

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2009 - 1208

4  
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER  
6 MANAGEMENT DISTRICT AUTHORIZING A FINAL PURCHASE OFFER AND EMINENT  
7 DOMAIN PROCEEDINGS FOR THE ACQUISITION OF CERTAIN LAND INTERESTS,  
8 CONSISTING OF 134.43 ACRES, MORE OR LESS, IN OSCEOLA AND POLK  
9 COUNTIES, FLORIDA, WHICH ARE PART OF THE KISSIMMEE RIVER RESTORATION  
10 AND HEADWATERS REVITALIZATION PROJECT FOR WHICH DEDICATED FUNDS  
11 (FLORIDA FOREVER TRUST FUND) ARE BUDGETED; DECLARING SURPLUS,  
12 DISPOSAL OF, AND REMOVAL FROM THE ASSET RECORDS, ANY SUCH  
13 STRUCTURES AND IMPROVEMENTS DEEMED UNNECESSARY FOR THE STATED  
14 PURPOSE OF THE ORIGINAL LAND ACQUISITION; PROVIDING AN EFFECTIVE  
15 DATE.

16  
17 WHEREAS, the Florida Legislature has declared in Section 373.1501(3), Florida Statutes, that the  
18 Kissimmee River Restoration and Headwaters Revitalization Project (hereinafter "Project") is in the public  
19 interest, for a public purpose, and therefore necessary for the public health and welfare; and

20 WHEREAS, the Project is defined in Section 373.1501(1)(d), Florida Statutes, in relevant part, as the  
21 project identified in the Project Cooperation Agreement between the United States Department of the Army  
22 and the South Florida Water Management District (hereinafter "District") dated March 22, 1994; and

23 WHEREAS, the primary objectives of the Project are: (1) to reestablish the structure and function of  
24 the historic, pre-channelized river channel and floodplain; (2) to reestablish the historic flows to the restored  
25 river channel and floodplain; and, (3) the modification of water levels throughout the river system to provide  
26 both greater and more natural fluctuations in the upper basin lakes. Flows into the Kissimmee River from the  
27 upper basin lakes will further reestablish the natural Kissimmee River floodplain; and

28 WHEREAS, the implementation of the Project and the reestablishment of the historic river channel  
29 and floodplain will cause the water levels in the restored river and the upper Chain of Lakes (Headwaters) to  
30 fluctuate impacting properties cited in this Resolution; and

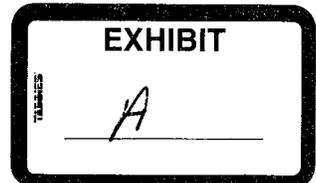
31 WHEREAS, the acquisition of perpetual flowage and inundation easements between 52.5 and 54  
32 feet NGVD is necessary because this area will be affected by the fluctuation in water levels; and

33 WHEREAS, Florida Legislature has determined in Section 373.1501(3), Florida Statutes, that the  
34 acquisition of real property interests for the objective of implementing the Project is necessary and constitutes  
35 a public purpose for which public funds may be expended; and

36 WHEREAS, the Florida Legislature in Section 373.1501(3), Florida Statutes, has empowered and  
37 authorized the Governing Board of the South Florida Water Management District to acquire interests in lands  
38 by eminent domain for the purpose of implementing and maintaining the Project; and

39 WHEREAS, the Florida Legislature in Section 373.1501(3), Florida Statutes, directs the District, in  
40 the absence of a willing seller, to acquire any land interests necessary for the implementation for the Project  
41 in accordance with state condemnation law pursuant to Chapters 73 and 74, Florida Statutes; and

42 WHEREAS, the District has been unsuccessful in negotiating the voluntary purchase of the land  
43 interests, comprising 134.43 acres, more or less, located in Osceola and Polk counties, and;



44 **NOW THEREFORE, BE IT RESOLVED** by the Governing Board of the South Florida Water  
 45 Management District that the acquisition by the District of the following lands, in the area of Kissimmee River  
 46 Restoration and Headwaters Revitalization Project, consisting of 134.43 acres, more or less, as shown on the  
 47 map attached hereto as Exhibit "AA" and as more particularly described on attached Exhibit "A", hereinafter  
 48 referred to as the "easement parcels", with respect to which the District will seek to acquire a perpetual  
 49 flowage and inundation easement according to the provisions attached hereto as Exhibit "C" and subject to  
 50 those interests attached hereto and made a part hereof as Exhibit "B, is found by the Governing Board of the  
 51 District to be necessary to complete the Kissimmee River Restoration and Headwaters Revitalization Project  
 52 and is in the public interest and for a public purpose:

53 The easement parcels with respect to which the District will seek to acquire a perpetual flowage and  
 54 inundation easement are referred to as SFWMD Tract Nos. 18-029-001, 18-030-001, 18-002-016, 18-117-  
 55 006, 18-117-007 and 18-117-008 and consist of a total of 134.43 acres, more or less, lying in Osceola and  
 56 Polk counties, Florida. In accordance with Section 73.015, Florida Statutes, the Governing Board of the  
 57 South Florida Water Management District hereby authorizes and directs staff to make final written offers to  
 58 voluntarily purchase land interests containing a total of 134.43 acres, more of less, for the Kissimmee River  
 59 Restoration and Headwaters Revitalization Project, in amounts no greater than as stated below, together with  
 60 associated costs, as follows:

61

Tract Nos.	Owners Name	Easement Acres	Appraised Value	Final Purchase Offer
18-029-001	Mary Louise Zipprer	20.77	50,000	57,500
18-030-001	Gwendolyn C. Zipprer, William C. Zipprer, III and Lynda K. Zipprer Mims, as Trustees under the Last Will and Testament of William C. Zipprer, Jr. deceased.	29.53	70,500	81,075
18-116-002	David Gary Zipprer, as Trustee of the David Gary Zipprer Revocable Trust dated June 29, 2004, subject to life estate as to Morris E. Zipprer	79.22	113,000	129,950
18-117-006	William C. Zipprer, III and Lynda Z. Wetzel	1.84	1,600	1,840
18-117-007	Lynda Zipprer Mims and R. Richard Mims, her husband	0.39	7,100	8,165
18-117-008	David Gary Zipprer, as Trustee of the David Gary Zipprer Revocable Trust dated June 29, 2004, subject to life estate as to Morris E. Zipprer	2.68	6,700	7,705
<b>Totals:</b>		<b>134.43</b>	<b>\$248,900</b>	<b>\$286,235</b>

62

63 **Budgeted:**

64

Amount	Fund	Fund Code	Financial A.A.	Governmental Code Cl. Agency
\$286,235	404000	3510144000	FD01	580013

65

66 **BE IT FURTHER RESOLVED** by the Governing Board of the South Florida Water Management  
 67 District hereby approves the purchase of land interests, containing 134.43 acres, more or less, for the  
 68 Kissimmee River Restoration and Headwaters Revitalization Project, in Osceola and Polk counties, in a  
 69 cumulative amount not to exceed \$286,235, together with associated costs, and approves declaring surplus,  
 70 disposal of, and removal from the asset records, any such structures and improvements deemed  
 71 unnecessary for the stated purpose of the original land acquisition, upon acceptance of the above-referenced  
 72 offer.

73 **BE IT FURTHER RESOLVED** by the Governing Board of the South Florida Water Management  
 74 District hereby authorizes the Chair to execute Agreements for Sale and Purchase upon acceptance of any  
 75 or all of the above referenced final purchase offer.

76 **BE IT FURTHER RESOLVED** by the Governing Board of the South Florida Water Management  
 77 District approves utilization of dedicated funds (Florida Forever Trust Fund).

