

SPECIAL PERMIT CONSIDERATIONS FOR SOVEREIGN LANDS AND AQUATIC PRESERVES

Steve Lewis
Tim Rach
Matt Butler



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- (56) “*SOVEREIGNTY SUBMERGED LANDS*” MEANS THOSE LANDS INCLUDING BUT NOT LIMITED TO, TIDAL LANDS, ISLANDS, SAND BARS, SHALLOW BANKS, AND LANDS WATERWARD OF THE ORDINARY OR MEAN HIGH WATER LINE, BENEATH NAVIGABLE FRESH WATER OR BENEATH TIDALLY-INFLUENCED WATERS, TO WHICH THE STATE OF FLORIDA ACQUIRED TITLE ON MARCH 3, 1845, BY VIRTUE OF STATEHOOD, AND WHICH HAVE NOT BEEN HERETOFORE CONVEYED OR ALIENATED. FOR THE PURPOSES OF THIS CHAPTER SOVEREIGNTY SUBMERGED LANDS SHALL INCLUDE ALL SUBMERGED LANDS TITLE TO WHICH IS HELD BY THE BOARD.

FROM 18-21.003, F.A.C.





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<http://labinsw2010.freac.fsu.edu/LABINS/index.html>



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LAND BOUNDARY INFORMATION SYSTEM

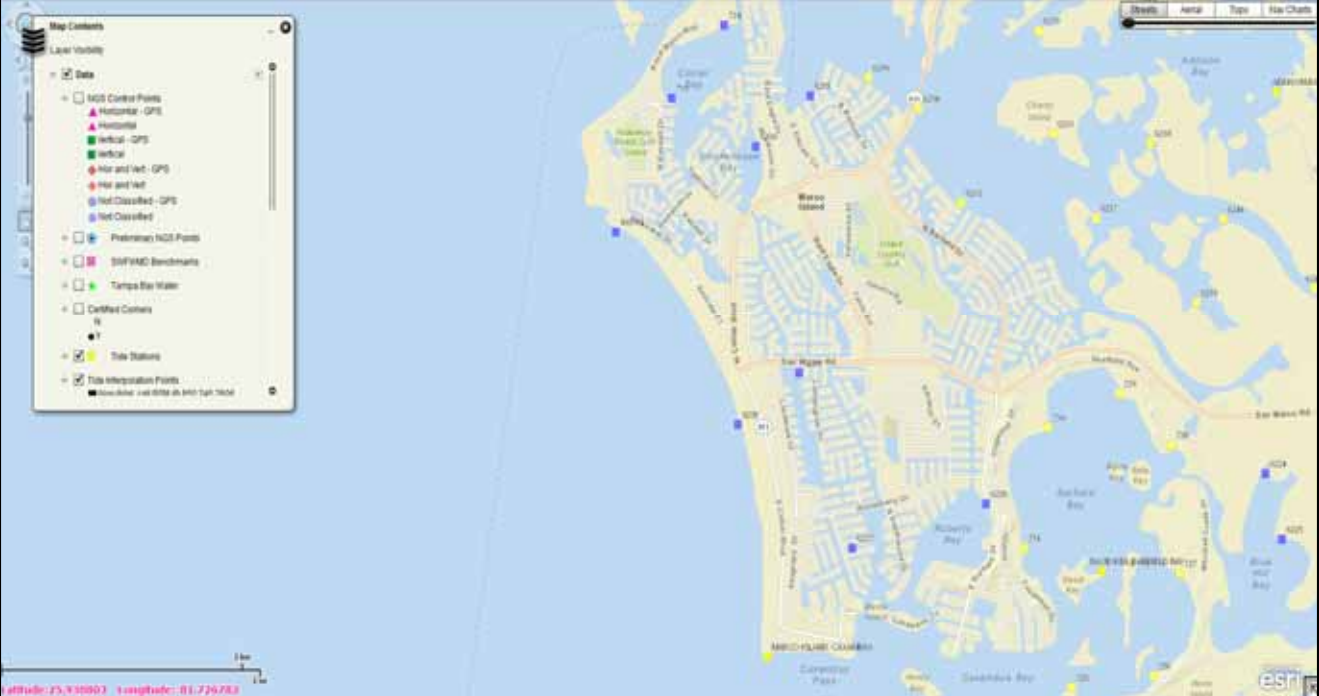
The User Education and Map Tools for the State of Florida



Map Contents

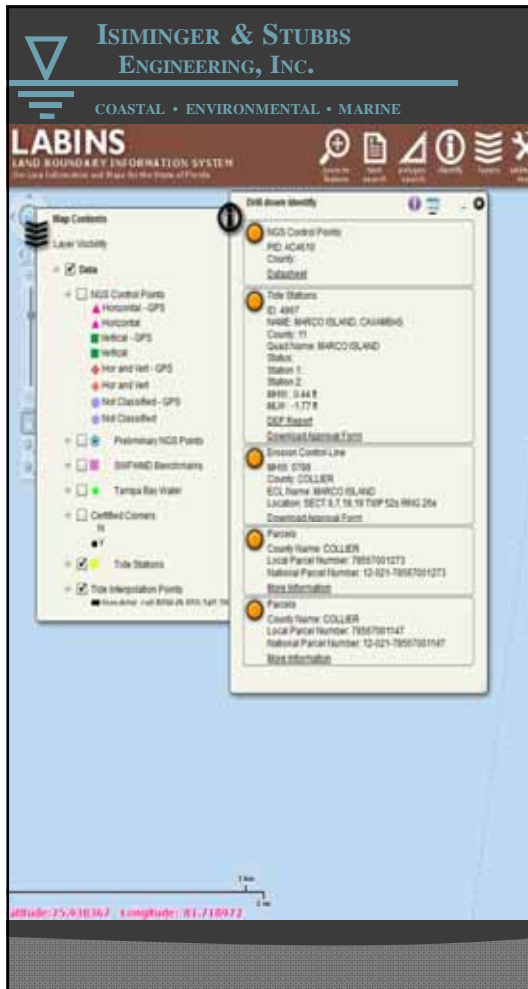
Layer Visibility

- ☒ Data
 - ☐ NGS Control Points
 - Horizontal - GPS
 - Horizontal
 - Vertical - GPS
 - Vertical
 - Mix and Vert - GPS
 - Mix and Vert
 - Not Classified - GPS
 - Not Classified
 - ☐ Preliminary NGS Points
 - ☐ SSFEMD Benchmarks
 - ☐ Tampa Bay Water
 - ☐ Certified Corners
 - ☐ Tide Stations
 - ☒ Tide Interpretation Points
 - How to Use: Just click on the tide gauge



Latitude: 25.930003 Longitude: -81.726783

<http://labinsw2010.freac.fsu.edu/LABINS/index.html>



BENCH MARK & DATUM ELEVATIONS
TIDE STATION NUMBER: 872-4967
DATE: 07-01-2003

STA. NAME	BENCH MARK ELEVATIONS			
	NGVD 29 FEET	NGVD 29 METERS	NAVD 88 FEET	NAVD 88 METERS
CAXAMBAS 1959 1975	+5.50	+1.677	+4.19	+1.278
NO 7 1976	+5.28	+1.610	+3.97	+1.211
4967 A 1979	+6.54	+1.993	+5.23	+1.594
4967 B 1979	+6.57	+2.004	+5.27	+1.605
4967 C 1979	+5.72	+1.743	+4.41	+1.344
CAXAMBAS 2 1979	+6.11	+1.863	+4.80	+1.464
CAXAMBAS 2 NO 6 1979	+5.74	+1.751	+4.43	+1.351

