

PERMIT APPLICANT REQUIREMENTS AND RESPONSIBILITIES FOR DONATION/DEDICATION OF RIGHT OF WAY

DONATION: Where right of way donation is a prerequisite of permit issuance, the permit applicant must complete an information package as detailed below and submit it to the Florida Department of Transportation (FDOT) Permits Office. FDOT will review all the required information and, if a permit is ultimately approved, the applicant will be required to convey fee simple or a perpetual easement interest of the donation area to FDOT via warranty deed or a perpetual easement conveyance document.

The applicant must submit the following items to the Permits Office to initiate the donation process:

- 1) Signed and dated "Checklist for Permit Applicants – Donations" (NOTE: An incomplete package will delay processing);
- 2) A copy of the pre-application review findings letter, if issued;
- 3) A signed and sealed copy of the sketch and legal description of the area to be donated to FDOT prepared in English units of measure. All existing easements shall be identified on the sketch. NOTE: A copy of the title search (see section 8 below) must be provided to your surveyor to assure that the search covers the parent tract of the donation parcel and also that all recorded easements that may affect or encumber the donation parcel are depicted on the survey sketch. The sketch must reference the title search and state that it was prepared using said title. Please ensure any new encumbrances less out the area to be donated;
- 4) A copy of the existing and/or proposed site plan for the property;
 - A plan view sheet detailing precise measurements of the donation area from existing to proposed right of way.
- 5) An Environmental Features Report of the property, with emphasis on the existing environmental conditions of the parcel to be donated, for review by FDOT's Office of Planning and Environmental Management. This report should include an evaluation of the following environmental features:
 - Natural (wetlands, threatened and endangered species, critical habitat);
 - Cultural (public lands, historical, cultural); and
 - Physical (contamination).

If the property owner has a Phase I Environmental Site Assessment for the property, that may be used in place of the Environmental Features Report. Depending upon the information submitted, other environmental action(s) may be required of the applicant. The details of any subsequent environmental action(s) or document(s) will be coordinated directly with FDOT's Office of Planning & Environmental Management;

- 6) The tax identification number and status of the property taxes of the subject property, including any exemptions;
- 7) The full name of the individual or entity owning the property and the full names of any persons authorized to act on behalf of and legally bind the entity; and
- 8) One (1) of the following title documents:
 - A Title Report prepared exclusively for FDOT;
 - An Attorney's Opinion of Title prepared exclusively for FDOT; or
 - A Title Insurance Policy with FDOT named as insured.
 - In any case, the requirements of Attachment A, Title Requirements, must be adhered to.

If the donation area includes more than one parcel of land with different owners, a title search is required for each owner. The above referenced title documents must be dated within 60 days of receipt by the Permits Office and the preparer must attest to having reviewed title in accordance with the requirements set out below. An update will be required within 30 days of closing. Further, the title must cover the full legal description of the property from which the area to be donated is being carved out and must include legible copies of the following:

- a) Proof of current ownership including the deed/acquiring document;
- b) A search and examination of the public records, beginning from the point at which the United States government grant transferred the property to the State of Florida to the present, for all documents that create or purport to create an interest in, a lien against, or an encumbrance and potential encumbrance on the title to the subject real property; and
- c) All unrecorded documents, such as leases.

NOTE: Title information will be rejected if all supporting documentation is not attached. Please see Attachment A for specifics pertaining to title.

The applicant is also responsible for:

- Providing FDOT with clear title;
- Ensuring that the warranty deed and any other title related documents essential to the transaction are prepared by FDOT and executed by the proper party(ies);
- Providing the final approved sketch and legal description in electronic format (.dgn or .dwg);
- Providing the executed document(s) to Right of Way - Production, attention to the appropriate agent, who will have the document(s) reviewed by the FDOT legal department prior to approving the recording of the documents by the applicant;
- Paying documentary stamps and recording fees related to the donation. See appropriate county website for fees;
- Paying all property taxes due for the area to be donated up to the date of title transfer. NOTE: Proof of payment will be required by FDOT; and
- Ensuring the most current version of this document is used by contacting the appropriate permit coordinator:

Broward County:
Roger Lemieux
954-777-4372
Roger.Lemieux@dot.state.fl.us

Palm Beach County:
Jerry Dean
954-777-4374
Jerry.dean@dot.state.fl.us

Martin, St. Lucie and Indian River Counties:
Nesa Harden
954-777-4437
Nesa.Harden@dot.state.fl.us

FDOT-District 4
District Permits Office
3400 W. Commercial Blvd,
Fort Lauderdale, FL 33309
Phone: 954-777-4383
Fax: 954-677-7893

All Right of Way documents should be submitted to the appropriate permit coordinator listed above, based on the county of the subject property.

DEDICATION: Where right of way dedication by plat is a prerequisite of permit issuance, the permit applicant must:

- Include a note on the plat clearly stating that the area being dedicated in fee simple or perpetual easement interest:
 - For fee simple: "... is dedicated and granted in fee simple to the State of Florida Department of Transportation for the perpetual use of the public for roadway purposes;"
 - For perpetual easement: "...is dedicated and granted in perpetual easement to the State of Florida Department of Transportation for the perpetual use of the public for roadway purposes;"
- Provide a copy of the draft plat to the Permits Office for review prior to signing and recording; and
- After recording, provide a copy of the recorded plat to the Permits Office and the appropriate Right of Way agent.

