

Some Tips for Successfully Establishing Site Control

1. If you own the project site, you need to find the document or documents that transferred title to the city or county.

This document is usually some form of deed or, in some cases, a plat that dedicated the property to the city or county. The deed may be a **warranty deed**, a **special warranty deed**, or a **quit-claim deed**. Older deeds may not specify which type they are, and you will need to read the deed to see if it contains language guaranteeing that the person transferring the title has good title to the property. If this language is included, the deed is a warranty deed.

A **quit-claim deed** means that the person transferring the property didn't guarantee that they had good title to the property. In these cases the department requires that you submit a thirty-year title search, with copies of all title-related documents, AND an attorney's opinion that the title search establishes good title in the applicant and that none of the encumbrances on the property will interfere with the proposed uses for the property.

If there are **exceptions** listed in the deed, or if the deed is titled a **special warranty deed** it means there are encumbrances on the property. These may be easements, covenants and restrictions, or other recorded documents that affect title to the property. This means that other people have enforceable property rights that could interfere with your proposed use of the property. If this is the case, you need an attorney's opinion that the exceptions listed in the deed won't interfere with the uses planned for the park. You will also need to include copies of those recorded documents in your site control documentation.

- Deeds frequently attach the legal description as an exhibit. Make sure the legal description is included in your application. Deeds without a legal description are not sufficient.
 - Make sure the legal description in the deed matches the legal description on your boundary map, survey, conceptual site plan, or other documentation.
 - Make sure your site control documentation covers the entire site. If your proposed site covers more than one parcel, make sure all relevant deeds are included and provide a map showing which deed relates to which parcel.
 - If the transfer was by plat and dedication, make sure the dedication on the plat is readable. If the print is too small, provide both the entire plat and an enlarged copy of just the dedication.
2. If you lease the project site, you need to provide the lease agreement. The lease must:
 - a. Extend for thirty years from the date of application;
 - b. Must not be revocable at will by the grantee;
 - c. Must not prohibit the proposed uses of the site; and
 - d. Must grant the applicant the authority to dedicate the property for a minimum of twenty-five years after the project is complete.

Make sure the lease includes the legal description of the property and that the legal description matches your boundary map, site plan, survey, and other documentation.

3. It's very helpful if the boundary map you provide includes a legal description. If you have a boundary survey of the property, that is an ideal boundary map.

4. Where a project uses a city or county right-of-way, the property may have been conveyed to the city or county by the state, may have been dedicated by plat, or may have been dedicated under Florida Statute. You may need to consult your city or county attorney to determine the source of your title.



Proper Site Control Documentation

Warranty Deed

Older deeds may not specify which type they are, and you will need to read the deed to see if it contains language guaranteeing that the person transferring the title has good title to the property. If this language is included, the deed is a warranty deed.

Quit-Claim Deed

Means that the person transferring the property didn't guarantee that they had good title to the property. In these cases, the department requires that you submit a thirty-year title search, with copies of all title-related documents, AND an attorney's opinion that the title search establishes good title in the applicant and that none of the encumbrances on the property will interfere with the proposed uses for the property.

Special Warranty Deed

If there are **exceptions** listed in the deed, or if the deed is titled a **special warranty deed** it means there are encumbrances on the property. These may be easements, covenants and restrictions, or other recorded documents that affect title to the property. This means that other people have enforceable property rights that could interfere with your proposed use of the property. If this is the case, you need an attorney's opinion that the exceptions listed in the deed won't interfere with the uses planned for the park. You will also need to include copies of those recorded documents in your site control documentation.



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The lease must:

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- Must not be revocable at will by the grantee;
- Must not prohibit the proposed uses of the site; and
- Must grant the applicant the authority to dedicate the property for a minimum of twenty-five years after the project is complete.

Make sure the lease includes the legal description of the property and that the legal description matches your boundary map, site plan, survey, and other documentation.



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Title Commitment or Title Policy

A title policy and or title commitment is useful mainly if copies of all exceptions and a title opinion stating that none of the exceptions will preclude the trail is included.

Right of Way

Where a project uses a city or county right-of-way, the property may have been conveyed to the city or county by the state, may have been dedicated by plat, or may have been dedicated under Florida Statute. You may need to consult your city or county attorney to determine the source of your title.



Proper Site Control Documentation

The Department encourages anyone with site control questions or concerns, to please contact our Program Attorney, Patricia Henry, so that she may review **BEFORE** you submit inadequate documentation.

Patricia Henry, Program Attorney – Patricia.Henry@FloridaDEP.gov

Please note that submittal of any deeds, lease agreements, or title documents does not automatically guarantee that the applicant has properly demonstrated site control for the proposed project site. FRDAP staff will thoroughly review submitted site control documents for sufficiency, noting any deficiencies.