

Federal Highway Administration
Florida Division

ADMINISTRATIVE ACTION
PROGRAMMATIC 4(F) EVALUATION

U.S. Department of Transportation
Federal Highway Administration
and
Florida Department of Transportation

Financial Project Number: 409354-1-22-01
Federal Aid Project Number: 5951 539 I
I-595 (SR 862) Project Development and Environment Study
from the I-75 Interchange to the I-95 Interchange
Broward County, Florida

The I-595 PD&E Study is an evaluation of the following proposed improvements to this strategic intermodal corridor and only east-west expressway in Broward County: reversible express lanes in the median, a collector-distributor (C-D) system, modifications to the I-595/Florida's Turnpike interchange, ramp modifications including a series of braided interchanges, accommodations for bicyclists and pedestrians, along with the provision of a transit envelope being evaluated under separate study.

Submitted pursuant to 49 U.S.C. 303.

Based upon considerations herein, it is determined that there is no feasible and prudent alternative to the use of land from the New River Greenway and that the proposed action includes all possible planning to minimize harm to the Section 4(f) property resulting from such use.

____/____/____
Date

Division Administrator
Federal Highway Administration



I-595 (SR-862)
PROJECT DEVELOPMENT & ENVIRONMENT STUDY

FM No. 409354-1-22-01
FAP No. 5951 539 I
From the I-75 Interchange West of 136 Avenue
To the I-95 Interchange
Broward County, Florida



Prepared for:
FDOT District Four
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January 24, 2006





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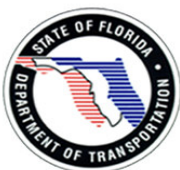
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- Appendix B FDOT Local Agency Program Agreement
- Appendix C FDOT Notice to Proceed
- Appendix D SFWMD Right of Way Occupancy Permit
- Appendix E FDOT Right of Way Occupancy Permit
- Appendix F FDOT Letter to the Broward County Greenway Project Coordinator
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- Appendix I Minutes FHWA/FDOT Coordination Meeting
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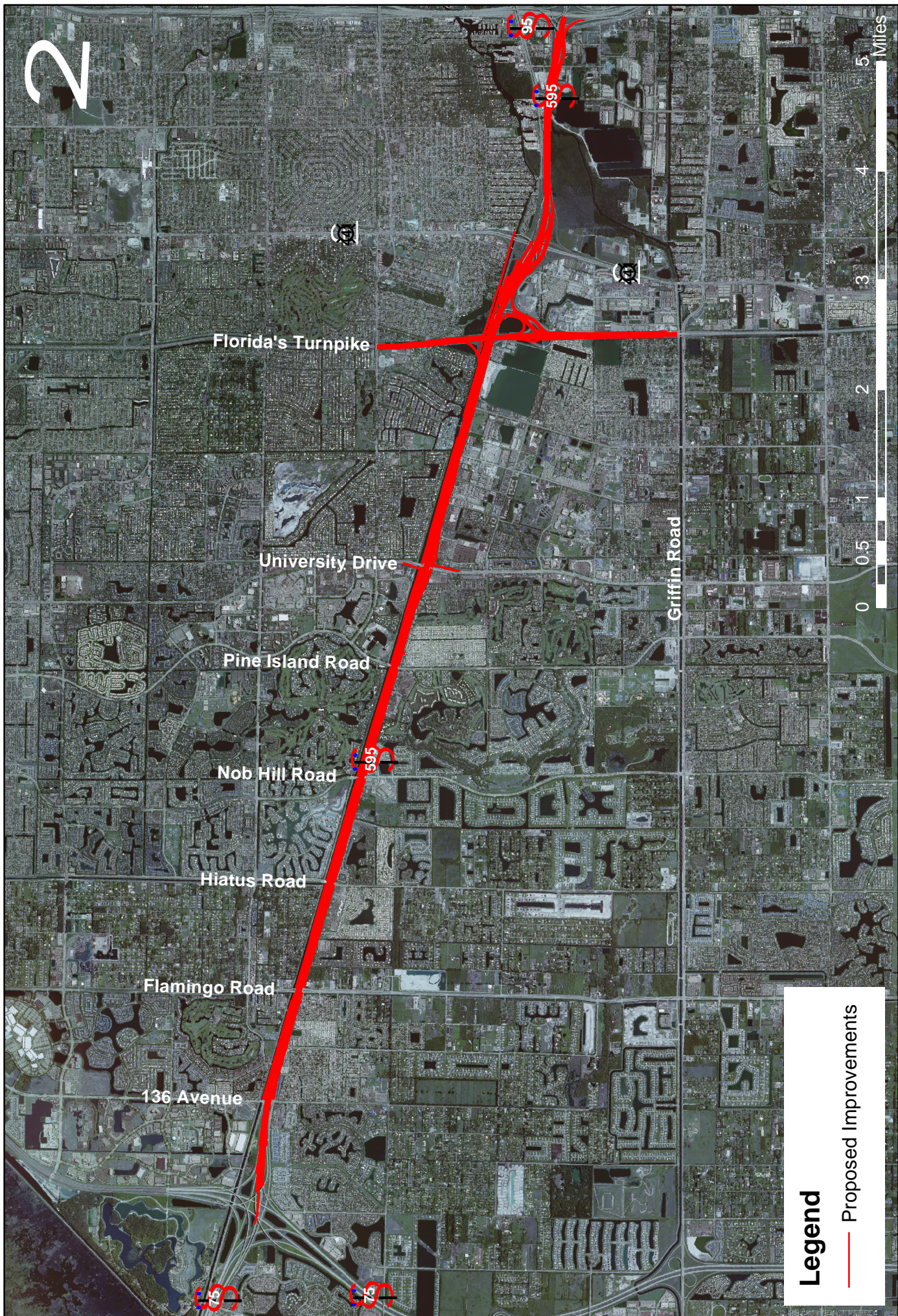
1.0 INTRODUCTION

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study for proposed improvements to the I-595 corridor in central Broward County, Florida. The PD&E Study limits extend from the I-75/Sawgrass Expressway interchange (Mile Post 0.592) west of 136th Avenue to the I-95 interchange (Mile Post 10.407) for a total project length of approximately 10 miles. Figure 1-1 illustrates the location and limits of the project.

This Programmatic Section 4(f) Evaluation has been prepared in response to the Section 4(f) Determination of Applicability made by the Federal Highway Administration (FHWA) on November 17, 2005 (enclosed as Appendix A). This Evaluation has been prepared in accordance with Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended and recodified.

The FHWA determined that Section 4(f) applies to the New River/SR 84 Greenway, which is also known as the New River Greenway. This Section 4(f) Evaluation only addresses the New River Greenway. Information regarding other properties considered is available in the documentation submitted to FHWA requesting determinations of applicability on April 5, June 24, and September 22, 2005.





Legend

— Proposed Improvements



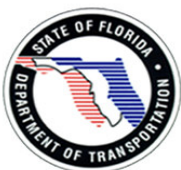
2.0 PROJECT DESCRIPTION

The western study limit is the I-75/Sawgrass Expressway interchange and the eastern study limit is the I-95 interchange. The total project length is approximately ten miles. I-595 is currently a six general purpose lane, limited access facility with interchanges I-75/Sawgrass Expressway, SW 136th Avenue, Flamingo Road (SR 823), Hiatus Road, Nob Hill Road, Pine Island Road, University Drive (SR 817), Davie Road, Florida's Turnpike (SR 91), and US 441 (SR 7). Also included in the study limits is SR 84, which has two westbound lanes immediately north of I-595 and two eastbound lanes immediately south of I-595.

The proposed improvements being studied include:

- ◆ Reversible lanes serving express traffic from I-75 to east of SR 7
- ◆ Continuous connection of SR 84 between Davie Road and SR 7
- ◆ Collector-Distributor (C-D) system between Davie Road and I-95
- ◆ Modifications to the I-595/Florida's Turnpike interchange
- ◆ Braided interchange ramps to eliminate mainline weaving segments
- ◆ Bypass systems that combine two interchanges of traffic on one ramp to reduce the number of entrance/exit points along mainline
- ◆ Two-lane off-ramps, as needed
- ◆ Curb-and-gutter systems at select locations for stormwater collection
- ◆ Continuous shoulders that provide bicycle areas along the outside SR-84 travel lanes
- ◆ Shared-use, bi-directional path located along the outside of eastbound SR 84, between SW 136th Avenue and Davie Road.
- ◆ Transit envelope, for a system such as a commuter rail, integrated into the corridor (with details of the concept to be developed in a separate study)

Additional details regarding the proposed improvements are available in the Preliminary Engineering Report prepared for this study. This study is a continuation of the I-95/I-595 Multimodal Transportation Corridor Master Plan Study completed in March 2003. The Master Plan included a Tier One Alternative Corridor Study and evaluated fifteen different build alternatives and produced a Locally Preferred Alternative (LPA) based on interagency coordination and public comment received at a Public Hearing conducted on November 16, 2000. The LPA was adopted by the Broward County Metropolitan Planning Organization (MPO) on January 7, 2003 and subsequently approved by the Federal Highway Administration (FHWA).





The objective of the I-595 PD&E Study is to re-examine the original justifications for the Master Plan LPA and accommodate a new design year of 2032, which adds 14 years of additional traffic growth to the corridor. Based on the updated conditions in the project area, four design alternatives were developed that all maintained the basic design components of the Master Plan LPA. Two alternatives were eliminated based on a comparative analysis resulting in further consideration of Alternatives 1B and 2A during the PD&E Study.

The typical sections proposed for Alternatives 1B and 2A will each provide six 12-foot wide general purpose lanes (three per direction) and two 12-foot auxiliary lanes between interchanges. The I-595 mainline will have 10-foot paved shoulders on both the inside and outside.

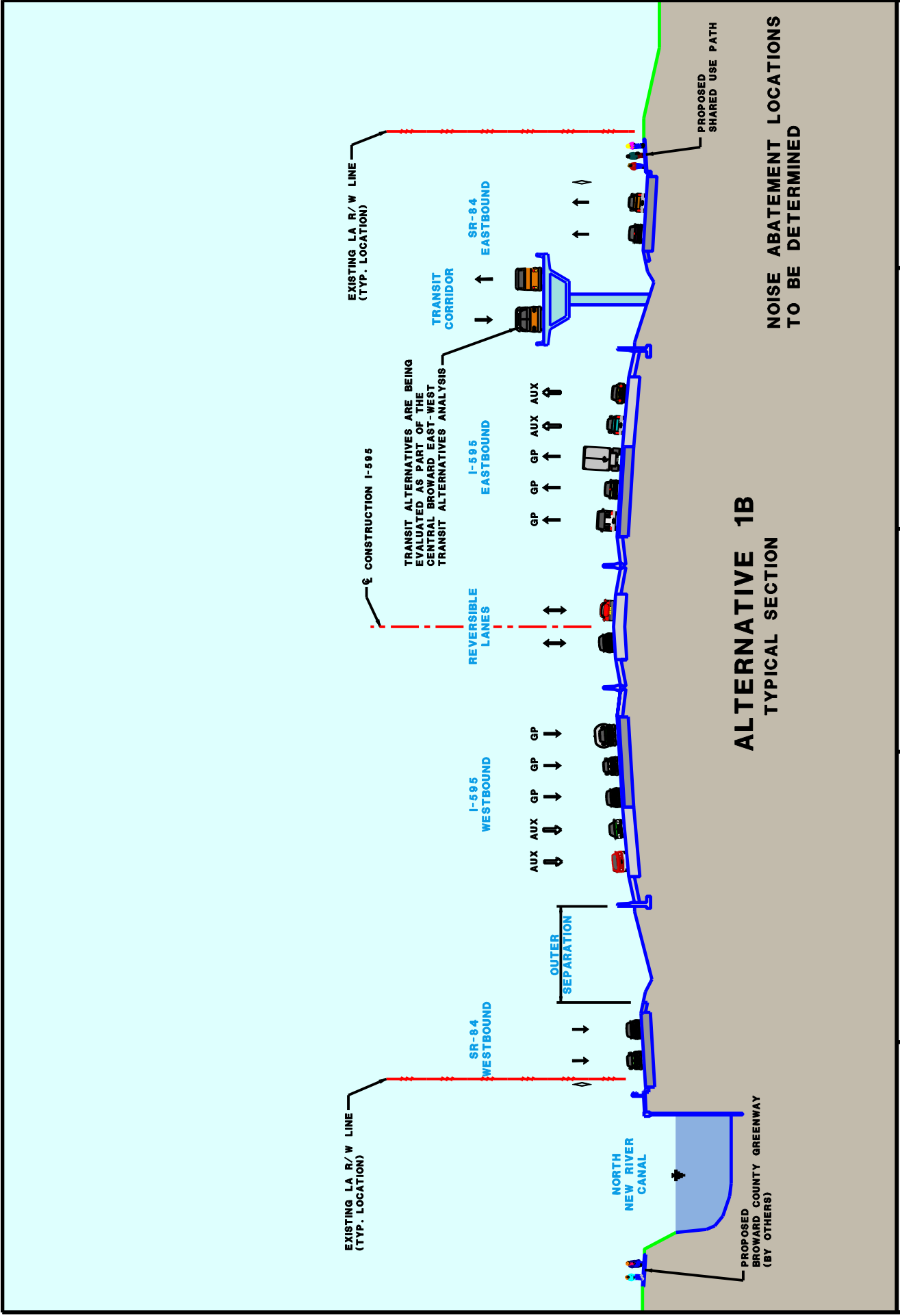
SR 84 will have two 12-foot lanes with 4-foot paved shoulders to the inside and to the outside. Type F curb and gutter and 6 feet to 12 feet of shared-use sidewalk/bicycle path will be included on the outside.

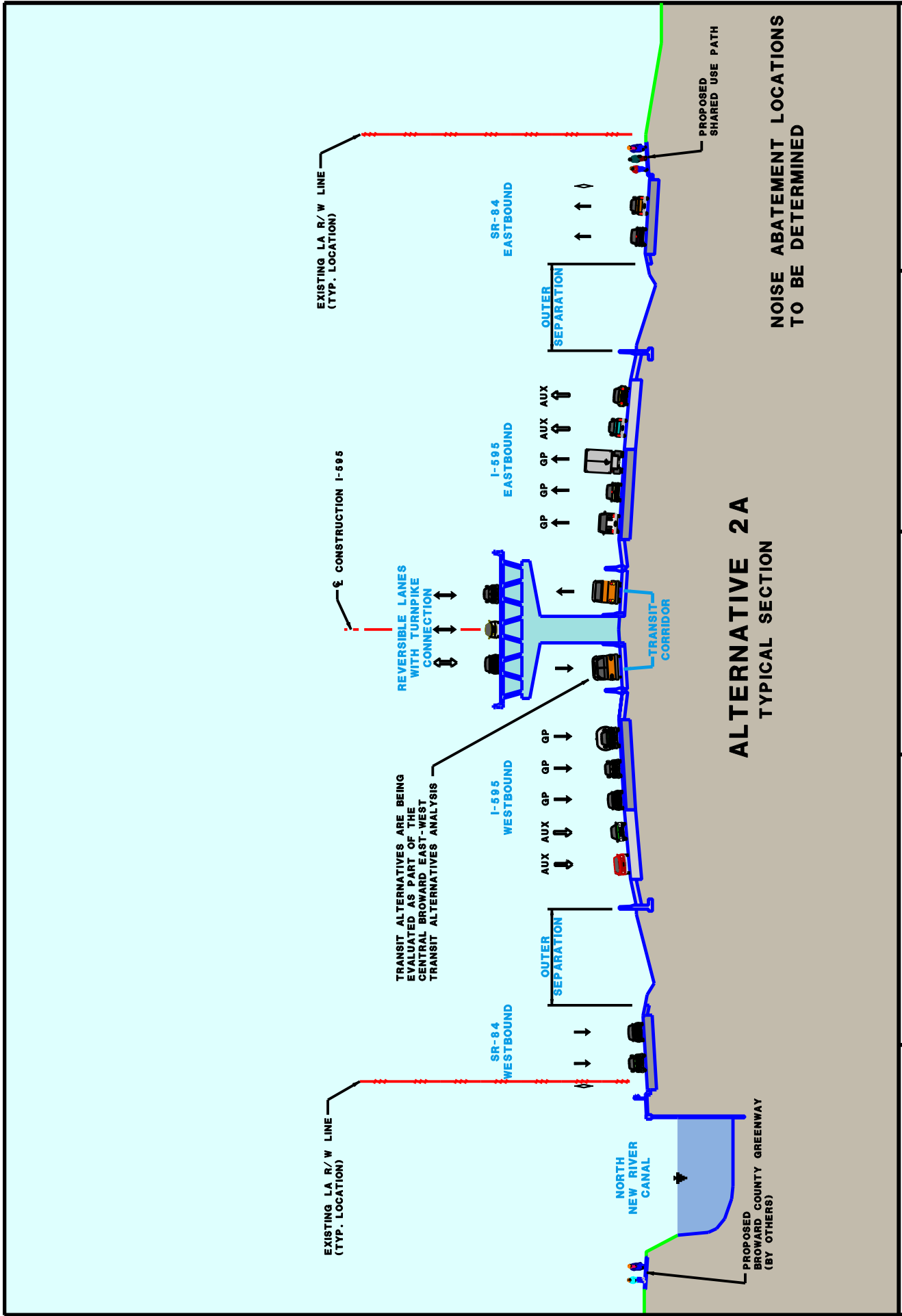
The configuration of the reversible lanes features is the primary way in which the two alternatives differ.

- ◆ **Alternative 1B** proposes that the reversible lanes be constructed at grade level within the I-595 median, separated from the mainline by median barrier walls. Under this design concept, there will be two 12-foot reversible lanes with 10-foot shoulders.
- ◆ **Alternative 2A** proposes that the reversible lanes be carried on a bridge structure that is 59 feet wide. It, too, will be located within the I-595 median. In Alternative 2A, there will be three 12-foot reversible lanes with 10-foot shoulders. Alternative 2A will also provide direct connect ramps from the reversible lanes to the Turnpike median.

The proposed typical sections for **Alternatives 1B** and **2A** are shown in Figures 2-1 and 2-2. Both alternatives will have the same effect on the New River Greenway.









3.0 PROJECT NEED

The various improvements that comprise this project address a number of statewide, regional, and corridor-specific needs. A detailed discussion of the project justification is provided in the Preliminary Engineering Report. Statewide needs can be summarized as enhancing safe operation, expanding the service life of the corridor, boosting state and regional economic competitiveness in the global market, and ensuring that the qualities of life that are of value to Florida citizens are sustained. Regional needs include improving system linkages and modal interrelationships, accommodating transportation and social demands, and supporting economic development.

Within Miami-Dade, Broward, and Palm Beach Counties, the I-595 corridor is the only east-west freeway providing connections to all of the region's principal north-south corridors, as well as freeways beyond the region's boundaries. West of the western study limits, I-595 becomes I-75, which provides a direct connection to the Gulf Coast. This linkage is important for many reasons since I-595 plays an important role in the regional, statewide and national distribution of products. I-595 is also a critical link between other components of the Florida Intrastate Highway System network, such as US 27 (west of the project corridor), Sawgrass Expressway, I-75, Florida's Turnpike and I-95. It is also an important link to Strategic Intermodal System network components for other travel modes such as freight and passenger rail, port, aviation and intercity transit. I-595 is also an important emergency evacuation route for southeast Florida.

Corridor specific needs include reductions of incident-related delay and design solutions for the existing interchange design deficiencies, and unsafe weaving and merging conditions within the project corridor. Broward County MPO's 2030 Long-Range Transportation Plan includes all of the proposed project elements.





4.0 SECTION 4(F) PROPERTY

In 1999, the Broward County Board of County Commissioners identified the creation of a county-wide system of greenways, including bicycle paths, equestrian paths, nature trails and waterway trails as a priority goal. A map of the Broward County Potential Greenways System is shown in Figure 4-1. When completed, the greenways will connect neighborhoods, from the Everglades to the Atlantic Ocean to conservation lands, parks and recreation facilities, cultural and historic sites, schools and business. The system will provide opportunities for recreation, restoration and enhancement of native wildlife habitat, and provide alternative modes of transportation.

The County's Department of Planning and Environmental Protection was tasked with the responsibility of developing the plan to achieve this goal. A technical advisory committee was formed with members representing the FDOT, SFWMD, Florida Turnpike Enterprise, Broward County Engineering, Broward County Transportation Planning Division and the Broward County School Board. This committee was created to oversee the plan preparation. Over the following two-year period, numerous public meetings were held around the county to seek public input at various stages in the development of the greenways plan. A wide variety of interests participated at the meetings including municipal officials, bicyclists, equestrians, boaters, developers, environmentalists, state and regional governmental representatives and others.

Based upon the public's input and planning considerations, eight priority corridors were selected for more detailed planning. These corridors included Dixie Highway, Cypress Creek, Conservation Levee, New River (State Road 84), Flamingo Road, Hiatus Road, Barrier Islands, and Griffin-Orange corridors. Detailed right of way information was collected and draft plans were prepared. Following endorsement by the Broward County League of Cities Technical Advisory Committee, the Broward County Commission approved an amendment to the Broward County Comprehensive Plan to incorporate the conceptual greenways system plan.

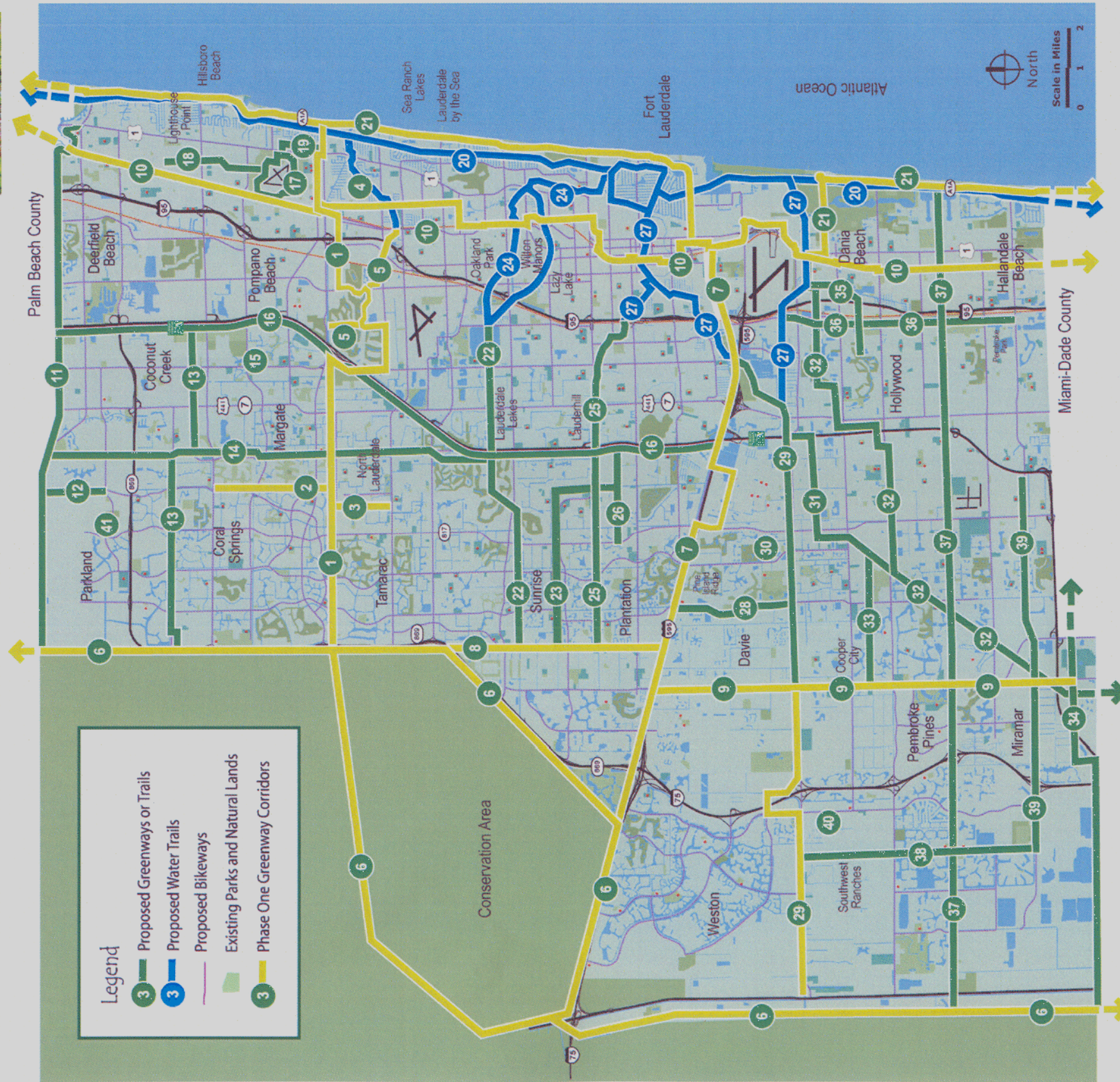
There are over 370 miles of regional greenways, land trails and water trails delineated on the Conceptual Master Plan. These corridors effectively form a framework that traverses all parts of the County, and provide a good representation of differing types of trails, from wide paved and unpaved trails through natural and rural areas, to wide sidewalks through urban areas. This approach provides opportunities for all types of Greenway users and interests.

Figure 4-2 shows the layout of the New River Greenway System. Figures 4-3 and 4-4 show the existing greenway, as designed and presently under construction, in the area of effect.





