

City

Manager

Report

December 7, 2020



Stefen Wynn, M.P.A.
City Manager

Capital Improvement Projects

FY-2021 Project Construction

Park Improvements:

Demolition in preparation for improvements for Phase I are nearly complete. Jeff Paul and crew have removed asphalt pavement, concrete, old benches and pavilions, and the old playground equipment. Before any demolition began, construction fencing was erected around the perimeter of the site, but the Butterfly Garden has remained open.

Installation of a new gravity sanitary sewer line is planned in the next couple of weeks on the Northside of the park along Bay Street. Installation of the line is critical to improvements to the parking, path and new entrance scheduled for the Northside of the Park. The sewer line is expected to be installed before City Hall is closed for Christmas.

PW-Staff have begun work on relocating and transplanting trees in the park that are within the limits of construction for path improvements, playgrounds and other improvements for the park. Jeff Paul's crew is performing the transplanting work beginning 12/7/2020. Army Corps Permit has been approved and received. See, "Attachment A."

REVISED Construction Timeline:

~~10/12/2020 RFI Jarboe 01 Sent to Staff, Engineer and Architect~~

~~10/16/2020 RFI Jarboe 01 Responses Received~~

~~10/19/2020 Council Workshop with RFI Jarboe 01 discussion & additional information received by Council from resident, Final Details to be discussed in Parks and Land Use Committee~~

~~10/26/2020 CM rescheduled demolition to begin after security fencing is installed around the site~~

~~11/3/2020 Security Fencing Installation begins around Park Improvements~~

~~11/9/2020 Parks & Land Use Committee Meeting to discuss Final Details~~

~~11/16/2020 Demo begins on ball courts by City Staff~~

12/7/2020 PW's begins transplanting trees around the park

12/23/2020 PW's Completes transplanting trees around the park

12/21/2020 Gruhn May begins Gravity Line from manhole on 5th St. to the Liftstation at Jarboe Park.

1/04/2020 **Date Revised.** ACON begins mobilizing on site; fencing is erected throughout construction areas around the park (Completed)

1/04/2020 **Date Revised.** Site Work Begins for Tennis, Pickleball and Basketball Courts. Coast to Coast Recreation Mobilizes onsite.

1/14/2020 **Date Revised.** Court construction begins with Coast to Coast Recreation

1/04/2020 **Date Revised.** Site Work Begins on Pathway and Bridge Placement, pathway lighting conduit also installed

1/4/2021 Pathway Construction Begins; Curb installation as path is completed

3/31/2021 Proposed Major Construction Completion

5/7/2021 Punchlist Complete and Final Completion

01

Park Improvements:

Update on Demolition
& Construction

02

Construction Timeline:

Revised Construction
Timeline and Schedule

Capital Improvement Projects

FY-2021 Project Construction

Beautification Committee Tree Plantings:

The City worked closely with the independent and resident-led Ish Brant Beautification Committee to identify areas within City parks and private residences to plant trees in right of ways. The Committee worked with the City of Jacksonville to procure the trees as part of COJ's grant program. The cost to the City was only time for a couple of staff to assist in planting the trees. See, "Attachment B" for Tree Planting in Right of Way Permit.

An update from the President of the Committee:

Here's the latest update on the Beautification Committee tree project. We worked with the COJ Tree Commission (specifically Richard Leon & Todd Little) to obtain trees to plant in our city right-of-ways and pocket parks. Our committee found residents who wanted trees and agreed to help care for them. With help from Public Works Deputy Director Megan George, we also got locations in our pocket parks (Basil, Stevens, Futch), and Bobby Hughes made sure all our locations were clear of utilities. Councilor Josh Messinger suggested possible tree locations along FL Blvd. by Jarboe Park. In total, COJ Tree Commission gave us 47 trees, as follows: 2 Bottlebrush; 6 Cabbage Palms; 1 Common Olive tree; 3 Eastern Red Cedars; 7 Red Maples; 17 Sand Live Oaks; 6 Southern Magnolias; 5 Wax Myrtles.

All the trees should be planted by Tuesday of next week.

Attached below are pictures of a few of our new trees, both in residential areas and parks. And I have lots more pictures of all the trees! :-)

-Chris Chin, President, Beautification Committee.

03

Beautification Committee Tree Plantings:

New Trees have arrived and are in the process of being planted!



Capital Improvement Projects

FY-2021 Project Construction Cont.

04

Contractor Agreement:
Contractor for Park Improvements procurement process

Contractor Agreement

The City of Neptune Beach intends to use a piggy-back agreement with ACON Construction based off of a Continuing Services Agreement between COJ and ACON for Design-Build Services for Active and Passive Park Projects. A draft of the cover letter serving as the City's contract with ACON is attached to this report as, "Attachment C."

An update since the last report: The City will contract directly with Coast to Coast Recreation using a piggyback contract instead of having Coast to Coast listed as a subcontractor to ACON.

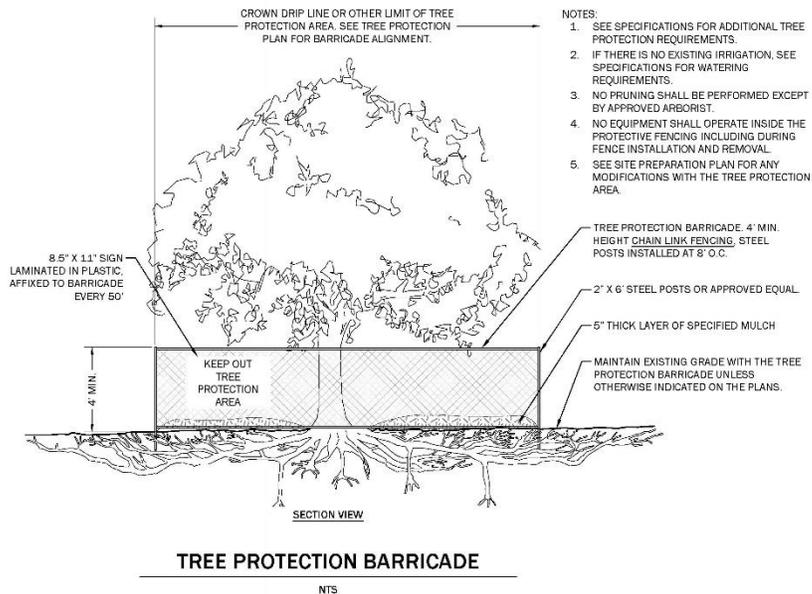
Additional Costs

Tree Protection Barricade:

In accordance with the City's existing tree mitigation code and as shown in the Tree Mitigation detail provided by Pittman Landscape Architecture. Trees that aren't being relocated and within construction limits will receive a minimum 4' high chain link fence around the entire drip line of the tree canopy. Public Works will use the chain link that was left from installing security fencing around the park for the necessary barricades.

05

Additional Costs:
Quantities are finalized by the Engineer



Jarboe Park Landscape Plans
 Phase 1
 Neptune Beach, Florida
 SHEET NO.

TREE MITIGATION TABLE

City of Neptune Beach
 1116 First Street
 Neptune Beach, Florida 32266

SHEET NO.

TM-3

Signage:

"Coming Soon" Signs will be erected around the perimeter of the park with pictures of the colorized conceptual renderings.

Capital Improvement Projects

FY-2021 Project Construction Cont.

06

Cost of Demolition

Cost of Demolition:
Public Works Employees
Assist in Taming Costs

Deputy Public Works Director, Megan George has kept track of the expenses accrued throughout demolition of existing park features. Thanks to the efforts of the Public Works Department, the City has completed demolition cheaper than what it would have cost to have a contractor finish the work.

Jarboe Park Demo Expenses			
Date	Location	Description	Cost
10/26/2020	Home Depot	100ft Orange Safety Fence, rebar caps	\$404.67
10/27/2020	Berman Bros Inc	Carbon Steel Rebar	\$183.30
10/27/2020	Ace	pliers 7", Cabelties, gardner bender, no trespassing signs	\$126.76
10/30/2020	Home Depot	Fence items	\$68.05
10/30/2020	Home Depot	Galvanized fence post, eye anchor	\$68.05
11/2/2020	Home Depot	Fence items	\$307.61
11/4/2020	Ace	Fasteners	\$10.36
11/9/2020	WastePro Invoice #0000469042	Disposal	\$424.15
11/9/2020	Home Depot	Fence items	\$88.50
11/9/2020	Home Depot	tie wire	\$88.50
11/10/2020	Home Depot	Chain link fence	\$4,311.30
11/12/2020	Home Depot	Fence Items	\$146.08
11/16/2020	WastePro Invoice #0000469195	Disposal	\$1,102.42
11/19/2020	Home Depot	Permit Box (2)	\$79.94
11/20/2020	Home Depot	Bit Set, driver set, post mix	\$94.38
11/24/2020	United -Invoice 56390	Concrete Disposal	\$1,200.00
11/30/2020	United - Invoice 56525	Concrete Disposal	\$900.00
Total to Date:			\$9,604.07

Agreements, Invoices, and Requests

Vision & Comprehensive Plan Updates; RTA Consulting Bills; NuPark Final Invoice

Vision & Comprehensive Plan Updates:

01

Vision & Comprehensive Plan Updates:

Workshops and Important Dates!



NEPTUNE BEACH
COMMUNITY VISION PLAN

SCAN ME



JOIN US FOR THE UPCOMING LAND DEVELOPMENT WORKSHOPS!

