



**TOWN OF LOXAHATCHEE GROVES**

**TOWN COUNCIL MEETING**

**AGENDA**

**TUESDAY, MAY 17, 2016**

*Mayor David Browning (Seat 4)*

*Vice-Mayor Tom Goltzené (Seat 5)*

*Councilman Ronald D. Jarriel (Seat 1)*

*Councilman Ryan Liang (Seat 3)*

*Councilman Todd McLendon (Seat 2)*



**Town of Loxahatchee Groves**  
**Town Council Meeting**  
**Tuesday, May 17, 2016 - 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.)*

Town Hall, 155 "F" Road  
 Loxahatchee Groves, Florida 33470

<b>Mayor David Browning (Seat 4)</b> <b>Vice Mayor Tom Goltzené (Seat 5)</b> <b>Councilman Ronald D. Jarriel (Seat 1)</b> <b>Councilman Ryan Liang (Seat 3)</b> <b>Councilman Todd McLendon (Seat 2)</b>	<b>Town Manager William F. Underwood, II</b> <b>Town Attorney Michael D. Cirullo, Jr.</b> <b>Town Clerk Virginia M. Walton</b> <b>Town Planning Consultant Jim Fleischmann</b>
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**PUBLIC NOTICE/AGENDA**

**1. OPENING**

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

<b>MOTION</b>	<b>SECOND</b>	<b>VOTE</b>
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**2. PUBLIC COMMENTS**

**3. CONSENT AGENDA**

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: April 19, 2016 Special Town Council Meeting  
                   April 19, 2016 Regular Town Council Meeting
- b. RESOLUTION NO. 2016-36 (ILA Surtax)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,  
 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT  
 WITH PALM BEACH COUNTY FOR THE PURPOSE OF DISTRIBUTION OF

PROCEEDS FROM A ONE-CENT SURTAX FOR INFRASTRUCTURE IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

c. RESOLUTION NO. 2016-37 (Change Orders)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING CHANGE ORDER NO. 1 FOR “C” ROAD/GRUBER LANE, IN THE AMOUNT OF \$1,625.00; AND APPROVING CHANGE ORDER NO. 2 FOR “D” ROAD/TRIPP ROAD, IN THE AMOUNT OF \$1,650.00, FOR THE DRAINAGE IMPROVEMENTS CONTRACT AWARDED TO WBI CONTRACTING OF PALM BEACH INC. UNDER BID NO. 2016-003, AND AUTHORIZING THE EXECUTION OF THE CHANGE ORDERS; AND PROVIDING FOR AN EFFECTIVE DATE.

d. RESOLUTION NO. 2016-38 (maintenance maps)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE ROADWAY MAP FOR THE FOLLOWING ROADS REGULARLY MAINTAINED OR REPAIRED FOR AT LEAST THE IMMEDIATE PAST SEVEN (7) YEARS BY THE TOWN OF LOXAHATCHEE GROVES: 11TH TERRACE (BLOCK C), 12TH PLACE NORTH (BLOCK E), 14TH PLACE NORTH (BLOCK E), 17TH ROAD NORTH (BLOCK B), 21ST ROAD NORTH (BLOCK C), 22ND COURT NORTH (BLOCK F), 22ND ROAD NORTH (BLOCK C), 22ND ROAD NORTH (BLOCK E), 22ND ROAD NORTH (BLOCK F), 23RD COURT NORTH (BLOCK E), 24TH CIRCLE NORTH (BLOCK C), 24TH COURT NORTH (BLOCK C), 24TH COURT NORTH (BLOCK D), 24TH COURT NORTH (BLOCK E, EAST OF E ROAD), 24TH COURT NORTH (BLOCK E, WEST OF F ROAD), 24TH COURT NORTH (BLOCK F), BIDDIX ROAD (BLOCK D), BRYAN ROAD (BLOCK F), BUNNY LANE (BLOCK C), (WILSON) CASEY ROAD (BLOCK F), COMPTON ROAD (BLOCK F), EAST CITRUS DRIVE (BLOCK K), EDITH ROAD (BLOCK E), FARLEY ROAD (BLOCK E), FLAMINGO DRIVE (BLOCK C), FOREST LANE (BLOCK B), FOX TRAIL (BLOCK E), GRUBER LANE, (BLOCK C), HYDE PARK ROAD (BLOCK E), KAZEE ROAD (BLOCK G), KERRY LANE (BLOCK E), LOS ANGELES DRIVE (BLOCK B), MARCELLA BOULEVARD (BLOCK F), MARCH CIRCLE (BLOCK F), MORROW COURT (BLOCK B), PARADISE TRAIL (BLOCK C), RACKLEY ROAD (BLOCK F), RAYMOND DRIVE (BLOCK F), ROBERTS WAY (BLOCK B), SAN DIEGO DRIVE (BLOCK B), SCOTTS PLACE (BLOCK B), TEMPLE DRIVE (BLOCK I), TIMBERLANE PLACE (BLOCK B), WILLIAMS DRIVE (BLOCK B); AUTHORIZING THE MAYOR AND TOWN CLERK TO CERTIFY THE ROADWAY MAPS ACCEPTED HEREBY; AUTHORIZING THE FILING OF THE ROADWAY MAPS IN THE OFFICE OF THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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4. **PRESENTATIONS – none scheduled**

**5. COMMITTEE REPORTS – none scheduled**

**6. PUBLIC HEARINGS - ORDINANCES**

a. ORDINANCE NO. 2016-02 (Charter Amendment - Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED “ELECTIONS,” TO AMEND SUBSECTION (5) ENTITLED “TOWN CANVASSING BOARD,” TO PROVIDE FOR THE TOWN CLERK, COUNTY SUPERVISOR OF ELECTIONS AND A CITIZEN REPRESENTATIVE, SATISFYING THE QUALIFICATIONS IN THE CHARTER, TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS THE TOWN’S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, INCLUDING DELEGATING CERTAIN DUTIES TO THE SUPERVISOR OF ELECTIONS; 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 STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>ROLL CALL VOTE</b>
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b. ORDINANCE NO. 2016-03 (Charter Amendment – Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED “ADMINISTRATIVE,” TO AMEND SUBSECTION (3) ENTITLED “TOWN MANAGER” TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; 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, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER;

PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>ROLL CALL VOTE</b>
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c. ORDINANCE NO. 2016-04 (Charter Amendment – Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED “BUDGET AND APPROPRIATIONS,” TO DELETE SUBSECTION (6) ENTITLED “REVENUE BONDS; LEASE-PURCHASE CONTRACTS,” WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE 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 STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>ROLL CALL VOTE</b>
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d. ORDINANCE NO. 2016-05 (Code Amendment - Second Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO ENACT SEXUAL OFFENDER AND PREDATOR PROHIBITIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES OR SIMILAR CRIMES IN OTHER JURISDICTIONS FROM LIVING OR WORKING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM WORKING AT OR WITHIN SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; TO PROHIBIT RENTING OR LEASING OF ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>ROLL CALL VOTE</b>
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**7. MANAGER'S REPORT – Town Manager Underwood**

- a. Agenda Item Report – Updates on various activities and issues concerning the Town
- b. Palm Beach Sheriff's Office District 15 Monthly Report for April 2016

**8. OLD BUSINESS**

- a. RESOLUTION No. 2016-21 (Site Plan) – **QUASI-JUDICIAL HEARING**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "F" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>ROLL CALL VOTE</b>
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- b. RESOLUTION NO. 2016-32 (Appointment P&Z)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_ AND \_\_\_\_\_, AS ALTERNATE MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>VOTE</b>
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- c. RESOLUTION NO. 2016-33 (Appointment FAAC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_, AS A VOTING MEMBER OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>VOTE</b>
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- d. RESOLUTION NO. 2016-34 (Appointment RETRAG)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_ AS A VOTING MEMBER OF THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (RETAG), TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>VOTE</b>
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e. RESOLUTION NO. 2016-35 (Appointment ULDC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_, AS A REGULAR VOTING MEMBER, AND APPOINTING \_\_\_\_\_ AS AN ALTERNATE MEMBER OF THE TOWN'S ULDC ADVISORY COMMITTEE, TO SERVE TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

<b>MOTION</b>	<b>SECOND</b>	<b>VOTE</b>
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f. Discussion and Direction on FAAC Investment Recommendations

**9. NEW BUSINESS – none scheduled**

**10. COUNCIL REPORTS**

- a. Council Member Todd McLendon
  - 1. Discussion and Direction on Solid Waste removal town-wide.

**11. CLOSING COMMENTS**

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

**13. ADJOURNMENT**

*The next regular Town Council Meeting is tentatively scheduled for JUNE 21, 2016.*

**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.



# Town of Loxahatchee Groves

## Special Town Council Meeting

Tuesday, May 3, 2016, 6:00 p.m.

Town of Loxahatchee Groves Town Offices, 155 F Road  
Loxahatchee Groves, Florida 33470

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

Town Manager William F. Underwood, II  
Town Clerk Virginia Walton  
Town Attorney Michael D. Cirullo, Jr.

### MINUTES

#### **1. OPENING OF PUBLIC MEETING – Town of Loxahatchee Groves Office**

##### a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 6:01 p.m. Present were Mayor David Browning, Vice-Mayor Tom Goltzené, Councilmen Ronald D. Jarriel, Ryan Liang and Todd McLendon. Also present was Virginia Walton, Town Clerk who opened and closed the meeting.

Town Attorney Mike Cirullo opened the proceedings at 6:05 p.m. for the Attorney Client, read the instructions for the Special Town council Meeting, and called roll for the remainder of the attendees: Also present were Michael D. Cirullo, Town Attorney; Town Manager William F. Underwood, II, and Victoria Paez, Court Reporter.

#### **2. PROFESSIONAL SERVICES GROUP, INC. vs. TOWN OF LOXAHATCHEE GROVES/ CASE NO. 50 2016CA003979XXXXMB**

F. S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

#### **The Town Council Mayor Shall Announce:**

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:

David Browning, Mayor  
Tom Goltzené, Vice Mayor  
Ron Jarriel, Council Member  
Todd McLendon, Council Member  
Ryan Liang, Council Member  
Michael D. Cirullo, Jr., Town Attorney

William F. Underwood, II, Town Manager  
Court Reporter Victoria Paez

d.) The Special Town Council Meeting will adjourn and the persons listed above will enter into the Closed-Door Attorney/Client Session.

**3. CONVENE ATTORNEY-CLIENT SESSION**

**4. RE-OPENING OF PUBLIC MEETING AND ANNOUNCEMENT OF TERMINATION OF ATTORNEY-CLIENT SESSION**

- a.) Call to Order
- b.) Town Council Mayor to Announce the Termination of the Attorney/Client Session
- c.) Possible Direction from Town Council

The above announcements were made. Town Attorney Mike Cirullo closed the Attorney Client Session at 6:49 pm.

**5. ADJOURNMENT**

**Motion:** Council Member Liang made a motion to adjourn the Special Meeting. Council Member Jarriel seconded the motion. Upon vote the motion passed 5 – 0. Meeting was adjourned at 6:50 pm.

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Virginia M. Walton, Town Clerk

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David Browning, Mayor



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, May 3, 2016 at 7:00 p.m.

### MINUTES

#### 1. OPENING

##### a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Tom Goltzené and Council Members Ronald Jarriel, Ryan Liang and Todd McLendon. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton.

##### b. Pledge of Allegiance & Invocation – Mayor Browning

##### c. Approval of the Agenda

Addendum #1 revised language for Ordinance No. 2016-02 Charter Amendment for Canvassing Board; and Addendum #2 corrected heading for AIR for Item #9c Appointment of ULDC Committee members.

Item #8a would be continued to the May 17, 2016 agenda at the request of the Applicant.

Item #9a would be pulled from the agenda pursuant to SB 2156 (2011) Section 252.363, Florida Statutes.

**Motion:** a motion to approve the agenda, as revised, was made by Council Member Liang and seconded by Council Member Jarriel. Motion passed 5 – 0.

#### 2. PUBLIC COMMENTS

Keith Harris, C Road, commented on the families that would be under financial distress for the next 12 months because of the assessment for the culvert failing at F Road and 1wth Place North. This was caused by ESI, Inc. operating without a permit and using heavy trucks daily that ruined the road. Mr. Harris felt the Town should pay, not the families.

Bill Louda again asked that the RETRAG Committee become active. Marge Herzog, A Road, announced American Legion Auxiliary Meeting for tomorrow and Cletus Keaton stated he was still waiting for his records request.

Attorney Jeff Kurtz stated he represented Mark Jackson, who was contesting his road as being a public road pursuant to 95.361 Florida Statutes. Client is stating that the Town had not maintained the road.

### **3. CONSENT AGENDA**

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: April 19, 2016 Town Council Meeting
- b. March/April Invoices for Goren, Cherof, Doody & Ezrol, PA

**Motion:** a motion to approve the consent agenda as presented was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 5 – 0.

### **4. PRESENTATIONS**

- a. Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2015 –  
Terry Morton, Nowlen Holt & Miner

Mr. Morton advised the Council that the audit went smoothly and was a clear audit with no audit comments. There was good cash reserves and good internal control compliance. It was expected the Town would again gain the Excellence Award, which it had received last year as well. The only budget item that went over was transportation. The original budgeted amount was okay, but too much had been cut, which caused this line item to go over. Council Member Jarriel asked if Mr. Morton's Firm was in communication with the IOG, since Loxahatchee Groves had been one of the towns chosen for their audit this year. Mr. Morton responded their Firm was not in communication with the IOG.

### **5. COMMITTEE REPORTS**

- a. Finance Advisory and Audit Committee (FAAC) Report  
Anita Kane, Chair

Ms. Kane was unable to attend the meeting; therefore Manager Underwood presented the report. Manager Underwood stated the reports were within the expected revenues and expenditures. A later report would show the amendments made by the Town Council, and the Committee wanted to bring back the investments recommendations for further discussion. Vice Mayor Goltzené asked if Council wanted to discuss. Consensus was to bring back to the next meeting.

### **6. PUBLIC HEARINGS - ORDINANCES**

- a. ORDINANCE NO. 2016-02 (Charter Amendment - First Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED "ELECTIONS," TO AMEND SUBSECTION (5) ENTITLED "TOWN CANVASSING BOARD," TO PROVIDE FOR THE TOWN CLERK, AND TWO OTHER MEMBERS TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS

THE TOWN'S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, 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, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised the Council that this Charter Amendment Ordinance would remove all elected officials from the Canvassing Board and two members would be appointed each year by resolution to serve with the Town Clerk as the Canvassing Board. It was anticipated, even though not specifically noted, that one of those members would be the Supervisor of Elections, and/or her designee. This ordinance would also state that any member appointed to the canvassing board could not be an active participant in for the election they would serve the board for. Council Member Jarriel asked if they could appoint two citizen members, since he had already spoken to Dennis Lipp about serving. Attorney Cirullo responded it was possible as the ordinance was written. There were no public comments.

**Motion:** a motion to approve the ordinance on first reading was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

b. ORDINANCE NO. 2016-03 (Charter Amendment – First Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED "ADMINISTRATIVE," TO AMEND SUBSECTION (3) ENTITLED "TOWN MANAGER" TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; 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, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised the Council that this Charter Amendment Ordinance would

basically take the qualifications and some of the duties of the Town Manager out of the Charter and have them adopted by ordinance. Manager Underwood added that this language would be more in line with most other municipal charters and would also conform more to the way the Town does business.

**Motion:** a motion to approve the ordinance on first reading was made by Council Member Liang and seconded by Council Member McLendon.

Vice Mayor Goltzené brought up the idea of also adding to this an additional amendment to the section of the Charter which required the hiring and firing of Charter Officers, being the Town Manager and Town Attorney, to be by super majority vote. Currently, it was only super majority for firing, not hiring. After discussion by all Council Members, there was a split consensus on whether this should be added or if this would be a separate issue that needed more discussion before moving forward. Council Member McLendon then withdrew his second to the motion. There was no public comments.

**Motion:** a motion to approve the ordinance as presented on first reading was made by Council Member Liang and seconded by Council Member Jarriel. Motion passed 3 – 2, with Vice Mayor Goltzené and Council Member McLendon dissenting.

c. ORDINANCE NO. 2016-04 (Charter Amendment – First Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED “BUDGET AND APPROPRIATIONS,” TO DELETE SUBSECTION (6) ENTITLED “REVENUE BONDS; LEASE-PURCHASE CONTRACTS,” WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE 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 STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised the Council that this Charter Amendment Ordinance would remove the requirement for a referendum ballot for all borrowing and would put the Town policies in conformity with State Law. Council Member Jarriel stated the Town needed decent roads and drainage and that could not be accomplished with the present restriction of loan repayment within 36 month deadline.

The gas tax money received by the Town would be sufficient if designated as repayment costs of any loans, which would enable to the Town to move forward with much needed

infrastructure improvements. Attorney Cirullo added that if the State stopped any source of funding that was designated for loan repayment, the State was obligated to find an alternate source of funding. Council Member Liang felt it was a good idea to place this before the voters as this would indicate how the people really felt about getting this work done. Council Member McLendon felt the Town already had the money and didn't need to borrow. Mayor Browning added that the original incorporation group did not want the Town in debt; however, this idea was an excellent leverage for financing improvements. There were no public comments.

**Motion:** a motion to approve the ordinance on first reading was made by Council Member Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

d. ORDINANCE NO. 2016-05 (Code Amendment - First Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO ENACT SEXUAL OFFENDER AND PREDATOR PROHIBITIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES OR SIMILAR CRIMES IN OTHER JURISDICTIONS FROM LIVING OR WORKING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM WORKING AT OR WITHIN SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; TO PROHIBIT RENTING OR LEASING OF ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised the Council this Ordinance would place residential restrictions on sexual predators and offenders. The State Statutes had set a 1,000 foot restriction; however, this Town ordinance would set 2,500 feet. This ordinance would also prohibit companies sending workers with predator or offender convictions into the Town. Realtors also could not rent to anyone with these convictions. This ordinance was consistent with cases that had been upheld in Appeals Courts. This ordinance, however, could not be used against existing residents. Vice Mayor Goltzené stated it was now important to get the trails designated as parks so that they would be included in these restrictions. Mayor Browning noted that some charges were vague sometimes, but this was a good step for the Town.

Phyllis Manglia wanted to know how this would be monitored when it came to seasonal rentals and trailers. Would the Realtors go through the Town? Town Attorney Cirullo responded that parole officers normally check with Town's as to their laws, and it was a crime for the convicted person not to keep their registration current.

**Motion:** a motion to approve the ordinance on first reading was made by Vice Mayor Goltzené and seconded by Council Member Liang. Motion passed 5 – 0.

## 7. **MANAGER'S REPORT** – Town Manager Underwood

### a. Agenda Item Report – Updates on various activities and issues concerning the Town

- Regarding non-motorized trails, the District had declined to meet with the School on their concerns
- Bergeron was now trimming, starting with the worst roads first, and had completed about six miles to date. Because of the revised pricing agreement, the Town had saved \$10,500.
- A policy was needed for a mechanism to deal with road privatization and maintenance
- Big Dog Ranch – response to complaints had found that there were two documents from the County that had not gone through the Town, for temporary trailers and electric. They also had puppy pods in operation now, which were not permitted. Water hook-ups were not confirmed yet.
- The paperwork was being finalized for the contract with Hardrives
- A budget calendar would be submitted at the next council meeting
- Thanks to Bergeron for free tree removal by the Town Hall flag pole
- Reminder that there were still positions open on several committees: two alternates for the P&Z Board, a nomination from Council Member Liang for the FAAC and a nomination from Council Member McLendon for the RETRAG Committee.

Regarding Big Dog Ranch, the Council was divided as to whether to cite them and shut down the electric to the property, or give them the benefit of the doubt as good neighbors. It was suggested that they come in for a Special Exception for some of the activities going on.

Keith Harris, Phyllis Manglia and Thais Gonzalez offered comments on the situation with Big Dog Ranch.

### b. Palm Beach County Fire Rescue Monthly Reports for March 2016

[This item was continued to the May 17, 2016 agenda](#)

## 8. **OLD BUSINESS**

### a. RESOLUTION No. 2016-21 (Site Plan) – **QUASI-JUDICIAL HEARING**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “F” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

## 9. **NEW BUSINESS**

[This item was pulled from the agenda pursuant to SB 2156 \(2011\) Section 252.363, Florida Statutes, based on the declaration of a state of emergency by Governor Rick Scott through](#)

Executive Order Number 16-30, which became effective on February 3, 2016, allowing for an automatic grant of a 243 day extension.

a. RESOLUTION NO. 2016-29 (permit extension)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DAY PROPERTY SITE PLAN EXTENSION, FOR LAND OWNED BY WILLIE H. AND FRANKIE J. DAY, CONSISTING OF 9.3 ACRES MORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

b. RESOLUTION NO. 2016-30 (amendment to contract)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND UNDERWOOD MANAGEMENT SERVICES; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Underwood stated this amendment was to comply with the Council's request that he secure new code enforcement services for the Town. The cost would be \$106,000 per year, which would include the code officer and a clerk to work with the code officer and keep all the code files. The only item not included was mileage reimbursement. They would work 3 days per week, flexible hours, and also work on the Town's outstanding complaints that have never made it to the Special Magistrate.

Council discussed the areas that they felt needed the attention of code enforcement. They wanted the Town's roads and properties cleaned up, and the Town needed to be pro-active instead of just waiting for a complaint to be filed. There was divided response to the costs. Council decided to prioritize issues to be address in order of importance: health/safety/garbage dumps/noise.

John Ryan and Phyllis Manglia commented on code enforcement in general and areas to be addressed.

**Motion:** a motion to approve the resolution and amended agreement was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 3 – 2, with Council Member Liang and Council Member McLendon dissenting.

c. RESOLUTION NO. 2016-31 (appoint ULDC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_ AND \_\_\_\_\_, AS  
VOTING MEMBERS OF THE ULDC ADVISORY COMMITTEE, TO SERVE  
TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016;  
PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member Jarriel nominated Karen Piesley; Vice Mayor Goltzené nominated Thais Gonzalez; Mayor Browning nominated Lawrence Corning and Council Member McLendon nominated Christine St. John. Council Member Liang did not have a nomination. There was discussion among Council about amending the resolution to include alternate members. After discussion, Council nominated Phyllis Manglia as an alternate member of the committee.

**Motion:** a motion to amend the resolution to include alternate members, approve the resolution and appoint the nominated residents was made by Council Member Liang and seconded by Council Member Jarriel. Motion passed 5 – 0.

## **10. COUNCIL REPORTS**

### a. Council Member Ron Jarriel

#### 1. Discussion and Direction on Water Control District Perpetual Permit for Maintenance of Easements

Council Member Jarriel stated the Town needed to get the trails started and should approve the Perpetual Permit as presented from the Water Control District. Their problems were not the Town's problems and he wasn't worried about the College suing the Town.

**Motion:** a motion to accept the WCD Perpetual Permit was made by Council Member Jarriel and seconded by Council Member Liang.

Council Member McLendon said he would go along with this if the Water Control District held the Town harmless. Town Attorney Cirullo stated that the College had tried to schedule a meeting with the Water Control District. Once the permit was active, the legal right exists then for the trail to be built on the College property and that was the issue the College was appealing. The District felt this was a Town issue and the College said otherwise. Mayor Browning suggested the Town have a separate agreement with the College that the Town would never build a trail on that easement. Town Attorney Cirullo would reach out to the College Attorney.

**Motion:** a vote was taken on the motion/second on the floor. Motion failed 2 – 3, with yes votes from Council Members Jarriel and Liang, and nay votes from Mayor Browning, Vice Mayor Goltzené and Council Member McLendon.

#### 2. Discussion and Direction on Town Acceptance of "F" Road

Vice Mayor Goltzené asked if the Water Control District was transferring F Road "as is". Consensus was that it would be that way.

**Motion:** a motion to accept F Road, subject to the condition that it be completed within 30 days, was made by Council Member Jarriel and seconded by Vice Mayor Goltzené. Motion passed 5 – 0.

## **11. CLOSING COMMENTS**

- a. Public
- b. Town Attorney

Town Attorney Cirullo advised the Council that he had attended the Sober House Summit, as part of approximately 25 cities. Basically, there would not be any changes in the Federal Law; however they were hoping to obtain a new Joint Statement through the DOJ, HUD and HHS with an updated interpretation that would give better direction to local governments regarding what they could and could not do for the sober homes in their boundaries.

- c. Town Council Members

Council Member McLendon asked that a resolution be brought back regarding RETRAG member appointments since his appointee had resigned to serve on the ULDC Committee.

Council Members Liang thanked everyone for coming.

Council Member Jarriel commented that he didn't like the response to public comments portion of the agenda being removed. Regarding 8<sup>th</sup> Place North, we all know the road was never maintained by the District or the Town so there will not be any records. Bergeron was doing an outstanding job trimming and hedging. Be safe everyone

Mayor Browning thanked everyone for coming, and added that 8<sup>th</sup> Place North had been on the Water Control District list as maintained for a very long time.

## **13. ADJOURNMENT**

Hearing no further business, a motion to adjourn the meeting was made at 9:28 PM.

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Virginia Walton, Town Clerk

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David Browning, Mayor

*These minutes were approved by the Town Council on Tuesday, \_\_\_\_\_2016.*

**Town of Loxahatchee Groves, Florida**  
**Town Council Agenda**  
**AGENDA ITEM REPORT**  
**ITEM NO. 3b**  
**DATE: 05/17/2016**

**PREPARED BY:** William F. Underwood, II

**SUBJECT:** Infrastructure Sales Tax

**1. BACKGROUND/HISTORY**

**Problem Statement:** Palm Beach County is seeking support to approve the infrastructure sales tax referendum being proposed by the County through a modified inter-local agreement (ILA) between the Town and Palm Beach County.

**Problem Solution:** Approve the ILA with Palm Beach County in support of a 1% infrastructure sales tax

The Town heard about this proposal several months ago when the Honorable County Commissioner McKinlay held a citizen workshop in Town hall.

The County Administrator enumerated many uses for the funding and identified the needs for infrastructure the county is experiencing.

The Town Council adopted Resolution 2016-18 in support of the Infrastructure Sales Tax on April 5, 2016.

**2. CURRENT ACTIVITY**

As indicated in the April 5<sup>th</sup> agenda, staff expected changes to occur relative to the uses of the funds through this referendum. The last structure is to include the School Board, Cultural Arts, Palm Beach County, and cities. Cities would be entitled to 18.5% of collected taxes.

The new structure allows for Cities to be entitled to 20% of collected taxes. This approximates to \$191,519 per year. This amount is expected to grow over time.

Just like the revenue from the gas tax, our portion is supplemented by taxpayers outside of the Town.

**3. ATTACHMENTS**

Resolution No. 2016-38  
Interlocal Agreement  
State Distribution Formula & 1 Year Estimate for Surtax Revenues

**4. FINANCIAL IMPACT**

Not applicable at the present time.

**5. RECOMMENDED ACTION**

Motion to adopt resolution 2016-38 authorizing the Mayor to execute the ILA.

**RESOLUTION NO. 2016-36**

**A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE PURPOSE OF DISTRIBUTION OF PROCEEDS FROM A ONE-CENT SURTAX FOR INFRASTRUCTURE IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to section 212.055(2), Florida Statutes 2015, Palm Beach County will impose a once percent (1%) local government infrastructure sales surtax upon taxable transactions occurring in Palm Beach County, and distribution of the proceeds from the Surtax will be subject to the outcome of a countywide referendum on November 8, 2016; and

**WHEREAS**, Municipalities within Palm Beach County, along with the Palm Beach County School Board, are eligible to receive a portion of the Surtax; and

**WHEREAS**, the Town of Loxahatchee Groves desires to work together with Palm Beach County to promote the numerous essential public services provided by the County, the Municipalities and the School Board which are detailed in the attached interlocal agreement; and

**WHEREAS**, it is in the best interests of the Town, and its residents, for the Town to enter into this Interlocal Agreement with Palm Beach County.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF TOWN OF LOXAHATCHEE GROVES, FLORIDA, as follows:**

**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.** Adoption of this resolution and Interlocal Agreement will supersede and replace Resolution No. 2016-18 and the Interlocal Agreement approved thereby.

**Section 3.** The Town of Loxahatchee Groves, Florida hereby agrees to the terms and conditions of that certain Interlocal Agreement with Palm Beach County, a copy of which is

attached hereto as **Exhibit “A”**, and which is incorporated herein by reference, and further authorizes the Mayor and appropriate Town Officials to execute and deliver said Interlocal Agreement to Palm Beach County, along with a certified copy of this Resolution.

**Section 3.** This Resolution shall take effect immediately upon its passage.

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RONALD JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_\_\_ DAY OF MAY 2016.**

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Virginia M. Walton, Town Clerk

\_\_\_\_\_  
Vice-Mayor Tom Goltzené

\_\_\_\_\_  
Council Member Ronald Jarriel

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Todd McLendon

**INTERLOCAL AGREEMENT AMONG PALM BEACH COUNTY, THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, AND THE SIGNATORY MUNICIPALITIES PERTAINING TO THE SHARED DISTRIBUTION AND USE OF THE ONE CENT LOCAL GOVERNMENT INFRASTRUCTURE SURTAX**

**THIS INTERLOCAL AGREEMENT** (“Agreement”) is made and entered into as of this \_\_\_ day of \_\_\_\_\_, 2016, by and between **PALM BEACH COUNTY** (“County”), a political subdivision of the State of Florida, **THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA**, a corporate body politic of the state of Florida (“School Board”), and the signatory municipalities (collectively referred to hereinafter as “**MUNICIPALITIES**”):

**WITNESSETH:**

**WHEREAS**, pursuant to section 212.055(2), Florida Statutes (2015), the County intends to authorize by Ordinance the imposition of a one percent (1.0%) local government infrastructure sales surtax (“Surtax”) upon taxable transactions occurring in Palm Beach County and has provided for distribution of the proceeds from the Surtax subject to the outcome of a countywide referendum on November 8, 2016; and

**WHEREAS**, the Municipalities are located within Palm Beach County, are eligible to receive a portion of the Surtax, represent a majority of the County’s municipal population, and desire to jointly establish with the County the distribution formula for the proceeds of the Surtax in accordance with section 212.055(2)(c)(1), Florida Statutes (2015); and

**WHEREAS**, section 212.055(2)(c)(1), Florida Statutes (2015), provides that this Agreement may include a school district with the consent of the county governing authority and

the governing bodies of the municipalities representing a majority of the county's municipal population; and

**WHEREAS**, the parties to this Agreement desire to work together in order to promote the safe, efficient, and uninterrupted provision of numerous essential public services provided by the County, the Municipalities, and the School Board, including but not limited to providing improvements to district-owned school buildings, equipment, technology and security; purchasing school buses; repairing, constructing and equipping roads, bridges, sidewalks, streetlights, signalization, parks, recreational and governmental facilities, drainage, and wastewater facilities; and purchasing public safety vehicles and equipment; and

**WHEREAS**, the parties to this Agreement shall each be responsible for the adoption of project lists that will be funded from the Surtax Proceeds, subject to future revisions by the governing body of each applicable entity.

