

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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3 RESOLUTION NO. 2012- _____
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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO APPROVE DECLARING SURPLUS LAND INTERESTS
7 CONTAINING 3.04 ACRES, MORE OR LESS, IN EASEMENT, IN EXCHANGE FOR A
8 PERPETUAL DRAINAGE, CANAL RIGHT OF WAY AND ACCESS EASEMENT,
9 CONTAINING 4.07 ACRES, MORE OR LESS, ALL IN SECTION 3, TOWNSHIP 47
10 SOUTH, RANGE 32 EAST, HENDRY COUNTY, DEER FENCE CANAL PROJECT;
11 PROVIDING AN EFFECTIVE DATE.
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13 WHEREAS, pursuant to a request from the applicant, H&H Farms, LLC, a Florida
14 limited liability company, James P. Howell and Karen E. Howell, the District has
15 determined that it is in the public interest to release a portion of the Deer Fence Canal
16 right of way containing 3.04 acres, more or less, in Section 3, Township 47 South,
17 Range 32 East, Hendry County, in exchange for a Perpetual Drainage, Canal Right of
18 Way and Access Easement, containing 4.07 acres, more or less; and

19 WHEREAS, the Governing Board has determined that the portion of the right of
20 way to be conveyed and not included in the replacement easement is not required by the
21 District for present or future use; and

22 WHEREAS, the Governing Board, pursuant to Section 373.089(4) of the Florida
23 Statutes, may exchange lands or interests in land under terms and conditions determined
24 by the board.

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

27 **Section 1.** The Governing Board of the South Florida Water Management District
28 hereby approves the surplus of District interests containing approximately 3.04 +/- acres
29 in exchange for a perpetual drainage, canal right of way and access easement
30 containing approximately 4.07 +/- acres, in Section 3, Township 47 South, Range 32
31 East, Hendy County, Deer Fence Canal project.

32 **Section 2.** The Governing Board has determined that the District has no present or
33 apparent future use for that portion of the Deer Fence Canal right of way being released
34 and not replaced by the new easement.

35 **Section 3.** The Governing Board of the South Florida Water Management District
36 hereby authorizes the Chairman to execute all documents required to accomplish the
37 exchange of interests.

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

39 **PASSED** and **ADOPTED** this 14th day of June, 2012.

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SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

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BY: _____
Joe Collins, Chairman

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49 ATTEST:

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52 By: _____
53 District Clerk/Secretary

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Legal form approved:

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By: _____
Andrew Ross, Office of Counsel

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