



Requests for Use of JEA Real Property

Guidelines and Application

Goals

The goals of this procedure are to ensure:

- The safety and best interest of the public.
- The integrity of the public utilities system;
- The protection and preservation of JEA land rights

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Introduction

JEA's real property rights are valuable assets that must be protected to ensure the efficient delivery of the essential services of electricity, water, and sewage disposal. JEA property rights are acquired for the construction, operation, expansion, and maintenance of various utilities needed to serve its customers. JEA must have clear access to safely operate and maintain its facilities and to provide for future expansion. Ensuring public safety as well as preserving the land rights that have been acquired for the benefit of the public are the primary goals of this procedure. Nothing will be allowed on JEA property that violates state or federal laws, the City of Jacksonville Ordinance Code, the National Electric Safety Code (NESC), or other applicable laws.

JEA receives many requests from property owners, other governmental agencies, private utility companies, private corporations, and individuals to utilize its existing fee owned property and its easements. Proposed commercial and residential uses include parking lots, temporary storage, agricultural and livestock purposes, ingress/egress, decks, fences, and gardens. JEA also supports the collocation of facilities such as gas pipelines and communications technology.

This booklet provides applicants with guidance in gaining permission to utilize JEA real property for purposes compatible with JEA's safe and efficient delivery of service. Applicants must provide the requested information and attachments in order to avoid unnecessary delays in the application process. This booklet includes direction for preparing scaled drawings to submit with the application.

Definitions

Appurtenance: Something that has been added or appended to a property and has since become an inherent part of the property; usually passes with the property when title is transferred. See also fixture.

Buffer strip: A parcel of land, usually unimproved except for landscaping and screening, that separates parcels with different land uses.

Compatible Use: JEA may determine that a requested use of JEA real property is compatible with JEA's current use of and future plans for the parcel(s). A requested use will be evaluated for compatibility with consideration given for all relevant factors such as current and future uses, use of surrounding parcels, safety, and costs.

Conservation easement: A restriction (usually imposed by state or federal law) that limits the future use of a property to preservation, conservation, or wildlife habitat.

Easement: A right afforded a person or entity to make limited use of another's real property for certain purposes. In easement areas, JEA has purchased specific rights from the underlying property owner, to construct, operate, and maintain power lines,

water and sewer lines, substations, and other structures necessary for the delivery of utility services. The underlying property owner may have certain rights defined in the original easement document which are consistent with JEA's rights in the property. Third parties may be allowed use of the JEA easements if the third party obtains permission from both JEA and the underlying property owner.

Egress: The right to leave a tract of land. Often used interchangeably with "access."

Encroachment: An encroachment is any infringement on the property or authority of another. Any use of JEA property is an encroachment. Encroachments are either licensed or unlicensed. The purpose of the Use of JEA Property Application Procedure is to provide a method to request a licensed encroachment and to insure that all licensed encroachments are compatible with JEA property rights. Unlicensed and impermissible encroachments pose a potential conflict with JEA's safe and efficient operation of its utilities facilities and are subject to action by JEA.

Fee Owned property: Absolute ownership unencumbered by any other interest or estate, subject only to the limitation imposed by the governmental powers of taxation, eminent domain, police power, and escheat. On fee owned property, JEA holds the title to the property and all the rights associated with land ownership. JEA may grant permits, leases, licenses, temporary easements, or perpetual easements for compatible purposes. Users are charged depending on the type of request.

Fixture: An article that was once personal property, but has since been installed or attached to the land or building in a rather permanent manner so that it is regarded in law as part of the real estate. See *also* appurtenance.

Hold Harmless Agreement: A legally binding agreement in which the liability of one party is assumed by another. The Hold Harmless Agreement usually accompanies a Use Agreement.

Ingress: The right to enter a tract of land. Often used interchangeably with "access".

Lease: An agreement between two (2) parties whereby one party, the lessor, yields his right of possession and use of some real or personal property for a specified period of time to a lessee in return for consideration.

