

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

<b>CATEGORY:</b> Transportation and Traffic Management	<b>CODE NUMBER:</b> AC-11-12
<b>TITLE:</b> Construction and Maintenance Activities in County-Owned or Maintained Road Way or Drainage Right-of-Way and Easements; Residential Driveway Connection on County Roads	<b>ADOPTED:</b> 3/6/91 <b>AMENDED:</b> 1/4/95; 10/28/03, 01/06/2015 <b>ORIGINATING DEPARTMENT:</b> Department of Transportation

**PURPOSE/SCOPE:**

To govern construction and maintenance activities in County-owned or maintained roadway or drainage rights-of-way and easements.

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LEE COUNTY

CONSTRUCTION AND MAINTENANCE ACTIVITIES IN COUNTY-OWNED OR MAINTAINED ROADWAY, DRAINAGE RIGHTS-OF-WAY AND EASEMENTS; CONNECTION OF SINGLE FAMILY OR DUPLEX RESIDENTIAL DRIVEWAY AND COUNTY-OWNED OR MAINTAINED ROADWAY.

POLICY

The following terms and conditions will govern construction and maintenance activities on County-owned or maintained right-of-way, drainage rights-of-way and easements.

- I. **Applicability.** Activities that are subject to these terms and conditions include, but are not limited to, the following:
- A. **Miscellaneous Facilities.** Installation or removal of storm drainage pipe, monitor wells, roadway lighting, landscaping or sod, horticultural maintenance, fence, bollard or fixed objects such as rocks, landscaping ties, and fill dirt, including related work such as connections, extensions or repairs.
  - B. **Utilities.** Installation or removal of any private or public utility service or distribution line whether overhead or underground.
  - C. **Relocation of Facilities.** Existing facilities to be permanently relocated to another location within the roadway right-of-way or drainage right-of-way, whether caused by a betterment program of the right-of-way user or by County construction. A permit is required to show the new position of the facility involved.
  - D. **Driveway/Curb Cut Connections.** Any alteration of the grade or elevation by filling, excavating or regarding including headwalls, terraces; commercial driveway curb cuts and residential driveways; or replacement of existing material or soil with another material.
- II. **Definitions.** The following terms are defined for the purpose of this Policy:
- A. **“Work”** means all construction and construction-related activities that take place within County-owned or maintained roadways, drainage rights-of-way or easements. **“Work”** includes dewatering, excavating, backfilling, installation or removals of any kind such as landscaping, horticultural maintenance, posts, rocks, planting, and fences. **“Work”** also includes any repair, alteration or relocation of any existing facility, embankment or structure. However, **“Work”** does not include the installation of mailboxes.
  - B. **“County Engineer”** means the Florida Registered Professional Engineer or his/her designee designated by Lee County to act as its official representative for engineering matters.
  - C. **“Mailboxes”** means a receptacle that is placed in accordance with U.S. Postal Service regulations. In addition, the support for a mail or newspaper delivery box must be of a suitable breakaway or yielding design, and any mail or newspaper delivery box placed in an unsafe or hazardous location, as determined by the Department of Transportation, can be removed by the Department of Transportation at the property owner’s expense.
  - D. **“Permit”** means the official Lee County Right-of-Way Construction Permit or Driveway Permit form as applicable, and any relevant attachments.
  - E. **“Permittee”** means the person, company or organization to which a Permit has been issued. A Permit may only be issued to property owner, duly authorized contractor or a utility franchise as facility owner.
  - F. **“Residential Driveway”** means and refers to driveways specifically intended to serve single family or duplex residential dwellings.
  - G. **“Utility”** means any pole, line, pipeline, duct, cable, monitor wells or other related facility for any water line, sewer line, force main, electric power line, telephone, cable television, fiber optical cable or similar service.
  - H. **“ADA”** means Americans with Disabilities Act.
  - I. **“Florida Green Book”** means the current Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.
  - J. **“MOT”** means Maintenance of Traffic, including Pedestrian and Bicycle traffic in accordance with the current Florida Department of Transportation Design Standards

### III. SITE SUBMITTAL OF LOCATION APPLICATION/PLAN/SKETCH

#### A. Right-of-Way Commercial Construction Submittal (ROW)

A Right-of-Way Commercial Construction Permit Application must be submitted to Lee County Department of Transportation on the appropriate form. A complete Right-of-Way Construction Permit Application includes the following:

1. Applicants/Company's name, address, e-mail address and phone number
2. Contractor's name, current address, phone number, E-mail address and license number
3. The physical address and STRAP number for the proposed construction
4. Signed and dated Pedestrian sidewalk waiver form
5. Approved Lee County Development Services set of plans (DO/LDO) stamped with approval of the plans/sketch of location must accompany the application for commercial construction in a PDF file or digital format
6. MOT Plan with current FDOT index 600 series (When applicable)
7. Bond Information
8. Proof of Insurance
9. Signed and dated agreement of Conditions of Permit

When submitting the paper application two copies of sketch/plans of the location, a signed Pedestrian Waiver form signed and dated, and the appropriate Maintenance of Traffic for work being done will be attached and Condition of Permit agreement signed and dated

The sketch must be a plan view with sections or details as necessary to fully explain the proposed work. **(If an approved development order exists, 2 copies of the "stamped approved" development order must be provided)**. The proposed plan must be a maximum size sheet of 24"X36" and use a scale sufficient to clearly identify the extent of the proposed project. The plan must show the edge of pavement, (graveled right-of-way must show approximate centerline), the roadway, drainage right-of-way or easement line and the distance to the nearest intersecting public roadway. The relative location of other right-of-way users must be shown for each roadway being paralleled or crossed. The location of signal poles, guy wires, signage, drainage structures, existing utilities or other improvements within 10 feet, measured from the edge of the proposed work, must be shown.

#### Electronic application submittals:

When submitting the application electronically it must be in a PDF file format and provide the following: application, Pedestrian Waiver form signed and dated, detailed plans of work being done, and the appropriate Maintenance of Traffic for work being done shall be attached, and Condition of Permit agreement signed and dated.

The plan/sketch must also show any and all utility and/or drainage easements in the area encompassed by the plan/sketch, such as a parallel easement outside of the right-of-way, whether or not this easement is to be occupied by the proposed utility. First consideration will be given to utilizing easements outside the right-of-way.

The County Engineer may require the applicant to submit a cross-section showing the roadway width, right-of-way width, depth of existing and proposed underground installations, and distance from roadway centerline to centerline of drainage ditch, vertical clearance of existing and proposed overhead crossings and any other pertinent information.

A simple key map showing the location of the proposed construction either on the sketch itself, or as a separate sketch is required. The key map must show the location of the nearest intersecting county roadway.

B. Residential Driveway Construction Submittal

A Residential Driveway Permit Application must be submitted to Lee County Development Services Division on the appropriate form. A complete Permit Application includes the following:

1. Property owner's name, current address, e-mail address if available and phone number.
2. Contractor's name, current address, phone number, e-mail address if available and license number.
3. The physical address and STRAP number for the proposed driveway connection.
4. Sketch or other appropriate document depicting the proposed location for the driveway connection.
5. Documentation evidencing entitlement to a driveway connection at the proposed location.
6. Authorization from the adjacent property owner allowing the contractor to obtain the requested Permit.

IV. EXEMPTIONS

The following types of construction/installations are exempt from the Permit Application/issuance requirements of this policy, provided the work does not require lane closures. See Paragraph V. C. Exemptions are only allowed for entities with other existing Permits.

- A. Overhead Facility. Improvements to or betterment of existing overhead facilities, provided the facility remains in the existing location. Any relocation of poles or structures will require a Permit. Relocation is defined as moving a pole or structure by more than ten feet (10') measured longitudinally or parallel to the existing line, or by more than three feet (3') measured transversely to the existing line. Raising or lowering a line does not constitute relocation.
- B. Area Lights. Installation of an area or security light for illumination of private property provided the light is mounted on an existing pole and provided the light pattern is directed away from the highway toward the private property.
- C. Service Drops. Aerial services, secondary or primary drops, emanating from or attaching to an existing service pole or existing joint used pole, leaving the right-of-way and not crossing the roadway or canal.
- D. Buried Telephone House Services. Buried utility services from existing facilities located within five feet (5') of the exit-side right-of-way line, to one or two family residences on the same side of the travel way provided that such utility service lines shall be a minimum of twelve inches (12") deep except under a drainage ditch swale or canal. **See Paragraph VI, B.6.**

V. GENERAL PROVISIONS

- A. Permit Required. A Permit allowing work within the County right-of-way is required. The Permit is a license for permissive use only. Placement of the facilities upon public property does not operate to create or vest any property right in the Permittee. Likewise, no vested right is created with respect to an exemption from this code.
- B. Safety Procedures. During construction, the Permittee must establish, erect and maintain all safety procedures and devices necessary to protect vehicular and pedestrian traffic and to warn and safeguard the traveling public against injury or damage that may result from Permittee activity. The Permittee must place and maintain applicable warning devices according to the regulations and provisions of the Florida Department of Transportation's Roadway and Traffic Design Standards (most current edition), Standard Index 600 Series and the Manual on Uniform Traffic Control Devices. Permits shall be required for **MOT** purposes for any work impacting County roadways but may be waived at the discretion of the County Engineer.

- C. Maintenance of Traffic. The Permittee must conduct construction operations to minimize interference with, or interruption of vehicular, bicycle or pedestrian traffic upon and along the roadway. The County Engineer may specify additional details in connection with the maintenance of traffic. Such specifications will be deemed a condition of the Permit and mandate compliance by Permittee. Pedestrian and bicycle facilities shall be maintained in accordance with the current edition of the FDOT 600 series.

