



## MAINTENANCE DECLARATION RIGHT-OF-WAY IMPROVEMENTS PROCESS

These instructions are to assist applicants when a Maintenance Declaration for Improvements in the Right- of-Way must be conveyed to the City.

Conveyances are generally required as a condition of site plan approval and must be executed prior to issuance of a Certificate of Occupancy.

**\*\*READ THESE INSTRUCTIONS CAREFULLY TO AVOID DELAYS.\*\***

Quick links to forms:

- [Maintenance Declaration](#)
- [Attorney's Opinion of Title](#)

The **City's latest Online standard Microsoft Word templates** are required,

**\*\*with Review-Track Changes Feature enabled\*\*** City staff must see the changes in strike-through (deletions) and/or any (word additions).

### Required Documents

#### I. Attorney's Opinion of Title (OPINION):

- a. The latest Online-City-Microsoft Word-Template is required for [Attorney's Opinion of Title](#) (**Note: Not required for 1st submittal . Engineering will advise when to submit during review process.**) The digital draft must keep tracking enabled and maintain formatting of template.
- b. The City Attorney's Office(CAO) will review the proposed changes to determine if they are acceptable.
- c. All instruments referenced in the OPINION (except for plats) must be included in the Title packet. All special exceptions must be listed.
- d. All liens, judgments, claims of liens and mortgages (which have not been released) must be reflected on the OPINION.
- e. The OPINION shall accurately reflect the instrument being proffered to the City and indicate all parties whose signature is required for a binding agreement.
- f. Once advised by City to order, the effective date of the Title Search, within the OPINION, should be dated **no earlier than thirty days prior to recording**.

#### II. Maintenance Declaration:

- a. The conveyance document must be prepared by owner's legal counsel.
- b. The company name and the name of the signatory must be exactly as they appear in the State Division of Corporations.
- c. If the owner is a Corporation, the President or Vice President of the company must sign the document; and if a Florida Corporation, the signee must be on file with the State Division of Corporations as the holder of that office.



- d. If the owner is an LLC, the document must be signed by the managing member; however, if the managing member is an LLC or Corporation, the person signing must either be the president, vice president, managing member, etc. until the person signing is signing as either the President or Vice President of a corporation or a managing member or a general partner.
- e. If the owner is a Limited Partnership, the document must be signed by the General Partner as confirmed by a Certificate of Limited Partnership submitted by the owner.
- f. Alternatively, if the names of the people on the documents cannot be verified along with their titles by review of Florida Corporate Records, then the Owner shall be required to submit a certified resolution of minutes letter from a board meeting of the Corporation/ LLC/ LP that contains language authorizing the individual who has signed the document as having authority to sign such document.
- g. Note: Additional documentation may be required if owner is not a Florida corporation.

**III. Exhibits A and B:** Declaration must reference applicable Exhibits.

- a. **Exhibit A** – Property Survey & Legal Description: Shall be prepared and certified by a Professional Land Surveyor; and labeled as “Exhibit A”. Drawings shall also be prepared with the professional surveyor’s title block in legal size **(8.5 in. X 11 in.) (Adobe pdf only)**
- b. **Exhibit B** – Improvement Area Sketch & Legal Description: Sketch of Improvement Area to be covered by Maintenance Declaration and Area **shall be** called out as such. Legal Description of this Area **shall** accompany the Sketch, and **shall be** prepared and certified by a Professional Land Surveyor; and labeled as “Exhibit B”. Drawings shall be prepared with the Professional Surveyor’s title block in letter size (8.5 in. X 11 in.) (Adobe pdf only)

**First Submittal Requirements:**

1. Upload through [LauderBuild](#) (Select New Application - Permits/Engineering - Engineering-Service Requests - Legal Documents). **\*Engineering will advise when to submit OPINION.**
2. Submit requested materials **at least six weeks prior** to requiring final Certification of Occupancy.
3. First submittals are digital drafts reviewed for accuracy and completeness **and are not executed at this stage**; however, the exact names of the organizations and names and titles of the signatories **need to be typed on the forms.**
4. **Supporting Documents/Exhibits** (sized 8.5 in. x 11 in.) must be in “**Adobe pdf format ONLY**”.
5. **(1) submittal per upload** (don't combine files)



## DEVELOPMENT SERVICES DEPARTMENT – ENGINEERING DIVISION

### INSTRUCTIONS FOR MAINTENANCE DECLARATION FOR R.O.W.

Revision Date: 08/07/2024 | I.D. Number: IFMFROWP

7. An Engineering Services Record number will be provided for you to track the progress Online.
8. **If corrections and/or updates are requested**, the **six week time frame commences** from the time the corrections are submitted. Submit corrections Online by Uploading to the Record -Attachments through **LauderBuild**.

#### **AFTER Acceptance:**

- A. City staff will notify applicant to provide hard copy original executed documents with the City accepted changes/corrections, along with Opinion of Title (effective within 30 days).
  - i. Exhibits must be original with Applicant Surveyor's raised seal and signature.
- B. Submit to the Engineering Division of the Development Services Department, located at 700 NW 19 Avenue, Fort Lauderdale, FL 3331
  - i. Upon arriving, pull a ticket for ENGINEERING > QUESTIONS.
  - ii. A DSD Engineering Senior Administrative Assistant will come out to meet you.
  - iii. DSD Engineering staff will coordinate/route the package(s) internally.

#### **After Approval and Final Execution:**

- A. CAO returns the final package(s) to DSD. Engineering Staff notifies the applicant that the final documents are READY FOR PICKUP.
- B. The **APPLICANT PICKS UP and RECORDS** the documents at the Broward County Records Department and **UPLOADS the RECORDED documents** (in Adobe pdf format) to the ENG-LD record in **LauderBuild**

#### **Point of Contact:**

Communications shall be through Main Point of Contact, DSD Engineering Senior Admin Assistant, who will coordinate with other City Divisions. If no email reply within 24h, you may call 954-828-5232 for assistance.