

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2008-_____

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO APPROVE PARTIAL RELEASE OF CANAL RIGHT OF
7 WAY EASEMENT, C-23A CANAL, CONTAINING 0.13 ACRES, MORE OR LESS, TO
8 THE UNDERLYING FEE OWNERS, ON LOT 21, PLAT OF BAY ST. LUCIE, AS
9 RECORDED IN PLAT BOOK 25, PAGES 38, 38A, AND 38B, PUBLIC RECORDS OF
10 ST. LUCIE COUNTY, FLORIDA, SUBJECT TO SATISFACTION OF CERTAIN TERMS,
11 CONDITIONS AND REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.
12

13 WHEREAS, pursuant to a request from the applicants and underlying fee owners,
14 Fred K. Largey and Ann Marie Largey (the "Applicants"), the District has determined that it
15 is in the public interest to release a portion of the canal right of way easement
16 encumbering 0.13 acres, more or less, of the applicants' property located in Lot 21, Bay
17 St. Lucie Subdivision, according to the Plat thereof recorded in Plat Book 25, Pages 38,
18 38A and 38B, Public Records of St. Lucie County, Florida, to the Applicants to extend the
19 legal set-back line of the residential lot to permit the installation of an in-ground swimming
20 pool in compliance with the homeowners' association's guidelines; and

21 WHEREAS, upon the satisfaction of certain terms, conditions and requirements,
22 the Governing Board has determined that the approximate 0.13 acre parcel will not be
23 required by the District for present or future use; and

24 WHEREAS, the Applicants have paid a \$1,000.00 non-refundable application fee
25 and will pay appraised value for the easement and all fees and costs associated with the
26 release and the obtaining of all necessary permits; and

27 WHEREAS, the Governing Board, pursuant to Section 373.096 of the Florida
28 Statutes, may release any right of way interests conveyed to it for which it has no present
29 or apparent future use under terms and conditions 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:** Upon satisfaction of all of the following terms, conditions, and requirements,
33 to the satisfaction of the District in its sole and absolute discretion, the Governing Board of
34 the South Florida Water Management District hereby agrees to release a portion of a
35 canal right of way easement containing 0.13 acres, more or less, to the underlying fee
36 owners, located in Lot 21, Bay St. Lucie Subdivision, according to the plat thereof

37 recorded in Plat Book 25, Pages 38, 38A and 38B, Public Records of St. Lucie County,
38 Florida, C-23A Canal project:

39 a. The Applicants are to provide a legal description and sketch for the release
40 parcel, subject to District review and approval.

41 b. The Applicants shall pay to the District the appraised value of the portion of the
42 canal right of way easement to be released. The appraiser must be listed on the
43 District's approved appraiser list and the appraisal must be reviewed and
44 approved by the District. The cost of said appraisal is to be paid by the
45 Applicants and is non-refundable. In no event shall the District be required to
46 pay any compensation to the Applicants.

47 c. The release shall be granted subject to a prohibition against the construction or
48 installation of any improvements in the area to be released.

49 **Section 2:** The Governing Board of the South Florida Water Management District
50 hereby authorizes the Chair to execute the release document upon satisfaction of all of
51 the foregoing terms, conditions and requirements to the satisfaction of the District in its
52 sole and absolute discretion. No release instrument shall be delivered to the Applicants,
53 or shall be effective, until all of the foregoing requirements have been fully completed and
54 fulfilled to the District's satisfaction, in the District's sole and absolute discretion.
55 Furthermore, such release will not be effective until it has been recorded in the Public
56 Records of St. Lucie County, Florida.

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

58
59 **PASSED** and **ADOPTED** this _____ day of _____, 2008.
60

61 SOUTH FLORIDA WATER MANAGEMENT
62 DISTRICT, BY ITS GOVERNING BOARD

63
64
65 BY: _____
66 Chair

67 ATTEST:

68
69 By: _____
70 District Clerk/Secretary

71 Legal form approved:

72
73 By: _____
74 Office of Counsel