78 **BE IT FURTHER RESOLVED** by the Governing Board of the South Florida Water Management  
 79 District that upon rejection of the final purchase offers referenced above, a Legal Officer of the District is  
 80 hereby authorized, instructed, and directed to acquire by eminent domain land interests with respect to  
 81 perpetual flowage and inundation easements, to institute or cause to be instituted eminent domain  
 82 proceedings as may be necessary pursuant to Chapters 73 and 74, Florida Statutes, to avail the District of all  
 83 eminent domain powers and procedures authorized by Florida Statute and by rule of court, and to accomplish  
 84 the acquisition described herein, including the authority to negotiate the acquisition of the described property  
 85 subject to the approval of the Governing Board. This Resolution shall take effect immediately upon adoption.

86  
 87 **PASSED and ADOPTED** this 10 day of Dec., 2009

88 **ATTEST:**  
 89  
 90 By: *J. McGarty*  
 91 District Clerk/Secretary

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

(Corporate Seal)



*[Signature]*  
 Chair

Approved as to form:  
 98  
 99 By: *[Signature]*  
 100 Office of Counsel

December 10, 2009

**Exhibit "A"**  
**Tract No. 18117-008**

Parcels of land located in the East ½ of the South East Quarter of Section 12, Township 29 South, Range 29 East, Polk County, Florida, being more particularly described as follows:

Commence at the Southwest Corner of the Southeast Quarter of Section 12;  
Thence, South 89°42'34" East a distance of 271.65 feet;  
Thence, North 53°03'41" East a distance of 1,623.86 feet;  
Thence, North 59°32'47" East a distance of 791.20 feet along the North Line of the Parcel of Land Described in Official Records book 5859, Page 1689, Public records of Polk County to a point on the Westerly Right of Way line of Canal 37 and the POINT OF BEGINNING of Parcel 1.

Thence South 59°32'47" West, along the North line of said parcel and departing said Canal 37 Right of Way line a distance of 209.30 feet,  
Thence South 25°45'56" East, a distance of 102.42 feet;  
Thence, South 13°23'34" East, a distance of 61.62 feet;  
Thence, South 50°20'30" East, a distance of 89.97 feet to a point on Northerly line of a Ingress and Egress access easement as recorded in Official Records Book 1935, Page 1653, Public Records of Polk County.  
Thence, North 85°24'00" East, along said access easement a distance of 417.57 feet to the said Westerly Canal 37 Right of Way Line, Said Point hereafter to be referred to as Point " A ".  
Thence, North 52°10'15" West, departing said access easement, along said canal 37 Right of Way line a distance of 460.18 feet to the POINT OF BEGINNING of Parcel 1.

Thence from said Point " A " South 52°10'15" East along said Canal 37 Right of Way line a distance of 58.99 feet to the POINT OF BEGINNING of Parcel 2.  
Thence, South 85°24'00" West departing said canal 37 Right of Way, along Southerly Line of said access easement a distance of 374.33 feet;  
Thence South 57°23'47" East departing said access easement a distance of 48.12 feet;  
Thence North 69°02'17" East a distance of 81.51 feet;  
Thence South 61°16'35" East a distance of 289.14 feet, to the East Line of said Section 12;  
Thence, North 01°00'15" East, along said East Line, a distance of 165.77 feet to a point on the said Canal 37 Right of Way Line and POINT OF BEGINNING of Parcel 2

Bearing are based on the North line of a parcel as described in said Official Records Book 5859, Page 1689, said line bears North 59°32'47" East and all other bearings are relative thereto

This legal description is not valid unless accompanied by a description sketch

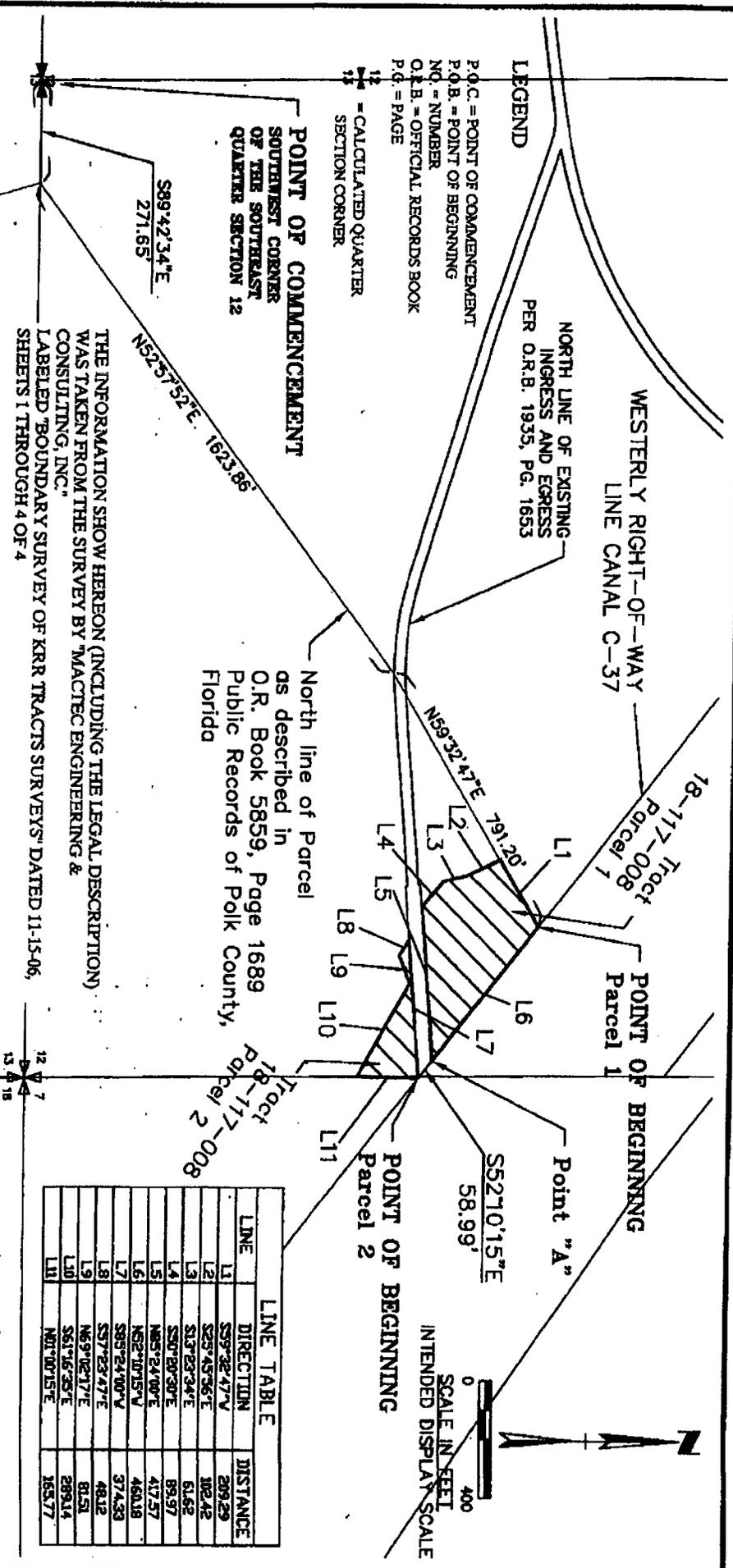
Said parcel contains 2.68 acres, more or less.

