

**SOUTH BROWARD DRAINAGE DISTRICT
GOVERNING BOARD MEETING MINUTES**

APRIL 28, 2016

Present:

Scott Hodges, Chairperson
James Ryan, Vice Chairperson
Vicki Minnaugh, Treasurer
Robert E. Goggin, IV, Secretary
Alanna Mersinger, Commissioner
Thomas Good, Commissioner
Mercedes Santana-Woodall, Commissioner

Kevin M. Hart, District Director
Douglas R. Bell, Legal Counsel
Reina Muniz, Recording Secretary
General Public: See Attached List

Absent:

01. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Vice Chair Ryan called SBDD Board Meeting to order at 8:03 A.M.; with Commissioner Minnaugh, Commissioner Good, Commissioner Goggin and Commissioner Santana-Woodall present; followed by the Pledge of Allegiance.

02. PUBLIC COMMENT

None.

At this time, Chair Hodges and Commissioner Mersinger joined the meeting.

03. APPROVAL OF MINUTES

Commissioner Minnaugh moved for approval of the minutes of the March 31, 2016, South Broward Drainage District Board meeting. Motion was seconded by Commissioner Goggin and it was carried unanimously.

04. DIRECTOR'S REPORT

A. RELEASE AND VACATION REQUEST OF SURFACE WATER MANAGEMENT AREA (SWMA) DESIGNATION FOR RIVERA RESIDENCE; SUBJECT TO THE DEDICATION OF A NEW SWMA

District Director Hart said that the owner of the property located at 5821 S.W. 162nd Avenue, Southwest Ranches, FL 33331 is requesting that SBDD vacate the Surface Water Management Area (SWMA) that was previously designated and recorded under Instrument # 108003837 (OR Book 45513, Pages 1843-1845), Broward County Records. All properties in SW Ranches are required to set aside 20% of their property at elevation 5.0' (or an equivalent storage area) as a SWMA.

The property owner, Karyn F. Rivera, will dedicate a new SWMA over the property to comply with the 20% SWMA requirement. District Director Hart said that SBDD staff has reviewed the request and has no objections. There are no financial impacts to this Agenda item, other than SBDD administrative costs; all other costs will be incurred by the property owner.

The request is for SBDD to vacate and release its interest in the Surface Water Management Area on the property located at 5821 S.W. 162nd Avenue, Southwest Ranches, FL 33331; subject to the dedication of a new Surface Water Management Area in accordance with SBDD Criteria.

Commissioner Minnaugh moved for approval for the Release and Vacation of the SWMA Designation for the Rivera property located at 5821 S.W. 162nd Avenue, Southwest Ranches, FL; subject to the dedication of a new SWMA in accordance with SBDD Criteria. Motion was seconded by Commissioner Goggin and it was carried unanimously.

B. RELEASE AND VACATION REQUEST OF SURFACE WATER MANAGEMENT AREA (SWMA) DESIGNATION FOR AMORTIGUI RESIDENCE; SUBJECT TO THE DEDICATION OF A NEW SWMA

District Director Hart said that the owner of the property located at 5531 SW 160th Avenue, Southwest Ranches, FL 33331 is requesting that SBDD vacate the Surface Water Management Area (SWMA) that was previously designated and recorded under OR Book 28229, Pages 286-289, Broward County Records. All properties in SW Ranches are required to set aside 20% of their property at elevation 5.0' (or an equivalent storage area) as a SWMA.

The property owners, Andres M. Amortegui, Terance Leo Harvey and Claudia Stella Amortegui, will dedicate a new SWMA over the property to comply with the 20% SWMA requirement. District Director Hart said that SBDD staff has reviewed the request and has no objections. There are no financial impacts to this Agenda item, other than SBDD administrative costs; all other costs will be incurred by the property owner.

The request is for SBDD to vacate and release its interest in the Surface Water Management Area on the property located at 5531 SW 160th Avenue, Southwest Ranches, FL 33331; subject to the dedication of a new Surface Water Management Area in accordance with SBDD Criteria.

Commissioner Minnaugh moved for approval for the Release and Vacation of the SWMA Designation for the Amortegui property located at 5531 SW 160th Avenue, Southwest Ranches, FL; subject to the dedication of a new SWMA in accordance with SBDD Criteria. Motion was seconded by Commissioner Santana-Woodall and it was carried unanimously.

C. REQUEST TO TRANSFER FUNDS FROM SBDD CIP COMMITTED ACCOUNT TO SBDD GENERAL OPERATING ACCOUNT

District Director Hart said that SBDD recently completed work on the following CIP projects:

- Motors and Telemetry for the S-3 Pump Station Sluice Gates (\$31,441) -
The motors and telemetry were installed towards the end of last year/beginning of this year. This was a project where the District added motors and telemetry to their sluice gates at the

S-3 Pump Station so that the District can operate the gates from the office or from their smart phones rather than going out and manually operating these gates.

