

**MINUTES  
NORTH PALM BEACH HEIGHTS  
WATER CONTROL DISTRICT**

**May 29, 2014 at 7:01 p.m.**

**Jupiter Library  
705 Military Trail  
Jupiter, FL 33458**

The regular Business Meeting of the North Palm Beach Heights Water Control District (“District”), having been duly advertised and posted, were held on May 29, 2014 at the Palm Beach Gardens Library. The meeting was called to order at 7:01 p.m., the Pledge of Allegiance was not read (no flag in the conference room within the Palm Beach Gardens Library) and roll call was taken:

**Present**

Lee Hintemeyer  
Brett Carpenter -Absent  
Jeff Iravani  
Wally Baldwin  
Lynn McCullough

**Items by the Members of the Public:**

No members of the public were in attendance.

**MAY BUSINESS MEETING**

The regular May business meeting commenced at 7:01 p.m.

**Reading and Approval of the Minutes**

There are no minutes to be approved, just yet.

**Report by Mr. Baldwin, District Attorney:**

Item #1: A review of the NC-6 canal was conducted in regards to title, easements rights and some related issues and a letter was issued to the Board on May 19, 2014. This will briefly be reviewed after other items on the report are finished.

Item #2: Statement of Financial Interest will be filed by July 1<sup>st</sup> for all Board Members. The forms were sent to everyone and we’re waiting to get them back. We will get an extension, if needed. A report will be issued to Chairman McCullough. Due July 1<sup>st</sup>.

They have a financial penalty if it's not completed by September 2<sup>nd</sup>. The Chairman will follow up on this.

Item #3: A review on District Canals is being conducted in regards to the same thing we did on NC-6 - title and easements rights. The District Engineer sent over some plats and taking a look at those now. Trying to determine ownership rights for any of the canals or if any were dedicated to the public. Also publication and notice will be sent to the residents for a meeting to be held June 11<sup>th</sup> in regards to the Water Control Plan. Has been coordinated with the Chairman and will have the meeting June 11<sup>th</sup>. At that meeting, the Board will make a vote if they approve the District Engineer to issue his Engineer's report. I think that has already been prepared, but procedurally we need to hold the meeting and ratify that on June 11<sup>th</sup>.

One item not on report – Nolan, Holt, & Miner CPA requested some ownership and easement information for the audit. Not sure if done that in past years. Sent over everything that they've requested today and I believe that it's complete. I will follow up with them.

Going back to the NC-6 Canal, has been some questions about the 1958 easement and the plat. Essentially what you have are plats that reference a report of 1958 easements, so we have a copy of the easement, but the easement basically ended, it was an easement assigned to Palm Beach Heights, Inc. Palm Beach Heights, Inc. is an old corporation that is now dissolved. Couple issues that were to be determined 1) what jurisdiction does the district have over the NC-6 canal. Back when we had a sketch made of the legal description of the district from a court order that created the district. It was exactly as it appears in the Engineers Report for the Water Control Plant. So basically the district with the residents bounded on the North by Leslie Street and the NC-6 canal runs off. We have a 100' wide jurisdictional easement over that as the Water Control District. So everything that's in the Florida Statutes that governs us and is in the Water Control Plan, we have complete authority over that canal.

There have been some issues with residents talking about encroachments of fences and we were granting permits so we determined we needed to clarify. We have complete jurisdiction over the 100' wide canal strip all the way up to Indiantown Road. Also, the 1958 easement, for the record, I'm showing the Board Exhibit #2 from the proposed Water Control Plan. It shows the outline of the district boundary and it comes outside of the Turnpike and includes I-95. Trying to determine who owns this section of canal (Indiantown Road and Leslie Street) and what are the easement rights on Indiantown Road in the North boundary of the district and Leslie Street. The old 1958 easement that was granted to Palm Beach Heights runs the full length of the canal. We had to go back and search the public records and the title examiner had to look through plat books in the courthouse to find a subsequent easement and we determined (I copied the Board) that there's an easement to the Water Control District from Palm Beach Heights, Inc. Not only do we hold the jurisdictional boundaries from a court decree for that 100' wide strip, we also have the easement rights that are referenced in the plat. We know that we have jurisdictional boundary over the canal and we know we hold the easement for both of

