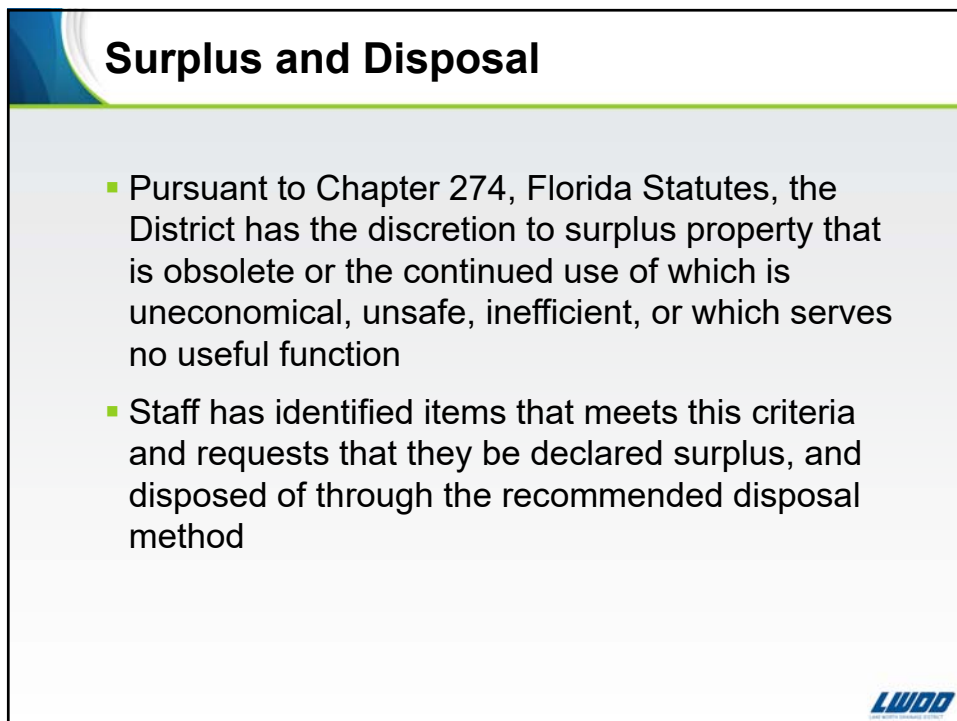



1



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Listing of Items					
	Asset ID	Description	Original Cost	Acquisition Date	Recommended Disposal Method
Office furniture, fixtures & equipment					
1	07304	HANDHELD COMPUTER W/ GNSS	18,973.00	5/21/2013	Trade in (\$2,000) with purchase of updated equipment
2	07322	External Network Storage Devic	1,500.00	1/22/2013	Recycling Program/Garbage
3	07359	Computer Workstation - Dell	1,704.88	12/12/2013	Online Auction Website/Employee Sale/Recycling Program
			22,177.88		



3

Staff Recommendation


Declare listed items surplus and authorize disposal of items through the recommended disposal method.



4



1

Sale of ROW Interests 

- Sale of adjacent right-of-way to adjacent property owner when District determines that sufficient right-of-way exists, often with an exclusive easement
- Sale of surplus lands that the District does not require for drainage
- Sale of adjacent right-of-way for density rights, retaining an exclusive easement

2



5.5 Sale of LWDD's Interests in Real Estate

5.5.1 Eligible Right-of-Way

Eligible right-of-way is defined as existing Lake Worth Drainage District (LWDD) right-of-way interest(s), either fee simple ownership or easement, that has been requested to be purchased by an applicant or petitioner and determined by LWDD to exceed LWDD's minimum requirements for canal maintenance and operations, as described/defined below. All sales of LWDD's interests in real estate must be approved by the LWDD Board. On a case by case basis, LWDD Board will consider selling LWDD right-of-way determined to be in excess of LWDD right-of-way requirements for the specific canal.

5.5.1.1

LWDD's desire is to retain its current ownership, or other right-of-way interest(s), unless releasing this interest(s) would benefit LWDD in terms of liability, ease of maintenance, or other such benefit.

