

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 5: Right-of-Way Ownership & Interests**

**5.8 Petition for Annexation within the Boundaries of LWDD**

**Introduction**

Any parcel of land that is not within the boundaries of LWDD and drains into the LWDD canal system, either directly or indirectly, will be required to petition LWDD to be annexed within its boundaries (lands to be annexed).

If the subject parcel of land does not annex into LWDD boundaries, the existing drainage of this parcel of land must be modified such that it does not drain directly or indirectly into the LWDD canal system.

**5.8.1**

The property owner (petitioner) must request (petition) to appear before LWDD's Board of Supervisors (Board) in order to have its request for annexation approved. The petitioner must include a completed Petition for Annexation within the Boundaries of LWDD (see form at the end of this section), which must include a sketch of description of the lands to be annexed, with the request to appear before the Board. In addition, the petitioner must provide fees associated with a Petition for Annexation and a Service Agreement (see Chapter 2 – Fees). LWDD will prepare a Board Resolution for presentation to the Board with the landowner's Petition for Annexation within the Boundaries of LWDD.

The petitioner must provide the following information relative to the lands the petitioner is requesting to annex:

**5.8.1.1. Sketch of Description of Lands to be Annexed**

The sketch of description shall be prepared by a professional surveyor and mapper, licensed in the State of Florida, in compliance with Chapter 5J-17.05, Minimum Technical Standards, pursuant to Florida Statutes Chapter 472 F.A.C. The sketch of description must also meet the following LWDD requirements:

- (a) Provide definitive identification of boundary lines by a metes and bounds description of the perimeter of the subject parcel to be conveyed on the first sheet with a location sketch (vicinity map), with the section, township and range shown.
- (b) Show the square footage and/or acreage at the end of the description.
- (c) Cite the basis of bearings.
- (d) Include a note stating this is not a boundary survey.
- (e) The sketch shall be scaled no smaller than 1"=60'.
- (f) Must delineate and label all LWDD right-of-way interest(s).

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- (g) Show existing easements and encroachments which may encumber the parcel to be conveyed.
- (h) Provide bold outline of the area, and the area's acreage to be conveyed.
- (i) Do not label the easements as proposed but call for its size (i.e.: 15' Easement).
- (j) Provide the property control number (PCN) of the parcel.
- (k) All text shall be at least 0.10" in height.
- (l) The sketch of description must be submitted on 8 ½" x 11" media.
- (m) Provide two signed and sealed prints of the sketch of description.
- (n) Provide point of commencement (POC).

**5.8.1.2 Map of Survey(s) of Lands to be Annexed**

The map of survey shall be performed by a professional surveyor and mapper licensed in the State of Florida, in compliance with Chapter 5J-17.05, Minimum Technical Standards, pursuant to Florida Statutes Chapter 472 F.A.C. The map of survey must also meet the following LWDD requirements:

- (a) All horizontal data shall be based on the North American Datum of 1983, 1990 adjustment (NAD 83/90) East Zone.
- (b) The survey must delineate and label all easements evidenced by a record document which have been provided to the surveyor.
- (c) The surveyor is also responsible to show unrecorded evidence of occupation, such as fences and roads being used both publicly and privately within LWDD right-of-way.
- (d) The survey must show existing features, encroachments, or encumbrances located adjacent to, or within LWDD right-of-way.
- (e) The canal right-of-way must be labeled, tied and dimensioned to horizontal control line(s) either sectional or plat.
- (f) Provide two (2) original signed and sealed prints of the map of survey. The survey must be finalized or updated no earlier than six (6) months prior to being received by LWDD.

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**5.8.1.3 Certification of Title**

A certification of title signed by a Florida licensed attorney or the President or Vice President of a title company authorized to do business in the State of Florida must be provided, and this certification of title must be provided on the letterhead of the applicable attorney firm or title company. The certification of title shall include a legal description of the subject property and the owner's name(s) of the subject property, as it appears in the public records. The certification of title must be dated within six (6) months of the date of receipt by LWDD. See the sample certification of title at the end of this section.