KCOL\Zipprer, David Gary  
R:\Legals\kcol\117-008.lgl  
September 15, 2005  
Revised;  
July 10, 2006

**LEGEND**  
 P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING  
 NO. = NUMBER  
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 P.G. = PAGE

WESTERLY RIGHT-OF-WAY  
 LINE CANAL C-37  
 NORTH LINE OF EXISTING  
 INGRESS AND EGRESS  
 PER O.R.B. 1935, PG. 1653

North line of Parcel  
 as described in  
 O.R. Book 5859, Page 1689  
 Public Records of Polk County,  
 Florida



**LINE TABLE**

LINE	DIRECTION	DISTANCE
L1	S97°32'47"V	209.29
L2	S25°45'36"E	302.42
L3	S13°23'34"E	61.62
L4	S07°20'30"E	89.97
L5	N85°24'00"E	417.57
L6	N82°10'57"V	460.18
L7	S85°24'00"V	374.33
L8	S37°23'47"E	48.12
L9	N69°16'27"E	81.51
L10	S61°16'25"E	289.14
L11	N1°00'15"E	165.77

THE INFORMATION SHOW HEREON (INCLUDING THE LEGAL DESCRIPTION) WAS TAKEN FROM THE SURVEY BY "MACTEC ENGINEERING & CONSULTING, INC." LABELED "BOUNDARY SURVEY OF KRR TRACTS SURVEYS" DATED 11-15-06, SHEETS 1 THROUGH 4 OF 4

**SURVEYOR'S NOTES:**

THE BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (NAD83) AND THE NORTH LINE OF PARCEL AS DESCRIBED IN O.R. BOOK 5859, PAGE 1689, BEARING NORTH 59°32'47" EAST.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID

I HEREBY CERTIFY that the description of the property shown hereon was completed under my direction and that said description is true and correct to the best of my knowledge and belief.

Date of Survey: 01-08-07

*Howard J. Ehmke II*

HOWARD J. EHMKE II  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 4191

THIS DRAWING DOES NOT REPRESENT A SURVEY  
 POLK COUNTY

SECTION 12  
 TOWNSHIP 29 SOUTH  
 RANGE 29 EAST

SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
 LAND ACQUISITION DEPARTMENT  
 3301 GUN CLUB ROAD  
 WEST PALM BEACH, FLORIDA 33416-4680  
 TRACT NO. 18117-008

Folio: \_\_\_\_\_  
 Prepared By: Jin Ma Date: 29SEP09  
 Document Name: Kcol/18117-008

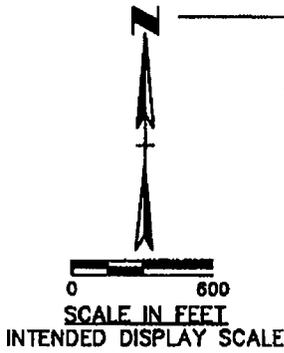
December 10, 2009

**Exhibit "A"**  
**Tract No. 18-029-001**

All that part of the South 385 feet of the North half of Section 12, Township 29 South, Range 29 East and all that part of the Southeast quarter of said Section 12 lying within Tract 2 as recorded in Official Records Book 622, Page 266, Osceola County, Florida Public Records.

The above-described parcel of land contains 20.77 acres, more or less.

This legal description is not valid unless accompanied by a description sketch.



North Line  
Section 12

East Line  
Section 12

EAST ONE-HALF  
OF THE  
NORTHEAST ONE-QUARTER

60' ROAD EASEMENT

SECTION 12  
TOWNSHIP 29 SOUTH  
RANGE 29 EAST

SFWMD (FORMERLY C&SFFCD)  
ACCESS ROAD EASEMENT ORB 119,  
PAGE 514, OSEOLA COUNTY,  
FLORIDA PUBLIC RECORDS

TRACT 2

PARENT TRACT  
ORB 622, PAGE 266  
PUBLIC RECORDS  
OSCEOLA COUNTY  
FLORIDA

**LEGEND**

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P.G. = PAGE  
S.F.W.M.D. - South Florida Water Management District

= CALCULATED SECTION CORNER  
 = CALCULATED QUARTER CORNER

South Line of  
The North Half  
Section 12

N39°30'04"E  
328.77'

Southeast Quarter  
(SE $\frac{1}{4}$ ) of Section 12

TRACT 18029-001  
20.77 ACRES  $\pm$

N82°12'55"W  
1457.10'

1 8  
12 7

N00°35'06"W  
2847.88'  
2282.94'

S89°47'41"E  
801.63'

S00°35'16"E  
385.04'

East Quarter Corner  
Section 12

S00°35'16"E  
734.20'

S00°35'16"E  
178.53'

NORTHERLY RIGHT-of-WAY LINE  
S.F.W.M.D. CANAL C-37

**SURVEYOR'S NOTES:**

THE BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (NAD83).

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID

I HEREBY CERTIFY that the Sketch of the property shown hereon was completed under my direction and that said description is true and correct to the best of my knowledge and belief.

THE INFORMATION SHOWN HEREON (INCLUDING THE LEGAL DESCRIPTION) WAS TAKEN FROM THE SURVEY BY "MACTEC ENGINEERING & CONSULTING, INC." LABELED "BOUNDARY SURVEY OF KRR TRACTS SURVEYS" DATED 11-15-06, SHEETS 1 THROUGH 4 OF 4

**THIS DRAWING DOES NOT REPRESENT A SURVEY  
OSCEOLA COUNTY**

Date of Signature 6-DEC-09

HOWARD J. EHRKE II  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 4191

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
LAND ACQUISITION DEPARTMENT  
P.O. BOX 24680  
3301 GUN CLUB ROAD  
WEST PALM BEACH, FLORIDA 33416-4680**

**KCOL  
LAKE HATCHINEHA  
GWENDOLYN C. ZIPPRER  
TRACT NO. 18-029-001**

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
JMA		24NOV09	AS SHOWN	18029-001.DWG	2 OF 2

DRAWN	CHECKED	DATE	REVISIONS

December 10, 2009

**Exhibit "A"**  
**Tract No. 18-030-001**

That portion of Sections 1 and 12, Township 29 South, Range 29 East, included within the land described as Tract 3 as recorded in Official Records Book 618, Page 552, Osceola County, Florida Public Records, More particularly described as follows:

Commence at the intersection of the North line of Tract 4 as described in Official Records Book 622, Page 262, Osceola County, Florida Public Records with the East line of Section 1, Township 29 South, Range 29 East; said North line being 330 feet Southerly of and parallel with the North line of said Section 1; thence, South 89°47'01" West, along the North line of said Tract 4, a distance of 3320.00 feet.

Thence, South 0°53'00" East, a distance of 320.00 feet;

Thence, South 20°40'00" East, a distance of 785.00 feet;

Thence, South 33°25'00" West, a distance of 980.00 feet;

Thence, South 2°10'00" West, a distance of 645.00 feet;

Thence, South 35°00'00" East, a distance of 955.00 feet;

Thence, South 24°30'00" East, a distance of 932.86 feet to a point on the Northerly boundary of said Tract 3; said point also being the POINT OF BEGINNING;

Thence, South 7°48'00" East, a distance of 815.00 feet;

Thence, South 4°45'00" West, a distance of 1025.00 feet;

Thence, South 61°35'00" East, a distance of 455.00 feet;

Thence, South 21°15'00" East, a distance of 385.00 feet;

Thence, South 21°35'00" West, a distance of 228.22 feet to a point on the Westerly line of said Tract 3 and the Northeasterly right of way line of South Florida Water Management District's Canal 37;

Thence, along the following courses being the Westerly line of said Tract 3 and the Northeasterly right of way line of South Florida Water Management District's Canal 37;

North 52°13'19" West, a distance of 552.17 feet;

North 28°28'47" West, a distance of 921.11 feet;

North 14°07'25" West, a distance of 1329.63 feet to the Northerly line of said Tract 3;

Thence, North 76°00'00" East, along said Northerly boundary of Tract 3, a distance of 740.62 feet to the POINT OF BEGINNING;

The above-described parcel contains 29.53 acres, more or less.

