

MEMORANDUM

TO: Governing Board Members
FROM: Sheryl Wood, General Counsel
DATE: January 25, 2011
SUBJECT: Condemnation Action – Tract No. 18-117-006
William C. Zipprer and Lynda Z. Wetzel; (3.7 acres)

Background

Case Name: South Florida Water Management District v. Zipprer; Case No.: 53-2010-CA-004805

Type of Case: Eminent Domain

District Project Name: Kissimmee River Restoration and Headwaters Revitalization Project. ("Project").

How this helps meet the District's 10-year Strategic Plan:

The District previously filed a condemnation action involving 1.84 acres owned by William C. Zipprer and Lynda Z. Wetzel in Polk County. During negotiations with the landowner, it became apparent that an additional 1.86 acres needed to be taken for the Project. Acquisition of the perpetual flowage and inundation easement, comprising of the additional 1.86 acres, is a necessary part of the Project in Polk County. The appraised value of the total 3.7 acres is \$23,500.00.

This Board item impacts what areas of the District, both resource areas and geography:

This acquisition involves land needed for the perpetual flowage and inundation easements between 52.5 and 54 feet in Polk County. The Project, which includes measures to reestablish the historic river channel and floodplain, will cause the water levels in the restored river to fluctuate in a manner that may impact certain lands including the subject lands. Acquisition of a perpetual flowage and inundation easement, comprising of a total 3.7 acres, is a necessary part of the Project in Polk County.

What concerns could this Board item raise?

The terms of the easement are consistent with the previous Governing Board resolution for acquisition of this parcel

Why should the Governing Board approve this item?

This acquisition involves land needed for the perpetual flowage and inundation easements between 52.5 and 54 feet in Polk County. Acquisition of a perpetual flowage and inundation easement, comprising of a total 3.7 acres, is a necessary part of the Project in Polk County.

If you have any questions, please do not hesitate to call me at ext. 6976.

SGW/mam