All traffic lanes on arterial and collector roadways must be kept open to traffic from 6:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 7:00 p.m., unless otherwise directed by the County Engineer. Additional lane closure restrictions may apply on certain high volume roads.

**During peak season (Thanksgiving – Easter) daytime lane closures will not be permitted on arterial and collector roadways. During this time period all lane closures will be allowed to commence after 7:00 P.M. and all lanes re-opened at 6:00 a.m. Lane closures may be done on weekends or during daytime hours with prior approval of the County Engineer.**

Roadways with four or more traffic lanes must keep two lanes (one lane in each direction) open to traffic at all times, unless otherwise approved by the County Engineer.

Where the location of work or equipment is within the travel-way or within fifteen feet (15') of the edge-of-pavement the Permittee must submit a Maintenance of Traffic Plan for review and approval.

All MOT proposals shall be submitted a minimum of 3 business days in advance to be reviewed. No work can proceed until approved by Lee County DOT. Pedestrian/Bicycle traffic accommodations must be included as part of MOT plan submitted; any temporary facility must meet ADA criteria.

- D. Liability. A Permit is granted with the specific understanding that the Permittee is responsible and liable for all accidents, damage or injury to persons or property resulting from the construction activity legally chargeable to Permittee. The County, its employees, officers or agents may not be held liable for any loss, injury or damage caused by the acts, conduct or operations of the Permittee, his agents or employees in connection with the construction activities in the County roadway, drainage right-of-way or easement.
- E. Relocation Expense. Where, in the judgment of the County Engineer, the Permittee is required to remove, relocate or change any existing facility such movement, relocation or change will be at the sole expense of the Permittee.
- F. Repair Costs. Any damage to drainage structures, roadbeds, trees, pavements and other roadway appurtenances will be repaired at the expense of the Permittee. No portion of the pavement of any roadway may be disturbed, except in case of emergency, without prior permission of the County Engineer. Upon completion of any work within limits of the roadway all disturbed portions will be replaced in a manner as acceptable to the County Engineer.
- G. Other Permits Required. For work within corporate limits of any city or other governmental authority the Permittee is responsible for securing any other Permits necessary or required by law.
- H. Fees and Bonds. The Permit is not effective until all fees, per the External Fee Manual, are paid and a bond is approved by the County Engineer. In case of an emergency, a Permit Application must be submitted after-the-fact within one business day of the time the emergency repairs were begun. An emergency is defined as an unforeseen combination of circumstances such as a storm, traffic accident, or line break, which results in a state requiring immediate action to restore service, prevent further property damage, or eliminate a hazard.
- I. Final Inspection. A final inspection will be made by the County Engineer or his/her designated inspector, upon completion of construction. Inspections may also be made at any time during the construction, as deemed necessary. Any asphalt work (including final asphalt lift) that was required by the Development Order or Limited Development Order shall be placed prior to the final inspection, unless otherwise directed by the County Engineer. A re-inspection fee may be charged for any failed inspection.

- J. Permit Expiration and Extension. A Permit is valid for ninety (90) days from the date of issuance unless an alternate expiration date is specifically stated on the face of the Permit. All work must be completed and approved by DOT prior to expiration of the Permit. Requests for time extensions may be approved by the County Engineer. If no time extension is granted, work not completed within the time limits specified will require the issuance of a new Permit. An additional Permit fee and a renewal bond may be required.
- K. Construction Standards. All construction, materials, and testing must conform to or exceed Florida Green Book or Lee County standards in effect at the time of construction.
- L. Restoration of Work Area. The roadway or easement must be restored by the Permittee prior to completion of construction. Failure to do so may result in forfeiture of the bond.
- M. Single Side Pole Lines. The County discourages the use of both sides of right-of-way corridors for pole line construction. A joint use pole on one side of the roadway is preferable. If a joint-use agreement does not exist, or if the requesting utility requires a separate pole line, the County will require each utility to occupy a separate corridor except where undue hardship is proven to exist. Only under extreme circumstances will the County Permit the presence of two separate pole lines within the same utility corridor.
- N. Proof of Insurance. The contractor must provide proof of general liability insurance in the amount of \$1,000,000.00.
- O. Landscaping Reimbursement. If construction by Permittee requires removal or relocation, in whole or in part of existing landscaping or irrigation components within the County right-of-way, then Permittee/Developer must reimburse the County. The amount of reimbursement will be the assessed value of the affected landscape/irrigation components, including but not limited to, plant materials, irrigation systems equipment, signs, lighting, electrical equipment, decorative paving and fencing prior to removal or relocation as determined by an independent appraiser.
- P. Structures. The Contractor or Permittee cannot use the County right-of-way as a temporary storage area or for recycling. Job building, walls, or fences cannot be placed in right-of-way while developing a site.
- Q. Facilities. Including but not limited to; sidewalks, bike paths, hand rails, guard rails etc.... Adverse Impacts to any facilities within county rights-of-way shall be repaired to the current county standards, including damage to pedestrian facilities. The County Engineer or his/her designee shall determine the extent of these repairs.
- R. Acceptance of Developer Contributed Assets. For all Developer Contributed Assets, the Department of Transportation will receive, review and approve the documents identified in this administrative code for all Developer Contributed Assets proposed for county maintenance.

After receipt and approval of these documents and if the Department of Transportation concludes the County should accept maintenance responsibility for the Developer Contributed Asset within or adjacent to existing county right-of-way or easements, the County Manager (or designee) is authorized to accept the Developer Contributed Asset for county ownership and maintenance when all required easements or deeds are transferred to the county.



## VI. CONSTRUCTION SPECIFICATIONS

### A. Poles and Overhead Cables

1. Encroachment. In rural areas, pole lines must be placed as close to the right-of-way line as practicable, without encroaching within the right-of-way.
2. Pole Placement. Poles must be placed in accordance with NEC Horizontal Clearance Standards in the current Florida Green Book. Also, poles are to be no closer than five feet (5') from existing paved or unpaved driveways.
3. Poles Placement in Urban Areas. In urban areas having sidewalks and curb and gutter, the County may allow poles to be placed in the soil area between the sidewalk and the curb provided that the face of the pole is not less than two and one-half feet (2 1/2') from the face of the curb.
4. Vertical Clearance. A minimum vertical clearance of eighteen feet (18') measured at the centerline or profile grade line is required when cable or wire is suspended across any roadway or driveway improved or unimproved. For running lines, all cable/wire are to have a minimum vertical clearance of 16'-0" from natural ground.
5. Pole Guying. Where overhead crossings are present, poles or standards supporting the overhead facility must be properly guyed to insure against excessive sagging of the facility crossing. Guy wire shall provide a minimum clearance of 8'-0" above any pedestrian or bicycle facility.

### B. Underground Utilities

1. Casing. Utility lines with a normal diameter of more than two inches (2") that will cross under the roadway must be placed in casing that will allow the utility line to be removed for repair without disturbing the sub-grade. The casing must be of adequate strength and of sufficient length to extend a minimum of four feet (4') beyond each edge of the roadway surface, or a minimum of two feet (2') beyond the back of curb/gutter sections.

Where specific approval has not been granted by Lee County DOT for an open cut, placement must be by jack and bore or directional drill. Open cutting without approval subjects the Permittee and its Contractor to all applicable legal penalties including, but not limited to, revocation of continued right to receive Permits. Permittee must coordinate details of all jack and bore or directional drill activity over two inches (2") in diameter with Lee County DOT, i.e., dewatering, traffic control, etc...

Installation of a new water line or other pressure line longitudinally under a travel lane is discouraged. However, when a new water line or other pressure line is permitted to run longitudinally under a travel lane or auxiliary lane of a roadway, the utility must either be in a casing or a minimum Class 50 Ductile iron Pipe or Class C900 PVC DR 18 Pipe, with mechanically restrained joints. For other requirements on approved utility piping materials in a right-of-way, refer to the LDC Chapter 10.

On County roads, the placement of cables, pipe lines, and casings by open-cut may be allowed. All backfilling must be done with suitable material, compacted in layers not to exceed six inches (6") in accordance with County standards. Backfill material in the existing or proposed roadway must be compacted to 98% density (AASHTO T-180, Modified Proctor). Surface restoration must be equal or better than existing.

2. Backfilling. Backfill material placed in trenches within the right-of-way but not under the roadway must be compacted to ninety five percent (95%) density test AASHTO T-180, Modified Proctor). All work must be done in a workmanlike manner and the ground restored to its original condition or better.

Backfill material placed in trenches within the right-of-way, but more than twelve feet (12') from the existing or future edge of pavement, measured horizontally, must be compacted to match the surrounding material.

3. *Disturbed Areas*. Disturbed areas outside the roadway must be treated in any of the following ways: seeded with grass, or seeded and mulched or sodded. Two feet (2') minimum of sod is required adjacent to roadway or concrete structures; additional sodding may be required at the discretion of the County Engineer. Slopes that are 4:1 or steeper must be sodded and must match existing sod type.
4. *Pavement Crossing*. Crossing of paved roads must be perpendicular to the center line of the roads, unless otherwise approved by the County Engineer.
5. *Open Cuts*. Permitted open cuts must be made according to the Trench Restoration Detail for Lee County Roads attached to the approved Permit.
6. *Minimum Cover*. Any utility placed below the surface of the natural ground, stream bottoms or drainage canals and ditches must be placed so that the distance, as measured from the lower of the design grade or the natural ground to the uppermost part of the utility, is not less than thirty inches (30") unless otherwise specifically authorized.
7. *Excess Excavated Material*. Removal of excavated material in excess of the quantity required for backfill must be approved in accordance with the LDC.
8. *Density Tests*. Unless waived, density tests of backfill, sub-grade, and/or base compaction will be required at the expense of the Permittee. Tests must be made by an independent testing laboratory and signed and sealed by a Florida Registered Professional Engineer.
9. *Technical Specifications*. Any water and sewer lines installed in County-owned or maintained rights-of-way or easements must comply with the current water and sewer technical specifications of the utility franchisee for maintenance.

