

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2009 – _____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA
6 WATER MANAGEMENT DISTRICT AUTHORIZING A FINAL PURCHASE OFFER
7 AND EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF CERTAIN
8 LANDS CONSISTING OF 2.90 ACRES, MORE OR LESS, IN PALM BEACH
9 COUNTY, FLORIDA, WHICH ARE PART OF THE HERBERT HOOVER DIKE
10 REHABILITATION PROJECT FOR WHICH AD VALOREM FUNDS
11 (OKEECHOBEE BASIN) ARE BUDGETED; APPROVE DECLARING SURPLUS,
12 DISPOSAL OF, AND REMOVAL FROM THE ASSET RECORDS, ANY SUCH
13 STRUCTURES AND IMPROVEMENTS DEEMED UNNECESSARY FOR THE
14 STATED PURPOSE OF THE ORIGINAL LAND ACQUISITION; PROVIDING AN
15 EFFECTIVE DATE.

16
17 **WHEREAS**, the Herbert Hoover Dike Rehabilitation Project (hereinafter "Project") will
18 provide for flood protection and will reduce the risk to public safety and health associated with the
19 instability of the dike by implementing recommended repairs, and;

20 **WHEREAS**, evidence of the dike's instability and increased seepage through the dike has
21 been found in the area of this property, and;

22 **WHEREAS**, installation of a cutoff wall within the existing dike right of way and filling in the
23 adjacent toe ditch located on this property will provide immediate improvement to the existing
24 condition of the dike and to its overall stability and safety, and;

25 **WHEREAS**, the Florida Legislature has declared in Section 373.139(1), Florida Statutes,
26 that the acquisition of real property for the objective of the protection and conservation of water and
27 water related resources is necessary for the public health and welfare and constitutes a public
28 purpose for which public funds may be expended, and;

29 **WHEREAS**, the Florida Legislature in Section 373.139(2), Florida Statutes, has empowered
30 and authorized the Governing Board of the South Florida Water Management District to acquire
31 fee title to lands by eminent domain for the purposes of flood control and water storage, and;

32 **WHEREAS**, the District has been previously unsuccessful in negotiating the voluntary
33 purchase of approximately 2.90 acres, located in Palm Beach County, and;

34 **NOW, THEREFORE, BE IT RESOLVED**, by the Governing Board of the South Florida
35 Water Management District that the acquisition by the District of these lands located in Palm Beach
36 County which are part of the Herbert Hoover Dike Rehabilitation Project consisting of
37 approximately 2.90 acres, more or less, as more particularly described in attached Exhibit "A"
38 (hereinafter "the described property") and as shown on the map attached hereto as Exhibit "AA",
39 subject to those interests listed on attached Exhibit "B", is found by the Governing Board of the

40 District to be necessary to implement the Herbert Hoover Dike Rehabilitation Project and is clearly
 41 in the public interest and for a public purpose. The fee parcels are referred to as SFWMD Tract
 42 Nos. HH-104-003 and HH-104-005, and consist of 2.90 acres, more or less, in Palm Beach
 43 County. In accordance with §73.015, Florida Statutes, the Governing Board of the South Florida
 44 Water Management District hereby authorizes and directs staff to make a final written offer to
 45 voluntarily purchase land interests containing 2.90 acres, more or less, for the Herbert Hoover Dike
 46 Rehabilitation Project, in Palm Beach County, in an amount no greater than \$78,660, together with
 47 associated costs, as follows:

48

Owner(s)	Tract Nos.	Interest	Acres	Appraised Value	Offered Purchase Price
Ball Family Partnership, a Florida general partnership	HH-104-003 HH-104-005	FEE	2.90	\$68,400	\$78,660

49

50 **BE IT FURTHER RESOLVED** the Governing Board of the South Florida Water Management
 51 District hereby approves the purchase of land interests containing 2.90 acres, more or less, for the
 52 Herbert Hoover Dike Rehabilitation Project, in Palm Beach County, in an amount not to exceed
 53 \$78,660, together with associated costs, and approves declaring surplus, disposal of, and removal
 54 from the asset records, any such structures and improvements deemed unnecessary for the stated
 55 purpose of the original land acquisition, upon acceptance of the above-referenced offer.

56 **BE IT FUTHER RESOLVED** the Governing Board of the South Florida Water Management
 57 District hereby authorizes the Chair to execute the Agreement for Sale and Purchase upon
 58 acceptance of the above referenced final purchase offer.

59 **BE IT FURTHER RESOLVED** the Governing Board of the South Florida Water Management
 60 District approves utilization of ad valorem funds.

61 **BE IT FURTHER RESOLVED** by the Governing Board of the South Florida Water
 62 Management District that upon rejection of the final purchase offer referenced above, a Legal
 63 Officer of the District is hereby authorized, instructed, and directed to acquire by eminent domain
 64 the fee parcel in fee simple, to institute or cause to be instituted eminent domain proceedings as
 65 may be necessary pursuant to Chapters 73 and 74, Florida Statutes, to avail the District of all
 66 eminent domain powers and procedures authorized by Florida Statute and by rule of court, and to
 67 accomplish the acquisition described herein, including the authority to negotiate the acquisition of

68 the described property. Any negotiated price in excess of the final purchase offer referenced
69 above is subject to the approval of the Governing Board.

70

71 This Resolution shall take effect immediately upon adoption.

72

73 **PASSED** and **ADOPTED** this 9th day of July, 2009.

74

75

76 Approved:
77 Legal Form Approved

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

78

79

80 By: _____

By: _____

81

Chairperson

82

83

84 (Corporate Seal)

ATTEST:

85

86

By: _____

87

Assistant Secretary

88

89

90 Budgeted:

91

Dollars	Fund	Funds Center	Funded Program	Commitment Item GL Account #
\$78,660	202000	3510144000	IO03	580020

92