

EXECUTIVE SUMMARY FOR RELEASE OF CANAL EASEMENT

PROJECT: C-43 (Caloosahatchee) Canal

COUNTY: Hendry

PURPOSE: Authorization to extend timeframe previously approved by the Governing Board in 2007 regarding compliance with conditions for release of road easement.

APPLICANT: Orangebrook Estates, LLC, a Florida limited liability company

HIGHLIGHTS: The applicant/owner requested and received approval from the District for the release of the District's interest in an access road easement that encumbers the applicant's property subject to the satisfaction of certain terms and conditions as set forth in Resolution No. 2007-716. Applicant is requesting extension of timeframe to comply with conditions.

CONSIDERATIONS: The applicant 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 being developed into a residential development to be known as Valencia Landings. Due to construction delays and the poor economy, the applicant/owner has requested that the District extend the termination date of the terms, conditions and requirements of said Resolution No. 2007-716, Section 3. District staff reviewed the request and recommends an extension of the termination date from August 1, 2009 until August 1, 2010.

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 a bridge/culvert across Bee Branch Creek that will provide the District with alternate access to District and U.S. Army Corps of Engineer property interests.

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; repealing Resolution No. 2007-716, and 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 Department
Date

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

Governing Board Members
June 11, 2009
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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 Members is:

Kevin Thomas