

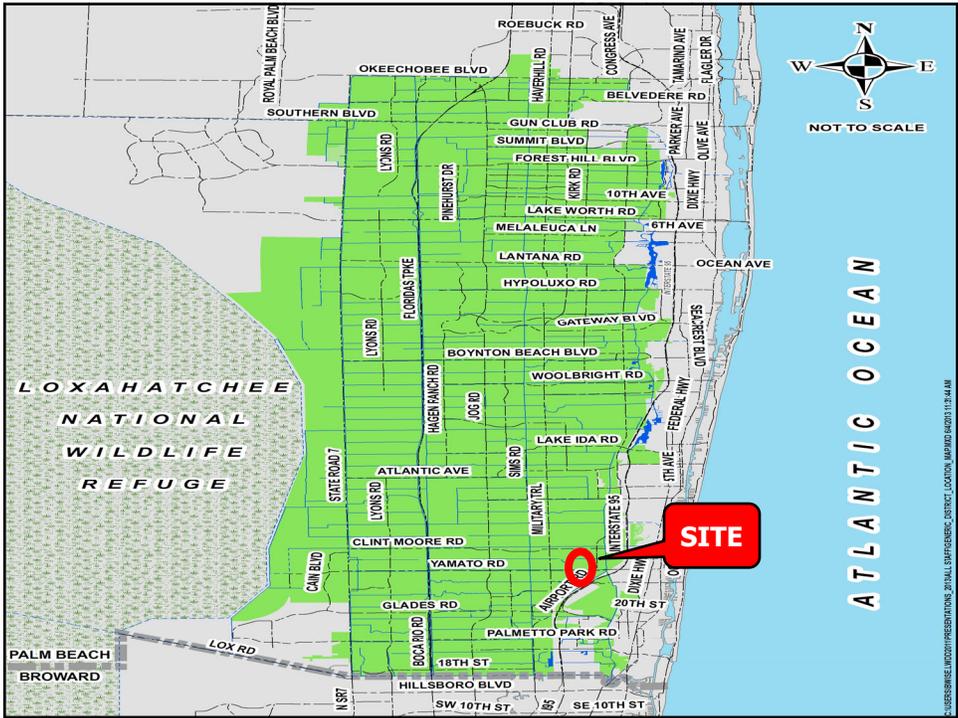
Yamato Acquisition Company, LLC
Approval to Release Chancery and Reservations
951 W. Yamato Road
Project # RI-23-0008

Governing Board Meeting
 February 15, 2023
 Agenda Item #9

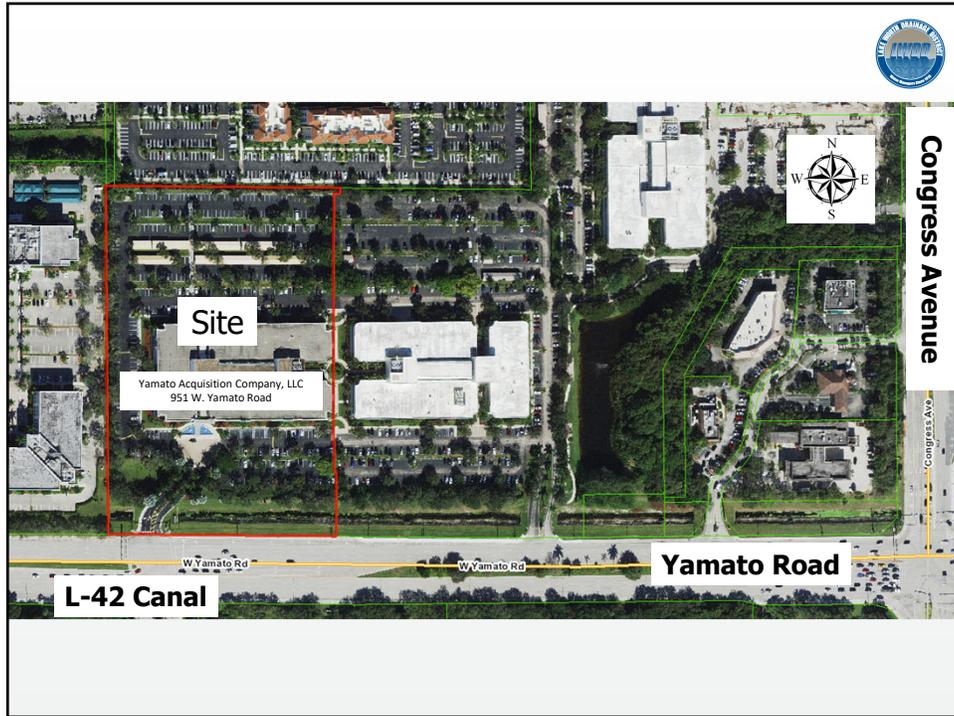
Dave Bends
 Right-of-Way Interest Supervisor



