

SURPLUS LANDS EXECUTIVE SUMMARY

PROJECT: C-6 (Miami) Canal

COUNTY: Miami-Dade

SIZE: 0.10 +/- acres

PURPOSE: Surplus/Release of a portion of the Right of Way

APPLICANT: A & A Associates International, Inc., a Florida corporation

HIGHLIGHTS: The applicant/owner requests the District surplus/release its interest in a portion of the southwesterly right of way, from the easterly right of way line of N.W. South River Drive to the top of bank, of the C-6 Canal in exchange for a fee interest in that portion of the canal right of way (from top of bank to the centerline of the canal) and the southeasterly half of the southwesterly right of way, from the easterly right of way line of N.W. South River Drive to the top of bank, of said C-6 Canal lying in Tract 25, Florida Fruit Lands Company Subdivision No. 1, Section 3, Township 33 South, Range 40 East, (PB: 2-17), Miami-Dade County, Florida.

CONSIDERATIONS: The applicant/owner, A & A Associates, Inc., a Florida corporation, owns and operates an auto sales center on their property. Said property includes the main site that lies on the westerly side of N.W. South River Drive along with a portion of the C-6 Canal right of way that lies easterly of said N.W. South River Drive to the centerline of the canal. The District owns an approximate 20-foot strip of the C-6 Canal right of way lying along N.W. South River Drive in fee, with the remainder of the right of way, to the centerline of the canal, in easement. The applicant/owner is currently using the right of way for displaying vehicles for sale. They have installed a fence around the property without a permit or District authorization and have running water on the site for washing said vehicles. The District uses this section of the right of way for a staging area and for access to the canal.

In an effort to satisfy both parties, the applicant is requesting that the right of way, from the easterly right of way line of N.W. South River Drive to the top of bank, be evenly divided, with the northwesterly half being surplused/released to the applicant and the southeasterly half being deeded in fee to the District. In addition, the applicant will deed that portion of the canal way, from top of bank to the centerline of the canal, lying within the applicant's property boundaries, in fee to the District. District staff believes the exchange properties are of relatively equal value, therefore no appraisal will be required

Key staff members of the District reviewed the application and determined that the proposed division of the right of way meets District requirements and recommend that the right of way be surplused/released to the applicant provided all of the following terms, conditions, and requirements are satisfied to the satisfaction of the District:

- a. The applicant/owner shall deed its interest in the C-6 Canal (from top of bank to the centerline of the canal) and its interest in the southeasterly half of the southwesterly C-6 Canal Right of Way lying within the subject property in exchange for the District's interest in the subject C-6 Canal Right of Way to be surplus/released.
- b. The applicant/owner shall remove, at applicant's sole cost and expense, the chain link fence from that portion of the canal right of way to be deeded to the District.
- c. The release instrument shall provide that the applicant/owner will assume all liability in connection with, and shall be responsible for, maintaining the canal bank. Under no circumstances shall the District be obligated for any repairs to the canal bank.
- d. The applicant/owner shall provide a survey and legal description for each tract (hard copy and digital format) associated with this transaction. Said survey must meet Florida minimum technical standards.
- e. Applicant/Owner shall provide, at applicant's/owner's sole cost and expense, title assurance acceptable to the District that the proposed exchange tract is not subject to any lien, encumbrance, or other matter objectionable to the District.
- f. Applicant/Owner shall, at its sole cost and expense, comply with all applicable subdivision/platting ordinances, laws and regulations applicable to the proposed transaction.
- g. The applicant shall obtain all necessary permits from the District, Miami-Dade County, and any other governmental agencies, 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.
- h. The terms, conditions, and requirements set forth above shall be satisfied to the District's satisfaction on or before September 1, 2009, unless otherwise extended by the District.

FISCAL IMPACT: The applicant/owner paid a \$1,000.00 application fee and shall pay all costs associated with this transaction, including but not limited to the removal of the fence on the southeasterly half of the southwesterly right of way. Applicant/Owner and District staff believes the exchange properties are of equitable value, therefore no appraisal will be required.

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 surplus/release of fee and easement interests containing 0.10 acres, more or less, within the northwesterly half of the southwesterly right of way of the C-6 Canal in exchange for a fee interest in that portion of the canal way (from top of bank to the centerline of the canal) and the southeasterly half of the southwesterly right of way of said C-6 Canal lying in Tract 25, Florida Fruit Lands Company Subdivision No. 1, Section 3, Township 33 South, Range 40 East, (PB: 2-17), Miami-Dade County, Florida.; subject to satisfaction of certain requirements; providing an effective date.

Prepared by: _____
Linda Schindeler, Senior Closing Specialist
Title & Closing Section
Date _____

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

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

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

Beneficial Interest and Disclosure for:

A & A Associates, Inc., a Florida corporation: