

Proposed Revisions to Operating Policies – Fees, Docks and Use of Right-of-Way for Temporary Access

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Proposed Revisions to Fee Policy



- Current policy provides that all variances from the District's permitting policies must be approved by the Board and requires a \$500 non-refundable application fee
- With canal rehabilitation program and enhanced compliance efforts, requests are increasing from property owners to retain existing encroachments; requires staff review, research and recommendation to Board
- At October 2017 meeting, board approved applying the \$500 non-refundable application fee for requests from property owners to permit existing encroachments
- If Board approves variance request, staff recommending approval of standard one-time right-of-way usage fee and re-occurring annual fees for both linear and area uses

Proposed Revisions to Fee Policy (Continued)



All Other Right-of-Way Authorizations (Requests for all other right-of-way uses require Board approval)

LWDD does not permit right-of-way uses not listed in the fee schedule shown in this Operating Policies manual (e.g. parallel fences, structures, landscaping, bike paths). Applicants requesting an alternative use or a use of the right-of-way other than the uses established in this Operating Policies manual (variance) must submit an application, with applicable application fees, for staff review and consideration by the Board of Supervisors. Applicants must demonstrate a substantial hardship or a public purpose and must provide assurances that drainage works and maintenance functions will not be harmed. If approved by the Board of Supervisors, applicable permit and right-of-way usage (one-time and/or annual) fees will be applied and must be submitted prior to permit issuance. Application fees are non-refundable.

<u>Permit Application Fee*</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>	<u>Annual Re-Occurring Right-of-Way Usage or Occupancy Fee**</u>
Linear Uses \$ 500.00 each	Linear Uses \$ 20.00 per L.F. (min. \$ 1500.00)	Linear Uses \$ 4.00 per L.F. (min. \$ 500.00)
Area Uses \$ 500.00 each	Area Uses \$ 5.00 per S.F. (min. \$ 1500.00)	Area Uses \$ 0.10 per S.F. (min. \$ 500.00)

* This \$500.00 permit application fee is non-refundable and is required to request approval from the LWDD Board of Supervisors (Board) for uses of the right-of-way other than the uses established in this Operating Policies manual.

** Each of these other right-of-way authorizations approved shall pay the annual re-occurring right-of-way usage, or occupancy, fee shown above for that portion of the LWDD canal right-of-way being used or occupied. This annual re-occurring right-of-way usage, or occupancy, fee will be adjusted every five (5) years in accordance with the compounded Consumer Price Index (CPI).

In lieu of payment of the one-time right-of-way usage or occupancy fee, mitigation may be considered. The Applicant must demonstrate this mitigation to benefit the mission of LWDD.

Proposed Revisions to Fee Policy (Continued)



- Other Proposed Revisions to Fee Policy
 - Combined gate and bollard component fees for access gates to reduce confusion – number of bollards vary with right-of-way widths and are hard to determine prior to installation which is after the fees have been collected
 - Revised fee for permit extensions to \$300 to be consistent with other general permit fees
 - Revised fee for subsequent phases of a previously approved master drainage plan to \$300 to be consistent with the fee existing for minor permit modifications

Proposed Revisions to Use of Right-of-Way as Temporary Access Policy



- Temporary access of the right-of-way for periods of six months or less approved by staff; Board must approve requests in excess of six months
- Revised requirements for petitioner to obtain a right-of-way permit for the District instead of entering into a license agreement with the District

Proposed Revisions to Dock Policy



- Added information that docks being proposed in the E-4 Canal south (downstream) of the existing salinity structure 1,700 feet north of Glades Road do not require authorization from LWDD – this section of the E-4 Canal is tidal (a statement has been added that this does not relieve the individual requesting the dock from obtaining authorizations required by other regulatory agencies)
- Removed the requirement for the dock, boat and appurtenant structures cannot exceed 50% of the length of the lot measured along the canal – this requirement is inconsistent with other dimensional requirements
- Added the following requirement: If the dock cannot be centered within the lot's canal frontage, the dock must be located a minimum of 15 feet from any property line
- Added requirements for record drawings for docks and bulkheads

LAKE WORTH DRAINAGE DISTRICT OPERATING POLICIES

Chapter 3: Engineering & Permitting Requirements

3.6 Docks, Davits, Boat Lifts and Bulkheads

3.6.1 Docks, Davits and Boat Lifts

3.6.1.1

A permit may be issued upon receipt of all requirements contained in this section. The permit shall be temporary and may be revoked by LWDD at any time. The termination or revocation shall be at the sole discretion of LWDD.

3.6.1.2

Each application shall meet LWDD's requirements of the specific location, and all Municipal, County, State and Federal permits and/or requirements. Designs will be reviewed on a case by case basis. LWDD reserves the right to refuse permitting any applications that do not meet the criteria contained herein.

3.6.1.3

Docks may be permitted only for properties contiguous to the adjacent canal right-of-way. Docks may be permitted only on canals where the width of the water surface at the maintained water elevation is forty feet (40') or more and only within the following listed canal sections:

L-7 Canal (Downstream, or east of Pine Tree Lane)

L-8 Canal (Downstream, or east of West Lake Drive)

L-9 Canal (Downstream, or east of West Lake Drive)

L-10 Canal (Downstream, or east of Florida Mango Road)

L-14 Canal (Downstream, or east of Control Structure No. 8)

L-17 Canal (Downstream, or east of Congress Avenue)

L-24 Canal (From approximately 950 feet west of E-4 Canal to E-4 Canal)

L-27 Canal (Downstream, or east of Congress Avenue)

L-28 Canal (Downstream, or east of Congress Avenue)

L-30 Canal (Downstream, or east of Control Structure No. 11)

L-38 Canal (Downstream, or east of Control Structure No. 12)

L-48 Canal (Tidal area only; SW 8th Terrace east to E-4 Canal)

L-49 Canal (Tidal area only; SW 9th Avenue east to E-4 Canal)

L-50 Canal (Tidal area only; SW 14th Drive east to E-4 Canal)

C. Stanley Weaver Canal (Downstream, or east of Control Structure No. 9)

E-4 Canal (Authorization not required from LWDD for docks south of the existing salinity structure which is approximately 1,700 feet north of Glades Road)*

***This does not relieve the property owner from obtaining any permits or authorizations required from Palm Beach County, Municipalities or other regulatory agencies for docks south of the existing salinity structure.**

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At the discretion of LWDD, docks may be permitted within canals not listed above that have a direct connection to a lake or the E-4 Canal

3.6.1.4

Boathouses and floating docks are prohibited.

3.6.1.5

Docks are prohibited for multifamily structures such as townhomes, duplexes, villas, etc.

3.6.1.6

Only one dock, davit and/or boat lift is allowed per lot.

3.6.1.7

Docks are prohibited for lots that have less than seventy-five feet (75') of canal frontage.

3.6.1.8

Docks are prohibited within three hundred feet (300') of a control structure.

3.6.1.9

Docks may not be permitted in areas where unacceptable rates of bank erosion are occurring, such as areas of excessive boat traffic, high channel velocities, or existing geological conditions. LWDD reserves the right to deny new permits or revoke existing permits in these areas.

3.6.1.10

The dock surface, including the surface of all appurtenant structures (boat lifts, davits, stairs/steps, etc.) shall not exceed a total horizontal area of 250 square feet. The total dock surface area is to include all portions of the dock and the areas between portions of the dock.

