

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Rich Virgil, P.E., Field Operations Division

**DATE:** July 9, 2026

**SUBJECT:** Request for Right of Way Occupancy Permit

### **Agenda Item Background:**

The Village of Palmetto Bay (Applicant) requests a Standard Right of Way Occupancy Permit Number 17457-R (ROW Permit) to authorize an existing linear park within the south, west, and east rights of way of the C-100A Canal lying within and adjacent to Coral Reef Park and replacement of an existing authorized kayak/canoe launch. The existing unauthorized linear park includes an asphalt path, brick pavers, concrete pads, benches, tables, exercise stations, and trees. Linear parks can only be authorized by issuance of a Standard Right of Way Occupancy Permit, which is a permit type that must be approved by the District's Governing Board. Waivers are required for the existing park improvements and amenities located within 40 feet of the top of bank. No waiver is required for the proposed replacement of the authorized kayak/canoe launch.

Coral Reef Park is a 50+ acre public recreational facility owned and maintained by the Village of Palmetto Bay. The District's C-100A Canal abuts the park on its north side and runs north-south through the park. The District's right of way is, for all intents and purposes, part of the park. However, use of the right of way for park purposes has not been authorized by a ROW Permit. Approval of this ROW Permit for a linear park will legitimize the Village's existing use of District right of way as part of the park. Some existing park improvements and amenities lie within 40 feet of top of bank. For these features to remain in the right of way, a waiver to the rule requiring a 40-foot setback from top of bank is required.

Existing flatwork, including the asphalt path, brick pavers, and pads under tables and benches, will be authorized by this ROW Permit; however, no waiver of District criteria is required since flatwork may be located within 40 feet of top of bank. In addition, replacement of the existing authorized kayak/canoe launch does not require a waiver.

The Village would incur a substantial hardship if required to relocate the improvements and/or remove the amenities from the right of way or further than 40 feet from top of bank. Locating the amenities further from the existing path would render them less accessible to park users and removal of the trees would make the park less hospitable. The existing locations are logical and consistent with other waivers granted by the District for linear park facilities.

As a condition of the ROW Permit, the Village will be required to maintain the improvements, amenities, and the entire right of way, thereby relieving the District from mowing and maintenance responsibilities for this segment of the C-100A Canal right of way. In addition, the Village will not be allowed to replace any of the existing trees presently located within the right of way. The ROW Permit does not authorize the planting of any new trees or the addition of any additional amenities within the right of way.

If approved, the linear park and its related improvements and amenities will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

**Staff Contact and/or Presenter:**

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**ATTACHMENTS:**

[Backup Presentation](#)