

**TOWN OF OCEAN BREEZE – REGULAR TOWN COUNCIL MEETING
AGENDA**

July 13, 2020, 10:30 am
Ocean Breeze Resort Clubhouse Pineapple Bay Room
700 NE Seabreeze Way, Ocean Breeze, FL

PLEASE TURN OFF CELL PHONES

1. Call to Order President De Angeles

- Pledge of Allegiance
- Roll Call

2. Approval of Minutes – Regular Meeting, Monday, June 8, 2020
(Motion, second, public comments, all in favor)

3. AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA REVISING AND AMENDING SECTION 2 OF ORDINANCE NUMBER 276-2018 CLARIFYING THE COMMENCEMENT AND ENDING DATES OF THE CANDIDATE QUALIFICATION PERIOD AS SET FORTH THEREIN; PROVIDING FOR SEVERABILITY, APPLICABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
(Motion, second, public comment, roll call vote)

4. November 2020 Town Council Elections Proclamation
(Motion to approve, second, public comment, all in favor)

5. Approval of dates for public hearings for Budget/Millage Adoption to be held at Ocean Breeze Resort Clubhouse Pineapple Bay Room:

- Budget Workshop and Setting of Tentative Millage Rate, Wednesday, July 22, 2020 at 5:01 pm
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 16 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 23 at 5:01 pm

(Motion, second, public comment, all-in-favor)

6. Quasi-Judicial Hearing – RESOLUTION NO. 303-2020, PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD AGREEMENT ADOPTED BY ORDINANCE NO. 220-2015 AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016 AND BY ORDINANCE NO. 241-2016 AND BY RESOLUTION NO. 291-2019; THEREBY APPROVING MINOR CHANGES TO THE PROJECT'S REVISED MASTER SITE PLAN TO PERMIT THE RECONFIGURATION OF RESIDENTIAL DOCKS ALONG THE INDIAN RIVER LAGOON, INCLUDING CONDITIONS FOR THEIR USE; DECLARING SAID CHANGES TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING PENALTIES FOR PUD VIOLATIONS; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES. Marcela Camblor, representing Sun Communities
(Motion, second, public comment, roll call vote)

7. Comments from the public on topics not on the Agenda

8. Comments from the Council on topics not on the Agenda

9. Comments from Town Management Consultant – Terry O'Neil – Discussion of Town Audit Services

10. Comments from Mayor Ostrand

11. Announcements – Regular Town Council Meeting – Monday, August 10, 2020 at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL (subject to change due to Covid-19 circumstances)

12. Adjourn (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, June 8, 2020, 10:30 a.m.
Indian Riverside Park, Frances Langford Dockside Pavilion 9 (upstairs)
1707 NE Indian River Drive, Jensen Beach, FL 34957

1. Call to Order – President De Angeles called the meeting to order at 10:30 a.m.

- Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
- Roll Call – Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Richard Gerold, Council Members Bill Arnold, Kevin Docherty, Terry Locatis and David Wagner
- Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary, Town Clerk, Pam Orr, and Bookkeeper/Clerical Assistant, Kim Stanton, and Town Financial Consultant, Holly Vath

2. Approval of Minutes – Council Member Wagner, seconded by Council Member Arnold, made a Motion to approve the Minutes of the March 9, 2020 regular meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

Council Member Locatis, seconded by Council Member Wagner, made a Motion to approve the Minutes of the July 29, 2019 Budget Workshop and Setting of Tentative Millage Rate meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

Council Member Locatis, seconded by Council Member Arnold, made a Motion to approve the Minutes of the September 11, 2019 Proposed Budget and Tentative Millage Rate meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

Council Member Docherty, seconded by Council Member Arnold, made a Motion to approve the Minutes of the September 18, 2019 Final Budget and Proposed Millage Rate meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

3. Update on Corona Virus and 2020 Hurricane Season – Bill Pecci, Deputy Director, Martin County Emergency Management gave an update regarding the corona virus in Martin County.

Mr. Pecci took questions from the Mayor and Town Council.

Mr. Pecci gave an update on hurricane preparedness.

He took questions from staff and spoke about the opening of back-up shelters due to social distancing recommendations. He provided the CIC (Citizens Information Center) telephone number (772) 287-1652.

4. John J. Maehl, Ecosystem Restoration and Management Manager, Martin County BOCC – Mr. Maehl gave a brief history regarding recent legislation and past regulated, scheduled discharges from Lake Okeechobee. He asked for a letter of support echoing Martin County's recent objections to proposed legislation that risked an unbalanced approach to future water discharges from Lake Okeechobee.

He took questions from the Mayor, Town Council and staff.

Council Member Arnold, seconded by Council Member Locatis, made a Motion to send a letter of support.

President De Angeles asked for further comments from the public.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

5. Request Motion to Accept and Transmit F/Y 2018-2019 Audit Report to appropriate State Level Governmental Agencies – David Haughton, CPA, Berger, Toombs, Elam, Gaines & Frank, CPAs, presented the Audit Report. He reported that the Town was compliant.

He asked for comments or questions from the Mayor and Town Council.

There were none.

Council Member Arnold, seconded by Council Member Gerold, made a motion to accept the F/Y 2018-2019 Audit as reported.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

6. Budget-to-Actual ending March, 2020 – Holly Vath presented the Budget-to-Actual report as of March 31, 2020. She explained that the state revenue sharing for April, May and potentially, June through the end of the fiscal year would be down because of the decrease in sales tax due to the corona virus.

She asked for questions from the Mayor and Town Council.

There were none.

7. Update on West End Boulevard Improvement Feasibility Analysis – Marcela Cambor, Planning Consultant presented a Power Point presentation on the feasibility analysis on improvements to West End Boulevard. She updated the Council on the history of safe connectivity of Ocean Breeze Resort to the commercial area and the role of West End Boulevard in that connectivity.

Discussion ensued regarding parking, legal boundaries, the cell tower, easements, Martin County, the CRA, golf carts regulations within Martin County, Sun Communities, Florida East Coast Railroad, traffic studies, guardrails, property ownership map, and further exploration of West End Boulevard improvements.

President De Angeles asked about the Town's current contract with Marcela Camblor and if her services would require an additional contract.

Ms. Camblor stated that she believed that an hourly rate had been added to the contract.

Mr. O'Neil stated that this was an update on the feasibility of the project. He stated that there was probably enough space to do a project and that the next step would be to talk to the various property owners to see if they would be interested. He reminded the Council that the funding for this project would come from the Special Revenue Fund fuel tax dollars. He stated that unless the Council objected, staff would take the next step of dealing with the individual owners.

President De Angeles asked if an additional contract was needed to move forward.

Ms. Camblor answered "no, just a direction to do so".

Council Member Gerold asked to see the larger detail of the project drawing before talking to property owners. He stated that the Maple Street connection to Ocean Breeze Resort was safer to walk than West End Boulevard. He added that he did not want to move forward until he reviewed the drawings.

Ms. Camblor spoke about the benefits of the Maple Street connection.

Mayor Ostrand stated that the stretch of West End Boulevard from Jensen Beach Boulevard to entry into Ocean Breeze Resort was dangerous in general and that there were no street lights.

Ms. Camblor stated that West End Boulevard does not prioritize pedestrians.

Mayor Ostrand asked Ms. Camblor if she would inquire of the area's owners to see whether they would agree to a project.

Ms. Camblor stated that she would.

President De Angeles asked for further comments or questions from the Mayor or Town Council.

There were none.

8. Census Update – Mayor Ostrand gave an update on the importance of all Ocean Breeze residents to complete the 2020 Census. She stated that Council Member Docherty was attending the Complete Count Committee meetings at Martin County.

Council Member Docherty gave an update on the 2020 Census and emphasized the importance participation. He commented that he had ordered additional material for the public which would be at the Town office. He stated that the Town of Ocean Breeze currently had a 40 percent participation rate. He added that he would be distributing pamphlets throughout the Resort and the Seawalk community.

9. Comments from the public on topics not on the Agenda – Deputy Angelico reviewed the crime statistics for Ocean Breeze.

He asked for questions.

There were none.

President De Angeles asked for further comments from the public.

There were none.

10. Comments from the Council on topics not on the Agenda – Council Member Wagner stated that he had received numerous complaints regarding Sun Communities maintenance personnel using blowers that are loud to clean the roads and the quantity of air-born particles that they cause. He added that this was a health hazard for individuals with breathing problems. He proposed a Motion that would instruct or allow staff to take the next steps in researching what agencies may be contacted to assist on this subject.

Mayor Ostrand spoke about dirt being blown around and that it was causing individuals to breath it in. She stated that this was a health issue and that she had spoken to Chris Walters. He informed her that there was a way to blow the debris out into the road and then bring it to the side. She stated that this was not currently being done and that Chris was aware of this issue. She commented that the heavy power blowers were too strong for the small areas into which they were blowing the debris. She spoke about looking into the speed and the strength of these blowers because this was unhealthy for individuals with breathing problems.

Council Member Wagner stated that NE Bay Drive was the longest stretch of road in the resort and the high speeds on that road were excessive. He added that because this was private property, the Sheriff's Department could not assist. He spoke about the location of his unit as being in the center of NE Bay Drive and that to load and unload his wheelchair in and out of vehicles was dangerous because of the high speeds of vehicles. He mentioned his wife's need to walk and that with these high speeds of vehicles on Bay Drive, especially at noon, it was creating a problem for her. He emphasized that on several occasions he had witnessed near collisions. He asked about the Town's position in bringing the problem to the attention of Sun Communities.

President De Angeles stated that this was a Sun Communities issue and suggested approaching Chris Walters, General Manager of Sun Communities.

Mr. O'Neil asked if the Council would work with staff on bringing this matter before Sun Communities.

Attorney Crary reminded President De Angeles about the Sunshine Law.

Mayor Ostrand stated that she could work with Council Member Wagner in approaching Sun Communities regarding this matter.

Council Member Locatis stated that residents had been expressing opinions to him about the need for a Home Owner's Association. He spoke about the various topics brought to him, especially the events that took place over the Memorial Day weekend. He addressed the lack of access to management. He expressed that he was bringing this matter up because some residents believe that the Town government could assist a group of residents in developing a HOA. He stated that he did not believe this was the case, but wanted to know if Mr. O'Neil or Attorney Crary had some experience as to whether the Town Council could or could not support an effort to start a Home Owner's Association.

Attorney Crary answered that developing or promoting a private Home Owner's Association would have to be done separately by the residents, totally independent from the Town.

Council Member Gerold stated that Sun Communities would be bringing forth a PUD amendment regarding the docks at the July, 2020 Town Council meeting. He spoke about the Town Council's discussion, several meetings ago, regarding the various details of the docks including dock right-of-way and dock ownership. He expressed that the seawall was a resort issue because the seawall was the private property of Sun Communities. He asked for clarification about whether this issue would be brought forth in the amendment and asked that the issue be rectified before or during the next PUD amendment meeting because people want to use the seawall for fishing.

Mr. O'Neil answered that staff would ask Sun Communities to come forward to conclude this discussion. He added that he did not believe that this rose to the level of a PUD issue, but Sun Communities should be able to explain if the seawall was actually connected to the individual land units and not common area. He stated that the Town could ask Sun Communities for signage and clarification. He added that staff would make sure Sun was prepared to discuss the matter.

Council Member Docherty gave an update on the "your speed" signs and stated that, according to the data provided, speeds have decreased. He commented that residents had reported to him that cars speed between the two islands because of the lack of monitoring in that area. He communicated that he would be looking into the idea of working with Martin County and the cost of a speed bump made of hard rubber between the two islands.

He asked for questions from the Council.

There were none.

11. Comments from Town Management Consultant - Terry O'Neil – He had none.

12. Comments from Mayor Ostrand – Mayor Ostrand commented on the idea of a rubber speed bump.

13. Workshop Discussion: 10-year Future Vision of the Town – President De Angeles invited Mayor Ostrand to lead the discussion to gather ideas from the Council regarding the 10-year future vision of the Town.

Mayor Ostrand spoke to the Council about possible changes to the Charter regarding the elected officials being non-paid positions. She spoke about the levels of value and the responsibilities that some of the elected officials have on behalf of the Town; and, that a token amount of \$100 a month might be fitting. She asked for comments from the Town Council.

President De Angeles stated that he, Vice-President Gerold and the Mayor probably spend more time with the day to day operations of the Town, but that he personally does not need a payment.

Vice-President Gerold commented that when he ran for Council, he knew it was a volunteer position and that he did not expect to receive payment.

President De Angeles asked for further comment from the Town Council or the public.

There were none.

Mayor Ostrand asked the Council if there were any changes they would like to see in the Charter regarding the number of council people or the change in the scheduled time of the Town Council's regular, monthly meetings.

Discussion ensued regarding working residents, the Seawalk community, quorums, tie-votes, past changes to the Charter, scheduled time of the regular, monthly meetings, attendance of working residents, polling residents, rotating meeting times, postings of the meetings.

Attorney Crary stated that changing the time of the meetings would have to be done by Ordinance and did not require a Charter change.

President De Angeles asked for further comments from the Council or the public.

There were none.

Mayor Ostrand spoke about having a permanent Town Hall after sixty (60) years without one. She commented that the former Wells Fargo bank building was currently for sale on Jensen Beach Boulevard. She advised the Council that grant funds from the State and Federal government could be used to procure a Town Hall and that other Town's had received all of the monies to obtain a Town Hall from grants.

Council Member Gerold asked Attorney Crary if a Town Hall would have to be within the Town limits.

Attorney Crary answered that he did not know of any restrictions that express the Town could not own property outside of the Town limits, but that he would double-check.

Discussion ensued regarding annexation.

Mayor Ostrand stated that she was told by two people from small towns that their Town Hall was not within their town limits. She stated that she would contact them again for clarification.

Attorney Crary stated that he would review the Statute for clarification.

Discussion ensued regarding the bank building location, the size of Parcel "A", walkability to a Town Hall, feasibility to perform research, growing pains, assuming debt, grants, Sewall's Point Town Hall and Police Department.

Mayor Ostrand asked if the Town Council would like staff to bring forward any information.

Council Member Arnold asked for a spreadsheet on what the Town's spends for rent, etc. He spoke about the costs of maintenance on that building.

Mayor Ostrand asked for the interest level from the Town Council on purchasing property for a Town Hall and asked if the topic should be brought forth in the future.

Council Member Docherty answered "yes."

Mayor Ostrand asked the Council for ideas on promotional events and the possibility of having a celebration of the Town's 60th Anniversary in the fall, possibly, in the commercial area of the Town.

Council Member Arnold suggested (undistinguishable)

Mayor Ostrand asked if the Council would like for her to research the matter with Phillips Edison (the owners of the commercial property).

Mayor Ostrand asked President De Angeles if he liked the idea.

He replied "no."

Mayor Ostrand asked for input regarding promotional items, i.e. hats and t-shirts.

Council Member Docherty replied that in the Ocean Breeze Publix, none of the t-shirts for sale reflect "Ocean Breeze." He spoke about the possibility of promoting the Town by providing Publix with t-shirts with the name Ocean Breeze.

Council Member Gerold asked if Sun Communities was approached regarding the possibility of holding an event at the Resort for the Town's 60th Anniversary.

Discussion ensued regarding the Seawalk community, a parade, approaching Sun Communities regarding such an event, and the changes in boundaries of the Town over the years.

Mayor Ostrand asked for further input.

There was no response.

Mayor Ostrand asked about annexation and growth of the Town over the next 10 years. She asked if this was a topic the Town Council wished to discuss.

Discussion ensued regarding the name of the Town, services provided, unincorporated area in Martin County called Jensen Beach, and the history of Jensen Beach.

Council Member Gerold stated that he did not believe this should be done; he did not see a need.

President De Angeles stated that Jensen Beach should remain as is.

Council Member Arnold agreed with Council Member Gerold.

Discussion ensued regarding property taxes.

Council Member Gerold stated that he did not run for the Town Council to talk about annexation, compensation for elected officials nor political interests.

Mayor Ostrand announced that the Town had to prepare a comprehensive report on the future of the Town of Ocean Breeze and this was the reason she wanted to discuss these matters.

Council Member Gerold stated that he was content with Jensen Beach remaining as is.

President De Angeles stated that the workshop was concluded.

14. Announcements – Council Member De Angeles announced the next regular Town Council meeting on Monday, July 13, 2020 at 10:30 a.m. to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

15. Adjourn – Council Member Wagner, seconded by Council Member Arnold, made a motion to adjourn the meeting at 1:30 p.m.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, Wagner; No: None; Motion Passed - 6 - 0

Respectfully Submitted,

Pam Orr

Town Clerk

Minutes approved: _____

From: Rick Crary II
Sent: Wednesday, July 1, 2020 11:38 AM
To: townclerk@townofoceanbreeze.org; Terry O'Neil
Cc: Joyce Neyland
Subject: Revision of Section 2 of election ordinance

Pam & Terry,

Attached is a draft of an emergency ordinance that revises and amends the language in the last sentence of Section 2 or Ordinance Number 276-2018. According to my reading of the statute regarding revisions (language included in "Whereas" clause), the entire Section 2 needs to be set out in the revising ordinance.

I have made a slight tweak to the language I suggested per email earlier in the week. See if you approve.

Pam, I'll need you to add signature lines and otherwise clean up the appearance of the document. Please proof the document for typos and double check to make sure the Section 2 language I retyped matches the language in Ordinance Number 276-2018, except for the new revisions to the final sentence thereof.

Do you need to run this by the Supervisor of Elections Office ahead of time?

As a reminder, emergency ordinances must be approved by at least a two-thirds vote of the Town Council.

Let me know if you require any further input from me.

Best regards,
Rick



ORDINANCE NUMBER 304-2020

AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, REVISING AND AMENDING SECTION 2 OF ORDINANCE NUMBER 276-2018 CLARIFYING THE COMMENCEMENT AND ENDING DATES OF THE CANDIDATE QUALIFICATION PERIOD AS SET FORTH THEREIN; PROVIDING FOR SEVERABILITY, APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 276-2018 of the Town of Ocean Breeze, Florida was adopted on May 14, 2018 prescribing the date of regular municipal elections in order for the Town to participate in the Martin County Supervisor of Elections' "Vote by Mail" Program; and

WHEREAS, Section 2 of the said ordinance defining the candidate qualification period neglected to clearly specify what happens when such period commences or ends on a weekend or during a continuing state of emergency, and the Town Council wishes to revise and amend language in the last sentence of said Section 2 in order to provide clarification with regard to such occurrences; and

WHEREAS, with regard to revisions and amendments of ordinances, Florida Statutes Section 166.041(2) states: "Ordinances to revise or amend shall set out in full the revised or amended act or section or paragraph of a section or subsection."; and

WHEREAS, the Town Council has determined that due to time constraints with regard to the upcoming election it is necessary to take emergency action to provided clarification regarding commencement and ending dates for candidate qualification periods as prescribed in Section 2 of Ordinance 276-2018,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE, FLORIDA:

SECTION ONE: Section 2 of Ordinance Number 276-2018 is hereby revised and amended to read as follows:

SECTION 2. Candidate Qualification Period: Candidates for the offices of Mayor or Town Councilman/Councilwoman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmation substantially in the form required by ordinance. The period for said qualification shall commence on the first weekday in August and shall end twenty-one days thereafter. (In the event such a commencement or ending date falls on a weekend, legal holiday, or on a day when the Town Office is closed due to a state of emergency, the closest following weekday shall be used.)

SECTION TWO: Except as specifically revised and amended in this Ordinance Number 304-2020, the provisions set forth in Ordinance Number 276-2018 shall remain in full force and effect.

SECTION THREE: If any section, sentence, clause, phrase, or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Town Council to adopt this Ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein.

SECTION FOUR: This Ordinance is hereby declared to be an emergency measure upon the urgent need to prepare for the upcoming elections. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF JULY, 2020.

