

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2 RESOLUTION NO. 2009 - _____

3 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
4 MANAGEMENT DISTRICT ADVISING THE DEPARTMENT OF ENVIRONMENTAL
5 PROTECTION OF THE PROPOSED ACQUISITION OF LAND INTERESTS CONTAINING
6 134.43 ACRES FOR THE KISSIMMEE RIVER RESTORATION AND HEADWATERS
7 REVITALIZATION PROJECT, IN OSCEOLA AND POLK COUNTIES, AND REQUESTING
8 THE RELEASE OF FUNDS FROM THE FLORIDA FOREVER TRUST FUND FOR
9 ACQUISITION OF SUCH LAND INTERESTS, TOGETHER WITH STATUTORY COSTS AND
10 ASSOCIATED COSTS; PROVIDING AN EFFECTIVE DATE.

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12 WHEREAS, the South Florida Water Management District has an active program underway to
13 acquire land interests for the Kissimmee River Restoration and Headwaters Revitalization Project ("Project");

14 WHEREAS, pursuant to Section 373.139 (3)(c) Florida Statutes, the District is required to submit a
15 resolution to the Department of Environmental Protection when requesting funds from a trust fund, including
16 the Florida Forever Trust Fund; and

17 NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water
18 Management District:

19 (1) It does hereby advise the Secretary of the Department of Environmental Protection of its
20 intent to acquire perpetual flowage and inundation easements with respect to 134.43 acres, more or less, for
21 the Kissimmee River Restoration and Headwaters Revitalization Project in Osceola and Polk Counties.
22 Pursuant to a Resolution adopted by the District's Governing Board at its December 10, 2009 meeting, the
23 District will file condemnation notices to acquire the land interests described below. The lands are described
24 in Exhibit "A" and as shown on location map Exhibit "AA", which are attached hereto and made a part
25 hereof.

Tract Nos.	Owners Name	Easement Acres
18-029-001	Mary Louise Zipprer	20.77
18-030-001	Gwendolyn C. Zipprer, William C. Zipprer, III and Lynda K. Zipprer Mims, as Trustees under the Last Will and Testament of William C. Zipprer, Jr. deceased.	29.53
18-116-002	David Gary Zipprer, as Trustee of the David Gary Zipprer Revocable Trust dated June 29, 2004, subject to life estate as to Morris E. Zipprer	79.22
18-117-006	William C. Zipprer, III and Lynda Z. Wetzel	1.84
18-117-007	Lynda Zipprer Mims and R. Richard Mims, her husband	0.39
18-117-008	David Gary Zipprer, as Trustee of the David Gary Zipprer Revocable Trust dated June 29, 2004, subject to life estate as to Morris E. Zipprer	2.68
Totals:		134.43

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27 (2) The lands being acquired have been reviewed for the presence of State Sovereignty
28 submerged lands and the District has taken reasonable measures to avoid paying for sovereignty lands.

29 (3) This request for funds is consistent with the District's Five Year Plan of acquisition or the
30 South Florida Water Management District Florida Forever Work Plan, as contained in Chapter 6A, Volume II
31 of the South Florida Environmental Report, and last updated during a public hearing on January 13, 2009,
32 and filed with the Legislature and the Department of Environmental Protection.

33 (4) Acquisition of this land furthers the Florida Forever goals set forth in (1) Section 259.105
34 (4)(a) Florida Statutes (i.e. enhance the coordination and completion of land acquisition projects as
35 measured by the number of shared acquisition projects among Florida Forever funding partners and
36 partners with other funding sources, including local governments and the Federal Government), and (2)
37 Section 259.105 (4)(d) Florida Statutes (i.e. ensure that sufficient quantities of water are available to meet
38 the current and future needs of natural systems and the citizens of the state, as measured by the quantity
39 of water made available through the water resource development component of a district water supply
40 plan for which a water management district is responsible).

41 (5) The funds requested shall be used only for the acquisition costs and pre-acquisition/
42 associated costs and expenses of the described land interests, and the owner's statutory costs pursuant to
43 Chapter 73, Florida Statutes.

44 (6) Since no fee interests are being acquired, the requirement that to the extent possible, the
45 land interests being acquired in fee shall be maintained in an environmentally acceptable manner is not
46 applicable.

47 (7) Should the District dispose of any or all of the interests acquired hereunder, all revenues
48 derived therefrom will be used to acquire other lands for water management, water supply and the
49 conservation and protection of water resources.

50 (8) A Phase I and if is necessary a Phase II, environmental assessment will be completed
51 and the findings will be addressed.

52 (9) Since no fee interests are being acquired, the requirement that the fee acquired lands shall
53 be managed for multiple-use purposes where compatible with the resource values of and management
54 objectives for such lands as set forth in Section 259.105(5), Florida Statutes is not applicable.

55 (10) The Resolution to approve acquisition of these land interests was approved by the
56 Governing Board of the District on December 10, 2009.

57 (11) The District will utilize funds from the Florida Forever Trust Fund.

58 (12) The Executive Director or the designee of the Executive Director is hereby authorized to
59 request the release of funds for all acquisition costs and pre-acquisition/associated costs and expenses for

60 the described interests identified in this Resolution.

61 (13) This Resolution shall take effect immediately upon adoption.

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63 **PASSED** and **ADOPTED** this ____ day of _____, 2009

64

65 **ATTEST:**

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68 By: _____

69 District Clerk/Secretary

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

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75 (Corporate Seal)

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By: _____

78

Chair

79 **Approved as to form:**

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81

82 By: _____

83 Office of Counsel

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