#### C. Open-Cut Policy

Open-cut trench excavation may be permitted at the discretion of the County Engineer as an exception to the general policy of direction drill/jack and bore. Ordinarily open-cut trench excavation will only be considered for local streets and access roadways. However, upon furnishing adequate documentation and supporting information, the County Engineer may, in his/her sole discretion, allow an open-cut on collector or arterial roadways. Where the County does permit open-cut, the following terms and conditions apply.

1. *Maintenance of Traffic*. Maintenance of traffic procedures must be in strict compliance with Florida Department of Transportation "Roadway and Traffic Design Standards" (latest edition), Standard Index 600 Series.
2. *Detours*. If a detour is required, a detailed traffic control and routing plan must be submitted 5 business days prior to start of work for review and approval by the County Engineer. A site inspection a Lee County Department of Transportation Inspector is required prior to opening the detour.
3. *Pavement Restoration*. Replacement of fill, base, and surface course must be in accordance with approved pavement restoration specifications.
4. *Density Tests*. Density tests of sub grade and base compaction will be at the expense of the Permittee. Tests must be made by an independent testing laboratory, and be signed and sealed by a Florida Registered Professional Engineer. A copy of all density test reports must be furnished to the County inspector on the job site at the time the tests are made. Copies of asphalt and concrete delivery tickets will also be furnished to the County.
5. *Notice*. The Permittee must notify the County twenty-four (24) hours in advance of starting work and/or inspections.
6. *Inspection*. All work will be inspected by the County. Prior County approval is required before backfilling, base replacement, and paving.

#### D. Design Standards for Drainage Construction/Culverts

1. Design and construction must be in accordance with Land Development Code (LDC) Chapter 10 and the Florida Green Book.

#### E. Sidewalk

1. All sidewalk design and construction must comply with latest edition of the Florida Greenbook and FDOT's Design Standards.
2. Sidewalk widths shall be a minimum of 5 feet wide, 6 feet where adjacent to a curb. With approval, the width may be reduced to a minimum of 48 inches at obstructions in compliance with ADA standards. Sidewalks must be constructed with a cross slope of 2 % or less, and unless at a curb ramp, must have a running slope of 5% or less. All sidewalk construction/reconstruction must conform to current FDOT and ADA standards, including curb ramps.
3. No Utility structures, water valves, or pull boxes will be allowed within the bicycle/pedestrian way.
4. Material type used in sidewalks shall be consistent with existing adjacent sidewalks. Where driveways cross sidewalks the material used in the pedestrian way of the driveway shall match the adjacent sidewalk material. Where no existing sidewalks are present sidewalks shall be concrete or with approval, asphalt.
5. Concrete sidewalks shall be constructed using a minimum of 6 inches thick concrete in accordance with Section 522 of the FDOT Standard Specifications. Asphalt sidewalks/bike paths shall be constructed of a minimum of six inches of compacted lime rock base over a stabilized sub-grade, primed and surfaced with a minimum of one and one half inches of Type S asphalt concrete.
6. Developer/property owner is required to convey an easement to the County for portions that exist outside of the right-of-way of any sidewalks, bicycle path, or shared use facility (bicycle and pedestrian) that is built and meanders outside of the County right-of-way prior to closing permit.

#### VII. BOND REQUIREMENTS

A Permit issued to a recognized utility company as owner does not require a bond. When a Permit is issued to a contractor or property owner, other than a utility company, the following conditions apply:

- A. Bond Required. In order to assure full and faithful compliance with all of the terms, conditions and obligation of the Permit, the Permittee must provide a Right-of-Way Permit Bond or performance assurance bond in the amount of one hundred and ten percent (110%) of the estimated construction costs, for each Permit issued, or a Right-of-Way Permit Bond covering multiple Permits. Such bond or bonds must be in a form acceptable to the County (samples attached). Escrow Agreement or Letter of Credit will not be accepted.
- B. Minimum Amount. The minimum bond for any construction within County roadway, drainage easement or right-of-way is \$5,000.00. The County Engineer may, at his/her discretion, require additional surety for any open cut trench excavation or other high impact construction. The actual bond sum, if greater than \$5,000.00, will be set at the time the Permit Application is approved for issuance.
- C. Multiple Permits. A Right-of-Way Bond covering multiple Permits in the amount of \$25,000.00, may be presented. The County Engineer may, at his/her discretion, require additional surety for any type of open cut.
- D. Surety Qualifications. The Right-of-Way Bond must be underwritten by a Surety qualified and licensed to do business in the State of Florida. No Permit may be issued, or work commenced, until an appropriate bond is

submitted and approved by Lee County. The Bond company must hold an A.M. Best rating of A- or better as to the general policy holders rating, and Class VII or better as to the financial category. The A.M. Best rating will be determined based upon the information provided at the following website “www.ambest.com”. Bonds by a Bond company that have previously failed to fulfill their obligations to Lee County may be rejected.

- E. Effective Date. After the final inspection and acceptance of completed work, a bond may be reduced. However, the County will require the Permit bond to remain in effect during a twelve (12)-month warranty period from the final inspection and acceptance date of completion (unless otherwise specified).
- F. Combination Surety Bond. OPTIONAL PROVISIONS FOR WORK WITHIN A COUNTY MAINTAINED RIGHT OF WAY: The bond amount in the Engineer’s Opinion of Probable Cost allocated for specific site related improvements located within the limits of County maintained right of way which are subject to a Lee County Department of Transportation Right of Way permit shall remain in full force and effect for a period not to exceed 12 months subsequent to the date upon which a Certificate of Compliance for those improvements is issued by the Lee County Division of Development Services.

The County will retain that portion of the bond to ensure the specified improvements located within the limits of County maintained right of way remain free from deficiencies and is warranted for the specified period against such defects resulting from substandard workmanship, construction practices or materials.

At the conclusion of the 12 month period, if no deficiencies exist, the bond shall be released in full upon receipt of written notice from the Lee County Department of Transportation that the constructed improvements remain free of construction defects with the exception of normal wear and tear not associated with this project.

VIII. JACK & BORE SPECIFICATIONS

Pipe Specifications:

- A. “Bore” Defined. The term “bore” is described as any method of underground utility crossing by jacking, driving, pushing, tunneling, pulling or any combination thereof; but excludes open-cutting, trenching, or jetting, which are prohibited. “Push-pull” or any other method of crossing that does not include removal of the earth material from the space to be occupied by the utility, may be used only for utility crossings two inches or smaller in size.
- B. Casing Pipe as Conveyance Pipe. Where the casing pipe is the prime conveyance pipe, ASTM A-139 Grade “B” Specification for Electrical Fusion Arc Welded Steel Pipe – Straight or Spiral Seam governs.
- C. Casing Pipe as Casing Pipe. Where the casing pipe will enclose the conveyance pipe, ASTM A-139a Specification for Welded Steel Pipe governs.
- D. Table 1 – Casing Specifications

Outside Minimum Diameter (inches)	Allowable Gauge (AWG)	Maximum Length Allowed To Bore		
		Sandy Soils (feet)	Clayey Soils (feet)	Wet Sand & Gravel (feet)
12 & smaller	.188	150	120	100
16	.250	150	120	90
18	.250	110	110	70
20	.250	110	90	65
24	.250	100	80	60
30	.312	100	80	60
36	.375	100	80	60
42 & greater	.500	100	80	60

NOTE: Casing pipes must extend a minimum of two feet (2') beyond the back edge of curb in urban sections and a minimum of four feet (4') beyond the edge of pavement in rural sections.

Where jack and bore pipe is used as a casing, the carrier pipe flanges, bells, or couplings must clear the inside diameter by at least two inches (2").

Four utility crossings two inches (2") or smaller in size, Schedule 40 or stronger PVC pipe may be used.

## IX. RESIDENTIAL DRIVEWAYS

### **THIS SECTION ONLY APPLIES TO SINGLE FAMILY RESIDENTIAL AND DUPLEX DRIVEWAYS.**

It is the intention of this section to permit and inspect residential driveway connections and residential drainage modifications (piping in the front yard) of single family homes and duplexes.

#### A. Permit Required

1. No individual, firm or corporation may install culvert pipe or other drainage structures, including sod, within a County-maintained rights-of-way or easements without first having obtained a County Driveway Permit. Driveway Permits are obtained at the offices of Community Development. Permit fees will be collected and determined by the Department of community development. Residential Driveway Permits expire twelve (12) months from the date of Application. A Permit is not required if a culvert pipe is installed by County forces. All pipe and other drainage structures must be set to line and grade approved by the County Engineer or his/her designee. The Engineering Division of the Lee County Department of Transportation will stake/evaluate all driveways as necessary to set the proper grades and to determine the proper pipe diameter and pipe material for any drainage work to be done in the County rights-of-way.
2. The submittal requirements for a Residential Driveway Permit are set forth in Section III.B above.

#### B. Drainage

Residential driveways must maintain the existing roadside drainage conveyance. The Driveway Permit will specifically identify construction requirements necessary to maintain the drainage conveyance as determined by the County based upon actual field conditions. Typically, one of two conditions will exist.

1. Drainage swale that does not require a driveway culvert.
2. Drainage swale requiring a driveway culvert.

**These conditions will be determined by a Lee County Representative at that time.**

#### C. Culvert Specifications

Pipe must be installed in accordance with current edition of the Florida Department of Transportation Standards for Road and Bridge Construction and related indexes or Lee County Development Code.

1. Catch Basins. The need for a catch basin will be determined by the County Engineer. If required by the Permit, approved construction must be in compliance with the current edition of the Florida Department of Transportation Standards for Road and Bridge Construction and related indexes.
2. Culvert Pipe. Acceptable pipe material is as follows: Reinforced Concrete Pipe, ADS Double wall, or Contact A-2000 or Technical Equivalent. Length of pipe, size, and elevation will be determined by the County Engineer.
3. Mitered End Sections – Any mitered end sections required by the Permit must be in compliance with Lee County Specifications. Mitered end are required to be cut to minimum 3:1 on all pipes. For Advance Drainage System (ADS) and Contact A-2000 culvert pipes a poured concrete miter end apron is required. For concrete pipe no concrete miter end apron required.

D. Driveways

All driveways must be constructed as follows:

1. So that no part of the driveway (excluding the transition) between the edge of roadway pavement and right-of-way line is closer than five feet (5') to the side lot line as extended perpendicular to the centerline of the road.
2. Be sloped or swaled so that runoff water from the driveway and roadway does not flow along the pavement edge adjoining the road and drive.
3. Must have a paved surface from the edge of the existing roadway pavement to the County right-of-way.

In addition:

Concrete driveways must have a form inspection prior to pouring concrete. Minimum thickness of driveway is (6") inches. No more than a ¾" lip above existing road edge.

Asphalt residential driveways must be constructed on a compacted sub-grade having a minimum of six inch (6") lime rock base and one inch (1") asphaltic concrete surface.

Driveway widths allowed within County rights-of-ways:

Roadway Classification	Single Family	Duplex
Arterial	1 per unit not to exceed 16'. A turnaround is to be provided on-site	1 per unit each not to exceed 20' wide. A turnaround is to be provided on-site.
Arterial Corner Lot	1 per frontage, not exceed 2 connections per unit. Each driveway shall not exceed 16'. A turnaround is to be provided on-site if access is not provided on the side street.	1 per unit each not to exceed 20' wide. A turnaround is to be provided on-site if access is onto the arterial street.
Collector	1 per unit not to exceed 16' A turnaround is to be provided on-site	1 per unit each not to exceed 20' wide. A turnaround is to be provided on-site.
Collector Corner lot	1 per frontage not to exceed 2 connections per unit. Each driveway shall not exceed 16'. A turnaround is to be provided on-site if access is not provided on the side street.	1 per unit each not to exceed 20' wide. A turnaround is to be provided on-site if access is onto the collector street.
Local	2 per unit with combined width not to exceed 24' and shall not exceed 30% of frontage	1 per unit each not to exceed 20' wide
Local Corner Lot	1 per frontage not to exceed 2 connections per unit. Each driveway shall not exceed 16' and shall not exceed 20% of each frontage.	1 per unit each not to exceed 20' wide. One on each street frontage.

**Property owners** are responsible for the maintenance of all driveways servicing their property. In the event of maintenance or improvements within the public rights-of-way or easement by any County or State agency, previously permitted driveways will be restored with concrete or asphalt by the County or State agency. The restoration of driveways constructed of alternative materials shall be the responsibility of property owner for any and all material other than concrete or asphalt. A signed and notarized Alternative Material Hold Harmless agreement (Form H) is required to be submitted. In the event that a driveway was found not to be previously permitted, the County will not be responsible for replacement. An active right-of-way permit will be required for any work within the rights-of-way, including driveway restoration with alternative material.

**Architectural Paver** driveways installed within the rights-of-way shall comply with FDOT Specification Section 526. A concrete header curb will be required where pavers are installed adjacent to flexible pavement.

For all driveways where an existing or planned sidewalk extends across the driveway, the material type used for the adjacent sidewalk shall continue through the driveway to clearly define the pedestrian way. For locations where the existing sidewalks are constructed of Architectural Pavers, the portion the sidewalk that crosses the driveway shall match the adjacent sidewalk and shall be visually delineated from the driveway with a change in color, material, pattern or expansion joints.

- E. Brick Paver driveways: The portion within the right-of-way will be constructed with a minimum sub-grade of 6" of lime rock base 1" of sand and 2 3/8" brick. Sidewalk constructed through brick paved drive will be required to conform to ADA standards.

For all driveways that are constructed where sidewalks are through the driveway, the portion of the sidewalk area must conform to ADA requirements.

Driveways constructed with materials other than concrete or asphalt will be maintained or replaced at property owner's expense.

- F. Sodding: Sod shall be placed in any disturbed rights-of-way from the edge of pavement to the property line in accordance with the lines and grades established by the County Engineer or his designee on the face of the Permit.

G. Culvert Inspections

All pipes inspected by the County will be within +/- one-half inch (1/2") of permitted grade.

Pipes other than concrete pipes will have the joints or seams sealed by the proper method for that particular pipe or a method approved by the Lee County Department of Transportation. All joints shall be wrapped with approved filter fabric.

H. General Requirements For Drainage Construction

All drainage grades shall be determined by the County prior to construction. Culverts or swale forms (6" min) must be inspected prior to backfill or concrete placement. Final inspection for swale and sod inspection must be performed prior to the earlier of issuance of a Certificate of Occupancy for the residence or Permit expiration.

1. All swale and ditches must be properly graded per plan to insure continuous flow of water from the high point of the swale to the lip of the outfall basin.
2. Catch basins must be constructed on the common property line, unless otherwise permitted.
3. All swales must be designed to have longitudinal 0.2% slope.
4. Minimum pipe diameter for any County right-of-way or drainage easement is fifteen inches (15") or its equivalent 12"x18".
5. Any round pipe size may be substituted by its equivalent oval or elliptical pipe, if approved by the County Engineer or his designee.
6. Pre-existing drainage must not be inhibited during the permitted construction.

I. Sidewalks

See section VI Construction Specification Sub Par E.

X. VARIANCES

The County Engineer may, at his/her discretion, waive all or any part of this Policy for an emergency or as he/she may deem necessary for the safe operation of County roads, right-of-way or easements.

XI. FORMS

Attached to this Policy are examples of typical forms that will be used by the County for the issuance of Right-of-way Construction Permits or Residential Driveway Permits:

- A. Typical Right-of-Way Permit Application/Pedestrian Waiver Form
- B. Typical Pavement Restoration Guidelines
- C. Typical Right-of-Way Bond Form for Multiple Permits
- D. Typical Right-of-Way Bond Form for Single Permit
- E. Typical Right-of-Way Construction Permit
- F. Typical Residential Driveway Permit
- G. Trench Failure Repair Guidelines
- H. Alternative Materials Construction, Maintenance, and Hold Harmless Agreement
- I. Catch Basin Specification

XII. ALTERNATIVE MATERIALS (NON-CONFORMING) AND LANDSCAPING MATERIALS

Applicants proposing to use construction materials within the County rights-of-way, other than those specified by this code or the LDC, must apply for prior approval of the materials and enter into an Alternative Materials Construction, Maintenance and Hold Harmless Agreement. The Agreement must be substantially similar to attached Form H; executed by the owner of the property, or the entity with perpetual maintenance responsibility (e.g., property owner's association) with the same formality applicable to the transfer of real property; and be recorded, by the County after acceptance, at the property owner/applicant's expense.

**All driveways both residential and commercial shall be concrete or asphalt. Any alternate material must be approved by Lee County before use. Lee County will not accept maintenance of the alternate materials.**





RIGHT-OF-WAY APPLICATION FOR CONSTRUCTION
LEE COUNTY DEPARTMENT OF TRANSPORTATION

\*\*The application needs to be completely filled out in order to process and issue a permit for said work. Any missing information will cause delay in issuing a permit.\*\*

ITEMS WITH " \* " ARE REQUIRED TO PROCESS A PERMIT

Form fields for Applicant Information: \*Name of Applicant, Contractor, Address, License No(s), City, State, Zip Code, Date submitted, \*Email, \*Contact Person, Work Order #, \*Phone Number, \*Strap/Parcel #, \*Job Location, DO/LDO#, Subdivision.

\*\*LEE COUNTY DOT MUST HAVE COMPLETE STRAP/PARCEL NUMBER AND INFORMATION BEFORE PROCESSING YOUR APPLICATION\*\*

For the Purpose of Construction or Installing: OVERHEAD UTILITY

Overhead Utility options: Cable TV, Power Line, Telephone Line, Other.

UNDERGROUND UTILITY

Underground Utility options: Cable TV, Jack/Directional Bore, Power Line, Monitoring Wells, Sewer Line, Water Line, Telephone Line, Other.

ROADWAY

Roadway options: Accel/Decel Lane, Curb & Gutter, Catch Basin/Culvert Pipe, Turn Lane, Road Widening, Single Drive Entrance, Double Drive Entrance, Open Cut(Justification Req'd), Other.

The Work Herein Described, If Permitted will Begin On: [ ] Estimated Construction Time: [ ]

\*Maintenance of Traffic Plans(s) to be used: [ ] F.D.O.T Design Index No(s): [ ] Additional Information: [ ] Special/Non-Standard(Attach 2 copies) [ ]

REQUIRED PRIOR TO THE ISSUANCE OF A RIGHT-OF-WAY PERMIT: PROOF OF LIABILITY INSURANCE \$1,000,000.00 AND A CASH OR SURETY BOND EQUAL TO 110% OF THE ESTIMATED CONSTRUCTION COST (MINIMUM OF \$5,000).

Please Review: CONDITIONS OF PERMIT

- 1. The construction or maintenance shall not interfere with the property rights of another property owner.
2. All work shall be performed in conformance with standards of the Lee County D.O.T
3. All materials and equipment shall be subject to inspection by the County Engineer.
4. During the Construction, all safety regulations of OSHA AND FLORIDA DEPARTMENT OF TRANSPORTATION shall be observed.

### CONDITIONS OF PERMIT continued

5. All county property shall be restored to its original pre-construction condition to the satisfaction of the County Engineer. Grassing and/or seeding of ROW in disturbed areas, is required after completion of all work within the right-of-way.
6. All overhead installations shall conform to clearance standards. All underground crossing installations shall be placed at a minimum depth of thirty (30) inches below the pavement and/or existing ground elevation. Exceptions may be made in special cases by the County Engineer.
7. The attached sketch covering details of this installation shall be made a part of this permit. If additional plans are required, they shall become a part of this permit.
8. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or to vest any property right in said holder.
9. Whenever necessary for the construction, repair, improvement, alteration or relocation of all, or any portion of said highway as determined by the County Engineer, any or all poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway, or reset or relocated thereon as required by the County Engineer, at the expense of the Permittee.
10. When required, the Permittee shall provide a right of way permit bond in the amount of \$5,000.00 or 110% of the cost of work within the right of way, whichever is greater. Such bond shall be released one year after inspection and acceptance of work; however, if necessary, the bond or a portion thereof, shall be applied to the cost of verifying compliance with the permit conditions and/or repairing unsatisfactory restored right of way.
11. Pursuant to Section 337.403, Florida Statutes, in circumstances where the location of the utility improvement interferes with the County's maintenance activities within the Right of Way, the County may require, in its sole discretion, Permittee to agree (in writing) to perpetually maintain the immediate area around the utility improvement.
12. The Permittee acknowledges the conditions provided herein may have an impact on the owner of the utilities provided for in this permit. The Permittee further declares that the Permittee has full informed the Utility Owner regarding the condition of this Permit and, have been so fully informed. Permittee has received the requisite authority to present the Utility Owner and bind the Utility Owner to the conditions provided with this Permit. A utility owner that is not a Permittee has 10 days from issuance of this permit to object, in writing to the conditions of this Permit.
13. Requests for inspection shall be made 24 hours prior to work requiring inspection.
14. A copy of the approved permit, including all plans and attachments, shall be on the job while work is underway.
15. The applicant expressly agrees to abide by all terms and condition of the permit and the requirements of the County policy for construction activities on county rights of way and easements. Said policy is hereby made a part of this permit and incorporated herein.
16. A copy of the permit must be kept on the work site and be available upon request or prominently displayed.

Estimated Cost of Work With R/W

Attached copy of proof of Insurance

(REQUIRED FOR SINGLE PERMIT BONDS ONLY)

BOND PROVIDED BY:

OWNER

CONTRACTOR

TYPE OF BOND:

CASH (ATTACH CHECK)

SURETY (SINGLE/MULTIPLE PERMIT)

Department Of Transportation

1500 Monroe Street

Ft. Myers FL 33901

Phone: 239-533-9300

To review the status or to pay for permit visit: [www.leegov.com/econnect](http://www.leegov.com/econnect) .

**\*\* A copy of proof of insurance needs to be submitted with application showing LEE COUNTY BOCC as additional INSURED.**

**Permit will not be issued until all required documents are received. \*\***

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

## PEDESTRIAN FACILITY WAIVER

All existing sidewalks and bike paths within your proposed project limits are currently undamaged. Repair of any damage found after the completion of the work associated with this permit will be the responsibility of the permittee to repair prior to final acceptance. You have the option to inspect and report any existing damage, in writing with documented proof, **prior to the issuance of this permit.**

Please sign and date and submit this waiver with the application even if no sidewalks exist. Just note if no sidewalks exist in work area.

No Sidewalks in Area

No Damage To Existing Sidewalks

Damaged Sidewalk

Attached Photo's/Video

ROW Permit #: \_\_\_\_\_

Permittee: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**GENERAL NOTES:**

1. Base and backfill material shall be the same type and composition as the materials removed or equal: Material of greater structural adequacy will also be permitted. Existing material removed during construction shall be permitted to be used as backfill provided that it has not been contaminated with deleterious material and provided that it is at least equal to minimum County standards.
2. Base material over excavated portion of ditch shall be at least twice the thickness as the original base material.
3. Base material shall be placed in layers not greater than 6" and each layer shall be tamped or rolled to obtain the minimum specified density.
4. Pavement joints shall be mechanically sawed and tacked prior to patching. Surface treatment joints shall be lapped and feathered.
5. Replacement pavement surface course shall be consistent with adjacent existing surface unless specified otherwise in the permit.
6. Top of underground cable or pipe shall be a minimum of 30" below the existing pavement, or the existing ground elevation where crossing ditches or swales unless otherwise approved by the County Engineer.
7. "As-built" drawings will not be required as long as the work as done is shown correctly on the permit issued for the work.
8. The County must be notified at least 24 hours prior to beginning work and within 24 hours after work is completed. This notification requirement is in addition to any calls for required inspections.

**DENSITY REQUIREMENTS:**

1. Backfill for Stages 1 and 2 and Base material shall be placed in layers not to exceed 6" (compacted thickness). Compaction shall be 100% of AASHTO T-00 (Standard Proctor) or 98% of AASHTO T-180 (Modified Proctor).
2. Stage 1: Provide compacted fill beneath and around the pipe or duct to the spring line elevation (midpoint of pipe or duct) using an appropriate tamping method suitable to the work and accepted by the County Engineer. If required by soil conditions, the Stage 1 bedding shall be placed on a layer of stone or gravel at least 5" thick.
3. Stage 2: Backfill shall continue in lifts to the top of the subgrade. Each lift shall be mechanically tamped to insure adequate compaction. The County Engineer may require density tests to confirm the achievement of minimum compaction requirements. Such testing, if necessary, shall be at the sole expense of the Permittee.
4. Base Material: Place base material and compact mechanically to achieve 98% of maximum density by AASHTO T-180 (Modified Proctor) under the existing or proposed roadway.



BOND NO: \_\_\_\_\_

**RIGHT-OF-WAY CONSTRUCTION PERMIT BOND  
(Multiple Permit Form)**

**KNOW ALL MEN BY THESE PRESENTS, THAT** \_\_\_\_\_ as

Principal, and the \_\_\_\_\_

With its principal office at \_\_\_\_\_

as **SURETY or OBLIGOR**, are held and firmly bound unto the **LEE COUNTY BOARD OF COUNTY COMMISSIONERS, COUNTY or OBLIGEE**, in the penal sum of \$ \_\_\_\_\_ Dollars, the payment of which will and truly be made, we do here by bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed and Sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**WHEREAS**, the said **OBLIGEE** has granted or is granting to the said Principal, permission or permits to conduct work and/or construction within the County's right-of-way located at \_\_\_\_\_ under Right-of-Way Permit No. \_\_\_\_\_.

**NOW, THEREFORE**, if said Principal shall fully indemnify the **OBLIGEE** against all losses arising by reason of its failure to comply with any of the laws, ordinances, resolutions or rules and regulations governing the **RIGHTS-OF-WAY** in the County, then this obligation shall be void, otherwise it will remain in full force and effect,

**PROVIDED, HOWEVER**, that the **SURETY** shall have the right to terminate its liability hereunder by serving written notice upon the **OBLIGEE** thirty (30) days in advance its intention to do so.

**SUCH** termination or cancellation shall not affect any liability incurred or accrued under the Bond prior to the effective date of such termination or cancellation;

**AND PROVIDED FURTHER** that no action, suit or proceeding shall be had or maintained against the **SURETY** on this instrument unless the same be brought or instituted, and process served upon the **SURETY** within twelve months after termination or cancellation of this Bond as set forth in the preceding paragraph.

\_\_\_\_\_  
Principal

By: \_\_\_\_\_

\_\_\_\_\_  
Resident Agent

\_\_\_\_\_  
Surety

By: \_\_\_\_\_

\_\_\_\_\_  
Attorney-in-Fact



BOND NO: \_\_\_\_\_

**RIGHT-OF-WAY CONSTRUCTION PERMIT BOND  
(Single: Permit Form)**

**KNOW ALL MEN BY THESE PRESENTS, THAT** \_\_\_\_\_ as

Principal, and the \_\_\_\_\_  
With its principal office at \_\_\_\_\_

as **SURETY or OBLIGOR**, are held and firmly bound unto the **LEE COUNTY BOARD OF COUNTY COMMISSIONERS, COUNTY or OBLIGEE**, in the penal sum of \$ \_\_\_\_\_ Dollars, the payment of which will and truly be made, we do here by bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed and Sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**WHEREAS**, the said **OBLIGEE** has granted or is granting to the said Principal, permission or permits to conduct work and/or construction within the County's right-of-way located at \_\_\_\_\_ under Right-of-Way Permit No. \_\_\_\_\_.

**NOW, THEREFORE**, if said Principal shall fully indemnify the **OBLIGEE** against all losses arising by reason of its failure to comply with any of the laws, ordinances, resolutions or rules and regulations governing the RIGHTS-OF-WAY in the County, then this obligation shall be void, otherwise it will remain in full force and effect,

**PROVIDED, HOWEVER**, that the **SURETY** shall have the right to terminate its liability hereunder by serving written notice upon the **OBLIGEE** thirty (30) days in advance its intention to do so.

**SUCH** termination or cancellation shall not affect any liability incurred or accrued under the Bond prior to the effective date of such termination or cancellation;

**AND PROVIDED FURTHER** that no action, suit or proceeding shall be had or maintained against the **SURETY** on this instrument unless the same be brought or instituted, and process served upon the **SURETY** within twelve months after termination or cancellation of this Bond as set forth in the preceding paragraph.

\_\_\_\_\_  
Resident Agent

\_\_\_\_\_  
Principal  
By: \_\_\_\_\_

\_\_\_\_\_  
Surety  
By: \_\_\_\_\_

Attorney-in-Fact



LEE COUNTY DEPARTMENT OF TRANSPORTATION

RIGHT-OF-WAY CONSTRUCTION PERMIT

Other

You can check your permit status on line at www.lee-county.com/econnect

PERMIT NUMBER: ROW2012-00036

ISSUED: 01/20/15

Project Name:

EXPIRES: 04/20/15

Applicant Name

Mailing Address

EXAMPLE

Description: this is issued as blank permit for information

Job Address: 5642 ENTERPRISE PKWY UNIT "C"

Overhead Utility

Cable TV

Power Line

Telephone Line

Other

Underground Utility

Cable TV

Jack & Bore

Open Cut

Power Line

Sewer Line

Telephone

Water Line

Other

Directional Bore

Roadway

Accel/Decel Lane

Curb & Gutter

Catch Basin

Drainage Culvert

Turn Lane

Widening

Other

Strap Number: 1044250300000770

DO No.:

Work Order #:

(1) NOTIFY ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK. (2) ALL CONSTRUCTION MUST BE IN ACCORDANCE WITH LEE COUNTY STANDARDS. (3) ATTACH 2 SETS OF PLANS OR SKETCHES SHOWING DETAILS OF PROPOSED WORK AND EXACT LOCATION RELATIVE TO THE RIGHT OF WAY, EDGE OF PAVEMENT, AND NEAREST ROADWAY INTERSECTION. (4) NOTIFY D.O.T. 24 HOURS PRIOR TO BEGINNING WORK AND UPON COMPLETION FOR A FINAL INSPECTION / APPROVAL.

ADDITIONAL REQUIREMENTS

AS-BUILT PLANS (SKETCH)

DENSITY REPORTS

APPROVED

APPROVED AS AMENDED

BY \_\_\_\_\_

DATE ISSUED \_\_\_\_\_

CONDITIONS OF PERMIT: (1) THE CONSTRUCTION OR MAINTENANCE SHALL NOT INTERFERE WITH THE PROPERTY RIGHTS OF ANOTHER PROPERTY OWNER. (2) ALL WORK SHALL BE DONE IN KEEPING WITH STANDARDS OF THE LEE COUNTY D.O.T. AND UNDER THE SUPERVISION OF THE COUNTY ENGINEER. (3) ALL MATERIALS AND EQUIPMENT SHALL BE SUBJECT TO INSPECTION BY THE COUNTY ENGINEER. (4) DURING THE CONSTRUCTION, ALL SAFETY REGULATIONS OF OSHA AND FLORIDA DEPARTMENT OF TRANSPORTATION SHALL BE OBSERVED. THE COUNTY SHALL BE RELIEVED OF ALL RESPONSIBILITY FROM DAMAGE OR LIABILITY OF DAMAGE OF ANY NATURE ARISING FROM WORK AUTHORIZED UNDER THIS PERMIT. SUBJECT TO THE SAME TERMS AND CONDITIONS, HOLDER MUST TAKE SUCH SAFETY MEASURES, INCLUDING PLACING AND DISPLAYING CAUTION, WARNING/LIGHTS, AND BARRICADES AS MAY BE NECESSARY IN SAFELY CONDUCTING THE CONSTRUCTION AND MAINTENANCE WORK HEREUNDER. (5) ALL COUNTY PROPERTY SHALL BE RESTORED TO ITS ORIGINAL CONDITION TO THE SATISFACTION OF THE COUNTY ENGINEER. GRASSING AND/OR SEEDING OF R.W. DISTURBED IS REQUIRED AFTER COMPLETION OF ALL WORK WITHIN THE RIGHT OF WAY. (6) ALL OVERHEAD INSTALLATIONS SHALL CONFORM TO CLEARANCE STANDARDS. ALL UNDERGROUND CROSSING INSTALLATIONS SHALL BE PLACED AT A MINIMUM DEPTH OF THIRTY (30) INCHES BELOW THE PAVEMENT AND/OR EXISTING GROUND ELEVATION. EXCEPTIONS MAY BE MADE IN SPECIAL CASES BY THE COUNTY ENGINEER. (7) THE ATTACHED SKETCH COVERING DETAILS OF THIS INSTALLATION SHALL BE MADE A PART OF THIS PERMIT. IF ADDITIONAL PLANS ARE REQUIRED, THEY SHALL BECOME A PART OF THIS PERMIT. (8) IT IS EXPRESSLY STIPULATED THAT THIS PERMIT IS A LICENSE FOR PERMISSIVE USE ONLY AND THAT THE PLACING OF FACILITIES UPON PUBLIC PROPERTY PURSUANT TO THIS PERMIT SHALL NOT OPERATE TO CREATE OR TO VEST ANY PROPERTY RIGHT IN SAID HOLDER. (9) WHENEVER NECESSARY FOR THE CONSTRUCTION, REPAIR, IMPROVEMENT, ALTERATION OR RELOCATION OF ALL, OR ANY PORTION OF SAID HIGHWAY AS DETERMINED BY THE COUNTY ENGINEER, ANY OR ALL POLES, WIRES, PIPES, CABLES OR OTHER FACILITIES AND APPURTENANCES AUTHORIZED HEREUNDER, SHALL BE IMMEDIATELY REMOVED FROM SAID HIGHWAY, OR RESET OR RELOCATED THERE ON AS REQUIRED BY THE COUNTY ENGINEER, AT THE EXPENSE OF THE PERMITTEE. (10) WHEN REQUIRED, THE PERMITTEE SHALL PROVIDE A RIGHT OF WAY PERMIT BOND. SUCH BOND SHALL BE RELEASED ONE YEAR AFTER INSPECTION AND ACCEPTANCE OF WORK; HOWEVER, IF NECESSARY, THE BOND OR A PORTION THEREOF, SHALL BE APPLIED TO THE COST OF VERIFYING COMPLIANCE WITH THE PERMIT CONDITIONS AND/OR REPAIRING UNSATISFACTORILY RESTORED RIGHT OF WAY. (11) REQUESTS FOR INSPECTION SHALL BE MADE 24 HOURS TO THE REQUIRED INSPECTION. (12) A COPY OF THE APPROVED PERMIT, INCLUDING ALL PLANS AND ATTACHMENTS, SHALL BE ON THE JOB WHILE WORK IS UNDERWAY. (13) THE APPLICANT EXPRESSLY AGREES TO ABIDE BY ALL TERMS AND CONDITIONS OF THE PERMIT AND THE REQUIREMENTS OF THE COUNTY POLICY FOR CONSTRUCTION ACTIVITIES ON COUNTY RIGHTS OF WAY AND EASEMENTS. SAID POLICY IS HEREBY MADE A PART OF THIS PERMIT AND INCORPORATED HEREIN.

Owner has obtained a Lee County Right of Way Construction permit to perform work within Lee County Public RightofWay. Owner will install improvements using alternate construction materials within the County Owned Public Right of Way. Owner and his successor in title agrees to assume all risk and bear any loss or injury to property or person occasioned by negligence or accident. Owner or his successor in title agrees to repair, restore or rebuild any damage to County property. If the County needs to make roadway improvements then Owner or successor in title agrees to allow the County to remove the alternative material within the County rightofway and Owner or successor in title agrees that the replacement of the improvements will be at the Owner's or successor in title own expense. By the issuance of this LeeCounty DOT Right of Way Constructive Permit (ROW). The owner acknowledges the above conditions of permit.



# RESIDENTIAL DRIVEWAY PERMIT - REPRINT

LEE COUNTY, FLORIDA

OFFICE OF THE COUNTY ENGINEER

PERMIT NUMBER:

**DRV2011-00100**

DATE PRINTED:

01/20/2015

Applicant Name: RICKER KENNETH C + NANCY A

Applicant Address: 6030 MACBETH LN  
FORT MYERS FL 33908

Applicant Phone: Primary:

Project Name:

Job Address: 6030 MACBETH LN FORT MYERS 33908

Strap Number: 12-46-24-02-00000.0760

Type of Permit: DRV

**ADDITIONAL REQUIREMENTS:**

- 1) SET CULVERT 5'-0" MIN FROM SIDE PROP. LINE.
- 2) SET CULVERT W/ACCURACY OF 0.05' +/-.
- 3) SET FORMS W/ACCURACY OF 0.00.
- 4) SET SOD W/ACCURACY OF 0.10' +/-.

CALL FOR INSPECTION - 239-479-8997

**THE FOLLOWING IS REQUIRED PRIOR TO D.O.T. FINAL APPROVAL & STICKER:**

- A. STAKE OUT FOR CULVERT, SWALE OR SOD.
- B. INSPECTION OF CULVERT AND/OR INSPECTION OF FORMS FOR SWALE.
- C. INSPECTION OF SOD FOR ENTIRE FRONTAGE OF PROPERTY DITCH LINE.

A REINSPECTION WILL BE REQUIRED ON ANY FAILED INSPECTION

# EXAMPLE

SKETCH NOT TO SCALE

ELEVATION DATUM IS RELATIVE

CULVERT SIZE:	LENGTH	DIAMETER	MATERIAL
_____	_____	_____	_____

ADDITIONAL REQUIREMENTS:

SWALE      DRIVEWAY: \_\_\_\_\_

APPLICANTS MUST NOTIFY THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS FOR STAKEOUT OF CULVERT OR SWALE. INSPECTION IS REQUIRED BEFORE CULVERT IS COVERED OR SWALE IS POURED. CULVERT SIZE, MATERIAL, CATCH BASIN INLET REQUIREMENTS TO BE DETERMINED BY LEE COUNTY DOT AND PUBLIC WORKS ATTACHED SKETCH, IF AVAILABLE, OF PROPOSED DRIVEWAY. ALL CULVERT JOINTS WILL BE CONSTRUCTED WITH RUBBER O-RINGS OR TAR STRIP AND 1 FT STRIP OF FILTER FABRIC AROUND JOINTS. CONCRETE AROUND JOINTS IS NOT AN OPTION. ALL CULVERTS (ASB OR CONCRETE) MUST HAVE MITERED ENDS. COMMERCIAL DRIVES MUST HAVE F.D.O.T. STANDARD APRONS.

CONDITIONS OF PERMIT: (1) THE CONSTRUCTION OR MAINTENANCE SHALL NOT INTERFERE WITH THE PROPERTY RIGHTS OF ANOTHER PROPERTY OWNER. (2) ALL WORK SHALL BE DONE IN KEEPING WITH STANDARDS OF THE LEE COUNTY DOT AND UNDER THE SUPERVISION OF THE COUNTY ENGINEER. (3) ALL MATERIALS AND EQUIPMENT SHALL BE SUBJECT TO INSPECTION BY THE COUNTY ENGINEER. (4) DURING THE CONSTRUCTION, ALL SAFETY REGULATIONS OF THE LEE COUNTY DOT SHALL BE OBSERVED. THE COUNTY SHALL BE RELIEVED OF ALL RESPONSIBILITY FROM DAMAGE OR LIABILITY OF DAMAGE OF ANY NATURE ARISING FROM WORK AUTHORIZED UNDER THIS PERMIT. (5) ALL COUNTY PROPERTY SHALL BE RESTORED TO ORIGINAL CONDITION AS FAR AS PRACTICAL, TO THE SATISFACTION OF THE COUNTY ENGINEER. GRASSING AND OR SEEDING OF RIGHT-OF-WAY DISTURBED AREA IS REQUIRED AFTER COMPLETION OF ALL WORK. (6) THE ATTACHED SKETCH COVERING DETAILS OF THIS INSTALLATION SHALL BE MADE A PART OF THIS PERMIT. IF ADDITIONAL PLANS ARE REQUIRED, THEY SHALL BECOME A PART OF THIS PERMIT. (7) IT IS EXPRESSLY STIPULATED THAT THIS PERMIT IS A LICENSE FOR PERMISSIVE USE ONLY AND THAT THE PLACING OF FACILITIES UPON PUBLIC PROPERTY PURSUANT TO THIS PERMIT SHALL NOT OPERATE TO CREATE OF TO VEST ANY PROPERTY RIGHT IN SAID HOLDER. (8) REQUEST FOR INSPECTION SHALL BE MADE 24 HOURS PRIOR TO COMMENCING WORK REQUIRING INSPECTION. ALL CONSTRUCTION MUST BE IN ACCORDANCE WITH LEE COUNTY STANDARDS OR AN APPROVED PLAN.

Owner has obtained a Residential Driveway Permit to perform work within Lee County Public RightofWay. Owner will install improvements using alternative construction materials within the County Owned Public Right of Way. Owner and his successor in title agrees to assume all risk and bear any loss or injury to property or persons occasioned by negligence or accident. Owner or his successor in title agrees to repair, restore or rebuild any damage to County property. If the County needs to make any roadway improvements then Owner or successor in title agrees to allow the County to remove the alternative material within the County rightofway and Owner or successor in title agrees that the replacement of the improvements will be at the Owner's or successor in title own expense. By the issuance of this Residential Driveway Permit (DRV). The owner acknowledges the above conditions of permit.

You can check your permit status online at [www.lee-county.com/econnect](http://www.lee-county.com/econnect)

Applicant is responsible to acquire all other necessary permits.

APPROVED OFFICE OF THE COUNTY ENGINEER

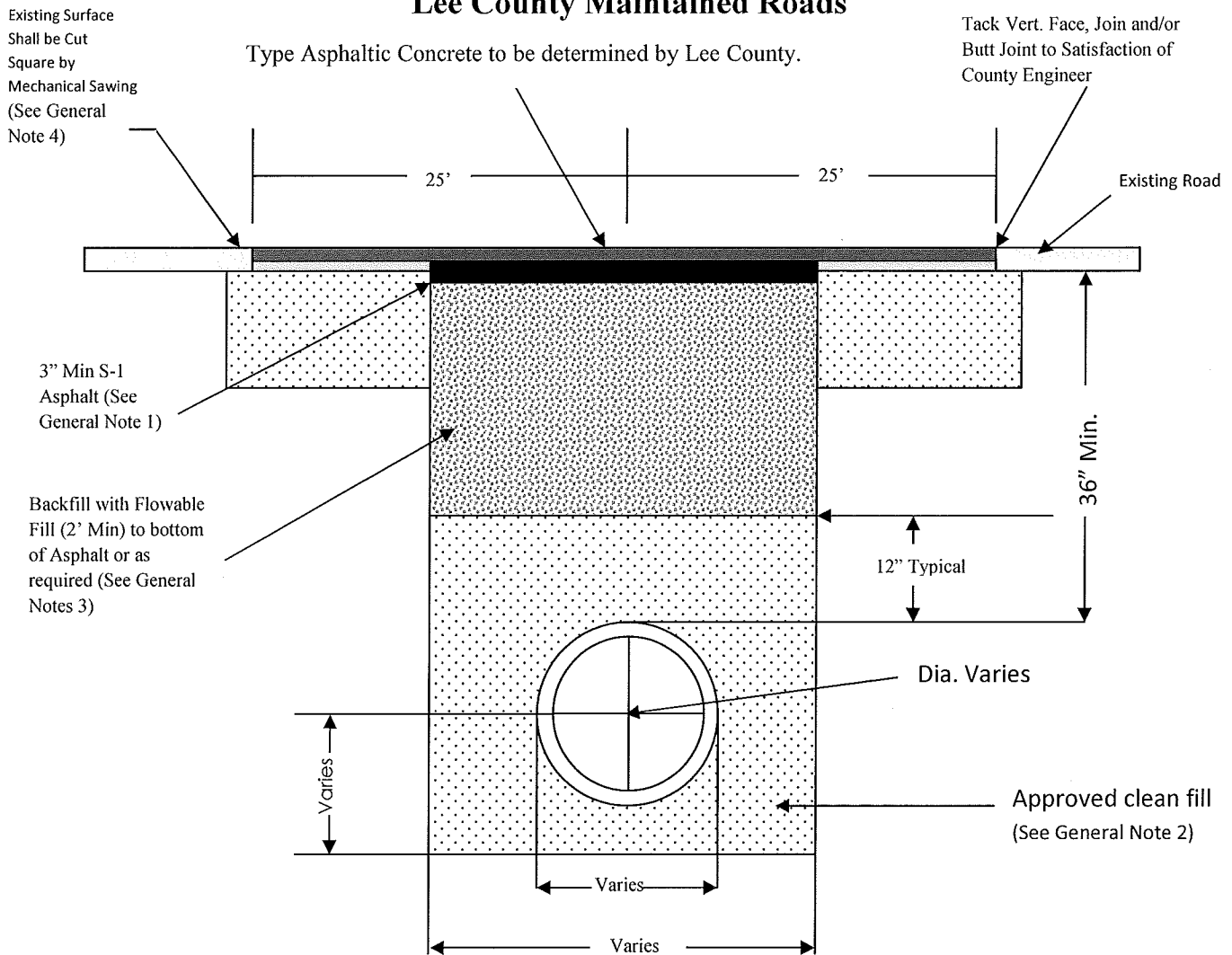
BY \_\_\_\_\_

**EXPIRES 1 YEAR FROM THIS DATE**

NOTE: ANY/ALL DAMAGE TO COUNTY ROADS SHALL BE SAW-CUT AND REPAIRED WITH HOT ASPHALT MIX PRIOR TO FINAL INSPECTION



## Trench Restoration detail for Lee County Maintained Roads



Overlay with 1" S-3 asphalt or match existing, 25 feet in each direction with 2' wide X 3/4" deep milled butt joint at each end.

### General Notes

1. The limits of Asphalt (overlay) replacement shall be determined by Lee County
2. For gravity pipe lines, may use rock 1' (ft) above pipe per FDOT specifications.
3. Controlled Low Strength Materials (CLSM)
4. Using a 3/4" Thick X 4' Wide Butt Joint at Each End
5. Compaction must be performed in 6" lifts with densities every 12"

**THIS INSTRUMENT PREPARED BY AND  
RETURN TO:**

**Department of Transportation  
1500 Monroe Street  
Fort Myers, Florida 33901**

**STRAP NO:**

**PROPERTY ADDRESS:**

**ALTERNATIVE MATERIALS CONSTRUCTION,  
MAINTENANCE AND HOLD  
HARMLESS AGREEMENT**

This Agreement is made on \_\_\_\_\_, \_\_\_\_\_ by and between Lee County, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida, 33990 (County), and \_\_\_\_\_, whose address is \_\_\_\_\_ (Owner).

**WHEREAS**, Owner is the fee title holder to the property located in Lee County and specifically described in Exhibit "A"; and

**WHEREAS**, County has maintenance jurisdiction over the road bordering Owner's property described in Exhibit "A". This road is commonly known as \_\_\_\_\_; and

**WHEREAS**, Owner has obtained County approval for construction on the property described in Exhibit "A" in accordance with **ROW/DRV** permit number \_\_\_\_\_; and

**WHEREAS**, in order to improve the aesthetic appearance of the construction approved under the County permit and enhances the property marketability, the Owner desires to use \_\_\_\_\_, for his/her improvements rather than the standard construction materials required by the Lee County Land Development Code; and

**WHEREAS**, the County does not object to the Owner's use of alternative construction materials, as long as the Owner agrees to maintain, repair and replace the alternative construction materials in perpetuity and at no cost to the County.

