



Form #0108

Rev. 1/2018

District File No. _____

DO NOT ALTER FORM

Application for Release of Mineral, Canal, and Road Reservations Reserved
UNDER CHAPTER 6456, 6957, 7305, 14717 and 20658, LAW OF FLORIDA

**FAILURE TO SUBMIT A COMPLETED APPLICATION WILL DELAY PROCESSING AND/OR RESULT IN YOUR APPLICATION BEING RETURNED.

RESERVATIONS REQUESTED TO BE RELEASED: CANAL: _____ COUNTY ROAD: _____ STATE ROAD: _____
MINERAL: _____ (if parcel is 1.25 acres or less, residential)
MINERAL - NON USE COMMITMENT: _____ (if parcel is more than 1.25 acres)

REQUIREMENTS FOR PROCESSING TO BE PROVIDED BY APPLICANT* (submit one copy, attach exhibits when applicable):

- 1. Legal description of subject property: (Lengthy and/or metes and bounds legal description must be submitted in a legible format as an attached exhibit).
2. Property Address or Street Location of vacant land (including city)
3. Section, Township, South, Range, East; County:
A survey or sketch of property must be provided
4. Folio No(s):
5. Size of parcel to be released: acres or square feet; Improved? Yes No
6. Name of municipality and/or drainage district or county water management in which property is located
7. ZONING: Current: Proposed:
8. LAND USE: Current: Proposed: ; No. of Units:
9. RESERVING DEED(S) (must attach copy of each). Multiple applications are not necessary if parcel is owned by a single owner.
a. EVERGLADES DRAINAGE DISTRICT (Chapters 6456, 14717, 20658)
Deed No. Dated Deed Book Page Recording County
b. TRUSTEES OF THE INTERNAL IMPROVEMENT FUND (Chapters 6456, 6957, 7305)
Deed No. Dated Deed Book Page Recording County
c. APPROVAL for TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND/STATE BOARD OF EDUCATION/THIRD PARTY DEEDS
(Florida Statutes 253.03 and 270.11)
Deed No. Dated Deed Book Page Recording County

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10. **CALCULATION OF RELEASE VALUE:**

Pursuant to Section 140-86 of SFWMD Policy Code, payment of compensation for the value of the released interest shall be calculated as follows:

Land Value, according to property appraiser's records: \$ _____ X 1% = \$ _____

Government, not-for-profit Conservation entities, as well as homesteaded properties are exempt from the release value payment. Please provide attached affidavit stating that your application is exempt.

11. **FEE SCHEDULE:**

Payment of fees required pursuant to Rule 40E-9.965, Florida Administrative Code (copy attached).

An initial payment is not required with application. You will be advised of the charges when application is processed. Make checks payable to SOUTH FLORIDA WATER MANAGEMENT DISTRICT. No release document will be provided until release value and application fee are paid in full.

12. I hereby certify that title to the above described real property is vested in (attached Beneficial Interest and Disclosure Affidavit is required if owned by a Corporation, Partnership or Trust): _____

CERTIFICATE OF OWNERSHIP: Satisfactory evidence certifying that the applicant is the legal record owner of the subject property. Definition of satisfactory evidence: a current title insurance policy; current title binder; or, current title commitment issued by a title insurance company authorized to do business in the State of Florida; or a current Opinion of Title prepared by a member of the Florida Bar, covering subject property. **Current** means no older than six (6) months.

	Title	Date
Signature (Owner or Applicant)		

13. NAME AND ADDRESS TO WHOM RELEASE/APPROVAL IS TO BE SENT: _____

_____ Telephone No. (_____) _____

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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	
1. Releases	
a. canal reservations (EDD, TIIF)	250.00
b. road reservations (EDD only)	250.00
c. mineral reservations (EDD only; 1.25 acres or less, residential)	250.00
d. multiple releases combined into one instrument (EDD only)	250.00
2. Non Use Commitments (Parcels in excess of 1.25 acres)	
a. residential (single sites)	*250.00
b. commercial, industrial, agricultural, residential and governmental development	*250.00
* \$250.00 for first acre and \$25.00 for each additional acre or portion thereof	
(f) Miscellaneous	
1. Approval of release of TIIF 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 may result in multiple fees.

**RELEASE OF RESERVATIONS AND ISSUANCE OF NON-USE COMMITMENTS
PURSUANT TO SECTION 140-86, DISTRICT POLICY CODE**

(a) *General.*

(1) 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 one percent (1%) 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 one percent (1%) 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.
- (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 one percent (1%) 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 one percent (1%) 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 non-governmental entities or persons, the District may release oil, gas and mineral reservations under the following conditions:
 1. The lands will be used for residential purposes; and
 2. The surface area is not greater than two acres.
 - b. 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 to be used for residential, industrial, commercial, conservation, governmental, or preservation 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 one percent (1%) 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 one percent (1%) 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, 12-14-2017)

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 _____ [if entity insert type of entity, e.g., a Florida Company] 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>Name</u>	<u>Address</u>	<u>Reason for Payment</u>	<u>Amount of Fee To Be Disclosed If Contingent On Achieving Successful Acquisition*</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

FURTHER AFFIANT SAYETH NOT.

AFFIANT

By: _____

SWORN TO and subscribed before me this _____ day of _____, 20____, by _____ Such person(s). (Notary Public must check applicable box):

- is/are personally known to me.
- produced a current driver license(s).
- produced _____ as identification.

(NOTARY PUBLIC SEAL)

Notary Public

(Print, Type or Stamp Name of Notary Public)

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

5. 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 and subscribed before me this _____ day of _____, 20____ by _____, who are/is personally known to me or who have/has produced _____ as identification.

Notary Public

(seal)

Exhibit "A"