

LAKE WORTH DRAINAGE DISTRICT OPERATING POLICIES

Chapter 5: Right-of-Way Ownership & Interests

north, with the north or west right-of-way respectively being on the left side of each canal cross-section shown.

The requested canal cross-section information must be submitted to LWDD in both hardcopy format and CAD drawing files. The CAD drawing files must be in the form of AutoDesk DWG format (current

and all prior versions accepted) or alternatively, in DXF format. The CAD drawing files can be submitted on either CD or DVD optical media.

NOTE: Canal cross-sections are valid for a two year period. After that time, current canal cross-sections will be required for review by LWDD. Based upon review of current canal cross-sections, the applicant or petitioner may be required to reconstruct or reshape the existing canal, in addition to conveying right-of-way to LWDD.

5.5.1.4.3 Proof of Notification to Other Adjacent Property Owners

Before the Board will approve the sale of property to an adjacent property owner, the property owner (petitioner) will be required to provide copies of letters to and from current owners of all property that is adjacent to and fronting the portions of the LWDD right(s)-of-way in question, that demonstrate that the petitioner has given each owner sufficient opportunity to participate in the proposed acquisition of the right(s)-of-way in question. Each letter must be signed by either the adjacent property owner, if privately owned, or an authorized representative from the governmental agency, if the adjacent property is publicly owned. All signatures must be notarized.

All letters sent to property owners as defined above, concerning whether they are interested in participating in the proposed acquisition of the adjacent canal right(s)-of-way in question, should be sent Certified Mail – Return Receipt Requested. If the property owner(s) fails to respond, a Return Receipt signed by the recipient or marked by the Post Office as Unaccepted will serve as proof to LWDD of the petitioner's required notification.

5.5.1.4.4 Appraisal of Eligible Right-of-Way

Any LWDD canal right-of-way, either fee simple or easement, may be determined by the LWDD Board to be eligible for sale. Eligible right-of-way, either fee simple, easement, or other interests, may be offered for sale at the fair-market value of the ownership as established by a current (within 6 months) appraisal acceptable to LWDD. Fair-market

[DATE]

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[ADJACENT OWNER]

Re: Sale of LWDD Surplus Right-of-Way
LWDD Canal No.
LWDD Project No.

Dear :

(Name of Petitioner) is in the process of acquiring a portion of a canal right-of-way from the Lake Worth Drainage District (the "LWDD"). Public records reflect that [ADJACENT OWNER] is an adjacent owner of the canal right-of-way. Enclosed is a drawing showing the location of the property in relation to the canal right-of-way.

As part of the approval process with the LWDD, LWDD requires that we send notices to adjacent property owners giving them an opportunity to participate in the proposed acquisition as to the portion of the right-of-way adjacent to their respective properties. The purchase price we have agreed to pay LWDD for the entire right-of-way is (\$_____). If you are not interested in purchasing the portion of right-of-way adjacent to your property, we ask that you sign in the space below signifying your decision not to participate in the proposed acquisition and waiving any objections in connection with the acquisition. Please note that your signature must be notarized pursuant to LWDD operating policies.

If we do not receive a response from you within sixty (60) days from the date of this letter, we will consider your lack of response as your election not to participate in the proposed acquisition. That being said, we would appreciate a response as soon as possible, so that we may proceed with our closing and development of the property.

PETITIONER NAME

[DATE]

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Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Petitioner

Enclosure as noted

This will confirm that the undersigned, as elected not to participate in the proposed acquisition of the Lake Worth Drainage District right-of-way as of this _____ day of _____ 20____.

ADJACENT PROPERTY OWNER

Signature

Printed Name

STATE OF _____
COUNTY OF _____

:

The foregoing instrument was acknowledged before me this _ day of _____

20____ by (PETITIONER)_____. He/She is personally known to me or had produced _____ as identification.