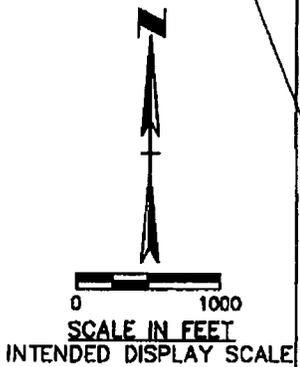
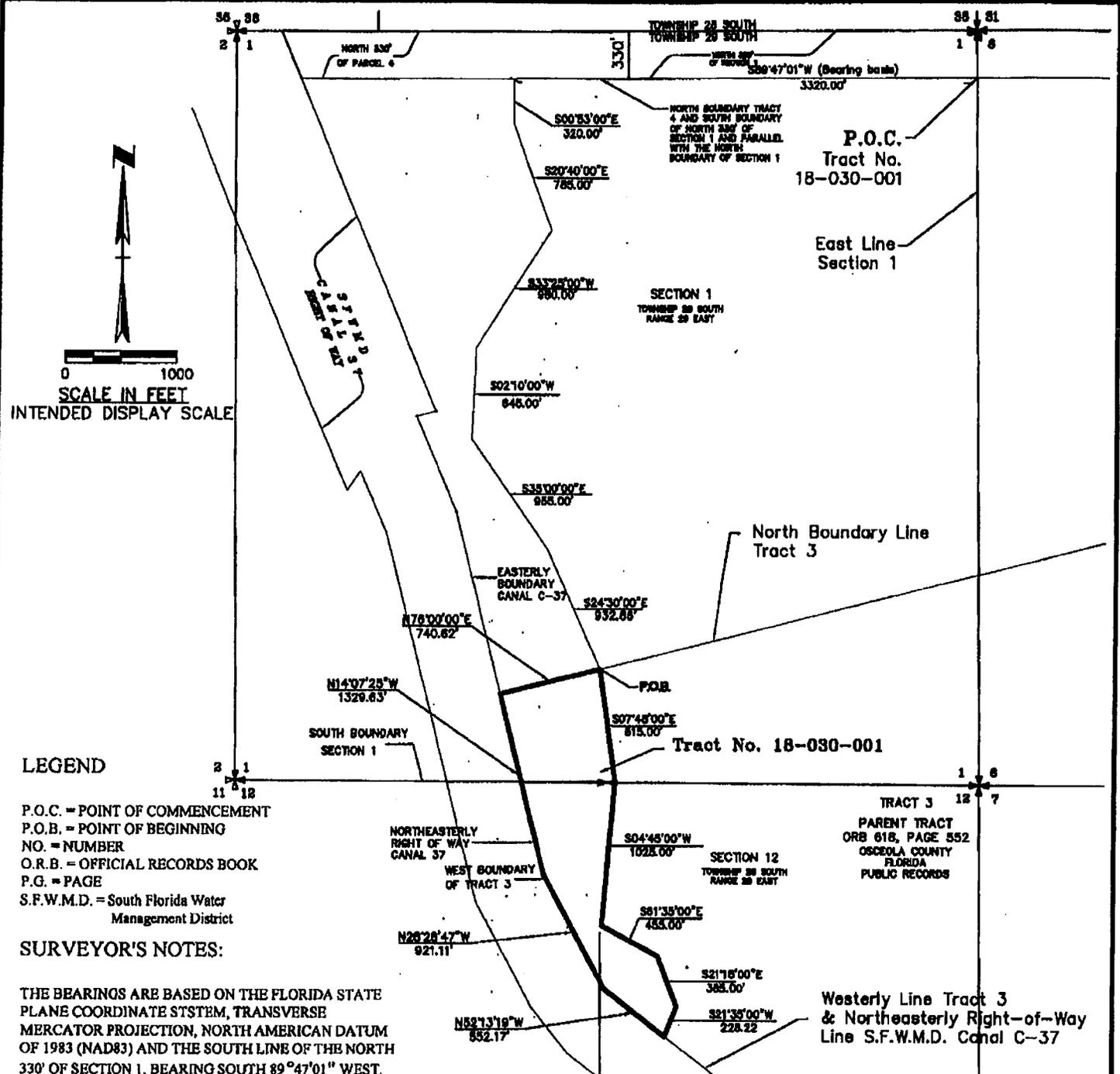
The bearings are based on the South line of the North 330' of Section 1, Township 29 South, Range 29 East, bearing South 89°47'01" West.

This legal description is not valid unless accompanied by a description sketch.

R:\Legals\kcol\030-001.lgl

July 20, 1994

Rev: Oct. 10, 2009



**LEGEND**

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 P.G. = PAGE  
 S.F.W.M.D. = South Florida Water Management District

**SURVEYOR'S NOTES:**

THE BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (NAD83) AND THE SOUTH LINE OF THE NORTH 330' OF SECTION 1, BEARING SOUTH 89°47'01" WEST.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID

I HEREBY CERTIFY that the Sketch of the property shown hereon was completed under my direction and that said description is true and correct to the best of my knowledge and belief.

Date of Signature: 10/02/09  


HOWARD J. EHMKE II  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 4191

THE INFORMATION SHOWN HEREON (INCLUDING LEGAL DESCRIPTION) WAS TAKEN FROM THE SURVEY BY "MCTEC ENGINEERING & CONSULTING, INC." LABELED "BOUNDARY SURVEY OF KRR TRACTS SURVEYS" DATED 11-15-06, SHEETS 1 THROUGH 4 OF 4

**THIS DRAWING DOES NOT REPRESENT A SURVEY OSCEOLA COUNTY**

<b>SOUTH FLORIDA WATER MANAGEMENT DISTRICT          LAND ACQUISITION DEPARTMENT          3301 GUN CLUB ROAD          WEST PALM BEACH, FLORIDA 33418-4880</b>		
<b>TRACT NO. 18030-001</b>		
Folio:		kaa\Zipprer
Prepared By: Jin Ma	Date: 10CT09	Document Name: kaa/18030-001

**Exhibit "A"**  
**Tract No. 18116-002**

That portion of Section 1, Township 29 South, Range 29 East, included within the land described as Tract 4 as recorded in Official Records Book 622, Page 262, Osceola County, Florida Public Records, lying Westerly of the following specifically described line:

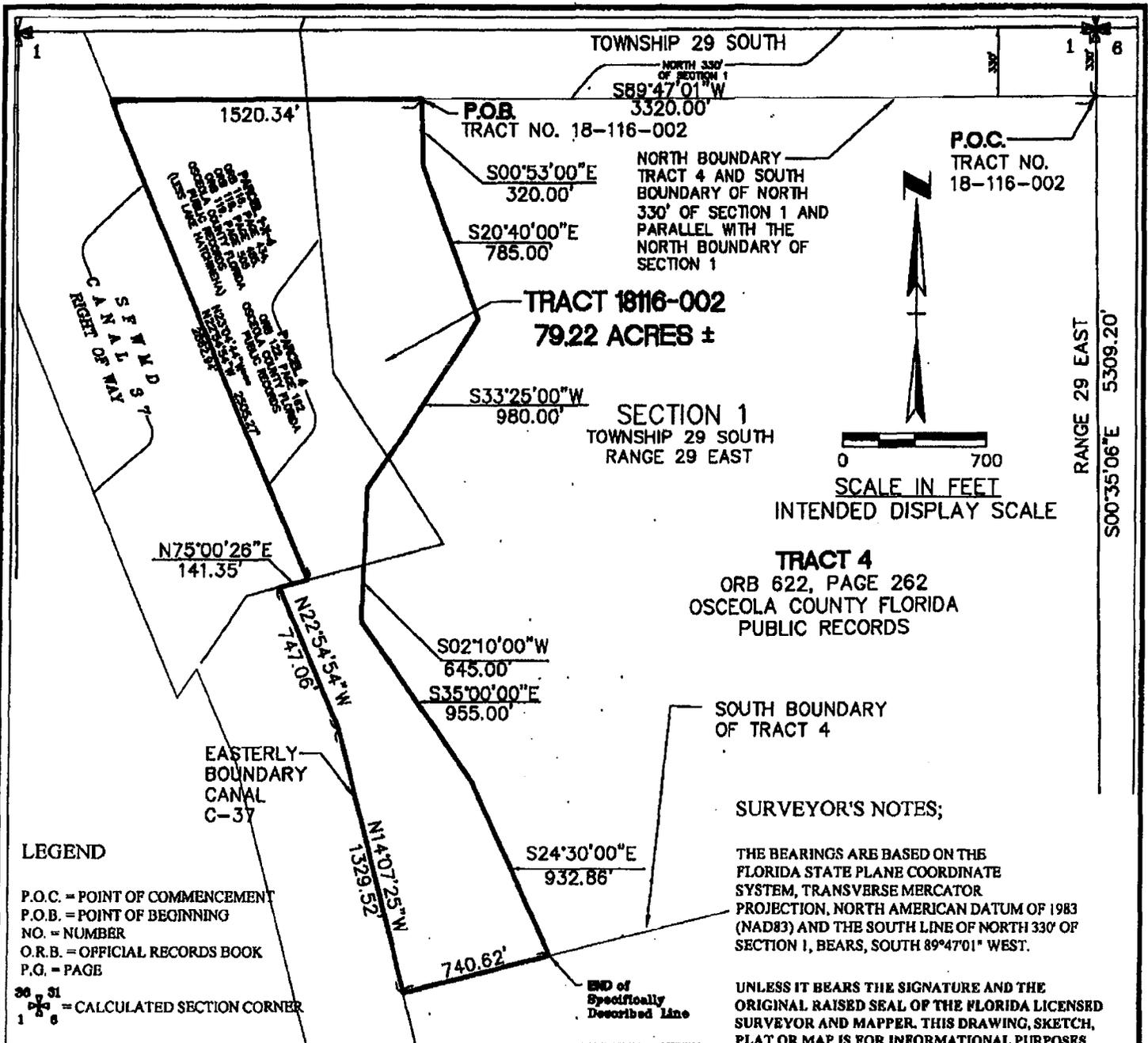
Commence at the intersection of the North line of said Tract 4 and the East line of Section 1, Township 29 South, Range 29 East; said North line being 330 feet Southerly of and parallel with the North line of said Section 1; thence, bear South 89°47'01" West, along said North line, a distance of 3320.00 feet to the POINT OF BEGINNING of the specifically described line;

Thence, South 0°53'00" East, a distance of 320.00 feet;  
Thence, South 20°40'00" East, a distance of 785.00 feet;  
Thence, South 33°25'00" West, a distance of 980.00 feet;  
Thence, South 2°10'00" West, a distance of 645.00 feet;  
Thence, South 35°00'00" East, a distance of 955.00 feet;  
Thence, South 24°30'00" East, a distance of 932.86 feet to the Southerly line of said Tract 4 and the end of the specifically described line.

The above-described parcel of land contains 79.22 acres, more or less.

The bearings are based on the South line of the North 330' of Section 1, Township 29 South, Range 29 East, bearing South 89°47'01" West and all other bearings are relative.

This legal description is not valid unless accompanied by a description sketch.



**LEGEND**

P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING  
 NO. = NUMBER  
 O.R.B. = OFFICIAL RECORDS BOOK  
 P.G. = PAGE  
 $\frac{36}{1} \frac{31}{8}$  = CALCULATED SECTION CORNER

**SURVEYOR'S NOTES;**

THE BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (NAD83) AND THE SOUTH LINE OF NORTH 330' OF SECTION 1, BEARS, SOUTH 89°47'01" WEST.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID

I HEREBY CERTIFY that the description of the property shown hereon was completed under my direction and that said description is true and correct to the best of my knowledge and belief.

I FURTHER CERTIFY that this Sketch meets the applicable MINIMUM TECHNICAL STANDARDS FOR SURVEYS set forth by the FLORIDA BOARD OF SURVEYORS AND MAPPERS pursuant to section 472.027 FLORIDA STATE STATUTES. NO SEARCH OF THE PUBLIC RECORDS has been made by this office

THE INFORMATION SHOW HREON (INCLUDING LEGAL DESCRIPTION) WAS TAKEN FROM THE SURVEY BY "MACTEC ENGINEERING & CONSULTING, INC." LABELED "BOUNDARY SURVEY OF KRR TRACTS SURVEYS" DATED 11-15-06, SHEETS 1 THROUGH 4 OF 4

**THIS DRAWING DOES NOT REPRESENT A SURVEY OSCEOLA COUNTY**

Date of Signature: 1-DEC-09

HOWARD J. EHMSKE  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 4191

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
 LAND ACQUISITION DEPARTMENT**  
 P.O. BOX 24680  
 3301 GUN CLUB ROAD  
 WEST PALM BEACH, FLORIDA 33416-4680

**KCOL  
 LAKE HATCHINEHA  
 GWENDOLYN C. ZIPPER  
 TRACT NO. 18-116-002**

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
JMA		24NOV09	AS SHOWN	18116-002.DWG	2 OF 2

**Exhibit "A"**  
**Tract No. 18117-006**

A parcel of land located in Section 12, Township 29 South, Range 29 East, Polk County, Florida, being more particularly described as follows:

BEGIN at the Northeast Corner of the Southwest Quarter of Section 12  
Thence, South 44°02'01" East along a line that approximates the 54.5 foot contour line until further stated, a distance of 70.65 feet;  
Thence South 60°27'29" East a distance of 195.28 feet;  
Thence, South 68°56'14" East a distance of 130.68;  
Thence, South 41°53'39" East a distance of 183.42 feet;  
Thence, South 85°59'27" East a distance of 45.15 feet;  
Thence, North 53°01'52" East a distance of 68.24 feet;  
Thence, North 25°36'25" East a distance of 63.49 feet to a point on the Westerly line of the S.F.W.M.D. flowage easement Deed 2626, recorded in O.R.B.116, Page 434, Public Record of Osceola County;  
Thence, North 36°47'29" West departing said line that approximates the 54.5 foot contour line along said Flowage Easement line a distance of 282.04 feet to the approximate intersection of the 52.5 foot Contour Line;  
Thence, South 64°07'21" West departing said Flowage Easement Line; along a line that approximates the 52.5 foot contour line until further stated a distance of 101.43 feet;  
Thence, South 49°40'08" West a distance of 71.32 feet;  
Thence, North 51°51'59" West a distance of 256.21 feet more or less to a point on the Northerly prolongation of the Southerly line of Lot 1, Denton's Subdivision, Per O.R.B. 6037, Pg. 1617, Public Records of Polk County;  
Thence, South 51°56'57" West departing said line that approximates the 52.5 foot contour line a distance of 94.43 feet to the POINT OF BEGINNING

The above-described parcel contains 1.84 acres, more or less.

The bearings shown hereon are based on Deed Recorded in O.R.B. 6037, Page 1617 and all bearings are relative hereto.

