

**Town of Loxahatchee Groves & Loxahatchee Groves Water Control District  
Intergovernmental Coordination Committee Meeting Agenda  
Wednesday, November 18, 2015 at 10:00 a.m.**



## Town of Loxahatchee Groves & Loxahatchee Groves Water Control District

### Intergovernmental Coordination (IGC) Committee Meeting

Wednesday, November 18, 2015 / 10:00 a.m.  
Loxahatchee Groves Water Control District, 101 West "D" Road

Town Manager Bill Underwood  
Town Vice-Mayor Ron Jarriel  
LGWCD Board Supervisor Laura Danowski  
LGWCD Administrator Stephen E. Yohe, P.E.

### **PUBLIC NOTICE / AGENDA**

1. **OPENING**
  - a. Call to Order & Roll Call
  - b. Pledge of Allegiance & Invocation
  - c. Approval of Agenda
  
2. **CONSENT AGENDA**
  - a. Approval of Minutes:
    - **November 6, 2014 IGC Committee Meeting**
  
3. **PRESENTATIONS**

**Town of Loxahatchee Groves & Loxahatchee Groves Water Control District  
Intergovernmental Coordination Committee Meeting Agenda  
Wednesday, November 18, 2015 at 10:00 a.m.**

**4. OLD BUSINESS**

- a. Fill Policy (*Steve Yohe from discussion during June 26, 2014 and August 22, 2014 IGC Committee Meeting*)
- b. Discussion regarding Interlocal Agreement between the Town of Loxahatchee Groves and Loxahatchee Groves Water Control District relative to the equestrian trails (*Councilman Goltzené from June 26, 2014 and August 22, 2014 IGC Committee Meeting*)
- c. Discussion of Draft “Development of Policy for Proposed District, Town, and Landowner Drainage Improvements” (*Steve Yohe*)

**5. NEW BUSINESS**

- a. North Road “Cut-Through” to 140<sup>th</sup> Avenue North
- b. Palm Beach State College Resistance to Recreational Maintenance Trail
- c. Collecting Canal and South “E” Road Intersection
- d. Status of Proposed Policies:
  - d.1. Proposed Fill Management Policy dated November 6, 2014
  - d.2. Development of Policy for Proposed District, Town, and Landowner Drainage Improvement dated July 30, 2014
  - d.3. Canal Restoration Notification Policy dated June 2, 2015
- e. Setting of next meeting date and time

**6. DISCUSSION**

**7. ADJOURNMENT**

Any person who decides to appeal any decision of the committee 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 record includes testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact Lynnette Ballard, LGWCD Administrative Secretary at (561-793-0884), at least 48 hours in advance to request such accommodation. There may be two (2) or more Town of Loxahatchee Groves Council Members present at this meeting.

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /  
TOWN OF LOXAHATCHEE GROVES  
INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE MEETING  
THURSDAY, NOVEMBER 6, 2014 / 10:00 A.M.**

Call to Order at 10:00 a.m. / Roll Call

Present:

- Stephen E. Yohe, P.E., District Administrator  
Loxahatchee Groves Water Control District
- David DeMarois, Chairman, Board of Supervisors (Meeting Facilitator)  
Loxahatchee Groves Water Control District
- Bill Underwood, Town Manager  
Town of Loxahatchee Groves
- Ron Jarriel, Vice Mayor  
Town of Loxahatchee Groves

Absent:

- Lynnette R. Ballard, Administrative Secretary  
Loxahatchee Groves Water Control District

Pledge of Allegiance / Invocation led by Mr. DeMarois.

**SUBJECT:** AGENDA APPROVAL. Mr. DeMarois asked if there were any additions, deletions, or substitutions to the Agenda.

Mr. Underwood requested the deletion of Agenda Item 5A, Discussion of Converting the LGWCD from Independent to Dependent.”

Mr. Yohe requested Agenda Item 4C, “Discussion of Draft Development of Policy for Proposed District, Town, and Landowner Drainage Improvements” be tabled.

There were no further additions, deletions, or substitutions to the Agenda.

**MOTION:** Mr. Underwood made a motion to approve the agenda, including the aforementioned changes. Mr. Yohe seconded the motion.

There were no additional comments by the IGC Committee on this item.

ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: CONSENT AGENDA - APPROVAL OF OCTOBER 24, 2014 IGC COMMITTEE MEETING MINUTES. Mr. DeMarois called for a motion to approve the Consent Agenda, including the October 24, 2014 IGC Committee Meeting minutes.

MOTION: Mr. Yohe made a motion to approve the Consent Agenda, including the October 24, 2014 IGC Committee Meeting minutes. Mr. Underwood seconded the motion.

There were no comments by the IGC Committee Members on this item.

ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: PRESENTATIONS. There were no presentations at this meeting.

MOTION: No motion was made.

ACTION: **NO ACTION WAS TAKEN.**

#### **OLD BUSINESS**

SUBJECT: FILL POLICY (STEVE YOHE FROM DISCUSSION DURING JUNE 26, 2014 AND AUGUST 22, 2014 IGC COMMITTEE MEETINGS). Mr. Yohe stated he forwarded the fill policy to the IGC Committee Members subsequent to the IGC Committee's previous meeting including comments from Mr. Ryan.

Mr. Yohe apologized for taking the liberty of reversing what are now Priority 3 and Priority 4, and stated the IGC Committee can discuss whether that change is acceptable, in light of the fact that Mr. Ryan suggested Priority 4 and 5 be deleted.

Mr. Yohe stated the following:

- Priority 4 would be deleted.
- Priority 5 would be combined with Priority 1.

Mr. Jarriel requested Priority 2 and Priority 3 be reversed.

