

## Spartanburg Water – Lake Bowen Application for Permit(s)

**When signed by the Permittee this Application will constitute a binding legal agreement by the Permittee to comply with the terms of the Spartanburg Water System Policies and Procedures for Use of Water Supply Reservoirs and the Primary Rights of Spartanburg Water (SW) related to all activities conducted on SW property, including a release of liability for claims against SW arising from such use.**

Permittee's Name(s): \_\_\_\_\_

Phone and E-mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Lot Location: \_\_\_\_\_

### Types of Permit(s) Requested

Circle one or more:

New Dock

Dock Replacement

Boat Lift

Walkway (no dock)

Tree/Vegetation Permit

Irrigation

Shoreline Stabilization

General \_\_\_\_\_

Please complete the appropriate pages for each additional permit requested

### Primary Rights of SW

Lake Bowen and the buffer land surrounding it are owned by the Commissioners of Public Works of the City of Spartanburg, SC, doing business as the Spartanburg Water ("SW"). SW maintains Lake Bowen for the primary purpose of providing high-quality drinking water to the residents of SW's service area. The Permittee acknowledges that the Permittee's access to Lake Bowen and its buffer areas is by permission of SW and that the Permittee's rights of access are always secondary to SW's responsibility to maintain Lake Bowen as a source of high-quality drinking water. SW may revoke any and all permits or authorizations related to Lake Bowen and its buffer areas at any time.

### Contractual Enforceability of This Agreement and Release of Liability

In consideration of the license to access to Lake Bowen and its buffer areas and other rights granted to the Permittee by SW, **the Permittee agrees to abide by all terms and conditions of the permits issued to it and to pay SW reasonable costs: (a) of repairing or restoring any unauthorized damage done to Lake Bowen or its buffer area; (b) of removing and disposing of any unpermitted or dilapidated structures; (c)**

**investigating or responding to violations; and (d) enforcing its rights under this Agreement.** The Permittee agrees to obtain all permits that are required for specific activities and structures and to obtain alteration permits before substantially altering any dock or structures.

**The Permittee (individually and on behalf of Permittee's family members and guests) releases SW and its employees and agents from all future claims of whatever nature arising out of the use of SW property** and agrees that all use of the SW property shall be at Permittee's sole risk and liability.

### **Enforcement Terms Are Binding Obligations**

SW may bring legal action against the Permittee for SW's damages and costs, including legal fees and costs, arising out of a violation of any permit or authorization granted by SW or unauthorized use of or damage to SW property by the Permittee or the Permittee's family members, guests, or agents. The damages and costs that may be recovered include, without limitation, response costs, restoration costs, investigation costs, administrative costs, enforcement costs, and consultant, expert and legal fees related to the unauthorized activities. SW may revoke this permit for violations or unauthorized activities of any permit or authorized granted to the Permittee or unauthorized activities. The granting of additional or replacement permits may be suspended with reference to any parcel or property, regardless of current ownership, so long as any claims related to past violations remain outstanding.

### **Term and Termination**

Unless terminated earlier by either party, this Agreement shall remain in force so long as the Permittee owns the adjacent property. The Landowner may terminate this Agreement by notifying SW of its intention to do so in writing, by returning all permits, and by removing all structures and ceasing all activities in the buffer area. SW may terminate this Agreement and all permits by notifying the Permittee in writing of such termination. Permittee will inform SW of any transfer of the adjacent property and will use reasonable efforts to inform the subsequent owner of the need to seek permits in its name.

### **Survival of Obligations**

The Permittee's obligations related to enforcement matters and damages will survive termination of this Agreement and the enforcement provisions hereof will remain in force until all claims are fully resolved.

### **Access**

The Permittee grants SW's employees and agents the right to enter Permittee's property to inspect buffer areas and permitted facilities, specifically including irrigation pumps. Except in emergency situations, routine inspections shall be scheduled for business hours or during

the day Saturday. Before entering Permittee's property, SW will make reasonable efforts to contact Permittee by telephone or in person except in emergency situations or where immediate access to the buffer area is required for security or public safety purposes. If the Permittee has not been otherwise informed of a visit, SW will give written or telephone notice to Permittee after the fact that a visit by SW employees has taken place.

### **Entire Agreement, Amendment**

This permit application with all attachments to it, and all other permits or applications, and its exhibits are incorporated into this Agreement by reference and constitute the entire agreement of the parties. All prior agreements or understandings are withdrawn. All authorizations, permits, and approvals, and amendments to them, shall be in writing and signed by SW.

### **Jurisdiction and Venue**

SW may bring an action against the Permittee to enforce this Agreement in the Court of Common Pleas for Spartanburg County, South Carolina. The Permittee agrees to venue and jurisdiction there.

**Unpermitted activities that impact the lake or buffer area are forbidden. If unauthorized activities take place, the responsible parties must restore the disturbed area at their expense and may be subject to enforcement and liable for enforcement costs.**

This Application has been made by the above-named property owner(s) for a permit to access the Lake Bowen buffer areas. I have read and understand the above terms and the terms of the permits which are incorporated herein. I understand and agree that this Application will create a binding legal obligation on my part to abide by the terms of any permits issued by SW for so long as this Agreement remains in effect. I understand and agree that I will be subject to costs and damages as set forth in this disclaimer for violations, including legal fees and costs.