Council Member _____ offered the foregoing ordinance and moved approval. The motion was seconded by Council Member _____ and upon being put to a roll call vote, the vote was as follows:

KENNETH DE ANGELES, PRESIDENT
RICHARD GEROLD, VICE-PRESIDENT
BILL ARNOLD, COUNCIL MEMBER
KEVIN DOCHERTY, COUNCIL MEMBER
DAVID J. WAGNER, COUNCIL MEMBER
TERRY LOCATIS, COUNCIL MEMBER

YES	NO	ABSENT

TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA

Karen M. Ostrand
Mayor

Kenneth J. De Angeles
President

APPROVED AS TO FORM:

ATTEST:

William F. Crary, II
Town Attorney

Pam Orr
Town Clerk

Item #4

TOWN OF OCEAN BREEZE, FLORIDA
PROCLAMATION – 2020 TOWN ELECTION

ELIGIBILITY:

Persons eligible to run for Council Member must be a full-time resident of the Town of Ocean Breeze and a registered voter in Martin County.

CANDIDATES:

Candidates for office shall file for qualifying with the Town of Ocean Breeze Town Clerk between qualifying period of Monday, August 3, 2020 through Monday, August 24, 2020. All qualifying documents are provided by the Town Clerk and can also be accessed on the Town's web-site at: www.townofoceانبreeze.org

VACANCIES:

The positions of Mayor and three (3) Council Members are open. Term is for two (2) years. The current Mayor is: Karen M. Ostrand. The Council Members currently holding these positions are: Richard Gerold, Terry Locatis and David Wagner.

REGULAR ELECTION:

The Regular Town Election will be held Tuesday, November 3, 2020.

ABSENTEE BALLOTS: Please Contact – Vicki, Davis, Supervisor of Elections
135 SE Martin Luther King Jr. Blvd.

Stuart, FL 34994

Phone: (772) 288-5637 Fax: (772) 288-5765

www.MartinVotes.com

VOTING PLACE & TIME: Langford Park, 2369 NE Dixie Highway, Jensen Beach, FL 34957. Polls are open from 7:00 a.m. to 7:00 p.m.

ELECTION RETURNS:

Election returns shall be furnished the morning after the Election at the Canvassing Board Meeting on Wednesday, November 4, 2020 at 10:00 am at: Ocean Breeze Resort, 700 NE Seabreeze Way, Ocean Breeze.

DATE TO TAKE OFFICE: Monday, November 9, 2020

VOTER REGISTRATION:

The deadline for registering to vote in this November 3, 2020 Election, is Monday, October 5, 2020. Registration takes place at the Supervisor of Elections' office.

Town Office is located at: 1508 NE Jensen Beach Blvd., Jensen Beach, FL 34957
Office hours of operation: Monday – Friday, 9:00 a.m. – 2:00 p.m.

Memorandum**To:** Town Council and Mayor**From:** Terry O'Neil, Town Management Consultant**CC:** Town Clerk

Town Attorney

Date: July 7, 2020**Re:** Proposed minor amendment to the Ocean Breeze East PUD to permit the reconfiguration of several docks fronting the Indian River Lagoon.

In September last year, staff informed Sun Communities that a proposed dock permit application, approved by Sun and submitted for permitting by one of its waterfront tenants, did not match the dock layout depicted by the *Ocean Breeze East PUD Revised Master Site Plan*. This discrepancy is readily explained by the fact that the Florida Department of Environmental Protection (FDEP), which also has permitting jurisdiction, has called for longer docks due to environmental concerns.

To help resolve the issue, in October 2019 staff brought forward to the Council a draft agreement allowing Sun to reconfigure its docks. That agreement, which was unanimously approved, included several staff-recommended conditions intended to make certain that the docks are used solely by the tenant of each lot. Sun later declined to sign the agreement, instead citing its preference to see dock use restrictions enforced through its prospectus. In January of 2020, staff reported Sun's position to the Council, which determined that any further request by Sun to reconfigure its docks must come forward in the form of a minor PUD amendment. Sun formally applied for an amendment on June 18, 2020.

Staff fully supports Sun's proposal to reconfigure its docks but has remained convinced that reasonable use restrictions, which are imperative to avoid conflicts among neighbors living so closely together, belong in the OB East PUD agreement and not in the Resort's prospectus. (As the Council is aware, the prospectus is amendable without town involvement).

Sun recently acceded to this point, but there remain some differences as to how enforcement is to be approached. Specifically, staff wants to ensure that Sun is ultimately responsible for compliance with the dock use restrictions. Sun is proposing language, shown below, that includes a "good faith" effort provision, which staff feels may be too ambiguous. Sun has also questioned language in paragraph j. that provides a "reasonable time" standard for remedying a violation. Staff, including Town Attorney Cray, are prepared to discuss these remaining two issues in greater detail during the public hearing.

Please see Attorney's email
dated 7-8-2020

K) Upon violation of one or more conditions set forth above, and upon Owner's failure to cure such violation(s) as provided above, the Town Council, after a due notice and public hearing on the matter, shall have the power to revoke this agreement or otherwise deem the PUD to be in violation, unless the Owner can demonstrate that the Owner acted in good faith to bring such tenant or other occupant into compliance by following its statutory duties under section 723.061, Florida Statutes, for eviction of the tenant or other occupant. The Town shall have the power, in compliance with Chapter 162, Florida Statutes requirements, to impose fines of up to \$500 per day against the tenant for each PUD violation and the Town shall otherwise have any and all remedies available under the PUD, in addition to all remedies as may be otherwise be available under Florida law.

Finally, two issues of note: (1) In her presentation, Ms. Camblor has been asked to address a question raised at the Council's last meeting as to whether access to the top of the seawall adjoining the proposed residential docks – usually by someone fishing -- is now to be limited to the lot tenant only, and (2) under the newly proposed dock configuration, the number of "marginal piers" has increased.

Recommendation

Staff recommends that the Council consider both Sun's and staff's positions regarding enforcement, as well as comments by the Public, and that Resolution No. 303-2020 be approved with the enforcement conditions it deems best.

Attached documents:

- Quasi-Judicial Hearing Procedure Form (yellow sheet)
- Draft Resolution No. 303-2020, including Exhibit A (copy of existing PUD Master Site Plan attached for reference only)
- Correspondence/background documents from applicant's representative, Urban Planner, Marcela Camblor
- Background information package consisting of materials on this topic considered by the Town Council in October 2019 and January 2020
- Public hearing notification package, (i.e.: list of property owners within 300 feet, notification letter, notification sign(s) photographs, mailing affidavit)

From: Rick Crary II <RCII@crarybuchanan.com>
Sent: Wednesday, July 8, 2020 8:41 AM
To: Terry O'Neil
Cc: townclerk@townofoceanbreeze.org; Joyce Neyland
Subject: Comments regarding PUD conditions

Terry,

As I understand it, the structure of the proposed Minor PUD Amendment to allow docks in conformity with FDEP requirements is designed to recognize that the resort owner is primarily responsible for policing its tenants' docks to make sure they comply with law and do not create nuisances for their neighboring tenants. The focus is on preventing the docks from being turned into a commercial marina or otherwise expanding the use beyond a normal residential use. The enforcement mechanisms in the proposed amendment are intended to strongly encourage the resort owner to put its own park regulations in place to effectively monitor and control the use of the docks. As long as the resort owner adequately regulates the docks, there would be no need for the Town to get involved beyond the issuance of permits.

The Town is being asked by the applicant to limit its enforcement powers to those set forth in Florida Statutes Section 162, which would require the Town to set up a separate enforcement board and code enforcement department. Florida Statutes Section 162.13 makes it clear that the Town is not required to do so, nor does it need such a separate department at this time. The referenced statute states that "Nothing [in Chapter 162] shall prohibit a local governing body from enforcing its codes by any other means."

The proposed ordinance prevents the Town from summarily treating a tenant's violation of the conditions as a breach of the PUD. It generously provides the resort owner with a reasonable time to bring its tenant into compliance. We would not want to define or limit the resort owner's mechanisms for obtaining compliance with the ordinance. As long as such enforcement is being diligently pursued, there would be no need for the Town to step in with its enforcement mechanisms against the resort owner. If the resort owner finds it necessary to resort to judicial proceedings against an offending tenant, the Town is aware that court actions take time, and it would be unreasonable to hold them responsible for delays they could not avoid.

Kindly provide the Town Council and the applicant with a copy of this email as part of your package.

Best regards,
Rick

TOWN OF OCEAN BREEZE, QUASI-JUDICIAL HEARING PROCEDURE

1. Council President reads the title of the resolution.
2. Council President asks: *"Do Council Members have any ex parte communications to disclose?"*
3. Council Members disclose ex parte communications, if any.
4. Council President then states: *"All those giving testimony, please stand, raise your right hand, and be sworn in."* (Town Attorney administers oath).
5. Council President asks staff, *"Please present your testimony, including any evidence, and your recommendation regarding this case."*
6. Council President then states, *"The petitioner may now give testimony and call any witnesses."*
7. Council President asks, *"Do Council Members have any questions for the petitioner?"*
8. Council President then asks, *"Does staff have any questions for the petitioner?"*
9. Council President asks, *"Does the petitioner wish to offer any rebuttal testimony?"*
10. Council President asks: *"Does any member of the public wish to comment?"*
11. Council President closes the hearing at the conclusion of all the evidence and asks the Town Council Members to deliberate in public asking them to cite the facts being considered and then to state their position.
12. Council President then considers a motion to approve the resolution; a motion to approve with conditions; a motion to deny the request; or, a motion to continue the hearing to a date certain.



BEFORE THE TOWN COUNCIL OF THE
TOWN OF OCEAN BREEZE, FLORIDA

RESOLUTION NO. 303-2020

RESOLUTION NO. 303-2020, PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD AGREEMENT ADOPTED BY ORDINANCE NO. 220-2015 AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016 AND BY ORDINANCE NO. 241-2016 AND BY RESOLUTION NO. 291-2019; THEREBY APPROVING MINOR CHANGES TO THE PROJECT'S REVISED MASTER SITE PLAN TO PERMIT THE RECONFIGURATION OF RESIDENTIAL DOCKS ALONG THE INDIAN RIVER LAGOON, INCLUDING CONDITIONS FOR THEIR USE; DECLARING SAID CHANGES TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING PENALTIES FOR PUD VIOLATIONS; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on January 27, 2015, the Town of Ocean Breeze, Florida (hereinafter referred to as the "Town") adopted Ordinance No. 251-2015, thereby approving the Ocean Breeze East Planned Unit Development (PUD) Agreement, which Ordinance and its several amendments are recorded in the Official Records of Martin County, Florida; and

WHEREAS, NHC FL143 LLC, a Florida Limited Liability Company, (hereinafter referenced as "OWNER") the property governed by Ordinance No. 220-2015 and its amendments, has applied for a minor PUD amendment to permit the reconfiguration of several residential docks fronting the Indian River Lagoon, as depicted by Exhibit "A" attached hereto; and

WHEREAS, it is understood that the Florida Department of Environmental Protection ("FDEP") also has jurisdiction to determine the actual minimum lengths and locations of the docks as the same extend over lands submerged beneath mean high water; and

WHEREAS, the Town Council wishes to make reasonable adjustments to the configuration of said docks in order that they may fully comply with environmental regulations established by FDEP; and

WHEREAS, FDEP may require that the said docks be made to extend eastward of a line shown in the PUD revised master site plan in order to reach the depth of water required; and

WHEREAS, it appears unlikely that DEP shall require any such docks to exceed a length of 30 feet, and in no event more than 35 feet; and

WHEREAS, as a condition of this minor amendment, the OWNER has agreed to abide by the conditions stated hereinbelow; and

WHEREAS, on July 13, 2020, the Town Council held a properly noticed quasi-judicial public hearing to consider the OWNER'S application, recommendations made by Town Staff, as well as comments by the Public; and

WHEREAS, the OWNER has committed to the Town that its development will comply with all development codes, plans, standards and conditions approved by the Town Council; and that it will bind its successors in title to any such commitments made upon approval of the revised plans; and

WHEREAS, at the hearing, the OWNER's representatives showed by substantial competent evidence that the application is consistent with the Town of Ocean Breeze Comprehensive Plan and Land Development Code, and the procedural requirements of law; and

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law.

NOW, THEREFORE, THE OCEAN BREEZE TOWN COUNCIL HEREBY RESOLVES:

SECTION 1. Provided the OWNER abides by conditions set forth below, the docks and marginal piers referenced in the PUD, as attached to units, may be reconfigured in accordance with the diagram attached hereto as Exhibit "A."

- a. Owner shall be responsible for designating and confirming the location of any dock or marginal pier to be constructed per Exhibit "A" attached hereto. All such docks and marginal piers shall be leased to the unit to which they are attached as shown on the said exhibit. In any event, Owner shall be the arbiter of disputes between tenants regarding such location and tenant disputes regarding any other matters related to the use of docks and marginal piers, or the feasibility of constructing the same.
- b. In the event Owner gives a tenant the right to make application to construct a dock or marginal pier, Owner must provide Town with written proof that Owner has approved said tenant's application for such permit, either by joining in the application, or executing a consent in form and content satisfactory to the Town.
- c. Prior to the issuance by the Town of a permit for construction of a dock or marginal pier, Owner and its applying tenant shall provide the Town with sufficient proof of the dimensions required by the Florida Department of Environmental Protection (FDEP), and thereafter Owner shall be responsible for making sure that Owner's tenant constructs the dock or marginal pier in accordance with such dimensions and all other conditions as may be imposed by FDEP (and other governmental entities having marine jurisdiction, if any).
- d. In no event shall any dock be permitted to exceed a length of 35 feet, unless and until Sun Communities shall first obtain a minor amendment to the Ocean Breeze East PUD.
- e. No dock or marginal pier shall be used for any commercial purposes whatsoever.

- f. No dock or marginal pier shall be leased to or used by anyone other than the tenant or subtenant approved by Owner, to whose unit the dock or marginal pier is attached as depicted on Exhibit "A," and their family and temporary guests. No dock or marginal pier, or any portion thereof, may be leased or subleased or licensed to anyone other than occupants (authorized by Owner) residing in the unit to which the same is attached as depicted on Exhibit "A".
- g. Upon application for permit by Owner or Owner's approved tenant, Owner and said tenant shall agree to indemnify and hold the Town harmless from and against any and all claims, damages and other liabilities of any kind whatsoever related to the dock or marginal pier, said indemnity and hold harmless agreement to be in such form and content as the Town shall provide with the permit application.
- h. Upon transfer of a unit to which a dock or marginal pier is attached, it shall be the responsibility of Owner to make sure that Owner's new tenant is in compliance with any documentation related to such transfer as may be required by the FDEP and other governmental agencies having jurisdiction.
- i. At all times, Owner and Owner's tenants whose units include a dock or a marginal pier, jointly and severally, shall comply with the PUD and other laws of the Town and with all applicable federal and state laws and rules and regulations, and all conditions imposed by FDEP and/or other governmental agencies having jurisdiction.
- j. In the event the Town learns that any tenant or other occupant of a unit to which a dock or marginal pier is attached is in violation of the conditions set forth herein, the Town shall notify Owner thereof, and Owner shall be provided with reasonable time to bring such tenant or other occupant into compliance.
- k. Upon violation of one or more conditions set forth above, and upon Owner's failure to cure such violation(s) as provided above, the Town Council, after a due notice and public hearing of the matter, shall have the power to revoke this agreement or otherwise deem the PUD to be in violation, and the Town Council shall have the power to impose fines of up to \$500.00 per day for each PUD violation, and the Town shall otherwise have any and all other remedies available under the PUD, in addition to all remedies as may be otherwise be available under Florida law.
- l. The terms hereof shall be binding upon Owner and its successors and assigns (including tenants).

SECTION 2. Town ordinances and Town resolutions or parts thereof, and other parts of the Zoning and Land Development Code of the Town of Ocean Breeze in conflict with this resolution are hereby superseded to the extent of such conflict.

SECTION 3. If any provision of this resolution or the application thereof to any person or circumstance is held to be unconstitutional, invalid or ineffective, this holding shall not affect the remaining portions of this ordinance. If this resolution or any provision thereof shall be held to be inapplicable to any person, property, or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

SECTION 4. The PUD is hereby amended as set forth above, and all of the terms and conditions of Ordinance No. 220-2015, as amended by Resolution Numbers 223-2015, 234-2016 and 238-2016 and Ordinance No. 241-2016, and by Resolution No. 291-2019, that are not specifically amended or revised by this Amendment are hereby ratified and affirmed and shall remain in full force and effect as stated therein.

SECTION 5. This resolution shall become effective immediately upon adoption by the Town Council and acceptance by the OWNER.

SECTION 6. The complete execution and recording of this resolution by the Town Clerk, which shall be paid for by the OWNER, shall occur no later than sixty (60) days from the date of this approval, failing which this resolution shall become void.

SECTION 7. This resolution shall be recorded in the public record of Martin County, the cost of which shall be paid by the applicant.

APPROVED AND ADOPTED this 13TH day of July, 2020.

Council Member _____ offered the foregoing resolution and moved approval. The motion was seconded by Council Member _____ and upon being put to a roll call vote, the vote was as follows:

KENNETH J. DE ANGELES, PRESIDENT
RICHARD GEROLD, VICE-PRESIDENT
KEVIN DOCHERTY, COUNCIL MEMBER
BILL ARNOLD, COUNCIL MEMBER
TERRY LOCATIS, COUNCIL MEMBER
DAVID WAGNER, COUNCIL MEMBER

YES	NO	ABSENT

KAREN M. OSTRAND
MAYOR

KENNETH J. DE ANGELES
PRESIDENT

APPROVED AS TO FORM:

ATTEST:

WILLIAM F. CRARY, II
TOWN ATTORNEY

PAM ORR
TOWN CLERK

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO COMPLY WITH THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 4 OF THIS RESOLUTION NUMBER 303-2020 AND THEIR CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, AS AMENDED IN THIS RESOLUTION, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE TOWN, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, AND IN THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 4 HEREOF, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

NHC FL143 LLC
a Florida limited liability company,
By: _____

Print Name: _____

By: _____
Name: _____

Print Name: _____

Title: _____

OWNERS ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

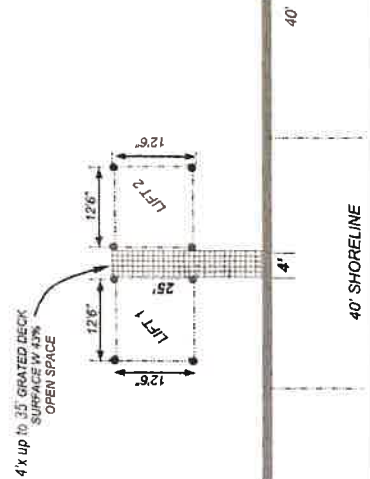
The foregoing instrument (Acceptance and Agreement of Resolution 303-2020) was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 20____, by _____, as _____ of NHC FL143, LLC, a Florida limited liability company (PLEASE CHECK ONE OF THE FOLLOWING) ☐ who is personally known to me or ☐ who has produced _____ (TYPE OF IDENTIFICATION) as identification.

