

PROFESSIONAL SKETCH REQUIREMENTS
**For Leases and Private Easements (≤3,000 Square Feet Preempted Area Over
Sovereignty Submerged Lands) and All Public Easements**

INSTRUCTIONS TO STAFF:

1. Provide the applicant/agent the Professional Sketch Requirements when the project will require a sovereign submerged lands lease or private easement that will preempt **less than or equal to 3,000 square feet** or a public easement. If the applicant/agent chooses to submit a boundary survey, provide them with SLER 0955 and use the survey checklist provided in that section.
2. After you receive the sketch and easement/lease area description, use the attached lease or easement checklist as a guideline for review. The completed checklist must be included in the file sent to the Division of State Lands

BACKGROUND:

Chapter 18-21, Florida Administrative Code, requires that a land survey be provided for sovereignty submerged land leases. However, on May 14, 1991, the Board of Trustees of the Internal Improvement Trust Fund authorized a waiver of the survey requirement in the following situations:

- When registered grandfathered structures or unregistered grandfathered structures are brought under lease (regardless of the total square footage of sovereignty submerged lands preempted); and
- When existing or proposed facilities are brought under lease that preempt less than or equal to 3,000 square feet.

The above guidance for a “survey waiver” was originally provided in SLER 0955, but was rescinded in February 2005. The former procedures allowed for the lease area to be depicted in association with the upland property description as a hand-drawn sketch.

However, in order to reflect accurate preemption areas and to provide the Division of State Lands and the State Lands Mapping Section with accurate data, it was decided that the Department would no longer allow for the description of the upland property to be submitted with a hand-drawn sketch. The majority of the grandfathered structures should have already come under lease and if they have not, they should not be allowed the benefit of provided a hand drawn sketch. In addition, as riparian areas get more crowded and waterfront property becomes more limited, it is to the benefit of the Department to have a professional sketch submitted for these smaller leases.

The following procedures require submittal of a professional sketch of description, prepared by a surveyor.

PROFESSIONAL SKETCH REQUIREMENTS
**For Leases and Private Easements ($\leq 3,000$ Square Feet Preempted Area Over
Sovereignty Submerged Lands) and All Public Easements**

INSTRUCTIONS TO APPLICANT

IMPORTANT:

THIS PACKAGE PROVIDES THE SUBMERGED LANDS AND ENVIRONMENTAL
RESOURCES PROGRAM REQUIREMENTS THAT MUST BE MET IF YOUR PROJECT
QUALIFIES FOR A LEASE OR EASEMENT AS DESCRIBED ABOVE

IF YOU CONTRACT WITH A DESIGNATED AGENT/ENTITY TO PROCESS YOUR
SUBMERGED LANDS PUBLIC EASEMENT OR LEASE APPLICATION, YOU MUST
PROVIDE THEM THIS PROFESSIONAL SKETCH OF DESCRIPTION REQUIREMENTS
PACKAGE

PROFESSIONAL SKETCH REQUIREMENTS
**For Leases and Private Easements (<3,000 Square Feet Preempted Area Over
Sovereignty Submerged Lands) and All Public Easements**

When a project involves an activity on sovereignty submerged lands that requires an easement or lease, an application for a Board of Trustees (BOT) easement or lease must be filed and processed by the appropriate DEP District Office. The information identified below must be submitted to the DEP District Office in order for your application for easement or lease to be processed. The following procedures are specific to sovereign submerged lands leases or private easements that will preempt **less than or equal to 3,000 square feet** and all public easements.

The information must be prepared from the most recent records (i.e., existing rights-of-way maps, existing surveys, deeds). At the minimum, the following will be required:

**SKETCH OF DESCRIPTION (OF THE EASEMENT/LEASE AREA ON SOVEREIGNTY
SUBMERGED LANDS)**

1. Three (3) 8 1/2" x 11" prints of the sketch of description. If the prints are reduced from a larger drawing, a copy of the original drawing must also be submitted for clarity purposes.
2. The sketch of description must be clearly labeled "NOT A FIELD SURVEY."
3. All copies must be dated, signed (original signatures), and sealed by a surveyor registered with the Florida State Board of Professional Land Surveyors and Mappers stating that the sketch of description (sketch of the easement/lease area) is in compliance with the Minimum Technical Standards pursuant to Chapter 61G17-6, Florida Administrative Code.
4. The size and dimensions of all proposed and existing structures within the right-of-way must be shown on the sketch; or engineering drawings (8 1/2" x 11" prints) including this information must be provided.
5. An *approximate* mean high water line (MHWL) in tidally influenced waters or an *approximate* ordinary high water line (OHWL) in non-tidally influenced waters must be **shown** on the sketch with a note clearly stating that the *approximate* line is not intended to be the legal boundary between private and state ownership. (Note: the **description** must refer to the *actual* mean or ordinary high water line-- see below.)
6. Scaled or surveyed NAD 1927 or 1983 coordinates of the point of beginning (POB) of the easement/lease area must be shown on the sketch. The coordinates may be scaled from a USGS quad sheet or other suitable maps. The method used to determine the coordinates must be noted on the drawing.

LEASE AREA DESCRIPTION

A metes and bounds description of the perimeter of the lease sought must be provided on a separate 8 1/2" x 11" sheet and must include the county, section, township and range, the name of the affected waterbody and the approximate square footage of the lease. The lease description must call for the MHWL or OHWL even though the water boundary may be represented on the sketch by an approximate line or safe upland line.

EASEMENT AREA DESCRIPTION

A metes and bounds description of the perimeter of the easement sought must be provided on a separate 8 1/2" x 11" sheet and must include the county, section, township and range, the name of the affected waterbody and the approximate acreage of the easement. The easement description must call (bearing and distance) for an actual MHWL or OHWL. (A call for the approximate line of MHWL or OHWL will not be accepted in the description (the line must be known), but is acceptable on the sketch.) A centerline description will not be accepted.

LOCATION SKETCH / VICINITY MAP

A location sketch (vicinity map) must be provided. For clarity purposes, the location sketch must be provided on a separate 8 1/2" x 11" sheet.

BOUNDARY LINES OF SOVEREIGNTY SUBMERGED LANDS

There are two types of waterbodies that define sovereignty submerged lands: tidally influenced waterbodies and non-tidally influenced waterbodies. The boundary line between sovereignty lands and privately-owned riparian lands along tidally influenced waterbodies is the mean high water line (MHWL), and along non-tidally influenced waterbodies is the ordinary high water line(OHWL).

The MHWL is usually expressed as an elevation that is available for many areas of the state on the website www.labins.org. If an elevation is not listed for a site, the surveyor will contact the Bureau of Survey and Mapping for acceptable procedures to establish the elevation.

The surveyor will contact the Bureau of Survey and Mapping for acceptable procedures to determine the OHWL.

For both types of waterbodies a safe upland line may be used in lieu of the true ownership boundary (MHWL or OHWL) to determine acceptable easement area. Generally, a safe upland line is sufficient if it runs along the edge of mature upland vegetation. If a safe upland line is used for identification of the easement area the legal description of the parcel bounded by this line must be preceded by a leader containing: "That part of the sovereign lands of the State of Florida that lie within the following described area:"

In all cases, contact the Bureau of Survey and Mapping if there are any questions.

Definitions:

Preempted area (18-21.003 and 18-20.003, F.A.C., as applicable) means the area of sovereignty lands from which the traditional public uses have been or would be excluded to any extent by an activity. The area may include, but is not limited to, the sovereignty lands occupied by the docks and other structures, the area between the docks and the shoreline and the area between the docks and out to any mooring pilings (the preempted area would also be extended to include the area for the largest [length and width] vessel(s) to be moored at the site). In Aquatic Preserves the area will also include the docking facility turning basin. If the activity is required to be moved waterward to avoid dredging or disturbance of nearshore habitat, a reasonable portion of the nearshore area that is not impacted by the dredging or structures shall not be included in the preempted area.

Sketch of Description: A sketch of a parcel or parcels of land pursuant to Chapter 61G17-6 and prepared by a Florida professional surveyor and mapper that can be derived from direct observation and measurements, and/or from existing available information sufficient to adequately represent the perimeters of a parcel or parcels of land. The sketch shall be in

complete accord with the property description shown on, or attached and referred to, the survey map.

Property Description or Legal Description: The description of a parcel or real property, in technical terms, that is sufficient to accurately locate the parcel. The property or legal description is incorporated as a part of the survey or sketch of description.