5.5.1.2

Relative to LWDD's minimum requirements for canal maintenance and operations, the following information is provided as a guideline for LWDD staff. As stated previously, each request will be reviewed on a case by case basis and more right-of-way may be required than the minimums shown below. LWDD's minimum requirements for canal maintenance and operations are as follows: (1) for major canals – LWDD requires a minimum of 45 feet of dry ground from the top-of-bank of the channel of the canal to the canal right-of-way line on the same side of the channel as the top-of-bank, this 45 feet of dry ground is required on both sides of the channel; and (2) for minor canals – LWDD requires a minimum of 35 feet of dry ground from the top-of-bank of the channel to the canal right-of-way line on the heavy maintenance side of the channel and a minimum of 15 feet of dry ground from the top-of-bank of the channel to the canal right-of-way line on the light maintenance side of the channel.

3



5.5.1.3

Eligible right-of-way can only be purchased by the owner of property that is adjacent to the canal and that is within the same parent tract as the eligible right-of-way, and all sales of eligible right-of-way must be approved by the LWDD Board of Supervisors. If a sale is approved by the LWDD Board, the existing right-of-way interest(s), or portions thereof, will be declared surplus by the Board, as exceeding LWDD's minimum right-of-way requirements, and sold at fair-market value. At the time the subject right-of-way interest(s) is sold to the adjacent property owner, an easement may be required to be conveyed to LWDD, using the standard LWDD easement form, from the adjacent property owner that is purchasing the eligible right-of-way. Eligible right-of-way will be one of the following two types: (1) right-of-way that is owned in fee simple by LWDD and all or a portion of LWDD's underlying fee ownership is declared by the Board to be surplus, or (2) right-of-way of which LWDD has easement interests that all or a portion of is declared by the Board to be surplus.

4



5.10 Identification and Sale of Transfer of Development Rights (TDRs)

LWDD recognizes TDRs as an asset, which has value when sold. LWDD also recognizes that TDRs are not necessary for the fulfillment of its statutory obligations.

5.10.1 The sale of TDRs shall only be accomplished through a formal Request for TDR Bid (RTDRB). LWDD shall prepare a RTDRB on each TDR parcel previously identified by staff and as approved by the Board.

5.10.2 LWDD shall advertise for the sale of TDR parcels by a RTDRB, and establish a minimum low bid, based upon an appraisal performed within ninety (90) days of said bid.

5



**5.5.2 Marketable Record Title Act (MRTA)
(Ref: F.S. Chapter 712)**

Any real estate that is encumbered by LWDD's ownership or interests without evidence of a physical use by LWDD may fall under MRTA guidelines. The decision to clear title under MRTA or to sell LWDD's interests for fair-market value to the adjacent property owner shall be determined by the Board.

6



5.5.3 Properties or Interests Other than LWDD Canal Right-of-Way

Before selling any real estate or interests, other than canal rights-of-way, it shall be the duty of LWDD to publish a notice of intention (notice) to sell said real estate or interests in a Palm Beach County newspaper once per week for 3 consecutive weeks (three insertions being sufficient). The first publication shall be not less than 30 days or more than 45 days prior to any sale. The notice shall set forth the time and place of the sale and a description of real estate or interests to be offered for sale.

All sales shall be conducted by sealed bid, to be received at the LWDD office in accordance with the time and items specified in the notice.

LWDD shall transfer title of ownership by Quit-Claim Deed.

7



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.

8


Right-of-Way Encroachment Management

Board Workshop
March 5, 2019




1

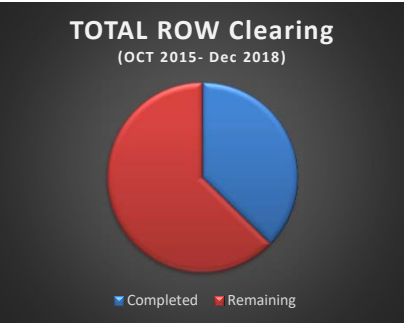
Canal Rehabilitation Program



- Since October 2015, cleared approximately 70 miles of vegetation from encumbered rights-of-way
 - Nearly 40% of encumbered rights-of-way cleared of vegetation



