

TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL REGULAR MEETING FIRST BUDGET HEARING

AGENDA
SEPTEMBER 08, 2022 – 6:00 PM



Community Open Discussion Meeting Precedes Meeting from 6:00-6:30 PM
(on Non-Agenda Items)

Robert Shorr, Mayor (Seat 4)

Phillis Maniglia, Councilmember (Seat 1)	Laura Danowski, Vice Mayor (Seat 2)
Marianne Miles, Councilmember (Seat 3)	Marge Herzog, Councilmember (Seat 5)

Administration

Town Manager, Francine L. Ramaglia
Town Attorney, Elizabeth Lenihan, Esq.
Town Clerk, Lakisha Q. Burch
Public Works Director, Larry A. Peters, P.E.

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That is why we say "Character Counts" in Town of Loxahatchee. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

ADDITIONS, DELETIONS AND MODIFICATIONS

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 6:00 PM day of the meeting. Comments will be "received and filed" to be acknowledged as part of the official public record of the meeting. Town Council meetings are livestreamed and close-captioned for the general public via our website, instructions are posted there.

PRESENTATIONS

1. Presentation from Solid Waste Authority and discussion of recycling method.

CONSENT AGENDA

2. Approval of Meeting Minutes.
 - a. February 15, 2022, Town Council Workshop/Special Meeting Minutes
 - b. June 21, 2022, Town Council Regular Meeting Minutes
3. Consideration **Resolution No. 2022-47** regarding contract with LSSL, Inc.
4. Consideration of **Resolution No. 2022-59** accepting easements.
5. Consideration of **Resolution No. 2022-58** designating Acting Town Manager.

QUASI-JUDICIAL PUBLIC HEARING

6. Consideration of **Resolution No. 2022-52** AutoZone Sign Variance.
7. Consideration of **Resolution No. 2022-53** Culvert's Sign Variance.
8. Consideration of **Resolution No. 2022-54** Southern Lawn Care Site Plan.

REGULAR AGENDA

9. Discussion of proposed tentative millage rate and proposed FY 2022/2023 budget.
- a. Summary presentation of the FY 22/23 proposed tentative millage rate and budget overview. Town Manager announcement of the percentage by which the adopted tentative millage rate exceeds the roll back rate.
 - b. Consideration of **Resolution No. 2022-49** adopting the tentative millage rate for FY 2022-2023.
 - c. Consideration of Resolution No. 2022-50 adopting the tentative budget for FY 2022-2023.
 - d. Budget exhibit
10. Consideration of **Resolution No. 2022-51** adopting the Solid Waste Assessment.
11. Consideration of **Resolution No. 2022-DD06** adopting the Road & Drainage Acreage.

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works Director

Town Clerk

Town Council Comments

Marge Herzog (Seat 5)

Phillis Maniglia (Seat 1)

Marianne Miles (Seat 3)

Laura Danowski (Seat 2)

Mayor Robert Shorr (Seat 4)

ADJOURNMENT

Comment Cards:

Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda 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.



155 F Road Loxahatchee Groves, FL 33470

Agenda # 2

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

VIA: Francine Ramaglia, Town Manager

DATE: September 8, 2022

SUBJECT: Meeting Minutes

Staff recommends approval of the attached meeting minutes.



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF WORKSHOP/SPECIAL MEETING
FEBRUARY 15, 2022**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shorr led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Shorr led a prayer.

ROLL CALL

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Phillis Maniglia, Marianne Miles and Margaret Herzog, Town Manager James Titcomb, Town Attorney Elizabeth Lenihan, Esq., Public Works Director Larry Peters, and Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

Motion was made by Councilmember Herzog seconded by Vice Mayor Danowski to accept the agenda as is it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There was no comment from the public.

CONSENT AGENDA

1. Acceptance of Public Works Monthly Status Report for the month of January 2022.

Motion was made by Vice Mayor Danowski seconded by Councilmember Maniglia to approve the Consent Agenda; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

2. Approval of **Resolution No. 2022-05** authorizing the entry by the Town into an agreement with Steffen & Sons Striping, LLC for roadway striping and pavement marking services. **PULLED FROM THE CONSENT AGENDA**

Vice Mayor Danowski asked what was the agreed upon striping in the contract, white on outer edges, double or single lined. Mr. Peters responded double.

Councilmember Maniglia asked Town Attorney Lenihan is the striping. She asked has this company started yet. Councilmember Maniglia asked did we get credited for the striping being done incorrectly. Town Manager Titcomb stated that he did not know the answer to the question but doubt we would have gotten charged for an error. Mayor Shorr asked where there a change order on additional striping. Mr. Peters responded no change order.

Mayor Shorr asked was this a specific proposal to these specific roads or could we utilize this in the future. Town Attorney Lenihan responded that this is a piggyback contract, so this is approving the pricing of the striping from the piggyback contract for the term of the piggyback contract and can be used for other roads and long as it is under the scope of the piggyback contract. Councilmember Maniglia asked when does the piggyback expire. Town Attorney Lenihan responded May 9, 2022, but may be extended. Staff will keep an eye on this matter.

Vice Mayor Danowski asked due to the item being pulled and item stating specific roadways does any member of Council need to recuse themselves. Town Attorney Lenihan responded no that the title on the agenda item and the resolution doesn't speak on specific roads.

There was public comment made by Joannie Hopkins.

There was discussion among Town Council regarding the double striping of the roads.

Motion was made by Vice Mayor Danowski seconded by Councilmember Herzog to approve Resolution No. 2022-05 authorizing the entry by the Town into agreement with Steffen & Sons Striping, LLC for roadway striping and pavement marking services; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

REGULAR AGENDA

3. Discussion of 23rd Court North off E Road "Three Way Stop".

Councilmember Maniglia asked that this item not be road specific.

Larry Peters, Director of Public Works presented the item. Mr. Peters stated that he is asking the Town Council that in the future that if any resident request a three way stop that a traffic study be done. He is asking that in the future, if anyone comes forth to ask for a three way stop, that a traffic study be done throughout the Town.

There was public comment made by Joannie Hopkins.

Councilmember Maniglia asked Mr. Peters was the roads engineered before paving. Mr. Peters asked what type of engineering, he then stated we did about 15 miles of paving, most of which 10 was just in the overlay of existing road. Councilmember Maniglia stated that in a lot of roads it is very difficult to see, doesn't feel that every time we need a three way stop, to do traffic study. Councilmember stated she doesn't see the reason to have a traffic study every time a three-way stop is asked for by a neighborhood. Councilmember Maniglia and Mr. Peters continued discussing a three way stop.

Vice Mayor Danowski, stated she truly appreciated that as an engineer with your background and as the jobs and things come to you that needs to be studied and looked into, she understands

but there are some moving parts to this particular dilemma. Mr. Peters stated it is vision. Vice Mayor Danowski stated that if was sitting in your chair would put up the three ways stop. She asked could a temporary three-way stop be done until the line of sight is corrected. Mr. Peters responded that the problem with putting them in is very difficult to get them out. Vice Mayor Danowski stated that the mirrors are hard to see without light, she stated that maybe do a big yellow flashing light. Mr. Peters responded that that may work. Mr. Peters asked would this light flash continually or only when tripped. Vice Mayor Danowski responded that she would leave that to Mr. Peters being that he as the engineer would make a better decision. There was continued discussion among Vice Mayor Danowski and staff. Vice Mayor stated that she is not overly enthused about a study but if it provided some sort of working platform, she would ponder it.

Councilmember Miles stated that we have many areas in Loxahatchee Groves that have sight line issues, that is the big issue. We have ordinances that protect our line of sight, sight triangles, that is partially were it needs to begin, we also have speed bumps on our paved roads. She stated we have many issues that needs to be addressed, there are three way stop signs that she feels that shouldn't be there. She continued to speak about the issues with regarding roads and stops signs. Would like to see our line of sight, site triangles hedging be pulled back so that way it is easier and when it is sight specific going to the owners, going to those specific roads, and making the site triangle a little easier where people don't have to go out into the roads.

Councilmember Herzog asked Mr. Peters how many of our stop signs throughout the town have had traffic studies and are legal. Mr. Peters responded that he doesn't have that answer. Councilmember Herzog commented she just understood that they were just put up without studies being done and what are our liabilities if that is the case.

Mayor Shorr stated he feels we should get a traffic engineer just for a basic understanding and they can come and present at the meeting, there are situations were there could be a telephone pole or a big tree and feel that it is key to learn from a traffic engineer what is the reason that warrants a sign.

Councilmember Maniglia asked is Simmons and White is our traffic engineer and if so, could we just reach out to them and asked to have they already done this, because they probably already done the work. She also asked Town Attorney Lenihan what the possibility of the Town being sued because the three-way stop was not engineered. Town Attorney Lenihan responded that people sue for all reasons all the time. Councilmember Maniglia again asked liability wish on the Town. Town Attorney Lenihan responded it depends on the nature of the incident and she has not looked into the question of liability of traffic signs that were deemed warranted. Councilmember Maniglia asked if Town Attorney Lenihan could look into that and if Mr. Peters could reach out to Simmons and White and asked them to come and do a presentation.

4. Discussion of After Hour Work.

Larry Peters, Director of Public Works presented the item stating there are 12 residents on Biddix Road, and Town Council has approved the replacement of the existing Canal Crossing Bridge from E Road to Biddix Road. The contractor will receive the culvert pipe on February 17, 2022. And is scheduled to start construction February 18, 2022. In order to lessen the time frame of alternate access for the residents, and the residents service vehicles, the Contractor has inquired, if it is permissible to work evenings and weekends. The Town's ULDC does not clearly address. Town staff would like Town Council approval of working evening and weekends for the specific project.

Councilmember Maniglia stated that she has no objection as you can see DOT work at night due to less traffic, she just wants them to post "Men at Work" signs and MOT guy if they are going to block the road.

Vice Mayor Danowski asked does working at night change the price. Mr. Peters responded, no. She then asked would there be nighttime safety protocol. Mr. Peters responded, yes. Vice Mayor Danowski stated she has no objection.

Mayor Shorr commented about pump running at 25th and there was no noise but feel that the residents should be notified in the surrounding areas.

Councilmember Miles stated she has no objection to the work but when at the auction can he look for a small message board.

Councilmember Maniglia stated that the contractor should pay for the message board.

Mayor Shorr asked what the projected finishing date is. Mr. Peters responded in about seven (7) days.

There was consensus made by Town Council to approve the after hours work on the canal crossing bridge from E Road to Biddix Road.

5. Update on Florida Power & Light Project.

Florida Power and Light, Stephanie Mitrione, External Affairs Area Manager, stated that she and her team would be giving the Town Council an update on the progress of the Underground Project by presenting a PowerPoint presentation, she then introduced Ray Leazono, Construction Manager, Leslie Cleaver, and Jeff Stanton. Mr. Leazono stated that he just wanted to give Council and overview of the storm Security program. He then explained what the storm plan program entailed. Ms. Leslie Cleaver, Project Manager for this project, she gave the Town Council and overview of the timeline to finish this project over the next two years. She stated that they plan to do 14 of the 16 in the Town's area this year. She stated that the project is going along well according to the residents who are pleased. Ms. Mitrione stated they just wanted to come before Council to answer any questions. She stated that they met with Town staff to discuss moving some of the feeder lines that are close to the roadway but that is a project that will be discussed later and would like to keep it separate from the current project.

Councilmember Maniglia stated that her concern is are the wires be left in the middle of the equestrian trail, the person in which she spoke with stated that the wires would be buried. Councilmember Maniglia asked about transformers, is FPL going to be on the poles that exist or you going to have the transformer outside the resident. Ms. Mitrione stated the goal is to have one transformer that feed serval properties of course it depends on where the load is going to and how close the houses. Councilmember Maniglia asked where FPL would be putting their transformers. Ms. Mitrione responded all be on easements provided by residents inside of the resident's property. There continued to be discussions among Councilmember Maniglia, Leslie Cleaver, and Ms. Mitrione.

Vice Mayor Danowski stated that she wanted to give a special shout out to their employee Sean, he was patient, kind and deserve a medal, Super guy.

Councilmember Miles stated that when this first started, she was under the impression that the what the lateral lines were or feeder lines what you are calling them, the lines that are going north and south on our roads were going to be removed and everything was going underground, she was incorrect. Her concerns are the lines that are going north and south that are on the poles in the event we have a hurricane they are still on the poles, there is no protection, it helps you with tree trimming and everything else but if we have a hurricane there is still power on the poles and this not being addressed is a problem. Mr. Leazono addressed Councilmember Miles concerns. Ms. Mitrione also stated that it is up to the other utilities companies responsible to remove their lines off the poles, because some poles belong to FPL and some to AT&T.

Mayor Shorr asked why a deadline couldn't you put a deadline on that, and say we are removing these poles on this date, that is not unreasonable. He continued to express his concerns. Mr. Leazono and Ms. Mitrione addressed his concerns. He also spoke about splice boxes and poles when coming down at high voltage, that he his main concern. Mr. Jeff Stanton responded to his question. Mayor Shorr also complimented the service workers and stated that he received a lot of calls and have spoken with the Manager and that there are other reasons why we are here and would allow Mr. Peters, Director of Public Works to speak.

Mr. Peters, Director of Public Works stated that in June of last year he receives the first set of plans to review, those plans indicated new concrete poles in specific location where these underground lines were going to be attached and they were to be concrete. In June of last year, he called it to everyone's attention that it would not be an exasperation of an unsafe condition period, we will not approve the permits, he then went a gave an example. He also stated that he learned something at meeting last week and he understands why the previous administration approved all the poles right next to the travel lane because we don't have an easement, we only have a right of way and if the poles are placed in a right of way, then FPL will have to pay for it. Mr. Peters stated that every one of them are in an unsafe condition, and the absolute minimum in a travel lane is 6 ft. He continued to express his concerns with this matter, and he also stated that if they put those feeders those laterals on a pole in an unsafe condition and he has approved the permit that he be indemnified, he doesn't know if they are going to do that or not and he doesn't even think they would hold up on those poles. He has met with them in a pre-construction Zoom meeting and have expressed his concern and point of view. Mr. Leazono responded that he can't speak to how the original feeder hardening permits where done, but they were approved and those poles were put there, he doesn't know who made the decision on the Town's behalf. He continued to state that he does know that all except about 2 or 3 have been approved in black and white final legal approved with no condition about safety zone, that's a fact. He understands that

it is a concern and that you would like a double pole solution oh not saying we would minimize safety in any way as part of FPL commitment to their customers. He continued to address Town Council and stated that a commit to the Public Service Commission, he needs a decision to move out of Loxahatchee Groves and put them on hold. Councilmember Maniglia asked does he have the authority to put our town on hold. He responded yes, FPL does have that authority. Ms. Mitrione also addressed Councilmember Maniglia's question and stated they are happy to continue this conversation.

Councilmember Maniglia asked the Town Attorney could she be road specific in this matter. Town Attorney Lenihan stated it would be safer if she spoke on nonspecific roads. Councilmember Maniglia continued by stating we are paving our roads and have FPL poles in the road and asked Mr. Peters what date is the agenda that he was referring to he had beside him. Mr. Peters responded he had a package. She also asked could signed legal documents be amended. Town Attorney Lenihan responded if she was speaking about the permits, she then gave her opinion then stated she would look into. There was discussion among Mr. Leazono and Mr. Peters. Councilmember Maniglia asked what a solution would be because Mr. Peters is not comfortable signing off. Mr. Peters responded to her question. Ms. Mitrione stated that conversation has been had and they will sit down and continue to have a conversation because no one wants this project to end and stated what the Town obligation needs to be. Town Attorney Lenihan also commented that Town Council have a draft motion to this item. There was discussion among Town Council and staff.

Vice Mayor Danowski stated that the representative that have come before us tonight has said, yes, we're happy to discuss movement of the poles and the lines attached to it, we want to keep going on with this underground project as we have already scoped it out. She continues to state that she doesn't understand how this would be feasible to bring this resolution before FPL and say we are going to discuss this in a reasonable time, something new that should have been done a year ago, the fact that this is just getting dropped into everyone's lap now, is like saying SURPRISE, we didn't know anything was wrong or happening, that is a shame on all of us moment vendor, town, former management, all of us. She then stated that poles are in a safety zone which is a right of way, in order to move them out of the right of way we need an easement, right. Mr. Peters responded or extended the right of way, if the Town extends the right of way, it is his understanding that FPL will pay for it. Vice Mayor Danowski continued to state that to extend the right of way or get easements, it will go into people's private property, staff and FPL representatives stated, yes. She stated just for edification here, we can't even get drainage easements from people, she thinks that it is horrifically unfair and unreasonable to say to FPL that you need to think about doing this after we have drafted it, that is if someone can straighten her out, she is all ears. Town Attorney Lenihan stated that the proposal is to adopt a resolution to provide FPL notice, the statutes provides when there is an unsafe condition in the public roadway the local government can give the utility provider written notice and there has to be initiation of a plan to alleviate the unsafe condition and the plan has to be in 30 days, that is the notice that we are looking to bring forward and have some expediency behind it, the plan can be a five year, if it is agreeable, it just a red flag to let everyone know it is an issue that needs to be addressed. Vice Mayor Danowski asked as Council is that an advisable procedure. Town Attorney responded that she felt it was a right move to make and that is why she suggested it and wanted Council to have as an option. Vice Mayor Danowski stated she would take consideration it based on what her colleagues say.

Councilmember Miles asked if they had easements from residents from the east and west of the canal. FPL representatives responded, yes. She then continued asking if anyone has seen what FPL is going to do regarding the underground, she stated she saw no drawing. Then she proceeds to comment and ask for understanding if Council would like them to move poles, why could they not do it. She stated there are several poles that are hazards, due to holes in the road. She continued to express her concerns regarding the poles and permissions from residents. Ms. Mitrione responded to Councilmember Miles statements stating that they do not have permissions what was given in this underground project was a 10 by 10 easements to place our transformers, we have no where to go with these feeders lines, we are at the very edge of the right of way, we have no rights as it currently stands today to move this line further back, we need a continuous easement for the whole length of the line, and we can't just move one pole, would need to move the entire feeder line on private property which we have no right and that is where we need the Town. She also stated that if the Town wants them to move these poles, they will need an extended right of way or easements.

Councilmember Maniglia asked is this is time sensitive this is because she doesn't want to decide without some more information. Ms. Mitrione responded it is time sensitive as far as continuing their underground project and she doesn't believe one has to do with the other, these poles are existing and the only reason they are touching them is to install a riser on the poles. Mr. Leazono responded that the big picture is not to hodgepodge this project. Councilmember Maniglia stated she understands that the poles need to be align. Mr. Leazono responded, yes. Councilmember Maniglia asked is there a way to do eminent domain regarding placing these poles inside people property, which personally she would hate. Town Attorney Lenihan stated that the motion before them is to continue the project without moving the poles but to initiate the process to have a plan in place to how this move, need to have a dialogue which will not be done in 2 weeks or 30 days but need to be made. Councilmember Maniglia stated she would like to see the project move forward because it looks as if these folks are going to work. Mr. Leazono stated that to keep the project going they need signed permits on the outstanding remaining ones that are not fulfilled yet. Mayor Shorr asked what region that is, what permits are still outstanding. Mr. Leazono responded the 2022 permits.

Mayor Shorr stated he doesn't like to see things done twice, feels the motion drafted by the Town Attorney is fine and he continued to express his concerns. Ms. Mitrione responded that in 2019 they only replaced some poles with stronger poles and would have been great if this would have been discussed at that time. This project has nothing to do with the poles. Mayor Shorr stated we need to prepare for the future.

Motion was made by Vice Mayor Danowski seconded by Councilmember Maniglia to support Florida Power & Light (FPL) current undergrounding project , providing that utilities poles be relocated out of the right of way within a reasonable time and directs Staff and Town Attorney to prepare a resolution for consideration at the next Town Council meeting to provide FPL with written notice in accordance with Florida Statutes regarding such relocation; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Disappointed regarding the Closed Caption- would like for meeting to be back online.
- All the extra poles that are out in Town and the utilities companies – sole franchise
- Would like to hear from Keshavarz regarding Mr. Peters concerns (on FPL poles) - very lucky to be putting our lines underground.

Marge Herzog (Seat 5)

- Announced that tomorrow from noon to 1:30 p.m. the 1000 Friends of Florida will be having a webinar- some topics will be on roads, conserving land and protecting our waters.

Marianne Miles (Seat 3)

- Residents clean up what they need to clean up – Hurricane Preparedness
- Come to meetings for correct information or contact Town Hall
- Like to see everyone starting to get a long
- Be neighborly – be kind

Laura Danowski (Seat 2)

- Asked for an update on CodeRed
- Didn't know how to react to Mr. Dubrawski, (Commercial Real Estate Broker) who came before Council in the first hour of the meeting about Commercial Low – do we have protocol regarding this- Town Manager Titcomb responded.
- What revenue stream does money come from to purchase equipment Mr. Peters was speaking of. Town Manager Titcomb responded and there was discussion among Vice Mayor Danowski and Town Manager.

Mayor Robert Shorr (Seat 4)

- Truck that Mr. Peters want to purchase from the County auction. Mr. Peters responded that we were successful in the last purchase of a truck. There was discussion among Mayor Shorr and Mr. Peters regarding purchasing of trucks. Above Town Manager's threshold.

Councilmember Maniglia stated that she voted for lending terms and all other voted no. Asked Town Manager how often has he used his 25,000 thresholds since the beginning of the year, Town Manager Titcomb stated he didn't know but would find out, then went to explain how it works. She also asked Assistant Town Manager Ramaglia how much money was in the reserves, Asst. Town Manager Ramaglia answered she couldn't answer that question right now because that is a moving number but asked Councilmember Maniglia if she was asking if it was enough funds to send Mr. Peters to the auction within the Roads & Drainage funds, we are able to move money around between line items, and that at the beginning of year \$150,000 dollars budgeted for equipment, we also have varies leases for that equipment, we also have varies line items that we often under spend, last year Mr. Peters under spent his budget, we are in the process of that audit right now, which is why I am not answering you a specific number on the reserves we have ended the year in the General Fund over 25%, she doesn't believe that any kind of spending of equipment will either reduce our reserve or cause us to be over budget in total for fund 105. Councilmember Maniglia asked did she have an estimated guess of what Mr. Peters

was under budget last year. Asst. Town Manager Ramaglia responded she could not answer that question right now because she came in to answer this question but knows that he is not nearly at his budget for this current year and last year he don't spend the money on the rock bed we plan to do, so it was a significant carry forward that was reported to Council earlier agenda item when we were talking about how much money would be bringing in for the maintenance program that was approved for rock and paving. Councilmember Maniglia asked Mr. Peters for clarification that he is wanting to purchase two trucks and a CAT which totals \$67,000, she states that this is being done to much in Town Council comments, this is becoming a regular thing and for 67,000 dollars feels that the public should know about this, don't like to be blindsided by hey this is a great deal its seating there now and we may need it in the future. She stated that I don't mind buying trucks but the best way to do trucks is to buy new vehicles and have a monthly payment, but we keep buying used stuff and not on board for these 67,000.00 purchases. She also would like to know how many times staff have used their 25,000-dollar limit. Asst. Town Manager Ramaglia responded to Councilmember Maniglia asking for clarification because she stated to her knowledge staff has not exceeded the 25,000.00 dollars except as we reported to you as required by the Purchasing Manual last year and that was for fuel and equipment rentals that were a part of projects that were separately approved, Mr. Titcomb is only allowed to spend up to \$24,999.99 and to my knowledge he has not exceeded his authority and the next meeting it would be provided to them a list of spending. Councilmember Maniglia then asked the Town Attorney is this within the Town's Procurement Policy to have an item that is not on the agenda for this amount of money to come before them in Town Council Comments. Town Attorney Lenihan responded by stating that the Procurement Policy doesn't dictate how you bring it forward on your agenda, typically at a Regular Meeting you don't have anything that says that it can't bring things at your Public Comments or at other times that aren't on the agenda, at Workshops there are no votes that are taken, at Special Meetings that the things that discussed and voted on the agenda are those on the agenda for a vote. Mayor Shorr stated that we don't need to vote on this in his comments and Larry could bring them up under this his comments. Councilmember Maniglia wanted to know when did this go online. Town Attorney responded that this is a Workshop/Special meeting, and this item was not on the agenda. Mayor Shorr thanked Town Attorney Lenihan for the clarification and told Mr. Peters to pick a truck under the Town Manager's threshold. There was continued conversation among Town Staff and Town Council. Vice Mayor Danowski stated that she would like to see a plan from Public Works regarding purchasing of equipment. Town Clerk Burch explained why this was advertised this meeting because she didn't know if they were going to vote the items regarding items 3 or 4.

- Biddix Bridge

TOWN STAFF COMMENTS

Town Manager

- Spoke about the spending threshold.
- Mention that he would be out of the country and that Assistant Town Manager Ramaglia would be Acting Manager.

Assistant Town Manager

Town Attorney

No comment

Public Works Director

No comment

Town Clerk

No comment

ADJOURNMENT

There being no further business meeting was adjourned at 10:12 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

Council Member Marge Herzog

Council Member Maryann Miles

Council Member Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF REGULAR MEETING
JUNE 21, 2022**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called the meeting to order at 6:35 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shorr led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Shorr led a prayer.

ROLL CALL

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Phillis Maniglia, Marianne Miles, and Margaret Herzog, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Esq., Absent: Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

Vice Mayor Danowski asked Town Attorney Lenihan about the brackets on page 4 of agenda item #4 that state submitted pass the deadline and whether it should be associated with the fourth person, or fifth person listed on the page.

Town Attorney Lenihan responded that they are appropriate marked and said that she will discuss them when we get there.

Motion was made by Vice Mayor Danowski seconded by Councilmember Herzog to approve agenda as written; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were public comments made by the following: Virginia Standish.

CONSENT AGENDA

1. Approval of Meeting Minutes.
 - a. February 1, 2022, Town Council Regular Meeting Minutes
 - b. February 22, 2022, Town Council Special Meeting Minutes
 - c. March 1, 2022, Community Resident Workshop Meeting Minutes
2. Approval of **Resolution No. 2022-28** appointing the Finance Audit and Advisory Committee.
3. Approval of **Resolution No. 2022-29** appointing the Planning and Zoning Board.

Councilmember Maniglia inquired on pre-workshop and pre-agenda meeting minutes.

Town Attorney Lenihan responded we will double check with the Town Clerk; She noted that the Town Clerk would have recordings of those meetings.

Councilmember Herzog commented not enough detail is being given in the minutes.

Motion was made by Vice Mayor Danowski seconded by Councilmember Miles to approve consent agenda; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously

REGULAR AGENDA

4. Town Manager Recruitment Interview and Selection.

Town Attorney Lenihan welcomed the candidates and noted that they are in the conference room. She said that we appreciate their time that it takes to submit qualifications and interview. She shared the ground rules and mentioned that the Town abides by the Equal Opportunity Policy. She noted the interview process to Council before the interviews. She responded to Vice Mayor Danowski regarding her comment on the two applications submitted past the deadline. She inquired if Town Council wanted to make a motion to keep both applications as part of the process or hold it as a hard deadline.

Mayor Shorr commented that is a different deadline; it was not for the application it was a signed letter for the applicant responding to acknowledge that they want to be interviewed, it was not a deadline Council voted on.

Vice Mayor Danowski commented my bad; got you.

Town Attorney Lenihan commented that she would still like to make sure that Council understands what that is; and if asked if they would like the two to continue with the two applications through the interview process this evening.

There was consensus to continue with the two applications received.

Mayor Shorr thanked Town Attorney Lenihan for the clarification.

Interim Town Manager Ramaglia excused herself from the meeting as she is an applicant to be interviewed for the position [6:45 p.m.].

Town Attorney Lenihan noted that Council talked about interviewing applicants in alphabetical order; therefore, this is the order we are proposed to move in. She mentioned that each candidate has the option to come in the main meeting room, as it is a public meeting however the candidates have chosen to sit in the conference room. She advised that the interview process is open to the public and noted that there will be no Council action taken until the interview process has concluded then Council will advise how to move forward with the selection portion. She advised that public comments will not be taken during the interview process but will be part of the selection process. She mentioned that there was not a lot of audience in the room today; she spoke on the decorum process and how the mayor would need to address any outburst and disruptions. She advised that Council has been provided note pages to make notes and the pages will be part of public record.

Mayor Shorr said that he would like to limit the questions to three (3) minutes.

Councilmember Miles commented that she would like to limit the questions to three (3) not four (four). She mentioned that Councilmember Maniglia mentioned two (2) questions.

Councilmember Maniglia commented the less the better.

Councilmember Herzog commented two (2).

Mayor Shorr commented alright, two (2) questions, three (3) minutes.

Town Attorney Lenihan advised that the first candidate Timothy Day did not show and noted that Patrick Jordan will appear by Zoom.

Councilmember Maniglia inquired if Council has to keep score if they do not show.

Town Attorney Lenihan responded they would be disqualified.

Councilmember Herzog inquired what if they come in late.

Town Attorney Lenihan responded that applicants were supposed to be in at 6:00 p.m. She advised Mr. Jordan has not appeared on Zoom and noted that she has not received any correspondence via email from him.

Applicants interviewed were:

- Mark Kutney
- Lynn Ladner
- Francine Ramaglia
- Larry Tibbs
- Chandler Williams

Town Attorney Lenihan asked Council if they want to take a brief recess before for moving on to the next part of the agenda.

Mayor Shorr called for recess at 8:48 p.m.

Council announced their top ranked candidate Francine L. Ramaglia for discussion and selection.

Mayor Shorr reconvened the meeting at 8:52 p.m.

Mayor Shorr asked Town Attorney Lenihan to give Town Council instructions.

Town Attorney Lenihan advised that Council has reached the point of the meeting where they will consider whether to select tonight. She said that Council has options; you can postpone selection and have additional interviews; reject the existing candidate pool and go back out to see if you get different candidates or proceed with the selection.

Councilmember Maniglia inquired if the candidates are still here.

Town Attorney Lenihan responded everyone has left.

Mayor Shorr inquired whether Council needs to pick in order seven (7).

Town Attorney Lenihan responded it depends on which process Council will go with.

Mayor Shorr said okay. He commented that he is ready to make a decision.

Councilmember Maniglia commented me too, thank you.

Mayor Shorr asked Vice Mayor Danowski, Councilmembers Miles and Herzog if they were good.

Town Attorney Lenihan noted that Council decided and talked about before that each Councilmember will announce their top pick; and then if there is a majority Council will move forward with that selection. If there is no majority, then Council would talk to each other about why you selected your top pick and see if anybody wants to change their mind. Then if there is still no majority then we would go to a different ranking system, and she mentioned that she has sheets for that. She noted that Council has their notes; you know who your top pick is at least theoretically, but before you make your final selection, we will call for public comment.

Mayor Shorr inquired what happens if Council picks someone and they do not accept the job.

Town Attorney Lenihan responded what we talked about before is that Council is guiding the process; you pick your top candidate and if they did not accept the position; or if something came back in the background check in the interim and Council decided not to move forward with the position, then we would come back to Council. She mentioned that Council talked about if your second candidate was pretty close, they would just offer it to the second candidate. We can talk about who the top pick is and address who the backup would be; we can do that too.

Councilmember Herzog inquired if the names can be written the names down therefore, we do hear what our neighbors said.

Town Attorney Lenihan responded you can write them down, but if you don't to say they are I would have to say who they are and who it was.

Councilmember Herzog commented that the Town Attorney can do the tally.

Town Attorney Lenihan said she would have to say who voted for who; that is one of the rules; that is one of the requirements

Councilmember Maniglia commented let us just go down the list.

Mayor Shorr inquired if Council needs a motion.

Town Attorney Lenihan responded that each Councilmember would just list their top candidate for now; then if there is a majority then Council would take public comment and then do a motion and vote for your top candidate.

Mayor Shorr commented okay, we will start with Councilmember Maniglia.

Council announced selection as follows:

Councilmember Maniglia said Francine.

Vice Mayor Danowski said Francine Ramaglia.

Mayor Shorr said Francine for me.

Councilmember Miles said Francine.

Councilmember Herzog said Francine.

Mayor Shorr said that we have a majority and inquired about public comment.

There were no public comments.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to proceed with Francine Ramaglia to make her the Town Manager for the Town of Loxahatchee Groves.

Vice Mayor Danowski inquired would you have to say that we make her an offer.

Town Attorney Lenihan responded yes.

Councilmember Maniglia responded oh.

Mayor Shorr said that the next step is contract negotiations.

Town Attorney Lenihan responded correct; similar to how we did for the Interim contract. We will work with Ms. Ramaglia to see what she would like to see in the contract; we will reach out to each Councilmember individually to go over those basic points; then hopefully on July 5th we will have a draft contract for Council to consider.

Mayor Shorr asked Councilmember Maniglia if she wanted to change the motion to have Ms. Ramalinga move forward in the process.

Councilmember Maniglia asked Vice Mayor Danowski how to say the motion.

Vice Mayor Danowski said make a motion to offer the position of Town Manager to Francine Ramaglia.

Councilmember Maniglia commented yes; thank you Vice Mayor Danowski.

Motion by Councilmember Maniglia, seconded by Councilmember Herzog to offer the position of Town Manager to Francine Ramaglia it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Town Attorney Lenihan asked Council for confirmation on foregoing the background check and references checks and those things since Ms. Ramaglia is already employed.

There was Council consensus on foregoing the background check and references.

Vice Mayor Danowski inquired if Council needs to turn in their sheets.

Town Attorney Lenihan responded yes. She commented that as we enter contract negotiations; she noted that the previous Town Manager Titcomb did a lot of driving around Town and checking up on issues that were reported. She noted one of the questions asked is if Council anticipates a lot of driving around Town; would a car allowance be offered as Mr. Titcomb was paid mileage for his driving but not a car allowance. She noted that part of the question is so that we can build it into the contract and the other part is that typically with those things then it is a mandatory drug testing position; therefore, we are looking forward to see whether we move forward with drug testing if it has not been done but also as we work on building the contract if we are including a car allowance.

Mayor Shorr said that mileage works fine.

Councilmember Maniglia commented yes. She inquired if the mileage is keeping up with the current price of gas.

Mayor Shorr said that the Internal Revenue Service (IRS) adjust it.

Interim Town Manager Ramaglia commented that she understands that Council negotiated the contract for her with the attorney, and just so Council knows; asking for mileage is not something that she would be doing; no offense to anyone.

Mayor Shorr advised Interim Town Manager Ramaglia that she is due mileage. He commented that he thinks the process was good; we got a lot of good information in the interviews; different approaches and good candidates.

Councilmember Herzog commented it was amazing how some of them drew a blank; especially, with government light.

Mayor Shorr thanked everyone. He commented he has learned a lot about different approaches and thanked Interim Town Manager Ramaglia.

Interim Town Manager Ramaglia thanked Mayor Shorr.

Mayor Shorr requested Town Attorney Lenihan to provide Council copies of the candidate sheets.

Town Attorney Lenihan responded yes.

TOWN STAFF COMMENTS

Interim Town Manager

- Interim Town Manager asked Amber Schmeider if she had any comments; She said great thanks go out to her for all that she has done in this process. Ms. Schmeider replied thank you; it is great to be here. She commented she is learning a lot. Town Attorney Lenihan advised Council that Ms. Schmeider worked with her to get the packets, letters and postings done for the Town Manager recruitment process.

Councilmember Maniglia thanked Ms. Schmeider and welcomed her aboard. Ms. Schmeider said thank you.

Councilmember Herzog inquired if Ms. Schmeider is a staff member. Ms. Schmeider responded she has been on staff since November.

Town Attorney

- Litigation updates
 - Brier Case – has come to a conclusion.
 - Interim Town Manager Ramaglia asked Town Attorney Lenihan about the inquiry on scheduling a date for the 2nd Okeechobee Overlay meeting. Town Attorney Lenihan advised that there will be a meeting July 5th for continuation of the 2nd Public Hearing on the Okeechobee Overlay. She mentioned the conversations between individual Councilmembers; keeping in mind the large number of public comments, and the report that will be received from Treasure Coast Planning Council. She commented thinking about the changes, she and Ms. Ramaglia have been talking about the potential need for a second meeting to continue to conclude the Public Hearing. She inquired if Council wants to do it all in one sweep or whether Council would like to have a backup meeting in a day or two to wrap it up.

There was discussion between Town Council, Town Attorney Lenihan and Interim Town Manager Ramalinga on scheduling the Okeechobee Overlay and the July 5th meeting.

There was consensus on leaving the Okeechobee Overlay item on the July 5th meeting and handling it during the meeting.

Vice Mayor Danowski commented on keeping the individual meetings with CGP Agency the social media contract and explained why.

Councilmember Maniglia commented on the closed-door meetings with Council and vendors; she advised that she wants the Agency to explain to the public why they went over the \$25k budget. Interim Town Manager Ramaglia explained the reasons for meetings with the Agency and other vendors.

Councilmember Herzog commented on the Coastal Waste meeting; she said the vendor did not abide by the agreement. Interim Town Manager Ramaglia responded the vendor did abide by the agreement and explained how.

There was discussion between Town Council and Interim Town Manager Ramaglia on vendors, contracts, internal administrative things to be done and vendors not exceeding budgets.

Public Works Director/Assistant Public Works Director

- Congratulated Council on their process tonight.
- Report - Storm season.
- Cleaning culverts and ditches
- Thanked Council for the new backhoe
 - Councilmember Maniglia inquired when will the rest of the stuff be sent to auction that does not work. Mr. Matos responded we are buying a new rim and explained why. Councilmember Maniglia asked Mr. Matos how much the rim is. Mr. Matos responded a little over \$1200. Councilmember Maniglia make sure to include new rim in the advertisement.
- Congratulated Interim Town Manager Ramaglia
 - Interim Town Manager Ramaglia thanked Mr. Matos and staff for the cleanup of the park at Saturday's event.

Town Clerk

TOWN COUNCILMEMBER COMMENTS

Marge Herzog (Seat 5)

- Selection process.
 - She thought it was good.

Phillis Maniglia (Seat 1)

- Okeechobee Overlay votes
 - Town Attorney Lenihan advised the only time you can discuss the item is at the public hearing. She mentioned the reason for talking about scheduling the hearing.
- Congratulated Ms. Ramaglia.
 - She wants to know how much the entire process cost the residents.

Marianne Miles (Seat 3)

- Congratulated Ms. Ramaglia. She looks forward to working with her and making a budget that we all can come together to get things done.
- Town Hall positions

- She commented on not bringing anyone else on until we see and work with the budget; even if there are positions to fill in Town Hall. Vice Mayor Danowski asked Councilmember Miles if she is saying the hiring freeze. Councilmember Miles responded yes. Councilmember Maniglia commented that she does not think that Council has the power to do this; she thinks it is the Town Manager. Councilmember Miles said that Council suggested and made a consensus at the last meeting. Councilmember Maniglia asked if Council could hear from the Town Attorney. Town Attorney Lenihan responded she is asking. Interim Town Manager Ramaglia noted that she spoke on this at the last Council meeting; she mentioned that the person hired to fill the position in the Town Clerk's Office is temporary with no commitments until we come through the budget; we would be dying without having her here, but I know we did agree that we would do as discussed at that meeting. She mentioned changing somethings around as to what, who and how we do things. Councilmember Miles said okay, thank you. Interim Town Manager Ramaglia said that she still reserves the right to hire someone temporary if we get stuck that does none of us good but nobody permanent. Mayor Shorr commented that this was until we get our full-time manager and figure out what they think works best for the Town; and moving towards government light and explained the reasoning.
- Budget and line items
 - She requested for a list of salaries of everybody that gets paid in Town Hall and Public Works. Interim Town Manager Ramaglia responded okay, no problem.
- July 5th Agenda

Town Attorney Lenihan responded to Councils prior question. Yes, Council is allowed to vote on a hiring freeze including existing positions that are open.

Vice Mayor Danowski inquired if Council needs to do a consensus on a hiring freeze. Town Attorney Lenihan responded if Council wants to.

There was discussion between Town Council and Interim Town Manager on the hiring freeze and positions.

There was consensus on allowing Interim Town Manager to initiate the freeze but hire temporary people as needed but not permanent.

Interim Town Manager Ramaglia commented that she is comfortable with it temporarily as we are shifting and evolving.

Laura Danowski (Seat 2)

- Doing the right thing is not easy; she is thrilled that Council did the right thing per the Charter, the law and per what is prescribed to us as Council to go out and seek Request for Qualifications (RFQ) for this position and advised why. She is thrilled that Ms. Ramaglia is here, kudos.
- Congratulations to Town Clerk Burch
 - Clerk of the Year

- Thanked Karen Plant
 - advertising on social media
- Congratulations to Councilmember
 - killer batch of chili

Mayor Robert Shorr (Seat 4)

- Congratulated Ms. Ramalinga
 - He commented on her working under two different Town Managers.
- Candidates
- Loxahatchee Groves Family Fun Day

ADJOURNMENT

There being no further business the workshop was adjourned at 9:37 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Marge Herzog

Council Member Marianne Miles

Council Member Phillis Maniglia



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 3

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: September 1, 2022

SUBJECT: Consideration of Resolution No. 2022-47 approving an Agreement with LSSL, Inc. for Accounting Services

Background:

The Town contracted with LSSL, Inc. in 2019, the agreement between the parties ended prior to completion of the needed work. The scope of services and compensation limit have grown since the original agreement. It is beneficial for the Town to have LSSI, Inc. for its accounting and related services.

Pursuant to Section 2-133(b)(12) of the Town of Loxahatchee Groves Code of Ordinances, the Town Council has determined that this Agreement is in the best interests of the Town as it provides for consistency in monthly accounting and related services.

Recommendations:

Move that Town Council approve Resolution No. 2022-47 authorizing an agreement with LSSL, Inc. for accounting and related services, in the Town's best interests.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2022-47

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING AN AGREEMENT WITH LSSL, INC. TO PROVIDE MONTHLY ACCOUNTING AND RELATED SERVICES TO THE TOWN AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves (“Town”) is in need of a contractor to provide monthly accounting and related services to the Town; and

WHEREAS, the Town issued a purchase order for accounting services with LSSL, Inc. in 2019; and

WHEREAS, the scope of services and compensation limit have grown over time; and

WHEREAS, it is beneficial to the Town to have a consistent vendor for monthly accounting and related services; and

WHEREAS, pursuant to Section 2-133(b)(12) of the Town of Loxahatchee Groves Code of Ordinances, the Town Council has determined that this Agreement is in the best interests of the Town as it provides for consistency in monthly accounting and related services; and

WHEREAS, the Town has determined it to be in the best interests of the residents of the Town to execute the attached Agreement for monthly accounting and related services.

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

Section 1. The above recitals are hereby adopted as if fully set forth herein.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby approves the Agreement with LSSL, Inc., effective October 1, 2021.

Section 3. This Resolution shall take effect immediately 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>
Robert Shorr, MAYOR	☐	☐	☐

Laura Danowski, VICE MAYOR

☐ ☐ ☐

Marge Herzog, COUNCIL MEMBER

☐ ☐ ☐

Marianne Miles, COUNCIL MEMBER

☐ ☐ ☐

Phillis Maniglia, COUNCIL MEMBER

☐ ☐ ☐

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS ___ DAY OF _____, 2022.**

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Council Member Marianne Miles

Office of the Town Attorney

Council Member Phillis Maniglia

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2022-47

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING AN AGREEMENT WITH LSSL, INC. TO PROVIDE MONTHLY ACCOUNTING AND RELATED SERVICES TO THE TOWN AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves (“Town”) is in need of a contractor to provide monthly accounting and related services to the Town; and

WHEREAS, the Town issued a purchase order for accounting services with LSSL, Inc. in ____; and

WHEREAS, the scope of services and compensation limit have grown over time; and

WHEREAS, it is beneficial to the Town to have a consistent vendor for monthly accounting and related services; and

WHEREAS, pursuant to Section 2-133(b)(12) of the Town of Loxahatchee Groves Code of Ordinances, the Town Council has determined that this Agreement is in the best interests of the Town as it provides for consistency in monthly accounting and related services; and

WHEREAS, the Town has determined it to be in the best interests of the residents of the Town to execute the attached Agreement for monthly accounting and related services.

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

Section 1. The above recitals are hereby adopted as if fully set forth herein.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby approves the Agreement with LSSL, Inc., effective October 1, 2021.

Section 3. This Resolution shall take effect immediately 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>
Robert Shorr, MAYOR	☐	☐	☐

Laura Danowski, VICE MAYOR

☐ ☐ ☐

Marge Herzog, COUNCIL MEMBER

☐ ☐ ☐

Marianne Miles, COUNCIL MEMBER

☐ ☐ ☐

Phillis Maniglia, COUNCIL MEMBER

☐ ☐ ☐

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS ___ DAY OF _____, 2022.**

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Council Member Marianne Miles

Office of the Town Attorney

Council Member Phillis Maniglia



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 4

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: September 1, 2022

SUBJECT: Resolution No. 2022-59 Accepting Easement

Background:

The Town of Loxahatchee Groves received grant of easement (backup attached) for the below addresses:

3254 B Road, Loxahatchee Groves, FL 33470

2208 D Road, Loxahatchee Groves, FL 33470

Recommendations:

Approve acceptance of easements via attached **Resolution No. 2022-59**.

Prepared by and return to:
 Town of Loxahatchee Groves
 155 F Road
 Loxahatchee Groves, FL 33470

DRAINAGE EASEMENT AGREEMENT

THIS GRANT OF A DRAINAGE EASEMENT ("Easement") is made and entered into this 2 day of AUGUST 2022 by and between **Day, LLC., a Florida limited liability company** with a mailing address of 3742 Blue Bird Canyon Rd., Vista, CA 92084-7432, hereinafter referred to as the "GRANTOR", and the **TOWN OF LOXAHATCHEE GROVES**, a municipal corporation, in Palm Beach County, Florida, hereinafter referred to as the "GRANTEE," with a mailing address of 155 F Road, Loxahatchee Groves, FL 33470.

WITNESSETH:

THAT, the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the GRANTEE and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the GRANTEE, its agents, successors and assigns, a perpetual roadway/drainage/utility easement over, under and across that certain real property owned by the GRANTOR which is described in **Exhibit "A"** attached hereto ("Easement Property") and incorporated herein.

The GRANTOR represents and warrants to the GRANTEE that GRANTOR is in exclusive possession of the Easement Property and owns fee simple title to the Easement Property and that it has good and lawful right to grant this Easement. The GRANTOR hereby grants this Easement subject only to comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority.

This Easement shall permit the GRANTEE, its employees, agents, contractors, subcontractors, consultants and licensees and each of the aforementioned party's successors and assigns, to enter upon and use the Easement Property at any time and from time to time to install, construct, reconstruct, operate, inspect, maintain, service, remove, relocate, repair, replace and improve the drainage improvements therein. The GRANTOR, or its successors or assigns, shall not construct any structure or other improvement upon the Easement Property or engage in any use of the surface of the Easement Property which is inconsistent or interferes with the rights of the GRANTEE under this Easement.

The GRANTEE shall have the right, but not the obligation, to clear the Easement Property and keep it cleared of all trees, undergrowth or other obstructions and the right to trim, cut or remove all trees located within or outside the Easement Property which might interfere with the GRANTEE's use of the Easement Property as permitted hereby. The GRANTEE shall use the Easement Property in accordance with all applicable laws, rules and regulations of

governmental authorities having jurisdiction over the Easement Property or use thereof as herein provided.

This Easement shall continue unless or until GRANTEE terminates its rights herein provided by written notice to the GRANTOR, its successors or assigns. Neither the failure to use the Easement Property nor the abandonment of the Easement Property shall constitute or be construed as a termination of this Easement. This Easement grants to the GRANTEE, its successors and assigns the exclusive right to use the Easement Property above, on and below its surface.

This Easement shall run with the land and shall be binding upon the GRANTOR, all parties entitled to use or possession of the Easement Property by or through the GRANTOR, including lessees, and the successors and assigns of each of the aforementioned parties unless or until this easement is terminated as hereinabove provided. This Easement shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this easement on the day and year first above written.

WITNESSES:

By:

Nicole Jacobs

Witness name: Nicole Jacobs

By:

Narissa Holford

Witness name: Narissa Holford

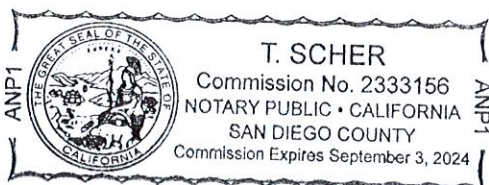
GRANTOR: Day, LLC

Ken Altman
Ken Altman, Manager

STATE OF CA)
COUNTY OF San Diego)

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this _____ this 2 day of August, 2022 by **Ken Altman as Manager of Day, LLC., a Florida limited liability company**, who is ☐ personally known to me or ☒ produced Driver's License as identification.

[SEAL]



T.S.
(Signature of Notary Public-State of Florida)
CA

GRANTEE ACCEPTANCE:

TOWN OF LOXAHATCHEE GROVES

ATTEST:

By: _____
Robert Shorr, Mayor

Town Clerk

Approved as to form
and legal sufficiency

Office of the Town Attorney
Date: _____

Exhibit "A"

Description of Easement

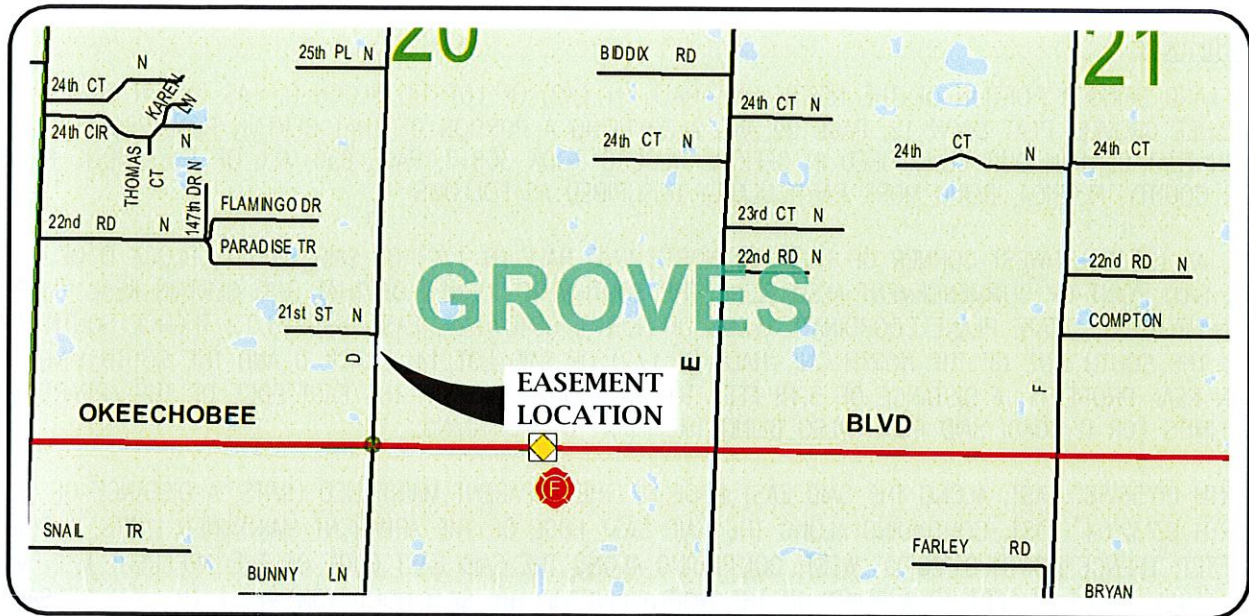
A STRIP OF LAND BEING A PORTION OF THE NORTH ONE-HALF (N 1/2) OF LOT 14, BLOCK D, AS SHOWN ON THE REPLAT OF LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29 AND ALSO BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED IN OFFICIAL RECORD BOOK 30817, PAGE 650, ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D OF THE SAID REPLAT, THE SAID POINT OF COMMENCEMENT ALSO BEING THE SOUTHWEST CORNER OF THAT SAID CERTAIN REAL PROPERTY, HAVING AN APPROXIMATE STATE PLANE COORDINATE VALUE OF NORTH: 864070.27, EAST: 893298.03; THENCE SOUTH 89°12'34" EAST, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D AND THE SOUTH LINE OF THAT SAID CERTAIN REAL PROPERTY, A DISTANCE OF 5.48 FEET TO POINT ON A LINE ON THE EAST EDGE OF THE APPARENT MAINTAINED LIMITS FOR D ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 00°58'58" EAST, ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 3.14 FEET; THENCE NORTH 03°32'04" EAST, CONTINUING ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 267.55 FEET; THENCE NORTH 01°20'09" WEST, CONTINUING ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 66.27 FEET TO A POINT ON THE NORTH LINE OF THE SAID NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D AND THE SAID NORTH LINE OF THAT SAID CERTAIN REAL PROPERTY; THENCE SOUTH 89°12'34" EAST, DEPARTING THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS AND ALONG THE SAID NORTH LINES, A DISTANCE OF 8.72 FEET TO A POINT ON A LINE 16.00' EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D, THE WEST LINE OF THAT SAID CERTAIN REAL PROPERTY, THE SAID WEST LINES ALSO BEING EAST RIGHT-OF-WAY LINE OF D ROAD AS SHOWN ON THE SAID REPLAT; THENCE SOUTH 02°14'48" WEST, DEPARTING THE SAID NORTH LINE AND ALONG THE SAID PARALLEL LINE, A DISTANCE OF 336.72 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D AND THE SOUTH LINE OF THAT SAID CERTAIN REAL PROPERTY; THENCE NORTH 89°12'34" WEST, DEPARTING THE SAID PARALLEL LINE AND ALONG THE SAID SOUTH LINES, A DISTANCE OF 10.52 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 2,500.361 SQUARE FEET AND/OR 0.057 ACRES, MORE OR LESS.