Mr. Yohe summarized the changes to the fill policy as follows:

- Priority 3 will become Priority 2 with the addition of “excess fill will be above the elevation of 21 on the perimeter of the District, with the perimeter being a canal on the west perimeter.”
- Priority 3, which was Priority 2, with the wording “as is, where is” and with the wording “open market place” covers everyone’s concerns. The Town has first preference, the landowners have second preference, and the public has third preference.

Mr. Yohe stated this item is on the agenda for the District’s regular Board of Supervisors meeting on Monday, November 10, 2014. However, he is going to request that it be tabled pending legal review by the District’s legal counsel.

Mr. Jarriel stated, after he receives input from the Town Council on this item, he will present a report to the District’s Board of Supervisors at the next regular meeting (December 8, 2014).

Mr. DeMarois stated he would like to express that the Town and District are working together to do everything possible to save the taxpayers’ money.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: DISCUSSION REGARDING INTERLOCAL AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT RELATIVE TO EQUESTRIAN TRAILS (COUNCILMAN GOLTZENE FROM JUNE 26, 2014 AND AUGUST 22, 2014 IGC COMMITTEE MEETINGS). Mr. Underwood stated the Town Attorney has been working on the ILA. One issue of concern is dual easements (maintenance and horse trail); with the proviso that flooding is a primary issue. Mr. Underwood stated the Town is working toward a dual easement.

Mr. DeMarois asked Mr. Underwood whether the Town is going to pursue state funding for the equestrian trails. Mr. Underwood replied in the affirmative.

Mr. Yohe stated the District and Town are in agreement with the proposal with regard to who will pay for which portion.

Mr. Underwood stated he and Mr. Yohe have made a strategic plan, and are only dealing with the berms and funding the surveys.

Mr. Yohe stated the District is not paying for any portion of the equestrian trails. The Town is paying for the entire portion. The District is only paying for the roads.

Mr. Ryan requested confirmation that Mr. Underwood stated that, to simplify the timing difference between the Town spending money for the surveys, this issue needs to be pursued on the basis that the surveys and map filings will result in dual easements. Mr. Underwood concurred.

Mr. Yohe clarified that it would not be in the form of a dual easement; it would be in the form of a permit. He stated "dual easement" is a misnomer. An underlying fee simple owner is the only one that can grant an easement. Since the District is not the underlying fee simple owner, the District cannot grant an easement.

Mr. Yohe stated the basis of the maintenance map is for maintenance for the District, and recreational trails for the Town. He noted this would only be granted by permit as it states in the District's enabling legislation.

Mr. Yohe suggested a meeting between the District's attorney, the Town's attorney, Mr. Underwood, and himself to further understand the issues associated with an ILA dealing with construction within the recreational trails. Mr. DeMarois stated he would be willing to attend the meeting as well.

Mr. Yohe stated he will present the ILA associated with funding the surveyor to produce and record maintenance maps for the recreational trails to the District's Board of Supervisors at its November 10, 2014 regular meeting.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: DISCUSSION OF DRAFT "DEVELOPMENT OF POLICY FOR PROPOSED DISTRICT, TOWN, AND LANDOWNER DRAINAGE IMPROVEMENTS" (STEVE YOHE). Mr. DeMarois stated this item was tabled.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

**NEW BUSINESS**

SUBJECT: DISCUSSION OF CONVERTING THE LGWCD FROM INDEPENDENT TO DEPENDENT. Mr. DeMarois stated this item has been deleted from the agenda.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: SETTING OF NEXT MEETING DATE AND TIME. Mr. DeMarois suggested that, due to the approaching holiday season, Mr. Yohe and Mr. Underwood coordinate to determine the next meeting date and time.

The designated Board of Supervisors representative will be David DeMarois (October 2014 to January 2015). The designated Town Council representative will be Ron Jarriel (October 2014 to January 2015).

MOTION: No motion was necessary.  
ACTION: **IT WAS THE CONSENSUS OF THE IGC COMMITTEE THAT MR. YOHE AND MR. UNDERWOOD WILL COORDINATE TO DETERMINE THE NEXT IGC COMMITTEE MEETING DATE AND TIME FOR DECEMBER 2014.**

Mr. Yohe stated, at the next IGC Committee meeting, he would like to add a discussion of notification to landowners for District canals that are proposed to be restored.

SUBJECT: ADJOURNMENT. Mr. DeMarois called for a motion to adjourn the meeting.  
MOTION: Mr. Jarriel made a motion to adjourn the meeting. Mr. Yohe seconded the motion.  
ACTION: **MOTION PASSED 4 TO 0.**

**The meeting was adjourned by the Facilitator at 12:20 p.m.**

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David DeMarois, Chairman  
Loxahatchee Groves Water Control District

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Ron Jarriel, Vice Mayor  
Town of Loxahatchee Groves

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Stephen E. Yohe, P.E., District Administrator  
Loxahatchee Groves Water Control District

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Bill Underwood, Town Manager  
Town of Loxahatchee Groves

November 6, 2014

## **PROPOSED FILL MANAGEMENT POLICY**

### **PURPOSE:**

The purpose of this proposed fill management policy is to encourage the Loxahatchee Groves Water Control District Board of Supervisors and the Town of Loxahatchee Groves Town Council to develop a uniform policy for the management of fill that is removed from District canals following canal restoration activities. This proposed policy was thoroughly discussed at the October 24, 2014 and November 6, 2014 Intergovernmental Coordination Committee meetings and the following represents the consensus of the Committee:

### **PRIORITIES:**

Priority 1- The District will utilize the fill to improve the maintenance berm adjacent to the canal or to improve other District maintenance berms, if needed. The District will grade, stabilize, grass, and maintain the maintenance berm after the fill is removed from the canal and placed on the maintenance berm.

Priority 2- The District will offer excess fill to the Town landowner adjacent to and abutting the maintenance berms, with the abutting Town landowner agreeing to timing, method of removal, quantity of removal, and transport of excess fill at no cost to the District.