Notary Public, State of Florida

Notary Seal

Printed Name: _____

Commission No.: _____

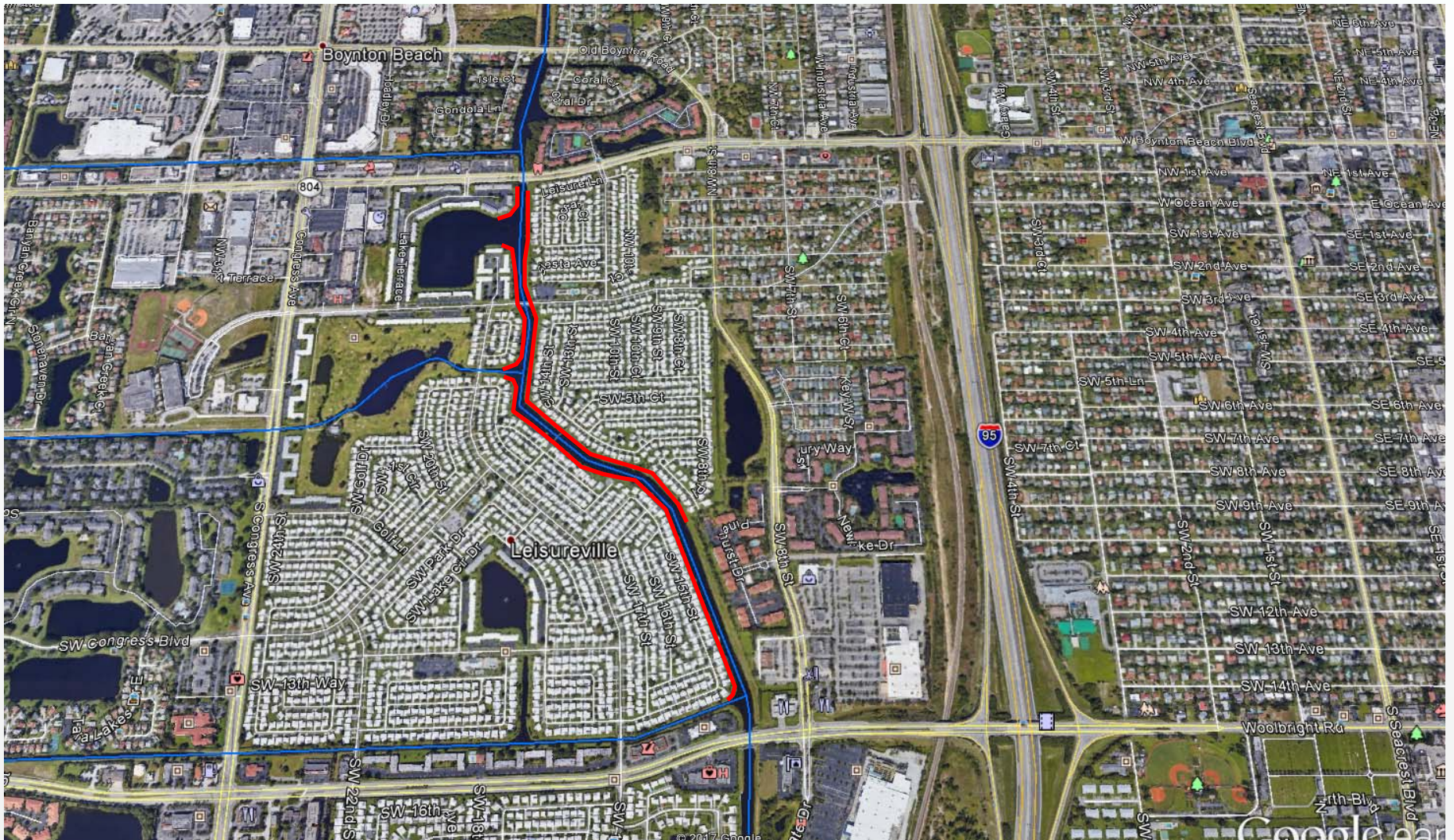
My Commission Expires: _____

Leisureville Bulkhead Rehabilitation

Robert Brown, Executive Director
Board Workshop – December 5, 2017



Location E-4 Canal at Leisureville

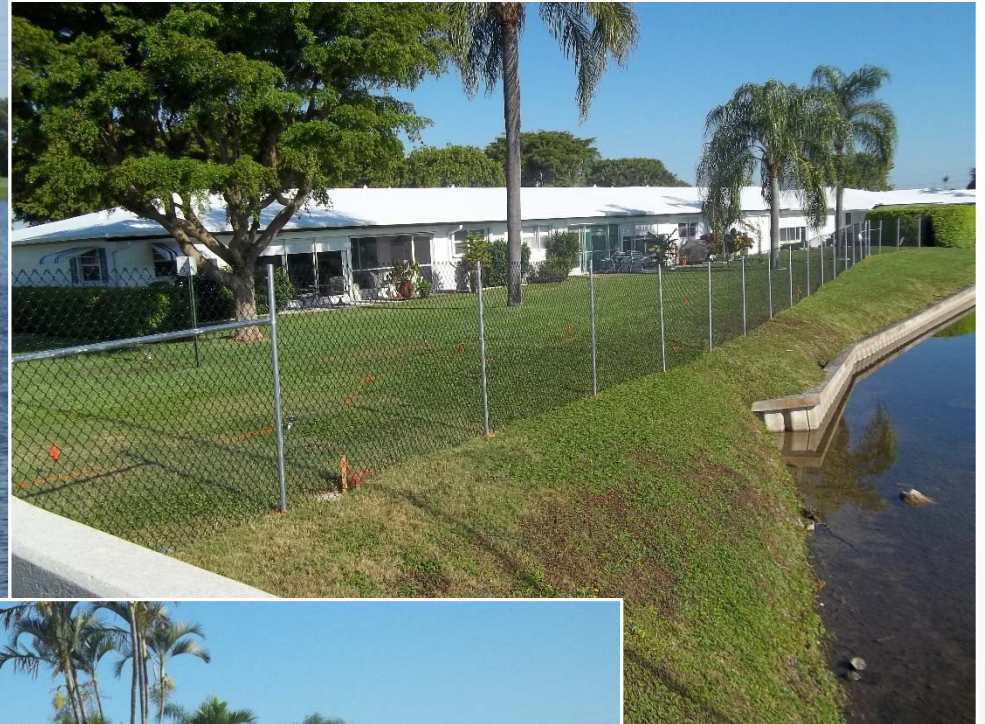


- Bulkheads (seawalls) constructed along E-4 Canal at Leisureville in 1980s
 - ~1 mile of canal (~2 miles of canal right-of-way); Ocean Drive to Woolbright Road
- Many of the bulkheads are now in state of disrepair and in need of remediation
- Many permits issued to individual property owners; property has since changed ownership

Background



- ~400 foot reach was fenced due to safety concerns
- District met with Leisureville representatives and agreed to cost share in remediation of 400 foot reach of canal right-of-way up to an amount of \$40K
- Initial estimate was ~\$75K; Leisureville currently obtaining construction options and updated quotes



























Aerial Video



20160401 - E-4 from Wollbright Rd to Ocean Ave

- [20160401 - E-4 from Woolbright Rd to Ocean Ave.mp4](#)

- District exploring options for remediation and funding strategies
 - Engineering assessment must be conducted to examine conditions and offer remediation proposals including cost considerations
 - Special assessment may be needed to provide dedicated rehabilitation funds