Month	Miles Cleared
OCT 15	0
NOV 15	5
DEC 15	10
JAN 16	15
FEB 16	20
MAR 16	25
APR 16	30
MAY 16	35
JUN 16	40
JUL 16	45
AUG 16	50
SEP 16	55
OCT 16	60
NOV 16	65
DEC 16	68
JAN 17	70
FEB 17	72
MAR 17	74
APR 17	76
MAY 17	78
JUN 17	80
JUL 17	82
AUG 17	84
SEP 17	86
OCT 17	88
NOV 17	90
DEC 17	92
JAN 18	94
FEB 18	96
MAR 18	98
APR 18	100
MAY 18	102
JUN 18	104
JUL 18	106
AUG 18	108
SEP 18	110
OCT 18	112
NOV 18	114

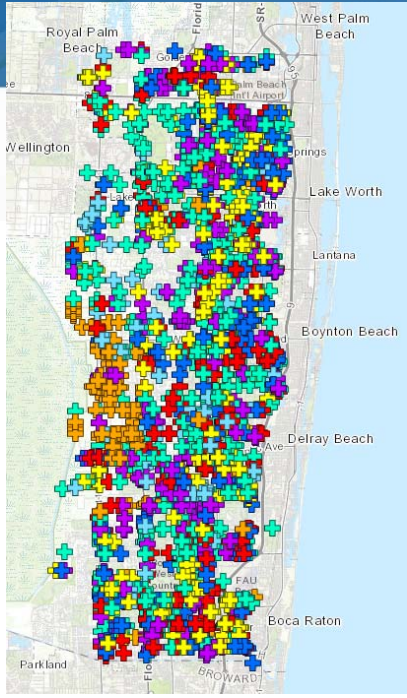


Category	Percentage
Completed	~40%
Remaining	~60%

2

Canal Rehabilitation

- Next phase of canal rehabilitation focused on removal of existing, remaining encroachments
- More than 3500 inventoried; additional encroachments identified with each vegetation removal project completed
- Encroachments include:
 - Parallel and perpendicular fences
 - Retaining walls
 - At grade or raised decks
 - All or portions of residences, sheds & ancillary buildings
 - Drives and roadways



3

Right-of-Way Management

- Goal: NO ENCROACHMENTS on canal rights-of-way for private property owners
- NO NEW ENCROACHMENTS permitted without board authorization
 - Process in place for property owners to petition board for consideration
- Existing, legacy encroachments create unique challenges
- A comprehensive compliance approach is needed to achieve goal

4

Challenges: Management / Maintenance



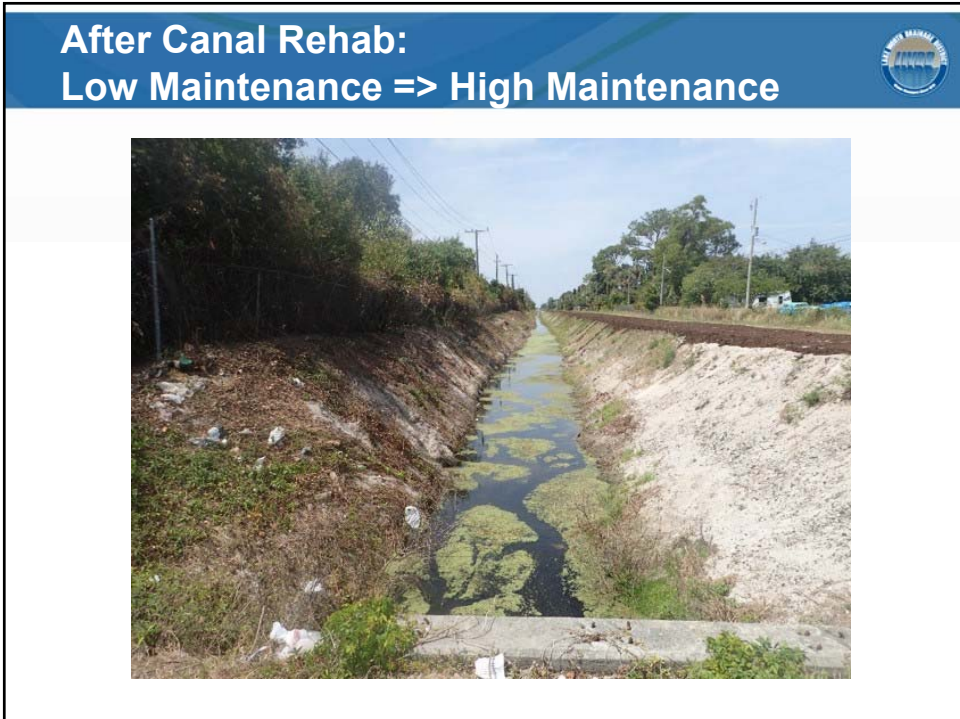
- **Restricted or no access** on low maintenance side of canals
- **Limited tools** for maintenance of restricted right-of-way
- **Increased costs** associated with maintenance of cleared right-of-way
- **Legacy encroachments** that have existed for many years, especially on low maintenance ROW
- **Additional staffing resources** expended for management and enforcement of compliance cases
- **Legal challenges** and associated costs
- **Additional costs for contracted services** required for demolition of encroachments

