

LAKE WORTH DRAINAGE DISTRICT OPERATING POLICIES

Chapter 5: Right-of-Way Ownership & Interests

5.2 Development Review Process

Introduction

Lake Worth Drainage District (LWDD) reviews and provides comments on all projects going through the development review process with Palm Beach County and municipalities located within the LWDD boundaries in order to protect LWDD's interests. LWDD works closely with these governmental agencies, reviews supporting documentation, and performs additional research based on the proximity of a LWDD canal to the project. Once a project comes into LWDD for review, part of staff's review is to make sure that there is adequate right-of-way for canal maintenance. The amount of right-of-way is determined by staff based on review of signed and sealed canal cross-sections of canals adjacent to the subject property. Staff also refers to the Required Right-of-Way Maps recorded in Official Record Book 1732, Page 612 (aka: Mock-Roos Study). These maps are a notice to the public and did not convey ownership or interest to LWDD. Once staff determines the amount of right-of-way needed based upon the above information, a letter is sent to the appropriate governmental agency. The property owner can then either convey this right-of-way in fee simple or as an exclusive easement to LWDD. LWDD will require a minimum of 35 feet of dry ground on the heavy maintenance side and 15 feet of dry ground on the light maintenance side for canals with existing top-of-bank to top-of-bank channel widths less than 50 feet. LWDD will require a minimum of 45 feet of dry ground on both sides for canals with existing top-of-bank to top-of-bank channel widths of 50 feet or more. dry ground is defined as the area between the canal top-of-bank and the right-of-way line, to be used for canal maintenance operations.

5.2.1 Requirements for Projects Adjacent to LWDD Canals

It is strongly recommended that prior to a map of survey, canal cross-sections and/or site plan being submitted to LWDD, the applicant or petitioner meet with the appropriate LWDD personnel to discuss and understand all requirements relative to LWDD canals and rights-of-way regarding the proposed project or subject property.

5.2.1.1 Map of Survey

The map of survey shall be performed by a professional surveyor and mapper licensed in the State of Florida, in compliance with Chapter 5J-17.05, Minimum Technical Standards, pursuant to Florida Statutes Chapter 472 F.A.C. The map of survey must also meet the following LWDD requirements:

- (a) All horizontal data shall be based on the North American Datum of 1983, 1990 adjustment (NAD 83/90) East Zone.
- (b) The survey must delineate and label all easements evidenced by documents recorded in the Public Records, which have been provided to the surveyor.

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- (c) The surveyor is also responsible to show unrecorded evidence of occupation, such as fences and roads being used both publicly and privately within LWDD right-of-way.
- (d) The survey must show existing features, encroachments, or encumbrances located adjacent to, or within LWDD right-of-way.
- (e) The canal right-of-way must be labeled, tied and dimensioned to horizontal control line(s) either sectional or plat.
- (f) Provide two (2) original signed and sealed prints of the map of survey. The survey must be finalized or updated no earlier than six (6) months prior to being received by LWDD.

5.2.1.2 Canal Cross-Sections

For each applicable existing LWDD canal, the applicant or petitioner must provide two sets of current canal cross-sections 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 any right-of-way to LWDD. 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;
- (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.

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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 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 cross-sections that the vertical datum used for the 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 has been used, a conversion factor between the NGVD 29 and the NAVD 88 for the locations where the cross-sections were taken, must be provided. A plan view must be provided that shows how the cross-sections are oriented. The 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 cross-section shown.

The requested canal cross-section 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.

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.

5.2.1.3 Conveyance

Based on existing canal cross-sections the adjacent property owner may be required to convey right-of-way to LWDD. The property owner can convey the right-of-way to LWDD either in fee simple or as an exclusive easement. Alternatively, upon LWDD approval, the property owner has the option of filling the canal to the ultimate design section identified for a specific area of a LWDD canal, and stabilizing the canal bank. The construction method for stabilization of the canal bank will need prior approval from LWDD's engineering department. The property owner must notify LWDD, in writing, which option they choose, either conveyance of the necessary right-of-way to LWDD or filling the canal channel to the ultimate design section and stabilizing the canal banks, as approved by LWDD. Note: in some situations a combination of filling (and stabilizing) the existing canal channel and conveying additional right-of-way may be required.

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When an adjacent property owner is required to convey right-of-way to LWDD by either a warranty deed or an exclusive easement and there are existing easements on, over, and/or across (overlapping) the proposed right-of-way, the existing easements might be required to be extinguished prior to conveyance.

If at any time during review LWDD staff determines an easement(s) overlaps existing LWDD right-of-way, whether fee or easement, the overlapping easement may be required to be extinguished.

5.2.1.4 Site Plan

LWDD will require one (1) original site plan. The site plan must indicate all existing features, easements, or other encumbrances located adjacent to, or within LWDD right-of-way. Site plans for projects that are either adjacent to and/or crossing LWDD right-of-way must show the complete LWDD right-of-way within the limits of the project. All plan-view sheets that depict LWDD right-of-way will label all LWDD right-of-way including, but not necessarily limited to, LWDD right-of-way ownership and easement rights, as well as all recording information. Also, each plan-view sheet must tie and dimension all LWDD right-of-way information to the Public Land Survey System (PLSS) retraceable land line, such as section line, quarter-section line, or platted block lines and tract lines within platted subdivisions, i.e., THE PALM BEACH FARMS CO. PLAT NO. 3.

5.2.2 Plat Review Process

LWDD also reviews and provides comments on all new plats (and replats) for Palm Beach County and municipalities located within LWDD boundaries. All LWDD rights-of-way must be clearly delineated and properly annotated with all recording information shown. All LWDD easements within a plat must be added to the dedication portion of the plat with the following language added: Tract ___ is subject to the restrictions set forth in Official Record Book ___, Page ___ in favor of the Lake Worth Drainage District.

5.2.3 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 and/or filling, sloping, channel side slope stabilization, sodding, and 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.

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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.