

BRADFORD RECLAMATION DISTRICT NO. 2059



**Bradford Reclamation District 2059**

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LEVEE ENCROACHMENT  
REGULATIONS

Revised and Adopted: June 3, 2014

District Office

6325 Bethel Island Road  
Bethel Island, California 94511

BRADFORD RECLAMATION DISTRICT NO. 2059

LEVEE ENCROACHMENT REGULATIONS

Regulations controlling Alterations to and Encroachments upon, through or over the District's reclamation works, flood control works, drainage canals, access roads and pumps (The District's Works).

Adopted by the Board of Trustees of the Bradford Reclamation District No. 2059, as follows:

Section I. Purpose. The purpose of these Regulations is to protect the integrity of the District Works of Bradford Reclamation District No. 2059 from the adverse effects caused by improper Alterations to or Encroachments upon District Works, and to assure adequate access necessary for the relocation, reconstruction, improvement, maintenance and repair, and routine and emergency inspection of the District's Works.

Section II. Interpretation. The provisions of these Encroachment Regulations apply to all land within the jurisdictional boundaries of Bradford Reclamation District No. 2059; however, only those lands within the District's Area of Jurisdiction fall under the requirements for obtaining a permit.

Section III. Definitions. As used in these Regulations, the following words and phrases shall, unless otherwise provided, have the following definitions:

a. *"Applicant", "Permittee" and "Landowner"*: Any person who is the owner of record of any parcel or tract of land within the District.

b. *"Boat"*: Any vessel for transport by water regardless of size, use, construction or method of propulsion.

c. *"Camp"*: To establish or pitch or attempt to establish or pitch a camp, tent, or temporary shelter or to reside temporarily or otherwise in any camp, tent or temporary shelter.

d. *"District"*: Bradford Reclamation District No. 2059.

e. *"District Area of Jurisdiction"*: The District Works and the adjacent area(s) to the District Works, over which the District has control and the ability to regulate:

1. For *"District Levees:"* The District Levee and the area on the landside and waterside of the District Levee that is required to maintain the stability, safety and integrity of the District Levee and the levee operating, maintenance, relocation and reconstruction requirements of the District (to-wit: 110 feet from the center line of the District Levee on the waterside; 110 feet from the center line of the District Levee on the

landside, with authority to regulate encroachments and land-use activities in that area from 110 feet to 160 feet from the centerline on the landside, if those encroachments or land use activities may impact the District's Levee or District operations. Excavation activities within 300 feet of levees are also subject to District jurisdiction and prior approval).

2. For "*District Maintained Ditches*:" The channel and bank of the District Maintained Ditch necessary to provide access for the cleaning, maintenance, rehabilitation, reconstruction, survey, and ditch operation activities (to-wit: 20 feet from the existing edge on either side of the Ditch).

3. For "*District Flood Control Works*:" As defined under Definition "i"

4. For "*District Access Roads*:" As defined under Definition "f"

5. For "*District Drainage Works*:" The District's pumping station(s), and any District maintained ditches, canals, culverts, or other drainage-related works owned or maintained by the District.

f. "*District Access Road*": Any road used by the District to access the District Works for inspection, maintenance and repair. District access roads constitute an easement, either express, by prescription, by necessity, or by implication. A map of the District Access Roads shall be kept in the District Office.

g. "*District Levee*" or "*Levee*": Any embankment or structure designed or used to protect lands from flooding which was constructed by the District or its predecessors or which is maintained, operated or controlled by the District or which is subject to the maintenance, operation, or control of the District.

1. "*Levee Section*": The physical levee structure from the landside toe to the waterside toe.

