



Town of Loxahatchee Groves

Regular Meeting, October 5, 2010 at 7:00 p.m.

MINUTES

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

Frank R. Spence, Town Manager
Michael Cirullo, Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.
Ann Harper, Town Clerk

D. J. Doody, Acting Town Attorney – October 5, 2010
Michelle Mellgren, AICP, The Mellgren Planning Group

1. OPENING

- A. Call to Order/Roll Call
- B. Pledge of Allegiance
- C. Invocation

Mayor David Browning called the meeting to order at 7:05 p.m. following the meeting of the Local Planning Agency. In addition to Mayor Browning, the following Council members were present: Councilmen Ron Jarriel, Ryan Liang, and Jim Rockett, and Vice-Mayor Dennis Lipp. After the Pledge of Allegiance, Mayor Browning gave the Invocation. Present from Staff were Frank Spence, Town Manager, D. J. Doody, Acting Town Attorney, and Ann Harper, Town Clerk.

D. Additions and Deletions

The following items were added to the agenda:

- 2.D. Notice of water hookup
- 8.B.(1) Palm Beach County Consent Agenda for their meeting 10/5/10 Item recommending a Resolution authorizing payment of \$5,000 and the conveyance of surplus property to the Town of Loxahatchee Groves
- 9.A.(1) Recommendation to award Code Enforcement Contract to Tew & Taylor, Inc.

E. Approval of Agenda

Motion was made by Councilman Liang, seconded by Councilman Rockett, to approve the agenda with the changes. The motion carried by voice vote, 5/0.

2. CONSENT AGENDA

- A. Approval of Town Council Meeting Minutes; September 7, 2010
- B. Approval of August 2010 financial statements (FAAC approved on September 27, 2010)
- C. Approval of invoice from Goren, Cherof, Doody & Ezrol, P.A., Town Attorney

Motion was made by Councilman Rockett, seconded by Councilman Ryan, to approve the Consent Agenda. The motion carried by voice vote, 5/0.

3. PRESENTATIONS

- A. Presentation of FY 2008-2009 Audit and Comprehensive Annual Financial Report by Terry Morton of Nowlen, Holt & Miner, P.A., Town Auditors

Terry Morton introduced himself to the Council said they should be proud of Staff for their preparation of the financial statements. He reviewed the Comprehensive Annual Financial Report section by section and said he would be glad to answer questions. There were no questions from the Council, and Mayor Browning thanked Mr. Morton for his presentation.

- B. Presentation by Joe Lelonek of Land Design South, agent for the Simon Property (09-1.1), Southern Boulevard and "B" Road, on plan revisions as a result of the September 25, 2010 Council Workshop

Mr. Spence said that Council held a workshop on Saturday, September 25th, to give residents another opportunity to speak to agents for the property owners of Southern Boulevard and "B" Road. These representatives are here this evening to present reports which were developed after this workshop and reflect the requests of the residents who attended the meeting.

Robert Bentz of Land Design South said he would make the presentation this evening as Joe Lelonek was unable to attend this meeting. He presented a set of notes from the workshop to the Mayor. Motion was made by Vice-Mayor Lipp, seconded by Councilman Jarriel, to receive and file the notes. The motion carried by voice vote, 5/0.

Mr. Bentz said residents at the workshop made it clear that the community did not want an RV park on the property. He described new master plan concepts designed as a result of the charette. The development is designed in rural and Florida Vernacular styles. The former RV area is now residential with 22 to 44 lots, depending on size, includes pedestrian/equestrian trails, and has an increased buffer along the North property line. There is also a 40% pervious area.

Mr. Spence said this presentation has been strictly informational, and there were no public comments.

- C. Presentation by Mike O'Dell of O'Dell Inc., agent for the Solar Sports Systems/Loxahatchee Equestrian Partners, Inc. Property (09-1.2), Southern Boulevard and "B" Road, on plan revisions as a result of the September 25, 2010 Council Workshop

Mr. O'Dell said he would like to ask the Council some questions as a result of the workshop. He asked the Council what they were looking for in a "town center" and whether or not they would like to see a "town center" on both properties. They have taken the 120 senior units off the table. He asked for Council direction on whether or not they would like ten single family 2-acre lots on Collecting Canal with minimal buffers, or would they like additional buffering and an institutional use for this property. He said they realize the buffer area is important to the residents.