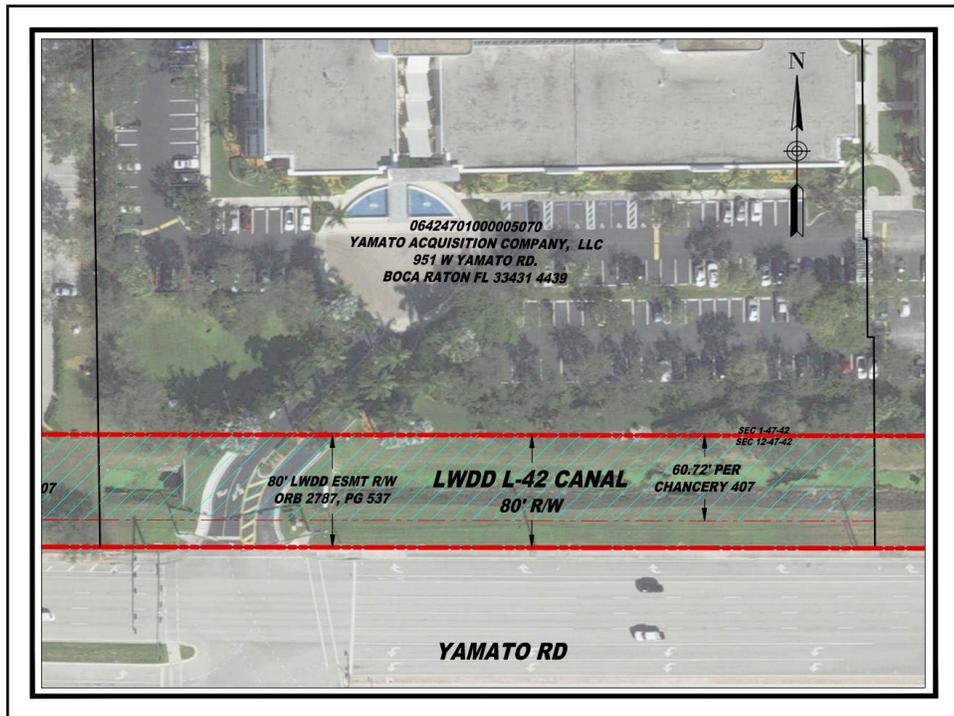
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Background



- June 1915 Chancery Case 407 – The north 60.72' of the NE ¼ of the NE ¼ of Section 12/47/42 was taken for canal right-of-way, which includes the north 60.72 feet of the south 80 feet of the subject property
- December 1977 - LWDD was conveyed an 80-foot Exclusive Easement for the L-42 Canal over chancery interest
- January 2023 – LWDD received a request to clear title by issuing a quit-claim deed for the Chancery Case 407

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Staff Recommendation



- Approval to release LWDD's chancery and reservation interest in the subject property.
- Subject to:
 - Quit Claim Deed will be subject to LWDD's Exclusive Easement Deed, recorded in ORB 2787, Page 0537
 - \$250.00 Release Fee
 - LWDD Operating Policies

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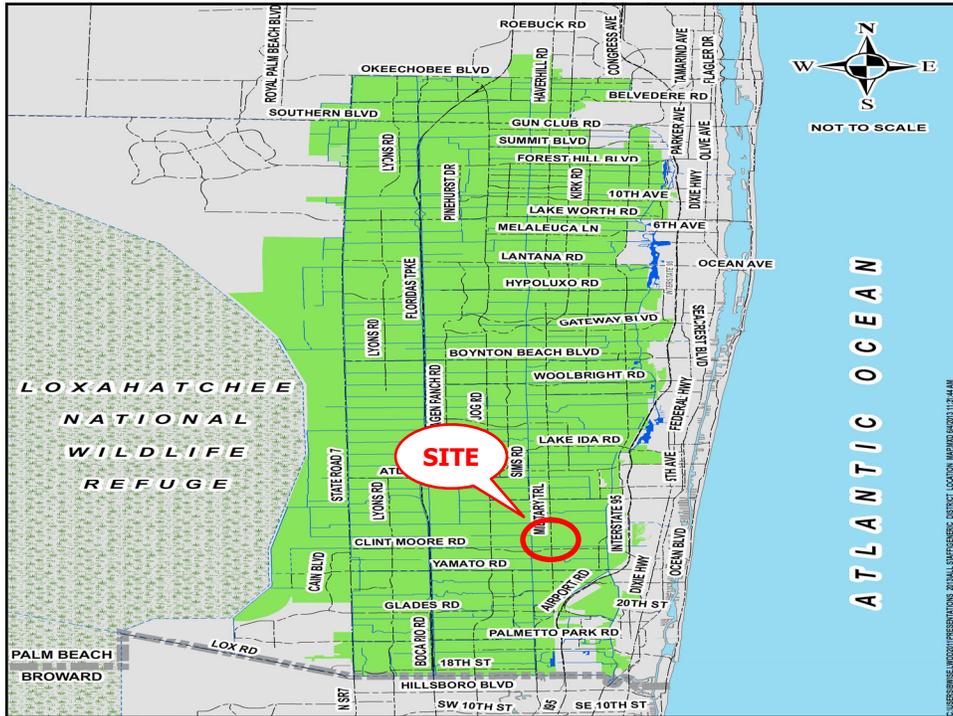
Assign/Transfer the existing Piping, Paving, Parking Agreement from Office Depot Inc to BH Offices Venture LLC