ATTACHMENT A TITLE REQUIREMENTS

Title examination must comply with the Florida Bar, Real Property, Probate and Trust Law Section, Uniform Title Standards and Florida Statutes and conform to the accepted standards of care in the title industry. Any defects in the chain of title must be disclosed in the report, including but not limited to breaks in the chain, defective legal descriptions, improper execution and improper judicial proceedings (e.g., probate, divorce, guardianship, etc.). The title search and examination shall reflect / include the following information, with all referenced documents provided:

- The period of time covered in the search and examination, which must begin with the earliest public records, as well as the certification date of the search;
- The full name and address of the current record titleholder;
- The legal description of the parcel under search;
- A tax summary, which will include:
 - The tax identification number;
 - The name and address of the taxpayer;
 - Status of current tax year;
 - Any delinquent taxes;
 - A list of any outstanding tax certificates with the certificate number and tax year;
 - Status of homestead exemption;
- Names and recording data of any recorded plats affecting the subject parcel, including condominium plats;
- A description of the conveyance to the current record title holder and all conveyances that occurred in the five (5) years immediately preceding the completion date of the title search, with the following for each:
 - The names of both the Grantor(s) and Grantee(s);
 - The date of execution;
 - Recording date, book and page;
 - The amount of the documentary stamps;
- Any and all easements, mortgages, judgments, and defects in the chain of title affecting the donation parcel;
- All unsatisfied liens affecting the property under search, including but not limited to:
 - Construction liens including Claim of Lien, or Contest of Lien;
 - Certified copies of judgment liens based on a name search of every record owner of the subject property for their respective period of ownership within the 20 years preceding the certification date of the search. Judgment liens that predate the current and previous title holders in the chain must also be included;
 - Mortgages and assignments of mortgages;
 - Federal (IRS) tax liens;

- State tax liens and warrants for collection of taxes;
- Improvement liens such as water and sewer liens;
- Uniform Commercial Code (UCC) financing statements;
- Code Enforcement liens;
- Any additional title evidence affecting the property under search including but not limited to:
 - Possessory interest such as easements, leases and assignments of leases;
 - Lis Pendens indicating pending litigation;
 - Murphy Act Reservations and Everglades Drainage District Reservations, together with any release or partial release of such reservations;
 - Reservations for life estates;
 - Reversionary interests;
 - Quiet title or partition suits affecting the property under search;
 - Any contiguous lands owned by the record title holder and lying adjacent to the parcel under search;
 - Any suggestion of bankruptcy affecting the record title holder;
 - Public rights of way on or adjacent to the subject parcel other than state owned rights of way, including any maps filed by local governmental entities pursuant to Section 95.361, Florida Statutes;
 - Any document creating or affecting a fiduciary or agency relationship, such as guardianships, powers of attorney or trusts;
 - Dissolution of Marriage including the Final Judgment, Property Settlement Agreement or any order of the court that may affect title to the parcel;
 - Death certificates, if applicable;
 - Any applicable probate proceedings including the will and any codicils, the Petition for Administration, Letters of Administration, inventory if the subject property is included, Notice to Creditors with the proof of publication, any outstanding claims by creditors, receipt for federal and state estate taxes or the non-taxable certificate, and any Order of Distribution of the subject property;
 - Declaration of Condominium and name and address of the condominium association;
 - Comments concerning the title researcher's personal knowledge of matters not of record affecting the parcel under search;
 - A status report from the Secretary of State's Office for any business entity shown as current record owner registered with the Secretary of State;
- Typed name and signature of the title researcher.

If a document shown within the title search refers to another document (such as a deed referencing a mortgage), a copy of the referenced document must be included with the title search report unless said referenced document has been released. Note on the title search report when an instrument has been released and the Official Records book and page of said release. Also note if a referenced document is not applicable.

Certification of Information

The following certification shall be included in the title search that is submitted to the Department:

The undersigned hereby certifies that a comprehensive search and examination of the Public Records of _____ County, Florida has been conducted, identifying the apparent ownership of the lands described herein, together with all interests affecting said lands.

I further certify that a complete chain of title beginning from the earliest public record has been fully examined. Additionally, the results of a 20-year name search for every respective record title owner is reflected in this report.

CHECKLIST FOR APPLICANTS – DONATIONS

Please label the submitted documents using the number sequence below. Example, sketch and legal file would be named, "file 2".

- ☐ 1. Did you provide a copy of the pre-application review findings letter (if issued)?
- ☐ 2. Did you provide a signed and sealed copy of the sketch and legal description of the area to be donated to FDOT? *The survey must state that it was prepared using the title report, as provided in section 9 herein.*
- ☐ 3. Did you provide a copy of the existing and/or proposed site plan for the property?
- ☐ 4. Did you provide an Environmental Features Report **or** Phase I Environmental Site Assessment (ESA) of the area to be donated, dated within **18 months** of submittal?
- ☐ 5. Did you include the tax identification number and status of the property taxes of the subject property?
- ☐ 6. Did you include the full name of the individual **or** entity owning the property and the full names of any persons authorized to act on behalf of and legally bind the entity?
- ☐ 7. Did you provide either an Attorney's Opinion of Title prepared exclusively for FDOT **or** Title Insurance Policy with FDOT named as insured (including the full title report)? Was it prepared in accordance with Attachment A (Title Requirements)?
 - a) Did you include all supporting documents listed within the above-provided title document?
- ☐ 8. Did you provide a plan sheet overlay detailing precise measurements of the donation area from existing to proposed right of way? Have the turn lane and sidewalk detailed in this sheet.

Signature

Date

Name (printed)

Company

Contact Person Name: _____	Telephone: _____
E-mail: _____	