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October 11, 2012

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**RIGHT OF WAY OCCUPANCY NEW PERMITS**

1. M4 CAPITAL, LLC  
COUNTY: COLLIER

Permit Number: 14071  
Appl No.: 12-0724-1  
Agreement

**AUTHORIZING:**

TWO EXISTING PILE-SUPPORTED BRIDGES CROSSING THE CR-951 CANAL LOCATED AT 3,661' AND 4,525', RESPECTIVELY, NORTH OF VANDERBILT BEACH ROAD BRIDGE (IN CONJUNCTION WITH THE CR-951 IMPROVEMENT PROJECT).

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

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2. AMY J. LAKIN  
COUNTY: BROWARD

Permit Number: 14079  
Appl No.: 12-0820-2  
Easement

**AUTHORIZING:**

PROPOSED PARALLEL FENCE ENCROACHING 78' (60' FROM TOP OF CANAL BANK) WITH EXISTING NATURAL NATIVE TREE WITHIN THE FENCING LOCATED WITHIN THE SOUTH RIGHT OF WAY OF THE HILLSBORO CANAL AT THE REAR OF 3899 N.W. 7<sup>TH</sup> PLACE (LOT 18, BLOCK 18, THE VILLAGES OF HILLSBORO SECTION TWO).

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

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3. PATTI L. STOLFI  
COUNTY: OKEECHOBEE

Permit Number: 14075  
Appl No.: 12-0814-1  
Fee

**AUTHORIZING:**

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5195 SE 64<sup>TH</sup> AVENUE (LOT 14, BLOCK 31, ANCIENT OAKS RV RESORT NO. V).

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

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4. RICHARD SWIGERT  
COUNTY: MIAMI-DADE

Permit Number: 14084  
Appl No.: 12-0604-2  
Fee and Easement

**AUTHORIZING:**

EXISTING BOAT DOCK, BOAT RAMP, DRIVEWAY, PALM TREES, AND LANDSCAPING WITHIN THE SOUTH RIGHT OF WAY OF C-4 LOCATED AT THE REAR OF 6253 TAMIAMI CANAL ROAD. (LOT 9, BLOCK 1, WINONA PARK). (LOCATED WITHIN AREA PREVIOUSLY-RELAXED BY THE DISTRICT'S GOVERNING BOARD).

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

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**RIGHT OF WAY OCCUPANCY NEW PERMITS**

5. KENNETH SMITH, JR.  
COUNTY: BROWARD

Permit Number: 14083  
Appl No.: 12-0803-1  
Easement

**AUTHORIZING:**

EXISTING FENCE ENCLOSURE ENCROACHING 48' (88' FROM TOP OF BANK) AND LANDSCAPING WITHIN FENCED AREA WITHIN THE WEST RIGHT OF WAY OF C-42 AT THE REAR OF 4290 NW 113<sup>TH</sup> AVENUE. (LOTS 127 AND 128, BLOCK 28, SUNRISE GOLF VILLAGE SECTION 24, PART FIVE).

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

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6. HELEN THOMSON AND PHILIP HAYWARD  
COUNTY: BROWARD

Permit Number: 14081  
Appl No.: 12-0822-2  
Fee

**AUTHORIZING:**

EXISTING CONCRETE SEAWALL, SHED, PORTION OF CONCRETE DECK AND SCREEN ENCLOSURE, FENCING AND LANDSCAPING WITHIN THE NORTH RIGHT OF WAY OF C-13 AT THE REAR OF 224 N.E. 30<sup>TH</sup> STREET (LOT 24, BLOCK 9, ALMAR ESTATES).

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

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7. MARY SUZANNE PARK  
COUNTY: OKEECHOBEE

Permit Number: 14077  
Appl No.: 12-0820-1  
Fee

**AUTHORIZING:**

EXISTING DOCK WITHIN THE SOUTH RIGHT OF WAY OF C-59 AT THE REAR OF 5521 SE 64<sup>TH</sup> AVENUE (LOT 5, BLOCK 6, ANCIENT OAKS RV RESORT NO. 1).

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

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**RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS**

1. RICHARD N. AND ANN M. RUBY  
COUNTY: ST. LUCIE

Permit Number: 11623  
Appl No.: 12-0531-1M  
Easement

**AUTHORIZING:**

EXISTING DOCK EXTENSION WITH ROOF WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 2642 SOUTHWEST RIVER SHORE DRIVE (LOT 25, SOUTH RIVER SHORES).

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

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2. THOMAS A. AND KATHLEEN M. ROGERS  
COUNTY: ST. LUCIE

Permit Number: 10972  
Appl No.: 12-0813-3M  
Easement

**AUTHORIZING:**

TWO EXISTING DOCK ADDITIONS AND ROOF OVER LIFT WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 197 S.E. OSPREY RIDGE (LOT 1, OSPREY RIDGE).

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

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3. DAVID R. SHERMAN AND JEAN L. RICCIARDI  
COUNTY: ST. LUCIE

Permit Number: 11121  
Appl No.: 12-0806-1M  
Easement

**AUTHORIZING:**

EXISTING DOCK EXTENSIONS, TIKI ROOF AND 2 EXISTING FLOATING JET SKI RAMPS WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 195 S.E. OSPREY RIDGE LOT 2, OSPREY RIDGE).

