

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Real Estate & Land Management

DATE: November 18, 2022

SUBJECT: Conveyance of Right of Way to City of Homestead

Agenda Item Background:

The City of Homestead has requested that the District convey a portion of the District's fee owned right of way to accommodate their road widening project. The area contains 0.10 acres and is located along the C-103S at the corner of SE 6th Avenue and SE 8th Street (a/k/a East Lucy Street). Real Estate Division consulted with Operations and Maintenance who concurred with the request.

Core Mission and Strategic Priorities:

Additional Item Background:

The Applicant, City of Homestead, has requested that the District convey an approximately 0.10-acre portion of its fee-owned right of way to accommodate its road widening project. The area is located within the C-103S right of way at the corner of SE 6th Avenue and SE 8th Street (a/k/a East Lucy Street). The conveyance is not contrary to the best interest of the public and is for the benefit of the public. The District will not reserve any phosphate, mineral, metal, or petroleum rights in the property pursuant to Section 270.11, Florida Statutes.

This request has been reviewed and is supported by the Field Operations Division, Right of Way Section, and the Homestead Field Station. The remaining right of way is sufficient for future District maintenance and staging needs. The applicant shall complete the relocation of the drainage ditch and District Water Control Structure (PC36) northerly of its present location, including a stabilized clear, unobstructed maintenance berm and vehicular access route being a minimum of 40 feet in width as measured from the useable relocated top of the canal bank as depicted in the Permit drawings approved by the District (Project No. 20040558).

Core Mission and Strategic Priorities:

Pursuant to Section 373.056(4), Florida Statutes, the Governing Board has the authority to convey to any governmental entity land or rights in land owned by the District not required for its purposes under such terms and conditions approved by the Governing Board. Pursuant to Section 373.089(6), Florida Statutes, all lands acquired by the District prior to July 1, 1999, shall be considered to have been acquired for conservation purposes, and the Governing Board shall be required to make a determination that the lands are not needed for conservation purposes and approve the surplus of the lands by at least a two-thirds (2/3) majority.

Funding Source:

Subject portion of the C-103S right of way was acquired in 1966 at a cost of \$1,430. Since this road project is for the benefit of the public, the applicant requests that the District waive the \$1,000 application fee and convey the property at no cost. The applicant will pay all costs and

fees associated with the conveyance.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

ATTACHMENTS:

[Resolution No. 2022-1101](#)

[Resolution Exhibit A](#)