

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2012-_____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO APPROVE RELEASING APPROXIMATELY 487
7 SQUARE FEET OR 0.01 +/- ACRES FROM THE CURRENT CANAL RIGHT OF
8 WAY EASEMENT AREA, TO THE APPLICANT, LOCATED ALONG C-23A, IN
9 SECTION 22, TOWNSHIP 37 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY,
10 SUBJECT TO SATISFACTION OF CERTAIN TERMS, CONDITIONS AND
11 REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.
12

13 WHEREAS, pursuant to a request from the applicant, Jean-Pierre Landre, the
14 District has determined that it is in the public interest to release a portion of its current
15 canal right of way easement to accommodate the Applicant's proposed addition to the
16 existing pool deck and enclosure. The area of the current easement to be vacated is
17 approximately 487 square foot or 0.01 +/- acres. This easement is located along C-
18 23A in Section 22, Township 37 South, Range 40 East, St. Lucie County; and

19 WHEREAS, upon the satisfaction of certain terms, conditions and
20 requirements, the Governing Board has determined that the approximate 487 square
21 feet or 0.01 +/- acre within this portion of the C-23A Canal right of way is not required
22 by the District for present or apparent future use; and

23 WHEREAS, the applicants have paid a \$1,000.00 non-refundable application
24 fee, and shall pay all fees and costs associated with this transaction, including but not
25 limited to the appraisal and the obtaining of all necessary permits; and

26 WHEREAS, the Governing Board, pursuant to Section 373.096 of the Florida
27 Statutes, may release any easement, reservation or right of way interests, conveyed
28 to it for which it has no present or apparent future use under terms and conditions
29 determined by the Governing Board.

30 NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South
31 Florida Water Management District:

32 **Section 1:** The Governing Board of the South Florida Water Management District
33 has determined that the District has no present or apparent future use for the subject
34 portion of canal right of way easement and therefore hereby approves releasing
35 approximately 487 square feet or 0.01 +/- acres, more or less, from the current

36 easement area, located in Section 22, Township 37 South, Range 40 East, St. Lucie
37 County, C-23A Canal project, to the applicant, provided all of the following terms,
38 conditions, and requirements are satisfied to the satisfaction of the District, in its sole
39 and absolute discretion:

- 40 a. Applicant must provide a legal description and sketch for release
41 instrument, subject to District review and approval.
- 42 b. All costs associated with this release shall be paid for by the Applicant,
43 including but not limited to all recording and other closing costs, and
44 under no circumstances shall the District be obligated to pay any
45 amount to the Applicant or otherwise in connection with this
46 transaction.
- 47 c. The Applicant shall obtain from St. Lucie County and any other
48 applicable governmental entities, all required approvals of the
49 proposed release of right of way, if applicable.
- 50 d. The Applicant shall pay to the District no less than appraised value for
51 the release of the subject portion of the Canal Easement. The
52 appraiser, appraisal and appraised value must all be acceptable to and
53 approved by the District.
- 54 e. The Applicant shall obtain all necessary permits from the District, St.
55 Lucie County, and any other governmental entities, if any, and pay all
56 associated fees. There is no representation, guaranty or assurance
57 made by the District that the District's Governing Board will in fact
58 approve the issuance of any required District permits, and there is no
59 obligation on the part of the District's Governing Board to approve the
60 issuance of any required District permits. The District's review process
61 for any required permits will be done separate, independent and
62 unfettered of the fact that the District has approved this Resolution and
63 shall be in accordance with the District's applicable rules.
- 64 f. All of the foregoing terms, conditions, and requirements set forth in
65 subparagraphs (a.) through (e.), inclusive, must be satisfied to the
66 satisfaction of the District in its sole and absolute discretion no later
67 than December 31, 2012.
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69 **Section 2:** The Governing Board of the South Florida Water Management District
70 hereby authorizes the Chairman to execute the release document. No release
71 instrument shall be delivered to the applicant/underlying fee owner, or shall be
72 effective, until all of the foregoing requirements have been fully completed and fulfilled
73 to the District's satisfaction, and such release has been recorded in the Public
74 Records of St. Lucie County.

75 **Section 3:** This Resolution shall take effect immediately upon adoption.

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PASSED and **ADOPTED** this _____ day of _____, 2012.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

BY: _____
Joe Collins, Chairman

ATTEST:

By: _____
District Clerk/Secretary

Legal form approved:

By: _____
Office of Counsel