them. The final question is who owns the land underlying this canal? When looking through it is basically broken up into sections which are used for legal descriptions. It shows Indiantown Road and Section 3. This underlying land is owned by Timber walk Community Association. Look at Section 10, the North half of 10 is owned by the district. We own that and we took the tax certificate title. The South half of 10 is owned by Frank Sardino Real Estate, Inc. Section 15 has no ownership record. Per the Property Appraiser, it doesn't have an owner. Went back through the records and found that the title from years ago is First National Bank of Ft. Lauderdale. First National Bank of Ft. Lauderdale is out of business. There is a site where you can track banking institutions and people who succeed in them. The Federal records indicate that Bank of America succeeded them. So my position is that Bank of America owns the canal in Section 15. Ownership rights aside, we have our Water Control authority and we own the easement rights and also have the water control rights. There has been some discussion on possibly purchasing a section of the canal. I don't feel that there is a need to own the land. I don't think it will be harmful, but if it priced unreasonably, it would not be in the District's best interest. Not uncommon in Florida for Water Control Districts not to own the canals which they to have jurisdiction.

Set on NC-6 and sent all the Board Members color coded maps to be reviewed.

Everything South of Leslie Street we own the lake over by the Turnpike and there are some little sections that we own, but you have these old plats and the Elliott Gross plat runs North of Dimond Street is not recorded. We need all this information in one place because a lot of years we have operated as a District, but we didn't need to know any of this.

Question: Is this part of the Water Control Plan or is this a separate report.

Answer (Chairman): No this is not part of the Water Control Plan. The Water Control Plan will essentially establish: What is the District's big picture of what are we doing with the land under our control? How are we going to drain the water?

New VOICE? Not sure who

I would not object to the documents. Will have Dary scan them and put them on the Website to store so we can have hard copies. Some documents destroyed. Original Water Control Plan documents were inadvertently not filed when the District was created which is what was supposed to have happened. Reclamation that was issued at some point, but complete sets of files that were being searched for in warehouses for references in these cases, documents were not found. The Water Control Plan was issued. It was appealed by certain businesses or certain homeowners, so what we are doing now with the new Water Control Plan is reapplying it all in one place. That will save some time down the road.

**Report by Jeff Iravani, District Engineer:**

Item #1 – The second canal cleaning is underway. They are cleaning NC-4 and they are getting close to Garrett Street.

Item #2- All the mitigations in Indian Creek on phase 9 residents is completed and all residents are satisfied.

Item #3 - The NC-6 restoration along Indian Creek Phase 9 and Phase 3 is complete.

Item #4 – The NC-4 widening from Drake to Leslie St. is going to start next week. Notification will be sent to all the residents regarding excavating of the canal next to them. Spoke with the majority of them about what we are doing and most of them were in support. There were a couple of residents that had issues. One resident has a boat on Robinson Street and I spoke with him. Doing the best we can with widening the canal.

Item #5 – Had a permit application from the Town of Jupiter to install fiber optics. The Town is installing fiber optics throughout the town boundary and they are putting fiber starting from along the Heights and going up on the West side of the canal. We told them to put it outside of our easement. Not only do we have 100' here but we also have 25' from North on the Abacoa side. They are going to put it outside of our 25'. It goes all the way to Indian Creek and it then goes across Indian Creek. They applied for permit, reviewed it, I had a few comments, they took care of it and I recommend approval.

Question by Chairman: Will the dirt be hauled away once it is being excavated to be taken away and not to lie on the canal bank?