**NOW THEREFORE**, in consideration of the promises, covenants, and commitments contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged set forth herein, the parties agree as follows:

**SECTION 1. RECITALS.**

The foregoing recitals are true and correct and are hereby incorporated into and become a part of this Agreement.

**SECTION 2. TERM.**

This Agreement shall become effective when approved by the governing bodies of the County, the requisite number of Municipalities, and the School Board pursuant to section 212.055(2)(c)(1), Florida Statutes (2015). This Agreement shall remain in effect for the life of the Surtax imposed pursuant to the County Ordinance imposing the Surtax (the "Ordinance")

and until all Surtax Proceeds, as defined in Section 3 below, are expended by the respective parties.

**SECTION 3. DISTRIBUTION PERCENTAGES.**

(a) The Surtax Proceeds, defined as the collected Surtax less the amounts retained by the Florida Department of Revenue for administrative expenses pursuant to section 212.055(2), Florida Statutes (2015), derived from the Surtax levied and imposed by the County shall be distributed by the Department of Revenue directly to the parties to this Agreement as follows:

<b>Recipient</b>	<b>Share of Total Proceeds</b>
Palm Beach County	30.0%
School Board of Palm Beach County, Florida	50.0%
Municipalities within Palm Beach County	20.0% (to be divided proportionately among them based on population in the manner as set forth in Section 218.62(3), Florida Statutes; provided that the County's share received shall be as described herein and not pursuant to Section 218.62, Florida Statutes).

(b) Distribution of the Surtax Proceeds hereunder shall be made monthly by the Department of Revenue from the Discretionary Surtax Clearing Trust Fund directly to the County, the Municipalities, and the School Board as to their respective shares of Surtax Proceeds during the term of this Agreement commencing on or about January 2017 and each month thereafter during the term of this Agreement.

**SECTION 4. USE OF SURTAX PROCEEDS.**

The parties to this Agreement each certify that all Surtax Proceeds shall be expended

only as permitted by section 212.055(2), Florida Statutes and the ballot language of the November 8, 2016 referendum. The County, the Municipalities, and the School Board shall each be separately responsible for the adoption of project lists that will be funded from the Surtax Proceeds, subject to future revisions by the governing body of each applicable entity. Any future revisions of the resolution(s) of the individual parties shall not require an amendment to this Agreement or the joinder and consent of the other parties.

**SECTION 5. CREATION OF CITIZEN OVERSIGHT COMMITTEES.**

(a) The County, the Municipalities, and the School Board shall each separately provide for the creation of citizen oversight committees (“Committee” or collectively “Committees”) to provide for citizen review of their respective expenditure of Surtax Proceeds, as soon as possible after the Surtax becomes effective, but not later than the date on which Surtax funds are first expended. A Municipality may either participate in an oversight committee created by the Palm Beach League of Cities or create its own committee.

(b) The Committees shall serve as advisory and reporting bodies to the creating entities. Each creating entity shall establish specific duties and membership requirements governing Committee operations and participation.

(c) The Committees shall meet monthly, or as otherwise needed to fulfill their duties and responsibilities. Each Committee shall annually provide a report to the governing board of the entity which created it for acceptance.

(d) Committee members shall receive no compensation for the performance of their duties.

(e) The Committees, their members, and all their proceedings shall be governed by and comply with the provisions of the Florida Sunshine Law, Chapter 286, Florida Statutes, the

Florida Public Records Law, Chapter 119, Florida Statutes, and the Florida Ethics Code, Chapter 112, Florida Statutes, and all other applicable local or state statutes, ordinances, or rules.

**SECTION 6. MUTUAL COOPERATION.**

Each party agrees to work cooperatively and in good faith, individually and collectively, with the other parties to this Agreement on matters that are included and beyond the scope of this Agreement.

**SECTION 7. MISCELLANEOUS.**

(a) This Agreement is the entire agreement between the parties and all understandings and agreements are incorporated in this Agreement. This Agreement supersedes any prior agreements between the parties relating to Surtax.

(b) Nothing contained in this Agreement shall be construed to create the relationship of principal and agent, partnership, joint venture or any other relationship between the parties hereto.

(c) The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(d) Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request

served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

(e) In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not effect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

(f) This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida without regard to its conflict of laws provisions. The parties agree that any controversies or legal disputes arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Fifteenth Judicial Circuit of Palm Beach County, Florida.

(g) A copy of this Interlocal Agreement and all subsequent amendments hereto shall be filed with the Clerk of the Circuit Court of Palm Beach County, Florida, upon its execution by all parties hereto.

**SECTION 8. TERMINATION.**

This Interlocal Agreement shall automatically terminate and be null and void in the event that any one of the following events occurs. Termination of this Interlocal Agreement pursuant to this Section shall result in the ballot question referenced herein not appearing on the November 8, 2016 General Election Ballot.

(a) The Board of County Commissioners does not enact the Ordinance as presented and revised on first reading on May 3, 2016 and amended to include an early termination

provision, on or before June 7, 2016, that provides as follows: Alternatively, this Ordinance shall “sunset” in the event that the total aggregate distributions of Surtax proceeds equal or exceed the amount of \$2,700,000,000 on or before September 1 of any year during the term of this Ordinance, in which event the Board shall take all necessary action to repeal this Ordinance and notify the Florida Department of Revenue prior to the applicable deadline so that the Surtax will not continue for the following calendar year.; or

(b) Municipalities representing a majority of the County’s municipal population do not approve this Interlocal Agreement on or before June 10, 2016; or

(c) The Board of County Commissioners or any municipality required to achieve a majority of the County’s municipality population approves an amendment to this Interlocal Agreement or rescinds its approval thereof prior to the date of the final approval of the Ordinance by the Board of County Commissioners on or before June 10, 2016; or

(d) The Board of County Commissioners, prior to the date of the referendum, amends the Ordinance in any substantive way from the version enacted as described in (a) above.

**IN WITNESS WHEREOF**, the Parties hereto, through their duly authorized representative, have caused this Local Government Infrastructure Surtax Interlocal Agreement to be duly executed in counterparts by their respective and duly authorized officers as of the date set forth above.

**PALM BEACH COUNTY, FLORIDA**

By: \_\_\_\_\_  
Mary Lou Berger  
Mayor

(SEAL)

ATTEST:

Sharon R. Bock, Clerk & Comptroller  
Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

**THE SCHOOL BOARD OF PALM BEACH  
COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chuck Shaw, Chairman

By: \_\_\_\_\_  
Robert M. Avossa, Ed.D., Superintendent

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
School Board Attorney

|

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

By: \_\_\_\_\_  
Name: David Browning  
Title: Mayor

ATTEST:

By: \_\_\_\_\_  
Town Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Town Attorney

## Local Discretionary Sales Surtax

### State Distribution Formula & 1 Year Estimate from the 2015 Local Government Financial Handbook

2,691,486,189

Local Government	State Distribution Formula		One Cent Distribution		
	Distribution	Distribution	1 Year	10 Year	10 Year
	Percentage	Percentage	No Revenue Increase	3% Revenue Increase	
<b>PALM BEACH BOCC</b>	<b>59.318244</b>	<b>30.000%</b>	\$ 68,382,438	\$ 683,824,380	\$ 807,445,857
Atlantis	0.107709	0.0530%	\$ 120,699	\$ 1,206,995	\$ 1,425,194
Belle Glade	0.935553	0.4599%	\$ 1,048,388	\$ 10,483,885	\$ 12,379,157
Boca Raton	4.652370	2.2872%	\$ 5,213,482	\$ 52,134,823	\$ 61,559,734
Boynton Beach	3.844876	1.8902%	\$ 4,308,597	\$ 43,085,975	\$ 50,875,038
Briny Breeze	0.022122	0.0109%	\$ 24,790	\$ 247,897	\$ 292,712
Cloud Lake	0.007141	0.0035%	\$ 8,003	\$ 80,025	\$ 94,492
Delray Beach	3.366575	1.6551%	\$ 3,772,610	\$ 37,726,100	\$ 44,546,209
Glen Ridge	0.011759	0.0058%	\$ 13,177	\$ 131,771	\$ 155,592
Golf	0.013370	0.0066%	\$ 14,982	\$ 149,821	\$ 176,906
Greenacres	2.072028	1.0187%	\$ 2,321,930	\$ 23,219,302	\$ 27,416,877
Gulf Stream	0.052566	0.0258%	\$ 58,906	\$ 589,057	\$ 695,546
Haverhill	0.105722	0.0520%	\$ 118,473	\$ 1,184,732	\$ 1,398,907
Highland Beach	0.192276	0.0945%	\$ 215,466	\$ 2,154,660	\$ 2,544,178
Hypoluxo	0.143469	0.0705%	\$ 160,772	\$ 1,607,722	\$ 1,898,365
Juno Beach	0.171497	0.0843%	\$ 192,180	\$ 1,921,805	\$ 2,269,228
Jupiter	3.074644	1.5116%	\$ 3,445,470	\$ 34,454,700	\$ 40,683,406
Jupiter Inlet Colony	0.021263	0.0105%	\$ 23,827	\$ 238,270	\$ 281,344
Lake Clarke Shores	0.180410	0.0887%	\$ 202,169	\$ 2,021,686	\$ 2,387,165
Lake Park	0.455159	0.2238%	\$ 510,054	\$ 5,100,545	\$ 6,022,619
Lake Worth	1.955674	0.9615%	\$ 2,191,543	\$ 21,915,435	\$ 25,877,298
Lantana	0.572210	0.2813%	\$ 641,223	\$ 6,412,234	\$ 7,571,435
Loxahatchee Groves	0.170906	0.0840%	\$ 191,519	\$ 1,915,186	\$ 2,261,413
Manalapan	0.021907	0.0108%	\$ 24,549	\$ 245,490	\$ 289,870
Mangonia Park	0.105883	0.0521%	\$ 118,654	\$ 1,186,537	\$ 1,401,039
North Palm Beach	0.654093	0.3216%	\$ 732,981	\$ 7,329,814	\$ 8,654,895
Ocean Ridge	0.095574	0.0470%	\$ 107,101	\$ 1,071,012	\$ 1,264,629
Pahokee	0.293112	0.1441%	\$ 328,464	\$ 3,284,638	\$ 3,878,433
Palm Beach	0.438675	0.2157%	\$ 491,583	\$ 4,915,825	\$ 5,804,506
Palm Beach Gardens	2.688266	1.3216%	\$ 3,012,492	\$ 30,124,923	\$ 35,570,894
Palm Beach Shores	0.061586	0.0303%	\$ 69,014	\$ 690,141	\$ 814,904
Palm Springs	1.121494	0.5513%	\$ 1,256,754	\$ 12,567,545	\$ 14,839,500
Riviera Beach	1.810970	0.8903%	\$ 2,029,387	\$ 20,293,874	\$ 23,962,592
Royal Palm Beach	1.947190	0.9573%	\$ 2,182,037	\$ 21,820,367	\$ 25,765,044
South Bay	0.161671	0.0795%	\$ 181,170	\$ 1,811,695	\$ 2,139,213
South Palm Beach	0.073130	0.0360%	\$ 81,950	\$ 819,505	\$ 967,654
Tequesta	0.302240	0.1486%	\$ 338,693	\$ 3,386,925	\$ 3,999,212
Wellington	3.175212	1.5610%	\$ 3,558,167	\$ 35,581,669	\$ 42,014,108
West Palm Beach	5.601454	2.7538%	\$ 6,277,033	\$ 62,770,335	\$ 74,117,929
<b>School District</b>		<b>50.000%</b>	<b>\$ 113,970,730</b>	<b>\$ 1,139,707,300</b>	<b>\$ 1,345,743,095</b>
<b>Economic Incentives</b>		<b>0.000%</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Countywide Total</b>	<b>100.000000</b>	<b>1.000000</b>	<b>\$ 227,941,460</b>	<b>\$ 2,279,414,600</b>	<b>\$ 2,691,486,189</b>

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT**  
**AGENDA ITEM NO. 3c**

MEETING DATE: 5/17/2016

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

**SUBJECT:** Change Orders – Gruber and C Road; Tripp and D Road

**1. BACKGROUND/HISTORY**

**Problem Statement:** Additional work needs to be completed on Bid No. 2016-003 beyond the scope of the bid.

**Problem Solution:** Approve change orders to Bid No. 2016-003.

The Town issued sealed bid number 2016-003 for construction of drainage improvement projects for two (2) road crossing culverts on C Road and Gruber Lane and pavement edge repairs and rip rap flume at D Road and Tripp Road which were due and opened Tuesday, March 22, 2016 at 2:00pm.

The Town Council awarded the bid at its April 5, 2016 meeting to WBI of West Palm, Inc. in the total amount of \$34,130.

- Gruber and C Road is \$27,460
- Tripp Road and D Road is \$6,670

**2. CURRENT ACTIVITY**

During a site visit with the contractor, the engineer two parties determined that a rubble flume will be needed for the two sites. Each flume area cost is \$25 per square foot. They are approximately 66 square feet in area.

**3. ATTACHMENTS**

Keshavarz & Associates Memorandum  
Change order for each location  
Resolution No. 2016-37

**4. FINANCIAL IMPACT**

Additional appropriation of:

- Gruber and C Road is \$1,625
- Tripp Road and D Road is \$1,650

Total additional expense is \$3,275.

**5. RECOMMENDED ACTION**

Motion to approve resolution 2016-37.

## TOWN OF LOXAHATCHEE GROVES

### RESOLUTION NO. 2016-37

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING CHANGE ORDER NO. 1 FOR “C” ROAD/GRUBER LANE, IN THE AMOUNT OF \$1,625.00; AND APPROVING CHANGE ORDER NO. 2 FOR “D” ROAD/TRIPP ROAD, IN THE AMOUNT OF \$1,650.00, FOR THE DRAINAGE IMPROVEMENTS CONTRACT AWARDED TO WBI CONTRACTING OF PALM BEACH INC. UNDER BID NO. 2016-003, AND AUTHORIZING THE EXECUTION OF THE CHANGE ORDERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, based on the Culvert Policy adopted by the Town Council, the Town Staff and Town Engineer have determined the need for culverts on “C” Road and Gruber Road, and for pavement edge repairs and rip rap flume at “D” Road and Tripp Road; and

**WHEREAS**, the Town Council awarded Bid No. 2016-003 to WBI Contracting of Palm Beach Inc, at its meeting on April 5, 2016, in the amount of \$27,460.00 “C” Road/Gruber Lane and in the amount of \$6,670.00 for “D” Road/Tripp Road, for a total amount of \$34,130.00; and

**WHEREAS**, WBI Contracting of Palm Beach Inc. had determined that a rubble flume would be needed at the Southeast corner of Gruber and C Road, for an additional amount of \$1,625.00; and

**WHEREAS**, WBI Contracting of Palm Beach Inc. had determined that the flume needed to be widened at D Road and Tripp Road, for an additional amount of \$1,650.00; and

**WHEREAS**, the Town Council finds it in the best interests of the Town to approve and authorize the execution of these Change Orders with WBI Contracting of Palm Beach Inc..

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

**Section 1.** Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

**Section 2.** The Town Council hereby approves and authorizes the execution of Change Order No. 1 in the additional amount of \$1,625.00 and Change Order No. 2 in the additional amount of

\$1,650.00. Funds have been budgeted through the Capital Improvement Fund.

**Section 3.** The Mayor and appropriate Town Officials are hereby authorized to execute any and all documents necessary, and the Town Clerk is instructed to deliver a copy of the signed Change Orders to WBI Contracting of Palm Beach Inc., along with a certified copy of this Resolution.

**Section 4.** This Resolution shall be effective immediately upon its adoption.

Council Member \_\_\_\_\_ offered the foregoing Resolution. Council Member \_\_\_\_\_ seconded the Motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RONALD JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_\_\_ DAY OF MAY 2016.**

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Virginia M. Walton, Town Clerk

\_\_\_\_\_  
Vice-Mayor Tom Goltzené

\_\_\_\_\_  
Council Member Ronald Jarriel

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Todd McLendon

**WBI** CONTRACTING OF PALM BEACH, INC.

1544 "B" Road  
LOXAHATCHEE, FL 33470  
PHONE 561-718-3319

EMAIL: jorgeperezatwbi@aol.com

## CHANGE ORDER REQUEST

Proposal submitted to: Town of Loxahatchee Groves  
155 F Road  
Loxahatchee, FL 33470  
Phone: 561-793-2418

April 18, 2016

Contact: Bill Underwood

Proposal submitted by Jorge Perez

Job Name: "C" Road & Gruber Rubble Flume

We offer the following proposal subject to the terms outlined as follows:

After our pre construction field meeting it was determined that a rubble flume would be needed at the S.E. corner of Gruber & C Road, to better drain the road. This change order is to install a 3' wide (at the top), and 5' wide (at the bottom) flume with a splash pad at the bottom.

Rubble flume 65 s.f. @ \$25.00 per s.f. = \$1,625.00

**TOTAL : \$1,625.00**

**\*The following are excluded unless specifically priced:**

Payment to be made as follows: Lump sum amount of \$1,625.00 Upon Completion.

PRICES VALID FOR 30 DAYS

Accepted by: \_\_\_\_\_

W.B.I.: \_\_\_\_\_

**WBI** CONTRACTING OF PALM BEACH, INC.

1544 "B" Road  
LOXAHATCHEE, FL 33470  
PHONE 561-718-3319

EMAIL [jorgeperczatwbi@aol.com](mailto:jorgeperczatwbi@aol.com)

**CHANGE ORDER REQUEST**

Proposal submitted to: Town of Loxahatchee Groves  
155 F Road  
Loxahatchee, Fl 33470  
Phone: 561-793-2418

April 18, 2016  
Proposal submitted by Jorge Perez  
Job Name: D Road & Tripp Road Rubble Flume

Contact: Bill Underwood

We offer the following proposal subject to the terms outlined as follows:

After our pre construction field meeting it was determined that the design of the flume was not wide enough. This change order is to widen the 2' flume an additional 4 feet.

Rubble flume 66 s.f. @ \$25.00 per s.f. = \$1,650.00

**TOTAL : \$1,650.00**

**\*The following are excluded unless specifically priced:**

Payment to be made as follows: Lump sum amount of \$1,650.00 Upon Completion.

PRICES VALID FOR 30 DAYS

Accepted by: \_\_\_\_\_

W.B.I.: \_\_\_\_\_

**Town of Loxahatchee Groves, Florida**  
**Town Council Agenda**  
**AGENDA ITEM REPORT**  
**ITEM NO. 3d**

MEETING DATE: ~~04/05/2016~~  
5/17/2016

PREPARED BY: William F. Underwood, II

**SUBJECT:** Town Road Right-of-Way Maintenance Maps and Specific Purpose Survey

**1. BACKGROUND/HISTORY**

**Legislative Update:** Staff has had several walk-in reviews of the road mapping. Comments can be generally categorized as acceptable. Some people did have a difficult time reviewing the documents on the website; however, most comments from that perspective can also be categorized as acceptable. The Town will be filing the maps and surveys with the Clerk of the Court after Council approval.

**Recommended Action:** Motion to approve resolution 2016-38

**Problem Statement:** Town to secure the right to access public Rights-of-ways for roads it currently maintains and has maintained for at least the past seven (7) years.

**Problem Solution:** Town needs to file the Town Road Rights-of Way Maintenance Maps and Specific Purpose Survey with the Palm Beach County Clerk of the Court.

On December 1, 2015 the Town Council authorized the preparation of Maintenance Maps and Specific Purpose Surveys for acquisition of 41 Roadways totaling 9.95 miles.

**2. CURRENT ACTIVITY**

Prior to the filing and recording of the Town Road Rights-of Way Maintenance Maps and Specific Purpose Survey with the Palm Beach County Clerk of the Court, the Town will make available the Maps and Survey to the public for the next 30 days for inspection. The Maps and Survey will be available for viewing on the Town's website, and for inspection at Town Hall. Town Hall is open Monday to Friday from 9:00 a.m. to 4:00 p.m.

Staff will provide Town Council with public comments received with respect to the maps and survey prior to filing and recording in the public records.

**3. ATTACHMENTS**

**4. FINANCIAL IMPACT**

Filing and recording fees

**5. RECOMMENDED ACTION**

For information purposes only. No specific action requested. The item will be placed on the May 2, 2016 Agenda for Town Council consideration.

**TOWN OF LOXAHATCHEE GROVES, FLORIDA**

**RESOLUTION NO. 2016 –38**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE ROADWAY MAP FOR THE FOLLOWING ROADS REGULARLY MAINTAINED OR REPAIRED FOR AT LEAST THE IMMEDIATE PAST SEVEN (7) YEARS BY THE TOWN OF LOXAHATCHEE GROVES: 11TH TERRACE (BLOCK C), 12TH PLACE NORTH (BLOCK E), 14TH PLACE NORTH (BLOCK E), 17TH ROAD NORTH (BLOCK B), 21ST ROAD NORTH (BLOCK C), 22ND COURT NORTH (BLOCK F), 22ND ROAD NORTH (BLOCK C), 22ND ROAD NORTH (BLOCK E), 22ND ROAD NORTH (BLOCK F), 23RD COURT NORTH (BLOCK E), 24TH CIRCLE NORTH (BLOCK C), 24TH COURT NORTH (BLOCK C), 24TH COURT NORTH (BLOCK D), 24TH COURT NORTH (BLOCK E, EAST OF E ROAD), 24TH COURT NORTH (BLOCK E, WEST OF F ROAD), 24TH COURT NORTH (BLOCK F), BIDDIX ROAD (BLOCK D), BRYAN ROAD (BLOCK F), BUNNY LANE (BLOCK C), (WILSON) CASEY ROAD (BLOCK F), COMPTON ROAD (BLOCK F), EAST CITRUS DRIVE (BLOCK K), EDITH ROAD (BLOCK E), FARLEY ROAD (BLOCK E), FLAMINGO DRIVE (BLOCK C), FOREST LANE (BLOCK B), FOX TRAIL (BLOCK E), GRUBER LANE, (BLOCK C), HYDE PARK ROAD (BLOCK E), KAZEE ROAD (BLOCK G), KERRY LANE (BLOCK E), LOS ANGELES DRIVE (BLOCK B), MARCELLA BOULEVARD (BLOCK F), MARCH CIRCLE (BLOCK F), MORROW COURT (BLOCK B), PARADISE TRAIL (BLOCK C), RACKLEY ROAD (BLOCK F), RAYMOND DRIVE (BLOCK F), ROBERTS WAY (BLOCK B), SAN DIEGO DRIVE (BLOCK B), SCOTTS PLACE (BLOCK B), TEMPLE DRIVE (BLOCK I), TIMBERLANE PLACE (BLOCK B), WILLIAMS DRIVE (BLOCK B); AUTHORIZING THE MAYOR AND TOWN CLERK TO CERTIFY THE ROADWAY MAPS ACCEPTED HEREBY; AUTHORIZING THE FILING OF THE ROADWAY MAPS IN THE OFFICE OF THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, Section 95.361, Florida Statutes, (the Statute) provides that when a municipality maintains a road for seven (7) years, the road shall be deemed dedicated to the public to the extent of the width of that has actually been maintained or repaired during that period of time by the municipality, and vest all rights in and to the road to the municipality; and,

**WHEREAS**, the Town of Loxahatchee Groves has maintained several roads within the Town for at least the past seven years; and,

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves authorized and directed the creation of maintenance maps for the roads it has been maintaining for at least the past seven (7) years, in order to file same with the clerk of the court pursuant to the Statute; and,

**WHEREAS**, the Town Council finds it in the best interest of the Town to accept the Roadway Maps for the roadway listed herein, and authorize the Mayor and Town Clerk to certify the Roadway Maps and authorize the filing of the Roadway Maps with the Clerk of the Circuit Courts for Palm Beach County, Florida.

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

**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 upon adoption hereof.

**Section 2.** The Town Council hereby accepts the Roadway Maps, as represented by the attached Cover Page for the Roadway Maps prepared by the Town Engineer at the direction and upon the authority of the Town Council, for the following roads within the Town:

- a. 11TH TERRACE (BLOCK C)
- b. 12TH PLACE NORTH (BLOCK E)
- c. 14TH PLACE NORTH (BLOCK E)
- d. 17TH ROAD NORTH (BLOCK B)
- e. 21ST ROAD NORTH (BLOCK C)
- f. 22ND COURT NORTH (BLOCK F)
- g. 22ND ROAD NORTH (BLOCK C)

- h. 22ND ROAD NORTH (BLOCK E)
- i. 22ND ROAD NORTH (BLOCK F)
- j. 23RD COURT NORTH (BLOCK E)
- k. 24TH CIRCLE NORTH (BLOCK C)
- l. 24TH COURT NORTH (BLOCK C)
- m. 24TH COURT NORTH (BLOCK D)
- n. 24TH COURT NORTH (BLOCK E, EAST OF E ROAD)
- o. 24TH COURT NORTH (BLOCK E, WEST OF F ROAD)
- p. 24TH COURT NORTH (BLOCK F)
- q. BIDDIX ROAD (BLOCK D)
- r. BRYAN ROAD (BLOCK F)
- s. BUNNY LANE (BLOCK C)
- t. (WILSON) CASEY ROAD (BLOCK F)
- u. COMPTON ROAD (BLOCK F)
- v. EAST CITRUS DRIVE (BLOCK K)
- w. EDITH ROAD (BLOCK E)
- x. FARLEY ROAD (BLOCK E)
- y. FLAMINGO DRIVE (BLOCK C)
- z. FOREST LANE (BLOCK B)
- aa. FOX TRAIL (BLOCK E)
- bb. GRUBER LANE, (BLOCK C)
- cc. HYDE PARK ROAD (BLOCK E)
- dd. KAZEE ROAD (BLOCK G)
- ee. KERRY LANE (BLOCK E)

- ff. LOS ANGELES DRIVE (BLOCK B)
- gg. MARCELLA BOULEVARD (BLOCK F)
- hh. MARCH CIRCLE (BLOCK F)
- ii. MORROW COURT (BLOCK B)
- jj. PARADISE TRAIL (BLOCK C)
- kk. RACKLEY ROAD (BLOCK F)
- ll. RAYMOND DRIVE (BLOCK F)
- mm. ROBERTS WAY (BLOCK B)
- nn. SAN DIEGO DRIVE (BLOCK B)
- oo. SCOTTS PLACE (BLOCK B)
- pp. TEMPLE DRIVE (BLOCK I)
- qq. TIMBERLANE PLACE (BLOCK B)
- rr. WILLIAMS DRIVE (BLOCK B)

**Section 3.** The Mayor and Town Clerk are authorized to certify the Roadway Maps for the Roads listed herein and accepted by this Resolution.

**Section 4.** The Town Manager and Town Attorney are authorized to file the Roadway Maps with the Clerk of Courts for the Circuit Court of Palm Beach County, Florida, and to otherwise take all steps necessary to effectuate the intent of this Resolution, including without limitation the payment of all costs and fees associated with the filing of the Roadway Maps.

**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 upon adoption.

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RONALD JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THIS \_\_\_\_\_ DAY OF MAY 2016.**

ATTEST: TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
Virginia Walton, Town Clerk

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice Mayor Tom Goltzene

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Jarriel

\_\_\_\_\_  
Council Member Liang

\_\_\_\_\_  
Council Member McLendon

# TOWN OF LOXAHATCHEE GROVES

## MAINTENANCE MAP SPECIFIC PURPOSE SURVEY

### ROADWAY MAINTENANCE ALONG AND FOR:

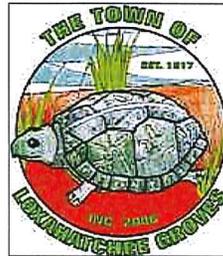
11TH TERRACE (BLOCK C), 12TH PLACE NORTH (BLOCK E), 14TH PLACE NORTH (BLOCK E), 17TH ROAD NORTH (BLOCK B), 21ST ROAD NORTH (BLOCK C), 22ND COURT NORTH (BLOCK F), 22ND ROAD NORTH (BLOCK C), 22ND ROAD NORTH (BLOCK E), 22ND ROAD NORTH (BLOCK E), 23RD COURT NORTH (BLOCK C), 24TH CIRCLE NORTH (BLOCK C), 24TH COURT NORTH (BLOCK C), 24TH COURT NORTH (BLOCK D), 24TH COURT NORTH (BLOCK E, EAST OF E ROAD), 24TH COURT NORTH (BLOCK E, WEST OF F ROAD), 24TH COURT NORTH (BLOCK F), BIDDIX ROAD (BLOCK D), BRYAN ROAD (BLOCK F), BUNNY LANE (BLOCK C), (WILSON) CASEY ROAD (BLOCK F), COMPTON ROAD (BLOCK F), EAST CITRUS DRIVE (BLOCK K), EDITH ROAD (BLOCK E), FARLEY ROAD (BLOCK E), FLAMINGO DRIVE (BLOCK C), FOREST LANE (BLOCK B), FOX TRAIL (BLOCK E), GRUBER LANE, (BLOCK C), HYDE PARK ROAD (BLOCK E), KAZEE ROAD (BLOCK G), KERRY LANE (BLOCK E), LOS ANGELES DRIVE (BLOCK B), MARCELLA BOULEVARD (BLOCK F), MARCH CIRCLE (BLOCK F), MORROW COURT (BLOCK B), PARADISE TRAIL (BLOCK C), RACKLEY ROAD (BLOCK F), RAYMOND DRIVE (BLOCK F), ROBERTS WAY (BLOCK B), SAN DIEGO DRIVE (BLOCK B), SCOTTS PLACE (BLOCK B), TEMPLE DRIVE (BLOCK I), TIMBERLANE PLACE (BLOCK B), WILLIAMS DRIVE (BLOCK B), ALL LYING WITHIN REPLAT OF LOXAHATCHEE DISTRICT SUBDIVISION, LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29, PUBLIC RECORDS IN AND FOR PALM BEACH COUNTY, FLORIDA.

STATE OF FLORIDA  
COUNTY OF PALM BEACH  
THIS PLAT WAS FILED  
FOR RECORD AT \_\_\_\_\_ M.  
THIS DAY OF \_\_\_\_\_, 2016  
AND DULY RECORDED IN PLAT  
NO. \_\_\_\_\_ ON PAGES \_\_\_\_\_  
THRU \_\_\_\_\_  
SHARON R. BUCK  
CLERK AND COMPTROLLER  
By \_\_\_\_\_ D.C.

