RELEASE OF RESERVATION EXECUTIVE SUMMARY

BACKGROUND INFORMATION

Canal reservations evolved from efforts to provide right-of-way, without cost to the taxpayers, to carry out drainage and reclamation projects.

Many, but not all, conveyances of land by the State of Florida through the Trustees of the Internal Improvement Trust Fund (TIITF) reserved rights to construct future water control works. The Everglades Drainage District (EDD), predecessor to the South Florida Water Management District, followed suit by reserving similar rights.

TIITF and EDD also reserved percentages of minerals and rights of exploration in their conveyances, plus reservations for road rights-of-way.

The District and TIITF routinely receive applications for releases of reservation from landowners, attorneys, title companies and lending institutions who consider such reservations to be title encumbrances. Applications for releases and non-use commitments are processed by the Land Support Division of the Land Acquisition and Management Department. The procedures include review of all applications by appropriate District personnel, development of a staff recommendation, and presentation to the Governing Board for final decision. Also, TIITF, through the Department of Environmental Protection (DEP), requires the District's concurrence prior to releasing TIITF canal reservations inasmuch as the District and its assignees (other governmental agencies only) are entitled to use canal reservations for project and secondary works.

AUTHORIZATION

Section 373.096, Florida Statutes

TYPES OF RELEASES

RELEASE OF CANAL RESERVATIONS

Canal reservations reserved by EDD Chapters 6456, 14717, and 20658, as well as TIIF Chapters 6456, 6957 and 7305, and TIITF Sec. 253.03 and Sec. 270-11, F.S., may be released. In cases of TIITF canal reservations, approval may be given to DEP, if the Governing Board determines that the District has no present or apparent future use for the reservation.

Prior to making a recommendation to the Governing Board concerning the release of a canal reservation or advising DEP on the release of TIITF canal reservations, staff seeks the concurrence of the agency concerned with local or secondary water control.

RELEASE OF MINERAL RESERVATIONS & NON-USE COMMITMENTS

In the event the District elects not to release a mineral reservation, it may issue a non-use commitment, by which 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 derived therefrom.

RELEASE OF ROAD RESERVATIONS

Road reservations reserved in EDD Deeds are only released upon the approval of the affected counties and the Florida Department of Transportation.