

SURPLUS LANDS EXECUTIVE SUMMARY

PROJECT: C-100A Canal

COUNTY: Miami-Dade

SIZE: Release 0.02 +/- acre

PURPOSE: Release a Portion of a Maintenance Easement

APPLICANTS: Mathias Staubli and Maria Cecilia Staubli, husband and wife

HIGHLIGHTS: On October 13, 1965, the District received a 20-foot wide easement along the northerly right of way of the C-100A canal from Dade County for canal maintenance purposes (FCD Deed #3014, recorded in Official Records Book 4905, at page 305, Public Records of Miami-Dade County). Said easement encumbers the southerly portion of the applicant's property lying in Section 11, Township 55 South, Range 40 East, Miami-Dade County, Florida. Subsequent to the conveyance of the easement, a prior owner of the property constructed a pool on the property that encroaches into the District easement by approximately six feet.

CONSIDERATIONS: Since permanent structures are not permitted within District canal rights of way, the applicants, who are the current underlying fee owners of the property, are requesting that the maintenance easement be reduced by the six-foot infraction.

Key staff members of the District, including Regulatory & Public Affairs' Water Supply Management Department, Environmental Resource Regulation Department and Intergovernmental Programs Department; Operations and Maintenance's Right of Way Division, Land Stewardship Division, Instrumentation & Telemetry Department and South Field Operations Department; Everglades Restoration and Capital Project's Land Acquisition Department, Construction Department, Engineering Projects Department, Restoration Department, Policy & Coordination Department and Water Quality Monitoring Division; reviewed the application and determined that the six-foot wide strip of maintenance easement interest to be released is not required by the District for present or future use and the proposed release meets District requirements. Therefore staff recommends that the six-foot wide strip of maintenance easement interest be released to the applicants provided all of the following terms, conditions, and requirements are satisfied to the satisfaction of the District:

- a. The applicants shall pay no less than appraised value for the interest to be released and must pay all costs associated with the transaction, including but not limited to appraisal fees and all recording costs. The District shall not be obligated to pay any amount to the applicants.
- b. The applicants shall provide, at the applicants' sole cost and expense, a sketch and legal description of the area to be released, acceptable to the District, to be attached to the release instrument as Exhibit "A".
- c. The applicants shall obtain all necessary permits and/or waivers of permit criteria from the District, Miami-Dade County, and any other governmental entities, if any, and pay all associated fees, in connection with the applicants' property. 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/or waivers of District permit criteria, and there is no obligation on the part of the District's Governing Board to approve the issuance of any required District permits and/or waivers of District permit criteria. The District's review process for any required permits and/or waivers of District permit criteria 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.

- d. All of the foregoing terms, conditions, and requirements set forth in subparagraphs a., b. and c. above, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than October 1, 2012.

FISCAL IMPACT: The District received the subject maintenance easement from the County for the C-100A canal project at no cost to the District. The applicants paid a \$1,000.00 application fee and shall pay all costs associated with this transaction, including but not limited to recording fees, appraisal fees, survey/sketch and legal description preparation fees, and the appraised value of the interest to be released. The District shall not be obligated to pay any amount to the applicants.

AUTHORIZATION: Pursuant to Sections 373.089 and 373.096, Florida Statutes, the Governing Board may sell or exchange lands or interests or rights in lands to which the District has acquired title, and may release any right of way interest 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 approving the release of easement interests containing 0.02 acres, more or less, over a portion of Lot 9, Block 5, 1st ADDITION TO KENDALL PARK ESTATES (PB: 82-52), which abuts the District's C-100A Canal, Section 11, Township 55 South, Range 40 East, Miami-Dade County, Florida; subject to satisfaction of certain requirements; providing an effective date.

Prepared by: _____
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Title and Closing Section
Date _____

Reviewed by: _____
Marcy Zehnder, Section Manager
Title and Closing Section
Date _____

Reviewed by: _____
Ruth Clements, Department Director
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Date _____

Approved by: _____
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Deputy Executive Director
Everglades Restoration and Capital Projects
Date _____