DATE: 07-01-2003
TIDE STATION NUMBER: 872-4967
TIDE STATION NAME: MARCO ISLAND - CAXAMBAS PASS
TIDAL EPOCH: 1983-2001

TIDAL DATUM	ELEV OF TIDAL DATUMS BASED ON 1929 & 1988 DATUMS			
	NGVD 29 FEET	NGVD 29 METERS	NAVD 88 FEET	NAVD 88 METERS
MHHW	+2.00	+0.610	+0.69	+0.211
MHW	+1.75	+0.534	+0.44	+0.135
MSL	+0.63	+0.191	-0.68	-0.208
MTL	+0.65	+0.197	-0.66	-0.202
MLW	-0.46	-0.141	-1.77	-0.540
MLLW	-1.06	-0.322	-2.37	-0.721

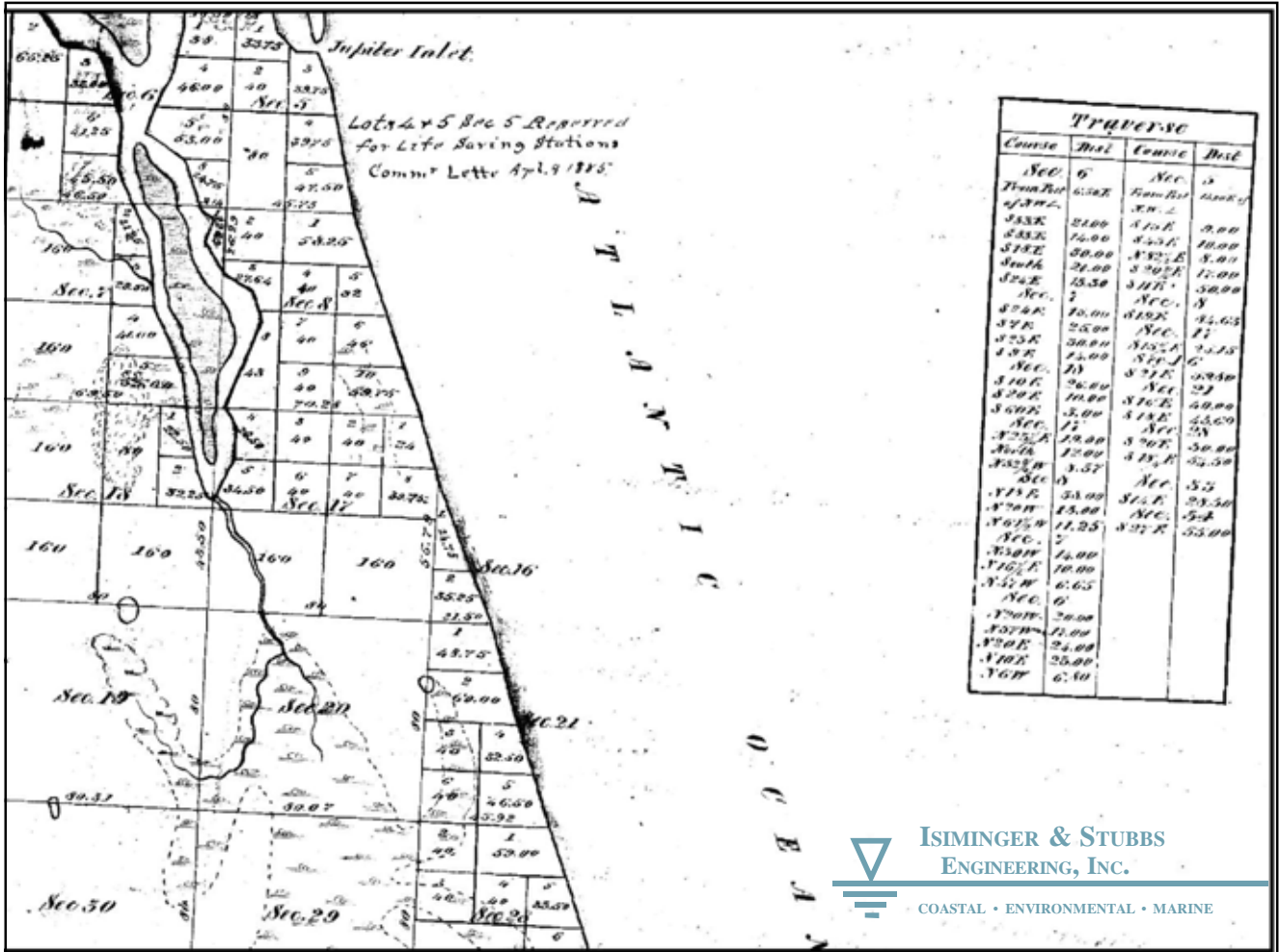
MR = 2.21 29/ft 0.675 29/m 2.21 88/ft 0.675 88/m

- “The shore of navigable waters which the sovereign holds for public uses is the land that borders on navigable waters and lies between ordinary high and ordinary low water mark. This does not include lands that do not immediately border on the navigable waters, and that are covered by water not capable of navigation for useful public purposes, such as mud flats, shallow inlets, and lowlands covered more or less by water permanently or at intervals where the waters thereon are not in their ordinary state useful for public navigation.”
- “The fact that a part of the cove was made navigable by artificial means after it became private property did not take away the right of the owner to control the fishing privileges therein subject to law.”
- Clement v. Watson 58 So. 25 (1912)

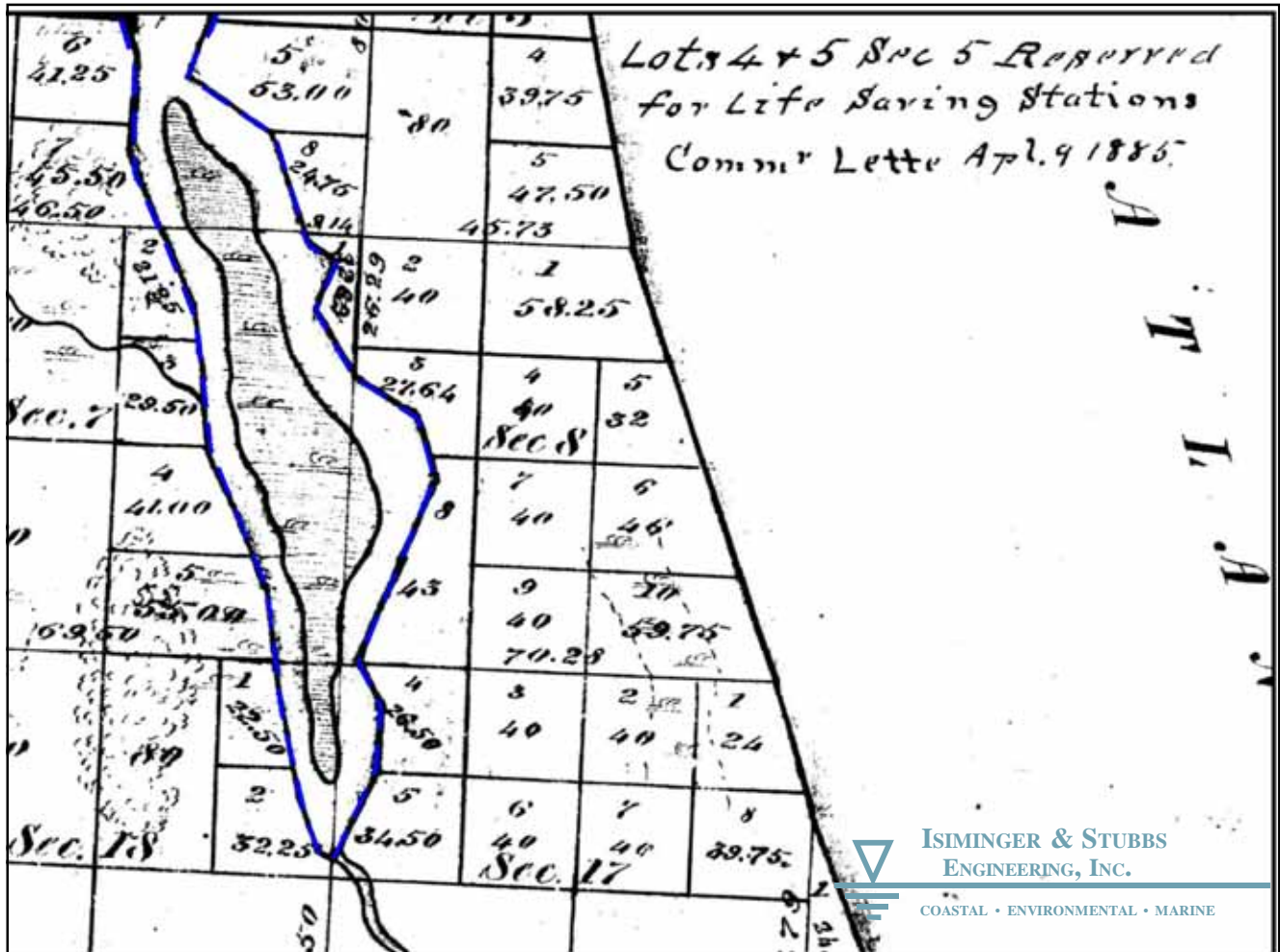


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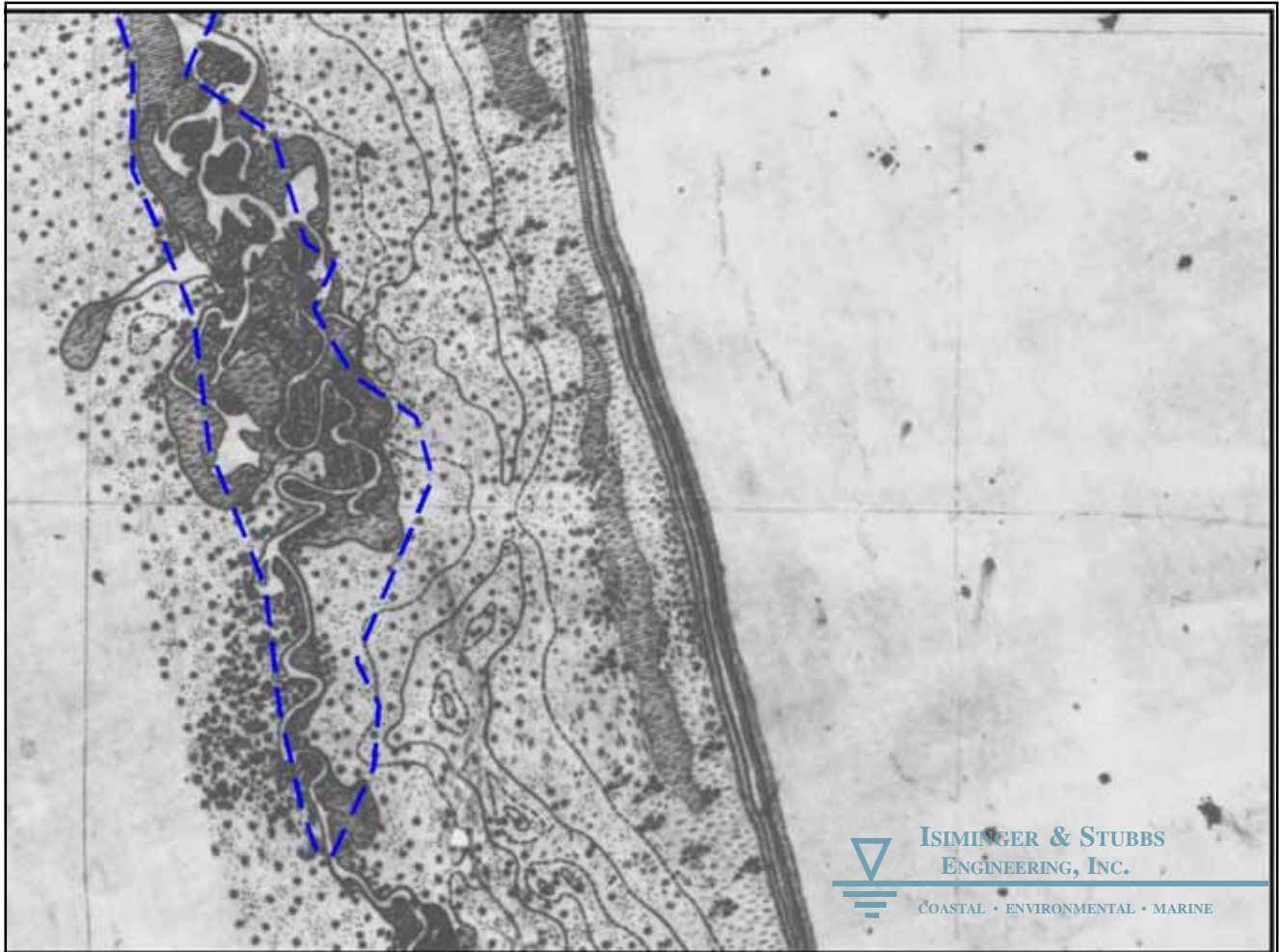
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