

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl Wood, General Counsel

DATE: April 20, 2006

SUBJECT: Settlement of Condemnation Action –
CLEMONS, CORONA, and FULFORD, et al.

Background:

- Case Name: RAMON M. CORONA and GEORGINA F. CORONA v. SFWMD (Case No.: 2000 CA 306); OTIS P. "PETE" CLEMONS, GENE FULFORD and PEGGY FULFORD v. SFWMD (Case No.: 2000 CA 310); OTIS JEFFREY CLEMONS, DEBORAH CLEMONS, TODD CLEMONS and TINA CLEMONS v. SFWMD (Case No.: 2000 CA 311)
- Type of Case: Inverse Condemnation
- District Project Name: Kissimmee River Restoration Project

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

Land acquisition, as a part of the Kissimmee River Restoration Project, is essential and will enhance flood control/protection, water supply and environmental restoration.

Funding Source:

We have been advised by the Land Resource Department that this settlement is funded using District Ad Valorem funding.

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

The proposed settlement provides for the resolution of the final outstanding issue regarding the acquisition of this property, payment of all expert fees and costs, as well as any supplemental attorney's fees, in the amount of \$360,000.00, resulting from the taking of this property, consisting of 2,177.35 acres, located within the Kissimmee River Restoration Project. The District has previously entered into an Agreement for full compensation for the taking of the properties (\$8,768,000) and attorney's fees (\$2,056,100.00).

What concerns could this Board item raise?

Terms of the settlement are consistent with previous settlements and closed door session discussions with the Governing Board.

Why should the Governing Board approve this item?

This settlement resolves all outstanding claims for compensation in this case from the District and a bench trial as to disputed expert fees and costs will no longer be needed, avoiding the District's expenditure of additional tax payer dollars to not only pay the District's costs associated with litigation, but also those attorney fees and costs of the property owner.