

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 AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR  
7 THE ACQUISITION OF CERTAIN LANDS CONSISTING OF 136.17 ACRES, MORE OR  
8 LESS, IN OSCEOLA AND POLK COUNTIES, FLORIDA, WHICH ARE PART OF THE  
9 KISSIMMEE RIVER RESTORATION AND HEADWATERS REVITALIZATION PROJECT  
10 FOR WHICH AD VALOREM FUNDS HAVE BEEN BUDGETED; PROVIDING AN  
11 EFFECTIVE DATE.

12  
13 WHEREAS, the Florida Legislature has declared in section 373.1501(3), Florida Statutes, that the  
14 Kissimmee River Restoration and Headwaters Revitalization Project (hereinafter "Project") is in the public  
15 interest, for a public purpose, and therefore necessary for the public health and welfare; and

16 WHEREAS, the Project is defined in section 373.1501(1)(d), Florida Statutes, in relevant part, as the  
17 project identified in the Project Cooperation Agreement between the United States Department of the Army  
18 and the South Florida Water Management District (hereinafter "District") dated March 22, 1994; and

19 WHEREAS, the primary objectives of the Project are: (1) to reestablish the structure and function of  
20 the historic, pre-channelized river channel and floodplain; (2) to reestablish the historic flows to the restored  
21 river channel and floodplain; and, (3) the modification of water levels throughout the river system to provide  
22 both greater and more natural fluctuations in the upper basin lakes. Flows into the Kissimmee River from the  
23 upper basin lakes will further reestablish the natural Kissimmee River floodplain; and

24 WHEREAS, the implementation of the Project and the reestablishment of the historic river channel  
25 and floodplain will cause the water levels in the restored river and the upper Chain of Lakes (Headwaters) to  
26 fluctuate impacting properties cited in this Resolution; and

27 WHEREAS, the acquisition of the subject property between 52.5 and 54 feet NGVD is necessary  
28 because this area will be affected by the fluctuation in water levels; and

29 WHEREAS, Florida Legislature has determined in section 373.1501(3), Florida Statutes, that the  
30 acquisition of real property for the objective of implementing the Project is necessary and constitutes a public  
31 purpose for which public funds may be expended; and

32 WHEREAS, the Florida Legislature in section 373.1501(3), Florida Statutes, has empowered and  
33 authorized the Governing Board of the South Florida Water Management District to acquire fee simple  
34 interests in lands by eminent domain for the purpose of implementing and maintaining the Project; and

35 WHEREAS, the Florida Legislature in section 373.1501(3), Florida Statutes, directs the District, in  
36 the absence of a willing seller, to acquire any land necessary for the implementation for the Project in  
37 accordance with state condemnation law pursuant to Chapters 73 and 74, Florida Statutes; and

38 WHEREAS, the District has been unsuccessful in negotiating the voluntary purchase of the lands  
39 identified below;

40 NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water  
41 Management District that the acquisition by the District of the following lands, in the area of Kissimmee River

42 Restoration and Headwaters Revitalization Project consisting of a total of approximately 136.17 acres, more  
43 or less, as more particularly described on attached Exhibit "A" , with respect to a perpetual flowage and  
44 inundation easement which the District will seek to acquire, according to the terms, conditions and  
45 provisions, attached hereto and made a part hereof as Exhibit "B", the perpetual flowage and inundation  
46 easement parcels also hereinafter being referred to as the "impacted land", said impacted land being shown  
47 on the map attached hereto as Exhibit "AA", is found by the Governing Board of the District to be necessary  
48 to complete the Kissimmee River Restoration and Headwaters Revitalization Project and is in the public  
49 interest and for a public purpose: The perpetual flowage and inundation easement parcels are referred to as  
50 SFWMD Tract No. 18-029-001, 18-030-001, 18-002-016, 18-117-006, 18-117-007 and 18-117-008 and  
51 consists of approximately 136.17 acres and lying in Osceola and Polk Counties, Florida.

52 **BE IT FURTHER RESOLVED** by the Governing Board of the South Florida Water Management  
53 District that a Legal Officer of the District is hereby authorized, instructed, and directed forthwith to acquire by  
54 eminent domain the fee parcel in fee simple, to institute or cause to be instituted eminent domain  
55 proceedings as may be necessary pursuant to Chapters 73 and 74, Florida Statutes, to avail the District of all  
56 eminent domain powers and procedures authorized by Florida Statute and by rule of court, and to accomplish  
57 the acquisition described herein, including the authority to negotiate the acquisition of the described property  
58 subject to the approval of the Governing Board.