License: A personal privilege to do some particular act or series of acts on land without possessing any estate or interest therein, and is ordinarily revocable at the will of the licensor and is not assignable. The permission by competent authority to do an act which, without such permission, would be illegal, a trespass, a tort, or otherwise unallowable. License agreements are renewable on an annual basis.

Permit: In general, any document which grants a person the right to do something. A license or grant of authority to do a thing. Permits are issued for a specific time period.

Retention pond: A man-made impoundment with a permanent pool of water that is used to reduce storm water runoff.

Right of way: A privilege to pass over the land of another in some particular path; usually an easement over the land of another; a strip of land used in this way for railroad and highway purposes, for pipelines or pole lines, and for private or public passage.

Use Agreement: A document which describes the approved benefit of the permittee, licensee, lessee, or easement holder permitted on JEA property. The Use Agreement is usually executed in conjunction with a Hold Harmless agreement.

Wetlands: Areas that are frequently saturated by surface or ground water at a frequency and duration sufficient to support vegetation adapted for life in saturated soil conditions. Section 404 of the Clean Water Act defines wetlands.

The Application Process

1. The applicant must complete the application packet (providing the required attachments). Applications should be sent to:

JEA
Real Estate Services, CC6
21 West Church Street
Jacksonville, FL 32202-3139

ATT: Director, Real Estate Services

Incomplete applications will be returned to the applicant and will cause delays in reaching a determination of approval, denial, or approval with conditions

2. Upon receipt of the application, a JEA Real Estate Services representative, will confirm that the information contained on the application is consistent with the drawings submitted. The representative will also check that proper clearances, both vertical and horizontal, are shown on the plans and all proposed changes are identified in relation to existing structures. The JEA representative may inspect the property.

3. The application will be considered by the JEA Property Use Evaluation and Recommendation Committee. The Committee is comprised of representatives from Real Estate, Development, Transmission, Distribution, Water and Sewer, Environmental, General Counsel, or other branch(es) of JEA making primary use of the JEA property. Other departments may review the application if deemed necessary by the Committee. The primary objectives of the Use of JEA Property Application Procedure are to ensure the safety of the public, the protection and preservation of JEA land rights, and the safety and integrity of the public utilities system. The investigation

will ensure that potential conflicts with other proposed projects do not exist. The Committee may impose additional requirements not stated in these Guidelines.

4. The Committee will consider the application within the guidelines listed on the following pages. It recommends the course of action to be taken.

5. Applicants will be notified within forty-five (45) days from receipt of a complete application packet. If the request is denied, the applicant will receive a letter of explanation. If the request is approved, the applicant will receive a letter stating that the request is approved as submitted or approved with conditions. A property use agreement must be signed prior to utilization of the property.

6. Insurance required: If the project is located on JEA fee owned lands, the applicant must provide proof of insurance with JEA as a named insured on either the insurance company's form or on JEA's form. The Applicant must provide the Agreement Number to the insurance company in the "Description of Operations" block on the form. The certificate of insurance must be on file prior to commencement of activities. The required policy amounts are:

General Liability and bodily injury \$200,000 each person and \$500,000 each person and \$1,000,000 each occurrence. Limits may vary depending on the type of use approved.

Property damage \$50,000 each occurrence and \$100,000 aggregate.

Proof of insurance must be updated annually. Failure to have a current Certificate of Insurance in JEA records may result in the cancellation of the agreement. It is the responsibility of the requester to supply JEA with annual proof of insurance.

7. Not all applications are automatically approved. The final agreement document will outline in detail the necessary safety requirements, specifications, insurance requirements, and fees.

TIME LIMITATIONS

All approved applications are valid for one (1) year from the original date of approval. A new application will be required if the approved activity is not initiated within one year of the approval date.

GUIDELINES

The following guidelines will assist in gaining permission for using JEA's fee-owned property and easements. The guidelines should be used in planning any project and should not be construed as permission to utilize JEA's properties without proper written permission. Written permission must be granted prior to use or implementation and

JEA Property Use and Hold Harmless Agreements may be required. The guidelines presented may not apply to all situations. JEA may impose additional requirements or modify the requirements stated here, depending on the proposed use and location.