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Signature of Applicant

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Date

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Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_

**TREE / VEGETATION PERMIT APPLICATION**

**Refer to Spartanburg Water System Policies and Procedures for Use of Water Supply Reservoirs, revised March 2006, as well as the planting Plan Checklist (attached below) and list of approved native species for Lake Bowen (if applicable) available in hardcopy at the Lake Bowen Wardens Office.**

Provide a detailed description of the proposed project and impacts on SW property (attach additional sheets as necessary). If applicable, attach plans for the proposed project:

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Project location (include a copy of a deed and plat of the property):

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**Permit Number:**

# Planting Plan Checklist

## Start the Tree & Vegetation Management Application Process

- Provide the Lake Bowen Warden's Office with a copy of the property deed and plat.
- Fill out the appropriate application and obtain the signatures of all those listed on the deed.

## Submit a Tree and Vegetation Application

- Provide a detailed written description of the proposed planting project and impacts on Spartanburg Water property.
- Develop a list of native, non-invasive species using the pre-approved native species planting list provided by Spartanburg Water. Factors to consider include the slope, moisture content of the soil, soil fertility and sun exposure (south facing slopes generally receive more sun than north facing slopes).
- Vary the native, noninvasive species to form diverse layers of vegetation within the buffer; no one species should compose more than 25 percent of the total planting list.
- Include the number and gallon size of each plant listed and the number, gallon size and caliper of each tree listed (trees should have a caliper at the base of at least 0.5 inches).
- Create a detailed drawing of the area, indicating the location of each proposed individual plant and/or tree. Use the following recommended spacing: 10-25 feet on-center for trees, 3-6 feet on-center for small-growing shrubs and 5-8 feet on center for large-growing shrubs.
- On the plan, intermix proposed trees and shrubs in a random pattern with herbaceous species being used to fill in the spaces between the trees and shrubs.
- Ensure that the drawings and application specify that mulches will be applied around the base of the plantings.
- Include photographs of the current site conditions.
- Submit the application and all supporting materials (including drawings) of the proposed planting plan to the Lake Bowen Warden's Office.

## Steps Following the Tree and Vegetation Application

- Flags will be provided to the applicant to mark the exact location and name of each plant species.
- A Spartanburg Water Warden will perform a site visit to reference locations and gather information for the Approval Committee.
- The Committee typically approves or denies the request within two (2) weeks and notifies the property owner. Please note that no planting may be conducted on Spartanburg Water property without an approved permit or written authorization.

## Fees

The following fees have been established to offset administrative and legal costs incurred in processing of specific permits.

- New Dock and Walkway - \$235.00
- Dock Replacement - \$35.00
- Boat Lift - \$25.00
- Walkway (Fixed Walkway over Water, No Floating Dock) - \$235.00
- Tree/Vegetation - \$0.00
- Irrigation Pump – Contact Lake Bowen Wardens Office
- Shoreline Stabilization - \$35.00
- Other (pathway/walkway, small non-permanent structure) - \$0.00 (Contact Lake Bowen Wardens Office for additional details)

The above fees include SW staff time to provide routine verification of ownership of property, to ensure encroachments will not destroy protected species, to prepare and record a structure agreement, and to issue the permit. If additional legal work is necessary by SW attorneys, the applicant may be asked to pay those costs. If additional legal costs are to be incurred, the applicant will be notified.

1. The typical permitting process includes property owner verification, preparation and recording of a structure agreement, and issuance of the permit.

2. Please send a copy of the deed and plat of the property, along with an executed copy of this form, to Lake Warden, Spartanburg Water, 8515 Hwy 9, Inman, SC 29349 (or hand deliver to the Lake Bowen Warden's Office – 864-592-2240).

3. After the property verification is completed, the structure agreement will be returned for the applicant to properly execute and notarize.

4. The applicant should return the executed agreements, along with the applicable fees, to the Lake Bowen Warden's Office or mail the executed agreement to Lake Warden, Spartanburg Water, 8515 Hwy 9, Inman, SC 29349. When received, the agreement will be executed by the SW General Manager on behalf of the Commissioners of Public Works. Upon receiving a notice of approval, the applicant may pick up the construction permits at the Lake Bowen Warden's Office.

5. In order to maintain safety and the aesthetic quality of the lakes, standard specifications for structures have been developed for your use. These may be obtained from the Lake Bowen Warden's Office. The Commissioners of Public Works must approve any deviations from the standard specifications.

6. An executed encroachment agreement will be necessary for any existing encroachment on SW property before a new structure permit will be issued.

7. A minimum shoreline distance of 40 feet will be required in order to obtain a structure

permit in a non-cove area. The shoreline frontage is determined by extensions of the property's sidelines to a point where they intersect the normal water elevation (827 feet or full pool). The Lake Warden is authorized to limit the size of a proposed dock and walkway or other structure if it is determined to be inappropriate, too congested, or otherwise unacceptable for the proposed location. Additionally, if the proposed location of the structure will result in an unsafe condition, then a permit will be denied. A Lake Warden will visit each site before any structure agreement is issued.

8. Requirements for structures placed in a cove will be determined on a case by-case basis.

9. If SW denies a permit or agreement, SW will, upon request, furnish the applicant with a written response for the denial. Such written response shall be sent to the address provided on the application. The owner has five days from the date shown on SW's certified return receipt to appeal the denial by mail. An appeal request should be sent to the Commissioners of Public Works, c/o General Manager, P.O. Box 251, Spartanburg, SC 29304.

10. This application is not transferable and is valid up to one year from the date the application was received.

**Note: No part of the structure may be placed on property owned by Spartanburg Water until a construction permit has been issued by authorized SW Representative.**