LWDD Project No. RW-23-0004 (06-8274P.01)

Nicole Smith, Permit Supervisor
Governing Board Meeting – February 15, 2023
Agenda Item #10



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Background

Parcel is located on the north side of the L-41 Canal, East side of Military Trail, ~2,180' south of the centerline of Clint Moore Road

- **May 14, 2008** - LWDD Board of Supervisors approved Boca 54 North LLC (Fairway Corporate Center) to Pipe a portion of the L-41 Canal
- **September 16, 2009** – LWDD Board of Supervisors reapproved Boca 54 North LLC (Fairway Corporate Center) to Pipe a portion of the L-41 Canal; Canal was not piped, and previous approval expired; Recorded on August 13, 2010, Piping Paving Parking License Agreement (PPP) (ORB 24008, PG 1034)
- **October 13, 2010** – LWDD Board of Supervisors approved a modification to the previous agreement to amend the engineering plans; Recorded on November 9, 2010 (ORB 24183, PG 1750)
- **May 27, 2011** – Assignment of PPP from Boca 54 North LLC to HUB Properties Trust (Office Depot) and Amendment to PPP to allow landscaping, lighting, and signage; Recorded on May 27, 2011 (ORB 24547, PG 1611)

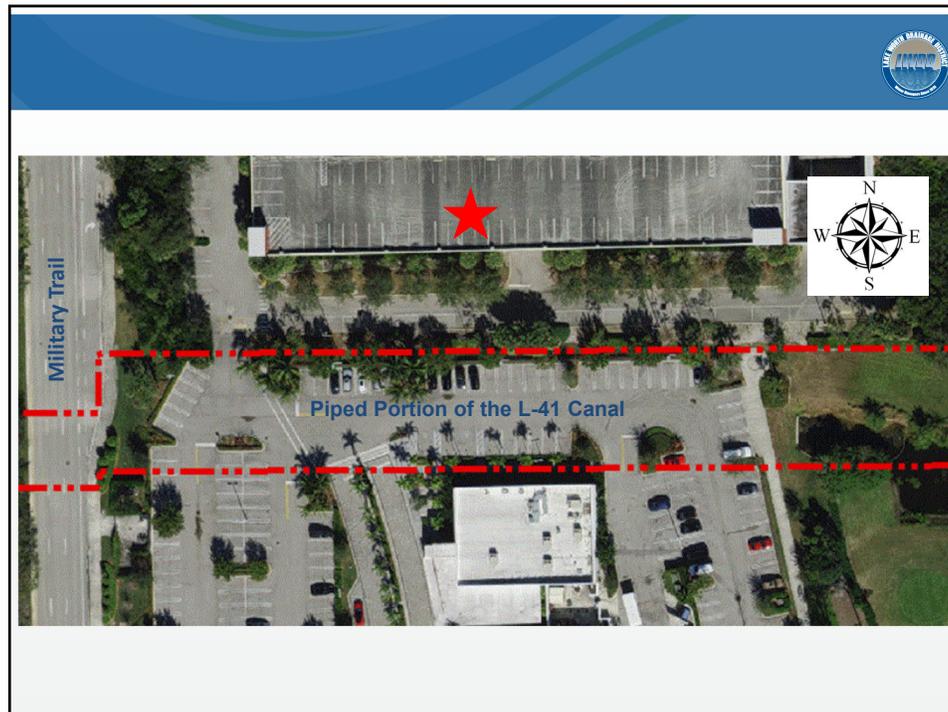
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Background continued...



