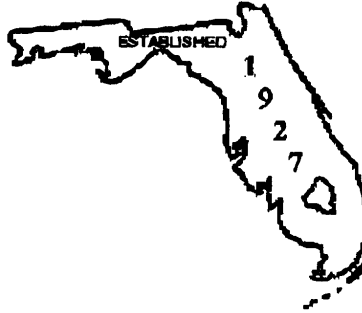


# SEBASTIAN RIVER IMPROVEMENT DISTRICT



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## **GENERAL POLICY RIGHT -OF- WAY FOR SUB-LATERALS LYING WHOLLY WITHIN LANDOWNERS PROPERTY**

1. The Sebastian River Improvement District would consider abandoning right-of-ways for sub-laterals lying wholly within landowner's property, however, retaining a perpetual easement for the intended and paramount use of the District which would include, but not be limited to, water controls, according to the reclamation plan/ water control plan and access to all canals and ditches which are part of the District.
2. The owner shall, in no way, alter, change or interfere with the intended use of the District. The rights of the District will remain paramount at all times.
3. The maintenance of the water control facility within the easement would be the responsibility of the District provided that the facility within the easement remained in its existing state at the time of the abandonment of the right-of-way.
4. The adjacent landowner shall make a written request to the Board of Supervisors of the Sebastian River Improvement District setting forth the SRID sub-laterals which the owner is requesting be abandoned with the retaining of a perpetual easement and the purpose and reason for the abandonment. At the next called Board of Supervisors Meeting, and pending the receipt of all applicable information as determined by the District, the Supervisors will consider the request once a presentation has been made to the Supervisors at that meeting by the Landowner requesting the abandonment and the Supervisors have received input and advice from the Engineer, Attorney of the District and District Administrator.
5. The Landowner agrees to pay all drainage assessments which are levied against all landowners as if the SRID right-of-way were never abandoned. Also, the Landowner agrees to pay all expenses which are incurred in the abandonment process, which would include but not be limited to the cost of the time for the Engineer and Attorney of the District to prepare the necessary papers and do the necessary studies for their recommendation to the Board of Supervisors, cost of the preparation of a survey, cost of any modifications to the Plan of Reclamation (Water Control Plan) and any other costs which are determined by the Board of Supervisors to be necessary for the completion of the abandonment of the SRID right-of-ways and the retaining of a perpetual easement.

6. After the landowner meets all the requirements of the District and receives approval through the permitting process of the District, any improvements which are placed upon the easement shall be the responsibility and shall be at the expense of the Landowner, and shall in no way interfere with the intended uses of the District which shall continue to be paramount in the use of this easement.

7. At the time the Landowner has a land use change which causes a change or revision in the water control system as it effects the owner's land, the proposed modifications to the drainage system shall be submitted to the District for approval prior to the commencement of any work activities relative to the modification. Again, any modifications shall in no way interfere with the intended uses of the District which shall remain paramount in the use of this easement.

8. From the time that the District abandons the right-of-way and retains an easement in said right-of-way, the Landowner shall hold the District harmless from any expense, loss, damage or claim in regard thereto for any activities other than the intended use by the District. The Landowner agrees to provide proper public liability insurance to protect the interest of the Landowner and the District. Such copy of this insurance must be included with the Landowners application and remain current throughout the use of the easement, either by this landowner or by subsequent landowners who may purchase this adjacent property.

9. The Board of Supervisors of the Sebastian River Improvement District reserve the right to set any other conditions as they feel necessary as it relates to an individual land of which the Landowner is requesting an abandonment of the right-of-way in exchange for the reservation of a perpetual easement.

ADOPTED: March 3, 2004

REVISED – December 2007