

EXECUTIVE SUMMARY

PROJECT: Kissimmee River Restoration and Headwaters Revitalization Project
COUNTY: Osceola
STRUCTURE: 1820E-026 – Richard Haskins, Belynda Haskins, Barbara Jones
PURPOSE: Authorize a settlement regarding the District’s recovery of possession of one occupied structure and declare structure surplus to District needs.

BACKGROUND/CONSIDERATIONS: On July 8, 1994, the District acquired lands identified as Tract No. 18205-001 for the Kissimmee River Restoration and Headwaters Revitalization Project (hereinafter “Project”) in Osceola County. At the time of the acquisition of the lands, District staff determined that certain fish camp structures occupied by individuals on a weekend basis were located outside of the boundary of the acquired lands. Consequently, the District did not pursue actions to secure possession and remove the structures at such time.

In June of 2010, the District was notified by the Code Enforcement Department of Osceola County that there were numerous code violations associated with these structures and that the District as owner of the property was responsible for ensuring code compliance.

To ascertain whether the structures are located on District lands, the District obtained an Ordinary High Water Line survey relating to Lake Cypress and the land area where the structures were located. The results of the survey, which were reviewed and approved by the Florida Department of Environmental Protection, revealed that substantially all six of the structures are located above the Ordinary High Water Line and therefore on the District-owned lands. A portion of the structures located below the Ordinary High Water line are on State lands which are leased to the District for Project purposes. The occupants maintain that they or their predecessors constructed the cabins under oral agreement with the prior landowner and have had use of the cabins for at least 30+ years.

In November/December 2011, the District sought to negotiate voluntary settlements with the occupants but were not successful.

In January, 2012, the District’s Governing Board approved authorization to initiate the appropriate legal proceedings to recover possession. The District has since sent notices to the cabin occupants to vacate the premises.

At the March 15, 2012 meeting, the District’s Governing Board approved settlements with the occupants of three of the six structures pursuant to Resolution No. 2012-303. At the April 12, 2012 meeting, the District’s Governing Board approved settlements with the occupants of an additional one of the six structures pursuant to Resolution No. 2012-409. Subsequently, the District has closed on all four of those approved settlements.

Subsequently, discussions with the attorney representing the cabin occupants has led to the proposed settlement providing compensation for one (1) additional structure plus attorney’s fees and a right of occupants at their own costs to remove the structure and contents prior to closing.

<u>Structure No.</u>	<u>Structure Owner</u>	<u>Structure Appraised Value</u>	<u>Settlement Amount</u>	<u>Atty. Fees</u>
1820E-026	Barbara Jones, Richard & Belynda Haskins	\$60,000.00	\$81,600.00 (+36%)	\$2,500.00

The occupants of the remaining one structure have not yet reached a settlement of the matter.

FISCAL IMPACT: All costs associated with the settlement are to be funded through ad valorem funds (Capital Projects Okeechobee).

RECOMMENDATION: That the Governing Board of the South Florida Water Management District authorizes settlement regarding the District's recovery of possession of this occupied structure within the Kissimmee River Restoration Project, Osceola County and declare the structure surplus to District needs.

Persons and Entities for conflict check:

Barbara Jones
Richard Haskins
Belynda Haskins
David Holloway, Esq.
Simon & Holloway, P.A.