- **November 13, 2013** – LWDD Board of Supervisors approved a Tri-Party PPP between LWDD, HUB Properties Trust (north parcel), and Fairway Commons Acquisition LLC (south parcel); Recorded on December 26, 2013 (ORB 26525, PG 1588)
- **January 15, 2014** – LWDD Board of Supervisors granted a 1-Year extension to allow permittee to install improvements within the piped portion of the L-41 Canal; Amendment was recorded on March 28, 2014 (ORB 26693, PG 0078)
- **December 16, 2015** – LWDD Board of Supervisors granted an additional 1-Year extension to allow permittee to install improvements within the piped portion of the L-41 Canal; Amendment was recorded on November 15, 2016 (ORB 28707, PG 1441)
- **January 4, 2023** – Application submitted requesting a transfer from HUB Properties to BH Offices Venture LLC

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Staff Recommendation



- Approval to assign/transfer HUB Properties portion of the Tri-Party PPP Agreement to BH Offices Venture LLC for the piped portion of the L-41 Canal, adjacent to 6600 NW Military Trail, Boca Raton 33496.
- Subject to:
 - Certificate of Liability Insurance (Received)
 - Signed & Sealed Pipe Inspection (**DUE 2026**)
 - LWDD Operating Policies
- **Application Fee**
 - \$9.00 x 574.74 LF = \$5,172.66 (Paid)
- **Use Fee**
 - \$20.00 x 574.74 LF = \$11,494.80 (Paid)
- **Annual Fee** – (commencing 2024)
 - \$4.00 x 574.74 LF = \$2,298.96
 - Adjusted every five (5) years by the compounded CPI

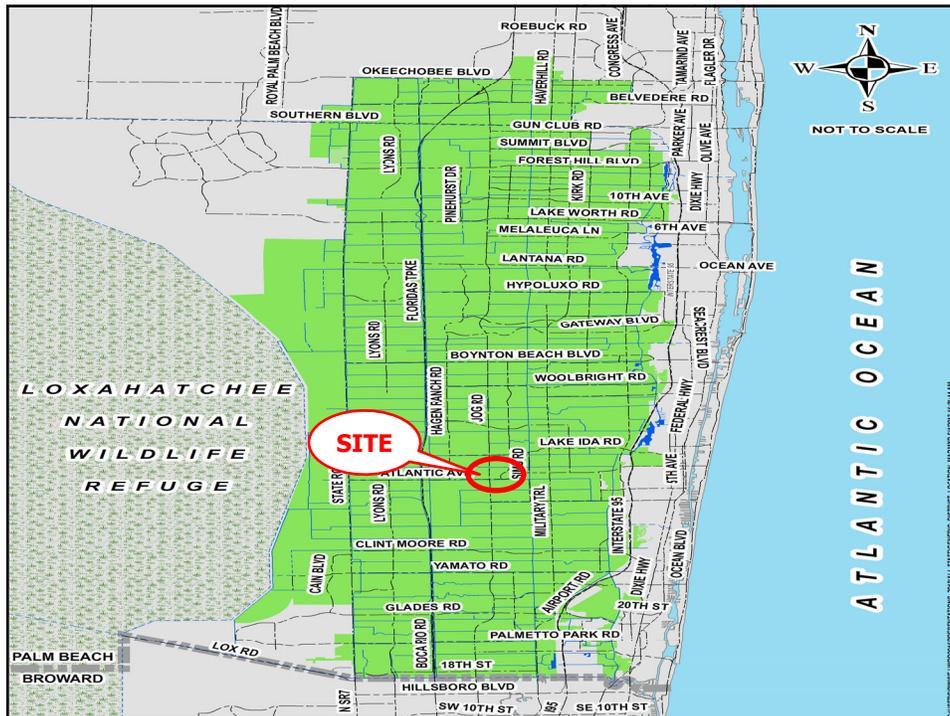
Convert the existing Piping, Paving, & Parking Agreement to a Right-of-Way Permit and issue to Crampton Family Trust

LWDD Project No. RW-21-0280
CVS Pharmacy Store # 02966-01

Shawn Mitchell, Permit Coordinator
Governing Board Meeting – February 15, 2023
Agenda Item #11



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Background



- Parcel is located on the southeast corner of Atlantic Ave and, S Jog Road; the L-34 Canal (ORB 14672, PG 1953)
- The L-34 Canal was previously piped in 1979 under Permit No. 79-1600D.01 for First Federal Savings & Loan of Delray Beach.
- Currently there is an existing CVS Pharmacy Store on the property.
- On May 16, 2001, LWDD Board of Supervisors approved Piping, Paving & Parking License Agreement under Project No. 01-6081P.01.
- On May 30th, 2002, CVS 2966 FL, LLC purchased property from Washington Mutual Bank FA (ORB 13773, PG 0268)
- June 20, 2002 – Piping, Paving and Parking Agreement between Lake Worth Drainage District and CVS 2966FL, LLC, recorded in ORB 13830/0321

