



TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL

MEETING AGENDA

TUESDAY, January 6, 2015

Revised

Mayor David Browning (Seat 4)

Vice Mayor Ronald D. Jarriel (Seat 1)

Councilman Tom Goltzené (Seat 5)

Councilman Ryan Liang (Seat 3)

Councilman Jim Rockett (Seat 2)



Town of Loxahatchee Groves
Town Council Meeting

Tuesday, January 6, 2015 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)
Vice-Mayor Ronald D. Jarriel (Seat 1)
Councilman Tom Goltzené (Seat 5)
Councilman Ryan Liang (Seat 3)
Councilman Jim Rockett (Seat 2)

Town Manager William F. Underwood, II
Town Clerk Janet K. Whipple
Town Attorney Michael D. Cirullo, Jr.

Tentative
Subject to Revision

PUBLIC NOTICE/AGENDA

1. **OPENING**

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

2. **CONSENT AGENDA**

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes: **October 21, 2014 Regular Town Council Meeting**

3. **PUBLIC COMMENTS**

4. **PRESENTATIONS** – *NONE*

5. **COMMITTEE REPORTS** – *NONE*

(Clerk note: For this meeting, the reading of ordinances will come before resolutions in order to keep proper protocol.)

6. **ORDINANCES**

- a. **ORDINANCE NO. 2014-12: PUBLIC HEARING/SECOND AND FINAL READING** *(Referendum Question – Non-Binding Straw Ballot question related to willingness of voters to pay, if necessary, for road improvements.)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM A NON-BINDING STRAW BALLOT RELATING TO WILLINGNESS OF VOTERS TO PAY ADDITIONAL TAXES, SPECIAL ASSESSMENTS OR OTHER FEES FOR ROADWAY IMPROVEMENTS BY THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION ON MARCH 10, 2015, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **RESOLUTIONS**

- a. **RESOLUTION NO. 2015-01:** *(Ballot Language)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPLEMENTING RESOLUTION 2014-21 TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR QUESTIONS TO BE PLACED ON THE BALLOT FOR THE MARCH 10, 2015, TOWN MUNICIPAL ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

b. **RESOLUTION NO. 2015-02:** *(Request to waive payment of real property)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REQUESTING THE PALM BEACH COUNTY COMMISSION TO WAIVE PAYMENT BY THE TOWN FOR THE CONVEYANCE OF TITLE TO REAL PROPERTY CURRENTLY LEASED BY THE COUNTY TO THE CENTRAL PALM BEACH COUNTY CHAMBER OF COMMERCE AT THE LOXAHATCHEE GROVES PARK, TO THE TOWN AS PART OF THE TOWN'S TRANSACTION TO PURCHASE THE CHAMBER'S BUILDING CONSTRUCTED ON THE PROPERTY; PROVIDING FOR DELIVERY OF THIS RESOLUTION TO PALM BEACH COUNTY; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

c. **RESOLUTION NO. 2015-03:** *(In support of State Road 7 Extension to Northlake Boulevard)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA EXPRESSING ITS CONTINUING SUPPORT FOR THE EXTENSION OF STATE ROAD 7 FROM OKEECHOBEE BOULEVARD TO NORTHLAKE BOULEVARD; OBJECTING TO THE POSTPONEMENT OF THE CONSTRUCTION OF THE STATE ROAD 7 EXTENSION AND URGING THAT THE EXTENSION BE CONSTRUCTED IN FISCAL YEAR 2016; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

d. **RESOLUTION NO. 2015-04:** *(Reconsideration of Roadway, Equestrian Trail and Greenway Committee (RETGAC) appointment).*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING RESOLUTION 2011-005, RELATING TO THE TOWN "ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE" TO AMEND THE PROVISIONS RELATING TO DUTIES, MEETINGS AND PROCEDURES OF THE COMMITTEE, AND TO DESCRIBE THE ROLE OF THE COUNCIL LIAISON TO THE COMMITTEE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

8. **MANAGER'S REPORT** – *Town Manager Underwood*

- a. **AGENDA ITEM REPORT (AIR)** - Updates on various activities and issues concerning the Town.

9. OLD BUSINESS

- a. Consideration for removal of Keith Harris from the Roadway, Equestrian Trail and Greenway Advisory Committee (RETGAC).

10. NEW BUSINESS

- a. Consideration of request for removal of 200-foot portion of West D Road on the Loxahatchee Groves Water Control District's property from the Town of Loxahatchee Groves' Gas Tax Map in order to satisfy the September 12, 2014 Code Compliance Affidavit of Complaint issued by the Town.
- b. Consideration to request the District Board of Supervisors of the Loxahatchee Groves Water Control District (LGWCD) to authorize the transfer of B Road to the Town of Loxahatchee Groves; once the Easement Map is completed and recorded, but prior to the commencement of any resurfacing work.

11. CLOSING COMMENTS

- a. Public
- b. Town Attorney
- c. Town Council Members

12. ADJOURNMENT

The next regular Town Council Meeting is tentatively scheduled for January 20, 2015.

Comment Cards: Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



Item 2.a.

Consent Agenda

Attorney Invoice

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
14579 Southern Boulevard
Suite 2
Loxahatchee Groves FL 33470

Page: 1
12/29/2014
ACCOUNT NO: 1574-0702400R
STATEMENT NO: 100

Attn: William F. Underwood, II - Town Manager

General Matters



			HOURS
11/25/2014	MDC	Phone conference with B. Underwood on pending items; review agenda materials for 12/02/14 meeting; telephone conference with JF on comp plan; telephone conference with BU, Re: on code enforcement notice issues; research SBA investments per BU.	1.40
11/26/2014	MDC	Review agenda materials for 12/2/14 meeting.	0.30
12/01/2014	MDC	Continue reviewing agenda materials for 12/02/14 meeting; telephone conference with county attorney re: building official matters.	0.80
12/02/2014	MDC	Miscellaneous telephone conference with Council members on agenda items; telephone conference with BU, review materials, prepare for and attend Council meeting.	5.30
12/03/2014	MDC	Follow up from 11/2 meeting; review published notice for ordinances; telephone call with JF on Comp Plan items; revise referenda ordinances; begin preparing road pavement referenda ordinance.	1.80
12/04/2014	MDC	Revise referendum ordinance (road payment); follow up with JW on election items; follow up with Bill Underwood on Blackband Agreement; begin preparing moratorium ordinance; telephone call with Bill Underwood on code matters.	1.20
12/05/2014	MDC	Phone conference with B. Underwood, JF on comp plan, moratorium; telephone conference with BU, BT, Re: on pending code matters; telephone conference with county attorney on Building Department matters.	2.30
12/08/2014	MDC	Telephone call with B. Underwood on pending items.	0.50
12/09/2014	MDC	Continue reviewing pending matters with Bill Underwood, review correspondence on ILA with District; telephone conference with JF on zoning inquiries; review code matters with Russ Elgin.	1.20
12/10/2014	MDC	Review status of agenda items, finalize road referendum ordinance.	0.70
12/11/2014	MDC	Review OIG materials re: Keith Harris complaint; review agenda items for 12/16 meeting.	1.40

General Matters

			HOURS	
12/12/2014	MDC	Review agenda items; telephone conference with BU on pending matters.	0.80	
12/15/2014	MDC	Review correspondence on roads, Smiley case, agenda; telephone conference with BU on Trails ILA, forward to MV; telephone conference with attorney for Seth Brier re: Smiley code case.	1.20	
12/16/2014	MDC	Review materials, telephone conference with Council, telephone conference with B. Underwood; prepare for and attend Council meetings; miscellaneous telephone conference with attorney for Brier re: code case, update BT, RE, and BU.	4.90	
12/17/2014	MDC	Follow up on items from 12/16 meeting; revise Referenda Ordinances per Council; revise draft RETGAC resolution; forward to B. Underwood; prepare Resolution on State Road 7; prepare response to OIG re: Harris.	2.50	
12/18/2014	MDC	Revise resolutions; telephone conference with BU on pending items; telephone conference with JF on Brier matter.	0.80	
12/19/2014	BAM	Review background information re: SaaS contract and research re: proposed agreement for services	0.70	
	MDC	Continue reviewing items for 1/6 agenda; miscellaneous telephone calls with Bill Underwood on pending items.	0.60	
12/22/2014	BAM	Telephone calls with William Underwood, Town Manager, and Matthew Flynn, Blackbaud, re: service agreement; review correspondence from Town of Gulf Stream and Palm Beach County Supervisor of Elections re: prior Blackbaud agreements	1.00	
12/23/2014	BAM	Review and revise proposed service agreement between Town and Blackbaud; correspondence with Matthew Flynn, Blackbaud, re: contractual language and proposed revisions to same	1.20	
	MDC	Continue preparing and reviewing items for 1/6 meeting; telephone call with PB County Attorney re: building services; telephone call with Bill Underwood re: pending items; begin resolution for County conveyance of land.	1.60	
12/24/2014	MDC	Continue preparing and revising the SOE Resolution; revise RETGAC resolution per Bill Underwood; revise resolution for County land.	1.00	
12/26/2014	MDC	Continue preparing resolution for County property; review D Road matters.	1.00	
		FOR CURRENT SERVICES RENDERED	<u>34.20</u>	<u>6,327.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	31.30	\$185.00	\$5,790.50
BRAM A. MARAVENT	2.90	185.00	536.50

Photocopies

115.85

General Matters

TOTAL EXPENSES THRU 12/26/2014	<u>115.85</u>
TOTAL CURRENT WORK	6,442.85
BALANCE DUE	<u>\$6,442.85</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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3099 East Commercial Boulevard
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Loxahatchee Groves FL 33470

Page: 1
12/29/2014
ACCOUNT NO: 1574-1004800R
STATEMENT NO: 28

Attn: William F. Underwood, II - Town Manager

Equestrian Partners Land Use Amendment (Solar
Sportsystems, Inc.)

