EXECUTIVE SUMMARY FOR RELEASE OF CANAL EASEMENT

PROJECT: C-2 (Snapper Creek) Canal

COUNTY: Miami-Dade

SIZE: District parcel to be conveyed - 555.52 square feet or 0.0128+/- acres in fee
Brackin parcel to be conveyed – 362.76 square feet or 0.0083+/- acres in fee

PURPOSE: Exchange of parcels

APPLICANT: Donald Wayne Brackin and Haydeh Shadia Brackin, his wife

HIGHLIGHTS: The applicant requests that the parcels be exchanged to create a linear lot line

CONSIDERATIONS: The applicant has a 362.76 square foot or 0.0083 +/- acre parcel of land and is requesting the District exchange its 555.52 square feet or 0.0128+/- parcel, both located in Section 36, Township 54 South, Range 40 East, Miami-Dade County. The property has been subdivided into a residential subdivision now known as Snapper Creek Groves (PB: 44-88). The Applicant's lot, Lot 6, has a "notch" that results in the eastern boundary of the lot being approximately 15 feet less in depth than the western boundary.

In order to create a linear lot line along the south property line, the Applicants request that an area of approximately 555.52 square feet (0.0128 +/- acre) be exchanged for 362.76 square feet (0.0083 +/- acre) along the District's right of way.

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

a. In exchange for the District's Parcel, the underlying fee owner shall convey by statutory warranty deed to the District the Applicants' Parcel, free and clear of all encumbrances, liens, and other objectionable matters.
b. The Applicants shall provide to the District title assurance acceptable to the District confirming that the Applicants' Parcel is free and clear of all encumbrances, liens and other objectionable matters.
c. The Applicants shall obtain from Miami-Dade County and any other applicable governmental entitles, all required approvals of the proposed exchange of parcels, including but not limited to a waiver of plat.
d. Applicants must provide a legal description and sketch for each instrument, subject to District review and approval.
e. The Applicants shall pay to the District no less than appraised value for the District's Parcel, less and except the appraised value of the Applicants'

Parcel. The appraiser, appraisal and appraised value must all be acceptable to and approved by the District. Under no circumstances shall the District be obligated to pay any amount to the Applicants, even if the appraised value Applicants' Parcel exceeds the appraised value of the District's Parcel. Applicants must pay all closing costs of the exchange.

f. The Applicants shall obtain all necessary permits from the District, Miami-Dade County, and any other governmental entities, 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.

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

FISCAL IMPACT: The District acquired this reach of the canal in January 1955 at a cost of $840 for 0.04 acres of fee simple title.

The applicant has paid the $1,000.00 non-refundable application fee. The applicant must pay to the District the appraised value of the exchange parcel. The District must approve all appraisals and appraisers. The cost of said appraisal is to be paid by the applicant. In no event shall the District be required to pay any compensation to the applicant/underlying fee owner.

No Release instrument shall be delivered to the applicant/underlying fee owner, or shall be effective, until all of the foregoing requirements have been fully completed and fulfilled to the District's satisfaction, and such release has been recorded in the Public Records of Miami-Dade County.

AUTHORIZATION: The Governing Board, pursuant to Section 373.089 of the Florida Statutes, may sale or exchange lands or interests in land 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 declaring surplus and conveying approximately 555.52

square feet or 0.0128 +/- acres in fee in exchange for approximately 362.76 square feet or 0.0083 +/- acres in fee, located in the Snapper Creek (C-2) Project, in Section 36, Township 54 South, Range 40 East, Miami-Dade County, subject to satisfaction of certain terms, conditions and requirements; providing an effective date.

Prepared by: _____ _____
Kathleen A. Massey, Senior Closing Specialist Date
Title & Closing Section

Reviewed by: _____ _____
Marcy Zehnder, Section Manager Date
Title & Closing Section

Reviewed by: _____ _____
Ruth Clements, Director Date
Land Acquisition Department

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