## Attachment 33: Procedure for Use of FDEP and FDOT MOU

The following is the procedure for the use of the MOU as an institutional control on contaminated FDEP Right of Way property. The following actions should take place in order.

1. The Responsible Party (RP)/Discharger should submit a proposal to FDEP for a Conditional Site Rehabilitation Completion Order (CSRCO) that includes information for FDOT Right of Way (ROW) property. The proposal for the FDOT ROW portion should include:

1. Special purpose survey, boundary survey or sketch and description as defined under Chapter 5J-17, F.A.C., tied to the FDOT bearing base, and station and offset, and GPS coordinate information showing the map note;
2. Summary of soil and/or groundwater data;
3. Legal description and map note restricted area;
4. Proposed restrictions and requirements;
5. DOT ROW Map and Note signed and sealed by a Florida licensed surveyor;
6. Indemnity agreement between FDOT and RP/Discharger. See Attachment 34; and
7. Recorded reference (aka “deed notice”) (to be recorded on the non-ROW source-property after FDOT creates the Map Note)

2. FDEP should review the RP/Discharger Proposal. FDEP should request that FDOT add the ROW Map Note to its ROW Maps.

1. FDEP should send to FDOT the MOU Exhibit A Request Letter (see Exhibit A of the MOU www.dep.state.fl.us/waste/misc/dnd/DEP\_DOT\_MOU\_01Aug14.pdf) and the following attachments:
	* 1. Letter Attachment 1 - summary of soil and/or groundwater data;
		2. Letter Attachment 2 - special purpose survey, boundary survey or sketch and description as defined under Chapter 5J-17, F.A.C., tied to the FDOT bearing base, and station and offset, and GPS coordinate information showing the map note restricted area, and a legal description of the restricted area;
		3. Letter Attachment 3 - DOT ROW Map Note: diagram of restricted area on ROW map with the following notation:

 **Petroleum Impacted Area**

 **FDEP ID# \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (from STCM, COMET, etc.)**

**FDOT ID# \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Item-Segment No., Financial Project No., Project No.)**

 **SRCO dtd \_\_\_/\_\_\_/\_\_\_**

* + 1. Letter Attachment 4 - Indemnity Agreement between FDOT and RP/Discharger.
1. FDEP should send the Request Letter and Letter Attachments to the following FDOT parties:
	* 1. District Secretary;
		2. cc: District ROW Administrator, District Contamination Impact Coordinator, District Chief Counsel and others per the MOU;
		3. Mail Jocelyn Croci (FDOT) the originals of the signed and sealed specific survey with Map Note and signed indemnity agreement.

3. The RP/Discharger should publish constructive notice of the use of the DOT MOU as the IC for the DOT ROW property.

4. DOT should do the following:

1. Send FDEP the Acknowledgement Letter (MOU Exhibit B) with the ROW Map showing the map note (MOU Ex A.2., <https://softlive.dep.state.fl.us/sites/default/files/DEP_DOT_MOU_01Aug14.pdf>);
2. Record the following with the DOT Mapping Office:
	* 1. MOU;
		2. FDEP Request Letter and Letter Attachments;
		3. FDOT Acknowledgement Letter – to include RWMS recording; and
		4. Transportation facility ROW map with the Map Note; and

5. FDEP should do the following:

1. Upload the MOU, the FDEP Request Letter and exhibits, the FDOT Acknowledgment Letter, and the ROW Map with Map Note into RP/Discharger’s facility number in FDEP Oculus database;
2. Require the RP/Discharger to record a reference (aka deed notice) to the DOT ROW Map Note with the source property in the county records office.

6. RP/Discharger should record a reference (aka deed notice) to the FDOT Map Note in the county land records office and provide a recorded copy of it to and FDEP.

7. FDEP should:

1. Receive notification that the reference (deed notice) is recorded with the source property records in the county records office,
2. Issue the SRCOC within 30 days of receipt of the FDOT Acknowledgement Letter with notification of recording Map Note; and
3. Provide a link to all the above documents to RP/Discharger and DOT.

8. FDOT should:

1. Update the transportation facility ROW Map Note in the FDOT district mapping office with the date of SRCO issuance; and
2. Provide the updated ROW map with the CSRCO date to FDEP for scanning and recording in OCULUS.