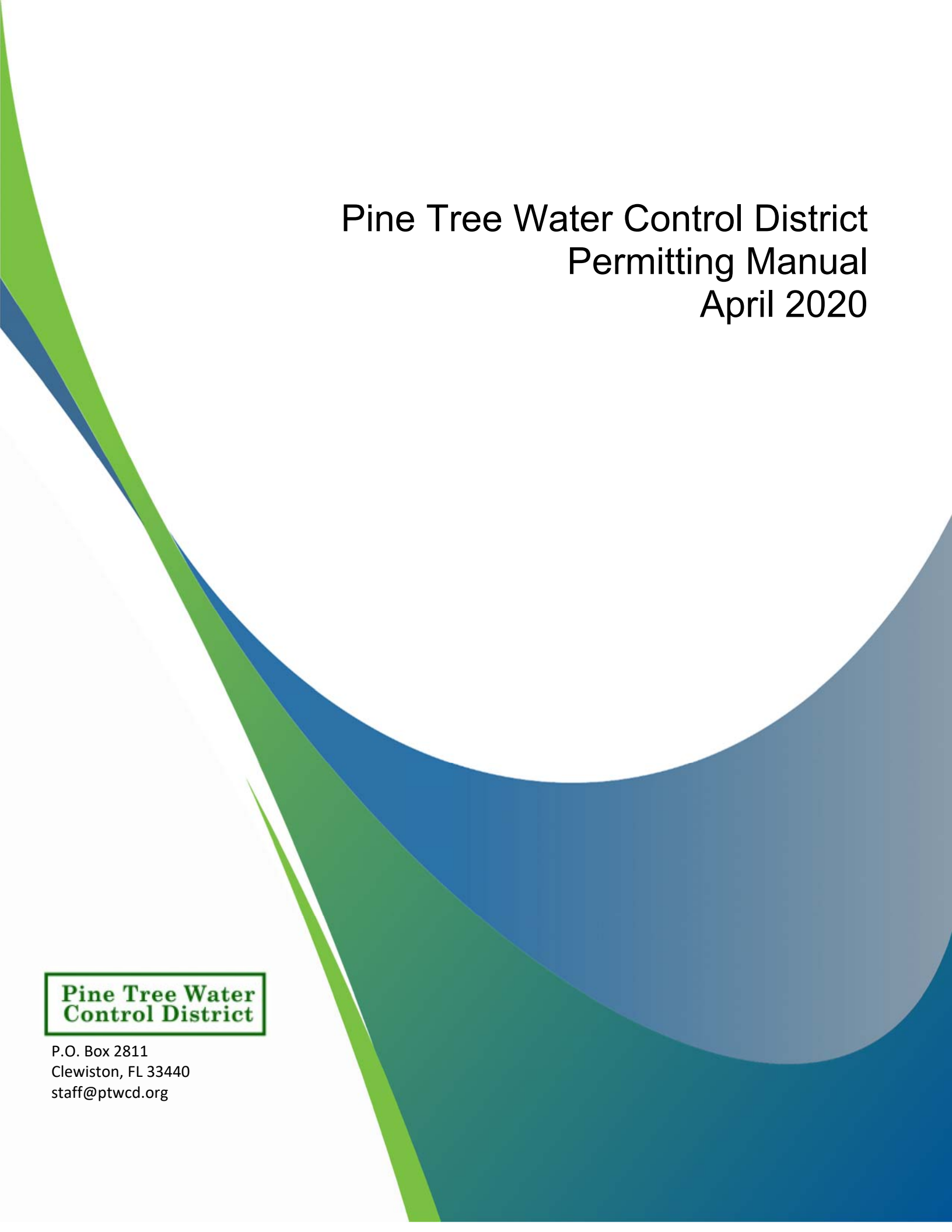




Pine Tree Water Control District Permitting Manual April 2020

**Pine Tree Water
Control District**

P.O. Box 2811
Clewiston, FL 33440
staff@ptwcd.org

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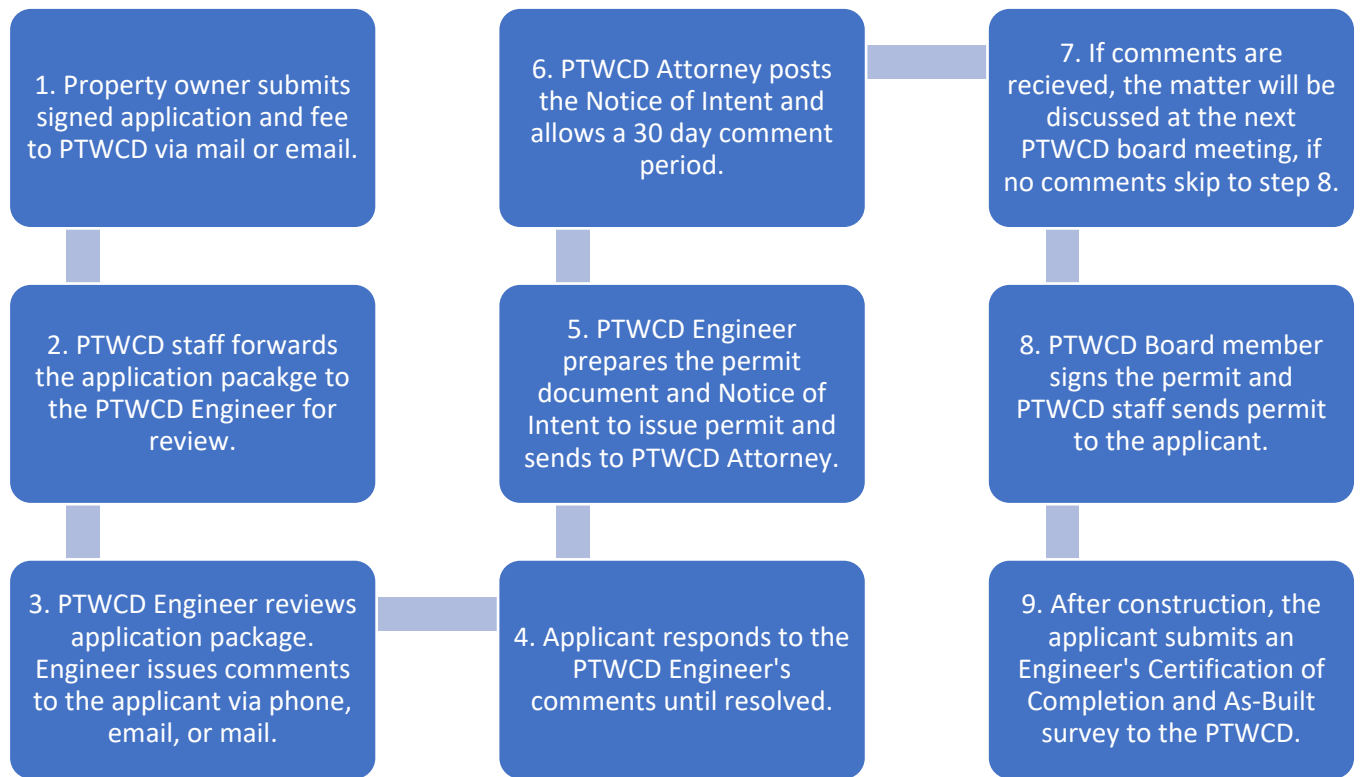
Introduction

