

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2010-\_\_\_\_\_

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER  
6 MANAGEMENT DISTRICT APPROVING THE RELEASE OF CANAL RESERVATION/  
7 EASEMENT INTERESTS TO THE UNDERLYING FEE OWNER, CONTAINING 0.12  
8 ACRES, MORE OR LESS, OVER A PORTION OF TRACT 54, FLORIDA FRUIT  
9 LANDS COMPANY SUBDIVISION NO. 1, IN SECTION 11, TOWNSHIP 53 SOUTH,  
10 RANGE 40 EAST, PLAT BOOK 2, PAGE 17, MIAMI-DADE COUNTY PUBLIC  
11 RECORDS, C-6 (MIAMI) CANAL RIGHT OF WAY, MIAMI-DADE COUNTY, FLORIDA;  
12 SUBJECT TO A PERPETUAL MAINTENANCE AGREEMENT; PROVIDING AN  
13 EFFECTIVE DATE.  
14

15 WHEREAS, pursuant to a request from the applicant/underlying fee owner, Jose  
16 Guasch, the District has determined that it is in the public interest to release canal  
17 easement interests encumbering approximately 0.12 acres, more or less, of the  
18 applicant's property located in Section 11, Township 53 South, Range 40 East, Miami-  
19 Dade County, to the said underlying fee owner, subject to owner agreeing to perpetually  
20 maintain and accept all future liability with respect to the existing seawall/bulkhead in  
21 form and substance acceptable to the District; and

22 WHEREAS, the applicant/underlying fee owner, has paid a \$250.00 non-  
23 refundable application fee, and will pay all fees and associated costs for the release;  
24 and

25 WHEREAS, the Governing Board, pursuant to Section 373.096 of the Florida  
26 Statutes, may release any easement interests conveyed to it for which it has no present  
27 or apparent future use under terms and conditions determined by the Governing Board;  
28 and

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

31 **Section 1:** The Governing Board of the South Florida Water Management District has  
32 determined that the District has no present or apparent future use for the subject right of  
33 way and therefore hereby approves the release of canal reservation/easement interests  
34 containing approximately 0.12 acres, more or less, to the underlying fee owner, more  
35 particularly described as a portion of Tract 54, FLORIDA FRUIT LANDS CO.  
36 SUBDIVISION PLAT NO. 1, Plat Book 2, page 17, located in Section 11, Township 53  
37 South, Range 40 East, Miami-Dade County, C-6 (Miami) Canal project; subject to the

38 owner agreeing to perpetually maintain and accept all future liability with respect to the  
39 existing seawall/bulkhead in form and substance acceptable to the District.

40 **Section 2:** The Governing Board of the South Florida Water Management District  
41 hereby authorizes the Chairman to execute the release document.

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

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44 **PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

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51

BY: \_\_\_\_\_

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Eric Buermann, Chairman

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55 ATTEST:

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

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Legal form approved:

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By: \_\_\_\_\_

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Office of Counsel

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