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2 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**
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4 **RESOLUTION NO. 2012- _____**
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6 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER**
7 **MANAGEMENT DISTRICT AUTHORIZING THE SETTLEMENT OF THE DISTRICT'S**
8 **RECOVERY OF POSSESSION OF ONE OCCUPIED STRUCTURE ON DISTRICT**
9 **LANDS LOCATED IN OSCEOLA COUNTY NECESSARY FOR IMPLEMENTATION**
10 **OF THE KISSIMMEE RIVER RESTORATION AND HEADWATERS REVITALIZATION**
11 **PROJECT FOR WHICH AD VALOREM FUNDS (CAPITAL PROJECTS**
12 **OKEECHOBEE) ARE BUDGETED; APPROVE DECLARING SURPLUS ANY**
13 **STRUCTURES LOCATED ON SAID LANDS; PROVIDING AN EFFECTIVE DATE.**
14

15 **WHEREAS**, the District acquired lands identified as Tract No. 18205-001 for the Kissimmee
16 River Restoration and Headwaters Revitalization Project ("Project"); and,

17 **WHEREAS**, certain private individuals are occupying certain structures located either in whole
18 or in part on said lands as generally shown within the area depicted on Exhibit "A", attached hereto and
19 made a part hereof; and,

20 **WHEREAS**, the structures will be impacted by Project implementation and need to be removed;
21 and,

22 **WHEREAS**, in January, 2012, the District Governing Board authorized litigation regarding the
23 recovery of possession of the structures on District lands; and,

24 **WHEREAS**, the individuals occupying one of the structures propose to enter into settlement
25 releasing any claims regarding said structure on the following proposed terms:
26

<u>Structure No.</u>	<u>Structure Appraised Value</u>	<u>Settlement Amount</u>	<u>Attorney Fees</u>
1820E-026	\$60,000.00	\$81,600.00 (+36%)	\$2,500.00

29
30 **WHEREAS**, the proposed settlement would reduce the remaining potential litigants to one
31 thereby reducing the litigation costs;

32 **NOW THEREFORE, BE IT RESOLVED** by the Governing Board of the South Florida Water
33 Management District:

34 **Section 1.** The Governing Board of the South Florida Water Management District hereby
35 authorizes the following settlement of recovery of possession of the one occupied structure on District
36 lands in Osceola County necessary for implementation of the Kissimmee River Restoration and
37 Headwaters Revitalization Project, including the right to remove the structure and contents at their own
38 costs:
39

	<u>Tract No.</u>	<u>Settlement Amount</u>	<u>Attorney Fees</u>
	1820E-026	\$81,600.00	\$2,500.00

43

44 **Section 2.** The Governing Board of the South Florida Water Management District hereby
 45 authorizes declaring surplus any structures located on the lands.

46 **Section 3.** The Governing Board authorizes the use of ad valorem funds (Capital Projects
 47 Okeechobee) for the settlement.

48 **Section 4.** This Resolution shall take effect immediately upon adoption.

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50 **PASSED** and **ADOPTED** this _____ day of _____, 2012.

51

52 **ATTEST:**

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56 By: _____
 57 District Clerk/Secretary

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60 (Corporate Seal)

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**SOUTH FLORIDA WATER MANAGEMENT DISTRICT,
 BY ITS GOVERNING BOARD**

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By: _____
 Chair

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65 **Approved as to form:**

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70 By: _____
 Office of Counsel

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