

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  
6 WATER MANAGEMENT DISTRICT APPROVING THE RELEASE OF EASEMENT  
7 INTERESTS CONTAINING 0.02 ACRES, MORE OR LESS, OVER A PORTION OF  
8 LOT 9, BLOCK 5, 1<sup>ST</sup> ADDITION TO KENDALL PARK ESTATES (PB: 82-52),  
9 WHICH ABUTS THE DISTRICT'S C-100A CANAL, LYING IN SECTION 11,  
10 TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA;  
11 SUBJECT TO SATISFACTION OF CERTAIN REQUIREMENTS; PROVIDING AN  
12 EFFECTIVE DATE.

13  
14 **WHEREAS**, pursuant to a request from the applicants, Mathias Staubli and  
15 Maria Cecilia Staubli, the District has determined that it is in the public interest to  
16 release a portion of that certain easement recorded in Official Records Book 4905, at  
17 page 305, of the Public Records of Miami-Dade County, containing 0.02 acres, more  
18 or less, that encumbers the applicant's property located in Section 11, Township 55  
19 South, Range 40 East, Miami-Dade County; and

20 **WHEREAS**, upon the satisfaction of certain terms, conditions and  
21 requirements, the Governing Board has determined that the 0.02 acre, more or less,  
22 maintenance easement interest is not required by the District for present or apparent  
23 future use; and

24 **WHEREAS**, the applicants have paid a \$1,000.00 non-refundable application  
25 fee and shall pay all costs associated with this transaction, including but not limited to  
26 the cost of an appraisal, the appraised value of the interest, and recording the deed in  
27 the public records; and

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

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

35 **Section 1:** The Governing Board of the South Florida Water Management District  
36 has determined that the release of the subject easement interest is in the best interest

37 of the District and therefore hereby approves releasing the 0.02 acre, more or less,  
38 maintenance easement interest over property located in Section 11, Township 55  
39 South, Range 40 East, Miami-Dade County, Florida, to the underlying fee owner,  
40 provided all of the following terms, conditions, and requirements are satisfied to the  
41 satisfaction of the District, in its sole and absolute discretion:

- 42 a. The applicants shall pay no less than appraised value for the interest to be  
43 released and must pay all costs associated with the transaction, including but  
44 not limited to appraisal fees and all recording costs. The District shall not be  
45 obligated to pay any amount to the Applicant.
- 46 b. The applicants shall provide, at applicants' sole cost and expense, a sketch  
47 and legal description of the area to be released, acceptable to the District, to  
48 be attached as Exhibit "A" to the release instrument.
- 49 c. The applicants shall obtain all necessary permits and/or waivers of permit  
50 criteria from the District, Miami-Dade County, and any other governmental  
51 entities, if any, and pay all associated fees, in connection with the applicants'  
52 property. There is no representation, guaranty or assurance made by the  
53 District that the District's Governing Board will in fact approve the issuance of  
54 any required District permits and/or waivers of District permit criteria, and  
55 there is no obligation on the part of the District's Governing Board to approve  
56 the issuance of any required District permits and/or waivers of District permit  
57 criteria. The District's review process for any required permits and/or waivers  
58 of District permit criteria will be done separate, independent and unfettered of  
59 the fact that the District has approved this Resolution and shall be in  
60 accordance with the District's applicable rules.
- 61 d. All of the foregoing terms, conditions, and requirements set forth in  
62 subparagraphs a., b. and c. above, must be satisfied to the satisfaction of the  
63 District in its sole and absolute discretion no later than October 1, 2012.

64 **Section 2:** The Governing Board of the South Florida Water Management District  
65 hereby authorizes the Chairman to execute the release document upon satisfaction of  
66 all of the foregoing terms, conditions and requirements to the satisfaction of the  
67 District in its sole and absolute discretion. No release instrument shall be delivered to  
68 the applicant/owner, or shall be effective, until all of the foregoing requirements have

69 been fully completed and fulfilled to the District's satisfaction, in the District's sole and  
70 absolute discretion. Furthermore, such release will not be effective until it has been  
71 recorded in the Public Records of Miami-Dade County, Florida.

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

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

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84 ATTEST:

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SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

By: \_\_\_\_\_  
Eric Buermann, Chairman

Legal Form Approved:

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

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