Print Name

Commission No

My Commission Expires:

Notary Public State of Florida



OCEAN BREEZE EAST
PUD
EXHIBIT A
July 2020

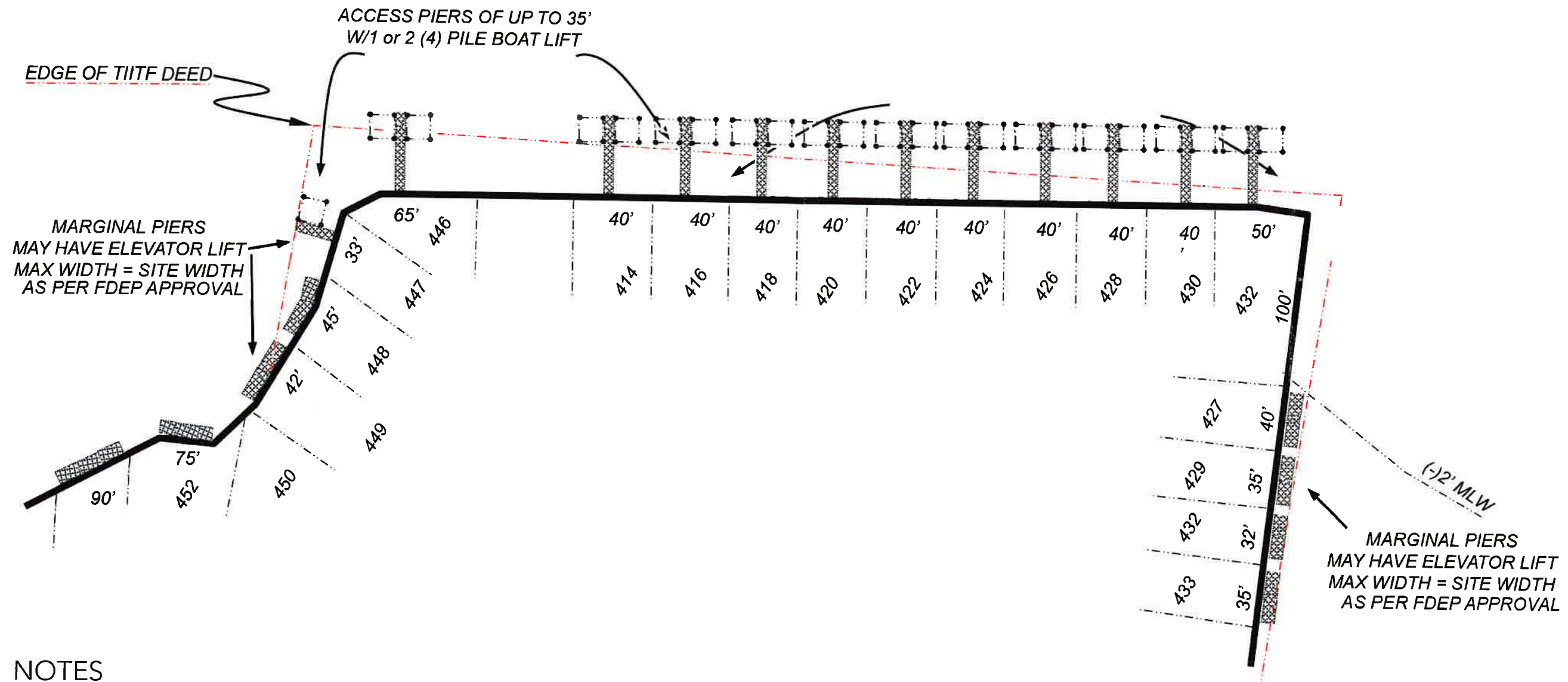
OCEAN BREEZE RESORT
3000 NE INDIAN RIVER DR.
JENSEN BEACH

NOTES

- Access piers shall be generally centered within each site so as to avoid encroachment on neighboring sites.
- Max- pier length protruding into water is 35'.
- Marginal piers shall have a 5' side set back to ensure a minimum 10' separation exists between marginal piers.



INDIAN RIVER LAGOON

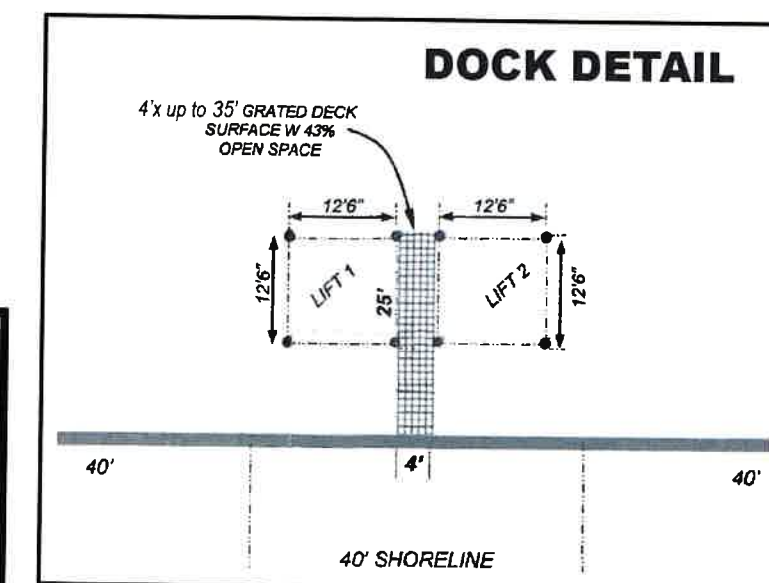


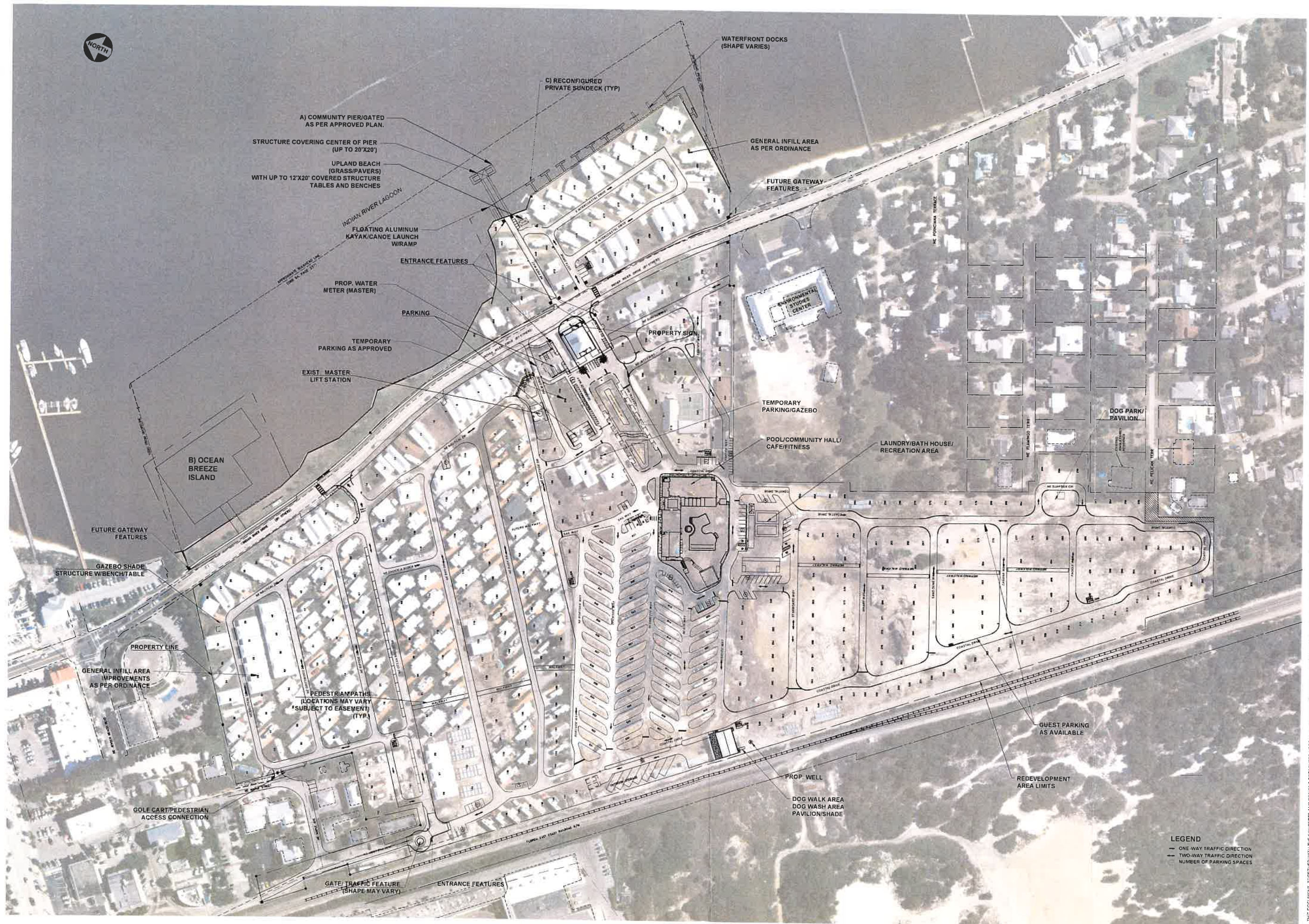
NOTES

- Access piers shall be generally centered within each site so as to avoid encroachment on neighboring sites.
- Max- pier length protruding into water is 35'.
- Marginal piers shall have a 5' side set back to ensure a minimum 10' separation exists between marginal piers.

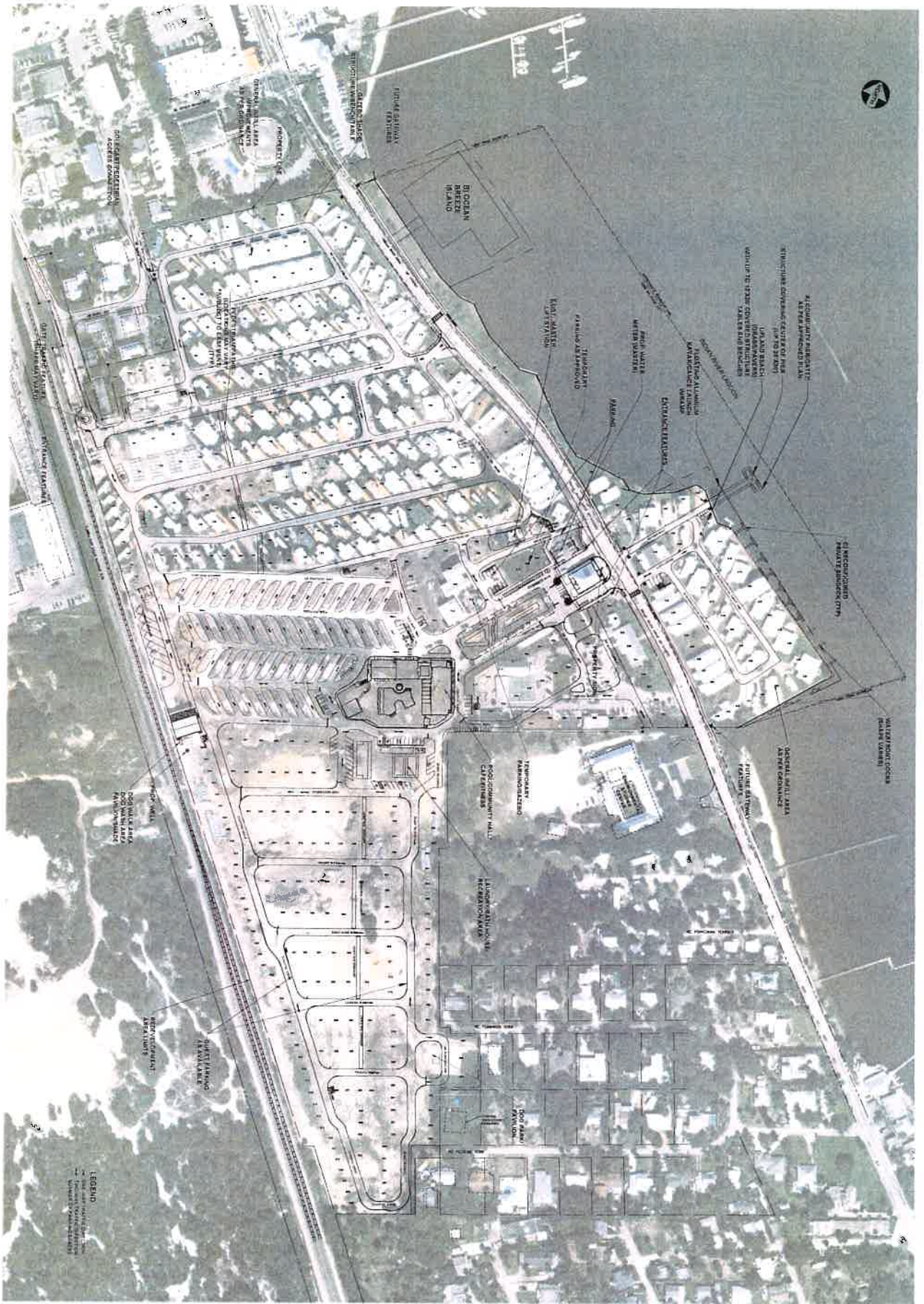
OCEAN BREEZE RESORT
3000 NE INDIAN RIVER DR.
JENSEN BEACH

OCEAN BREEZE EAST
PUD
EXHIBIT A
July 2020



[illegible][illegible]

Provided for reference only, not part of this Resolution



JOB NO. 03201901 SHEET 01 OF 01	PROJECT LOCATION 3015 W. 10th Ave. Suite 1000, Fort Lauderdale, FL 33304 P.O. Box 1000	OCEAN BREEZE EAST PUD TOWN OF OCEAN BREEZE MARTIN COUNTY - FLORIDA OCEAN BREEZE RESORT 04.24.2019	NO. DATE BY REVISIONS	DATE: 04.24.2019 DRAWN BY: MCA CHECKED BY: MCA PROJECT NO.: HORIZ. SCALE: 1"=100' VERT. SCALE: 1"=10' CAD FILE: CATPCE	 CAPTEC Engineering, Inc. Civil Engineering Professionals 801 NW Flamingo Ave., Ste. 201 Fort Lauderdale, FL 33304 Phone: (772) 883-4344 Fax: (772) 883-4343 Engineering Number: 10-17-07-1001	 MCA TOWN OF OCEAN BREEZE 3015 W. 10th Ave. Fort Lauderdale, FL 33304
				PROJECT LOCATION 3015 W. 10th Ave. Suite 1000, Fort Lauderdale, FL 33304 P.O. Box 1000		

townclerk@townofoceanbreeze.org

From: Marcela Cambor <marcela@marcelacambor.com>
Sent: Thursday, June 18, 2020 7:38 AM
To: Terry O'Neil; townclerk@townofoceanbreeze.org
Subject: OBE-PUD Minor Amendment
Attachments: Town of Ocean Breeze - OBE PUD MinorAmendment 062020 COVER LETTER.docx; Untitled attachment 00033.html; Exhibit A- OBEPUD AMENDED MASTER PLAN 06-2020SM.pdf; Untitled attachment 00036.html; Exhibit B - GENERAL DOCK LAYOUT-3.pdf; Untitled attachment 00039.html; Exhibit C-Proposed Dock Details.dat; Untitled attachment 00042.html; 1- Attachment 1 PROPOSED AGREEMENT REGARDING UNIT OWNER DOCKS.docx; Untitled attachment 00045.html; Exhibit D - FDEPDOCK080119.pdf; Untitled attachment 00048.html

Terry

Please find attached application materials for a minor amendment to the OBEPUD which Sun hopes to proceed with during your next council meeting.

Let me know when is a good time for you to discuss the submitted information.

All the best.-

Marcela

Note from Staff:

Several of the documents submitted by Ms. Cambor in her initial application have become superfluous during the Town's review (i.e. the draft agreement certain exhibits, etc.) All relevant PUD Amendment language, including Exhibit "A" are contained in the attached draft of Resolution 303-2020.



MARCELA CAMBLOR & ASSOCIATES, INC
Town Planning • Architectural Design

June 16, 2020

Mr. Terry O'Neil
Town Manager, Town of Ocean Breeze

SUBJECT: OCEAN BREEZE MINOR PUD AMENDMENT

Dear Mr. O'Neil, ^{Terry}

In anticipation of the town's Council meeting on July 13th, 2020, please find the below described documents attached. These include pertinent information necessary to execute a minor of the Ocean Breeze East PUD (OBE-PUD) amendment as requested by Sun Communities to allow for private docks associated to waterfront lots.

List of Documents:

- Attachment 1: Proposed Agreement between the Town of Ocean Breeze and Sun Communities
- Exhibit A: Amended OBE-PUD Master Plan
- Exhibit B: Proposed Dock Layout
- Exhibit C: Proposed dock details
- Exhibit D: FDEP permit
- Exhibit H: Draft Notice to surrounding property owners (language to be drafted pending staff review)
- Exhibit I: Draft Notice Sign (language to be drafted pending staff review)

I look forward to working with the Town to implement these minor amendments. Please do not hesitate to contact me if you have any questions.

Sincerely,

Marcela Cambor-Cutsaimanis, AICP
Principal, Marcela Cambor & Associates, Inc.

Attachment 1

AGREEMENT REGARDING UNIT OWNER DOCKS

THIS AGREEMENT is made effective as of the _____ day of _____, 2020 by and between NHC FL143, LLC, a Delaware limited liability company, hereinafter referred to as "Sun Communities" and the Town of Ocean Breeze, a municipal corporation, hereinafter referred to as the "Town, "

WHEREAS, the Town approved the Ocean Breeze East Planned Unit Development Agreement ("PUD") which includes a diagram of docks adjacent to certain units on the Indian River, which diagram was intended as representational only, for the purpose of establishing the number of docks and approximate locations thereof to be allowed; and

WHEREAS, the parties understand that the Florida Department of Environmental Protection ("DEP") has jurisdiction to determine the actual minimum lengths and locations of the docks as the same extend over lands submerged beneath mean high water; and

WHEREAS, the parties wish to make reasonable adjustments to the depiction of the said docks in order that they may fully comply with regulations established by DEP; and

WHEREAS, DEP may require that the said docks be made to extend eastward of a line shown in the PUD in order to reach the depth of water required, for the purpose of protecting the environment, preventing damage to sea grasses and other habitat and for the safe operation of watercraft at that location; and

WHEREAS, it is understood between the parties that this Agreement shall fulfill the obligations of the parties with respect to the permitting, construction and operation of the docks when permitted, constructed, operated and maintained by a home owner with the approval of Sun Communities and the Town.

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and in consideration of the premises set forth herein, the parties hereto agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference
2. The Town and Sun Communities hereby agree that the docks referenced in the PUD as attached to units may be constructed in accordance with the diagram attached hereto as Exhibit "A."
3. The designation of boundaries for the said docks as set forth herein shall remain are representative only and may be modified by separate agreement between the Town and Sun Communities.

4. The Town and Sun Communities hereby agree to the following procedures for permitting and approval of the docks:
- a. Prior to the issuance by the Town of a permit for construction of a dock, the home owner shall first provide the Town with written approval from both Sun Communities and the DEP for the dock size, location and construction.
 - b. Upon final approval of the construction by DEP and local building permit authority, the Town shall approve an amendment to the PUD showing the location of the dock and its size.
 - c. Sun Communities rules and regulations shall be amended to establish that the owners or occupant(s) of a unit to which the dock is attached shall not allow commercial use of the dock for any purpose, not allow lease of the dock to any other party or person other than the owner(s)/occupant(s), their friends, family or guests.
 - d. Sun Communities rules and regulations shall also be amended to include a requirement that the home owner who permits, constructions and operates the dock shall have sufficient liability insurance to cover any claims made against Sun Communities or the Town.
 - e. Sun Communities shall not provide parking that would facilitate non-residents to park with the purpose of accessing a vessel docked on a private dock.
 - f. Sun Communities shall impose a "breach of lease" to any homeowner who leases or allows extended use of a private dock to anyone who is not an occupant of the unit associated to the dock in question.
5. The terms of this Agreement shall inure the benefits and be binding upon the parties and their successors and assigns.

IN WITNESS WHEREOF, we set our hands as of the date set forth above:

Witnesses: TOWN:
Town of Ocean Breeze, a municipal corporation

Sign: _____
Print: _____

Sign: _____
Print: _____ By: Karen M. Ostrand, Mayor

Witnesses: SUN COMMUNITIES:
NHC-FL 143, LLC
A Delaware limited liability company

Sign: _____
Print: _____

By: NRVC-Holding Co., LLC
A Delaware limited liability company, Sole Member

By: Sun Communities Operating Limited

Sign: _____
Print: _____

Partnership, a Michigan limited partnership, Sole
Member

By: Sun Communities, Inc., a Maryland
corporation, General Partner

By: John McLaren,
Vice-President and Chief Operation Officer

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this ____ day of December, 2019, by Karen M. Ostrand, as Mayor of the Town of Ocean Breeze, a municipal corporation, who is [] personally known to me, or [] has produced _____ as identification.

Notary Public – State of Florida
My Commission Number: _____
My Commission Expires: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of December, 2019, by John McLaren, as Vice-President and Chief Operating Officer of Sun Communities, Inc., a Maryland corporation, which is the General Partner of Sun Communities Operating Limited partnership, a Michigan limited partnership, which is the sole Member of NRVC-Holding Co., LLC, a Delaware limited liability company,

which is the sole Member of NHC-FL143, LLC, a Delaware limited liability company,
who is [] personally known to me, or [] has produced _____ as
identification.

