

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2011- \_\_\_\_\_

4  
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH  
6 FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING  
7 PAYMENT OF \$110,000.00 FOR WHICH DEDICATED FUNDS  
8 (FLORIDA FOREVER TRUST FUND) AND/OR AD VALOREM FUNDS  
9 (CAPITAL PROJECTS OKEECHOBEE) ARE BUDGETED, FOR THE  
10 SETTLEMENT OF ALL OUTSTANDING ATTORNEYS' FEES, EXPERT  
11 WITNESS INVOICES AND ANY OTHER COSTS ASSOCIATED WITH  
12 THE FINAL JUDGMENT ENTERED FOR THE TAKING OF A  
13 PERPETUAL FLOWAGE AND INUNDATION EASEMENT (PARCEL 18-  
14 117-008) OVER PROPERTY OWNED BY DAVID GARY ZIPPRER IN  
15 POLK COUNTY WHICH IS PART OF THE KISSIMMEE RIVER  
16 RESTORATION AND HEADWATERS REVITALIZATION PROJECT;  
17 PROVIDING AN EFFECTIVE DATE.

18  
19 **WHEREAS**, the Florida Legislature has declared in Section 373.1501(3), Florida  
20 Statutes, that the Kissimmee River Restoration and Headwaters Revitalization Project  
21 (hereinafter "Project") is in the public interest, for a public purpose, and therefore  
22 necessary for the public health and welfare; and

23 **WHEREAS**, The Governing Board of the South Florida Water Management  
24 District approved a settlement agreement during the February 10, 2011 Governing  
25 Board meeting in connection with the condemnation action for the perpetual flowage  
26 and inundation easement (parcel 18-117-008) within the designated boundaries of the  
27 Kissimmee River Restoration and Headwaters Revitalization Project, in the matter  
28 styled South Florida Water Management District v. Zipprer, et al., filed in the 10th Circuit  
29 Court for Polk County, Florida, Case No. 2010-CA-4805;

30 **WHEREAS**, Attorney fees and costs in the amount of \$110,000.00 remain to be  
31 paid for all outstanding attorneys' fees, expert witness invoices and any other costs, to

1 complete the acquisition of this parcel for the Kissimmee River Restoration and  
2 Headwaters Revitalization Project, providing an effective date.

3  
4 **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**  
5 **WATER MANAGEMENT DISTRICT:**

6 **Section 1.** Approve authorization of the payment of \$110,000.00 for all outstanding  
7 attorneys' fees, expert witness invoices and any other costs for parcel 18-117-008, in  
8 the matter styled South Florida Water Management District v. Zipprer, et al., filed in the  
9 10th Circuit Court for Polk County, Florida, Case No. 2010-CA-4805.

10 **Section 2. This resolution shall take effect immediately upon adoption.**

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Dollars	Fund	Funds Center	Functional Area	Commitment Item GL Acct #
\$110,000.00	404000 and/or 402000	3510144000	FD01	580022

14  
15  
16 **PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,  
BY ITS GOVERNING BOARD

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

ATTEST:  
  
\_\_\_\_\_  
District Clerk

Approved as to form:

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