Broward County Potential Greenways System



Legend

- Proposed Greenways or Trails
- Proposed Water Trails
- Proposed Bikeways
- Existing Parks and Natural Lands
- Phase One Greenway Corridors

Map Index*	Name	Location	Type	Approximate Length (Miles)
1	C-14 Canal / Cypress Creek Greenway	C-14 Canal	Multipurpose Path	112.9
2	Reverie Dr Canal Trail	Reverie Dr Canal	Multipurpose Path	1.5
3	N Lauderdale South Trail	Canal	Multipurpose Path	2.8
4	Smook Creek	Smook Creek Canal	Water Trail	3.0
5	Cypress Creek	Cypress Creek Canal	Multipurpose Path	3.0
6	Conservation Lerece	Levee	Multipurpose Path	48.4
7	New River/58th Greenway	58th New River R.O.W.	Multipurpose Path	11.7
8	Miami Rd. C-42 Canal Trail	C-42 Canal	Multipurpose Path	5.3
9	Flamingo Road Trail	Flamingo Rd. R.O.W.	Multipurpose Path	10.9
10	Dover Highway/FEC Trail	Dover Hwy/FEC R.O.W.	Multipurpose Path	28.6
11	Hillbom Canal Greenway	Hillbom Canal	Multipurpose Path	12.7
12	Pridford Trail	Canal	Multipurpose Path	1.7
13	Creek Springs FPL R.O.W. Trail	Power Easement	Multipurpose Path	7.6
14	Rock Island Road FPL R.O.W. Trail	Power Easement	Multipurpose Path	11.1
15	Cocoon Creek Trails	City-wide	Multipurpose Path	17.1
16	Tampabay Greenway	Existing Path	Multipurpose Path	4.4
17	Pompano AP Park	City-wide	Multipurpose Path	17.1
18	NE 15 Ave/52 Ave Trail	NE 15/52 Ave R.O.W.	Multipurpose Path	2.5
19	NE 26 Ave Trail	NE 26 Ave R.O.W.	Multipurpose Path	1.5
20	Intracoastal Waterway	Water Trail	Multipurpose Path	19.7
21	SR A1A Trail	AIM R.O.W.	Multipurpose Path	25.7
22	C-13 Canal Trail	C-13 Canal	Multipurpose Path	8.1
23	Swan/Reverie Trail	Swan/Reverie Trail	Multipurpose Path	5.0
24	Middle River Trail	Water Trail	Water Trail	8.2
25	C-12 Canal Trail	C-12 Canal	Multipurpose Path	6.5
26	5th Ave Trail	Canal	Multipurpose Path	2.9
27	New River Loop	Water Trail	Water Trail	25.0
28	Wob Hill Trail	Wob Hill R.O.W.	Multipurpose Path	3.0
29	Griffin/Orange Dr. Greenway	City-wide	Multipurpose Path	13.6
30	Dove Trails	Power Easement	Multipurpose Path	4.0
31	West Trail FPL R.O.W.	Power Easement	Multipurpose Path	14.3
32	Central Trail FPL R.O.W.	Power Easement	Multipurpose Path	3.0
33	Rock Creek FPL R.O.W.	Power Easement	Multipurpose Path	9.6
34	C-9 Canal Trail	C-9 Canal	Multipurpose Path	3.2
35	The CSX Trail	CSX R.O.W.	Multipurpose Path	5.5
36	Fernside/Pine/Hollywood Trail	Power Easement	Multipurpose Path	13.6
37	172nd Ave Trail	172nd Ave R.O.W.	Multipurpose Path	5.7
38	172nd Ave Trail	172nd Ave R.O.W.	Multipurpose Path	5.7
39	Southwest Ranches Transportation Trails	Metropolitan Parkway R.O.W.	Recreation Trails	9.0
40	Parland Trails	City-wide	Multipurpose Path	10.6
41	Parland Trails	City-wide	Multipurpose Path	10.6

* Map Index for reference only. Numbers do not indicate priority ranking.
 ** 10.6 miles are along the C-14 Canal.
 *** Phase One Greenway Corridors.



Broward County Board of County Commissioners:

Josephus Eggleston Jr. Ben Graber Sue N. Gunzburger Kristin D. Jacobs Ilene Lieberman Lori Nance Parrish John E. Rodstrom Jr. James A. Scott Diana Wasserman-Rubin

New River Greenway



The New River Greenway is the location of one of Broward County's oldest bicycle and pedestrian paths. Enhancements and upgrades to the path, including better separation from the busy I-595 corridor, will provide a bicycle and pedestrian friendly corridor linking Markham Park and Broward's western conservation area to Port Everglades. The Greenway will also re-establish bicycle and pedestrian links to the College/University complex in Davie which were lost when I-595 was constructed.

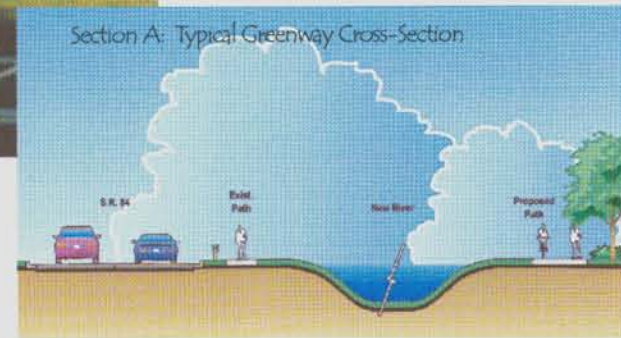
Broward County's Markham Park will anchor the Greenway in western Broward, providing a rich resource for trail users including camping, picnicking, mountain biking trails, playgrounds and other facilities. Connections to the Conservation Levee Greenway and the scenic Everglades will be made to the north and west through Markham Park.

From Markham Park to Nob Hill Road, and from Pine Island Road to University Drive, the existing multi-purpose trail will be relocated from the south to the north bank of the New River Canal providing a much needed separation from I-595 traffic. Pedestrian overpasses at major intersections will allow trail users to avoid the busy at-grade crossings at NW 136th Avenue, Flamingo Road, Hiatus Road, Nob Hill Road, and Pine Island Road.

At University Drive, the New River Greenway will travel south along University Drive to Nova Drive, then east to Davie Road and back north to State Road 84. The Greenway would rejoin the New River Canal north of SR 84 at a new trailhead at Sewell Lock.

Sewell Lock is Broward County's oldest water control structure completed in 1912 and recognized in National Register of Historic Places. From there, the "missing link" project, currently under construction by Broward County, will provide a bicycle and pedestrian path to the east across SR 7. A unique feature of this project will be a bridge suspended from the SR 7 overpass.

East of SR 7, the greenway would utilize wide sidewalks along the north side of SR 84 to its final destination at Federal Highway. Along this section of the greenway, Broward County's Secret Woods Park, which has a nature center, boardwalk and other resources, offers trail users a place for quiet reflection in one of Broward's most urbanized areas. Ft. Lauderdale's 92 acre Snyder Park also provides an excellent trailhead with bicycle and hiking trails, picnicking areas, restrooms, swimming, a dog walking area and other facilities.



Legend

- Proposed Pedestrian Multi-purpose Path
- Trail Being Designed
- Multipurpose Trail Under Construction
- Existing Bicycle Path
- Other Trails
- Proposed Pedestrian Bridges/Overpass
- Schools
- P Trailheads

Scale in Miles: 0, 1 mile, 2 miles



Broward County Board of County Commissioners:
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7/20/04



LEGEND	
	EXISTING BROWARD COUNTY GREENWAY
	EXISTING RIGHT OF WAY
	STATION NUMBER

REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

RS&H
 Reynolds, Smith and Hills, Inc.
 300 S. Pine Island Road, Suite 300
 Plantation, Florida 33324-2619
 954-474-3005
 FL Cert. No. EB0005620
 Phil Schwab, P.E. No. 47555

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
862	BROWARD	409354-1-22-01

**I-95 PD&E STUDY
 EXISTING GREENWAY
 IN AREA OF EFFECT**

SHEET NO.
4-3



LEGEND		
	EXISTING BROWARD COUNTY GREENWAY	
	EXISTING RIGHT OF WAY	
	STATION NUMBER	

REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

RS&H
 Reynolds, Smith and Hills, Inc.
 300 S. Pine Island Road, Suite 300
 Plantation, Florida 33324-2619
 954-474-3005
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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
862	BROWARD	409354-1-22-01

**I-595 PD&E STUDY
 EXISTING GREENWAY
 IN AREA OF EFFECT**

SHEET NO.
4-4

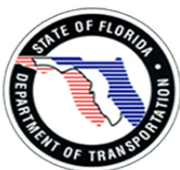


The New River Greenway is the location of one of Broward County's oldest bicycle and pedestrian paths. Enhancements and upgrades to the path, including better separation from the busy I-595 corridor, provides a bicycle and pedestrian friendly corridor linking Markham Park and Broward's western conservation area to Port Everglades, and re-establishing bicycle and pedestrian links to the College/University complex in Davie. Broward County's Markham Park would anchor the greenway in western Broward, providing a resource for trail users including camping, picnicking, mountain biking trails, playgrounds and other facilities. Connections to the Conservation Levee Greenway and the Everglades would be made to the north and west through Markham Park. From Markham Park to University Drive, the existing multipurpose trail would be relocated from the south to the north bank of the New River Canal. Planned pedestrian overpasses would allow trail users to avoid the busy at-grade crossings at SW 136th Avenue, Flamingo Road, Hiatus Road, Nob Hill Road, and Pine Island Road.

At University Drive, the greenway would shift to the south side of SR 84 utilizing wide sidewalks to Davie Road. The greenway would rejoin the New River Canal north of SR 84 at a new trailhead at Sewell Lock Park. From there the greenway will provide a bicycle and pedestrian path east to SR 7 on the south bank of the New River Canal, where the trail will then connect to Riverland Woods Park on the north side of the New River Canal. East of SR 7, the greenway would utilize wide sidewalks along the north side of SR 84 to its final destination in Port Everglades. Along this section of the greenway, Broward County's Secret Woods Park has a nature center, boardwalk and other resources. Synder Park, located approximately two miles east of I-95, also provides an excellent trailhead with bicycle and hiking trails, picnicking areas, restrooms, swimming, a dog park and other facilities.

Considerable portions of the greenway network are located on FDOT right of way and a considerable portion of the improvements to the North New River Greenway are being funded by the FDOT and FHWA. A copy of the FDOT Local Agency Program Agreement, executed on December 6, 2002, is provided in Appendix B. A copy of the Notice to Proceed, dated December 6, 2002, is provided in Appendix C. In the immediate vicinity of the project corridor, the New River Greenway utilizes South Florida Water Management District (SFWMD) right of way along the North New River Canal through SFWMD Right of Way Occupancy Permit #6615 (see Appendix D) and FDOT right of way through FDOT Permits #86080 and #86095 (see Appendix E).

SFWMD Right of Way Occupancy Permit #6615 for the existing bicycle path was issued on February 10, 1977 for the north side of the North New River Canal between University Drive and Pine Island Road, and the south side of the North New River Canal between Pine Island Road and the Markham Park Bridge (at Weston Road). However, the section between University Drive and Pine Island Road was never constructed. On October 8, 2003, Permit #6615 was modified for the new greenway.





5.0 EFFECTS ON THE SECTION 4(F) PROPERTY

The proposed project will result in several beneficial effects on the greenway. It will provide a 6-foot to 12-foot wide continuous sidewalk/shared use path on the south side of SR 84 between SW 66th Terrace and Davie Road. This will provide an alternative route that was previously not available to Broward County for the New River Greenway due to the lack of sufficient public right of way for a sidewalk on the north side of the Florida Power and Light substation, located immediately east of SW 66th Terrace (this is the only location the proposed sidewalk is 6 feet wide). If the new sidewalk is incorporated into the New River Greenway, it will reduce the travel distance and time for users traveling between University Drive and Davie Road because they will not have to go south to Nova Drive to make the connection. Furthermore, the proposed project also includes 4-foot wide bike lanes along both eastbound and westbound SR 84 throughout the project limits.

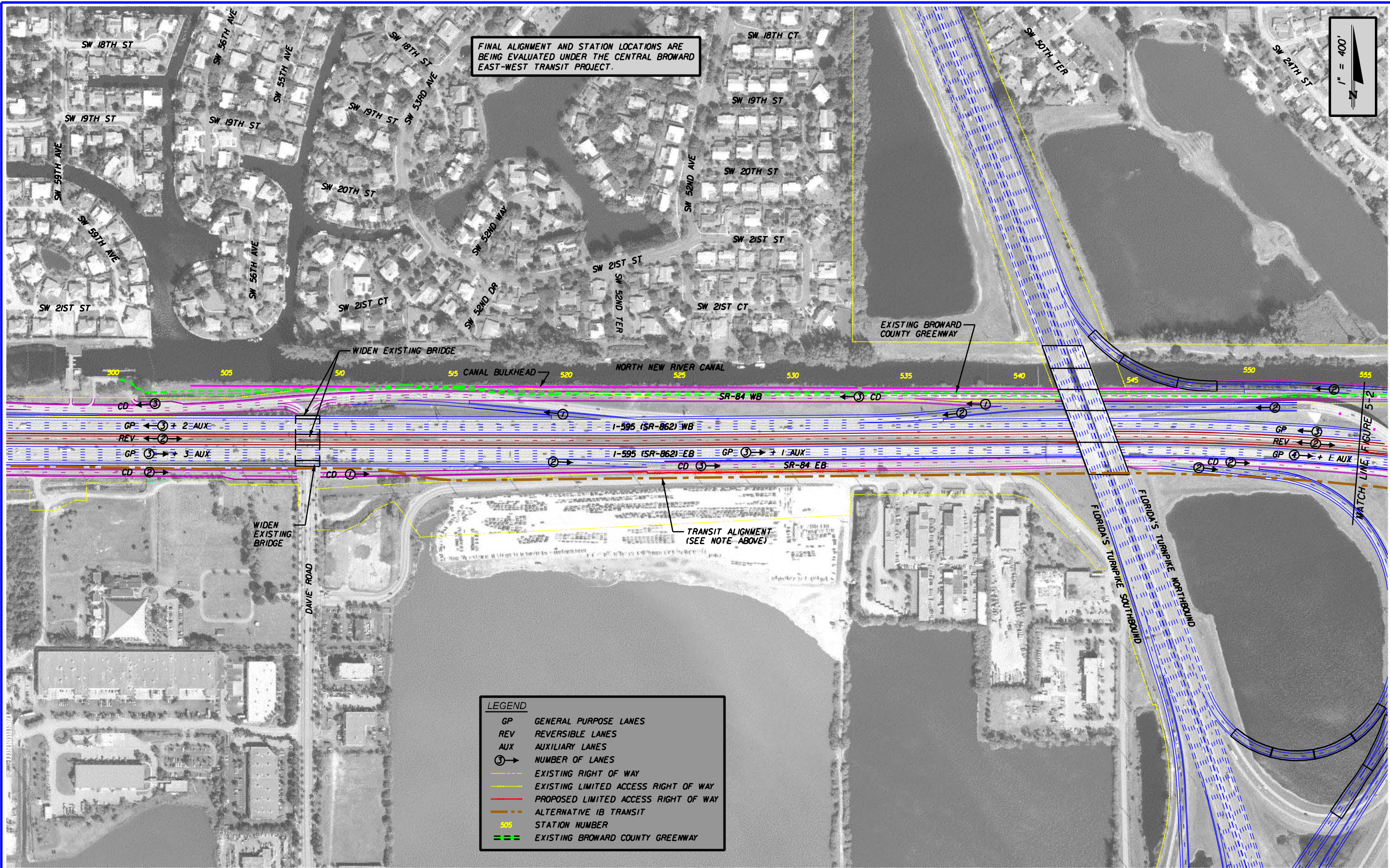
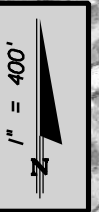
However, approximately 1.7 miles of the existing 14-mile New River Greenway will be affected by the proposed continuous connection of SR 84 and improvements to the I-595 interchange with Florida's Turnpike. Figures 5-1 through 5-4 show the alignment of Alternatives 1B and 2A in relation to the existing greenway alignment. All of the PD&E alternatives considered for this project, including 1B and 2A, would have the same effects.

Although the direct conflict occurs between SW 44th Avenue and theoretical SW 51st Avenue, the entire section of the New River Greenway from SR 7 to theoretical SW 51st Avenue would be affected because it would be truncated at SW 44th Avenue. This 1.7-mile section represents 1% of Broward County's 183-mile greenway network.

An evaluation of alternatives to avoid or minimize impacts to the greenway resource were evaluated and an overview of these alternatives is included in Section 6.0 and 7.0 of this document.



FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.



LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③ →	NUMBER OF LANES
—	EXISTING RIGHT OF WAY
- - -	EXISTING LIMITED ACCESS RIGHT OF WAY
—	PROPOSED LIMITED ACCESS RIGHT OF WAY
- - -	ALTERNATIVE 1B TRANSIT
505	STATION NUMBER
—	EXISTING BROWARD COUNTY GREENWAY

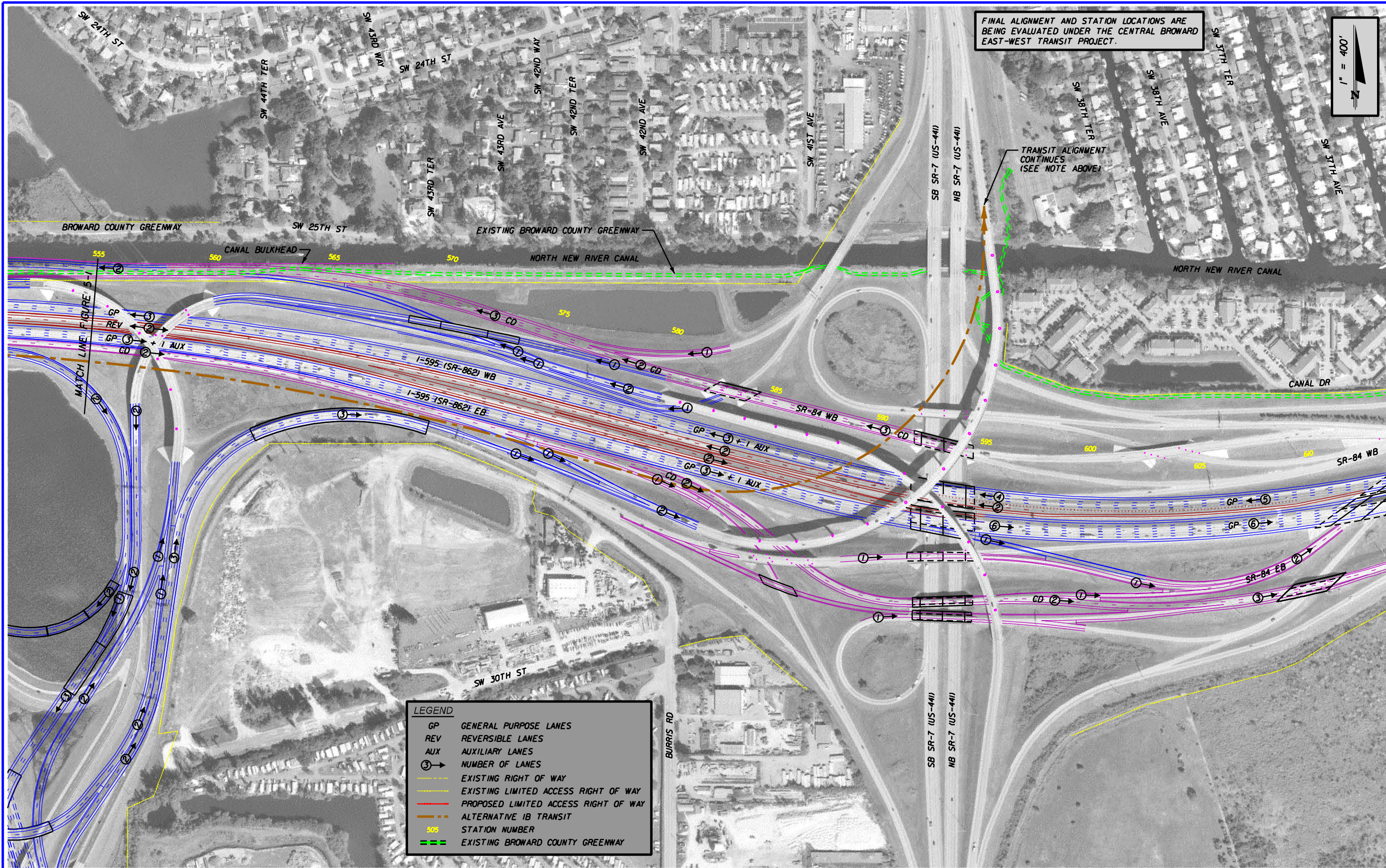
REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

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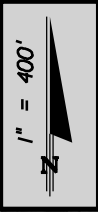
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
862	BROWARD	409354-1-22-01

**I-95 PD&E STUDY
 ALTERNATIVE 1B PLAN**

SHEET NO.
5-1



FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.



LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③	NUMBER OF LANES
---	EXISTING RIGHT OF WAY
---	EXISTING LIMITED ACCESS RIGHT OF WAY
---	PROPOSED LIMITED ACCESS RIGHT OF WAY
---	ALTERNATIVE 1B TRANSIT
505	STATION NUMBER
---	EXISTING BROWARD COUNTY GREENWAY

REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

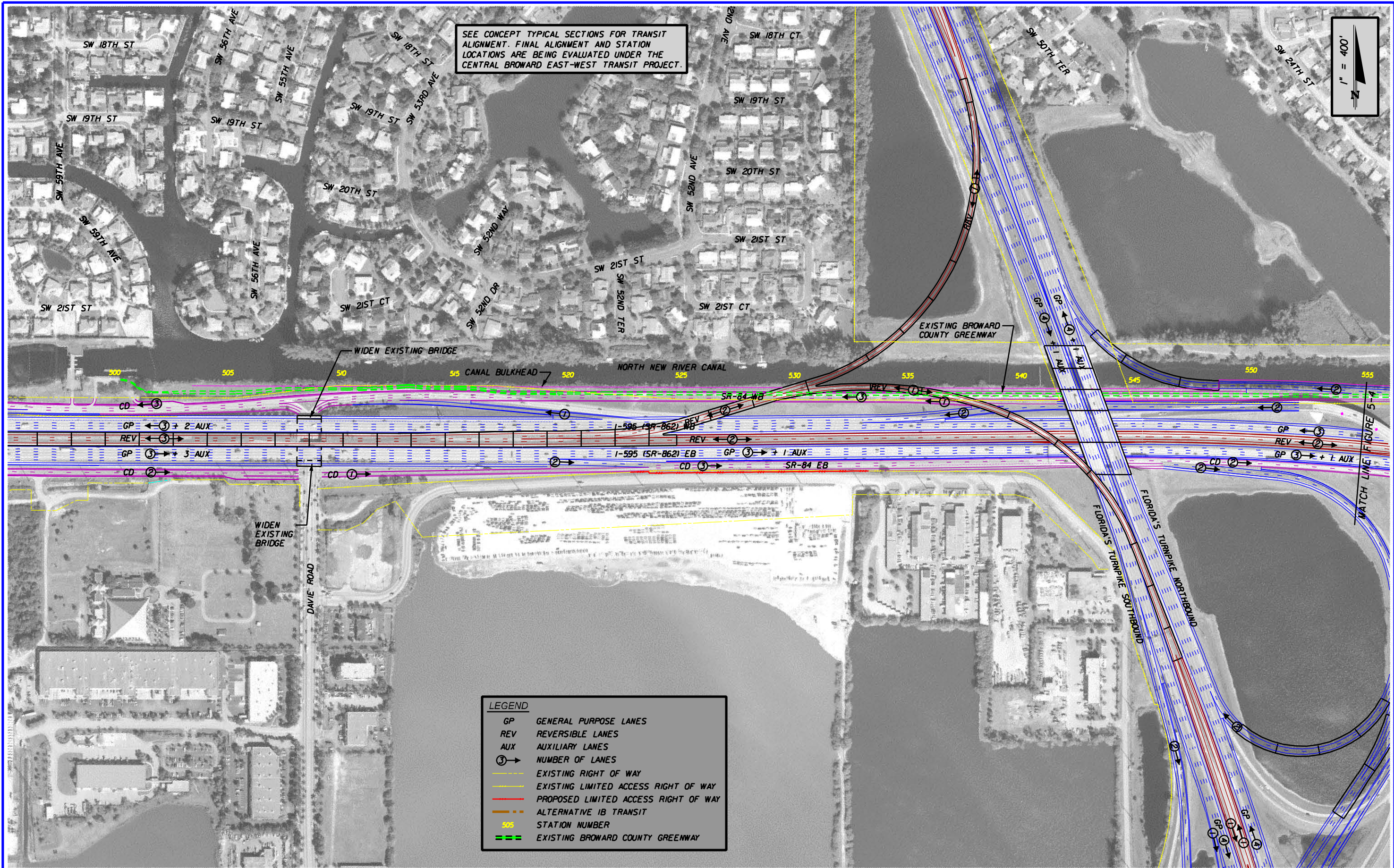
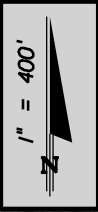
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862	BROWARD	409354-1-22-01

**I-595 PD&E STUDY
 ALTERNATIVE 1B PLAN**

SHEET NO.
5-2

SEE CONCEPT TYPICAL SECTIONS FOR TRANSIT ALIGNMENT. FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.



LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③ →	NUMBER OF LANES
—	EXISTING RIGHT OF WAY
---	EXISTING LIMITED ACCESS RIGHT OF WAY
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---	ALTERNATIVE 1B TRANSIT
505	STATION NUMBER
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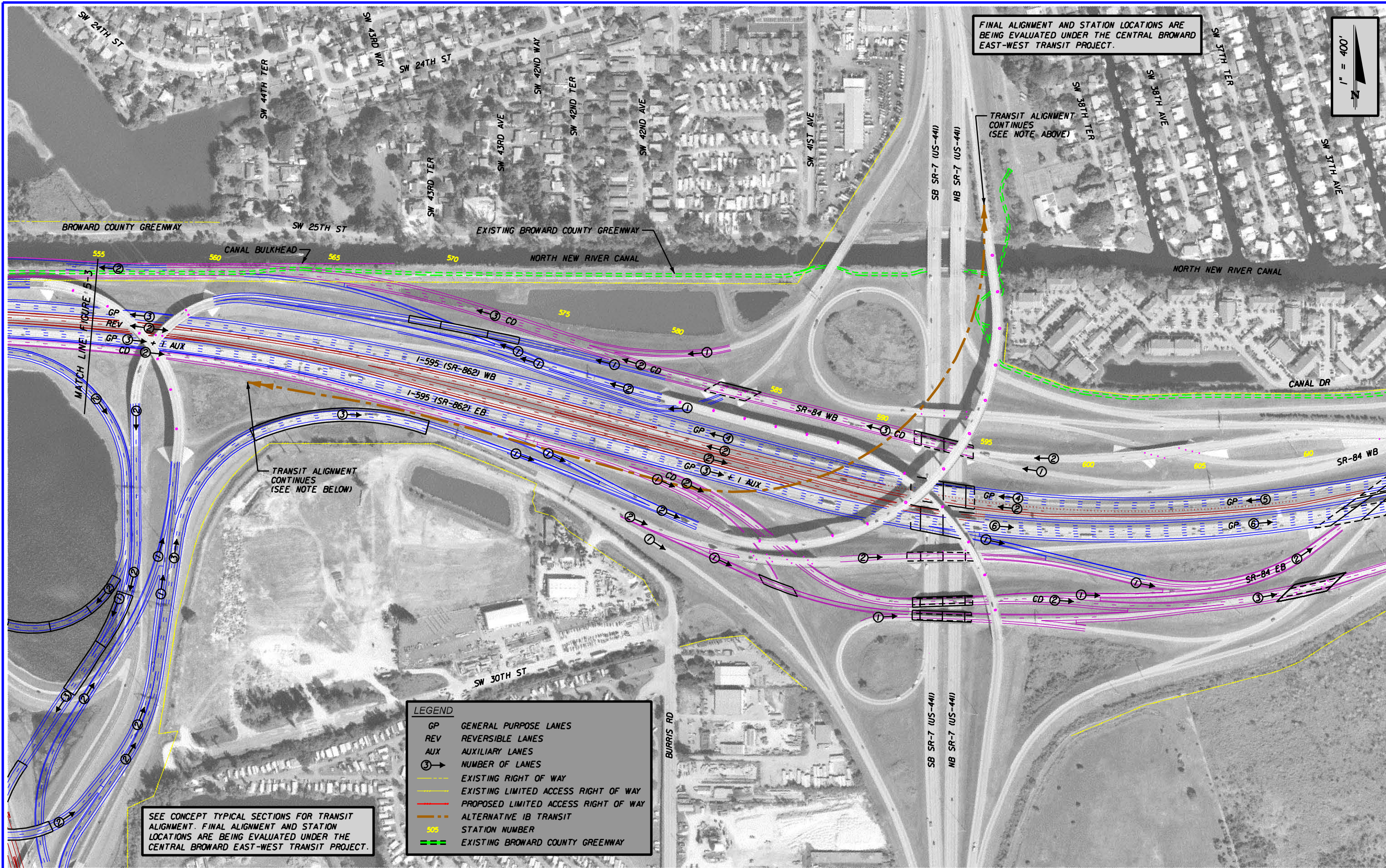
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862	BROWARD	409354-1-22-01

**I-95 PD&E STUDY
 ALTERNATIVE 2A PLAN**

SHEET NO.
5-3



SEE CONCEPT TYPICAL SECTIONS FOR TRANSIT ALIGNMENT. FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.

LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③	NUMBER OF LANES
---	EXISTING RIGHT OF WAY
---	EXISTING LIMITED ACCESS RIGHT OF WAY
---	PROPOSED LIMITED ACCESS RIGHT OF WAY
---	ALTERNATIVE IB TRANSIT
505	STATION NUMBER
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ROAD NO.	COUNTY	FINANCIAL PROJECT ID
862	BROWARD	409354-1-22-01

**I-595 PD&E STUDY
ALTERNATIVE 2A PLAN**

SHEET NO.
5-4



6.0 AVOIDANCE ALTERNATIVES

Do Nothing Alternative

The alternative of not improving I-595 is not feasible and prudent because it would not correct existing or projected capacity deficiencies, safety hazards, deteriorated conditions, and maintenance problems. Not providing any of the proposed improvements would constitute a community impact of extraordinary magnitude and would result in truly unusual or unique problems; compared with the proposed relocation of 1.7 miles of the New River Greenway to the north side of the New River Canal.

Build an Improved Facility on a New Location

The I-95/I-595 Multimodal Transportation Corridor Master Plan Study completed in March 2003 included a Tier One Alternative Corridor Study as well as an evaluation of fifteen different build alternatives. The Master Plan Study produced a LPA that was approved by FHWA. In that study, three paralleling corridors were considered that included Broward Boulevard (SR 842), Sunrise Boulevard (SR 838) and Griffin Road (SR 818). Each of the three alternate corridors is classified as a principal arterial. However, none provide the level of access control that exists within the I-595 corridor. Several factors weigh against the consideration of these alternate corridors as the site for large scale multi-modal corridor investments.

- ◆ These facilities all have multiple at-grade intersections with major cross streets along its length. Adequate level of service could not be provided with at-grade intersections.
- ◆ These facilities have grade level crossings of major rail lines. Corridors with at-grade rail crossings could not provide adequate level of service.
- ◆ Direct access to adjacent land uses are permitted at some points along the corridors' lengths. These corridors do not meet the desirable access management criteria for a multi-modal corridor.
- ◆ Dense development has already occurred, particularly along the eastern portion of the corridors. Consequently, upgrading these corridors would require significant right-of-way acquisition.

As a result of these conditions, none of the parallel corridors have the potential to fully address the growing east-west travel demand in Broward County. Therefore, it is not feasible and prudent to avoid the New River Greenway by construction on another alignment.

Improve the Highway without using the New River Greenway

One of the primary objectives of the PD&E study is to reestablish the continuation of SR-84 between SR-7 and Davie Road. The continuation of SR-84 was lost when I-595 was initially constructed. One alternative developed to avoid impacts to the New River



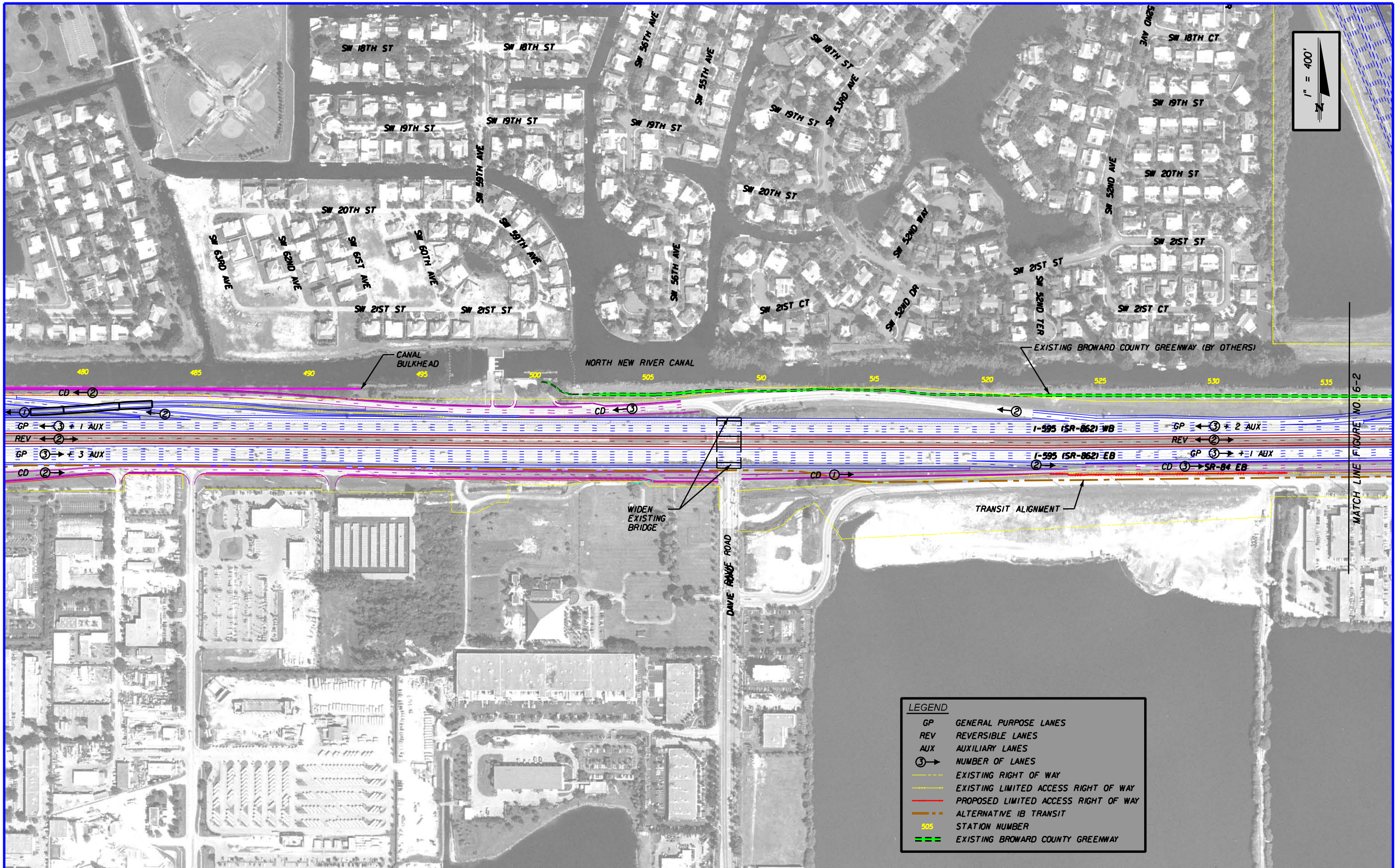


Greenway is to eliminate this continuation from the proposed project. Figures 6-1 and 6-2 show the details of this avoidance alternative. The figures show how the westbound I-595 to northbound Florida's Turnpike ramp would be constructed entirely on structure to span both the greenway and the North New River Canal and then following an alignment on the north bank of the North New River Canal. Although this alternative eliminates the continuous connection of SR-84 it also eliminates the traffic weave section that currently exists where the southbound Florida's Turnpike to eastbound I-595 and northbound SR-7 to westbound traffic converge. Correcting this traffic weave section was another objective of the LPA.

The removal of the continuous SR-84 connection from the project would cause the projected I-595 mainline traffic volumes to fail to meet the minimum level of service required for this facility since all traffic originating on SR-84, SR-7 and Florida's Turnpike traveling west must get on I-595 then exit at Davie Road to access westbound SR-84. Therefore, this avoidance alternative was not evaluated further.

Because of the physical constraints imposed by the existing ramps and lanes associated with I-595 and its complex interchanges with Florida's Turnpike and SR-7, geometric constraints preclude the consideration of any other alternatives. All other alternatives to impacting the existing New River Greenway in this section would also require the complete reconstruction of Florida's Turnpike mainline bridges, which would be a very costly and disruptive to the traveling public. Therefore, implementing such measures would result in: (a) substantial adverse community impacts to adjacent homes, businesses or other improved properties; (b) substantially increased roadway or structure costs; (c) unique engineering, traffic, maintenance, or safety problems; (d) substantial adverse social, economic, or environmental impacts; (e) the project not meeting identified transportation needs; and (f) the impacts, costs, or problems would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed relocation of 1.7 miles of the New River Greenway to the north side of the New River Canal.





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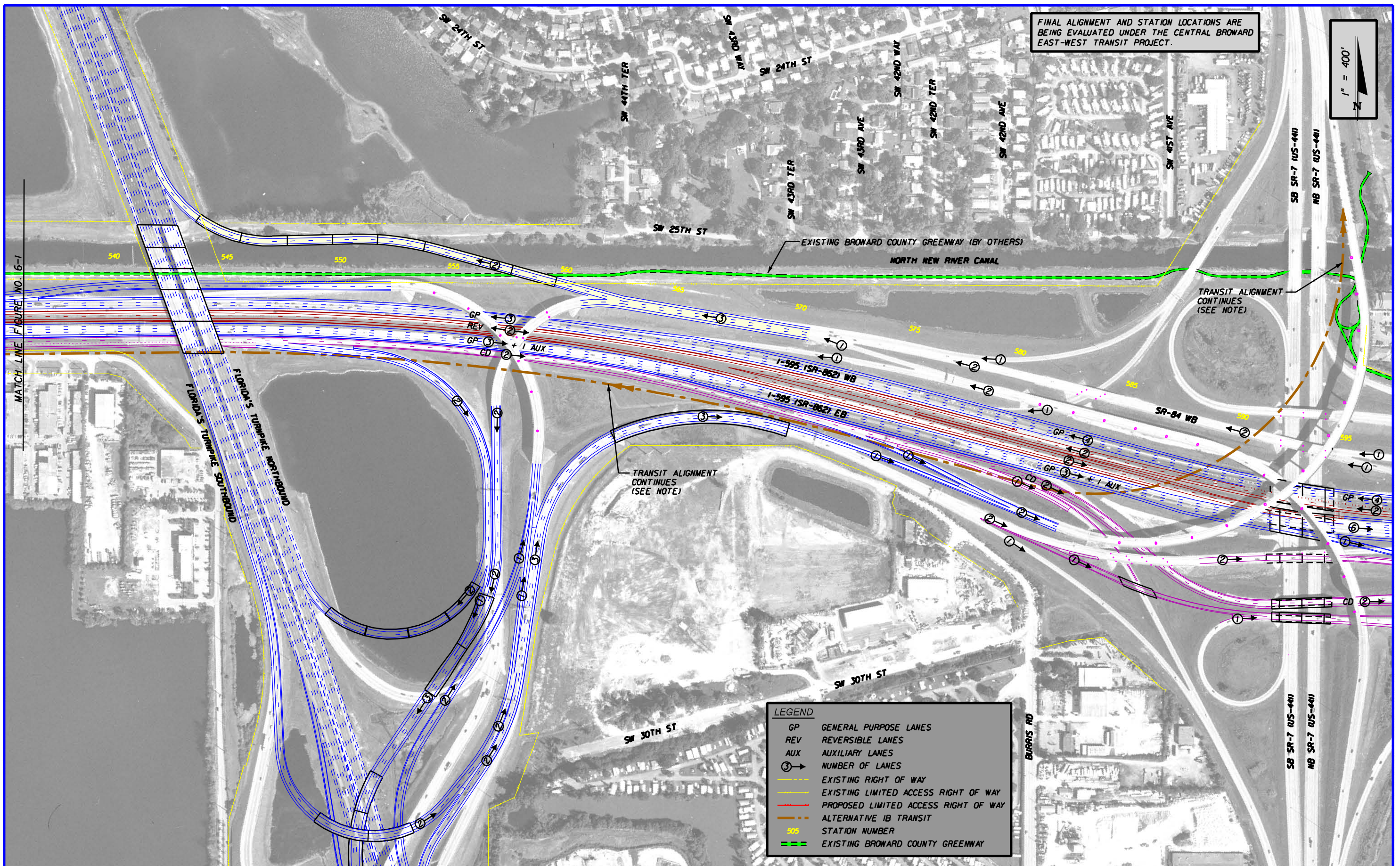
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ROAD NO.	COUNTY	FINANCIAL PROJECT ID
862	BROWARD	409354-1-22-01

**I-95 PD&E STUDY
SECTION 4F
AVOIDANCE ALTERNATIVE**

SHEET NO. 6-1

FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.



LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③ →	NUMBER OF LANES
---	EXISTING RIGHT OF WAY
---	EXISTING LIMITED ACCESS RIGHT OF WAY
---	PROPOSED LIMITED ACCESS RIGHT OF WAY
---	ALTERNATIVE IB TRANSIT
545	STATION NUMBER
---	EXISTING BROWARD COUNTY GREENWAY

REVISIONS					
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ROAD NO.	COUNTY	FINANCIAL PROJECT ID
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**I-95 PD&E STUDY
 SECTION 4F
 AVOIDANCE ALTERNATIVE**

SHEET NO.
6-2



7.0 MEASURES TO MINIMIZE HARM

Since no viable avoidance alternative is available, four alternatives that minimized harm to the greenway were also evaluated. All four alternatives meet the goals of the overall system improvements by providing a continuous connection for SR 84 and the westbound to northbound direct ramp connection to Florida's Turnpike.

Minimization Alternative 1

Minimization Alternative 1 keeps the greenway geometry in its current position along the south bank of the North New River Canal. This alternative would require westbound SR 84 to be elevated above the greenway on structure between SR 7 and Davie Road. SR 84 would overpass Florida's Turnpike mainline on structure at a third level. This structure however, would be in conflict with the Alternative 2A direct connection ramp between the I-595 reversible lanes and Florida's Turnpike north of I-595. In addition, the greenway would still require relocation adjacent to the canal near the Davie Road westbound off ramp, where the elevated portion of SR 84 returns to grade. See Figures 7-1 and 7-2. It is anticipated that noise and aesthetic impacts to the Plantation Harbor community would increase with the elevated SR 84 structure. Broward County also did not support an alternative that located the greenway underneath and between structures. This alternative was eliminated from further consideration.

Minimization Alternative 2

Minimization Alternative 2 would relocate the greenway north to the opposite side of Florida's Turnpike mainline bridge structure South Bank Column Line. SR 84 just west of SR 7 would be elevated to pass over the greenway and immediately return to grade to pass underneath Florida's Turnpike. The greenway would be relocated to cantilever over the canal in the area of Florida's Turnpike. Like Minimization Alternative 1, Minimization Alternative 2 will also require relocating the greenway immediately adjacent to the canal near the Davie Road westbound off ramp (Figures 7-3 and 7-4). Because of the close spacing of existing structures for this portion of the alignment, the profile of SR 84 required for this alternative cannot meet current minimum design standards. This alternative was not carried forward for further evaluation.

Minimization Alternative 3

Minimization Alternative 3 retains the roadway geometry as currently proposed and cantilevers the greenway over the North New River Canal between SR 7 and Davie Road (Figure 7-5). This alternative would require bulkheading of the south side of the canal from SR 7 to Sewell Lock Park. This alternative was abandoned because Broward County did not support a greenway cantilevered over a body of water. Additionally, the SFWMD expressed concerns that the cantilevered structure may result in problems with the maintenance of the canal and may collect debris. This alternative did not avoid impacts to the Section 4(f) resource and was eliminated from further consideration.





Minimization Alternative 4

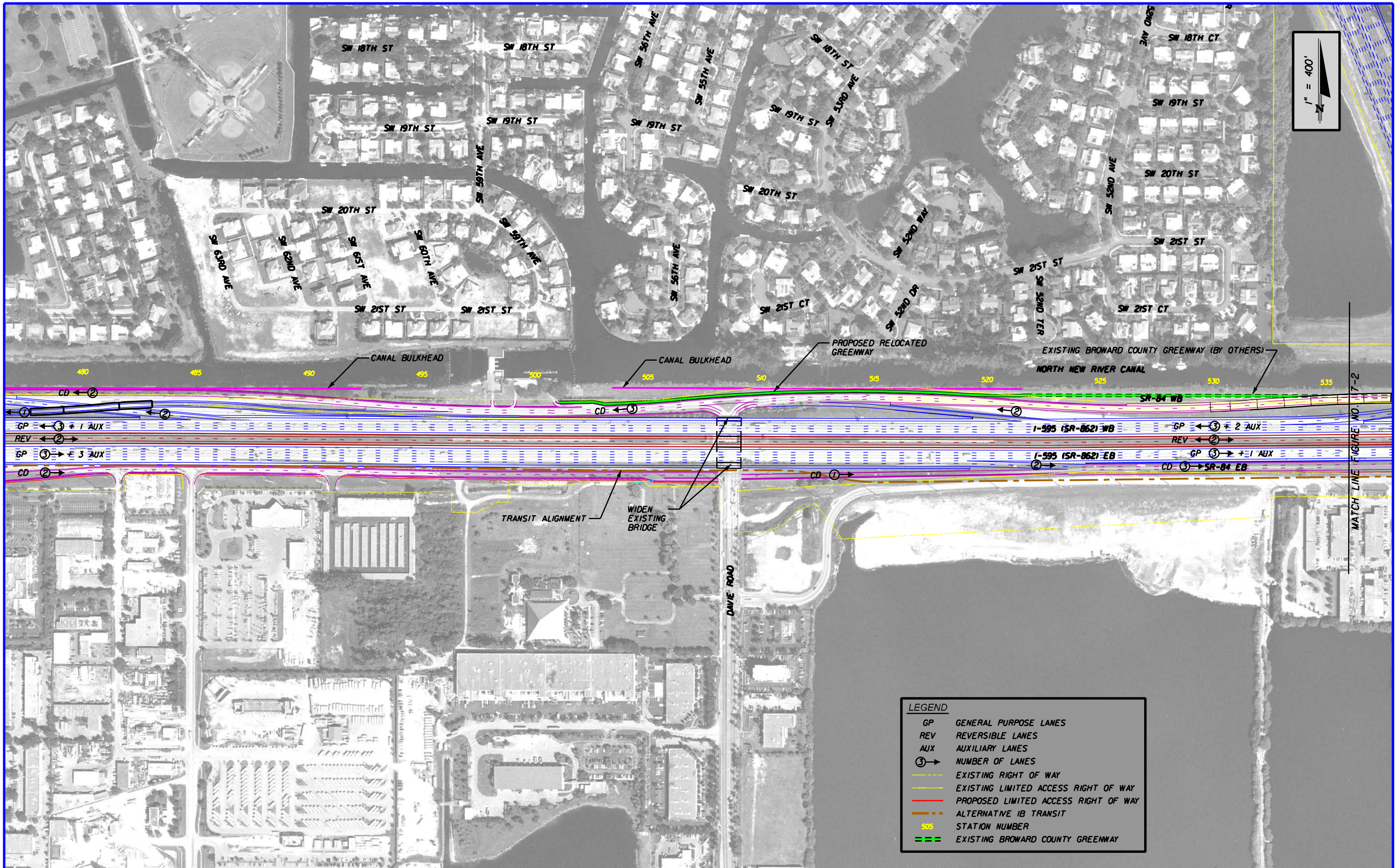
Minimization Alternative 4 would relocate the greenway from the south bank of the North New River Canal (immediately north of I-595) to the north bank of the North New River Canal (immediately south of SW 25th Street) between SR 7 and theoretical SW 51st Avenue. This minimization alternative will result in no net loss of greenway and is the preferred measure to minimize harm to the Section 4(f) property. The relocated greenway would be within 200 feet of the existing alignment and would occupy SFWMD right of way for the North New River Canal from SR 7 to SW 41st Avenue, Broward County right of way for SW 25th Street between SW 41st Avenue and SW 44th Terrace, and SFWMD right of way for the North New River Canal from SW 44th Terrace to theoretical SW 51st Avenue. At theoretical SW 51st Avenue, a new bridge will be constructed for the greenway over the North New River Canal to connect it to the south bank of the North New River Canal, where it will continue to Davie Road immediately adjacent to the canal bulkhead. From Davie Road to Sewell Lock Park, the greenway will follow its current alignment. See Figures 7-6 and 7-7.

This alternative will allow the SR 84 continuous connection to be provided and SR 84 will be able to pass under Florida's Turnpike mainline structures. All of the other LPA improvements, including the proposed westbound I-595 direct ramp to northbound Florida's Turnpike will be provided with this alternative.

This alternative will also provide additional separation between the greenway and I-595 traffic between SR 7 and theoretical SW 51st Avenue. Access to the neighboring communities for this portion of the alignment will be improved providing better accessibility for residents on the north side of the North New River Canal and west of SR 7. This alternative also has the lowest cost of all the minimization alternatives considered. The proposed construction sequencing for the section of the project would construct the relocated section of the greenway prior to impacting the existing section thereby resulting in no net loss of greenway or its function.

Based on the above considerations, there is no feasible and prudent alternative to the use of land from the New River Greenway and the proposed action includes all possible planning to minimize harm to the New River Greenway resulting from such use. Minimization Alternative 4 is the only viable alternative that satisfies the needs of both the LPA improvements, the I-595 PD&E Study improvements and the New River Greenway.





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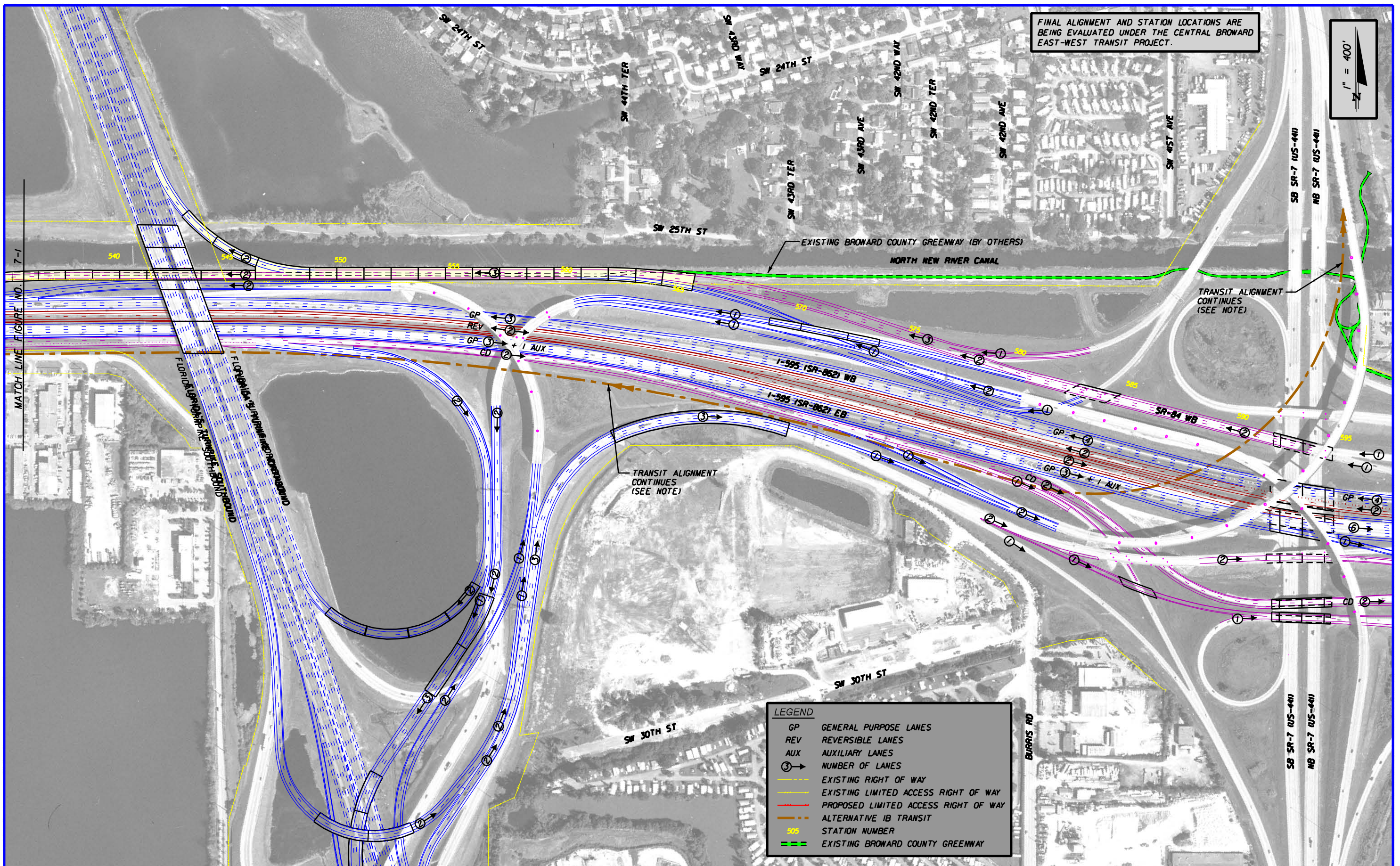
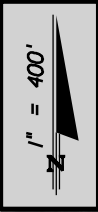
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ROAD NO.	COUNTY	FINANCIAL PROJECT ID
862	BROWARD	409354-1-22-01

**I-95 PD&E STUDY
SECTION 4F
MINIMIZATION ALTERNATIVE 1**

SHEET NO. 7-1

LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③ →	NUMBER OF LANES
---	EXISTING RIGHT OF WAY
---	EXISTING LIMITED ACCESS RIGHT OF WAY
---	PROPOSED LIMITED ACCESS RIGHT OF WAY
---	ALTERNATIVE IB TRANSIT
505	STATION NUMBER
---	EXISTING BROWARD COUNTY GREENWAY

FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.



