

SURPLUS LANDS EXECUTIVE SUMMARY

PROJECT: L-40 Levee

COUNTY: Palm Beach

SIZE: 0.35 +/- acres

PURPOSE: Release of Access Easement

APPLICANTS: Kevin A. Doyle and Venessa Doyle, husband and wife, current fee owners of Lot 4, TIERRA DEL-REY SOUTH (PB: 35-64)

HIGHLIGHTS: On July 8, 1977, the District was granted a 60 foot wide access easement from Tierra Del Rey, Inc. along the southerly boundary of the Tierra Del-Rey South subdivision (PB: 35-64). The easement runs from S.R. 7 (441) west approximately 1 mile to the westerly boundary of the plat. It is believed that the easement was needed by the District for access to the L-40 Levee project. Subsequent to the granting of the easement, the then owner developed the subdivision and the entire easement is now encroached on by trees, fences, and the Lake Worth Drainage District's L-36W Canal.

The applicants own a lot within the subdivision that is encumbered by this easement. They are requesting the easement be removed from their lot alone. The applicants have already received a quit claim deed from the Lake Worth Drainage District releasing any interest it has over the lot.

CONSIDERATIONS: A review of the Plat, a survey of the property, and an aerial overview of the property through Google Earth, revealed that there is no clear access for District vehicles to get to the easement, let alone drive down it without running into water or crossing unauthorized lands.

Key staff members of the District, including Regulatory & Public Affairs' Water Supply Management Department, Environmental Resource Regulation Department and Intergovernmental Programs Department; Operations and Maintenance's Right of Way Division, Land Stewardship Division, and Central Field Operations Department; Everglades Restoration and Capital Project's Land Acquisition Department, Construction Department, Engineering Projects Department, Restoration Department, Policy & Coordination Department and Water Quality Monitoring Division, reviewed the application and determined that the portion of the subject access easement interest to be released is not required by the District for present or future use as there is alternate access available to the District, if needed. Therefore, staff recommends that the subject access easement interest be released to the applicants provided all of the following terms, conditions, and requirements are satisfied to the satisfaction of the District:

- a. The applicants shall pay no less than appraised value for the interest to be released and must pay all costs associated with the transaction, including

but not limited to appraisal fees and all recording costs. The District shall not be obligated to pay any amount to the applicants.

- b. The applicants shall provide, at the applicants' sole cost and expense, a sketch and legal description of the area to be released, acceptable to the District, to be attached to the release instrument as Exhibit "A".

FISCAL IMPACT: The District received the subject access easement from the then owner at no cost to the District. The current applicants paid a \$1,000.00 application fee and shall pay all costs associated with this transaction, including but not limited to appraisal fees, appraised value and recording costs. The District shall not be obligated to pay any amount to the applicants.

AUTHORIZATION: Pursuant to Section 373.096, Florida Statutes, the Governing Board may release any right of way interest 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 approving the release of easement interests containing 0.35 acres, more or less, over a portion of Lot 4, TIERRA DEL-REY SOUTH (PB: 35-64), Section 24, Township 46 South, Range 41 East, Palm Beach County, Florida; subject to satisfaction of certain requirements; providing an effective date.

Prepared by: _____
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Title and Closing Section
Date _____

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Date _____

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Date _____