



South Florida Water Management District

GOVERNING BOARD LUNCH & LEARN AGENDA

February 27, 2024

11:30 AM

via Communications Media Technology

Zoom Registration Link: <https://sfwmd.link/4aXuj9Q>

FINAL

This moderated Lunch & Learn will provide the public and Governing Board with an overview of the Release of Reservations process.

The workshop session is informative in nature, and no decisions will be made by the Governing Board.

1. Overview of the Lunch & Learn Format
2. Release of Reservations - Marcy Zehnder, Section Administrator, Real Estate, and Jennifer Reynolds, Division Director, Ecosystem Restoration
[Final Presentation](#)
3. Public Comment
4. Board Discussion
5. Adjourn



**Lunch & Learn
February 27, 2024**

Release of Reservations



Jennifer Reynolds
Division Director
Ecosystem Restoration

Marcy Zehnder
Section Administrator
Real Estate Operations
Real Estate Bureau



Agency History



1845 – Florida becomes a State

1850 - Swamp and Overflowed Lands Grant Act

1855 - Internal Improvement Fund Act

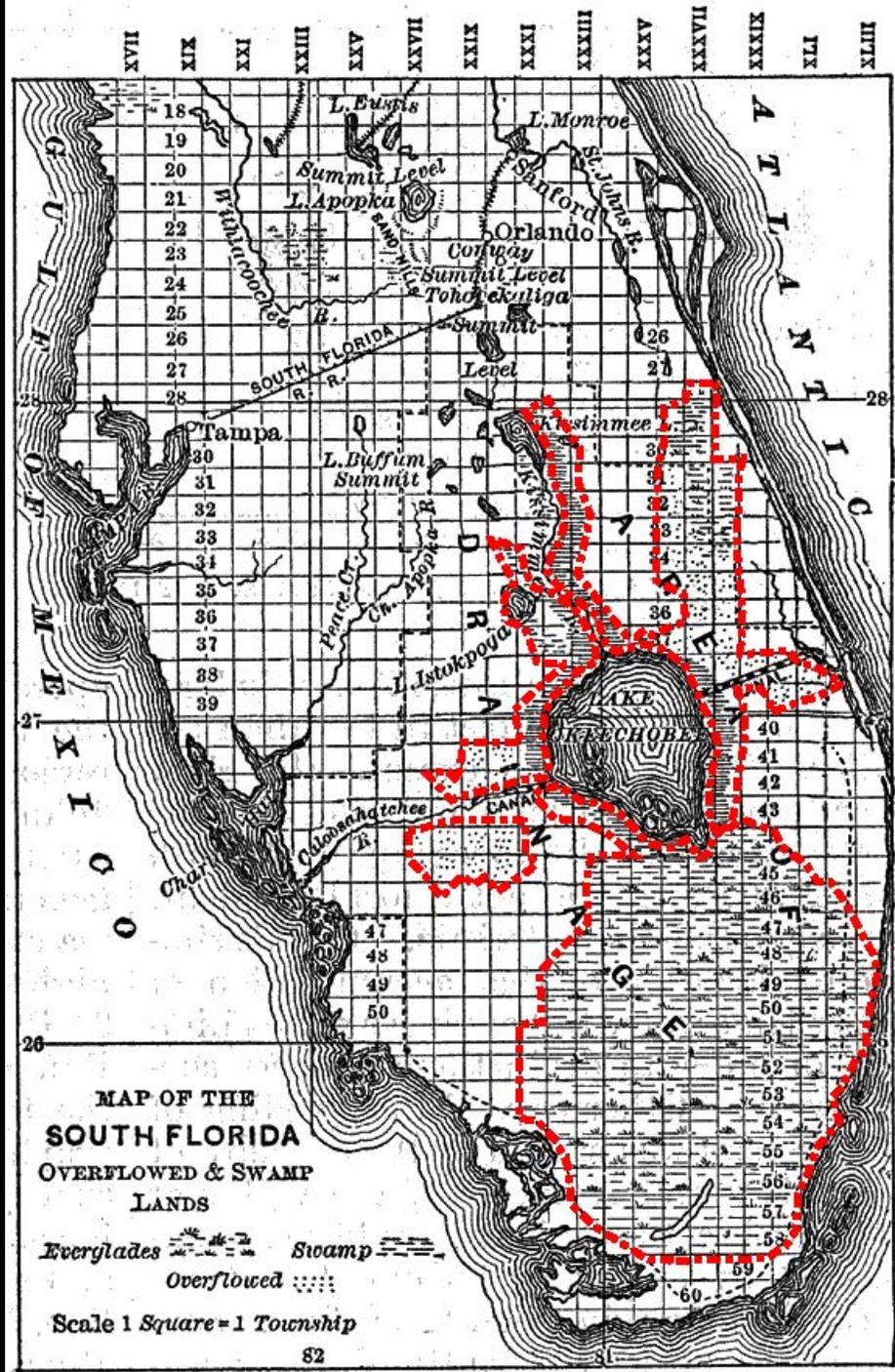
1905 - Board of Drainage Commissioners created

1913 - Everglades Drainage District (EDD) created as successor agency

**1949 - Central and Southern Florida Flood Control District (CSFFCD) created, and
EDD abolished**

1972 - South Florida Water Management District (SFWMD) created

1976 – CSFFCD renamed SFWMD



History of Reservations



1855 to 1925 - lands sold by the State of Florida to include a canal reservation for future reclamation and drainage needs (Laws of 1855, Chapter 610)

1925 to 1949 - lands sold by the State or EDD within the Everglades Drainage District must contain a reservation for future reclamation and drainage (Laws of 1925, Chapter 10024)



What is a Reservation?

A proprietary real estate interest reserved in a deed.

Reservations may include a future right to build canals, roads, and any “Work of the District” necessary for drainage or reclamation. General canal reservation language is substantially the same in State of Florida and EDD deeds.

EDD reservations were created in deeds when selling land that was foreclosed on due to unpaid drainage taxes.

Reservation Language



"Saving and reserving unto the said Board of Commissioners of Everglades Drainage District, and its successors, the right at any time to enter upon the said lands and make or cause to be made, or constructed thereon, such canals, sluice-ways, dikes and other works as may in the judgement of said Board, or its successors, be necessary and needful for the drainage or reclamation of any of the lands in the Everglades Drainage District, and to take from the said lands hereby conveyed and to use such gravel, stone or earth as may, in the judgement of the said Board, or its successors, be necessary to use in the making and construction of said canals, cuts, sluice-ways, dikes and other works upon said lands for the purposes aforesaid."

Application Types



Two (2) types of release applications and reserving deeds:

- **EDD Reservations – SFWMD issues release**
 - Reservations contained in deeds conveying land within Everglades Drainage District (over 8,000 deeds exist)
 - \$250 application fee per deed and release value payment (3%); adopted by the Governing Board in December 2017 at 1% and increased to 3% in August 2023
- **State/TITF Reservations – DEP issues release**
 - Reservations contained in deeds conveying land by the State
 - SFWMD is required to advise DEP regarding local need for the reservations
 - \$250 application fee

For both types of applications, SFWMD's Real Estate Bureau routes the application to SFWMD staff, County, and any Drainage District, to determine if there is a local need for the reservations.



Why Request a Release of Reservations?

Reservations are considered a cloud on the title to a property.

Reservations may be incorporated into the negotiated purchase price of the property.

In a real estate transaction, a release may be requested to clear the title, especially when financing is involved.

Staff Review of Release Request



The District receives applications to release reservations for both EDD and State of Florida canal reservations.

Staff evaluates and provides best professional judgement regarding anticipated current and future needs on a case-by-case basis.

The application is also routed externally to local governments and drainage districts when applicable.

Example 1: Small Reservations

Governing Board approved these 3 releases:

Broward County – April 2023

- **Release District canal reservations for BLUSV I FL 2851 Evans Street, LLC, (File No. 18925) for 1.06+/- acres**

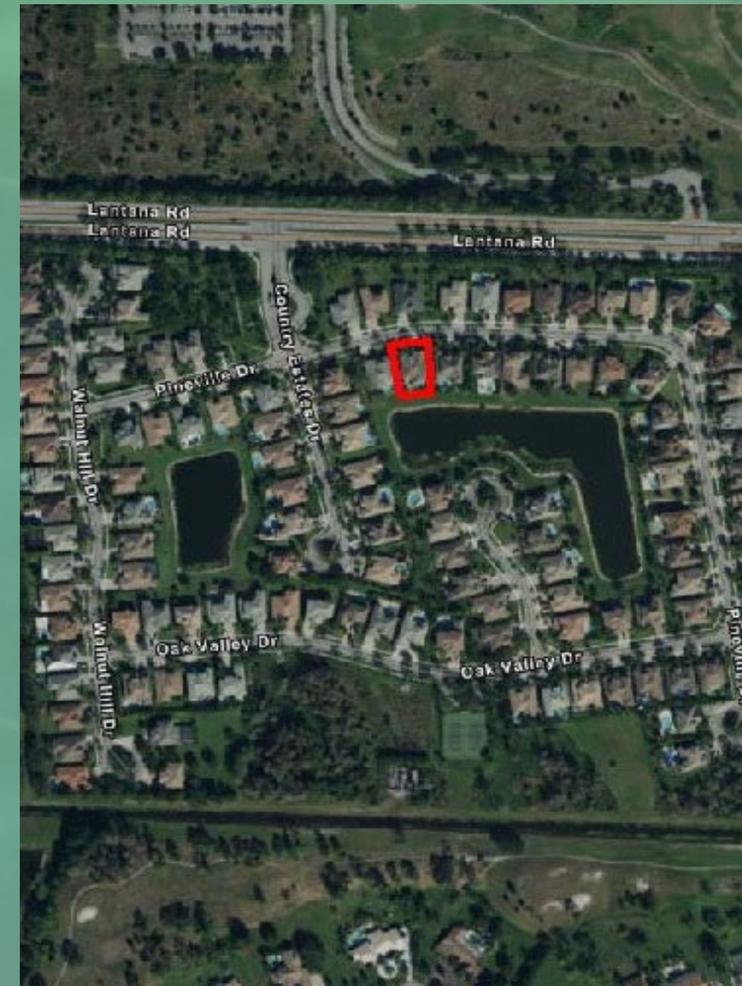
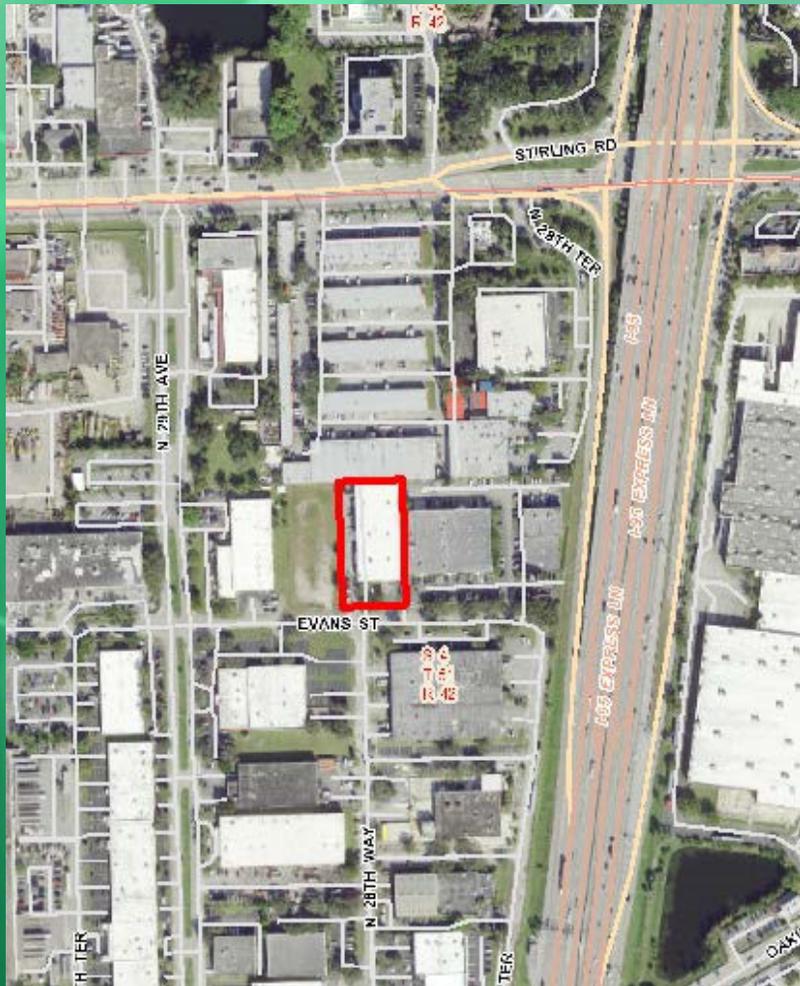
Palm Beach County – April 2023

- **Release District canal reservations for Boca Raton Associates X, LLLP, (File No. 18924) for 0.13+/- acre; parcel is being conveyed to Palm Beach County for Lyons Road right of way.**

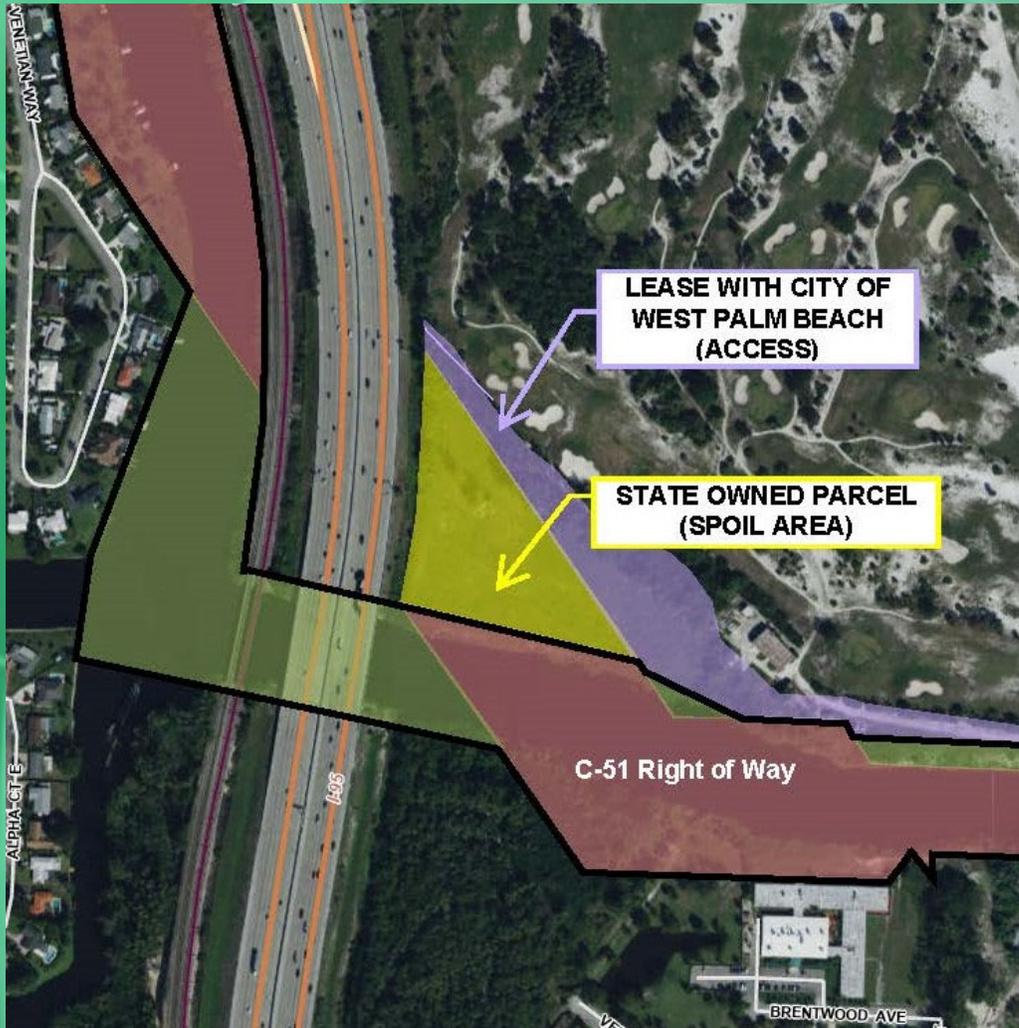
Palm Beach County – May 2022

- **Release District canal and road reservations for Peter and Christine Taddeo (File No. 18898) for 0.25 +/- acre (homestead)**

Example 1: Small Reservations (Maps)



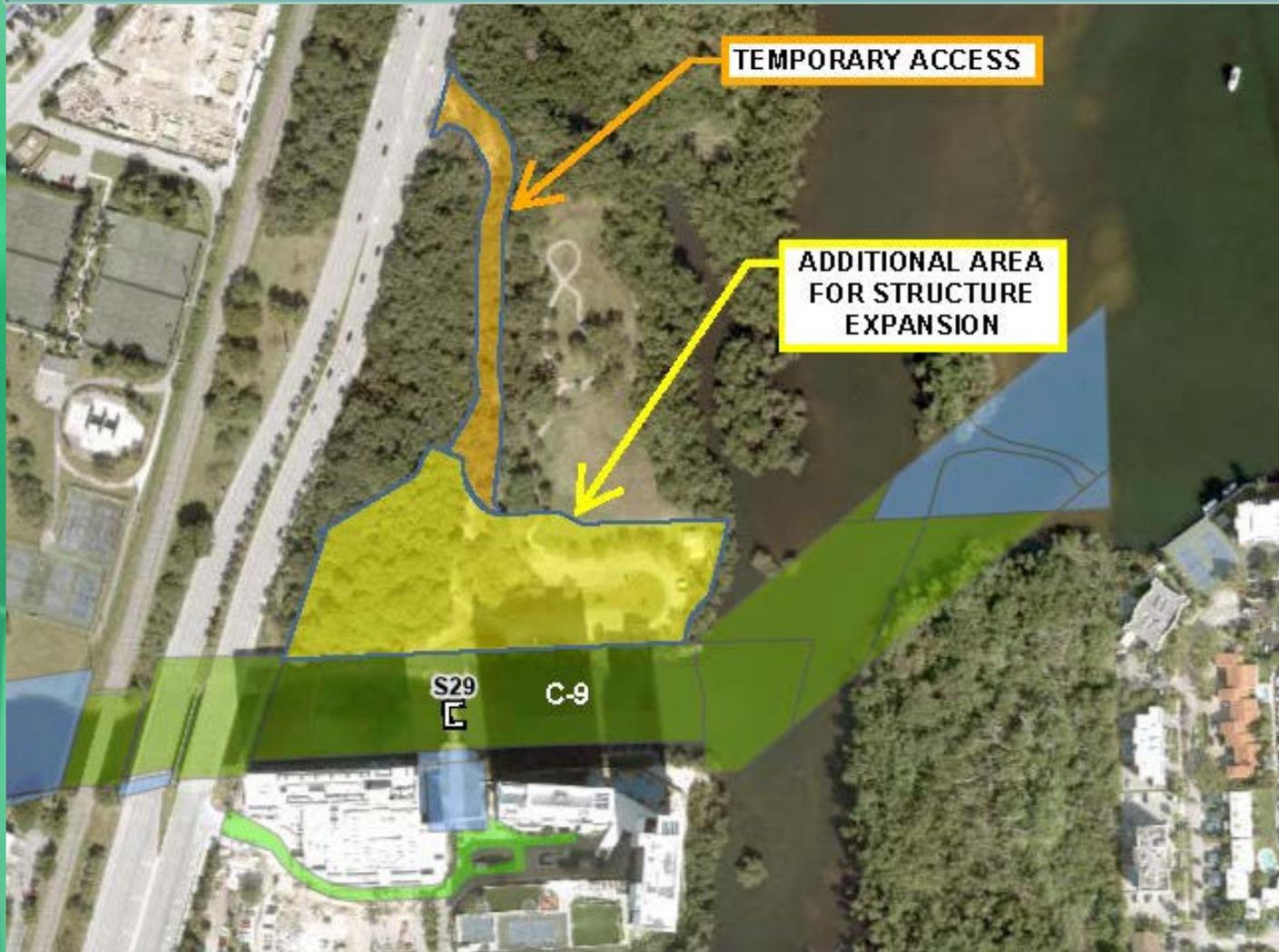
Example 2: Project O&M Need



The C51 Canal and a sediment trap project located in the canal require maintenance dredging. When sediment is dredged from the canal it is deposited and spread on land to dry and then hauled away for recycled use or disposal.

This property is an example of land that is not part of the canal right of way or the project but is used to maintain the project. In this case, the spoil area is owned in fee by the State of Florida and the District holds easements and reservations that were transferred by the State. A reservation may provide sufficient real estate interest for us to conduct a similar type of activity.

