

M E M O R A N D U M

TO: Governing Board Members

FROM: Carolyn S. Ansay, General Counsel

DATE: February 28, 2012

SUBJECT: Authorize eminent domain proceedings for acquisition of Tract No. 18-117-006, in Polk County, owned by William C. Zipprer, III and Lynda Z. Wetzel, needed for the Kissimmee River Restoration and Headwaters Revitalization Project (hereinafter the "Project").

Background

On December 10, 2009, the District's Governing Board passed and adopted Resolution No. 2009-1208, authorizing eminent domain proceedings to acquire Tract No. 18-117-006, consisting of a perpetual flowage and inundation easement of 1.84 acres. Subsequent to the bringing of said eminent domain proceedings, it was discovered that the perpetual flowage and inundation easement acreage needed to complete the Project has to be increased and amended from 1.84 acres to 3.7 acres, more or less. In furtherance of said Project, District staff is requesting authority to, instead, proceed with acquisition by eminent domain of a perpetual flowage and inundation easement of 3.7 acres, more or less, in either the pending or other action, including the authority to issue, as needed, a revised Section 73.015, Florida Statutes, written notice and offer in the amount of the appraised value. District staff also seeks authority to further negotiate the acquisition of the amended easement, subject to the approval of the Governing board, or otherwise pursue a Final Judgment in Eminent Domain acquiring the amended easement.

How this helps meet the District's 10-year Strategic Plan:

The Project's objective is to reestablish the structure and function of the historic, pre-channelized river channel and floodplain. In doing so, the Project will cause the water levels in the restored river to fluctuate in a manner that may impact certain lands including the subject land (Tract No. 18-117-006). Acquisition of a perpetual flowage and inundation easement, comprising 3.7 acres, is a necessary part of the Project.

Funding Source: The acquisition efforts for this Project have been funded through dedicated and budgeted funds (Florida Forever Trust Fund). A District appraisal of the perpetual flowage and inundation easement, comprising 3.7 acres, reflects a value of \$23,500.

This Board item impacts what areas of the District, both resource areas and geography:

This 3.7 acre perpetual flowage and inundation easement is located in Polk County and is required for the Project.

What concerns could this Board item raise?

Without approval, District staff will be unable to complete the pending eminent domain proceedings to acquire the needed acreage for the above-referenced perpetual flowage and inundation easement.

Why should the Governing Board approve this item?

This item allows District staff to proceed with the acquisition of the increased and modified easement acreage necessary to complete the Project.

If you have any questions, please do not hesitate to call me at extension 6976.

CSA/ELA/jrr