**5.8.1.4 Canal Cross-Sections**

If the parcel of land which has been requested to be annexed within the boundaries of LWDD is adjacent to an existing LWDD canal(s), canal cross-sections of the existing adjacent LWDD canal(s) may be required.

For each applicable existing LWDD canal, the applicant or petitioner must provide two sets of current canal cross-sections that have been signed and sealed by a professional surveyor and mapper licensed in the State of Florida.

The canal cross-sections will be used to determine if LWDD will require the applicant or petitioner to convey an exclusive easement to LWDD. Canal cross-sections at 300 foot intervals are to be provided for each canal, including at each end of the portion of the project that fronts the canal. A minimum of three canal cross-sections for each canal are to be provided. The canal cross-sections are to show, label and dimension at least the following:

- (a) channel bottom elevation and width;
- (b) location and elevation of each toe-of-slope and each top-of-bank;
- (c) existing canal right-of-way lines;
- (d) existing land lines (such as section lines, quarter-section lines, or platted block lines and tract lines within platted subdivisions, e.g., THE PALM BEACH FARMS CO. PLAT NO. 3);
- (e) property lines of subject parcel;
- (f) all easements within the limits of the cross-section;
- (g) existing ground elevations to a point 50 feet beyond the existing top-of-banks on each side of the channel or to a point 25 feet outside of the existing canal right-of-way lines on each side of the channel, whichever is greater, including all features that may be relevant (e.g., buildings, edges of pavement, curbs, sidewalks, guardrails and ground grade breaks).

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**Note: Each cross-section is to include a sufficient number of surveyed points such that the existing canal is accurately depicted.**

Canal cross-sections are also to be provided at each end of every culvert that exists within the limits of the project for each applicable LWDD canal, with the existing culvert shown in cross-sectional view depicted on the appropriate canal cross-section.

The canal cross-sections are to be shown at a scale of 1 inch equals 10 feet, both horizontal and vertical, for canals with a total of 80 feet (or less) of required right-of-way width (including both heavy and light canal maintenance berms), or 1 inch equals 20 feet, both horizontal and vertical, for canals with a total of more than 80 feet of required right-of-way width (including both heavy and light canal maintenance berms). A statement must be included on the canal cross-sections that the vertical datum used for the canal cross-sections is either the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Vertical Datum of 1988 (NAVD 88), and if the NAVD 88 has been used, a conversion factor between the NGVD 29 and the NAVD 88 for the locations where the canal cross-sections were taken, must be provided. A plan view must be provided that shows how the canal cross-sections are oriented. The canal cross-sections must be shown, in cross-sectional view, looking from west to east or from south to north, with the north or west right-of-way respectively being on the left side of each canal cross-section shown.

The requested canal cross-section information must be submitted to LWDD in both hardcopy format and CAD drawing files. The CAD drawing files must be in the form of AutoDesk DWG format (current and all prior versions accepted) or alternatively, in DXF format. The CAD drawing files can be submitted on either CD or DVD optical media.

**NOTE: Canal cross-sections are valid for a two year period. After that time, current canal cross-sections will be required for review by LWDD. Based upon review of current canal cross-sections, the applicant or petitioner may be required to reconstruct or reshape the existing canal, in addition to conveying right-of-way to LWDD.**

### 5.8.1.5 Conveyance

Based on existing canal cross-sections the adjacent property owner may be required to convey right-of-way to LWDD. The property owner can convey the right-of-way to LWDD either in fee simple or as an exclusive easement.

Alternatively, upon LWDD approval, the property owner has the option of filling the canal to the ultimate design section identified for a specific area of a LWDD canal, and stabilizing the canal bank. The construction method for

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stabilization of the canal bank will need prior approval from LWDD's engineering department. The property owner must notify LWDD, in writing, which option they choose, either conveyance of the necessary right-of-way to LWDD or filling the canal channel to the ultimate design section and stabilizing the canal banks, as approved by LWDD. Note: in some situations a combination of filling (and stabilizing) the existing canal channel and conveying additional right-of-way may be required.

When an adjacent property owner is required to convey right-of-way to LWDD by either a warranty deed or an exclusive easement and there are existing easements on, over, and/or across (overlapping) the proposed right-of-way, the existing easements might be required to be extinguished prior to conveyance.