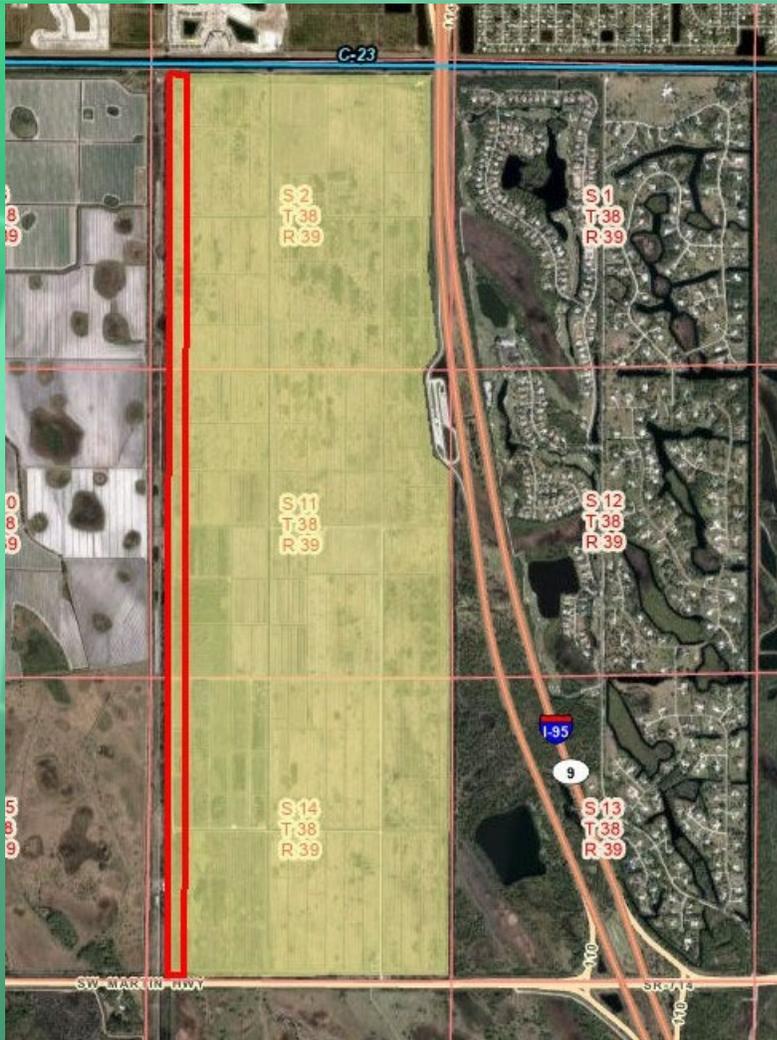
Example 3: Future Project Expansion Need



S-29 Resiliency Project:

- Additional area needed for expansion of structure
- Temporary Access needed for construction

Example 4: Release and Repurchase



C-23/C-44 Interconnect (Indian River Lagoon – South)

- **General Canal Reservations and 130-foot Centerline Canal Reservations released in 2012 for \$500 application fee; 1,603.89 acres**
- **District repurchased a strip of right of way to build a canal in 2020 for \$5 million; 108.55 acres**