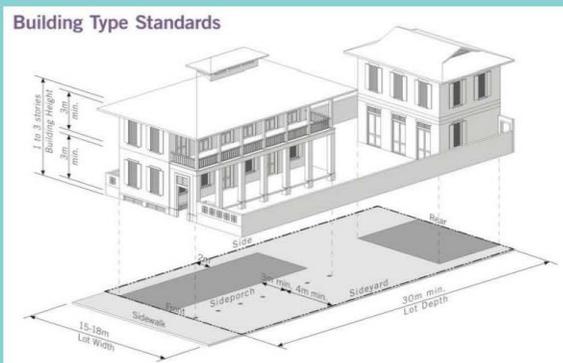
December Workshops

DEC 2, 6 - 6:45 PM: Intro to Comprehensive Plans & Land Development Regulations Zoom Webinar with Q&A
Register Online (link below)

DEC 8, 6 - 8 PM: Residential Density Hands-On Workshop
Zoom Meeting
Register Online (link below)

DEC 9, 6 - 6:45 PM: How to Get Predictable Development Outcomes
Zoom Webinar with Q&A
Register Online (link below)

DEC 10, 6 - 7:30 PM: Community Resilience Planning: Vulnerability Assessment Presentation and Workshop #1
Hybrid In-Person & Virtual Workshop
City Hall or Register Online



January Workshops

JAN 7, 6 - 7 PM: Establishing a Code Framework
Zoom Webinar with Q&A
Register Online (link below)

JAN 12 & 13, 6 - 8 PM: City Council & CDB Code Framework Workshop; Visual Participation & Predictability
Hybrid In-Person & Virtual Workshop
City Hall or Register Online

JAN 14, 6 - 6:45 PM: Measuring Building Height
Zoom Webinar with Q&A
Register Online (link below)

JAN 19, 6 - 6:45 PM: Site Design Standards & Parking
Zoom Webinar with Q&A
Register Online (link below)

JAN 21, 6 - 6:45 PM: Architectural Guidelines
Zoom Webinar with Q&A
Register Online (link below)

JAN 26, 6 - 7:30 PM: Community Resilience Planning: Vulnerability Assessment Workshop #2
Hybrid In-Person & Virtual Workshop
City Hall or Register Online

JAN 27, 6 - 7:30 PM: City Council Special Meeting to consider adoption of the Vision Plan
Hybrid In-Person & Virtual Meeting
City Hall or Register Online

Register at www.neptunebeachvisionplan.com/events

Agreements, Invoices, and Requests

Vision & Comprehensive Plan Updates; RTA Consulting Bills; NuPark Final Invoice Cont.

02

RTA Consulting Bills *Final Billing from RTA Consulting*

RTA Consulting Bills:

Gordon Schwartz, the CFO of RTA Consulting submitted a request for payment to the City for bills dating back to the Summer of 2019 earlier this Fall; and this last round of bills dates to March 2020 (during the beginning of the pandemic). The City acknowledged receipt of the bills, and submitted a response that this would take time to verify and audit. Historically, the City has found issues with the bills received from RTA Consulting and staff is ensuring that the requests received are legitimate and not double-billed.

The City has yet to receive a signed copy of the new agreement with RTA after the original expired in March.

Alleged Bills and Labor Expenses:

March 2020	\$25,562.58	
May 2020	\$20,347.85	
June 2020	\$16,251.74	<u>Total: \$97,804.05</u>
July 2020	\$18,436.19	
August 2020	\$14,522.09	
September 2020	\$2,683.60	

UPDATE: The City will begin to pay approved and legitimate bills with the last Accounts Payable run in December

03

NuPark Final Invoice *Final Billing from RTA Consulting*

NuPark Final Invoice:

This software company provides the enforcement software and hardware for the parking program. The City paid 50% of the total cost of the software at contract execution and will be expected to pay: \$35,437.50 before the end of this calendar year.



Update from the Parking Program

Successful in Promoting Turnover

Q3 REVENUE AND TRANSACTIONS



July paid parking revenue: \$41,327.70
July total transactions: 14,754



August paid parking revenue: \$41,537.70
August total transactions: 15,156

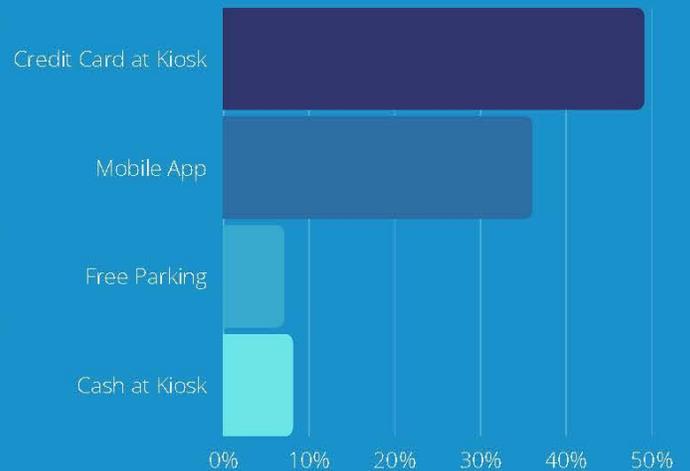


September paid parking revenue: \$38,795.45
September total transactions: 14,538

Q3 total revenue: \$121,660.85
Q3 total transactions: 44,448

TRANSACTION BREAKDOWN

- Thousands of visitors are successfully engaging the kiosks and the mobile app to park.
- A substantial number of visitors are utilizing free parking*.



*Free parking refers to visitors parked for 30 minutes or less, or registered residents parked for 3 hours or less. This figure is largely underreported in this data, as it only indicates kiosk and app users.

Update from the Parking Program

Successful in Promoting Turnover

COMPLETED PROJECTS

- Implementation of LPR (license plate reader) systems, staff training, and testing.



ONGOING PROJECTS

- Complete overhaul and redesign of North Beaches Parking website.
- Updated and additional signage for all paid parking lots / rows.
- New ordinance to update City codes (Neptune and Atlantic) for parking enforcement.

Personnel – Related

Public Works Director Search, Finance Department Needs, and Council Changes



01

Public Works: *Director Search*

Public Works:

The Director search has been ongoing since October. We began the search in October and received an internal candidate and external applicants. The City Clerk and the City Manager vetted every candidate that met the minimum requirements and scheduled virtual meetings with (4) of the applicants; the internal candidate was moved directly to the final interview process.

All (4) external candidates were moved to the final interview process. The hiring committee was comprised of: Stefen Wynn (City Manager); Catherine Ponson (City Clerk); Allan Kelly (Lead Wastewater Operator); Robert Hughes (Distribution & Collection Supervisor); Paul Williams (Streets Supervisor); and Leon Smith (Consultant).

During the Final Interviews, candidates were subjected to a battery of 25 questions in the conference room before heading out on a tour of the City with the City Manager. At the conclusion of the tour, each candidate had lunch at the Public Works Yard with employees. Lunch was intentional. *I attended each lunch to see how the candidate interacted with the Public Works Team. This did influence how I ranked them.*

Each interviewer ranked the candidates from 1-5. The candidate with the lowest average score will be offered the position. As of this report, we're awaiting one last ranker's results. We will begin the New Year with a new Public Works Director.

Finance Department Needs:

The City's long-time accountant resigned on November 10th, and listed November 27th as her final day with the City. This resignation presented an issue that will be updated in the personnel handbook. Namely, in order to be eligible for unpaid personal leave accrued, the employee terminating their employment must work the last week prior to their separation from the City and not use compensatory or leave time.

The CFO, Clerk and I acted quickly and after a brief search have hired, Monique Waymer (B.S. Accountancy). Ms. Waymer comes to Neptune Beach with many years of accounting experience in both the private and government sectors. Her most recent role was with the City of Saint Augustine.

Finance is also losing a Cashier from the front desk. Before the position is filled, the City Manager and the CFO will discuss long-term staffing needs and possibly creating a position that will better serve the needs of the City (Accounts Payable/Receivable and Inventory Clerk).

02

Finance Department Needs

Personnel – Related

Public Works Director Search, Finance Department Needs, and Council Changes



Council Changes:

03

At 25 years of age, Scott Wiley was first elected to the Neptune Beach City Council on October 12, 1971.

Council Changes:
Councilor Wiley's Retirement

He has been involved on multiple City boards including the Code Enforcement Board, where he served as Chairman, the Advisory Planning Board and the Finance Committee where he also served as Chairman. His dedication to the City of Neptune Beach is endless. In August 2020, he was awarded the John Land Award by the Florida League of Cities for his many years of municipal service. His sincere, conscientious efforts have impacted Neptune Beach to help make it a great place to live, work and visit.

Scott is also a Unit Board Member and past Chairman of the Beaches Boys and Girls Club and he is also an experienced realtor. He and his wife Becky are longtime residents of Neptune Beach and have been married for over 50 years.

Neptune Beach thanks Scott Wiley for his commitment and devotion. They always say you want to leave the place better than when you got here. We can attest that you have done that.



Personnel – Related

Public Works Director Search, Finance Department Needs, and Council Changes



04

Council Changes:
*Newly Seated Council,
Welcome Councilor
Lauren Key!*



Welcome Aboard!



On Behalf of the Staff
of Neptune Beach:

We Look Forward to
Serving our Residents
Alongside You.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

November 24, 2020

Regulatory Division
North Permits Branch
Jacksonville Permits Section
SAJ-2020-02492 (NWP-TMM)

City of Neptune Beach
Attention: Mr. Leon Smith
2010 Forest Avenue
Neptune Beach, Florida 32266

Dear Mr. Smith:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit the file number SAJ-2020-02492. A review of the information and drawings provided indicates that the proposed work would result in the discharge of fill material in the form of a culvert into 0.046 acre of a canal/ditch (731 cubic yards) for stormwater management. The culvert would be a double box culvert that would be 7-feet-wide by 6-feet-tall and would be 150-feet-long. The information and drawings also indicate the proposed work would result in the discharge 0.052 acre (125 cubic yards) of clean fill in the form of rip rap along the banks of the southern canal to enforce the banks for planned increase stormwater flow. The project site is located at 510 Florida Boulevard, in Section 21, Township 2 South, Range 29 East, Neptune Beach, Duval County, Florida. The project site approximate central coordinates are Latitude 30.315478°, Longitude -81.399285°. The project would affect waters of the United States (wetlands) associated with the tidal Hopkins Creek. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) 43 – Stormwater Management Facilities. This authorization is valid until **March 27, 2022**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 82, dated January 6, 2017, specifically pages 1983 to 2008, and the table of Regional Conditions. The Internet page address is as follows:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then click on

“Nationwide Permits.” These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 43. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-00832, on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed “Commencement Notification” Form.

3. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

4. Agency Changes/Approvals: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee’s responsibility to request a modification of this permit from the Jacksonville Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

5. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts in areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

6. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt,

construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

7. Eastern Indigo Snake Protection Measures and Inspection: Permittee shall comply with U.S. Fish and Wildlife Service's *Standard Protection Measures for the Eastern Indigo Snake* dated August 12, 2013, enclosed. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

8. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the

circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

9. Wetland Avoidance Areas: The Permittee shall avoid the remaining 0.82 acres of other surface waters, as indicated on the map enclosed. These wetland areas were avoided as part of this permit application review process; and, therefore, the remaining wetland areas will not be disturbed by any activities that would degrade the ecological integrity of the site including dredging, filling, land clearing, or other construction work whatsoever except as required or authorized by this permit. The Corps reserves the right to deny review of any requests for future impacts to these avoided wetland areas.

10. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this Nationwide permit must qualify for an exemption under section 403.813(1), Florida Statutes or 373.406, Florida Statutes, or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, Florida Statutes, by the Department of Environmental Protection, a water management district under section 373.069, Florida Statutes, or a local government with delegated authority under section 373.441, Florida Statutes, and receive Water Quality Certification and applicable Coastal Zone Consistency Concurrence or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, Florida Statutes, and, as applicable, Chapter 258, Florida Statutes. You should check

State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced GP, please contact Terri Mashour by telephone at 904-570-4512 or by email Terri.M.Mashour@usace.army.mil.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. Please visit http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey to complete our automated Customer Service Survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

BLAISDELL.MURIEL.M.1391064
EL.M.1391064691
Digitally signed by
BLAISDELL.MURIEL.M.1391064
691
Date: 2020.11.24 09:14:23 -05'00'

Muriel M. Blaisdell
Chief, Jacksonville Permits Section

Enclosures

Copies Furnished:
Onsite Environmental Consulting, LLC, Attention: Matt Canepa,
mcanepa@onsiteec.com

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on March 18, 2022.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

COMMENCEMENT NOTIFICATION

Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

1. Department of the Army Permit Number: SAJ-2020-02492

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-43
Application Number: SAJ-2020-02492

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____ NO _____

TO SCHEDULE AN INSPECTION PLEASE CONTACT _____
AT _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks,
dredging,
etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2020-02492

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

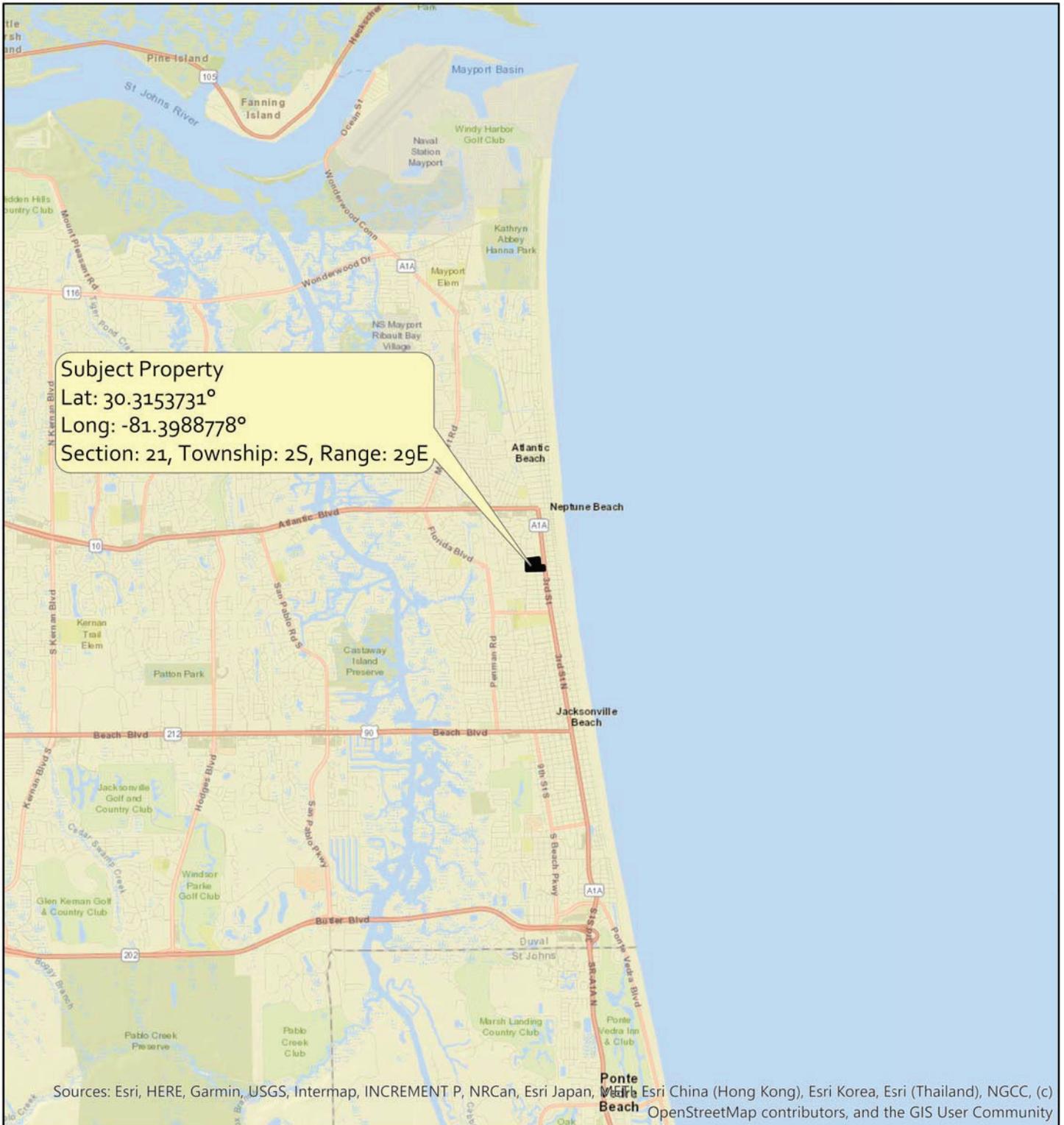
(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

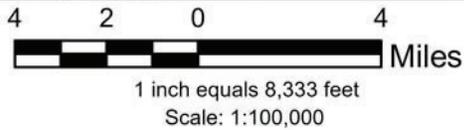
(CITY, STATE, ZIP CODE)



Subject Property
 Lat: 30.3153731°
 Long: -81.3988778°
 Section: 21, Township: 2S, Range: 29E

Legend

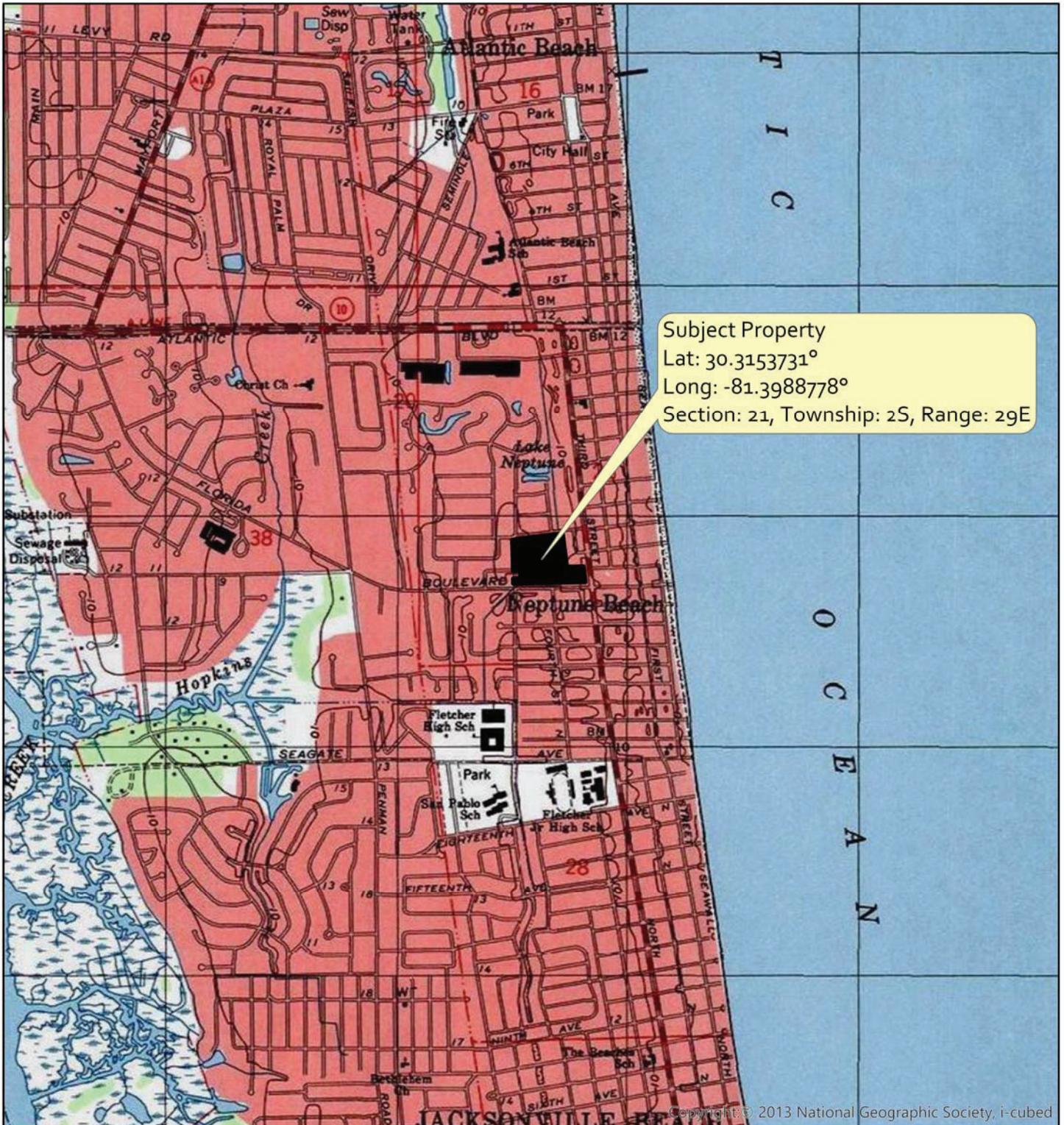
 Approximate Property Boundary



**Figure 1: Location Map
 Parsons - Neptune Beach
 Jarboe Park
 RE# 1731150000R**

Proj: J17020 Parsons Neptune Beach
 Date: February 2020
 Base maps provided by ESRI. Parcel data provided by the FDOR 2019.