5

Before Canal Rehab: Low Maintenance = No Maintenance



6



7

Maintenance Challenge Limited Maintenance Tools

- Restricted access provides unique maintenance challenges
- Evaluating specialized equipment for low maintenance ROW
- Many low maintenance ROWs are not accessible to walk or mobilize equipment
- Options limited to chemical treatment or specialized equipment to reach across canal



8

**Example:
Restricted Right-of-Way Access**

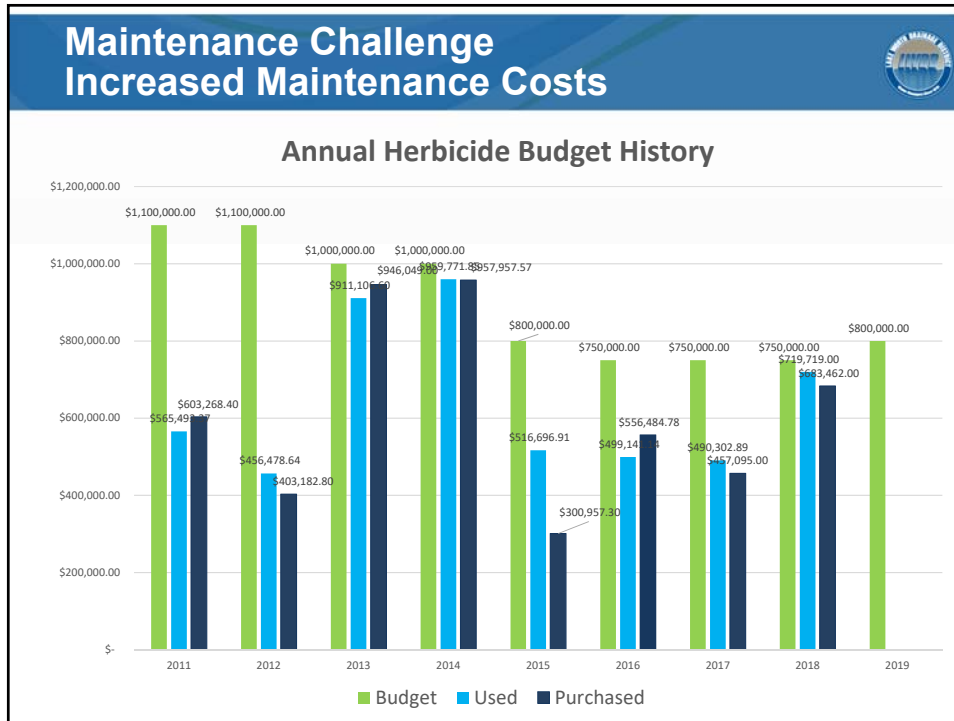


9

**Example:
Restricted Right-of-Way Access**



10



11


Maintenance Challenge Legacy Encroachments

- Some encroachments have existed for many years
- On low maintenance ROWs, some areas have never been accessed or maintained by District
- Without evidence of physical use over the past 30 years, property owners may dispute District ownership or interests under the Marketable Record Title Act (MRTA)
- In some areas where ROW is not needed, District has sometimes quit-claimed or sold interest to clear title

