

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 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. Road reservations are released upon review and approval by the affected county and the Florida Department of Transportation. 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 Exhibits "A" and "B", attached hereto and made a part hereof, which contains the details and location of releases, non-use commitment 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 road 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
Title and Closing Unit, Real Estate Section
Date _____

Reviewed by: _____
Marcy Zehnder, Section Leader
Title and Closing Unit, Real Estate Section
Date _____

Reviewed by: _____
Ray Palmer, Section Administrator
Real Estate Section
Date _____

Reviewed by: _____
Ruth Clements, Chief Real Estate Specialist
Executive Office
Date _____

Approved by: _____
Tommy B. Strowd, P.E., Director
Operation, Maintenance and Construction Division
Date _____

EXHIBIT "A"

File Nos.: 18499, 18500 and 18501
Applicant: Tarmac America, LLC, a Delaware limited liability company
Reserving Deeds: EE-78 (unrecorded, 9/30/1915); EE-167 (DB 148-262, 3/20/1916); EE-818 (DB 365-194, 10/27/1922); E-3668 (DB 2570-529, 8/21/1945); E-3669 (DB 2570-531, 8/21/1945) and T-372 (DB 314-374, 10/11/1922)
Fee paid: \$1,500.00
Action: Release District canal and road reservations
Acres: 125.97 acres, more or less
Brief Description: Portion of Tracts 13 through 22, and 27 through 32, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17
Location: Section 31, Township 52 South, Range 40 East, Miami-Dade County
Address: Southeasterly of the Intersection of NW 122nd Street and Homestead Extension of Florida's Turnpike, Miami
Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, Florida Department of Transportation and Miami-Dade County Public Works

File No.: RR 2012.1
Applicant: Tarmac America, LLC, a Delaware limited liability company
Reserving Deeds: 16198 (DB 46-240, 12/24/1908); 16198-Q (DB 3931-368, 6/1/1954); 16198A-391 (ORB 1578-267, 7/13/1959); RR-21 (ORB 1587-274, 8/6/1959); Disclaimer (unrecorded, dated 3/6/2012)
Fee paid: \$500.00
Action: Release District canal reservations
Acres: 5.0 acres, more or less
Brief Description: That portion of the East 80 feet of the West 130 feet of Section 31-52-40 located within Tracts 27 through 32, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17
Location: Section 31, Township 52 South, Range 40 East, Miami-Dade County
Address: Southeasterly of the Intersection of NW 122nd Street and Homestead Extension of Florida's Turnpike, Miami
Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, Florida Department of Transportation and Miami-Dade County Public Works

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File No.: NUC 1608
Applicant: Tarmac America, LLC, a Delaware limited liability company
Reserving Deeds: E-3668 (DB 2570-529, 8/21/1945) and E-3669 (DB 2570-531, 8/21/1945)
Fee paid: \$950.00
Action: Issue non-use commitment
Acres: 20.0 acres, more or less
Brief Description: Tracts 28 and 29, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17
Location: Section 31, Township 52 South, Range 40 East, Miami-Dade County
Address: Southeasterly of the Intersection of NW 122nd Street and Homestead Extension of Florida's Turnpike, Miami

File No: 1-12-2
Applicant: Tarmac America, LLC, a Delaware limited liability company
Reserving Deeds: 16198 (DB 46-240, 12/24/1908)
Fee paid: \$250.00
Action: Approve release of TIITF canal reservations
Acres: 125.97 acres, more or less
Brief Description: Portion of Tracts 13 through 22, and 27 through 32, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PB 2-17
Location: Section 31, Township 52 South, Range 40 East, Miami-Dade County
Address: Southeasterly of the Intersection of NW 122nd Street and Homestead Extension of Florida's Turnpike, Miami
Reviewed by: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, Office of Everglades Policy and Coordination, Florida Department of Transportation and Miami-Dade County Public Works

EXHIBIT "B"

