



SEMINOLE COUNTY DEVELOPMENT REVIEW DIVISION

1101 EAST FIRST STREET, SANFORD, FLORIDA 32771

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www.seminolecountyfl.gov

APPLICATION FOR A RELEASE OF CONSERVATION EASEMENT

The Board of County Commissioners of Seminole County has adopted a procedure for requesting the release of a Seminole County conservation easement. The procedure is fully set forth in Resolution 2001-R-33 approved by the Board of County Commissioners (BCC) on February 13, 2001, and a copy of this Resolution is attached for your information. **Please note carefully the types of properties and easements that may be released (see Section 1(b) of the Resolution).** The fee is \$700.00; however, if the application does not meet the criteria for processing, the application and \$500.00 of the fee will be returned.

The purpose of this Resolution is to provide regulations and procedures to govern requests for the release of conservation easements held by Seminole County. The procedures set forth herein are not intended to and shall not be construed to create any right to such a release.

This resolution and 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

In short, the BCC has created the following four step process to consider applications for the release of a conservation easement:

- (1) Submission to the Development Review Division of a completed application for the release of a conservation easement accompanied by the appropriate fee.

- (2) Review of the application by the Development Review Division (and return of ineligible requests, together with a portion of the application fee).
- (3) Providing public notice of a BCC hearing to consider the application, including the publishing of two advertisements in the newspaper.
- (4) Public hearing before the BCC for consideration of the application to release the conservation easement. The BCC must find that the release of the conservation easement would not be adverse to the public interest prior to approving the application.

The amount of time required for processing a request for release of a conservation easement depends on the type of request, timely submittal of required documents, and scheduling of the public hearing with respect to established scheduling procedures. That time may vary depending on the information received and the completeness of your application. PLEASE NOTE THAT IF THERE ARE ANY ERRORS IN THE LEGAL DESCRIPTION OF THE ITEM TO BE RELEASED, THIS APPLICATION CANNOT BE ACCEPTED BY THIS OFFICE FOR PROCESSING.

If the request is approved by the Board of County Commissioners, the Development Review Division will submit to the Clerk of the Circuit Court the proof of advertisements, along with the Resolution adopted by the Board and any associated documents for recording in the public records. Subsequent to such recording, the Development Review Division will mail the applicant a certified copy of the Resolution, thereby completing the release of conservation easement process.

If you should have any questions regarding this process, please contact this office at (407) 665-7331.

**APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY FOR THE RELEASE OF A CONSERVATION EASEMENT**

FEE: \$700.00

(PLEASE MAKE CHECKS PAYABLE TO SEMINOLE COUNTY)

RECEIPT NO./DATE: _____

FOR OFFICE USE ONLY:

DR# _____

DRC: _____

BCC: _____

DIST: _____

1. **OWNER INFORMATION** Check if primary contact.

NAME _____

PHONE _____ FAX _____

ADDRESS _____

2. **APPLICANT INFORMATION (If different from above)**

NAME _____

PHONE _____ FAX _____

ADDRESS _____

3. **PROPERTY INFORMATION**

GENERAL LOCATION OF PROPERTY: _____

PROPERTY APPRAISER PARCEL I.D.# _____

SEC. _____ TWP. _____ RGE. _____ . _____ - _____ - _____

SUBDIVISION NAME: _____

LOT: _____ BLK: _____

PLAT BOOK: _____ PAGE: _____

FUTURE LAND USE DESIGNATION: _____

ZONING CLASSIFICATION: _____

4. Please detail the specific reason for the request to release the conservation easement.

5. Please describe the historical background of the property including a statement detailing the development process that resulted in the County's obtaining the conservation easement .

6. Please detail the owner's development plan for the subject property.

7. Please briefly describe the stormwater system, soils report, flood zone, number of proposed basins (if applicable) and state whether or not there is a legal positive outfall.

8. Please provide a statement addressing the merits of the application.

9. Please provide a detailed statement addressing how the release of the conservation easement would not be adverse to the public interest.

10. THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION FOR THE RELEASE OF A CONSERVATION EASEMENT.

- A. Fee of \$700.00 payable to Seminole County.
- B. Site plan or survey/sketch of description showing the conservation easement area to be released, including the overall parcel, drawn to scale on an 8 1/2" X 14" sheet, suitable for recording in the public records.
- C. A typed copy of the legal description of the conservation easement area requested to be released. This may be included within the survey/sketch of description.
- D. Proof of ownership of the property and, if the applicant is an agent of the owner, a signed and notarized authorization to proceed on behalf of the owner.
- E. A copy of the document creating the conservation easement. The copy shall clearly identify its official land record recording information.

- F. A depiction of the proposed development to be located upon the conservation easement area, and a description of the proposed clearing, if any.

10. SIGNATURE OF OWNER / APPLICANT*: _____

If the applicant is not the fee owner, 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; said signature shall be properly attested by a notary public.

IN THE EVENT AN APPLICANT DECIDES TO WITHDRAW THEIR APPLICATION AFTER IT HAS BEEN SUBMITTED, SEMINOLE COUNTY WILL ASSESS THE REFUND AMOUNT BASED ON THE VALUE OF THE SERVICES RENDERED.

LEGAL DESCRIPTION
OF CONSERVATION EASEMENT TO BE RELEASED

PLEASE TYPE THE LEGAL DESCRIPTION OF ITEM YOU ARE REQUESTING TO BE RELEASED. THIS LEGAL DESCRIPTION WILL BE RECORDED IN THE PUBLIC RECORDS OF SEMINOLE COUNTY AND MUST BE CORRECT OR THIS APPLICATION CANNOT BE PROCESSED. (THE SURVEY OR SKETCH OF DESCRIPTION PROVIDED WITH THE CORRECT LEGAL DESCRIPTION OF THE AREA TO BE RELEASED MAY BE NOTED AS ATTACHED HERE.

If you have any questions concerning the application or process, please contact the Development Review office at (407) 665-7331.