

APPLICATION FOR ENGINEERING DEPARTMENT APPROVAL OF  
CONSTRUCTION WITHIN A **DRAINAGE EASEMENT**

The following items shall be submitted to the **Land Development Division, Palm Beach County Engineering Department, 2300 North Jog Road (3rd Floor), West Palm Beach, FL 33411**, for review and approval pursuant to Art. 5.F.2, Unified Land Development Code, prior to obtaining a building permit for the subject construction.

1. One (1) signed and sealed copy of the lot survey showing the location of all affected easements and associated drainage facilities, such as storm sewers, inlets, manholes, swales, and endwalls;
2. One (1) copy of the recorded easement deed or other legal document by which the easement was originally established, unless the easement was created by dedication on the recorded subdivision plat that also created the lot;
3. One (1) copy of the recorded warranty deed, or other instrument of record establishing current title to the property on which construction is proposed;
4. Two (2) copies of a sketch depicting the proposed construction, including type of material, method of ground support, location with respect to easement boundaries and existing facilities, and depth to top of drainage pipe (s) buried within the easement;
5. Written consent to the specific proposed construction in the drainage easement from the Property Owners' Association (if applicable) and all other easement beneficiaries;
6. The attached Removal Agreement, completed and executed by all property owners of record per the current deed;
7. The non-refundable processing fee of \$150.00 (check payable to the Board of County Commissioners of Palm Beach County (PBCBCC)).

Please note that all construction within the easement must be designed for easy removal (see attached supplemental information sheet) and must not damage, impair the function of, nor hinder routine maintenance access to any existing drainage facilities.

The document(s) to be recorded shall not exceed 8 1/2" x 14". Faxed documents will not be accepted for processing or recording approval.

If approved, the removal agreement will be returned to the applicant to record in the Public Records at the Palm Beach County Courthouse, Clerk & Comptroller, 205 N. Dixie Highway, Room 4.25, West Palm Beach, FL, M-F 8:00 a.m. to 4:00 p.m. (561-355-2991) at the applicant's expense. After recordation, the applicant shall return a copy of the recorded document(s) showing the County Clerk's O.R. Book and Page Numbers. Two (2) sets of approved recorded document(s) will be returned to the applicant for use in obtaining the necessary building permit.

Ref: drainage easement instructions  
Rev: 01/27/2015, 03/19/2019, 3/25/2021

**FENCE CONSTRUCTION IN DRAINAGE EASEMENTS  
SUPPLEMENTAL INFORMATION**

1. The bottom of each post-hole dug within a drainage easement must be at least 1 ft. above the top of any storm sewer pipe buried in the easement. It is the applicant's responsibility to locate and determine the depth of all such pipe prior to submittal of the application in order to show suitable alignment and installation details of the propose fence construction.
2. Posts within an easement must not be set directly in concrete. If concrete bedding is used, posts must be set in sleeves or otherwise installed to allow easy removal from ground so as to leave no above-ground obstruction.
3. A gate must be installed at each location where the fence crosses the easement. The gate opening must be at least as wide as the underlying easement width at the point of crossing. As an alternative, each portion of fence crossing the easement may be fabricated for installation as an independent panel which may be easily removed without disturbing the adjacent sections of the fence (i.e. separate posts supporting each section). Note, however, that this alternative will not be approved for easements used to accommodate drainage of County-maintained streets.
4. Where a drainage easement runs along both sides of a property line, fencing installed along the property line is considered to be within the easement and must meet requirements of Nos. 1 and 2, above.
5. Where a drainage easement is established to provide for surface drainage by a graded swale or ditch, the bottom of the fence within the easement must be raised above grade so as to ensure unobstructed flow through the full cross-section of the swale or ditch as designed.
6. The required consent from the appropriate property owners association (and other easement beneficiaries) must contain language acknowledging awareness of the beneficiary's legal interest in the drainage easement and consenting to the specific proposed encroachment in the easement.
7. Generators are not permitted within Drainage easements. (EL - O - 2615 & Art. 5.F.2.B)

(ON HOME OWNERS ASSOCIATION'S OR OTHER EASEMENT BENEFICIARY'S LETTER HEAD)

**(Date)**

**(Homeowner's Name)**

**(Homeowner's Address)**

Re: Proposed construction of **(Type of construction)** in Drainage Easement.

Dear **(Home owner's Name)**,

This letter acknowledges that **(Name of Home Owners Association and/or other easement beneficiaries)** has received your request to construct a **(type of construction)** within the drainage easement shown on the attached survey. **(Name of Home Owners Association and/or other easement beneficiaries)** further acknowledges awareness of their legal beneficiary's interest in the drainage easement and consents to the proposed encroachment in the easement.

Sincerely yours,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name/ **Title** (if corporate officer)

or (if not corporate officer)

on behalf of the board of **(Name of homeowners association and/or other easement beneficiaries)**