1. No permanent structures may be erected on JEA property. This includes but is not limited to buildings, swimming pools, and decks.
2. The installation of retention ponds on JEA fee owned property is not permitted. Consideration may be given on JEA easements on a case-by-case basis where intrusion on a JEA easement is minimal. In general, stormwater facilities; retention or treatment ponds; and wetland mitigation areas adversely affect JEA's ability to repair and maintain its facilities and to provide quality utility service. In general, these uses of JEA easements are prohibited.
3. Permitted underground utilities may be approved if the following specifications are met: 1) The permitted underground utility requires less than a four (4) foot deep ditch and 2) The permitted underground utility maintains a fifteen (15) foot horizontal clearance from JEA underground structures; a ten (10) foot clearance from existing water mains, wastewater force mains, underground electric, natural gas and telecommunications utility facilities; and a fifteen (15) foot clearance from existing gravity sewer mains. The greater the depth or pipe diameter of JEA's existing facilities the further the horizontal distance required. Likewise, the greater the depth or pipe diameter of the proposed facilities, the further the horizontal distance required. Exceptions may be granted on a case by case basis with JEA approval.

Permitted utilities may be required to adjust and/or relocate the facilities at the owner's expense if the utility's facility is determined to be in conflict with JEA operation, maintenance and/or construction of existing or proposed utility facilities.

4. The installation of storm water pipes, drains, inlets and/or swales which cross JEA's rights-of-way may be permitted provided that such improvements do not adversely impact operation, maintenance, repair or future construction of utility facilities. Eighteen (18) inches of vertical clearance must be maintained between existing underground water and wastewater utilities. Thirty-six (36) inches of vertical clearance must be maintained between existing underground electric, natural gas, and telecommunications utilities. In most cases, a ten-foot (10') horizontal clearance will be required. However, individual proposals will be considered in light of Florida Department of Environmental Protection rules and other applicable rules.

Forty-two (42) inches of cover must be maintained over existing electric, natural gas, and telecommunications utilities. Thirty-six (36) inches of cover must be maintained over existing water and wastewater utilities. Installations below existing underground facilities will require special approval and may also require shoring and bracing during construction to protect the structural integrity of JEA's facilities.

5. Any excavation is prohibited within twenty-five (25) feet of any single wood pole structure and guying and within fifty (50) feet of any steel or concrete structure, and within ten (10) feet of any existing or proposed utility facility. This clearance is required for emergency repairs or routine maintenance of these structures.
6. In general, berms are not permitted on JEA property. Exceptions may be granted on a case by case basis with JEA approval.
7. Landscaping and shrubbery will be permitted as long as it does not interfere with JEA's access for maintenance or repairs. Shrubbery must not exceed twelve (12) feet in height (at maturity) and must not be planted within fifteen (15) feet of any existing facility. Trees of any species are not permitted within any JEA electric, water or sewer right-of-way. All installation and maintenance will be the responsibility and at the expense of the property owner. Vegetation deemed by JEA to be a risk to JEA facilities or to be in conflict with JEA's operation, maintenance or construction of facilities shall be removed.
For planting near transmission lines, the applicant should refer to the document, "JEA Recommended Trees for Planting within Easement Areas".

The permittee will be required to provide adequate watering of landscaping, sod, seed, or mulch as required to ensure proper growth.

The permittee will be required to remove or replace any dead or unsuitable landscaping, or sod at JEA's request.

8. JEA receives requests from landowners to temporarily store materials within transmission rights-of-way. Each request will be reviewed by the transmission group and must include a drawing showing the location, means of distribution or storage of material (height/type) and a description of the material to be stored. The following restrictions will apply:
 - A. There must be unobstructed access to all structures at all times. These structures may include poles, towers, and well sites.
 - B. No material can be stored within a fifty (50) foot radius of any structure.
 - C. No material may be stored on defined patrol roads or within a twelve (12) foot access way.
 - D. No berm or stacking is allowed directly beneath transmission lines. Spoil material may be stored temporarily between the outermost transmission line and the edge of the right-of-way. However, every case must be reviewed individually.
 - E. There will be a stated length of time permitted for the requested storage.
 - F. Any excavation is prohibited within twenty-five (25) feet of any single wood pole structure and guying and within fifty (50) feet of any steel or concrete structure, and within ten (10) feet of any existing or proposed utility facility. This clearance is required for emergency repairs or routine maintenance of these structures.

