

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 3: Engineering & Permitting Requirements**

**3.11 Utility Installations**

**NOTES:**

1. It is recommended that utility crossings be located adjacent to road crossings.
2. All underground utilities placed within the LWDD's canal rights-of-way must be identified with LWDD approved permanent witness markers identifying utility type and location.
3. Any utility line, including above or below ground that is being proposed to be installed parallel to and within the right-of-way of a LWDD canal must receive approval from the Board. Before a request to appear before the Board is added to the Agenda for an upcoming regularly scheduled monthly Board meeting, the applicant must provide to LWDD staff (Staff) a response, along with adequate supporting information for each of the seven (7) items (a through g) shown in this Operating Policies Manual (Manual). **See Section 3.11.1.6**

**NOTE:** A parallel utility line is one that is running (length-wise) parallel to the channel of a LWDD canal, and located within LWDD right-of-way.

4. All utility permits issued to public and private agencies will contain a provision, within the limits of the law, to indemnify and hold the LWDD harmless from any and all liability stemming from the authorized installation.
5. The design plans for each proposed utility line must include State Plane Coordinates (based on the North American Datum of 1983, 1990 adjustment [NAD 83/90] East Zone), in feet (U.S.), at the location where each proposed utility line enters and leaves the LWDD right-of-way, at each end of any proposed parallel utility line, and every three hundred feet (300') on utility lines that are proposed to be in LWDD right-of-way for more than three hundred feet (300').
6. The design plans for each proposed utility line include existing land lines (such as section lines, quarter-section lines, or platted block lines and tract lines within platted subdivision, e.g., the PALM BEACH FARMS CO. PLAT NO. 3) with horizontal dimension ties from the existing land line(s) to the proposed utility line.
7. **Maintenance Access for Utility Lines.** LWDD will authorize, by permit, the temporary joint use of the outermost ten feet (10') of it's right-of-way for access by utility agencies or companies to perform maintenance of their lines that are permitted within, or adjacent to, the right-of-way.

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**3.11.1 Specific Design Criteria**

**3.11.1.1 Aerial Crossings**

Generally described as utility lines which are buried within the right-of-way, but which span the canal above the water surface. (Typically attached to a bridge or pile supported).

**3.11.1.1.1**

Aerial crossings shall be no closer than fifteen feet (15') from bridges, or shall be located immediately adjacent to the bridge. Any new aerial crossings must not be lower than any adjacent existing bridges.

**3.11.1.1.2**

Aerial crossings shall adhere to the same low member elevations as bridges. **See Section 3.1.**

**3.11.1.1.3**

Bank stabilization shall be installed for the limits of the disturbed area of right-of-way, or as determined by Staff.

**3.11.1.1.4**

Location of all underground utilities shall be marked with a permanent witness marker at least four feet (4') high. Marker shall be placed at the right-of-way line and shall identify the underground line. Maintenance of these markers shall be the responsibility of the installing utility in perpetuity.

**3.11.1.2 Subaqueous Crossings**

**3.11.1.2.1**

Subaqueous crossings shall be installed a minimum of sixty inches (60") below the design bottom of the canal, and a minimum of thirty-six inches (36") below all berms and side slopes.

**3.11.1.2.2**

Each subaqueous crossing shall be encased in steel reinforced concrete, and/or a steel sleeve structurally designed to withstand excavations of the canal and to protect the crossings within the limits of the channel bottom (between toe of slope and toe of slope).

**3.11.1.2.3**

Bank stabilization shall be installed for the limits of the disturbed area of right-of-way, or as determined by Staff.

**3.11.1.2.4**

Location of all lines shall be marked with a permanent witness marker at least four feet (4') high. Marker shall be placed at the right-of-way line and shall identify the underground line.

**3.11.1.2.5** See Note 1 at the beginning of Section 3.11 for desired locations.

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**3.11.1.3 Directional Bore Crossings**

**3.11.1.3.1**

Directional bore crossings of a canal must be made so as at all times a minimum of thirty-six inches (36") of buried casing from both side slopes and berm areas as well as ten feet (10') below the design bottom of the canal is provided.