MATCH LINE FIGURE NO. 7-1

LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③	NUMBER OF LANES
---	EXISTING RIGHT OF WAY
---	EXISTING LIMITED ACCESS RIGHT OF WAY
---	PROPOSED LIMITED ACCESS RIGHT OF WAY
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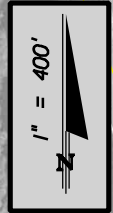
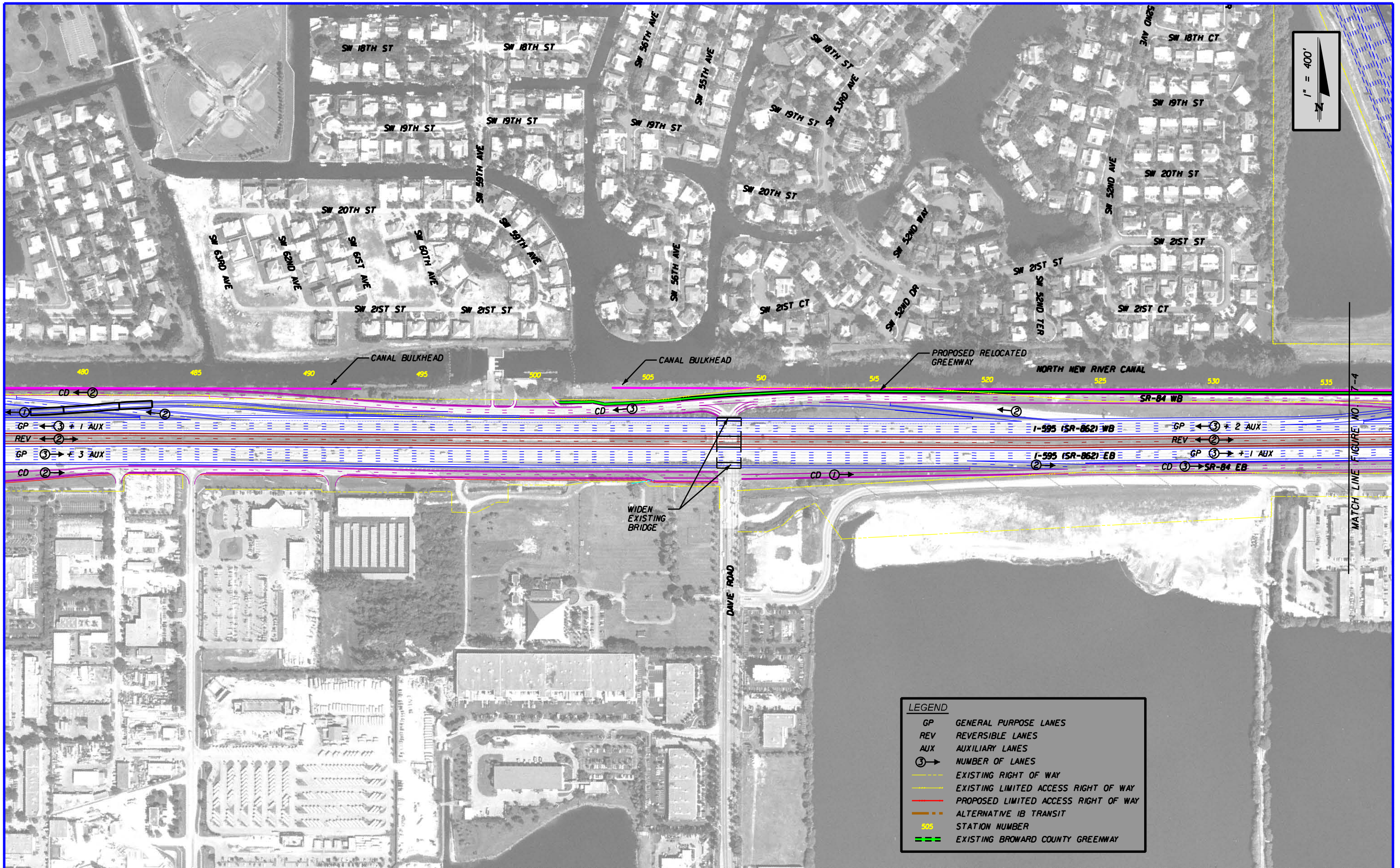
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**I-95 PD&E STUDY
 SECTION 4F
 MINIMIZATION ALTERNATIVE 1**

SHEET NO.
7-2



MATCH LINE FIGURE NO. 7-4

LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③ →	NUMBER OF LANES
---	EXISTING RIGHT OF WAY
---	EXISTING LIMITED ACCESS RIGHT OF WAY
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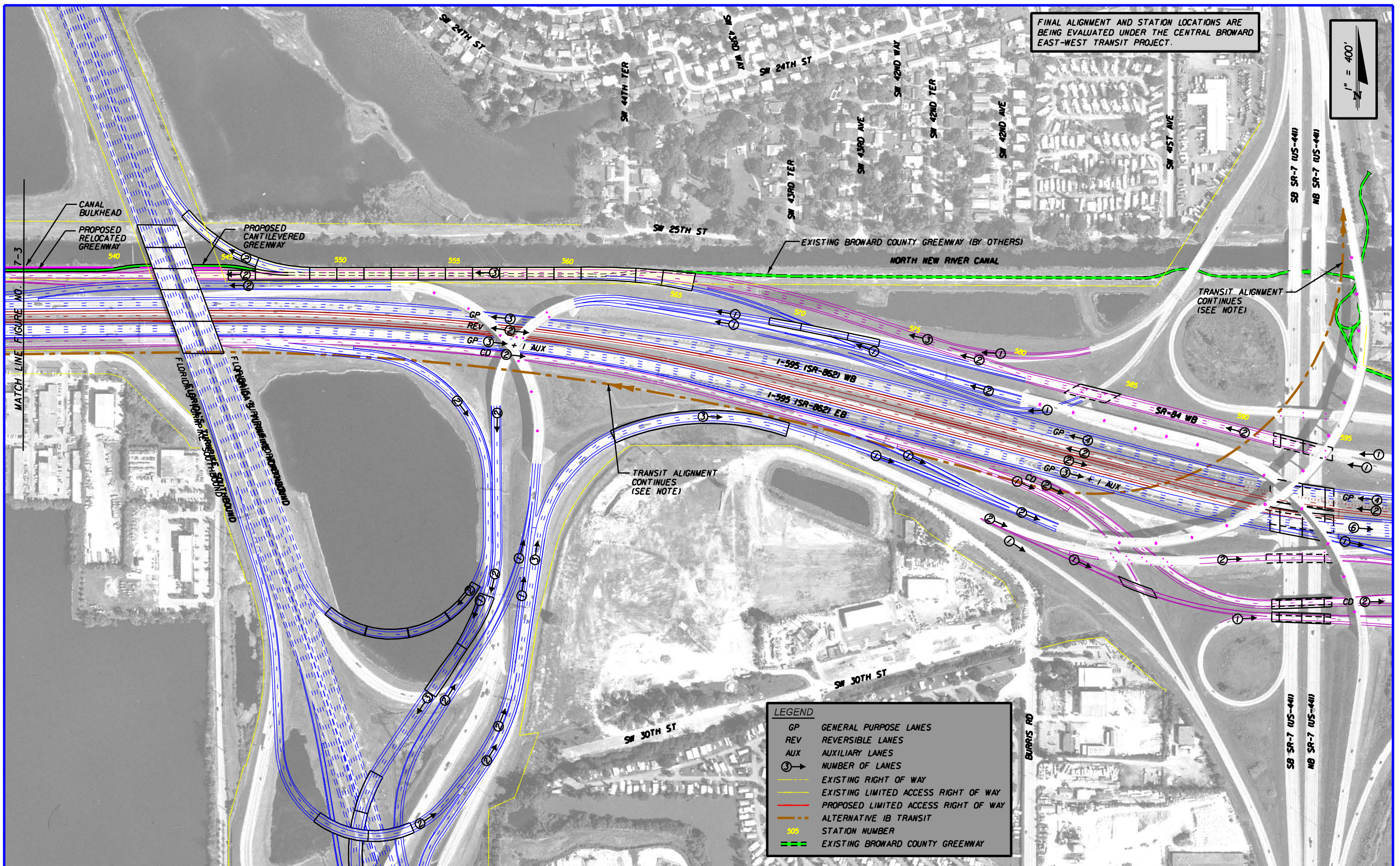
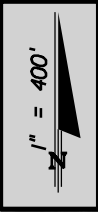
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**I-95 PD&E STUDY
SECTION 4F
MINIMIZATION ALTERNATIVE 2**

SHEET NO.
7-3

FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.



MATCH LINE FIGURE NO. 7-3

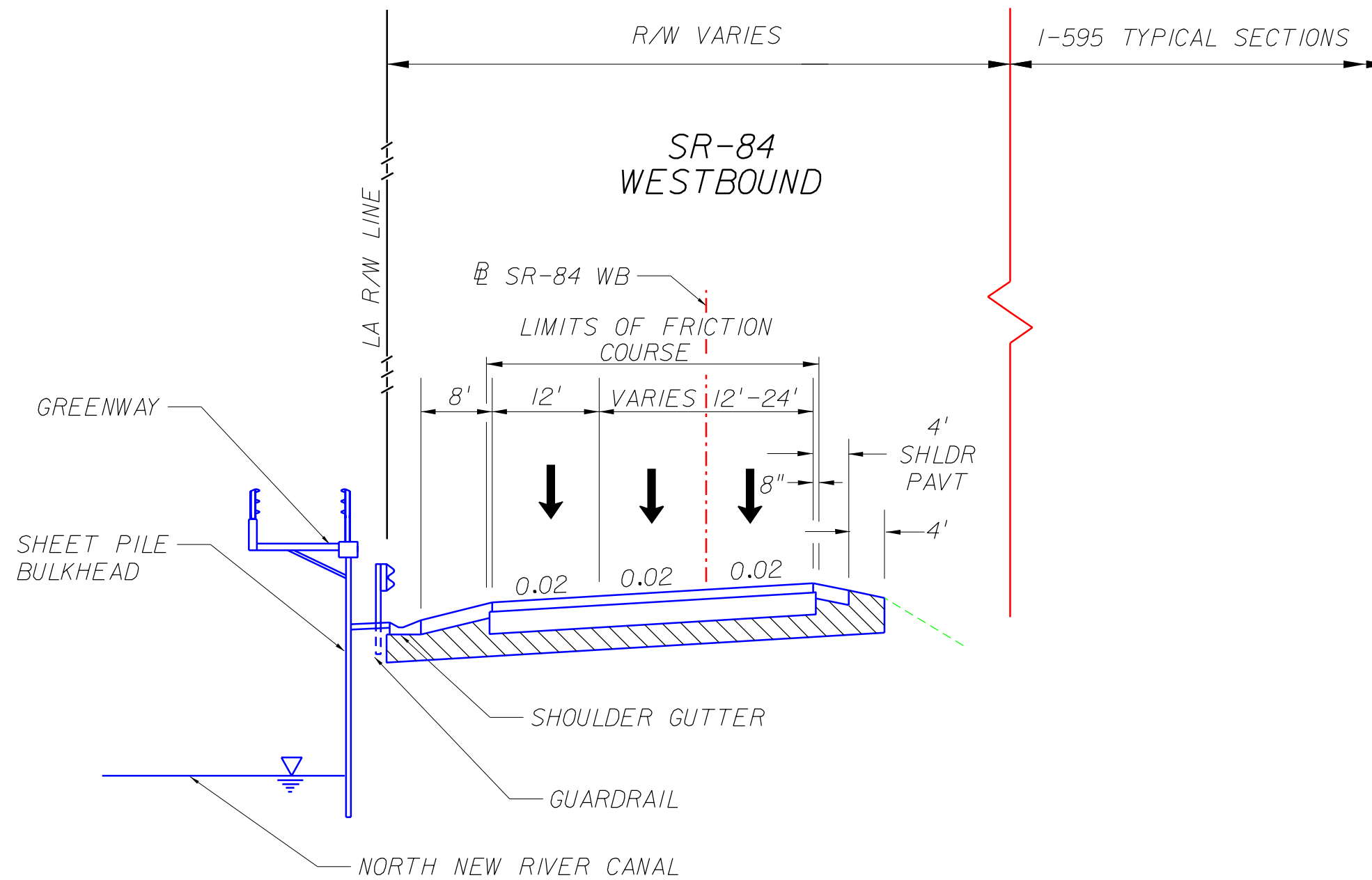
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I-95 PD&E STUDY
SECTION 4F
MINIMIZATION ALTERNATIVE 2

SHEET NO.
7-4



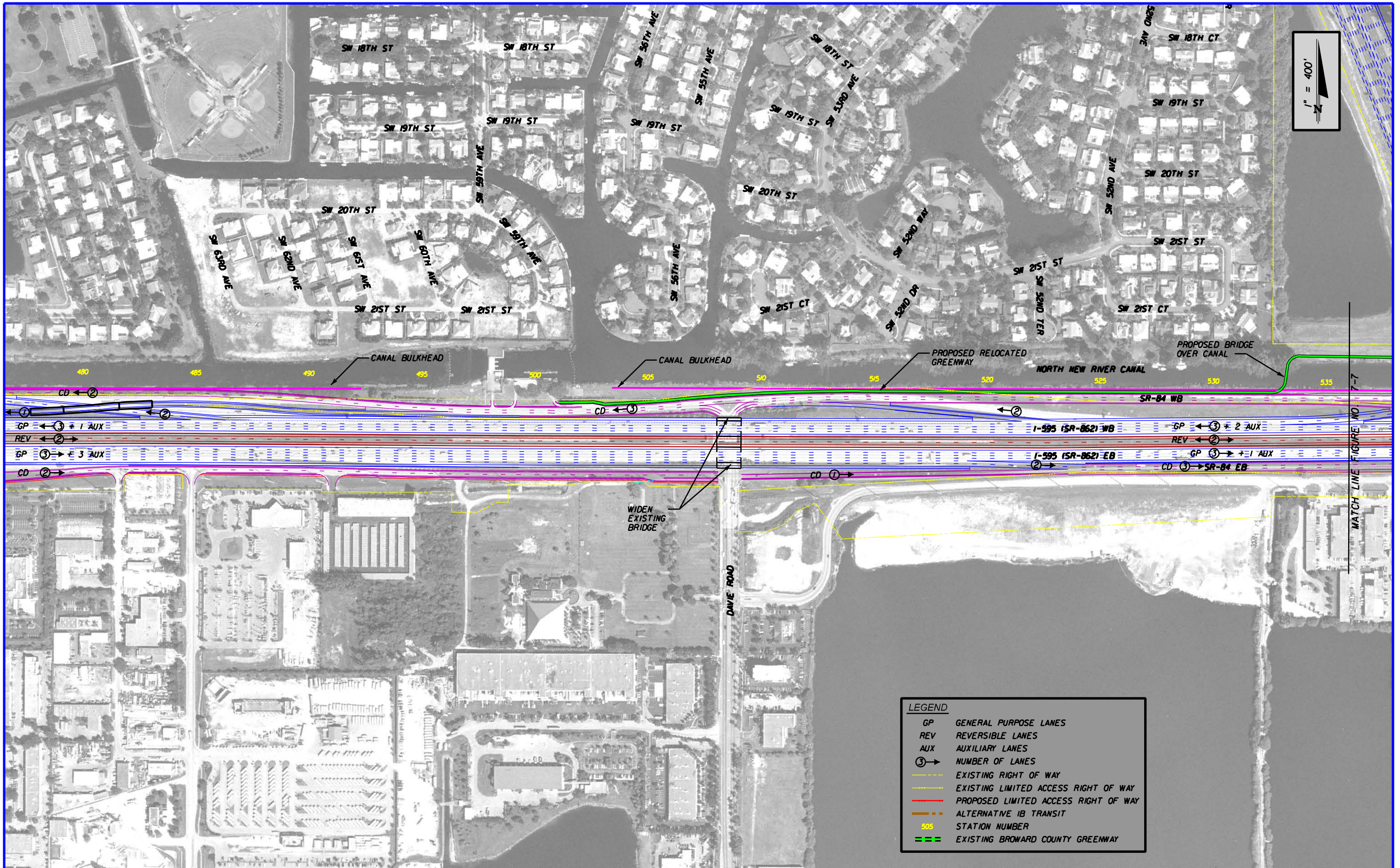
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**I-595 PD&E STUDY
 SECTION 4F
 MINIMIZATION ALTERNATIVE 3**

SHEET NO.
7-5



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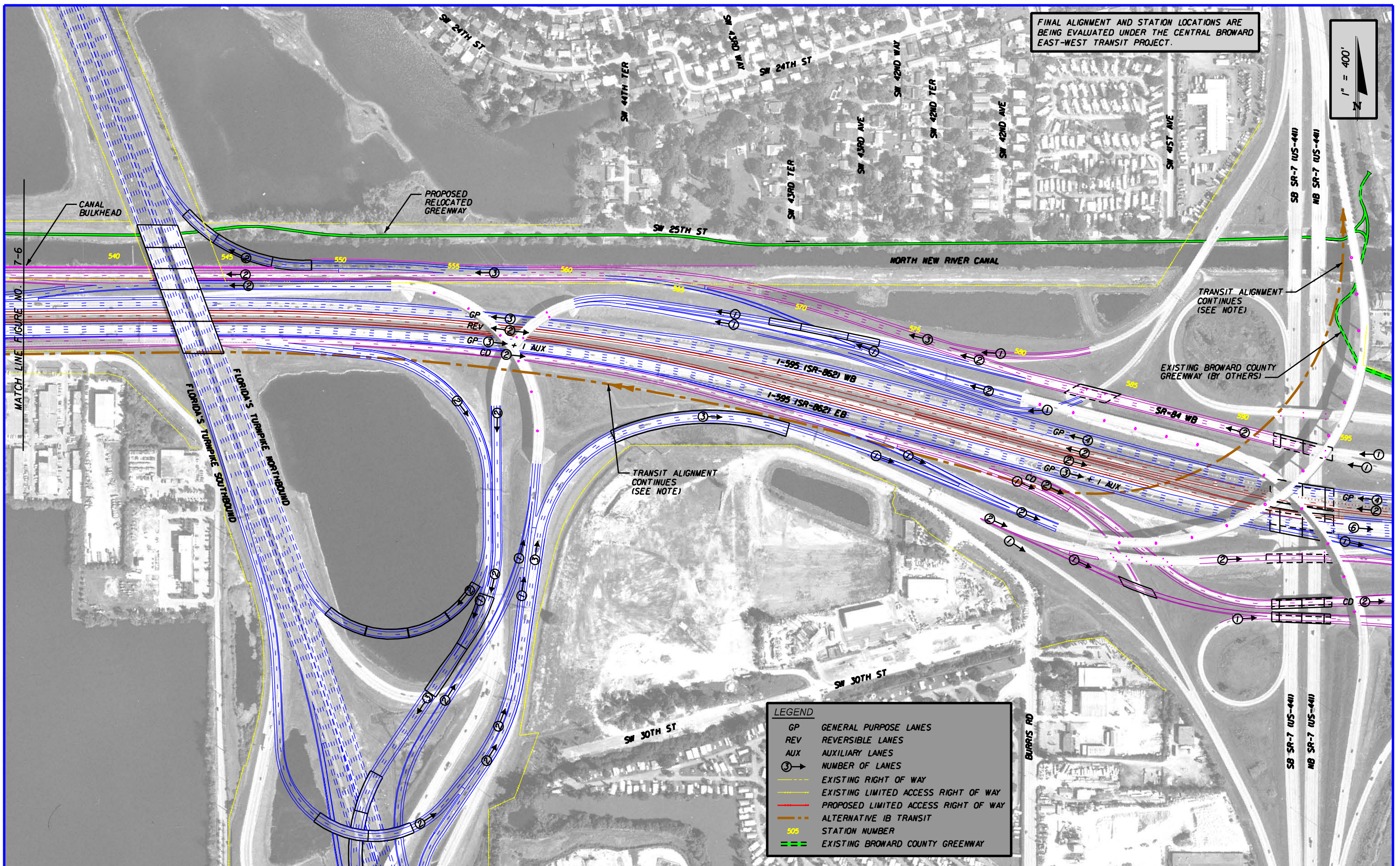
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
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862	BROWARD	409354-1-22-01

**I-95 PD&E STUDY
SECTION 4F
MINIMIZATION ALTERNATIVE 4**

SHEET NO.	7-6
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LEGEND	
GP	GENERAL PURPOSE LANES
REV	REVERSIBLE LANES
AUX	AUXILIARY LANES
③ →	NUMBER OF LANES
---	EXISTING RIGHT OF WAY
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**I-95 PD&E STUDY
 SECTION 4F
 MINIMIZATION ALTERNATIVE 4**

SHEET NO.
7-7



8.0 COORDINATION

To initiate early communication and coordination with government agencies, the FDOT provided an Advance Notification (AN) Package defining the project to local, state and federal agencies. On November 5, 2003, the AN Package was mailed to the State Clearinghouse, elected officials and governmental agencies, including the Broward County Parks and Recreation Department (BCPRD), Broward County Department of Planning and Environmental Protection (now the Environmental Protection Department, BCEPD), and SFWMD.

The AN stated that a preliminary evaluation of potential involvement with potential Section 4(f) properties was performed using Broward County's GIS data and a field reconnaissance. The AN also stated that a thorough evaluation of impacts would be performed for each of the properties it identified as well as any other Section 4(f) properties subsequently identified during the PD&E study.

As described in previous sections, the New River Greenway will occupy SFWMD right of way and connect BCPRD parks. The Greenway Project Coordinator position was previously with the BCEPD. The following presents a chronological summary of the coordination efforts regarding the Broward County Greenway and other related Section 4(f) issues:

- ◆ On October 21, 2004, an interagency meeting was attended by BCPRD, BCEPD, SFWMD, and government environmental agencies.
- ◆ I-595 public workshops on March 30 and March 31, 2004 were attended by BCEPD.
- ◆ On June 30, 2004, a FDOT representative attended a public workshop for the Broward County Greenways and discussed the project with the Project Coordinator.
- ◆ On August 6, 2004, a meeting was held with the Greenway Project Coordinator and BCPRD representatives to discuss the proposed project.
- ◆ On August 11, 2004, FDOT sent a letter to the Broward County Greenway Project Coordinator requesting information about the New River Greenway (Appendix F).
- ◆ The Broward County Greenway Project Coordinator responded on October 4, 2004 (Appendix G).
- ◆ On January 24, 2005, FHWA approved a break in limited access along SR-84 and I-595 for the SR 84 Bike Path Project (Appendix H).
- ◆ On February 28, 2005, a meeting was held with BCPRD representatives to discuss impacts anticipated at Sewell Lock Park, which is a proposed greenway trailhead.
- ◆ The Section 4(f) DOA was submitted to FHWA on April 5, 2005.
- ◆ I-595 public workshops on April 13 and April 14, 2005 were attended by BCEPD.
- ◆ The first Section 4(f) DOA Addendum was submitted to FHWA on June 24, 2005.
- ◆ On June 28, 2005, BCPRD and BCEPD attended another interagency meeting.





PROGRAMMATIC SECTION 4(F) EVALUATION

- ◆ On September 22, 2005, FDOT met with FHWA to discuss the Section 4(f) issues (minutes of the meeting are provided in Appendix I)
- ◆ On September 29, 2005, FDOT met with the Greenway Project Coordinator and the Broadview Estates community (located on the north side of the North New River Canal and west of SR-7) to discuss the relocation of the New River Greenway adjacent to their community. No objections were raised by the attendees. A copy of the invitation distributed to the Broadview Estates community for this public meeting is provided in Appendix J.
- ◆ The second DOA Addendum was submitted to FHWA on October 20, 2005.
- ◆ A Public Hearing was held on November 29, 2005. The Greenway Project Coordinator attended the Public Hearing at a booth with display materials regarding Broward County's Greenway Program.
- ◆ On December 12, 2005, FDOT sent a letter to the Broward County Greenway Project Coordinator requesting approval of the proposed measures to minimize harm (Appendix K).
- ◆ The Broward County Greenway Project Coordinator responded that Broward County approved the concept of relocating the New River Greenway to the north side of the North New River Canal (Appendix L).

Upon final selection of the PD&E Preferred Alternative (either Alternative 1B or Alternative 2A), the provisions of Section 4(f) and 36 CFR Part 800 (if appropriate) will be fully satisfied and "Minimization Alternative 4" will be incorporated into the overall project preferred alternative.



Appendix A



U.S. Department
of Transportation
**Federal Highway
Administration**

545 John Knox Road, Suite 200
Tallahassee, Florida 32303

(850) 942-9650

November 17, 2005

In Reply Refer To: HPO-FL

Mr. Gustavo Schmidt, P.E.
District Planning and Environmental Engineer
Florida Department of Transportation
3400 West Commercial Blvd.
Ft. Lauderdale, Florida 33309

Attention: Mr. Steven C. Braun, P.E.

Dear Mr. Schmidt:

Subject: Section 4(f) Determination of Applicability
I-595 /SR-862 from west of I-75/Sawgrass Expressway to east of I-95
Federal-Aid Project No.: 5951-539-I
Financial Project ID: 409354-1-22-01
Broward County, Florida

The Federal Highway Administration (FHWA) has reviewed the Section 4(f) Determination of Applicability (DOA) submitted to our office. ~~Under Section 4(f), the U.S. DOT shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from a historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.~~

The following is a list of the properties included in the DOA and our determination of Section 4(f) applicability.

