

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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3 RESOLUTION NO. 2012 –

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER  
6 MANAGEMENT DISTRICT AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR  
7 THE ACQUISITION OF A PERPETUAL FLOWAGE AND INUNDATION EASEMENT OF  
8 3.7 ACRES, MORE OR LESS, IN POLK COUNTY (TRACT NO. 18-117-006), WHICH IS  
9 PART OF THE KISSIMMEE RIVER RESTORATION AND HEADWATERS  
10 REVITALIZATION PROJECT FOR WHICH DEDICATED FUNDS (FLORIDA FOREVER  
11 TRUST FUND) ARE BUDGETED; AND PROVIDING AN EFFECTIVE DATE.  
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13 WHEREAS, the Florida Legislature has declared in Section 373.1501(3), Florida Statutes, that the  
14 Kissimmee River Restoration and Headwaters Revitalization Project (hereinafter "Project") is in the public  
15 interest, for a public purpose, and therefore necessary for the public health and welfare;

16 WHEREAS, the Project is defined in Section 373.1501(1)(d), Florida Statutes, in pertinent part, as  
17 the project identified in the Project Cooperation Agreement between the United States Department of the  
18 Army and the South Florida Water Management District (hereinafter "District") dated March 22, 1994;

19 WHEREAS, the primary objectives of the Project are: (1) to reestablish the structure and function of  
20 the historic, pre-channelized river channel and floodplain; (2) to reestablish the historic flows to the restored  
21 river channel and floodplain; and, (3) the modification of water levels throughout the river system to provide  
22 both greater and more natural fluctuations in the upper basin lakes. Flows into the Kissimmee River from the  
23 upper basin lakes will further reestablish the natural Kissimmee River floodplain;

24 WHEREAS, the Florida Legislature has determined in Section 373.1501(3), Florida Statutes, that the  
25 acquisition of real property interests for the objective of implementing the Project is necessary and constitutes  
26 a public purpose for which public funds may be expended;

27 WHEREAS, the Florida Legislature in Section 373.1501(3), Florida Statutes, has empowered and  
28 authorized the District's Governing Board to acquire interests in lands by eminent domain for the purpose of  
29 implementing the Project;

30 WHEREAS, in furtherance of the implementation of the Project, the District's Governing Board  
31 passed and adopted Resolution No. 2009-1208 on December 10, 2009, authorizing eminent domain  
32 proceedings to acquire Tract No. 18-117-006, which at the time consisted of a perpetual flowage and  
33 inundation easement of 1.84 acres; and

34 WHEREAS, subsequent to the bringing of said eminent domain proceedings, it was discovered that  
35 the Tract No. 18-117-006 perpetual flowage and inundation easement acreage necessary to complete the  
36 Project has to be increased and amended from 1.84 acres to 3.7 acres, more or less.

37 NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water  
38 Management District that the acquisition by the District of a perpetual flowage and inundation easement over  
39 Tract 18-117-006, consisting of 3.7 acres, more or less, located in Polk County, as more particularly  
40 described on the attached Exhibit "A," and shown on the map attached as Exhibit "B," hereinafter referred to  
41 as the "Tract 18-117-006 Amended Easement," is found by the Governing Board of the District to be

42 necessary to complete the Kissimmee River Restoration and Headwaters Revitalization Project, and is in the  
43 public interest and for a public purpose.

44 **BE IT FURTHER RESOLVED** by the Governing Board of the South Florida Water Management  
45 District that a Legal Officer of the District is hereby authorized and instructed to proceed with eminent domain  
46 proceedings for Tract No. 18-117-006, in either the pending or other action, including the authority to issue,  
47 as needed, a revised Section 73.015, Florida Statutes, written notice and offer in the amount of the appraised  
48 value for the Tract 18-117-006 Amended Easement, and the authority to further negotiate the acquisition of  
49 said Amended Easement subject to the approval of the Governing Board, or otherwise pursue a Final  
50 Judgment in Eminent Domain acquiring the Tract 18-117-006 Amended Easement. This Resolution shall  
51 take effect immediately upon adoption.

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53 **PASSED** and **ADOPTED** this \_\_\_\_\_ day of March, 2012

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55 **ATTEST:**

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58 By: \_\_\_\_\_  
59 District Clerk/Secretary

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62 (Corporate Seal)

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**Approved as to form:**

By: \_\_\_\_\_  
Office of Counsel

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

By: \_\_\_\_\_  
Chair