**3.11.1.3.2**

For each directional bore crossing the Permittee must either submit to LWDD a certification from a surveyor or professional engineer registered in the State of Florida certifying to the location and depth of the constructed utility line permitted or submit to LWDD a copy of the contractor's bore log along with a letter of acceptance of the permitted utility line as constructed from the utility owner. The bore log submitted to LWDD must show at least the depth below the top-of-bank of the canal design section of the permitted utility line as constructed and the depth below the centerline of the channel of the canal design section of the permitted utility line as constructed.

**3.11.1.4 Pole to Pole Crossings (All Lines)**

**3.11.1.4.1**

No poles or above ground appurtenances shall be allowed within LWDD right-of-way unless approved by the Board.

**3.11.1.4.2**

Clearances shall be from low point in line to top of bank.

<u>Canal</u>	<u>Minimum height above ground</u>	
	Phone/Power Lines	Cable/Lines
E-4	45'	40'
Boynton Canal	45'	40'
L-14	45'	40'
L-30	45'	40'
L-30-W	45'	40'
L-36½-W	45'	40'
L-38	45'	40'
E-1-W-N	40'	35'
E-1-W-S	40'	35'
E-1	40'	35'
E-1-E	40'	35'

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E-1½	40'	35'
E-2	40'	35'
E-2-W	40'	35'
E-2-E	40'	35'
E-3	40'	35'
All Others	35'	30'

**3.11.1.5 Underground Crossings**

Underground utility crossings are utility crossings over or under a proposed or an existing culvert.

**3.11.1.5.1**

Utility lines placed over existing or proposed culverts shall have a minimum of thirty-six inches (36") of cover within the limits of the right-of-way. Utility lines placed under existing or proposed culverts shall be constructed a minimum of five feet (5') below the design bottom elevation of the canal or five feet (5') below the bottom of the culvert, whichever is lower.

**3.11.1.6 Parallel Utility Lines**

**3.11.1.6.1**

Utility lines installed in and parallel to a right-of-way shall be installed no more than five feet (5') from the right-of-way.

**3.11.1.6.2**

A permit to construct a parallel installation must be approved by the Board.

**3.11.1.6.3**

It shall be the responsibility of the petitioner to provide the following seven (7) items for consideration by the Board in determining its decision to approve the permit to construct the parallel installation:

- (a) Can the proposed utility line be installed within the petitioner's property?
- (b) Does an easement(s) currently exist in adjacent plats and/or developments for the installation of the proposed utility line?
- (c) Can the proposed utility line be installed within road rights-of-way within the proposed area?
- (d) Can the proposed utility line be installed within the required landscape buffer(s) of adjacent plats and/or developments?
- (e) Have other alternate routes for the installation of the proposed utility line been investigated?
- (f) Are there any undeveloped parcels of land in which the proposed utility line can be installed?

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- (g) Has each adjacent property owner, or the adjacent Homeowners' Association(s) (HOA), if applicable, provided a letter of denial to allow the proposed utility line to be installed within their property?

**NOTE:** A parallel utility line is one that is running (length-wise) parallel to the channel of a LWDD canal, and located within LWDD right-of-way.

**3.11.2 General Design Criteria**

**3.11.2.1 Cover Requirements for Underground Facilities**

Cover over facilities installed within LWDD maintenance areas shall be sufficient to withstand LWDD maintenance operations. A minimum of thirty-six inches (36") is required. Soil conditions may adversely affect the minimum cover required, proper backfilling and/or compaction shall be required.

**3.11.2.2 Canal Cross-Sections:**

**Note: With respect to this Section (Section 3.11 Utility Installations) of this LWDD Operating Policies Manual, the canal cross-section requirements that follow are only for proposed aerial utility line crossings or proposed subaqueous utility line crossings.**

For each applicable existing LWDD canal, the applicant or petitioner must provide two sets of current canal cross-sections that have been signed and sealed by a professional surveyor and mapper licensed in the State of Florida. The canal cross-sections will be used to determine if LWDD will require the applicant or petitioner to convey an exclusive easement to LWDD and/or perform canal work. Canal cross-sections at 300 foot intervals are to be provided for each canal, including at each end of the portion of the project that fronts the canal. A minimum of three canal cross-sections for each canal are to be provided. The canal cross-sections are to show, label and dimension at least the following:

- (a) channel bottom elevation and width;
- (b) location and elevation of each toe-of-slope and each top-of-bank;
- (c) existing canal right-of-way lines;
- (d) existing land lines (such as section lines, quarter-section lines, or platted block lines and tract lines within platted subdivisions, e.g., the PALM BEACH FARMS CO. PLAT NO. 3);
- (e) property lines of subject parcel;
- (f) all easements within the limits of the canal cross-section; and

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(g) existing ground elevations to a point 50 feet beyond the existing top-of-banks on each side of the channel or to a point 25 feet outside of the existing canal right-of-way lines on each side of the channel, whichever is greater, including all features that may be relevant (e.g., buildings, edges of pavement, curbs, sidewalks, guardrails and ground grade breaks).

