

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 5: Right-of-Way Ownership & Interests

5.4 Release of Rights & Reservations

5.4.1 Release of Canal Reservations

5.4.1.1

Reservations adjacent to Lake Worth Drainage District (LWDD) canal rights-of-way, as well as reservations held by others (such as the South Florida Water Management District), cannot be released until LWDD determines if additional right-of-way will be needed. If additional right-of-way is needed, the conveyance of the right-of-way will be finalized prior to any releases. (See Section 5.7 - Conveyance of Right-of-Way to LWDD).

Prior to LWDD releasing canal reservations adjacent to LWDD canal rights-of-way, the following items are required:

5.4.1.1.1 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, along with a list of any encumbrances, mortgages and any petroleum, phosphate, minerals and/or metals. 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.

5.4.1.1.2

The request for a release shall be accompanied by the appropriate fee. (See Chapter 2 - Fees).

5.4.1.1.3 Boundary Survey

A boundary survey 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. must be provided. The boundary 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 documents recorded in the Public Records 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.

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(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 boundary survey. The survey must be finalized or updated no earlier than six (6) months prior to being received by LWDD.

5.4.1.1.4

Approval by the LWDD Board of Supervisors (Board).

5.4.1.1.5

The Release of Canal Reservations document will be prepared by LWDD's attorney.

5.4.1.2

Reservations not adjacent to LWDD canal rights-of-way, as well as reservations held by others (such as South Florida Water Management District), can be released.

Prior to LWDD releasing canal reservations not adjacent to LWDD canal rights-of-way, the following items are required:

5.4.1.2.1 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, along with a list of any encumbrances, mortgages and any petroleum, phosphate, minerals and/or metals. 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.

5.4.1.2.2

The request for a release shall be accompanied by the appropriate fee (see Chapter 2 - Fees).

5.4.1.2.3

Approval by the LWDD Board of Supervisors (Board).

5.4.1.2.4

The Release of Canal Reservations document will be prepared by LWDD's attorney.

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5.4.2 Release of Exploration Rights

The Lake Worth Drainage District (LWDD) can release exploration rights on property that has petroleum, phosphate, mineral and metal reservations contained in LWDD deeds. Prior to LWDD releasing exploration rights, the following items are required:

5.4.2.1 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 record, along with a list of any encumbrances, mortgages and any petroleum, phosphate, minerals and/or metals. 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.

5.4.2.2

The request for a release shall be accompanied by the appropriate fee (**See Chapter 2 - Fees**).

5.4.2.3 Boundary Survey

A boundary survey of the subject parcel shall be submitted to LWDD staff. The boundary survey shall be performed by a professional surveyor and mapper licensed in the State of Florida, in compliance with Chapter 61G17-6, Minimum Technical Standards, pursuant to Florida Statutes Chapter 472 F.A.C. The boundary 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 documents recorded in the Public Records 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 boundary survey. The survey must be finalized or updated no earlier than six (6) months prior to being received by LWDD.

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5.4.2.4

Approval by the LWDD Board of Supervisors (Board).

5.4.2.5

The Release of Exploration Rights document will be prepared by LWDD's attorney.

5.4.2.6

A release of exploration rights will not reflect a release of mineral royalties pertinent to the existence of petroleum, phosphate, minerals and/or metals.

5.4.3 Release of Rights of Petroleum, Phosphate, Minerals and/or Metals

The Lake Worth Drainage District (LWDD) can release rights of petroleum, phosphate, minerals and/or and metals contained in LWDD deeds. Prior to LWDD releasing rights of petroleum, phosphate, minerals and/or metals, the following items are required:

5.4.3.1 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 record, along with a list of any encumbrances, mortgages and any petroleum, phosphate, minerals and/or metals. 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.

5.4.3.2

The request for a release shall be accompanied by the appropriate fee (**See Chapter 2 - Fees**).

5.4.3.3 Boundary Survey

A boundary survey of the subject parcel shall be submitted to LWDD staff. The boundary survey shall be performed by a professional surveyor and mapper licensed in the State of Florida, in compliance with Chapter 61G17-6, Minimum Technical Standards, pursuant to Florida Statutes Chapter 472 F.A.C. The boundary 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 documents recorded in the Public Records which have been provided to the surveyor.

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(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 boundary survey. The survey must be finalized or updated no earlier than six (6) months prior to being received by LWDD.

5.4.3.4

Rights of petroleum, phosphate, minerals and/or metals require a geological survey in order to be released. The geological survey shall reflect the existence (or lack thereof) of petroleum, phosphate, minerals and/or metals.

5.4.3.5

Approval by the LWDD Board of Supervisors (Board).

5.4.3.6

The Release of Rights of Petroleum, Phosphate, Minerals and/or Metals document will be prepared by LWDD's attorney.

5.4.3.7

A release of rights of petroleum, phosphate, minerals and/or metals will not reflect a release of mineral royalties pertinent to the existence of petroleum, phosphate, minerals and/or metals.

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