- Upgrade 1 Pump to Water Cooled, Rebuild 1 Pump; and Rebuild 1 Gear Drive (\$57,234) - SBDD upgraded the last pump in their system from oil to water lubricated, and rebuilt an additional pump and rebuilt a gear drive.
- Rebuild 2 Motors (\$66,776) - SBDD rebuilt two motors; one at the S-1 Pump Station and one at the S-7 Pump Station.
- Upgrade control panels at S-4/S-5 Pump Station (\$177,235) - The upgrade to the control panels at the S-4/S-5 Pump Station was the last pump station control panel that the District upgraded; and it is now fully automated with new systems/controls which is a significant improvement for the District.
- Install New Roof at Office Building (\$63,065) - A new roof was installed in the main office building.

SBDD is currently working on the expansion to the maintenance building, which has a \$400,000 budget.

The upgrades to the SBDD Board room is currently on hold. SBDD staff hopes to have that project completed within the next 8-12 months.

Total expenditures for CIP projects completed in Fiscal Year 2015-2016 totals \$395,751, which have been paid through the SBDD General Operating account. These projects were previously approved by the Board with funding through the Capital Improvement Committed Account.

District Director Hart noted that a final accounting for each project was provided in the Director's memo to the Board members. He was pleased to report that all projects were completed at, or below, the contract or budget amount.

District Director Hart requested to transfer \$395,750.64 from the SBDD CIP Committed Account to the SBDD General Operating Account to reimburse that account for the cost of these CIP projects.

Commissioner Minnaugh moved for approval to transfer funds as requested from the SBDD CIP Committed Account to SBDD General Operating Account. Motion was seconded by Commissioner Mersinger.

Commissioner Minnaugh congratulated everyone (Board members, staff, and all involved), and said that the District has accomplished all of these projects over the last 4 or 5 years, and has never raised the amount of assessments that most people pay; and has never had to touch the Hurricane Funds (Emergency Fund) to do anything, because it has not been needed. She said she thinks the District is really doing a great thing for the residents, who really have no clue what the District does, and how things have changed, and how the District has improved over the last 4 or 5 years; and it's only because there is such a good group working. Commissioner Goggin agreed.

The question was called and it was carried unanimously.

D. UPDATE TO SBDD 5-YEAR CAPITAL IMPROVEMENT PLAN (CIP) AND REQUEST FOR FUNDING FOR FISCAL YEAR 2016/2017

District Director Hart presented a proposed update to SBDD's 5-Year Capital Improvement Plan (CIP) for the Board's review and approval. He commented that typically he would bring this item closer to the end of the fiscal year/beginning the next fiscal year; but in light of some of the discussion that took place at last month's Board meeting, he thought, at the suggestion and request of the Board, that he would bring forth some funding requests ahead of the District's budget cycle, so that the Board can review those, discuss those, and take whatever action the Board feels appropriate. He said that he will still be presenting a final CIP around August/September.

The CIP includes priorities for capital expenditures for the current fiscal year (FY) and through FY 2019/2020. The total budget for the updated 5-year CIP is \$3,134,310.

The list of CIP projects for fiscal year 2016-2017 includes three cost-share projects as follows:

- Financial support and cost-share for a Broward County initiative to prepare updated County-wide flood maps (total of \$30,000 over two years).
- Cost-share with the Town of SW Ranches for a South Florida Water Management District (SFWMD) Co-operative grant application for "Dykes Road Water Quality and Drainage Improvements" (25% cost share up to \$100,000).
- Cost-share with the Town of SW Ranches for SW 61st Court Drainage Improvements (25% cost share up to \$25,000).

District Director Hart said that in addition to bringing the Broward County flood mapping project to the Board, he thought it sensible to bring forth the other two projects, especially the SFWMD co-operative funding request, because those grants are due within the next couple of weeks; and originally the plan was to wait and see if the District received the grant, and then bring it to the Board for approval; but after the discussion at the last Board meeting, he thought it made more sense to get approval ahead of time, and know that the Board is in favor of participating in that project; because that would serve two purposes; it will improve the District's application, because you do get credit when the project is part of an approved plan; and secondly, it would reinforce the District's commitment after the grant was awarded. He said that at the last Board meeting there was a request to provide the benefits to the District for the cost-share projects.

District Director Hart reviewed the benefits to SBDD of the County-wide Flood Mapping Project.

This is a Broward County initiative to develop a groundwater/surface water model (stormwater model) and prepare updated flood maps for Broward County. The modeling effort will incorporate Sea Level Rise Scenarios, and will allow Broward County, local municipalities and drainage districts the ability to evaluate potential impacts from Sea Level Rise and Climate

Change and to incorporate Adaption Strategies and Resiliency Standards to guard against these impacts.

The stormwater modeling will utilize the MIKE SHE/11 integrated surface water/groundwater model. This is an advanced hydrological stormwater model that has the capacity to simulate overland flow and surface water flow and will provide Broward County communities with important data and tools for Flood Risk Analysis and Stormwater Management. The project is a proposed 50/50 cost share between Broward County and local municipalities/drainage districts with an estimated cost of \$400,000 over a 2 year period.

