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January 12, 2012

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**RIGHT OF WAY OCCUPANCY NEW PERMITS**

1. THOMAS K. WHITE  
COUNTY OKEECHOBEE

Permit Number 13958  
Appl No. 11-1006-3  
Fee

**AUTHORIZING:**

10' X 26' PILE-SUPPORTED DOCK WITH ROOF, APPROXIMATELY 202 LINEAR FOOT OF ALUMINIUM SEAWALL WITH CONCRETE CAP, AN EXISTING 14' X 26' FISH HOUSE AND LANDSCAPING CONSISTING OF 4 CABBAGE PALM TREES ENCROACHING 14' WITHIN THE NORTH RIGHT OF WAY OF LD-4 LOCATED ADJACENT TO 4026 HIGHWAY 441 S.E. (BLOCK 286010, OKEECHOBEE). (*LOCATED WITHIN AREA PREVIOUSLEY RELAXED BY GOVERNING BOARD*).

LAST DATE FOR BOARD ACTION: **February, 2012**

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2. ROCK AND BETSY MILLER  
COUNTY PALM BEACH

Permit Number 13959  
Appl No. 11-0729-1  
Easement

**AUTHORIZING:**

EXISTING FENCE ENCLOSURE ENCROACHING 36' (67' FROM THE TOP OF BANK), ROCK GARDEN, POND, PAVERS, PALM TREES, AND ASSORTED LANDSCAPING INSIDE THE FENCE ENCLOSURE WITHIN THE EAST RIGHT OF WAY OF C-18 AT THE REAR OF 15475 89TH AVENUE NORTH.

LAST DATE FOR BOARD ACTION: **Waived**

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3. OKEECHOBEE COUNTY BOARD OF COUNTY COMMISSIONERS  
COUNTY OKEECHOBEE

Permit Number 13950  
Appl No. 11-0906-2  
Easement

**AUTHORIZING:**

MAINTENANCE AND MODIFICATIONS, INCLUDING REPLACEMENT OF EXISTING GUARDRAIL AND INSTALLATION OF ADDITIONAL GUARDRAIL OF THE EXISTING VEHICULAR BRIDGE LOCATED AT NORTHEAST 39TH STREET (CEMETERY ROAD) CROSSING TAYLOR CREEK.

LAST DATE FOR BOARD ACTION: **January, 2012**

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4. CLARENCE DAVID EDWARDS AND RAULAND S. CASIANO  
COUNTY BROWARD

Permit Number 13962  
Appl No. 11-1011-1  
Easement

**AUTHORIZING:**

EXISTING DOCK ATTACHED TO SEAWALL WITH MOORING PILES, ELECTRICAL SERVICE AND A FENCE BOLTED TO SEAWALL CAP; ALSO, THE, PROPOSED REPLACEMENT OF A PORTION OF THE DOCK AND EXTENSION OF DOCK AND REPLACEMENT OF BOAT LIFT WITHIN THE SOUTH RIGHT OF WAY OF OLD POMPANO CANAL AT THE REAR OF 380 S.E. 7TH AVENUE. (LOT 17, BLOCK 28, GARDEN ISLES SECTION 8).

LAST DATE FOR BOARD ACTION: **February, 2012**

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5. ZHI JIAN TAN  
COUNTY MIAMI-DADE

Permit Number 13963  
Appl No. 11-1024-1  
Fee

AUTHORIZING:

EXISTING FENCE ENCLOSURE ENCROACHING 0'-8' (46'-54' FROM TOP OF BANK) AND EXISTING TREES INSIDE THE FENCE ENCLOSURE WITHIN THE WEST RIGHT OF WAY OF C-102 AT THE REAR OF 26201 SW 122ND COURT. (LOT 53, BLOCK 8, MEADOW WOOD MANOR SECTION 2).

