

# MEMORANDUM

## GROWTH MANAGEMENT DEPARTMENT

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**To:** Property Owners and Development Consultants  
**From:** R. Wayne Bennett, Planning Director  
**Date:** April 19, 2007  
**Subject:** Legal Descriptions

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The purpose of this memorandum is to communicate with you about a new application requirement that will become effective after April 27, 2007. The new requirement involves legal descriptions for all of the variety of applications that we process, with one exception. That exception will be for pre-submittals.

At present, the Land Development Regulations require that a legal description of the subject property be included with an application submittal. During the course of the past ten months, staff has observed that a significant number of legal descriptions that we receive are incorrect. Incorrect legal descriptions create additional work for staff in processing applications, and can be the cause of improper legal notices for public hearings and other issues.

The source of this problem can be traced, in many instances, to legal descriptions that form the basis for deeds, and which ultimately find their way into the property record system and property record cards. While we cannot directly address incorrect legal descriptions in some deeds, we can work to insure that those problems do not transfer to the development review process and the records that support that process (such as the official zoning and future land use maps).

For this reason we will be requiring the submittal of a property survey or a sketch of description with all applications. A sketch of description will be the minimum requirement for all applications that result in a preliminary development order (preliminary plat, rezoning, etc.). A boundary survey will be the minimum requirement for all applications that result in a final development order (site plan, etc.). Either one must be submitted on a separate plan sheet no larger than 24" x 36", at a scale of 1" = 200', and be certified by a professional land surveyor within six months of the date of submittal of the application of which it is a part. The submittal of a property deed will still be required, but it will not be used to verify the legal description.

The basis for this requirement can be found in Chapter 14 of the Land Development Regulations, and specifically in each section that addresses the requirements for various types of applications. For example, in 14.03.02 (I) the County Manager or designee is empowered to require "such other information or documentation....necessary or appropriate to a full and proper consideration and disposition of the particular application." Please contact this office if there are any questions about this requirement.