

Prepared by:  
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Fort Lauderdale, Florida 33301

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Resilient Environmental Department  
Environmental Permitting Division  
1 North University Drive, Mailbox 201  
Plantation, Florida 33324

## **RELEASE OF JOINT DEED OF CONSERVATION EASEMENT AND AGREEMENT**

A. On June 2, 2008, Broward County issued Environmental Resource License ("ERL") No. DF04-1042 to Daniel Downey ("Downey") authorizing the impacts to 2.2 acres of wetland associated with a residential development project. The ERL required the licensee to provide 1.86 acres of on-site mixed habitat wetland mitigation area and buffers related to the development of the 36-acre site. In accordance with the terms of the ERL, Downey entered into a Joint Deed of Conservation Easement and Agreement ("Conservation Easement"), granting to Broward County and the South Florida Water Management District ("SFWMD") the rights to ensure the wetland mitigation area would be perpetually preserved and maintained by Downey.

B. Broward County accepted the Conservation Easement on March 25, 2008. The Conservation Easement was recorded at Official Records Book 45435, Page 687, of the Official Records of Broward County, Florida, on June 10, 2008.

C. Before development activities, Downey sold the residential development project property ("Property"), which was ultimately transferred to AKAI ESTATES, LLC ("Developer") subject to the Conservation Easement.

D. On March 16, 2016, the Developer obtained SFWMD Permit 06-07153-P, which required the wetland impacts be mitigated through the purchase of 0.74 credits from the Loxahatchee Mitigation Bank and, on April 1, 2016, obtained a partial release of the Conservation Easement from the SFWMD.

E. The Developer applied for a modification to the ERL, which Broward County granted on June 26, 2019. The County authorized 2.46 acres of wetlands to be offset by the Developer's purchase of 0.74 credits at the Loxahatchee Mitigation Bank, consistent with the SFWMD permit and providing sufficient wetland mitigation in lieu of the Conservation Easement's requirements.

F. The Developer now requests Broward County release the property from the Conservation Easement.

NOW, THEREFORE, IN CONSIDERATION of the foregoing, Broward County frees and forever releases its interests in the Conservation Easement from the Property described and depicted in the map attached hereto as Exhibit A. The Property shall be freed and forever released from the Conservation Easement and the rights, obligations, and privileges granted therein over the Conservation Area, described as:

Parcel "A" of the "Tara" Plat less the 20.00 ft. lake maintenance and utility easement along the most southerly north, and the west parcel line and less the 20.00 ft. lake maintenance easement along the most northerly south parcel line and along the most westerly east parcel line, and less the east 78 ft. of said Parcel "A" according to the Plat thereof, recorded in Plat Book 162, Page 20, of the Official Records of Broward County, Florida.

Said lands situate, lying, and being in the Town of Southwest Ranches, Broward County, Florida, containing 1.86 acres.

IN WITNESS WHEREOF, BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its County Administrator, authorized to execute this Release of Joint Conservation Deed of Conservation Easement and Agreement by Board action on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**COUNTY**

BROWARD COUNTY, by and through  
its County Administrator

By: \_\_\_\_\_  
County Administrator

\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Approved as to form by  
Andrew J. Meyers  
Broward County Attorney  
115 South Andrews Avenue, Suite 423  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600