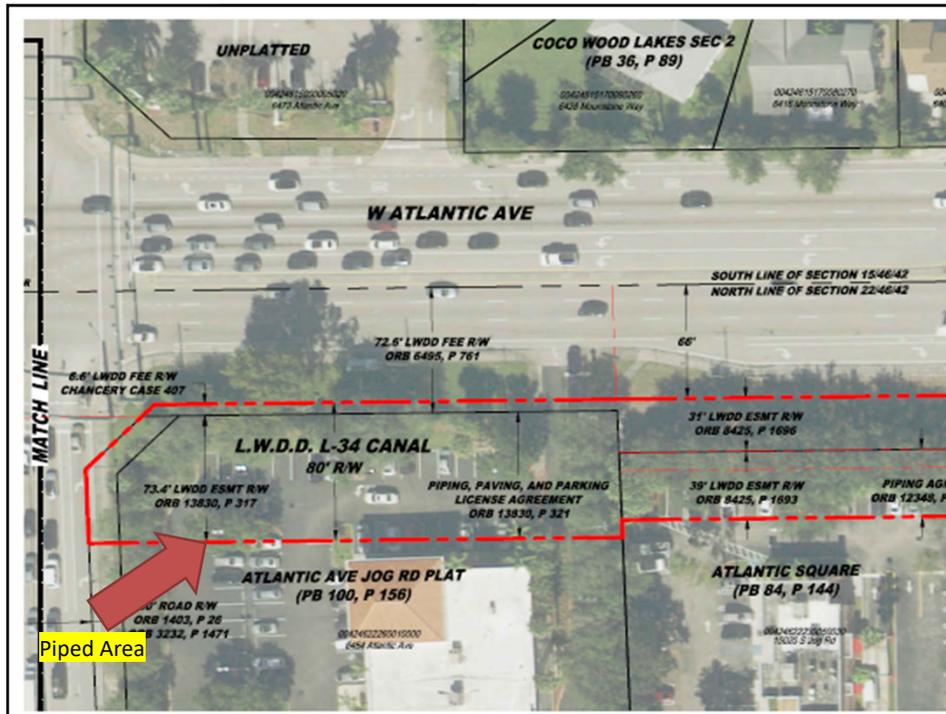
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Background



- In December 2002 CVS 2966 FL, LLC changed its name to SCP 2002E-5 LLC
- April 08, 2019 – Crampton Family Trust (current owner) purchased property from SCP 2002E-5 LLC (ORB30531/4)
- September 2021– Crampton Family Trust (current owners) requested the transfer of the existing Piping, Paving & Parking Agreement and convert to a Right-of-Way Permit.
- The last pipe inspection was done on January 20, 2016

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Staff Recommendation



- Approval to issue a Right-of-Way Permit for the existing piped, parking and paving portion of the L-34 Canal to Crampton Family Trust
- Subject to:
 - Updated Signed & Sealed Pipe Inspection (Pending)
 - Certificate of Liability Insurance (Received)
 - LWDD Operating Policies
- **Application Fee**
 - \$9.00 x 260 LF = \$2,340 (Paid)
- **Use Fee**
 - \$20.00 x 260 LF = \$5,200 (Paid)
- **Annual Fee** – (Commencing 1yr from Permit Issuance)
 - \$4.00 x 260 LF = \$1040.00
 - Adjusted every five (5) years by the compounded CPI

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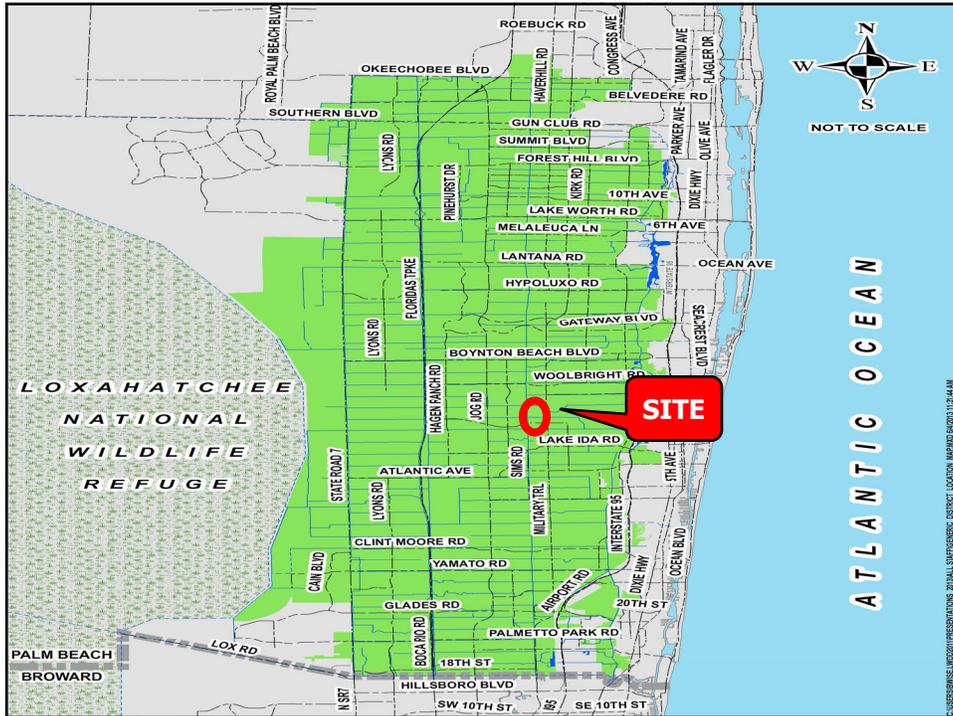
Knight Residence – 12561 Oak Run Court Encroachments within the canal right-of-way Military Trail; L-29 Canal