If at any time during review LWDD staff determines an easement(s) overlaps existing LWDD right-of-way, whether fee or easement, the overlapping easement might be required to be extinguished.

### **5.8.2 Non-Ad Valorem Assessment**

Once the petitioner's annexation has been approved by the Board, the Board Resolution is recorded in the Public Records of Palm Beach County, Florida. The recorded Board Resolution thereby notifies the Palm Beach County Property Appraiser to assess the annexed property for the LWDD non-ad valorem tax.

### **5.8.3. Codification of LWDD Boundaries**

LWDD will submit a Legislative Bill to the Florida Legislature codifying the boundaries of LWDD, which will include all properties annexed within the boundaries of LWDD since the last codification.

### **5.8.4. Service Agreement**

Petitioner is required to enter into a Service Agreement with LWDD confirming that the petitioner agrees to receive services from LWDD, pending approval of a Special Act by the Florida Legislature changing the jurisdictional drainage district boundaries to include the petitioner's property. The Service Agreement will expire when the property is added to the Palm Beach County tax roll and the property is being assessed. See sample Service Agreement at the end of this section.

**SAMPLE CERTIFICATION OF TITLE**

**THE CERTIFICATION OF TITLE MUST BE PROVIDED ON THE TITLE COMPANY'S LETTERHEAD OR THE ATTORNEY'S LETTERHEAD**

Lake Worth Drainage District (LWDD) requires a Certification of Title in conjunction with conveyances to and from LWDD, agreements, releases, and annexation within the boundaries of LWDD. A Certification of Title must be addressed to:

LAKE WORTH DRAINAGE DISTRICT  
Attn: Legal Department  
13081 Military Trail  
Delray Beach, FL 33484-1105

I hereby certify that I have examined the Public Records of Palm Beach County, Florida regarding the following described property:

**Provide Full Legal Description and  
Property Control Number**

and as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, find the last owner of record to be \_\_\_\_\_

\_\_\_\_\_ whose  
mailing

address is \_\_\_\_\_.

**Please identify any encumbrances, mortgages and any petroleum, phosphate, minerals and/or metals affecting the property.**

**(Name of Law Firm or Name of Title Company)**

By: \_\_\_\_\_

\_\_\_\_\_  
Attorney's Name if prepared by Law Firm

Name of President/Vice-President if prepared by Title Company

## **SAMPLE CERTIFICATION OF TITLE**

### **Additional Requirements**

If you are required to convey right-of-way to Lake Worth Drainage District, you must provide the following information:

**Existing Easements:** If there are existing easements or agreements that affect the parcel to be conveyed to LWDD, please identify them on the sketch of description required by LWDD for the proposed conveyance document. If there are no existing easements or agreements, please confirm that in the certification of title.

**Mortgage Holder:** If the parcel to be conveyed to LWDD is encumbered, it will be necessary to provide a Consent and Subordination of Mortgage. A sample form is provided herewith. Please provide the mortgage information in the certification.

If you are requesting a release of reservations from LWDD, you must provide the following information:

**Existing Easements:** If there are existing easements and or agreements that affect the parcel to be released by LWDD, please provide a boundary survey with all easements and/or agreements plotted thereon. In addition, please provide copies of the corresponding documents.

**SAMPLE FORM – THIS MUST BE PREPARED ON LENDER STATIONERY**

**CONSENT AND SUBORDINATION OF MORTGAGE**

\_\_\_\_\_, whose address is \_\_\_\_\_  
\_\_\_\_\_, pursuant to that Mortgage dated \_\_\_\_  
\_\_\_\_\_ and recorded in Official Record Book \_\_\_\_\_, Page \_\_\_\_\_, of the  
Public Records of Palm Beach County, Florida, (the "Mortgage"), which Mortgage  
encumbers the property described on Exhibit "A" attached hereto, consents to the Easement  
Deed dated \_\_\_\_\_ from \_\_\_\_\_  
\_\_\_\_\_, to LAKE WORTH DRAINAGE DISTRICT, to which this Consent and  
Subordination is attached (the "Easement), and subordinates the lien of the Mortgage to  
the Easement.

