

TABLE OF CONTENTS

RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL

JUNE 14, 2006

	<u>PAGES</u>
I. RIGHT OF WAY OCCUPANCY NEW PERMITS:	2, 3
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> .	
II. RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS:	4
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> .	
III. RIGHT OF WAY OCCUPANCY PERMIT APPLICATIONS FOR DENIAL:	5
Governing Board action is required for routine requests for permits which do not conform to applicable rules and criteria of Works and Lands of the District. Items are placed on this Consent Agenda when the staff's recommendation is for <u>denial</u> .	
IV. RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:	6
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

5. TOMPKINS, DALE R. JR., & MARY Permit Number 12868
Broward County Appl. No. 06-0221-4
(Fee)

AUTHORIZING: REMOVAL OF EXISTING DOCK; CONSTRUCTION OF NEW DOCK WITH BOAT LIFT AND ELECTRICAL SERVICE AND LIGHTS AND THE REPAIR OF THE EXISTING SEAWALL WITHIN THE SOUTH RIGHT OF WAY OF C-14 LOCATED 1.24 MILES DOWNSTREAM OF DISTRICT WATER CONTROL STRUCTURE S-37A AT THE REAR OF 621 S.E. 10TH STREET (LOT 10, KINGS CROWN).

LAST DATE FOR BOARD ACTION: JULY 12, 2006

-
6. RINKER MATERIALS OF FLORIDA, INC. Permit Number 12872
Miami-Dade County Appl. No. 06-0117-3
(Fee)

AUTHORIZING: TEMPORARY ACCESS, BERM ROAD RE-GRADING AND SPOIL RELOCATION OF A PORTION OF THE EAST RIGHT OF WAY OF L-31N BEGINNING AT THE WESTERN EXTENSION OF KENDALL DRIVE NORTHERLY APPROXIMATELY 1.4 MILES FOR USE AS A DRAGLINE ROAD ASSOCIATED WITH 2 MINING OPERATIONS.

LAST DATE FOR BOARD ACTION: JULY 12, 2006

RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

1. CRONENWETT, DUANE & SHIRLEY M. Permit Number 12536
Palm Beach County Appl. No. 06-0413-3
(Easement)

AUTHORIZING: INSTALLATION OF RIP-RAP FOR BANK STABILIZATION WITHIN THE NORTH RIGHT OF WAY OF C-17 AT THE REAR OF 532 ANCHORAGE DRIVE (LOT 19, BLOCK 3, VILLAGE OF NORTH PALM BEACH, PLAT NO. 1).

LAST DATE FOR BOARD ACTION: JULY 12, 2006

-
2. AIRPORT COMMERCIAL CENTER, LLC Permit Number 5364
Broward County Appl. No. 06-0324-3
(Easement)

AUTHORIZING: THE ADDITION OF 15 DOCKS AND 13 MOORING PILES (TO ACCOMMODATE A MAXIMUM OF 26 BOATS) ADJACENT TO THE EXISTING, PREVIOUSLY-AUTHORIZED BULKHEAD WITHIN THE SOUTH RIGHT OF WAY OF THE DANIA CUT-OFF CANAL ADJACENT TO 4491 RAVENSWOOD ROAD.

LAST DATE FOR BOARD ACTION: JUNE 14, 2006

RIGHT OF WAY OCCUPANCY PERMIT APPLICATIONS FOR DENIAL

1. Consideration of a request by **Charles and Kathy Amos** (Application Number 04-0726-3) for the issuance of a Right of Way Occupancy Permit seeking the District's authorization for the proposed construction of a fence enclosure with landscaping within the south right of way of the Hillsboro Canal at the rear of 4161 N.W. 7th Place. Location: Broward County, Section 33, Township 47 South, Range 42 East.

Staff recommends **denial** of the application as the applicant has failed to provide information sufficient to demonstrate that the proposed use meets the criteria established in the document referred to in Rule 40E-6.091, F.A.C.

-
2. Consideration of a request by **Jason-Michael Rocha and Jennifer Curtiss Rocha** (Application Number 05-0513-4) for the issuance of a Right of Way Occupancy Permit seeking the District's authorization for the proposed construction of a fence enclosure located approximately 45' within the westerly right of way of C-42 at the rear of 4510 N.W. 113th Avenue. Location: Broward County, Section 24, Township 49 South, Range 40 East.

Staff recommends **denial** of the application as the applicant has failed to provide information sufficient to demonstrate that the proposed use meets the criteria established in the document referred to in Rule 40E-6.091, F.A.C.

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

1. Consideration of a request by **Collier County Transportation Department**, (Application Number 05-1116-6, Permit Number 12867) for issuance of a Right of Way Occupancy Permit and waiver of the District's criteria for the proposed widening of the existing Tree Farm Road bridge crossing the C.R. 951 Canal. Location: Collier County, Sections 26 and 35, Township 48 South, Range 26.

The applicant requests a waiver of the District's criteria which governs the minimum vertical clearance requirement of pile-supported crossings within works or lands of the District based on substantial hardship. The applicant asserts that in order to meet the District's vertical clearance criteria of 2 feet above the Design Water Surface Elevation, the existing, District-built bridge, would have to be demolished and replaced causing an increase in construction cost of approximately \$0.5 million. At the time of its original construction, horizontal curves were added to the west end of the bridge increasing its overall width, as a result the existing vertical clearance of the bridge provides 1.93' of clearance at the end bents. The District's Big Cypress Basin staff has determined that the proposed widening of the existing bridge will not significantly interfere with the District's access and ability to perform necessary construction, alteration, operation and maintenance activities so 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 32, Number 20* of the *Florida Administrative Weekly* on *May 19, 2006*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 12867 and **approval** of the Petition for Waiver of the District's criteria which governs the minimum vertical clearance requirement of pile-supported crossings within works or lands of the District.
(Easement).
