



13081 MILITARY TRAIL
DELRAY BEACH, FLORIDA 33484-1105

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June 4, 2018

MATTHEW J. & LOIS L. RONAN
101 SW 10TH DR
BOCA RATON FL 33486 4581

DELIVERED VIA REGULAR MAIL AND HAND DELIVERY

**Re: SECOND NOTIFICATION
REMAINING ENCROACHMENT REMOVAL
Rehabilitation of Lake Worth Drainage District's L-48 Canal Right-of-Way
from SW 12th Ave to SW 9th Ave (Project No. 16-9975P.06; Job No. A194)**

Dear MATTHEW J. & LOIS L. RONAN:

As indicated in the Initial Notification Letter (attached) sent to you via U.S. mail and hand-delivered on March 19, 2018, the Lake Worth Drainage District (District) is performing necessary canal rehabilitation work on its L-48 Canal adjacent to your property.

District surveyors previously staked and delineated the subject canal right-of-way to identify any vegetative or structural encroachments. Please note that any plantings or vegetation, structures, fences or personal property within the canal right-of-way are considered encroachments. With the Initial Notification Letter, you were advised to remove all encroachments prior to the commencement of this canal rehabilitation work. Any encroachments remaining in the right-of-way at the commencement of this rehabilitation work are subject to be removed and disposed of by the District with no guarantee of salvageability.

Based on the District's current schedule, we estimate canal rehabilitation work for this project will commence in early June 2018. The project schedule is subject to change at any time due to weather conditions, labor or equipment allocations, project site conditions, etc.

According to an inventory conducted by District personnel, the following encroachments exist in the canal rights-of-way adjacent to your property including but not limited to:

- Tiki hut,
- Fencing,
- Pavers/pool deck,
- Vegetation, and
- Any other remaining encroachments.

As stated in the Initial Notification Letter, if you have any prior written approvals, agreements, permits, or any other written authorization from this District for any existing encroachments, or any other information relative to any existing encroachment within the canal right-of-way please contact the District as soon as you can so that this information can be reviewed.

Also, if you have constructed or installed any fencing, plantings or vegetation, or any other items within the canal right-of-way of which you are relying on for security purposes, please be advised these are considered encroachments and they will be removed as a part of the rehabilitation project. If you desire to secure your private property, you must do so outside the limits of the canal right-of-way.

Coordination with the City of Boca Raton (City)

The following sections pertain to coordination with the City regarding building permits, code compliance and enforcement. Please contact Smith Amisial, Senior Code Environmental Officer at (561)-393-7835 for any questions regarding the City's building permitting, code compliance, or enforcement criteria.

The City addresses encroachments on public lands, such as canal rights-of-way, in article (d) of Section 28-1356 of the City's code of ordinances (City's Municode) as follows:

Except where specifically authorized or required by other sections of this Code, no building permit shall be issued for the construction or erection of a fence, wall or other structure in any public street, alley, canal or railroad right-of-way or in any public easement without the prior written approval of the governmental agency having jurisdiction and the city manager. A fence, wall or other structure constructed or erected in accordance with an approved building permit in any public right-of-way or easement shall be subject to the same height limitations as if it were located on the abutting property and shall be subject to removal whenever the condition or existence thereof shall become inconsistent with the public use of the right-of-way or easement or constitute a safety or traffic hazard as determined by the appropriate city official.

The City's Development Services Department addresses existing encroaching fences that must be removed from the canal right-of-way in the following manner:

An unsecured swimming pool would be in violation of International Property Maintenance Code 303.2 which is adopted per Chapter 19-13 of the Boca Raton Building Regulations.

Each property owner will be required to maintain a fence or screen cage to protect their respective pools in accordance with the Florida Swimming Pool Barrier's Act. Any encroaching fencing that is removed because of the clearing of the easements that was part of a swimming pool barrier will need to be replaced with a permit in accordance with the Florida Building Code. The permits will be issued by the City over the counter and without a fee due to the nature of this project. **The property owners are responsible for installing temporary fencing to**

protect the pools while making any arrangements to have a fence company make the repairs.

Once a property owner receives a notification letter from LWDD, the property owner simply needs to bring the letter to the City's building department and complete a fence permit application to obtain a **no fee permit**. The property owner will be required to post the permit on the property and have the temporary fencing in place. City Code Enforcement will not open an enforcement case on any property that has a permit and temporary fencing in place. **Note: If the property owner has a screen pool enclosure they are presumed to be in compliance with the pool barrier act, regardless of the yard fence.**

For additional information regarding this canal rehabilitation project, please visit our website at www.lwdd.net and click on 'In Your Neighborhood' or email us at info@lwdd.net. If you would like to speak with a representative regarding this specific project, please contact Steve Sherman, Right-of-Way Compliance Coordinator, at 561-819-5580.

Sincerely,



James W. Fandrey, P.E.
Assistant Director of Right-of-Way

- c: Robert M. Brown, Executive Director, LWDD
John Cosmo, Chief Building Official, City of Boca Raton
Neha James, Permitting Manager, City of Boca Raton
Nora Fosman, Senior Environmental Officer, City of Boca Raton
Smith Amisial, Senior Code Environmental Officer, City of Boca Raton