



ROW Utilization Permit Requirements

The purpose of the Right-of-Way Utilization permit is to control the use of public rights-of-way and public easements and protect the health, safety and welfare of the public. Any work within public rights-of-way requires an approved right-of-way utilization permit.

Application Requirements: For each road involved, please submit one (1) original application and supporting documentation to the Montverde Public Works Department.

Completed applications must include a sketch or construction plans drawn to scale, showing the following:

1. The offset from the centerline of the right-of-way or roadway to the proposed utility installation, the road right-of-way width and pavement width, the distance from the edge of pavement to the utility, sidewalks, and the location of all other utilities, including traffic signal utilities, within the area of work.
2. One or more typical cross sections to adequately reflect the location of the utility. Please indicate the minimum vertical clearance above or below the pavement or natural ground.
3. The location of the area of work in relation to the nearest road intersection, bridges, railroad crossings, and other physical features. Please include a location or vicinity map showing the general location of the installation.

All permit applications must demonstrate that the proposed improvements conform to the right-of-way utilization requirements included in the Montverde Land Development Code. Projects of significant length and land size may require a complete right-of-way survey.

A performance bond or irrevocable letter of credit may be required of the applicant in the event the work covered by the right-of-way utilization permit has the potential to significantly damage the right-of-way. The security instrument shall comply with the applicable provisions of the Florida Statutes for public construction bonds and shall be in a form acceptable to the Town Attorney. The security instrument shall be made payable to the Town of Montverde in the amount of one hundred ten (110%) of estimated cost to repair such damage, as determined by the Town, and shall remain in effect until the work covered by the right-of-way utilization permit has been completed and accepted by the Town.

Prior to construction, applicant shall provide written notice to all property owners adjacent to the project limits. This notice shall include, at a minimum, the anticipated construction schedule, maintenance of traffic plan and any impacts, permanent or temporary, to the adjacent properties. The notice must provide contact information including the name and telephone number of the project manager. Within a minimum of fourteen (14) calendar days prior to construction, applicant shall provide to the County a copy of the notification with a list of the parties notified.

A copy of the approved permit and related supporting documents shall be on site at all times during construction.

Permit Conditions: Whenever necessary for the construction, maintenance, operation or alteration of the right-of-way, as determined by the Town, any or all of the appurtenances authorized by this permit shall be immediately removed from the right-of-way or relocated, as required by the Town, at the expense of the applicant unless reimbursement is specifically authorized.

If above-ground utilities are being replaced, the old utilities and utility appurtenances must be removed from Town right-of-way within thirty (30) days after new utilities are installed. All work, materials and equipment shall meet all Town codes and standards and shall be subject to inspection by the Town. All right-of-way disturbed by this work shall be restored to its original condition or better and in accordance to applicable County Codes. All disturbed areas must be sodded, matching existing grass type. Bahia sod shall be used if no grass is present at time of construction.

The construction and maintenance of this utility shall not interfere with the property and rights of a prior applicant.

Where possible, excavation shall not be allowed within five (5) feet from the edge of the pavement. Situations that cannot meet this requirement shall require prior approval of the Town.

All right-of-way utilization activities shall be reported to Sunshine State One-Call at least seventy-two (72) hours prior to commencement. The Town shall be notified twenty-four (24) hours in advance of starting work. In the interest of public safety all operations shall take place during daylight hours, unless specifically authorized, and discontinued by sunset with

proper signage and traffic control devices maintained during off hours. All traffic detours shall be restricted to the limits of right-of-way with necessary flagmen and marking devices. A traffic detour or lane closure shall require specific approval by the County.

The Town shall not be responsible for damages to any structure placed within the right-of-way. All structures shall be properly maintained, adequately visible or properly delineated to prevent damage due to normal maintenance of the right-of-way. Open cuts of roads will not be allowed unless specifically authorized by the Town. Directional bore or jack and bore operations should maintain a five (5) foot minimum clearance from edge of pavement on road crossing each side. Recommended bore depth is thirty-six inches (36") and a minimum bore depth is thirty inches (30"). Any overhead installations should maintain a minimum of eighteen (18) feet vertical clearance over all roadways and driveways.

This permit is effective for one year from its approval date, unless otherwise rescinded by the Town.

Inspection and Approval of Work: The Town shall have the right to inspect and approve all materials and/or phases of work. Final inspection and acceptance of work by the Town must be obtained to document the completion of the work. All work shall be subject to the construction requirements and inspections as required in other provisions of the Montverde Land Development Code. Pursuant to Section 337.403(1), Florida Statutes, any utility placed upon, under, over, or along any public road or publicly-owned rail corridor that is found by the Town to be unreasonably interfering in any way with the convenient, safe, or continuous use, or maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor shall, upon thirty (30) days written notice to the utility or its agent by the Town of Montverde be removed or relocated by such utility at its own expense.

It is agreed that in the event the installation, adjustment or relocation of said utilities are scheduled to be done simultaneously with Town construction work, the applicant shall coordinate with Montverde Public Works Department before proceeding and shall cooperate with the Town's contractor to arrange the sequence of work so as not to delay the work of the Town contractor. The applicant shall not be responsible for delay beyond its control.

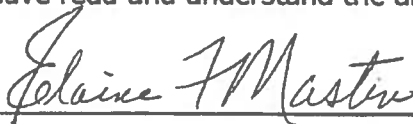
Guarantee and Responsibility for Compliance: In the case of noncompliance with the Town's requirements, this permit will be void and the facility will be brought into compliance or removed from the right-of-way at no cost to the Town. The Town may issue "Stop Work" order(s) upon any permittee committing or creating an unsafe act which may create a public hazard or who is not complying with this permit or the applicable codes. The order shall remain in effect until such time as these matters are corrected.

Permits shall be issued with the understanding that the applicant shall guarantee all work performed under the terms of the permit for a period of one (1) year from the date of final inspection and acceptance of work. Any failures shall be repaired by the applicant, at the direction of the Town, within five (5) days, unless the urgency of the problem requires a quicker reaction time. The applicant shall be responsible for all repair costs incurred due to damages to existing utilities by failure to use due care, including errors in locating existing utilities during construction.

Removal/Relocation of Improvements: Upon ten (10) days written notice, the applicant shall be required to remove and/or relocate the improvements placed within the right-of-way at the applicant's sole expense. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said holder.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the Town's right, title, and interest in the land to be entered upon and used by the holder; and the holder will, at all times, assume all risk and indemnify, defend, and save harmless the Town of Montverde from and against any and all loss, damage, cost, or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges.


I have read and understand the above requirements



Applicant's Signature/Date

Boundary Survey

LEGAL DESCRIPTION: MONTVERDE, DIVISION I, THE EAST 101 FEET OF THE SOUTH 1/4 OF LOT 7, BLOCK 1, AS RECORDED IN OFFICIAL RECORDS BOOK 843, PAGE 487, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA



16947 LAKESIDE DRIVE
MONTVERDE, FL

LONG SURVEYING, INC.

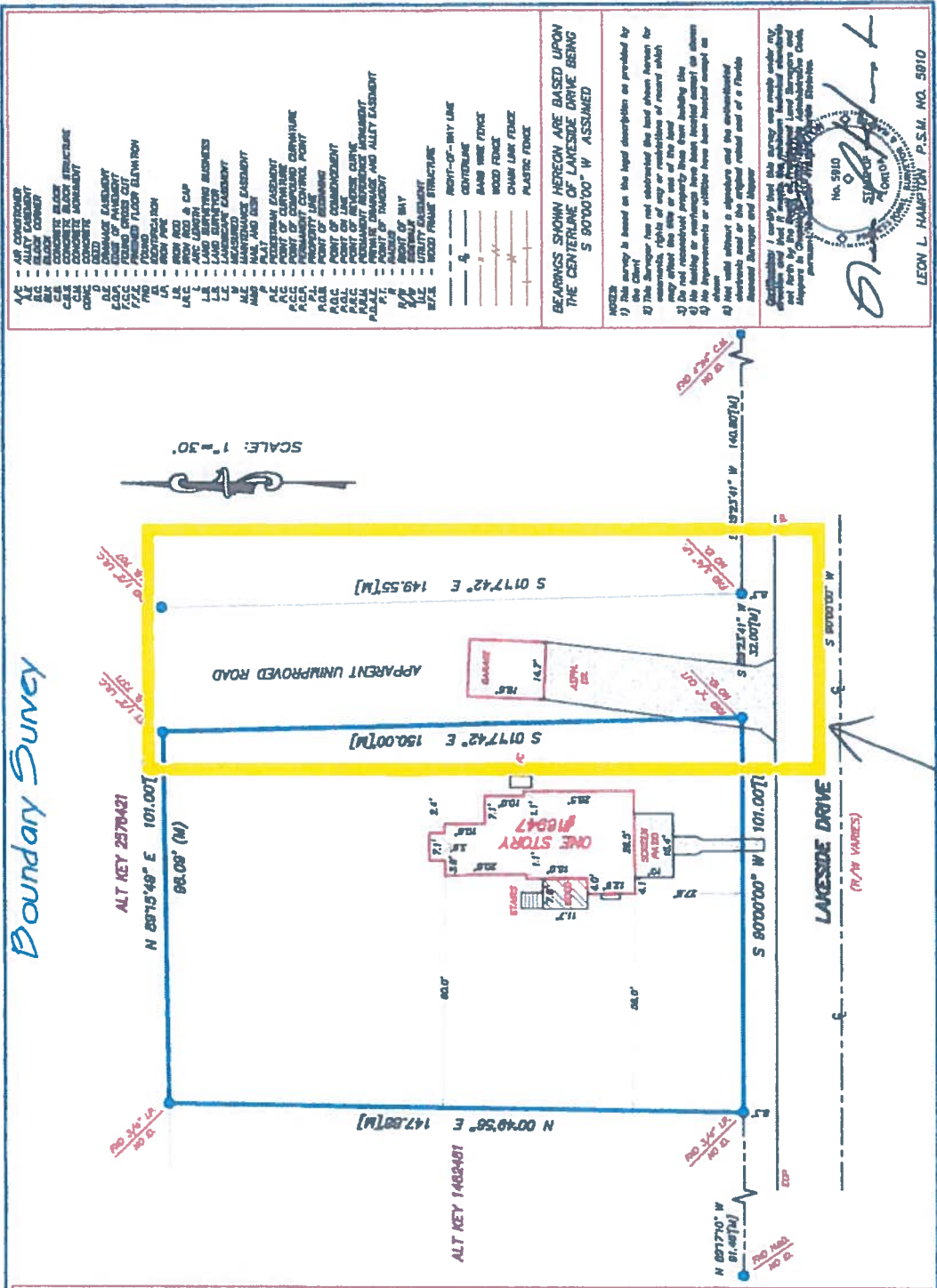
Long Surveying, Inc.
"Specializing in Residential Surveying"
1061 S. Sun Dr. Ste. #1113
Lake Mary, FL 32746
Office 407-330-9717
Fax 407-330-9775
www.longsurveying.com

OWNER: KZR
CERTIFIED BY: ELAINE HASTON

CHECKED BY: BRETT

COUNTY NO: 120614
FIRM: 0585
DATE: 12/18/12
JOB NO: E

SURVEY NO: 95558
FIELD DATE: 12/11/18



Property Owned by Town of Montverde.
We are requesting ownership unrecorded Plat
Plat = Division E, Montverde unrecorded Plat

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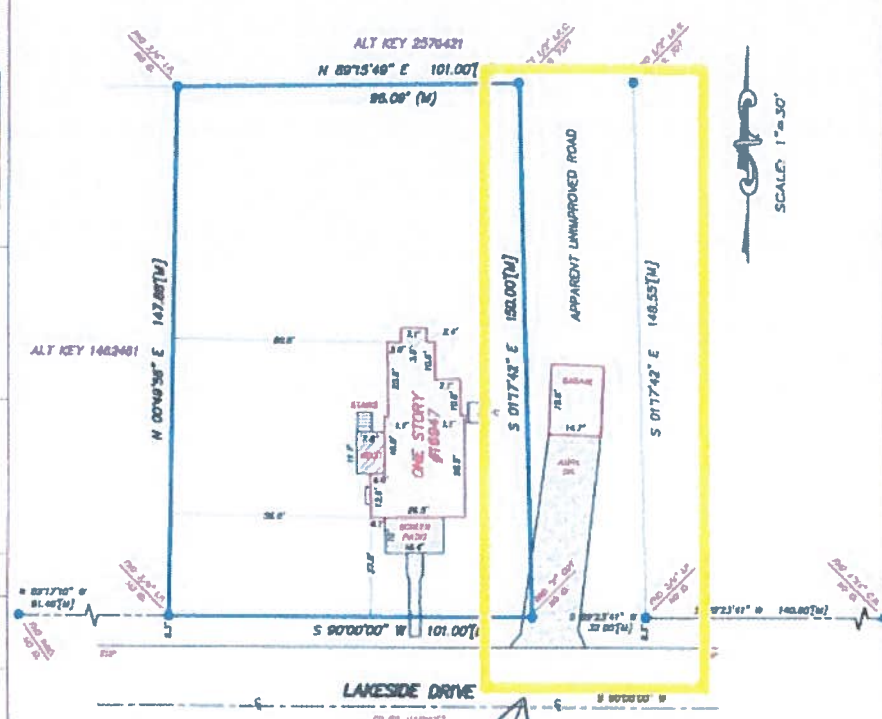
DRAWN BY: KZR
CHECKED BY: BRETT

