

**CONSTRUCTION PERMIT APPLICATION
CITY of HEATH LAKE STRUCTURE
LAKE RAY HUBBARD**

APPLICANT: _____ DATE: _____

MAILING ADDRESS: _____

ADDRESS OF PROJECT: _____

HOME PHONE #: _____ WORK PHONE #: _____

E-MAIL ADDRESS: _____ FAX #: _____

CONTRACTOR: _____ PHONE #: _____

CONTRACTOR ADDRESS: _____

DESCRIPTION OF PROJECT: _____

ACTING AS THE OFFICIAL REQUESTOR, PROPERTY OWNER, AND CONTRACTOR(S), I UNDERSTAND AND AGREE TO OBSERVE THE CONDITIONS SET FORTH IN THIS PERMIT APPLICATION AS ATTESTED TO BY THE REQUIRED SIGNATURES.

APPLICANT DATE

CONTRACTOR (S) DATE

Pre- Construction Inspection:

Pre- Construction Review:

LOCAL CITY REPRESENTATIVE DATE

CITY OF DALLAS DATE

THE CITY OF _____ HAS REVIEWED AND APPROVES OF THIS CONSTRUCTION PERMIT.

LOCAL CITY REPRESENTATIVE DATE

FINAL ACCEPTANCE INSPECTION:

LOCAL CITY REPRESENTATIVE DATE

APPROVAL: CITY OF DALLAS

CITY OF DALLAS DATE

RAY HUBBARD CONSTRUCTION PERMIT GENERAL DIRECTIVES

According to an approved Interlocal Agreement between Dallas and the lake cities, any request to alter and/ or construct on Lake Ray Hubbard and surrounding City of Dallas property, must have the concurrence of both the City of Dallas Water Utilities Department and the local city.

This project is subject to the following conditions, which are deemed a part of the construction permit:

1. A completed Construction Permit Application, including signatures of Applicant and Contractor(s) and Lake City Representative, submitted to and approved by Dallas Water Utilities (DWU) prior to initiation of construction.
2. There must be three different drawings included in the plans and specifications section of the Construction Permit: A) Front view; B) Top view; C) Cross section. Plans must be to scale.
3. It is the responsibility of the applicant to meet with the local city first to clarify details related to the proposed structure.
4. Applicant must provide proof of ownership of the private property adjacent to the permitted structures (i.e. copy of deed, tax statement, and sales contract.) Applicant will remain the owner of the structures constructed under this permit. Upon transfer/sale of the private property, applicant will transfer ownership and maintenance responsibility of the permitted structures to the new owners. Applicant agrees to remove at their own expense all structures authorized under this permit if the purchaser refuses ownership.
5. Normal pool elevation for Lake Ray Hubbard is 435.5 MSL. The lake is a water supply reservoir and its level will vary several feet depending on the amount of water used from the lake, evaporation rates, amounts of rainfall and runoff in its watershed, and other factors. The lake level can range from several feet below normal pool elevation in the summer months to more than a foot above in the spring months during flood release operations.
6. The structure built on City of Dallas property is the responsibility of the Applicant to maintain. Dallas and Lake Cities will not be responsible for mitigation of debris that may damage, obstruct, or accumulate at the permitted structure. Applicant maintenance responsibility includes voluntary mitigation of debris and other material that may damage, obstruct, or accumulate at the permitted structure. This does not relieve the Applicant from the responsibility of ensuring that the permitted structure is maintained and remains in satisfactory condition indefinitely. If the structure becomes hazardous or falls to disrepair, the City of Dallas and Lake City will require the Applicant to take immediate corrective measures. The City of Dallas and Lake City reserve the right to remove or alter said structure at the Applicant's expense.
7. The excavated soil and material will be disposed at the Applicants expense at an approved location.
8. The construction project must be completed within ninety (90) days of permit approval. Upon completion DWU will be notified for inspection. The project will not be considered complete and approved until a final inspection is conducted by the City of Dallas and the Lake City.