**Note: Each cross-section is to include a sufficient number of surveyed points such that the existing canal is accurately depicted.**

Canal cross-sections are also to be provided at each end of every culvert that exists within the limits of the project for each applicable LWDD canal, with the existing culvert shown in cross-sectional view depicted on the appropriate canal cross-section.

The canal cross-sections are to be shown at a scale of 1 inch equals 10 feet, both horizontal and vertical, for canals with a total of 80 feet (or less) of required right-of-way width (including both heavy and light canal maintenance berms), or 1 inch equals 20 feet, both horizontal and vertical, for canals with a total of more than 80 feet of required right-of-way width (including both heavy and light canal maintenance berms). A statement must be included on the canal cross-sections that the vertical datum used for the canal cross-sections is either the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Vertical Datum of 1988 (NAVD 88), and if the NAVD 88 vertical datum has been used, a conversion factor between the NGVD 29 vertical datum and the NAVD 88 vertical datum for the locations where the canal cross-sections were taken, must be provided. A plan view must be provided that shows how the cross-sections are oriented. The canal cross-sections must be shown, in cross-sectional view, looking from west to east or from south to north, with the north or west right-of-way respectively being on the left side of each canal cross-section shown.

The requested information must be submitted to LWDD in both hardcopy format and CAD drawing files. The CAD drawing files must be in the form of AutoDesk DWG format (current and all prior versions accepted) or alternatively, in DXF format. The CAD drawing files can be submitted on either CD or DVD optical media.

Upon receipt of the existing canal cross section(s), LWDD will furnish the design section(s) that is (are) to be shown on the design plans.

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**NOTE:** Canal cross-sections are valid for a two year period. After that time, current canal cross-sections will be

required for review by LWDD. Based upon review of current canal cross-sections, the applicant or petitioner may be required to reconstruct or reshape the existing canal, in addition to conveying right-of-way to LWDD.

#### **3.11.2.3 Valve Boxes**

Valve boxes within LWDD right-of-way will be reviewed and approved or denied on a case by case basis. See 3.11.3.17

#### **3.11.2.4 Demucking**

Demucking of right-of-way shall be accomplished by the permittee if determined to be necessary by Staff.

#### **3.11.2.5 Witness Markers**

See Note 2 at the beginning of Section 3.11 for permanent witness markers.

#### **3.11.2.6 Right to Deny Request**

LWDD reserves the right to deny any request for failure to meet any requirement contained in this section, or if it is in conflict with the operations of LWDD.

#### **3.11.2.7 Canal Construction to Design Section**

For each aerial crossing or subaqueous crossing the permittee may be required to construct the existing canal to its design section. If so, the design plans for the proposed crossing are to include this work.

#### **3.11.2.8 Encroachments Within LWDD Right-of-Way**

LWDD does not assume maintenance or replacement responsibility for any encroachment within LWDD's right-of-way.

#### **3.11.2.9 Performance Bonds**

The Permittee or Permittee's installing contractor shall furnish a performance bond, cash or other acceptable form of surety in an amount equal to 110% of the engineer's certified cost estimate or the actual contract price to LWDD, to guarantee the timely installation and completion of the utility crossing as designed and approved. See Chapter 3, Section 3.2 – Bonds or Letters of Credit

#### **3.11.2.10 Liability Insurance**

The Permittee shall provide continuing proof of liability insurance in the amount of \$1,000,000.00 minimum, listing LWDD as an additional named insured.

#### **3.11.2.11 Indemnification and Hold Harmless Clause**

The permit shall contain an indemnification hold harmless clause in favor of LWDD, and Permittee shall pay any legal fees and expenses incurred by LWDD in the drafting and review of the necessary documents.

#### **3.11.2.12 Right to Terminate**

LWDD reserves, at all times, the right to terminate all permits.