### RIGHT-OF-WAY DEDICATION OF AREAS SHOWN HEREON BY MAINTENANCE:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA, ON THIS DATE RON JARRIEL, RYAN LIANG, TODD MCLENDON, VICE MAYOR TOM GOLTZENE AND MAYOR DAVID BROWNING, COUNCIL MEMBERS, TOGETHER WITH THE TOWN CLERK, DO HEREBY CERTIFY THAT THE TOWN ROADS HEREOFORER SHOWN AND DESIGNATED AS 11TH TERRACE (BLOCK C), 12TH PLACE NORTH (BLOCK E), 14TH PLACE NORTH (BLOCK E), 17TH ROAD NORTH (BLOCK B), 21ST ROAD NORTH (BLOCK C), 22ND COURT NORTH (BLOCK F), 22ND ROAD NORTH (BLOCK C), 22ND ROAD NORTH (BLOCK E), 23RD COURT NORTH (BLOCK C), 24TH CIRCLE NORTH (BLOCK C), 24TH COURT NORTH (BLOCK C), 24TH COURT NORTH (BLOCK D), 24TH COURT NORTH (BLOCK E, EAST OF E ROAD), 24TH COURT NORTH (BLOCK E, WEST OF F ROAD), 24TH COURT NORTH (BLOCK F), BIDDIX ROAD (BLOCK D), BRYAN ROAD (BLOCK F), BUNNY LANE (BLOCK C), (WILSON) CASEY ROAD (BLOCK F), COMPTON ROAD (BLOCK F), EAST CITRUS DRIVE (BLOCK K), EDITH ROAD (BLOCK E), FARLEY ROAD (BLOCK E), FLAMINGO DRIVE (BLOCK C), FOREST LANE (BLOCK B), FOX TRAIL (BLOCK E), GRUBER LANE (BLOCK C), HYDE PARK ROAD (BLOCK E), KAZEE ROAD (BLOCK G), KERRY LANE (BLOCK E), LOS ANGELES DRIVE (BLOCK B), MARCELLA BOULEVARD (BLOCK F), MARCH CIRCLE (BLOCK F), MORROW COURT (BLOCK B), PARADISE TRAIL (BLOCK C), RACKLEY ROAD (BLOCK F), RAYMOND DRIVE (BLOCK F), ROBERTS WAY (BLOCK B), SAN DIEGO DRIVE (BLOCK B), SCOTTS PLACE (BLOCK B), TEMPLE DRIVE (BLOCK I), TIMBERLANE PLACE (BLOCK B), WILLIAMS DRIVE (BLOCK B) ALL LYING WITHIN REPLAT OF LOXAHATCHEE DISTRICT SUBDIVISION, LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THE MAP TO WHICH THIS CERTIFICATE IS ATTACHED, HAS BEEN MAINTAINED, KEPT IN REPAIR AND WORKED CONTINUOUSLY AND UNINTERRUPTEDLY FOR A PERIOD OF MORE THAN SIX (6) YEARS BY THE TOWN OF LOXAHATCHEE GROVES OR THROUGH AN AGENT CONTRACTED BY THE TOWN TO PERFORM SUCH MAINTENANCE ON BEHALF OF THE TOWN TO THE EXTENT IN WIDTH AS SHOWN ON SAID MAP, AND RIGHT OF WAY AS SHOWN IS DEEMED TO BE DEDICATED TO THE PUBLIC. THE TITLE TO THE RIGHT OF WAY OF SAID ROADS HAS VESTED IN THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 85.361 (FORMERLY 337.11), FLORIDA STATUTES.



COUNCIL MEMBERS:  
MAYOR DAVID BROWNING  
VICE MAYOR TOM GOLTZENE  
RON JARRIEL RYAN LIANG  
TODD MCLENDON

DATE \_\_\_\_\_  
BY: MIRIONA WALTON  
TOWN CLERK  
DATE \_\_\_\_\_  
BY: DAVID BROWNING  
MAYOR

THIS IS TO CERTIFY THAT THE WIDTH AND EXTENT OF THE AREA SHOWN HEREON ARE A TRUE AND CORRECT REPRESENTATION OF THE AREAS ALONG THE ABOVE STATED TOWN ROADS THAT HAS BEEN CONTINUOUSLY MAINTAINED FOR A PERIOD OF MORE THAN SIX (6) YEARS BY THE TOWN OF LOXAHATCHEE GROVES OR THROUGH AN AGENT CONTRACTED BY THE TOWN TO PERFORM SUCH MAINTENANCE ON BEHALF OF THE TOWN TO THE EXTENT IN WIDTH AS SHOWN ON SAID MAP.

DATE \_\_\_\_\_  
BY: WILLIAM LASEWOOD  
TOWN MANAGER

### NOTES, COORDINATES, BEARINGS AND DISTANCES:

COORDINATES SHOWN ARE GRID DATUM = NAD 83 1990 ADJUSTMENT  
ZONE = FLORIDA EAST  
LINEAR UNIT = US SURVEY FEET  
COORDINATE SYSTEM IS THE STATE PLANE  
TRANSVERSE MERCATOR PROJECTION  
ALL DISTANCES ARE GRID  
SCALE FACTOR = 1.00000000  
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE  
BEARINGS AS SHOWN HEREON ARE GRID DATUM,  
NAD 83 1990 ADJUSTMENT, FLORIDA EAST ZONE.

### SURVEYOR'S CERTIFICATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I HEREBY CERTIFY THAT THE MAINTENANCE MAP AND SPECIFIC PURPOSE SURVEY PRESENTED HEREIN IS THE RESULT OF A FIELD SURVEY CONDUCTED UNDER MY DIRECTION. THIS MAP DEPICTS THE LOCATION OF PUBLIC RIGHTS-OF-WAY AND AREAS MAINTAINED BY TOWN FORCES FOR THE RIGHT-OF-WAY DEDICATION FOR THE ASSOCIATED ROADWAY CORRIDORS / MAINTENANCE LIMITS DEPICTED HEREON. THE MAP AND FIELD SURVEY MEET MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 55-17.050-052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE: \_\_\_\_\_  
SCOTT F. BRISON, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5991

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL, BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

### SURVEYOR'S NOTES:

- THIS IS A MAINTENANCE MAP / SPECIFIC PURPOSE SURVEY SHOWING THE MAINTAINED LIMITS OF 11TH TERRACE (BLOCK C), 12TH PLACE NORTH (BLOCK E), 14TH PLACE NORTH (BLOCK E), 17TH ROAD NORTH (BLOCK B), 21ST ROAD NORTH (BLOCK C), 22ND COURT NORTH (BLOCK F), 22ND ROAD NORTH (BLOCK C), 22ND ROAD NORTH (BLOCK E), 23RD COURT NORTH (BLOCK C), 24TH CIRCLE NORTH (BLOCK C), 24TH COURT NORTH (BLOCK C), 24TH COURT NORTH (BLOCK D), 24TH COURT NORTH (BLOCK E, EAST OF E ROAD), 24TH COURT NORTH (BLOCK E, WEST OF F ROAD), 24TH COURT NORTH (BLOCK F), BIDDIX ROAD (BLOCK D), BRYAN ROAD (BLOCK F), BUNNY LANE (BLOCK C), (WILSON) CASEY ROAD (BLOCK F), COMPTON ROAD (BLOCK F), EAST CITRUS DRIVE (BLOCK K), EDITH ROAD (BLOCK E), FARLEY ROAD (BLOCK E), FLAMINGO DRIVE (BLOCK C), FOREST LANE (BLOCK B), FOX TRAIL (BLOCK E), GRUBER LANE (BLOCK C), HYDE PARK ROAD (BLOCK E), KAZEE ROAD (BLOCK G), KERRY LANE (BLOCK E), LOS ANGELES DRIVE (BLOCK B), MARCELLA BOULEVARD (BLOCK F), MARCH CIRCLE (BLOCK F), MORROW COURT (BLOCK B), PARADISE TRAIL (BLOCK C), RACKLEY ROAD (BLOCK F), RAYMOND DRIVE (BLOCK F), ROBERTS WAY (BLOCK B), SAN DIEGO DRIVE (BLOCK B), SCOTTS PLACE (BLOCK B), TEMPLE DRIVE (BLOCK I), TIMBERLANE PLACE (BLOCK B), WILLIAMS DRIVE (BLOCK B) ALL LYING WITHIN REPLAT OF LOXAHATCHEE DISTRICT SUBDIVISION, LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
- THE MAINTENANCE LIMITS FOR THE ABOVE REFERENCED ROADWAYS WERE ESTABLISHED USING A COMBINATION OF CONVENTIONAL AND GPS SURVEYING PROCEDURES. GPS OBSERVATIONS WERE MADE WITH OUR TOPCON HYPER V GPS UNIT, IN CONJUNCTION WITH THE LENGTHMAN OF FLORIDA STATEWIDE GPS NETWORK. OBSERVATIONS MADE WITH A TOPCON TOTAL STATION ARE A DIRECT RESULT OF A SPECIFIC ROADWAY HAVING HEAVY TREE CANOPY EITHER DIRECTLY ABOVE OR ON A HORIZON ADJACENT TO THE MAINTENANCE LIMITS RESTRICTING OUR GPS UNIT FROM RECEIVING A SUFFICIENT "SATELLITE FIX". FOR CASES OF INSUFFICIENT "SATELLITE FIX", THE ESTABLISHMENT OF CONTROL POINTS IN "OPEN AREAS" ALONG THE SPECIFIC ROADWAY WAS NECESSARY AND AS SUCH, ALL CONTROL POINTS, EITHER FOUND OR ESTABLISHED, WAS OBSERVED WITH A GPS UNIT A MINIMUM OF TWO TIMES TO ACHIEVE A HIGH PROBABILITY FOR A HORIZONTAL ACCURACY OF +/- 0.12" AS FOR THE ROADWAYS WHERE THE MAINTENANCE LIMITS WERE LOCATED USING GPS METHODOLOGY, SURVEY PROCEDURES INCLUDED BEGINNING AND ENDING EACH ROADWAY WITH A "CHECK OBSERVATION" ON A PUBLISHED NATIONAL GEOGRAPHIC SURVEY OR PALM BEACH COUNTY GPS POINT AS PUBLISHED BY PALM BEACH COUNTY ENGINEERING DEPARTMENT AT: [HTTP://WWW.PBCGOV.COM/ENGINEERING/ROADWAYPRODUCTION/SURVEY/PDF/HORIZONTALCONTROLMAPMAP702002.PDF](http://www.pbcgov.com/engineering/ROADWAYPRODUCTION/SURVEY/PDF/HORIZONTALCONTROLMAPMAP702002.PDF). ALL CONTROL POINTS FOUND OR SET TO PREPARE THIS SURVEY ARE SHOWN HEREON. FOR ALL CONTROL POINTS SET AS REFLECTED HEREON, THE PUBLISHED VALUE IS AN AVERAGE OF TWO OBSERVATIONS.
- THE LIMITS OF MAINTENANCE FOR THE ROADS OUTLINED IN RIGHT-OF-WAY DEDICATION SHOWN HEREON ARE DERIVED FROM A FIELD SURVEY PERFORMED BY KESHAVARZ & ASSOCIATES, INC. AS DESCRIBED IN SURVEYOR'S NOTE #2 ABOVE. EDMAN ANTHONY OF FLORIDA, INC. HAS SIMILARLY PERFORMED SUCH SPECIFIC PURPOSE SURVEYS/MAINTENANCE MAPS TITLED AS FOLLOWS: (1) "...PORTIONS OF COLLECTING CANAL FROM B ROAD TO FOLSON ROAD...," RECORDED IN MISCELLANEOUS (MISC) PLAT BOOK 1, PAGE 146; (2) "...PORTIONS OF 'A' CANAL & COLLECTING CANAL, SOUTH OF COLLECTING CANAL & WEST OF 'B' ROAD...," RECORDED IN MISC. PLAT BOOK 1, PAGE 154; (3) "...PORTIONS OF 'A' ROAD, 'B' ROAD, 'C' ROAD, 'D' ROAD, 'E' ROAD, 'F' ROAD, FOLSON ROAD, WEST 'G' ROAD, EAST 'G' ROAD, 25TH STREET NORTH, AND (NORTH & SOUTH) NORTH ROAD...," RECORDED IN MISC. PLAT BOOK 2, PAGE 1; (4) "...PORTIONS OF 'H' ROAD FROM SOUTHERN BLVD. TO (SOUTH) NORTH ROAD...," RECORDED IN MISC. PLAT BOOK 11, PAGE 182; (5) "...PORTIONS OF SOUTH 'A' ROAD, NORTH 'B' ROAD, SOUTH 'D' ROAD, 'E' ROAD, WEST 'G' ROAD, EAST 'G' ROAD, 25TH STREET NORTH, (SOUTH) NORTH ROAD, AND COLLECTING CANAL ROAD...," RECORDED IN MISC. PLAT BOOK 12, PAGE 1. ALL ON FILE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. KESHAVARZ & ASSOCIATES, INC. DID NOT PERFORM ANY CALCULATIONS FOR THE MAINTENANCE LIMITS OF SAID ROADS. THE SPECIFIC PURPOSE SURVEY/MAINTENANCE MAP PREPARED BY EDMAN ANTHONY OF FLORIDA, INC. ON FILE & PREVIOUSLY FILED TO PUBLIC RECORD SHALL HAVE PRECEDENCE AND AS SUCH ANY OVERLAPS OR GAPS INDIVIDUALLY CREATED BY THIS MAP SHALL BE RECEIVED BY EXTENDING OR TRIMMING THE NEAREST RIGHT-OF-WAY.
- BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT) (NAD 83/90), THE EAST LINE OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST BEARING NORTH 01° 15' 22" EAST BASED ON PUBLISHED COORDINATE VALUES. THE LINE BETWEEN THE FOUND WITNESS CORNER LYING SOUTH 86° 56' 44" EAST OF A 50 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 33 & THE NORTHEAST CORNER OF SAID SECTION 33 IS CALCULATED TO BEAR, BASED ON PUBLISHED COORDINATE VALUES, NORTH 02° 42' 25" EAST, ALL AS SHOWN HEREON ON SHEET 2 OF 60 & ALL OTHER BEARINGS SHOWN HEREON ARE RELATED THERETO.
- THERE MAY BE EASEMENTS AND / OR RESTRICTIONS FOUND WITHIN THE LIMITS OF THIS SURVEY THAT MAY BE DISCLOSED BY A SEARCH OF THE PUBLIC RECORDS. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY KESHAVARZ & ASSOCIATES, INC.
- THE CONTRACTED USE OF THIS SPECIFIC PURPOSE SURVEY IS FOR THE DEDICATION OF PUBLIC ROADWAY OF THE SUBJECT ROADWAYS AND IS NOT VALID FOR ANY OTHER USE.
- THIS SURVEY IS PREPARED ONLY FOR THE PARTIES LISTED BELOW.  
PREPARED FOR:  
TOWN OF LOXAHATCHEE GROVES



### LEGEND OF SYMBOLS:

- = FOUND BRASS BUCK AS NOTED. COORDINATES ARE AS PUBLISHED BY PALM BEACH COUNTY ENGINEERING DEPT.
- = MAINTENANCE LIMITS LINE CHANGE OF DIRECTION (U.O.A.)
- = SET BY IRON ROD & CAP STAMPED '19 1987'
- = FOUND PALM BEACH COUNTY BRASS BUCK AT CORNER AS NOTED.

### LEGEND OF ABBREVIATIONS:

- |                |                               |                               |                                  |
|----------------|-------------------------------|-------------------------------|----------------------------------|
| • = DEGREES    | CB = CHORD BEARING            | L.T. = TANGENT                | P.C. = PACE                      |
| ' = MINUTES    | P.C. = POINT OF CURVATURE     | N.F. = NON-TANGENT            | P.O.C. = POINT OF COMMENCEMENT   |
| '' = SECONDS   | P.T. = POINT OF TANGENCY      | C/L = CENTERLINE              | P.O.B. = POINT OF BEGINNING      |
| R = RADIUS     | P.R. = POINT OF REVERSE CURVE | L.B. = LICENSED BUSINESS      | P.O.T. = POINT OF TERMINUS       |
| A = DELTA      | RAD. = RADIAL                 | P.B. = PLAT BOOK              | O.B. = ODD BOOK                  |
| L = ARC LENGTH | N.R. = NON-RADIAL             | O.R.B. = OFFICIAL RECORD BOOK | U.O.A. = UNUSUAL OBSERVING NOTED |

## TOWN OF LOXAHATCHEE GROVES



**KESHAVARZ & ASSOCIATES**  
Civil Engineers & Land Surveyors  
711 North Dixie Highway, Suite 201  
West Palm Beach, Florida 33401  
Tel: (561) 468-0000 Fax: (561) 468-1010

### MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY PREPARED FOR: THE TOWN OF LOXAHATCHEE GROVES

DATE: 01/04/16	CHECKED: S-D	PROJECT No.	SHEET No.
SCALE: N/A	APPROVED: SB	15-1090	01 OF 69
DRAWN: L-R	SPC No: 15-1090P		

**TOWN OF LOXAHATCHEE GROVES**  
**ORDINANCE NO. 2016-02**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED “ELECTIONS,” TO AMEND SUBSECTION (5) ENTITLED “TOWN CANVASSING BOARD,” TO PROVIDE FOR THE TOWN CLERK, AND TWO OTHER MEMBERS TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS THE TOWN’S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, 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, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

**WHEREAS**, Section 7 of the Town Charter contains provisions for the conduct of elections within the Town, and subsection (5) of Section 7 of the Town Charter specifically provides for Councilmembers who are not candidates for re-election, and the Town Clerk, to be the Town’s Canvassing Board and also provides for a description of the Canvassing Board’s duties; and,

**WHEREAS**, the Town Council deems the proposed amendment to the Town Charter, as

detailed herein, to be in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED 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 Ordinance upon adoption hereof.

**Section 2.** Section 7, entitled "Elections," Subsection (5) entitled "Town Canvassing Board," of the Charter of the Town of Loxahatchee Groves, Florida shall be amended as follows:

Section 7. Elections.—

(5) TOWN CANVASSING BOARD.—~~The town canvassing board shall be composed of three members: the Town Clerk, and two members appointed by the Town Council by Resolution. No member of the town canvassing board shall be an active participant in the town election for which he or she is canvassing as the term "active participant" is interpreted by the Florida Department of Elections. Where possible, the members of the town canvassing board shall be experienced as a judge or in the administration of elections. Should a vacancy occur on the canvassing board, the Town Council shall appoint a replacement member by resolution. The Town Canvassing Board shall canvass the election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the Town and the Palm Beach County Supervisor of Elections. The canvassing board shall certify the results of the election upon receipt of the certification from the Supervisor of Elections. those members of the town council who are not candidates for reelection and the town clerk, who shall act as chair. At the close of the polls of any town election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chair and shall proceed to publicly canvass the vote as shown by the returns then on file in the office of the town clerk, and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the town clerk.~~

...

**Section 3.** The Ballot Title shall be as follows:

AMEND TOWN CHARTER TO AMEND TOWN CANVASSING BOARD MEMBERS AND DUTIES

**Section 4.** At the Special Election called herein, on August 30, 2016, 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:

Should the Town Charter be amended to remove town council members from the canvassing board; designate the members of the town canvassing board as the town clerk, and two members to be appointed by the Town Council by resolution; to provide for the filling of vacancies on the canvassing board; and to amend the duties of the canvassing board consistent with the canvassing of elections pursuant to state law?

This proposed amendment has no financial impact to the Town

YES  NO

**Section 5. Advertisement.** The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including the State of Florida Election Code.

**Section 6. 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 Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

**Section 7. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Charter of the Town of Loxahatchee Groves, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**Section 8. 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.

**Section 9. 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 10. Effective Date.** This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by the electorate of the Town at the August 30, 2016, election.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS \_\_\_ DAY OF \_\_\_\_\_ 2016.**

Council Member \_\_\_\_\_ offered the foregoing ordinance. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_ DAY OF \_\_\_\_\_ 2016.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Virginia Walton, Town Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Vice Mayor Tom Goltzene

\_\_\_\_\_  
Council Member Ron Jarriel

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Todd McLendon

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2016-03**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED “ADMINISTRATIVE,” TO AMEND SUBSECTION (3) ENTITLED “TOWN MANAGER” TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; 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, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

**WHEREAS**, Section 4 of the Town Charter contains provisions for the Administrative activities of the Town, including those of the Town Manager; and,

**WHEREAS**, the Town Council deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED 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 Ordinance upon adoption hereof.

**Section 2.** Section 4, entitled "Administrative," Subsection (3) entitled "TOWN MANAGER" of the Charter of the Town of Loxahatchee Groves, Florida shall be amended as follows:

Section 4. Administrative.—

. . .

(3) TOWN MANAGER. The town manager shall be the chief administrative officer of the town.

(a) The town council shall appoint a town manager who shall be the administrative head of the municipal government under the direction and supervision of the town council. The town manager shall hold office at the pleasure of the town council. The town manager shall be appointed by resolution approving an employment contract or contract for services between the town and the town manager or through a town management firm, which contract shall provide for compensation to the town manager or town management firm. ~~The town manager shall receive such compensation as determined by the town council through the adoption of an appropriate resolution.~~

(b) ~~The qualifications of the town manager may be established by ordinance. The town manager shall have the minimum qualifications of a combination of a bachelor's degree in public administration, business administration, or other related fields from an accredited college or university and 3 years' public administration experience or 6 years' experience in a city manager or assistant city manager position, preferably in an International City/County Management Association recognized local government.~~

(c) ~~It is preferred that the town manager be an International City/County Management Association credentialed manager or obtain such credential within 2 years after being appointed.~~

(~~c~~d) During the absence or disability of the town manager the town council may by resolution designate some properly qualified person to temporarily execute the functions of the town manager. The person thus designated shall have the same powers and duties as the town manager and shall be known while serving as acting town manager. The town manager or acting town manager may be removed by the town council at any time.

(~~d~~e) As the chief administrative officer, the town manager shall:

1. Direct and supervise the administration of all departments, offices and agencies of the town, except the office of town attorney. and except as otherwise provided by this charter or by law.
2. Appoint, suspend, or remove any employee of the town or appointive administrative officer provided for, by, or under this charter, except the office of town attorney, and except as may otherwise be provided by law, this charter, or personnel rules adopted pursuant to the charter. The town manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
3. Ensure that all laws, provisions of this charter, and acts of the council are faithfully executed consistent with the direction of the Town Council.
4. Prepare and submit the annual budget and capital program to the council, ~~in the form prescribed by ordinance~~
5. Attend meetings of the town council.
6. Draw and sign vouchers upon depositories ~~as provided by ordinance,~~ if directed by Town Council, and keep or cause to be kept a true and accurate account of same.
7. Sign all licenses issued by the town, issue receipts for all moneys paid to the town, and deposit such moneys in the proper depositories ~~on the first banking day after receipt.~~ The town manager may delegate the responsibilities of this subparagraph to an appropriate staff member ~~town employee~~ who shall be bonded.
8. Provide administrative services in support of the official duties of the mayor and the council.
9. Keep the council advised as to the financial condition and future needs of the town and make recommendations to the council concerning the affairs of the town.
10. Submit to the council, and make available to the public, a complete report on finances and administrative activities of the town as of the end of each fiscal year.
11. Sign contracts on behalf of the town to the extent authorized by Town Council. ~~ordinance.~~
12. Perform such other duties as are specified in this charter or as may be required by the council.

...

**Section 3.** The Ballot Title shall be as follows:

AMEND TOWN CHARTER RELATING TO TOWN MANAGER CONTRACT, QUALIFICATIONS, AND DUTIES

**Section 4.** At the Special Election called herein, on August 30, 2016, 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:

Should the Town Charter be amended to clarify that the town manager may be engaged through an agreement with the town manager or a management firm; to amend the qualifications for the town manager to provide that the qualifications for the town manager may be established by ordinance; and, to amend certain duties of the town manager?

This proposed amendment has no financial impact to the Town

YES  NO

**Section 5. Advertisement.** The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including, the State of Florida Election Code.

**Section 6. 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 Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

**Section 7. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Town Charter of the Town of Loxahatchee Groves, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**Section 8. 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.

**Section 9. Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 10. Effective Date.** This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by

the electorate of the Town at the August 30, 2016, election.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS \_\_\_ DAY OF \_\_\_\_\_.**

Council Member \_\_\_\_\_ offered the foregoing ordinance. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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

\_\_\_\_\_  
Virginia Walton  
Town Clerk

\_\_\_\_\_  
Vice Tom Goltzene

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ron Jarriel

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Todd McLendon

**TOWN OF LOXAHATCHEE GROVES  
ORDINANCE NO. 2016-04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED “BUDGET AND APPROPRIATIONS,” TO DELETE SUBSECTION (6) ENTITLED “REVENUE BONDS; LEASE-PURCHASE CONTRACTS,” WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE 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 STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

**WHEREAS**, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

**WHEREAS**, Section 6, entitled “Budget and Appropriations,” subsection 6, entitled “Revenue Bonds; Lease-Purchase Contracts,” of the Town Charter requires approval by referendum of certain borrowing where the repayment of which is in excess of thirty-six (36) months; and,

**WHEREAS**, removing subsection (6) of the Charter will enable the Town Council to authorize borrowing where the repayment terms of which exceeds thirty-six (36) months; provided that this change would not affect any referendum required by state law; and,

**WHEREAS**, the Town Council deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED 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 Ordinance upon adoption hereof.

**Section 2.** Section 6, entitled "Budget and Appropriations," subsection (6) entitled "Revenue Bonds; Lease-Purchase Contracts," of the Town Charter of the Town of Loxahatchee Groves, Florida, shall be amended as follows:

Section 6. Budget and appropriations.—

(6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS -- The provisions of this subsection have been deleted by approval of the Electors of the Town at the August 30, 2016, special referendum election.

~~Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multiyear contracts for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.~~

**Section 3.**

The Ballot Title shall be as follows:

AMEND TOWN CHARTER TO DELETE REFERENDUM REQUIREMENT FOR CERTAIN DEBT

**Section 4.** At the Special Election called herein, on August 30, 2016, 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:

The Town Charter currently requires approval by referendum of revenue bonds, lease purchase contracts, or any other unfunded multiyear contracts to purchase real property or construct capital improvements where the repayment term exceeds thirty-six (36) months. Deleting this provision would permit the Town to borrow funds for any lawful governmental purpose without a referendum unless a referendum is required by state law. Should the Town Charter be amended to delete this provision?

This proposed amendment has no financial impact to the Town

YES  NO

**Section 5. Advertisement.** The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including the State of Florida Election Code.

**Section 6. 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 Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

**Section 7. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Charter of the Town of Loxahatchee Groves, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**Section 8. 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.

**Section 9. Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 10.** **Effective Date.** This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by the electorate of the Town at the August 30, 2016, election.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS \_\_\_ DAY OF MAY, 2016.**

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.**

**TOWN OF LOXAHATCHEE  
GROVES, FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Virginia Walton, Town Clerk

\_\_\_\_\_  
Vice-Mayor Tom Goltzené

\_\_\_\_\_  
Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Todd McLendon

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2016-05**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO ENACT SEXUAL OFFENDER AND PREDATOR PROHIBITIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES OR SIMILAR CRIMES IN OTHER JURISDICTIONS FROM LIVING OR WORKING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM WORKING AT OR WITHIN SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; TO PROHIBIT RENTING OR LEASING OF ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council desires to provide for the maximum protection of the lives and persons in the Town of Loxahatchee Groves; and,

**WHEREAS**, the Town Council has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Section 166.021, Florida Statutes, to adopt such provisions in order to protect the health, safety, and welfare of its residents; and,

**WHEREAS**, the Third District Court of Appeal of Florida, in *Calderon v. State*, 93 So. 3d 439, 440 (Fla. 3d DCA 2012), upheld a local ordinance which prohibited sexual offenders from residing within 2,500 feet of places where children congregate; and,

**WHEREAS**, the Fifth District Court of Appeal of Florida, in *Doe v. City of Palm Bay*, 169 So. 3d 1211 (Fla. 5th DCA 2015), upheld a local ordinance which prohibited sexual offenders from entering into or upon any residence, including the curtilage thereof, any designated private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, dwelling, domicile, or other place where children or vulnerable adults reside or regularly congregate, to make deliveries or perform work.

**WHEREAS**, the Town Council finds that the creation of a Sexual Offender and Sexual Predator Prohibitions in its Town Code to prohibit sex offenders convicted of crimes under certain Florida Statutes, or other similar laws, from living within two thousand five hundred feet (2500') of specified locations, to prevent property owners or managers from knowingly renting or providing house to sexual offenders and predators within two thousand five hundred feet (2500') of

specified locations, and to prohibit sexual offender or predators from making deliveries, performing work and entering into or upon any residence, including the curtilage thereof, any designated private or public school facilities or grounds, including school bus stops, any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, dwelling, domicile, or other place where children or vulnerable adults reside or regularly congregate, is in the best interests of the citizens and residents of the Town to prohibit sexual offenders and sexual predators.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

**Section 2. Purpose and Intent.**

Sexual offenders, who use physical violence, and sexual offenders who prey on children or vulnerable adults, are sexual predators who present an extreme threat to the public safety. It is the intent of this ordinance to serve the Town's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Town by creating areas around locations where children or vulnerable adults regularly congregate wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence, or making deliveries or performing work.

**Section 3. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Permanent residence" means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.

(b) "Temporary residence" means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(c) "Park" means all public and private property specifically designated as being used for recreational purposes, usually consisting of grass, trees, paths, equestrian and recreational trails, sports fields, playgrounds, picnic areas and/or other features for amusement, activities, and relaxation.

(d) "Employer" means any person or entity who conducts business within the Town limits of the Town of Loxahatchee Groves.

(e) “Vulnerable Adult” means any adult who lacks the capacity to give consent or is physically or mentally restricted, incapacitated, or restrained to the extent as to require periodic or constant supervision by another person.

(f) “Work” means any and all repairs, labor, services or any other activity requested by the property owner or lawful occupant of a property.

(g) “Sexual offender,” for purposes of this chapter, shall be defined as provided by Section 943.0435(a), Florida Statutes, as may be amended from time to time.

(h) “Sexual predator,” for purposes of this chapter, shall be defined as a repeat sexual offender, a sexual offender who uses physical violence, a sexual offender who preys on children or as otherwise defined by Section 775.21, Florida Statutes, also known as “The Florida Sexual Predators Act,” as may be amended from time to time.

**Section 4. Sexual Offender and Sexual Predator Residency Prohibitions; Exceptions.**

(a) It is unlawful for any person who has been convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., or similar crime in another jurisdiction, regardless of whether adjudication has been withheld, in which the victim of the offense was less than sixteen (16) years of age, to establish a permanent residence or temporary residence within two thousand five hundred (2500) feet of any private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate.

(b) It is unlawful for any person who is required to register as a sexual offender or sexual predator under the laws of the State of Florida, to establish a permanent residence or temporary residence within two thousand five hundred (2,500) feet of private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate.

(c) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of any private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate.

(d) *Exceptions.* A person does not commit a violation of this Ordinance if any of the following apply:

(i) The person established the permanent residence prior to May 1, 2016.

(ii) The person was a minor when he/she committed the offense and was not convicted as an adult.

(iii) The person is a minor and is not emancipated.

(iv) The school, or any private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice

facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate, within two thousand five hundred (2500) feet of the persons permanent residence was opened after the person established the permanent residence.

**Section 5. Sexual Offender and Sexual Predator Employment Prohibitions.**

(a) It is unlawful for any business owner, manager, supervisor or employer to allow, direct, dispatch, or instruct a known sexual predator and/or sexual offender who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation of a sex-related crime, or a violation or attempted violation of a similar law of another jurisdiction, when the victim of the offense was a minor or vulnerable adult, to enter into or upon any residence, including the curtilage thereof, any designated private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, dwelling, domicile, or other place where children or vulnerable adults reside or regularly congregate, to make deliveries or perform work.

(b) It is unlawful for any person who is a registered sexual predator or a registered sexual offender to enter into or upon any residence, including the curtilage thereof, any designated private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, dwelling, domicile, or other place where children or vulnerable adults reside or regularly congregate, to make deliveries or perform work.

**Section 6. Property Owners and Property Managers Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators.**

(a) It is unlawful for any property owner or property manager or his or her agent or assignee to knowingly let, rent, or allow to be occupied free of charge any place, structure, or part thereof, trailer, recreational vehicle, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to any provision of this Code, if such place, structure, or part thereof, trailer, recreational vehicle, or other conveyance, is located within two thousand five hundred (2,500) feet of any private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate.

(b) A property owner or property manager shall be in violation of this code section if they knew or should have known that an occupant of property under their control was in violation of this code.

**Section 7. Penalties.**

A person who violates this ordinance shall be subject to one or more of the following penalties:

(i) A person or entity who violates this Ordinance shall be guilty of a misdemeanor of the second degree punishable as provided in Fla. Stat. §§ 775.082 and 775.083.

(ii) For a second or subsequent conviction of a violation of this Ordinance, such person shall be guilty of a misdemeanor of the first degree punishable as provided in Fla. Stat. §§ 775.082 and 775.083.

(iii) A person or entity who violates this Ordinance is subject to the code enforcement provisions, procedures, and penalties as provided in the Town Code and Florida Statutes.

(iv.) These penalties are in addition to any violation of probation or other offenses specified by statute or ordinance.

**Section 8.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 9.** 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.

**Section 10.** This Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 11.** This Ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

Council Member \_\_\_\_\_ offered the foregoing ordinance. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

ATTEST:

\_\_\_\_\_  
Virginia Walton, Town Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of the Town Attorney

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Vice Mayor Tom Goltzené

\_\_\_\_\_  
Council Member Ron Jarriel

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Todd McLendon

\_\_\_\_\_  
Council Member Todd McLendon

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER'S REPORT ITEM NO. 7a**  
**MEETING DATE: 05/17/2016**

**Traffic:** Staff is working with Minto to draft an agreement between Minto and the Town for the

May 10, 2016	No activity on this item
April 27, 2016	No activity
April 13, 2016	No activity on this item
March 29, 2016	No activity on this item
February 24, 2016	No activity on this item
February 10, 2016	No activity on this item
January 26, 2016	No activity on this item
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item
November 25, 2015	Will be setting a teleconference the week of 11/30/2015
November 13, 2015	Emailed bullets and report to G. Webb
October 29, 2015	Provided J. Easton copy of bullet points and report
October 27, 2015	No activity on this item
October 13, 2015	Telephone call to Mr. George Webb, County engineer, and left a message for a return call.
October 8, 2015	Simmons & White submitted an analysis of the traffic light cost (attached) based on the Minto Proposal.
September 29, 2015	The town's traffic engineer should finish the costing during this week and can be available on the agenda of 10/20/2015.
September 1, 2015	Town traffic engineer determining cost for items not included in the Minto proposal. This is needed in order to determine amount of Town funding needed.
August 25, 2015	Received email and will look to analyzing potential cost to implement light at D Road and Okeechobee. Transmitted information to Town Engineer for very preliminary estimates of cost.
August 12, 2015	No activity on this item
July 15, 2015	No activity on this item
June 30, 2015	No activity on this item
May 11, 2015	No activity on this item
April 15, 2015	This office met with representatives from Minto. Discussion points were covered regarding the proposed funding of the traffic control appurtenances for D Road and Okeechobee. Staff will review the information and report progress at the June 16 Town Council meeting.
April 1, 2015	No activity on this item

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER'S REPORT ITEM NO. 7a**  
**MEETING DATE: 05/17/2016**

March 1, 2015	This office has received communication and we are trying to establish a date and time during the week of March 9 <sup>th</sup> .
February 10, 2015	No activity on this item
January 26, 2015	No activity on this item
January 14, 2015	No activity on this item
January 26, 2016	Town issued the NTP to WBI CONTRACTING OF PALM BEACH, INC. to remove the damaged culverts, replace and install trail gates. As of this date the project is nearly complete.

**Trails:** Permit to all non-motorized trails

May 10, 2016	<b>No activity</b>
April 27, 2016	LGWCD has declined to meet with the Palm Beach State College stating they believe the issue is with the Town and potential trail on the property. We have provided a letter from the College's attorney and email on the subject under Councilman Jarriel's reports on 5/3/2016.
April 13, 2016	No activity on this item
March 29, 2016	No activity on this item. Based on discussion at the last IGC meeting, the perpetual permit offered by the LGWCD is not offered in segments. In other words, the Town accepts all the berms for trails or none.
February 24, 2016	No activity
February 10, 2016	No activity on this item
February 8, 2016	Town Council removed trails agenda item and staff requested the LGWCD provide better detail information to Exhibit A of the trail permit

**Trails:** 6th Court North, Red Clover Nursery

May 10, 2016	<b>No activity on this item</b>
April 27, 2016	No activity
April 13, 2016	No activity on this item
March 29, 2016	No activity
February 24, 2016	No activity
February 10, 2016	No activity on this item
January 26, 2016	No activity on this item
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER'S REPORT ITEM NO. 7a**  
**MEETING DATE: 05/17/2016**

October 12, 2015      Preparing scope of project to survey needed property for trails on 6th Court North

February 24, 2016      No activity

February 1, 2016      A report on the road side bank erosion was completed (**report attached**) and submitted to the LGWCD for their consideration and correction. In a verbal

**Roads/Culvert Replacement:** Attended a meeting at West C Road and Timberlane to meet the District Administrator and Supervisor

May 10, 2016      No activity on this item

April 27, 2016      No activity  
                                  LGWCD to affirm positive outfall for drainage  
                                  About March present to Town Council.  
                                  We reviewed the site plan submission requirements

**Roads:** Professional Services Group, LLC (PSG) has begun road improvements

May 10, 2016      A Shade session is set for 6:00 P. M. on May 17, 2016

April 27, 2016      A Shade session is set for 6:00 P. M. on May 3, 2016  
                                  Town was served with a lawsuit due to a breach of contract. Town Council is being requested to have a **shade session**, which is closed to the public, soon to discuss the matter.  
                                  After further discussion with PSG, the firm agreed to accept \$37,000; however the offer would not be held until the April 5 meeting date of Council consideration. As a result, currently, the Town Attorney is working with the attorney for PSG to resolve the matter.

March 29, 2016      At the 2/16/16 Town Council meeting, Council instructed staff to return to the vendor for further negotiations. Based on a 2/22/2016 teleconference, PSG has agreed to settle all claims including a new \$6,000+ claim for additional work. The agreed upon settlement represents a reduction of \$21,661.70. Applied to speed hump this reduces the cost to \$18,439.63 or about \$384 per location. Less than the cost for two other vendors providing this service.

February 24, 2016

February 10, 2016      Received agreement for mutual termination of services.

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER’S REPORT ITEM NO. 7a**  
**MEETING DATE: 05/17/2016**

Safety as a priority, PSG started to provide pavement markings on speed humps. As of this date PSG has completed Town OGEM roads (North A, North C, and South C) for approximately 54 speed humps . Additionally, they have installed about 34 of 60 street signs; everything from turn, stop, speed limit, and other signs. Pavement markings on speed humps on North Road, North D, and F Road will begin in the next week.

January 26, 2016

Finally, PSG will begin a Pilot Program using Asphalt Millings in the next week, weather permitting, on about 1.2 miles of Town Roads which includes road leveling and spreading. Costs for use of asphalt millings including the costs for leveling will not exceed the costs for the per ton charge for road material and labor (\$18.00/ton) currently used on Town Roads.

Staff received a complaint regarding speed limit sign as being too fast for her road. She stated that her neighbors wanted her to speak to the Town about removing the sign and possibly replacing it with a 15 or 20 MPH limit.

January 22, 2016

PSG began working on town roads by grading and shaping

Dec-2015

**Roads:** This office has received and will receive requests to perform specific road related tasks, such as watering and extra grading.

May 10, 2016

No activity

April 13, 2016

Town Council should provide an approved policy by which the Town staff and contractor(s) can undertake additional road specific work.

**Roads:** This office met with Angela Hendrichsen Sandoval, P. E., PMP, Section Leader, and Ken Mudd,

May 10, 2016

No activity

April 27, 2016

No activity on this item

April 13, 2016

No activity

March 29, 2016

No activity on this item

February 24, 2016

No activity on this item

February 10, 2016

No activity on this item

January 26, 2016

No activity on this item

January 12, 2016

No activity on this item

December 29, 2015

No activity on this item

November 25, 2015

No response as of this date to request for meeting.

November 13, 2015

Email to SFWMD staff to set a meeting.

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER'S REPORT ITEM NO. 7a**  
**MEETING DATE: 05/17/2016**

October 29, 2015	No activity on this item
October 14, 2015	Staff was unable to contact SFWMD to set a meeting to review letter to property owners on 43rd
September 30, 2015	No activity on this item. Staff will reach out to the SFWMD during the week of October 5.
September 7, 2015	No activity on this item
August 12, 2015	No activity on this item
July 15, 2015	No meeting has been set by SFWMD and the Town to discuss the contents of the letter.
June 30, 2015	No meeting has been set by SFWMD and the Town to discuss the contents of the letter.
June 11, 2015	Staff received a proposed letter from SFWMD to the property owners on 43rd
May 27, 2015	Received a telephone call from Ken Mudd regarding a draft letter that will be sent and establishing a meeting date. It is believed the draft letter will be forthcoming in the next week or two.
May 11, 2015	No activity.
April 14, 2015	No activity on this item.

**Roads: 8th Place North**

May 3, 2016	<p>Staff has worked to locate records requested by Mr. Kurtz, Attorney for Mark Jackson. Records have been transmitted; however, more research and cost would be incurred. Staff presented the Town Attorney with records, some of which date back seven years, and due to the billing methodology at that time, we presume that billing provided by the LGWCD providing for non-district road grading or "courtesy grading" was for all Town roads.</p> <p>The Town Attorney will advise counsel for Mr. Jackson the road is a public road and for Mr. Jackson to remove the pole and gate from hindering vehicular ROW. In the event the items are not moved, staff, under the auspices of the Town Council, will remove the pole and open the gate now hindering access to properties to the north and west on 8th Place North, no later than Friday, May 13, 2017.</p>
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**Purchasing:** Request for Proposals for Code Enforcement Services.

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER'S REPORT ITEM NO. 7a**  
**MEETING DATE: 05/17/2016**

May 3, 2016	Town Council approved a contract modification to UMSG to hire a code enforcement official and administrative staff.
April 27, 2016	Pursuant to Town Council direction, this agenda includes an amendment to the management agreement for the provision of code enforcement services.
April 13, 2016	No activity
March 29, 2016	No activity on this item
February 24, 2016	Met with another entity and looking forward to responses
February 10, 2016	Teleconference with an individual whom may be interested. Setting a meeting for sometime next week.
February 9, 2016	Met with an entity to discuss submittal of a proposal. Waiting for a proposal to be submitted.
January 26, 2016	At the 1/19/2016 Council meeting, Town Council authorized this office to continue its search for code enforcement providers. We have received at least one new name to contact.
January 12, 2016	Contacting some individuals that have expressed an interest and FACE.
December 29, 2015	We are searching for individuals or other sources for this service.
December 21, 2015	<b>NO RESPONSES</b> were received for this service.
November 20, 2015	Prepared RFP for code enforcement services. Responses are due December 21, 2015 no later than 2pm.
<b>Water Utility:</b> Work to avoid Town residents from paying an extra 10% for potable water service to	
May 10, 2016	No activity
April 13, 2016	No activity
March 29, 2016	No activity on this item
February 24, 2016	No activity on this item
February 10, 2016	No activity on this item
February 10, 2016	No activity on this item
January 26, 2016	No activity on this item
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item
November 25, 2015	No activity on this item
November 13, 2015	Teleconference with Ed Lowrey; teleconference with Shannon LaRoque RE: funding and large user agreement.
October 29, 2015	Met with Jim Stiles, PBC Utility Director for preliminary discussions.

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER'S REPORT ITEM NO. 7a**  
**MEETING DATE: 05/17/2016**

October 14, 2015 No activity as of this date. Will work to contact PBC utility before the 10/20/15 Town Council meeting.

**Building:** Big Dog Ranch Rescue

May 10, 2016 Contacted PB County and requested they take appropriate action to cause non-construction activity to cease. My understanding is they have investigated to determine if the operation is more than construction offices. PB County advised them that Big Dog must correct the matter with the Town within 10 working days from May 9, 2016. If non-construction oriented operations do not cease, the electrical services will be terminated.

April 26, 2016 Met with PB County Building Department, Doug Wise, and Bradford Brown regarding processing commercial applications in the Town. Near the end of the meeting, we discussed activity occurring in Town at the Big Dog Ranch Rescue site at D Road and Okeechobee Blvd. We were provided a copy of an application and site plan that reflected two (2) temporary office trailers (construction trailers), and a house all located in the southwest quadrant of the property. The copies we received had neither approval on the application nor the site plan. We have asked Lauren Simmons, to please submit the approved documents for our inspection. As of 4/28/2016, the this office has not received confirmation. Electrical services were provided without authorization from the Town. Pursuant to 20-010 (D) CONSTRUCTION TRAILERS. One construction trailer may be placed on the site for up to one year after

Additionally, I was advised by Ms. Simmons that one trailer was for medical/veterinary clinic, one trailer was for adoptions, and another for administrative purposes. Additionally, a house is included on the site plan and is being used for another purpose.

Dogs are being processed and housed through the site.

**Financial Software Implementation:** Financial Edge software implementation

May 10, 2016 No activity

April 27, 2016 Waiting for Blackbaud contract execution and return

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER’S REPORT ITEM NO. 7a**  
**MEETING DATE: 05/17/2016**

March 29, 2016 Due to delays in the implementation beyond the staff control, Blackbaud has requested a change order in methodology of payment. For specific implementation tasks being completed. The changes orders are being presented at the April 5, 2016 meeting.

February 24, 2016 Staff continues to push the project forward; however, there have been months of inactivity due to Town Council actions. The attached report reflects tasks and items completed or yet to be completed before full implementation can occur

**Unauthorized living structures:** Pursuant to Town Council instruction, staff initiated action against

May 10, 2016	No activity
April 27, 2016	No activity on this item
April 13, 2016	No activity
March 29, 2016	No activity on this item
February 24, 2016	No activity on this item
February 10, 2016	Staff has contact the Health Department again regarding this location
January 26, 2016	Staff reported to the Health Department that several RV's are located on the property and the Department should investigate.
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item
November 25, 2015	No activity on this item
October 29, 2015	No activity on this item
October 14, 2015	No activity

June 9, 2015 This office received a letter (attached) dated June 1, 2015 from the PBC Fire Rescue Finance Director, Michael Martz. The letter indicates the proposed millage for FY 2016 will be **3.4581 mills**. This rate is **6.05% over** the roll-back rate.

**3. ATTACHMENTS**

Financial Software Project Plan

**4. FINANCIAL IMPACT**

Not applicable.

**5. RECOMMENDED ACTION**

Motion to receive and file report.

## District 15 Loxahatchee Groves

### Monthly Report: April 2016



Calls for Service (self-generated)	Monthly
Business/Residence Checks	40
Traffic Stops	7
Dispatched calls	203
<b>Total</b>	<b>250</b>

Traffic Summary	Monthly
Warnings	5
Citations	2
<b>Totals</b>	<b>7</b>

**Summary:** During the month, D15 deputies handled (250 total) calls for service. 16 % of calls for service were self-generated.

Part I Crimes Case #'s	Monthly
Murder	0
Sexual Assault	0
Robbery	0
Aggravated Assault	0
Burglary	8
Theft	1
Motor Vehicle Theft	2
Arson	0
<b>Total</b>	<b>11</b>

**Summary:** There were 8 Burglaries- (1) Business burglary, (2) Vehicle burglaries, (5) Residential burglaries, and one theft (1).

**Burglary:** ●21R, 16-062512 On 04/10/16 The homeowner called in a call after finding his garage door and interior door open when returning home. No items were taken. No other information.

●21B, 16-062525 On 4-11-16 The owner of the business found a smashed window in the back of the business. The owner believes some crystals were taken and will update us with a list after review. A fence was also damaged. Nothing further.

●21V, 16-062587 On 4/11/16 the victims trailer was burglarized after the lock was tampered with. A gas blower was stolen, 4 trimmers, and 2 edger's. Case is inactive pending further.

●21R, 16-066333 On 4/18/16 the victim noticed a new water system he had recently installed was stolen from a shed on his property. It was removed entirely, a pipe was cut and it was unscrewed. Surveillance was turned into evidence.

●21R, 16-068852 On 4/25/16 a victim noticed someone entered his residence through a window and took money out of a wallet and two coin banks. No other information.

●21R, 16-070402 On 4/28/16 someone went into the victims property and took all of the victims power tools. Prints and DNA recovered nothing further.

●21V 16-070817 On 4/30/16 the victim reported her wallet was stolen from her vehicle after she left it unlocked. No further information.

**Case update-** 15-155698 , The Sunsport Garden stabbing. On April 18, 2016, Brian D. Eshleman was convicted of Aggravated Battery with a Deadly Weapon by Honorable Judge Rosemarie Scher. A sentencing hearing is scheduled for May 20th at 1100 hours.

# Town of Loxahatchee Groves, FLORIDA TOWN COUNCIL AGENDA ITEM REPORT

## AGENDA ITEM NO. 8a

**PREPARED BY:** Jim Fleischmann

**SUBJECT:** Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02

### 1. BACKGROUND/HISTORY

**Problem Statement:** The Town Council should review and consider approval of the proposed Site Plan Amendment SP(A) 2016-02 (i.e. Resolution 2016-21).

**Problem Solution:** Approval, approval with conditions or denial of Resolution 2016-21 relating to Groves Medical Plaza Site Plan Amendment SP(A) 2016-21.

Groves Medical Plaza was granted zoning and Class A Conditional Use approvals by Palm Beach County on January 26, 2006 (Resolution R-2006-0157). The Class A Conditional Use approval limits occupancy to 22,342 sq. ft. of medical and/or dental office uses. The Applicant has requested revisions to Palm Beach County Resolution 2006-0157 and the approved Groves Medical Plaza Site Plan dated April 26, 2006 to allow non-medical professional office tenants, as well as medical office tenants, within the approved space. The proposed amendments will allow the greatest flexibility in leasing the built space. No increase in the approved amount of space (22,342 sq. ft.) is proposed.

### 2. CURRENT ACTIVITY

The PZB at its meeting on March 17, 2016 recommended approval of Application SP(A) 2016-02 subject to providing a more specific definition of the non-medical professional office tenants to be allowed in the building. A specific list of potential tenants has been incorporated within the Staff recommendation and Conditions of Approval proposed Resolution 2016-21. The Town Council continued the item at its April 19, 2016 and May 3, 2016 meetings for the purpose of further investigating the cross-access issue with the property to the east (Farmer's Daughter).

Additional information provided by the Applicant documents the following:

1. Engineering Condition 3 of Resolution 2006-0157 requires the property owner to convey a 40 foot public access easement from "F" Road to the project's east property line.
2. A 40-foot access easement road running east from "F" Road east to the east property line is indicated on the current site plan and has been constructed.
3. A cross-access easement for the required public access easement was filed in 2006.
4. E-Mail correspondence from FDOT confirms that FDOT installed the guardrail on Southern Boulevard for public safety reasons.

5. A May 23, 2012 Construction Field Report prepared by Simmons & White summarizing a discussion with FDOT. Among the items discussed was the need for closure of the existing illegal dirt road running from the property line of the subject property to the east west to F”F” Road within the FDOT right-of-way. FDOT indicated that a permanent means to secure the right-of-way from illegal vehicular use needed to be established and that FDOT would attempt to have their maintenance department extend the existing guardrail from the current eastern terminus to the shared property corner of the subject site and the adjacent property to the east.

The Applicant, Staff and FDOT met with Ms. Campbell on May 11<sup>th</sup>, and worked out the general terms of a mutually acceptable solution to the Farmer’s Daughter access issue. A Condition of Approval will be presented to the Council at the May 17, 2016 meeting for their consideration.

#### **ATTACHMENTS**

1. Staff Summary: Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02
2. Resolution 2016-21
3. Final Site Plan and County Resolution R-2006-0157, Recorded Cross Access Easement, E-Mail correspondence between Johnston Group and FDOT, and Simmons & White Construction Field Observation Report.

#### **4.FINANCIAL IMPACT**

SP(A) Application 2016-02 is funded by the Applicant through the Town’s Cost Recovery System.

#### **5.RECOMMENDED ACTION**

Approval of Resolution 2016-21 subject to the Conditions of Approval presented in Exhibit C of the Resolution.

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2016-21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “F” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the site was granted a Class A Conditional Use approval by the Palm Beach County Board of County Commissioners on January 26, 2006 (Resolution R-2006-0157) to allow a medical or dental office in the Limited Office Commercial Zoning District; and

**WHEREAS**, the Class A Conditional Use approval limits occupancy to 22,342 sq. ft. of medical and/or dental office uses ( Ref: Attachment A: Resolution 2006-0157 and Grove Medical Plaza Site Plan dated April 26, 2006); and

**WHEREAS**, Section 10 (Transition Schedule), Paragraph 5 (Transitional Ordinances and Resolutions) of the Town Charter directs that Palm Beach County approval resolutions for the subject property remain in effect until such time that they are altered, changed, rescinded or added to by the Town Council; and

**WHEREAS**, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans and amendments to site plans for development on property within the Town; and

**WHEREAS**, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans and site plan amendments; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

**WHEREAS**, the Town Planning and Zoning Board (P&Z Board), at its meeting of March 17, 2016 recommended approval of the Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02; and

**WHEREAS**, the Loxahatchee Groves Commons Site Plan Amendment Application SP(A) 2016-02, was presented to the Town Council at a quasi-judicial public hearing conducted on April 19, 2016; and

**WHEREAS**, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

**WHEREAS**, this approval is subject to Section 05-050 (Conformance with approved site plan required) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development comply with Town approvals, rules and regulations.

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

**Section 1.** Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

**Section 2.** The Town Council has considered the findings in the Staff Summary Report dated April 1, 2016 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. Site Plan SP(A) 2016-02 is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and intensities of use.
3. Site Plan SP(A) 2016-02 as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. This Site Plan, along with conditions of approval, as adopted and presented in Exhibit C hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit C hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
3. Site Plan SP(A) 2016-02, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, are compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted and presented in Exhibit C hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. Site Plan SP(A) 2016-02, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.

6. Site Plan SP(A) 2016-02, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, will result in logical, timely and orderly development patterns.

**Section 3.** The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Groves Medical Plaza Site Plan Amendment SP(A) 2016-02 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof. A copy of the Amended Site Plan, subject to the approved conditions presented in Exhibit C hereto, is attached hereto as Exhibit B and made a part hereof.

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** 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 6.** This Resolution shall become effective upon adoption.

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice Mayor Tom Goltzene

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Council Member Ron Jarriel

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Todd McLendon

## **EXHIBIT A**

### **LEGAL DESCRIPTION AND LOCATION MAP**

**The following Legal Description is applicable to Resolution 2016-21:**

Parcel Control Number: 41-41-43-33-05-001-0000 (13475 Southern Boulevard)

TRACT "A", GROVES MEDICAL PLAZA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 114, PAGES 98 THROUGH 100 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATE IN THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

CONTAINING 149,427 SQUARE FEET OR 3.43 ACRES, MORE OR LESS.

### **LOCATION MAP**

**EXHIBIT B  
GROVES MEDICAL PLAZA  
AMENDED FINAL SITE PLAN SP(A) 2016-02 DATED JANUARY 14, 2016**

**EXHIBIT C**  
**GROVES MEDICAL PLAZA: SP(A) 2016-02**  
**AMENDED FINAL SITE PLAN CONDITIONS OF APPROVAL**

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Conditions of approval assigned in Exhibit C (Conditions of Approval) of Palm Beach County Resolution 2006-0157 approving a Class A Conditional Use are adopted by reference and incorporated herein and shall remain in effect unless they are altered, changed, rescinded or added to by the Town Council with the following revisions (NOTE: text additions are indicated by underline and text deletions are indicated by ~~strikethrough~~):

**PLANNING**

1. The site shall be limited to business or professional and/or medical office uses only (ONGOING: MONITORING – Planning)

**USE LIMITATIONS**

1. Development and use of the site is limited to a business or professional, medical and/or dental office uses and shall not be modified unless approved by the ~~BCC~~ Town Council. Business or professional office means an establishment providing executive, management and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations, and employment offices (excluding day labor and labor pool services); professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunications services; and travel agencies. This definition does not include offices for the treatment of animals on the premises. (ONGOING: ZONING – Zoning)
3. The Owner shall apply for a rezoning of the property from Palm Beach County Limited Office Commercial (LOC) Zoning District to Town of Loxahatchee Groves Commercial Low Office (CLO) Zoning district within 60 days of the approval of Resolution 2016-21 by the Town Council.



RESOLUTION NO. R-2006-0157

RESOLUTION APPROVING ZONING APPLICATION CA2005-299  
(CONTROL NO. 1991-043)  
CLASS A CONDITIONAL USE  
PETITION OF JOSEPH BEVERLY, GARY HORVATH AND BUSS COOPER  
BY KILDAY & ASSOCIATES, INC.AGENT  
(GROVE MEDICAL PLAZA)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2005-299 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 2006; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.

6. This Class A Conditional Use meets applicable local land development regulations.
7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application CA2005-299, the petition of Joseph Beverly, Gary Horvath and Buss Cooper, by Kilday & Associates, Inc., agent, for a Class A Conditional Use to allow a medical or dental office in the Limited Office Commercial Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 26, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Absent
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on January 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 26th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

EXHIBIT A  
LEGAL DESCRIPTION

THE SOUTH 700 FEET OF THE WEST 310 FEET OF THAT PART OF TRACT 5, BLOCK K, LYING NORTH OF STATE ROAD 80, "REPLAT OF 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, RECORDED IN PLAT BOOK 12, PAGE 29.

LESS AND EXCEPT THAT PORTION ACQUIRED BY THE ORDER OF TAKING RECORDED IN O.R. BOOK 5444, PAGE 1644, DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 5 IN BLOCK K OF "LOXAHATCHEE GROVES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

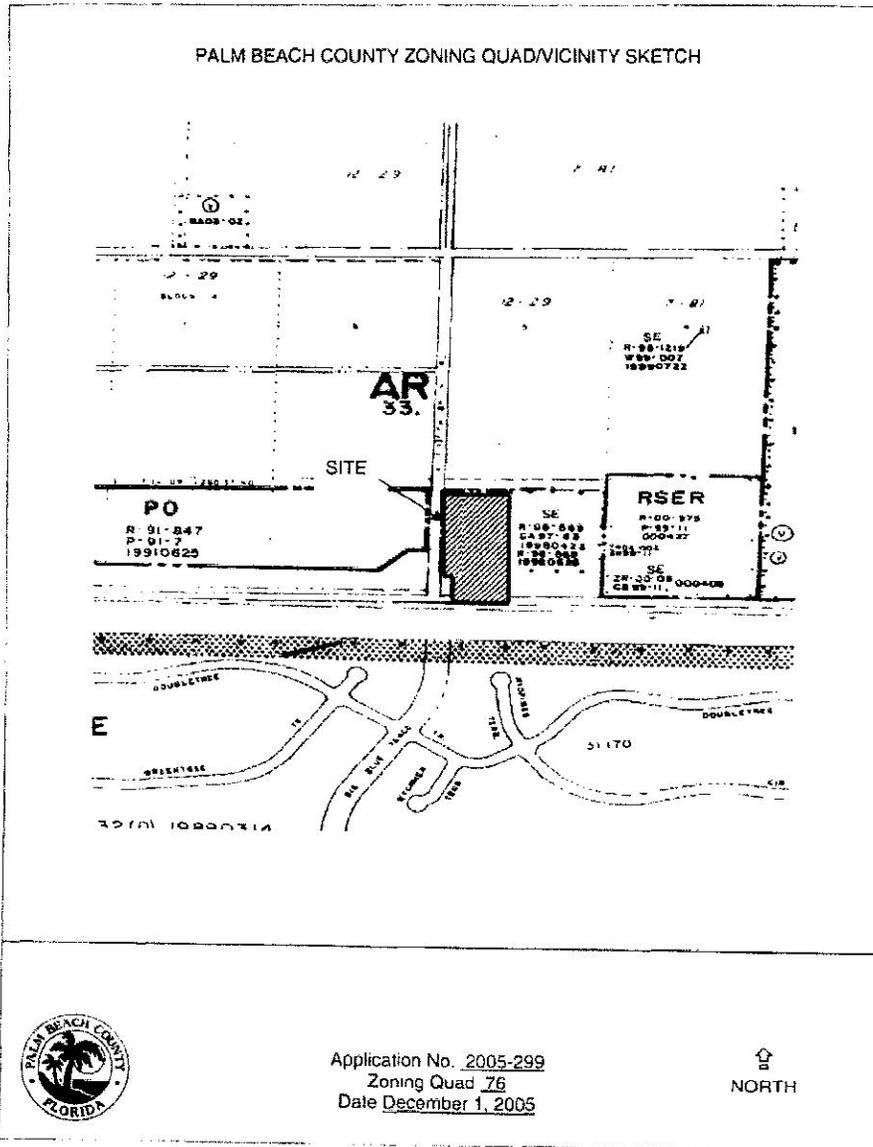
COMMENCING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE S 01° 22' 50" W ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 3524.15 FEET TO THE BASELINE OF SURVEY FOR STATE ROAD 80; THENCE S 88° 26' 59" E, A DISTANCE OF 197.34 FEET; THENCE S 88° 29' 13" E, A DISTANCE OF 2418.09 FEET; THENCE N 01° 30' 47" E, A DISTANCE OF 50.00 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80 AND THE POINT OF BEGINNING; THENCE N 02° 15' 12" E, A DISTANCE OF 267.84 FEET; THENCE S 87° 44' 48" E, A DISTANCE OF 76.00 FEET; THENCE S 02° 15' 12" W, A DISTANCE OF 111.84 FEET; THENCE S 43° 07' 00" E, A DISTANCE OF 49.18 FEET; THENCE S 88° 29' 13" E, A DISTANCE OF 198.61 FEET; THENCE S 02° 14' 53" W, A DISTANCE OF 120.01 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80; THENCE N 88° 29' 13" W, A DISTANCE OF 309.68 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 158,442 SQUARE FEET / 3.637 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated September 19, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the two (2) story medical office building shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the Loxahatchee Groves Rural Vista Design Guidelines, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)
2. The maximum height of the two (2) story medical building shall be thirty-five feet, excluding architectural features which shall not exceed a maximum height of forty-one (41) feet and shall be generally consistent with the elevations prepared by Marc Wiener, AIA and dated September 19, 2005. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of the two (2) story medical building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW -Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after May 17, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. LANDSCAPE WITHIN THE MEDIAN OF SOUTHERN BOULEVARD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Southern Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner provides payment for maintenance as set forth in Paragraph d) below.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
  - b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
  - c) At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the property owner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING:ENGINEERING-Eng)
  - d) Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Southern Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGONG:ENGINEERING-Eng)
3. Prior to final approval of the proposed site plan by the DRO, the property owner shall convey a forty (40) foot access easement to the Public along the south property line. This Access easement shall extend from F Road to the projects east property line as shown on the current DRO site plan. Final approval of the location of the access easement shall be approved by the County Engineer. Easment document shall be approved by the County Attorney. (DRO APPROVAL: ENGINEERING-Eng)
4. Prior to issuance of a certificate of occupancy, construction of the public access easement shall be completed from the projects east property line to F Road. (CO:MONITORING-Eng)
5. F ROAD CONSTRUCTION IMPROVEMENTS
- A. The Property owner shall construct F Road from the north side of project's north entrance to the north right of way line of Collecting Canal Road. Construction of this portion of F Road shall be subject to the requirements of the Loxahatchee Groves Water Control District. Construction is intended to be 22 feet in width with the wearing surface to be an Open Graded Emulsified Mix. This condition is subject to an executed agreement between the property owner and Loxhatchee Groves Water Control District Board of Supervisors, which includes provisions for the property owner to fund, in lieu of constructing, the aforementioned improvements. This agreement must be approved by the District prior to the issuance of a Building Permit for the proposed medical office building. (ONGOING: ENG-Eng)

- B. The Property owner shall construct F Road from the north side of projects north entrance to Southern Boulevard. Construction of this portion of F Road shall be to collector street standards, minimum 2 - 12 foot paved travel lanes. (ONGOING: ENG-Eng)
- C. Construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (ONGOING: ENG-Eng)
- D. Permits required by Loxahatchee Groves Water Control District for the construction in A and B shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- E. Construction and/or funding for the improvements in A and B shall be completed prior to the issuance of the first Certificate of Occupancy. (CO:MONITORING-Eng)

ENVIRONMENTAL

- 1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING: ERM-Erm)

HEALTH

- 1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH-Code Enf)

ZONING – LANDSCAPE -STANDARDS

- 1. Prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein and Conditions under the Board of Adjustment BA 2005-00461. (BLDG PERMIT:LANDSCAPE-Zoning)
- 2. A minimum of seventy (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF SOUTHERN BOULEVARD)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the south property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip; and,
  - b. one (1) palm or pine for each for each twenty (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF "F" ROAD)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the west property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip; and,
  - b. one (1) palm or pine for each for each twenty (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include:
  - a. a minimum fifty (50) foot wide landscape buffer strip as shown on the Site Plan and Regulating Plan as Section A-A and dated September 19, 2005;
  - b. a minimum twelve (12) foot wide meandering equestrian trail; and,
  - c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)
2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)
3. All outdoor, freestanding lighting fixtures shall be in conformance with the Loxahatchee Groves Rural Vista Design Guidelines and shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

## PLANNING

1. The site shall be limited to medical office uses only. (ONGOING: MONITORING-Planning)

## SIGNS

1. Freestanding signs fronting on Southern Boulevard and "F" Road shall conform to the Loxahatchee Groves Rural Vista Design Guidelines and shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - fifty (50) inches in height;
  - b. maximum sign face area per side - one hundred (100) square feet;
  - c. maximum number of signs - one (1) for each road frontage;
  - d. style - monument style only;
  - e. location - Sign B within fifty (50) feet of the south access point of "F" Road; and,
  - f. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

## USE LIMITATIONS

1. Development and use of the site is limited to a medical or dental office and shall not be modified unless approved by the BCC. (ONGOING: ZONING - Zoning)

## UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: WUD-WUD)

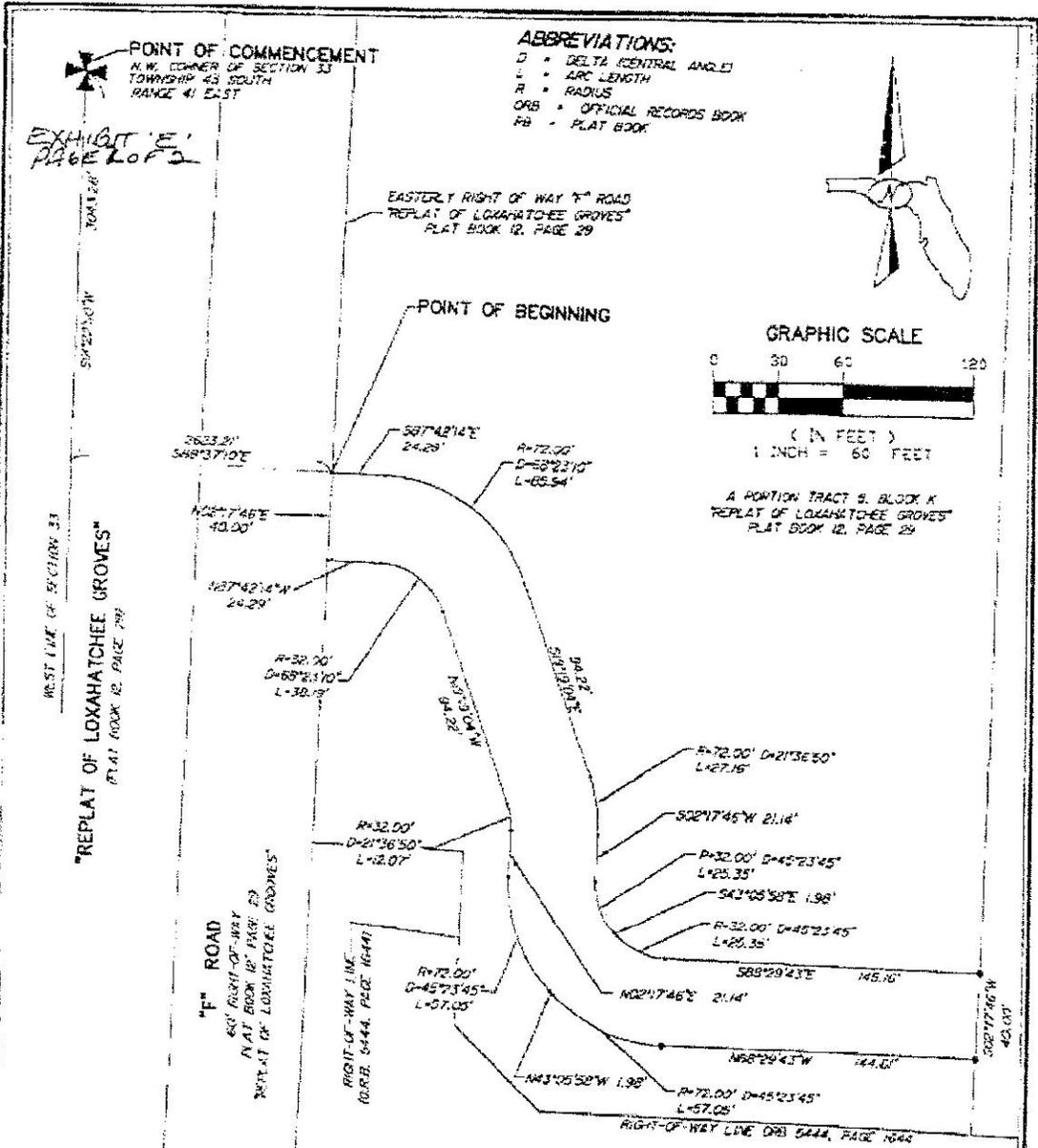
## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or

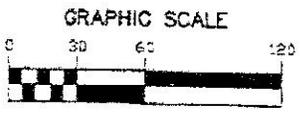
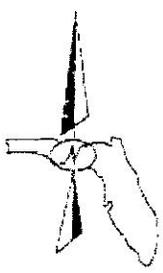
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)



**ABBREVIATIONS:**  
 D = DELTA (CENTRAL ANGLE)  
 L = ARC LENGTH  
 R = RADIUS  
 ORB = OFFICIAL RECORDS BOOK  
 PB = PLAT BOOK



A PORTION TRACT 9, BLOCK K  
 REPLAT OF LOXAHATCHEE GROVES  
 PLAT BOOK 12, PAGE 29

**CAULFIELD & WHEELER, INC.**  
 CIVIL ENGINEERING - LAND PLANNING  
 LANDSCAPE ARCHITECTURE - SURVEYING  
 7300 W. PALMETTO PARK ROAD - SUITE 100A  
 BOCA RATON, FLORIDA 33433  
 PHONE (561) 392-1991 / FAX (561) 760-452



DATE	3/2/2008
DRAWN BY	APZ
F.B./ P.B.	
SCALE	1"=60'
JOB NO.	4165

**SKETCH OF DESCRIPTION**  
**40' ACCESS EASEMENT**

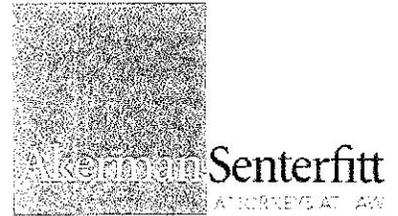
STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the original filed for record.

THIS 1 DAY OF June, 2008

SCOTT R. BOCK  
 COUNTY CLERK

*[Signature]*  
 DEPUTY CLERK



Fort Lauderdale  
Jacksonville  
Miami  
New York  
Orlando  
Tallahassee  
Tampa  
Washington, DC  
West Palm Beach

Las Olas Centre II, Suite 1600  
350 East Las Olas Boulevard  
Fort Lauderdale, Florida 33301-2229  
www.akerman.com  
954 463 2700 *tel* 954 463 2224 *fax*

June 5, 2006

Drake M. Batchelder  
954 468 2445  
drake.batchelder@akerman.com

**VIA E-MAIL. (nharrison@schroederlarche.com)**

Nancy Harrison, Esq.  
Schroeder & Larche  
120 E. Palmetto Park Road, #150  
Boca Raton, FL 33432

**Re: FGW Investments, LLC Purchase from Southern Development Services, Inc.**

Dear Nancy:

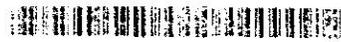
Please find enclosed one additional exception to title, which is required by the County in connection with the development of the subject property. This exception will be shown as an exception to the final title policy.

Very truly yours,

**AKERMAN SENTERFITT**

Drake M. Batchelder  
For the Firm

cc: Jim Zengage (via email)



Name: Palm Beach County Engineering  
 7140 Office Blvd #1120  
 Address: 7140 Office Blvd #1120  
 Apt. **Richard A. GARRARD R**  
 Palm Beach, FL 33414  
 W/C BOX 1066

CFN 20060323293  
 DE BK 20413 PG 0920  
 RECORDED 06/01/2006 09:42:31  
 Palm Beach County, Florida  
 Sharon R. Boek, CLERK & COMPTROLLER  
 Pgs 0920 - 929; (10pgs)

ACCEPTED BY  
 BOARD OF COUNTY COMMISSIONERS  
 DATE **MAY 31, 2006** CROSS ACCESS EASEMENT

THIS CROSS ACCESS EASEMENT (the "Easement") is made this 13<sup>th</sup> day of April, 2006 by Gary Cooper, Joseph Horvath and Beverly Buss, (collectively "Buss") whose address is 398 Old Country Road, Wellington, Florida 33414.

  
 WITNESSETH:

WHEREAS, Buss is the owner of fee simple title to a parcel of real property located in Palm Beach County, Florida, and described on attached Exhibit "A" ("Parcel 1"), and

WHEREAS, Rose A. Marro, Dora Romero and Raulise Romero, whose address is c/o 12788 Forest Hill Boulevard, #1001, West Palm Beach, Florida 33414 (collectively "Farmer's Daughter") is the owner of fee simple title to a parcel of real property located in Palm Beach County, Florida, and described on attached Exhibit "B" ("Parcel 2");

WHEREAS, Everglades Farm Equipment Co., Inc., a Florida corporation ("Everglades"), whose address is State Road 715 North, Post Office Box 910, Belle Glade, Florida 33430 is the owner of fee simple title to a parcel of real property located in Palm Beach County, Florida, and described on attached Exhibit "C" ("Parcel 3");

WHEREAS, Columbia Palms West Hospital Limited Partnership, a Florida limited partnership ("Palms West"), whose address is 1 Park Plaza, Nashville, Tennessee 37203 is the owner of fee simple title to a parcel of real property located in Palm Beach County, Florida, and described on attached Exhibit "D" ("Parcel 4") (the parcels sometimes being referred to herein collectively as the "Parcels" or individually as, the "Parcel").

WHEREAS, Palm Beach County ("County") has a health, safety and welfare interest in safe and efficient traffic circulation by eliminating the number of curb cuts on State Road #80 through the establishment of cross-access easements;

WHEREAS, Buss intends the County to be a direct third party beneficiary to this Easement; and

WHEREAS, Buss desires to provide upon Parcel 1 a cross access easement for the benefit of Parcel 2, Parcel 3, Parcel 4 and the County;

NOW THEREFORE, in consideration of the mutual covenants and easement contained herein, Ten and No/100's (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Buss agrees as follows.

1. Recitals. The foregoing recitals are true and incorporated herein.
2. Covenants Running with the Land. All of the covenants and easement herein constitute covenants running with the land and will accrue to the benefit of and bind the respective Parcels and all individuals and entities, their respective successors in interest, assigns, heirs and personal representatives, having or hereafter acquiring any right, title or interest in all or a portion of a Parcel.
3. Access Easement. Buss hereby grants, bargains and sells unto Farmer's Daughter, Everglades, and Palms West, their agents, employees, tenants, customers, invitees and licensees, a perpetual non-exclusive easement, license and privilege for ingress and egress by vehicular traffic over and across the forty (40) foot wide access road

easement ("Access Road Easement Area") of Parcel 1 for ingress and egress from and to their respective Parcels and State Road #80 as more particularly described on Exhibit "E" attached hereto.

4. Dedication to the Public. The Access Road Easement Area as set forth above is hereby dedicated to the public for the purpose of ingress and egress access by vehicular traffic to and from State Road #80.
5. No parking. The Access Road Easement Area is not intended to be, and will not be used as, an easement for vehicular parking or standing.
6. Indemnity. Farmer's Daughter, Everglades, and Palms West shall fully indemnify and hold harmless Buss from and against all claims, actions, causes of action, costs, expenses, including reasonable attorneys' fees and reasonable paralegal fees at trial and upon appeal, incurred by or made against Buss by reason of the exercise by Farmer's Daughter, Everglades, and Palms West of the rights granted herein. By accepting the benefit of the rights granted in this Easement, Farmer's Daughter, Everglades, and Palms West also accept the burden to fully indemnify Buss as set forth in this Paragraph 6. In the event Farmer's Daughter, Everglades, and Palms West fails to indemnify Buss as set forth above, the Access Road Easement Area granted herein shall not in any way be invalidated, but rather such failure to indemnify shall vest in Buss a personal cause of action against Farmer's Daughter, Everglades, and Palms West.
7. Miscellaneous.
  - a. If any term or provision of this Easement or the application thereof to any person or circumstance should to any extent be invalid or unenforceable, the remainder of this Easement and the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Easement shall be valid and enforceable to the fullest extent permitted by law.
  - b. Failure of any party to insist upon or enforce its rights under this Easement shall not constitute a waiver of such rights. Any party hereto may waive the benefit of any provision or condition for its benefit contained in this Easement.
  - c. No modification or change to this Easement shall be valid or binding unless in writing, and executed by the parties hereto and recorded in the public records of Palm Beach County.
  - d. This Easement shall be construed in accordance with the laws of the State of Florida. This Easement shall not be construed more strongly against either party, regardless of which party is responsible for its preparation.
  - e. In the event of a violation or breach of any of the provisions of this Easement, the aggrieved party has the right to proceed at law or in equity to enforce compliance. The prevailing party in any action under this Easement will be entitled to reasonable attorneys' fees, costs and reasonable paralegal fees, whether incurred at trial or on appeal.

IN WITNESS WHEREOF, Buss has executed this Easement as of the day and year set forth above.

Signed, sealed and delivered  
In the presence of:

GARY COOPER, JOSEPH HORVATH,  
BEVERLY BUSS

Kathleen's Watlington  
Print Name: KATHLEEN'S WATLINGTON

Valerie Lepene  
Print Name: VALERIE LEPENE

[Signature]  
GARY COOPER

Frederick Schmidt  
Print Name: Frederick J Schmidt

Christian M. Bourgaillat  
Print Name: Christian M. Bourgaillat

[Signature]  
JOSEPH HORVATH

Frederick Schmidt  
Print Name: Frederick J Schmidt

Christian M. Bourgaillat  
Print Name: Christian M. Bourgaillat

[Signature]  
BEVERLY BUSS

STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to and subscribed before me this 12th day of April, 2006 by  
GARY COOPER, who is personally known or who has provided \_\_\_\_\_ as identification  
and who (did) (did not) take an oath.

[Signature]  
NOTARY PUBLIC STATE OF  
FLORIDA North Carolina

My Commission Expires:

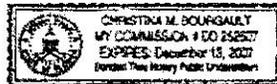
STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to and subscribed before me this 12th day of April, 2006 by  
JOSEPH HORVATH, who is personally known or who has provided \_\_\_\_\_ as  
identification and who (did) (did not) take an oath.

[Signature]  
NOTARY PUBLIC STATE OF  
FLORIDA

My Commission Expires:



STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to and subscribed before me this 12<sup>th</sup> day of April, 2006 by BEVERLY BUSS, who is personally known or who has provided \_\_\_\_\_ as identification and who (did)(did not) make an oath.

Christina M. Bourgalet  
NOTARY PUBLIC STATE OF  
FLORIDA

My Commission Expires: 12/13/07

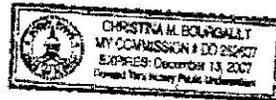


Exhibit "A"

Owner: Gary Cooper, Joseph Horvath and Beverly Buss

LEGAL DESCRIPTION

The South 700 feet of the West 310 feet of that part of Tract 5, Block K, lying north of State Road 80, Replat of 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, recorded in Plat Book 12, Page 29.

Exhibit "B"

Legal Description

Owner: Rosa A. Marron, Dora Romero and Raufise Romero

The East 479.5 feet of the South 700 feet of Tract 5, Block K,  
LONAHATCHEE 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, recorded in Plat Book 12, Page 29.

Exhibit "C"

Legal Description

Owner Everglades Farm Equipment Co., Inc.

Lot 4, Block K, Map Loxahatchee District Subdivision, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 7, Page 81.

LESS the North 834.0 feet thereof, and LESS the Right of Way for State Road No. 80, and

LESS the following portion conveyed to the State of Florida, for the use and benefit of the State of Florida Department of Transportation described as follows:

COMMENCE at the Northeast corner of Section 33, Township 43 South, Range 41 East, thence S 01°15'20" W a distance of 3623.35 feet to the Baseline of Survey for State Road 80; thence N 88°08'26" W a distance of 1095.72 feet, thence N 01°51'34" E a distance of 50.00 feet to the Northerly Existing Right of Way for State Road 70 and the POINT OF BEGINNING; thence N 02°13'55" E a distance of 120.00 feet; thence N 88°08'26" W a distance of 784.9 feet, thence S 02°14'24" W a distance of 120.00 feet to the Northerly Existing Right of Way for State Road 80; thence S 88°08'26" E a distance of 784.97 feet to the POINT OF BEGINNING

Exhibit "D"

Legal Description

Owner: Columbia Palms West Hospital Limited Partnership

A portion of Lot 4, Block K, Loxahatchee District Subdivision, according to the map or plat thereof as recorded in Plat Book 7, Page 81, Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence, South 02°16'42" West, along the East line of said Lot 4, a distance of 834.00 feet, for a Point of Beginning

Thence, continue South 02°16'42" West along said East Line, a distance of 1221.92 feet more or less, to the intersection thereof with the North Right of Way line of State Road No. 80 as recorded in O.R. Book 12372, Page 468, Public Records of Palm Beach County, Florida, thence, North 88°08'51" West, departing said East line and along said North Right of Way line, a distance of 260.20 feet; thence, North 02°16'46" East, departing said Right of Way line, a distance of 80.00 feet; thence, North 88°08'51" West, a distance of 248.59 feet; thence, North 02°16'46" East, a distance of 321.11 feet; thence, North 88°08'51" West, a distance of 275.01 feet, more or less, to the intersection thereto with the West line of said Lot 4, thence, North 02°16'46" East, along said West line, a distance of 806.33 feet; thence, South 89°12'21" East, departing said West line and along the South line of the North 834.00 feet of said Lot 4, as measured along the East and West lines of said Lot 4, a distance of 784.02 feet to the Point of Beginning

EXHIBIT 'E', PAGE 1 OF 2

DESCRIPTION

A PARCEL OF LAND SITUATE IN TRACT 6, BLOCK K, (REPLAT OF LOKAHATCHEE GROVES), ACCORDING TO THE PLAT THEREON ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH-WEST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE SOUTH 01° 22' 57" WEST ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 664.28 FEET; THENCE SOUTH 98° 37' 10" EAST, A DISTANCE OF 248.94 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF 1/2" ROAD AS SHOWN ON SAID REPLAT OF LOKAHATCHEE GROVES; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 37° 42' 14" EAST, A DISTANCE OF 24.00 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 72.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 23' 49", AN ARC DISTANCE OF 88.94 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 18° 19' 04" EAST, A DISTANCE OF 94.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 72.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 28' 59", AN ARC DISTANCE OF 27.18 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 02° 17' 42" WEST, A DISTANCE OF 21.14 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 32.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48° 23' 49", AN ARC DISTANCE OF 18.38 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 42° 58' 58" EAST, A DISTANCE OF 1.66 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 32.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40° 23' 49", AN ARC DISTANCE OF 26.22 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 88° 29' 43" EAST, A DISTANCE OF 148.16 FEET; THENCE SOUTH 02° 17' 42" WEST, A DISTANCE OF 40.00 FEET; THENCE NORTH 88° 29' 43" WEST, A DISTANCE OF 148.16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 72.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48° 23' 49", AN ARC DISTANCE OF 37.06 FEET TO THE POINT OF TANGENCY; THENCE NORTH 02° 17' 42" EAST, A DISTANCE OF 21.14 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 32.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 28' 59", AN ARC DISTANCE OF 12.00 FEET TO THE POINT OF TANGENCY; THENCE NORTH 17° 13' 04" WEST, A DISTANCE OF 94.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 32.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 23' 49", AN ARC DISTANCE OF 88.19 FEET TO THE POINT OF TANGENCY; THENCE NORTH 67° 42' 14" WEST, A DISTANCE OF 24.00 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY OF 1/2" ROAD; THENCE NORTH 02° 17' 42" EAST, A DISTANCE OF 40.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

SUBJECT TO ENCUMBRANCES, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREBY ARE RELATIVE TO ASSUMED PALM BEACH ON THE WEST LINE OF TRACT 6, BLOCK K, LOKAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29, BEARING N 02° 17' 42" E.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OR DESCRIPTION OF THE HEREBY DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON MARCH 2, 2008. I FURTHER CERTIFY THAT THIS SKETCH OR DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 60B-14 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 473.007.

*Henry J. Wayne*  
HENRY J. WAYNE, P.L.S.  
REGISTERED SURVEYOR #3332  
STATE OF FLORIDA - LB #3231

**CAULFIELD & WHEELER, INC.**  
CIVIL ENGINEERING - LAND PLANNING  
LANDSCAPE ARCHITECTURE - SURVEYING  
1301A W. PALMETTO PARK ROAD - SUITE 103A  
BOCA RATON, FLORIDA 33433  
PHONE (561) 342-1991 / FAX (561) 750-1452



DATE	3/2/2008
DRAWN BY	APZ
F.B./ P.G.	
SCALE	"=60'
JOB NO.	4165

**SKETCH OF DESCRIPTION  
40' ACCESS EASEMENT**

**Groves Medical Plaza | Cross-Access Issue**

Monday, April 25, 2016 2:36 PM

**From:** "Ryan Johnston" <ryan@johnstongroupinc.com>

**To:** "Dawn Irmijim" <irmijim@bellsouth.net>

6 Files	5 MB	Download All			
FILE	SIZE	991KB	1 MB	207 KB	284 KB
image003.jpg	R-2006-0157.pdf	Approved Site Plan w/ Access	Recorded Cross-Access	2011 Aerial.jpg	11-51 5.23.12 meeting
Save	Save	Save	Save	Save	Save

Jim,

I wanted to circle back with you about what we've found out since Thursday night's Town Council meeting. Fortunately, my file on this project is extensive and I was able to dig up a good history regarding the matter of the cross-access requirement and removal of the previous illegal connection in the State right-of-way.

The Groves Medical Plaza development order issued by the County required the dedication of a cross-access easement along the south property line to connect F Road to the Farmer's Daughter property (see Engineering Conditions 3 & 4 within the attached "R-2006-0157"). The required cross-access easement is shown highlighted on the approved site plan (attached). A cross-access easement (attached) was subsequently executed and recorded in the County records, as required by the condition of approval. The cross-access connection was constructed as part of the project and stubbed to the east property line, satisfying the County's requirement.

The old dirt path to which Ms. Campbell referred is shown on the attached "2011 Aerial". During construction of the project, our staff, the project civil engineer (Simmons & White), the contractor and FDOT staff met on-site to discuss a couple of issues including the dirt road. The attached document entitled "11-51 5.23.12 meeting min" contains a summary of the meeting. It appears that Ms. Campbell was in attendance for at least a portion of this meeting. As you can see from the summary, FDOT referred to the dirt road as an "illegal dirt road" and specifically discussed installation of the guardrail and improvement of the swale to shut it down. Obviously, the FDOT followed through by installing the guardrail and improving the swale as contemplated during the discussion at the meeting.

At this point I'm not sure what else there is we can do. Our client cannot remove FDOT property from the State right-of-way as Ms. Campbell suggested during the public hearing, and we've already provided an improved cross-access easement to allow her customers a direct connection to F Road. What are your thoughts?

Sincerely,

Ryan

Ryan B. Johnston  
President / Principal  
**JOHNSTON GROUP LAND DEVELOPMENT CONSULTANTS, INC.**  
5090 PGA Boulevard, Suite 212 • Palm Beach Gardens, Florida 33418  
561.691.4552 p • 561.691.4553 f • 561.385.7152 c  
[ryan@johnstongroupinc.com](mailto:ryan@johnstongroupinc.com)  
[www.johnstongroupinc.com](http://www.johnstongroupinc.com)

10 Year Logo

The information contained in this message may be privileged, confidential, and protected from disclosure. If the reader of this message is not the intended recipient, or any employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

**Subject:** FW: Groves Medical Plaza (Southern Blvd. & F Road)  
**From:** Ryan Johnston (ryan@johnstongroupinc.com)  
**To:** lrmijim@bellsouth.net;  
**Date:** Wednesday, April 27, 2016 3:27 PM

As requested.

Ryan B. Johnston

President / Principal

**JOHNSTON GROUP LAND DEVELOPMENT CONSULTANTS, INC.**

5090 PGA Boulevard, Suite 212 • Palm Beach Gardens, Florida 33418

561.691.4552 p • 561.691.4553 f • 561.385.7152 c

[ryan@johnstongroupinc.com](mailto:ryan@johnstongroupinc.com)

[www.johnstongroupinc.com](http://www.johnstongroupinc.com)



2006 - 2016

**From:** Drouin, Brett [<mailto:Brett.Drouin@dot.state.fl.us>]  
**Sent:** Wednesday, April 27, 2016 7:28 AM  
**To:** Ryan Johnston  
**Cc:** Evert, Rosie; Kissner, Eugene  
**Subject:** FW: Groves Medical Plaza (Southern Blvd. & F Road)

Good Morning Ryan:

Be advised the Department installed the guardrail in question for public safety reasons. It is also my understanding the property owner to the east of you can have access to "F" road through the frontage road installed but refuses to connect.

If you have any further concerns regarding this matter please do not hesitate to contact this office.

Regards,

**Brett Drouin**

**Permits Manager**

**Palm Beach Operations**

**7900 Forest Hill Boulevard**

**West Palm Beach, 33413**

**(561) 370-1134**

**Fax: (561) 370-1236**

**From:** Ryan Johnston [<mailto:ryan@johnstongroupinc.com>]

**Sent:** Tuesday, April 26, 2016 4:45 PM

**To:** Drouin, Brett

**Subject:** Groves Medical Plaza (Southern Blvd. & F Road)

Hi Brett,

You may recall that we developed a property at the NE corner of Southern Boulevard and F Road a few years ago and had some coordination with your office as it relates to our construction and the on-going FDOT Southern Boulevard work. A copy of our approved site plan is attached for your reference. A representative from our office met with you, our contractor and civil engineer at the site on May 23, 2012 to discuss a couple of issues including the removal of an illegal dirt road that was located within the FDOT right-of-way in front of our

site. I have attached our civil engineer's minutes of that meeting. I have also attached a 2011 aerial photograph showing the illegal dirt road and a more recent aerial photograph showing the road removed and a guardrail installed.

We are currently processing a site plan amendment through the Town of Loxahatchee Groves and the neighbor directly adjacent to our east property line has complained to the Town about the installation of the guardrail. She says it has blocked her access to and from F Road resulting in a decline in her business and directly accused us of installing the guardrail for the reason being that we didn't want her traffic traversing in front of our site. The Town has asked us to investigate the history of this issue and confirm that FDOT, and not us, installed the subject guardrail. Based on the attached minutes, I believe that the guardrail was installed by FDOT with the purpose of shutting down the illegal dirt road. Can you please confirm that this is the case?

Thanks,

Ryan

Ryan B. Johnston

President / Principal

**JOHNSTON GROUP LAND DEVELOPMENT CONSULTANTS, INC.**

5090 PGA Boulevard, Suite 212 • Palm Beach Gardens, Florida 33418

561.691.4552 p • 561.691.4553 f • 561.385.7152 c

[ryan@johnstongroupinc.com](mailto:ryan@johnstongroupinc.com)

[www.johnstongroupinc.com](http://www.johnstongroupinc.com)



2006 - 2016

## CONSTRUCTION FIELD OBSERVATION REPORT

Project Name	Grove Medical Office	Job No.	11-51
Client	Grove Medical Office	Date	5/23/12
Contractor	All Flags Construction	Time	2pm
Subcontractor	Deevan	Weather	Hot/sunny
Contact	Bob Hoffman, Steve Fisher -- All Flags Construction		

### DETAILS

Today I was on site at the above referenced project with the contractor/owner listed above as well as Brett Drouin and Gene Kissner of FDOT and Michael Sanchez of the Johnston group.

We discussed the closure of the existing illegal dirt road running from the property to the east (whose owner was present for a portion of the meeting) to "F" road on the west, in front of the project property, within FDOT R/W. FDOT indicated that a permanent means to secure the Right of Way from illegal vehicular use needed to be established and will attempt to have their maintenance department extend the existing guardrail from the current eastern terminus to the shared property corner of our site and the adjacent property to the east. The contractor will regrade the area that is currently being used as a road back to the original swale section as shown in the construction plans prepared by Simmons & White. The eastern property will have access to "F" road through the recorded cross access agreement and roadway to be constructed as part of this project.