Sewell Lock Park

This is a 3.4-acre park located on the north side of SR 84 adjacent to the North New River Canal, and within South Florida Management District's right-of-way. The lock is currently listed on the *National Register of Historic Places (NRHP)*.

Based on the information provided and on coordination with your office, the alternatives considered do not represent any direct or indirect use of the property. Therefore, Section 4(f) does not apply.



Mr. Gustavo Schmidt, P.E.
November 17, 2005

2

North New River/SR 84 Greenway

The New River/SR 84 Greenway will extend for 11 miles from the Everglades to Port Everglades. For most of its length, the Greenway is located along the north side of SR 84, on the banks of the North New River Canal. The Greenway provides access to other park facilities.

Based on the information provided, the I-595 project proposes the relocation of 1.7 miles of the greenway from the south side of the New River Canal to the north side from west of Turnpike to Riverland Woods Park, east of SR 7 (U.S. 441). The greenway serves several purposes and one is identified as recreational. Therefore, Section 4(f) applies.

A Programmatic Section 4(f) evaluation may be applied for projects, which improve existing highways and use minor amounts of publicly owned public parks, recreation lands, or wildlife and waterfowl refuges that are adjacent to existing highways. The project must meet a criteria established in the Programmatic Section 4(f). Further guidance will be provided.

Pond Apple Slough Natural Area

This 220-acre Natural area is located on the south side of I-595, east of SR 7 (U.S. 441). It serves as a waterfowl and wildlife refuge.

It is our understanding, based on the information provided and further coordination with your office, that there will be no direct impacts to Pond Apple Slough as well as no change in the wildlife accessing to the area. We also understand that there might be 2.5 acres of direct wetland impacts and 4.3 acres of indirect wetland impacts due to shading within the I-595 limited access right-of-way beneath the viaduct. Unavoidable wetland impacts will be mitigated.

Therefore, we have determined that Section 4(f) does not apply.

Acres South Park

The 5-acre park is located on the north side of the North New River Canal, and it is owned by the City of Plantation. It is a passive community park with a playground.

Based on the information provided, it is predicted that the I-595 project will present a minor increase in noise levels that will not substantially impair or diminish the use of the property. There is no direct use to the property. Therefore, Section 4(f) does not apply.

Should you have any questions concerning the above, please contact Mrs. Nahir DeTizio at (850) 942-9650, extension 3027.

Sincerely,



For: David Gibbs
Division Administrator

cc: Mr. Paul Lampley, FDOT (District 4)
Ms. Ann Broadwell, FDOT (District 4)

Appendix B

State of Florida Department of Transportation

LOCAL AGENCY PROGRAM AGREEMENT

FIN No. 228279-1-58-01 Fund: SE ACSE FLAIR Approp: _____
 Function: 215 FLAIR Obj.: 770042
 County No. 86 Federal No: 5200001-1 Org Code: 550420/0448
 Contract No: _____ Vendor No.: VF-596-000-531-038
 Catalog of Federal Domestic Assistance (CFDA): 20.205 Highway Planning and Construction

THIS AGREEMENT, made and entered into this 6 day of DECEMBER, 2002 by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter called the Department, and BROWARD COUNTY hereinafter called the Agency.

WITNESSETH:

WHEREAS, the Agency has the authority to enter into said Agreement and to undertake the project hereinafter described, and the Department has been granted the authority to function adequately in all areas of appropriate jurisdiction including the implementation of an integrated and balanced transportation system and is authorized under Section 334.044, Florida Statutes to enter into this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree as follows:

1.00 Purpose of Agreement: The purpose of this Agreement is to provide for the Department's participation in THE SR 84 BIKE PATH and as further described in Exhibit "A" attached hereto and by this reference made a part hereof, hereinafter called the project, and to provide Departmental financial assistance to the Agency and state the terms and conditions upon which such assistance will be provided and the understandings as to the manner in which the project will be undertaken and completed.

1.01 Modifications and Additions: Exhibit(s) A & L are attached hereto and by this reference made a part hereof.

2.00 Accomplishment of the Project:

2.01 General Requirements: The Agency shall commence, and complete the project as described in EXHIBIT "A" with all practical dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions herein, and all applicable laws. The project will be performed in accordance with all applicable Department procedures, guidelines, manuals, standards, and directives as described in the Department's Local Agency Program Manual, which by this reference is made a part hereof as if fully set forth herein.

A full time employee of the Agency, qualified to ensure that the work being pursued is complete, accurate, and consistent with the terms, conditions, and specifications of this Agreement shall be in charge of each project.

2.02 Expiration of Agreement: The Agency agrees to complete the project on or before 4 YEARS 12 31 06. If the Agency does not complete the project within this time period, this Agreement will expire on the last day of scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Agency and granted in writing by the DEPARTMENT prior to the expiration of the Agreement. Expiration of this Agreement will be considered termination of the project. The cost of any work performed after the expiration date of the Agreement will not be reimbursed by the Department.

2.03 Pursuant to Federal, State, and Local Law: In the event that any election, referendum, approval, permit, notice, or other proceeding or authorization is requisite under applicable law to enable the Agency to enter into this Agreement or to undertake the project hereunder, or to observe, assume or carry out any of the provisions of the Agreement, the Agency will initiate and consummate, as provided by law, all actions necessary with respect to any such matters so requisite.

2.04 Funds of the Agency: The Agency shall initiate and prosecute to completion all proceedings necessary, including Federal-aid requirements, to enable the Agency to provide the necessary funds for completion of the project.

4.00 Project Estimate and Disbursement Schedule: Prior to the execution of this Agreement, a project schedule of funding, shall be prepared by the Agency and approved by the Department. The Agency shall maintain said schedule of funding, carry out the project and shall incur obligations against and make disbursements of project funds only in conformity with the latest approved schedule of funding for the project. The schedule of funding may be revised by mutual written agreement between the Department and the Agency. If revised, a copy of the revision should be forwarded to the Department's Comptroller and to the Department's Federal-Aid Program Office. No increase or decrease shall be effective unless it complies with fund participation requirements established in Exhibit "B" of this Agreement and is approved by the Department's Comptroller.

5.00 Records:

5.01 Establishment and Maintenance of Accounting Records: Records of costs incurred under terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for five(5) years after final payment is made. Copies of these documents and records shall be furnished to the Department upon request. Records of costs incurred includes the Agency's general accounting records and the project records, together with supporting documents and records, of the Agency and all subcontractors performing work on the project and all other records of the Agency and subcontractors considered necessary by the Department for a proper audit of costs. If any litigation, claim, or audit is started before the expiration of the five(5) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

5.02 Costs Incurred for the Project: The Agency shall charge to the project account all eligible costs of the project. Costs in excess of the latest approved schedule of funding or attributable to actions which have not received the required approval of the Department shall not be considered eligible costs.

5.03 Documentation of Project Costs: All costs charged to the project, including any approved services contributed by the Agency or others, shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing in proper detail the nature and propriety of the charges.

5.04 Audit Reports: Recipients of Federal and State funds are to have audits done annually using the following criteria:

Federal awards are to be identified using the Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, and name of the awarding Federal agency. State awards will be identified using the Catalog of State Financial Assistance (CSFA) title and number, award number and year, and name of the awarding State Agency.

In the event that a recipient expends \$300,000 or more in Federal awards in its fiscal year, the recipient must have a single or program specific audit conducted in accordance with the **United States Office of Management and Budget (OMB) Circular A-133**.

If a recipient expends less than \$300,000 in Federal awards during its fiscal year, an audit conducted in accordance with the **OMB Circular A-133** is not required. If a recipient expends less than \$300,000 in Federal awards during its fiscal year and elects to have an audit conducted in accordance with **OMB Circular A-133**, the cost of the audit must be paid from non-Federal funds.

In the event that a recipient expends \$300,000 or more in State awards during its fiscal year, the recipient must have a state single or program specific audit conducted in accordance with **Section 216.3491, Florida Statutes, and Chapter 10.600, Rules of the Auditor General**.

If a recipient expends less than \$300,000 in State awards during its fiscal year, an audit conducted in accordance with **Section 216.3491, Florida Statutes, and Chapter 10.600, Rules of the Auditor General** is not required. If a recipient expends less than \$300,000 in State awards during its fiscal year and elects to have an audit conducted in accordance with **Section 216.3491, Florida Statutes, and Chapter 10.600, Rules of the Auditor General**, the cost of the audit must be paid from non-State funds.

Reporting Packages and management letters generated from audits conducted in accordance with **OMB Circular A-133** and Financial Reporting Packages generated in accordance with **Section 216.3491, Florida Statutes, and Chapter 10.600, Rules of the Auditor General** shall be submitted to the awarding FDOT office, by the recipient, within 30 days of receiving it. The aforementioned items are to be received by the appropriate FDOT office no later than 9 months after the end of the recipient's fiscal year.

may elect by notice in writing not to make a payment if:

7.01 Misrepresentation: The Agency shall have made misrepresentation of a material nature in its application, or any supplement thereto or amendment thereof, or in or with respect to any document of data furnished therewith or pursuant hereto;

7.02 Litigation: There is then pending litigation with respect to the performance by the Agency of any of its duties or obligations which may jeopardize or adversely affect the project, the Agreement or payments to the project;

7.03 Approval by Department: The Agency shall have taken any action pertaining to the project, which under this Agreement, requires the approval of the Department or has made related expenditure or incurred related obligations without having been advised by the Department that same are approved;

7.04 Conflict of Interests: There has been any violation of the conflict of interest provisions contained herein; or

7.05 Default: The Agency has been determined by the Department to be in default under any of the provisions of the Agreement.

7.06 Federal Participation: The Department may suspend or terminate payment for that portion of the project which the FHWA, or the Department acting in lieu of the FHWA, may designate as ineligible for Federal-aid.

7.07 Disallowed Costs: In determining the amount of the payment, the Department will exclude all projects costs incurred by the Agency prior to the effective date of this Agreement or the date of authorization, costs incurred after the expiration of the Agreement, costs which are not provided for in the latest approved schedule of funding for the project, and costs attributable to goods or services received under a contract or other arrangements which have not been approved in writing by the Department.

7.08 Final Invoices: The Agency must submit the final invoice on the project to the Department within 120 days after the completion of the project. Invoices submitted after the 120 day time period will not be paid.

8.00 Termination or Suspension of Project:

8.01 Termination or Suspension Generally: The Department may, by written notice to the Agency, suspend any or all of its obligations under this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected, or the Department may terminate this Agreement in whole or in part at any time the interest of the Department requires such termination.

If the Department determines that the performance of the Agency is not satisfactory, the Department shall have the option of (a) immediately terminating the Agreement or (b) suspending the Agreement and notifying the Agency of the deficiency with a requirement that the deficiency be corrected within a specified time, otherwise the Agreement will be terminated at the end of such time. Suspension of the contract will not affect the time period for completion of the agreement.

If the Department requires termination of the Agreement for reasons other than unsatisfactory performance of the Agency, the Department shall notify the Agency of such termination, with instructions as to the effective date of termination or specify the stage of work at which the Agreement is terminated.

If the Agreement is terminated before performance is completed, the Agency shall be paid for the work satisfactorily performed. Payment is to be on the basis of substantiated costs.

8.02 Action Subsequent to Notice of Termination or Suspension. Upon receipt of any final termination or suspension notice under this paragraph, the Agency shall proceed promptly to carry out the actions required therein which may include any or all of the following: (a) necessary action to terminate or suspend, as the case may be, project activities and contracts and such other action as may be required or desirable to keep to the minimum the costs upon the basis of which the financing is to be computed; (b) furnish a statement of the project activities and contracts, and other undertakings the cost of which are otherwise includable as project costs. The termination or suspension shall be carried out in conformity with the latest schedule, plan, and costs approved by the Department or upon the basis of terms and conditions imposed by the Department upon the failure of the Agency to furnish the schedule, plan, and estimate within a reasonable time. The closing out of Federal financial participation in the project shall not constitute a waiver of any claim which the Department may otherwise have arising out of this Agreement.

Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the Department, without modification, in all contracts and in all solicitations for contracts.

The Agency may rely upon a certification of a prospective sub-contractor that the person is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. The Agency may decide the method and frequency by which it determines the eligibility of its sub-contractors. The Agency may, but is not required to, check the nonprocurement portion of the "Lists of Parties Excluded From Federal Procurement or Nonprocurement Programs" (Nonprocurement List) which is compiled by the General Services Administration.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the Agency is not required to exceed that which is normally processed by a prudent person in the ordinary course of business dealings.

Unless authorized by the Department, if the Agency knowingly enters into a contract with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available, the Department may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion:

The Agency certifies, by execution of this Agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

Where the Agency is unable to certify to any of the statements in this certification, an explanation shall be attached to this proposal.

12.00 Restrictions, Prohibitions, Controls, and Labor Provisions:

12.01 Equal Employment Opportunity: In connection with the carrying out of any project, the Agency shall not discriminate against any employee or applicant for employment because of race, age, religion, color, sex, national origin, disability or marital status. The Agency will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, age, religion, color, gender, national origin, disability or marital status. Such action shall include, but not be limited to, the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Agency shall insert the foregoing provision modified only to show the particular contractual relationship in all its contracts in connection with the development of operation of the project, except contracts for the standard commercial supplies or raw materials, and shall require all such contractors to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials. When the project involves installation, construction, demolition, removal, site improvement, or similar work, the Agency shall post, in conspicuous places available to employees and applicants for employment for project work, notices to be provided by the Department setting forth the provisions of the nondiscrimination clause.

12.02 Title VI - Civil Rights Act of 1964: The Agency will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Regulations of the Federal Department of Transportation issued thereunder, and the assurance by the Agency pursuant thereto.

The Agency shall include provisions in all contracts with third parties that ensure compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R., Part 21, and related statutes and regulations.

12.03 Americans with Disabilities Act of 1990 (ADA): The Agency will comply with all the requirements as imposed by the ADA, the regulations of the Federal government issued thereunder, and assurance by the Agency pursuant thereto.

12.05 Public Entity Crime: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

loss damage, cost, charge or expense arising out of any act, error, omission or negligent act by the Department or any of its officers, agents or employees during the performance of the Agreement.

The parties agree that this clause shall not waive the benefits or provisions of Chapter 768.28, Florida Statutes, or any similar provision of law.

When the Department receives a notice of claim for damages that may have been caused by the Agency in the performance of services required under this Agreement, the Department will immediately forward the claim to the Agency. The Agency and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the Agency in the defense of the claim or to require the Agency defend the Department in such claim as described in this section. The Department's failure to promptly notify the Agency of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the Agency. The Department and the Agency will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all expenses at trial.

13.08 Plans and Specifications: In the event that this Agreement involves constructing and equipping of facilities on the State Highway System, the Agency shall submit to the Department for approval all appropriate plans and specifications covering the project. The Department will review all plans and specifications and will issue to the Agency written approval with any approved portions of the project and comments or recommendations covering any remainder of the project deemed appropriate. After resolution of these comments and recommendations to the Department's satisfaction, the Department will issue to the Agency written approval with said remainder of the project. Failure to obtain this written approval shall be sufficient cause of nonpayment by the Department.

13.09 Right of Way Certification: Upon completion of right of way activities on the project, the Agency must certify compliance with all applicable federal and state requirements. Certification is required prior to advertisement for or solicitation of bids for construction of the project, including those projects for which no right of way is required.

13.10 Agency Certification: The Agency will certify in writing, prior to project closeout, that the project was completed in accordance with applicable plans and specifications, is in place on the Agency facility, that adequate title is in the Agency, and that the project is accepted by the Agency as suitable for the intended purpose.

13.11 Agreement Format: All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

13.12 Execution of Agreement: This Agreement may be simultaneously executed in a minimum of two counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one in the same instrument.

13.13 Restrictions on Lobbying:

Federal: The Agency agrees that no Federally appropriated funds have been paid, or will be paid by or on behalf of the Agency, to any person for influencing or attempting to influence any officer or employee of any Federal agency, a Member of Congress an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

If any funds other than Federally appropriated funds have been paid by the Agency to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The Agency shall require that the language of this section be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

State: No funds received pursuant to this contract may be expended for lobbying the Legislature or a State agency.

13.14 Maintenance: The Agency agrees to maintain any project not on the State System, constructed under this Agreement.

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY

By:

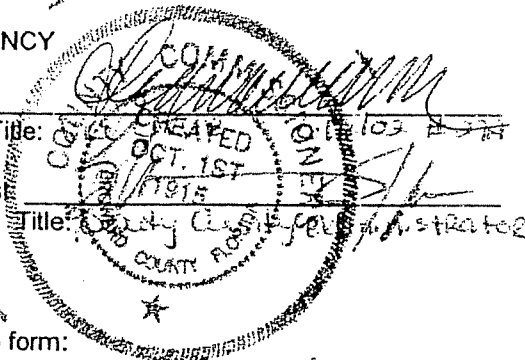
Title:

Attest:

Title:

As to form:

Attorney



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By:

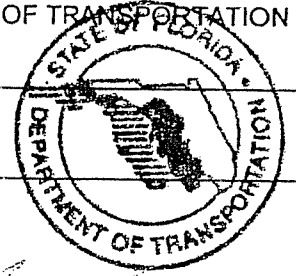
Title:

Attest:

Title:

As to form:

District Attorney



Handwritten signature of the District Attorney, followed by the printed text "ATTORNEY APPROVED AS TO FORM".

See attached Encumbrance Form for date of funding approval by Comptroller.

AGENCY NAME & BILLING ADDRESS BROWARD COUNTY 115 S. ANDREWS AVENUE FT. LAUDERDALE, FL. 33301	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM AGREEMENT EXHIBIT "B" SCHEDULE OF FUNDING	FIN. NO. 228279-1-58-01
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PROJECT DESCRIPTION

Name SR 84 BIKE PATH Length 2.0 MILES
 Termini WEST OF DAVIE ROAD TO EAST OF S.R.7

TYPE OF WORK		FUNDING		
		(1) TOTAL PROJECT FUNDS	(2) AGENCY FUNDS	(3) STATE & FEDERAL FUNDS
P.E.	a. Agency Work	50,000	50,000	
	b. Other			
	c. Department Services			
	d. Total PE Cost (a+b+c)	50,000	50,000	
Right-of-Way	e. Agency Work			
	f. Other			
	g. Department Services			
	h. Total PE Cost (e+f+g)			
Construction	i. Contract	494,000		494,000
	j. Other			
	k. Other			
	l. Other			
	m. Total Contract Costs (i+j+k+l)	494,000		494,000
Construction Engineering	n. Agency	20,000		20,000
	o. Other			
	p. Department Forces			
	q. Total Construction Engineering (n+o+p)	20,000		20,000
r. Total Construction Cost (m+q)	514,000		514,000	
s. ESTIMATED TOTAL COST OF THE PROJECT (d+h+r)	564,000	50,000	514,000	

EXHIBIT L
Landscape Maintenance Agreement

Article 13.14 is expanded by the following:

The Department and the Agency agree as follows:

1. Until such time as the Project is removed from the project highway pursuant to paragraphs 3 and 5 hereof, the Agency shall, at all times, maintain the project in a reasonable manner and with due care in accordance with all applicable Department guidelines, standards and procedures ("Project Standards"). Specifically, the Agency agrees to:

(a) Properly water and fertilize all plants, keeping them as free as practicable from disease and harmful insects;

(b) Properly mulch plant beds;

(c) Keep the premises free of weeds;

(d) Mow and/or cut the grass to the proper length;

(e) Properly prune all plants which responsibility includes (i) removing dead or diseased parts of plants or (ii) pruning such parts thereof which present a visual hazard for those using the roadway; and

(f) Remove or replace dead or diseased plants in their entirety, or remove or replace those plants that fall below original "Project Standards."

The Agency agrees to repair, remove or replace at its own expense all or part of the project that falls below "Project Standards" caused by the Agency's failure to maintain the same in accordance with the provisions of this paragraph. In the event any part or parts of the project, including plants, have to be removed and replaced for whatever reason, then they shall be replaced by parts of the same grade, size and specification as provided in the original plans for the project. Furthermore, the Agency agrees to keep litter removed from the project highway.

2. Maintenance of the project shall be subject to periodic inspections by the Department. In the event that any of the aforementioned responsibilities are not carried out or are otherwise determined by the Department to be not in conformance with the applicable project standards, the Department, in addition to its right of termination under paragraph 4(a), may at its option perform any necessary maintenance without need of any prior notice and charge the cost thereof to the Agency.

3. It is understood between the parties hereto that any or all of the project may be removed, relocated or adjusted at any time in the future as determined to be necessary by the Department in order that the adjacent State road be widened, altered or otherwise changed to meet with the future criteria or planning of the Department. The Agency shall be given notice regarding such removal, relocation or adjustment and shall be allowed 60 days to remove all or part of the project at its own cost. The Agency will own that part of the project it removed. After the 60 day removal period, the Department will become the owner of the unremoved portion of the project, and the Department then may remove, relocate or adjust the project as it deems best, with the Agency being responsible for the cost incurred for the removal of the project.

4. This Agreement may be terminated under any one of the following conditions:

(a) By the Department, if the Agency fails to perform its duties under this Agreement following 15 days' written notice.

(b) By either party following 60 calendar days' written notice.

5. In the event this Agreement is terminated in accordance with Paragraph 4, the Agency shall have 60 days after the date upon which this Agreement is effectively terminated to remove all or part of the remaining project at its own cost and expense. The Agency will own that part of the project it removed. After the 60 day removal period of the project, the Department then may take any action with the project highway or all or part of the project it deems best, with the Agency being responsible for any removal costs incurred.

6. This Agreement embodies the entire agreement and understanding between the parties hereto and there are no other agreements or understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded.

Appendix C



Florida Department of Transportation

PROGRAM MANAGEMENT OFFICE

3400 West Commercial Boulevard

Fort Lauderdale, Florida 33309-3421

Telephone No. (954) 777-4496

J. FLORIAN
GOVERNOR

THOMAS S. BARRA, JR.
SECRETARY

December 6, 2002

Mr. Mark E. Horowitz, Bicycle Coordinator
Broward County Department of Planning and Environmental Protection
218 SW. 1st Avenue
Fort Lauderdale, Florida 33301

Dear Mr. Horowitz:

SUBJECT: NOTICE TO PROCEED

FM No.	228279-1-58-01
County:	Broward County
Contract No.	AN069
Description:	SR-84 Bike Path

This is to inform you that the FDOT gives you this Notice to Proceed dated December 6, 2002 in the amount of \$564,000.00. The FDOT will participate in the amount of \$514,000.00. This is broken down with \$50,000.00 for PE by the county, \$494,000.00 for construction by FDOT, and \$20,000.00 for construction engineering.

All work is to be performed in accordance with the Florida Statutes, Section 339.2817.

In order to be eligible for reimbursement by the Department, you must comply with all applicable procedures, standards, and directives as described in the Department's County Incentive Grant Program.

Thank you for your continuing support of this program.

For inquiries contact Mr. Steve Gonot, District Local Agency Program Administrator at (954) 777-4309 or myself at (954) 777-4496.

Sincerely,

Ronald E. Holmes

District Program Coordinator

REH:reh

cc: Mr. Steve Gonot, District L.A.P. Administrator
File

Appendix D

F. C. D. PERMIT NO. 6615

(NON-ASSIGNABLE)

February 10, 1977 DATE ISSUED

AUG 7 8 RECS

AUTHORIZING:

BIKEWAY ON THE NORTH SIDE OF THE NORTH NEW RIVER CANAL BETWEEN UNIVERSITY DRIVE AND PINE ISLAND ROAD (1 MILE), THENCE FROM PINE ISLAND ROAD ON THE SOUTH SIDE OF THE CANAL 6 MILES TO THE MARKHAM PARK BRIDGE.

LOCATED IN BROWARD COUNTY, SECTION 17, 16, 8, 7, TWP. 50S RGE. 41E
11, 2, 2, 4, 12 50S 40E

ISSUED TO:
(Owner)

Broward County Board of County Commissioners
Division of Parks & Recreation
950 N. W. 38th Street
Oakland Park, Florida 33309

This permit is issued pursuant to Application for Permit No. 12286-E dated Dec. 2, 1976 and permittee's agreement to hold and save the Flood Control District and its successors harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, or use of the work or structure involved in the permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. This permit may be cancelled upon thirty (30) days written notice to the permittee or under emergency circumstances as set forth in the District's Criteria Manual, with which permittee is put on notice.

This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE Dec. 2, 77 1977 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.

SPECIAL CONDITIONS ARE AS FOLLOWS:

- BIKEWAY EMBANKMENT SHALL BE A MINIMUM OF 25' LANDWARD OF CANAL TOP OF BANK BETWEEN UNIVERSITY DRIVE AND PINE ISLAND ROAD.
- COUNTY LIABLE FOR DAMAGE TO ANY EXISTING UTILITIES PRESENTLY LOCATED WITHIN THE LIMITS OF AUTHORITY.
- INSURANCE COVERAGE SHALL BE MAINTAINED IN ACCORDANCE WITH ESTABLISHED SCHEDULE FOR THE DURATION OF THIS PERMIT.

ISSUANCE RECOMMENDED:
Chief of Permits

By: _____
Director, Regulation Division:

By: _____

CENTRAL AND SOUTHERN FLORIDA
FLOOD CONTROL DISTRICT, BY ITS
GOVERNING BOARD

By _____
Secretary



SFWMD STANDARD PERMIT NO. MOD 6615
(NON-ASSIGNABLE)

DATE ISSUED: OCTOBER 8, 2003

AUTHORIZING: MULTI-USE PATH, BULKHEAD, LANDSCAPING AND PEDESTRIAN BRIDGE WITHIN THE SOUTH RIGHTS OF WAY OF THE NORTH NEW RIVER CANAL BEGINNING AT SEWELL LOCK AND EXTENDING TO EAST OF S.R. 7 (U.S. 441) BRIDGE (A TOTAL DISTANCE OF APPROXIMATELY 2.4 MILES) (STATION 470+00 - 565+00).

LOCATED IN: BROWARD COUNTY, SECTION 14/13/24 TOWNSHIP 50S RANGE 41E

ISSUED TO: BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS
1 NORTH UNIVERSITY DRIVE, SUITE 300B
PLANTATION, FL 33324

This permit is issued pursuant to Application No. 03-0113-5M dated JANUARY 14, 2003 and permittee's agreement to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of the work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. The permittee, by acceptance of this permit, hereby agrees that he/she shall promptly comply with all orders of the District and shall alter, repair or remove his/her use solely at his/her expense in a timely fashion. Permittee shall comply with all laws and rules administered by the District. This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued by the District as a revocable license to use or occupy District works or lands. It does not create any right or entitlement, either legal or equitable, to the continued use of the District works or lands. Since this permit conveys no right to the continued use of the District works or lands, the District is under no obligation to transfer this permit to any subsequent party. By acceptance of this permit, the permittee expressly acknowledges that the permittee bears all risk of loss as a result of revocation of this permit.