The benefits to SBDD and its residents for participating in this initiative are:

- Project will provide flood elevations based on projected Sea Level Rise which is currently not available on the FEMA flood maps.
- Project will provide 100-year flood elevations for properties that are outside of the current flood plain as depicted on the FEMA flood maps.
- Project will have the potential to assist local communities with improving their rating under the Community Rating System (CRS) (or maintaining their current CRS rating) through the National Flood Insurance Program which will result in lower flood insurance rates for residents throughout Broward County.
- Project will allow Broward County to update its 10-year and 100-year flood maps, which are used by many communities as one of the criterion in establishing minimum road and finished floor elevations. The County's current 100-year flood map is based on the 1997 FEMA Flood Data.
- Project will provide Broward County and local agencies with valuable information on the potential impacts of Sea Level Rise on local water management systems.
- Project will allow Broward County and local communities to evaluate the potential benefits of incorporating adaptation measures in dealing with the impacts of Sea Level Rise.
- Project will provide comparative flood elevation data for SBDD's drainage basins in which to compare against the District's existing flood elevation data.
- Project will provide tail water elevations for the C-9 Canal along the District's southern boundary (boundary conditions) based on different scenarios of Sea Level Rise, which help SBDD in accessing any potential impacts to its operations and stormwater management systems. Same for the C-11 Canal along the District's northern border.
- SBDD's participation in this initiative will continue a long-standing commitment and involvement by the District in County-wide and regional water resources issues.
- SBDD and Broward County have partnered on other water quality and drainage-related initiatives in the past; the most recent being Broward County's partnership with SBDD on evaluating nursery properties for water usage and Best Management Practices (BMPs).

District Director Hart commented that Broward County is way ahead of the curve when it comes to sea level rise nationally and globally; because of the efforts that the County is taking to address and evaluate impacts. He said this will be an opportunity for the District to cross-check

and compare information that the District has with what the County provides. It will provide tail water data for the District's receiving waters, which is operated and maintained by the state (C-9 & C-11). He said those levels and elevations are key to the District's level of service, the District's ability to discharge water and to maintain our own flood protection, because if those receiving waters rise, it limits and impacts the volume and rate of discharge that the District can put into those waters. He said that the District's participation in this initiative will continue a long standing commitment/involvement by the District in these types of County-wide and regional water resources issues. The District has been very involved in water resource issues through membership on committees and through participating in cost-sharing projects, etc.

Questions/discussion on the flood mapping project ensued.

Chair Hodges asked District Director Hart several questions as follows:

1. Who are the other participants? District Director Hart replied that he does not know who will participate, but he knows that the County will be reaching out and requesting cooperative funding from every municipality and from Special Districts in Broward County; how many will participate, and to what level, will be up to each agency.
2. Is this mandated? District Director Hart replied no, it's not mandated.
3. Is the goal to create less storage? District Director replied that the goal is to evaluate 100-year and 10-year flood elevations with the inclusion of sea level rise. He said there are different models/graphs that are projecting the rate of sea level rise over the next 50 years or so, and up to now, all flood mapping/modeling has not taken into account the impact of sea level flood rise.
4. Chair Hodges commented that if they are going to try to project higher water elevations, then you would have to have more land area to create storage. District Director Hart replied that this is part of the value and benefit of the initiative. You don't know what those levels will be. Once this project gets funded and moves forward, we may find that in South Broward the impacts are negligible from sea level rise, and the information and data that the District has is actually current and relevant; and the fact that the District has pumps and drainage basins, is all to the District's benefit. He opined that that communities more at risk are the communities that rely on gravity. The whole purpose of this is to really evaluate and see what the impacts are going to be, and if there is a need to find more storage or pass ordinances to address impacts from sea level rise. He gave some examples, such as: they may require seawalls to be placed at a certain height; floor elevations may go up; certain areas may be restricted, etc. He said that according to the data that he has seen, basically properties east of 441 will be impacted greater than the properties out west.
5. How would this affect the existing permits? This would not affect the existing permits unless SBDD found a dramatic difference in the flood stages that the County computes, versus what the District already has in their Facilities Report.
6. Once they get the new numbers and the District goes to modify their general permit, they may say you don't meet this new criteria; that you have to change the permit. He asked

District Director Hart if he sees that happening. District Director Hart replied that he doesn't see that happening, and that the District would rely on their own data, and it should be consistent. If they are not consistent, then there needs to be a discussion.

7. Chair Hodges suggested that if the District is going to contribute money to their maps that he would like the District to have participation in how this study is formulated and how it's interpreted, etc. District Director Hart replied that typically, the County is very inclusive and shares information. He said that he would like to think that the District could send a request to the County and give their input, and they would take it under advisement; but whether they would actually include the District's request or not, he can't say that for sure.

District Director Hart commented on something that Commissioner Ryan had said at last month's Board meeting, regarding a protocol for storm water modeling throughout the whole County and taking advantage of the modeling data that exists. District Director Hart said that some very initial steps might be taking place; he received a phone call on that issue within the last week, and he said that it may be moving forward and planning efforts as well.

Chair Hodges said that he just wants to make sure that if the District is going to contribute money, that it is being put to good use. District Director Hart assured Chair Hodges that Broward County would definitely be reaching out to the District for data, and that he would share with them what the District's thoughts are for the deliverables of the new modeling.

Commissioner Minnaugh moved for approval to update the SBDD 5-year Capital Improvement Plan and for Approval of funding for fiscal year 2016/2017. Motion was seconded by Commissioner Goggin.