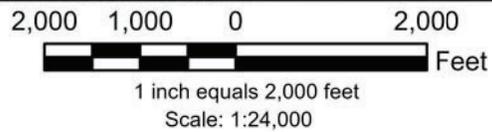
Neptune Beach, Duval County, Florida



Subject Property
 Lat: 30.3153731°
 Long: -81.3988778°
 Section: 21, Township: 2S, Range: 29E

Legend

 Approximate Property Boundary



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PH: 904.384.7020 FAX: 904.384.7021

**Figure 2: USGS Topographic Map
 Parsons - Neptune Beach
 Jarboe Park
 RE# 1731150000R**

Neptune Beach, Duval County, Florida

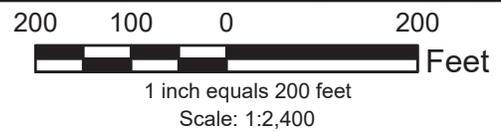
Proj: J17020 Parsons Neptune Beach
 Date: February 2020
 Base maps provided by ESRI. Parcel data provided by the FDOR 2019.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

- Project Boundary (13.85 ac)
- 69, Urban Land (0.23 ac)
- 71, Urban Land-Leon-Boulogne Complex 0-2% Slopes (13.62 ac)



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**Figure 3: Soils Map
 Parsons - Neptune Beach
 Jarboe Park
 RE# 1731150000R**

Neptune Beach, Duval County, Florida

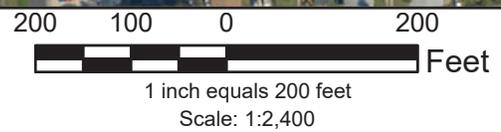
Proj: J17020 Parsons Neptune Beach
 Date: February 2020
 Base maps provided by ESRI. Project Boundary provided by Parsons. Natural Resources Conservation Service (NRCS) soil data provided by the Florida Geographic Data Library (FGDL).



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

	Project Boundary	(13.85 ac)
	1200: Medium Density, 2->5 dwelling units/acre	(1.09 ac)
	1300: High Density, 6 or more dwelling units/acre	(0.16 ac)
	1400: Commercial and Services	(0.31 ac)
	1700: Institutional	(0.12 ac)
	1860: Community Recreational Facilities	(9.17 ac)
	5300: Reservoirs	(2.06 ac)



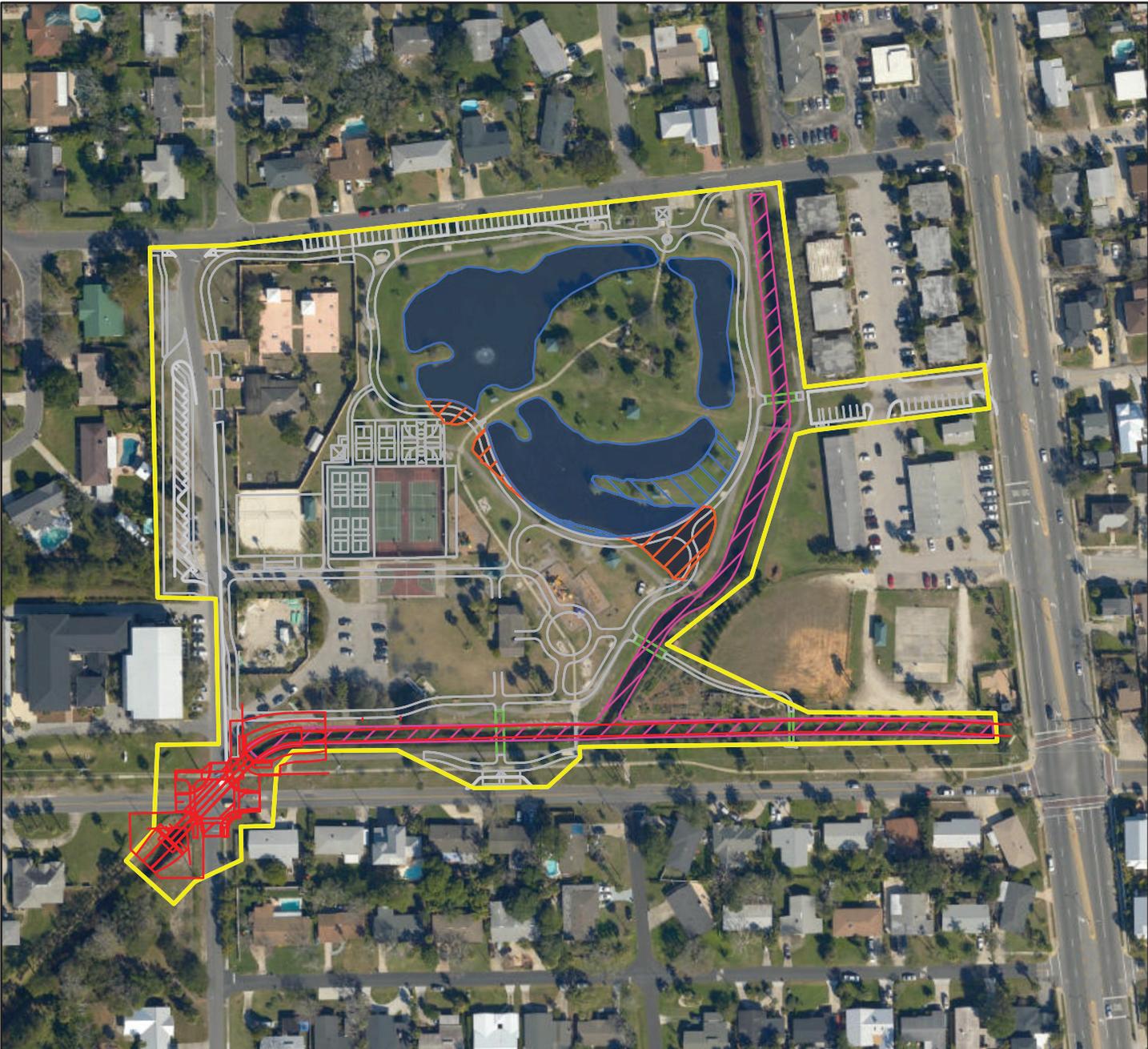

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**Figure 4: Habitat Map
 Parsons - Neptune Beach
 Jarboe Park
 RE# 1731150000R**

Neptune Beach, Duval County, Florida

Proj: J17020 Parsons Neptune Beach
 Date: February 2020
 Base maps provided by ESRI. Habitat data provided by FDEP. Parcel data provided by the FDOR 2019.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

- Project Boundary (Approx. 13.85 ac)
- Other Surface Water: Ditch (Approx. 0.82 ac)
- Other Surface Water: Existing Pond (Approx. 1.60 ac)
- Proposed Filled Pond (Approx. 0.19 ac)
- Proposed Pond Addition (Approx. 0.17 ac)
- Bridges
- Proposed Site Conditions
- Proposed Intersection Culverts

200 100 0 200
 Feet

1:2,400 scale
 1 inch = 200 feet



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Figure 5: Proposed Site Conditions Map
Parsons - Jarboe Park
510 Florida Blvd.
RE #1731150000R

Neptune Beach, Duval County, Florida

Proj: J17020 Parsons Neptune Beach
 Date: May 2020
 Base maps provided by ESRI. Parcel boundary and proposed site conditions taken from georeferenced CAD data provided by Parsons Corporation.

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE
U.S. Fish and Wildlife Service
August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. “Taking” of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. “Take” is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant’s designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336
Panama City Field Office – (850) 769-0552
South Florida Field Office – (772) 562-3909

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.



St. Johns River

Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

August 04, 2020

Leon Smith
City of Neptune Beach
2010 Forest Ave
Neptune Beach, FL 32266-1557

SUBJECT: General Permit 161828-3

Dear Sir/Madam:

The District has received your notice to use a general permit. Based on the submitted information, the proposed activity qualifies for a General Environmental Resource Permit pursuant to section 62-330.447, Florida Administrative Code, provided it is constructed and operated in accordance with that general permit and the general and special conditions set forth in section 62-330.447, Florida Administrative Code (attached).

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has determined your project qualifies for this general permit. Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the use of the general permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the use of the permit. To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.11 of the *Florida Statutes*. If you do not publish a newspaper notice to close the point of entry, the time to challenge your use of the permit will not expire and someone could file a petition even after your project is constructed. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to compliancesupport@sjrwmd.com (preferred method) or send a copy of the original affidavit to:

Margaret Daniels, Office Director
Office of Business and Administrative Services
4049 Reid Street
Palatka, FL 32177

GOVERNING BOARD

Douglas Burnett, CHAIRMAN
ST. AUGUSTINE

Ron Howse, TREASURER
COCOA

Douglas C. Bournique
VERO BEACH

Susan Dolan
SANFORD

A copy of your application was transmitted to the U.S. Army Corps of Engineers for review. This authorization to use a general environmental resource permit does not obviate the need for obtaining all necessary permits or approval from other agencies.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Reiber".

Michelle Reiber, Bureau Chief
Division of Regulatory Services

Enclosures: Permit
Notice of Rights
List of Newspapers for Publication

cc: District Permit File

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
GENERAL ENVIRONMENTAL RESOURCE PERMIT**

PERMIT NO: 161828-3 **DATE ISSUED:** August 04, 2020

PROJECT NAME: Florida Boulevard Culvert Replacement

A PERMIT AUTHORIZING:

Use of the General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor activities within Existing Rights-of-Way or Easements pursuant to subsection 62-330.447, Florida Administrative Code (F.A.C.) for Cypress Road Drainage Improvements to be constructed as per plans received by the District on July 23, 2020.