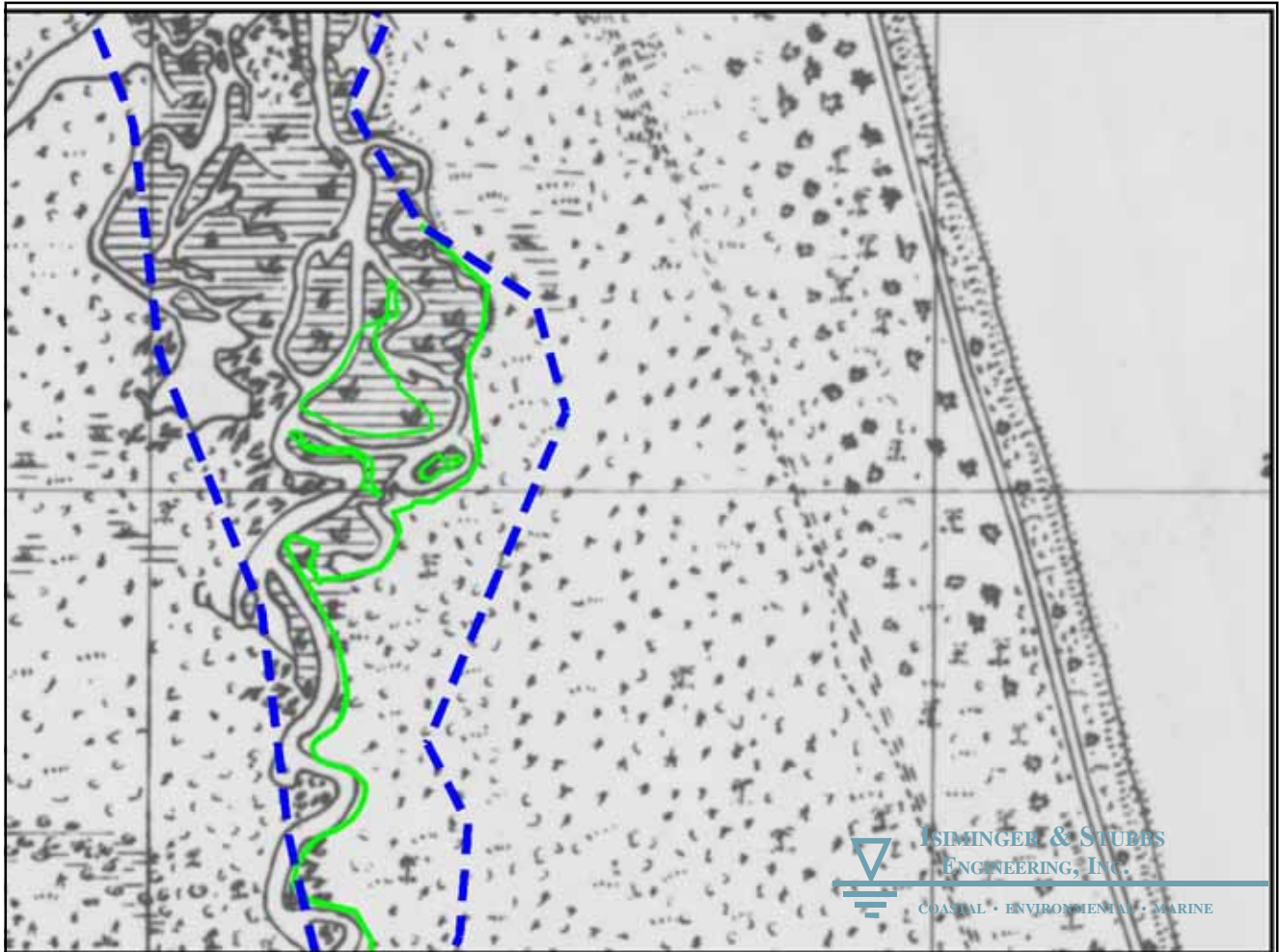
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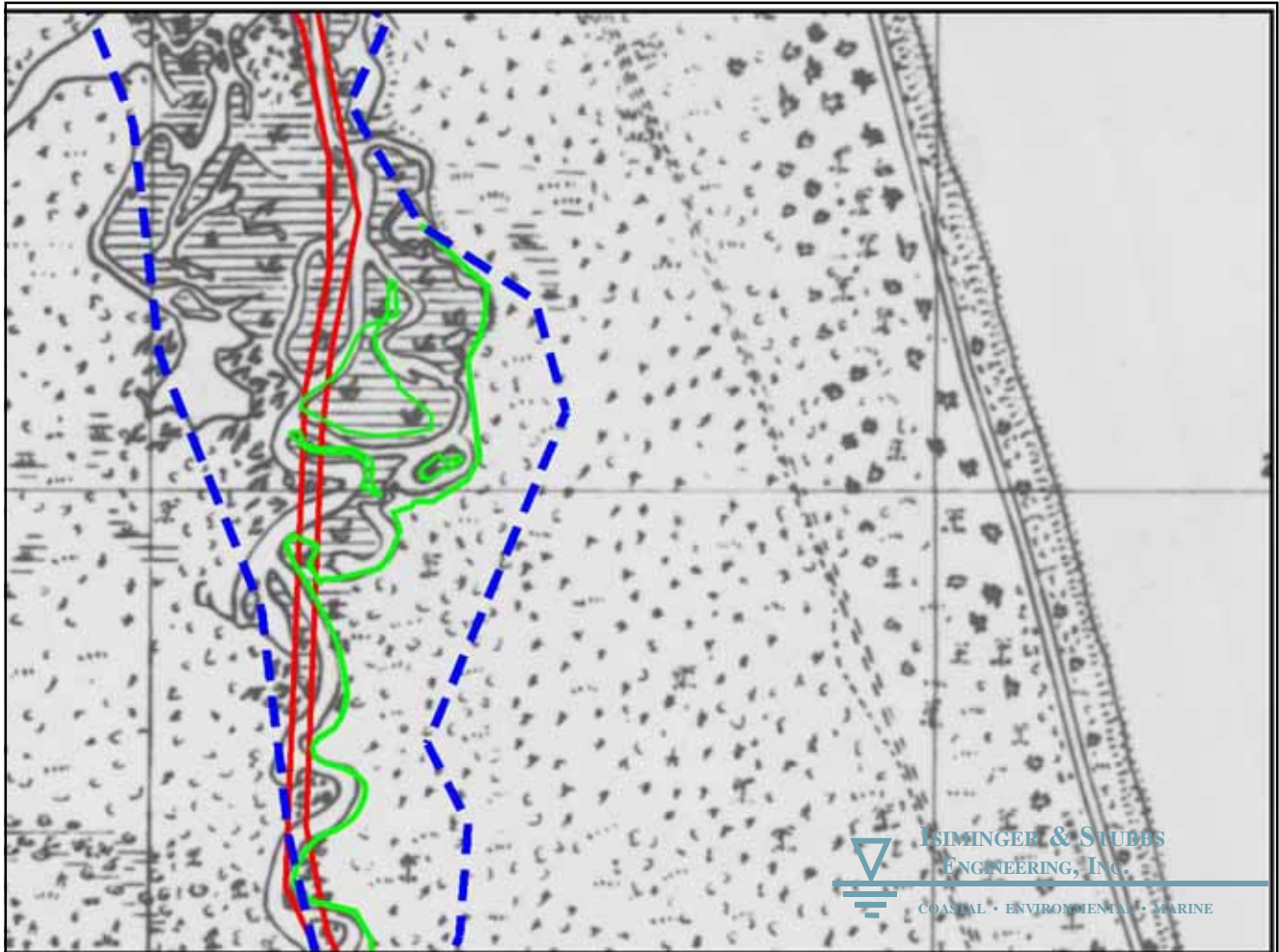


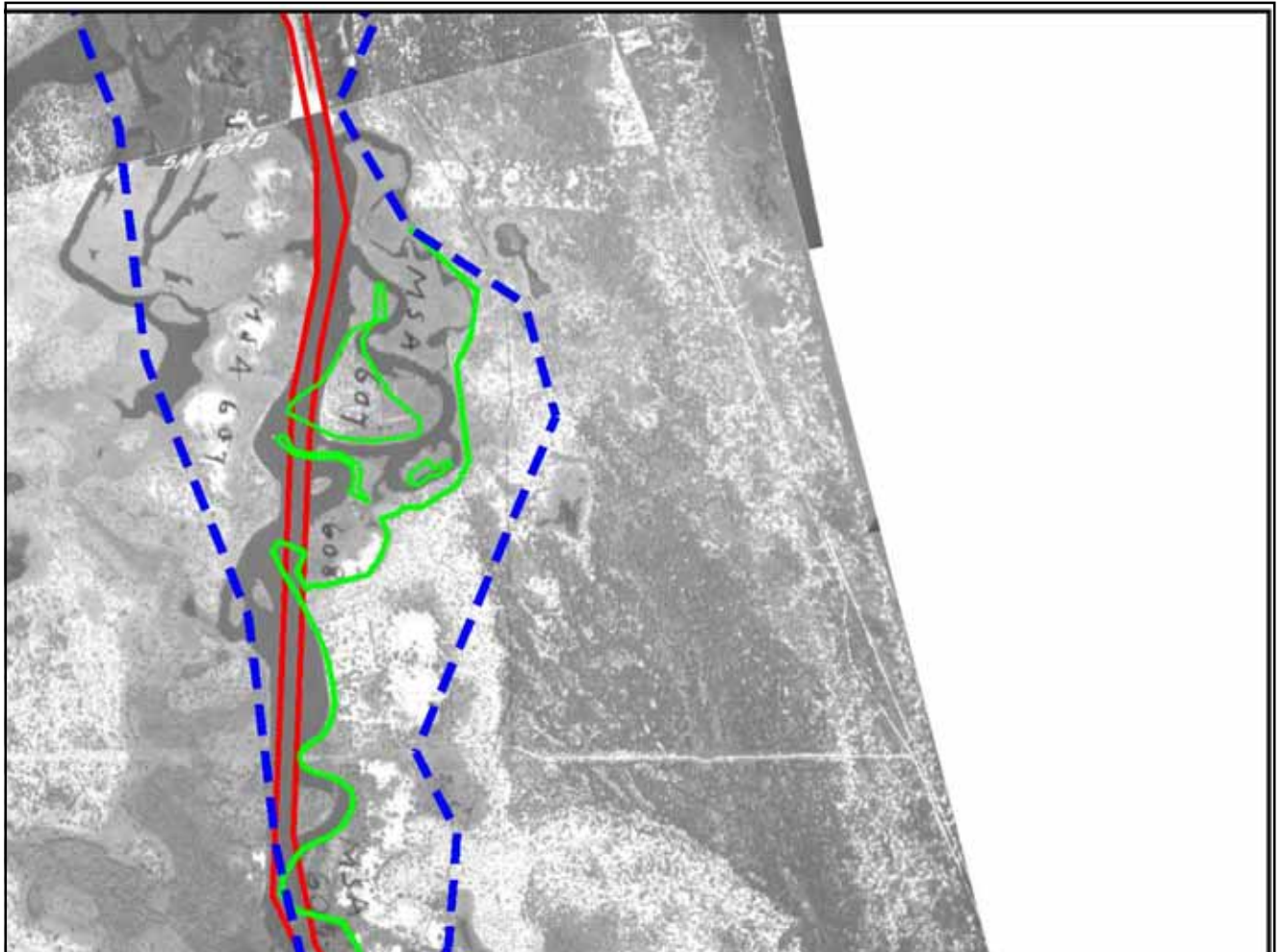
















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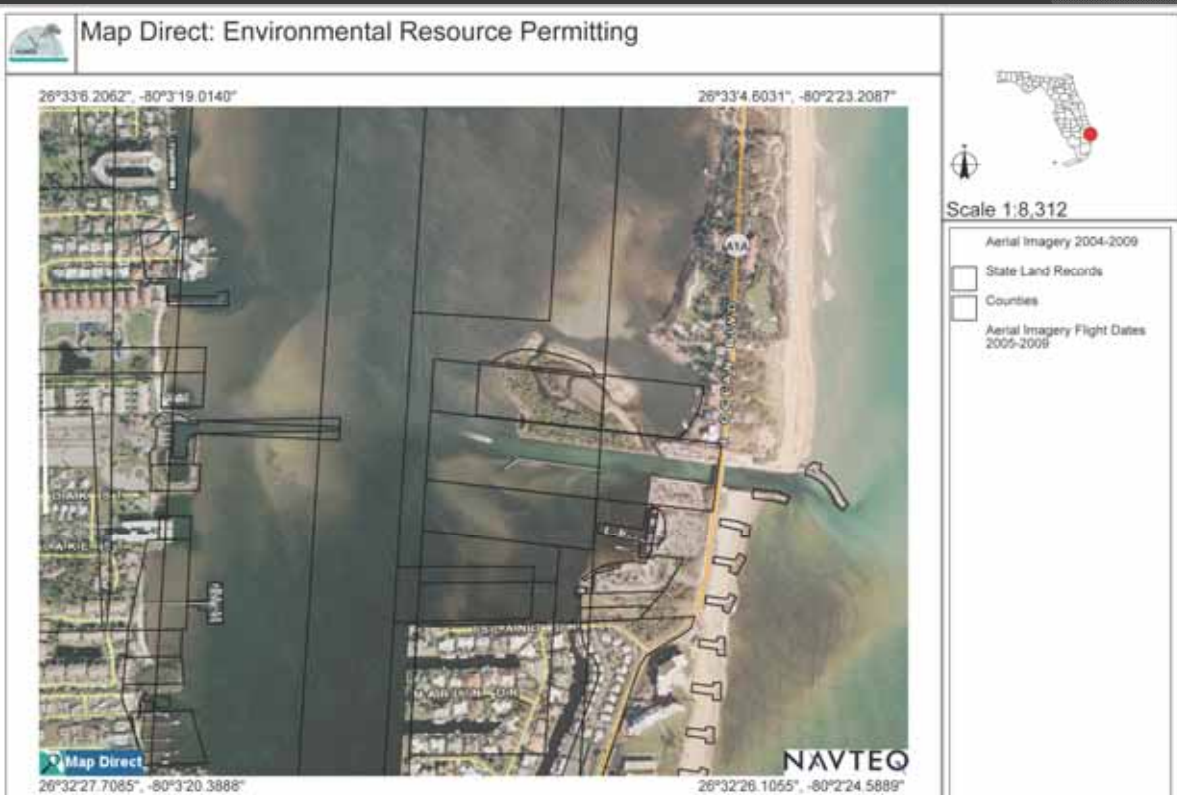


