

RESOLUTION OF TRUSTEES OF INTERNAL
IMPROVEMENT FUND OF THE STATE OF
FLORIDA DATED THIS 23rd DAY OF
OCTOBER, A. D. 1956.

WHEREAS, in settlement with the Florida East Coast Railway Company on December 14, 1912, the Trustees executed and delivered to the Railway Company their Deed No. 16,396, in satisfaction of all land claims against the State of Florida by virtue of Legislative land grants from the State to the Railway Company for railroad construction, a copy of the Settlement Minutes of December 14, 1912, and said Deed are each incorporated in these Minutes by reference; and

WHEREAS, as a part of said settlement it was covenanted and agreed in said Deed between the Trustees of the Internal Improvement Fund and the Florida East Coast Railway Company as follows:

"It is understood and agreed between the parties hereto that the parties of the first part shall not survey nor cause to be surveyed nor assume any cost or expense for surveying any or all lands embraced in this deed which have not been heretofore already surveyed by the United States Government.

"And Furthermore that as the lands conveyed herein are estimated as to acreage or number of acres conveyed, the Trustees shall not be held liable for any deficiency nor shall the grantee be liable to the Trustees or parties of the first part for any excess.";

and

WHEREAS, in reliance upon said covenants, the Railway Company on July 22, 1914 caused this land on the mainland of Florida and South of Township 58 South and West of Range 37 East, to be platted by one A. A. Dooley into sections of more than the standard size of 640 acres each, and caused said Plat to be recorded on the Public Records of Dade County, Florida, on July 22, 1914 in Plat Book 2 at Page 94, and thereafter sold large quantities of said land in accordance with said Plat, which showed 800 acre sections; and

WHEREAS, it is essential to the moral and economic well-being of the State of Florida that the Trustees honor and abide by their covenants and agreements, particularly when innocent

third parties rely thereon and are induced to rely thereon by placing such covenants on the Public Records; and

WHEREAS, it has always been the policy of the Trustees to honor and abide by their covenants and agreements when such matters are brought to their attention; and

WHEREAS, without personal knowledge of the covenants and agreements set forth in Deed No. 16,396, the Trustees on March 15, 1955, by resolution of that date, authorized Mr. F. C. Elliott, at the inducement of the Land Acquisition Staff of the National Park Service, to survey lands in Townships 59 and 60 South, Range 35 East, in which lands the Trustees have no interest as said lands are within the confines of the Everglades National Park; and

WHEREAS, Mr. F. C. Elliott, as Chief Drainage Engineer, has prepared special survey instructions dated May 16, 1955 and June 15, 1955 by which the aforesaid lands have been surveyed by private surveyors hired by the Trustees and thereafter reduced to field notes and maps, which have been made official surveys of the State of Florida and filed as such on February 7, 1956, in the Office of the Commissioner of Agriculture approved by Mr. F. C. Elliott under the provisions of Sections 253.39-.41, Florida Statutes; and

WHEREAS, it is now apparent to the Trustees (in the light of the incontrovertible facts: that the survey in question was not sought by the National Park Service until after an adverse ruling by the Court of Appeals for the Fifth Circuit, (212 F.2d. 170) and that a survey was only sought with respect to those lands in litigation) and that the same might be attempted to be used by the Land Acquisition Staff of the National Park Service as a means of obtaining acreage without compensation therefor, through the creation of an artificial hiatus, in litigation pending before the United States District Court for the Southern District of Florida, which litigation has been pending for several years prior to the action of the Trustees on March 15, 1955; and

WHEREAS, the Trustees do not desire to violate the covenants of their Deed No. 16,396, nor do they desire to interfere on one side or the other in litigation pending before the United States District Court for the Southern District of Florida; and

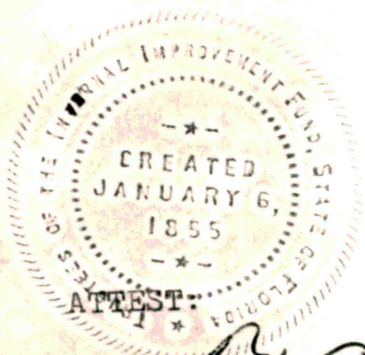
WHEREAS, subsequently the Trustees have authorized said additional surveys of said lands and said survey instructions for such, and the results thereof are being asserted as having a bearing on the interpretation of the amount of land embraced in said Deed No. 16,396; and

WHEREAS, such is contrary to the intentions of the Trustees;

NOW, THEREFORE, be it RESOLVED that the Trustees expect the Courts having jurisdiction of the pending controversy to construe said Deed No. 16,396 in the light of its express terms and circumstances and conditions surrounding its issuance, and that the subsequent acts of the Trustees relating in any way to the survey of the land involved are not intended, and should not be construed, to diminish to any degree the quantity of lands acquired under the aforesaid deed by the grantee therein and its successors in title.

BE IT FURTHER RESOLVED that the Secretary of this Board attach a copy of this Resolution to each of said maps and said survey instructions.

PASSED AND ADOPTED this 23rd day of October, 1956.