LOCATION:

Section(s): 21 Township(s): 2S Range(s): 29E
Duval County

Receiving Water Body:

Name	Class
Hopkins Creek	III Fresh
Intracoastal Waterway	III Marine, IW

ISSUED TO:

City of Neptune Beach
2010 Forest Ave
Neptune Beach, FL 32266-1557

The District received your notice to use a General Environmental Resource Permit pursuant to Chapter 62-330, Florida Administrative Code (F.A.C.) on October 7, 2014.

Based on the forms, design plans, and other documents submitted with your notice, it appears that the project meets the requirements for a General Environmental Resource Permit. Any activities performed under a General Environmental Resource Permit are subject to the general conditions and special conditions specified in rules 62-330.405 and 62-330.447, F.A.C. respectively (attached). Any deviations from these conditions may subject you to enforcement action and possible penalties.

Please be advised that the General Environmental Resource Permit expires 5 years from the date on which the notice of intent to use a General Environmental Resource Permit was received by the District.

A copy of your notice also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action and possible penalties.

AUTHORIZED BY: St. Johns River Water Management District
 Division of Regulatory Services



By:

Everett Frye
Supervising Professional Engineer

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 161828-3
Florida Boulevard Culvert Replacement
DATED August 04, 2020

1. The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the "take" of listed species).
3. The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.
4. The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.
5. Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.
6. The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.
7. The general permit is not transferable to a third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with Rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.
8. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.
9. The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

10. A permittee's right to conduct a specific activity under the general permit is authorized for a duration of five years.
11. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), available at http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.
12. Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:
 - a. Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;
 - b. The maximum width of the construction access area shall be limited to 15 feet;
 - c. All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and
 - d. Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.
13. Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.
14. The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.
15. Except where specifically authorized in the general permit, activities must not:
 - a. Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or
 - b. Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.
16. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or

other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S.

17. The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.
18. The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:
 - (a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - (b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.
 - (c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.
 - (d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.
 - (e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at imperiledspecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.
19. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.
20. The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.
21. The permittee shall limit stream channel relocation to streams which have an average discharge of 10 cubic feet per second or less. The length of relocated channels or those significantly altered shall be limited to 200 feet per stream. A stream channel shall be altered only when such a measure will reduce the long term adverse water quality impacts and will maintain or restore the stream's natural hydraulic capability; and
22. This general permit shall not apply to ditch construction in Class I or Class II surface waters, Outstanding National Resource Waters or waters designated as Outstanding Florida Waters.
23. Activities under this general permit must not diminish existing stormwater treatment, attenuation, or conveyance capacity.

24. This general permit does not authorize the construction of additional traffic lanes. Activities that require additional traffic lanes must first obtain an individual environmental resource permit under this chapter, as applicable, before the start of construction.

Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice Of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

NOTICING INFORMATION

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to compliancesupport@sjrwmd.com (preferred method) or send a copy of the original affidavit to:

Office of Business and Administrative Services
4049 Reid Street
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

NOTICE OF AGENCY ACTION TAKEN BY THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on _____:

(Name and address of applicant) _____
permit# _____. The project is located in _____ County, Section
_____, Township _____ South, Range _____ East. The permit authorizes a surface
water management system on _____ acres for
_____ known as
_____. The receiving water body is _____.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwm.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., may be available and choosing mediation does not affect your right to an administrative hearing.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at www.sjrwm.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit http://www.sjrwm.com/nor_dec/ to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Director of Business and Administrative Services, 4049 Reid St., Palatka, FL 32177-2529, tele. no. (386)329-4570.

NEWSPAPER ADVERTISING

ALACHUA

The Alachua County Record, Legal Advertising
P. O. Box 806
Gainesville, FL 32602
352-377-2444/ fax 352-338-1986

BRADFORD

Bradford County Telegraph, Legal Advertising
P. O. Drawer A
Starke, FL 32901
904-964-6305/ fax 904-964-8628

CLAY

Clay Today, Legal Advertising
1560 Kinsley Ave., Suite 1
Orange Park, FL 32073
904-264-3200/ fax 904-264-3285

FLAGLER

Flagler Tribune, c/o News Journal
P. O. Box 2831
Daytona Beach, FL 32120-2831
386- 681-2322

LAKE

Daily Commercial, Legal Advertising
P. O. Drawer 490007
Leesburg, FL 34749
352-365-8235/fax 352-365-1951

NASSAU

News-Leader, Legal Advertising
P. O. Box 766
Fernandina Beach, FL 32035
904-261-3696/fax 904-261-3698

ORANGE

Sentinel Communications, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

PUTNAM

Palatka Daily News, Legal Advertising
P. O. Box 777
Palatka, FL 32178
386-312-5200/ fax 386-312-5209

SEMINOLE

Sanford Herald, Legal Advertising
300 North French Avenue
Sanford, FL 32771
407-323-9408

BAKER

Baker County Press, Legal Advertising
P. O. Box 598
MacLenny, FL 32063
904-259-2400/ fax 904-259-6502

BREVARD

Florida Today, Legal Advertising
P. O. Box 419000
Melbourne, FL 32941-9000
321-242-3832/ fax 321-242-6618

DUVAL

Daily Record, Legal Advertising
P. O. Box 1769
Jacksonville, FL 32201
904-356-2466 / fax 904-353-2628

INDIAN RIVER

Vero Beach Press Journal, Legal Advertising
P. O. Box 1268
Vero Beach, FL 32961-1268
772-221-4282/ fax 772-978-2340

MARION

Ocala Star Banner, Legal Advertising
2121 SW 19th Avenue Road
Ocala, FL 34474
352-867-4010/fax 352-867-4126

OKEECHOBEE

Okeechobee News, Legal Advertising
P. O. Box 639
Okeechobee, FL 34973-0639
863-763-3134/fax 863-763-5901

OSCEOLA

Little Sentinel, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

ST. JOHNS

St. Augustine Record, Legal Advertising
P. O. Box 1630
St. Augustine, FL 32085
904-819-3439

VOLUSIA

News Journal Corporation, Legal Advertising
P. O. Box 2831
Daytona Beach, FL 32120-2831
(386) 681-2322



St. Johns River

Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

October 23, 2020

Leon Smith
City of Neptune Beach
2010 Forest Ave
Neptune Beach, FL 32266

SUBJECT: 161828-2
Jarboe Park Rehabilitation

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on October 23, 2020. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at www.sjrwmd.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Noticing Your Permit:

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at www.sjrwmd.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at www.sjrwmd.com/permitting under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and

GOVERNING BOARD

Douglas Burnett, CHAIRMAN
ST. AUGUSTINE

Susan Dolan
SANFORD

Ron Howse, TREASURER
COCOA

Cole Oliver
MERRITT ISLAND

Doug Bournique
VERO BEACH

J. Chris Peterson
WINTER PARK

Rob Bradley
FLEMING ISLAND

Janet Price
FERNANDINA BEACH

select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need copies of the appropriate forms, please contact the Bureau of Regulatory Support at (386) 329-4570.

Transferring Your Permit:

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.sjrwmd.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.

Sincerely,



Michelle Reiber, Bureau Chief
Division of Regulatory Services
St. Johns River Water Management District
525 Community College Parkway, S.E.
Palm Bay, FL 32909
(321) 409-2129

Enclosures: Permit
Notice of Rights
List of Newspapers for Publication

cc: District Permit File

Thomas J Gyorog
Parsons
1300 Riverplace Blvd Ste 200
Jacksonville, FL 32207-9018

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 161828-2

DATE ISSUED: October 23, 2020

PROJECT NAME: Jarboe Park Rehabilitation

A PERMIT AUTHORIZING:

Construction and operation of a Stormwater Management System for a 5.86-acre project known as Jarboe Park Rehabilitation as per plans received by the District on October 15, 2020.

LOCATION:

Section(s): 21 Township(s): 2S Range(s): 29E
Duval County

Receiving Water Body:

Name	Class
Hopkins Creek	III Fresh

ISSUED TO:

City of Neptune Beach
2010 Forest Ave
Neptune Beach, FL 32266

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

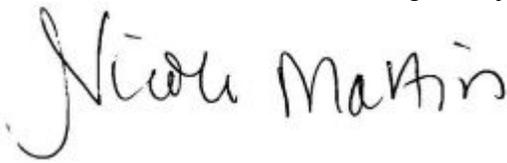
This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee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

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated October 23, 2020

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory Services

By: 

Nicole Martin
Supervising Regulatory Scientist

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 161828-2
Jarboe Park Rehabilitation
DATED October 23, 2020

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities — "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].

- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall

request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.

22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
23. This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.
24. All impacts must be completed per plans sheet page 29 received by the District on September 4, 2020.
25. The surface water management system shall be constructed and operated in accordance with the plans and calculations received by the District on October 15, 2020.

Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice Of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

NOTICING INFORMATION

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to compliancesupport@sjrwmd.com (preferred method) or send a copy of the original affidavit to:

Office of Business and Administrative Services
4049 Reid Street
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

NOTICE OF AGENCY ACTION TAKEN BY THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on _____:

(Name and address of applicant) _____
permit# _____. The project is located in _____ County, Section
_____, Township _____ South, Range _____ East. The permit authorizes a surface
water management system on _____ acres for _____ known as
_____. The receiving water body is _____.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwm.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., may be available and choosing mediation does not affect your right to an administrative hearing.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at www.sjrwm.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit http://www.sjrwm.com/nor_dec/ to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Director of Business and Administrative Services, 4049 Reid St., Palatka, FL 32177-2529, tele. no. (386)329-4570.