IN WITNESS WHEREOF, the Mortgagee has executed this Consent and Subordination as  
of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name of Mortgagee

By: \_\_\_\_\_  
President

\_\_\_\_\_  
Address

STATE OF \_\_\_\_\_ :  
COUNTY OF \_\_\_\_\_ :

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as President of \_\_\_\_\_  
\_\_\_\_\_. He/She (\_\_\_\_) is personally known  
to me or (\_\_\_\_) produced \_\_\_\_\_ as  
identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Stamp or Seal



**PETITION AND CONSENT FOR ANNEXATION WITHIN  
THE BOUNDARIES OF THE  
LAKE WORTH DRAINAGE DISTRICT**

**COMES NOW** \_\_\_\_\_

whose mailing address is \_\_\_\_\_

and petitions the **LAKE WORTH DRAINAGE DISTRICT**, a corporation organized and existing under the Laws of the State of Florida, and doing business in Palm Beach County, Florida, to have annexed and included within the boundaries of the **LAKE WORTH DRAINAGE DISTRICT** as provided in Chapter 09-258, Laws of Florida 2009, as the same has been from time to time amended, land located in Palm Beach County, Florida, described in the attached Exhibit "A".

Petitioner would show that said land is contiguous to the present boundaries of the **LAKE WORTH DRAINAGE DISTRICT** and Petitioner represents that the Petitioner is the sole fee simple, unencumbered title holder of said land and is willing and desirous to have said land included within the boundaries and jurisdiction of the said **LAKE WORTH DRAINAGE DISTRICT**, and further consents to the levy and payment of all non-ad valorem assessments levied on the subject property by the **LAKE WORTH DRAINAGE DISTRICT**. If said land is encumbered, holder of the encumbrance must also execute a like Petition for Inclusion.

Petitioner hereby acknowledges that said land (is) (is not) encumbered, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

PETITIONER:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Post Office Address

\_\_\_\_\_  
Post Office Address

**Corporate Form**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

Before me personally appeared \_\_\_\_\_  
\_\_\_\_\_ to me well known and known to me to be the President  
and Secretary of \_\_\_\_\_, respectively, and who  
executed the foregoing instrument, and acknowledged that they executed said instrument for the  
purposes therein expressed.

Witness my hand and official seal, this the \_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Stamp or Seal

Corporate Form

**PETITION AND CONSENT FOR ANNEXATION WITHIN THE  
BOUNDARIES**

**OF THE LAKE WORTH DRAINAGE DISTRICT**

**EXHIBIT 'A'**

**Sketch of Description**

**To be provided by**

**Petitioner**

**JOINDER TO PETITION AND CONSENT FOR  
ANNEXATION WITHIN THE BOUNDARIES OF THE  
LAKE WORTH DRAINAGE DISTRICT**

**COMES NOW** \_\_\_\_\_

whose mailing address is \_\_\_\_\_

and petitions the **LAKE WORTH DRAINAGE DISTRICT**, a corporation organized and existing under the Laws of the State of Florida, and doing business in Palm Beach County, Florida, to have annexed and included within the boundaries of the **LAKE WORTH DRAINAGE DISTRICT** as provided in Chapter 09-258, Laws of Florida 2009, as the same has been from time to time amended, land located in Palm Beach County, Florida, described in the attached Exhibit "A".

Petitioner would show that said land is contiguous to the present boundaries of the **LAKE WORTH DRAINAGE DISTRICT** and Petitioner represents that the Petitioner is the holder of an encumbrance on said land and is willing and desirous to have said land included within the boundaries and jurisdiction of the said **LAKE WORTH DRAINAGE DISTRICT**, and further consents to the levy and payment of all non-ad valorem assessments levied on the subject property by the **LAKE WORTH DRAINAGE DISTRICT**.

Petitioner hereby acknowledges that said land (is) (is not) encumbered, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Attest:

PETITIONER:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Post Office Address

\_\_\_\_\_  
Post Office Address

(CORPORATE SEAL)

STATE OF )  
COUNTY OF )

Before me personally appeared \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_ to me well known and known to me to be the President and  
Secretary of \_\_\_\_\_, respectively, and who  
executed the foregoing instrument, and acknowledged that they executed said  
instrument for the purposes therein expressed.