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Land Document Details - Windows Internet Explorer

http://depd01.dep.state.fl.us/detail.asp?tab=dd&id=126714

Land Document Details

New Search

TFI TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND INSTRUMENTS

DM ID: 126714 Doc. Date: 10/16/1941 Legacy Doc. Locator: TF101185560000000

Detail Data		Land Description		Document
Doc. Number:	18556	Book Chapter:	Bc	
Doc. Extension:	000	Book Page Modifier:	Bc	
Doc. Modifier:	00	Book Volume Modifier:	Bc	
DRO Deed Nbr:				
Instrument Type:	DEED	Patent Nbr.:		
Agreement Number:		Generic Vol. Nbr.:		
Permit Number:		District Patent Office:		
Statue Chapter:				
Agency:				
Facility:				
File Number:	0	Source Document Volume:		
BLA Review Number(s)		County	Book	P
Individual(s)		PA Number		
GRANTOR:	TITF			
GRANTEE:	SOUTH LAKE WORTH INLET DISTRICT			
Total Area:	15 A	DER Application Number:	Ext:	
Consideration:	150			

<http://ca.dep.state.fl.us/mapdirect/?focus=erp>



Internal Improvement Fund, State of Florida

Book 31
Page 19
DEED NO. 18,556

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, the Trustees of the Internal Improvement Fund of the State of Florida, under and by virtue of the authority of Section 1061 of the Revised General Statutes of Florida, and according to the provisions and procedure provided for in Section 1062 of the Revised General Statutes of Florida, and for and in consideration of the sum of one hundred fifty & 00/100 (\$150.00) Dollars, to them in hand paid by

South Lake Worth Inlet District

Palm Beach County, Florida, receipt of which is hereby acknowledged, have granted, bargained, sold and conveyed to the said South Lake Worth Inlet District and its successors and assigns, forever, the following described lands, to-wit:

Beginning at a point on the East shore of Lake Worth in Government Lot 4 of Section 15, Township 45 South, Range 43 East, which is 617 feet North (measured at right-angle to) the South line of said Section 15;

thence, running West on a line which makes an angle of 90° with the Ocean Boulevard or County Road, a distance of 1,675 feet;

thence, North at an angle of 90° to said line, a distance of 400 feet;

thence, East at an angle of 90°, a distance of 1,700 feet, more or less, to the Northwest corner of the property now owned by the South Lake Worth Inlet District;

thence, South a distance of 400 feet, more or less, to the Point of Beginning; the same being a strip of land 400 feet in width and 1,700 feet in length, more or less, and containing 15 acres;

said lands abutting and lying immediately West of lands now owned by South Lake Worth Inlet District.

Lying and being in the County of Palm Beach, State of Florida.

(This conveyance is made on the condition that the area above described is to be used for the benefits and use of the public as authorized by the Laws creating and maintaining the South Lake Worth Inlet District, and should said area be used for any purposes other than those herein expressed, the title to said land shall automatically revert and become the property of the Trustees of the Internal Improvement Fund of the State of Florida, the Grantors herein.)

- **253.129 Confirmation of title in upland owners.**--The title to all lands heretofore filled or developed is herewith confirmed in the upland owners and the trustees shall on request issue a disclaimer to each such owner.

History.--s. 9, ch. 57-362; s. 13, ch. 59-1.

253.12(6) Where any person, state agency, county, city, or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the board shall upon application therefore convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling.

Jacksonville Shipyards Case:

Improvements (piers, docks, wharves, dry docks, railroad trestles, and dredging) in instant case made prior to May 29, 1951 (date of repeal of Butler Act), were "permanent improvements" under Butler Act, providing for acquisition of title to submerged lands by bulkheading, filling, or permanently improving. Rule 16Q-21.14 [now Rule 18-21.014], purporting to require that upland owner have disclaimer confirming title, is in derogation of statute and therefore invalid. *Jacksonville Shipyards, Inc. v. Department of Natural Resources*, App., (1st) 466 So. 2d 389 (1985)



1953

2002



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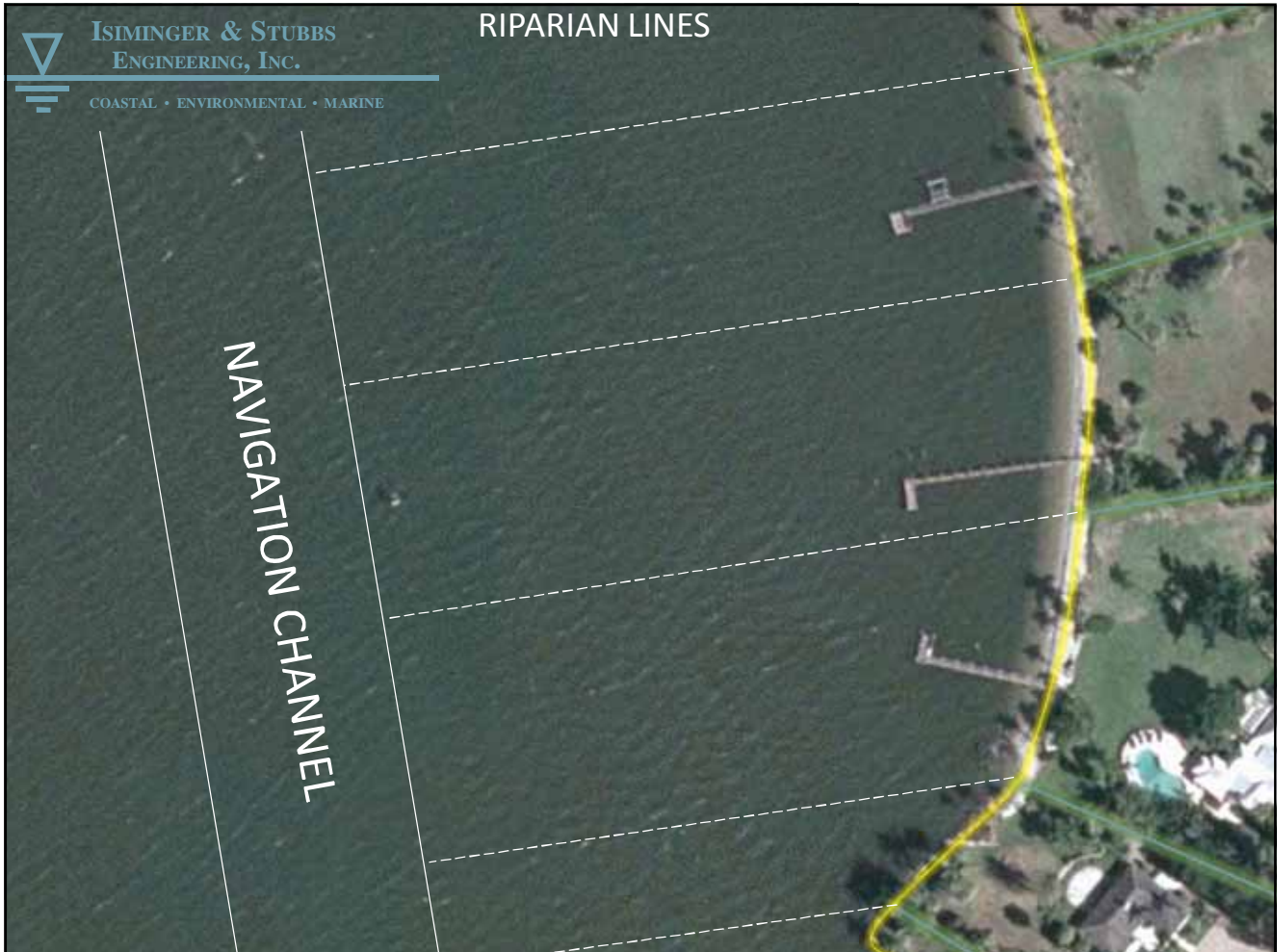
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253.12(9) All of the state's right, title, and interest to all tidally influenced land or tidally influenced islands bordering or being on sovereignty land, which have been permanently extended, filled, added to existing lands, or created before July 1, 1975, by fill, and might be owned by the state, is hereby granted to the landowner having record or other title to all or a portion thereof or to the lands immediately upland thereof and its successors in interest. Thereafter, such lands shall be considered private property...