The dock, boat and appurtenant structures shall not exceed more than one-fourth ($\frac{1}{4}$) of the canal width, as measured from the edge of water at the maintained water elevation. In addition, the dock, boat and appurtenant structures shall not exceed twenty-five feet (25') in width, as measured from the edge of water at the maintained water elevation, waterward, and twenty-five feet (25') in length, as measured along the water's edge at maintained water elevation. Any dock less than six feet (6') in width must include a handrail along the water's edge of the dock.

See the Appendix for dock and bulkhead details.

3.6.1.11

Docks must be centered within the lot's canal frontage. If the dock cannot be centered within the lot's canal frontage, the dock must be located a minimum of 15' from any property line.

3.6.1.12

Minimum low member elevation for docks shall be two feet (2') above maintained water elevation.

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3.6.1.13

Docks, davits and/or lift arms shall have reflectors or reflective tape at all times, which can be easily seen at night from both upstream and downstream sides of the canal, should they extend over or into the water body.

3.6.1.14

Erosion control, in the form of either a bulkhead (See Section 3.6.2) or rip-rap rubble shall be required for a distance of fifty feet (50') on both sides, from the center line of the dock or from lot property line to lot property line in cases where the lot's water frontage is one hundred feet (100') or less. Specific material types and dimensions must be approved by LWDD prior to submittal of the application. The design and construction of a bulkhead for erosion control within LWDD right-of-way is to meet the requirements shown in Section 3.6.2, as well as the dock and bulkhead details included in the Appendix. The design and construction of rip-rap rubble for erosion control is to meet the requirements shown in the LWDD Rip-Rap Rubble Erosion Control Detail included in the Appendix.

Any earthwork that is needed to properly construct the required erosion control, including earthwork within the channel and its side slopes or on the canal maintenance berms, will be the Applicant/Permittee's responsibility. Earthwork requirements may be a condition of a Permit.

3.6.1.15

Davits and/or boat lifts may be installed but must be indicated on the application drawings and must be approved by LWDD.

3.6.1.16

Electrical installations must be indicated on the applicant's drawings and installed by a Florida licensed electrical contractor. Upon completion of the installation, as-built drawings shall be provided to LWDD, noting the depth and location of the electrical installations. All electrical facilities associated with a dock and/or a boat lift (including but not limited to lights, electrical fixtures, electrical outlets, etc.) must be securely attached to the dock or the boat lift. **Regardless of other agency building code requirements, any electrical wiring within the canal right-of-way must be buried in conduit a minimum of thirty-six inches (36") below the surface of the ground.**

3.6.1.17

LWDD will not permit the construction of docks that incorporate walls or other similar enclosures; whether solid, partly solid, screened or transparent, regardless of the type of materials used in construction.

3.6.1.18

No roofs, roofing material, or coverings of any kind will be allowed on docks, davits or boat lifts.

3.6.1.19

Prior to permit issuance, residential Permittees must furnish to LWDD proof of liability insurance in the minimum amount of \$300,000.00 naming LWDD

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as a certificate holder or “additional interest.” Commercial Permittees must furnish to LWDD proof of liability insurance in the minimum amount of \$1,000,000 naming LWDD as “additional insured.” Such insurance policies shall be kept in full force and effect during the term of the permit authorizing the facility within LWDD right-of-way. The Permittee or its successors and/or assigns is responsible for all costs to provide this insurance. Proof of such coverage shall be provided to LWDD annually and as requested any time during the permit duration. In the event Permittee allows said insurance policy to expire, the Permit shall be in default and LWDD shall have the right to terminate this Permit.

3.6.1.20

Applicant shall indemnify and hold harmless LWDD for any liabilities arising out of the issuance of a permit for the subject dock, davits and/or boat lift.

3.6.1.21

Applicant shall provide a copy of the property’s recorded Warranty Deed together with a copy of the current Tax Bill or provide a copy of a search of the Property Appraiser’s Public Access System to demonstrate that he/she is the current owner of the property.

3.6.1.22

Applicant shall provide a survey of the property, showing the proposed location of the dock, davits and/or boat lift in reference to the lot’s property line and canal water’s edge at maintained water elevation, as well as showing LWDD’s right-of-way. The survey provided to LWDD is to be signed and sealed by a professional land surveyor licensed in the State of Florida.

3.6.1.23

Applicant shall provide drawing(s) and information showing the location and type of construction and materials to be used. Drawings and design information must be signed and sealed by a professional engineer licensed in the State of Florida. At a minimum the drawings are to show the dock width (in feet), dock length (in feet) and the depth of the piling penetration into the undisturbed ground of the canal (in feet). See the Appendix for dock and bulkhead details.

3.6.1.24

Permit application fee and one-time right-of-way usage or occupancy fee must be included with permit application submittal. **See Chapter 2.0 – Fees**

3.6.1.25

Docks shall not be used either permanently or temporarily as a place of residence.

3.6.1.26

Docks shall not be used for the mooring of houseboats, or other vessels used permanently or temporarily as a place of residence.

3.6.1.27

If the applicant or contractor intends to use LWDD’s right-of-way for temporary construction access outside the limits of the applicant’s lot,

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approval must be obtained from LWDD. See Section 4.8 Use of Right-of-Way as Temporary Access.

3.6.1.28

To confirm structural stability of a permitted dock, LWDD may at any time require the Permittee to obtain a structural inspection at the Permittee's expense, from a licensed professional engineer registered in the State of Florida.

3.6.1.29

If the property on which the permitted dock, davit and/or boatlift exists is sold, the new owner shall submit a request for permit transfer with applicable fees within 90 days of property purchase. Failure to request a permit transfer within the allowed time may result in the permit being revoked.

3.6.1.30

Modifications of permitting criteria such as roofing, square footage and fees, may be considered for public purpose docks.

3.6.1.31

The Permittee will be required to provide record drawings certified by a licensed Florida professional engineer confirming that the facilities were constructed in accordance with the design permitted by LWDD. In the alternative, LWDD will accept written verification from authorized local government representatives that the construction meets the applicable Building Code or another more stringent local government building code. If certified record drawings are not provided within sixty (60) days from substantial completion, LWDD shall revoke permit and the facilities shall be removed at the owner's expense.

3.6.2 Bulkheads

3.6.2.1

A permit may be issued upon receipt of all requirements contained in this section. The permit shall be temporary and may be revoked by LWDD at any time. The termination or revocation shall be at the sole discretion of LWDD.

It is suggested that the applicant contact LWDD prior to seeking local governmental agency approval.

3.6.2.2

Each application shall meet LWDD's requirements of the specific location, and all Municipal, County, State and Federal permits and/or requirements.

3.6.2.3

Applicant shall provide a survey of the property, showing the proposed location of the bulkhead in reference to the lot's property line and canal

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water's edge at maintained water elevation, as well as showing LWDD's right-of-way. The survey provided to LWDD is to be signed and sealed by a professional land surveyor licensed in the State of Florida.

3.6.2.4

Applicant shall provide drawing(s) and information showing the location and type of construction and materials to be used. Drawings and design information must be signed and sealed by a professional engineer licensed in the State of Florida. At a minimum the drawings are to show the depth of the bulkhead sheet pile penetration into the undisturbed ground of the canal (in feet). See the Appendix for dock and bulkhead details.

