

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl G. Wood, General Counsel, Office of Counsel

DATE: August 17, 2007

SUBJECT: September 2006--Stipulated Final Judgment/Settlement Agreement in Condemnation Action –
J. Pat Corrigan Family Limited Partnership Tract No.: 19-101-065

Background:

- Case Name: SFWMD v. J. Pat Corrigan Family Limited Partnership
- Case No.: 2005-CA-184
- Type of case: Eminent Domain
- District Project Name: Kissimmee River Restoration Project

History:

SFWMD v. J. Pat Corrigan Family Limited Partnership, case number 2005-CA-184, is an Eminent Domain proceeding for a perpetual flowage and inundation easement for tract 19-101-065 pending in the 19th Circuit Court for Okeechobee County, Florida against the J. Pat Corrigan Family Limited Partnership. This eminent domain action for a perpetual flowage and inundation easement in the Kissimmee River Restoration Project is designed to restore over 40 square miles of river/floodplain ecosystem including 43 miles of meandering river channel and 27,000 acres of wetlands.

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

Acquisition and payment is necessary to further the completion of the Kissimmee River and Headwater Revitalization Project.

Funding Source:

We have been advised by the Land Acquisition Department that this settlement is funded through Florida Forever Trust Fund and ad valorem funds (Okeechobee Capital).

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

The proposed settlement to complete acquisition is for \$417,483.00 (0.0% over the District's final appraised value), attorney's fees in the amount of \$85,168.00, and expert witness fees and other costs (including interest) no greater than \$85,694.37 for a total payment of \$588,345.37. The District already deposited \$203,854.30 on August 5, 2005. This settlement requires the District to make an additional deposit of \$384,491.07 upon approval and includes all attorney fees, expert witness fees and other costs. This Board item impacts the Kissimmee River Restoration Project.

What concerns could this Board item raise?

Terms of the settlement are consistent with previous settlements for parcels within the project and within the guidelines provided by the Governing Board.

Why should the Governing Board approve this item?

This settlement resolves all claims for compensation from the District, avoiding uncertainties associated with trial and the District's expenditure of additional funds to pay both the District's and property owner's substantial legal costs associated with litigation.