NEWSPAPER ADVERTISING

ALACHUA

The Alachua County Record, Legal Advertising
P. O. Box 806
Gainesville, FL 32602
352-377-2444/ fax 352-338-1986

BRAFORD

Bradford County Telegraph, Legal Advertising
P. O. Drawer A
Starke, FL 32901
904-964-6305/ fax 904-964-8628

CLAY

Clay Today, Legal Advertising
1560 Kinsley Ave., Suite 1
Orange Park, FL 32073
904-264-3200/ fax 904-264-3285

FLAGLER

Flagler Tribune, c/o News Journal
P. O. Box 2831
Daytona Beach, FL 32120-2831
386-681-2322

LAKE

Daily Commercial, Legal Advertising
P. O. Drawer 490007
Leesburg, FL 34749
352-365-8235/fax 352-365-1951

NASSAU

News-Leader, Legal Advertising
P. O. Box 766
Fernandina Beach, FL 32035
904-261-3696/fax 904-261-3698

ORANGE

Sentinel Communications, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

PUTNAM

Palatka Daily News, Legal Advertising
P. O. Box 777
Palatka, FL 32178
386-312-5200/ fax 386-312-5209

SEMINOLE

Sanford Herald, Legal Advertising
300 North French Avenue
Sanford, FL 32771
407-323-9408

BAKER

Baker County Press, Legal Advertising
P. O. Box 598
MacLenny, FL 32063
904-259-2400/ fax 904-259-6502

BREVARD

Florida Today, Legal Advertising
P. O. Box 419000
Melbourne, FL 32941-9000
321-242-3832/ fax 321-242-6618

DUVAL

Daily Record, Legal Advertising
P. O. Box 1769
Jacksonville, FL 32201
904-356-2466 / fax 904-353-2628

INDIAN RIVER

Treasure Coast News
760 NW Enterprise Dr.
Port St. Lucie, FL 34986
772-283-5252

MARION

Ocala Star Banner, Legal Advertising
2121 SW 19th Avenue Road
Ocala, FL 34474
352-867-4010/fax 352-867-4126

OKEECHOBEE

Okeechobee News, Legal Advertising
P. O. Box 639
Okeechobee, FL 34973-0639
863-763-3134/fax 863-763-5901

OSCEOLA

Little Sentinel, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

ST. JOHNS

St. Augustine Record, Legal Advertising
P. O. Box 1630
St. Augustine, FL 32085
904-819-3439

VOLUSIA

News Journal Corporation, Legal Advertising
P. O. Box 2831
Daytona Beach, FL 32120-2831
(386) 681-2322

PIGGYBACK AGREEMENT FOR DESIGN-BUILD SERVICES

This Piggyback Agreement (“Agreement”) is made as of this _____ day of _____, 2020 (“Effective Date”) between the City of Neptune Beach, Florida, a political subdivision of the State of Florida, with its principal place of business located at 116 First Street, Neptune Beach, Florida 32266 (the “City”) and Acon Construction Co. Inc., a Florida corporation, with its principal place of business at 3653 Regent Boulevard, Suite 400, Jacksonville, Florida 32224, (“Company”).

Background

- A. Section 2-377 of the City’s Code of Ordinances permits the City to waive the formal bid procedure when the goods or services are procured from other governmental agencies or their contracts.
- B. The City desires to procure design-build services from Company, utilizing an existing contract between the Company and the City of Jacksonville.
- C. In accordance with CDB-0008-16 Request for Qualifications, the City of Jacksonville entered into a five (5) year agreement with Company for design-build services March 28, 2016 through March 27, 2021 (the “Initial Agreement”).
- D. The City desires to purchase design-build services from Company on the same terms, conditions, and pricing provided under the Initial Agreement, subject to the terms and conditions of this Agreement.
- E. The City has determined that the Initial Agreement meets the requirements of Section 2-377 of the City’s Code of Ordinances and is an acceptable agreement upon which the City and Company may establish a piggyback agreement.
- F. The services to be provided constitute design-build services under a design-build contract as that term is defined in Fla. Stat. §287.055 and the total construction cost for the project described herein is less than the amount of \$325,000.00 for a Category Five purchasing category and is therefore exempt from regulation by the Consultants’ Competitive Negotiation Act.
- G. The Company agrees to extend the terms, conditions, and pricing of the Initial Agreement to the City, subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein and for other good and valuable considerations, the receipt and sufficiency of which are hereby mutually acknowledged, the parties agree as follows:

- 1. **Background.** The above Background is true and correct and is incorporated herein by reference.
- 2. **Terms and Conditions.** Except as otherwise stated herein, the terms and conditions of the Initial Agreement shall constitute the terms and conditions of this Agreement. A true and correct copy of the Initial Agreement is attached as “Exhibit A” and incorporated herein. When used in the

Initial Agreement, “Owner” shall refer to the City and “Design-Builder” shall refer to the Company.

3. **Order of Precedence in the Event of Conflict.** The documents listed below are a part of this Agreement and are hereby incorporated by reference. In the event of inconsistency between the documents, unless otherwise provided herein, the terms of the following documents shall govern in the following order of precedence

- a. Terms and Conditions as expressly set forth in this Agreement.
- b. Terms and conditions as expressly set forth in the Initial Agreement.
- c. Company’s response to CDB-0008-16 Request for Qualifications and any subsequent information submitted by Company during the evaluation and negotiation process prior to award by the City of Jacksonville.

4. **Supplemental Terms and Conditions.** The terms and conditions of the Initial Agreement are hereby modified or supplemented as follows:

- a. *Performance of Services.* The first sentence of Section 3 of the Initial Agreement is modified to state that the Company shall perform the services as specified the First Amendment to this Agreement (the “Services”). All references to services located within the RFQ for the Initial Agreement shall refer to the Services as described on the First Amendment.
- b. *Dollar Amount; Term of the Agreement.* This Agreement shall be in full force and effect on the Effective Date for a not-to-exceed amount of three hundred, twenty-four thousand, nine hundred, ninety-nine dollars and 99/100 (\$324,999.99) (the “Maximum Price”). This Agreement shall terminate on DATE. The continuation of this Agreement beyond the end of any fiscal year shall be subject to the appropriation of legally available funds by the City Council in accordance with Florida law.
- c. *Contract Documents.* The Contract Documents, as defined in Section 5, shall be as follows and shall take precedence in the following order:
 - i. This Agreement;
 - ii. Amendment to Design-Build Contract on the Company’s *Project Specific Contract Amendment Form*, chronologically from most recent to oldest;
 - iii. The Initial Agreement;
 - iv. Specific Conditions (Design-Build Contract) attached to the Initial Agreement;
 - v. The order otherwise prescribed in the Initial Agreement.
- d. *Project Specific Contract Amendments.* Multiple Project Specific Contract Amendments may be executed only if the services described thereunder do not cause the total cost under this Agreement to exceed the Maximum Price. Project Specific Contract Amendments are subject to the review by the City Council of the City of Neptune Beach. Any references to the City of Jacksonville are stricken.

- e. *Design-Builder's Fee.* Section 9(b)(4) is modified to provide that subsection (C) is stricken and the amounts stated in subsection (B) shall not cause the total cost to exceed the Maximum Price.
- f. *Guaranteed Maximum Price.* All provisions of Section 10 shall be subject to the Maximum Price and shall in no event exceed same. Proposals shall be sent to the City Council of the City of Neptune Beach and any references to the City of Jacksonville are stricken.
- g. *Owner's Senior Representative.* Owner's Senior Representative shall be Stefen Wynn, City Manager, 116 First Street, Neptune Beach, Florida 32266; cm@nbfl.us; and 904-270-2400.
- h. *E-Verify.* The Company represents and warrants to Owner that it is registered with and uses the E-Verify system as required by Fla. Stat. §448.095(2). Further, the Company agrees that it shall fully comply with the terms of Fla. Stat. §448.095, including in the procurement of such affidavits from any and all subcontractors as required to comply with the requirements of such statute.
- i. *References to City of Jacksonville.* All references to the City of Jacksonville, its code of ordinances, and its policies, shall be deemed to refer to the equivalent provision, officer, employee, or policy of the City of Neptune Beach. Any references without an equivalent in the City of Neptune Beach shall be stricken or, if necessary for the enforceability or administration of this Agreement, shall be replaced by that deemed most equivalent by the City Manager of the City of Neptune Beach.
- j. *Nonwaiver.* No provision of this Agreement shall be deemed waived, amended or modified by either party unless such waiver, amendment or modification is in writing and contains the signature of an authorized representative of the party against whom it is sought to be enforced. Either party's failure to enforce any of the provisions of this Agreement shall not be construed as a waiver of such provision or rights, or affect the validity of this Agreement.
- k. *Assignment.* Neither this Agreement nor any right or obligation hereunder may be transferred, assigned or delegated by either party without the prior written consent of the other. If either party attempts to make such an assignment without such consent, that party shall nevertheless remain legally responsible for all obligations under the Agreement.
- l. *Indemnity.* Company shall indemnify, defend and hold harmless City, its agents, officers and employees from and against any and all claims, liabilities, damages, losses and expenses, including costs and attorney's fees arising out of any negligent or intentional act or omission of Company, its employees, agents or sub-contractors in the performance of this Agreement. This indemnity provision shall survive the termination or expiration of the Agreement until such time as any and all claims arising under the Agreement have been resolved regardless of when such claims are made.
- m. *Public Records.* Pursuant to Florida Statutes § 119.0701, to the extent Company is performing services on behalf of the City, Company shall:

- i. Keep and maintain public records that ordinarily and necessarily would be required by the City in order to perform this service.
 - ii. Upon request from the City's custodian of public records, provide the custodian with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
 - iii. Ensure that public records that are exempt or confidential from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement and following completion of the Agreement if Company does not transfer the records to the public agency.
 - iv. Upon completion of the Agreement, transfer, at no cost, to the City all public records in possession of the Company or keep and maintain public records required by the City to perform the service. If Company transfers all public records to the City upon completion of the Agreement, Company shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Company keeps and maintains public records upon completion of the Agreement, Company shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.
- n. *Notices.* Every notice, comment, consents, objections, waivers or any communication given under this Agreement shall be in writing and shall be given only by hand delivery for which a receipt is obtained, or certified mail, prepaid with confirmation of delivery requested, or by electronic mail with delivery confirmation. All such communications shall be addressed to the applicable addressees set forth below or as any party may otherwise designate in the manner prescribed herein.