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

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4. PASQUALE J. AND CHERYL DILEO (TR)  
COUNTY: ST. LUCIE

Permit Number: 11594  
Appl No.: 12-0730-3M  
Easement

**AUTHORIZING:**

EXISTING LOWER LEVEL DOCK EXTENSION, 4 ADDITIONAL PILINGS AND WATER AND ELECTRIC SERVICE WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 173 SE OSPREY RIDGE DRIVE (LOT 13, OSPREY RIDGE).

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

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**RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS**

5. WILLIAM T. AND ANA P. CAMPBELL  
COUNTY: ST. LUCIE

Permit Number: 12144  
Appl No.: 12-0808-1M  
Easement

**AUTHORIZING:**

EXISTING DOCK EXTENSION, TIKI AND JET SKI LIFT WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 187 S.E. OSPREY RIDGE (LOT 6, OSPREY RIDGE).

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

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6. TECO PEOPLES GAS  
COUNTY: BROWARD

Permit Number: 13908  
Appl No.: 12-0717-6M  
Fee and Easement

**AUTHORIZING:**

EXISTING SOLAR TELEMETERING BOX WITHIN THE NORTH RIGHT OF WAY OF C-11 LOCATED 120' EAST OF FLAMINGO ROAD AND 47' FROM TOP OF BANK.

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

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

1. Consideration of a request by the **Florida Department of Transportation** (Application Number 12-0628-4, Permit Number 2030), for a Modification of Right of Way Occupancy Permit Number 2030 and Waiver of the District's criteria to remove and replace the existing guardrail within the north right of way C-1W at the northwest quadrant of the existing Krome Avenue (SR-997) bridge.

The applicant's request for waiver of the District's criteria, which governs the placement of above-ground permanent and/or semi-permanent facilities within 40' of the top of the canal bank and within the District's designated 100' long equipment staging areas located at all bridge and pile-supported utility crossings within Works or Lands of the District is based on "substantial hardship." The applicant asserts that physical limitations (i.e., lack of sufficient space) between the existing roadway (SR-997/Krome Avenue) and C-1W and a need to comply with the FDOT's roadway safety criteria compel FDOT to place the guardrail structure within the 40 feet of the canal top of bank landward of the canal waterway. In addition, the applicant emphasizes that realigning the existing roadway to accommodate additional space for the guardrail would make the project economically unfeasible and vehicular access for the District will not change.

The District's Operations, Maintenance and Construction staff has determined that the proposed replacement of guardrail will not interfere with the flow of water and the District's 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 provided to the Department of State and was published in *Volume 38, Number 29* of the *Florida Administrative Weekly* on July 20, 2012. No public comments were received.

Therefore, staff recommends **approval** of the issuance of a Modification of Right of Way Occupancy Permit Number 2030 and **approval** of the petition for waiver of the District's criteria and which governs the placement of above-ground permanent and/or semi-permanent structures within 40' of the top of the canal bank and within the District's 100' long staging areas within the Works or Lands of the District.

(Fee)

**RELAXATION OF STANDARDS AS ALLOWED UNDER DISTRICT RULE 40E-6.011(9),  
F.A.C.**

1. It is the recommendation of the staff of Operations and Maintenance Division that the Governing Board waive, for future Right of Way Occupancy Permit Applications, the requirement contained in District Rules which specifies that an unencumbered 40 foot wide strip of right of way as measured from the top of bank landward, is required in order for the District to perform the routine operations and maintenance activities along the north side of C-13 from a point beginning east of Andrews Avenue and continuing easterly to a point just west of Northeast 6<sup>th</sup> Avenue.

Staff's recommendation is based on the fact that this reach of the District's C-13 Canal right of way has very limited over bank, has been encumbered with encroachments for many years and is inaccessible for routine land-based maintenance activities. The District has no access from cross roads to the canal berm. Chemical spray crews using small boats currently perform routine canal maintenance in the area.

District Rule 40E-6.011(9), F.A.C., (Policy and Purpose), asserts that "the District reserves sole authority to make a determination that portions of the District's rights of way are inaccessible for routine maintenance activities due to a variety of physical limitations. While a determination that a certain segment of right of way is presently unusable for routine land-based maintenance activities such determination shall be at the sole discretion of the District and does not obviate the need for individuals with proposed or existing facilities within these areas to obtain permits from the District. Further, the District reserves the right to enter these areas to conduct emergency operations or to require the removal of any encroachments that are inconsistent with these rules at such time as maintenance access is perfected through the area."

The waiver specifically excludes the adjacent owners whose properties lie adjacent to the District's required 100' long staging area located upstream and downstream of all four quadrants of pile-supported bridge and utility crossings. Applications for encroachments within these specified staging areas when submitted shall be handled on an individual basis.

Further, the establishment of the areas as an area covered by Rule 40E-6.011(9), F.A.C. will be applied to all future applicants in the geographical areas specified above.  
(Fee and Easement)