2. "*Levee toe*": The point of intersection of the levee slope with natural ground.

h. "*District Engineer*": The professional engineer appointed by the District to advise the District on issues relating to the District's Works.

i. "*District Flood Control Works*": The District Levees, rock revetment and other District Works which provide flood protection, levee wave-wash protection, and drainage to include such drainage works as the District's Pump Station and drainage canals.

j. "*District Maintained Ditch*": A ditch which is maintained by the District as part of the District Works. A map of all District Maintained Ditches shall be kept in the District Office.

k. *“Ditch”*: A trench dug in the earth, in which drainage water is collected and/or transported for eventual pumping from the Island. The term “Ditch” includes a canal.

l. *“Ditch Maintenance Setback”*: The Ditch Maintenance Setback is that strip of land on either side of a District Maintained Ditch, with the exception of placement of ditch-spoils, which may be placed outside the footprint of this maintenance setback as necessary.

m. *“ Dwelling”*: An improvement of real property used, intended to be used, or suitable to be used for residential purposes, including, but not limited to, living, sleeping, cooking, or eating. The curtilage (boundary) of a dwelling is the land immediately surrounding it, including any closely associated buildings and structures.

n. *“Encroachment”*: "Encroachment" means any improvement, development, physical obstruction or installation of a fixed object, including the planting of vegetation upon the District's works or within the District's Areas of Jurisdiction, or any ongoing land-use activity within the District's Area of Jurisdiction. An encroachment or land-use activity allowed within the District's Levee Area of Jurisdiction is at the District's discretion, and may be allowed so long as such encroachment or land-use activity does not compromise or interfere with the integrity of the District Levee or District operations within the District Area of Jurisdiction. The District must be notified of any encroachment with the potential to impact the levee.

1. *“Non-Conforming Encroachment or Use.”* An encroachment or ongoing land-use within the District's Area of Jurisdiction which does not conform with all of the current provisions of these Regulations, or applicable local, state or federal law. Non-conforming encroachments or uses are prohibited by these Regulations. The District shall not approve Encroachment Permit Applications for non-conforming encroachments or uses except as provided in Section VI of these Regulations. All non-conforming encroachments constructed after the date of adoption of these Regulations without a District-issued permit shall be removed by the landowner, or may be removed by the District at the landowner's expense.

o. *“Impervious Material.”* soil which has twenty (20) percent or more of its particles passing the No. 200 sieve, a plasticity index of eight (8) or more, and a liquid limit of less than fifty percent (50%).

p. *“Landowner.”* The legal owner of record of a parcel or real property.

q. *“Livestock”*: Horses, cattle, sheep, goats, pigs, or other animal or animals, excepting household pets, of a type kept or raised on a farm or ranch.

r. *“Owner”*: The legal owner, equitable owner, or any person harboring or having custody and control of livestock or an otherwise permitted item of personal property.

s. *"Obstructive vegetation"*: Any tree, shrub, bamboo, briars, vines, or other vegetation which is a hindrance to access or to visual inspection of District Works, including low grass and lawns.

t. *"Person"*: Any natural person or persons, company, partnership, corporation, governmental body, entity or trust, or any agent thereof.

See Section IV for additional definitions.

#### Section IV. District Responsibilities.

a. Maintenance, repair and improvement of District Levees, flood control works, District Maintained Ditches, drainage pumps, District Access Roads shall be the responsibility of the District.

b. All District maintenance costs shall be proportionally borne by each of the landowners, by way of District general and special assessments.

#### Section V. Encroachments.

a. Permit Required. No person shall do any of the following without first obtaining an appropriate permit from the District:

- 1) Perform excavation activities within 300 feet of the centerline of the levee road that either: 1) involve removing or substantially disturbing 1000 cubic yards or more of material per acre; or 2) involve digging, trenching or excavation to a depth of three (3) feet or more; or
- 2) Place, erect, install, construct, or maintain any of the following: pipelines, septic tanks, leach or drain fields, underground storage tanks, fences, parking lots or pads, poles, pole lines, utility lines, cables, gates, barriers, barricades, conduits, rails, docks, ramps, wharfs, landings, moorings, buildings, structures, obstructive vegetation, or permanent or semi-permanent improvements of any kind upon the District's levee or other works; or
- 3) Perform any of the activities in Section (2), above, within the District's Area of Jurisdiction (e.g. between 110 and 160 feet on the landward side of the centerline of the levee without first: 1) obtaining a permit; or 2) obtaining an official determination by the District that no permit is necessary. The District shall determine that a permit is not necessary for encroachments within this area that will not potentially affect levee or flood control integrity or otherwise pose a threat to health, safety, or welfare.