(5) Should there be any objections to the assessment made against the lands as provided herein, such objection shall be made to the board of supervisors each year after the publication of the assessment roll at its next regular monthly meeting. The board shall consider the objections and sustain, adjust, or overrule the same. After consideration of objections, if any have been made and determined as above, the board shall cause the assessment to be certified to the Property Appraiser of Palm Beach County, together with a list of lands subject to the assessment, at the same time and in the same form and manner as other drainage taxes of the district are certified. The county property appraiser shall combine the assessment for irrigation with the drainage district tax assessment and extend them on the county tax rolls and the taxes shall be collected by the county tax collector in the same manner and time as county taxes and the proceeds therefrom paid to the Lake Worth Drainage District. The taxes shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes. When remittance of taxes is made by the county to the district, the board, from information furnished to it by the general manager and records of the district, shall determine what part of the remittance is for irrigation and shall set aside the irrigation portion so found and determined into an irrigation fund for the district, to be used for the purpose for which it was assessed.

Section 11. Special improvements; assessments against specially improved property.—

(1) The Board of Supervisors of the Lake Worth Drainage District is hereby authorized and empowered in the manner hereinafter provided to cause any and all canals, bulkheads, dikes, levees, drains, culverts, and other types of waterways, water controls, or improvements thereunto related, as well as streets or roads incident thereto, to be dug, constructed, paved, or built, and to provide for all or any part of the installation costs thereof, and to provide for the annual maintenance involved by levying and collecting special installation assessments and maintenance assessments upon abutting, adjoining, and contiguous or other specially benefited properties. The amount assessed against the property benefited for any installation of such improvements shall not exceed the estimated benefits accruing to such property by reason of the special improvements. The maintenance costs of the special improvements shall be annually assessed against the affected property in direct proportion to the resulting benefit.

(2) Special assessments upon the property benefited by any improvement herein authorized shall be effected by one or both of the following methods:

(a) In proportion to the benefit which may result from such improvements.

(b) By front footage of property bounding or abutting upon such improvement.

(3) Upon the board of supervisors' own initiative, or when the owners of a majority of the acres of land liable to be assessed for any special or local improvements, or when the owners of a majority of the foot frontage of land liable to be assessed for any special or local improvements petition the board

for its consideration of any local special improvement, the board may order such improvement to be made and, in such an event, the following are the general conditions and regulations governing said special assessments and improvements:

(a) Before any special or local improvement is authorized or made under the provisions of this section, the board of supervisors shall, by resolution, require plans, specifications, and estimates of cost of such improvements to be made and placed on file in the general offices of the district.

(b) When the board of supervisors determines to make such special or local improvements, then it shall so declare by resolution, stating the necessity for, and the nature of, the proposed special improvements and stating further what part of the expenses therefor shall be paid by special assessment against the affected property. The resolution shall also state the total estimated cost of the proposed improvement, the method of payment of assessment, the number of annual installments, and the rate of interest on deferred payments, which interest shall not exceed 8 percent.

(c) The resolution may embrace improvements of like character upon or in more than one canal or other type of waterway or control, street, or road and such improvements need not be contiguous. The resolution shall designate the boundaries of the area comprising the property that the board deems will be specially benefited by such improvement. The estimated costs stated in the resolution shall include an estimate of the cost of preliminary or other surveys, inspections, and supervision of the work, the preparation of the plans and specifications, the printing and publishing of notices and proceedings, the preparation of certificates and bonds, and any other expenses necessary or proper, which expenses, except the cost of the work itself, are hereinafter referred to as incidental expenses. The improvements covered by a single resolution may be designated in all proceedings, assessments, or publications by any short or convenient designation and the property against which assessments may be made for the cost of such improvements may be designated as an area, followed by a letter or number or name to distinguish it from other such areas.

(d) The resolution to be adopted as aforesaid shall be published in a newspaper published in Palm Beach County once each week for 2 consecutive weeks and shall be certified to by the secretary of the board of supervisors. There shall also be published a notice setting forth that the board has determined the necessity for the improvements to be made according to plans and specifications on file in the general offices of the Lake Worth Drainage District, that the same are required to be made, and that the board will sit at a place and upon a date and hour not earlier than 3 days from the final publication of such notice for the purpose of hearing objections to the proposed improvements.

(e) If, at the time fixed in the notice, the persons owning property abutting upon or within the area to be benefited by the improvements have not already constructed the same in accordance with the plans and specifications aforesaid and, if no objections have been made or, if having been made, the objections have been deemed insufficient by the board of supervisors, the

board shall have the improvements made, either by contract or directly, by the employment of labor and purchase of materials; or separate contracts may be entered into for the performance of different classes of work included in any single improvement.

(f) After the completion of the improvement or in the event the improvement is made by contract, after the awarding of all contracts included in such improvement in such manner that the total actual cost of said improvement can be determined, the treasurer of the board of supervisors shall prepare and present to the board a report of costs of the improvements and an assessment roll showing the lands assessed to pay the costs thereof and the amount of the assessment as to each. The report of costs must show the total cost of the improvement and the estimated costs of incidental expenses and that portion of the total cost chargeable to the respective parcels of land, including real estate owned by the Lake Worth Drainage District and including real estate within the Lake Worth Drainage District abutting upon the improvement for which the assessment is made. Such costs chargeable to said properties shall be upon front footage of such specially improved property, which amount shall be the portion of the total cost chargeable to all abutting property, divided by the number of feet fronting or abutting upon the improvement, and/or such costs chargeable to said properties shall be in the amount that the board deems to be proportionate to the special benefits received by lots or parcels of land within the boundaries of the area designated in the resolution authorizing such improvements as hereinbefore provided and not in excess of such benefits.

(g) The board of supervisors shall thereupon approve the report of costs and assessment roll if the same is in proper form, and the same shall be placed on file in the general offices of the Lake Worth Drainage District; and the assessment roll shall be advertised once each week for 2 consecutive weeks in a newspaper published in Palm Beach County, together with a notice to be signed by the Secretary of the Lake Worth Drainage District setting forth that the assessment roll has been examined and approved by the board and the board shall sit upon a certain date and hour, not earlier than 3 days from the final publication of such notice, for the purpose of hearing objections to said assessment roll. If no objections are made by persons affected by the assessment roll at the time and place specified in the aforesaid notice or if objections have been made and have been determined insufficient by the board, the board shall thereupon adopt a resolution levying the assessments as shown by the assessment roll and reciting by what method or combination of methods the special assessment is made and the time when the same shall become payable and the special assessments to be levied shall be a lien upon the date of the assessment upon the respective lots or parcels of land described in the resolution. The special assessments shall be evidenced to and certified by the board not later than August 31 of each year to the Property Appraiser of Palm Beach County, and shall be extended by the county property appraiser on the county tax roll and the annual installments thereon shall be collected from year to year by the county tax collector in the same manner and time as county taxes and the proceeds therefrom are paid to the district. The assessment shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

(h) The commencement of work on any special improvement as provided for in this section shall constitute notice to the owners of the property abutting upon, adjoining, or contiguous to, and to be benefited by, such improvement; and special assessments will be levied against such property and liens created and held against the same for the benefits received by reason of such improvements.

Section 12. Taxes and costs a lien on land against which taxes assessed.—All taxes provided for in this act, together with all penalties for default in payment of same, and all costs in collecting the same shall, from the date of assessment thereof until paid, constitute a lien of equal dignity with the liens for county taxes upon all the lands against which said taxes are levied as provided for in this chapter.

Section 13. When unpaid taxes delinquent; penalty and discounts.—All taxes provided for in this act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes and shall be subject to the same discounts as county taxes.

Section 14. Compensation of property appraiser, tax collector, and clerk of the circuit court.—The Property Appraiser, Tax Collector, and Clerk of the Circuit Court of Palm Beach County shall be entitled to compensation for services performed in connection with taxes of the district at the same rate as applied to county taxes.

Section 15. Bonds may be issued, sale and disposition of proceeds; interest; levy to pay bonds, bonds and duties of treasurer, etc.—

(1) The board of supervisors may, if in its judgment it seems best, issue bonds not to exceed 90 percent of the total amount of the taxes levied under the provisions of section 298.36, Florida Statutes, and/or levied under the provisions of section 11, and such bonds shall be in denominations of not less than \$100, bear interest from date at a rate not to exceed 6 percent per annum, payable annually or semiannually, to mature at annual intervals within 40 years commencing after a period of not less than 10 years, to be determined by the board, both principal and interest payable at some convenient place designated by the board to be named in said bonds, which bonds shall be signed by the president of the board, attested with the seal of the district and by the signature of the secretary of the board. All of the bonds shall be executed and delivered to the treasurer of the district, who shall sell the same in such quantities and at such dates as the board may deem necessary to meet the payments for the works and improvements in the district. The bonds shall not be sold for less than 90 cents on the dollar, with accrued interest, shall show on their face the purpose for which they are issued, and shall be payable out of money derived from the aforesaid taxes. A sufficient amount of the drainage tax shall be appropriated by the board for the purpose of paying the principal and interest of said bonds, and the same, when collected, shall be preserved in a separate fund for that purpose and no other. All bonds and coupons not paid at maturity shall bear interest at the rate of 6 percent per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment, and said interest shall be appropriated by the board out of the penalties and interest collected

**Lake Worth Drainage District
Employee Handbook Updates/Changes
December 2017
DRAFT**

Page 8 – SERVICE AWARDS

- Included language for award of one day (8 hours) of additional vacation leave for employees celebrating 25 years of service; specified number of hours awarded per day

Page 13 – EMERGENCY CLOSINGS

- Added language to clarify that employees that report to work for duty during an emergency event will be compensated for hours worked in accordance with applicable wage and hour laws, and may qualify for additional emergency pay as determined by management.

Page 18 – ANNUAL LEAVE (VACATION)

- Included language for award of one day (8 hours) additional vacation leave for employees celebrating 25 years of service; specified number of hours awarded per day
- Revised annual leave hours for designated management positions which do not qualify for overtime, comp time or emergency pay to provide for an additional 2 days (16 hours) of annual leave per calendar year

Page 36 – DRUG-FREE WORKPLACE

- Revised language to provide for drug/alcohol testing of designated positions for job applicant and random drug screenings; all employees are subject to testing for reasonable suspicion.

Page 36 – TOBACCO FREE WORKPLACE

- Added language to specify LWDD campus as Tobacco-Free effective March 2018

Page 42 – WELLNESS PROGRAMS

- Amended language to include flexibility in wellness incentives offered to employees

Page 42 – EMPLOYEE RECOGNITION PROGRAM

- Amended language to include flexibility in employee recognition programs/awards offered

Page 46 – EMPLOYEE ATTIRE AND UNIFORMS

- Amended language to clarify staff required to wear uniforms; added language authorizing shorts and moisture-wicking shirts for approved positions

Request for Bids – Mowing Services E-1, E-2W, E2E & C. Stanley Weaver Canals

Anthony LasCasas, P.E., Assistant Director Facilities and Maintenance
RFB 17-9886P.06
December 5, 2017



Timeline



- In September 2015, the District advertised and subsequently awarded a Purchase Order to Toler Enterprises for mowing E-2W for 4 cycles, as part of a pilot program
- In July 2017, the District expanded the pilot to include E-2E and C. Stanley Weaver for 1 cycle (4th qtr FY17)
- In August 2017, the District advertised a Request for Bid for Mowing the E-1, E-2E, E-2W and C. Stanley Weaver Canals
- In September of 2017, as a result of the impact for Hurricane Irma, the District extended the prior approvals for one additional cycle (1st qtr FY18) and extended the Bid Requests by 60 days

Bid Opening



- Received One (1) Bid
 - Toler Enterprise, Inc.

