

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 3: Engineering & Permitting Requirements**

**3.7 Gates**

**3.7.1**

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.

**3.7.2**

Gates will only be permitted at each end of a subdivision or adjacent to a road and must be installed perpendicular to the canal right-of-way.

**3.7.2.1**

Gates adjacent to a road are to be installed twenty feet (20') outside the limits of the road right-of-way. For security purposes, fencing of the same material as the gate will be allowed to run along the outside canal right-of-way line parallel to the channel of the canal for the twenty feet (20') distance.

**3.7.3**

Gates shall provide a fourteen feet (14') wide clear access when opened. Initial lock(s) to be furnished by LWDD. Subsequent lock replacement shall be subject to the Permittee notifying LWDD for replacement and payment of \$25.00 for each new lock. See access gate details at the end of this section.

**3.7.4**

Applicant shall provide proof of ownership in the form of a copy of the 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.

**3.7.5**

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

**3.7.6**

A survey or drawing showing the location of the gate(s) must be furnished.

**3.7.7**

Permit fee must be paid when application is submitted. **See Chapter 2.0 – Fees.**

**3.7.8 Possible Permit Conditions**

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

**3.7.8.1**

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

**3.7.8.2**

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

**3.7.8.3**

In the event LWDD should determine that the gate(s) is (are) not being maintained in a good, safe condition, or LWDD requires the removal of the gate(s) for any reason, at the sole discretion of LWDD, the Permittee hereby

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### Chapter 3:           Engineering & Permitting Requirements

agrees to remove, at the Permittee's expense the gate(s) and restore LWDD'S right-of-way to its original or better condition (to be approved by LWDD), upon receiving ten (10) days written notice. In the event of the failure on the Permittee's part to remove the gate(s) and restore said right-of-way, it is mutually agreed that LWDD, may thereafter remove same at the Permittee's expense and recover all related expenses, including attorney's fees and court costs, from Permittee, by way of, but not limited to the Florida lien laws of the State of Florida. Should said gate(s) be installed adjacent to common ground of a Homeowners' Association, said gate(s) shall be subject to removal at the request of the Homeowners' Association.

#### 3.7.8.4

Permittee agrees to indemnify and hold harmless LWDD from and against 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 issuance of this Temporary Gate Permit and the usage of the LWDD right-of-way by the Permittee and the public.

#### 3.7.8.5

Permittee agrees that the minimum width of the gate(s) to be installed must be fourteen (14) feet so as to permit LWDD ready access and use to its right-of-way. Further, LWDD shall provide one (1) lock and two (2) keys to the Permittee for access when necessary. However, access requires LWDD permission.

#### 3.7.8.6

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

#### 3.7.8.7

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

#### 3.7.8.8

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

#### 3.7.8.9

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

#### 3.7.8.10

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

#### 3.7.8.11

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

#### 3.7.8.12

Gate shall be installed 20 feet outside of the adjacent road right-of-way.

#### 3.7.8.13

This permit shall expire one (1) year from issuance date, should construction fail to be completed.

**LAKE WORTH DRAINAGE DISTRICT**  
13081 Military Trail, Delray Beach, FL 33484-1105  
(561) 498-5363 or 737-3835  
Fax: (561) 495-9694

## APPLICATION FOR GATE PERMIT

Applicant: \_\_\_\_\_  
Property Owner's Name(s) or Association's Name

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

Phone: \_\_\_\_\_

Canal No.: \_\_\_\_\_

Contractor: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone No. \_\_\_\_\_