The above list is demonstrative of the types of encroachments subject to this section and is not to be deemed an exclusive list. These Regulations are not intended to and shall not render legal or proper any encroachment heretofore occurring which was not in accordance with federal or state law, county ordinance, or any encroachment that poses a threat to public health or safety.

- b. **Prohibited Encroachments.** It is prohibited to do any of the following:
- 1) Install, maintain, or otherwise engage in encroachments described in Section (a) above, without first obtaining a permit from the District;
  - 2) Leave, place, store or maintain any lumber, pipe, concrete, refuse or any other objects or items upon the District's Works; or
  - 3) Park or place any vehicle, mobile home, motor home, premanufactured home, equipment or other item so as to obstruct access or to interfere with the District's maintenance and operation of the District's Works; or
  - 4) Park or leave a vehicle on the District Levee or District Access Road for more than 48 consecutive hours; or
  - 5) Camp upon the District's Works; or
  - 6) Launch any boat or vessel that will be detrimental to the District's Works.

**Section VI. Non-Conforming Encroachments.**

a. Non-conforming encroachments are prohibited, except as provided in Section (b), below. The District will not issue permits for encroachments which are non-conforming.

b. Any non-conforming encroachment upon or over the District's Works of or within the District Area of Jurisdiction which 1) pre-exists the adoption of current Regulations; and 2) has been authorized by the District by a specific District-issued permit or the General Permit issued April 11, 2006, shall be deemed to be "grandfathered."

1) No such non-conforming encroachments may be expanded or modified by any person except when expressly permitted to do so by a District-issued permit.

2) If a grandfathered encroachment is damaged or destroyed in whole or in major part, by or from any cause (including fire, flood or wind) and the damage sustained requires repair work replacing 50% or more of the encroachment, or costing more than the fair market value of the encroachment prior to the damage, then such grandfathered encroachment shall not be repaired, replaced, or reconstructed back into a non-conforming condition.

**Section VII. Excavation Activities.** Any excavation within 300 feet of the centerline of the levee within the District Area of Jurisdiction shall require a permit from the District prior to commencement of any excavation activities. The District reserves the right to require all excavation activity to cease, and such excavation to be immediately refilled, when, in the opinion

of the District, anticipated high water or other conditions within the area of excavation pose a threat to the levee stability or integrity. Whenever a landowner is allowed to conduct any excavation activities within the District's Area of Jurisdiction, there must be a District representative present during the excavation and backfill activities, and presence of the District representative shall be at the landowner's expense.

Section VIII. Encroachment Permit. All encroachments, improvements, developments or use, existing or proposed, within the District Area of Jurisdiction, require a permit from the District. An encroachment permit must be obtained prior to commencing any physical work relating to the encroachment.

a. Encroachment permits issued by the District shall be subject to all requirements of the Regulations of the District, and shall be subject as required by law to all other state and federal regulations, including, but not limited to, Title 23 of the California Code of Regulations relating to "Standards for Encroachments" approved by the California State Reclamation Board.

b. Approval and issuance of an encroachment permit shall be by the Board of Trustees or by the District Engineer as authorized by the Board of Trustees pursuant to these Regulations. Such approval and issuance shall be contingent upon the following conditions:

1. The application for a permit and the permit shall be signed by either the landowner of record of the affected parcel, or landowner's designated agent (i.e., tenant) who has produced a notarized letter from the landowner of record stating they have been duly authorized to apply for the permit where the encroachment is planned;
2. The Applicant must pay all application and permit fees, and shall agree to pay all out-of-pocket District expenses incurred by the District in reviewing the Application and supporting materials, overseeing installation or construction of the encroachment, and inspecting/approving the encroachment once completed;
3. The Applicant agrees to assume all liability that may result from the Applicant's encroachment, and agrees to hold the District harmless from all liability relating to said encroachment;
4. The Applicant agrees to assume all liability for any additional costs incurred by the District in working on or around the encroachment within in the District Area of Jurisdiction, and
5. The Applicant complies with any other condition which the Board or Committee of the Board in its discretion may from time to time deem appropriate.

c. Issuance of encroachment permits is discretionary. The Board or District Engineer may refuse to issue any or all permits, and may from time to time modify these Regulations and/or standards for encroachments.

d. A permit, when issued, may be subsequently modified by action of the Board, upon a finding of necessity to do so. Such finding shall be based upon a recommendation from the District Engineer or other justification relating to levee integrity, flood protection, safety, or other proper District-related purpose.

e. In addition to an encroachment permit issued by the District, the Applicant must also obtain approval from any other permitting agencies as required by law (such as the Reclamation Board, U.S. Army Corps of Engineers, the State Department of Fish and Wildlife, Department of Water Resources, Contra Costa County, etc.). Issuance of a permit by the District does not legal or proper any encroachment not otherwise in accordance with federal or state law, county ordinance, or any encroachment that poses a threat to public health or safety.