Project #RW-23-0038/CM-21-0077

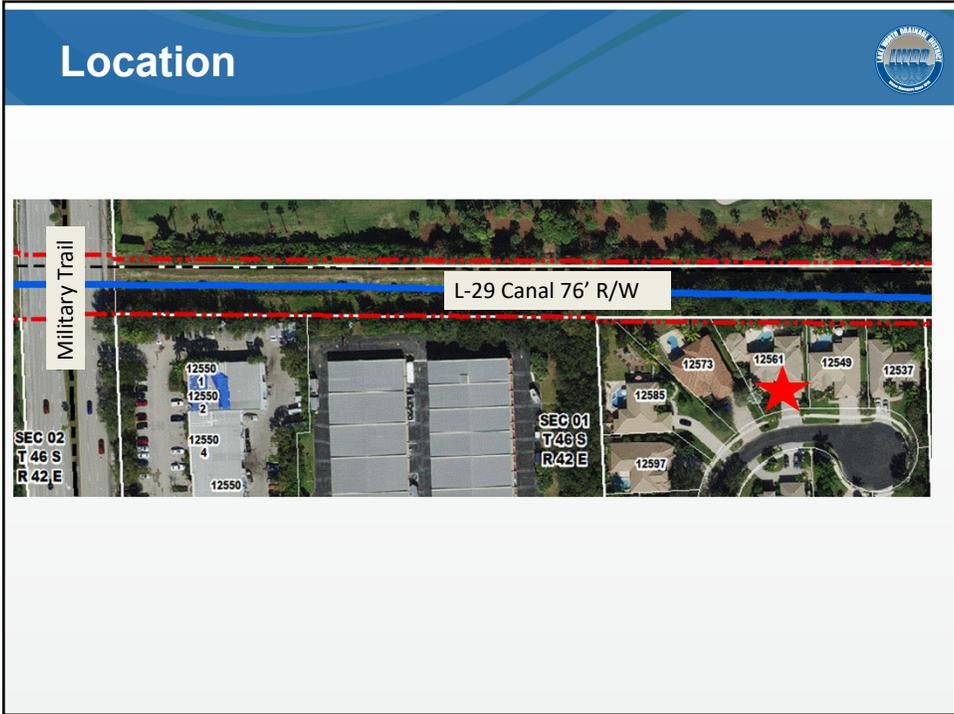
Nicole Smith, Permit Supervisor
Board Meeting – February 15, 2023
Agenda Item #13



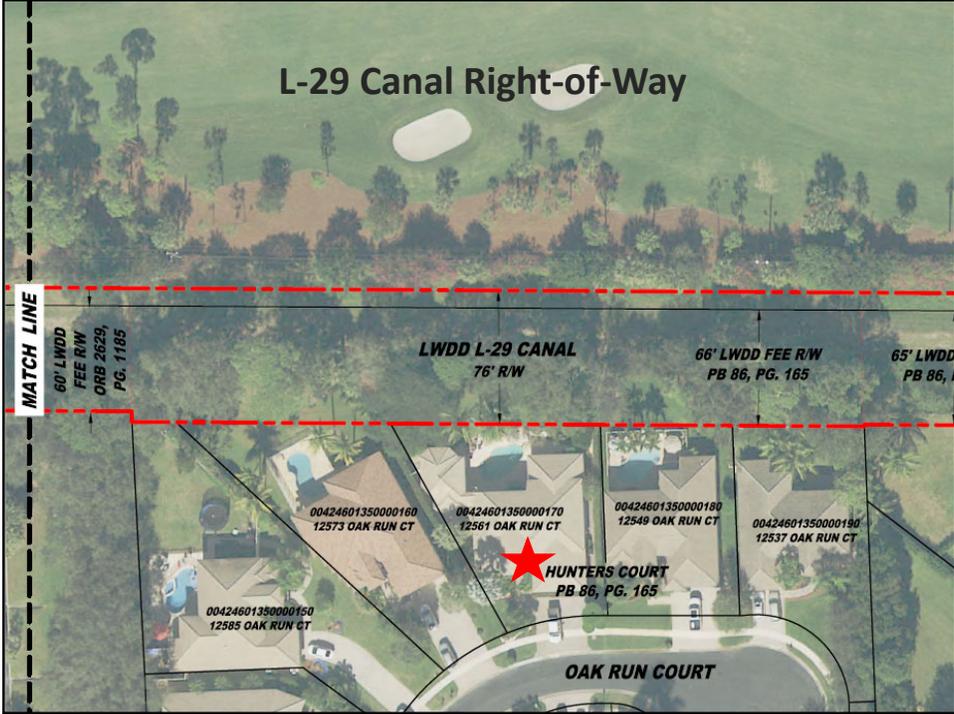
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Background



