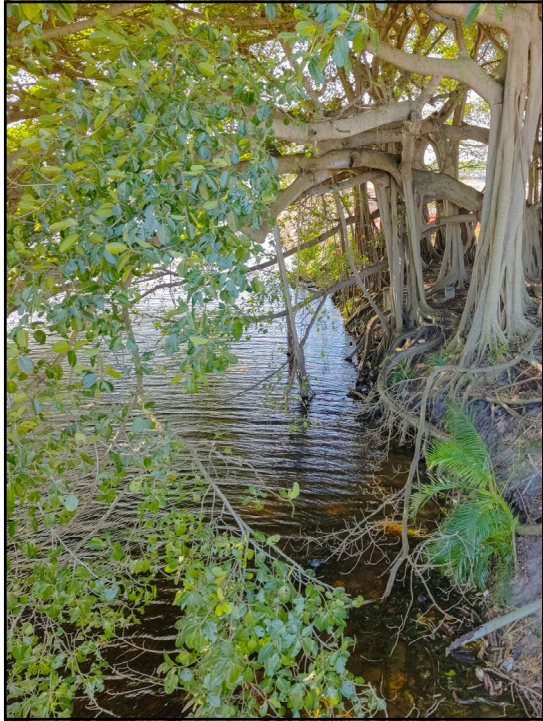




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## The issues

- Tree has grown through the edge of the E-4 Canal bank
- Canopy obstructs navigation
- Remnants of prior golf course building evident in existing canal bank
- LWDD needs maintenance access
- Slope Stability Analysis indicates existing slope safety factor is inadequate

3

## History

- Encroachment License Agreement
  - Originally signed in 1994
    - Allows encroachments for employee parking, golf tee and tree in E-4 right of way
    - Requiring removal at City expense within 90 days of receiving written notice
    - Amended four times with final amendment being extended “until such time that the DISTRICT may reasonably require removal”
- City of Delray Beach initiated permitting associated with Municipal Golf Course restoration
  - Petitioned for authorization to permit existing Banyan Tree to remain
    - Petition was denied on February 11
    - City requested Board to allow additional testimony



4



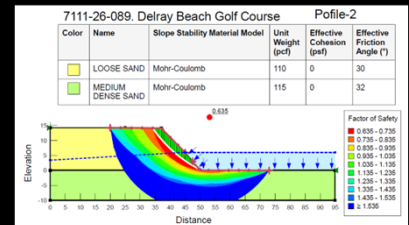
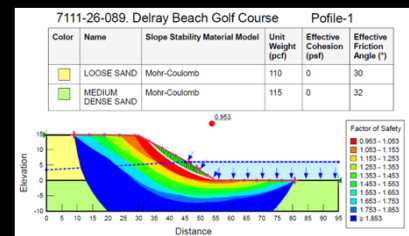
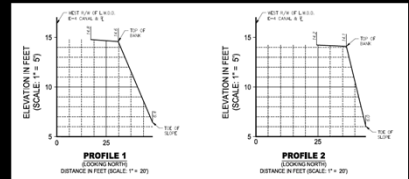
## Additional information

- Geotechnical Engineering Report
- Debris Removal Plan
- Certified Risk Assessment Arborists Report

5

# Geotechnical Engineering Report

- Investigated subsurface conditions and slope stability
- Soils are primarily a layer of limerock fill underlain by sandy soils to boring depth of 25 ft.
- Groundwater depth 11.5 ft. below grade, as influenced by canal level
- Slope stability analyses show existing slope factor of safety against deep-seated circular failure is inadequate
- Possible that landscape and tree root system in the embankment has provided a reinforcement effect to date



6



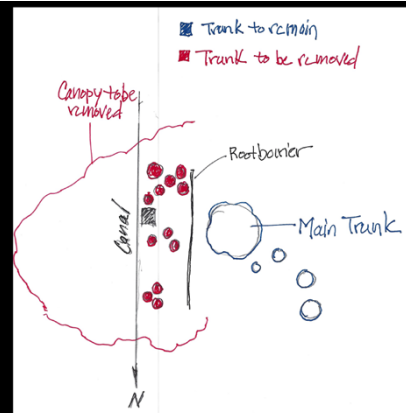
## Debris Removal Plan

- AshBritt is under contract for emergency debris removal
- If the tree is storm damaged, plans are in place for removal whether it falls into the canal, or whether it falls onto the ground
- Pre-staged Equipment List
  - 60-ton crane w/ operator
  - Grapple barge with crew
  - 2 skid steers w/ operators
  - 3 sawyers
  - 1 tree climber with ropes and safety gear
  - 1 supervisor with truck

7

## Banyan Tree Pruning and Trunk Reduction

- This effort is under way now!
- Structural pruning and hazard removal – safety
- Trunk removal
  - All trunk appendages located east of the primary trunk will be removed
  - Roots pruned on east side of remaining trunk
- Root removal
  - All root mass that has extended into and over canal bank
  - Clear access for bank restoration
- Root barrier installed after final grading and canal bank restoration



8

## Canopy Pruning and Structural Balancing

- Remaining canopy evaluated to:
  - Remove or reduce any remaining large limbs to ensure balance
  - Perform necessary structural reduction cuts
  - Conduct crown thinning
- Over next 4 – 5 years:
  - Excessive growth selectively pruned encouraging growth to the east
- Prior to August each year, tree to be inspected and pruned to reduce storm risk



9

## Progress and Good Faith Efforts

Dick Wilson #9  
LWDD land bridge



10

# E-4 Canal Bank Restoration



North of the  
banyan tree on  
the west side



South of the  
banyan tree on  
the west side



11

Thank you for your  
patience and  
consideration of  
our petition to keep  
the Banyan tree