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**3.11.3 Possible Permit Conditions**

[Note: These conditions are not totally inclusive. Additional conditions may be required based upon the circumstances of the project.]

**3.11.3.1**

In the event it becomes necessary for LWDD to expand or further utilize its facilities within its right-of-way, the Permittee shall after reasonable notice (the same not to exceed sixty (60) days) effect such removal of the permitted facility as LWDD may reasonably require from time to time so as to allow and not delay LWDD canal or right-of-way improvements; and further, the Permittee shall maintain in good safe operating condition the facility permitted and involved herein.

**3.11.3.2**

This permit may not be assigned to other than an affiliate of the Permittee without the written consent of LWDD.

**3.11.3.3**

Permittee may, at its sole expense, modify the facility involved and installed herein under the condition that same does not unreasonably interfere with LWDD's use of its right-of-way and under the condition that the plans and specifications for such modification have been approved in writing by LWDD's staff.

**3.11.3.4**

No sampling points, corporation stops (air release valves), valve boxes or other appurtenances will be permitted within the LWDD right-of-way unless specifically shown and dimensioned on the plans and designed to withstand the normal and routine maintenance of LWDD.

**3.11.3.5**

At the time of installation, a permanent benchmark shall be established at 2<sup>nd</sup> order, class II or better on top of the control structure(s) with the elevation clearly defined, pursuant to the National Geodetic Survey Standards and requirements for leveling.

**3.11.3.6**

Facilities backfilled prior to receiving LWDD approval will be uncovered for visual inspection.

**3.11.3.7**

It is not the intention of this permit to approve of the construction methods for the installation of the herein approved utility facilities. It shall be the responsibility of the Permittee or the Permittee's contractor(s) installing the above described facility to maintain the continuous uninterrupted free flow of water in the canal. It shall further be the duty of the Permittee to obtain the approval of LWDD for any construction methods, which would be contrary to the above. The Permittee shall also be responsible for the installation of silt screens and/or turbidity barriers, as necessary, to maintain the clarity of the water. PERMITTEE'S FAILURE TO COMPLY WITH WRITTEN NOTICE OF A VIOLATION OF THE CONDITIONS OF THIS PERMIT SHALL, AFTER FIVE (5) WORKING DAYS, AUTOMATICALLY WITHOUT



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FURTHER NOTICE VOID THIS PERMIT, BUT NOT THE PERMITTEE'S LIABILITY HERE INVOLVED. ANY BOND CONDITIONED BY THIS PERMIT SHALL BE UTILIZED FOR THE RESTORATION OF ANY DAMAGES DONE TO THE CANAL RIGHT-OF-WAY BY THE PERMITTEE OR THE PERMITTEE'S CONTRACTOR(S).

**3.11.3.8**

Permittee agrees to indemnify and hold harmless LWDD from and against any and all losses, claims, demands, damages, costs and expenses, of whatever kind or nature, including reasonable attorneys' fees, related to or arising out of any claims against LWDD as a result of Permittee's use of the facility permitted and involved herein.

**3.11.3.9.**

Permittee acknowledges that LWDD is exempt from liability for personal injury and damages that may arise as a result of the issuance of this Permit by virtue of Florida Statute, Chapter No. 2003-344.

**3.11.3.10**

Permittee shall reconstruct canal(s) to approved design section along and adjacent to the project's limits, including clearing and proper sloping of the maintenance berms. The cleared canal berms and side slopes shall be stabilized. The type of stabilization shall be approved by Staff. The permitted construction shall be completed prior to any building activity adjacent to LWDD rights-of-way. Please be advised that any fill material scheduled to be removed from the canal may not be relied on for site work.

**3.11.3.11**

Permittee is to construct any sidewalk or pathway that is proposed within LWDD's rights-of-way with six-inch (6") thick concrete, or to meet LWDD approved alternate loading and material(s). LWDD will not be held responsible or liable for any damage to the sidewalk or pathway resulting from LWDD operations and maintenance procedures, or any property damage or personal injury resulting from any sidewalk or pathway damage. All repairs are to be the responsibility of the Permittee.

**3.11.3.12**

Permittee or Permittee's representative shall notify LWDD Engineering Department 48 hours prior to any work within LWDD rights-of-way to coordinate the extent of work to be completed. All facilities needing inspection must be observed prior to backfilling.

**3.11.3.13**

Permittee shall restore LWDD's right-of-way to its original or better condition where disturbed by construction activity.

