

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2  
3 RESOLUTION NO. 2007-\_\_\_\_\_

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER  
6 MANAGEMENT DISTRICT TO APPROVE RELEASING A PORTION OF THE C-29B  
7 CANAL RIGHT OF WAY EASEMENT, CONTAINING 0.493 ACRES, MORE OR LESS,  
8 TO THE UNDERLYING FEE OWNER, BEING A PORTION OF LOTS 2 THROUGH 11,  
9 INCLUSIVE, TRACT F AND TRACT R, WATERSIDE VISTA, ACCORDING TO THE  
10 PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 149, OSCEOLA COUNTY,  
11 FLORIDA, SUBJECT TO SATISFACTION OF CERTAIN REQUIREMENTS;  
12 PROVIDING AN EFFECTIVE DATE.  
13

14 WHEREAS, pursuant to a request from the applicant, Aquatic Symbiotics, Inc., on  
15 behalf of the underlying fee owner, Egdon Heath Developers, LLC, the District has  
16 determined it is in the public interest to release a portion of C-29B canal right of way  
17 easement containing 0.493 acres, more or less, encumbering applicant's property located  
18 in Lots 2 through 11, inclusive, Tract F and Tract R, Waterside Vista, according to the Plat  
19 thereof recorded in Plat Book 20, Page 149, Osceola County, to the underlying fee owner;  
20 and

21 WHEREAS, upon the satisfaction of certain terms, conditions and requirements,  
22 the Governing Board has determined that the approximate 0.493 acre parcel will not be  
23 required by the District for present or apparent future use; and

24 WHEREAS, the Applicant has paid a \$1,000.00 non-refundable application fee, all  
25 costs associated with this transaction are to be paid by the applicant, including but not  
26 limited to the appraisal, cost of moving the fence and cost of removing and filling in the  
27 two project culvert structure areas. The applicant will pay appraised value for the  
28 easement interest to be released; and

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

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

34 **Section 1:** Provided all of the following terms, conditions, and requirements are  
35 satisfied to the satisfaction of the District, in its sole and absolute discretion, the  
36 Governing Board of the South Florida Water Management District has determined that the  
37 District has no present or apparent future use for the subject right of way, and therefore

38 hereby approves releasing a portion of the C-29B canal right of way easement containing  
39 0.493 acres, more or less, to the underlying fee owner, located in Lots 2 through 11,  
40 inclusive, Tract F and Tract R., Waterside Vista, according to the Plat thereof recorded in  
41 Plat Book 20, Page 149 of the Public Records of Osceola County, Florida, C-29B Canal  
42 project:

- 43 a. The Applicant/Owner shall, at Applicant's/Owner's sole cost and expense cause  
44 to be removed and filled in the two project culvert structure areas and move the  
45 easement and fence line north 3 feet to the toe of the slope of the canal  
46 maintenance berm. In no event shall the District be required to pay any  
47 compensation to the Applicant.
- 48 b. The Applicant/Owner shall pay to the District in full the appraised value of the  
49 subject right of way interests to be released. The appraiser, appraisal and  
50 appraised value must all be acceptable to and approved by the District.
- 51 c. The requirements set forth in a. and b. above must be fully completed and  
52 satisfied to the District's satisfaction, in the District's sole and absolute discretion  
53 on or before May 31, 2008.

54 **Section 2:** The Governing Board of the South Florida Water Management District  
55 hereby authorizes the Chairman to execute the release document upon satisfaction of all  
56 of the foregoing terms, conditions and requirements to the satisfaction of the District in its  
57 sole and absolute discretion. No release instrument shall be delivered to the  
58 Applicant/Owner, or shall be effective, until all of the foregoing requirements have been  
59 fully completed and fulfilled to the District's satisfaction, in the District's sole and absolute  
60 discretion. Furthermore, such release will not be effective until it has been recorded in the  
61 Public Records of Osceola County, Florida.

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

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**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

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

ATTEST:

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

Legal form approved:

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