Ray Hubbard
General Directives (continued)

9. The construction project must strictly comply with all federal, state, and local laws, regulations, and codes. Permit Applicant is responsible for obtaining all required permits and authorizations for the project. Permit Applicant is responsible for ensuring that the Contractor does not dispose of waste in the lake or shore area including burial of waste. Permit Applicant and Contractor will be liable for all adverse environmental conditions created as a result of the erosion control project.
10. This Construction Permit does not authorize any damage or alteration to private property, invasion of private rights, or any infringement of federal, state, or local laws and regulations. Applicant will strictly safeguard water quality at all times. Personal items littering the lake will be removed immediately.
11. A copy of the approved Construction Permit must be available and presented, upon request, to the authorized Lake City and DWU representative at the project site.
12. The City of Dallas and the Lake City, acting in the interest of public safety, reserves the right to cancel this Construction Permit.
13. It is the Applicant's responsibility to ensure that the authorized project follows the terms and conditions of the Construction Permit. The permit will become invalid if the project, including plans and specifications of the approved permit, is altered or deviated from in any manner without prior authorization from the City of Dallas Water Utilities Department. The Applicant will remove all unauthorized modifications or deviations and the shoreline will be restored to its original condition at the Applicant's expense.
14. It is the policy of DWU not to concur with issuance of a permit if there are any encroachments on City of Dallas property.
15. As a condition hereof, permittee/contractor(s) agree and are bound to defend, indemnify, and hold the City, its officers, agents, and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for personal injury (including death), property damage or any other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy, and maintenance of the improvements permitted on the permitted area, officers, agents, customers or employees by permittee's breach of any of the terms of this permit, or by any negligent or strictly liable act or omission of permittee, its officers, agents, customers, employees or subcontractors in the use, occupancy and maintenance of the permitted area; except that the indemnity provided herein shall not apply to any liability resulting from the sole negligence or fault of the City, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the permittee and the City, responsibility and indemnity, if any, shall be apportioned in accordance with the laws of the State of Texas, without, however waiving any governmental immunity available to the City under Texas law and without waiving any defenses of the parties under Texas law. The term "City" as used in this paragraph shall mean the local Lake City issuing this permit and the City of Dallas. This indemnification shall survive the termination or expiration of the permit.

Minimum Dallas Insurance Requirements for Construction of Boathouse, Piers, & Docks.

Prior to the commencement of construction of any permanent improvement, a certificate of insurance shall be provided the City of Dallas evidencing proof of minimum insurance as follows:

1. **Workers' Compensation** with statutory limits; **Employers Liability** with minimum limits for bodily injury: a) by accident, \$100,000 per each accident b) by disease, \$100,000 per employee with a per policy aggregate of \$500,000.
2. **Business Automobile Liability Insurance** covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$500,000 per occurrence.
3. **Commercial General Liability Insurance** including, but not limited to, Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of \$1,000,000 per occurrence, \$1,000,000 products/completed operations aggregate, \$2,000,000 general aggregate. If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than twenty-four (24) months following approval by the City. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this permit.

REQUIRED PROVISIONS

All insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

- a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.
- b. State that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Dallas Water Utilities, Attention: Rene Caraveo, Manager-Reservoirs, 405 Long Creek Road, Sunnyvale, TX 75182.
- c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.
- d. Provide the insurance is primary insurance as respects the CITY, its officers, employees, and elected representatives.

Local Lake City may require more stringent or additional insurance other than the minimum Dallas insurance requirements.