12

Maintenance Challenge Litigation Costs		
Year	Case	Expense
2008-2014 (over 7 years)	Alembik	\$4,673.70
	Denton	\$53,299.98
	Gardner	\$33,969.40
	Holmes	\$19,286.50
	JCL Management	\$29,007.90
	Keane	\$13,913.61
	Long	\$40,616.20
	PEBB	\$21,373.46
	Podray	\$65,196.55
	Rogers	\$40,837.65
	Schmitt	\$92,519.48
	Shelley	\$29,758.60
	2015-2018	None
2019	Girisgen	TBD
TOTAL		\$444,453.03

13

Maintenance Challenge Resources	
<ul style="list-style-type: none"> ■ Diversion of staff and equipment resources from canal rehabilitation efforts ■ Costs associated with demolition of encroachments <ul style="list-style-type: none"> • Contracted services mostly utilized to demo structural encroachments • Removal of electric and/or water lines • Structural integrity • Safety considerations 	

14

Current ROW Management Policies



- Permitting policies for right-of-way occupancy
 - Protect integrity of drainage channel to ensure continued conveyance capability for flood protection
 - Manage risk of blockage resulting from storm debris introduced during high wind/rain events
 - Ensures adequate access to canal ROWs by LWDD equipment & staff under both normal maintenance and emergency repair scenarios

15

Mitigating Risk & Managing Costs



- Encroachments are known to staff and must all be removed (unless previous authorization granted by Board)
- Time and resources to address all encroachments are limited
- Implementation of compliance tools are necessary to assist staff in ultimate removal of all encroachments without expending excessive resources

16

Right-of-Way Management



- NO NEW ENCROACHMENTS AUTHORIZED (*without specific authorization provided by Board*)
- Documentation of existing encroachments through a permit is necessary until the encroachment can be permanently remedied
- Permitting existing encroachments ensures:
 - Formal acknowledgement by property owner that encroachment exists on District ROW
 - Unauthorized encroachment is noticed in the public record for title search conducted by future property owners so that encroachment is not continually perpetuated; not transferable to new owner unless authorized by District
 - Maintains a record of encroachment for annual compliance inspection until removal; particularly important with loss of institutional knowledge due to retirement of long-term staff
 - Provides mechanism for invoicing and collection of annual fees
 - Cover costs of ongoing compliance and inspections
 - Reminds property owner of encroachment
 - Provides incentive for removal of unnecessary encroachments
 - Annual usage fees can be dedicated budget funds for removal of encroachments

17

Risk Assessment



- Criteria to determine where existing encroachments may be temporarily authorized:
 - Is the encroachment structurally sound and well maintained? YES
 - Does the encroachment impact hydraulic conveyance? NO
 - Is the encroachment constructed in such a way that it adversely impacts the integrity of the canal bank or cause erosion of the right-of-way? NO
 - Does the encroachment significantly obstruct the right-of-way in a manner that would require tailored or unique methods to maintain the right-of-way that would otherwise not be necessary? NO
 - Does the encroachment present a unique or significant hazard or potential to adversely impact the District's maintenance responsibilities? NO

18

Phase II CR Project

FY2019

- Define areas for Phase II project; sample Lateral and Equalizer
- Complete detailed assessment of encroachments
- Determine best management options for project areas
- Send notifications to personal property owners

FY2020


- Coordination with property owners on removal or permitting
- Initiate removal using contracted services or in-house staff
- Gather information to present results to Board for comprehensive compliance policy and FY2021 budget resources necessary for contracted and staff resources

FY2021

- Implement comprehensive compliance program to remedy encroachments on rights-of-way

19

Discussion



20