Printed Name of Applicant \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

Property Control Number: \_\_\_\_\_

### FOR LWDD USE ONLY:

LWDD Permit No. \_\_\_\_\_

Date Application Received \_\_\_\_\_

Date Permit Fee Received \_\_\_\_\_

Check # \_\_\_\_\_

Receipt # \_\_\_\_\_

#### Checklist of Items to be Included with Application:

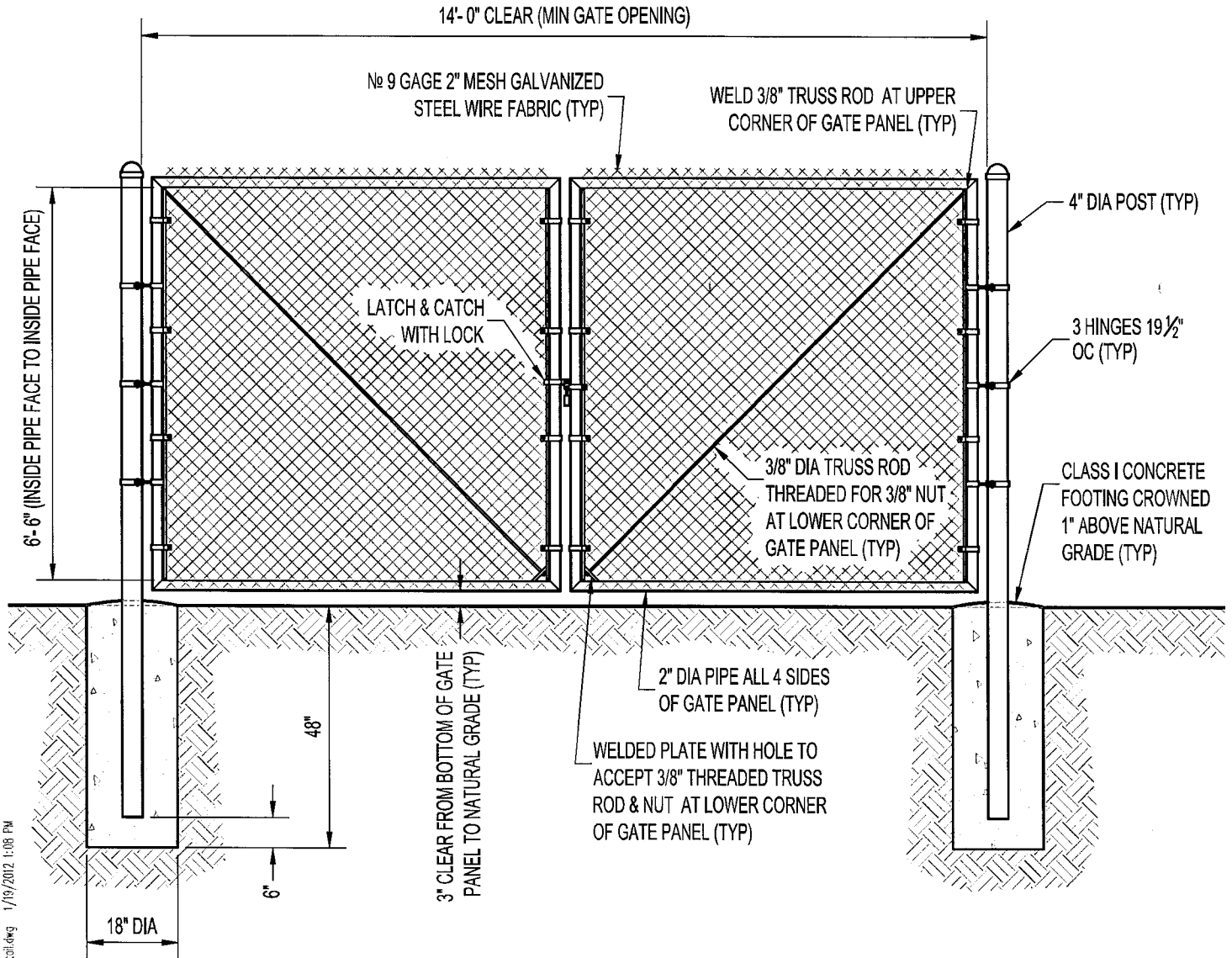
- ( ) Survey with gate location showing setback from Palm Beach County right-of-way
- ( ) Title Certification for owner adjacent to LWDD right-of-way
- ( ) Copy of current Palm Beach County Property Tax Bill or Warranty Deed
- ( ) Drawing showing 14 ft. minimum gate opening
- ( ) Gate shown centered on right-of-way

# LAKE WORTH DRAINAGE DISTRICT

## ACCESS GATE DETAIL

NOT TO SCALE

### EXAMPLE



**NOTES:**

1. ALL GATE COMPONENTS SHALL MEET THE MATERIAL REQUIREMENTS SPECIFIED IN FDOT INDEX No 452 UNLESS SHOWN ABOVE.
2. LOCK TO BE PROVIDED BY LWDD & A KEY WILL BE FURNISHED TO THE PERMITTEE.