LAST DATE FOR BOARD ACTION: **January, 2012**

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6. JUAN AND ANA M. BAEZ  
COUNTY MARTIN

Permit Number 13957  
Appl No. 11-1006-2  
Easement

AUTHORIZING:

EXISTING DOCK WITH ROOF, LANDSCAPING, BOAT RAMP, 151 LINEAR FOOT OF RIP-RAP AND REMOVAL OF EXISTING 10' X 10' DILAPIDATED DOCK, ELECTRIC SERVICE AND PUMPS WITHIN THE EASTERLY RIGHT OF WAY OF L-47 AT THE REAR OF 13800 S.W. CONNERS HIGHWAY (LOT 84, BLOCK 65800, WATERWAY SUBDIVISION).

LAST DATE FOR BOARD ACTION: **February, 2012**

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7. C-TERM PARTNERS C/O SEACOR HOLDINGS, INC.  
COUNTY BROWARD

Permit Number 13961  
Appl No. 11-1028-1  
Easement

AUTHORIZING:

BULKHEAD REPLACEMENT AND VESSEL BERTH DREDGING WITHIN THE NORTH RIGHT OF WAY OF THE DANIA CUT-OFF CANAL AT THE REAR OF 760 NE 7TH AVENUE.

LAST DATE FOR BOARD ACTION: **February, 2012**

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**RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA**

1. Consideration of a request by **Florida Power and Light Company** (Application Number 11-1109-1M, Permit Modification Number 13645) for issuance of a modification to Right of Way Occupancy Permit Number 13645 to allow an existing power pole with siren system to remain within the west right of way of L-31E located approximately 141' north of the intersection of L-31E and the North Canal. Location: Miami-Dade County, Section 16, Township 57 South, Range 40 East.

The applicant's request for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District is based on "substantial hardship". The applicant asserts that due to the existence of a buried 24" natural gas pipeline owned by Florida Gas Transmission Company and safety regulations and requirements for minimum separation between utilities, the power pole and siren facility had to be field adjusted and was installed closer to the top of the canal bank than originally design and permitted.

The District's Operations, Maintenance and Construction staff has determined that the existing encroachment, which has existed approximately one and a half years, located within the west right of way of L-31E does not significantly interfere with the District's access and ability to perform necessary construction, alteration, operation and maintenance activities so the purpose of the underlying statute will be achieved.

The applicant's Petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S. notice of the Petition was provide to the Department of State and was published in *Volume 37, Number 48* of the *Florida Administrative Weekly* on *December 2, 2011*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of a Modification to Right of Way Occupancy Permit Number 13645 and **approval** of the petition for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

(Fee)

## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

2. Consideration of a request by **Rafael Garcia** (Application Number 11-0202-2, Permit Modification Number 13960) for issuance of a modification to Right of Way Occupancy Permit Number 13960 to allow existing pavers to remain and Waiver of the District's criteria to allow existing palm trees, utility services with above-ground electrical panel with pedestal located within the north right of way of C-51 at the rear of 234 Arlington Road to remain. Location: Palm Beach County, Section 15, Township 44 South, Range 43 East.

The applicant's request for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District is based on "principles of fairness". The applicant asserts that other adjacent landowners have similar permitted facilities within this reach of C-51 and that the encroachments are located downstream of the District's Water Control Structure (S-155).

The District's Operations, Maintenance and Construction staff has determined that the existing encroachments located within the northerly right of way will not significantly interfere with the District's access and ability to perform necessary construction, alteration, operation and maintenance activities as there is no vehicular access, limited overbank and located downstream of S-155, so the purpose of the underlying statute will be achieved.