12

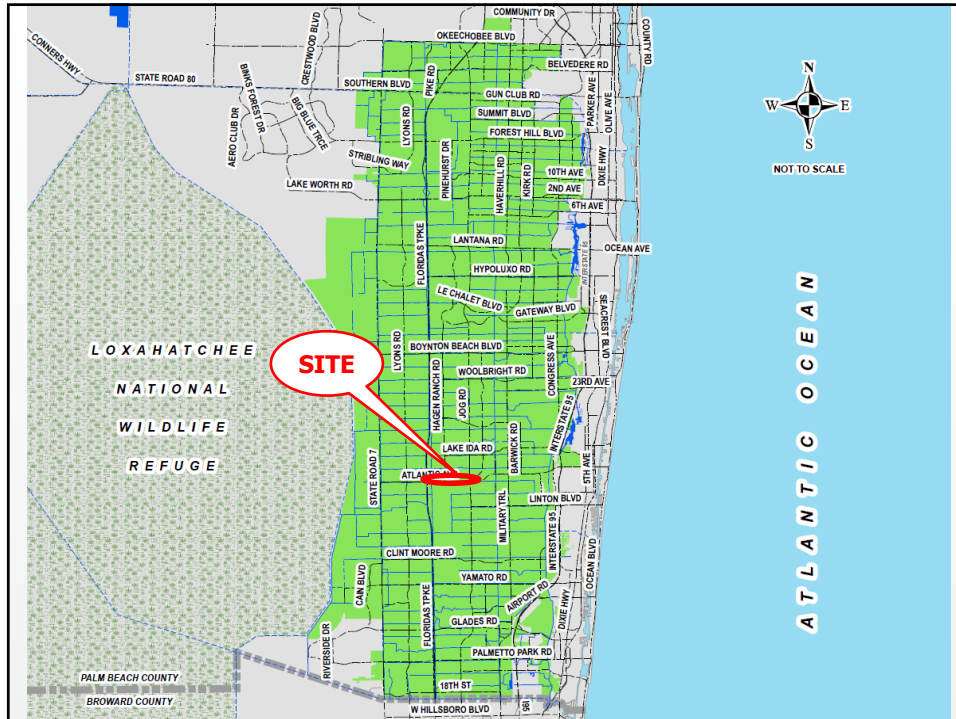
# Approval of FDOT's Atlantic Avenue Roadway Widening Project, L-34 Canal Modifications, and Memorandum of Agreement (MOA) Florida Turnpike to East of Jog Road

(RI-19-0123)

David Bends, P.S.M., Right-of-Way Interest Supervisor  
Governing Board Workshop – April 7, 2026  
Agenda Item #3



1



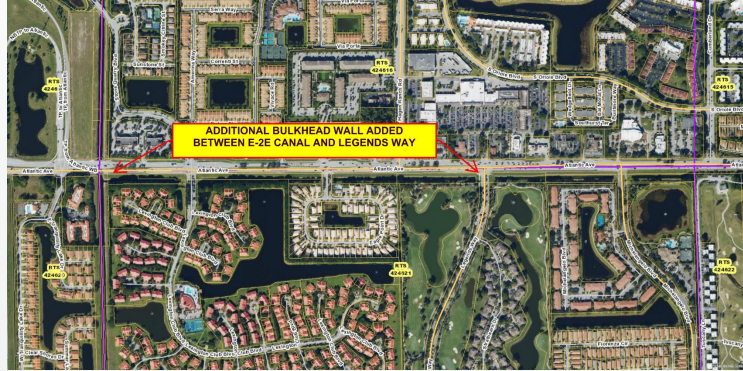
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# Project Updates

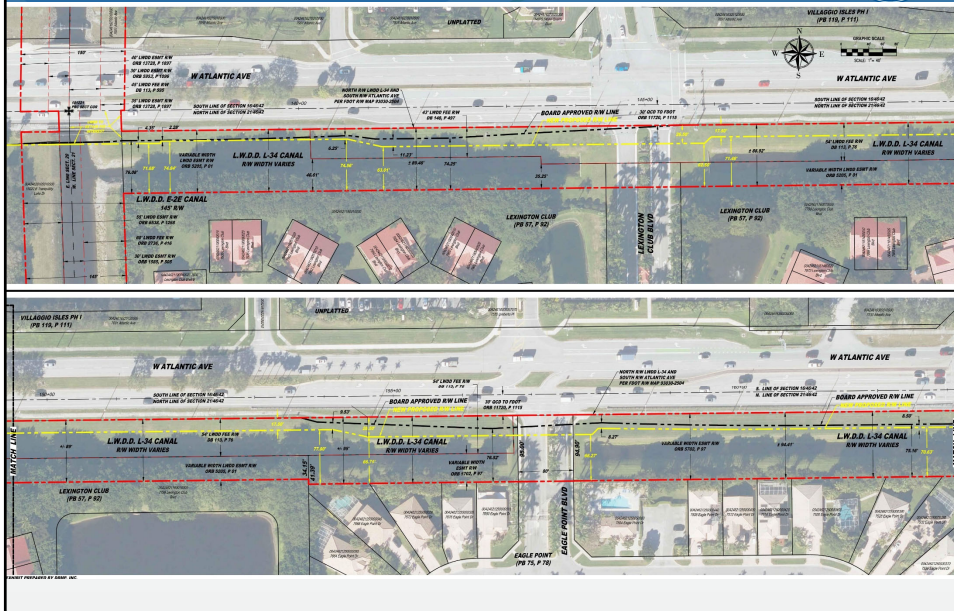


- December 2025 – LWDD was informed that the proposed right-of-way shifted south
- Additional bulkhead wall has been added between the E-2E Canal and Legends Way (approximately 3,400 LF)

