

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2012-_____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT APPROVING THE RELEASE OF 0.96 ACRES, MORE OR LESS,
7 OF CANAL EASEMENT, TO THE UNDERLYING FEE OWNER AT NO COST, C-42
8 PROJECT IN SECTION 31, TOWNSHIP 49 SOUTH, RANGE 41 EAST, BROWARD COUNTY;
9 SUBJECT TO SATISFACTION OF CERTAIN TERMS, CONDITIONS AND REQUIREMENTS;
10 REPEALING RESOLUTION NO. 2010-1004; PROVIDING AN EFFECTIVE DATE.
11

12 WHEREAS, pursuant to a request from the applicant, Broward County Public Works and
13 Transportation Department, the District has determined that it is in the public interest to release
14 certain easement interests located in Section 31, Township 49 South, Range 41 East, Broward
15 County, containing 0.96 acres, more or less, for construction of the Hiatus Road extension,
16 subject to satisfaction of certain terms, conditions and requirements; and

17 WHEREAS, upon the satisfaction of certain terms, conditions and requirements, the
18 Governing Board has determined that the easement interests comprising 0.96 acres, more or
19 less, are not required by the District for present or future use; and

20 WHEREAS, the applicant is a governmental agency and the project is for the benefit of
21 the public, therefore the applicant requests that the District waive the \$1,000.00 application fee
22 and release the easement interests at no cost; and

23 WHEREAS, the Governing Board approved Resolution No. 2010-1004 which approved
24 releasing easement interests of approximately 0.96 acres, more or less, subject to satisfaction
25 of certain conditions; and

26 WHEREAS, due to the applicant not being able to resolve issues needed prior to the
27 release, the applicant has requested that the District extend the termination date of terms,
28 conditions and requirements of said Resolution No. 2010-1004, Section 1(d) from December 31,
29 2012 to December 31, 2014; and,

30 WHEREAS, pursuant to Section 373.056, Florida Statutes, any water management
31 district shall have authority to convey or lease to any governmental entity land or rights in land
32 owned by such district not required for its purposes under terms and conditions determined by
33 the board, and pursuant to Section 373.096 of the Florida Statutes, may release any easement
34 interests conveyed to it for which it has no present or apparent future use under terms and
35 conditions determined by the Board.

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

38 **Section 1:** The Governing Board of the South Florida Water Management District has
39 determined that the District has no present or apparent future use for the 0.96+/- acre
40 easement parcel, located in the C-42 project in Section 31, Township 49 South, Range 41 East,
41 Broward County, and hereby approves releasing it to the applicant and underlying fee owner at
42 no cost, provided the following terms, conditions and requirements are satisfied to the
43 satisfaction of the District, in its sole and absolute discretion prior to the release:

44 a. The applicant shall obtain all necessary permits from the District, and any other
45 governmental agencies, and pay all associated fees, including but not limited to District
46 Right of Way Occupancy Permit (Application Number 08-1009-1) requesting
47 authorization for certain improvements, more particularly described in subsection 1.b.
48 below, to the remaining canal right of way lying adjacent to the release parcel. There is
49 no representation, guaranty or assurance made by the District that the District's
50 Governing Board will in fact approve the issuance of any required District permits, and
51 there is no obligation on the part of the District's Governing Board to approve the
52 issuance of any required District permits. The District's review process for any required
53 permits will be done separate, independent and unfettered of the fact that the District
54 has approved this Resolution and shall be in accordance with the District's applicable
55 rules.

56 b. The applicant shall complete bank re-shaping and stabilization, including erosion
57 control features that will provide the District with a stabilized, clear, unobstructed
58 maintenance berm and vehicular access route, being a minimum of 40 feet in width as
59 measured from the useable top of the canal bank landward as depicted in the Contract
60 Plans, as submitted to and approved by the District, (County Project No. 5220 Hiatus
61 Road, from Sunrise Boulevard to south of Oakland Park Boulevard).

62 c. Applicant shall confirm that it is the underlying fee owner of the subject property
63 to be released.

64 d. The terms, conditions and requirements set forth in subsections 1.a., 1.b. and
65 1.c. above must be completed to the satisfaction of the District, in the District's sole and
66 absolute discretion no later than December 31, 2014.

67 **Section 2:** The Governing Board of the South Florida Water Management District hereby
68 authorizes the Chairman to execute the release document upon satisfaction of the foregoing
69 requirements to the satisfaction of the District in its sole and absolute discretion. No release
70 document shall be delivered to the applicant, or shall be effective, until the foregoing

71 requirements set forth in Section 1. above have been fully completed and fulfilled to the
72 District's satisfaction, in the District's sole and absolute discretion. Furthermore, such release
73 will not be effective until it has been recorded in the public records of Broward County, Florida.

74 **Section 3:** The Governing Board of the South Florida Water Management District hereby
75 approves a waiver of the application fee.

76 **Section 4:** This Resolution repeals and replaces Resolution No. 2010-1004 concerning the
77 same release of easement.

78 **Section 5:** This Resolution shall take effect immediately upon adoption.

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80 **PASSED and ADOPTED** this _____ day of _____, 2012.

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83 SOUTH FLORIDA WATER MANAGEMENT
84 DISTRICT, BY ITS GOVERNING BOARD

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By: _____
Joe Collins, Chairman

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91 ATTEST:

Legal form Approved:

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By: _____
District Clerk/Secretary

By: _____
Andrew Ross, Office of Counsel

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