Boundary Survey: A process pursuant to Chapter 61G17-6, which is performed and prepared by a Florida professional surveyor and mapper from direct observation and measurements and presented in map form, the primary purpose of which is to define and document the perimeters of a parcel or parcels of land. The surveyor and mapper shall make a determination of the position of the boundary of real property in complete accord with the property description shown on, or attached and referred to, the survey map.

Metes and Bounds: A method of describing land by boundary lines (bounds) and measures of length and direction (metes). The most common method is to recite the directions and lengths as one would walk around the perimeter of the parcel.

CHECKLIST FOR REVIEW OF “SKETCH” AND EASEMENT AREA DESCRIPTION

Use for reviews of sketches for all public easements
and for private easements that preempt < 3,000 square feet.

Applicant: _____ File No.: _____

Reviewed by: _____ Date: _____

ACCEPTABLE

UNACCEPTABLE

| <u>Sketch</u> | <u>Remarks</u> |
|--|----------------|
| Three prints of sketch provided on 8½ x 11 sheets | _____ |
| Sketch clearly labeled "NOT A FIELD SURVEY" | _____ |
| Original signature | _____ |
| Sketch is dated | _____ |
| Sketch is drawn to scale | _____ |
| Location, size and dimensions of existing and proposed structure(s) are shown on the sketch | _____ |
| Approximate MHWL shown on sketch -OR- | _____ |
| Approximate OHWL shown on sketch -OR- | _____ |
| Approximate SUL/Apparent shoreline shown | _____ |
| Easement boundary abuts MHWL/OHWL/SUL | _____ |
| North arrow shown on the sketch | _____ |
| Description matches drawing (must call for an actual M/OHWL, vs. “approx.” line as shown on sketch) [see note below] | _____ |
| Separate location sketch (vicinity map)-8½ x11” | _____ |

Description

Approximate square footage/acreage of easement _____

Description of easement area that includes:

Section, Township, Range _____

County _____

Waterbody _____

COMMENTS:

[Note: The description must use actual M/OHWL, not “approximate” line, as shown on sketch. If SUL is used, the description begins with, “That part of the sovereign lands of the State of Florida that lie within the following described area:...”]

CHECKLIST FOR REVIEW OF SKETCH AND LEASE AREA DESCRIPTION

This checklist is to be used for review of sketches for lease areas that preempt ≤ 3,000 square feet.

Applicant: _____ File No.: _____

Reviewed by: _____ Date: _____

ACCEPTABLE UNACCEPTABLE

| <u>Sketch</u> | <u>Remarks</u> |
|---|----------------|
| Three prints of sketch provided on 8½ x 11 sheets | _____ |
| Original signature is on certification | _____ |
| Sketch is clearly labeled “NOT A FIELD SURVEY” | _____ |
| Sketch is dated | _____ |
| Sketch is drawn to scale | _____ |
| North arrow shown on the sketch | _____ |
| Riparian lines are shown on sketch | _____ |
| Preempted area calculations of entire lease area with total square footage are shown on sketch | _____ |
| Location, size and dimensions of existing and proposed overwater structure(s) are shown on sketch | _____ |
| Distance from structures to riparian lines shown on sketch | _____ |
| Linear footage of shoreline shown on sketch | _____ |

Approximate MHWL shown on sketch -OR- _____

Approximate OHWL shown on sketch -OR- _____

Approximate SUL/Apparent shoreline shown on sketch _____

Lease boundary abuts MHWL/OHWL/SUL _____

Condition of shoreline shown for lease area and 1,000 feet on each side of the lease area, if in an AP:

_____ % Natural

_____ % Seawalled/bulkheaded _____

Upland property lines shown on the sketch _____

Description matches drawing (“approx.” call for a MHWL/OHWL/SUL shown on sketch) _____

All structures and preempted area are included within the lease boundary _____

Separate location sketch (vicinity map)-8½ x11 _____

Description

_____ Total square footage of lease area is included in the lease boundary _____

_____ Description of lease area includes:

Section, Township, Range _____

County _____ Waterbody _____

_____ Legal description of the upland riparian property is shown (check against copy of recorded deed) _____

COMMENTS:

