

## LAND ACQUISITION EXECUTIVE SUMMARY

|                                     |  |
|-------------------------------------|--|
| <b>PROJECT:</b>                     | Herbert Hoover Dike Rehabilitation Project   |
| <b>COUNTY:</b>                      | Palm Beach   |
| <b>SIZE:</b>                        | 2.90 acres   |
| <b>PURPOSE:</b>                     | Approve purchase of lands required for Project   |
| <b>OWNER:</b>                       | Ball Family Partnership, Ltd., a Florida limited partnership<br>Tract Nos: HH-104-003 & HH-104-005 |
| <b>APPRAISED VALUE:</b>             | \$68,400   |
| <b>FINAL PURCHASE OFFER:</b>        | \$78,660   |
| <b>COSTS &amp; ATTORNEYS' FEES:</b> | \$6,136  |

**HIGHLIGHTS:** After several attempts, the District had been unsuccessful in negotiating the voluntary purchase of these tracts. In an effort to bring this acquisition to finality, District staff received authority from the Governing Board to make a final written offer of \$78,660, 15% over appraised value, together with authority to initiate condemnation action should the final offer be rejected. After further negotiation, the owner has accepted the District's final offer provided the District reimburse the owner's statutory costs and attorneys' fees. Staff requests approval of the purchase of land interests containing 2.90 acres, more or less, in Palm Beach County for the Herbert Hoover Dike Rehabilitation Project (Project) in the amount of \$78,660, and the payment of statutory costs and attorneys' fees in the amount of \$6,136.

**CONSIDERATIONS:** The Project will provide flood protection and reduce the risk to public safety and health associated with the instability of the dike by implementing recommended repairs. Evidence of the dike's instability and increased seepage through the dike has been found in the area of this property. Installation of a cutoff wall within the dike's right of way and filling in the toe ditch located on this property will provide an immediate improvement to the existing condition of the dike and to its overall stability and safety. This property is necessary for the Project.

**FISCAL IMPACT:** The final purchase offer of \$78,660 is 115 % of the appraised value based on our approved appraisal dated May 2008. The owner's statutory costs and attorneys' fees total \$6,136. The purchase price and costs are to be funded with ad valorem funds.

**RECOMMENDATION:** That the Governing Board of the South Florida Water Management District approves the purchase of lands interests containing 2.90 acres, more or less, in Palm Beach County for the Herbert Hoover Dike Rehabilitation Project in the amount of \$78,660, and the payment of statutory costs and attorneys' fees in the amount of \$6,136.

**Prepared by:** \_\_\_\_\_  
Bruce Hall  
Sr. Real Estate Specialist  
Land Acquisition Department  
\_\_\_\_\_ Date

**Reviewed by:** \_\_\_\_\_  
Ruth P. Clements  
Director  
Land Acquisition Department  
\_\_\_\_\_ Date

**Approved by:** \_\_\_\_\_  
Kenneth G. Ammon, P.E.  
Deputy Executive Director  
Everglades Restoration and Capital Projects  
\_\_\_\_\_ Date

Resolution and Map

Persons and entities for conflict check:

Ball Family Partnership, a Florida general partnership, consisting of:  
James A. Ball, III, Trustee of the marital trust under the James A. Ball, Jr. Amended and Restated Living Trust dated July 23, 1993  
Frances Ball Ethridge, Trustee of the Frances G. Ball Living Trust dated June 26, 1991  
Nancy Ball Osking  
Frances Ball Ethridge  
James A. Ball, III

Ball Family Partnership LTD., a Florida limited partnership, consisting of:  
Frances B. Ethridge, Nancy B. Osking, and James A. Ball, III,  
Katherine W. Ball  
James A. Ball, IV  
Katherine B. Davidson  
Roy M. Ethridge  
Roy M. Ethridge, III  
Frances E. Kittrell  
Ben E. Osking Trust  
Eric B. Osking  
Daniel F. Osking

| Tract Nos.            | Owners Name  | Fee Acres | Appraised Value |
|-----------------------|--|-----------|-----------------|
| HH104-003 & HH104-005 | Ball Family Partnership, a Florida general partnership | 2.90      | \$68,400        |