Notary Public – State of Florida

My Commission Number: _____

My Commission Expires: _____



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

August 1, 2019

Chris Walters
3000 NE Indian River Dr.
Ocean Breeze, FL 34957
Sent via e-mail: cwalters@suncommunities.com

Re: File No.: 43-0043054-007-EE
File Name: Dumais

Dear Mr. Walters,

On July 11, 2019, we received your request for verification of exemption to install a 100 ft² dock and two boatlifts attached to the dock in the Indian River, within the Jensen Beach to Jupiter Inlet Aquatic Preserve, Outstanding Florida Waters, Class III Waters, adjacent to 3000 NE Indian River Dr., Ocean Breeze (Section 22, Township 37 South, Range 41 East), in Martin County (Latitude N 27° 14' 27.24", Longitude W 80° 13' 17.46")

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact David Kieckbusch at the letterhead address or at (561) 681-6646, David.Kieckbusch@floridadep.gov.



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

FDEP APPROVA

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

August 1, 2019

Chris Walters
3000 NE Indian River Dr.
Ocean Breeze, FL 34957
Sent via e-mail: cwalters@suncommunities.com

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File Name: Dumais

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If you have any questions regarding this matter, please contact David Kieckbusch at the letterhead address or at (561) 681-6646, David.Kieckbusch@floridadep.gov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Chapter 62-330.051, (5)(b), Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review- NOT REQUIRED, GRANTED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that a portion of the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

A portion of the project occurs on state lands and as long as the work is performed as described in the attached project drawings, is wholly located within the boundaries of the existing land conveyed by the state in Deed 19496 and is consistent with the terms and conditions therein, we have no objection to the project. Therefore, consider this letter to also constitute the authority sought under Section 253.77, F.S. to pursue this project.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or

waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under Paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

3. Federal Review - APPROVED

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;

- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received a written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Project No.: 43-0043054-007-EE
Project Name: Dumais
Page 6 of 6

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Christopher Weller
Environmental Manager
Southeast District

Enclosures:

62-330.051(5)(b), F.A.C.
Project drawings, 4 pages

Project No.: 43-0043054-007-EE
Project Name: Dumais
Page 7 of 6

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

FDEP – Chris Weller, David Kieckbusch
Bruce Jerner, jerner@bellsouth.net

Additional mailings:
Irene Arpayoglou, Irene.Arpavoglou@dep.state.fl.us

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

August 1, 2019
Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Special Conditions for Federal Authorization for SPGP V-R1

Note: JAXBO (Jacksonville District's Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://edn16021.contentdm.oclc.org/utils/getfile/collection/p16021coll3/id/577>.

The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.sfu.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

Special Conditions for All Projects

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 6, from PDCs AP.7 through AP.11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 32) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer

of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 2).

- d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB).

The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

- b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. The Permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with these laws. The Permittee should contact

the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.

14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

- a. (A2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- (1) (A2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

- (2) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
 - (3) (A2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
 - a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
 - (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 27) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by Attachment 29, the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).
5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).
7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:
 - a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for

Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:

- (1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#)).
 - (2) In addition to (1), above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).
- b. For all other Projects,
- (1) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.
 - (2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
 - (3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#)).
 - (4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates "Scenario B" as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):
 - (i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
 - (a) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,
 - (b) within the Range of Johnson's seagrass (outside of critical habitat) with No current seagrass survey or, Johnson's seagrass under the dock,

- (ii) New docks or dock expansions and:
 - (a) within Johnson's seagrass critical habitat; or,
 - (b) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.
- c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the "Dock PDCs for Scenario B" within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):
 - (1) To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
 - (i) The dock must be positioned to avoid and minimize effects to Johnson's seagrass.
 - (ii) Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
 - (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
 - (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
 - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
 - (vi) No covered boat lifts are allowed over any Johnson's seagrass.
 - (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
 - (i) For grated decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over-water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
 - (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
 - (ii) For plank decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over-water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.

- (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.
- d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

General Conditions for Federal Authorization for SPGP V-R1

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.

7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Department of the Army Permit Transfer for SPGP V-R1

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision)

(Lot)

(Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(Transferee Signature)

(Date)

(Name Printed)

(Street address)

(Mailing address)

(City, State, Zip Code)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

Report any collision with or injury to a manatee:

Wildlife Alert:



1-888-404-FWCC(3922)

cell *FWC or #FWC



UNITED STATES DEPARTMENT OF
COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

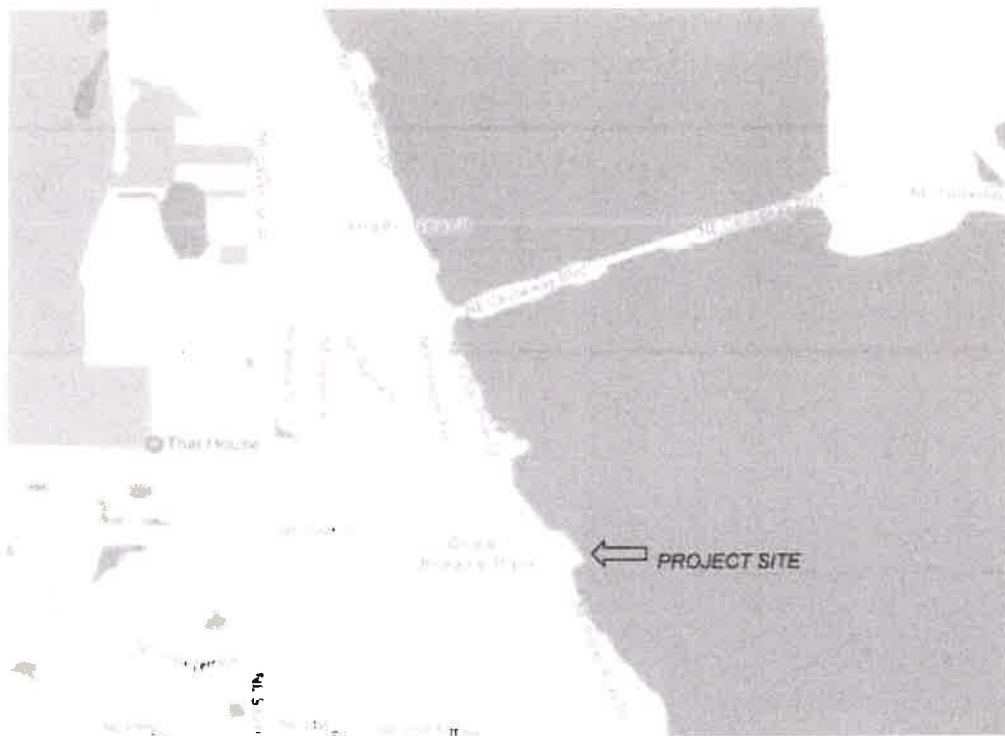
SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

- h. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).
- i. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfs@noaa.gov.
- j. Sea turtle and marine stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.
- k. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.
- l. All work must occur during daylight hours.





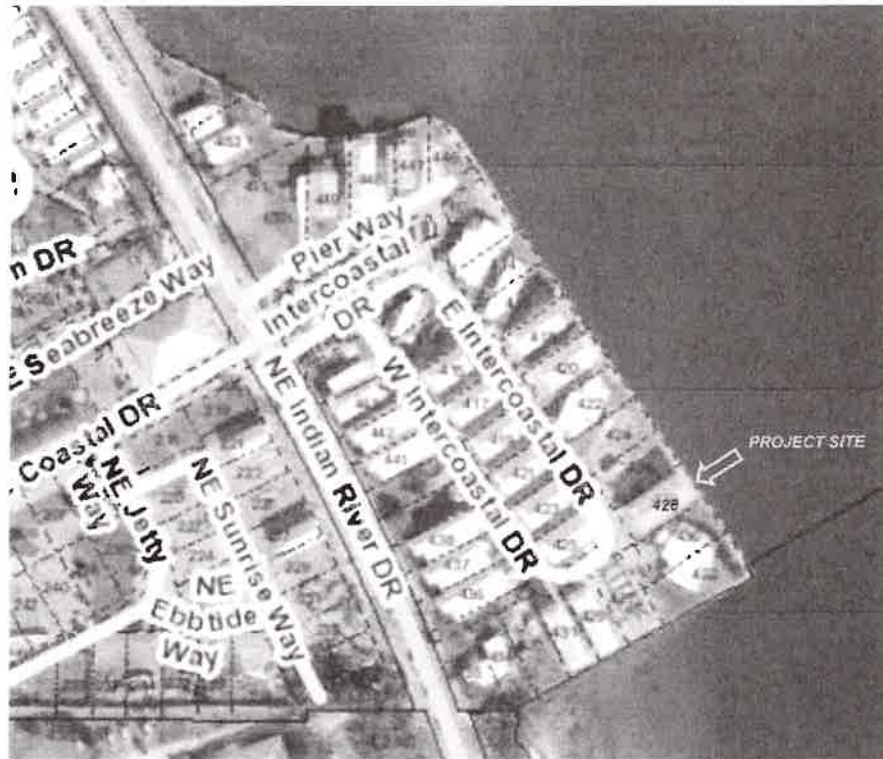
OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR. LOT 428
JENSEN BEACH



Jerner & Associates, Inc.
Environmental Consulting
2537 SE Alfonso Ave. Port St. Lucie, FL 34952
Ph. (772) 283-2950
JERNER@BELLSOUTH.NET

Date: 7/5/19

SHEET 1



OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR.
JENSEN BEACH



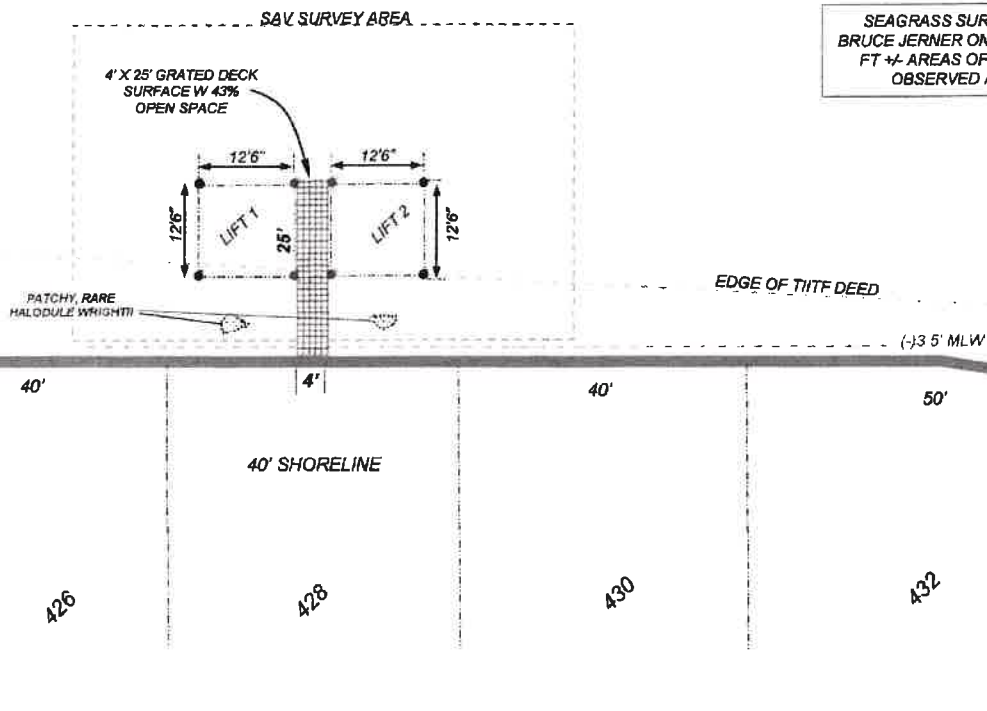
Jerner & Associates, Inc.
 Environmental Consulting
 2537 SE Alfonso Ave. Port St. Lucie, FL 34952
 Ph. (772) 283-2950
 JERNER@BELLSOUTH.NET

Date: 7/5/19

SHEET 2



INDIAN RIVER LAGOON



SEAGRASS SURVEY PERFORMED BY
BRUCE JERNER ON JUNE 27, 2019. (2) 5 SQ
FT +/- AREAS OF HALODULE WRIGHTII
OBSERVED ALONG SEAWALL



OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR.
JENSEN BEACH



Jerner & Associates, Inc.
Environmental Consulting
2537 SE Alfonso Ave. Port St. Lucie, FL 34952
Ph. (772) 283-2950
JERNER@BELLSOUTH.NET

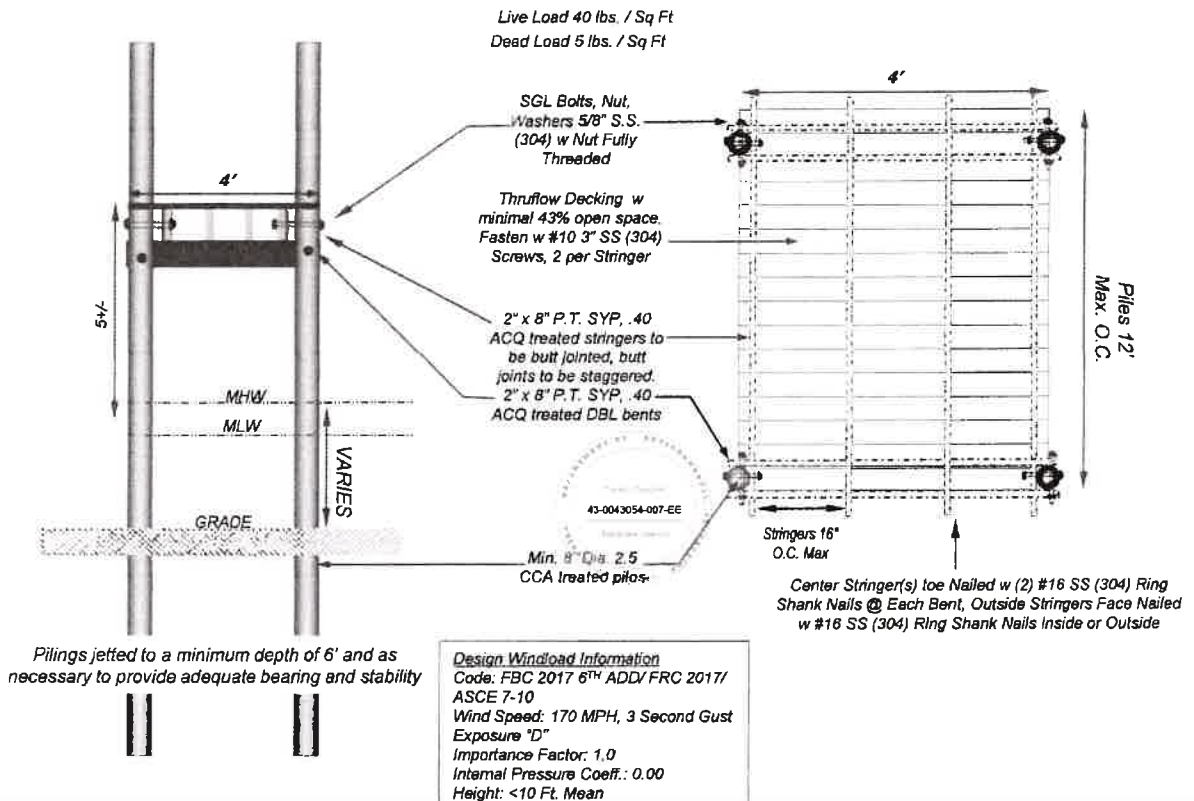
1" = 20'

Date: 7/5/19

SHEET 3

Pier Section Thru

Pier Plan View



OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR. LOT 428
JENSEN BEACH



Jerner & Associates, Inc.
Environmental Consulting
2537 SE Alfonso Ave. Port St. Lucie, FL 34952
Ph. (772) 283-2950
JERNER@BELLSOUTH.NET

Date: 7/5/19

SHEET 4

From: Marcela Camblor
Sent: Monday, July 6, 2020 5:03 PM
To: Rick Crary II; Terry O'Neil; townclerk@townofoceanbreeze.org
Subject: Comments from Sun

Terry

Sun has reviewed all the language and is ok with all the terms, however given the specificity sought of the docks (dimension/location) they feel the term "reasonable time" is too vague. In an effort to define the process of enforcement their attorney suggests citing appropriate statutes that dictate specific times as follows:

J) In the event the Town learns that any tenant or other occupant of a unit to which a dock or marginal pier is attached is in violation of the conditions set forth herein, the Town shall notify Owner thereof, and Owner shall be provided with reasonable time to bring such tenant or other occupant into compliance, by a termination of the tenant's or occupant's right to occupancy of the property under section 723.061, Florida Statutes, which may include bringing an action for possession (eviction) against the tenant or other occupant.

K) Upon violation of one or more conditions set forth above, and upon Owner's failure to cure such violation(s) as provided above, the Town Council, after a due notice and public hearing on the matter, shall have the power to revoke this agreement or otherwise deem the PUD to be in violation, unless the Owner can demonstrate that the Owner acted in good faith to bring such tenant or other occupant into compliance by following its statutory duties under section 723.061, Florida Statutes, for eviction of the tenant or other occupant. The Town shall have the power, in compliance with Chapter 162, Florida Statutes requirements, to impose fines of up to \$500 per day against the tenant for each PUD violation and the Town shall otherwise have any and all remedies available under the PUD, in addition to all remedies as may be otherwise be available under Florida law.

Can we discuss?

Marcela Camblor-Cutsaimanis AICP | P r i n c i p a l
MARCELA CAMBLOR & ASSOCIATES, INC
47 W Osceola St. #203 - Stuart, FL 34994
Tel: (772) 708.1108

From: Rick Crary II <RCII@crarybuchanan.com>
Sent: Tuesday, January 7, 2020 12:46 PM
To: Terry O'Neil
Cc: townclerk@townofoceanbreeze.org; Joyce Neyland
Subject: Agreement Regarding Unit Owner Docks

Terry,

As you and I discussed with the Mayor yesterday, Sun Communities did not accept the agreement which the Town Council proposed in an effort to expedite issuance of dock permits. Instead, Sun has countered with a proposed agreement that makes substantial changes to the draft the Town Council submitted. It was thought that, perhaps, an agreement might be an appropriate vehicle by which to clarify the matters at hand. However, because the draft agreement proposed by the Town and the developer's counter-proposal seem rather far apart, it may be that the issues would be better resolved with a minor PUD amendment, where the parties may fully air and discuss their interpretations, intentions, and concerns. That may be the more appropriate means of adequately defining clear parameters needed for the issuance of dock permits.

In this email memo, I will outline the most significant changes that Sun proposes to make:

1. The Town's draft agreement would limit the length of a dock to no more than 30 feet. / Sun's draft removes any limitation on length and requires the Town to approve whatever dimensions may be approved by DEP.
2. The Town's draft would require Sun to first amend the PUD in order for a dock to exceed 30 feet. / Sun's draft would require the Town to amend the PUD every time DEP approves a dock, in order to match whatever dimensions DEP approves.
3. The Town's draft places an affirmative duty upon Sun to enforce regulations restricting Unit Owners' use of docks; failure to do so would be a PUD violation. / Sun's draft agrees to place rules and regulations on its books, but does not make Sun's failure to enforce a PUD violation.
4. The exhibit to the Town's draft establishes set boundaries regarding dock construction; Sun's draft does not.
5. The Town's draft restricts Sun's uses of the docks. (Sun can only allow use of the docks by owner/occupants of units to which a dock is attached as per the PUD diagram) . / Sun's draft removes any restrictions regarding uses which Sun may choose to permit in the future. Sun's draft states that the agreement only applies in instances where a home owner permits constructs, operates and maintains a dock. (In other words, it would appear not to place restrictions on Sun in the event Sun were to take over operation and maintenance of the docks in the future).
6. As noted in item 2 above, Sun's proposed language would require piecemeal PUD amendments every time a dock is approved by DEP. It should be noted that the Town cannot contract away its authority to review and approved changes to its zoning, nor should the burden of obtaining PUD amendments be shifted from the developer to the Town.

The foregoing appeared to me to be the most significant variations between the Town's proposed agreement and Sun's.