			HOURS	
12/12/2014	MDC	Phone conference with MP on status of project.	0.30	
12/18/2014	MDC	Review revised draft of B Road agreement; update BU.	0.50	
12/23/2014	MDC	Review B Road Agreement; telephone call with Bill Underwood; review correspondence on status of agreements.	1.00	
FOR CURRENT SERVICES RENDERED			1.80	<u>333.00</u>

		RECAPITULATION		
<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO		1.80	\$185.00	\$333.00

TOTAL CURRENT WORK 333.00

BALANCE DUE \$333.00

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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Page: 1
12/29/2014
ACCOUNT NO: 1574-1004840R
STATEMENT NO: 33

Attn: William F. Underwood, II - Town Manager

Loxahatchee Groves Commons

			HOURS	
12/11/2014	MDC	Phone conference with BB, JL and JF on status of project.	0.50	
12/18/2014	MDC	Review revised draft of B Road agreement; update BU.	0.50	
12/23/2014	MDC	Review B Road Agreement; telephone call with Bill Underwood; review correspondence on status of agreement.	1.00	
FOR CURRENT SERVICES RENDERED			<u>2.00</u>	<u>370.00</u>

		RECAPITULATION		
<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO		2.00	\$185.00	\$370.00

TOTAL CURRENT WORK	370.00
 BALANCE DUE	 <u>\$370.00</u>

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
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Suite 2
Loxahatchee Groves FL 33470

Page: 1
12/29/2014
ACCOUNT NO: 1574-1107581R
STATEMENT NO: 5

Attn: William F. Underwood, II - Town Manager

Mnc

Chamber of Commerce Property

			HOURS	
11/25/2014	RLL	Conference call with MDC, DJD and Bill Underwood regarding terms on purchase and sale agreement; work to obtain complete copies of appraisals on property.	0.80	
12/01/2014	RLL	Further work on purchase and sale agreement.	1.40	
	DJD	Initial draft of Purchase and Sale Agreement.	1.00	
12/02/2014	DJD	Draft Purchase and Sale Agreement.	1.30	
12/03/2014	RLL	Research information on tangible taxes paid on the building.	0.70	
	DJD	Continuing efforts to draft Purchase and Sale Agreement.	1.10	
12/04/2014	DJD	Address status of contract negotiations.	0.40	
12/08/2014	RLL	Further work on contract for purchase and sale.	0.20	
	DJD	Address revisions to proposed contract.	0.30	
12/09/2014	DJD	Review revision to Purchase and Sale Agreement; telephone call with William Underwood.	1.20	
12/10/2014	DJD	Effort to contact County Officials.	0.20	
12/22/2014	DJD	Review thread of emails.	0.50	
		FOR CURRENT SERVICES RENDERED	9.10	1,497.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	6.00	\$185.00	\$1,110.00
RACHEL L LEACH	3.10	125.00	387.50

Photocopies	25.20
TOTAL EXPENSES THRU 12/26/2014	25.20

TOWN OF LOXAHATCHEE GROVES

Chamber of Commerce Property

Page: 2
12/29/2014
ACCOUNT NO: 1574-1107581R
STATEMENT NO: 5

TOTAL CURRENT WORK 1,522.70

BALANCE DUE \$1,522.70

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE



Item 2.b.

Consent Agenda

Minutes

October 21, 2014 Regular Town Council Meeting



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, October 21, 2014 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)
Vice Mayor Ronald D. Jarriel (Seat 1)
Councilman Tom Goltzené (Seat 5)
Councilman Ryan Liang (Seat 3)
Councilman Jim Rockett (Seat 2)

Town Manager William F. Underwood, II
Town Clerk Janet K. Whipple
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:01 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager William F. Underwood, Town Attorney Michael D. Cirullo, and Town Clerk Janet K. Whipple.

- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

Motion: Councilman Goltzené made a motion to approve the Agenda, as presented. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA - NONE

3. **PUBLIC COMMENTS** - *NONE*

4. **PRESENTATIONS** - *NONE*

5. **COMMITTEE REPORTS** - *NONE*

Mayor Browning took a moment to let everyone know that he and his wife Sharyn read *Bunny Cakes* to the Kindergarten class at the Loxahatchee Groves Elementary School.

6. **RESOLUTIONS** (*All Items Below Inclusive*)

- a. **AGENDA ITEM REPORT** - Traffic Signal at Okeechobee Boulevard and D Road Simmons & White, Inc.

Town Manager Underwood reported how the new agenda format will work and explained the Simmons and White proposal.

- b. Discussion on Simmons and White, Inc. Proposal, and the Town Capital Improvement Plan identified a traffic light at Okeechobee Blvd. and D Road.

- c. **RESOLUTION NO. 2014-15:** (*Traffic Engineering Services Proposal - Simmons & White, Inc.*)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING THE ENGAGEMENT OF, AND AUTHORIZING THE EXECUTION OF A PROPOSAL FROM, SIMMONS AND WHITE, INC., FOR TRAFFIC ENGINEERING SERVICES RELATING TO TRAFFIC SIGNAL AND ROADWAY IMPROVEMENTS AT THE OKEECHOBEE BOULEVARD AT “D” ROAD INTERSECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman Liang made a motion to approve Resolution No. 2014-15. Vice-Mayor Jarriel seconded the motion. Discussion.

Council discussed the need for the traffic light; the petition which had been presented to Council having only twenty-five percent (25%) of the signatures being residents of Loxahatchee Groves, and that fifty percent (50%) would warrant a more serious review; and meeting with Palm Beach County Commissioners concerning the traffic light.

Many members of the audience spoke with - concerns for resident health and safety and the importance of the traffic light; urges to the Council to reconsider and request that Palm Beach County fund the light; opposition of the traffic light; a possible conflict of interest from one of the Council members voting on the traffic light; betrayals to the residents if the Town spends money on the traffic light; and the need to own and control Okeechobee Boulevard.

Mayor Browning noted there is no one on the Council who would financially benefit.

Town Attorney Cirullo read the title of Resolution No. 2014-15.

Council discussed the continued maintenance and repairs for a traffic light; what would happen to the light once Okeechobee Boulevard was widened; wait time for installation; traffic circles; alternate locations for the traffic light; and extending the school light in lieu of the light flashing yellow after 6:00 p.m.

Upon roll call vote, the motion passed 3/2, with Mayor Browning and Councilman Goltzené casting the dissenting votes.

7. ORDINANCES – NONE

8. ADMINISTRATIVE UPDATE – *Town Manager Underwood*

- a. **AGENDA ITEM REPORT:** Updates on various activities and issues concerning the Town.

Town Manager Underwood briefly reviewed the bullet points of his Agenda Item Report (AIR) update sheet, and answered questions posed by Council basically concerning the Federal Emergency Management Agency (FEMA) flood maps.

Mayor Browning asked Town Manager Underwood to conduct research for additional information.

9. OLD BUSINESS

- a. **AGENDA ITEM REPORT:** Discussion on status of the Central Palm Beach County Chamber of Commerce Building.

Town Manager Underwood advised Council that plans for the acquisition of the Chamber of Commerce Building was under way.

10. NEW BUSINESS

a. AGENDA ITEM REPORT: IGC Rotation Schedule

Town Manager Underwood reviewed the Inter-Governmental Committee (IGC) rotation schedule for meeting attendees.

Vice-Mayor Jarriel likes the June 16, 2014, revised rotation schedule the Loxahatchee Groves Water Control District sent out, and advised he would take this quarter rotation schedule.

11. CLOSING COMMENTS

a. Public

Roslyn Owen, 13859 22nd Road North, was told by Braeden Garrett, Town Planning Technician, to come to Council concerning a setback request she has.

Town Manager Underwood stated that Ms. Owen would have to apply for a variance, which will commence the process.

Phyllis Maniglia, 359 West D Road, stated there was still a serious problem in the Palms West Plaza with drinking and crime. She requested Town Manager Underwood come up with some remedies, or write a letter to Mr. Yee, the Landlord, to clean up the Plaza and hire security. The stores are losing business, and the garbage is bad as well.

Marge Herzog, 966 A Road, concerning the face of Loxahatchee Groves, wanted to ask the Council, what Council Members went to the various board meetings. The Town does not have representation, with such entities as the Palm Beach County League of Cities, and Western Communities Board. Also, the Land Owners will be hosting a forum for various candidates, and if anyone has questions they can be sent to Ken Johnson.

Ken Johnson, 15409 Collecting Canal Road, felt the Town has major problems with traffic control, especially with cut through traffic, and traffic enforcement. The Town needs to be more proactive as to what is going to happen to the taxpayers in Loxahatchee Groves. The Town needs to do something now, and needs the traffic light. Mr. Johnson wanted to know what has been done in asking Palm Beach County to fund the light. He felt progress is coming and we are in the crosshairs. Mr. Johnson also wanted to know if there any ordinance concerning the height of building, signage, billboards, lights or size of buildings.

b. Town Attorney

Nothing further, as noted by the end of the meeting, but he did not want to interrupt.

c. Town Council Members

Councilman Goltzené noted this was an efficient meeting. Thanks to everyone.

Vice-Mayor Jarriel also commented on the short meeting, and complimented Town Manager Underwood on the Agenda and to keep up the good work.

Councilman Liang felt this beats our previous record, and he was happy about that. He thanked everyone for coming.

Councilman Rockett also thanked everyone for coming.

Mayor Browning noted the Town will need a traffic light at D Road and Okeechobee Boulevard, but he does not want the Town to pay for it. If the developments continue, eventually there will be five (5), six (6) lane road by 2035 to handle the traffic from the Acreage. Palm Beach County would have to approve the light. The Palm Beach County Board of County Commissioners will be conducting the meeting for Minto West Development on Wednesday, October 29, 2014.

12. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 8:13 p.m.

Janet K. Whipple, Town Clerk

David Browning, Mayor

These minutes were approved during the January 6, 2014 Town Council Meeting.



Item 6.a.

ORDINANCES

Ordinance No. 2014-12

Public Hearing/Second and Final Reading

(Referendum Question)

**Town of Loxahatchee Groves, FLORIDA
Town Council AGENDA ITEM REPORT**

AGENDA ITEM No. 6.a.

MEETING DATE: 01/06/2015

PREPARED BY: Janet K. Whipple, Town Clerk

SUBJECT: Proposed Referendum – A non-binding straw ballot relating to willingness of voters to pay, if necessary, for road improvements.

1. BACKGROUND/HISTORY

<p>Legislative Update: The Council passed Ordinance No. 2014-12 as a Public Hearing/First Reading, on December 16, 2014, in order to place a referendum on the March 15, 2015 ballot relating to an amendment to the Town Charter. This ordinance is now up for the Public Hearing/Second and Final Reading.</p>

Problem Statement: The Town Council wants to know if the voters are willing to pay, if necessary, for roads improved.

