

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2006- \_\_\_\_\_  
4

5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER  
6 MANAGEMENT DISTRICT TO APPROVE THE PURCHASE OF LAND INTERESTS  
7 CONTAINING 1.72 ACRES, MORE OR LESS, FOR THE KISSIMMEE RIVER PROJECT,  
8 IN HIGHLANDS COUNTY, IN THE AMOUNT OF \$791,840, TOGETHER WITH  
9 STATUTORY COSTS AND ATTORNEY'S FEES IN THE TOTAL AMOUNT OF \$136,960  
10 AND ASSOCIATED COSTS; FOR WHICH AD VALOREM AND FLORIDA FOREVER  
11 TRUST FUNDS HAVE BEEN BUDGETED; APPROVE DECLARING SURPLUS,  
12 DISPOSAL OF, AND REMOVAL FROM THE ASSET RECORDS, ANY SUCH  
13 STRUCTURES AND IMPROVEMENTS DEEMED UNNECESSARY FOR THE STATED  
14 PURPOSE OF THE ORIGINAL LAND ACQUISITION; APPROVE DECLARING SURPLUS  
15 FOR EXCHANGE AND CONVEYANCE LAND INTERESTS CONTAINING 5.10 ACRES,  
16 MORE OR LESS, IN HIGHLANDS COUNTY, WITHOUT RESERVATION OF INTERESTS  
17 UNDER SECTION 270.11, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.  
18

19 WHEREAS, the South Florida Water Management District is currently acquiring land in connection  
20 with implementation of the Kissimmee River Project in Highlands County;

21 WHEREAS, the South Florida Water Management District desires to purchase land interests  
22 containing 1.72 acres, more or less, for the Kissimmee River Project, in Highlands County, hereinafter  
23 referred to as the "Premises", and as more particularly described on Exhibit "A", and as shown on a location  
24 map Exhibit "AA", both of which are attached hereto and made a part hereof, in the amount of \$791,840, and  
25 approve declaring surplus, disposal of, and removal from the asset records, any such structures and  
26 improvements deemed unnecessary for the stated purpose of the original land acquisition;

27 WHEREAS, under the Agreement for Sale and Purchase, the owner has the right until October 1,  
28 2007 to continue to use the Premises for residential purposes pursuant to an occupancy agreement to be  
29 executed by the owner and the District (the "Occupancy Agreement");

30 WHEREAS, the Agreement for Sale and Purchase includes an option in favor of the owner (the  
31 "Option) which grants to the owner the right to be conveyed, by quit claim deed, a certain 5.10 acre property  
32 located in Highlands County, identified as Tract Nos. 19-103-796 and 19-103-797 more particularly described  
33 on Exhibits "B-1" and B-2 and as shown on a location map Exhibit "BB" attached hereto and made a part  
34 hereof (the "Surplus Property"). The Option must be exercised by the owner by January 31, 2007. The quit  
35 claim deed will not reserve phosphate, mineral, metal and petroleum interests under section 270.11, Florida  
36 Statutes, and will contain a reservation of a perpetual flowage and inundation easement with respect to Tract  
37 No. 19-103-797. The appraised value of the Surplus Property encumbered by the reservation is \$79,500.  
38 The \$79,500 will be withheld from the purchase price at Closing. If the owner exercises the Option and is  
39 conveyed the Surplus Property, the \$79,500 will be retained by the District. If the Option is not exercised,  
40 the \$79,500 will be disbursed to the owner;

41 WHEREAS, pursuant to Chapter 73, Florida Statutes, if a settlement is reached between a  
42 condemning authority and a property owner prior to condemnation lawsuit being filed, the property owner  
43 who settles in lieu of condemnation shall be entitled to recover statutory costs and attorney's fees;

44 **WHEREAS**, the District will pay One Hundred Thirty-Six Thousand Nine Hundred Sixty Dollars  
 45 (\$136,960) for the owner's statutory costs and attorney's fees; and,

46 **WHEREAS**, the South Florida Water Management District is authorized to acquire land, or interests  
 47 or rights in land, pursuant to Section 373.139, Florida Statutes and to exchange lands, or interests or rights  
 48 in lands, pursuant to Section 373.089, Florida Statutes.