*This description is not valid unless accompanied by a description sketch.*

R:\Legals\kcol\117-006.lgl  
September 13, 2005  
Revised:  
Sep. 30, 2009

LINE	DIRECTION	DISTANCE
L1	S44°02'00"E	70.65
L2	S60°27'29"E	195.28
L3	S68°36'14"E	130.68
L4	S41°38'39"E	180.42
L5	S83°09'27"E	43.15
L6	N57°01'32"E	68.24
L7	N63°36'23"E	63.49
L8	N56°47'53"E	282.84
L9	S47°07'19"E	181.43
L10	S49°40'09"E	71.92
L11	N01°31'59"E	256.21
L12	S81°36'57"E	94.43

**SURVEYOR'S NOTES:**

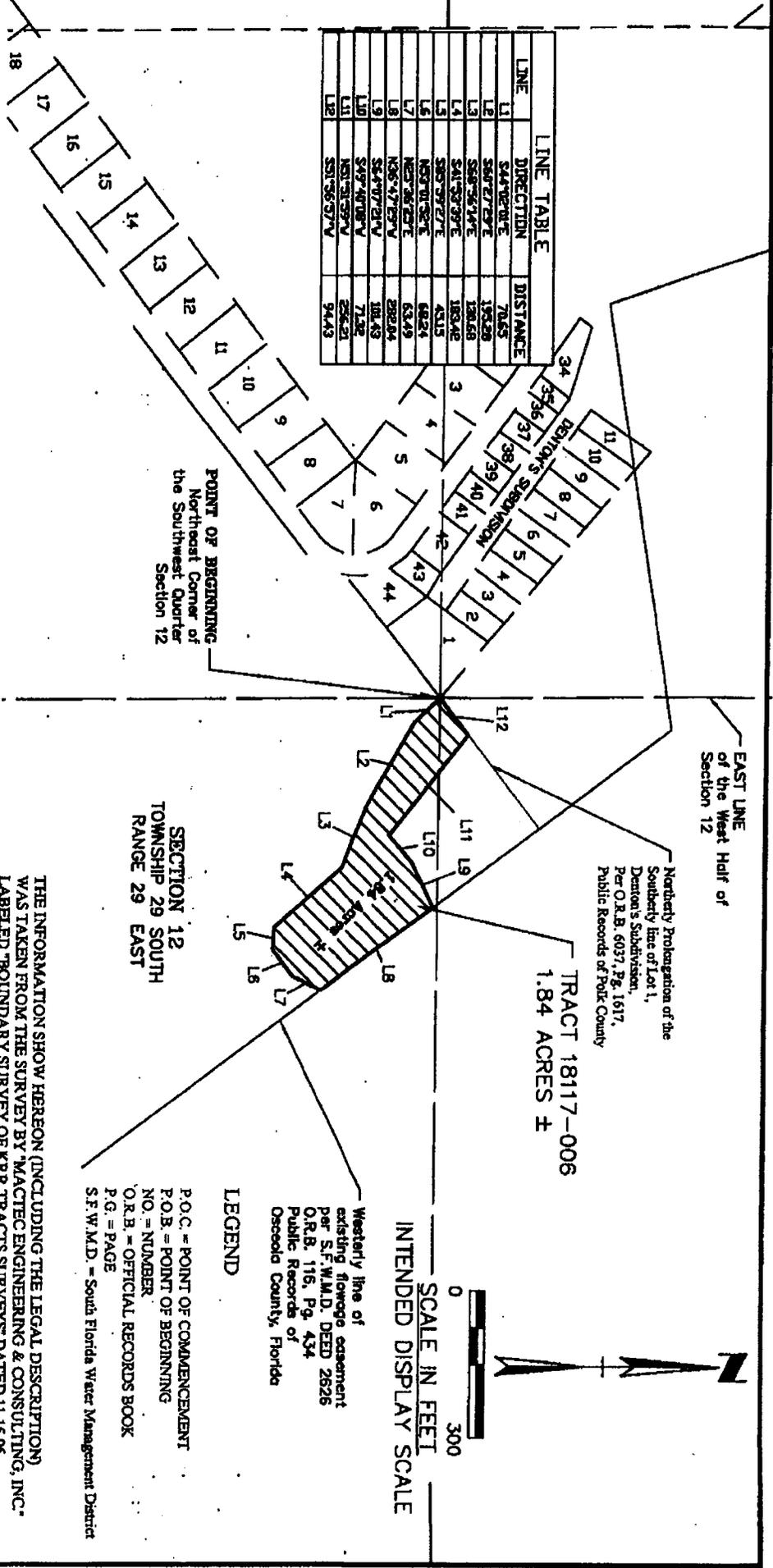
THE BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (NAD83) AND DEED RECORDED IN O. R. B 6037, PG 1617.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID.

I HEREBY CERTIFY that the Sketch of the property shown hereon was completed under my direction and that said description is true and correct to the best of my knowledge and belief.

Date of Signature: **1-02-09**  
*Howard J. Ehmeke II*

HOWARD J. EHMEKE II  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 4191



EAST LINE of the West Half of Section 12

Northerly Prolongation of the Southerly line of Lot 1, Denton's Subdivision, Per O.R.B. 6037, Pg. 1617, Public Records of Polk County

TRACT 18117-006  
 1.84 ACRES ±

SCALE IN FEET  
 INTENDED DISPLAY SCALE

Westerly line of existing flowage easement per S.F.W.M.D. DEED 2626 O.R.B. 116, Pg. 434 Public Records of Osceola County, Florida

**LEGEND**

P.O.C. = POINT OF COMMENCEMENT  
 P.O.B. = POINT OF BEGINNING  
 NO. = NUMBER  
 O.R.B. = OFFICIAL RECORDS BOOK  
 P.G. = PAGE  
 S.F.W.M.D. = South Florida Water Management District

SECTION 12  
 TOWNSHIP 29 SOUTH  
 RANGE 29 EAST

THE INFORMATION SHOW HEREON (INCLUDING THE LEGAL DESCRIPTION) WAS TAKEN FROM THE SURVEY BY MACTEC ENGINEERING & CONSULTING, INC. LABELED "BOUNDARY SURVEY OF KRR TRACTS SURVEYS" DATED 11-15-06, SHEETS 1 THROUGH 4 OF 4

THIS DRAWING DOES NOT REPRESENT A SURVEY  
 POLK COUNTY

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
 LAND ACQUISITION DEPARTMENT  
 P.O. BOX 24680  
 3301 GUN CLUB ROAD  
 WEST PALM BEACH, FLORIDA 33416-4680

KCOL  
 LAKE HATCHINEHA  
 GWENDOLYN C. ZIPPRER  
 TRACT NO. 18-117-006

DRAWN	CHECKED	DATE	REVISIONS
JMA			

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
JMA		24NOV09	AS SHOWN	18-117-006.DWG	2 OF 2

December 10, 2009

**Exhibit "A"**  
**Tract No. 18117-007**

A parcel of land located in the East half (E½) of the South East Quarter of Section 12, Township 29 South, Range 29 East, Polk County, Florida, being more particularly described as follows:

Commence at the Southwest Corner of the Southeast Quarter of Section 12;  
Thence, South 89°42'34" East a distance of 271.65 feet;  
Thence, North 53°03'41" East a distance of 1,623.86 feet;  
Thence, North 59°32'47" East a distance of 791.20 feet along the Southeast Line of that Parcel as described in O.R. Book 6037, Page 1615, Public Records of Polk County, Florida to a point on the Westerly Right of Way line of Canal 37 and the POINT OF BEGINNING.  
Thence North 79°53'06" West departing said Canal 37 right of way line a distance of 249.82 feet;  
Thence, South 23°33'20" East a distance of 163.66 feet to said Southeast Line;  
Thence, North 59°32'47" East along said Southeast line a distance of 209.43 feet to the POINT OF BEGINNING

Bearing are based on the Southeast line of a parcel as described in said O.R. Book 6037, Page 1615, said line bears North 59°32'47" East and all other bearings are relative thereto.

This legal description is not valid unless accompanied by a description sketch.

Said parcel contains .39 acre, more or less.

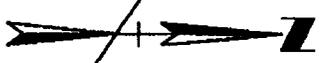
KCOL\Zipprer, Lynda Mims  
R:\Legals\kco\117-007.lgl  
September 15, 2005  
Revised;  
Sep. 30, 2009

TRACT 18117-007  
0.39 ACRES ±

Southeast line of that Certain Parcel  
of Land Recorded in  
O.R.B. 6037, PG 1615  
PUBLIC RECORDS  
POLK COUNTY  
FLORIDA

N79°53'06"W  
249.82'

POINT OF BEGINNING



0 400  
SCALE IN FEET  
INTENDED DISPLAY SCALE

LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- NO. = NUMBER
- O.R.B. = OFFICIAL RECORDS BOOK
- P.G. = PAGE
- 12 = CALCULATED QUARTER SECTION CORNER

WESTERLY RIGHT-OF-WAY  
LINE CANAL C-37

SECTION 12  
TOWNSHIP 29 SOUTH  
RANGE 29 EAST

SOUTH LINE  
SECTION 12

SURVEYOR'S NOTES:

THE BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, NORTH AMERICAN DATUM OF 1983 (NAD83) AND THE SOUTHEAST LINE OF THAT PARCEL O.R.B. 6037, PG 1615, BEARING North 59°32'47" East.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT VALID.

