

SURPLUS LANDS EXECUTIVE SUMMARY

- PROJECT:** C-14 (Pompano) Canal (a/k/a Cypress Creek Canal)
- COUNTY:** Broward
- SIZE:** 0.18 +/- acres
- PURPOSE:** Request to release Right of Way interest and execute plat regarding surplus property
- APPLICANT:** MMJC Realty, Inc., the adjacent fee owner
- HIGHLIGHTS:** Applicant, the adjacent landowner, requests this parcel in order to clear overgrown vegetation and to construct a marina as part of its Subdivision.

CONSIDERATIONS: MMJC Realty, Inc., the applicant and adjacent landowner of the Sundance Marine Subdivision, requested and received approval from the District for the release of its interest in a portion of the District's C-14 canal right of way located in Section 1, Township 49 South, Range 42 East, Broward County, Florida, within the city limits of Pompano Beach. (See Resolution No. 2007-712.)

The applicant is in the process of developing a plat of the property to be known as Atlantic Yacht Club Villas. They have not yet completed the construction of the seawall/bulkhead as required under Resolution 2007-712; therefore, the District still retains ownership of the right of way. In order to proceed with the development of the property, the applicant is requesting that the District, due to its ownership interest, join in on the plat. Resolution No. 2007-712 will be rescinded and replaced with the resolution approving this item, subject to additional terms and conditions. District staff reviewed their request and recommends approval with the following conditions:

1. A full description of the District's interest must be included on the Plat dedication page. Said description is to include a reference to the Resolution approving this item.
2. Change construction of the seawall to construction of a seawall or an alternative form of bank stabilization, whichever is deemed acceptable by the District and all other permitting agencies.
3. The applicant, or its successors or assigns, shall complete construction of the seawall/bank stabilization, whichever is deemed acceptable by the District and all other permitting agencies, and execute an agreement accepting liability and maintenance responsibilities for the seawall/bank stabilization and conservation easement area, as applicable, by August 1, 2012.
4. The approval of a portion of the Atlantic Yacht Club Villas project running along the C-14 Canal, including a portion of the surplus lands, to be placed under a conservation easement in favor of Broward County subject to the District's maintenance and permitting requirements. The easement is intended to address concerns raised during discussions between the applicant, adjacent landowners, Broward County and District staff during which the adjacent landowners and the County expressed concerns regarding potential impacts of the project.
5. Delegate authority to the Executive Director to sign the plat on behalf of the District.

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October 9, 2008
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FISCAL IMPACT: As stated in Resolution 2007-712, this parcel is part of the C-14 Canal and the District obtained its interest in the right of way from the Trustees, via Everglades Drainage District, at no cost. The applicant will pay no less than appraised value for the interest to be released and the lands shall be returned to the tax roll.

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 right of way interests containing 0.18 acres, more or less, C-14 (Pompano) Canal, Section 1, Township 49 South, Range 42 East, Broward County, subject to certain terms and conditions; approving the District joining in the plat of Atlantic Yacht Club Villas to be recorded in the public records of Broward County, subject to certain terms and conditions; delegating authority to the Executive Director to execute said joinder; rescinding Resolution No. 2007-712 relating to the same subject; providing an effective date.

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

Reviewed by: _____
Marcy Zehnder, 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 Resource Area
Date _____

Beneficial Interest and Disclosure for:

MMJC Realty, Inc., a Florida corporation

Joseph V. Clawges (50%)
Mitchell Milesi (50%)