

## **Chapter 4 PERMITTING POLICY**

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Revised on April 28, 2008 – RES2008 - 16 – Update 4.16, 4.17, 4.37

Revised on May 19, 2009 – RES 2009- 14 – Update to section 4.15, 4.16, and 4.17

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Revised on August 20, 2012 – RES2012-07 – Update 4.37

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Revised on November 25, 2012- RES2013-05 – Update 4.37 and corresponding fees in 4.15

Revised on August 30, 2022-RES2022-08 - Update Section 4

## 4.1 OBJECTIVES

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1. The purpose of this Manual is to set forth the policies, procedures, and technical requirements associated with connecting to, placing structures in or across, or otherwise making use of, the lands and/or facilities of the Lehigh Acres Municipal Services Improvement District (the “District”).
2. Any and all work involving the lands and/or drainage/water management facilities of the District shall not commence until prior approval of the District Board of Commissioners is received. The approval process consists of submitting an Application for Permit, (along with other requirements listed in the application) to the District. The District Manager and District Engineer shall review the application for conformance with the established policies and technical requirements contained in this manual. The permit may be issued following the approval of the application, by the Board of Commissioners with appropriate conditions.
3. The District’s Water Management Facilities include, but are not limited to: drainage and storm water management facilities, storm sewer systems, canals, lakes, water control structures, weirs, culverts and related utilities (the facilities).
4. Issuance of a permit does not convey any property rights, easements/licenses (although in some instances they may be required) or privileges other than those specified in the approved permit. It does not authorize any injury to private rights, nor does it waive the governing requirements of any other agency or authority. It simply expresses the assent of the District insofar as concerns the public’s interest and protection under the General Drainage Law, Chapter 298 and Chapter 2000-423, Laws of Florida, to authorize the drainage, reclamation and irrigation of the lands in said District.

## 4.2 AUTHORITY

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1. A copy of all laws relating to the authority and operation of LA-MSID are available for public inspection at the District's office.
2. The Board of Commissioners of the Lehigh Acres Municipal Services Improvement District is authorized and empowered by Florida Statute Chapters 189, 197, and 298; and Chapters 2015-202 and 2017-216, Laws of Florida (hereafter referred to as the "Special Acts"), to undertake, amongst other enumerated powers, the drainage, reclamation and irrigation of the lands in said District.

#### 4.3 POLICY STATEMENT CONCERNING THE DISTRICT'S PERMITTING CRITERIA

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1. It is the policy of the District to consider the use of the lands and/or drainage/water management facilities of the District for adjacent owners, private corporations and governmental entities.
2. The use shall not adversely impact or interfere with the District's ability to utilize these lands in any manner it sees fit in furtherance of the District's missions.
3. In order that the District can determine that a use of the rights-of-way will not interfere with the District's objectives, the District requires individuals or entities' wishing to use the District's rights-of-way to first obtain approval before any activity begins on the rights-of-way.
4. Construction on or use of the rights-of-way without obtaining prior District approval is unauthorized and in violation of Section 298.66, Florida Statutes. Such activity is an act of bad faith, which will be taken into consideration in the review of any request the user may subsequently make or in such enforcement action as the District may elect to initiate.
5. No permit will be granted for any use of the District's lands or drainage works when granting such permit would be inconsistent with the Water Management Plan of the District.
6. The District reserves the right to change, regulate, and limit discharges into or withdrawals from District facilities, amend or change any of its policies, practices, procedures, or regulations.
7. Such action shall not constitute any claim for damages nor become the basis for legal suit by any permittee.



1. A permit must be obtained by any person, company, corporation, association or governmental agency desiring to connect to, cross (under/over), place structures upon, or otherwise make use of the lands, easements, and/or drainage/water management facilities of the District.
2. Issuance of a permit by the District is simply an acknowledgment that the specific use of District land, as requested by the Applicant, is proper and conforms to the requirements and standards of the District. Permits convey no property rights nor any other rights or privileges other than those specified in the approved permit.
3. A permit must be obtained for any sized new or improved (1) commercial (2) industrial (3) multi- family projects (4) utility projects crossing over or under District owned canal rights-of-way and any new or improved (5) single-family parcels greater than 10 acres or more than 2 acres impervious.
4. Permit applications may be obtained at the District office or website at [www.LA-MSID.com](http://www.LA-MSID.com).

## 4.5 OBLIGATIONS OF PERMITTEE – GENERAL CONDITIONS

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With the acceptance of a permit, the permittee agrees to the following:

1. To abide by the special terms, general conditions, supplemental conditions and any stipulations listed in the issued permit.
2. A general condition included for all structures and/or works located on LA-MSID rights-of-way (constructed by permittee) shall remain the property of the permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. It is left to the sole discretion of LA-MSID to determine whether or not the facilities are being properly maintained. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the LA-MSID's rights-of-way. The LA-MSID assumes no duty with regard to ensuring that such facilities are so maintained and assumes no liability with regard to injuries caused to others by any such failure. If LA-MSID feels the safety of the improvements located on LA-MSID rights-of-way are in question, LA-MSID has the right to request that the permittee hire qualified professionals to inspect the improvements and provide a report to LA-MSID.
3. Permittee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable engineering practice and industry standards, into the design, construction, operation and continued maintenance of the permitted facilities/authorized use. This duty shall include, but not be limited to, permittee's consideration of LA-MSID's regulation and fluctuation, without notice, of water levels in canals and works, as well as the permittee's consideration of upgrades and modifications to the Permitted facilities/authorized use which may be necessary to meet any future changes to applicable engineering practice and accepted industry standards. Permittee acknowledges that LA-MSID's review and issuance of this permit, including, but not limited to, any field inspections performed by LA-MSID, does not in any way consider or ensure that the permitted facilities/authorized use is planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. Permittee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any LA-MSID staff or representative during the application review and permit issuance process, including, but not limited to, any field inspections, shall not in any way be relied upon by permittee as LA-MSID's assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by permittee in order to meet permittee's duty to incorporate safety features, as set forth above.
4. Permittee agrees to abide by all terms and conditions of this permit, including any representations made on the permit applications and related documents. Permittee agrees to pay all demolition, removal and restoration costs, investigative costs, court costs and reasonably attorney's fees, including appeals, resulting from any action taken by LA-MSID to obtain compliance with the conditions of the permit or removal of the permitted use. If legal action is taken by LA-MSID, "reasonable

attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

5. This permit does not create any vested rights, and except for governmental entities and utilities, is revocable at will upon 30 days prior written notice. LA-MSID reserves the right to amend the terms and conditions contained herein at any time and for any reason. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify, relocate or remove the permitted use and properly restore the right-of-way to the LA-MSID's satisfaction. In the event of failure to so comply within the specified time frame, LA-MSID may remove the permitted use and permittee shall be responsible for all removal and restoration costs. In addition, the permittee agrees and acknowledges that any failure to comply constitutes a violation of section 298.66, Florida Statutes, and LA-MSID may pursue any and all remedies available under law.
6. This permit does not convey any property rights nor any rights or privileges other than those specified herein, and this permit shall not, in any way, be construed as an abandonment of any other such impairment or disposition of LA-MSID's property rights. The LA-MSID approves the permitted use only to the extent of its interest in the works of LA-MSID. Permittee shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by this permit. Permittee shall comply with any more stringent conditions or provisions which may be set forth in other required Permits or other authorizations. However, the LA-MSID, assumes no duty to ensure that any such authorizations have been obtained or to protect the legal rights of the underlying fee owner, in those instances where the LA-MSID owns less than fee. It is the responsibility of the permittee to obtain the necessary consents from the fee title owners of the property if LA-MSID is not the fee owner of the area where the permitted improvements are being constructed.
7. Unless specifically prohibited or limited by statute, permittee agrees to indemnify, defend and save the LA-MSID (which used herein includes LA-MSID and its past, present and/or future employees, agents, representatives, officers and/or Board members and any of their successors and assigns) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorney's fees, judgements and liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the permitted use or the possession, utilization, maintenance, occupancy or ingress and egress of the LA-MSID's right-of-way which arise directly or indirectly and are caused in whole or in part by the acts, omissions or negligence of the permittee or of third parties. Permittee acknowledges that LA-MSID is exempt from liability for personal injury and damages that may occur as a result of permitted use or activity as provided in section 768.28 Florida Statutes. Permittee agrees to provide legal counsel acceptable to the LA-MSID if requested for the defense of any such claims.
8. Permittee releases LA-MSID for any and all damages that may be caused by LA-MSID to the permitted use, while exercising its responsibilities and obligations of maintenance of its drainage system. The LA-MSID is not responsible for the repair of or claims of damage to any facilities and uses which may incur damage

resulting from water fluctuations or flows, or by the use of LA-MSID's rights-of-way by LA-MSID or a third party. Improvements placed within the right-of-way are done so at the sole risk of the owner/permittee.

9. The LA-MSID is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the LA-MSID canals or any activities which may include use of contact with water from LA-MSID canals, since LA-MSID periodically sprays its canals and/or rights-of-way for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.
10. The LA-MSID does not waive sovereign immunity, per section 768.28, Florida Statutes.
11. As specified by LA-MSID, permittee shall maintain insurance coverage to the required amounts and limits throughout the duration of the permit.
12. The permittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the works of LA-MSID including, but not limited to: a) discharging of debris or aquatic weeds into the works of LA-MSID; b) causing erosion or shoaling within the works of LA-MSID; c) planting trees or shrubs or erecting structures which limit or prohibit access by LA-MSID equipment and vehicles, except as authorized by the permit; d) leaving construction or other debris on the LA-MSID right-of-way or waterway; e) damaging LA-MSID berms and levees; f) removing of LA-MSID owned spoil material; g) removing or damaging LA-MSID locks, gates, and fencing; h) opening of LA-MSID rights-of-way to unauthorized vehicular access; or i) running or allowing livestock on the LA-MSID rights-of-way.
13. Permittee shall allow all LA-MSID staff the right to inspect the permitted use at any reasonable time.
14. Permittee shall allow, without charge or any interference, the LA-MSID, its employees, agents, and contractors, to utilize the permitted facilities before, during and after construction for the purpose of conducting LA-MSID's routine and emergency, canal operation, maintenance, and construction activities. To the extent there is a conflicting use, the LA-MSID's use shall have priority over the permittee's use.
15. This permit is non-exclusive and revocable. Permittee shall not interfere with any other existing or future permitted uses or facilities authorized by the LA-MSID.
16. If the use involves the construction of facilities for a non-exempt water withdrawal or surface water discharge, the permittee must apply for and obtain the appropriate water management permit before or concurrently with any activities which may be conducted pursuant to this permit.
17. Permittee authorizes the LA-MSID to record the permit through filing the appropriate notice in the public records of Lee or Hendry County, if it so chooses to do so.

