

## **RELEASE OF RESERVATIONS EXECUTIVE SUMMARY**

**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 Section. Applications are reviewed by appropriate District personnel and applicable local government 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 the releases, approval and non-use commitment 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 reservations, issuance of a non-use commitment, and release of Trustees of the Internal Improvement Trust Fund canal reservations; providing an effective date.

**Prepared by:** \_\_\_\_\_  
Kathleen Massey, Senior Closing Specialist  
Real Estate Unit, Land Management Section  
Date \_\_\_\_\_

**Reviewed by:** \_\_\_\_\_  
Marcy Zehnder, Lead Title and Closing Specialist  
Real Estate Unit, Land Management Section  
Date \_\_\_\_\_

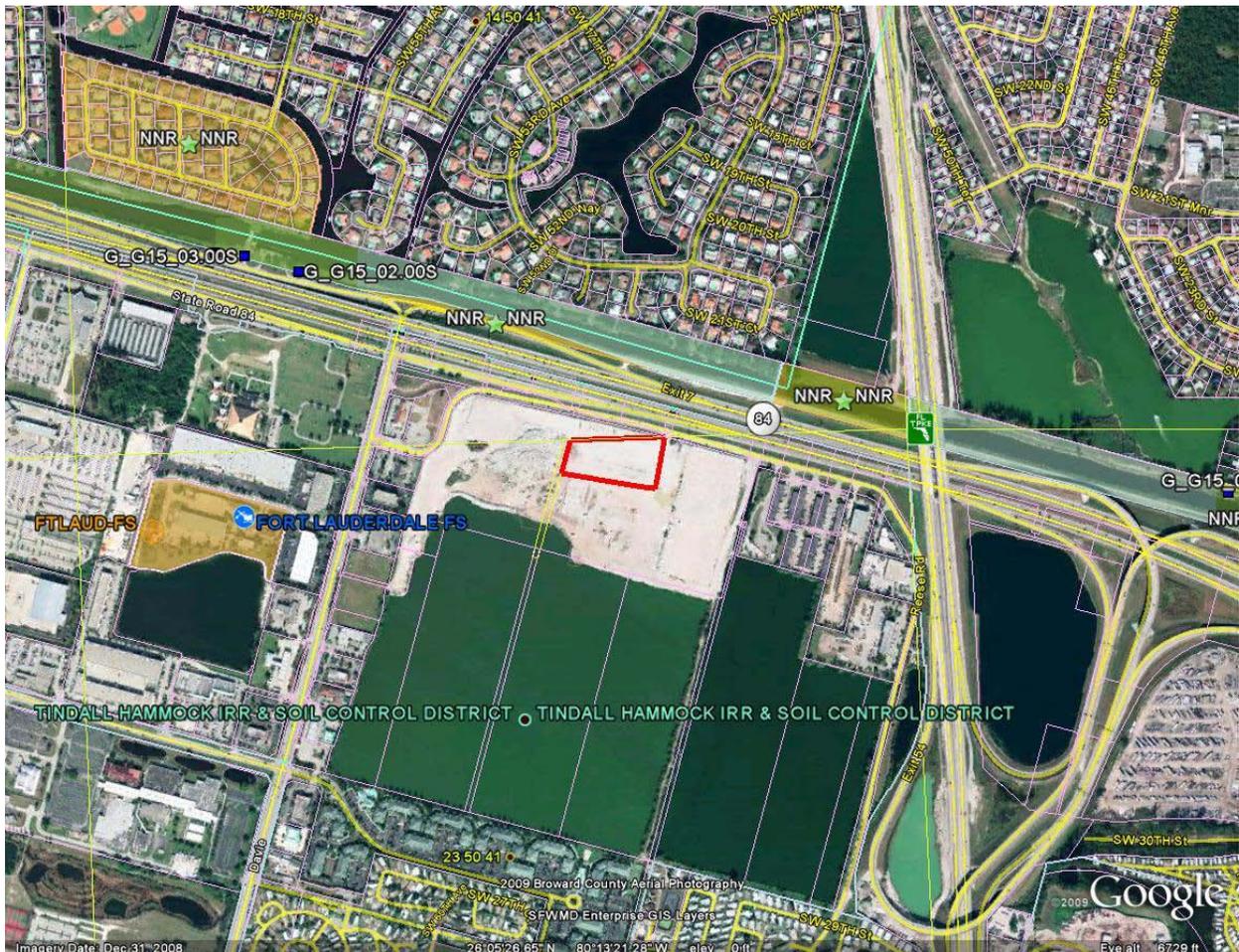
**Reviewed by:** \_\_\_\_\_  
Ray Palmer, Section Leader  
Real Estate Unit, Land Management Section  
Date \_\_\_\_\_

**Approved by:** \_\_\_\_\_  
Tommy B. Stowd, P.E., Director  
Operation, Maintenance and Construction Division  
Date \_\_\_\_\_

Governing Board Members  
June 14, 2012  
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**EXHIBIT "A"**

File Nos.: 18506 and NUC 1612  
Applicant: Forman Industrial Land, LLC, a Florida limited liability company  
Reserving Deed: E-5895 (DB 566-7, 12/5/1946)  
Fee paid: \$350.00  
Action: Release District canal reservations and issue non-use commitment  
Acres: 4.71 acres, more or less  
Brief Description: Portion of Tract A, COLLEGE CROSSINGS, PB 178-50, in Section 23, Township 50 South, Range 41 East, Broward County  
Address: South of Reese Road and East of 64<sup>th</sup> Avenue, Davie  
Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, and Tindall Hammock Irrigation and Soil Conservation District



File Nos.: 18507, 18508 and 4-12-1  
Applicant: Triple H Ranch Property Ltd., a Florida limited partnership  
Reserving Deeds: EE-585 (DB 121-416 (PB), 1/13/1920); T-2933 (DB 350-218 (PB), 11/30/1925); T-3057 (DB 337-208 (PB), 12/31/1925); T-5278 (DB 427-471 (PB), 1/24/1928), and 16198 (DB 46-240 (Dade), 12/24/1908)  
Fee paid: \$1,250.00  
Action: Release District canal reservations and issue approval of release of TIITF canal reservations  
Acres: District canal reservations = 30.0 acres, more or less  
TIITF canal reservations = 269.12 acres, more or less  
Brief Description: Portion of the East one-half (E ½) of Section 29, Township 47 South, Range 41 East, Broward County  
Address: 14250 Loxahatchee Road, Parkland  
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