Witness my hand and official seal, this the \_\_\_\_ day \_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Stamp or Seal

**PETITION AND CONSENT FOR ANNEXATION WITHIN THE  
BOUNDARIES**

**OF THE LAKE WORTH DRAINAGE DISTRICT**

**EXHIBIT 'A'**

**PETITION AND CONSENT FOR ANNEXATION WITHIN THE  
BOUNDARIES OF THE  
LAKE WORTH DRAINAGE DISTRICT**

**COMES NOW,** \_\_\_\_\_  
and petitions the **LAKE WORTH DRAINAGE DISTRICT**, a corporation organized and existing under the Laws of the State of Florida, and doing business in Palm Beach County, Florida, to have annexed and included within the boundaries of the **LAKE WORTH DRAINAGE DISTRICT** as provided in Chapter 09-258, Laws of Florida 2009, as the same has been from time to time amended, land located in Palm Beach County, Florida, described in the attached Exhibit "A".

Petitioner would show that said land is contiguous to the present boundaries of the **LAKE WORTH DRAINAGE DISTRICT** and Petitioner represents that the Petitioner is the sole fee simple, unencumbered title holder of said land and is willing and desirous to have said land included within the boundaries and jurisdiction of the said **LAKE WORTH DRAINAGE DISTRICT**, and further consents to the levy and payment of all non-ad valorem assessments levied on the subject property by the **LAKE WORTH DRAINAGE DISTRICT**. If said land is encumbered, holder of the encumbrance must also execute a like Petition for Inclusion.

Petitioner hereby acknowledges that said land (is) (is not) encumbered, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

PETITIONER:

\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
  
\_\_\_\_\_

**Individual Form**

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

Before me personally appeared \_\_\_\_\_, to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument for the purposes therein expressed.

Witness my hand and official seal, this \_\_\_\_ day \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Stamp or Seal



**PETITION AND CONSENT FOR ANNEXATION WITHIN THE  
BOUNDARIES OF THE  
LAKE WORTH DRAINAGE DISTRICT**

**EXHIBIT "A"**

**Sketch of Description**

**To be provided by**

**Petitioner**

**JOINDER TO PETITION AND CONSENT FOR  
ANNEXATION WITHIN THE BOUNDARIES OF THE  
LAKE WORTH DRAINAGE DISTRICT**

**COMES NOW** \_\_\_\_\_

whose mailing address is \_\_\_\_\_

and petitions the **LAKE WORTH DRAINAGE DISTRICT**, a corporation organized and existing under the Laws of the State of Florida, and doing business in Palm Beach County, Florida, to have annexed and included within the boundaries of the **LAKE WORTH DRAINAGE DISTRICT** as provided in Chapter 09-258, Laws of Florida 2009, as the same has been from time to time amended, land located in Palm Beach County, Florida, described in the attached Exhibit "A".

Petitioner would show that said land is contiguous to the present boundaries of the **LAKE WORTH DRAINAGE DISTRICT** and Petitioner represents that the Petitioner is the holder of an encumbrance on said land and is willing and desirous to have said land included within the boundaries and jurisdiction of the said **LAKE WORTH DRAINAGE DISTRICT**, and further consents to the levy and payment of all non-ad valorem assessments levied on the subject property by the **LAKE WORTH DRAINAGE DISTRICT**.

Petitioner hereby acknowledges that said land (is) (is not) encumbered, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

PETITIONER:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE OF )  
COUNTY OF )

Before me personally appeared \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_ to me well known and known to me to be the President and  
Secretary of \_\_\_\_\_, respectively, and who  
executed the foregoing instrument, and acknowledged that they executed said  
instrument for the purposes therein expressed.

Witness my hand and official seal, this the \_\_\_\_ day \_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Stamp or Seal

**PETITION AND CONSENT FOR ANNEXATION WITHIN THE  
BOUNDARIES**

**OF THE LAKE WORTH DRAINAGE DISTRICT**

**EXHIBIT 'A'**