#### Section IX. Application for Encroachment Permit.

a. Requests for "Application for Encroachment Permit" forms or inquiries about completing the forms should be directed to the District Office. Applicants are advised to contact the District Office regarding the general location, nature, and scope of a proposed encroachment prior to commencing surveys, studies, or preparation of drawings or plans, to ensure the proposed encroachment is not categorically prohibited and ineligible for a permit.

b. Completed Applications for an encroachment permit shall be submitted to the District Office with all applicable fees.

c. Applications for approval of plans for encroachments must be submitted on the Application For Encroachment Permit form provided by the District and must be accompanied by drawings and supporting data that provide sufficient detail to permit a comprehensive review of the proposed work. Generally, the following information must be shown on, or accompany, the Application:

1. Name, address, telephone number, and signature of the Applicant (the landowner or landowner's designated agent--a copy of such designation shall be attached to the Application along with a notarized letter from the landowner granting authority to the Applicant);
2. A detailed description of the proposed encroachment, including the intended purpose of the project;
3. A preliminary work plan for the construction of the encroachment, including but not limited to (a) the date upon which the Applicant



proposes to commence construction, (b) the time periods for the various segments or components of the project, and (c) the total length of time required to complete construction;

4. A location description including the District Tract Number and County Assessor's Parcel Number or other means of identifying the exact location of the proposed encroachment and underlying parcel of real property;
5. A map of the location showing the exact position of the proposed encroachment in relation to existing identifiable landmarks, including, but not limited to the following:
  - (a) Name(s) of any waterway(s) that the project is on or adjacent to;
  - (b) Distance to or from roads, bridges, or other identifying landmarks;
  - (c) Map orientation arrow indicating the direction North;
6. A plan-view, drawn to scale and which shows the following:
  - (a) The location of proposed encroachment with respect to existing facilities and adjacent property lines;
  - (b) The location of levee cross-sections or elevation views that are being submitted with the application;
  - (c) The directional of flow of any adjacent water body; and
  - (d) Map orientation arrow indicating the direction North.
7. Elevation and/or cross-section views (drawn to an appropriate and identified scale) which provide the following:
  - (a) The location of proposed encroachment with respect to levees, water surface, stream bank and berms, measured both horizontally and vertically; and
  - (b) The elevations of project features and adjacent levee crown, and design floodplain elevations referenced to commonly accepted local datum, such as USGS.
8. Material specifications, installation and/or construction details, and proposed construction schedule.

9. A copy of the results of any study, test, boring or core-sampling results, and environmental or any other analysis required by the District Engineer or by any other permitting authority in relation to the proposed project.
10. The names and addresses of the owners of any adjacent parcels of land sharing any length or point of common boundary with the land upon which the proposed project is to be built.
11. Engineering design calculations for features requiring structural, safety, stability or other engineering analysis. Drawings, specifications and calculations required to support engineered facilities must be prepared, signed and sealed by a California registered professional engineer.
12. Flood evacuation plan for any development project in conformance with County Ordinances.
13. A checklist of the items which Applicant is submitting with the Application.

Section X. Application Fees And Reimbursable Costs. As a part of the Application process, the Applicant shall pay to the District the following:

- a. Application Fee: The Applicant shall pay to the District an Application Fee as prescribed in the District's then-current Fee Schedule, which may be amended from time to time by Resolution of the Board of Trustees.
- b. Reimbursable Costs: The Applicant shall be responsible for reimbursing the District for the District's out-of-pocket expenses in connection with District's engineering and/or legal services directly related to processing the Application, including but not limited to: Review and approval of the Application, issuance of a Permit, oversight of the construction of the Encroachment for conformity to the terms of the Permit, and any proceedings necessary to enforce the Applicant's obligations under the Application and/or Permit. The District reserves the right to request a deposit to be submitted with the Application. Failure to pay the estimated Reimbursable Costs with the Application, or failure to pay any balance due to the District, shall constitute grounds for denial of the Application or cancellation of the Permit. Any Reimbursable Costs not paid by the Applicant after a Permit is issued shall become a lien against the title of the affected property, and may be enforced in the same manner as a District assessment.