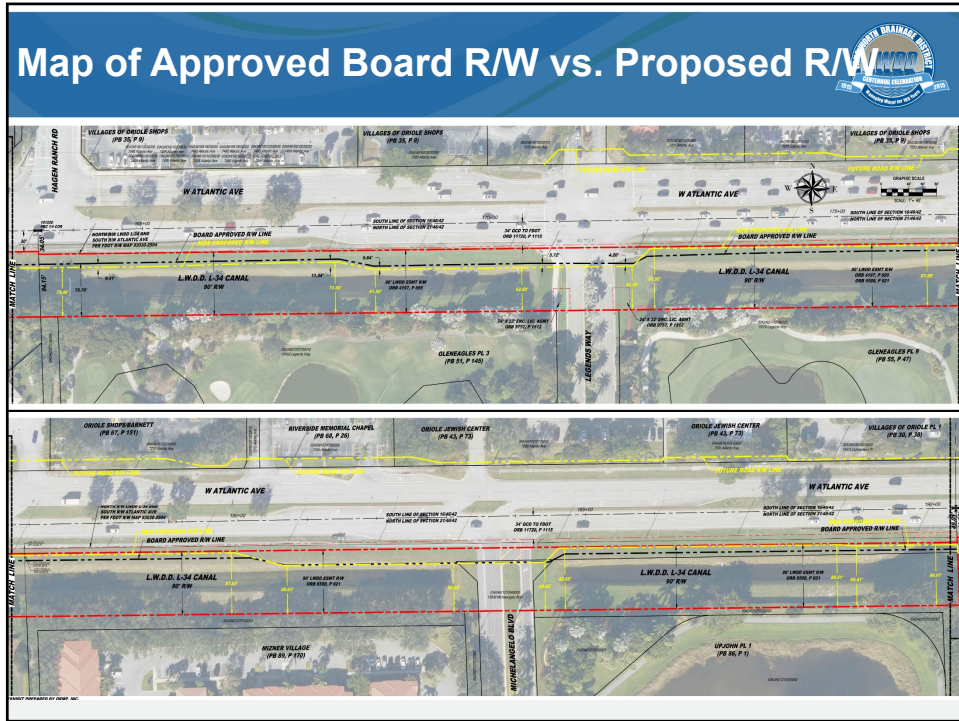


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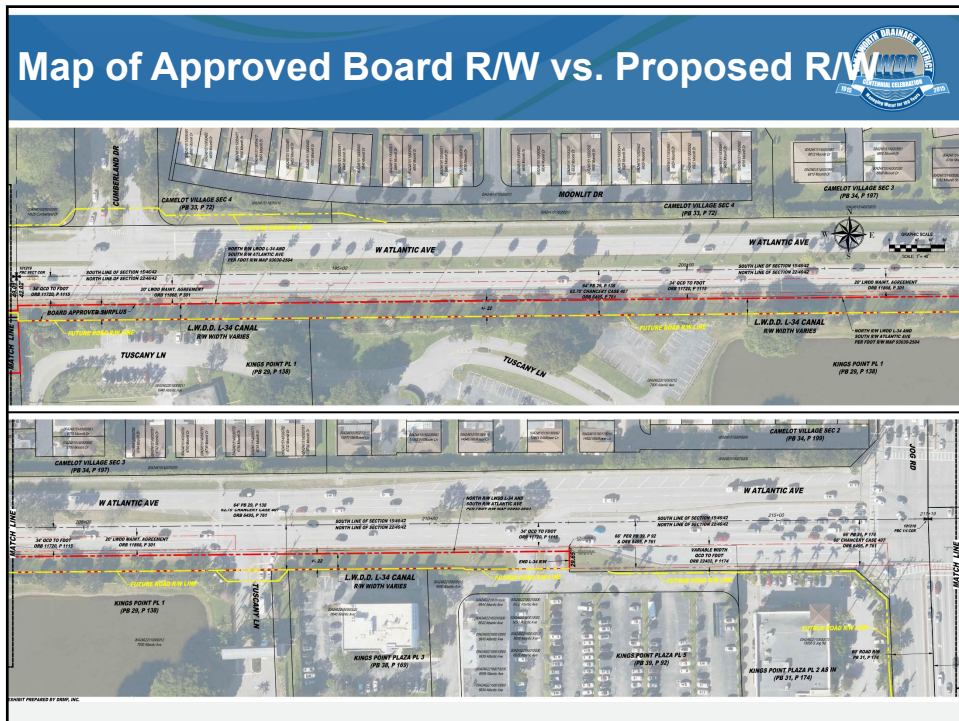
# Map of Approved Board R/W vs. Proposed R/W



