

House Bill No. 591

An act relating to the Melbourne-Tillman Water Control District, Brevard County; amending ch. 2001-336, Laws of Florida; amending district boundaries; amending the powers and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, to authorize the district to sell, lease, or otherwise dispose of real property; providing the procedure for such sale, lease, or other disposition; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 3 of section 3 of chapter 2001-336, Laws of Florida, is amended, and section 32 is added to said section, to read:

Section 3. Special district.—There is hereby created and incorporated the Melbourne-Tillman Water Control District, a dependent special district, for the purpose of constructing, reconstructing and repairing, maintaining, and operating a surface water management system. The boundaries of the District are:

All of Township 29 South, Range 36 East, and portions of Township 29 South, Range 37 East, Township 28 South, Range 36 East and Township 28 South, Range 37 East in Brevard County, Florida being more particularly described as follows:

Township 29 South, Range 37 East:

The West $\frac{1}{2}$ of Sections 3, 27 and 34, and all of Sections 4 through 9, 16 through 21, and 28 through 33, and the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 34.

Township 28 South, Range 36 East:

The South $\frac{1}{2}$ of Sections 1 through 5, the Southeast $\frac{1}{4}$ of Section 6, and all of Sections 7 through 36.

All of Sections 20 and 29 located within Township 28 South, Range 36 East shall be annexed into the City of Palm Bay.

Township 28 South, Range 37 East:

(a) The Southwest $\frac{1}{4}$ of Section 6, the West $\frac{1}{2}$ and Southeast $\frac{1}{4}$ of Section 7, the West $\frac{1}{2}$ of Section 17, the South $\frac{1}{2}$ of Section 21, a portion of the Southwest $\frac{1}{4}$ of Section 22 described as the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, less Parcel 543, the South $\frac{1}{2}$ of Section 27, less a portion of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ described as the area bounded by the west section line, then southerly along the section line to a point 419 feet distant, then easterly to a point along the east section line 450 feet southerly of the midpoint of the east section line, then northerly along the section line to the midpoint of the section line, then westerly to the midpoint of the west section line, the point of beginning, the West $\frac{1}{2}$, Northeast $\frac{1}{4}$ and a portion of the Southeast $\frac{1}{4}$ described as

the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ and Lot 4 and the West $\frac{1}{2}$ of Lot 3, all within Section 34, the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35, and all of Sections 18 through 20, and 28 through 33.

(b) Tracts 1, 2, 3 & 4 of the Garner Acres Plat, a replat of a portion of Central Highlands, as recorded in Plat Book 47, Page 13, of the Public Records of Brevard County, Florida, lying in Section 8.

(c) Tax I.D. Parcels 503, 505, 507 & 508 lying in Section 8.

(d) Lot 29, Florida Indian River Land Company, as recorded in Plat Book 1, Page 164, of the Public Records of Brevard County, Florida, lying in Section 17.

The District shall constitute a dependent special district under the laws of the state.

Section 32. Disposition of real property.—

(1) The Board of Directors is authorized to sell, lease, or otherwise convey or dispose of any lands or any interests or rights in lands to which the District has title, or to which it may hereafter acquire title, whenever the Board of Directors determines it is in the best interest of the District to do so at the best price and terms obtainable, for such terms and conditions as the Board of Directors may in its discretion determine. The power to sell, lease, or otherwise convey granted herein specifically includes the power by the District to enter into public or private partnerships regarding District lands upon such terms and conditions as the Board of Directors may in its discretion determine. However, any conveyance or agreement must be for a public purpose.

(a) All sales of land, interests or rights in land, or the lease of any interests in land shall be for cash or upon terms and security to be approved by the Board of Directors. No deed shall be executed and delivered for any sale until full payment is made and received by the District.

(b) Before selling or leasing any land or any interest or rights in and to any land, it shall be the duty of the District to cause a notice of intention to sell or lease to be published in a newspaper of general circulation published in Brevard County no less than once each week for 2 successive weeks. The first publication shall be not less than 15 days nor more than 30 days prior to the meeting at which the proposed sale or lease will be considered. The notice shall set forth a description of the lands or interests or rights in lands offered for sale or lease.

(c) Deeds of conveyance of lands, the titles to which are held by the District or in the name of its Board of Directors, shall be by special warranty deed.

(d) All deeds of conveyance or leases held by the District or by its Board of Directors shall convey or lease only the interest of the District or its Board of Directors in the property covered thereby.

(2) The Board of Directors may exchange lands or interests or rights in lands owned by the District, or lands or interests or rights in lands for which title is otherwise vested in the District, for other lands or interests or rights in lands within the state owned by any person. The Board of Directors shall fix the terms and conditions of any such exchange and may pay or receive any sum of money that the Board of Directors considers necessary to equalize the values of exchanged properties. Before any exchange of property is effected, notice of the meeting at which said exchange is considered shall be published in a newspaper of general circulation published in Brevard County prior to the adoption by the Board of Directors of a resolution authorizing the exchange of properties. Notice shall be published at least once not less than 7 days nor more than 14 days prior to the meeting at which the resolution will be considered.

(3) In the event that the District seeks to purchase property, it may utilize the procedures set forth in section 166.045, Florida Statutes, and any amendments thereto.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 25, 2003.

Filed in Office Secretary of State June 25, 2003.