

LAKE RAY HUBBARD CONSTRUCTION PERMIT GUIDELINES

According to Dallas City Code governing Lake Ray Hubbard, any request to alter and/or construct on Lake Ray Hubbard and surrounding City of Dallas property, must have the concurrence of the City of Dallas Water Utilities Department.

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 and approved prior to initiation of construction.
2. A completed copy of the plans, specifications, and construction details for the project shall be submitted to Dallas Water Utilities (DWU) and Lake City illustrating in detail: A) the specific location for the project; B) complete listing of building materials – type and quantity; C) layout of structure; D) general construction methods.
3. 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. Required information for each drawing is listed in detail on Attachment A.
4. 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.
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.

**Lake Ray Hubbard
Construction Permit Guidelines (continued)**

7. Applicant may make minor repairs or perform general maintenance on the approved erosion control structure unless the repair or maintenance will include different material than what was originally approved. An additional permit is required for modifications and alterations to existing structures.
8. The structure, landscaping, and other improvements are to be located as to not restrict nor impair the public's use and access on the City of Dallas property except as approved in private-use leases.
9. The excavated soil from the construction site is the property of the City of Dallas and is not to be removed from the site without permission from the City of Dallas. In this regard, the excavated material will be dispersed at the Applicant's expense.
10. 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.
11. 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.
12. 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.
13. 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.
14. The City of Dallas and the Lake City, acting in the interest of public safety, reserves the right to cancel this Construction Permit.
15. 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.
16. It is the policy of DWU not to concur with issuance of a permit if there are any encroachments on City of Dallas property.
17. Issuance of this permit for the construction of an erosion control structure does not delineate any specific area for future subleasing of the take area and shoreline that may be made available to the Applicant.

**Lake Ray Hubbard
Construction Permit Guidelines (continued)**

18. 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 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 Erosion Control Structures.

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.

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

LAKE RAY HUBBARD GUIDELINES FOR EROSION CONTROL STRUCTURES

1. Erosion control structures must be constructed in a manner that improves the shoreline alignment. If necessary, the cut and fill areas should be balanced in order for the wall to be as straight as possible. Unnecessary and/or excessive reclamation of shoreline property will not be approved. Minor shoreline reclamation will only be considered by DWU when necessary for structure stability, public safety, and other limited site-specific conditions.
2. Each erosion control structure must be designed by a Licensed Professional Engineer in accordance with the Bernard Johnson Lake Ray Hubbard Erosion Control Study and/or other specified criteria. 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 Engineer shall give special attention to the foundation and cap of the structure to provide long-term protection from wave action, scour, runoff, over wash, or other environmental conditions contributing to erosion.
3. Remedial measures other than minor repairs and maintenance must be reviewed and designed by a Licensed Professional Engineer.
4. Erosion control structures must be installed by a competent contractor with demonstrated experience in the construction of this particular proposed structure. The contractor will provide the Applicant written instructions on the care of the erosion control structure. A copy of the instructions will be attached to this permit application.
5. Approved materials for erosion control structures are steel reinforced structural concrete retaining walls; concrete-filled fabric bags recommended in the Bernard Johnson Erosion Control Study; revetments (see Bernard Johnson Report); gabions; quarry limestone rip- rap; minimum 8 gauge steel sheet piling, steel composition may be ASTM A-857 steel, zinc/galvanized coated steel, aluminized steel.
6. Each permit application must include technical data pertaining to the elemental composition and physical properties of materials used in the erosion control structure. Only materials designated by Dallas Water Utilities as being suitable for use in Lake Ray Hubbard will be allowed.
7. Materials that will not be approved for erosion control structures are concrete, brick, and asphalt rubble, concrete slabs, chemically treated wood products, certain metal products, and any other material that has not received prior authorization from the City of Dallas.
8. The top of the structure must be a minimum of 1.5 feet above normal pool elevation (435.50 MSL). Any deviations from this requirement must be approved by Dallas Water Utilities prior to permit approval.
9. All backfill material must be reclaimed from the reservoir. All other fill 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.
10. 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.

**Lake Ray Hubbard
Guidelines for Erosion Control Structures (continued)**

- 11. A six-foot wide concrete cap must be constructed along the entire length of the erosion control structure. This should be constructed several weeks after the erosion control structure is installed to allow the backfill material to settle properly. Lake Cities may provide exemption to this requirement for areas with steep slopes, access difficulties, and other critical matters as determined by the lake city.
- 12. The structure must be able to withstand wave impact driven by 50 MPH winds.
- 13. The entire erosion control structure must be constructed on City of Dallas property.
- 14. Location of the Applicant's property line must be clearly marked before the Lake City and DWU will perform the pre-construction inspection.
- 15. 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 the Lake City regulations.
- 16. 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.
- 17. Erosion control structures exceeding 499 linear feet and/or requiring more than one cubic yard of backfill per linear foot (below normal pool elevation) requires a U.S. Army Corps of Engineers permit before the Lake City and DWU will approve this Construction Permit. USACE contact information:

Wayne Lea, Project Manager
819 Taylor Street, Room 3A37
Ft. Worth, TX 76102
(817) 886-1731

- 18. For questions and inspections contact Dallas Water Utilities:

Jimmy Baxter, Reservoir Supervisor
405 Long Creek Road
Sunnyvale, TX 75182
(214) 243-1539

- 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.
- 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.

ATTACHMENT A

REQUIRED INFORMATION TO BE INCLUDED ON THE DRAWINGS FOR EROSION CONTROL STRUCTURES AT LAKE RAY HUBBARD

TOP VIEW drawing must include the following information:

1. Representative drawing of original shoreline in relation to the erosion control structure.
2. Linear length of the structure.
3. Dimensions (length and width) of voids between the structure and the original shoreline that will be backfilled.
4. Drawing and explanation on how the structure will be connected to existing erosion control structures on either end, if applicable.
5. Accurate measurements of the closest and farthest points of the structure from the take-line.
6. Location, if available, of City of Dallas property monument markers.
7. Accurate location and spacing of support braces (deadmen).
8. Location, size, and species of any trees that must be removed for construction purposes.
9. Location of where backfill material, if necessary, will be dredged.
10. Location of municipal utilities located in the construction area.

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. Accurate depiction of how the top of the structure will follow the vertical contours of the shoreline.

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. Depth of the structure below the actual lake bottom.
5. Dimension (length, width, and depth) of the foundation.
6. Location and dimensions of the required concrete cap.
7. Amount of backfill needed.
8. Dimensions and specifications of support braces (deadmen).
9. Accurate depiction of the vertical contour from the take-line to the shoreline.
10. List of building materials.

**ADJACENT PROPERTY OWNER NOTIFICATION FORM
FOR LAKE RAY HUBBARD EROSION CONTROL STRUCTURES**

I am aware that the permit applicant is constructing an erosion control structure along the shoreline of Lake Ray Hubbard. I have no opposition to this project.

NOTE: THE APPLICANT HAS ASSUMED THE FINANCIAL AND MAINTENANCE RESPONSIBILITY FOR THIS EROSION CONTROL STRUCTURE. THIS, HOWEVER, DOES NOT ENTITLE THE APPLICANT THE SOLE RIGHT TO SUBLEASE THE ENTIRE SHORELINE AREA PROTECTED BY THIS STRUCTURE.

APPLICANT

NEIGHBOR

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

PHONE #: _____

PHONE #: _____

SIGNATURE: _____

SIGNATURE: _____

DATE: _____

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