

EXECUTIVE SUMMARY FOR RELEASE OF RESERVATION

COUNTY: Miami-Dade

SIZE: 0.12 acres, more or less

PURPOSE: Release of District Canal Reservation

APPLICANT: Jose Guasch

CONSIDERATIONS: In December 1908 under Tax Deed No. 16198, the Trustees of the Internal Improvement Fund of the State of Florida reserved a canal reservation over certain lands in Miami-Dade County, Florida. In September 1944 the reservation interest was transferred to Everglades Drainage District, which then transferred its interest via Deed No. 18946, dated October 17, 1952, to Central and Southern Florida Flood Control District (n.k.a. South Florida Water Management District). These reservations were utilized in the construction of the C-6 (Miami) Canal, which includes a 130-foot right of way easement from the centerline of the canal. The Applicant, whose property lies within the southwesterly right of way of the canal, is requesting release of the reservation/easement interest that is encumbering the title to his property. The applicant's residence is located on the subject property.

Due to the fact that the subject right of way is in an area which has been heavily encroached upon and has unsuitable access, the District's Operations and Maintenance Department maintains this reach of the C-6 Canal Right of Way without accessing the overbank portion of the canal right of way. Therefore, the subject parcel has no present or apparent future use to the District.

This request has been routed to Miami-Dade County, the Town of Medley, and District staff, including Water Supply Planning, Operations and Maintenance, Right of Way Division, Everglades Restoration and Capital Projects, Survey Section, and Miami Service Center. District staff recommends approval of the applicant's request for release of said reservation/easement provided the Applicant agrees to a perpetual maintenance agreement at closing, accepting all future liability and maintenance of the existing seawall/bulkhead from the canal side landward.

FISCAL IMPACT: The applicant has paid a \$250.00 processing fee. The reservation was acquired at no cost.

AUTHORIZATION: Pursuant to Section 373.096 of the Florida Statutes, the Governing Board may release any reservation for which it has no present or apparent use under terms and conditions determined by the Board.

Governing Board Members
July 15, 2010
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RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District approving the release of canal reservation/easement interests to the underlying fee owner, containing 0.12 acres, more or less, over a portion of Tract 54, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, in Section 11, Township 53 South, Range 40 East, Plat Book 2, Page 17, Miami-Dade County Public Records, C-6 (Miami) Canal Right of Way, Miami-Dade County, Florida; subject to a perpetual maintenance agreement; providing an effective date.

Prepared by: _____ _____
Marcy Zehnder, Section Leader Date
Title and Closing Section,
Land Acquisition Department

Reviewed by: _____ _____
Ruth Clements, Director Date
Land Acquisition Department

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