

By Senator Posey

15-1671-02

See HB 1929

1                                   A bill to be entitled  
2           An act relating to the Melbourne-Tillman Water  
3           Control District, Brevard County; amending  
4           chapter 2001-336, Laws of Florida; amending  
5           district boundaries; amending the powers and  
6           duties of the Melbourne-Tillman Water Control  
7           District, a dependent special district in  
8           Brevard County, to authorize the district to  
9           sell, lease, or otherwise dispose of real  
10          property; providing the procedure for such  
11          sale, lease, or other disposition; providing an  
12          effective date.

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

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

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

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

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Township 29 South, Range 37 East:

The West 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 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 34.

Township 28 South, Range 36 East:

The South 1/2 of Sections 1 through 5, the Southeast 1/4 of Section 6, and all of Sections 7 through 36.

Township 28 South, Range 37 East:

(a) The Southwest 1/4 of Section 6, the West 1/2 and Southeast 1/4 of Section 7, the West 1/2 of Section 17, the South 1/2 of Section 21, a portion of the Southwest 1/4 of Section 22 described as the West 1/2 of the Northwest 1/4 of the Southwest 1/4, less Parcel 543, the South 1/2 of Section 27, less a portion of the North 1/2 of the South 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

1 the midpoint of the west section line, the  
2 point of beginning, the West 1/2, Northeast 1/4  
3 and a portion of the Southeast 1/4 described as  
4 the North 1/2 of the Southeast 1/4 and Lot 4  
5 and the West 1/2 of Lot 3, all within Section  
6 34, the West 1/2 of the Northwest 1/4 and  
7 Northwest 1/4 of the Southwest 1/4 of Section  
8 35, and all of Sections 18 through 20, and 28  
9 through 33.

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11 (b) Tracts 1, 2, 3 & 4 of the Garner Acres  
12 Plat, a replat of a portion of Central  
13 Highlands, as recorded in Plat Book 47, Page  
14 13, of the Public Records of Brevard County,  
15 Florida, lying in Section 8.

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

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

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

27 Section 32. Disposition of real property.--

28 (1) The Board of Directors is authorized to sell,  
29 lease, or otherwise convey or dispose of any lands, or any  
30 interests or rights in lands to which the District has title,  
31 or to which it may hereafter acquire title, whenever the Board

1 of Directors determines it is in the best interest of the  
2 District to do so at the best price and terms obtainable, for  
3 such terms and such conditions as the Board of Directors may  
4 in its discretion determine. The power to sell, lease, or  
5 otherwise convey granted herein specifically includes the  
6 power by the District to enter into public-private  
7 partnerships regarding District lands upon such terms and  
8 conditions as the Board of Directors may in its discretion  
9 determine.

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

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

25 (c) Deeds of conveyance of lands, the titles to which  
26 are held by the District or in the name of its Board of  
27 Directors, may be in substantially the following form:

28  
29 THIS DEED, MADE THIS \_\_\_\_ day of \_\_\_\_\_,  
30 \_\_\_\_\_ BY MELBOURNE-TILLMAN WATER CONTROL  
31 DISTRICT, A DEPENDENT SPECIAL DISTRICT OF THE

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STATE OF FLORIDA, PARTY OF THE FIRST PART, AND  
\_\_\_\_\_, PARTY OF THE SECOND  
PART.

WITNESSETH:

THAT THE SAID PARTY OF THE FIRST PART, FOR AND  
IN CONSIDERATION OF THE SUM OF \_\_\_\_\_  
DOLLARS, TO IT IN HAND PAID BY THE PARTY OF THE  
SECOND PART, RECEIPT WHEREOF IS HEREBY  
ACKNOWLEDGED, HAS GRANTED, BARGAINED, AND SOLD  
TO THE PARTY OF THE SECOND PART, HIS, HER, OR  
ITS HEIRS AND ASSIGNS FOREVER, THE FOLLOWING  
DESCRIBED LAND LYING AND BEING IN BREVARD  
COUNTY, FLORIDA:

(LEGAL)

IN WITNESS WHEREOF, THE SAID PARTY OF THE FIRST  
PART HAS CAUSED THESE PRESENTS TO BE EXECUTED  
IN ITS NAME BY ITS BOARD OF DIRECTORS ACTING BY  
THE CHAIR OR VICE-CHAIR OF SAID BOARD, THE DAY  
AND YEAR AFORESAID.

MELBOURNE-TILLMAN WATER  
CONTROL DISTRICT

(OFFICIAL SEAL)

BOARD OF DIRECTORS

ATTEST:  
\_\_\_\_\_

By: \_\_\_\_\_  
Its \_\_\_\_\_

CLERK

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2       (d) No such deed of conveyance shall be required to be  
3 witnessed or acknowledged, but shall be entitled to record  
4 when properly executed.

5       (e) All deeds of conveyance or leases by the District  
6 or by its Board of Directors shall convey or lease only the  
7 interest of the District and/or its Board of Directors in the  
8 property covered thereby, and shall not be deemed to warrant  
9 the title to any property sold, leased, released, or conveyed  
10 or to represent any state of facts concerning same.

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

27       (3) In the event that the District seeks to purchase  
28 property, it may utilize the procedures set forth in section  
29 166.045, Florida Statutes, and any amendments thereto.

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