For City:

For Company:

Every notice, comment, consents, objections, waivers or any communication shall be deemed given when received by the party for whom such communication is intended at such address herein specified, or such other physical address or email address as such party may have substituted by notice to the other.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed effective as of the date set forth above.

ACON CONSTRUCTION CO. INC.

Company

By: _____

Printed Name: _____

Date: _____

CITY OF NEPTUNE BEACH, a political
subdivision Of the State of Florida

ATTEST:

Catherine Ponson, City Clerk

Elaine Brown, Mayor

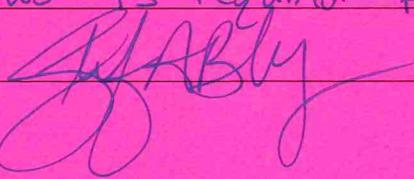
Approved as to form and contents:

Zachary R. Roth, City Attorney

Interdepartmental Review Routing Sheet

City Manager: Approved Approved with conditions Denied

Comments: Who is required to take care of trees.

Signature and date:  11/13/2020

Permit # 202001112

ADDRESS: COJ TREE MITIGATION PROGRAM. REQUESTING PERMIT TO PLANT TREES IN CITY'S RIGHT OF WAY AND PUBLIC PARKS.

[https://pg-cloud.com/JacksonvilleFL/?scenario=Neptune2.](https://pg-cloud.com/JacksonvilleFL/?scenario=Neptune2)

202001112
City of Neptune Beach

116 First Street • Neptune Beach, Florida 32266-6140
(904) 270-2400 ext. 4 • FAX (904) 270-2432
Bldgclerk@NBFL US or Pipertumer@nbfl.us



Right-of-way Use Permit Application

CONTRACTOR, DEVELOPER AND/OR OWNER INFORMATION

Name of Developer, Utility or Requesting Applicant: Richard Leon, City of Jacksonville

Telephone 904 255 4324 Fax: _____ Contact Person: Richard Leon

Email RLeon@Coj.net

Address where work is to be performed: _____

NATURE OF WORK

UTILITIES:

- Potable Water Sanitary Sewer (Gravity) Sanitary Sewer (Force Main) Sewage Lift Station
- Reclaimed Water Gas Telephone Buried Electric
- Overhead Electric Cable TV

DRAINAGE:

- Culverts Drainage Structures Ditches/Swales

PAVING:

- Sidewalks Curb & Gutter Concrete Driveways Pavers Driveways Asphalt

LANDSCAPING:

Tree planting in right-of-ways + public parks

SUBMITTAL REQUIREMENTS

1. Completed Permit Application with prescribed attachments and bonds, listed below.
2. If applicable, copy of contractor's licenses, \$2,500.00 Surety Bond to the City of Neptune Beach to cover any unresolved damages to City property, a copy of all other permits related to the work within the City's Right-of-way, and Indemnification (hold harmless) Agreement absolving the City of Neptune Beach against any and all claims resulting from the construction.
3. Two (2) sets of plans and specifications with installed facilities located and shown. Upon completion of construction furnish one set of as-built drawings. Record drawings shall show the location and depth (if applicable) of the new construction. Location of utilities shall be referenced from the edge of pavement. The location of all boxes, valves, structures, poles, conduits, etc shall be shown on the as-built drawings.
Contractor's signature below indicates that all work will be completed in accordance with the City of Neptune Beach Standard's and in accordance with any conditions and regulations that may be noted on or attached to the approved plans and permit application.

Contractor/Requesting Property Owner: Richard Leon

Date: 10/29/2020

Department of Public Services Approval By: _____

Date: _____

Department of Public Safety Approval By: _____

Date: _____

http://pg-cloud.com/JacksonvilleFL?/

Scenario = Neptune2.

Right of Way (R-O-W) Use Agreement for Property Owners**Section 18-4 - USE OF PUBLIC RIGHT-OF-WAY.**

(a) The city shall not be responsible for any damage to improvements in the right-of-way made by adjoining property owners except for concrete or asphalt driveways. The city will repair, at its own expense, concrete and/or asphalt driveways that have been destroyed due to repairs made by the city to its infrastructure or other such related work. The cost of such repair will be limited to the city's cost for replacing with concrete or asphalt only. The property owner may elect to receive this cost repair amount rather than having the work performed by the city. All proposed private use of the city right-of-way such as driveways, parking areas, landscaping or other changes must obtain a right-of-way permit.

(b) No activity will be permitted in the right-of-way that adversely impacts or otherwise interferes with emergency access, utility access or other such similar access.

(c) Failure to adhere to the permit and its conditions or these rules may result in the city removing any changes that have been made without notice.

(d) No items may be placed in the right-of-way and no activities may take place in the right-of-way that are not also permitted or allowable according to the terms and conditions of the city's municipal separate storm sewer system drainage permit (hereinafter "MS4") as issued by either the State of Florida, Department of Environmental Protection and/or the St. Johns River Water Management District.

(e) All existing nonconforming items may not be replaced or repaired beyond regular maintenance without first obtaining a right-of-way permit. Immediate removal will be required if nonconforming item(s) are causing damage to city property or infrastructure, impairing drainage, contributing to violation of the city's MS4 drainage permit or deemed as a safety hazard by the city.

(f) The permittee shall be responsible for all maintenance of items placed in the right-of-way and shall be responsible for any repairs. The city will not replace or repair items placed in the right-of-way.

(1) The permittee shall also indemnify and save harmless the city and its successors and assigns from any claim, action, liability, loss, damage or suit arising from the following:

a. Any and all damage or maintenance to public and private property caused by the placement of permitted items in or on the city right-of-way.

(2) Where any claim is asserted, the city shall provide the permittee with reasonable and timely notice of same in writing. Thereafter, the permittee, at its own expense, shall defend, protect and save harmless the city against said claim or any loss or liability arising therefrom.

(g) All approved work as outlined by the right-of-way permit must be completed in six (6) months.

(h)(1) Any final decision by the city manager, or his designee, as to this section shall be appealable to the city's code enforcement special magistrate. A notice of appeal shall be filed with the city clerk within thirty (30) days of receipt of the city manager's final decision. If a notice of appeal is timely filed, the matter shall be placed on the next regularly scheduled agenda of the special magistrate. Further, any violation of this section or of a permit issued pursuant to this section shall be referred to the special magistrate as set forth in Chapter 2 of this Code.

(2) Should the appellant not prevail in the administrative appeal brought before the special magistrate, it shall bear the burden of the city's costs and fees associated with said appeal.

****All approved work as outlined by the right-of-way permit must be completed in six (6) months****

Public Works Conditions

1. It will be the applicant's responsibility to prevent erosion from leaving the site and achieving the 100 percent soil stabilization.
2. The applicant shall be responsible for cleaning all debris entering the curb and gutter from their property.
3. The applicant shall be responsible for all maintenance of items they place in the R-O-W.
4. The applicant shall be responsible for the replacement and or repairs to all items placed in the R-O-W. The City will not replace or repair items placed in the R-O-W Work performed by the City or their contractors shall only replace concrete for driveways or sidewalks and grass for vegetated portions of the R-O-W.

Sec. 27-476. Street design standards.

(u) Intersection visibility. In order to provide a clear view of intersecting streets to the motorist, nothing within the clear visibility triangle shall be erected, placed, planted, or allowed to grow in such manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the grade, measured at the centerline of the intersection.

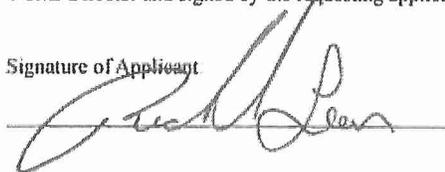
The following shall be permitted within the clear visibility triangle

1. Shade trees with trunks free of vegetation and limbs up to eight (8) feet in height from the grade.
2. Other landscaping, wall and earth mounds not exceeding a height of two (2) feet, and
3. Traffic and utility poles. The distance from the intersection of the street centerlines for the various road classifications shall be as follows for clear visibility triangles

Access way intersection and Access way	6 feet
Access way intersecting an R-O-W	10 feet
R-O-W intersecting an R-O-W	35 feet

I, Richard Leon understand that the City is allowing me to make alterations to the right-of-way abutting and or parallel to Public Row's + parks as shown in the attached description and drawing. If any permits are required, I understand it is my responsibility to acquire said permits before alterations are begun. In addition, I understand that the use of the said right-of-way is a conditional use and that the City is not responsible for any damage that might happen to fixtures, plants, driveways or other alterations that are allowed by this agreement. I further understand that the City may at any time remove any such changes to the right-of-way for a public purpose and is under no obligation to replace said changes or reimbursement. This agreement must be approved by the City Manager, the Public Works Director and signed by the requesting applicant to be valid.

Signature of Applicant



Permit

202001112

Neptune Beach

Building & Zoning Department

116 First Street, Neptune Beach, FL 32266-6140

Inspection Line: 904-270-2430

Building & Zoning: 904-270-2400 ext 4

Building Permit Number: 202001112



Job Location: CITY WIDE
NEPTUNE BEACH, FLORIDA

Real Estate Number:

Construction Area (Sq.Ft): 0

Job Description: COJ TREE MITIGATION PROGRAM. TREE
PLANTING IN CITY'S RIGHT OF WAY AND PUBLIC PARKS.