**3.11.3.14**

LWDD cannot accept any water from dewatering either on or off-site until written notification of approval from SFWMD has been submitted to LWDD.

**3.11.3.15**

It shall be the responsibility of the Permittee to locate and protect any underground facilities within LWDD right-of-way prior to construction.

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**3.11.3.16**

Permittee shall take all reasonable precautions necessary to prevent turbidity or silting upstream or downstream prior to and during construction.

**3.11.3.17**

Should any valves or valve boxes be permitted in LWDD's right-of-way, they shall have a minimum HS-20 (traffic bearing) load rating.

**3.11.3.18**

All underground utility installations in LWDD right-of-way must have a minimum depth (cover) of thirty-six inches (36") unless an alternate design is approved. All underground utilities placed within LWDD's canal right-of-way must be identified with LWDD approved permanent witness markers identifying utility type and location.

**3.11.3.19**

Permittee shall submit record drawings/project certification within sixty (60) days of project completion. Drawings should show, as a minimum, location, depth of cover, elevations referenced to N.G.V.D. 1929 (adjusted). Failure of the Permittee to provide these drawings/certification within the time specified may result in LWDD requesting that all jurisdictional agencies withhold their final approval until the drawings/certification are received and approved by LWDD.

**3.11.3.20**

The permitted crossing shall be a minimum height/depth of \_\_\_\_\_ above/below the canal maintenance berm/channel bottom.

**3.11.3.21**

Permittee shall obtain any and all permits required by any governmental agency and/or any municipality that may be involved, prior to the commencement of any construction.

**3.11.3.22**

Permittee agrees that the stormwater discharge authorized by this permit shall comply with all applicable provisions of Part IV of Chapter 373, Florida Statutes, as well as applicable management and storage of surface water rules, including but not limited to, 40E-4.301, 40E-400.215, and 40E-400.315, Florida Administrative Code, and Section 5.2 of the SOUTH FLORIDA WATER MANAGEMENT DISTRICT Basis of Review. All costs of correcting any violations of SOUTH FLORIDA WATER MANAGEMENT DISTRICT law and rules shall be the exclusive obligation of Permittee.

**3.11.3.23**

All unpermitted facilities installed before or during construction shall be removed prior to the project's final acceptance by LWDD.

**3.11.3.24**

Permittee has provided a bond in favor of LWDD in the amount of 110% of the cost of the permitted facility and its installation. Bond can be released upon issuance of final inspection by LWDD and Permittee's submittal of record drawings/project certification to LWDD. The cost will be based on an estimate prepared and signed and sealed by a professional engineer registered in the State of Florida.

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### 3.11.3.25

Permittee agrees that significant construction must start within two years from the date of permit issuance or this permit is void and a new permit must be applied for prior to any construction activity on site. Construction must be completed within the time period set in the permit. The new application must meet current operating policies.

### 3.11.3.26

Permittee has six (6) months after commencement of construction (as determined by LWDD) to complete the construction authorized by this Permit.

### 3.11.3.27

Permittee, LWDD approved assignees, and/or successors in title agree to operate and maintain the system/facility in perpetuity, including correction of any damages caused as a result of this installation.

### 3.11.3.28

Permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the facility. LWDD reserves the right to require that additional water quality or erosion control treatment methods be incorporated into the facility if such measures are shown to be necessary based on local, SFWMD, USACE, FDEP and/or EPA standards that are required.

### 3.11.4 Fees See Chapter 2.0

### 3.11.5 Conditions upon which Work within LWDD Right(s)-of-Way May be Required of a Petitioner or an Applicant

Proposed improvements to property that is adjacent to a LWDD canal, or part of a parent tract (same property owner or contiguous master plat) that is adjacent to a LWDD canal, or proposed improvements within LWDD canal right(s)-of-way, may be conditioned, when and if permitted by LWDD, to do canal work. This canal work may include, but may not necessarily be limited to, canal channel and maintenance berm relocation, canal channel and maintenance berm reshaping, dredging, filling, sloping, channel side slope stabilization, sodding and/or seeding and mulching.

Projects that may be conditioned to do canal work are projects that propose to make improvements to the adjacent property and which improvements may directly affect the facilities of LWDD.

Also, projects within adjacent property that have existing conditions, that have in the past adversely affected the facilities of LWDD, even if the proposed improvements will not directly affect the facilities of LWDD, may be required to do canal work.