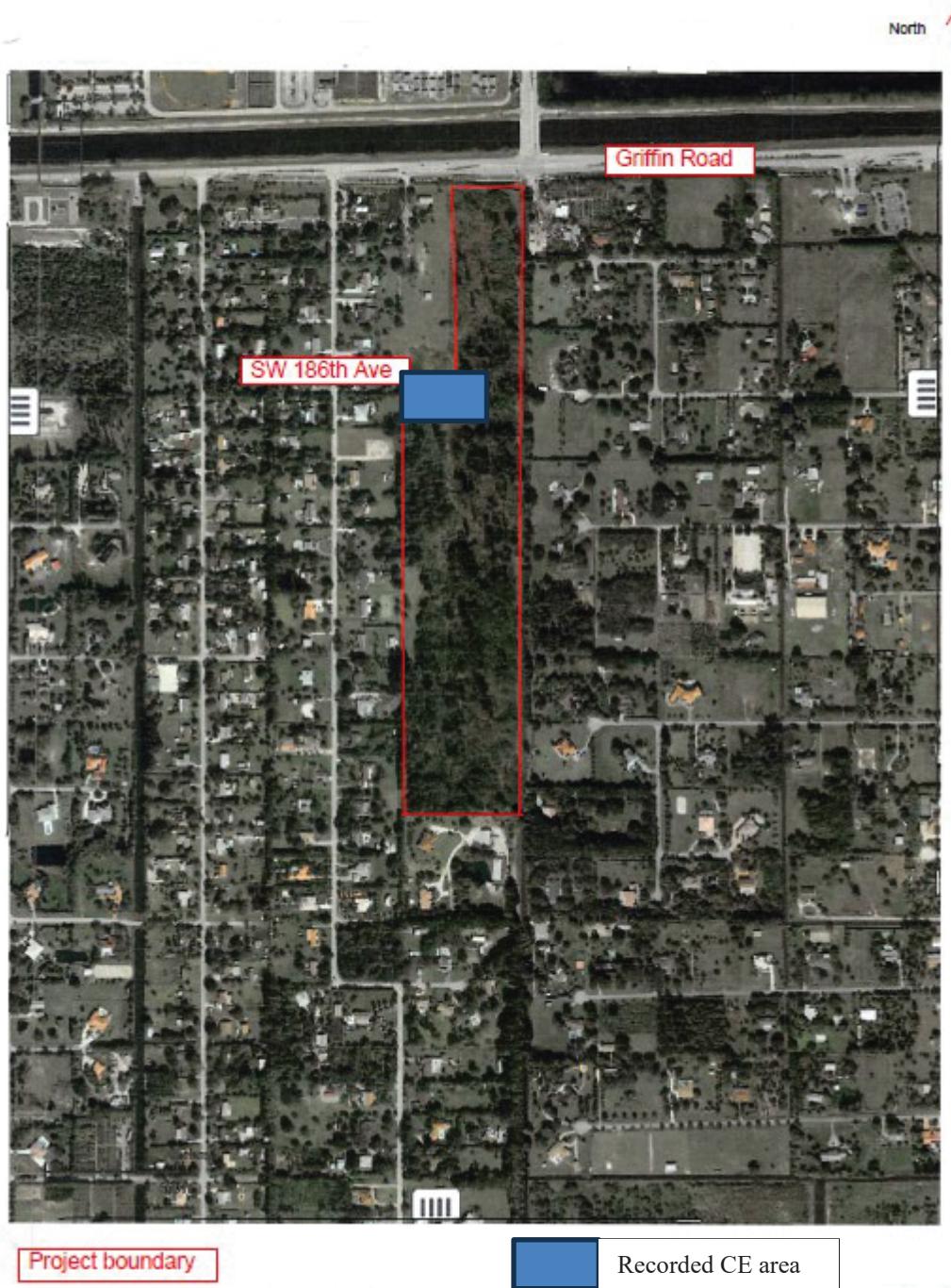
By Jennifer Brown Digitally signed by Jennifer Brown  
Date: 2023.10.20 11:56:12 -04'00'  
Jennifer D. Brown (Date)  
Assistant County Attorney

By Michael C. Owens Digitally signed by Michael C.  
Owens  
Date: 2023.10.19 11:44:34 -04'00'  
Michael Owens (Date)  
Senior Assistant County Attorney

JDB/gmb  
CE Release.doc  
10/19/2023

## EXHIBIT A – Property Map and Legal Description

Downey Ranches - DF04-1042



### Legal Description:

All of "Tara" Plat, according to the plat thereof, recorded in Plat Book 162, Page 20, of the Official Records of Broward County, Florida.