Problem Solution: Place a referendum for a non-binding Straw Ballot on payment of Road Improvements, within the Town, for consideration by the qualified electors of the Town of Loxahatchee Groves.

During the Town Council Meeting of December 2, 2014, the Council directed the Town Attorney to draft appropriate enabling legislation to be an addendum to the Road Improvement Referendum.

2. CURRENT ACTIVITY

Town Council needs assistance in its further decisions relating to roadway improvement policies within the Town.

3. ATTACHMENTS

Ordinance No. 2014-12

4. FINANCIAL IMPACT

Costs are undetermined at this time but will be incorporated in Municipal Election Fees.

5. RECOMMENDED ACTION

Request Council approve Ordinance No 2014-12 to allow the qualified electors of the Town to vote a referendum on payments for road resurfacing.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM A NON-BINDING STRAW BALLOT RELATING TO WILLINGNESS OF VOTERS TO PAY ADDITIONAL TAXES, SPECIAL ASSESSMENTS OR OTHER FEES FOR ROADWAY IMPROVEMENTS BY THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION ON MARCH 10, 2015, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, issues of roadways and improvements thereto are important to the residents of the Town of Loxahatchee Groves, Florida; and,

WHEREAS, the Town Council finds it is in the best interest of the citizens and residents of the Town to propose a ballot question to the electorate of the Town in the nature of a non-binding straw ballot to assist the Town Council in its future decisions relating to roadway improvement policies within the Town, specifically as to payment for such improvements.

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2.

The Ballot Title shall be as follows:

NON-BINDING STRAW BALLOT ON WILLINGNESS TO PAY FOR ROAD RESURFACING WITHIN THE TOWN

{00048284.2 1574-0702400 }

CODING: Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-12

Section 3. At the special election with the Town’s general municipal election on March 10, 2015, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida, and shall read as follows:

This question is a non-binding opinion poll intended to provide feedback to the Town Council. No taxes, assessments or fees are levied as a result of this opinion poll; however, members of the Town Council may rely on this opinion poll in reviewing future policies for funding resurfacing of public roads within the Town. Are you willing to pay additional taxes, special assessments or fees to fund resurfacing of public dirt roads within the Town?

This non-binding ballot question has no financial impact to the Town.

YES NO

Section 4. Advertisement. The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein in accordance with the Code of Ordinances of the Town of Loxahatchee Groves, Florida, as well as the State of Florida Election Code.

Section 5. Referendum Election. Pursuant to Section 166.031(1), Florida Statutes, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted with the Town’s municipal election on March 10, 2015, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

Section 6. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

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CODING: Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-12

Section 7. **Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 8. **Effective Date.** This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS 16th DAY OF DECEMBER, 2014.

PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ___ DAY OF _____.

**TOWN OF LOXAHATCHEE
GROVES, FLORIDA**

ATTEST:

Mayor David Browning

Janet K. Whipple, Town Clerk

Vice-Mayor Ron Jarriel

Council Member Tom Goltzené

Council Member Ryan Liang

Council Member Jim Rockett

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

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CODING:

Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions



Item 7.a.b.c.d.

RESOLUTIONS

Resolution No. 2015-01 (Ballot Language)

Resolution No. 2015-02 (Payment Waiver)

Resolution No. 2015-03 (Support of SR 7)

Resolution No. 2015-04 (RETGAC Appointment)

**Town of Loxahatchee Groves, FLORIDA
Town Council AGENDA ITEM REPORT**

AGENDA ITEM No. 7.a.

MEETING DATE: 01/06/2015

PREPARED BY: Janet K. Whipple, Town Clerk

SUBJECT: Resolution No. 2015-01 relaying ballot language for questions to be placed on the Town Municipal Election ballot - March 10, 2015.

1. BACKGROUND/HISTORY

a. Problem Statement: The Supervisor of Elections (SOE) has requested the Town submit all referendum questions within a resolution format; otherwise, she will not place the questions on the ballot.

b. Problem Solution: Approve Resolution No. 2015-01, in order to secure referenda language on the ballot.

2.CURRENT ACTIVITY

During the Meeting of December 2, 2014, the Town Council approved Resolution No. 2014-21, along with the 2015 Agreement with the Supervisor of Elections. As part of the Agreement any ballot language would have to be submitted to the SOE in resolution form.

3.ATTACHMENTS

Resolution No. 2015-01

4.FINANCIAL IMPACT

N/A

5.RECOMMENDED ACTION

Request Council consider approval of Resolution No. 2015-01.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPLEMENTING RESOLUTION 2014-21 TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR QUESTIONS TO BE PLACED ON THE BALLOT FOR THE MARCH 10, 2015, TOWN MUNICIPAL ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves shall conduct its annual Municipal General Election on Tuesday, March 10, 2015, pursuant to the Town Charter, the Florida Constitution and Chapter 97 - Chapter 106, Florida Statutes.

WHEREAS, the Town Council approved Resolution 2014-21 on December 2, 2014, through which the Town Council approved the Agreement for Vote Processing Equipment and Election Services By and Between the Palm Beach County Supervisor of Elections and the Town of Loxahatchee Groves(SOE Agreement); and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves has adopted Ordinances 2014-10, 2014-11, and 2014-12, authorizing the placement of one charter amendment question and two straw ballot questions on the ballot for the March 10, 2015 Town municipal election; and,

WHEREAS, paragraph 4(A)(1) of the SOE Agreement states that the Town shall provide ballot language for any ballot questions within the resolution; and,

WHEREAS, the Town Council hereby supplements Resolution 2014-21 to provide the ballot language for the three (3) approved ballot questions for the March 10, 2015, Town municipal election to the Palm Beach County Supervisor of Elections pursuant to the SOE Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council has authorized three (3) referenda questions be placed on the Town's ballot for the March 10, 2015, Town municipal election.

a. The ballot language for ballot question #1 is as follows:

ELECTION PROVISIONS OF CHARTER CONVERTED TO ORDINANCES

The Town Charter contains election provisions relating to electors, nonpartisan elections, election dates, runoff elections, canvassing board, special elections and general elections. Converting these provisions into a Town ordinance will enable the Town Council to amend Town election provisions by ordinance without referenda. Should the Town Charter be amended to remove these provisions and convert them into a Town ordinance?

This proposed amendment has no financial impact to the Town

YES NO

b. The ballot language for ballot question #2 is as follows:

NON-BINDING STRAW BALLOT ON ROAD IMPROVEMENTS WITHIN THE TOWN

This question is a non-binding opinion poll intended to provide feedback to the Town Council on determining whether to resurface roadways within the Town. The Town's

public roads are mainly dirt roads, and recently several roads have been resurfaced. Members of the Town Council may rely on this opinion poll in reviewing future policy. Do you support the resurfacing of dirt roads within the Town?

This non-binding ballot question has no financial impact to the Town.

YES NO

c. The ballot language for ballot question #3 is as follows:

NON-BINDING STRAW BALLOT ON WILLINGNESS TO PAY FOR ROAD RESURFACING WITHIN THE TOWN

This question is a non-binding opinion poll intended to provide feedback to the Town Council. No taxes, assessments or fees are levied as a result of this opinion poll; however, members of the Town Council may rely on this opinion poll in reviewing future policies for funding resurfacing of public roads within the Town. Are you willing to pay additional taxes, special assessments or fees to fund resurfacing of public dirt roads within the Town?

This non-binding ballot question has no financial impact to the Town.

YES NO

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

**ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES,
FLORIDA, This 6th day of January, 2015.**

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Janet K. Whipple, Town Clerk

Mayor David Browning

Vice-Mayor Ron Jarriel

Council Member Tom Goltzené

Council Member Ryan Liang

Council Member Jim Rockett

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT
AGENDA ITEM NO. 7.b.
MEETING DATE: 1/6/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: Requesting Land Donation from Palm Beach County to the Town of Loxahatchee related to the Central Palm Beach County Chamber of Commerce Building.

1.BACKGROUND/HISTORY

Problem Statement: The Town Council expressed its desire to own the land beneath and parking around the Central Palm Beach County Chamber of Commerce building on F Road donated to the Town.

Problem Solution: Town Council submits a Resolution requesting the land be donated to the Town.

The Town has been negotiating with the Chamber Executive over the purchase price of the building located at Southern Boulevard and F Road. One of the issues the Council has presented is its desire to own the land and parking lot upon which the building is situated.

Mayor, Council, and staff have individually spoken to the County Commission and staff regarding the possibility the County donate the land to the Town.

2.CURRENT ACTIVITY

Staff had a resolution prepared that accurately reflects the need and support for the County to grant the land to the Town as the County has done in other municipalities over the years. Staff believes that a resolution of support for such action will reflect the Town Council position relative to the land donation. We understand:

- It is in the best interest of the Town, its residents and taxpayers, for the Town to also obtain ownership of the Leased Property on which the Chamber Building and associated improvements are located
- That it is the policy of Palm Beach County that County Administration must recommend a purchase price for all real property to be conveyed by the County
- That the County Commission may waive the requirement of payment for such a conveyance
- That a waiver of payment by the Town to the County, for the conveyance of title to the Leased Property, is in the best interest of both the Town and Palm Beach County, as well as the residents and taxpayers of both entities

3.ATTACHMENTS

- Resolution urging the County Commission donate the land to the Town.

4.FINANCIAL IMPACT

None relative to this action.

