

DATE: 09/01/2009 01:26:50 PM

FILE #: 2009074914 OR BK 05247 PGS 0693-0698

RECORDING FEES 52.50

INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

THIS INTERAGENCY AGREEMENT is made as of May 18, 2009, and entered into by and between the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ("SJRWMD") and the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("SWFWMD"), (collectively "Districts") with the concurrence of the CITY OF OCALA ("City") and the BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA ("County").

WITNESSETH:

WHEREAS, the City of Ocala and Marion County are located within the jurisdictional boundaries of both Districts; and

WHEREAS, on February 18, 2008, the Districts, with the concurrence of Marion County, entered into a short-term (one year) Interagency Agreement ("Agreement") for the unincorporated areas of the County, regarding division of the Districts' regulatory authority over water conservation, water shortages and water shortage emergencies; and

WHEREAS, the Districts renewed and extended the Agreement for two months so that the Districts could have additional time to determine the terms of a new agreement; and

WHEREAS, the Districts now desire to enter into a new Interagency Agreement regarding the issue of regulatory authority within the City and the unincorporated areas of the County for small landscape irrigation water uses, water shortages and water shortage emergencies; and

WHEREAS, both the City and County have informed the Districts of their desire to adopt and enforce uniform landscape irrigation ordinances and to enforce water shortages orders and water shortage emergency orders on a countywide and citywide basis; and WHEREAS, pursuant to subsection 373.046(6), F.S., when a geographic area of a local government crosses water management district boundaries, the affected districts may designate, by interagency agreement, a single affected district to implement in that area under the rules of the designated district, all or part of the applicable regulatory responsibilities.

NOW, THEREFORE, SJRWMD and SWFWMD, under the authority of subsection 373.046(6), F.S., hereby agree as follows:

1. SJRWMD is designated as the agency with the authority to regulate under Part II, Chapter 373, F.S., those consumptive uses of water for landscape irrigation that do not meet or

INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

exceed any permitting threshold in Rule 40C-2.041(1)(a)-(d), F.A.C. As such, the provisions of SJRWMD's landscape irrigation rule (Rule 40C-2.042(2)(a)-(c) and (8), F.A.C., shall be in full force and effect within all areas of the City and all unincorporated areas of the County, except that unincorporated area lying within The Villages of Marion, FQD. Lawn and landscape irrigation within the Villages of Marion, FQD shall be subject to the jurisdiction of the SWFWMD pursuant to Chapter 22, F.A.C.

2. SJRWMD is designated as the agency with the authority to declare water shortages and water shortage emergencies pursuant to sections 373.175 and 373.246, F.S., and Chapter 40C-21, F.A.C., within all areas of the City and all unincorporated areas of the County, except that unincorporated area lying within The Villages of Marion, FQD. The SWFWMD is designated as the agency with the authority to declare water shortages and water shortage emergencies pursuant to section 373.175 and 373.246, F.S. within the Villages of Marion, FQD.

3. This Agreement shall commence upon execution by the Districts, with the concurrence of the City and the County, and shall continue in full force and effect unless otherwise amended in writing by the Districts. Either District may terminate this Agreement upon thirty (30) days prior written notice to the other District.

4. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, each party or its lawful representative has executed this Agreement on the day and year first above written.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK]

INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

Attest: Dianne M Brass

By: David L. Moore 4-28-09
David L. Moore
Executive Director

Approved As to Form and Content <u>[Signature]</u> SWFWMD Attorney
--

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK]

INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

Attest: W.H. Cryer

By: Kirby B. Green III

Kirby B. Green III
Executive Director

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK]

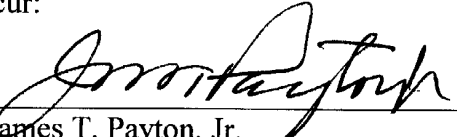
INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

Attest:

By: 

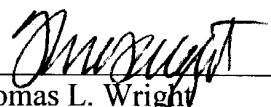
David R. Ellspermann
Clerk of the Court

Concur:

By: 

James T. Payton, Jr.
Chairman, Marion County BCC
BCC Approved: 5-19-09

Approved as to Form and Legal Sufficiency:

By: 

Thomas L. Wright
Marion County Attorney

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK]

Concur:
Page 5 of 6

Exhibit B

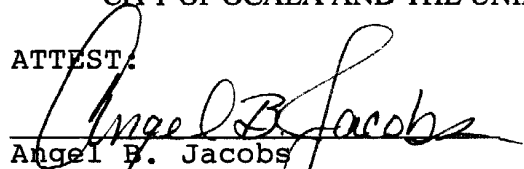
July 7 2009

DATE

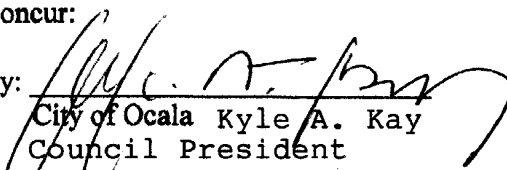
OFFICE OF THE CITY CLERK

INTERAGENCY AGREEMENT BETWEEN THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,
FLORIDA

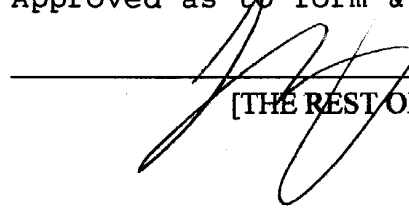
ATTEST:

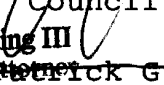

Angel B. Jacobs
Interim City Clerk

Concur:

By: 
City of Ocala Kyle A. Kay
Council President

Approved as to form & legality:


W. James Gooding III

~~Assistant City Attorney~~  Derrick G. Gilligan, City Attorney

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK]