

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Gary Shimun, Town Administrator / 954-797-1030

**PREPARED BY:** Phillip R. Holste, Program Manager / 954-797-1041

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** 4

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE APPLICATION TO THE INTERNAL IMPROVEMENT TRUST FUND OF FLORIDA FOR THE RELEASE FOR OIL, MINERAL AND CANAL RESERVATIONS TO THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Town of Davie and Home Dynamics have a wetland mitigation agreement for the Van Kirk property through R2004-81. The project is currently in wetland permitting through the South Florida Water Management District (SFWMD). As part of the permitting, the Town needs to submit an application to the Internal Improvement Trust Fund of Florida for the release of oil, mineral and canal reservations for the subject site. If approved, the Trust Fund will transfer these reservation rights to the Town of Davie.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** Town Attorney's Office has reviewed the item for legal sufficiency and certified the property's title.

**FISCAL IMPACT:** No

Has request been budgeted? n/a

If yes, expected cost: \$

**RECOMMENDATION(S):**

**Attachment(s):** Resolution, Application

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE APPLICATION TO THE INTERNAL IMPROVEMENT TRUST FUND OF FLORIDA FOR THE RELEASE OF OIL, MINERAL AND CANAL RESERVATIONS TO THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie and Home Dynamics have an agreement for wetland mitigation at the Van Kirk site; and

WHEREAS, the project is currently being permitted through SFWMD; and

WHEREAS, the Town needs to submit an application the Internal Improvement Trust Fund of Florida, requesting the release of oil, mineral and canal reservations; and

WHEREAS, this application will further the Van Kirk wetland permitting process.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie hereby approves the Internal Improvement Trust Fund application submittal and authorizes the Mayor to execute the application of which is attached as Exhibit "A", on behalf of the Town.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_

\_\_\_\_\_

ER

MAYOR/COUNCILMEMB

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

**Exhibit A: Reservations Release Application to Internal Improvement Trust Fund**

APP-REL

APPLICATION FOR RELEASE OF RESERVATIONS  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
OF THE STATE OF FLORIDA

This application is to be used in order to apply for release of canal reservations, road right-of-way reservations or the release of right-of-entry and exploration for oil and mineral reservations, which are reserved in favor of either the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) or the State Board of Education. All applications must be submitted to the following address:

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF STATE LANDS  
BUREAU OF PUBLIC LAND ADMINISTRATION  
POST OFFICE BOX 3070  
TALLAHASSEE, FLORIDA 32315-3070

If you have any questions, after reading this application form, please call (850) 245-2720 for assistance.

PART I: RESPOND TO ITEMS 1 THROUGH 6 IN THEIR ENTIRETY

1. TYPE OF RELEASE REQUESTED:

- Oil and mineral reservation (Right-of-Entry and Exploration only)  
 Road right-of-way reservation  
 Canal reservation  
 Corrective (Corrective releases will be processed as original applications unless an error was made by the Department.)

2. INFORMATION FROM THE ORIGINAL DEED CONTAINING THE RESERVATION:

Original Deed Number(s) 16,571  
Original Grantee THE TATUM LAND COMPANY  
Date of Original Deed 9/24/17

3. Present Owner of Record of Subject Property: The Town of Davie, a Florida municipal corporation

4. Represented by: Sarah Stewart, AICP

Address: 10228 Highbury Lane, St. Louis, MO 63123 Phone: 314-853-7829

5. The subject property is located in:  
(PLEASE SUBMIT THIS INFORMATION)

Broward County; Section 14, Township 50, Range 40, Acreage 115.05 (for oil/mineral)

6. Each application must contain the following:

- a. A legible copy of the original deed containing the reservation.
- b. A legal description of the subject property, including the Section, Township, and Range; and a survey, if requested.  
(If applying for an oil/mineral release, the legal description must contain acreage of tract.)
- c. A recommendation by the appropriate agency for a canal or road right-of-way release or special requirements for release of right-of-entry for oil/mineral reservation:
  - (1) When requesting the release of the right-of-entry for oil/mineral reservation, refer to Part II on page 2 for instructions.
  - (2) When requesting the release of a road right-of-way reservation, a recommendation from the appropriate Department of Transportation District office, and/or county Public Works Department (refer to Part III on page 3).
  - (3) When requesting the release of a canal reservation, a recommendation from the appropriate Water Management District (refer to Part IV on page 4).
- d. An application fee in the form of a check in the amount of \$300 per release requested made payable to the Department of Environmental Protection. Note: Please write "Release of Reservation" on the front of the check.