NOTE: ALL OF THE DISTANCES ALONG THE ABOVE DESCRIBED PROPERTY / TRACT LINE SEGMENTS THAT INTERSECT THE ABOVE DESCRIBED APPARENT MAINTAINED LIMITS LINE (AND AS SHOWN ON THE ASSOCIATED SKETCH OF DESCRIPTION) SHALL ALWAYS BE LENGTHENED AND / OR SHORTENED (EXTENDED AND / OR TRIMMED) TO INTERSECT ANY ACTUAL MAINTAINED LIMITS LINE AS MAPPED BY AN ON THE GROUND SURVEY, RECORDED INTO THE PUBLIC RECORDS AND DEDICATED TO THE PUBLIC TO THE EXTENT IN WIDTH THAT HAS ACTUALLY BEEN MAINTAINED FOR THE PRESCRIBED PERIOD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 95.361 (FORMERLY 337.31), FLORIDA STATUTES.



LOCATION MAP ~ NOT TO SCALE

SURVEYORS' NOTES:

1. THIS SKETCH AND DESCRIPTION IS NOT A SURVEY.
2. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SKETCH THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY KESHAVARZ & ASSOCIATES, INC.
3. THIS SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050-.052, OF THE FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.
4. THE DESCRIPTION TEXT AND THE SKETCH OF DESCRIPTION COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
5. BEARINGS AND STATE PLANE COORDINATES SHOWN ARE REFERENCED TO GRID NORTH, BASED ON THE 1990 ADJUSTMENT OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83/90) OF THE FLORIDA STATE PLANE COORDINATE SYSTEM (TRAVERSE MERCATOR PROJECTION), EAST ZONE. THE WEST LINE OF LOT 14, BLOCK D, AS SHOWN ON THE BOUNDARY SURVEY OF PLATTED RIGHT-OF-WAY LOXAHATCHEE GROVES, PREPARED FOR THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, HAVING A DATE OF JUNE 18, 1998 AND A WORK ORDER No: 86053E, BEARS NORTH 02°14'48" EAST AND ALL OTHER BEARINGS SHOWN HEREON ARE RELATED THERETO.
6. THIS LEGAL DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ITS AUTHENTICATED DIGITAL EQUIVALENT OF A LICENSED SURVEYOR AND MAPPER, EMPLOYED BY KESHAVARZ & ASSOCIATES, INC. THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

DATE OF LEGAL DESCRIPTION: SEPTEMBER 28, 2021

KESHAVARZ & ASSOCIATES, INC.

Scott F. Bryson
SCOTT F. BRYSON

PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE No.: 5991



Digitally signed by Scott F Bryson
DN: c=US, o=KESHAVARZ AND ASSOCIATES, ou=A01410D0000016F1579D2E600000A97, cn=Scott F Bryson
Date: 2021.09.28 11:19:14 -04'00'

EXHIBIT 'B'

**2208 D ROAD
LOXAHATCHEE GROVES, FL.
33470**

LEGEND

C/L = CENTERLINE
COR = CORNER
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
M.B. = MISCELLANEOUS BOOK
O.R.B. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
R.B. = ROAD BOOK

P.R.P.B.C. = PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA

**KESHAVARZ & ASSOCIATES**

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7476

**DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES**

ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/28/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 17-1208	DWG No: 17-1208-01
APPROVED: SFB		SHEET No: 1 OF 1

LEGAL DESCRIPTION:

A STRIP OF LAND BEING A PORTION OF THE NORTH ONE-HALF (N 1/2) OF LOT 14, BLOCK D, AS SHOWN ON THE REPLAT OF LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29 AND ALSO BEING A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN THAT CERTAIN QUIT CLAIM DEED IN OFFICIAL RECORD BOOK 30817, PAGE 650, ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTH 00°58'58" EAST, ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 3.14 FEET; THENCE NORTH 03°32'04" EAST, CONTINUING ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 267.55 FEET; THENCE NORTH 01°20'09" WEST, CONTINUING ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 66.27 FEET TO A POINT ON THE NORTH LINE OF THE SAID NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D AND THE SAID NORTH LINE OF THAT SAID CERTAIN REAL PROPERTY; THENCE SOUTH 89°12'34" EAST, DEPARTING THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS AND ALONG THE SAID NORTH LINES, A DISTANCE OF 8.72 FEET TO A POINT ON A LINE 16.00' EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D, THE WEST LINE OF THAT SAID CERTAIN REAL PROPERTY, THE SAID WEST LINES ALSO BEING EAST RIGHT-OF-WAY LINE OF D ROAD AS SHOWN ON THE SAID REPLAT; THENCE SOUTH 02°14'48" WEST, DEPARTING THE SAID NORTH LINE AND ALONG THE SAID PARALLEL LINE, A DISTANCE OF 336.72 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-HALF (N 1/2) OF SAID LOT 14, BLOCK D AND THE SOUTH LINE OF THAT SAID CERTAIN REAL PROPERTY; THENCE NORTH 89°12'34" WEST, DEPARTING THE SAID PARALLEL LINE AND ALONG THE SAID SOUTH LINES, A DISTANCE OF 10.52 FEET TO THE POINT OF BEGINNING.

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2208 D ROAD
LOXAHATCHEE GROVES, FL.
33470

EXHIBIT 'B'

KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

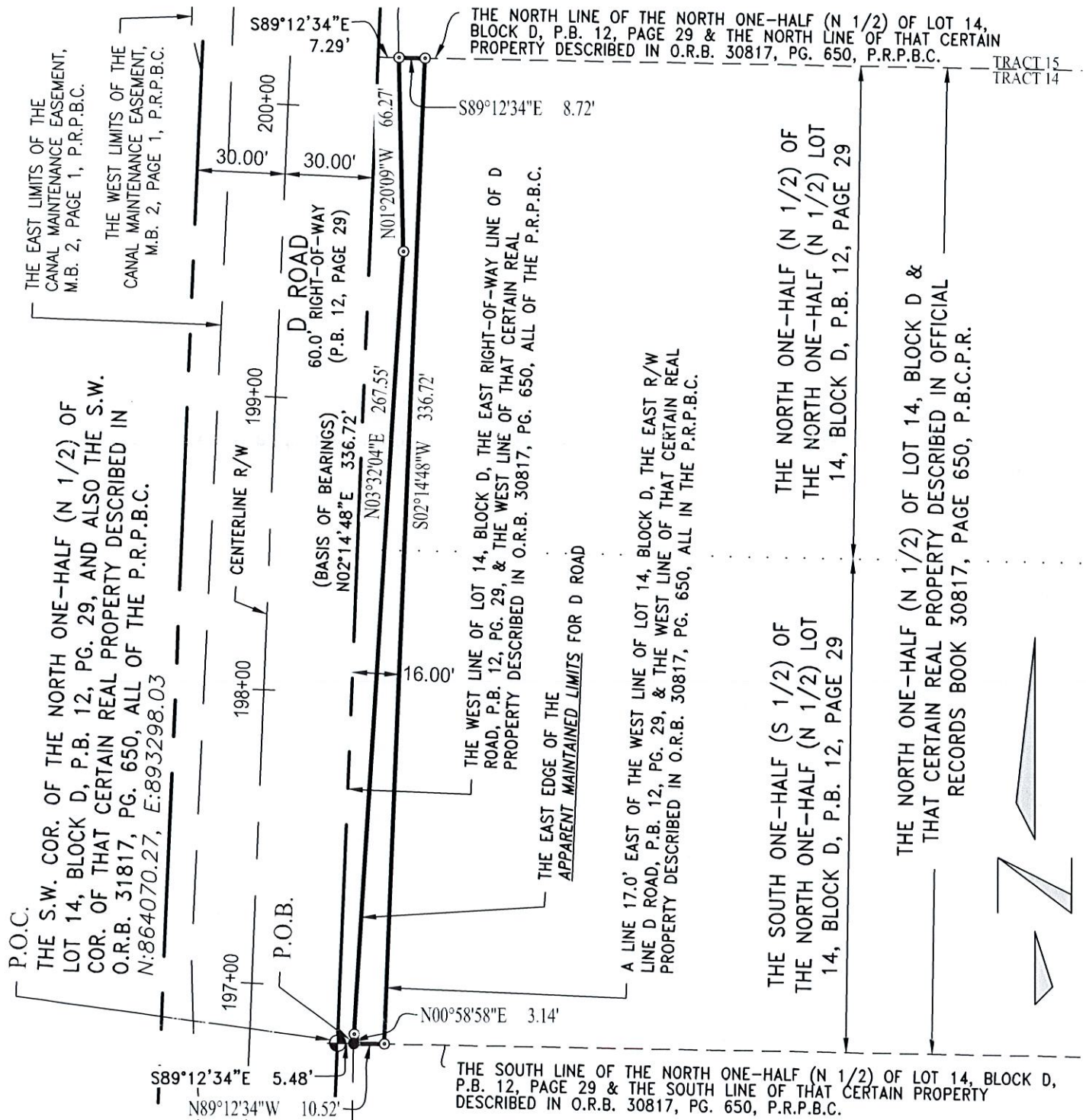
West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7176

**DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES**

ROAD & DRAINAGE EASEMENT

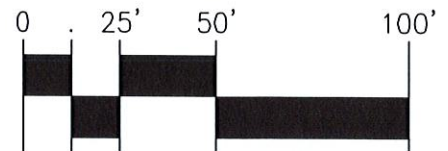
DRAWN: SFB	DATE: 09/28/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 17-1208	DWG No: 17-12
APPROVED: SFB		SHEET No: 2 OF 3



2208 D ROAD
LOXAHATCHEE GROVES, FL.
33470

EXHIBIT 'B'

GRAPHIC SCALE



KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7476

DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/28/21	SCALE: 1" = 50'
CHECKED: SFB	PROJECT No: 17-1208N	DWG No: 17-1208N
APPROVED: SFB		

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2022-59

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ACCEPTING EASEMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves desires to obtain Easements for Driveway, Drainage, and Multi-Use Trail purposes; and

WHEREAS, Day, LLC., has executed a Drainage Easement dated August 2, 2022, in favor of the Town; and

WHEREAS, David L. Froehlich and Linda Mae Froehlich have executed a Drainage Easement dated July 11, 2022, in favor of the Town; and

WHEREAS, pursuant to Section 05-085 of the Town's Unified Land Development Code and Town Council adopted procedures, all Easements must be accepted by the Town Council prior to recording; and

WHEREAS, the Town Council has determined that it is in the best interests of the residents of the Town to accept the Easements identified herein.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE 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 upon adoption hereof.

Section 2. The Town Council accepts the Easements identified herein and directs Town staff to have said Easements recorded in the public records.

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 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>
Robert Shorr, MAYOR	☐	☐	☐
Laura Danowski, VICE MAYOR	☐	☐	☐
Phillis Maniglia, COUNCIL MEMBER	☐	☐	☐
Marge Herzog, COUNCIL MEMBER	☐	☐	☐
Marianne Miles, COUNCIL MEMBER	☐	☐	☐

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS ___ DAY OF _____, 2022.**

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor

Town Clerk

Vice Mayor

APPROVED AS TO LEGAL FORM:

Council Member

Council Member

Office of the Town Attorney

Council Member

Prepared by and return to:
 Town of Loxahatchee Groves
 155 F Road
 Loxahatchee Groves, FL 33470

DRAINAGE EASEMENT AGREEMENT

THIS GRANT OF A DRAINAGE EASEMENT ("Easement") is made and entered into this 11th day of July, 2022 by and between **David L. Froehlich and Linda Mae Froehlich, his wife** with a mailing address of 3254 B Road, Loxahatchee, FL 33470-4244, hereinafter collectively referred to as the "GRANTOR", and the **TOWN OF LOXAHATCHEE GROVES**, a municipal corporation, in Palm Beach County, Florida, hereinafter referred to as the "GRANTEE," with a mailing address of 155 F Road, Loxahatchee Groves, FL 33470.

WITNESSETH:

THAT, the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the GRANTEE and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the GRANTEE, its agents, successors and assigns, a perpetual roadway/drainage/utility easement over, under and across that certain real property owned by the GRANTOR which is described in **Exhibit "A"** attached hereto ("Easement Property") and incorporated herein.

The GRANTOR represents and warrants to the GRANTEE that GRANTOR is in exclusive possession of the Easement Property and owns fee simple title to the Easement Property and that it has good and lawful right to grant this Easement. The GRANTOR hereby grants this Easement subject only to comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority.

This Easement shall permit the GRANTEE, its employees, agents, contractors, subcontractors, consultants and licensees and each of the aforementioned party's successors and assigns, to enter upon and use the Easement Property at any time and from time to time to install, construct, reconstruct, operate, inspect, maintain, service, remove, relocate, repair, replace and improve the drainage improvements therein. The GRANTOR, or its successors or assigns, shall not construct any structure or other improvement upon the Easement Property or engage in any use of the surface of the Easement Property which is inconsistent or interferes with the rights of the GRANTEE under this Easement.

The GRANTEE shall have the right, but not the obligation, to clear the Easement Property and keep it cleared of all trees, undergrowth or other obstructions and the right to trim, cut or remove all trees located within or outside the Easement Property which might interfere with the GRANTEE's use of the Easement Property as permitted hereby. The GRANTEE shall use the Easement Property in accordance with all applicable laws, rules and regulations of

governmental authorities having jurisdiction over the Easement Property or use thereof as herein provided.

This Easement shall continue unless or until GRANTEE terminates its rights herein provided by written notice to the GRANTOR, its successors or assigns. Neither the failure to use the Easement Property nor the abandonment of the Easement Property shall constitute or be construed as a termination of this Easement. This Easement grants to the GRANTEE, its successors and assigns the exclusive right to use the Easement Property above, on and below its surface.

This Easement shall run with the land and shall be binding upon the GRANTOR, all parties entitled to use or possession of the Easement Property by or through the GRANTOR, including lessees, and the successors and assigns of each of the aforementioned parties unless or until this easement is terminated as hereinabove provided. This Easement shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this easement on the day and year first above written.

WITNESSES:

By: Amber S. Williams

Witness name: Amber S. Williams

By: Missy G. Hanks

Witness name: Missy G. Hanks

GRANTOR:

David L. Froehlich
David L. Froehlich

STATE OF South Carolina)
COUNTY OF Bamberg)

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 11th this _____ day of July, 2022 by **David L. Froehlich**, who is ☒ personally known to me or ☒ produced Drivers License - F642-172-49-2050 as identification.

[SEAL]

AMBER P. WALLING
Notary Public, State of South Carolina
My Commission Expires 10/18/2029

Amber P. Walling
(Signature of Notary Public-State of Florida)
South Carolina

WITNESSES:

By: Amber S. Williams
 Witness name: Amber S. Williams
 By: [Signature]
 Witness name: Miss G Hanks

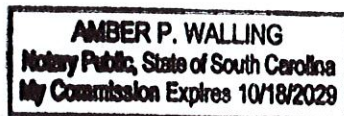
GRANTOR:

[Signature]
 Linda Mae Froehlich

STATE OF South Carolina)
 COUNTY OF Bamberg)

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 11th this _____ day of July, 2022 by **Linda Mae Froehlich**, who is ☒ personally known to me or ☒ produced Drivers License - FL042-522-49-970-1 as identification.

[SEAL]



Amber P. Walling
 (Signature of Notary Public-State of Florida)
South Carolina

GRANTEE ACCEPTANCE:

TOWN OF LOXAHATCHEE GROVES

ATTEST:

By: _____
 Robert Shorr, Mayor

 Town Clerk

Approved as to form
 and legal sufficiency

 Office of the Town Attorney
 Date: _____

Exhibit "A"

Description of Easement

A STRIP OF LAND BEING A PORTION OF THE NORTH ONE-HALF (S 1/2) OF TRACT 22, BLOCK B, AND THE SOUTH ONE-HALF (S 1/2) OF THE WEST ONE-HALF (W 1/2) TRACT 23, BLOCK B, REPLAT OF LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29 AND ALSO BEING A PORTION OF THAT CERTAIN REAL PROPERTIES DESCRIBED IN THOSE CERTAIN WARRANTY DEEDS IN OFFICIAL RECORD BOOK 2820, PAGE 1665, OFFICIAL RECORD BOOK 7910, PAGE 1558 AND OFFICIAL RECORD BOOK 6235, PAGE 1983, ALL OF PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTH ONE-HALF (N 1/2) TRACT 22 OF SAID BLOCK B OF SAID REPLAT AND THE SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF THAT SAID CERTAIN REAL PROPERTY IN SAID OFFICIAL RECORD BOOK 2820, PAGE 1665 WITH THE SAID POINT OF COMMENCEMENT ALSO HAVING AN APPROXIMATE STATE PLANE COORDINATE VALUE OF NORTH: 869355.02 EAST: 888230.89; THENCE SOUTH 89°12'34" EAST, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF (S 1/2) OF TRACT 22, BLOCK B AND THE SOUTH LINE OF THAT SAID CERTAIN REAL PROPERTY, A DISTANCE OF 5.23 FEET TO A POINT ON A LINE ON THE EAST EDGE OF THE APPARENT MAINTAINED LIMITS FOR B ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

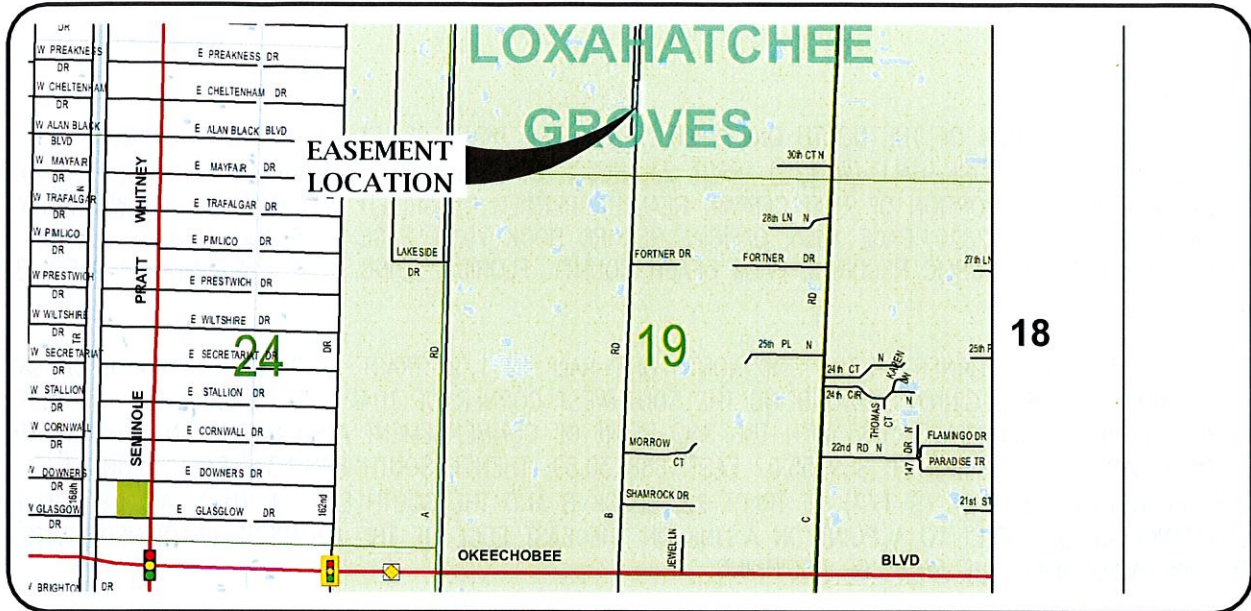
THENCE NORTH 02°06'12" EAST, ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 315.36 FEET; THENCE NORTH 01°37'31" EAST CONTINUING ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 345.54 FEET; THENCE NORTH 02°47'26" EAST CONTINUING ALONG THE SAID EAST EDGE OF APPARENT MAINTAINED LIMITS, A DISTANCE OF 14.36 FEET TO TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 23, BLOCK B AND THE NORTH LINE OF THAT SAID CERTAIN REAL PROPERTY DESCRIBED IN SAID OFFICIAL RECORD BOOK 6235, PAGE 1983; THENCE THENCE SOUTH 89°12'34" EAST, ALONG THE SAID NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 23 AND ALONG THE NORTH LINE OF THAT SAID CERTAIN REAL PROPERTY, A DISTANCE OF 13.78 FEET TO A POINT ON A LINE PARALLEL WITH AND 14.0 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE NORTH ONE-HALF (N 1/2) OF

TRACT 22, BLOCK B AND THE WEST LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE WEST ONE-HALF (W 1/2) SAID TRACT 23, BLOCK B AND THE WEST LINE OF THAT SAID CERTAIN REAL PROPERTY, THE SAID WEST LINES ALSO BEING THE EAST RIGHT-OF-WAY LINE OF B ROAD AS SHOWN ON THE SAID REPLAT; THENCE SOUTH 02°17'52" WEST, ALONG THE SAID PARALLEL LINE A DISTANCE OF 675.37 FEET TO THE SOUTH LINE OF THE SAID NORTH ONE-HALF (N 1/2) OF SAID TRACT 22, BLOCK B AND THE SOUTH LINE OF THAT CERTAIN REAL PROPERTY DESCRIBED IN SAID OFFICIAL RECORD BOOK 2820, PAGE 1665; THENCE NORTH 89°12'34" WEST, ALONG THE SAID SOUTH LINES A DISTANCE OF 8.77 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 7,234.062 SQUARE FEET AND / OR 0.166 ACRES, MORE OR LESS.

NOTE: ALL OF THE DISTANCES ALONG THE ABOVE DESCRIBED PROPERTY / TRACT LINE SEGMENTS THAT INTERSECT THE ABOVE DESCRIBED APPARENT MAINTAINED LIMITS LINE (AND AS SHOWN ON THE ASSOCIATED SKETCH OF DESCRIPTION) SHALL ALWAYS BE LENGTHENED AND / OR SHORTENED (EXTENDED AND / OR TRIMMED) TO INTERSECT ANY ACTUAL MAINTAINED LIMITS LINE AS MAPPED BY AN ON THE GROUND SURVEY, RECORDED INTO THE PUBLIC RECORDS AND DEDICATED TO THE PUBLIC TO THE EXTENT IN WIDTH THAT HAS ACTUALLY BEEN MAINTAINED FOR THE PRESCRIBED PERIOD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 95.361 (FORMERLY 337.31), FLORIDA STATUTES.

EXHIBIT 'B'



SURVEYORS' NOTES:

LOCATION MAP ~ NOT TO SCALE

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3. THIS SKETCH MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.050-.052, OF THE FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.
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6. THIS LEGAL DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ITS AUTHENTICATED DIGITAL EQUIVALENT OF A LICENSED SURVEYOR AND MAPPER, EMPLOYED BY KESHAVARZ & ASSOCIATES, INC. THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

DATE OF LEGAL DESCRIPTION: SEPTEMBER 28, 2021

KESHAVARZ & ASSOCIATES, INC.

SCOTT F. BRYSON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE No.: 5991



Digitally signed by Scott F Bryson
DN: c=US, o=KESHAVARZ AND ASSOCIATES, ou=A01410D0000016F1579D2E600000A97, cn=Scott F Bryson
Date: 2021.09.28 11:21:10 -04'00'

3254 B ROAD
LOXAHATCHEE GROVES, FL.
33470

LEGEND

C/L = CENTERLINE
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
ORB = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
POT = POINT OF TERMINUS
ROW = RIGHT-OF-WAY
UE = UTILITY EASEMENT
LAE = LIMITED ACCESS EASEMENT
Δ = DELTA ANGLE
R = RADIUS
L = ARC LENGTH
C = CHORD LENGTH
CB = CHORD BEARING

EXHIBIT 'B'

DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/28/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 17-1208	DWG No: A17-1208
APPROVED: SFB	17-1208	SHEET No. 1 OF 1

KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7476

EXHIBIT 'B'

LEGAL DESCRIPTION:

A STRIP OF LAND BEING A PORTION OF THE NORTH ONE-HALF (S 1/2) OF TRACT 22, BLOCK B, AND THE SOUTH ONE-HALF (S 1/2) OF THE WEST ONE-HALF (W 1/2) TRACT 23, BLOCK B, REPLAT OF LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29 AND ALSO BEING A PORTION OF THAT CERTAIN REAL PROPERTIES DESCRIBED IN THOSE CERTAIN WARRANTY DEEDS IN OFFICIAL RECORD BOOK 2820, PAGE 1665, OFFICIAL RECORD BOOK 7910, PAGE 1558 AND OFFICIAL RECORD BOOK 6235, PAGE 1983, ALL OF PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTH ONE-HALF (N 1/2) TRACT 22 OF SAID BLOCK B OF SAID REPLAT AND THE SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF THAT SAID CERTAIN REAL PROPERTY IN SAID OFFICIAL RECORD BOOK 2820, PAGE 1665 WITH THE SAID POINT OF COMMENCEMENT ALSO HAVING AN APPROXIMATE STATE PLANE COORDINATE VALUE OF NORTH: 869355.02 EAST: 888230.89; THENCE SOUTH 89°12'34" EAST, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF (S 1/2) OF TRACT 22, BLOCK B AND THE SOUTH LINE OF THAT SAID CERTAIN REAL PROPERTY, A DISTANCE OF 5.23 FEET TO A POINT ON A LINE ON THE EAST EDGE OF THE APPARENT MAINTAINED LIMITS FOR B ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 02°06'12" EAST, ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 315.36 FEET; THENCE NORTH 01°37'31" EAST CONTINUING ALONG THE SAID EAST EDGE OF THE APPARENT MAINTAINED LIMITS, A DISTANCE OF 345.54 FEET; THENCE NORTH 02°47'26" EAST CONTINUING ALONG THE SAID EAST EDGE OF APPARENT MAINTAINED LIMITS, A DISTANCE OF 14.36 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 23, BLOCK B AND THE NORTH LINE OF THAT SAID CERTAIN REAL PROPERTY DESCRIBED IN SAID OFFICIAL RECORD BOOK 6235, PAGE 1983; THENCE THENCE SOUTH 89°12'34" EAST, ALONG THE SAID NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE WEST ONE-HALF (W 1/2) OF SAID TRACT 23 AND ALONG THE NORTH LINE OF THAT SAID CERTAIN REAL PROPERTY, A DISTANCE OF 13.78 FEET TO A POINT ON A LINE PARALLEL WITH AND 14.0 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE NORTH ONE-HALF (N 1/2) OF TRACT 22, BLOCK B AND THE WEST LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE WEST ONE-HALF (W 1/2) SAID TRACT 23, BLOCK B AND THE WEST LINE OF THAT SAID CERTAIN REAL PROPERTY, THE SAID WEST LINES ALSO BEING THE EAST RIGHT-OF-WAY LINE OF B ROAD AS SHOWN ON THE SAID REPLAT; THENCE SOUTH 02°17'52" WEST, ALONG THE SAID PARALLEL LINE A DISTANCE OF 675.37 FEET TO THE SOUTH LINE OF THE SAID NORTH ONE-HALF (N 1/2) OF SAID TRACT 22, BLOCK B AND THE SOUTH LINE OF THAT CERTAIN REAL PROPERTY DESCRIBED IN SAID OFFICIAL RECORD BOOK 2820, PAGE 1665; THENCE NORTH 89°12'34" WEST, ALONG THE SAID SOUTH LINES A DISTANCE OF 8.77 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 7,234.062 SQUARE FEET AND / OR 0.166 ACRES, MORE OR LESS.