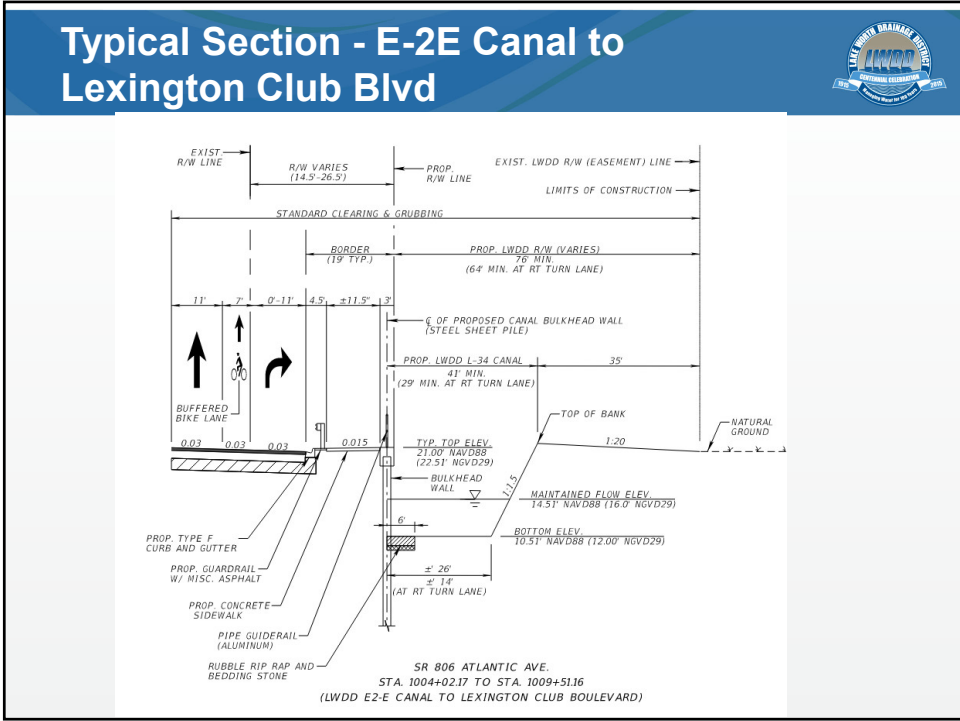
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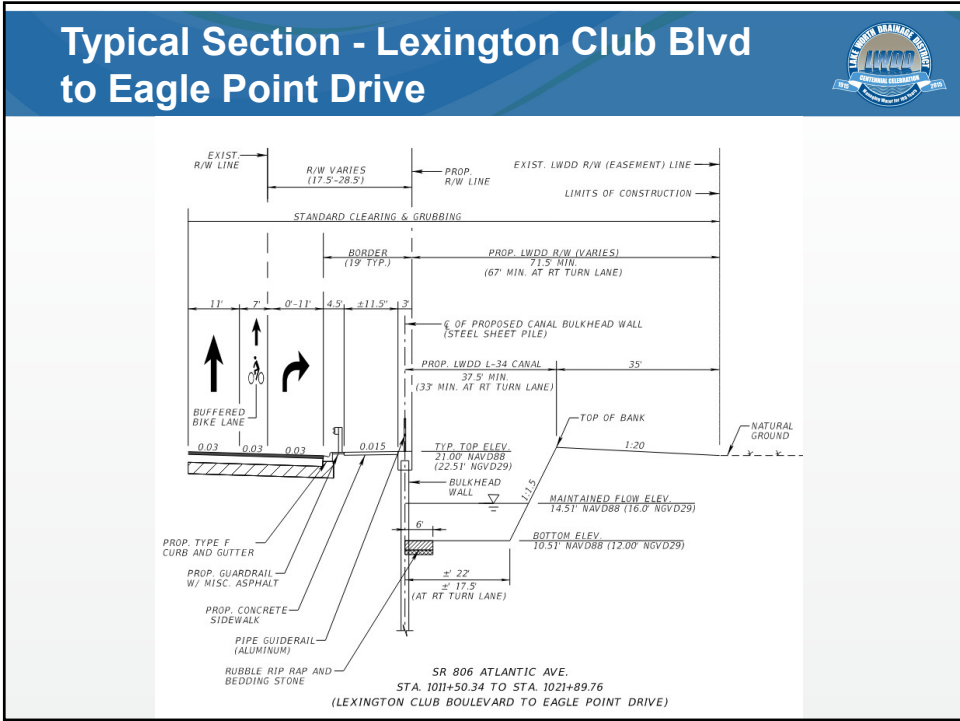
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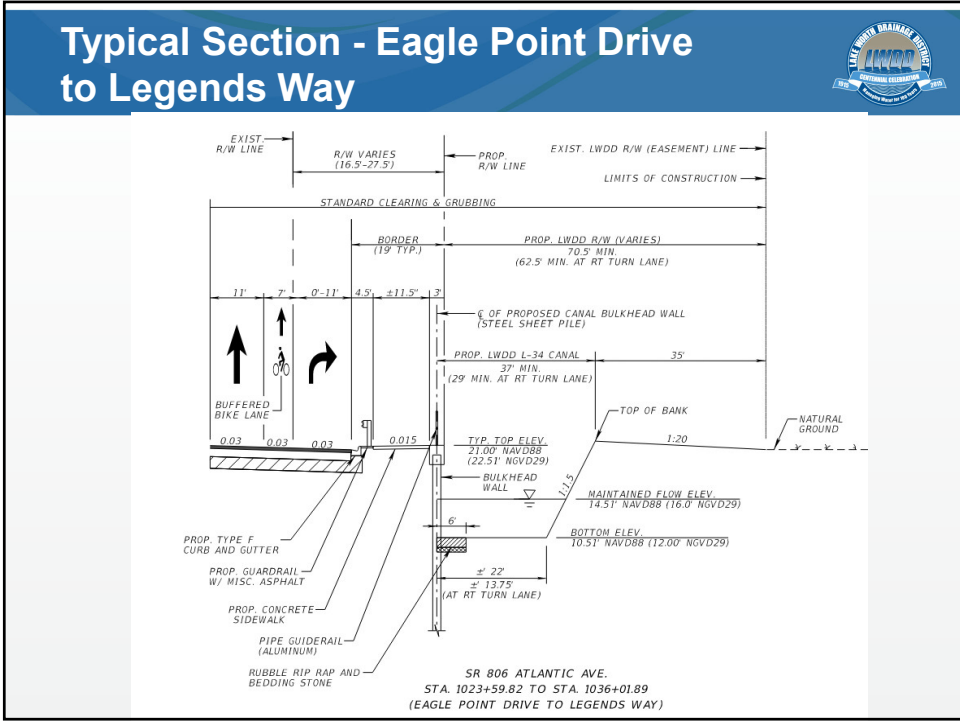
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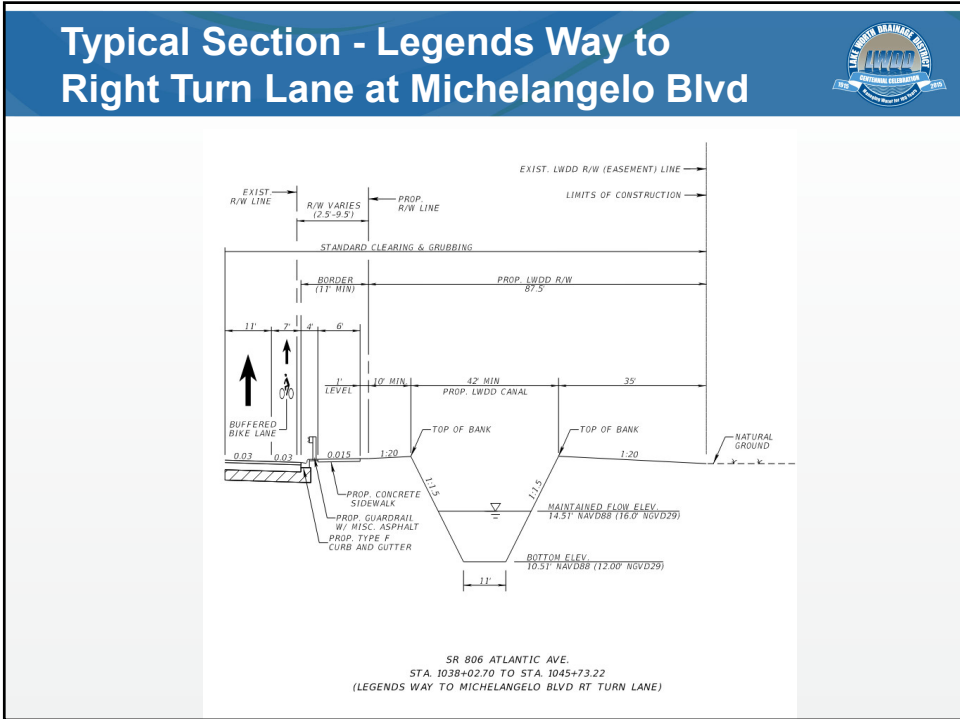
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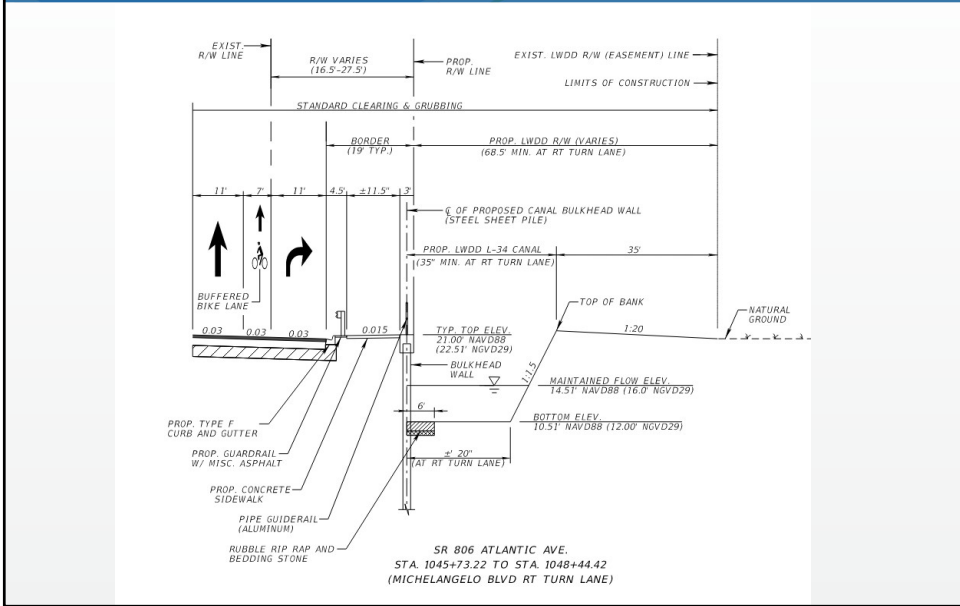