- L-29 Encroachments identified as part of CRP inventory
- April 2022 – CRP Public notices mailed & hand delivered; project was scheduled to begin in June 2022
- May 2022 – Public virtual meeting held
 - Mr. Knight in attendance; reported gopher tortoises and burrowing owls
- May 2022 - Protected species survey conducted (\$14K)
 - Applied for potential relocation permit
 - Scheduled capture/relocation; burrows empty
 - Permit application remains open if species are identified during project and need relocating

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Background



- June 2022 – Notice of Violation mailed (CM-21-0077) providing notice of unresolved encroachments; 60 days for removal
- August 2022 – Playhouse encroachment removed; all other encroachments remain
- September 2022 – 2nd Notice of Violation letter mailed; 60 days notice for removal
- November 2022 – Staff spoke with Mr. Knight regarding CRP project and encroachments; on-site meeting requested
- January 2023 –
 - Final CRP public notice mailed; project will resume mid-February 2023
 - Final Notice of Violation letter mailed; 15 days notice
 - LWDD management and Board Supervisor Hill met on-site with Mr. Knight
 - Variance application submitted by Mr. Knight requesting encroachment permit; \$500 application fee has been paid

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Background



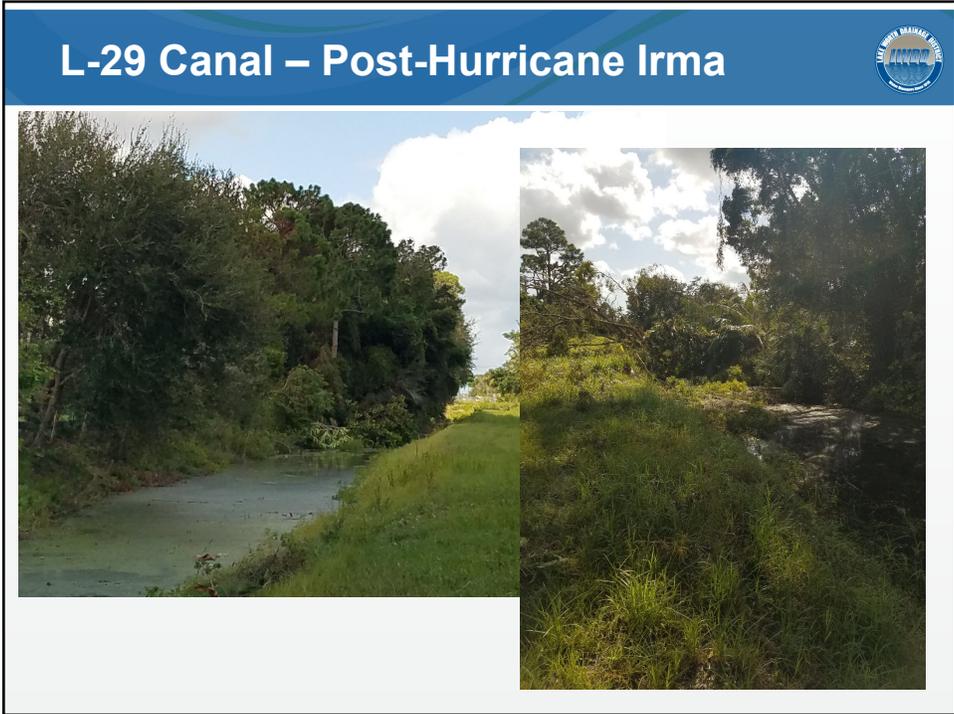
- CRP project is scheduled to begin in March 2023
- Encroachments to be removed/relocated by March 1
 - Any encroachments remaining will be removed as part of the CRP project
- All other encroachment issues on this canal have been resolved
 - Knight property encroachments would prevent a clear right-of-way for future canal restoration

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L-29 Canal – Post-Hurricane Irma