WORK PROPOSED MUST BE COMPLETED ON OR BEFORE OCTOBER 31, 2005. Otherwise, this permit is void and all rights thereunder are automatically canceled unless permittee applies for, in writing, a request for extension to the construction period and such request is received by the District on or before the expiration date and such request is granted, in writing, by the District.

SPECIAL CONDITIONS (SPECIFIC PROJECT CONDITIONS) AND LIMITING CONDITIONS ON ATTACHED SHEETS ARE A PART OF THIS DOCUMENT.

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT,
ON October 8, 2003
BY Patricia M. Nixon
DEPUTY CLERK

SOUTH FLORIDA WATER MNGEMENT DISTRICT,
BY ITS GOVERNING BOARD
Patricia M. Nixon, DISTRICT CLERK
BY Patricia M. Nixon, DISTRICT CLERK

Return Receipt Requested/Certified No. 7002 3150 0000 8125 6817

C: JOSE VARON
FT. LAUDERDALE FIELD STATION
(954) 452-4814 EXTENSION 4822



40E-6.381 LIMITING CONDITIONS

The District's authorization to utilize lands and other works constitutes a revocable license (including both notice general permits and standard permits). In consideration for receipt of that license, permittee shall agree to be bound by following standard limiting conditions, which shall be included within all permits issued pursuant to this chapter:

(1) All structures on District works or lands constructed by permittee shall remain the property of permittee who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the District's lands and works. The District assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.

(2) Permittee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable engineering practice and accepted industry standards, into the design, construction, operation and continued maintenance of the permitted facilities/authorized use. This duty shall include, but not be limited to, permittee's consideration of the District's regulation and potential fluctuation, without notice, of water levels in canals and works, as well as the permittee's consideration of upgrades and modifications to the permitted facilities/authorized use which may be necessary to meet any future changes to applicable engineering practice and accepted industry standards. Permittee acknowledges that the District's review and issuance of this permit, including, but not limited to, any field inspections performed by the District, does not in any way consider or ensure that the permitted facilities/authorized use is planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. Permittee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any District staff or representative during the permit review and issuance process, including, but not limited to, any field inspections, shall not in any way be relied upon by permittee as the District's assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by permittee in order to meet permittee's duty to incorporate safety features, as set forth above.

(3) Permittee agrees to abide by all of the terms and conditions of this permit, including any representations made on the permit application and related documents. This permit shall be subject to the requirements of Chapter 373 F.S., and Chapter 40E-6, F.A.C., including all subsequent rule and criteria revisions. Permittee agrees to pay all removal and restoration costs, investigative costs, court costs and reasonable attorney's fees, including appeals, resulting from any action taken by the District to obtain compliance with the conditions of the permit or removal of the permitted use. If District legal action is taken by staff counsel, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

(4) This permit does not create any vested rights, and except for governmental entities and utilities, is revocable at will upon reasonable prior written notice. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify, relocate or remove the permitted use and properly restore the right of way to the District's satisfaction. In the event of failure to so comply within the specified time, the District may remove the permitted use and permittee shall be responsible for all removal and restoration costs.

(5) This permit does not convey any property rights nor any rights or privileges other than those specified herein and this permit shall not, in any way, be construed as an abandonment or any other such impairment or disposition of the District's property rights. The District approves the permitted use only to the extent of its interest in the works of the District. Permittee shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by the permit. Permittee shall comply with any more stringent conditions or provisions which may be set forth in other required permits or other authorizations. The District, however, assumes no duty to ensure that any such authorizations have been obtained or to protect the legal rights of the underlying fee owner, in those instances where the District owns less than fee.

(6) Unless specifically prohibited or limited by statute, Permittee agrees to indemnify, defend and save the District (which used herein includes the District and its past, present and future employees, agents, representatives, officers and Governing Board members and any of their successors and assigns) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorneys fees (including but not limited to the fair market value of the District's inhouse attorneys' fees based upon private attorneys' fees/rates), judgments and liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the permitted use or the possession, utilization, maintenance, occupancy or ingress and egress of the District's right of way which arise directly or indirectly and/or are caused in whole or in part by the acts, omissions or negligence of the District or of third parties. Permittee agrees to provide legal counsel acceptable to the District if requested for the defense of any such claims.

(7) The District does not waive sovereign immunity in any respect.



40E-6.381 LIMITING CONDITIONS

(8) The permittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the works of the District, including:

- (a) discharge of debris or aquatic weeds into the works of the District;
- (b) causing erosion or shoaling within the works of the District;
- (c) planting trees or shrubs or erecting structures which limit or prohibit access by District equipment and vehicles, except as may be authorized by the permit.

Permittee shall be responsible for any costs incurred by the District resulting from any such interference, as set forth in (a), (b), and (c), above;

(d) leaving construction or other debris on the District's right of way or waterway;

(e) damaging District berms and levees:

- (a) the removal of District owned spoil material;
- (b) removal of or damage to District locks, gates, and fencing;
- (c) opening of District rights of way to unauthorized vehicular access; or
- (d) running or allowing livestock on the District's right of way.

(9) The District is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the District's canal or any activities which may include use or contact with water from the District's canal, since the District periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

(10) Permittee shall allow the District to inspect the permitted use at any reasonable time.

(11) Permittee shall allow, without charge or any interference, the District, its employees, agents, and contractors, to utilize the permitted facilities before, during and after construction for the purpose of conducting the District's, routine and emergency, canal operation, maintenance, and construction activities. To the extent there is any conflicting use, the District's use shall have priority over the permittee's use.

(12) This permit is a non-exclusive revocable license. Permittee shall not interfere with any other existing or future permitted uses or facilities authorized by the District.

(13) The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the District in accordance with criteria established by the Big Cypress Basin, the District, or the U. S. Army Corps of Engineers for the works of the District.

(14) If the use involves the construction of facilities for a non exempt water withdrawal or surface water discharge, the applicant must apply for and obtain a water use or surface water management permit before or concurrently with any activities which may be conducted pursuant to the right of way occupancy permit.

(15) The District shall notify the local ad valorem taxing authority of the lands affected by the permitted use, where the permittee owns the underlying fee and derives a substantial benefit from the permitted use. The taxing authority may reinstate such lands on the tax roll. Failure to pay all taxes in a timely manner shall result in permit revocation. Such permit revocation shall not alleviate the responsibility of the permittee to pay all taxes due and payable.

(16) Permittee shall provide prior written notice to their successors in title of the permit and its terms and conditions.

(17) Permittee shall record a Notice of Permit through filing the appropriate notice agreed to by the District in the public records of the county or counties where the project is located and by providing the District with proof of filing or through an equivalent procedure. All costs associated with this requirement shall be the responsibility of the permittee. Governmental entities and utilities are not subject to this provision.

(18) This permit is contingent upon compliance with the recording of the Notice of Permit. Failure to provide proof of the recording of the Notice of Permit will result in the permit becoming invalid on its own terms, the removal of any existing facilities within the right of way, restoration of the right of way to the District's satisfaction, at the permittee's expense, and the possible assessment of civil penalties.

(19) Permittee shall be responsible for the repair or replacement of any existing facilities located within the District's right of way which are damaged as a result of the installation or maintenance of the authorized facility.

(20) All obligations under the terms of this permit authorization and any subsequent modifications hereto shall be joint and several as to all owners.

(21) It is the responsibility of the permittee to make prospective bidders aware of the terms and conditions of this permit. It shall be the responsibility of the permittee's contractors to understand the terms and conditions of this permit and govern themselves accordingly.

(22) It is the responsibility of the permittee to bring to the attention of the District any conflict in the permit authorization or permit conditions in order that they may be resolved prior to the start of construction. In resolving such conflicts the District's determination will be final.

Specific Authority 373.044, 373.113 F.S. Law Implemented Chapters 373.085(1), 373.086, 373.103, 373.103, 373.129, 373.1595, 373.603, 373.609, 373.613 F.S. History—New 9-3-31, Amended 5-30-82, 12-29-85, 12-24-91, 9-15-99 Formerly 16K-5.01(2), 16K-5.02(2), 16K-5.03(2), 16K-5.04(4), 16K-5.05, 40E-6.381

PERMIT (MDO) NUMBER 6615
OCTOBER 8, 2003

SPECIAL CONDITIONS ARE AS FOLLOWS:

1. PRIOR TO COMMENCEMENT OF CONSTRUCTION OR UTILIZATION OF THE DISTRICT'S RIGHT OF WAY, THE PERMITTEE IS REQUIRED TO CONTACT THE DISTRICT'S FIELD REPRESENTATIVE LISTED ON THE FACE OF THIS PERMIT AND SCHEDULE A PRE-CONSTRUCTION MEETING.
2. PRIOR TO THE PLACEMENT OF ADDITIONAL FACILITIES OR ALTERATIONS TO EXISTING FACILITIES OTHER THAN THOSE AUTHORIZED BY THIS PERMIT LOCATED WITHIN THE DISTRICT'S RIGHTS OF WAY, WILL REQUIRE THE ISSUANCE OF A MODIFICATION OF THIS PERMIT.
3. THIS PERMIT SHALL NOT BECOME VALID UNTIL ALL OTHER REQUIRED SOUTH FLORIDA WATER MANAGEMENT DISTRICT, LOCAL, COUNTY AND/OR STATE PERMITS OR OTHER AFFECTED PARTIES' APPROVALS HAVE BEEN OBTAINED. THE PERMITTEE SHALL COMPLY WITH ANY MORE STRINGENT CONDITIONS SET FORTH IN OTHER REQUIRED PERMITS AND APPROVALS.
4. A COPY OF THE PERMIT PACKAGE WILL BE KEPT AT THE JOB SITE UNTIL COMPLETION OF ALL PHASES OF CONSTRUCTION AND ACCEPTANCE OF THE CONSTRUCTED FACILITIES AND RESTORATION OF THE RIGHT OF WAY BY THE DISTRICT'S FIELD REPRESENTATIVE.
5. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL MATERIALS AND DEBRIS FROM THE DISTRICT'S CANAL AND RIGHT OF WAY; AND, FOR THE REPAIR, REPLACEMENT AND RESTORATION OF ANY SECTIONS OF THE DISTRICT'S RIGHT OF WAY DAMAGED OR DISTURBED RESULTING FROM THE AUTHORIZED ACTIVITY. RESTORATION SHALL BE TO THE SATISFACTION OF THE DISTRICT AND INCLUDE GRADING/RE-SHAPING, SEEDING, RE-SODDING WITH BAHIA, ARGENTINE OR OTHER SPECIES RECOGNIZED BY THE DISTRICT AS A DROUGHT TOLERANT SPECIES.
6. SHOULD THE AUTHORIZED ACTIVITIES OR PLACEMENT OF THE AUTHORIZED FACILITIES OR WITHIN THE DISTRICT'S RIGHT OF WAY OR MAINTENANCE OF SAME ATTRIBUTE TO SHOALING, EROSION OR WASH-OUTS OF THE DISTRICT'S RIGHT OF WAY, BERM OR SIDE SLOPE OF THE CANAL, IT IS THE PERMITTEE'S SOLE RESPONSIBILITY AND EXPENSE TO, UPON NOTIFICATION FROM THE DISTRICT, IMMEDIATELY TAKE APPROPRIATE STEPS TO RESTORE THE RIGHT OF WAY TO THE SATISFACTION OF THE DISTRICT.
7. AT NO TIME SHALL THE PERMITTEE PLACE PERMANENT OR SEMI-PERMANENT ABOVE-GROUND ENCROACHMENTS OR FACILITIES WITHIN THE 40 FOOT WIDE STRIP OF LAND LYING PARALLEL TO THE CANAL AS MEASURED FROM THE TOP OF THE EXISTING CANAL BANK LANDWARD, UNLESS OTHERWISE AUTHORIZED IN THIS PERMIT.
8. THE PERMITTEE IS PUT ON NOTICE THAT THE DISTRICT HAS NO CONTROL OVER THE SALE OR TRANSFER OF REAL OR PERSONAL PROPERTY. THEREFORE, IT IS THE SOLE OBLIGATION OF A PERMITTEE TO DISCLOSE THE EXISTENCE OF THIS RIGHT OF WAY OCCUPANCY PERMIT, INCLUDING ITS TERMS AND CONDITIONS TO PROSPECTIVE PURCHASERS. UPON CONVEYANCE OF THE PROPERTY, THE NEW OWNER MUST SUBMIT A WRITTEN REQUEST THAT THE DISTRICT TRANSFER THE PERMIT INTO HIS/HER NAME(S).

PERMIT (MOD NUMBER 6615
OCTOBER 8, 2003

CONTINUED SPECIAL CONDITIONS ARE AS FOLLOWS:

9. IMMEDIATELY UPON COMPLETION OF THE AUTHORIZED WORK, THE PERMITTEE SHALL CONTACT THE DISTRICT'S FIELD REPRESENTATIVE LISTED ON THE FACE OF THIS PERMIT SO THAT A FINAL INSPECTION MAY BE SCHEDULED.
10. THE DISTRICT IS NOT UNDER ANY CIRCUMSTANCES RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF THE BULKHEAD OR ASSOCIATED APPURTENANCES DAMAGED AS A RESULT OF WATER LEVEL FLUCTUATIONS, FLOWS OR THE OPERATION OF ITS WATER CONTROL STRUCTURES.
11. THE BULKHEAD SHALL BE OF ADEQUATE DESIGN TO RESIST ALL STATIC AND DYNAMIC FORCES APPLIED THERETO BY CONDITIONS THAT MAY BE CREATED FROM CANAL FLOWS AND STAGES.
12. THE BULKHEAD SHALL BE CONSTRUCTED WITH ADEQUATE RETURNS AT EACH END OF CONSTRUCTION TO PREVENT EROSION THAT COULD UNDERMINE THE BULKHEAD.
13. WITHIN THIRTY (30) DAYS OF THE COMPLETION OF CONSTRUCTION OF THE BULKHEAD, THE PERMITTEE SHALL PROVIDE THE DISTRICT WITH AS-BUILT DRAWINGS SIGNED AND SEALED BY A FLORIDA PROFESSIONAL ENGINEER VERIFYING THAT THE BULKHEAD WAS CONSTRUCTED IN ACCORDANCE WITH THE DESIGN PERMITTED BY THE DISTRICT.
14. THE PERMITTEE IS PUT ON NOTICE THAT THE AUTHORIZED PATH SHALL BE INSTALLED SO THE TOP OF THE PATH IS SET FLUSH WITH EXISTING GROUND AND IN SUCH A MANNER SO AS TO WITHSTAND THE WEIGHT OF THE DISTRICT'S HEAVY MAINTENANCE EQUIPMENT AND VEHICLES.
15. IN ISSUING THIS PERMIT, THE DISTRICT IS NOT RELINQUISHING ANY OF ITS RIGHTS; PARTICULARLY ITS RIGHT TO USE THE CANAL RIGHT OF WAY FOR ACCESS TO PERFORM MAINTENANCE OPERATIONS ALONG THE CANAL. THESE MAINTENANCE OPERATIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, INSPECTIONS, POST STORM RECOVERY OPERATIONS, TREE AND VEGETATION MANAGEMENT PROJECTS OR CHANNEL, BANK OR SHORELINE IMPROVEMENT PROJECTS AND ALSO INCLUDE FUTURE CANAL IMPROVEMENT INITIATIVES.
16. BY ACCEPTANCE OF THIS PERMIT, THE PERMITTEE SPECIFICALLY ACKNOWLEDGES THAT:
 - A. ONLY THOSE TREES AND PLANTINGS SPECIFICALLY APPEARING ON THE PERMIT DRAWINGS ARE AUTHORIZED.
 - B. PRIOR DISTRICT WRITTEN APPROVAL IS REQUIRED BEFORE PLACING ANY ADDITIONAL TREES OR PLANTINGS WITHIN THE DISTRICT'S CANAL RIGHT OF WAY, AND THAT FUTURE REQUESTS FOR TREES WITHIN FORTY FEET OF THE TOP OF THE CANAL BANK WILL BE DENIED.
 - C. THE PERMITTEE IS PUT ON NOTICE THAT THIS PERMIT DOES NOT AUTHORIZE THE REPLACEMENT OF THE EXISTING AUTHORIZED TREES OR PLANTINGS WHICH DIE, BECOME DISEASED OR DAMAGED.

PERMIT (MOD) NUMBER 6615
OCTOBER 8, 2003

CONTINUED SPECIAL CONDITIONS ARE AS FOLLOWS:

17. THE PERMITTEE IS RESPONSIBLE FOR THE MAINTENANCE OF ALL AUTHORIZED TREES AND PLANTINGS WITHIN THE DISTRICT'S RIGHT OF WAY AND THE GROWTH OF SAID TREES, INCLUDING PRUNING OF TREE CANOPIES. THE PERMITTEE SHALL MAINTAIN THE TREES IN SUCH A MANNER SO NO PORTION OF THE AUTHORIZED PLANTINGS EITHER OVER-HANG OR ENCROACH ONTO THE AREAS SPECIFIED BY THE DISTRICT TO REMAIN CLEAR FOR CANAL MAINTENANCE PURPOSES. UPON THE REQUEST BY THE DISTRICT, THE PERMITTEE SHALL IMMEDIATELY TRIM OR PRUNE ANY TREES OR PLANTINGS IDENTIFIED BY THE DISTRICT TO THE DISTRICT'S SATISFACTION AND AT THE PERMITTEE'S SOLE EXPENSE.
18. THE PERMITTEE IS PUT ON NOTICE AND AGREES THAT ANY DAMAGE RESULTING FROM THE SUBJECT TREES SHALL BE THE SOLE RESPONSIBILITY OF THE PERMITTEE.
19. IN THE EVENT TREES OR PLANTINGS MUST BE REMOVED TO ACCOMODATE DISTRICT ACTIVITIES THE PERMITTEE BEARS ALL RESPONSIBILITY FOR REMOVING OR RELOCATING ANY PLANTING OR TREES. RESPONSIBILITY SHALL INCLUDE COMPLYING WITH APPLICABLE LOCAL REGULATIONS WHICH MAY INCLUDE PROVIDING FOR PLANTING LOCATIONS OUTSIDE DISTRICT RIGHT OF WAY.
20. THE DISTRICT ASSUMES NO RESPONSIBILITY FOR ANY TREES OR PLANTINGS WITHIN ITS RIGHTS OF WAY THAT MAY BE DAMAGED AS A RESULT OF THE DISTRICT'S CONSTRUCTION OR MAINTENANCE ACTIVITIES.
21. IF STORM, HURRICANE OR EMERGENCY CIRCUMSTANCES HAVE DEVELOPED, THE DISTRICT WILL CALL BY TELEPHONE OR VISIT THE SITE TO PLACE THE PERMITTEE ON A 24-HOUR ALERT. AT THIS TIME THE PERMITTEE AND THE PERMITTEE'S CONTRACTOR(S) AND SUB-CONTRACTOR(S) MUST BEGIN SECURING THE PROJECT SITE PER THE DISTRICT APPROVED CONTINGENCY PLANS.
22. IF STORM, HURRICANE OR EMERGENCY CIRCUMSTANCES ARE DEVELOPING, THE DISTRICT WILL ATTEMPT TO PROVIDE A *FORTY-EIGHT (48) HOUR NOTICE*. THE PERMITTEE WILL BE CONTACTED BY TELEPHONE OR A VISIT TO THE CONSTRUCTION SITE WHEREIN THE PERMITTEE WILL BE INFORMED OF THE EMERGENCY SITUATION. THE PERMITTEE IS PUT ON NOTICE THAT THE 48-HOUR NOTICE IS A WARNING THAT THE DISTRICT MAY OR MAY NOT BE ABLE TO PROVIDE TO THE PERMITTEE.
23. IT SHOULD BE NOTED THAT THE DISTRICT'S HURRICANE, STORM EVENT AND/OR EMERGENCY ALERT MAY DIFFER FROM THE NATIONAL HURRICANE CENTER OR THE LOCAL NEWS AND WEATHER. THE DISTRICT TAKES INTO CONSIDERATION THE NUMEROUS FACTORS CONCERNING CONSTRUCTION WITHIN THE CHANNEL AND CANAL RIGHTS OF WAY. AS SUCH UPON THE DISTRICT'S NOTIFICATION TO THE PERMITTEE OF A PENDING EMERGENCY, STORM EVENT OR HURRICANE, THE PERMITTEE HAS *TWENTY-FOUR (24) HOURS OR LESS* TO COMPLY WITH DISTRICT ORDERS AND THE PREVIOUSLY SUBMITTED DISTRICT, APPROVED CONTINGENCY PLAN.

PERMIT (MOD) NUMBER 6615
OCTOBER 8, 2003

CONTINUED SPECIAL CONDITIONS ARE AS FOLLOWS:

24. PRIOR TO COMMENCEMENT OF CONSTRUCTION OR UTILIZATION OF THE DISTRICT'S RIGHT OF WAY THE PERMITTEE IS REQUIRED TO CONTACT THE DISTRICT'S FIELD REPRESENTATIVE LISTED ON THE FACE OF THIS PERMIT AND SCHEDULE A PRE-CONSTRUCTION MEETING. PERMITTEE SHALL PREPARE AND PRESENT AT THE PRE-CONSTRUCTION MEETING:
 - A. A LIST OF 24 HOUR CONTACT PERSONNEL. THE LIST SHALL INCLUDE THE CONTRACTOR AND DESIGNER, THEIR TITLES AND TELEPHONE NUMBERS FOR OFFICE, MOBILE, BEEPER, HOME OR LOCAL RESIDENCES.
 - B. WRITTEN INVENTORY OF THE TYPE OF VEHICLES, CONSTRUCTION EQUIPMENT, OTHER MACHINERY AND MATERIALS WHICH WILL BE LOCATED WITHIN THE DISTRICT'S RIGHT OF WAY.
 - C. WRITTEN INVENTORY OF THE TYPE OF VEHICLES, CONSTRUCTION EQUIPMENT, OTHER MACHINERY AND MATERIALS WHICH WILL BE LOCATED WITHIN THE DISTRICT'S RIGHT OF WAY.
 - D. WRITTEN PROCEDURES FOR THE CLEARING OF ALL CONSTRUCTION MATERIALS, MACHINERY, EQUIPMENT AND VEHICLES FROM THE CANAL AND THE AREA IMMEDIATELY ADJACENT TO THE CANAL WITHIN 24 HOURS NOTICE FROM THE DISTRICT.
 - E. A LIST CONTAINING THE NAMES AND CONTACT NUMBERS OF THE INDIVIDUALS RESPONSIBLE FOR THE VARIOUS OPERATIONS INVOLVED IN THE CLEARING PROCEDURES.
 - F. IT IS THE PERMITTEE'S RESPONSIBILITY TO PROVIDE THE DISTRICT WITH 2 SETS OF FINAL, SIGNED AND SEALED 100% PLANS (FOR BRIDGE AND BULKHEAD) AS SOON AS SAID PLANS ARE AVAILABLE. AT THAT TIME, THE PERMITTEE SHALL ALSO PROVIDE THE DISTRICT WITH 2 COPIES OF AN ITEMIZED LIST OF ANY CHANGES CONTAINED IN THE FINAL 100% PLANS EFFECTING THE DRAWINGS CONTAINED IN THE RIGHT OF WAY OCCUPANCY PERMIT ISSUED BY THE DISTRICT. SAID CHANGES (ITEMIZED LIST) AND ASSOCIATED REVISED 8 1/2" X 11" DRAWINGS SHALL BE PROVIDED TO THE DISTRICT WITHIN 15 DAYS OF PERMITTEE'S COMPLETION OF THE 100% PLANS AND BE SENT TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AT ITS WEST PALM BEACH HEADQUARTERS TO THE ATTENTION OF THE RIGHT OF WAY DIVISION.
25. BASED ON THE CHANGES CONTAINED IN THE 100% PLANS AND THE DRAWINGS CONTAINED IN THE RIGHT OF WAY OCCUPANCY PERMIT FILE, IT IS THE PERMITTEE'S RESPONSIBILITY TO APPLY TO THE DISTRICT FOR REQUIRED PERMIT MODIFICATIONS,
26. THE PERMITTEE'S PROJECT MANAGER SHALL CONTACT THE DISTRICT'S AREA FIELD REPRESENTATIVE APPEARING ON THE FACE OF THIS PERMIT PRIOR TO THE PERMITTEE'S PRE-FINAL INSPECTION AND PREPARATION OF THE FINAL PUNCH LIST.
27. THE LOW MEMBER ELEVATION OF THE AUTHORIZED CROSSING SHALL BE SET AT ELEVATION +15.57' FEET MSL/NGVD OR HIGHER AS SHOWN ON THE PERMIT DRAWINGS (SHEET S-3).
28. AT NO TIME WILL THE CANAL BE BLOCKED OR FLOWS OTHERWISE RESTRICTED OR IMPEDED. THIS SHALL INCLUDE A PROHIBITION ON DAMS OR FILLS BEING PLACED IN THE CANAL (WITH THE EXCEPTION OF THE AUTHORIZED BULKHEAD) DURING ALL PHASES OF CONSTRUCTION AND MAINTENANCE.