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

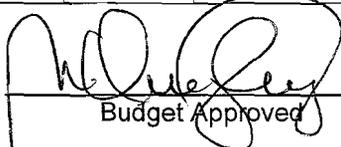
51 **Section 1.** The Governing Board of the South Florida Water Management District hereby approves the  
 52 purchase of land interests containing 1.72 acres, more or less, for the Kissimmee River Project, in Highlands  
 53 County, in the amount of \$791,840, together with statutory costs and attorney's fees in the total amount of  
 54 \$136,960 and associated costs, as follows:

Owners	Tract No.	Interest	Acres	Appraised Value	Purchase Price
John J. and Nancy A. Leadingham	19-103-804	Fee*	1.72	\$510,000	\$791,840
<b>Totals</b>			<b>1.72</b>	<b>\$510,000</b>	<b>\$791,840</b>

56 \*Subject to a use and occupancy agreement until October 1, 2007 afforded the Owners, which is not reflected in the  
 57 Appraised Value or the Purchase Price

Dollars	Fund	Agency	Org	Activity (Cap Proj)	Object/Revenue	Function
\$523,600	404	720	7220	Fa00	5610	8183
\$268,240	402	720	7220	Fa00	4510	8183

Dollars	Fund	Agency	Org	Activity (Cap Proj)	Object/Revenue	Function
\$136,960	402	720	7220	Fa00	5610	8183

61  
 62  
 63  
 64  
 65  
  
 Budget Approved

6/19/06  
 Date

66 **Section 2.** The Governing Board of the South Florida Water Management District hereby further  
 67 approves declaring surplus, disposal of, and removal from the asset records, any such structures and  
 68 improvements deemed unnecessary for the stated purpose of the original land acquisition.

69 **Section 3.** The Governing Board of the South Florida Water Management District hereby further  
 70 approves declaring surplus for conveyance, at the owner's option, the Surplus Property, in consideration of  
 71 \$79,500 applied against the purchase price, subject to the District's reservation of a flowage easement  
 72 encumbering approximately 2.16 acres, without reservation of phosphate, mineral, metal and petroleum  
 73 interests under Section 270.11, Florida Statutes. Furthermore, pursuant to Section 373.089(6)(a), the

74 Governing Board hereby approves the surplus for exchange and conveyance, at the owner's option, of the  
 75 Surplus Property, as herein provided, by at least a two-thirds vote.  
 76

Owner	Tract No.	Interest	Acres	Appraised Value	Credit Against Purchase Price
South Florida Water Management District	19-103-796	Fee	2.94		
South Florida Water Management District	19-103-797	Fee subject to flowage easement	2.16		
<b>Totals</b>			<b>5.10</b>	<b>\$79,500</b>	<b>\$79,500</b>

77  
 78 **Section 4.** The Governing Board of the South Florida Water Management District hereby authorizes the  
 79 Chair to execute the Agreement for Sale and Purchase and the quit claim deed for the Surplus Property.  
 80 The Governing Board of the South Florida Water Management District hereby authorizes the Executive  
 81 Director to execute all other documents necessary to consummate this transaction including but not limited to  
 82 the Occupancy Agreement.

83 **Section 5.** This Resolution shall take effect immediately upon adoption.