I HEREBY CERTIFY that the Sketch of the property shown hereon was completed under my direction and that said description is true and correct to the best of my knowledge and belief.

Date of Signature 11-15-06

*Howard J. Remme II*

HOWARD J. REMME II  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 4191

THE INFORMATION SHOW HEREON (INCLUDING THE LEGAL DESCRIPTION) WAS TAKEN FROM THE SURVEY BY TACTEC ENGINEERING & CONSULTING, INC., LABELED "BOUNDARY SURVEY OF KRR TRACTS SURVEYS" DATED 11-15-06, SHEETS 1 THROUGH 4 OF 4

THIS DRAWING DOES NOT REPRESENT A SURVEY  
POLK COUNTY

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
LAND ACQUISITION DEPARTMENT  
P.O. BOX 24680  
3301 GUN CLUB ROAD  
WEST PALM BEACH, FLORIDA 33416-4680

KCOL  
LAKE HATCHINEHA  
LYNDA MIMS ZIPPRER  
TRACT NO. 18-117-007

DRAWN	CHECKED	DATE	REVISIONS
JMA		24NOV09	AS SHOWN

DRAWN	CHECKED	DATE	SCALE	DRAWING NUMBER	SHEET
JMA		24NOV09	AS SHOWN	18117-007.DWG	2 OF 2

December 10, 2009

**RESOLUTION  
EXHIBIT "B"**

**TRACT NUMBER:** 18-029-001

**PROPERTY TAX FOLIO NUMBER(S):** 052930-000000200000  
062930-000000200000  
072930-000000200000  
122929-000000200000  
122929-000000300000

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Mary Louise Zipprer

Real Property Taxes and Assessments:

Patsy Heffner, CFC  
Osceola County Tax Collector  
2501 E. Irio Bronson Memorial Hwy  
Kissimmee, FL 34744

**INTEREST NOT TO BE CONDEMNED:**

1. Easement granted to Florida Power Corporation, filed in O.R. Book 97, Page 420 and O.R. Book 110, Page 474, and Amendment filed in O.R. Book 110, Page 477, Public Records of Osceola County, Florida.
2. Terms, Conditions and Provisions of Agreement filed in O.R. Book 119, Page 485, Public Records of Osceola County, Florida.
3. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 505, Public Records of Osceola County, Florida.
4. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 511, Public Records of Osceola County, Florida.
5. Access Road Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 514, Public Records of Osceola County, Florida.
6. Title to any part of lands described in Schedule "A" hereof conveyed to the Central and Southern Florida Flood Control District by Warranty Deed filed in O.R. Book 119, Page 520, Public Records of Osceola County, Florida.
7. Reservations in favor of the State of Florida as contained in Deed from the Trustees of the Internal Improvement Fund of the State of Florida filed in O.R. Book 122, Page 161, Public Records of Osceola County, Florida.
8. Notices of Claim of South Florida Water Management District filed in O.R. Book 1123, Page 1378 and O.R. Book 1123, Page 1380, Public Records of Osceola County, Florida.
9. These Notice of Interests were filed by the District to retain the right in those certain Surface Easements recorded in Official Records Book 116, page 434 and Official Records Book 116, page 439.

# Kissimmee Chain of Lakes

Township 29 South  
Township 30 South

Range 29 East

Range 30 East

FOLK

OSCHOJA

18116-002

18030-001

18117-006

18029-001

18117-008

18117-007

- Acquired Lands
- Project Lands
- Proposed Acquisition

For copies of this map (file: data\mash\mk\kissimmee\CA\_7\prop\_grants\_mxd) which was produced on 11/24/2009 by JMC, contact the GIS Section

**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBER:** **18-030-001**

**PROPERTY TAX FOLIO NUMBER(S):** 012929-000000300000  
062930-000000500000  
072930-000000300000  
122929-000000100000

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Gwendolyn C. Zipprer, William C. Zipprer, III and Lynda K. Zipprer Mims, as Trustees under Last Will and Testament of William C. Zipprer, Jr., deceased.

**Real Property Taxes and Assessments:**

Patsy Heffner, CFC  
Osceola County Tax Collector  
2501 E. Irlo Bronson Memorial Hwy  
Kissimmee, FL 34744

**INTEREST NOT TO BE CONDEMNED:**

1. Easement granted to FLORIDA POWER CORPORATION, filed in O.R. Book 97, Page 420 and O.R. Book 110, Page 474, and Amendment filed in O.R. Book 110, Page 477, Public Records of Osceola County, Florida.
2. Terms, Conditions and Provisions of Agreement filed in O.R. Book 119, Page 485, Public Records of Osceola County, Florida.
3. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 505, Public Records of Osceola County, Florida.
4. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 511, Public Records of Osceola County, Florida.
5. Access Road Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 514, Public Records of Osceola County, Florida.
6. Title to any part of lands described in Schedule "A" hereof conveyed to the Central and Southern Florida Flood Control District by Warranty Deed filed in O.R. Book 119, Page 520, Public Records of Osceola County, Florida.
7. Reservations in favor of the State of Florida as contained in Deed from the Trustees of the Internal Improvement Fund of the State of Florida filed in O.R. Book 122, Page 161, Public Records of Osceola County, Florida.
8. Notices of Claim of South Florida Water Management District filed in O.R. Book 1123, Page 1378 and O.R. Book 1123, Page 1380, Public Records of Osceola County, Florida.
9. These Notice of Interests were filed by the District to retain the right in those certain Surface Easements recorded in Official Records Book 116, page 434 and Official Records Book 116, page 439.

**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBER:** 18-116-002

**PROPERTY TAX FOLIO NUMBER(S):** 012929-000000100000  
062930-000000100000

**INTERESTS TO BE CONDEMNED:**

Owners of Record: David Gary Zipprer, as Trustee of the David Gary Zipprer Revocable Trust dated June 29, 2004, subject to life estate as to Morris E. Zipprer

**Real Property Taxes and Assessments:**

Patsy Heffner, CFC  
Osceola County Tax Collector  
2501 E. Irla Bronson Memorial Hwy  
Kissimmee, FL 34744

**INTEREST NOT TO BE CONDEMNED:**

1. Easement granted to FLORIDA POWER CORPORATION, filed in O.R. Book 97, Page 420 and O.R. Book 110, Page 474, and Amendment filed in O.R. Book 110, Page 477, Public Records of Osceola County, Florida.
2. Terms, Conditions and Provisions of Agreement filed in O.R. Book 119, Page 485, Public Records of Osceola County, Florida.
3. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 505, Public Records of Osceola County, Florida.
4. Flowage and Storage Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 511, Public Records of Osceola County, Florida.
5. Access Road Easement granted to Central and Southern Florida Flood Control District filed in O.R. Book 119, Page 514, Public Records of Osceola County, Florida.
6. Title to any part of lands described in Schedule A hereof conveyed to the Central and Southern Florida Flood Control District by Warranty Deed filed in O.R. Book 119, Page 520, Public Records of Osceola County, Florida.
7. Reservations in favor of the State of Florida as contained in Deed from the Trustees of the Internal Improvement Fund of the State of Florida filed in O.R. Book 122, Page 161, Public Records of Osceola County, Florida.
8. Notices of Claim of South Florida Water Management District filed in O.R. Book 1123, Page 1378 and O.R. Book 1123, Page 1380, Public Records of Osceola County, Florida.
9. These Notice of Interests were filed by the District to retain the right in those certain Surface Easements recorded in Official Records Book 116, page 434 and Official Records Book 116, page 439.