...A showing of dates by which certain lands were filled or added to may be made by aerial photograph or other reasonable method...

...The boundary between state-owned sovereignty lands and privately owned uplands is ambulatory and will move as a result of non-avulsive changes...

...This subsection shall not grant or vest title to any filled, formerly submerged state-owned lands in any person who, as of January 1, 1993, is the record titleholder of the filled or adjacent upland property and who filled or caused to be filled the state-owned lands.









258.40 Scope of preserves.--

(1) The aquatic preserves established under this act shall include only lands or water bottoms owned by the state as set forth in s. 253.03 and such lands or water bottoms owned by other governmental agencies as may be specifically authorized for inclusion by appropriate instrument in writing from such agency. Any privately owned lands or water bottoms shall be deemed to be excluded therefrom; however, the board may negotiate an arrangement with any such private owner by which such land may be included in the preserves.

(2) Any publicly owned and maintained navigation channel or other public works project authorized by the United States Congress designed to improve or maintain commerce and navigation shall be deemed excluded from the aquatic preserves established under this act.

(3) All lands lost by avulsion or by artificially induced erosion shall be deemed excluded from the provisions of this act.

History.--s. 1, ch. 75-172.





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SSL Determination Example



SSL Determination Example



Quad map from LABINS



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SSL Determination Example



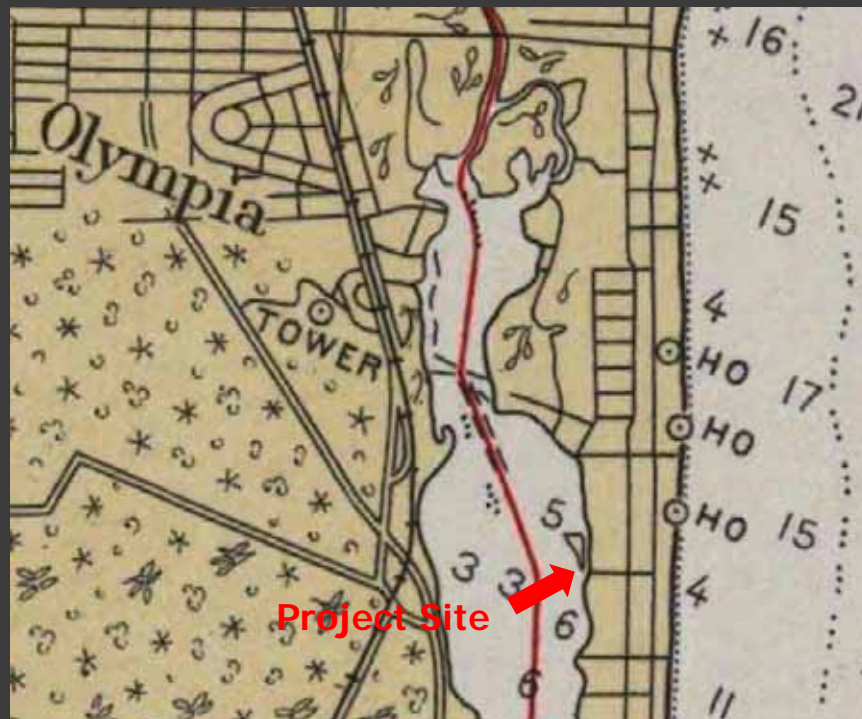
1932 United States Coast and Geodetic Survey Map



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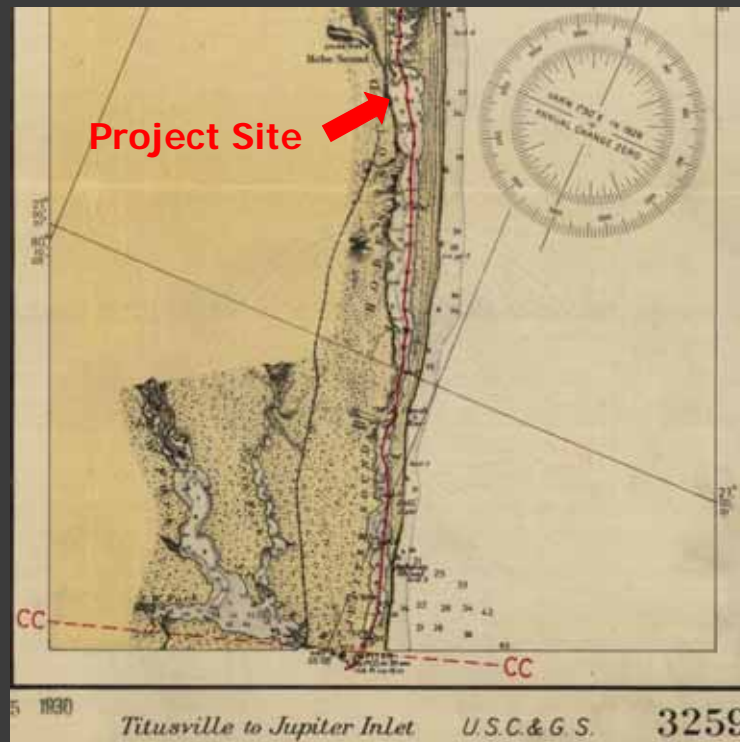
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SSL Determination Example



