

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 of the required information and if a permit is ultimately approved, the applicant will be required to convey fee simple interest of the donation area to FDOT via warranty deed.

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 may delay processing);
- 2) A copy of the pre-application review findings letter, if issued;
- 3) Five (5) signed and sealed copies 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;
- 4) A copy of the existing and/or proposed site plan for the property;
- 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) A statement from the appropriate county tax collector identifying delinquent and daily pro-rata taxes due on the area to be donated;

- 8) 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
- 9) One (1) of the following title documents:
 - o A Title Report prepared exclusively for FDOT;
 - o Attorney's Opinion of Title prepared exclusively for FDOT;
 - o Title Commitment (Binder) with FDOT named as the proposed insured; or
 - o Title Insurance Policy with FDOT named as insured.

Any of the above referenced title documents must be dated within 90 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 contiguous property owned by the applicant (or the area to be donated) and must include legible copies of the following:

- a) Proof of current ownership including the deed/acquiring document;
- b) A search 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 (including Board of Trustees of the Internal Improvement Trust Fund, a/k/a TIITF, and Everglades Drainage District, a/k/a EDD, easements/reservations and releases); and
- c) All unrecorded documents, such as leases.

NOTE: Title information will be rejected if all supporting documentation is not attached.

The applicant is also responsible for:

- Providing FDOT with clear title;
- Ensuring that the deed and any other necessary documents are reviewed and approved by FDOT and are executed by the proper party(ies);
- Providing the original executed document(s) to Right of Way Production Services, attention to the appropriate agent, who will have the document(s) recorded and returned to the applicant;
- Paying 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 (the date the deed is signed). NOTE: Proof of payment will be required by FDOT; and
- Ensuring the most current version of this document is used by accessing it at the following Internet link (go to “Right of Way Donations/Dedications” under “Additional Information and Examples”):

<http://www.dot.state.fl.us/statemaintenanceoffice/District4PermitInformation.shtm>

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 “... 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;”
- 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.

CHECKLIST FOR APPLICANTS - DONATIONS

- Did you provide a copy of the pre-application review findings letter (if issued)?
- Did you provide (5) signed and sealed copies of the sketch and legal description of the area to be donated to FDOT?
- Did you provide a copy of the existing and/or proposed site plan for the property?
- 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?
- Did you include the tax identification number and status of the property taxes of the subject property?
- Did you include a statement from the appropriate county tax collector identifying delinquent and daily pro-rata taxes due on the area to be donated?
- 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?
- Did you provide either a Title Report prepared exclusively for FDOT or an Attorney's Opinion of Title prepared exclusively for FDOT or a Title Commitment (Binder) with FDOT named as the proposed insured or a Title Insurance Policy with FDOT named as insured (**including all supporting documentation**)?

Signature

Date

Name (printed)

Company

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