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Any requirements or conditions for canal work may be independent of any LWDD right-of-way ownership and interest requirements. These LWDD right-of-way ownership and interest requirements can be found in **Chapter 5: Right-of-Way Ownership & Interests** of the LWDD Operating Policies Manual.

Engineering and permitting requirements can be found in **Chapter 3: Engineering & Permitting Requirements** of the LWDD Operating Policies Manual.

LWDD GENERAL PERMIT APPLICATION

1. Project Name/Description: \_\_\_\_\_  
 \_\_\_\_\_

Check all that apply:

Type:  Drainage Master  Drainage Phase  Roadway or Pathway  Bridge  
 Culvert Crossing  Piping of Canal  
 Permit Modification (Permit Number being modified: LWDD Permit Number \_\_\_\_\_)

Utility Installation:  Aerial Crossing  Subaqueous Crossing  Directional Bore Crossing  
 Pole to Pole  Underground Crossing  Parallel Installation  
 Attached to Bridge

R/W Encroachment:  Sign  Utility Pole  Monitoring Well

Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2a. Project Location (Including Address) Note: Legal description of project or property survey with legal description must be attached to this application: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Drainage Basin:  C-51  C-16  C-15  Hillsboro  
 (Please check all that apply)

2b. On applications for Drainage Outfalls, Roadways, Pathways, Bridges, Culvert Crossings, Piping of Canals, Utility Lines, Utility Poles and Monitoring Wells provide Florida State Plane Grid Coordinates (U.S. Survey Feet) based upon the North American Datum of 1983, 1990 Adjustment (NAD 83/90), or better for the proposed improvements, as follows:

Begin Construction Centerline Coordinates: N \_\_\_\_\_ E \_\_\_\_\_

and

End Construction Centerline Coordinates: N \_\_\_\_\_ E \_\_\_\_\_

or

Location Coordinates: N \_\_\_\_\_ E \_\_\_\_\_

**LWDD PERMIT APPLICATION**

**Project Name/Description** \_\_\_\_\_

**2c. Property Control Number (for applicable parcels)** \_\_\_\_\_

**2d. Job, Agent or Government Project Number** \_\_\_\_\_

**2e. Receiving/Adjacent Canal(s):** \_\_\_\_\_ **2f. Project Acreage:** \_\_\_\_\_

**3. Agent\*:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip** \_\_\_\_\_ **Code:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Job #:** \_\_\_\_\_

**Project Engineer:** \_\_\_\_\_ **Phone #** \_\_\_\_\_

**Project Engineer's email address:** \_\_\_\_\_

I hereby certify that I am an authorized agent of the owner.

\_\_\_\_\_  
Signature & Printed Name of Agent

\_\_\_\_\_  
Date

\* Agent must provide letter of authorization from owner.

**4. Owner/Applicant:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

\_\_\_\_\_  
Signature & Printed Name of Owner/Applicant

\_\_\_\_\_  
Date

# LWDD PERMIT APPLICATION

Project Name/Description \_\_\_\_\_

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## Checklist of items (if applicable) to be included with a Permit Application (Please check each item that is included with your permit application)

- Two (2) sets of signed & sealed design plans.
- One (1) set of signed & sealed drainage calculations for the appropriate frequency design storm event.
- Control structure(s) shown on the detail sheet of design plans shall be a fixed metal plate or wall, moveable metal plate or a combination of both. All dimensions and elevations shall be shown on design plans.
- Discharge pipe and/or endwall shown on detail sheet of the design plans shall meet LWDD & FDOT standards and specifications.
- Existing canal cross section with canal design section overlay, if applicable.
- Check for inspection/administrative fees if required, including itemization of fees. **See Chapter 2 – Fees, of LWDD Operating Policies manual.**
- Map of Survey and/or sketch of description (signed and sealed)
- Drawing describing the proposed use or facilities (to scale if possible)
- Copy of other Agency permits (if applicable)
- Other information pertinent to the application
- A benchmark shall be provided on the discharge control structure.