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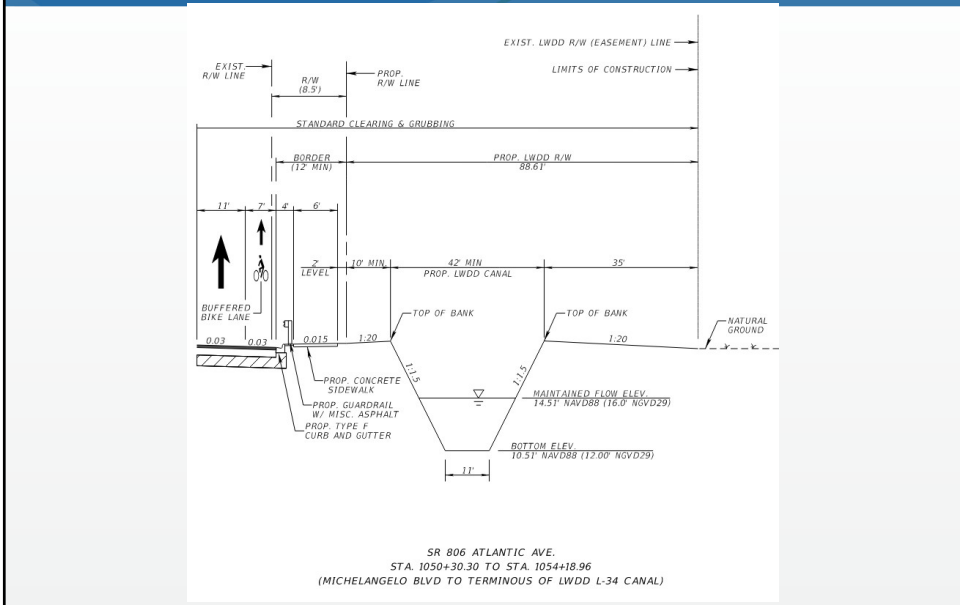
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# Typical Section - Right Turn Lane at Michelangelo Blvd



13

# Typical Section - Michelangelo Blvd to the Terminus of L-34 Canal



14

## Request



- Approval to surplus and sell a portion of the L-34 Canal right-of-way as presented for the roadway widening at fair market value from E-2E Canal to east of Jog Road, containing 3.84 Acres, more/less
- Enter a Memorandum of Agreement with FDOT

15

## FDOT Canal Modification Requirements



- Shift the heavy maintenance berm currently on the north side of the channel to the south side and provide a 35' continuous maintenance berm
- Rip-Rap or other permitted material that may be required to armor the canal bank to prevent scour where the canal transitions and 25' beyond headwalls
- Drop curb (14' in width) centered on maintenance berms on north and south sides of canal at road crossings and through medians; sidewalks (6" thick) through canal right-of-way
- A minimum of 15' clear unobstructed access at all four (4) quadrants of any crossing
- Vegetative side trimming (25-foot vertically) along the south canal right-of-way line and removal of all vegetation on the south side of the canal that may exist throughout the project limits to provide 35' unencumbered access
- Removal of all above-ground encroachments on the south side of the canal that may exist to provide 35' unencumbered access
- The existing utility transmission line and poles parallel with and adjacent to the existing north right-of-way line of the L-34 Canal will be required to be relocated within FDOT's right-of-way for Atlantic Avenue
- At road crossings, culvert size and length to be approved by LWDD to ensure no impacts to drainage and sufficient access

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## Memorandum of Agreement Highlights

- **FDOT and LWDD to enter into a Memorandum of Agreement for construction coordination**
  - LWDD shall execute conveyance and other documentation to transfer ownership of the canal right-of-way to FDOT prior to construction
  - FDOT shall control the L-34 Canal right-of-way during the construction of the Project
  - FDOT shall grant access to LWDD to maintain the canal in the event of an emergency
  - FDOT will include in the construction contract the proposed permit to be issued by LWDD, which contains conditions set forth in the agreement
  - The project shall be complete within 10 years of MOA execution, or as extended by the parties

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## Staff Recommendation

- Approval of FDOT's Final design for Atlantic Ave roadway widening and L-34 Canal modifications
- Approval to surplus and sell that portion of the L-34 Canal right-of-way for roadway widening at fair market value, containing approximately 3.84 acres, more/less, as specifically presented in the revised plans submitted by FDOT on December 5, 2025
- Approval of finalized Memorandum of Agreement (MOA) with the FDOT

18

## Staff Recommendation



- Subject to:
  - Permittee shall be responsible for all costs associated with the proposed canal improvements and modifications
  - Board approval of fair market value based on an appraisal to be provided by FDOT
  - An analysis confirming sufficient hydraulic capacity

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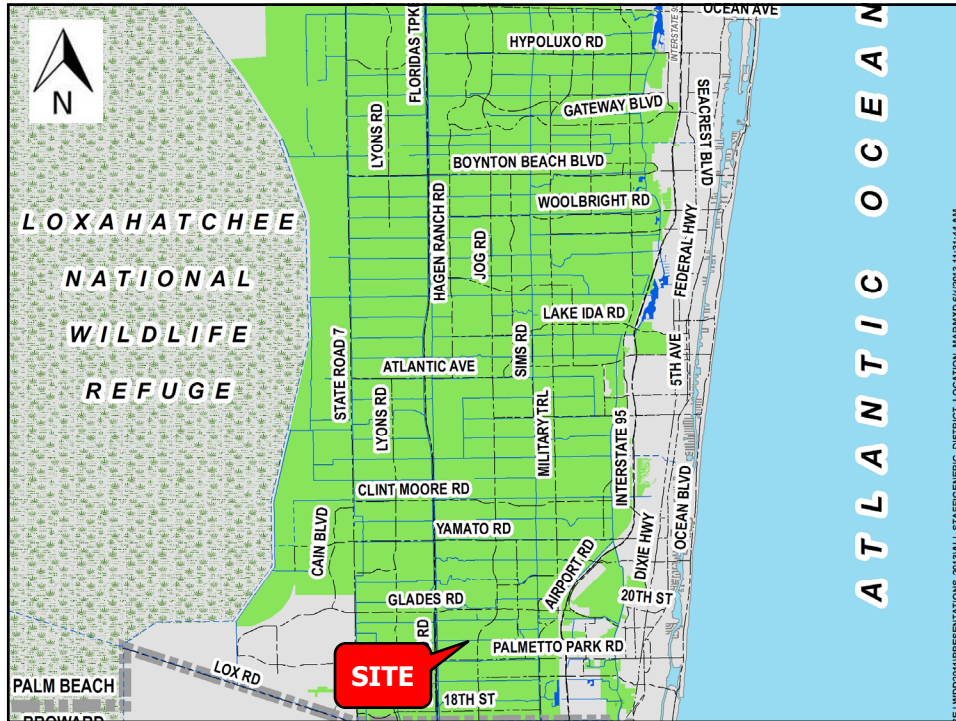
# Approval to Surplus and Sell a Portion of the L-47 Canal Right-of-way Adjacent to 7097 Via Firenze