Priority 3- The District will offer excess fill at no cost to the Town as is, where is, with specific guidelines, including the Town agreeing to timing, method of removal, quantity of removal, and transport of excess fill at no cost to the District.

Priority 4- the District will publically advertise a notice to Town landowners of the availability of excess fill at no cost, as is, where is, with specific guidelines, including the Town landowner(s) agreeing to timing, method of removal, quantity of removal, and transport of excess fill at no cost to the District.

### **DISCUSSION POINTS:**

- Priority 2 is included as a cost effective and efficient method of removing excess fill from the District's maintenance berm. So as to address the issue of one landowner accepting fill and another not accepting fill, resulting in an uneven maintenance berm, consideration should be given for landowner(s) to grant their right to the fill to a neighbor landowner adjacent to the canal.
- Priority 3 should clarify, either as a Town Ordinance or District policy, or both, whether the fill can or cannot be delivered outside of the District/Town limits.
- The maintenance berms shall be maintained at elevation 21 Mean Seal Level (MSL) on north North Canal, North "E" Canal, south North Canal, East "G" Canal, east 25<sup>th</sup> Street

North, North Folsom Canal, South Folsom Canal, South "A" Canal, and North "A"  
Canal.

# **DRAFT**

July 30, 2014

## **DEVELOPMENT OF POLICY FOR PROPOSED DISTRICT, TOWN, and LANDOWNER DRAINAGE IMPROVEMENTS**

### **OVERVIEW:**

In an ongoing effort for the District and Town to provide transparency and to seek a unified understanding for addressing drainage issues within the District and Town, the following is presented for consideration.

### **ISSUES:**

District and Town staff have been contacted by numerous District and Town landowners regarding inadequate drainage of District and Town maintained roads and inadequate drainage of their property.

The design and construction of most of the District roads direct storm-water away from the District's canal and toward landowners' property, thereby creating ponds within the District's roads. Draining into landowners' property adjacent and outside of the District's road solves this problem when the adjacent landowner agrees to allow discharge onto their property. No documentation is typically on file for most of these situations and landowners can and have cut off District road drainage resulting in District road flooding.

The design and construction of many of the Town roads identified on the Town's Gas Tax Map included ditches adjacent to Town roads that have been overgrown, filled in, and in many cases, not connected to the District's main canals.

The Town is encouraging Town road landowners to dedicate their road and drainage easements to the Town in fee simple title so that the Town can expend public funds to improve these roads and ditches.

### **PRIMARY SOLUTION:**

The primary solution is for the District to secure a legal right from the landowner to discharge to the landowner's property outside of the District's road. The District could then direct the storm-water to either an existing culvert or a yet to be constructed culvert from the landowner's property to the District's canal.

## **POLICY DISCUSSION:**

Who should pay for the analysis of these sub-basins, engineering design and permitting, survey and legal services, and physical improvements? Additionally, in what priority are these flooded areas to be addressed?

For discussion purposes, the following alternatives are offered in no particular priority:

1. No Action- results in continued road flooding, continued high maintenance, continued landowner flooding.
2. Respond on the basis of first come, first serve.
3. Respond on the basis of a property owners' commitment to provide a perpetual drainage easement.
4. Respond on the basis of a property owner's financial contribution toward the drainage improvement.
5. Respond on the basis of the District and Town's field history and experience.
6. Respond on the basis of an engineering analysis.
7. Respond on the basis of cost sharing between landowner and District or landowner and Town of Loxahatchee Groves, or a combination of all entities.
8. Other, to be determined by public input and District Board of Supervisors and Town Council directives.

## **BASIC CONSIDERATIONS:**

1. The District cannot expend District funds to benefit private property.
2. The District and Town must be transparent, unbiased, and fair as to prioritizing drainage improvements and expending District or Town public funds.
3. The District must obtain a perpetual drainage easement from landowners prior to expending District funds on private property for the benefit of District roads.
4. The District cannot expend District public funds to improve Town roads.
5. The Town cannot expend Town public funds on roads they do not own.
6. The District and Town staff must thoroughly review proposed District, Town, or Developer paving projects to assure adequate drainage is provided for abutting Town roads.

## **UNIQUE CONSIDERATIONS:**

1. When North "A" Road, North "C" Road, South "C" Road, North "D" Road, and North Road were paved, no culverts were proposed or constructed for drainage. The only culverts replaced were the obviously failing culverts that drained landowners' property.

These culverts were replaced with bank loan funds not for the benefit of the landowner but to protect the road from failing.

Due to flooding, the OGEM deteriorated on North "A" Road, North "C" Road, and South "C" Road and required a catch-basin and culvert to be installed at selected road failure locations. These repairs were funded by the Bank United Bond contingency funds. Other locations along these roads may warrant similar repairs.

**Question:** Is the use of the bank loan contingency funds appropriate and acceptable to all parties?

2. South "F" Road had two locations that warranted a catch-basin and culvert. Though not required, the adjacent property owners shared in the cost of these improvements.

**Question:** Should contributions from landowners be solicited or accepted?

3. A landowners' culvert failed on North "A" Road and it was agreed between the landowner and the District that if he provided the culvert pipe at his cost, the District would install the pipe and repair the base and pavement. This decision was based on an unwritten long-time District practice of installing a landowner's culvert if they provided the pipe at their cost. The rationale of the District absorbing the cost of repairing the OGEM and base was based on the failure of the District to recognize the poor condition of the landowners' culvert prior to paving the road.

**Question:** Is this a practice the District and Town want to continue for the paved roads?

4. During Tropical Storm Isaac, landowners' culvert failed at North "D" Road and Tripp Road. An emergency repair was made by the landowners contingent on the landowners replacing the emergency repair culverts with a District permitted culvert. District staff will be contacting the landowners this summer in an effort to have the landowners permit and construct the required culvert.

**Question:** In the event the landowners cannot or will not permit and construct the required culvert, should the District construct the culvert and lien the landowners' properties?