9. A level twelve (12) foot wide access road must be maintained along the length of a utility corridor. This corridor must be clear for vehicle access with no planted trees or shrubs.
10. Road or driveway crossings and paved parking may be permitted. Each request will be assessed individually.

Parking areas may be permitted if not directly beneath overhead transmission lines and in the sole discretion of JEA. Parking areas will not unreasonably interfere with JEA's use of the affected lands. Permitted driveways and parking areas are subject to removal by JEA for the operation, maintenance, repair, and/or installation of utility facilities.

JEA may require the installation of conduits to allow for future utility extension by JEA in conjunction with the construction of a road, driveway crossing, and/or parking area.

Permittee will be responsible for any restoration required to their permitted driveway or access road as a result of JEA's use of the property for installation, operation or maintenance of its utility facilities, unless otherwise agreed to in writing by both parties.

11. Any barriers, including fences, across the property will require a minimum of one gate, sixteen (16) feet in width, at each barrier. Barriers shall be grounded and should not exceed six (6) feet in height. A JEA system lock will be required in order for JEA personnel to have access at all times.
12. Poles, signs, or light fixtures are not permitted without prior express approval by JEA.
13. Where ingress/egress easements are sought, applicants must adhere to all of the guidelines outlined above. Applicants will be required to provide a legal description and sketch of the easement area prepared by a registered land surveyor attached to the application.
14. Changes to ground elevations will meet the required JEA construction and design standards for subsurface, surface, and aerial clearances. Changes in ground elevations shall not adversely alter the existing drainage characteristics of the property. Any grade change performed in such a manner to create a pond which would have standing water in it at any time is prohibited.
15. The permittee will be required to restore approved utilization areas to as close to the original condition as possible, by grading, removal of trash, debris and rocks, and re-sodding or seeding and mulching in accordance with JEA standards and as may be specified by JEA's special conditions of approval.

16. JEA's approval of the applicant's use of JEA property does not relieve the applicant of obtaining additional approvals as may be required by other federal, state, or local authorities or regulatory agencies including but not limited to wetlands permitting and landscaping and tree ordinances. Expenses incurred by the applicant in meeting any of these requirements are the obligation of the applicant and not JEA.

APPLICATION INSTRUCTIONS

Applications and additional information may be obtained from JEA Real Estate Services, 665-6581. To avoid delays in the approval process please complete all required sections and attach the following:

- A. A general location map.** Draw the location map on 8 ½ "x 11" paper and make it detailed enough that someone unfamiliar with the area can find the project site. At minimum the map should include a north arrow, major roads, prominent landmarks, a reference to the nearest city or town, and detailed directions from the nearest major intersection to the project site.
- B. Tax identification map.**
- C. Legal Description of the impacted area.**
- D. Title Search,** a title search of the Legal Description (subject property) no older than 60 days from the date of the application.
- E. A detailed drawing and description of the proposed activity.**
The drawing must:
 - 1. Be on standard sized paper (8 ½ x 11, 8 ½ x 14, 11 x 17, 18 x 24, 24 x 36, etc).
 - 2. Be to scale.
 - 3. Show and label existing and proposed vegetation by specie and mature height.
 - 4. Show existing utilities (underground and overhead) and improvements. All should be clearly labeled and dimensioned from the right of way. Include pipes, conduits, cables, manholes, valves, fire hydrants, poles, guys, etc.
 - 5. Show all JEA structures (poles, guy wires, access roads, etc).
 - 6. Label each JEA structure with its structure number.
 - 7. Show the existing JEA right of way with dimension width.
 - 8. Dimension the distance from the power line(s) to the edges of the right way.
 - 9. Show the applicant's name and daytime phone number.
 - 10. Show one boxed note that includes the county, section, township, and range.
 - 11. Show a north arrow.
 - 12. Show proposed project inside the right of way, clearly labeled, and dimensioned from the right of way.
 - 13. Include anything else that will assist in processing the application.

