

**PROPOSED STATE HIGHWAY ACCESS CONNECTION
NOTICE OF INTENT TO ISSUE PERMIT**

Important: This Notice does not authorize construction to begin and is not a final permit.
ALSO NOTE: THIS NOTICE OF INTENT IS ONLY VALID FOR 1 YEAR FROM SIGNING DATE IN PART 6.

PART 1: APPLICANT INFORMATION			
APPLICATION NUMBER: <u>2021-A-190-00049</u>			
Project Name: <u>The Harbor @ Lake Henry Subdivision</u>			
State Road Name/Number: <u>SR 544</u>			
Section Number: <u>16140000</u>			
Maintenance Office: <u>Bartow Operations</u>			
<small>Permit Staff Representative</small>			
Applicant: <u>BRYAN HUNTER</u>			
Responsible Officer: _____			
Mailing Address: <u>4900 Dundee Road, Winter Haven, Florida 33884</u>			
<small>Street</small>		<small>City</small>	
<small>State</small>		<small>Zip</small>	
Telephone: <u>(863) 676-7770 ext. _____</u>			

PART 2: NOTICE OF INTENT TO ISSUE PERMIT
<p>YOU ARE HEREBY ADVISED:</p> <p>The Florida Department of Transportation has completed its review of the subject connection permit Application received <u>7/23/2021</u> for consistency with Rule Chapters 14-96 and 14-97, F.A.C., and current Department spacing, location, and design criteria and hereby issues this "Notice of Intent" to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Issue the subject permit consistent with the permit Application. <input checked="" type="checkbox"/> Issue the subject permit consistent with the permit Application and subject to the attached provisions. <p>IMPORTANT</p> <p>This notice of intent to issue a permit does NOT constitute Department permit issuance. The permit will be issued after the permittee shows proof that a valid local government development approval or development order has been given to the sites served by the connection and special provisions of the approval consistent with the permit applications and conditions previously noted.</p> <p>No connection work on the right of way shall be initiated until the Department permit is actually issued. Any changes to the site(s) plan will require re-evaluation of the connection(s). This notice is valid for one year, from the date of issuance, and can only be extended with approval by the Department for problems outside the control of the applicant pursuant to Rule Chapter 14-96, F.A.C. This Notice of Intent is transferable as specified only in Rule Chapter 14-96, F.A.C.</p>

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PART 4: NOTICE OF DEPARTMENT AUTHORITY

1. All approved connection(s) and turning movements are subject to the Department's continuing authority to modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.
2. **Transportation Control Features and Devices in the State Right of Way.** Transportation control features and devices in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or devices in the state right of way, are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove, or modify any present or future transportation control feature or devices in the state right of way to make changes to promote safety in the right of way or efficient traffic operations on the highway.

PART 5: DEPARTMENT CONTACTNAME: Keven BelangerADDRESS: 2740 State Road 60 West
Bartow, Florida 33830PHONE: (863) 519-4300 ext. _____**PART 6: SIGNATURE OF DEPARTMENT AUTHORITY**SIGNATURE OF DEPARTMENT OFFICIAL: Keven BelangerPRINT OR TYPE NAME: Keven BelangerPRINT OR TYPE POSITION: Consultant StaffDATE: 1/20/2023 PHONE: 8635194312**Continued next page**

PART 7: APPEAL PROCEDURES

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57 (1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings
Department of Transportation
Haydon Burns Building
605 Suwannee Street, M.S. 58
Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

End

PART 3: CONDITIONS (continued)