Commissioner Goggin said that as far as he understood, Broward County is interested in working with the people that have the knowledge within these Districts and within the cities, to form a group so that these things come together at meetings. He said that when these Districts come together, we are seeing a group that is understanding of what is going on, and this is being funneled into Broward County. He said that is something he is interested in knowing, so that it is not just going in through paperwork and e-mails to Broward County; and that the District is getting to see how it is all coming together and how it's going to get utilized for the entire County.

Commissioner Mersinger commented that \$30,000 over two years is not a ton of money, but to have knowledge is always powerful. She opined that in the past, sea level change and climate change took thousands of years, but things are now going quicker than we are able to adapt; and the more knowledge the District has as to what is going to occur, the better. She has seen modeling, and to Chair Hodge's point, if this modeling shows that the permit needs to be changed, then so-be-it. She sees this as being a big plus; and figures if everyone, who can participate on this, does participate, it is good thing; and to work with the County, it is never bad to create good will.

Commissioner Goggin agreed with Commissioner Mersinger and said he feels that SBDD has always been proactive in making sure that they are at the top of the scale; and the modeling and whatever needs to be done to prove to our community that we are here for them; and have all these answers for them ahead of time; and that is what we are here for.

Chair Hodges commented that he agrees and he just wants to keep the District in the loop;

information is powerful if it's correctly interpolated.

The question was called and it was carried unanimously.

E. UPDATE ON SBDD MAINTENANCE BUILDING EXPANSION

District Director Hart gave a status update on the proposed expansion of SBDD's maintenance building.

He said that things are starting to move quickly. Tuesday, the District received their approval through Broward County to Amend the Note on the Plat; by consent Agenda. Next, the District needs to enter into an Agreement with the County. These are standard, boilerplate agreements that any property owner would have to enter into for a Plat Note Amendment. He has already started that process, and will discuss it further with Attorney Bell this morning, and it will come back to the Board for approval by Resolution.

The District received unanimous approval through the Town of SWR on the first hearing of their rezoning; and tonight will be the final hearing and hopefully the final hearing as well, on the site plan approval.

Commissioner Mersinger asked if there was any negative feedback. District Director Hart replied everything has been positive. He shared with the Board that every Counsel member from the Town of SWR that has spoken, has been extremely complimentary of the District; and the relationship between SBDD and the Town of SWR has been very good. He said that the District is still on track, and has been working on trying to clean up the field out back.

Upon approval of the rezoning and site plan by the Town of Southwest Ranches, SBDD will move forward with preparing the construction plans for the building expansion and associated site work.

The updated project schedule is as follows:

- First Hearing on the rezoning – 4/14/16 – COMPLETE
- Approval of the Plat Note Amendment by Broward County – 4/26/16
- Second and Final Hearing on the rezoning – 4/28/16
- Site plan approval by SWR – 4/28/16
- Prepare final building plans – 5/1/16 – 7/31/16
- Bidding and contract award – 8/1/16 – 10/31/16
- Permitting – 11/1/16 – 11/30/16
- Notice to Proceed – 12/1/16
- Construction - 12/1/16 – 7/30/17

The proposed garage expansion is included in the District's Capital Improvement Plan for fiscal year 2015-2016 with an estimated cost of \$400,000.

F. OTHER

- **SBDD Property Maintenance Workshop** – District Director Hart said that on May 11, 2016 South Broward Drainage District will be holding a Workshop in the SBDD conference room

to discuss maintenance for Industrial/Commercial properties.

- **Raintree Water Main** – District Director Hart said that at the last Board meeting there was discussion and some concerns were brought up by the Board regarding the Raintree Agreement for a subaqueous water main, and the City's costs for maintenance. He said that the City indicated to him that they will have a separate agreement with Raintree on the cost of maintenance on that water line. He thanked the Board for raising that topic.

05. Attorney Report:

None

06. APPROVAL OF LEGAL FEES

Commissioner Minnaugh moved for approval of the legal bills. Motion was seconded by Commissioner Goggin and it was carried unanimously.

07. BOARD MEMBER'S QUESTIONS/COMMENTS

Commissioner Minnaugh had concerns about flooding in the Cosco Shopping Center and asked District Director Hart if he was contacted by the owners of the Cosco Shopping Center. She said they are building two more outparcels and are expanding their gas station with new gas pumps and they are also expanding Cosco. She said they have an existing drainage problem in their parking lot.

Commissioner Santana-Woodall commented that someone who is a vendor in that shopping center, came up to her yesterday and brought to her attention how the traffic there is crazy, and when it does rain, it's so bad that even with higher vehicles, it's a problem. He wondered how they will reconfigure the parking lot; and does SBDD have anything to do with the drainage, etc. Commissioner Minnaugh added that this is has been a problem for years.

District Director Hart said that the District has been contacted, and has reviewed the drawings and issued permits, and is working with the engineer; and they are making improvements to the drainage. SBDD has just reviewed for criteria, and they have met our criteria. He said he will be working with them to make improvements to the perimeter swale areas that over time have gotten filled, and told them that they will need to improve those; that is one of the conditions of the District's permit. As far as flooding and drainage issues, there will continue to be issues in these areas because we are seeing that the storm intensities are getting a lot higher; and many times what happens is that the drainage system cannot handle this high volume of rainfall; and it does result in flooding. He said that if you get 2 or 3 inches of rainfall over 8 or 12 hours, you can deal with the water because it's moving at a very constant, slower rate; but we're seeing all this water coming down within 60 or 90 minutes, and no drainage system can handle that. It is not designed to do that, but once the storm passes, it will recede quickly. He said he will continue to keep an eye on this and continue to work with them in verifying that there are not any more problems.

