

## LAND ACQUISITION EXECUTIVE SUMMARY

**PROJECT:** Kissimmee River Restoration & Headwaters Revitalization  
**TRACT NO.:** 19100-418  
**ACRES:** N/A  
**PURPOSE:** Kissimmee River Restoration  
**OWNER:** Westgate Resorts, LTD.  
**APPRAISED VALUE:** \$N/A  
**COST:** \$135,720 maximum

**REQUEST:** Approval of an Agreement with Westgate Resorts, LTD. (“Westgate”) in connection with the Kissimmee River Restoration and Headwaters Revitalization Project in Polk County, whereby the District will pay Westgate a maximum of \$135,720 to formulate an engineering solution to address flooding and drainage impacts with respect to certain Westgate property for which dedicated funds (Florida Forever Trust Fund) [subject to approval of this expenditure by the Florida Department of Environmental Protection] or ad valorem funds (Capital Projects Okeechobee) are budgeted.

**BACKGROUND/CONSIDERATIONS:** Westgate Resorts, LTD. (“Westgate”) is the owner of certain property in Polk County (the “Westgate Property”) that will be impacted by increased water levels as part of the implementation of the Kissimmee River Restoration and Headwaters Revitalization Project (the “Project”). With respect to the Westgate Property and other adjacent lands owned by Westgate, Westgate conducts skeet shooting activities that include the discharge of lead shot. Additionally, a District levee (the “Levee”) is located on District lands directly northeasterly of the Westgate Property. The Levee has had a current impact on the drainage of the Westgate Property and may have the potential future effect of causing pooling of water on portions of the Westgate Property. The District and Westgate are concerned that pooling of water in and around the areas where lead contaminants are located could create adverse environmental conditions, including but not limited to an attractive nuisance that may attract certain avian and mammalian species that may ingest the contaminants. Westgate has acknowledged that it is technically feasible to establish an engineering solution (the “Engineering Solution”) involving modifications to the Levee and the Westgate Property that, if properly implemented, would mitigate against the aforementioned increased water levels, drainage impacts and pooling of water. This Agreement between Westgate and the District (the “Agreement”) is the vehicle to allow Westgate to manage and oversee the development of an Engineering Solution. Due to the impending implementation of the Project in the area of the Westgate Property, the District must as soon as possible arrive at an overall negotiated settlement with Westgate that will involve the Westgate Property, other lands owned by Westgate and the District, and an Engineering Solution.

If an Engineering Solution that is acceptable to Westgate and the District can be formulated, then the proposed negotiated settlement will require Westgate to implement the Engineering Solution and accept all the responsibilities and liabilities associated with the Engineering Solution and with respect to the impacts to the Westgate Property from the Project.

**FISCAL IMPACT:** The maximum payment of \$135,720 for the Agreement will be funded through ad valorem funds (Capital Projects Okeechobee) or dedicated funds (Florida Forever Trust Fund).

**RECOMMENDATION:** That the Governing Board of the South Florida Water Management District approve an Agreement with Westgate Resorts, LTD. ("Westgate") in connection with the Kissimmee River Restoration and Headwaters Revitalization Project in Polk County, whereby the District will pay Westgate a maximum of \$135,720 to formulate an engineering solution to address flooding and drainage impacts with respect to certain Westgate property for which dedicated funds (Florida Forever Trust Fund) [subject to approval of this expenditure by the Florida Department of Environmental Protection] or ad valorem funds (Capital Projects Okeechobee) are budgeted.

**Prepared by:** \_\_\_\_\_  
Robert A. Schaeffer  
Lead Professional-Acquisition  
Land Acquisition Department  
Date \_\_\_\_\_

**Reviewed by:** \_\_\_\_\_  
Ruth P. Clements  
Director  
Land Acquisition Department  
Date \_\_\_\_\_

**Approved by:** \_\_\_\_\_  
Kenneth G. Ammon, P.E.  
Deputy Executive Director  
Everglades Restoration & Capital Projects  
Resource Area  
Date \_\_\_\_\_

Dollars	Fund	Fund Center	Functional Area	Commitment Item GL Acct #
\$135,720	402000 or 404000	3510144000	FD01	580032

Attachments: Resolution and map

Persons and entities for conflict check:  
Westgate Resorts, LTD.  
Westgate Resorts, Inc.