**NOW, THEREFORE**, in consideration of the mutual covenants contained in this Agreement and such other good and valuable consideration, the receipt of which is acknowledged, the parties agree as follows:

1. Owner will install improvements using alternative construction materials within the County maintained right-of-way adjacent to the property described in Exhibit "A", in accordance with the plans and specifications depicted in attached Exhibit "B", as approved by

the County through the appropriate permitting process. Exhibit "B" identifies the affected right-of-way and type of alternative materials that will be installed.

2. Owner agrees to perpetually maintain the improvements installed as indicated on Exhibit "B", at no cost to the County. This includes timely replacement of damaged or broken materials and the avoidance of uneven pavement surfaces. Owner is required to perform all maintenance at his expense.

3. In the event the Owner fails to make timely repairs, the parties agree that the County may revoke the underlying County approval for the improvements. The County agrees to provide the Owner with 30 days written notice, identifying the repairs necessary, before revoking the permit.

4. Owner may alter the improvements within the right-of-way area, provided prior approval for the alteration is obtained from the Lee County Department of Transportation (DOT). Approval to alter the improvements will not diminish the Owner's responsibility for continued maintenance. Upon approval of the alteration, Exhibit "B" will also be deemed modified. However, DOT is under no obligation to approve a proposed alteration.

5. Owner agrees to prevent the creation of any obstructions or conditions that may be dangerous to the public.

6. Owner agree to indemnify, hold harmless and defend the County and all of its officers, agents, consultants and employees from and against all losses, claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recoverable against it or them by reason of any act or omission of the Owners, or the Owners' agents, consultants, employees or subcontractors during the installation or maintenance of the improvements identified in Exhibit "B" or as contemplated by this Agreement. This includes any cost related to these actions.

7. Owner agrees to assume all risk and bear any loss or injury to property or persons occasioned by neglect or accident.

8. Owner agrees to assume all responsibility for loss because of neglect or violation of any state or federal law or local government rule, regulation or order. The Owner will give all required notices relating to the improvement or its maintenance contemplated by this Agreement to the proper authorities. In addition, Owner will obtain all necessary permits and licenses and pay all appropriate fees.

9. Owner agrees to repair any damage that may occur to any adjoining building, structure, utility easement, roadway, County property or private property during the course of this work. Owner also agrees to repair, restore or rebuild any damage to County property caused by the installation, construction or maintenance of the improvements contemplated by this Agreement prior to permit being signed off.

10. If the right-of-way adjacent to the Owner's property is widened, repaired, replaced or reconstructed, then the Owner agrees to remove, relocate or replace the improvements as determined appropriate by the County, upon 30 days written notice. The cost of relocation, removal or replacement of the Owner's improvements be borne entirely by the Owner.

11. If the County, or its contractor, needs to make any roadway improvements on an expedited basis, where the normal period of 30 days notice is not appropriate or possible, then Owner agrees to allow the County to remove the improvements. However, Owner understands and agrees that replacement of the improvements will be at Owners expense.

12. If any public utility, including water, sewage, gas, electric, telephone or cable, is scheduled for placement, replacement, repair or reconstruction within the right-of-way adjacent to the property described in Exhibit "A", and this activity requires the removal or relocation of the improvements identified in Exhibit "B", then Owner agrees to remove and replace the improvements at his sole expense within 30 days of receiving written notice.

13. This Agreement will continue in full force and effect until either the Board of County Commissioners adopt a resolution vacating the road right-of-way adjacent to the Owner's property or a written notice terminating this Agreement is delivered to each party. If the Owner terminates this Agreement, then the County may, by written notice delivered within 30 days after receipt of Owner's termination notice, require Owner to remove, at Owner's sole expense, all improvements placed within the right-of-way in accordance with this Agreement.

14. This Agreement runs with the property described in Exhibit "A".

15. This Agreement is binding upon and inures to the benefit of the parties, their respective legal representatives, successors and assigns.

16. Owner may assign the rights and obligations set forth in this Agreement. Owner understands Owner will remain responsible for compliance with the terms of this Agreement until the assignee provides written documentation, acceptable to the County Attorney's Office, accepting responsibility for compliance with the terms and conditions of this Agreement, including indemnification. However, a transfer in the title to the property described in Exhibit "A" carries with it the responsibility for compliance with this Agreement as though the Agreement were a covenant on the property, with no further action by the successor titleholder.

17. This Agreement will be construed and enforced in accordance with Florida Law.

18. This Agreement constitutes the entire Agreement between the parties and may not be modified except by written agreement executed with the same formality.

In witness of the above, the parties execute this Agreement.

WITNESSES:

OWNER

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Printed Name**

**STATE OF FLORIDA**

**COUNTY OF LEE**

The foregoing Agreement was acknowledged before me the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_. He/she is personally known to me or has produced the following identification: \_\_\_\_\_.

\_\_\_\_\_  
**Notary Signature**

\_\_\_\_\_  
**Printed Name**

**ATTEST: LEE COUNTY, FLORIDA**

Linda Doggett

By:

\_\_\_\_\_  
**Deputy Clerk**

By:

\_\_\_\_\_  
**Dave Loveland , Director  
Department of Transportation**

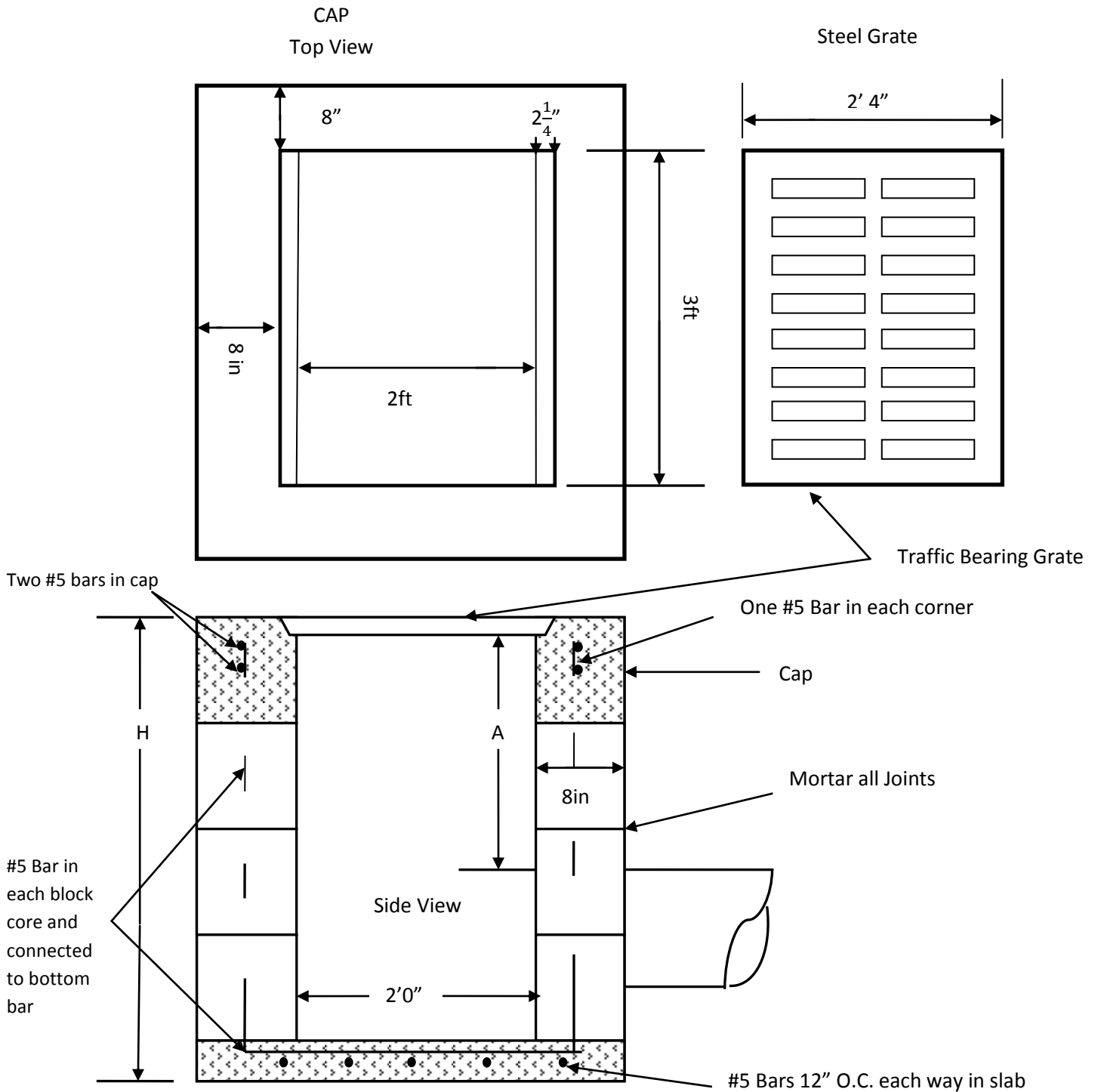
**APPROVED AS TO FORM FOR THE RELIANCE  
OF LEE COUNTY ONLY**

By:

\_\_\_\_\_  
**Office of County Attorney**

Cc: DOT Operations  
DOT ROW Section

LEE COUNTY D.O.T  
CATCH BASIN SPECIFICATION



1. All reinforcing continuous at all corners
2. Concrete block cores must be filled with concrete
3. All concrete must meet ACI standards for 3000 psi concrete
4. Concrete block must conform to ASTM C-90
5. Joints between concrete block and pipe must be completely sealed with mortar or concrete.
6. IF "H" is greater than 4ft use FDOT Design Standards
7. Dimension "A" shall be 0.35 min. for residential and .50 for commercial.