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2 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

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4 **RESOLUTION NO. 2012- _____**

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6 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA**
7 **WATER MANAGEMENT DISTRICT AUTHORIZING THE SETTLEMENT OF THE**
8 **DISTRICT'S RECOVERY OF POSSESSION OF ONE OCCUPIED STRUCTURE**
9 **ON DISTRICT LANDS LOCATED IN OSCEOLA COUNTY NECESSARY FOR**
10 **IMPLEMENTATION OF THE KISSIMMEE RIVER RESTORATION AND**
11 **HEADWATERS REVITALIZATION PROJECT FOR WHICH AD VALOREM FUNDS**
12 **(CAPITAL PROJECTS OKEECHOBEE) ARE BUDGETED; APPROVE**
13 **DECLARING SURPLUS ANY STRUCTURES LOCATED ON SAID LANDS;**
14 **PROVIDING AN EFFECTIVE DATE.**
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16 **WHEREAS**, the District acquired lands identified as Tract No. 18205-001 for the Kissimmee
17 River Restoration and Headwaters Revitalization Project ("Project"); and,

18 **WHEREAS**, certain private individuals are occupying certain structures located either in
19 whole or in part on said lands as generally shown within the area depicted on Exhibit "A", attached
20 hereto and made a part hereof; and,

21 **WHEREAS**, the structures will be impacted by Project implementation and need to be
22 removed; and,

23 **WHEREAS**, in January, 2012, the District Governing Board authorized litigation regarding
24 the recovery of possession of the structures on District lands; and,

25 **WHEREAS**, the individuals occupying one of the structures propose to enter into settlement
26 releasing any claims regarding said structure on the following proposed terms:

27

<u>Structure No.</u>	<u>Structure Appraised Value</u>	<u>Settlement Amount</u>	<u>Attorney Fees</u>
1820E-027	\$68,000.00	\$81,600.00 (+20%)	\$2,500.00

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31 **WHEREAS**, the proposed settlement would reduce the remaining potential litigants to two
32 thereby reducing the litigation costs;

33 **NOW THEREFORE, BE IT RESOLVED** by the Governing Board of the South Florida Water
34 Management District:

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36 **Section 1.** The Governing Board of the South Florida Water Management District hereby
37 authorizes the following settlement of recovery of possession of one occupied structure on District
38 lands in Osceola County necessary for implementation of the Kissimmee River Restoration and
39 Headwaters Revitalization Project, including the right to remove the structure and contents at their
40 own costs:

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<u>Tract No.</u>	<u>Settlement Amount</u>	<u>Attorney Fees</u>
1820E-027	\$81,600.00	\$2,500.00

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes declaring surplus any structures located on the lands.

Section 3. The Governing Board authorizes the use of ad valorem funds (Capital Projects Okeechobee) for the settlement.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2012.

ATTEST:

By: _____
District Clerk/Secretary

(Corporate Seal)

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

By: _____
Chair

Approved as to form:

By: _____
Office of Counsel