59

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

61

62 **ATTEST:**

63

64

65 By: \_\_\_\_\_  
66 District Clerk/Secretary

67

68

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

69

70

71

72 (Corporate Seal)

73

74

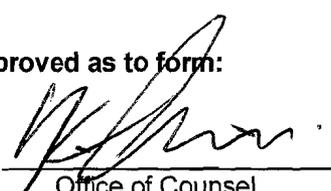
By: \_\_\_\_\_  
Chair

75

76 **Approved as to form:**

77

78

79 By:  \_\_\_\_\_  
80 Office of Counsel

80

## Exhibit "A"

### Tract No. 18-029-001

All that part of the South 385 feet of the North half of Section 12, Township 29 South, Range 29 East and all that part of the Southeast quarter of said Section 12 lying within Tract 2 as recorded in Official Records Book 622, Page 266, Osceola County, Florida Public Records.

The above-described parcel of land contains 20.77 acres, more or less.

R:\Legals\kcol\029-001.lgl  
September 13, 2005

### Tract No. 18-030-001

A parcel of land in that portion of Sections 1 and 12, Township 29 South, Range 29 East, included within the land described as Tract 3 as recorded in Official Records Book 618, Page 552, Osceola County, Florida Public Records. More particularly described as follows:

Commence at the intersection of the North line of Tract 4 as described in Official Records Book 622, Page 262, Osceola County, Florida Public Records with the East line of Section 1, Township 29 South, Range 29 East; said North line being 330 feet Southerly of and parallel with the North line of said Section 1; thence, South 89°47'01" West, along the North line of said Tract 4, a distance of 3320.00 feet.

Thence, South 0°53'00" East, a distance of 320.00 feet;

Thence, South 20°40'00" East, a distance of 785.00 feet;

Thence, South 33°25'00" West, a distance of 980.00 feet;

Thence, South 2°10'00" West, a distance of 645.00 feet;

Thence, South 35°00'00" East, a distance of 955.00 feet;

Thence, South 24°30'00" East, a distance of 932.86 feet to a point on the Northerly boundary of said Tract 3; said point also being the POINT OF BEGINNING;

Thence, South 7°48'00" East, a distance of 815.00 feet;

Thence, South 4°45'00" West, a distance of 1025.00 feet;

Thence, South 61°35'00" East, a distance of 455.00 feet;

Thence, South 21°15'00" East, a distance of 385.00 feet;

Thence, South 21°35'00" West, a distance of 228.22 feet to a point on the Westerly line of said Tract 3 and the Northeasterly right of way line of South Florida Water Management District's Canal 37;

Thence, along the following courses being the Westerly line of said Tract 3 and the Northeasterly right of way line of South Florida Water Management District's Canal 37;

North 52°13'19" West, a distance of 552.17 feet;

North 28°28'47" West, a distance of 921.11 feet;

North 14°07'25" West, a distance of 1329.63 feet to the Northerly line of said Tract 3;

Thence, North 76°00'00" East, along said Northerly boundary of Tract 3, a distance of 740.62 feet to the POINT OF BEGINNING;

The above-described parcel contains 29.53 acres, more or less.

The bearings are based on the North line of said Section 1, Township 29 South, Range 29 East, bearing South 89°47'01" West and all other bearings are relative.

R:\Legals\kcol\030-001.lgl

July 20, 1994

Rev: March 11, 2004 deleted parcel 2

### **Tract No. 18-116-002**

That portion of Section 1, Township 29 South, Range 29 East, included within the land described as Tract 4 as recorded in Official Records Book 622, Page 262, Osceola County, Florida Public Records, lying Westerly of the following specifically described line:

Commence at the intersection of the North line of said Tract 4 and the East line of Section 1, Township 29 South, Range 29 East; said North line being 330 feet Southerly of and parallel with the North line of said Section 1; thence, bear South 89°47'01" West, along said North line, a distance of 3320.00 feet to the POINT OF BEGINNING of the specifically described line;

Thence, South 0°53'00" East, a distance of 320.00 feet;

Thence, South 20°40'00" East, a distance of 785.00 feet;

Thence, South 33°25'00" West, a distance of 980.00 feet;

Thence, South 2°10'00" West, a distance of 645.00 feet;

Thence, South 35°00'00" East, a distance of 955.00 feet;

Thence, South 24°30'00" East, a distance of 932.86 feet to the Southerly line of said Tract 4 and the end of the specifically described line.

The above-described parcel of land contains 79.22 acres, more or less.

The bearings are based on the North line of said Section 1, Township 29 South, Range 29 East, bearing South 89°47'01" West and all other bearings are relative.