Also discussed was modifying the plans at the intersection of F road to SR 80. We will utilize as much of the existing type E curb, sidewalk and handicap ramp landing on the west side of F road as possible. we will extend the sidewalk further south on F road to connect to the existing landing on the west side in as close to a parallel line across the intersection as possible and we will add striping to the existing road way. FDOT will contact PBC traffic division to see if PBC ITS/Traffic can make the necessary changes to the existing pedestrian crossing signals and install a new one on the east side. Simmons & White will modify our plans to show the new alignment and resubmit to FDOT after providing a tentative sketch of crosswalk and landing locations.



By Paul Buri

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2016-32**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_ AND \_\_\_\_\_, AS ALTERNATE MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, regular and alternate members of the Town Council are appointed pursuant to Ordinance 2011-011, which was amended by Ordinance 2012-02, to allow alternate members of the Planning and Zoning Board to participate in any matter coming before the Board at a meeting at which the alternate member attends, and by Ordinance 2015-02, to amend the terms of regular members of the Planning and Zoning Board to be one (1) year terms; and,

**WHEREAS**, on April 19, 2016, the Town Council adopted Resolution No. 2016-32, appointing five regular members to the Planning & Zoning Board; and

**WHEREAS**, there remains two alternate member positions remaining to be filled; and

**WHEREAS**, the Town Council finds it in the best interests of the Town to complete this Board by the appointment of the remaining two alternate members to the Planning and Zoning Board for terms to correspond with the one (1) year term of the regular members, and to make such appointments for the upcoming year at this time.

**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 hereby appoints the following persons to serve as alternate member of the Town's Planning and Zoning Board for a term to correspond with the one (1) year term of the regular members:

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---

**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.

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_ DAY OF MAY 2016.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Virginia Walton, Town Clerk

\_\_\_\_\_  
Vice-Mayor Tom Goltzené

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ron Jarriel

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Todd McLendon

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2016-33**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_, AS A VOTING MEMBER OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Resolution 2009-008, adopted on May 19, 2009, established the Town of Loxahatchee Groves Finance Advisory Board; and

**WHEREAS**, Resolution 2009-014, adopted on July 21, 2009, renamed the Town's Finance Advisory Committee to the Finance and Audit Committee (FAAC), and provided for terms of voting members to run concurrently with the term of the appointing Council Member; and,

**WHEREAS**, Resolution 2016-24, adopted on April 19, 2016, amended the duties, term of members, meetings and Town Staff support for the Finance Advisory and Audit Committee; and

**WHEREAS**, on April 19, 2016, the Town Council adopted Resolution No. 2016-22, appointing four voting members to the Finance Advisory and Audit Committee; and

**WHEREAS**, there remains one voting member position remaining to be filled; and

**WHEREAS**, the Town Council finds it in the best interests of the Town to complete this Committee by the appointment of the remaining voting member to the Finance Advisory and Audit Committee for a term to correspond with the terms of the voting members appointed on April 19, 2016, and to make such appointment for the upcoming year at this time.

**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 hereby appoints the following person to serve as a voting member of the Town's Finance Advisory and Audit Committee (FAAC) for a term to correspond with the terms of the voting members appointed on April 19, 2016:

Council Member Ryan Liang appoints \_\_\_\_\_.

**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.

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_\_ DAY OF MAY 2016.**

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Virginia Walton, Town Clerk

\_\_\_\_\_  
Vice-Mayor Tom Goltzené

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ron Jarriel

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Todd McLendon

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2016-34**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_ AS A VOTING MEMBER OF THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (RETGAC), TO SERVE A TERM OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Resolution No. 2011-005, adopted by the Town Council on May 17, 2011, established the Town's Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC), and provided for terms of voting members to run concurrently with the term of the appointing Council Member; and

**WHEREAS**, Resolution No. 2015-014, adopted by the Town Council on April 21, 2015, amended Section 2(I)(E) of Resolution No. 2011-005 and established the terms of all members of the Roadway, Equestrian Trails and Greenway Advisory Committee to one (1) year; and

**WHEREAS**, the Town Council adopted Resolution No. 2016-20 on April 19, 2016, appointing five members to the Roadway, Equestrian Trails and Greenway Advisory Committee; and

**WHEREAS**, on May 2, 2016, the Appointee Thais Gonzalez resigned her position in order to serve on another board; and

**WHEREAS**, there now exists a regular member position to be filled; and

**WHEREAS**, the Town Council finds it in the best interests of the Town to complete this Committee by the appointment of a regular member to the Roadway, Equestrian Trails and Greenway Advisory Committee for the remainder of the one (1) year term, and to make such appointment for the upcoming year at this time.

**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 hereby appoints the following person to serve as voting member of the Town's Roadway, Equestrian Trails and Greenway Advisory Committee (ETGAC) for the remainder of the one (1) year term:

Council Member Todd McLendon appoints \_\_\_\_\_.

**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.

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE  
GROVES, FLORIDA, THIS \_\_\_ DAY OF MAY 2016.**

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Virginia Walton, Town Clerk

\_\_\_\_\_  
Vice-Mayor Tom Goltzené

\_\_\_\_\_  
Council Member Ron Jarriel

APPROVED AS TO LEGAL  
FORM:

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Todd McLendon

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2016-35**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING \_\_\_\_\_, AS A REGULAR VOTING MEMBER, AND APPOINTING \_\_\_\_\_ AS AN ALTERNATE MEMBER OF THE TOWN'S ULDC ADVISORY COMMITTEE, TO SERVE TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Resolution 2016-28, adopted on April 19, 2016, re-established and set forth the duties of the Town of Loxahatchee Groves ULDC Committee; and

**WHEREAS**, the Town Council adopted Resolution No. 2016-31, appointing four regular members and one alternate member to the ULDC Advisory Committee, for terms to expire on the sunset date of December 31, 2016; and

**WHEREAS**, there remains one regular member and one alternate member position remaining to be filled; and

**WHEREAS**, the Town Council finds it in the best interests of the Town to complete this Committee by the appointment of the remaining regular and alternate members to the ULDC Advisory Committee for terms to expire on the sunset date of December 31, 2016, and to make such appointments for the upcoming year at this time.

**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 hereby appoints the following persons to serve as voting members of the Town's ULDC Committee (ULDC) for a term to expire on 12/31/2016:

Council Member Ryan Liang appoints \_\_\_\_\_.

**Section 3.** The Town Council hereby appoints the following person to serve as an alternate member of the Town’s ULDC Committee for a term to expire on the sunset date of 12/31/2016:

\_\_\_\_\_

**Section 4.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** 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 6.** This Resolution shall become effective immediately upon its passage and adoption.

Council Member \_\_\_\_\_ offered the foregoing resolution. Council Member \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(space left intentionally blank)

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE  
GROVES, FLORIDA, THIS \_\_\_ DAY OF MAY 2016.**

TOWN OF LOXAHATCHEEGROVES,  
FLORIDA

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Virginia Walton, Town Clerk

\_\_\_\_\_  
Vice-Mayor Tom Goltzené

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ron Jarriel

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Todd McLendon

**Town of Loxahatchee Groves, Florida**

**Town Council Agenda  
AGENDA ITEM REPORT  
ITEM NO. 8f**

MEETING DATE: 5/17/2016

**PREPARED BY:** William F. Underwood, II

**SUBJECT:** Town Surplus Cash Investment Options

**1. BACKGROUND/HISTORY**

**Problem Statement:** Town Council wants to review investment programs recommended by the FAAC.

**Problem Solution:** Town enters into investment opportunities recommended by the FAAC which is the Florida Municipal Investment Trust and the Local Government Investment Trust.

**2. CURRENT ACTIVITY**

FAAC Committee made a recommendation for a total investment of 2.5 million dollars. A \$500,000 investment in Florida Local Investment Trust; and a total of 2 million dollars in Florida Municipal Investment Trust, with 1.7 million in 0 to 2 year bond fund and \$300,000 in 1 to 3 year bond fund.

**3. ATTACHMENTS**

FACC Report Summary  
Florida Local Investment Trust and  
Florida Municipal Investment Trust portfolio

**4. FINANCIAL IMPACT**

Unknown improved investment earnings.

**5. RECOMMENDED ACTION**

Motion authorizing Staff to bring forward resolutions for the Town to enter into investment opportunities for one or both FAAC recommendations.

## April 2016 Finance Audit and Advisory Committee Report for Council

1. We reviewed the January and February Financials and bank statements and ask that they be approved.
2. We began the process of reviewing and revising the financial policies and procedures manual. This is ongoing work.
3. We looked at a variety of investment opportunities for the town and have recommendations to make.
  - a. Total investment of 2.5 million dollars leaving approximately 500k in operating fund. This represents two months plus operating expenses.
  - b. Florida Local Investment Trust – Functions much like a money market but with a .04 -.06% return in Q4 of 2015. Higher returns for trailing years. Leaves money extremely liquid. 500k
  - c. Florida Municipal Investment Trust – 0 to 2 year bond fund/1.7 million <> 1 to 3 year bond fund/300k for a total of 2 million dollars.
  - d. Less liquid but still liquid, higher return and we would want to keep in for a one year period at minimum.
4. ISSUES
  - a. Bill Underwood is on the advisory board of the Florida Municipal Investment Trust
  - b. Need to authorize wire transfer to use (Bill and the Mayor)
  - c. How long does it take to start a capital improvement project that we might need the \$ for.

# FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

## Quarterly Program Overview

*as of December 31, 2015*

### FLORIDA TRUST

*Florida Local Government Investment Trust*

BRUCE M. DENTON

301 West Platt Street #99 Tampa, Florida 33606

Direct: 727-224-8434 Fax: 813-926-2015

[bdenton@myfloridatrust.net](mailto:bdenton@myfloridatrust.net)

[www.floridatrustonline.com](http://www.floridatrustonline.com)

### The Florida Trust

oulevard, Tallahassee, Florida 32312

o ♦ [www.floridatrustonline.com](http://www.floridatrustonline.com)

# Governance and Staff

## • Board of Trustees

- Bob Inzer, Chair, Leon County Clerk of the Court
- Welton Cadwell, Vice Chair, Lake County Commissioner
- Robin DiSabatino, Secretary, Manatee County Commissioner
- DeWitt Cason, Columbia County Clerk of the Court
- Paula O'Neil, Ph. D, Pasco County Clerk of the Court
- Edwin V. Smith, Polk County Commissioner

## • Investment Advisory Board

- Bob Inzer, Chair, Leon County Clerk and Comptroller
- Phillip Borozny, Investment Manager, Polk County
- Jan Brewer, Deputy Director, Financial Management, Manatee County
- Clareth Harris, Chief Deputy Director, Finance Division, Pinellas County
- Jeff Kern, Treasury Management Officer, Sarasota County
- Manny Long, Director of Financial Services, Pasco County
- David Miles, Finance Director, The Villages
- Jeff Smith, Indian River County Clerk of the Court
- Gary Stanford, Finance Director, Okaloosa County
- Jim Ward, Director of Finance/Records, Santa Rosa County
- Tommy White, Chief Deputy, Board Services, Charlotte County

## • Administrative Staff

- Kenneth A. Kent, Administrator
- Peggy Ball, Director of Management Services
- Mike Moreno, Program Manager
- Bryant Gries, Trust Operations Manager
- KayDubois Carson, Management Analyst

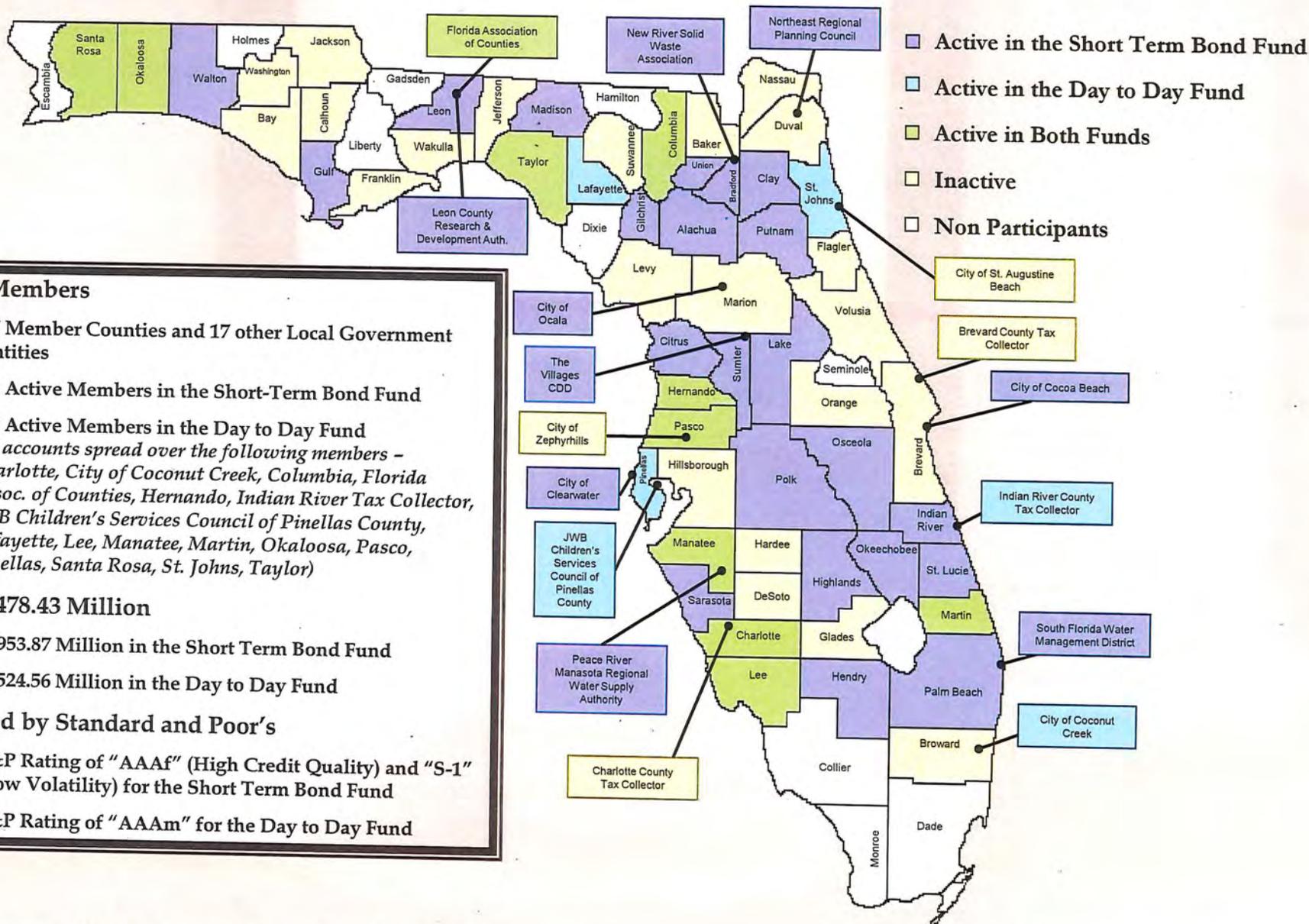
## • Marketing and Member Relations

- Mike Moreno, Marketing Manager
- April Daniel, Marketing Representative
- Bruce Denton, Marketing Representative
- Zachary Falconer, Marketing Representative
- David Porter, Marketing Representative

## • Portfolio Management

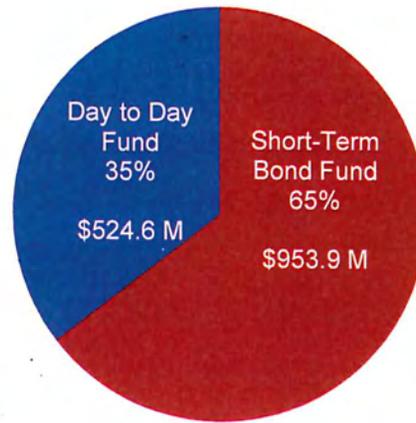
- Asha Joshi, Managing Principal, Payden & Rygel
- Beth Westvold, Senior Vice President, Payden & Rygel
- Lisa Matiash, Portfolio Analyst, Payden & Rygel

# FLORIDA TRUST MEMBERS



- **74 Members**
- **57 Member Counties and 17 other Local Government Entities**
- **42 Active Members in the Short-Term Bond Fund**
- **17 Active Members in the Day to Day Fund**  
*(31 accounts spread over the following members - Charlotte, City of Coconut Creek, Columbia, Florida Assoc. of Counties, Hernando, Indian River Tax Collector, JWB Children's Services Council of Pinellas County, Lafayette, Lee, Manatee, Martin, Okaloosa, Pasco, Pinellas, Santa Rosa, St. Johns, Taylor)*
- **\$ 1,478.43 Million**
- **\$ 953.87 Million in the Short Term Bond Fund**
- **\$ 524.56 Million in the Day to Day Fund**
- **Rated by Standard and Poor's**
- **S&P Rating of "AAAF" (High Credit Quality) and "S-1" (Low Volatility) for the Short Term Bond Fund**
- **S&P Rating of "AAAm" for the Day to Day Fund**

# Florida Trust Assets



**Total Assets: \$1.48 Billion**

Day to Day Fund		Short-Term Bond Fund	
Inception	1/13/09	Inception	1/1/92
Average Credit Quality	AAAm	Average Credit Quality	AAAf/S1
Average Duration	30-60 days	Average Duration	1.5-2.5 years
30-Day SEC Yield, net	0.20%	30-Day SEC Yield, net	0.97%

# Investment Guidelines

## Day to Day Fund

### S&P Rating

Rating	'AAAm'
Definition	Fund has extremely strong capacity to maintain principal stability and to limit exposure to principal losses due to credit, market, and/or liquidity risks.

### Guidelines

Minimum 'A-1+'	50%
Maximum 'A-1'	50%
Maximum 'A-2'	None
Maximum WAM	60 days
Maximum WAL	120 days
Maximum Final Maturity	•397 days •Gov't & FDIC-backed FRNs: max 762 days

### Guideline Differences

S&P is more restrictive than 2a-7 guidelines.

#### S&P

- No A2/P2 – rated securities
- Min. 50% A1+ securities
- Max average maturity 60 days
- Max 25% in any sweep
- Max 33% in any one agency
- Limitations on repos, i.e., counterparty, maturity

#### 2a-7

- Max 5%
- No minimum
- Max 60 days
- No minimum
- No minimum
- No minimum

## Short-Term Bond Fund

### Objectives

- Safety of principal
- Maximize return while assuming minimum of risk through a balance of quality and diversification
- Maintain sufficient liquidity
- Maintain AAA S&P rating

### Permitted Securities

- Direct obligations of the U.S. Government
- Obligations of U.S. Government Agencies
- Minimum 30% in U.S. Government Securities
- Corporate Securities (Yankees included)
- Commercial Paper
- Repurchase Agreements CMOs and ABS
- Municipals (taxable & non taxable)

### Maximum Duration

- 5 years

### Quality

- Minimum Portfolio Average: AAA by S&P
- Minimum Security Rating: A- (no splits)

### Benchmark

- Merrill Lynch 1-3 year Treasury Index

# FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

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## **The Short-Term Bond Fund**

*Florida's longest running local government investment pool, ideal for funds with a 6 month investment horizon or greater*

# Short-Term Bond Fund: Key Features

- Authorized investment under Florida law, F.S. 218.415 (16) (a). The Florida Trust is an intergovernmental investment pool created by interlocal agreement under F.S. 163.01.
- Launched in 1992 and sponsored by the Florida Court Clerks and Comptrollers and the Florida Association of Counties.
- AAA-rated by S&P and structured to maintain liquidity, safety of principal, and maximize available yield through a balance of quality and diversification.
- Invests primarily in U.S. Treasuries, Mortgages, Commercial Paper, Government Related Securities, Asset-Backed Securities rated AAA or A-1, and Corporate Bonds rated A or better by Standard and Poor's.
- Variable Net Asset Value (NAV)—The fund will provide return in the form of share value; the NAV will fluctuate in value based on market conditions.
- Next day liquidity – There are no withdrawal restrictions.
- Online Account Access – Secure access to view your account(s) and access/download statements via the World Wide Web.
- This fund is designed to provide an investment diversification option, specifically to meet short-term investment needs Florida local governments. (e.g., bond proceeds, project funds, cash reserves)

# Short-Term Bond Fund: Partners



# Short-Term Bond Fund: Portfolio Summary

## PORTFOLIO RETURNS

	Q4 2015	Trailing 1 Year	Trailing 3 Years	Trailing 5 Years	Since Inception (1/1/92)
S-T Bond Fund (gross)	-0.20%	0.74%	0.74%	1.21%	4.09%
S-T Bond Fund (NAV)	-0.28%	0.49%	0.49%	0.94%	3.75%
Benchmark*	-0.44%	0.54%	0.58%	0.70%	3.95%

Periods over one year annualized

\*BA Merrill Lynch 1-3 Year Treasury Index 2/200 to present; Money Market Index prior

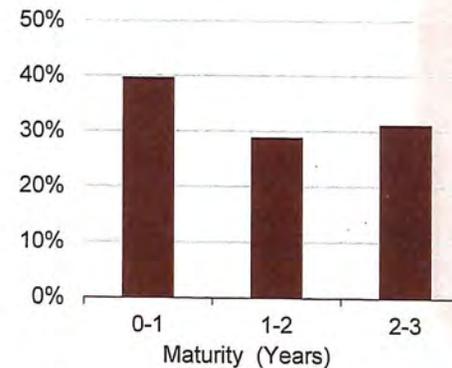
## Portfolio Characteristics

Portfolio Market Value	\$954.0 million
S&P Rating	AAAf/S1
Duration	1.40 years
Yield at Purchase	1.08%
Yield to Maturity	1.27%
30-Day SEC Yield (net)	0.97%

## Strategy Themes

- Maintained an underweight interest rate duration to the BAML 1-3 Year US Treasury benchmark.
- Modestly altered the allocation of government-related securities and AAA-rated US Treasury exposure.
- Modestly increased credit exposure; continued to participate in new issue corporate offerings and selectively added 3-year maturity fixed-rate bonds.
- Maintained allocation to high quality AAA-rated ABS securities with shorter duration profiles.

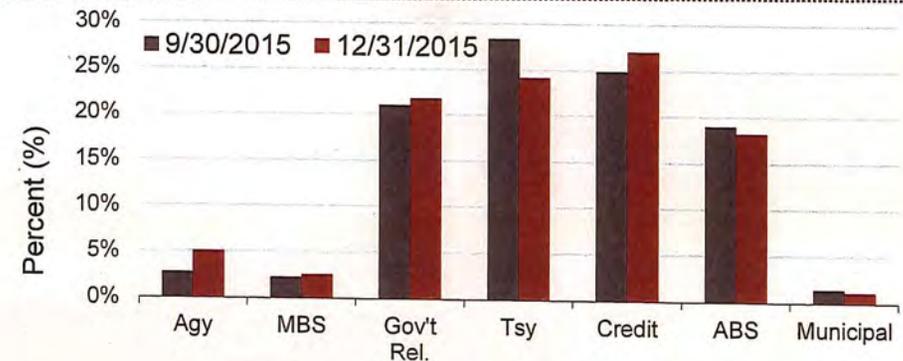
## Duration Distribution



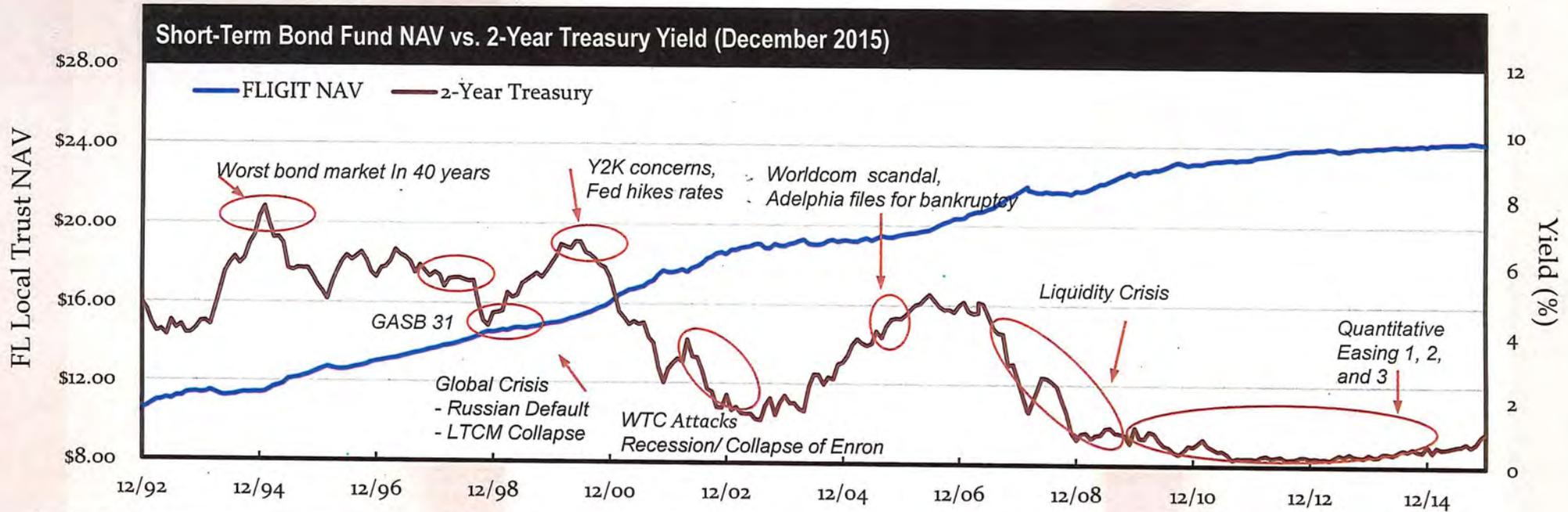
## Credit Quality

US Treasury	24%
AAA	48%
AA	18%
A	10%

## Sector Allocation



# The Added-Value of Longer-Maturity Assets



Basis pt. change in 2-Year Tsy. Yield from 12/31 (cal. yr)	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
	1.02%	1.33%	0.41%	-1.76%	-2.28%	0.38%	-0.54%	-0.36%	0.01%	0.10%	0.28%	0.38%

Total Returns	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	YTD 2015	Fiscal YTD From 9/30	Since Inception 1/1/92
Short-Term Bond Fund NAV	1.0%	1.6%	4.3%	5.7%	1.2%	3.8%	2.2%	1.3%	2.0%	0.4%	0.6%	0.49%	-0.3%	3.8%
Money Markets	1.0%	2.9%	4.7%	5.0%	2.6%	0.3%	0.1%	0.1%	0.1%	0.0%	0.0%	0.04%	0.0%	2.7%
3-Month Treasury Bill	1.1%	3.1%	4.9%	5.0%	2.1%	0.2%	0.1%	0.1%	0.1%	0.1%	0.0%	0.03%	0.0%	2.8%
2-Year Treasury Note	0.8%	1.4%	3.8%	7.5%	7.4%	1.1%	2.3%	1.5%	0.3%	0.3%	0.7%	0.46%	-0.5%	3.9%
ML 1-3 Year Tsy Index	0.9%	1.7%	4.0%	7.3%	6.6%	0.8%	2.4%	1.6%	0.4%	0.4%	0.6%	0.54%	-0.4%	4.0%

Over time, longer term strategies have outperformed cash alternatives.

2-year outperforms cash by: 1.2%  
 1-3 year outperforms cash by: 1.3%  
 FL Trust outperforms cash by: 1.1%

# Short-Term Bond Fund: Stress Test

As of December 31, 2015

## Stress Test: Expected Returns, 1 Year Horizon\*

Scenario	Total Return
+200	-0.09%
+100	0.52%
+75	0.68%
+50	0.83%
+25	0.98%
0	1.13%
-25	1.28%

\* Assumes parallel shift in interest rates over one year.

## Current Portfolio

Market Value (unaudited):	\$954.0 million
Duration:	1.40 years
Yield to Maturity:	1.27%
Yield at Purchase	1.08%
2-Year Tsy Yield:	1.05%

**Estimated Total Returns without active management of the portfolio**

# FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

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## DAY TO DAY FUND

*A Money Market like fund designed to support the diverse cash management needs of Florida local government*

# Day to Day Fund: Partners



# Day to Day Fund: Portfolio Summary

As of December 31, 2015

## PORTFOLIO RETURNS

	Q4 2015	Trailing 1 Year	Trailing 3 Years	Trailing 5 Years	Since Inception (1/13/09)
Day to Day Total Return (gross)	0.06%	0.23%	0.20%	0.23%	0.26%
Day to Day Total Return (net)	0.04%	0.14%	0.10%	0.12%	0.15%
3 Month Treasury Bill	0.00%	0.03%	0.04%	0.06%	0.08%

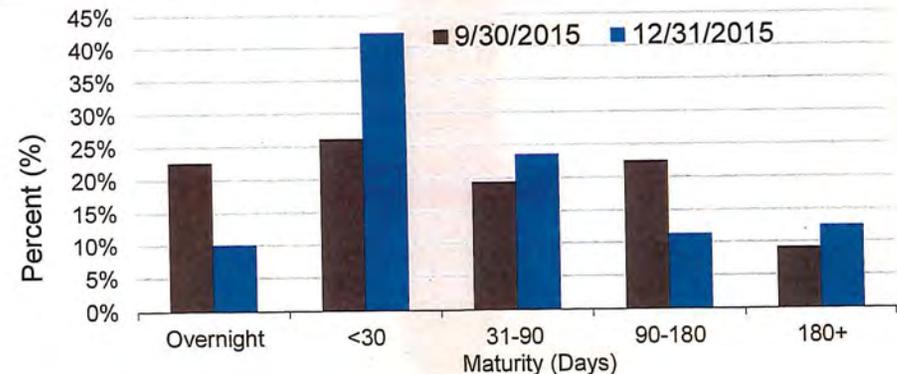
## Portfolio Characteristics

Portfolio Market Value	\$524.6 million
S&P Rating	AAAm
Days to Maturity	33 days
Yield at Purchase	0.35%
30-Day Yield (gross)	0.31%
30-Day SEC Yield (net)	0.20%

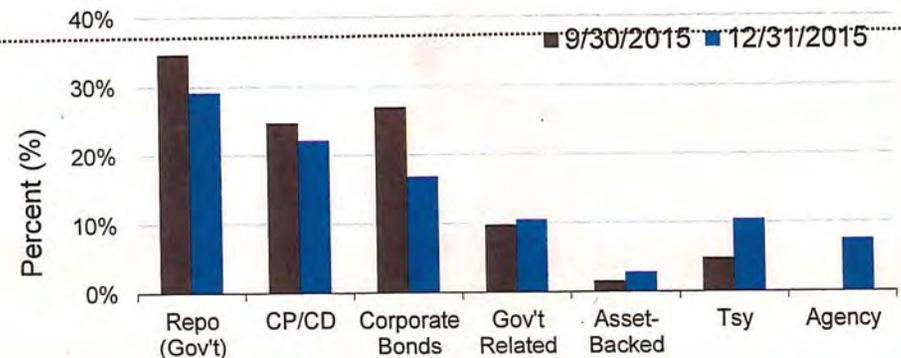
## Strategy Themes

- Decreased weighted average maturity to 33 days, leaving room for opportunistic new purchases.
- The portfolio remains extremely liquid, with 52% of the portfolio invested in overnight and short-term securities.
- Decreased exposure to investment-grade credit. Maintained approximately 26% floating rate exposure.
- Repurchase agreements remain a significant holding to increase yield over government paper.
- Added AAA-rated agency paper for liquidity and diversification.