-Rick

CRARY BUCHANAN
ATTORNEYS AT LAW

William F. (Rick) Crary II

Shareholder

[My Profile](#)

RCII@CraryBuchanan.com

www.crarybuchanan.com



759 SW Federal Highway, Suite 106
Stuart, FL 34995-0024
Telephone: (772) 287-2600
Fax: (772) 223-4372

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From: Gena May <GMay@suncommunities.com>
Sent: Monday, December 30, 2019 10:23 AM
To: rcii@crarybuchanan.com
Cc: Gena May; Chris Walters; townclerk@townofoceanbreeze.org; twoneil@aol.com; Marcela Cambor
Subject: Ocean Breeze PUD Amendment
Attachments: 2AMENDED AGREEMENT REGARDING UNIT OWNER DOCKS.docx

Rick,

Sun's attorney has asked me to forward the proposed PUD amendment that the two of you discussed the week of the 18th. As already discussed with you, this is the version Sun would be comfortable signing.

Furthermore, we see no reason why the Town continues to hold up a resident by withholding their permit to build their dock, as already allowed by the current PUD document. Currently, the Town is blaming Sun for the delays, which is not an accurate depiction of the situation.

If this proposed version is not acceptable to the Town of Ocean Breeze, I suggest a meeting between all parties to discuss face to face. We need to bring this matter to a close for the sake of the residents.

Please let me know if you have any additional questions.

Gena May
Regional Vice President, Operations & Sales
Sun Communities

27777 Franklin Rd. Suite 200 | Southfield, MI 48034
Phone: 248-864-0440

Email: gmay@suncommunities.com

COMMITMENT – INTENSITY –EMPOWERMENT – ACCOUNTABILITY – CUSTOMER SERVICE

AGREEMENT REGARDING UNIT OWNER DOCKS

THIS AGREEMENT is made effective as of the _____ day of December, 2019 by and between NHC FL143, LLC, a Delaware limited liability company, hereinafter referred to as "Sun Communities" and the Town of Ocean Breeze, a municipal corporation, hereinafter referred to as the "Town, "

WHEREAS, the Town approved the Ocean Breeze East Planned Unit Development Agreement ("PUD") which includes a diagram of docks adjacent to certain units on the Indian River, which diagram was intended as representational only, for the purpose of establishing the number of docks and approximate locations thereof to be allowed; and

WHEREAS, the parties understand that the Florida Department of Environmental Protection ("DEP") has jurisdiction to determine the actual minimum lengths and locations of the docks as the same extend over lands submerged beneath mean high water; and

WHEREAS, the parties wish to make reasonable adjustments to the depiction of the said docks in order that they may fully comply with regulations established by DEP; and

WHEREAS, DEP may require that the said docks be made to extend eastward of a line shown in the PUD in order to reach the depth of water required, for the purpose of protecting the environment, preventing damage to sea grasses and other habitat and for the safe operation of watercraft at that location; and

WHEREAS, it is understood between the parties that this Agreement shall fulfill the obligations of the parties with respect to the permitting, construction and operation of the docks when permitted, constructed, operated and maintained by a home owner with the approval of Sun Communities and the Town.

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and in consideration of the premises set forth herein, the parties hereto agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference
2. The Town and Sun Communities hereby agree that the docks referenced in the PUD as attached to units may be constructed in accordance with the diagram attached hereto as Exhibit "A."
3. The designation of boundaries for the said docks as set forth herein shall remain are representative only and may be modified by separate agreement between the Town and Sun Communities.
4. The Town and Sun Communities hereby agree to the following procedures for permitting and approval of the docks:

- a. Prior to the issuance by the Town of a permit for construction of a dock, the home owner shall first provide the Town with written approval from both Sun Communities and the DEP for the dock size, location and construction.
 - b. Upon final approval of the construction by DEP and local building permit authority, the Town shall approve an amendment to the PUD showing the location of the dock and its size.
 - c. Sun Communities rules and regulations shall be amended to establish that the owners or occupant(s) of a unit to which the dock is attached shall not allow commercial use of the dock for any purpose, not allow use of the dock by any other party or person other than the owner(s)/occupant(s), their friends, family or guests.
 - d. Sun Communities rules and regulations shall also be amended to include a requirement that the home owner who permits, constructions and operates the dock shall have sufficient liability insurance to cover any claims made against Sun Communities or the Town.
5. The terms of this Agreement shall inure the benefits and be binding upon the parties and their successors and assigns.

IN WITNESS WHEREOF, we set our hands as of the date set forth above:

Witnesses:

TOWN:

Town of Ocean Breeze, a municipal corporation

Sign: _____

Print: _____

Sign: _____

Print: _____

By: Karen M. Ostrand, Mayor

Witnesses:

SUN COMMUNITIES:

NHC-FL 143, LLC

A Delaware limited liability company

Sign: _____

Print: _____

By: NRVC-Holding Co., LLC

A Delaware limited liability company, Sole Member

By: Sun Communities Operating Limited

Sign; _____ Partnership, a Michigan limited partnership, Sole
Print: _____ Member

By: Sun Communities, Inc., a Maryland
corporation, General Partner

By: John McLaren,
Vice-President and Chief Operation Officer

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this _____ day of December, 2019, by Karen M. Ostrand, as Mayor of the Town of Ocean Breeze, a municipal corporation, who is [] personally known to me, or [] has produced _____ as identification.

Notary Public – State of Florida
My Commission Number: _____
My Commission Expires: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of December, 2019, by John McLaren, as Vice-President and Chief Operating Officer of Sun Communities, Inc., a Maryland corporation, which is the General Partner of Sun Communities Operating Limited partnership, a Michigan limited partnership, which is the sole Member of NRVC-Holding Co., LLC, a Delaware limited liability company, which is the sole Member of NHC-FL143, LLC, a Delaware limited liability company, who is [] personally known to me, or [] has produced _____ as identification.

Notary Public – State of Florida
My Commission Number: _____
My Commission Expires: _____

Memorandum

To: Town Council and Mayor

From: Terry O'Neil, Town Mgmt. Consultant

Cc: Pam Orr, Town Attorney

Rick Crary, Town Attorney

Date: October 8, 2019

Re: Request by Sun Communities to reconfigure the layout of several private docks along the Indian River.

Subsequent to the Town's approval of the Ocean Breeze Resort, the Florida Department of Environmental Protection (FDEP) determined that several proposed docks along the Indian River, generally depicted by the development's initial master plan, should be lengthened to address both functionality and environmental concerns. As a result, in approving the first of potentially 14 docks, the agency has called for a dock length of 25 feet. For future dock applications, it is anticipated that FDEP may increase this figure by as much as 5 feet due to varying depths and bottom characteristics. Further, the dock layout okayed by FDEP includes two boat lifts per dock, rather than a "t-shape" design as originally proposed. Council members discussed the use of boat lifts at an earlier meeting and considered them a safer alternative.

Recommendation

In light of FDEP's requirements, as well as the environmental and safety advantages that result from a revised design, staff fully supports Sun's request to vary the configuration of its tenant's docks from the original layout. As a condition of approval, however, staff recommends that Sun be asked to execute the attached agreement, prepared by the Town Attorney, which generally (1) limits the use of docks to tenants only and (2) requires further Council approval if any of the future docks are to exceed 30 feet in length. Sun's Planning Representative, Marcela Camblor, will attend the 14th meeting to present the company's request and answer questions.

Attached Documents:

- October 7, 2019 Cover Letter
- "Exhibit C" and "Master Plan" documents showing dock layout as originally proposed
- Survey document, "Typical Dock Layout" showing FDEP-approved design, including lifts
- Agreement Regarding Unit Owner Docks
- FDEP Dock Permit Application and Review



MARCELA CAMBLOR & ASSOCIATES, INC
Town Planning • Architectural Design

October 7, 2019

Terry O'Neil
Town Manager, Town of Ocean Breeze

RE: OCEAN BREEZE EAST PUD DOCKS

Dear Mr. O'Neil:

Attached please find materials to describe, clarify and support the provision of docks as a component of the Ocean Breeze East PUD.

Enclosed are:

- OBEPUD master plan depicting the ability to construct up to 14 docks;
- Typical dock as deemed feasible by the Florida Department of Environmental Protection
- Florida DEP dock permit.

I would like to take this opportunity to clarify the following regarding the proposed boat docks:

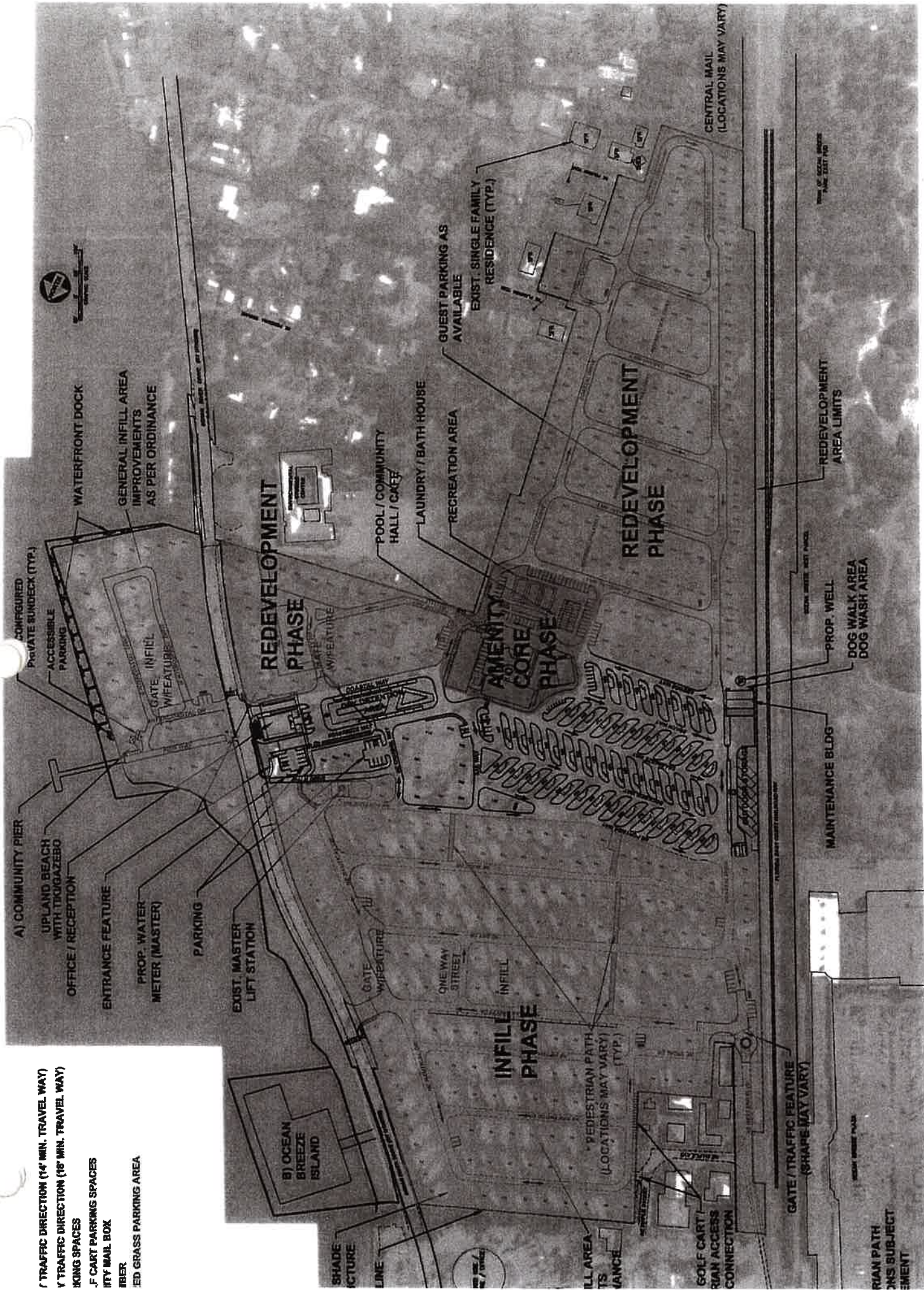
- The docks were initially incorporated into the OBE PUD as a recommendation by the Town Council;
- docks were conceptually depicted in the shape of a "T", but the approving agency has deemed that it is safer to maintain a conventional "I" shape, less intrusive and safer (in essence a configuration of less impact than the conceptually envisioned in the OBEPUD plan);
- docks are conceptually depicted to extend to a black, unlabeled line that coincides with the Edge of TITF deed. At the time the applicant did not want to imply it had approvals or control beyond this line;
- the permitting agency has deemed that the appropriate, safe length for a private dock is as depicted in the attached exhibit and permit;
- as other docks are planned, while there may be slight variations in length (longer or shorter), docks will be designed in a manner as to not affect other existing or future docks. Variations of over 5' in length are not anticipated; and finally,
- docks are for use of the individual site to which the dock is attached and shall not be loaned or subleased to others.

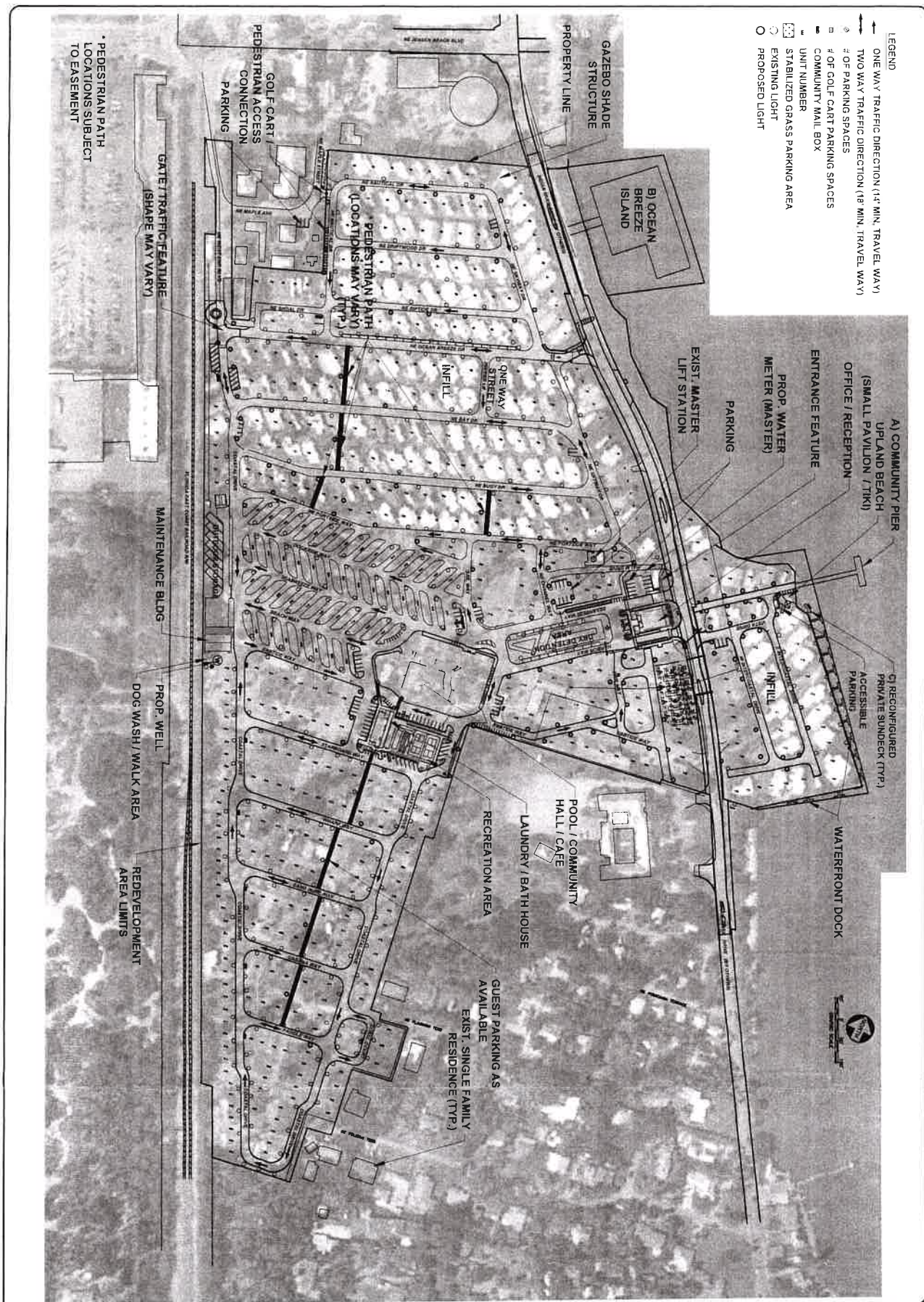
I look forward to discussing this matter further with Town staff and the Council as you deem appropriate. Please call me if you have any questions.

Sincerely,

Marcela Cambor-Cutsaïmanis, AICP

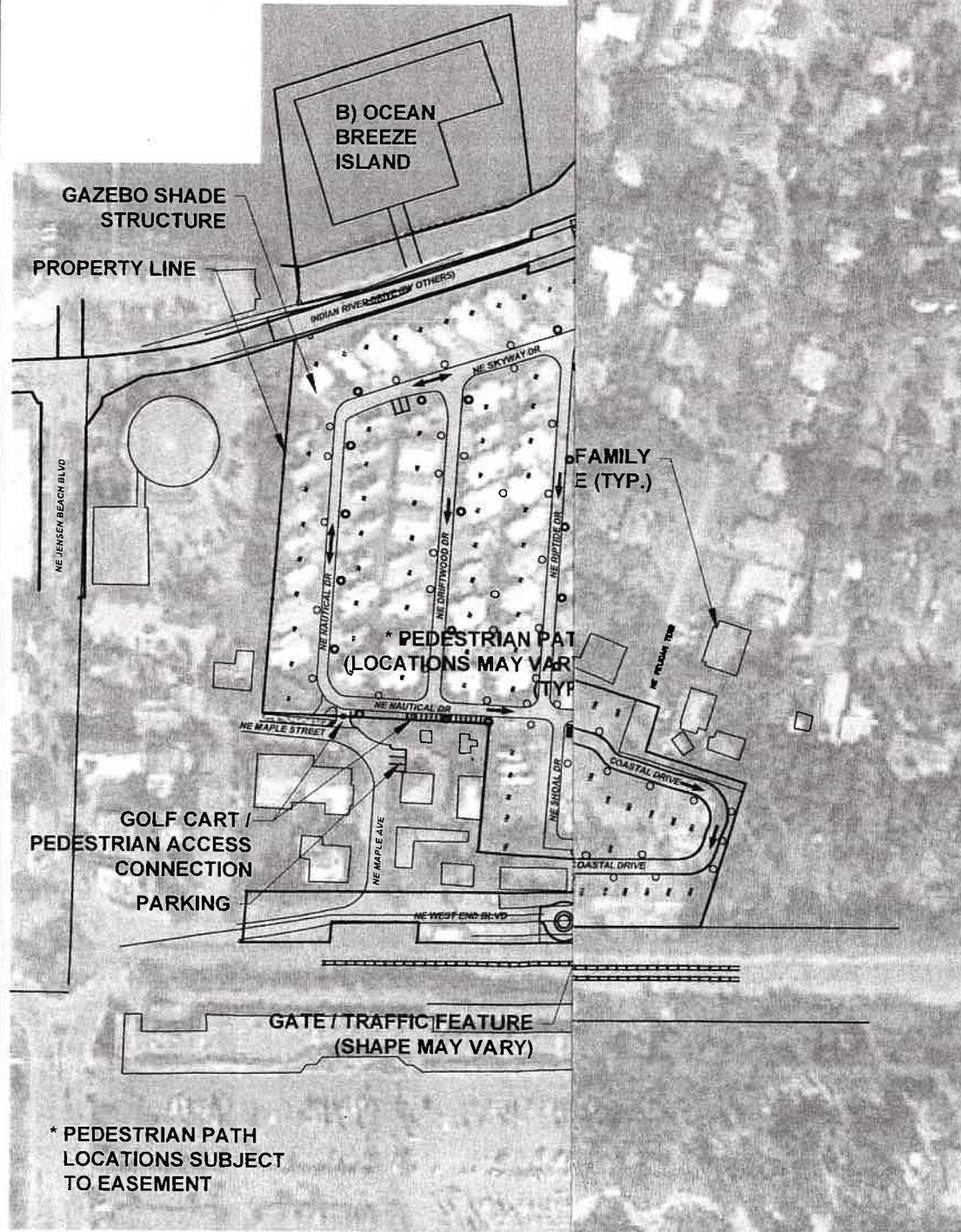
/ TRAFFIC DIRECTION (14' MIN. TRAVEL WAY)
 V TRAFFIC DIRECTION (18' MIN. TRAVEL WAY)
 KING SPACES
 F CART PARKING SPACES
 ITY MAIL BOX
 IER
 ED GRASS PARKING AREA





