

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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3 RESOLUTION NO. 2007-__

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO AUTHORIZE ENTRY INTO A STIPULATED FINAL
7 JUDGMENT/SETTLEMENT AGREEMENT FOR \$313,200 FOR LAND, ATTORNEY'S FEES IN
8 THE AMOUNT OF \$43,210, AND EXPERT WITNESS FEES AND OTHER COSTS IN THE
9 AMOUNT OF \$3,076.25, FOR AN EMINENT DOMAIN ACTION INVOLVING APPROXIMATELY
10 3.07 ACRES, MORE OR LESS, IN FEE SIMPLE (TRACT NOS. 19-103-559, 19-103-560 AND 19-
11 103-561, MARY M. CHESHIRE AND REVIS BILL CHESHIRE) WITHIN THE DESIGNATED
12 BOUNDARIES OF THE KISSIMMEE RIVER AND HEADWATER REVITALIZATION PROJECT
13 STYLED SOUTH FLORIDA WATER MANAGEMENT DISTRICT V. MARY M. CHESHIRE, REVIS
14 BILL CHESHIRE AND CELESTE SMITH AS TAX COLLECTOR FOR OKEECHOBEE COUNTY,
15 FLORIDA, FILED IN THE 19TH CIRCUIT COURT IN AND FOR OKEECHOBEE COUNTY,
16 FLORIDA, CASE NO.: 2006-CA-041, FOR WHICH DEDICATED FUNDS (FLORIDA FOREVER
17 TRUST FUND) AND AD VALOREM FUNDS (OKEECHOBEE CAPITAL) ARE BUDGETED,
18 PROVIDING AN EFFECTIVE DATE.
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20 **WHEREAS**, Sections 373.083 (1) and 373.129, Florida Statutes, authorize the
21 South Florida Water Management District to settle existing lawsuits;

22 **WHEREAS**, the existing lawsuit is a condemnation action;

23 **WHEREAS**, the Parties have been engaged in negotiations in an attempt to acquire
24 the subject property without trial; and

25 **WHEREAS**, the Parties have been successful in presenting a stipulated final
26 judgment to the Governing Board of the South Florida Water Management District; and,

27 **WHEREAS**, the terms of the stipulated final judgment are set forth on the attached
28 document;

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30 **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**
31 **WATER MANAGEMENT DISTRICT:**

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33 To authorize a stipulated final judgment/settlement agreement for \$313,200.00,
34 attorneys' fees in the amount of \$43,210.00, and expert fees and other costs in the amount
35 of \$3,076.25, for a condemnation action involving approximately 3.07 acres more or less of
36 land in fee simple (Tract Nos. 119-103-559, 19-103-560 AND 19-103-561, Mary M.
37 Cheshire and Revis Bill Cheshire) within the designated boundaries of the Kissimmee River
38 and Headwater Revitalization Project filed in the 19th Circuit Court in and for Okeechobee
39 County, Florida, Case No. 2006-CA-041, styled South Florida Water Management District

1 v. Mary M. Cheshire, Revis Bill Cheshire and Celeste Smith as Tax Collector for
2 Okeechobee County, Florida, for which dedicated funds (Florida Forever Trust Fund) and
3 Ad Valorem funds (Okeechobee Capital) are budgeted; providing an effective date.
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5 This Resolution shall take effect immediately upon adoption.
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7 **PASSED** and **ADOPTED** this _____ day of _____, 2007.
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9 Approved: SOUTH FLORIDA WATER MANAGEMENT
10 Legal Form Approved DISTRICT
11

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14 By: _____ By: _____
15 Chairperson

16 (Corporate Seal) ATTEST:
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19 By: _____
20 Assistant Secretary
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