## Section C.13: Map of Encumbrances and Restricted Area, and List of Encumbrances

The property owner should provide a list of recorded encumbrances, in addition to copies of those recorded encumbrances, for the reviewing FDEP lawyer. The list of encumbrances should identify the right(s) the encumbrance grants to the holder and whether each encumbrance intersects with and conflicts with the restriction.

If the restriction could affect, or be affected by, the encumbrance holder’s rights in such a way as to constitute a conflict with a proposed IC (as described in the "Owner's Notice to Existing Encumbrance Holders" section of the ICPG), then the owner should provide mailed notice (or published notice in certain limited circumstances) as outlined in subsection 62-780.220(7), F.A.C. See [Attachment 9](https://floridadep.gov/waste/waste/documents/attachment-9-actual-notice-intent-approve-use-institutional-control-easement), Mailed Notice of Intent to Approve, for sample letters.

In addition to sending mailed notice letters to encumbrance holders with conflicts, it may be necessary for property owners to acquire subordinations of encumbrance (for mortgages and easements) or joinders and consents (for easements only). Property owners should carefully read the "Owner's Notice to Existing Encumbrance Holders" section of the ICPG to determine whether subordinations or joinders and consents will be necessary in addition to providing mailed notice letters. See [Attachment 10,](https://floridadep.gov/waste/waste/documents/icpg-attachment-10) Sample Subordination of Mortgage, [Attachment 12](https://floridadep.gov/waste/waste/documents/attachment-12-sample-subordination-encumbrance-declaration-restrictive), Sample Subordination of Encumbrance, [Attachment 11](https://floridadep.gov/waste/waste/documents/icpg-attachment-11), Sample Joinder and Consent for Tenants and Lessees, and [Attachment 13,](https://floridadep.gov/waste/waste/documents/icpg-attachment-13) Sample Joinder and Consent for Encumbrances.

If only a portion of the property is restricted, a labeled map, diagram, or survey showing the locations of all encumbrances in relation to the restricted area should be provided. See [Attachment 14](https://floridadep.gov/waste/waste/documents/attachment-14-example-encumbrance-map-list-easements-affecting-restricted-area), Sample Encumbrance Map and List of Encumbrances.