current appraisal of the lands to be sold or exchanged must be prepared and dated within 120 days prior to the date the proposed sale or exchange is to be considered by the Board. The District may require the applicant to provide such appraisal or may make such an appraisal itself. If the District requires the applicant to provide such appraisal, then it shall be

made by an appraiser with qualifications acceptable to the District. If the District elects to make the appraisal, the applicant shall immediately deposit the estimated cost of the appraisal with the District. The District reserves the right to reject any and all appraisals.

- c. All funds received from the sale of surplus lands which were originally acquired with funds from the Water Management Lands Trust Fund shall be used to purchase other lands meeting the criteria specified in Section 373.59, Florida Statutes.
- d. All funds received from the sale of surplus lands which were originally purchased with funds from the Florida Preservation 2000 Trust Fund must be deposited into the Florida Preservation 2000 Trust Fund pursuant to Section 259.101(6), Florida Statutes.
- e. All lands to be exchanged which were originally acquired with funds from the Water Management Lands Trust Fund shall be in return for other lands meeting the criteria specified in Section 373.59, Florida Statutes. All funds received in connection with an exchange of lands which were originally acquired with funds from the Water Management Lands Trust Fund shall be used to purchase other lands meeting the criteria specified in Section 373.59, Florida Statutes.
- f. All lands to be acquired in exchange for District lands which were originally acquired with funds from the Florida Preservation 2000 Trust Fund must be described in the same paragraph of Section 259.101(3), Florida Statutes, as the District lands to be disposed of.
- g. The District may require such other terms and conditions which are determined appropriate by the Board.

(f) Leases.

- (1) Requests for leases of District lands shall comply with the provisions of section 110-165(b), and shall set forth the public need.
- (2) Terms and Conditions:
 - a. All leases shall be on the terms and conditions approved by the District.
 - b. Before the District may lease land acquired pursuant to the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.
 - c. Before the District may lease land acquired with funds from the Water Management Lands Trust Fund, the requirements of Section 373.59, Florida Statutes, must be complied with.
 - d. The Board may require such other terms and conditions which are determined appropriate by the Board.

(R.M. No. 42)