



**MINUTES OF
THE BOARD OF SUPERVISORS
WORKSHOP MEETING OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
May 7, 2024 at 8:30AM**

Board Members Present:

Steve Bedner
Carrie Hill

James M. Alderman
John I. Whitworth, III

Jeffrey P. Phipps, Sr.

1. Call to Order – Stephen Bedner,

President called the meeting to order.

2. Agenda Revisions – Tommy Strowd, Executive Director

There were no agenda revisions.

3. Briefing on Future Board Agenda Items

Staff provided briefings on anticipated agenda items for the May 15, 2024 regular board meeting including:

- **Approval of Resolution 2024-01 finding a certain Piping Easement Agreement in default and directing staff to prepare necessary plans, specifications, and cost estimates to remedy the default. Location: L-25 Canal within Pine Tree Country Club Estates; 10519 Pine Tree, Boynton Beach (Project #91-1557D.01, 03-1557P.08, CM-20-0260) – Brian Tilles, Director of Right-of-Way Regulation**

Assistant Executive Director Reagan Walker introduced Seth Behn from Lewis Longman and Walker. She explained that Mr. Behn is assisting with the referenced piping agreement in the Pine Tree neighborhood.

Ms. Walker introduced the item, providing a brief history and stating that action needs to be taken to repair/remove the pipe and recover associated expenses.

Mr. Tilles presented photographs demonstrating the exact location of the site and the history of the piping agreement.

Mr. Tilles outlined the piping agreement terms, including: the owner agrees to maintain the canal and improvements and to pay all associated expenses; ensuring the free flow of water through the canal at all times; maintaining the canal in a good, safe, and usable condition; keeping the canal in compliance with good engineering standards; and performing all maintenance tasks that LWDD may require. If the owner fails to provide the necessary maintenance within 30 days of receiving written notice, LWDD will have the authority to restore the canal as an open channel. Furthermore, LWDD shall have the right to reclaim any expenses incurred, which will become a lien against the owner's property.

Mr. Tilles provided a comprehensive overview of the compliance background and communications with the current assignee, Edouard Joseph.

Mr. Tilles outlined the current actions taken due to evidence of potential pipe failure. The LWDD ordered a pipe inspection of the area. On December 16, 2023, Shenandoah performed the pipe inspection, which cost \$2,250. The inspection revealed heavy corrosion, 30% to 40% siltation, and several damaged areas. On April 15, 2024, the LWDD sent a certified letter to the Joseph Family Trust, providing a final 30-day notice of agreement default and informing them of an upcoming board item on May 15, 2024. Subsequently, on April 22, 2024, the LWDD contracted Shenandoah to clean the pipe prior to the hurricane season as a precautionary measure, costing \$3,600.

LWDD staff recommended initiating the special assessment process in accordance with its enabling legislation to recover costs to repair/remove the pipe. This process requires board approval of a formal resolution to direct staff to obtain plans and costs for the necessary repairs and improvements.

Mr. Tilles provided potential remedies:

- Option 1 – Remove culvert, restore open channel
- Option 2 – Repair, slip line or cured in-place pipe (CIPP)

Mr. Tilles presented the pros and cons of restoring the canal to an open channel compared to repairing and slip-lining the pipe.

Supervisor Whitworth inquired whether the HOA is fully informed about the current events and ongoing issues affecting the property.

Ms. Walker stated that the HOA and golf course are aware and do not have any interest in taking responsibility for the maintenance of the pipe.

Mr. Behn stated that the special assessment process authorized through the District's charter can be utilized to recover costs associated with remediation of the pipe. He outlined the general special assessment process.

Ms. Walker inquired whether the board members wanted the staff to seek cost estimates for both repair options or only for the slip-lining option.

The Board discussed repair options and agreed that slip-lining the pipe would be preferable if it was possible.

Ms. Walker stated that staff will be presenting a formal resolution for approval at the Board meeting directing staff to prepare plans and cost estimates to remedy the failing pipe.