3.6.2.5

Prior to permit issuance, residential Permittees must furnish to LWDD proof of liability insurance in the minimum amount of \$300,000.00 naming LWDD as a certificate holder or "additional interest." Commercial Permittees must furnish to LWDD proof of liability insurance in the minimum amount of \$1,000,000 naming LWDD as "additional insured." Such insurance policies shall be kept in full force and effect during the term of the permit authorizing the facility within LWDD right-of-way. The Permittee or its successors and/or assigns is responsible for all costs to provide this insurance. Proof of such coverage shall be provided to LWDD annually and as requested any time during the permit duration. In the event Permittee allows said insurance policy to expire, the Permit shall be in default and LWDD shall have the right to terminate this Permit.

3.6.2.6

Applicant shall indemnify and hold harmless LWDD for any liabilities arising out of the subject permit.

3.6.2.7

Applicant shall provide a copy of the property's recorded Warranty Deed together with a copy of the current Tax Bill or provide a copy of a search of the Property Appraiser's Public Access System to demonstrate that he/she is the current owner of the property.

3.6.2.8

Permit application fee and one-time right-of-way usage or occupancy fee must be included with permit application submittal. **See Chapter 2.0 – Fees**

3.6.2.9

To confirm structural stability of a permitted bulkhead, LWDD may at any time require the Permittee to obtain a structural inspection at the Permittee's expense, from a licensed professional engineer registered in the State of Florida.

3.6.2.10

If the property on which the permitted bulkhead exists is sold, the new owner submit a request for permit transfer with applicable fees within 90 days of property purchase. Failure to request a permit transfer within the allowed time may result in the permit being revoked.

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3.6.2.11

The Permittee will be required to provide record drawings certified by a licensed Florida professional engineer confirming that the facilities were constructed in accordance with the design permitted by LWDD. In the alternative, LWDD will accept written verification from authorized local government representatives that the construction meets the applicable Building Code or another more stringent local government building code. If certified record drawings are not provided within sixty (60) days from substantial completion, LWDD shall revoke permit and the facilities shall be removed at the owner's expense.

3.6.3 Possible Permit Conditions

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

3.6.3.1

LWDD hereby grants a temporary permit to install the facilities as described in the approved plans on file with LWDD.

3.6.3.2

It is agreed that it is the sole responsibility of Permittee to maintain the facilities in a good, safe condition. It is left to the sole discretion of LWDD to determine whether or not the facilities are being maintained in a good, safe condition.

3.6.3.3

In the event LWDD should determine that the facilities are not being maintained in a good, safe condition, or LWDD requires removal of the facilities for any reason, the Permittee hereby agrees to remove, at the Permittee's expense, the aforementioned facilities and restore the right-of-way to its former condition, upon receiving sixty (60) days written notice. In the event of the failure on the Permittee's part to remove the items permitted and restore said right-of-way, it is mutually agreed that LWDD may thereafter remove same at Permittee's expense and recover all related expenses against the subject property through the Florida courts, by way of, but not limited to the lien laws of the State of Florida.

3.6.3.4

Docks, davits and/or lift arms shall have reflectors or reflective tape at all times, which can be easily seen at night from both upstream and downstream sides of the canal, should they extend over or into the water body.

3.6.3.5

Permittee agrees to indemnify and hold harmless LWDD of and from any and all losses, claims, damages, causes of action, costs and expenses of whatever kind or nature, including attorney's fees and court costs relating to or arising out of any claims against LWDD, as a result of or emanating out of the

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Chapter 3: Engineering & Permitting Requirements

issuance of this Right-of-Way Permit and the usage of the LWDD right-of-way by the Permittee and the public.

3.6.3.6

Prior to permit issuance, residential Permittees must furnish to LWDD proof of liability insurance in the minimum amount of \$300,000.00 naming LWDD as a certificate holder or “additional interest.” Commercial Permittees must furnish to LWDD proof of liability insurance in the minimum amount of \$1,000,000 naming LWDD as “additional insured.” Such insurance policies shall be kept in full force and effect during the term of the permit authorizing the facility within LWDD right-of-way. The Permittee or its successors and/or assigns is responsible for all costs to provide this insurance. Proof of such coverage shall be provided to LWDD annually and as requested any time during the permit duration. In the event Permittee allows said insurance policy to expire, the Permit shall be in default and LWDD shall have the right to terminate this Permit.

3.6.3.7

LWDD reserves the right to terminate, amend, alter, or change the terms, conditions, or requirements contained herein at anytime and for any reason.

3.6.3.8

Any rights transferred herein to Permittee shall be inferior to the rights of LWDD.

3.6.3.9

If the ownership of the property is transferred, the new owner shall secure a new Permit through a Permit transfer from LWDD.

3.6.3.10

The Permittee, LWDD approved assignees, and/or successors in title agree to operate and maintain the system/facility in perpetuity.

3.6.3.11

It is not the intent of the Permit to alter or affect the necessity of obtaining any other permits from any other appropriate government agencies.

3.6.3.12

Forty-eight (48) hours notice must be given to LWDD prior to commencement of work within LWDD right-of-way.

3.6.3.13

The Permittee will be required to provide record drawings certified by a licensed Florida professional engineer confirming that the facilities were constructed in accordance with the design permitted by LWDD. In the alternative, LWDD will accept written verification from authorized local government representatives that the construction meets the applicable Building Code or another more stringent local government building code. If certified record drawings are not provided within sixty (60) days from substantial completion, LWDD shall revoke permit and the facilities shall be removed at the owner's expense.

LAKE WORTH DRAINAGE DISTRICT OPERATING POLICIES

Chapter 3: Engineering & Permitting Requirements

3.6.4 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.

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.

LAKE WORTH DRAINAGE DISTRICT OPERATING POLICIES

Chapter 2: Fees

2.1 FEE GUIDANCE

For projects that require both Stormwater Management (see Section 2.2 – Stormwater Management Permit Fee Schedule) and Right-of-Way (see Section 2.3 – Right-of-Way Permit Fee Schedule) Permits, the Applicant must submit applications and respective fees separately for each. If a drainage outfall connection within LWDD right-of-way is being proposed as part of a stormwater management system the Applicant must obtain a separate Right-of-Way Permit for the outfall; applications will be reviewed and permits will be issued simultaneously.

For projects that require multiple Right-of-Way Permit types (e.g. Bridge, Drainage Outfall Connection, Sign, etc.), the Applicant can submit one application indicating each permit type being applied for. The application must include all fees based upon each Right-of-Way Permit type requested.

Upon submittal, applications will be reviewed to determine if appropriate fees were submitted. Applicants will be invoiced for any additional or unpaid fees due. Applications will not be reviewed and permits will not be issued until all applicable fees are received by LWDD.

All application fees are non-refundable. In the event a permit application is denied, any usage fees paid will be refunded.

The LWDD may record a Notice of Permit with the Palm Beach County Clerk of Court for certain types of permits. In addition to application and usage fees, recording fees based upon current fees charged by the Palm Beach County Clerk of Court will be assessed and collected prior to permit issuance.

Permit fees will be doubled if improvements are constructed or installed without a permit or backfilled without inspection.

Some examples of showing fee calculations for several different types of projects have been provided in Section 2.6 – Fee Calculation Examples.

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Chapter 2: Fees

2.2 STORMWATER MANAGEMENT PERMIT FEE SCHEDULE

All required permit fees for a project seeking a Stormwater Management Permit are to be submitted with the permit application package. The permit application will not be processed, distributed or reviewed until the required permit fees are received by LWDD. A Stormwater Management Permit will not be issued by LWDD until all permit application requirements, including all review comments, are addressed to LWDD's satisfaction.

The LWDD may record a Notice of Permit with the Palm Beach County Clerk of Court for certain types of permits. In addition to application and usage fees, recording fees based upon current fees charged by the Palm Beach County Clerk of Court will be assessed and collected prior to permit issuance.

Permit fees will be doubled if improvements are constructed or installed without a permit or backfilled without inspection.

Stormwater Management Permit Types

Permit Fee

Drainage Permits

Projects 10 acres or less	\$1,200.00 each
Projects above 10 acres and less than 40 acres	\$3,000.00 each
Projects 40 acres and above	\$4,200.00 each
Each subsequent phase of a previously approved master drainage plan (each subsequent phase of a previously approved master drainage plan is considered a minor modification to the previously approved master drainage plan)	\$ 300.00 each

[REF: CHAPTER 3, SECTION 3.5]

Roadway Projects

Designs with zero (0) or one (1) proposed discharge control structure	\$3,000.00 each
Each additional proposed discharge control structure	\$1,800.00 each

[REF: CHAPTER 3, SECTIONS 3.4
& 3.5]

Existing culverts for side streets and driveways that are being replaced or modified within LWDD Canal(s) for required canal relocation, as part of a roadway project, are included in roadway fees.

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Chapter 2: Fees

2.2 STORMWATER MANAGEMENT PERMIT FEE SCHEDULE (CONTINUED)

**Stormwater Management
Permit Types**

Permit Fee

M.S.T.U. Roadway Projects

(Private Property Assessed Projects)

\$1,200.00 each

[REF: CHAPTER 3, SECTIONS 3.4 & 3.5]

Existing culverts for side streets and driveways that are being replaced or modified within LWDD Canal(s) for required canal relocation, as part of an M.S.T.U. roadway project, are included in M.S.T.U. roadway fees.

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Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE

The required permit application fees for a project seeking a Right-of-Way Permit are to be submitted with the permit application package. The permit application will not be processed, distributed or reviewed until the required permit application fees are received by LWDD. A Right-of-Way Permit will not be issued by LWDD until all permit application requirements, including all review comments, are addressed to LWDD's satisfaction and the required one-time right-of-way usage or occupancy fees are received by LWDD.

The LWDD may record a Notice of Permit with the Palm Beach County Clerk of Court for certain types of permits. In addition to application and usage fees, recording fees based upon current fees charged by the Palm Beach County Clerk of Court will be assessed and collected prior to permit issuance.

Permit fees will be doubled if improvements are constructed or installed without a permit or backfilled without inspection.

<u>Right-of-Way Permit Types</u>	<u>Permit Application Fee</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>
Access Gates [REF: CHAPTER 3, SECTION 3.7]	\$ 610.00 each	Not Applicable

Access gates must be fabricated and installed according to LWDD approved plans and specifications.

If the applicant requests, LWDD will supply the access gate and bollards, with the following fees to be assessed:

Access Gate (including bollards) \$ 2125.00 each

The fees shown above for LWDD to supply the access gate and bollards includes all fees for LWDD to fabricate, deliver to the job site, and install the access gate and bollards as permitted. LWDD will not fabricate, deliver to the job site, or install any chain link fence material, even if permitted.

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Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

<u>Right-of-Way Permit Types</u>	<u>Permit Application Fee</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>
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Bridges [REF: CHAPTER 3, SECTION 3.1]	\$ 0.25 per S.F. of bridge surface (min. \$ 300.00)	\$ 0.40 per S.F. of bridge surface (min. \$ 450.00)
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Bridge surface includes the entire length of the bridge (including the length of approach slabs) multiplied by the entire bridge width.

Bulkheads [RE: CHAPTER 3, SECTION 3.6]	\$ 10.00 per L.F. of bulkhead within canal right-of-way (min. \$ 500.00)	\$ 15.00 per L.F. of bulkhead within canal right-of-way (min. \$ 750.00)
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Culvert Crossings [REF: CHAPTER 3, SECTION 3.4]	\$ 9.00 per L.F. of culvert within canal right-of-way (min. \$ 300.00)	\$ 14.00 per L.F. of culvert within canal right-of-way (min. \$ 450.00)
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Culverts 200 feet or longer (as measured along the channel) are considered to be piping of a LWDD canal and will require Board approval (see Section 3.9).

[REF: CHAPTER 3, SECTION 3.4]

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

<u>Right-of-Way Permit Types</u>	<u>Permit Application Fee</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>
Docks, Davits and Boat Lifts [RE: CHAPTER 3, SECTION 3.6]		
Docks	\$ 2.00 per S.F. of dock surface within canal right-of-way (min. \$ 300.00)	\$ 5.00 per S.F. of dock surface within canal right-of-way (min. \$ 450.00)
Dock permit application fees and one-time right-of-way usage or occupancy fees include fees to permit required erosion control such as a bulkhead or rock rubble riprap.		
Davits	\$ 300.00 per davit lift arm within canal right-of-way	\$ 450.00 per davit lift arm within canal right-of-way
Davit permit application fees and one-time right-of-way usage or occupancy fees include fees to permit required erosion control such as a bulkhead or rock rubble riprap.		
Boat Lifts	\$ 2.00 per S.F. of boat lift platform horizontal area within canal right-of-way (min. \$ 300.00)	\$ 5.00 per S.F. of boat lift platform horizontal area within canal right-of-way (min. \$ 450.00)
Boat lift permit application fees and one-time right-of-way usage or occupancy fees include fees to permit required erosion control such as a bulkhead or rock rubble riprap.		

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

<u>Right-of-Way Permit Types</u>	<u>Permit Application Fee</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>
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Drainage Outfall Connections [REF: CHAPTER 3, SECTION 3.5]	\$ 500.00 each	\$ 750.00 each
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Drainage outfall connections include the portion of the stormwater management system outfall pipe which is within the canal right-of-way and any approved pipe end treatment, such as a concrete endwall or sand cement riprap bag endwall, which is within the canal right-of-way. While Right-of-Way Permits for drainage outfall connections are permitted separately from Stormwater Management Permits, applications are reviewed and approved simultaneously by LWDD.

Irrigation Connection Permits (ICP) [REF: CHAPTER 3, SECTION 3.8]	\$ 6.50 per L.F. of irrigation connection pipe and intake equipment within canal right-of-way (min. \$ 300.00)	\$ 10.00 per L.F. of irrigation connection pipe and intake equipment within canal right-of-way (min. \$ 450.00)
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Monitoring Well [REF: CHAPTER 3, SECTION 3.12]	\$ 580.00 each	\$ 870.00 each (Not Applicable for U.S.G.S. Wells)
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**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

<u>Right-of-Way Permit Types</u>	<u>Permit Application Fee</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>
Piping [REF: CHAPTER 3, SECTION 3.9]	\$ 9.00 per L.F. of piping (min. \$1,800.00)	\$ 20.00 per L.F. of piping (min. \$4,000.00)

LWDD will not consider approval to pipe a canal unless the applicant demonstrates a substantial hardship and provides reasonable assurances that drainage works and maintenance functions will not be harmed. All requests to pipe a LWDD canal require approval by the Board of Supervisors.

Any pipe (culvert) 200 L.F. or longer installed parallel to, and within the channel of a LWDD canal shall pay an annual re-occurring right-of-way usage, or occupancy, fee of \$4.00 per L.F. for piping the LWDD canal channel. This annual re-occurring right-of-way usage, or occupancy, fee will be adjusted every five (5) years in accordance with the compounded Consumer Price Index (CPI).

Any pipe less than 200 L.F. is considered a culvert crossing and will be subject to the appropriate culvert crossing fees.

Signs [REF: CHAPTER 3, SECTION 3.10]	\$ 610.00 each	\$ 915.00 each
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Use of Right-of-Way as Temporary Access [REF: CHAPTER 4, SECTION 4.8]	\$ 670.00 each	Not Applicable
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Requests for an extension of temporary access will be considered a permit extension and permittees will be charged accordingly. (See Section 2.4 - General Permit Fees.)

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

<u>Right-of-Way Permit Types</u>	<u>Permit Application Fee</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>
Utility Lines Running Parallel To Canal Channel (Including Reclaimed (Re-Use) Water Lines) [REF: CHAPTER 3, SECTION 3.11]	\$ 2.00 per L.F. of utility line within canal right-of-way (min. \$ 300.00)	\$20.00 per L.F. of utility line within canal right-of-way (min. \$ 450.00)

With the exception of reclaimed (re-use) water lines, each utility line installed within canal right-of-way and running parallel to the canal channel shall pay an annual re-occurring right-of-way usage, or occupancy, fee of \$4.00 per L.F. for the portion of the utility line is running parallel within the LWDD canal right-of-way. This annual re-occurring right-of-way usage, or occupancy, fee will be adjusted every five (5) years in accordance with the compounded Consumer Price Index (CPI).

Two (2) utility lines running parallel, within the canal right-of-way, ten feet or less apart and constructed at the same time, will be considered as one line.

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

<u>Right-of-Way Permit Types</u>	<u>Permit Application Fee</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>
Utility Lines Running (Crossing) Perpendicular To Canal Channel [REF: CHAPTER 3, SECTION 3.11]		
Aerial Crossing (Pile Supported)	\$ 16.00 per L.F. of utility line within canal right-of-way (min. \$ 300.00)	\$ 24.00 per L.F. of utility line within canal right-of-way (min. \$ 450.00)
Attached-to-Bridge Crossing	\$ 8.50 per L.F. of utility line within canal right-of-way (min. \$ 300.00)	\$ 13.00 per L.F. of utility line within canal right-of-way (min. \$ 450.00)
Pole-to-Pole Crossing	\$ 8.00 per L.F. of utility line within canal right-of-way (min. \$ 300.00)	\$ 12.00 per L.F. of utility line within canal right-of-way (min. \$ 450.00)
Subaqueous Crossing (Directional Bore Or Jack and Bore)	\$ 8.50 per L.F. of utility line within canal right-of-way (min. \$ 300.00)	\$ 13.00 per L.F. of utility line within canal right-of-way (min. \$ 450.00)

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

<u>Right-of-Way Permit Types</u>	<u>Permit Application Fee</u>	<u>One-Time Right-of-Way Usage or Occupancy Fee</u>
Utility Lines Running (Crossing) Perpendicular To Canal Channel (Continued) [REF: CHAPTER 3, SECTION 3.11]		
Subaqueous Crossing - Open Channel (Dry Installation - Buried Under Bottom Of Canal Channel)	\$ 13.50 per L.F. of utility line within canal right-of-way (min. \$ 300.00)	\$ 21.00 per L.F. of utility line within canal right-of-way (min. \$ 450.00)
Underground Crossing (Under or Over Existing Culvert)	\$ 8.00 per L.F. of utility line within canal right-of-way (min. \$ 300.00)	\$ 12.00 per L.F. of utility line within canal right-of-way (min. \$ 450.00)
Utility Pole or Mastarm Installation [REF: CHAPTER 3, SECTION 3.11]	\$ 710.00 each pole or mastarm within canal right-of-way	\$ 1065.00 each pole or mastarm within canal right-of-way

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

**Right-of-Way
Permit Types**

**All Other Right-of-Way
Authorizations
(Requests for all other
right-of-way uses require
Board approval)**

LWDD does not permit right-of-way uses not listed in the fee schedule shown in this Operating Policies manual (e.g. parallel fences, structures, landscaping, bike paths). Applicants requesting an alternative use or a use of the right-of-way other than the uses established in this Operating Policies manual (variance) must submit an application, with applicable application fees, for staff review and consideration by the Board of Supervisors. Applicants must demonstrate a substantial hardship or a public purpose and must provide assurances that drainage works and maintenance functions will not be harmed. If approved by the Board of Supervisors, applicable permit and right-of-way usage (one-time and/or annual) fees will be applied and must be submitted prior to permit issuance. Application fees are non-refundable.

**Permit
Application
Fee***

Linear Uses
\$ 500.00 each

Area Uses
\$ 500.00 each

**One-Time
Right-of-Way
Usage or
Occupancy Fee**

Linear Uses
\$ 20.00 per L.F.
(min. \$ 1500.00)

Area Uses
\$ 5.00 per S.F.
(min. \$ 1500.00)

**Annual Re-Occurring
Right-of-Way
Usage or
Occupancy Fee****

Linear Uses
\$ 4.00 per L.F.
(min. \$ 500.00)

Area Uses
\$ 0.10 per S.F.
(min. \$ 500.00)

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.3 RIGHT-OF-WAY PERMIT FEE SCHEDULE (CONTINUED)

**Right-of-Way
Permit Types**

**All Other Right-of-Way
Authorizations
(Requests for all other
right-of-way uses require
Board approval)(continued)**

* This \$500.00 permit application fee is non-refundable and is required to request approval from the LWDD Board of Supervisors (Board) for uses of the right-of-way other than the uses established in this Operating Policies manual.

** Each of these other right-of-way authorizations approved shall pay the annual re-occurring right-of-way usage, or occupancy, fee shown above for that portion of the LWDD canal right-of-way being used or occupied. This annual re-occurring right-of-way usage, or occupancy, fee will be adjusted every five (5) years in accordance with the compounded Consumer Price Index (CPI).

In lieu of payment of the one-time right-of-way usage or occupancy fee, mitigation may be considered. The Applicant must demonstrate this mitigation to benefit the mission of LWDD.

LAKE WORTH DRAINAGE DISTRICT OPERATING POLICIES

Chapter 2: Fees

2.4 GENERAL PERMIT FEES

Permit fees will be doubled if improvements are constructed or installed without a permit or backfilled without inspection.

Minor Permit Modification(s)

\$300.00

Minor modifications and/or revisions made may be requested by the Applicant after the issuance of a Permit. Major modifications and/or revisions will be considered new permit applications and will be subject to the current fee schedule.

Permit Transfer

\$300.00

Requests for permit transfer for change of property ownership or to transfer stormwater operation/management responsibilities must be submitted within 90 days of purchase of property by new owner or assumption of stormwater operation/management responsibilities to a new entity. A new application and applicable permit fees will be required beyond this timeframe.

Permit Extension

\$300.00

Requests to extend a permit must be submitted prior to permit expiration; otherwise, permittee may be required to submit a new permit application subject to applicable permit fees.

Administrative Processing Fees

Permits requiring additional administrative work or legal review may be charged additional processing fees based upon the following rates:

Clerical	\$ 35.00/hour
Financial	\$ 55.00/hour
Legal Assistant	\$ 45.00/hour
Technical	\$ 65.00/hour
Attorney's Fees	\$225.00/hour

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.4 GENERAL PERMIT FEES (CONTINUED)

Record Copy Fees

Requests for printed copies of permits, engineering plans or other associated correspondence will be subject to the following charges:

Photocopy Fees	\$ 0.15/one-sided 11" x 17" or smaller
	\$ 0.20/two-sided 11" x 17" or smaller
Engineering Plans Black & White	\$ 1.00/copy one-sided larger than 11" x 17"
Engineering Plans Color	\$ 5.00/copy one-sided larger than 11" x 17"
CD/DVD	\$ 10.00/disk

Recording Fees

The LWDD may record a Notice of Permit with the Palm Beach County Clerk of Court for certain types of permits. In addition to the application and usage fees, recording fees based upon current fees charged by the Palm Beach County Clerk of Court will be assessed and collected prior to permit issuance.

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.5 OTHER FEES

**Quit Claim Deed for release
of LWDD interests in real estate** \$ 250.00 each
[REF: CHAPTER 5, SECTION 5.5]

**Additional fees, such as attorney's fees, recording fees, etc. may
apply (See Section 2.4 – General Permit Fees). Also fair-market
value of right-of-way interests may apply (See Sections 5.1 and
5.5).**

Quit Claim Deed for release of canal reservations
[REF: CHAPTER 5, SECTION 5.4]

**Additional fees, such as attorney's fees, recording fees, etc. may
apply (See Section 2.4 – General Permit Fees).**

Less than 100 acres	\$ 250.00 each
100 to 217 acres	\$ 350.00 each
More than 217 acres	\$ 500.00 each

**Quit Claim Deed for release of oil/mineral reservations or release
of exploration rights**
[REF: CHAPTER 5, SECTION 5.4]

**Additional fees, such as attorney's fees, recording fees, etc. may
apply (See Section 2.4 – General Permit Fees).**

Less than 10 acres	\$ 250.00 each
10 acres to 75 acres	\$ 350.00 each
More than 75 acres	\$ 500.00 each

Agreement Reinstatement Fee or Agreement Extension Fee

The fee required to reinstate or extend Agreements	\$1000.00 each
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Petition for Annexation	\$ 500.00/Petition
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Service Agreement	\$ 500.00/Agreement
In addition to the required recording fees and attorney's fees	

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.5 OTHER FEES (CONTINUED)

**Temporary Easements for
Ingress/Egress**

One-time processing fee \$ 480.00 each

[REF: CHAPTER 5, SECTION 5.3]

**Recording fees for Permits,
Agreements, Conveyance
Documents, etc.**

Current fees charged by the Palm
Beach County Clerk of Court

LAKE WORTH DRAINAGE DISTRICT OPERATING POLICIES

Chapter 2: Fees

2.6 FEE CALCULATION EXAMPLES

Example 1

Stormwater Management System with One (1) Drainage Outfall Connection and One (1) 112-Foot Culvert Crossing

Project Description: An application is received requesting a permit for a stormwater management system that has been designed for a 28-acre subdivision. A separate application is received for one (1) drainage outfall connection within LWDD right-of-way that has been designed for this stormwater management system. In addition, a 112-foot culvert crossing of a LWDD canal is proposed. Two (2) separate applications are required: one (1) for the stormwater management system and a second for both the drainage outfall connection and culvert crossing. Likewise, two (2) separate fees are required to coordinate with each application.

Fee Calculation:

Stormwater Management Permit for a 28-acre subdivision		
Projects above 10 acres and less than 40 acres	=	\$ 3,000.00
TOTAL STORMWATER MANAGEMENT PERMIT FEE	=	\$ 3,000.00
Right-of-Way Permit for one drainage outfall connection into LWDD right-of-way		
Drainage Outfall Connection permit application fee at \$500.00 per connection	=	\$ 500.00
Drainage Outfall Connection one-time right-of-way usage or occupancy fee at \$750.00 per connection	=	\$ 750.00
AND		
for a 112-foot culvert crossing of a LWDD canal		
Culvert crossing permit application fee 112 L.F. at \$9.00 per L.F.	=	\$ 1,008.00
Culvert crossing one-time right-of-way usage or occupancy fee 112 L.F. at \$14.00 per L.F.	=	\$ 1,568.00
TOTAL RIGHT-OF-WAY PERMIT FEE	=	\$ 3,826.00

As stated previously, within a single project, applications and respective fees for Stormwater Management Permits and Right-of-Way Permits must be submitted separately.

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.6 FEE CALCULATION EXAMPLES (CONTINUED)

**Example 2
Parallel Utility Line and Poles**

Project Description: A 1200 linear foot electric distribution line running parallel within the LWDD right-of-way using 24 poles (poles are also in the LWDD right-of-way).

Fee Calculation:

Right-of-Way Permit for 1200 L.F. of parallel utility line installation within LWDD right-of-way		
Parallel utility line permit application fee 1200 L.F. at \$2.00 per L.F.	=	\$ 2,400.00*
Parallel utility line one-time right-of-way usage or occupancy fee 1200 L.F. at \$20.00 per L.F.	=	\$24,000.00*
AND		
for 24 utility poles running parallel within LWDD right-of-way		
Utility pole permit application fee 24 utility poles at \$710.00 per pole	=	\$17,040.00
Utility pole one-time right-of-way usage or occupancy fee 24 utility poles at \$1065.00 per pole	=	\$25,560.00
TOTAL RIGHT-OF-WAY PERMIT FEE	=	\$69,000.00
PLUS		
*AN ANNUAL RIGHT-OF-WAY USAGE FEE (To be paid annually on the anniversary of the date of permit issuance beginning one year after the date of permit issuance and each year thereafter)		
*The annual (or re-occurring) right-of-way use, or occupancy, fee for the parallel utility line portion, or 1200 L.F., at \$4.00 per L.F.	=	\$ 4,800.00

This annual usage fee is to be adjusted every five (5) years using the compounded Consumer Price Index (CPI).

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.6 FEE CALCULATION EXAMPLES (CONTINUED)

Example 3

Roadway with Multiple Control Structures, One (1) Drainage Outfall Connection and Nine (9) 120-Foot Culvert Crossings

Project Description: A new five-mile roadway project with seven (7) discharge control structures and culvert crossings of nine (9) LWDD canals. The crossings consist of culverts each measuring 120 L.F. The project also includes a detention pond with one (1) drainage outfall connection within LWDD right-of-way.