Permit Type: ROWP - Right of Way Use Permit

Permit #: 202001112

Permit Status: Issued

Date Issued: 11/16/2020

Total Valuation: \$0

Owner:

CITY OF NEPTUNE BEACH
116 FIRST STREET
NEPTUNE BEACH,FLORIDA 32266

Contractors:

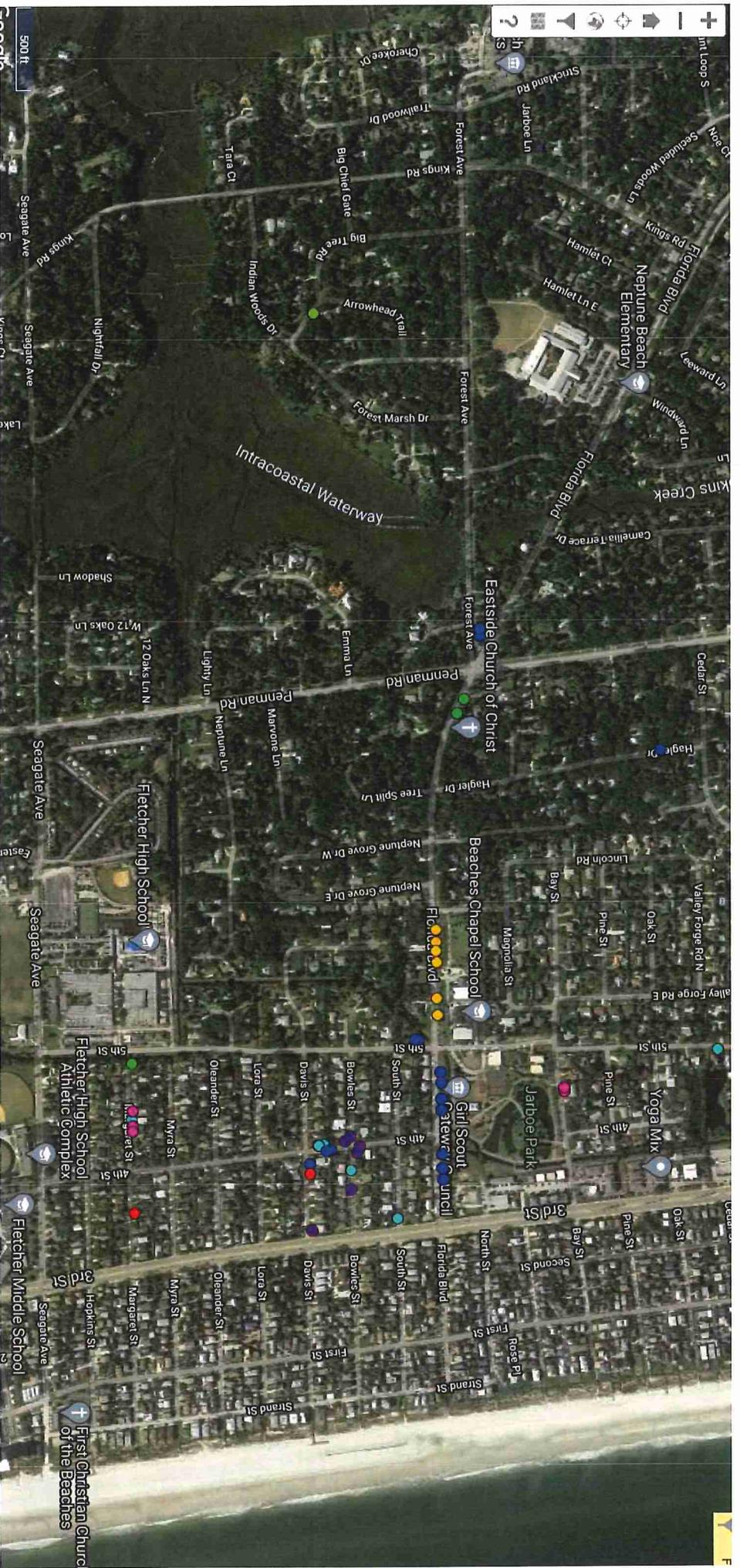
Type	Name	Address	Phone

Fees	Amount	Payments	Account Paid
Total Fee: \$0.00		Total Paid: \$0.00	

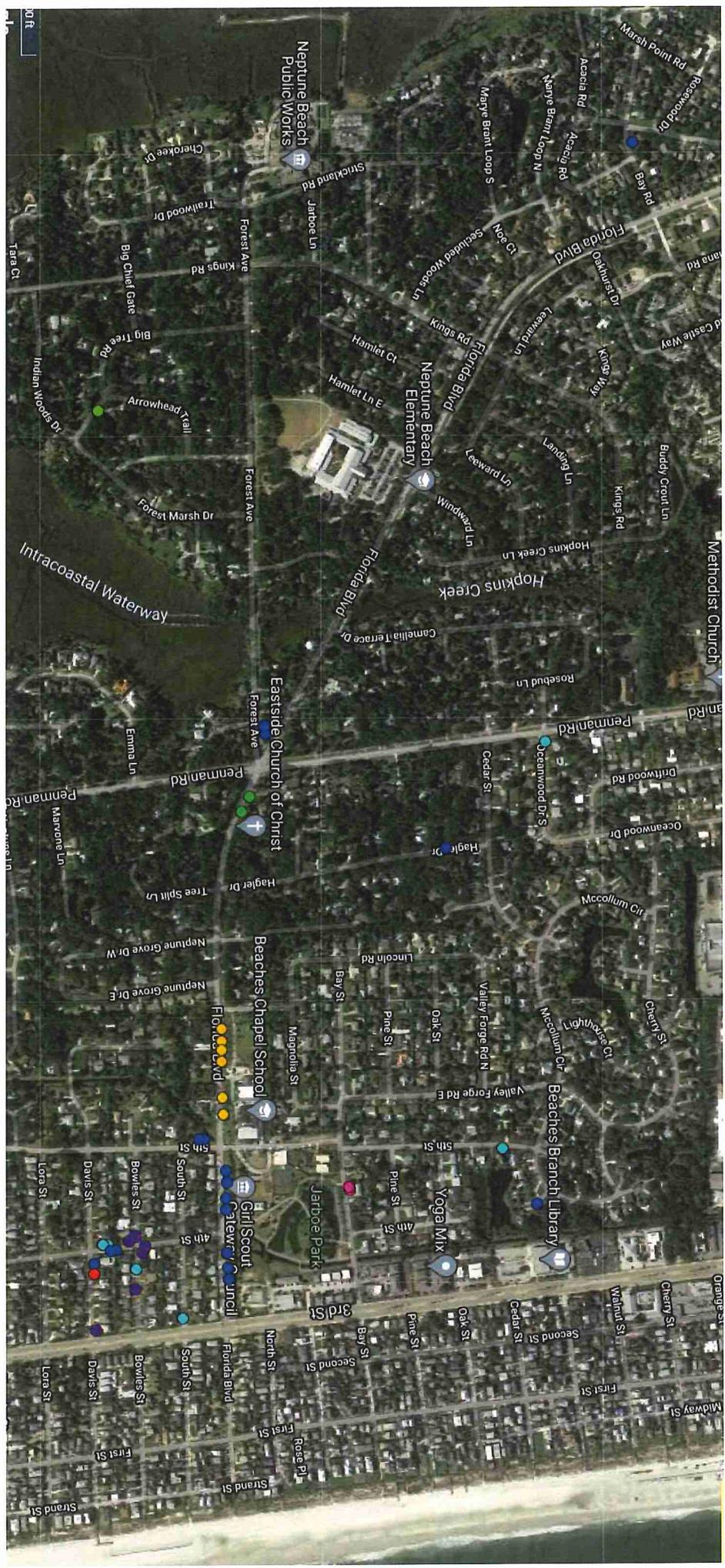
Special Notes and Comments:

COJ SHALL BE RESPONSIBLE FOR REPLACEMENT OF ANY TREES THAT DIE WITHIN 24 MONTHS OF THE PLANTING OF THE TREES.

202001112



202001112





Case Detail Report

11/01/2020 - 11/30/2020

Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020262	11/20/2020	177522 0000	TREE INSPECTION CITY	Closed	11/20/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020261	11/19/2020	173496 0010	permit compliance investigation	Closed	11/20/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020260	11/19/2020	173491 0000	property line verification	Closed	11/19/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020259	11/17/2020	172413 0000	TRASH INVESTIGATION	Closed	11/17/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020258	11/16/2020	178692 2052	green belt invest.	Closed	11/20/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020257	11/16/2020	173529 0000	CAMPER	Closed	11/16/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020256	11/16/2020	172447 0000	noise violation	Closed		
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020255	11/13/2020	178958 0020	TREE INSPECTION CITY	Closed	11/16/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020254	11/9/2020	178077 4108	electrical permit investigation	Closed	11/10/2020	

Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020253	11/9/2020	173193 0000	CAMPER, Boat, lawn investigation	Pending		
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020252	11/9/2020	173470 0100	trash/junk investigation	Closed	11/10/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020251	11/6/2020	172403 1030	tree investigation	Closed	11/6/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020250	11/4/2020	173348 0000	recycling dumping issue	Closed	11/4/2020	
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020248	11/2/2020	173496 0000	construction investigation	Closed		
Case #	Case Date	Parcel #	Description of Violation	Main Status	Date Completed	Total Fees
2020244	11/16/2020	172413 0000	CONSTRUCTION DEBRIS IN THE YARD. NO PERMITS POSTED.	Closed		
						\$0.00

Total Records: 15

12/2/2020

Building Activity October 1, 2020 to September 30, 2021

Month	# of permits issued	Plan review	inspections completed	cash receipts	tree removal permits	Valuation of work done
Oct-20	84	58	151	\$13,016.40	6	\$2,168,231
Nov-20	92	66	91	\$12,601.91	4	\$1,973,657
Dec-20						
Jan-21						
Feb-21						
Mar-21						
Apr-21						
May-21						
Jun-21						
Jul-21						
Aug-21						
Sep-21						
Totals	176	124	242	\$25,618.31	10	\$4,141,888

Building Activity October 1, 2019 to September 30, 2020

Month	# of permits issued	Plan review	inspections completed	cash receipts	tree removal permits	Valuation of work done
Oct-19	109	72	154	\$18,140.88	8	\$2,635,167
Nov-19	104	42	137	\$17,620.03	10	\$789,285
Dec-19						
Jan-20						
Feb-20						
Mar-20						
Apr-20						
May-20						
Jun-20						
Jul-20						
Aug-20						
Sep-20						
Totals	213	114	291	\$35,760.91	18	\$3,424,452

Difference -37 10 -49 -\$10,142.60 -8 \$717,436