The applicant's Petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S. notice of the Petition was provide to the Department of State and was published in *Volume 37, Number 50 of the Florida Administrative Weekly on December 16, 2011*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of a Modification to Right of Way Occupancy Permit Number 13960 and **approval** of the petition for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

(Fee)

**RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA**

3. Consideration of a request by **Michael V. Edwards and Maggie Godoy** (Application Number 11-0912-1, Permit Number 13926), for issuance of a Right of Way Occupancy Permit to allow an existing concrete wall and fence crossing the I-75 Canal within the northerly roadway embankment of Spanish Oaks Lane Box Culvert Bridge at the intersection of Tarpon Bay Boulevard to remain. Location: Collier County, Section 29, Township 48 South, Range 26 East.

The applicant's request for waiver of the District criteria, which governs the placement of above-ground permanent and/or semi-permanent facilities within 40 feet of the top of the canal bank and within the District's designated 100 foot long equipment staging areas located at all bridge and pile-supported utility crossings within Works and Lands of the District is based on "substantial hardship" and "principles of fairness." The applicant asserts that without a waiver, and the removal of the existing wall, would create an economic hardship and more importantly, a safety hazard to pedestrians and people who utilize the bridge structure to fish. Further, the applicant asserts that the District has issued similar permits to Collier County to protect pedestrians on other quadrants of the Spanish Oaks Lane Box Culvert Bridge.

The District's Big Cypress Basin Operation, Maintenance and Construction staff has determined that the existing facilities do not significantly interfere with the District's access and ability to perform the necessary construction, operations and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 10.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 37, Number 40* of the *Florida Administrative Weekly* on *October 7, 2011*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13926, and **approval** of the petition for waiver of the District's criteria which governs the placement of above-ground permanent and/or semi-permanent facilities within 40 feet of the top of the canal bank and within the District's designated 100 foot long equipment staging areas located at all bridge and pile-supported utility crossings within Works or Lands of the District.

(Easement)

## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

4. Consideration of a request by the **Florida Department of Transportation (FDOT)**, (Application Number 11-1018-3, Permit Modification Number 817) for issuance of a modification to Right of Way Occupancy Permit Number 817 and Waiver of the District's criteria for the proposed widening of the west face of the existing SR 823 (Red Road/NW 57<sup>th</sup> Avenue) bridge crossing C-7. Location: Miami-Dade County, Section 31/32, Township 52 South, Range 41 East.

The applicant requests waiver of the District's criteria which governs the minimum low member elevation of pile-supported and free-span facilities within Works or Lands of the District. The District's criteria requires that on canals with one water control structure, the vertical clearance of the structure shall provide a minimum of 2 feet above the design water surface elevation or a minimum of 6 feet above the seasonal high optimum water control elevation, whichever produces the higher low member. In areas where existing conditions limit the vertical clearance or it is not feasible for economic reasons to obtain these clearances, the District may give consideration to a reduction.

The applicant's request for waiver is based on "substantial hardship". The FDOT was informed that the proposed widening of the west face of the bridge does not meet the District's criteria because the proposed low member elevation of 7.39 feet NGVD offers less than 2 feet of vertical clearance above the design water elevation of 5.95 feet NGVD. The applicant asserts that the widening and reconstruction project for SR 823 (Red Road/NW 57<sup>th</sup> Avenue) is required in order to improve safety and traffic congestion along this roadway corridor and requiring the FDOT to raise the profile of the existing roadway and bridge approaches as well as requiring reconstruction/replacement of the entire existing bridge to meet the District's design criteria would make the project economically unfeasible.

The District's Operations, Maintenance and Construction staff has determined that the proposed bridge widening will not significantly interfere with the District's ability to perform necessary construction, alteration, operation and maintenance activities as the proposed widening of the westerly face of the existing structure will not have a lower low member elevation than which currently exists along the easterly face of the structure (7.37 feet NGVD) that was constructed in 1958. Therefore, the purpose of the underlying statute will be achieved.

Therefore, staff recommends **approval** of the issuance of a Modification to Right of Way Occupancy Permit Number 817 and **approval** of the petition for waiver of the District's criteria which governs the low member elevation of pile-supported and free-span facilities within Works or Lands of the District.

(Fee)