



***Application for Release of Canal and Road Reservations, and
Non-Use Commitments for Mineral Reservations***
RESERVED UNDER CHAPTER 6456, 6957, 7305, 14717 and 20658, LAWS OF FLORIDA

Form #0108, Revised 10/2023

District File No. _____
(District Use Only)

FAILURE TO SUBMIT A COMPLETE APPLICATION WILL RESULT IN YOUR APPLICATION BEING RETURNED. ALL RELEASES AND NON-USE COMMITMENTS ARE GRANTED AT THE SOLE AND ABSOLUTE DISCRETION OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT. ACCEPTANCE OF AN APPLICATION DOES NOT IMPLY THAT A RELEASE WILL BE APPROVED AND ISSUED.

RESERVATIONS REQUESTED TO BE RELEASED:

CANAL _____ ROAD (County and/or State) _____ MINERAL (Non-Use Commitment) _____

NOTE: The right of entry for mineral reservations on parcels of 20 acres or less is automatically released pursuant to Chapter 270.11, Florida Statutes; Non-Use Commitments are issued for parcels greater than 20 acres.

REQUIRED FEES:

- Non-refundable payment of \$250 per release instrument or TITF approval, and \$750 minimum payment for a Non-Use Commitment is required pursuant to Rule 40E-9.965, Florida Administrative Code; and
- Release Value Payment specifically applies for Everglades Drainage District (EDD) and Trustees of the Internal Improvement Fund (TIIF) deeds, if applicable pursuant to Section 140-86 of SFWMD Policy Code, calculated based on the current land value according to the Property Appraiser's records:

Current Total Land Value \$ _____ X 3% = \$ _____

Government, not-for-profit Conservation entities, and homesteaded properties are exempt from the release value payment. Please provide attached homestead affidavit if exemption is not reflected in the Property Appraiser's current records.

You will be advised of any additional fees owed when your application is received. Make checks payable to South Florida Water Management District. All releases, approvals and non-use commitments are subject to payment and will not be processed or issued until all applicable fees are paid in full.

REQUIRED INFORMATION (submit one (1) copy and attach exhibits when applicable):

1. Title vested in (fee simple owner): _____
(provide satisfactory evidence not more than six (6) months old - current Title Commitment prepared by a company authorized to do business in the State of Florida, or an Opinion of Title prepared by a member of the Florida Bar)
2. Legal description of property subject to reservations: Lot(s) _____ Block _____
Subdivision _____ Plat Book/page _____
(attach exhibit for multiple blocks, multiple subdivisions, metes and bounds, etc.; exhibit must be suitable for recording)
3. Complete property address: _____
_____ is the property improved? _____
4. County: _____

5. Section(s) _____ Township _____ South, Range _____ East
(attach exhibit for multiple Townships and Ranges)
6. Folio No(s): _____
(attach exhibit if more than 4 folio numbers are applicable)
7. Total size of parcel to be released: _____ acres or _____ square feet;
8. Name of municipality or local drainage district: _____
9. Zoning: Current: _____ Proposed: _____
10. Land Use: Current: _____ Proposed: _____ No. of Units: _____
11. Reserving Deed(s) - must provide a clear and legible copy of each document:

a. Everglades Drainage District (EDD) - Chapters 6456, 14717, 20658:

Deed No. _____ Dated _____ Deed Book _____ Page _____ Recording County _____

Deed No. _____ Dated _____ Deed Book _____ Page _____ Recording County _____

b. Trustees of the Internal Improvement Fund (TIIF) - Chapters 6456, 6957, 7305:

Deed No. _____ Dated _____ Deed Book _____ Page _____ Recording County _____

Deed No. _____ Dated _____ Deed Book _____ Page _____ Recording County _____

c. Canal Reservations held by the Trustees of the Internal Improvement Trust Fund (TIITF) or State Board of Education (BOE) – Florida Statutes 253.03 and 270.11 (approval to release by SFWMD and local governments required pursuant to F.A.C. 18-2.018(3)(e)3.):

Deed No. _____ Dated _____ Deed Book _____ Page _____ Recording County _____

Deed No. _____ Dated _____ Deed Book _____ Page _____ Recording County _____

NOTE: Murphy Act Mineral and Road Reservations held by TIITF (Section 9, Chapter 18296, Acts of 1937) are released by Florida Department of Environmental Protection, Division of State Lands, contact (850) 245-2720

12. Affidavits (if required):

- a. Beneficial Interest and Disclosure – if owner is a Corporation, Partnership, Trust, LLC or LC (not publicly traded)
- b. Homestead Affidavit – if owner will homestead the property upon purchase and desires to be exempt from payment of the release value payment pursuant to Section 140-86 of SFWMD Policy Code