Fee Calculation:

Stormwater Management Permit For a five-mile roadway with one (1) discharge control structure	=	\$ 3,000.00
And Six (6) additional discharge control structures at \$1,800.00 per discharge control structure	=	\$10,800.00
TOTAL STORMWATER MANAGEMENT PERMIT FEE	=	\$13,800.00
Right-of-Way Permit for one (1) drainage outfall connection into LWDD right-of-way Drainage Outfall Connection permit application fee at \$500.00 per connection	=	\$ 500.00
Drainage Outfall Connection one-time right-of-way usage or occupancy fee at \$750.00 per connection	=	\$ 750.00
AND for nine (9) 120-foot culvert crossings of LWDD canals Culvert crossing permit application fee 120 L.F. at \$9.00 per L.F. for nine culvert crossings	=	\$ 9,720.00
Culvert crossing one-time right-of-way usage or occupancy fee 120 L.F. at \$14.00 per L.F. for nine culvert crossings	=	\$15,120.00
TOTAL RIGHT-OF-WAY PERMIT FEE	=	\$26,090.00

**LAKE WORTH DRAINAGE DISTRICT
OPERATING POLICIES**

Chapter 2: Fees

2.6 FEE CALCULATION EXAMPLES (CONTINUED)

**Example 4
Bridge Crossing LWDD Canal Right-of-Way**

Project Description: A new bridge crossing LWDD canal right-of-way with a surface area of 6,440 S.F. (56 feet wide total bridge cross section by 115 feet long within LWDD right-of-way, including approach slabs and any portion of road within LWDD right-of-way)

Fee Calculation:

Right-of-Way Permit		
for bridge crossing LWDD canal right-of-way		
Bridge permit application fee at \$0.25 per S.F.		
of bridge surface for bridge with 6,440		
S.F. within LWDD right-of-way	=	\$ 1,610.00
Bridge one-time right-of-way usage or		
occupancy fee at \$ 0.40 per S.F. of		
bridge surface for bridge with		
6,440 S.F. within LWDD right-of-way	=	\$ 2,576.00
TOTAL RIGHT-OF-WAY PERMIT FEE	=	\$ 4,186.00

LAKE WORTH DRAINAGE DISTRICT OPERATING POLICIES

Chapter 4: Restrictions & Requirements within Right-of-Way

4.8 Use of Right-of-Way as Temporary Access

4.8.1

All requests for use of LWDD's right-of-way as temporary access will be considered on an individual basis. Board approval is required for uses of right-of-way for periods greater than six months.

4.8.2

Prior to using LWDD's right-of-way as temporary access the petitioner must submit an application to obtain a Right-of-Way Permit from LWDD authorizing this use. The petitioner will indemnify and hold harmless LWDD from any damages resulting from the use of the right-of-way.

4.8.3

Proof of minimum of \$1,000,000.00 liability must be furnished to LWDD with LWDD listed as an additional interest.

4.8.4

For any use of the right-of-way as temporary access for more than 30 calendar days, the petitioner shall furnish a bond or letter of credit equal to \$50.00 per linear foot of right-of-way to be used, plus \$500.00 for equipment mobilization, to guarantee the return of the right-of-way to its original condition.

4.8.5

The Right-of-Way Permit may be terminated immediately at the sole discretion of the LWDD Executive Director or Board of Supervisors.

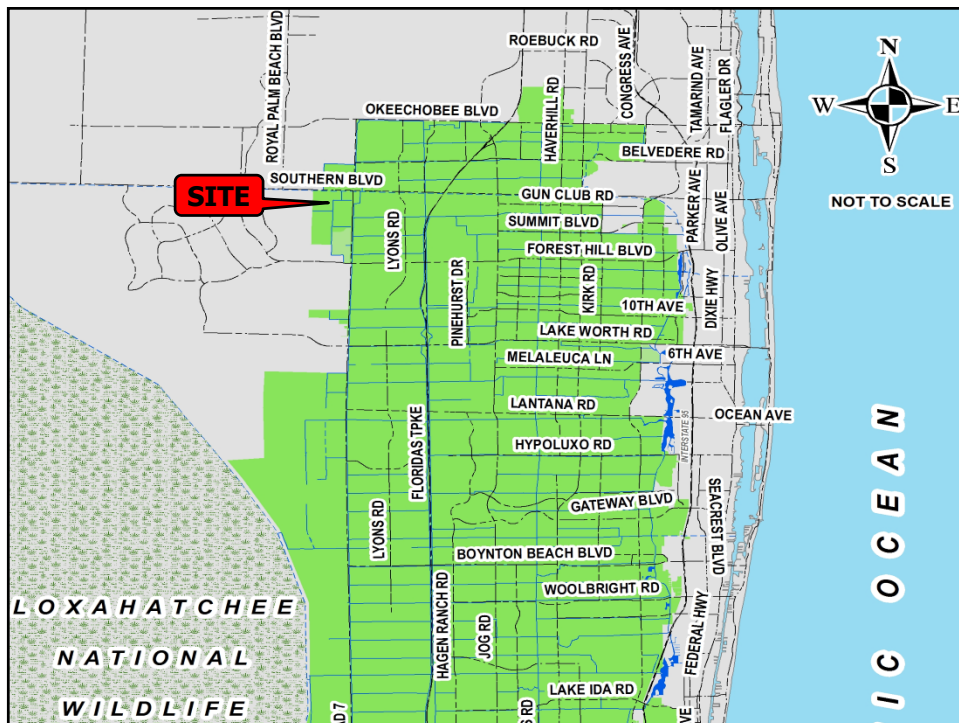
4.8.6

Permit fees apply as shown in Chapter 2 of these Operating Policies.

Sale of S-4E Canal Right-of-Way

Robert M. Brown, Executive Director
Board Workshop – February 6, 2018

LWDD
LAKE WORTH DRAINAGE DISTRICT



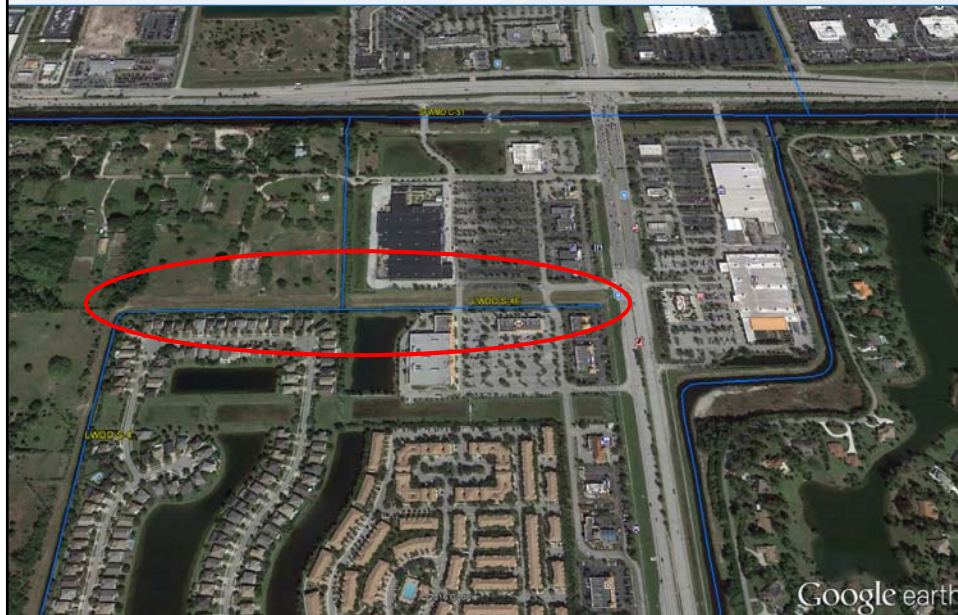
Background



- Request made by Tuttle Land Development to purchase 5.165 acres of S-4E Right-of-Way as part of site plan approval from the Village of Royal Palm Beach