LEGEND

- ← ONE WAY TRAFFIC DIRECTION (14' MIN. TRAVEL WAY)
- ↔ TWO WAY TRAFFIC DIRECTION (18' MIN. TRAVEL WAY)
- # OF PARKING SPACES
- # OF GOLF CART PARKING SPACES
- COMMUNITY MAIL BOX
- ≡ UNIT NUMBER
- ▨ STABILIZED GRASS PARKING AREA
- EXISTING LIGHT
- PROPOSED LIGHT



• 301 NW Flagler Ave
 Stuart, Florida 34954
 Phone: (772) 692-4344
 Fax: (772) 692-4341

CAPTEC
 Engineering, Inc.
 Civil Engineering Professionals

Engineering Business
 No. EB-007057

MCSA
 TOWN PLANNING
 ARCHITECTURE

NO.	DATE	BY	REVISIONS

SCALE
VERIFICATION

0 1
 SOLID BAR IS EQUAL
 TO ONE INCH
 ORIGINAL DRAWING
 ADJUST ALL SCALED
 DIMENSIONS
 ACCORDINGLY

CAREFREE RESORT
OCEAN BREEZE EAST PUD
 MARTIN COUNTY, FL
MASTER PLAN

Joseph W. Capra
 301 N.W. Flagler Ave., Ste. 201
 Stuart, Florida 34954
 P.E. No. 37638

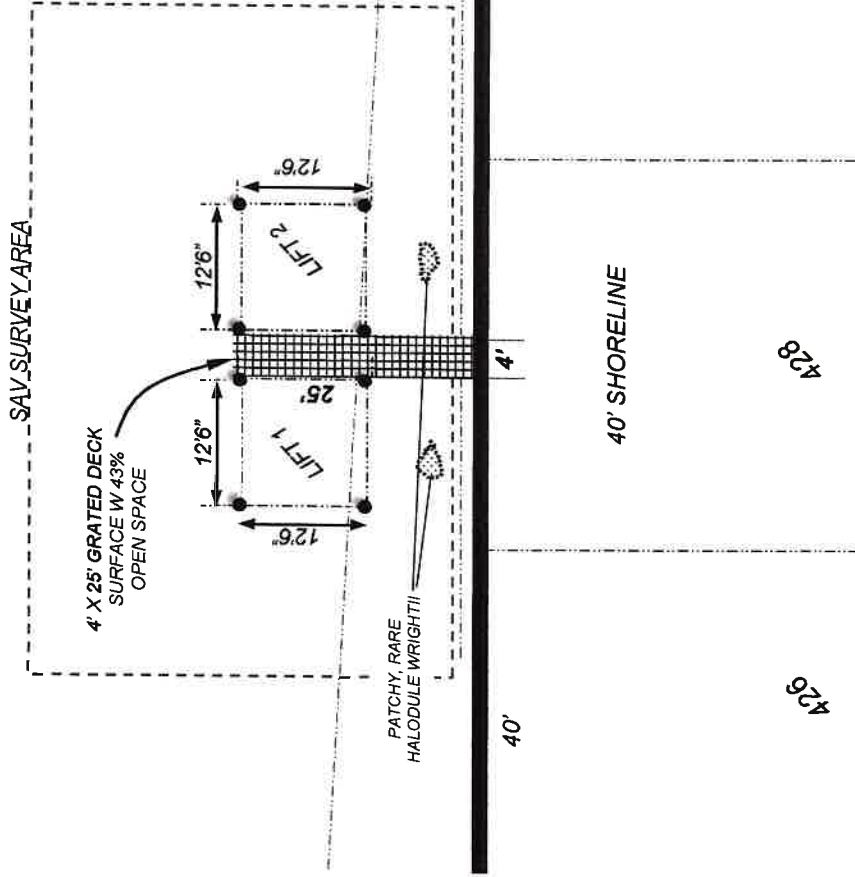
Printed Date: _____
 JOB No.: **1543**
 SHEET
01 OF **01**

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HEREIN, IS AN INSTRUMENT OF SERVICE. IT IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY CAPTEC ENGINEERING, INC. SHALL BE WITHOUT LIABILITY TO CAPTEC ENGINEERING, INC.



INDIAN RIVER LAGOON

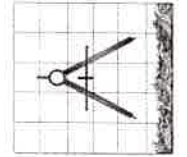
Typical Dock Layout



SEAGRASS SURVEY PERFORMED BY
BRUCE JERNER ON JUNE 27, 2019. (2) 5 SQ
FT +/- AREAS OF HALODULE WRIGHTII
OBSERVED ALONG SEAWALL.



OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR.
JENSEN BEACH



Jerner & Associates, Inc.
Environmental Consulting
2537 SE Alfonso Ave. Port St. Lucie, FL 34952
Ph: (772) 283-2950
JERNER@BELLSOUTH.NET

1" = 20'

Date: 7/5/19

SHEET 3

AGREEMENT REGARDING UNIT OWNER DOCKS

THIS AGREEMENT is made effective as of the ____ day of October, 2019 by and between NHC-FL143, LLC, a Delaware limited liability company, hereinafter referred to as "Sun Communities," and the Town of Ocean Breeze, a municipal corporation, hereinafter referred to as the "Town,"

WHEREAS, the Ocean Breeze East Planned Unit Development Agreement ("PUD") includes a diagram of docks connected to certain units on the Indian River, which diagram was, unlike other areas diagrammed in the PUD, uniquely intended as representational only, for the purpose of establishing the number of docks and approximate locations thereof to be allowed; and

WHEREAS, the parties understand that the Florida Department of Environmental Protection ("DEP") has jurisdiction to determine the actual minimum lengths and locations of the docks as the same extend over lands submerged beneath mean high water; and

WHEREAS, the parties wish to make reasonable adjustments to the depiction of the said docks in order that they may fully comply with regulations established by DEP; and

WHEREAS, DEP may require that the said docks be made to extend eastward of a line shown in the PUD in order to reach the depth of water required; and

WHEREAS, it appears unlikely that DEP shall require any such docks to exceed a length of 25 feet, and in no event more than 30 feet; and

WHEREAS, as a precondition to the Town's issuance of permits related to the said docks, Sun Communities has agreed to abide by the restrictive conditions stated hereinbelow:

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and in consideration of the premises set forth herein, the parties hereto agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference
2. Provided Sun Communities abides by conditions set forth below, the Town and Sun Communities hereby agree that the docks referenced in the PUD as attached to units may be constructed in accordance with the diagram attached hereto as Exhibit "A."
3. The designation of boundaries for the said docks as set forth herein shall remain in effect for so long as Sun Communities complies with the following reasonable conditions:

- a. Prior to the issuance by the Town of a permit for construction of a dock, Sun Communities shall first provide the Town with sufficient proof of the dimensions required by DEP, and said dock shall thereafter be constructed in accordance with such dimensions.
 - b. In no event shall any dock be permitted to exceed a length of 30 feet, unless and until Sun Communities shall first obtain Town Council approval specifically allowing for such greater length.
 - c. Sun Communities shall not permit any owner(s) or occupant(s) of a unit to which the dock is attached to rent or otherwise allow boat storage at such dock by any third party or parties, nor shall Sun Communities allow such use of a dock by anyone other than the owner(s)/occupant(s) of the unit to which such dock is attached.
4. In the event of Sun Communities' violation of one or more conditions set forth above, the Town Council, after due hearing of the matter, shall have the power to revoke this agreement, in which case the PUD shall be deemed to be in violation, and the Town shall have all remedies available thereunder, in addition to any and all other remedies as may be otherwise be available under Florida law.
5. The terms of this agreement shall inure to the benefit and be binding upon the parties and their successors and assigns.

IN WITNESS WHEREOF, we set our hands as of the date set forth above:

Witnesses:

Sign: _____

Print: _____

Sign: _____

Print: _____

TOWN:

Town of Ocean Breeze, a municipal corporation

By: Karen M. Ostrand, Mayor

Witnesses:

SUN COMMUNITIES:

NHC-FL 143, LLC,
a Delaware limited liability company

Sign: _____

Print: _____

By: NRVC-Holding Co., LLC,
a Delaware limited liability company, Sole Member

By: Sun Communities Operating Limited

Sign: _____
Print: _____

Partnership, a Michigan limited partnership, Sole
Member

By: Sun Communities, Inc., a Maryland
corporation, General Partner

By: John McLaren,
Vice-President and Chief Operating Officer

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by
Karen M. Ostrand, as Mayor of the Town of Ocean Breeze, a municipal corporation, who is
[] personally known to me, or [] has produced _____ as
identification.

Notary Public – State of Florida
My Commission Number: _____
My Commission Expires: _____

STATE OF _____
COUNTY OF _____

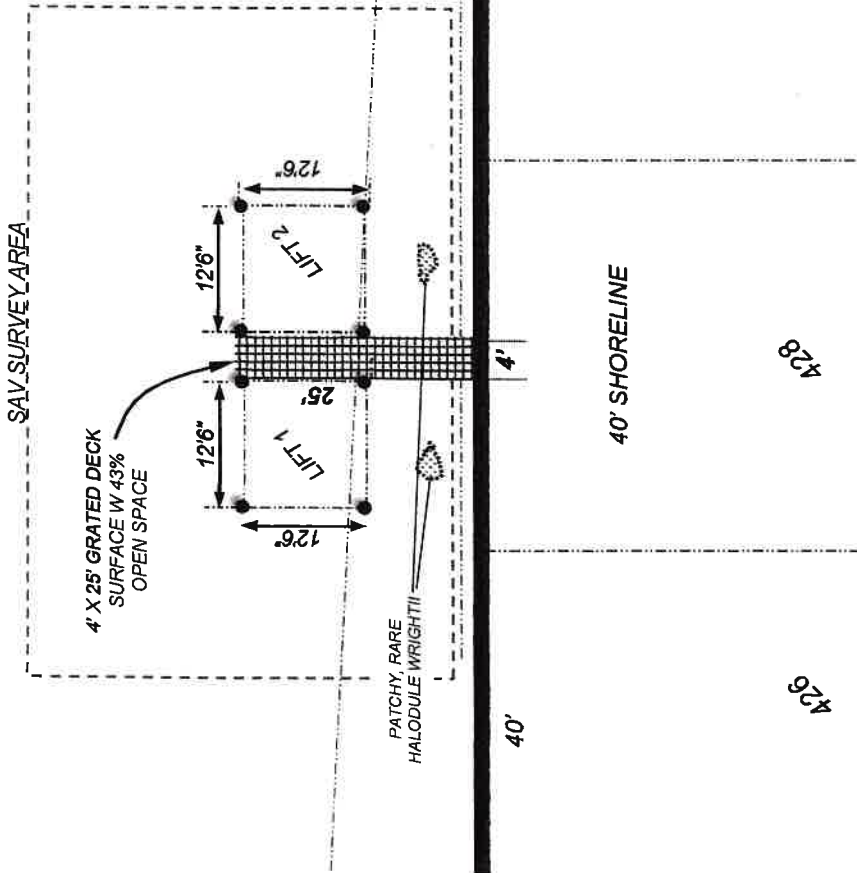
The foregoing instrument was acknowledged before me this ____ day of May, 2018, by
John McLaren, as Vice-President and Chief Operating Officer of Sun Communities, Inc., a
Maryland corporation, which is the General Partner of Sun Communities Operating Limited
Partnership, a Michigan limited partnership, which is the sole Member of NRVC-Holding
Co., LLC, a Delaware limited liability company, which is the sole Member of NHC-FL143,
LLC, a Delaware limited liability company, who is [] personally known to me, or [] has
produced _____ as identification.

Notary Public – State of Florida
My Commission Number: _____
My Commission Expires: _____

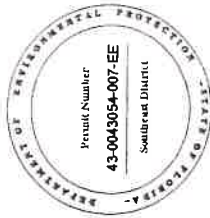


INDIAN RIVER LAGOON

Typical Dock Layout

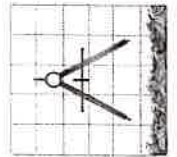


SEAGRASS SURVEY PERFORMED BY
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FT +/- AREAS OF HALODULE WRIGHTII
OBSERVED ALONG SEAWALL.



PATCHY, RARE
HALODULE WRIGHTII

OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR.
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Jerner & Associates, Inc.
Environmental Consulting
2537 SE Alfonso Ave. Port St. Lucie, FL 34952
Ph. (772) 283-2950
JERNER@BELLSOUTH.NET

1" = 20'

Date: 7/5/19

SHEET 3



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

August 1, 2019

Chris Walters
3000 NE Indian River Dr.
Ocean Breeze, FL 34957
Sent via e-mail: cwalters@suncommunities.com

Re: File No.: 43-0043054-007-EE
File Name: Dumais

Dear Mr. Walters,

On July 11, 2019, we received your request for verification of exemption to install a 100 ft² dock and two boatlifts attached to the dock in the Indian River, within the Jensen Beach to Jupiter Inlet Aquatic Preserve, Outstanding Florida Waters, Class III Waters, adjacent to 3000 NE Indian River Dr., Ocean Breeze (Section 22, Township 37 South, Range 41 East), in Martin County (Latitude N 27° 14' 27.24", Longitude W 80° 13' 17.46")

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact David Kieckbusch at the letterhead address or at (561) 681-6646, David.Kieckbusch@floridadep.gov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Chapter 62-330.051, (5)(b), Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review- NOT REQUIRED, GRANTED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that a portion of the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

A portion of the project occurs on state lands and as long as the work is performed as described in the attached project drawings, is wholly located within the boundaries of the existing land conveyed by the state in Deed 19496 and is consistent with the terms and conditions therein, we have no objection to the project. Therefore, consider this letter to also constitute the authority sought under Section 253.77, F.S. to pursue this project.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or

- waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
 4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
 5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under Paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

3. Federal Review - APPROVED

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;

- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received a written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

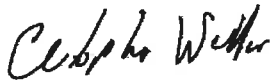
Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Christopher Weller
Environmental Manager
Southeast District

Enclosures:

62-330.051(5)(b), F.A.C.
Project drawings, 4 pages

Project No.: 43-0043054-007-EE
Project Name: Dumais
Page 7 of 6

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

FDEP – Chris Weller, David Kieckbusch
Bruce Jerner, jerner@bellsouth.net

Additional mailings:
Irene Arpayoglou, Irene.Arpayoglou@dep.state.fl.us

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

August 1, 2019

Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;

2. No structure is enclosed on more than three sides with walls and doors;

3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and

4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Special Conditions for Federal Authorization for SPGP V-R1

Note: JAXBO (Jacksonville District's Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll3/id/577>.

The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

Special Conditions for All Projects

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 6, from PDCs AP.7 through AP.11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 32) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer

of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 2).

- d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

(1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB).

The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.

9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. The Permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with these laws. The Permittee should contact

the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.

14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):

- a. (A2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- (1) (A2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

- (2) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
 - (3) (A2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
 - a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
 - (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 27) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by Attachment 29, the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).
5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).
7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:
 - a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for

Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:

- (1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 (Attachment 5).
 - (2) In addition to (1), above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).
- b. For all other Projects,
- (1) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.
 - (2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
 - (3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 (Attachment 5).
 - (4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates "Scenario B" as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):
 - (i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
 - (a) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,
 - (b) within the Range of Johnson's seagrass (outside of critical habitat) with No current seagrass survey or, Johnson's seagrass under the dock,

- (ii) New docks or dock expansions and:
 - (a) within Johnson's seagrass critical habitat; or,
 - (b) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.
- c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the "Dock PDCs for Scenario B" within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):
 - (1) To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
 - (i) The dock must be positioned to avoid and minimize effects to Johnson's seagrass.
 - (ii) Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
 - (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
 - (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
 - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
 - (vi) No covered boat lifts are allowed over any Johnson's seagrass.
 - (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
 - (i) For grated decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
 - (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
 - (ii) For plank decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.

- (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.
- d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

General Conditions for Federal Authorization for SPGP V-R1

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or Construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.

7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Department of the Army Permit Transfer for SPGP V-R1

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision) (Lot) (Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(Transferee Signature) (Date)

(Name Printed)

(Street address)

(Mailing address)

(City, State, Zip Code)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



**UNITED STATES DEPARTMENT OF
COMMERCE**

**National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

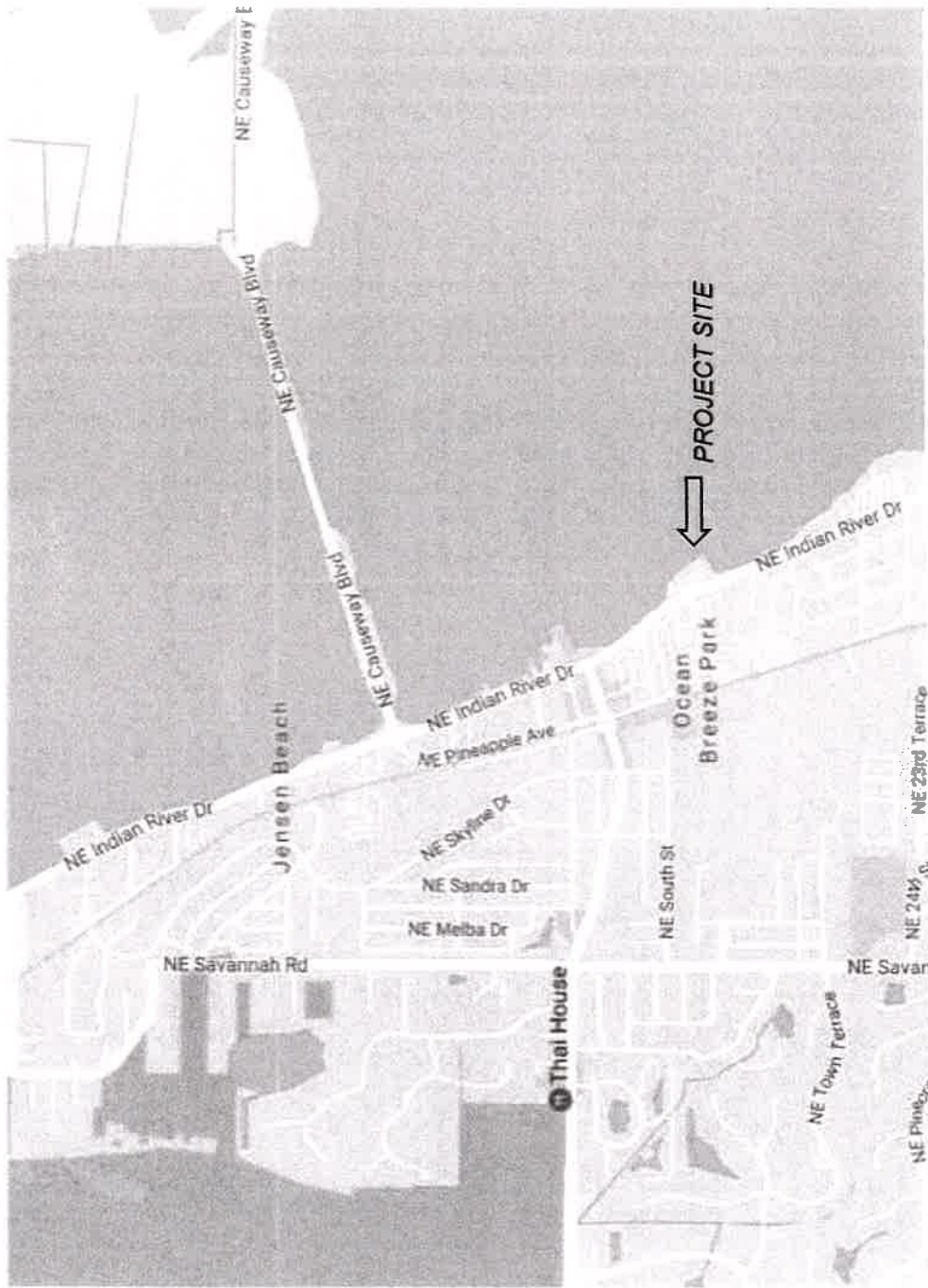
SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

- h. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).
- i. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfs@noaa.gov.
- j. Sea turtle and marine stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.
- k. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.
- l. All work must occur during daylight hours.