13. Certification:

I hereby certify that the information contained in this application is true and correct to the best of my knowledge, and I hereby agree to the terms and conditions contained herein:

Signature of Owner or Representative

Phone Number

Date

14. Address where unrecorded release document(s) will be sent: _____



South Florida Water Management District *Fee Schedule*

The following schedule of non-refundable fees (as authorized by Rule **40E-9.965** Florida Administrative Code) shall apply to all applications:

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
(a) Sale of surplus lands	\$1,000.00
(b) Exchange of surplus lands	1,000.00
(c) Leases	1,000.00
(d) Easements	1,000.00
(e) Releases and Non-Use Commitments (per release document)	
1. Releases	
a. canal reservations	250.00
b. road reservations	250.00
2. Non Use Commitments (parcels in excess of 20 acres) (*\$750 for first 21 acres and \$25.00 for each additional acre or portion thereof)	*750.00
(f) Miscellaneous	
1. Approval of release of TIITF or BOE canal reservations	250.00
2. Quit Claim Deeds	200.00
3. Reissue or corrective deed	150.00
4. Disclaimers	200.00

NOTE: More than one type of reserving deed on a property will result in multiple fees.

Sec. 140-86. Releases and Non-Use Commitments.

- (a) *General.* In addition to the sale or exchange of easements as surplus lands in the manner and procedure as set forth in section 140-83, the District may release or agree not to exercise any easement, reservation, or right-of-way interest as provided herein.
- (b) *Application.* Applications for releases and non-use commitments shall be made on forms provided by the District, accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code. All such applications shall include the following information:
 - (1) The applicant's name and address;
 - (2) An accurate legal description, including the acreage, of the land;
 - (3) A survey, sketch, or recorded plat;
 - (4) The name of any unit of local government within which the land is located. Units of local government include counties, municipalities and drainage or county water management Districts;
 - (5) The current and proposed land uses;
 - (6) The current and proposed zoning, including a description of the pertinent zoning classifications;
 - (7) A certificate of ownership which shall provide satisfactory evidence that the applicant is the owner of record of the subject land. Such evidence shall consist of either a current title insurance policy, title commitment issued by a title insurance company authorized to do business in the State of Florida, or an opinion of title prepared by a member of the Florida Bar. The burden shall be on the applicant to demonstrate, to the satisfaction of the District, the applicant's status as underlying fee owner or agent. The word "current" as used in this paragraph shall mean no more than six months old;
 - (8) In the event that the applicant is any person or entity holding the real property which is the subject of the release in the form of a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others, the applicant shall provide an affidavit disclosing all persons and entities having a beneficial interest in the property in the form required by the District; and
 - (9) A copy of the easement, reserving deed, or other information relating to the easement or reserving deed, including number, date, recording data and grantee.
- (c) *Terms and Conditions Specific to Canal Reservations, Right-of-Way Interests, Canal Easements and Canal Maintenance Easements.*
 - (1) District Canal Reservations, Right-of-Way Interests, Canal Easements and Canal Maintenance Easements. The District may release, upon application of the underlying fee owner or its agent, any District canal reservations, right-of-way interests, canal easements, and canal maintenance easements in whole or in part under the following circumstances:
 - a. The District determines that the lands in the requested release are not required in the overall flood control project, or any District project, or for use in an area in which there is not an existing secondary plan of water control; or
 - b. The lands are in an area with a secondary plan of water control that has been designed and approved and the right-of-way requested to be released is not required in said plan; and