Section XI. District Standards.

- a. The Board of Trustees of the District shall adopt Levee Standards, including geometry, dimensions and freeboard that will provide acceptable levels of stability and safety. Special conditions to the Levee Standards may be added by the Board, from time to time, as needed.

b. The height of any fill or embankment added to the existing ground levels shall be limited to elevations and construction standards (type of material, compaction, time length of loading and consolidation and staging of construction) designated by District in the Levee Standards.

c. For fills and embankments, the District may require an Applicant to perform periodic tests to confirm stability, density and safety of fills and embankments.

Section XII. Liability Insurance. Prior to the issuance of the Encroachment Permit, the Applicant shall provide the District with a standard commercial general liability policy providing bodily injury and property damage insurance during the period of construction with coverage limits of not less than \$300,000.00 per each occurrence and in the aggregate, insuring against any and all liability resulting from, and as a result of, the Applicant's construction of the encroachment. If the District concludes that the proposed project poses substantial risk to the District and the District Works, the District reserves the right to require insurance in a greater amount than herein set forth. Such insurance shall name the District as an additional insured. The Applicant shall provide the District with a certificate of insurance and endorsement, showing the District has an additional insured, which shall provide that the insurance may not be canceled or the coverage reduced without providing the District a minimum of thirty (30) days prior written notice of such cancellation or reduction of coverage.

Section XIII. Time of the Essence. The Applicant is advised that time is of the essence in connection with the construction of any encroachment authorized under the Encroachment Permit. The District at all times reserves the right to amend and change the time under which the Applicant shall be permitted to construct or to complete construction of said encroachment, or temporarily suspend construction activities, if such change in time is related to weather, high-water, or other anticipated conditions that may affect District operations during the original time permitted for completion.

Failure on the part of the Applicant to commence construction or to complete construction within the established time may be deemed to be a violation of the Encroachment Permit, and the District may avail itself of the rights set forth in Section XIV and XV of these Levee Encroachment Regulations.

Section XIV. District's Right of Entry for Inspection, Compliance and Enforcement. The District, by any authorized agent or employee, shall have the right to enter upon any property within the District Area of Jurisdiction at all reasonable times and places to determine and enforce compliance with the terms of an issued encroachment permit or other enforcement for failure to obtain a permit when necessary.

Section XV. Violation of Regulations. Any person who shall violate any of the provisions of these Regulations shall, in addition to being subjected to any fine, penalty, or punishment allowable by law, be liable for all costs, expenses, and damages to the District caused by such violation(s).

Section XVI. Cease and Desist Order. The District may issue a written Cease and Desist Order at any time there is an encroachment being constructed in the District Area of Jurisdiction which does not fully conform to these Regulations, regardless of whether or not a Permit has been issued for said encroachment. Cease and Desist orders shall be signed by the President of the Board, or his official designee, and shall order the immediate cessation of work on the encroachment, removal of the encroachment and/or restoration of the affected property to its pre-encroachment condition.

Section XVII. Removal of Non-Conforming/Non-Permitted Encroachments. In addition to the other remedies provided herein, the District may remove, at the landowner's expense, any non-permitted or non-conforming encroachment(s) from the District's Area of Jurisdiction. The District shall provide a landowner at least seventy-two (72) hours' written notice after the issuance of a Cease and Desist Order (either by mail, by posting on the affected property, or publication in accordance with Government Code section 6061) before removing the encroachment, unless the immediate removal is reasonably necessary to protect the District's Works, or persons or property within the District. In the event a non-permitted or non-conforming encroachment poses an immediate threat to the District's Works, or persons or property within the District, as determined by the Board, the District Engineer, or the District Levee Superintendent, the encroachment may be removed immediately and without advance notice to the landowner.

