

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2009-\_\_\_\_\_

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER  
6 MANAGEMENT DISTRICT TO APPROVE RELEASING TO THE APPLICANT, 42,686 +/-  
7 SQUARE FEET OR 0.98 +/- ACRES FROM THE CURRENT ACCESS EASEMENT AREA  
8 AND ACCEPTING IN EXCHANGE A RELOCATED ACCESS EASEMENT CONTAINING  
9 58,381 +/- SQUARE FEET OR 1.34 +/- ACRES, C-9 PROJECT, LOCATED IN SECTION 34,  
10 TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, SUBJECT TO  
11 SATISFACTION OF CERTAIN TERMS, CONDITIONS AND REQUIREMENTS; PROVIDING  
12 AN EFFECTIVE DATE.  
13

14 WHEREAS, pursuant to a request from the applicant, Calder Race Course, the District  
15 has been requested to relocate its current access road easement to accommodate the  
16 Applicant's proposed addition to the existing club house building to provide an expanded  
17 gaming facility, in exchange for a relocated access road easement. The area of the current  
18 easement to be released is 42,686 +/- square foot or 0.98 +/- acres and the new easement  
19 area is 58,381 +/- square feet or 1.34 +/- acres. This access road easement is in the C-9  
20 project, located in Section 34, Township 51 South, Range 41 East, Miami-Dade County; and

21 WHEREAS, upon the satisfaction of certain terms, conditions and requirements, the  
22 Governing Board has determined that the approximate 42,686 +/- square feet or 0.98 +/- acre  
23 portion of the access easement to be released is not required by the District for present or  
24 apparent future use; and

25 WHEREAS, the applicants have paid a \$1,000.00 non-refundable application fee, and  
26 shall pay all fees and costs associated with this transaction and the obtaining of all necessary  
27 permits; and

28 WHEREAS, the Governing Board, pursuant to Section 373.089 of the Florida Statutes,  
29 may sell or exchange lands or interests in land under terms and conditions determined by the  
30 Governing Board, and pursuant to Section 373.096 of the Florida Statutes may release any  
31 easement for which the District has no present or apparent future use under terms and  
32 conditions determined by the Governing Board.

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

35 **Section 1:** The Governing Board of the South Florida Water Management District has  
36 determined that the District has no present or apparent future use for the subject access  
37 easement area to be released and therefore hereby approves releasing the 42,686 +/- square

38 feet or 0.98 +/- acres, more or less, from the current access easement area, in exchange for  
39 accepting a relocated access road easement from the applicants comprising 58,381 +/-  
40 square feet or 1.34 +/- acre, located in Section 34, Township 51 South, Range 41 East,  
41 Miami-Dade County, C-9 Canal project, to the applicants, provided all of the following terms,  
42 conditions, and requirements are satisfied to the satisfaction of the District, in its sole and  
43 absolute discretion:

- 44 a. The underlying fee owner shall convey to the District a perpetual access road  
45 easement with respect to the subject relocated access easement area  
46 containing 58,381 +/- square feet or 1.34 +/- acre in form, content and  
47 substance acceptable to the District, free and clear of all encumbrances,  
48 liens, and other objectionable matters.
- 49 b. The Applicant shall provide to the District title assurance acceptable to the  
50 District confirming that the relocated perpetual access road easement is free  
51 and clear of all encumbrances, liens and other objectionable matters.
- 52 c. Applicant must provide a legal description and sketch for each instrument,  
53 subject to District review and approval.
- 54 d. All costs associated with this transactions shall be paid for by the Applicant,  
55 including but not limited to all recording costs, and under no circumstances  
56 shall the District be obligated to pay any amount to the Applicant or otherwise  
57 in connection with this transaction.
- 58 e. The applicant shall obtain all necessary permits from the District, Miami-Dade  
59 County, and any other governmental entities, if any, and pay all associated  
60 fees. There is no representation, guaranty or assurance made by the District  
61 that the District's Governing Board will in fact approve the issuance of any  
62 required District permits, and there is no obligation on the part of the District's  
63 Governing Board to approve the issuance of any required District permits.  
64 The District's review process for any required permits will be done separate,  
65 independent and unfettered of the fact that the District has approved this  
66 Resolution and shall be in accordance with the District's applicable rules.
- 67 f. All of the foregoing terms, conditions, and requirements set forth in  
68 subparagraphs (a.) through (e.), inclusive, must be satisfied to the  
69 satisfaction of the District in its sole and absolute discretion no later than  
70 December 31, 2009.

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

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

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

BY: \_\_\_\_\_  
Eric Buermann, Chairman

ATTEST:

By: \_\_\_\_\_  
District Clerk/Secretary

Legal form approved:

By: \_\_\_\_\_  
Office of Counsel