DESIGNED BY: CLARENCE MACTY

COUNTY NO: 120614
PARCEL: 0585
FIELD DATE: 12/18/12

SURVEY NO: 95558
FIELD DATE: 12/11/18

Boundary Survey



- A.C. - AIR CONDITIONER
 - A.E. - ALLEY EASEMENT
 - B.C. - BLOCK
 - B.R. - BRICK
 - C.S. - CONCRETE BLOCK
 - C.E.S. - CONCRETE BLOCK STRUCTURE
 - C.S. - CONCRETE SURFMENT
 - C.S. - CONCRETE
 - D.F. - DRAIN
 - D.F. - DRAINAGE EASEMENT
 - E.P. - EDGE OF PAVED
 - F.C.S. - FLOOR CURB CUT
 - F.F. - FINISHED FLOOR ELEVATION
 - F.S. - FENCE
 - I. - IRON PIPE
 - I.R. - IRON ROD
 - I.R.C. - IRON ROD & CAP
 - L. - LAMP
 - L.B. - LAND SURVEY BUSINESS
 - L.S. - LAND SURVEY
 - L.E. - LANDSCAPE EASEMENT
 - S. - SCALE
 - M.E. - MARIANNE EASEMENT
 - M.S. - MAIL AND BOX
 - P. - PLAT
 - P.E. - POSTERIOR EASEMENT
 - P.C. - POINT OF CENTERLINE
 - P.C.C. - POINT OF COMPASS CURVATURE
 - P.C.P. - POINT OF CURVATURE POINT
 - P.L. - PROPERTY LINE
 - P.R. - POINT OF BEGINNING
 - P.R.C. - POINT OF COMMENCEMENT
 - P.R.L. - POINT ON LINE
 - P.R.C. - POINT OF REVERSE CURVE
 - P.R.A. - PROPORTIONATE REPRESENTATION
 - P.R.A.E. - PROPORTIONATE REPRESENTATION AND ALLEY EASEMENT
 - P.L. - POINT OF TANGENT
 - R. - ROAD
 - S/W - RIGHT OF WAY
 - S/W - SETBACK
 - S.E. - SETBACK EASEMENT
 - S.F.S. - SIDE FENCE STRUCTURE
- RIGHT-OF-WAY LINE
 - CENTERLINE
 - BOUNDARY FORCE
 - GRID FENCE
 - CHAIN LINK FENCE
 - PLASTIC FENCE

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF LAKESIDE DRIVE BEING S 90°00'00" W ASSUMED

- NOTES:
- 1) This survey is based on the legal description as provided by the Client.
 - 2) The Surveyor has not established the land chain because no monuments, rights of way or easements of record which may affect the title or use of the land.
 - 3) The land monument properly shown from building the
 - 4) No findings or corrections have been located except as shown
 - 5) No improvements or utilities have been located except as shown
- 4) Not valid without a signature and the authorized standards and or the original record out of a Florida Licensed Surveyor and Station.

LEON L. HAMPTON P.S.M. NO. 5910

property OWNED by Town of Montverde.
We are requesting ownership
Plat = Division E, Montverde unrecorded Plat

2/25/19

According to the **Lake County Property Appraisers** – Joe Ward and Pete Peebles, the town of Montverde **has never recorded with Lake County** this vacated road. They have no record of the property and suggested that the Town of Montverde should have the plat information and legal description. Based on the survey that was acquired in December of 2018 – the vacated road is listed as **PLAT DIVISION ST, MONTE VERDE**.

After speaking with the **Surveying Company** that originally did the survey and found the markers for both the property owned by Elaine Mastin as well as the markers for the unrecorded plat, they are stating that the ‘unrecorded plat’ **may not even have a title nor a legal description** THEREFORE, Elaine Mastin would not be able to provide you with anything else other than your \$250 and the right of way permit request for the 40’ of property which will then be submitted to Lake County Appraiser and Elaine Mastin will then begin to pay taxes on the additional property acquired.

Lake county **Public works** has a copy of an unrecorded plat of Montverde but it is **entirely illegible** with the name of the town = **Monte Verde** and they verified also that due to the age of the plat there may not be an official title or description of the property as well.

Our only other options are to give up and let the garage and driveway just rot and become the Town of Montverde’s responsibility for upkeep – or to physically move the garage over a few feet onto our property and let the vacated lot become overgrown and an eye sore to the town.

As a last resort we will hire an attorney to get this taken care of without further obstructions. We understand Montverde is trying to operate like a big town/city and have all of these procedures and policies required for anyone looking to make changes, but you have to also consider that when the town does not even keep important records or know where to find them – you can’t expect the resident to magically produce information that is not available.