This document is to describe the process for obtaining permits from the Pine Tree Water Control District. The Pine Tree Water Control (PTWCD) was created by a circuit court decree dated May 17, 1971. The District statutory authority is derived from Chapter 298 of the Florida Statutes and Chapter 2009-270 and amended by Chapter 2018-170. Pine Tree Water Control District is an independent special District and does not have ad valorem tax authority but rather uses a special assessment to execute its duties and related activities. The powers and responsibilities of the District are described in Florida Statute 280.

The Pine Tree Water Control District was created for the purposes of reclaiming and draining the land, and protecting such lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage works and improvements, and for the purpose of making the lands within the District available and habitable for settlement and agriculture, and for the public convenience, welfare, utility, and benefit.

The Pine Tree Water Control District is responsible for operation and maintenance of the canals, ditches, levees, dikes, pumping plans, and other drainage works constructed to serve the lands within the District and as described in the District's Amended Water Control Plan.

Permitting Process



Items mailed to PTWCD shall be sent to:
P.O. Box 2811
Clewiston, FL 33440

Items emailed to PTWCD shall be sent to:
staff@ptwcd.org

Applicants shall submit the application form (see Exhibit A) with supporting documents to PTWCD and the application fee (see Exhibit B). Once reviewed and all comments have been addressed satisfactorily, the PTWCD Engineer will prepare a Notice of Intent to Issue Permit (see Exhibit C) for the PTWCD to post. The applications will be reviewed for compliance with this document and the requirements described in Exhibit D. If after 30 days, no objections are received, PTWCD will issue the permit. If objections or comments are received the permit will be discussed at the next Board meeting. Applicants shall be bound by the standard terms in the permit document (see Exhibit E).

Types of Permits

All applicants shall provide topographic data for the property within their project limits which shall include the PTWCD roadway, canal, and trail easement location, dimensions, and recording information. All applicants will be required to provide PTWCD with an easement over any PTWCD facilities within their lot that are located outside the PTWCD easement including a minimum of 20' from the top of bank for maintenance purposes. The applicant is responsible for preparation of the required sketch and legal description and the easement shall follow the form shown in Exhibit F.

All applicants shall demonstrate compliance with the overall land use and grading described in the SFWMD permit (see Exhibit G) by providing a copy of the SFMWD permit for their property. The land use and grading criteria described in that permit shall be met on each lot exclusive of the PTWCD canal; therefore, the canal water surface area and bank area shall not contribute to the required lake or dry detention pond area or to the acre-feet per acre of stormwater storage capacity for the lot.

1. Drainage outfalls

Each property shall be allowed to construct up to two outfall pipes from their property into a PTWCD canal. Outfall pipes shall be corrugated aluminum pipes (CAP), or High Density Polyethylene (HDPE) that is perforated to prevent floatation, submerged so that the top of the pipe is 2' below the ordinary water level. The invert of the outfall pipe shall be 1' above the bottom of the canal. The outfall pipe shall extend 2' past the bank of the canal. There shall be no joints in the last 20' of the outfall pipe. Applicants may request to use reinforced concrete pipes (RCP) with concrete end walls. Applications shall include data for the outfall pipe including the location, size, material, elevation, construction specifications, end wall (if used). The PTWCD Engineers may impose additional requirements during their review process.

2. Driveway culverts

Each property shall be allowed to construct up to two driveways with an 18" culvert, or equivalent oval pipe. The culvert shall be no longer than 75', shall be RCP or CAP with mitered end sections in accordance with FDOT standard plan 430-021 (f.k.a FDOT Index 273) on each end. Applications shall include data for the driveway culvert including the location, size, material, elevation, and construction specifications.

3. Culvert bridges

A property owner without nearby access to their property on the far side of the canal may be allowed to construct one culvert bridge in a PTWCD canal for pedestrian and equestrian use

only. The PTWCD board will consider granting approval of a culvert bridge to lots without another nearby access point. Approval of other culvert crossings will be based in part on the hydraulic performance of the canal system. Culverts shall meet the requirements shown in Exhibit D or as directed by the PTWCD Engineer. Applicants may be required to regrade the canal within their project limits. Applications shall include data for the pipe including the location, size, material, elevation, construction specifications, bank stabilization, and end wall (if used).

4. Fences, Signs and Access gates

The District prefers that above ground improvements be constructed outside of the PTWCD easement limits. The District will consider applications for construction within the PTWCD easements on a case by case basis.