TRUSTEES OF THE INTERNAL IMPROVEMENT
FUND OF THE STATE OF FLORIDA

BY

LeRoy Collins
Governor

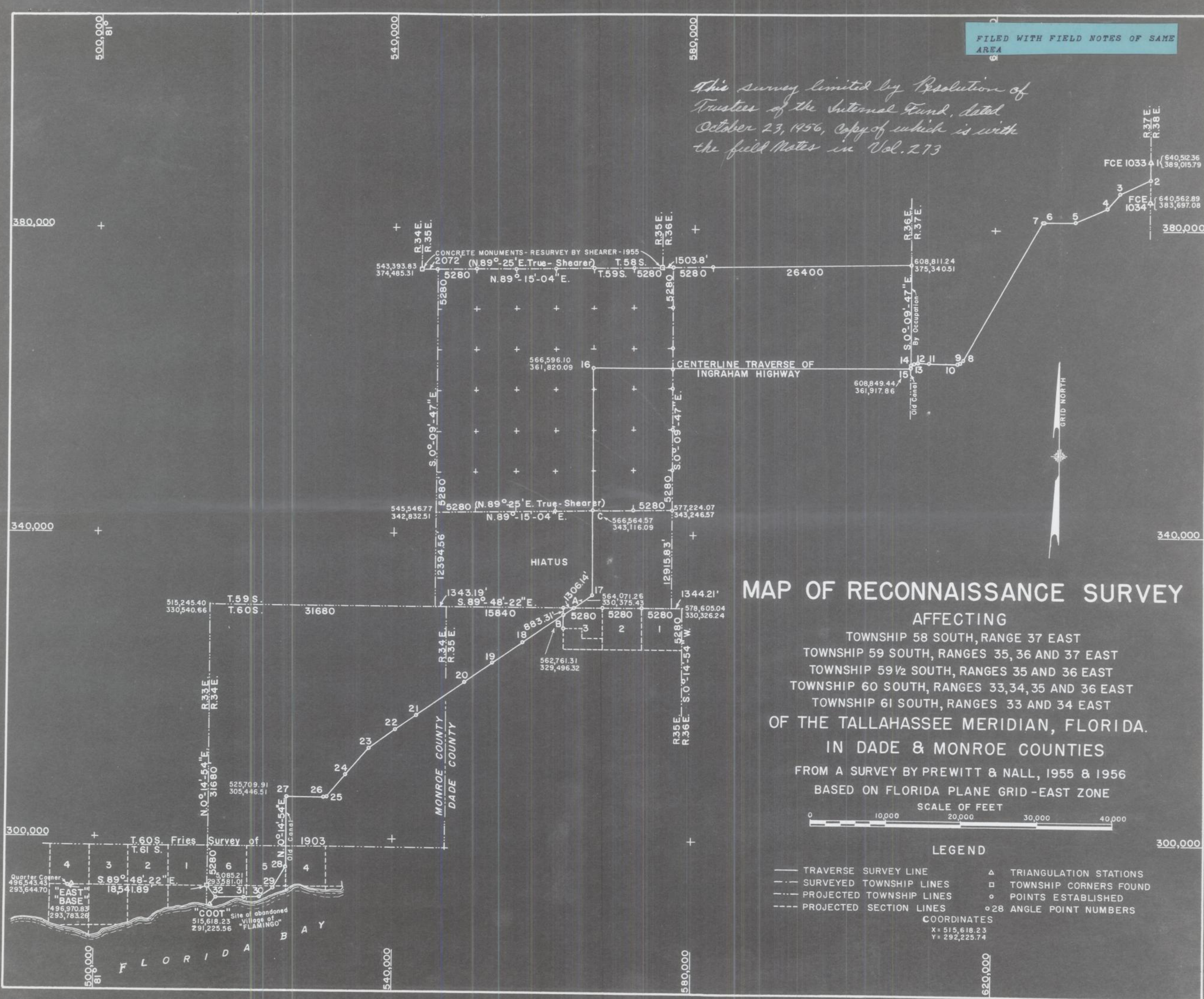
Ray E. Green
Comptroller

Edwin Larson
Treasurer

Richard W. Ewing
Attorney General

W. A. Riffe
Commissioner of Agriculture

This survey limited by Resolution of Trustees of the Internal Fund, dated October 23, 1956, copy of which is with the field notes in Vol. 273

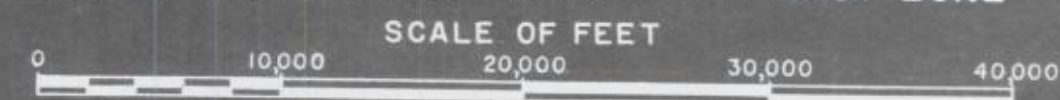


MAP OF RECONNAISSANCE SURVEY

AFFECTING

TOWNSHIP 58 SOUTH, RANGE 37 EAST
TOWNSHIP 59 SOUTH, RANGES 35, 36 AND 37 EAST
TOWNSHIP 59 1/2 SOUTH, RANGES 35 AND 36 EAST
TOWNSHIP 60 SOUTH, RANGES 33, 34, 35 AND 36 EAST
TOWNSHIP 61 SOUTH, RANGES 33 AND 34 EAST
OF THE TALLAHASSEE MERIDIAN, FLORIDA.
IN DADE & MONROE COUNTIES

FROM A SURVEY BY PREWITT & NALL, 1955 & 1956
BASED ON FLORIDA PLANE GRID - EAST ZONE



LEGEND

- TRAVERSE SURVEY LINE
- - - SURVEYED TOWNSHIP LINES
- - - PROJECTED TOWNSHIP LINES
- - - PROJECTED SECTION LINES
- △ TRIANGULATION STATIONS
- TOWNSHIP CORNERS FOUND
- POINTS ESTABLISHED
- 28 ANGLE POINT NUMBERS

COORDINATES

X = 515,618.23
Y = 292,225.74