

LAND ACQUISITION EXECUTIVE SUMMARY

PROJECT: Kissimmee River Restoration and Headwaters Revitalization

COUNTY: Okeechobee

SIZE: 303.70 acres (Fee: 263.53 acres; Easement: 40.17 acres)

PURPOSE: Approve and authorize final purchase offer for voluntary acquisition of fee simple interest and perpetual flowage and inundation easements and Authorize Eminent Domain for the acquisition in the event that the final purchase offer is not accepted by the owners.

OWNERS: Montoya Ranch, Inc.
Bonnie Luna Byars
BLB Holdings, Inc.
Patrick Henry Luna

APPRAISED VALUE: **\$1,231,087**

FINAL OFFER: **\$1,354,194 (10% above appraisals)**

HIGHLIGHTS: These lands are located in Okeechobee County and are required for the Project. After several attempts, the District has been unsuccessful in negotiating the voluntary purchase of these tracts. In an effort to bring these acquisitions to finality, District staff is requesting authority to make a final written offer totaling \$1,354,194, 10% over appraised values. If the land owners fail to accept, approval of the Governing Board item will also grant authority to file condemnation actions.

CONSIDERATIONS: This acquisition involves the acquisition of fee simple interest and perpetual flowage and inundation easements in Okeechobee County. The Project, which includes measures to reestablish the historic river channel and floodplain, including the backfilling of certain portions of the C38 Canal, all of which will cause the water levels in the restored river to fluctuate in a manner that may impact certain lands. Specifically, the U.S. Army corps of Engineers ("USACE") is finalizing the design and construction plans for USACE Contract 12 which will include the backfilling of portions of the C38 Canal located in the vicinity of the subject lands causing potential impacts to the subject lands. As the USACE's current schedule for Contract 12 identifies July 1, 2012 for commencement of construction, in order to have the requisite time to certify the land interests to the USACE and allow the USACE time to advertise and bid the Contract 12, condemnation/acquisition of the subject fee and easement interests is required now. The acquisition of fee simple interest, comprising 263.53 acres, and perpetual flowage and inundation easements, comprising 40.17 acres, for a combined total of 303.70 acres, is a necessary part of the Project in Okeechobee County.

FISCAL IMPACT: The final purchase offer of \$1,354,194 is 10% over the appraised value based on our approved appraisal dated July 24, 2011. Should the owners not accept the offer within 30 days, the District would initiate eminent domain proceedings. The final condemnation settlement cost of the subject lands is unknown at this time. All costs are to be

funded through ad valorem (Capital Projects Okeechobee) and dedicated (Florida Forever Trust Fund) funds.

RECOMMENDATION: That the Governing Board of the South Florida Water Management District authorize and approve a final purchase offer and eminent domain proceedings for the acquisition of land interests containing 303.70 acres, more or less, in Okeechobee County, Kissimmee River Restoration and Headwaters Revitalization Project and approve funding with ad valorem (Capital Projects Okeechobee) and dedicated (Florida Forever Trust Fund) funds.

Prepared by: _____
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Real Estate Section
Date _____

Reviewed by: _____
Ray Palmer, Section Administrator
Real Estate Section
Date _____

Reviewed by: _____
Ruth Clements, Chief Real Estate Specialist
Executive Office
Date _____

Approved by: _____
Tommy B. Strowd, P.E., Director
Operations, Maintenance and Construction Division
Date _____

Tract Nos.	Owners Name	Fee Acres	Easement Acres	Appraised Value	Final Purchase Offer
19103-751	Montoya Ranch, Inc.	102.19		\$409,000	\$449,900
19103-116	Bonnie Luna Byars	1.00		\$120,000	\$132,000
19103-844	Bonnie Luna Byars	37.37		\$141,139	\$155,252
19103-845	Bonnie Luna Byars		8.80	\$28,600	\$31,460
19103-846	BLB Holdings, Inc.	77.04		\$269,640	\$296,604
19103-847	BLB Holdings, Inc.		20.12	\$65,390	\$71,929
19103-842	Patrick Henry Luna	45.93		\$160,755	\$176,830
19103-843	Patrick Henry Luna		11.25	\$36,563	\$40,219
Totals		263.53	40.17	\$1,231,087	\$1,354,194

Attachments: Resolution and maps

Persons and entities for conflict check:

Bonnie Luna Byars, Montoya Ranch, Inc., a Florida corporation, Joyce Luna, Glendoria Sutton, Patrick Henry Luna, BLB Holdings, Inc., a Florida corporation, Tim Wright, Aaron Parriott, Karla Parriott