84  
 85 **PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

86  
 87 **ATTEST:**

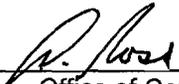
88  
 89  
 90 By: \_\_\_\_\_  
 91 District Clerk/Secretary

92  
 93 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY**  
 94 **ITS GOVERNING BOARD**

95 (Corporate Seal)

96  
 97 By: \_\_\_\_\_  
 98 Chair

99  
 100 **Approved as to form:**

101  
 102  
 103 By:   
 104 Office of Counsel  
 105

**Exhibit "A"**  
**Tract No. 19-103-804**

A portion of Section 17, Township 36 South, Range 33 East, Highlands County, Florida, being more particularly described as follows:

Begin at the Southeast corner of Lot 4 of Faraway Subdivision as per plat recorded in Plat Book 14, Page 76, Public Records of Highlands County, Florida;  
Thence run North 00°00'03" West and along the East line of said lot a distance of 204.99 feet;  
Thence North 89°57'57" East a distance of 385 feet more or less to a point on the bank of the Kissimmee River;  
Thence in a Southerly direction along the bank of the Kissimmee River a distance of 225 feet more or less (tie line being South 10°19'34" West a distance of 223.64 feet);  
Thence South 89°57'58" West a distance of 344.91 feet to Point of Beginning.

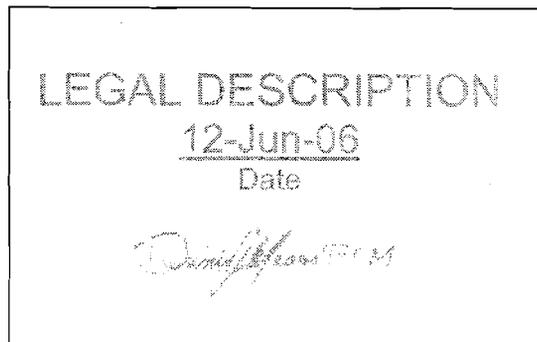
And

**Easement Description**

A easement being 31.20 feet in width being a Portion of Section 17, Township 36 South, Range 33 East, Highlands County, Florida and lying 31.20 feet left of the following line;  
Commence at the Southeast Corner of Lot 4 of Faraway Subdivision as per Plat recorded in Plat Book 14, Page 76 of the Public Records of Highlands County, Florida;  
Thence run North 00°00'03" West and along the East line of said Lot 4 a distance of 204.99 feet for Point of Beginning;  
Thence North 89°57'57" East a distance of 385 feet more or less to a point on the bank of the Kissimmee river and End of Description.

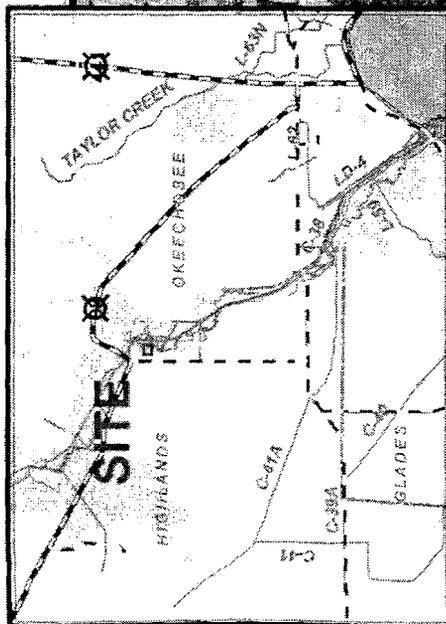
This description was copied from Official Records Book 1301, Page 1360 Public Records of Highlands County, Florida

Kissimmee River\ Leadingham, John and Nancy  
p/o Folio: C173633A0000110000  
p/o PB 14, P 76  
p/o ORB 1301, P 1360  
R:\legals\kr\103-804.lgl  
June 08, 2006



# Exhibit "AA"

## KISSIMMEE RIVER RESTORATION



19-103-804

FARAWAY SUBDIVISION

HIDDEN ACRES ESTATES INC

Kissimmee River

**DISCLAIMER**  
 All information, including but not limited to software and data, received from the South Florida Water Management District ("District") in fulfillment of a request is provided "AS IS" without warranty of any kind. The District expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The District does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the District in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the District is entirely assumed by the recipient.

