

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2009-_____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO AUTHORIZE THE RELEASE OF A PORTION OF THE
7 HILLSBORO CANAL RIGHT OF WAY EASEMENT, ENCUMBERING THE SOUTH 40 FEET
8 OF LOTS 2A AND 3A, BLOCK 15, HILLSBORO PINES, SECTION C, ACCORDING TO
9 THE PLAT THEREOF RECORDED IN PLAT BOOK 47, PAGE 2, BROWARD COUNTY,
10 FLORIDA, CONTAINING 0.10 ACRES, MORE OR LESS, IN EXCHANGE FOR THE FEE
11 INTEREST IN THE NORTH 90 FEET OF SAID LOTS 2A AND 3A, CONTAINING 0.24
12 ACRES, MORE OR LESS, SUBJECT TO SATISFACTION OF CERTAIN REQUIREMENTS;
13 PROVIDING AN EFFECTIVE DATE.
14

15 WHEREAS, pursuant to a request from the applicants and underlying fee owners,
16 Phillip G. Wisocki and Sonia Wisocki, husband and wife, the District has determined it is in the
17 public interest to release the District's interest in a portion of the Hillsboro Canal right of way
18 easement encumbering the South 40 feet of Lots 2A and 3A, Block 15, Hillsboro Pines,
19 Section C, Plat Book 47, Page 2, Broward County, to the applicants for residential use in
20 exchange for the fee interest in the North 90 feet of said Lots 2A and 3A, containing 0.24
21 acres, more or less; and

22 WHEREAS, the applicants have paid a \$1,000 application fee, and will pay all
23 recording fees and costs associated with the release; and

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

27 WHEREAS, the Governing Board has determined that the District has no present or
28 future use for that portion of the South 40 feet of the canal easement, also known as the
29 South 40 feet of said Lots 2A and 3A, to be released to the applicants, and

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

32 **Section 1:** The Governing Board of the South Florida Water Management District hereby
33 approves the partial release of a canal easement, being the South 40 feet of Lots 2A and 3A,
34 Block 15, Hillsboro Pines, Section C, according to the plat thereof recorded in Plat Book 47,
35 Page 2, Broward County, Florida, in exchange for the fee interest in the North 90 feet of said
36 Lots 2A and 3A, containing 0.24 acres, more or less, starting at the centerline of the canal and
37 running South, provided all of the following terms, conditions, and requirements are satisfied
38 to the satisfaction of the District, in its sole and absolute discretion:

- 39 a. The applicants shall provide a sketch and accurate legal descriptions,
 40 including acreage, of the fee parcel to be conveyed to the District, as well as
 41 the easement parcel to be conveyed to the applicant. Said legal descriptions
 42 shall be printed on letter size paper (8.5" x 11"), must be legible and in
 43 accordance with Florida Minimum Technical Standards (pursuant to Chapter
 44 472 of the Florida Statutes). If the sketch is not adequate to identify the land,
 45 the District reserves the right to require a boundary survey, prepared and
 46 certified by a registered Florida land surveyor.
- 47 b. The applicants will pay for all costs associated with this exchange of
 48 interests.
- 49 c. The applicants shall obtain all necessary permits from the District, Broward
 50 County, and any other governmental agencies, if any, and pay all associated
 51 fees. There is no representation, guaranty or assurance made by the District
 52 that the District's Governing Board will in fact approve the issuance of any
 53 required District permits, and there is no obligation on the part of the District's
 54 Governing Board to approve the issuance of any required District permits.
 55 The District's review process for any required permits will be done separately,
 56 independently and unfettered of the fact that the District has approved this
 57 Resolution and shall be in accordance with the District's applicable rules.
- 58 d. All of the foregoing terms, conditions, and requirements set forth in
 59 subparagraphs (a.) through (c), inclusive, must be satisfied to the satisfaction
 60 of the District in its sole and absolute discretion no later than December 31,
 61 2009.
 62

63 **Section 2:** The Governing Board of the South Florida Water Management District hereby
 64 authorizes the Chair to execute the release document.

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

66
 67 **PASSED and ADOPTED** this _____ day of _____, 2009.

70 SOUTH FLORIDA WATER MANAGEMENT
 71 DISTRICT, BY ITS GOVERNING BOARD

74 BY: _____
 75 Chair

76 ATTEST:

78 By: _____
 79 District Clerk/Secretary

Legal form approved:

81 By: _____
 82 Office of Counsel