

SECTION 30. ECONOMIC AND COMMUNITY DEVELOPMENT SERVICES**30.25 RELEASE OF CONSERVATION EASEMENTS**

A. PURPOSE AND SCOPE. To provide regulations and procedures to govern requests for the release of conservation easements. The procedures contained herein apply to the following types of properties and easements:

(1) Easements obtained for stormwater or drainage retention purposes which were erroneously denominated as conservation easements; and

(2) Properties encumbered by a conservation easement through inadvertence, mistake or scrivener's error.

No other type of conservation easement may be released and staff shall return any application (and five hundred dollars (\$500.00) of the application fee) found not to meet one or more of the above stated types of properties or easements. Acceptance and processing of an application does not guarantee that the Board of County Commissioner's of Seminole County (BCC) will approve the request as the release of a conservation easement is solely within the BCC's discretion and may be denied for any reason.

B. APPLICATION.

(1) The fee simple owner of property that is subject to a conservation easement held by Seminole County, or a designated agent, may submit an application to the Planning and Development Division for the release of all or a part of the conservation easement. The application fee is seven hundred dollars (\$700.00) and must accompany the submittal of an application. If the application is returned due to a determination that it does not meet the requirements of Section A above, then two hundred dollars (\$200.00) of the fee shall be retained by the County to cover the costs of the initial investigation of the application.

(2) The application shall, at a minimum, include the following information:

(a) The name of the owner of the fee interest in the property and, if applicable, the name of the designated agent;

(b) Proof of ownership of the property. If the applicant is not the owner of the fee title to the property, then the applicant shall present an affidavit of authority providing for the applicant's authorization to seek approval of the release of the subject conservation easement on behalf of the fee owner. The affidavit of authority shall be signed by the property owner and said signature shall be properly attested by a notary public;

(c) A copy of the document creating the conservation easement. The copy shall clearly identify its official land record recording information;

(d) A site plan or survey/sketch of description of the subject property showing the conservation easement area to be released, including the overall parcel,

drawn to scale on an 8.5” by 14” sheet, suitable for recording in the public records. The site plan or survey/sketch of description shall depict all on-site wetlands and flood-prone lands;

(e) A typed copy of the legal description of the conservation easement area requested to be released;

(f) A statement outlining the historical background of the project and explaining the development process that resulted in the County’s obtaining the conservation easement;

(g) A statement of the owner’s development plan for the subject property, a depiction of the proposed development to be located upon the conservation easement area, and a description of the proposed clearing, if any;

(h) A statement describing the stormwater system, soils report, flood zones, the number of proposed basins (if applicable), and a statement of whether or not there is legal positive outfall;

(i) A statement addressing the merits of the application; and

(j) A statement addressing how the release of the conservation easement would not be adverse to the public interest.

C. REVIEW OF APPLICATION.

The Planning and Development Division of the Economic and Community Development Services Department shall be responsible for reviewing all applications for the release of a conservation easement. The Planning and Development Division Manager shall first investigate the application to determine whether it meets the requirements of Section A above. If not, then the application shall be returned to the applicant along with the applicable fee refund. If the application meets the requirements of Section A above, then further review shall be undertaken as deemed appropriate. Upon conclusion of the review, the Planning and Development Division Manager shall prepare a written recommendation for the BCC, including supporting reasoning and documents, and shall cause the application to be brought before the BCC for consideration at a public hearing.

D. NOTICE OF HEARING.

Prior to holding a public hearing, the Planning and Development Division Manager shall cause to be published notice of the BCC public hearing to consider the applicant’s proposal to release the conservation easement. The notice must be published once a week for at least two (2) weeks in a newspaper of general circulation in Seminole County. The notice shall, at a minimum, include the time and place at which the public hearing is to be held, a description of the requested action, a legal description of the conservation easement the applicant is requesting the BCC to release, and a general description of the location of the conservation easement.



E. BOARD PUBLIC HEARING.

Upon proper public notice being provided pursuant to Section D, the Board shall hold a public hearing to determine whether or not to release the conservation easement. Considering the opinions and recommendations of the Planning and Development Division Manager, public comment, the objectives, goals and policies of the Seminole County Comprehensive Plan (SCCP), and the provisions of the Land Development Code of Seminole County (LDC), the Board may release the conservation easement if it makes the factual finding that the release would not adversely affect the interest of the public.

F. APPROVAL OF APPLICATION; ENACTMENT OF RESOLUTION.

If the Board determines to grant the application request and release the conservation easement, the Board shall adopt a Resolution releasing the conservation easement to the fee owner. The Resolution shall specifically state that the release of the conservation easement does not adversely affect the interest of the public.

G. RECORDING OF RESOLUTION.

The Planning and Development Division shall record a copy of the Resolution in the official land records of Seminole County and mail the applicant a certified copy.

H. RETURN OF APPLICATION.

The decision that an application does not meet the requirements of Section A above is subject to review by the County Manager upon written request filed within fifteen (15) days after the date the application is returned. The County Manager's decision is final and not subject to further review.

I. DENIAL OF APPLICATION.

The Board's denial of an application shall preclude the Board's consideration of the same or substantially similar application for a period of one (1) year. The Board's denial of an application to release a conservation easement is a discretionary decision, is final, and is not subject to further review or appeal.

- J. AUTHORITY.** Resolution 2001-R-33 adopted February 13, 2001 and
Florida Statutes §704.06
Resolution 2012-R-107 adopted June 12, 2012