

MEMORANDUM

TO: Governing Board Members

FROM: Tommy B. Strowd, Director
Operations, Maintenance and Construction Division

DATE: December 13, 2012

SUBJECT: Approve the release of District canal and mineral reservations, and Trustees of the Internal Improvement Trust Fund canal reservations

BACKGROUND INFORMATION: Canal reservations evolved from efforts to provide infrastructure, without cost to the taxpayers, to carry out drainage and reclamation projects, and provide roads. Many, but not all, conveyances of land by the State of Florida through the Trustees of the Internal Improvement Trust Fund (TIITF) and the Everglades Drainage District (EDD), a predecessor to the South Florida Water Management District, reserved rights to construct future water control works, percentages of the mineral rights, together with the right of ingress, egress and exploration, and reservations for State and County road rights-of-way.

The District routinely receives applications for releases of these reservations from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects; applications are processed by the Real Estate Management Section. Applications are reviewed by appropriate District personnel and applicable local governmental agencies to determine that there is no present or future need for the canal reservation. Also, TIITF requires the District to review and issue a written approval to the Department of Environmental Protection (DEP) prior to releasing TIITF canal reservations. Mineral reservations are released for parcels containing 1.25+/- acres or less, and non-use commitments are issued for parcels greater than 1.25+/- acres. When a non-use commitment is issued, the District agrees not to exercise its right of ingress and egress for the exploration of minerals, provided the landowner does not explore for the same. The District retains its interest in the mineral estate and is entitled to any future proceeds should exploration occur.

CONSIDERATIONS: See Exhibit "A" attached hereto and made a part hereof, which contains the details of releases and approvals to be approved and issued.

AUTHORIZATION: Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any reservation for which it has no present or apparent use under terms and conditions determined by the Board.

FISCAL IMPACT: None; reservations were acquired at no cost to the District.

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District approving release of District canal and mineral reservations, and release of Trustees of the Internal Improvement Trust Fund canal reservations; providing an effective date.

EXHIBIT "A"

File Nos.: 18519 and 10-12-3
Applicant: Saul Z. Shepard and Florence Shepard, husband and wife
Reserving Deeds: E-5009 (DB 763-88, 5/2/1946) and BOE 3826 (DB 60-156, 7/17/1914)
Fee paid: \$500.00
Action: Approve release of District canal and mineral reservations, and TIITF canal reservations
Acres: 0.24 acres, more or less
Legal Description: Lot 25, ABERDEEN – PLAT NO. 10, PB 67-195, Section 16, Township 45 South, Range 42 East (See Exhibit A-1)
Location: 7840 Bridlington Drive, Boynton Beach, Palm Beach County
Reviewed by: Lake Worth Drainage District (no internal routing required, due to parcel size and land use)

File No.: 10-12-1
Applicant: Standard Pacific of Florida, a Florida corporation
Reserving Deed: TIITF 16198 (DB 46-240(PB), 12/24/1908)
Fee paid: \$250.00
Action: Approve release of TIITF canal reservations
Acres: 5.56 acres, more or less
Legal Description: Portion of Tracts 15 and 16, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2, PB 1-102 (PB), Section 29, Township 47 South, Range 41 East (See Exhibits A-2 and A-3)
Location: South of SR 27/Loxahatchee Road, North of County Line Road and East of WCA 2, Parkland, Broward County
Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and North Springs Improvement District

File No.: 10-12-2
Applicant: Armando Gutierrez and Andrea Gutierrez, husband and wife
Reserving Deed: TIITF 16284 (DB 50-407, 5/28/1910)
Fee paid: \$250.00
Action: Approve release of TIITF canal reservations
Acres: 2.3 acres, more or less
Legal Description: Portion of Tract 21, PLAT OF J.G. HEAD'S FARMS, PB 46-44, Section 10, Township 54 South, Range 39 East (See Exhibit A-4)
Location: SW 145th Avenue, Miami, Miami-Dade County
Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Metropolitan Dade County