To be Prepared on Surety Letterhead

PERFORMANCE BOND

**KNOW ALL MEN BY THESE PRESENTS:** That \_\_\_\_\_ (Principal) \_\_\_\_\_, having an address of \_\_\_\_\_ as (“Principal”), and \_\_\_\_\_ (Surety) \_\_\_\_\_, having an address of \_\_\_\_\_ (Local Address) \_\_\_\_\_ as (“Surety”), having heretofore complied with all requirements of the laws of the State of Florida regulating the admission of such transacted business in this State, as Surety, are held and firmly bond unto the Lake Worth Drainage District, a special taxing district of the State of Florida, having an address of 13081 Military Trail, Delray Beach, Florida 33484-1105, in the full and just sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), lawful money funds of the United States of America, for which sum well and truly to be paid to said Lake Worth Drainage District (“LWDD”), the said Principal and the said Surety do hereby bind themselves, their heirs, executors, administrators, successors or assigns respectively, as the case may be, jointly and severally, firmly by these presents.

**WHEREAS,** the said Principal is required to furnish a Performance Bond to guarantee the completion of the project as required by the permit/agreement Principal executed with Lake Worth Drainage District.

Drafts made under this Performance Bond shall be marked as “Drawn under Performance Bond Number \_\_\_\_\_”, and must be accompanied by written notice from LWDD that Principal failed to meet its obligation under the terms of its permit/agreement.

Venue for any administrative proceeding or judicial action from this Performance Bond, including any action to enforce its terms against the Surety, shall be in Palm Beach County, Florida.

This Performance Bond shall be in effect, without amendment, until the date set forth herein. If the Surety elects to terminate the Performance Bond, notice to LWDD that this Performance Bond will expire prior to performance of the Principal’s obligations shall be deemed a default by the Principal.

This Performance Bond shall remain in full force until completion of the project and approval of the project by LWDD, pursuant to the terms of the Principal’s permit/agreement.

**IN WITNESS WHEREOF,** the parties have hereunto set their hands and seals, by action causing their authorized representatives to sign these presents, pursuant to the authority of their governing bodies on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



\_\_\_\_\_  
Principal Name (Printed)

Attested by: \_\_\_\_\_  
Principal's Authorized Agent

\_\_\_\_\_  
Surety Name (Printed)

Attested by: \_\_\_\_\_  
Surety's Authorized Agent

**SIGNED AND SEALED  
IN THE PRESENCE OF:**

\_\_\_\_\_  
Witness Name (Printed)

Witnesses: \_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Name (Printed)

Witnesses \_\_\_\_\_  
Witness Signature

**IRREVOCABLE LETTER OF CREDIT**

DATE OF ISSUE:

APPLICANT:

BENEFICIARY: Lake Worth Drainage District  
13081 Military Trail, Delray Beach, FL 33484

AMOUNT:

EXPIRATION DATE:

We hereby open our Irrevocable Letter of Credit No. \_\_\_\_\_ in favor for the account of \_\_\_\_\_, which such credit may be drawn by said Beneficiary at \_\_\_\_\_ (Address) \_\_\_\_\_ on us.

Demands on the Letter must be accompanied by a statement from the **Executive Director of Lake Worth Drainage District**, certifying either: (1) that said Letter of Credit is about to expire and has not been renewed; or (2) that work has not been completed in accordance with the plans, specifications and agreements (including any amendments thereof) for the following project:

\_\_\_\_\_ (Name of Project)

The initial expiry date of this Letter of Credit is \_\_\_\_\_.

We hereby agree with the drawers, endorsers, and bona fide holders of all drafts under and in compliance with the terms of the credit, that such drafts will be duly honored upon presentation to \_\_\_\_\_ (Name of Florida Bank) at \_\_\_\_\_ (address) \_\_\_\_\_, in accordance with the terms hereof. If this draft is not honored upon presentation, \_\_\_\_\_ (Name of Florida Bank) agrees to pay costs incurred by the Lake Worth Drainage District in enforcing this Letter of Credit, including attorney fees.

This credit is subject to the "Uniform Customs and Practice for Documentary Credits" (1993 revision), International Chamber of Commerce Publication No. 500 and to the provisions of Florida Law. If a conflict between the Uniform Customs and Practice for Documentary Credits and Florida Law should arise, Florida Law shall prevail. If a conflict between the law of another state or country and Florida Law should arise, Florida Law shall prevail.

BY: \_\_\_\_\_ (Name of Florida Bank)

\_\_\_\_\_  
(Signature of Authorized Bank Officer)

\_\_\_\_\_  
(Printed Name and Title of Officer)