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: 2021-A-190-00049				
Project Name: The Harbor @ Lake Henry Subdivision				
State Road Name/Number: SR 544				
Section Number: 16140000				
Maintenance Office: Bartow Operations				
Applicant: BRYAN HUNTER				
Responsible Officer:				
Mailing Address: 4900 Dundee Road, Winter Haven, Florida 33884				
Street City State Zip Telephone: <u>(863) 676-7770 ext</u>				
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PART 2: NOTICE OF INTENT TO ISSUE PERMIT				
YOU ARE HEREBY ADVISED:				
The Florida Department of Transportation has completed its review of the subject connection permit Application received 7/23/2021 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:				
☐ Issue the subject permit consistent with the permit Application.				
Issue the subject permit consistent with the permit Application and subject to the attached provisions.				
<u>IMPORTANT</u>				
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.				
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.				

PART 3: CONDITIONS

Conditions to be met before Permit will be issued:

Standard:

- 1. Development approval from the appropriate local government consistent with the Notice of Intent to Permit;
- 2. Assurance of performance pursuant to Section 334.187, Florida Statutes (if required);
- 3. Notification of all known right of way users affected by the connection(s);
- 4. Compliance with drainage requirements in Rule Chapter 14-86, F.A.C.

Other Conditions:

- 1. Comply with Standard Conditions, all previous Request for Additional Information, satisfy all comments with okay from all FDOT Reviewers, and comply with this Notice of Intent to Permit (all 7 numbered items).
- 2. Submit proof of local government site plan approval.
- 3. Submit proof of completed right of way donation.
- 4. Submit bond and associated bond (assurance of performance) documents.
- 5. Resubmit ALL plans and ALL documents at the same time, and comply with all requirements all together, including items for the corresponding Drainage Permit (do not resubmit individually, as this may cause delays).
- 6. Comply with Drainage Reviewer comment:

>>>>>>> Windeliz Gohl (KNRKKWG) commented:

Please see the attached drainage recommendation of conditional approval.

Post Date: 11/4/22 1:42 PM Respond

Documents:

2021-D-190-00041 & 2021-A-190-00049 Lake Henry Subdivision - Conditional Approval.docx The submitted construction plans have been reviewed and determined to be in compliance with Department drainage criteria. We have no comments and recommend approval of the Drainage Connection Permit with the following conditions:

1. Completion of the right-of-way donation process.

It should not be assumed that the drainage review is intended to be all inclusive of errors and omissions. The consultant is solely responsible for technical accuracy, engineering judgment and quality of their work.

7. Comply with Safety Office Reviewer:

>>>>>> Rob Swann (KNHWLRS) commented:

Add sinusoidal rumble strips per FDM 211 and Standard Plans Index 546-020 and Errata for 546-020. Limits shall be for the full extent of the work limits on SR 544. For start/stop limits and typicals, you can use the 2017/2018 standards, 17346, the sheets at the end of 17346 that label the audible inverted profile markings, these typicals would be the same for the sinusoidal. 0' and 4' shoulders require the sinusoidal on the lane line, 1', 2', 3', 5' and greater go in the shoulder adjacent to the lane line. Any questions, rob.swann@dot.state.fl.us.

Post Date: 12/28/22 11:07 AM

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 CONTACT			
NAME: K	even Belanger		
ADDRESS:	2740 State Road 60 West		
	Bartow, Florida 33830		
PHONE:	863) 519-4300 ext		

PART 6: SIGNATURE OF DEPARTMENT AUTHORITY				
SIGNATURE OF DEPARTMENT OFFICIAL: Keven Belanger				
PRINT OR TYPE NAME: Keven Belanger				
PRINT OR TYPE POSITION:	Consultant Staff			
DATE: 1/20/2023	PHONE: 8635194312			

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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.

PART 3: CONDITIONS (continued)