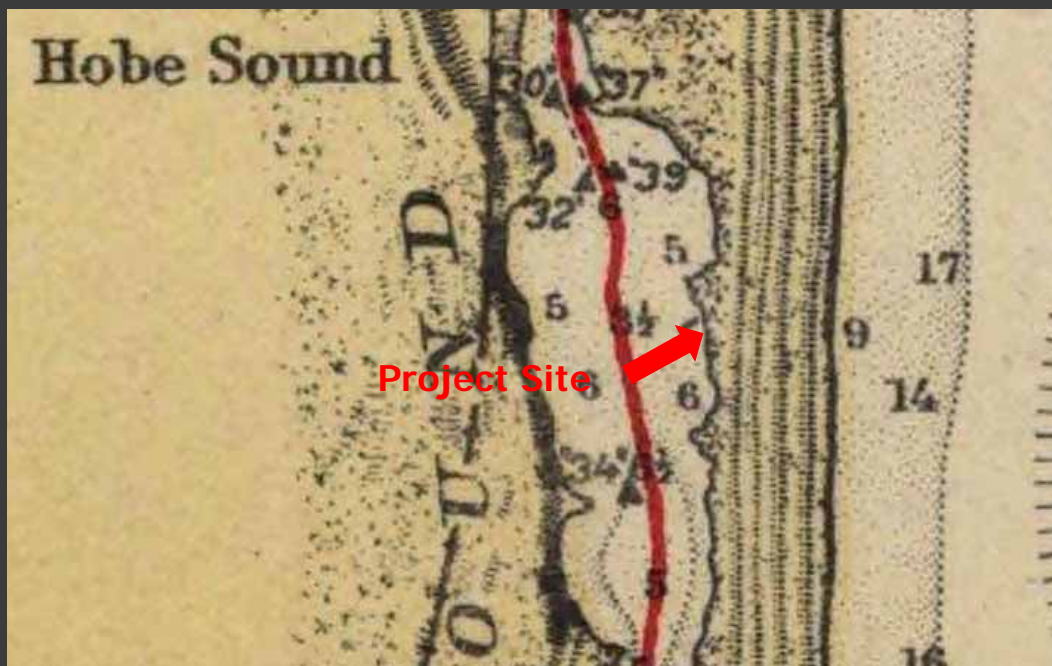
1932 United States Coast and Geodetic Survey Map

SSL Determination Example



1929 United States Coast and Geodetic Survey Map

SSL Determination Example



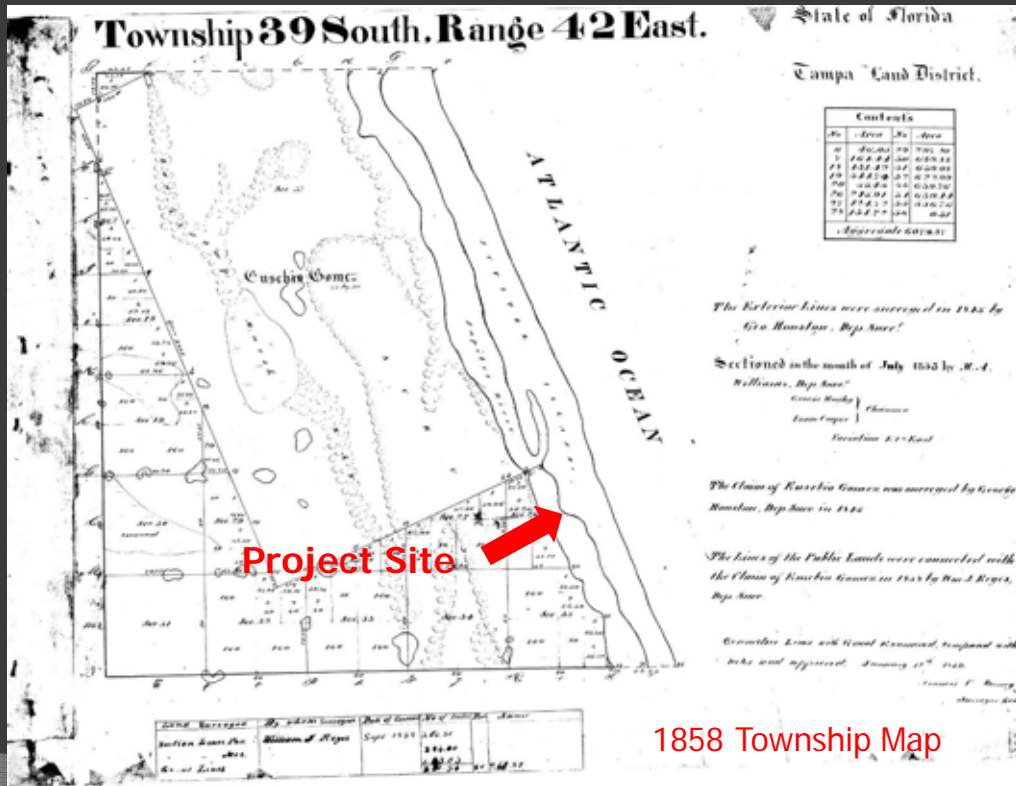
1929 United States Coast and Geodetic Survey Map



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Riparian Rights Example

2004 AERIAL





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Riparian Rights Example

2006 AERIAL





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Riparian Rights Example

2009 AERIAL





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Riparian Rights Example

2009 AERIAL



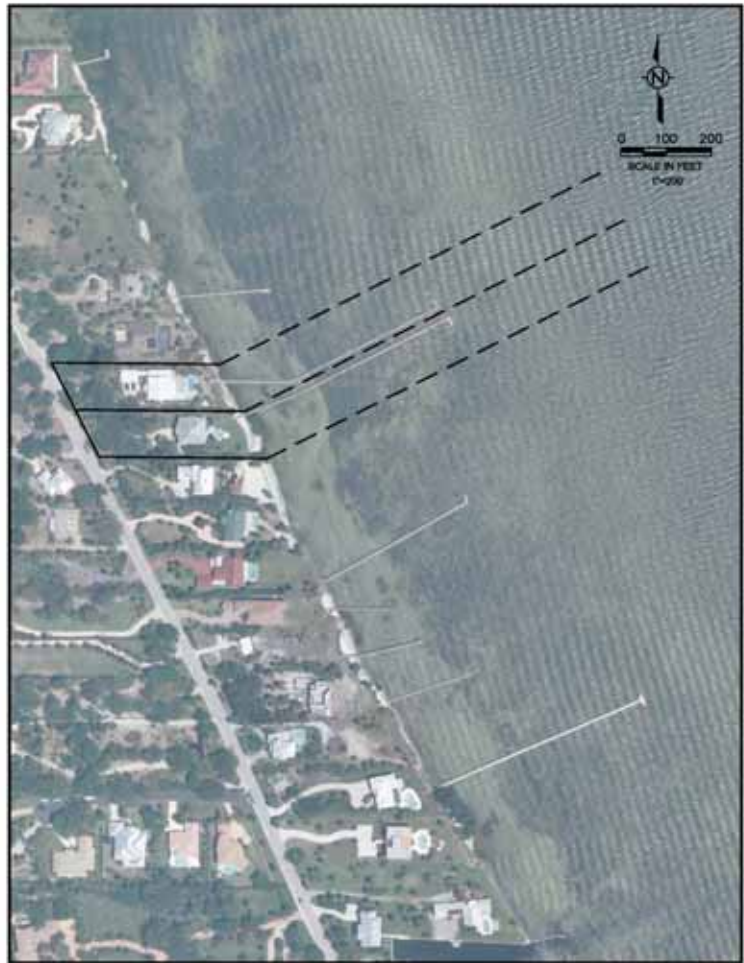


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Riparian Rights Example

2012 AERIAL





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Riparian Rights Example

2012 AERIAL