R:\Legals\kcol\116-002.lgl

November 2, 1999

Updated September 13, 2005

### **Tract No. 18-117-006**

A parcel of land located in Section 12, Township 29 South, Range 29 East, Polk County, Florida, being more particularly described as follows:

All that part of a parcel of land as described in Official Records Book 3775, Page 1045, of the Public Records of Polk County, Florida, lying below the 54 foot contour line and above the 52.5 contour line (NGVD 1929 Datum).

LESS the lands previously conveyed to the South Florida Water Management District.

The above-described parcel contains 3.08 acres, more or less.

R:\Legals\kcol\117-006.lgl  
September 13, 2005

**Tract No. 18-117-007**

A parcel of land located in Section 12, Township 29 South, Range 29 East, Polk County, Florida, being more particularly described as follows:

All that part of a parcel of land as described in Official Records Book 2961, Page 1923 and in Official Records Book 6037, Page 1615, of the Public Records of Polk County, Florida, lying below the 54 foot contour line and above the 52.5 contour line (NGVD 1929 Datum).

Said parcel contains .60 acre, more or less.

KCOL\Zipprer, Lynda Mims  
R:\Legals\kcol\117-007.lgl  
September 15, 2005

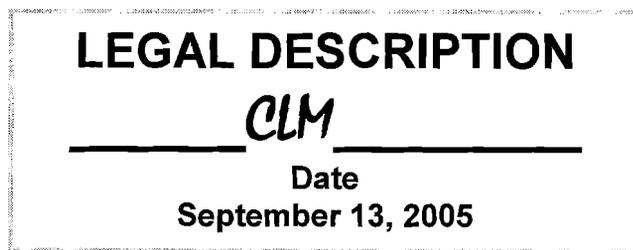
**Tract No. 18-117-008**

A parcel of land located in the East ½ of the South East Quarter of Section 12, Township 29 South, Range 29 East, Polk County, Florida, being more particularly described as follows:

All that part of a parcel of land as described in Official Records Book 5859, Page 1689, of the Public Records of Polk County, Florida, lying below the 54 foot contour line and above the 52.5 contour line (NGVD 1929 Datum).

LESS all lands previously conveyed to the South Florida Water Management District.

Said parcel contains 2.97 acres, more or less.



**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBERS:** **18-029-001**

**PROPERTY TAX FOLIO NUMBER(S):** 052930-000000200000  
06293-000000200000  
072930-000000200000  
122929-000000200000  
122929-000000300000

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Mary Louise Zipprer

Real Property Taxes and Assessments:

Patsy Heffner  
Tax Collector  
Osceola County  
2 Courthouse Square  
Kissimmee, FL 34741

**INTEREST NOT TO BE CONDEMNED:**

1. Easement granted to Florida Power Corporation, filed in O.R. Book 97, Page 420 and O.R. Book 110, Page 474, and Amendment filed in O.R. Book 110, Page 477, Public Records of Osceola County, Florida.
2. Terms, Conditions and Provisions of Agreement filed in O.R. Book 119, Page 485, Public Records of Osceola County, Florida.
3. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 505, Public Records of Osceola County, Florida.
4. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 511, Public Records of Osceola County, Florida.
5. Access Road Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 514, Public Records of Osceola County, Florida.
6. Title to any part of lands described in Schedule "A" hereof conveyed to the Central and Southern Florida Flood Control District by Warranty Deed filed in O.R. Book 119, Page 520, Public Records of Osceola County, Florida.
7. Reservations in favor of the State of Florida as contained in Deed from the Trustees of the Internal Improvement Fund of the State of Florida filed in O.R. Book 122, Page 161, Public Records of Osceola County, Florida.
8. Notices of Claim of South Florida Water Management District filed in O.R. Book 1123, Page 1378 and O.R. Book 1123, Page 1380, Public Records of Osceola County, Florida.
9. These Notice of Interests were filed by the District to retain the right in those certain Surface Easements recorded in Official Records Book 116, page 434 and Official Records Book 116, page 439.

**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBERS:** **18-030-001**

**PROPERTY TAX FOLIO NUMBER(S):** 012929-000000300000  
062930-000000500000  
072930-000000300000  
122929-000000100000

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Gendolyn C. Zipprer, William C. Zipprer, III and Lynda K. Zipprer Mims, as Trustees under Last Will and Testament of William C. Zipprer, Jr. deceased.