Section XVII. Removal of Permitted Encroachments During Emergency Conditions.

a. The District reserves the right to take such action as it deems necessary, in the event of an emergency, to protect the District's levees, reclamation works, flood control works, drainage ditches and canals, access roads and the lands within the District's levees, including but not limited to the removal of the encroachment described in the Permit, and the removal from the levee of any equipment or materials located within the District Area of Jurisdiction, and owned by the permittee and/or landowner, their employees, agents or guests. If reasonably possible, District shall endeavor to give twenty-four (24) hour advance notice to the permittee and/or landowner to enable them to take such action as may be necessary to move/remove the encroachment, equipment or other items on or around the District's Works, and/or to correct the situation.

b. An emergency means a sudden or unexpected occurrence involving a clear and imminent danger which requires immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services. If made in good faith, the decision of the District as to when an emergency situation exists shall be final, and District shall have no liability or responsibility to the permittee and/or landowner, their employees, agents or guests in the exercise of the power herein reserved.

c. Any encroachment removed by the District in an emergency, shall be the sole responsibility of the landowner/permittee, and the District shall not reimburse a landowner/permittee for any encroachments removed, altered, damaged, or destroyed in an emergency situation. In addition, should the District incur any additional expense in

the removal of an encroachment in an emergency situation, the permittee/landowner shall be responsible for reimbursing the District for said costs. The landowner/permittee shall be allowed to replace the encroachment under the existing permit with the original design elements, so long as the encroachment conforms with the then-current Regulations and District Standards.

Section XVIII. Interpretation, Constitutionality, Severability.

- a. In interpreting and applying the provisions of these Regulations, the requirements contained herein are declared to be minimum requirements for the purposes set forth.
- b. The provisions of these Regulations, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatement and continuations and not as new enactments.
- c. If any section, subsection, sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Regulations. The Board hereby declares that it would have passed these Regulations and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.
- d. These Regulations shall supersede and replace provisions of the other Regulations and laws of the District relating to levee encroachments in conflict herewith.

EXHIBIT 1  
BRADFORD RECLAMATION DISTRICT NO. 2059

For District Use  
Application No. \_\_\_\_\_  
Application Fee \$ \_\_\_\_\_

**APPLICATION FOR ENCROACHMENT PERMIT**

1. Name and Address of Property Owner/Applicant:

Name of Owner/Applicant	Address - ZIP Code	Telephone No.
_____	_____	_____
_____	_____	_____

2. Location - Assessor's Parcel No. \_\_\_\_\_ District Tract No. \_\_\_\_\_

3. Description of encroachment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Required Exhibits - Please check those items submitted:

- a. \_\_\_\_\_ Location or vicinity map, to scale, showing location of proposed work in relation to known topographic features, to allow visitation to site and inspection of work.
- b. \_\_\_\_\_ A complete plan of the proposed work to scale, showing dimensions, and relationship of the proposed work to adjacent levee or waterway.
- c. \_\_\_\_\_ One or more cross sections of the levee, berm and waterway area with dimensions and elevations of the levee crown, levee toes, flood plane, low water, etc., with reference to a District identified bench mark (see Section VIII.7b of the District Regulations) should be indicated. Reference may be made to the District levee survey, where applicable.
- d. \_\_\_\_\_ Profile of existing or proposed levees, fills, or other obstructions on the levee or in the waterway or overflow areas with reference to a known datum.
- e. \_\_\_\_\_ Additional plans, sections, details which might be pertinent or useful in regard to the review of this application.
- f. \_\_\_\_\_ Proposed schedule of construction for development or project.
- g. \_\_\_\_\_ Provide any additional information that may assist the District in evaluating the proposed project's effect on the District's levee and the District's ability to normal maintenance and maintenance during times of emergency.

The undersigned Property Owner/Applicant agrees to reimburse the District for its costs and expenses associated with the review of this Application.

Property Owner/  
Applicant's Signature(s) \_\_\_\_\_ Date \_\_\_\_\_

The Applicant is advised to consult with the District about encroachment limitations before preparing this application. This Application must be signed by the Property Owner or duly authorized designated agent.