S-4E Canal



S-4E Canal



S-4E Canal – Looking West



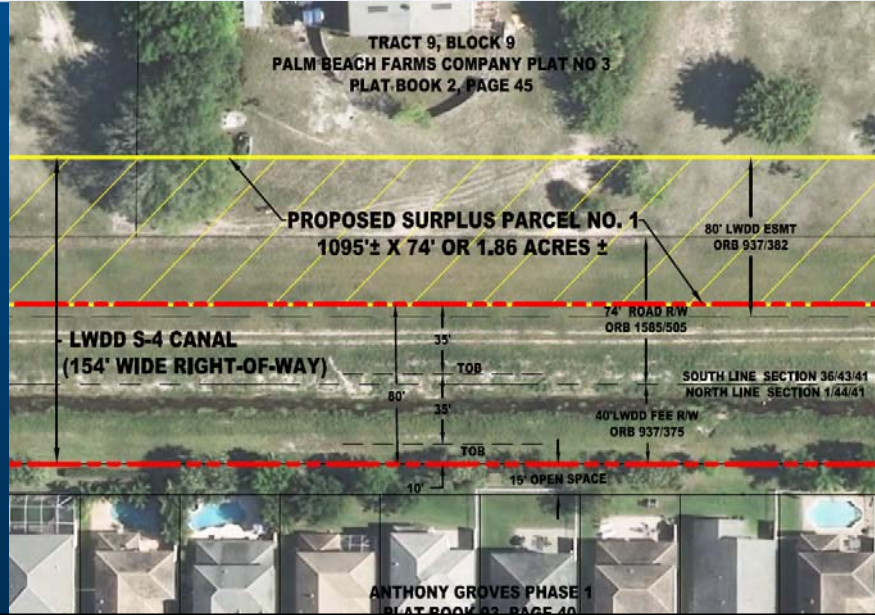
S-4E Canal – Looking West



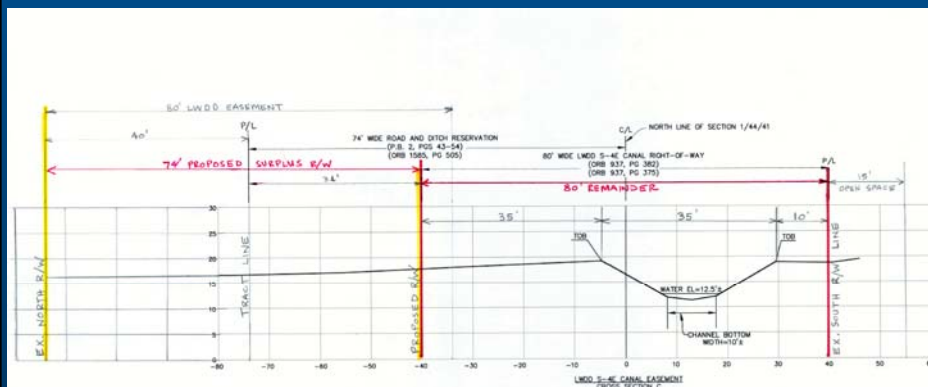
S-4E Canal – East Canal Reach Surplus of Canal and Right-of-Way



S-4E Canal – West Canal Reach Surplus of 80 feet of Right-of-Way



S-4 Canal Cross Section



Background



- Board previously approved surplus and sale of 5.165 acres of S-4E Canal right-of-way in September 2016; appraisal value of \$156,644 per acre
- Updated appraisal conducted by S.F. Holden on September 22, 2017; updated appraisal consisted of an assemblage of eight adjacent parcels for an average value of \$221,747 per acre
- District agreed to average the assemblage value and previous per acre value of \$156,644 for a proposed sale price of \$189,195 per acre
- In November 2017, staff recommended to approve the sale the 5.165 acres of surplus S-4E Canal right-of-way for the value of \$189,195 per acre, for a total purchase price of \$977,192.80
 - Subject to a letter of authorization from the adjacent landowner(s) for modification of the drainage outfall structure, and proof of notification of sale to the adjacent landowner(s) per District operating policies

Background



- District received letter from adjacent landowner, 121 Crown Associates, LLC, expressing interest in purchasing portion of right-of-way adjacent to their property
- On December 22, District sent communication to all interested parties requiring a formal bid process to determine buyer
- Sealed bids required to be submitted to District on or before December 9 to be opened and awarded to the highest responsive bidder at the December 10 board meeting
- Bid award subject to closing on or before January 31, 2018

Bid Opening

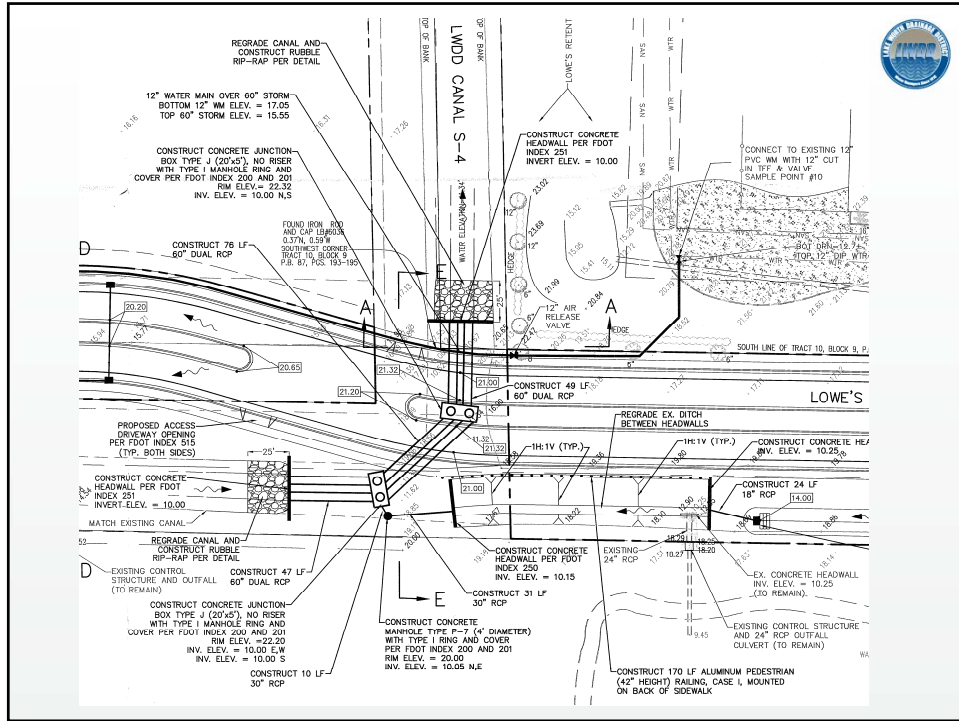


- Received two bids
 - Southern Blvd. Villas, LLC - \$977,791
 - The Wallace Law Group - \$500,000
- Wallace Law Group bid deemed non-responsive; did not meet minimum bid
- Southern Blvd. Villas LLC bid conditioned on closing requirements; Board rejected conditional bid

Staff Recommendation



- Southern Blvd. Villas, LLC withdrew conditions on bid
- Staff recommends award of bid for purchase of 5.165 acres of S-4E Canal surplus right-of-way to highest responsive bidder, Southern Blvd. Villas, LLC, in the amount of \$977,791 subject to:
 - Closing on or before February 28, 2018
 - Drainage easement agreement including approved sketch and description for that portion of the S-4E which provides service to existing commercial development (Publix detention area and outfall structure); LWDD permit issued to developer and transferred to operating entity upon construction completion



Questions?