5.RECOMMENDED ACTION

Motion to approve resolution and submit to appropriate individuals and entities.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REQUESTING THE PALM BEACH COUNTY COMMISSION TO WAIVE PAYMENT BY THE TOWN FOR THE CONVEYANCE OF TITLE TO REAL PROPERTY CURRENTLY LEASED BY THE COUNTY TO THE CENTRAL PALM BEACH COUNTY CHAMBER OF COMMERCE AT THE LOXAHATCHEE GROVES PARK, TO THE TOWN AS PART OF THE TOWN'S TRANSACTION TO PURCHASE THE CHAMBER'S BUILDING CONSTRUCTED ON THE PROPERTY; PROVIDING FOR DELIVERY OF THIS RESOLUTION TO PALM BEACH COUNTY; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Palm Beach County currently has a long-term lease, with rental payments of \$1.00 per year, with the Central Palm Beach County Chamber of Commerce ("Chamber"), for a 1.32 +/- acre portion of County-owned property within the Loxahatchee Groves Park (hereinafter the "Leased Property"), on which the Chamber constructed a building for use as offices for the Chamber; and,

WHEREAS, the Town and the Chamber have entered into negotiations for the purchase of the Chamber's building on the Leased Property; and,

WHEREAS, given the anticipated purchase price for the Chamber Building, the Town Council believes that it is in the best interest of the Town, its residents and taxpayers, for the Town to also obtain ownership of the Leased Property on which the Chamber Building and associated improvements are located; and,

WHEREAS, the Town Manager has requested Palm Beach County to convey title of the Leased Property to the Town; and,

WHEREAS, the Town Manager has been advised that it is the policy of Palm Beach County that County Administration must recommend a purchase price for all real property to be

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conveyed by the County, but that the County Commission may waive the requirement of payment for such a conveyance; and,

WHEREAS, for the reasons set forth herein, the Town Council of the Town of Loxahatchee Groves finds that a waiver of payment by the Town to the County, for the conveyance of title to the Leased Property, in in the best interest of both the Town and Palm Beach County, as well as the residents and taxpayers of both entities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council of the Town of Loxahatchee Groves hereby makes the following findings in support of its request for the Palm Beach County Commission to waive payment from the Town for the conveyance of title to the Leased Property:

- a. The Town is a governmental entity, and any payment to the County would be public dollars;
- b. The Town is purchasing the Chamber Building for use as Town offices;
- c. The Town's purchase of the Chamber Building and the Leased Property will assure that title to the Leased Property will remain public and that the Leased Property will be used for public purposes;
- d. The Town having a permanent presence within the County's Loxahatchee Groves Park, on the Leased Property, could be useful for the County, as Town staff will be present during business hours and available to observe and assist with any issues at the Park; and,
- e. Having government offices on the Leased Property will afford the County an option for meetings with local officials, and residents from the Town as well as surrounding areas; and,
- f. A waiver of payment for the conveyance of title is consistent with coordination and collaboration of governmental entities for the benefit of the public, as the funds that would be used to pay for the title could be used for other projects or public purposes within the Town, while at the same time the County is not losing any revenues that it is currently receiving from use of the Leased Property given the approximately 24 years remaining on the current lease with nominal annual payments of only \$1.00.

Section 3. For the foregoing reasons, the Town Council of the Town of Loxahatchee Groves requests the Palm Beach County Commission to waive any requirement for payment from the Town for conveyance of title of the Leased Property from the County to the Town in association with the Town's purchase of the Chamber Building located on the Leased Property.

Section 4. Copies of this Resolution shall be delivered to all members of the Palm Beach County Commission, and the County Administrator.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 7. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, FLORIDA, This 6th day of January, 2015.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

Janet K. Whipple, Town Clerk

Vice-Mayor Ron Jarriel

Council Member Tom Goltzené

Council Member Ryan Liang

APPROVED AS TO LEGAL FORM:

Council Member Jim Rockett

Office of the Town Attorney

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT

AGENDA ITEM NO. 7.c.

MEETING DATE: 1/6/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: Continuing Support for State Road 7 Extension.

1.BACKGROUND/HISTORY

Problem Statement: The Town received a request from the Western Communities Council to support actions of the MPO and request the extension of State Road 7 to Northlake Boulevard in Fiscal Year 2016.

Problem Solution: Adopt a resolution in support of the State Road 7 extension.

The Town received a request from the Western Communities Council to support the Council's December 12, 2014, action adopting Resolution 2015-001, supporting the actions of the MPO and requesting that the extension of State Road 7 to Northlake Boulevard be constructed in Fiscal Year 2016.

2.CURRENT ACTIVITY

The Town drafted a resolution based upon the model provided and attached it hereto for Council consideration.

3.ATTACHMENTS

- Letter of December 12, 2014, Requesting Support
- Resolution No. 2015-03 in support

4.FINANCIAL IMPACT

N/A.

5.RECOMMENDED ACTION

Motion to adopt Resolution 2015 -03.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA EXPRESSING ITS CONTINUING SUPPORT FOR THE EXTENSION OF STATE ROAD 7 FROM OKEECHOBEE BOULEVARD TO NORTHLAKE BOULEVARD; OBJECTING TO THE POSTPONEMENT OF THE CONSTRUCTION OF THE STATE ROAD 7 EXTENSION AND URGING THAT THE EXTENSION BE CONSTRUCTED IN FISCAL YEAR 2016; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves' residents and businesses rely on the ability to use roadways in the area; and

WHEREAS, since 1999 the Western Communities have supported the extension of State Road 7 from Okeechobee Boulevard to Northlake Boulevard as an important roadway to address traffic needs in and around the Western Communities; and,

WHEREAS, in 2011, the Town Council adopted Resolution 2011-009, urging the Palm Beach County Metropolitan Planning Organization (MPO) to maintain the extension of State Road 7 to Northlake Boulevard in the 5-year transportation improvement program (TIP); and,

WHEREAS, the program for the extension of State Road 7 to Northlake Boulevard currently calls for its construction in Fiscal Year 2016; and,

WHEREAS, Palm Beach County is contemplating delaying the construction of the extension of State Road 7 to Northlake Boulevard until Fiscal Year 2020; and,

WHEREAS, at its December 8, 2014, meeting the MPO objected to the delay in the construction of the extension of State Road 7 to Northlake Boulevard until Fiscal Year 2020, and requested that it be funded in Fiscal Years 2016-2019; and,

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TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-03

WHEREAS, at its December 12, 2014, meeting the Western Communities Council adopted Resolution 2015-001, supporting the actions of the MPO and requesting that the extension of State Road 7 to Northlake Boulevard be constructed in Fiscal Year 2016; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves finds it to be in the best interests of the Town to support the actions of the MPO, and to request that the extension of State Road 7 to Northlake Boulevard be constructed in Fiscal Year 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida, continues its support for the extension of State Road 7 to Northlake Boulevard, supports the position of the MPO that the construction of the extension not be delayed until Fiscal Year 2020, and urges that the extension be constructed in Fiscal Year 2016.

Section 3. The Town Clerk is directed to transmit a copy of this Resolution to the MPO, all members of the Palm Beach County Commission, the Palm Beach County Administrator, and the Secretary of the Western Communities Council, Inc.

Section 4. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-03

Section 5. All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, FLORIDA, this 6th day of January, 2015.

ATTEST:

Janet K. Whipple, Town Clerk

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Mayor David Browning

Vice-Mayor Ron Jarriel

Council Member Tom Goltzené

Council Member Ryan Liang

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member Jim Rockett

Town of Loxahatchee Groves, FLORIDA
Town Council AGENDA ITEM REPORT

AGENDA ITEM No. 7.d.

MEETING DATE: 1/6/2015

PREPARED BY: William F. Underwood, II, ICMA-CM

SUBJECT: Amending Resolution 2011-05 relating to Roadway, Equestrian Trails and Greenways Advisory Committee.

1.BACKGROUND/HISTORY

Problem Statement: The Roadway, Equestrian Trails and Greenways Advisory Committee's enabling legislation requires additional clarification.

Problem Solution: Town Council provided guidance to the Town Attorney to more accurately delineate the duties and responsibilities of the committee at the November 4, 2014 Meeting.

2.CURRENT ACTIVITY

Town Attorney has drafted a Resolution amending Resolution 2011-05 amending the provisions relating to duties, meetings, and procedures of the Committee, and to describe the role of the Council Liaison to the Committee.

3.ATTACHMENTS

Resolution 2015-04

4.FINANCIAL IMPACT

N/A

5.RECOMMENDED ACTION

Motion to adopt the Resolution.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING RESOLUTION 2011-005, RELATING TO THE TOWN “ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE” TO AMEND THE PROVISIONS RELATING TO DUTIES, MEETINGS AND PROCEDURES OF THE COMMITTEE, AND TO DESCRIBE THE ROLE OF THE COUNCIL LIAISON TO THE COMMITTEE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 2011-005, the Town Council of the Town of Loxahatchee Groves, Florida, created the “Roadway, Equestrian Trails and Greenway Advisory Committee” to advise the Town Council as to issues related to roadways, multi-purpose and equestrian trails, greenways, parks and related water issues; and

WHEREAS, the Town Council finds that amending the duties of the Roadway, Equestrian Trails and Greenway Advisory Committee, as well as, describing the role of the Council liaison, is in the best interests of the residents of the Town.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

Section 1. That the foregoing “WHEREAS” clauses are confirmed and ratified as being true and correct and are hereby made a specific part of this Resolution.

Section 2. Section 2 of Resolution 2011-005 is amended as follows:

I. Creation of the “Roadway, Equestrian Trails and Greenway Advisory Committee.” There is created the Roadway, Equestrian Trails and Greenway Advisory Committee to act as an advisory board to the Town Council, as follows:

(A) **Qualifications.** Each member of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be a resident of the Town.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-04

(B) Duties. The Roadway, Equestrian Trails and Greenway Advisory Committee's duties are to review only those matters directed to it by the Town Council, which matters may include;~~but are not limited to:~~

1. Reviewing and analyzing projects relating to roadways, multi-purpose and equestrian trails, greenways, parks and related water issues ~~as may be assigned to it by the Town Council from time to time;~~
2. Making recommendations to the Town Council on the enhancement, improvement and development of roadways, multi-purpose and equestrian trails, greenways, parks and related water issues within the Town; and,
3. Reviewing possible grant opportunities, preparing grant applications making recommendations thereon to the Town Council.
4. Any other matter relating to roadways, multi-purpose and equestrian trails, greenways, parks and related water issues the Town Council may determine should be reviewed by the Committee.

(C) The Committee shall be comprised of five (5) voting members, to be appointed by individual Town Council Members.

(D) The Town Council shall appoint one member of the Town Council to serve as a non-voting liaison to the Roadway, Equestrian Trails and Greenway Advisory Committee. The Town Council liaison shall serve as a conduit to provide information between the Town Council and the Roadway, Equestrian Trails and Greenway Advisory Committee.

