

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2012-_____

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT APPROVING THE RELEASE OF RIGHT OF WAY
7 EASEMENT CONTAINING 1.42 ACRES, MORE OR LESS, TO THE UNDERLYING FEE
8 OWNER AT APPRAISED VALUE; BEING A PORTION OF THE C-4 (TAMIAMI CANAL)
9 RIGHT OF WAY, IN SECTION 3, TOWNSHIP 54 SOUTH, RANGE 39 EAST, MIAMI-
10 DADE COUNTY, SUBJECT TO SATISFACTION OF CERTAIN TERMS, CONDITIONS
11 AND REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.
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13 WHEREAS, pursuant to a request from the applicant, Target Corporation, the
14 District has determined that it is in the public interest to release a portion of the C-4
15 (Tamiami Canal) right of way easement to the Applicant to accommodate their proposed
16 commercial development. The area to be released contains 1.42 +/- acres, more or less,
17 and is located in Section 3, Township 54 South, Range 39 East, Miami-Dade County; and

18 WHEREAS, upon the satisfaction of certain terms, conditions and requirements,
19 the Governing Board has determined that the portion of the C-4 (Tamiami Canal) right of
20 way to be released is not required by the District for present or apparent future use; and

21 WHEREAS, the applicant has paid the application fee and the District will release
22 its interest at appraised value; and

23 WHEREAS, pursuant to Section 373.096 of the Florida Statutes, the Governing
24 Board of the District may release any easement, reservation or right of way interest for
25 which it has no present or apparent use under terms and conditions determined by the
26 Board.

27 NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South
28 Florida Water Management District:

29 **Section 1:** The Governing Board of the South Florida Water Management District has
30 determined that the District has no present or apparent future use for the subject portion
31 of the C-4 right of way easement and hereby approves releasing approximately 1.42 +/-
32 acres, more or less, from the easement area located in Section 3, Township 54 South,
33 Range 39 East, Miami-Dade County, to the applicant/underlying fee owner at appraised
34 value, provided all of the following terms, conditions, and requirements are satisfied to the
35 satisfaction of the District, in its sole and absolute discretion:

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- a) Applicant must provide a legal description and sketch for release instrument, subject to District review and approval.
- b) The Applicant must provide evidence that it is the underlying fee owner of the release area.
- c) All costs associated with this transaction shall be paid for by the Applicant, including but not limited to all recording costs, and under no circumstances shall the District be obligated to pay any amount to the Applicant or otherwise in connection with this transaction.
- d) The underlying fee owner shall pay to the District not less than appraised value for the release parcel. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District.
- e) Applicant is required to provide the District a stabilized (FDOT standards) 110 feet by 100 feet staging area which lies easterly of the proposed SW 139th Avenue bridge within the northerly right of way of C-4. In addition, the applicant must complete bank/berm re-shaping and stabilization that will provide the District with a clear, unobstructed canal maintenance berm and vehicular access route being a minimum of 40 feet in width as measured from the useable top of bank landward. Vehicular access route and staging areas shall be backsloped (20H:1V) from the top of bank landward. Applicant must apply for and receive a Right of Way Occupancy Permit as contemplated in Paragraph "f" below, prior to the commencement of the work described above within the District's right of way.
- f) The Applicant shall obtain all necessary permits from the District, Miami-Dade 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.
- g) All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (f.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 31, 2015.

71 **Section 2:** The Governing Board of the South Florida Water Management District
72 hereby authorizes the Chairman to execute the release document. No release instrument
73 shall be delivered to the applicant/underlying fee owner, or shall be effective, until all of
74 the foregoing requirements have been fully completed and fulfilled to the District's
75 satisfaction, and such release has been recorded in the Public Records of Miami-Dade
76 County.

77 **Section 3:** This Resolution shall take effect immediately upon adoption.

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PASSED and **ADOPTED** this 15th day of November, 2012.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

BY: _____
Joe Collins, Chairman

ATTEST:

By: _____
District Clerk/Secretary

Legal form approved:

By: _____
Andrew Ross, Office of Counsel