

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2007-\_\_

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER  
6 MANAGEMENT DISTRICT TO AUTHORIZE ENTRY INTO A STIPULATED FINAL  
7 JUDGMENT/SETTLEMENT AGREEMENT FOR \$100,00.00 FOR LAND, ATTORNEY'S FEES IN  
8 THE AMOUNT OF \$25,740.00, AND EXPERT WITNESS FEES AND OTHER COSTS IN THE  
9 AMOUNT OF \$1,170.00 FOR AN EMINENT DOMAIN ACTION INVOLVING APPROXIMATELY 1.0  
10 ACRES, MORE OR LESS, IN FEE SIMPLE (TRACT NO. 19-103-562, JOANNE W. NELSON,  
11 ESTATE OF JACK L. NELSON, AND JACK L. NELSON TRUST U/A) WITHIN THE DESIGNATED  
12 BOUNDARIES OF THE KISSIMMEE RIVER AND HEADWATER REVITALIZATION PROJECT  
13 STYLED SOUTH FLORIDA WATER MANAGEMENT DISTRICT V. JOANNE W. NELSON,  
14 ESTATE OF JACK L. NELSON, AND JACK L. NELSON TRUST U/A AND CELESTE SMITH AS  
15 TAX COLLECTOR FOR OKEECHOBEE COUNTY, FLORIDA, FILED IN THE 19<sup>TH</sup> CIRCUIT  
16 COURT IN AND FOR OKEECHOBEE COUNTY, FLORIDA, CASE NO.: 2006-CA-40, FOR WHICH  
17 DEDICATED FUNDS (FLORIDA FOREVER TRUST FUND) AND AD VALOREM FUNDS  
18 (OKEECHOBEE CAPITAL) ARE BUDGETED, PROVIDING AN EFFECTIVE DATE.  
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20 WHEREAS, Sections 373.083 (1) and 373.129, Florida Statutes, authorize the  
21 South Florida Water Management District to settle existing lawsuits;

22 WHEREAS, the existing lawsuit is a condemnation action;

23 WHEREAS, the Parties have been engaged in negotiations in an attempt to acquire  
24 the subject property without trial; and

25 WHEREAS, the Parties have been successful in presenting a stipulated final  
26 judgment to the Governing Board of the South Florida Water Management District; and,

27 WHEREAS, the terms of the stipulated final judgment are set forth on the attached  
28 document;

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30 BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA  
31 WATER MANAGEMENT DISTRICT:

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33 To authorize a stipulated final judgment/settlement agreement for \$100,000.00,  
34 attorneys' fees in the amount of \$25,740.00, and expert fees and other costs in the amount  
35 of \$1,170.00, for a condemnation action involving approximately 1.0 acres more or less of  
36 land in fee simple (Tract No. 19-103-562, Joanne W. Nelson, Estate of Jack L. Nelson, and  
37 Jack L. Nelson Trust U/A) within the designated boundaries of the Kissimmee River and  
38 Headwater Revitalization Project, filed in the 19th Circuit Court in and for Okeechobee  
39 County, Florida, Case No. 2006-CA-043, styled South Florida Water Management District

1 v. Joanne W. Nelson, Estate of Jack L. Nelson, and Jack L. Nelson Trust U/A and Celeste  
2 Smith as Tax Collector, filed in the 19<sup>th</sup> Circuit Court in and for Okeechobee County,  
3 Florida, for which dedicated funds (Florida Forever Trust Fund) and Ad Valorem funds  
4 (Okeechobee Capital) are budgeted; providing an effective date.

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6 This Resolution shall take effect immediately upon adoption.

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8 **PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

9

10 Approved:  
11 Legal Form Approved

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT

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15 By: \_\_\_\_\_

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

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Chairperson

17 (Corporate Seal)

ATTEST:

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

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Assistant Secretary

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