

EXECUTIVE SUMMARY FOR RELEASE OF PORTION OF CANAL EASEMENT

PROJECT: C-23A

COUNTY: St. Lucie

SIZE: Portion of Easement to be Released – 487+/- square feet or 0.01+/- acres

PURPOSE: Release Portion of Canal Easement

APPLICANT: Jean-Pierre Landre

HIGHLIGHTS: The applicant requests that a portion of the current canal right of way easement be released.

CONSIDERATIONS: The applicant has requested that the District release a portion of the canal right of way. The area of the current easement to be released is 487 +/- square feet or 0.01 +/- acres.

The release will be subject to the following terms, conditions and requirements:

- a. Applicant must provide a legal description and sketch for release instrument, subject to District review and approval.
- b. All costs associated with this release shall be paid for by the Applicant, including but not limited to all recording and other closing costs, and under no circumstances shall the District be obligated to pay any amount to the Applicant or otherwise in connection with this release.
- c. The Applicant shall obtain from St. Lucie County and any other applicable governmental entities, all required approvals of the proposed release of right of way, if applicable.
- d. The Applicant shall pay to the District no less than appraised value for the release of the subject portion of the Canal Easement. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District.
- e. The Applicant shall obtain all necessary permits from the District, St. Lucie County, and any other governmental entities, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits. The District's review process for any required permits will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.
- f. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (e.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2012.

FISCAL IMPACT: On December 20, 1958, Alfred J. Noel transferred an easement to this area by way of an Easement Deed to Central and Southern Florida Flood Control District, now known as South Florida Water Management District. Said transfer of interest had a cost of \$6,077.

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The easement area for this Deed is 18.70 +/- acres. Per acre cost of this easement is \$324.97 per acre.

The applicant has paid the \$1,000.00 non-refundable application fee. This parcel will be appraised and not released for less than the appraised value. In no event shall the District be required to pay any compensation to the Applicant/underlying fee owner.

No instrument shall be delivered to the Applicant/underlying fee owner, or shall be effective, until all of the foregoing requirements have been fully completed and fulfilled to the District's satisfaction.

AUTHORIZATION: The Governing Board, pursuant to Section 373.096 of the Florida Statutes, may release any easement, reservation or right of way interests, conveyed to it for which it has no present or apparent future use under terms and conditions determined by the Governing Board.

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District to approve releasing to the applicant, approximately 487 +/- square feet or 0.01 +/- acres from the current canal right of way easement area, located along C-23A, Section 22, Township 37 South, Range 40 East, St. Lucie County, subject to satisfaction of certain terms, conditions and requirements; providing an effective date.

Prepared by: _____
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Title and Closing Unit, Real Estate Section
Date _____

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Title and Closing Unit, Real Estate Section
Date _____

Reviewed by: _____
Ray Palmer, Section Administrator
Real Estate Section
Date _____

Approved by: _____
Tommy B. Strowd, Director
Operations, Maintenance and Construction Division
Date _____