- **Approval of qualified contractors to provide Tree & Vegetation Removal Services for June 2024 to May 2025 (RFQ #24-9887L.06) – Michelle Sinclair, O&M Specialist/Procurement Coordinator**

Ms. Sinclair stated that in May 2023, the Board approved six (6) qualified contractors for tree and vegetation removal services, as needed, from June 2023 to May 2024, for the remaining CRP-Vegetation Removal projects. In 2024, these contractors may be utilized for isolated tree removal following encroachment removals or to assist LWDD crews as needed. A request for Qualifications was advertised on April 15, 2024 on DemandStar. Fourteen (14) responses were received; six (6) were deemed responsive and qualified to conduct work for LWDD:

1. ATL Diversified
2. Coco Tree Service
3. Collins Land Services, Inc
4. Phillips and Jordan, Inc
5. Sherlock Tree Company
6. Treecycle Land Clearing, Inc

Staff recommended approval of the list of qualified contractors to perform hazardous and exotic tree and vegetation removal services, as needed, during a one-year period from June 2024 to May 2025.

The Board requested that the item be placed on the Consent Agenda at the next regular meeting.

- **Approval to convey fee title right-of-way on the L-24 Canal to Florida Department of Transportation in exchange for additional fee title right-of-way conveyed by Logan Ranch Build to Rent, LLC for construction of a turn-lane on Boynton Beach Boulevard. Location: L-24 Canal, southeast corner of Acme Dairy Road and Boynton Beach Boulevard (Project #RI-22-0063) – David Bends, Right-of-Way Interest Supervisor**

Mr. Bends provided information on the development plan for the 39.24-acre site, which is currently zoned agricultural. The site will be redeveloped into a multi-family residential community. There will be a 0.63-acre right-of-way dedication to LWDD on the L-24 Canal, and a 0.0715-acre conveyance from LWDD to FDOT to accommodate a right turn lane required for the project.

Mr. Bends provided some background information. In 1915, the north 84.48 feet of Tracts 7 and 8 were taken for the L-24 Canal right-of-way through Chancery Case 407. In March 1990, LWDD entered into an agreement with FDOT to facilitate the completion of the Florida Turnpike Interchange at Boynton Beach Boulevard. In 1991, as part of the

Interchange project, Boynton Beach Boulevard was widened from a two-lane road to a four-lane divided highway between Acme Dairy Road and Hagen Ranch Road, and the L-24 Canal was relocated to the south to accommodate the roadway widening.

Mr. Bends stated LWDD's ownership interest through Chancery was not addressed, leading to FDOT acquiring canal right-of-way from the adjacent landowner over a portion of the canal right-of-way already owned through Chancery, as well as a portion south of LWDD's ownership. As a result, a portion of the LWDD Chancery right-of-way is within the road right-of-way, and a portion of the parcel that FDOT acquired is south of LWDD's ownership. To resolve these title issues within the respective road and canal rights-of-way, LWDD and FDOT are coordinating the exchange of deeds as part of this development project. He stated that LWDD recently received a request from Mike Schwartz with Kimley-Horn to exchange fee title for the proposed turn lane in return for fee title for additional right-of-way required on the L-24 Canal.

Mr. Bends stated the proposed conveyances: Logan Ranch Build To Rent, LLC will transfer fee title by warranty deed to LWDD for additional right-of-way required on the L-24 Canal, containing 27,387 square feet, or 0.629 acres. This proposed conveyance will provide LWDD with a 110-foot-wide unencumbered right-of-way throughout the limits of the project. Existing encroachments, landscaping, and easements must be extinguished before being conveyed to LWDD. In turn, LWDD will transfer fee title to FDOT by quit-claim deed over the portion required for the turn lane, containing 3,113 square feet, or 0.071 acres.

Staff recommended approval to exchange fee title subject to the following conditions: the property owner must convey a warranty deed to LWDD for additional right-of-way required on the L-24 Canal, totaling 27,387 square feet or 0.629 acres; LWDD will convey fee title to FDOT by quit-claim deed over the portion required for the right turn lane, containing 3,113 square feet or 0.0715 acres; the L-24 Canal must be realigned to the new canal design section, and rip-rap or other permitted material required to armor the canal bank to prevent scour where the canal transitions between the new and existing alignments. Approval is also subject to providing LWDD with a contractor's cost estimate for bond preparation; bonding and constructing the redirected canal in accordance with all LWDD standards including appurtenances such as end walls, culverts and rip-rap; reconstructing the north side of the L-25 Canal to the design section; approval and permitting of the culvert crossing into the development; sketch of descriptions; certificate of title; approval of all pans and LWDD operating policies.

The Board requested that the item be placed on the Consent Agenda at the next regular meeting.

