

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2012-912

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT APPROVING THE RELEASE OF 0.96 ACRES, MORE OR LESS, OF CANAL EASEMENT, TO THE UNDERLYING FEE OWNER AT NO COST, C-42 PROJECT IN SECTION 31, TOWNSHIP 49 SOUTH, RANGE 41 EAST, BROWARD COUNTY; SUBJECT TO SATISFACTION OF CERTAIN TERMS, CONDITIONS AND REQUIREMENTS; REPEALING RESOLUTION NO. 2010-1004; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to a request from the applicant, Broward County Public Works and Transportation Department, the District has determined that it is in the public interest to release certain easement interests located in Section 31, Township 49 South, Range 41 East, Broward County, containing 0.96 acres, more or less, for construction of the Hiatus Road extension, subject to satisfaction of certain terms, conditions and requirements; and

WHEREAS, upon the satisfaction of certain terms, conditions and requirements, the Governing Board has determined that the easement interests comprising 0.96 acres, more or less, are not required by the District for present or future use; and

WHEREAS, the applicant is a governmental agency and the project is for the benefit of the public, therefore the applicant requests that the District waive the \$1,000.00 application fee and release the easement interests at no cost; and

WHEREAS, the Governing Board approved Resolution No. 2010-1004 which approved releasing easement interests of approximately 0.96 acres, more or less, subject to satisfaction of certain conditions; and

WHEREAS, due to the applicant not being able to resolve issues needed prior to the release, the applicant has requested that the District extend the termination date of terms, conditions and requirements of said Resolution No. 2010-1004, Section 1(d) from December 31, 2012 to December 31, 2014; and,

WHEREAS, pursuant to Section 373.056, Florida Statutes, any water management district shall have authority to convey or lease to any governmental entity land or rights in land owned by such district not required for its purposes under terms and conditions determined by the board, and pursuant to Section 373.096 of the Florida Statutes, may release any easement interests conveyed to it for which it has no present or apparent future use under terms and conditions determined by the Board.

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

Section 1: The Governing Board of the South Florida Water Management District has determined that the District has no present or apparent future use for the 0.96+/- acre easement parcel, located in the C-42 project in Section 31, Township 49 South, Range 41 East, Broward County, and hereby approves releasing it to the applicant and underlying fee owner at no cost, provided the following terms, conditions and requirements are satisfied to the satisfaction of the District, in its sole and absolute discretion prior to the release:

a. The applicant shall obtain all necessary permits from the District, and any other governmental agencies, and pay all associated fees, including but not limited to District Right of Way Occupancy Permit (Application Number 08-1009-1) requesting authorization for certain improvements, more particularly described in subsection 1.b. below, to the remaining canal right of way lying adjacent to the release parcel. 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.

b. The applicant shall complete bank re-shaping and stabilization, including erosion control features that will provide the District with a stabilized, clear, unobstructed maintenance berm and vehicular access route, being a minimum of 40 feet in width as measured from the useable top of the canal bank landward as depicted in the Contract Plans, as submitted to and approved by the District, (County Project No. 5220 Hiatus Road, from Sunrise Boulevard to south of Oakland Park Boulevard).

c. Applicant shall confirm that it is the underlying fee owner of the subject property to be released.

d. The terms, conditions and requirements set forth in subsections 1.a., 1.b. and 1.c. above must be completed to the satisfaction of the District, in the District's sole and absolute discretion no later than December 31, 2014.

Section 2: The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the release document upon satisfaction of the foregoing requirements to the satisfaction of the District in its sole and absolute discretion. No release document shall be delivered to the applicant, or shall be effective, until the foregoing

requirements set forth in Section 1. above have been fully completed and fulfilled to the District's satisfaction, in the District's sole and absolute discretion. Furthermore, such release will not be effective until it has been recorded in the public records of Broward County, Florida.

Section 3: The Governing Board of the South Florida Water Management District hereby approves a waiver of the application fee.

Section 4: This Resolution repeals and replaces Resolution No. 2010-1004 concerning the same release of easement.

Section 5: This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 13 day of Sept., 2012.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By: Joe Collins
Joe Collins, Chairman

ATTEST:

Legal form Approved:

By: Jackie McGorty
District Clerk/Secretary

By: Andrew Ross
Andrew Ross, Office of Counsel



Exhibit A C-42- Broward County