18. Permittee shall be responsible for the repair or replacement of any existing facilities located within the LA-MSID right-of-way which are damaged as a result of construction or maintenance of the authorized facility.
19. If determined that the permitted use interferes with LA-MSID's canal maintenance, operations or rehabilitation efforts, permittee agrees that all or part of the permitted use must be removed and/or reconstructed at permittees expense.
20. Permittee shall provide prior written notice to their successors in title of the permit and its terms and conditions. As the LA-MSID has no control over the sale or transfer of real or personal property, it is the sole obligation of a permittee to disclose the existence of an LA-MSID right of way permit, along with its terms and conditions to prospective purchasers.
21. Permittee agrees that the transfer of any rights, title or interests of the property or facility ownership referenced in this permit herein shall require a transfer of permit. Within thirty (30) days of any transfer of interest or control of the subject property, the permittee must notify the LA-MSID in writing of the property transfer. Notification of the transfer does not by itself constitute a permit transfer. All successors and assigns shall be required to apply for a transfer of permit with LA-MSID within 60 days of obtaining property or facility. LA-MSID shall have the right to approve in writing the successors and assigns of transfer of any rights or conditions contained in this permit, which approval shall not be unreasonably withheld. Failure to submit a transfer of permit shall be considered a default of the terms and conditions of this permit and LA-MSID shall have the right to terminate this permit upon 10 days written notice to permittee.
22. This permit is issued by the LA-MSID as a license to use or occupy LA-MSID works or lands. It does not create any right of entitlement, either legal or equitable, to the continued use of the LA-MSID works or lands. Since this permit conveys no right to the continued use of the works or lands, the LA-MSID is under no obligation to transfer this permit to any subsequent owner. By acceptance of this permit, the permittee expressly acknowledges that the permittee bears all risks of loss as a result of the revocation of this permit.
23. Permittee agrees that no other encroachments and/or facilities shall be located within the right-of-way without prior authorization from LA-MSID.
24. It shall be the responsibility of the permittee to locate and protect the underground facilities of the LA-MSID or those of others prior to and during construction.
25. Permittee shall take the necessary precautions to prevent turbidity and/or silting upstream or downstream during construction.
26. All unpermitted facilities installed prior to or during construction must be removed prior to the project's final approval.
27. The permittee must make a copy of this permit available and/or post at the job site prior to and during any construction. Failure to comply may result in suspension of construction.

28. Permittee agrees that significant construction shall commence within two years and construction be completed within five (5) years from the date of permit issuance, or the permit may terminate, and a new permit application must be submitted. The new application must meet current operating policies including current applicable fees. Prior to the expiration date, the permittee may submit a request in writing for an extension of time to commence or complete construction. Such request should include justification for the approval of an extension.
29. Permittee or permittee's representative shall notify the LA-MSID construction inspector at least forty-eight (48) hours prior to any work to be undertaken within LA-MSID rights-of-way. All underground installations must be inspected prior to backfilling and measurements for as built drawings should be recorded.
30. No dewatering into LA-MSID canals is authorized until written notification of approval from South Florida Water Management District has been submitted to LA-MSID.
31. Any non-compliance by the permittee of any condition listed herein will result in the termination of this permit, removal of permitted uses or facilities at the permittees expense, and/or LA-MSID requesting other jurisdictional agencies to withhold their final approvals, until LA-MSID terms and conditions are met.
32. Permittee shall submit record drawings within thirty (30) days of project completion. Drawings shall be signed and sealed by a Florida Professional Engineer and shall include sufficient information to show that the permitted facilities have been installed or constructed in substantial compliance with the plans and design approved by the LA-MSID. All elevations shall be referenced to N.G.V.D. 1929 (adjusted). In lieu of signed and sealed record drawings, utility cable companies may submit, within thirty (30) days of project completion, a project certification stating that the permitted facilities have been installed or constructed in substantial compliance with the plans and design approved by the LA-MSID, along with bore records indicating depth of underground utility lines or surveyed elevations of overhead utilities indicating the lowest sag point of any aerial utility lines. Failure of the Permittee to provide these drawings or certification within the time specified may result in LA-MSID revoking this permit and requesting that all jurisdictional agencies withhold their final approval until the drawings are received and approved by LA-MSID.
33. Special Conditions that are specific to the project site and right-of-way usage shall be incorporated into this permit as may be necessary in the best interest of the LA-MSID.

#### 4.6 DURATION OF PERMITS

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1. Generally speaking, a permit issued for the life of the requested use. However, limiting conditions and/or special situations associated with the issuance of a particular permit may restrict its useful life span. **The construction period for all permits shall be started within two (2) years and completed within five (5) years from the date of permit issuance unless an extension has been granted by the District.**
2. Certain types of permits may be rescinded and will be clearly stated in “special conditions”, however the District reserves the right to rescind any permit that it sees fit:
  - a. An expiration date may be stated in the approved permit.
  - b. The District may determine a higher priority use of the affected property.

#### 4.7 MODIFICATIONS TO AN EXISTING PERMIT

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1. Any minor modifications to a previously permitted and currently existing use of District lands or drainage/water management facilities will not require a new permit.
2. The permittee must submit a written request to the District to amend his/her permit. Such request shall be submitted in triplicate and shall include sufficient information detailing the modification desired and the reasons for the modification.
3. Requests to amend an existing permit shall be reviewed in the same manner and shall be subject to the current permit fee schedule at the time of amendment submittal.
4. The permittee will be notified in writing by the District as to the disposition of his/her request to amend an existing permit.
5. If it is determined that the proposed changes are substantial and a complete review of project plans and drainage calculations are needed, then a new permit submitted will be required.



#### 4.8 TRANSFER OF EXISTING PERMIT

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1. The holder of a valid permit issued by the District may allow a third party the use of his/her permitted facility, provided that the permittee notifies the District in writing of such intended changes. Permits are not assignable without the express written consent of the District. A valid permit can be transferred to a new permittee only upon written request to the District, with the consent of the original permittee clearly indicated.
2. The permit resides with the permitted property and transfers with ownership, unless otherwise provided herein.

#### 4.9 NEW PERMITS - APPLICATION FOR PERMIT (FORM 1)

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1. The permitting process begins with the submittal of an Application for Permit. Required application forms can be obtained in person at the District office located at 601 East County Lane, Lehigh Acres, FL 33936, on the District's website, [www.LA-MSID.com](http://www.LA-MSID.com), or by telephone at (239) 368-0044.
2. A fee may be charged for postage and handling if permit application materials must be mailed.
3. Forms must contain all available information and be dated and signed by the *owner* or a designated representative of the *owner* having the legal capacity to so sign.
4. All owners and contractors must be identified in the permit, so that the District can identify whether a conflict may arise between them and a LA-MSID Commissioner.
5. All Applications for Permit shall be accompanied by payment of the appropriate review fee in accordance with the established fee schedule (**Section 4.15 Permit Fees**).

#### 4.10 PROCESSING OF APPLICATION

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1. In order for a permit application to be considered for the next regular monthly Board Meeting, a permit application must be submitted and recorded at the District Office a minimum of twenty-one (21) days and approved by the District Manager and District Engineer a minimum of ten (10) days prior to that monthly board meeting.
2. The District Manager must review all applications.
3. The District Engineer must also review applications for improvements affecting the District's lands and/or facilities.
4. If the District Engineer finds that the application lacks any of the required submittal materials, and/or requires revisions to be made to the proposed project application, the Engineer will notify the applicant and/or owner in writing. The requested items/revisions must then be submitted and recorded at the District Office a minimum of twenty-one (21) and approved a minimum of ten (10) days prior to the next monthly board meeting to be considered for that Board Meeting.
5. The Board of Commissioners will promptly consider applications at their next regularly scheduled meeting following completion of the necessary review process.
6. In the case of a bona fide emergency, or to avoid manifest hardship or injustice to the applicant, the Chairman of the Board of Commissioners and the Manager may, upon appropriate review, give conditional approval of the application, subject to full Board action at its next regularly scheduled meeting.

#### 4.11 PERMIT

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1. An approved application will result in a signed permit document issued to the listed Applicant for Permit. Said document will contain any and all terms upon which the permit is being issued, and will reflect the duration of the permit, if it differs from the standard permit durations outlined in Section 4.5 “Obligations of Permittee” – General Conditions Item #28.
2. General Conditions that may be attached to the permit are (1) underground construction conditions (2) special conditions (3) out parcels conditions.
3. To be valid, following approval by the Board of Commissioners, the permit must be dated and signed by the District Manager.

#### 4.12 POLICY STATEMENT CONCERNING DISTRICT ENFORCEMENT POLICY

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1. The District will make every effort, with the resources available, to aggressively pursue all violations of the District's Rules as contained in this Manual.

Please see the Right of Way Policy (Chapter 2) to understand the “course of action” the District will follow in such a case.

#### 4.13 APPLICATION PROCESSING FEE

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1. The District's Board of Commissioners adopted the Fee Schedule as set forth in Section 4.15. All applicants, including governmental entities, must pay an application-processing fee. This fee is charged to recover the cost of administration, engineering, legal and other costs associated with the review and processing of applications for permits. There are no exemptions from this requirement and applications submitted without the proper fee are considered incomplete and will not be processed.
2. Applicants may request waiver of the fee. In the event an applicant believes that he is entitled to a waiver of the fee, he must file a standard application along with the required fee and also request, in writing, that the Board of Commissioners waive the application-processing fee. If the Board approves the fee waiver, the applicant's fee, or such portion thereof as the Board may agree to, will be refunded to the applicant.
3. Applications that are withdrawn at any point during processing are not entitled to a refund. Fees are not refundable if the permit has been processed and distributed for review.

#### 4.14 PUBLIC INFORMATION AND INSPECTION OF RECORDS

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1. Copies of District rules, forms and other public records shall be made available consistent with the requirements of Chapter 119, Florida Statutes. All costs and charges for review or copies will be consistent with the statutory limits.

## 4.15 PERMIT FEES

### 1. Permit Inspection and Administrative Fees for Regular Permits (Application for a Permit – 7-page

Permit Application Long Form)

<b>a) Culverts, Bridges, Roadways:</b>		<b><u>Fee Amount</u></b>
Culvert (only) Installations	(0-120 L.F.)	\$1,000.00
Culvert (only) Installations	(over 120 L.F.)	\$1,250.00
Replacement Bridge or Box Culverts	(0-120 L.F.)	\$1,500.00
Replacement Bridge or Box Culverts	(over 120 L.F.)	\$2,000.00
New Bridge or Box Culverts	(0-120 L.F.)	\$2,500.00
New Bridge or Box Culverts	(Over 120 L.F.)	\$3,500.00
New Roadways (first culvert connection)		\$1,500.00
Each additional culvert connection		\$250.00
<b>b) Utility Lines (Water, Sewer, Re-use, Phone, Electric, Cable, Gas, etc.):</b>		
Utility Crossings under/over <b>existing culverts</b>		\$750.00 + \$15.00/L.F.
Or attached to bridges		(L.F. of crossing in R/W)
For Sub Aqueous and Aerial Utility		\$750.00+\$15.00/L.F.
Crossing Canal		(L.F. of crossing in R/W)
Parallel Installations (for each separate Utility line inside LA-MSID's rights-of-way)		\$750.00+\$15.00/L.F. (L.F. running in R/W)
<b>c) Drainage Permits or Modifications to Existing Permits</b>		
Projects 2 acres or less		\$1,500.00
Projects 2+ acres to less than 5 acres		\$1,750.00
Projects 5+ acres to less than 10 acres		\$2,000.00
Projects 10+ acres to less than 20 acres		\$2,250.00
Projects 20+ acres to less than 40 acres		\$2,500.00
Projects 40+ acres to less than 100 acres		\$3,500.00
Projects 100 acres and above		\$5,000.00
Changes to previously approved master plan or Permits being modified (minor changes)		\$500.00
Excavation of Right-of-ways Maintenance Berm (not included in the above fees)if required for outfall pipe on drainage permit.		\$400.00



d) <b>Miscellaneous Permits</b>	<b>Fee Amount</b>
Agriculture water use (first connection included)	\$750.00/year
Each Additional pump connections	\$500.00/year
Dewatering Discharge (6-month duration)	\$1,000/6 months
Fence/Gate located in the right-of-way (Fee is per Fence/Gate, Performed by Staff, and must be renewed every five years)	\$500.00/year
Launching Ramps/Observation Decks /Boat Docks/ & Piers (Original Fee)	\$525.00/10 years
Launching Ramps/Observation Decks/Boat Docks/ & Piers (Renewal fee – Due every 10 years)	\$375.00/10 years
Signs (Not including billboards)	\$150.00/5 years

**\*Note:** For all regular plan reviews and regular permit applications the first resubmittal is free. But all subsequent submittals will have a fee equal to the amount of the original permit fee (not including any additional per linear foot costs.)

## **2. Permit Inspection and Administrative Fees for Temporary Construction Permits (Application for Temporary Right-of-Way Permit – 2 Page Permit Application Short Form)**

	<b>Fee Amount</b>
Temporary construction on Right-of-Way (6-month duration)	\$300.00/6 months
Landscaping, Shed or other non-structural Encroachments (not typically issued)	\$500.00/5 years

**Note:** Temporary Construction Permit fees cover the first site inspection visit only. The first re-inspection fee will be \$150.00, the second inspection fee will be \$200.00 with each inspection there after increasing \$50.00 each time. It is imperative that the contractor completes all requirements listed in the permit before calling for inspection.

## **3. ADDITIONAL NOTES – Applicable to ALL PERMITS**

- a) Permit Fees shall be doubled if improvements are started without a permit.
- b) A forty-eight (48) hour notice shall be given prior to required inspections. Call 239-368-0044 to schedule.
- c). Improvements installed within LA-MSID right-of-ways shall not be backfilled prior to inspection or a re-inspection fee will be charged and the work will have to be excavated for inspection.

- d) Record drawings are required to be submitted to LA-MSID within thirty (30) days after the completion of the project.
- e) The use of canal water for installing underground borings are any other construction activity is prohibited and will be immediately reported to South Florida Water Management District of enforcement action.

#### 4.16 ADMINISTRATIVE PROCESSING FEES

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<b>Clerical staff time/research</b>	\$35.00/hour (actual cost of labor)
<b>Managerial staff time research</b>	\$75.00/hour (actual cost of labor)
<b>Photocopy one-sided</b>	\$0.15/page (No larger than 8.5" x 14")
<b>Photocopy two-sided</b>	\$0.20/ page (No larger than 8.5" x 14")
<b>Maps/Engineering Plans</b>	\$20.00 (no larger than 42" x 48") if readily available. Otherwise, an additional hourly clerical fee will apply.
<b>Returned Check</b>	\$30.00/ each check under \$300.00 \$40.00/ each check over \$300.00
<b>Certification of Public Records</b>	\$1.00/page
<b>*District Provided Flash Drive/CD</b>	\$5.00

LA-MSID's goal is to ensure that members of the public receive all the documents and records that they request, except in those instances the law requires. LA-MSID can fill requests for records and documents that *presently exist*. The Public Records Law does not require an agency to *create* documents in response to questions that you may submit.

There will be no fee for the inspection of public records. For example, emailing documents, listening to audio recordings, reviewing documents (unless redaction of exempt material is necessary) and copying documents.

\*To protect the integrity of the District's computer equipment, office staff is not authorized to transfer files onto a requestors personal jump drive or CD. If an electronic file is requested that is too large to be emailed, a flash drive/CD may be purchased for \$5.00 from the District's records custodian, or requestor has the option of providing our clerk with a sealed, unopened flash drive or CD.

#### 4.17 OTHER FEES

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**a) Quit Claim Deed for release of drainage/water management facility reservations:**  
(one-time processing fee plus costs)

0.01 to 100 acres	\$500.00/up front  <b>PLUS ACTUAL COST for</b> Legislation, Legal, Engineering And Administrative Fees
100.01 to 200 acres	\$ 1,500.00/ up front  <b>PLUS ACTUAL COST for</b> Legislation, Legal, Engineering And Administrative Fees
200 acres and up	\$ 2,500.00/up front  <b>PLUS ACTUAL COST for</b> Legislation, Legal, Engineering And Administrative Fees

**b) Easements or Encroachments:**  
(one-time processing fee plus costs)

Ingress/Egress Permanent Easements	\$ 750.00/up front  <b>PLUS ACTUAL COST for</b> Legislation, Legal, Engineering And Administrative Fees
Encroachment License Agreements (one-time processing fee plus costs)	\$ 750.00/up front  <b>PLUS ACTUAL COST for</b> Legislation, Legal, Engineering And Administrative Fees
Permanent Structural and/or Paving Encroachments [Section 4.46]	\$ 750.00 + \$15.00/ L.F. (L.F. running in R/W)
Non-Structural Encroachments [Ref: Section 4.46 and 4.49]	\$ 750.00 + \$15.00/L.F. (L.F. running in R/W)

#### 4.18 BRIDGE CROSSING CRITERIA

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1. All bridges crossing District rights-of-way must be designed and certified (Signed and Sealed) by a professional Engineer registered in the State of Florida.

#### 4.19 CROSS SECTIONS

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1. Certified cross sections of the canal as it exists, taken at the centerline of the proposed work and a maximum of one hundred (100') ft. upstream and downstream of the proposed work, showing the entire canal, lake or drainage/water management facility, Right-of-Way to Right-of-Way, drawn to a scale specified below, shall be included in the submitted application plans.
2. Existing canal cross sections overlaid on design sections shall be shown on construction plans. Existing cross sections being provided shall have a scale of one inch (1") equals twenty feet (20') for all equalizing canals, lake or drainage/water management facility and one inch (1") equals ten feet (10') for all lateral canals. Both vertical and horizontal scales shall be identified. Upon receipt of the existing cross section (s) the District will furnish the design section (s) for inclusion on the final proposed cross sections.
3. All cross sections furnished for review shall be related to known land lines, i.e.: Sectionline, ¼ Section line, P.B.F. Co. Block lines, and recorded subdivision boundary lines.

#### 4.20 SPANS

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- 1) The center “clear” span shall be centered on the design section of the canal, lake or drainage/water management facility.
- 2) No pilings will be allowed in the center of the design channel.

#### 4.21 GUARD RAILING OF BRIDGE APPROACHES

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1. Where bridges and their roadway approaches cross District rights-of-way, and particularly where the rights-of-way has a canal maintenance berm, the bridge and roadway designs must make accommodations for a continuous District berm (Right-of-Way) access. Therefore, designs should be submitted so that guard railing does not interfere with the District's access requirements.



#### 4.22 ESTABLISHING LOW MEMBER ELEVATION & HORIZONTAL CLEARANCES

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1. Bridges constructed over canals, lakes or drainage/water management facilities within the boundaries of the District require crossings to have a fifteen (15') foot minimum horizontal clearance between center bents. There must be a minimum vertical clearance of six (6') feet between low member and normal water elevation **OR** one (1') foot above the 100 year-three (3) day storm event elevation, whichever is greater. The District may also require higher vertical clearances if necessary in certain circumstances.
2. Pilings and bridge support structures are required to be designed and located such that they will not catch debris or interfere with the normal flow of water. Pilings should be placed parallel to the major axis of the canal lake or drainage/water management facility and protected to allow for future cleaning under the bridge. Details of headwalls, wing walls and other special items, which will vary from site to site, must be shown on any submitted plans.
3. In the situation of a grade separation where a bridge crosses over the maintenance berm, the minimum vertical clearance between the berm elevation and the low member of the bridge shall be no less than eighteen feet (18'), unless other design and access considerations are agreed to by District Staff and the Board of Commissioners.

#### 4.23 CROSSINGS OVER OPEN CHANNEL CONNECTIONS

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1. Bridges constructed on District rights-of-way for the primary use of providing access for District vehicles and equipment over open channel connections made to District facilities shall provide a minimum roadway pavement width of 14 feet (14') and shall be designed for the standard H20 loading, or better. An acceptable surety must be provided to the District guaranteeing maintenance of the bridge. All Bridges/Crossings to be used by the public must conform to applicable FDOT criteria.
2. On all permits for bridges, any additional excavation required by the District within the affected Right-of-Way shall be performed by the permittee according to the associated construction plan(s) and methods approved by the District prior to the commencement of the bridge construction.

#### 4.24 EXCAVATION REQUIRED IN CONJUNCTION WITH BRIDGE CONSTRUCTION

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1. In cases where a bridge or other pile-supported crossing is proposed over a canal, lake or drainage/water management facility which has not been dug to its ultimate section as determined by the District, the District may require excavation of the canal, lake or drainage/water management facility beneath the bridge (plus adequate transitions) to the required ultimate section prior to the construction of the proposed bridge.
2. Improper and incomplete excavation at the proposed crossings after piles are in place is a recurring problem. The District will not allow bridge construction to occur prior to the completion of any required excavation below the bridge. In this regard, no pilings shall be driven (with the exception of one (1) test pile) until all excavation is complete and has been inspected and approved by the District.
3. The District is not responsible for the permittee neglecting to inform the contractor of this requirement when preparing bid documents, field orders for work or similar construction specifications and/or procedures.

#### 4.25 BRIDGES BLOCKING DISTRICT ACCESS

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1. With a few exceptions, all bridges crossing District canals, lake or drainage/water management facility must provide for continuous uninterrupted access for District equipment along both canal berms. Normally this will be accomplished by the Applicant providing drop curbs, reinforced sidewalk sections, ramps, guardrail gaps, and median gaps (where applicable) where road crossings are at or near berm grade. In cases where the District determines such access is undesirable for employee safety or site specific conditions such as differences in berm and roadway grades, available road and/or canal, lake or drainage/water management facility rights-of-way width or configuration (such as in the case of expressways or other high level or high speed crossings) exist, the District shall require alternate access easements or bridge configurations which allow for District access beneath the bridge.
2. In cases where alternate access is preferable, the applicant must provide any necessary features such as easements, stabilized roadways, and ramps. Any and all features necessary at a particular site will be determined on a case by case basis.
3. In cases where roadbeds or embankments are allowed to encroach within the rights-of-way in order to reduce the length of bridge structures, a minimum berm width of 15 feet (as measured from the ultimate top of bank) will be maintained by the applicant/permittee. The berm and road embankment end slope will be stabilized or paved. The berm will be back-sloped away from the canal and an acceptable drainage system provided to preclude over-bank storm water flows.
4. Except when specifically accepted for operations and maintenance by the District, all facilities provided by Permittee for the purpose of providing the District with alternate access or access below bridges shall be the Permittee's responsibility for operation and maintenance for the life of the Permit, however the District reserves the right to perform maintenance or other activities to these facilities at any time the District sees fit.

## 4.26 ACCESS FEATURES

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Bridge approaches shall be designed and constructed in such a manner as to not interfere with the passage of the District's maintenance equipment along the rights-of-way. In designing roadway approaches to bridges, applicants should consider the following guidelines:

### 1. Berm Ramps:

- a) Where there is a difference between the proposed road grade and the District's berm, berm ramps must be provided.
- b) Berm ramps should have a minimum top width of fifteen feet (15') and stable side slopes. The ramp should be constructed of suitable compacted material and have a slope not steeper than 10 horizontal to 1 vertical.
- c) Berm ramps, including side slopes, must be constructed fully within the District's rights-of-way.

### 2. Curbs and Sidewalks:

- a) Where curbs and sidewalks will be part of the roadway design, drop curbs and reinforced sidewalk sections must be provided at the berm access points.
- b) Sidewalks should be of sufficient load-bearing strength to withstand the District's maintenance operations.

### 3. Guard railing:

- a) Guard railing must not block or interfere with District access. Guard railing designs tend to be site specific, but applicants should consider the following in their proposals:
  - i) Continuous guard railing that blocks access to berms will not be allowed.
  - ii) Where guard railing which blocks access is proposed, the applicant must design, install, and maintain a gate having a minimum opening of sixteen feet (16') designed to be secured with a District lock. The gates must be designed so that they can be opened without the use of tools or equipment. Designs, which necessitate the removal of posts or unbolting of panels, are not acceptable.
  - iii) Gates and guardrails shall be constructed so as to enable the District's equipment to pull out of traffic in order to stop and open the gate. This will frequently require the guardrail alignment to be moved away from the roadway.

**4. Medians:**

- a) Where divided highways are proposed, gaps in medians shall be provided to allow for continuous access by District equipment from one side of the roadway to the other.

**5. Land Acquisition/Additional Rights-of-way:**

- a) It is incumbent upon the applicant to accommodate District access requirements into plans when determining right-of-way requirements for road and highway projects. Any additional land acquisition, which may be necessary to provide for District access, is the applicant's sole responsibility. This requirement should be carefully considered particularly in any roadway widening projects.

**6. Stabilization:**

- a) Bank slope (side slope) stabilization shall be installed for a distance to be determined by authorized District personnel on either side of the installation. Erosion protection shall extend from the top of bank to the normal water (control) elevation in the canal, lake or drainage/water management facility.

#### 4.27 USE OF OR CONNECTION TO PROJECT PROVIDED INLET STRUCTURES

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1. Inlet structures and culverts are provided during the course of existing channel or levee improvements, new channel or levee construction, and channel crossing installations. These structures are provided at a cost to the District's projects. They are generally installed at points of existing artificial and natural inflow into the improved or newly constructed drainage facility. In certain instances, they may be installed at points where no pre-existing inflow exists, but where future inflow is planned to enter the drainage facility.
2. At those locations where an inlet structure has been installed at a point of no pre-existing inflow, the subsequent connection of an on-the-land drainage facility to that inlet structure will require a District right-of-way Occupancy Permit. This permit will be for the connection of the upland ditch or channel to and use of the project inlet only, and will not obligate the permittee for maintenance of the inlet structure itself.
3. At those locations where a pre-existing on-the-land drainage facility, providing positive drainage discharge, connects to a District Facility by means of an open connection, this connection shall be placed under a District permit.

Regardless of the status of previous connection(s) prior to Project construction, the landowner is obligated and required to apply for a permit for any connection, whether a culvert or open channel, made in conjunction with or subsequent to project improvement of the canal or levee

## 4.28 DESIGN CRITERIA

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1. All proposed developments and/or road improvements within the LA-MSID drainage system boundary shall provide a signed & sealed **Stormwater Drainage Calculations** report prepared by a licensed professional engineer, which shall include Water Quality, Maximum Discharge, and Elevation Design criteria considerations that show the proposed project will not cause adverse impacts to nearby properties.
2. **Water Quality:** All stormwater discharged into LA-MSID's canal system, whether directly into an adjacent canal or indirectly through road drainage that empties into a canal, shall meet water quality standards per the laws and regulations of Florida and the Federal Government. **Commercial or industrial zoned projects shall provide at least one-half inch of dry detention or retention pretreatment** as part of the required retention/detention storage identified below:

- **Wet Detention Water Quality Volume:** Provide for the first inch of runoff volume from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater. For impaired water body protection, an **additional 50% volume** shall be added to the above criteria in place of the provision of providing detailed nutrient removal analysis and calculations.
- **Dry Detention Water Quality Volume:** Provide equal to 75 percent of the above amounts computed for wet detention. Dry detention toe-of-slope elevations shall be at a minimum of 1-foot above the reported wet season water table elevation. For partial dry-detention systems, only the dry-detention portion of the system would be eligible for the 75-percent adjustment factor.

**Note:** The minimum-sized discharge orifice shall be a three (3) **inch diameter bleeder**. Discharge orifices shall incorporate a trash/oil baffle or other devices to prevent clogging. Sumps shall be provided (generally 1-foot below the proposed bleeder elevation) for conditions when sediment build-up in the outfall structure will interfere with flow discharge. A hardened surface (2' x 2' concrete pad for example) is recommended adjacent to the bleeder inflow to prevent overgrown vegetation from impeding stormwater flow.

The design engineer's wet season water table determination should consider NRCS Soil Conservation Service soil types, on-site soil surveys to determine high-water stain levels, Lee County monitoring well data, LA-MSID canal control levels, and other nearby developments that have previously permitted control elevations which include similar land topography and soil conditions to justify the reported wet-season water table.

- **Retention Water Quality Volume:** Provide equal to 50 percent of the above amounts computed for wet detention. Note that retention volume included in flood protection calculations requires documentation affirming long-term operation and maintenance of system's bleed-down ability, such as evidence of excellent soil percolation rate calculations.

**Note:** Where full retention designs are proposed, the signed & sealed Drainage Calculations shall also include groundwater modeling, geotechnical investigation, and other requested documentation demonstrating the drainage system's ability to recover during saturated groundwater table conditions (wet season). The month of August shall be considered as the design-storm antecedent condition to account for saturated groundwater conditions towards the end of the local wet season.



3. **Maximum Discharge Criteria:** Allowable discharge limits apply to all developments and/or road improvements as defined in the current LA-MSID Water Control Plan as summarized below:

- All developments within the Lehigh Acres Municipal Services Improvement District shall be limited to a maximum discharge rate of **30.1 CSM (cubic feet per second per square mile)** for the 25-year, 3- day SFWMD design storm event, unless otherwise approved by the LA-MSID Board of Commissioners.

**Note:** As the minimum bleeder diameter is 3 inches, exceedance of the maximum 30.1 CSM discharge rate is acceptable for systems where a single 3-inch diameter bleeder is proposed as the sole outfall capable of containing the 25-year, 3-day design storm within the proposed development.

- **Culvert Design Criteria:** Discharge pipes shall be reinforced concrete pipe (RCP) unless approved otherwise by the District Engineer and District Manager.

Discharge culvert sizes, locations, and elevations are subject to the District Engineer's review and LA-MSID's approval. The discharge orifice invert elevation shall be above the control elevation in the receiving LA-MSID water management facility.

Pipe culvert ends shall be blended/mitered to match the existing canal slope (or other receiving LA-MSID water management facility) so as not to extend into the effective flow cross-sectional area. Erosion control (such as rip-rap) must be placed per FDOT Specifications at the culvert outlet to prevent erosion to the receiving LA-MSID water management facility's bank. Discharge culverts within the District's rights-of-way must be clearly marked with a sign or marker approved by District Staff, shall be maintained by the project owner or association, and must have legal rights for construction, use, maintenance, and replacement.

All abandoned Asbestos Cement (AC) pipe is required to be removed from LA-MSID Canal rights-of-way. Abandoned in place will not be allowed on District owned property.

4. **Minimum Design Elevation Criteria:** The Drainage Calculations shall include stormwater modeling of design storm events to demonstrate compliance with the minimum design elevation criteria below, which shall include assurance of reasonable peak-stage recovery times and consideration of tailwater conditions:

- **Minimum Road & Parking Track Elevations:**
  - Above the 10-year, 1-day design storm peak stage elevation
  - Assure reasonable stage recovery times
- **Minimum Perimeter Berm Elevation:**
  - Above the 25-year, 3-day design storm peak stage elevation
- **Minimum Finished Floor Elevations:**
  - Above the 100-year, 3-day design storm peak stage elevation
  - Assure consideration of computed and/or previously experienced high-water levels external to the project

**Note:** The "Peak Stage Elevation" map can be referenced as a guidance-only source for reviewing previously documented experienced high-water levels external to the project; however, data is generalized and not available at all locations. Localized drainage issues can impact anticipated system recovery times. The design engineer shall be responsible for the design elevation criteria determination.

Exceptions to the above minimal design criteria may be considered, but require review and approval by the District Engineer, District Staff, and the LA-MSID Board, as applicable.

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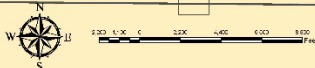
**R. 28 E.**

**HENDRY  
COUNTY**

A map showing the Orange River flowing through a landscape. The river is depicted in blue, winding from the top left towards the bottom right. The surrounding area is yellow, representing land. The word 'ORANGE' is written in blue capital letters along the river's path.

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COLLIER  
COUNTY

## 4.29 CULVERT CONNECTIONS

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1. Culvert size, diameter, and type vary with the requirements for each connection. All pipes and end walls shall meet or exceed the current Florida Department of Transportation (FDOT) standards and specifications. However, in every instance, all disturbed areas within District rights-of-way shall be restored to pre-construction conditions, or to the conditions approved by the District Engineer.
2. For culvert sizes above 12" in diameter, the District requires specified pipes to be Reinforced Concrete Pipe. Other pipe materials may be used if approved by the District Engineer.
3. All culvert permits require that a Professional Engineer, licensed in the state of Florida, provide the design that is included in the application. The District's Engineer will have to approve the horizontal section, invert elevation, sloping, stabilization, maintenance access and pipe size among other requirements.
4. All trenches within the District rights-of-way shall be back-filled and compacted to a density of 100% as determined by AASHTO T-99, Method C.
5. Any installation above normal water level shall include necessary erosion control measures. If any culvert connection causes erosion to District lands or Facilities, said damages to District lands or Facilities must be repaired promptly by the permittee at no cost to the District.
6. Drainage culvert connections must be sized to conform to the inflow limitation Criteria of the District. Maximum pipe crown elevation shall be 0.5 feet below design water surface where feasible. That portion of any line crossing District rights-of-way must have sufficient cover to prevent damage from District maintenance equipment and proper erosion control measures must be provided at the outfall end. Permittee's must adequately identify culverts with a permanent-type marker, which is to be placed in a position so as not to prohibit vehicular access along the canal (this does not apply where visible headwalls are used).
7. Each Permittee shall be required to take all measures acceptable to the District to prevent the discharge of debris or aquatic weeds into the District's drainage/water management system by the Permitted use.
8. At the time of installation, a permanent benchmark shall be established at 2nd order, class II or better on top of the control structure(s) with the elevation.
9. Permittee shall take all reasonable precautions necessary to prevent turbidity or silting upstream or downstream during construction.
10. Permittee shall obtain any and all permits required by EPA, FDEP, USACE, FDOT, SFWMD, Lee or Hendry County, and/or any municipality that may be involved, prior to the commencement of any construction.

#### 4.30 PUMP CONNECTIONS

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1. Irrigation Connection. LA-MSID does not issue Irrigation Connection Permits for single family residences, commercial or industrial purposes.



#### 4.31 OPEN CHANNEL CONNECTIONS

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1. Open channel connections disrupt continuous access along the canals by District maintenance equipment. Therefore, open channel drainage connections shall not be permitted. Waivers of this provision require Board approval. In order to obtain a waiver, applicants must:
  - a) Provide inflow control devices where applicable;
  - b) Provide alternate access, such as easements or a bridge over the new channel connection;
  - c) Provide all feasible measures acceptable to the District to prevent discharge of debris or aquatic weeds into the District drainage/water management facilities by the permitted use.
  - d) During routine construction, when there exists a Lee County road drainage ditch connecting the Lee County road to the LA-MSID canal, the contractor is required to place a culvert perpendicularly across the entire width of the LA-MSID canal right of way.

#### 4.32 WASTEWATER TREATMENT PLANT EFFLUENT

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1. It is the intention of the District to remove existing treatment plant effluent discharges from any surface waters under its jurisdiction. In this regard, no Permit shall be granted for the discharge of wastewater from a wastewater treatment source into any drainage/water management system, owned and operated by the District.

#### 4.32 BEAUTIFICATION

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1. Grass is the only permissible type of vegetation on District rights-of-way. The planting of trees or shrubs or erecting of structures that will limit or prohibit access by District equipment or vehicles is prohibited.



#### 4.34 RIGHTS-OF-WAY RE-GRADING

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1. In certain areas, individual homeowners may desire to re-grade an existing canal bank (for reasons of aesthetics, sight lines, etc.). In areas where the drainage way side slope is altered, the permittee must acknowledge that during flood events, canal waters may rise up and beyond the rights-of-way line.
2. Re-grading may only take place if the re-grading complies with the following and is approved by the District Engineer:
  - a) Provide a six (6) to one (1) maximum slope on the maintenance side of the canal, lake or drainage/water management facility, down to the water line.
  - b) Provide a four (4) to one (1) maximum slope on the non-maintenance side of the canal.
  - c) The minimum design dimensions of the canal cannot be decreased.
  - d) It is desired, wherever possible, to continue the side slopes down two feet below the normal water elevation before increasing the side slope.
3. Re-grading shall cause erosion of the canal bank and all disturbed areas must be sodded and maintained until the sod is established.

#### 4.35 SIGNS

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1. No signs of an advertising or commercial nature will be permitted on District land or rights-of-way, unless the District enters into a lease for the signage. The District may authorize by Permit the construction of regulatory, informational or directional signs upon its rights-of-way, facilities and/or lands provided that they are not adverse to the District's maintenance and operations activities.

#### 4.36 BULKHEADS AND SEAWALLS

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1. The construction of vertical bulkheads or seawalls must be approved by District Staff.  
Bulkheads and seawalls shall be designed by a Professional Engineer registered in the State of Florida, and shall not have any adverse environmental effects or limit the District's ability to perform any operational or maintenance activities.

#### 4.37 LAUNCHING RAMPS, BOAT DOCKS, OBSERVATION DECKS

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**LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT (the "District") may at its discretion permit construction of Launching Ramps, Observation Decks and Piers within its right-of-way or on its property provided such improvements satisfy the following design and structural standards and do not otherwise interfere with or unreasonably impede the function and operation of the Works of the District. Applicants for such permits shall follow the procedures outlined in this Policy:**

##### **1. LAUNCHING RAMPS**

- a) **Definition:** An artificial, hardened or paved slope created in the embankment to a lake or canal for the purpose of providing ingress and egress for boats to a water body.
- b) Private launching ramps shall be prohibited in District lakes and canals.

##### **2. OBSERVATION DECKS**

- a) **Definitions** (for illustration, see attached **Exhibit "4D"**)
  - (1) **Observation Deck** - A man-made small platform elevated above the mean water level, used for non-boating, recreational purposes.
  - (2) **Water Surface Width** – The width of the water surface of a canal is calculated by measuring the distance between two points of a canal at the water surface. The first point is on one bank of the canal, and then measured at a 90-degree angle directly to a second point on the bank of the canal on the other side.
  - (3) **Control Elevation** – The elevation at which water can be maintained at a weir, according to the District's SFWMD permit.
  - (4) **Benchmark Elevation** – A mark on a permanent object indicating elevation and serving as a reference in topographic surveys.
  - (5) **Top of Bank** – The change in the canal topography between the higher flat maintained portion of the canal right of way and the canal slope.
  - (6) **Piling** – A column of wood, steel or concrete that supports an observation deck, dock or pier.
  - (7) **Canal Slope** – The declined surface on the canal bank from “top of bank” to water surface. Slope can be expressed as a ratio of the vertical distance over the horizontal distance.
  - (8) **Backwater Profile** - The term applied to the profile of the upstream (i.e., behind) water surface of a weir in a canal. The term describes how water backs up behind a weir during high-flow conditions, causing the water level in the canal to rise or “stack up” higher the farther upstream from the nearest downstream weir.

- b) Observation Decks in District canals and lakes may be permitted provided they meet the District's design and location criteria and satisfy all applicable district, county, state and federal permit requirements. Applications will be reviewed on a case-by-case basis.
- c) Observation Decks shall only be permitted on canals, lakes or water management tracts having a Water Surface Width at the Control Elevation of thirty (30) feet or more.
- d) **Basic design criteria** – Before construction commences on an Observation Deck, the applicant shall satisfy the following design standards and obtain all necessary approvals in each of the following three (3) review and permitting phases:

- (1) **District Threshold Review Phase** – The applicant shall supply to the District a preliminary site plan or sketch of the proposed Observation Deck, drawn to scale on a signed and sealed survey. The survey shall identify the two (2) rear property corners and establish a benchmark elevation on the rear center line of the property.

After review of the information supplied by the applicant, District staff will determine if the proposed Observation Deck can meet the following threshold site design requirements (see **Exhibit 4D**). If it cannot, the application will be denied:

- i. The finished top of the floor of the Observation Deck shall be at the same elevation as the "Top of Bank" of the District's immediately adjacent right-of-way.
- ii. The total width of the Observation Deck shall not exceed fifteen (15) feet.
- iii. The total length of the Observation Deck shall not exceed five (5) feet from the Top of Bank.
- iv. Pilings supporting the Observation deck may be placed in the canal embankment, but shall not be placed in the water (based on Control Elevation).
- v. Observation Decks may be built on lake or Canal Slopes of between 1/1 (0.0 degrees) and 1/3 (22.5 degrees).
- vi. The elevation of the outermost piling supporting the Observation Deck shall be no less than the Control Elevation at the immediate downstream weir. In addition, if the proposed Observation Deck is more than one quarter (0.25) mile from a weir, the elevation of the outermost piling shall also be increased to reflect the canal's Backwater Profile.
- vii. Unless located on a lake, Observation Decks shall be prohibited within six hundred feet (600') of a control structure or culvert.

- (2) **District Permit Application Phase** (see Policy Guideline 4.37.4)

- (3) **Lee County Permitting Phase** (see Policy Guideline 4.37.5)

### 3. PIERS AND DOCKS

- a) **Definition:** A man-made platform extending from a shore over water supported by piles or pillars and used to moor, secure, protect, and provide access to boats or for recreation. A Pier shall include the term "Dock".
- b) Piers are prohibited in District canals, but may be permitted in lakes, subject to compliance with the following design standards and application requirements.
- c) **Basic design criteria** - Before construction commences on a Pier, the applicant shall satisfy the following design standards and obtain all necessary approvals in each of the following three (3) review and permitting phases:

(1) **District Threshold Review Phase** – The applicant shall supply to the District a preliminary site plan or sketch of the proposed Pier, drawn to scale on a signed and sealed survey. The survey shall identify the two (2) rear property corners and establish a benchmark elevation on the rear center line of the property. After review of the information supplied by the applicant, District staff will determine if the proposed Pier can meet the following threshold site design requirements. If it cannot, the application will be denied:

- i. The finished top of the Pier structure shall be the two (2) feet above the control elevation of the weir immediately downstream of the dock or pier.
- ii. The length of a Pier shall not exceed:
  - [a] On lakes less than 100 feet in width, Piers are prohibited.
  - [b] On Lakes greater than 100' but less than 150 feet in width, fifteen (15) feet.
  - [c] On lakes greater than 150 feet in width, twenty-five (25) feet.
- iii. The maximum width of a Pier shall be ten (10) feet.
- iv. No element (stairs, ramps, etc.) of a Pier may be located closer than twenty-five (25) feet from an adjacent property line.
- v. Floating docks may be permitted, providing that they are attached to permanent pilings and constructed of approved materials. Floatation units must be constructed of materials that will not be waterlogged, are resistant to damage by animals and will not sink or contaminate the water if punctured. Approved materials include extruded polystyrene, polyethylene and expanded polystyrene that is encased with a protective coating resistant to cracking, peeling or deterioration from ultra violet rays.

(2) **District Permit Application Phase** (see Policy Guideline 4.37.4).

(3) **Lee County Permitting Phase** (see Policy Guideline 4.37.5).

#### 4. LA-MSID OBSERVATION DECKS AND PIERS APPLICATION PHASE –

Permits to construct Observation Decks or Piers that satisfy the District's threshold review criteria shall be subject to the following additional requirements:

- a) Prior to issuance of District permit, the applicant shall provide to the District:
  - (1) A certificate of insurance listing the District as an additional named insured in an amount of coverage equal to the applicant's standard homeowner's liability coverage or \$300,000, whichever amount is greater, which insurance coverage shall be continuously maintained. An original certificate of insurance indicating renewal shall be provided to the District no later than February 1st of each year.
  - (2) A fully executed indemnification in the form attached as "**Exhibit 4-E**", which indemnifies and holds harmless the Lehigh Acres Municipal Services Improvement District, its officers, employees or agents from any liability arising from use of the permitted Observation Deck or Pier.
  - (3) Certification of title in a form satisfactory to the District that the applicant is the current owner of record of the property to which the Observation Deck or Pier is accessory. Certification shall include a complete legal description of the property and a copy of the deed of record showing the applicant(s) to be the owner(s).
  - (4) A land survey or sketch of the property showing the proposed location of the Observation Deck or Pier in reference to the property lines and the water's edge.
  - (5) Copies of drawings showing the type of construction and materials to be used. Construction shall comply with the requirements of the Florida Building Code, the Lee County Land Development Code and other appropriate laws and ordinances. The permittee is entirely responsible for the structural design of the Observation Deck or Pier. By the issuance of a permit, the District does not review or certify structural adequacy in any way. Receipt of a District permit does not replace the need for or guarantee the issuance of permits by any other Governmental entities.
  - (6) A permit review fee in the amount of \$525 for a new application and in the amount of \$375 for a 10-year renewal.
- b) Issuance of a District permit shall be subject to the following terms and conditions:
  - (1) The permittee shall not begin construction until LA-MSID receives an issued Lee County permit for the deck, dock or pier and subsequently issues a "Notice to Proceed".
  - (2) The permittee or its successors in interest shall maintain, to a level acceptable to the District, the entire right of way and slope behind the property.
  - (3) The proposed works shall not block or interrupt District vehicular access along the canal, lake or drainage/water management system right-of-way.
  - (4) The permittee or its successor in interest shall keep pilings and or posts free of debris.

(5) The maximum term of the permit shall be ten (10) years. Upon expiration, the permittee may request renewal for another term of ten (10) years provided that the permittee:

- i. Submits a certification from a general contractor licensed in the appropriate county that the Observation Deck or Pier maintains its structural integrity and remains safely constructed; and
- ii. The permittee is otherwise in compliance with applicable District policies and any conditions of approval.

(6) The District reserves the right to revoke the permit and require the Observation Deck or Pier to be removed at the owner's expense if at any time:

- i. The permitted facility is not properly maintained and becomes a hazard to public safety or health, or
- ii. Removal is required due to improvements to the water body (i.e. widening, re-sloping, etc), or
- iii. Required insurance coverage is not maintained, or if
- iv. The permit has expired and no application for renewal is received within forty-five (45) days of the date thereof.

(6) The District reserves the right to remove an Observation Deck or Pier if any of the terms or conditions of the permit are not satisfied, the costs of which removal shall be assessed to and borne by the permittee.

**5. LEE COUNTY APPLICATION PHASE** – Applicant shall obtain all required Lee County permits prior to construction.

**6. LIMITED "GRANDFATHERING" OF EXISTING, UNPERMITTED OBSERVATION DECKS AND PIERS** – Unpermitted Observation Decks or Piers in existence on August 20, 2012 and shown in the Lee County Property Appraiser's 2012 aerials may remain in place as long as the property owner files and continuously maintains an application for a District permit pursuant to this Policy Guideline. This grandfathering application and full fee of \$250 shall be filed no later than March 31, 2013, when this program under section 6 will expire. Provided that issuance of a permit would not perpetuate or create a threat to public health or safety or interfere with the operation of District facilities, the following design criteria applicable to "grandfathered" Observation Decks or Piers may be waived or modified by the Board of Commissioners on a case-by-case basis:

- a) Elevation of the deck or pier,
- b) Size of the deck or pier,
- c) Width of the available maintenance right-of-way, and
- d) Distance from control structures (weirs)



#### 4.38 FENCES AND GATES

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1. The Lehigh Acres Municipal Services Improvement District has the responsibility to operate and maintain canals, lakes, water management areas, and preservation areas, drainage/water management facility, under its control to benefit the property located within the District boundaries.
2. To effectively operate and maintain the drainage/water management facilities, it is imperative that LA-MSID personnel maintain the access easements along these facilities.
3. The private installation of fences encroaching into the LA-MSID access easements and rights- of-way has the potential to hinder LA-MSID maintenance activities. This policy has been prepared to clarify LA-MSID's position on fencing:
  - a) No private fences shall be installed on LA-MSID right-of-way. Private fences serving to delineate the limits of back property lines must be installed on private property.
  - b) LA-MSID retains the right to install fences, gates, and other containment type barriers on District Rights-of-Way to limit unauthorized access to certain LA-MSID rights-of-way.
  - c) LA-MSID reserves the right to discourage pedestrian access within its right-of-way should it become necessary to protect drainage/water management facilities, monitoring devices, and other publicly owned facilities which may be subjected to damage by vandals or misuse.
  - d) LA-MSID reserves the right to prevent all public access to environmentally protected (preservation) areas under its management or control should this become necessary to preserve the health and well-being of the area.
  - e) LA-MSID reserves the right to install fences, barriers, etc. as necessary to limit public access to District drainage/water management facilities which may present hazardous or threatening conditions to the public on a day-to-day basis or during storm events.
4. In general, LA-MSID prohibits the installation of private fences, gates, or barriers within its rights-of-way. Should a unique case exist where installation of a private fence will benefit the District and the general public, LA-MSID reserves the right to issue a permit authorizing the installation.
5. LA-MSID will also consider issuing access permits to gated areas where an individual or entity will benefit from the use of an LA-MSID right-of-way for construction access, direct access to a privately owned parcel with no public access or other special circumstances. Each access request will be considered separately and LA-MSID will require advanced coordination with the District Manager and Field Superintendent to have gates unlocked.

#### 4.39 TEMPORARY ACCESS FOR CONSTRUCTION OR HAULING

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1. The use of District right-of-way on a temporary basis for access to construction sites or for the removal of fill material is prohibited, unless:
  - a) A permit is issued from the District;
  - b) Such use is in no way adverse to the District's operations and maintenance programs, policies or goals;
  - c) The District has sufficient interest in the rights-of-way to allow its use by third parties;
  - d) The project associated with the request has all necessary permits, licenses or other forms of approval;
  - e) No previously authorized use of the right-of-way is adversely affected;
  - f) There is an absence of past violations of District rules;
  - g) The applicant demonstrates financial assurances to ensure compliance with permit conditions;
  - h) The use is otherwise consistent with the Florida Statutes.
2. Applicants are advised that such applications are often complex and can involve delays due to the necessary information submittals. Therefore, applicants should anticipate delays in obtaining a permit for this type of use and submit the request as early as possible.
3. The applicant should also clearly understand that failure to maintain the rights-of-way on a daily basis in accordance with the terms and conditions of the permit is grounds for immediate permit revocation. A permittee shall be responsible for the repair or restoration of any damage to the District's right-of-way, which result from the permitted use. Such restoration shall be to original or better condition.

#### 4.40 PARKING

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1. Permanent Parking on District Right-of-Way is prohibited.
2. The District will consider a permit application for temporary parking associated with construction activities.
3. Any parking permit that has been issued may be revoked upon a finding by the District determines that the Right-of-Way has a higher priority use or is otherwise required by the District.

#### 4.41 OVERHEAD CROSSINGS

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1. Overhead lines crossing directly over the District's drainage/water management facilities will only be permitted if they meet the following minimum standards.
2. Overhead telephone and similar utility line crossings of the District's rights-of-way shall have the following minimum vertical clearance to the elevation of the lowwires:
  - a) Forty feet (40') of clearance above the elevation of the top of bank as measured from the final point of sag.
  - b) Forty feet (40') above top of perimeter/maintenance berm, or higher to provide required berm clearances.
3. The minimum permissible elevation of the low wire will be governed by whichever of the above requirements produces the maximum low wire elevation.
4. Clearance must be calculated from the elevation of the point of maximum sag to the highest ground or levee elevation.
5. All guy wires should not interfere with the District's maintenance. All guy wires should be noted on design plans and placed in locations that will not block the District's access or maintenance areas.

#### 4.42 AERIAL (OVER WATER) PIPE CROSSINGS

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1. The District generally discourages aerial pipe crossings.
2. Aerial pipe crossings are generally described as utility lines which are buried within the right-of-way, but which when spanning the canal, lake or drainage/water management facility they traverse above the watersurface.
3. Aerial pipe crossings shall be no closer than fifteen feet (15') from bridges, or shall be located immediately adjacent to the bridge.
4. Aerial pipe crossings shall adhere to the same minimum clearances as “**BRIDGES**”.
5. Bank stabilization shall be provided for the limits of the disturbed area of right-of-way.
6. Location of gas and other high pressure pipes shall be marked with a permanent marker at least four feet (4') high. Marker shall be placed at the right-of-way line on each side of the pipe crossing and must be maintained for the life of the pipe.
7. When such construction is supported on pilings or free-span, the required clearance (both horizontal and vertical) for bridge crossings are in effect. Should installations be made adjacent to an existing bridge, pilings will be aligned with bridge pilings, so that no additional obstruction to the flow of water is created.
8. A cross section of the canal, lake or drainage/water management facility as it exists, taken at the centerline of proposed work, showing the entire right-of-way, drawn to scale, shall be incorporated within the Application Plans for all pipe crossings.

#### 4.43 SUBAQUEOUS PIPE CROSSINGS

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1. The District may require crossings to be subaqueous in areas that have a proliferation of existing pile-supported crossings, which have a potential adverse impact in canal flow characteristics or where right-of-way constraints have limited District maintenance access capabilities.
2. Subaqueous crossings such as electric or communication cables, water or fuel (gas or liquid petroleum products) lines, etc. shall be laid to a predetermined depth and cross section that will provide for a minimum of four feet (4') of cover below the existing bottom, design section or, if known, the ultimate section, whichever produces the lowest installation, provided the line is encased. The minimum depth for non-encased lines will be ten (10) feet of cover below the existing bottom design section or, if known, the ultimate section, whichever produces the lowest installation.
3. Subaqueous crossings installed 4' below the existing bottom shall be encased in steel or reinforced concrete which is structurally designed to withstand excavations of the canal, lake or drainage/water management facility, and/or a six inch (6") thick reinforced concrete slab over the line with a width that shall exceed the pipe by a minimum of one foot (1') on each side.
4. Bank stabilization shall be provided for the limits of the disturbed area of right-of-way.
5. Location of all lines shall be marked with a permanent marker at least four feet (4') high. Marker shall be placed at the right-of-way line on each side of the crossing and must be maintained for the life of the pipe.
6. A surveyed cross-section of the canal, lake or drainage/water management facility as it exists; taken at the centerline of proposed work showing the entire canal Right-of-Way, drawn to the same horizontal and vertical scale, shall be submitted with the Application. Cross-section must be signed and sealed by a Florida registered surveyor or professional engineer.
7. During the construction of a subaqueous crossing, it is the responsibility of the Applicant and its agent(s) to maintain appropriate canal, lake or drainage/water management facility flows during construction to prevent upstream high-water problems. The Applicant should bear this requirement in mind when planning or designing such an installation and should also advise potential bidders and/or contractors of this requirement.
8. As built location and depths must be recorded by the contractor and submitted to the District within 30 days of the completion of the work.

#### 4.44 UNDERGROUND INSTALLATIONS PARALLELING OR CROSSING DISTRICT LANDS

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1. Any buried water, gas, sewage, petroleum products line or cable installed on District rights-of-way in a manner generally paralleling the right-of-way or the canal, lake or drainage/water management facility must be installed in a manner that will not limit this District's use of the rights-of-way. Generally, required cover for installations such as those described above should be two (2') feet or greater.
2. When permits are issued for uses of this category, it is with the understanding that permittee is responsible for any alterations, repairs or relocations required of their facility if needed to perform other required District activities.
3. When designing utility lines that run parallel to District rights-of-way, utility companies should strive to make use of any platted utility easements or adjacent landowners' properties. The District should not be approached for a Permit to place a utility run within its rights-of-way simply because an adjacent utility easement already has other existing installations or because adjacent owners have encumbered the utility easement with encroachments. Dealing with such problems is the responsibility of the utility entity desiring to provide service and not the District's.
4. The Board of Commissioners has the discretion to reduce the fees for parallel installations should they deem that the permittee will be providing a benefit to the District.
5. All parallel installations shall be within 3' from the outside boundary of the canal right of way. LAMSID will consider a different location, if a hardship is established.

#### 4.45 AERIAL PARALLEL INSTALLATIONS

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1. Utility lines installed in and parallel to a right-of-way shall be installed as close as possible to the right-of-way, but no more than five feet (5') from the right-of-way.
2. Persons wishing to construct a parallel installation must obtain prior approval of the Board of Commissioners of the Lehigh Acres Municipal Services Improvement District.

**\*NOTE:** Proof must be shown that all other routes were sought and denied before seeking an aerial parallel installation permit.



#### 4.46 MISC. PERMANENT AND SEMI-PERMANENT STRUCTURES OR USES

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1. The District will not issue Permits for uses which, in its judgment, will impose hardships on, or otherwise interfere with, its present or future ability to operate and maintain the system. Therefore, staff will not recommend approval of the following types of encroachments:
  - a) Buildings (residential or commercial);
  - b) Garage or other permanent out-buildings;
  - c) Swimming pools;
  - d) transmission or receiving towers, antennas, satellite dishes, etc.;
  - e) Equipment, material or automobile storage;
  - f) Trash, rubbish or compost piles;
  - g) Nursery operations.
2. When the District authorizes uses such as patios or slabs constructed at grade, to be placed within the rights-of-way, the owner should be aware that District equipment may at some time traverse the slab. The District assumes no responsibility for any damage that may result from this or any other activity. District may require the removal of the encroachments if deemed necessary for the maintenance and operation of the District's functions.
3. No "For-Profit" operations will be permitted on District ROWS.
4. Landscape Permits may be issued upon a finding such vegetation will not hinder District operations, however such permits shall limit the trees and shrubs to an approved list. In no instance shall non-native plants be installed upon District rights-of-way.

#### 4.47 IRRIGATION LINES AND SPRINKLER SYSTEMS

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1. Irrigation lines that connect into District canals and cross the rights-of-way shall typically not be allowed. No pumps or pump houses will be allowed within the District's rights-of-way.
2. The installation of sprinklers on District right-of-way is not encouraged due to their susceptibility to damage by District equipment. However, when sprinkler systems are authorized within the right-of-way, they must utilize sprinkler heads that are flush with the surrounding ground elevation or flush mounted pop-up types may be used. No raised sprinkler heads will be permitted within the rights-of-way.
3. Upon completion of irrigation installations, the permittee is responsible for restoring the rights-of-way to original or better condition. Permittee is also responsible for the correction of any erosion, which may result from the installation or operation of his/her facilities.
4. The District's equipment will travel over the sprinkler and irrigation lines and District maintenance equipment may operate in the canal/lake or on the canal bank. The District assumes no responsibility for any damage, which may result from this type, or any other type of activity.
5. Applicants are advised that authorized installations are not exempt from complying with SFWMD water use permitting requirements. Individuals proposing to withdraw water must obtain any applicable SFWMD water use permit in addition to a District right-of-way permit.
6. Failure to comply with water use restrictions during water emergencies or declared water shortage is grounds for permit cancellation.

#### 4.48 ENCROACHMENTS INTO “AIR SPACE”

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1. Signs, roofs and other installations that overhang the District’s rights-of-way are considered encroachments and are subject to District right-of-way permitting rules. As many of these installations are permanent structures (particularly roof overhangs or eaves), staff will recommend denial of encroachments of this type due to the District’s prohibition against permanent facilities within the rights-of-way.

#### 4.49 REPAIRS AND MAINTENANCE

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1. Due to the potential for ground and surface water degradation, the District will not authorize uses which may have a potential adverse impact on the resource. Therefore, the following types of uses are prohibited:
  - a) Storage of hazardous substances or petroleum by-products which are regulated under Federal, State or local law;
  - b) Storage of gasoline or other liquid fuels, paints, thinners, solvents or other petroleum distillates;
  - c) Underground or above ground fuel storage tanks;
  - d) Storage of lead, batteries, or other articles containing heavy metals;
  - e) Vehicle, truck or engine maintenance activities;
  - f) “Burn pits” or the use of the rights-of-way for the incineration or burning of refuse.

#### 4.50 IMPOUNDMENT'S AND EXCAVATIONS ADJACENT TO DISTRICT LANDS

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1. The District requires that designers of ponds or borrow pits which are proposed to be adjacent to the District's canals, lakes and/or berms, demonstrate that their excavations will have no impact on the stability of the land within the rights-of-way.
2. Designers of such drainage/water management facilities must take into account the lateral stability and need for lateral support of the mounds, berms and banks located along the various canals and impoundment areas of the District particularly where the possibility of extreme head differentials exist.

#### 4.51 CONSTRUCTION DE-WATERING

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1. The quality of the discharge water shall be in accordance with South Florida Water Management District (SFWMD) and Florida Department of Environmental Protection (FDEP) Standards.
2. Discharges shall not disturb the bottom of the receiving body or cause shoaling, turbidity, or erosion.
3. The District's rights-of-way shall not be obstructed and shall be returned to the original existing condition or better at the termination of the operation.
4. Bank slopes (side slopes) shall not be compromised.
5. General Conditions:
  - a) Proof of a permit or written approval from South Florida Water Management District and any other applicable governmental agency shall be furnished prior to commencement of the dewatering operation.
  - b) The District retains the right to stop all operations should any adverse impact occur to District Facilities, or a breach of any of the above conditions occur.
  - c) The District retains the right to stop all operations if warranted by adverse weather conditions.

#### 4.52 TEMPORARY CONSTRUCTION PERMITS

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1. Adjacent owners, private corporations, government agencies or any other entity shall apply for a temporary construction permit for any impact on District lands, rights-of-way, drainage systems, infrastructure, etc.
2. Fees will be charged to re-coup any costs for administration and inspection services.
3. All District lands, rights-of-way, drainage systems, infrastructure, etc. must be returned to the condition prior to the impact allowed by the permit.
4. Temporary permit applications may be obtained at the District office or website at [www.LA-MSID.com](http://www.LA-MSID.com).

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## EXHIBIT 4 –A: TEMP. RIGHT-OF-WAY PERMIT

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Date: 08/15/2022

601 East County Lane  
Lehigh Acres, FL 33936

Phone: (239) 368-0044  
Fax: (239) 368-5412

---

### TEMPORARY WATER USE/ RIGHT-OF-WAY PERMIT APPLICATION

---

PERMIT NO.: \_\_\_\_\_

PERMIT EXPIRATION: \_\_\_\_\_

#### PROJECT INFORMATION

Lee County Building Permit No.:	
Lee County Development Order No.:	

#### LOT OWNER OF PROPOSED PROPERTY

Name of Applicant					
Mailing Address:		Street:			
City:		State:		Zip:	
Phone No.	( ) - ext	Fax:	( ) -		
E-mail Address:					
STRAP #					

Proposed activity on the District's rights-of-way: \_\_\_\_\_

\_\_\_\_\_

#### FEES

A **\$300.00** payment must be submitted with this application. Failure to comply with the regulations set by the temporary permit may result in additional fees.

#### APPLICANTS

##### CONTRACTOR PERFORMING THE WORK

Name of Applicant					
Mailing Address:		Street:			
City:		State:		Zip:	
Phone No.	( ) - ext	Fax:	( ) -		
E-mail Address:					

##### CONTACT INFORMATION (JOB SUPERINTENDENT)

Name:	
Phone:	( ) - ext.

Lehigh Acres Municipal Services Improvement District  
601 East County Lane, Lehigh Acres, FL 33936  
[www.la-msid.com](http://www.la-msid.com) ♦ Phone: (239) 368-0044 ♦ Fax: (239) 368-5412

Revised 08/15/2022



**Conditions:**

- A Temporary Permit will be issued upon approval by the District Manager.
- A Temporary Permit must be issued for any work temporarily impacting District's right-of-way.
- The rights-of-way shall in no way be adverse to the District's operation and maintenance programs, policies or goals.
- No previously authorized use of the rights-of-way is adversely affected.
- There is an absence of past violations of District rules.
- The Permittee shall be responsible for the repair or restoration of any damage to the District's rights-of-way which result from the permitted use. Such restoration shall be to original or better condition.
- The Permittee shall be responsible for the repair or restoration of any damage to the District's rights-of-way which result from the permitted use. Such restoration shall be to original or better condition.
- Upon completion of the rights-of-way usage, the Permittee shall contact the District office at (239-368-0044) for final inspection. If needed, the Permittee shall pay a fee of **\$150.00** for re-inspection.
- The Temporary Permit will expire **6 months** from the date of issue.

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## EXHIBIT 4 B TEMPORARY WATER-USE PERMIT

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Date: 08/15/2022

601 East County Lane  
Lehigh Acres, FL 33936

Phone: (239) 368-0044  
Fax: (239) 368-5412

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### TEMPORARY WATER USE/ RIGHT-OF-WAY PERMIT APPLICATION

---

PERMIT NO.: \_\_\_\_\_

PERMIT EXPIRATION: \_\_\_\_\_

#### PROJECT INFORMATION

Lee County Building Permit No.:	
Lee County Development Order No.:	

#### LOT OWNER OF PROPOSED PROPERTY

Name of Applicant					
Mailing Address:		Street:			
City:		State:		Zip:	
Phone No.	( ) - ext	Fax:	( ) -		
E-mail Address:					
STRAP #					

Proposed activity on the District's rights-of-way: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### FEES

A **\$300.00** payment must be submitted with this application. Failure to comply with the regulations set by the temporary permit may result in additional fees.

#### APPLICANTS

##### CONTRACTOR PERFORMING THE WORK

Name of Applicant					
Mailing Address:		Street:			
City:		State:		Zip:	
Phone No.	( ) - ext	Fax:	( ) -		
E-mail Address:					

##### CONTACT INFORMATION (JOB SUPERINDENENT)

Name:	
Phone:	( ) - ext.

Lehigh Acres Municipal Services Improvement District  
601 East County Lane, Lehigh Acres, FL 33936  
[www.la-msid.com](http://www.la-msid.com) ♦ Phone: (239) 368-0044 ♦ Fax: (239) 368-5412

Revised 08/15/2022

**Conditions:**

- A Temporary Permit will be issued upon approval by the District Manager.
- A Temporary Permit must be issued for any work temporarily impacting District's right-of-way.
- The rights-of-way shall in no way be adverse to the District's operation and maintenance programs, policies or goals.
- No previously authorized use of the rights-of-way is adversely affected.
- There is an absence of past violations of District rules.
- The Permittee shall be responsible for the repair or restoration of any damage to the District's rights-of-way which result from the permitted use. Such restoration shall be to original or better condition.
- The Permittee shall be responsible for the repair or restoration of any damage to the District's rights-of-way which result from the permitted use. Such restoration shall be to original or better condition.
- Upon completion of the rights-of-way usage, the Permittee shall contact the District office at (239-368-0044) for final inspection. If needed, the Permittee shall pay a fee of **\$150.00** for re-inspection.
- The Temporary Permit will expire **6 months** from the date of issue.

Lehigh Acres Municipal Services Improvement District  
601 East County Lane, Lehigh Acres, FL 33936  
[www.la-msid.com](http://www.la-msid.com) ♦ Phone: (239) 368-0044 ♦ Fax: (239) 368-5412

Revised 08/15/2022

EXHIBIT 4C

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**\*Note:** The review of permit applications will be conducted per the Lehigh Acres Municipal Services Improvement District's Administrative Policy and Procedures

PHONE #: ( )

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<b>Property Address</b> (STRAP associated with this address will be used as the primary STRAP for this project):					
<b>Mailing Address:</b>					
<b>City:</b>		<b>State:</b>		<b>Zip:</b>	

		-			-			-			-					-					-
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**Application for:**

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☐ Yes ☐ No

Estimated # of Phases:	
*Permit Fee:	\$ (to be verified by staff)

\* See Administrative Policy and Procedures Sections 4.15 – 4.17 for current Permit Fee Amount.

REVISÉD 07/20/2022

## PART II

### OWNER/APPLICANT/ DEVELOPER INFORMATION

A.

Name of Applicant							
Mailing Address:		Street:					
City:		State:		Zip:			
Phone No.	Area Code:		Number:	-	Ext.		
Fax No.	Area Code:		Number:	-			
E-mail Address:							

B. Relationship of applicant to property\*:

☐ Owner\*      ☐ Trustee\*      ☐ Option holder\*      ☐ Lessee\*

☐ Contract Purchaser\*      ☐ Other (indicate)\* \_\_\_\_\_

C.

Name of Developer:							
Mailing Address:		Street:					
City:		State:		Zip:			
Phone No.	Area Code:	(    )	Number:	-	Ext.		
Fax No.	Area Code:	(    )	Number:	-			
E-mail Address:							

D.

Name of Authorized Agent(s):							
Mailing Address:		Street:					
City:		State:		Zip:			
Phone No.	Area Code:	(    )	Number:	-	Ext.		
Fax No.	Area Code:	(    )	Number:	-			
E-mail Address:							

E.

Name of Property Owner:							
Mailing Address:		Street:					
City:		State:		Zip:			
Phone No.	Area Code:	(    )	Number:	-	Ext.		
Fax No.	Area Code:	(    )	Number:	-			
E-mail Address:							

\*A disclosure of the name of all persons or entities having an ownership interest in the property is required (attached).

## PART III

### DISCLOSURE OF OWNERSHIP INTEREST FORM FORM:

PRIMARY STRAP NUMBER:

		-			-			-									
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1. If the property is owned in the fee simple by an **INDIVIDUAL**, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a **CORPORATION**, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, Office	Percentage of Stock

3. If the property is in the name of a **TRUSTEE**, list the beneficiaries of the trust with percentages of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a **GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP**, list the names of general and limited partners.

Name and Address	Percentage of Interest

5. If there is a **CONTACT FOR PURCHASE**, whether contingent on this application Or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Interest

Date of Contract (mm/dd/yy):    /    /

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	Percentage of Interest

For any changes of ownership of changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate for compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
PRINTED OR TYPED NAME OF APPLICANT

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_(m), \_\_\_\_\_(y), by \_\_\_\_\_ who is personally know to me or has  
produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

\_\_\_\_\_  
PRINTED NAME OF NOTARY PUBLIC



## PART VI

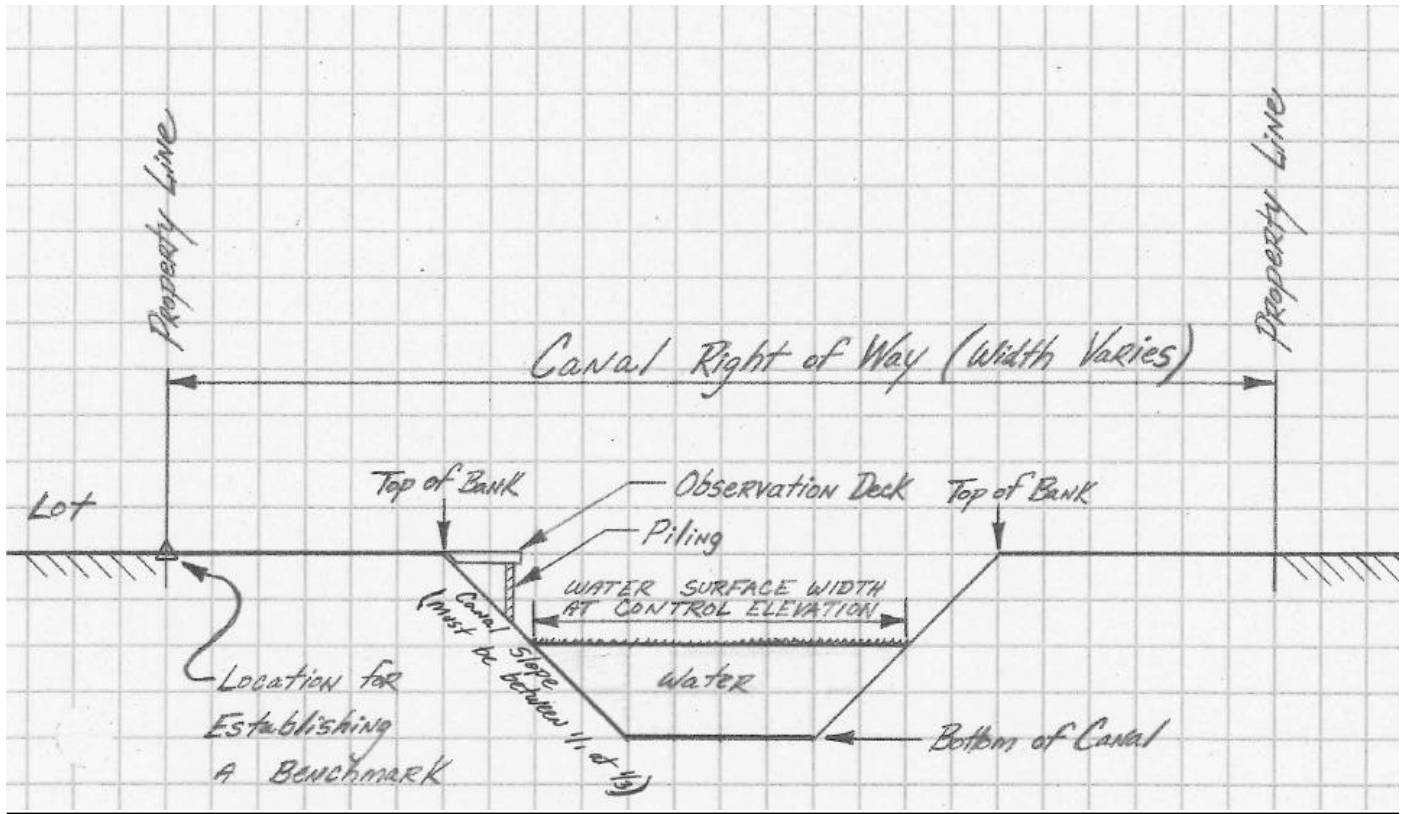
### SUBMITTALS

NO. OF COPIES		SUBMITTAL DOCUMENT
SUB'D	REQ'D	
		<b>ITEMS REQUIRED FOR INITIAL SUBMITTAL</b>
	<b>2</b>	<b>Construction/Development Plans</b> signed and sealed by a Licensed Florida Professional Engineer including: <ol style="list-style-type: none"> <li>1. Location map showing the location of the proposed project in relation to adjacent streets and LA-MSID facilities.</li> <li>2. Details of proposed works that fully communicate the work and/or use desired (i.e. Existing Conditions Survey, Proposed Site Plan, Paving Grading &amp; Drainage Plan, Cross Sections, Element Details, and Erosion Control Plan sheets).</li> <li>3. Sufficient survey data to determine elevations, property and ROW lines, limits of existing and proposed conditions, and notation of utilized vertical datum (NAVD/NGVD).</li> </ol>
	<b>2</b>	<b>Stormwater Drainage Calculations</b> signed and sealed by a Licensed Florida Professional Engineer including, but not limited to, computer stormwater routing modeling data (ICPR4, Cascade, etc.) to verify compliance with the Design Criteria (input summary data below): <p> <b>Water Quality Volume (Required):</b> _____ (ACRE-FT)  <b>Water Quality Volume (Provided):</b> _____ (ACRE-FT)  <b>Control Elevation:</b> _____ (FT-NGVD)  <b>Minimum Road/Parking Elevation:</b> _____ (FT-NGVD)  <i>(above the 10-year, 1-day design storm peak stage elevation)</i>  <b>Minimum Perimeter Berm Elevation:</b> _____ (FT-NGVD)  <i>(above the 25-year, 3-day design storm peak stage elevation)</i>  <b>Minimum Finished Floor Elevation:</b> _____ (FT-NGVD)  <i>(above the 100-year, 3-day design storm peak stage elevation and previously experienced high-water levels external to project)</i> </p>
	<b>2</b>	<b>Flash Drive / CD</b> containing plans in both AutoCAD (.dwg file drawn in "State Plane Coordinates") and PDF formats.
	<b>2</b>	<b>Permit Application</b> (PARTS I & II)
	<b>2</b>	<b>Disclosure of Owner Form (signed and notarized)</b> (PART III)
	<b>2</b>	<b>Professional Consultant Form &amp; Submittals</b> (PARTS V & VI)
	<b>2</b>	<b>Copy of Approved FDEP Notice of Intent (NOI)</b> for all sites one (1) acre and greater in size.
	<b>2</b>	<b>Copy of approved SWFMD permit</b> , for all sites required to get a permit, or FDEP "10/2 Self-Certification" approval.
	<b>1</b>	<b>Check for appropriate Permit Fees</b> made out to LA-MSID.



**EXHIBIT "4-D"**

**ILLUSTRATION OF DESIGN OF OBSERVATION DECKS**



**Exhibit "4E"**

**Form of Indemnification**

**Indemnification**

**KNOW ALL MEN BY THESE PRESENTS:** That \_\_\_\_\_ (hereafter referred to as "Property Owner"), for and in consideration of the sum of One Dollar and No/100 Cents (\$1.00), paid to it or on behalf of **LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT** (which together with its employees, officers, consultants, agents and contractors is hereafter referred to as the "District"), together with other good and valuable consideration, the receipt and sufficiency of which Property Owner hereby acknowledges, does hereby indemnify and hold harmless District of and from any and all claim of any sort against District arising from the issuance by District to Property Owner of a permit to construct an Observation Deck or Pier on public property owned by the District.

**IN WITNESS WHEREOF**, the undersigned set his hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

ATTEST:

PROPERTY OWNER(S):

Signed, sealed and delivered in the presence of:

\_\_\_\_\_

\_\_\_\_\_  
Witness 1 (Name Signed)

\_\_\_\_\_

\_\_\_\_\_  
Witness 2 (Name Signed)

STATE OF FLORIDA

COUNTY OF LEE

The forgoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ and \_\_\_\_\_, as \_\_\_\_\_ and \_\_\_\_\_, respectively, of \_\_\_\_\_, who are \_\_\_\_ personally known to me or who \_\_\_\_ has produced \_\_\_\_\_ (type of identification) as identification and who did (did not) take an oath.

(NOTARY SEAL)

\_\_\_\_\_  
Signature of person taking acknowledgment

**DATE SUBMITTED:**
$$\boxed{\phantom{00}} \boxed{\phantom{00}} - \boxed{\phantom{00}} \boxed{\phantom{00}} - \boxed{\phantom{00}} \boxed{\phantom{00}}$$
**PERMIT #:**

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**\*Note:** The review of permit applications will be conducted per the Lehigh Acres Municipal Services Improvement District Administrative Policy and Procedures

OWNERS NAME:

PHONE #: ( ) -

LAKE OR CANAL  
NAME

--

<b>Property Address</b> (STRAP associated with this address will be used as the primary STRAP for this project):					
<b>Mailing Address:</b>					
<b>City:</b>		<b>State:</b>		<b>Zip:</b>	

[illegible]

**Application for:**

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<b>Estimated # of Phases:</b>	
<b>*Permit Fee:</b>	\$ (to be verified by staff)

Lehigh Acres Municipal Services Improvement District ♦ 601 East County Lane ♦ Lehigh Acres, FL 33936  
♦ Phone: (239) 368-0044

## PART II

### OWNER/APPLICANT/ CONTRACTOR INFORMATION

A.

Name of Applicant							
Mailing Address:		Street:					
City:		State:		Zip:			
Phone No.	Area Code:		Number:	-	Ext.		
Fax No.	Area Code:		Number:	-			
E-mail Address:							

B. Relationship of applicant to property\*:

☐ Owner\*      ☐ Trustee\*      ☐ Option holder\*      ☐ Lessee\*

☐ Contract Purchaser\*      ☐ Other (indicate)\* \_\_\_\_\_

C.

Name of Contractor:							
Mailing Address:		Street:					
City:		State:		Zip:			
Phone No.	Area Code:	(    )	Number:	-	Ext.		
Fax No.	Area Code:	(    )	Number:	-			
E-mail Address:							

\*A disclosure of the name of all persons or entities having an ownership interest in the property is required (attached).



## PART III

### DISCLOSURE OF OWNERSHIP INTEREST FORM:

PRIMARY STRAP NUMBER:

1. If the property is owned in the fee simple by an **INDIVIDUAL**, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a **CORPORATION**, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, Office	Percentage of Stock

3. If the property is in the name of a **TRUSTEE**, list the beneficiaries of the trust with percentages of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a **GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP**, list the names of general and limited partners.

Name and Address	Percentage of Interest

For any changes of ownership of changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate for compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
PRINTED OR TYPED NAME OF APPLICANT

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_(m), \_\_\_\_\_(y), by \_\_\_\_\_ who is personally know to me or has  
produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

\_\_\_\_\_  
PRINTED NAME OF NOTARY PUBLIC

## PART IV

### EXPLANATION

All Permit Application sections must be completed and submitted.

Permit Application fees and submittal items (see Part V) must be submitted with the application.

Any and all work involving the lands and/or facilities of the District shall not commence without a Board approved permit.

All set policies, procedures, technical requirements, and fee schedules can be found and reviewed in the 'Administrative Policy and Procedures Guide'. The Guide is available at the District Office located at 601 East County Lane, Lehigh Acres, FL or online at [www.la-msid.com](http://www.la-msid.com).



## PART V

### SUBMITTALS

NUMBER OF COPIES		SUBMITTAL DOCUMENT
SUB'D	REQ'D	
		ITEMS REQUIRED FOR INITIAL SUBMITTAL
	2	Permit Applications
	2	Disclosure of Owner Form (signed and notarized)
	2	Insurance Certificate w/ ECWCD named as additional insured.
	2	Hold Harmless Indemnification Agreement
	2	Certification of Title
	2	Survey or Sketch
	2	Drawing of Structure with CD or DVD — Plan files needs to be in Adobe PDF format.
	1	Check for appropriate Permit Fees

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## EXHIBIT 4G NOTICE TO PROCEED FORM

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### Notice to Proceed

Dated: \_\_\_\_\_

Project Location:	Owner:	Owner's Phone No.:
Owner's Address:		Owner's e-mail:
Contractor:		
Contractor's Address:		

You are hereby notified that the permitting requirements as outlined in Lehigh Acres Municipal Services Improvement District's permitting policy have been met and you are authorized to commence construction of the permitted activities on \_\_\_\_\_. Once construction has started the permitted improvements must be completed in a timely manner without long delays between work activities. It is the responsibility of the Owner to contact Lehigh Acres Municipal Services Improvement District as soon as construction is completed.

Contact: Michael Cook, Assistant District Manager.  
Phone: (239) 368- 0044 Ext. 16 or Email: [MCook@LA-MSID.com](mailto:MCook@LA-MSID.com).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lehigh Acres Municipal Services Improvement District

Given by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Authorized Signature

Title

Date

Copy to Permit File

10-15