

LAND ACQUISITION EXECUTIVE SUMMARY

PROJECT: Hillsboro Canal

COUNTY: Broward

SIZE: District parcel = 0.12 acres, more or less
Gale parcel = 0.138 acres, more or less

PARTIES: Steven Gale and Marilyn Gale and the South Florida Water Management District

HIGHLIGHTS: This exchange is consistent with exchanges along the Hillsboro Canal the District has approved in the past, including exchanges of right of way interests with the Applicants along this reach of the canal. The Applicants have requested the District to release a portion of the perpetual canal easement located in Lots 8A, 9A and 10A, Block 8, Hillsboro Pines Section "A", Plat Book 42, page 33, Public Records of Broward County Florida, in exchange for a perpetual canal easement over portions of Lot 8A as follows:

1. Lot 8A - the District will release the southerly 50 feet of Lot 8A within the Hillsboro Canal right of way in exchange for a perpetual canal easement over the northerly 80 feet of Lot 8A to the centerline of the Hillsboro Canal, including approximately 30 feet of right way landward of the top of bank.
2. Lot 9A - the District will release the northerly 10 feet of Lot 9A within the Hillsboro Canal right of way, leaving approximately 29 feet of right of way landward of the top of bank.
3. Lot 10A - the District will release the northerly 10 feet of Lot 10A within the Hillsboro Canal right of way, leaving approximately 29 feet of right of way landward of the top of bank.

CONSIDERATIONS: The exchange will resolve a longstanding dispute between the Applicants and the District regarding the quality of title along the right of way. Staff is agreeable to this exchange. Staff has determined that the new easement area will provide sufficient interest to allow the District to continue the operation and maintenance of the Hillsboro Canal.

Releasing the District's interest in the manner outlined above will straighten the right of way line along the Hillsboro Canal.

The exchange will be subject to the following terms, conditions and requirements:

- a. The Applicants are to provide a survey that meets the required Minimum Technical Standards provided to the Applicants via e-mail on February 24, 2009. This survey will include the legal description for the easement parcel the Applicants will convey to the District, as well as the legal descriptions of the easement areas to be released by the District.
- b. The Applicants will pay for all costs of the closing and provide the District with a title insurance policy insuring the District's interest in the easement.
- c. The Applicants shall obtain all necessary permits from the District, Broward County, and any other governmental agencies, if any, and pay all associated fees. There is no representation, guaranty or assurance made by the District that the District's Governing Board will in fact approve the issuance of any required District permits, and there is no obligation on the part of the District's Governing

Board to approve the issuance of any required District permits. The District's review process for any required permits will be done separate, independent and unfettered of the fact that the District has approved this Resolution and shall be in accordance with the District's applicable rules.

- d. All of the foregoing terms, conditions, and requirements set forth in subparagraphs (a.) through (c.), inclusive, must be satisfied to the satisfaction of the District in its sole and absolute discretion no later than December 1, 2009.

FISCAL IMPACT: This will be an even exchange with the Applicant paying for all expenses.

RECOMMENDATION: That the Governing Board of the South Florida Water Management District authorizes the release of a portion of the Hillsboro Canal right of way containing 0.12 acres, more or less, within portions of Lots 8A, 9A and 10 A, Block 8, Hillsboro Pines Section "A", Plat Book 42, page 33, Public Records of Broward County, Florida, in exchange for a perpetual canal easement containing 0.138 acres, more or less, over the north 80 feet of said Lot 8A.

Prepared by: _____

Kathleen A. Massey
Sr. Closing Specialist
Land Acquisition Department

Date

Reviewed by: _____

Ruth P. Clements, Director
Land Acquisition Department

Date

Approved by: _____

Kenneth G. Ammon, P.E.
Deputy Executive Director
Everglades Restoration Resource Area

Date