

SURPLUS LANDS EXECUTIVE SUMMARY

PROJECT: C-29B
COUNTY: Osceola
SIZE: .493 acres, more or less
PURPOSE: Release of Right of Way interest
APPLICANT: Aquatic Symbiotics, Inc., applicant for Egdon Heath Developers, LLC, owner

HIGHLIGHTS: This item has been circulated to all appropriate District staff and no objections were received. The applicant/owner requests District to partially release the current easement along the C-29B, to abandon the two project culvert structure areas and move the easement and fence line north 3 feet to the toe of the slope of the canal maintenance berm.

CONSIDERATIONS: The applicant, on behalf of the underlying fee owner Egdon Heath Developers, LLC, has requested that the District partially release the current easement along the C-29B canal, to abandon the two project culvert structure areas and move the easement and fence line north approximately 3 feet to the toe of the slope of the canal maintenance berm. This will not affect the use of the maintenance berm or interfere with the use of the right of way by the District's heavy equipment. The property currently is served by two flash-board riser installations (Project Culverts 12 and 13) which are located within the Water Management District easement and provide drainage of the former upland pasture through the canal maintenance berm to the canal. The owner, in developing his "Waterside Vista" project, is creating a District-permitted surface water management system that will take the place of the project culverts. The U.S. Army Corps of Engineers has been notified of this change and stated that, provided the work is done in accordance with the approved plans, a Department of the Army authorization will not be required. The removal of Project Culverts 12 and 13 is being done under authority of District Right of Way Permit No. 12760 issued December 20, 2005.

Provided all of the following terms, conditions, and requirements are performed to the satisfaction of the District, in its sole and absolute discretion, the District has no present or apparent future use for the subject right of way:

- a. The Applicant/Owner shall, at Applicant's/Owner's sole cost and expense cause to be removed and filled in the two project culvert structure areas and move the easement and fence line north approximately 3 feet to the toe of the slope of the canal maintenance berm. In no event shall the District be required to pay any compensation to the Applicant. (The applicant has already completed the removal of the Project Culverts).
- b. The Applicant/Owner shall pay to the District in full the appraised value of the subject right of way interests to be released. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District.
- c. The requirements set forth in a. and b. above must be fully completed and satisfied to the District's satisfaction, in the District's sole and absolute discretion on or before May 31, 2008.

FISCAL IMPACT: The applicant paid the standard \$1,000.00 surplus application fee. In addition, all costs associated with this transaction are to be paid by the applicant, including but not limited to the appraisal, the cost of moving the fence and removing and filling in the two project culvert structure areas. The applicant will pay appraised value for the easement interest to be released.

AUTHORIZATION: Pursuant to Section 373.096, Florida Statutes, the Governing Board "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 South Florida Water Management District to approve releasing a portion of the C-29B Canal Right of Way Easement, containing .493 acres, more or less, to the underlying fee owner, being a portion of Lots 2 through 11, inclusive, Tract F and Tract R, Waterside Vista, according to the plat recorded in Plat Book 20, Page 149 Osceola County, Florida; subject to satisfaction of certain requirements; providing an effective date.

Prepared by: _____
Carla T. Segura, Sr. Closing Specialist
Title and Closing Section

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

Reviewed by: _____
Ruth Clements, Department Director
Land Acquisition and Land Management Department

Approved by: _____
Kenneth G. Ammon, P.E.
Deputy Executive Director
Everglades Restoration Resources Area

Beneficial Interest and Disclosure for:
Egdon Heath Developers, LLC, a Florida limited liability company
Egdon Heath Investments, LLC, a Florida limited liability company:
Manager/Member Detail
Sole Owner/Beneficiary
Chris M. Netram
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