### **EXAMPLE CASES:**

**Case 1-** District staff has worked closely for the past 18 months with several landowners, Ms. Bea Pignato, Mr. Dan Haunert, and Mr. Phearcher Odums, Jr., regarding drainage on North "E" Road at the northeast corner of North "E" Road and Okeechobee Boulevard.

Mr. Haunert spear-headed obtaining a District permit for the construction of a culvert located at Mr. Odums' property and discharging to the "E" Canal. The District issued a permit to Mr. Odums on December 11, 2012 and construction of the culvert was completed in early 2013. This effort was fully funded by the landowners.

Subsequent to the construction of Mr. Odums' culvert, the District directed flooding within the North "E" Road easement to Mr. Odums' culvert. The landowners felt it was unfair for the District to use this culvert for District road drainage since the District did not participate in the cost of constructing the culvert. Therefore, the landowners created field blockages to preclude the District road drainage from accessing Mr. Odums' culvert.

Following numerous discussions, Ms. Pignato and Mr. Odums proposed providing the District with a 20-foot easement adjacent to the District's road and conveying ownership of Mr. Odums' culvert in exchange for \$3,500.00, the cost the landowner's expended installing Mr. Odums' culvert, and the District accepting maintenance responsibility for the culvert. The District would then be able to drain to the 20-feet adjacent to the road and drain to and through the then District owned culvert.

**Case 2-** Landowner Barbara Lorenz contacted District staff in early 2013 regarding inadequate drainage on 24<sup>th</sup> Circle North and North "C" Road. An initial Landowners Meeting of the residents of 24<sup>th</sup> Circle North was held on April 2, 2013 and included Town Vice-Mayor Ron Jarriel. It was agreed surveys would be acquired for the affected landowners to determine what road and/or drainage easements exist.

At the second Landowners Meeting on April 19, 2013, Ms. Lorenz provided the affected landowners' surveys and it was determined the landowners had a road easement that could provide ingress-egress and drainage. It was generally understood that the landowners would convey these road easements to the Town prior to drainage improvements being made by a yet to be determined entity(s).

In early July 2014, Ms. Lorenz contacted District staff to inform staff that select landowners were going to proceed to excavate a ditch along 24<sup>th</sup> Circle North. District staff stipulated the District would need a perpetual drainage easement prior to a culvert being installed under North "C" Road to the North "C" canal from the ditch for 24<sup>th</sup> Circle North. The cost of the culvert under North "C" Road would presumably be paid by the Town or the landowners since it drains a Town road. However, it could be that the District should participate in the cost of the pavement and base restoration since the culvert should have been installed prior to the pavement construction.

**Case 3-** The Palm Beach State College and developers of property nearby are obligated to pave South "B" Road from Southern Boulevard to Okeechobee Boulevard. The "saw tooth" drainage design discussed would include catch-basins and culverts installed at regular low point intervals so as to adequately drain South "B" Road.

Several Town roads, such as San Diego Drive and Los Angeles Drive, connect with South “B” Road and will need drainage culverts under South “B” Road to the South “B” Canal. It needs to be determined who would pay for the culverts at these locations in the event the drainage design for South “B” Road does not coincide with a catch-basin and culvert at the location of these Town roads.

**Case 4-** A landowner at the southwest corner of South “E” Road and 6<sup>th</sup> Court North desires to enhance the appearance of South “E” Road from 6<sup>th</sup> Court North to Citrus Drive. The proposed improvements include relocating a fence currently located within the District’s road easement to the landowners’ property line, relocating a drainage ditch west to the landowners’ property line, but within the District’s road easement, and extending one culvert crossing South “E” Road and relocating the outfall culvert at Collecting Canal. All of the proposed work is to be permitted and funded by the landowner.

**GUIDELINES:**

Attached as Exhibit “A” is a list of proposed guidelines for justifying the priority, funding entity(s), and other basis for proceeding with a particular project.

**EVALUATION OF EXAMPLE CASES PER EXHIBIT “A” GUIDELINES:**

**Case 1:**

1. North “E” Road at the subject location is a life-safety issue when it is not draining to the subject culvert.
2. The landowners are willing to provide the District with a drainage easement.

**Recommendation:** District should pay the landowner \$3,500.00 in exchange for drainage easement and conveyance of ownership of subject culvert to District.

**Case 2:**

1. The landowners are willing to provide the Town and District with a drainage easement.
2. The landowners are willing to pay for drainage ditch improvements.

**Recommendation:** Town should pay for construction of culvert under North “C” Road connecting landowner ditch with North “C” Canal.

**Case 3:**

1. The landowners are willing to pay, per their Development Order, to design, permit, and pave South “B” Road from Southern Boulevard to Okeechobee Boulevard.

**Recommendation:** During review of the design plans, the Town and District should address drainage of Town roads on the east side of South “B” Road. Either the Town or landowners should pay for any culvert necessary for the drainage of the Town roads.

**Case 4:**

1. The landowners are willing to pay for the drainage improvement.

**Recommendation:** Have the landowner acquire a District permit for the proposed improvement.

**SUMMARY:**

It is recommended the Intergovernmental Coordination Committee review, discuss, and revise the elements presented here for the development of a Drainage Policy and provide the District Board of Supervisors and the Town Council a proposed Drainage Policy for their review, discussion, revision, and implementation.

## **Exhibit “A”**

### **GUIDELINES FOR EVALUATING A DRAINAGE IMPROVEMENT:**

1. When road flooding is a life-safety issue.
2. When surface and base of existing District or Primary Town paved roads need repair.
3. When existing culvert under District or Primary Town road is failing.
4. When paving of existing District shell-rock roads warrants underground improvements prior to paving.
5. When landowner(s) are willing to provide the District or Town with a drainage easement.
6. When canal-side landowner(s) provide culvert at their cost for installation by District via a permit from the District.
7. When road-side landowners are willing to fund entire improvement via a permit from the District.
8. When landowners are willing to dedicate Secondary Town road right-of-way to the Town.
9. When landowner(s) are willing to pay for drainage improvement.
10. When Palm Beach County, the Florida Department of Transportation, the South Florida Water Management District, or other entity(s) affect drainage associated with the District or Town roads or District canals.