Proposed Acquisition

**Exhibit "B-1"**  
**Tract No. 19-103-796**

A parcel of land located in Section 8 Township 36 South, Range 33 East, Highlands County, Florida. Being more particularly described as follows.

Commence at the Southwest Corner of said Section 8,  
Thence South 89°57'28" East along the South line of said Section 8 a distance of 50.00 feet more or less to a point on the East Right-of-Way line of County Road 721, (Nine Mile Grade);

Thence, North 00°02'07" West departing said South line of Section 8, along said East Road Right-of-Way line a distance of 1346.64 feet more or less to a point lying 9 feet North of the centerline of paved ingress and egress prescriptive access roadway easement to the Kissimmee River Shores an unrecorded Subdivision.

Thence, South 87°13'21" East, along a line lying 9 feet North of and parallel to said centerline of paved ingress and egress access easement a distance of 857.21 feet to the POINT of BEGINNING.

Thence, South 52°08'11" East continuing along a line lying 9 feet Northeasterly of and parallel to said centerline paved ingress and egress access easement a distance of 55.67 feet,

Thence, South 87°13'21" East departing said parallel line a distance of 865.54 feet;

Thence, North 32°10'31" East, a distance of 5.54 feet to a point on a line lying 1817.56 feet East of and parallel to the said West line of Section 8;

Thence, North 00°02'07" West, along said parallel line a distance of 62.04 feet;

Thence, North 49°46'44" West, departing said parallel line, a distance of 238.35 feet;

Thence, North 81°21'12" West, a distance of 66.39 feet;

Thence, North 54°43'09" West, a distance of 212.38 feet;

Thence, North 84°45'26" West, a distance of 85.52 feet, more or less, to a point on a line lying 1311.58 feet East of and parallel to the said West line of Section 8;

Thence, South 00°02'07" East along said parallel line, a distance of 304.66 feet to a point on a line, said line is the Easterly prolongation of said line lying 9 feet North of and parallel to said centerline of paved ingress and egress access easement;

Thence, North 87°13'21" West, along said prolongation a distance of 405.89 feet to the POINT of BEGINNING;

Containing 2.94 acres, more or less.

Bearings recited herein are based on the Florida State Plane Coordinate System, Transverse Mercator Projection, East Zone, North American Datum of 1927, (NAD27) and are based on the South line of said Section 8 bearing South 89°57'28" East.

