



# San Carlos Estates Water Control District

## Access and Right of Way Use Permit Application

ATTN: District Engineer – RMEC, LLC  
2223 McGregor Boulevard  
Fort Myers, Florida 33901  
(239) 789-1951  
[SCEWCD@RMEC-LLC.Com](mailto:SCEWCD@RMEC-LLC.Com)

### PART I – GENERAL INFORMATION

STRAP Number(s) (attach additional sheets if necessary):

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Subject Property Street Number: \_\_\_\_\_

Brief description of proposed project within the SCEWCD Right of Way: \_\_\_\_\_

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

### PART II – OWNER/CONTRACTOR INFORMATION

Enter information below as applicable.

#### A. Owner Information

Name of Owner/Applicant: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### B. Contractor Information

Name of Contractor/Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_



**C. Authorized Agent Information (if applicant is other than Owner)**

Name of Authorized Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

**\*\*Attach Letter of Authorization signed by Owner (Required).\*\***

**PART III – DISCLOSURE OF OWNERSHIP INTEREST**

Mark the box for the appropriate Ownership interest of the subject property.

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

Name and Address	Percentage of Ownership

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

Name and Address	Percentage of Stock

C. If the property is owned by a **TRUSTEE**, list the beneficiaries of the trust with percentages of interest.

Name and Address	Percentage of Interest



D. If the property is owned by a **GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP**, list the names of general and limited partners.

Name and Address	Percentage of Interest

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

Name and Address	Percentage of Interest

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

Name and Address	Percentage of Interest

**PART IV – INSTRUCTIONS**

A. As adopted by the San Carlos Estates Water Control District Board of Supervisors (Board), any and all work involving the lands, right of ways, infrastructure, and/or facilities of the District, shall not commence without a Board approved permit. The District has the authority to require a property owner to acquire a permit for the construction of any improvements or alterations, including driveway connection improvements, in the District’s right of way. Further, the District has the authority to require a property owner to construct improvements located on the District’s right of way in full compliance with the District’s construction standards, policies, guidelines and other requirements because the construction of the improvements located within the District’s right of way affects the District’s other improvements, including but not limited to the District’s drainage improvements and the District’s roadway improvements, and also because the District is responsible to other land owners located in the District and also to the government agencies that the District has permit obligations to, such as the South Florida Water Management District, for all improvements that are constructed in the District’s right of ways. The District’s requirements that improvements in the District’s right of ways must be constructed pursuant to the adopted standards of the District serves a valid public



purpose and is for the benefit of the health, safety and welfare of the property owners in the District and the members of the public who use the District's right of ways. Finally, it serves a public purpose of the District to require the proper construction of improvements in the District's right of ways because the adopted standards of the District are designed to protect the District's infrastructure and facilities, including but not limited to the District's drainage and roadway facilities.

- B. The District does not regulate the installation of mailboxes within the District's right of ways that are installed in accordance with U.S. Postal Service (USPS) and Florida Department of Transportation (FDOT) standards. Mailboxes which do not comply with these standards are subject to District right of way permitting and may be prohibited.
- C. The purpose of this permit application is to provide the information to the District that is necessary for the District to issue a permit for the construction, maintenance, and use of either permanent or temporary improvements to the District's right of way for the benefit of the subject property which satisfies all of the adopted standards of the District as indicated in the Access Standards Handbook and as indicated by the District's Engineer. The application fee associated with this permit will cover the costs for the permit review and compliance inspections as described below:
  - Permit review and coordination with the applicant;
  - Pre-construction meeting, if required by District Engineer;
  - Periodic inspections of site activities;
  - Pipe bedding inspection;
  - Substantial Completion inspection;
  - Final Acceptance; and
  - Confirmation of Final Acceptance with the City of Bonita Springs.

The approval by the District of a permit pursuant to this application together with the execution of the Right of Way Use Agreement between the District and the Owner and their contractor for the construction, maintenance and use of improvements in the District's right of way will operate not only as the driveway connection and legal access permit for the subject property, but also as the authorization by the District for the construction of improvements in the District's right of way by the Owner and their contractor pursuant to the adopted standards of the District.

The permit application will not be considered for approval by the District Board or District Engineer until all of the following has been accomplished:

- i. A complete Access and Right of Way Use Permit Application (this form) has been completed and submitted to the District Engineer together with the required permit application fee. The associated permit fee shall be made in the form of a check made payable to "**San Carlos Estates Water Control District.**" If the application is submitted by email, the same will not be reviewed until the required permit application fee is received in full. The receipt of the required permit application fee is necessary prior to any review and/or inspection(s) by the District Engineer or their assigns.
- ii. A copy of the proposed plan of construction ("Site Plan") has been delivered to the District Engineer at either the physical or email address shown above. The Site Plan submittal must include at a minimum:



- A property boundary survey, signed and sealed by a State of Florida registered Professional Land Surveyor;
- Location of the proposed improvements on the property;
- The location and specifications of the proposed improvements to be constructed in the District's right of way with enough information for the District Engineer to determine whether the proposed improvements, as constructed, will satisfy the District's permit requirements, to include but not be limited to:

A: Dimensions from nearest property line to end of culvert;  
B: Dimensions of driveway within the District's right of way;  
C: Culvert information to include, length, diameter, pipe type and end treatment;  
D: Depth of cover over proposed driveway culvert;  
E: Finished driveway surface material (i.e. gravel, paver, concrete, asphalt, etc.);  
F: Location and type of required pollution prevention treatment (BMP's); and  
G: Any and all other proposed alterations or improvements to the District's right of way.

- iii. Any and all required information requested by the District Board and/or the District Engineer must be delivered to the District Engineer and must be determined by the District Engineer and/or the District Board to be complete.
- iv. The Owner's contractor has been approved in writing by the District to perform construction in the District's right of way.

As indicated in the Application, the construction of the Applicant's improvements in the District's right of way must meet and satisfy all of the District's standards, including the standards described in the Access Standards Handbook adopted by the District Board, as may be amended from time to time. A copy of the District's Access Standards may be found on the District's website at: <http://www.SCEWCD.ORG/>

In the event the District Engineer, in his sole discretion, determines the proposed improvements are not in compliance with District Standards, a list of deficiencies will be provided to the Applicant for revision of the application and the Applicant may revise their application accordingly.

In the event the Applicant requests a variance from the District Standards, District Staff will place the permit application request on the public meeting agenda for the District Board and the same will be considered at a duly advertised regular public meeting at which all interested persons are invited to attend and be heard with respect to the permit application. Interested persons may appear on their own behalf or by agent or attorney. Anyone wishing to appeal any action taken by the Board is responsible to have a verbatim record made, which record includes the testimony and evidence upon which the appeal is based.

Once all of the above-referenced tasks have been accomplished by the Applicant (Owner), the District Engineer will review the application and other submitted information for compliance with District Standards. Upon a finding of compliance, the District Engineer will notify the Owner that an Access and Right of Way Use Permit ("Permit") can be issued by the District once the Owner and the Contractor have executed and returned the District's Right of Way Use Agreement for the construction and use of improvements in the District's right of way to the District Engineer.



The approval by the District of a Permit pursuant to this application together with the execution of the Right of Way Use Agreement between the District and the Owner and their contractor for the construction, maintenance and use of improvements in the District’s right of way will operate not only as the driveway connection and legal access permit for the subject property, but also as the District’s authorization for the construction of improvements in the District’s right of way by the Owner and their contractor pursuant to the adopted standards of the District.

- D. A property owner will be required to use a contractor that has been approved by the District to perform work in the District’s right of ways. An application for approval of a contractor can be acquired from the District Engineer.
- E. District permits approved and issued for the construction and installation of improvements in the District’s right of way shall expire no more than Twelve (12) months after the date of District issuance.
- F. Inspection of the construction of the improvements in the District’s right of way shall follow the following sequence of events:
  - i. Pre-construction Meeting (if required by the District Engineer);
  - ii. Pipe Bedding (pre-backfill) Inspection;
  - iii. Driveway Substantial Completion Inspection; and,
  - iv. Construction Completion and Issuance of Final Acceptance inspection.

It is the responsibility of the contractor/owner to schedule each required inspection with the District Engineer **at least 48 hours prior** to commencement of said inspection. Failed inspections that require an additional reinspection for acceptance by the District Engineer will incur an additional cost of \$75 per inspection paid to San Carlos Estates Water Control District prior to receiving the re-inspection. Failure to provide the re-inspection fee at the time of the re-inspection will result in the cancellation of the inspection.

G. The District has resolved that no construction will receive a Certificate of Occupancy from the City of Bonita Springs without first receiving Final District approval of the construction of the Applicant’s improvements located in the District’s right of way. In accordance with the City of Bonita Springs Land Development Code, the City requires notification of District approval regarding final construction of any improvements in the District’s right of way **BEFORE** the City of Bonita Springs will issue a Certificate of Occupancy (CO) for any building permit in accordance with City of Bonita Springs Land Development Code Sections 3-6(7)b, 3-302(o), 3-325(b), 3-326, and 3-537(e).

H. Additional District conditions of approval (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Part V – Application Fees & Improvement Details

Type of Improvement (check as applicable):

- Driveway & Culvert - \$750 application fee, Non-Refundable
- Temporary Driveway & Culvert - \$750 application fee + \$2,500 security deposit, Refundable on completion less any reinspection fees
- Roadway Extension - \$1,500 application fee, Non-Refundable
- Reinspection - \$75 per reinspection, Non-Refundable
- Utilities – Identify type below - \$50 per affected parcel, Non-Refundable
- Other - Identify below: Cost to be Determined at time of Application, Non-Refundable

As clarification of the District’s rights and authority over the District’s right of ways and the District’s real and personal property, notwithstanding anything else contained in any policy, regulation, or standard of the District to the contrary, the District’s right of ways and real and personal property, including the District’s canals, roadways and driveway connections onto the District’s roadways, cannot be used for any illegal purposes or for access to any parcels of land in the District where illegal uses are occurring. If any parcel of land in the District or the District’s right of ways are being used for an illegal use, including uses in violation of the City of Bonita Springs Land Use Code, the District is authorized to take any and all action to terminate the illegal use of the District’s right of ways up to and including the cancellation of any driveway permit onto a parcel of land where an illegal use is occurring and the extinguishment of any special use conditions or easements that have been previously granted by the District for the benefit of a parcel of land in the District, said District authorization to be exercised by the Board of Supervisors in the sole discretion of the District Board of Supervisors, without claim or recourse by the owner of the parcel of land where the illegal use is occurring. The illegal use of the District’s right of ways or the use of the District’s right of ways to access a parcel of land where an illegal use is occurring, including an illegal use under the City of Bonita Springs Land Use Code, constitutes a trespass on the District’s right of ways which can be corrected and stopped by the District through any legal means, including but not limited to the District notifying the City of Bonita Springs of the illegal use and requesting a permit cessation/suspension or requesting the use of a code enforcement action against the land owner who is performing the illegal use.

In consideration of the District agreeing to allow the Applicant to construct improvements in the District’s right of way for the benefit of the Applicant’s real property, the Property Owner agrees with the District to continually use the District’s Right of Way improvements, including the driveway improvements to be constructed for the benefit of the subject property, at all times in full compliance with the District’s Right of Way Standards described in the District’s Access Standards Handbook and any special conditions required by the District and/or the District Engineer. The Property Owner further agrees to notify the District immediately in the event there is any damage or defect caused to the District’s right of way improvements by any cause whatsoever. Finally, the Property Owner agrees to continually maintain the Owner’s subject parcel located outside the District’s Right of Way and the right of way improvements so that there will be no adverse impact or deterioration of the District’s right of way improvements, including the District’s drainage improvements and roadway improvements.



By signing this application, the Owner, as the Applicant, hereby acknowledges reading and agreeing to comply, in full, with all of the requirements of this application, the Access Standards Handbook, and all of the Permit requirements imposed by the District.

Owner(s) Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

**PART VI – SCEWCD ENGINEER USE ONLY**

Permit Number: \_\_\_\_\_ Address: \_\_\_\_\_

**SCEWCD Access and Right of Way Use Permit Reviewed and Issued**

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

**Pre-Construction Inspection, If required by District Engineer**

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

**Pipe Bedding (Pre-Backfill) Inspection, Required**

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

**Driveway Substantial Completion Inspection, Required**

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

**Construction Completion and Issuance of Final Acceptance, Required**

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