

40 appraisal. In addition to the uncertainties regarding jury verdicts, the costs of condemnation litigation,
41 even if the District is the prevailing party, can increase costs significantly. For example, in a
42 condemnation case where the District received a very favorable verdict (10% over appraised value); the
43 landowner's attorney was awarded costs that are 3% of the verdict (\$340,000 on an \$11 million verdict).
44 Based on this, staff believes this acquisition is in the District's best interest.

45 (3) The land interests being acquired have been reviewed for the presence of State
46 Sovereignty submerged lands and the District has taken reasonable measures to avoid paying for
47 sovereignty lands.

48 (4) This request for funds is consistent with the District's Five Year Plan of acquisition or the
49 South Florida Water Management District Florida Forever Work Plan, as contained in Chapter 6A, Volume II
50 of the South Florida Environmental Report, and last updated during a public hearing on January 14, 2010,
51 and filed with the Legislature and the Department of Environmental Protection.

52 (5) Acquisition of these land interest furthers the Florida Forever goals set forth in (1) Section
53 259.105 (4)(a) Florida Statutes (i.e. enhance the coordination and completion of land acquisition projects
54 as measured by the number of shared acquisition projects among Florida Forever funding partners and
55 partners with other funding sources, including local governments and the Federal Government), and (2)
56 Section 259.105 (4)(d) Florida Statutes (i.e. ensure that sufficient quantities of water are available to meet
57 the current and future needs of natural systems and the citizens of the state, as measured by the quantity
58 of water made available through the water resource development component of a district water supply
59 plan for which a water management district is responsible).

60 (6) The funds requested shall be used only for the acquisition costs and pre-acquisition/
61 associated costs and expenses of the described land interests.

62 (7) Since no fee interests are being acquired, the requirement that to the extent possible, the
63 land interests being acquired in fee shall be maintained in an environmentally acceptable manner is not
64 applicable.

65 (8) Should the District dispose of any or all of the interests acquired hereunder, all revenues
66 derived therefrom will be used to acquire other lands for water management, water supply and the
67 conservation and protection of water resources.

68 (9) An environmental assessment has been completed and no evidence of environmental
69 concerns exists.

70 (10) Since no fee interests are being acquired, the requirement that the fee acquired lands shall
71 be managed for multiple-use purposes where compatible with the resource values of land management
72 objectives for such lands as set forth in Section 259.105(5), Florida Statutes is not applicable.

73 (11) The Resolution to approve acquisition of these land interests was approved by the
74 Governing Board of the District on June 10, 2010.

75 (12) The District will utilize funds from the Florida Forever Trust Fund and/or ad valorem funds.

76 (13) The Executive Director or the designee of the Executive Director is hereby authorized to
77 request the release of funds for all acquisition costs and pre-acquisition/associated costs and expenses for
78 the described interests identified in this Resolution.

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(14) This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this ____ day of _____, 2010.

ATTEST:

By: _____
District Clerk/Secretary

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

(Corporate Seal)

By: _____
Chairman

Approved as to form:

By: _____
Office of Counsel