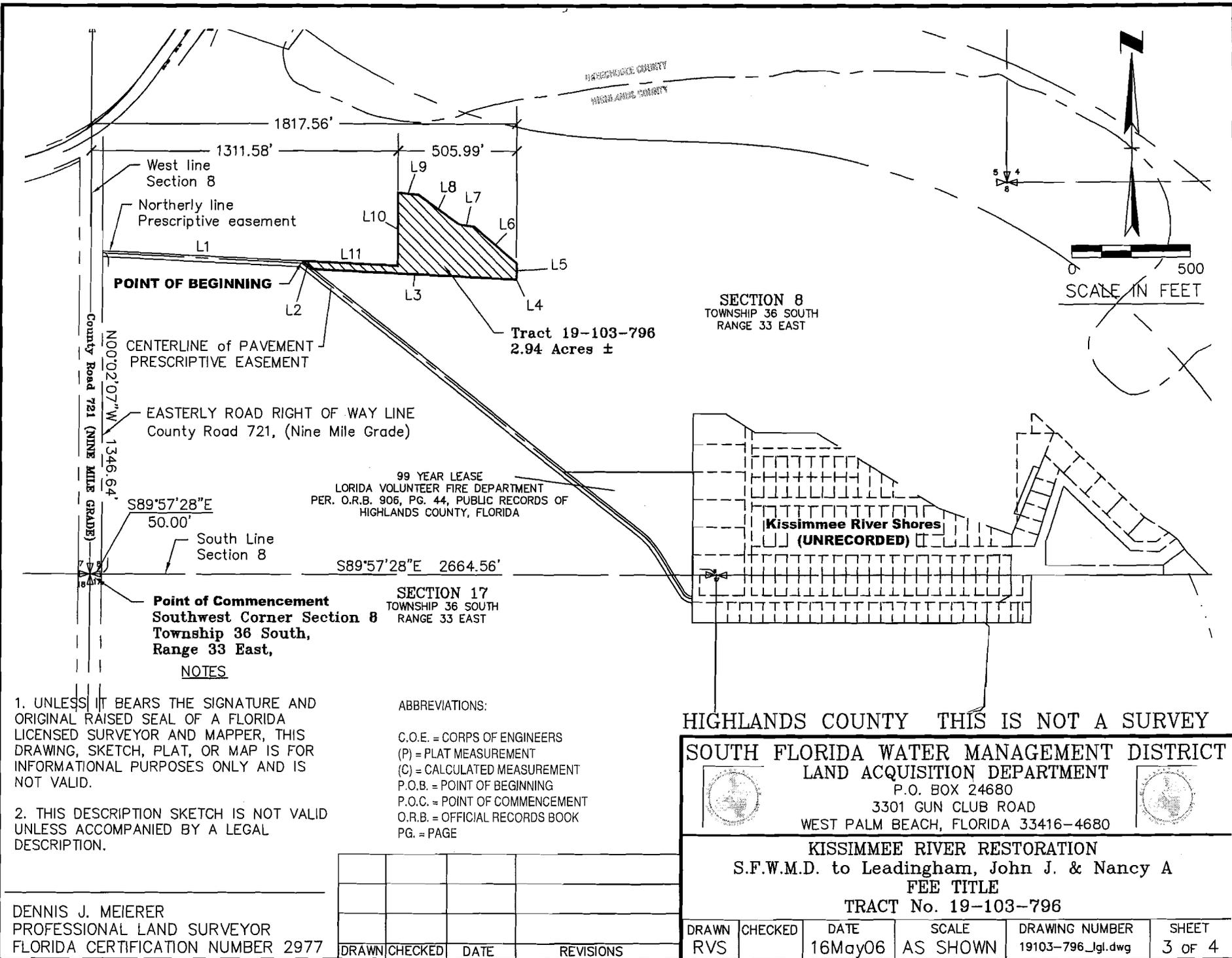
KR\Leadingham  
R:\Legals\kr\103-796.lgl  
May 16, 2006

LEGAL DESCRIPTION

23-May-06

Date

*Dennis J. Smith* PSM



DENNIS J. MEIERER  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATION NUMBER 2977

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
RVS		16May06	AS SHOWN	19103-796_Jgl.dwg	3 OF 4

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S87°13'21"E	857.21
L2	S52°08'11"E	55.67
L3	S87°13'21"E	865.54
L4	N32°10'31"E	5.54
L5	N00°02'07"W	62.04
L6	N49°46'44"W	238.35
L7	N81°21'12"W	66.39
L8	N54°43'09"W	212.38
L9	N84°45'26"W	85.52
L10	S00°02'07"E	304.66
L11	N87°13'21"W	405.89

HIGHLANDS COUNTY THIS IS NOT A SURVEY

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LAND ACQUISITION DEPARTMENT

P.O. BOX 24680

3301 GUN CLUB ROAD

WEST PALM BEACH, FLORIDA 33416-4680

KISSIMMEE RIVER RESTORATION

S.F.W.M.D. to Leadingham, John J. & Nancy A

FEE TITLE

TRACT No. 19-103-796

DRAWN	CHECKED	DATE	REVISIONS	DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
RVS		16May06		RVS		16May06	AS SHOWN	19103-796_lgl.dwg	4 OF 4

**Exhibit "B-2"**  
**Tract No. 19-103-797**

A parcel of land located in Section 8, Township 36 South, Range 33 East, Highlands County, Florida. Being more particularly described as follows.