(E) The voting members shall serve at the pleasure of the Town Council. The terms of the voting members shall run concurrently with the term of the Council Member who nominated the voting member to the Committee.

(F) An attendance requirement shall be imposed on all members of the Roadway, Equestrian Trails and Greenway Advisory Committee. Unless excuse of absence is granted by the Roadway, Equestrian Trails and Greenway Advisory Committee, a member of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be removed by the Town Council if he/she has missed ~~three~~ five (3~~5~~) consecutive meetings of the Committee within a twelve (12) month period.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-04

(G) Committee members, and/or companies or employers in which the members have a direct financial interest, shall not do business with the Town, in accordance with Florida Statutes 112.313, and pertinent opinions of the Florida Commission on Ethics. If any member of the Committee finds that his/her personal interests are involved in any matter coming before the Town Council, he/she shall disqualify himself/herself from all participation in the matter.

(H) If a regular member of the Roadway, Equestrian Trails and Greenway Advisory Committee resigns or is removed from his or her position, the nominating Council Member shall appoint the replacement.

II. Advisory Only. The actions, decisions, and recommendations of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be advisory only.

III. Meetings, Dates, Procedures, Records, Quorum, and Compensation.

(A) The Roadway, Equestrian Trails and Greenway Advisory Committee shall hold an organizational meeting at the first scheduled meeting following the appointment of the members of the Roadway, Equestrian Trails and Greenway Advisory Committee. The purpose of the Roadway, Equestrian Trails and Greenway Advisory Committee organizational meeting is for the members to elect a Chair and Vice Chair from its voting membership for terms of one (1) year.

(B) The Roadway, Equestrian Trails and Greenway Advisory Committee will meet only when needed to review matters directed to it by the Town Council pursuant to subsection I(B) above. At such meetings, the Roadway, Equestrian Trails and Greenway Advisory Committee shall limit its business to the matters directed to it by the Town Council.

~~The Roadway, Equestrian Trails and Greenway Advisory Committee shall meet on a regular or as needed basis, as determined by the Roadway, Equestrian Trails and Greenway Advisory Committee.~~

(C) All meetings, records and files of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be open and available to the public, consistent with Chapter 119, Florida Statutes (the Public Records Law) and Chapter 286, Florida Statutes (the “Sunshine Law”). In addition, members of the Roadway, Equestrian Trails and Greenway Advisory Committee shall ensure that their actions are in compliance with Chapter 119, Florida Statutes (the “Public Records Law”) and Chapter 286, Florida Statutes (the “Sunshine Law”).

(D) Notice for any meeting of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be posted in accordance with Chapter 286, Florida

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-04

Statutes (the “Sunshine Law”) and on the Town’s website and at the Town Office no later than 24 hours prior to the scheduled meeting.

(E) Three (3) voting members in attendance shall constitute a quorum of the Roadway, Equestrian Trails and Greenway Advisory Committee.

(F) The Town Manager or his\her designee shall act as secretary to the Roadway, Equestrian Trails and Greenway Advisory Committee, and be responsible for attending all meetings and providing the items necessary for conducting meetings, ~~as requested by the Chair~~ and for recording and preparation of meeting minutes. The Town Attorney or his\her designee shall act as attorney for the Roadway, Equestrian Trails and Greenway Advisory Committee, on an as-needed basis.

(G) Town staff will reasonably provide adequate support to the Committee to discharge its responsibilities as assigned by the Town Council.

(H) Members of the Roadway, Equestrian Trails and Greenway Advisory Committee shall serve without compensation for the performance of their duties.

Section 3. Severability. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 4. Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-04

Section 5. Effective Date. This Resolution shall take effective immediately upon its adoption.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, FLORIDA, this 6th day of January, 2015.

ATTEST:

Janet K. Whipple, Town Clerk

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Mayor David Browning

Vice-Mayor Ron Jarriel

Council Member Tom Goltzené

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member Ryan Liang

Council Member Jim Rockett



Item 8.a.

Manager's Report

Town of Loxahatchee Groves, Florida Town Council AGENDA ITEM REPORT

AGENDA ITEM NO. 8.a.

MEETING DATE: 1/6/2015

PREPARED BY: William F. Underwood, II

SUBJECT: Manager Update

1.BACKGROUND/HISTORY

Problem Statement: The Town Council requests updates on activities and issues.

Problem Solution: Provide the Council with an update.

The Council requested they be updated on the various issues facing the Town, it is noted that items in this category be provided as part of a written report.

2.CURRENT ACTIVITY

- **Trails:** At the Town Council meeting of 11/18/2014, the Council approved the Town drafted ILA for funding the trails, maintenance easements, and roads. The ILA was transmitted to the LGWCD on Wednesday, 11/19/2014.
 - Subsequent to the ILA transmittal, the Town Attorney, and staff met with the LGWCD attorney and administrator on Friday, 11/21/2014, at the office of the District's attorney.
 - Substantial progress was made. The Town attorney provided the District's attorney with a summary of the discussion points to be incorporated within a jointly prepared ILA.
 - On or about December 3, the Town received comments from the attorney for the LGWCD.
 - On December 9, the Town Attorney and I were reviewing the points of the agreement.
 - This working group will labor to complete the agreement and present to the respective legislative boards as soon as practical.
 - As of December 30, 2014, the Town is on hold pending a response from LGWCD.
- **Building:** Discussions with Atlantic Land Companies regarding their site plan occurred and this item is scheduled for the P&Z review in December.
 - The site plan was approved by the LPA at its December meeting.
- **Building:** Update to work related to the Chamber of Commerce building was included in the November 18, 2014 agenda. The Council instructed staff to begin negotiations with the Chamber of Commerce staff.

- Staff has entered this discussion, the Town Attorney and staff had a teleconference to draft a contract for the acquisition.
- A teleconference was held on 11/24/2014 with Wayne Burns, Executive Director of the Chamber.
- Staff is attempting to finalize negotiations and should be able to complete the process and present a contract for purchase at the 12/16/2014 Council meeting.
- On December 4, 2014, staff and Vice Mayor Jarriel attended the Tri-cities League BBQ in Belle Glade.
- December 9th, the Town Attorney and I received a revised contract from the Chamber of Commerce which included significant changes, some of substance, to the contract the Town submitted.
- Due to some of the items included in the revised contract, I feel it is necessary to delay the contract consideration until the January meeting.
- Staff continues to be in discussions with various parties on this subject. Staff members and Town Attorney have been actively pursuing a positive response from the County regarding a donation of the land.
- **Traffic:** Staff is working with Minto to draft an agreement between Minto and the Town for the funding of the traffic light at Okeechobee Boulevard and D Road.
 - A discussion with Minto's attorney on December 29, 2014, indicated Palm Beach County would agree for the Town and Minto to enter into a funding agreement which may exclude the County.
- **Building:** Staff had a meeting with the Day property representative to preliminary discuss the prospective site plan for the property on Tuesday, December 9. The meeting was to review site plan requirements and process
 - We reviewed the site plan submission requirements
 - Discussed the site plan specifically
 - addressing conditions of approval
 - perimeter landscaping buffer requirements
 - horse trail potential
 - Timing of submittal and hearings
 - PBC manages traffic related issues and may need to be at meetings
 - LGWCD to affirm positive outfall for drainage
 - Interconnection to westerly property discussion
 - Set RETGAC meeting for January 2015
 - P&Z meeting for January 2015
 - About March present to Town Council.
 - No Activity since the 12/16/2014 meeting.
- **Roads:** This office met with Angela Hendrichsen Sandoval, P. E., PMP, Section Leader, and Ken Mudd, Resource Professional IV, representing South Florida Water Management District (SFWMD) in reference to a permit the SFWMD issued in 1982 for a road and swale improvement on 43rd. As I understand the purpose of the meeting, SFWMD was looking to determine whether or not the Town would assist them in correcting a deficiency in the road and swale drainage system on the road. The Town will be contacted in the future regarding the next step to be taken to correct the problem.
 - No activity since the 12/16/2014 meeting.
- **Roads:** Negotiations continue for B Road improvements which will go from Southern Boulevard to Okeechobee Boulevard.
 - Staff was working toward holding the second hearing on an ordinance in November to provide appropriate zoning classification to the involved parcels.

- Initially, staff worked to have this item tentatively move forward for the December 2, 2014 Council Meeting.
 - This effort is being moved to a January timeframe.
- Town Attorney and I met with the working group on Friday 11/21/2014 in West Palm Beach. Significant discussion occurred and the Town Attorney and I reiterated the Town Council position that no funding will come from the Town for this improvement.
- The LGWCD will be providing necessary easement for this road prior to the project initiation.
- Another meeting was held on 12/30/2014 in preparation of a January approval meeting. There continue to be funding issues to be resolved in order to protect the Town from incurring any cost.

3.ATTACHMENTS

4.FINANCIAL IMPACT

Not applicable.

5.RECOMMENDED ACTION

Motion to receive and file report.



Item 9.a.

OLD BUSINESS

Removal of RETGAC Member

**Town of Loxahatchee Groves, Florida
Town Council**

AGENDA ITEM REPORT

AGENDA ITEM NO. 9.a.

MEETING DATE: 1/6/2015

PREPARED BY: Mike Cirullo, Town Attorney

SUBJECT: Reconsideration of Membership on RETGAC

1.BACKGROUND/HISTORY

Legislative Update: At the December 16, 2014 Town Council Meeting, the Council voted to reconsider the RETGAC member removal. The subsequent action is to ratify the action taken at the November 4, 2014.

Problem Statement: Town Councilman requests removal of his member from the Roadway, Equestrian Trails and Greenway Advisory Committee.

Problem Solution: Town Council vote to remove member.

At the Council meeting of December 16, 2014, the Town Council reconsidered its action regarding the removal of a member from the Roadway, Equestrian Trail and Greenway Advisory Committee. The motion to reconsider was approved.

2.CURRENT ACTIVITY

Town Council should take a new action.

3.ATTACHMENTS

None

4.FINANCIAL IMPACT

Not applicable.

5.RECOMMENDED ACTION

Town Council determine action regarding the removal of Roadway, Equestrian Trails and Greenway Advisory Committee member.



Item 10.a.

NEW BUSINESS

Remove 200-foot portion of West D Road

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT
AGENDA ITEM NO. 10.a.
MEETING DATE: 1/6/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: Consideration to Remove West D Road West from Gas Tax Map.