FOR OFFICE USE ONLY

RESERVATIONS \_\_\_\_\_ ORIGINAL DEED NO. \_\_\_\_\_ COST \$ \_\_\_\_\_

- e. Satisfactory evidence certifying that the applicant is the legal record owner of the subject land. Paragraph 18-2.017(53), Florida Administrative Code, defines satisfactory evidence of title to mean a current title insurance policy, current title binder, or title commitment issued by a title insurance company authorized to do business in the State of Florida or an opinion of title prepared by a member of The Florida Bar covering title to the land described below. "Current" means no more than six months old.
- f. Notarized signature of present owner(s) of record.

**CERTIFICATE OF TITLE**  
(PLEASE COMPLETE IN FULL, INCLUDING LEGAL DESCRIPTION AND DATE)

This is to advise that I am a member in good standing of The Florida Bar and that I have examined the public records, abstracts of title, title insurance policy, title insurance binder, or commitment relating to the title to the following described real property lying and being in Broward County, Florida, to-wit:

All of Block 1, less the North 1,196 feet thereof, of VAN KIRK GROVE, according to the Plat thereof, as recorded in Plat Book 15, at Page 45 of the Public Records of Broward County, Florida.

and based, upon said examination, I certify that as of January 21, 2008 (current date), title to the abovescribed real property is vested in:

The Town of Davie, a Florida municipal corporation  
ARCHIE J. RYAN III  Signature  
 Print Name of Attorney  
 Florida Bar Number 0258792

**SIGNATURE (S) OF PRESENT OWNER (S) OF RECORD**

I (We), The Town of Davie, a Florida municipal corporation, the present owner(s) of record; hereby request a release of reservation on the above-referenced property.  
Print or Type in Name(s)

STATE OF FLORIDA  
 COUNTY OF \_\_\_\_\_  
 Subscribed and Sworn to before me

this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 20 \_\_\_\_ Signature of present owner of record

\_\_\_\_\_  
 Notary Public (Seal) Signature of present owner of record

My Commission Expires: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of present owner of record

**PART II: INSTRUCTIONS AND INFORMATION REQUIRED TO APPLY FOR A RELEASE OF RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL RESERVATION**

DO NOT SUBMIT AN APPLICATION TO THE BOARD OF TRUSTEES WHEN REQUESTING THE RELEASE OF RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL RESERVATION ON PARCELS UNDER TWENTY ACRES IN SIZE. THE RIGHT-OF-ENTRY AND EXPLORATION FOR OIL AND MINERAL RESERVATIONS ON PARCELS UNDER TWENTY ACRES IN SIZE HAS BEEN RELEASED PURSUANT TO SECTION 270.11, FLORIDA STATUTES.

IN ORDER TO QUALIFY FOR A RELEASE OF THE RIGHT-OF-ENTRY AND EXPLORATION FOR AN OIL AND MINERAL RESERVATION ON PARCELS TWENTY ACRES OR GREATER IN SIZE, THE APPLICANT MUST SUBMIT AN AFFIDAVIT CERTIFYING THAT EACH PARCEL WILL BE A PERMANENT BUILDING SITE, WITH DETAILS AND DATE OF CONSTRUCTION PROPOSED AND THE LAND USE WILL NOT INVOLVE PHOSPHATE MINERAL, METAL OR PETROLEUM EXTRACTION, AS SET FORTH IN PARAGRAPH 18-2.018(3)(E), FLORIDA ADMINISTRATION CODE. PLEASE INCLUDE A BUILDING SITE PLAN, IF AVAILABLE.