Real Property Taxes and Assessments:

Patsy Heffner  
Tax Collector  
Osceola County  
2 Courthouse Square  
Kissimmee, FL 34741

**INTEREST NOT TO BE CONDEMNED:**

1. Easement granted to FLORIDA POWER CORPORATION, filed in O.R. Book 97, Page 420 and O.R. Book 110, Page 474, and Amendment filed in O.R. Book 110, Page 477, Public Records of Osceola County, Florida.
2. Terms, Conditions and Provisions of Agreement filed in O.R. Book 119, Page 485, Public Records of Osceola County, Florida.
3. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 505, Public Records of Osceola County, Florida.
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9. These Notice of Interests were filed by the District to retain the right in those certain Surface Easements recorded in Official Records Book 116, page 434 and Official Records Book 116, page 439.

**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBERS:** **18-116-002**

**PROPERTY TAX FOLIO NUMBER(S):** 012929-000000100000  
062930-000000100000

**INTERESTS TO BE CONDEMNED:**

Owners of Record: 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

Real Property Taxes and Assessments:

Patsy Heffner  
Tax Collector  
Osceola County  
2 Courthouse Square  
Kissimmee, FL 34741

**INTEREST NOT TO BE CONDEMNED:**

1. Easement granted to FLORIDA POWER CORPORATION, filed in O.R. Book 97, Page 420 and O.R. Book 110, Page 474, and Amendment filed in O.R. Book 110, Page 477, Public Records of Osceola County, Florida.
2. Terms, Conditions and Provisions of Agreement filed in O.R. Book 119, Page 485, Public Records of Osceola County, Florida.
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7. Reservations in favor of the State of Florida as contained in Deed from the Trustees of the Internal Improvement Fund of the State of Florida filed in O.R. Book 122, Page 161, Public Records of Osceola County, Florida.
8. Notices of Claim of South Florida Water Management District filed in O.R. Book 1123, Page 1378 and O.R. Book 1123, Page 1380, Public Records of Osceola County, Florida.
9. These Notice of Interests were filed by the District to retain the right in those certain Surface Easements recorded in Official Records Book 116, page 434 and Official Records Book 116, page 439.

**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBERS:** 18-117-006  
**PROPERTY TAX FOLIO NUMBER(S):** 122929-000000-014010

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Gwendolyn C. Zipper

Real Property Taxes and Assessments:

Joe G. Tedder, CFC  
Tax Collector  
Polk County  
430 East Main St.  
Bartow, FL 33830

**INTEREST NOT TO BE CONDEMNED:**

1. Easement to Florida Power Corporation recorded in O.R. Book 1515, Page 1421, of the Public Records of Polk County, Florida.
2. Ingress and Egress Easement recorded in O.R. Book 1935, Page 1653 and O.R. Book 3556, Page 1249, of the Public Records of Polk County, Florida.

**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBERS:** 18-117-007  
**PROPERTY TAX FOLIO NUMBER(S):** 122929-000000-021020

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Lynda Ziprer Mims and R. Richard Mims, her husband

Real Property Taxes and Assessments:

Joe G. Tedder, CFC  
Tax Collector  
Polk County  
430 East Main St.  
Bartow, FL 33830

**INTEREST NOT TO BE CONDEMNED:**

1. Easement to Florida Power Corporation recorded in O.R. Book 1515, Page 1421, of the Public Records of Polk County, Florida.
2. Ingress and Egress Easement recorded in O.R. Book 1935, Page 1653, of the Public Records of Polk County, Florida.

**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBERS:** 18-117-008

**PROPERTY TAX FOLIO NUMBER(S):** 122929-000000-021010

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Morris E. Zipprer, as to a Life Estate and David Gary Zipprer, as Trustee of the David Gary Zipprer Revocable Trust dated June 29, 2004