- c. The District determines that such reservation or easement, or portion thereof, to be released has no other present or apparent future use to the District.
- (2) Trustees of the Internal Improvement Trust Fund and State School Board Canal Reservations. Rule 15Q 011(2), Florida Administrative Code, requires District approval prior to releases of canal reservations reserved by the Trustees of the Internal Improvement Trust Fund or the State School Board. Upon receipt of a copy of a Department of Environmental Protection release application, accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code, the District will process such application in the same manner and with the same criteria as an application for release of District canal reservations. However, since the District holds no interest in these reservations, with respect to parcels that are less than five acres, approval may be determined by the Executive Director, or the Director's designee, without the necessity of obtaining Board action.
- (3) Upon receipt of an application, the District will seek the concurrence of appropriate governmental entities having a possible use for the canal reservations, right-of-way interests, canal easements or canal maintenance easements to be released. The governmental entities shall have 30 days from date of notice to respond. Failure of any such governmental entity to respond within the allotted time frame shall constitute an indication of no objection.
- (4) All releases shall be according to terms and conditions approved by the Board. Such conditions may include:
 - a. With respect to releases applicable to any right-of-way interests, canal easements or canal maintenance easements for which the District originally paid consideration to obtain, it may be a condition of such release that the applicant pay to the District at least the pro rata share of that portion of the right-of-way interest, canal easement or canal maintenance easement to be released originally paid by the District, or pay to the District the appraised value of interests to be released.
 - b. In the event the District only releases a portion of the right-of-way interest, canal easement or canal maintenance easement applicable to the applicant's land, the District, as a condition of such partial release, may require the applicant to execute such documents and instruments required by the District in order to clarify, further define and/or improve the quality of title of the interest to be retained by the District. In such event, the applicant will be required to provide title assurance acceptable to the District.
 - c. The District may require the applicant to make such improvements and to assume ongoing maintenance responsibilities to the canal, canal bank and any overbank areas, such as installation of sea walls, rip-rap and other structures and improvements determined to be appropriate by the Board.
 - d. With respect to releases of canal reservations, not part of a right-of-way, approved by the Governing Board, payment for the release equal to 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be required. A maximum of 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be paid even if the applicant is also receiving releases of road reservations and/or non-use commitments as herein provided. Government, not-for-profit conservation entities, as well as homesteaded properties, shall be exempt from this requirement.

- e. The District may require such other terms and conditions which are determined by the Board to be appropriate in connection with a specific release, including but not limited to requiring payment of appraised value of interests to be released.
- (5) *Non-Use Commitments.* The District may agree not to exercise rights under Canal Reservations according to terms and conditions approved by the Board. The District may issue a non-use commitment under the following conditions:
- a. The District determines that the lands in the requested release are not required for any current District project;
 - b. The District determines that such reservation, or portion thereof, to be included in the non-use commitment has no present or apparent future use to the District within the succeeding fifteen (15) year period;
 - c. The landowner has applied for and obtained any permits required from the District;
 - d. With respect to non-use commitments approved by the Governing Board, payment for the non-use commitment equal to 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be required. A maximum of 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be paid even if the applicant is receiving releases of canal reservations and/or road reservations as herein provided. Government, not-for-profit conservation entities, as well as homesteaded properties, shall be exempt from this requirement; and
 - e. In the event the land is conveyed by the landowner, the non-use commitment shall thereupon become extinguished and the right to make use of the reserved interest in the District shall revert.
- (d) *Terms and Conditions Specific to Road Reservations.* The District may release road reservations in whole or in part under the following conditions:
- (1) *State Road Reservations.* The Florida Department of Transportation has approved the requested release.
 - (2) *County Road Reservations.* The County Engineer of the affected county has approved the requested release.
 - (3) With respect to releases of road reservations approved by the Governing Board, payment for the release equal to 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be required. A maximum of 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be paid even if the applicant is receiving releases of canal reservations and/or non-use commitments as herein provided. Government, not-for-profit conservation entities, as well as homesteaded properties, shall be exempt from this requirement.
- (e) *Terms and Conditions Specific to Oil, Gas and Mineral Reservations.*
- (1) *Releases.*
 - a. In connection with applications made by governmental entities, the District may release oil, gas and mineral reservations regardless of the size of the parcel, provided the lands will be used for governmental purposes, including conservation and preservation purposes.

- (2) *Non-Use Commitments.* The District may agree not to exercise rights of ingress and egress reserved with oil, gas and mineral reservations if the lands do not qualify for a release under section 140-86(e)(1). The District may issue a non-use commitment under the following conditions:
- a. In the event oil, gas or minerals shall be produced from the land, the non-use commitment shall thereupon become extinguished and the right to make use of the reserved interest in the District in oil, gas and other minerals shall revert;
 - b. The lands are 20 acres or greater and will be used for residential, industrial, commercial, conservation, governmental, preservation or agricultural purposes;
 - c. The landowner has applied for and obtained any permits required from the District;
 - d. With respect to non-use commitments approved by the Governing Board, payment for the non-use commitment equal to 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be required. A maximum of 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be paid even if the applicant is receiving releases of canal reservations and/or road reservations as herein provided. Government, not-for-profit conservation entities, as well as homesteaded properties, shall be exempt from this requirement; and
 - e. The provisions of this section 140-86(e) shall not apply to oil, gas and mineral reservations to be reserved pursuant to Section 270.11, Florida Statutes, which are released pursuant to section 140-83(c)(6). If such oil, gas and mineral reservations to be reserved pursuant to Section 270.11, Florida Statutes, are not released pursuant to said section 140-83(c)(6), then any subsequent application made by an applicant for release thereof shall be treated in accordance with the procedures and provisions of this section 140-86(e).
- (f) *Terms and Conditions Specific to Easements Other Than Those Referenced in Section 140-86(c), (d) and (e).* In addition to the sale or exchange of easements as surplus lands in the manner and procedure as set forth in section 140-83, easements acquired by the District, other than those easements and reservations referenced in section 140-86(c), (d) and (e), may be released, upon application of the underlying fee owner or its agents, under the procedure provided for the sale or exchange of District surplus lands as set forth in section 140-83. Since a release made in response to an application by the underlying fee owner, or its agents, is not considered a sale of District lands, the provisions of section 140-83(d)(1) shall not be applicable. As a condition of such release, the applicant shall be required to pay to the District the appraised value of the easement to be released as determined in accordance with section 140-83(c)(2).

