



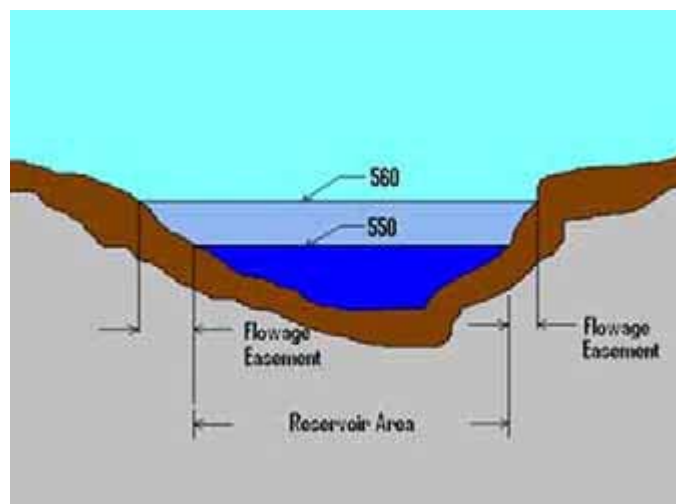
Version: 12-20-10

## Permits on the Fort Worth Side of Lake Arlington

Two important elevations:

**Elevation 550'** – all the land up to elevation 550' is owned by the City of Arlington Water Department as the Lake Arlington property.

**Elevation 560'** – all the land up to elevation 560', the City of Arlington has a “flowage easement” meaning that they have the authority to control all construction and earth movement on private property in that area. Depending on the slope of the land, this 10' of elevation could be up to 10', 50', 100' or more in horizontal dimension of a piece of property.



## **Issue:**

The City of Arlington has regulatory authority over the area designated as a “flowage easement.” Because it is based on 10’ of elevation, determining the location of the easement can only be done with a survey. On some lots, it may be 10’ of property at the waters edge, or it might be 100’ if the land is flatter.

## **Survey:**

Attached is a Technical Bulletin published by the City of Arlington on construction in and around Lake Arlington. As noted, a survey is required using surveying standards NAVD 88. Please consult your surveyor on what this standard means.

## **Process:**

When applying for a permit on a property that has been identified as potentially having the flowage easement, meaning that it has land within the 560’ elevation area, the following process will occur:

1. The Customer Service Clerk will provide a copy of this handout and explain that a survey is required. Or, we can accept a plat if the easement and/or elevation contours are noted as part of the plat.
2. The applicant will be expected to provide the required survey, or hire a surveyor to obtain one.
3. On this survey, the location of the proposed construction must be identified. Dimensions from an identifiable point, such as the street, other existing structure, or some other fixed point must be provided such that a field inspector can identify that the structure is where the plans show it to be.
4. After returning with a survey, the Customer Service Clerk will send the applicant to the walk-thru plans examiner for a cursory review.
5. If it can be clearly identified that the proposed construction is not within or near the easement, permission will be granted to submit the permit and the Customer Service Clerk will continue processing. If the construction is within the easement, or it cannot be determined, the applicant will be sent to the City of Arlington One Start Center at 101 W. Abram Street for review and release. Confirmation of the release must be obtained from the City of Arlington.

The procedures listed herein are implemented as an effort to insure that Fort Worth citizens are not performing construction in violation of Arlington’s flowage easement. While we will attempt to only send our citizens to Arlington when necessary, it is important that the review and release be correct. If it is found that construction has occurred in the flowage easement, the City of Arlington may find it necessary to take action to have it removed.

Al Godwin, CBO, CPM  
Building Official



**TECHNICAL BULLETIN**  
**Community Development & Planning, Building Inspections**  
**TOPIC: Earthwork and/or Construction Work**  
**In and Around Lake Arlington**  
**November 1, 2010**

This Technical Bulletin will provide property owners and contractors the information needed to apply for and secure building permits for earthwork, retaining walls, boat docks and piers in and/or adjacent to **Lake Arlington** and/or within the **Lake Arlington Flowage Easement**. There are special requirements for construction activities in and/or adjacent to **Lake Arlington** or within the **Lake Arlington Flowage Easement**. If you are unsure if your proposed project is within the **Lake Arlington Flowage Easement** (see definition) then you must secure the services of a Registered Surveyor or a Professional Engineer to provide elevations for your property. Vertical surveying standards shall be tied to NAVD 88.

For proposed construction projects that are not in and/or adjacent to **Lake Arlington** and/or within the **Lake Arlington Flowage Easement** please refer to other permit requirements for your specific project.

The information is divided into two parts: "**Earthwork**" and "**Building Permit**." Certain projects such as the construction of a new retaining wall may require compliance with both parts. Listed below are definitions of terms used throughout this bulletin.

#### **DEFINITIONS**

"**Boathouse**" means any covered structure or attached appurtenance which is used for the temporary or permanent storage of watercraft or personal property on or over the water.