**RESOLUTION**  
**EXHIBIT "B"**

**TRACT NUMBER:** 18-117-006  
**PROPERTY TAX FOLIO NUMBER(S):** 122929-000000-014010

**INTERESTS TO BE CONDEMNED:**

Owners of Record: William C. Zipprer III and Lynda Z. Wetzel

**Real Property Taxes and Assessments:**

Joe G. Tedder, CFC  
Polk County Tax Collector  
430 East Main St.  
Bartow, FL 33830

**INTEREST NOT TO BE CONDEMNED:**

1. Easement to Florida Power Corporation recorded in O.R. Book 1515, Page 1421, of the Public Records of Polk County, Florida.
2. Ingress and Egress Easement recorded in O.R. Book 1935, Page 1653 and O.R. Book 3556, Page 1249, of the Public Records of Polk County, Florida.

**RESOLUTION  
EXHIBIT "B"**

**TRACT NUMBER:** 18-117-007  
**PROPERTY TAX FOLIO NUMBER(S):** 122929-000000-021020

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Lynda Zipprer Mims and R. Richard Mims (deceased)

**Real Property Taxes and Assessments:**

Joe G. Tedder, CFC  
Polk County Tax Collector  
430 East Main St.  
Bartow, FL 33830

**INTEREST NOT TO BE CONDEMNED:**

1. Easement to Florida Power Corporation recorded in O.R. Book 1515, Page 1421, of the Public Records of Polk County, Florida.
2. Ingress and Egress Easement recorded in O.R. Book 1935, Page 1653, of the Public Records of Polk County, Florida.

**RESOLUTION  
EXHIBIT "B"**

**TRACT NUMBER:** 18-117-008  
**PROPERTY TAX FOLIO NUMBER(S):** 122929-000000-021010

**INTERESTS TO BE CONDEMNED:**

Owners of Record: Morris E. Zipprer, as to a Life Estate and David Gary Zipprer, as Trustee of the David Gary Zipprer Revocable Trust dated June 29, 2004

Real Property Taxes and Assessments:

Joe G. Tedder, CFC  
Polk County Tax Collector  
430 East Main St.  
Bartow, FL 33830

**INTEREST NOT TO BE CONDEMNED:**

1. Easement to Florida Power Corporation recorded in O.R. Book 1515, Page 1421, of the Public Records of Polk County, Florida.
2. Ingress and Egress Easement recorded in O.R. Book 1935, Page 1653, of the Public Records of Polk County, Florida.

## Exhibit "C"

### PERPETUAL FLOWAGE AND INUNDATION EASEMENT

Grantor, (Fee Owner) hereby grants, bargains and conveys to the Grantee, (South Florida Water Management District) the perpetual right, power, privilege, and easement to regularly or at any time and for any length of time to raise water levels on, overflow, flood, inundate, flow water on, across, through and beneath the surface of, and submerge the land described in Exhibit "A" attached hereto and made a part hereof (hereinafter the "Easement Parcel"), in connection with the operation, maintenance and implementation of the Kissimmee River Restoration Project (hereinafter the "Project") as authorized by existing Acts of Congress, including Public Law 103-126 and the Water Resources Development Acts of 1988 and 1992, and future Acts of Congress, and/or in connection with flood control, water management, conservation, environmental restoration, water storage, water quality, or reclamation, and allied purposes, that may be conducted now or in the future by the Grantee, and/or to carry out the purposes and intent of the statutory authority of the Grantee, presently existing or that may be enacted in the future, together with the continuing right, in Grantee's discretion, to clear and remove any brush, debris, silt, spoil, vegetation and natural obstructions.

Grantor shall neither construct nor maintain any structure or improvements, including but not limited to septic systems, on the Easement Parcel nor re-grade, excavate or place fill on the Easement Parcel except as otherwise provided herein or except as may be approved in advance in writing by the representative of the Grantee in charge of the Project (hereinafter collectively referred to as the "Approved Improvements"). In addition, there shall be neither fertilization nor application of chemicals (including but not limited to pesticides, herbicides, and agrichemicals) with respect to the Easement Parcel without the prior written consent of Grantee, which consent may be withheld by Grantee in its sole and absolute discretion. Grantor shall comply with applicable laws, ordinances, rules, regulations and governmental permitting requirements and approvals in the Grantor's continued use of the Easement Parcel. Any and all of Grantor's personal property, inventory, crops, equipment, improvements, structures and fixtures located on the Easement Parcel, including but not limited to any Approved Improvements, shall be at the sole risk of Grantor and neither Grantee nor Grantee's agents, employees, officers, staff or Governing Board members shall be liable under any circumstances for any damage thereto or theft thereof. Grantor bears all risk of loss with respect to any Approved Improvements, including without limitation any loss resulting directly, indirectly or proximately from the Project or from the right, power, privilege and easements granted and conveyed to Grantee pursuant to this Easement or from the activities conducted pursuant to this Easement, and under no circumstances shall Grantee be liable therefore. For good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor shall indemnify, defend, hold harmless and release Grantee, its employees, officers, staff and Governing Board members, from and against any and all loss, cost, damage and/or liability, with respect to any Approved Improvements, including without limitation that resulting directly, indirectly or proximately from the Project or from the right, power, privilege and easements granted and conveyed pursuant this Easement or from the activities conducted pursuant to this Easement. It shall be Grantor's obligation to secure any permits required by Grantee or any other governmental or quasi-governmental entity. The Grantee makes no representation that any such permits will be issued.

Grantor shall indemnify, defend and hold harmless Grantee and its employees, contractors, licensees, agents, officers, staff, Governing Board members and property from and against any and all claims, loss, liabilities, damage and/or expense, including, but not limited to reasonable attorney's fees and costs, resulting directly, indirectly or proximately in connection with Grantor's use of the Easement Parcel.

This Easement is subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the Grantor, its heirs, successors, and assigns, all such rights and privileges as may be used and enjoyed without interfering with the Project for the purposes authorized by Congress or abridging the rights and the Easement hereby acquired; provided further that Grantor shall use the Easement Parcel in accordance with Federal and State laws with respect to pollution.

This Easement may be assigned in whole or in part by the Grantee for use in connection with any of the purposes above mentioned. All the covenants, terms, and agreements herein contained shall run with the

land and shall inure to the benefit of and be binding upon the parties hereto and their respective executors, administrators, personal representatives, heirs, successors, assigns, and grantees of their respective interests in the Easement Parcel.

Grantor shall keep the payment of taxes and assessments on the Easement Parcel current and shall not allow any lien on the Easement Parcel superior to this Easement. In the event Grantor fails to extinguish or obtain a subordination of such lien, in addition to any other remedy, the Grantee may, but shall not be obligated to, elect to pay the lien on behalf of the Grantor and Grantor shall reimburse Grantee for the amount paid by Grantee, together with Grantee's reasonable attorney's fees and costs, with interest at the maximum rate allowed by law, no later than thirty days after such payment. In the event Grantor does not so reimburse the Grantee, the debt owed to Grantee shall constitute a lien against the Easement Parcel which shall automatically relate back to the recording date of this Easement. Grantee may foreclose this lien on the Easement Parcel in the manner provided for mortgages on real property.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise incident or appertaining, unto the Grantee, its successors and assigns, forever.

AND the Grantor hereby covenants with the said Grantee that it is lawfully seized of the Easement Parcel in fee simple; that it has good right and lawful authority to convey this Easement; that it fully warrants and defends the title to the Easement hereby conveyed against the lawful claims of all person whomsoever.