#### Notes:

1. Primary Town road refers to main roads conveyed from District to Town.
2. Secondary Town road refers to the roads on the Towns' Gas Tax Map.

June 2, 2015

### Canal Restoration Notification Policy

The following steps will be taken to notify various affected entities of the District schedule to restore a specific canal to its design cross-section:

1. District Staff will notify the District Board of Supervisors (BOS) by e-mail of the specific canal proposed to be restored with proposed start and anticipated finish dates and request comments, if any, within one (1) calendar week of notification.
2. If no comments are received, District Staff will notify the Town Manager (TM) by e-mail of the specific canal proposed to be restored with proposed start and anticipated finish dates and request comments, if any, within one (1) calendar week of notification. If comments are received that would affect the proposed schedule, District Staff will notify the BOS and propose an alternative schedule, taking into consideration the TM's comments.
3. If neither the BOS nor the TM expresses concerns or if their concerns are adequately addressed, District Staff will send a written Notice by Certified Letter/Return Receipt Requested to each landowner on the maintenance berm side of the subject canal. The Notice will briefly describe the intended restoration program and its start and anticipated finish dates. The Notice will request the landowner to notify District Staff of any concerns they may have within one (1) calendar week of the date of transmittal of the District's Certified Letter. If a landowner expresses legitimate concerns that would affect the proposed work schedule, District Staff will notify the BOS and TM and propose an alternative schedule, taking into consideration the affected landowner's comments.
4. If landowners express no concerns or if their concerns are adequately addressed, District Staff will simultaneously:
  - a. Post a Notice on the District's web site of the canal to be restored with start and anticipated finish dates.
  - b. Request the TM to post a similar Notice on the Town's web site.
  - c. Notify in writing by US Mail or e-mail, as appropriate, the Loxahatchee Groves Landowner's Association, the Equestrian Community of Loxahatchee Groves, the Palm Beach County Sheriff's Office, Palm Beach County Fire-Rescue, the School District of Palm Beach County, the Solid Waste Authority, and the Loxahatchee Groves Post Office of the specific canal to be restored with start and anticipated finish dates.
5. In the event of unanticipated delays, District Staff will promptly notify the BOS and the TM of adjustments in the program schedule and take appropriate action to notify the public.

**Comment [FSP1]:** This sounds a bit like "polling" the BOS & conducting business outside the Sunshine

**Comment [FSP2]:** This sounds a bit like "polling" the BOS & conducting business outside the Sunshine



Message

Fri, Oct 16, 2015 5:50 PM

From: "James F. Noth" <Nothj@erdmananthony.com>  
Stephen E. Yohe

To: **Lynnette R. Ballard** Stephen E. Yohe

Subject: E Road @ Collecting Canal,

Attachments: Intersection Schematic and Cost Estimate.pdf / Uploaded File (94...

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Steve,

Attached is the schematic layout for the E Road @ Collecting Canal intersection. We've included turning templates showing the path of a semi-truck for various movements through the intersection. The estimate of probable construction cost, last page of the pdf, estimates the construction cost to be approximately \$45,000 for the elements shown. Our design fee, including design survey costs, is estimated to be \$7500.

Please let me know if you have any questions or need additional information.