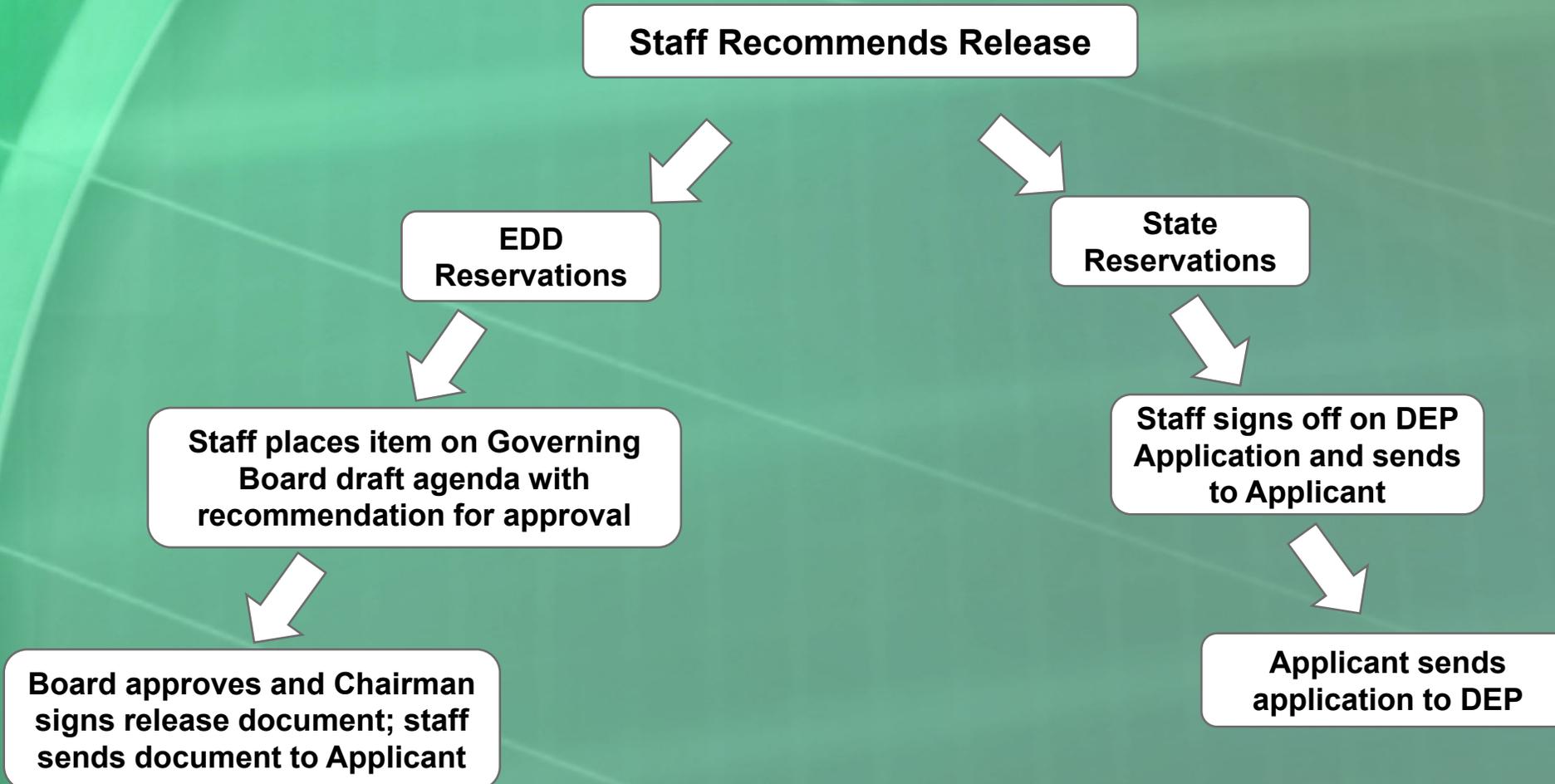
Steps After Staff Review



Recommend Release – package is prepared for governing board agenda

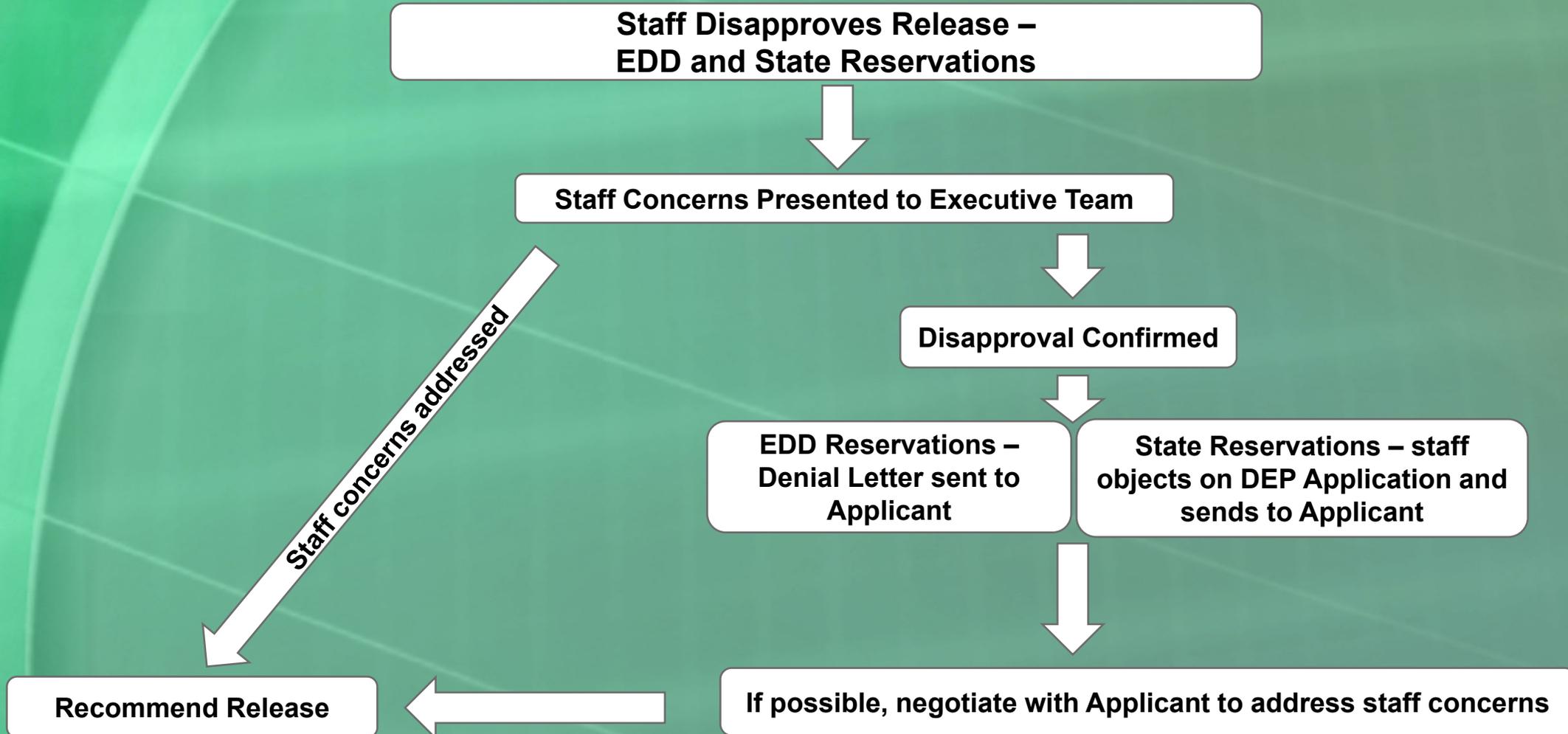
Recommend Retaining the Reservation – rationale is presented to Executive Team and letter prepared for applicant

Staff Recommends Release





Staff Disapproves Release



Considerations and Next Steps



- **Current and anticipated maintenance and operations**
- **Current and anticipated future projects**
- **Ongoing and anticipated studies**
- **Researching reservations**
- **Outreach and communication**