

SKETCH OF DESCRIPTION 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

SKETCH OF DESCRIPTION REQUIREMENTS
**For Leases and Private Easements ($\leq 3,000$ 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. Two 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 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 Rules 5J-17.050 through 5J-17.052 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 "Boundary Lines" 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, unless pre-approved by the Division of State Lands.

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).

For both types of waterbodies a safe upland line can be used to approximate the ordinary or mean high water line in lieu of the true water boundary to determine an 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 lease or 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: . . ." This will ensure that the area to be under easement will be only that part that is actually sovereign submerged land.

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 Rules 5J.17.050 through 5J.17.052, F.A.C., 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 Rules 5J.17.050 through 5J-17.052, F.A.C., 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.