L-47 Canal, West of Powerline Road  
RI-25-0045

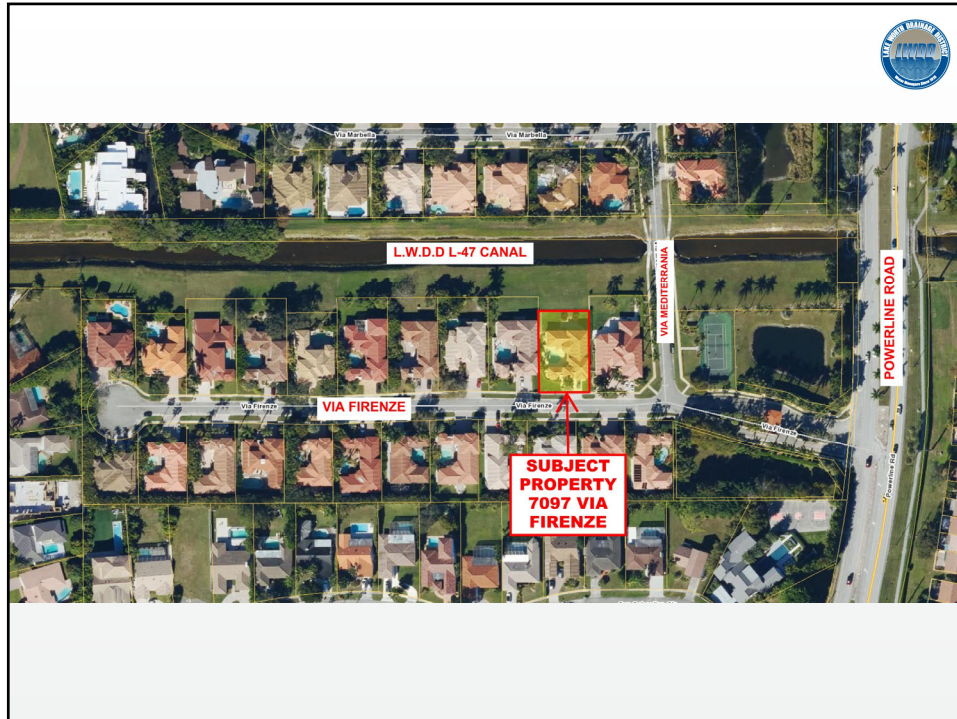
David Bends, P.S.M.  
Right-of-Way Interest Supervisor  
April 7, 2026  
Agenda Item #3



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## Background

- September 1999
  - Board approved to declare 25-foot strip of L-47 right-of-way adjacent to the plat of Mediterrania surplus and eligible for sale at fair market value
- March 2000-November 2019
  - Eight (8) property owners purchased the 25-foot strip of surplus right-of-way
  - Fair market value ranges from \$7.66-\$10.46 per square foot
- July 2025
  - Property owner of 7097 Via Firenze (Lot 22) requested to purchase the surplus right-of-way adjacent to their property for fair market value

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## Staff Recommendation

- Declare the 25'x88' strip (2,200 sq. ft.) of right-of-way adjacent to Lot 22, Mediterranean, surplus and eligible for sale
- Approve Fair Market Value based on the submitted appraisal, dated March 16, 2026
  - FMV = \$33,000 or (2,200 sq. ft. x \$15.00 per sq. ft)
- Subject to:
  - Providing a Sketch of Description (Submitted)
  - Certification of Title
  - District operating policies

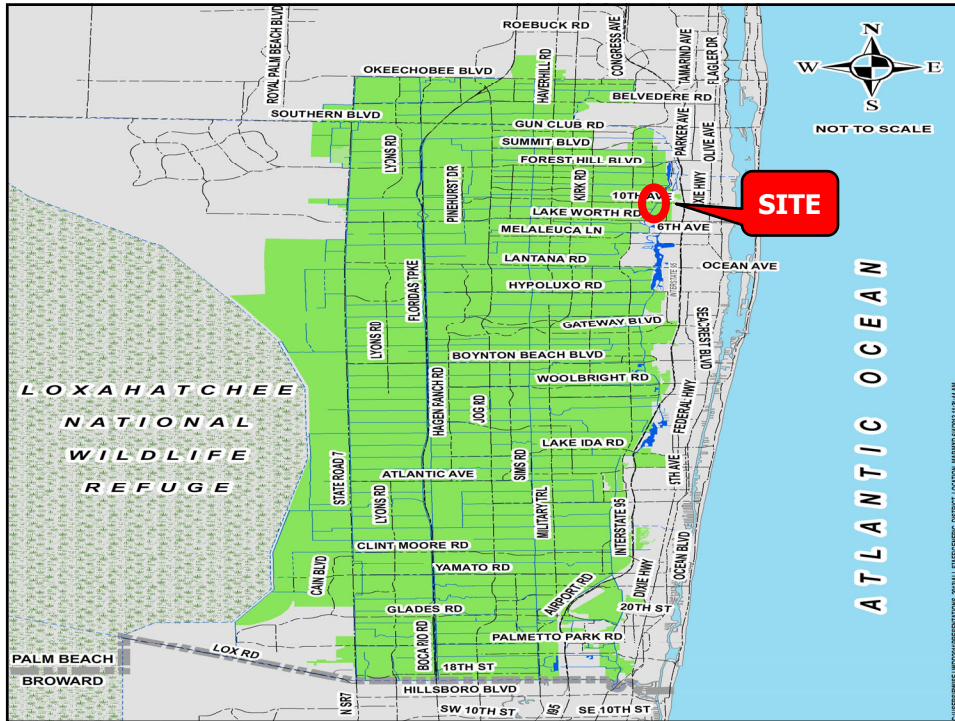
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**Lie Run He Trust – 2651 2<sup>nd</sup> Avenue**  
**Encroachments within the west right-of-way**  
**of the E-4 Canal; North side of 2<sup>nd</sup> Avenue N**  
 Project #RI-25-0067 & 00-5596P.01

Nicole Smith, Permit Supervisor  
 Workshop Meeting – April 7, 2026  
 Agenda Item #3