## Maturity Distribution (% of Portfolio Assets)



## Sector Allocation (Gov't/Gov't Guaranteed: 58%)



# FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST

## Become a member and open an account

- Membership in the Florida Trust is completely free and there is no obligation to deposit funds
- There are NO account holder fees, allowing members to open multiple accounts
- There are NO transaction fees, allowing members to be active without penalty

*If you are a current member of the Florida Trust or interested in becoming a member, please contact the Florida Trust at 850-577-4610 or email [info@floridatrustonline.com](mailto:info@floridatrustonline.com).*

Please mail the completed Application Form to:  
**Florida Municipal Investment Trust**  
P.O. Box 1757 Tallahassee, FL 32302-1757

**Account Information (Separate applications are required for each account established by the Governmental Entity.)**

**Please check only one:** \_\_\_\_\_ 0-2 Year High Quality Bond Fund \_\_\_\_\_ Core Plus Fixed Income  
\_\_\_\_\_ 1-3 Year High Quality Bond Fund \_\_\_\_\_ Expanded High Yield Bond Fund \_\_\_\_\_ Diversified Small to Mid Cap Portfolio  
\_\_\_\_\_ Intermediate High Quality Bond Fund \_\_\_\_\_ High Quality Growth Portfolio \_\_\_\_\_ Russell 1000 Enhanced Index Portfolio  
\_\_\_\_\_ Broad Market High Quality Bond Fund \_\_\_\_\_ Large Cap Diversified Value Portfolio \_\_\_\_\_ International Equity Portfolio

Name of Governmental Entity: \_\_\_\_\_ Federal Tax ID: \_\_\_\_\_

Account Title: \_\_\_\_\_

Type of Governmental Entity: City \_\_\_ County: \_\_\_ Special District: \_\_\_ School Board: \_\_\_ Constitutional Officer: \_\_\_ Other:(specify) \_\_\_\_\_

**Individual and Address for Official Notices**

Name: \_\_\_\_\_ Title \_\_\_\_\_

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

City: \_\_\_\_\_ State: **FL** Zip: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ FAX Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ Email \_\_\_\_\_

**Individual and Address for Confirmations and Statements**

Name: \_\_\_\_\_ Title \_\_\_\_\_

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

City: \_\_\_\_\_ State: **FL** Zip: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ FAX Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ Email \_\_\_\_\_

**NOTE:**  
**Only the individual holding the office designated in the entity’s ordinance/resolution is permitted to make changes to the Membership Application Form or the Signature Card.**  
**The individual who currently holds the designated office should sign each of the FMIvT forms (Participation Agreement, Membership Form and Signature Card) in the space marked “Authorized Signature”**

Authorized Name and Title	Telephone Number

**Bank Information**

I hereby authorize the Administrator to act upon instructions properly received from the person(s) specified on the Signature Card to have amounts redeemed from this account and sent to the member bank designated below.

**Fed Wire Information**

Name of Bank: \_\_\_\_\_ Fed **Wire** ABA Routing #: \_\_\_\_\_

**Location** City: \_\_\_\_\_ State: \_\_\_\_\_

Account Name: \_\_\_\_\_ Fed **Wire** Account Number: \_\_\_\_\_

**Fed ACH Information**

Name of Bank: \_\_\_\_\_ Fed **ACH** ABA Routing # \_\_\_\_\_

**Location** City: \_\_\_\_\_ State: \_\_\_\_\_

Account Name: \_\_\_\_\_ Fed **ACH** Account Number: \_\_\_\_\_

**•••A Signature Card must be completed for all individuals who will be making contributions or requesting redemptions on this account. •••**

**Net Investment Income**

Net investment income will be incorporated into the net asset value of the portfolio.

**Signature and Authorization**

The undersigned certifies that the person signing below has full authority and capacity to open an account with the Trust and to execute this Membership Application Form. The undersigned affirms that he/she has submitted or has previously submitted a certified copy of an ordinance or resolution authorizing the Governmental Entity’s participation in the Florida Municipal Investment Trust and an executed Participant Agreement. The undersigned agrees that the instructions and authorizations contained in this Membership Application Form will remain in effect until the Administrator receives written notice of change.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**Attest Signature:** \_\_\_\_\_ **“Authorized” Signature (per entity’s ordinance/resolution)**

**Attest Title:** \_\_\_\_\_ **“Authorized” Title:** \_\_\_\_\_ 140 of 151

**Please complete and mail the original to:  
Florida Municipal Investment Trust, P.O. Box 1757, Tallahassee, FL, 32302-1757**

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**Participation Agreement**

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\_\_\_\_\_ (herein referred to as the "Governmental Entity") formally applies for membership in the Florida Municipal Investment Trust.

**Check all portfolios in which the Governmental Entity may invest:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> 1-3 Year High Quality Bond Fund     | <input type="checkbox"/> Expanded High Yield Bond Fund         | <input type="checkbox"/> 0-2 Year High Quality Bond Fund        |
| <input type="checkbox"/> Intermediate High Quality Bond Fund | <input type="checkbox"/> High Quality Growth Portfolio         | <input type="checkbox"/> Diversified Small to Mid Cap Portfolio |
| <input type="checkbox"/> Broad Market High Quality Bond Fund | <input type="checkbox"/> Large Cap Diversified Value Portfolio | <input type="checkbox"/> Russell 1000 Enhanced Index Portfolio  |
| <input type="checkbox"/> Core Plus Fixed Income Fund         |  | <input type="checkbox"/> International Equity Portfolio         |

The Governmental Entity further agrees to the following terms and conditions

- (a) That by this reference it agrees to the terms and provisions of and agrees to become a party to the Agreement and Declaration of Trust creating the Florida Municipal Investment Trust (the "Trust") and any amendments thereto filed;
- (b) To abide by the rules and regulations established by the Board of Trustees for the Trust and to conform to the terms and conditions of the most recently published Informational Statement governing the portfolio(s) selected above;
- (c) To notify the Florida Municipal Investment Trust in writing of any changes to the Membership Application Form(s) and that the Trust may act upon instructions received until notified to the contrary in writing by the Governmental Entity;
- (d) That any and all notices to which a Member may be entitled and any and all communications shall be deemed duly given if mailed, postage prepaid, addressed to the Member of record at its address as specified in the Official Notices section of the Membership Application Form(s).

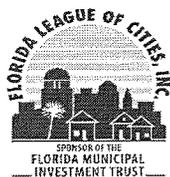
The undersigned certifies that he/she has the authority and legal capacity to open an account with the Trust on behalf of the Governmental Entity and that the Governmental Entity has the legal capacity to invest funds in and withdraw funds from the Trust. The undersigned binds the Governmental Entity to the terms and conditions set forth in the Agreement and Declaration of Trust creating the Florida Municipal Investment Trust as amended and the most recently published Informational Statement governing the portfolio(s) selected above.

**Executed this** \_\_\_\_\_ **day of** \_\_\_\_\_.

**NOTE:**  
**Only the person holding the office designated in the entity's ordinance/resolution can sign the Participation Agreement as the "Authorized Signature."**

\_\_\_\_\_  
**Authorized Signature** \_\_\_\_\_  
**Authorized Title**

**Attest Signature:** \_\_\_\_\_ **Attest Title:** \_\_\_\_\_



**Florida Municipal Investment Trust**  
**Summary of Performance Returns - Net of All Fees and Expenses**

*For the Periods Ending January 31, 2016*

	Market Values (000s)	One Month	Sept. 30, FYTD	One Year	Three Years	Five Years	Seven Years	Ten Years
<b>Fixed Income Portfolios</b>								
FMIvT 0-2 Year High Quality Bond Fund <sup>1</sup> <i>BofA ML 1 Yr Treasury Note</i>	\$141,796	0.16 % 0.20 %	0.07 % 0.03 %	0.26 % 0.24 %	0.19 % 0.26 %	0.28 % 0.30 %	-- 0.47 %	-- 1.78 %
FMIvT 1-3 Year High Quality Bond Fund <i>BofA ML 1-3 Yr Gov't</i>	\$512,800	0.40 % 0.60 %	0.10 % 0.17 %	0.46 % 0.65 %	0.47 % 0.71 %	0.61 % 0.81 %	1.25 % 1.17 %	2.42 % 2.56 %
FMIvT Intermediate High Quality Bond Fund <i>Barclays Int G/C exBAA+ABS+MBS</i>	\$289,449	1.23 % 1.38 %	0.68 % 0.90 %	0.91 % 1.41 %	1.60 % 2.02 %	2.46 % 2.85 %	3.03 % 3.74 %	3.96 % 4.29 %
FMIvT Broad Market High Quality Bond Fund <i>Barclays Aggregate A+</i>	\$119,742	1.35 % 1.62 %	0.87 % 1.10 %	(0.25)% 0.64 %	1.78 % 2.28 %	2.94 % 3.42 %	3.34 % 4.12 %	4.19 % 4.55 %
FMIvT Expanded High Yield Bond Fund <i>Barclays HY 2% Constrained</i>	\$46,137	(1.13)% (1.61)%	(2.88)% (3.63)%	(5.45)% (6.58)%	0.44 % 0.71 %	3.90 % 4.24 %	9.34 % 11.57 %	-- 6.65 %
FMIvT Core Plus Fixed Income Fund <i>Barclays Multiverse</i>	\$144,159	(0.76)% 0.74 %	(0.10)% (0.15)%	(3.96)% (2.38)%	-- (1.17)%	-- 1.11 %	-- 3.24 %	-- 3.78 %
<b>Equity Portfolios</b>								
FMIvT High Quality Growth Portfolio <i>Russell 1000 Growth</i>	\$48,184	(4.91)% (5.58)%	0.52 % 1.33 %	(0.57)% 1.32 %	9.84 % 13.02 %	8.51 % 11.67 %	14.77 % 16.97 %	6.48 % 7.72 %
FMIvT Diversified Value Portfolio <i>Russell 1000 Value</i>	\$42,666	(7.25)% (5.17)%	(5.02)% 0.18 %	(10.77)% (5.00)%	7.61 % 8.79 %	7.64 % 9.61 %	15.79 % 14.16 %	-- 5.19 %
FMIvT Russell 1000 Enhanced Index Portfolio <i>Russell 1000</i>	\$137,046	(5.69)% (5.38)%	(1.04)% 0.76 %	(2.63)% (1.82)%	11.08 % 10.94 %	11.11 % 10.68 %	15.56 % 15.62 %	6.73 % 6.52 %
FMIvT Diversified Small to Mid Cap Equity Portfolio <i>SMID Benchmark</i> <sup>2</sup>	\$96,256	(5.29)% (7.97)%	1.79 % (4.96)%	5.13 % (8.77)%	11.83 % 7.00 %	12.77 % 8.22 %	18.62 % 15.47 %	10.60 % 5.59 %
FMIvT International Equity Portfolio <sup>3</sup> <i>MSCI ACWI ex US</i>	\$63,730	(6.46)% (6.79)%	(4.03)% (3.71)%	(8.32)% (11.57)%	(1.90)% (1.74)%	(1.52)% (0.11)%	4.97 % 8.30 %	(1.87)% 1.97 %

<sup>1</sup> Assets from the FMIvT High Quality Government Fund were transitioned on April 1, 2009, to the FMIvT 0-2 Year High Quality Bond Fund.

<sup>2</sup> Custom Index consists of the Russell 2500 beginning June 1, 2010 and prior to that the Russell 2000.

<sup>3</sup> Investec replaced Thornburg as manager of this portfolio in October 2014. Prior to Thornburg, this portfolio was managed by Alliance Bernstein.

Note: Portfolio performance returns are indicative of the performance of each portfolio, but are not necessarily representative of the actual return of a particular participant within the Trust due to issues related to the timing of contributions and withdrawals by individual participants. Beginning July 2008 and ending September 2010, the net of fee performance includes the impact of securities lending activity, which may increase or decrease the total expenses of the portfolio.

**FMIvT 0-2 Year High Quality Bond Fund  
Guidelines  
FINAL Revised 3-22-11**

**Benchmark: Bank of America Merrill Lynch One Year Treasury Note Index**

**Portfolio Objective**

The investment management style and process utilized in this portfolio is important and therefore, adherence to this discipline is a critical issue. The portfolio should be managed in a style consistent with the asset manager's other portfolios within the same investment mandate or product. Any significant deviation from the manager's stated style will require written approval from the Florida Municipal Investment Trust Board of Trustees.

*Portfolio Characteristic* (In addition to any restriction specified in the Trust's Statement of Investment Policy.)

**All percentages indicated below shall be valued at market**

1. Maintain modified duration greater than one-half of one year (0.5) but less than one and one-quarter years (1.25).
2. Maintain a minimum bond fund rating of AAA.
3. Invest at least thirty percent of the portfolio in Direct U.S. Government Obligations, U.S. Government Agency Obligations, or U.S. Government Instrumentalities Obligations; or in Repurchase Agreements backed by Direct U.S. Government Obligations, U.S. Government Agency Obligations, or U.S. Government Instrumentalities Obligations
4. A maximum of fifty percent of the portfolio may be invested in mortgage securities including CMOs.
5. A maximum of forty percent of the portfolio may be invested in ABSs.
6. Reverse Repurchase Agreements and/or other forms of financial leverage will be limited to thirty percent of the Portfolio.

***Allowable Investment Securities***

1. Direct U.S. Government Obligations
2. U.S. Government Agency Obligations
3. U.S. Government Instrumentalities Obligations
4. Money Market Obligations (To include Commercial Paper, Bankers Acceptance, Repurchase Agreements, Reverse Repurchase Agreements, Time Deposits and Money Market Accounts.)
5. Asset Backed Securities
6. Mortgage Securities including CMO's
7. Commingled Investment funds

***Security Restrictions*** (In addition to any restriction specified in the Trust's Statement of Investment Policy)

1. Maximum of five percent of the portfolio at market may be invested in individual trusts of ABS and Non-Agency CMOs.
2. All securities, except as described below, will have a final maturity of 5.5 years or less. If a security has a put feature, the put date will be used as the final maturity.
3. Mortgage pass-throughs, CMOs, ABSs or any other security that does not have a fixed maturity date or a fixed paydown schedule would have to meet at least one of the following conditions.
  - A final payment "window" of seven years or less based on the then prevailing prepayment assumptions as determined by the Bloomberg, Merrill Lynch PassPort or other pricing or securities firms with demonstrated expertise in prepayment forecasting for such securities.
  - A security's price volatility given the then prevailing prepayment assumptions as determined above, cannot exceed the price volatility of two and one-half years.

***Notice To Administrator***

If manager's portfolio is in violation of any of the above guidelines, the Investment Manager shall immediately notify the Administrator and shall provide recommendations for rectifying any non-compliance within five business days of discovery of the non-compliance.



**FMIVT 0-2 Year High Quality Bond Fund**  
Holdings as of 12/31/15

from Investment Manager

Asset ID	Units	Asset Description	Interest Rate	Maturity Date	Cost	Price	Market Value	Unrealized Gain (Loss)	% Total of Market	YTM	DUR	WAL	Moody's RATING	S&P RATING
02006JAC2	3,165,000.00	ALLYA 2013-1 A4 0.84 2/15/18	0.840	02/15/2018	3,164,831.26	99.78	3,158,095.24	(6,736.02)	2.23%	1.23	0.55	0.56	NR	AAA
02006MAC5	2,329,951.78	ALLYA 2013-2 A3 0.79 1/15/18	0.790	01/15/2018	2,331,256.31	99.91	2,327,746.71	(3,509.60)	1.65%	1.18	0.41	0.42	Aaa	N.R.
02006NAC3	2,301,813.38	ALLYL 2014-SN1 A3 0.75 2/21/17	0.750	02/21/2017	2,299,475.61	99.90	2,299,518.93	43.32	1.63%	1.15	0.27	0.27	NR	AAA
02006TAA4	137,259.91	ALLYA 2014-1 A2 0.48 2/15/17	0.480	02/15/2017	137,248.30	99.97	137,224.83	(23.47)	0.10%	0.95	0.10	0.10	Aaa	AAA
02006WAB5	1,042,199.76	ALLYA 2014-2 A2 0.68 7/17/17	0.680	07/17/2017	1,042,153.17	99.97	1,041,899.61	(253.56)	0.74%	1.02	0.20	0.20	Aaa	AAA
14313LAC0	789,908.36	CARMX 13-1 A3 0.60 10/16/17	0.600	10/16/2017	789,784.94	99.89	789,050.28	(734.66)	0.56%	1.13	0.22	0.22	Aaa	AAA
14313RAC7	740,000.00	CARMX 14-2 A3 0.98 1/15/19	0.980	01/15/2019	737,803.13	99.66	737,504.13	(299.00)	0.52%	1.38	0.80	0.81	Aaa	AAA
14313UAB2	1,843,700.43	CARMX 14-4 A2A 0.67 2/15/18	0.670	02/15/2018	1,843,638.48	99.88	1,841,434.52	(2,203.96)	1.30%	1.13	0.29	0.29	NR	AAA
14313VAB0	950,000.00	CARMX 15-3 A2A 1.1 11/15/18	1.100	11/15/2018	949,904.53	99.76	947,687.99	(2,216.54)	0.67%	1.38	0.82	0.83	Aaa	N.R.
14313VAH7	2,455,000.00	CARMX 15-3 A2B FLT 11/15/18	0.644	11/15/2018	2,455,000.00	99.97	2,454,325.61	(674.39)	1.73%	0.84	0.10	0.83	Aaa	N.R.
14313WAB8	3,143,990.06	CARMX 15-1 A2 0.88 3/15/18	0.880	03/15/2018	3,143,662.77	99.93	3,141,683.94	(1,978.83)	2.22%	1.17	0.44	0.44	NR	AAA
14313XAB6	1,550,000.00	CARMX 15-4 A2A 1.09 4/15/19	1.090	04/15/2019	1,549,870.42	99.68	1,545,010.39	(4,860.03)	1.09%	1.39	1.00	1.02	Aaa	AAA
17305EDE2	2,900,000.00	CITIBANK CR CD 06-A3 A3 5.3 3/15	5.300	03/15/2018	3,030,500.00	100.89	2,925,943.69	(104,556.31)	2.07%	0.70	0.21	0.21	Aaa	AAA
3136A0AQ0	728,282.98	FNMA 2011-69 AB 1.5 5/25/18	1.500	05/25/2018	736,476.16	100.26	730,202.22	(6,273.94)	0.52%	1.04	0.80	0.81	Aaa	AA+
3136A22Y8	453,573.89	FNMA 2011-144 CE 1.25 6/25/35	1.250	06/25/2035	455,381.29	100.07	453,899.06	(1,482.23)	0.32%	0.86	0.40	0.40	Aaa	AA+
3136A2SY0	258,365.11	FNMA 2011-127 A 1.0 12/25/26	1.000	12/25/2026	259,091.76	99.89	258,081.94	(1,009.82)	0.18%	1.06	0.69	0.70	Aaa	AA+
3136AGLY6	581,163.59	FNMA 2013-M12 FA FLT 10/25/17	0.752	10/25/2017	582,207.87	100.08	581,652.35	(555.52)	0.41%	0.63	0.10	1.09	Aaa	AA+
3136AJ2A3	951,550.90	FNMA 2014-M5 A2 FLT 1/25/17	0.544	01/25/2017	954,115.62	100.00	951,532.63	(2,582.99)	0.67%	0.59	0.10	0.73	Aaa	AA+
3136AKXS7	3,254,853.33	FNMA 2014-M9 ASQ2 1.462 4/25/17	1.462	04/25/2017	3,261,973.32	100.13	3,259,214.51	(2,758.81)	2.30%	1.19	1.03	1.05	Aaa	AA+
3137A3CC1	147,623.92	FHLMC 3758 CD 1.5 1/15/17	1.500	08/15/2017	148,979.06	99.98	147,591.01	(1,388.05)	0.10%	1.36	0.27	0.27	Aaa	AA+
3137A6FR8	514,108.68	FHLMC 3809 JA 1.5 12/15/16	1.500	12/15/2016	519,249.77	100.14	514,821.23	(4,428.54)	0.36%	1.14	0.56	0.56	Aaa	AA+
3137A7J78	321,446.35	FHMS K701 A1 2.78 6/25/17	2.776	06/25/2017	331,127.41	101.13	325,070.50	(6,056.91)	0.23%	1.09	0.78	0.79	Aaa	AA+
3137A7Q52	105,806.33	FHLMC 3818 UA 1.35 2/15/17	1.350	02/15/2017	106,666.01	100.05	105,859.71	(806.30)	0.07%	1.04	0.34	0.34	Aaa	AA+
3137A7XX3	139,729.80	FHLMC 3827 CA 1.5 4/15/17	1.500	04/15/2017	141,121.64	100.05	139,796.90	(1,324.74)	0.10%	1.23	0.46	0.47	Aaa	AA+
3137A9BB1	402,521.39	FHLMC 3846 CK 1.5 9/15/20	1.500	09/15/2020	406,749.47	100.20	403,333.24	(3,416.23)	0.29%	1.07	0.61	0.62	Aaa	AA+
3137A9E28	654,617.98	FHLMC 3840 BA 2.0 2/15/18	2.000	02/15/2018	666,073.80	100.69	659,150.10	(6,923.70)	0.47%	1.10	0.74	0.75	Aaa	AA+
3137A9E44	1,542,048.60	FHLMC 3840 CA 2.0 9/15/18	2.000	09/15/2018	1,564,093.93	100.83	1,554,794.40	(9,299.53)	1.10%	1.12	1.02	1.03	Aaa	AA+
3137ACKK4	584,174.53	FHLMC 3876 GA 1.0 6/15/26	1.000	06/15/2026	587,095.40	99.91	583,675.70	(3,419.70)	0.41%	1.08	0.59	0.60	Aaa	AA+
3137AJZ49	1,490,101.14	FHLMC 3977 GA 1.5 7/15/19	1.500	07/15/2019	1,508,261.75	100.42	1,496,320.97	(11,940.78)	1.06%	1.07	0.85	0.86	Aaa	AA+
3137BBGR5	2,452,386.24	FHLMC 4350 CA 2.0 10/15/19	2.000	10/15/2019	2,495,111.42	101.26	2,483,333.15	(11,778.27)	1.76%	1.10	0.86	0.87	Aaa	AA+
3137BERG1	1,298,369.27	FHLMC 4399 CB 2.5 9/15/24	2.500	09/15/2024	1,320,076.39	101.17	1,313,560.06	(6,516.33)	0.93%	1.04	0.86	0.87	Aaa	AA+
3137GAK48	157,153.59	FHLMC 3736 F FLT 8/15/37	0.631	08/15/2037	157,350.03	100.17	157,416.62	66.59	0.11%	0.66	0.10	0.57	Aaa	AA+
3138EMBX8	781,189.46	FED NATL MTG ASSN POOL #AL4553	6.000	01/01/2019	833,919.75	102.46	800,430.16	(33,489.59)	0.57%	2.12	0.72	0.74	Aaa	AA+
31392JJ26	139,428.05	FNMA 2003-17 FN FLT 3/25/18	0.722	03/25/2018	139,820.19	100.05	139,501.31	(318.88)	0.10%	0.68	0.10	0.86	Aaa	AA+
31393D6F3	149,186.11	FNMA 2003-76 FH FLT 9/25/31	0.822	09/25/2031	149,395.90	100.09	149,321.82	(74.08)	0.11%	0.67	0.10	2.29	Aaa	AA+
31393RN48	197,557.18	FHLMC 2637 F FLT 6/15/18	0.731	06/15/2018	197,927.60	100.16	197,873.77	(53.83)	0.14%	0.62	0.10	0.59	Aaa	AA+
31394UY97	1,110,761.79	FNMA 2005-104 NF FLT 3/25/35	0.722	03/25/2035	1,113,365.14	100.00	1,110,758.12	(2,607.02)	0.79%	0.67	0.10	2.02	Aaa	AA+
31395PVU3	474,524.76	FHLMC 2950 FM FLT 3/15/35	0.631	03/15/2035	474,821.34	100.28	475,868.99	1,047.65	0.34%	0.72	0.10	8.00	Aaa	AA+
31396Q2U2	1,063,535.40	FNMA 2009-76 LY 3.5 10/25/17	3.500	10/25/2017	1,084,806.11	100.99	1,074,054.93	(10,751.18)	0.76%	1.10	0.51	0.52	Aaa	AA+
31396T5P4	550,284.95	FHLMC 3166 FC FLT 6/15/36	0.681	06/15/2036	550,886.82	100.38	552,350.99	1,464.17	0.39%	0.62	0.10	0.59	Aaa	AA+
31396YR38	8,632.02	FNMA 2008-26 A 4.5 11/25/22	4.500	11/25/2022	9,004.28	99.98	8,630.16	(374.12)	0.01%	0.62	0.10	0.10	Aaa	AA+
31397SAF1	1,115,142.76	FNMA 2011-16 FB FLT 3/25/31	0.572	03/25/2031	1,113,923.07	99.91	1,114,111.92	188.85	0.79%	0.70	0.10	1.95	Aaa	AA+

FMLVT 0-2 Year High Quality Bond Fund  
Holdings as of 12/31/15

from Investment Manager

Asset ID	Units	Asset Description	Interest Rate	Maturity Date	Cost	Price	Market Value	Unrealized Gain (Loss)	% Total of Market	YTM	DUR	WAL	Moody's RATING	S&P RATING
31397SPD0	733,041.03	FNMA 2011-25 AH 2.75 6/25/21	2.750	06/25/2021	749,992.60	101.74	745,796.02	(4,196.58)	0.53%	1.16	1.13	1.15	Aaa	AA+
31398GZS1	496,601.82	FNMA 2010-12 AC 2.5 12/25/18	2.500	12/25/2018	509,327.24	101.20	502,568.79	(6,758.45)	0.36%	1.05	0.94	0.95	Aaa	AA+
31398J4N0	81,844.90	FHLMC 3567 E 3.0 8/15/19	3.000	08/15/2019	83,891.02	100.54	82,284.80	(1,606.22)	0.06%	0.69	0.23	0.23	Aaa	AA+
31398M5G7	434,805.90	FNMA 2010-32 CD 2.25 8/25/18	2.250	08/25/2018	441,463.86	101.00	439,175.61	(2,288.25)	0.31%	1.17	1.07	1.08	Aaa	AA+
31398MK54	679,922.28	FNMA 2010-37 GA 2.0 4/25/25	2.000	04/25/2025	689,589.93	100.60	683,982.71	(5,607.22)	0.48%	1.00	0.73	0.74	Aaa	AA+
31398MNB8	257,416.37	FNMA 2010-13 KA 2.0 12/25/18	2.000	12/25/2018	260,941.31	100.79	259,455.62	(1,485.69)	0.18%	1.16	0.97	0.99	Aaa	AA+
31398NMK7	1,782,928.62	FNMA 2010-114 CB 1.75 4/25/18	1.750	04/25/2018	1,802,707.98	100.55	1,792,745.42	(9,962.56)	1.27%	0.98	0.86	0.87	Aaa	AA+
31398R7M1	20,197.16	FNMA 2010-87 G 2.0 2/25/24	2.000	02/25/2024	20,392.82	99.98	20,192.69	(200.13)	0.01%	0.89	0.11	0.11	Aaa	AA+
31398VAH9	221,815.33	FHLMC 3649 HB 2.0 11/15/18	2.000	11/15/2018	225,281.20	100.82	223,641.14	(1,640.06)	0.16%	1.16	1.06	1.08	Aaa	AA+
31679MAB2	1,379,173.56	FITAT 2014-3 A2A 0.57 5/15/17	0.570	05/15/2017	1,379,075.36	99.92	1,378,079.60	(995.76)	0.97%	1.06	0.17	0.17	NR	AAA
34530BAD5	1,300,000.00	FORDO 2013-A A4 0.78 5/15/18	0.780	05/15/2018	1,298,781.25	99.69	1,295,982.48	(2,798.77)	0.92%	1.30	0.58	0.59	NR	AAA
36163TAB9	1,195,013.63	GEEMT 14-1 A2 0.64 4/24/17	0.640	04/24/2017	1,193,193.09	99.84	1,193,075.56	(117.53)	0.84%	1.25	0.22	0.22	NR	AAA
38374FMY7	143,738.39	GOVERNMENT NATL MTG ASSN REMIC	0.660	02/20/2034	143,918.06	100.04	143,789.47	(128.59)	0.10%	0.70	0.10	0.44	Aaa	AA+
38377VTH9	139,952.74	GNMA 2011-56 PA 2.5 4/16/38	2.500	04/16/2038	141,877.09	100.60	140,790.44	(1,086.65)	0.10%	1.18	0.43	0.44	Aaa	AA+
43814HAB4	974,301.87	HAROT 2014-3 A2 0.48 12/15/16	0.480	12/15/2016	974,286.87	99.96	973,866.94	(419.93)	0.69%	0.93	0.11	0.93	NR	AAA
43814KAB7	1,887,803.09	HAROT 2015-1 A2 0.70 6/15/17	0.700	06/15/2017	1,887,704.55	99.90	1,885,963.24	(1,741.31)	1.33%	1.00	0.34	0.34	Aaa	AAA
44614AAD5	150,531.88	HUNT 2012-1 A4 1.18 6/15/17	1.180	06/15/2017	151,355.10	100.00	150,524.99	(830.11)	0.11%	0.99	0.10	0.10	Aaa	AAA
44890QAC7	1,731,276.35	HART 2013-C A3 1.01 2/15/18	1.010	02/15/2018	1,735,875.05	99.98	1,730,998.31	(4,876.74)	1.22%	1.11	0.39	0.40	Aaa	AAA
65477LAC4	2,250,481.75	NAROT 13-B A3 0.84 11/15/17	0.840	11/15/2017	2,253,558.59	99.97	2,249,710.28	(3,848.31)	1.59%	1.02	0.38	0.38	Aaa	N.R.
65477NAD8	2,500,000.00	NALT 2014-A A3 0.8 2/15/17	0.800	02/15/2017	2,498,925.78	99.91	2,497,747.00	(1,178.78)	1.77%	1.10	0.31	0.31	Aaa	N.R.
65477UAB6	3,556,011.27	NAROT 15-A A2 0.67 9/15/17	0.670	09/15/2017	3,555,832.05	99.89	3,552,235.50	(3,596.55)	2.51%	0.95	0.43	0.43	Aaa	N.R.
912796GS2	20,000,000.00	US TREASURY BILL 6/23/16	0.000	06/23/2016	19,973,223.33	99.87	19,973,223.33	0.00	14.12%	0.46	0.48	0.48	Aaa	AA+
912796GW3	10,000,000.00	US TREASURY BILL 7/21/16	0.000	07/21/2016	9,981,511.39	99.82	9,981,511.39	0.00	7.05%	0.51	0.55	0.55	Aaa	AA+
912796HU6	25,000,000.00	US TREASURY BILL 12/8/16	0.000	12/08/2016	24,852,783.25	99.41	24,852,783.25	0.00	17.57%	0.61	0.94	0.94	Aaa	AA+
912828B41	2,500,000.00	US TREASURY 0.375 1/31/16	0.375	01/31/2016	2,501,668.53	100.00	2,500,125.00	(1,543.53)	1.77%	0.32	0.08	0.08	Aaa	AA+
912828F47	800,000.00	US TREASURY 0.50 9/30/16	0.500	09/30/2016	800,252.68	99.84	798,720.00	(1,532.68)	0.56%	0.71	0.74	0.75	Aaa	AA+
912828RU6	5,000,000.00	US TREASURY 0.875 11/30/16	0.875	11/30/2016	5,006,462.05	100.06	5,002,950.00	(3,512.05)	3.54%	0.81	0.91	0.92	Aaa	AA+
912828VL1	2,000,000.00	US TREASURY 0.625 7/15/16	0.625	07/15/2016	2,005,475.44	100.01	2,000,160.00	(5,315.44)	1.41%	0.61	0.54	0.54	Aaa	AA+
98160KAD7	3,400,000.00	WORLD OMNI AUTO 13-A A4 0.87 7/1	0.870	07/15/2019	3,391,500.00	99.63	3,387,357.78	(4,142.22)	2.39%	1.22	0.99	1.00	NR	AAA
98160VAB7	4,300,000.00	WOLS 2015-A A2A 1.06 5/15/18	1.060	05/15/2018	4,299,638.80	99.56	4,281,044.74	(18,594.06)	3.03%	1.49	0.91	0.92	Aaa	N.R.
	139,893,801.72				140,154,687.49		139,809,816.44	(344,871.05)	98.81%	0.84	0.61	0.68		
VP4560000	1,678,217.67	WF ADV GOVT MM FD-INSTL #1751	0.00010		1,678,217.67	1.00	1,678,217.67	0.00	1.19%	0.01	-	-	Aaa-mf	AAAm
	<b>141,572,019.39</b>				<b>141,832,905.16</b>		<b>141,488,034.11</b>	<b>(344,871.05)</b>	<b>100.00%</b>	<b>0.83</b>	<b>0.60</b>	<b>0.67</b>		

Portfolio NAV 141,506,571.06  
# Shares 13,681,321.0100  
NAV per Shares 10.343049

**FMIvT 1 to 3 Year High Quality Bond Fund  
Guidelines  
FINAL Revised 3-22-11**

**Benchmark: Bank of America Merrill Lynch 1-3 Year Government Index**

**Portfolio Objective**

The investment management style and process utilized in this portfolio is important and therefore, adherence to this discipline is a critical issue. The portfolio should be managed in a style consistent with the asset manager's other portfolios within the same investment mandate or product. Any significant deviation from the manager's stated style will require written approval from the Florida Municipal Investment Trust Board of Trustees.