Commence at the Southwest Corner of said Section 8,  
Thence South 89°57'28" East along the South line of said Section 8 a distance of 50.00 feet more or less to a point on the East Right-of-Way line of County Road 721, (Nine Mile Grade);

Thence, North 00°02'07" West, departing said South line of Section 8, along said East Road Right-of-Way line a distance of 1346.64 feet more or less to a point lying 9 feet North of the centerline of a paved ingress and egress prescriptive access roadway easement to the Kissimmee River Shores an unrecorded Subdivision.

Thence, South 87°13'21" East, along a line lying 9 feet North of and parallel to said centerline of paved ingress and egress access easement a distance of 857.21 feet;

Thence, South 52°08'11" East continuing along a line lying 9 feet Northeasterly of and parallel to said centerline paved ingress and egress access easement a distance of 55.67 feet,

Thence, South 87°13'21" East departing said parallel line, a distance of 865.54 feet;

Thence, North 32°10'31" East, a distance of 5.54 feet to a point on a line lying 1817.56 feet East of and parallel to the said West line of Section 8;

Thence, North 00°02'07" West, a distance of 62.04 feet along said parallel line, a distance of 62.04 feet to the POINT of BEGINNING;

Thence, North 00°02'07" West, continuing along said parallel line, a distance of 300.76 feet;

Thence, North 66°26'33" West, departing said parallel line, a distance of 44.63 feet;

Thence, North 78°41'40" West, a distance of 200.00 feet;

Thence, North 73°43'30" West, a distance of 100.00 feet;

Thence, North 86°39'47" West, a distance of 173.31 feet, to a point on a line lying 1311.58 feet East of and parallel to the said West line of Section 8;

Thence, South 00°02'07" East along said parallel line, a distance of 101.55 feet;

Thence, South 84°45'26" East, departing said parallel line, a distance of 85.52 feet

Thence, South 54°43'09" East, a distance of 212.38 feet;

Thence, South 81°21'12" East, a distance of 66.39 feet;

