


DEPARTMENT OF PUBLIC WORKS

BULLETIN NO. 22

Subject: PROCEDURE FOR PROCESSING COVENANTS TO RUN WITH THE LAND

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APPROVED: 
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There are three general types of covenants to run with the land relating to the Department of Public Works. These are:

1. Covenants related to the platting of property,
2. Covenants related to street improvements and encroachments into the right-of-way under Sections 54-56 and 54-191 of the City Code, and
3. Covenants related to construction of temporary sanitary sewers and/or force mains.

The purpose of this bulletin is to reiterate or amend and establish procedures for recording and filing covenants to run with the land.

1. **Covenants relating to the platting of property. These will continue to be handled as follows:**
 - a) When a subdivision plat has been proposed to the City of Miami and then accepted by the Plat and Street Committee, the Highway Section then prepares its estimate as to the required subdivision improvements within the right-of-way.
 - b) The Chief Civil Engineer will make the decision to grant a covenant for any of these improvements.
 - c) If a covenant is required, the Survey Section, which handles the platting process, gives the covenant forms to the owner of the property being platted.
 - d) The owner executes the covenant and returns it with the fees required.
 - e) The covenant is usually returned with the final plat and the other necessary documentation for submission of the final plat and acceptance by the City Commission/
 - f) The documentation including the covenant is checked by the Survey Section. The covenant is then approved by the Director of Public Works.

- g) Plat packages are prepared including a resolution which accepts the plat and the covenant. Once of these packages goes to the Law Department for their approval (including the covenant).
- h) Once the plat & covenant are accepted by the City Commission, additional packages are prepared for the owner to take the plat to the County for recording.
- i) Once the plat has been recorded, the plat book and page are put on the original covenant which is held in the Survey Section.
- j) The covenant is then transmitted to the City Attorney for his/her signature/
- k) When the covenant is returned from the Law Department, it is transmitted to the County Clerk's office for recording with the recording check supplied by the owner.
- l) After recording, the Clerk's office sends the original recorded covenant back to the Survey Section. The covenant is then marked on the appropriate Municipal Atlas sheet and the original is filed in Central Files.

2. Covenants relating to street improvements or encroachments into the right-of-way. This covenant is required under Sections 54-56, or 54-191 of the City Code.

When a building permit is issued for a new building or for renovations as stipulated in the Code, and the Department of Public Works determines it is in the City's best interests to "approve and allow variations and deviations" from the Code requirement, the Property Owner must file a covenant.

- a) The investigation is made by the Highway/Environmental Engineering Section and where street improvements should not be required at this time, or a temporary encroachment is required, this Section prepares a fact sheet for the Public Works Director's approval.
- b) When this fact sheet is approved, it is sent to the Chief Civil Engineer who will prepare one copy of a covenant to give to the property owner. After it has been executed and returned by the property owner, the Chief Civil Engineer will send it to the City Attorney for approval.
- c) When the approved covenant is returned from the City Attorney, the Chief Civil Engineer will make a photocopy which is to be sent to the property owner. No copies of these papers are to be filed in the Design office.
- d) The Chief Civil Engineer will send the original covenant to the County Clerk for recording.
- e) When the recorded covenant is returned from the County Clerk, the Chief Civil Engineer will file these covenants and attachments chronologically in Central Files.

3. **Covenants relating to temporary sanitary sewer or force main construction.**
- a) Covenants of this nature shall be requested in writing with requests directed to the Chief Civil Engineer. No force main construction will be approved in areas of the City where gravity sewers are available. Temporary sanitary sewers will be reviewed on a case by case basis.
 - b) If the proposed temporary sewer or force main is approved by the Chief Civil Engineer, a covenant will be prepared and processed as outlined in 2b, 2c, 2d, and 2e.
4. **When a covenant has been executed,** accepted by Resolution (where necessary), and sent to the County Clerk for recording, the Highway/Environmental Engineering Section will be responsible for recording the necessary information from the covenant on a Municipal Atlas Sheet. Where no Municipal Atlas Sheet exists, the information will be recorded in some other manner. The purpose of this record is to provide the Highway/Environmental Engineering Section, Sewer Section and others with data on such covenants, block by block and lot by lot, as they relate to proposed highway, sidewalk or sewer improvements. The Highway/Environmental Engineering Section will be responsible for devising a code or other means of placing this information on the maps. This section will also make a note on the Department copy of the covenant that the record has been made. Central Files personnel will not file the copy of the covenant unless such a note appears on the file copy.
5. **Payment of recording fee.** All persons who present any of the above mentioned covenants to the City are required to pay the recording and preparation fees. Payments must be in the form of checks made payable to "Clerk of the Circuit Court, Miami-Dade County, Florida" and "The City of Miami". The Public Works employee who receives the covenant will be responsible for ascertaining the correct recording and preparation fees and informing the person of the requirement that he pay the fees in the prescribed manner.