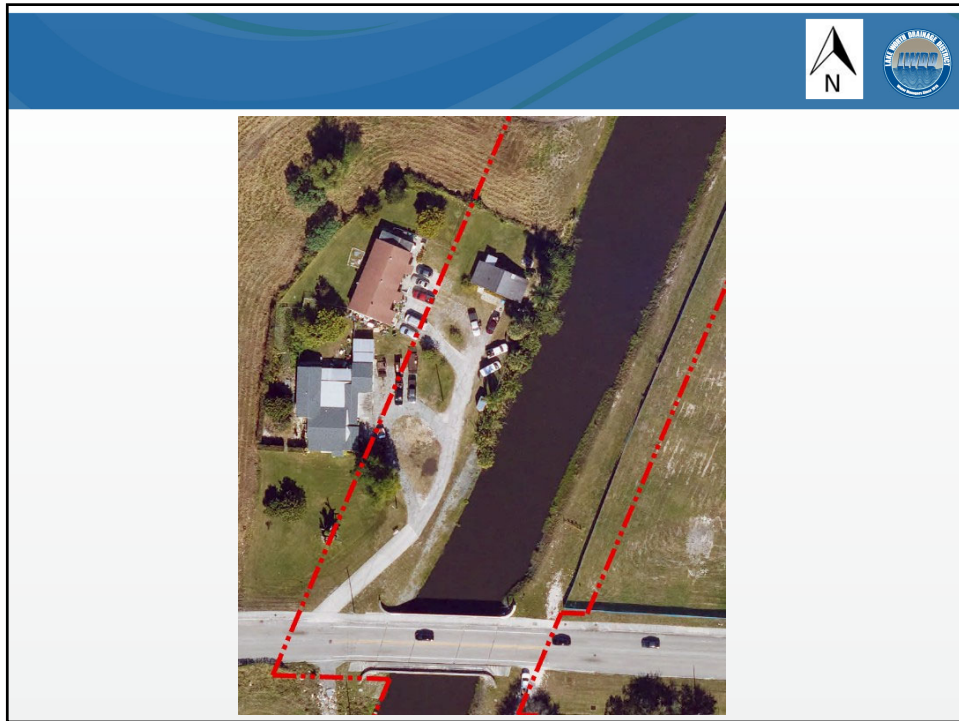
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## History



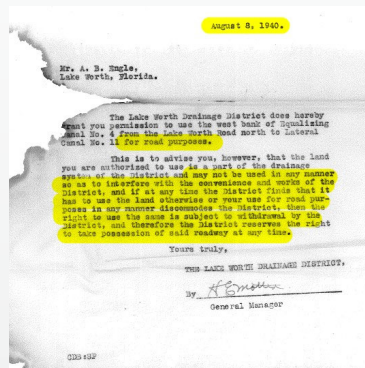
- August 2, 1940 – LWDD board of Supervisors granted permission for the use of the western bank of the E-4 Canal Right-of-Way to be used as a road from Lake Worth Road north for ½ of a mile by A.B. Engle provided that possession can be regained by the District at any time in the future. Letter of authorization provided.

The Secretary reported that Mr. A. B. Engle, had made a request, through Mr. J. F. Barton of Lake Worth, for permission to use the District's right-of-way along the west bank of Equalizing Canal #4 from the Lake Worth Road north one half mile as a road right-of-way.

E-4 CANAL BANK  
OPENED AS ROAD  
FOR A.B. ENGLE

He reported further than an inspection trip had been made with Mr. Lingle, and that Mr. J. I. Keller, the other adjoining land owner had been contacted and Mr. Keller's approval had been procured.

Attorney Blackwell was instructed to prepare a letter providing for use of the right-of-way and also protecting the District by providing that possession can be regained by the District at any time in the future.



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## History



- LWDD had numerous correspondences with the property owners and their representatives throughout history regarding the use of the E-4 Canal Right-of-Way, Removal of Encroachments, and Land Rights. Letters dating from the 1940's – 2026:
  - November 1999 – letter to Mr. Friderich: structures to be removed
  - December 1999 – 2<sup>nd</sup> letter to Mr. Friderich: structures to be removed by January 2000
  - March 2000 – 3<sup>rd</sup> letter to Mr. Friderich: structures to be removed by April 2000
  - December 2006 – response letter to Attorney's Title: LWDD does not have any Chancery Case 407 interest
  - December 2006 – response letter to Gunster Yoakley ...: LWDD land interest per recorded plat
  - February 2009 – response letter to Gunster Yoakley... LWDD does have Chancery Case 407 interest within the E-4 Canal Right-of-Way
  - July 2025 – letter to Lie Run He Trust: requesting all encroachments be removed within sixty (60) days
  - July 2025 – letter sent to LWDD from David Tolces, ESQ., in response to our letter sent to Lie Run He
  - January 2026 – Staff and property owners/representatives met to discuss encroachments issues
  - February 2026 – Property owners removed the canvas car tents following meeting with staff

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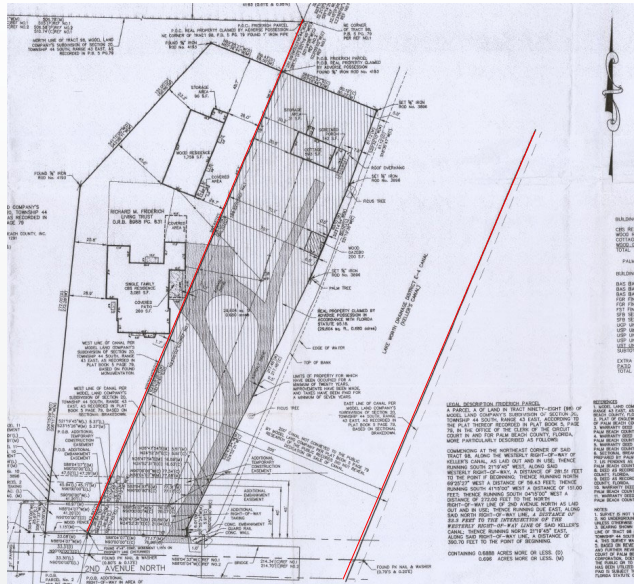
# Site History



- June 11, 1974 (ORB 2315/964)
  - Grantor: Weiler Kohl & Gertrude Kohl
  - Grantee: Richard Friderich & Jan Friderich
- December 21, 2005 (ORB 19696/1650)
  - Grantor: Richard Friderich Trust
  - Grantee: Chew Yook Wing
  - Grantee: Lie Run He
- November 4, 2011 (24834/1409)
  - Grantor: Chew Yook Wing
  - Grantor: Lie Run He
  - Grantee: Lie Run He Trustee
  - Grantee: 2651 2<sup>nd</sup> Avenue North Land Trust