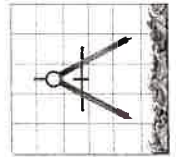




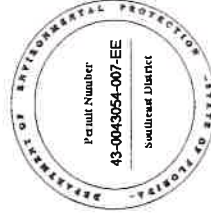
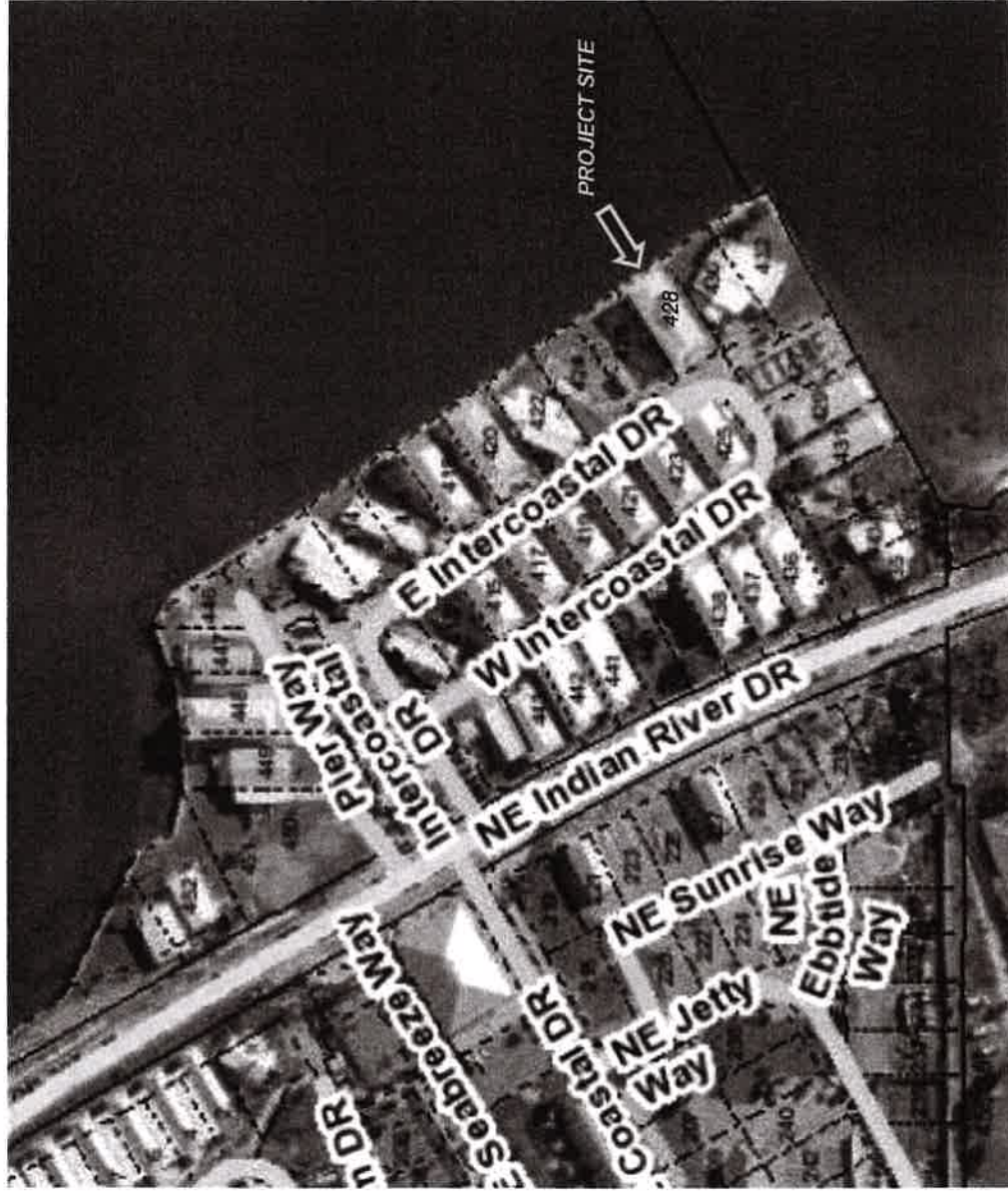
SHEET 1

Date: 7/5/19

Jerner & Associates, Inc.
Environmental Consulting
2537 SE Alfonso Ave. Port St. Lucie, FL 34952
Ph. (772) 283-2950
JERNER@BELL.SOUTHNET



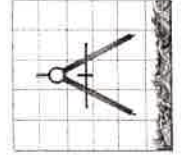
OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR. LOT 428
JENSEN BEACH



SHEET 2

Date: 7/5/19

Jerner & Associates, Inc.
Environmental Consulting
2537 SE Aljowso Ave. Port St. Lucie, FL 34952
Ph (772) 283-2950
JERNER@BELLSOUTH.NET



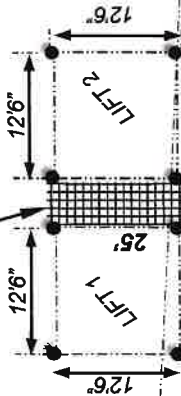
OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR.
JENSEN BEACH



INDIAN RIVER LAGOON

SAV SURVEY AREA

4' X 25' GRATED DECK
SURFACE W 43%
OPEN SPACE



PATCHY, RARE
HALODULE WRIGHTII

EDGE OF TIDE DEED

(-3.5' MLW)

40'

40'

50'

40' SHORELINE

426

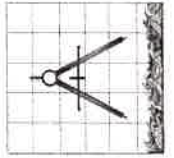
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430

434



SEAGRASS SURVEY PERFORMED BY
BRUCE JERNER ON JUNE 27, 2019. (2) 5 SQ
FT +/- AREAS OF HALODULE WRIGHTII
OBSERVED ALONG SEAWALL.



Jerner & Associates, Inc.
Environmental Consulting
2537 SE Alfonso Ave. Port St. Lucie, FL 34952
Ph (772) 283-2950
JERNER@BELLSOUTH.NET

OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR.
JENSEN BEACH

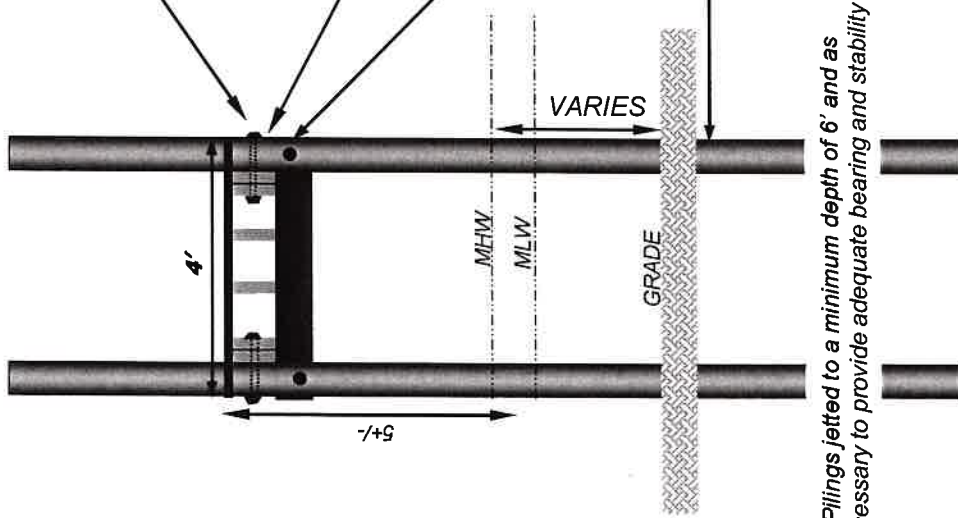
1" = 20'

Date: 7/5/19

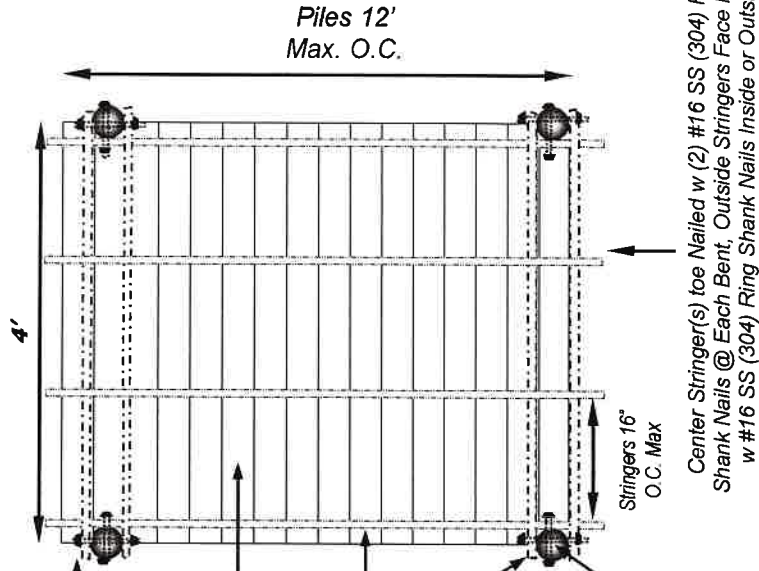
SHEET 3

Pier Section Thru

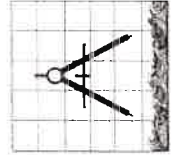
Live Load 40 lbs. / Sq Ft
Dead Load 5 lbs. / Sq Ft



Pier Plan View



Design Windload Information
Code: FBC 2017 6TH ADD/ FRC 2017/
ASCE 7-10
Wind Speed: 170 MPH, 3 Second Gust
Exposure "D"
Importance Factor: 1.0
Internal Pressure Coeff.: 0.00
Height: <10 Ft. Mean



OCEAN BREEZE PARK
3000 NE INDIAN RIVER DR. LOT 428
JENSEN BEACH

SHEET 4

Date: 7/5/19

Jernier & Associates, Inc.
Environmental Consulting
2537 SE Alfonso Ave. Port St. Lucie, FL 34952
Ph (772) 283-2950
JERNIER@BELL SOUTHERN.NET

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, October 14, 2019
Ocean Breeze Jensen Beach Clubhouse, Pineapple Bay Room – 10:30 a.m.
700 NE Seabreeze Way, Ocean Breeze, FL 34957

1. **Call to Order** – President De Angeles called the meeting to order at 10:30 a.m.
 - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
 - Roll Call – Mayor Karen M. Ostrand, President Ken De Angeles, Vice-President Ann Kagdis, Council Members Kevin Docherty, Richard Gerold, Terry Locatis and David Wagner
 - Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary, Town Clerk, Pam Orr, and Bookkeeper/Clerical Assistant, Kim Stanton

2. **Approval of Minutes** – Council Member Wagner, seconded by Council Member Locatis, made a Motion to approve the Minutes of the September 9, 2019 Regular Meeting.
All in favor; Yes: De Angeles, Kagdis, Gerold, Docherty, Locatis, Wagner; No: None; Motion Passed

3. **Presentation by Town Council Candidates for the November 5, 2019 Election**

William Arnold, Ken De Angeles, Kevin Docherty and Ann Kagdis gave a presentation about their qualifications for Town Council.

President De Angeles provided information on Vote by Mail and the polling location.

4. **Request by Sun Communities to reconfigure the layout of several private docks along the Indian River.** President De Angeles asked Mr. O’Neil, Town Management Consultant, to elaborate.

Mr. O’Neil stated that Marcela Cambolor, Representative for Sun Communities, had been delayed and asked if the Council would like to continue with the Agenda and come back to that item after her arrival.

5. **Comments from the public on topics not on the Agenda** – there were none.

6. **Comments from the Council on topics not on the Agenda** – President De Angeles recognized Council Member Locatis.

Council Member Locatis discussed concerns regarding hurricane preparedness and the meeting with Sun Communities he attended on September 25, 2019. He remarked that he was told by Gena May, Sun Communities, that Sun had a hurricane preparedness plan in place and he discussed the details. He mentioned that Sun Communities agreed to meet in February when more residents could be in attendance. He asked for approval by the Town Council to compile a list of practices and procedures to review prior to the meeting in February.

Mayor Ostrand added that the meeting in February would include a representative from Martin County Emergency Operations.

Vice-President Kagdis discussed West End Blvd., potential improvements and the current danger to motorists and pedestrians. She asked about resurrecting the issue with Martin County and discussed the local support of the surrounding areas.

President De Angeles stated that he had a meeting with County Commissioner Doug Smith about the damaged guardrail at West End Blvd. and suggested inviting Commissioner Smith to a Town Council meeting to provide an update.

Council Member Locatis, seconded by Council Member Gerold, made a Motion to invite Commissioner Smith, at his convenience, to attend a Town Council meeting to provide an update on West End Boulevard Project.

Mr. O'Neil stated that a feasibility study and analysis had not yet been conducted to determine if the necessary amount of space was available. He suggested the Town Council inquire of Martin County about their potential cooperation with the Town to begin a feasibility analysis.

President De Angeles stated that he spoke with Commissioner Smith about a feasibility study and Commissioner Smith relayed that he would speak with Marcela Cambor and added that the current situation was dangerous.

Council Member Gerold asked about the Town Council receiving a traffic study of Indian River Drive because the amount of traffic will soon be increasing.

President De Angeles stated that he believed a traffic study was part of the original discussion.

Roll Call:

Yes: De Angeles, Kagdis, Docherty, Gerold, Locatis, Wagner

No: None

Motion Passes: 6-0

Mr. O'Neil remarked that Staff would create a letter for the signature of President De Angeles and Mayor Ostrand.

4. Request by Sun Communities to reconfigure the layout of several private docks along the Indian River (Continued – upon arrival of Marcela Cambor). – Marcela Cambor introduced herself as the Planner for Sun Communities.

Mr. O'Neil explained the history of the matter stating that the Florida Department of Environmental Protection confirmed the design of the docks should be larger that were shown initially on the earlier PUD. He added that lengthening the docks to twenty-five feet and the installation of lifts was sensible and that the new dock design was an environmental and operational improvement. He reiterated that at an earlier meeting the Town Council indicated that they were in favor of the lifts. He stated that each individual tenant, through Sun, would have the dock built. He added that Staff recommended that the Town Council approve the changes to the original plan since FDEP was the primary permitting authority. He asked for Council approval for docks up to thirty feet. He commented that the decision to approve this change is predicated on an Agreement which provided for use by the tenant only, it was not to be loaned or leased to others and stated that Sun would have to come back for a PUD amendment if any dock exceeded the thirty-foot limit.

Ms. Cambor reiterated Mr. O'Neil's comments and added that Sun Communities decided that the "T" shape docks versus the "T" shape docks were safer and provided uniformity. She commented that the Prospectus stated that the docks could not be sub-leased as another level of reassurance.

Mayor Ostrand remarked that the latest Prospectus disclosed that information.

Ms. Cambor stated that the Agreement is currently with Sun's Attorney's.

Attorney Crary stated that he had spoken with Attorney David Eastman and gave an update.

Discussion ensued.

Council Member Gerold asked how the seawall was depicted in the drawing provided.

Discussion ensued.

Mr. Crary asked to add a legal clause to the Agreement and stated that he thought Sun's Attorney would agree.

Ms. Cambor asked if Sun could move forward subject to this Agreement being approved and executed as is; and, if there were any changes, the Agreement would have to come back before the Town Council.

Council Member Wagner asked about the location of the docks on the southside of the island; he was concerned that the river was shallow and wondered if the docks would interfere with the activities at the Environmental Studies Center.

Ms. Cambor answered that Sun Communities could not encroach on property that does not belong to them. She stated that the dock, which would go in that location, may have a deck only, and added that FDEP would have the ultimate decision.

President De Angeles asked for comments from the public.

Janet Galante, 217 NE Coastal Drive, Ocean Breeze, asked about the Prospectus and the number of docks allowed and the size limits of the boats.

Mayor Ostrand stated that the Prospectus she received spoke about these changes.

Ms. Galante stated that her Prospectus allowed for fourteen docks and asked about the size limit of the boats – length and height.

Mayor Ostrand stated that the maximum was twenty-eight feet long and stated that she did not know about the height limit.

Ms. Galante encouraged the Town Council to investigate this matter.

President De Angeles asked for further comments from the public.

(name not provided) stated that the material he received stated there would be a total of twenty-three docks and he did not understand why the Town Council does not know about this.

Town Clerk, Pam Orr, stated that the Town is separate from the Resort.

Mr. O'Neil stated that the number of docks permitted was fourteen because that is what the original PUD stated. He commented that Sun's Prospectus should be consistent with the PUD Agreement and that the only variance provided is for the length of the dock and use of lifts rather than the "T" design.

Mr. Crary confirmed that the number of docks was not increasing because the PUD allowed for fourteen docks.

Council Member Gerold, seconded by Vice-President Ann Kagdis, made a Motion to approve the changes requested by Sun Communities with regard to length and the boat lifts subject to the execution of the attached draft Agreement with the addition of modified language requested by Attorney Crary, prior to the issuance of any permits.

Mr. O'Neil asked if everyone understood the Motion as recited.

All answered "yes."

Roll Call:

Yes: De Angeles, Kagdis, Docherty, Wagner, Locatis, Gerold

No: None

Motion Passes: 6-0

President De Angeles asked Ms. Camblor to discuss possible improvements to West End Blvd.

Ms. Camblor stated that the Town's staff had reached out to her and the CRA to come up with a plan to improve certain areas of West End Blvd. She commented that she had spoken to Sun Communities and that they did not own the land in question. She added that she had heard that the CRA interest to improve West End Blvd. would be tied to an increase in public parking. She stated that she would reach out to Ms. Kores again and commented that she did not believe much parking would fit in that area.

Vice-President Kagdis pointed out that a portion of the east side of West End Blvd. was owned by Sun Communities and that portion did not have a sidewalk.

Ms. Camblor answered that she would bring this up before Sun and stated that there had been some legal issues regarding this area.

Discussion ensued.

Council Member Wagner mentioned his concern regarding the safety of pedestrians along West End Blvd.

President De Angeles agreed.

Ms. Camblor stated that a formal inquiry from the Town should be made to Martin County requesting that all parties come together to figure out how to improve the area, and added that Sun Communities had made the significant improvements.

Discussion ensued regarding Sun's property along West End Blvd. and the legal outcome.

Ms. Camblor stated that she would investigate the outcome of the legal issue and agreed with Attorney Crary that a settlement agreement, that included an easement, was probably the outcome.

7. Comments from Town Management Consultant Terry O'Neil – there were none.

8. Comments from Mayor Ostrand – there were none.

9. Announcements – Regular Town Council Meeting – Monday, November 11, 2019 at 10:30 am to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze

- Regular Election to be held at Langford Park, 2369 NE Dixie Hwy, Jensen Beach on Tuesday, November 5, 2019 from 7:00 am – 7:00 pm
- Canvassing Board Meeting Wednesday, November 6, 2019 at 10:00 am at Ocean Breeze Town office, 1508 NE Jensen Beach Blvd, Jensen Beach

10. Adjourn – Council Member Locatis, seconded by Council Member Dochtery, made a Motion to adjourn the meeting at 11:55 a.m.

All in favor: De Angeles, Kagdis, Docherty, Gerold, Locatis, Wagner; Opposed: None; Motion Passed: (6-0)

Respectfully Submitted,

Pam Orr,

Town Clerk

Minutes approved: _____

Public Hearing Notification Package

AFFIDAVIT ATTESTING TO NOTIFICATION

Marcela Cambior-Cutsaimanis, being first duly sworn, deposes and says:

1. The property described in Exhibit "A" (the "Property") is the subject matter of an application to the Town of Ocean Breeze ("Town") for a minor amendment the Ocean Breeze East PUD ("OBEPUD")
2. The address of the Property is: 3000 NE Indian River Drive - Jensen Beach, FL 34957
3. The Property is owned by: N H C FL143 LLC
4. The minor PUD amendment requires notice of public hearings to be sent to all owners of property located within 300 feet of the Property. A list of all owners, along with their addresses, of property located within 300 feet of the Property is attached hereto as Exhibit "B."
5. The notice was also sent to surrounding local governments (Martin County).
6. On or before June 26th 2020, a notice announcing a public hearing to be held in front of the Town of Ocean Breeze Town Council on July 13th 2020 at 10:30am or soon thereafter as the matter may be heard was sent by regular U.S. Mail to all those owners listed in Exhibit "B." A copy of said notice of public hearing is attached hereto as Exhibit "C."