NOTE: ALL OF THE DISTANCES ALONG THE ABOVE DESCRIBED PROPERTY / TRACT LINE SEGMENTS THAT INTERSECT THE ABOVE DESCRIBED APPARENT MAINTAINED LIMITS LINE (AND AS SHOWN ON THE ASSOCIATED SKETCH OF DESCRIPTION) SHALL ALWAYS BE LENGTHENED AND / OR SHORTENED (EXTENDED AND / OR TRIMMED) TO INTERSECT ANY ACTUAL MAINTAINED LIMITS LINE AS MAPPED BY AN ON THE GROUND SURVEY, RECORDED INTO THE PUBLIC RECORDS AND DEDICATED TO THE PUBLIC TO THE EXTENT IN WIDTH THAT HAS ACTUALLY BEEN MAINTAINED FOR THE PRESCRIBED PERIOD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 95.361 (FORMERLY 337.31), FLORIDA STATUTES.

**3254 B ROAD
LOXAHATCHEE GROVES, FL.
33470**



KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7476

**DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES**

ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/28/21	SCALE: N/A
CHECKED: SFB	PROJECT No: 17-1208	DWG No: A17-1
APPROVED: SFB		SHEET No: 2 OF 4

P.O.C.

THE S.W. COR. OF THE NORTH ONE-HALF (N 1/2) OF TRACT 22, BLOCK B, P.B. 12, PG. 29, AND ALSO THE S.W. COR. OF THAT CERTAIN REAL PROPERTY DESCRIBED IN O.R.B. 2820, PG. 1665, ALL OF THE P.R.P.B.C.

N:869355.02, E:888230.89

S89°12'34"E 5.23'

30.00'

30.00'

P.O.B.

N89°12'34"W 8.77'

249+00

60.0' RIGHT-OF-WAY (P.B. 12, PAGE 29)

B ROAD

250+00

4.00'

251+00

315.36'

N02°06'12"E

CENTERLINE R/W

THE WEST LIMITS OF THE CANAL MAINTENANCE EASEMENT, M.B. 2, PAGE 1, ALL OF THE P.R.P.B.C.

THE WEST RIGHT-OF-WAY OF B ROAD, P.B. 12, PG. 29, P.R.P.B.C.

THE EAST LIMITS OF THE CANAL MAINTENANCE EASEMENT, M.B. 2, PAGE 1, P.R.P.B.C.

THE NORTH LINE OF TRACT 22, BLOCK B

THE NORTH 20.0' OF TRACT 22, BLOCK B, BEING A PART OF THAT CERTAIN WARRANTY DEED O.R.B. 7910, PG. 1558, P.R.P.B.C.

TRACT 23

TRACT 22

MATCH LINE

20.0'

THE EAST EDGE OF THE APPARENT MAINTAINED LIMITS FOR B ROAD

S02°17'52"W 675.37'

N02°17'52"E 675.37'

(BASIS OF BEARINGS)

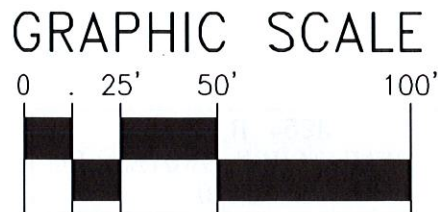
THE WEST LINE OF THE NORTH ONE-HALF (N 1/2) OF TRACT 22, BLOCK B, THE WEST LINE OF THAT CERTAIN REAL PROPERTY DESCRIBED IN O.R.B. 2820, PG. 1665, THE WEST LINE OF THAT CERTAIN REAL PROPERTY DESCRIBED IN O.R.B. 7910, PG. 1558 & THE EAST RIGHT-OF-WAY LINE OF B ROAD, P.B. 12, PG. 29, ALL OF THE P.R.P.B.C.

A LINE 14.0' EAST OF THE WEST LINE OF THE NORTH ONE-HALF (N 1/2) OF TRACT 22, BLOCK B, THE WEST LINE OF THAT CERTAIN REAL PROPERTY DESCRIBED IN O.R.B. 2820, PG. 1665, THE WEST LINE OF THAT CERTAIN REAL PROPERTY DESCRIBED IN O.R.B. 7910, PG. 1558 & THE EAST RIGHT-OF-WAY LINE OF B ROAD, P.B. 12, PG. 29, ALL OF THE P.R.P.B.C.

3254 B ROAD

THE NORTH 1/2 OF TRACT 22 LESS THE NORTH 20.0' THEREOF AS IN THAT CERTAIN REAL PROPERTY DESCRIBED IN O.R.B. 2820, PG. 1665, P.R.P.B.C.

3254 B ROAD
LOXAHATCHEE GROVES, FL.
33470



ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/28/21	SCALE: 1" = 5'	47
CHECKED: SFB	PROJECT No: 17-1208	DWG No: A17-1208	
APPROVED: SFB		SHEET No: 3 OF 4	

47

KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7476

EXHIBIT 'A'

THE N.W. CORNER OF THE SOUTH
ONE-HALF OF THE WEST
ONE-HALF (S 1/2) OF TRACT 23,
N:870029.85, E:888257.97

THE NORTH LINE OF THE SOUTH 1/2 OF
OF THE WEST 1/2 OF TRACT 23, BLOCK
B, REPLAT LOXAHATCHEE GROVES, P.B. 12,
PAGE 29, P.R.P.B.C.

THE WEST LIMITS OF THE CANAL
MAINTENANCE EASEMENT, M.B. 2,
PAGE 1, ALL OF THE P.R.P.B.C.

THE WEST RIGHT-OF-WAY OF B
ROAD, P.B. 12, PG. 29, P.R.P.B.C.

THE EAST LIMITS OF THE CANAL
MAINTENANCE EASEMENT, M.B.
2, PAGE 1, P.R.P.B.C.

B ROAD
60.0' RIGHT-OF-WAY
(P.B. 12, PAGE 29)

(BASIS OF BEARINGS)
N02°17'52"E 675.37'

S02°17'52"W 675.37'

THE EAST EDGE OF THE
APPARENT MAINTAINED LIMITS FOR B ROAD

THE WEST LINE OF THE SOUTH ONE-HALF OF TRACT
23, BLOCK B, THE WEST LINE OF THAT CERTAIN
REAL PROPERTY DESCRIBED IN O.R.B. 6235, PG.
1983, & THE EAST RIGHT-OF-WAY LINE OF B
ROAD, P.B. 12, PG. 29, ALL OF THE P.R.P.B.C.

A LINE 14.0' EAST OF THE WEST LINE OF THE SOUTH ONE-HALF (S 1/2)
OF TRACT 23, BLOCK B, THE WEST LINE OF THAT CERTAIN REAL
PROPERTY DESCRIBED IN O.R.B. 6235, PG. 1983 & THE EAST R/W
LINE B ROAD, P.B. 12, PG. 29, ALL IN THE P.R.P.B.C.

3254 B ROAD
THE SOUTH HALF OF THE WEST HALF OF TRACT
23, BLOCK B, P.B. 12, PAGE 29 AS IN THAT
CERTAIN REAL PROPERTY DESCRIBED IN O.R.B.
6235, PG. 1983, P.R.P.B.C.

THE NORTH 20.0' OF TRACT 22, BLOCK B,
BEING A PART OF THAT CERTAIN WARRANTY
DEED O.R.B. 7910, PG. 1558, P.R.P.B.C.

THE SOUTH LINE OF TRACT 23, BLOCK B

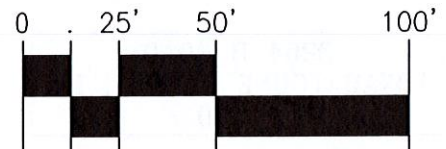
MATCH LINE

TRACT 23
TRACT 22

MATCH LINE

3254 B ROAD
LOXAHATCHEE GROVES, FL.
33470

GRAPHIC SCALE



KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

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West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7476

DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

ROAD & DRAINAGE EASEMENT

DRAWN: SFB	DATE: 09/28/21	SCALE: 1" = 50'
CHECKED: SFB	PROJECT No: 17-1208	DWG No: A17-1
APPROVED: SFB		SHEET No: 4 OF 4

RESOLUTION NO. 2022-58**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE ACTING TOWN MANAGER AS CONTEMPLATED IN SECTION 4(3)(C) OF THE TOWN CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 4(3)(c) of the Charter of the Town of Loxahatchee Groves (“Town Charter”) provides that the Town Council may, by resolution, designate a properly qualified person to temporarily execute the functions of town manager during the absence or disability of the town manager; and

WHEREAS, the Town Council desires to designate such person(s) who may fill this position of “acting town manager” for the fiscal year; and

WHEREAS, the Town Council finds it is in the best interest of the Town of Loxahatchee Groves to make this designation.

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

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

Section 2. The Town Council of the Town of Loxahatchee Groves hereby designates the following as eligible to fill the position of “acting town manager” to temporarily execute the functions of town manager during the absence or disability of the town manager, as contemplated by the Town’s Charter, during the 2022-2023 fiscal year. This list is in priority order, with the individuals lower on the list being ineligible to fill the position if the individual(s) higher on the list are available.

- Public Works Director
- Clerk

- Assistant Public Works Director

Section 3. 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>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
MARGE HERZOG, COUNCIL MEMBER	☐	☐	☐
MARIANNE MILES, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF _____ 2022.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Office of the Town Attorney

Council Member Marianne Miles

Council Member Phillis Maniglia



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine Ramaglia, Town Manager
DATE: September 1, 2022
SUBJECT: Resolution No. 2022-58 designating Acting Town Manager

Background:

Section 4(3)(c) of the Charter of the Town of Loxahatchee Groves ("Town Charter") provides that the Town Council may, by resolution, designate a properly qualified person to temporarily execute the functions of town manager during the absence or disability of the town manager. The Town Council desires to designate such person(s) who may fill this position of "acting town manager" for the fiscal year. The Town Council finds it is in the best interest of the Town of Loxahatchee Groves to make this designation as follows in the absence of the manager: Public Works Director, Clerk and Assistant Public Works Director.

Recommendation:

Move to approve Resolution No. 2022-58.

**Town of Loxahatchee Groves, Florida
Town Council Agenda Item Report; Resolution 2022-52
AutoZone Sign Variance V-2022-01**

PREPARED BY: Jim Fleischmann

September 8, 2022

SUBJECT: Resolution 2022-52 - Increase in the size of the Primary Wall Sign face of the AutoZone vehicle parts store located in Pod A of Groves Town Center above the maximum allowed by the Town Code.

1. BACKGROUND/HISTORY

History: The Town Council approved a Site Plan for Pod A of Groves Town Center on November 6, 2018 which included a Wawa gas/convenience store, Chase Bank and Aldi grocery. The initial Site Plan was amended on May 3, 2022 to include a Wawa gas/convenience store, AutoZone vehicle parts store and Aldi grocery.

Issue Statement: The Applicant has requested that the sign face of AutoZone building wall sign be increased, as follows: Primary Sign facing Southern Boulevard: From a ULDC maximum of 36 square feet to 74 sq. ft.

Issue Resolution: Per the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in Section 150-020 is met. In order to recommend approval of the proposed variance, the Town Council should find that the application meets each of the five criteria.

2. CURRENT ACTIVITY

The Planning and Zoning Board (PZB), at its meeting on August 25, 2022 recommended approval of the AutoZone Sign Variance Application V-2022-01 by a 4 – 0 vote.

Based upon the PZB report titled: “Agenda Item Staff Summary Variance Application V-2022-01” dated August 25, 2022, Staff finds that the Applicant has demonstrated that each of the five review criteria in ULDC Section 150-020 has been satisfied and therefore recommends approval of Resolution 2022-52.

3. ATTACHMENTS

1. Resolution 2022-52
2. Planning and Zoning Board Staff Report dated August 25, 2022

4. RECOMMENDED ACTION: Approval of Resolution 2022-52, as recommended by PZB and Staff.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2022-52

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE AUTOZONE SIGN VARIANCE, FOR LAND OWNED BY BW SOUTHERN BINKS, LLC, CONSISTING OF 0.76 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” 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 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 variances from land development regulations for development on property within the Town; and

WHEREAS, the Council, pursuant to Section 150-010 (Authority) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) is granted the authority to permit a variance to the provisions of the ULDC related to: (1) height; (2) yards; (3) parking and loading; (4) landscaping and buffers; (5) separation of uses; (6) plot coverage; and/or (7) such other provisions of the Code which do not specifically prohibit such requests; and

WHEREAS, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the ULDC have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of August 25, 2022 recommended approval of the AutoZone Variance Application V--2022-01; and

WHEREAS, the AutoZone. Application V-2022-01, was presented to the Town Council at a quasi-judicial public hearing conducted on September 8, 2022; 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, the ULDC requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution.

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 analysis and findings of the Planning and Zoning Board report entitled “Agenda Item Staff Summary Variance Application V-2022-01:” dated August 25, 2022 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

- 1. V-2022-01 is a request to increase the square footage of the Primary Wall Sign facing Southern Boulevard from a ULDC maximum of 36 sq. ft. to 74 sq. ft.; and.
- 2. V-2022-01, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Sections 150-010(B) and 150-010(C).
- 3. The Applicant has demonstrated, by competent substantial evidence ,based upon responses to the criteria of Section 150-020 (Considerations for variances) of the Town of Loxahatchee Groves land development regulations, that V-2022-01 meets the stated criteria and is not contrary to the public interest.

Section 3. The Town Council of the Town of Loxahatchee Groves hereby approves the AutoZone Variance Application V-2022-01 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.

Section 4. This approval is subject to Section 150-030 (Time limits) of the Town of Loxahatchee Groves Unified Land Development Code and other provisions requiring that development commence in a timely manner.

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>
Robert Shorr, MAYOR	☐	☐	☐
Laura Danowski, VICE MAYOR	☐	☐	☐
Marge Herzog, COUNCIL MEMBER	☐	☐	☐
Marianne Miles, COUNCIL MEMBER	☐	☐	☐
Phillis Maniglia, COUNCIL MEMBER	☐	☐	☐

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 8th day of September 2022.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor Laura Danowski

Council Member Phillis Maniglia

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Town Attorney

Council Member Marianne Miles

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EXHIBIT A**LEGAL DESCRIPTION AND LOCATION MAP**

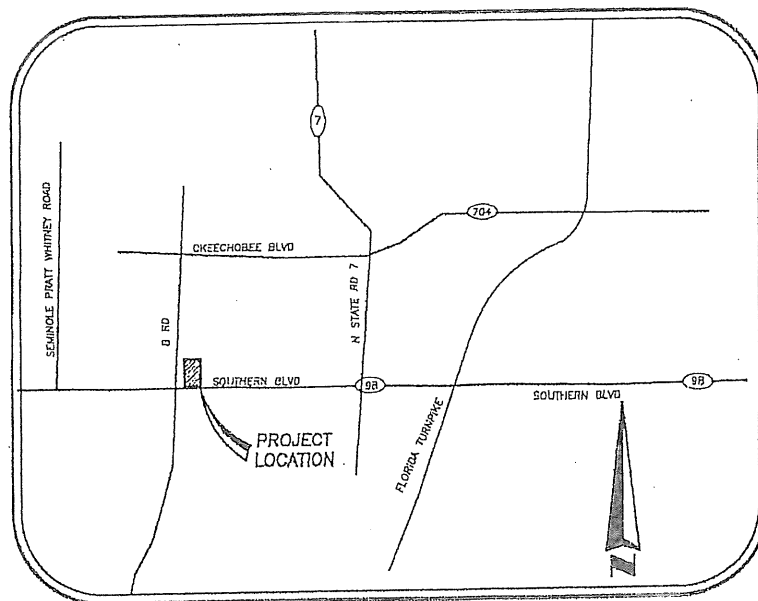
The following Legal Description is applicable to Resolution 2022-xx:

GROVES TOWN CENTER PUD POD A (LESS OR 32355 P 1078 AND OR 32629 P 433) OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

AND

**GROVES TOWN CENTER PUD TR LB3 (LESS OR 32355 P 1078 AND OR 32629 P 433) OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
K/A LSSNDSCAPE BUFFER AND DRAINAGE**

Parcel Control Numbers: 41-41-43-31-12-001-0020 and 41-41-43-31-12-012-0032.

LOCATION MAP

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
August 25, 2022**

AGENDA ITEM STAFF SUMMARY: VARIANCE APPLICATION VA-2022-01

A. DESCRIPTION OF THE PROPERTY

Project Name: AutoZone Sign Variance Application VA-22-01 (Groves Town Center Pod A)

Agent: Jones Sign Company Permitting Coordinator Staff (Kerri Sabol, Permit Coordinator).

Applicants: AutoZone, Inc.

Owners: BW Southern Binks, LLC

Parcel Control Number (PCN): 41-41-43-31-12--001-0020 and 41-41-43-31-12--012-0032

Project Location: Southern Boulevard. East of the northeast Corner of Southern Boulevard and "B" Road. .

Size of Property: 0.76 acres.

FLU Map Designation: Commercial Low (CL).portion of the Groves Town Center Multiple Land Use designation.

Zoning Map Designation: Multiple Land Use Planned Unit Development (MLU/PUD)

Existing Use: Palm Beach County Property Appraiser (PAPA) Use Code – 1000 Vacant Commercial.

B. APPROVAL HISTORY

The Subject Site, located on the north side of Southern Boulevard east of "B" Road in Loxahatchee Groves, is a portion of the 6.79 acre Pod A of the 90 acre "Groves Town Center" which was assigned a Multiple Land Use (MLU) future land use designation by the Town for the purpose of implementing a mixed-use development concept consisting of the following three land uses: Commercial Low (CL), Commercial Low Office (CL-O), and Institutional (INST). Subsequent to the MLU approval, the Groves Town Center parcel was assigned an MLU/PUD zoning approval, including a Conceptual Master Plan.

The Town Council approved a Site Plan for Pod A of Groves Town Center on November 6, 2018 which included a Wawa gas/convenience store, Chase Bank and Aldi grocery. The initial Site Plan was amended on May 3, 2022 to include a Wawa gas/convenience store, AutoZone vehicle parts store and Aldi grocery.

C. APPLICATION REQUEST

The Applicant has requested a variance from ULDC Section 90-040(B) (3) (a) *Individual building as outparcel or stand-alone building* to allow for an increase in the maximum square footage of the building wall sign.

The Applicant has requested that the sign face of AutoZone building wall sign be increased from a maximum of 36 square feet to 74 sq. ft. facing Southern Boulevard; a sign face variance of 38 sq. ft. or 106%. Refer to Exhibits 1 and 2 for proposed sign design.

D. STAFF REVIEW

The requested variance is to allow a building within a multi-tenant center (i.e. Pod A – Wawa/AutoZone/Aldi) to exceed the maximum sign-face area for the allowed primary wall sign. Per ULDC Section 90-040(B) (3) b., the sign-face maximum is 36 sq. ft. for the Primary Sign. The Applicant has proposed 74 sq. ft. to be permitted.

Variance procedures and requirements are contained in Article 150 *Variances* of the Town's ULDC. Per ULDC Section 150-010(B), the Town Council may grant a variance provided that such approval will not result in a use which is specifically or by inference prohibited in the zoning district.

Further, per ULDC Section 150-010(C), variance applications will not be considered with respect to the following:

1. Where plans have been submitted and approved and permits issued, and additional work not shown on the approved plans has been performed. Previous plans have not been submitted and approved, permits issued and additional work completed for a wall sign on the property.

2. Where a property has been subdivided and as a result an existing structure is in violation of the provisions of the ULDC. The Aldi grocery parcel has been subdivided within Pod A and is operational; however, it is not in violation of ULDC provisions.

Brief descriptions of abutting properties are presented in the following table. Southern Boulevard, followed by the C-51 Canal right-of-way, borders the Subject Site to the south and vacant parcels within the Groves Town Center mixed-use planned development, border the Subject Site on the north, west and east.

Inventory of Abutting Properties

Direction	Description
North	Vacant – Pod "C" of Groves Town Center
South	Southern Boulevard followed by C-51 Canal
East	Built – Aldi Grocery
West	Vacant – Pod "B" of Groves Town Center (approved Wawa)

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria is met. The five criteria and the Applicant's responses are presented below:

Criterion 1: *That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.*

Applicant's Response: The setback of the building from Southern Boulevard limits visibility from the road. The sign code allows 36 sq. ft. of signage. The limited size would be a detriment to customers trying to locate the store from Southern Boulevard and allow them to prepare safely to turn into the development.

Staff Analysis: Applicant states that the Property is located on Southern Boulevard which functions as a freeway with a considerable traffic volume moving at high speeds. Further, Southern Boulevard is being built-out as a 6-lane, divided Principal Arterial highway.

In addition, during the site plan review process, the Applicant agreed to provide a 25-foot buffer, including a landscaped berm, as opposed to the code-required 15-foot buffer along Southern Boulevard creating additional distance from the travel lanes to the building.

Staff concludes that the widening of Southern Boulevard and additional buffer depth and berm height along Southern Boulevard creates special conditions and circumstances related to visibility and safety considerations. The size and location of signage can assist in addressing these issues. On this basis, Staff concludes that Criterion 1 has been satisfied.

Criterion 2: *That any alleged hardship is not self-created is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.*

Applicant's Response: The proposed sign is Auto Zone's standard trademark sign and needed to identify the location of the store from Southern Boulevard. It will be consistent with the proposed use, the building architecture, and the surrounding commercial uses.

Staff Analysis: The hardship is determined to consist of the lack of adequate visibility and related safety concerns created by the Southern Boulevard expansion in relation to the ULDC maximum wall sign size of 36 sq. ft. It is stated in Condition 1 that the variance, if approved, will ensure safer traffic circulation.

The Southern Boulevard expansion and enhanced landscaping during the site plan approval process) have created a hardship in relation to safety considerations of the current maximum size wall sign. As a result, the hardship

was not self-created. On this basis, Staff concludes that Criterion 2 has been satisfied.

Criterion 3: *That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.*

Applicant's Response: The allowed signage, per code, would not allow customers to clearly identify the location due to the distance from Southern Boulevard and could hinder the success of the AutoZone store. A larger sign is in keeping with AutoZone's trademark signage and proportionate to the frontage of the proposed building.

Staff Analysis:

The issues of safety and visibility are addressed in Criteria 1 and 2. Primary Sign variances (Tractor Supply and Publix in Loxahatchee Groves Commons and Aldi in Groves Town Center) were granted for essentially the same justification (i.e. visibility from Southern Boulevard and safety). Publix, Tractor Supply and Aldi were granted Primary Sign variances approving wall signs of 74 sq. ft. on the frontage facing Southern Boulevard.

Based upon the above analysis, denial of the proposed variances would deprive the Applicant of the same rights enjoyed by properties in the same (i.e. Pod A Commercial Low) zoning district facing Southern Boulevard. On this basis, Staff concludes that Criterion 3 has been satisfied.

Criterion 4: *The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.*

Applicant's Response: With the approval of the proposed variance, the tenant will be able to install signage that is typical of the advertising of the surrounding businesses. The proposed size is AutoZone's standard size for this building frontage and will provide customer awareness.

Staff Analysis: The Applicant stated that larger building signs are needed to provide visibility for customers to ensure safe and efficient navigation to the store. Building signs with an area of 36 and feet would not be as visible to vehicles traveling along Southern Boulevard and would appear disproportionate with the scale of the building. The Applicant has proposed variances similar in scale to those granted at Publix, Tractor Supply and Aldi.

The Applicant's proposal, coupled with the variances approved for Publix, Tractor Supply and Aldi, have established size criteria for wall signs on buildings fronting on Southern Boulevard within multiple-tenant Groves Town Center. On this basis, Staff concludes that Criterion 4 has been satisfied.

Criterion 5: *That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Applicant's Response: The increase in sign size will allow visibility for AutoZone from Southern Boulevard. With approval, the new sign will obtain all required engineering, as well as permits, fees, and inspections in order to affect the health, safety and general welfare of visitors and those working at the store.

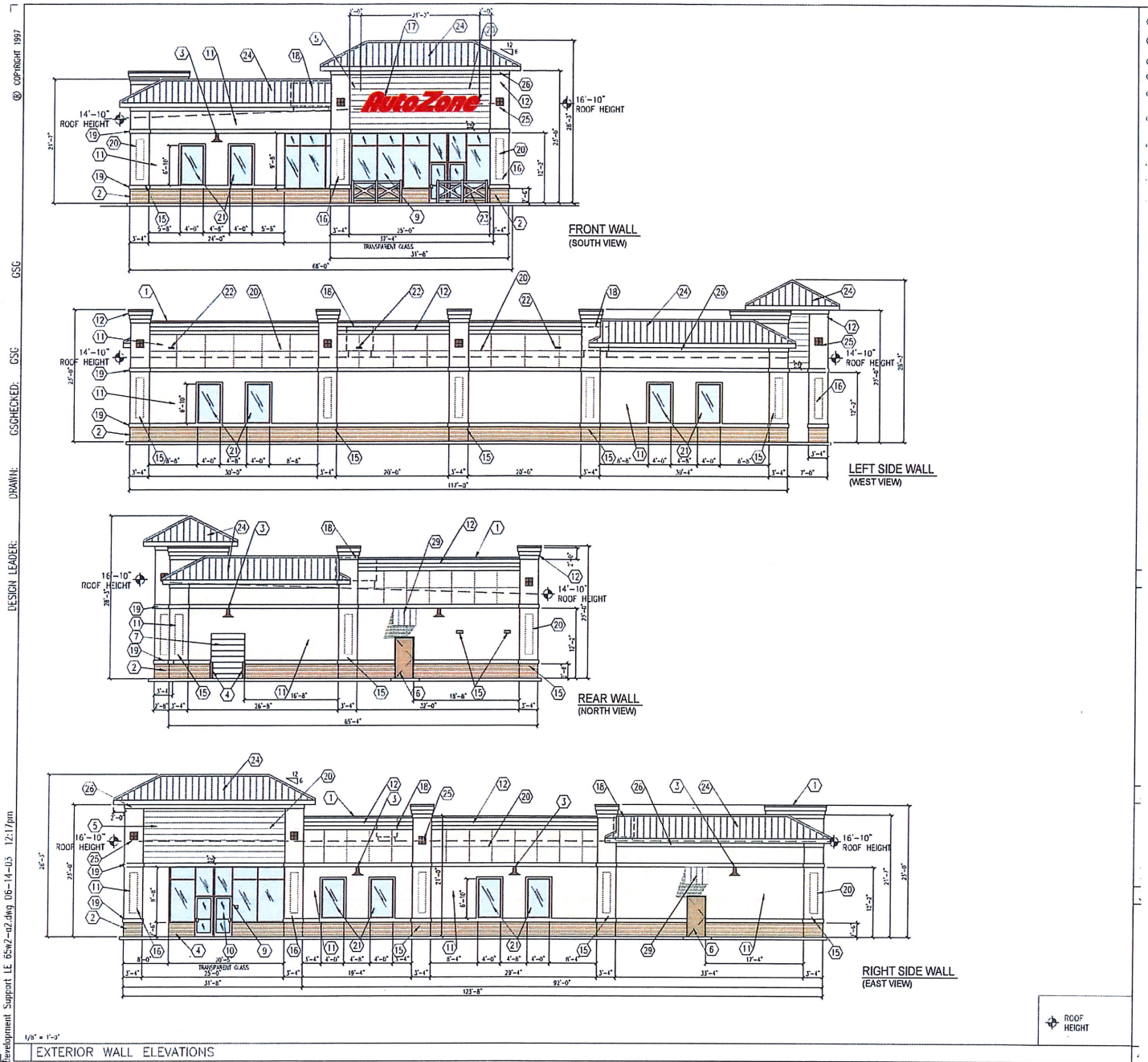
Staff Analysis: Per Section 40-010(a) of the Town's Land Development Code, the purpose and intent of a Planned Unit Development (PUD) zoning district is to provide creative solutions to implement Town planning directives. Groves Town Center has been designed in accordance with the design guidelines of an MUPD development. As such, proposed signage should be designed to effectively and safely advertise adjacent properties from abutting roadways understanding their function and design. Granting the Variance Request will be in harmony with the general intent and purpose of the Code and will not be injurious to the surrounding area or public welfare.