E-1 Canal			
	Flat Mowing	\$2,900.00 per cycle	\$11,600.00 per yr
	Slope Mowing	\$8,800.00 per cycle	\$35,200.00 per yr
E-2W Canal			
	Flat Mowing	\$2,500.00 per cycle	\$10,000.00 per yr
	Slope Mowing	\$6,500.00 per cycle	\$26,000.00 per yr
E-2E Canal			
	Flat Mowing	\$2,750.00 per cycle	\$11,000.00 per yr
	Slope Mowing	\$8,500.00 per cycle	\$34,000.00 per yr
C. Stanley Weaver			
	Flat Mowing	\$1,200.00 per cycle	\$4,800.00 per yr
	Slope Mowing	\$3,800.00 per cycle	\$15,200.00 per yr
Total Contract Value		\$	147,800.00

estimated budget \$130,000

Staff Recommendation



- Approval to award Contract in in the amount of \$147,800 for a period of one year
- The District may approve two additional annual renewals at its discretion under authorization

Canal Rehabilitation Program: Requests for Qualifications

Hazardous and Exotic Tree/Vegetation Removal (17-9887P.02)
Encroachment Removal and Demolition Services (17-10047P.02)

Anthony LasCasas, Asst. Director, Facilities & Maintenance
December 5, 2017



Timeline



- In August 2017, the District advertised two (2) Requests for Qualifications to pre-qualify contractors to support accelerated Canal Rehabilitation Program
 - Tree and Vegetation Removal Services
 - Encroachment Removal and Demolition Services
- Due to the impact from Hurricane Irma, both requests were extended by 60 days
- Submittals were received on November 20, 2017

Qualified Firms



Tree / Vegetation Removal

1. Arbor Tree & Land, Inc. (ATL)
2. Superior Landscaping & Lawn Services, Inc.
3. Tetro Land Development & Construction, LLC
4. Treecycle Land Clearing, Inc.
5. TSI Disaster Recovery, LLC
6. Zimmerman Tree Service, Inc.

Qualified Firms



Encroachment Removal and Demolition

1. Arbor Tree & Land, Inc. (ATL)
2. TSI Disaster Recovery, LLC

Staff Recommendation



- Approval of list of pre-qualified contractors to perform hazardous and exotic tree/vegetation removal services
- Approval of list of pre-qualified contractors to perform encroachment removal and demolition services



LOW – MAINTENANCE ROW

FUTURE MAINTENANCE OPTIONS

ANTHONY LASCASAS, P.E.

BOARD WORKSHOP, DECEMBER 5, 2017

Current Maintenance

- Gator Mounted Spray Rigs
- Boat Mounted Spray Rigs
- Manual Pack Spraying
In-house Resources or Contractor



Low Maintenance ROW Mower

Spider Remote Control Mower

- \$25,000(32in)- \$35,000(48 1/2in)
- 60% Slope
- Electronics are sealed



Low Maintenance ROW Mower

Green Climber

- \$41,000(24" 26Hp)- \$85,000(36" 56Hp)
- Multiple Attachments
- 60% Slope



ROW Mower/Dredging

Weedo – Tiger Cat Boom Mower

Estimated \$80,000

Wet Conditions Only

Multiple Attachments

WEEDOO COMPACT WORKBOAT	U.S
Height	8 ft
Width	7 ft 3 in
Length	15 ft
Gasoline Weight	2235 lbs
Diesel Weight	2285 lbs
Boat Draft (drives down)	10in (20in)
Height from Waterline	46-48 in



SP-1017G	U.S
Overall Length	7 ft
Depth	variable 4-8 ft
Solids diameter max size	1.625 in
Pump fuel	gasoline
Max pump flow	88 GPM

ROW Mower & Dredging

Berky

- Wet or Dry Conditions
- Estimated \$160,000
- Dredge & Cutting attachment



ROW Dredging & Grading

Spider

- Wet or Dry Conditions
- Estimated \$400,000
- Versatile
- High Maintenance Costs