Marcela Cambior-Cutsaimanis, AICP

personally known to me.
SWORN TO AND SUBSCRIBED before me this 8th day of July 2020

NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

Notary Stamp/Seal



Martin County Property Appraiser
Laurel Kelly, CFA

Main Office

1111 SE Federal Highway
Suite 330
Stuart, Florida 34994
Phone: (772) 288-5608
Fax: (772) 221-1346

Hobe Sound Annex

11726 SE Federal Hwy
Island Crossings Center
Hobe Sound, Florida 33455
Phone: (772) 546-1309
Fax: (772) 546-3287

Notice

Rev. 06/2020

Public information data is furnished by the Martin County Property Appraiser's office, and must be accepted and used by the recipient with the understanding that this office makes no warranties, expressed or implied, as to the correctness, accuracy, reliability, completeness, usefulness, suitability and/or timeliness of information or links herein.

This data is not certified. This data does not include any owners who qualify for confidentiality pursuant to FS 119.071 & 493.6122. This office assumes no liability associated with the use or misuse of such data.

Note that search results may not be complete due to public records exemptions. If compiling a results for legal notice, a complete list is required. For assistance with missing parcel owner information, please contact the Martin County Property Appraiser's Office at 772-288-5608.

The address labels are formatted for 1" x 2 5/8" labels. 3 across by 10 down. Compatible with Avery 5160.

1900 JENSEN BEACH BLVD LLC
516 SW AKRON AVE
STUART FL 34994

FLORIDA EAST COAST RAILWAY LLC
7150 PHILIPS HWY
JACKSONVILLE FL 32256

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

1959 NEXT GENERATION LLC
630 3RD AVE 19TH FLR
NEW YORK NY 10017

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

BARBARA MENOLD REVOCABLE TRUST
7839 SE RIVER LN
STUART FL 34997

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

BERNTSON MATHEW
PO BOX 1506
JENSEN BEACH FL 34958

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

BRICK BLOCK LLC
1899 NE JENSEN BEACH BLVD
JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

COLLETTI PAUL
2152 NE PELICAN TERR
JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

DAO HIEN VDO TIEN S
41298 RESERVOIR RD
LEESBURG VA 20175

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

DEGROTTE STEPHEN C & SANDRA L
1702 E CARLTON RD
FREEPORT MI 49325

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FAHRNER, HELEN M
2122 NE PELICAN TER
JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FLORIDA EAST COAST RAILWAY LLC
7150 PHILIPS HWY
JACKSONVILLE FL 32256

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FORESTAR USA REAL ESTATE GROUP INC
10700 PECAN PARK BLVD STE 150
AUSTIN TX 78750

FRY WILLIAM ADYE ALEXA M
2200 NE FLAMINGO TERR
JENSEN BEACH FL 34957

JENSEN BCH CHAMBER OF COMMERCE
PO BOX 1536
JENSEN BEACH FL 34958-1536

MICHAEL E SPRINGMAN TRUST
1608 HARBOR DR
MERRITT ISLAND FL 32952

GASS REAL ESTATE HOLDINGS LLC
2000 NE JENSEN BEACH BLVD
JENSEN BEACH FL 34957

JENSEN STATION SHOPS OWNERS ASSOCIAT
3190 NE MAPLE AVE
JENSEN BEACH FL 34957

NESSENHOUSE LLC
104 N SEWALLS POINT RD
STUART FL 34996

GERLEY VICTOR JGERLEY SUSANNA
1500 NE 13TH TERR #G-12
JENSEN BEACH FL 34957

KDL HOLDINGS LLC
1177 NE KUBIN AVE
JENSEN BEACH FL 34957

NHC-FL143 LLC
27777 FRANKLIN RD STE 200
SOUTHFIELD MI 48034

GERLEY VICTOR JGERLEY SUSANNA
1500 NE 13TH TERR #G-12
JENSEN BEACH FL 34957

KERNAN, KATHRYN
2623 NE PALM AVE
JENSEN BEACH FL 34957-5243

OCEAN BREEZE STATION LLC
11501 NORTHLAKE DR
CINCINNATI OH 45249

GIRLINGHOUSE JUDGE DAVID
1309 NE 29TH TERR
JENSEN BEACH FL 34957

LEGACY WAY 2 LLC
17 S RIVER RD
STUART FL 34996

PEARCE SHELBY
3813 NE BARBARA DR
JENSEN BEACH FL 34957

GIRLINGHOUSE, JUDGE DAVID
1309 NE 29TH TER
JENSEN BEACH FL 34957

LYNNE M BLAKE REVOCABLE TRUST
10121 DOVER CARRIAGE LN
LAKE WORTH FL 33449

PERRIN DEAN MICHAEL
3177 NE MAPLE AVE #F-9
JENSEN BEACH FL 34957

HAIRE CONSTANCE A
2506 NE PALMETTO DR
JENSEN BEACH FL 34957

MARTIN COUNTY
2401 SE MONTEREY RD
STUART FL 34996

PERRIN DEAN MICHAEL
3177 NE MAPLE AVE #F-9
JENSEN BEACH FL 34957

HAWKSBILL LTD.
125 CHATHAM RD
S GLASTONBURY CT 06073

MARTIN COUNTY MARTIN COUNTY
2401 SE MONTEREY RD
STUART FL 34996

PERRIN DEAN MICHAEL
3177 NE MAPLE AVE #F-9
JENSEN BEACH FL 34957

HAWKSBILL LTD.
125 CHATHAM RD
S GLASTONBURY CT 06073

MASSEY WILLIAM H L/E
2159 NE FLAMINGO TERR
JENSEN BEACH FL 34957

PERRIN DEAN MICHAEL
3177 NE MAPLE AVE #F-9
JENSEN BEACH FL 34957

HELDERMAN, TINA MARIE
5010 SW GROVE ST
PALM CITY FL 34990

MATTHEWS, CLAIRE T
2201 NE PELICAN TER
JENSEN BEACH FL 34957

PFEIFFER MARIA
4621 SE SHADY RIDGE LN
STUART FL 34997

PINNER, JAMES R
2160 NE FLAMINGO TER
JENSEN BEACH FL 34957

SOUTHERN CONCEPTS HOLDINGS LLC
2572 NW CRYSTAL LAKE DR
JENSEN BEACH FL 34957

WHEALTON, PAUL & MARLENE
2112 PELICAN TER
JENSEN BEACH FL 34957

RALPH E SLAFETER TRUST
3281 NE INDIAN RIVER DR
JENSEN BEACH FL 34957

STEVENS, ROY L & LAURA L
2192 NE PELICAN TER
JENSEN BEACH FL 34957-4980

ZUNK, SHARON A
2179 NE FLAMINGO TER
JENSEN BEACH FL 34957-4921

RAY JAMES JOHN
2119 NE FLAMINGO TERR
JENSEN BEACH FL 34957

TALLMAN ANTHONY G
11709 159TH CT
JUPITER FL 33478

RAY JAMES JOHN
2119 NE FLAMINGO TERR
JENSEN BEACH FL 34957

TAMARA A KIRKBRIDE REVOCABLE TRUST
2644 NE PALM AVE
JENSEN BEACH FL 34957

REED BRIAN REED CHARITY S
2109 NE FLAMINGO TERR
JENSEN BEACH FL 34957

TAMARA A KIRKBRIDE REVOCABLE TRUST
2644 NE PALM AVE
JENSEN BEACH FL 34957

RUSTIC WAY LLC
507 SW 11TH CT
PALM CITY FL 34990

TAMARA A KIRKBRIDE REVOCABLE TRUST
2644 NE PALM AVE
JENSEN BEACH FL 34957

S & N INVESTORS INC
2041 CASTINET LN
PORT SAINT LUCIE FL 34953

TINNEY, JOHN L & DONNA M
2199 NE FLAMINGO TER
JENSEN BEACH FL 34957-4921

SCHOOL BOARD OF MARTIN COUNTY
500 E OCEAN BLVD
STUART FL 34994

WACHOVIA BANK
PO BOX 2609
CARLSBAD CA 92018

SHMM LLC
1908 SE PORT ST LUCIE BLVD
PORT SAINT LUCIE FL 34952

WALTON BRANDON S
2526 NE PALMETTO DR
JENSEN BEACH FL 34957

SIRKLE RAYMOND & SHARYN
2141 NE PELICAN TERR
JENSEN BEACH FL 34957

WHEALTON, PAUL & MARLENE
2112 PELICAN TER
JENSEN BEACH FL 34957

Notice to Surrounding Property Owners

Subject: **Public Hearing Before:**
Town of Ocean Breeze Town Council

Petitioner: N H C FL143 LLC
Ocean Breeze – Sun Communities

Parcel ID #: 22-37-41-000-000-00700-0

Address of Property: 3000 NE Indian River Drive
Jensen Beach, FL 34957
See Attached Location Map

Proposed Request: Proposed Resolution No. 303-2020 consisting of a minor amendment to the Ocean Breeze East PUD adopted by Ordinance No. 220-2015, and amended by Resolution Numbers 223-2015, 234-2016 and 238-2016, Ordinance No. 241-2016, and 291-2019 thereby allowing for the reconfiguration of private docks along waterfront sites.

Dear Property Owner:

The Town of Ocean Breeze Town Council will conduct a public hearing to consider the above request on

**Monday, July 13th, 2020 at 10:30 AM at Ocean Breeze Resort Clubhouse
700 NE Seabreeze Way, Jensen Beach, FL 34957**

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Ocean Breeze Town Office. The Town office is located at 1508 NE Jensen Beach Blvd, Jensen Beach, FL. If you have any questions regarding this notice, please feel free to call (772) 334-6826, Monday-Friday 9:00 AM – 12:00 PM. Americans with Disabilities Act (ADA); anyone who needs a special accommodation for this meeting should contact the Town Clerk at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

General Location Map

Note: General Location Depicted. Legal Parcel boundaries are as outlined in the legal property description, (see OBEPUD document for more information).



NOTICE

PROPOSED RESOLUTION NO. 303-2020 CONSISTING OF A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD ADOPTED BY ORDINANCE NO. 220-2015, AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016, ORDINANCE NO. 241-2016 AND 291-2019 THEREBY ALLOWING FOR THE RECONFIGURATION OF PRIVATE DOCKS ALONG WATERFRONT SITES.

Subject: Public Hearings Before the Town of Ocean Breeze Town Council

Petitioner: NHC FL143 LLC

Parcel ID #: 22-37-41-000-000-00700-0

Address of Property: 3000 NE Indian River Drive
Jensen Beach, FL 34957

MEETING DATE AND LOCATION:

Ocean Breeze Resort Clubhouse

Monday, July 13th 2020 - 10:30am

700 NE Seabreeze Way
Ocean Breeze, FL 34957

For questions and additional information, please call (772)334-6826
M-F 9:30 am - 12:00 pm

Public Hearing Sign



NOTICE

PROPOSED RESOLUTION NO. 303-2020 CONSISTING OF A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD ADOPTED BY ORDINANCE NO. 220-2015, AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016, ORDINANCE NO. 241-2016 AND 291-2019 THEREBY ALLOWING FOR THE RECONFIGURATION OF PRIVATE DOCKS ALONG WATERFRONT SITES.

Subject: Public Hearings Before the Town of Ocean Breeze Town Council

Petitioner: NHC FL143 LLC

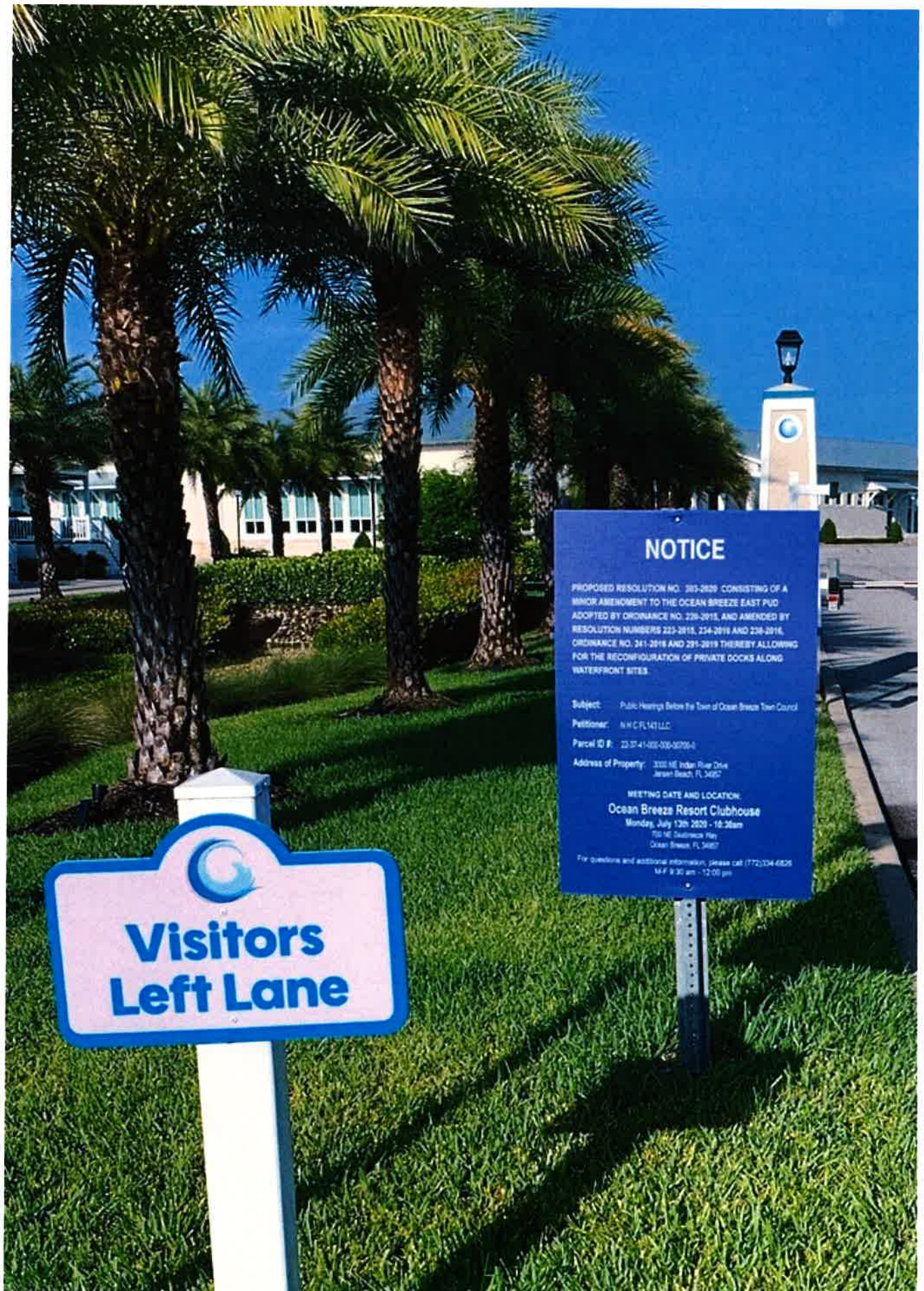
Parcel ID #: 22-37-41-000-000-00700-0

Address of Property: 3000 NE Indian River Drive
Jensen Beach, FL 34957

MEETING DATE AND LOCATION:
Ocean Breeze Resort Clubhouse

Monday, July 13th 2020 - 10:30am
700 NE Seaside Way
Ocean Breeze, FL 34957

For questions and additional information, please call (772)334-6826
M-F 9:00 am - 12:00 pm



NOTICE

PROPOSED RESOLUTION NO. 383-2019, CONSISTING OF A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD ADOPTED BY ORDINANCE NO. 229-2015, AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016, ORDINANCE NO. 241-2016 AND 295-2019 THEREBY ALLOWING FOR THE RECONFIGURATION OF PRIVATE DOCKS ALONG WATERFRONT SITES.

Subject: Public Hearings Before the Town of Ocean Breeze Town Council

Petitioner: NHC FL143 LLC

Parcel ID #: 23-37-41-001-000-00700-0

Address of Property: 3300 NE Indian River Drive
Jensen Beach, FL 34957

MEETING DATE AND LOCATION:

Ocean Breeze Resort Clubhouse

Monday, July 13th 2020 - 10:00am

750 NE Seaside Way
Ocean Breeze, FL 34957

For questions and additional information, please call (772) 334-6826
M-F 9:30 am - 12:00 pm

**Visitors
Left Lane**

NOTICE

PROPOSED RESOLUTION NO. 303-2020 CONSISTING OF A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD ADOPTED BY ORDINANCE NO. 220-2015, AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016, ORDINANCE NO. 241-2016 AND 291-2019 THEREBY ALLOWING FOR THE RECONFIGURATION OF PRIVATE DOCKS ALONG WATERFRONT SITES.

Subject: Public Hearings Before the Town of Ocean Breeze Town Council

Petitioner: NHC FL143 LLC

Parcel ID #: 22-37-41-000-000-00700-0

Address of Property: 3000 NE Indian River Drive
Jensen Beach, FL 34957

MEETING DATE AND LOCATION:
Ocean Breeze Resort Clubhouse
Monday, July 13th 2020 - 10:30am

700 NE Seabreeze Way
Ocean Breeze, FL 34957

For questions and additional information, please call (772) 334-6826
M-F 9:30 am - 12:00 pm

GENERAL INFORMATION ITEMS

The attached items (i.e.: correspondence, e-mails, reports, etc.) are provided as general information and are not necessarily subject to discussion during this morning's meeting unless Council Members or the Mayor wish to do so.



Berger, Toombs, Elam,
Gaines & Frank

Certified Public Accountants PL

Royal Palm Financial Center
Suite 103
729 Southwest Federal Highway
Stuart, Florida 34994

772/219-0220
FAX: 772/219-0260

June 8, 2020

To the Honorable Mayor and Council Members
Town of Ocean Breeze, Florida
Jensen Beach, Florida

We are pleased to provide the following information related to our audit of Town of Ocean Breeze, Florida for the year ended September 30, 2019 to assist you in your oversight responsibility of the financial reporting process.

Our responsibility under the auditing standards has been described to you in our engagement letter dated April 24, 2020.

Management is responsible for the appropriateness of the accounting policies used by the Town. During the year, no significant new accounting policies were adopted nor were there any changes in the existing accounting policies.

We did not discuss with Management, any significant or unusual transactions nor did we discuss any alternative treatments available under generally accepted accounting policies during the current audit period.

Any audit adjustments provided by Management or communicated to Management have been reported to and agreed upon by Management. If you would like a detailed listing of all audit adjustments for the current period, please contact us.

There are no immaterial uncorrected misstatements noted during the course of our audit.

There are no disagreements with Management over the application of significant accounting principles, the basis for judgments made by Management on any significant matters, the scope of the audit or significant disclosures to be included in the financial statements.

We are not aware of any consultations Management had with other accountants about accounting or auditing matters.

There were no significant issues that were not resolved during the course of the audit.

We did not encounter any difficulties in dealing with Management during the audit process.

Fort Pierce / Stuart

Member AICPA

Member AICPA Division for CPA Firms
Private Companies practice Section

Member FICPA



Berger, Toombs, Elam,
Gaines & Frank
Certified Public Accountants P.C.

To the Honorable Mayor and Council Members
Town of Ocean Breeze, Florida

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Management has made certain written representations to us as part of the audit process. Please contact us if you would like a copy of those representations.

This letter is intended solely for the information and use of the Town Council and Management and is not intended to be and should not be used by anyone other than the intended parties. Please contact us should you have any questions concerning this letter. We greatly appreciate the opportunity to be of service to the Town of Ocean Breeze, Florida.

*Berger Toombs Elam
Gaines & Frank*

Berger, Toombs, Elam, Gaines & Frank
Stuart, Florida

June 8, 2020