1.BACKGROUND/HISTORY

Problem Statement: The Town received a request from the Loxahatchee Groves Water Control District (WCD) to remove the southern portion of West D Road from the Gas Tax Map

Problem Solution: Town Council needs to determine the answer of the request.

The Town received a code enforcement complaint regarding fence enclosure of the southern portion of West D Road at the offices of the WCD. Subsequent to the complaint, code enforcement staff determined that a public road is dedicated on the east of the property.

2.CURRENT ACTIVITY

The Town received a response from the WCD Administrator indicating the road in question was not in the purview of the Town's code enforcement compliance based on the opinion of the WCD's attorney.

Town staff submitted a response to the Administrator indicating the Town has and is receiving funds from the State based on that mileage as it was submitted by the WCD at the time of the Town's incorporation. Additionally, staff advised that Town Council past actions indicated that either the WCD relocate the fence or the WCD request the Town remove this portion from the gas tax map.

The Town has received a letter dated December 12, 2014; request the removal of a 200-foot portion of West D Road from the Gas Tax Map.

3.ATTACHMENTS

- Letter Requesting Removal
- Email to District Administrator with Options
- Sketch Boundary Survey by Horizon Surveyors, Inc., dated June 4, 1998
- Chain Sheet for Caldwell Pacetti Edwards Schoech & Viator, P. A., prepared by Kim Mangerian dated October 9, 2014 by Attorneys' Title Fund Services, LLC

4.FINANCIAL IMPACT

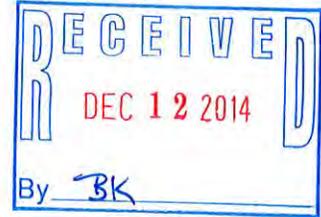
Estimated revenue should be reduced by approximately \$117 per year.

5.RECOMMENDED ACTION

Council provides direction to staff and Town Attorney regarding the removal of this section from the gas tax map.



LOXAHATCHEE GROVES WATER CONTROL DISTRICT



December 12, 2014

VIA HAND-DELIVERY

William F. Underwood, ICMA-CM
Town Manager
Town of Loxahatchee Groves
14579 Southern Boulevard, Suite 2
Loxahatchee, Florida 33470

RE: REQUEST FOR REMOVAL OF 200-FOOT PORTION OF WEST "D" ROAD ON DISTRICT'S PROPERTY FROM TOWN'S GAS TAX MAP TO SATISFY THE SEPTEMBER 12, 2014 CODE COMPLIANCE AFFIDAVIT OF COMPLAINT ISSUED BY THE TOWN OF LOXAHATCHEE GROVES

Dear Bill:

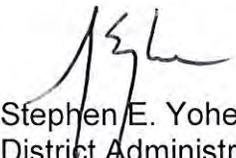
The District requests that the 200-foot portion of West "D" Road on the District's property be removed from the Town's Gas Tax Map.

We trust that this will resolve the September 12, 2014 Code Compliance Affidavit of Complaint issued by the Town.

Please let me know if you have any questions.

Thank you.

Sincerely,
LOXAHATCHEE GROVES WATER CONTROL DISTRICT


Stephen E. Yohe, P.E.
District Administrator

SEY/lrb

cc: Perla Underwood, Town of Loxahatchee Groves
Russ Elgin, Town of Loxahatchee Groves
Michael D. Cirullo, Jr., Esquire, Goren, Cherof, Doody & Ezrol, P.A.
Mary M. Viator, Esquire, Caldwell Pacetti Edwards Schoech & Viator, LLP
John Weig, Esquire, Caldwell Pacetti Edwards Schoech & Viator, LLP

Perla D. Underwood

20140395

To: yohe@lgwcd.org
Cc: Bill Underwood (wunderwood@loxahatcheegrovesfl.gov); mcirullo@cityatty.com;
russ@tewardtaylor.com
Subject: RE: Town of Loxahatchee Groves September 12, 2014 Code Compliance- Affidavit of
Complaint Regarding District Property/30-Foot Easement Along East Property Line

Steve:

Please understand that the matter in question **does** come under the Town's jurisdiction as that portion of West D Road is identified as a **public road** and included since 2007 as part of the Town's road system and the Town has collected gas tax revenues from the State of Florida through the years.

As you know, the listing of Town roads was prepared by the District and provided for the Town's use in its submission to PBC and the State of Florida to include as the Town's lane miles at the time of incorporation. The portion of West D Road that is in question was included as part of the **Loxahatchee Groves Roadway Mileage** that was prepared by the District.

The fence in question has closed off West D Road and is not accessible by the Public.
Based on past Town Council action, we would recommend:

- The District relocate the fence to the appropriate location, or
- Request the Town abandon that portion of West D Road from its Gas Tax before the April 2015 deadline to the County.

Perla

From: Russ Elgin [<mailto:russ@tewardtaylor.com>]
Sent: Monday, December 01, 2014 12:58 PM
To: punderwood@loxahatcheegrovesfl.gov
Subject: FW: Town of Loxahatchee Groves September 12, 2014 Code Compliance- Affidavit of Complaint Regarding District Property/30-Foot Easement Along East Property Line

From: Stephen Yohe [<mailto:yohe@lgwcd.org>]
Sent: Monday, December 1, 2014 10:58 AM
To: Russ Elgin
Cc: 'Mary M Viator'; 'John A Weig'; 'William (Bill) Underwood, II'
Subject: Town of Loxahatchee Groves September 12, 2014 Code Compliance- Affidavit of Complaint Regarding District Property/30-Foot Easement Along East Property Line

Russ,

The District's attorney has advised the referenced does not fall under The Town's Code Compliance. Therefore, we consider the matter closed.

Please let me know if you agree or disagree.

Thanks.

Steve

Reid 9/12/14 from
Mr. Coke - District Supervisor

HORIZON SURVEYORS, INC.

(407) 798-4001

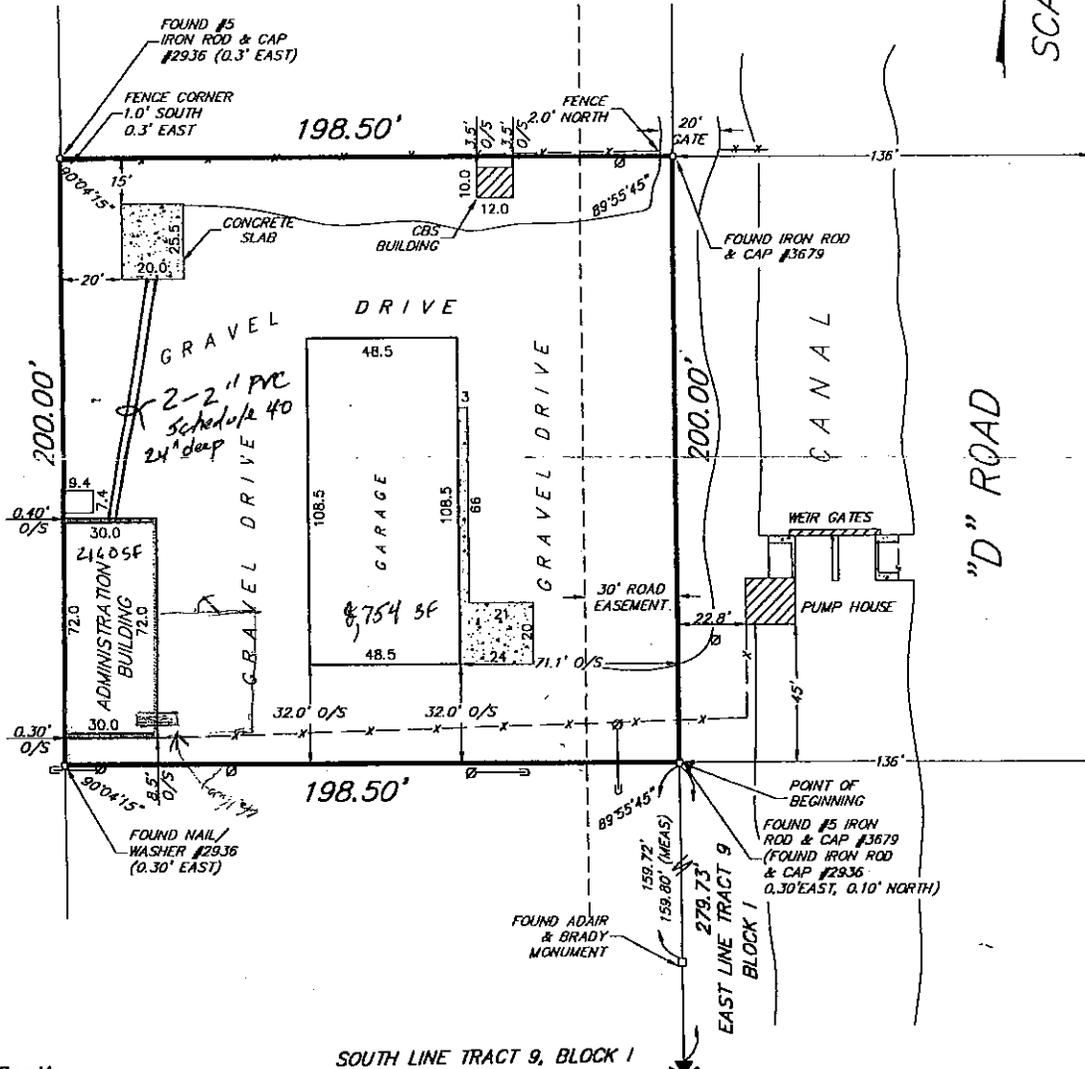
19336 47TH PLACE NORTH, LOXAHATCHEE, FLORIDA 33470

SKETCH OF BOUNDARY SURVEY

LEGAL DESCRIPTION:

A PARCEL OF LAND IN TRACT 9, BLOCK 1, LOXAHATCHEE GROVES AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF TRACT 9, BLOCK 1, THENCE NORTH ALONG THE EAST LINE A DISTANCE OF 279.73 FEET TO THE POINT OF BEGINNING; THENCE 89°55'45" FROM SOUTH TO WEST A DISTANCE OF 198.5 FEET TO A POINT; THENCE 89°55'45" FROM EAST TO NORTH A DISTANCE OF 200.00 FEET TO A POINT; THENCE 90°04'15" FROM SOUTH TO EAST A DISTANCE OF 198.5 FEET TO A POINT IN THE EAST LINE OF TRACT 9, BLOCK 1, THENCE 89°55'45" FROM WEST TO SOUTH A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

SCALE: 1" = 40'



SOUTH LINE TRACT 9, BLOCK 1

SOUTHEAST CORNER TRACT 9, BLOCK 1

Certification:

I hereby certify that this survey is true and correct to the best of my knowledge and belief and that it meets the Florida Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

By: *[Signature]*
FLORIDA REGISTERED LAND SURVEYOR #4225 MYRON W. BLOW

0.9114 Ac

NOT VALID WITHOUT INK SIGNATURE AND EMBOSSED SEAL OF CERTIFYING SURVEYOR.