Vice-Mayor Lipp said he would like to see continuity across the back with the buffer. He thinks 300 feet is a little much, and 30 feet is not enough. He would also rather not use the phrase "town center" because "D" Road is the middle of Loxahatchee Groves. He spoke about the Town of Davie and described their town center and how this Town could use something similar.

Mr. O'Dell said the commercial uses are "commercial low", such as law offices and retail. He also mentioned including multiple-use designation. Vice-Mayor Lipp said that the Northern part of the areas should be residential.

Councilman Liang said that he agreed with Vice-Mayor Lipp regarding a "town center" and for the commercial areas you need some kind of a "draw."

Councilman Rockett suggested having a workshop for all requests for commercial development. He spoke about the need for buffers and said that a senior citizen place would have possibilities, but not a condo community.

Councilman Jarriel said he favored having 2 ½ acre homes to replace the RV park, and he would like to see the buffer reduced from 300 feet to not less than 100 feet.

Mayor Browning said he agrees with Vice-Mayor Lipp regarding the "town center" idea, and he goes along with the 2 ½ acre homesites.

Public Comments

Ken Johnson said he is glad things from the workshop were incorporated, and the 300 foot buffer is important.

Frank Schiola said the 300 foot buffer should be thrown out because they have a natural canopy. He was in favor of 2 ½ acre lots for the residential area instead of 5 acres.

Ann Parker said she was glad that the RV area and the senior living center are gone from the plans.

4. COMMITTEE REPORTS

A. Finance Advisory & Audit Committee Report

(Chair Lung Chiu)

Elise Ryan, Vice-Chair, presented the report. The Committee had no recommendations for Council.

B. Field Monitor's Log of Activity

Mr. Spence said the Field Monitor's log is in the agenda backup. The Council had no questions or comments.

Public Comments

Marge Herzog said she reviewed the log and found four mathematical errors. She said the Field Monitor should work on the day after the trash collection is made instead of the day of collection. She also said he is being paid too often: every other week instead of twice a month.

5. ORDINANCES - PUBLIC HEARING – 2nd Reading

A.

ORDINANCE 2010-008

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE TOWN OF LOXAHATCHEE GROVES ENVIRONMENTAL REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. (2nd Reading)

Mr. Spence read the title of the Ordinance and said this is a Public Hearing for second and final reading.

Mr. Spence said Town Attorney Mike Cirullo sent an email saying that the definition of "bona fide agriculture" in the ERM ordinance should be replaced, as follows:

Agriculture, bona fide. A business that receives a reduction in property tax due to the use of part or all of the property for the production of products as defined under "Agriculture" in Section 10-015. See Ch. 193.46a FS. And Article 65 "Bona Fide Agricultural Uses" of this Unified Land Development Code.

This would make the definition consistent in the ULDC's and the ERM ordinance.

Attorney Doody said the first motion must be to amend the ordinance to include this definition, and then take up the ordinance as amended.

Vice-Mayor Lipp made a motion to amend the ordinance to give the same definition for Agriculture, bona fide, as read into the record, in the ERM as in the ULDC ordinance. Councilman Liang seconded the motion.

Mayor Browning called for Council discussion on the motion.

Councilman Rockett said he would like to question the definition. After discussion, Mayor Browning called for a vote on the motion to amend, which carried 5/0.

Councilman Liang made a motion to approve Ordinance 2010-008, as amended. Councilman Jarriel seconded the motion.

There was no Council discussion. There were no Comment Cards received by the Mayor from people wishing to speak, and the Mayor closed the Public Hearing.

The motion to approve the Ordinance carried by roll-call vote, as follows:

AYES: Councilmen Jarriel, Liang, and Rockett; Vice-Mayor Lipp, Mayor Browning.

NAYS: None.

6. ORDINANCES - PUBLIC HEARING - 1st Reading

A. ORDINANCE 2010-009

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE; APPROVING A ZONING MAP FOR THE TOWN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Spence said this is first reading of the ordinance which will adopt the Town's Unified Land Development Code. He read the title of the Ordinance and since there are changes to land use, there must be a Public Hearing for both the first and second readings of this Ordinance. The Local Planning Agency approved the draft of the LDR's and forwarded them to you with modifications and amendments.

Councilman Jarriel made a motion to approve Ordinance 2010-009 on first reading, with modifications. Vice-Mayor Lipp seconded the motion.

Councilman Rockett said his concern is that the Town is following the County's definition of "bona fide ag" and we need to establish our independence from the County. "Bona fide agriculture" is a tax relief classification, not land use. He suggested using "agriculture" instead of "bona fide agriculture."

In response to questions, Michelle Mellgren said there are different definitions in the LDR's for "agriculture" and "bona fide agriculture." She said she had no recommendation concerning Mr. Rockett's suggestion.

Attorney Doody said he does not have the benefit of hearing previous Council discussions regarding these definitions and so he is not familiar with the distinction between the two definitions.

Councilman Jarriel said he favors leaving the Property Tax Appraiser with the responsibility of identifying properties as "bona fide agriculture" rather than the Town making that distinction, which was recommended by some residents. If we can drop the "bona fide" and it does not change anything, he has no problem with that.

Vice-Mayor Lipp said if someone is running a farm, and has tax relief as running an agricultural business, the number of "chickens" that they have is not covered. If we remove "bona fide", then what do we do with the legitimate farm operation which has cattle or other things because they are a legal entity of agriculture, or do we just let everyone have an unlimited number of animals. We went through this and came up with the idea that if someone is not in the business of raising chickens, then they have them for their own use. He does not look at the use of "bona fide" as being "under the County."

Mayor Browning said when we incorporated, the residents said they did not want Loxahatchee Groves to become more restrictive than the County, so we were careful not to step over that line, and that is why we used "bona fide" when the County used it.

Vice-Mayor Lipp said if we take out "bona fide" what happens to the other parts of the Code, such as on page 40, under Plot Coverage, where it outlines an exception. Do these parts of the Code just disappear?

Mayor Browning called for Public Comments:

John Ryan said at earlier meetings he tried to bring up the subjects that Councilman Rockett is talking about.

Elise Ryan said she was on the ERM Committee and the reason they put that definition in the ERM ordinance was because it refers to the Right to Farm Act and they were trying to narrow the definition.

There were no more public comments.

Attorney Doody suggested that the Council direct Attorney Cirullo for an analysis how the Ordinance would be enforced with that definition because once the Ordinance is enacted, it is subject to legal interpretation by the Town Attorney.

Motion was made by Councilman Jarriel to amend the motion (to approve the Ordinance on first reading) by taking the 18 instances of the terminology "bona fide agriculture" and change them to "agriculture." Councilman Liang seconded the motion.

The motion carried by roll-call vote, as follows:

AYES: Councilmen Jarriel, Liang, and Rockett.

NAYS: Vice-Mayor Lipp and Mayor Browning.

Public Comments

Susan Clubb asked Councilman Rockett for an explanation of his motion. Mayor Browning asked her to speak to him at a later date.

There were no further speakers, and the Public Hearing was closed.

Mayor Browning called for a roll-call vote on the motion to approve the Ordinance, as amended, on first reading and schedule second reading for October 19, 2010: The motion carried as follows:

AYES: Councilmen Jarriel, Liang, and Rockett; Mayor Browning.

NAYS: Vice-Mayor Lipp.

Vice-Mayor Lipp said that this change will have tremendous affect on our Code. Anyone can decide they are agricultural and can build something higher than 35 feet. There is no standard. This amendment does not add a strict definition and puts our community in jeopardy.

7. OLD BUSINESS

A. Contracts that will be expiring in 60 days (*Councilman Rockett*)

Mr. Spence said this was requested by Councilman Rockett, and the Ashbrit Contract expires in November and he is going out for bid.

8. NEW BUSINESS

A. Appointment of Town Representative to Western Communities Council (*Mayor Browning*)

Mayor Browning appointed Councilman Jim Rockett to be representative to the Western Communities Council, which meets four times a year. Council agreed with the appointment.

B. Consideration of accepting four parcels from Palm Beach County (*Town Manager*)

Mr. Spence read the Palm Beach County Staff recommendation from the County Commission's Agenda for the County Commission meeting this morning, (October 5, 2010). The Recommendation is attached to these minutes. The Staff recommended that the following properties be conveyed to the Town:

- 1) 22nd Road N. (previously accepted)
- 2) 147th Ave. N.
- 3) 24th Ct. N.
- 4) 131st St. (2)
- 5) Raymond Dr. (2)

Mr. Spence said he contracted with a Surveyor used by the Water Control District, and he begins tomorrow. This will be a joint project with the Water Control District to improve and bring these roads up to District standards. The Town has been offered four additional parcels. By State law, all enclaves that are surrounded by incorporated cities must be transfer of ownership to the City. He recommended approval of accepting these parcels. Council can decide at a later time what to do with them. Some are

roads with public access, and others are buildable lots, which can be sold and thereby would go back on the tax roll.

Vice-Mayor Lipp asked how much is the surveyor charging for the 22nd Road survey, and Mr. Spence said it is around \$4,000. Vice-Mayor Lipp said he paid less than \$1,000 for a survey of his five acres, and suggested that the Manager get competitive bids. Mr. Spence explained the process of ranking surveyors, architects and engineers when an RFP is issued. The applicants are ranked by ability and experience. They do not compete by price. Negotiations are entered into based on experience and ability. A selection is made, and once an applicant is passed over, you cannot go back and select him after a price is given.

Mayor Browning asked for a motion to accept the four parcels. Councilman Jarriel said we do not need to accept them now; the County held them for a long time.

Councilman Rockett suggested deferring action on the item until they can have more information about the parcels. Mr. Spence said the backup information is detailed, and the County is eager to transfer ownership of the properties.

Councilman Rockett made a motion to defer to the next meeting, and Councilman Liang seconded the motion.

Public Comments

John Ryan agreed with the motion to defer.

Doreen Baxter said she called three different surveyors, and their prices for doing the 22nd Road survey ranged from \$800 to \$3,275.

Mayor Browning called for a voice vote on the motion to defer action on the item, which carried, 5/0.

- C. Consideration of sponsoring Assistant Town Clerk Cindy Corum to attend 2010 Fall Academy, Florida Association of City Clerks, October 10 – 15, 2010 (*Town Manager*)

Mr. Spence said Assistant Town Clerk Cindy Corum is working towards getting certified as a Certified Municipal Clerk through the Florida Association of City Clerks, a subsidiary of the Florida League of Cities. This is a three year program with required training and instructional programs. This week-long Academy that she will be attending is part of their mandatory training program, going from Sunday, October 10th to Friday, October 15th and held in Lake Mary, Florida. This involves an investment of time and money. The estimated cost of room, registration, meals and travel expenses exceeds \$1,000. She has already been awarded a \$350 Scholarship to defer some of the costs of the Academy. A detailed description of the program is included in the backup material. Because having a Certified Municipal Clerk is in the best interest of the Town, and because Cindy Corum will be here long after the current CMC Town Clerk Ann Harper and I are gone, I am recommending that the Town award a grant in the amount of \$650 to Cindy to attend the Academy. My company will pay for any expenses incurred above these amounts.

Motion was made by Councilman Jarriel, seconded by Vice-Mayor Lipp, to approve the \$650 expenditure.

The motion carried by voice vote, 4/1, with Councilman Rockett voting no.

- D. Adoption of Rural Vista Guidelines (*Vice-Mayor Lipp*)

Mr. Spence said it came to his attention that the new LDR's refer to complying with the Rural Vista Guidelines, but the Town Council has never adopted those guidelines.

