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

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

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

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

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

<u>Structure No.</u>	<u>Structure Appraised Value</u>	<u>Settlement Amount</u>	<u>Attorney Fees</u>
1820E-024	\$79,000.00	\$86,900.00 (+10%)	\$2,500.00
1820E-025	\$34,000.00	\$40,000.00 (+18%)	\$2,500.00
1820E-028	\$63,000.00	\$69,300.00 (+10%)	\$2,500.00

31 **WHEREAS**, the proposed settlement would reduce the remaining potential litigants to two  
32 thereby reducing the litigation costs;

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

35 **Section 1.** The Governing Board of the South Florida Water Management District hereby  
36 authorizes the following settlement of recovery of possession of the three occupied structures on  
37 District lands in Osceola County necessary for implementation of the Kissimmee River Restoration and  
38 Headwaters Revitalization Project, including the right to remove the structures and contents at their own  
39 costs:  
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	<u>Tract No.</u>	<u>Settlement Amount</u>	<u>Attorney Fees</u>
41			
42	1820E-024	\$86,900.00	\$2,500.00
43	1820E-025	\$40,000.00	\$2,500.00
44	1820E-028	\$69,300.00	\$2,500.00

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

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

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

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52 **PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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54 **ATTEST:**

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

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62 (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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67 **Approved as to form:**

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72 By: \_\_\_\_\_  
 73 Office of Counsel