

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

SABAL TRAIL TRANSMISSION, LLC,

Plaintiff,

v.

Case No: 5:16-cv-243-Oc-37PRL

+/- 75.178 ACREA OF LAND (+/- 42.057 ACRES OF LAND IN MARION COUNTY FLORIDA, +/- 20.411 ACRES OF LAND IN CITRUS COUNTY, FLORIDA, AND +/- 12.710 ACRES OF LAND IN LAKE COUNTY, FLORIDA), SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, A PUBLIC CORPORATION, AND UNKOWN OWNERS, IF ANY,

Defendants.

ORDER

THIS CAUSE comes before the Court upon the Sabal Trail Transmission, LLC (“Sabal Trail”) and Southwest Florida Water Management District’s (“SWFWMD”) stipulation to partial summary judgment and preliminary injunction confirming Plaintiff’s right to condemn the subject easements and immediate possession and stipulating to an order granting Sabal Trail Transmission, LLC’s Motion for Partial Summary Judgment Determining the Right to Condemn Easements (Doc. 2), and granting Sabal Trail’s Motion for Preliminary Injunction for Immediate Possession pertaining to the property interests FERC authorized Sabal Trail to condemn (Doc. 3). (Doc. 14)

Accordingly, it is hereby **ORDERED AND ADJUDGED:**

1. Sabal Trail's Motion for Partial Summary Judgment Determining the Right to Condemn Easements (Doc. 2) is GRANTED and Sabal Trail has the right to condemn the subject easements as described in the Notice of Condemnation (Doc. 1-5) and made a part hereof as through fully set forth herein.

2. Sabal Trail's Motion for Preliminary Injunction for Immediate Possession (Doc. 3) is GRANTED and Sabal Trail shall have the right to possess and use the subject easements.

3. Sabal Trail may immediately access and possess the subject easements in these matters for the purpose of constructing and operating the subject interstate natural gas pipeline project and related facilities in accordance with the Certificate of Public Convenience and Necessity ("FERC Certificate") issued by the Federal Energy Regulatory Commission ("FERC") on February 2, 2016, in Docket No. CP15-17-000.

4. For parcel FL-MA-041.000, known as the Halpata Tastanaki Preserve, Sabal Trail shall employ the following construction methods:

a. At crossing points identified by SWFWMD, Sabal Trail will design and construct its pipeline facilities so that vehicles with a gross vehicle weight of 120,000 lbs. may safely cross the pipeline facilities. Sabal Trail shall obtain a report from an independent geotechnical consultant verifying that Sabal Trail's final construction plans for the pipeline facilities meet the construction standards necessary to meet the specifications above.

b. Sabal Trail will replace the existing parking area at the main entrance from Highway 200. The replacement location shall be adjacent to and west of the existing parking area.

c. The parties will coordinate a prescribed burn plan consistent with SWFWMD's land management practices and Sabal Trail's permits.

d. Sabal Trail shall provide thirty (30) days advance notice of the date on which construction of the pipeline facilities will commence. Sabal Trail shall coordinate all construction, maintenance, access closures and durations, and monitoring activities with the District.

e. Sabal Trail will take steps consistent with the FERC Certificate and the ERP Permit conditions to prevent invasive species from becoming established within the construction right of way.

f. Sabal Trail shall stabilize, restore and revegetate the easement areas with initial planting to quickly establish vegetation and control erosion consistent with the FERC Certificate and ERP Permit conditions. Sabal Trail shall coordinate in advance with SWFWMD for all revegetation efforts, including selection of specific native plant species for groundcover reseeding, timing of seed application, and management practices for maintaining reseeded areas.


g. Sabal Trail shall repair any and all actual physical damages including, but not limited to, damages to access roads, banks, berms, levees, canals, culverts, headwalls, water control structures, fences, gates, parking areas,

recreational facilities, signage and any other improvements which arise from constructing the pipeline facilities or utilization by Sabal Trail of the property.

h. Sabal Trail shall not cause or permit the disposal of any pollutants on the property. Sabal Trail shall operate and occupy the property in compliance with all applicable environmental laws.

5. This Court shall retain jurisdiction to determine just compensation for the subject easements; upon payment of compensation, render a judgment condemning the subject easements; and render such additional orders as may be just and proper.

DONE and **ORDERED** in Tampa, Florida, this 25th day of May, 2016.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record