Thanks,  
Jim

**James F. Noth, PE, PSM**

Vice President

**ERDMAN ANTHONY**

1402 Royal Palm Beach Blvd  
Suite 500

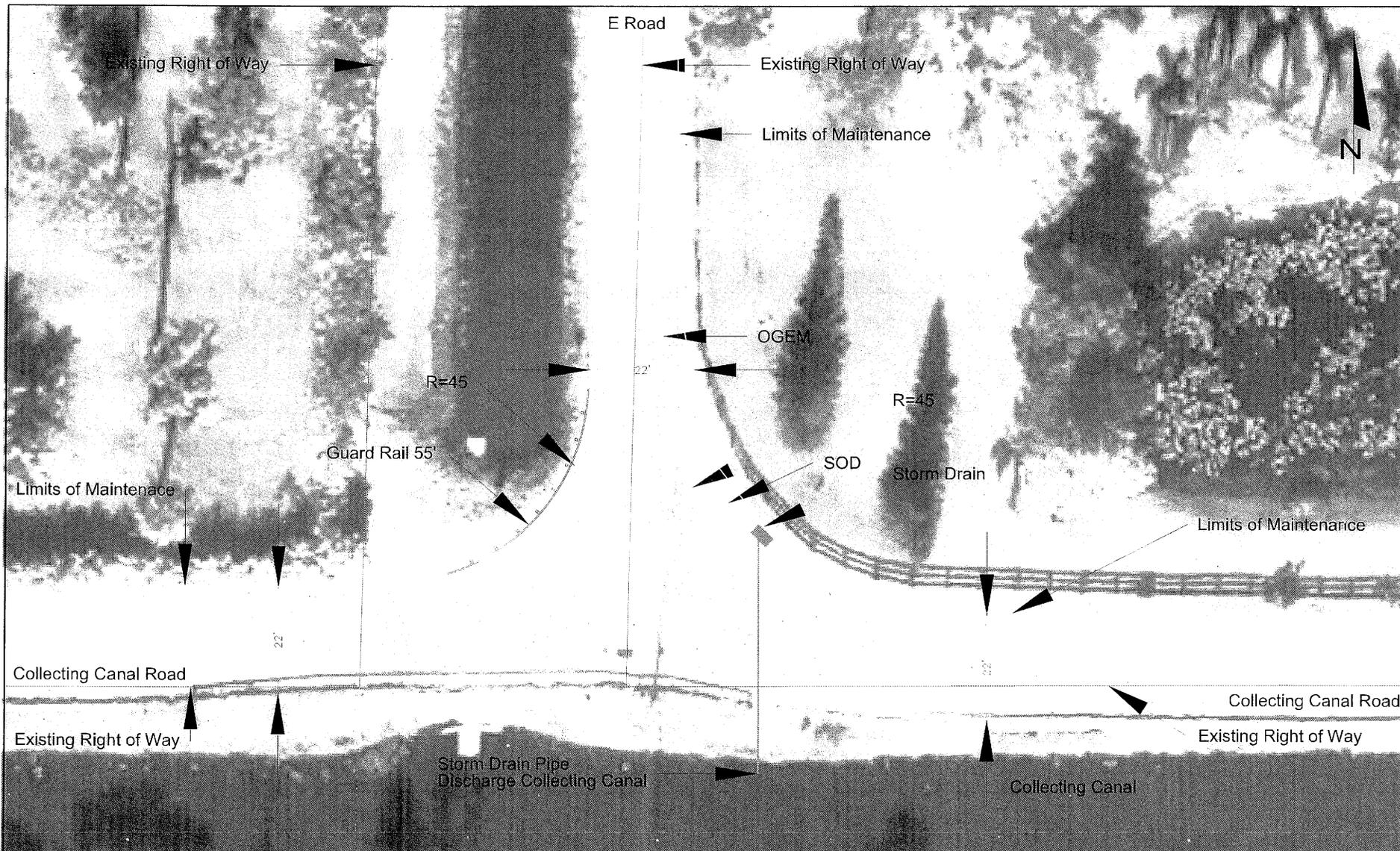
Royal Palm Beach, FL 33411

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CELL 561.818.2532

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

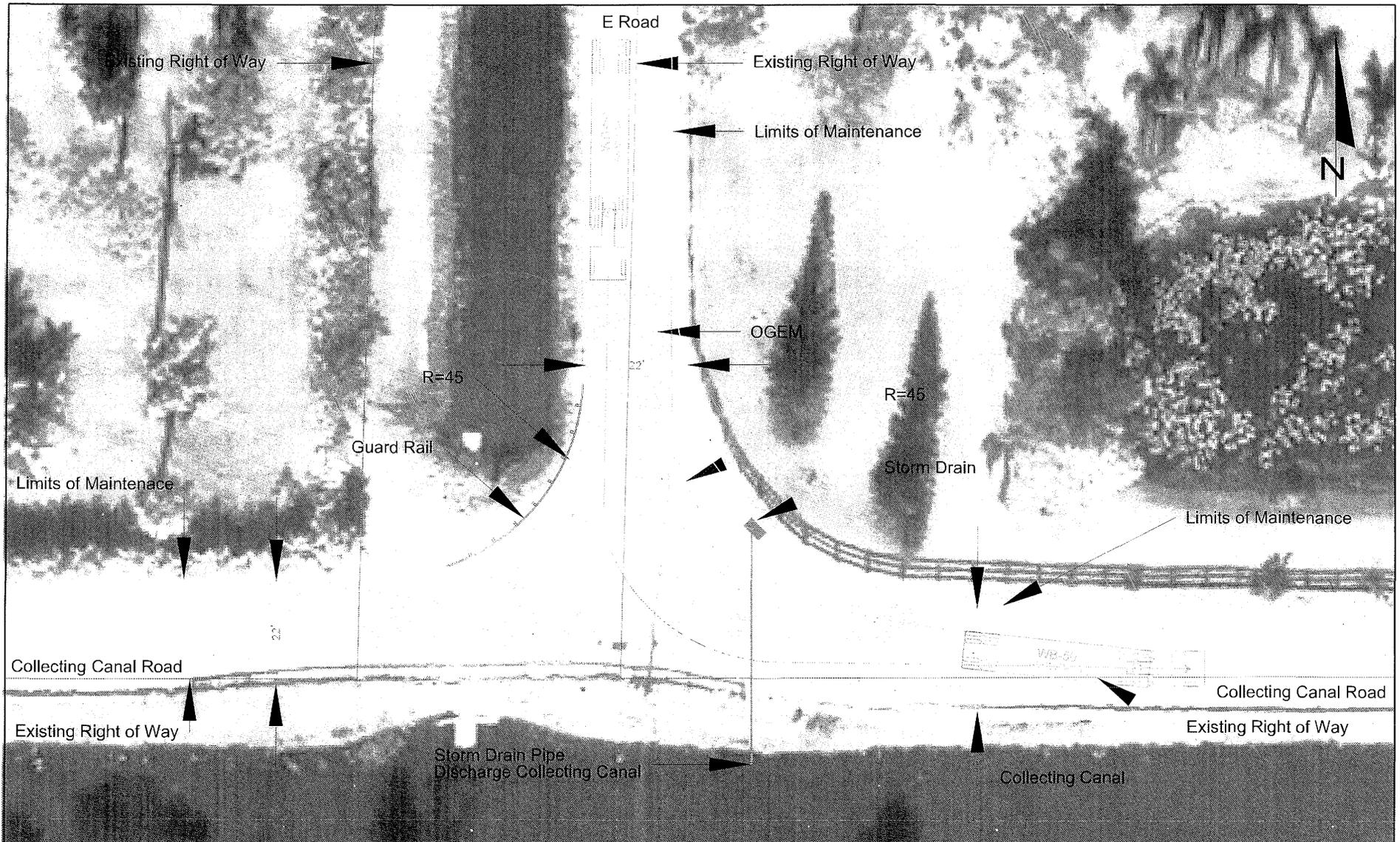
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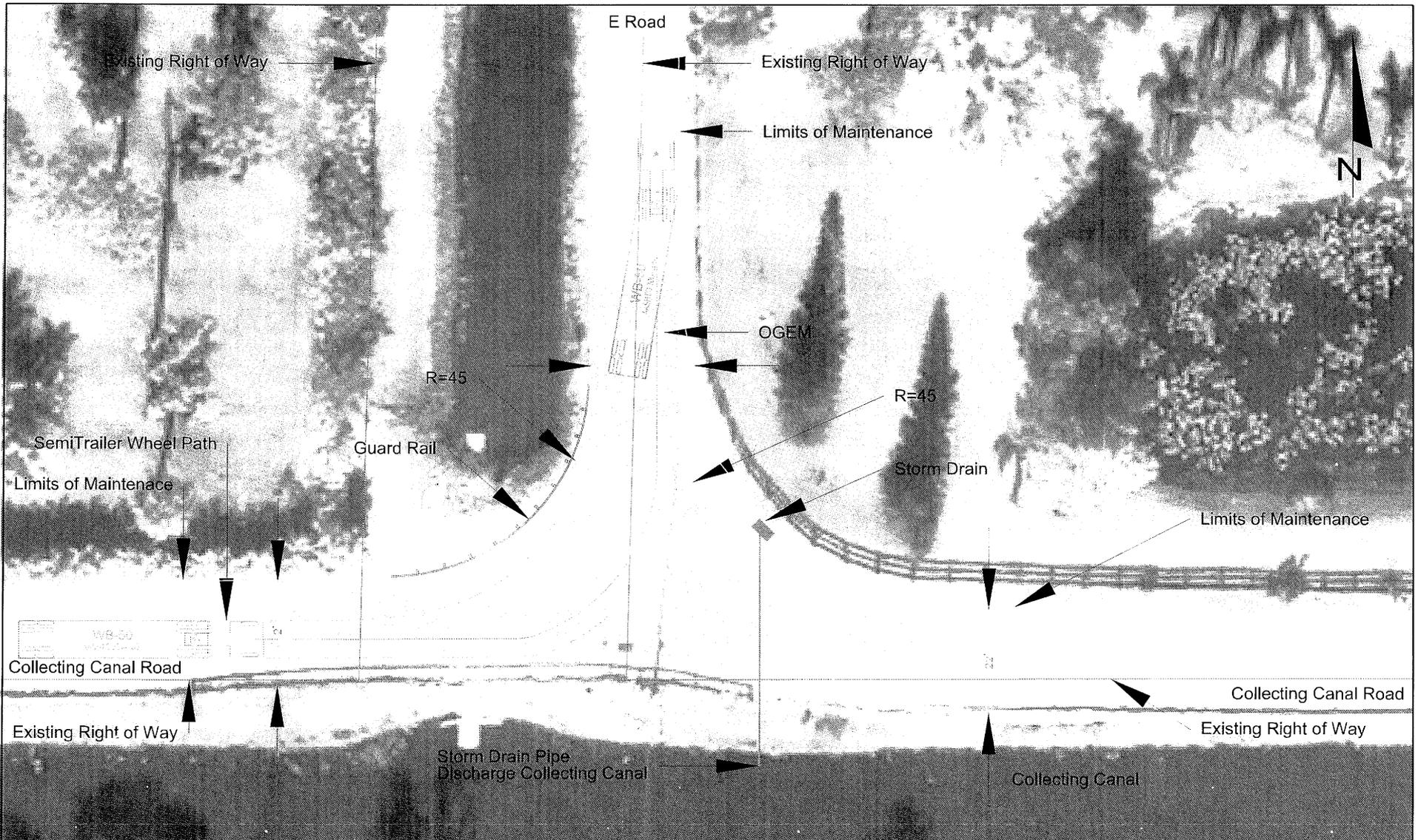
REVISIONS		DESCRIPTION	<b>ERDMAN ANTHONY</b> JAMES F. NOTH, P.E. ERDMAN ANTHONY OF FLORIDA, INC. 1402 ROYAL PALM BEACH BLVD., SUITE 500 ROYAL PALM BEACH, FL 33411 CERTIFICATE OF AUTHORIZATION 25912	LOXAHATCHEE GROVE WATER CONTROL		INTERSECTION CONCEPT E ROAD AND COLLECTING CANAL	SHEET NO.
DATE	DESCRIPTION			ROAD NO.	COUNTY		
	PRELIMINARY NOT FOR CONSTRUCTION						



