

EXECUTIVE SUMMARY FOR RELEASE OF CANAL EASEMENT

- PROJECT:** C-43 (Caloosahatchee) Canal
- COUNTY:** Hendry
- PURPOSE:** Release of Road Easement
- APPLICANT:** Orangebrook Estates, LLC, a Florida limited liability company
- HIGHLIGHTS:** The applicant requests that the South Florida Water Management District release its interest in a road easement that encumbers the applicant's property.

CONSIDERATIONS: The applicant, who is also the underlying fee owner, owns property located in Section 1, Township 43 South, Range 28 East, and Section 6, Township 43 South, Range 29 East, Hendry County, that is to be developed into a residential development to be known as Valencia Landings. Said property is encumbered by a road easement that includes two 10-foot wide roadways that cut across the applicant's property. Said roads provide access to District owned property lying south and east of the applicants property, and to a spoil easement owned by the U.S. Army Corps of Engineers that lies east of the applicants property.

The release of our easement will be subject to the following terms, conditions and requirements, which must be satisfied to the District's satisfaction prior to delivery of the release of easement instrument to the applicant/underlying fee owner:

1. A new access road easement, in form and content satisfactory to the District, must be executed, delivered, and recorded in favor of the District with respect to the real property more particularly described as District Tract 34100-080. The District must be provided title insurance that the new access easement conveyed to the District is granted by the underlying fee owner, that all necessary organizational approvals of the owner have been obtained, and that the new access easement conveyed to the District is free and clear of any and all liens, encumbrances and/or other matters objectionable to the District.
2. The new access road easement must provide legal and practical access to the U.S. Army Corps of Engineers ("COE") tract known as 1302-E and the Districts tract shown as Parcel No. 2648 on Sheet 6, of Canal C-43 Map, located in Section 6, Township 43 South, Range 29 East, Hendry County.
3. The underlying fee owner must complete construction of a bridge/concrete culvert across Bee Branch Creek that meets District requirements, including but not limited to, width and weight requirements for heavy construction equipment. Construction of said bridge/concrete culvert must be permitted and in compliance with all governmental requirements, including but not limited to, State, County, and District requirements, laws and standards.

- The developer must inform all future owners of property within the development of Orangebrook Estates (n/k/a Valencia Landings) of the potential for future use of parcel 1302-E as a spoil easement by the District and the COE. Said disclosure must be included in the homeowner's association documents, including the Declaration of Restrictions, which must be recorded in the Public Records of Hendry County, and must include disclosure of potential impacts of heavy equipment, hauling and disposing of spoil, noise, and offensive odors.

In the event all of the terms, conditions, and requirements set forth above are not satisfied to the District's satisfaction on or before August 1, 2009, then this release of easement interests authorized by the District shall automatically terminate and have no further force or effect.

FISCAL IMPACT: The applicant has paid a \$1,000.00 application fee. In addition, all costs associated with this transaction are to be paid by the applicant, including the cost of constructing the bridge/culvert across Bee Branch Creek.

AUTHORIZATION: The Governing Board, pursuant to Section 373.096 of the Florida Statutes, may release any easement, reservation or right of way interests conveyed to it for which it has no present or apparent future use under terms and conditions determined by the Governing Board.

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District to approve releasing road easement interests containing 0.90 acres, more or less, to the underlying fee owner, located within Orangebrook Estates (n/k/a Valencia Landings) subdivision, located in Section 1, Township 43 South, Range 28 East, and in Section 6, Township 43 South, Range 29 East, Hendry County, subject to satisfaction of certain terms, conditions and requirements, including conveyance of a replacement easement to the District; providing an effective date.

Prepared by: _____
Linda Schindeler, Senior Closing Specialist
Title & Closing Section
Date

Reviewed by: _____
Marcy Zehnder, Section Manager
Title & Closing Section
Date

Reviewed by: _____
Ruth Clements, Department Director
Land Acquisition and Land Management Dept.
Date

Approved by: _____
Kenneth G. Ammon, P.E.
Deputy Executive Director, Everglades
Restoration Resources Area
Date

Beneficial Interest and Disclosure for:

Orangebrook Estates, LLC, a Florida limited liability company:

Katherine K. Clark (8.33%)

Estero Verde Development Company, LLC (20 %)

Members with 5% or greater ownership include:

Randy Wilkerson
Donna Wilkerson
Jackie Travers

Vanderitz, LLC (8.33%)

Members with 5% or greater ownership include:

Katherine K. Clark

Seahorse Communities, Inc. (27.50%)

Sole Member is:

Steve Bacardi

Kai Enterprises, LLC (27.50%)

Sole Member is:

Kevin Thomas