

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Sheryl G. Wood, General Counsel

**DATE:** September 27, 2010

**SUBJECT:** Settlement of Condemnation Action – Tract No. 003-778  
WAYNE J. RINKENBACK, individually and as Trustee of the Albert F. Rinkenback Grantor Living Trust dated 3-18-93

### Background:

- Case Name: SFWMD v. Camille B. Snyder, et al., Case No.: 04-CA-1334; Tract No. 003-778 (5 acres); Lee County
- Type of Case: Eminent Domain
- District Project Name: Critical CREW (Corkscrew Regional Ecosystem Watershed) Project

### History:

The District has been involved in numerous condemnation actions to carry out the Critical CREW Project since April of 2001. With regard to Tract No. 003-778, owned by Wayne J. Rinkenback, individually and as Trustee of the Albert F. Rinkenback Grantor Living Trust dated 3-18-93, the District obtained an Order of Taking on May 25, 2004. District staff continued to pursue an amicable resolution of this matter, and as a result, an agreement was entered into addressing settlement of all claims for compensation from the District and a jury trial will no longer be needed. Additionally, by virtue of an amicable settlement, the District avoids the expenditure of additional taxpayer dollars to not only pay the District's costs associated with litigation, but also any additional attorney's fees and costs of the property owner.

### Funding Source:

This settlement is funded through dedicated and budgeted funds (Florida Forever Trust Fund).

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

The proposed settlement would complete acquisition of 5 acres, with improvements, needed for the CREW Project at a cost of \$146,900.00 (30% over the District's appraised value of \$113,000.00). In addition, as part of this acquisition, the District is required to pay statutory attorney's fees in the amount of \$41,877.00, and expert fees

and costs in the amount of \$13,500.00, for a total of \$202,277.00. The District previously deposited \$43,500.00 on June 14, 2004 as part of its quick take proceeding. The District would therefore need to make an additional deposit of \$158,777.00 upon approval.

**What concerns could this Board item raise?**

Terms of the settlement are consistent with previous settlements for parcels within the project and within the guidelines provided by the Governing Board.

**Why should the Governing Board approve this item?**

This settlement resolves all claims for compensation from the District, avoiding uncertainties associated with trial and the District's expenditure of additional funds to pay both the District's and property owner's additional legal costs associated with litigation.

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

SGW/jrr