(R.M. No. 42; Res. No. 2012-306, § 1(Exh. A), 3-15-2012; Res. No. 2016-0407, § 1, 4-14-2016; Res. No. 2017-1217, § 1, 12-14-2017; Res. No. 2023-0806, § 1, 8-17-2023)

BENEFICIAL INTEREST AND DISCLOSURE AFFIDAVIT

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, personally appeared _____
_____ ("Affiant") this _____ day of _____,
20____, who, first being duly sworn, as required by law, subject to the penalties prescribed
for perjury, deposes and says:

1) Affiant has read the contents of this Affidavit, has actual knowledge of the facts
contained herein, and states that the facts contained herein are true, correct, and complete.

2) That _____, a _____,
whose address is _____,
is the record owner of the real property more particularly described in Exhibit "A" attached
hereto and made a part hereof (hereinafter called the "Premises"). The following is a list of
every "person" (as defined in Section 1.01(3), Florida Statutes) holding a beneficial interest in
the disclosing entity: (If more space is needed, attach separate sheet)

<u>Name</u>	<u>Address</u>	<u>Percentage Interest*</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

* Persons holding an interest in an Employee Stock Ownership Plan only need to be disclosed if they hold greater than 1% interest in the Plan.

3) All persons, individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, or other entities or groups, who have a financial interest in this transaction (other than persons who have a beneficial interest in the Premises as disclosed in Section 2 above), or who have received or who are entitled to receive a fee, consideration, real estate commission, percentage, gift, or other non-monetary consideration, in connection with this transaction or as compensation contingent upon the South Florida Water Management District entering into the agreement to acquire the Premises or subsequent closing applicable to this transaction, or to solicit or secure the agreement to acquire the Premises, are **(if non-applicable, please indicate None or Non-Applicable)**:

<u>Entity</u>	<u>Address</u>	<u>Reason for Payment</u>	<u>Amount of Fee To Be Disclosed*</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

* Attorney's fees received as result of legal representation are exempt

FURTHER AFFIANT SAYETH NOT.

AFFIANT

By: _____

SWORN TO and subscribed before me by means of this ____ day of _____, 20____, by physical presence or online notarization, who is personally known to me or who has produced _____ as identification.

(notary seal)

Notary Public
State of _____

Exhibit "A"

HOMESTEAD AFFIDAVIT

STATE OF _____
COUNTY OF _____

BEFORE ME, a duly commissioned Notary Public in and for the State and County aforesaid, personally appeared _____, (the "Affiant") who after being duly sworn as required by law, deposes and says:

1. That Affiant is the owner of the real property situate, lying and being in the County of _____, State of Florida, more particularly described in Exhibit "A", attached hereto and incorporated herein by reference (the "Premises").
2. That the Premises is the Affiant's homestead or will become the Affiant's homestead upon purchase, and that the release of reservations application is exempt from the payment of the release value pursuant to Section 140-86, South Florida Water Management District Policy Code.
3. That the Affiant further states that all the statements made herein are made for the purpose of inducing the South Florida Water Management District to issue certain releases and/or non-use commitments without requiring payment of the release value, and that all statements contained herein are true, both in substance and fact.
4. That the Affiant is familiar with the nature of an oath and with penalties provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature, and wherever used herein, the singular shall include the plural and the masculine shall include the feminine and neuter genders, and vice versa.

_____, Affiant

_____, Affiant

SWORN TO and subscribed before me by means of this _____ day of _____, 20____, by physical presence or online notarization, who is personally known to me or who has produced _____ as identification.

(notary seal)

Notary Public
State of _____

Exhibit "A"