7

# Survey



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## Staff Recommendation



- Approval to issue a Non-Transferrable Right-of-Way Permit to the Trustee's of the Lie Run He Trust for the existing Cottage located within the eastern portion of the west right-of-way of the E-4 Canal to remain as-is
- Subject to:
  - Applicant is to apply for a Right-of-Way Permit by submitting an application online at <https://aca-prod.accela.com/LWDD/Default.aspx> within 15 days of the board meeting
  - Providing LWDD unencumbered access within the E-4 Canal Right-of-Way
  - Removal of all vegetation from the E-4 Canal Right-of-Way
  - **Removal of all above-ground structures (utility poles)**
  - Removal of the septic system once public utilities are made available
  - Removal of the Cottage once it becomes in a state of disrepair (no future improvements) and all other structures
  - Removal of all remaining encroachments upon sale of the adjacent property
  - Proof of Liability Insurance (\$300,000.00 Min.) listing LWDD as a Certificate Holder

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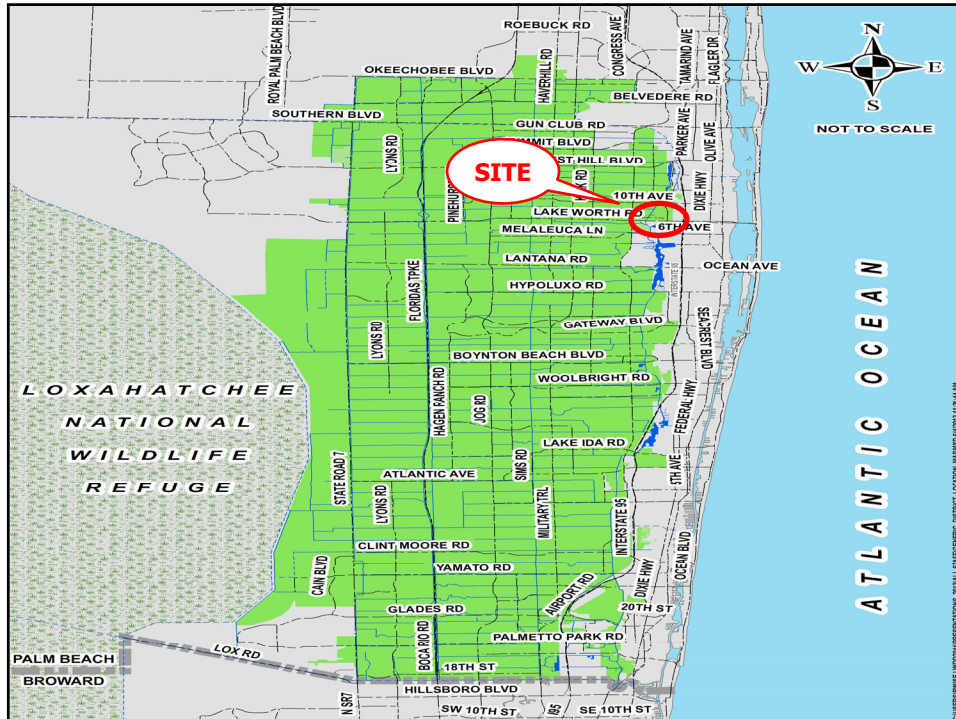
**Approval to allow the installation of Four (4)  
Temporary Piezometers within the west right-of-way of  
the E-4 Canal and One (1) Staff Gauge at the NW 2<sup>nd</sup>  
Avenue Bridge, south side of 7<sup>th</sup> Avenue N**

LWDD Project No. RW-26-0050

Nicole Smith, Permit Supervisor  
Workshop Meeting – April 7, 2026  
Agenda Item #3



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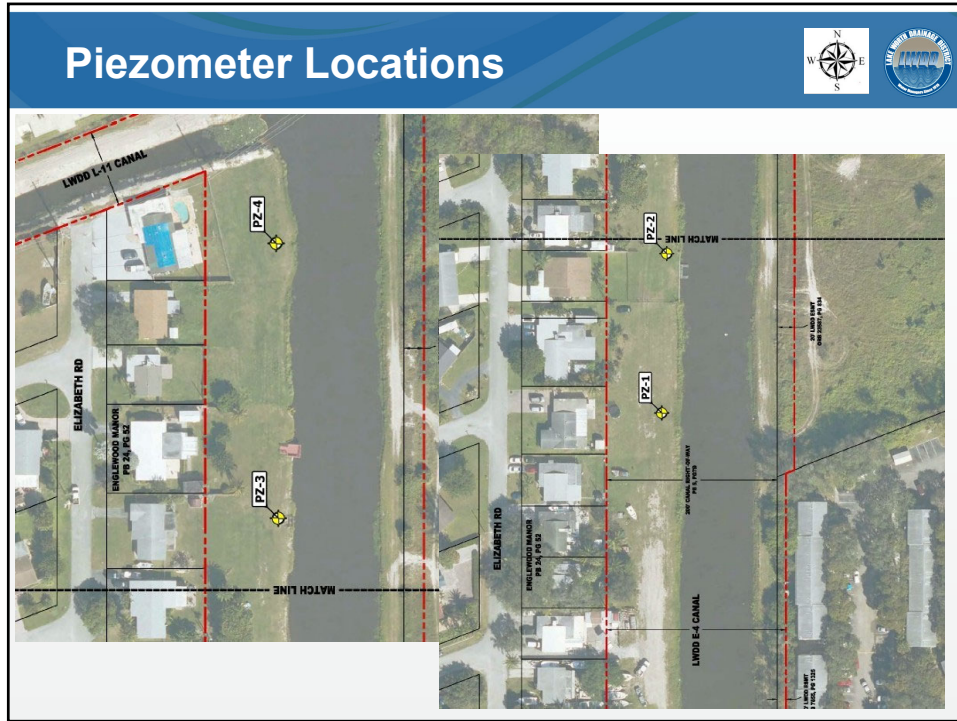
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## Background



- ECS Florida LLC has requested access to install four (4) piezometers within the west right-of-way of the E-4 Canal, south of 7<sup>th</sup> Avenue and one (1) staff gauge attached to the NW 2<sup>nd</sup> Avenue Bridge piling (NGVD)
- The installation of the piezometers and staff gauge will assist with the groundwater analysis for the parcel located at 2209 7<sup>th</sup> Avenue North, on the east side of the E-4 Canal
- Information collected will include water level measurements over a period not to exceed two weeks
- When monitoring is done the piezometers will be removed, and the right-of-way restored
- Piezometers will not impede LWDD access or maintenance operations
- Piezometers will be installed using drill rig ~10' below the surface
- Piezometers installation, sampling, and abandonment will be completed at the expense of ECS

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## Staff Recommendation

- Approval to issue a Right-of-Way Permit to ECS Florida, LLC for the installation of Four (4) Piezometers and One (1) Staff Gauge within the E-4 Canal Right-of-way
- Subject to:
  - Certificate of Liability Insurance (listing LWDD as an “Additional Insured”) (requested)
  - LWDD Operating Policies & Permit Conditions
  - Permit fee \$5,800.00 (paid)
    - Application Fee \$580.00 per well
    - Use Fee \$870.00 per well

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