

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2007-__

4
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 \$238,000.00 FOR LAND, ATTORNEY'S FEES IN
8 THE AMOUNT OF \$24,354.00, AND EXPERT WITNESS FEES AND OTHER COSTS IN THE
9 AMOUNT OF \$1,560.00 FOR AN EMINENT DOMAIN ACTION INVOLVING APPROXIMATELY
10 1.33 ACRES, MORE OR LESS, IN FEE SIMPLE AND PERPETUAL FLOWAGE AND
11 INUNDATION EASEMENT (TRACT NOS 19-103-769 AND 19-103-770, KERRY L. SANDERS AND
12 DEBORAH SHARP SANDERS) WITHIN THE DESIGNATED BOUNDARIES OF THE KISSIMMEE
13 RIVER AND HEADWATER REVITALIZATION PROJECT STYLED SOUTH FLORIDA WATER
14 MANAGEMENT DISTRICT V. KERRY L. SANDERS, DEBORAH SHARP SANDERS AND
15 CELESTE SMITH AS TAX COLLECTOR OKEECHOBEE COUNTY, FLORIDA, FILED IN THE 19TH
16 CIRCUIT COURT IN AND FOR OKEECHOBEE COUNTY, FLORIDA, CASE NO.: 2006-CA-043,
17 FOR WHICH DEDICATED FUNDS (FLORIDA FOREVER TRUST FUND) AND AD VALOREM
18 FUNDS (OKEECHOBEE CAPITAL) ARE BUDGETED, PROVIDING AN EFFECTIVE DATE.
19

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 \$238,000.00,
34 attorneys' fees in the amount of \$24,354.00, and expert fees and other costs in the amount
35 of \$1,560.00, for a condemnation action involving approximately 1.33 acres more or less of
36 land in fee simple and perpetual flowage and inundation easement (Tract No. 19-103-
37 769—0.97 acres, more or less, in fee simple and Tract No. 19-103-770—0.36 acres, more

1 or less, in perpetual flowage and inundation easement) within the designated boundaries
2 of the Kissimmee River and Headwater Revitalization Project filed in the 19th Circuit Court in
3 and for Okeechobee County, Florida, Case No. 2006-CA-043, styled South Florida Water
4 Management District v. Kerry L. Sanders, Deborah Sharp Sanders and Celeste Smith as
5 Tax Collector Okeechobee County, Florida, for which dedicated funds (Florida Forever
6 Trust Fund) and Ad Valorem funds (Okeechobee Capital) are budgeted; providing an
7 effective date.

8

9 This Resolution shall take effect immediately upon adoption.

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

12

13 Approved:
14 Legal Form Approved

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT

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18 By:_____

By:_____

19

Chairperson

20 (Corporate Seal)

ATTEST:

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By:_____

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Assistant Secretary

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