Per Section 90-005(C) *Compatibility of the ULDC*, signs should be made compatible with the overall objectives of the Comprehensive Plan by ensuring compatibility with surrounding land uses. The Applicant has demonstrated how approval of the Variance will maintain compatibility with commercial development along Southern Boulevard and further enhance the safety of motorists. On this basis, Staff concludes that Criterion 5 has been satisfied.

E. STAFF RECOMMENDATION

The Applicant has made valid observations regarding visibility, safety and wall sign approvals in commercial projects along Southern Boulevard. It is concluded that the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020, as required by code, has been met. Based upon this conclusion, Staff recommends approval of Variance Application VA- 22-01 to increase the size of the Primary Wall sign to a maximum of 74 sq. ft., as illustrated on Exhibits 1 and 2.

EXHIBIT 1 – PROPOSED COLOR ELEVATIONS

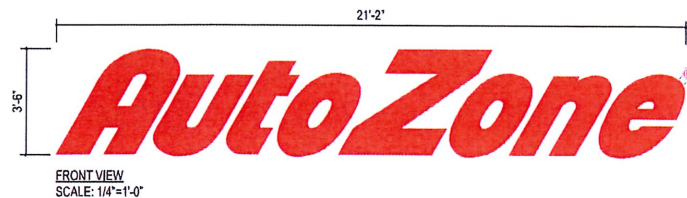


CE	PROTOTYPE SIZE 7N2	DATE 09/20/19	REVISIONS	Prepared AutoZone STORE DEVELOPMENT For: Store No. 5999 SOUTHERN BLVD & 'B' ROAD LOXAHATCHEE GROVE, FL 33470	AUTOZONE STORES LLC 123 South Front St, 3rd Floor Memphis, Tennessee 38103 TEL: (901) 495-8701 FAX: (901) 495-8969
			1.		
			2.		
			3.		
			4.		
			SCALE: 1/8" = 1'-0"		

AutoZone
Variance Application VA 2022-01
August 2022

EXHIBIT 2 – PROPOSED DESIGN SPECIFICATIONS

42NS FACE LIT CHANNEL LETTERS w/o STRIPES (Qty 1) AZ1CL42-254-5LINT
 SQUARE FOOTAGE: 74 AZ1CL42-254-5LEXT

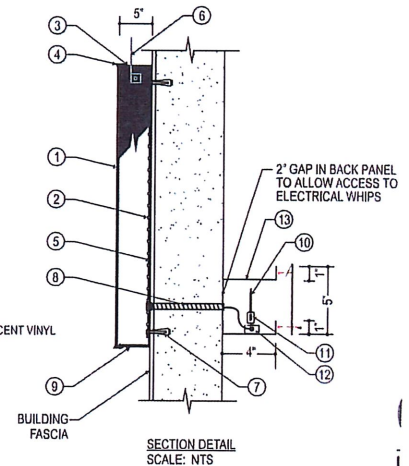


SPECIFICATIONS

1. 3/16" THK PIGMENTED PLEXIGLAS RED 2662 AUTOZONE LETTERS
2. AUTOZONE LETTERS INTERNALLY ILLUMINATED w/ GE TETRA MAX RED LED
3. 5" PRE-FINISHED .040 BLACK/WHITE ALUMINUM RETURNS LETTER LOCKED & RIVETED TO BACK AND CAULKED / INSIDE OF LETTERS AND STRIPES TO BE WHITE
4. 1" GLOSS BLACK JEWELITE TRIM FASTENED TO LETTERS w/ MINIMUM #8 SHEET METAL SCREWS PAINTED P-8 / SPACING SHALL NOT EXCEED 18" / NO FEWER THAN FOUR (4) SCREWS PER FACE
5. WHITE/WHITE ACM BACKS LETTER LOCKED & RIVETED TO RETURN AND CAULKED
6. WHITE ALUMINUM TAB w/ @ VINYL APPLIED FIRST SURFACE V-3
7. AUTOZONE REQUIRED MOUNTING HARDWARE: TOGGLE BOLTS-EIFS WALLS OR MASONRY LAGS-CMUMASONRY WALLS / INSTALLER TO PROVIDE HARDWARE (REFER TO WALL SYSTEMS w/ APPROVED FASTENERS CHART)
8. 1/2" FLEXIBLE CONDUIT / GREEN FIELD
9. 1/4" DIA WEEP HOLES
10. 120V - 20 AMP PRIMARY ELECTRICAL CONNECTIONS / TO BE MADE BY LICENSED ELECTRICAL CONTRACTORS
11. ETL APPROVED ELECTRICAL SHUT OFF SWITCH
12. TETRA POWER SUPPLY MOUNTED TO BOTTOM OF TRANSFORMER BOX
13. INTERIOR RACEWAY AS NEEDED: 4" x 5"H x .063 WHT/WHT ALUMINUM BREAKFORMED INTERIOR TRANSFORMER BOX w/ REMOVABLE FACE / PAINTED P-7

COLORS/FINISHES

- P-7 SW 6091 RELIABLE WHITE
 P-8 GLOSS BLACK
 V-3 ARLON 143 POPPY RED HI PERF. TRANSLUCENT VINYL



NOTES

- ALL VISIBLE SCREW HEADS & POP RIVETS PAINTED P-8

JONES SIGN Your Vision. Accomplished. WWW.JONESSIGN.COM	JOB # 000000-R1	REV	DATE	BY	DESCRIPTION	AutoZone
	DATE: 00.00.0000	1	01-18-15	JTS	INSTALLED 1-10-15 ANDY W/REWORKING 1-20-15-15, LETTERS AND STRIPES	
	DESIGNER: Jeneé Solka	2	02-14-20	TS	UPDATE V-3 CALLOUT FROM 20 TO 40/10/10 REMOVE PL & REPLACE W/EL	
	SALES REP: XXX	3	02-03-20	TS	1/16/2020	
	PROJ MGR: Sandy Mansfield	4	02-03-20	TS	1/16/2020	
		5	02-03-20	TS	1/16/2020	
		6	02-03-20	TS	1/16/2020	
		7	02-03-20	TS	1/16/2020	
		8	02-03-20	TS	1/16/2020	
		9	02-03-20	TS	1/16/2020	
		10	02-03-20	TS	1/16/2020	

This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside in any fashion. Use of this design or the salient elements of this design by JONES SIGN is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee that all sizes and dimensions are illustrated for client's use.

**Town of Loxahatchee Groves, Florida
Town Council Agenda Item Report; Resolution 2022-53
Culvers Sign Variance V-2022-02**

PREPARED BY: Jim Fleischmann

September 8, 2022

SUBJECT: Resolution 2022-53 - Permit a Secondary Wall Sign and increase the size of the Menu Board Sign above the maximum allowed by the Town Code.

1. BACKGROUND/HISTORY

History: The Town Council approved a Site Plan on July 6, 2021 for the Culver's Restaurant portion of the 4.49 acre Groves town Center Pod B

Issue Statement: The Applicant has requested that a second Wall Sign be allowed on the west elevation of the of Culvers Restaurant building and the Menu Board sign be increased, as follows:

1. Allow a Secondary Wall Sign facing "B" Road at 29.96 sq. ft.; and
2. Increase the size of the Menu Board Sign from a ULDC maximum of 12 square feet to 24 sq. ft.

Issue Resolution: Per the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in Section 150-020 is met. In order to recommend approval of the proposed variance, the Town Council should find that the application meets each of the five criteria.

2. CURRENT ACTIVITY

The Planning and Zoning Board (PZB), at its meeting on August 25, 2022 recommended approval of the Culvers Restaurant Sign Variance Application V-2022-02 by a 4 – 0 vote.

Based upon the PZB report titled: "Agenda Item Staff Summary Variance Application V-2022-02" dated August 25, 2022, Staff finds that the Applicant has demonstrated that each of the five review criteria in ULDC Section 150-020 has been satisfied and therefore recommends approval of Resolution 2022-53.

3. ATTACHMENTS

1. Resolution 2022-53
2. Planning and Zoning Board Staff Report dated August 25, 2022

4. RECOMMENDED ACTION: Approval of Resolution 2022-53, as recommended by PZB and Staff.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION 2022-53

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE CULVERS SIGN VARIANCE, FOR LAND OWNED BY KASEY BETHEL, CONSISTING OF 1.397 ACRES MORE OR LESS, LOCATED ON THE NORTH SIDE OF SOUTHERN BOULEVARD EAST OF “B” 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 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 variances from land development regulations for development on property within the Town; and

WHEREAS, the Council, pursuant to Section 150-010 (Authority) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) is granted the authority to permit a variance to the provisions of the ULDC related to: (1) height; (2) yards; (3) parking and loading; (4) landscaping and buffers; (5) separation of uses; (6) plot coverage; and/or (7) such other provisions of the Code which do not specifically prohibit such requests; and

WHEREAS, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the ULDC have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of August 25, 2022 recommended approval of the Culvers Variance Application V--2022-02; and

WHEREAS, the Culvers. Application V-2022-02, was presented to the Town Council at a quasi-judicial public hearing conducted on September 8, 2022; 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, the ULDC requires that the action of the town Council of Loxahatchee Groves be adopted by resolution;.

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 analysis and findings of the Planning and Zoning Board report entitled “Agenda Item Staff Summary: Variance Application V-2022-02:” dated September August 25, 2022 and the Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. V-2022-02 is a request to permit a Secondary Wall Sign of 29.96 sq. ft. on the west building elevation and increase the Menu Board size from 12 sq. ft. to 24 sq. ft.; and.
2. V-2022-02, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Sections 150-010(B) and 150-010(C).
3. The Applicant has demonstrated, by competent substantial evidence, based upon responses to the criteria of Section 150-020 (Considerations for variances) of the Town of Loxahatchee Groves land development regulations, that V-2022-02 meets the stated criteria and is not contrary to the public interest.

Section 3. The Town Council of the Town of Loxahatchee Groves approves the Culvers Variance Application V-2022-02 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.

Section 4. The approval is subject to Section 150-030 (Time limits) of the Town of Loxahatchee Groves Unified Land Development Code and other provisions requiring that development commence in a timely manner.

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>
Robert Shorr, MAYOR	☐	☐	☐
Laura Danowski, VICE MAYOR	☐	☐	☐
Marge Herzog, COUNCIL MEMBER	☐	☐	☐
Marianne Miles, COUNCIL MEMBER	☐	☐	☐
Phillis Maniglia, COUNCIL MEMBER	☐	☐	☐

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 8th day of September 2022.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor Laura Danowski

Council Member Phillis Maniglia

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Town Attorney

Council Member Marianne Miles

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EXHIBIT A**LEGAL DESCRIPTION AND LOCATION MAP**

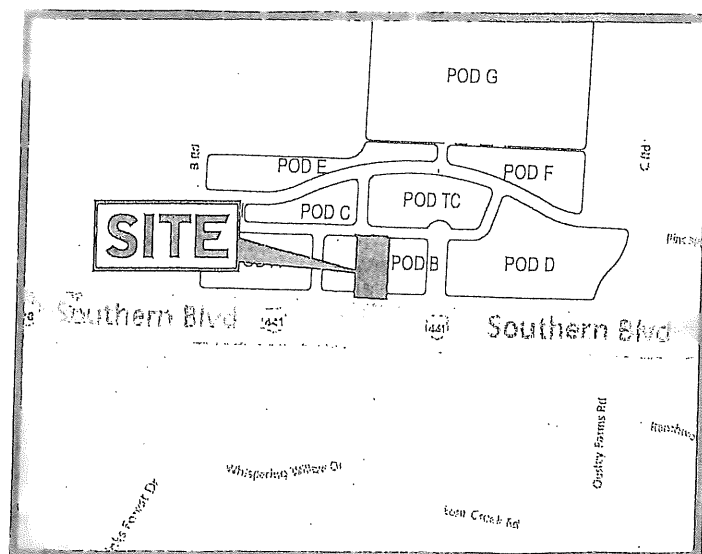
The following Legal Description is applicable to Resolution 2022-53:

A portion of Pod and Tract LB4. "Groves Town Center PUD", according to the plat thereof, as recorded in plat book 128, pages 66 through 70, of the public records of Palm Beach County, Florida, more particularly as described as follows:

Commencing at the southwest corner of said Tract LB4; Thence south $88^{\circ}26'46''$ east along the south line of said Tract LB4, also being the North Right-Of-Way line of Southern Boulevard 249.06 feet to the point of beginning; Thence north $01^{\circ}33'14''$ East 348.33 feet; Thence south $88^{\circ}26'46''$ east 174.65 feet; Thence south $01^{\circ}33'44''$ west 348.33 feet to a point on the aforementioned south line and north Right-Of-Way line; Thence north $88^{\circ}26'4''^{1}$ west along said south line and north Right-Of-Way line 174.65 feet to the point of beginning.

Said lands situate, lying, and being in the Town of Loxahatchee Groves, Palm Beach County, Florida, and containing 60,834 square feet (1.3966 acres), more or less.

Parcel Control Numbers: 41-41-43-31-13-002-0010 (portion)

LOCATION MAP

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
August 25, 2022**

AGENDA ITEM STAFF SUMMARY: VARIANCE APPLICATION VA-2022-01

A. DESCRIPTION OF THE PROPERTY

Project Name: Culver's Sign Variance Application VA-22-02 (Groves Town Center Pod B)

Agent: Robert Rogers, Rogers' Sign Corp.

Applicants: Kasey Bethel, Contract Purchaser

Owners: Solar Sport Systems, Inc.

Parcel Control Number (PCN): 41-41-43-31-13--002-0010 (portion).

Project Location: Southern Boulevard. East of the northeast corner of Southern Boulevard and "B" Road (Pod B of the Groves Town Center MUPD).

Size of Property: 1.39 acres.

FLU Map Designation: Portion of the Commercial Low (CL) Pod B of the Groves Town Center Multiple Land Use Conceptual Master Plan.

Zoning Map Designation: Multiple Land Use Planned Unit Development (MLU/PUD)

Existing Use: Palm Beach County Property Appraiser (PAPA) Use Code – 1000 Vacant Commercial.

B. APPROVAL HISTORY

The Subject Site, located on the north side of Southern Boulevard east of "B" Road in Loxahatchee Groves, is a portion of the 4.49 acre Pod B of the 90 acre "Groves Town Center" which was assigned a Multiple Land Use (MLU) future land use designation by the Town for the purpose of implementing a mixed-use development concept consisting of the following three land uses: Commercial Low (CL), Commercial Low Office (CL-O), and Institutional (INST). Subsequent to the MLU approval, the Groves Town Center parcel was assigned an MLU/PUD zoning approval, including a Conceptual Master Plan.

The Town Council approved a Site Plan on July 6, 2021 for the Culver's Restaurant portion of the 4.49 acre Groves town Center Pod B

C. APPLICATION REQUEST

The Applicant has requested variances from ULDC Section 90-040(B) (3) Building wall sign and Section 90-040(B) (5) Monument or Panel Sign to allow for: (1) a second building wall sign; and (2) an increase in the maximum square footage of the menu sign.

Culvers

1

Variance Application VA 2022-01
August 2022

Specifically, the Applicant has requested variance approval to allow a west elevation building wall sign of 29.96 square feet and a menu board sign of 24 sq. Refer to Exhibits 1 - 3 for proposed sign illustrations.

D. STAFF REVIEW

ULDC Section (B) (3) b states that one wall sign is permitted unless a building is located at a street corner where a second sign is permitted. As the Culvers Restaurant is not located at a corner, a second wall sign is currently not permitted. The requested wall sign variance is to allow a second wall sign of 29.96 sq. ft. on the west building elevation (Refer to Exhibits 1 and 2).

ULDC Section 90-040(B)(5)b states that a drive-thru (panel sign) is permitted on a building of 1,000 sq. ft. or more with a maximum face area of no greater than 12 sq. ft.. The requested panel sign variance is to allow a drive-thru menu board of 24 sq. ft. (Refer to Exhibit 3).

Variance procedures and requirements are contained in Article 150 *Variances* of the Town's ULDC. Per ULDC Section 150-010(B), the Town Council may grant a variance provided that such approval will not result in a use which is specifically or by inference prohibited in the zoning district.

Further, per ULDC Section 150-010(C), variance applications will not be considered with respect to the following:

1. Where plans have been submitted and approved and permits issued, and additional work not shown on the approved plans has been performed. Previous plans have not been submitted and approved, permits issued and additional work completed on the wall sign or menu board on the property.

2. Where a property has been subdivided and as a result an existing structure is in violation of the provisions of the ULDC. There is no existing structure in Pod B.

Brief descriptions of abutting properties are presented in the following table. Southern Boulevard, followed by the C-51 Canal right-of-way, borders the Subject Site to the south and vacant parcels within the Groves Town Center mixed-use planned development, border the Subject Site the north, west and east.

Inventory of Abutting Properties

Direction	Description
North	Vacant – Pod "C" of Groves Town Center
South	Southern Boulevard followed by C-51 Canal
East	Approved – Southern Palms Car Wash
West	Vacant Parcel – Pod "B" of Groves Town Center

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that

each of five review criteria is met. The five criteria and the Applicant's responses are presented below:

Criterion 1: *That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.*

Applicant's Response: The property dimensions do not allow the main business entrance to face a roadway which would allow a wall sign over the entrance. The business will have two frontages on roadways but there is only allowance for one sign. The restrictive code for the menu board allowance would severely limit the number of items customers would see are available for order.

Staff Analysis: The Property is located on Southern Boulevard which functions as a freeway with a considerable traffic volume moving at high speeds. A wall sign facing Southern Boulevard is, therefore, necessary and appropriate. The ULDC anticipates permitting one wall sign per tenant with an individual standard entrance. Due to the configuration of the lot, Culvers standard entrance faces west, as opposed to south toward Southern Boulevard. This creates a unique situation where two wall signs are appropriate; one facing Southern Boulevard and a second over the standard entrance on the west elevation.

Due to the number of food items available for order, Culvers requires a menu board larger than the ULDC permits in order adequately inform drive-thru customers regarding possible food selections.

Staff concludes that frontage on Southern Boulevard and the location of the standard entrance on the west elevation create special conditions and circumstances related to justification for the second wall sign. The size of Culvers food offering creates a need for a menu board larger than the ULDC permits. On this basis, Staff concludes that Criterion 1 has been satisfied.

Criterion 2: *That any alleged hardship is not self-created is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.*

Applicant's Response: The code only allows a second sign for businesses on a corner lot and not for businesses with multiple frontages not on a corner. The code only allows for a 12 sq. ft. menu board with is substantially smaller than the industry average of 50+- square feet to allow customers to see all items available for order at a legible font size.

Staff Analysis: The hardship is determined to consist of the west-facing location of the standard entrance, the ULDC maximum menu board sign in relation to industry standards, and the large available food offering in relation to the maximum menu board size. As a result, the hardship was not self-created. On this basis, Staff concludes that Criterion 2 has been satisfied.

Criterion 3: *That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.*

Applicant's Response: Not allowing a second wall sign over the business entrance visible from the secondary frontage would cause confusion for potential customers not being able to identify the business. The limited size menu board would cause customers to not be aware of all items available for order directly impacting the sales of the business.

Staff Analysis: *The issue of customer visibility (i.e. location of the standard entrance and customer awareness of menu items) are addressed in Criteria 1 and 2. Based upon the above analysis, denial of the proposed Secondary Wall Sign and enlarged Menu Board would deprive the Applicant of the same rights (i.e. Wall signage both facing Southern Boulevard and visible from the standard entrance and visibility of the preferred menu within the drive-thru). On this basis, Staff concludes that Criterion 3 has been satisfied.*

Criterion 4: *The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.*

Applicant's Response:

Allow a second wall sign visible from the secondary frontage over the main business entrance of 29.96 sq. ft. Allow a larger menu board of 24 sq. ft.

Staff Analysis: The Applicant stated that a Secondary Wall Sign is needed to provide visibility for customers in terms of location of the standard entrance to the restaurant. Primary Wall Signs are allowed up to 36 sq. ft. by the ULDC while the Applicant is requesting a Secondary Wall Sign of 29.96 sq. ft.

The Applicant stated that Menu Board proposed size of 24 sq. ft., less than the industry standard of 50 sq. ft., is needed to inform customers of the food offering. Menu Boards are allowed up to 12 sq. ft. by the ULDC while the Applicant is requesting a sign approval of 24 sq. ft.

Sign Variances have been approved for Publix, Tractor Supply, Wendy's and Aldi, in consideration of their individual needs and business requirements. On this basis, having established the basis for its request, Staff concludes that Criterion 4 has been satisfied.

Criterion 5: *That the granting of the variance will be in-harmony with the general intent and purpose of the Code and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Applicant's Response: The code allows for corner lot businesses to have a secondary wall sign but not businesses with a Southern Boulevard frontage and not on a corner lot. The intention of allowing a business to be visible from all road frontages

would be maintained. Allowing the larger menu board consistent with industry standards would not impact the surrounding area since it would only be visible to customers in the drive thru.

Staff Analysis: Per Section 40-010(a) of the Town's Land Development Code, the purpose and intent of a Planned Unit Development (PUD) zoning district is to provide creative solutions to implement Town planning directives. Groves Town Center has been designed in accordance with the design guidelines of an MUPD development. As such, signage should be designed to effectively and safely advertise properties understanding their function and design. Granting the Variance Request will be in harmony with the general intent and purpose of the Code and will not be injurious to the surrounding area or public welfare.

Per Section 90-005(C) *Compatibility of the ULDC*, signs should be made compatible with the overall objectives of the Comprehensive Plan by ensuring compatibility with surrounding land uses. Approval of the Variance will maintain compatibility with commercial development along Southern Boulevard and further enhance the safety of motorists and customers. On this basis, Staff concludes that Criterion 5 has been satisfied.

E. STAFF RECOMMENDATION

It is concluded that the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020, as required by code, has been met. Based upon this conclusion, Staff recommends approval of Variance Application VA- 22-02 permitting a Secondary Wall Sign of 29.96 sq. ft. on the west elevation and a Menu board of 24 sq. ft.

EXHIBIT 1 – PROPOSED WEST ELEVATION WALL SIGN

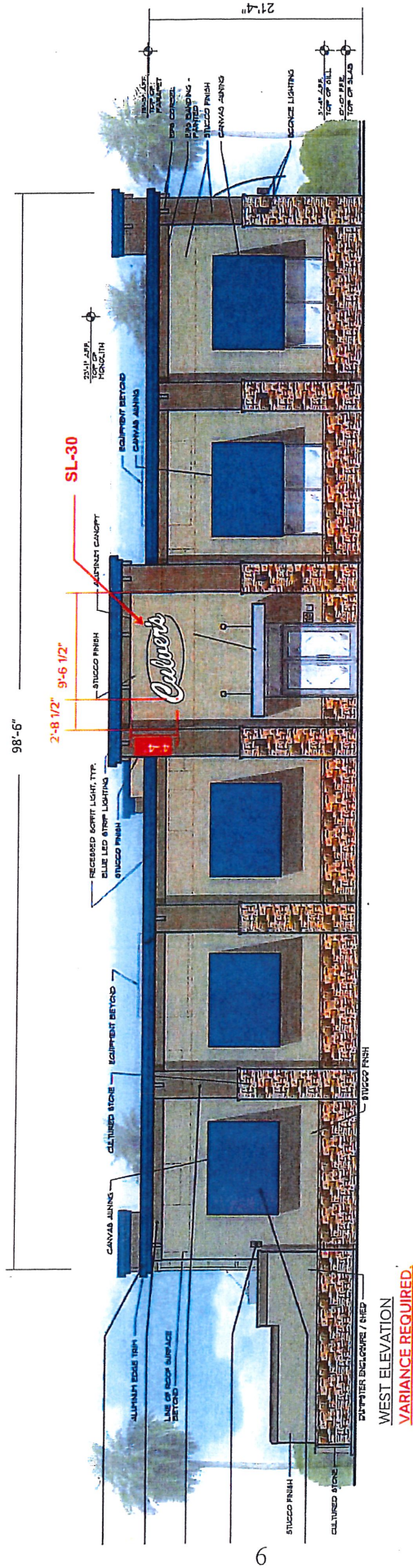
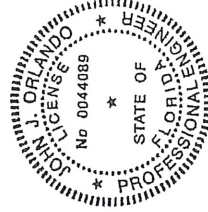


EXHIBIT 1 – PROPOSED WEST ELEVATION WALL SIGN



Culvers
Variance Application VA 2022-01
August 2022

John Orlando
Digitally signed by John Orlando
Date: 2021.12.20 17:54:17 -0500

This item has been electronically signed and sealed by John J. Orlando, PE using a digital signature and seal.
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.
Confirms to the requirements of the 7th Edition (2006) of the Florida Building Code section 1620.10(12) and 3102.1(1)(a) - 170 mph Exposure category - C, IIIA category - II
John J. Orlando PE LLC - 165 Old Ridge Road - Maitland, FL 32751 - 407-715-5384 - jorlando@ccr.net - Florida registration # 00440889 - sheet 1 of 3



EXHIBIT 2 – PROPOSED SECONDARY WALL SIGN DESIGN SPECIFICATIONS

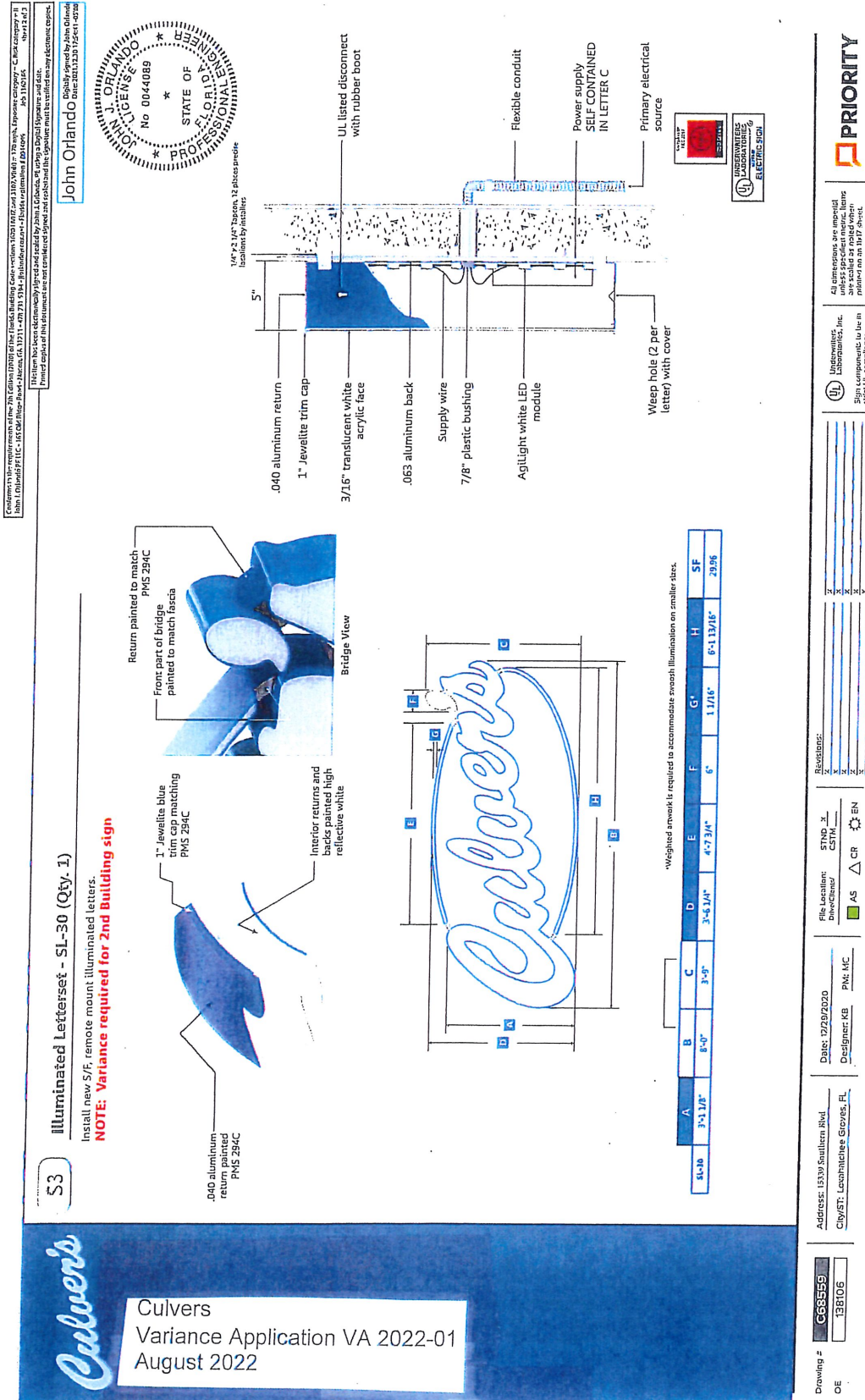


EXHIBIT 3 – PROPOSED MENU BOARD DESIGN SPECIFICATIONS



24 sq ft

FRONT ELEVATION
scale | 1/2" = 1'

Town of Loxahatchee Groves, Florida
Town Council Agenda Item Report; Resolution 2022-54
Southern Lawn Equipment Site Plan Amendment Application SPA 2022-02

PREPARED BY: Jim Fleischmann

September 8, 2022

SUBJECT: Resolution 2022- 54 - Approval of the proposed Southern Lawn Equipment Site Plan Amendment Application SPA 2022-02

1. BACKGROUND/HISTORY

History: A site plan consisting of a 28,400 sq. ft. commercial facility (Valencia Village) was approved (Resolution 2015-36) by the Town Council on December 1, 2015. The approved site plan, consisting of three one-story commercial buildings (14,400 sq. ft.; 10,000 sq. ft.; and 4,000 sq. ft.) is illustrated on Exhibit 1 of the attached Staff Report.

Issue Statement: The Applicant has requested approval of proposed Site Plan Amendment SPA-2022-02 (Southern Lawn Equipment). The application has requested site plan amendment approval for a 28,000 sq. ft. commercial facility consisting of a single one-story commercial building. 22,800 sq. ft.; of warehouse/repair services and a 5,200 sq. ft. retail store. The proposed site plan is illustrated on Exhibit 4 of the attached Staff Report.

Issue Resolution: The Town Council should consider approval, approval with conditions, or denial of Resolution 2022-54, the subject of which is the Southern Lawn Equipment Site Plan Amendment Application SPA 2022-02.

2. CURRENT ACTIVITY

The Planning and Zoning Board (PZB), recommended approval of the Southern Lawn Equipment Site Plan Amendment Application SPA 2022-02 at its August 25, 2022 meeting by a 4 – 0 vote.

Based upon a review of SPA 2022-02 within the report titled “Site plan Amendment Application SPA 2022-02” (August 25, 2022), Staff finds the proposed Site Plan Amendment consistent with the Town’s Comprehensive Plan and land development regulations. Further, Staff recommends approval of Resolution 2022-54 subject to the Site Plan and Conditions of Approval included therein.

3. ATTACHMENTS

1. Resolution 2022-54
2. Site plan Amendment Application SPA 2022-02; August 25, 2022

- 4. RECOMMENDED ACTION:** Approval of Resolution 2022-54 as recommended by PZB and Staff.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION 2022-54

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE SOUTHERN LAWN EQUIPMENT SITE PLAN AMENDMENT FOR LAND OWNED BY LOX HOLDING LLC, CONSISTING OF 6.55 ACRES MORE OR LESS, LOCATED ON SOUTHERN BOULEVARD EAST OF D 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 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, including site plan amendments, for development on property within the Town; and

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the ULDC have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of August 25, 2022 recommended approval of the Southern Lawn Equipment Site Plan Amendment Application SPA-2022-02; and

WHEREAS, the Southern Lawn Equipment Site Plan Amendment Application SP(A)-2022-02 was presented to the Town Council at a quasi-judicial public hearing conducted on September 8, 2022; 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 the ULDC requires that the action of the Town Council of Loxahatchee Groves by adopted by resolution.

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 PZB staff report dated August 25, 2022 and the Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. The Site Plan Amendment is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including the Commercial Low Future Land Use Category, and standards for building intensity of use.
2. This Site Plan Amendment, as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Section 25-015 "*Permitted uses*" in the Commercial Low zoning district and Article 155 "*Site Plans*". This Site Plan Amendment, along with the 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. This Site Plan Amendment, as presented in Exhibit B hereto, along with 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. This Site Plan Amendment, as presented in Exhibit B hereto, along with Conditions of Approval as adopted and presented in Exhibit C hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Site Plan Amendment, as presented in Exhibit B hereto along with 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, noise and the natural functioning of the environment.
6. This Site Plan Amendment as presented in Exhibit B hereto along with Conditions of Approval, as adopted and presented in Exhibit C hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town Council of the Town of Loxahatchee Groves hereby approves the Southern Lawn Equipment Site Plan Amendment SPA 2022-02, as depicted in Exhibit B subject to the Conditions of Approval as set forth in Exhibit C, for the parcel of land legally described in Exhibit A, as attached hereto and made a part hereof.

Section 4. This approval is subject to Section 155.030 (Effect of Approval) of the Town of Loxahatchee Groves Unified Land Development Code and other provisions requiring that development commence in a timely manner, and

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>
Robert Shorr, MAYOR	☐	☐	☐
Laura Danowski, VICE MAYOR	☐	☐	☐
Marge Herzog, COUNCIL MEMBER	☐	☐	☐
Marianne Miles, COUNCIL MEMBER	☐	☐	☐
Phillis Maniglia, COUNCIL MEMBER	☐	☐	☐

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 8th day of September 2022.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor Laura Danowski

Council Member Phillis Maniglia

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Town Attorney

Council Member Marianne Miles

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EXHIBIT A**LEGAL DESCRIPTION AND LOCATION MAP****. LEGAL DESCRIPTION:**

LOT 208, LOT 209, LOTS 210 TO 215, INCLUSIVE, PLAT ONE, LOXAHATCHEE HOMES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 55, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Parcel Control Numbers: Lot 208: 41-41-43-32-01-000-2080
Lot 209: 41-41-43-32-01-000-2090
Lots 209 - 215: 41-41-43-32-01-000-2100

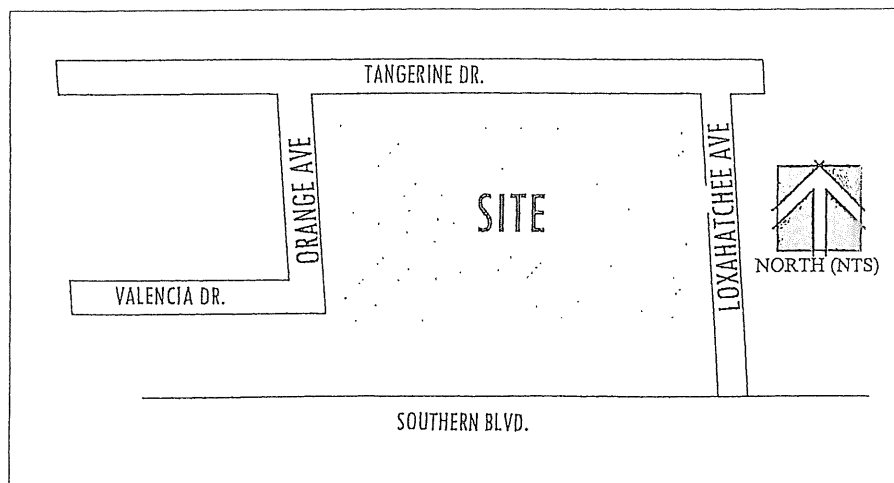
LOCATION MAP

EXHIBIT B

SOUTHERN LAWN EQUIPMENT SITE PLAN

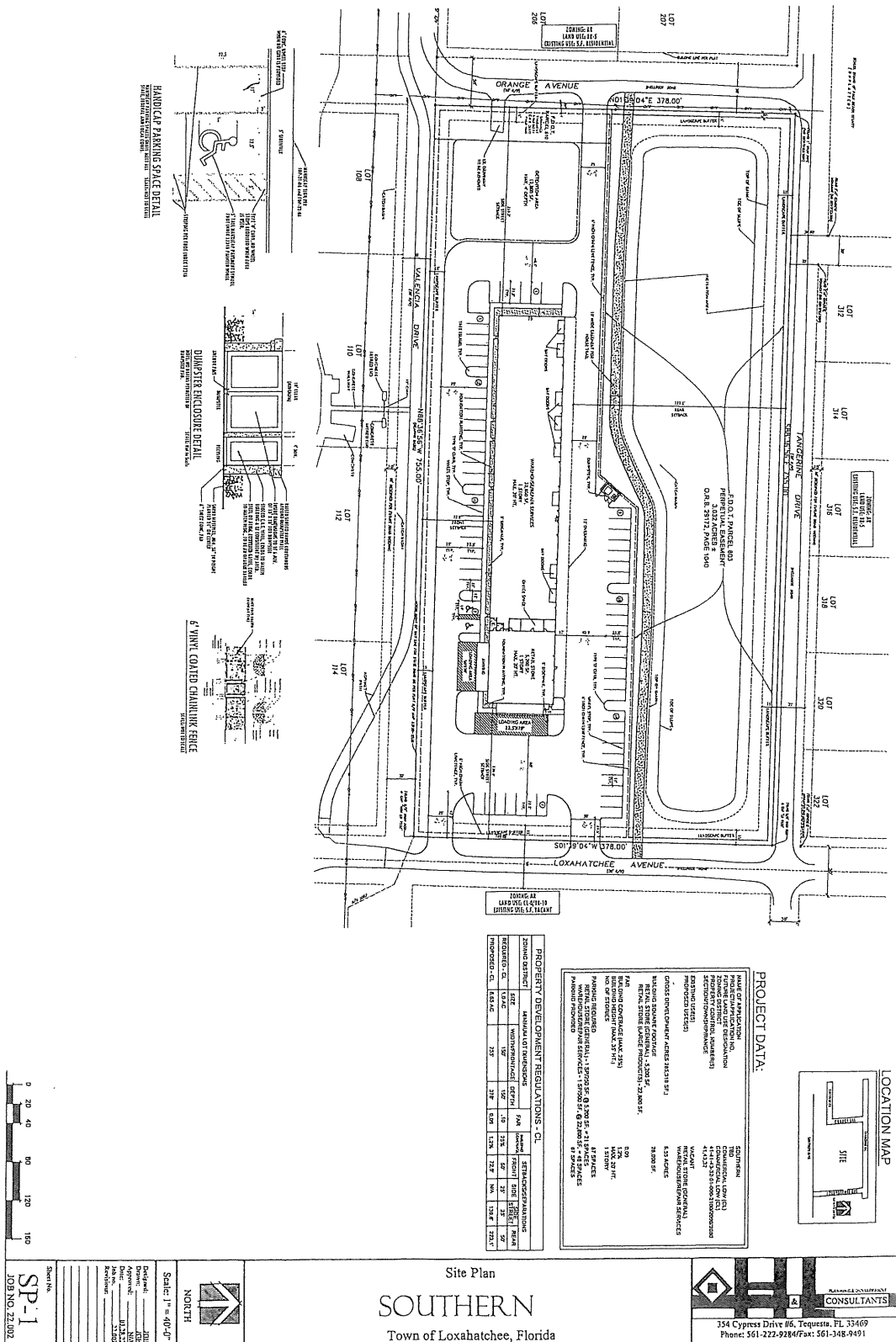


EXHIBIT C

Southern Lawn Equipment Site Plan Amendment Conditions of Approval

PREVIOUS CONDITIONS OF APPROVAL

1. All previous conditions of approval applicable to the subject property, as contained in Town Resolution 2015-036 have been updated and consolidated as contained herein.

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit 4 (Southern Site Plan). The approved Site Plan is dated March 28, 2022. All modifications to the Site Plan shall be approved by the Town Council with the following exceptions which may be approved by the Town Manager:

(a) Administrative amendments permitted under Section 155-005 of the ULDC;

(b) Amendments necessary to comply with Site Plan Conditions of Approval; and

(d) Infrastructure and utility improvements which are in accordance with the ULDC.

3 The Town Manager and his designated agents shall review and approve all building permit applications prior to processing by the Building Official for consistency with the following: (1) Site Plan and Conditions of Approval; (2) Landscape Plan; and (3) Elevations.

4. Direct ingress and egress to a future commercial development from Tangerine Drive shall be prohibited.

5. The landscape buffer along the northern parking area identified on the Final Landscape Plan dated May 27, 2022 shall be credited to meeting the requirement for a 0.20 acre preserve area.

6. Prior to submittal of any building permit applications for processing by the Building Official, the Town Engineer shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.

7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be reviewed and approved by the Town Engineer and the Town prior to applying for an initial building permit.

8. A 10-foot easement for a greenway and horse trail shall be granted by the property owner at the time of platting consistent with the general location indicated on the Landscape Plan dated May 27, 2022.

USE LIMITATIONS

1. Land use and intensity of development on the property shall be regulated by the application of the following:
 - a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.10 in order to accommodate a maximum of 28,000 sq. ft. of warehouse/repair services and retail store uses.
 - b. Building height shall be limited to one story.

ARCHITECTURAL

1. Architectural features and floor plans shall comply with the Floor Plan prepared by Architectural Consultants, Inc. (Sheet A1.0) dated May 28, 2022.

ENGINEERING

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2025. A time extension for this condition shall be acknowledged by the Town of Loxahatchee Groves pursuant to a State of Emergency Order issued by the Governor of Florida upon written notification by the Owner, or approval of a traffic study which complies with the Palm Beach County Mandatory Traffic Performance Standards in place at the time of the request.
2. Prior to receiving the first Certificate of Occupancy, the property owner shall fund the total cost to design, permit, construct and inspect Loxahatchee Avenue as a 2-laned paved roadway from Southern Boulevard north to the Loxahatchee Avenue entrance to the project , as indicated on the Site Plan, dated March 28, 2022. Alternatively, if funding for this project has been received by the Town from a prior source, the property owner shall fund the total cost to design, permit, construct and inspect Loxahatchee Avenue as a 2-laned paved roadway from the Loxahatchee Avenue entrance to the project, as indicated on the Site Plan, dated March 28, 2022 north to Tangerine Drive.
3. Prior to the issuance of the Site Development Permit and Building Permit for this project, the Applicant shall provide itemized infrastructure cost estimates and surety per Town Code Section 100-060.
- 4 Prior to the commencement of construction of this project the Applicant shall:
 - a. Provide the Town Engineer with copies of all permits, permit applications, and requests for additional information to and from the regulatory agencies regarding issues on all permit applications, certification, and approvals for this project including, but not limited to, the South Florida Water Management District, Palm Beach County Water Utilities Department, Florida Department of Transportation, Palm Beach County Fire Rescue, Palm Beach County Health Department, etc.

- b. Schedule a pre-construction meeting with the Town. Inspections related to the Site Development Permit for this project will not be performed until the pre-construction meeting has occurred. Failure to comply with this condition could result in a Stop Work Order for all work and construction activity related to this project.
5. The Applicant shall comply with all Federal EPA and State of Florida Department of Environmental Protection NPDES requirements including, but not limited to, preparation of a stormwater pollution prevention plan and identification of appropriate Best Management Practices, as generally accepted by the Environmental Protection Agency (EPA) and local regulatory agencies, for construction activities, implementation of the approved plans, inspection, and maintenance of controls during construction, including a Notice of Intent prior to the start of construction and a Notice of Termination prior to the certification of the Site Development Permit.
6. The construction, operation, and maintenance of any elements of this project shall not have any negative impacts on the existing drainage of the surrounding areas. If at any time during the project development, it is determined by the Town that any of the surrounding areas are experiencing negative drainage impacts caused by this project, it shall be the applicant's responsibility to resolve said impacts in a period of time and a manner that is acceptable to the Town prior to additional construction activities. The Town may issue a Stop Work Order or cease issuance of any related Building Permits until all drainage concerns are resolved.
7. Prior to the issuance of the Certificate of Completion for the Site Development Permit, the application shall:
 - a. Provide copies of the required test results as provided for on the plans and specification and in accordance with FDOT for review by the Town Engineer.
 - b. Submit to the Town any required recorded easements and easement modifications.
 - c. Provide electronic certified civil design as-built drawings in both PDF and AutoCAD formats for review and approval by the Town Engineer.
8. Prior to the issuance of the Certificate of Occupancy for this project, an ADA pedestrian sidewalk to Southern Boulevard and the vehicular driveway connections to Loxahatchee Avenue and Orange Avenue must be constructed, certified, and approved by the Town.
9. Survey, plat, site lighting plans, civil engineering plans, and mechanical, electrical and plumbing plans and details shall be included with documents submitted to the Town Engineer and/or Building Official during the Land Development Review Process/

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code coincident with the Town's land development review process.
2. Project landscaping shall conform to the Landscape Plan dated May 27, 2022.

EXTERIOR LIGHTING

1. All lighting shall conform to the Photometric Plan prepared by E & C Engineers, Inc. dated April 13, 2022, or as revised based upon Town Engineer direction.
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable at this time. A future bus shelter may be developed within the Southern Boulevard right-of-way at the discretion of Palm Tran and the Florida Department of Transportation.

PARKING AND LOADING

1. The Site Plan shall indicate 67 parking spaces at the standard size of 11' x 22.5' unless a variance is approved by the Town Council allowing a smaller size.
2. Paved parking on the property shall not exceed the code-required 67 spaces.

SIGNS

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*.
2. A Mandatory Building Identification Sign (maximum sign face of 4 sq. ft.) shall be attached to the structure.
3. The number of monument signs shall be limited to the following:
 - a. Two Free-Standing Monument Signs with a maximum sign face of 60 and 12 sq. ft. respectively.
 - b. Two attached building wall signs with a maximum of 36 sq. ft. each.

UTILITIES AND SERVICES

1. A fully executed Potable Water and Wastewater Development Agreement between the Property Owner and the Palm Beach County Water Utility Department shall be provided to the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project building permit.
2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy
3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.

**TOWN OF LOXAHATCHEE GROVES
PLANNING AND ZONING BOARD
August 25, 2022**

**Site Plan Amendment Application SPA 22-02
Southern Lawn Equipment (a.k.a. Drysdale Property; Valencia Village)**

I. DESCRIPTION OF THE PROPERTY

Project Name: Southern Lawn Equipment.

Agent: James G. Hackett

Applicant: Lox Holdings, LLC.

Owner: Lox Holdings, LLC.

Parcel Control Numbers (PCN): 41-41-43-32-01-000-2080 (0.67 acres);
41-41-43-32-01-000-2090 (0.67 acres); 41-41-43-32-01-000-2100 (5.21 acres).

Project Location: Northwest Corner of Valencia Drive (Southern Blvd.) and
Loxahatchee Avenue.

Size of Property: 6.55 acres.

FLU Map Designation: Commercial Low (CL); Town Ordinance 2014-01.

Zoning Map Designation: Commercial Low (CL); Town Ordinance 2014-02.

Existing Use: Single-family, in part; 1,751 sq. ft. residence; and vacant, in part.

Maximum Existing Development Potential: 28,400 sq. ft. of general retail and office
space per Town Resolution 2015-36

Maximum Proposed Development Potential: 28,000 sq. ft. of space for the purpose
of developing a single commercial and residential outdoor power equipment, golf carts,
and trailers sales and service tenant

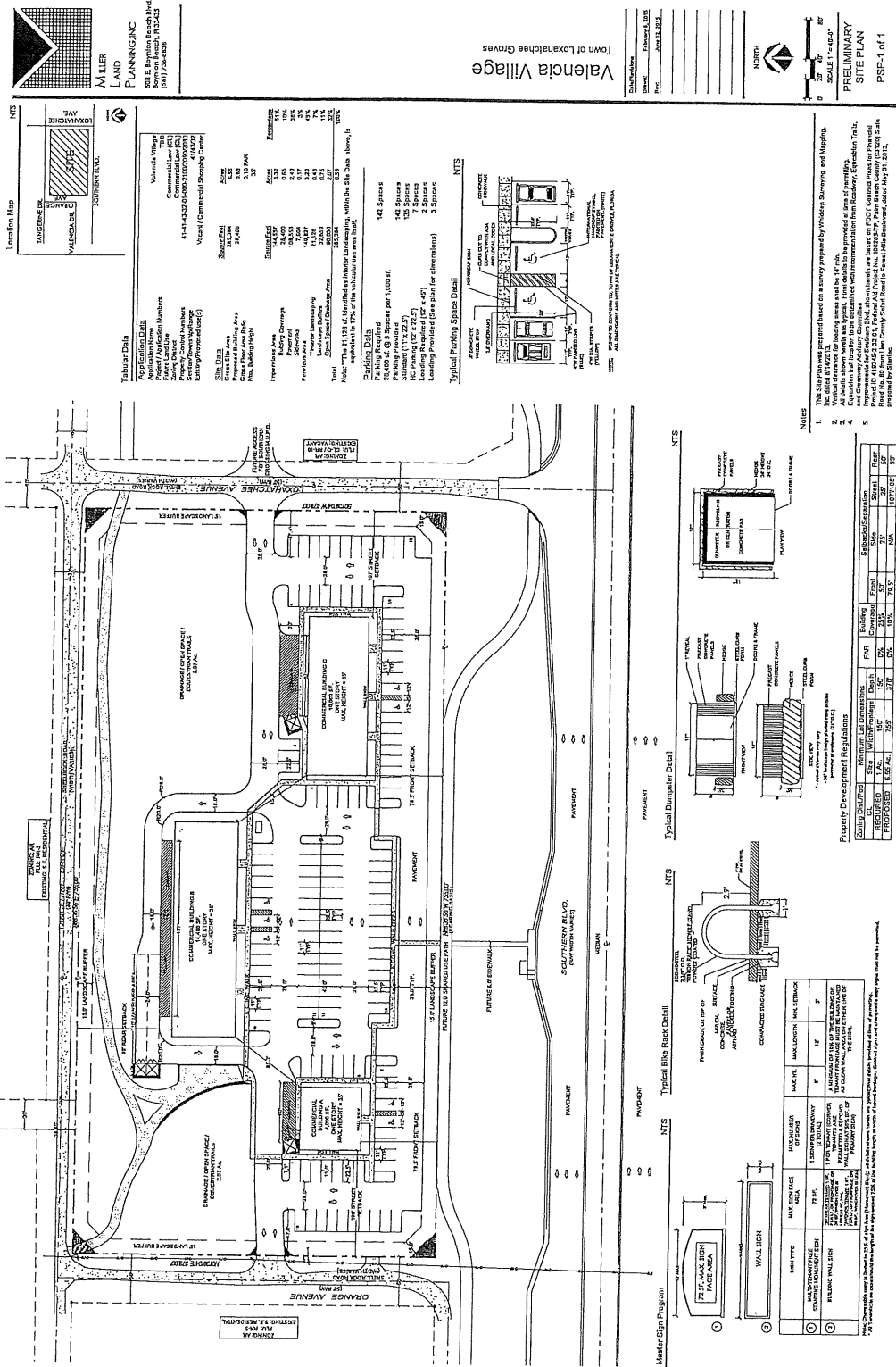
II. APPROVAL HISTORY

The property was granted Future Land Use Map (Town Ordinance 2014-01; from Rural Residential 5 to Commercial Low) and rezoning (Town Ordinance 2014-02; from Agricultural Residential to Commercial Low).

A site plan consisting of a 28,400 sq. ft. commercial facility (Valencia Village) was approved (Resolution 2015-36) by the Town Council on December 1, 2015. The approved site plan, consisting of three one-story commercial buildings (14,400 sq. ft.; 10,000 sq. ft.; and 4,000 sq. ft.) is illustrated on Exhibit 1.

EXHIBIT 1 – VALENCIA VILLAGE APPROVED SITE PLAN

FINAL SITE PLAN 2015-03



Southern Lawn Equipment
Site Plan Amendment 22-1 Application
August 2022

After site plan approval by the Town Council, a 3.032 acre portion of the property was identified by the Florida Department of Transportation (FDOT) as a preferred location for a compensation pond to accommodate additional stormwater runoff from the Southern Boulevard expansion. A Perpetual Easements (O.R.B. 29172 Pages 1040 - 1048) was executed between FDOT and the previous owner to implement the drainage concept illustrated on Exhibit 2. The 3.032 acre area has not been deducted from the 6.55 acre site area for the purposes of calculating buildable area (i.e. the 0.1 F.A.R. maximum is still applied to the entire 6.55 acre site to determine maximum buildable space).

