

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2007 – _____
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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR
7 THE ACQUISITION OF LAND INTERESTS CONTAINING 39.93 ACRES, MORE OR
8 LESS, IN MIAMI-DADE COUNTY, FOR THE C-111/L-31N CANAL PROJECT; FOR
9 WHICH AD VALOREM FUNDS (CAPITAL PROJECTS OKEECHOBEE) ARE
10 BUDGETED AND DEDICATED FUNDS (WETLANDS MITIGATION AND LAKE BELT
11 MITIGATION) ARE AVAILABLE SUBJECT TO A BUDGET AMENDMENT; APPROVE
12 DECLARING SURPLUS, DISPOSAL OF, AND REMOVAL FROM THE ASSET
13 RECORDS, ANY SUCH STRUCTURES AND IMPROVEMENTS DEEMED
14 UNNECESSARY FOR THE STATED PURPOSE OF THE ORIGINAL LAND
15 ACQUISITION; PROVIDING AN EFFECTIVE DATE.
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17 **WHEREAS**, the Florida Legislature has declared in Section 373.1501(3). Florida Statutes, that the
18 C-111/L-31N Project (hereinafter "Project") is in the public interest, for a public purpose, and necessary for
19 the public health and welfare; and

20 **WHEREAS**, the Project is defined in Section 373.1501(1)(a), Florida Statutes, in relevant part, as
21 the project identified in the Central and Southern Florida Flood Control Project, Real Estate Design
22 Memorandum, Canal 111, South Dade County, Florida: and

23 **WHEREAS**, the Final Integrated General Reevaluation Report and Environmental Impact
24 Statement for the C-111/L-31N Canal (1994 GRR) of the Central and Southern Florida (C&SF) Project
25 authorizes the construction of storm water detention and buffer areas to create a hydraulic ridge along the
26 eastern boundary of Everglades National Park (ENP),

27 **WHEREAS**, this hydraulic ridge will provide environmental enhancement to ENP while maintaining
28 the authorized level & flood damage reduction for the lands located east of the L-31N and C-111 Canals.
29 Water will be pumped from these canals into the detention areas raising the groundwater level along the
30 eastern boundary of ENP.

31 **WHEREAS**, the groundwater level in the buffer area, located between the detention area and the
32 canal, will rise substantially as a result of the detention area operation. These tracts are located within the
33 construction area and will be impacted as a result of operation.

34 **WHEREAS**, the Florida Legislature has determined In section 373.1501(3), Florida Statutes, that
35 the acquisition of real property for the objective of implementing the C-111/L-31N Project constitutes a
36 public purpose for which public funds may be expended, and

37 **WHEREAS**, the Florida Legislature in Section 373.1501(3), Florida Statutes, has authorized the use
38 of state funds for the acquisition of real property for the objective of implementing the Project, and

39 **WHEREAS**, the Florida Legislature in Section 373.1501(3). Florida Statutes, has empowered and
40 authorized the Governing Board of the South Florida Water Management District to acquire fee title to lands
41 by eminent domain for the purpose of implementing the Project; and

42 **WHEREAS**, the Florida Legislature in Section 373.1501(3). Florida Statutes, directs the District,
43 in the absence of a willing seller to acquire any land necessary for the implementation of the Project in
44 accordance with state condemnation law pursuant to Chapters 73 and 74, Florida Statutes: and

45 **WHEREAS**, the District has been unsuccessful in negotiating the voluntary purchase of the lands
 46 Identified below:
 47

Owners	Tract Nos.	Interest	Acres	Appraised Value
Lázaro Rosell & Norberto Gonzalez	B7100-052	Fee	0.85	\$119,000
Jose Campos	B7100-065	Fee	2.36	\$177,000
Rigoberto and Janciana Daly	B7100-080	Fee	2.50	\$158,000
Eugenio Miguel and Richard Acebo	B7100-081	Fee	4.81	\$339,999
Angel, Amador & Andres Nolasco	B7100-082	Fee	2.50	\$300,000
Sahir and Atiya Imam	B7100-085	Fee	2.50	\$163,000
Juan J. Ponce and Arnaldo Mirabal (deceased)	B7100-086	Fee	2.50	\$163,000
Gladys I. Valella	B7100-088	Fee	2.50	\$158,000
Martin Bogardus	B7100-095	Fee	2.50	\$181,000
Gladys Perez	B7100-099	Fee	4.70	\$356,000
Roosevelt Graham	B7100-102	Fee	2.43	\$321,000
Aero-Modelers of Perrine-Fla, Inc.	B7100-103	Fee	5.00	\$443,000
Arturo Delgado	B7100-233	Fee	0.19	\$12,000
Estate of Adolfo Cancelas	B7100-239	Fee	0.05	\$5,000
Joe Campos	B7100-241	Fee	0.14	\$10,000
Rashid Tahir Chaudhry	B7100-258	Fee	2.19	\$232,000
Heirs of Jose M. Acebal	B7100-263	Fee	0.27	\$27,000
Estate of W. Segal	B7100-265	Fee	0.08	\$5,000
Barry Haiman, Douglas M. Rudolph and Sydney J. Rudolph	B7100-267	Fee	0.54	\$20,613
Ten-Ven Investments, N.V.	B7100-268	Fee	1.32	\$50,387
TOTALS			39.93	\$3,240,999

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 49 **NOW, THEREFORE, BE IT RESOLVED**, by the Governing Board of the South Florida Water
 50 Management District that the acquisition by the District of the following lands In the area designated as the
 51 C-111/L-31N Project, consisting of approximately 39.93 acres, more or less, as more particularly described

52 on attached Exhibit "A" (hereinafter "the described property") and as shown on the map attached hereto as
53 Exhibit "B", is found by the Governing Board of the District to be necessary to implement a component of the
54 C-111/L-31N Project and is in the public interest and for a public purpose:

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

62 **PASSED** and **ADOPTED** this _____ day of _____, 2007.

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

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By: _____
Chairman

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ATTEST:

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District Clerk/Secretary

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Approved as to form:

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By: _____
Office of Counsel

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