REVISIONS		DESCRIPTION	<b>ERDMAN ANTHONY</b> PHONE 561-753-9723 FAX 561-753-9724 P.E. LICENSE NUMBER 32652 ERDMAN ANTHONY OF FLORIDA, INC. 1402 ROYAL PALM BEACH BLVD., SUITE 500 ROYAL PALM BEACH, FL 33411 CERTIFICATE OF AUTHORIZATION 25912	LOXAHATCHEE GROVE WATER CONTROL		INTERSECTION CONCEPT E ROAD AND COLLECTING CANAL	SHEET NO.
DATE	DESCRIPTION			ROAD NO.	COUNTY		
	PRELIMINARY NOT FOR CONSTRUCTION						



REVISIONS		DESCRIPTION	ERDMAN ANTHONY JAMES F. NOTH, P.E. ERDMAN ANTHONY OF FLORIDA, INC. 400 ROYAL PALM BEACH BLVD., SUITE 500 ROYAL PALM BEACH, FL 33411 CERTIFICATE OF AUTHORIZATION 25912	LOXAHATCHEE GROVE WATER CONTROL		INTERSECTION CONCEPT E ROAD AND COLLECTING CANAL	SHEET NO.
DATE	DESCRIPTION			ROAD NO.	COUNTY		
	PRELIMINARY NOT FOR CONSTRUCTION		PHONE 561-753-9723 FAX 561-753-9724 P.E. LICENSE NUMBER 32652				