The description must clearly:

1. Describe the proposed project consistent with the project drawing.
2. Indicate Jack and Bores or Directional Bores with casing size, type, and depth.
Also, cross-section of bore.
3. Describe method of installation of underground lines.
4. Describe pavement and/or driveway width, if applicable, showing existing and proposed elevations, contours, pavement grades, pavement material, typical pavement cross section, base and sub base material and depth.
5. Describe method of ground restoration (sod, seed, mulch).

F. Easement Document, if the requester is the underlying property owner.

Send the completed application with all required attachments to:

JEA
Real Estate Services, CC6
21 West Church Street
Jacksonville, FL 32202-3139

ATT: Director, Real Estate Services

If technical assistance is needed prior to submitting the application, please contact Real Estate Services at 665-6581.

For a copy of the document "JEA Recommended Trees for Planting within Easement Areas", contact JEA Real Estate Services at 665-6581.

Mail completed application to:

JEA
Real Estate Services, CC6
21 West Church Street
Jacksonville, FL 32202-3139
Att: Director, Real Estate Services

For JEA use only:
JEA Application No.: _____
Date rec'd. _____

APPLICATION FOR LICENSED ENCROACHMENT

APPLICANT

IS THIS APPLICATION THE RESULT OF A VIOLATION LETTER? Yes _____
No _____ If so, attach a copy of the letter.

NAME (individual or firm to be named in the agreement): _____

ADDRESS (INCLUDING ZIPCODE): _____

TELEPHONE NUMBER (INCLUDING AREA CODE): _____

FAX NUMBER: _____

E-MAIL ADDRESS: _____

APPLICANT'S LEGAL CLASSIFICATION

State the applicant's legal classification and, if applicable, show the state in which the firm is incorporated. Please provide the company name and title and name of the person authorized to sign.

Corporation _____ Partnership _____ Sole Proprietor _____
Individual _____ Florida Municipal Corporation _____

Company Name: _____

Authorized Signer: _____ Title: _____

Address (including zipcode): _____

E-mail address: _____

Phone number: _____ Fax number: _____

OWNER'S AGENT

Owner's Agent's Name: _____

Address (including zipcode): _____

E-mail address: _____

Phone number: _____ Fax number: _____

PROJECT ENGINEER

Company name: _____

Representative: _____

Address (including zipcode): _____

Phone number: _____ Fax number: _____

E-mail address: _____

PROJECT INFORMATION

PROPOSED PROJECT NAME: _____

PROPOSED PROJECT ADDRESS (INCLUDING
ZIPCODE): _____

OWNER OF PROPOSED USAGE AREA: _____

TAX IDENTIFICATION NUMBER OF PROPOSED USAGE AREA: _____

LOCATION OF PROPOSED USE:

Section: _____ Township: _____ Range: _____ County: _____

Nearest intersection: _____

Have you had contact with a JEA representative regarding this project?

Yes _____ No _____ If so, with whom?

JEA representative's name: _____

Department: _____ **Phone:** _____

DESCRIPTION OF PROPOSED USE (Attach additional page, if needed): _____

ATTACHMENTS(MUST BE INCLUDED):

- General Location Map
- Tax identification Map
- Legal description of the impacted area.
- Drawing of Proposed Utilization

Applicant declares that prior to filing this application it has ascertained the location of all existing utilities, both overhead and underground and has illustrated said locations on the attached drawing.

Applicant Signature

Date

For JEA use only: Date:_____ Approved:_____ Denied:_____ Reason, if denied:_____

Type of Agreement:_____

JEA Contact Person: _____

Phone: _____

Comments/Follow-up:

