

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 5: Right-of-Way Ownership & Interests**

**5.9 Right-of-Way Requirements for Permit Issuance**

**It is strongly recommended that prior to an individual (applicant) submitting an application to the Lake Worth Drainage District (LWDD) to obtain a permit for any proposed improvements on, or an individual (petitioner) submitting a petition that is to be presented to the LWDD Board relative to properties adjacent to and/or crossing one or more LWDD canals, 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.**

Prior to the issuance of any LWDD permit, the Right-of-Way Department must approve (right-of-way sign-off) all canal right-of-way issues. The following requirements must be met prior to the Right-of-Way Department's review:

**5.9.1**

All right-of-way conveyances, by either warranty deed or by exclusive easement deed, must be finalized and the recording information must be shown on the design plans.

**5.9.2**

If the property owner chooses to convey by warranty deed rather than easement deed, LWDD strongly recommends that the property owner convey the right-of-way during the early stages of the project since the lands conveyed will need to be excluded from the project's boundaries. If the property owner waits until platting to resolve this matter, LWDD will be required to sign the plat as an owner. However, LWDD does not sign plats and therefore this will cause delays to the property owner.

**5.9.3**

If the property owner applies to an agency that gives LWDD the opportunity to review site plans, and plats, i.e. Palm Beach County or a municipality within LWDD boundaries, then all right-of-way issues defined in a LWDD Letter of Objection (if a letter has been issued) must be resolved before right-of-way sign-off can be given.

If the property owner applies to an agency that does not give LWDD the opportunity to review site plans and plats, the property owner must comply with Section 5.2 – Development Review Process.

**5.9.4**

Design 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.

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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, e.g., THE PALM BEACH FARMS CO. PLAT NO. 3.

### 5.9.5

If the property owner is required to plat their project, then prior to right-of-way sign-off and permit issuance, all right-of-way issues will need to be resolved and a Letter of No Objection by LWDD will need to be issued to the appropriate platting agency.

### 5.9.6

If the property owner is not required to plat their project, then a letter must be issued to LWDD stating that the applicant is not required to plat or proof of a plat waiver must be submitted to LWDD.

### 5.9.7 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.