PERMIT (MOD) NUMBER 6615
OCTOBER 8, 2003

CONTINUED SPECIAL CONDITIONS ARE AS FOLLOWS:

29. THE PERMITTEE SHALL UTILIZE TURBIDITY SCREENS DURING CONSTRUCTION ACTIVITY IN CONFORMANCE WITH APPLICABLE REGULATIONS.
 30. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF SILT BARRIERS LOCATED WITHIN THE CANAL WITHIN 48 HOURS NOTICE FROM THE DISTRICT. IF IN THE DISTRICT'S OPINION, STORM CONDITIONS OR EMERGENCY CIRCUMSTANCES ARE DEVELOPING, THE REMOVAL OF THE SILT BARRIERS SHALL BE COMPLETED WITHIN 12 HOURS OF NOTICE FROM THE DISTRICT.
 31. THE PERMITTEE IS RESPONSIBLE FOR PROVIDING AND UTILIZING DUST CONTROL MEASURES DURING ALL PHASES OF CONSTRUCTION.
 32. THE PERMITTEE SHALL NOT PLACE SIGNS, SIGNAL POLES, GUARD RAIL OR ANY OTHER OBSTRUCTIONS NOT PREVIOUSLY AUTHORIZED BY THIS PERMIT WITHIN THE DISTRICT'S RIGHT OF WAY OR DESIGNATED EQUIPMENT STAGING AREAS.
 33. NO VEHICULAR MAINTENANCE/REPAIR ACTIVITIES OR SUBSTANCES OR PARTS ASSOCIATED WITH THE REPAIR OR MAINTENANCE OF VEHICLES/EQUIPMENT WILL TAKE PLACE, BE USED, STORED OR DISCARDED WITHIN THE RIGHT OF WAY NOR SHALL BE THE DISTRICT'S RIGHT OF WAY BE USED FOR STORAGE OR PARKING OF EQUIPMENT, ASSOCIATED MACHINERY OR CONSTRUCTION TRAILERS.
 34. RIP-RAP SHALL CONSIST OF CLEAN, ENVIRONMENTALLY ACCEPTABLE MATERIALS, SUCH AS NATURAL LIMESTONE, 12" - 18" IN DIAMETER. NO REINFORCING RODS OR METAL PROTRUSIONS FROM RIP-RAP ARE ALLOWED.
 35. THE AUTHORIZED MATERIALS SHALL BE OF ADEQUATE DESIGN TO REMAIN INTACT DURING EXTREME FLOWS AND DISCHARGES.
 36. THE DISTRICT IS NOT UNDER ANY CIRCUMSTANCES RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF THE AUTHORIZED MATERIAL DAMAGED AS A RESULT OF WATER FLUCTUATIONS, FLOWS OR OPERATIONS OF ITS WATER CONTROL STRUCTURES.
 37. PERMITTEE IS RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF THE PLANTINGS AND OTHER IMPROVEMENTS. MAINTENANCE SHALL INCLUDE CYCLE MOWING/WEED TRIMMING AND DEBRIS/LITTER REMOVAL THROUGHOUT THE LIMITS OF THE PROJECT LOCATED WITHIN THE DISTRICT'S RIGHT OF WAY.
 38. THE PERMITTEE SHALL MAINTAIN THE AREA ON A REGULAR CYCLE BASIS AND KEEP THE RIGHT OF WAY FREE OF EXCESSIVE WEEDS AND EXOTIC VEGETATION.
- END.

Appendix E

FLORIDA DEPARTMENT OF TRANSPORTATION
DISTRICT FOUR
GENERAL USE PERMIT APPLICATION



DATE OF DEPARTMENT RECEIPT: _____ PERMIT NUMBER: _____

04K 491 0078

ROAD SECTION: 86080 552 STATE ROAD: 84 (US _____) LIMITED ACCESS: Y N COUNTY: Broward

APPLICANT: Broward County Engineering Division PHONE: (954) 577-4614

ADDRESS: 1 N. University Dr., Suite 300-B, Plantation, FL 33324

Applicant requests permission from the State of Florida Department of Transportation (hereinafter called the Department) to construct operate maintain the facility shown in the accompanying engineering drawings and described here:

Construction of a concrete, 12-ft-wide shared used path along SR 84 from west of Davie Road to east of SR 7. The project includes construction of a pedestrian signal at Davie Rd. (plans not developed yet) to allow pedestrians to cross eastbound and westbound SR 84 from the shared used path to the existing sidewalk on the west side of Davie Road, re-grading of swales, construction of a drainage system and guardrail along SR 84 from SR 7 west to the end of the project as indicated in the attached plans. Landscaping and signing and pavement markings are also proposed as part of this project.

(hereinafter referred to as the permitted work).

FROM MP _____ TO MP _____; or FROM STATION 10+00 TO STATION 139+04.54

Reference associated State Project Number: _____; date completed: _____;

under construction (date construction began): _____; date to be let: _____

The requested permit work is: in the city of Davie; not in a city _____.

Applicant agrees to the following conditions:

1. The applicant, with the applicant's engineer of record, shall supervise the permitted work. The Department reserves the right to inspect the work, materials, or equipment at any time with or without prior notification.
2. The applicant shall submit documentation acknowledging the pending work from all affected maintaining agencies prior to approval of this permit. Maintaining agencies are those agencies that, by agreement, maintain some facilities in Department right-of-way. Maintaining agencies may place obligations upon the applicant which the Department may include as permit conditions.

for traffic signals: Broward County; n/a for street lights:

for landscaping: Broward County

3. The applicant certifies by signature hereon that the location of all affected utilities has been ascertained and that the applicant is in compliance with all applicable Florida Statutes. The applicant mailed letters of notification of pending permit work and requesting location to the following municipalities and utility owners on the dates shown:

02/12/03: S. F. W. M. D.

10/23/01: People Gas System

10/23/01: BellSouth Telecommunication

10/23/01: Town of Davie

10/23/01: Florida Power & Light

10/23/01: AT&T Broadband

A COPY OF THIS PERMIT AND
PLAN WILL BE ON THE JOB
SITE AT ALL TIMES DURING
THE CONSTRUCTION OF
THIS FACILITY

4. It is expressly stipulated that this permit is a license for permissive use only. The placing of facilities or improvements within public right-of-way, pursuant to this permit, does not create or vest any property rights.
5. The Department may determine that removal or adjustment of permitted features or improvements is required to facilitate necessary construction, maintenance, safety, or efficiency of the highway. Removal or adjustment will be immediate or as otherwise directed by the Department and shall be at the expense of the applicant unless reimbursement is authorized.
6. The applicant may be required to provide notice relating the plan to the public in a manner prescribed by the Department. The permitted work shall not unduly interfere with the rights of others, including other permit holders, without appropriate agreements with those others.
7. The integrity of all declarations (whether expressed or implied) and of all design drawings presented to support this permit request is the responsibility of the applicant. Any misrepresentations of fact by the applicant may be cause for revocation of an issued permit.
8. To the extent allowed by law, the applicant, heirs, assigns, and successors in interest is bound and obligated to save and hold the State of Florida, the Department, its agents, and employees harmless from any and all damages, claims, expense, or injuries arising out of any act, neglect, or omission by the applicant, heirs, assigns, and successors in interest that may occur by reason of this facility design, construction, maintenance, or continuing existence of the permitted work, except that the applicant shall not be liable under this provision for damages arising from the sole negligence of the Department.
9. The applicant agrees to safely conduct the public through the permitted work area from the time work begins to the time of acceptance of certification of work. Full compliance with the current Department Roadway and Traffic Design Standards (600 Series), is a minimum requirement. The Department may require the applicant to take further measures, including the acquisition of the services of uniformed off duty police officers to assist in traffic safety.

10. The applicant shall provide for a pre-construction conference with the Department project engineer. The applicant shall prepare and present at the pre-construction conference an emergency restoration plan to address eventualities such as hurricanes. The applicant shall provide a 24-hour telephone number by which the Department may contact the person responsible for and who has authority to act on the emergency restoration plan and maintenance of traffic.

11. In the event the applicant fails to meet any of the provisions of this permit, all work in pursuit of the permit objective must cease and the applicant must immediately restore affected public property to a condition as good as or better than before permit work began. The applicant will continue to indemnify the Department as stated above until restoration is accepted by the Department.

12. The applicant is required by Florida Statute to notify local law enforcement agencies prior to closing one or more lanes of the State highway for periods exceeding two hours.

13. Special conditions for this permit: _____

SEE ATTACHED SPECIAL CONDITIONS

A COPY OF THIS PERMIT AND PLAN WILL BE ON THE JOB SITE AT ALL TIMES DURING THE CONSTRUCTION OF THIS FACILITY

(Other special conditions may be attached).

14. At the completion of the construction, and prior to Department acceptance of certification, the engineer of record shall certify with original signature that the work and materials:

- (a) Comply with the Department Standard Specifications for Road and Bridge Construction dated 2000 and Design Standards dated January 2002.
- (b) Is in accord with all plans, special provisions, policies, regulations, and safety standards pertaining to the permitted work.
- (c) Is in accord with all applicable local, county, State, and national ordinances, rules, codes, and laws.

15. The Department may accept certification of the permitted work upon the restoration of the public facility and satisfactory completion of the permitted work. The Department shall not accept certification prior to the applicant's submission of two complete sets of as-built plans and three sets if a bridge structure is involved. Unless the applicant can show good cause for delay and unless the Department approves an extension, all permitted construction work shall be completed within one year of permit approval.

16. The engineer of record is: Ramon Sierra, P.E. Telephone: (954) 577-4614
Professional Engineer License No.: 60739 Address: 1 N. University Dr., Ste. 300-B, Plantation, FL 33324

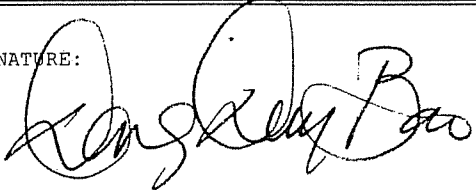
17. The Prime Professional Engineer (PPE) is responsible to certify that all work permitted herein is completed in compliance with the terms of this permit. The PPE (P.E. Number 58587) is: Bao D. Dang, P.E. Telephone: (954) 577-4569 Address: 1 N. University Dr., Ste. 300-B, Plantation, FL 33324

18. The Department project engineer of the local maintenance office or the resident construction office is to accept the certification of the Prime Professional Engineer. The Department Project Engineer is: _____ Telephone: (____) _____ Address: _____

19. Authorization for the agent signing for the applicant (if other than the applicant) is indicated in a notarized letter from the applicant dated _____. The letter is made a part of this application.

20. The applicant understands that alteration to this form (other than filling out the blank spaces provided in the November revision) makes this application and approval invalid. Use of both front and back is required with signature blocks below on the back of the forms.

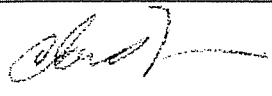
THE APPLICANT OR THE APPLICANT'S AGENT:

<u>Bao D. Dang</u> <u>09/13/04</u> TYPED OR PRINTED NAME DATE <u>Design Section Manager</u> TYPED OR PRINTED TITLE	SIGNATURE: 
---	--

RECOMMENDED FOR THE DEPARTMENT OF TRANSPORTATION FOR APPROVAL BY:

Vincente G. Noboa NAME: <u>DEC 14 2002</u> DATE: Asst. District Permits Engineer	SIGNATURE: <u>Vincente G. Noboa</u>
--	-------------------------------------

APPROVED FOR THE DEPARTMENT OF TRANSPORTATION BY:

NAME: _____ DATE: <u>DEC 14 2002</u> TITLE: _____	SIGNATURE: 
--	--

District Four - Permits Office
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421
954-777-4383, Fax: 954-677-7893
Toll-Free: 866-336-8435
clark.turberville@dot.state.fl.us

2004K-491-0078
SPECIAL CONDITIONS FOR DEWATERING

1. Sampling results of dewatering operations, before discharging to FDOT system commences, shall have a chloride concentration equal to or greater 250 mg/L (SFWMD) definition of saline)
2. All conditions placed on the applicant by other regulating agencies, to separate construction site from nearby contaminated site, shall be complete and certified by those agencies before discharging to FDOT system commences
3. Rate of flow shall be limited as specified by the FDOT. A meter displaying the rate of flow shall be convenient to FDOT inspectors at all times. Under no circumstances will flooding of the State Road be tolerated due to dewatering activities.
4. Dewatering operations and subsequent discharge into FDOT storm system will commence at low tide unless the operation is west of effective SFWMD control gates.
5. *Applicant shall provide a floating turbidity barrier at the affected outfall*
6. Under no circumstances will flooding of the State Road be tolerated due to dewatering activities
7. An inline sediment control bucket is required on site
8. **Applicant** assumes all responsibility for any contamination to the FDOT storm sewer system as result of de-watering or other work on the site
9. **Applicant** assumes all responsibility for contributing to the failure of FDOT system during the course of dewatering operations and proximate months following. **Applicant** assumes all cost of repair to restore FDOT system to condition prior to construction of de-watering apparatus.
10. **Applicant** shall continuously maintain pedestrian features to meet Americans with Disability Act (ADA) standards
11. **Applicant** shall provide a floating turbidity barrier at the affected outfall

Revised November 4, 2003

SPECIAL CONDITIONS

PERMIT NO. 2004K4910078

SR-84

State Section No.: 86080550

- During construction, highest priority should be given to ensure pedestrian safety. If permission is granted to temporarily close a sidewalk, it is done so with the express condition that an alternate route will be provided, it is clearly identified, and it will be re-opened as quickly as possible.
- The D.O.T. right-of-way cannot be utilized for on-site construction.
- The D.O.T. roadway, sidewalk, etc. must not be disturbed until the off-site improvements shown on the permit are ready to be constructed. This construction should be completed as soon as possible so as to minimize disruption within the R/W.
- A copy of this permit and plan will be on the job site at all times during the construction of this facility.
- This permit is valid only for work proposed within the D.O.T. right-of-way and shall conform to the permitting process as established by the applicable Florida Administrative Code Rule (14-96). Contact Paul Blackwood at 954-776-4300 to schedule a pre-construction conference.
- Permittee is cautioned that utilities may be located within the construction area.

Validity of this permit is contingent upon permittee obtaining necessary permits from all other agencies involved.

- Before beginning any work the signal maintaining agency must be notified to establish the location of any signal loops, wires, system communications, etc.
- Contain all erosion and sedimentation on-site and prevent its entry into the state road storm sewer system.
- If the use of FDOT right-of-way is requested for any dewatering operation, the applicant must contact Mr. Mike Netti at 954-776-4300 for approval. If approved, the attached "Special Conditions for Dewatering" applies.
- All materials and construction within the FDOT right-of-way shall conform to the FDOT Roadway and Traffic Design Standards (Latest Edition), Standard Specifications (Latest Edition) and the supplements thereto.
- Add an MOT note instructing that the local media shall be contacted a week prior to any lane closures on the state road system as it will occur during peak hours or over the span of more than one day. Contact Barbara Kelleher, FDOT Public Information Office at 954-777-4090 for guidance on who to contact. Provide a copy of the press release to:

Florida Department of Transportation
Public Information Office
3400 West Commercial Blvd.
Fort Lauderdale, Florida 33309

PT21 FLORIDA DEPARTMENT OF TRANSPORTATION DATE: 12/14/2004
PERMIT TRACKING SYSTEM TIME: 13:41:47
FUNCTION: C GENERAL USE PERMIT APPLICATION
PERMIT NUMBER: 04 K 491 0078 DATE RECEIVED 09/15/2004
STATUS 10 APPROVED LAST STATUS CHANGE 12/14/2004
DATE APPROVED 12/14/2004 EXPIRATION DATE 12/14/2005 DATE DENIED
APPLICANT BROWARD CO. ENGINEERING PHONE 954 577-4614
ADDRESS 1 N. UNIVERSITY DR. SUITE 300
CITY PLANTATION STATE FL ZIP 33324
ACTIVITY 04 CONSTRUCTION/RECONSTRUCTION
ST RD# 84 CO 86 SECTION 080 SUBSE 000 MILEPOST 000.000 TO 001.000
COMMENTS LOC WEST OF DAVIE TO EAST OF SR. 7
SENT TO JOSETTE 9/17/04
MORE INFO. CALL RAMON SIERRA 954-577-4614
WORK CONT. 12 FT. WIDE SHARED PATH
ESTIMATED COST OF IMPROVEMENTS: \$2,000,000.00

PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF12
EXIT LOC. REFRSH CMNT RECBWD RECFWD SCROLL RETURN
LOCATION INFORMATION DOES NOT EXIST IN RCI
UPDATE IS COMPLETE.

2004K-491-0078
STATE ROAD 84 SHARED-USE PATH

Date Received: September 17, 2004 **Applicant:** Broward County Engineering
FDOT Reference Project: N/A **Section:** 86080550 **M.P.** 0.000 -- 0.161 **SR-84**
FDOT Project Manager: N/A **Phone:** N/A
FDOT CEI: N/A **Phone:** N/A
Engineer of record: Ramon Sierra, P.E. **Consultant:** Broward County Engineering Division
E-Mail: jsierra@broward.org **Phone:** 954-577-4614/954-577-2338 **FAX**
Drainage Connection application: N/A **Approved:** N/A

Project Description: Construction of a pedestrian-bike shared path from 850 feet west of Davie Road to the east right of way of SR-7 (US-441). Construction of this project is within limited access right of way up to Sta. 32+00. It crosses limited access right of way at the east side of SR-7 under the bridge and continuous within the limited access right of way to the end of the project at Sta. 139+05.00

12/14/2004 APPROVED

See special conditions of the permit.

This project was sent for review to drainage, structures, and landscape. No major issues were identified as indicated in the project file. Mr. Sierra was informed that no structural plans were submitted as part of the package. The steel rail shown requires that Index 850 be part of the contract plans. The as-built plans must reflect the above comments.

A COPY OF THIS PERMIT AND
PLAN WILL BE ON THE JOB
SITE AT ALL TIMES DURING
THE CONSTRUCTION OF
THIS FACILITY

FLORIDA DEPARTMENT OF TRANSPORTATION
DISTRICT FOUR
GENERAL USE PERMIT APPLICATION

APPLICANT



DATE OF DEPARTMENT RECEIPT: 1/6/05 PERMIT NUMBER: DAK 491-010
ROAD SECTION: 86095 STATE ROAD: 862 (I-595) (US) LIMITED ACCESS: Y Y N COUNTY: Broward
APPLICANT: Broward County Highway Construction & Engineering Division PHONE: (954) 577-4614
ADDRESS: 1 N. University Dr., 2nd Floor, Plantation, FL 33324

Applicant requests permission from the State of Florida Department of Transportation (hereinafter called the Department) to Y construct operate maintain the facility shown in the accompanying engineering drawings and described here:

Construction of three temporary stabilized roads to allow vehicles and equipment to access construction site during the construction of a shared use path along SR 84 from west of Davie Rd. to east of SR 7. The first proposed access road is located just east of Davie Rd. The second access road is proposed to be built off the ramp from south bound SR 7 to the Florida Turnpike. It would reach from the shoulder of the ramp to the existing gates that are currently used by South Florida Water Management maintenance vehicles. The last temporary road would be located off the access ramp from I-595 WB to north SR 7. All proposed access roads are identified in the attached aerial photos, and they would consist of approximately 12" of stabilized embanked material, and would be removed as soon as construction of the path is finished.

(hereinafter referred to as the permitted work).

FROM MP 6.685 TO MP 8.300; or FROM STATION 10+00 TO STATION 139+04.54

Reference associated State Project Number: ; date completed: ;

under construction (date construction began): ; date to be let: .

The requested permit work is: in the city of Davie; not in a city .

Applicant agrees to the following conditions:

1. The applicant, with the applicant's engineer of record, shall supervise the permitted work. The Department reserves the right to inspect the work, materials, or equipment at any time with or without prior notification.
2. The applicant shall submit documentation acknowledging the pending work from all affected maintaining agencies prior to approval of this permit. Maintaining agencies are those agencies that, by agreement, maintain some facilities in Department right-of-way. Maintaining agencies may place obligations upon the applicant which the Department may include as permit conditions.

Y for traffic signals: Broward County; n/a for street lights:

Y for landscaping: Broward County

3. The applicant certifies by signature hereon that the location of all affected utilities has been ascertained and that the applicant is in compliance with all applicable Florida Statutes. The applicant mailed letters of notification of pending permit work and requesting location to the following municipalities and utility owners on the dates shown:

02/12/03; S. F. W. M. D.

10/23/01; People Gas System

10/23/01; BellSouth Telecommunication

10/23/01; Town of Davie

10/23/01; Florida Power & Light

10/23/01; AT&T Broadband

4. It is expressly stipulated that this permit is a license for permissive use only. The placing of facilities or improvements within public right-of-way, pursuant to this permit, does not create or vest any property rights.
5. The Department may determine that removal or adjustment of permitted features or improvements is required to facilitate necessary construction, maintenance, safety, or efficiency of the highway. Removal or adjustment will be immediate or as otherwise directed by the Department and shall be at the expense of the applicant unless reimbursement is authorized.
6. The applicant may be required to provide notice relating to the plan to the public in a manner prescribed by the Department. The permitted work shall not unduly interfere with the rights of others, including other permit holders, without appropriate agreements with those others.
7. The integrity of all declarations (whether expressed or implied) and of all design drawings presented to support this permit request is the responsibility of the applicant. Any misrepresentations of fact by the applicant may be cause for revocation of an issued permit.
8. To the extent allowed by law, the applicant, heirs, assigns, and successors in interest is bound and obligated to save and hold the State of Florida, the Department, its agents, and employees harmless from any and all damages, claims, expense, or injuries arising out of any act, neglect, or omission by the applicant, heirs, assigns, and successors in interest that may occur by reason of this facility design, construction, maintenance, or continuing existence of the permitted work, except that the applicant shall not be liable under this provision for damages arising from the sole negligence of the Department.
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 to be completed by the Department

D-4 GU Revised March, 2002

The Department may require the applicant to take further measures, including the acquisition of the services of uniformed off duty police officers to assist in traffic safety.

10. The applicant shall provide for a pre-construction conference with the Department project engineer. The applicant shall prepare and present at the pre-construction conference an emergency restoration plan to address eventualities such as hurricanes. The applicant shall provide a 24-hour telephone number by which the Department may contact the person responsible for and who has authority to act on the emergency restoration plan and maintenance of traffic.

11. In the event the applicant fails to meet any of the provisions of this permit, all work in pursuit of the permit objective must cease and the applicant must immediately restore affected public property to a condition as good as or better than before permit work began. The applicant will continue to indemnify the Department as stated above until restoration is accepted by the Department.

12. The applicant is required by Florida Statute to notify local law enforcement agencies prior to closing one or more lanes of the State highway for periods exceeding two hours.

13. Special conditions for this permit: _____

(Other special conditions may be attached).

14. At the completion of the construction, and prior to Department acceptance of certification, the engineer of record shall certify with original signature that the work and materials:

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(b) Is in accord with all plans, special provisions, policies, regulations, and safety standards pertaining to the permitted work.

(c) Is in accord with all applicable local, county, State, and national ordinances, rules, codes, and laws.

15. The Department may accept certification of the permitted work upon the restoration of the public facility and satisfactory completion of the permitted work. The Department shall not accept certification prior to the applicant's submission of two complete sets of as-built plans and three sets if a bridge structure is involved. Unless the applicant can show good cause for delay and unless the Department approves an extension, all permitted construction work shall be completed within one year of permit approval.

16. The engineer of record is: Ramon Sierra, P.E. Telephone: (954) 577-4614
Professional Engineer License No.: 60739 Address: 1 N. University Dr., Ste. 300-B, Plantation, FL 33324

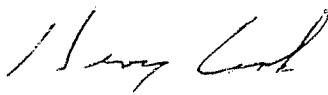
17. The Prime Professional Engineer (PPE) is responsible to certify that all work permitted herein is completed in compliance with the terms of this permit. The PPE (P.E. Number 58587) is: Bao D. Dang, P.E. Telephone: (954) 577-4569 Address: 1 N. University Dr., Ste. 300-B, Plantation, FL 33324

18. The Department project engineer of the local maintenance office or the resident construction office is to accept the certification of the Prime Professional Engineer. The Department Project Engineer is: _____ Telephone: (____) _____ Address: _____


19. Authorization for the agent signing for the applicant (if other than the applicant) is indicated in a notarized letter from the applicant dated _____. The letter is made a part of this application.

20. The applicant understands that alteration to this form (other than filling out the blank spaces provided in the November revision) makes this application and approval invalid. Use of both front and back is required with signature blocks below on the back of the forms.


THE APPLICANT OR THE APPLICANT'S AGENT:

<u>Henry Cook, P.E.</u>	<u>12/21/04</u>	SIGNATURE: 
TYPED OR PRINTED NAME	DATE	
<u>Division Director</u>		
TYPED OR PRINTED TITLE		

RECOMMENDED FOR THE DEPARTMENT OF TRANSPORTATION FOR APPROVAL BY:

<u>Carolina A. Bustamante</u>	DATE: <u>JAN 25 2005</u>	SIGNATURE: 
District Permits Coordinator		

APPROVED FOR THE DEPARTMENT OF TRANSPORTATION BY:

NAME: _____	DATE: <u>JAN 25 2005</u>	SIGNATURE: 
TITLE: _____		

Appendix F



Florida Department of Transportation

JEB BUSH
GOVERNOR

PLANNING AND ENVIRONMENTAL MANAGEMENT - DISTRICT 4
3400 West Commercial Blvd., Ft. Lauderdale, FL 33309-3421
Telephone (954) 777-4330 Fax (954) 777-4310
Toll Free Number: 1-866-336-8435

JOSÉ ABREU
SECRETARY

August 11, 2004

Mark Horowitz, Special Project Coordinator IV
Broward County Greenways
Department of Planning and Environmental Protection
115 South Andrews Avenue, Room 329H
Fort Lauderdale, Florida 33301

Dear Mr. Horowitz:

SUBJECT: I-595 / SR-862 Project Development & Environment (PD&E) Study
Financial Project ID: 409354-1-22-01
Federal Aid Project No: 5951 539 I
County: Broward
Limits: West of I-75/Sawgrass Expressway to east of I-95

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study to evaluate improvements to I-595, from west of I-75 to east of I-95. The PD&E phase of the project will further develop the corridor improvements of the Master Plan's Locally Preferred Alternative (LPA) that was endorsed by the Broward County Metropolitan Planning Organization and approved by the Federal Highway Administration.

In accordance with Section 4(f) of the Department of Transportation Act of 1966 [Title 49, USC, Section 303, as amended], as part of the study process, it must be determined if Section 4(f) applies to publicly owned and officially-designated parks, recreation areas, wildlife and waterfowl refuges, or historic sites within the project area. Potential impacts that must be considered include actual/direct use through permanent incorporation or temporary occupancy; or constructive/indirect use due to proximity impacts which substantially impair the activities, features, or attributes of the property's vital functions.

The FDOT is requesting your assistance (as the jurisdictional agency) in determining the significance and function of the following planned county facility located adjacent to the proposed project improvements:

- New River / State Road 84 Greenway

The Federal Highway Administration (FHWA) will make the formal determination of Section 4(f) applicability. To assist the FHWA in this determination, please provide a signed letter with an indication of significance for this facility. In this context,

"significance" means that in comparing the availability and function of the property with the recreational, park, and refuge objectives of the community, the land in question plays an important role in meeting those objectives. Please include a description of the role the land in question plays in meeting those objectives.