REVISIONS		DESCRIPTION	ERDMAN ANTHONY JAMES F. NOTH, P.E. ERDMAN ANTHONY OF FLORIDA, INC. 1402 ROYAL PALM BEACH BLVD., SUITE 500 ROYAL PALM BEACH, FL 33411 CERTIFICATE OF AUTHORIZATION 25912	LOXAHATCHEE GROVE WATER CONTROL		INTERSECTION CONCEPT E ROAD AND COLLECTING CANAL	SHEET NO.
DATE	DESCRIPTION			ROAD NO.	COUNTY		
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Schematic Intersection Layout E road and Collecting Canal  
 Engineer's Estimate of Probable Construction Cost

Date : 10/16/15

PAY ITEM NO	ITEM DESCRIPTION	UNITS	Quantity	Unit Cost	Cost
101-1	MOBILIZATION	LS	1	\$ 5,000.00	\$ 5,000
102-1	MAINTENANCE OF TRAFFIC	LS	1	\$ 5,000.00	\$ 5,000
104-10-3	SEDIMENT BARRIER	LF	350	\$ 0.90	\$ 315
110-1-1	CLEARING AND GRUBBING	LS	1	\$ 5,000.00	\$ 5,000
104-11	FLOATING TURBIDITY BARRIER	LF	200	\$ 8.20	\$ 1,640
285-701	SHELLROCK BASE (4")	SY	579	\$ 6.50	\$ 3,766
334-SPECIAL	OGEM (3")	SY	579	\$ 13.50	\$ 7,823
334-SPECIAL	FOG SEAL	SY	579	\$ 1.00	\$ 579
425-1-541	INLET, TYPE D	EA	1	\$ 2,840.00	\$ 2,840
430-175-124	24" ACP	LF	1	\$ 71.30	\$ 71
530-1	ENDWALL	EA	1	\$ 808.00	\$ 808
570-1-2	PERFORMANCE TURF, SOD (swales)	SY	600	\$ 3.25	\$ 1,950
536-1-1	GUARDRAIL	LF	55	\$ 17.87	\$ 983
536-58-25	GUARDRAIL END ANCHORAGE TYPE	EA	2	\$ 1,003.00	\$ 2,006
	<b>Roadway Total</b>				<b>\$ 34,793</b>
700-1-50	SINGLE POST SIGN, RELOCATE	EA	1	\$ 160.47	\$ 160
	<b>Signing &amp; Pavement Marking Total</b>				<b>\$ 160</b>
	<b>Sub-total</b>				<b>\$ 34,953</b>
	<b>Contingencies (15% project + 10% small size adjustment)</b>		25%		<b>\$ 8,738</b>
	<b>Grand Total</b>				<b>\$ 43,691</b>



Message

Tue, Oct 20, 2015 1:16 PM

From: **Stephen E. Yohe**  
To: **"James F. Noth" <Nothj@erdmananthony.com>**

Subject: **Re: E Road @ Collecting Canal,**

Thanks Jim.

The following are my comments on the cost estimate:

1. Mobilization: If we negotiate with the South "B" OGEM contractor we should be reduce or eliminate this cost.
2. Maintenance of Traffic: Seems high.
3. Clearing and Grubbing: Seems high.
4. 24" ACP: cost is error.
5. Endwall: District eliminated endwalls from their standards for this size pipe.

Let me know what you think. Also, I want to schedule a meeting with you and Ron Jarriel to review. Let me know when you're available.

Thanks again Jim.

Steve

**"James F. Noth" <Nothj@erdmananthony.com> writes:**

Steve

Attached is the schematic layout for the E Road @ Collecting Canal intersection. We've included turning templates showing the path of a semi-truck for various movements through the intersection. The estimate of probable construction cost, last page of the pdf, estimates the construction cost to be approximately \$45,000 for the elements shown. Our design fee, including design survey costs, is estimated to be \$7500.

Please let me know if you have any questions or need additional information.

Thanks,

Jim

**James F. Noth, PE, PSM**

Vice President

**ERDMAN ANTHONY**

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Royal Palm Beach, FL 33411

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CELL 561.818.2532

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October 4, 2015

Town of Loxahatchee Groves  
Attn: Town Manager, Mr. William Underwood

Subject: Dangerous Traffic Intersection

I am not certain the proper flow of how things are supposed to go, so I manage sometimes to get chastised for not going to the proper entity for the particular problem, so please grant me grace and see that the Council Members and the LWCD receive a copy of this problem as well and then, surely, someone will decide who should handle the problem or do so collectively (which would be wonderful).

This is not the first time I have approached the town or the council about the intersection of Collecting and E Road; however, I want to make certain that everyone has in their hands again my cause for concern about this dangerous intersection made so by the shrubs which are growing outside of the fence line on that corner in the actual roadway (since the fence is actually on the property line). It doesn't seem to get covered under the trimming for the exotics, and it doesn't seem to get covered at all for regular trimming, and the Water Control District seems to ignore it even though it is in the road easement.

Case in point, I was just discussing yesterday with Ms. Laura Danowski that I almost got hit yesterday, once again, on this corner. She told me that the same thing had happened to her yesterday while pulling a horse trailer. If anyone wants to check it out for themselves, all they need do is drive E Road to that intersection and try pulling out on to Collecting. You must first stop and inch your nose out, but you have to be half way into the road intersection before you can actually see a car traveling west to east by which time you are in front of the vehicle. It is a miracle someone hasn't already been hit there.

I understand that all of Loxahatchee Groves values their privacy, but that privacy shouldn't come as a safety hazard to others. This is another one of those times where neighbors don't really want to file code violations against one another besides which I don't know that there even is a code to prevent this. All I know is that this is a dangerous condition which will leave not only the property owner liable but the town as well should something happen.

I am hoping that collectively, among all three entities, someone can come up with a viable solution before someone loses his life.

Respectfully seeking your help,

Joyce L. Batcheler  
760 E Road, Loxahatchee