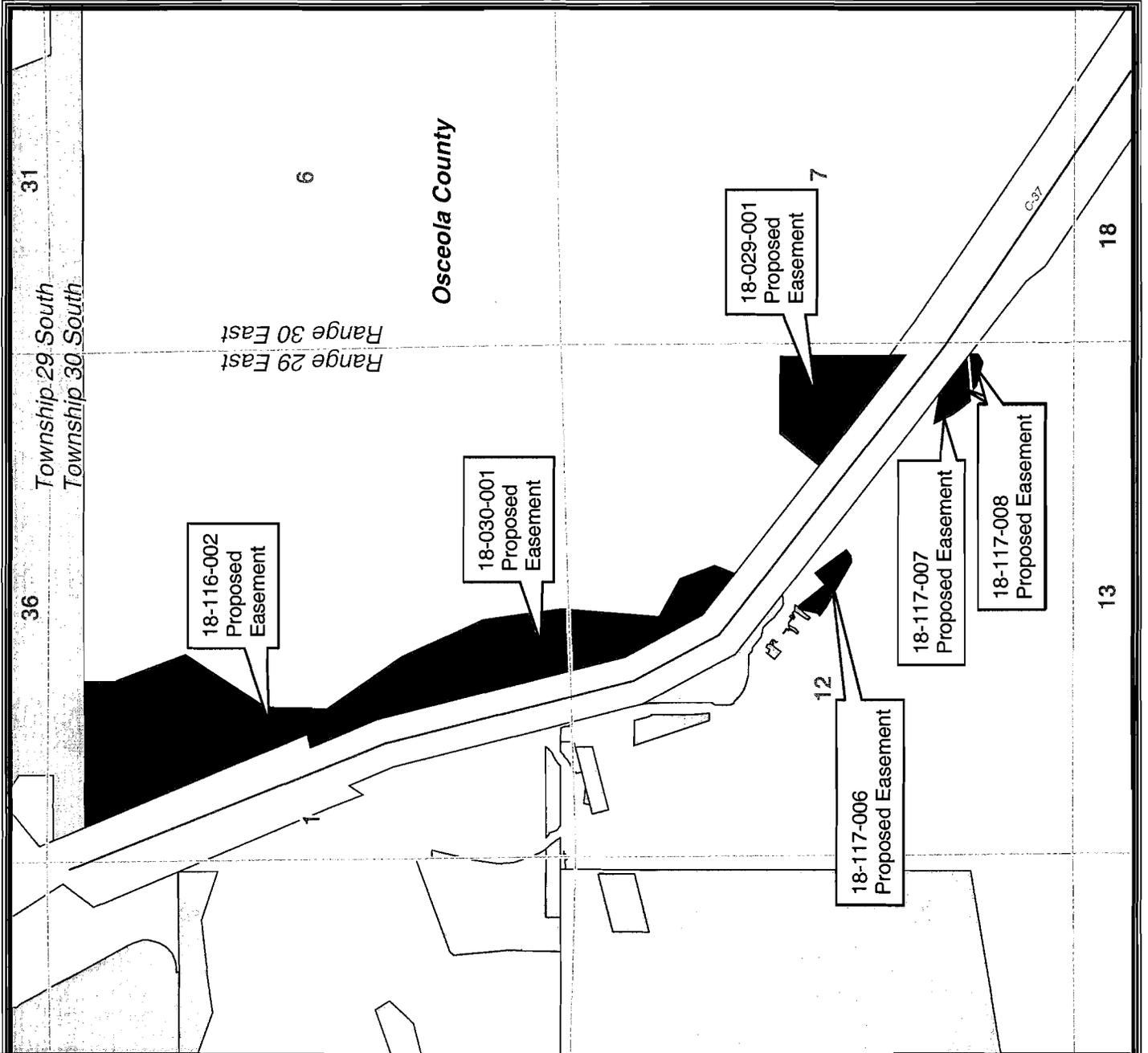
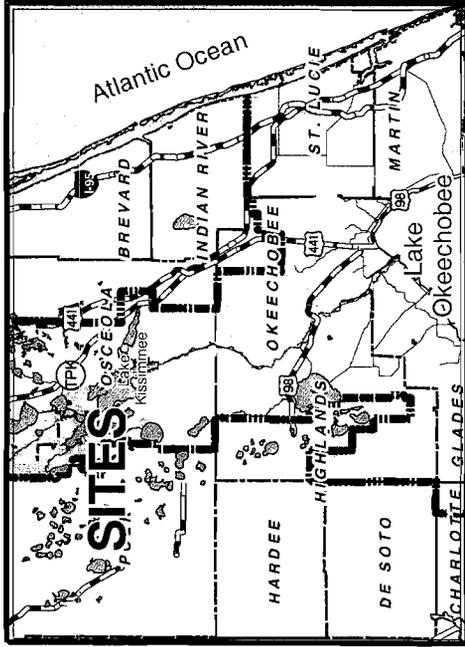
Real Property Taxes and Assessments:

Joe G. Tedder, CFC  
Tax Collector  
Polk County  
430 East Main St.  
Bartow, FL 33830

**INTEREST NOT TO BE CONDEMNED:**

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2. Ingress and Egress Easement recorded in O.R. Book 1935, Page 1653, of the Public Records of Polk County, Florida.

# Kissimmee Chain of Lakes - Zipprer Properties



**Project Lands**

**Proposed Acquisition**

DISCLAIMER: The information shown on this map is for informational purposes only and does not constitute a contract. The District is not responsible for the accuracy, reliability, timeliness or completeness of any information obtained from the District. The District is not responsible for the results and performance of any information obtained from the District. The District is not responsible for the results and performance of any information obtained from the District. The District is not responsible for the results and performance of any information obtained from the District.