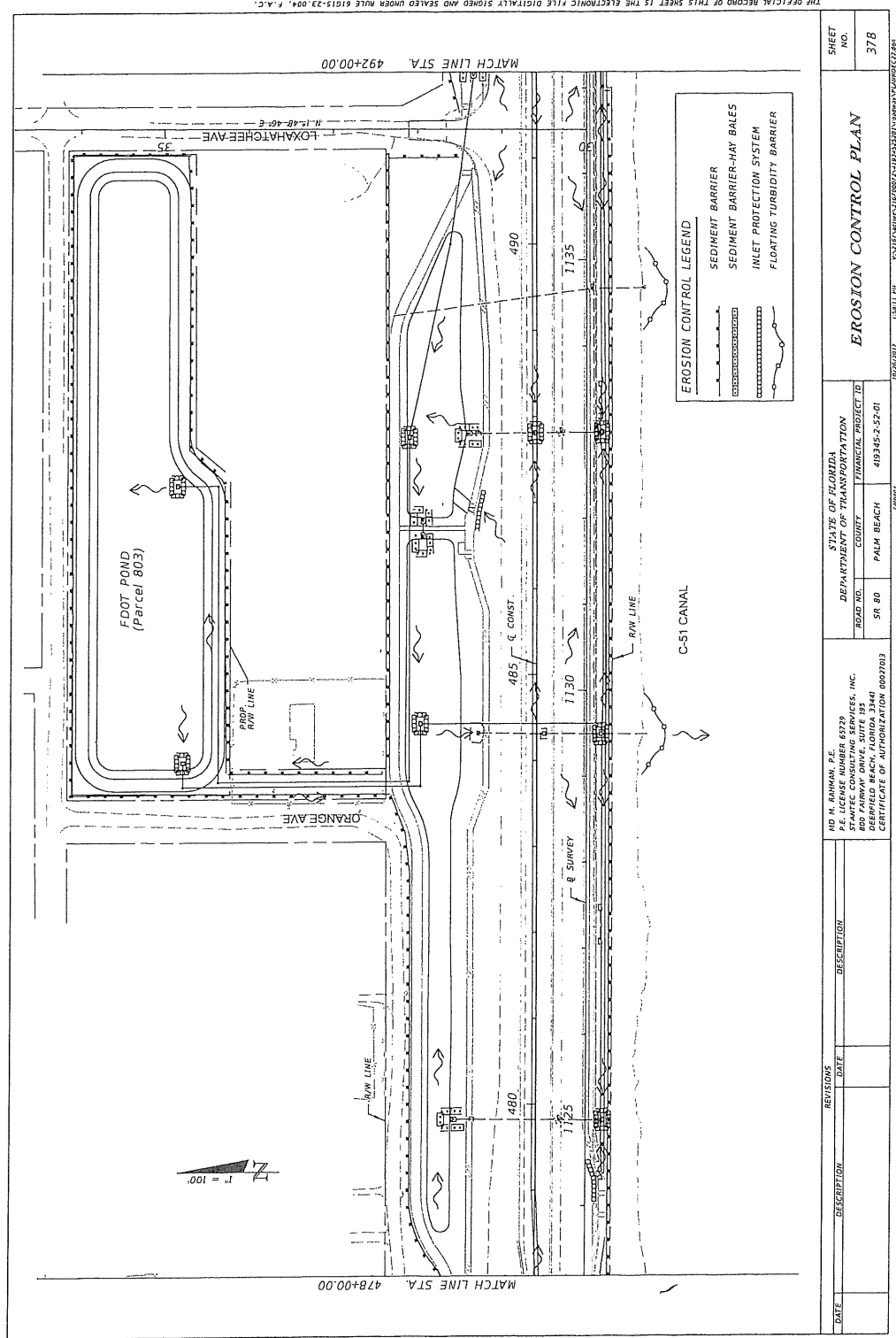
III. APPLICATION SUMMARY

The application has requested site plan amendment approval for a 28,000 sq. ft. commercial facility consisting of a single one-story commercial building. 22,800 sq. ft.; of warehouse/repair services and a 5,200 sq. ft. retail store. Refer to the Statement of Use (Exhibit 3) and Proposed Site Plan (Exhibit 4)

IV. SUBMITTED SUPPORT DOCUMENTS

Item	Content
Boundary and Topographic Survey dated December 30, 2021	Legal description, elevations and location of the Perpetual Easement
Site Plan dated March 28, 2022	Proposed Site Plan dated March 28, 2022
Statement of Use	Ref: Exhibit 3
Architectural Plans/Elevations and Floor Plans dated May 28, 2022	Example elevations illustrating typical architectural elements and a floor plan.
Landscape Plan dated May 27, 2023	Landscape Plan calculating and illustrating the following landscape requirements: Plant list and locations Interior open space; vehicular use area. .
Preliminary Grading and Drainage Plan dated May 17, 2022	Identification of existing and proposed grade. Locations of storm water management facilities and legal positive outfall.
Photometric Plan dated April 13, 2022	Location of outdoor lighting fixtures and distribution of lumens throughout the property
Traffic Statement dated April 11, 2022 and TPS Letter dated May 10, 2022	Consultant Traffic Statement by Pinder Troutman Consulting, Inc. Conclusion – No significant Peak-hour trip impacts on the area roadway network. County TPS Approval letter received – meets TPS requirements.
Description of the Proposed Site Plan Amendment dated June 1, 2022	Description of the modification to the current Valencia Village approved Site Plan including incorporated Rural Vista Guidelines architectural features.

EXHIBIT 2 – FDOT COMPENSATION STORAGE POND



Southern Lawn Equipment
Site Plan Amendment 22-1 Application
August 2022

EXHIBIT 3 APPLICANT'S STATEMENT OF USE

The Applicant is requesting to modify the approved site plan to allow a single tenant retail and retail service type use on the subject site. Established in 2009 as a locally and privately owned company, Southern has been a leader in the sales and service of both commercial and residential outdoor power equipment, golf carts and trailers. The vision for the new facility is to continue to provide a service that is needed throughout the community by both the residents and local companies, as well as our equestrian visitors who rely heavily on us to keep their trailers safe and well maintained.

The proposed site plan modifications remain consistent with the Unified Land Development Code of the Town of Loxahatchee Groves. Certain design elements were incorporated throughout the site which are consistent with the local environment such as landscape material, rural architectural features and proposed horse trail.

The proposed building will be designed with a country environment. The design of the building will have two main entrances, enhanced by 50-foot wide entrance awning with gable centers. A hitching post style rail will surround each entry giving the building a front porch theme, while each exterior entry façade will be covered with natural stone. A ventilation stack on the roof will be concealed with a clock tower, reminiscent of an old town square.

The site plan modification request remains consistent with the CL Future Land Use Designation, as well as the CL Zoning District. Historically, the subject site has been developed with a single-family home. More recently, FDOT has developed a retention area along the north half of the property to be used as compensation area for the adjacent roadway systems.

V. STAFF REVIEW SUMMARY

A. Adjacent Land Uses

Direction	Existing Uses	FLU and Zoning Designations
North	Tangerine Drive. Beyond Tangerine Drive are 6 0.35 acre lots (Five with a single family residence and one vacant). To the west is a 2.06 acre parcel owned by the School District	Rural Residential 5 FLU and Agricultural Residential AR zoning
South	Valencia Drive and Southern Boulevard rights-of-way.	NA – Road rights-of-way
East	Loxahatchee Avenue. Beyond Loxahatchee Avenue is a vacant 9.23 acre property with the following development approval: Southern Crossings MUPD: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.	Commercial Low Office (CL-O) FLU and Multiple Use Planned Development (MUPD) zoning (County zoning designation).
West	Orange Avenue. Beyond Orange Avenue are two 0.54 acre lots (One with a single-family residence and one vacant)	Rural Residential 5 FLU and Agricultural Residential AR zoning.

B. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	Property can be served by County central water/wastewater along Southern Boulevard. Letter from Palm Beach County Water Utilities Department provided with previous approvals.
Surface Water Management	Preliminary Grading and Drainage Plan submitted. Drainage statement included in previous approvals. Property currently drained by sheet flow to adjacent public rights-of-way. The property is within the SFWMD C-51 Basin. A drainage system will be designed and approved by the Town's Consulting Engineer as part of the land development review process prior to filing an initial building permit.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.
Transportation	Traffic Analysis provided by Pinder Troutman Consultants, Inc. Study concludes that projected P.M. peak-hour traffic will have no significant impacts. . County TPS Approval letter received. No significant road impacts identified. Project buildout date set at 12.31.2025.
FIRE/EMS	Letter from Palm Beach County Fire/Rescue stated that service is provided by Station #21, located at 14200 Okeechobee Blvd. A letter from Fire/Rescue was submitted with a previous approval indicating an estimated response time less than the average for the nearest station.

C. Environment

Item	Summary
Natural Resources	The applicant stated in a previous application that the property has no wetlands or surface waters and was previously cleared and filled and periodically mowed. Existing vegetation is primarily upland grasses, with limited areas of Cabbage Palm, Slash Pine, and exotics, including Brazilian Pepper. A tree survey, indicating Live Oak, Slash Pine, Acacia, Sable Palm and Florida Holly locations is included in the initial site plan application.
Historical Resources	A letter from the County Archaeologist was submitted in a previous application. No known sites on or within 500 feet of the property
Flood Zone	Zone X-500.

D. Comprehensive Plan Consistency

The subject property currently is assigned Future Land Use Map and Zoning designations of Commercial Low (CL). The Site Plan, which proposes a 28,400 sq. ft. commercial development, is consistent with the assigned designations and the following Comprehensive Plan directives:

- FLU Objective 1.2 The Town shall support development of rural style commercial center along the Southern Boulevard Corridor.
- FLU Policy 1.2.1 The Town shall limit new commercial development to areas south of East Citrus Road border to border.
- FLU Policy 1.12.3 The Town shall encourage development of a rural-style commercial center along the Southern Boulevard Corridor to provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents.

E. Zoning Requirements: CL Zoning District

Regulation	Standard	Property Complies?
Minimum lot size	1 acre	Yes/6.55 acres
Frontage and Access	Paved Collector or Arterial	Yes/Southern Blvd.
Minimum frontage/width	150 feet	Yes/755 feet
Minimum depth	150 feet	Yes/378 feet
Maximum Floor-Area-Ratio	0.10	Yes/0.0995
Maximum building and roofed structures lot coverage	25%	Yes/0.0995
Front setback	50 feet	Yes/72.9 feet
Side street setback (east)	40 feet	Yes/139.8 feet
Side street setback	40 feet	Yes/215.2 feet
Rear setback	50 feet	Yes/223.1 feet
Minimum pervious area	30%	Yes/60%
Maximum building height	35 feet	Yes/25.7 feet

F. ULDC Section 110-025(B). Minimum Application Requirements

Requirement	Response
Vehicular and pedestrian access	Property is bordered by four roads: Southern Boulevard (Valencia Drive); Tangerine Drive; Loxahatchee Avenue; and Orange Avenue. Access to Tangerine prohibited by Ordinance 2014-01. Proposed Site Plan indicates access from Orange Avenue and Loxahatchee Avenue. An on-site Equestrian Trail within the FDOT Perpetual Easement and shared-use path along Southern.
On-site circulation	Proposed Site Plan illustrates the locations of drive aisles providing on-site circulation and site access drives.
Parking	Proposed Site Plan illustrates the locations of parking areas and the number and size of parking spaces and drive aisles.
Off-site roadway improvements and traffic impacts in adjacent neighborhoods.	Traffic Analysis provided. Conclusion - no improvements necessary. TPS Approval letter from Palm Beach County. Previous Condition of Approval; owner to fund the cost to construct Loxahatchee Avenue as a 2-laned paved roadway from Southern Boulevard north to the Loxahatchee Avenue entrance to the project.

G. ULDC Article 85: Landscape Plan Requirements (See Exhibit 5)

Requirement	Response
Section 85-025 (C) Plots of 2 acres or more shall preserve or create and maintain an ecological community of at least 3% of area of the property	Credit to be given for landscape buffer (Not required) between the parking lot and the FDOT Easement.
Section 85-040 (D) (2) and (3) A tree survey, including trees to be removed or relocated, including proposed relocation sites	Native Tree Survey provided in previous Site Plan application. Mitigation plan, including trees to be removed or relocated shall be completed as part of the Town's Floodplain Development Application (FDA) and Tree Removal Permit review.
Section 85-040 (D) (7) The location, including height, caliper and canopy spread of all landscape materials	Provided in Landscape Plan, Landscape Specifications and Planting Details.
Section 85-040 (E) Irrigation plan if irrigation system to be used	Condition of Approval. To be reviewed by Town Engineer at the time of Land Development Review.
Section 85-050 (A) (1) No substances that prevent water percolation in areas not containing structures or paving	Per Site Plan, structures and paving constitute impervious area.

Section 85-050 (A) (2) Primary structures treated with shrubs @ 2.5 foot height along 20% of the structure frontage	Landscaping along 3 sides of the proposed building– meets requirement
Section 85-050 © Interior open space area @ 10% of the area of vehicular use areas, excluding landscape strip or perimeter buffers	Calculated in Site Plan – Interior open space at 22% - meets requirement.
Section 85-050 (B) interior open space tree and shrub requirements: 20% of building frontage	Meets requirement – 100% of frontage except at entrances. Calculated in Landscape Plan – meets requirement: 14 trees; 195 shrubs.
Section 85-050 (D) Dumpsters, mechanical equipment and electrical transformers screened	One dumpster. To be screened per Section 85-050 (D) – meets requirement
Section 85-050 (E) Signs screened	Two monument signs allowed. To be screened per Section 85-050 (E) – meets requirement. Administrative Amendment allowed.
Section 85-055 (B) Landscape buffer along property line abutting AR District	15 foot landscape buffers provided on north and west property lines per Site Plan and Landscape Plan. – meets requirement
Section 85-050 (C) 15 foot vehicular use landscape strip (not counted as interior open space)	15 feet provided on south, east and west parking lots per Site Plan and Landscape Plan. - meets requirement.
Section 85-050 (C) (1) Vehicular use landscape requirements	Vehicular use areas provided with landscape islands per Site Plan and Landscape Plan – meets requirement

H. ULDC Supplementary Requirements

a. ULDC Article 90 Signs

Allowed Signs	Response
Sections 05-040 Permits required and 90-070 Sign permit requirements	Condition of Approval
Section 90-040(B) Standards by sign type and zoning district (CL District shopping center or other multi-tenant center)	Section 90-040(B) Standards by sign type and zoning district (CL District shopping center or other multi-tenant center)
(1) Mandatory attached building identification (i.e. address) sign : 1 per structure or business @ maximum sign face of 4 sq. ft.	(1) Mandatory attached building identification (i.e. address) sign : 1 per business @ maximum sign face of 4 sq. ft. Requires sign permit
(2) Attached awning sign (optional): Maximum 1 per structure or business @ maximum sign face of 4 sq. ft.	(2) Attached awning sign (optional): Maximum 1 per business @ maximum sign face of 4 sq. ft. Requires sign permit

Allowed Signs (continued)	Response (continued)
(3a) Outparcel or individual stand-alone building wall sign(s): 1 per building, 2 if corner location @ maximum sign face of 18 sq. ft. to 36 sq. ft.	2 signs allowed @ maximum sign face of 18 sq. ft. to 36 sq. ft. Requires sign permit.
(5a) Individual building free-standing monument or panel sign(s): 1 @ maximum sign face area of 60 sq. ft. and 1 secondary @ 12 sq. ft.	2 signs allowed @ maximum sign face area of 60 sq. ft. and 12 sq. ft. Requires sign permit. Administrative Amendment allowed.
Sections 90-065 Landscaping around signage to meet the requirements of Section 85-050 Landscape design for interior open space	Sections 90-065 Landscaping around monument signs to be determined with sign permit. Administrative Amendment allowed.

b. ULDC Article 95 Parking and Loading

Requirement	Response
Section 95-010 Minimum parking space requirements – 142 spaces required. 3 handicap spaces required (Ref: Table 208.2 PBC ULDC – 2% of total)	67 spaces provided. 67spaces provided 2 handicap spaces provided – meets requirement
Section 95-025 Size of parking spaces – Standard space = 11' x 22.5". Handicap space = 14' x 22.5'	Proposed parking space distribution: 1. Standard spaces. 11 x 22.5 spaces = 67 spaces; and 2. 14' x 22.5' Handicap spaces = 2 spaces
Section 95-050 Minimum loading space requirements (i.e. for uses that receive materials by truck).	2 loading spaces provided. Meets requirement
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	Loading spaces at 20' x 50', 20' and 22.5' x 78' – meets requirement.

I. ULDC Section 155-020: Substantive Requirements (Site Plan)

Criterion	Compliance
Section 150-020 (A) Conformance to the approved and/or recorded plat, if applicable	The property consists of lots 208 – 215 Plat One Loxahatchee Homes; Plat Book 22 Page 55 of the Public Records of Palm Beach County, Florida.
Section 150-020 (B) Consistency with the Loxahatchee Groves Comprehensive Plan	Yes – Refer to Section D, above.
Section 150-020 (C) Conformance with the Town of Loxahatchee Groves ULDC	Yes – Refer to Sections E to G.
Section 150-020 (D) Conformity with the water control district's requirements and regulations.	Proposed drainage discharge to be permitted by LGWCD.

J. Architecture (Discussion of Rural Vista Guidelines by Applicant)

The proposed development plans are consistent with the Rural Vista Guidelines with major architectural features as outlined below. Additional detail is presented in Attachment C.

- Gable centered between two hips.
- Shed metal roof with overhangs on all sides.
- Building entries will have two separate roof elements to create covered decks or porches with metal roofing.
- The covered porches will be framed with natural finished wood beams and posts. Stone cladding to match.
- The building will have a 48" stone base water table across the south elevation and east side of the building.

K. Compatibility

An inventory of land uses adjacent to the subject property is presented in Section A. All adjacent properties lie beyond street rights-of way. Properties to the west and north are currently assigned Future Land Use designations of Rural Residential 5 (density of one dwelling unit per five acres) and Zoning designations of Agricultural Residential (AR). Actual densities are considerably higher, however, as all properties are considerably smaller than 5 acres (i.e. 0.35 to 0.54 acres each).

The adjacent property to the east, beyond Loxahatchee Avenue, is a vacant 9.23 acre property (i.e. Southern Crossings MUPD) with the following development approval: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can compliment and support each other. For example, a residential use can help support a commercial use and, conversely, the commercial use can provide essential goods and services to residents of surrounding neighborhoods.

Separation of potentially incompatible uses can act to fully or partially mitigate potential incompatibilities. To the west and north the subject property is separated from adjacent

residential properties by fifty foot rights-of-way (i.e. Orange Avenue and Tangerine Drive). A condition of the FLU Map amendment prohibits site access from Tangerine Drive

In addition to separation of uses, access management, buffering, screening, setback, height, landscaping, and architectural requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

A review of the subject site vicinity leads to the conclusion that the area is comprised of a mixture of existing and planned land uses along Southern Boulevard, including commercial (retail and office), institutional (government) and recreation with moderate intensity (i.e. 2 to 3 units per acre) residential and agricultural uses behind frontage parcels to the north of Tangerine Drive.

The CL Future Land Use and Zoning designations (maximum intensity of 0.10 F.A.R.) combined with the Rural Vista Guidelines provides the Town with an opportunity to establish rural-style commercial uses along Southern Boulevard. Comprehensive Plan directives regarding compatibility with neighboring properties and implementation of Rural Vista Guidelines directives along with implementation of buffering and screening techniques are used to insure compatibility.

VI. STAFF CONCLUSION AND RECOMMENDATION

Staff finds proposed Site Plan Amendment SPA 2022-02 (Southern Lawn Equipment) consistent with the Town's Comprehensive Plan and land development regulations and recommends approval subject to the Conditions of Approval presented in Exhibit 6.

EXHIBIT 6 CONDITIONS OF APPROVAL

PREVIOUS CONDITIONS OF APPROVAL

1. All previous conditions of approval applicable to the subject property, as contained in Town Resolution 2015-036 have been updated and consolidated as contained herein.

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit 4 (Southern Site Plan). The approved Site Plan is dated March 28, 2022. All modifications to the Site Plan shall be approved by the Town Council with the following exceptions which may be approved by the Town Manager:
 - (a) Administrative amendments permitted under Section 155-005 of the ULDC;
 - (b) Amendments necessary to comply with Site Plan Conditions of Approval; and
 - (d) Infrastructure and utility improvements which are in accordance with the ULDC.
- 3 The Town Manager and his designated agents shall review and approve all building permit applications prior to processing by the Building Official for consistency with the following: (1) Site Plan and Conditions of Approval; (2) Landscape Plan; and (3) Elevations.
4. Direct ingress and egress to a future commercial development from Tangerine Drive shall be prohibited.
5. The landscape buffer along the northern parking area identified on the Final Landscape Plan dated May 27, 2022 shall be credited to meeting the requirement for a 0.20 acre preserve area.
6. Prior to submittal of any building permit applications for processing by the Building Official, the Town Engineer shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.
7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be reviewed and approved by the Town Engineer and the Town prior to applying for an initial building permit.

8. A 10-foot easement for a greenway and horse trail shall be granted by the property owner at the time of platting consistent with the general location indicated on the Landscape Plan dated May 27, 2022.

USE LIMITATIONS

1. Land use and intensity of development on the property shall be regulated by the application of the following:

- a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.10 in order to accommodate a maximum of 28,000 sq. ft. of warehouse/repair services and retail store uses.
- b. Building height shall be limited to one story.

ARCHITECTURAL

1. Architectural features and floor plans shall comply with the Floor Plan prepared by Architectural Consultants, Inc. (Sheet A1.0) dated May 28, 2022.

ENGINEERING

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2025. A time extension for this condition shall be acknowledged by the Town of Loxahatchee Groves pursuant to a State of Emergency Order issued by the Governor of Florida upon written notification by the Owner, or approval of a traffic study which complies with the Palm Beach County Mandatory Traffic Performance Standards in place at the time of the request.

2. Prior to receiving the first Certificate of Occupancy, the property owner shall fund the total cost to design, permit, construct and inspect Loxahatchee Avenue as a 2-laned paved roadway from Southern Boulevard north to the Loxahatchee Avenue entrance to the project , as indicated on the Site Plan, dated March 28, 2022. Alternatively, if funding for this project has been received by the Town from a prior source, the property owner shall fund the total cost to design, permit, construct and inspect Loxahatchee Avenue as a 2-laned paved roadway from the Loxahatchee Avenue entrance to the project, as indicated on the Site Plan, dated March 28, 2022 north to Tangerine Drive.

3. Prior to the issuance of the Site Development Permit and Building Permit for this project, the Applicant shall provide itemized infrastructure cost estimates and surety per Town Code Section 100-060.

4 Prior to the commencement of construction of this project the Applicant shall:

- a. Provide the Town Engineer with copies of all permits, permit applications, and requests for additional information to and from the regulatory agencies regarding issues on all permit applications, certification, and approvals for this project including, but not limited to, the South Florida Water Management District, Palm

Beach County Water Utilities Department, Florida Department of Transportation, Palm Beach County Fire Rescue, Palm Beach County Health Department, etc.

b. Schedule a pre-construction meeting with the Town. Inspections related to the Site Development Permit for this project will not be performed until the pre-construction meeting has occurred. Failure to comply with this condition could result in a Stop Work Order for all work and construction activity related to this project.

5. The Applicant shall comply with all Federal EPA and State of Florida Department of Environmental Protection NPDES requirements including, but not limited to, preparation of a stormwater pollution prevention plan and identification of appropriate Best Management Practices, as generally accepted by the Environmental Protection Agency (EPA) and local regulatory agencies, for construction activities, implementation of the approved plans, inspection, and maintenance of controls during construction, including a Notice of Intent prior to the start of construction and a Notice of Termination prior to the certification of the Site Development Permit.

6. The construction, operation, and maintenance of any elements of this project shall not have any negative impacts on the existing drainage of the surrounding areas. If at any time during the project development, it is determined by the Town that any of the surrounding areas are experiencing negative drainage impacts caused by this project, it shall be the applicant's responsibility to resolve said impacts in a period of time and a manner that is acceptable to the Town prior to additional construction activities. The Town may issue a Stop Work Order or cease issuance of any related Building Permits until all drainage concerns are resolved.

7. Prior to the issuance of the Certificate of Completion for the Site Development Permit, the application shall:

a. Provide copies of the required test results as provided for on the plans and specification and in accordance with FDOT for review by the Town Engineer.

b. Submit to the Town any required recorded easements and easement modifications.

c. Provide electronic certified civil design as-built drawings in both PDF and AutoCAD formats for review and approval by the Town Engineer.

8. Prior to the issuance of the Certificate of Occupancy for this project, an ADA pedestrian sidewalk to Southern Boulevard and the vehicular driveway connections to Loxahatchee Avenue and Orange Avenue must be constructed, certified, and approved by the Town.

9. Survey, plat, site lighting plans, civil engineering plans, and mechanical, electrical and plumbing plans and details shall be included with documents submitted to the Town Engineer and/or Building Official during the Land Development Review Process/

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code coincident with the Town's land development review process.
2. Project landscaping shall conform to the Landscape Plan dated May 27, 2022.

EXTERIOR LIGHTING

1. All lighting shall conform to the Photometric Plan prepared by E & C Engineers, Inc. dated April 13, 2022, or as revised based upon Town Engineer direction.
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable at this time. A future bus shelter may be developed within the Southern Boulevard right-of-way at the discretion of Palm Tran and the Florida Department of Transportation.

PARKING AND LOADING

1. The Site Plan shall indicate 67 parking spaces at the standard size of 11' x 22.5' unless a variance is approved by the Town Council allowing a smaller size.
2. Paved parking on the property shall not exceed the code-required 67 spaces.

SIGNS

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*.
2. A Mandatory Building Identification Sign (maximum sign face of 4 sq. ft.) shall be attached to the structure.
3. The number of monument signs shall be limited to the following:
 - a. Two Free-Standing Monument Signs with a maximum sign face of 60 and 12 sq. ft. respectively.
 - b. Two attached building wall signs with a maximum of 36 sq. ft. each.

UTILITIES AND SERVICES

1. A fully executed Potable Water and Wastewater Development Agreement between the Property Owner and the Palm Beach County Water Utility Department shall be

provided to the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project building permit.

2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy

3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.

RESOLUTION NO. 2022-49

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING THE TENTATIVE MILLAGE FOR THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PURSUANT TO THE BUDGET SUMMARY FOR THE FISCAL YEAR 2022-2023, IN ACCORDANCE WITH CHAPTER 200, FLORIDA STATUTES, AS AMENDED; SETTING FORTH THE DATE, TIME AND PLACE FOR THE SECOND AND FINAL PUBLIC HEARING TO ADOPT THE TOWN'S MILLAGE RATE FOR THE FISCAL YEAR 2022-2023 AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the tentative budget has been prepared, estimating the expenses and revenues for the Town of Loxahatchee Groves, Florida (the "Town"), for the ensuing year, with detailed information, including revenues to be derived from sources other than ad valorem levy, and also containing certain recommendations as to the amounts necessary to be appropriate for funding the activities of the Town for the ensuing year; and

WHEREAS, pursuant to Chapter 200, Florida Statutes, as amended (the "Statute"), a method is prescribed for fixing the millage for the purpose of establishing the basis for the collection of said funds; and

WHEREAS, the Town, pursuant to Florida law, desires to set its tentative millage rate for the Fiscal Year 2022-2023 General Fund Budget at 3.00 mills, a decrease/increase of 12.38% from the 2021-2022 rolled-back millage rate of 2.6694 mills, and to set the second public hearing for adoption of the Town's millage rate for the Fiscal Year 2022-2023 for September 20, 2022.