SURVEY DATE: 6/4/98

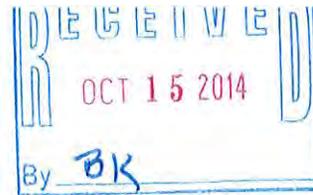
UPDATES and/or REVISIONS	DATE	BY	CK'D

NOTE: Horizon Surveyors, Inc. and certifying surveyor make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others thru appropriate title verification. Lands shown hereon were not obstructed for right-of-way and/or easements of record.

DRAWN BY: 0
CHECKED BY: MB
F.B. F-2 P.G. 7
PROJECT NO. 98-075

Underground utilities not located except as shown.

CHAIN SHEET



14-395

Fund File Number: 06-2014-010294

Provided For: Caldwell Pacetti Edwards Schoech & Viator P.A.

Agent's File Reference: LGWCD

Effective Dates: From June 5, 1925 at 8:00 AM

To September 24, 2014 at 11:00 PM

Description of Real Property Situated in Palm Beach County, Florida.

See Exhibit A attached.

NOTE: The purpose of this search is to identify ownership and rights over the East 30 feet of Parcels 1 and 2 as described on Exhibit A attached hereto.

The entries on the following page(s) affecting the above-described property have been recorded among the Official Records of the county during the time period covered by this search. This chain is prepared in the same manner as our abstracts as indicated by our certificate and does not alleviate the necessity of an examination of the complete instruments or court proceedings indexed.

A 20-year name search has been performed on parties acquiring an interest within the time period covered by this search. Parties acquiring interests prior to the beginning date of this search and continuing in said interest after the beginning date of this search, have been searched from the beginning date.

The information provided herein does not include a search of federal liens and judgment liens filed with the Florida Department of State pursuant to Sec. 713.901, et seq., F.S., and Sec. 55.201, et seq., F.S., respectively, which designate the Florida Department of State as the place for filing federal liens and judgment liens against personal property. For insuring purposes:

- (a) Pursuant to Sec. 713.901, et seq., F.S., personal property includes, but is not limited to, mortgages, leaseholds, mortgages on leaseholds, interests in cooperative associations, vendees' interests, and options when those interests are held by a partnership, corporation, trust or decedent's estate; and
- (b) Pursuant to Sec. 55.201, et seq., F.S., personal property includes, but is not limited to, leaseholds, interests in cooperative associations, vendees' interests, and options regardless of the type of entity holding such interests, including individuals. (Note: Mortgages have been specifically excluded from the personal property interests in which a judgment lien may be acquired under the provisions of Sec. 55.201, et seq., F.S.)

Prepared this 9th day of October, 2014.

Attorneys' Title Fund Services, LLC

Prepared by: Kim Mangerian
Phone Number: 640-3700 EXT 6421

CHAIN SHEET

Fund File Number: 06-2014-010294

1. **Book and Page:** PB 12/29 **TOI:** PLAT **DOF:** 6/5/1925
First Party: Palm Beach Loxahatchee Company Inc.
Second Party: Loxahatchee Groves
2. **Book and Page:** DB 971/267 **TOI:** Warranty Deed **DOF:** 2/19/1952
First Party: Palm Beach Loxahatchee Company
Second Party: T.G. Thorgeson (W100' of E140' of S150' Pcl 1)
3. **Book and Page:** DB 1024/394 **TOI:** R/W Deed **DOF:** 7/14/1953
First Party: T.G. Thorgeson
Second Party: County of Palm Beach (That portion of above described property lying South of SR80 in Pcl 1)
4. **Book and Page:** DB 1165/594 **TOI:** Warranty Deed **DOF:** 12/7/1956
First Party: Palm Beach Loxahatchee Company
Second Party: T.G. Thorgeson (W25' of E165' of S150' Less SR 80 in Pcl 1)
5. **Book and Page:** OR 41/193 **TOI:** Quit Claim Deed **DOF:** 4/9/1957
First Party: Palm Beach Loxahatchee Company
Second Party: Bensel (OGM interests W125' of E165' of S150' Less SR 80 in Pcl 1)
6. **Book and Page:** OR 41/195 **TOI:** Warranty Deed **DOF:** 4/9/1957
First Party: T.G. Thorgeson
Second Party: Standard Oil Company (W125' of E165" of S150' Less SR 80 in Pcl 1)
7. **Book and Page:** OR 81/234 **TOI:** Warranty Deed **DOF:** 7/22/1957
First Party: Standard Oil Company
Second Party: Palm Beach Loxahatchee Company (W125' of E165' of S150' Less SR 80 in Pcl 1)
8. **Book and Page:** DB 1005/577 **TOI:** Right of Way Deed **DOF:** 1/28/1953
First Party: Palm Beach Loxahatchee Company
Second Party: County of Palm Beach (S32.01' Tr 9 Less Deed Book 971-267)
9. **Book and Page:** OR 81/649 **TOI:** Quit Claim Deed **DOF:** 7/23/1957
First Party: Palm Beach Loxahatchee Company
Second Party: Bensel, et al (Pcls 1 and 2)
10. **Book and Page:** OR 83/676 **TOI:** Special Warranty Deed **DOF:** 7/29/1957
First Party: Palm Beach Loxahatchee Company
Second Party: Bensel, et al (Pcls 1 and 2)
11. **Book and Page:** OR 147/452 **TOI:** Warranty Deed **DOF:** 1/20/1958
First Party: Bensel, et al
Second Party: Loxahatchee Investments, Inc., Number Eleven (Pcls 1 and 2)
12. **Book and Page:** OR 173/61 **TOI:** Warranty Deed **DOF:** 3/26/1958
First Party: Bensel, et al
Second Party: Loxahatchee Investments, Inc., Number Eleven (Pcls 1 and 2)

CHAIN SHEET

Fund File Number: 06-2014-010294

35. **Book and Page:** OR 4786/1618 **TOI:** Declaration of Restrictions **DOF:** 2/6/1986
First Party: American Real Estate Trading, Inc.
Second Party: Pcl 1
36. **Book and Page:** OR 4910/643 **TOI:** Easement **DOF:** 6/17/1986
First Party: Eugene A. Conti, as Trustee for American Real Estate Trading, Inc.
Second Party: Florida Power & Light Company (10' strip lying South of and adjacent to Pcl)
37. **Book and Page:** OR 5047/66 **TOI:** Right of Way Resolution **DOF:** 10/22/1986
First Party: State of Florida Department of Transportation
Second Party: SR 80
38. **Book and Page:** OR 5047/67 **TOI:** Right of Way Resolution **DOF:** 10/22/1986
First Party: State of Florida Department of Transportation
Second Party: SR 80
39. **Book and Page:** OR 5139/1465 **TOI:** R/W Warranty Deed **DOF:** 1/13/1987
First Party: William C. Hammond, Trustee and Individually
Second Party: Palm Beach County (S125' of Pcl 1 for SR 80)
40. **Book and Page:** OR 5316/368 **TOI:** Agreement **DOF:** 6/16/1987
First Party: American Real Estate Trading, Inc.
Second Party: Palm Beach County Health Department (Pcl 1)
41. **Book and Page:** OR 5427/705 **TOI:** Unity of Title **DOF:** 9/23/1987
First Party: Eugene A. Conti, as Trustee for American Real Estate Trading, Inc.
Second Party: Pcl 1
42. **Book and Page:** OR 6074/1948 **TOI:** Removal Agreement **DOF:** 5/23/1989
First Party: Eugene A. Conti, Trustee
Second Party: Palm Beach County (Pcl 1)
43. **Book and Page:** OR 6096/400 **TOI:** Developer Agreement **DOF:** 6/13/1989
First Party: American Real Estate Trading, Inc.
Second Party: Village of Royal Palm Beach (Pcl 1)
44. **Book and Page:** OR 6099/276 **TOI:** Easement **DOF:** 6/15/1989
First Party: Eugene A. Conti, Trustee
Second Party: Bernard A. Heeke, Trustee (Pcl 1)
45. **Book and Page:** OR 6443/236 **TOI:** Certificate of Title **DOF:** 5/4/1993
First Party: Clerk Circuit Court
Second Party: Great Life Savings Association (Pcl 1)
46. **Book and Page:** OR 6639/376 **TOI:** Receiver's Deed **DOF:** 11/9/1990
First Party: RTC , receiver for Great Life Savings Association
Second Party: Great Life Federal Savings Association (Pcl 1)

CHAIN SHEET

Fund File Number: 06-2014-010294

47. **Book and Page:** OR 6969/315 **TOI:** Easement **DOF:** 9/26/1991
First Party: RTC, receiver for Great Life Federal Savings Association
Second Party: Loxahatchee Groves Water Control District (E30' N120' Pcl 1)
48. **Book and Page:** OR 7390/1137 **TOI:** Quit Claim Deed **DOF:** 9/11/1992
First Party: RTC, receiver for Great Life Savings Association
Second Party: RTC, receiver for Great Life Federal Savings Association (Pcl 1)
49. **Book and Page:** OR 7390/1143 **TOI:** Special Warranty Deed **DOF:** 9/11/1992
First Party: RTC, receiver for Great Life Federal Savings Association
Second Party: Yee's Corp. (Pcl 1)
50. **Book and Page:** OR 9111/393 **TOI:** Lease **DOF:** 2/5/1996
First Party: Yee's Corp
Second Party: PCS PrimeCo, L.P. (Pcl 1)
51. **Book and Page:** OR 22555/937 **TOI:** Cross Access Easement Agreement **DOF:** 4/4/2008
First Party: Akram Ayesh and Muean Ayesh
Second Party: Akram Ayesh and Samerra Ayesh (Benefits Pcl 1)
52. **Book and Page:** OR 1864/662 **TOI:** Boundary Line **DOF:** 12/31/1970
First Party: Loxahatchee Sub-Drainage District
Second Party: Pcls 1 and 2
53. **Book and Page:** OR 17664/583 **TOI:** Water Agreement **DOF:** 10/21/2004
First Party: Palm Beach County
Second Party: Village of Royal Palm Beach (Pcls 1 and 2)
54. **Book and Page:** OR 23112/1837 **TOI:** Water Agreement **DOF:** 3/6/2009
First Party: Palm Beach County
Second Party: Town of Loxahatchee Groves (Pcls 1 and 2)
55. **Book and Page:** OR 1524/481 **TOI:** Warranty Deed **DOF:** 5/10/1967
First Party: Loxahatchee Investments, Inc., Number Twelve
Second Party: Findley (AM 809-10)

NOTE: Shown as a reference. This parcel is the East 190 ' of the North 289.82' of the South 889.60' situate directly North of and Adjacent to Parcel 1. This is the first Deed out of Loxahatchee Investments, Inc. Number Twelve and contains Subject To language for an easement for road purposes over the Easterly 30' but does not contain Together With language for a 30' road easement across Pcls 1 or 2.