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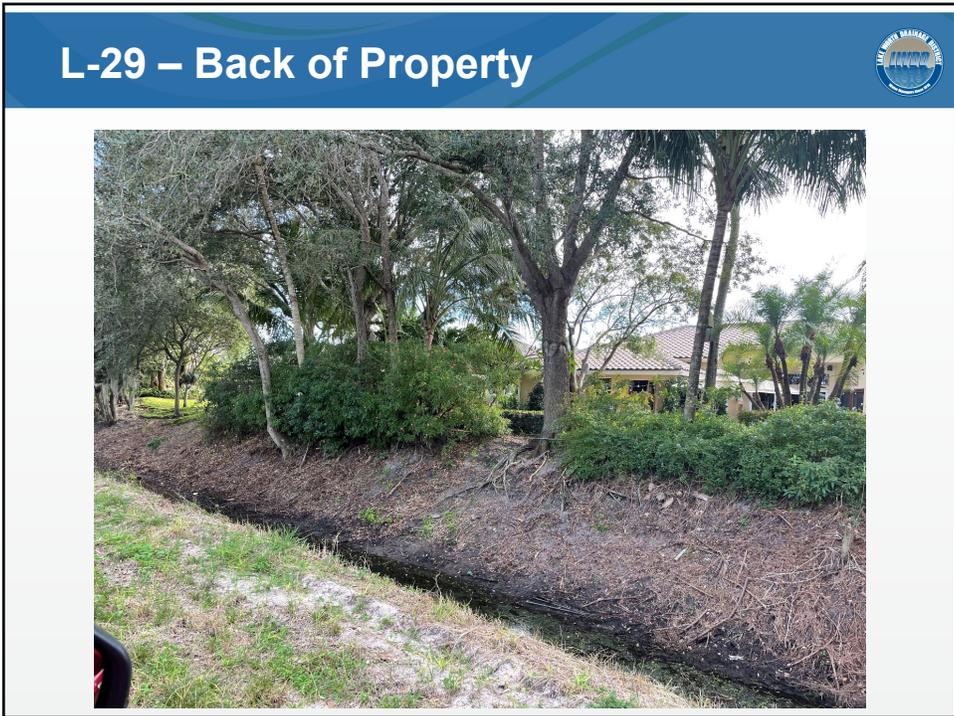
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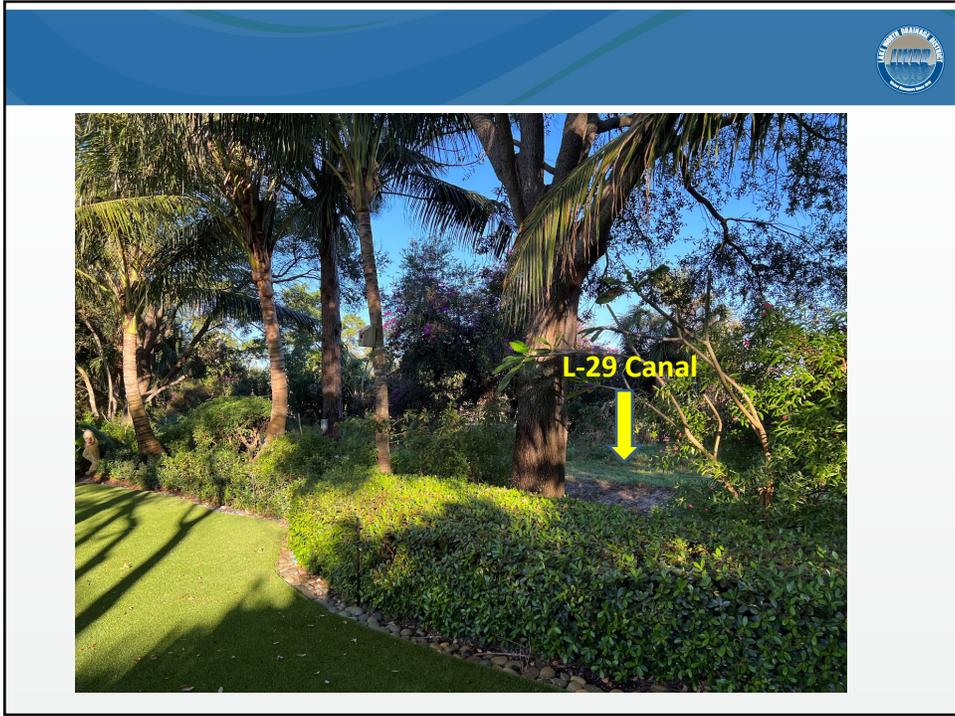
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Staff Recommendation



- Denial of variance request submitted by Mr. Knight to keep all encroachments within the L-29 Canal Right-of-Way
- Encroachments to be relocated/removed by March 1; all other encroachments to be removed by LWDD at start of project (March 13)
- Staff to prioritize restoration of canal banks following vegetation removal including seeding and bank stabilization