Commissioner Minnaugh said she would appreciate it if when he is dealing with them, to tell them at least one or even more members on the Board has concerns that it's continually flooding. She says when you see the drains bubbling, that is not because it was a bad rain and fast time, it's because it's clogged. District Director Hart agreed and added that besides mulch, there is also trash, plastic bags, etc.

Commissioner Mersinger asked the question that since the paradigm has changed, that maybe the criteria should change. Commissioner Goggin commented that some of the new work that was just done at the Lowes Center, on University Drive in Pembroke Pines; when this was redone, they installed some very large drains in some of the areas to capture water and move it faster. Commissioner Mersinger said that if you give someone who is building a project the minimum criteria, most likely they will go with the minimal criteria; they don't want to spend more than they have to. She said that what she is saying is that the paradigm appears to be changing with the weather pattern; so if the paradigm is changing, then maybe the District's Criteria should change.

Chair Hodges explained that it is not just that, that you are limited as to how much you can discharge. Commissioner Goggin asked if there are grates that can be designed and things can be done and put in place so that mulch can only gather up around the drain. Chair Hodges replied that just as Commissioner Minnaugh mentioned, it all comes down to maintenance. He said that many major roads have a 3-year storm design element, and we know they are going to flood; the right lane gets water and then it goes down and that's because of intense storms. Commissioner Minnaugh suggested that District Director Hart write up some kind of Maintenance Agreement. She said it should be very strict maintenance.

District Director Hart said that every new project has to enter into a maintenance agreement with the District. He said that what he has done with other properties, as part of the permit they receive from the District; he requires them to provide a maintenance plan. He said he will make them aware that they need to submit an annual maintenance plan for that property, and this will become part of the record, part of the file, and it becomes a permit condition, and is enforceable. Chair Hodges asked District Director Hart to add in language that if the plan is not adhered to, or it is not being held to the right standards, that the District has the ability, but not the obligation to hire someone to go in and fix it, and charge them on it. Commissioner Santana-Woodall added that on that note, there is more construction going on again in Pembroke Gardens and they have the same issues.

Attorney Bell commented that based on the conversation, it seems to him that the District needs to do a modification to the Criteria Manual with a public hearing to implement this, so that this will be part of the criteria; to add this "Annual Maintenance Plan"; other than putting something together that can be challenged. The Board agreed.

08. MEETING DATE(S)

A. The Next **Regular Board Meeting** will be held on **Thursday, May 26, 2016 at 8:00 a.m.**

Adjournment at 9:16 A.M.

Respectfully submitted,

Robert E. Goggin IV, Secretary
South Broward Drainage District

/rim

*****MEMORANDUM*****

DATE: May 19, 2016

TO: South Broward Drainage District Commissioners

FROM: Kevin M. Hart, P.E.
District Director

Subject: Request to Vacate SBDD Easements within the "Tara" Plat in Southwest Ranches, Florida
(aka: Downey Ranches)

Comments:

South Broward Drainage District (SBDD) received a request to release and vacate its interests in the following easements located within the "Tara" plat and the in the Town of Southwest Ranches (aka: Downey Ranches):

- Release and Vacation 55-foot Drainage Easements (Package 1-A)
- Release and Vacation 50-foot Drainage Easements (Package 1-B)
- Release and Vacation 25-foot Drainage Easements (Package 1-D)
- Release and Vacation 15-foot Lake Maintenance Easements (Package 1-E)
- Release and Vacation 20-foot Lake Maintenance Easement (Package 1-C)
- Release and Vacation a Portion of a Lake Easement (Package (1-F)

There are a total of 28 individual easements to be vacated under this request. Hereinafter, all 28 easements will be collectively referred to as "Easements".

All Easements were previously dedicated by plat under the "Tara" plat as recorded in Plat Book 162, Page 20, of the Public Records of Broward County, Florida.

As a condition of approval for the release and vacation of the Easements, the property owner will be required to dedicated new replacements easements as follows:

- Dedication 50-foot Drainage Easement (Package 2-E)
- Dedication of 36-foot Drainage Easements (Package 2-B)
- Dedication 20-foot Drainage Easements (Packages 2-A and 2-C)
- Dedication 15-foot Drainage Easements (Package 2-D)
- Dedication 20-foot Lake Maintenance Easements (Package 2-F)
- Dedication Drainage Easements for Lake Inter-connects and Future Drainage Connections Off-site Drainage Properties (Package 2-G)

There are a total of 32 individual replacement easements to be dedicated as a condition of approval for this request. Hereinafter, all 32 replacement easements will be collectively referred to as "Replacement Easements".

The request was submitted by representatives for the developer of the Downey Ranches property in Southwest Ranches; located on the SW corner of Griffin Road and SW 184th Avenue. The reason for this request is to accommodate an updated development plan for the property.

SBDD staff has reviewed the request and has no objections. The final configuration of SBDD easements for the overall property will ensure that the property/future development will comply with SBDD criteria for basin storage and provide for the following allowances:

- Allow for future drainage connections for adjacent properties to the west and the north.
- Improve overall drainage conveyance for the project site and surrounding properties.
- Allow for the existing SW 184th Avenue Canal to be relocated in the future, or to be filled and replaced with a drainage culvert in the future. The decision on how best to deal with the existing canal will be made by Broward County at the time of construction of the SW 184th Avenue extension.
- Allow for improved access and maintenance for the existing SW 184th Avenue canal. The Downey Ranches development will be making improvements to the existing canal and canal maintenance easement area.

The following documents/sketches are attached to this memo:

- Location Map
- Six (6) Release and Vacation Easement forms to include all 28 individual Easements noted above.
- Overall color sketch showing easements to be vacated.
- Overall color sketch showing easements to be dedicated.
- Overall color sketch showing the Final Easement configuration for the Downey Ranches property.
- Overall sketch showing overall drainage patterns for the Downey Ranches property and illustrating that the proposed vacations will not create any adverse impacts to the drainage of the surrounding properties.
- Sketch and legal descriptions of Easements to be vacated (Total of 28) and Replacement Easements to be dedicated (Total of 32).
- "Tara" Plat
- Survey of property

Financial impacts to this Agenda Item: none, other than SBDD administrative costs; all other costs will be incurred by the property owner.

The request is for SBDD to vacate and release its interest in the following easements as previously dedicated by plat under the "Tara" plat, as recorded in Plat Book 162, Page 20, of the Public Records of Broward County, Florida:

- **Release and Vacation 55-foot Drainage Easements (Package 1-A)**
- **Release and Vacation 50-foot Drainage Easements (Package 1-B)**
- **Release and Vacation 25-foot Drainage Easements (Package 1-D)**
- **Release and Vacation 15-foot Lake Maintenance Easements (Package 1-E)**
- **Release and Vacation 20-foot Lake Maintenance Easement (Package 1-C)**
- **Release and Vacation a Portion of a Lake Easement (Package 1-F)**

Said vacations and releases are subject to the dedication of new easements across the Downey Ranches property as described above and any additional easements as required by SBDD; and reimbursement of all legal and recording costs associated with the development of the Downey Ranches property.

KH
Attachments

MEMORANDUM

DATE: May 19, 2016

TO: South Broward Drainage District Commissioners

FROM: Kevin M. Hart, P.E.
District Director

Subject: SBDD Resolution No. 2016-03 – Agreement with Broward County for Amendment of Notation on “South Broward Drainage District” Plat

Comments:

SBDD Resolution No. 2016-03 authorizes SBDD to enter into an Agreement with Broward County for an Amendment of Notation on the “South Broward Drainage District” plat (“Plat”). The Plat was approved by the Broward County Board of County Commissioners on April 18, 1989 and was recorded in Plat Book 144 Page 12 of the public records of Broward County.

Earlier this year, SBDD petitioned Broward County to amend the notation on the face of the Plat to allow for the expansion of the District’s maintenance facility building area on the Plat property. The Broward County Commission approved this request at its meeting of April 26, 2016. As part of the approval process, Broward County requires the District to enter into an “Agreement for Amendment of Notation of Plat” (Agreement).

Resolution 2016-03 authorizes the District to enter into the Agreement with Broward County.

Financial impacts to this Agenda Item: the costs associated with this request are included under the SBDD 5-year Capital Improvement Plan (CIP) for the expansion of the District’s maintenance facility with a \$400,000 budget.

The request is for approval by SBDD Resolution No. 2016-03 – Agreement with Broward County for an Amendment of Notation on the “South Broward Drainage District” Plat (Plat Book 144, Page 12, B.C.R.), located in Southwest Ranches, Florida.

KH
Attachments

SOUTH BROWARD DRAINAGE DISTRICT
RESOLUTION N° 2016-03

RESOLUTION OF THE SOUTH BROWARD DRAINAGE DISTRICT AUTHORIZING THE SOUTH BROWARD DRAINAGE DISTRICT TO ENTER INTO AN AGREEMENT WITH BROWARD COUNTY FOR THE AMENDMENT OF NOTATION ON THE "SOUTH BROWARD DRAINAGE DISTRICT" PLAT, AS RECORDED IN PLAT BOOK 144, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the South Broward Drainage District, hereinafter referred to as "District", is a political subdivision of the State of Florida charged with the responsibility of effecting drainage and water management within its geographical boundaries and approving all subdivision plats and development plans affecting lands within its geographical boundaries; and

WHEREAS, the District's headquarters are located at 6591 SW 160th Avenue, Southwest Ranches, Florida 33331; and

WHEREAS, in 1989, the District platted the District headquarters property through Broward County; and

WHEREAS, the "South Broward Drainage District" plat, hereinafter referred to as "Plat", was approved by the Broward County Board of County Commissioners on April 18, 1989 and was recorded in Plat Book 144, Page 12 of the public records of Broward County, Florida; and

WHEREAS, the District submitted a request to Broward County to amend the notation on the Plat to allow for the future expansion of the District's maintenance facility building area on the Plat property; and

WHEREAS, the Broward County Board of County Commissioners approved the said amendment at its meeting of April 26, 2016; and

