

## TABLE OF CONTENTS

### RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL

APRIL 15, 2010

	<u>PAGES</u>
<b>I. RIGHT OF WAY OCCUPANCY NEW PERMITS:</b>	<b>2 - 6</b>
Governing Board action is required for routine requests for permits which conform to applicable rules for utilization of Works and Lands of the District. Items are placed on this Consent Agenda when the staff's recommendation is for <u>approval</u> .	
<b>II. RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS:</b>	<b>7</b>
Governing Board action is required for routine requests which involve a change, addition or deletion to a use of the right of way which was previously permitted. Items are placed on this Consent Agenda when the staff's recommendation is for <u>approval</u> .	
<b>III. RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:</b>	<b>8</b>
Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to <u>grant variances and waivers</u> to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means <u>and</u> when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule.	

**RIGHT OF WAY OCCUPANCY NEW PERMITS**

1. JAMES AND LINDA MURRAY Permit Number 13620  
Palm Beach County Appl. No. 10-0223-1  
(Fee)

AUTHORIZING: EXISTING DOCK WITH RAMP AND WALKWAY, CONCRETE FLUME WITHIN THE SOUTH RIGHT OF WAY OF C-17 AT THE REAR OF 2545 RICHARD ROAD.

LAST DATE FOR BOARD ACTION: MAY 13, 2010

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2. FELIPE ALVAREZ Permit Number 13621  
Miami-Dade County Appl. No. 09-0724-3  
(Fee)

AUTHORIZING: PROPOSED FENCE ENCLOSURE ENCROACHING 10' (43' FROM THE TOP OF BANK) WITH 2 EXISTING JUNCTION BOXES AND 7 TREES INSIDE THE FENCED AREA WITHIN THE NORTH RIGHT OF WAY OF C-100 AT THE REAR OF 11480 SW 131<sup>ST</sup> STREET. (LOT 6, BLOCK 27, PINE SHORE SECTION 3).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

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3. TECO PEOPLES GAS Permit Number 13622  
Collier County Appl. No. 09-1228-1  
(Cooperative Agreement)

AUTHORIZING: EXISTING SUBAQUEOUS GAS MAIN CROSSING THE COCOHATCHEE CANAL LOCATED 921' WEST OF NORTHBROOK ROAD BRIDGE.

LAST DATE FOR BOARD ACTION: 90 DAY WAIVED

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4. HAROLD AND CHRISTINA TUTTLE Permit Number 13626  
Palm Beach County Appl. No. 10-0210-1  
( Easement)

AUTHORIZING: EXISTING DOCK AND SEAWALL WITHIN THE NORTH RIGHT OF WAY OF C-16 AT THE REAR OF 650 SHORE DRIVE (LOT 59, COQUINA COVE).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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**RIGHT OF WAY OCCUPANCY NEW PERMITS**

5. CAROLYN STREET Permit Number 13610  
St. Lucie County Appl. No. 10-0122-2  
(Fee)

AUTHORIZING: EXISTING FENCE ENCLOSURE ENCROACHING APPROXIMATELY 15' (90' FROM THE TOP OF BANK) WITH EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES INSIDE THE FENCING WITHIN THE NORTH RIGHT OF WAY OF C-23 AT THE REAR OF 814 SW ABBOT AVENUE (LOT 1, BLOCK 2281, PORT ST. LUCIE SECTION 33).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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6. GAIL THOMPSON Permit Number 13612  
St. Lucie County Appl. No. 10-0126-4  
(Fee)

AUTHORIZING: PORTION OF 2 EXISTING FENCE PANELS ENCROACHING APPROXIMATELY 2' AND EXISTING LANDSCAPING CONSISTING OF 2 QUEEN PALM TREES ENCROACHING APPROXIMATELY 10' (90' FROM THE TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-23 AT THE REAR OF 870 SW ABBOT AVENUE (LOT 34, BLOCK 2272, PORT ST. LUCIE SECTION 33).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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7. AMY AND TODD BELOWICH Permit Number 13613  
St. Lucie County Appl. No. 10-0127-1  
(Fee)

AUTHORIZING: PROPOSED FENCE ENCLOSURE ENCROACHING APPROXIMATELY 19.5' (74.5' FROM THE TOP OF BANK) WITH EXISTING LANDSCAPING TO BE INSIDE THE FENCING; ALSO, 2 EXISTING ROYAL PALM TREES LOCATED OUTSIDE THE PROPOSED FENCE ENCLOSURE (66' FROM THE TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-23 AT THE REAR OF 942 ABBOT AVENUE (LOT 26, BLOCK 2272, PORT ST. LUCIE SECTION 33).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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**RIGHT OF WAY OCCUPANCY NEW PERMITS**

8. KENNETH PAUL MILLER Permit Number 13615  
St. Lucie County Appl. No. 10-0202-2  
(Fee)

AUTHORIZING: EXISTING DOCK WITH JET SKI LIFT; ALSO, THE PROPOSED PLACEMENT OF DISTRICT REQUIRED RIP-RAP WITHIN THE NORTH RIGHT OF WAY OF C-23 AT THE REAR OF 974 SW ABBOT AVENUE (LOT 22, BLOCK 2272, PORT ST. LUCIE SECTION 33).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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9. JOSEPH AND EILEEN CIATTO Permit Number 13611  
St. Lucie County Appl. No. 10-0126-1  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 8' (87' FROM THE TOP OF THE BANK) AND AN EXISTING DOCK WITH RIP-RAP WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 202 SW DALTON CIRCLE (LOT 30, BLOCK 2896, PORT ST. LUCIE SECTION 41).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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10. CHRISTINE HUNT Permit Number 13614  
St. Lucie County Appl. No. 10-0127-2  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF ARECA PALMS AND EUGENIA HEDGING ENCROACHING APPROXIMATELY 20' (60' FROM THE TOP OF BANK) WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 244 SW DALTON CIRCLE (LOTS 37 & 38, BLOCK 2896, PORT ST. LUCIE SECTION 41).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

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11. COURTYARD AT SULTAN, LLC. Permit Number 13607  
St. Lucie County Appl. No. 10-0119-1  
(Easement)

AUTHORIZING: EXISTING DOCK AND PLACEMENT OF DISTRICT REQUIRED RIP-RAP WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 832 SW SULTAN DRIVE (LOT 28, BLOCK 1291, PORT ST. LUCIE SECTION 12).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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**RIGHT OF WAY OCCUPANCY NEW PERMITS**

12. JOSE AND MARY MORENO Permit Number 13609  
St. Lucie County Appl. No. 10-0122-1  
(Easement)

AUTHORIZING: EXISTING FENCE ENCLOSURE ENCROACHING APPROXIMATELY 5' (95' FROM THE TOP OF BANK) WITH EXISTING LANDSCAPING CONSISTING OF 1 BOUGAINVILLEA BUSH INSIDE THE FENCING WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 956 SW SULTAN DRIVE (LOT 8, BLOCK 1291, PORT ST. LUCIE SECTION 12).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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13. ALBERT R. AND MARION E. ROCK Permit Number 13605  
St. Lucie County Appl. No. 10-0118-1  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 10' (75' FROM THE TOP OF BANK) WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 989 SW ABINGDON AVENUE (LOTS 18, BLOCK 1592, PORT ST. LUCIE SECTION 23).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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14. JANE MONAHAN Permit Number 13597  
St. Lucie County Appl. No. 09-1223-4  
(Easement)

AUTHORIZING: EXISTING FENCE ENCLOSURE ENCROACHING APPROXIMATELY 5' AND VARIOUS EXISTING TREES OUTSIDE FENCE ENCLOSURE ENCROACHING APPROXIMATELY 18' (80' FROM THE TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 530 SW ASTER ROAD (LOT 27, BLOCK 1657, PORT ST. LUCIE SECTION 5).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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## RIGHT OF WAY OCCUPANCY NEW PERMITS

15.

LINDA BOCK  
St. Lucie County

Permit Number 13608  
Appl. No. 10-0119-2  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF 1 AVACADO TREE AND 1 MAHOGANY TREE ENCROACHING APPROXIMATELY 19' (51' FROM THE TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 584 SW ASTER ROAD (LOT 18, BLOCK 1657, PORT ST. LUCIE SECTION 5).

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

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Consideration of a request by **AT&T Florida** (Application No. 09-1217-2, Permit Number 9677) for issuance of a modification to Right of Way Occupancy Permit Number 9677 to allow for the installation of temporary aerial crossing with poles located west of State Road 7 Bridge crossing C-51. Location: Palm Beach County, Section 1, 36, Township 43, 44 South, Range 41, 42 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 and within the District's equipment staging areas located 100 feet upstream or downstream of pile-supported crossings within Works and Lands of the District is based on a substantial hardship. The applicant asserts that their existing facilities were permitted as a bridge attachment in 2004. Palm Beach County is planning to widen the State Road 7 Bridge which forces AT&T Florida to move the conduit to a temporary aerial crossing until such time as the construction is completed. After completion of the bridge widening project, the temporary aerial poles will be removed and the conduit will be placed into ducts under the sidewalk on widened bridge. The District's Operations Resource Management staff has determined that the above-ground facilities will 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 provided to the Department of State and was published in *Volume 36, Number 07* of the *Florida Administrative Weekly* on *February 19, 2009*. No public comments were received.

Therefore, staff recommends **approval** of a Modification to Right of Way Occupancy Permit 9677 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 and within the District's equipment staging areas located 100 feet upstream or downstream of a pile-supported crossing within Works or Lands of the District (Easement)