

## LAND ACQUISITION EXECUTIVE SUMMARY

**PROJECT:** Deer Fence Canal

**COUNTY:** Hendry

**SIZE:** 267.65 acres, more or less

**TRACTS:** FZ100-001, 002, 004, 005, 006, 007, 018 and 019

**PURPOSE:** Canal Right of Way

**OWNER:** Trustees of the Deer Fence Drainage Canal Trusteeship  
Dated May 28, 1959, as amended

**APPRAISED VALUE:** N/A

**PURCHASE PRICE:** \$0 – Donation

**HIGHLIGHTS:** In the interest of public health and safety, and to provide increased flood protection to the citizens of Hendry County, staff recommends acceptance of a donation of all right, title and interest in the Deer Fence Canal right of way.

**CONSIDERATIONS:** In 1959, certain landowners executed an Agreement creating a Trust with the goal of building a canal to drain their adjacent lands and provide a source of irrigation; all owners of lands benefitted by the canal agreed to provide the needed land and funds for construction and on-going maintenance; the Agreement was amended in 1960. Unfortunately, many of the legal descriptions contained in the conveyances of land to the Trust were flawed, due to section corners that had been incorrectly set when land surveys were conducted in the 1930's.

There have been several attempts by the District to acquire the canal right of way and assume maintenance since the early 1980's; these previous attempts were thwarted, due to objectionable terms and conditions contained in the Trust Agreement and the existing legal description discrepancies. In June 2009, yet another effort to acquire the Deer Fence Canal was initiated by George Horne, former Deputy Executive Director of Operations and Maintenance. An acquisition team was assembled; the existing title search, which included 22 sections of land, was updated and a survey was ordered; it was found that many of the survey issues had been corrected through the exchange of deeds throughout the years. Simultaneous with the conveyance by the Trustees of all their interest in the canal, the Trust will be dissolved, thereby eliminating the unacceptable terms and conditions contained therein.

**FISCAL IMPACT:** The property interests are being donated and conveyed at no cost. The District will pay all closing costs and survey costs.

**RECOMMENDATION:** A Resolution of the Governing Board of the South Florida Water Management District to approve the acquisition of land interests containing 267.65 acres, more or less, for the Deer Fence Canal Project, in Hendry County, from the Trustees of the Deer Fence Drainage Canal Trusteeship Dated May 28, 1959, as amended, at no cost, except for associated costs; providing an effective date.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
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Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
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