

## LAND ACQUISITION EXECUTIVE SUMMARY

**PROJECT:** Hillsboro Canal  
**COUNTY:** Broward  
**SIZE:** 0.10± acres (easement) for 0.24± acres (fee)  
**PURPOSE:** Exchange of Easement for Fee Interest  
**APPLICANT:** Phillip Wisocki and Sonia Wisocki

**HIGHLIGHTS:** This exchange is consistent with exchanges along the Hillsboro Canal approved by the District in the past, including exchanges of right of way interests with the other landowners along this reach of the canal. The Applicants will convey their interest in the North 90 feet of right of way starting at the centerline of the canal running South and in exchange the District will release its easement interest in the remaining 40 feet of the canal right of way.

**CONSIDERATION:** The Applicants and underlying fee title owners, Phillip Wisocki and Sonia Wisocki, have requested to have the South 40 feet of the canal easement within their parcel released for residential purposes. In exchange, the District would obtain, via Warranty Deed, fee interest in the North 90 feet of right of way starting at the centerline of the canal. The property is located in Lots 2A and 3A in Block 15 of Hillsboro Pines, Section C, according to the plat thereof, recorded in Plat Book 47, Page 2 of the Public Records of Broward County.

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

- a. The applicants shall provide a sketch and accurate legal descriptions, including acreage, of the fee parcel to be conveyed to the District, as well as the easement parcel to be conveyed to the applicant. Said legal descriptions shall be printed on letter size paper (8.5" x 11"), must be legible and in accordance with Florida Minimum Technical Standards (pursuant to Chapter 472 of the Florida Statutes). If the sketch is not adequate to identify the land, the District reserves the right to require a boundary survey, prepared and certified by a registered Florida land surveyor.
- b. The Applicants will pay for all costs associated with the exchange.
- 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 separately, independently and unfettered of the fact that the District has approved this exchange 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 31, 2009.

The application was processed and routed to key staff members of the District for their review and recommendations. It was recommended that the interests be exchanged to remain consistent with the precedent previously established with releases granted to other residents in this subdivision. Land Acquisition Department staff recommends approval of this exchange and release.

**FISCAL IMPACT:** This parcel is located within the Hillsboro Canal Right of Way and is a part of a 15.70 acre canal easement that was donated in 1956 by the developer, Hillsboro Pines, Inc. Currently, the Broward County Property Appraiser's office does not assess taxes to the underlying fee title owner for any lands subject to our easement. Therefore, the South 40 feet of said Lots 2A and 3A shall be returned to the tax roll.

**AUTHORIZATION:** Chapter 373.096, Florida Statutes.

Governing Board Members  
July 9, 2009  
Page Two

**RECOMMENDATION:** A Resolution of the Governing Board of the South Florida Water Management District to authorize the release of a portion of the Hillsboro Canal Right of Way Easement, encumbering the South 40 feet of Lots 2A and 3A, Block 15, Hillsboro Pines, Section C, according to the plat thereof, recorded in Plat Book 47, page 2, Broward County, Florida, containing 0.10 acres, more or less, in exchange for the fee interest in the North 90 feet of said Lots 2A and 3A, containing 0.24 acres, more or less, subject to satisfaction of certain requirements; providing an effective date.

Prepared by: \_\_\_\_\_  
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Ruth P. Clements, Department Director,  
Land Acquisition Department

Approved by: \_\_\_\_\_  
Kenneth G. Ammon, P.E., Deputy Executive Director  
Everglades Restoration Resource Area