CHAIN SHEET

Fund File Number: 06-2014-010294

Arthur I. Murray, Trustee is the last common owner of Parcels 1 and 2 by virtue of Warranty Deed recorded in O.R. Book 3147, Page 1238. This Deed recites 'subject to a 30' easement for road purposes over the Easterly 30 feet'. This is the first document that references this easement.

Arthur I. Murray, Trustee, granted an Easement for right-of-way to Loxahatchee Groves Water Control District over the East 30 feet of Parcel 1 by O.R. Book 3147, Page 1241.

RTC, etc granted an Easement to Loxahatchee Groves Water Control District over a portion of Parcel 1 that includes the East 30 feet of the North 120 feet in O.R. Book 6969, Page 315 that includes the right to enter, grade, level, fill, drain, pave, build, maintain, repair and rebuild a public road or highway.

Ownership of the 30 foot strip in question has traveled with each parcel and each parcel is subject to the easements contained in Deeds and Easements of record.

CHAIN SHEET

Fund File Number: 06-2014-010294

EXHIBIT A

PARCEL 1

A parcel of land in Tract 9, Block I, LOXAHATCHEE GROVES, according to the Plat thereof, as recorded in Plat Book 12, at Page 29, of the Public Records of Palm Beach County, Florida; said parcel being more particularly described as follows:

Beginning at the Southeast corner of Tract 9, Block I, LOXAHATCHEE GROVES, and the North right-of-way line of State Road #80 (Southern Boulevard); thence West along the North right-of-way line of State Road #80, a distance of 722.65 feet to a point; thence $89^{\circ}24'30''$ from East to North, a distance of 301.19 feet to a point; thence $88^{\circ}30'00''$ from South to West, a distance of 150.05 feet to a point; thence $88^{\circ}30'00''$ from East to North, a distance of 300.92 feet to a point in the centerline of West Tangerine Road; thence, $90^{\circ}35'30''$ from South to East, a distance of 867.20 feet to a point in the East line of Tract 9, Block I; thence $89^{\circ}55'45''$ from West to South, a distance of 120.00 feet to a point; thence $90^{\circ}04'15''$ from North to West, a distance of 198.50 feet to a point; thence $90^{\circ}04'15''$ from East to South, a distance of 200.0 feet to a point; thence $89^{\circ}55'45''$ from North to East, a distance of 198.50 feet to a point in the East line of Tract 9; thence $89^{\circ}55'45''$ from West to South, a distance of 279.73 feet to the POINT OF BEGINNING.

LESS, HOWEVER, the Southerly 125 feet thereof for road right-of-way.

ALSO, LESS, a parcel of land in Tract 9, Block I, LOXAHATCHEE GROVES, according to the plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 12, at Page 29; said parcel being more particularly described as follows:

Commencing at the Southeast corner of said Tract 9; thence, Westerly, along the South line of said Tract 9, a distance of 722.65 feet to a point; thence Northerly along a line at an angle to the South line of said Tract 9 of $89^{\circ}24'30''$, as measured from East to North, a distance of 125.01 feet to the POINT OF BEGINNING; thence, continue Northerly, along said line, a distance 195.01 feet to a point; thence, Easterly along a line parallel to the South line of said Tract 9, a distance of 237.01 feet to a point; thence, Southerly at an angle to the preceding line of $89^{\circ}24'30''$, as measured from West to South, a distance of 195.01 feet to a point on a line 125.00 feet North of, as measured at right angles to, and parallel with the South line of said Tract 9; thence, Westerly, along said parallel line, a distance of 237.01 feet to the POINT OF BEGINNING.

ALSO, LESS, a parcel of land in Tract 9, Block I, LOXAHATCHEE GROVES, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, in Plat Book 12, at Page 29; said parcel being more particularly described as follows:

Commencing at the Southeast corner of said Tract 9; thence, Westerly, along the South line of said Tract 9, a distance of 485.64 feet; thence Northerly, along a line at an angle to the South line of said Tract 9 of $89^{\circ}24'30''$, as measured from East to North, a distance of 125.01 feet to the POINT OF BEGINNING; thence, continue Northerly, along said line, a distance of 273.00 feet; thence, Easterly along a line parallel to the South line of said Tract 9, a distance of 160.00 feet; thence, Southerly at an angle to the preceding line of $89^{\circ}24'30''$, as measured from West to South, a distance of 273.00 feet to a point on a line 125.00 feet North of, as measured at right angles to and parallel with the South line of said Tract 9; thence, Westerly, along said parallel line a distance of 160.00 feet to the POINT OF BEGINNING.

CHAIN SHEET

Fund File Number: 06-2014-010294

PARCEL 2

A parcel of land in Tract 9, Block I, Loxahatchee Groves, as recorded in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida being described as follows:
Commencing at the Southeast corner of Tract 9, Block I; thence North along the East line a distance of 279.73 feet to the Point of Beginning; thence $89^{\circ} 55' 45''$ from South to West a distance of 198.5 feet to a point; thence $89^{\circ} 55' 45''$ from East to North a distance of 200.0 feet to a point; thence $90^{\circ} 04' 15''$ from South to East a distance of 198.5 feet to a point In the East line of Tract 9, Block I; thence $89^{\circ} 55' 45''$ from West to South a distance of 200.0 feet to the Point of Beginning.



Item 10.b.

NEW BUSINESS

Request to transfer B Road to Town

Town of Loxahatchee Groves, FLORIDA Town Council AGENDA ITEM REPORT

AGENDA ITEM NO. 10.b.

MEETING DATE: 1/6/2015

PREPARED BY: Perla D. Underwood

SUBJECT: Request Conveyance of south B Road from LGWCD

1.BACKGROUND/HISTORY

Problem Statement: South “B” Road must be designated a Town Road before commencement of improvements by the Town.

Problem Solution: Town Council requests the LGWCD to authorize the transfer of south “B” Road after the “B” Road Easement Map is completed and recorded to the Town.

2.CURRENT ACTIVITY

The Town is working with the developers on proposed projects at Southern Boulevard and “B” Road that will be providing funds to the Town to resurface “B” Road from Southern Boulevard to Okeechobee Boulevard.

In order for the Town to oversee and accept the improvements on “B” Road, transfer of the road must be completed by the LGWCD.

3.ATTACHMENTS

Draft Letter from Town Attorney Mike Cirullo to LGWCD Attorney Mary Viator

4.FINANCIAL IMPACT

Not applicable.

5.RECOMMENDED ACTION

Authorize the Town Attorney to submit the request for the transfer of South “B” Road to the Town.



**GOREN CHEROF
DOODY & EZROL P.A.**
ATTORNEYS AT LAW

January 7, 2015

Mary Viator, Esquire
Caldwell Pacetti Edwards Schoech & Viator LLP
One Clearlake Centre
250 South Australian Avenue, Suite 600
West Palm Beach, Florida 33401

RE: Town of Loxahatchee Groves/"B" Road

Dear Mary:

The Town is working with the developers on proposed projects at Southern Boulevard and "B" Road, which will include, as conditions of approval for each project, the improvement of "B" Road from Southern Boulevard to Okeechobee Boulevard. Pursuant to the proposed conditions of approval, the portions of "B" Road from the entrance onto the new Palm Beach State College Campus on "B" Road north to Okeechobee Boulevard is to be resurfaced by the Town using funds provided by the developers of the projects.

The current policy and understanding between the Loxahatchee Groves Water Control District and the Town of Loxahatchee Groves is that roads designated as District Roads would be transferred to the Town after being resurfaced. However, in this particular case, in order for the Town to oversee and accept the improvements on "B" Road to be completed by the developers and Palm Beach State College for the southernmost portion of "B" Road, north to the proposed entrance to PBSC, and for the Town to complete the resurfacing work of "B" Road from that point north to Okeechobee Boulevard itself, the Town will need the District to transfer "B" Road after the "B" Road Easement Map is completed and recorded, but prior to the commencement of any resurfacing work.

The Town Council has requested that the District Board of Supervisors authorize the transfer of "B" Road to the Town upon receipt by the District Administrator of the written request of the Town Manager, subsequent to the recordation of the Easement Map for "B" Road.

{00043369.1 1574-1004800 }

Please reply to Fort Lauderdale Office

Fort Lauderdale Office

3099 E. Commercial Blvd., Suite 200, Fort Lauderdale, FL 33308. T 954-771-4500 | F 954-771-4925

Delray Beach Office

76 N.E. Fifth Avenue, Delray Beach, FL 33483. T 561-276-9400

www.cityatty.com

Mary Viator, Esquire
Caldwell Pacetti Edwards Schoech & Viator LLP
January 7, 2015
Page 2

Upon your receipt of this request, please contact me should you have any questions or require any additional information.

Sincerely,

MICHAEL D. CIRULLO, JR.
Town Attorney, Town of Loxahatchee Groves

cc: Mayor David Browning
Members of the Town Council
William Underwood, II, Town Manager