WHEREAS, Broward County requires that all owners and mortgage holders of the Plat property to enter into an Agreement for Amendment of Notation on Plat, hereinafter referred to as "Agreement"; and

WHEREAS, said Agreement is attached as Exhibit "1" to this Resolution, attached hereto and made part hereof; and

WHEREAS, the Plat property is described in Exhibit "A" of the Agreement, attached hereto and made part hereof; and

WHEREAS, the District is the sole owner of the Plat property; and

WHEREAS, the proposed amendment to the Plat is set forth in Exhibit "B" of the Agreement, attached hereto and made part hereof; and

WHEREAS, the District has determined that the proposed amendment to the Plat is acceptable to the District and will allow the District to expand its maintenance facility building area; and

WHEREAS, a public hearing was held on the 26th day of May, 2016 at 8:00 A.M. at the offices of the South Broward Drainage District located at 6591 S.W. 160th Avenue, Southwest Ranches, Florida 33331 for the purpose of approving the Agreement for Amendment of Notation on Plat and authorizing the District to enter into said Agreement;

NOW, THEREFORE, be it resolved by the Board of Commissioners of the South Broward Drainage District in meeting assembled that:

1. The foregoing statements are incorporated herein as if fully stated herein.
2. The Agreement for Amendment of Notation on Plat between South Broward Drainage District and Broward County is approved.
3. The Agreement shall be executed in the name of the District by the Chairperson or Vice Chairperson of the District and countersigned and attested by the Secretary of the District and its corporate seal or facsimile thereof shall be affixed thereto or reproduced thereof.
4. The District's attorney and District Director are authorized and directed to

submit the executed Agreement to Broward County for final execution and recordation.

5. If any one or more of the covenants, agreements or provisions of this Resolution or the Agreement for Amendment of Notation on Plat shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be separate from the remaining covenants, agreements or provisions and shall in no way affect the validity of all other provisions of this Resolution or the Agreement for Amendment of Notation on Plat.

6. This Resolution shall take effect immediately upon its adoption.

IN WITNESS WHEREOF, the Chairperson of the Board of Commissioners of the SOUTH BROWARD DRAINAGE DISTRICT has hereunto set his hand and the Secretary of the Board of Commissioners of the SOUTH BROWARD DRAINAGE DISTRICT has caused to be set its seal.

ADOPTED AND DATED the ____ day of _____, 2016.

SOUTH BROWARD DRAINAGE DISTRICT

(SEAL)

By: _____

Attest:

Scott Hodges, Chairperson

Robert E. Goggin, IV, Secretary

STATE OF FLORIDA)
)§
COUNTY OF BROWARD)

The foregoing Resolution N° 2016-03 was acknowledged before me this ____ day of _____, 2016 by SCOTT HODGES and ROBERT E. GOGGIN, IV as Chairperson and Secretary, respectively of the SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the State of Florida, on behalf of SOUTH BROWARD DRAINAGE DISTRICT. They are personally known to me.

WITNESS my hand and official seal in the county and state last aforesaid this ____ day of _____, 2016.

(NOTARY SEAL OR STAMP)

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Notary Public - State of Florida at Large

Return recorded copy to:

PLAT REL

Plat Book 144, Page 12

Planning and Development Management Division
Environmental Protection and
Growth Management Department
Governmental Center West
1 North University Drive
Building A, Suite 102
Plantation, FL 33324

Document prepared by:
Kevin Hart
South Broward Drainage District
659 SW 160th Avenue
Southwest Ranches, FL 33331

**NOTICE: PURCHASERS, GRANTEES, HEIRS, SUCCESSORS AND
ASSIGNS OF ANY INTEREST IN THE PROPERTY SET FORTH ON EXHIBIT
"A" ARE HEREBY PUT ON NOTICE OF THE OBLIGATIONS SET FORTH
WITHIN THIS AGREEMENT WHICH SHALL RUN WITH THE PROPERTY.**

**AGREEMENT FOR AMENDMENT
OF NOTATION ON PLAT**

This is an Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the state of Florida, its successors and assigns, hereinafter referred to as "DISTRICT."

WHEREAS, DISTRICT is the owner of property shown on the "South Broward Drainage District" Plat, Plat No./Clerk's File No. 173-MP-88, hereinafter referred to as "PLAT," which PLAT was approved by the Board of County Commissioners of Broward County on April 18, 1989; and

WHEREAS, a description of the platted area is attached hereto as Exhibit "A" and made a part hereof, and

WHEREAS, DISTRICT has determined there exists a need for an amendment to the Notation on the face of said PLAT; and

WHEREAS, the COUNTY has no objection to amending the notation and the Board of County Commissioners approved such an amendment at its meeting of April 26, 2016;

NOW, THEREFORE, in consideration of the mutual terms, conditions and promises hereinafter set forth, the COUNTY and DISTRICT agree as follows:

1. The above recitals and representations are true and correct and are incorporated herein.
2. COUNTY and DISTRICT hereby agree that the notation shown on the face of the PLAT is hereby amended as set forth within Exhibit "B."
3. In the event that all the owners and/or mortgagees of property within the PLAT being amended are not parties to this Agreement, DISTRICT hereby agrees to indemnify, defend, and hold COUNTY harmless from any claims or causes of action brought by owners and/or mortgagees of property within the PLAT as a result of this Agreement for Amendment of Notation on the Plat, to the extent permitted by law, and subject to the limitations contained in Section 768.28, Fla.Stat., as amended, or any subsequently enacted similar law. This indemnification obligation shall run with the land and bind DISTRICT 's successors and assigns, to the extent permitted by law, and subject to the limitations contained in Section 768.28, Fla.Stat., as amended, or any subsequently enacted similar law..
4. NOTICE. Whenever any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

For the COUNTY:

Director, Broward County Planning and Redevelopment Division
1 North University Drive, Suite 102A
Plantation, Florida 33324

For the DISTRICT:

District Director, South Broward Drainage District
6591 SW 160th Avenue
Southwest Ranches, FL 33331

5. RECORDATION; RUNS WITH THE LAND. This Agreement shall be recorded in the Public Records of Broward County, Florida, at the DISTRICT's expense. This Agreement, including the benefits and obligations contained herein, shall run with the land and be binding on and inure to the benefit of DISTRICT and its grantees, successors, heirs, and assigns holding title to, or otherwise having an ownership interest in, all or a portion of the PLAT.

6. VENUE; CHOICE OF LAW. Any controversies or legal issues arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State Courts of the Seventeenth Judicial Circuit of Broward County, Florida, the venue sitis, and shall be governed by the laws of the state of Florida.
7. NOTATIONS. All other notations on the face of the above referenced PLAT not amended by this Agreement shall remain in full force and effect.
8. CHANGES TO FORM AGREEMENT. DISTRICT represents and warrants that there have been no amendments or revisions whatsoever to the form Agreement without the prior written consent of the County Attorney's Office. Any unapproved changes shall be deemed a default of this Agreement and of no legal effect. All amendments and revisions to the COUNTY's form Agreement contained herein have been approved by the COUNTY.
9. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement, nor the intent of any provisions hereof.
10. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.
11. EXHIBITS. All Exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.
12. FURTHER ASSURANCES. The parties hereby agree to execute, acknowledge and deliver and cause to be done, executed, acknowledged and delivered all further assurances and to perform such acts as shall reasonably be requested of them in order to carry out this Agreement.
13. AMENDMENTS. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the COUNTY and DISTRICT.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the ____ day of _____, 20__, and DISTRICT, signing by and through its Chairperson, authorized to execute same by the DISTRICT's Board of Commissioners action on the ____ day of _____, 20__.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator, as Ex-
Officio Clerk of the Board of
County Commissioners of
Broward County, Florida

By _____
Mayor
____ day of _____, 20__

Approved as to form by
Office of County Attorney
Broward County, Florida
Government Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Assistant County Attorney
____ day of _____, 20__

DISTRICT

SOUTH BROWARD DRAINAGE DISTRICT
through its Board of Commissioners

Witnesses:

(Signature)
Print name:_____

(Signature)
Print name:_____

(Signature)
Print name: Scott Hodges, Chairperson
Print address:
6591 SW 160 Avenue
Southwest Ranches, FL 33331

____ day of _____, 20__

Attest

(Signature)
Print name: Robert E. Goggin, IV, Secretary,

STATE OF)
) SS
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by SCOTT HODGES and ROBERT E. GOGGIN, IV, as Chairperson and Secretary, respectively of the SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the state of Florida, on behalf of SOUTH BROWARD DRAINAGE DISTRICT. They are personally known to me.

NOTARY PUBLIC:

(Seal)

Print name:

My commission expires:

EXHIBIT "A"

LEGAL DESCRIPTION

Tract 'A' of "South Broward Drainage District" as recorded in Plat Book 144, Page 12, Broward County Records. Said Lands containing 580,687 square feet (13.331 acres), more or less.

EXHIBIT "B"

AMENDMENT TO NOTATION ON PLAT

The existing notation shown on the face of the PLAT clarifying and limiting the use of the platted property is amended from:

This plat is restricted to South Broward Drainage District uses consisting of 4300 square feet of office and 8400 square feet of maintenance facility. Residential uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The notation shown on the face of the PLAT clarifying and limiting the use of the platted property is amended to:

This plat is restricted to South Broward Drainage District uses consisting of 4,047 square feet of office (existing) and 12,500 square feet of maintenance facility (8,410 square feet existing and 4,090 square feet proposed).

EXHIBIT "B" - CONTINUED

PLEASE CHECK THE APPROPRIATE BOX OR BOXES.

- Expiration of Finding of Adequacy for Plat or Parcel without an Expiration of a Finding of Adequacy notation or the Finding of Adequacy has expired.**

If a building permit for a principal building (excluding dry models, sales, and construction offices) and first inspection approval are not issued by _____, 20____, then the County's finding of adequacy shall expire and no additional building permits shall be issued for the amended uses until such time as Broward County makes a subsequent finding that the applicant satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; **and/or**

If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by _____, 20____, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the applicant satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, provided a phasing plan has been approved by Broward County. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

- Air Navigation Hazards.**

Any structure within this Plat shall comply with Section IV D 1. f., Development Review Requirements of the Broward County Comprehensive Plan regarding hazards to air navigation.