CONSTRUCTION PERMIT SPECIFIC DIRECTIVES

1. Each structure must be designed by a Licensed Professional Engineer in accordance with the Local City Takeline Overlay, Residential Sublease Agreement, Interlocal Agreement, and instructions specified in the permit application. The Engineer's signature will indicate compliance with this requirement. The structure design drawings must include the Engineer's signature and seal, in addition to the name, address, and telephone number of the engineering firm. The leased area will not exceed 40 feet from the shoreline outward toward the lake as referenced in the Interlocal Agreement.
2. Remedial measures other than minor repairs and maintenance must be reviewed and designed by a Licensed Professional Engineer.
3. The applicant will not perform their own construction. Approved structures must be installed by a contractor that has been approved by the local city representative.
4. Each permit application must include technical data pertaining to the elemental composition and/or physical properties of materials used in the proposed structure. A detailed listing will be provided. Only materials designated by Dallas Water Utilities as being suitable for use in Lake Ray Hubbard will be allowed. All material must have prior authorization from the City of Dallas and must be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and surrounding property and environment. For new material not on the approved list, it will be the responsibility of the local city to provide a complete technical review performed by qualified professionals and / or consultants and demonstrate to Dallas that the new proposed material is suitable for use at the lake.
5. All dredging activity must be performed in such a manner that will maintain a gently sloping lake bottom and prevent the formation of holes or sudden drop-offs. Applicant must obtain local city, City of Dallas and US Army Corps of Engineers approval prior to dredging.
6. All construction activities disturbing the shoreline must employ erosion control practices to minimize the amount of sediment entering the reservoir.
7. Proposed structures in severe shoreline erosion areas will not be allowed without placement of erosion control. Note: Erosion would continue to progress and eventually the structures would exceed the 40 foot allowable distance into the lake.
8. The structure must be able to withstand wave impact driven by 50 MPH winds.
9. Circumstances may require lighting be placed on structures.
10. It is the responsibility of the applicant to locate boundaries. Location of the applicants property line must be clearly marked at the outside corners of the property and at elevation 435.5 MSL before the Local City Representative and the City of Dallas will perform the pre-construction inspection. If it is ever determined that structures have been constructed outside the permit area and/or need to be removed or relocated for any reason, the applicant agrees to do so at their own expense.

Ray Hubbard
Specific Directives (continued)

11. If any trees must be removed for construction purposes, a tree removal permit from the governing authority having jurisdiction at the project site may be required. Tree removal must comply with City of Dallas and/or the adjacent city regulations.
12. Disturbance to vegetation must be limited to only what is absolutely necessary. After construction, all disturbed areas will be adequately restored to prevent erosion and to comply with all applicable local, state, and federal requirements.
13. Electrical utilities must comply with local city Electrical Codes. Applicant agrees to employ sound and prudent judgment in the use, operation, and maintenance of all electrical facilities an the lake structures.
14. A watercraft may be moored past one hundred and fifty- six hours (156) consecutive hours only within an approved boathouse. All other watercraft outside a boathouse may be moored for periods of no more than one hundred and fifty- six hours (156) consecutive hours.
15. Enclosed and completely decked boathouses are not allowed. Boathouses will be used exclusively for mooring of boats.
16. A safety ladder may be placed on a strategic part of the structure.
17. Newly manufactured marine engines will be required to meet stringent air quality standards as outlined in Federal Air Quality Regulations. The 2-stroke marine engine with carburetor is not expected to meet the new Federal Air Quality Standards. Marine engines that are expected to be in compliance are 4-stroke marine engines and 2-stroke marine engines modified with direct fuel injectors. The local city will specify any marine engine requirements in the Special Conditions of this permit.
18. Circumstances will arise in which some of the above directives may not be practicable. In these cases, the City of Dallas reserves the right to use its own discretion.
19. Special Conditions:

PROHIBITED ACTIVITIES ON LAKE RAY HUBBARD AND CITY OF DALLAS TAKE-LINE PROPERTY

The following acts are prohibited:

- To construct boat ramps, launch rails, and boat lifts.
- To launch watercraft from the shoreline.
- Boating or watercraft activities that pollute the lake waters (i.e. contaminated bilge discharge, boat cleaning and/or maintenance in the lake, fueling, gray water discharge, etc.) is not allowed.
- To taper, cut, smooth, or alter the shoreline in any manner unless specifically permitted.
- To disturb the take-line property or lake bottom below the normal pool elevation (435.50 MSL) in any manner, including but not limited to, excavating, channeling, boring, dredging, digging, filling, or smoothing the soil unless specifically permitted.
- To operate motorized equipment propelled on wheels or tracks below the normal pool elevation unless specifically permitted.
- To construct, establish, or maintain sandy beach areas along the shoreline.
- To remove vegetation either below normal pool elevation or on the take-line property unless specifically permitted.
- To use creosote treated wood or chemically pressure treated wood products on take-line property.
- To dump materials, including but not limited to, brush, grass clippings, bricks, construction wastes, concrete and asphalt rubble, soil, sand, gravel, and any other material, along the shoreline.
- To place garbage cans and waste receptacles along the shoreline.
- To place signs of any nature on the take-line property.
- To operate a business on the take-line property unless specifically authorized by the City of Dallas.
- To store or place personal property on take-line property.
- To restrict public access on the take-line property without having a valid lease agreement.
- To pump water from the lake for personal use without a valid Raw Water Permit from Dallas Water Utilities.
- Other conditions or restrictions may apply to the subleased property.

STRUCTURAL SPECIFICATIONS REQUIRED INFORMATION TO BE INCLUDED ON DRAWINGS FOR STRUCTURES AT LAKE RAY HUBBARD

TOP VIEW drawing must include the following information:

1. Representative drawing of original shoreline in relation to the structure.
2. Linear length of the structure.
3. Location, size, and species of any trees that must be removed for construction purposes.
4. Location of municipal utilities located in the construction area.
5. Detailed structure dimensions as provided in the local city Takeline Overlay.
6. Additional dimensions providing details of lengths, widths, location, and spacing of all structures and components.

FRONT VIEW drawing must include the following information:

1. Linear length of the structure.
2. Total height of the structure.
3. Normal pool elevation of 435.50 MSL in relation to the proposed structure.
4. Detailed structure dimensions as provided in the local city Takeline Overlay.
5. Additional dimensions providing details of depths, heights, angles, distance, location, lake bottom, and spacing of all structures and all components.
6. Height of shoreline.
7. Diameter, spacing and depth of pilings.
8. Location of all electrical lines, conduits, and panels.

CROSS SECTION drawing must include the following information:

1. Total height of the structure.
2. Height of the structure above the actual lake bottom.
3. Height of the structure above the normal pool elevation of 435.50 MSL.
4. Detailed structure dimensions as provided in the local city Takeline Overlay.
5. Additional dimensions providing details of lengths, widths, location, and spacing of all structures and components.
6. Diameter, spacing and depth of pilings.
7. Location of all electrical lines, conduits, and panels.

BUILDING MATERIALS

Detailed listing of all building materials:

MATERIAL SPECIFICATIONS

AUTHORIZED MATERIAL BELOW 435.5 MSL:

1. Steel such as zinc-coated metals.
2. Steel reinforced round concrete piers.
3. All connections below the walkway shall be bolted with galvanized, zinc plated, cadmium plated, or stainless steel bolts. Steel materials may be welded.

AUTHORIZED MATERIAL ABOVE 435.5 MSL:

1. Galvanized steel, Stainless steel, Aluminum, Zinc-coated steel, Plastic lumber, Iron Wood.
2. Materials may be painted using paint specially formulated for use at a water supply reservoir.

PROHIBITED MATERIALS:

1. Treated wood will not be used. Treated Wood means wood treated by the impregnation or application of chemical solutions or chemical mixtures for the purpose of retarding or preventing deterioration or destruction caused by insects, fungi, bacteria, or other wood destroying organisms.
2. Creosote, pentachlorophenol, or arsenic-based chemicals used on construction materials will not be approved.
3. Treated wood with chromated copper arsenate (CCA) will not be approved.
4. Application of water resistant chemical coatings on the wood used at lake structures is prohibited.
5. Polyurethane foam flotation will not be authorized for use with any dock.
6. Metal barrels may not be used for floatation.