Vice-Mayor Lipp made a motion to adopt the Rural Vista Guidelines, with one change:

Page 4 – Scope - Delete this paragraph

Councilman Jarriel seconded the motion.

Public Comments

John Ryan said there is another change to be made on page 4 and page 9. Any references to a Rural Vista Committee or references to deed restrictions should also be removed.

Mayor Browning called for a voice vote on the motion to approve the Rural Vista Guidelines as amended, and the motion carried by voice vote, 5/0.

E. Intergovernmental Coordination Program

Mr. Spence referred to the letter in the backup from the Palm Beach County Intergovernmental Coordination Program. The program was established in 1993 to serve as a forum for addressing inter-jurisdictional plan amendment review and countywide issues of multijurisdictional significance. He recommended participating in the clearing house as it would be in our best interest. They serve as a sort of regional planning council.

Vice-Mayor Lipp said these meetings are held in the Lantana City Hall and are mostly attended by developers. He thinks it is a good idea to join.

Mr. Spence said it would be best to join after the November 4 elections.

Jim Fleischman, Town Planner and Consultant, strongly recommended that the Town join the program.

Public Comments

Marge Herzog said the Water Control District paid \$900 to join this, and if the Town joins, the taxpayers will be paying twice.

Councilman Jarriel said he would like to table this issue and ask Clete Saunier to explain why they are a member.

Public Comments

John Ryan said the Water Control District is a member because they were the only organized body in Loxahatchee Groves, and he recommended that the Town join

Council consensus was to place the item back on the agenda after the elections on November 4, 2010.

F. Request for Workshop on Okeechobee Blvd Property (*Kilday/Bill Day*)

Kieran Kilday said he is representing the Bill Day, and Mr. Day withdrew his application for development. He said that Vice-Mayor Lipp suggested that a workshop be held for property owners along Okeechobee Boulevard. Many owners have approached him and ask when the workshop would be held.

Vice-Mayor Lipp said holding a workshop is a good idea, but it should be scheduled after the Comprehensive Plan is finished.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to instruct Staff to establish a workshop date after the Comprehensive Plan case has been resolved and the Magistrate's decision has been received, in early 2011.

Mayor Browning called for a voice vote on the motion, which carried 5/0.

G. Addendum Items (if needed) – no items added

9. ADMINISTRATIVE UPDATE

A. Administrative Update

1) New Code Compliance Contract

Mr. Spence read the resignation letter from John Farinelli, JC Code & Construction Consultants, saying they have accepted an extended overseas services contract. They provided the required 14-day notice of termination. Mr. Farinelli recommended a qualified and certified building official, Doug Taylor, as his replacement

Mr. Spence read into the record his memorandum recommending the Council approve entering into a contract with Tew & Taylor, Inc., on the same terms and conditions and fees as JC Code. The memorandum is attached to these minutes.

Doug Taylor introduced himself to the Council and said he has worked with John for thirteen years and he said he would honor the JC Code contract.

Councilman Liang made a motion to accept Tew & Taylor as the new Code Enforcement Official as an emergency basis action. Councilman Jarriel seconded the motion because he does not want a lapse in enforcement.

Public Comments

Frank Schiola asked whether or not the contract was bid, and should we use him on a temporary basis until we can go out for bid.

Attorney Doody said it is his intention to revisit it in the future; he will address it so there is no gap in coverage.

Mayor Browning called for a voice vote on the motion to approve the Code Enforcement contract, which carried 5/0.

B. October Calendar

10. CLOSING COMMENTS

A. Public Comments

Motion was made by Councilman Rockett, seconded by Vice-Mayor Lipp, to receive and file the request received from Mike O'Dell. The motion carried by voice vote, 5/0.

Mike O'Dell said he is appearing on behalf of the Obedience Training Club of Palm Beach County. The Club has been here since 1953, and Mr. O'Dell's firm has been engaged to find them a permanent home. This Club is not a kennel, and they perform a number of services within the community. They would like a minimum of 1 ¼ acres to 2 acres. They want to put up an air conditioned 90' x 120' building. Mr. O'Dell

asked the Council for guidance in finding a location where the zoning would permit this use, and make sure it fits in the community.