"**Building Permit**" means an official document or certificate issued by the City of Arlington which authorizes performance of a specified construction activity.

"**Earthwork**" means the disturbance of soils associated with filling, clearing, and grading or excavation activity.

"**Lake Arlington**" means all of the waters within the Lake Arlington reservoir area that are located within the corporate limits of the City of Arlington.

"**Lake Arlington Flowage Easement** or **Flowage Easement**" means that area adjacent to the Reservoir Area which is bounded by the contour line of elevation five hundred sixty feet (560') above mean sea level, lying between said contour line and the Lake Arlington Reservoir Area.

"**Lake Arlington Reservoir Area** or **Reservoir Area**" means the area bounded by the Lake Arlington Dam and the contour line of elevation five hundred fifty feet (550') above mean sea level.

"**License**" means that license required for any boathouse, pier or other structure or any combination of structures.

"**Pier**" means any pier, wharf, boat dock, gangway, or other platform or structure in or adjoining the water to which vessels may be moored, by which they may be boarded, or on which persons may walk or sit.

## PART ONE - EARTHWORK

**Site Plan Approval** is required before any person performs any earthwork in the **Reservoir Area** or **Flowage Easement**, or any person causes any work to be done without first making application and obtaining approval of the site plan or the earthwork and complying with all other applicable City ordinances.

An application for **Site Plan Approval** along with the required fee, shall be filed.

The application **Site Plan Approval** for **Earthwork within Reservoir Area or Flowage Easement** shall include the following items (NOTE: Permanent structures proposed with the site plan, such as retaining walls, docks or piers, will also require a building permit.)

1. Description of the work.
2. Map.
3. Plan prepared by a licensed Professional Engineer or registered Landscape Architect showing existing and proposed grades (topography), easements and structures where applicable. Existing topography shall be provided by a Registered Public Land Surveyor.
4. Cross-section(s) of any proposed excavation or fill.
5. Earthwork calculations demonstrating zero net loss of lake volume within the Flowage Easement.
6. Copy of letter from the U.S. Army Corps of Engineers verifying that the work proposed is permitted.
7. Copy of executed easement abandonment documents and new **Flowage Easement** dedication, if applicable.
8. As-Built plans within 30 days of project completion. Plans which show that the work has been completed as originally intended on the approved site plan (Record Drawings) must be provided and accepted upon completion of earthwork activities. The record drawing must include a verification statement or seal prepared by a Registered Public Land Surveyor.

## PART TWO - BUILDING PERMIT

A **Building Permit** is required to erect, construct, enlarge, alter or move any building, boathouse, pier or other structure or any combination of structures on the **Reservoir Area** or **Flowage Easement**, or for any person to cause such work to be done without first making application and obtaining a **building permit**.

The **Design and Construction of Piers and Boathouses** shall comply with the following requirements and the **building permit** application shall indicate the following:

1. **Width and Length Requirements:** The minimum width of any pier constructed in the Lake Arlington Reservoir Area shall be four feet (4'). The maximum length of any pier is one hundred feet (100') when measured from the back property line.
2. **Loadings and Structural Requirements:** All plans submitted for permit shall be designed and sealed by a Texas registered licensed engineer. Boat docks and piers must be designed to account for wind and wave action forces.
3. **Addresses:** Each pier, dock or boathouse shall have the street address and street name of the property clearly marked and legible from the lake side of the structure.
4. Each **building permit** application must be accompanied by a the applicable information as required for a **Site Plan** as outlined in **PART ONE – EARTHWORK** above.
5. Upon the issuance of the **building permit**, the following inspections and certifications are required:
  - a. For boat docks and/or piers a statement from the design engineer that he personally, or his authorized agent did inspect the construction of the work authorized by the **building permit** and finds that the work is in substantial compliance with his design.
  - b. For inspections of retaining walls, see the Technical Bulletin located at [http://www.arlingontx.gov/build/pdf/codes/Minimum\\_Submittal\\_Inspection\\_Criteria\\_for\\_Retaining\\_Walls.pdf](http://www.arlingontx.gov/build/pdf/codes/Minimum_Submittal_Inspection_Criteria_for_Retaining_Walls.pdf).
  - c. Other inspections that may be required based on specifics of the project (for example, if a pier or boat house has electrical lights and/or plugs, an electrical inspection is required.)
  - d. Building Final inspection by the building inspector.

After the construction of the pier, dock and/or boathouse has been final approved by the building inspector, the owner of the property will be assessed an annual **License** fee as set forth in resolution by the City Council.

If you have additional questions, please visit the One Start Center on the 2<sup>nd</sup> floor of City Hall located at 101 W. Abram Street. There are building plans examiners; planners and engineers available without appointment for consultation every working day during normal office hours. For general questions, please call (817) 459-6502.