5. Irrigation connections

Each property shall be allowed to construct one irrigation connection to withdraw water from the PTWCD canal for irrigation purposes. The applicants shall obtain a permit from the SFWMD for the irrigation water use to document and confirm that the proposed withdraw will not have adverse effects. Irrigation pipes installed in the PTWCD easement shall have a minimum of 36" of cover. The invert of the irrigation pipe shall be 1' above the bottom of the canal. The irrigation pipe shall extend 2' past the bank of the canal. Applications shall include data for the irrigation pipe including the pipe location, size, material, elevation, construction specifications, and the withdraw amount.

6. Site development, clearing, grading, and discharge

Properties shall develop sites in conformance with the South Florida Water Management District (SFWMD) permit issued to the PTWCD (permit number 50-00458-S, permit application 140130-2, attached as Exhibit G) including meeting the land use and grading criteria for their lot. Applications must include a copy of the permit modification issued by SFWMD for their property to document and confirm compliance with that permit. Note that self-certifications (10-2) are not acceptable.

7. Other

The District will consider applications for other works within the PTWCD easements on a case by case basis.

General Conditions

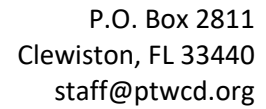
1. Applicants shall obtain all necessary permits. It is not the intent of the Permit to alter or affect the necessity of obtaining any other permits from any other appropriate government agencies.
2. Construction plans shall be prepared and signed and sealed by an Engineer registered in the state of Florida.
3. The PTWCD Engineers may impose additional requirements during their review process.
4. Permittees will be responsible for any damage, erosion, or water quality problems caused by their activities.
5. Construction plans shall include storm water pollution prevention devices to protect the PTWCD from erosion and turbidity that could result from the permitted activity. Applicants shall comply with the requirements of the Florida Department of Environmental Protection (FDEP) for National Pollution Discharge Elimination Systems (NPDES). The Village of Wellington will monitor compliance of that permit including the required reporting.
6. All permit fees must be paid prior to issuance of a permit. Permit fees will include all charges that PTWCD incurs related to the application. Therefore, if the actual charges exceed the application fee, additional charge will be assigned to the applicant and shall be paid prior to issuance of the permit.
7. Applications shall include a signed and sealed survey showing the property boundaries and the limits of the roadway easement and the PTWCD canal easement.
8. Docks, boat lifts, boat ramps, are not allowed.
9. All materials and installation shall follow the standards of the Florida Department of Transportation.
10. PTWCD may, at their discretion, require an applicant to post surety for construction activities within the PTWCD easement.
11. PTWCD may, at their discretion, require the applicant to provide proof of liability insurance with the PTWCD as an additional insured.
12. Applicants shall clear any vegetation from the roadway easement or the PTWCD canal easement within their property limits.
13. Applicants shall backfill the trenches for any pipe installation and obtain density tests to confirm proper compaction. Applicants shall regrade the canal bank and the roadside swale within the limits of their property. Applicants shall stabilize the canal and swale banks within their property with Bahia sod, pinned to the canal bank.
14. The Permittee will be required to provide record drawings certified by a licensed Florida professional engineer or surveyor confirming that the facilities were constructed in accordance with the design permitted by PTWCD. If certified record drawings are not provided within sixty



(60) days from substantial completion, PTWCD shall revoke permit and the facilities shall be removed at the owner's expense.



Exhibit A – Application Form



Engineer Name _____

Company Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Project Name _____

Project Address _____

Property control Number _____

☐ Drainage Outfall Connection	☐ Culvert Crossing-Swale	☐ Culvert Crossing-Canal
☐ Access Gate	☐ Irrigation Connection	☐ Sign
☐ Site Development	☐	☐ Other

3. Project Description



P.O. Box 2811
Clewiston, FL 33440
staff@ptwcd.org

4. Signature

In compliance with Pine Tree Water Control District (PTWCD) permitting manual, application is hereby made for a Permit in accordance with support drawings, data and incidental information filed with and made part of this application. I hereby certify that all information contained in or made a part hereof is true and correct to the best of my knowledge, that any permit issued shall require that the permitted use be constructed and operated in accordance with such information.

I certify that I am the Owner of the subject property, and that the project complies with all local, state, and federal regulations, and the PTWCD Permit Manual.

I hereby grant the PTWCD the right to enter onto the property of the Permittee to inspect the permitted improvements. In signing this application, I assume full responsibility for the actions of all my employees, agents and persons, whether under direct contractual obligation to me or indirectly, with respect to compliance with the conditions and limitations contained within this application or within a permit issued as a result of this application.

Owner/Applicant/Permittee:

Signature

Date

Printed Name

Address

5. Submittal

Applicants should submit the following items to:

1. Construction plans (signed and sealed by a Florida licensed engineer) showing all work in the PTWCD easement.
2. Survey of the property showing the road easement and the PTWCD canal easement location and elevations.
3. Copy of the SFWMD permit approval for Environmental Resource Permit and Irrigation Water use, as applicable.
4. Copy of deed documenting ownership of the property by the Applicant.
5. Initial application fee in the amount of \$500 payable to the Pine Tree Water Control District
6. Other items as deemed necessary by PTWCD.



Exhibit B – Fee Schedule

Exhibit B

Fee Schedule

Application fee: \$500

The applicant shall be responsible for the actual charges incurred by PTWCD for review of the application. Therefore, if the actual charges exceed the application fee, additional charge will be assigned to the applicant and shall be paid prior to issuance of the permit.



Exhibit C – Notice of Intent to Issue Permit

NOTICE OF INTENT TO ISSUE PERMIT

Permit No. _____

Permit Applicant _____

Permit Type _____

Parcel ID No. _____

Street Address _____

Pine Tree Water Control District (“Pine Tree”) hereby gives notice that Permit No. _____ (the “Permit”) has been certified by Pine Tree’s Engineer as complete and ready to be issued to authorize the construction or modification of the works or other activities to serve the real property described on Exhibit A attached hereto, with the original Permit application attached as Exhibit B hereto.

Within 30-days of this Notice, the Permit will be deemed automatically approved and issued by Pine Tree and work in connection with the Permit can commence at that time, unless a member of Pine Tree’s Board or a member of the public residing within Pine Tree’s jurisdictional boundaries raises an objection to the Permit’s issuance. Such Notice by a member of the public shall be provided by delivery by mail to Pine Tree at P.O. Box 2811, Clewiston, FL 33440, such that it is received before expiration of the 30-days. If an objection has been raised, approval and issuance of the Permit shall be considered by Pine Tree’s Board at its next public meeting, at which time public comment can be provided and formal approval by the Board considered.



Exhibit D – Culvert Requirements

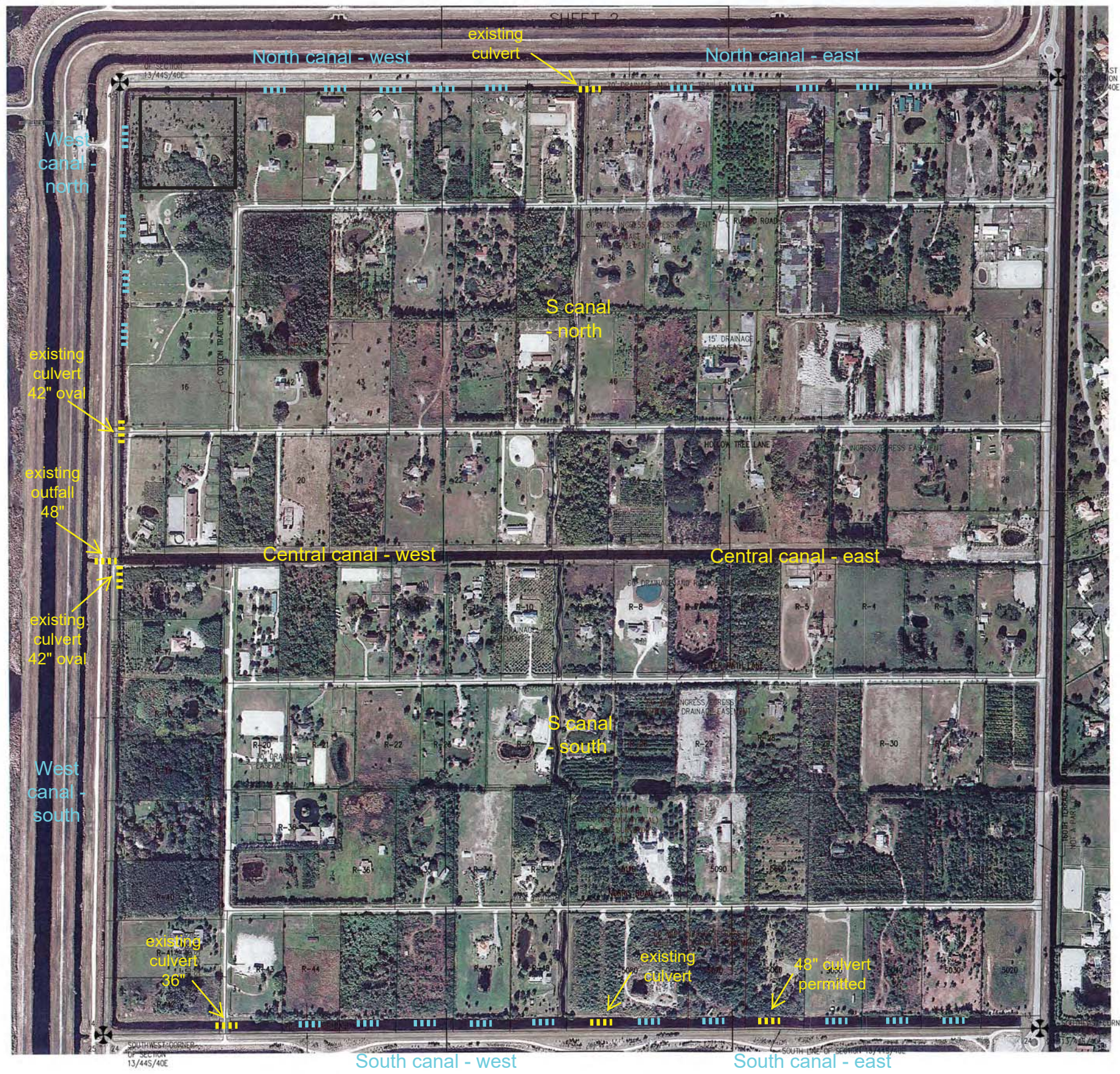
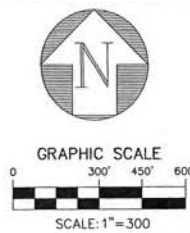


EXHIBIT D

Page 1 of 3 CULVERT BRIDGE REQUIREMENTS

New culverts shall be a minimum of 66" diameter, or equivalent oval.

Crossings shall have a maximum top width of 12' and a bottom width such that culverts shall be no longer than 75'.

Side slopes shall be 2:1 or flatter. Side slopes steeper than 4:1 shall include slope protection such as sand cement bags, rip rap, or marine mattress.

Culvert inverts shall be 1' minimum above the bottom of the canal.

The crown of the culverts shall be no higher than elevation 12.5 NGVD.

Culverts shall have a Manning's roughness coefficient of 0.12 or less.

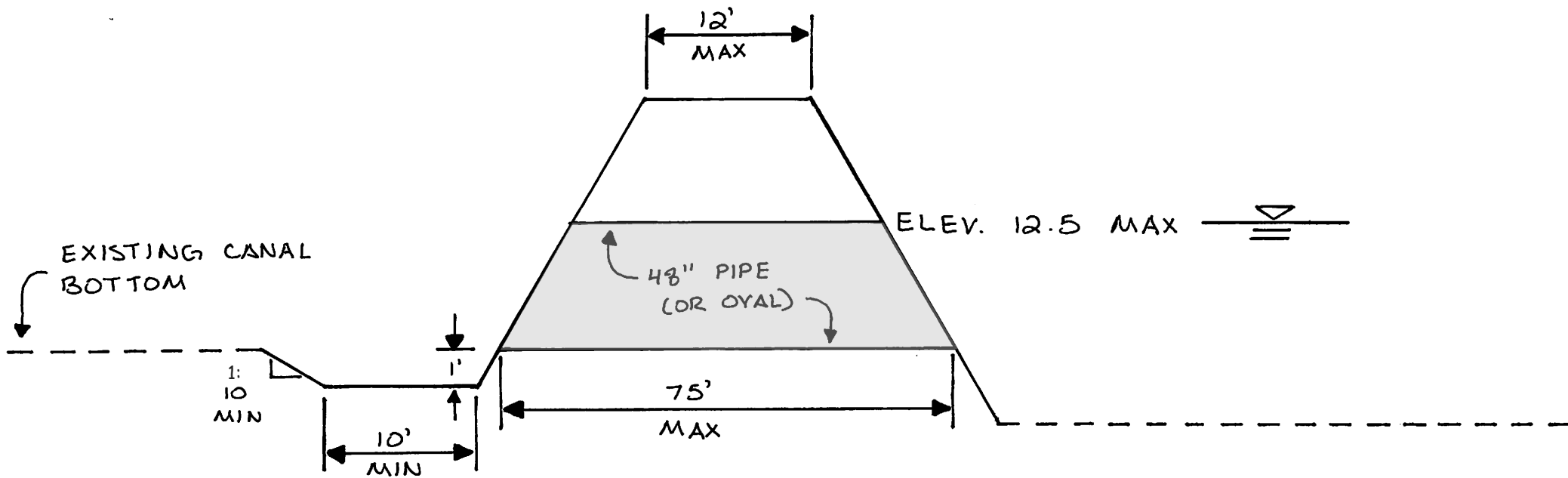
Existing culverts are grandfathered in at their existing size and material. Should they require replacement, they shall be installed per the PTWCD standards.

This map shows the existing culverts as of 2019 and the additional culverts anticipated in each canal.

Legend:

- Yellow - existing
- Blue - allowable future culverts
- Black - lots under one ownership in 2020

Exhibit D-page 2
Longitudinal Section of Canal Crossing



IF CANAL BOTTOM IS
HIGHER THAN PIPE INVERT

IF CANAL BOTTOM IS
LOWER THAN PIPE
INVERT

Exhibit D-page 3

Cross Section of Canal Crossing

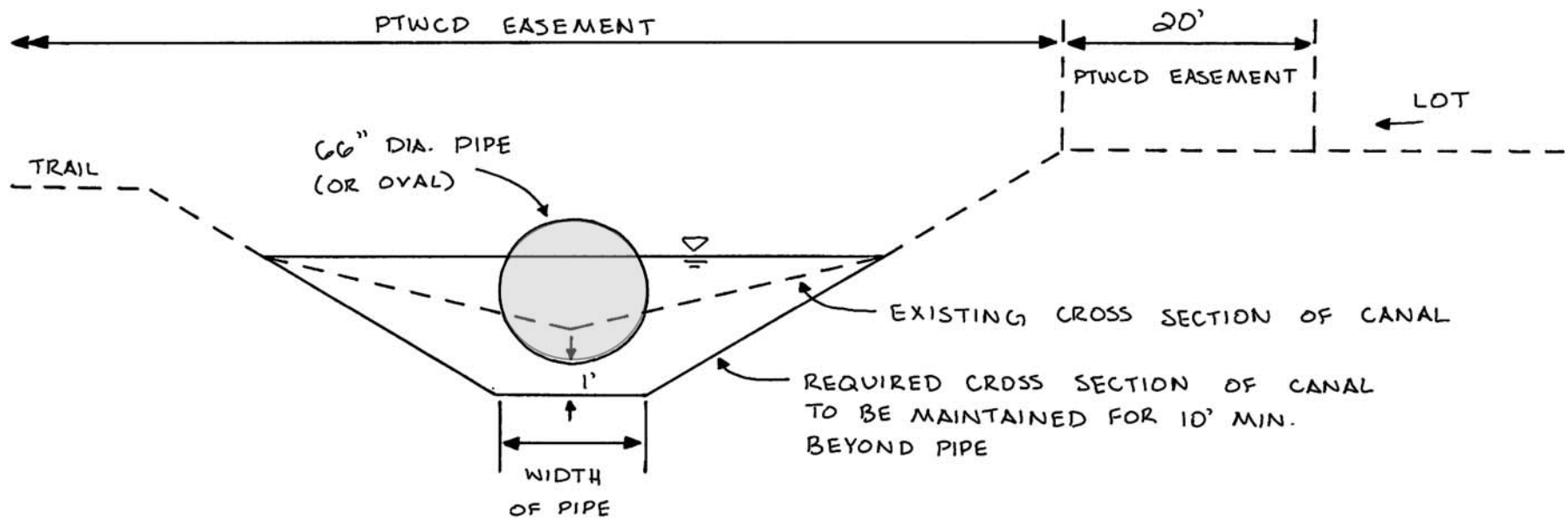




Exhibit E – Standard Permit

PINE TREE WATER CONTROL DISTRICT (TYPE) PERMIT

Permit No. YY-##

Permittee: Name

Property: Address

THIS PERMIT, granted this ____ day of _____, 20____, by Pine Tree Water Control District, hereinafter referred to as the “District”, to _____, (the “Permittee”), for Works within the property located at: _____ (the “Property”) is a non-exclusive permit for work within District easements as shown on the attached drawings and made a part hereof for the _____ (the “Permitted System”).

WITNESSETH:

1. Permittee shall obtain any and all applicable federal, state and local permits required in connection with the Permitted System and the Permittee’s use of the Property and at all times, comply with all requirements of all federal, state and local laws, ordinances, rules and regulations applicable or pertaining to the use of the lands by Permittee pursuant to this Permit. This includes a permit from the South Florida Water Management District (“SFWMD”) stating compliance with the SFWMD permit 50-00458S Application #140130-2, and a permit from the Village of Wellington Engineering Department, as well as any other applicable federal, state, and local permits that are needed for the Permitted System and works related to the Permitted System.
2. Permittee understands and agrees that the use of the Permitted System on the Property pursuant to this Permit is subordinate to the rights and interest of the District and to the extent applicable, that of the landowner. Further, Permittee does hereby stipulate that the Permittee is not relying upon any representations by the District whatsoever regarding the District’s right, title or ownership as to the subject Property for which this Permit is sought.
3. District specifically reserves the right to maintain its facilities located on the Property; to make improvements; add additional facilities; maintain, construct or alter any facilities, devises or improvements on the Property which aid in, or are necessary to, District operation; and the right to enter upon the lands at all times for such purposes. Permittee understands that in the exercise of such rights and interest, the District, from time to time, may require Permittee to relocate, alter or remove its facilities and equipment or other improvements made by Permittee pursuant to this Permit which interfere with or prevent the District, in its reasonable opinion, from properly and faithfully constructing, improving and maintaining its facilities.
4. The District retains the right to enter upon the lands and make said relocation, alterations or removal of Permittee’s facilities, equipment and other improvements if Permittee fails to do so within a reasonable time; and Permittee hereby agrees to reimburse District for all its costs and expenses incurred in connection therewith upon demand. Permittee/Landowner acknowledges and agrees that it has, as a condition of the issuance of this Permit, granted the District an easement on the Property extending 20 feet from top of bank.

PTWCD Permit No. YY-##

Permittee: Name

Property: Address

Page 1 of 3

5. Permittee shall, at its own expense, upon ninety (90) days written notice to Permittee/Landowner from the District, remove or relocate any facility of the Permittee that is found by the District to be interfering in any material way with the safe, convenient or continuous use, maintenance or repair of any District facility. Failure or neglect of the Permittee/Landowner to remove or relocate such facility within the allocated time may result in District's removal or relocation of said facility, wherein the Permittee/Landowner shall promptly pay the District for all District expenses incurred by such removal or relocation.
6. Permittee agrees that it will not use the Permitted System and the Property in any manner which materially interferes with the District's use of lands or causes a hazardous condition to exist.
7. The District assumes no responsibility for the ownership, operation and/or maintenance of the Permitted System.
8. Permittee shall, at its own expense, promptly repair or replace any and all damage to the Permitted System or the facilities of the District resulting from the installation, operation, maintenance, repair or removal of the Permitted, and restore same to a condition substantially equal to that which existed immediately prior to infliction of the damage.
9. Upon reasonable notice to the Permittee, District authorized staff or agents with proper identification shall have permission to enter, inspect and test the permitted system to ensure conformity with the plans and specifications approved by the Permit.
10. If Permittee shall violate any of the terms or conditions of this Permit, or shall not correct or remedy same within thirty (30) days of receiving written notice from the Board of Supervisors of the District or its duly authorized representative, then, and in that event, said Board of Supervisors may, at its option, revoke, cancel and terminate this Permit and remove the Permitted System, for which costs the Permittee is responsible for reimbursing the District.
11. Permittee agrees to retain the services of a licensed engineer to observe construction and certify to the Village of Wellington and SFWMD that construction was completed in accordance with the plans and permits. Permittee agrees to retain the services of a licensed surveyor to prepare an as-built record survey of the works within the District easements.
12. Permittee agrees to submit to the District the following items within 30 days of the completion of construction of the Permitted System and prior to use of the Permitted System: (1) a copy of the engineer's certification submitted to the Village of Wellington; (2) a copy of the engineer's certification submitted to SFWMD; (3) a signed and sealed as-built survey showing all improvements constructed within the District easements together with a pdf version of said survey.
13. The Permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the Property on which the Permitted System is located. The Permittee transferring this Permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the permitted system.

14. Successor owners shall be bound by the terms and conditions of this Permit. The Permittee, assignees, and/or successors in title agree to operate and maintain the Permitted System in perpetuity.
15. Permittee shall indemnify and hold harmless the District of and from any and all losses, claims, damages, causes of action, costs and expenses of whatever kind or nature, including attorney's fees and court costs relating to or arising out of any claims against District, as a result of or arising by any reason of the construction, alteration, operation, maintenance, removal or abandonment or use of the Permitted System, as well as the usage of the District's easement by the Permittee and the public.
16. If either Party hereto is required to bring a court action to enforce the provisions of this Permit, the non-prevailing party in such action shall be responsible for all reasonable expenses, including, but not limited to, attorney's fees and litigation expenses, as well as any and all appeals.
17. The Permittee agrees to adhere to the General Condition described in the Pine Tree Water Control District Permitting Manual.

PINE TREE WATER CONTROL DISTRICT

By: _____

Name: Kerry Hitt, Governing Board President

Mailing Address: PO Box 2811, Clewiston, FL 33440

PERMITEE

Name: _____

Mailing Address: _____

PERMITTED WORKS and SPECIAL CONDITIONS:



Exhibit F – Easement Form

PREPARED BY AND RETURN TO:
Michael Compagno, Esq.
230 Almeria Road
West Palm Beach, FL 33401

GRANT OF EASEMENT TO PINE TREE WATER CONTROL DISTRICT

Permit No. YY-##

Permittee: Name and Address

THIS EASEMENT, executed this _____ day of _____, 20__ by _____, whose address is _____, hereinafter referred to as the GRANTOR and Pine Tree Water Control District, a Water Control District in accordance with Florida Statutes, Chapter 298, whose mailing address is P.O. Box 2811, Clewiston, FL 33440, hereinafter referred to as GRANTEE.

WITNESSETH

GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, as well as for the undertakings by the GRANTEE, as hereinafter provided, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does hereby grant and convey to GRANTEE an exclusive easement on the described real property attached hereto and incorporated herein as Exhibit A (the "Property"), **[from the top of the canal bank and extending 20 feet from the canal bank onto the Property, for the purposes of access, canal maintenance and repair and other permissible water control functions]** of GRANTEE (the "Easement").

GRANTOR agrees and understands that the granting and maintaining of this exclusive Easement by GRANTOR to GRANTEE was an express condition of GRANTEE issuing Pine Tree Water Control District Permit No. _____ (the "Permit") and that failure to grant this exclusive Easement may result in GRANTEE, at its option, to revoke, cancel and terminate the Permit and remove any improvements, conditions or structure that are the subject of the permit, for which costs GRANTOR will be responsible for reimbursing the GRANTEE.

GRANTOR, its successors and assigns, shall not plant any plants (other than grass) or build any structure in this Easement area unless approved by GRANTEE. The GRANTOR, its successors and assigns shall be responsible for maintaining all grass and all other permitted plans and structures within the Easement area without recourse to the GRANTEE. GRANTOR, its successors and assigns

understand and agree that GRANTEE reserves the right and has the right to enter upon the Property to remove any plants (other than grass) or any structures in this Easement area that were placed within the Easement area without the prior approval of the GRANTEE, as well as to insure that the permitted plans and structures are in compliance with permit conditions.

GRANTOR does fully warrant title to said Property and will defend the same against the lawful claims of all persons whomsoever claimed by, through, or under it, that it has good right and lawful authority to grant the above-described exclusive easement. Where the context of this Easement agreement allows or permits, the same shall include the successors or assigns of the parties.

GRANTOR reserves all of the rights as owner the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any rule, standard, criteria of GRANTEE and the intent and purposes of the Easement.

GRANTOR agrees to provide for the execution of a joinder, consent and subordination agreement by any mortgages or lienors of mortgagors or liens encumbering this Easement on the Property.

GRANTEE shall not be liable or responsible for any costs or liabilities related to the operation, upkeep or maintenance of the exclusive Easement or the Property. No right of access by the general public to any portion of the Property is conveyed by this Easement.

The terms, conditions, restrictions and purpose of this Easement shall be inserted by GRANTOR in any subsequent deed or other legal instrument by which GRANTOR divests itself of any interest in the Easement. Any future holder of the GRANTOR's interest in the Property shall be notified in writing by the GRANTOR of this Easement.

GRANTOR shall keep the payment of taxes and assessments on the Property and shall not allow any lien on the Property superior to this easement. In the event GRANTOR fails to extinguish or obtain a subordination of such lien, in addition to any other remedy, the GRANTEE may, but shall not be obligated to, elect to pay the lien on behalf of GRANTOR and GRANTOR shall reimburse GRANTEE for the amount paid by GRANTEE for the amount paid by GRANTEE, together with GRANTEE's reasonable attorneys' fees and costs, with interest at the maximum rate allowed by law, no later than thirty days after such payment. In the event GRANTOR does not so reimburse GRANTEE, the debt owed to GRANTEE shall constitute a lien against the Property which shall automatically related back to the recording date of this easement. GRANTEE may foreclose this lien on the Property in the manner provided for mortgages on real property.

GRANTEE will hold this Easement exclusively in connection with the Permit. GRANTEE will not assign its rights and obligations under this Easement, except to another organization or entity qualified to hold such interests under the applicable state laws.

This Easement shall be binding upon and shall inure to the benefit of the respective parties, their successors or assigns and grantees.

This Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or this heir, assigns or successors-in-interest, which shall be filed in the public records of Palm Beach County, Florida.

This Easement shall be governed by the laws of the State of Florida as now and hereafter in force.

The venue of any litigation arising out of this easement agreement shall be exclusively in Palm Beach County, Florida and the prevailing party in such litigation shall be entitled to their reasonable fees and costs, as well as in connection with any appeals therefrom.

TO HAVE AND TO HOLD unto GRANTEE forever. The covenants, terms, conditions, restrictions and purposes imposed by this Easement shall be binding upon GRANTOR and shall continue as a servitude running in perpetuity with the Property.

GRANTOR hereby covenants with said GRANTEE that GRANTOR is lawfully seized of said Property in fee simple, that the Easement is free and clear of all encumbrances that are inconsistent with the terms of this Easement, that all mortgages and liens on the easement area, if any, have been subordinated to this Easement, that GRANTOR has good right and lawful authority to convey this easement, and that it hereby fully warrants and defends the title to the Easement hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned has signed and sealed this document on the day and year first above written.

Signed, sealed and delivered in the presence of:

By: _____

Title: _____

Dated: _____

Witness:

By: _____

By: _____

Name: _____

Name: _____

Dated: _____

Dated: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____
20_____, by _____ as _____ of _____
_____. He/she is [] personally known to me or [] has produced _____
as identification, and who did take an oath.

Notary Public, State of Florida

Print name: _____

MORTGAGEE JOINDER, CONSENT AND SUBORDINATION

For Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged _____, the owner and holder of a mortgage dated _____, in the original principal amount of _____, given by Grantor, _____, to Mortgagee, _____, encumbering the real property described on Exhibit A attached hereto (the "Property"), which is recorded in the Official Records of Palm Beach County in Official Records Book _____, beginning at Page _____ (the "Mortgage"), hereby joins in, consents to and subordinates the lien of its Mortgage, as it has been, and as it may be, modified, amended and assigned from time to time, the foregoing Grant of Easement to Pine Tree Water Control District, executed by _____, in favor of the Pine Tree Water Control District applicable to the Property (the "Easement"), as said Easement may be modified, amended and assigned from time to time, with the intent that the Mortgage shall be subject and subordinate to the Easement.

IN WITNESS WHEREOF, this Mortgagee Joinder, Consent and Subordination is made this _____ day of _____, 20____.

By: _____

Name: _____

Title: _____

Witness:

By: _____

By: _____

Name: _____

Name: _____

Dated: _____

Dated: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ as _____ of _____.

He/she is [] personally known to me or [] has produced _____ as identification, and who did take an oath.