*Portfolio Characteristic* (In addition to any restriction specified in the Trust's Statement of Investment Policy.)

**All percentages indicated below shall be valued at market. The Portfolio's pro-rata allocation of the collateral investment associated with securities lending activity shall not be considered in determining portfolio characteristics.**

1. Maintain modified duration greater than one year but less than one hundred and thirty percent of the established index.
2. Maintain a minimum bond fund rating of AAA.
3. Invest at least thirty percent of the portfolio in Direct U.S. Government Obligations, U.S. Government Agency Obligations, or U.S. Government Instrumentalities Obligations; or in Repurchase Agreements backed by Direct U.S. Government Obligations, U.S. Government Agency Obligations, or U.S. Government Instrumentalities Obligations.
4. A maximum of seventy-five percent of the portfolio may be invested in Direct U.S. Government Obligations, U.S. Government Agency Obligations, or U.S. Government Instrumentalities Obligations; or in Repurchase Agreements backed by Direct U.S. Government Obligations, U.S. Government Agency Obligations, or U.S. Government Instrumentalities Obligations.
5. A maximum of fifty percent of the portfolio may be invested in mortgage securities including CMOs.
6. A maximum of forty percent of the portfolio may be invested in ABSs.
7. Reverse Repurchase Agreements and/or other forms of financial leverage will be limited to thirty percent of the portfolio.
8. Securities lending activity with approved dealers and custodians.

***Allowable Investment Securities***

1. Direct U.S. Government Obligations
2. U.S. Government Agency Obligations
3. U.S. Government Instrumentalities Obligations
4. Money Market Obligations (To include Commercial Paper, Bankers Acceptance, Repurchase Agreements, Reverse Repurchase Agreements, Time Deposits and Money Market Accounts.)
5. Asset Backed Securities

6. Mortgage Securities including CMO's
7. Commingled Investment funds
8. Securities transferred to the Trust and to the Portfolio from previously owned commingled investment funds.

***Security Restrictions*** (In addition to any restriction specified in the Trust's Statement of Investment Policy.)

*Security restrictions shall not be applicable to the Portfolio's pro-rata portion of the collateral investment associated with securities lending activity.*

1. A maximum of five percent of the portfolio at market may be invested in individual trusts of ABS and Non-Agency CMO's
2. All securities except as described below will have a final maturity of 5.5 years or less. If a security has a put feature, the put date will be used as the final maturity.
3. Mortgage pass-throughs, CMOs, ABSs or any other security that does not have a fixed maturity date or a fixed paydown schedule would have to meet at least one of the following conditions.
  - A final payment "window" of seven years or less based on the then prevailing prepayment assumptions as determined by the Bloomberg, Merrill Lynch Pass Port or other pricing or securities firms with demonstrated expertise in prepayment forecasting for such securities.
  - A security's price volatility given the then prevailing prepayment assumptions as determined above, cannot exceed the price volatility of 2x the BofA ML 1-3 Year Government Index. (The price volatility of the BofA ML 1-3 Year Government Index is defined as the modified duration of the Index as published by Bank of America Merrill Lynch).
4. The investment of collateral involved with the securities lending program is subject to its own unique guidelines and restrictions that restrict investment to U.S. dollar denominated Repurchase Agreements, money market mutual funds that determine net asset value based on SEC Rule 2a-7, U.S. Government Securities (direct obligations or guaranteed or insured issues of the United States and its agencies), Time Deposits issued by U.S. Banks, and Commercial Paper, along with securities transferred to the Trust and to the Portfolio from previously owned commingled investment funds. The maturity dates for these new purchases are restricted to seven days or less.

***Notice To Administrator***

If manager's portfolio is in violation of any of the above guidelines, the Investment Manager shall immediately notify the Administrator and shall provide recommendations for rectifying any non-compliance within five business days of discovery of the non-compliance.



**FMIVT 1-3 Year High Quality Bond Fund**  
**Holdings as of 12/31/15**

from Investment Manager

Asset ID	Units	Asset Description	Interest	Maturity	Cost	Price	Market	Unrealized	% of Total			Moody's RATING	S&P RATING	
			Rate	Date			Value	Gain/Loss	Market	YTM	DUR			WAL
02005BAD8	6,164,137.65	ALLYA 2012-5 A4 0.85 1/16/18	0.850	01/16/2018	6,164,137.65	99.88	6,156,560.08	(7,577.57)	1.23%	1.17	0.39	0.40	NR	AAA
02006TAB2	9,950,000.00	ALLYA 2014-1 A3 0.97 10/15/18	0.970	10/15/2018	9,949,757.22	99.75	9,924,902.12	(24,855.10)	1.98%	1.28	0.76	0.77	Aaa	AAA
12591FAC0	2,782,737.18	CNH 13-A A3 0.69 6/15/18	0.690	06/15/2018	2,782,736.62	99.95	2,781,322.71	(1,413.91)	0.56%	1.07	0.14	0.14	NR	AAA
12625HAD4	8,000,000.00	CNH 13-B-A4 0.99 11/15/18	0.990	11/15/2018	7,997,588.80	99.22	7,937,953.60	(59,635.20)	1.58%	1.56	1.29	1.31	Aaa	N.R.
14313LAC0	1,693,515.63	CARMX 13-1 A3 0.60 10/16/17	0.600	10/16/2017	1,693,464.32	99.89	1,691,675.96	(1,788.36)	0.34%	1.13	0.22	0.22	Aaa	AAA
14313LAD8	3,575,000.00	CARMX 13-1 A4 0.89 8/17/18	0.890	08/17/2018	3,565,643.55	99.45	3,555,309.62	(10,333.93)	0.71%	1.47	0.91	0.92	Aaa	AAA
14313MAC8	2,403,696.49	CARMX 13-2 A3 0.64 1/16/18	0.640	01/16/2018	2,403,571.50	99.83	2,399,608.76	(3,962.74)	0.48%	1.17	0.34	0.34	NR	AAA
14313UAC0	5,435,000.00	CARMX 14-4 A3 1.25 11/15/19	1.250	11/15/2019	5,434,495.63	99.55	5,410,665.33	(23,830.30)	1.08%	1.58	1.34	1.37	NR	AAA
14313VAB0	6,700,000.00	CARMX 15-3 A2A 1.1 11/15/18	1.100	11/15/2018	6,699,326.65	99.76	6,683,694.21	(15,632.44)	1.33%	1.38	0.82	0.83	Aaa	N.R.
14313WAC6	6,175,000.00	CARMX 15-1 A3 1.38 11/15/19	1.380	11/15/2019	6,173,490.83	99.56	6,148,092.44	(25,398.39)	1.23%	1.61	1.63	1.66	NR	AAA
14313XAB6	8,250,000.00	CARMX 15-4 A2A 1.09 4/15/19	1.090	04/15/2019	8,249,310.30	99.68	8,223,442.42	(25,867.88)	1.64%	1.39	1.00	1.02	Aaa	AAA
254683BA2	7,000,000.00	DCENT 2013-A2 A2 0.69 8/15/18	0.690	08/15/2018	6,998,960.50	99.99	6,999,229.30	268.80	1.40%	0.77	0.10	0.10	Aaa	AAA
31283KU89	736,333.00	FHLMC GOLD #G11507 4.5 1/1/19	4.500	01/01/2019	788,566.62	103.44	761,692.31	(26,874.31)	0.15%	1.87	1.16	1.20	Aaa	AA+
3128MBU21	1,024,604.99	FHLMC GOLD #G13101 4.5 11/1/19	4.500	11/01/2019	1,098,888.85	103.48	1,060,261.24	(38,627.61)	0.21%	1.87	1.28	1.33	Aaa	AA+
3136A2ZT3	3,202,168.46	FNMA 2011-122 EC 1.5 1/25/20	1.500	01/25/2020	3,246,051.74	100.23	3,209,600.69	(36,451.05)	0.64%	1.19	1.07	1.09	Aaa	AA+
3136A3UG4	3,657,378.66	FNMA REMIC TRUST 2012-1	1.750	12/25/2021	3,722,720.85	100.59	3,678,846.01	(43,874.84)	0.73%	1.51	1.68	1.72	Aaa	AA+
3136A9YB8	5,880,518.80	FNMA 2012-123 WM 2.5 2/25/22	2.500	02/25/2022	6,057,393.81	101.62	5,975,831.42	(81,562.39)	1.19%	1.31	1.43	1.46	Aaa	AA+
3137A1W74	431,991.44	FHLMC 3728 CA 1.5 10/15/18	1.500	10/15/2018	437,020.09	100.37	433,597.63	(3,422.46)	0.09%	1.08	1.01	1.03	Aaa	AA+
3137A2MV0	769,207.39	FHLMC 3756 DA 1.2 11/15/18	1.200	11/15/2018	774,916.36	99.97	769,013.17	(5,903.19)	0.15%	1.18	1.04	1.06	Aaa	AA+
3137A4Y68	728,062.70	FHLMC 3799 GK 2.75 1/15/21	2.750	01/15/2021	755,251.29	102.26	744,484.08	(10,767.21)	0.15%	1.58	1.83	1.89	Aaa	AA+
3137A6AZ5	3,434,367.72	FHMS K010 A1 3.32 7/25/20	3.320	07/25/2020	3,538,606.14	102.77	3,529,513.10	(9,093.04)	0.70%	1.41	1.59	1.64	Aaa	AA+
3137A6SW3	125,742.17	FHLMC 3812 BA 2.0 9/15/18	2.000	09/15/2018	128,315.96	100.82	126,779.23	(1,536.73)	0.03%	1.09	0.99	1.01	Aaa	AA+
3137A7LJ7	230,086.64	FHR 3826 ME MTGE	2.250	07/15/2018	235,407.39	101.02	232,440.61	(2,966.78)	0.05%	1.09	0.95	0.97	Aaa	AA+
3137A8NB0	596,983.12	FHLMC 3830 DA 2.5 12/15/18	2.500	12/15/2018	617,317.86	101.29	604,696.14	(12,621.72)	0.12%	1.10	0.99	1.00	Aaa	AA+
3137A9PK6	489,703.48	FHLMC 3842 CJ 2.0 9/15/18	2.000	09/15/2018	495,671.74	100.86	493,909.49	(1,762.25)	0.10%	1.09	1.02	1.04	Aaa	AA+
3137A9YB6	838,690.20	FHLMC 3838 AE 2.5 11/15/18	2.500	11/15/2018	861,754.18	101.33	849,830.44	(11,923.74)	0.17%	1.18	1.00	1.02	Aaa	AA+
3137AAR54	1,162,149.22	FED HOME LN MTG CORP	2.500	10/15/2018	1,188,115.99	101.26	1,176,830.65	(11,285.34)	0.23%	1.17	0.95	0.96	Aaa	AA+
3137AAVD9	198,229.43	FED HOME LN MTG CORP	2.000	08/15/2018	200,149.78	100.80	199,822.52	(327.26)	0.04%	1.17	1.06	1.08	Aaa	AA+
3137ACJU4	392,729.02	FHLMC 3872 ND 2.0 12/15/21	2.000	12/15/2021	400,706.33	100.86	396,110.30	(4,596.03)	0.08%	1.52	1.79	1.84	Aaa	AA+
3137ACK99	5,359,260.94	FHLMC 3876 CA 2.75 6/15/26	2.750	06/15/2026	5,533,855.64	101.75	5,453,166.98	(80,688.66)	1.09%	1.21	1.01	1.02	Aaa	AA+
3137ACUK3	260,731.84	FHLMC 3895 CD 2.0 10/15/18	2.000	10/15/2018	265,294.65	100.85	262,949.44	(2,345.21)	0.05%	1.07	0.99	1.01	Aaa	AA+
3137AJAV6	582,542.85	FHLMC 3955 YA 1.75 3/15/21	1.750	03/15/2021	590,985.17	100.69	586,548.59	(4,436.58)	0.12%	1.37	1.40	1.43	Aaa	AA+
3137AQVV7	1,128,192.30	FHMS K709 A1 1.56 10/25/18	1.560	10/25/2018	1,132,951.86	100.11	1,129,434.89	(3,516.97)	0.23%	1.35	1.41	1.44	Aaa	AA+
3137B03W2	14,208,321.75	FHMS K502 A2 1.426 8/25/17	1.426	08/25/2017	14,492,218.23	100.06	14,216,711.76	(275,506.47)	2.84%	1.30	1.22	1.24	Aaa	AAA
3137B9BG9	4,219,046.19	Freddie Mac 3/15/22 1.75%	1.750	03/15/2022	4,289,418.57	100.49	4,239,872.67	(49,545.90)	0.85%	1.48	1.76	1.81	Aaa	AA+
3137BBQ45	2,061,263.35	FHLMC 4351 GA 2.0 11/15/19	2.000	11/15/2019	2,084,130.49	100.76	2,076,889.58	(7,240.91)	0.41%	1.03	0.86	0.87	Aaa	AA+

FMLVT 1-3 Year High Quality Bond Fund  
Holdings as of 12/31/15

from Investment Manager

Asset ID	Units	Asset Description	Interest	Maturity	Cost	Price	Market	Unrealized	% of Total	YTM	DUR	WAL	Moody's RATING	S&P RATING
			Rate	Date			Value	Gain/Loss	Market					
02005BAD8	6,164,137.65	ALLYA 2012-5 A4 0.85 1/16/18	0.850	01/16/2018	6,164,137.65	99.88	6,156,560.08	(7,577.57)	1.23%	1.17	0.39	0.40	NR	AAA
3137BERG1	3,847,020.08	FHLMC 4399 CB 2.5 9/15/24	2.500	09/15/2024	3,911,337.45	101.17	3,892,029.83	(19,307.62)	0.78%	1.04	0.86	0.87	Aaa	AA+
3137GA2H9	521,892.19	FHLMC 3730 GE 2.5 8/15/20	2.500	08/15/2020	538,690.60	101.46	529,517.71	(9,172.89)	0.11%	1.53	1.70	1.75	Aaa	AA+
3138EMBX8	627,279.47	FED NATL MTG ASSN POOL #AL4553	6.000	01/01/2019	669,620.83	102.46	642,729.36	(26,891.47)	0.13%	2.12	0.72	0.74	Aaa	AA+
31392UMQ4	133,928.21	FHLMC 2503 BH 5.5 9/15/17	5.500	09/15/2017	144,135.00	102.80	137,684.29	(6,450.71)	0.03%	1.01	0.67	0.68	Aaa	AA+
31393AC88	297,845.69	FNMA 2003-24 BC 5.0 4/25/18	5.000	04/25/2018	320,370.27	103.19	307,351.76	(13,018.51)	0.06%	1.15	0.87	0.89	Aaa	AA+
31393DFW6	69,458.26	FNMA 2003-65 NA 3.5 9/25/31	3.500	09/25/2031	72,220.31	100.92	70,100.71	(2,119.60)	0.01%	0.83	0.25	0.25	Aaa	AA+
31393NK24	158,327.02	FHLMC REMIC SERIES 2590	5.000	03/15/2018	170,201.55	103.20	163,401.40	(6,800.15)	0.03%	1.09	0.86	0.88	Aaa	AA+
31393RLW8	277,244.67	FHLMC 2633 PE 4.5 6/15/18	4.500	06/15/2018	295,265.57	103.12	285,893.82	(9,371.75)	0.06%	1.12	0.96	0.99	Aaa	AA+
31393RVZ0	195,632.82	FHLMC 2631 LC 4.5 6/15/18	4.500	06/15/2018	208,104.41	103.10	201,699.57	(6,404.84)	0.04%	1.15	0.96	0.98	Aaa	AA+
31393UGR8	71,033.23	FNMA 2003-120	4.000	12/25/2018	75,133.60	102.72	72,968.76	(2,164.84)	0.01%	1.14	1.04	1.06	Aaa	AA+
31394UY97	1,643,318.94	FNMA 2005-104 NF FLT 3/25/35	0.722	03/25/2035	1,647,555.63	100.00	1,643,313.52	(4,242.11)	0.33%	0.67	0.10	2.02	Aaa	AA+
31394WAF5	331,171.82	FHLMC 2786 BC 4.0 4/15/19	4.000	04/15/2019	354,664.32	103.26	341,957.39	(12,706.93)	0.07%	1.27	1.23	1.27	Aaa	AA+
31395J2T2	1,629,022.32	FHLMC 2885 DF FLT 4/15/34	0.681	04/15/2034	1,632,458.54	100.09	1,630,463.68	(1,994.86)	0.33%	0.66	0.10	1.25	Aaa	AA+
31396QKJ7	395,439.86	FNMA 2009-52 AJ 4.0 7/25/24	4.000	07/25/2024	420,587.36	103.46	409,103.61	(11,483.75)	0.08%	1.30	1.40	1.44	Aaa	AA+
31396QZS1	772,481.05	FNMA 2009-70 CL 3.0 8/25/19	3.000	08/25/2019	797,043.54	101.92	787,279.24	(9,764.30)	0.16%	1.18	0.94	0.95	Aaa	AA+
31397A5S8	687,604.26	FHLMC 3209 EG 4.5 8/15/20	4.500	08/15/2020	735,843.99	104.27	716,957.47	(18,886.52)	0.14%	1.53	1.49	1.54	Aaa	AA+
31397FV90	37,066.24	FHLMC REMIC SERIES 3288	4.500	03/15/2022	40,309.54	103.40	38,325.19	(1,984.35)	0.01%	1.61	1.23	1.27	Aaa	AA+
31397NFA8	1,115,357.28	FNMA 2009-17 AN 4.5 3/25/24	4.500	03/25/2024	1,183,847.19	103.66	1,156,195.08	(27,652.11)	0.23%	1.21	1.21	1.25	Aaa	AA+
31397SAY0	1,505,215.32	FNMA 2011-16 GE 2.75 6/25/20	2.750	06/25/2020	1,540,224.27	101.40	1,526,328.22	(13,896.05)	0.30%	1.22	1.03	1.05	Aaa	AA+
31397UDX4	1,041,664.75	FNMA 2011-47 MA 2.5 1/25/22	2.500	01/25/2022	1,070,516.12	101.64	1,058,705.34	(11,810.78)	0.21%	1.31	1.47	1.51	Aaa	AA+
31398F3U3	5,137,405.70	FNMA 2009-88 DC 3.25 10/25/20	3.250	10/25/2020	5,309,990.42	102.42	5,261,713.96	(48,276.46)	1.05%	1.26	1.27	1.30	Aaa	AA+
31398JVV2	1,439,132.33	FHLMC 3578 B 4.5 9/15/24	4.500	09/15/2024	1,507,041.38	103.00	1,482,325.73	(24,715.65)	0.30%	1.17	0.96	0.98	Aaa	AA+
31398M5L6	652,208.70	FNMA 2010-32 CL 3.75 8/25/18	3.750	08/25/2018	684,870.09	102.53	668,730.12	(16,139.97)	0.13%	1.16	1.06	1.08	Aaa	AA+
31398RXB6	4,645,784.39	FNMA 2010-58 PT 2.25 6/25/25	2.250	06/25/2025	4,760,477.19	101.51	4,716,030.51	(44,446.68)	0.94%	1.63	1.77	1.83	Aaa	AA+
31398S3S0	862,026.52	FNMA 2010-153 AC 2.0 11/25/18	2.000	11/25/2018	872,532.46	100.94	870,135.43	(2,397.03)	0.17%	1.16	1.11	1.13	Aaa	AA+
31403DSV2	410,411.55	FNMA #745832 6.0 4/1/21	6.000	04/01/2021	448,374.62	104.74	429,873.27	(18,501.35)	0.09%	1.75	1.24	1.29	Aaa	AA+
31417BQZ3	1,562,096.19	FNMA #AB4971 2.5 4/1/22	2.500	04/01/2022	1,591,873.65	101.84	1,590,823.14	(1,050.51)	0.32%	1.63	2.26	2.36	Aaa	AA+
36159JBZ3	6,195,000.00	GEMNT 10-2 A 4.47 3/15/20	4.470	03/15/2020	7,024,549.22	103.57	6,416,434.70	(608,114.52)	1.28%	1.39	1.17	1.21	Aaa	AAA
38374D2K4	86,342.58	GOVT NATL MTG ASSN 4.250%	4.250	10/16/2022	89,607.41	101.08	87,275.36	(2,332.05)	0.02%	1.35	0.43	0.44	Aaa	AA+
38374F6W9	149,538.01	GNMA 2004-30 UC 5.5 2/20/34	5.500	02/20/2034	165,379.69	105.58	157,887.48	(7,492.21)	0.03%	1.31	1.32	1.36	Aaa	AA+
38377JT29	2,207,869.81	GNMA 2010-117 JA 2.5 3/20/40	2.500	03/20/2040	2,280,793.20	101.43	2,239,413.20	(41,380.00)	0.45%	1.68	1.88	1.95	Aaa	AA+
43814HAC2	12,435,000.00	HART 2014-3 A3 0.88 6/15/18	0.880	06/15/2018	12,430,138.32	99.75	12,404,115.19	(26,023.13)	2.48%	1.17	0.86	0.87	NR	AAA
44890LAD6	10,135,000.00	HART 2013-B A4 1.01 2/15/19	1.010	02/15/2019	10,141,730.25	99.90	10,125,219.73	(16,510.52)	2.02%	1.21	0.72	0.73	Aaa	AAA
44890RAC5	3,294,616.08	HART 2014-A A3 0.79 7/16/18	0.790	07/16/2018	3,294,027.00	99.77	3,287,139.28	(6,887.72)	0.66%	1.19	0.60	0.61	Aaa	AAA
44890UAC8	1,699,344.94	HART 2014-B A3 0.9 12/17/18	0.900	12/17/2018	1,699,293.28	99.79	1,695,714.46	(3,578.82)	0.34%	1.31	0.73	0.74	NR	AAA
587729AD6	750,000.00	MBART 2014-1 A4 1.31 11/16/20	1.310	11/16/2020	751,611.33	99.61	747,062.10	(4,549.23)	0.15%	1.48	1.82	1.85	Aaa	N.R.
58772PAD0	10,750,000.00	MBART 2015-1 A3 1.34 12/16/19	1.340	12/16/2019	10,748,691.73	99.45	10,690,436.40	(58,255.33)	2.13%	1.57	1.97	2.01	NR	AAA
65477MAC2	6,610,347.11	NAROT 13-C A3 0.67 8/15/18	0.670	08/15/2018	6,603,799.43	99.77	6,595,447.39	(8,352.04)	1.32%	1.10	0.61	0.62	Aaa	N.R.
65477UAC4	9,000,000.00	NAROT 15-A A3 1.06 10/15/19	1.050	10/15/2019	8,998,108.20	99.31	8,938,017.00	(60,091.20)	1.78%	1.46	1.56	1.58	Aaa	N.R.
65478AAB9	8,500,000.00	NAROT 15-C A2A 0.87 11/15/18	0.870	11/15/2018	8,499,351.45	99.64	8,469,004.75	(30,346.70)	1.69%	1.26	1.04	1.05	Aaa	N.R.
912828G79	12,000,000.00	US TREASURY 1.0 12/15/17	1.000	12/15/2017	11,987,383.92	99.86	11,983,560.00	(3,823.92)	2.39%	1.07	1.93	1.96	Aaa	AA+

**FMLVT 1-3 Year High Quality Bond Fund**  
**Holdings as of 12/31/15**

from Investment Manager

Asset ID	Units	Asset Description	Interest	Maturity	Cost	Price	Market	Unrealized	% of Total			Moody's RATING	S&P RATING	
			Rate	Date			Value	Gain/Loss	Market	YTM	DUR			WAL
02005BAD8	6,164,137.65	ALLYA 2012-5 A4 0.85 1/16/18	0.850	01/16/2018	6,164,137.65	99.88	6,156,560.08	(7,577.57)	1.23%	1.17	0.39	0.40	NR	AAA
912828H29	20,000,000.00	US TREASURY 0.625 12/31/16	0.625	12/31/2016	20,067,254.40	99.83	19,966,400.00	(100,854.40)	3.99%	0.79	0.99	1.00	Aaa	AA+
912828H78	10,000,000.00	US TREASURY 0.5 1/31/17	0.500	01/31/2017	9,980,502.25	99.63	9,963,300.00	(17,202.25)	1.99%	0.84	1.08	1.08	Aaa	AA+
912828K66	10,000,000.00	US TREASURY 0.5 4/30/17	0.500	04/30/2017	9,991,439.70	99.48	9,947,700.00	(43,739.70)	1.99%	0.90	1.32	1.33	Aaa	AA+
912828M72	46,000,000.00	US TREASURY 0.875 11/30/17	0.875	11/30/2017	45,903,122.93	99.71	45,867,060.00	(36,062.93)	9.16%	1.03	1.89	1.92	Aaa	AA+
912828RJ1	15,000,000.00	US TREASURY 1.0 9/30/16	1.000	09/30/2016	15,033,448.65	100.20	15,029,850.00	(3,598.65)	3.00%	0.73	0.74	0.75	Aaa	AA+
912828SJ0	16,150,000.00	US TREASURY 0.875 2/28/17	0.875	02/28/2017	16,176,649.82	100.04	16,156,298.50	(20,351.32)	3.23%	0.84	1.15	1.16	Aaa	AA+
912828SY7	21,000,000.00	US TREASURY 0.625 5/31/17	0.625	05/31/2017	20,957,414.10	99.56	20,907,390.00	(50,024.10)	4.17%	0.94	1.40	1.41	Aaa	AA+
912828TM2	15,000,000.00	US TREASURY 0.625 8/31/17	0.625	08/31/2017	14,974,269.00	99.36	14,903,850.00	(70,419.00)	2.98%	1.01	1.65	1.67	Aaa	AA+
912828TS9	10,000,000.00	US TREASURY 0.625 9/30/17	0.625	09/30/2017	9,984,408.50	99.31	9,930,900.00	(53,508.50)	1.98%	1.02	1.73	1.75	Aaa	AA+
912828UA6	13,000,000.00	US TREASURY 0.625 11/30/17	0.625	11/30/2017	12,917,777.99	99.17	12,892,360.00	(25,417.99)	2.57%	1.06	1.90	1.92	Aaa	AA+
912828UR9	12,500,000.00	US TREASURY 0.75 2/28/18	0.750	02/28/2018	12,428,752.81	99.15	12,393,500.00	(35,252.81)	2.47%	1.15	2.13	2.16	Aaa	AA+
912828VE7	23,250,000.00	US TREASURY 1.0 5/31/18	1.000	05/31/2018	23,158,075.98	99.49	23,130,960.00	(27,115.98)	4.62%	1.22	2.38	2.41	Aaa	AA+
912828WH9	22,500,000.00	US TREASURY 0.875 5/15/17	0.875	05/15/2017	22,527,614.40	99.94	22,486,050.00	(41,564.40)	4.49%	0.92	1.36	1.37	Aaa	AA+
912828WP1	13,000,000.00	US TREASURY 0.875 6/15/17	0.875	06/15/2017	12,994,965.43	99.89	12,985,830.00	(9,135.43)	2.59%	0.95	1.44	1.45	Aaa	AA+
912828XJ4	8,575,000.00	US TREASURY 0.625 6/30/17	0.625	06/30/2017	8,560,912.50	99.50	8,531,782.00	(29,130.50)	1.70%	0.96	1.49	1.50	Aaa	AA+
98160KAD7	10,490,000.00	WORLD OMNI AUTO 13-A A4 0.87 7/1	0.870	07/15/2019	10,463,775.00	99.63	10,450,995.03	(12,779.97)	2.09%	1.22	0.99	1.00	NR	AAA
	500,192,520.00				502,886,330.95		500,133,880.17	(2,752,450.78)	99.85%	1.13	1.35	1.38		
VP4560000	743,412.25	WF ADV GOVT MM FD-INSTL	0.00010		743,412.25	1.00	743,412.25	0.00	0.15%	0.01	-	-	Aaa-mf	AAAm
	<b>500,935,932.25</b>				<b>503,629,743.20</b>		<b>500,877,292.42</b>	<b>(2,752,450.78)</b>	<b>100.00%</b>	<b>1.13</b>	<b>1.35</b>	<b>1.38</b>		

Portfolio NAV 501,237,425.32  
# Shares 27,667,505.8000  
NAV per Shares 18.116466