We would appreciate the requested information at your earliest convenience. If you have questions or further clarification is needed, please contact me at (954) 777-4143 or Erik Neugaard at (954) 236-7391. Thank you in advance for your assistance in this matter.

Sincerely,



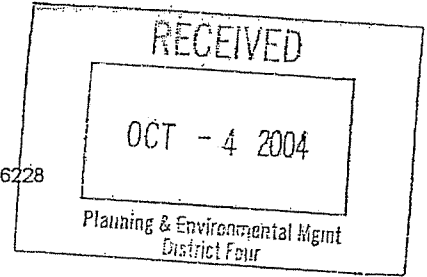
Steven C. Braun, P.E.
Senior Project Manager
Planning & Environmental Management

cc: Nahir Mendoza, FHWA
Paul Lampley, FDOT
Ann Broadwell, FDOT
Erik Neugaard, RS&H

Appendix G



DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION
Transportation Planning Division
115 S. Andrews Avenue, Room 329H H • Fort Lauderdale, Florida 33301 • 954-357-6608 • FAX 954-357-6228



Mr. Steven Braun P.E.
FDOT District IV
3400 West Commercial Blvd.
Fort Lauderdale FL 33309

Dear Mr. Braun:
RE: I 595/SR 862 PDE, Financial Project ID 409354-1-22-01 Project
New River/SR 84 Greenway

I am in receipt of your August 11, 2005 letter regarding the significance of the planned SR 84 Greenway.

This greenway was identified by the County Commission as a priority corridor and by the Broward County MPO as its number two greenway priority.

Currently, the County and the State are spending approximately \$1.3 million dollars, along this corridor, to provide a connection for non-motorized transportation that was created when I-595 was first constructed. Construction for this section should be starting with the next two months. This gap is from SR 7 to Davie Rd. There is also an additional \$6.5 million programmed for FY 2008 to improve this greenway corridor from University Dr. to Markham Park.

This project is a very significant portion of the County greenway system in the central part of the county and provides critical connection between the County's Flamingo Rd. and Hiatus Rd. greenways.

Sincerely

Mark Horowitz,
Bicycle Coordinator

Broward County Board of County Commissioners

Josephus Eggleston, Jr. • Ben Graber • Sue Gunzburger • Kristin D. Jacobs • Ilene Lieberman • Lori Nance Parrish • John E. Rodstrom, Jr. • Jim Scott • Diana Wasserman-Rubin
www.broward.org

Appendix H



U.S. Department
of Transportation

**Federal Highway
Administration**

545 John Knox Road, Suite 200
Tallahassee, Florida 32303

(850) 942-9650

January 24, 2005

In Reply Refer To: HPO-FL

Mr. Rick Chesser
District Four Secretary
Florida Department of Transportation
3400 West Commercial Boulevard
Ft. Lauderdale, Florida 33309

Attention: Mrs. Beatriz Caicedo

Dear Mr. Chesser:

Subject: SR 84 Bike Path from West of Davie Road to East of SR 7
Federal-Aid Project: 561 (019)
FM 228279-1-58-01 (LAP Agreement)
Broward County

This is in response to your request for approval for a break in limited access along SR-84 and I-595, associated with the SR 84 Bike Path project.

This path is part of the Broward County's Greenways Program, which is designed to connect neighborhoods, conservation lands, parks and recreation facilities, cultural and historic sites, schools and business areas. The path uses existing South Florida Water Management District and Florida Department of Transportation right-of-way. However, there are two locations in which the bike path has to enter the limited access right-of-way. After discussion with you at the District office, and review of the preliminary plans, we have determined that the break in access is approved.

Since safety is of major concern, we recommend that as part of the project, several safety feature alternatives be studied in order to alert drivers of the existence of the pathway.

Because Broward County is a public entity, and therefore, the new facility is for public use, we will not seek compensation.

Should you have any questions, please contact Mrs. Nahir DeTizio at (850) 942-9650, extension 3027.

Sincerely yours,

For: Robert S. Wright
Acting Division Administrator

cc: Brian Telfair, FHWA Right-of-Way Officer



Appendix I



Architectural, Engineering, Planning and Environmental Services

Reynolds, Smith and Hills, Inc.

300 South Pine Island Road, Suite 300

Plantation, Florida 33324

954.474.1304

Fax 954.474.1304

FL Cert. Nos. AAC001886 • EB0005620 • LCC000210

Date: October 18, 2005

To: Mr. Steve Braun, PE
Project Manager
Florida Department of Transportation
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421

From: Phil Schwab, PE

RE: **I-595 PD&E Section 4f Coordination Meeting Minutes of September 22, 2005**
FM NOS. 409354-1-22-01
BROWARD COUNTY

A meeting was held on September 22, 2005 to discuss the latest status of the potential 4f sites along the I-595 Corridor and the Determination of Applicability (DOA) that has been submitted each. The meeting was intended to update FHWA on the latest disposition of impacts at each location and agree on a course of action to update and document the process. Attending the meeting were:

<u>Name</u>	<u>Affiliation</u>	<u>Phone</u>
Ann Broadwell	FDOT, PL&EM	(954)777-4325
William Leidy	FDOT, PL&EM	(954)777-2284
Steve Braun	FDOT, PL&EM	(954)777-4143
Nahir DeTizio	FHWA, District 4 Transportation Engineer	(850)942-9650
Phil Schwab	Reynolds, Smith and Hills, Inc. (RS&H)	(954)236-7386

The following is a summary of the discussion on each site and the determined course of action that will be followed to update the documentation on each:

Sewell Lock:

- The DOA submitted on this location is dated and the design has progressed to avoid all permanent impacts to this site.
- All access to the park can remain, as it exists today.
- There is potential for temporary impacts to the site at access points and final dressing of slopes from the back of the proposed curb, as well as temporary construction access for curb construction.

Action Required:

- FDOT shall submit a letter and updated graphic to FHWA explaining the latest design avoids an impact to the park. This can be an addendum to the DOA.
- The FDOT shall document their commitment to coordinate all temporary impacts to the park with the park's owner who is the South Florida Water Management District (SFWMD).
- FDOT needs to bring the ineligibility issues of the sites delisting to SFWMD.

Acre South Park:

- No Impact

Action Required:

- None

Broward County Greenway:

- A letter from Mark Horowitz, who is the jurisdiction authority, states that the greenway is a non-motorized transportation corridor. Further discussion and coordination within FHWA and FDOT related to the transportation vs. recreation designation of the Greenway would be required.
- The project proposes to relocate the greenway, potentially in advance of roadway work. It was also discussed that the relocation would be phased such that the greenway could always be in operation, thus eliminating any impact to the greenways.
- It was discussed that this portion of the greenways is a small percentage of the entire greenway plan of the county. It was agreed that FDOT would send a letter to FHWA documenting the percentage and the justification of no impact to the greenway.
- The Department is planning a public workshop targeting the residents affected by the proposed relocated greenway.

Action Required:

- FDOT will send a letter documenting the percentage of the greenways that will need to be relocated. This percentage will be based from the entire interconnect greenway plan.

Pond Apple Slough:

- There is no Right-of-Way(R/W) taking of the conservation area.
- All work is within the Limited Access R/W.
- The wildlife habitat is continuous under the viaduct. It was also discussed that this wildlife is "urban wildlife"(i.e. rats, crabs etc.).
- The Wildlife refuge should apply to listed species only.
- Nahir expressed concern to understand what is important to the local agencies.
- It was acknowledged that the property occupied by I-595 main priority is transportation
- Nahir requested detail on the shading impact.
- Nahir also requested submitted on this location is dated and the design has progressed to avoid all permanent impacts to this site.
- All access to the park can remain, as it exists today.
- There is potential for temporary impacts to the site at access points and final dressing of slopes from the back of the proposed curb, as well as temporary construction access for curb construction.

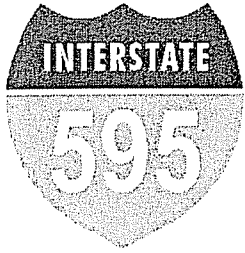
Action Required:

- FDOT shall update and expand the DOA section for Pond Apple Slough as follows:
 - Identify habitat impacted (Wildlife vs. "Urban Wildlife")
 - Identify any wildlife access impacts to the north.
 - Describe impact of closing the gap between the bridges have on the ecosystem.
 - Describe how impacts have been contained to the existing Limited Access R/W.

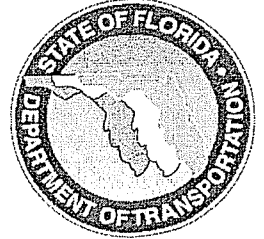
Any comments and/or revisions to these minutes should be forwarded to the writer no later than Friday, October 7, 2005.

copy: Attendees
Erik Neugaard, RSH
File

Appendix J



I-595 PD&E Study Community Workshop



Broadview Park/Estates Neighborhood

The Florida Department of Transportation is conducting a Project Development and Environment (PD&E) Study for I-595 from the I-75/Sawgrass Expressway interchange to east of I-95.

FDOT representatives will present an overview of the project and discuss any questions that you may have regarding the project at the following community workshop:

Thursday, September 29, 2005

Sunview Park

1500 SW 42nd. Ave
Ft Lauderdale, FL 33317

7:00 pm Open House

7:30 pm Presentation

Some of the key agenda items will include a summary of the PD&E process and project schedule along with a presentation of the I-595 project alternatives and the proposed modifications to the Florida's Turnpike Interchange and Broward County Greenway.

You are invited to attend this workshop and participate in the decision making process...See you there!

For special accommodations or more information contact:

William Leidy, E.I.
State of Florida Department of Transportation
Planning and Environmental Management
3400 W Commercial Blvd. Ft. Lauderdale, FL 33309
Telephone: 954- 777-2284
Toll Free Telephone Number: 1-866-336-8435 X2284
E-mail: district4.pd&estudies@dot.state.fl.us

www.I-595.com

Appendix K



Florida Department of Transportation

JEB BUSH
GOVERNOR

PLANNING AND ENVIRONMENTAL MANAGEMENT - DISTRICT 4
3400 West Commercial Blvd., Ft. Lauderdale, FL 33309-3421
Telephone (954) 777-4601 Fax (954) 777-4671
Toll Free Number: 1-866-336-8435

DENVER J. STUTLER, JR.
SECRETARY

December 12, 2005

Mark Horowitz, Special Project Coordinator IV
Broward County Department of Urban Planning and Redevelopment
Transportation Planning and Division
115 South Andrews Avenue, Room 329H
Fort Lauderdale, Florida 33301

Dear Mr. Horowitz:

SUBJECT: I-595 / SR-862 Project Development & Environment (PD&E) Study
Financial Project ID: 409354-1-22-01
Federal Aid Project No: 5951 539 I
County: Broward
Limits: I-75/Sawgrass Expressway to I-95

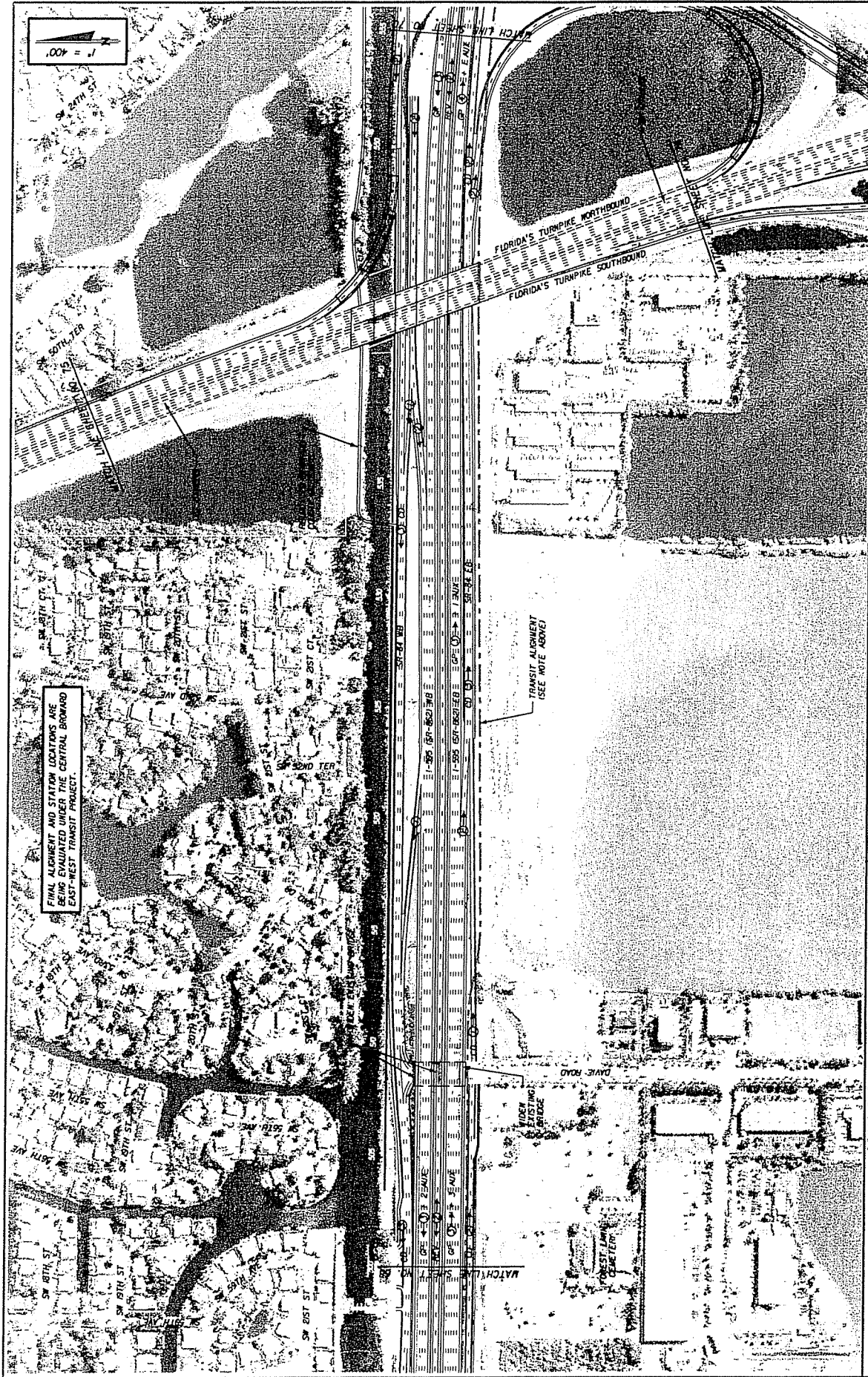
Thank you for your cooperation throughout this study and your attendance at the Public Hearing on November 29, 2005. We look forward to your continued involvement and support as the project progresses through the final design and construction phases.

The Department is currently preparing a Section 4(f) Evaluation for the impacts to the New River Greenway and has evaluated several concepts that attempt to either avoid or minimize impacts to the Greenway that will result from the proposed project. We are requesting a letter from you stating that you approve the preferred concept, which proposes the Department relocating the greenway to north of the North New River Canal (between State Road 7 and theoretical SW 51st Avenue) as a measure to minimize harm from the impacts. Your letter will be included as part of the Section 4(f) Evaluation. Consistent with our meetings and conversations, this relocation will occur prior to the impacts to the Greenway so there will be no loss of use. Figures showing the alignment of the section proposed for relocation are attached for your reference. Please contact me at (954) 777-4143 or steve.braun@dot.state.fl.us if you have any questions.

Sincerely,

Steven C. Braun, P.E.
Senior Project Manager
Planning & Environmental Management

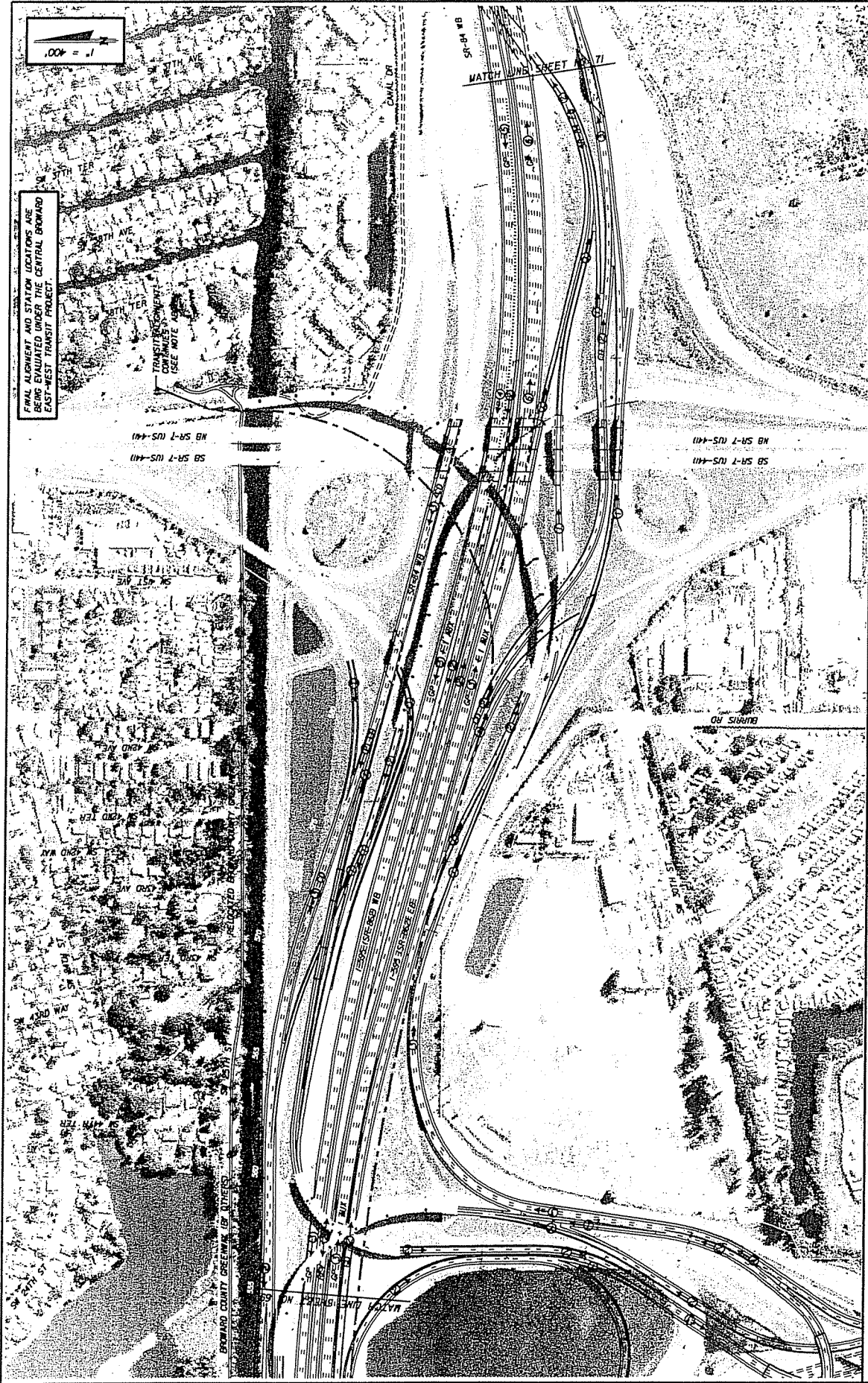
cc: Paul Lampley, FDOT
Ann Broadwell, FDOT
Jeff Bowen, RS&H



FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.

REVISIONS		STATE OF FLORIDA		DEPARTMENT OF TRANSPORTATION		SHEET NO.	
DATE	BY	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	5-1	
			862	BROWARD	409354-1-22-01	I-595 PD&E STUDY ALTERNATIVE IB PLAN	

RS&H
 Reynolds, Smith and Hills, Inc.
 300 S. Pine Island Road, Suite 300
 Ft. Lauderdale, FL 33309
 Phone: (954) 474-2000
 Fax: (954) 474-2005
 P.E. License No. 47255

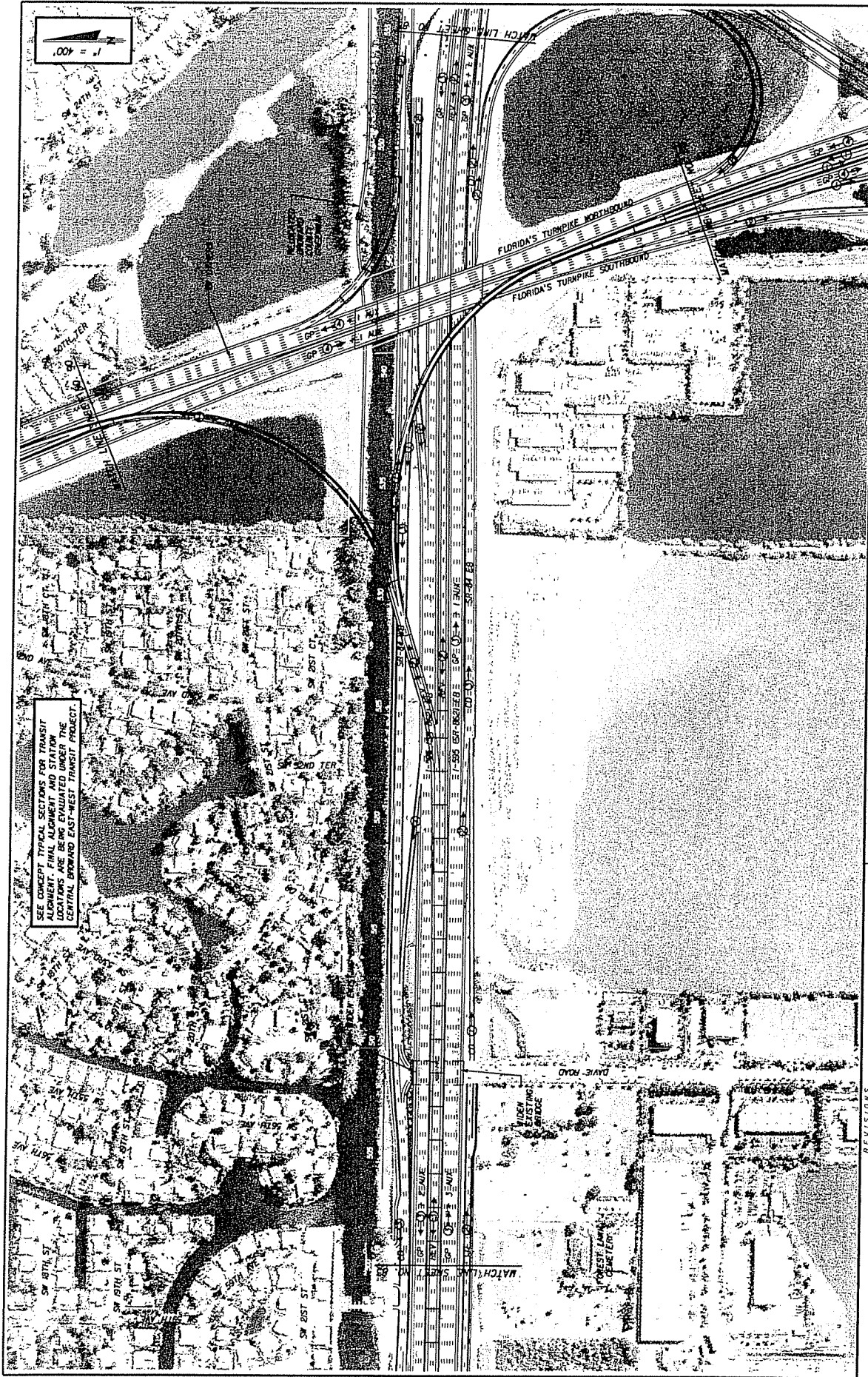


FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.

TRANSIT PROJECT COMMENTS CONTAIN LINES (SEE NOTE ABOVE)

REVISORS		DESCRIPTION		STATE OF FLORIDA		DEPARTMENT OF TRANSPORTATION		I-595 PD&E STUDY		ALTERNATIVE IB PLAN	
DATE	BY	DATE	BY	ROAD NO.	COUNTY	PROJECT ID	FINANCIAL PROJECT ID	SHEET NO.	5-2		
				862	BROWARD	409354-1-22-01					

RS&H
 Reynolds, Smith and Hills, Inc.
 390 S. Pine Island Road, Suite 300
 Ft. Lauderdale, Florida 33309
 P.O. Box 10000
 Ft. Lauderdale, FL 33308
 PHONE: (305) 467-4200
 FAX: (305) 467-4201
 INTERNET: WWW.RSHINC.COM



SEE CONCEPT TYPICAL SECTIONS FOR TRANSIT ALIGNMENT, FINAL ALIGNMENT AND STATION LOCATIONS ARE BEING EVALUATED UNDER THE CENTRAL BROWARD EAST-WEST TRANSIT PROJECT.

REVISIONS		DESCRIPTION		DATE		BY	
NO.	DATE	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY

STATES OF FLORIDA		DEPARTMENT OF TRANSPORTATION	
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
862	BROWARD	409354-1-22-01	

RS&H Reynolds, Smith and Hills, Inc. 300 S. Pine Island Road, Suite 300 Ft. Lauderdale, Florida 33309 P.O. Box 14743006 Ft. Lauderdale, Florida 33314-0006 PH: 954-533-1155		I-595 PD&E STUDY ALTERNATIVE 2A PLAN	SHEET NO. 5-3
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Appendix L



Department of Urban Planning and Redevelopment

TRANSPORTATION PLANNING DIVISION

115 S. Andrews Avenue, Room 329H • Fort Lauderdale, Florida 33301 • 954-357-6608 • FAX 954-357-6228

Mr. Steven Braun P.E.

FDOT District IV

3400 West Commercial Blvd.

Fort Lauderdale FL 33309

Dear Mr. Braun:

RE: I 595/SR 862 PDE, Financial Project ID 409354-1-22-01 Project

New River/SR 84 Greenway

I am in receipt of your December 12, 2005 letter regarding proposed changes to the SR 84/New River Greenway. As we have discussed, FDOT's preferred concept to relocate the greenway to the north side of the New River meets with our approval.

Sincerely

A handwritten signature in black ink, appearing to read "Mark Horowitz", with a horizontal line extending to the right.

Mark Horowitz, SPCIV

Greenways Project Manager

A stylized, shaded logo of the Broward County Board of County Commissioners, featuring a curved, arch-like shape.

Broward County Board of County Commissioners

Josephus Eggelton, Jr. • Ben Graber • Sue Gunzburger • Kristin D. Jacobs • Ilene Lieberman • John E. Rodstrom, Jr. • Jim Scott • Diana Wasserman-Rubin • Lois Wexler
www.broward.org