Notary Public, State of Florida

EXHIBIT A

[DESCRIPTION OF PROPERTY]



Exhibit G – SFWMD Permit



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

District Headquarters: 3301 Gun Club Road, West Palm Beach, Florida 33406 (561) 686-8800 www.sfwmd.gov

Regulation
Application No.: 140130-2

March 7, 2014

PINE TREE WATER CONTROL DISTRICT
C/O VILLAGE OF WELLINGTON
14000 GREENBRIAR BOULEVARD
WELLINGTON, FL 33414

Dear Permittee:

SUBJECT: 50-00458-S

Project : PINE TREE WATER CONTROL DISTRICT

Location: Palm Beach County, S3,4,9,10,13-15,23,24/T44S/R40E

District staff has reviewed the information submitted January 30, 2014, for the incorporation of Pine Tree Water Control District's water management criteria into the permit file pursuant to the attached exhibit.

Based on that information, District staff has determined that the proposed activities are in compliance with the original environmental resource permit and appropriate provisions of paragraph 40E-4.331(2)(b) or 62-330.315(2)(g), Florida Administrative Code. Therefore, these changes have been recorded in our files.

Your permit remains subject to the General Conditions and all other Special Conditions not modified and as originally issued.

Should you have any questions concerning this matter, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos A. de Rojas".

Carlos A. de Rojas, P.E.
Section Leader - Swm
Regulation Division

CD/re

c: Higgins Engineering Inc
Palm Beach County Engineer
Wellington

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.



HIGGINS ENGINEERING, INC.

140 130 - 2

January 3, 2014

South Florida Water Management District
3301 Gun Club Road
P.O. Box 24680
West Palm Beach, FL 33416-4680

RECEIVED

JAN 30 2014

WATER RESOURCE REGULATION

Attn Anita Bain

Re: Pine Tree Water Control District
Environmental Resource Permit No. 50-00458-S

Dear Mrs. Bain:

Enclosed, please find water management criteria for Pine Tree Water Control District that was recently adopted by the Board of Supervisors. Please consider this letter a request to modify the permit, by letter modification, to incorporate this criteria in the permit file. Ultimately this criteria will be incorporated into the Villages BMP manual as an appendix. We have also enclosed an application fee in the amount of \$250.00 made payable to the District.

If you have any questions on the above or the enclosed please feel free to give us a call.

Very truly yours,
Higgins Engineering, Inc.


Robert W. Higgins, P.E.

RWH:kd
09-20.2
Encl.
Cc Tanya Quickel w/
Bill Nemsel w/

4623 Forest Hill Blvd., Suite 113
(561) 439-7807

West Palm Beach, FL 33415
FAX (561) 439-0026

APPLICATION NO. 140130-2

Page 1 of 3

Water Resources - Environmental

EXHIBIT 1

EXHIBIT 1

Design Criteria for Stormwater Management for Areas Located within the Pine Tree Water Control District

140130-2

Permit Requirements:

Property owners are responsible for acquiring all permits necessary for the development and redevelopment of their property. Various agencies may include, but are not limited to, the Pine Tree Water Control District (PTWCD), Village of Wellington (VOW), South Florida Water Management District (SFWMD), U.S. Army Corps of Engineers (USACE).

Permits for the use of facilities dedicated to the PTWCD are issued by the PTWCD.

The PTWCD is located within the VOW. Permits for lot development and buildings/structures are issued by the VOW. Lot development shall comply the criteria contained herein and with all pertinent VOW regulations and requirements. If the total fill area (historic and proposed) is greater than 20 percent of the lot area then a VOW Engineering Land Development Permit is required. If the total fill is equal to or less than 20%, a VOW Engineering Grading/Fill/Excavation Permit is required. VOW Right-of-Way Permits are required for all improvements within rights-of-way and easements dedicated to the VOW.

Based on a two foot storage depth, 12 percent of the site shall be used for flood detention storage. This percentage requirement may be varied as it is dependent on depth of storage.

Criteria:

Maximum Building Area Coverage (Per Lot)	20%
Maximum Impervious Area (Including Buildings) (e.g.- paved/shellrock drives & parking areas, paved/shellrock walkways, etc.)	30%
Normal Water Level	12.0' (Ft NGVD)
Water Quality Detention Stage	14.9' (Ft NGVD) (in canal system)
Minimum Road Elevation	15.3' (Ft NGVD)
Minimum Finish Floor Elevation	18.0' (Ft NGVD)
Lot Grading (Ref. SFWMD Permit):	Linear from 15.5' to 19.0' NGVD
Roadside Swales (Ref. SFWMD Permit):	Linear from 13.5' to 15.5' NGVD

RECEIVED

JAN 30 2014

WATER RESOURCE REGULATION

RECEIVED 01/30/2014 13:38 CMM

Site Grading and Water Management Area Requirements

Required Lake Area at Elevation 12.0'

Building Coverage 10% or Less

2' Storage Depth; Minimum 12% of Lot Area or 0.5 Acres (SFWMD Minimum Lake Area Criteria), whichever is greater

Building Coverage >10% & ≤20%

Prorated from 12 percent of lot at 10 percent coverage to 16 percent of lot area at 20 percent lot coverage (i.e., 0.8 acres for 5 acre lot with 1 acre building pad)

OR

Required Dry Detention Area at Elevation 13.0'

Building Coverage 10% or Less

12 percent of Lot Area (i.e. 0.6 acres For 5 Acre Lot with 2' storage depth)

Building Coverage >10% & ≤20%

Prorated from 12 percent of lot at 10 percent coverage to 16 percent of lot area at 20 percent lot coverage

Note that the above water storage area requirements are based on an assumed storage depth of 2 feet and that the area requirement can be varied based on actual storage depth.

Note that both Dry Detention and Lake Areas shall be subject to a restrictive covenant limiting their alteration without the prior consent of the Pine Tree Water Control District along with an access easement running in favor of the Pine Tree Water Control District for purposes of monitoring and inspecting the onsite drainage and water management storage.

Maximum side slope for Dry Detention areas: 4:1 (horizontal: vertical).

Maximum side slope for lakes: 4:1 (horizontal: vertical) from top of bank down to two feet below control elevation.

If the above criteria is not satisfied, then the applicant has the option to provide calculations demonstrating that the storage provided is consistent with the SFWMD storage assumptions by showing the 0.8 (acre feet/acre) is provided at elevation 18.0'.