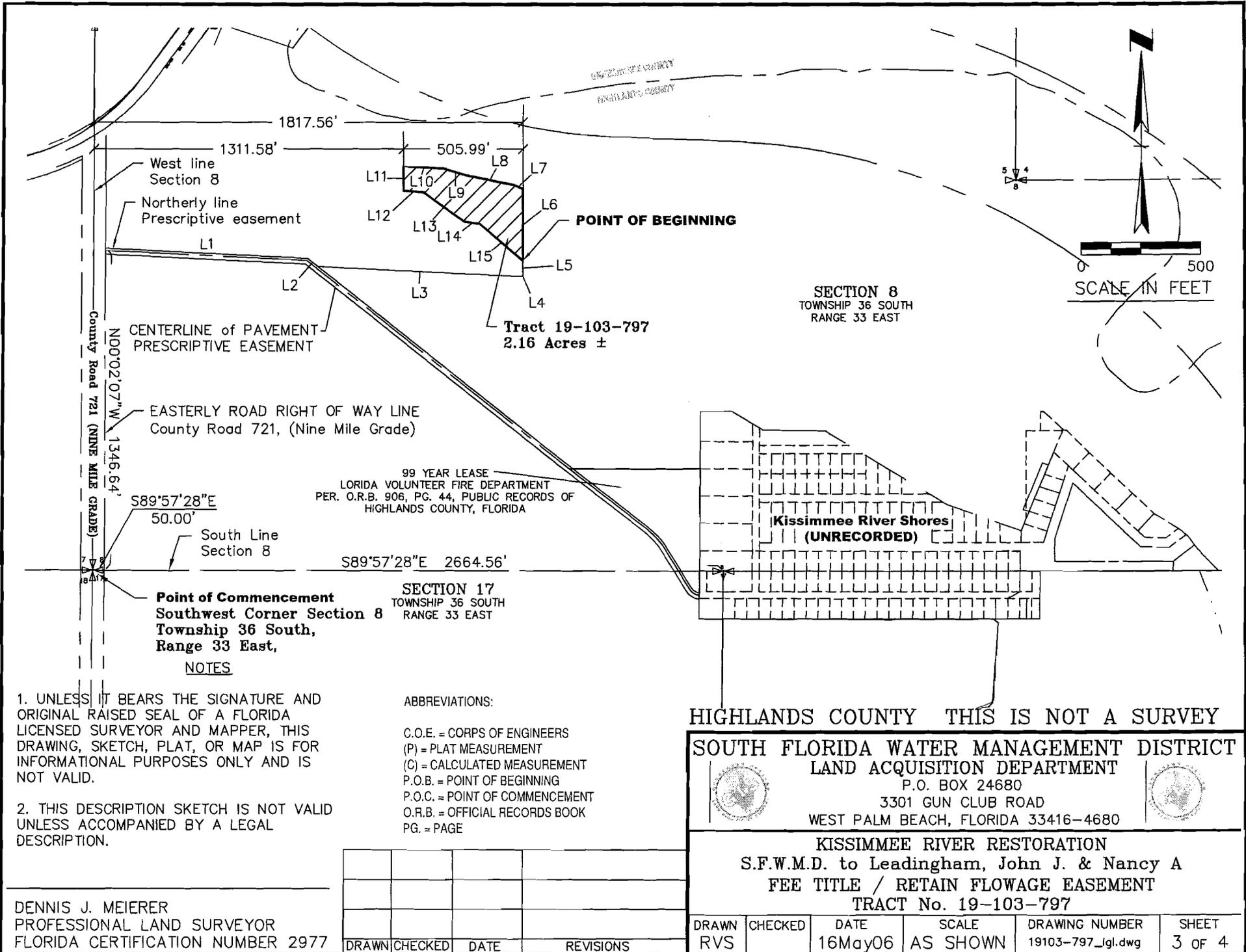
Thence, South 49°46'44" East, a distance of 238.35 feet, to the POINT of BEGINNING;

Containing 2.16 acres, more or less.

Bearings recited herein are based on the Florida State Plane Coordinate System, Transverse Mercator Projection, East Zone, North American Datum of 1927, (NAD27) and are based on the South line of said Section 8 bearing South 89°57'28" East.

KR\Leadingham  
R:\Legals\kr\103-797.lgl  
May 16, 2006

LEGAL DESCRIPTION  
23-May-06  
Date  
*Daniel J. Heman F.S.M.*



CENTERLINE of PAVEMENT-  
PRESRIPTIVE EASEMENT

EASTERLY ROAD RIGHT OF WAY LINE  
County Road 721, (Nine Mile Grade)

**Point of Commencement**  
Southwest Corner Section 8  
Township 36 South,  
Range 33 East,

**NOTES**

1. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT, OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
2. THIS DESCRIPTION SKETCH IS NOT VALID UNLESS ACCOMPANIED BY A LEGAL DESCRIPTION.

**ABBREVIATIONS:**

- C.O.E. = CORPS OF ENGINEERS
- (P) = PLAT MEASUREMENT
- (C) = CALCULATED MEASUREMENT
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE

HIGHLANDS COUNTY THIS IS NOT A SURVEY

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
LAND ACQUISITION DEPARTMENT  
P.O. BOX 24680  
3301 GUN CLUB ROAD  
WEST PALM BEACH, FLORIDA 33416-4680

**KISSIMMEE RIVER RESTORATION**  
S.F.W.M.D. to Leadingham, John J. & Nancy A  
FEE TITLE / RETAIN FLOWAGE EASEMENT  
TRACT No. 19-103-797

DENNIS J. MEIERER  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATION NUMBER 2977

DRAWN	CHECKED	DATE	REVISIONS
RVS		16May06	

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
RVS		16May06	AS SHOWN	19103-797_lgl.dwg	3 OF 4