**Jeff Iravani:**

Everything here is going to be just like NC-6. They are going to excavate the canal bank on the East side. There's a section on the West side that's being done also. Going to install turf enforcement mats and sod and all the soil will be hauled away. That will widen our canal in that section. If we see any additional area on the West side that we think needs to be excavated so that the canal bottom is going to line up with the culverts we will address this. That is what we are going to try to do on the West side. The West side has the access road so were not going to excavate the lot. On Drake Street, we have some room and were going to excavate that. On Garrett Street North side we have some issues with the bank. It doesn't look good so we have to excavate that. But East side we have to widen it at least 2-3' on the top and some more on the bottom to have good flow from the culvert to culvert.

Chairman: Is that where that flooding was on December 12<sup>th</sup> that night that lady called? Is that her street?

Iravani: Yes, Drake St. did flood in 1995. I think the most recent one was Linton and Adam Street, further South. But Drake also had issues in 1995, but Drake is one of our lowest.

Chairman: We can take on the other section but will address this issue when we get this finished. Then we get we can do further South.

Jeff Iravani: We can take a look at that and see what we need to do to restore that area. The idea would be to straighten up the canal and streamline the flow. South of them we have some issues. Portion of NC-4 is important because the Barber Street flows into and also NC-1. We have 60' right a way. Going to try to maximize the canal to 60' right a way.

### **Items by the Board Members:**

#### **Chairman:**

1<sup>st</sup> Motion to recommend the approval the Town of Jupiter fiber optic crossing at Indian Creek Blvd. subject to a \$1,000 permit fee, standard language and conditions. The motion was seconded and the motion carries.

Our annual audit is ongoing with Nolen, Holt and Miner. Expecting to get a report from Kara Peterson, our Auditor in the next week or so for final items, we're going to need to reconcile and clean up for her. Hasn't heard anything from Kara for over a week now, so hopefully we're getting close to the end.

The budget is being prepared. Not going to do our budget meeting until probably July. We have the Water Control Meeting as previously discussed on June 11<sup>th</sup> to adopt that plan. Going to do out budget meeting sometime in July (date has yet to be determined).

Picking up the Budget meeting letter from Minute Man Press and will get the envelopes addressed, stamped and mailed June 2<sup>nd</sup>.

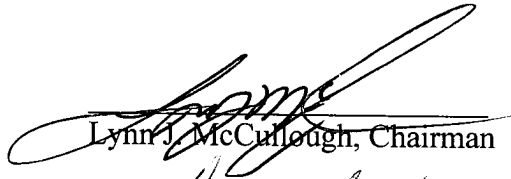
We are going to have to do an audit response to the State. They sent a letter again. They have some questions on items that have been on the annual report 3 consecutive years. Has not gotten into investigating what they are questioning this time around, but we have to report by July 15<sup>th</sup>, so Mr. Baldwin will be on stand-by to help us put that response together.

We still don't have anyone to transcribe our minutes. I sent a memo to Angie Greico this afternoon. I'm hoping to hear from her. She thought she had a friend/co-worker that was interested in doing it but I haven't heard anything back. We may be in the market to find somebody to transcribe the meeting minutes.

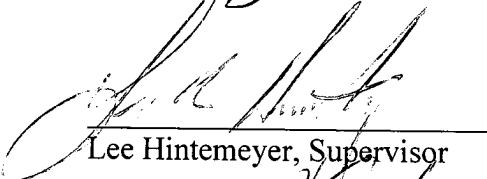
2 more file cabinets were added to the District's Office, we now have 5 laterals (which is all I can get in there). Sent an email to Dary as well to let her know whenever she's ready to unpack the rest of our boxes and get our files set up. We will continue to work on the office. It's an ongoing project to get that completely organized.

A motion was made to adjourn the meeting at 7:24 p.m. and it carried unanimously.

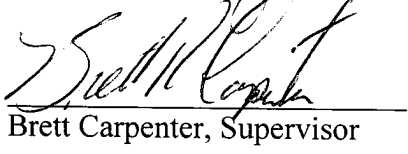
Approved:



Lynn J. McCullough, Chairman



Lee Hintemeyer, Supervisor



Brett Carpenter, Supervisor