- **Approval to issue a Right-of-Way Permit to Christopher & Nicole Ihnat for the existing fence and pool deck to remain within the south 1' of the L-50 Canal right-of-way. Location: L-50 Canal, north of Southwest 18th Street; 6123 Golf Vista Way, Boca Raton (Project #RW-24-0049) – Nicole Smith, Permit Supervisor**

Ms. Smith provided a historical overview of the property. On July 13, 1983, Palm Beach County issued a permit (B83017243) for an in-ground pool to Eugene Bennett, the previous

owner. The existing pool patio encroaches within the L-50 Canal right-of-way by approximately 1.53 to 2.60 feet. On March 4, 1991, LWDD issued a permit (91-4550S.01) for a sand cement seawall to Eugene Bennett. On February 19, 2024, the current owner, Ms. Ihnat, requested a permit for a fence to remain within the south right-of-way of the L-50 Canal.

On March 19, 2024, a letter of objection was sent to Ms. Ihnat, stating that all improvements needed to be installed outside of the right-of-way. Although the LWDD seawall permit was for one seawall, the survey indicated the presence of both a seawall and a retaining wall; both in poor condition upon inspection. On April 4, 2024, Ms. Ihnat emailed in response to the objection letter, stating that the retaining wall had been removed in March 2024 per the request of the Palm Beach County Building Department, and that they had been granted 500 days to resolve all issues with the county.

On April 18, 2024, Gary Robeson visited the residence to inspect the current conditions. The property owner was home and agreed to move the fence to the edge of the pool patio and remove all other encroachments, thereby reducing the previously requested encroachment from approximately 4.56 feet to about 1.53 feet.

Staff recommended approval to issue a Right-of-Way Permit to Ms. Ihnat, allowing a portion of the existing pool patio and a parallel fence adjacent to the pool patio to remain within the southern 1.53 feet of the L-50 Canal Right-of-Way. This approval is subject to the following conditions: the removal of the palm trees, vegetation, and all other improvements from the L-50 Canal Right-of-Way; if or when the pool and patio are updated or renovated, all encroachments must be removed from the LWDD's L-50 Canal Right-of-Way; proof of liability insurance with a minimum coverage of \$300,000, listing LWDD as a certificate holder. The permit fees include an application fee of \$50.00 (reduced per Board), a waived use fee for existing encroachments, and an annual fee of \$50.00 (reduced per Board) which will be adjusted every five years based on the compounded CPI.

- **Denial of Palm Beach County Traffic Division's permit modification application to request nine (9) signal pull boxes and two (2) pedestrian poles to remain within the L-13 Canal right-of-way. Location: North side of 6th Avenue, east of Congress Avenue at the entrance to Palm Beach State College (Project #RW-24-0027) – Nicole Smith, Permit Supervisor**

Ms. Smith stated in November 2020, the County submitted an application for mast arms within the L-13 Canal right-of-way. In February 2021, the LWDD issued a permit for the installation of two mast arms (RW-20-0340). Plans indicated the placement of pull boxes within the sidewalk, situated to the south and outside the boundaries of the L-13 Canal Right-of-Way. A permit extension was granted by LWDD in May 2022. In December 2023, a field inspector identified pull boxes and pedestrian poles being installed within the right-of-way and notified the contractor and the County that the unpermitted encumbrances must be relocated. Ms. Smith explained that the County submitted an application seeking approval for the pull boxes to remain within the L-13 Canal right-of-way. Ms. Smith provided pictures illustrating the work site to the board.

Staff recommended denial of PBC's request to leave the pull boxes and pedestrian poles within the south right-of-way of the L-13 Canal.

4. Staff Reports

Ms. Hoyt provided an update on investment earnings for the quarter ending March 31, 2024. A copy of the report is attached hereto as part of the meeting record.

Mr. LasCasas provided an update on the sewage spill in the L-10 Canal. The Health Department has released the utility from water quality and immediate remediation requirements. Repairs to the existing force main are still underway. Staff will continue to monitor the situation and provide further updates as needed.

5. Board Reports & Comments

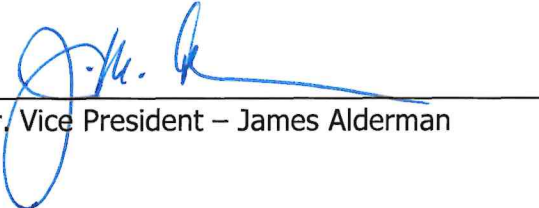
There were no additional board comments.

6. General Public Comment

There was no public comment.

7. Adjourn

There being no further business, the meeting was adjourned at 10:17 AM.



Sr. Vice President – James Alderman



Recording Secretary – Sandra Acosta