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

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

Section 2. The Town Council, pursuant to Florida law, conducted its first duly noticed public hearing to establish its proposed annual millage for the Fiscal Year 2022/2023 on September 8, 2022, at 6:30 p.m. at the Town Hall, in the Town of Loxahatchee Groves, Florida.

Section 3. The Town Council hereby sets its tentative millage rate for the Fiscal Year 2022/2023 at 3.00 mills, a decrease/increase of 12.38% from the 2022/2023 rolled-back millage rate of 2.6694 mills.

Section 4. Pursuant to the Statute, the Town Council shall conduct its second and final public hearing to adopt its annual millage rate for the Fiscal Year 2022/2023 on September 20, 2022, at 6:30 p.m., at the Town Hall, 155 "F" Road, and Town of Loxahatchee Groves, Florida.

Section 5. The Town Manager and the Town Clerk are herein authorized and directed to prepare and publish the necessary advertisements for the public hearing scheduled in Section 4 herein.

Section 6. If any clause, section, or other part of this Resolution 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 shall in no way affect the validity of the remaining portions of this Resolution.

Section 7. All resolutions or parts of resolutions may conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This Resolution shall become 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>
Robert Shorr, Mayor	☐	☐	☐
Laura Danowski, Vice Mayor	☐	☐	☐
Marge Herzog, Councilmember	☐	☐	☐
Phillis Maniglia, Councilmember	☐	☐	☐
Marianne Miles, Councilmember	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS __ DAY OF September 2022.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Elizabeth Lenihan, Town Attorney

Council Member Margaret Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2022-50

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; SETTING FORTH THE DATE, TIME, AND PLACE FOR THE SECOND PUBLIC HEARING FOR THE ADOPTION OF THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, ADOPTING THE FISCAL POLICIES; AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, a tentative budget has been prepared by the Town, estimating expenditures and revenues of the Town for the ensuing year, with detailed information, including revenues to be derived from sources other than ad valorem levy, and recommendations have been made as to the amount necessary to be appropriated for the ensuing year; and

WHEREAS, the preliminary millage and budget estimates, in conformity with the Town Charter, and applicable requirements of Florida law, have been filed with the Office of the Town Clerk and Palm Beach County Property Appraiser's Office, and have been open for inspection by the public, and

WHEREAS, a duly noticed public hearing for the approval of a tentative budget for the Fiscal Year beginning October 1, 2022, will be held on September 8, 2022, and the Town Council desires to set the date, time, and place for the second public hearing for adoption of the Town's final budget for the Fiscal Year beginning October 1, 2022.

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 budget estimates, a copy of which are attached hereto and expressly made a part hereof as Exhibit "A", are hereby adopted as the Town's tentative Budget for the Fiscal Year beginning October 1, 2022.

Section 3. The second public hearing for the adoption of the Town's budget for the Fiscal Year beginning October 1, 2022, shall be conducted on September 20, 2022, at 6:30 p.m., at the Town of Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida.

Section 4. The Fiscal Policies, a copy of which are attached hereto and expressly made a part hereof as Exhibit "B," are hereby adopted.

Section 5. The Town Manager and the Town Clerk are herein authorized and directed to prepare and publish the necessary advertisements for the public hearing scheduled in Section 3 herein.

Section 6. If any clause, section, or other part of this Resolution 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 shall in no way affect the validity of the remaining portions of this Resolution.

Section 7. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. 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>
Robert Shorr, Mayor	☐	☐	☐
Laura Danowski, Vice Mayor	☐	☐	☐
Margaret Herzog, Councilmember	☐	☐	☐
Phillis Maniglia, Councilmember	☐	☐	☐
Marianne Miles, Councilmember	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, UPON FIRST PUBLIC HEARING THIS ___DAY OF September 2021.

ATTEST:

Lakisha Burch, Town Clerk

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Mayor Robert Shorr

Vice-Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Elizabeth Lenihan, Town Attorney

Council Member Margaret Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles

BUDGET SUMMARY

TOWN OF LOXAHATCHEE GROVES - Fiscal Year 2022 - 2023

THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ARE 12.38% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

General Fund: at 3.0 MILLS

ESTIMATED REVENUES	GENERAL	TRANSPORTATION	SURTAX	ROADS & DRAINAGE	CAPITAL PROJECTS	SOLID WASTE	TOTAL ALL FUNDS
Taxes: Millage Per \$1,000							
Ad Valorem Taxes: 3.0 MILLS	\$1,264,990						\$1,264,990
Assessments per Unit							\$0
Roads & Drainage: \$200 per unit				\$1,485,300			\$1,485,300
Solid Waste: \$400 per unit						\$574,560	\$574,560
Licenses & Permits	\$295,000						\$295,000
Utility Taxes	\$465,000						\$465,000
Franchise Fees	\$489,500						\$489,500
Charges For Services	\$193,000						\$193,000
Intergovernmental Rev	\$379,100	\$403,900	\$266,200		\$1,538,000	\$1,900	\$2,589,100
Fines & Forfeitures	\$22,000						\$22,000
Investment Income	\$2,000			\$500		\$500	\$3,000
Miscellaneous Revenues	\$16,575			\$24,000			\$40,575
TOTAL SOURCES	\$3,127,165	\$403,900	\$266,200	\$1,509,800	\$1,538,000	\$576,960	\$7,422,025
Transfers In	\$172,500			\$541,000	\$640,100	\$135,365	\$1,488,965
Fund Balances/Reserves/Net Assets							
TOTAL REVENUE, TRANSFERS & BALANCES	\$3,299,665	\$403,900	\$266,200	\$2,050,800	\$2,178,100	\$712,325	\$8,910,990
ESTIMATED EXPENDITURES							
General Government	\$1,210,200						\$1,210,200
Public Safety							
Law Enforcement	\$641,000						\$641,000
PZB & Code	\$636,100						\$636,100
Physical Environment							\$0
Public Works				\$1,592,400			\$1,592,400
Solid Waste Services						\$704,700	\$704,700
Non-departmental	\$166,000			\$279,150		\$7,625	\$452,775
Capital Outlay					\$2,178,100		\$2,178,100
Debt Service				\$6,750			\$6,750
Contingency							
TOTAL EXPENDITURES	\$2,653,300	\$0	\$0	\$1,878,300	\$2,178,100		
Non-Expenditures/Other Uses							
Transfers Out	\$646,365	\$403,900	\$266,200	\$172,500			\$1,488,965
Fund Balances/Reserves/Net Assets							
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	\$3,299,665	\$403,900	\$266,200	\$2,050,800	\$2,178,100	\$712,325	\$8,910,990

THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE MENTIONED TAXING AUTHORITY AS A PUBLIC RECORD



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 10

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: September 8, 2022

SUBJECT: Resolutions Adopting the Fiscal Year 2022/2023 Non-Ad Valorem Assessment Rates, Budgets and Assessment Rolls for Solid Waste Collection

Background:

Florida Statutes Chapters 166, 189 and 197 set forth the procedures to follow for local governments in adoption of the annual Non-Ad Valorem Assessment Rates, Budgets and Assessment Rolls.

The Town funds its Solid Waste Collections through Non-Ad Valorem assessments. The Council held budget workshops on August 23rd, 29th and 30th to discuss the proposed operating and capital budgets. The Council also specifically discussed Solid Waste at the end of the August 16th Council meeting.

The final non-ad valorem assessments rates and budgets are as follows:

	Proposed <u>FY 2022</u>	Adopted <u>FY 2021</u>	<u>Change</u>
Solid Waste Collection	\$ 400.00	\$ 450.00	(50.00)

Recommendation:

Move to approve **Resolution No. 2022- 51** adopting the final FY 2022/2023 non-ad valorem assessment rates, budgets, and assessment rolls for Residential Solid Waste Collection Services.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2022-51

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2022-2023; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM METHOD OF COLLECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves, Florida, enacted Ordinance No. 2008-05, on July 1, 2008, which authorized the imposition of a Residential Solid Waste Collection Assessment, pursuant to the procedures contained within the Town's Code of Ordinances (collectively, "the Ordinance") for the provision of Solid Waste Collection Services for single-family residential properties that receive residential solid waste collection services within the Town, and provided for findings of special benefit and the method of apportionment of the Residential Solid Waste Collection Assessment; and

WHEREAS, the imposition of a Solid Waste Collection Assessment for Solid Waste Collection Services for each Fiscal Year is an equitable and efficient method of allocating and apportioning Residential Solid Waste Collection Assessed Costs among parcels of Assessed Property; and

WHEREAS, the Town Council desires to impose a Residential Solid Waste Collection Assessment within the Town for the Fiscal Year beginning on October 1, 2022, using the tax bill collection method; and

WHEREAS, the Town Council, on July 19, 2022, adopted Resolution No. 2022-33 (the "2022 Preliminary Assessment Resolution"), referencing the Residential Solid Waste Collection Services to be provided to Assessed Property, describing the method of apportioning the Residential Solid Waste Collection Assessed Cost to compute the Residential Solid Waste Collection Assessment for Solid Waste Collection Services against Assessed Property, estimating a rate of assessment, and directing the preparation of the Assessment Roll and provision of the notice to the affected landowners; and

WHEREAS, in order to impose the Residential Solid Waste Collection Special Assessment for the Fiscal Year beginning October 1, 2022, the Ordinance requires the Town Council to adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the

upcoming Fiscal Year, with such amendments as the Town Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of public hearing has been provided by Palm Beach County on July 1, 2021, pursuant to Florida Statutes 197.3635; and

WHEREAS, the Fiscal Year 2022/2023 budget estimates for the expenditures of the Solid Waste Fund have been prepared and submitted; and

WHEREAS, a public hearing was held on September 8, 2022, and comments and objections of all interested parties have been heard and considered.

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

SECTION 1. The aforementioned “WHEREAS” clauses are hereby ratified as true and correct and incorporated herein.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Ordinance, the 2022 Preliminary Assessment Resolution, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Assessment Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the 2022 Preliminary Assessment Resolution.

SECTION 4. IMPOSITION OF RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT.

(A) The parcels of Assessed Property described in the Assessment Roll, as updated and which is hereby approved, are hereby found to be specially benefitted by the provision of the Solid Waste Collection Services described in the 2022 Preliminary Assessment Resolution, in the amount of the Residential Solid Waste Collection Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above-referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined, and declared that each parcel of Assessed Property within the Town will be specifically benefitted by the Town's provision of Residential Solid Waste Collection, facilities, and programs in an amount not less than the Residential Solid Waste Collection Assessment of such parcel, computed in the manner set forth in the 2022 Preliminary Assessment Resolution. Adoption of this Annual Assessment Resolution constitutes a legislative determination that all assessed parcels derive a special benefit, as set forth in the Ordinance and the 2022 Preliminary Assessment Resolution, from the Residential Solid Waste Collection Services to be provided, and a legislative determination that the Residential Solid Waste Collection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the 2022 Preliminary Assessment Resolution.

(B) The method of computing the Residential Solid Waste Collection Assessment described in the 2022 Preliminary Assessment Resolution, as modified, amended, and supplemented herein, is hereby approved.

(C) For the Fiscal Year beginning October 1, 2022, the estimated Residential Solid Waste Collection Assessed Cost to be assessed is \$400 which amount may be corrected. The Residential Solid Waste Collection Assessment to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Residential Solid Waste Collection Assessed Costs for the Fiscal Year 2022/2023, commencing October 1, 2022, is hereby established at \$400.00 annually, per Dwelling Unit/Billing Unit. This assessment rate is hereby approved. It is hereby determined that the assessed properties will receive a benefit from solid waste collection services in an amount not less than the amount they are assessed. Except as otherwise provided herein, the Residential Solid Waste Collection Assessment for Residential Solid Waste Collection Services in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied, and imposed on all parcels of Assessed Property described in the Assessment Roll.

(D) The Residential Solid Waste Collection Assessment shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem Assessment. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid.

(E) The Assessment Roll as herein approved, together with the correction of any errors or omissions shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance.

SECTION 5. CONFIRMATION OF PRELIMINARY ASSESSMENT RESOLUTION. The Preliminary Assessment Resolution adopted July 19, 2022, except where in conflict herein, is confirmed.

SECTION 6. COLLECTION OF ASSESSMENTS. The Fiscal Year 2022-2023 Residential Solid Waste Collection Assessments shall be collected pursuant to the Uniform Method of Collection as set forth in Section 197.3632, Florida Statutes.

SECTION 7. EFFECT ON ADOPTION OF RESOLUTION. The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Residential Solid Waste Collection Assessment), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 calendar days from the date of this Annual Assessment Resolution.

SECTION 8. APPROVAL OF SOLID WASTE BUDGET. The budget estimates, a copy of which are attached hereto and expressly made a part hereof as Exhibit "A," are hereby approved as the Fiscal Year 2022/2023 Budget and shall adopted as part of the Town's budget by the Town Council which time it will be in full force and effect for the fiscal year commencing on October 1, 2022, and terminating on September 30, 2023. From time-to-time, the Town may transfer from one fund, account, or department to another as the necessity for the same may occur without being required to amend the terms and provisions of this Resolution. The provisions of this

Resolution shall not be deemed to be a limitation of the power granted to the Town by applicable law and which relate to the fiscal management of the Town's funds.

SECTION 9. CONFLICTS. That all prior resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 10. SEVERABILITY. If any clause, section, or other part of this Resolution 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 Resolution.

SECTION 11. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

Council Member _____ offered the foregoing Resolution. Council Member _____ the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Robert Shorr, Mayor	☐	☐	☐
Laura Danowski, Vice Mayor	☐	☐	☐
Marge Herzog, Council Member	☐	☐	☐
Phillis Maniglia, Council Member	☐	☐	☐
Marianne Miles, Council Member	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS __ DAY OF September 2022.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor Laura Danowski

Council Member Marge Herzog

APPROVED AS TO LEGAL FORM:

Council Member Phillis Maniglia

RESOLUTION NO. 2022-51

Office of the Town Attorney

Council Member Marianne Miles

Item 10.

BUDGET SUMMARY

TOWN OF LOXAHATCHEE GROVES - Fiscal Year 2022 - 2023

THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ARE 12.38% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

General Fund: at 3.0 MILLS

ESTIMATED REVENUES	GENERAL	TRANSPORTATION	SURTAX	ROADS & DRAINAGE	CAPITAL PROJECTS	SOLID WASTE	TOTAL ALL FUNDS
Taxes: Millage Per \$1,000							
Ad Valorem Taxes: 3.0 MILLS	\$1,264,990						\$1,264,990
Assessments per Unit							\$0
Roads & Drainage: \$200 per unit				\$1,485,300			\$1,485,300
Solid Waste: \$400 per unit						\$574,560	\$574,560
Licenses & Permits	\$295,000						\$295,000
Utility Taxes	\$465,000						\$465,000
Franchise Fees	\$489,500						\$489,500
Charges For Services	\$193,000						\$193,000
Intergovernmental Rev	\$379,100	\$403,900	\$266,200		\$1,538,000	\$1,900	\$2,589,100
Fines & Forfeitures	\$22,000						\$22,000
Investment Income	\$2,000			\$500		\$500	\$3,000
Miscellaneous Revenues	\$16,575			\$24,000			\$40,575
TOTAL SOURCES	\$3,127,165	\$403,900	\$266,200	\$1,509,800	\$1,538,000	\$576,960	\$7,422,025
Transfers In	\$172,500			\$541,000	\$640,100	\$135,365	\$1,488,965
Fund Balances/Reserves/Net Assets							
TOTAL REVENUE, TRANSFERS & BALANCES	\$3,299,665	\$403,900	\$266,200	\$2,050,800	\$2,178,100	\$712,325	\$8,910,990
ESTIMATED EXPENDITURES							
General Government	\$1,210,200						\$1,210,200
Public Safety							
Law Enforcement	\$641,000						\$641,000
PZB & Code	\$636,100						\$636,100
Physical Environment							\$0
Public Works				\$1,592,400			\$1,592,400
Solid Waste Services						\$704,700	\$704,700
Non-departmental	\$166,000			\$279,150		\$7,625	\$452,775
Capital Outlay					\$2,178,100		\$2,178,100
Debt Service				\$6,750			\$6,750
Contingency							
TOTAL EXPENDITURES	\$2,653,300	\$0	\$0	\$1,878,300	\$2,178,100		
Non-Expenditures/Other Uses							
Transfers Out	\$646,365	\$403,900	\$266,200	\$172,500			\$1,488,965
Fund Balances/Reserves/Net Assets							
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	\$3,299,665	\$403,900	\$266,200	\$2,050,800	\$2,178,100	\$712,325	\$8,910,990
THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE MENTIONED TAXING AUTHORITY AS A PUBLIC RECORD							



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 11

TO: Board of Supervisors of Loxahatchee Groves Water Control District

FROM: Francine Ramaglia, Town Manager

DATE: September 8, 2022

SUBJECT: Resolutions Adopting the Fiscal Year 2022/2023 Non-Ad Valorem Assessment Rates, Budgets and Assessment Rolls for Roads & Drainage

Background:

Florida Statutes Chapters 2018-175 (the “Special Act”), Chapters 99-425 and 2004-410--which by virtue of the approval of the dependency referendum on June 25, 2018, became ordinances of the Town--and Florida Statutes Chapters 166, 189, 197 and 298 set forth the procedures to follow for local governments in adoption of the annual Non-Ad Valorem Assessment Rates, Budgets and Assessment Rolls.

The Town funds its Roads & Drainage functions through Non-Ad Valorem assessments. The Council held budget workshops on August 23rd, 29th and 30th to discuss the proposed operating and capital budgets.

The final non-ad valorem assessments rates and budgets are as follows:

	<u>Proposed</u>	<u>Adopted</u>	
	<u>FY 2022</u>	<u>FY 2021</u>	<u>Change</u>
Roads & Drainage	\$ 200.00	\$ 200.00	-

Recommendations:

Move to approve **Resolution No. 2022-DD06** adopting the final FY 2022/202. non-ad valorem assessment rates, budgets and assessment rolls for Roads and Drainage.

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
RESOLUTION NO. 2022-DD06**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF DISTRICT SERVICES, INCLUDING WATER CONTROL MAINTENANCE AND REPAIR OF DRAINAGE AND ROADWAYS; APPROVING THE ASSESSMENT RATE FOR DISTRICT SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; IMPOSING A DISTRICT SPECIAL ASSESSMENT FOR THE PROVISION OF DISTRICT SERVICES; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM METHOD OF COLLECTION; APPROVING THE DISTRICT BUDGET FOR FISCAL YEAR 2022/2023 TO BE ADOPTED AS PART OF THE TOWN'S BUDGET BY THE TOWN COUNCIL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 19, 2022, the Board of Supervisors of the Loxahatchee Groves Water Control District, a Dependent District of the Town of Loxahatchee Groves (the "Board") approved Resolution **2022-DD06** (the Preliminary Resolution"), which adopted the Preliminary Assessment Rate, provided for, or referenced the findings of special benefit and fair apportionment, and set forth or referenced the methodology used to apportion the District Services Assessed Costs; and

WHEREAS, the Loxahatchee Groves Water Control District, a Dependent District of the Town of Loxahatchee Groves (the "District") held a public hearing on September 8, 2022, to adopt the non-ad valorem special assessment roll for funding all or a portion of the District Services; and

WHEREAS, notice of public hearing has been provided by Palm Beach County pursuant to Section, 197.3632, Florida Statutes; and

WHEREAS, affected property owners have had the right to file written objections to the non-ad valorem special assessment and to appear at the public hearing; and

WHEREAS, the District has equalized or adjusted the non-ad valorem special assessment as dictated by fairness and right; and

WHEREAS, the Fiscal Year 2022/2023 budget estimates for the expenditures of the District including all of its departments, divisions, funds, and offices, have been prepared and submitted to the District Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, 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. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 2018-175, Laws of Florida, (the "Special Act"), Chapters 99-425 and 2004-410, Laws of Florida, which by virtue of the approval of the dependency referendum on June 25, 2018, became ordinances of the Town, Chapters 189 and 298, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE AND DEFINITIONS. This Resolution constitutes the Assessment Resolution which imposes the annual special assessments, as authorized in the Special Act and Chapters 189 and 298, Florida Statutes; adopts and approves the Assessment Roll; directs the imposition of District Special Assessment for the Fiscal Year beginning October 1, 2022, and approves the District's budget for Fiscal Year 2022/2023. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Preliminary Assessment Resolution, Special Acts, and Chapters 189 and 197, Florida Statutes. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 4. PUBLIC PURPOSE. It is necessary, serves a public purpose consistent with the purposes of the district, and is in the best interests of the district to levy the non-ad valorem special assessment to fund the Assessed Costs for the provision of District Services.

SECTION 5. LEVY OF ASSESSMENT. The Loxahatchee Groves Water Control District shall levy the non-ad valorem special assessment to fund the Assessed Costs for the provision of District Services.

SECTION 6. APPROVAL OF METHOD OF COMPUTING ASSESSMENT. The method for computing the District Special Assessment provided for or referenced within the Preliminary Resolution is hereby approved, as supplemented, and modified herein.

SECTION 7. FINDINGS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The findings set forth or referenced within the Preliminary Resolution as to special benefit to Assessed Properties, and the fairness and reasonableness of the methodology for the Assessment, are hereby confirmed and ratified, and fully incorporated herein.

SECTION 8. ASSESSMENT AMOUNT. The District Services Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the cost apportionment shall be \$1,484,620. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2022, is \$200 per Unit. The approval of the rate schedule by the adoption of this Final Assessment Resolution determines the amount of the District Services Assessed Costs. The remainder of the Fiscal Year budget for District Services shall be funded from available District revenue other than District Special Assessment proceeds.

SECTION 9. LEVY AND IMPOSITION OF SPECIAL ASSESSMENT. The above rates are hereby approved, and the District Special Assessments set forth herein are hereby levied and imposed on all assessed parcels of Assessed Property described in the Assessment Roll.

SECTION 10. CONFIRMATION OF ASSESSMENT ROLL/LIENS. The Assessment Roll shall be filed with the District's Clerk, through the Office of the Town Clerk of the Town of Loxahatchee Groves, and such assessments shall stand confirmed. All District Special Assessments shall constitute legal, valid, and binding first liens, unless otherwise provided by law, upon property against which such assessments are made until paid.

SECTION 11. CERTIFICATION OF ASSESSMENT ROLL. The Assessment Roll, as adopted and approved herein, shall be certified by the Assessment Coordinator, and delivered to the Palm Beach County Tax Collector.

SECTION 12. COLLECTION OF ASSESSMENTS. The Fiscal Year 2022-2023 District Special Assessments shall be collected pursuant to the Uniform Method of Collection as set forth in Section 197.3632, Florida Statutes.

SECTION 13. FINAL ADJUDICATION OF ISSUES. The adoption of this Resolution shall be the final adjudication of any and all issues relating to the District Special Assessment (including, but not limited to, the determinations of special benefit, the methods of apportionment and the assessment rates) unless proper steps are initiated in a court of competent jurisdiction within twenty (20) days of the adoption of this Assessment Resolution.

SECTION 14. APPROVAL OF DISTRICT BUDGET. The budget estimates, a copy of which are attached hereto and expressly made a part hereof as Exhibit "A," are hereby approved as the Fiscal Year 2022/2023 Budget and shall be adopted as part of the Town's budget by the Town Council which time it will be in full force and effect for the fiscal year of the District, commencing on October 1, 2022, and terminating on September 30, 2023. From time-to-time, the District may transfer from one fund, account, or department to another as the necessity for the same may occur without being required to amend the terms and provisions of this Resolution. The provisions of this Resolution shall not be deemed to be a limitation of the power granted to the District by applicable law and which relate to the fiscal management of the District's funds.

SECTION 15. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 16. SEVERABILITY. 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 17. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

Supervisor _____ offered the foregoing resolution. Supervisor _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Laura Danowski, Chair	☐	☐	☐
Marge Herzog, Supervisor	☐	☐	☐
Phillis Maniglia, Supervisor	☐	☐	☐
Marianne Miles, Supervisor	☐	☐	☐
Robert Shorr, Supervisor	☐	☐	☐

**ADOPTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A
DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,
THIS ____ DAY OF September 2022.**

LOXAHATCHEE GROVES WATER
CONTROL DISTRICT

ATTEST:

Chairperson/President

Clerk for the Loxahatchee Groves
Water Control District

Supervisor

Supervisor

APPROVED AS TO LEGAL FORM:

Supervisor

Attorney for the Loxahatchee Groves
Water Control District

Supervisor

BUDGET SUMMARY

TOWN OF LOXAHATCHEE GROVES - Fiscal Year 2022 - 2023

THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ARE 12.38% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

General Fund: at 3.0 MILLS

ESTIMATED REVENUES	GENERAL	TRANSPORTATION	SURTAX	ROADS & DRAINAGE	CAPITAL PROJECTS	SOLID WASTE	TOTAL ALL FUNDS
Taxes: Millage Per \$1,000							
Ad Valorem Taxes: 3.0 MILLS	\$1,264,990						\$1,264,990
Assessments per Unit							\$0
Roads & Drainage: \$200 per unit				\$1,485,300			\$1,485,300
Solid Waste: \$400 per unit						\$574,560	\$574,560
Licenses & Permits	\$295,000						\$295,000
Utility Taxes	\$465,000						\$465,000
Franchise Fees	\$489,500						\$489,500
Charges For Services	\$193,000						\$193,000
Intergovernmental Rev	\$379,100	\$403,900	\$266,200		\$1,538,000	\$1,900	\$2,589,100
Fines & Forfeitures	\$22,000						\$22,000
Investment Income	\$2,000			\$500		\$500	\$3,000
Miscellaneous Revenues	\$16,575			\$24,000			\$40,575
TOTAL SOURCES	\$3,127,165	\$403,900	\$266,200	\$1,509,800	\$1,538,000	\$576,960	\$7,422,025
Transfers In	\$172,500			\$541,000	\$640,100	\$135,365	\$1,488,965
Fund Balances/Reserves/Net Assets							
TOTAL REVENUE, TRANSFERS & BALANCES	\$3,299,665	\$403,900	\$266,200	\$2,050,800	\$2,178,100	\$712,325	\$8,910,990
ESTIMATED EXPENDITURES							
General Government	\$1,210,200						\$1,210,200
Public Safety							
Law Enforcement	\$641,000						\$641,000
PZB & Code	\$636,100						\$636,100
Physical Environment							\$0
Public Works				\$1,592,400			\$1,592,400
Solid Waste Services						\$704,700	\$704,700
Non-departmental	\$166,000			\$279,150		\$7,625	\$452,775
Capital Outlay					\$2,178,100		\$2,178,100
Debt Service				\$6,750			\$6,750
Contingency							
TOTAL EXPENDITURES	\$2,653,300	\$0	\$0	\$1,878,300	\$2,178,100		
Non-Expenditures/Other Uses							
Transfers Out	\$646,365	\$403,900	\$266,200	\$172,500			\$1,488,965
Fund Balances/Reserves/Net Assets							
TOTAL APPROPRIATED EXPENDITURES TRANSFERS, RESERVES & BALANCES	\$3,299,665	\$403,900	\$266,200	\$2,050,800	\$2,178,100	\$712,325	\$8,910,990
THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE MENTIONED TAXING AUTHORITY AS A PUBLIC RECORD							