

## EXECUTIVE SUMMARY FOR PARTIAL RELEASE OF EASEMENT

**PROJECT:** North New River Canal

**COUNTY:** Broward

**SIZE:** 1.943 acres, more or less

**PURPOSE:** Approval of Partial Release of Canal Easement to the Trustees of the Internal Improvement Trust Fund

**APPLICANT:** State of Florida Department of Transportation

**HIGHLIGHTS:** Staff recommends approval of a release of a portion of a canal right of way easement located in Section 7, Township 50 South, Range 41 East, running from Nob Hill Road to Hiatus Road in Broward County, Florida. The release is required pursuant to District Right of Way Occupancy Permit No. 13383, issued for construction of a sound barrier wall for I-595.

**CONSIDERATIONS:** The applicant, Florida Department of Transportation (FDOT), is requesting that the District release a portion of the easement encumbering a 1.943+/- acre parcel, which has been severed from the remaining North New River Canal right of way by construction of a sound barrier wall. The District can no longer use or maintain the easement area, due to a lack of access. As contemplated in the permit, FDOT will take over maintenance and jurisdiction of the 1.943+/- acre area upon release of the easement.

**FISCAL IMPACT:** The easement was acquired at no cost in September, 1944. Staff recommends that the application fee be waived, and the easement be partially released to the TIITF at no cost as this release was required under a Right of Way permit condition. FDOT will pay all costs and fees associated with the release.

**AUTHORIZATION:** Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any easement, reservation, or right of way interest for which it has no present or apparent use under terms and conditions determined by the Board. Furthermore, pursuant to Section 373.056(4), Florida Statutes, the Governing Board has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, subject to terms and conditions approved by the Governing Board.

**RECOMMENDATION:** A Resolution of the Governing Board of the South Florida Water Management District approving the release of a portion of the Perpetual Easement for Canal Right of Way encumbering approximately 1.943 acres, more or less, located in Section 7, Township 50 South, Range 41 East, Broward County, Florida, North New River Canal Project, to the Trustees of the Internal Improvement Trust Fund at no cost and approve the waiver of the application fee; providing an effective date.

**Prepared by:** \_\_\_\_\_  
Kathleen Massey, Senior Closing Specialist  
Title and Closing Section, Real Estate Department  
Date \_\_\_\_\_

**Reviewed by:** \_\_\_\_\_  
Marcy Zehnder, Section Leader  
Title and Closing Section, Real Estate Department  
Date \_\_\_\_\_

**Reviewed by:** \_\_\_\_\_  
Ruth Clements, Director  
Real Estate Department  
Date \_\_\_\_\_

**Approved by:** \_\_\_\_\_  
Kenneth G. Ammon, P.E., Deputy Executive Director  
Everglades Restoration and Capital Projects  
Date \_\_\_\_\_