EXHIBIT 2

**ENCROACHMENT PERMIT**

To \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permission is hereby granted to encroach upon the Area of Jurisdiction of Bradford Reclamation District No. 2059, herein called District, in the following manner: \_\_\_\_\_

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

This permit is granted upon the following conditions which, by acceptance of this permit, permittee agrees to observe and perform:

1. With the execution of this Encroachment Permit, the undersigned property owner acknowledges that he/she has received and read a copy of the District's Levee Encroachment Regulations and agrees to be bound by all of the terms and provisions thereof that affect the construction and/or maintenance of the encroachment pursuant to the terms of this Permit.

2. The permittee shall indicate his acceptance of this permit, and the terms and conditions thereof, by executing the form of acceptance on one copy of this permit and returning it to the District office. The permit shall not become effective until the District receives the permit accepted and signed by permittee.

3. Each and every recommendation and requirement set forth above, as well as in the report from the District's Engineer regarding the encroachment above described, shall be fully complied with.

4. Permittee will hold and save District harmless of and from any liability which may be incurred through injury to person or damage to property arising out of or connected with the construction or installation of the encroachment above described, and from any such liability arising out of or connected with the maintenance and operation of such encroachment, except where maintenance thereof is herein accepted by District.

5. Permittee shall acquire no easement or property right in or to the property or right of way of the District by virtue of this permit and the District does not hereby relinquish any right or title therein.

6. Except as herein otherwise provided, all cost of maintenance, repair and replacement of the encroachment above described shall be borne by permittee. Permittee shall, whenever instructed by District to do so, repair, replace or relocate such encroachment in the manner prescribed by District whenever District shall determine that such repair, replacement or relocation is required in the interest of District. Any such repair, replacement or relocation ordered by District which shall not have been performed by permittee within thirty (30) days after written notice has been given by District of such required repair, replacement or relocation may be performed by District, at permittee's expense and permittee shall promptly reimburse District therefore.

7. District reserves the right to access to the portion of its easement and right of way for such maintenance, repairs or alterations of District Works or of the facilities described above as may be required for reclamation purposes. District shall not be responsible for any damage done to surface improvements of permittee whether herein permitted or otherwise where necessary as part of the ordinary and necessary access to or exercise of its easement and right of way for reclamation purposes and need not replace any paving, black top or other improvement required to be removed in the process of such maintenance, repair or alteration. Permittee shall reimburse District for any increased cost of such access occasioned by the improvements of permittee described herein.

8. Permittee may make no alteration or improvement of any portion of District's easement and right of way not specifically herein permitted nor alter or remove any portion of the encroachment or improvement herein described without further permit from District.

9. This permit is revocable in whole or in part by District on thirty (30) days written notice to permittee when such revocation is determined by Board of Directors to be necessary for District purposes.

10. Upon the failure of permittee to conform to any of the covenants and conditions herein specified this permit shall, at the option of District, cease and terminate and District may remove the encroachment or improvement above described together with any appurtenances thereto located within the easement and right of way of District and permittee shall promptly pay to District all costs and expenses incurred in such removal.

12. (Miscellaneous Requirements) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS PERMIT IS ISSUED BY THE DISTRICT AND ACCEPTED BY PERMITTEE, SUBJECT TO THE LEVEE ENCROACHMENT REGULATIONS OF THE DISTRICT, THE PERMITTEE ACKNOWLEDGING THAT HE/SHE HAS RECEIVED A COPY THEREOF, IS FAMILIAR WITH THE TERMS AND CONDITIONS OF SAID REGULATIONS, AND AGREES TO BE BOUND BY THE SAME.

Dated \_\_\_\_\_, 20\_\_\_\_ BRADFORD RECLAMATION DISTRICT NO. 2059

By \_\_\_\_\_

**ACCEPTANCE**

PERMITTEE HEREBY ACCEPTS THE ABOVE PERMIT AND AGREES TO COMPLY WITH ALL OF THE REQUIREMENTS THEREOF. THIS PERMIT DOES NOT RELIEVE THE PERMITTEE FROM OBTAINING ANY AND ALL OTHER APPROPRIATE PERMITS REQUIRED BY OTHER PUBLIC AGENCIES.

Dated \_\_\_\_\_, 20\_\_\_\_

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