Ann Parker said she is concerned about changing the agriculture definition.

Bill Parker addressed his comments concerning proposed developments to Councilman Rockett.

B. Town Attorney Comments – none

C. Town Council Member Comments

Vice-Mayor Lipp said he is glad that the second reading of the ERM Ordinance was approved tonight, and he is looking forward to completion of the ULDC's and also to hearing from the Attorney about what will happen to our Plan if we take "bona fide agriculture" out of the Ordinance.

Councilman Liang said he is upset about Palm Beach County is dumping properties on us.

Councilman Rockett commented on the Intergovernmental Committee and the Western Communities meetings which he attended.

D. Adjournment

There being no further discussion and no additional public comment, the meeting was adjourned at 10 p.m.



DAVID BROWNING, Mayor

November 16, 2010
Date Council Approved

Attest:



Ann Harper, Town Clerk

TOWN OF LOXAHATCHEE GROVES

MEMORANDUM

October 5, 2010

TO: MAYOR BROWNING and COUNCIL MEMBERS

FROM: FRANK R. SPENCE, Town Manager



SUBJECT: AWARD CONTRACT FOR CODE ENFORCEMENT TO TEW & TAYLOR, INC.

Inasmuch as the current contractor for code enforcement, JC CODE & CONSTRUCTION CONSULTANTS, INC., has suddenly and unexpectedly resigned to accept a contract overseas effective October 10, 2010, it is in the best interest of the Town to find a replacement as soon as possible.

The firm of TEW & TAYLOR, INC. was recommended by John Farinelli, Vice President of JC CODE, since they have worked together for over ten years and being equally qualified. I interviewed Douglas Taylor, CBO-MCP, Vice President, this afternoon, and he is willing to take over the duties of JC CODE, accept the same contract and the same fee of \$45.00 per hour. He will be present at tonight's Council meeting to answer any questions.

I recommend that the Town Council approve entering into a contract with TEW & TAYLOR, INC., on the same terms and conditions and fees as JC CODE, and that any restrictions or requirements to the contrary in the Town's purchasing ordinance be waived in the best interest of the Town, with time being of the essence and urgency to move forward with pending code enforcement matters.

OCTOBER 5, 2010

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. **Staff recommends motion to accept:** a Special Warranty Deed from Dizengoff-Courtney Park, LLC, (Dizengoff), conveying a .73 acre lake tract parcel located in the southwest corner of Lantana Road and Haverhill Road in unincorporated Lake Worth. **SUMMARY:** The lake tract parcel was dedicated to the County on February 15, 2000, per the plat of Winston Trails Parcel 19, in Plat Book 87, Page 95 (Water Management Tract Lake-1). In 2005, Courtney Park Limited Partnership included the lake tract in a deed to Marcliff Courtney Development, LLC. To rectify this error, the current owner (Dizengoff) wants to deed this lake tract to the County. The County Attorney's Office has recommended that the County accept this Special Warranty Deed to clear record title in the County. (PREM) District 6 (HJF)

14. **Staff recommends motion to:**

A) **adopt** a Resolution authorizing the payment of \$5,000 and the conveyance of the County's interest in a 1.24 acre surplus property to the Town of Loxahatchee Groves without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and

B) **approve** a County Deed in favor of the Town of Loxahatchee Groves.

SUMMARY: The Town of Loxahatchee Groves requested the conveyance of a County-owned vacant surplus property. The 1.24 acre property was acquired by Tax Deed in March of 2003 and is located on 22nd Road North, within the Town's municipal boundaries with an assessed value of \$453. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The subject property has been declared surplus and serves no present or future County purpose. The County has not been performing any maintenance of this property, it is overgrown and adjacent residents have complained to the Town. The Town requested the County contribute \$5,000 to offset clean up costs. The Town will permit continued access by the adjacent property owner across this property. Staff believes that this property will be more appropriately maintained and managed by the Town. This conveyance will relieve the County of potential liability for occurrences on this property and further requests for maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. (PREM) District 6 (HJF)